

(1) Number of pages 18(2) Date of repair 10. 3. 43

(3) Initials of the Referencer _____

MADRAS RECORD OFFICE.

Government of Madras.

Public works DEPARTMENT.

G.O. No. <u>4071</u>	Press
<u>524-525.</u>	<u>Mis.</u>
Dated <u>22</u> - <u>12</u> - <u>1866</u> .	

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,
22nd December 1866.*

No. 524. Read the following Memorandum from the Adjutant General, to the Secretary to Government, Military Department, through the Controller of Military Accounts, dated Fort Saint G, 23rd Neorgeovember 1866, No. 444 :—

The Commander-in-Chief considers that Lieutenant Cunningham should be granted the allowance claimed while in the performance of "Garrison duty" in Fort Saint George, and begs to submit the case to Government for favorable consideration.

By Order,

(Signed) J. M. PRIMROSE, Colonel,
Adjutant General.

From the Commandant Sappers and Miners, to the Adjutant General, Ootacamund, dated Bangalore, 14th November 1866, No. 1,375.

1. I have the honor to forward, for the favorable consideration of His Excellency the Commander-in-Chief, and, with a view to its being submitted to Government, an original letter from Lieutenant Cunningham, R. E., under my command. The case of this Officer is exceptional, and I trust as such Government will think fit to grant the allowance claimed.

2. Acting on the Horse Guards' Circular, under provisions of which Officers of the Royal Engineers came out to India, Lieutenant Cunningham, preferring the Military duties of his profession to working under a Civil Department, requested permission to resign his appointment in the Department Public Works with a view to joining the Sappers.

3. His resignation was provisionally accepted, and he was ordered to make over his charge and proceed to Madras, where, instead of being placed at the disposal of His Excellency the Commander-in-Chief, he was, under (I would submit) a misapprehension of the term "Garrison duty" by the Secretary to Government, Department Public Works, ordered to do duty under the Executive Engineer in charge of the works of the Garrison, that is to say, he was temporarily replaced in the Civil Department, but without any Staff allowance, whilst the question was referred to the Supreme Government. The ultimate decision was in favor of Lieutenant Cunningham, but meantime (from 27th July to 5th October) he has been subjected to a considerable pecuniary loss. I would respectfully urge that it was no fault of his that the Horse Guards' Circular was misunderstood by the Secretary Department Public Works, and had this not been the case, he would have rejoined the Sappers at once, and have been in receipt, not only of the Sapper allowance now claimed, but also would have drawn Rupees 150 per mensem for Commanding a Company.

4. It is of course optional with Government whether they employ any of their Engineer Officers either in Civil or Military duty, and if Lieutenant Cunningham had been left without employ, he could have no possible claim even

*Proceedings of the Madras Government, Public Works Department,
22nd December 1866.*

to the Sapper allowance now asked for ; but such was not the case, he was ordered to perform departmental work, for which any other Officer would have received his proper departmental pay, and yet, although no quarters were furnished him in the Fort, where the whole of his work lay, he has even been refused the conveyance allowance usually granted to all Engineer Officers similarly situated.

5. I would beg to mention that on a former occasion, when Engineer Officers were ordered to do duty for a time in the Chief Engineer's Office, instead of joining Sapper Head Quarters, an Order of Government was passed granting them the usual Sapper allowance whilst thus employed, and I think Lieutenant Cunningham's case may very fairly be brought under the provisions of that Order. I trust, therefore, His Excellency will be so good as to move Government to grant this in addition to the conveyance allowance claimed, in case they see fit to refuse him the departmental pay of his position whilst employed under the Executive Engineer of Fort Saint George.

No. 1,041.

(Signed) F. P. HAINES, Major General,
Commanding Mysore Division.

HEAD QUARTERS MYSORE DIVISION,
BANGALORE,
17th November 1866.

From Lieutenant C. CUNNINGHAM, R. E., doing duty Sappers and Miners, to the Commandant Sappers and Miners, dated Bangalore, 8th November 1866.

1. I have the honor to request you will forward, for the favorable consideration of Government, the accompanying claims, one for compensation in lieu of Sapper allowance during the time I did duty under the Public Works Department in Madras, the other for conveyance allowance during the same period.

2. I beg respectfully to inform Government that, during the above period, I was only drawing the Regimental pay of a Subaltern and Presidency House-rent, though I had charge of all the works being carried out within Fort Saint George by the Public Works Department; had I been posted to the Sappers at once on being permitted to resign my appointment as Assistant Engineer, I should at least have drawn the amount claimed in Abstract A, probably considerably more in the shape of Company Command Allowance, so that, though called upon to perform responsible duties under a department, my connection with which was supposed to have ceased, I was actually drawing less pay than I would have done when performing the ordinary Military duties of a Lieutenant of Engineers under the least favorable circumstances, and my pay was still further reduced by my being obliged to maintain means of carriage, there being no quarters available for me in Fort Saint George.

3. A claim for conveyance allowance, which I forwarded for the consideration of Government in the Public Works Department, was disallowed, on the ground that my duties were confined to Fort Saint George, but, as I believe they were not then aware that I could not obtain quarters in the Fort, and therefore means of carriage was necessary for the proper performance of the duties expected of me. I have ventured again to submit it for their favorable consideration.

*Proceedings of the Madras Government, Public Works Department,
22nd December 1866.*

A.

Her Majesty's Government of India..... Dr.

	RS.	A.	P.
To compensation in lieu of my Sapper allowance at Rupees 60 per mensem, from 27th July to 5th October inclusive...	139	5	2
Total	139	5	2

BANGALORE,
8th November 1866.

(Signed) C. CUNNINGHAM, Lieutenant, R. E.

B.

Her Majesty's Government of India..... Dr.

	RS.	A.	P.
To my conveyance allowance at Rupees 50 per mensem, from 27th July to 5th October inclusive	116	1	6
Total	116	1	6

BANGALORE,
8th November 1866.

(Signed) C. CUNNINGHAM, Lieutenant, R. E.

From the Controller of Military Accounts, Fort Saint George, to the Secretary to Government, Military Department, dated Fort Saint George, 11th December 1866, D.

1. I have the honor to forward a letter, with enclosures, from the Commandant Sappers and Miners, dated 14th November 1866, No. 1,375, received under the Adjutant General's docket Memorandum No. 444, of the 23rd idem, submitting, for favorable consideration, the claims of Lieutenant Cunningham, R. E., to compensation in lieu of Sapper allowance, and to conveyance allowance for the period he did duty under the Public Works Department in Madras.

2. As regards the former claim, it is observed that, under the Pay and Audit Regulations, an Officer who seeks compensation for an allowance must have been in actual receipt of the allowance at the time of withdrawal from his Corps or Station; and Lieutenant Cunningham, not having joined the Sappers, cannot, under rule, claim compensation for allowances to which he had never become entitled.

3. I would further observe that, as Lieutenant Cunningham was employed for the period referred to under the Garrison Executive Engineer, and his pay was adjusted in the Public Works Department, all claims to extra allowance, in connection with services rendered during that period, should be considered and adjusted in the department which benefited by such services.

Referred to the Public Works Department.

(Signed) H. MARSHALL, Major General,
Secretary to Government.

FORT SAINT GEORGE,
12th December 1866.

No. 525.

ESTABLISHMENT, No. 33.

(True Extract.)

To the Military Department.
.. Adjutant General.

Exd. S. T. Augustin.

Adjutant General's Office,
Fort Saint George,
23rd November 1866.

Memorandum.

The Commander in Chief con-
siders that Lieutenant Cunningham should be
granted the allowance claimed while in the
performance of Garrison duty in Fort Saint
George, and begs to submit the case to Government
for favorable consideration.

(By Order)

Signed J. M. Ramsey, Colonel
 Adjutant General

Thrs: the Conts: of
Unly: Accts:

The Secretary to Government,
& Military Department.

N^o 1345

Secy Assistant General,
Potomac

Sir,

I have the honor to forward, for the favorable consideration of His Excellency the Commander-in-Chief, and, with a view to its being submitted to Government, an original letter from Lieutenant Cunningham, R.C., under my command. The case of this Officer is exceptional

and,

and I trust as such Government will think
fit to grant the allowance claimed.

2. Acting on the Horse Guards Circular under provisions of which Officers of the Royal Engineers came out to India, Lieutenant Cunningham, preferring the military duties of his profession to working under a Civil Department, requested permission to resign his appointment in the Department Public Works, with a view to joining the Sappers.

3. His resignation was provisionally accepted and he was ordered to make over his charge and proceed to Madras, where, instead of being placed at the disposal of His Excellency the Commander-in-Chief, he was, under (I would submit) a misapprehension of the term "Garrison duty" by the Secretary to Government Department Public Works, ordered to do duty under the Executive Engineer in charge of the works of the Garrison, that is to say, he was temporarily replaced in the Civil Department, but without any Staff Allowance, whilst the question was referred to the Supreme Government.

The ultimate decision was in favor of Lieutenant Cunningham, but meantime (from 27th July to 5th October) he has been subjected to a considerable pecuniary loss. I should respectfully urge that it was no fault of his that the Horse Guards Circular was misunderstood by the Secretary Department Public Works, and

had this not been the case, he would have rejoined the Sappers at once and have been in receipt, not only of the Sapper allowance now claimed, but also would have drawn Rs. 150 per Mensem for Commanding a Company.

4. It is of course optional with Government whether they employ any of their Engineer Officers either in Civil or Military duty, and if Lieutenant Cunningham had been left without employ, he could have no possible claim even to the Sapper allowance now asked for - but such was not the case, he was ordered to perform departmental work, for which any other Officer would have received his proper departmental pay, and yet, although no quarters were furnished him in the Fort where the whole of his work lay, he has even been refused the conveyance allowance usually granted to all Engineer Officers similarly situated.

5. I would beg to mention that on a former occasion when Engineer Officers were ordered to duty for a time in the Chief Engineer's Office instead of joining Sapper Head Quarters, an Order of Government was passed granting them the usual Sapper allowance whilst thus employed, and I think Lieutenant Cunningham's case may very fairly be brought

brought under the provisions of that order & trust therefore His Excellency will be so good as to move Government to grant this in addition to the conveyance allowance claimed, in case they are fit to refuse him the departmental pay of his position whilst employed under the Executive Engineer of Fort Saint George.

I have the honor to be, Sir,
Bangalore
14 November 1866
(Signed) C. Hill, Lieut. Col.,
Commandant Sappers & Miners.

1. 1047
Head Quarters
Mysore Division
Bangalore
14 November 1866
(Signed) J. P. Harris, Major Genl.,
Commanding Mysore Division.

Bangalore
8 November 1866
From
Lieutenant Cunningham, R.E.,
being duty Sappers & Miners.
To
Lieutenant Colonel Hill, R.E.,
Commandant Sappers & Miners.
Sir

I have the honor to request you will forward, for the favorable consideration of Government, the accompanying claims.

Hester

93
Claims one for compensation in lieu of Staff Allowance during the time I did duty under the Public Works Department in Madras the other for conveyance allowance during the same period.

2. I beg respectfully to inform Government that during the above period I was only drawing the Regimental pay of a Subaltern and Quarters House Rent, though I had charge of all the works being carried out within Fort Saint George by the Public Works Department. Had I been posted to the Sappers at once on being permitted to resign my appointment as Asst. Engineer, I should at least have drawn the amount claimed in abstract &c. probably considerably more in the shape of Company Command Allowance, so that though called upon to perform responsible duties under a Department, my connection with which was supposed to have ceased - I was actually drawing less pay than I would have done when performing the ordinary Military duties of a Lieutenant of Engineers under the least favorable circumstances, and my pay was still further reduced by my being obliged to maintain means of Carriage, there being

no quarters available for me in Fort Saint George.

3. A claim for Conveyance Allowance, which I forwarded for the consideration of Government in the Public Works Department, was disallowed, on the ground that my duties were confined to Fort Saint George, but as I believe they were not then aware that I could not obtain Quarters in the Fort and therefore means of Carriage was necessary for the proper performance of the duties expected of me. I have ventured again to submit it for their favorable consideration.

I have the honor to remain, Sir,
(Signed) C. Cunningham, Lt. R.E.,

Her Majesty's Government of India.

1. Compensation in lieu of my Sapper Allowance at Rs. 50 per Mensem from 27 July to 5 October, inclusive.		139 5 2
Bengalore, 8 November 1866.		Total Rs. 139 5 2

C. Cunningham, Lt. R.E.,

Per.

B.
Her Majesty's Government of India.

1. my Conveyance Allowance at Rs. 50 per Mensem from 27 July to 5 October, inclusive.	116 10 0
Total Rs.	116 10 0

Bengalore, 8 November 1866.
C. Cunningham, Lt. R.E.

Office of Controller of Mil. Stores,
Fort Saint George, 11 December 1866.

From
The Controller of Military Accounts,
Fort Saint George.
To
The Secretary to Government,
Military Department,
Fort Saint George.

Sir,
I have the honor to forward a letter, with enclosures, from the Commandant, Sappers and Miners, dated 14 November 1866, N. 1375 received under the Adjutant General's docket Memorandum N. 444 of the 23rd idem, submitting, for favorable consideration, the claim of Lieutenant Cunningham, R.E., to compensation in lieu of Sapper Allowance and conveyance Allowance for the period he did duty under the Public Works Department in Madras. As regards the former claim, it is observed that, under the Pay and Audit Regulations,

an Officer who seeks compensation for an allowance must have been in actual receipt of the allowance at the time of withdrawal from his Corps or station; and Lieutenant Cunningham, not having joined the staff, cannot, under rule, claim compensation for allowances to which he had never been entitled.

3. I would further observe that, as Lieutenant Cunningham was employed for the period referred to under the Garrison Executive Engineer and his pay was adjusted in the Public Works Department, all claims to extra Allowance, in connection with services rendered during that period, should be considered and adjusted in the Department which benefited by such services.

I have the honor to be, Sir,
(Signed) L. McGowan, Colonel
Controller of Pub. Accts.

Referred to the Public
Works Department.
Fort Saint George
12th December 1866.
H. Marshall Esq. Major Genl.
Secretary to Government

The Public Works Department

Declines to admit the claims preferred
to Cunningham, nor can they sanction
the payment of House rent to him
as he can satisfy ^{them} that he did
succeed in obtaining quarters in the Fort

40524

4071-22 Dec 1865

The following contain
correspondence relative
to the allowances
claimed by Lieut
Cunningham R.E.
for the period during
which he did duty
in Fort St George

St 12
Dec 14. 1865

For the Secy: of Fort
St George.

Secy: of Fort
St George.

P.O. 1865
No. 14. 1865
For the Secy: of Fort
St George.

4071

Public Works Dept
15

Proceedings of the Madras Government
Under date the 22^d December 1865
Read the following

Proceedings of Govt in the
Military Dept.

(Here enter 12th December 1865)

As Lieutenant
Cunningham, ^{being} ~~during~~
~~his employment~~ under
the Executive Officer in
charge of the works of
the Garrison, drew the
pay prescribed in General
Order from the Horse
Guards No 462, of the
1st July 1862, the Govt
see no reason to admit
the claim now preferred
by him, nor can they
sanction the disbursement
of house rent ^{to him} ~~to him~~
unless he can satisfy
them

them that he took mea-
sures, without success,
to obtain quarters in the
Fort.

To
The Military Dept.
" Adjutant Genl.

20 Sept 24: Recd.

To W B G Dep't

Pr. of Govt for Decr

N^o 4071

Pr. of the Major Genl

of 22^d Decr 66

Received
of the Major Genl
of 22^d Decr 66

Paying orders on
Certain Correspondence
relative to the claims of
Cunningham & Lister & Co.
while he was doing duty
in Fort La George -