

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 2103

Press
~~Mis.~~

-232-

Dated 23-12-1862 19 .

10/11

Not to be folded or roughly handled

2103

*Proceedings of the Madras Government, Judicial Department,
23rd December 1862.*

No. 232. Proceedings of Government, dated 23rd December 1862, No. 2,103.

His Excellency the Governor in Council has had under his consideration the case of Major Wapshare, Joint Magistrate at Ootacamund.

2. There is no Civil salary attached to this appointment; but Colonel Brown, who previously filled it, drew full batta, whereas Major Wapshare, who was transferred to the Invalid Establishment subsequently to the 10th July 1857, can have no claim to extra batta. He has thus been discharging onerous Magisterial duties without receiving any additional allowance under Military rules, or any remuneration whatever in the Civil Department.

3. In their Financial Resolution of the 11th March 1859, No. 2,293, the Government of India admitted the principle of granting an allowance to an Invalid Officer, when the salary of the appointment in which he may be acting is less than his Military allowances. Cases of this kind, they ruled, were always to be determined on their merits on the understanding that the remuneration to be paid to an Invalid Officer employed in the Civil Department, in addition to his Military allowances, should never exceed $\frac{1}{2}$ of the salary of the office to which he might be nominated. This rule has not been applied to Major Wapshare's case, there being, as already remarked, no Civil salary attached to the appointment of Joint Magistrate at Ootacamund.

4. In para. 11 of their Order of the 18th July last, No. 1,136, an allowance of Rupees 70 a month commencing from the 1st idem, was granted to Officers vested with Magisterial powers under Act IV, 1847, provided that he received no salary, or other allowance, in the Civil Department. Mr. Pelly in his report did not consider the position of the Joint Magistrate of Ootacamund. But Major Wapshare's case comes within the requirements of the rule granting the allowance. His appointment which was virtually made under Act IV, 1847, gave him no increase to his emoluments, and the amount of Major Wapshare's allowances now charged to the Civil Budget, is no fresh expenditure, but was formerly disbursed in the Military Department, and will revert to that Department on his withdrawing from Civil employ.

5. Under these circumstances, His Excellency the Governor in Council sanctions the disbursement to Major Wapshare of the allowance of Rupees 70 a month referred to, with retrospective effect. It will be passed to him as long as he holds office as Joint Magistrate of Ootacamund, and will be drawn from the provision made for Colonel Brown's allowances. The Deputy Auditor General will see that this charge is included in the Budget for the ensuing year now under preparation.

6. A copy of this Order will be furnished to the Revenue Department, in continuation of para. 12 of Proceedings 18th July last, No. 1,136, in view to this sanction being included in the general report to be made to the Government of India.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

2
Potomac Oct 29th 1862

My dear Sir

I should feel much obliged if you would kindly lay the following facts before His Excellency the Governor with a view to my obtaining some allowance in addition to my military pay for the performance of the duties of Joint Magistrate at this station.

When I applied to His Excellency for the appointment He was aware that it was not a paid one. I knew that my predecessor a Major in the Army drew full pay, an addition of nearly \$140 to his regular pay, and I felt that as a Major I should receive this also. The reason that I do

not receive it is I am led to
understand that on the appointment
of a joint Magistrate being made
here it was laid down that no
extra civil cases should be
made thereby. full better therefore
was given to Colwill Brown
who was an effective officer.
But I being an insubordinate officer
cannot under any circumstances
draw full better.

The work of this Station must
however be done, and it is
very heavy, requiring a
daily attendance of several
hours at office.

There must never be less than
my predecessor. The number

of cases from the 30th Jan'y 1861 to
30th June 1862 amounted to
52 - while in the six months
of 1862 ending on the 30th June
they amounted 91.

There to give James's
warrants and Returns; the
letter for the same period
reached the number of 144,
besides a good deal of other
miscellaneous business.

The Court Code has given
a joint Magistrate increased
powers with them his
work has increased.

The Magistral duties of
a place like Ootacamund are
far heavier than at these
small Stations in the plains.

indeed they are about as
high I should imagine as
those of one of the districts
in the Presidency.

I am not making a worse
one than I should. I were
not holding the appointment.

Sure it is true enjoying
the climate of the hills, but
so are several of my brother
officers who hold no appointments
at all.

As according to the regulations
an invalid officer can not
draw full pay. I should
esteem it a great boon if
His Excellency would order me
its equivalent in the shape
of an allowance, and if it
is not asking too much so

4-
accurs from the date
of my leaving charge
of the office

Yours

Yours faithfully

L. B. Wapshaw

South Mapt.

Which Major Wapshaw has
established a case for an
allowance of some kind

W

Forwarded to
Chief Secretary
with reference to
the Hyderabad
Govt. minutes thereon

My order
H.S.
17
North
Camp

P. T. O.

Col. Brown.
(Cavalry)

P. T. O.
Major Wapshar.
Infantry - Inva-
lided 10 July 59.

Pay & Indian Allowance	461.1.10	410.10.0
Batta Extra	228.4.6	
House Rent		80. ..
Horse Allowance	120. ..	
Sentage	120. ..	
Total	929.6.4	490.10.6
Sepulch. Pay charged to Mily. Dept.	232.13.4	182.10. ..
Payable in Civil Dept.	696.9. ..	308. .. .6

^{Batta}
Extra is the further sum equal to the Indian Allowance,
or half batta — & is drawn at a distance of 200 miles
from the Presidency. Officers Invalided after the 10 July
'57 are not entitled to the full or extra batta.
House Rent is allowed as long as full Batta is not drawn.

Pay & Audit Regulations.

Section V.

Para 2. European Commissioned Officers—

* — * — situated beyond 200 mile direct distance from the Presidency — * —
* — are entitled to full batta.

3. Officers transferred to the Invalid establishment subsequently to 10th July '57 are in no case allowed extra batta, whether employed within or beyond 200 miles of the Presidency.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Dated 23rd December '62 N^o 2103.

3rd C. R. the Governor in Council has had under his consideration the case of Major Wapohare, Joint Magistrate at Ootacamund.

There is no civil salary attached to this appointment — but Colonel Brown, who previously filled it, drew full batta, where as Major Wapohare, who

who was transferred to the Invalid Establishment subsequently to the 10th July '57, can have no claim to extra batta. He has thus been discharging onerous magisterial duties without receiving any additional allowance under Mily. rules, or any remuneration whatever in the Civil Dept.

3. In their Financial Resolution of the 11th March '59 N^o 2,293, the

the Govt. ^{of India} admitted the principle of granting an allowance to an Invalid Officer, when the salary of the appointment in which he may be acting is less than his Mily. allowances. Cases of this kind, they ruled, were always to be determined on their merits on the understanding that the remuneration to be paid to an Invalid Officer employed in the Civil Dept., in addition to his Mily. Allowance, should never exceed $\frac{1}{3}$ of the salary of the office, to which he might be nominated. This rule has not been applied

applied to Major Wapshares' case, there being, as already remarked, no Civil salary attached to the appointment of Joint Magistrate at Dotacamund.

4. In para 11 of their Order of the 18th July last No. 1,136, an allowance of Rs. 70 a month commencing from the 1st idem, was granted to officers vested with magisterial powers under Act IV-47, provided that he received no salary, or other allowance

⁺ of Major Wapshares' allowances

allowance, in the Civil Dept. Mr. Pelly in his report did not consider the position of the Joint Magistrate of Dotacamund. But Major Wapshares' case comes within the requirements of the rule granting the allowance. His appointment, which was virtually made under Act IV-47, gave him no increase to his emolument, & the amount ⁺ charged to the Civil Budget, is no fresh expenditure, but was formerly disbursed in the Milly. Dept., & will revert to that Dept.,

Dept., on his with-
drawing from civil
employ.

5. Under these circum-
stances, H. E. the Gov-
ernor in Council
sanctions the dis-
bursement ^{to Major Wapshere} of the
allowance of Rs 70
a month referred
to, with retrospec-
tive effect. It will
be passed to him
as long as he holds
office as Joint Ma-
gistrate of Ootaca-
mund, & will ~~be~~

Dated

PROCEEDINGS OF GOVERNMENT.

No.

186 . Department.

35 Copies

The Magistrate of
Coimbatore.
" Civil Paymas-
ter.
" Deputy Auditor
" Genl.
" Rev. Secy.

depd-23

be drawn from the
provision made for
Col. Brown's allowances.
The ~~Deputy Auditor~~
Genl. will see that this
charge is included
in the budget for the
ensuing year now
under preparation.

6. A copy of this Order
will be furnished
to the Rev. Dept., in
continuation of
para. 12 of Pros: 18"
July last No: 1136, in
view to this sanction
being included in
the general report to
be made to the Govt.
of India.

W/R

232

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Dated 23^d Decr/82

PROCEEDINGS OF GOVERNMENT,

No. 2103.

Public 1862. Department.

Pro Secy

Commit