

(1) Number of pages

10

(2) Date of repair

25-10-38

(8) Initials of the Referencer

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## MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.  
Con 10/12/59

G.O. No.

2798

Press

Mis.

1-2

Dated

1-12

1859.

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Public Works Department,  
for the month of December 1859.*

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No. 1. Read the following letter from J. R. BOYSON, Esq., Government Solicitor, Madras; to J. D. BOURDILLON Esq., Secretary to Government, dated Chittur, 28th November 1859, No. 1806.

Proceedings of Government in its Public Works Department, dated 19th November 1859, No. 2702.

1. I have the honor to acknowledge the proceedings of Government noted in the margin, with the two enclosures which accompanied them.
2. I submitted same for the consideration of the Advocate General and I have also conferred with him theteton.
3. I now forward a copy of his opinion and return the enclosures above noted.

**OPINION.**

This is about the most impudent claim that ever came under my observation in the whole course of my professional experience.

Government need not have paid Mr. Kemp a single pie from the 1st July 1858, whereas it appears that they paid him his full salary up to the 23rd August, the date of his committal by the Magistrate on a charge of forgery, and  $\frac{1}{4}$  of his salary from the date of his committal to that of his conviction at the Criminal Sessions, viz. the 11th October 1858.

He has no claim whatever for a single pie; nor should he have been paid anything from the 1st July 1858, the date on which he by his own criminal act, incapacitated himself from performing any further service for Government.

The Government rule as to suspension applies to minor offences such as improper absence, negligence and the like, not to crimes cognizable only by the Criminal Law of the land.

(Signed) THOS. SYDNEY SMYTH,  
*Advocate General.*

November 23rd 1859.

(True Copy.)

(Signed) J. R. BOYSON,  
*Government Solicitor.*

No. 2. ORDER THEREON, 1st December 1859, No. 2798.

Ordered that the opinion of the Advocate General received with this letter be communicated to the Chief Engineer for his information and guidance, with reference to his letter of the 16th Ultimo No. 7293.

(Signed) J. D. BOURDILLON,  
*Secretary to Government.*

Copy Opinion

This is about the most impudent claim that ever came under my observation in the whole course of my professional experience. Government need not have paid Mr. Kemp a single pie from the 1<sup>st</sup> July 1858, whereas it appears that they paid him his full salary up to the 23<sup>rd</sup> August, the date of his committal by the Magistrate on a charge of Forgery and 1/4 of his salary from the date of his committal to that of his conviction at the Criminal Sessions, viz. the 11<sup>th</sup> October 1858.

He has no claim whatever for a single pie, nor should he have been paid anything from the 1<sup>st</sup> July 1858 the date on which he by his own Criminal act, incapacitated himself from performing any further service for Government.

The Government rule as to suspension applies to minor offences such as improper

Absence

absence, negligence and the like not  
to crimes cognizable only by the Criminal  
Law of the Land

Respect, His Sydney Smith  
Advo. General.

November 23<sup>rd</sup> 1807.

True copy

W. Boyson

for Socy.

N. 1806

From  
The Government Solicitor at Madras  
To  
The Secretary to Government  
Public Works Department (Public)  
Chittoor 28<sup>th</sup> November 1889.

- Sir,
1. Have the honor to acknowledge Proceedings of Government in its the Proceedings of Public Works Department dated Government noted on 19<sup>th</sup> November 1889 No. 2700. the margin, with the two enclosures which accompanied them.
  2. I submitted same for the consideration of the Advocate General and I have also conferred with him thereon.
  3. Now forward a copy of his Opinion and return the Enclosures above noted.

Have the honor to be,  
Sir,  
Your most Obedient Servant,  
Ed. Boyson  
govt. secy.

Recd. 10.12.89

1003/89

Claims referred by Mr. A. D. French, formerly a laborer with P. N. S. S. S. and called connected by the Supreme Court at Madras upon a charge of forgery, for release of pay from the date of his suspension for that offence until date of his conviction.

(Copy)

Advocate General's opinion

Advt. 1889-90 - Govt. Secy to  
Govt. Secy P. N. S. S. S. 1003/89

Ph-20<sup>th</sup> Nov/57 12/53

Ph-1838 Ophanti  
of 13. 12/53

for  
the Government  
to the City to Government.

Dated 25 November

Received 29

18/506

3 November 1953

Ph-1838-1<sup>st</sup> Dec 1953

Received with reference to  
the ending of Jan. 19 1953

no. 2700 copy 1838-1<sup>st</sup> Dec 1953

opinion regarding the 1838

Ph-1838-1<sup>st</sup> Dec 1953

of 13. 12/53

with the City to Government.

Ph-1838

Ph-1838-1<sup>st</sup> Dec 1953

Ordered that the opinion of

the Advocate General received with this

letter be communicated to the

Chief Engineer for his information and

guidance, with reference to his letter

of the 16th instant 1953.

Ph-1838-1<sup>st</sup> Dec 1953

10 copies Chief Engineer, Ph-1838-1<sup>st</sup> Dec 1953