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(2) Date of repair 7-8-39

(3) Initials of the Reference

MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No. 373	Press Mis.
12-13	
Dated 5-8- 18 65.	

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Not to be folded or roughly handled

Proceedings of the Madras Government, Financial Department,
5th August 1865.

Read again Proceedings in the Military Department, dated 10th April 1865, No. 1367.

No. 12. Read also the following Proceedings of Government in the Military Department.

Communicating a claim for compensation and travelling allowance preferred by Lieutenant Colonel O'Connell, Assistant Quarter Master General, Nagpore Force, who was called to Calcutta to give evidence in a judicial investigation. } (Dated 17th July 1865, No. 2655).

No. 13. ORDER THEREON, 5th August 1865, No. 373.

Under the circumstances of the case, as represented in the letter of the Assistant Quarter Master General, Nagpore Force, His Excellency the Governor in Council sanctions the disbursement to Lieutenant Colonel O'Connell of Rupees 228-6-0, being the amount of his travelling expenses from Mirzapore to Kamptee, and also of compensation for the loss of his allowances, during the period of his detention to give evidence in the High Court at Calcutta. It is observed that in a similar case, it was decided by the Government of India, in the Financial Department, that Captain Power was entitled to his pay as Captain in the Staff Corps, his acting allowances as Officiating Cantonment Joint Magistrate, and his Staff salary, exclusive of office allowances, as Deputy Judge Advocate General. Excepting his Staff Corps pay, which formed a charge against the Military Department, the rest were adjusted as Civil charges.

Dated 10th May 1865, No. 271.

Letter dated 29th April 1863, No. 1782.

(True Extract).

Chief Secretary.

To the Military Department.
„ Controller of Military Accounts.
„ Quarter Master General.
„ Accountant General.
„ Examiner of Claims.

Exd. J. H. Burns.

MILITARY DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following letter:—

From Major J. G. Touch, for Acting Controller of Military Accounts, Fort Saint George, 4th April 1865, C; to the Secretary to Government, Military Department.

I have the honor to forward a letter from the Examiner Pay Department, dated 31st March 1865, No. 1323, with enclosures, relative to the claim of Lieutenant Colonel O'Connell to travel from Calcutta to Kamptee at the public expense.

2. It is observed that the object of Government in providing passage or disbursing travelling allowance to Officers ordered from one Station to another to give evidence before Civil or Military Courts, is to re-imburse to the Officer whatever amount he may have actually expended in the performance of that service, such extra expense being debitable to the Department, Civil or Military, on account of which it has been incurred.

3. Lieutenant Colonel O'Connell was on the eve of proceeding to Kamptee to take up a Staff appointment when ordered to give evidence at Calcutta, which lay on his route, that route being frequently chosen by Officers proceeding from this Presidency to Kamptee in preference to the journey *via* Bombay.

4. As Lieutenant Colonel O'Connell's summons to give evidence at Calcutta neither called him from his fixed station, nor, it may be assumed, compelled him to diverge from his route, he would appear to have incurred no extraordinary expense for which Government may be considered liable.

5. He was provided with public passage from Madras to Calcutta in common with Major Travers, who was also summoned on similar duty.

6. To this latter charge I would not now suggest objection, though in principle it appears to me inadmissible; but I am of opinion that Lieutenant Colonel O'Connell should have made his way from Calcutta to Kamptee at his own expense. Had he been called upon while passing through Calcutta to give his evidence, no portion of his expenses would have been borne by the State.

7. If the charge be admitted by Government, it is due solely to the summons, and pertains to the Civil Department, as pointed out in my Report of the 29th March 1865, C.

8. With advertence to paragraph 3 of the letter from the Deputy Secretary to the Government of India, it is not understood that, Compensation in connection with the appointment at Kamptee, which Lieutenant Colonel O'Connell had not taken up, could be admitted; but any such charge, under the ruling* of the Government of India in Captain Power's case, would be also debitable to the Civil Department.

9. I have the honor to request the instructions of Government in regard to the present charge, as the case is an exceptional one, not provided for by Regulation.

Dated 13th February 1865, No. 628.

* *Financial Department. Military Finance Department docket No. 67, dated 6th May 1863. Copy forwarded with Report 29th March 1865, C.*

Order, No. 1541, 26th April 1865.

The Governor in Council considers the Controller's view correct, the Bill for travelling expenses from Calcutta to Kamptee for Lieutenant Colonel O'Connell, is accordingly inadmissible.

(True Extract.)

/Signed/ R. Hamilton Lt-Col.

Under Secretary to Government.

To the Controller of Military Accounts.
" Examiner Pay Department.
" Adjutant General,.....} for information.
" Quarter Master General,}

Exd. W. Regel

True Copy
Mhrockale
Secretary to Govt.

MILITARY DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following papers :—

Memorandum from the Quarter Master General, Fort Saint George, 27th May 1865, No. 5756; to the Secretary to Government, Military Department.

Forwarded to Government with the Commander-in-Chief's decided opinion that Lieutenant Colonel O'Connell's claim is a just one, and that he is besides entitled to Compensation for the loss of pay under the circumstances stated.

From the Assistant Quarter Master General, Nagpore Force, Kamptee, 10th May 1865, No. 271; to the Quarter Master General, Fort Saint George.

I have the honor to acknowledge the receipt of your No. 4888, dated 29th ultimo, forwarding me a copy of Order of Government, No. 1541, dated 26th April 1865, ruling that a Bill for Rupees 228-6-0 for my travelling expenses from Mirzapore to Kamptee is inadmissible.

2. As the circumstances connected with my having submitted this Bill do not appear to have been fully placed before Government, I have the honor to request you will lay the matter before His Excellency the Commander-in-Chief, with the view to its being re-submitted to Government for consideration.

3. I was ordered to Calcutta, to give evidence in a matter connected only and wholly with the performance of my Military duties as Acting Assistant Adjutant General of the Pegu Division. I was ordered to attend the Court at Calcutta by Military Authority, and not on a summons issued to me by any Civil Court or Department. As a Military man, I was bound to obey, and did so. Had it been on a Civil Summons, I could and should have demanded all my expenses before giving my evidence, but the circumstances under which I was ordered to attend and give evidence, precluded my acting, as if the matter were one in which I could act as a private individual summoned to give evidence in an ordinary Civil suit.

4. The consequences to me of being thus ordered to Calcutta were, first, my inability to join my appointment at once, and the loss thereby of 2½ months' allowances or Rupees 1,250, second, my detention at Calcutta at an expensive hotel for three weeks, and third, the cost of a long journey of 403 miles from Mirzapore to Kamptee.

5. In letter No. 628, dated 13th February 1865, from the Deputy Secretary to the Government of India, Military Department, to my address, and which was attached to the Bill submitted, it was written : "The Quarter Master General will be authorised to supply you with a passage by "the Railway for yourself and servant, so far as that means of conveyance is available, and you "should submit your claim for travelling expenses for the remainder of the journey, in the usual "manner." This I would respectfully submit is an order of the Supreme Government sanctioning the payment of my travelling expenses. The sanction for the disbursement of the expenses from Mirzapore to Kamptee, being as clear as the order to the Quarter Master General, for a Railway ticket from Calcutta to Mirzapore.

6. Under the above circumstances, I would respectfully submit the whole case for consideration and solicit sanction for the payment of the Bill previously sent in, and also a favorable view of my claim for Compensation, Rupees 1,250, for the loss of my allowances during detention.

With Report from the Acting Controller of Military Accounts, 30th June 1865, G.

ORDER, No. 2655, 17th July 1865.

Resolved that the claims submitted by Major O'Connell, be communicated with Proceedings of Government, No. 1541, dated 26th April 1865, to the Financial Department for consideration, in continuation of the Order in this Department, No. 1367, dated 10th idem.

2. The Governor in Council observes, that neither of the claims in question is admissible as a charge against the Military Department.

(True Extract.)

Secretary to Government.

To the Quarter Master General, with an enclosure.
„ Controller of Military Accounts.
„ Financial Department, with Pro. No. 1541, dated 26th April 1865. 4 5 Space Copies.
„ Examiner Pay Department, ...
„ Accountant General,.....
„ Adjutant General,.....
„ Examiner of Claims,..... ..... } for information.

Exd. A. W. Cooke.

Financial Dept. Pro. No. 1541. dated 26th April 1865.

Forwarded for information, a Claim for [illegible] Rs. 225-8-0 preferred by Lieutenant Colonel [illegible] Assistant Quarter Master General, Nagpore Force, for Travelling Allowance [illegible] Commencement of the Campaign [illegible] Nagpore to Jaulna, whence he proceeded [illegible] Jaulna to Nine Subordinate Officers [illegible] Judicial sanction [illegible] the Claim.

Fort St. George, 26th April 1865.

Secretary to Government.

To the Secretary to Government, Military Department.

Sir,

I have the honor to forward herewith, for the orders of the Government, a Claim for Rs. 225-8-0 preferred by Lieutenant Colonel [illegible] Assistant Quarter Master General, Nagpore Force, for Travelling Allowance [illegible] Commencement of the Campaign [illegible] Nagpore to Jaulna, whence he proceeded [illegible] Jaulna to Nine Subordinate Officers [illegible] Judicial sanction [illegible] the Claim.

I have the honor to be, Sir,
Your most obedient humble Servant,
[illegible]
Secretary to the Board of Revenue.

Fort St. George, 26th April 1865.

To the Secretary to Government, Financial Department.

Sir,

I have the honor to forward herewith, for the orders of the Government, a Claim for Rs. 225-8-0 preferred by Lieutenant Colonel [illegible] Assistant Quarter Master General, Nagpore Force, for Travelling Allowance [illegible] Commencement of the Campaign [illegible] Nagpore to Jaulna, whence he proceeded [illegible] Jaulna to Nine Subordinate Officers [illegible] Judicial sanction [illegible] the Claim.

I have the honor to be, Sir,
Your most obedient humble Servant,
[illegible]
Secretary to the Board of Revenue.

7

Financial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read again &c. in the Military Department dated 10th April '65 - No 1367.

Read the following &c. in the same Department.

(Dated 17th July '65, No 2655.)

Order - 5th August 1865 No 873.

Under the circumstances of the case, as represented in the letter of the Assistant Quarter Master General, Nagpore Force, His Excellency the Governor in Council sanctions the disbursement to Lt. Colonel O'Connell of Rs. 225-8-0, being the amount of his travelling expenses from

Dated 10th May '65 No 2711.

Wm

from Mirzapore to Ramplo
y also of compensation
for the loss of his al-
-lowances during the
period of his detention
to give evidence in the
High Court at Calcutta.
It is observed that ~~for~~ in
~~a similar case the period in question~~,
it was decided by
the Govt. of India
in the Financial De-
-partment, that Captain
Power was entitled
to his pay as Captain
in the Staff Corps, his
acting allowances as
Officiating Cantonment
Joint Magistrate, & his
Staff salary, exclusive
of Office allowances,
as Deputy Judge Ad-
-vocate General - Excepting
his

Letter dated 29th April '63. No 1782.

his Staff Corps pay
which formed a charge
against the Military
Department, the rests
were adjusted as his
-ial charges.

50 Military Deptt.
" Controller of Mily Accts.
" Quarter Master General.
" Accountant General.
" Examiner of Claims.

Travelling allowance to Lt. Lt. Colonel de Winton who was summoned to give evidence at Calcutta

Financial 1865. Department.

No. 373

PROCEEDINGS OF GOVERNMENT.

Dated 5th August 1865

12-13.