

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	264	Press
		~~Mis.~~
131-133		
Dated	15. 2.	19 882

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Not to be folded or roughly handled

24/12/30

*Proceedings of the Madras Government, Judicial Department,
15th February 1862.*

Read the following papers :—

No. 131. From E. W. BIRD, Esq., Acting Civil and Session Judge of Negapatam; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated Tranquebar, 20th January 1862, No. 64.

I have the honor to submit, for the consideration and orders of Government, copy of a correspondence with the Officiating Civil Paymaster relative to my Deputation allowance for Sunday, the 1st December; to which, with deference to that Officer's opinion, I conceive, I am under the tenor of the Orders of Government, entitled. The amount is a small one but as the principle involved is of some importance, I request that the Government will be pleased to direct that my claim, if just and equitable, may be allowed.

2. I joined my station within the period of my leave on the 1st December 1861, before noon; and should have assumed charge of the seals of Office at once had I not been prohibited by the Orders of Government, 2nd October 1852, No. 649, published at page 9, chapter 2, paragraph 49 of the Civil Auditor's Manual. I was not then in the position of an Officer newly appointed to act in my present station, but was by permission of Government reverting to an acting post from which I had been absent a few days. The day of my return to the station, was that on which I virtually resumed charge of the Office, the public letters for the Court of that day's post having been brought to and been opened by me the same day. Except for the accident of its having been Sunday and for the prohibition by Government above noticed, I should immediately have officially reported myself and assumed charge of the Court. I respectfully submit that I am entitled to draw the Deputation allowances of the appointment for the day in question under the circumstances stated, because I did all in my power to resume my functions on the 1st, and the Orders of Government (paragraph 50, Civil Auditor's Manual, Chapter 2,) by their spirit if not their letter, appear to support my claim.

Referred to the Civil Paymaster for report.

FORT SAINT GEORGE,
24th January 1862.

(Signed) T. PYCROFT,
Chief Secretary.

No. 132. From W. J. RAYNOR, Esq., Officiating Civil Paymaster; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 30th January 1862, No. 124.

Judicial Department.

With reference to Mr. Bird's letter to your address of the 20th instant, No. 64, forwarded with your endorsement of the 24th idem, I have the honor to report for the information of Government that Mr. Bird, Sub-Judge of Ootacamund and Acting Civil Judge of Negapatam, was allowed leave of absence on the 5th November 1861, under Section XII of the Civil Absentee Rules for 14 days, of which he availed himself on the 20th idem, and resumed charge of his appointment as Acting Civil Judge of Negapatam on the 2nd December 1861, the 1st being Sunday.

2nd. Under the Rules Deputation allowance is restricted to actual charge and performance of the duties of the appointment for which it is given. Mr. Bird having resumed his Acting appointment only on the 2nd December last, Deputation allowance has been passed to him from that date.

3rd. Mr. Bird's letter with enclosures is herewith returned.

No. 133. ORDER THEREON, 15th February 1862, No. 244.

A copy of the Civil Paymaster's letter will be forwarded to Mr. Bird.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. T. O'Connor.

No. 16.

Tranquebar
9th January 1862.

From

J. W. Bird Esquire

Offl. & Session Judge of
Ceylon

To

W. J. Paynor Esquire

Offl. Civil Auditor

Fort Saint George

Sir

I have the honor to send you a
supplemental Bill for my salary for
the 1st December 1861 which I perceive
you have not allowed me in my
passes abstract for that month re-
ceived this day. I arrived at this station
from Madras at noon within the period
of my leave on Sunday 1st December,
and should immediately have assumed
charge of the Court had it not been
the Sabbath. Under the ruling of your
own office, contained at page 9 Chap
2 para 50 of the Civil Auditor's Manual
and the Proceedings of the Cuddalore Court
dated 14th October 1862 published in the
Miscellaneous Circulars of the 2nd
Volume, I am entitled to the day's pay
for the 1st December 1861, and in my
letter reporting my return & duty
dated 2nd December 1861, No 932, I duly
notified you that I had reached

Proceedings of the Madras Govt.
Read the following letters—

From Mr. E. W. Bird, Acting
Civil Judge of Negapatam—
" the Civil Pay-
master— 30th do. — 124.

Order— 15th Feb'y /62. No. 244.

A copy of the Civil Paymas-
ter's letter will be forwarded
to Mr. Bird.

Mr. E. W. Bird, Acting
Civil Judge of Ne-
gapatam, with Bill—

8th Feb'y 18th

Jan 6378

1st of the Enclosure in
a letter from Mr. E. W. Bird
Acting Judge of Negapatam
dated 20th January 1862 No. 244.

Copy of a letter from

Jan 22/62 8
No. 1110