M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1748	Press ~~Mis.~~
221. 222	
Dated 18. 8. 1862.	

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
18th August 1862.

No. 221. Read the following Proceedings of the Madras Government in the Military Department :—

Communicating papers relating to the non-adjustment of the advance of Rupees 1,277-8-0 made to Dr. Lowe by Mr. Nisbett, late Assistant Collector of Coimbatore. } (Here enter 13th August 1862, No. 2,776.)

No. 222. ORDER THEREON, 18th August 1862, No. 1,748.

Forwarded to the Board of Revenue for communication to the Collector of Coimbatore with reference to his letter of the 2nd August 1862, No. 55.

(Signed) P. P. HUTCHINS,
Acting Deputy Secretary to Government.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following papers:—

Memorandum from the Adjutant General of the Army, Head Quarters, Ootacamund, 24th June 1862, No. 28.

Submitting an appeal from Assistant Surgeon T. Lowe, praying that he may not be retrenched the amount drawn as Compensation, while detained on duty on the Hills in 1861.

In submitting the within letter from the Principal Inspector General Medical Department, dated 17th June 1862, No. 116 with enclosures, the Commander-in-Chief has the honor to recommend that, under the circumstances therein brought to notice, the appeal of Assistant Surgeon T. Lowe may receive the favorable consideration of Government.

From the Principal Inspector General Medical Department, Fort Saint George, 17th June 1862, No. 116; to the Adjutant General of the Army, Fort Saint George.

Certificate of Assistant Collector and Magistrate touching the death of Captain F. G. Green, Bombay Army, dated Ootacamund, 19th November 1860, and enclosure.

* *No. 114, dated Dowlaishweram 31st May 1862.*

I have the honor to forward for the favorable consideration of His Excellency the Commander-in-Chief and Government, and with advertence to correspondence as per margin, the accompanying appeal* from Assistant Surgeon T. Lowe, praying that he may not be retrenched the amount drawn as Compensation, while detained on duty on the Hills in 1861, and I trust that it may meet with favorable consideration—the request being in strict accordance with the rule in such cases, and the only fault of the Assistant Surgeon being that, having drawn the amount of Compensation as an *advance*, he did not apply for an adjustment of the transaction with the Pay Department in the usual manner.

OOTACAMUND, *9th November* 1860.

I certify that Assistant Surgeon Thomas Lowe, Madras Sappers and Miners, was called in by me on the 13th September 1860, at the request of Assistant Surgeon L. W. Stewart, Junior Medical Officer Ootacamund, to assist the latter in the examination of the body of the late Captain F. G. Green, Bombay Army, which was made for the information of the Court of Inquest held at the time. Furthermore, that in accordance with the instruction received in the annexed copy of telegram from the Chief Secretary to Government, Dr. Lowe has been detained at Ootacamund pending the trial of the parties charged with the murder of the said Captain F. G. Green.

(Signed) W. S. NESBITT,
Asst. Collector and Magistrate.

REGISTER No. 4.

Her Majesty's East India Electric Telegraph Message.

From Madras, from Chief Secretary, to Ooty, to Assistant Magistrate.

Dr. Lowe and Captain Moore must not on any account leave the Hills until their evidence is no longer required in the matter of Captain Green's murder—claims for Compensation for detention must be sent in to Government specially through the proper channels.

From Assistant Surgeon T. Lowe, Sappers and Miners, Dowlaishweram, 31st May 1862, No. 114; to the Acting Deputy Inspector General of Hospitals Northern Division, Waltair.

I beg to forward to you for transmission to the Head of the Medical Department, the following explanations with Abstracts appended hereto, in appeal against the large retrenchment made against me for Compensation allowances drawn by me while on duty at Ootacamund, in the years 1860 and 1861.

1st. I proceeded to the Neilgherry Hills in April 1860, on sick leave for six months. That leave expired on October 11th, 1860. Prior to expiration of my leave, I had made arrangements to quit the Hills to return to my Corps *within the period specified*. This I should have

accomplished, had I not been detained by telegraph message from Government, in order to give Medical evidence touching the death of the late Captain Green, who was found shot in his house at Ootacamund. The investigation concerning that Officer's decease did not terminate till 15th November 1860, when, on receiving my release from the Session Judge of Coimbatore, I again was ready to proceed to my Corps, but was detained a second time, by telegraph message from the General of the Southern Division, to give evidence before a Court of Inquiry ordered to assemble at Ootacamund, relative to certain statements made against Dr. Stewart, the Medical Officer of the Hills. This inquiry ended on 22nd February 1861, and the results as to whether my services on the Hills could be dispensed with, were not made known to me until 22nd February 1861, when I received intimation from the General of the Division, that my presence was no longer required on the Hills. On the receipt of this order, I at once quitted Ootacamund: hence I had been detained by Order of Government from 13th September 1860 to 22nd February 1861, without which order I should have been back in Medical charge of my Corps, and the Civil Hospital for the Engineer's Department at Dowlaishweram, from before the 11th October 1860, the date of expiration of my sick leave, and for performing the duties appertaining to these charges, I should have drawn my usual monthly Pay and allowances, *viz* :—

Assistant Surgeon, Sappers and Miners, Rs.	430	12	0	Deductions to Medical Fund per month, Rs.	51 10 0
Medical charge of Dowlaishwaram, Engineer's Department, ,,	160	0	0		
Total Rupees...	590	12	0		

So that, had I returned to the Head Quarters Sappers and Miners, and not been detained on special duty, I should have received an aggregate of Rupees 2,953-12-0, less Rupees 258-2-0 deducted for the Medical Fund, leaving a balance of Rupees 2,695-10-0, during the period I was absent.

This lengthy detention on duty on the Hills caused me considerable inconvenience, for during the whole time I was unable to draw my Pay and allowances *monthly*, and consequently immediately prior to my quitting the Hills, my name having appeared in the Fort Saint George Gazette, of 22nd February 1861, (in which it will be seen I was gazetted as having been on duty in Ootacamund from 22nd November 1860 to 22nd February 1861.) I drew Compensation in lieu of allowances, amounting to Rupees 1,277-8-0, upon the strength of that order and upon the strength of the last paragraph of the telegraph message from the Chief Secretary to Government, which sum was made up of the allowances of my appointment for from September 13th, to November 15th, 1860, and for from 22nd November 1860 to the 22nd February 1861.

In support of the Abstracts now sent in by me for that Pay, I append a copy of the telegraph received by me from the Chief Secretary to Government: the order of my release of service from the Session Judge of Coimbatore, and an Extract from Fort Saint George Gazette above alluded to, referring to my being detained on duty.

I beg most respectfully to draw your attention to the Pay and Audit Regulations, Section IX paragraph 44, pages 165, 166, in which it is distinctly stated that "the claimant at the time of withdrawal from his Corps or Station for special duty occasioning the alleged loss, must have been in actual receipt of the allowance for which he seeks Compensation."

I had been in actual receipt of the monthly Pay and allowances above alluded to since the 8th August 1858, and at page 166, it states "if an Officer while absent on privilege leave be put on public duty on a date which would admit of his re-joining within the period of his leave, he will be entitled to Compensation for loss of allowances."

I was, firstly, ordered on special duty by the commands of Government, when on the eve of re-joining my appointment, and secondly, in obedience to the orders of the General of the Division, I was further detained on duty—the same being notified by Gazette, so that my claims for Compensation for loss of allowances I respectfully submit are not inadmissible. The Chief Secretary's telegram distinctly states that "Compensation for detention, must be sent in to Government specially through the proper channels," evidently acknowledging the right of Officers so detained to Compensation.

In the Judicial Proceedings of the Madras Government, dated 18th January 1861, No. 67, it will be seen that my claim for Compensation for my *Civil* allowance, for the time I was engaged in Captain Green's case, was recognized and graciously allowed. The Civil Auditor in a letter addressed to me, dated 19th December 1860, No. 1434, in paragraph 2, fully recognizes the justice of my claim for Compensation for loss of Civil allowance during the time I was detained in Captain Green's case, and if it be recognized in one instance, the same, I respectfully submit, holds good as well for the Military as Civil Department, and also in case of a second and further detention *viz.*, from 22nd November 1860 to the 22nd February 1861, for which period I was gazetted, and, it would seem, this guaranteed payment of Compensation.

In case the claim for Rupees 341-8, be considered inadmissible for the whole period for which it is claimed, I beg to request that my claim for that period, actually antecedent to the expiration of my leave *viz.*, from 13th September to 11th October 1860, may be laid before Government for special consideration, the same circumstances being considered for this claim as in the Order of Government, dated 18th January 1861, No. 67.

I beg most respectfully to request you will have the kindness to forward this appeal against the heavy retrenchment now made against me, with as little delay as convenient.

Extract from G. O. C. C. dated 22nd February 1861, *Head Quarters, Choultry Plain.*

Assistant Surgeon T. Lowe is to be considered as having been on duty on the Neilgherries from the 22nd November 1860, to the date of relief.

(A true Copy.)

(Signed) T. LOWE, Asst. Surgeon,
Sappers and Miners.

MEMORANDUM.

From these sums in aggregate the amount of Company's Rupees (39-0-0) thirty-nine, was deducted as Income Tax by the Assistant Magistrate of Ootacamund.

(Signed) T. LOWE, Asst. Surgeon,
Sappers and Miners.

DOWLAISHWERAM,
31st May 1862.

MEDICAL DEPARTMENT.

Her Majesty's Indian Government,..... *Dr.*

To amount of Compensation in lieu of Staff allowance of the Regiment of Sappers and Miners from 22nd November 1860 to the 22nd February 1861, being a period of three months, at Rupees 165 per mensem... ... ... Rupees... 495 0 0

Total Company's Rupees..... 495 0 0

Received the amount, *viz.* Company's Rupees four hundred and ninety-five.

(Signed) T. LOWE, Asst. Surgeon,
Sappers and Miners.

DOWLAISHWERAM,
31st May 1862.

I do hereby declare upon my honor that the sums contained in this bill have been necessarily incurred for the purposes set forth.

(Signed) T. LOWE, Asst. Surgeon,
Sappers and Miners.

I was detained on special duty before the Court of Inquiry assembled at Ootacamund, to investigate charges against Dr. Stewart, vide G. O. C. C. 22nd February 1861.

(Signed) T. LOWE, Asst. Surgeon,
Sappers and Miners.

MEDICAL DEPARTMENT.

Her Majesty's Indian Government.....*Dr.*

To amount of Compensation in lieu of my consolidated allowance as Medical Officer in charge of the Civil Hospital, District Engineer's Department, Godavery Division, from 22nd November 1860 to the 22nd February 1861 being a period of three months, at the rate of Rupees 160 per mensem.... ... Rupees... 480 0 0

Total Company's Rupees... ... 480 0 0

Received the amount, *viz.* Company's Rupees four hundred and eighty.

DOWLAISHWERAM, 31*st May* 1862. } (Signed) T. LOWE, Asst. Surgeon, *Sappers and Miners.*

I do hereby declare upon my honor, that the sums contained in this bill have been necessarily incurred for the purposes set forth.

(Signed) T. LOWE, Asst. Surgeon, *Sappers and Miners.*

I was detained on special duty before the Court of Inquiry assembled at Ootacamund, to investigate into charges against Dr. Stewart, vide G. O. C. C. 22nd February 1861.

(Signed) T. LOWE, Asst. Surgeon, *Sappers and Miners.*

MEDICAL DEPARTMENT.

Her Majesty's Indian Government.....*Dr.*

To amount of Compensation in lieu of Staff allowance of the Regiment of Sappers and Miners from 13th September to 15th November 1860, being a period of two months, and two days at Rupees 165 per mensem .. Rupees... 341 8 0

Total Company's Rupees..... 341 8 0

Received the amount, *viz.* Company's Rupees three hundred and forty-one, and Annas eight.

DOWLAISHWERAM, 31*st May* 1862. } (Signed) T. LOWE, Asst. Surgeon, *Sappers and Miners.*

I do hereby declare upon my honor that the sums contained in this bill have been necessarily incurred for the purposes set forth.

(Signed) T. LOWE, Asst. Surgeon, *Sappers and Miners.*

I was detained on duty in the murder case of the late Captain F. G. Green, Bombay Invalids.

(Signed) T. LOWE, Asst. Surgeon, *Sappers and Miners.*

This is to certify that the case of murder, to give evidence in which Dr. Lowe was detained at Ootacamund, having been tried and disposed of by the Session Court at Ootacamund, that Officer's presence is no longer required by the Court.

OOTACAMUND, 15*th November* 1860. } (Signed) S. N. WARD. *Session Judge of Coimbatore.*

Proceedings of the Madras Government, Military Department.

Read the following Memorandum from the Adjutant General of the Army, Fort Saint George, 31st March 1862, No. 233.

The Commander-in-Chief has the honor to submit to Government, the within letters* from the Collector of Coimbatore, shewing that in the month of March 1861, Assistant Surgeon Lowe, of the Sappers and Miners, drew an advance of Rupees 1,277-8-0, from the Civil Treasury, which still remains unadjusted.

* 27*th December* 1861.
4*th February* 1862.

2. This advance apparently was on account of Compensation for allowances, to which the Assistant Surgeon considered himself entitled. But the Controller of Military Finance in his letter to you, 27th February 1861E, reported that this Compensation was inadmissible under Military Regulations. A copy of that letter was furnished to the Head of the Medical Department on the 1st March 1861, for Assistant Surgeon Lowe's guidance.

3. So long a time having elapsed since the advance was made, and no steps having been taken to adjust it, His Excellency recommends that an Order of Government may be passed for the amount to be recovered from the Assistant Surgeon by the Pay Department.

ORDER, No. 1384, 15*th April* 1862.

The Governor in Council directs that the advance of Rupees (1,277) one thousand two hundred and seventy-seven, and Annas (8) eight, drawn by Assistant Surgeon Lowe from the Coimbatore Treasury, be recovered through the Pay Department.

(True Extract.)

(Signed) H. MARSHALL, Colonel, *Secretary to Government.*

Memorandum from the Secretary to the Principal Inspector General Medical Department, Fort Saint George, 1st May 1862, *No.* 1141.

Transmitted to the Deputy Inspector General of Hospitals Northern Division, for information, and for communication to Assistant Surgeon Thomas Lowe, Sappers and Miners.

With Report from the Controller of Military Finance, 8th July 1862, *C.*

ORDER, No. 2544, 22*nd July* 1862.

On a full review of the whole of the circumstances attending the detention of Assistant Surgeon Lowe on duty on the Neilgherry Hills, as detailed in the foregoing correspondence, the Governor in Council is pleased, in consideration of the particular cause of detention and at the recommendation of His Excellency the Commander-in-Chief, to sanction specially, Compensation for loss of Staff salary being passed to the abovementioned Officer, for the period he was so detained on duty.

(True Extract.)

Deputy Secretary to Government.

To the Adjutant General.
" Principal Inspr. Genl. Medl. Department.
" Controller of Military Finance.
" Military Accountant.

Exd. T. Stubbs.

MILITARY DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following papers:—

From the Collector of Coimbatore, Ootacamund, 2nd August 1862, *No.* 55; *to the Acting Chief Secretary to Government.*

With reference to the accompanying copy of correspondence noted in the margin,* I have the honor to request that early orders may be passed by Government in the Military Department, regarding the adjustment of the advance of Rupees 1,277-8, made to Dr. Lowe by Mr. Nesbitt, when Assistant Collector of this District.

To the Military Secretary to His Excellency the Commander-in-Chief, dated 8th July 1862, *No.* 262.
From do. 14th do. No. 152.

From the Collector of Coimbatore, Coonoor, 8th July 1862, *No.* 262; *to the Military Secretary to His Excellency the Commander-in-Chief.*

With reference to the former correspondence on the subject of the advance of Rupees 1,277-8, made to Dr. Lowe by the late Assistant Collector, Mr. Nesbitt, I have the honor to report that the amount has not yet been repaid and remains unadjusted, I therefore request orders for its early adjustment.

From the Military Secretary to His Excellency the Commander-in-Chief, Head Quarters, Ootacamund, 14th July 1862, *No.* 152; *to the Collector of Coimbatore.*

In reply to your letter, No. 262, of the 8th instant, I am directed by the Commander-in-Chief to inform you, that the subject of the advance of Rupees 1,277-8, made to Dr. Lowe by Mr. Nesbitt is still before Government, in the Military Department, and that His Excellency is awaiting instructions on the point.

ORDER, No. 2776, 13*th August* 1862.

Recorded. with reference to Proceedings of Government, No. 2544, dated 22nd July 1862.

(True Extract.)

R. Hamilton Lt. Col.
Deputy Secretary to Government.

To the Revenue Department, with Proceedings of Government, No. 2544 of 1862. *Vide Spare Copies*

Exd. T. Stubbs.

Revenue 1862 Oct^r
Pro: of Govt^ 7^th August
Nº. 2294.

Proceedings of the
Madras Govt^ in the
Military Depart^.

Dated 13^th Aug^t/62
Receive 14^th "
Nº. 2776.

Communicating
papers relating to the
non-adjustment of
the advance of Rs.
12 ½ -8 made to Dr.
Lowe by Mr. Nicholl
late Asst^ Collector
Coimbatore.
Nº 1748- 18 August
With an order

Nº 221 & 222

Forwarded to the Board of Revenue for
communication to the Collector of Coimbatore
with reference to his letter of the 23^d August
1862 Nº 555.

Nº 1748

18^th August 1862
Fort St. George