M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No.	1384	Press Mis-	
175-176			
Dated	26-10-	1860	

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
26th October 1860.

No. 175. Read the following letter from R. G. CLARKE, Esq., Civil Judge of Negapatam, to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated Tranquebar, 19th October 1860, No. 65.

I have the honor to submit for the favorable consideration of the Honorable the Governor in Council, copy of a correspondence with the Officiating Civil Auditor, relative to my salary from the 22nd August to the 1st October 1860, together with the Audited Bill, which will show that very large deductions have been made from my allowances, on the ground of absence from my station in excess of time allowed for joining.

2. In the Order of Government under date 30th August 1860, No. 1,108, the Civil Auditor was instructed to consider my case as a special one, and to pass to me the full salary of Civil Judge of Negapatam. I have been unavoidably put to heavy expenses owing to the uncertainty regarding the final location of the new Courts, and under these circumstances, I feel sure that it is not the intention of Government that I should be any further a loser in the matter of my allowances.

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From R. G. CLARKE, Esq., Civil and Session Judge of Negapatam, to W. BALMAIN, Esq., Officiating Civil Auditor, Fort Saint George, dated Tranquebar, 8th October 1860, No. 42.

In returning to you my salary Bill for the month of September 1860, I have the honor to request that you will reconsider the deductions you have made from my full allowance as Civil and Session Judge of Negapatam, with reference to the Order of Government, dated 30th August 1860, No. 1,108.

2. The Government in their Order alluded to, were pleased to express their intention that mine should "be a special case, and that I should draw the full salary of Civil Judge of Nega-"patam" from the date of my appointment, and I submit that under these circumstances, no ordinary rules are applicable to it. You will remember that after your reference of my former claim for the consideration of the Government, the full salary of Judge of Negapatam was passed to me for the month of August. I cannot understand therefore on what principle I am made to revert to the salary of Subordinate Judge. Again, though I delivered over charge of the Combaconum Court to Mr. Beauchamp on the 22nd August and the Court of Negapatam was opened only on the 1st October, yet I quitted Combaconum on the same day that I was relieved by Mr. Beauchamp and joined my present station forthwith. From that time I have been occupied in making arrangements towards the opening of the new Courts of Negapatam, and only awaited the Orders of Government for doing so.

3. I trust this explanation will satisfy you that I am entitled to the full salary of the Civil Judge of Negapatam for the month of September, and I have the honor to request that you will pass my Bill accordingly. Should you continue to entertain any doubt regarding the validity of my claim, you will oblige me by submitting a further reference on the subject for the orders of the Honorable the Governor in Council.

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From W. BALMAIN, Esq., Officiating Civil Auditor, to R. G. CLARKE, Esq., Civil Judge, Negapatam, dated 11th October 1860, No. 1,187.

In reply to your letter, No. 42. of 8th instant, I have the honor to state that the retrenchment on account of excess of time occupied in joining was made under the idea that you had not reached Negapatam. If you will inform me of the day you arrived and will state that you were occupied up to the 1st October in making arrangements for opening the Court, the amount will be passed.

2. In regard to the salary while proceeding to join, I regret that I cannot pass it at the higher rate. It is a rule universally applied, and which has been confirmed by Government, that an Officer even though specially detained acting in an inferior appointment, and for this reason allowed to draw the pay of the superior post to which he is gazetted, falls back again

during the period of joining on the former salary. The equity of the rule is also clear, for had he been appointed to a new post and allowed to join at once for the period occupied in joining, he would only be entitled to the lower salary.

3. As the rule is clear, I do not think it proper to make a reference to Government.

From R. G. CLARKE, Esq., Civil and Session Judge of Negapatam, to W. BALMAIN, Esq., Officiating Civil Auditor, Fort Saint George, dated Tranquebar, 19th October 1860, No. 64.

I have the honor to acknowledge the receipt this day of your communication, dated 11th instant, and to inform you, that I gave over charge of the late Combaconum Court to Mr. Beauchamp on the 22nd August, and quitted that station the same evening, arriving at my own station on the following day, the 23rd August.

2. The Government at that time contemplated locating the Negapatam Courts at Tranquebar, and I proceeded to Tranquebar accordingly, in order to inspect in company with the District Engineer, the buildings there available for Court purposes. I was occupied up to the 1st October in making arrangements, in communication with the Chief Secretary to Government, the Registrar of the Sudder and Foujdari Udalut, the Collector and District Engineer of Tanjore, the Inspector of Jails, the Civil and Subordinate Judges of the late Combaconum Zillah, and Officers of the Ordnance and other Departments under Government, with the view of opening the new Court of Negapatam at Tranquebar.

3. I beg to add that as I can entertain no doubt of the intention of Government that I should not be in any degree a loser by my appointment to a new Court, I have referred the question of my allowances for the month of September for their orders.

(True Copies.)

(Signed) R. G. CLARKE,
Civil and Session Judge.

No. 176. ORDER THEREON, 26th October 1860, No. 1,384.

The Government do not understand for what object this reference has been made to them by the Civil Judge of Negapatam.

2. The Civil Auditor admits that Mr. Clarke is entitled to his full Judge's salary from the date of his reaching Negapatam to that on which the Court was actually opened, provided that he will certify that he was occupied during that interval in making arrangements for opening the Court. Mr. Clarke in his letter of the 19th instant, shows that he was so occupied, first at Negapatam, and then at Tranquebar, the place where the Court was eventually established. Mr. Clarke also shows that he arrived at Negapatam the day after giving over charge of the Combaconum Court.

3. It does not appear what reply the Civil Auditor has made to this letter. The papers will be forwarded to him for his explanation.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

List

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Judicial Department.

Proceedings of the Madras Government.

Read the following letter from the Civil Judge of Negapatam.

/Here enter 19th Octr 1860 No 65/

Order thereon 26th October 1860. No. 1384.

The Government do not understand for what object this reference has been made to them by the Civil Judge of Negapatam.

2. The Civil Auditor admits that Mr. Clarke is entitled to his full Judges' salary from the date of his reaching Negapatam to that on which the Court was actually opened, provided that he will certify that he was occupied during that interval in making arrangements for opening the Court. Mr. Clarke in his letter of the 19th instant shows that he was so occupied, first at Negapatam, and then

at Tranquebar the place where the Court was eventually established. Mr. Clarke also shows that he arrived at Negapatam the day after giving over charge of the Coulbaconum Court.

3. It does not appear what reply the Civil Auditor has made to this letter. The papers will be forwarded to him for his explanation.

JP

Civil Judge of Negapatam
with Copy this letter returned
Civil Auditor
with Copy this letter returned
Dupe 31st