23.5.21. RT.

M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Political DEPARTMENT.

G.O. No. 784 Press ~~Mis.~~

Dated 1 — 12 — ~~19~~ 1858

Not to be folded or roughly handled

No. 3. EXTRACT FROM THE MINUTES OF CONSULTATION in the Financial Department, under date the 22nd November 1858, No. 764.

(*Vide* Diary, Financial Consultation, 23rd November 1858, Nos. 15 and 16.)

(Opinion of the Government of India that payments made to satisfy mortgages upon Estates of Rebels that become the property of Government should be approved by them before being passed.

No. 4. ORDER THEREON, No. 784; dated 1st December 1858.

To be Recorded.

(Signed) W. H. BAYLEY,
Acting Secretary to Government.

Exd. J. A. Wilson.

FINANCIAL DEPARTMENT.

No. 764.

Extract from the Minutes of Consultation under date the 22nd November 1858.

Read the following Extract from the Proceedings of the Honorable the President of the Council of India in Council in the Financial Department, under date the 22nd October 1858.

Read again the Financial Resolution, No. 1192, dated the 28th February 1856, on the subject of land in and about Calcutta required by the Gas Company.

Read a letter from the Civil Auditor, Fort William, No. 2548, dated the 15th Ultimo, and its enclosures, on the subject of certain charges passed by the Government of Bengal.

RESOLUTION.—The Civil Auditor, Fort William, forwards three Bills as per margin,* the amounts of which, he states, have been passed by the Honorable the Lieutenant Governor of Bengal, and enquires whether he is authorized to pass all Charges sanctioned by the Government of Bengal, whatever the amount, or only when they are within a certain limit, a doubt on this point having suggested itself to him in consequence of the passage cited in the margin,† contained in an Extract from the Proceedings of the Most Noble the Governor General of India in Council in the Financial Department, No. 1192, dated the 28th February 1856.

* 1. *One from the Commissioner of Patna amounting to Rupees* 1,44,00 *for payment to Mussamut Jye Kooer and Munnoo Lall, in discharge of their claims against certain villages of the rebel Kooer Sing.*
2. *One from the Senior Assistant Commissioner of Chota Nagpore for Rupees* 1,62,070-15-10, *said to have been plundered from the Treasury of that Station by the Mutineers.*
3. *One being a claim of Rupees* 1,18,900 *advanced by Shah Rogoobirdial and other Mortgagees on the Estate of the late Kooer Sing, the Mutineer.*

†—"*It is proposed now to allow to Hurris Chunder a compensation for his property to the extent of Rupees* 20,000 *but this sum and the sum of Rupees* 9,794-1-3¼ *before mentioned, taken together, exceed the limit of expenditure within the competency of the local Government to sanction for any one purpose.*"

2. The Honorable the President in Council observes that the orders of February 1856, quoted by the Civil Auditor, were passed in the case of the land furnished to the Oriental Gas Company, the expenditure connected with which was looked upon as an expenditure on a Public Work, for which the Local Government has authority to sanction an outlay of Rupees 25,000 only, and that, with the exception of the Rule in the case of Public Works, there is no Rule specifically limiting the authority of the Local Government in passing charges incidentally incurred; and His Honor in Council does not see that any other such Rule is necessary.

3. The limit for Public Works applies to grants of land for public objects, to the purchase or the building of Ships, and the like; and it does not appear to His Honor in Council that the second of the three items noted above comes under the spirit of that restrictive Rule. He is pleased therefore to authorize its being passed.

4. His Honor in Council is of opinion, however, that cases such as those that form items Nos. 1 and 3 *do* come under the spirit of that Rule. These payments seem to have been made to satisfy mortgages upon estates that have now become the property of Government, whereby the title of Government will become more valuable. They seem therefore very similar in effect to a purchase of land, to which certainly the spirit of the Rule applies. The Honorable the President in Council is therefore of opinion that these charges should be approved by the Government of India before being passed, and that this principle should be recognised in future.

* *Foreign, Home, Military, and Public Works Departments.*
† *Governments of Bengal, North Western Provinces, Madras, Bombay, and Eastern Settlements, and the Chief Commissioner, Punjab.*

ORDER.—Ordered that a copy of the above Resolution be sent to the Departments* and Governments,† specified in the margin.

Ordered also that a copy of the same Resolution be sent to the Civil Auditor, Fort William, in reply to his letter, No. 2548, dated the 15th Ultimo, and that the original enclosures of his letter be returned.

Ordered also that a copy of the Resolution be sent to the several Officers of Audit and Account as per margin.‡

‡ *Accountant General to the Govenment of India, Accountant to the Government of Bengal, Accountant North Western Provinces, Accountant Punjab, Accountant General of Bombay, and Accountant General of Madras. Civil Auditors of the North Western Provinces, Punjab, Bombay, and Madras.*

Ordered to be communicated to the several Departments of the Secretariat.

(True Extracts.)

Signed W H Bayley

Acting Secretary to Government.

To the Revenue Department.
„ Public Works Department.
„ Military do.
„ Public do.
„ Judicial do.
„ Political do. Desp^d 26^th
„ Ecclesiastical do.
„ Marine do.
„ Railway do.

Exd. J. A. Wilson.

In Dt to Cons. 7 Dec 58
Political 1859. Depart

Extract Minutes of Consultation
in the Financial Depart 784.

Rec 22d
Rep 26 Nov 58.

No 803.

Communicating copy of a
Resolution passed by the
Govt of India that in the case of the
charges of the nature referred
to, the approval of the Govt
of India must first be ob-
tained prior to their being
passed, and that this prin-
ciple should be recognized
in future. —

No 784
To be recorded
1st Dec 58. W H