M.R.O. 1—32,000—18-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1838 Press ~~His.~~

240 - 242

Dated 27.11.1863 ~~19~~

7/8

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 27th November 1863.

Read the following papers:—

No. 210. From A. W. PHILLIPS, Esq., Session Judge of Chingleput; to A. J. ARBUTHNOT, Esq., Chief Secretary to Government, Fort Saint George, dated Chingleput, 24th October 1863, No. 374.

With reference to the Order of Government, No. 886, dated 8th June 1863, I have the honor to bring again to the notice of Government, the difficulty experienced in recovering the arrears of pay due to Serjeant M. Foley, 20th Brigade Royal Artillery, now Jailer of the Zillah Jail at this station.

After the passing of the above order, the Acting Deputy Auditor and Accountant General obtained the necessary information from me as to the amount to be provided for in the statement of further grants on account of the arrears of the said Serjeant.

The Collector* paid the arrears from 24th December 1862, to 31st May 1863, but from that time no Military pay has been disbursed to Serjeant Foley in consequence of the Collector having received a Memorandum from the Civil Paymaster stating that he was going to make a reference to Government on the subject.

* With reference to the above Order of Government.

The Civil Paymaster has also, at different dates, returned to me unpassed *all* the abstracts for arrears due from the 24*th December* 1862 with Memoranda, copies of which as well as that of my last letter to him are enclosed.

Under these circumstances, I beg the Government will be pleased to give such orders as will prevent Serjeant Foley from being put to further inconvenience.

8th June 1863.
19th August 1863.

Referred to the Civil Paymaster for immediate report with reference to the Proceedings of Government of the dates, noted in the margin.

FORT SAINT GEORGE,
29th October 1863.

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

No. 211. No. 1467.

OFFICIAL MEMORANDUM.

Judicial Department.

With reference to endorsement of 29th, on letter, dated 24th instant, from the Civil and Session Judge of Chingleput, the Officiating Civil Paymaster has the honor to report that, as it appeared from the letter from the Examiner Pay Department, recorded in Proceedings of Government, No. 886, dated 8th June last, that the year for which Serjeant Foley was considered entitled to Military pay while employed in the Civil Department was calculated from 24th December 1861, that Officer was requested on 15th June 1863 to explain under what circumstances that date was taken, since the Serjeant was reported to have joined the European Prison at Ootacamund on the 27th February 1862.

2nd. His explanation led to a reference to the Officer in charge of the Jail, who then reported that Serjeant Foley actually joined the prison on the 1st November 1861. The year for which the Serjeant could claim Military pay (payable in the Civil Department) expired therefore with the 31st October 1862, and the payments which the Collector of the Madras District was authorized to make should have been limited to that date. He was accordingly requested by this office to discontinue making any further advances pending a reference to Government; but it was thought desirable before addressing Government on the subject to ascertain what advances had been actually made. The reply of the Deputy Collector in charge of Treasury to the inquiry made on the subject appears to have been sent on the 26th September last, but was not received in this Office; and it was not only on the 28th instant that a copy thereof was received in answer to a second requisition. From this reply it appears that Rupees 272-12-10 have been advanced, but the particulars of this amount are not given.

3rd. Serjeant Foley's Military pay remains unpassed in the Civil Department only f[rom] 24th to 31st October 1862, the amount of which, Rupees 9-12-6, can be met from savings from the current year's grant. He has no further claim to such pay either in the Civil or Military Department after 1st November 1862, and the amount advanced to him by the Collector of Mad[ura] subsequent to that date is an over-payment.

CIVIL PAYMASTER'S OFFICE,
FORT SAINT GEORGE,
30th October 1863.

(Signed) W. J. RAYNOR,
Officiating Civil Paymaster.

To the Chief Secretary to Government, Judicial Department.

No. 1558.

OFFICIAL MEMORANDUM.

Judicial Department.

In reply to the Deputy Secretary's Memorandum No. 407, of 21th instant, the undersigned has the honor to state that Serjeant Foley was considered not entitled to Military pay after the expiration of one year from the date on which he entered Civil employ upon the authority of paragraph 5, Section X of the Military Pay Code.

Under this authority, as remarked by the Examiner Pay Department in his letter, dated 14th April 1863, re-printed in Proceedings of Government, No. 886, dated 8th June 1863, Judicial Department, Serjeant Foley's Military pay after the expiration of the year could not be paid as a Military charge, and as he was originally engaged upon condition of receiving such pay only for one year—vide Order of Government, No. 1484, dated 12th September 1862, and remarks in Mr. Rohde's statement attached—the issue of such allowance after the expiration of that term was inadmissible.

CIVIL PAYMASTER'S OFFICE,
FORT SAINT GEORGE,
26th November 1863.

(Signed) W. J. RAYNOR,
Officiating Civil Paymaster.

To the Deputy Secretary to Government, Financial Department, Fort Saint George.

No. 242. ORDER THEREON, 27th November 1863, No. 1838.

The Civil Paymaster will pass the amount of Serjeant Foley's Military pay from 24th to 31st October 1862, against the savings from the current year's grant. As it is now stated that Serjeant Foley has no further claim to such pay either in the Civil or Military Department after the 1st November 1862, the date of expiration of one year from that on which he entered upon his present duties as Warder in the Jail at Chingleput, the Sessions Judge is requested to make a distinct intimation to this effect to Serjeant Foley.

2. It is observed from the Officiating Civil Paymaster's Memorandum to the Sessions Judge, dated 30th May last, on which the Order of the 8th June, No. 886, was passed, that the only objection to passing the Abstracts of pay, &c., from 1st January 1863, was that no provision had been made for the charges in the Budget Estimate for 1863-64; but it was not explained that Serjeant Foley was not entitled to Military pay either in the Civil or Military Department beyond one year from the date on which he entered on Civil employ, although such pay had been already admitted by the Examiner Pay Department, as a Military charge, to 23rd December 1862, as stated in the Memorandum of the Presidency Paymaster to the Sessions Judge, dated 28th April last, No. 1078.

Vide also letter of the Examiner Pay Department, to the Session Judge, dated 14th April 1863, No. 1099.

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

Fxd. T. McMootry.

Civil Paymaster's Office.
Fort St. George - 23d July 1863

Sirs.

Returned unaudited Serjeant Foley's employment in the Civil Department is reckoned from 1st Nov. 1861 the date on which he was employed as Warder in the European Jail at Ootacamund, and the year for which he is permitted to hold Civil employment ends with 31st October 1862 up to which date only his Military pay is admissible -

(Signed) W. J. Raynor
Offg. Civil Paymaster

(True Copy)

A. W. Phillips
Sessions Judge

I have the honor to be
Sir
Your Most obedt. Servt.
(Signed) A. W. Phillips
Sessions Judge

(True Copy)

A. W. Phillips
Sessions Judge

Chingleput Sessions Court
15th October 1863.

No. 359.

From,
A. W. Phillips Esquire
Sessions Judge of
Chingleput

To,
W. J. Raynor Esqre
Offg. Civil Paymaster
Fort St. George

Sir,

I beg once more to forward for your consideration the Pay Abstracts of Serjeant Foley in the hope that you will be able to pass the same. As Serjeant Foley informs me that he saw his name among those to whom certain arrears of pay was to be disbursed, and refers me to the Proceedings of the Madras Government in the Financial Department No. 436, dated 4th July 1863 and the Proceedings of the Government of India in the Financial Department dated 24th July 1863 No. 3363, but which I have no means of seeing.

I have the honor to be
Sir
Your Most obedt. Servt.
/Signed/ A. W. Phillips
Sessions Judge

/True Copy/

A. W. Phillips
Sessions Judge

Dy. Collr. Chingleput Records
[illegible]

Civil Paymasters Office
Fort St. George
22d. October 1863.

Memo.

Returned unaudited with reference to a Memo from this Office dated 22d. Ultimo, No. 1324 Serjeant Foley is not entitled to Military Pay for any period subsequent to 31st. October 1862, on which date he completed one years employment in the Civil Department Counting from the 1st. November 1861 the date on which he joined the prison at Polacamund.

/Signed/ W. J. Raynor
Offg. Civil Paymaster
/True Copy/

A W Shuckburgh
Sessions Judge

Civil Paymasters Office
Fort St. George
22d. October 1863.

Memo.

Returned unaudited with reference to a Memo from this Office dated 22d. Ultimo, No. 1324 Serjeant Foley is not entitled to Military Pay for any period subsequent to 31st. October 1862, on which date he completed one years employment in the Civil Department Counting from the 1st. November 1861 the date on which he joined the prison at Polacamund.

/Signed/ W. J. Raynor
Offg. Civil Paymaster
/True Copy/

A W Shuckburgh
Sessions Judge

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following papers:

From Sessions Judge of Chingleput
/Dated 24 October '63 N° 374/

Memo from Offg. Civil Paymaster
do / " 30 " 1467
" 26½ - Annx " 1557

Order — 27 November 1863 N° 1838.

The Civil Paymaster will pass the amount of Serjeant Foley's Military pay from 24th to 31st October 1862 against the Savings from the current year's grant — as it is now stated that Serjeant Foley has no further claims to such pay either in the Civil or Military Deptt after the 1st Nov: 1862 the date of expiration of one year from that on which

which he entered upon his present duties as Warder in the Jail at Chingleput, the Sessions Judge is requested to make a distinct intimation to this effect to Serjeant Foley.

2 It is observed from the Offg: Civil Paymaster's Memorandum to the Sessions Judge dated 30th May last, on which the Order of the 6th June No 886 was passed, that the only objection to passing the Abstracts of pay &c. from 1st January 1863, was that no provision had been made for the charges in the Budget Estimate for 1863/64; but it was not explained that Serjeant Foley was not entitled to Military pay either in the Civil or Military Depts beyond one year from the date on which he quitted on Civil employ=

although such pay had been already admitted by the Examiner Pay Departt as a Military charge, ment, to 23rd December 1862, as stated in the Memorandum of the Paymaster to the Sessions Judge dated 28th April last - No 1078.

Vide also Letter of the Examiner Pay Depts to the Sessions Judge, dated 4th April 1863 - No 1199.

To Sessions Judge of Chingleput. Copies to
" Civil Paymaster
" Controller of Mily Finance
" Offg. Mr: Secretary Forrest

186[illegible] Department

No. [illegible]

PROCEEDINGS OF GOVERNMENT,

Dated 7th January 1863

Regarding the Military Pay of Sergeant Tolley while employed in [illegible]