M.R.O. 1—30,000—16-10-23

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 449 Press ~~Mis.~~

139-140

Dated 20-3-1863 -19 .

6/7

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
20th March 1863.

No. 139. Read the following letter from THOMAS WILKINS, Esq., Acting Deputy Registrar of the High Court of Judicature at Madras; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Madras, 6th March 1863, No. 33.

I am directed to state that the Civil Judge of Cuddapah has applied for sanction for the disbursement of Rupees 164-12-0, being the value of 26 chairs, at 6 Rupees each, and a shade at Rupees 8-12-0 purchased for the use of his Court. As these articles appear to have been absolutely necessary, the High Court recommend that sanction may be granted for the disbursement of the sum in question.

No. 140. ORDER THEREON, 20th March 1863, No. 449.

The Governor in Council observes that under the orders of Government noted in the margin, it is competent to the High Court to sanction the charge referred to in the foregoing letter.

Proceedings, 16th September 1861, No. 1,643.
,, 9th December ,, ,, 1,509.

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

Exd. T. McMoetry.

Proceedings of the Madras Government, Judicial Department, 16th September 1861.

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.

No. 44. Read the following letter from W. J. RAYNOR, Esq., Officiating Civil Paymaster; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 18th November 1861, No. 1,138.

Judicial Department.

With reference to the Proceedings of Government, No. 1,163, dated 16th September, relative to the powers of Controlling Authorities to sanction Estimates under G.O. of 26th January 1858, No. 46, I have the honor to state that I do not find that any evil has resulted from the practice adverted to by Mr. Rohde of allowing such sanction to extend to *each* new Article or Work, (within the limit of 100 Rupees) without respect to *the total cost of* Articles or Works so sanctioned at each time. The restriction complained of was doubtless intended to check expenditure and prevent the exercise of power beyond what the Order of 26th January 1858 may have contemplated; but if the Government consider it expedient, for the reasons assigned in their Proceedings under reply, that the former practice should not be disturbed, there can be no further objection on the part of this Office to its continuance.

No. 45. ORDER THEREON, 9th December 1861, No. 1,509.

Under the opinion expressed by the Officiating Civil Paymaster, the Government resolve to confirm the construction heretofore placed on the Order of the 26th January 1858, No. 46, Financial Department, viz., that the limit of one hundred Rupees, up to which the Controlling Authorities in the Civil Departments, have power to sanction new Articles or Works, applies to the cost of each Article or Work, rather than to the total sum of the Estimate or Bill.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. T. O'Connor.

Judicial Department.

5th

...INGS of the MADRAS GOVERNMENT.

4th

No. 1

Sanctioned One Hundred & Sixty Four Rupees & Twelve Annas, being the cost of furnitures purchased for the Civil Court of Cuddapah

2 b Chairs @ b. 156 8 3/4
1 Shade —
Rp. 164 3/4

The Honble the Judges of the High Court.
Civil Judge of Cuddapah.
Civil Paymaster.
Deputy Auditor Genl.

of the
Rupees 24

Judicial Department.

5th

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from the Acting Registrar of the High Court of Judicature at Madras

Dated 6th March 1863. No. 33.

Order thereon 20 March 1863. No. 449-

The Govern or in Council observes that under the Orders of Govt noted in the margin, it is competent to the High Court to sanction the Charge referred to in the foregoing letter.—

Ltr from Govt dated 11th Nov 1863 No. 1163
Ditto to Mad. High Court dated 25th Nov 1863 No. 1509

To The Hon'ble the Judges of the High Court

Dispd. 24th

Dec. Mar

Judicial 1863. Department.

No. 449.

PROCEEDINGS OF GOVERNMENT.

Dated 20 March 1863.

139 0140

7093] Madras—Printed at the Government P