

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. <i>983</i>	Press <i>MIS.</i>
<i>185-187</i>	
Dated <i>24.6.1862</i> 19	

10/11

Not to be folded or roughly handled

983

*Proceedings of the Madras Government, Judicial Department,
24th June 1862.*

Read the following papers:—

No. 185.

No. 737.

OFFICIAL MEMORANDUM.

With reference to Government Orders, Nos. 750 and 815, dated 6th and 20th ultimo, the Officiating Civil Paymaster has the honor to state that by the Orders of the Government of India, No. 3,081, dated 25th April last, he is precluded from passing the pay of the additional Moonsiffs sanctioned for Combaconum, Paupanassum and Nagore, and of their Establishments, until such sanction is confirmed by that Government.

The Establishments in question have been admitted by this Office up to 30th April 1862.

(Signed) W. J. RAYNOR,
Officiating Civil Paymaster.

FORT SAINT GEORGE,
CIVIL PAYMASTER'S OFFICE,
10th June 1862.

To the Acting Chief Secretary to Government.

No. 186. From M. J. WALHOUSE, Esq., Acting Civil Judge of Tanjore; to A. J. ARBUTHNOT, Esq., Acting Chief Secretary to Government, Judicial Department, Fort Saint George, dated Combaconum, 14th June 1862, No. 436.

The Officiating Civil Paymaster having disallowed the charges of the 2 additional Moonsiffs' Courts in this Zilla for May last, for want of the confirmation of the Government of India to the sanction granted by this Government for their entertainment, I have the honor to request that the required sanction may be obtained from the Supreme Government at an early date.

2. I have addressed this letter direct to you, the Sudder Court being now adjourned.

No. 187. ORDER THEREON, 24th June 1862, No. 983.

In the Order of the 6th ultimo, No. 750, the Civil Paymaster was authorized to pass the charges for May 1862, and the succeeding months, on account of the additional District Moonsiffs' Courts at Combaconum and Paupanassum, in anticipation of the sanction of the Government of India to the retention of these Courts for a further period of one year up to the 30th April 1863, for which sanction, it was stated, that the Government had resolved to apply.

2. The Order of the 20th ultimo, No. 815, conveyed similar authority to the Audit Office in respect to the additional District Moonsiffs at Nagore, with the remark that application would be made to the Government of India for their sanction to the continuance of the Court up to the 30th April 1863, on the Civil Judge of Negapatam submitting a tabular statement in the prescribed form.

3. In his Memorandum recorded above, the Civil Paymaster submits that by the Orders of the Government of India, 25th April last, No. 3,081, he is precluded from passing the pay of the District Moonsiffs at Combaconum, Paupanassum, and Nagore, and of their Establishments, until the sanction of this Government is confirmed by the Government of India.

4. His Excellency the Governor in Council observes that the Orders of the Government of India communicated to the Civil Paymaster in the Honorable Mr. Drummond's letter of the 25th April last, contains no new ruling. In that letter, the Civil Paymaster is merely referred to paragraph 8 of the Financial Resolution of the 14th February 1860, No. 1111 and informed that this rule is still in full force, and that none of its restrictions have been removed by the Financial Resolution of the 8th May 1861, which relates to the appropriation of expenditure under the Budget system.

5. Thus the objection of the Civil Paymaster to pass the abstracts of the three additional District Moonsiffs rests in fact on the Financial Resolution of the 14th February 1860. In paragraph 8 thereof, two rules are laid down:—

*Proceedings of the Madras Government, Judicial Department,
24th June 1862.*

I. That the local Governments shall not be permitted to sanction any establishments, temporary or permanent, without immediately reporting such sanction for the confirmation of the Government of India.

II. That the Auditors shall not pass the charges for any such establishments, unless they have been sanctioned by the Government of India.

6. The condition required by the first ruling has been complied with under the Order of the 6th ultimo, No. 750. In the tabular statement of the same date No. 750, the Government of India have been informed that the Civil Paymaster had been authorized to admit the charge for the Courts at Combaconum and Paupanassum, pending the receipt of their sanction. A similar report will be made as regards the Court at Nagore, on the Civil Judge of Negapatam furnishing the tabular statement called for in the Order of the 20th ultimo, No. 815.

7. If, however, the Civil Paymaster has objected under the second ruling in paragraph 5 *supra*, he has clearly lost sight of the Resolution of the 23rd April 1860, passed on the remonstrance of the Government of Bombay, to the effect that the Civil Auditors might be allowed to pass salaries on receipt of special orders from the local Governments in each case, such orders being reported to the Government of India.

8. His Excellency the Governor in Council observes that the retention of the additional District Moonsiffs' Courts at Combaconum, Paupanassum and Nagore is absolutely necessary. He resolves accordingly to grant the Civil Paymaster special authority, under paragraph 3, of the Financial Resolution of the 23rd April 1860, to carry out the Orders of the 6th and 20th ultimo, Nos. 750 and 815. The Civil Judge of Negapatam will lose no time in submitting the tabular statement called for on account of the Nagore District Moonsiff.

(Signed) A. J. ARBUTHNOT,
Acting Chief Secretary.

Judicial Dept

*Proc. 6th May 1862 at 55/57
- 20 -
Printed at the
- 20 -
at 55/57*

S. O. No. 982

*The Offg Civil Pay-
master. 737.*

ditto 4 July

*of 10th 2 June 1862
of 12th 3*

No. 1135

*States that by the orders of
the Govt of India No. 308/84
25th ultimo he is precluded from
passing the pay of the additional
moonsiffs sanctioned for Comba-
conum, Paupanassum & Nagore
& of their rets until such
sanction is confirmed by
that Govt.*

185.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read letter from the
Civil Paymaster—Enter 10th June '62 N^o 737.
Read also letter from the Civil
Judge of Tanjore—14th do. — "436.
Order—24 June 1862 N^o 983

In the Order of the
6th ulto. N^o 750, the
Civil Paymaster was
authorised to pass
the charges for May
'62, & the succeeding
months, on acct. of
the additional Dis-
trict Mooniffs Courts
at Combaconum &
Paupanassum, in
anticipation of the
sanction

sanction of the Govt. of India to the retention of these Courts for a further period of one year up to the 30th April '63 — for which sanction, it was stated, that the Govt. had resolved to apply.

2. The Order of the 20th Ultō. N^o: 815 conveyed similar authority to the Audit Office in respect to the additional District Mونسiffs at Nagore, with

with the remark that applications would be made to the Govt. of India for their sanction to the continuance ^{of the Courts} up to the 30th April '63, on the Civil Sledge of Negapatam submitting a tabular statement in the prescribed form.

3. In his Memo. recorded above, the Civil Paymaster submits that by the Orders of the Govt. of India, dated 25th April last N^o: 3081, he

he is precluded from
passing the pay of
the District Moon-
siffs at Combaconum,
Pacpanasum, and
Nagore, & of their
establishments, until
the sanction of this
Govt. is confirmed
by the Govt. of In-
dia.

4. H. B. the Governor in
Council observes that
the Orders of the Govt.
of India commu-
nicated to the
Civil Paymaster in
the

in the Honble Mr.
Drummond's letter
of the 25th April last,
contains no new
ruling. In that
letter, the Civil Pay-
master is merely
referred to para 8
of the Financial
Resolution of the
14th Feb. 1850 No. ¹⁵²⁴/₁₅₂₉
and informed
that this rule is
still in full force,
& that none of its
restrictions have
been removed by
the Financial Reso-
lution

Resolution of the 8th
May 1861 which
relates to the appropri-
ation of expenditure
under the Budget
system.

Thus the objection of
the Civil Paymaster
to pass the abstracts
of the three additi-
onal District Moun-
siffs rests in fact on
the Financial Re-
solution of the 14th
Febry. '60. In para-
graph 8 thereof, two rules
are laid down —

I. That the local Govts.
shall not be per-
mitted to sanction
any establishment,
temporary or per-
manent, without
immediately re-
porting such sanc-
tion for the confir-
mation of the Govt.
of India.

II. That the Auditors
shall not pass
the charges for
any such esta-
blishments, un-
less they have been
sanctioned by
the Govt. of In-
dia.

5. The condition requir-
ed by the first rule —
ing

ruling has been com-
plied with under
the Order of the 6th es.
Ultra N^o: 750. In the
tabular statement
of the same date N^o:
750, the Govt. of India
have been informed
that the Civil Pay-
master had been
authorised to admit
the charge for the
Courts at Combaes-
sum & Panpanas-
sum, pending the
receipt of their sanc-
tion. A similar re-
port will be made
as regards the Court
at Nagore, on the
Civil Judge of Ne-
gapatam

Negapatam furnish-
ing the tabular state-
ment called for in
the Order of the 20th
Mto. N^o: 815.

7. If, however, the Civil
Paymaster has ob-
jected under the se-
cond ruling in pa-
ra 5 supra, he has
clearly lost sight of
the Resolution of the
23rd April '50, passed
on the remonstrance
of the Govt. of Bom-
bay, to the effect that
the Civil Auditors
might be allowed
to pass salaries on
receipt

receipt of special orders from the local Govts. in each case, such orders being reported to the Govt. of India.

8. In place, therefore, of absolutely refusing Audit to the charges on acct. of these Courts & ^{thereby} ignoring the authority of this Govt., it would ^{have} been proper for the Civil Paymaster to have applied for special orders, if he were of opinion that the Orders to which he has demurred

demurred, were not specific, & on receiving special orders, to have admitted the charges, reporting himself such orders to the Govt. of India.

9. H. E. the Governor in Council observes that the retention of the additional District Mooniffs Courts at Combaconum, Panpanassum & Nagore is absolutely necessary. He resolves accordingly to grant the Civil Paymaster special authority under

under para 3 of the

Financial Resolution

of the 23rd April '60, to

carry out the Orders

of the 6th & 20th Ult.

Nos. 750 & 815. The

Civil & Sudder

of Negapatam will

lose no time in sub

mitting the tabular

statement called

acct. for any of the Nagore

District Munsiff.

The Civil Paymaster 3

" Sudder Court. 3

" Civil Judge of Tanjore. 3

Negapatam

Sept 25th

Adopted July
1862
Committee on
the
Report of the
Commissioner of
the General Land
Office

Sec. 1.
1862. Department.

No. 983.

PROCEEDINGS OF GOVERNMENT.

Sept. 20/21/63
Dated 24 January 1862

Letter granting the Civil
War Master's Patent authorizing
to carry out G. O. No. 150,000, 15
of the 6th and 2nd editions,
advising him to have the
of the additional provisions
of the Commission and
Report.

1856-187.