M.R.O. 1—38,000—16-10-20.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 335 Press Mis.

100-101

Dated 12.3.1861 19 .

415

Not to be folded or roughly handled

No. 100. Read the following letter from W. WATERFIELD, Esq., Officiating Civil Auditor, to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated February 1861, No. 64.

The Officers named below have been in the habit of drawing Head Money for Non-Combatants under the Provisions of G. O. 1st October 1852, No. 198 and G. O. 29th November 1853, No. 250.

It appears to me however that G. O. 12th October 1860, No. 434, distinctly prohibits any such allowance under the first Order. But as two Officers, Doctors Mackay and Ford, demur to my ruling, I submit their claims for the Orders of Government.

As the several cases differ, I give them separately in detail.

Name and Rank.	Appointment.	What Civil allowances.	Claims Head Money for
Surgeon Major C. G. E. Ford.	In Medical charge of E. and N. Artillery at St. Thomas' Mount.	None.	Convicts in Guindy Jail.
Asst. Surgeon G. Mackay.	Medical Officer Neilgherries.....	50 0 0 Dispensary	Jail, Police, Judicial and Revenue Departments.
,, ,, L. W. Stuart.	Do. do.	50 0 0 do.	
,, ,, W. A. Leslie.	Do. Coonoor with charge Cotagherri.	50 0 0 do.	Police and Jail.
Surgeon Major R. H. Rennick.	Garrison Surgeon Vellore...	60 0 0 do.	Jail and Police.
Asst. Apothecary G. W. Phillips.	In the Department of Deputy Inspector General of Hospitals, Southern division, doing duty Paumben.	None.	Jail.
		Residency Rs. 30. Palace ,, 35.	
,, ,, A. Savier.	Doing duty at Tanjore...	65 0 0	Jail.
2nd ,, H. W. Martin....	Doing duty at Cumbem...	None.	District Engineer's Office.
,, ,, J. Miller.	3rd Battalion Artillery, Ganjam ...	None.	Ganjam Topographical Survey.
Asst. Surgeon F. Day...	Civil Surgeon Cochin. Consolidated salary... 360 10 10 Travelling allowance. 40 0 0 Dispensary..... 50 0 0	450 10 10	Police.

It is perhaps fair that Officers in Military employ should receive extra remuneration for attendance on Civil Jails, though I would suggest that it should be a fixed allowance as in Bengal, proportionate to the size of the Jail, but I think that the General Order 1st October 1852, No. 198, on which they found their claim is insufficient warranty for the audit. Whether those who have charge of Dispensaries should draw any thing additional on account of Government servants such as Police, appears very doubtful. In any case I do not think a Civil Surgeon is entitled to the allowance.

From Assistant Surgeon G. MACKAY, M.D., late Senior Medical Officer, Neilgherries, to the Civil Auditor, Fort Saint George, dated 7th February 1861.

On referring to G.O.G., dated 12th October 1860, No. 434, page 733, it appears to me that it applies only to Military details and does not bear on the case of Civil prisoners.

The pay and allowances of the two Medical Officers at Ootacamund are the same, and drawn in the Military Department; being the senior I was in charge of the Jail, and the only remuneration for this duty, was the per diem allowance for the sick. I have therefore the honor to return the accompanying bill, and request you will do me the favor to reconsider the matter, as to whether the G. O. G. above quoted can be made to apply to my case.

Should you still think that it does, I shall feel obliged by your referring the matter for the decision of Government.

From Surgeon Major C. G. E. FORD, F.R.C.S., in Civil Medical charge of Prisoners, Guindy Jail, to the Officiating Civil Auditor, Fort Saint George, dated 7th February 1861.

In returning the accompanying Bill for audit, I do myself the honor to submit, with due deference, that the G. O. G. quoted by you on docket is not applicable to the case of Civil Prisoners. The Order by its tenor refers manifestly to Military followers on actual field service.

I beg your reconsideration of the demand, which has been invariably, prior and subsequent to the promulgation of the G. O. G. of 12th October 1860, passed without hesitation.

No. 101. ORDER THEREON, 12th March 1861, No. 335.

It is observed that the G. O. G., 12th October 1860, is general in its terms, and that in it no distinction is taken between non-combatants in the Military and those in the Civil Department.

2. It is remarked further that according to the view taken by the Military Auditor General in his report of the 14th December last, communicated to the Judicial Department in an Order of the Military Department 15th December 1860, the claim of the Zillah Surgeon of Rajahmundry to head money for attendance on the non-combatants of the 22nd Regiment Native Infantry was disallowed.

3. If then a Surgeon of the Civil Department is not entitled to remuneration for attending non-combatants of the Military Department, there would seem no reason why any should be allowed to Surgeons in the Military Department for attending non-combatants of the Civil Department, such as Convicts in Jails.

4. Under these circumstances His Excellency the Governor in Council considers that the claims of Surgeon Major Ford and Assistant Surgeon Mackay must be disallowed, and the G. O. G. 12th October be regarded as applicable to non-combatants in the Civil as well as the Military Departments.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

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Judicial Department.

Proceedings of the Madras Government.

Read the following letter from the Offg. Civil Auditor

Here under × 5th July 1861, No. 604

Order thereon 12th March 1861, No. 335.

Shakspeare to me that a Surgeon who receives pay from the Govt. ought to have the benefit his medical advice to all the servants of the Govt. who have accept. relating to advice to such persons as the Govt. may direct, suppressing however that the special duty upon which he is employed is not interfered with – It is not however here explained the duties of the civil Surgeon and therefore hesitate to affirm this order

It is observed that the G. O. G. 12th October 1860 is general in its terms and that in it no distinction is taken between non Combatants in the Military and those in the Civil Department.

2.– It is remarked further that according to the view taken by the Military Auditor General in his report of the 14th December last

last communicated to the Judicial Department in an Order of the ~~Govt.~~ Military ~~many~~ Department 15 Dec 1860 on the claim of the Gillah Surgeon of Rajahmundry to Head Money for attendance on the non Combatants of the 22nd Regiment N.I. was disallowed.—

3. If then a Surgeon of the Civil Department is not entitled to remuneration for attending non Combatants of the Military Department there would seem no reason why any should be allowed to Surgeons in the Military Department for attending non Combatants of the Civil Department such as Convicts in Jails.—

4. Under these circumstances His Excy. the Governor in Council considers that the claims of Surgeon Major Ford and Assistant Surgeon Mackay must be disallowed and the G.O.G. 12 October be regarded as applicable to ~~INNATE~~ non-Combatants in the Civil as well as the Military Departments.

J.P.

To the Civil Auditor — with orig Enclosures
Mily Audt General — Dcpts 13-3-61.

E.P.K.

Mr Exon

Proof of head

Judicial

Department 1861.

No. 335

Proceedings of the Madras

Government.

Dated. 12 March 61.

Under Circumstances stated the Government consider that the Claims of Surgeon Major Ford and Assistant Surgeon MacKay must be disallowed and the G.O.G. 12 Oct. be Regarded as applicable to Medical Claims in the Civil as well as the Military Department

100 & 101

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