No. 429.

GOVERNMENT OF INDIA.

DEPARTMENT OF FINANCE AND COMMERCE.

ACCOUNTS AND FINANCE.
Rules and General Matters.

RESOLUTION.

Simla, the 27th April 1886.

READ again—

Circular letter in this Department, No. 3692, dated the 26th October 1885.

RESOLUTION.—In the circular letter read, orders were issued suspending the powers of Local Governments and Administrations in respect to sanction of Provincial Public Works likely to involve expenditure after 31st March 1887. The grants for the year 1886-87 having now been fixed, the Governor General in Council is pleased to direct the cancellation of those orders.

ORDER.—Ordered, that the Resolution be communicated to all Local Governments and Administrations to whom the circular letter, dated 26th October 1885, was communicated, and to the Public Works Department* for information.

* Original papers returned.

J. F. FINLAY,

Offg. Under-Secy. to the Govt. of India.

B. to 2861 W. 1.12.85
" 2712 W. 13.11.85
to 1884 C. 19.11.85.

Copy forwarded with Secretary of State's
for information and guidance in continuation of
dated 6th November 1885.

No. 1015

2nd Govt. of India
Public Works Department
Secretary to Government
Madras

Simla, 11th May 1886.

By order
R. J. Cullimore
Offg Under Secretary to Govt of India

GOVERNMENT OF INDIA.

DEPARTMENT OF FINANCE AND COMMERCE.

ACCOUNTS AND FINANCE.
Rules and General Matters.

RESOLUTION.

To

ALL LOCAL GOVERNMENTS, EXCEPT HYDERABAD, COORG, AND AJMERE; ALSO TO THE PUBLIC WORKS DEPARTMENT.

No. 429.

Dated Simla, the 27th April 1886.

Orders suspending the powers of Local Governments in respect to sanction of Provincial Public Works likely to involve expenditure after 31st March 1887 cancelled.

Govt. C. B. Press, Simla.—No. 70 C. F.—264-86.—250.

GOVERNMENT OF MADRAS.

MILITARY DEPARTMENT.

2nd June 1886, No. 3297.

Judicial.

Read the following:—

No. . *Extract of a letter from the Government of India, to the Secretary of State for India; dated Fort William, 15th December* 1885, *No.* 189.

Para. 3. Correspondence regarding the authority of courts of law to order the attachment of a soldier's pay.

From Adjutant-General in India, No. 192-A., dated 30th January 1885, and enclosures.
Military Department No. 380-C., dated 12th March 1885.
From Solicitor to Government, No. 382, dated 26th March 1885.
Military Department No. 49-S.C., dated 9th April 1885.
From Adjutant-General in India, No. 2890-D., dated 11th September 1885, and enclosures.
Military Department No. 1177-C., dated 25th September 1885.
From Solicitor to Government, No. 1240, dated 6th October 1885, and enclosure.

The points on which we desire the decision of Her Majesty's Government are—

(1) What constitutes the "pay" mentioned in proviso 1, sub-section 5, section 144 of the Army Act of 1881; and

(2) Whether any staff pay coming to a soldier in addition to the pay of his rank can or cannot be attached by a civil court.

Should it be considered that it is not exempt from attachment, then it seems only proper that the same principle should be extended to consolidated pay; and it might be ruled that the staff salary in such cases will be the balance left after deducting from the consolidated pay the pay of rank, ration money, and horse or other allowance given for a specific purpose, the withdrawal of which would affect the soldier's capability of performing his duties.

Extract of a military letter from the Right Honorable the Secretary of State for India, to the Government of India; dated India Office, London, 8th April 1886, No. 87.

Para. 3. The correspondence transmitted by you relative to the authority of courts of law to order the attachment of a soldier's pay, has been submitted for the opinion of the Secretary of State for War. From the letter from the War Office forwarded herewith (dated 26th January 1886) you will perceive that the Secretary of State for War has been advised that the expression "pay" in the first proviso of sub-section 5 of section 144 of the Army Act of 1881 covers all military emoluments whatsoever, and that therefore staff pay coming to a soldier in addition to the pay of his rank is, equally with such pay, within the protection accorded by the portion of the Army Act quoted.

From H. T. DELABERE, Esq., Deputy Accountant-General, War Office, to the Under Secretary of State for India; dated War Office, 26th January 1886, No. 30—2880-S.W.

I am directed, by the Secretary of State for War, to acknowledge the receipt of your letter of 12th instant, No. 134-M., and to acquaint you in reply that, in reference to the extract of a letter from the Government of India, No. 189, dated 15th December 1885, therein enclosed, that he is advised that the expression "pay" in the first proviso of sub-section 5 of section 144 of the Army Act of 1881 covers all military emoluments whatsoever, and that therefore staff pay coming to a soldier in addition to the pay of his rank is, equally with such ordinary pay, within the protection accorded by the portion of the Army Act quoted.

No. 418-C.

Judicial.

Copy of the foregoing forwarded to the Secretary to the Government of Madras, Military Department.

* * * * *

(By Order.)

SIMLA,
12*th May* 1886.

(Signed) W. J. B. BIRD,
Asst. Secy. to the Govt. of India.

No. . ORDER THEREON, 2nd June 1886, No. 3297.

Communicated to the several departments of the Government Secretariat, His Excellency the Commander-in-Chief and Military Departments generally.

(True Extract.)

A Kennedy Herbert Lt.-Col.,
Secretary to Government.

To the Departments of the Secretariat. P. W. Dept
,, Adjutant-General.
,, Quarter Master General.
,, Judge Advocate-General.
,, Commissary-General.
,, Superintendent and Agent for Army Clothing.
,, Superintendent, Family Payments and Pensions.
,, Superintendent, Reserve Remount Depôt, Hosúr.
,, Surgeon-General, Her Majesty's Forces, Madras.
,, Surgeon-General with the Government of Madras.
,, Controller of Military Accounts.
,, Inspector-General of Ordnance, for information.

Exd. E. C. Shunker.

30/5 C part B. Madras Office

No. 1445 W. dy 8th June 1886.

Communicated to officers of the P.W. Dept.

4-6-86

6/6/86

Pwn 2329.

Govt. of {1886} Madras.

MILITARY.

To

THE DEPARTMENTS OF THE SECRETARIAT,

&c., &c., &c.

201C

3 JUN 86 P.W. DEPARTMENT

Dated June,

Issued

Recd. 7/6/86 *Encl.*

G.O., 2d June 1886, No. 329.

B: No. 1445 W. dy 8th June 1886.

JUNE.

Nos. - .

15

Judicial.

Decision of Her Majesty's Government on the question of the attachment of a soldier's pay by a Civil Court, communicated to departments concerned.

2 Copies to each of
Enld with order

Ch: Engr. for Irrign ✓
Consg. Engrs for Rys ✓
Supdg. Engrs. ✓
Supt. of Works T.M.S. ✓
C.A. to Govt ✓
Exr. P.W. Accts ✓

Issd. 7/6/86