

(1) Number of pages 28
 30 (2) Date of repair 20.3.87
 (3) Initials of the Referencer 600/7

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Fin DEPARTMENT

G.O. No.	562 - 563.	Press.
B.P. No.		Mis.
Balk NO. 151 - 154.		
Dated	20. 3. 1881.	<i>19</i>

15/16

Not to be folded or roughly handled

Bh. 4 1341

562 + 563
1

GOVERNMENT OF MADRAS.

FINANCIAL DEPARTMENT.

30th March 1881, No. 562.

Salaries—Civilian Judges.

Read the following papers:—

No. 151. *From the Hon. Mr. Justice INNES, to the Chief Secretary to Government, dated Madras, 21st February 1881 [Current No. 482].*

I have the honor to call attention to an error in the Civil list in which my salary is represented as Rs. 3,600, instead of Rs. 3,750.

2. I have communicated with the Accountant-General upon the subject and he informs me that during my absence my salary has been reduced by the Secretary of State to the amount at which it now stands in the Civil list.

He forwarded with his letter an extract from the orders of the Secretary of State upon the subject from which it seems clear that the Secretary of State in his despatch reduces the salaries of *future* Civilian Judges to Rs. 3,600 a month, but does not, as indeed he could not, legally make any alteration in the salaries of Civilian Judges already appointed.

3. This will be apparent on a perusal of the proviso to Section 6 of the Statute 24 and 25 Vic., Cap. 104, which precludes the Secretary of State from altering salaries of Judges appointed prior to the alteration he may see fit to make.

4. The set off of Rs. 150 payable by me to the Civil Service Annuity Fund, as a matter of account, reduces the amount receivable by me to Rs. 3,600, but makes no alteration in the amount of my *salary* which having been once fixed by the Secretary of State at Rs. 3,750 must continue to be paid on the footing that it is that amount, and no less.

5. I have the honor to request, therefore, that the error I have pointed out may be corrected, and that instructions may be sent to the Accountant-General to disburse me my salary on the footing that it is Rs. 3,750, not Rs. 3,600.

No. 394.

Referred to the Accountant-General for remarks.

FORT ST. GEORGE,
25th February 1881.

(Signed) R. DAVIDSON,
Chief Secretary.

No. 152. *From H. F. CLOGSTOUN, Esq., Officiating Accountant-General, to the Chief Secretary to Government, dated Fort St. George, 10th March 1881, No. 979 [Current No. 630].*

Gazetted Audit Department.

With reference to your endorsement, No. 394, dated the 25th February 1881, on a letter from the Hon. Mr Justice Innes regarding the rate of pay he is entitled to, I have the honor to forward, for the information of the Right Honorable the Governor in Council, a copy of paragraph 10 of the Secretary of State's Despatch to the Government of India, No. 46, dated 12th February 1880, which paragraph does not

appear to have been communicated to Government, as it is not published in G.O., Financial Department, No. 1657, dated 31st August 1880, and to remark that Mr. Innes' pay as well as the pay of the Members of Council and the other Civilian Judges of the High Court was altered in accordance with this paragraph of the Secretary of State's Despatch which directs that the change, which is of a nominal character, should be effected from the end of the official year 1879-80.

2. I would add that a copy of this paragraph was furnished by this office to the Hon. Mr. Justice Innes.

3. The wording of the paragraph does not seem to me to bear out Mr. Innes' statement that it was intended to apply to *future* Civilian Judges only; it seems clearly to apply to all Civilian Judges holding office at the beginning of the current official year; and the contention that the reduction in question could not have been intended to apply to present incumbents because such a reduction of the salaries of existing incumbents is contrary to law, loses very much of its force in view of the fact expressly noted by the Secretary of State, that the reduction is purely "nominal."

ENCLOSURE No. 1.

Proceedings of the Government of India in the Department of Finance and Commerce, dated Fort William, 31st March 1880, No. 1523.

Read the following Extract paragraphs 3 (Sections 1, 3, and 5), 6 to 8 and 10 from a Despatch from Her Majesty's Secretary of State for India to the Government of India (Financial), No. 46, dated 12th February 1880:—

Paragraph 3. The following are the alterations which I have decided, subject to legislative sanction, if needed, to carry into effect forthwith.

Paragraph 10. The change in the salaries of Civilian Members of Council and Judges, which is of a nominal character, should be effected from the end of the present official year. The other changes mentioned in this despatch will come into effect in regard to all future appointments provided that no legal difficulty remains.

Ordered that a copy of the foregoing be forwarded to the Accountant-General, Madras, for information.

(Signed) STEPHEN JACOB,
Offg. Under Secy. to the Govt. of India.

No. 153.

ORDER THEREON, 30th March 1881, No. 562.

Ordered that the Government of India be addressed.

(True Extract.)

R. DAVIDSON,
Chief Secretary.

562-563
2

Gobt. of {1881} Madras.

FINANCIAL.

Dated March, 30th.

Issued

Recd.

Encl.

G.O., 30th March 1881, No. 562.

MARCH.
Nos. 151-154.

Salaries — Civilian Judges.—Letter from the Hon. Mr. Justice Innes, Judge of the High Court of Judicature at Madras, in regard to the pay to which he is entitled with reference to the Secretary of State's Despatch No. 46 of 1880, forwarded to Government of India for such orders as may be necessary.

getted Audit Dept

Fort Saint George
Accounts General's Office
10th March 1881.

Madras 21 February 1881.

From the Hon. Mr. Justice Innes

To the Hon. Mr. Robert Davidson Esq.

R.D.

Chief Secretary to Govt

Fort St. George

23 FEB 81

Sir

I have the honor to call attention to an error in the Civil list in which my salary is represented as Rs 8000 instead of

Rs 8750 $\times 12 = 45000$

I have communicated with the Accountant General upon the subject and he informs

me that during my absence my salary has been advanced by the Secretary of Govt

to the amount to which it is now due in the Civil list.

ment No. 1657 dated 31st August 1880, and to remark that Mr. Innes' pay as well as the pay of the members of

Govt. of (1881) Madras.

He forwarded with his letter an extract
from the orders of the Secretary of State,
where the subject from which it seems clear
that the Secretary of State in his despatches
reduces the salaries of future ^{Civilian}
Judges to ^{Rs} 2000 a month, but does not
as indeed he could not legally make any
alterations in the salaries of ^{Civilian} Judges
already appointed.

3 This will be apparent on a perusal of
the proviso to section 6 of the Statute
24 & 25-Vic. Cap. 104 which precludes

warded to Government of India for such orders
as may be necessary.

getted Audit Dept

Fort-Saint-George
Accounts General's Office
10th March 1881.

the Secretary of State from altering salaries
of judges appointed prior to the alteration he
may see fit to make.

5624 563
3A

The sum of 150 payable by me to the Civil
Service annuity fund, as a matter of account
reduces the amount receivable by me to ^{Rs} 2600
but makes no alteration in the amount of my
Salary which having been once fixed by the Secretary
of State at ^{Rs} 3750 must continue to be paid on that
footing that it is that amount, and no less.

I have the honor to request therefore that the
error I have pointed out may be corrected &
that instructions may be sent to the amount

ment N: 1657 dated 31st August 1880,
and to remark that Mr. James' pay
as well as the pay of the members
of

Boht of 1881 24/1/81

General to inform me my salary on the
posting that it is 8750, not 2600; (Mamun)

I have to know to be

my most obedient servant

25/1/81

By 21st
By 25th July 81.

TO BE RETURNED
WITH REPLY.

42/60
23-1881
No 394

Referred to
The Accountant
General for remarks.

25/1/81
24/1/81
Chief Secy.

Secretary of State's Despatch No. 46 of 1880, forwarded to Government of India for such order as may be necessary.

Gazetted Audit Dept

Fort Saint George
Accounts General's Office
10th March 1881.

No 949

5624583
4

From
The Accountant General
to the Government of Madras,
The Chief Secretary
to Government
Financial Department,
Fort Saint George.
Sir,

With reference to your endorsement
No 394 dated the 25th February 1881 on a
letter from the Honorable Mr. Justice
James regarding the rate of pay he is
entitled to, I have the honor to forward
for the information of the Right Honorable
The Governor in Council a copy of para-
graph 10 of the Secretary of State's Des-
patch to the Government of India
No 46 dated 12th February 1880, which
paragraph does not appear to have been
communicated to Government, as it is
not published in G.O. Financial Depart-
ment No 1657 dated 31st August 1880,
and to remark that Mr. James' pay
as well as the pay of the members
of

of Council and the other Civilian Judges of the High Court was altered in accordance with this paragraph of the Secretary of State's Despatch which directs that the change, which is of a nominal character, should be effected from the end of the official year 1879-80.

2. I would add that a copy of this paragraph was furnished by this Office to the Honorable Mr. Justice James.

3. The wording of the paragraph does not seem to me to bear out Mr. James' statement that it was intended to apply to future Civilian Judges only; it seems clearly to apply to all Civilian Judges holding office at the beginning of the current official year; and the contention that the reduction in question could not have been intended to apply to present incumbents because such a reduction of the salaries of existing incumbents is contrary to law, loses very much of its force in view of the fact expressly noted by the Secretary of State, that the reduction is purely nominal.

I have the honor to be
Sir
Your most Obedt. Servt.

H. Macdonald

Offs. Accounts General.

Copy

No 1523.

380

Government of India
Department of Finance & Commerce
Fort William
The 31st March 1880.

Read the following:-

Extracts paragraphs 3, (Section 1, 3 & 5) 6 to 8 and 10 from a despatch from Her Majesty's Secretary of State for India to the Government of India (Financial) No 46, dated 12th February 1880.

Para. 3. The following are the alterations which I have decided, subject to legislative sanction, if needed, to carry into effect forthwith.

Para. 10. The change in the salaries of Civilian members of Council and Judges, which is of a nominal character, should

be effected from the end of
the present Official year; The
other changes mentioned in
this Despatch will come into
effect in regard to all future
appointments provided that
no legal difficulty remains.

Ordered that a copy of the
foregoing be forwarded to
the Accountant General, Madras,
for information.

/Sd/ S. Jacob
Offg. Under Secy
to the Govt of India.

/True Copy/

H. Langston

Offg. Account. Genl

562 + 563
6

In Ind. 630/51.

Ad.

20/9/88 No 1821.
31/8/80 No 1637.

Finl. (1881) DEPARTMENT.
(allowances)
Accountant General's Office, Madras.

No. R.D.
11 MAR 81

From
THE ACCOUNTANT GENERAL,
Madras,

To
THE Chief Secretary to Government
Financial Department
Fort St. George

No.
/Enl & Rho. 482 returned/

Dated 10th
Reed. " } March 1881.
Ansd. 2

No. 630
No. 929
SUBJECT.

forwards para: 10 of
Secretary of States' Despatch
no 46 dated 12 February 1880.
and states that under the
spirit of that despatch the
change in pay of Mr Justice
Innes was effected.

For orders.

11/2/81

From

Financial DEPARTMENT.
No. 630.

502 & 503
The Accountant General, Madras.

10 March 1881 No 979.

Let Mr Justice Innes
and is a question
of the title

See pp. 7/10

FOR ORDERS.

I don't quite understand
that Mr Justice Innes
aims at. He says by
requesting that the A.G.
may be directed to
disburse him his salary
on the footing that it is
Rs. 3750. Not Rs. 3600.
He claims the former
amount as awarded
to him by the Statute.

While admitting that the
deduction on acct. of
the C. S. Amending fund
(B. the M. of S. has
apparently absorbed
in the case of the judges
as of the members of
Council) reduced his
exempt to \$3000.

The S. of S. from the S. of
S. dispute & Comm. &
as do not include
anything at the
Judges salaries.

But has been done
in the case of the
M. of S. is to reduce
the salary from seven
\$70000 = \$64000
subject to 4% deduction

562 + 563

Under Agreement for
S. of S. & the Amending
\$6440 per of
deduction. B. is so
far from in it that
it leaves the net result
the same. but is
ingeniously devised to
conceal the fact that
he receives to pay
the only an Amending
from a fund of S.
he subscribe the
calculated value.
during twice.

It is possible that
the change might have
been effected without
legislation. but is
the fact of the S. of S.
from the S. of S. dispute
indicate changes
as in the case of the
S. of S. of the judges &

Mr. Justice Innes' pay.

The Act. Containing the 14th
(24 & 25 Vict. Ch. 104. Sec. 8) provides
that the Sec. of T. may fix & from
time to time alter the salaries
of the judges. provided that
his alterations shall affect the
salary of any J. apptd. prior
1st date. & no claims

Ltr. Dat.
 As Shat. W. Jones claims
 amt. \$200.00 - I presume
 that a reduction in the old Sup. Ct.
 was made before his appt.
 but in Shat. times the present
 rate was fixed I know not
 how in Shat. times
 (the Sec. of S. has a bill
 5000

FOR WORDS

it. It was orig^l fixed & authorized by the C.R. for direction
and command. It is now fixed at the return
of the law, without any binding or control to be
exercised by the law. It is violated. but the law
itself can scarcely be said to be violated. but the law
concerning the fact of pay. For Amnesty is the law
case of Amnesty is binding. I think this section is a law
in any case. I don't think the law is violated in the
unless there has been legislation. But the law is violated in the law.

50 (7 inc) 562 + 563 / 81

7. *Solanum* - *Cordia* - *Juglans* -

Financia! Department.

$$\begin{array}{r} 562 + 563 \\ \hline 9 \end{array}$$

PROCEEDINGS of the MADRAS GOVERNMENT.

READ the following letter *from*

the Hon^{ble} Mr Justice James,

21 February 181 -

From Acct^l General, D 10th March 181,
Order thereon 30th March 181 No 979-
No 562

Ordered that
the Government of
India be addressed.

2 1/2 E + O - 10

10
que
N.º 563

Des. fid. with
Pays. 6/4

To
The Secy to the
Govt. of India
W R & A Dept

Sir,

I am directed
to forward a letter
from a Mr Sumner, Judge
of the High Court

Judicature at Madras,
in regard to the pay
to which he is entitled
with reference to the
Most Hon'ble the Secy
of States' despatch
N^o 46, D, 12th February
1880, for such orders
as may be necessary.

Yours

L-10

Collection 15

Fort George }
30th March 1881 }

562+563
10

22/3/81

Gobt. of {188 } Madras.

To

Dated

Recd.

188 , No.

Nos.

562+563
11

Encl. DEPARTMENT.

Under Disposal Pocket.

PAPERS to be read in Proceedings:—

X 482
X 630

1/4 23.3 R28/3

562 + 563
12

FINANCIAL DEPARTMENT.

Salaries—Civ Judges.

No. 5

FROM

THE HON. R. DAVIDSON, C.S.

Chief Secretary to the Government of Fort St. George,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,

HOME, REVENUE, AND AGRICULTURAL DEPARTMENT.

SIR,

SIR,

I am directed to forward a letter from James James, Judge of the High Court of Judicature at Madras, in regard to the payment of which he is entitled with reference to the Most Honorable the Secretary of State's Despatch, No. 46, dated 12th February 1880, for such orders as may be necessary.

I have the honor to be,
Sir,

Sir,
Your most obedient servant,

FORT ST. GEORGE,
30th March 1881.

Chief Secretary.

Exd. T. O'Connor,

Regr. No.

HOME 1881 DEPT.

From the Government of
Fort St. George.

Dated 30th March 1881.

No.

Issued

Enclosures

Recd.

Spare copies

D. No.

Progs.

L. No. 563.

No.

Salaries—Civilian Judges.—Forwarding, for such orders as may be necessary, letter from the Hon. Mr. Innes, Judge of the High Court of Judicature at Madras, in regard to the pay to which he is entitled with reference to the Secretary of State's Despatch No. 46 of 1880.

562 + 563
13

Recd 29/3

Govt. of *Madras*
Madras
File

DISPOSED OF

30 MAR 81

BY G.O. N^o. 562/563

(B)

1881, No.

Nos. 151-154

Salaries - (Civilian Judges Letter
from the Hon. Mr Justice
+ Luns, Judge of the High
Ct of Judicature at Ma-
-dras, in regard to the pay
to which he is entitled with
refer to the Govt's Dis-
-patch N^o 46 of 1880, for to
G.O. for such orders as
may be necessary.

Letter Docket

Forwarding,
for such orders as may be
necessary, letter from
Mr Luns — do — do
— do — (done to 1880).