

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 689	Press
106.107	~~Mis.~~
Dated 11 — 5 —	19 1864

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Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
11th May 1864.*

No. 106. Read the following Proceedings of Government in the Military Department, dated
30th April 1864, No. 1457.

*Concurring in the opinion of the Controller of
Military Finance, that Lieutenant Markham,
Superintendent of Mounted Police, is not
entitled to Tentage.* } (Vide Proceedings Military Department, dated
30th April 1864, Nos. 746—748.)

No. 107.

ORDER THEREON, 11th May 1864, No. 689.
To be recorded.

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

Exd. T. O'Connor.

MILITARY DEPARTMENT.
PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following papers:—

From the Commissioner of Police, Madras, 12th February 1864, No. 25; to the Chief Secretary to Government, Fort Saint George.

I have the honor to forward for the Orders of Government a letter,* in original, to my address, dated 11th instant, from Lieutenant J. Markham, Superintendent Mounted Police, respecting his claim to tentage, together with copies of correspondence with the Civil Paymaster on the subject.

From Lieutenant J. Markham, Superintendent Mounted Police, Madras, 11th February 1864; to the Commissioner of Police, Madras.

I have the honor to request you will be good enough to submit for the favorable consideration of Government my claim for tentage allowance, which has been withheld from me since my appointment as Superintendent of the Madras Mounted Police, (5th October 1863,) together with the correspondence with the Pay Department on the subject.

The accompanying Official Memorandum from the Civil Paymaster, dated 6th instant, No. 11, gives such a lucid and equitable view of my claim that there is little left for me to add.

There is some difference between my predecessor, Captain Mitchell's case and mine; that Officer from being attached to the Veterans never drew tentage, such being disallowed to Officers of Veterans—except in special cases, by Section XX, page 489 of the Military Pay Code, I have on the contrary always drawn tentage and served on the Staff of an effective Regiment, since my promotion, and in exchanging the effective Staff duties of Riding Master of the 1st Light Cavalry, for the equally effective Staff duties of Superintendent of the Madras Mounted Police, I did not expect to be deprived of my tentage, or of any of the privileges of an effective Officer which I have hitherto enjoyed. I beg to remark that the Madras Mounted Police are essentially a Military Police, they are drilled, equipped, and controlled in the same manner as Cavalry Soldiers, and as their Superintendent, I consider, I am serving Government as effectively as when I was Riding Master of the 1st Light Cavalry.

Officers in the Ordnance and Commissariat Departments, of my class, receive tentage, and without wishing to draw any invidious comparison between the nature of their duties and mine, I entertain a hope that Government will not leave me in a more unfavorable position than they are in, or than Officers of the Mofussil Police who also receive tentage.

I beg to state that my salary is actually less now than it was when I was with my Regiment in Bellary, and my house-rent of 30 Rupees per mensem—which was generally sufficient to supply me with Quarters in Mofussil Stations—does not pay even half my house-rent in Madras, I respectfully hope under these circumstances that Government will be pleased to sanction my claim to tentage from the date of my appointment to the Mounted Police.

Memorandum from the Officiating Civil Paymaster, Fort Saint George, 14th November 1863, No. 120; to the Commissioner of Police for the Town of Madras.

Lieutenant J. Markham is not entitled to tentage, he having been transferred to the Veterans subsequently to the 10th July 1857. Vide paragraph 1, Section XX, page 489 of the revised Military Pay and Audit Regulations.

From Lieutenant J. Markham, Superintendent Mounted Police, Madras, 3rd February 1864; to Lieut.-Colonel W. J. Wilson, Commissioner of Police, Madras.

With reference to memorandum from the Officiating Civil Paymaster to your address, dated 14th November 1863, No. 120, disallowing my claim to tentage, I have the honor to state in reply that the Regulation quoted in the memorandum in question does not affect me, as I am not a Veteran but an effective Officer, and I beg, therefore, you will be good enough to allow my claim for tentage to be forwarded again to the Civil Paymaster.

From the Commissioner of Police, Madras, 3rd February 1864, No. 873; to the Civil Paymaster, Fort Saint George.

I have the honor to forward for your consideration, a letter* in original, to my address, dated 3rd instant, from Lieutenant J. Markham, Superintendent Mounted Police respecting his claim to tentage.

* To be returned.

No. 11.

OFFICIAL MEMORANDUM.

Your letter, No. 872, dated 3rd instant, states that on a full consideration of the whole case, the undersigned cannot but think that Lieutenant Markham is entitled to the allowance he claims. The Controller Military Finance did, it is true, report unfavorably in the case of Captain Mitchell, but the opinion given by that Officer does not seem borne out by the facts of the case. It will be observed that there is nothing in the Military letter of the late Honorable Court of Directors, No. 88, dated 3rd October 1849, which directly specifies *Military Staff* employ as that in which full Pay and allowance should be drawn by a Veteran Officer, "whilst continued on Staff employment" are the words used and these words seem to admit of being interpreted in a broader sense than that in which the Controller Military Finance has read them. Lieutenant Markham is in Staff employ undoubtedly, and in the absence of any decided order to the contrary should, in the opinion of the undersigned be on the same footing as an Officer of the Veterans would be, if employed in the Military Department effectively. It is also worthy of note that Police Officers draw their tentage in other cases, and it can hardly be supposed that an exception is intended to be made by the Home Authorities in the case of an Officer whose position has been attained by merit of a marked nature as must be the case with all who have risen to Commissions from the ranks. Looking at all these circumstances, the undersigned recommends that the case be submitted to Government for consideration, with a copy of this opinion attached thereto.

FORT SAINT GEORGE, CIVIL PAY-
MASTER'S OFFICE, 6th Feby. 1864.

To the Commissioner of Police, Madras.

(Signed) R. W. LODWICK,
Civil Paymaster.

Referred to the Military Department, with reference to the Order in that Department, No. 1673, of the 21st May last.

8th March 1864.

(Signed) W. H. KERR,
Depty. Secretary to Government.

Referred for the consideration and report of the Controller of Military Finance.
10th March 1864.

From the Controller of Military Finance, Fort Saint George, 13th April 1864, D; to the Secretary to Government, Military Department.

I have the honor to return the correspondence received under your docket of the 10th March 1864, relative to the claim of Lieutenant Markham to tentage.

2. With reference to the first ground of claim advanced by Lieutenant Markham, I would observe, that while holding the position of Riding Master and performing Regimental duty, he of course received tentage, but when struck off the list of Riding Masters, he ceased to have any connection whatever with the appointment he formerly held and was in the position of Officers of the Veteran Battalion generally who are not entitled to tentage.

3. As regards the argument in favor of the application of the rule of the late Court of Directors, to Officers of Veterans in Civil Staff employ, it is to be observed, that at the time when the order was passed it actually applied only to

3rd October 1849, No. 88. Warrant Officers in either the Commissariat or
G. O. G., 11th December 1849, No. 233. Ordnance Departments in which alone such Officers were employed, and the expression "whilst continued on Staff employment" must be interpreted with reference to that fact.

4. The question affected Veteran Officers in Military Staff appointments only, and has been applied to such Officers alone.

5. Since then appointments have been created chargeable to Civil Funds, and it appears to me that it would be at variance with the intention of the late Court of Directors to apply it as now proposed to Veteran Officers holding appointments which have no connection with Military duty and do not involve the question of Military effectiveness.

6. It will be obvious that to give a Veteran Officer tentage solely in virtue of the tenure of such an appointment as Superintendent of the Museum (one of the appointments referred to in the correspondence) would be without meaning.

7. Lieutenant Markham's appointment is one purely Civil in its nature, totally unconnected with Military duty and in itself forms no ground for passing tentage to the Officer who holds it, not otherwise entitled to the allowance.

8. The effect of the grant would only be to augment the salary of the appointment beyond the sum intended to be a remuneration for the duty.

9. The general rule quoted in the 5th paragraph of the memorandum which forms part of the correspondence has not, I submit, any application in the case. It refers specially to salaries to be drawn by Staff Officers on leave under the new Furlough Regulations, and to those of the Acting Officers; it in no way implies that an allowance not ordinarily claimable by a Veteran Officer would be admissible in virtue of employment in a Civil capacity.

ORDER, No. 1457, 30th April 1864.

The Governor in Council concurs in the opinion of the Controller of Military Finance, expressed in the foregoing Report, that Lieutenant Markham, Superintendent of Police, is not entitled to tentage.

(True Extract.)

Markham
Secretary to Government.

To the Judicial Department. *With 10 spare Copies*
" Controller of Military Accounts.
" Adjutant General.
" Civil Paymaster, ... } for information.
" Commissioner of Police, }

Exd. G. Rodrigues.

