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(3) Initials of the Referencer Fr

MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No.	<u>46-47</u>	Press
		Mis.
<u>54-56</u>		
Dated	<u>28-1-</u>	<u>1861.</u>

13/no 54-56

8/9

Not to be folded or roughly handled

1265

28th January 1861.

No. 54. Read the following letter from C. HUGH LUSHINGTON, Esq., Secretary to the Government of India, to the Chief Secretary to the Government of Fort Saint George, dated Fort William, 29th December 1860, No. 12,501.

Financial Department

I am directed to acknowledge the receipt of your letter, No. 571, dated the 20th ultimo, forwarding with reference to the orders contained in the Financial Resolution of the 24th September last, relative to the application of the Uncovenanted Absentee Regulations to such of the Officers and Servants of Her Majesty's Supreme Courts of Judicature in India, as are admissible to Pensions, copy of a letter from the Honorable Sir A. Bittleston, Knight, Puisne Judge of Her Majesty's Supreme Court of Judicature at Madras, dated the 1st ultimo.

2nd. In that letter, Sir Adam Bittleston states that "hitherto the Judges of the Supreme Court of Madras have exercised an unfettered discretion as to granting or refusing leave of absence to the Officers and Servants of that Court, and that he does not feel himself at liberty to depart from the practice of his predecessors in this respect, without receiving explicit instructions to do so from a competent authority." He however adds, "that he will have no difficulty in directing the Registrar, to furnish the Civil Auditor with monthly returns of the leave of absence granted by the Judges to any of the Officers or Servants of the Court, but as the leave will be granted solely with reference to the grounds on which it is applied for, and the convenient disposal of the business of the Court, it will not be possible to refer to any particular Section of the Absentee Rules as that under which the leave is granted."

3rd. He further states that "no similar Returns have ever up to the present time, been furnished by the Supreme Court of Madras. But the Registrar of the Court will be able to furnish such Returns as will afford the Civil Auditor the means of judging whether, in any particular case, the Absentee Rules have been complied with or not, and possibly this is all that was intended by the Government of India by the Order of the 24th September last."

4th. In reply, I am desired to request, that the Government of Madras will be good enough to point out to the Honorable the Judges of the Supreme Court, that there is no desire on the part of this Government 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, as will appear from the extracts from the Uncovenanted Service Absentee Regulations, dated 22nd February 1856 given in the margin.

5th. The President in Council directs me to observe that it is not material whether the information in regard to the grant of leave be given by the Registrar of the Supreme Court, or on the face of the abstract; but it should, he remarks, be duly notified, at the time, as in the case of leave to other public ministerial Officer. It is necessary also that information should be given as to the nature of the leave, whether it be on Medical Certificate or on private affairs.

6th. His Honor in Council has no doubt that this can be easily arranged by the Government of Madras in communication with the Judges, and he will be glad to know that it has been so arranged, and that the grant of a right to pensions is accepted on behalf of the Officers and Servants of the Supreme Court, subject to the usual leave rules, the grant of leave under those rules resting as heretofore entirely with Her Majesty's Judges.

7th. If however any difficulty is felt in respect to a compliance with the conditions of the leave rules, I am directed to request that it may be clearly stated, as until the question is satis-

*Proceedings of the Madras Government, Financial Department,
28th January 1861.*

factorily settled, delay and difficulty may arise in the event of any Officer or servant of the Supreme Court at Madras applying for pension.

8th. In Calcutta, His Honor in Council remarks, no difficulty appears to be felt by the Judges of the Supreme Court, in regard to the carrying out of the orders contained in the Financial Resolution of the 24th September last, and the orders appear to have been regularly complied with.

No. 55. ORDER THEREON, 28th January 1861, No. 46.

Resolved that a copy of the above letter be furnished to the Honorable the Puisne Judge in reference to his letter under date the 1st November 1860, and likewise to the Civil Auditor.

2. Resolved also that the Civil Auditor be requested to furnish a list of the Officers of the Supreme Court who are admissible to pensions under the orders of the Home Government 7th April* 1859, and 30th September† 1859.

(Signed) T. PYCROFT,
Chief Secretary.

No. 56. To the Honorable Sir ADAM BITTLESTON, Knight, Puisne Justice of Her Majesty's Supreme Court of Judicature of Madras, dated Fort Saint George, 28th January 1861, No. 47.

We have the honor in reference to your letter under date the 1st November last to forward to you the accompanying copy of a letter from the Supreme Government of the 29th ultimo.

2. From this you will perceive 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.

3. It is not material whether the information in regard to the grant of leave be given by the Registrar of the Supreme Court or on the face of the abstract; but it should be duly notified at the time, as in the case of leave to other public ministerial officers. It is necessary also that information should be given as to the nature of the leave whether it be on Medical Certificate or on Private Affairs.

4. We do not doubt that your Lordship will be so good as to issue such instructions to the Registrar of the Supreme Court as will ensure this information being rendered to the Civil Auditor.

5. We should also be indebted to you by your informing us whether the grant of a right to pensions is accepted by the officers and servants of the Supreme Court, subject to the usual Leave Rules, the grant of leave under those Rules resting as heretofore entirely with Her Majesty's Judges. If there be any servants of the Court who are not prepared to accept a right to pension under the above conditions you will be pleased to inform us of their names and offices.

6. We have called upon the Civil Auditor to furnish a list of the servants of Her Majesty's Supreme Court who are entitled to pensions under the orders of the Home Government, as limited by their instructions of 30th September last,* and we shall have the pleasure of forwarding it to you on its receipt.

We have &c.,
(Signed) W. A. MOREHEAD,
" P. GRANT,
" E. MALTBY.

Exd. F. Cartledge.

To
The Chief Secretary to the Government
of Fort Saint George

ent Sir,

I am directed to acknowledge the receipt of your letter No. 571 dated the 20th Ultimo, forwarding with reference to the orders contained in the Financial Resolution of the 24th September last, relative to the application of the Uncovenanted Absentee Regulations to such of the officers and servants of Her Majesty's Supreme Courts of Judicature in India, as are admissible to Pensions, copy of a letter from the Honble. Sir A. Bittleston Knight, Puisne Judge of Her Majesty's Supreme Court of Judicature at Madras dated the 1st Ultimo.

In that letter, Sir Adam Bittleston states that "hitherto the Judges of the Supreme Court of Madras have exercised an unfettered discretion as to granting or refusing Leave of absence to the officers and servants of that Court, and that he does not feel himself at liberty to depart from the practice of his predecessors in this respect, without receiving explicit instructions to do so from a competent authority." He however adds, "that he will have no difficulty in directing the Registrar, to furnish the Civil Auditor with monthly Returns of the Leave of absence granted by the Judges to any of the officers or servants of the Court, but as the leave will be granted solely with reference to the grounds on which it is applied for, and the convenient disposal of the business of the Court, it will not be possible to refer to any particular Section of the absentee Rules as that under which the leave is granted."

He further states that "no similar Return have ever up to the present time, been furnished by the Supreme Court of Madras. But the Registrar of the Court

Court will be able to furnish such Returns as will afford the Audit Auditor, the means of judging whether in any particular case, the absentee Rules have been complied with or not, and possibly this is all that was intended by the Government of India by the order of the 24th September last.

4th In reply, I am desired to request that the Government of Madras will be good enough to point out to the Honorable the Judges of the Supreme Court, that there is no desire on the part of this Government 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 Uncommissioned 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, as will appear from the extracts from the Uncommissioned Service Absentee Regulations dated 22nd February/56 given in the margin.

Extract from Sec. V Chap. II. Leave. The limit to leave on Medical Certificate is fixed at three years during the entire period of service of which not more than two years only will be permitted to reckon as service qualifying for Pension.

Section VII Chap. III. In addition to the leave which may be granted under the preceding rules on Medical Certificate or private affairs, Government may at any time under special circumstances and at its discretion, grant leave of absence once during the period of service not exceeding twelve months on private affairs, without forfeiture of appointment, but without pay, such period of absence not to count as service towards Pension.

5th The President in Council directs me to observe that it is not material whether the information in regard to the grant of leave be given by the Registrar of the Supreme Court, or on the face of the abstract; but it should, he remarks, be duly notified at the time, as in the case of leave to other public ministerial officers. It is necessary also that information should be given as to the nature of the leave, whether it be on Medical Certificate or on private affairs.

6th His Honor in Council has no doubt that this can be easily arranged by the Government of Madras

in communication with the Judges, and he will be glad to know that it has been so arranged, and that the grant of a right to pensions is accepted on behalf of the officers and servants of the Supreme Court, subject to the usual Leave Rules, the grant of leave under those rules resting as heretofore entirely with Her Majesty's Judges.

7th If however any difficulty is felt in respect to a compliance with the conditions of the leave Rules, I am directed to request that it may be clearly stated, as until the question is satisfactorily settled, delay and difficulty may arise in the event of any officer or servant of the Supreme Court at Madras, applying for pension.

8th In Calcutta, His Honor in Council remarks, no difficulty appears to be felt by the Judges of the Supreme Court, regard to the carrying out of the orders contained in the Financial Resolution of the 24th September last, and the orders appear to have been regularly complied with.

I have the honor to be,

Sir,

Your Most Obedient Servant

Fort William
29th December 1860

X M

Secretary to the Government of India

No 21st November 1852.

Age 36 @ 40.

" 29th Dec^r 1852 - 39th 54th

" 16th Dec^r 1859 - 23rd 24

Con 18th March 1856 - 20th 21.

Financial 1861 Sept 6

From

20. No. 10.
The day to the first
of June. 12571.

of 29th Dec^r
of 15th Jan^y 1851.

Mr 24.

Having received from a letter
from the Division Judge of the
Superior Court, an order re-
fusing compliance with the
order contained in the 2nd Dec^r
of that day, in relation to
the application of the 2nd Dec^r
of that day, to certain persons
the Supreme Court of the United
States, & receiving that the
same with the said order by
the Supreme Court, judges and
is effected by this court.

19th Dec^r
1851.

Following is to be
given to the
Civil Auditor

7

Financial Department.

Proceedings of the Madras Government.

Read the following letter from
the Secretary to the Government
of India.

Here enter 29th Decr 1861 No 12501.

Order thereon 28 January 1861 No 46.

Resolved that a copy
of the above letter be furnished
to the Honorable the Puisne Judge
in reference to his letter under
date the 1st November 1860, and
likewise to the Civil Auditor.

W M
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2. Resolved also that the
Civil Auditor be requested to
furnish a list of the officers
of the Supreme Court who are
admissible to Pensions under
the orders of the Home Govt^t 7th
April 1859 and 30th Sept^r 1859.

* Fin^l Des: to Gov^t of Madras.
To Gov^t of India P^l 14 published
in Fort St. George Gazette of the
23rd Decr 1859, P. 1100

J

To the Civil Aud^r - Desps 29th

116-240

Thos. C. P. L.

Decr 30 - 1861

No. 47. Financial Department.

To, The Honble Sir Adam Bittleston Kt.
Prime Justice of H. M. Supreme Court
of Judicature.
Madras.

Honorable Sir,

We have the honor
in reference to your letter under
date the 1st Nov. last to forward
to you the accompanying copy
of a letter from the Supreme Govt.
of the 29th Ultimo -

2 From this you will per-
ceive 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

W. M.

W. M.

Finl Department

1861

No. 46

Proceedings of the Madras

Government.

Dated, 28 January, 1861

7 No. 422-
In forwarding the copy of the
the Prince's letter and the said
letter from the Government
of Madras, 29th Decemr last
sent, and agreed that the said
letter be forwarded to the
of the Officers of the Supreme
Court, who are at this time
at Madras.

54-36

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of leave to be deducted from the commencement to the end of the service.

3. It is not material whether the information in regard to the grant of leave be given by the Registrar of the Supreme Court, or on the face of the abstract; but it should, be duly notified, at the time, as in the case of leave to other public ministerial officers. It is necessary also that information should be given as to the nature of the leave, whether it be on Medical Certificate or on private affairs.

4. We do not doubt that your Lordship will be so good as to issue such instructions to the Registrar of the Supreme Court as will ensure this information ^{being} rendered to H.C. An.

5. We should also be indebted to you by your informing us whether the grant of a right to pensions is accepted ^{by} ~~on behalf~~ of the officers and servants of the Supreme Court, subject

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subject to the usual Leave Rules, the grant of leave under those rules resting as heretofore entirely with Her Majesty's Judges. If there be any servants of the Court who are not prepared to accept a right to pension under the above conditions you will be pleased to inform us of their names and offices.

6. We have called upon the Civil Auditor to furnish a list of the servants of H.M. Supreme Court who are entitled to Pensions under the orders of the Home Government, as limited by their instructions of 30th Sept^r last^r and we shall have the pleasure of forwarding it to you on receipt ^{its}

+ Published in Fore St
Lease Gazette of the 23rd
December 1859. page 1161.

Tort St George
28th Jan'y/61.

ditto

[Signed] W.A. Morehead
" P. Grant
" S. Maltby

W.A. Morehead

Financial 1061 Defaul₇

1847.

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The honorable
the Prime Judge of
it, this difference from
of Justice and
Masters

28 January 1861.

Feb 11 54

5.19. Spring