M.R.O. 1—38,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1236 Press ~~Mis.~~

15-16

Dated 5 . 10 . 1861 ~~19~~ .

12/13

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
5th October 1861.

No. 15. Read the following letter from A. HATHAWAY, Esq., Magistrate of Bellary; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 16th September 1861, No. 30.

1. I have the honor to request the permission of Government to debit in the Accounts of this Office, and remit to the Superintendent of Police of this District, to be incorporated in "the Police Superannuation Fund," under Section XII of Act XXIV of 1859, a sum of Rupees 28, being the amount of fines of the nature enumerated in the above Section, and credited in the Accounts as particularized in the enclosed Abstract; which, having been sent to the Civil Auditor for audit, has been returned by him unaudited, with the enclosed Memo. attached to it.

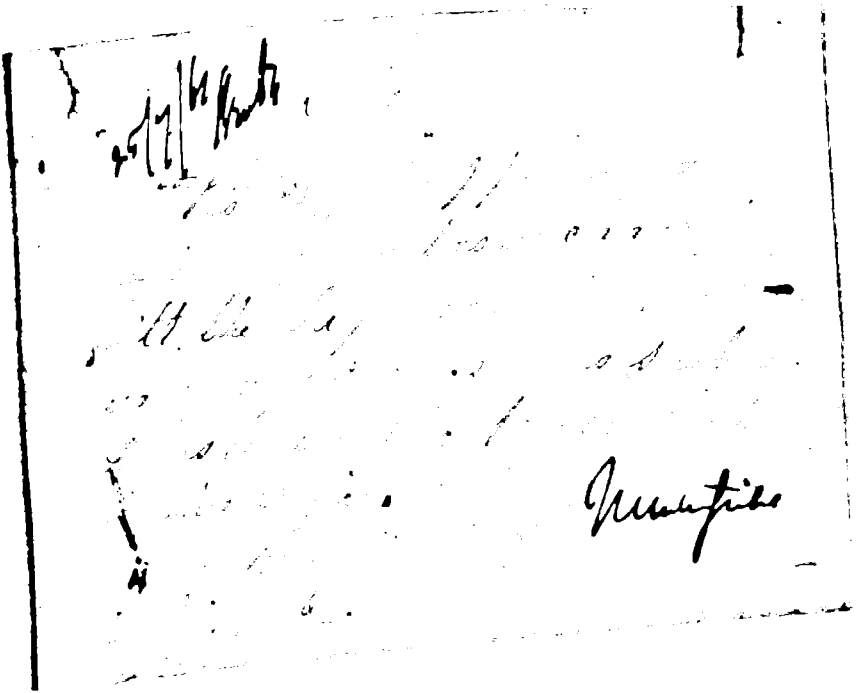
2. I also request that the necessary instructions may be issued to the Civil Auditor, to pass such Abstracts in future, (which will be sent to him from this Office after the Petty Calendars of the Magistracy of each quarter have been reviewed by the Session Judge), in the same manner that he passes the Abstracts of the Magisterial fines, ordered by the Session Judge to be refunded to the parties from whom they may have been levied.

No. 16. ORDER THEREON, 5th October 1861, No. 1,236.

The fines referred to by the Magistrate of Bellary clearly appertain to the Police Superannuation Fund. The papers will be furnished to the Accountant General who will be requested to report in what manner they should be carried to account, and when erroneously credited in what way the error may be rectified without making a reference to Government.

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

Exd. F. Cartledge.



Abstract Statement shewing the particulars of the fines inflicted by the Magistrates in the District of Bellary during the Months of January February and March 1861 which are to be transferred to the Police Superannuation fund under Section XII of Act XXIV of 1859.

Names of parties from whom fines were collected.	Nature of Charges	Amount likely transferred to the Police Superannuation fund Rs. A. P.	Remarks.
Fines inflicted by the Commissioner Bellary Magistrate.			
Venta	Drunkenness	2 ..	
Hussain	Affrowing Dirt from	4 ..	
Malamkali			
Viramma	do	5 ..	
Dinchi	do	2 ..	
Fines inflicted by the Assistant Magistrate of Bellary			
Cabbandiga Police Peon	attempting to oppose Police Men.	3	
Somaya	do	3	
Fines inflicted by the Tahsildar Magistrate of Kudligi			
Venkatavanii	Having about the time intoxicated	1	
Dasija	do	1	
Gangadhara	attempting to oppose Police men	1	
		28 ..	
Total Company's Rupees		9	

Bellary Magistrate's office
16th September 1861.

A. Watson
Magistrate.

Memo.

It is a standing rule that any sum credited to the Public Acct., can be refunded only by an order of Court.

This rule, established to the refunds of Police Fines & unclaimed Judicial deposits, has created a great many requests to have orders made, therefore, years ago, authorizing the Civil Auditor to pass such refunds, if directed

directed by the proper controlling authority in the Police Court or Magistrate's Office. Recently the whole question was taken up & the old orders, which were used or long gotten, revised with some little modification — the object being to deal with some irregularities & references in Orders & Circulars. It is directed in Bellary for many years that the following entries be carried to credit of "Judicial Receipts" the rectification as regards the "Police Superannuation

Pros: 8th Mar. '61 No: 309.

Superannuation Fund" could be effected by the following entries in the Collector's Acct.

Dr. Bellary Cr.

To Judicial Receipts — Amount erroneously credited — Rs 28.

By Bills Payable — Amount erroneously credited to Judicial Receipts — Rs 28.

There would be no difficulty about the credit entry, as the Sub Treasurer would receive the remittances. The debit entry comes under the standing rule already stated, & the

the Acct. Officer cribbl
ask for an audited
voucher in support
of it.
The Civil Auditor (Mr.
Waterfield) refused at
audit, because it was
not a Police Fine, but
anyhow if the audit
is wanted for a trans-
fer, it was not neces-
sary.

This remark as to not being a "Police Fine" seems to have been made in reference to the Orders passed about pre-

funds

Note - All this does not explain the remark in the Civil Auditor's Memo. that it has no connection with the superannuation Fund - but the Memo is dated 22nd July '61 & the Statement to which it is attached, bears date

date the 16th Feb. '61. Mr. Hathaway seems to seek for some general order on the subject.

refunds of Judicial Fines & unclaimed deposits. The Fines there meant were to be paid back to the parties & to would pass out of the Treasury altogether. The present case is a mere transfer from one acct. to another

Further, the Civil Paymaster cannot this year audit the Statement, unless the amount is provided for in the sanctioned Budget.

If there were a rule dispensing with an audited voucher

voucher, when there
is the same Entry
in credit & contra
— & this is always
the case when a
rectification is
made, transferring
a credit or charge
from one head of
acct. to another
— the difficulty
would not arise.
As matters stand,
audit for the pur-
poses of transfer, is
incompatible
with the Budget
System now in
force.

Judicial Department. 6

PROCEEDINGS of the MADRAS GOVERNMENT.

Read letter from the
Magistrate of Bellary - Junr 16 - dep. 61 No. 30.

Order -

In Section XII - Act -
XXIV - 1859, it is e-
nacted that, besides
the rate deducted from
the pay of every Police
Officer of a class not
entitled to the benefit
of the Uncov. Service
Pension Rules, the Po-
lice Superannuation
Fund should be cre-
dited also with the mo-
nies accruing from
"stoppages from the pay
"of Police officers during
"absence from sickness
or other cause, and
fines

"fines imposed on Police
"officers for misconduct, & from fines
"imposed by Magistrates & others upon
"drunken persons, or
"for assaults upon
"Police officers, & all
"monies arising from
"the sale of worn or
"cast-off clothing, or
"other articles supplied for use of the Police
"or from any other
"miscellaneous source
"which shall be permitted by the Governor in Council."

2. The system of bringing to credit sums to be credited to this Fund, is explained, infra, para 3 of the Genl. Circular, 14 Feb. 60 No. 205. The sums tendered by the Supdts. of Police are to be credited by the Collector to "Bills Payable", & remitted monthly to the Sub Treasurer, with a Memo. of the particulars of the remittances, which would then be credited to the General Treasury Accts. heretofore credited to the "Municipal Police Superannuation Fund".

The fines referred to by the Magistrate of Bellary as pertaining to the Superannuation Fund, it seems to the Governor in Council that, without the formality of forwarding the amount to the Superintendent of Police, by him to be retransmitted to the Collector, it might be included in the monthly bill to be sent to the Sub Treasurer, & the transaction explained in the memo. of the remittance.

In regard to the reversal to be made in transferring the amount from the Suspense Account, to which it has been erroneously credited, to the proper heading, viz., "Bills Payable," it would be preferable to adopt some expedient — such as deducting the same amount from

from the next similar credit — instead of making a debit & credit entry in the accounts. — Such a debit entry will required an audited voucher in support of it.

The Civil Paymaster, before he passes the bill, will look for the amount, or its equivalent in the Budget — & to carry out the system, the Collector & Magistrate would in his turn have to provide in his Estimate for erroneous credits likely to be made unavoidably or inadvertently.

5. The Asst. Supt. will be requested to report on this matter. He will also state whether, in cases of transfers, there is any rule for dispensing with an audited voucher, when there is a similar credit entry per contra.

The Magistrate of Bellary.
" Inspector Genl. of Police.
" Asst. Supt.
" Civil Paymaster.

5/s

10 AA

Judicial Department.

List

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following Letter from the Magistrate of Bellary.

(Here Enter 16th September 1861 No 30)

Order thereon 5th ~~September~~ October 1861 No 1236.

The fines referred to by the Magistrate of Bellary clearly appertain to the Police Superannuation Fund and the proper course would seem to be for him to remit them to the Sub Treasurer whose receipt will form his Voucher. The papers will however be furnished to the Accountant General for his report. He will be pleased to report in what manner they should be carried to account, and when

To the Mag of Bellary
" Accountant General
" Sub Treasurer
" Inspector Genl. of Police

With a statement & plans attached to be returned

5/10

PROCEEDINGS of GOVERNMENT.

No.

186 . Department.

List of Papers

Dated

1860. Madras—Printed at the Government Press.

For 29th Jan 1861 pt 16 to 18 & 62
Pros 8th March 1861 pt 57–58.

Jud. C. 186/. Department.

No. 1236.

PROCEEDINGS of GOVERNMENT.

Dated 5 Oct 61.

Observe that the former alluded to by the Magistrate of Bellary in his letter of the 16th September last clearly appertains to the Police Superannuation Fund and the Accountant General directed to report as to the manner it should be carried to account.

4394] Madras—Printed at the Government Press.