

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. *102*

Press
Mis.

Dated *23* - *1* - *1867*.

Not to be folded or roughly handled

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Fort St. George, Judicial Consultation, 27th January 1857.

Read again the following letters

From the Civil Judge of Mangalore, dated 13th June 1856, No. 7.

From the Register of the Sudder Udalut, dated 6th November 1856, No. 117.

No. 37. Read the following letter from G. L. PRENDERGAST, Esq., Accountant General; to T. PYCROFT, Esq., Chief Secretary to Government, dated 16th January 1857, No. 349.

SIR,

1. In the Extract Minutes of Consultation, dated 20th November last, No. 1263, passed on a letter from the Register of the Court of Sudr Udalut, with copies of correspondence therewith forwarded, I am called upon to state whether there is any objection to the adoption of the course therein proposed in respect to remittance of Public money payable by or to District Moonsiffs.

2. I have the honor to report for the information of the Right Honorable the Governor in Council, that the course suggested by the Sudr Udalut, viz. "that all Public money payable to, and by District Moonsiffs on what account soever, be remitted by *Bills to be drawn by the Collector upon the Tahsildar*, and vice versa", does not appear to be necessary.

3. The sums required to be remitted by District Moonsiffs may be paid by them into the nearest Talook Treasuries within the 25th of each month, in order that the money may with other sums, be remitted by the Tahsildars to the Hoozoor Treasury by the end of the month. The District Moonsiff can obtain a Receipt from the Tahsildar for the sum thus paid into the Talook Treasury, and forward it to the Zillah Judge, who will transmit such Receipt to the Collector. Whenever a District Moonsiff is required to withdraw any sum of money for payment to parties, ^{† Within the 25th of each month.} the amount may be drawn by him from the Talook Treasury† on his receipt, which should be previously countersigned by the Zillah Judge.

4. In regard to the payment of the monthly salaries of the District Moonsiffs and their Establishments, it may likewise be effected from the Talook Treasuries and in the following manner. I am not aware however whether the Collectors have any valid objections to offer to the measure.

5. The Zillah Judge, in forwarding to the Collector for payment, his monthly general Indent duly passed by the Civil Auditor, should append a Memorandum to it, shewing the several sums to be paid to the District Moonsiffs from the Treasuries of the Talooks in which they may be respectively located. The Collector will then issue Orders to the several Tahsildars for the payments in question, to be made to the District Moonsiffs and the Tahsildars will obtain from the District Moonsiffs simple Receipts for the payments. These receipts will be afterwards ^{† See Circular of the Board of Revenue, page 73 of 1854.} forwarded by each Tahsildar to the Collector in part of their remittance, as provided for in the Orders of Government, dated 21st July 1854,† No. 852.

6. Should the Government approve of the arrangement I propose, the requisite instructions will be issued by me to Collectors to give effect to it.

No. 38. ORDER THEREON, No. 102; dated 23d January 1857.

1. In his letter of the 13th June last, the Civil Judge of Mangalore brought to notice that it had been the custom for the District Moonsiffs in his Zillah to remit their Judicial receipts to the Civil Court and again to send their Peons thither to receive back the money payable to Suitors, and the salaries of their respective Establishments. To prevent the risk and inconvenience attending such a practice, that Officer proposed that these remittances should be paid into and received from the Talook Treasuries by the Moonsiffs, and that, as it would involve the necessity of keeping additional accounts at the Collector's Office, that Officer be allowed to employ an extra Gomastah on a salary of 10 Rupees per mensem, to be paid for out of the Saderwarid of the Courts of the District Moonsiffs.

2. This communication was referred to the Court of Sudder Udalut for their opinion, and for information as to whether a similar practice obtained in other Zillahs and as to the manner in which it worked. The Judges reported, 6th November 1856, that the system pursued differed more or less in every Zillah, and that the method suggested by the Civil Judge of Mangalore did

that these remittances should

be

Fort St. George, Judicial Consultation, 27th January 1857.

not appear to exist fully any where, although one closely approximating to it obtained at Honore, where it was said to work without difficulty and without extra charge. They proposed that all public money payable to and by District Moonsiffs on what account soever should be remitted by Bills to be drawn by the Collector upon the Tasildar and *vice versa*.

3. The Accountant General, in the letter recorded above, does not see the necessity for this arrangement; and suggests instead that the remittances of the District Moonsiffs be paid into the nearest Talook Treasuries within the 25th of each month so as to be ready for transmission to the Hoozoor, with other money, by the end of the month, and that the Tahsildar should grant the Moonsiff a receipt for the same, which he should forward to the Zillah Judge, and that Officer to the Collector. In the same manner, he proposes, that Moonsiffs should be allowed to withdraw money on granting a receipt, countersigned by the Zillah Judge, to the Tahsildar. In regard to the salaries of District Moonsiffs and their establishments, Mr. Prendergast proposes that the Zillah Judge in forwarding to the Collector his monthly general Indent for payment, should append to it a Memorandum specifying the amounts to be disbursed to District Moonsiffs from the Treasuries of the Talooks in which they are located, and that the Collector should issue orders accordingly, the Tahsildars obtaining receipts for the payments made by them, and transmitting the same to the Collector, as provided for by the Orders of Government, dated 21st July 1854.

4. The Right Honorable the Governor in Council approves the arrangement proposed by the Accountant General, and directs that the necessary instructions may be issued to the several Collectors for carrying it into effect, provided they have no valid objection to urge against the measure, which should be first ascertained.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. J. A. Wilson.

Judicial Department

No 102

Extract from the Minutes of Consultation

Dated 23rd January 1857.

Read again the following

Letters:—

from the Civil Judge of Mangalore (13th June 1856 No 7)

from the Registrar of the Sadar Adalat (6th Nov 1856 No 11)

Read also the following letter

from the Accountant General (letter dated 16 Jan 57 No 349)

1. In his letter of 13th June last, the Civil Judge of Mangalore brought to notice that it had been the custom for the District Moonsiffs in his Zillah to remit their Judicial receipts to the Civil Court and again to send their peons thither to receive back the money payable to suitors, and the salaries of their respective establishments. To prevent the risk and inconvenience attending such a practice, that officer proposed that these remittances should

be

paid into and received from the
Talook Treasuries by the Moonsiff,
and that as it would involve the
necessity of keeping additional
accounts at the Collector's office
that ^{office} be allowed to employ an extra
Gomastah on a salary of 80 Rs
per mensem, to be paid for out
of the Sadarward of the Courts
of the District Moonsiffs.

2. This Communication
was referred to the Court of Judges
Adalat for their opinion, and for
information as to whether a
similar practice obtained in
other Zillahs and as to the man-
ner in which it worked. The
Judges reported, 6th Nov. 1856, that
the system pursued differed
more or less in every Zillah,
and that the method suggested
by the Civil Judge of Mangalore
did not appear to exist fully
any where, although one closely
approximating to it obtained
at Honore, where it was said
to work without difficulty and
without

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without extra charge. They pro-
posed that all public money
payable to and by District Moons-
iffs on what account soever
should be accounted by Bills to be
drawn by the Collector upon the
Zaheddar and vice versa.

3. The Accountant General,
in the letter received above, does
not see the necessity for this
arrangement; and suggests
instead that the remittances
of the District Moonsiffs be
paid into the nearest Talook
Treasuries within the 25th of each
month so as to be ready for
transmission to the Hoogoor,
with other money, by the end
of the month, and that the
Zaheddar should grant the
Moonsiff a receipt for the
same, which he should for-
ward to the Zillah Judge,
and that officer to the Collector.
In the same manner, he pro-
poses, that Moonsiffs should
be allowed to withdraw money

on granting a receipt, countersigned by the Zillah Sudder, to the Tahsildar. In regard to the salaries of District Moonsiffs and their establishments, Mr Pendergast proposes, that the Zillah Sudder in forwarding to the Collector his monthly general Sudder for payment, should append to it a memo: specifying the amounts to be disbursed to Dist. Moonsiffs from the Treasuries of the Taluk in which ^{they are} located, and that ^{the} Collector should issue orders accordingly, the Tahsildars obtaining receipts for the payments made by them, and transmitting the same to the Collector as provided for by the orders of Govt. dated 26th July/54.

4. The Right Hon^{ble} the Governor in Council approves the arrangement proposed by the Accountant General, and directs that the necessary instructions may be issued to the several Collectors for carrying it into effect provided

they have no valid objection to
urge against the measure which
should be first ascertained.

JP

by A. Sudder Govalat
A. Accountant General
to Board of Revenue } Disp'd 27th
2. Spare copies

Wm. L. Condy, the Secretary
of the Board of Education

No 102

Extract of Minerals of Wren.
29/3/33 Wren 11/5/71

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At the close of the arrangements
proposed by the Secretariat
General for the termination of
Public Money Payments by
the District Merchants with
the District Clearances - and
brief that the necessary
instructions may be issued
to the Collectors for carry-
ing into effect if they
have no objection. &