

Judicial (1898) Department.

ORDINARY PRINTED.

G.O., No. 1100

DATED 15-7-98

INDEXED.

[Despatch Abstract.]

Official Assignee's Establishment

Directing, with remarks,
that the payment of the monthly contribution
thereto made from general revenues toward
the cost of the — should be discontinued.

(1) Number of pages 34.(2) Date of repair 27-5-40.(3) Initials of the Referencer J

MADRAS RECORD OFFICE.

Government of Madras.

Judicial

DEPARTMENT.

G.O. No.	<i>1100</i>	Press ~~Mis.~~
Dated	<i>15. 7</i>	18 <i>98</i>

*Original*Not to be folded or roughly handled

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
CN 4003531-11	4098/98		17.7.98	1839/98			
CN 148/99			17.11.98				

Rs 5395 Home
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Government (1898) of Madras. JUDICIAL.

Recd.

Enclosures

Regd.

1898.

Spare copies

G.O., No. 1100, 15th July 1898.

JULY.

Official Assignee's Establishment.

Directing, with remarks, that the payment of the monthly contribution hitherto made from general revenues towards the cost of the — should be discontinued.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

Read—again the following papers:—

G.O., Mis. No. 364, Judicial, dated 26th February 1892.

Read—the following letter from H. W. FOSTER, Esq., Registrar of the High Court of Judicature, Appellate Side, to the Chief Secretary to Government (through the Accountant-General), dated Madras, 11th January 1892, No. 77:—

The Official Assignee has represented to the High Court that the salaries assigned to the clerks of his office are inadequate remuneration for the responsible and onerous duties which devolve upon them, and, on consideration of the matter, it appears to the Honourable the Judges that such is the case and that the rates of pay are so low as to seriously endanger the efficiency of the establishment.

2. The annexed table A. shows the number and pay of the members of the establishment in comparison with similar particulars of the Administrator-General's office. The nature of the work to be done in the two offices is similar, but the Official Assignee's clerks receive but a small fraction of the salary drawn by men holding corresponding positions and entrusted with much the same sort of duties under the Administrator-General.

3. The present rates of pay were fixed, in 1849, at a time when the amount of work to be done was so small that it was not considered necessary to require the office to be opened more than two hours a day (Rule I of the rules made in that year). Since then the number of estates dealt with annually has increased more than twelve-fold, as appears from the enclosed statement B., and the clerical staff is kept fully and constantly employed for the whole of every day. The rates of pay, which, for the work done in 1849, may have been sufficient, have thus become altogether inadequate and the efficiency of the office would doubtless have been seriously impaired had not Mr. Rowlandson, for several years past, regularly supplemented the pay of the lower subordinates by contributions from his private purse. In this way he has expended nearly Rs. 7,000 in the last ten years.

4. Under these circumstances, the Honourable the Judges consider that the pay of the offices in question should be enhanced, and are of opinion that the rates shown in the margin are no more than reasonable remuneration. I am accordingly to enclose a proposition statement in the prescribed form and to request that His Excellency the Governor in Council may be pleased to sanction this enhanced scale of pay with effect from 1st April 1892.

	Per month.
Manager	100
Ledger-keeper	50
Schedule Clerk	35
Dividend "	25
Copying "	15
Bill-Collector	12
Peon	8
"	7
Total	252

5. I am also to state that the present arrangement by which the pay of the Official Assignee's establishment is dis- control of the Official Assignee over his subordinates, and to request therefore that the Government may be pleased to authorize the Official Assignee himself to draw and disburse the salaries of his ministerial establishment.

ENCLOSURES.

A.

Office of the Official Assignee.						Administrator-General's office.	
Names.	Designation in the office.	When entertained.	Amount paid by Government.	Amount paid by Official Assignee.	Total.		
P. Kristnama Chetty ..	Manager ..	19th March 1884, on Rs. 25 in the Chief Clerk's office and transferred to this office on 2nd November 1888.	Rs. A. P. 42 0 0	Rs. A. P. ..	Rs. A. P. 42 0 0	Manager ..	Rs. 200
S. Sundarawamy Achary ..	Ledger-keeper.	4th March 1885.	12 0 0	4 0 0	16 0 0	Ledger-keeper.	90
W. Jagannatha Moodelly ..	Schedule Clerk.	1st Nov. 1885.	10 8 0	2 0 0	12 8 0	"	90
K. Aroonachella Mudali ..	Dividend Clerk.	1st Feb. 1888.	10 8 0	10 0 0	20 8 0	"	40
C. Audinarayaniah ..	Copying and Despatching Clerk.	1st July 1885.	..	12 0 0	12 0 0	"	30
C. Ramaswamy Mudali ..	Bill-Collector.	14th Nov. 1880.	8 12 0	1 0 0	9 12 0		
M. Soobrayaloo Naidoo ..	1st Peon ..	1st " 1883.	6 0 0	1 0 0	7 0 0	Ledger-keeper.	12
C. Venkateswamy Naidoo ..	2nd " ..	6th Jan. 1885.	6 0 0	..	6 0 0	"	10

B.

COMPARATIVE Statement of work performed in the Office of the Official Assignee.

Different years.	Number of estates dealt with.	Liabilities.	Assets realized.	Letters of course.	Special letters.
		Rs.	Rs. A. P.		
1848	62	6,14,988	44,831 2 10	182	344
1850	238	1,80,485	44,627 0 6	420	315
1860	958	72,927	71,097 14 0	262	315
1870	1,537	11,02,705	67,004 11 8	595	379
1880	2,049	12,85,503	49,003 12 10	632	428
1885	2,644	8,05,694	1,12,796 7 10	1,100	599
1886	2,751	8,75,285	85,379 12 11	640	523
1887	2,807	8,02,545	98,572 14 11	645	546
1888	2,846	14,22,815	86,594 13 3	768	663
1889	2,880	4,04,805	40,823 13 6	501	586
1890	2,912	8,35,580	61,912 7 2	747	515

(Signed) F. ROWLANDSON,
Official Assignee.

Order—Mis. No. 364, Judicial, dated 26th February 1892.

Prior to 1849 the Official Assignee drew a fixed salary of Rs. 193-12-0 and when the principle of payment by commission was introduced the amount payable to the Assignee was so small that he could not be expected to pay for his establishment and consequently the charge on this account of Rs. 110 was accepted by Government. The rate of commission appears to be fixed by the High Court under Section XIX of Acts 11 and 12 Vic., c. 21, and it is within the power of the Court to settle such rate as, while leaving the Official Assignee such personal remuneration as may be considered adequate, will enable him to employ a sufficient establishment for the conduct of his work. It is observed that the Administrator-General pays his own establishment and settles the scale, but when his commission falls below a certain amount (Rs. 1,200 per mensem), the Government makes him an allowance equivalent to the deficit and not exceeding Rs. 300.

2. The Honourable the Judges of the High Court will therefore be requested to report what commission is now allowed to the Official Assignee and whether there is any objection to the proposal that he should pay his own establishment, the rate of commission being revised, if necessary, so that the whole charge for establishment may be thrown upon the dividends dealt with.

(True Extract.)

(Signed) J. F. PRICE,
Chief Secretary.

G.O., Mis. Nos. 604, 605, Judicial, dated 12th March 1894.

Read—the following letter from D. W. G. COWIE, Esq., Acting Registrar of the High Court of Judicature, Appellate Side, to the Chief Secretary to Government, dated Madras, 16th January 1894, No. 98:—

In reply to G.O., Mis. No. 334, Judicial, dated 26th February 1892, referred to in your letter, No. 2150, Judicial, dated the 2nd ultimo, I am directed to state that, on examination of the circumstances, the High Court being still of opinion that the allowance made for the office establishment of the Official Assignee is inadequate, finds an almost insuperable difficulty in the way of adopting the Government's suggestion that the remuneration allowed to the Official Assignee should be fixed at such a rate as to cover the whole cost of his office establishment.

2. An opinion was at first entertained that the requisite funds might be provided from the interest from the accumulated sum of unclaimed dividends, which is invested in Government securities, but, on further consideration, it seems clear that this interest is distributable as dividends and that (except when such distribution is made) the High Court is not legally competent to appropriate any portion of the fund for the remuneration of the Official Assignee or for the payment of his office establishment.

3. An alternative plan is to raise the rate of commission. Under the present rules, the rate is fixed at 5 per cent., which yields an average yearly income of Rs. 2,217.

4. Assuming that an increase in the rate of commission caused no diminution in the amount of business coming into the Official Assignee's hands, the rate would at least have to be doubled to provide the minimum sum required for efficiency, but this increase in the cost of administering estates would undoubtedly deter many creditors from taking advantage of the Act, and would thus not only fail to produce the desired increase of the Official Assignee's receipts, but would seriously impair the usefulness of the Court.

5. Under the circumstances and until legislation can be effected, the Judges would urge the increase of the allowance made to the Official Assignee and would strongly deprecate the withdrawal of it. To meet the present difficulty, legislation might take the form of an enactment enabling the Court to deal with the unclaimed dividends. The fund formed by the investment of unclaimed dividends is a large and increasing one, and it is believed that the income from it is amply sufficient to afford the required allowance for the Official Assignee without prejudice to the probable demands of creditors.

Order—Mis. No. 604, Judicial, dated 12th March 1894.

The Government concurs with the High Court in thinking that the proper way of meeting the difficulties which have been brought to notice is to amend the Act at an early date and the Government of India will be moved to take steps accordingly.

The financial position is such that it is impossible to sanction the large addition to the present grant which the High Court proposes, and His Excellency in Council fears that the improvement of the position of the clerical establishment must be deferred until legislation has rendered it possible to meet the additional expenditure involved from the interest upon the accumulated sum of unclaimed dividends.

2. It is observed that the Insolvency Court rules have been re-published at pages 66—71 of the Supplement to the *Fort St. George Gazette*, dated the 16th June 1891. Under Section XV of the Act, these rules require the sanction of the Governor-General in Council, but the authority for certain of the rules as they stand cannot be traced. For example, Rule XXII-A seems to have been amended at some time subsequent to 1881, but no correspondence with the Government of India on the subject can be found. The Government requests, therefore, that the High Court will be so good as to quote the exact authority for each of the rules in its present form with a view to inserting this information in the list of notifications having the force of law.

3. The proposal in paragraph 5 of the Registrar's letter, dated 11th January 1892, No. 77, to the effect that the Official Assignee should himself draw and disburse the pay of his establishment, appears to Government to be unobjectionable.

4. The following letter will be despatched to the Government of India.

(True Extract.)

(Signed) J. F. PRICE,
Chief Secretary.

Letter—Mis. No. 605, Judicial, dated Fort St. George, 12th March 1894, to the Secretary to the Government of India, Home Department.

I am directed to request that the following facts may be brought to the notice of the Government of India.

2. In 1880, on the ground that the commission drawn by him was insufficient to meet his expenses, the Government of Madras sanctioned payment to the Official (or "Common" as he was then called) Assignee of a monthly allowance of Rs. 218-12-0. It was intended that this allowance, together with the commission, should cover all office expenses and ensure a fair remuneration to the Assignee.

In 1848, the Insolvent Debtors' Act, 11 Vic., c. 21, was passed and section XIX of that enactment prohibits the Official Assignee from receiving any remuneration except a fair sum to be fixed by the Court out of the sum to be distributed as dividends. Accordingly, when this Act came into force, the High Court pointed out that it would be illegal for the Official Assignee to continue to draw as remuneration any portion of the old Government grant but, at the same time, the Court recommended that, inasmuch as the commission of 5 per cent. on the proceeds of estates payable to the Assignee was inadequate for his office expenses as well as his personal remuneration, the Government should continue to allot Rs. 110 *per mensem* to cover the cost of the Official Assignee's establishment.

The Government approved of this arrangement and it still subsists, the Official Assignee receiving, for his personal remuneration, 5 per cent. commission on the principal sum forming the proceeds of each estate distributable as dividends, subject to a minimum of Rs. 200 *per mensem* (vide Rule XIV at page 67 of the Supplement to the *Fort St. George Gazette*, dated 16th June 1891), while Government contributes Rs. 110 *per mensem* to meet the cost of his establishment.

3. Recently the High Court represented to Government that the establishment of the Official Assignee is undermanned and underpaid and suggested that Government should enhance the monthly contribution to a large extent.

The Government, however, objected and suggested that the rate of commission should be raised to such an extent as to cover, not only the personal remuneration of the Official Assignee, but also his entire office expenses.

The reply of the High Court to this proposal has been received. The Honourable the Judges observe that two means of obtaining the requisite funds suggest themselves, viz., (1) an increase of the present rate of commission upon the proceeds of estates and (2) the utilization of the interest upon the accumulated sum of unclaimed dividends which is invested in Government securities. The Honourable the Judges

are strongly opposed to increasing the rate of commission upon the proceeds of estates. The rate is at present fixed at 5 per cent. and it yields an average yearly income of Rs. 2,217. Even assuming that an increase in the rate of commission caused no diminution in the amount of business coming into the Official Assignee's hands, the Honourable the Judges estimate that the rate would have to be doubled at least to provide the requisite funds and they consider that such an increase in the rate would unquestionably deter many creditors from taking advantage of the Act.

As to the other means suggested, the Honourable the Judges are of opinion that the interest upon the accumulated sum of unclaimed dividends which is invested in Government securities is distributable as dividends and that (except when such portion of the fund for the remuneration of the Official Assignee or for the payment of his office establishment.

Under these circumstances the Honourable the Judges suggest that an enactment should be passed enabling the High Court to deal with the unclaimed dividends, and is believed to be amply sufficient to afford the required allowance for the Official Assignee's establishment without prejudice to the probable demands of creditors.

4. The Government concurs with the High Court in thinking that legislation of this nature should be carried out, and it is highly desirable that it should be undertaken as soon as possible as there is no doubt that the strength and pay of the Official Assignee's establishment ought to be raised at the earliest opportunity and the state of legislation suggested will not only obviate the necessity for any such addition in future but will result in an immediate saving of Rs. 110 *per mensem* to Government. The enactment should further declare that the Official Assignee's establishment shall consist of such members and be remunerated by such salaries as the High Court may prescribe. The Government has no immediate concern with the Official Assignee or his office and it would be as well to make this clear.

(Signed)

J. F. PRICE,
Chief Secretary.

G.O., No. 808, Judicial, dated 20th April 1895.

Read—the following letter from J. P. HEWETT, Esq., C.I.E., Officiating Secretary to the Government of India, Home Department (Judicial), to the Chief Secretary to the Government of Madras, dated Calcutta, 28th March 1895, No. 484:—

I am directed to acknowledge the receipt of your letter, No. 605 (Judicial), dated the 12th March 1894, reporting that since 1848 the Government of Madras have allotted a sum of Rs. 110 *per mensem* to cover the cost of the Official Assignee's establishment, and that this provision is now found inadequate. The Madras Government have objected to increase the contribution, as suggested by the High Court at Madras, and it is stated that the most feasible expedient for obtaining additional funds seems to be to utilize, for the payment of the Official Assignee's establishment, the interest upon the accumulated sum of unclaimed dividends, which is invested in Government securities. The Honourable Judges, however (it is stated), consider that the interest is itself distributable as dividends, and that it cannot legally be appropriated as proposed; and they suggest special legislation for enabling the High Court to deal with the unclaimed dividends. It is further recommended in your letter that, if an Act is passed, it should declare that the Official Assignee's establishment shall consist of such members and be remunerated by such salaries as the High Court may prescribe.

2. With reference to the view of the legal position taken by the Madras High Court, I am directed to forward, for the consideration of His Excellency the Governor in Council and for communication to the Honourable Judges, the accompanying copies

of papers relating to a rule passed in 1880 by the Calcutta High Court to the effect that the fee for the audit of the Official Assignee's accounts might be paid out of the income of the fund representing the surplus cash balances in the hands of the Official Assignee. It will be seen that in this correspondence the question of the legality of paying from the income of the fund the office charges of the Official Assignee was specifically raised; that the Honourable Judges expressed the view that such applications of the fund were entirely within the scope of the powers conferred on the Judges by the Indian Insolvent Act (11 Vict., Cap. 21); and that Her Majesty was pleased to approve the rule submitted by the High Court.

3. The position of the accumulated sum of unclaimed dividends, which is referred to in paragraph 1 of this letter, appears to the Government of India to resemble that of suitors' moneys in the High Court in England. Such moneys, if they are likely to remain for long in Court, are invested for the suitors by the Court, either on their application or in pursuance of certain general orders giving the Court power to make investment at the suitors' risk. Under such circumstances they, or their representatives, are entitled to the accumulated fund, of capital and dividends, upon their claims being established. If the Madras fund now in question stands in the same position as the suitors' fund just referred to, it appears to the Government of India that the former should either—

- (a) be kept absolutely intact for the use of the right owners if and when they shall appear and establish their claims upon it, or
- (b) should, after a reasonable time, be appropriated provisionally to the public use, the State being expressly bound to replace with interest any moneys so appropriated whenever a claimant shall prove a title to them.

The latter course is followed in England, and there will be no objection to sanctioning it in this country, if necessary, by legislation; but the Government of India think it doubtful whether legislation is required. The moneys in question are in the hands of Government so as to be available to the creditors of the insolvents. They are temporarily derelict, and apparently no one would be injured by their being expended under a Government liability to replace them if necessary; while the risk of ultimate liability would be extremely small, if a reasonable time is allowed to elapse before dividends become liable to be treated as "unclaimed dividends." The Government of India are, therefore, disposed to hold that there is no objection to authorising the payment of the expenses of the Official Assignee's office out of the interest on the unclaimed dividends, provided (1) that they have remained unclaimed for a sufficient time to make it likely that no valid claim will be advanced to them, and (2) that the Government clearly acknowledge the liability to replace the money if and when a title is made out to it. Legislation would only be requisite if there were an intention to take away the right of the claimant to restitution.

4. It is, however, the practice of the Court in England to invest from time to time cash balances standing in court and not likely to be immediately required: such investments are made without any application by the parties to the suit, and they are not affected by them: the right of the parties to their "cash" remains unimpaired, and the intermediate interest, together with the profit (if any) on resale of the securities, belongs to the court, who have to bear the loss (if any) on such resale, and the expenses of the transaction. There does not seem to be any reason why this course should not, under the like circumstances, be adopted in India. As long as the Government acknowledges the right of the owner to be repaid the principal sum due to him, the interest in this case is applicable to public purposes, and especially to those connected with the administration of the law.

5. In neither case is there therefore any objection to the interest (which it is understood the Accountant-General now invests under rule XXII-A of the High

Court's rules in insolvency jurisdiction) being *used* for the purpose desired, under the authority of executive orders. I am to ask that these remarks, and the correspondence forwarded herewith, may be referred for the consideration of the Honourable Judges of the High Court at Madras. Should it still be the opinion of the Honourable Judges and of His Excellency in Council that legislation is necessary to make the interest on the unclaimed dividends available, the Government of India will be prepared to consider the matters further.

Order—No. 808, Judicial, dated 20th April 1895.

The foregoing letter from the Government of India will be communicated to the Honourable the Judges of the High Court for favour of early remarks.

(True Extract.)

(Signed) J. F. PRICE,
Chief Secretary.

To the Honourable the Chief Justice of the High Court (with C.L.).

G.O., Mis. Nos. 2149, 2150, Judicial, dated 19th October 1895.

Read—the following papers:—

From J. STEAVENSON, Esq., 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 Government, dated 5th September 1895, No. 517.

In reply to your letter to the Honourable the Chief Justice, dated Ootacamund, 20th April 1895, transmitting Proceedings of the Madras Government of the same date, No. 808, communicating to the Honourable the Judges letter from the Government of India, Home Department, No. 484, dated 28th March 1895, 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 rules have been drafted 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 Vict., Cap. XXI., sections 3 and 76.

From J. STEAVENSON, Esq., 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 Government, dated 5th September 1895, No. 515.

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 Honourable the Judges.

2. I am to remind you that under Act XI Vict., Cap. 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.

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 15th day of September 1895:—

(1) Every dividend declared in respect of a claim established in Court or proved to the satisfaction of the Assignee shall be placed to the credit of the creditor to whom it is due in the accounts of the Official Assignee and shall stand to his credit in such accounts 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, publish in the Gazette a note of all such dividends remaining unclaimed of the amount of Rs. 50 and upwards, such notice to be published twice as regards dividends of the amount of Rs. 500 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 copies thereof.

(Signed) ARTHUR COLLINS,
Chief Justice.

{ " } G. A. PARKER,
{ " } H. H. SHEPARD, } *Puisne*
{ " } J. W. BEST, } *Judges.*
{ " } S. SUBRAMANIAM,

Order—Mis. No. 2149, Judicial, dated 19th October 1895.

The rules will be forwarded to the Government of India for approval and transmission to the Secretary of State for Her Majesty's Royal approbation, correction or revision under sections III, XV and LXXVI of Act 11 Vict., Cap. 21.

(True Extract.)

(Signed) J. F. PRICE,
Chief Secretary.

To the Honourable the Chief Justice with (C.L.).
" Accountant-General with copy of G.O., No. 808, Judicial,
dated 20th April 1895.

Letter—Mis. No. 2150, Judicial, Fort St. George, dated 19th October 1895, to the Secretary to the Government of India, Home Department.

With reference to the correspondence ending with Mr. Hewett's letter of the 28th March 1895, No. 484, regarding the upkeep of the Official Assignee's establishment, I am directed to state that the Honourable the Judges of the High Court have agreed to act upon the view expressed by the Government 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 His Excellency the Governor in Council sees no objection to the adoption of this course. Rules have accordingly been made by the Honourable the Judges under the provisions of Statute 11 Vict., Cap. 21, and I am now to forward an official copy, under the seal of the High Court, of these rules for the approval of His Excellency the Governor-General in Council and transmission to the Home Government for Her Majesty's Royal approbation, correction or revision under sections III, XV and LXXVI of the Statute.

(Signed) J. F. PRICE,
Chief Secretary.

G.O., Mis. No. 428, Judicial, dated 28th February 1896.

Read—the following letter from L. M. THORNTON, Esq., Deputy Secretary to the Government of India, Home Department (Judicial), to the Chief Secretary to the Government of Madras, dated Calcutta, 7th February 1896, No. 224:—

I am directed to acknowledge the receipt of your letter, No. 2150 (Judicial), dated the 19th October last, and in reply to say that the Governor-General in Council approves the rules which have been framed by the Honourable the Judges of the High Court at Madras for the Court for the Relief of Insolvent Debtors. A copy of the rules is being transmitted to the Secretary of State for India to be laid before Her Majesty for Her Royal approbation, correction or revision.

Order—Mis. No. 428, Judicial, dated 28th February 1896.

Communicated to the Honourable the Judges of the High Court.

(True Extract.)

(Signed) J. F. PRICE,
Chief Secretary.

To the Honourable the Chief Justice (with C.L.).

G.O., Mis. No. 1694, Judicial, dated 27th October 1896.

Read—the following letter from L. M. THORNTON, Esq., Deputy Secretary to the Government of India, Home Department (Judicial), to the Chief Secretary to the Government of Madras, dated Simla, 13th August 1896, No. 1092:—

With reference to the correspondence ending with the letter from this Department No. 224, dated the 7th February 1896, I am directed to forward a copy of a despatch* from the Secretary of State for India returning signed by Her Majesty the rules framed by the High Court at Madras for the Court for the Relief of Insolvent Debtors.

* No. 28 (Judicial), dated 25th June 1896.

2. I am to take this opportunity of communicating the following facts which have only recently been brought to the notice of the Government of India in connection with the upkeep of the Official Assignee's establishment. The rules which were forwarded with your letter, No. 2150, dated the 19th October 1895, are similar to those which are in force in Calcutta, but, I am to observe that they provide for the adoption of only a part, and a comparatively unimportant part, of the arrangement which has been introduced in Calcutta for the purpose of providing sufficient funds for the maintenance of the Official Assignee's establishment. It is reported that, apart from unclaimed dividends, the Official Assignee in Calcutta always has a considerable cash balance in his hands on account of assets which are in the course of realisation (before a dividend is declared) and undrawn dividends (in respect of which the prescribed period has not passed). As the whole of this balance is not required immediately, it has been found practicable and convenient to invest a portion of it in Government securities, and to apply the interest which accrues on the investment towards defraying the cost of the office administration, which had been found to be a heavy burden upon the separate funds of each individual estate prior to the introduction of this system. The total sum invested for the Official Assignee's Office Charges Fund in Calcutta aggregates about 16½ lakhs of rupees, of which about 3½ lakhs only represent unclaimed dividends, the remainder being a portion of his ordinary cash balance.

8. It is understood that the whole of the cash balances of insolvent estates in the hands of the Official Assignee at Madras is lying idle in the Presidency Bank, and it appears to the Government of India that unless a portion of it is utilized in the same manner as it is in Calcutta, a sufficient amount of interest for meeting all charges will probably not be realized from the investment of unclaimed dividends alone. In these circumstances I am to ask that, with the permission of the Governor in Council, the facts set forth above may be referred for the consideration of the Honourable Judges of the High Court. I am to add that in Calcutta the investment of a portion of the Official Assignee's cash balance has been authorized by the High Court, without any higher sanction. Unless the position of the High Court at Madras differs from that of the High Court at Calcutta, the same course could be adopted by the Honourable Judges if it is decided that the arrangement which obtains in Calcutta shall be adopted in its entirety at Madras.

ENCLOSURE.

From the Right Hon'ble Lord GEORGE HAMILTON, Her Majesty's Secretary of State for India, to His Excellency the Right Honourable the Governor-General of India in Council, dated India Office, London, 25th June 1896, Judicial No. 28.

With reference to the letter of your Government, No. 8, dated 19th February last, I return, signed by Her Majesty, the official copy enclosed therein of the rules framed by the Judges of the High Court of Madras for the Court for the Relief of Insolvent Debtors.

Order—Mis. No. 1694, Judicial, dated 27th October 1896.

The foregoing letter from the Government of India will be communicated to the Honourable the Judges of the High Court with the request that the Government may be favoured with an expression of their views on the suggestion contained in paragraph 3 thereof.

(True Extract.)

(Signed) A. T. ARUNDEL,
Chief Secretary.

To the Honourable the Chief Justice (with C.L.).

G.O., No. 497, Judicial, dated 5th April 1897.

READ—also the following papers:—

From F. C. HARRISON, Esq., Accountant-General, to the Chief Secretary to Government, dated Fort St. George, 9th February 1893, No. 470.

I have the honour to invite attention to the correspondence read in the marginally-noted Proceedings of Government and to submit the following question in connection with the accounts of the Official Assignee for orders.

2. From their letter to the Government of India, No. 605, dated 12th March 1894, containing the proposal to utilize for the payment of the Official Assignee's establishment, the interest upon the accumulated sum of unclaimed dividends which is invested in Government securities. I gather that it was the intention of the Government of Madras that as soon as the proposal was brought into effect, the contribution of Rs. 110 a month made by Government since 1848 to cover the cost of that establishment should cease. On receipt of the decision of the Government of India on the subject through the Local Government the Honourable the Judges of the High Court framed the rules referred to in G.O., No. 2149, Judicial, dated 19th October 1895, and subsequently passed an order (copy enclosed) authorising the Official Assignee to meet certain charges from the "Office Charges Fund" referred to therein, one of which is a "sum of Rs. 93-4-0 each month with effect from the 1st January 1896, for payment of the salaries of the clerks and servants either wholly or in part as per the detailed list to his memorandum attached."

3. It appears from the Official Assignee's accounts that a sum of Rs. 93-4-0 a month has accordingly been utilized out of the Office Charges Fund to supplement the salaries of the existing staff of the Official Assignee's office to the extent shown in the list referred to in the order of the High Court. Under article 91 of the Civil Service Regulations, the grant of such increases to the members of the establishment seems irregular, while their salaries are being met from the Government grant of Rs. 110 a month. But the High Court probably held that it was competent to sanction the increases because Government suggested in their letter of the 12th March 1894, that when the arrangement for the payment of the Official Assignee's office expenses out of the interest on the investment of unclaimed dividends came into force, it should be provided that "the Official Assignee's establishment shall consist of such members and be remunerated by such salaries as the High Court may prescribe."

4. While therefore I do not question the action of the High Court in this respect, I must bring to notice that both the Official Assignee and the High Court appear to have overlooked the important point that it was not only the monthly increase of Rs. 93-4-0 which should have been debited to the "Office Charges Fund" with effect from the 1st January 1896, but the whole cost of the Official Assignee's establishment, viz., Rs. 110 + Rs. 93-4-0 = Rs. 203-4-0 and that the Government grant of Rs. 110 a month should have ceased from that date.

5. I beg to propose therefore that the sum of the monthly grant of Rs. 110 from the 1st January 1896 to the 31st January 1898, viz., Rs. 2,750, which has already been drawn by the Official Assignee should now be refunded to Government from the Office Charges Fund, and that the monthly grant should be discontinued in future.

6. If my proposals are approved, I presume that the pensionary rights of the members of the Official Assignee's establishment will not be affected by the change in the incidence of the cost of that establishment and that their status as Government servants will remain the same as when their salaries were borne by Government. I am of opinion, however, that their leave and pension allowances should also be borne by the Office Charges Fund and not by Government in future. The balance at credit of the fund has been steadily increasing since its formation and that it should be able to bear the proposed charges.

7. I would suggest that the High Court be consulted on these proposals before orders are finally passed.

ENCLOSURES

Names.	Designation.	Paid by Government.		Supplemental salary to be paid out of Office Charges Fund.		Total.	Remarks.
		Rs.	A. P.	Rs.	A. P.		
P. Kristnana Charry ..	Manager ..	42	0 0	18	0 0	60	0 0
S. Kandaswamy Acharry ..	Ledger-keeper ..	12	0 0	23	0 0	35	0 0
K. Aronschella Mudali ..	Dividend Clerk ..	10	8 0	19	8 0	30	0 0
W. Jagannatha Mudali ..	Court and Schedule Clerk ..	10	8 0	9	8 0	20	0 0
G. Audinarayaniah ..	Copyist and Despatching Clerk ..	..	..	18	0 0	18	0 0
C. Ramaswamy Mudali ..	Bill Collector ..	3	12 0	3	4 0	12	0 0
M. Subrayaloo ..	Peon ..	6	0 0	1	0 0	7	0 0
C. Venkatapathy ..	Do. ..	6	0 0	1	0 0	7	0 0
		95	12 0	93	4 0	189	0 0
	Add—						
	Waterman ..	1	8 0	..	..	1	8 0
	Toty ..	1	0 0	..	..	1	0 0
	Stationery, &c. ..	11	12 0	..	..	11	12 0
	Total ..	110	0 0	93	4 0	203	4 0

Has been in receipt of Rs. 13 salary from Official Assignee.

No. 327 of 1896.

IN THE COURT FOR THE RELIEF OF INSOLVENT DEBTORS AT MADRAS.

MONDAY THE THIRTIETH DAY OF MARCH (ONE THOUSAND EIGHT HUNDRED AND NINETY-SIX.

In the Matter of Office Charges Fund and the Rules of Court of the 4th September 1895.

PRESENT.

The Honourable Mr. Justice SHEPHARD.

Upon the motion of John George Kernan, Esquire, the Official Assignee of this Court, for directions regarding the abovementioned fund and rules and for sanction for payment out of the said fund of the several charges specified in the official memorandum filed herein this day by the said Official Assignee *It is hereby directed and ordered* that the said Official Assignee be at liberty to draw from the said fund by cheques every month such sum or sums of money as may be required for payment of those charges which are hereby or under the aforesaid rules ordered to be paid monthly such as salary to establishment and the cost of the notices and advertisements ordered to be given and issued under the said rules and the cost of minor office contingencies *and* It is further *ordered* that the said Official Assignee shall apply to the court for sanction for payment of all other charges out of the said fund *and* It is further *ordered* that the Official Assignee do draw from the said fund the sum of Rupees (93-4-0) ninety-three and annas four each month with effect from the first day of January one thousand eight hundred and ninety-six for payment of the salaries of the clerks and servants either wholly or in part as per the detailed list to his aforesaid official memorandum attached *and* It is further *ordered* that the Official Assignee be at liberty to employ two temporary clerks for six months from the first July one thousand eight hundred and ninety-six upon salaries not exceeding Rupees (20) twenty per mensem and to draw and pay such salaries out of the Office Charges Fund in manner hereinbefore provided *and* It is further *ordered* that the Official Assignee do draw from the said fund the sum of Rupees (321-14-2) three hundred and twenty-one and annas fourteen and pies two to be placed to credit of the general collections account in adjustment of the charges incurred in one thousand eight hundred and ninety-two for removing the office fixtures and records from the old court house and in purchase of necessary furniture and fittings for his office which charges have been debited against the said general collection account and are

now unadjusted and It is further ordered that the Official Assignee do keep a separate account of all moneys received and disbursements made on account of the said Office Charges Fund.

(By the Court.)

(Signed) T. C. CLARKE,
Ag. Chief Clerk.

Reference No. 468.

Referred to the Honourable the Judges of the High Court for favour of remarks.

18th February 1898.

(Signed) A. T. ARUNDEL,
Chief Secretary.

From A. L. HANNAY, Esq., Registrar of the High Court of Judicature, to the Chief Secretary to Government, dated Madras, 17th May 1898, Ref. on Cur. No. 476.

In reply to your reference No. 468, Judicial, dated 18th February 1898, referring, for favour of remarks, letter No. 470 (Outside Audit department), from the Accountant-General, dated 9th February 1898 (herewith returned), in which it is proposed that the monthly grant of Rs. 110 from Government towards the expenses of the Official Assignee's establishment should henceforward cease and that Rs. 2,750 (the sum of the monthly grants made from 1st January 1896 to 31st January 1898) should be refunded to Government from the Office Charges Fund, I am directed by the Honourable the Judges of the High Court to submit the following observations. The Accountant-General gathers that it was the intention of Government (from their letter to the Government of India, No. 605, dated 12th March 1894,) that, as soon as the proposal to utilize for the payment of the Official Assignee's establishment the interest upon the accumulated sum of unclaimed dividends invested in Government securities was brought into effect, the Government monthly grant of Rs. 110 should cease. I am directed to state that the High Court cannot agree with the Accountant-General in his opinion as to the intention of Government. It certainly was not understood by the High Court that the allowance was to be discontinued and no intention to that effect was expressed by Government.

2. The Accountant-General at the end of paragraph 6 of his letter above quoted states that the balance at credit of the fund has been steadily increasing since its formation and that it should be able to bear the proposed charges. In reference to this, I am to say that the High Court doubts if the state of the "Office Charges Fund" will after July next be such as to bear the whole cost of the Official Assignee's establishment, for in that month the re-distribution of six years unclaimed dividends under Act XXVII of 1841 will probably be taken in hand, in consequence of which a large sum will be withdrawn from investment, and the income from the fund accordingly reduced. Considerable expenditure will be incurred in compiling, publishing and translating the list of such dividends and this also will fall on the fund. This must, moreover, continue henceforward in dealing with unclaimed dividends for subsequent periods. In view of this fact, I am directed to state that the opinion of the Honourable the Judges is that it is not possible to say whether even a year or two hence the increase of the fund will suffice to bear the whole cost of the Official Assignee's establishment in addition to other charges.

ORDER—No. 1100, Judicial, dated 15th July 1898.

As will be seen from paragraph 4 of Judicial Department letter to the Government of India, No. 605, dated 12th March 1894, and the other correspondence read above, it was the intention of Government that the monthly contribution of Rs. 110

should be withdrawn as soon as the interest on unclaimed dividends was made available to defray the expenses of the Official Assignee's establishment, and the Accountant-General is therefore correct in his interpretation of the views of Government. If the amount standing to the credit of the "Office Charges Fund" is insufficient to meet the whole cost of the office administration, steps can be taken to utilize, as is done in Calcutta, the income from the investment of the general cash balances in the hands of the Official Assignee. In these circumstances His Excellency the Governor in Council regrets that he is unable to continue the payment of any contribution from general revenues towards the cost of the Official Assignee's establishment and the Accountant-General will accordingly be requested to withdraw the monthly allowance after the payment of that for the current month. The contribution already paid will be foregone and no claim should be made for its refund.

(True Extract.)

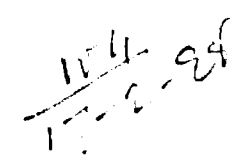
G. STOKES,
Chief Secretary.

To the Honourable the Chief Justice (with C.L.).
" Accountant-General.
" Financial Department.

Ed. C. M. Thamburay.

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From The Acctt General
Madras.

Order (Ref. No.) No. 468, d/18-2-98

No. 470

Ref^d to the Hon. the Judges
of the High Court for reasons
of remarks.

Dated 9th February 1898.

Received } 10th Feb 1898
Registered }

Enclosures 
Spare copies —

SUBJECT.

Submitting a question
in connection with the acc^t
of the Official Assignee's
orders.

To The Hon. Mr. J. Smith (L. of A.)

Please complete Page under the High Court.
 reply is now

[illegible]

BACK PAPERS.

G.O.	No.	Department.	Date.
	808		22 4
	214950	-	19-10-9

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Judicial (1898) Department.

CURRENT No. 2198



From

The Registrar,
High Court of Judicature,
MADRAS.

Order

Copy to No. 70/98

Dated 17th May 1903.

Received 20th May 1903

Registered - do -

Enclosures C. no. 688 and 1/10.

Spare copies

SUBJECT.

Stating that the High Court cannot agree with the Accountant-General, in his opinion as to the intention of Government with reference to the allowance made for the Official Assignee's establishment.

Ref. S. No. 1 238
27-6-1900
2. Letter to the Accountant-General 21/6
5-0-1901
3-3-0 1156
17-5-94
4. and 1156 59 of 90 reg. of
the Accountant-General 6/2/98

BACK PAPERS.

G.O.	No.	Department.	Date.
	688/98		a
497	98	5.4.98	
1894	27	10.9.61	
428	28	2.9.6	
2449	50	19.10.95	
808	20	4.95	
604	5	12.3.94	

618 : 17.10.48
338 : 14.10

FURTHER PAPERS.

G.O.	No.	Department.	Date.
	364	1.26.98	
	364	1.26.98	

[G.O.]
1,000-11-97.

C. 11.6.78
M. 12.6.98
L. 17.3.98
M. 30.6.28
N. 4/7/98
Publicity
DEPARTMENT

C. No. 2.21.98

23

SUBJECT.

HIS EXCELLENCY THE GOVERNOR.

(1) THE HON'BLE SIR HENRY BLISS, K.C.I.E.

(2) THE HON'BLE MR. GROSE, C.I.E.

Re The payment of contribution
by Govt towards the maintenance
of the official assignee's establishment.

FOR ORDERS.

H.E. The Govt. with reference
to Sir H. Bliss's note.

12/6/98

Resubmitted to the Hon. Mr.
Sir Henry Bliss, K.C.I.E., with ref.
to H.E. the Govt. note
15/4/98
12/6/98

11/7/98
S.O. 364 R
26-2-92

High Court letter
in S.O. 604 E
12-3-94

Attention is invited to the notes for orders in G.O.No.604, d/12" March 1894. Since 1848 the Govt. has been paying a contribution of Rs.110 annum to cover the cost of the establishment of the Official Assignee. 1892 the High Court reported that the establishment was insufficient and for an additional grant. The Govt. agreed to an increase in the allotment, and so that the rate of commission allowed the Official Assignee should be raised so that the whole cost of the establishment might be thrown on the dividend his hands. The Judges were unwilling to revise the rate of the commission, and said as the interest itself was distributed as dividends, they had no statutory power to appropriate it as proposed. It is marked however, that the fund for the investment of unclaimed dividends is a large and increasing one and it is believed that the income from it is amply sufficient to afford the re-

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allowance for the Official Assignee without prejudice to the probable demands of creditors", and suggested that legislation should be undertaken to enable the Court to deal with the dividends. The Govt. acquiesced in the views of the High Court, and accordingly moved the Govt. of India to pass the necessary enactment. In so doing it observed that "the legislation suggested will not only obviate the necessity for any x x addition (to the Govt. grant) in future but will result in an immediate saving of Rs.110 per mensem to Govt.", and recommended that the enactment should ^{further} declare that the Official Assignee's establishment shall consist of such members and be remunerated with such salaries as the High Court may prescribe". The last recommendation was made with a view to render it clear that the Govt. has "no immediate concern with the Official Assignee or his office".

2. The Govt. of India agreed to the suggestion that the interest on unclaimed dividends should be primarily devoted to defraying the cost of the Official Assignee's establishment. It said that, as in Bengal, this could be done without further legislation on the understanding that the Govt. undertook the liability to make good any loss which a creditor might subsequently establish his claim. The Judges expressed their willingness to do so.

E

H. D. letter in S.O. 488
20-6-55

31

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the views expressed by the Govt. of India, and forwarded for the approbation of Her Majesty, a set of draft rules providing for the investment in Govt. securities of dividends unclaimed for six months and for the utilization of the income thereof (which should be placed to the credit of a fund called "office charges fund") towards the maintenance of the Official Assignee's establishment.

3. In conveying the sanction of Her Majesty to these rules, the Govt. of India remarked that an amount of interest sufficient to meet all charges connected with the Official Assignee's office could probably not be realized from the investment of unclaimed dividends alone and suggested that, as is done in Calcutta, a portion of the available cash balances of general collections in the hands of the Official Assignee should be invested and that the proceeds of this investment also should be applied towards defraying the cost of the office administration. The Judges replied that it was always the practice in the Presy. to invest all the available cash balances, that the interest accruing on it was distributable among estates having a balance of Rs.20 and upwards to their credit and was also liable to make good any loss sustained by the Official Assignee's establishment.

H. D. letter in S.O. 144
27-11-56

H. D. letter in
S.O. 452 H
5-4-57

4

up to Rs.200 a month, if, in the course of any year, his monthly average emoluments from commission fell short of that amount, and that, under the existing rules, it could not be utilized for any other purpose. The matter was thereupon considered by this Govt. in the note for orders in G.O.No.497, d/5th April 1897, to which attention is invited.

It was then argued that the income from the investment of unclaimed dividends alone would always be ample to meet the office charges of the Official Assignee and that, if in the future it were found insufficient, it would, then be time to consider the question of utilizing the interest on cash balances, towards the up-keep of the office. The Govt. accepted this view and informed the Govt. of India that

no further amendment of the insolvent rules was necessary. Mr. Justice Sheppard passed rules as under rule II of the new

Insolvency rules, an order authorizing the Official Assignee to draw from the "Office charges fund" a sum of Rs.93/4 each month with effect from the 1st Jany. 1896 for payment of the salaries of the clerks and servants either wholly or in part. The Official Assignee has accordingly utilized a sum of Rs.93-4-0 a month out of the fund to supplement the salaries of his establishment in the manner shown in Part II.

5. The Hon. Mr. Justice Sheppard has accordingly utilized a sum of Rs.93-4-0 a month out of the fund to supplement the salaries of his establishment in the manner shown in Part II.

H.

rules was necessary.
H. Mr. Justice Sheppard passed, under Rule II of the new

Monthly fund: He has received Rs. 110 from his clerks & his establishment. Rs. 110 the month but 203/4

688

5 3 22

Official Assignee have overlooked the fact that, not only the additional outlay of Rs.93/4 but the whole cost of the office administration (Rs.110+93/4+203/4) should have been debited to the "Office charges fund" with effect from the 1st January 1896 and that the monthly contribution of Rs.110 from general revenues should have ceased from that date. He therefore proposes that the sum of the monthly grant made from 1st Jany. 1896 to the 31st Jany. 1898 should be refunded to Govt. from the "Office charges fund" and that the grant should ~~should~~ be discontinued in future. He adds that the balance outstanding to the credit of the fund has steadily been advancing since its formation and that it should be able to bear all the charges connected with the Official Assignee's establishment.

C. No 2, 98

The High Court was consulted, and it says that the Govt. at no time expressed its intention to withdraw the contribution and that it was not aware that the allowance would be discontinued. Referring to the Acct. Genl's remark that the office charges fund is amply sufficient to meet the whole cost of the establishment, the Judges doubt whether the state of the Fund will after July 1898 be such as to meet the demand, seeing that owing to the seasonal distribution of unclaimed dividends under Act XVII of 1841

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which will shortly be taken in hand, considerable expense will have to be incurred and a large sum will have to be withdrawn from investment thereby reducing the proceeds of the fund.

This process will have to be repeated at the interval of every six years.

Having regard to this fact the Judges are unable to say whether the condition of the fund will, even a year or two hence, be sufficient to bear the whole of the office expenses in addition to other charges.

7. The points for decision are whether there is any obligation on the State to maintain the Official Assignee's establishment and, if so, whether it is necessary that the contribution hitherto paid towards its upkeep should be continued. As regards the first point, it is submitted that Govt. is in no way concerned either with the Official Assignee or his subordinates who are under the control of the High Court. The office is maintained in the interests of insolvent debtors and their creditors and general revenues are not in any way benefited by its maintenance. Unlike the unclaimed assets in the hands of the Administrator General which are credited to Govt. after the lapse of fifteen years, Act II of 1874, unclaimed dividends of the Official Assignee are invested solely for the benefit of other creditors.

7 29
and are distributed to them after the expiry of six years under Act XXVII 1841. There is therefore no moral obligation on the Govt. to contribute anything towards the up-keep of the Official Assignee's establishment. Nor does any such contribution seem to be necessary. When the principle of payment by commission was introduced, the amount received by the Assignee was so small that he could not be expected to pay for his establishment, and consequently a grant of Rs.110 per mensem was made by Govt. in 1848 to meet its cost. The fact that the interest on unclaimed dividends and on the general cash balances in the hands of the Official Assignee could be utilized for the purpose appears to have been overlooked at the time. Now, under the new Insolvent rules, the cost of the office administration can be defrayed from the interest on unclaimed dividends, and, if this interest is insufficient, as the High Court says it is, the income from the investment of the general cash balances should be utilized. This procedure is adopted in Calcutta without any higher sanction. If the Madras High Court is unwilling to follow the arrangement in force in Calcutta, it should take steps to impose on the separate corpus of insolvent estate a proportionate share.

See para 3 of M.H.C. letter in S. 1894 6 27-11-76

8 /
administration. In any case the Govt. is not concerned in the matter.

From the resume of the correspondence in paras. 1 to 4 supra, it will be seen that it was certainly the intention of this Govt. and of the Govt. of India to withdraw the monthly allowance of Rs. 110 from the general revenues as soon as the interest on unclaimed dividends was made available to defray the expenses of the office administration, and the Acct. Genl. is therefore right in his interpretation of the views of this Govt.

8. In these circumstances it is submitted that the Acct. Genl. may be instructed to discontinue the payment of the contribution from February 1898. The allowance paid from 1st Jany. 1896 to Jany. 1898 may be foregone as it seems to be inexpedient to press for its refund at this distant date.

If the contribution is withdrawn, the members of the Official Assignee's establishment will practically cease to be Govt. servants; but their status and privileges will not be affected by the change if the High Court provides (as it presumably will do) for the payment of the pension and leave allowances from the "Official Charges Fund".

It might be difficult to get it paid up. Have a try, any way.
22/6/98. *RS*

I agree with the C. J. but the matter will have to be put to the H.C. very judiciously - let me see draft.
RS
22/6/98

I agree with the High Court. But, in order to avoid any difficulty, I think it would be well to propose a refund of what has been already paid. The matter is in a state of uncertainty, and it is better to be on the safe side. The consequences of the decision of the H.C. will be very serious.
RS
22/6/98

C. S. 7. 98
Card C. 12. 7. 98
h. 15. 7. 98
DEPARTMENT.
(Fraser) *The maintenance of the office*
Papers to be read in Proceedings:-
Assignee of office

Again G.O., dated 26 Feb.

1892, No. 366

Again G.O., dated 12 March

1894, No. 604-5

front 20.00 8.00 2.00-50
of 100 428 1654
14-10-95 dated 24-2-96 27-11-96 from
- 5.0 491 688
189 189

ORDER.

No. 1100, 25 July 1898

I think this is done. The H.C. is.
RS
27/7/98

As will be seen from para 4 of the G.O. dated 12 March 94 & the other correspondence read above, it was the intention of Govt. that the monthly contribution of Rs. 110 should be withdrawn as soon as the interest on unclaimed dividends was made available to defray the expenses of the official establishment, and the Acct. Genl. is therefore quite correct in his interpretation of the intention of Govt. that the amount should be withdrawn as soon as the interest on unclaimed dividends was made available to defray the expenses of the official establishment.

Calcutta, the income from
investment of the general
cash balances in the hands of
official assignee. In these
circumstances H. B. The Govt.

FROM ORDERS.

regrets ^{that he is} unable to continue

the payment of the

contribution from general
towards the cost of the official assignee's establishment
and the Govt. Secy.

C. S.

will accordingly be requested

to withdraw the monthly
allowance ^{offer the payment of that for the current month}
~~contribution~~ ^{already}

contribution paid from
investment will be foregone
no claim should be made
in its refund.

(From orders)

AX
158 8/7/98
17.7.98