

Financial (1899) Department.

ORDINARY M.S.

G.O., No. 684

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DATED 13 - 6 - 99

INDEXED.

6/7

[Despatch Abstract.]

re the claims to exchange compensation
Allowance of the Hon'ble Mr. Justice Shephard,
Mr. Mitchell, Chief Judge of the Court of Small
causes, Mr. Bakewell, Dy Registrar, original side,
High Court, and Mr. O. R. Jones, ~~Madras~~ Chief
Presidency Magistrate, Madras.

15.6.99

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
2314/88	8888						
2557/88	8888						
2807/88	8888						

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1000-28-6-48.

Financial
Judicial (1899) Department.

CURRENT No. 2024

2 pl. close guard + return same. Done 9/12/1909.

From
The Registrar
High Court of Judicature
Madras

Dis No. 774

Order
CURRENT NO. 1867

Endorsement

Transferred to the Finl. Dept.

Ad. Secretary.

Dated 4. Mar 1899.

Received } 10. 5. 99.
Registered }

Enclosures

Spare copies

SUBJECT.

Stating that the office is
with whom the High Court
is concerned as not
Statutory natives of India
that no further action is
Required in those cases.

To the Finl. Dept.

*11/5/99
Rec 4/12/99
Reg 2/12/99*

BACK PAPERS.

G.O.	No.	Department.	Date.
R 258	20-2-88		
Jul 0m	3718	4-2-88	
1150	2-12-88		Jul
1081	19-11-88		do
480-81	26-5-88		

FURTHER PAPERS.

G.O.	No.	Department.	Date.

No. 220A 22-12-98.
1300

High Court of Judicature,

Madras, 4 May 1899.

See No. 774

FROM A. L. Hannay, Esquire,
REGISTRAR OF THE HIGH COURT OF JUDICATURE,
Madras,

TO THE HONOURABLE MR. G. Stokes,
Chief Secretary to the Government of Madras.

HONOURABLE SIR,

Adverting to Memorandum, No. 371, Financial, dated 4th February 1899, referring letter No. 41, dated 7th January 1899, from the Accountant-General, with the request that the claims to exchange compensation allowance of the officers mentioned in the lists appended to G.O., No. 482, Financial, dated 26th May 1898, may be examined with reference to the Resolution of the Government of India No. 4847-Ex., dated 5th November 1898, recorded in G.O., No. 1081, Financial, dated 19th November 1898, and remarking that it seems necessary first to ensure that these officers are not Statutory Natives of India, I am directed to state that so far as the High Court is concerned no further examination appears to be required as those officers in the Judicial Department who are mentioned in the lists referred to above are not natives of India within the meaning of the Statute 33 Vic., Cap. 3.

I have the honour to be,

Honourable Sir,

Your most obedient servant,

A. L. Hannay

for Registrar.

The current mentioned above
relates to the claims of the following
officers to exchange compensation allow-
ance:--
Mr. J.H. Bakewell, Dy. Registrar, Origin-
al Side.

Mr. O.E. Jones, Chief Presy. Magte.

Mr. E.B. Mitchell, Chief Judge, Court of
Small Causes.

H.H.
Hon: Mr. Justice/Shephard, Judge, High
Court.

The High Court in the current certifies that ~~none of~~ the officers in question are ~~not~~ Natives of India. But it is submitted that the first point to be considered is whether the appointments held by these officers are such as fall within the rule governing exchange compensation allowance.

allowance.

2. As regards the Hon: Mr. Justice Shephard, though he was in India at the time of his appointment, he was ~~not~~ appointed in England and being a European

European there is no doubt about his title to the allowance. The Hon: Mr. Justice Shephard moreover holds his office as a Judge of the High Court in virtue of his position as a Barrister and therefore is entitled to the allowance under paragraph 18 of the Govt. of India resolution on page 7 of G.O.No. 1081, Finl., d/ 19th Novr. 1898.

m/ The office of Dy. Registrar in the High Court is one in which exchange compensation allowance is admissible [vide para 33 of the same resolution on page 9 of the same G.O.] and Mr. Bakewell's claim is ^{valid} already provided that he is not a Statutory Native

W/ Mr. O.R. Jones holds the appointment of Chief Presy. Magte. which does not appear to come within the Govt. of India resolution just mentioned unless he is treated as a head of a Department. Judicial may be asked to note further on this point.

h/ As regards the claim of Mr. R.B. Mitchell in his appointment as Chief Judge of the Court of Small Causes, this appointment, it will be seen from Mr. Smith's case in G.O.No. 613, Finl., d/ 17th May 1899, is one which is in ordinary practice reserved for Barristers. It is for orders whether replies to the usual questions should be obtained from Messrs. Bakewell, Jones and Mitchell. *and the incumbent is entitled to Ex. Comp. allowance if not personally ineligible*

cmd
24.5.24

Yr. Jf
1/12/24

RA
Draft and
2/12/24

DEPARTMENT.

Judicial

The Chief Presidency Magistrate corresponds with Govt. directly not only on his own account - but in regard to any question affecting his Junior Magistrates. He seems therefore to be the Head of a Dept. and to be entitled therefore, if necessary eligible, to exchange Comp. Allowance

Atk
10/6/24

To Financial Dept.

When

Financial..... DEPARTMENT.

Read again *Paris* Memo: W-371, 294
C. No. 1867 From the *Judicial Dept*, No. —, dated 11-5-1899. (4)

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ORDER:- W.O. 684 of 13-6-99.
Mis.

The papers read above relates to the claims to exchange compensation allowance of the Hon'ble Mr. Justice Shephard, the Hon'ble Mr. Justice R.B. Michell in his ^{permanent} appointment as Chief ^{of the} Judge Court of Small Causes, Mr. J.H. Bakewell, Dy. Registrar, High Court, Original Side and Mr. O.R. Jones, Chief Presidency Magistrate.

2. There is no doubt as regards the claim of the Hon'ble Mr. Justice Shephard who is a European and was appointed by the Secretary of State in England. He moreover holds his office as a Judge of the High Court in virtue of his position as a Barrister and is therefore entitled to the allowance under para. 18 of the ~~the~~ Govt. of India, Fin. and Com. Dept. Resolution No. 4847-Ex, dated 5th November 1938.

3. The Office of Dy. Registrar in the High Court is one in which exchange compensation allowance is admissible under para.33 of the same resolution.

4. The appointment of Chief Presidency Magistrate falls within para.34 of the same resolution, as that officer is a head of a Department.

5. The appointment of Chief Judge of the Court of Small Causes is one which is in ordinary practice reserved for Barristers and falls under para.18 of the resolution.

6. The Hon. Mr. Justice Mitchell and Messrs. Bakewell and Jones will be requested to forward replies to the questions in the ~~form~~ ^{form} appended to G.O.

No. 432, Finl., dated 21-3-99. *M. O.R. G.*

Jones will be requested to forward his replies

*Chd
12/6/99*

12/6/99

Mr. Perhaps there is an error in the case of Mr. Mitchell to get replies to the wrong questions - He is not likely to be a Statutory Officer

The Hon. The Judges of the High Court will be requested to obtain & forward to G.O.

To

The Judicial Department.

.. Accountant-General.

.. Hon. the Chief Justice of the High Court (with C.L.)

Q.R. Jones Esq.,

C/O. India Office. *(with copy)*

G.O. 432 21.3.99

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READ AGAIN G.O., No.
189

, DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT.

STATEMENT WITH DETTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.

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A = Copy in full.

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