

- (1) பக்கங்களின் எண்ணிக்கை 10
 (2) புதுக்கித் திருப்பிய நாள் நவம்பர் 18/95
 (3) ஆதாரக் குறிப்பவர் சுருக்கொப்பம் _____

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

Judicial துறை

அரசாணை எண். மு. கோப்புத் தாள் எண்.	116 (83-84)	அச்சகம் பலவகை
நாள் :	20.1.1881	199

மடிக்கவோ சுண்டப்படக் கூடாது.

செப்பவிருப்பவர் பெயர் K. V. P. N.

செப்பவிருவதற்காக எடுத்த
கொள்வப்பட்ட நாள் 12/10/80

செப்பவிரு முடிந்த நாள் 4/10/81

சரிபார்க்கும் இரா. பி. சி.
மு. பா. எ. உதவியாளர்
கையொப்பம் கையொப்பம்

GOVERNMENT OF MADRAS.
JUDICIAL DEPARTMENT.

20th January 1881, No. 116.

Insolvents.

Read the following paper:—

No. 83. From F. C. DAUKES, Esq., Under Secretary to the Government of India, Home, Revenue, and Agricultural Department (Judicial), to the Chief Secretary to Government, dated Fort William, 6th January 1881, No. 27.

Her Majesty's Secretary of State for India has recently* made certain inquiries regarding the recovery from the estates of insolvents of the cost of advertising in the *London Gazette* under Section 82 of the Indian Insolvent Act 11 and 12 Vic., Chap. 21. I am accordingly to request that, with the permission of His Excellency the Governor in Council, you will be good enough to obtain and submit to the Government of India the opinion of the Honorable the Chief Justice and Judges of the High Court at Madras on the question, whether the Insolvency Courts cannot, under the existing law, order the charge for advertising Notices of Insolvency in the *Provincial Gazette* and in the *London Gazette* to be defrayed from the estates concerned. If not, I am to inquire, whether the matter could not be provided for by a rule made under Section 3 or Section 76 of the Indian Insolvent Act.

ENCLOSURE No. 1.

From the Secretary of State for India, to His Excellency the Most Honorable the Governor-General of India in Council, dated India Office, London, 21st October 1880, Judicial No. 27.

I invite the attention of your Excellency in Council to Section 82 of the Indian Insolvent Act 11 and 12 Vic., Chap. 21, which, while imposing upon the Indian Government the duty of advertising in the *London Gazette* the Notices of Insolvency published in the official Gazettes in India, seems to make no provision for the recovery from the estates of the insolvents of the costs of so advertising them.

2. These advertisements were inserted in the *London Gazette* in the year 1878-79 at a charge against the India Office of no less than £425. It appears to me that the charge is one which ought clearly to be defrayed by the estates to which the notices relate. I have to request therefore that the matter may receive your early consideration in communication with the Judges of the several High Courts, and that, if it be necessary, recourse may be had to legislation so as to ensure, so far as may be possible, the recovery from every estate of all costs, whether incurred in England or in India, attendant on the insolvency.

No. 84. ORDER THEREON, 20th January 1881, No. 116.

Copy to the Honorable the Judges of the High Court, who will be requested to favor the Government with their opinion on the question raised.

(True Extract.)

Chief Secretary.

To the Honorable the Judges of the High Court, with covering letter.

Exd. T. O'Connor.

Sob. of 1881 Madras.
JUDICIAL.

To
THE HON'BLE THE JUDGES
OF THE HIGH COURT.

Dated January, 20th.

Issued

Recd.

Encl.

G.O., 20th January 1881, No. 116.

JANUARY.
Nos. 83-84.

Insolvents.—Communicating copy of letter from Government of India requesting to be furnished with the opinion of the Honorable the Chief Justice and Judges of the High Court, Madras, on the question, whether Insolvency Courts can, not, under the existing law, order the charges for advertising Notices of Insolvency to be defrayed from the estates concerned, &c.

From,

J. C. Hughes Esq.
Under Secy. to the Govt. of India

To,

The Secretary to the Government of Madras.

Home, Revenue & Local Dept.
Judicial.

Post William, the 6 January 1881.

Sir,

Her Majesty's Secretary of State for India

Copy of Dupl. enclosed has recently made certain enquiries regarding the recovery from the Estates of Insolvents of the cost of advertising in the London Gazette under section 82 of the Indian Insolvent Act 11 and 12 Vic. Ch. 21. I am accordingly to request that, with the permission of His Excellency the Governor in Council you will be good enough to obtain and submit to the Government of India the opinion of the Honorable the Chief Justice and Judges of the High Court at Madras on the question whether the Insolvency Courts cannot under the existing law, order the charge for advertising Notices of Insolvency in

in the Provincial Gazette" and in the London
Gazette "to be defrayed from the Estates concerned.
If not, I am to enquire, whether the matter
could not be provided for by a rule made under
section 3 or section 76 of the Indian Insolvent
Act.

I have the honor to be

^{Yr}
Your most obedient servant

F. C. Danks

Under Secy to the Govt. of India
1880.

Judicial
N^o 27

India Office,
London, 21st October 1880.

To
His Excellency the Most Honble
the Governor General of India
in Council.

My Lord Marquis,

I invite the attention of your
Excellency in Council to Section 82 of the
Indian Insolvent Act 11 & 12 Vic. ch. 21
which while imposing upon the Indian
Govt the duty of advertising in the London
Gazette the notices of insolvency published
in the official Gazettes in India, seems to
make no provision for the recovery from
the Estates of the Insolvents of the costs
of so advertising them.

2. These advertisements were inserted in
the London Gazette in the year 1878/9 at
a charge against the India Office of no
less than £425. It appears to me that
the charge is one which ought clearly to be
defrayed by the Estates to which the notices
relate. I have to request therefore that
the matter may receive your early
consideration

in consideration in communication with
the Judges of the several High Courts, and
that if it be necessary recourse may be
had to legislation so as to insure so far
as may be possible the recovery from
every estate of all debts, whether incurred
in England or in India, attendant on
the Insolvency.

Have the honor to be
Sd. Hartington

True Copy

John A. Smith

Register House, Rev. April Sept 11

and 118/81.

4
148

20th Jan 1881, No 116.

Copy to the Hon: the Judges
of the High Court also
will be requested to form
the Court: with their
opinion on the question

revised. G.P.
1571/1881

See the Hon: the Judges 6 Sep 24/11
with C.

1071. 1180-25

Judl (1881) DEPARTMENT.
(Circulars &)

From
J. A. Smith

No. 117 (Ex. 1)

Dated 6 } Jan 1881
Recd. 14 }
No. 118

SUBJECT.

Requesting to be
furnished with the opinion
of the Hon: the Chief Justice &
the Judges of the High Court
Madras on the question whether
Insolvency Courts cannot
under existing law order the
charges for advertising notices
of Insolvency to be defrayed
from the Estates concerned
therein

✓

11-5-94 ✓
18-11-05 ✓

Urgent

Govt. of 1881 India

Just

G.O. ^{to} 20-July 1881, No. 116
Nos. 13-84

Insolvency. Comp. copy
of letter from J.D. re-
questing to be furnished
with the opinions of the
Hon. the Ch. Justice and
Judges of the High Ct.,
Madras, on the question
whether Insolvency Courts
cannot under the existing
law order the charges for
advertising notices of In-
solvent to be defrayed
from the estates con-
cerned, &c. ✓