M.R.O. 1—39,000—16-10-39.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 57 Press Mis.

47-48.

Dated 16. 1. 1860

Not to be folded or roughly handled

No. 47. Read the following letter from Mr. JOHN SPENCER, Pensioned Bailiff of the Madras Court of Small Causes; to T. PYCROFT, Esq., Chief Secretary to Government, &c., &c., &c., Fort Saint George, dated 10th December 1859.

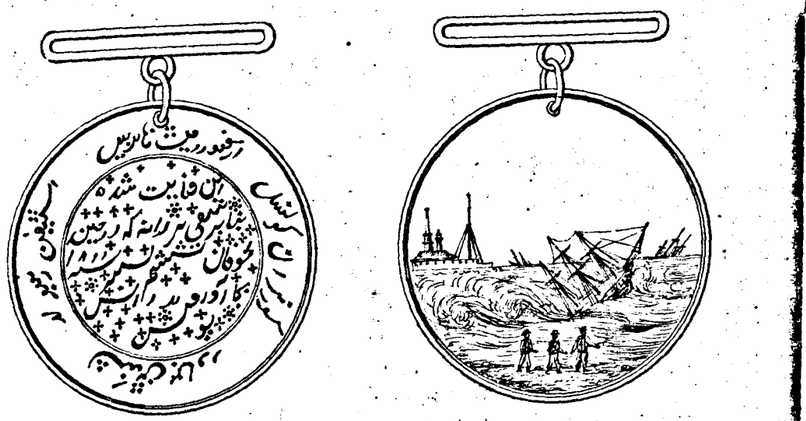
With reference to the official Memorandum No. 3883, from L. Forbes, Esq., Deputy Secretary to Government, dated 27th October 1859, which reached me by post on the 15th November without the enclosure; and which latter was not returned to me before the 29th idem. In obedience thereto, I have the honor to send herewith enclosed, duplicate, and triplicate copies of my first Appeal Petition of 15th August 1859, together with original, duplicate and triplicate of the second Appeal Petition, accompanied with the respective enclosure, dated 26th September 1859, for transmission to Her Majesty's Home Government; and solicit your kind assistance in obtaining the accomplishment of my prayer.

No. 48. ORDER THEREON, 16th January 1860, No. 57.

Ordered that the Memorial received with the above petition be forwarded to the Home Government, and that intimation of its despatch be given to the Petitioner.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. S. T. Augustin.



JOHN SPENCER CHIEF CONSTABLE

Public Department 1831

№ 315

To

The Superintendent of Police.

Sir,

Para 1st I am directed by the Right Honorable the Governor in Council to acknowledge the receipt of your letter of the 21st Ultimo, and to convey to you his Sanction for the increase of pay and for the Donations therein recommended, as rewards to the Police Officers who were distinguished for their exertions during the late Storm Viz.

To John Spencer an increase of pay from 63 Rupees to 84 Rupees per Mensem.

To Seekaram an increase of pay from 28 to 35 Rupees per Mensem and a Donation of 50 Rupees.

To Permal Naig an increase of pay from 10½ to 21 Rupees per Mensem with a Donation of 50 Rupees, and to the Daffadars, Peons and Talliars named by you, being 31 in Number, a Donation of One Months pay each

2 The Amount of the Donation will thus be 338 Rupees, and the increase of Monthly pay 38½ – It is to be clearly understood that the latter is to continue only during the time that the individuals upon whom it is now Conferred remain in their present Service, and that when they quit it, the Salary of their Situation will revert to its former Amount. You are Authorised to enter the Amount of increase of pay of Seekaram Jemadar, and Permal Naig in the Monthly Contingent Bill of your Office.

3 The Right Honorable the Governor in Council, previously to Sanctioning the preparation of the Medal to which you advert, would wish to be made acquainted with its intended device, and the probable expense of its execution

I am &c

Fort Saint George
22d April 1828

(Signed) C. A Thompson
Secretary to Government.

No.

To

The Chief Secretary to Government
Fort Saint George.

Sir.

With reference to my letter of the 21st March 1828 and to the reply No 315 from the Secretary to Government in the Public Department dated 22d April 1828 I have the honor to report that Constable John Spencer has from the 13th day of this month been transferred to the charge of the Supreme Court Gaol, during the absence of Mr Mogg, on sick Certificate.

As Gaoler Serjeant Spencer will receive an increased Salary, on being relieved from Police duties, I shall from the above date discontinue to draw the allowance of Rupees 21 sanctioned by Government, but should he by the return of Mr Mogg, have to resume the duty of Market Constable, I trust that he will be allowed the benefit of the indulgence granted by Government for his Special Services during the Storm of 1827.

Madras Police Office
19 January 1830

I have the honor to be &c
(Signed) N. Ormsby
Supt of Police

No 77.

To

Public Department

The Superintendent of Police

Sir

I am directed to acknowledge the receipt of your letter of the 19 Instant and to inform you that the Right Honorable the Governor in Council has been pleased to sanction the Appointment of John Spencer to the Charge of the Supreme Court Gaol during the absence of Mr Mogg without prejudice to his allowances should he resume the duty of Market Constable

Fort Saint George
23 January 1830

I am
Sir
Your Most Obedient Servant
(Signed) R A Clive
Ag Secretary to Government

(True Copies)
(Signed) J.C. Boulderson
Commissioner of Police

(True Copies)

Judl. Lr. to Engd. 16th June
No. 2 of 1860

A. B. & C.

(1)

To

His Excellency
The Right Honorable
Sir Charles Edward Trevelyn
K.C.B.
Governor in Council
&c. &c. &c.
Fort St George

The further Humble Appeal Petition of John Spencer a Pensioned Bailiff (or Head Executive Officer) of the Madras Small Cause Court Residing in Stringer Street No. 8 of the Black Town of Madras

Humbly Representeth

1st That Appellant was favored with an order of your Honorable Board bearing date the 29th August 1839 No. 1160 in reply to an Appeal Petition addressed by him to your Excellency in Council under date the 13th idem on his two Prayers Vizt.

First claiming payment of the arrears of his Personal allowance sanctioned by Government under date the 22nd April 1828.

Second - That his Pension of 20 Rupees per Mensem, may be increased to Company's Rupees 30. as recommended by the Judges of the Madras Court of Small Causes, to Government.

Appellant

Appellant was informed, by the above order, that it appeared, Government disallowed the first of these claims more than 20. years ago; as nothing new has been advanced in this report, they must decline re-opening the question.

That appellants Pension being fixed by the Honorable Court of Directors in full consideration of his claims clearly therefore no increase to the present Amount can be sanctioned.

3d In support of Appellants first Prayer claiming his Personal allowance of 21/ Twenty one Rupees per Mensem he respectfully submits that by the attested document herewith enclosed, and noted in the Margin marked **A.B-C & D** your Excellency in Council will at once perceive, the validity and legality of his claim more particularly by the last marked **D** that such Personal allowance was never disallowed by Government 20 years ago as mentioned in the above order but the question was newly agitated by Government so late as 3 years ago, therefore the Amount must have been kept in suspense & undisposed until February 1836.

4th In support of Appellants second Prayer he humbly begs to state that agreeably to the Uncovenanted Servants Code in force Paige 79- Section 22 and Para 239. Appellant as Head Executive Officer of a Civil Court for Court & Head Darogah of Police (or Head Constable) - and Gaoler - is eligible to Pension of his grade, after a long and faithful service of 32 years, for one half of his salary of 100 Rupees per Mensem which he drew retrospectively from

A Letter from the Sheriff &c to the Public Officer dated 25th April 1823.

B. Letter from the Judge to the Sheriff &c dated 1st May 1823.

C. Letter from the Sheriff &c to the Public Officer dated 1st May 1823.

D. Original Memorial dated 1st May 1835.

* Period of service required to qualify for Pension.

Government for Five (5) years previous to his application for retirement on Superannuated Pension.

4th It is obvious by the Honorable Court of Directors entirely departing from the established Civil Pension Rules, Page 70. Section 18. and Para 202. of the period of service required to qualify for Pension and Page 79. Section 22. and Para 239. of Codes of Servants eligible to Pension that they misconstrued the solid, and substantial grounds upon which Appellants Claim was founded; he first mentioned Appellant as a Sheriffs Bailiff who is excluded from a grant of Pension under the above Rules; in stating in their Despatch to the Madras Government of 17th March 1837. Para 13. That Appellant was not entitled to Pension under the Rules; but adverting to the long period of his services under your Government in the several capacities of Head Constable Gaoler and latterly Bailiff of the Small Cause Court a Special Pension of Rupees 20 per Mensem was sanctioned by them:- This Hon'ble appellant respectfully submits having been granted under misconception as represented above cannot be considered as a Permanent Pension agreeably to the existing Rules, but a temporary one, noted in Page 86. Section 249. hereunto annexed in Margin - And moreover when appellant applied in 1836. for Pension he was then not possessed with Medical Certificates of his total disqualification for further Public Service to bear him up in his application for Pension, for reasons already explained to your Excellency in Council in his Appeal Petition of 15th August 1839. Para 8.

5th Appellant being now enabled to forward

A Small Cause Court is a beneficial institution for the speedy recovery of small debts, and to save parties the expence of a regular suit. It is established in the Presidency towns, and in the principal stations in the interior of the country. The Judge is a Civilian, and has the assistance of a Native Commissioner, who is generally a Native of rank and character, and is invested with the powers of a Justice of the Peace. The Sheriff is the Officer who executes the process of the Court, and has the custody of the property attached. The Bailiff is the Officer who executes the process of the Court, and has the custody of the property attached.

forward the required Medical Certificate of his total disqualification for further Service, Appellant hopes, that these documents will support his claim for the benefit of a Permanent Pension as stipulated in the Superannuation Rules of Page 70 - Section 18 - and Page 202 - for his clinging and continuous long and faithful Services rendered to the State for 32 years - as per Mr. E. F. Elliot the Chief Magistrate and Superintendent of Police and First Commissioner original Certificate herewith enclosed marked C.

6th Appellant humbly hopes, that the foregoing documents and references made to the Uncovenanted Servants vadmecum will prove satisfactory in support of both his claims and remove all further objection to the grant of his Prayers -

7 Begging that your Excellency in Council will take Appellants hard helpless; and pitiful Case into your gracious Consideration and forward his Appeal Petitions to the Secretary of her Majesty's Home Government with such recommendation as the nature and merit of his Case deserves, so as to obtain the grant of his Prayers prayed for in his Appeal Petition to your Honorable Board bearing date the 15th August 1839.

For which act of beneficiance your Aged and helpless Supplicant as in duty bound -

Shall Ever Pray
John Spencer

The Signature of John Spencer a Pensioned Bailiff or Head Executive Officer of Civil Court under the Government of Fort St. George -

Madras
26th September 1856.

Public Department

Official Memo

The Acting Deputy Secretary to Govt. has the honor to request that the Judges of the Small Cause Court will be good enough to obtain from Mr. Spencer on the records of the Court, and forward to this Office the following information. -

1st What is the Amount of Mr. Spencer Military Pension as Color Serjeant.

2d The Personal allowance of 21 Rs. granted as an increase to his Salary as Head Constable of Madras which Ceased when he was appointed Jailor, does not appear to have been reconfirmed upon him when he was again transferred to the Constabulary Force. Is this the Case, and what reason can be assigned. -

3d What was Mr. Spencer's Salary as Bailiff to the Court of Commissioners for the recovery of Small Debts - As Head Constable of Madras - as Jailor respectively - And lastly what was the Amount of his pay and what his situation when he rejoined the Constabulary Force in February 1835.

(Signed) G. Taylor
Actg. Deputy Secy to Govt.

Fort St. George
13th February 1856.

(A true Copy)

Judl. Lr. to Engd. 16th Jany.
No. 2 of 1860

D.

Judicial Department 681

No. 651.

Extract from the Minutes of Consultation
Under date the 3d June 1857
(Here enter 6 May 1857. No. 264)

1 Para 13. of the Honorable Court's letter received with the foregoing Communication will be referred to the Civil Pension Department where the necessary Certificate will be issued granting Mr. J. Spencer. Bailiff of the Small Cause Court a Pension of 20 Rupees per Mensem as sanctioned by the Authority.

Extract from a letter from the Honorable the Court of Directors, dated 11th March No. 7 of 1857

13. Mr. Spencer is not entitled to Pension under the Rules, but adverting to the long period of his service under your Government in the several Capacities of Head Constable, Jailor, & latterly, Bailiff of the Small Cause Court, we shall grant him a Special Pension of Rupees 20 per Month. We hope however, that in future, you will be more sparing in recommending Pension beyond the Rules, which have been carefully considered and ought to embrace all cases, deserving the liberality of your Government

(True Extract)
(Signd.) E. Maltby
Acting Chief Secretary

With reference to the above, the undersigned has the honor to request that the Judges of the

Small

Small Cause Court will submit a Register of an Application for Pension on behalf of Mr Spencer, in the usual form

Signd D. F. Carmichael
Depy Secy to Govt

Fort St George
11 June 1857

Mdle Lit to Engd 16th January No 2 of 1860

To

The Judges of the Small Cause Court

Judicial Depto

Read Petn from Mr John Spencer, enclosing a Memorial in triplicate for transmission to the Home Govt.

Order thereon 16 January 1860. No 57

Ordered that the Memorial ~~in triplicate~~ received with the above Petn be forwarded to the Home Government ~~[illegible]~~, and that intimation of its despatch be given to the Petitioner.

L. F.

Lett. 20 Jany 60

Jud. Lr. to Engd. 16th Jany. No. 20 of 1860
Repd. to No. 36 of 1860 Fin. Dept.

Pres of Govt. 20 Jany.
Judicial 1860 Depart

No. 57.

Proceedings of Govt.

Dated 16 Jany 1860

Direct that the Memorial of Mr. J. Spencer, Pensioned Bailiff of the Madras Court of Small Causes, on the Subject of an increased rate of Pension, be forwarded to the Home Govt. and that intimation of its despatch be given to the Petitioner

47 & 48

C 5 Jany/60
R 10 Jany/60