M.R.O. 1—33,000—16-10-22.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 1823 Press ~~Mis.~~

53-57

Dated 8—11—1957

Not to be folded or roughly handled

Read the following letters.

No. 53. From Major W. J. WILSON, Magistrate of Police; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 29th September 1859, No. 54.

With reference to the Order of Government in the Judicial Department, No. 1215, dated 10th September 1859, I have the honor to request you will be good enough to obtain the sanction of Government for the payment of my travelling expenses to and from Bangalore by Rail and Transit.

Referred for the report of the Civil Auditor.

(Signed) T. PYCROFT,
Chief Secretary.

29th September 1859.

No. 54. From J. L. LUSHINGTON, Esq., Civil Auditor; to T. PYCROFT, Esq., Chief Secretary to Government, dated 10th October 1859, No. 772.

I have the honor to acknowledge the receipt of the Order of Government in the Judicial Department, dated the 29th Ultimo, referring for my report, a letter to your address from Brevet Major W. J. Wilson, Magistrate of Police, dated the 29th Idem, requesting that the sanction of Government may be obtained for the payment to him of his travelling expenses to and from Bangalore on the occasion of his recent summons to that place to give evidence for the prosecution at a Court Martial assembled there.

2. In reply, I beg to state, that Brevet Major Wilson is in receipt of a consolidated salary of Rupees one thousand, which, like every consolidated salary drawn by Military Officers employed in the Civil Department, includes "full batta," which is a component part of full Regimental allowances expressly given to meet the expenses of travelling, or when Troops are situated beyond certain limits from the Presidency, as will be apparent from the whole tenor of Section 5, of the Code of Military Pay and Audit Regulations. And as "full batta" is moreover the highest* rate of batta which can be drawn in any situation whatever by an Officer of the Military branch of the public service, it seems clear to me that no other allowance for travelling, can be given to an Officer in receipt of "full batta."

* Military Pay Code, Section 5, "batta," head "full batta," paragraph 1, page 79.

3. As, however, Major Wilson appears to have been under the necessity of travelling with all expedition, so as to be in attendance on the Court Martial at Bangalore by a certain given date; and as I presume it was not optional with him to refuse attendance at the appointed time, his circumstances may be considered analogous to those of an Officer "ordered to travel dâk" at the public expense, in which case, agreeably to the spirit of the Orders of Government quoted in the margin,† either the bonâ fide expenses incurred by him, exclusive of any charge for "board," during his journey to Bangalore and back; or a travelling allowance at 8 Annas per mile for the distance actually travelled, may be granted to him by Government, subject to the deduction therefrom, for *the period occupied in those journeys*, of the difference between the half and full batta, less house-rent, of his Regimental rank, or at Rupees 41-5‡ per mensem; in accordance with the principle laid down in paragraph 7, head "Travelling," Section 5 "Batta," of the Military Pay and Audit Regulations.

† Extract Minutes Consultation, No. 204, Judicial Department, dated 4th April 1851. Order of Government No. 726, Public Department, dated 9th May 1859.

‡ As Captain.

No. 55. From the Reverend T. DEALTRY, Acting Archdeacon of Madras; to T. PYCROFT, Esq., Chief Secretary to Government, dated 8th October 1859, No. 107.

At the request of the Reverend A. H. Alcock, Garrison Chaplain of Fort St. George, I have the honor to forward for the sanction of His Excellency the Governor in Council, a Bill for travelling allowances to Bangalore and back, at the usual rate of 8 Annas per mile.

The journey was undertaken in obedience to the enclosed letter from Lieutenant Colonel McQueen, Judge Advocate General of the Army, citing Mr. Alcock to appear and give evidence before the Court Martial which assembled for the trial of Lieutenant J. Kay, H. M.'s 44th Regiment.

Referred for the report of the Civil Auditor.

Fort St. George,
12th October 1859.

(Signed) T. PYCROFT,
Chief Secretary.

No. 56. From J. L. LUSHINGTON, Esq., Civil Auditor ; to T. PYCROFT, Esq., Chief Secretary to Government, dated 22nd October 1859, No. 819.

I have the honor to acknowledge the receipt of the Order of Government in the Judicial Department, dated the 12th Instant, referring for my report a letter from the Acting Archdeacon of Madras, dated 8th Idem, submitting for the sanction of Government a Bill, amounting to Rupees 112, from the Reverend A. H. Alcock, Garrison Chaplain of Fort Saint George, for travelling allowance for proceeding to Bangalore, and back, under a citation to appear and give evidence on the prosecution, before a General Court Martial to be assembled at that station.

2. In reply, I beg to state, that I do not find any Orders that meet this case. Under the provisions in the Civil Auditor's Manual, quoted in the margin,* public Officers and Medical Officers respectively, summoned from their stations to give evidence before the Supreme Court at Madras, on matters connected with their official duties, have their travelling charges defrayed by the State ; but those provisions do not appear applicable to Mr. Alcock's case, who does not seem to have been cited to give evidence on matters connected with his official duties, nor was he summoned from an out-station to attend the Supreme Court.

*Civil Auditor's Manual. Chapter VII, paragraph 322. Chapter XV, paragraph 24.

3. In the instance of Assistant Surgeon Donaldson, a Regimental Officer at Samulcottah, who was summoned to give evidence before the Criminal Court at Rajahmundry, a travelling allowance at 8 Annas per mile was granted by the Orders of Government No. 726 in the Public Department, dated the 9th May 1859, and it was directed that in future the same allowance be passed in all like cases. But it does not appear whether Doctor Donaldson, was cited to give evidence on matters connected with his official, or professional, capacity, or as a simple witness to testify to matters falling under his knowledge.

4. In the recent case, however, of the Lord Bishop of Madras, who was summoned from Ootacamund to give evidence in the Police Court at Vepery, the expense incurred by His Lordship on that occasion, amounting to Rupees 220, was sanctioned to be disbursed, by the Order of Government No. 1300 in the Judicial Department, dated the 26th September 1859, and since it was not, I presume, optional with the Reverend Mr. Alcock, to refuse to comply with the summons from the Judge Advocate General of the Army on the case under report, it appears to me that the travelling allowance applied for by him may in like manner be sanctioned by Government.

No. 57. ORDER THEREON, 5th November 1859, No. 1503.

In his letters recorded above, the Civil Auditor reports on applications for travelling expenses incurred by Major Wilson and the Reverend Mr. Alcock, who had proceeded to Bangalore under citations from the Judge Advocate General to attend a Court Martial assembled there.

2. With respect to Major Wilson's claim, the Civil Auditor premises that Military Officers in Civil employ, drawing a consolidated salary, which, he states, always includes full batta, are entitled to no other travelling allowance. But he would regard Major Wilson's case as analogous to that of an Officer "ordered to travel dâk," and so eligible either to travelling allowance at 8 Annas per mile, minus his extra batta, less house-rent—or to the reimbursement of his actual travelling expenses, exclusive of "board."

Proceedings of the Madras Government, Judicial Department, for the month of November 1859.

3. To meet the claim of the Reverend Mr. Alcock, the Civil Auditor can find no authority. He refers to a rule occurring twice in the Manual, authorizing a travelling rate of 8 Annas the mile to Officers summoned to the Supreme Court on matters connected with their official duties, and quotes the recent cases of Assistant Surgeon Donaldson and the Lord Bishop, who were granted travelling allowances—the former for the distance travelled on the occasion of his being summoned to attend the Criminal Court at Rajahmundry, and the latter for proceeding from Utakámund to the Vepery Police Court.

Fxt. Mins. Cons., 4th April 1851, No. 204.

4. The Honorable the Governor in Council is of opinion, that these cases should be dealt with under the spirit of the Orders of Government 10th November 1857, No. 1462. They sanction accordingly the reimbursement to Major Wilson and the Reverend Mr. Alcock of the travelling expenses actually incurred by them exclusive of board.

5. Ordered that the enclosures in the Officiating Archdeacon's letter be returned.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Proceedings of the Madras Govt.

Read the following letters

From Major W. J. Wilson,
Magistrate of Police — Enter 29th September 1859 No. 54.
" the Civil Auditor — 10th October 1859 " 772
" the Acting Archdeacon of Madras — 8th do — " 107.
" the Civil Auditor — 22nd do — " 819.

Order. 5th November 1859. No. 1503.

In his letters recorded above, the Civil Auditor reports on applications for travelling expenses incurred by Major Wilson & the Revd. Mr. Blocke, who had proceeded to Bangalore under citations from the Judge Advocate General to attend a Court Martial assembled there.

2. With respect to Major Wilson's claim, the Civil Auditor premises that Military Officers in Civil Employ, drawing consolidated salary, which, he states, always

always includes full batta, are entitled to no other travelling allowances. But he would regard Major Wilson's case as analogous to that of an officer "ordered to travel dâk", & so eligible either to travelling allowances at 8 annas ^ mile, minus his extra batta — or to the reimbursement of his actual travelling expenses, exclusive of "board".

3. To meet the claims of the Revd. Mr. Alcock, the Civil Auditor can find no authority. He refers to a rule occurring twice in the Manual, authorising as travelling rate of 8 annas the mile to officers summoned to the Supreme Court on matters connected with their official duties, & quotes the recent cases of Assistant Surgeon Donaldson & the Lord Bishop, who were granted travelling allowances

C. M. P. 4th April 1851
No. 204

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4. The Hon'ble the Governor in Council is of opinion that these cases should be dealt with under the spirit of the orders of Govt. 10th Novr. 1857 No. 1462. They sanction accordingly the reimbursement to Major Wilson & the Revd. Mr. Alcock of the travelling expenses actually incurred by them — exclusive of board.

5. Ordered that the enclosures in the officiating Archdeacon's letter be returned.

To Major W. J. Wilson.
" Magistrate of Police.
The Offg. Archdeacon — with Enclosures returned.
" Civil Auditor.
" Asst. General.

Sd/ J. J.
Sup. Sec.

Pron: of Govt to Nov.r

Judicial 1857 Dep.t

No. 1503.

Proceedings of Govt

of 5th November 1857.