

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1374	Press Mis.
Dated	3 . . 7 .	19 1866

Not to be folded or roughly handled

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Proceedings of the Madras Government, Judicial Department,
3rd September 1866.

No. 20. Read the following letter from the Commissary General, Madras, to the Secretary to Government, Military Department, Fort Saint George; dated Madras, 23rd August 1866, No. 2519.

I have the honor to submit, for the information of Government, the opinion*

* No. 496, dated 21st August 1866.

† Proceedings of Government, No. 517, dated 26th April 1866.

of the Government Solicitor on the authority† granted to me to sign Deeds on behalf of the Secretary of State in

reference to the questions put to him, as to whether, in my absence, the Officer in charge of my office had power to execute contracts, and whether this power could be delegated by me to the several Executive Officers in regard to contracts for supplies at their respective stations.

2. It appears that in neither case when the name of the Secretary of State is used should any Officer but the Commissary General sign, and as all contracts by the new form are in the name of the Secretary of State, the power to sign all the contracts in the Presidency is confined solely to the Commissary General, a limitation which must at all times cause delay and may result in considerable inconvenience. I therefore bring the subject to the notice of Government in order that, if there is no objection, the power may be extended to all Executive Commissariat Officers; hitherto contracts have been in their names and have been executed by them, which was found to answer well, and I therefore recommend the adoption of a system which will enable them as heretofore to execute the contracts at their respective stations.

† Pros. of Government, dated 26th April 1860, No. 517.
Letter to Govt. Solicitor, dated 18th Aug. 1866, No. 2431.
Do. from do. do. 20th do. do. 489.
Do. to do. do. 20th do. do. 2454.

P. S.—The original correspondence† is forwarded for perusal (to be returned.)

From the Acting Government Solicitor, Madras, to the Commissary General, Madras; dated 21st August 1866, No. 496.

I have the honor to acknowledge the receipt of your two letters noted in the margin, the former requesting my opinion as to the execution of Deeds in your Department on behalf of Government during your absence from Madras,

Dated 18th August 1866, No. 2431.
" 20th " " " 2454.

and whether contracts for supplies at out-stations must be signed by you or by the local Executive Commissariat Officers; and the latter forwarding the authority of Government, dated the 26th April 1860, authorizing the Commissary General to execute Deeds and Instruments relating to his Department on behalf of Government.

2. In reply to the first question contained in your first letter above noted, I have the honor to point out that, under the authority of Government above referred to, the Commissary General for the time being (who may be either the permanent incumbent or merely acting as such,) is alone authorized to execute Deeds, Contracts and Instruments relating to the business of that Department to which the Secretary of State for India in Council is a Party. If, therefore, during your absence from Madras, on duty or on leave, no Officer is appointed to act as Commissary General, you, and no one else in your Department, are qualified to execute such Deeds, Contracts, or Instruments.

3. In reply to the second question contained in your first letter above noted, I am of opinion that no Contracts in your Department, in which the Secretary of State for India in Council is named as a party, can be executed by any functionary (subordinate to the Governor in Council,) other than the Commissary General, on behalf of, and so as to bind, the Government. The Commissary General is not qualified to delegate the power conferred upon him by the authority of

*Proceedings of the Madras Government, Judicial Department,
3rd September 1866.*

Government, enclosed in your second letter above noted. When, therefore, contracts are entered into at out-stations with the several Executive Commissariat Officers on behalf of Government, and if (as is, I believe, the invariable practice), the Secretary of State in Council is named as a party to such a contract, such last mentioned Officers cannot, without an authority from Government to them, similar to the authority enclosed in your second letter above noted, execute such contracts so as to make them binding upon the Government.

4. I return the enclosure contained in your second letter above noted.

From the Commissary General, to the Government Solicitor, Madras; dated 18th August 1866, No. 2431.

I have the honor to acknowledge, as requested, the receipt of the contract between Messrs. Binny & Co. and Government for the supply of 1,22,000 gallons of rum.

2. I take this opportunity to request that you will, in reference to the authority dated 26th April 1860, be so good as to favor me with your opinion regarding the execution of Deeds during my absence from Madras, on duty or on leave, when no Officer at the Presidency is specially appointed to the office of Commissary General.

3. I would also beg to be informed whether contracts for supplies at out-stations must be signed by me, or whether, under the authority above quoted, the power to conclude contracts can be delegated by me to local Executive Commissariat Officers.

From the Acting Government Solicitor, Madras, to the Commissary General, Madras; dated 20th August 1866, No. 489.

Before advising you upon the questions submitted for my consideration in your letter of the 18th instant, No. 2431, I should like to have a perusal of the authority, dated 26th April 1860, therein referred to, and have therefore the honor to request that you will send me the original or a true copy of such authority.

From the Commissary General, Madras, to the Government Solicitor, Madras; dated 20th August 1866, No. 2454.

I have the honor to forward, as requested in your letter, No. 489, dated 20th August 1866, Proceedings of Government, No. 517, dated 26th April 1860, with one enclosure. the document as per margin, which please return when no longer required.

No. 416, dated 4th April 1859.
" 1527, dated 9th November 1859.
" 517, dated 26th April 1860.

FORT SAINT GEORGE,
27th August 1866.

Referred to the Judicial Department,
with advertence to the Proceedings in
that Department, marginally noted.
(Signed) R. HAMILTON, Colonel,
Dy. Secretary to Government.

No. 21. ORDER THEREON, 3rd September 1866, No. 1374.

The Commissary General is requested to submit a list of the Officers whom he proposes to empower to execute contracts, &c., on behalf of the Right Honorable the Secretary of State for India in Council under Cap. 41 of the 22nd and 23rd Victoria.

(True Extract).

Secretary to Government.

To the Commissary General, with five enclosures returned.
" Military Department.

Exd. J. Tulloch.

Judicial Department

PROCEEDINGS of the MADRAS GOVERNMENT.

*Read the following letter
from the Commissary General Madras*

/ Here enter 23rd August 1866/17-257

Order thereon 3rd September 1866 No. 1374

*The Commissary General
is requested to submit a list of the
Officers whom he proposes to empower
to execute Contracts &c. on behalf
of the Right Honorable the Secretary
of State for India in Council.
under Cap. 41 of the 22nd and 23rd
Victoria.*

*To the Commissary General
" Military Department } Sept 1866*

General 186 D. Department.

No. 13/14.

PROCEEDINGS OF GOVERNMENT

22. 1933.

Dated 3rd September 1933.

Further - 3 Oct 1866-22-3

112. 103
19/4/33
16/10/33
14/10/33
10/10/33
9/10/33
8/10/33
7/10/33