

(1) Number of pages 18
(2) Date of repair 21-12-49
(3) Initials of the Referencer _____

MADRAS RECORD OFFICE

Government of Madras

Judicial

DEPARTMENT

G.O. No. 1544-45 Press
B.P. No. _____ Mis.

Dated

30th June

1879.

Original

Not to be folded or roughly handled

✓ Read the following papers :—

No. 303. Memorandum showing the Annual Net Profit or Loss which accrued from the Office of Sheriff since the Establishment of the High Court.

Calendar Year.	RECEIPTS.			CHARGES.					DIFFERENCE BETWEEN COLUMNS Nos. 4 AND 9.		
	Fees from the Sheriff of Madras.	Balances of moneys deposited to Government.	Unclaimed Balances in the hands of the Sheriff.	Total Receipts.	Sheriff's Salary.	Establishment.	Office Contingencies.	Refunds made on account of the Sheriff.	Total Charges.	Profit.	Loss.
	1	2	3	4	5	6	7	8	9		
1862	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
1863	3,625 11 6	...	...	3,625 11 6	3,160 0 0	1,642 3 0	33 3 6	...	4,735 6 6	...	4,735 6 6
1864	7,633 9 11	...	...	7,633 9 11	10,200 0 0	5,367 9 0	124 13 3	...	12,136 10 10	...	12,136 10 10
1865	6,280 11 4	...	...	6,280 11 4	11,040 0 0	8,086 0 2	66 2 3	...	9,548 8 6	...	9,548 8 6
1866	6,881 13 8	...	...	6,881 13 8	11,040 0 0	6,105 9 0	185 3 3	...	11,050 0 11	...	11,050 0 11
1867	8,958 6 10	...	...	8,958 6 10	11,129 0 6	6,105 9 0	114 6 0	...	11,487 1 10	...	11,487 1 10
1868	9,080 2 4	...	...	9,080 2 4	10,921 4 8	6,038 9 0	352 6 0	...	8,373 14 4	...	8,373 14 4
1869	11,731 8 11	...	...	11,731 8 11	11,040 0 0	5,977 8 8	79 6 0	...	8,016 12 4	...	8,016 12 4
1870	14,731 6 6	...	...	14,731 6 6	11,040 0 0	6,102 1 0	255 12 0	...	8,204 6 6	...	8,204 6 6
1871	8,639 10 8	...	...	8,639 10 8	11,040 0 0	6,099 1 0	38 10 6	...	6,621 6 7	...	6,621 6 7
1872	10,465 0 9	...	...	10,465 0 9	11,040 0 0	6,105 9 0	119 7 3	...	2,449 5 0	...	2,449 5 0
1873	6,630 7 4	...	...	6,630 7 4	10,782 8 3	6,097 11 10	167 4 1	...	8,752 2 10	...	8,752 2 10
1874	23,098 8 8	...	...	23,098 8 8	13,326 6 2	6,978 5 7	204 7 2	...	6,799 15 6	...	6,799 15 6
1875	5,273 4 2	...	...	5,273 4 2	10,225 9 10	5,997 9 11	155 11 0	...	10,774 8 7	...	10,774 8 7
1876	6,945 12 0	...	...	6,945 12 0	11,326 6 2	5,684 13 0	166 0 3	...	...	...	...
1877	6,977 0 0	...	...	6,977 0 0	...	...	...	...	...	...	...
1878	1,43,029 1 0	2,173 15 8	4,936 15 1	1,50,139 15 9	1,78,491 3 7	97,917 14 9	2,678 5 8	1,222 10 0	2,80,310 2 0	6,051 2 2	1,36,221 4 6
Deduct Profit ..	...	...	...	...	...	...	...	...	...	...	6,051 2 2
Net Loss ..	...	...	...	...	...	...	...	...	...	...	1,30,170 2 3

• From September to December 1862.

To the Officiating Chief Secretary to Government, with reference to his Official Memorandum, No. 1005, dated Ootacamund, 9th May 1879, Judicial Department.
FORT ST. GEORGE,
29th May 1879.

No. 2143.

(Signed) A. COTTERELL TUPP,
Off. Accountant-General.

No. 304. *Minute by the Hon. D. F. CARMICHAEL, dated 23rd June 1879.*

In these days of scrutiny of establishments, for the purpose of enforcing all possible retrenchment, the SHRIEVALTY at Madras should certainly be abolished. As far back as 1863, the Secretary of State remarked that the office of Sheriff had become a *valuable sinecure*, all the duties being performed by an Under Sheriff. Now, at that time the Sheriff had charge of the Jail, from which he has been relieved by the Superintendent of Prisons for the Town of Madras (Act V of 1871); he also executed all writs and warrants issued or awarded by the High Court in the exercise of its ordinary, extraordinary or other criminal jurisdiction; but since the passing of the Act just quoted, these are directed to any Police officer within the local limits of such jurisdiction. In short, now that nearly every judicial process of the High Court, except writs of execution, may be served by the Attorneys or Vakils of the parties to the suits, and mofussil processes are to be served (Section 86, new Code) by the Madras Court of Small Causes—our Sheriff, who never at any time had the high duties of the Shire-Reve, has sunk into the chief catchpoll; carry it off as he may with his cocked hat, sword and buckles.

Section 3.

2. The office of Sheriff in Madras is a very ancient one, and, when first established, the incumbent was to execute, and make return of all process of all Courts erected by the Letters Patent of that year, viz., 1726, to wit:—

Letters Patent, dated 24th September 1726,
13 Geo. I.

- (1.) The Mayor's Court, with original civil jurisdiction in Madraspatnam or within any of the subordinate factories.
- (2.) The Appellate Civil Court of the Governor and Council.
- (3.) The Sessions Court of the Governor and the five senior members of Council, for the trial of all offences committed within Madraspatnam, Fort St. George, Fort St. David, Vizagapatam, the factories on the Coast of Sumatra and all other subordinate factories, or within ten English miles of any of the same respectively. To these three judicatories, the Letters Patent of 26 Geo. II (A.D. 1753) added a *fourth*, viz., a Court of Requests for suits not exceeding twenty rupees; and of this Court also the Sheriff was the process server. What little he has to do at present, I have already shown.

3. At first, he was remunerated by his fees; but subsequently (the date I cannot immediately discover) a salary was added; and when the present High Court was erected in 1862, he was receiving a salary of 550 rupees a-month, besides as much more in fees; while his Deputy received a further salary of 240 rupees a-month, besides certain small fees. The change then made resulted in a considerable saving; the fees were to go to the public Treasury, and the Sheriff to receive a salary of 920 rupees a-month, out of which he was to pay his own Deputy; the establishment and office contingencies being borne, as theretofore, by Government.

4. Nevertheless, look at the result, as per the Accountant-General's Certificate attached. Since the settlement last made, the loss to Government has been about 600 rupees a-month, i.e., just that portion of the Sheriff's salary which he does not hand over to his Deputy, the really working man, who, we know, receives 300 rupees a-month from his superior. The total loss since 1862-63 is upwards of 1,30,000 rupees. Is this kind of thing to go on? The Sheriff, be it remembered, is annually appointed; so that nobody would be sacrificed by the abolition of the office, and there would be no claim for compensation.

DAVID F. CARMICHAEL.

No. 305. *Minute by the Hon. W. HUDLESTON, dated — 1879.*

I think we must have an expression of opinion from the High Court before dealing with the question.

2. My impression is that in the execution of decrees against real property, the Sheriff often incurs very considerable pecuniary responsibility and has to defend his action in the Court at his own expense. How is this to be provided for if the office be abolished? What is the system in Calcutta and Bombay?

W. HUDLESTON.

ORDER THEREON, 30th June 1879, No. 1544.

No. 306.

Adverting to the correspondence which passed in the years 1862 and 1863 in respect of the office of Sheriff of Madras, His Grace the Governor in Council resolves to request the Honorable the Judges of the High Court to state what they would propose if the office of Sheriff was abolished, for carrying out the duties, and at what cost.

(True Extract.)

C. G. MASTER,
Acting Chief Secretary.

Exd. J. Wright.

JUDICIAL DEPARTMENT.

Sheriff's Office.

No. 1545.

To
THE HON. SIR C. A. TURNER, *Kt.*, C.I.E.,
Chief Justice of the High Court of Judicature at Madras.

HONORABLE SIR,

With reference to the correspondence marginally noted, relating to the office of

- ✓ From Chief Justice, dated 27th November 1862, paragraph 18.
- ✓ To " " 24th February 1863, No. 287, para. 17.
- ✓ From " " 21st March " " 619, " 11.
- ✓ To " " 30th April " " 669, " 4.
- ✓ From " " 12th May " " 797, " 3.
- ✓ To " " 23rd " " " " 3.
- ✓ To " " No. 1443, dated 5th September 1863.
- ✓ From " " dated 10th October 1863, paragraph 3.
- ✓ To " " 5th November " No. 1735.
- ✓ To " " 1st March 1864, No. 286.
- ✓ From " " 12th September 1864.
- ✓ From Registrar, High Court, Original Side, dated 8th July 1875,
- No. 697, paragraph 5.
- ✓ G.O., 24th July 1875, No. 1647.

Sheriff at Madras,
I am directed by
His Grace the Gov-
ernor in Council to
request the Honora-
ble the Judges of
the High Court to
state what they
would propose if
the office of Sheriff
was abolished, for
carrying out the
duties, and at what
cost.

I have the honor to be,
Honorable Sir,
Your most obedient servant,

G. H. M. S.
Acting Chief Secretary.

OOTACANTO,
30th June 1879.

Enc. J. Wright.

JUDICIAL.

Recd. of 1879

G.O. No. 1545

No. 1545-107.

JUNE

Q. M. No. 1005

4/
With reference to his letter
of the 30 April 1879, No. 1770,
and its enclosures, the Offg.
Accountant General is re-
quested to furnish for the
information of Government
a memorandum showing
annual net profit or loss
as the case may be, which
accrued from the office of
Sheriff, since the establish-
ment of the High Court.

(By Order)
(sd) C. G. Master
Ag. Chief Sec.

ooty, }
9-5-79 }

To

The Offg. Accountant
Gen.

Obbl. of 1879) *Exhibits*

JUDICIAL.

To
The Hon. Sir G. A. TURNER, Kt., C.B.,
Chief Justice of the High Court
of Judicature at Madras.

Dated June 25th.

Issued

Per

20th June 1879, No. 1515.

JUNE.
Nos. 603-207.

Small's Office—Requesting that the Hon.
and the Judges of the High Court be asked
to state what they would require if the office of
Sheriff was abolished, for carrying out the
duties and of what cost.

79.

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Ms. B. 1. 4 v 9

x From Sept.
December 1962

Spence Roseford Flint as he may wish his cocked hat
and C. S. B. new Gals - sword & buckles -
two 1/2 of small brass -

21

6/

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1

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Lee

In these days of decanting from
estates, for the purpose of retrenchment,
it appears to me that the Sherriff at
Madras has been ^{and since} - As far back as
1863, the Secy of State remarked that
the office of Sheriff had become a valuable
service, all his duties being performed
by an Under-Sheriff - Now, at that
time the Sheriff had charge of the
Jail, from which he has been relieved by
the Secy of Prisons for the town of Madras,
(Act V, 76) - he also executed all
writs & warrants issued or awarded by
the High Court in the exercise of its ordinary,
extraordinary or Special Criminal jurisdiction,
but since the passing of the Act just quoted,
these are directed to any Police Officer
within the local limits of such jurisdiction -
In short, now that nearly every judicial
business of the High Court may be served by
the Attorneys or Valuers of the parties to the
suit - our Sheriff, who never at any time
had the high duties of the Sherif-Dee,
has sunk into the chief Catchpole; carrying
flourish as he may with his cocked hat,
sword & buckles -

Debars Patent
424-9-1726
13 Cas I

2. The office of Sheriff in Madras is a very ancient one, and, when first established, he in constant was to execute & make return of all process of all C^ts. & by the Debars Patent of 1726 - viz to wit:-

- (1) the Mayor's C^t, with original Civil jurisdiction in Madraspatnam or within any of the subordinate factories.
- (2) The Appellate Civil C^t of Madras & Council.
- (3) The Superior C^t of the Q. & the five senior members of C^t, for the trial of all offences committed within Madraspatnam, Fort St George, Fort St David, Vizagapatnam, the factories on the Coast of Sumatra & all other subordinate factories, or within five English miles of any of the same respectively.

To these three jurisdictions, the Debars Patent of 26 Geo II (A.D. 1753) added a fourth, viz a Court of Requests for debts not exceeding 20 Rs; and of this Court also

the Sheriff was the process server; what little he has to do at present, I have already shown.

At first, he was remunerated by his fees; but subsequently (the date I cannot immediately discover) a salary was added; and when the present High C^t was erected in 1862, he was paid a salary of 550 a month, besides as much more in fees; while his Deputy rec^d. a further salary of 240 Rs a month, besides certain small fees. The change here made resulted in a considerable saving; the fees were to go to

G.O. 3/12/61
in 1955.
Jut.

G.O. 23/5/63.
Jut. 23/7/66.

the public treasury, and the Sheriff to receive a salary of 920 Rs a month, out of which he was to pay his own Deputy; the Estate & office contingencies being borne, as heretofore, by Govt.

4. Inventilops. Look at the result, as per the A/C's I might attach. Since he settled last made, he has to Govt. his ^{own} about 600 Rs a month, i.e. just that portion of the Sheriff's salary which he does not hand over to his Deputy, the really working man, who, we know, receives 300 Rs a month from his superior. The total loss since 1862-3 is upwards of 1,50,000 Rs. Is this kind of thing to go on? The Sheriff,

is it remembered, is annually appointed; he has no right to be sacrificed by the abolition of his office, and hence with no claim for compensation.

I think we must have an expression of opinion from the H.C. before dealing with the question. My impression is that in the expression of drivers asst. Jut.

Office of Sheriff

10/10/50

[illegible]

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11/11/11

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11/1/68

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PROCEEDINGS of the MADRAS GOVERNMENT.

READ the following letter *Memo.*

from the Accountant
General, dated 29 May
1879, showing the annual
net profit or loss which
accrued from the Office
of Sheriff since the Es-
tablishment of the High
Court.

Read also Minutes by
the Honble B. F. Carmi-
chail Aug 23^d June 1879

Order thereon. 30/6/79. v. 1544.

Adverting to the
Correspondence which
passed in the years 1862
& 1863 in respect of the
office of Sheriff of
Madras, Her Grace
the Governor in Council
resolved

resolves to request the
Honble the Judges of the
High Court to state what
they would propose if
the office of Sheriff was
abolished for carrying
out the duties, and at
what cost.

(From order)

Sheweth
if necessary

minutes
to do. 20th June 1875
No 1545

Letter to High Court
28/6/75

The Hon: Sir C. A. Turner Kt. C.J. E.
Chief Justice of the High Court
of Judicature, Madras.

Honble Sir,

With reference to
the correspondence mar-
ginally noted, relating
to the office of Sheriff
at Madras, I am directed
by

From Chief Justice 27/11/62 para. 18.
So — do — 26 Feb/63
No 287 para. 17
From — do — 21 March/63. P. 619
para. 11.
So — do — 30 April/63
No 669 para. 4.

From Chief Justice 27/12/62
1863 — para 5
So — do — 23rd May 1863
No 797 para 3.
So — do — 12/11/63 2/5
Sept 1863
From — do — 2/10 Oct/63
para 3.
So — do — 5 Nov/63 No 1735.
So — do — 1 March/64 No 286.
From do — 12 Sept/64
From Reg. High Court. Original.
27/8 July 1875 No 697 para 5
20/2/75 No 1647.

by His Grace the
Governor in Council
to request the Honorable
the Judges of the High
Court to state what
they would propose
if the office of Sheriff
was abolished for
carrying out the duties
and at what cost.

Order confirmed
30 June 1875

28/6/75

Colt. of 1879 30th Regt.

10-5-23 A.T.

19-6-33 V

20-6-33 V

Just



Det. of 1879 1544 a 1545
Recd. June 1879 No. 4 K

Nos. 303-307

Receipts of the Am. the
George W. Ayer & Co. Boston
to the office of the
the printing and advertising
the printing and advertising

the printing and advertising
the printing and advertising
the printing and advertising

1879 1880