M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1784 — Press / Mis.

76-77

Dated 7—9— 1861.

Not to be folded or roughly handled

No. 76. Read the following letter from F. WALTHEW, Esq., Secretary to the Income Tax Commission, to J. D. SIM, Esq., Secretary to Government, Revenue Department, Fort Saint George, dated Madras, 24th August 1861, No. 67 :—

SIR,

I am desired by the Commissioners to transmit for the orders of Government the enclosed copies of a correspondence which has passed between the Income Tax Commissioners and the Chief Commissioner of Police relative to the reduction of the number of Income Tax Assessors, and the consequent return of Mr. Clarke, Assessor of the 3rd Division, to his substantive appointment as Clerk in the Chief Commissioner's Office.

Copy of Major Wilson's Memorandum to Mr. Clarke, dated 16th August 1861.
" Mr. Clarke's letter to Commissioners, dated 16th August 1861.
" Income Tax Commissioner's letter to the Chief Commissioner of Police, dated 21st August 1861.
" Major Wilson's letter to the Income Tax Commissioner's, dated 22nd August 1861.

No. 77. ORDER THEREON, 7th September 1861, No. 1,784.

1. With this letter the Income Tax Commissioners for the Town of Madras submit certain correspondence with the Commissioner of Police relating to the refusal of the latter Officer to allow Mr. Clarke, one of the Assessors whose services have been dispensed with, to return to his employment in the Police Office before the expiration of the one year's leave granted to him from 1st October 1860. Major Wilson states that it would be extremely unfair to the acting incumbent to deprive him of the appointment before the period for which he was engaged expires.

2. The Government on re-consideration of the subject are of opinion that under the advertisement published by the Commissioners in September 1860, Mr. Clarke as well as the person acting for him in the Police Office would be entitled to compensation, if the former is remanded at once to his substantive appointment. They, therefore, authorize the Commissioners to allow Mr. Clarke to complete his year as Income Tax Assessor.

(Signed) J. D. SIM,
Secretary to Government.

16 August 1861.

Major Wilson begs to inform Dr. Clarke that under the circumstances of the case it is not possible for him to relieve Dr. Nailer until the expiration of the period of Dr. Clarke's leave.

(True Copy)

(signed) F. Walthew.
Secretary to the Lucerne Fac Comm.

(True Copy)

F. Walthew.
Secretary to the Lucerne Fac Comm.

Madras.

16 August 1861.

To,

R. Hall Esq.

President of the Income Tax.

Sir,

With reference to the Order of Government dated 9 Instant, communicated to the Accounts with the Board's Proceedings of the 14 idem, dispensing with the services, I have the honor to state that I waited yesterday on Major Wilson, the Commissioner of Police for the purpose of resuming my late appointment in his Office as his Chief Clerk, and I beg herewith to submit his Memorandum to my address, and under the circumstances to request that you will do me the favor to continue my services in the Income Tax Office for the next month and half when my leave from the late Commissioner Col. C Boulderson will expire. I was induced to obtain one year leave under the guarantee of the

Received 20th August 1861.

From the Commissioner of Police.

To R. Hall Esq.

Dated 19th August 1861.

Read

Reply to be sent

Sent

Entered

Despatched

Copy of Report to Board of Revenue

Clerk.

the notification published in the Official Gazette dated 11 September 1860 Page 462 from which it will be seen that the appointment of Assessors was declared "to last for one year certain"

I have the honor to be &c.
(signed) A. P. Clarke

(True Copy)
(signed) F. Walthew
Secretary

(True Copy)

F. Walthew.
Secretary

Office of the Income Tax Comr.
Madras 21 August 1861.

No 1048.

From J. Walthew Esq
Secretary to the Income Tax Comrs

To Major W. J. Wilson
Chief Commissioner of Police
Madras

Sir, I have the honor by desire of the Commissioners to forward to you copies of the communications noted marginally, and with reference to your Memorandum of the 15th inst. to allow Br. Clarke, lately, acting for a peon in the Income Tax Office to return to his permanent appointment as Head Clerk in the Police Commissioners Office till the expiration of one year from the date of his taking leave, to remark that your objection appears to be based upon the fact that Br. Naylor who has been acting for Br. Clarke resigned his substantive appointment in the Civil Fund Office under an idea that he could act as Head year for Br. Clarke.

21

× Letter from Br. & H. Clarke Esq.
Secretary of the Income Tax Commrs to D. C. Asp. Sr.
Communication from the Chief Clerk of Police to Br. & H. Clarke Esq. D. C. Asp. Sr.

Encl. 2 & 6/61

From H. Walthew Esq
Secy to the Income Tax Comrs
To
D. C. Asp. Sr.
Secy to Govt

Dated 21st August 1861.
No 3 Despatch
No 123

By Br. Clarke Esq
to the Income Tax Comrs

C Asp. Sr. Cap. 6/61 C 23/24/0125

2 It was not intended by the advertisement put forth when Assessors were invited to give any guarantee to public servants holding substantive situations that their services as Assessors would not be dispensed with within the year, and had Wm Clarke been found at any period during the Income Tax Year 1860-61 unfit to perform the duty of an Assessor, the Commissioners did not suppose that he would have been unable to revert to his substantive appointment in the Police Office until a period of 12 months had elapsed from the date he joined the Income Tax Department.

3 The Commissioners could not have decided at an earlier period than they did on the number of Assessors who would be required in their Office. It was not until the new Bill amending the Income Tax Act XXXII of 1860 became Law, that the Establishment necessary for the ensuing year could be determined.

4 It appears therefore to the Commissioners that the course followed namely that those Assessors who held substantive appointment under Government should revert to their own appointments, upon the abolition of their Income Tax offices, was the only one which could be adopted and, as such it received the sanction of Government on the 15 Instant.

5 The Commissioners beg to express to you their regret that by inadvertence an Extract of the Proceedings (now enclosed) was not forwarded to you when Wm Clarke was directed to return to his duties in the Police Commissioners office and they hope that you will reconsider your decision by which Wm Clarke would be deprived of his Salary for six weeks.

6 The Commissioners are precluded under

under the circumstances stated above from pertaining Mr. Clarke as an Apeksa it having been determined to employ only two Apeksas (Mr. Boileau and Mr. P. J. Ramayya the Naidu) for the current Income Tax year 1861-62.

I have the honor to be &c.

(Signed) F. Wallhouse

Secretary.

(True Copy)

F. Wallhouse
Secretary

Inclosure in a letter
from F. Wallhouse Esq
Secretary to the Income Tax Com.
to
J. D. Sim Esq
Acting Secretary to Govt
dated Aug. 22.

Received 23rd August 1862
No 3
Income Tax Commrs
Letter to Govt Relative
to the Duties of
the Police Officers
Mr Clarke

No. 313 of 1861/62.

Madras Police Commissioner's
Office 22nd August 1861.

From Major W. J. Wilson
Commissioner of Police

To F. Wallhouse Esq
Secretary to the Income Tax Com.
Madras.

Sir, I have the honor to acknowledge the receipt of your letter of the 21st Instant No. 1048, written by desire of the Income Tax Commissioners to request me to reconsider my decision with respect to Mr. Clarke's application for permission to return to his duties in this Office before the expiration of his leave of absence.

2 In the second paragraph of your letter under reply it is stated that it was not intended by the advertisement that any guarantee should be given to a public servant holding a substantive situation that their services as Apeksas would not be dispensed with within the year

year but the terms of the notification are clear and precise - they do not provide for any exceptions, and appear to me to be susceptible of one construction alone, but of course that is a matter for the consideration of the Commissioners.

Vice Gazette 11 Sept 1860.

3 Mr Clarke was granted leave of absence from this office for one year dating from the 1st October 1860 and the question now is whether he should be permitted to resume his duties before the expiration of that period.

4 Having already fully considered the subject and being of opinion that Mr Clarke's return would be extremely unfair to the present incumbent, I declined to grant it and so far as the matter rests with me, I see no cause to alter my resolution.

I have the honor to be Sir
Signed W. J. Wilson
Commissioner of Police

(True Copy)
Signed W. J. Wilson
Secretary to the Income Tax Commrs

(True Copy)

Signed
Secretary to the Income Tax Commrs

Rec'd 20th 6/60.

Secretary's Office
Toronto
20th June 1860

Sir

I have the honor to transmit herewith for the information of the Board of Police Commissioners a Letter addressed to this Department by Mr. Clerk Assistant of the Legislative Council, dated 18th Inst. and enclosing a Petition from Mr. Clarke, Chief Constable of the Police Force of this City.

I have the honor to be
Sir
Your obedient Servant
J. C. Morrison
Secretary

Toronto
June 20th 1860

Clerk Assistant's Letter
to the Secretary Jan. Comm.
on the Petition of Chief
Clarke.

Dft

Ltr. I've left last the Income Tax Com^rs advertised for Assessors, saying that the appointments were to be "for one year certain".

Mr Clarke, of the Mr Bro. Police Office was selected by them as one of the Assessors & got one years leave of absence from 1 Oct 1860.

Under the recently ordered reduction of establishment, Mr Clarke was remanded to his post in the Police Office - but Major Wilson refuses to let him resume his situation as it is to be "Extremely unfair" to the person acting for him -

The orders of Govt are repealed &/or whether this objection shall be over-ruled or not - & if not, whether Mr

Clarke is to be kept on as he is — or is he then the person acting for him in the Police Office shall be compensated, which would be more economical than the second alternative.

I think the tone of Major Wilson's letter & the Com^rs. representation though its wording is civil, objectionable & requires 2 alterations.

I. D. L.

Office of the Income Tax Com^rs.
Madras 24 August 1861

No. 67

From J. Walkden Esq^r
Secretary to the Income Tax Com^rs.

To J. D. Sim Esq^r
Secretary to Government
Revenue Department

Sir,

I am desired by the Commissioners to transmit for the orders of Government the enclosed copies of correspondence which has passed between the Income Tax Commissioners and the Chief Commissioner of Police relative to the reduction of the number of Income Tax Assessors and the consequent return of Mr. Clarke to Assessor of the 3rd Division to his substantive appointment as Clerk in the Chief Commissioner's Office.

I have the honor to be,
Sir,
Your Most Obedient Servt.
J. Walkden
Secretary

[illegible] the Post — & the gazette
Clarke would be entitled to compensation
if demanded at once this substitution
effected, as well as the person acting for
him in Major Wilson's office —
Mr Clarke had best be allowed,
I think, to complete his year as [illegible]
[illegible] except, but the papers can
be disposed of in Council

Yrs

Yes the course
advised by Jno R
I would be for [illegible]
to see Chas Lot — Will

Rec'd August 1861 Nos. 124 - 125

Part of the

Rev=
(3) Pro: of Govt for Septr
1861 Dated
No: 2046.

From
J. Matthew Esq
Secy to the L. J. Com

To
J. D. Sim Esq
Secy to Govt
Revenue Dept

Dated 24 August 1861
Rec'd 26th "

No: 1784. 7th Sept:
Enclosures 4

Transmit enclosed for the orders of Government copies of a correspondence relative to the return of Mr. Clarke to his substantive appointment in the Chief Commissioner's Office

No 1784

Proceedings of the Madras Government under date the 7th September 1861.

Read the following letter from the Secretary to the Income Tax Commission

Lawsuits enclosed for the orders of Govt — copies of a correspondence relative to the return of Mr. Clarke to his substantive appointment in the Chief Commissioner's Office —

(Hen entered 24th August 1861 Re 67)

With this letter the Income Tax Commissioners for the Town of Madras submit certain correspondence with the Commissioner of Police relating to the refusal of the latter Officer to allow Mr. Clarke one of

1876.

c29 Aug 21 Sept

of the Assessors whose services have been dispensed with to return to his employment in the Police office before the expiration of the one years have granted to him from 1st October 1860 - Major Wilson states that it would be extremely unfair to the Rating incumbent to deprive him of his appointment before the period for which he was engaged expires - 2 She Govt have under consideration the subject and they are of opinion that under the advertisement published by the Commrs in September 1860, Mr Clarke as well as the person acting for him in the Police office would be entitled to compensation if the former is demanded at once to his substantive appointment - They therefore authorize the Commrs to allow Mr Clarke to complete his year as Income Tax Assessor -

I do I

13 Copies. President Income Tax Comrs Dublin
2 " Commissioners of Police.
3 " Civil Paymasters.

Relating to Mr Clarke
one of the Income Tax
Assessors.

Revenue 1861 Sept 14
Rec: of Com: for Taxes

120 5

9-8-1

1861 Sept 14.

Rec: of Wm Maddrax Govt
Dft for Sept 12/61.

From Mr Shum Y Cash
Govt Cheque No 22355 in favor
Richmond & Danville Railway Co. dated Sept 12
1861

Authorizing the
Income Tax Commissioners
to allow Mr Clarke to Com
plete his Year as Income
Tax Assessor.

No 7647

Respects