M.R.O. 1—77,006—8-6-51.

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(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

Public works **DEPARTMENT.**

G.O. No. 122 Press Mis.

251-51

Dated 14 1 1867.

Not to be folded or roughly handled

Proceedings of the Madras Government, Public Works Department,
14th January 1867.

No. 250. Read the following Proceedings of the Madras Government in the Military Department:—

Communicating to the Commander-in-Chief the Orders of the Public Works Department, under date the 22nd December 1866, on certain claims preferred by Lieutenant Cunningham, R. E., for conveyance allowance, house-rent, &c. } (Here enter 8th January 1867, No. 55.)

No. 251. ORDER THEREON, 14th January 1867, No. 122.

ESTABLISHMENT, No. 22. Ordered to be recorded.

(True Extract.)

(Signed) J. H. M. SHAW STEWART, Major, R. E.,
Under Secretary to Government.

MILITARY DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following papers :—

Memo. from the Adjutant Genl.....	Here enter	23rd November	1866, No. 444.
Report from the Contr. of Mily. Accounts...	,,	11th December	,, D.
Pro. of the Madras Govt., P. W. D...	,,	22nd ,,	,, No. 4071.

Memorandum from the Adjutant General, Fort Saint George, 23rd November 1866, No. 444; to the Secretary to Government, Military Department.

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.

From the Commandant Sappers and Miners, Bangalore, 14th November 1866, No. 1375; to the Adjutant General, Ootacamund.

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 allowances 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 re-placed 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 re-joined 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 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.

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

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.

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.

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 one, I have ventured again to submit it for their favorable consideration.

With report from the Controller of Military Accounts, 11*th December* 1866, **D.**

Referred to the Public Works Department.

12*th December* 1866.

Proceedings of the Madras Government, Public Works Department.

Refusing to admit the claims of Lieutenant C. Cunningham, R.E., for compensation in lieu of Sapper allowance, and for conveyance allowance while he was under the Public Works Department in Madras, and to sanction the disbursement of the house-rent to him, unless he can satisfy the Government that he tried without success to obtain quarters in the Fort. } Here enter 22nd Dec. 1866, No. 1071.

ORDER, No. 55, 8th January 1867.

Ordered that the foregoing Proceedings of the Public Works Department be communicated to the Commander-in-Chief and Controller of Military Accounts.

(True Extract.)

Major General,
Secretary to Government.

To the Adjutant General, with an enclosure.
" Controller of Military Accounts.
" Public Works Department. With 20 spare Copies.

Exd. A. W. Cooke.

Stuart & House 11th Jany 1867

12 Lieut Cunningham R.E. 122

E & W 1867 Dep.
Pro. of Capt. Jamar
Pro. of the Madras Govt
in the Indy. Dept.

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Recd 11 Jany 67

55.

Communicating
the Commander-in-Chief
the orders of the F.W. Dept.
under date the 22 Decr
on certain claims pre
-ferred by Lieut. Cun
-ningham R.E. for
Conveyance allowance
House rent &c.
Encl. 122 - 14th Jany 1867
Wm. Ord

£250. 25.