

(1) Number of pages 20(2) Date of repair 20.6.39(3) Initials of the Referencer 4

MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

Letter G.O. No.	432	Press Mis.
34-36.		
Dated	14-8-	1861.

34-36

9/10

Not to be folded or roughly handled

Proceedings of the Madras Government, Financial Department,
14th August 1861.

No. 34. Read the following letter from the Judges of Her Majesty's Supreme Court of Judicature; to the Honorable the Governor in Council, &c., &c., &c., Fort Saint George, dated 23rd July 1861.

1. We have the honor to acknowledge the receipt of the letter of your Excellency in Council dated 28th of June enclosing a list prepared by the Civil Auditor of the officers of the Supreme Court who are admissible to the benefits of the Superannuation Pension Rules and requesting us "to inform the Government whether the grant of a right to pensions is accepted by the parties named in the list subject to the usual leave rules; the grant of leave under the rules resting as heretofore entirely with Her Majesty's Judges." In reply thereto we have the honor to forward a copy of a letter of the Registrar of the Supreme Court written by our direction for the purpose of ascertaining whether the officers mentioned in the above list accepted the grant of a right to pensions upon the terms therein specified together with a copy of the said list signed by the several officers named, in testimony of their acceptance of the same.

2. We are called upon to point out an inaccuracy in that list with reference to the office of Deputy Clerk of the Crown. The list states that the present incumbent practices at the bar and cannot therefore be admitted, but the fact is that Mr. Benjamin Brooks the present incumbent is not at the bar—he has been admitted an Attorney of the Supreme Court but has never practised as such. It may save further correspondence to state that we have ascertained that Mr. Brooks also accepts the grant if admissible thereto.

3. Referring back to the letter of your Excellency in Council, dated 28th January last, enclosing a copy of a letter of the Supreme Government, dated the 29th December last, it is satisfactory to us to find "that there is no desire on the part of the Government of India to limit the power of Her Majesty's Judges to grant leave of absence to the officers and servants of the Supreme Court and that the leave returns are only required to regulate the grant of pensions to which the Uncovenanted officers of the Supreme Court have lately been declared entitled after a certain period of service, which period will depend on the amount of leave to be deducted from the commencement to the end of the service."

4. It seems to us certainly quite reasonable that the period of absence with leave should for the purpose of granting pensions be deducted from the whole period of service in accordance with the Uncovenanted Service Absentee Regulations, and we now understand that it is only for the purpose of making that deduction that the leave returns are required.

5. The regulations extracted in the letter of the Supreme Government limit the length of time for which leave of absence may be granted in particular cases, and as in that letter it is requested that any difficulty felt in respect to a compliance with the conditions of the leave rules may be clearly stated, we feel it right to add that we consider the discretion of Her Majesty's Judges with reference both to the occasions of granting leave of absence to the officers and servants of the Supreme Court, and to the period of time for which such leave should be granted to remain as unfettered as it has hitherto been.

6. We have directed the Registrar whenever leave of absence is granted by the Judges to any officer or servant of the Supreme Court to give information thereof to the Civil Auditor and of the grounds on which the same has been granted.

(Signed) C. H. SCOTLAND.
(") A. BITTLESTON.

SUPREME COURT, MADRAS,
REGISTRAR'S OFFICE, 4TH JULY 1861.

GENTLEMEN,

I am directed by the Honorable the Judges, to forward for your information, the accompanying copy of letter and list of the Officers of the Supreme Court, who are admissible to the benefits of the Superannuation Pension Rules, and to request that you will be so good as to inform their Lordships, whether the grant of a right to pensions is accepted by you, subject to the usual leave rules—the grant of leave under the rules, resting as heretofore entirely with Her

Proceedings of the Madras Government, Financial Department,
14th August 1861.

Majesty's Judges, and to request that you will be so good as to affix your signatures to the aforesaid list opposite to your names, in testimony of such acceptance.

(Signed) A. MACDONALD RITCHIE,
Registrar.

List of Officers.

No.	Names.	Designation.	Salary.	Remarks.
1	C. V. Runganada Shastry.	Interpreter*	402 8 0	* He holds five offices, each of which is admissible.
2	S. G. Dustager.	Do.	140 0 0	Admissible.
3	C. Kristnayer.	Deputy Interpreter.	105 0 0	Officers of the Court.
4	P. Kant.	French do.	17 8 0	
5	B. C. Regel.	Dutch do.	17 8 0	
6	T. Brass.	Portuguese do.	28 0 0	
7	S. J. Johannes.	Armenian do.	105 0 0	
8	J. Piellow.	Deputy Clerk of the Crown.	175 0 0	† The present incumbent practices at the bar and cannot therefore be admitted.
9	Armagherry.	Manager.	105 0 0	Establishment of the Clerk of the Crown.
10	A. Martins.	Writer.	70 0 0	
11	Do.	Do.	28 0 0	
12	Sonagherry.	Do.	17 8 0	
13	Yagambaram.	Do.	10 8 0	
14	E. W. Shaw.	Deputy Sheriff.	210 0 0	
15	S. Vencatasawmy Naidoo.	Record-keeper.	105 0 0	
16	T. Veerasawmy Pillay.	Deputy do.	35 0 0	
17	C. Casaviah.	Head Writer.	24 8 0	
18	W. Soodursanum Naidu.	Assistant do.	17 8 0	
19	F. Blake.	Keeper of H. M.'s Jail.	100 0 0	
20	J. Urquhart.	Coroner.	350 0 0	
21	F. M. Esoof.	Interpreter.	52 8 0	
22	J. L. Fanderlinden.	Constable.	35 0 0	
23	P. Venkattachalum.	Writer.	17 8 0	
24	Do.	Chief Clerk.	218 4 0	
25	C. Venkatasawmy Naidoo.	Accountant and Manager.	42 0 0	
26	P. Vaidanada Moodelly.	Copyist.	12 0 0	
27	P. T. Comarasawmy Moodelly.	Do.	10 8 0	
28	A. Kistnasawmy.	Do.	10 8 0	

(True Copy.)

(Signed) T. PYCROFT, Chief Secretary.

Proceedings of the Madras Government, Financial Department,
14th August 1861.

No. 35. ORDER THEREON, 14th August 1861, No. 431.

Ordered that a copy of the foregoing letter and of the correspondence which has previously passed on the subject to which it relates be forwarded to the Government of India, in reference to their letter No. 12,501, dated the 29th December 1860.

2. Ordered also that the letter of Her Majesty's Judges be communicated to the Civil Auditor with reference to the Order of Government No. 330, dated 23th June last, and that his attention be drawn to paragraph 2 of that letter.

(Signed) J. D. SIM,
Secretary to Government.

No. 36. To the Secretary to the Government of India, Financial Department, dated 14th August 1861, No. 432.

Adverting to the correspondence noted in the margin, I am directed by the Government Council to state that on the receipt of your letter, No. 12,501, dated the 29th December last, a copy of it was furnished to the Judges of Her Majesty's Supreme Court at Madras, and they were requested to inform the Government whether the grant of a right to pension was accepted by the Officers and servants of that Court subject to the Uncovenanted Absentee Regulations; the grant of leave under those Rules resting as heretofore entirely with the Judges.

2. I am now desired to submit for the information of the Government of India the reply of the Judges, together with a copy of the correspondence which has passed on the subject since the receipt of your letter of the 29th December last, and to draw attention to the last paragraph but one in which the Judges observe: "we feel it right to add that we consider the discretion of Her Majesty's Judges, with reference both to the occasions of granting leave of absence to the Officers and servants of the Supreme Court, and to the period of time for which such leave should be granted, to remain as unfettered as it has hitherto been."

3. It will be seen that the Officers of the Supreme Court, mentioned in the revised List furnished by the Civil Auditor under date 19th June last, as being admissible to the benefit of the Superannuation Pension Rules, have accepted the grant of a right to pension upon the terms specified—and that the Registrar has been directed, whenever leave of absence is given by the Judges to any Officer or servant of the Court, to report the same to the Civil Auditor and the grounds on which the leave has been granted.

(Signed) J. D. SIM,
Secretary to Government.

Exd. F. Cartledge.

incumbent is not at the bar - he has been admitted

58
Madras 23^d July 1861.

To,

The Honorable.

The Governor in Council.

Y^{ca} Y^{ca} Y^{ca}

Fort Saint George.

Honorable Sir,

1. We have the honor to acknowledge the receipt of the letter of your Excellency in Council dated 28th of June enclosing a list prepared by the Civil Auditor of the officers of the Supreme Court who are admissible to the benefits of the superannuation pension rules and requesting us "to inform the Government whether the grant of a right to pensions is accepted by the parties named in the list subject to the usual leave rules; the grant of leave under the rules resting as heretofore entirely with Her Majesty's Judges". In reply thereto we have the honor to forward a copy of a letter of the Registrar of the Supreme Court written by our direction for the purpose of ascertaining whether the officers mentioned in the above list accepted the grant of a right to pensions upon the terms therein specified together with a copy of the said list signed by the several officers named, in testimony of their acceptance of the same.
2. We are called upon to point out an inaccuracy in that list with reference to the office of Deputy Clerk of the Crown. The list states that the present incumbent practices at the Bar and cannot therefore be admitted but the fact is that Mr Benjamin Brooks the present incumbent is not at the bar - he has been admitted as

attorney of the Supreme Court but has never practiced as such. It may save further correspondence to state that we have ascertained that Mr. Brooks also accepts the grant if admissible thereto.

3. Referring back to the letter of your Excellency in Council dated 28th January last enclosing a copy of a letter of the Supreme Government dated the 29th December last it is satisfactory to us to find "that there is no desire on the part of the Government of India to limit the power of Her Majesty's Judges to grant leave of absence to the officers and servants of the Supreme Court and that the leave returns are only required to regulate the grant of pensions to which the Uncovenanted Officers of the Supreme Court have lately been declared entitled after a certain period of service which period will depend on the amount of leave to be deducted from the commencement to the end of the service".

4. It seems to us certainly quite reasonable that the period of absence with leave should for the purpose of granting pensions be deducted from the whole period of service in accordance with the Uncovenanted service absence regulations, and we now understand that it is only for the purpose of making that deduction that the leave returns are required.

5. The Regulations extracted in the letter of the Supreme Government limit the length of time for which leave of absence may be granted in particular cases, and as in that letter it is requested that any difficulty felt in respect to a compliance with the conditions of the leave rules may be clearly stated we feel it right to add that we consider the discretion of Her Majesty's Judges with reference both to the occasions of granting leave of absence to the officers and servants of the Supreme Court, and to the period of time for which such leave should be granted to remain as unfettered as it has hitherto been.

We

98
6. We have directed the Registrar whenever leave of absence is granted by the Judges to any officer or servant of the Supreme Court to give information thereof to the Civil Auditor and of the grounds on which the same has been granted.

We have the honor to be,

Honorable Sir,

Your most Obedient Servants

C. H. Scotland
A. Bittleston

*d/

Supreme Court, Madras.
Registrar's Office, 11th July 1861.

Gentlemen,

I am directed by the Honorable the Judges, to forward for your information, the accompanying copy of Letter and List of the Officers of the Supreme Court, who are admissible to the benefits of the Superannuation Pension Rules, and to request that you will be so good as to inform their Lordships, whether the grant of a right to pensions is accepted by you subject to the usual leave rules - the grant of leave under the present Regulations heretofore entirely with His Majesty's Judges, and to request that you will be so good as to affix your signatures to the aforesaid List opposite to your names, in testimony of such acceptance.

I have, the honor to be,

Gentlemen,

Your most obedient servant,
Signed A Macdonald Ritchie
Registrar.

On 28th June 1861. 142800822.
" 29th June " " 574037

Jul 1861. Recd

The Judges of the
Supreme Court

142800822
142800822
24th July 1861.
Enc 1

On 4th 22nd
The Honorable the Judges of the
Supreme Court of Madras, to
inform this Office of the 28th June/61
under a list of the Officers in
the Supreme Court who are ad-
missible to the benefits of the
Superannuation Pension Rules
subject to the request, and to
inform the Judges whether the
grant of a right to pensions is ac-
cepted by the parties named in the
list opposite to the several leave
rules.

3 11 12
[True Copy]
[Signed] J. Pycroft
Chief Secy

Financial 1861 Deph.

(11)
No 431.

Proceedings of Govt.

Dated 14th August 1861.

9-0 with seven

138
Financial Department,

Proceedings of the Madras Government

Read the following letter from the
Judges of Her Majesty's Supreme
Court of India

(Dated 23rd July 1861.)

Order thereon 14th August 1861 No 431.

Ordered that a copy of the
foregoing letter & of the cor-
respondence which has
previously passed on the
subject to which it relates
be forwarded to the Govt.
of India in reference to
their letter No 2501, dated
the 29th December 1860.

Ordered

heretofore

Dep^y 16 Aug^o with seven
enclosures.

179

Financial Department

N^o 432

To the Secretary to the Govt. of India.

Financial Dept.

Sir,

From Govt of India 26 Sep^r 60 N^o 9948
To do do do do do 571
From do do 29 Dec^r 60 2501

Will Wm

Adverting to the correspondence noted in the margin, I am directed by the Governor in Council to state that on the receipt of your letter N^o 12501 dated the 29th Dec^r last, a copy of it was furnished to the Judges of H. M. Supreme Court at Madras, & they were requested to inform the Govt. whether the grant of a right to pension was accepted by the Officers & servants of that Court subject to the Uncovenanted Absentee Regulations, the grant of leave under those Rules resting as heretofore

2 Ordered also that the letter of Her Majesty's Judges be communicated to the Civil Auditor with reference to the Order of Govt. N^o 330 dated 28th June last - & that his attention be drawn to para 2 of that letter.

J. D.

To Civil Auditor 16/8

W. H.

Pro: 28th Jan'y: 1861 No. 6.
" 14th Feby - " - 80.
" 20 - " - 91.
" 21st May - " - 253.
" 13th June - " - 296.
" 28th - " - 330.
" 14th August - " - 431.

heretofore entirely with the Judges.

2 I am now desired to submit for the information of the Court of India the reply of the Judges, together with a copy of the correspondence which has passed on the subject since the receipt of your letter of the 29th December last - & to draw attention to the last para but one in which the Judges observe: "we feel it right to add that we consider the discretion of Her Majesty's Judge with reference both to the occasions of granting leave of absence to the Officers & servants of the Supreme Court, & to the period of time for which such leave should be granted, to remain as unfettered as it has hitherto been"

3 It will be seen that the Officers of the Supreme Court

Court, mentioned in the revised List furnished by the Civil Auditor under date 19th June last as being admissible to the benefit of the Superannuation ^{Pension} Rules, have accepted the grant of a right to pension upon the terms specified - & that the Registrar has been directed, whenever leave of absence is given by the Judges to any Officer or servant of the Court, to report the same to the Civil Auditor & the grounds on which the leave has been granted

I leave Dec
J. B. S.

Fort Saint George,
14th August 1861.

L. B. S.

Financial 18th Sept.

No. 432.

7 Nov. 55-95
The day to the
Govt. of India.

27 14th August 1867.

Returned to the Court
of India the admission to
the benefit of the pension
I had of the servants of
the Supreme Court and
forwarded the correspondence
papers with the last pro
on that subject.