

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 410

Press

~~Mis.~~

247-248

Dated

22-3-1864

9/10

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 16
22nd March 1864.

No. 247. Read the following letter from W. STOKES, Esq., Administrator General; to the Chief Secretary to Government, Fort Saint George, dated Madras, 23rd February 1864.

I have the honor to address you, with reference to the 31st Section of Act No. VIII of 1855. By this Section it is provided that all such persons, practitioners in the Courts and others, as may have occasion to inspect the books of accounts of the Administrator General's office may do so at office hours, paying only such reasonable fee as hath been or shall be, from time to time, fixed by the Government and published in the official *Gazette* of the Presidency to which the same may relate.

2. I understand that such fee has never yet been fixed. I request, therefore, that you will be so good as to bring this matter to the notice of Government, in order that I may know what fee to charge in the cases referred to in the said Section.

No. 248. ORDER THEREON, 22nd March 1864, No. 410.

The Governor in Council observes that the present Administrator General's Act re-enacted the provision in the law it superseded, relative to the fee for inspecting his office books, with

From Government of India, to Administrator General, Bengal, dated 9th June 1849, No. 712, paragraph 2, Financial Department.
Reply letter, 18th idem, paragraphs 2 and 3.
From Administrator General, Madras, 13th June 1850, No. 1278, paragraph 4.
From do. 14th December 1854, No. 4257.
Extract Minutes of Consultation, 22nd January 1855, No. 57, Judicial Department.

this addition that the amount of fee already fixed by the Government should continue in force until altered. No fee was ever sanctioned by the Government, either under Section 31, Act VIII of 1855, or Section 10, Act VII of 1849, as extended to Madras by Act II of 1850, for reasons which appear in the

correspondence noted in the margin, nor can any now be allowed. As regards the practice of the Ecclesiastical Registrar, the late Mr. Serle, in his letter of the 13th June 1850, paragraph 4, informed the Government that the similar fee provided for in the 5th Section of 1855, Geo. III, Chap. 84, had never been demanded or enforced either by himself or any of his predecessors.

2. In lieu, however, of the fee for inspection of books, the Administrator General is authorised to charge for furnishing copies of Accounts, Inventories and other documents. On reference to the Orders of Government on this subject, as noted in the margin, it appears that the

Extract Minutes of Consultation, 20th July 1855, No. 509, paragraph 2, Judicial.
Despatch from the Court of Directors, 23rd July 1856, No. 28, paragraph 6, Public Department.
Extract Minutes of Consultation, 12th September 1856, No. 1105, paragraph 5, Public.
Do. 13th idem, No. 986, paragraph 4, Judicial.
Do. 10th December 1856, No. 1318, paragraph 4, Judicial.
Do. 26th February 1857, No. 235, Judicial.

charge of twelve Annas per folio of ninety words as originally fixed, was disallowed by the Home Government, under whose instructions the reduced rate of one Anna per folio, prescribed for the Administrator General, Bengal, was sanctioned for adoption at Madras. This

reduced rate, it further appears, was extended as well to Inventories and Accounts filed in Court, as to copies of all papers furnished to parties interested. The application made by Mr. Stokes in paragraph 3 of his letter of the 1st August 1863, was therefore superfluous, and the sanction granted thereon in the last paragraph of the Order of the 15th September last, No. 1481, so far as it may have been taken as authority for charging at the abolished rate of twelve Annas per folio, is cancelled. The Governor in Council directs that the difference between this rate and the established charge, if the higher rate has been exacted from any parties, furnished with copies of documents, shall now be refunded to them by the Administrator General.

(True Extract.)

To the Administrator General.

Chief Secretary.

„ Auditors of the Accounts of the Administrator General.

Exd. J. Tulloch.

forms...
-49 in Bengal. Among the

memo. of correspondence relative to
the charging of a fee for Inspections
of Estate Accounts in the Office of
the Administrator General.

Act VII-49 (for the appoint-
ment of an Administrator
Genl. in Bengal) enacted
in § 8, that separate &
distinct accounts of each
estate should be kept
by the Administrator Genl.
& that the books should
be open for the inspection
of all such persons, practi-
tioners in the said Court &
others, as may have occasion
to inspect the same, at office
hours - paying only such
reasonable fee as may be
from time ^{to time} fixed therefore,
by the Governor General of
India in Council, & publish-
ed in the Calcutta Gazette.

On this Act being extended
to Madras by Act II-50, the
Govt. of India were applied
to for copies of the Rules and
Forms adopted under Act VII-
49 in Bengal. Among
the

the papers furnished was a letter from the Gov. (of India) calling on their Administrator General to give his opinion as to what would be a proper amount of Fee to be charged under § X of the Act for the inspection of the Books of the Administrator General's Office. The Administrator Genl. replied that one Rupee for each inspection would be a proper amount, but he expressed his opinion that it would be better not to make this charge. His remarks were as follows:—
It is necessary to inspect the books to some extent in almost every case in which information is asked for, so that if this proposed rule were to be enforced strictly, it would fall heavily on persons enquiring about states in which they are interested, the great majority

majority of whom are in poor circumstances, & can not afford to pay a fee, even so small. If on the other hand, the Administrator Genl. were to exercise a discretion as to the inspections & persons to be charged, it would lead to discussion in each case more tedious & troublesome than the inspection itself. It is desirable not to discourage persons from coming to the office. It is sometimes inconvenient, but it frequently gives the Administrator Genl. opportunities of obtaining useful information relating to states which he otherwise would not get."

Letter, 13 June 50
page 4

3. Mr. Serle, who became Administrator Genl. at Allahabad, fully concurred in these views, & that a fee for inspection of Books was provided for under the 5th § of 55 Geo. III, but that it had never been demanded or enforced either by myself or his predecessors (Ecclesiastical Registrars)

In his letter of the 14th Decr. '54

2. M. C. 22 Saury 55

N^o 57

13 April 55

N^o 269

20 July 55

N^o 609

14th Decr. '54, Mr. Serle so-
lited the Govt. to sanction
a rate of fee for inspection
of his Books, with reference
to § 8 of the Act, but the
Govt. declined to do so un-
der the opinion expressed
by Mr. Serle in June '50. As
it appeared to be the practice
in Bengal to charge for co-
pies of Acts., the Govt. autho-
rises the Administrator
Genl. to charge at the
rate of 12 Annas & folio of
ninety words for copies of
all Acts. furnished by
him on the application
of parties interested in
them.

With reference to this the
Govt. of Directors observed
that "the charge made
by the Administrator Genl.
of Bengal for furnishing
copies of his Accounts has
been at the rate of five
annas & folio of ninety
words, & this amount
has

has recently been reduced
to one anna & folio by
order of Govt. We cannot
sanction any higher
charge in this respect
being made at your Pre-
sidency than is allowed
to the Administrator
Genl. of Bengal." A copy
of this ~~Despatch~~ para,
was furnished to the Ad-
ministrator Genl., & the
charge for furnishing co-
pies of Acts. was directed
to be made at the rate of
One Anna & folio of ninety
words, instead of 12 Annas,
as previously sanctioned.

6. This rate of charge was
extended to Inventories &
Accounts filed in the Su-
preme Court.

7. Mr. Seed inquired with
reference to para 4 of E.
M. C. 15 Sep. '56 N^o 985 "au-
thorising me to charge for
copies of all Inventories,
and

2. M. C. 12 Sep. '56 N^o 985
Para 4. Public.

13 Decr. '56 N^o 986
para 4. Judicial

and accounts at the fixed rate of one Anna & folio of ninety words, — — — whether copies of documents & other papers furnished to parties applying are to be made at the rate mentioned in Ex. Divis. Cons. 20 July 55, or whether it should be charged only at one Anna the folio as mentioned in Ex. Divis. Cons. 13 Feb 56, which (I find) is confined to copies of Inventories & Accts. alone. The Inventories & Accts. for the most part contain figures & in counting the folios, Mr. Peck requested to be informed, "how the figures are to be calculated?" He added that "in the Courts in England & formerly here, each figure was calculated as one word. By the Table of fees now in existence four figures are calculated as

one word & the fee for copying is twelve annas the folio. The payment of one anna the folio of ninety words barely pays the copyist."

Ex. Divis. Cons. 10 Dec. 55 para 4 fully
N 21318.

The Govt. observed that the Honble the Court of Directors refused to sanction a higher rate of fee (viz. one anna & folio, ~~old Bengal~~) that that allowed at Bengal for copies of Inventories & Accounts furnished by the Administrator, & that it was apparently their wish that the same practice should be adopted here as is pursued at that Presidency, in regard to the charge for copies of all documents that may be furnished. It was ascertained that the charge in Bengal for furnishing copies of Inventories, Accounts, & other documents had been reduced to one Anna & folio of 90 words — that in figured statements 10 figures were reckoned as one word — & that the charge for collating was Rs. 3½ for each Acct. & document. The

Govt.

2 M.C. 26 Feb. 54
Inq. No 235

Govt. directed the Administrator
to observe the
same rate & system of
charge for copies of In-
ventories, accounts, &
other documents, &c.
as those obtaining at
Calcutta.

Fee for inspecting
the Administrator
Genl. Books.

Consul

J. P. 22 March 64

Hand
A 19

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read letter from the Admin-
istrator General. Dated 23rd Feb. 64.

Order - 22nd March 1864 No. 410.

The Governor in Council
observes that the present
Administrator General's
Act re-enacted the pro-
vision in the law it su-
perseded, relative to the
fee for inspecting his Of-
fice Books, with this ad-
dition that the amount
of fee already fixed by
the Govt. should continue
in force until altered.
No fee was ever sanctioned
by the Govt., either under
§ XXXI - Act VIII - 55
§ X - Act VII - 49, as exten-
ded to Madras by Act II
- 50, for reasons which
appear in the correspon-
dence noted in the mar-
gin.

remuneration

Govt. of India to Adm.
istrator Genl., Bengal,
dated 9th June '49 No. 7/2.
para 2. Finl. Dept.
reply letter, 18th idem para 228.
Admin. Genl.,
Madras, 13th June '50 No. 1278.
para 4.
do. do., 14th Decr. '54, No. 4257.
Illius. Cons. 22nd Janry. '55.
No. 57. Incl. Sept.

nor can any now be allowed
margin, & regards the
practice of the Ecclesiasti-
cal Registrar, the late Mr.
Serle, in his letter of the 13th
June '50, para 4, informed
the Govt. that the similar
fee provided for in the 5th §
of 55 Geo. III. Cap. 84, had
never been demanded or
enforced either by himself
or any of his predecessors.

In view, however, of the
fee for inspection of Books,
the Administrator General
is authorised to charge
for furnishing copies of
Accounts, Inventories, &
other documents. On a
reference to the Orders of
Govt. on this subject, as not-
ed in the margin, it ap-
pears that the charge of
Twelve Annas & folio of nine
words as originally fixed,
was disallowed by the
Home Govt., under whose
instructions the reduced
rate of One Anna & folio,
prescribed for the Adminis-
trator

Administrator Genl., Ben-
gal, was sanctioned for
adoption at Madras. -
This reduced rate, it fur-
ther appears, was extended
as well to Inventories and
Accounts filed in Court,
as to copies of all papers
furnished to parties in-
terested. The application
made by Mr. Stakes in para
3 of his letter of the 1st Augt.
'63, was ^{therefore} superfluous, and
the sanction granted
thereon in the last para
of the Order of the 15th Sept
last N^o. 1481, so far as it may
have been taken as author-
ity for charging at the ^{abolished} rate of
Twelve Annas & folio, is can-
celled. The Governor in
Council directs that the
difference between this rate
& the established charge,
the higher part of which has been exacted from
any parties, furnished
with copies of documents,
should now be refunded
to them by the Adminis-
trator Genl.

The Administrator Genl.
Auditors of the Accounts
of the Ad^r Genl.

See this Cons: 20 July
'55 N^o. 509 para 2. Indl.
Despatch from the Court
of Directors, 23 July
'56 N^o. 28 para 6,
Public Dept.
Cons: 12 Sept. '56,
N^o. 1105, para 5. Public
do - 13th idem. N^o. 986, para
4. Indl.
do - 10th Dec. '56 N^o. 1318.
para 4. Indl.
do - 26th Feb. '57 N^o. 235.
Indl.

Richard 1864. Department.

No. 4110

PROCEEDINGS of GOVERNMENT.

Dated 22nd March 1864

St. A. 1864

247-122