M.R.O. 14—18,000—27-9-24.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1179 Press Mis.

125 — 125

Dated 7 — 7 — 1864

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 7th July 1864.

Read the following letters:—

No. 123. From R. W. LODWICK, Esq., Civil Paymaster, to J. D. SIM, Esq., Secretary to Government Revenue Department, dated Fort Saint George, 20th April 1864, No. 100:—

SIR,

1. I have the honor, with reference to Government Order No. 662, dated 19th instant, respectfully to bring to the notice of His Excellency in Council that the grant of passage money to servants of Officers of Government travelling by Steamer is not allowable as appears from the Statement of the Civil Paymaster, Calcutta, and the wording of the Order of the Supreme Government dated 14th January 1859, both of which were published for general information in Notification of this Department, No. 16, dated 5th instant.

2. I have therefore the honor very respectfully to request that the orders issued in Mr. Master's case may be re-considered; but should His Excellency in Council think fit to adhere to those orders, I shall of course act in accordance therewith, pending the reply to a reference to the Government of India which I shall then be obliged to make under the provisions of Supreme Government Order, No. 5,649, dated 28th June 1860.

No. 124. From R. W. LODWICK, Esq., Civil Paymaster, to J. D. SIM, Esq., Secretary to Government of Madras, Revenue Department, Fort Saint George, dated 10th June 1864, No. 35.

SIR,

1. I have the honor, with reference to your Official Memorandum No. 95, dated 9th instant, to state that inasmuch as the interpretation of the rule regarding passage money by Mr. Sandeman shows that the Government of India objects to the grant of passages to servants of Officers proceeding by sea, the "special order" to which that gentleman refers is read to mean an Order from the Government of India.

2. I beg to point out that if the special order were held to be one from the Local Government, the rule might be rendered perfectly inoperative, as in each case nothing further would be necessary than an appeal to Government, and the issue of an order thereon granting the allowance which would then have to be passed without the Supreme Government being informed of the circumstance.

3. I take this opportunity of bringing to your notice that the strict letter of the rule has always been held to be the right course of procedure, during my experience as a Civil Paymaster in Bombay, cases having been in that Presidency decided by Government on appeal in accordance with the view I have taken of the question in the present instance. Under these circumstances it will be evident to you that I should lay myself open to blame if I did not refer the question for decision to Calcutta, should His Excellency in Council think proper to repeat his previous order.

Ordered that the following letter be despatched.

No. 125. From J. D. SIM, Esq., Secretary to the Government of Fort Saint George, to the Secretary to the Government of India, dated 7th July 1864, No. 1,179.

SIR,

Miscellaneous.

1. I am directed by His Excellency the Governor in Council to submit the following case for the decision of the Right Honorable the Governor General in Council.

2. In March last Mr. R. E. Master, Acting Director of Revenue Settlement, had occasion to proceed from Madras to Cocanada on duty.

3. Had he travelled by land he would have been entitled to draw Rupees 406 as travelling allowance for the journey to and from Cocanada.

4. But under the Order of the Supreme Government, dated 14th January 1859, No. 378, he proceeded by sea in a vessel of the British Steam Navigation Company, and submitted a Bill for

Rupees 177-12-0, being the passage money of himself and his servant. The Civil Paymaster disallowed the charge for Mr. Master's servant, with reference to the Notification of the Supreme Government in the Financial Department, dated 14th January 1859, No. 327.

5. This Notification states that when journeys are made in private vessels "the actual passage money (being of course reasonable) should be allowed." This Government considering it perfectly reasonable that a public Officer of Mr. Master's rank, proceeding rapidly by a prescribed mode of conveyance to a distant place, where his duty required him to pass several days and thence return in like manner to his head quarters, should be accompanied by a servant, specially sanctioned the charge for the servant's deck passage.

6. The Civil Paymaster still demurs to this course, as opposed to a "statement of the Civil Paymaster, Calcutta, and the wording of the Order of the Supreme Government" above quoted.

7. Mr. Lodwick's Notification in the Madras Gazette* has appended to it an extract from a letter from the Civil Paymaster, Fort William, stating that "actual passage money is allowed, but no servants without a special order."

* Dated 8th April 1864, No. 3,846, page 663.

8. On what authority the Civil Paymaster of Calcutta made this statement or Mr. Lodwick applied the ruling to this Presidency is unknown to this Government, but supposing the ruling to be correct and applicable to Madras, its requirements have been fulfilled by the special order already issued by this Government.

9. Mr. Lodwick, however, now maintains that the special order must emanate from the Supreme Government.

10. The case then stands thus—

11. The Supreme Government allow actual passage money, *being reasonable*.

12. The Civil Paymaster, Calcutta, declares that no servants are allowed without a special order.

13. The Civil Paymaster, Madras, declares that this special order must emanate from the Supreme Government.

14. This Government consider that in stipulating that the passage money should be reasonable, the Supreme Government meant no more than that they would only pay for such accommodation as under the circumstances of each case were equitable and proper. Had Mr. Master engaged several cabins for his own use, or taken up a large Establishment of servants, the extra charges so incurred would have been disallowed as unreasonable. Mr. Master, as already stated, took but one servant who had a deck passage, and it is to be remarked that if he had sent this servant by land he would have taken fully thirty days to reach Cocanada and as many to return, so that his services would have been lost to his employer for two months.

15. The ruling of the Civil Paymaster of Calcutta supposing it to be founded on orders of the Supreme Government, is unobjectionable further than it entails some trouble and correspondence which might be obviated by general rules prepared by the Local Governments. But Mr. Lodwick's further requirement that the special sanction must be that of the Supreme Government appears wholly unreasonable. This Government cannot suppose that the Governor General in Council contemplates having his time taken up with matters of this nature, or regards the question of specially allowing an Officer to take a servant with him, as a matter of imperial concern beyond the competency of the Local Government.

16. I am directed to enquire whether it is the intention of the Supreme Government that a reference shall be made to them in every case in which this Government consider an Officer entitled to take a servant with him when proceeding on duty by a prescribed mode of conveyance, or whether this Government may sanction payment of the charge for the servant as part of the reasonable passage money allowed by the order already quoted.

17. I am to point out that Military Officers, down to the grade of Warrant Officers and 2nd Dressers, are entitled to take servants with them under similar circumstances.

Proceedings of the Madras Government, Revenue Department,
7th July 1864.

18. This Government will have no difficulty in framing rules on the subject (if the Governor General in Council considers this course desirable), regulating the number of servants to be allowed and the charge for diet which should be made upon Civilians equally with Military Officers.

19. I am to draw attention to the course adopted in this instance by Mr. Lodwick, of referring questions to the Civil Paymaster of Fort William and publishing that Officer's replies in the "Fort Saint George Gazette" without the slightest intimation to this Government. The rulings of the Civil Paymaster, Calcutta, are no more to this Government than the rulings of any other Paymaster, they can derive authority only from being based on decisions of the Supreme Government, and these decisions this Government cannot recognize until received direct in the usual course for their information and guidance.

Memo.-

1. In the matter of the Civil Paymaster's account to the order of Govt. dated 19th April 1864 No. 662 in which he was directed to pay the passage money of the servant who accompanied the officiating director of Revenue Settlement to and from Coorg on a recent tour.-

2. The alleged matter in such a payment is not allowable with reference to the order of the Govt. of India dated 14th January 1859 and the statement of the Civil Paymaster Calcutta both which

* In other cases in which journeys are made in private vessels, Mid Shipmen, in towing their actual passage money (when of course reasonable) should be allowed.-

* When the whole, voyage is traversed by steamer, the actual passage money is allowed, but no extra is without a special order

which are given in the margin-

3. The order referred to will be found at length in Madras G.O. Financial department 14th February 1859 No. 104.

4. The Resolutions of 1864 and 1866 therein alluded to, as providing for cases in which officers are furnished with passage in Govt. vessels have reference to table money.

5. There is nothing to shew whether the statement contained in the Calcutta Civil Paymasters' letter dated 19th May 1862, No. 180, as marginally entered above, was published with the sanction of the Supreme Govt. or whether the "special order" without which no servants can be allowed must

†26th February 1864, No. 251. J. G.

*21st April 1863, No. 611. Judicial Dept.

must always be that of the Govt. of India.

6. This Govt. however defined the "suitable accomodation" which under G.O. 16th January 1862 No. 16 Marine department was to be provided to certain officers, to mean "cabin accommodation" for the officer and not to include horses or servants - and at the same time they specially authorized the Civil Paymaster to pass certain extra charges which the Inspector General of Madras Police had incurred of a nature similar to that now under consideration.

7. This authorization however had reference to certain special rates of travelling allowance which had been recommended for sanction by

*Inspector General of Jails
Director of Public Instruction
Director of Revenue Settlement
Postmaster General
Inspector General of Police

to the Govt of India on account of Police officers when proceeding on duty by sea should these special rates be granted they will not affect other departments and therefore I think para 2 G" 19th April 1864 No 662 P" D" in which the Director Revenue Settlement was told to submit for the sanction of Govt bills for charges of the nature under consideration pending the result of the reference in the judicial department already alluded to, was a mistake -

5. Whatever course the Govt may see fit to pursue in regard to the present reference it would seem desirable that some rule for the provision of passages to

to Civil officers proceeding on duty by sea should be sanctioned for general adoption -

6. On the 8th April 1864 certain rules were issued (vide page 319 Gazette of India for April 9 - 1864) in the Military department on this subject - Under these, Military officers receive free passages in certain cases but are liable to deduction on account of table money - This is but fair and should be enforced in the Civil department. There is no reason why Govt should feed their servants while on a journey - On the other hand Military men are entitled under Regulation (see page 416 - of Pay Code) to Regulations to a free passage for servants

servants, the number va-
=rying according to the
rank of the officer. Any
similar privilege might
fairly be granted to ci-
vil officers.

cy [illegible]

Rec'd Oct.

Jer Mercer

last W.m Pn Esq. Warden,
Actg Director of Revenue Settlement Lodgement to proceed from Warwick to Coonoor on July.

Had he travelled by land he would have been entitled to draw Rs 406 as travelling allowance for the journey to and from Coonoor.

But under the order of the Supreme Govt dated 14th January 1856 No 375 he proceeds by steamer in a cradle of the B.N. Co and submitted a Bill

Bill for Rs 177-12-0 be-
-ing the passage money
for himself and a
single servant with boat
hire for embarking &
disembarking - The Civil
Paymaster disallowed
the charge for Mr Master's
servant with reference
to the notification of the
Supreme Govt in the Fi-
-nancial department dated
14th January 1869 No 327-

This notification
states that when jour-
-neys are made in pri-
-vate vessels "the actual
passage money (also
of course reasonable) is
should be allowed" - This
Govt considering it per-
-fectly reasonable that a
public officer of Mr Master's
rank proceeding explicitly
by a prescribed mode
of conveyance to a dis-
-tant place where his
duty required him to have
several

Cabin accomo-
-dation for Mr
Master -
deck passage for ser-
-vant -

Madras declares that this
special order must emu-
-rate from the Supreme
Govt - It seems true
that in stipulating that
the passage money should
be reasonable the Supreme
Govt meant no more than
that they should only pay
for such accomodation
as under the circum-
-stances of each case
were equitable and pro-
-per - Had Mr Master en-
-joyed several cabins
for his own use, or taken
up carriages and horses
for his personal gra-
-tification, or a large
establishment of servants
the cost of which charges so in-
-curred would have been
disallowed as unreason-
-able - Mr Master actual-
-ly stated to have but
one

one servant who had a deck passage, and it is to be remarked that if he had sent his ser=vant by land he would have taken fully 30 days to reach Cocanada and as many to return, so that his services would have been lost to his employ=er for two months.

The ruling of the Civil Paymaster of Cal=cutta – supposing it to be founded on orders of the Supreme Govt. – is un=objectionable further than it entails some trouble and correspond=ence which might be obviated by general rules prepared by the local Govts. – But Mr. Lodwick's further re=quirement that the special sanction must be that of the Supreme Govt. is pre=posterous. – It cannot be supposed that the Governor General in Council contemplates having his time taken up with matters of this nature or regards the question of specially allowing an officer to take a servant with him, as a matter of Imperial concern be=yond the competency of the local Govt.

The best plan, I think, would be for Govt. to refer the matter themselves – (X)

Military officers are always allowed servants – according to rank – down to warrant officers and

X I would refer the matter stating the question fully in a letter. Unless the Supreme Govt. rule that passage for one servant cannot be allowed at all under the matter. If it is to be allowed on special sanction then of course that sanction must be given by the Local Govt. but on this point to avoid future cavils on the part of Mr L. a decision should be asked –

I protest against the authority of the C. Paymaster at Calcutta being brought in in such questions – his ruling is worth no more than that of any other Paymaster or the C.P. of Bombay – If it be based on any order of the Govt of India that order must be communicated.

Revenue Department.

No. 1179.

To

The Secretary to the Government of India.

Sir,

I am directed by His Excellency the Governor in Council to submit the following case for the decision of the Right Honorable the Governor General in Council.

In March last Mr. R. E. Master, a Acting Director of Revenue Settlement had to occasion to proceed from Madras to Cocanada on duty.

Had he travelled by land he would have been entitled to draw Rs. 406 as travelling allowance for the journey to and from Cocanada.—

But under the orders of the Supreme Government (by) dated

Ld Dressers!

But Military officers pay a reputed sum for food & liquor on board. and to this charge, Civilians should also be subject. There would be no difficulty in drawing up general rules & case by case special orders.

L. D.

I am directed by the Governor in Council to acknowledge the receipt of your letter No. 1179 dated 4th instant & to request that you will be pleased to submit for the decision of the Right Honorable the Governor General in Council the following case.

In March last Mr. R. E. Master, a Acting Director of Revenue Settlement had occasion to proceed from Madras to Cocanada on duty.

Had he travelled by land he would have been entitled to draw Rs. 406 as travelling allowance for the journey to and from Cocanada.—

But under the orders of the Supreme Government (by) dated

[illegible]

No 25 Army & Dep.

dated 11th January 1859 No. 375
he proceeded by Sea in a Vessel
of the B.I. & Co. and submitted
an Bill for Rs. 177-12- having
the passage money of himself
and his Servant - The Civil
Paymaster disallowed the
charge for Mr. Master's servant
with reference to the Notification
of the Supreme Govt. in the Finan-
-cial Department dated 14th
January 1859, No. 327 -

This Notification
states that when journeys are
made in private vessels "the
actual passage money (being
of course, reasonable) should
be allowed" - This Govt.
considering it perfectly
reasonable that a public
officer of Mr. Master's
rank proceeding rapidly by a
prescribed mode of conveyance to
a distant place where his
duty required him to pass
several days and there
return in like manner
to his Head Quarters,
should be accompanied
by a ~~single~~ servant, as
specially sanctioned the
charge for the servant's
deck passage -

The Civil Paymaster
still demurs to this course,
as opposed to a "state-
-ment of the Civil Pay-
-master Calcutta and the
wording of the order of
the Supreme Govt" above
quoted. -

Mr. Lodwick's No-
-tification in the Madras
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stating that "actual"
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out a special order."

On what authority

the

* Dated 8th April 1864
No 3846 page 663.

the Civil Paymaster of
Calcutta made this state-
=ment or Mr. Lodwick ap-
=plied the ruling to that
Presidency is unknown to
this Govt. but supposing
the ruling to be correct and
applicable to Madras
its requirements have
been fulfilled by the
special order already is-
=sued by this Govt.

Mr. Lodwick how-
=ever now maintains that
the special order must
emanate from the Su-
=preme Govt.

The case then
stands thus.

The Supreme Govt
allow actual passage
money - but reasonable.

The Civil Paymaster
Calcutta declares that no or-
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=out a special order.

The Civil Paymaster
Madras

Madras declares that
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The Government
consider that in defraying
that the passage money
should be reasonable the
Supreme Government meant
no more than that they
would only pay for such
accommodation as under
the circumstances of each
case were equitable and
proper. Should the Master
engaged several cabins
for his own use or have few
or a large establishment
of servants the actual
charges

charges as incurred
would have been dis-
allowed, or increased
-ded. — Offer tender or
a remedy stated to be
best once Memorandum
Land a deck passage
and it is to be remarked
that if he had sent
this forward by land
he would have taken
ten days to reach
Canada and as many
to return, so that his
error would have been

lost to his employer for
two months.

The finding of
the Civil Engineer —
of Calcutta referring
it to be founded on orders
of the Supreme Govt.
in modifications of former
ones of which no official
knowledge be obtai-
-ned by general rules
prepared by the local
Government. But this
Conducted further
regurement

requirement that the special sanction must be that of the Supreme Government of India, and that Government is practically unassailable. The Govt cannot suppose that the Governor General in Council contemplates leaving his hands free as with matters of this nature as regards the question of specially allowing an officer to take a servant with him as a matter of official concern beyond the competency of the local Government.

I am

directed to acquaint you, for the information of the Supreme Government that a reference shall be made to them in every case in which these Govt consider an officer entitled to take a servant with him under the proceeding authority by a prescribed mode of conveyance, or whether Her Government may sanction payment of the charge for the servant as part of the reasonable passage money allowed by the order already quoted.

I am to point out that Military officers down to the grade of Warrant officer and 2nd Engineers entitled

to take a servant with them
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I am Government &c.
will have no difficulty in
framing rules on the subject
if the Governor General in
Council considers this course
desirable) regulating the
number of servants to be al-
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diet which should be made
upon Civilians equally
with Military Officers.

I am to draw atten-
tion to the course adopted
in this instance by Mr.
Sadwick, of referring questions
to the Civil Paymaster
of Fort William and pub-
lishing that officer's replies
in the Fort St. George Gazette
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of any other Paymaster. They
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being based on decisions of
the Supreme Government, and
these decisions this Government
cannot recognise until received
direct in the usual course
for their information and
guidance.

Fort St. George
7th July 1860.

Pro. No. 298-299
19-4-64

Revenue 1864 Dept.
Pro: of Govr for July
1779

To the Secy. to the
Govt of India.
Fort St. George

Forwd. for the Govr's Warrant
& Counter-Sign Manual
of Augt 1864 No 2217.

Letter & Protocol relating
to fixing the travelling
allowance of Offrs C.S.
Marine & Ordering Pensions
& Pensioners Establishment.

No 123 @ 125.