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(2) Date of repair 20. 6. 38.

(3) Initials of the Referencer G.

MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No.	<u>91</u>	Press
		Mis.
<u>45-47.</u>		
Dated	<u>20-2-</u>	<u>1861.</u>

13/no. 45-47

11/12

Not to be folded or roughly handled

20/6/38

*Proceedings of the Madras Government, Financial Department,
20th February 1861.*

Read the following papers:—

No. 45. From W. J. RAYNOR, Esq., Officiating Civil Auditor, to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 25th January 1861, No. 77.

I have the honor to enclose an original letter* from the Chief Clerk of the Court for the Relief of Insolvent Debtors on the question, whether the servants of the
* *To be returned.* Official Assignee's Establishment are amenable to the Uncovenanted Service Absentee Rules.

2nd. The servants of the Supreme Court were not, until lately, considered as coming under any of the rules applicable to the Uncovenanted Servants of Government; but in 1859, they were admitted to the benefits of Super-annuation Pension, and the Secretary of State† for India then declared that the Uncovenanted Service Pension Rules apply only to the salaried

† *Despatch, No. 94 of 30th September 1859, paragraph 14.*

Officers and Servants of the Supreme Courts whose time shall have been entirely devoted to the duties of their appointments—and those Servants of the Courts who come within this description, have since been brought‡ under the Uncovenanted Service Absentee Rules.

3rd. The servants of the Official Assignee's Office appear to me to come within the same category, and therefore, with the servants of the Supreme Court, to be equally amenable to the Uncovenanted Service Absentee Rules.

4th. But as it is contended that this Establishment is wholly distinct from that of the Supreme Court, and not subject to the rules, I beg to refer the question for the decision of Government.

5th. At the same time I beg, if the employés in question are to be brought under the rules, that the distribution of the sum of Rupees 110§ allowed by Government on account of the Establishment, and over which, for want of duly authorized details, this Office

§ *Chapter VII, paragraph 32, Civil Auditor's Manual.*
has hitherto exercised no regular check, may be fixed in detail, and declared like other fixed salaries, to be unalterable without the sanction of Government. If exempt from the operation to the rules, the parties cannot, of course, be eligible to Pension.

From A. MACDONALD RITCHIE, Esq., Chief Clerk of the Court for the Relief of Insolvent Debtors at Madras, to W. J. RAYNOR, Esq., Officiating Civil Auditor of Madras, dated 4th January 1861.

I have the honor to acknowledge the receipt of a Memo: "returned for want of the statement of leave granted to the servants drawing more than 10 Rupees per month as requested in the note appended to the Abstract of last month," accompanying my Abstracts for pay for last month returned, and in answer to state that I have submitted the Pay Abstracts and the Memo: in question to His Lordship Sir Adam Bittleston, Knight, Officiating Chief Justice, who desires me to state that he is of opinion that neither the Despatch of the Secretary of State for India, No. 94, dated the 30th September 1859, nor the Extract from the Proceedings of the Government of India, in the Financial Department, dated 24th September 1860, No. 9,948, nor the letter of the Government of Fort Saint George to the Judges of the Supreme Court at Madras of the 29th October 1860, No. 534, has reference to the Officers or servants of the Court for the Relief of Insolvent Debtors at Madras who are wholly distinct from those of the Supreme Court at Madras.

I have therefore to request that you will be good enough to pass my Pay Abstracts as hitherto.

*Proceedings of the Madras Government, Financial Department,
20th February 1861.*

No. 46. From W. WATERFIELD, Esq., Officiating Civil Auditor, to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 31st January 1861, No. 73.

With reference to the Orders of Government in the Financial Department, No. 46, dated 28th January 1861, I have the honor to annex a list of the present Officers of the Supreme Court, who are—under the orders of the Secretary of State, dated 7th April and 30th September 1859—admissible to the benefits of the Superannuation Pension Rules.

2. Establishments for which a fixed monthly amount is allowed, with the detailed distribution of which the Government do not interfere, are precluded from the benefits of Pension Rules; but as I am unable to ascertain from the Records of this Office whether the Establishments of the Clerk of the Crown, the Sheriff, and the Insolvent Debtors' Court come under this denomination, I have included them in the list, pending Government Orders on the subject.

3. There are 4 Bailiffs of the Supreme Court, J. Brock, T. Berryman, W. Gurney and J. Daniel on receipt of Rupees 33-4-0 each. I doubt whether these will be entitled to pension while Police Jemadars, Dafadars, &c., are excluded. It will be advisable that a definite rule be laid down by Government.

List of Officers.

No.	Name.	Designation.	Salary.	Remarks.
1	C. V. Runganada Sastry...	Interpreter*	402 8 0	*He holds 5 Offices, each of which is admissible.
2	do.	do.	140 0 0	
3	C. Kristnayer...	Deputy do.	105 0 0	
4	A. W. Gray.....	French do.	17 8 0	Officers of the Court.
5	B. C. Regel.....	Dutch do.	17 8 0	
6	A. Cosmo.....	Portuguese do.	28 0 0	
7	S. J. Johannes.....	Armenian do.	105 0 0	
8		Deputy Clerk of the Crown.†	175 0 0	†The present incumbent practices at the bar and cannot therefore be admitted.
9	J. Piellow.....	Manager.	105 0 0	
10	Arnagherry.....	Writer.....	70 0 0	
11	Veerasawmy.....	do.	28 0 0	Establishment of the Clerk of the Crown.
12	Sonagherry.....	do.	17 8 0	
13	Yagamparam.....	do.	10 8 0	
14	E. W. Shaw.....	Deputy Sheriff..	210 0 0	Sheriff's Establishment.
15	S. Vencatasawmy Naidoo...	Record Keeper...	105 0 0	
16	T. Veerasawmy Pillay.....	Deputy do.	35 0 0	
17	C. Kasaviah.....	Head Writer	24 8 0	Jail Establishment.
18	U. Soodursanum Naidu...	Asssistant do.....	17 8 0	
19	H. Gibbs.....	Keeper of H. M.'s Jail....	150 0 0	
20	J. E. Gibbs	Deputy do.	87 8 0	Coroner's Establishment.
21	J. Urquhart.....	Coroner.	350 0 0	
22	T. M. Esoof.....	Interpreter.....	52 8 0	
23	J. L. Fanderlinden.....	Constable.....	35 0 0	The Chief Clerk does not now practice because he is also Administrator General, but I do not think this circumstance would entitle him to pension.
24	Vacant.....	Writer.....	17 8 0	
25		Chief Clerk.....	218 4 0	
26	C. Venkatasawmy Naidu...	Accountant and Manager..	42 0 0	Insolvent Deb- tor's Court.
27	P. Vaidianada Moodely...	Copiest.....	12 0 0	
28	P. T. Comarasamy Moodely..	do.	10 8 0	
29	A. Kistnasawmy Moodely..	do.	10 8 0	

(Signed) W. WATERFIELD,
Officiating Civil Auditor.

No. 47. ORDER THEREON, 20th February 1861, No. 91.

In the List of the Officers of the Supreme Court who are considered admissible to pensions under the Orders of the Home Government, dated 7th April and 30th September 1859, annexed to the second of the letters above recorded, the Civil Auditor states he has included the servants on the Establishments of the Clerk of the Crown, the Sheriff and the Official Assignee, as he is unable to ascertain from the records of his Office whether they come under the same denomina-

*Proceedings of the Madras Government, Financial Department,
20th February 1861.*

tion as those Establishments for which a fixed sum is granted as Office allowance, with the distribution of which the Government do not interfere.

2. As regards the Clerk of the Crown, it appears from the correspondence noted in the margin, that his Establishment has been fixed in detail, and in 1848 it was ruled that, as with other Civil Establishments, alterations in the pay could not be made without the sanction of the Government of India.

Judicial Dept. From Registrar of the Supreme Court, 9th June 1848.
 " From Clerk of the Crown.....7th " "
 " Order thereon.....24th " "
 " From Clerk of the Crown.....8th July "
 " Order thereon.....18th " "
 " From Registrar of Supreme Court...29th " "

3. It appears also that the Sheriff's Establishment was revised and fixed on its present scale in 1850, and that the alterations in the pay of the servants were submitted to the Government of India 18th Sep. 1850, No. 598. of the Government of India and sanctioned by them.

To Government of India 18th Sep. 1850, No. 598.
 From do. 14th Feby. 1851, ,, 128.

4. With respect to the Official Assignee, the Government resolve to call upon him to state when his present Establishment was fixed, whether he has exercised the power of distributing the sum allowed for that purpose as he pleased, provided the total was not exceeded—and if not, when the present detailed distribution of places and salaries in his Office was fixed.

5. In the List of the present Officers of the Supreme Court, furnished by the Civil Auditor, H. Gibbs has been returned as Keeper of Her Majesty's Jail on a salary of Rupees 150. It is observed that Mr. Gibbs was pensioned from the 15th November last, and that Mr. T. Blake has been appointed in his room on a reduced pay of 100 Rupees. The Civil Auditor is requested to revise his statement accordingly.

Judicial Proceedings, 10th Nov. 1860, No. 1,464.
 " 27th " " 1,559.
 " 14th Jany. 1861, ,, 48.

6. In the meanwhile, to prevent inconvenience until the whole question is settled, the Civil Auditor will pass the Pay Abstracts of the Establishment of the Insolvent Debtors' Court, without the Return of leave of absence required by him.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Fixed Dep.

No. 77

Civil Audit Office,
Fort Saint George,
25th January 1861

From,

W. J. Raynor, Esq.

Off Civil Auditor

To,

J. Pycroft, Esq.

Chief Secretary To Govt.

Sir,

+ to be returned

I have the honor to enclose an original letter from the Chief Clerk of the Court for the Relief of Insolvent Debtors on the question - whether the Servants of the official Apiguer's Establishment are amenable to the Uncovenanted Service & Absentee rules.

2^d The Servants of the Supreme Court were not, until lately, considered as coming under any of the rules applicable to the Uncovenanted Servants of Government, but in 1859 they were admitted to the benefits of Superannuation Pension, & the Secretary of State for India then declared that the Uncovenanted Servants

Despatch No. 94
430th Sept. 1859
para 11

Pension

Pension rules apply only to the salaried officers and servants of the Supreme Courts whose time shall have been entirely devoted to the duties of their appointments - And those servants of the Courts who come within this description, have since been brought under the Unconvenanted Service absence rules.

x Govt of India
24 Sept 1860
No 9957.

3^d. The servants of the official Adjuncts Office appear to me to come within the same category, and therefore, with the servants of the Supreme Court, to be equally amenable to the Unconvenanted Service absence rules.

4th. But as it is contended that this Establishment is wholly distinct from that of the Supreme Court, and not subject to the rules, I beg to refer the question for the decision of Govt.

5th. At the same time I beg, if the employees in question are to be brought under the rules, that the distribution of the sum of Rs 110 - allowed by Government on account of

x Chapter VIII para:
32 Civil Auditors
Manual -

the

the Establishment, and over which, for want of duly authorized details, this Office has hitherto exercised no regular check, may be fixed in detail, and declared like other fixed salaries, to be immutuable without the sanction of Government. If exempt from the operation of the rules, the ^{person} cannot of course be eligible to Pension.

I have the honor to be,
Sir,

Your most obed^t servant,

M. W. H. J. J.

Off Civil Auditor

O. H. H.

Reference made
to Galt 25 July 61

471 M 16 13
2 Enclos.

Arthur Macdonald Esquire
Chief Clerk of the Court for the Relief of
Insolvent Debtors at Madras

H. J. Paynor Esquire
Officiating Chief Auditor of Madras

Sir
I have the honor to acknowledge the receipt
of a Memo. returned for want of the statement of leave
granted to the servants drawing more than 10. Mopra
for the as requested & the note appended to the
Abstract of last month. & accompanying my Abstract
for pay for last month returned - and in answer
to state that I have submitted the pay Abstracts
and the Memo. in question to His Lordship Sir
Adam P. Allston Knight, Officiating Chief Justice
who desires me to state that he is of opinion that
neither the Despatch of the Secretary of State for
India. No 94 dated the 30th September 1859 -
nor the Extract from the Proceedings of the Government
of India, in the Financial Department dated
24th September 1860. No 9748 - nor the letter of
the Government of Fort St. George to the Judges
of the Supreme Court at Madras of the 29th October
1860. No 534 - has reference to the Officers or
servants of the Court for the Relief of Insolvent
Debtors at Madras who are wholly distinct from
those of the Supreme Court at Madras

C. 29

20th Nov 1860 44 56 44
29th Oct 1860 " " 59 46 57
16th Dec 1859 " " 23 42 4

Robert 1861 Despatch
Jail
of
from
the Office Civil Court

of
the Chief Secretary to Govt
Dated 25th
Despatch 26th February 18
No 77
No 38
1 Enclos

Engines of the Court
of the official assignees
office are to be regarded as
coming under the three
separated service Rules
of Communicated

I have therefore to request that you will
be good enough to pass my pay Abstracts as
hitherto.

I have the honor to be
Sir

Your Obedient Servant

Macdonald Mackenzie

Chief Clerk

Madras
Chief Clerk's Office
1st January 1861

General Department.

13
Fort Saint George,
Civil Audit Office,
31st January 1861.

N^o 73.

From,

W. Waterfield, Esq^r
Off^r Civil Auditor.

To,

J. Pycroft, Esq^r
Chief Secretary to
Government.

Sir,

With reference to the orders of Government in the Financial Department N^o 46 dated 28th January 1861, I have the honor to annex a list of the present Officers of the Supreme Court, who are under the orders of the Secretary of State dated 7th April and 30th September 1859, and entitled to the benefits of the Superannuation Pension Rules:

2 Establishments for which a fixed monthly amount is allowed, with the detailed distribution of which the Government do not interfere, are precluded from the benefits of Pension Rules; but as I am unable to ascertain from the Records of this Office whether the Establishments of the Clerk of the Crown, the Sheriff, and the Insolvent Debtors Court come under this denomination, I have included them in the list, pending Government orders on the subject.

3 There are 4 Bailiffs of the Supreme Court J. Brock, J. Berryman, W. Gurney & J. Daniel on receipt of N^o 33-4- each I doubt whether these will be entitled to pensions while Police Jemadars, Dafadars &c are excluded as it will be advisable that a definite rule be laid down by Government.

I have the honor to be,
Sir,

Your most Obedient Serv^t
W. Waterfield
Off^r Civil Auditor.

C. J. Pycroft

File
Book 14. 2
N^o 38.

List of Officers

No.	Name	Designation	Salary	Remarks
1	C. U. Punganada Sastry	Interpreter	402 8	He holds 5 Offices, each of which is admissible
2	S. G. Dastagheer	D.	140	
3	C. Kristnayer	D. D.	105	
4	A. W. Gray	French D.	17 8	Officers of the Court
5	B. C. Regel	Dutch D.	17 8	
6	A. Cosmo	Portuguese D.	28	
7	S. J. Johannes	Armenian D.	105	
8		D. J. Clerk of the Crown	175	The present incumbent practices at the bar and cannot therefore be admitted
9	J. Piellow	Manager	105	
10	Armagherry	Writer	70	Establishment of the Clerk of the Crown
11	Uerasaamy	D.	28	
12	Sonagherry	D.	17 8	
13	Gagamparam	D.	10 8	
14	C. W. Shaw	Deputy Sheriff	210	Sheriff's Establishment
15	S. Venkatasawmy Naidoo	Record Keeper	105	
16	S. Veerasawmy Pillay	Deputy D.	35	
17	C. Masariah	Head Writer	24 8	
18	V. Soodursanum Naidu	Assist. D.	17 8	Jail Establishment
19	H. Gibbs	Keeper of H. M. Jail	160	
20	J. C. Gibbs	Deputy D.	87 8	
21	J. Urquhart	Coroner	350	Coroner's Establishment
22	L. M. Escoff	Interpreter	52 8	
23	J. L. Tanderlinden	Constables	35	
24	Vacant	Writer	17 8	
25		Chief Clerk	218 4	The Chief Clerk does not now practice because he is also Administrator Genl. but I do not think this circumstance would entitle him to pension
26	C. Venkatasawmy Naidu	Accountt. & Managers	42	
27	P. Vaidianada Moodely	Copyist	12	
28	P. S. Komarasawmy Moodely	D.	10 8	Insolvent Debtors' Court
29	A. Kristnasawmy Moodely	D.	10 8	

Manuphil
Offr Civil Auditor

C. M. H.

Forward list of
of the Supreme Court as
are eligible to pension.

12/25

No 73

No 91.
Dated 31st January 1861
Received

The Civil Auditor
The Chief Secy. to Govt

From
Madras 1861 Department

Financial Department

Proceedings of the Madras Government.

Read the following letters
from the Offg. Civil Auditor.

(Dated 25 & 31st Jan'y 1861. d. 77 & 73)

Order thereon 20 February 1861. No 91.

In the List of the Officers of
the Supreme Court who are
considered admissible to pen-
sions under the Orders of the
Honn^{ble} Govt^y dated 7th April & 30th
September 1859, annexed to the
second of the letters above re-
corded, the Civil Auditor
states he has included the ser-
vants in the Establishments of
the Clerk of the Court, the
Sheriff & the Official Assignee,
as he is unable to ascertain
from the records of his Office
whether they come under
the same denomination as
those Establishments for which
a fixed sum is granted as
Office allowance with the
distribution of which the Govt^y
do not interfere.

2 As regards the Clerk of
the

Indl. Dept. from Regr of the Supreme Court
 " from Clerk of the Crown 9th June 1848
 " " Order thereon 24th "
 " " from Clerk of the Crown 8th July "
 " " Order thereon 18th "
 " " from Regr of Supr Court 29th "

3. It appears also that the Sheriff's Establish-
 ment was revised & fixed
 on its present scale in 1850,
 and that the alterations
 in the pay of the servants
 were submitted to the Govt
 of India and sanctioned
 by them.

To Govt of India 18 Sep. 1850. No 578.
 Hon. Secy 14 Feb'y 1861. 128.

the Crown, it appears from
 the correspondence noted in
 the margin, that his Establish-
 ment has been fixed in detail.
 & in 1848 it was ruled that, as
 with other Civil Establishments,
 alterations in the pay & other
 be made without the sanction
 of the Govt. of India.

4. With respect to the Official
 Assignee, & Sheriff the Govt.
 resolve to call upon ^{him} ~~them~~ ^{him}
 to state when ^{his} ~~their~~ present
 Establishment was fixed -
 whether ^{he} ~~they~~ ^{has} exercised the
 power of distributing the sum
 allowed for that purpose as
^{he} ~~they~~ pleased, provided the
 total was not exceeded - & if
 not, when the present detail-
 ed distribution of places and
 salaries in ^{his} ~~their~~ Office was
 fixed.

4.5 In the List of the present
 Officers of the Supreme Court,
 furnished by the Civil Auditor,
 H. Gibbs has been returned as
 Keeper of Her Majesty's Jail
 on a salary of Rs. 150. It is ob-
 served that Mr Gibbs was pen-
 - sioned

Ind. No. 10 Nov 1860. No 1464.
 24th " " 1859.
 14 Aug 1861. 128.

pensioned from the 15th November
 last, & that Mr T. Blake has
 been appointed in his room
 on a reduced pay of 100 Rupees.
 The Civil Auditor is requested
 to revise his statement accord-
 - ingly.

4.5 In the mean while, to
 prevent inconvenience until
 the whole question is settled,
 the Civil Auditor will pass
 the Pay abstracts of the Estab-
 - lishment of the Insolvent
 Debtors Court, without the
 Return of leave of absence
 required by him.

[Signature]

To the Civil Auditor }
 Para 4 & 5 to the Chief Clerk } Despt. 21. 2. 61.
 of the Insolvent Debtors' Court.

20 Feb 1861
Financial 1861 (B. H.)

1861.

Proc of the Acad
Constitution

2120 February 1861.

Feb 267

Passing orders on
the Civil Station Letter
forwarding list of
Officers of the Supreme
Court who are eligible
to President