

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	117	Press ~~Mis.~~
¹⁹⁵⁻¹⁹⁷ Dated	19-1-	19. 18.65

5/6

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Judicial Department,
19th January 1865.*

Read the following papers :—

No. 195. Extract from the Proceedings of the Government of India, in the Financial Department, under date the 23rd December 1864, No. 4157.

Read the following papers connected with the arrangements proposed by the Government of Madras, for giving effect to the Act for the Registration of Assurances.

Extract Home Department, No. 5984, dated 30th November 1864.

Office Memorandum, Home Department, No. 6574, dated 16th December 1864.

RESOLUTION.—The Madras Government propose a sum of Rupees 1219-8-0 for the office establishment of the Registrar General of Assurances, which is greatly in excess of the amount (Rupees 300 a month) which has been allotted for Bengal. His Excellency the Governor General in Council directs that the cost of the Madras Establishment be limited to the latter sum.

2. The proposition to allow the Registrar General the salary fixed for his office, viz., Rupees 1500 per mensem, from the date of taking up his duties, which will be before the 1st of January, the date from which the Registration Act will come into operation, is considered reasonable, and His Excellency in Council is accordingly pleased to sanction it.

3. For the District Registrar for the Town of Madras, the Local Government propose a salary of Rupees 500 a month, and a commission of 10 per cent. on the

* 3 Clerks on Rupees 50, 40 and 30..	Rs. 120
2 Peons at 7 Rupees each	14
Total Rupees.....	134

fees paid into his office, and an office Establishment costing Rupees 134* monthly.

In Bengal, a salary of Rupees 600 a month has been authorized for the District Registrar for the Town of Calcutta, and His Excellency in Council sanctions a salary of Rupees 500, plus 10 per cent. on fees, for the District Registrar for the Town of Madras, on the understanding that the emoluments of this officer shall not exceed Rupees six hundred monthly, all commission on fees in excess of that limit being surrendered. The Office Establishment proposed for this officer is authorized, experimentally, for one year.

4. For Mofussil District Registrars, of whom there are to be 21, the Government of Madras propose a salary of Rupees 100 each, with commission on fees at 10 per cent., and an office Establishment of Rupees 40 per mensem.

5. As regards this class of officers, the arrangements proposed by the Government of Madras differ in one material respect from those authorized in Bengal, where the Collector or Magistrate of the District will be District Registrar *Ex-officio*. His Excellency in Council is, however, disposed to entertain, for one year, the proposition of the Madras Government; but these Officers should be paid not by fixed salaries, but by fees, and if 10 per cent. be not an adequate remuneration a higher rate may be allowed. It is to be understood, however, that the present plan of stipendiary, rather than mere *Ex-Officio*, District Registrars will be re-considered after the first year's experiment.

6. It is proposed to remunerate Deputy Registrars by a commission of 50 per cent. on the fees paid into their offices, their establishments being paid by themselves. The proposition is sanctioned, experimentally, for one year.

7. The rates of travelling allowance proposed for the Registrar, and his establishment, are approved.

*Proceedings of the Madras Government, Judicial Department,
19th January 1865.*

ORDER.—Ordered that a copy of the foregoing Resolution be sent to the Home Department, and that the original papers received from that Department be returned, copies being kept for record.

Also that copies of the Resolution be sent to the Deputy Auditor and Accountant General, and to the Civil Paymaster, Madras, for information and guidance.

(A true Extract).

(Signed) E. H. LUSHINGTON;

Secy. to the Govt. of India.

No. 6983.

Copy forwarded to the Government of Fort Saint George, with reference to the communications from that Government, No. 1609, dated 7th ultimo, and No. 1767, dated 7th instant.

(By Order)

HOME DEPARTMENT,
31st December 1864.

(Signed) A. COLVIN,
Offg. Under Secy. to the Govt. of India.

No. 196. From T. H. COWIE, Esq., Advocate General, to A. COLVIN, Esq., Officiating Under Secretary to the Government of India, Home Department; dated Calcutta, 23rd December 1864.

I have the honor to acknowledge receipt of your letter, No. 5966, enclosing a telegram from the Madras Government, requiring my opinion on certain points arising under the Registration Act.

2. I am of opinion that the 42nd Section of the Act does not require that abstracts of entries relating to moveable property should be sent to the Registrar General. Nor does the Act require abstracts to be sent to the Registrar General of any deed, contract, or other obligation, merely as such. Where the deed, contract, or other obligation creates, &c., a right or interest in immoveable property, it amounts to an instrument of the kinds specified in Sections 40 and 41, and an abstract must be furnished to the Registrar General.

3. I apprehend that the reason why the Registrar General is required to keep the book, No. 4, is simply this:—In books No. 1, and No. 2, he is to enter any transfer (absolute or not absolute) of immoveable property, which may have been originally registered in his office under Section 21, and also all abstracts of entries of instruments affecting immoveable property, when such instruments amount to *transfer*; but under the 21st Section, the Registrar General may register instruments relating to immoveable property which do not amount to transfers, and these, and also abstracts of similar instruments originally registered before a Deputy or District Registrar, are to be registered in book No. 4.

4. I am of opinion that abstracts of Wills are not to be sent to the Registrar General. The Sections relating to the registration of Wills are entirely separate from, and subsequent to, that part of the Act which relates to abstracts of entries; and the 60th Section shews that the Register of Wills is something distinct from book No. 4.

5. The telegram enclosed in your letter is returned herewith.

*Proceedings of the Madras Government, Judicial Department,
19th January 1865.*

No. 14.

Copy forwarded to the Chief Secretary to Government, Fort Saint George, for information, with reference to the telegram, dated the 30th November last.

FORT WILLIAM,
HOME DEPARTMENT,
4th January 1865.

(By Order)

(Signed) A. COLVIN,

Offg. Under Secy. to the Govt. of India.

No. 197.

ORDER THEREON, 19th January 1865, No. 117.

Communicated to the Registrar General.

2. Major Macdonald will draw the salary fixed for his office as Registrar General, viz., Rupees 1500 per mensem, from the date on which he arrived at Madras, and entered upon his duties.

3. The Governor in Council directs that the orders, contained in the 3rd paragraph of the Resolution, be communicated to the District Registrar for the Town of Madras.

4. The Supreme Government having declined to sanction the payment of fixed salaries to the District Registrars, but authorized the payment of a larger percentage of the fees, if 10 per cent. be not an adequate remuneration, the Governor in Council resolves to authorize the several District Registrars to receive 25 per cent. of the fees collected in their respective Districts, during the months of January, February, and March, after which the arrangement will be open to revision. The Registrar General will report, monthly, the amount of Registration fees collected in each District, for the information of Government.

(True Extract).

Chief Secretary.

To the Registrar General of Assurances.

„ Accountant General.
„ Civil Paymaster.

Exd. J. H. Burns.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following papers
From Home Dept. of Govt. of India dated 31st Decr 1864 No. 6953
From _____ dated 4th Jan'y 1865 No. 14

Order thereon 19th January 1865 No. 117.

Communicated to the
Registrar General.

2. Major Macdonald will
draw the salary fixed for
his office as Registrar General
vizt Rs. 1500 per annum,
from the date on which he
arrived at Madras, and re-
turned upon his duties.

3. The Governor in Council
directs that the order contained
in the 3rd Para of the Resolu-
tion be communicated to the
District Registrar for the
term of Madras.

4. The Supreme Government
having declined to sanction
the payment of fixed salaries
to the District Registrar Sub

Authorized

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of a larger percentage of
the fees, if 10 per cent be
not an adequate remunera-
tion, the Governor in Council
resolved to authorize the
several District Registrars
to receive 25 per cent of the
fees collected in their
respective Districts, during
the months of January,
February, & March, after
which the arrangement
will be open to revision. The
Registrar General will report
monthly, the amount of
Registration fees collected
in each District, for the
information of Government.

4/9

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The Registrar General of Assurances
" Accountant General
" Civil Registrar } despatch

dict of 2/25/67
 23-2-09
 19-4-41

Jan 10/18

Official 1865 Department.

No. 114

PROCEEDINGS OF GOVERNMENT.

1906/67
 2220-
 1465
 1884/66
 1884/66
 1884/66
 Dated 1/1/1885

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born

1906/67