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ORDINARY PRINTED

Public
19-10-92
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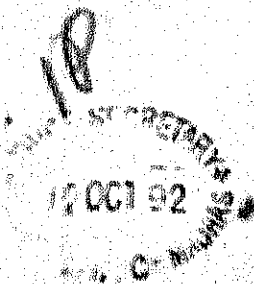
INDEXED.

First copy sent to ... 2-10-92
Second copy sent to ... 2-11-92
Third copy sent to ... 3-11-92

Prepared by

Medical Officer
Copy to the Surg.
General of the India
-tary Dept. letter
for the purpose of his
personal copy
of despatches for the
Secy of State & the
Commander-in-Chief
-China on the subject
of the increase in the
number of appointments
to be held by European
officers in the
Army.

No 574



From

A. Lucas, Esq.

Offg. Under Secy. to the Govt of India,

The Chief Secretary to the Govt of Madras

 Home Department
 (Medicals)

Letter No 45 Dated 1892

Sir,

With reference to paragraph 1 of your letter No 621 (Public), dated the 23 September 1892, I am directed to forward a copy of

to the Chief Commissioner of Burma No 19 dated the 17 January 1899.

to the Secy of State No 55, dated the 25 May 1889.
 from No 20 (Public) dated the 11 April 1889.

the despatch from
 the Majestty Secretary
 of State No 33 (Public)

dated the 11 April 1889, and connected correspondence, on the subject of the increase in the number of appointments to be held by Commissioned Medical Officers in Burma from 10 to 17. I am to express the regret of the Governor General in Council that by an oversight, a copy of these papers was not previously communicated to the Government of Madras.

no other matters mentioned in your
letter are under consideration.

I have the honor to be,
Your most obedt. servant

H. Luson.
Offg. Under Secy. to the Govt of India

rel.

No 19, dated Calcutta, the 12th January, 1889.
From,

A. P. MacDonnell, Esq., C. S. I.
Secretary to the Government of India

To

The Chief Commissioner of Burma.
With reference to the correspond-

Letter etc 10, dated the 4th February 1888 (with
enclosure) to Chief Commissioner, Burma.
Letter No 275-13 M., dated the 9th March 1888 (with
enclosure) ditto.
Telegram No 551, dated the 9th April 1888 from ditto.
Telegram etc 24 dated the 2nd May 1888, to ditto.
Letter etc 26, dated the 9th May 1888, to ditto.
Telegram No 24, dated the 31st July 1888 from ditto.
Letter etc 276-35 M., dated the 16th July 1888 (with enclosure)
from ditto.
Telegram etc 656, dated the 10th October 1888 to ditto.
Telegram etc 168, dated the 16th October 1888 from ditto.
Enclosurement etc 676, dated the 29th Octr. 1888, to ditto.
Letter No 272-35 M., dated the 12th Octr. 1888, from ditto.
Letter No 352-35 M., dated the 14th November 1888 from
ditto.
Letter No 67-35 M., dated the 4th December 1888 from
ditto.

- ence cited on
the margin, I
am directed to
convey the orders
of the Government
of India on the
subject of the
reorganization of
the Medical De-
partment in
Burma.

2. The proposals submitted by you en-
brace all the recommendations contained
in Surgeon General Sir B. Simpson's
memorandum on "civil medical estab-

*
Vide annexure to Home Departt letter No 10 dated the 4th February 1888, in Upper Burma" and may be summed
up as follows:-

(a) Administrative control of the civil
medical establishments in Upper Burma.

The proposal that the Civil Medical
Administration of Upper Burma should
be entrusted to Dr. Sinclair, the Ins-
pector General of Prisons and Medical,
and

3. Mr. Home Department telegram etc 24, dated the 2nd May last, the Governor General in Council confirmed the arrangement already provisionally sanctioned by you for vesting the control of the Civil Medical Administration, Burma, in Dr. Sinclair with Dr. Davis as his assistant; you were at the same time informed that the allowances proposed for those officers could not be drawn without the sanction of Her Majesty's Secretary of State. His Lordship's orders have duly been communicated to you under Home Department endorsement etc 676, dated the 20th October last from which it will be seen that the rates of salary proposed for Dr. Sinclair and Davis have been sanctioned, not with retrospective effect from the date on which they took charge of the new duties assigned to them, but with effect from the 1st April 1888, and subject to the condition that a corresponding further reduction is elsewhere effected in Provincial expenditure. You will, moreover, observe that the control of the Civil Medical Administration of Upper Burma has been vested in Dr. Sinclair with Dr. Davis as his Assistant as a purely temporary measure, and for a period not exceeding two years.

4. There remain the proposals recapitulated under heads (a), (c), (d), (e),

(e) and (f) above. I am to point out that the entire scheme for the reorganization of the Civil Medical Department in Burma will require the sanction of Her Majesty's Secretary of State. The matter, however, being one of much urgency, I am directed to communicate, in anticipation of His Lordship's approval, the general sanction of His Excellency in Council to the proposals enumerated above subject to the following remarks.

Head (b). Civil Surgeon.—Changdoff has already been constituted a 1st class Civil Surgeon, but it is understood from the average rate of pay (Rs 550 per mensem) shown against the other five appointments of this kind that these should be classed as 2nd class Civil Surgeons.

Head (d). Warrant officers to be placed in independent civil medical charges.—The Governor General in Council desires to invite your attention in this connection to the orders contained in Home Department letter etc 716, dated the 5th ultimo, to the address of the Government of Bengal, communicated to you for information and guidance under endorsement etc 720 of the same date, and I am to add that the question of altering the rule which is held to entitle all warrant officers in separate charge to a pay of Rs 350 is under consideration; and arrangements

3. Arrangements now sanctioned are subject to the final decision which may be arrived at in that matter.

Head(s). Hospital Assistants.
Under rules at present in force Hospital Assistants with English qualification serving in Burma are entitled to pay and allowances as follows:-

		Burma allowance.		
		Rs	Rs	As
Class 1 st Grade, pay	...	55	+	27 8
Class 2 nd " "	...	35	+	17 8
Class 3 rd " "	...	25	+	12 8

The Governor General in Council does not consider it desirable that a standard of grade pay higher than that shown above, viz., Rs 55, 35 and 25 per mensem, respectively, should be laid down for men of this class.

The proposed rates of pay, namely Rs 50, 75, and 100 per mensem according to grade should be made up by the grant in addition to grade pay of local allowances of Rs 25, 40 and 45 per mensem respectively. In the case, however, of 2nd grade Hospital Assistants, His Excellency in Council leaves it to you to consider whether the local allowance of Rs 40 per mensem now sanctioned might not be appropriately be reduced to Rs 35 per mensem so as not to exceed the net pay of that grade. I am to add that the conditions expressed at the end

end of paragraph 3 of your letter No. 275-13 M., dated the 9th March last, in connection with the grant to Hospital Assistants, Burma of the increased allowances should be carefully observed.

59
No. 56 of 1889.

GOVERNMENT OF INDIA.

DEPARTMENT OF FINANCE AND COMMERCE.

SALARIES, &c.
Medical.

To

THE RIGHT HONOURABLE VISCOUNT CROSS, G.C.B.,
Her Majesty's Secretary of State for India,

Calcutta, the 26th February 1889.

MY LORD,

WITH reference to the correspondence ending with Your Lordship's Despatch No. 83 (Public), dated 16th August 1888, we have the honour to transmit a copy of the papers, specified in the annexed list, relative to the reorganization of the Civil Medical Department in Burma.

2. In our Financial Despatch No. 161 of the 23rd June last, we stated that the general question of the future medical requirements of Burma was under our consideration. We have since carefully considered, in communication with Sir Charles Crosthwaite, the scheme proposed by our Surgeon-General, and have sanctioned, in anticipation of Your Lordship's approval, the various arrangements detailed in our Home Secretary's letter of the 12th ultimo, to which we would invite Your Lordship's attention. We trust that the sanction, which we have given to the arrangements in question in view of their extreme urgency, will now receive Your Lordship's confirmation.

3. We take this opportunity of supplying the information asked for in paragraph 9 of Your Lordship's Military Despatch No. 232, dated 15th September 1887, as to the names, extent and requirements of the districts in Upper Burma which it was proposed at that time to create as separate civil medical charges. These particulars are contained in the Chief Commissioner's telegram of the 2nd August 1888, a copy of which accompanies this despatch. It will be seen that the areas in square miles of the six important districts

which have been created separate charges for Civil Surgeons are estimated as follows:—

Name of District.	Area in square miles.
1. Mandalay	1,800
2. Myadaung (formerly Katha)	4,900
3. Minbu	5,000
4. Mònywa (Lower Chindwin)	4,000
5. Myingyan	3,300
6. Yamethin	1,600

We have the honour to be,

My Lord,

Your Lordship's most obedient, humble Servants,

(Signed) LANSDOWNE.

„ F. S. ROBERTS.

„ G. CHESNEY.

„ A. R. SCOBLE.

„ C. A. ELLIOTT.

„ P. P. HUTCHINS.

„ D. M. BARBOUR.

No. 948.

* Original papers returned.

COPY* forwarded to the Home Department for information.

By order,

J. E. O'CONOR,

Asstt. Secy. to the Govt. of India.

No 33 (Public), dated India office London, the 11th April
1889.

From

Her Majesty's Secretary of State
for India.

To

His Excellency the most Honourable the
Governor General of India
in Council.

I have considered in Council
your Financial letter No 56, dated the
26th of February last, submitting, for
my confirmation, various arrangements
detailed in your letter to the Chief
Commissioner of Burma, No 19, dated
the 12th of January last, which, in view
of their extreme urgency, you have pro-
visionally sanctioned, in connection
with the reorganization of the Civil
Medical Department in Burma.
2. Your proceedings in this matter
are approved.

Public (1892)

DEPARTMENT.

From the Govt. of India,
Home Dept. (Medical)

Hon. Sir H. E. Stokes K.C.S.G.

Hon. Mr. Garstin C.S.G.

Order 19th Oct 1892, No. 721.

Cond. to the Surgeon
General and to the Mily
Dept with refce to G.O.
d/3.9.92, No. 620.

7513
12/10.

Surge. Genl. 6
Mily Dept. 6
Finl. Dept. 1
acct. Genl. 6

No. 574.

Dated 4th } Oct 1892
Received 12th }

Enclosures 3.

SUBJECT.

Forwarding a copy of the despatch from
the S of S No. 33 (Public) dated 11th
April 1889, and connected correspondence,
on the subject of the increase in the
number of appointments to be held by
Commissioned Medical Officers in
Burma from 10 to 17.

WITH ORDER

C. 14/10
R/ 17/10

19TH OCTOBER 1892, No. 721, PUBLIC.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—the following paper:—

From H. LUSON, Esq., Officiating Under Secretary to the Government of
India, Home Department (Medical), to the Chief Secretary to the Govern-
ment of Madras, dated Simla, 4th October 1892, No. 574.

With reference to paragraph 1 of your letter, No. 621 (Public), dated the 3rd
September 1892, I am directed to forward
To the Chief Commissioner of Burma, No. 19, a copy of the despatch from Her Majesty's
dated the 12th January 1889. Secretary of State, No. 33 (Public),
To Her Majesty's Secretary of State, No. 56, dated the 11th April 1889, and connected
dated the 26th February 1889. correspondence, on the subject of the
From Her Majesty's Secretary of State, No. 33 increase in the number of appointments to
(Public), dated the 11th April 1889. be held by commissioned medical officers
in Burma from 10 to 17. I am to express the regret of the Governor-General in
Council that, by an oversight, a copy of these papers was not previously communi-
cated to the Government of Madras.

2. The other matters mentioned in your letter are under consideration.

ENCLOSURES.

From A. P. MacDONNELL, Esq., C.S.I., Secretary to the Government of India, to the Chief
Commissioner of Burma, dated Calcutta, 12th January 1889, No. 19.

Letter, No. 10, dated 4th February 1888 (with enclosure) to Chief Commissioner, Burma.

" " 275-13 M., dated 9th March 1888 (with enclosures) from ditto.

Telegram No. 551, dated 9th April 1888 from Chief Commissioner, Burma.

Letter, " 24 " 2nd May " to " " "

" " 26 " 8th " " to " " "

Telegram, " 24 " 31st July " from " " "

Letter, No. 270-35 M., dated 10th July 1888 (with enclosures) from ditto.

Telegram, No. 656, dated 10th October 1888, to Chief Commissioner, Burma.

Endorsement, " 168 " 18th " " from " " "

Letter, No. 272-35 M., " 20th " " to " " "

" " 362-35 M., " 12th " " from " " "

" " 37-35 M., " 14th Nov. " from " " "

" " 87-35 M., " 4th Dec. " from " " "

With reference to the
correspondence cited on
the margin, I am direc-
ted to convey the orders
of the Government of
India on the subject of
the reorganization of
the Medical Department
in Burma.

2. The proposals submitted by you embrace all the recommendations contained in Surgeon-
General Sir. B. Simpson's memorandum * on
"Civil medical establishments in Upper
Burma" and may be summed up as follows:—

(a) Administrative control of the Civil Medical Establishments in Upper Burma.—The pro-
posal that the Civil medical administration of Upper Burma should be entrusted to Dr. Sinclair,
the Inspector-General of Prisons and Medical and Sanitary Administrative Officer, Lower Burma;
also that, in view of the large increase to Dr. Sinclair's duties and responsibilities involved in
this scheme, his pay should be raised from Rs. 1,500 to Rs. 2,000 a month, and Dr. Davis should
be appointed as Dr. Sinclair's Assistant on a staff allowance of Rs. 250 a month or a total salary
of Rs. 750 per mensem. Under this arrangement the charge of the Jail, Medical and Sanitary
administration of the whole of Burma would be placed in the hands of a single officer.

(b) *Commissioned Medical Officers.*—The proposal to place the stations of—

Mandalay, Katha,	Minbu, Mōnywa,	Myingyan and Yamethin
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in charge of Civil Surgeons.

(c) *Collateral Charges.*—The proposal to place the stations of—

Sagaing, Yeu,	Meiktila, Bhamo,	Pagan, and Fort Stedman
------------------	---------------------	----------------------------

in collateral charge of Military Civil Surgeons on an allowance of Rs. 100 a month each.

(d) *Warrant Medical Officers.*—The proposal—

(i) to place 8 other stations * in independent charge of warrant officers on the minimum

* Shwobo. Kubo Valley. Ruby Mines. Pyiamana.	Kyankso. Upper Chindwin. Mogaung. Taungdwingyi.
---	--

rate of pay of such officers, namely, Rs. 350 a month; you explain that since last July the Upper Chindwin district has been in independent charge of Mr. Roberts, a 2nd-grade

Apothecary, who has been stationed at the Police head-quarters, and you solicit sanction to the grant to him of pay at the initial rate of Rs. 350 per mensem with effect from the date on which he assumed charge;

(ii) to place 7 warrant officers in subordinate medical charge of—

Mandalay, Sagaing, Yeu,	Meiktila, Bhamo, Pagan and Fort Stedman,
-------------------------------	---

with 50 per cent. on grade pay and free quarters or house-rent of rank.

(e) *Hospital Assistants.*—The proposal to increase the number of hospital assistants from 90 to 121 and to grant them at your discretion and for approved service consolidated salaries of Rs. 50, 75 and 100 per mensem according to grade.

(f) *Hospital Servants.*—The proposals to entertain the following servants in addition to those proposed in your letter of the 9th March last, namely—

Compounders		14 at Rs 20 to Rs. 25 each.
Sweepers		17 at „ 10 to „ 15 „
Bheesties		6 at „ 10 to „ 15 „
Cooks		10 at „ 10 to „ 15 „
Ward servants		4 at „ 10 each.

3. In Home Department telegram, No. 24, dated the 2nd May last, the Governor-General in Council confirmed the arrangement already provisionally sanctioned by you for vesting the control of the Civil Medical Administration, Burma, in Dr. Sinclair, with Dr. Davis as his Assistant; you were at the same time informed that the allowances proposed for those officers could not be drawn without the sanction of Her Majesty's Secretary of State. His Lordship's orders have duly been communicated to you under Home Department endorsement, No. 676, dated the 20th October last, from which it will be seen that the rates of salary proposed for Drs. Sinclair and Davis have been sanctioned, not with retrospective effect from the date on which they took charge of the new duties assigned to them, but with effect from the 1st April 1888, and subject to the condition that a corresponding further reduction is elsewhere effected in Provincial expenditure. You will, moreover, observe that the control of the Civil Medical Administration of Upper Burma has been vested in Dr. Sinclair with Dr. Davis as his Assistant as a purely temporary measure, and for a period not exceeding two years.

4. There remain the proposals recapitulated under heads (b), (c), (d), (e) and (f) above. I am to point out that the entire scheme for the reorganization of the Civil Medical department in Burma will require the sanction of Her Majesty's Secretary of State. The matter, however, being one of much urgency, I am directed to communicate, in anticipation of His Lordship's approval, the general sanction of His Excellency in Council to the proposals enumerated above subject to the following remarks:—

Head (b), Civil Surgeon.—Mandalay has already been constituted a first-class Civil Surgeoncy, but it is understood from the average rate of pay (Rs. 550 per mensem) shown against the other five appointments of this kind that those should be classed as second-class Civil Surgeoncies.

Head (d), Warrant Officers to be placed in independent Civil Medical Charges.—The Governor-General in Council desires to invite your attention in this connection to the orders contained in Home Department letter, No. 716, dated the 5th ultimo, to the address of the Government of Bengal, communicated to you for information and guidance under endorsement, No. 720, of the

same date, and I am to add that the question of altering the rule which is held to entitle all warrant officers in separate charge to a pay of Rs. 350 is under consideration, and arrangements now sanctioned are subject to the final decision which may be arrived at in that matter.

Head (e), Hospital Assistants.—Under rules at present in force, hospital assistants with English qualification serving in Burma are entitled to pay and allowances as follows:—

		Burma allowance.			
		RS.	RS.	A.	P.
1st Grade, pay		55	+	27	8 0
2nd „ „		35	+	17	8 0
3rd „ „		25	+	12	8 0

The Governor-General in Council does not consider it desirable that a standard of grade pay higher than that shown above, viz., Rs. 55, 35 and 25 per mensem, respectively, should be laid down for men of this class.

The proposed rates of pay, namely, Rs. 50, 75 and 100 per mensem according to grade, should be made up by the grant in addition to grade pay of local allowances of Rs. 25, 40 and 45 per mensem, respectively. In the case, however, of 2nd-grade hospital assistants, His Excellency in Council leaves it to you to consider whether the local allowance of Rs. 40 per mensem now sanctioned might not appropriately be reduced to Rs. 35 per mensem so as not to exceed the net pay of that grade. I am to add that the conditions expressed at the end of paragraph 3 of your letter, No. 275—13 M., dated the 9th March last, in connection with the grant to hospital assistants, Burma, of the increased allowances, should be carefully observed.

Despatch from the Government of India, Finance and Commerce Department (Salaries, &c.—Medical), to the Right Honorable Her Majesty's Secretary of State for India, dated Calcutta, 26th February 1889, No. 56.

With reference to the correspondence ending with your Lordship's Despatch, No. 83 (Public), dated 16th August 1888, we have the honour to transmit a copy of the papers, specified in the annexed list, relative to the reorganization of the Civil Medical Department in Burma.

2. In our Financial despatch, No. 161, of the 23rd June last, we stated that the general question of the future medical requirements of Burma was under our consideration. We have since carefully considered, in communication with Sir Charles Crosthwaite, the scheme proposed by our Surgeon-General, and have sanctioned, in anticipation of your Lordship's approval, the various arrangements detailed in our Home Secretary's letter of the 12th ultimo, to which we would invite your Lordship's attention. We trust that the sanction which we have given to the arrangements in question in view of their extreme urgency will now receive your Lordship's confirmation.

3. We take this opportunity of supplying the information asked for in paragraph 9 of your Lordship's Military despatch, No. 232, dated 15th September 1887, as to the names, extent and requirements of the districts in Upper Burma which it was proposed at that time to create as separate civil medical charges. These particulars are contained in the Chief Commissioner's telegram of the 2nd August 1888, a copy of which accompanies this despatch. It will be seen that the areas in square miles of the six important districts which have been created separate charges for Civil Surgeons are estimated as follows:—

Name of District.	Area in square miles.
(1) Mandalay	1,800
(2) Myadaung (formerly Katha)	4,900
(3) Minbu	5,000
(4) Mōnywa (Lower Chindwin)	4,000
(5) Myingyan	3,300
(6) Yamethin	1,600

No. 948.

Copy forwarded to the Home Department for information.

(By Order.)

(Signed) J. E. O'CONOR,
Asst. Secy. to the Govt. of India.

Despatch from Her Majesty's Secretary of State for India, to His Excellency the Most Honorable the Governor-General of India in Council, dated India Office, London, 11th April 1889, No. 33 (Public).

I have considered in Council your Financial letter, No. 56, dated the 26th of February last, submitting, for my confirmation, various arrangements detailed in your letter to the Chief Commissioner of Burma, No. 19, dated the 12th of January last, which, in view of their extreme urgency, you have provisionally sanctioned, in connection with the reorganization of the Civil Medical Department in Burma.

2. Your proceedings in this matter are approved.

ORDER—dated 19th October 1892, No. 721, Public.

Communicated to the Surgeon-General and to the Military Department, with reference to G.O., dated 3rd September 1892, No. 620.

(True Extract.)

Chief Secretary.

To the Surgeon-General.
" Military Department.
" Financial Department.
" Accountant-General.

Exd. A. Raitt.

Gobt. of {1892} Madras.
PUBLIC.

Issued

Recd.

Encl.

G.O., 19th October 1892, No. 721.

OCTOBER.

Medical Officers.

Communicating to the Surgeon-General and to the Military Department letter from the Government of India forwarding copy of despatch from the Secretary of State and the connected correspondence on the subject of the increase in the number of appointments to be held by Commissioned -- in Burma from 10 to 17.

HEAD AND ORDER OF GOVERNMENT, DATED
No.

BACK PAPER, No.

OF 13

FURTHER PAPER, No.

OF 13

RECORDED

Quantity No.

STATEMENT WITH DETAILED

ORDER OF GOVERNMENT

RECEIVED AND ORDER OF GOVERNMENT

ORDER OF GOVERNMENT
Letter only
Order of Government with Letter

2nd Print in full
3rd Not to be printed
4th Print in full only
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[illegible]

MILITARY DEPARTMENT, OCTOBER 1892, No.

GOVERNMENT OF MADRAS.

MILITARY DEPARTMENT.

Judicial.

Read the following papers :—

No. *From the Controller of Military Accounts; dated 25th September 1891,*
No. 661-G.

No. . To the Secretary to the Government of India; Military Department;
dated 3rd October 1891, No. 5477.

No. . From the Secretary to the Government of India; Military Department ;
dated 27th January 1892, No. 212-C.

No. To the Controller of Military Accounts; dated 5th February 1892,
No. 839.

No. *From the Secretary of State for India, to His Excellency the Most Honorable the Governor-General of India in Council; dated India Office, London, the 23rd June 1892, No. 81 (Military).*

I have to acknowledge the receipt of your Excellency's Military Despatch No. 57, dated 4th May 1892, asking for information on the question whether claims by Government against an officer's pay can take precedence of orders of Civil Courts. in respect of subscriptions to service or

M 5003. regimental funds, or recoveries on account of advances of pay, should take precedence of an order of a Civil Court for the attachment of a moiety of an officer's pay.

2. Your despatch refers, first, to subscriptions and donations to service and regimental funds, and public claims, such as retrenchments and disallowances by the Accounts Department. As to these, I am advised that the Advocates-General of Bombay and Bengal are correct in their view that, by the combined operation of sections 136 and 151 (8), of the Army Act, 1881, they cannot be deducted or taken into account in ascertaining the amount of any officer's pay, one-half of which is attachable by a Civil Court under the latter section, unless in the case of any such deduction it be authorised by Act of Parliament or by Royal Warrant.

3. Somewhat different considerations apply to advances of pay. The claims considered in the preceding paragraph are in the strictest sense deductions from pay, that is to say, sums never paid but kept back. Advances are sums already

paid, and are therefore not paid a second time. Under the rules governing advances of pay, the effect of such an advance is that it is a prepayment, to the extent of one-fifth of its amount, of the officer's pay for each of the five months during which the advance is to be recoverable. And, having regard to the whole language of section 151 (3), and particularly the use of the word "stopped" at its close, I am advised that, although the "pay or other public money payable to the debtor" means his whole pay, still, what can be attached in the hands of Government is what they can stop, that is, the unpaid balance of that pay. The effect of this would be that, when an order is made against half the pay of an officer under section 151 (3), if he had received an advance which was not yet cleared off, the instalment of the advance for any month provided for by the rules should be deducted, and the attachment would operate, not upon half the balance, but upon the balance to the extent of half the entire pay, if the balance were more than half that pay, and upon the whole balance if not more than half the pay.

4. It is, of course, impossible to say what view a Court of law might take of the matter, and it is one which might come before the Courts in India at any time, but the view above expressed is the one on which I think your Government might act, unless and until some other rule is judicially laid down.

From the Secretary to the Government of India, to the Secretary of State for India; dated Simla, the 4th May 1892, No. 57.

We have the honour to forward, for your Lordship's consideration, the papers noted in the accompanying schedule, in which the Government of Madras have raised the question whether a claim by Government against an officer on account of an advance of pay should take precedence of an order of a Civil Court for the attachment of one-half of the officer's pay.

2. This question has been raised in connection with the case of a military officer, who, on returning to India from furlough in England, received an advance of pay from the India Office. While the advance was in course of liquidation in this country by monthly stoppages from the officer's pay, a decree of a Civil Court was issued to stop one-half of the officer's receipts in satisfaction of debts contracted by him, and the question is what those receipts should be held to be.

3. We are advised that the decree of the Civil Court has a priority of claim against a moiety of the officer's pay, and that, under the provisions of section 151 (3) of the Army Act, 1881, no claim of Government can be considered as against that moiety until the decree of the Civil Court has been satisfied.

4. At the same time we have some doubt regarding the meaning of the term "pay" used in the section of the Army Act referred to, one-half of which may be attached to meet the award of a Civil Court. The expression used is "any pay or other public money payable to the debtor," but in the case of a Staff officer drawing staff pay, or of an officer serving with a Native regiment, it does not seem to be clear whether staff pay and allowances are included in this definition, or only "regimental pay," i.e., in the case of a Staff Corps officer staff corps pay of rank.

5. It also appears to us to be a point for consideration whether any, and if so what, deductions should be made from the "pay and public money" above referred to, before it is halved to satisfy the decree of a Civil Court.

6. It will be seen from the earlier papers which are forwarded with the case, that in 1876 a question was raised as to the interpretation to be put upon the term "half of his pay coming to" a military officer against whom a decree has been obtained, as used in article 99 of the Mutiny Act of 1875, and the Government of India were then advised by the Advocate-General, Bengal, that the words quoted meant the half of an officer's pay after deducting therefrom his subscriptions or donations to service or regimental funds, or recoveries from his pay made compulsory by Indian regulations.

7. Subsequently, however, the Government of India were advised that, according to the terms of section 130 of the Army Act, 1881, the pay of an officer, half of which may be stopped to meet the decree of a Civil Court under the provisions of section 151 (3) of the Act, only, and that no deduction should be made on account of subscriptions or donations to service or regimental funds, or compulsory recoveries made by regulation, but not authorised by the Army Act itself, or by any other Act, or by Royal Warrant for the time being.

8. We shall be glad, therefore, to be informed what these authorised deductions are, and whether they include subscriptions and donations to service and regimental funds, and public claims, such as retrenchments and disallowances by the Accounts Department, and recoveries of advances.

No. 1653-C.

Judicial.

Copy of the above, with a copy of the Despatch to the Secretary of State, No. 57, dated the 4th May 1892, forwarded to the Secretary to the Government of Madras,*

* In continuation of Military Department No. 212-C, dated 27th January 1892. Military Department, for the information of the Governor in Council.

(By Order.)

SIMLA,
19th August 1892.

(Signed) E. DEBRATH,
Asst. Secy. to the Govt. of India.

No. ORDER THEREON, October 1892, No.

Ordered that the decision of the Secretary of State be communicated to Military Departments generally, and to the several departments of the Secretariat.

(True Extract.)

(Signed) H. R. HOPE, Brigdr.-Genl.,
Secretary to Government.

To the Adjutant-General.

- " Quarter Master General.
- " Commissary-General.
- " Inspector-General of Ordnance.
- " Superintendent, Army Clothing.
- " Superintendent of Pensions.
- " Superintendent, Reserve Remount Depot, Hosur.
- " Principal Medical Officer, Madras Army.
- " Surgeon-General with the Government of Madras.
- " Military Secretary to the Right Honorable the Governor.
- " Military Secretary to His Excellency the Commander-in-Chief.
- " Controller of Military Accounts.
- " Public, &c., Departments.
- " Revenue Department.
- " Public Works Department.

Exd. T. K. Narayana Aiyangar.

Govt. of {1892} Madras.
MILITARY.

To THE ADJUTANT-GENERAL,
&c., &c., &c.

Dated October,

Issued

Recd.

Encl.

G.O., 12th October 1892, No. 6481

OCTOBER.
Nos.

Judicial.

Attachment.—Decision of the Secretary of State regarding the question whether certain claims by Government against an officer should take precedence of an order of a Civil Court for the — of a moiety of his pay, communicated to Military Departments generally and to the several departments of the Secretariat.