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MADRAS RECORD OFFICE.

Government of Madras.

DEPARTMENT.

G.O. No. 620 Press / Mis.

Dated 2-12- 18

18/11

28-29

Not to be folded or roughly handled

Proceedings of the Madras Government, Financial Department, 3rd May 1872.

No. 28. Read the following letter from H. WIGRAM, Esq., Acting Registrar of the High Court of Judicature at Madras, Appellate Side, to the Acting Secretary to Government, Fort St. George, dated Madras, 22nd April 1872, No. 786:—

In the Proceedings of Government, Public Department, dated 12th November 1870, the Government were pleased to authorize the permanent advance of 163 Rupees, sanctioned for the High Court, being raised to 2,000 Rupees with a view to enable me to meet the expenses incurred on account of suitors' printing, but they intimated that, if after a year's experience a smaller sum were found to be sufficient, the advance would be reduced accordingly.

2. The Government will recollect that, in their Proceedings of 31st May 1870, Public Department, it was decided that the printing for suitors should be made a matter of separate arrangement under the control of the Court. At that time I was of opinion that there was a considerable profit annually on the suitors' printing, and I so intimated in my letter of 25th April 1870, recorded in the Proceedings noted above. And, again, in my letter of 31st October 1870, recorded in the Proceedings of Government dated 12th November 1870, I reiterated the assertion that I felt confident that the system would be found to be as heretofore self-supporting. I did not then clearly foresee the difficulties which would arise from starting the new system without any capital, but the matter has recently attracted my attention, and I have instituted a searching inquiry into the state of the Suitors' Printing Fund.

3. I find that, on 31st May 1870, my liabilities amounted to Rupees 3,660-5-3, that is to say, I had received this amount from suitors and credited the same to Government without having given the suitors any equivalent for their money. From 1st June 1870 to 31st March 1872, the net receipts from suitors amount to Rupees 17,631-6-10, and the payments to Messrs. Graves, Cookson, and Co., for the same period, to Rupees 19,085-4-10. In addition to this there is the cost of paper purchased, viz., Rupees 198-2-8, which brings up the total disbursements to Rupees 19,283-7-6. At first sight it would, therefore, appear that there has been a loss of Rupees 1,652-0-8 on the printing during these twenty-two months. This, however, is not the case. The liabilities on 31st March 1872 have been carefully estimated, and they amount to Rupees 2,271-4-6, so that the actual loss on the printing amounts to only Rupees 262-15-11, the liabilities being diminished by Rupees 1,389-0-9.

4. A brief sketch of the system in force as regards the suitors' printing will show how this loss has occurred. When an appeal is presented to the Court the appellant deposits for the cost of printing 8 Annas per roll or sheet of written matter which requires to be printed, and when the appeal is ready for hearing, the respondent purchases a printed copy at the rate of 2 Pice per line of printed matter for the first copy, and one Anna per page for every additional copy. In the case of a regular appeal, where the documents usually printed (the plaint, written statement, and judgment) are not produced with the Memorandum of Appeal, the appellant pays the difference when the appeal is ready for hearing; but in the case of a special appeal, where the documents usually printed are required by Section 373 of the Code of Civil Procedure to accompany the Memorandum of Appeal, the appellant deposits the whole amount required.

The sums received from suitors should cover the actual cost of printing at the contract rates (*vide* Proceedings of Government, Public Department, dated 25th October 1862, No. 1255), the cost of paper obtained from the Government Press and the printing of the daily cause lists. On an average the appellant pays about two-thirds and the respondent one-third of the cost of printing, and hitherto it has been supposed that there was a slight margin of profit. There is, however, one element of uncertainty in the system which requires to be provided against. If the appellant alone appears at the hearing no copy of the printed paper is purchased by the respondent, and there is an actual loss on the printing of that appeal. Of the appeals filed in 1871 no respondent appeared in 163, and the actual loss on those appeals was between 600 and 700 Rupees. Again, if a regular appeal is allowed to be dismissed for default, there may be a very considerable loss as the appellant has not paid the full dues, and the respondent does not purchase a printed paper. In one case I find that there was an actual loss of 25 Rupees in this way, though, of course, that was an exceptional case.

After careful consideration I have come to the conclusion that the rates now charged to suitors are not sufficient to leave any margin of profit, and this is sufficiently proved by the loss of Rupees 262-15-11 which is spread over twenty-two months. I am about to suggest to the Court the propriety of raising the rates slightly so as to secure a small profit.

5. Should the Government be satisfied with the explanation now afforded, I have to request that they will place the Suitors' Printing Fund in a solvent condition by placing to the credit thereof the actual amount of the liabilities on 31st May 1870, and the loss incurred since, amounting in all to Rupees 3,923-5-2. For the liabilities existing on 31st May 1870, I submit that the Government are bound to account to the suitors. I may mention that, on 31st March 1872, there was a sum of about Rupees 2,000 in my hands consisting of surplus proceeds from the Process Service Fund, which will be available in part to meet the deficit now brought to notice. If the Suitors' Printing Fund is placed in a solvent condition, the permanent advance sanctioned in the Proceedings of Government, Public Department, dated 12th November 1870, may be at once refunded.

No. 29. ORDER THEREON, 3rd May 1872, No. 620.

The Government admit that the Suitors' Printing Fund may justly claim the money which on the 31st May 1870 had been paid to the credit of Government, but for which work to be paid for from the fund under the new arrangements had not been executed. They accept Mr. Wigram's figures, which, as exhibited in the margin, show a loss of Rupees 262-15-11 from 31st May 1870 to 31st March 1872.

Credit.	Rs.	A.	P.
Received before 31st May 1870 for work to be executed afterwards	3,669	5	4
Received from 31st May 1870 to 31st March 1872	17,621	6	10
Total ...	21,291	12	1
Debit.			
Payment from 31st May 1870 to 31st March 1872	19,293	7	6
Work paid for by suitors but not executed ...	2,271	4	6
	21,554	12	0
Loss ...	262	15	11

2. The Government, however, cannot admit their responsibility for the loss which is due to insufficiency of the rates charged. Had Mr. Wigram estimated correctly the effect of the present rates, the loss could not have accrued; and any future revision of the rates must provide not only against future deficiency, but also for the loss which has resulted.

3. The Acting Registrar states that a surplus of the Process Service Fund is available to meet a portion of the Government liability. The Accountant-General will ascertain the amount from the Acting Registrar, and will report whether it can be applied as he proposes. The Accountant-General will also report the state of the Advance Fund account on the 31st March 1872. If any of it is outstanding the liability to the Suitors' Fund might be discharged by writing it off. This course, if practicable, will be fairer than making the adjustment from Provincial Funds, as the liability accrued before the decentralization scheme came into force.

(True Extract.)

Officiating Chief Secretary.

To the Honourable the Judges of the High Court.
" Accountant-General.

Exd. J. Wright.

No. 184.

From

H. Sizeranne Esquire,
Actg. Secretary of the
High Court of Judicature
at Madras.

To

D. F. Carmichael Esquire,
Actg. Secretary to
Government &c.

Sir,

In the Proceedings of
Government Public Department
dated 12th November 1870 the Govern-
ment were pleased to authorize
the permanent advance of
163 Rupees sanctioned for the High
Court being raised to 2000 Rupees
with a view to the trouble and to
meet the expenses incurred on
account of Writers printing but
they intimated that if after
a year's experience a further

FINANCIAL

To

THE HON'BLE THE JUDGES OF THE
HIGH COURT
&c. &c.

Dated May 3rd.

Read

Ord. 3rd May 1871, No 680.

MAY
No 22.30.

Forwarded for the application of the Advocate
General and the Officiating Registrar
Presidency Fund is a suitable condition

sum were found to be sufficient the advance would be reduced accordingly.

2. The Government will recollect that on the Proceedings of 31st May 1870 Public Department it was decided that the printing for visitors should be made a matter of separate arrangement under the control of the Court. At that time I was of opinion that there was a considerable profit annually on the visitors' printing and I so intimated in my letter of 25th April 1870 recorded in the Proceedings noted above. And again in my letter of 31st October 1870 recorded in the Proceedings of Government dated 12th November 1870 I reiterated the assertion that I felt confident that the system would be found to be as heretofore self-supporting. I did not then charge forward the difficulties which would arise from starting the new system without any capital but the matter has recently attracted my attention and I have instituted a searching enquiry into the state of the visitors' printing fund.

3. I find that on 31st May 1870 my liabilities amounted to 3660-5-3 that is to say I had received this amount from visitors and credited the same to Government without having given the visitors any equivalent for their money. From 1st June 1870 to 31st March 1872 the net receipts

from entire amount to Rupees 17634-6-10 and the payments to Messrs Graves Cookson & Co. for the same period to Rupees 19085-4-10. In addition to this there is the cost of paper purchased viz 198-2-8 which brings up the total disbursements to 19283-7-6. At first sight it would therefore appear that there has been a loss of Rs. 1652-11-8 on the printing during these 22 months. This however is not the case. The liabilities on 31st March 1872 have been carefully estimated and they amount to Rupees 2271-4-6 so that the actual loss on the printing amounts to only Rupees 262-15-11 the liabilities having diminished by Rupees 1389-0-9.

4. A brief sketch of the system in force as regards the suitors printing will show how this loss has occurred. When an appeal is presented to the Court the Appellant — deposits for the cost of — printing

printing 8 annas per roll or sheet of whatever matter which requires to be printed and when the Appeal is ready for hearing the Respondent purchases a printed copy at the rate of 2 Rs. per Rs. of printed matter for the first copy and one Anna per page for every additional Copy. In the case of a Regular Appeal where the documents usually printed (the plaint, written Statement and judgment) are not produced with the Memorandum of Appeal the Appellant pays the difference when the Appeal is ready for hearing but in the case of a Special Appeal where the documents usually printed are required by Section 373 of the Code of Civil Procedure to accompany the Memorandum of Appeal the Appellant deposits the whole

amount required.

The sums received from suitors should cover the actual cost of printing at the rates laid down in Public Departments dated 25th October 1870 No 1253) the cost of paper obtained from the Government press and the printing of the daily cause lists. On an average the appellant's page about 2½ and the Respondent 1½ of the cost of printing and hitherto it has been accepted that there was a slight margin of profit. There is however one element of uncertainty in the system which requires to be provided against. If the appellant alone appears and the hearing and copy of the printed paper is dispensed with

the Respondent and there is an actual loss on the printing of that appeal. Of the appeals filed in 1871 the Respondent appeared in 103 and the actual loss on those appeals was between 600 and 700 Rupees. Again if a Regular Appeal is allowed to be dismissed for default there may be a very considerable loss as the Appellant has not paid the full dues and the Respondent does not purchase a printed paper. In one case I find that there was an actual loss of 25 Rupees in this way though of course that was an exceptional case.

After careful consideration I have come to the conclusion that the rates now charged to suitors are not sufficient to leave any

margin of profit and this is sufficiently proved by the loss of Rs. 262-15-11 Rupees which is spread over 22 months. I am about to suggest to the Court the propriety of raising the rates slightly so as to secure a small profit.-

5. Should the Government be satisfied with the explanation now afforded I have to request that they will place the Suitors' printing fund in a solvent condition by placing to the credit thereof the actual amount of the liabilities on 31st May 1870 and the loss incurred since amounting in all to Rs. 3923-5-2. For the liabilities existing on 31st May 1870 I submit that the Government are bound to account to the Suitors. I may mention that on 31st March 1872 there was a

3660-5-2
262-15-11
3923-5-2

sum of about Rs. 2000 in my hands consisting of surplus proceeds from the Process Service fund which will be available in part to meet the deficit now brought to notice. If the Suitors printing fund is placed in a solvent condition the Government advance mentioned in the proceedings of Government Public Department dated 19th November 1870 may be at once refunded.-

I have the honor to be,
Sir,
Your most obedient Servt.

High Court of Judicature, Madras, 22nd April 1872

Thigpen
Acting Registrar,
Appellate Side.

1872

17 6

Revenue Department,

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter

From
The Acting Registrar
of the High Court
of Judicature
Madras

Dated 23rd April 1872 No 986

Rec'd 3rd May 1872 No 620

The Government
submit that the Printing Press
firstly claims the money
which on the 31st March
1870 had been paid
to the credit of Go-
vernment, but for
which work to be
paid for from the
Stamp and the accu-
mulations

the Exchequer and Audit Act, 1866, and the Public Revenues and Consolidated Fund Charges Act, 1891, and to pay out of the Consolidated Fund of the United Kingdom the sum of £2,291,12s. 7d. to complete the sum granted for the service of the year ending on the 31st day of March 1892.

Credit		
Received before 31st May 1892 for works to be executed afterwards		3660-5-3
Received from 31st May to 31st March 1892		17,631-6-10
		21,291-12-7
Debit		
Required from 31st May 1892 to 31st March 1892		19,283-7-6
Works found for Expenditure not executed		2271-4-6
		21,554-12-0
Loss		262-15-11

2. The Government, however, cannot admit their responsibility for the loss which is due to misdirection of the Estimates. Had the Vote been extended exactly the effect of the present Vote, the loss could not have occurred; and any future revision of the Vote must provide not only against future deficiency, but also for the loss which has occurred.

3. The Vote for Dockyard Stores and Works to be carried out by the Director of Naval Ordnance is available to meet a portion of the Great Liability. The Accountant General will also refer the State of the Account on the 31st March 1892 of all outstanding liability on the Vote to be discharged by cashing it off. This course if practicable, will do further than lessen the deficiency by the application of Provincial Funds

as

Govt. of {1872} Madras.

Financial

To

The Honble. the Judges
of the High Court
&c.a

Dated 22nd May
Recd. } 1872, No. 620

Nos. 28–29

Passing Orders
on the application
of the Rg. Registrar
of the High Court for
leaving the Auditor's
Printing Press on a
Solvent condition.

To the Honble the Judges of the
High Court &c.
&c. &c. &c.