[R.O./10]
10,000—24-10-12.

MADRAS R[illegible]RD OFFICE.

Block No.

Paper taken

Date taken out.	For what purpose.			Initials of clerk taking the paper or of attender.	Date returned.	Initials of attender.
	Department.	C. No.	Year.			
2/12/99	Jl	3808	99	[illegible]	1/2/00	[illegible]
21-12-04	Jud	5330 of 04		[illegible]	3-1-04	[illegible]

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 720.

Dated 4th Apr. 1895.

INDEXED.

[Despatch Abstract.]

CELLULAR JAIL CUDDALORE.

Directing, with remarks, the transfer by the Public Works Department of the grant for the---to the Inspector-General of Prisons for the departmental construction of the building, and calling for a draft amendment of Rule 510 of the Jail Code.

McA.

[illegible]—21-12-94

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
G.o.R	511		25-4-95				
G.o.R	538		7-5-95				

---

arranged. If the work were now treated as a [illegible] fund.

1970 : 15 8 94 [illegible]
3070 : 12 . 12 . 94
2428 : 5 10 94
2973/4 : 6 12 94
3189 : 22 . 12 94

JAIL (1895) DEPARTMENT.

ACCOUNTANT GENERAL'S OFFICE
18 JAN 95
MADRAS

From

THE INSPECTOR-GENERAL OF ~~JAILS,~~ Prisons

To

THE CHIEF SECRETARY TO GOVERNMENT.

P.W. see 646 of 95

Dated 3rd }
Despatched } January 1895.
Received 8 }

No. 40.

CHIEF SECRETARY
8 JAN. 1895
GOVERNMENT OF MADRAS

ENCLOSURES. ~

Pl. put up [illegible] copies & all papers [illegible]
8/1

Subject.

Submitting that either the Government of India may be moved to exempt the work (Construction of the Jail at Cuddalore) from the operation of the new para 114 of the P. W. Code Vol II. or that the alternative plan mentioned in para 6 may be followed

Endorsement 86 / 17-1-95

Referred to the Accountant General, and the Public Works Deptt. in succession for favor of early remarks.

(By Order)
A Butterworth
Under Secy to Govt.

TO BE RETURNED WITH REPLY.

50—2,000—21-12-94

arranged. Of the work were now treated as a

Ootacamund.

OFFICE OF THE INSPECTOR-GENERAL OF ~~JAILS~~,

Dated 3rd January 1895.

From

A. G. CARDEW, ESQ., M.A., C.S.

INSPECTOR-GENERAL OF ~~JAILS~~, Prisons.

To

~~THE~~

The CHIEF SECRETARY TO GOVERNMENT,

G.O. 23rd Nov. 1894. No 1022.
G.O. 12th Dec. 1894. No 3070.

Enclosure.

SIR,

I have the honour to address His Excellency the Governor in Council regarding the marginally noted orders connected with the new Jail to be constructed at Mount Capper near Cuddalore.

1236K
22.12.94

2. With reference to Government telegram No 647 dated 22nd December 1894, I beg to explain that my telegram of the 17th idem was despatched the day before G.O dated 12th December 1894, No 3070 was received. Action has now been taken in accordance with the telegraphic orders of Government.

3171 Wd 11.12.94

1022 Finl
23.11.94

1970 Jd
15.8.94

3. Adverting to G.O. dated 23rd November 1894, No 1022 Financial, it appears to me that the objection taken by the Accountant General in his letter, dated 7th November 1894, No 3379 to, to my proposal, contained in para. 10 of my Letter dated 27th July 1894, No 4486, regarding the

50—2,000—21-12-94

of [illegible] nection with the construction of the new Jail at Mount Capper was unsound. It is, however, unnecessary to deal at present with the Accountant General's misapprehension of the question at issue, because since my letter of the 27th July 1894 was written a fresh + difficulty has arisen through the amendment to paragraph 114, Chapter III of the Public Works Code, Vol. II, which has been framed by the Government of India and circulated under date 4th September 1894. This amendment, though introduced without any notice being apparently furnished to the Government in the Judicial Department reverses the rule hitherto in force relating to payment for Jail labour supplied to the Public Works Department for employment on Jail works, and declares that such labour shall, in future, be supplied free. It will be at once seen that, as the construction of the new Jail at Mount Capper is a Jail work, the operation of the new Public Works rule will render the adoption of the proposal contained in para. 10 of my letter dated 27th July 1894, No. 4486 impossible, unless a special exception is made.

+ "No charges sh[illegible] be made to the P.W. Dept when convicts are employed on jail works"

N.S.

+ 2nd

it was sent for communication

G.O. 1970 / 94

4. The change thus introduced renders it difficult to know in what manner the adjustment arranged. If the work were now treated as a manufacturing item, the result would be that the Jail manufacturing budget would have to bear the whole cost of wages and raw material and would be allowed nothing in return; the amount spent for wages and raw material under "manufactures" would, according to this plan, be merely deducted from the manufacturing charges at the end of the year and transferred to a new sub-head "Construction of Jails" under Supplies and Services, in the same manner as the adjustment of intra-departmental supplies is now managed. (Vide Civil Account Code Vol. II. 5th Edition. appendix P. Note 40. para 2). This plan would not benefit the manufacturing Department and has, accordingly, no longer anything to recommend it from a Jail point of view.

+ [illegible] N.S.

5. The Accountant General in para. 1 of his letter No. 3379 dated 7th November 1894 enumerates two other methods which may be followed. One of these is to place the Superintendent of the Jail as a Contractor accounting to the Examiner of Public Works accounts for his expenditure; the effect would be to render applicable to the project the whole of the complicated system of Public Works accounts, a

Government of India cannot be prevailed

on

G.O. 1022 / 23.11.94 Jud:

?: disburser

[illegible]0—2[illegible]00—21-12-94

calities and difficulties which every account Department knows so well how to create. Rather than face such an ordeal with an inadequate staff of clerks and accountants, I should prefer to be permitted to throw up the scheme of constructing the Jail by convict labour.

6. The other alternative is for the grant to be transferred from the Public Works Department to the Jail Department and for the project of construction to be carried out by the Jail as a departmental work. It is evident that by the adoption of this plan the Jail Department would lose what it reasonably expected to obtain, namely, the credit under the head of manufactures for such profits or savings as it was able to effect under the Public Works Estimate. But this method would have the advantage of leaving the work untrammelled by account difficulties, and would give the Jail Department as much freedom as it would have possessed under my original proposal.

7. It, therefore, appears to me, unless the Government is prepared, in view of the very

special

adjustment

special nature of the work to be undertake at Mount Capper, to move the Governmen of India to exempt this particular work fr the operation of the new para 114 of the Pub Works Code Vol. II, that the last alternative mentioned in para 6 is the best. It woul be preferable to the Jail Department if the Government would obtain the special exemption referred to. As for the Accountan General's objection, it is obvious that it is due merely to the novelty of applying to buildi a procedure authorized and regularly foll in respect of other articles. When the Jail Department supplies boots or cloth to the Police and is paid by means of countersigned invoices, there is, to use the Accountant General's words " a debit corresponding to the credit in the Jail Department and the account figures are [unnecessarily and fictitiously] swelled." If this course is recognised in the case of supplies of movables there can be no possible reason why it should not be followed in regard to immovables. The adoption of this plan would allow the Jail Department the hope of showing a profit on its operations. If, however, the Government of India cannot be prevailed

on

to adopt this plan, I beg to recommend
at that noticed in para 6 be followed
instead.

I have the honour to be,
Sir,
Your most obedient servant

A. G. Cardew
Inspector General of Prisons.

---

ugh the Secretary, to Government

Judicial 465

[illegible] 86 & 17-1-95
paper marked on C [illegible]

189 5.

Public Works Department.

Judl.

No. 3786

Dated 1-2-1895

Despatched

Received 2/2

Regd 4/2

CHIEF SECRETARY
2 FEB. 1895
GOVERNMENT OF MADRAS

Encl. C. No. 43 & 1 Encl.

SUBJECT.

Transferring note by the Chief Engineer P.W.D. offering remarks generally on the I.G.'s letter ~~on papers~~ regarding the construction of the new jail at Cuddalore. & examining the alternative proposal explained in para 6 of this letter

Endorsement

Referred to the I. G. of Prisons for remarks –

To The I. G. Prisons.

Ela
7/2

13/2

Note

It is presumed that the I. G. P. should see the remarks of the P.W.D. & A. G. before Govt. passes final orders.

I don't see the need [illegible] P.W.D. Code & (when it returns from C.S.) G.O. 5/10/94 No. 1025 [illegible] Let [illegible] have the papers back

Fol.
6/2/95

ugh the Secretary to Government
Public Works Department

Treasury Account DEPARTMENT.

FORT ST. GEORGE,
Accountant-General's Office,
29 January 1895.

No. 175

From
T. W. Rawlins Esquire,
ACCOUNTANT-GENERAL TO THE
GOVERNMENT OF MADRAS,

To
THE Chief Secretary to Government,
Financial Department.

SIR,

With reference to Mr. Under Secretary Butterworth's endorsement No. 86 dated the 17th of January 1895 on a letter from the Inspector General of Prisons No. 40 dated 3d idem regarding the construction of the new jail at Cuddalore, I have the honor to submit the following remarks –

2 I would in the first place respectfully point out that the whole raison d'être of the jail department is not, as might have been supposed from the Inspector General's letter, to make a profit on its operations. In order to make

as far as possible, self supporting, it is doubt allowed to make such profit as can by the Manufacture and sale to Departments of Government as well as to the ublic of such articles as carpets, furniture, and boots, and if it were allowed to extend the range of its regular transactions from Manufactures to the Construction of buildings, t would doubtless be allowed, as a quasi commercial department, to take credit for any profit that might be derived from this source also. But in construction as well as in Manufactures, the profit to be credited must of course be the legitimate trade profit for which an independent Manufacturer or Contractor could in similar circumstances take credit. ~~But~~ Now an ordinary con~~s~~tr~~uction~~actor would be subject to close departmental control and would be paid with strict reference to rates, specifications and measurements. To all this the Inspector General apparently objects and would be allowed to credit himself with the amount f the Public Works Estimates and to claim s profit any savings on the estimate that he

he might be able to effect. In other words, he would have Government claiming as profit the difference between the actual cost of work in one department, and the estimate framed in another. This, I submit, is not legitimate profit, and though a commercial company formed for the construction of buildings would probably find it convenient and economical to retain in its own hands the construction of any building required for its business, I venture to say that no respectable Company would deceive its shareholders by claiming as profit and paying as dividends the difference between its estimates and its expenditure.

3 At the same time, as the labour to be employed on the new jail would, I presume, be remunerative, if otherwise engaged, I see no reason apart from the necessarily attendant exaggeration of accounts, why the jail department in its quasi Commercial Capacity should not take credit for the net cost of the

ur and material actually expended the work. This, I still think, could be t effected by the first of the alternative lans suggested in my letter No 3379 dated th November 1894, by which the jail superintendent would be regarded not as a constractor, as the Inspector General supposes, but as a disburser accounting to the Public Works Department. This plan however is opposed to the spirit, if not to the letter, of Article 114 of the Public Works Code as recently amended and is objected to by the Inspector General himself because of the "useless echnicalities" "which every account office knows so well how to create" and if these objections cannot be overcome and it be considered undesirable to let the jail be constructed by the Public Works Department with unpaid prison labour only, my second alternative remains which ppears to have been accepted by the Inspector eneral.

I have the honor to be,
Sir,
Your most obedt Servt,

Accountant General.

P.W. CUR (189) 646 DEPARTMENT.

From

THE ACCOUNTANT-GENERAL,
MADRAS,

To

THE Chief Secy to Govt Financial Dept
Thro' the Secy to Govt P.W.D

No. 175

Dated 29
Received 30 } January 1895.

Encl

No.

Subject.

submitting remarks on a letter from the Inspector General of Prisons regarding the construction of the new jail at Cuddalore

5
465

No 378 C

CURRENT No. 465

P. W. Dept
1st February 1895

Letter from the Accountant General No. 175 dated 29/1/95.

Note by the Chief Enginee
P. W. Dept:—

There are only two methods recognised by th
rules of the P. W. Dept by
which a work of this class
can be carried out. It
must either be executed
by the direct agency
of the P. W. Dept., or it must
be carried out under
the rules applicable to
Civil officers acting as
Public Works disbursers
vide paras 73—85, Chapt
III, Volume II of the P. W.
Code.

2. There is a third
method which is howev
inapplicable to a wo
of this character – vi

s a Petty Construction
and Repair work, the
accounts being rendered
o the Accountant General.

3. None of these methods
would attain the object
which the Inspector General
of Prisons wishes to bring
about - viz to shew a
profit to the Jail Dept
in connection with the
work, but one of the
first two must be
adopted if the expenditure
is to pass through the
accounts of this department in any form.

4. I see no objection
to the alternative
uggested in para 6 of
the Inspector Generals'
tter, namely that
e building should be
rried out by the

Jail Department as a
departmental work; and
in fact this is obviously
the only way in which the
work can legitimately
be done if the agency
of this Department is not
to be employed, and I
am at a loss to understand how any other
course could ever have
been contemplated.

5. In the course of the
discussion which has
taken place on this matter
I long ago warned the
Inspector General that
the idea of dealing with
this work as a "manufactu
or of bringing the expendit
into the manufacturing
accounts would not b
tolerated for a moment
by the Account Dept.

nd I cannot under-
tand how any officer,
ith the most elementary
idea of the meaning
f financial regularity
hould have contemplated
uch a course.

) John Pennycuick Colonel R.E.
Chief Engineer P.W.D.

adras. }
January 31. 1895 }

Forwarded to
the Chief Secretary to
Govt. Financial dept.

J. Pennycuick Colonel R.E.
ecretary to Govt. P.W.D.

To,
The Hon'ble the Chief
Secretary to Govt., Financial
Dept. with letter from the
Acct: Genl. quoted above

250—12—12—93.

Jud. DEPARTMENT.

No. 43 from I.G. Prisons
465 " P.W.D.

From

Dated 189 .

FOR ORDERS.

There is no sufficient ground on which we could ask the G of I to relax Rule 114 of the Code, so the grant shd be transferred from the DPW to the I.G.

J.G.
27/3

I think this will be the best plan but we must get a really good man from the D.P.W. to superintend the construction of the Jail. I shd. have doubted the wisdom of entrusting the work to the Jail Dept. as they are not scientific builders, but as the C.E. sees no objection, let them get on with it as soon as possible.

W
31 Mar

G.O. of 5 Oct 1894, No. 2428, ha
was not immediately avail-
able; it apparently became
available only on the 26th
ult.
The question to be decided i
"How is the work on the
new Cuddalore Jail to be
carried out & how are
the accounts ~~to~~ be
adjusted?"
2. (i) Mr. Cardew's original pro-
posals will be found in
his letter of the 27th July
under cover of G.O. of 15 Aug
1894, No. 1970, Judl.
He suggested (i) that Mr. Clone
as Supt., should be place
in charge of the building
operations (para. 4), (ii) tha
Mr. Cloney should be assist
by a selected Upper Sub-
ordinate of the P.W.D. (para.
4) (iii) that the work should
treated as a special manu-
facturing item in the manu-
facture accounts of th
Jail Dept., funds being
against the manufactur
grant, the outlay being acc
by the I.G.'s office in the
same manner as manufac

outlay generally is dealt with, all charges properly chargeable to the work being debited to it & credit being taken for work done in accordance with the P. W. sanctioned estimate (para 10).

(2) Mr. Cardew's proposals were referred to the Chief Engineer & he reported (vide his Note under cover of G.O. d/ 5 Oct 1894, No. 2425, Ind.) that he would depute an experienced subordinate to assist Mr. Cloney & that the proposals of the I.G., so far as they concerned the execution of the work, had his concurrence.

(3) When the Jail Dept. budget for 1895-96 came under consideration, the Financial Dept. asked the Acct. Gen., by memom, whether Mr. Cardew's proposals relative to the adjustment of accounts are admissible from an account point of view. This memom & the A.G's reply will be found in G.O. d/ 23 Nov. 1894, No. 1022, Fin.

~~Mr. Rawlins stated~~
~~(i) that the I.G.~~

r. Rawlins remarked —

"(i) the I.G.'s proposal is, seemingly, to take credit for the work according to the P.W.D. estimate & debit the Jail dept. with the cost of the raw material,

"(ii) this plan is open to the objection that th P.W. books will contai a debit correspondi to the Jail Dept. credi, the accounts being thus fictitiously swel

"(iii) there are only two practicable courses, to wit:—

(a) the P.W.D. may transfer its gran for the work to the I.G. who will execute it as a Civil work departmentally; or

(b) the P.W.D. may retain the gran while the Supt. o the Jail carries it out as a Civil Disbursing Officer."

The I.G's attention was drawn to the opinion expressed by the A.G.

(4) It is now necessary to g back a little way.

Rule 1288 of the old Madra Public Works Code declared that the labour of convicts employed on the constructi or repair of Jails shoul be given to the P.W.D. free of cost.

In 1892, however, the Mad. Code was superseded* i certain respects by the G. of I. P.W.D. Code & the Exr. of P.W. accounts, in 1893, brought it to the notice Govt. that there was no

* Vide correspondence under cover of G.O. d/ 16 Jan 1892, No. 53, Fin. It was understood that the G. of I. Code was to be introduced gradually, such portions of the Madras Code as the Govt. thought necessary remaining in force.

provision in the latter Code corresponding with Rule 1288 of the Madras Code. Thereon the Govt. ruled that the provisions of the Madras Code should be cancelled & that, when convict labour was supplied to the P.W.D. for construction & repair of Jail buildings, the full market value of the work performed should be paid by the P.W.D. to the Jail Dept. by means of book debit entries under the head "hire of convicts" (vide G.O. dy 23 Jan. 1893, No 159, W, P.W., under cover of G.O. dy 18 Feb 1893, No 388, Ind.).

But, in 1894, the G. of I. amended its Code by inserting a provision (vide para. 114 of Chap. III of Vol. II of the Code) to the effect that no charges should be made to the P.W.D. when convicts are employed on Jail works; &, on this change being brought to notice by the Examiner of P.W. Accounts, the Govt. ordered (G.O. dy 7 Dec. 1894, No 3139, W, P.W.) that G.O. dy 23 Jan. 1893, No 159, W, P.W., should be cancelled & the status quo ante reverted to.

) C. No 43 contains the
G.'s comments on the A.G.'s
marks on the Jail Dept.
dget for 1895-96 (vide G.O.
y 23 Nov 1894, No 1022, Fin).
r Cardew's letter may be
ummarized as follows:—

"(i) The operation of the
new ruling in the G. of the
P.W.D. Code will rend
the adoption of my
original proposals
impossible because,
(under Account Code,
Vol. II, 5th Edition, Appe
P. Note 40, para. 2) it
is not permissible to
show anything as
receipts under "Jail
manufactures" which
is brought in by debit
to "Jails", but the
cost of the raw materia
used in the manufactu
of "Supplies" must
be charged as "Supplies.

"(ii) The effect of placing
the Supt. as a "Contracto
["Disburser" is meant]
under the P.W.D. would
be to render the
whole of the complica
system of P.W.D.
accounts applicab
to the work & I woul
rather throw up the
scheme than face su
an ordeal.

"(iii) The objection to the
A.G.'s alternative
plan of transferrin
the grant to the Jail
Dept. for execution
of the work depar
mentally is tha
the Jail Dept. wil
get no credit fo
savings on the
P.W.D. estimate of

cost, but (unless the Govt. is prepared to move the G. of I. to relax the ruling contained in para 114 of Chap. III of Vol. II of the G. of I. P.W.D. Code) this plan seems the best of those suggested.

"(iv) The A.G.'s objections to my original proposals are the result merely of their apparent novelty; as a fact, the fictitious swelling of the accounts to which he objects is a common feature of the transactions between the Jail dept. & other depts; however, it is unnecessary to discuss the A.G.'s objections at length, inasmuch as the recent revision of the G. of I. P.W.D. Code completely alters the complexion of the case."

(6) This letter of Mr. Cardew's was referred to the A.G. & the P.W.D. for remarks & their replies form C. No. 465.

The A.G. says

"(i) In construction, as well as in ordinary manufactures, the profit to which the Jail Dept. is entitled is the legitimate trade profit for which an independent manufacturer ld take credit; but

the I.G. wants to be ab
to credit himself wit
the amount of the
P.W.D. estimate & t
claim as profit any
savings on the estim
that he may be ab
to effect; in other
words, he propose
that Govt. shall tre
as profit the differen
between the actual
cost of work in
one dept. & the
estimate framed
in another; this is an
improper mode of accoun

"(ii) At the same time, ther
is no objection (other
than the attendant ex
aggeration of accou
to the Jail Dept. take
*credit for the net
*cost of the labour
& material actuall
expended on the
work & this result
can best be secure
I think, by treating
the Supt. as a Civil
Disbursing Officer.

"(iii) On the other han
the plan of treatin
the Supt. as a Civ
Disbursing Office
seems opposed to
spirit, if not t
letter, of the a
para. 114 of the
I. Code & it i
objected to b
I.G.

"(iv) I therefore pra

---

* The A.G.'s meaning is not quite clear; the terms "credit" & "cost" seem contradictory, but he probably alludes to the present method of accounting in regard to Jail "Supplies": It is understood that the value of the raw materials of which Jail "Supplies" are made up is reckoned as the value of the finished article.

c

two ways out of the difficulty, viz:

(a) to leave it to the P.W.D. itself to construct the Jail by means of convict labour; or

(b) to transfer the grant to the ~~Supdt.~~ I.G. of Prisons for execution of the work departmentally."

~~[illegible]~~

~~[illegible]~~

ol. Pennycuick observes that, f the expenditure is to pass hrough the P.W. accounts in ny form, the work must be xecuted either by the P.W.D. tself or by the Supt. as Civil isbursing Officer, & in neither f these ways could the Jail pt. secure an apparent fit. Col. P. is strongly op- d to the I.G's plan of ting the work as a man- & thinks that the best

plan will be to transfer the grant to the I.G. for executio of the work departmentally.

3. Orders as to what is to b done are solicited.

It is highly improbable tha the G. of I. would consent to relax amended ~~Rule~~. 114 of the Code in favour of the Cuddalore Jail & it is submitted that this suggestion may be negatived.

The A.G. shows the strongest reasons why Mr. Cardew's original proposals should not be adopted; ~~[illegible]~~ it would certainly be a very anomalous course to show, in formal financial retur ~~[illegible]~~ ~~and~~ the difference between an estimate frame ~~[illegible]~~ in the P.W.D. & the actual cost to the Jail Dept. as a sav ~~[illegible]~~ of the latter. Besides, the I.G. himself says that it wo be impossible to give effect to his original proposals in the face of amended para. 114.

The rules regarding Civil Disbursing Officers are contai in para^s 73–85 of Chap. III Vol. II of the G. of I. P.W.D. Code. They do not appear to be very elaborate; but, it is true that the Civil Disbursing Officer is bound to observe all the complicat P.W. account rules, the I. objection to the adoption this method of executing work is reasonable.

There remains the plans (a) execution by the P.W.D. its assisted by convict la & (b) of transfer of grant the P.W.D. to the I.G. pre

He cant show this in his accounts but he can say it & comment on it to his hearts' content in his Annual Admn Report

HS

W

[illegible]

There seems little to choose between these two plans. Mr. Cardew does not refer to the former; the latter he is prepared to accept, though, of course, under neither the one nor the other would the I.G. of Prisons be able to claim any profit. If the former plan is adopted, the work will be executed under the direct supervision of the P.W.D. [illegible] & instructions can be issued to that dept. to employ convict labour solely. The advantages of this method are (a) that the work will probably be better done (b) that there will be a regular & minute audit of the accounts; the disadvantages are (a) that [illegible] re is likely to be considerable delay in the completion work (b) that there be friction between the Supt. of the Jail & the Executive Engineer.

The question to be settled is whether the advantages or disadvantages mentioned above preponderate. If the advantages preponderate the P.W.D. should be left to build the Jail wi convict labour; if the disadvantages preponderate the Grant should be transferred to the I.G. of Prisons who will execute the work as a departmental work.

4. It is not unnatural tha the I.G. should complain of rules which prevent his showing any profit on a work of this charac but there appears to be no way of getting round them.

There is, however, no objec to the I.G. showing in his __departmental report__, though not in his __accoun__ a certain sum as profit. This sum might, perhaps be the difference between the P.W.D. estimate & the actual cost of materials __plus__ the estimated value of the convict-labour em ployed on the work; the difference may be take to * roughly represent the saving effected by the exe of the work by means o convict labour.

It is the custom at pre

Very well

WS

Perhaps so. But for my part I am indifferent – I feel sure that if the Jail Dept. works intelligently the Jail can be built for a sum much under the P.W.D. estimate – __Govt.__ will gain :. though the __Jail__ __Dept__ may not do so (in the accounts, that is). That is all I care for ~~Govt~~ WS W

Quite so – Neither Govt nor his officers will be judged by the __accounts__ but by the work

WS

9/3/95

W

[illegible]

* Too roughly for entry as profit in __formal__ accounts, but [illegible] sufficiently nearly to justify entry in the body of the annual report.

how the value of articles
rited to "Supplies & Services"
the body of the annual
ministration Report (compare
ara. 79 of the Report for 1893)
not in the statements
ppended thereto; so that
e proposal made above
n no wise offends against
ule or practice.

It may be mentioned that
Rul. 510 of the Jail Code
should be amended so as
to bring it into correspondence
with the amended para. 114
of Chap. III of Vol. II of
the G. of I. P.W.D. Code.

5 March 95.

8/3/95.

New Jail at Cuddalore

Hon & C.C.

(For orders)

Submitted to the Hon. Mr. Grose & H.E. the Governor, by direction of C.S.

23. 3. 95

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[5]
48—21-12-93.

Jud. DEPARTMENT.

Papers to be read in Proceedings :—

Again G.O., dated 5 Oct 1894, No. 2425, Jud.
Again G.O., dated 23 Nov 1894, No. 1022 Jud. Jail
Current No. 43 of 1895, dated 3 Jan from I.G. of Prisons.

Current No. 465 of 18 , dated 1 Feb from P.W.D.

Order misc. No. 720 d 4-4-95

The grant for the new Cuddalore Jail should be transferred by the P.W.D. to the I.G. of Pris who will undertak the construction of the building departmentall It will not be possibl for the I.G. to show any profit on account of the work in his account but in his annual repo he can, of course, indicat the saving to the State which has resulted from the transfer of the work from the P.W.D. to the Jail Dept.

2. Jail Code Rule 510 need amendment to bring i into accord with amende para. 114 of Chap. III of Vol. II of the G. of I. P.W Code; the I.G. should a a draft for approval

(From orders)

To the I.G. of Prisons (P&O) 15 Mar
— ~~Acct. Gen.~~ Fin. Dept. (P&O)
— P.W.D. (P&O) with copy of H.E.'s note.

Cuddalore

New Jail at
Cuddalore

CS

Misc

([illegible])

[G.]

When given for copying
When copied
When examined
When signed
189 .

Read again G.O., No. 189 , dated

Current No.

Enclosures to C. No.

Order of Government .. .. .. A A A A A A A

Letter of Government.

Statement with ditto.

Papers not filed up, being meant for despatch in original.

N.B.—
A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.

23-5-13

[G./11]
,500—8-3-95.

4/4

ORDINARY, MS.

Judicial DEPARTMENT.
G.O., DATED 4-4-95
No. 721-22

INDEXED.

When given for copying. 4/4

[Despatch Abstract.]

Sheriff of Madras. Directing the —
address the Govt. Separately on the subj
of his Salary and addressing the Govt. of
India in respect of his financial
position

BACK PAPER, No. 243 : 5 Feb 75

FURTHER PAPER, No. 3009/96 (Gov 9) OF 189

READ AGAIN ORDER OF GOVERNMENT, DATED 189 , No. , MISCELLANEOUS.

ENCLOSURES.

CURRENT No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT .. .. .. A A

LETTER OF GOVERNMENT. — A

Table of Fees

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL (not paged).

with copy of [illegible]
3496 - 27/10/75

N.B.—
A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.

Table of Fees to be taken by the Sheriff

In the High Court of Judicature at Madras

The Sixteenth day of February 1876.

It is [illegible]red, with the sanction and approval of His Grace the Governor [illegible]cil of Fort St. George, that from the first day of March 187[illegible] [illegible]es specified in the Schedule hereto and no other fee shall be [illegible]manded and received by the Sheriff of Madras.

[G./11]
2,500—8-3-95

Schedule

Copy from here

	Rs	a	p
1. On every Citation or Summons [illegible]er to a party or a witness, for each person to whom the Citati[illegible] or Summons is directed	2	„	.
2. On every notice, for each person to whom the notice is directed	2	„	.
3. On every warrant of arrest	5	„	.
4. On every proclamation for attachment or the process of sale	5	„	.
5. On every warrant of attachment of moveable or immoveable property according to the value of the suit if applied for before judgement, or the amount decreed in respect of which execution is sought:-			
If the value or amount does not exceed Rs 1,000/-	10	„	.
Exceeds Rs 1000/-, but does not exceed Rs 2,500/-	12	„	.
„ „ 2,500/-, „ „ „ 5,000/-	16	„	.
„ „ 5,000/-, „ „ „ 10,000/-	20	„	.
„ „ 10,000/-	25	„	.
6. On every warrant or order for delivery of possession of property, moveable or immoveable:-			
If no attachment has taken place	The fee for attachment of the property		

If

If attachment has taken place —			
For moveable property	2		
For immoveable property, when it consists of a single parcel	5	-	-
For the like, where there are several parcels situated in different places, for each parcel	3	-	-
7. On every warrant of sale of moveable property	2	-	-
8. On every warrant of sale of immoveable property	5	-	-
9. For every certificate other than the return to a Summons, or other process	1	-	-
10. For copies of all papers from the Sheriff's Office, per folio	-	6	-
11. On every application for a search in the Sheriff's Office	1	-	-
12. On every Injunction or Order not otherwise provided for	5	-	-
13. For detention of any person in custody before committment by order of the Court, or a Judge, each day	2	-	-

14. For keeping possession of moveable or immoveable property, the necessary expenses actually incurred in keeping such possession, the amount in cases of dispute to be settled by the Taxing Officer.

N.B. (1.) If the process and attachment for sale are issued simultaneously, the proper fee for the former process only is to be charged

(2.) The fee for the detention of any person in custody together with the expenses of maintenance or other extra expenses, to be assessed by the Taxing Officer in case of dispute, shall be paid to the Sheriff by the person in custody.

(3.) In addition to the above fees the Sheriff shall be entitled to be paid all necessary expenses incurred by him incidental to the sale of any property, and the necessary postages actually paid by him for the transmission of summonses or other documents by post, the amount of such payments in case of dispute to be settled by the Taxing Officer.

(True Copy)

J P Nicholas

Sheriff of Madras.

1895
Jud Dept.
Enclos. No. 1
To 1184

CURRENT NO. 1184

Through the Accountant General Madras

No. 45 of 1895.

From

J. P. Nicholas Esqre
Sheriff of Madras.

To

The Chief Secretary
to the Government of Madras

ACCOUNTANT GENERAL'S OFFICE
2 MAR 95
MADRAS

Sir,

With reference to G. O. No. 243. Judicial dated 5th February 1895, I have the honor to furnish the following information called for in para 2 of the Government of India's letter No. 119, dated Calcutta 22nd 24 January 1895.

2. The rates of the process fees which the Sheriff is allowed to charge is an enclosure of this letter, in reply to (1), para 2.

3. The amount realized on account of them during the year 1894 is Rs. 2811/-

4. The amount credited to Government during the year 1894 on account of these fees is

Rs 2811/-

5. It is not the practice now to credit the Sheriff out of fees. This was discontinued when the Sheriff's pay was consolidated.

6. The cost, during the year, of the Sheriff is Rs 10776/- and that of his Establishment is Rs 5,685-9as-0ps. Both the amounts are paid from Government funds only and not from the fees realized by the processes served by the Sheriff.

7. To the amount realized on account of fees as above must be added the fees for service of processes, during the year, in pauper suits, which are recoverable by the Government Solicitor, amounting to Rs 96/-.

The cost of serving notices received on the Appellate Side which are charged for by them and credited to their account, when they are forwarded to our Office for service without fees, must also be included. Such notices received during the year under review amount to 76 in number, which at Rs 2/- each, the rate we charge if received otherwise, i.e. from persons other than the Registrar, Appellate Side would come to Rs 152/. Recently 2 processes from the Straits Settlements have been sent to our Office for service, free of charge.

For orders.
These trifling amounts are not fees actually realized by the Sheriff & it is thought that no mention of them need be made in the draft letter.
Jorden
D
23/3

8. Besides this, our Office has to do work connected with the Quarterly Sessions, viz.

(1) Summoning Jurors at each Quarter of the Sessions.

(2) Making all copies of Crown Side Subpoenas to witnesses summoned for each Sessions.

(3) Serving all such Subpoenas and forwarding them to the District Courts, and otherwise, for service on the witnesses.

(4) Making endorsement of how such subpoenas have been served or disposed of.

(5) Applying to all the heads of Offices for a list of the names of their employés fit to serve as Jurors.

(6) Framing from these returns new separate lists

lists and books of Jurors of Europeans, East Indians and Natives eligible to be summoned in each current year.

(9.) ~~The duties of the Sheriff's Establishment, other than the serving and executing~~ of processes are the following:-

Enter in letter

__Manager__: receives cash both by fees and under warrants and makes disbursements; is custodian with the Deputy Sheriff, of all valuable moveable property attached; examines and initials everything transacted in the Office.

__Deputy Manager__: receives all process, enters them in their several books and makes return of all the process by an endorsement thereon.

__Head Clerk and Accountant__: receives all process, makes a charge on each as per scale of fees, keeps a fair Cash Book, General Ledger and Suitors' Ledger, and closes all accounts.

__Assistant Clerk__: copies all proclamations of sales and correspondence, furnishes certificates and keeps the records.

10. Up to the year 1875 the Sheriff was paid Rs 920/. and he was paying Rs 22/. per mensem, out of his emoluments, to a "mofussil process-writer." The Committee that was appointed, under G. O. dated 24th July 1875 No. 1647, to enquire into and report whether the Sheriff's Establishment was in excess of the requirements of the Office, __inter alia__, recommended, in their report dated 15th November 1875, the deduction of this amount from the Sheriff's pay, and it was approved of by Government as per G. O. No. 2496 dated 27th November 1875; since which time the Sheriff has been in receipt of Rs 898/-. As the charge of Rs 22/. is not an item debited against the Sheriff's Establishment since G. O. No. 2485 dated 18th October 1877, transferring the work of "mofussil process-writer" and the post to the Small Cause Court Madras, it seems equitable that the amount of Rs 22/. should be restored to the Sheriffs' integral salary which would then be Rs 920/. as before.

J

I have the honor to be

Sir,

your most obedient servant

Sheriff's Office
Madras
28th February 1895

Sheriff of Madras

24/7/75 No 1647 Jud S.C.
11/4/75 No 2496 Jud S.C.
From 8/10/77 No 2485 No 1184

The Sheriff Jud

of Madras.

To

The Chief Secretary

to the Govt. of Madras

Complete for file

Dated 28th February 1895.

Received 10/3

Regd 14/3

Enclosures 1.

Subject.

Furnishing information concerning costs &ca. connected with his Office and Establishment asked for in G.O. No. 243, Judicial dated 5th February 1895.

R.O. paper [illegible] 12/3
Put up 13/3

Jud

G.O. 243 5 Feb 95
wt & papers

Fort Saint George
No. 584 Acctt. Genl's office
9th March 1895

10 MAR 95

Submitted to Government with the following remarks:—

Para 3 of the Sheriff's letter

The amount remitted to the Bank of Madras by the Sheriff during 1894 on account of fees was Rs 2897-4-„ and not Rs 2811/ The latter amount probably represents the actual realization by that officer during the period in question.

Para 6

Under Establishment the Sheriff simply gives the monthly sanctioned scale multiplied by 12 which amounted to Rs 5685-9-„ without deducting fines, savings &c amounting to Rs 48-„-1 and he has also not included contingent charges amounting to 143/

J Martin

Accountant General

To,
The Chief Secretary to Government
Judicial Department

Dr. 9/3.

Judicial DEPARTMENT.

[G. 21.]
699—8-3-95.

Papers to be read in proceedings:—

Again G.O., dated 189 , No.
Again G.O., dated 5th February 1895, No. 243
Current No. of 189 , dated from

Current No. 1184 of 1895, dated 28th Feby from the Sheriff of Madras through the Accountant General

ORDER. No. 721 d 4-4-95

The following letter will be despatched to the Government of India.

2. The question raised in para. 10 of the Sheriff's letter should form the subject of a separate communication.

The Sheriff of Madras desp 9/11/4/95

Copies to EXD 8/4

Copies to EXD 8/4

with [illegible]

No. 722

Letter to the Secretary to the Government of India, Home Department Judicial

Despd 11/4/95 with G.O. No 2496/75

Sir,

I am directed to acknowledge the receipt of Mr. Hewett's letter dated 24th January 1895 No. 119 requesting certain information relating to the financial position of the Sheriff

Sheriff of Madras and in reply to state as follows.

2. The Sheriff ~~is~~ ~~allowed to~~ may charge ~~the undermentioned~~ fees (which he however does not retain), as specified in the ~~Sch. E. table of fees~~ appendix to this letter. The amount realized on account thereof during the year 1894 was Rs 2,897-4-.

3. The whole of this sum was credited to Government.

4. The cost during the year of the Sheriff was Rs 10,776 and that of his establishment deducting fines and savings amounting to Rs 48-0-1 and including contingencies amounting to Rs 143, was Rs 5,780-8-11. These charges were all paid from Government funds.

5. The Sheriff appoints his own establishment, but the number and pay of the members thereof is fixed by Government. The general question was considered in 1875 when the procedure adopted consisted in the appointment of a Committee (composed of the Sheriff, the Registrar of the High Court, Original Side, the Inspector General of Registration and the Deputy Accountant General) to enquire and report whether the existing establishment was in excess of the requirements or in need of modifications. On receipt of the Committee's report the Government passed orders thereon fixing the future establishment. A copy of the ~~orders~~ proceedings in question vizt G. O. dated 27th November 1875 No 2496 Judicial is enclosed for reference. On two subsequent occasions in 1877 and 1879 trifling alterations were made in the establishment in one instance the Government took action on a suggestion made by the High Court, in the other a recommendation made by the Sheriff himself was adopted.

Vide
[G. O. dd 18th Octr /77, No 2485 Judl
& dd 20th May /79, " 1189]

6. Besides serving and executing processes the Sheriff's establishment has to prepare annual

annual lists of jurors eligible to be summoned to the quarterly Sessions of the High Court, and to perform the following additional duties.

The Manager: receives cash both by fees and under warrants and makes disbursements, is custodian, with the Deputy Sheriff, of all valuable moveable property attached, & examines and initials everything transacted in the office.

The Deputy Manager: receives all process, enters them in their several books and makes return of all, ~~the~~ process by ~~the~~, endorsement thereon.

The Head Clerk and Accountant: receives all process, makes a charge on each as per scale of fees, keeps a fair Cash Book, General Ledger and Suitors' Ledger, and closes all accounts.

Assistant Clerk: copies all proclamations of sales and correspondence, furnishes certificates and

and keeps the records.

I have &c

D
29. 3-95

3/4/95

Note. This is a fair copy of a rough draft of my own

D
29.3

G

for [illegible]

copying
copied
examined
signed
189 .

DATED

AGAIN G.O., No.
189 ,

No.

OSURES TO C. No.

OF GOVERNMENT .. .. A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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