

MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No.	223	Press MIS.
Dated	13. 4.	18 59

B no- 10-11

8/8

Not to be folded or roughly handled

No. 10. From J. L. LUSHINGTON, Esq., Acting Civil Auditor ; to T. PYCROFT, Esq.,
Chief Secretary to Government, Fort Saint George, dated 21st March 1859, No. 118.
SIR,

The Honorable Sir Henry Davison Knight Chief Justice of Madras, has forwarded to me the accompanying Bill, for freight, &c., of 29 Packages from Bombay, to Madras and for passage for self and Servant, and for his Clerk Mr. Gamble and his wife, amounting in the whole to Company's Rupees 1,335-0-0 and has requested that in the event of my being unable to pass the charges, I will refer the matter to Government for their orders.

2. As I have no authority to pass the charges in question, I accordingly beg to submit them for the orders of the Right Honorable the Governor in Council, and to state that I am not aware of any rule or orders providing for the admission of such claims, moreover the late Court of Directors ruled, that such charges are not admissible under the Act of Parliament, which allows passage money to certain Officers resident in the United Kingdom proceeding to take up their appointments in India.

3. By the order of Government however, No. 430, in the Public Department, dated 2nd May 1844, a sum of Rupees 6,000-0-0, was granted under the orders of the late Honorable the Court of Directors to Mr. Justice Burton, on account of the expenses of his voyage from New South Wales to this Presidency, in which orders the Court allude to similar grants, to other Chief Justices under similar circumstances. I am informed by Sir Henry Davison also, that, the grant of passage money, &c., obtains both in Bengal and Bombay, and that the passage money was allowed him for himself and Clerk, when he proceeded hence to Bombay. Should the passage money and freight, &c., on account of the Chief Justice be allowed I am of opinion that the passage of the Judges Clerk and his wife, is a charge which should not be borne by the state, but on both points, I have the honor to request the orders of Government.

No. 11. MINUTE by the Honorable the President, dated 6th April 1859.

As Sir Henry Davison was transferred from the Chief Justiceship of Bombay to that of Madras at his own request, I do not see on what ground he can be allowed his Travelling expenses.

(Signed) C. E. TREVELYAN.

No 12. ORDER THEREON, No. 223 ; dated 13th April 1859.

The Government observe that Sir Henry Davison was transferred from the Chief Justiceship at Bombay to the corresponding Office at Madras at his own request, and they cannot admit his claim to Travelling Expenses under these circumstances.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. A. P. W. Begbie.

all the other cases of the same kind have been referred to the Government for their orders.

Financial Department

N^o

I

The Secy to the Govt of India,

Sir,

I am directed by the Honble the Governor in Council to forward for the orders of the Govt of India

Date 21st March 1839 N^o 115.

copy of a letter from the Acting Civil Auditor, so-

As Mr Henry Davison was transferred from the Chief Justiceship of Bombay to that of Madras at his own request I do not see on what ground he can be allowed his travelling expences

liciting instructions in re- gard to a Bill for Rupees 1335 forwarded to his Office by the Honble Sir Henry Davison to be passed for

payment on account of his Passage for himself and servant, and his Clerk and wife, and also for Freight &c on 29 Packages

Travelling expences seem to have been allowed in all similar cases

In all the other cases the officers were proceeding to take up app to Govt. They had been nominated. In this case it is a mere exchange of one officer for another of equal value to meet the convenience of the Govt. I agree with the Pres^t Mr. Will.

on the occasion of his coming
here to take up his appoint-
ment as Chief Justice of
Her Majesty's Supreme Court
of Judicature.

2 To enable the Su-
preme Government to ar-
rive at a decision on
the present claim, a Memo-
randum of precedents is
annexed for their informa-
tion, showing the previous
instances in which a
special allowance ^{has been}
by the Home Authorities
granted to the Judges of
Her Majesty's Court for
the expenses of their Passage
to Madras. The Acting
Civil Auditor states that
should the Passage money
and Freight ^{&c} for Sir
Henry Davison & his servant
be

be allowed, he is of opinion
that Passage for the
Clerk, Mr. Gamble, and
his wife is a charge which
should not be borne by
the Government; and he
requests orders on both
points. I am accordingly
directed to refer the
matter for the instructions
of the Government of
India.

I have &c

J.P.

18
Not to be printed

Sir Edward Gambier

Sir Edward Gambier's application for compensation for loss of salary from the period of his vacating the Recordership of Penang, Singapore and Malacca to the date of his being installed as the Puisne Judge of the Madras Supreme Court, was refused by the Home Government. An allowance, however, of Rs 5,000 was ordered to be granted to him on account of the expenses of his voyage to Madras—

24th October N° 16 of 1838.

Sir Justice Barton.

20th February N° 4 of 1844.

In notifying the appointment of Mr. W. W. Barton, then resident at New South Wales, to be a Puisne Judge of the Supreme Court, the Home Authorities stated that he was not entitled under the provisions

19th April 59
Circular 1859. Defn 11

Minute by the Hon. the
President

21st April 1859.

No 267

Disallowing have been
expended to the Hon. the
President, Chief Justice.

24 April
212nd a

Sir William Norris
Sir Edward Gambier

of the act of Parliament to
the usual allowance of Passage
money; but, in reference to
two previous cases of a similar
character, in each of which
an allowance was granted,
they authorised the payment
to Mr Justice Burton of
Rs 6000 on account of the
expenses of the voyage from
New South Wales to Madras.

Sir C. H. Rawlinson.

Consequent on an application
from Sir C. H. Rawlinson
for the grant of an allowance
by way of Passage money
for his passage from the
Straits to Madras on the
occasion of his appointment
as Chief Justice of the

Dec: 12th May No 9 of 1858.

Supreme Court at Madras, the
Honorable Court authorised
the reimbursement to Sir C.
Rawlinson, of the expenses
which he had incurred
on the occasion in question.
These, amounting to Rs 2535,
were accordingly, paid by
the Madras Government.

From the present letter from
the Acting Civil Auditor,
it will be seen that Sir
Henry Davison prefers a
claim to the charges of freight
&c. and for passage for
himself and servant, and
for his clerk, Mr. Gamble, and
his wife, amounting on the
whole, to Rs 1335. It appears
that the passage money was
allowed for himself and
clerk when he proceeded
hence to Bombay. The

x hoke-cc. by the Bombay Govt.
apparently-

Civil Auditor is of opinion
that, if the passage money,
freight &c. on account of
Sir H. Davison, be allowed,
the charge for the passage of
the Judge's clerk and his wife
should not be borne by the
state.

J.P.

F.D.

N^o 223

Ex. Mens. Cons dated 13 April 1859

Read the following papers

From the Off. C. Auditor - New enter at March 1859 N^o 118
Minute by the Hon the President - - - - 6 April - - -

The fact observe that
Sir Henry Davison
was transferred
from the Chief Justice
- ship at Bombay
to the corresponding
office at Madras
at his own request
They cannot admit
his claim to travel-
ling expenses under
these circumstances

^W
J.P.
W.V.

Civil Auditor - Despatch
of 11.12.59

J.P.

Thirteenth 1859 28th March
Dated the 19th April 1859.

No 293

Extracts from the

29/13: April 1859.

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72.

1859

C. Hume. Copy of the

and the following

from the Office of the

the first volume of

the second volume

the third volume

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the fourteenth volume

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