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Judicial Department

G.O. NO. 353

Dated 19.2.1879

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353

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

12th February 1879, No. 353.

High Court.

Read the following paper:—

No. 124. *From C. BERNARD, Esq., Officiating Secretary to the Government of India, Home Department (Judicial), to the Acting Chief Secretary to Government, dated Fort William, 10th February 1879, No. 148.*

I am directed to acknowledge your endorsement, No. 1987, dated the 28th September last, on the subject of the sanction given by the Madras Government to the addition of Rupees 50 a month to the pay (Rupees 250) of Mr. A. P. W. Begbie, Manager of the High Court Office, Appellate Side.

2. In reply, I am to say that the Accountant-General of Madras is correct in his interpretation that, under the provisions of the Financial Department Resolution, No. 3189, dated the 2nd October 1877, the pay of the Manager should not have been increased without the previous sanction of the Government of India.

3. In consideration, however, of the recommendations which have been made by the High Court and the local Government for an increase to Mr. Begbie's pay, and also of the fact that the proposed increase will be met from savings in the High Court establishment, the sanction accorded by the Madras Government is confirmed. This confirmation is given subject to the proviso that the savings from which it is proposed to meet the increase represent a permanent reduction of expenditure; otherwise it should be clearly understood that the increase is personal to Mr. Begbie and that the pay of his appointment is not to be permanently enhanced.

4. With reference to paragraph 5 of the Madras Government Orders, No. 1941, dated the 21st September last, in which the power of the Chief Justice under the Letters Patent to appoint ministerial officers of the High Court establishment and to assign to them such salaries as he may deem proper is asserted, I am directed to invite

Judicial Proceedings of the Madras Government for 30th May 1863, Nos. 270 to 274.

Despatches from the Madras Government to the Secretary of State, No. 17, dated 13th May 1863, No. 19, dated 26th May 1863, and No. 21, dated 30th May 1863.

Despatch from the Secretary of State to the Madras Government, No. 19, dated 31st July 1863 (Madras Judicial Proceedings for 7th September 1863, No. 53).

attention to the correspondence marginally noted, which passed in 1863 between the Chief Justice, the local Government, and Her Majesty's Secretary of State for India on the subject. It will be seen that in his despatch, No. 19, dated the 31st July 1863, to the Madras Government, the Right Honorable the Secretary of State distinctly ruled that the final decision in regard to the remuneration of the officers

of the High Court was by the Letters Patent vested in the Government, and that the Chief Justice was bound to assign to the several officers of the Court such salaries, and only such, as should be approved by the Government. I am accordingly to point out that the Government of India cannot recognize any other authority for creating charges of this sort on the revenues of India than the Secretary of State and the Government of India.

JUDICIAL DEPARTMENT, 19TH FEBRUARY 1879, No. 353.

No. 125.

ORDER THEREON, 19th February 1879, No. 353.

Communicated to the Honorable the Judges of the High Court with reference to
G.O., dated 21st September 1878, No. 1941.

(True Extract.)

C. G. MASTER,
Acting Chief Secretary.

To the Honorable the Judges of the High Court.
" Accountant-General.

Encl. A. S. Rodgers.

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353/13

No. 148.

FROM

C. BERNARD, Esq.,

Offg. Secretary to the Govt. of India.

To

THE SECRETARY TO THE GOVERNMENT
OF MADRAS.

Home Dept.
Judicial.

FORT WILLIAM, the 10 February 1879.

SIR,

I AM directed to acknowledge your endorsement No. 1987, dated the 28th September last, on the subject of the sanction given by the Madras Government to the addition of Rs. 50 a month to the pay (Rs. 250) of Mr. A. P. W. Begbie, Manager of the High Court Office, Appellate Side.

2. In reply, I am to say that the Accountant General of Madras is correct in his interpretation that, under the provisions of the Financial Department Resolution No. 3489, dated the 2nd October 1877, the pay of the Manager should not have been increased without the previous sanction of the Government of India.

3. In consideration however of the recommendations which have been made by the High Court and the Local Government for an increase to Mr. Begbie's pay, and also of the fact that the proposed increase will be met from savings in the High Court establishment, the sanction accorded by the Madras Government is confirmed. This confirmation is given subject to the proviso that the savings, from which it is proposed to meet the increase, represent a permanent reduction of expenditure. Otherwise it should be clearly understood that the increase is personal to Mr. Begbie, and that the pay of his appointment is not to be permanently enhanced.

4. With reference to paragraph 5 of the Madras Government orders No. 1941, dated the 21st September last, in which the power of the Chief Justice under the Letters Patent to appoint ministerial officers of the High Court establishment, and to assign to them such salaries as he may deem proper, is asserted, I am directed to invite attention to the correspondence marginally noted, which passed in 1863 between the Chief Justice, the Local Government and Her Majesty's Secretary of State for India on the subject. It will be seen that in his despatch No. 19, dated the 31st July 1863, to the Madras Government, the Right Honourable the Secretary of State

Judicial Proceedings of the Madras Government for 30th May 1863, Nos. 276 to 274.
Despatches from the Madras Government, to the Secretary of State, No. 17, dated 13th May 1863, No. 19, dated 26th May 1863, and No. 21, dated 30th May 1863.
Despatch from the Secretary of State, to the Madras Government, No. 19, dated 31st July 1863. (Madras Judicial Proceedings for 7th September 1863, No. 58.)

Coll. of 1878

JUDICIAL

THE HONOURABLE THE JUDGES
OF THE HIGH COURT

Deputy Secy.

Secy.

100, 100, 100, 100, 100.

RECEIVED
100, 100, 100.

Noted for the attention of the Secretary of the Madras Government, the sanction given by the Madras Government to the addition of Rs. 50 a month to the pay of Mr. A. P. W. Begbie, Manager of the High Court Office, Appellate Side, is acknowledged.

(2)

distinctly ruled that the final decision in regard to the remuneration of the officers of the High Court was by the Letters Patent vested in the Government, and that the Chief Justice was bound to assign to the several officers of the Court such salaries, and only such, as should be approved by the Government. I am accordingly to point out that the Government of India cannot recognize any other authority for creating charges of this sort on the revenues of India than the Secretary of State and the Government of India.

I have the honour to be,

S I R,

Your most obedient Servant,

Charnock

Offg. Secretary to the Govt. of India.

353/14

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2410/71 66-2532.
4/9/78 66-1786
2/9/78 66-1941-

19 February, 1879 No. 353.

forward to the Hon: the Judges of
the High Court with reference to p. 6.
of 21. Sept. 178. N. 1941 -

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right of the C. L. 19/2
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Paid \$12.35 Oct 19 - Streetcar

Jessie Cline 1879
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Confirming, with reference
the action given by the
Catharine Post to the acting
of \$50 a month to the
bay of the A. P. M. Republic.
Chargers of the High
Court Office, Atlantic
side.

of the world.

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