M.R.O. 1—[illegible]—16-12-12.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1280 Press / Mis.

101-103.

Dated 9. 9. 1865 ~~19~~ .

9/5

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,

9th September 1865.

Read the following papers:—

No. 101. From M. CROSS, Esq., Judge of the Court of Small Causes, Negapatam; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Negapatam, 18th July 1865.

I venture to trouble His Excellency the Governor in Council with the accompanying Memorial to the Right Honorable the Secretary of State for India, relative to the hardship attending the application of the Uncovenanted Service New Leave Rules to me, and in doing myself the honor to solicit its transmission, I would respectfully beg leave to express my hope that His Excellency will not deem my prayer unreasonable, and that he will be pleased to give it his support.

To the Right Honorable the Secretary of State for India,

&c., &c., &c.

The humble Memorial of MAURICE CROSS, Judge of the Court of Small Causes, Negapatam.

Sheweth,

That your Memorialist entered the Uncovenanted Service in 1858, as Magistrate of Police subsequently officiating as First Judge of the Madras Small Cause Court, and then succeeding to his present appointment.

2. That your Memorialist entered the service under certain Rules for Leave and Pension, your Memorialist coming under the designation of "Law Officer" in those Rules.

3. That those Rules permit your Memorialist to retire on a pension, if incapacitated for further service, after a service of 15 years, during which service the following periods of leave may be availed of:

3 years' sick leave,
6 months' special leave
of which
2 years' sick leave and the special leave count for pension.

4. And that your Memorialist, if availing of those leaves, is entitled to draw the following absentee allowances:—

Sick Leave.

1st year half allowances, not exceeding £600 per annum.
2nd year one-third do. do. £600 do.
which at your Memorialist's pay of Rupees 1400
per mensem, equal.....£560 do.
3rd year same as 2nd year.

Special Leave.

Half allowances not exceeding £600 per annum.

5. That in 1863, New Rules of Leave and Pension were promulgated, the Leave Rules being declared applicable to *all* Uncovenanted Officers receiving salaries of not less than Rupees 100 a month, those Rules giving the following leaves:—

Sick Leave.

3 years *not* counting as service.

Special Leave.

6 months *not* counting as service.

Or Furlough.

1 year, counting as service,

the absentee allowances under those Rules being as follows:—

Sick Leave.

First 15 months half allowance, not exceeding. £600 per annum.
Remaining 21 months quarter allowances do. £300 do.

Special Leave.

Half allowance, not exceeding..... £600 per annum.

Furlough.

£400 per annum at your Memorialist's rate of pay.

6. That since the promulgation of those Rules, it has been ruled by the Right Honorable the Secretary of State for India, under date the 18th January 1865, on the Memorial of Mr. Ferrand—

"That in certain cases when the application of the New Rules would render it necessary for an officer in order to obtain his pension to serve for a longer period than was required by the Old Rules, Her Majesty's Government authorize the grant of a pension under the Old Rules, provided that he has not at any time availed himself of the benefits conferred by the New Leave Regulations."

7. That your Memorialist has been informed that though he can only obtain leave under the New Leave Regulations, the Pension Rules which were in force prior to the promulgation of the New Rules, and which permit sick and special leaves to count as service for pension, are still to be applied in their integrity to officers of your Memorialist's class.

8. That assuming, as your Memorialist respectfully begs leave to do, that the Ruling on Mr. Ferrand's Memorial does not apply to officers of your Memorialist's class, your Memorialist would still respectfully beg to point out how unfavorably the New Leave Regulations affect him in the matter of absentee allowances.

9. That your Memorialist has not had any leave under the Old or New Rules.

10. That under the New Rules, your Memorialist is not entitled to furlough until the end of 1868, by which period your Memorialist will have then been a resident in India 23 years; such limited leave from your Memorialist's lengthened residence, being manifestly of no advantage to your Memorialist.

11. That if ill-health compel your Memorialist to avail himself of the three years' leave, he would suffer, under the New Rules, a loss in absentee allowances of £115, as follows:—

New Rules.

First 15 months at £600 per annum.....	£750
Remaining 21 months at £300 per annum	£525
	£1,275

Old Rules.

1st year.....	£600
2nd do.	£560
3rd do.	£560
	£1,720

12. Your Memorialist therefore prays, as the New Rules are manifestly more unfavorable to him than the old Rules, that he may be permitted the option of applying for leave of absence under the Rules which were in force when he entered the service, an option hitherto accorded by Her Majesty's Government to Officers in the other branches of Her Majesty's service when the retrospective application of New Rules has an injurious effect, as shewn in your Memorialist's case.

And your Memorialist will, as in duty bound, ever pray.

No. 102. From M. CROSS, Esq., Judge of the Court of Small Causes, Negapatam; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Negapatam, 28th July 1865.

I have the honor to acknowledge the receipt of the Proceedings of Government, No. 345, dated 22nd July 1865, and to express my thanks for the consideration which His Excellency the Governor in Council has been pleased to give my letter of 13th March last.

2. With reference to the decision given in Mr. Atkinson's case, I respectfully beg to observe that it is applicable so far as relates to the Old Pension Rules still applying to me, but in the Memorial which I did myself the honor to submit on the 17th instant, His Excellency will observe that if forced to take leave under the New Leave Rules I should be deprived of certain advantages conferred by the Old Leave Rules—advantages which I pray not to be deprived of and towards securing which, I would still most respectfully solicit His Excellency's support.

No. 103. ORDER THEREON, 9th September 1865, No. 1280.

Ordered that the Memorial submitted with the letter of the 18th July last, be forwarded to the Secretary of State.

(True Extract).

Chief Secretary.

To Mr. M. Cross, Judge of the Court of Small Causes, Negapatam.

Ead. J. H. Burns.

Encl'd Letter

Read Letter from Mr Mc Crae — dated 28 Aug 1865

No 1280 - 9th September 1865 -

Ordered that the Memorial submitted with ~~the foregoing~~ letter of the 18th Aug last be forwarded to the Secretary of State.

Memorialist dispatched to Mr. M. Crafs. Judge of the Court of Small Causes Negapatam. } dispd 16th

Pro: 2 Sept 1865 Dept

Judicial

From,

The Hon'ble Edward Gibbs Esquire
Judge of the Court of Small
Causes Negapatam

To,

The Chief Secretary to Govt.
Fort St. George
Madras

Dated 18th July 1865.
Rec'd 20th do

No 1540

Submits a Memorial for transmission to the Secretary of State for India relative to the hardship attending the application of the New Leave Rules to him.

Solicits Order.

Pro: 23rd Dec 1865 No 623.
1st Feb 1865 No 142
2nd March — No 343 &c
17th May — No 42-43.
22nd July — No 32-33.

Judicial Letter to Govt dtd 12th Sept 1865
No 13 of 1865.

Replied to - 23 Dec 65 No 94

101-103

CS.D. 28.