M.R.O. 1—30,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1587 20-21		Press Mis.
Dated	2-10-1922	

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Not to be folded or roughly handled

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Proceedings of the Madras Government, Judicial Department,
2nd October 1863.

No. 20. Read the following letter from A. MACDONALD RITCHIE, Esq., Registrar, High Court, Original side; to W. H. KERR, Esq., Deputy Secretary to Government, Fort Saint George, dated Madras, 29th July 1863.

I have the honor, by the direction of the Chief Justice, to acknowledge the receipt of the Proceedings of Government, dated 26th June 1863, No. 1,005, and to state in reply that it is by reason of the general authority and control which the Court exercises over its Registrar as a Ministerial Officer, that the Judges are enabled to give directions to me as Official Trustee, and to secure compliance therewith, and that a practice once thus established must of course be followed by my successors.

With regard to the employment of a professional Accountant to audit the accounts of the Official Trustee, the Judges consider they would not be warranted without the consent of the parties beneficially interested in charging the trust estates with the expense of such an audit and with regard to the employment of the Commissioner or other Officer of the High Court as Auditor of the Official Trustees accounts, the Chief Justice has communicated with the Commissioner on the subject and finding that this duty can at present be performed by him without much additional labor or inconvenience, will issue directions requiring the Commissioner in compliance with the desire of the Judges to audit half yearly, the accounts of the Official Trustee and with such directions the Commissioner will comply.

But the Proceedings of Government, No. 1,108, since received, referring to a Despatch from the Secretary of State, suggest the appointment of the Accountant General as Official Trustee in all cases, and the immediate transfer to his custody of the funds, securities, &c., belonging to existing official trusts, at the same time intimating that a Bill to constitute an office of Official Trustee had just been received and would shortly be forwarded to the Judges.

In answer to this suggestion I am directed by the Chief Justice to observe that it can hardly have been the intention to include the Accountant General under the terms other Officer of the Court in Section 1 of Act XVII of 1843, and that it is open to great doubt considering the special provision regarding the Accountant General in the Charter of the late Supreme Court, whether the High Court can appoint the Accountant General to act as Official Trustee in any case, and that with reference to the existing trusts there is a still greater difficulty in ordering the transfer to the Accountant General of the trust property from the Registrar in whom it is vested by virtue of the above Act; at all events without an application or consent on the part of the parties beneficially interested.

As it appears that a Bill has been framed to constitute an office of Official Trustee by the provisions of which no doubt all questions will be satisfactorily dealt with, the Chief Justice thinks it would not be advisable to do more in the mean time than adopt the arrangement above-mentioned for the periodical audit of the accounts by the Commissioner.

No. 21. ORDER THEREON, 2nd October 1863, No. 1,587.

The Governor in Council concurs with the Honorable the Chief Justice that under the circumstances stated in the foregoing letter, and adverting to the prospect of an Act being passed at an early date for placing the office of Official Trustee on a more satisfactory footing, the arrangement which has been ordered by the Judges of having the accounts of the Official Trustee audited half yearly by the Commissioner of the High Court will for the present be sufficient.

2. The Governor in Council relies upon the Judges ascertaining that this audit is regularly and effectively conducted.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

Exd, T. McMoetry.

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Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from the Registrar of the High Court Original Side

(Here enter 29th July 1863 No.

Order thereon No. 1587 of 2d Oct 63.

The Governor in Council concurs with the Honorable the Chief Justice that under the circumstances stated in the foregoing letter, and adverting to the prospect of an Act being passed at an early date for placing the office of Official Trustee on a more satisfactory footing the arrangement which has been ordered by the Judges of having the accounts of the Official Trustee audited half yearly by the Commissioner of the High Court will

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The Governor in Council relies upon the Judges ascertaining that their audit is regularly and effectively conducted.

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No. 1587.

PROCEEDINGS of GOVERNMENT.

Dated 2nd Octr 63.

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