

MADRAS RECORD OFFICE.

Government of Madras.

Public DEPARTMENT.

G.O. No.	<i>116</i>	Press Mis.
Dated	<i>1-2-</i>	<i>1867.</i>

Not to be folded or roughly handled

No. 7. Read the following letter from the Magistrate of South Arcot, to the Chief Secretary to Government, Fort Saint George; dated Pondicherry, 5th December 1866, No. 30.

The question has been raised as to whether fines levied from parties prosecuted for nuisances committed within the Municipal limits under the Police Act are to be credited to the Municipality, or to the Police Superannuation Fund, as has always been done before the Municipality was instituted.

2. It is provided by the Act X of 1865 that all fines imposed under it, or where prosecutions are conducted at the instance of the Commissioners, shall be paid to the funds of the Municipality, but the cases which have suggested this reference are those wherein the prosecution has been at the instance of the Police themselves, and it is argued that such cases are exceptional, and only where the Commissioners appear as the immediate prosecuting party do fines go to the Municipal Fund, and in all others, as heretofore, the Police Fund is entitled to them.

3. I am doubtful on the point, and am inclined to the opinion that, in every case where the offence of nuisance is committed within the Municipal limits, no matter how prosecuted, the fine imposed belongs of right to the Municipality.

4. I seek a solution of the question for the guidance of the Subordinate Magistracy resident within the Municipality, who seek instructions on the point, and the Police would not be likely to accept as satisfactory my own decision adverse to their claim, so that it is very desirable the Government should at once determine the matter, after reference, if necessary, to their Law Officer.

5. Municipalities are being organized all over the Presidency, and the question is one, therefore, of very general interest, and concerns two distinct departments, and thus it seems to require an early authoritative opinion for universal guidance.

No. 8. ORDER THEREON, 1st February 1867, No. 116.

The Government observe that Section 13 of the Towns' Improvement Act provides that all fines, fees, and penalties paid or levied *under that Act* shall belong to the Municipal Fund. It seems immaterial by whom the offenders are prosecuted, whether by the Police under Section 134, or by others under Section 148. So long as the fines levied are for offences committed against the provisions of the Towns' Improvement Act, such fines must belong to the Municipality. Those fines, on the other hand, which are levied under the Police Act XXIV of 1859 are either credited to the Public Account, or, where they are of the nature of those specified in Section 12 of that enactment, merge in the Police Superannuation Fund.

(True Extract).

Chief Secretary.

To the Magistrate of South Arcot.
,, Inspector General of Police.

Ed. J. H. Burns.

From

L. W. Reade Esquire

Collector of South Arcot

To

Honorable A. J. Arbuthnot

Chief Secretary to Government
Madras

Sir,

The question has been raised as to whether Fines levied from Parties presented for nuisances committed within the Municipal limits under the Police Act are to be credited to the Municipality or to the Police Superannuation Fund as has always been done before the Municipality was instituted.

2

It is provided by the Act X of 1865 that all fines imposed under it on where prosecutions are conducted at the instance of the Commissioners shall be paid to the funds of the Municipality, but the cases which have suggested this reference are those wherein the prosecution has been

at the instance of the Police themselves and it is argued that such cases are exceptional, and only where the Commissioners appear as the immediate Prosecuting party do fines go to the Municipal Fund, and in all others, as heretofore, the Police Fund is entitled to them.

3 I am doubtful on the point and am inclined to the opinion that in every case where the offence of nuisance is committed within the Municipal limits no matter how prosecuted the fine imposed belongs of right to the Municipality.

4 I seek a solution of the question for the guidance of the subordinate Magistrate resident within the Municipality who seek instructions on the point and the Police would not be likely to accept as satisfactory my own decision adverse to their claim, so that it is very desirable the Government should at once determine the matter after reference if necessary to their Law Officers.

5 Municipalities are being organized all over the Presidency and the question is one therefore of very general interest, and concerns two distinct departments and thus it seems to require an early authoritative opinion for universal guidance.

South Arcot
Collector & C. C. C. C.
Pondicherry
5th December 1866

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

G. S. S. S.
Collector

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following
letter from the Magistrate of South Arcot

Recd letter 5 Dec 1866 No 30

Order thereon

Mr. Reade is re-
quested to explain him-
self more fully on the
point raised in the fore-
going letter. Section 13 of
the Towns Improvement
Act provides that all
fines, fees and penalties
paid or levied under that
act shall belong to the
Municipal Fund. It
seems immaterial by
whom the offenders are

accounted

Public 1866-67
Dec 1 1866
From the Magistrate of South Arcot
Recd 21 Dec 1866
No 30

20/15/93
The person or persons
guilty from prosecution
for nuisance within
South Arcot, please
to the Municipal
or the Police Magistrate
Municipal Fund

23/11/67
23/11/67

prosecuted, whether by the
Police under Section 134,
or by others under Section
148. So long as the fines
levied are for offences
committed against the
provisions of the Towns'
Improvement Act, such
fines must belong to the
municipality. If, on the
other hand, they are
levied under the Police
Act XXIV of 1859, they
must merge, under Section
12 of that enactment,
in the Police Superannua-
tion Fund. [The Govern-
ment do not understand
the nature of the doubts
which have suggested
to Mr. Reade the present
reference.]

There is too much, I think,
confusion, under Section 12 Act 24
of 1859, some special orders have
been issued for defining the
special sources from which
payments may be made to the
Police Superannuation Fund. By that
Section the Fund should be
credited only with the sums
received as fines by the
Magistrate.
proposed

As committed to
Police officers -
W.D.

To the Magistrate of S. Area
Super. Genl. of Police.

PROCEEDINGS of the MADRAS GOVERNMENT.

Recd the following letter
from the Magistrate of South
Arcot.

Here enter 5th December 1866 N^o 30.

Order, 1st February 1867 N^o 116.

^{Assn}
The Government do
~~not understand the nature~~
~~of the doubts which have~~
~~suggested to Mr. Read the~~
~~present reference~~ ^{that} Section 13
of the Towns Improvement
Act provides that all
fines, fees and penalties
paid or levied under that
Act shall belong to the
Municipal Fund. It
seems immaterial by whom
the offenders are prosecuted,
whether by the Police under
Section 134 or by others
under Section 140. So long
as

N.
J.P.
W.M.

Public 1867. Department.

No. 116.

PROCEEDINGS OF GOVERNMENT.

Dated 1st February 1867.

2-8

C. 26-29-67
R. 4-1-67
C. 26-29-67

as the fines levied are for
offences committed against
the provisions of the Towns'
Improvement Act, such fines
must belong to the Muni-
cipality. Those fines, on
the other hand which
are levied under the
Police Act XXIV of 1859
are either credited to the
Public Account, or, where
they are of the nature
of those specified in
Section XII of that Enactment,
merge in the Police Super-
annuation Fund.

4/1

25/12/59

To the Mayor of South Arcot
Insp. Genl. of Police

25/12/59

Public 1884. Department.

No. 116.

PROCEEDINGS OF GOVERNMENT.

Dated 1 February 1884.