M.R. G. 1—30,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1163 Press ~~Mis.~~

98-100

Dated 16-9-1861 ~~19~~ .

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Not to be folded or roughly handled

Read the following papers:—

No. 98. From J. ROHDE, Esq., Inspector General of Jails; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated Ootacamund, 25th July 1861, No. 317.

I have the honor to request the sanction of Government to the expenditure of Rupees (420) four hundred and twenty, the cost of six carts for the Nellore Jail.

2. I have not hitherto deemed it necessary to apply to Government for sanction for such sums, where the charge was for distinct articles, the cost of each of which did not amount to Rupees 100, having been assured by Mr. Franklyn Lushington, then Civil Auditor, that this practice was in strict accordance with the rule, but the present Civil Auditor having declined to accept my several sanctions for the cost of each cart, I am now compelled to trouble the Government in the matter.

3. It seems to me that the delay and inconvenience consequent on a reference to Government for sanction for tools and implements required in Jails whenever the aggregate cost exceeds Rupees 100, will not be compensated by any advantage and that it can make little difference whether I sanction an expense of 420 Rupees for six carts once in perhaps six years, or whether I sanction the cost of each cart separately as it is made up, the articles must be provided if Prisoners' labor outside the walls and reference to Government will be a mere form.

Referred to the Civil Auditor.

Signed) J. D. SIM,
Secretary to Government.

30th July 1861.

No. 99. From W. J. RAYNOR, Esq., Officiating Civil Paymaster; to J. D. SIM, Esq., Secretary to Government, Fort Saint George, dated 27th August 1861, No. 764.

Judicial Department.

In returning the accompanying letter* from the Inspector General of Jails, referred to me for report, I have the honor to state that, the charge of Rupees 420 therein alluded to, for six carts for the Nellore Jail, was disallowed by my predecessor for want of Government sanction, as it did not appear to him to fall within the Inspector General's competency under the Order of Government, dated 26th January 1858, No. 46.

* *No. 317, dated 25th ultimo.*

2. That Order, it will be seen, vests certain controlling authorities with power to sanction estimates for charges of the class requiring to be estimated for, not exceeding in amount Rupees 100, the sanction is not for each article. Two or more articles of the same kind required to be made up at once, though estimated for distinctly, would form but a single charge, and be treated accordingly, *i.e.*, if within the limit of 100 Rupees the sanction of the controlling authority would be accepted as sufficient, otherwise the sanction of Government would be necessary. I see no reason to differ from Mr. Waterfield's construction of the Order in question, which is in accordance with the rule in such cases, although the practice of this Office appears heretofore to have been different.

No. 100. ORDER THEREON, 16th September 1861, No. 1,163.

The Officiating Civil Paymaster states that the charge of Rupees 420, for six carts for the Nellore Jail, was disallowed by his predecessor for want of Government sanction, as it did not appear to him to fall within the Inspector General's competency under the Order of Government, dated 26th January 1858, No. 46.

2. The Government observe that the "*purchase and repair of gaol-carts*" is enumerated, in paragraph 311, chapter VII of the Civil Auditor's Manual, among the items incurred in the Jail Department as 'usual contingent and extra charges' admissible in audit without special sanction. They desire the Civil Auditor to explain whether the cost of the six carts for the Nellore Jail

cannot be dealt with as such, and passed under the countersignature of the Inspector General of Jails.

3. The Order of the 26th January 1858, No. 46, to which the Civil Paymaster has referred, vested in the several controlling authorities of the Civil Departments, power to sanction new articles, or work, not exceeding Rupees 100 in amount. It was passed on the suggestion of Mr. Lushington then Civil Auditor, made at the request of the Government, for the purpose of relieving them from applications for sanction to petty charges, similar to the one then before them, viz., for 10 Rupees for a pandal to a Moofty Sudder Ameen's Court. The construction placed on the Order by Mr. Waterfield, from which Mr. Raynor sees no reason to differ, viz., that the total cost of the new articles, or work, in the bill, should be within the limit of Rupees 100, will restrict the practice of the Audit Office in this respect—the limit fixed having been heretofore regarded as the limit of the value of each new article, or work sanctioned.

Extract Minutes Consultation, 16th October 1857, No. 1,355.

4. Looking to the circumstance that the power conferred by the Order of the 26th January 1858, is confined to the controlling authorities in the Civil Department, as recited in the margin, to which may be added the Inspector General of Police, the Government are reluctant to confirm the view taken by the Civil Paymaster. The power has been exercised for some years by these Officers in respect to the expenditure of the Departments subordinate to them, and Mr. Raynor does not state that any evil has resulted from the practice. On the contrary, there must have been a great diminution of correspondence of the character alluded to at the end of Mr. Rohde's letter.

Departments.	*Controlling authority.*
Judicial.	Sudder Court.
Revenue.	Board of Revenue.
Marine..	Superintendent of Marine.
Civil Medical. ..	Principal Inspector General.
Mint and Assay. ..	Mint Master.
Public Works.. ..	Chief Engineer.
Educational. ..	Director of Public Instruction.
Jail.	Inspector General.
Police.	Inspector General.

5. The Government resolve to request the Civil Paymaster to state whether there is any objection, other than the new construction of the Order, against maintaining the practice established by former Civil Auditors—the expenditure of officers not controlling departments continuing to be regulated by the rule that purchases of new small articles, of which no one article exceeds Rupees 5 in value, are not admissible without sanction.

Manual, Chapter V, paragraph 21.

(Signed) J. D. SIM,
Secretary to Government.

Exd. F. Cartledge.

Judicial.

Proceedings of the Madras Govt.

Read the following letters—

From the Inspector General of Jails—Inter 25th July '61 No. 317.

" the Civil Paymaster ——— 27th Aug. " —764.

Order—16th Sept. 1861 No. 1163.

The officiating Civil Paymaster states that the charge of Rs. 420 for six Carts for the Nellore Jail, was disallowed by his predecessor for want of Govt. sanction, as it did not appear to him to fall within the Inspector General's competency under the order of Govt. dated

dated 26th January 1858 No. 46.

2. The Govt. observe that the "Purchase & repair of gaol-cart is enumerated, in para 311, Chap. VII of the Civil Auditor's Manual, among the items incurred in the Jail Dept. as "Usual Contingent & Extra Charges" admissible in audit without special sanction. They desire the Civil Auditor to explain

explain whether the cost of the six Carts for the Nellore Jail cannot be dealt with as such, & passed under the counter-signature of the Inspector General of Jails.

3. The order of the 26th January '58 No. 46, to which reference is referred, vested in the several controlling authorities of the Civil Depts. power to sanction new articles, or work, not exceeding Rs. 100 in amount. It was

Ex: Min: Cons:
16th Oct: 57 No: 1,355.

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Ameen's Court. The
construction placed
on the Order by
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which Mr. Raynor
sees no reason to
differ, viz., that the
total cost of the new
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be within the limit
of Rs. 100, will restrict
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this respect — the
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of the value of each new article,
or work sanctioned.

4. Looking to the cir-
cumstance

circumstance that the powers conferred by the Order of the 26th January 1858, is confined to the controlling authorities in the Civil Dept., as recited in the margin, to which may be added the Inspector Genl. of Police, the Govt. are reluctant to confirm the view taken by the Civil Paymaster. The power has been exercised for some years by these officers in respect

Depts.	Controlling Authority.
Judicial.	Sudder Court.
Revenue.	Board of Rev.
Marine.	Supt. Genl. of Marine.
Civil Med.	Principal Inspector Genl.
Mint & Stamp.	Mint Master.
Pub: Wks:	Chief Engineer.
Educational.	Director of Public Instruction.
Jail.	Inspector Genl.
Police.	Inspector Genl.

respect to the expenditure of the departments subordinate to them, & Mr. Raynor does not state that any evil has resulted from the practice. On the contrary, there must have been a great diminution of correspondence of the character alluded to at the end of Mr. Rohde's letter.

5. The Govt. resolve to request the Civil Paymaster to state whether

whether there is any objection, other than the new construction of the Order, against maintaining the practice established by former Civil Auditors — the expenditure of officers not controlling departments continuing to be regulated by the rule that purchases of News Small Articles, of which no one article exceeds Rs. 5 in value, are

Manual, Chap. V — para 21.

not admissible without sanction.

The Inspector Genl. of Jails.
" Civil Paymaster.
" Addl. Genl.

Proc of Sept^r

Auditor's 1861 Depart^t

No 1163.

Proceedings of Govt

Feb^y 1874

5th September 1861

Offer Certain remarks
on the objection urged by the
Civil Auditor to allow the
Inspector General of Scales
to pass the Contingent Charges
incurred in the purchase of
Six Carts at Nellore

90@100

Chas Cox
129 11