

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 2149-50

Dated 19 Oct. 1895

[Despatch Abstract.]

15/uly 1898, No. 1100

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
6284/95 (ad)	182	1942-3	4804/7				
5841/95 (ad)	182	8-12-96	7-1-96				
688/98				1694	not		27.10.96

No 517

CURRENT No. 628

From

Joseph Stevenson Esquire,
Registrar of the High Court of
Judicature at Madras,
Original Side and
Chief Clerk of the Court for the
Relief of Insolvent Debtors at
Madras

To

The Chief Secretary
to the Government of Madras,
Judicial Department.

Honorable Sir,

In reply to your letter to the Honorable
the Chief Justice dated Ootacamund 20th April 1895
transmitting Proceedings of the Madras Government
of the same date N^o 808 communicating to the Honorable
the Judges letter from the Government of India - Home
Department dated 28th March 1895, N^o 484 I am
directed to state that the Court is prepared to act on
the view expressed by the Government of India in
their letter as to the payment of office expenses out of
the interest on the unclaimed dividends it being
understood that Government acknowledges liability
to replace the money if and when a title is made out to it.

2. Accordingly

2 Accordingly Rules have been drafted | vide cl no 429379
similar to those already in force in Calcutta which
will in due course be forwarded for submission for
Her Imperial Majesty's Royal Approbation Correction
or revision under Act XI Vic. ch XXI Sections 3 &
and 76

Registrar's Office
High Court Madras
Original Side
5th September 1895

I have the honor to be
Honorable Sir,
Your obedient Servant

Joseph Stevenson

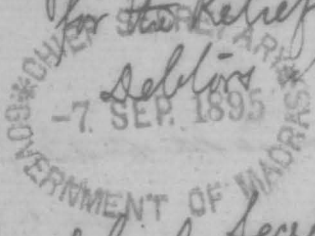
Registrar and Chief Clerk.

CURRENT No. 5281

Judicial (1895) Department

5088 20.4.95 Mis
4668 17.5.94 "
6045 12.8.94 "
1261 27.10.92 R
3848 26.2.92 Mis

The Registrar of the
High Court of Judicature
at Madras, Original Side &
Chief Clerk of the Court
for the Relief of Insolvent
Debtors at Madras.



To The Chief Secretary
to the Govt of Madras,
Judicial Department.

Dated 5th }
Despatched 6th } September 1895
Received 7th
Regd 9th
No. 517

Subject:

Stating that the Court is prepared to
act on the view expressed by the Govt of
India in their letter as to the payment
of office expenses out of the interest
on the unclaimed dividends and
Rules similar to those already in force
in Calcutta have been drafted.

Pls. send up the copy of the
drafted rules to the Secy to the Govt of
India for their consideration.

Date.

Date.

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

Court for Relief of Insolvent Debtors.

Wednesday the Fourth day of September one thousand
eight hundred and ninety five.

It is ordered that the following rules be read and passed as
rules of the Court for the Relief of Insolvent Debtors to
take effect from the fifteenth day of September 1895:—

1. Every dividend declared in respect of a claim established in Court or proved to the satisfaction of the Assignee of the creditor to whom it is due in the accounts of the official Assignee and shall be placed to the credit in such account until claimed by him or on his behalf or by or on behalf his representatives in estate or until otherwise ordered by the Court.
2. Dividends unclaimed for six calendar months from the declaration thereof shall be invested in Government Securities and the income thereof after paying the expenses of investment shall be placed to the credit of the "Office charges fund" and be applicable towards defraying the expenses of the office.
3. The official Assignee shall, after the expiration of twelve Calendar months from the date of declaration of every dividend, published in the Gazette, a note of all such dividends remaining unclaimed of the amount of fifty Rupees and upwards, such notice to be published twice as regards dividends of the amount of 500 Rupees and upwards and once only as regards dividends of less than that amount and to be published in the case of native creditors in one of the Vernacular languages and in the case of all other creditors in the English language. The cost of all such advertisements shall be defrayed from the office charges Fund Account.

4. In the case of all dividends remaining unclaimed for six calendar months after having been declared, the official Assignee shall, at the ^{expiration} of that time, prepare a list containing the names of the Insolvents and of the creditors, also the amounts of the debts due to the creditors and the dividends payable to them and shall hang the same and keep the same hung in some conspicuous part of his office, all persons claiming an interest in the insolvencies or the debts or dividends may, during the hours of business, inspect the list and take copy copies thereof.

/ Signed / Arthur Collins.

Chief Justice,

/ Signed / G.A. Parker.

/ Signed / H.H. Shephard.

/ Signed / J.W. Best.

/ Signed / S. Subramaniam.

/ True copy /

/ Signed / J. Stevenson

Registrar

Date.

Date.

CURRENT No. 4293

No 515

From

Joseph Stevenson Esquire,
Registrar High Court.

Original Side and
Chief Clerk of the Court for the
Relief of Insolvent Debtors
Madras.

To

The Chief Secretary
to Government

Judicial Department.

Honorable Sir,

I am directed to forward to you for submission to His Excellency the Governor in Council certain new rules for regulating the Proceedings in the Court for the Relief of Insolvent Debtors at Madras which have been approved by the Honorable the Judges.

2. I am to remind you that under Act XI Vict. ch XXI Sections 3 and 76 these rules must be submitted for Her Imperial Majesty's Royal approbation, correction or revision and to request that they may be submitted accordingly.

Registrar's Office
High Court Madras
Original Side
5th September 1895

I have the honor to be
Honorable Sir

Your most obedient servant

Joseph Stevenson
Registrar and Chief Clerk

Judicial (1895) Department

From The Registrar of the High Court
of Judicature at Madras. Original letter
and
Chief Clerk of the Court for the
Relief of Insolvent Debtors
at Madras.

CHIEF SECRETARY
GOVERNMENT OF MADRAS
-7. SEP. 1895

The Chief Secretary
to the Government of Madras
Judicial Department.

Dated 5th Sept/95
Recd. 7th Sept/95
Reg. 9th Sept/95
No. 515
one enclosure

Subject

Forwarding for submission to His Excellency
the Governor-General certain new rules
for regulating the proceedings in the Court
for the Relief of Insolvent Debtors at Madras
approved by the Honorable the Judges and
forwarding that these rules must be
submitted for Her Imperial Majesty's
Royal approbation, correction or
revision.

[G.]
[24.]
500-23-7-95.

DEPARTMENT.

Papers to be read in proceedings:—

Again G.O., dated 20 April 1895, No. 808

Again G.O., dated 189 , No.

Current No. 4281 of 1895, dated 5 Sept, from The High Court

" " 4282 " 1895, " 5 Sept, " do

" " 4283 " 1895, " 5 Sept, " do

The copy of the Statute
of 11 & 12 Victoria put up
has been the even to the
regarding at the court
wherein it should be
suitably dealt with

ORDER. 19 Sept 1895 No. 2149

The Rules will be forwarded
to the Court of India for approval
and transmission to the Secy of
State for H. His Royal appro-
bation, correction or revision
under Sec. 10, 11 & 12 of Act
11 Vic, cap 21.

10.10.95

After the Registrar's letter Sec. 3 &
only are quoted. Sec. 15 also
seems to apply as the rules
framed add to the duties of the
official assignee and provide
the "manner" in which such
duties should be performed.

12/10/95

To the Hon. the C.J. sent C.L. (200)
Aut. Seal (Chs 4281-4282
4293-4294)
with copy of 5.08.20.4.95.4.200
Letter 2150 with rules in C.L.
4293 in original
To the Secy to the S. of I.
H. J.

Sir,
with refer. to the correspon-
dence ending with Mr Hewitt's
letter of the 28. March 95, re

no 484. Regarding the upkeep
of the official assignee's
establishment. I am
directed to state that the
Hon. the Judges of the High Court
have ~~now~~ agreed to act upon
the view expressed by the Court
of India as to the payment
of the office charges of the
Official Assignee out of
the interest on the unclaimed
dividends available and
that H. B. the Govt in C
sees no objection to the
adoption of this course.
Rules have accordingly
been made by the Hon.
the Judges under the provin-
cials of ~~Act 20 of 1880~~ Statute
11 Vic. cap 21 and I am
now to forward, under the
seal of the High Court, an
official copy of these rules
for the approval of H. B.
the S. B. in C and transmission
to the Home Govt for H.
His Royal Approval,
Correction or Revision under
Secs III, XV & XXXVI of the
Statute.

10/10/95
10.10.95 (copy)

~~State~~
~~the Govt of India~~
~~has~~

Note

In para 3 of the Home B.
letter recorded in S. of 20
95. no 808. The Court of Ind.
desired that a reasonable
long time should be all-
ed before dividend in
hands of the official
Assignee are treated as
"unclaimed dividends".
The time allowed by the High
Court in the ~~draft~~ rules (for
6 months) does not appear
to be sufficient. It is seen
that these rules have been
based on those issued by
the Calcutta High Court; a
copy of the Calcutta rules
is not ~~however~~ available
to verify this statement.
Anyway the local
seems to have no pr
under the Statute to an-
the rules. These may therefore
be forwarded to the Court of
India without remarks. In
the case of unclaimed dividends
set apart for creditors by
the Administrator General
15 years time is to be all-

after they are transferred
general revenues - vide
para 5 of S.O. 22 April
1955, No 827.

10.10.55
11/10/55

10/7/55

Rules for the taking possession
of the unclaimed dividends
in the hand of the official
Assignee

A. M.
Issue statement
to the official assignee
18.10

C. 12/10
R. 15/10

10.10.55 (Contd.)

Given for copying _____
Copied _____
Examined _____
Signed _____

189

MAIN G.O., No.
189

DATED

CURRENT No.

CLOSURES TO C. No.

COPIES OF GOVERNMENT

COPIES OF GOVERNMENT

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

A A A A A A A

N.B.-

A = Copy in full.
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