M.R.O. 1—59,000—19-10-28.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 1418 Press / Mis.

10-11

Dated 2. 10. 1855 19 .

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 2nd October 1865.

No. 10. Read the following Proceedings of Government in the Public Works Department, dated 25th September 1865, No. 2827.)

Providing funds for the construction of the new Taluq Cutcherry at Coimbatore. } (Vide Proceedings, Public Works Department, dated 25th September 1865, Nos. 582—583A.)

No. 11. ORDER THEREON, 2nd October 1865, No. 1418.

Communicated to the Inspector General of Police.

(Signed) W. HUDLESTON,
Acting Secretary to Government.

To the Inspector General of Police.

Exd. J. Tulloch.

Proceedings of the Madras Government, Revenue Department, 9th August 1865.

No. 136. Read the following letter from Captain J. F. FISCHER, R. E., Controller of Public Works Accounts, to Colonel C. A. ORR, R. E., Secretary to Government, Department Public Works, dated Madras, 24th July 1865, No. 790:—

SIR,

With reference to the Orders of Government in the Revenue Department, communicated in Public Works G. O. No. 2,031, of the 17th July 1865, I have the honor to state, first, that the objection to the appropriation of the net proceeds of the sale of the old Talook Cutcherry to the construction of a new Talook Cutcherry at Coimbatore is governed by the principle laid down by the Secretary to the Government of India, in the Public Works Department, and alluded to in my letter of the 27th June 1865, No. 517, viz., "that the direct application of the proceeds "of sales of Government property to cover expenditure is contrary to Financial "Rule, and should not be permitted hereafter. *All* receipts must be credited in full "in the public accounts as income without exception, and *all* charges appear *in* "*full* without set off;" second, that under Chapter XX., Section 5, paragraph 11, of the new Bengal Code, "*sales of buildings*" are classed as Public Works Revenue, *vide* also Form of Estimate of Public Works Imperial Revenue furnished by the Government of India, and communicated to the Departments marginally noted, in Public Works G. O. No. 1,277, dated 10th May 1865; and third, that as funds for the construction of all Public Works are solely provided* for by credits in the various treasuries in favor of the Public Works Officers, all other extra receipts, such as the sale proceeds of old buildings, should be paid into the treasuries to the credit of Government.

Controller of Public Works Accounts.
Board of Revenue.
Accountant General.
Superintending Engineers.

* Vide Chapter XX., Section 2, paragraph 20, of the new Bengal Code.

Referred to the Revenue Department.

FORT SAINT GEORGE,
26*th July* 1865.

(Signed) CHARLES A. ORR, Colonel, R. E.,
Secretary to Government, P. W. D.

No. 137. ORDER THEREON, 9th August 1865, No. 1,843.

Miscellaneous.

1. The question asked in G. O. dated 10th July 1865, No. 1,571, Revenue Department, was on what principle, or under what rule Captain Fischer claimed as *Public Works Revenue* the sale proceeds of an old Native Palace.

2. In Captain Fischer's answer, his first point is irrelevant; his second point proves nothing, for on reference to paragraph 11, Section 5, Chapter 20 of the Account Manual, it is found merely to prescribe a distinct heading in account for sale proceeds of buildings and tools, as distinguished from other possible items of receipt; his third point also proves nothing in regard to the question asked, as the Government have no intention to question the propriety of crediting *to Government* the sale proceeds of public buildings.

3. As already observed, the question is whether such proceeds are, as a rule, to be credited as *Public Works Revenue;* and on this point it is to be observed that the

Order in the Finance Department is that all such sale proceeds are to be credited to the "Debt" Account. It does not appear to Government that the mere provision in a Manual of Account for a possible item of receipt can be accepted as setting aside a deliberate G. O. on a finance question.

4. These remarks will be communicated to the Finance Department for such further consideration as may be deemed necessary.

(True Extract.)

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

To the Department Public Works.
" the Financial Department.

Exd. S. T. Augustin.

Read the following papers :—

No. 582. Proceedings of the Madras Government in the Financial Department :—.

Communicating letter from the Accountant General, intimating that the sale proceeds of public buildings should be credited to the Public Works Department in the same manner as the rents for them are now carried to the credit of that Department. } (Here enter 2nd September 1865, No. 411.)

No. 583. Proceedings of the Madras Government in the Revenue Department, dated 11th September 1865, No. 2,181.

Proceedings of the Madras Government in the Financial Department, dated 22nd September 1865, No. 411.

Read the following papers :—

Proceedings of Government in the Revenue Department.

Referring, for consideration, the question whether the proceeds of the sale of Public Works should be shown in the accounts as "Public Works Revenue." } (Dated 9th August 1865, No. 1,843.)

Referred to the Accountant General, for his opinion on the question remarked upon in the foregoing Proceedings.

(Signed) A. J. ARBUTHNOT,
Chief Secy. to Government.

14*th August* 1865.

From Lieutenant-Colonel C. H. DICKENS, R. A., Secretary to the Government of India, Public Works Department (Account), to the Secretary to the Government of Madras, Public Works Department, dated Simla, 2nd August 1865, No. 692A.

With reference to entries, No. 46-7 in the Madras Abstract of Proceedings for May 1865, Civil Works, authorizing the net proceeds of the sale of the old Táluq Cutcherry at Coimbatore being appropriated to the construction of a new Cutcherry, I am directed to intimate that the requirements of financial regularity render it essential that all receipts of this nature should be accounted for as Revenue, and all disbursements as expenditure chargeable to the Public Works Budget grant of the year in which they occur, and that the direct appropriation of public income to meet items of charge in the manner authorized by the Government of Madras, which is equivalent to increasing the Budget grant, requires the express sanction of the Government of India.

2. I am therefore to request that the principle now laid down may be strictly carried out for the future, and that in the present instance funds for the construction of the new Cutcherry, which does not seem to be a case necessitating an extra Budget allotment, may be assigned, under the rules in force, by an appropriation of credits from the Public Works grants already sanctioned for Madras for 1865-66.

Referred to the Financial Department, with reference to Revenue Proceedings No. 1,843, dated 9th August 1865.

FORT SAINT GEORGE,
17*th August* 1865.

(Signed) C. A. ORR, Colonel, R. E.,
Secy. to Govt., P. W. D.

Proceedings of Government in the Public Works Department.

Communicating a letter from the Collector of Madura, reporting that the sale proceeds (Rupees 1,800) of the old Station-house at Dindigal is available, and is in deposit for the new Police Station-house. } (Dated 21st August 1865, No. 2,420.)

From F. LUSHINGTON, Esq., Accountant General, to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George; dated 28th August 1865, No. 89.

Book and Adjustment Department.

I have the honor to acknowledge the receipt of the Order of Government, dated the 14th instant, referring, for my opinion, the Proceedings of Government in the Revenue Department, of the 9th idem, No. 1,843, inquiring, whether, as a rule, the sale of proceeds of public buildings should be credited as *Public Works Revenue*, and, in reply, to state that I am not aware of any specific orders of the Government of India, directing the observance of that rule.

2. But the Commissioners, in their report upon the system of the Public Works Accounts, take no exception to the sale proceeds of old buildings' being credited to the Public Works Department, although they* allude to it as one of the sources of income of the Department, and, moreover, provision has been made for the exhibition of these realizations on that account, in the form of the estimated Receipts of the Public Works Department, appended to the Order of the Government of India, Public Works Department, dated 11th April 1865, No. 35, printed in the Order of this Government in the same Department, No. 1,277, of the 10th May following.

* *Vide* paragraph 147 of the Report recorded in the Proceedings of the Government of India, No. 1,880, dated 9th April 1864, Financial Department.

3. And, on the principle that the Department which incurs a charge should receive credit for any receipts which may be realized in connection therewith, I am of opinion that the sale proceeds of buildings should be credited to the Public Works Department, in the same manner as the rents from them are now carried to the credit of that Department. It appears to me, therefore, that in the particular case now under reference, the proceeds of the old Native Palace, which was subsequently converted into a Cutcherry on the assumption of the territory by the British Government, should go to the credit of the Public Works Department, which will have to bear the charge of constructing the new Táluq Cutcherry.

4. Adverting to the remark of Government in paragraph 3 of their Order in the Revenue Department, above quoted, "that the order in the Finance Department is that all such sale "proceeds are to be credited to the Debt Account," I beg to observe that I am not acquainted with any order of the Government of India which directs the adoption of the course here indicated. I presume, however, that the Government refer to the Resolution of the Government of India contained in Extract from Proceedings, dated 26th January 1863, which requires that all receipts arising from the sale of waste lands from the enfranchisement of imperfect tenure, or from the commutation of the claim of Government to Land Tax, should be credited in a distinct entry under the head 6 Deposits, as I observe that the said Resolution was, under instructions from Sir Charles Trevelyan, made also applicable to the amounts realized by the sale of houses or other real property, which did or might yield revenue. But although this order might perhaps, under the views expressed by Sir Charles Trevelyan, apply to Travellers' Bungalows, Cutcherries, or other public buildings, *sold on freehold*, as stated in the proceedings of the Board of Revenue, it cannot, in my opinion, be held applicable to the sale proceeds of a building pulled down on the construction of another Cutcherry, and which ought not, I conceive, to be credited under a suspense account for final investment in Government securities, but should be credited directly to Government, and the only appropriate heading under which the amount could be shown, is "Public Works Department."

Ordered that the letter from the Accountant General, above recorded, be communicated to the Revenue and Public Works Departments.

(True Extract.)

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

1. Communicated to the Collector of Coimbatore.

2. Under the circumstances stated, it appears necessary that the sale proceeds of the materials of the building termed the old Cutcherry should be credited to Public Works Revenue.

(True Extract.)

(Signed) J. GROSE.
Acting Under Secy. to Govt.

No. 583A. ORDER THEREON, 25th September 1865, No. 2,827.

ACCOUNT, No. 62.

1. Communicated to the Superintending Engineer of the 7th Division.

2. The construction of the new Táluq Cutcherry at Coimbatore may be continued under the sanction accorded in G. O. No. 1,188, dated 2nd May 1865, and a specific allotment of funds will be made later in the year from the Imperial grant to adjust the expenditure* that may be incurred.

*To be restricted to Rupees 5,400, as per G. O. in the Revenue Department, No. 867, dated 27th April 1865.

3. Adverting to the Orders marginally noted, the Superintending Engineer of the 8th Division will be informed, with reference to the Proceedings in the Revenue Department above recorded, that the Government are unable at present to allot the funds required for the construction of the proposed new Police Station-house at Dindigul. The work must therefore be deferred until 1866-67.

Proceedings Public Works Department, No. 1,750, dated 23rd June 1865.
No. 2,426, dated 21st August 1865.

(True Extract.)

Major, R. E.,
Under Secretary to Government.

To the Superintending Engineers, 7th and 8th Divisions.
" Controller of Public Works Accounts.
" Accountant General.
" Revenue Department.
" Judicial Department.
" Financial Department.

Exd. S. T. Augustin.

Rec.d 4th July 1865 Art. 12-13.

Judicial 1865 Depart.
No. of Cat.

Proceedings of Govt.
Public Works Depart.
No 2827

Dated 28th Sept. 65.
Rec.d 28th Sept. 65.

Enclosure
No 2053

Providing funds for the construction of the new Taling Cutcherry at Coimbatore.
No. 1418 - 2nd October 1865.
Communicated to the Inspector Genl. of Police.

Asst. Secy.

The Inspector Genl. of Police. dated 29th

10-11.