M.R.O. 1—77,000—9-4-37.

(1) Number of pages _____

(2) Date of repair _____

(3) Initials of the Referencer _____

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 704 Press / Mis.

Dated 21-5- 1935.

12/13

Not to be folded or roughly handled

No. 214. Read the following letter from Captain T. WELDON, Magistrate of the Egmore Police Court, to the Hon. W. HUDLESTON, Chief Secretary to Government, Fort St. George, dated Madras, 22nd April 1873, No. 60:—

Government, in their Order, dated 20th February 1873, No. 249, Financial Department, circulated a Resolution of the Government of India prescribing two forms of certificate to be attached to bills for contingent charges. The forms run—

I. *Certificate by a Disbursing Officer.*—"I hereby certify that the amount of every charge made in this bill has been actually paid to the person to whom it was due. A receipt (when it was possible to obtain one, and, when it was not possible, a voucher) for each item is attached to this bill."

II. *Certificate by a Countersigning Officer.*—"I hereby certify that, in support of every charge made in this bill, a receipt or other voucher in proper form has been given to me and is now in my possession. The receipts and vouchers for items in excess of Rupees 100 are attached to the bill, and I have personally ascertained that the receipts and vouchers for all other items are in proper form and order, and that they have been so cancelled that they cannot again be used to support claims against the Government."

2. On receipt of the above Order I wrote to the Examiner of Claims as follows:—

Queries.	*Reply.*
"Are both forms of certificate there given to be attached to our bills?"	"No, only the first."
"If so, who is to be the disbursing officer?"	
"I cannot sign the certificate for disbursing officer unless I see each payment made, which it is obviously impossible for me to do."	"You must do so, as you are the disbursing officer through one of your subordinates."
"Our course of business is—a memorandum or bill is submitted to me for all charges, large or small; if I approve I endorse— 'Pay. T. W. (Date)' on which the payment is made by the Cashier of the Court and receipt obtained."	
"At the end of the month all vouchers are attached to the contingent bill when it is brought to me for signature. I again examine and sign the contingent bill."	
"I can sign the certificate of the countersigning officer."	

3. When submitting my contingent bill for March I certified thus—

"I hereby certify that I believe the amount of every charge made in this bill has been actually paid to the person to whom it was due. A receipt (when it was possible to obtain one, and, when it was not possible, a voucher) for each item is attached to this bill." This was objected to as "not being in the prescribed form" and the bill returned unpassed.

4. I do not think Government either require or desire that the work of the Court should be stopped while the recipient of every little payment is solemnly brought forward to have—perhaps 1 Anna—delivered in the presence of the Magistrate, who by the form No. 1 is required to certify that the amount has been actually paid to the person to whom it was due. Every payment is made on my responsibility and order by the Cashier of the Court under the supervision of the Chief Clerk, whose business it is to see to these matters and avoid unnecessary interruption of the regular judicial work. The suggestion of the Examiner of Claims that I should sign, though some one else actually pays, does not appear to me a satisfactory compliance with the form. I am quite willing to bear the responsibility of the payment, but I trust Government will relieve me from the necessity to certify what is not strictly true and will sanction my adoption either of the modified form as stated in paragraph 3 of this letter or will allow me to countersign the certificate of my subordinate.

Referred to the Accountant-General for his remarks. It is not clear why it should be insisted on that the Magistrate is the disbursing officer.

OOTACAMUND,
29th April 1873.

(Signed) W. HUDLESTON,
Chief Secretary.

MEMORANDUM.

No. 59.

The Accountant-General has the honour to state that, in his opinion, the words of the Order "disbursing officer" cannot properly be read in any other sense than that given to them in the reply to Captain Weldon's inquiries. If Government, however, think otherwise the question should be referred to the Government of India, pending whose orders the undersigned is prepared to adopt any course Government may prescribe.

FORT ST. GEORGE,
3rd May 1873.

(Signed) F. LUSHINGTON,
Accountant-General.

To the Chief Secretary to Government.

The Accountant-General is requested to state what course is pursued in the other Police Magistrates' Courts at the Presidency.

OOTACAMUND,
5th May 1873.

(Signed) W. HUDLESTON,
Chief Secretary.

MEMORANDUM.

No. 68.

The Accountant-General has the honour to state that all the other Police Magistrates affix the prescribed certificate to their contingent bills.

FORT ST. GEORGE,
8*th May* 1873.

(Signed) F. LUSHINGTON,
Accountant-General.

To the Chief Secretary to Government.

Proceedings of the Madras Government, Financial Department,
21st May 1873.

No. 215. ORDER THEREON, 21st May 1873, No. 704.

The Governor in Council is of opinion that the Clerk of the Court and not the Magistrate should be considered the disbursing officer in the Presidency Police Courts, and that the Magistrate of each Court should countersign the bill after examination of the vouchers, &c.

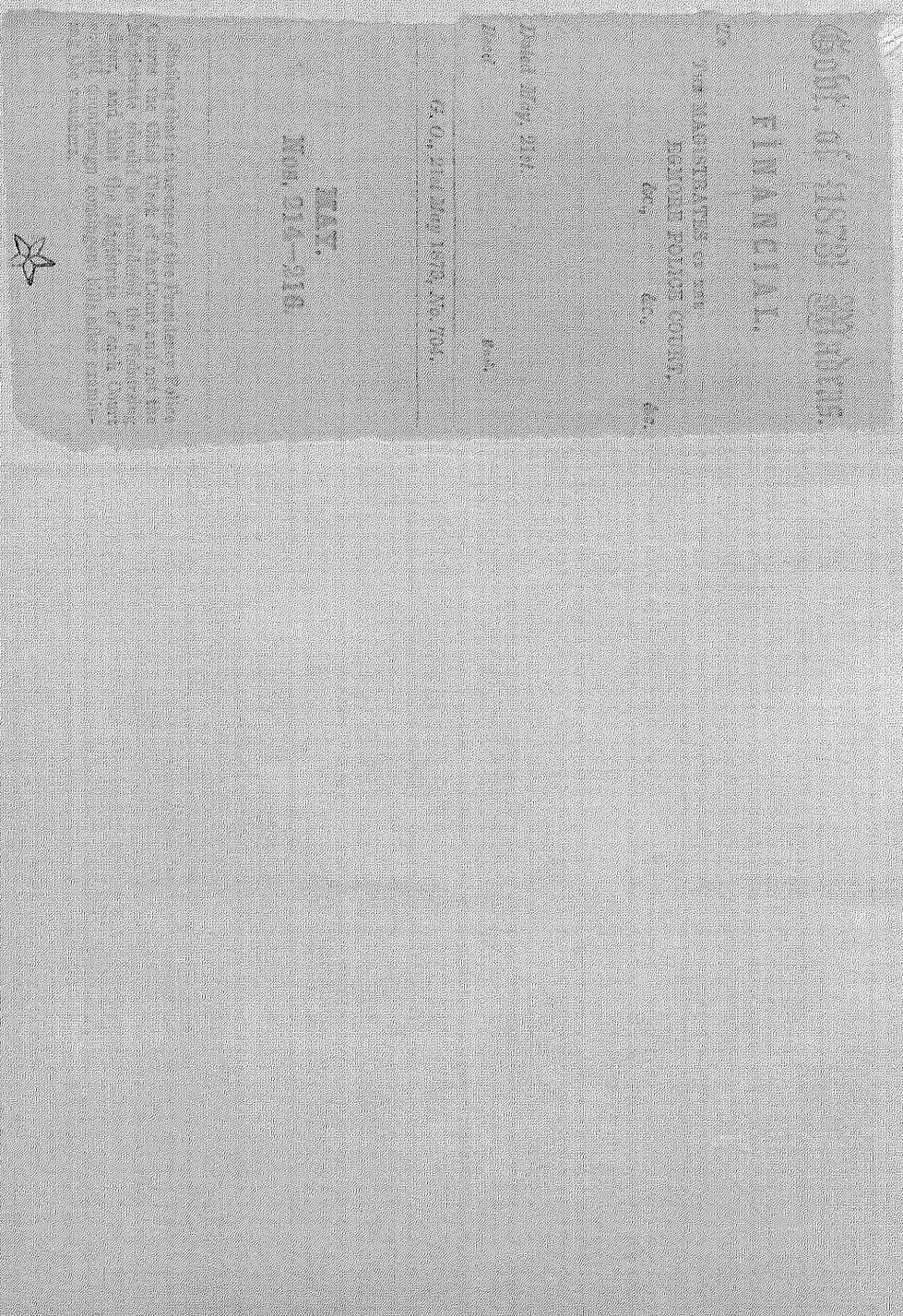
2. The correspondence will be forwarded for submission to the Government of India as requested by the Accountant-General.

(True Extract.)

Acting Under Secretary,
for *Chief Secretary.*

To the Magistrates of the Egmore Police Court.
,, ,, of the Town do.
,, Accountant-General.

Exd. A. S. Rodgers.



Egmore Police Court.
Madras 22nd April 1873.

From

Captain A. Weldon.
Magistrate of Police.

To

The Honorable H. Sconce.
Chief Secretary to Government
Fort St George.

Sir,

Government Order dated 20th February 1873, No. 249 Financial Department, circulated a Resolution of the Government of India prescribing two forms of Certificate to be attached to bills for Contingent charges. The forms were-

I. Certificate by a Disbursing Officer.- "I hereby certify that the account of every charge made in this bill has been actually paid to the persons to whom it was due at receipt for them at was possible to obtain one, and, when it was not possible, a voucher for each item is attached to this bill."

II. Certificate by a Countersigning Officer.- "I hereby certify that, on default of every charge made

on the bill or receipt or other voucher in proof
of the item been ground to me, and of none of
my profession. The receipts and vouchers
for items in excess of Rupees 100 are attached
to the bill, and I have personally ascertained
that the receipts and vouchers for all other
items are in proper form and order, and
that they have been so cancelled that they
cannot again be added to support claims
against the Government."

2 On receipt of the above Order
I wrote to the Examiner of Claims as follows.

"Are both forms of
certificate there given
to be attached to our
Bills?"

"If so who is to be the
disbursing Officer?"

"I cannot sign the
certificate for disbursing
Officer unless I see
that payment made
which it is obviously
impossible for me to do.

"Our custom of binding
to all memo or bills is
submitted to me for
all charges large or
small. after payment
& receipt

Pay
T. M.

dated

on which the payment
is made by the Cashier
of the bank and receipt
obtained."

"After all vouchers
all vouchers are cancelled
attached to the Contingent
Bill when it is brought
to me for signature.
I again examine and
sign the Contingent Bill"

"I can sign the
certificate of the
disbursing
Officer."

3 When submitting my Contingent Bill for a Month I certified thus:—

"I hereby certify that I believe the amount of every charge made in this bill has been actually paid to the person to whom it was due. Except when it was impossible to obtain one and when it was not payable a voucher for each item is attached to this bill." This was objected to as "not being in the prescribed form" and the bill returned unpassed.

4 I do not think Government either require or desire that the work of the Court should be stopped while the receipient of every little payment is solemnly brought forward to have perhaps One Anna delivered in the presence of the Inspecting Officer who by the form as it is required to certify that the amount have been actually paid to the person to whom it was due. Every payment so made on my responsibility and order by the Cashier of the Court under the supervision of the Chief Clerk whose business it is to see to these matters and avoid unnecessary interruption of the regular judicial work. The suggestion of the Examiner of Accounts that I should sign through some one else actually pays, does not appear to me a satisfactory compliance with the forms. I am quite willing to bear the responsibility of the payment but a Local Government will relieve me from the necessity to certify what is not strictly true and will sanction my adoption either of the modified form as stated in para 3 of this letter or will allow me to countersign the certificate of my subordinate.

I have the honour to be
Sir
Your most obedt. Servt
Meredew
Inspecting Officer

The Accountant General has the honor to state that in his opinion the words of the order "Endeavouring Officers" cannot properly be read in every situation as does the Govt. but seem to him to refer only to Captains Petitions enquiries. If Government should however think otherwise the question should be referred to the Government of India standing orders have ordered the under signed is prepared to adopt any course Government may prescribe.

Fort St. George
Accountt. Genls. Office
3d. May 1820.

H. Lushington
Accountt. General

To
The Chief Secretary
to Government
&c &c &c

6

The Accountant

General is requested to cause
a Draft to be issued in favour of
the Hon. John Hamilton Dundas
Esq. at the Treasury.

Chief Secretary.

Colonial Office 1st

Accountant General's Office
Received
5 1813
Answd

1785

7

The Accountant General begs
leave to state that all the other Public
Allegiances affixed the Seal and
Signature to their Contingent Bills.

Sept. Lt. Col. George
Accountant General's Office
8th Augt 1813.

H. Hutchinson
Accountant General

No 68

To The Chief Secretary
to Government
Cape

Chief Secretarys
Office
Augt 25th

Judicial 1873 / Deposit

Accounts General's Office
Recd 2 5 1873
Ansd —

From

The Magistrate of Police

G O 21st Aug/73 No 314-316

To

The Chief Secretary
to Government
Fort St George.

Dated 22d April } 1873
Received 28 — do — }

No 890.

No 60 of 73

Requests the Government will either sanction for adoption of a modified form of Certificate to be attached to Contingent Bills or allow him to Countersign the certificate of his subordinate.

Referred

As Captain Weldon has chosen to raise the question I think the matter must be agreed. unless the Accountant General will accept the Chief Clerk of the Court's certificate with or without Captn Weldon's counter signature — Captain Weldon is not "the disbursing officer" & we can't compel him to sign this certificate, altho' this is done by his colleagues the other Magistrates. M C

Judicial Department

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from
Captain J. Wilson, Magis.
Date 9th Feb. 1873 upon the
Report of the Assistant
Commissioner 3rd Inst.

Order thereon Recommended 21st March 1873.

The Governor in
Council is of opinion
that the Courts of the
Presidency Magistrates should be
constituted the Tribunals
of appeal in the Presidency
Petty Courts, and that
the Magistrates of each
Court should consider
sign the bill after exa-
mination of the vouchers &c

2. The correspondence
will be forwarded for
information to the Board
of

of India as approved
by the Secretary
General.

Abstract of the Proceedings of the Governor General's Council of Price
Paper
Report of Mr ~~Baron Ponsby~~
Price Courts
Seventh General

Sir H Elliot

Govt. of [1873] Madras.

Financial

To

The Magistrate of Cuddapah Police Court

Dated Aug. 2
Recd.

1873, No. 704.

Nos. 214. 216.

Stating that in the case of the Mun. Police Courts the Head Clerk of the Court & not the Mag. should be considered the disbursing officer & that the Mag. & Head Clerk should countersign the Bills & Establishment Pay Sheets.