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MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. <i>1647</i>	Press Mis.
Dated <i>20-7-</i>	<i>18/5.</i>

Not to be folded or roughly handled

Sheriff's Office.

No. 165. Read the following letter from J. SHAW, Esq., Registrar of the High Court of Judicature at Madras, Original Side, to the Hon. D. F. CARMICHAEL, Officiating Chief Secretary to Government, Fort St. George, dated Madras, 8th July 1875, No. 697:—

I am directed by the Chief Justice to acknowledge receipt of your letter, No. 1322-A, dated 9th June 1875, forwarding Proceedings of Government of the same date, and requesting the Chief Justice to favor the Government with an expression of his opinion as to whether the accounts of every out-going Sheriff should not be audited with reference to the interests of suitors.

2. The Chief Justice is of opinion that the audit may be expedient for the protection of the Government, but that for the suitors' interests it appears to be hardly needed. The Chief Justice is aware that there is a considerable amount of money in the Sheriff's hands belonging to both execution-creditors and execution-debtors, but this money appears to have accumulated much in the same way as unclaimed dividends on Insolvents' estates, and it is not likely that any audit would materially affect the interests of the owners.

3. The Sheriff and his establishment stand in a position different from that of the other Court Officers whose appointment is regulated by Section 8 of the Charter. The Government appoints the Sheriff, and his officers and establishment he should himself appoint and answer for, as it is believed he has invariably done, though since June 1863 the pay of the establishment has been drawn through the Registrar of the High Court, apparently merely because the Sheriff and his establishment were included in the statement of "Establishment of Ministerial Officers, Clerks, and servants sanctioned for the High Court of Judicature at Madras," which was annexed to the Chief Secretary's letter to the Chief Justice (Sir C. H. Scotland) of the 30th April 1863, No. 669.

4. This payment through the Registrar has occasioned some doubt as to the relative positions of the High Court and Sheriff which was not very easily cleared up, and the Chief Justice is therefore of opinion that the practice should be discontinued, and that the Sheriff should draw the pay of his establishment direct from Government as he did before June 1863.

5. I am also directed to suggest to the Government that the duties of the Sheriff are now little more than those which relate to the execution of process within Madras, and that this work is done at a cost far exceeding the fees paid outside the limits of the Presidency Town, the Sheriff receiving from the Government or from the suitors an annuity for no corresponding service, and that various suggestions, including one made by the Secretary of State in 1862 for the abolition or new modelling of the office, deserve the attention of the Legislature.

No. 166. ORDER THEREON, 24th July 1875, No. 1647.

As the Chief Justice does not consider it necessary that the Sheriff's accounts should be audited for the protection of suitors, the audit will be limited to the account of fees received by the Sheriff for Government. The Accountant-General will arrange for this being done at the close of each Shrievalty year.

*Proceedings of the Madras Government, Judicial Department,
24th July 1875.*

2. The Sheriff will in future draw the pay of his establishment direct, instead of through the Registrar of the Court, with reference to paragraphs 3 and 4 of the foregoing letter. Meanwhile the officers marginally noted will form themselves into a Committee to inquire and report whether the present establishment is in excess of the requirements of the office, as seems probable, with any modifications they deem necessary.

3. With respect to the concluding paragraph, it is observed that no action has apparently been taken by the Government of India, to whom the Secretary of State addressed his remarks in his Judicial Despatch, No. 19, of the 31st July 1863, as follows: "With regard to the Shrievalty, it appears clearly that the office of Sheriff has become a valuable sinecure at Madras, as well as at the other Presidencies, and that all the duties are performed by an Under Sheriff. ****. It is a question for consideration whether a general measure might not be adopted, by which the actual as well as nominal duties may be conjoined in one officer; and I will communicate with the Supreme Government on the subject." This is now twelve years ago; nothing would appear to have been done, and the Governor in Council is not prepared to move further in the matter.

(True Extract.)

Officiating Chief Secretary.

To the Honorable the Judges of the High Court.
" Sheriff of Madras.
" Registrar, High Court, Original Side.
" Inspector-General of Registration.
" Deputy Accountant-General.

Exd. J. Wright.

N^o 697
 From
 John Shaw Esquire
 Registrar High Court Madras
 Original Side
 To The Honorable D. F. Carmichael
 Chief Secretary to Government
 Fort Saint George

Honorable Sir
 I am directed by the Chief Justice
 to acknowledge receipt of your letter N^o 1322
 A dated 9 June 1875 forwarding Proceedings
 of Government of the same date, and
 requesting the Chief Justice to favor the
 Government with an expression of his
 opinion as to whether the accounts of
 every not going Sheriff should not be
 audited with reference to the interests
 of Sutors.
 2. The Chief Justice is of opinion that
 the audit may be expedient for the
 protection of the Government but that
 for the Sutors interests it appears to be
 hardly needed. The Chief Justice is aware
 that there is a considerable amount of
 money

Cont. of 1875 Orders.

JUDICIAL.

To THE HONORABLE THE JUDGES
 OF THE HIGH COURT

Esq.

Dated July, 24th.

Issued

Recd.

Exd.

G.O., 24th July 1875, No. 1647.

JULY.
 Nos. 165-166.

Sheriff's Office.—Orders passed on a letter from
 the Registrar of the High Court, communicating
 the views of the Honorable the Chief Justice on
 certain points connected with the Sheriff's Office
 which were referred to him.

money in the Sheriff's hands belonging to both execution Creditors and execution Debtors. but this money appears to have accumulated much in the same way as unclaimed dividends on Insolvent Estates and it is not likely that any audit would materially affect the interests of the owners.

3. The Sheriff and his Establishment stand in a position different from that of the other Court Officers whose appointment is regulated by S. 8 of the Charter. The Government appoints the Sheriff and his Officers and Establishment he should himself appoint and answer for, as it is believed he has invariably done, though since June 1863, the pay of the Establishment has been drawn through the Registrar of the High Court. Apparently merely because the Sheriff and his Establishment were included in the statement of Establishment of Ministerial Officers Clerks and Servants sanctioned for the High Court of Judicature at Madras which was annexed to the Chief Secretary's letter to the Chief Justice
(Sir

(Sir C. H. Scotland) of the 30th April 1863 N^o 1669.
4. This payment through the Registrar has occasioned some doubt as to the relative positions of the High Court and Sheriff which was not very easily cleared up and the Chief Justice is therefore of opinion that the practice should be discontinued and that the Sheriff should draw the pay of his establishment direct from the Government as he did before June 1863.
5. I am also directed to suggest to the Government that the duties of the Sheriff are now little more than those which relate to the execution of process within Madras and that this work is done at a cost far exceeding the fees paid outside the limits of the Presidency Town, the Sheriff receiving from the Government or from the income an annuity for no corresponding service and that various suggestions including one made by the Secretary of State in 1862 for the abolition or new modelling of the office deserve the attention of the Legislature.

I have the honor to be
Sir

Your Obedient Servant

John Shaw.

Registrar

High Court Madras
Original Side
Registrar's Office
8th July 1875

Reut. Letter from Repr. H.C.
original file
Ms 697. d/8-7-5.

As the Ch. J. does not consider it
necessary that the Sheriff's accounts
should be audited for the protection of
Suitors, the audit will be limited
to the account of Fees recd. by the Sheriff
for Govt. The Secty Genl. will arrange
for his being done at the close of
each Biennial Year.

2. The Sheriff will in future draw the
pay of his Estate's debt, instead of the
Register of the C^t, with reference
to paras 3 & 4 of the foregoing letter.
Meanwhile he officiously marginally notes
will form themselves into a committee to
inquire & report whether the present
estate is in excess of the requirements
of the Office, as seems probable; with any
modifications they deem necessary.

3. With respect to the concluding para,
it is observed that ^athe remarks made
by the Secy of State ⁱⁿ his ^{1st} ^{2nd} ^{3rd} ^{4th} ^{5th} ^{6th} ^{7th} ^{8th} ^{9th} ^{10th} ^{11th} ^{12th} ^{13th} ^{14th} ^{15th} ^{16th} ^{17th} ^{18th} ^{19th} ^{20th} ^{21st} ^{22nd} ^{23rd} ^{24th} ^{25th} ^{26th} ^{27th} ^{28th} ^{29th} ^{30th} ^{31st} ^{32nd} ^{33rd} ^{34th} ^{35th} ^{36th} ^{37th} ^{38th} ^{39th} ^{40th} ^{41st} ^{42nd} ^{43rd} ^{44th} ^{45th} ^{46th} ^{47th} ^{48th} ^{49th} ^{50th} ^{51st} ^{52nd} ^{53rd} ^{54th} ^{55th} ^{56th} ^{57th} ^{58th} ^{59th} ^{60th} ^{61st} ^{62nd} ^{63rd} ^{64th} ^{65th} ^{66th} ^{67th} ^{68th} ^{69th} ^{70th} ^{71st} ^{72nd} ^{73rd} ^{74th} ^{75th} ^{76th} ^{77th} ^{78th} ^{79th} ^{80th} ^{81st} ^{82nd} ^{83rd} ^{84th} ^{85th} ^{86th} ^{87th} ^{88th} ^{89th} ^{90th} ^{91st} ^{92nd} ^{93rd} ^{94th} ^{95th} ^{96th} ^{97th} ^{98th} ^{99th} ^{100th} ^{101st} ^{102nd} ^{103rd} ^{104th} ^{105th} ^{106th} ^{107th} ^{108th} ^{109th} ^{110th} ^{111th} ^{112th} ^{113th} ^{114th} ^{115th} ^{116th} ^{117th} ^{118th} ^{119th} ^{120th} ^{121st} ^{122nd} ^{123rd} ^{124th} ^{125th} ^{126th} ^{127th} ^{128th} ^{129th} ^{130th} ^{131st} ^{132nd} ^{133rd} ^{134th} ^{135th} ^{136th} ^{137th} ^{138th} ^{139th} ^{140th} ^{141st} ^{142nd} ^{143rd} ^{144th} ^{145th} ^{146th} ^{147th} ^{148th} ^{149th} ^{150th} ^{151st} ^{152nd} ^{153rd} ^{154th} ^{155th} ^{156th} ^{157th} ^{158th} ^{159th} ^{160th} ^{161st} ^{162nd} ^{163rd} ^{164th} ^{165th} ^{166th} ^{167th} ^{168th} ^{169th} ^{170th} ^{171st} ^{172nd} ^{173rd} ^{174th} ^{175th} ^{176th} ^{177th} ^{178th} ^{179th} ^{180th} ^{181st} ^{182nd} ^{183rd} ^{184th} ^{185th} ^{186th} ^{187th} ^{188th} ^{189th} ^{190th} ^{191st} ^{192nd} ^{193rd} ^{194th} ^{195th} ^{196th} ^{197th} ^{198th} ^{199th} ^{200th} ^{201st} ^{202nd} ^{203rd} ^{204th} ^{205th} ^{206th} ^{207th} ^{208th} ^{209th} ^{210th} ^{211th} ^{212th} ^{213th} ^{214th} ^{215th} ^{216th} ^{217th} ^{218th} ^{219th} ^{220th} ^{221st} ^{222nd} ^{223rd} ^{224th} ^{225th} ^{226th} ^{227th} ^{228th} ^{229th} ^{230th} ^{231st} ^{232nd} ^{233rd} ^{234th} ^{235th} ^{236th} ^{237th} ^{238th} ^{239th} ^{240th} ^{241st} ^{242nd} ^{243rd} ^{244th} ^{245th} ^{246th} ^{247th} ^{248th} ^{249th} ^{250th} ^{251st} ^{252nd} ^{253rd} ^{254th} ^{255th} ^{256th} ^{257th} ^{258th} ^{259th} ^{260th} ^{261st} ^{262nd} ^{263rd} ^{264th} ^{265th} ^{266th} ^{267th} ^{268th} ^{269th} ^{270th} ^{271st} ^{272nd} ^{273rd} ^{274th} ^{275th} ^{276th} ^{277th} ^{278th} ^{279th} ^{280th} ^{281st} ^{282nd} ^{283rd} ^{284th} ^{285th} ^{286th} ^{287th} ^{288th} ^{289th} ^{290th} ^{291st} ^{292nd} ^{293rd} ^{294th} ^{295th} ^{296th} ^{297th} ^{298th} ^{299th} ^{300th} ^{301st} ^{302nd} ^{303rd} ^{304th} ^{305th} ^{306th} ^{307th} ^{308th} ^{309th} ^{310th} ^{311th} ^{312th} ^{313th} ^{314th} ^{315th} ^{316th} ^{317th} ^{318th} ^{319th} ^{320th} ^{321st} ^{322nd} ^{323rd} ^{324th} ^{325th} ^{326th} ^{327th} ^{328th} ^{329th} ^{330th} ^{331st} ^{332nd} ^{333rd} ^{334th} ^{335th} ^{336th} ^{337th} ^{338th} ^{339th} ^{340th} ^{341st} ^{342nd} ^{343rd} ^{344th} ^{345th} ^{346th} ^{347th} ^{348th} ^{349th} ^{350th} ^{351st} ^{352nd} ^{353rd} ^{354th} ^{355th} ^{356th} ^{357th} ^{358th} ^{359th} ^{360th} ^{361st} ^{362nd} ^{363rd} ^{364th} ^{365th} ^{366th} ^{367th} ^{368th} ^{369th} ^{370th} ^{371st} ^{372nd} ^{373rd} ^{374th} ^{375th} ^{376th} ^{377th} ^{378th} ^{379th} ^{380th} ^{381st} ^{382nd} ^{383rd} ^{384th} ^{385th} ^{386th} ^{387th} ^{388th} ^{389th} ^{390th} ^{391st} ^{392nd} ^{393rd} ^{394th} ^{395th} ^{396th} ^{397th} ^{398th} ^{399th} ^{400th} ^{401st} ^{402nd} ^{403rd} ^{404th} ^{405th} ^{406th} ^{407th} ^{408th} ^{409th} ^{410th} ^{411th} ^{412th} ^{413th} ^{414th} ^{415th} ^{416th}

copd 24 July 1875 ✓
no 1647.

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Ref. to CE origl side
S. R. of Representation.
Dr. Acabfush.

No further action has of
 late been taken by the
 Gov. of India & I am
 addressed his remarks

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15/3 Mol

"I will communicate with the Supreme Govt."

as it does not appear that he suspect has

2. 11/4-5.

To the Honble the Judge of the High Court. 6
 the Sheriff of Madras 3
 The Registrar, High Court. Original Side 3
 The Inspector General of Registration 3
 The Deputy Commissioner. 3

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15/3 Mol

"I will communicate with the Supreme Govt."

as it does not appear that he suspects her

2. 11/4-5.

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Judicial

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21 July 1875, No. 1627

Nos. 1627/6

Sheriff's Office. Order
based on a letter
from the Registrar
of the High Court com-
municating the views
of the Hon'ble the
Chief Justice on certain
points connected with
the Sheriff's Office
which were referred to
him.

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Sheriff.

Supplemental C

Govt. of 1875, Madras.

Judicial

X

21/11/75
2.6-11-75
21/11/75
S. 1875, No. 1647

Nos. 1647/6

Sheriff's Office. Order
passed on a letter
from the Registrar
of the High Court
concerning the views
of the Hon. Judge
Chief Justice on certain
points connected with
the Sheriff's Office
which were referred to
him.

165/185