

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	62	Press ~~Mis.~~
Dated	17-1-1918	

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department.

17th January 1868.

No. 98. Read the following letter from the Registrar General of Assurances, to the Chief Secretary to Government, Fort Saint George ; dated Madras, 16th December 1867, No. 125.

I have the honor, at the request of Major Stevenson, Registrar of Tranquebar, to submit the annexed correspondence for the orders of Government.

2. The remuneration of the Mofussil Registrars was fixed in paragraph 4 of the Government Order, No. 117, of the 19th January 1865, at "25 per cent. of the fees collected in their several districts during the months of January, February, and March," after which this arrangement was to be open to revision. It remained in force until the 31st March 1866, when it was revised by paragraph 5 of the Government Order, No. 364, of the 10th March 1866, under which the remuneration of the District Registrars, when holding that office in conjunction with another appointment, was fixed at 25 per cent. on Rupees 600, and at 10 per cent. on any sum above that amount. This revision did not, however, affect Major Stevenson, as he held no other appointment. By a Resolution of the Government of India, in the Financial Department, No. 2597, of the 31st December 1866, communicated with the Government Order, No. 189, of the 6th February, fixed salaries were assigned to the Mofussil Registrars in lieu of the commission hitherto drawn, the new arrangement taking effect from the 1st March 1867. In Major Stevenson's case the salary was fixed at Rupees 300, being double that assigned to the other first class districts, and he has drawn it at that rate from the 1st March 1867—vide Government Order, No. 1403, of the 30th August, communicating the Proceedings of the Government of India in the Financial Department, No. 1746, of the 31st July 1867.

3. In October 1867, Major Stevenson included in his commission bill for the Sub-Registrars an item of Rupees 35-8-0, which he claimed for himself as commission on Rupees 142 received as fees for filing and forwarding copies of Memoranda of decrees passed before the 1st March 1867. The Deputy Collector in charge of the Treasury at Tanjore forwarded this bill to the Accountant General, and inquired whether he should "decline payment of the objectionable item," referring to a letter to his address from Major Stevenson, regarding a similar item of commission drawn by that Officer for registering Memoranda of decrees from April to August. A copy of this correspondence was forwarded to me on the 29th October by the Accountant General, who requested me to state whether Major Stevenson could draw a commission of 25 per cent. on decrees passed before the 1st March 1867, while he was in receipt of a permanent salary of Rupees 300. I stated, in reply, that if the fees in question were received from the Courts before the 1st March they should have appeared in the returns and commission bills, and that, if owing to any mistake, they had been omitted, Major Stevenson was entitled to draw any amount which might be due to him; if, on the other hand, the fees were collected on or after the 1st March, Major Stevenson did not seem entitled to any commission, whatever the dates of the decrees might be.

4. Major Stevenson is not satisfied with this decision. From his letters, No. 151, of the 5th October, and, No. 189, of the 9th December, it appears that up

Proceedings of the Madras Government, Judicial Department,
17th January 1868.

to the 1st March he received 436 Memoranda of decrees, the fees due on which amounted to Rupees 570, while the amount actually received amounted to Rupees 176-4-0, leaving a balance due of Rupees 393-12-0. Owing to arrears of other work, these Memoranda of decrees were not filed until after the 1st March, nor were copies of them forwarded to the Sub-Registrars. Some had to be returned for correction. After the 1st March those Memoranda which had been paid for were disposed of. Copies of the others were prepared, but not forwarded at once to the Sub-Registrars, owing to the non-receipt of the fees. As the fees come in, the copies are forwarded; and Major Stevenson considers that he is entitled to draw commission on these fees.

5. The filing and copying of these Memoranda, both under the old and under the new arrangement, is, of course, all done by an establishment maintained in the office of the Registrar at the expense of Government, and I can see no grounds on which Major Stevenson can be pronounced entitled to the commission claimed by him.

From the Acting Deputy Accountant General, Madras, to the Registrar General of Assurances; dated Fort Saint George, 29th October 1867, No. 4134.

Treasury Account Department.

I have the honor to forward copies of correspondence noted in the margin, and to request that you will be good enough to state if a commission of 25 per cent. on fees on Memoranda of decrees passed before 1st March 1867 can be allowed to the Registrar of Tranquebar while he is in the receipt of a permanent salary of Rupees 300 per mensem.

From Major E. W. STEVENSON, Registrar of Tranquebar, to the Deputy Collector in charge of Treasury, Tanjore; dated Tranquebar, 5th October 1867, No. 151.

In reply to your letter of the 1st instant, No. 673, I have the honor to state that the commission drawn by me from April to August, inclusive, is on Memoranda of decrees passed in 1866; but the last was not received by me until the 20th February 1867; and in consequence of the great amount of arrears of other work, I could neither file nor send copies of them to the Sub-Registrars until after the 1st March, and as my permanent salary did not commence until that date, I considered I was entitled to draw commission on these Memoranda. I have also further to add that, since the new Registration Act has come into operation, I have received 436 Memoranda of decrees up to 1st March last, on which I have drawn commission on 383 only; there is, therefore, a balance still due on 53 which will be drawn after I have filed them.

From the Deputy Collector in charge of Treasury, Tanjore, to the Accountant General, Fort Saint George; dated Tanjore, 17th October 1867, No. 743.

In submitting, herewith, a bill received for payment from the Registrar at Tranquebar for the commission due to himself and the Sub-Registrars during this month, I have the honor to refer you to the explanation given in the copy of his letter forwarded with my reply to the N. B. 1 in the Result Statement for August last, and to request you will be good enough to instruct me whether I am to decline payment of the objectionable item of Rupees 35-8-0 included in the bill.

Proceedings of the Madras Government, Judicial Department,
17th January 1868.

Her Majesty's Government of India..... DE.

To amount of commission paid to Registrar and Sub-Registrars on Rupees 1550-12-0, collected as exhibited in the Treasury Account for the month of October 1867, on account of registration, penalties, and fees in the District of Tranquebar.

Offices.	Collections.				Commission								Deduct fines.	Balance.	
	Penalties.		Fees.		Of Sub-Registrars, at 50 per cent.				Of Registrar.					Total.	
	RS.	A.	RS.	A.	RS.	A.	RS.	A.	RS.	A.					
Sub-Registrar of Mayaveram...	6	4	197	12	98	14	...	...	...	...	...	...	98	14	
Nannilam.....	...	...	164	0	82	0	...	...	...	...	...	...	82	0	
Negapatam.....	...	...	412	12	206	6	...	...	...	...	...	...	206	6	
Shenully.....	...	...	96	8	48	4	...	...	...	...	...	...	48	4	
Tritrapoondy..	...	...	99	8	49	12	...	...	...	...	...	...	49	12	
Tranquebar ...	...	...	143	8	71	12	...	...	...	...	...	...	71	12	
Trivalore.....	...	...	178	4	89	2	...	...	...	...	...	...	89	2	
Vedaraniem...	...	...	64	8	32	4	...	...	...	...	...	...	32	4	
Total...	6	4	1,356	12	678	6	...	...	...	...	...	...	678	6	
Registrar..	...	...	187	12											
	6	4	1,544	8											
Deduct fines...					...	...							Total collections. 1,550 12 0		
Registrar's commission at 25 per cent. on Rupees 142*.....					...	...	35	8					Total net commission..... 713 14 0		
Total net commission.....					678	6	35	8	713	14			Balance credited to Government. 836 14 0		

* Fees on Memoranda of Decrees passed before the 1st March 1867.

TRANQUEBAR,
October 1867.

(Signed) E. W. STEVENSON,
Registrar.

Contents received.

(Signed) E. W. STEVENSON,
Registrar.

From the Registrar General of Assurances, Madras, to the Accountant General, Fort Saint George; dated Madras, 4th November 1867, No. 111.

I have the honor, in reply to your letter, No. 4134, of the 29th ultimo, to state that, if the fees in question were received from the Courts before the 1st March, they should have appeared in the returns and commission bills, and Major Stevenson was entitled to his commission on them. If, owing to a mistake, he omitted to draw his commission on them at the proper time, I see no objection to his drawing the amount so due now. If, on the other hand, the fees were collected on or after the 1st March, Major Stevenson is, I think, not entitled to any commission on such fees, whatever the dates of the decrees may be.

From Major E. W. STEVENSON, Registrar of Tranquebar, to the Registrar General of Assurances, Madras; dated Tranquebar, 9th December 1867, No. 189.

I have the honor to inform you that I have received from the Deputy Collector in charge of the Treasury of Tanjore a copy of your letter, No. 111, of the 4th ultimo, being a reply to the

Proceedings of the Madras Government, Judicial Department.
17th January 1868.

Accountant General's letter, No. 4134, in which you state that you do not think I am entitled to any commission on fees received after the 1st March last, whatever the dates of the decrees may be. I beg leave to state in support of my claim to commission that up to the 14th February last I received 436 Memoranda of decrees, the fees on which amount to Rupees 570, and during the same period I had received fees only to the amount of Rupees 176-4-0, leaving a balance to be received of Rupees 393-12-0. Many of these Memoranda had to be returned to the Civil Courts for correction, and copies of Memoranda of decrees were sent to the several Sub-Registrars in whose Sub-Districts the properties were situated and affected by the decrees, but only so many copies were sent the fees on which were equivalent to the amount of fees received by me, but the preparation of the copies were proceeded with, so that there should be no delay in forwarding them to the several Sub-Registrars when fees were received. I trust, under these circumstances, you will reconsider the opinion you have given to the Accountant General on the subject, and recommend the payment of commission on the fees of the 436 Memoranda above mentioned; but if you should still hold to your former opinion, I respectfully request that you will refer my claim for commission for the decision of Government.

No. 99. ORDER THEREON, 17th January 1868, No. 62.

The Governor in Council concurs with the Registrar General of Assurances in considering that Major Stevenson is not entitled to any commission on fees received in his office after the 1st March 1867.

(True Extract).

Chief Secretary.

To the Registrar General of Assurances.

Brd. J. H. Burns.

Judicial Department

Memo.

Letter from Registrar General
of Assurances, dated 16th Decr '67 & 12th.

Major Stevenson the
District Registrar of Assurances
at Tranquebar was
until the 1st March 1867 paid
by a percentage (20 per cent)
on the fees collected in
his office. After that
date, under the instructions
of the Govt of India, Major
Stevenson has drawn a
fixed salary of 300 Rs per
month. In October 1867,
six months after the afo.
payment by which he draws
a fixed salary, Major
Stevenson claims commission
on certain fees and copies
of Memoranda of decrees
passed before the 1st March
1867, but which fees were
not collected prior to
that date.

Owing

During the absence of
work in the Registrar's
office, the Registrations of
these memoranda was not
completed till a considera-
ble period after the 1st March
'67, & consequently the fees
were not paid. The Re-
gistrar General's clearance
holds, & it seems justly, that
Major Stevenson cannot
draw both a fixed salary
and a commission for
work which was not
performed until after
he was precluded receiving
commissions - i.e. 31 March '67,
although the date of the
decrees of the presentation
of the memoranda was
prior to that date.

I submit that this
ruling is ^{proper} & that
Major Stevenson may
be informed that the
Govt. consider the decision
of the Registrar General
correct.

P.H.

The com^r from the
Register of Assurances Co-
taining overthrown Major
Stevenson's claim, but I
do not understand what
lost of document is referred
to by "memoranda of decrees".
W.D.

I provide Major Stevenson
claim with the the
memoranda referred to
are those provided for
in Section 21 Act XX
1886. W.D.

93-99.

X

Dated 17 January 1868.

PROCEEDINGS OF GOVERNMENT.

No. 62.

1868. Department.

12-2-12.
L19-X-7

Indica. Department. 10

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from the
Registrar General of Assurances.
(Received 16 December 1867 No. 120)

Order thereon No. 62 of 17 Jan 1868.

The Governor in Council
concurs with the Registrar
General of Assurances in
considering that Major Eden-
son is not entitled to any
commission on fees received
in his office
~~from~~ after the 1st March
1867.

195.197
19-5-55
724-82
10-3-66
19-20
6-2-67
376-77
30-8-67

W.H. A.P.
by 1

To the Registrar Genl of Assurances depd 22/