

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1851	Press <u>Mis.</u>
Dated 22-11-1918	

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
22nd November 1866.*

No. 231. Read the following letter from the Honorable the Chief Justice of the High Court, Madras, to the Right Honorable the Governor in Council, &c., &c., &c., Fort Saint George; dated Madras, 20th August 1866.

The business pending in the late Supreme Court has rendered necessary the continuance of the Master's office for a much longer time than I had anticipated. I am glad now to be able to determine that it shall cease on the last day of this year, when provision will be made for the disposal, by the Court or a Judge, of the business remaining—for some I find will still be left; and as connected with the abolition of the office, I have to ask the assent of your Excellency in Council to a reduction which may then, I think, be made in the salary of the "Commissioner and Taxing Officer."

2. By the existing arrangement the present monthly salary of this office (Rupees 933-5-4) is to be increased, on the close of the Master's office, to the full monthly salary of Rupees 1100; but this amount was fixed subject to reduction if found to be desirable. Though the business of Taxing Officer has increased, the duties of Commissioner have become light. A Judge in Chambers has disposed of several matters which would otherwise have occupied the Commissioner, and this will be more the case in future. There will, however, still occur matters of simple accounting and of local or other inquiry in which a Ministerial Officer should properly be employed, and besides this, it is the business of the "Taxing Officer and Commissioner" to take proper security on the granting of Letters of Administration and in all other cases in which security is required, and to pass the accounts of receivers of estates and examine half-yearly the accounts of the Official Assignee, and the Official Trustees.

3. I intend that the Taxing Officer shall continue in the capacity of Commissioner to discharge the above duties and any other of a like nature that may be required of him, receiving a salary which I consider no more than the requisite salary for the duties of Taxing Officer. I think that the full monthly salary of the office should be fixed at the reduced amount of Rupees 650 on the abolition of the Master's office.

4. Mr. Dale declines continuing to hold the office on this salary, and it will probably be difficult to find a successor properly qualified for the duties of Taxing Officer, and may be necessary to make a change in some of the other offices. I therefore desire to obtain, as early as may be convenient, the assent of your Excellency in Council to the reduced salary above proposed.

5. I take this opportunity to mention that the office of Interpreter in French having lately become vacant by resignation, has been done away with.

No. 232. To the Honorable Sir A. BITTLESTON, Kt., Acting Chief Justice of the High Court of Judicature, Madras, dated Fort Saint George, 22nd November 1866, No. 1851.

In acknowledging the receipt of Sir Colley Scotland's letter of the 20th August last, intimating that the Master's office will be abolished on the 31st December next, and proposing that the salary of the Commissioner and Taxing Officer attached to

Proceedings of the Madras Government, Judicial Department,
22nd November 1866.

the High Court shall from that date be fixed at Rupees 650 per mensem, I am directed to suggest for your consideration whether it would not be preferable to abolish the office of Commissioner as a permanent appointment, and to appoint an Officer to perform the duties provided for in Sections 179 to 182 of the Code of Civil Procedure on occasions arising from time to time. The arrangement here suggested would seem to be more in accordance with the intention of the Sections in question than the appointment of a standing Commissioner, and, in the opinion of the Governor in Council, it would be far better that the examination of the accounts of the Official Assignee and Official Trustee should be entrusted to trained auditors appointed specially for the duty on each occasion, than that it should form a part of the current duties of any permanent Officer of the Court.

2. It occurs to the Governor in Council that the duties of Taxing Officer might be performed by the Registrar, whose work is understood to be light.

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

I have the honor to acknowledge the receipt of your letter of the 20th inst.

Madras 20th August 1866.

The Right Honorable

The Governor in Council

8%

Tor, Saint George

The Lord, and I have the honor to

The business pending in the late

Supreme Court has rendered necessary the continuance

of the Masters Office for a much longer time than I

had anticipated. I am glad now to be able to

determine that it shall cease on the last day of this

year when provision will be made for the disposal by

the Court or a Judge of the business remaining, for

some fund will still be left, and as connected

with the abolition of the office. I have to ask the

assent of your Excellency in Council to a reduction

which may then I think be made in the salary

of the "Commissioner and Taxing Officer."

Further existing arrangement the present

monthly salary of this office (Rupees 933-5-4) is to be

increased in the class of the Masters Office to the

full monthly salary of Rupees 1100. But this amount

was fixed by the Government of 1864 if found to be

may be desirable though the business of Taxing Officer has

increased

increased, the duties of Commissioners have become light. A Judge in chambers has disposed of several matters which would otherwise have occupied the Commissioners, and this will be more the case in future. There will however still occur matters of simple accounting and of local or other inquiry in which a ministerial officer should properly be employed, and besides this, it is the business of the Taxing officer and Commissioner to take proper security on the granting of Letters of Administration and in all other cases in which security is required, and to pass the accounts of Receivers of estates and examine half yearly the accounts of the official assignees; and the official Trustees.

Should the same person be always the examining officer?

I intend that the Taxing Officer shall continue in the capacity of Commissioner to discharge the above duties and any other of a like nature that may be required of him, receiving a salary which I consider no more than the requisite salary for the duties of Taxing officer. I think that the full monthly salary of the office should be fixed at the reduced amount of Rupees 650 on the abolition of the Master's office.

Mr. Daler declines continuing to hold the office on this salary, and it will probably be difficult to find a successor properly qualified for the duties of Taxing officer and may be necessary to make a change in some of the other officers. I therefore desire to obtain as early as may be convenient the opinion of your Excellency in

Judicial Dep

GOVERNMENT TELEGRAPH DEPARTMENT

OFFICE MONTHLY NO. 90

Recd. the 29 of May 1863 at hrs. Words Charged Cost Rs. As.

From Bombay To Madras.

From Judicial Secretary Chief Secretary

Act-18 of 1863 came into operation in this Presidency on the 20th January last- and the duties of Master in Equity are now performed by one of the judges of the High Court -

29 12 18

Sender's Signature Address

By at hrs. mins. From

By at hrs. mins. To

STATION FROM Madras STATION TO

Telegraph Office. Peon Book No. 1

incubus formed by the
the old Supreme Court still
rather on the civil side, I
taxing officer is an unavoi-
l. and his status, as such, w
been recognized by the Govt., &
of Justice framed the large
ment by the small work of
not now being done.
however, recognize the ne-
cessity of a permanently paid "Com-
missioner of Taxation" and acceptance of sections
of the Civil Code evidently con-
sidering his being appointed only
for the use of
officer. As however, the
then doubled up (Govt. & Taxing
reduces the pay of the position
from 1100 to 650 N. per annum,
accept the position.
It must be bad that for the
specified in the Civil Code the
individual should be always employed.
Yes, with the 2-year term.
with official approval & official
When such examination has

has to be made by the same gentleman -
the Taxing Officer of the High Court, of what
value can it be? It becomes a mere
caution force. The Government have
suffered so seriously from the absence
of proper checks to the money holding
functionaries of the old Supreme Court,
that I think it may be well to refer
to the C. Justice the advisability of his
adopting a system of these periodical
accounts known to the place as a followed
in the department controlled by the Food
Chief - viz the plan of periodically
selecting a different person to be
the examiner.

8 Sept

W.D.

We have reason to expect a dispatch
from home shortly touching the
continuance of the H.C. Commis-
sionship at all so that any
commitment that we might now
give to H.C. is proposed must
be contingent on such orders.

I should have to be disposed to ask
H.C. to reconsider his plan of
having one and the same man
acting as Com'r under H.C.P.C. &
examining of accounts in vice.
- since the the
- marks made by the
H.C. in the the the
lectures to me of much
value.

We might do
better in
making
more
in the
Columbian
Bombay
H.C. Com.

in Council to the reduced salary above proposed.
I take this opportunity to mention that the office
of Interpreter in French having lately become vacant
by resignation, has been done away with.
I have the honor to be,
My Lord,
Your most obedient servant.

Judicial Dept.

N^o 1857.

The Honble Sir A Birtleson Kt.
Ag. Chief Justice of the High Court
of Judicature Madras

Honble Sir.

In acknowledging
the receipt of Sir Colley
Scottland's letter of the 20th
August last intimating
that the Master's office will
be abolished on the 31st Dec-
ember and proposing that
the salary of the Commis-
sioner and Tasing Officers at-
tached to the High Court
shall from that date be
fixed at Rs 650 per mensem.
I am directed to suggest
for your consideration
whether it would not be
preferable to abolish the
office

W

has to be made the

30 April 1853 No 284-285
20 June 1854 192-193

Judicial 1857 Dept

From

Hon. Chief Justice of
High Court Madras

SL 149/1857

2/20 } August 1857
2/21 }

No 1836

Reports that the Master's
Office will be abolished
at the end of the year
& suggests that the pay
of the "Commissioner"
Tasing Officer be reduced
to Rs 650 per month.

W

227-228
R 17-18
C 12-13
R 18-19

231

462

Office of Commissioner and
Permanent Appointment
and to appoint an officer
to perform the duties pro-
-vided for in Section 1796
182 of the Code of Civil
Procedure on occasions
arising from time to time.
The arrangement here sug-
-gested would seem to be
more in accordance with
the intention of the Sections
in question than the ap-
-pointment of a standing
Commissioner and, in the
opinion of the Governor in
Council, it would be far
better that the examination
of the accounts of the Official
Assignee and Official Spolice
should be entrusted to
trained Auditors appointed
Specially

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specially for the duty
on each occasion, than that
it should form a part of the
current duties of any per-
-manent officer of the Court.
It occurs to the
Governor in Council that
the duties of Waring Officer
might be performed by the
Registrar, whose ^{work} duties, it
is understood, ^{to be} are compar-
-atively light.

I am -

For St. George
22 Nov. 1866

by h.

June 1880 Sept.

Sept 1881.

To the Honorable the
Sgt. Chief Justice of the
Sup. Court of Louisiana
New Orleans

Dated 22nd Nov 1886.

Oct 26 52. of 66

7th Sept 64

71-997-11-

Let. from
H. H. H.
the President
in 5-1-1887