

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1102	Press
		~~Mis~~
7-9.		
Dated	11-8-1905	10/10/05

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 17th August 1858.

No. 7. Read the following letter from FREDK. ORME, Esq; to T. PYCROFT, Esq.,
Chief Secretary to Government, dated 28th July 1858.

SIR,

With reference to the Minutes of Consultation, under date the 28th November 1855, No. 871, I have the honor to request you will do me the favor to state with especial reference to the latter part of the 2nd para. which states the compensation of Rupees 220 per month shall be paid to me so long as I remain in India and do not hold office of equal emolument and consideration with that of which I have been deprived (viz., Rupees 664-15-0 $\frac{1}{2}$ per month drawn by me in 1853, as Examiner of the Supreme Court), whether without incurring the suspension of such compensation allowance, I can hold an appointment, the emolument of which including the compensation allowance I now draw of Rupees 220 per month does not exceed the sum of Rupees 664-5-0 $\frac{1}{2}$ of which I was deprived in 1853.

No. 8. From J. L. LUSHINGTON, Esq., Acting Civil Auditor; to T. PYCROFT, Esq.,
Chief Secretary to Government, Fort Saint George, dated 6th August 1858, No. 182.

SIR,

I have the honor to request that you will inform me, whether Mr. Fredk. Orme may continue to draw the compensation alluded to in Section 26, Chapter VII, page 5 of the Civil Auditor's Manual, in addition to the salary attached to the office of Clerk to the Puisne Judge, Sir A. Bittlestone, Knight.

It appears to me that the spirit of the Section above quoted, is adverse to Mr. Fredk. Orme's claim, but that the phraseology may be strained so as to permit a salary not of equal value to his former emoluments being drawn in addition to his compensation allowance.

There would seem to be no objection to Mr. F. Orme receiving the emoluments of the office of Clerk to the Crown and retaining the difference, Rupees 10, between the salary of the said office Rupees 210, and the compensation allowance, Rupees 220.

No. 9. ORDER THEREON, No. 1102; dated 11th August 1858.

1. It is observed, that the conditions on which Mr. Orme was allowed compensation in consequence of the abolition of the office of Examiner in Equity of the Supreme Court, were that it would be continued so long as he remained in India and did not hold office of equal emolument and consideration with that of which he had been deprived.

2. The net income of the office of Examiner, it is remarked was, as shewn by the return submitted by the Master of the Supreme Court under date 7th November 1855, Rupees 438 per mensem. Mr. Orme can hold any appointment, the net remuneration of which is below this sum, without prejudice to his compensation allowance.

(Signed) T. PYCROFT,
Chief Secretary.

Judicial Depart^{mt}

From,

H. Crme Esq^r

To,

J. Pycroft Esq^r

Chief Secretary to Govt,

Sir,

With reference to the Minutes of Consultation under date the 28th November 1855 N^o 871 I have the honor to request you will do me the favor to state, with especial reference to the latter part of the 2^d Para which states the Compensation of Rupees 220 per month shall be paid to me so long as I remain in India and do not hold office of equal emolument and consideration with that of which I have been deprived (viz^t Rs 664-15-0¹/₂ per month ^{drawn by me} ~~due~~ in 1853 as Examiner of the Supreme Court), whether without incurring the suspension of such Compensation allowance, I can hold an appointment the emolument of which including the Compensation allowance I now draw of Rs 220 per month does not exceed the sum of Rs 664-15-0¹/₂ of which I was deprived in 1853.

Madras
28th July 1858

I have the honor to be,
Sir,
Your most obedient Servant,
H. Crme

Mr. Jones takes me to the
new River. I have spent
I must have been there
the whole day.

My dear Mr. Jones
I have been thinking of you
very much lately. I hope
you are well. I am
well at present.

I have been thinking of you
very much lately. I hope
you are well. I am
well at present.

I have now given down all
of the \$1000. This acceptance
I will not I conceive
be his enjoyment of this

beginning on a
new project.

It is a pleasure to be in
the office. I have been
very busy lately. I hope
you are well. I am
well at present.

I have been thinking of you
very much lately. I hope
you are well. I am
well at present.

Indy to Con: 17th August.
 Indinial. 1858. 100 p. 16.

S.L. No 1102.

Yours truly & Affly. Ely.
Madras

2/28 July/58.

No. 1366.

Englishes whether without
securing the transportation of
the Compensation allowance
of \$1200 per month advance
them in lieu of the Subsistence
of Examiners of the Department
Board of which he has been
deprived, he cannot do an
appointment: the Enrollment
of which including the same
Registration allowance he
now wants \$1200 does not
exceed the sum of \$1664. 5. ¹³/₁₆
of which he was deprived.

It is observed that the net income
of the office - Examination of the papers
could for which compensation has
been granted to Mr. Orme - was £
420 per annum - & that Mr
Orme can hold any appointment
the net. of which is below
~~the net~~ remuneration ~~for~~ £420
a month without prejudice to
his compensation allowance.

JS

Mr. J. M.
C. M. Auditor

No 1366
Looking to the terms
the Financial P.S.
the Govt of India of 12
Aug/56 No 288 & to the
fact that the situation
of Clerk to a Judge of
P.C. is a sort of private
appointment like that of
Personal Staff I think Mr
Orma is at liberty to accept
for a while at least
the salary being under that
of his latest appointment
Gordon Lee and al

all entered that his
 present appl. is of
 the nature of a request
 it is not a formal
 one, & it can only
 be settled by reference
 to such facts as
 I could make
 any reference to
 the facts of the case
 & the facts of the case
 & the facts of the case
 & the facts of the case

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 Not to be published

Memo:

Mr Serle — E. M. C. 2^d Feb/58 para 6. "The annual compensa-
 tion to be awarded to Mr Serle will, it is to be clearly
 understood be subject, as was that granted to Messrs
 Orme & Teed, to three conditions. It is to be paid (1) so
 long only as Mr Serle remains in India, (2) holds his
 present office of Registrar and Prothonotary in the
 Supreme Court, and (3) the emoluments of any
 other office that he may hold together with those
 of Registrar & Prothonotary are to be applied in
 reduction or satisfaction of it."

Mr Teed — E. M. C. 1st Aug/57 para 2. x x x "The sums (compensation
 to Mr Teed) are to be paid so long only as Mr Teed remains
 in India, and (2) holds the office of Master, and (3) the
 emoluments of any other office which he may hold
 together with that of Master are to be applied in reduc-
 tion or satisfaction of such compensation."

Mr F. Orme — Compensation is paid Mr Orme in consequence of the
 abolition of his office, — Examiner in Equity. which is
 not the case with Messrs Serle & Teed. — The Court ^{of Directors} say
 "such compensation should be continued so long
 only as Mr Orme remains in India & does not hold
 office of equal emolument & consideration with that
 of which he has been deprived." — In communicating
 this despatch to this Govt. the Govt. of India remarks
 that a moiety of the average of 5 years salary ~~emoluments~~
 emoluments might be granted Mr Orme (which they cal-
 culated to be Rs 221-5-2 per mensem) on the understanding
 that he would cease to draw the salary Rs 175, attached
 to the office of Examiner, subject to the conditions
 specified by the Privy Council, which they recapitulated

6th June/55
 para 4.

17 Aug/55.

After some further correspondence, with a view to obtaining
data on which to calculate compensation, Govt. resolved
to grant the authorized compensation to Mr. Ome for loss
of his office as Examiner in Equity at the rate of Rs 220
per mensem. The grant was to take effect from the date
of enactment of Act VI of 1854 subject to the deduction
of Rs 175 per mensem being the salary already drawn by Mr.
Ome, and the same rate of compensation was also
continued to Mr. Ome so long as he remained in India
and did not hold office of equal emolument and con-
sideration with that of which he had been deprived.
The said compensation of Rs 220 being in lieu of all
Mr. Ome's emoluments as Examiner, salary in-
cluded, his salary Rs 175 per mensem was henceforth
to cease.

On the 8th Nov/55, Mr. Ome was informed in
reply to a reference made by him, "that the compen-
sation awarded him for the loss of his emolu-
ments as Examiner in H.H. Supreme Court, would not
be totally forfeited in the event of his accepting
any fresh office of equal value; but would merely
cease to be drawn during such period as he may
be in enjoyment of such additional office."

On the 4th Decr following ^{Mr. Ome} was appointed
Sheriff of Madras, and I have ascertained from the
Civil Audit Office that he did not draw compensa-
tion while he drew Sheriff's pay.

10 P.M.
9/8/56

6 x 5
Judicial Department

1102

Excerpt from the Minutes of Consultation
dated 11th August 1858.

Read the following Letters:

From F. Ome Esq
(Here enter 28th July/58)
From the Acting Civil Auditor
(Here enter 6th Aug/58 & 10/58)

It is observed that the
conditions on which Mr. Ome
was allowed compensation in
consequence of the abolition of the
office of Examiner in Equity of
the Supreme Court, were that it
would be continued so long as
he remained in India and did
not hold office of equal emu-
lument and consideration with
that of which he had been deprived.

2. The net income of the
office of Examiner, it is remarked

was, as shew by the Return submitted
by the Master of the Supreme
Court under date 7th Nov 1855,
Rupees 438^{for mens.} Mr Cune can
hold any appointment the
net remuneration of which is
below this sum without preju-
dice to his compensation allowance

JP

Copy to Mr Cune
" civil auditor } Dispt 10th

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June 18. 90 to Aug. 2. 1857 Dec. 17
1858
Paris 15

in Dec. 15. Const. 17. Aug. 2
Judicial 1858. September

No. 1102

Exhâto Mind: of Bone

27/11/85gnal 1858.

State, with reference to
enquiries from Mr. St. Combe
and the said studying that
the former gentleman can
hold any appointment, the
best remuneration of which
is below 100, 43 per annum
without prejudice to his
compensation allowance.