M.R.O. 1—77,005—8-6-37.

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(2) Date of repair _____

(3) Initials of the Referencer _____

MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No. 216 Press / Mis.

21-30

Dated 15-4- 1864.

31-33 10/11

Not to be folded or roughly handled

Proceedings of the Madras Government, Financial Department,
15th April 1864.

Read the following papers :—

No. 31. From R. W. LODWICK, Esq., Civil Paymaster, Fort Saint George ; to the Chief Secretary to the Government of Madras, dated Fort Saint George, 23rd March 1864, No. 74.

I have the honor, with reference to the accompanying copies of correspondence, and Government Order No. 130, dated 23rd February 1864, to request that I may be favored with the orders of Government on the following point.

2. The Judges of Her Majesty's High Court having hitherto drawn their pay in separate bills, I thought it advisable as a matter of courtesy to address the Registrars, inquiring whether for the future the Judges would have any objection to let their pay be entered in the general abstract of establishments appertaining to the sides of the Court in which they sit.

3. I am not sure whether I was right in making this inquiry, as no exception to the standing rule in the cases of High Court Judges appears to have been made by the Civil Paymaster, Calcutta, but I deemed it a mere matter of form and thought the assent would be given as a matter of course, and that my having put the question would prevent any thing disagreeable occurring hereafter.

4. I received in the first instance a letter complying with my suggestion, but eventually this document was re-called and another substituted in which the Chief Justice objects to the change of practice, on the ground that it is not fitting that the pay of the Judges should come into the Audit office with that of the establishment, and that delay in paying Her Majesty's Judges might occur if separate bills were abolished.

5. I explained in the letter I wrote in answer that this latter objection was groundless, as will be seen by reference to the copy of my reply annexed.

6. The form of establishment abstract has, however, been sent in for examination with the pay of the Judges excluded.

7. I submit therefore for consideration that there is no reason for obliging this office to pass a number of separate bills monthly, as the Judges of the High Court can without inconvenience draw their pay like other heads of establishments.

From R. W. LODWICK, Esq., Civil Paymaster, Fort Saint George; to the Registrar, High Court, Appellate Side, dated Fort Saint George, 3rd March 1864, No. 24.

Judicial Department.

I have the honor, with reference to G. O. No 130, dated 23rd February 1864, to request that you will inform me, at your earliest convenience, whether the Judges of Her Majesty's High Court will have any objection to draw their pay in the general abstract of the Appellate Side of the Court.

2. The orders of the Government of India are that the heads of establishments shall draw their pay with their subordinates in one abstract, and this rule, which has been much neglected, is about to be put into force strictly.

3. Were the Judges to draw their pay with their establishments much trouble would be saved this department.

To this letter an answer dated 15th March 1864 was received, but which was subsequently re-called by the Deputy Registrar in Official Memorandum, dated 16th March 1864.

From R. W. LODWICK, Esq., Civil Paymaster, Fort Saint George ; to the Registrar, High Court, Appellate Side, dated Fort Saint George, 15th March 1864, No. 31.

Judicial Department.

I have the honor, with reference to your letter dated 15th March 1864, to state that you have rightly interpreted the meaning of my letter. It will render the procedure in accordance with that obtaining in other departments, and will save great trouble to this office, if the

Judges of the High Court draw their pay in the abstracts of the Court according as they sit therein for the performance of business; and I shall therefore feel obliged by your entering the pay of the Judges appertaining to your side of the Court in the form of abstract which will be submitted to me in accordance with Notification No. 88, dated 5th instant.

From C. F. CHAMIER, Esq., Registrar of the High Court of Judicature at Madras; to R. W. LODWICK, Esq., Civil Paymaster, dated Madras, 18th March 1864.

I am directed to acknowledge the receipt of your letter of the 3rd instant, inquiring with reference to an Order, dated 23rd February 1864, No. 130, which has recently been issued by the Government, whether the Judges of the High Court will have any objection to draw their salaries in the general abstract of the Appellate Side of the Court.

2. In reply, I am directed to state that the Chief Justice does not consider it fitting that the salaries of the Judges should be drawn in the same abstract with those of the Ministerial establishment. The Judges cannot properly be treated for this purpose as heads of the establishment, and made subject to any trifling inaccuracy that may occur in the entries, and every inquiry that may be made in respect of even the lowest officer.

3. If, however, the trouble you allude to has led to a change being made in the High Court at Calcutta, the Chief Justice will waive his objections to a change being made here, so far as the adoption in practice of one *separate* abstract including the salaries of all the Judges.

From R. W. LODWICK, Esq., Civil Paymaster, Fort Saint George; to the Registrar of the High Court, Appellate Side, dated Fort Saint George, 19th March 1854, No. 32.

Judicial Department.

I have the honor, with reference to your letter dated 18th instant, to observe that the Chief Justice would seem to be under a misapprehension as to the effect of including his salary in the printed abstract of establishment connected with the High Court, inasmuch as you say that he considers this course will make the payment of his allowances dependent on the perfect accuracy of the abstract.

2. No delay *can* take place in passing the pay of the Judges on these grounds, for when mistakes are found the items objected to will appear on the reverse as deductions, and will be audited in a Supplemental Bill, while all the abstract which is unobjectionable will be passed.

3. I trust under these circumstances no objection will be raised to the proposed plan.

From C. F. CHAMIER, Esq., Registrar of the High Court of Judicature at Madras; to R. W. LODWICK, Esq., Civil Paymaster, dated Madras, 21st March 1864.

With reference to the Notification published at page 1 of the Supplement to the *Fort Saint George Gazette*, dated the 11th instant, I am directed to forward, for approval, the Pay Abstracts for the establishment of the High Court on the Appellate Side, for the present month.

No. 36.

OFFICIAL MEMORANDUM.

Judicial Department.

The undersigned has the honor to state that, as the salaries of the Judges have not been included in the form of abstract sent for examination, the Government have been addressed on the subject, and the form will be detained until it be definitively settled whether or not the Judges of Her Majesty's High Court are to form an exception to the general rule, which requires the inclusion of the pay of heads of establishments in the abstract of their offices.

CIVIL PAYMASTER'S OFFICE,
FORT SAINT GEORGE,
23rd March 1864.

(Signed) R. W. LODWICK,
Civil Paymaster.

To the Registrar of the High Court, Appellate Side.

(True Copies.)

(Signed) W. DONALD,
Chief Asst. to Civil Paymaster.

Proceedings of the Madras Government, Financial Department,
15th April 1864.

No. 32. From R. W. LODWICK, Esq., Civil Paymaster, Fort Saint George; to the Chief Secretary to the Government of Madras, Public Department, dated Fort Saint George, 13th April 1864, No. 86.

I have the honor, with reference to my letter, No. 74, dated 23rd March 1864, to bring to the notice of His Excellency in Council that the foot note marked * in the accompanying Manual of Instructions was lost sight of by this department, which read Rule No. 47 as applicable in Calcutta to *all* departments of Government.

"This rule does not apply to the Presidency where officers are allowed to draw their salaries in separate bills."

2. The Manual was sent to the Government office on a former occasion, but the foot note would seem not to have been noticed there also.

3. My attention was only this day called to it, and I lose no time in pointing out that my letter above quoted now requires modification.

4. I am at a loss to understand why officers at the Presidency in Calcutta should be excepted from a rule which is made applicable to those at a distance, who alone can be in any degree inconvenienced thereby; and although I am still quite of opinion that much saving of trouble and time would accrue if the Judges of Her Majesty's High Court were to include their pay in abstracts of their establishments, I must acknowledge that I have not now precedent to support me in my difference with the Chief Justice.

No. 33. ORDER THEREON, 15th April 1864, No. 216.

Under the circumstance stated in the Civil Paymaster's letter of the 13th instant, the Governor in Council does not think it necessary that the rule, which requires that the salaries of heads of departments shall be entered in the same Pay Abstracts with the salaries of the Ministerial officers and clerks on their establishment, should be applied to the salaries of the Judges of the High Court.

2. The salaries of the Judges should be passed on separate abstracts.

(True Extract.)

Chief Secretary.

To the Civil Paymaster.
„ Honorable the Judges of the High Court, with covering letter.

Exd. J. Tulloch.

No. 74.

FORT SAINT GEORGE,
CIVIL PAYMASTER'S OFFICE
March 23rd 1864.

From

THE CIVIL PAYMASTER,

Fort Saint George.

To

THE SECRETARY TO GOVERNMENT
of Madras -

DEPARTMENT

SIR,

I have the honor with reference to Government Order No. 130 dated 23rd February 1864, to the accompanying copies of correspondence and to request that I may be favoured with the orders of Govt on the following point -

2 - The Judges of this High Court having hitherto drawn their pay in Separate Bills I thought it advisable as a matter of Courtesy to address the Registrars enquiring whether for the future the Judges would have any objection to get their pay be entered in the general abstract of Establishments appertaining to the Judges of the Court in which they sit -

3 - I am not sure whether I was right in making this enquiry as no exception to the standing rule in the case of this Court Judges appears to have been made by the Civil Paymasters Calcutta but I deemed it a mere matter of form & thought the assent would be given as a matter of course & that my having put the Question would prevent any thing disagreeable occurring hereafter -

4 - I received in the first instance a letter complying with my suggestion but eventually this document was recalled & another substituted in which the Chief Justice objects to the change of practice on the ground that it is not fitting that the pay of the Judges should come in to the audit office with that of the establishment & that delay in paying the Judges might occur if separate bills were abolished -

5 - I explained in the letter I wrote in answer that this latter objection was groundless as will be seen by reference to the Copy of my reply annexed - abstract

6 - The Form of establishment has however been sent in for examination with the pay of the Judges excluded -

7 - I submit therefore for consideration that there is no reason for obliging this office to draw a number of separate bills monthly as the Judges of the High Court can without inconvenience draw their pay like other heads of establishments -

I have the honor to be,

Sir,

Your most obedient Servant,

J. W. Lodwick

Civil Paymaster.

Judicial Departt. No. 24.

Fort Saint George,
Civil Pay Masters Office
3d March 1864.

From,

The Civil Pay Master
Fort St. George.

To,

The Registrar High Court
Appellate Side.

Sir,

I have the honor with reference to G. O. No. 130 dated 23d February 1864 to request that you will inform me at your earliest convenience whether the Judges of Her Majesty's High Court will have any objection to draw their pay in the general Abstract of the appellate side of the Court.

2d. The Orders of the Govt. of India are that the heads of Establishments shall draw their pay with their Subordinates in one Abstract, and this rule, which has been much neglected, is about to be put into force strictly.

3d. Were the Judges to draw their pay with their Establishments much trouble would be saved this Department.

I have &c.
Signed J. W. Lodwick
Civil Pay Master.

To this letter an answer dated 15 March 1864 was received, but which was subsequently recalled by the Deputy Registrar in Offg. memo dated 16th March 1864.

Judicial Departt. No. 31.

From,

Fort Saint George
Civil Paymaster Office
15 March 1864.

The Civil Pay Master
Fort St. George.

To,

The Registrar High Court
Appellate Side.

Sir,

I have the honor with reference to your letter dated

dated 15th March 1864 to state that you have rightly interpreted the meaning of my letter. It will render the procedure in accordance with that obtaining in other Departments, and will save great trouble to this Office, if the Judges of the High Court draw their pay in the abstracts of the Court according as they sit therein for the performance of business, and I shall therefore feel obliged by your entering the pay of the Judges appertaining to your side of the Court in the form of abstract which will be submitted to me in accordance with Notification No. 88 dated 5th Instant.-

I have &c.
Signed/ R. W. Ledwick
Civil Pay Master.-

From

C. F. Chamier, Esqre.
Registrar of the High Court of
Judicature at Madras.-

To,

R. W. Ledwick, Esqre.
Civil Pay Master.-

Sir,

1. I am directed to acknowledge the receipt of your letter of the 3d instant, enquiring with reference to an order dated 23d February 1864 No. 130, which has recently been issued by the Government, on whether the Judges of the High Court will have any objection to draw their salaries in the General Abstract of the Appellate Side of the Court.-

2- In reply I am directed to state that the Chief Justice does not consider it fitting that the salaries of the Judges should be drawn in the same Abstract with those of the ministerial Esta-

Establishment- The Judges cannot properly be treated for this purpose as heads of the establishment, and made subject to any trifling inaccuracy that may occur in the entries, and every enquiry that may be made in respect of even the lowest officer.-

3. If however the trouble you allude to has led to a change being made in the High Court at Calcutta, the Chief Justice will waive his objections to a change being made here, so far as the adoption in practise of one separate abstract including the salaries of all the Judges.-

I have &c.
Signed/ C. F. Chamier
Registrar
Appellate Side.-

High Court of
Judicature, Madras,
March 1864.-

Judicial Departt No. 32.- Fort Saint George
Civil Paymasters Office
19 March 1864

From,

The Civil Pay Master
Fort St. George.-

To,

The Registrar of the High Court
Appellate Side.-

Sir,

I have the honor with reference to your letter dated 18th Instant, to observe that the Chief Justice would seem to be under a misapprehension as to the effect of including his salary in the printed abstract of Establishment connected with the

the High Court, inasmuch as you say that he considers this course will make the payment of his allowances dependent on the perfect accuracy of the abstract.—

No delay can take place in passing the pay of the Judges on these grounds, for when mistakes are found the items objected to will appear on the reverse as deductions, and will be audited in a supplemental Bill, while all the abstract which is unobjectionable will be passed. —

I trust under these circumstances no objection will be raised to the proposed plan. —

I have &c.
Signed/ R. W. Lodwick
Civil Pay Master.—

From

C. F. Chamier, Esqre
Registrar of the High Court of
Judicature at Madras.—

To

R. W. Lodwick, Esqre
Civil Pay Master.—

Sir,

With reference to the Notification published at Page 1 of the supplement to the Fort St. George Gazette dated the 11th instant, I am directed to forward for approval, the Pay Abstracts for the Establishment of the High Court on the Appellate Side, for the present month. —

High Court of
Judicature, Madras.
21st March 1864.

I have &c.
Signed/ C. F. Chamier
Registrar,
Appellate Side.—

Judicial Depart.t No. 36.
Fort Saint George Civil Pay Masters Office
23 March 1864

4
1/11

Official Memorandum.—

The undersigned has the honor to state that, as the salaries of the Judges have not been included in the form of abstract sent for examination, the Government have been addressed on the subject, and the form will be returned until it be definitively settled whether or not the Judges of Her Majesty's High Court are to form an exception to the general rule, which requires the inclusion of the pay of Heads of Establishments in the abstract of their Offices.—

Signed/ R. W. Lodwicke
Civil Pay Master.—

To, The Registrar of the High Court
Appellate Side.—

(True Copies.)
W. Dorcall
Chief Assistt. Civil Pay Master.—

No. 86.

FORT SAINT GEORGE,
CIVIL PAYMASTER'S OFFICE
April 13th 1864.

13/

From

THE CIVIL PAYMASTER,

Fort Saint George.

To

THE SECRETARY TO GOVERNMENT

Madras Public DEPARTMENT

SIR,

I have the honor with reference to ~~Government Order~~ No. 74 dated 23rd March 1864 to bring to the notice of this Local Govt in Council that the footnote marked × in the accompanying manual of Financial Instructions was lost sight of by this Office on a former occasion but the footnote which read rule No 47 as applicable in Calcutta to all departments of Government would seem not to have been noticed there also.

× "This rule does not apply to the Presidency where officers are allowed to draw their Salaries in Separate Bills"

2- The Manual was sent to the Government

3- My attention was only this day called to it & I have no time in pointing out that my letter above quoted now requires modification

4- I am at a loss to understand why officers at the Presidency in Calcutta should be exempted from a rule which is made applicable to those at a distance who alone can be in any degree inconvenienced thereby & although I am still quite of opinion that much saving of trouble & time would accrue if the Judges of H.M's High Court were to include their pay in abstracts of their establishments I must acknowledge that I have not now precedent to support me in my difference with the Chief Justice -

I have the honor to be,

Sir,

Your most obedient Servant,

R. Goodrich

Civil Paymaster.

Enclosure to Letter No 74 dated 23rd March 1864 from the Civil Paymaster, Madras

Copy of correspondence with the Registrar. High Court, Madras, upon the subject of this Office's pledge drawing their pay monthly in the same bill with their Establishment

Initd RG

12/4

32

Fort St. George 15th March 1864.

From

The Civil Pay Master

To

The Chief Secretary

to Government.

Sir,

I have the honor to forward herewith Abstracts of Pay Bills &c. &c. for the month of February 1864 amounting to Rupees 1,01,02,216 - 8 - 0.

Date 13th April 1864.

Pay Bills 10 Nos.

Vide Letter No. 198

Vide Rule 5 of Code.

States that the Pay Bills &c. &c. for the month of February 1864 have been examined and checked with the Establishments and found correct.

Dated 23rd March 1864.

Signature.

15

Financial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letters from the Civil Paymaster.

Received 23rd March 1864 - No. 974
13th April
Order thereon 15th April 1864 - No. 2165.

Under the circumstances stated in the Civil Paymaster's letter the Governor in Council does not think it necessary that the rule which requires that the salaries of Heads of Departments shall be entered in the same Pay Abstracts with the salaries of the Ministerial Officers and clerks on their Establishment, should be applied to the salaries of the Judges of the High Court.

2. The salaries of the Judges should be passed on a separate

separate abstracts, like those of the Members of Council.

Contemplation any exception. Meanwhile I enclose pay may be drawn in separate abstracts—

As for members of Council I did not see objection to my pay drawn in my official character. I found it impossible to attend to my duties & still keep my pay

JJP

The Civil Paymaster
The Honorable the Judges of the High Court (with Covering letter)
} dispatch 18/4

Vol. 26, 1874

April 1864. Department.

No. 216

PROCEEDINGS of GOVERNMENT.

Dated 15 April 1864

The salaries of the Judges of the High Court ordered to be passed on separate abstracts-

31 c 33.