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MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

G.O. No.	2474	Press
		☒ Mis.
S77-S79.		
Dated	26-8-	18 64.

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Public Works Department,
26th August 1864.*

Read the following letters:—

No. 577. From W. S. HARRINGTON, Esq., Executive Engineer, 1st Range, South Arcot, to Major J. H. M. SHAW STEWART, R. E., Deputy Secretary to Government, Public Works Department, dated Cuddalore, 4th August 1864, No. 68.

SIR,

The accompanying letter No. 66, to the Acting Superintending Engineer, 5th Division, was written by me on the 2nd instant; on the afternoon of that day however I received a telegram from Lieutenant Edgcome to the effect that Captain Gahagan had resigned and had appointed me to act in his place, until relieved. I therefore forward the letter to you direct, with the request that you will lay it before Government with, if you think proper, your recommendation that the allowance asked for may be granted. I think that Captain Gahagan would have recommended the grant had his health permitted him to carry on the duties of Superintending Engineer, as he was aware of my exertions and of the large amount of extra work which from various causes devolved upon me.

From W. S. HARRINGTON, Esq., Executive Engineer, in charge of 1st Range, South Arcot, to the Acting Superintending Engineer, 5th Division, dated Cuddalore, 2nd August 1864, No. 66.

SIR,

1. I have the honor to acknowledge the receipt of your Memorandum, No. 691, dated 29th ultimo, at foot of Memorandum No. 760, dated 27th idem, by the Officer in charge of the Office of the Controller and Auditor of Public Works Accounts.

2. I do not gather from paragraph 207 of the Uncovenanted Servants' Vade Mecum, referred to by Captain Rodgers, that my claim to a moiety of Lieutenant Whish's Civil salary from 7th May to 11th July is absolutely "inadmissible," as it is not stated that when an Uncovenanted Officer is called upon to discharge the duties of another or second office subordinate to his own he is not entitled to the acting allowances. Though the words "not subordinate to his own" are italicized, I submit that the rule is not meant to be considered absolute when one Range Officer acts for another and for a period of upwards of two months; the other or second office moreover can hardly I think in my case be deemed "subordinate," as Lieutenant Whish being in charge of a Range was in no way subordinate to me.

3. Should, however, the wording of the paragraph quoted be held to mean that an Executive Engineer cannot draw any extra allowances while acting for an Assistant Engineer, I beg that the strict letter of the rule may not be enforced, but that the indulgence asked for may be granted to me, in consideration of the extra labor which devolved upon me while in charge of the 4th Range. I believe you are aware that this labor was in no way light or easy from the day on which I relieved Lieutenant Whish to that on which I gave over charge to Lieutenant Thompson, and I felt that I should have been held personally answerable for any loss or injury which Government might have sustained by any mismanagement or want of attention on my part while I was in charge of the 4th Range.

4. I beg that you will be good enough to forward this letter to Government with any recommendation you may think proper to add in my favor. I venture to make this request as the wording of paragraph 207 of the Vade Mecum appears to me to be somewhat ambiguous, and even if it is not considered so, I trust that my application for the acting allowances may be entertained by the Government more particularly as no extra expense is incurred by the grant.

Referred to the Controller for report.

CHEPAUK,
9th August 1864.

(Signed) J. H. M. SHAW STEWART, Major, R. E.,
Deputy Secretary to Government, P.W.D.

11

Proceedings of the Madras Government, Public Works Department,
26th August 1864.

No. 578. Report of the Controller of Public Works Accounts.
In paragraph 207 of the Uncovenanted Service Vade Mecum it is ruled that, "when an
Enclosures 2. Unconvenanted Officer holding a permanent appoint-
ment is required by the exigencies of the State to
discharge the duties of another or second office, *not subordinate to his own*, is allowed a moiety
of the salary of the appointment in which he is officiating in addition to the full salary of his
own appointment." Mr. Harington was in charge of the office of a junior Officer in the Depart-
ment but not subordinate to him, and I consider that by the Rule he is entitled to the moiety
of the pay although it is a case that requires special sanction as it establishes a precedent in
future cases of a similar nature; the wording of the paragraph not being clear as to whether
subordinate means immediately serving under the Officer or below him in the Department.

MADRAS,
16th August 1864.
(Signed) C. V. WILKIESON, Lieut-Colonel, R. E.,
Controller of Public Works Accounts.
To the Secretary to Government, Public Works Department.

No. 579. ORDER THEREON, 26th August 1864, No. 2,474.
1. As Lieutenant Whish's appointment was not "subordinate" to that held by Mr.
Harington, in the proper sense of that term both offices being wholly distinct and independent
of each other, the Government are of opinion that, under paragraph 207 of the Uncovenanted
Service Vade Mecum, Mr. Harington is clearly entitled to a moiety of Lieutenant Whish's
salary for the period during which he held charge of No. 4 Range in addition to his own.
2. Under these orders, the Controller will pass the Bill submitted by Mr. Harington.
(True Extract.)
(Signed) J. H. M. SHAW STEWART, Major, R. E.,
Deputy Secretary to Government.
To the Controller of Public Works Accounts.
" Superintending Engineer, 5th Division.

Exd. S. T. Augustin.

No: 924

Report of the Controller and Auditor Public
Works Accounts.

In para 207 of the Uncovenanted Service Vade Mecum it is ruled that, "when an Unconvenanted Officer holding a permanent appointment is required by the exigencies of the State to discharge the duties of another or second Office, *not subordinate to his own*, is allowed a moiety of the salary of the appointment in which he is officiating in addition to the full salary of his own appointment." Mr. Harington was in charge of the Office of a junior Officer in the Department but not subordinate to him, and I consider that by the rule he is entitled to the moiety of the pay although it is a case that requires special sanction as it establishes a precedent in future cases of a similar nature; the wording of the Para. not being clear as to whether subordinate means immediately serving under the Officer or below

him

him in the Department.

Office of the Controller
and Audr of M. Accts
Madras 16th Aug. 1864

Wm. Mason
Controller and Audr of M. Accts
Lieut. Col. R.

To Colonel C. A. O. R. E.
Secretary to Government
P. R. 2

Compd Jm

1864
No 3632

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of W. W. Johnson

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173

82. No 924

the claims for the
having been for
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the same the whole
change of the
the whole (Range)

W.

1875

1875-1876

219 2474-2672

CH 3638

These papers, relating
to a claim preferred
by Mr. Harrington, for
a moiety of Lieut. Whitt's
Civil Salary, while
acting for that Office,
are submitted for
orders.

orders. Lieut. Smith
went on leave, in May
last, as there was no
one on the spot to
relieve him. His
Nephew, W. H. in South
Acre, was placed
under W. Harrington,
who had already
served in the
same District.

Mr Harrington retained charge of the M. & M. Co., in addition to his own, for more than 2 months, & he submitted his claim to a majority of the Civil Salary forfeited by St. Which during that period.



[Handwritten signature]

22

1st Prof. Southard

The Deputy Secretary
to Government (D. C. 37)

Wardman
March 11. 1864
Bridges

Chloe
9: 08/07/04
X282

[illegible]

Referred to the Controller
for report.

Massachusetts

Proctor D.C.
and Son. 24 1/2

Write me back by
22-24 July 26. - August 76

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to the living & for his
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C. 1925 August 16/4. D. 1925 RJ

1920 August 1864. Oct. 1920

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C. 1925 August 16/4. D. 1925 RJ

The only rule bearing on the point is W. 207 in the Vade Mecum for the Un-Committed Service. Which lays down that when an Officer is required to discharge the duties of a second Officer, not subordinate to his own, he may draw a moiety of the salary attached to the 2^d off. in addition to the full salary of his own. provided that no extra expense be involved.

The whole question hinges on the meaning of the word subordinate. If it be taken in its proper sense of "subject to", under the control of, then W. H.'s claim is clear: - but if it be taken to mean "inferior to", "of an inferior grade", then, as W. H. is an

herewith sent.

19th century Engineer, & Lieut. Whist only an Asst. Engineer, the claim would not hold good.

The matter was referred to the Controller. His report is annexed. It will be seen that he considers W. Harrington entitled to the salary claimed, but that an order of Govt. is required, as there will be a precedent to govern similar cases.

I think W. Harrington's claim is clear, both according to the rule, & as a matter of equity. If the case had been reversed, & Lieut. Whist reversed, & Lieut. Whist had acted for W. H., then would have been no doubt as to the justice of his claim; & the extra work & expense entailed on the Acting Officer would have been the same as in the present case.

There is nothing to prevent the change held by which,

being held by a man
senior to, & for of the
same standing as
Harrington, & it
seems absurd that
the accident of the
relative departmental
standing of the 2 men,
(their offices being wholly
distinct & independent
of each other) should
influence the decision.
As this case will
become a precedent,
I request orders.

Wm. Stewart

17. August 64

[Faint, mostly illegible handwritten notes]

I think that the claim
may be admitted
GP.

Public Works Department
No. 2474
Proceedings of the Madras Government
Under date the 26th August 1864
Read the following letter

From the Executive Engineer 1st Range South Arcot.

Forwards a letter to the Acting
Superintending Engineer 3rd Division
and requests that under the circumstances
represented, the requests
therein contained may be laid
before Govt.

H.E. 4th August 1864 No 268

From the Controller & Auditor of P.W. Accounts

Reporting upon the claims of Mr.
Harrington for additional allowance
for the period he held charge of
Lieut. Whitch's Range.

H.E. 16th August 1864 No 294

As Lieutenant
Whitch's appointment
was not "subordinate" to
that held by Mr. Harrington
in the proper sense of the
term, in general practice
stood, both officers being
wholly

wholly distinct and in
dependent of each other, and

The Government one of
under Part 207 of the United States Code
opinion that Mr. Harrington

is clearly entitled to a
month of Special Warrant

salary for the period

during which he held
charge of No. 4 Range
in addition to his own

Under these orders
the Controller will pass
the Bill submitted by Mr.
Harrington.

4 to 6 months, payable
5 to 5 50
19
3 Dec

29th August.

22nd 1864 Dept
Proceedings of Pittsburg

Aug 24th

Meeting of Gent.

Oct 26 August 26th

Letter of P.M. to

with regard to the

the Vice President

by John H. H. H.

from a majority of the

State's delay in the

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Proceedings of the

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