M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 1446 Press Mis.

11-12

Dated 3. 10. 19-1864

3/3

Not to be folded or roughly handled

No. 11. Read the following letter from R. DAVIDSON, Esq., Acting Civil and Session Judge of Bellary; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Judicial Department, Fort Saint George, dated Bellary, 22nd September 1864, No. 96.

I have the honor to submit the following particulars for the favorable consideration of His Excellency the Governor in Council, in view to the sum of Rupees 125-12-10, deputation allowance, being disbursed to me, as a special case.

2. It appears from the records that His Excellency having reason to be dissatisfied with my predecessor Mr. Ratliff's conduct, decided on removing him from Bellary, and transferring myself to this station, from my own of equal rank and emolument at Kurnool.

3. The first intimation I had of this transfer was the receipt of the *Fort Saint George Gazette* of the 29th July, and I was then busied with the translation and preparation (for transmission to the High Court for confirmation) of the Records of three murder cases, disposed of by me in the July Session, in which I had passed sentences of death (all confirmed by the High Court), and the reports of which it was necessary and desirable that I, who had tried the cases, should submit. I had also concluded my August Session; and Mr. Ratliff, who had not, applied for permission from the High Court to do so, and received in reply an order, directing him to discontinue all work and to join at Kurnool forthwith, thereby leaving me an arrears of eleven cases for trial on arrival, irrespective of ten more sent up for the regular Session commencing on the 1st September, all of which I disposed of in due course.

4. Mr. Ratliff accordingly reached Kurnool and assumed charge from me, of the Civil and Session Court, on the evening of the 10th August.

5. Up to the hour of my delivering over charge, my time had been so wholly engrossed with public duty that I had not had a moment's leisure to devote to my own private matters, or arrangements for travelling; and for the third time, within about two years, it became necessary for me to break up my establishment and sacrifice, at a great loss, the furniture which I had about two months previously received from my permanent station, Vellore, at an expense of upwards of Rupees 400, carriage alone, and in the belief that I was to remain at Kurnool.

6. With the utmost despatch I made my arrangements to proceed to Bellary, and reached this on the 20th idem, having occupied three days in transit, owing to the delicate state in which my wife was, and which necessitated short stages of 30 or 40 miles a night.

7. The distance from Kurnool to Bellary, by the shortest route, viz., that by which I came, is 96 miles, to cover the travelling expenses of which, at the regulated rate of 8 Annas a mile, I am entitled to Rupees 48, and a bill for which amount has been passed by the Civil Auditor, who has, however, disallowed the sum of Rupees 125-12-10, being deputation from the 11th to the 19th August, viz., from the date of my delivering over charge at Kurnool to that of my assuming charge of the Court here, the reasons assigned being those laid down at page 580, *Fort Saint George Gazette*, Volume 11 of 1857, the correctness of which ruling it is not my intention to dispute, though I trust to be able to induce His Excellency to make a special exception in my favor, as I feel confident that when directing the transfer His Excellency neither desired nor contemplated that I should be a pecuniary sufferer.

8. The reasons laid down at page 580, *Fort Saint George Gazette*, Volume 11 of 1857, are "the advantage of hastening officers to the officiating appointments," and the fact of "the expenses of moving being covered by a travelling allowance."

9. His Excellency will, I am satisfied, accept my assurance that I used my utmost diligence in starting for Bellary, which I reached far within the regulated time allowed by Government for the performance of the journey; and a comparison of the actual cost of conveyance of myself, family, and baggage as per bills submitted by the Deputy Collectors of Kurnool and Bellary, with the travelling allowance granted, will show whether or no the allowance anything like meets the actual costs of travelling so as to enable an officer to dispense with deputation allowance.

10. Leaving out of the question all losses and contingent expenses unavoidable from a sudden break up of a married man's Mofussil establishment, the actual cost of transporting my wife, child, self, and baggage (no furniture) from Kurnool to Bellary, as per Deputy Collector's bills, was Rupees 168-14-10: and if to this be added Rupees 125-12-10 (294-11-8), deputation allowance struck out by the Civil Auditor, it will be seen that after deducting the set off of Rupees 48, travelling allowance, I shall be, as nearly as possible, Rupees 250 out of pocket.

11. Had Mr. Ratliff not been required to join forthwith (though after he had time to dispose of all his furniture, &c.), I should have been perfectly prepared to deliver over charge and start within the usual time, and in that case I would, like Mr. Ratliff, only have lost deputation allowance for the three days actually employed in travelling, and should not have troubled His Excellency with the present reference; but I feel so confident that it formed no part of His Excellency's intention to mulct me, while marking his displeasure with Mr. Ratliff's conduct, that I trust I may be excused for soliciting that, as an exceptional case, Rupees 125-12-10, deputation allowance from the 11th to the 19th August, may be granted me, and for expressing the hope that (in the event of no other suitable opportunity occurring) should Mr. Ratliff carry into effect his present intention of proceeding to England at the end of this or beginning of next year, His Excellency will, as intimated through you by telegram a few months ago, be pleased favorably to consider my claims to permanent promotion here; as apart from all other important considerations I am most desirous of having a fixed place of residence which I can call and look upon as my home after the unsettled life I have, to meet the exigencies of the service, led for the last few years, and I have no wish to leave Bellary.

No. 12. ORDER THEREON, 3rd October 1864, No. 1446.

As a special case, the Governor in Council sanctions the continuance of deputation allowance, as Acting Civil and Sessions Judge, to Mr. R. Davidson for the interval between his making over charge of the Nundial Court and assuming charge of that at Bellary.

(True Extract.)

Secretary to Government.

To Mr. R. Davidson, Acting Civil and Sessions Judge of Bellary.
To the Civil Paymaster.
" Accountant General.

Exd. J. Tulloch.

No. 1446 - 3 October 1864.

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Mr R. Davidson - Acting Civil & Sessions Judge of Bellary — disp 7/10
The Civil Paymaster — 3 10
Acctt. Genl.