M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 586 Press ~~Mis.~~

91-92

Dated 12.4.1892 ##.

9/9

Not to be folded or roughly handled

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Proceedings of the Madras Government, Judicial Department, 12th April 1862.

No. 91. Read the following Extract from the Proceedings of the Government of India, in the Financial Department, dated 11th March 1862, No. 2,035.

PROCEEDINGS OF THE MADRAS GOVERNMENT, JUDICIAL DEPARTMENT.

From J. D. MAYNE, Esq., Clerk of the Council of Fort Saint George, for making Laws and Regulations, to the Honorable T. PYCROFT, Chief Secretary to Government, Fort Saint George, No. 2, dated 24th January 1862.

No. 131, CIVIL PAY MASTER'S OFFICE, MADRAS, THE 31ST JANUARY 1862.

Copy forwarded for the information of the Government of India, in the Financial Department, as it involves a question connected with the Pension Rules.

No. 1,082, FINANCIAL DEPARTMENT, FORT WILLIAM, THE 17TH FEBRUARY 1862.

Forwarded to the Civil Pay Master, Calcutta, for report. Original paper to be returned.

CIVIL PAY MASTER'S OFFICE, FORT WILLIAM, THE 20TH FEBRUARY 1862.

MEMORANDUM.

It is submitted that there is no objection to the Order of His Honor the Governor in Council of Fort Saint George. The allowance made to Mr. Mayne would appear to be in the light of a personal contract, and in such case, his subordinates are private, not Government servants, and cannot be considered as qualifying for pension; but where an exception is specially made, as in this instance, the servant may be fairly entitled to count his service as qualifying for pension. It may be observed, however, that in the Council of the Government of India a fixed Establishment has been created, and it is believed that a similar course will be adopted by the Council of Bengal.

In these instances, the Clerks will all qualify for pension, and it is a question whether it would not be advisable to pursue a similar plan (for the sake of uniformity) in the Presidencies of Madras and Bombay.

FINANCIAL DEPARTMENT, FORT WILLIAM, THE 11TH MARCH 1862.

RESOLUTION.—His Excellency the Governor General in Council observes that it is unadvisable that a contract allowance should be given for Establishment to the Clerk of the Council of the Governor of Fort Saint George, for making Laws and Regulations; and that it will be better that a fixed Establishment be appointed, as in the case of the Council of the Governor General, and of the Lieutenant-Governor of Bengal, for making Laws and Regulations. But His Excellency in Council confirms the Orders passed by that Government, No. 135, dated the 30th January last, and he is unwilling to interfere with the discretion of the Government of Fort Saint George, as long as the total expense is not increased.

Ordered, that a copy of the above be sent to the Civil Pay Master, Madras, for information, with reference to his office docket, No. 131, dated the 31st January last.

Ordered, also, that a copy of the above be sent to the Government of Madras, for information.

(A true Extract.)

(Signed) C. HUGH LUSHINGTON,
Secretary to the Government of India.

No. 99. ORDER THEREON, 12th April 1862, No. 586.

Communicated to the Clerk of the Council for making Laws and Regulations. Mr. Mayne will apply for a fixed Establishment for the performance of the duties of his office, as soon as he has had sufficient experience of its working to enable him to do so.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. T. O'Connor.

Proceedings of the Madras Government
Read the following

No. 2035-

EXTRACT from the Proceedings of the Government of India, in the Financial Department, dated 11th March 1862.

PROCEEDINGS of the Madras Government, Judicial Department.

Read the following letter from J. D. MAYNE, Esq., Clerk of the Council of Fort Saint George, for making Laws and Regulations, to the Hon'ble T. PYCROFT, Chief Secretary to Government, Fort Saint George, No. 2, d. 24th January 1862.

I FIND considerable difficulty in procuring a competent Manager for my Office, as the Establishment is at present constituted. As I draw a single sum for all expenses, none of the Clerks, &c., entertained by me would have any claim upon Government. It is of great importance to me, in starting the Office, to obtain the assistance of a Manager who has had experience in conducting the business of Government. I have been fortunate enough to meet with a person who, I believe, would be in every way suited. He has been six years in the service of Government, in the Quarter Master General's Department. By coming to me he would lose the benefit of past services and the prospect of future pension. This he, of course, objects to do. The same difficulty would occur in the case of any person similarly situated, and equally desirable.

2. I have, therefore, to submit for the consideration of Government, that I might be allowed to entertain T. R. A. Thumboo Chetty on a salary of Rupees 75 per month, and that he should remain in the immediate service of Government, without prejudice to past service or future claims.

3. Of course, if this permission is granted, I shall only draw the balance of the Establishment, (Rupees 300) sanctioned by Government for my Office.

4. As soon as the permanent requirements of this Office can be ascertained, I shall be prepared, if the Governor in Council should think fit, to submit a detailed Estimate of Establishment, with a view to the entire Office being placed directly under Government.

ORDER THEREON, 30TH JANUARY 1862, No. 135.

THE Government observe that, as stated by Mr. Mayne, it is of great importance that in forming the Establishment of his Office as Clerk to the Council, for making Laws and Regulations, he should have the services of a Manager who has considerable experience in the conduct of public business.

2. On these grounds, and as a special case, the Government will allow the person whom he wishes to employ as Manager to be regarded as in the fixed service of Government, and to reckon his time spent in that capacity as time qualifying for pension. His salary will be drawn on a separate Abstract, and Mr. Mayne will draw as his personal allowance the balance only of the sum, Rupees 300, granted by order of Government, 14th instant, No. 62.

To the Clerk of the Council, for making Laws and Regulations.
" Civil Pay Master.
" Accountant General.

No. 131, Civil Pay Master's Office, Madras, the 31st January 1862.

Copy forwarded for the information of the Government of India, in the Financial Department, as it involves a question connected with the Pension Rules.

No. 1082, Financial Department, Fort William, the 17th February 1862.

Forwarded to the Civil Pay Master, Calcutta, for report. Original paper to be returned.

Civil Pay Master's Office, Fort William, the 20th February 1862.

MEMORANDUM.

It is submitted that there is no objection to the order of His Honor the Governor in Council of Fort Saint George. The allowance made to Mr. Mayne would appear to be in the light of a personal contract, and in such case, his subordinates are private, not Government servants, and cannot be considered as qualifying for pension; but where an exception is specially made, as in this instance, the servant may be fairly entitled to count his service as qualifying for pension. It may be observed, however, that in the Council of the Government of India a fixed Establishment has been created, and it is believed that a similar course will be adopted by the Council of Bengal.

In these instances, the Clerks will all qualify for pension, and it is a question whether it would not be advisable to pursue a similar plan (for the sake of uniformity) in the Presidencies of Madras and Bombay.

Financial Department, Fort William, the 11th March 1862.

Resolution.

His Excellency the Governor General in Council observes that it is unadvisable that a contract allowance should be given for Establishment to the Clerk of the Council of the Governor of Fort Saint George, for making Laws and Regulations; and that it will be better that a fixed Establishment be appointed, as in the case of the Council of the Governor General, and of the Lieutenant-Governor of Bengal, for making Laws and Regulations. But His Excellency in Council confirms the orders passed by that Government, No. 135, dated the 30th January last, and he is unwilling to interfere with the discretion of the Government of Fort Saint George, as long as the total expense is not increased.

Ordered, that a copy of the above be sent to the Civil Pay Master, Madras, for information, with reference to his office docket, No. 131, dated the 31st January last.

Ordered, also, that a copy of the above be sent to Government of Madras, for information.

(A true Extract)

Signed C. H. Lushington

Secretary to the Government of India.

3

Order thereon 12th April 1862 No. 586.

Communicated to the Clerk of the Council for making Laws and Regulations. Mr. Mayne will apply for a fixed establishment for the performance of the duties of his office, as soon as he has had sufficient experience of its working to enable him to do so.

True Extract

J. Lyon

Chief Secretary

To The Clerk of the Council for making Laws and Regulations.

W. Conaveck

Order of Governmental
Judicial Dept
No 556 of 12 inst.

Communicating
for information Order
of the Govt of India in
the Judl Dept of 11 March
1862 - No 2035 and
requesting Mr Mayne
to apply for a fixed
Salt for the performance
of the duties of his office
as Clerk of the Council
for making Laws & Regns

Read
Entered No 2 p 13 Vol 4
Recd
Rd 14th Octr

1st Febry 1862
15

No 8.

To

The Civil Paymaster
Fort St George

Sir,

With reference to Proceedings of Government in the Judicial Deptt No 135, 30th January 1862, I have the honor to report that I have this day entertained R A Hammerchidy as Manuscript Copy Office.

2 A Statement of his past services in the Quarter Master Genls Department is herewith enclosed for record in your Office.

I Be

No 580 — 12th April 1862

Communicated to the Clerks of the Council for marking Laws & Regulations.

Mr. Laws & Regulations. Mr. Longueil will be pleased to put the following resolutions of the duties of Revenues of the Province as heads his offices, as soon as he has leads sufficient proficiency working to enable of his coherence to enable him to do so.

The Clerks of the Council for marking Laws & Regulations. Report 12th April

1862

From
The Clerk of the Council
for marking Laws
To The Civil Secy
Dated 14th April

Dft Febry

Ent. 8.

Report the
establishment of Members
Chilly as Messengers &
his Offices, and
Remarks as to Continuance
of his Services in the
Provincial Office

No 12

Proc. 14th Jan 4/62 etc 98 Kgt
30th Dec etc 91-92

Proc. Admt
Ind. 1862 Dept
72

dis[illegible]

From
The Secy to the Govt
of India. Fd Dt 2055.

Recd 11th Inst 1862.
Read 16th Apl
2 spare copies

No 706

Copy the Resolution of that Govt suggesting the desirability of creating a Fixed Dt in the Council of the Govt of Madras for making Laws &c not conferring however the orders of that Govt &c 135 of 30th Sept last requiring the person employed as Manager by the Clerk of the Council

91-92

Letter and Orders.