

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	296	Press
	59.60	~~M.R.~~
Dated	5-2-	18 66.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
5th February 1866.*

No. 59. Read the following Proceedings of the Madras Government in the
Military Department: —

Directing, under the circumstances stated, to
pass the Military pay of Private Ogden, Her
Majesty's 68th Light Infantry, during his
employment in the Forest Department in
Burmah. } (Here enter 26th January 1866, No. 335.)

No. 60. ORDER THEREON, 5th February 1866, No. 296.

Miscellaneous.

Communicated to the Conservator of Forests and the
Board of Revenue.

(True Extract.)

(Signed) J. GROSE,

Acting Under Secretary to Government.

To the Conservator of Forests, } With Proceedings Military Department, No. 335.
,, the Board of Revenue. }

Exd, S, T. Augustin.

MILITARY DEPARTMENT.

Read the following papers :—

Read the following papers:—
From the Secretary to the Government of India,... Here enter 6th December 1865, No. 581F.
 11th January 1866, A.

From the Secretary to the Government of India, Public Works Department, Fort William, 6th December 1865, No. 581F; to the Secretary to Government, Military Department, Madras.

In forwarding the accompanying original correspondence, received from the Chief Commissioner, British Burmah, on the subject of the retrenchment of the Military Pay of Private Ogden of Her Majesty's 68th Light Infantry, during the period he was employed in the Forest Department in that Province, I am directed to request, that should the Madras Government concur in the opinion of the Government of India, that the Forest Department is a purely civil one, instructions may be issued cancelling the retrenchment.

From the Officiating Secretary to the Chief Commissioner, British Burmah, Public Works Department, Rangoon, 7th September 1865, No. $\frac{43 \text{ P}}{13 \text{ A}}$; to the Secretary to the Government of India, Public Works Department, Fort William.

I am directed to submit, for the orders of the Government of India, copy of the letter named in the margin,* and to

- Letter No. 62A, dated 5th September 1865, from Officiating Conservator of Forests, and following copies of correspondence.

Examiner Pay Department's letter	No. 2148, dated 6th June 1864.	for the retrenchment in
Officiating Conservator's	" 134B, " 1st Aug. "	question, as the Forest
Acting Paymaster's	" 422, " 5th " "	Department, is unques-
Officiating Conservator's	" 139B, " 13th " "	tionably a Civil Depart-
Examiner Pay Department's	" 3756, " 18th Oct. "	ment, and is recognized
Officiating Conservator's	" 195B, " 8th Dec. "	by the Government of
" to Accl. Genl.	" 1B, " 8th May 1865.	India as such.

From the Officiating Conservator of Forests, British Burmah, Rangoon, 5th September 1865,
No. 62A; to the Secretary to the Chief Commissioner, British Burmah, Public Works Depart-
ment, Rangoon.

I have the honor to request that the enclosed correspondence, as per margin,† may be submitted for the orders of

† Examiner of Pay Department's letter No. 2148 of 6th June 1864.			Government, as to
Officiating Conservator's	"	134B, dated 1st Aug. "	whether the retrenchment
Acting Paymaster's	"	422, " 5th " "	is correct against
Officiating Conservator's	"	139B, " 13th " "	officers of this Department,
Examiner Pay Department's	"	3756, " 18th Oct. "	and in order that
Officiating Conservator's	"	195B, " 8th Dec. "	on a future occasion we
"	to Acct. Genl.,	" 1B, " 8th May 1865.	

may know whether the Forest Department is a Military or a Civil Department, and if neither of these, what it is, as the Examiner Pay Department does not admit it, as being either one or the other.

The case is as follows :—
Private John Ogden, of Her Majesty's 68th Regiment Light Infantry, was employed by the Forest Department from 15th February to 30th August 1860, and received his Military pay upon certificates signed for him by officers of the Forest Department, he being entitled to his Military pay for one year. Under Pay and Audit regulations, Section X, paragraph 5—copy of which is enclosed. The certificates were not checked by the Examiner—*vide* his letter No. 3756—as he does not

This Military pay is retrenched by the Examiner—*vide* his letter No. 3756—as he does not consider the Forest Department, a Civil (I) Department, and the amount has been ordered to be retrenched from the salary abstracts of officers of this Department, myself included, as one who signed certificates.

No reply to my letter No. 195B has been received at this office, though on reference to the pay office, they state that a reply was sent.

Extract from Madras Pay and Audit Regulations, page 183, Section X, paragraph 5.

"No European Effective Soldier is permitted to retain any civil employment, unconnected with his Military duties, for a longer period than one year, without purchasing his discharge. Unless he be employed by permission of competent authority, in the service of Native States, when he will be borne as an effective supernumerary."

(True Extract.)

(Signed) A. J. GREENLAW, Lieut.-Colonel,
Paymaster Pegu Division.

From the Examiner Pay Department, Fort Saint George, 6th June 1864, No. 2148; to the Acting Paymaster, Rangoon.

In acknowledging the receipt of your letter of the 29th April 1864, No. 1517, I have the honor to acquaint you that, as on reference to the records in this office, Pay appears to have been drawn on Abstract under the signature of H. Leeds Esq., Officiating Conservator of Forests, British Burmah, for Private John Ogden Her Majesty's 68th Light Infantry, from 16th February to 31st August 1860, the charge was correctly retrenched by this Department in the Accounts of your office for September 1860, and the amount Rupees 66-6-6, should therefore be recovered from him.

Memorandum from the Acting Paymaster Pegu Division, Rangoon, — July 1864, No. 324; to the Officiating Conservator of Forests, British Burmah, Rangoon.

Copy forwarded to H. Leeds Esq., with a request that he will be good enough to settle the above demand.

From the Officiating Conservator of Forests, British Burmah, Rangoon, 1st August 1864, No. 134B; to the Acting Paymaster Pegu Division, Rangoon.

I have the honor to acknowledge receipt of your memorandum, No. 324, forwarding copy of letter from the Examiner Pay Department.

With reference to the pay of Private Ogden of Her Majesty's 68th Regiment, I regret that I can see no reason for remitting the amount claimed from this Department, as I come to a different conclusion to the Examiner Pay Department.

I have some recollection of Private Ogden, some four years ago, presenting a pay certificate to me, as coming from his Regimental Paymaster, asking me to sign it in order that he might get such Military pay, as was due to him—this document I have no doubt I signed, I had nothing to do with his Military pay, nor did I know whether he was entitled to any, his Regimental Paymaster was of course acquainted on this subject, and if it was not due should not have paid the man, who he must have known was in the employ of this Department.

No doubt the sum was correctly retrenched by the Pay Department, and no doubt Her Majesty's 68th Regiment having left Burmah it would be easier to recover the money from this Department than from the 68th Paymaster, but had such a lapse of time not been allowed to pass in retrenching and settling the item, it would have been settled before the Regiment left.

I believe the axiom in matters of this kind is, that the disbursing officer is responsible, and I cannot see upon what just grounds I am to recover the amount. It is the duty of a disbursing officer, before he pays money, to ascertain whether the claim is a right one, and the Paymaster should have known whether in disbursing pay to Ogden he was right or not.

You no doubt will be able to recover the money through the proper channel, but this Department has, I regret to say, no means of doing so, or I should have been glad to assist in recovering the amount overpaid by the Paymaster of Her Majesty's 68th Regiment Light Infantry.

From the Acting Paymaster, Pegu Division, Rangoon, 5th August 1864, No. 422; to the Officiating Conservator of Forests, British Burmah.

In acknowledging your letter, No. 134, dated 1st August 1864, I have the honor to observe that you seem to be under misapprehension as to the mode of adjusting retrenchments.

The retrenchment in question could not be settled by the 68th Regiment or by the Regimental Paymaster, even if he were here—the pay objected to, was drawn on abstract by you, under your

signature, and the drawing officer is the person responsible in the first instance, the Paymaster or disbursing officer is only responsible to Government in case of the amount being irrecoverable, and when satisfactory reasons for non-recovery cannot be given.

You appear, by the records of this office, to have been addressed by my Predecessor on this subject, so far back as the 11th December 1861.

It does not appear to me that Lieutenant Colonel Greenlaw was wrong in passing the abstract, for the rules in force at that time were, that a soldier was entitled to his Military pay for one year after his being employed in the Civil Department, at the expiration of which he would be entitled only to salary from the Civil Department in which he was employed.

It seems to me that there are now only two courses open to you, either to appeal against the decision of the Examiner, or pay the amount into the office.

I shall be happy to forward your appeal to the audit office, and thus endeavour to remove the retrenchment and lend you any assistance I can towards that end.

From the Officiating Conservator of Forests, British Burmah, Rangoon, 13th August 1864, No. 139B; to the Acting Paymaster, Pegu Division, Rangoon.

With reference to your letter No. 422, dated 5th August, I have the honor to request that you will be good enough to refer the matter of the retrenchment of Private Ogden's Military pay, while employed in this Department. In 4th paragraph of your letter you say that Lieutenant Colonel Greenlaw was not wrong in passing the abstract, as by the rules in force at that time, a soldier was entitled to his Military pay for one year after being employed in a Civil Department. If Lieutenant Colonel Greenlaw, was right, surely I was also right in signing the abstract, without which Ogden could not have drawn the pay to which he was entitled by the then rules.

In truth, I fail to see on what grounds the retrenchment had been made, and trust that a review of the case will enable the Examiner to write off the amount.

From the Examiner Pay Department, Fort Saint George, 18th October 1864, No. 3756; to the Acting Paymaster, Rangoon.

Adverting to the retrenchment as per margin, against Mr. Leeds, Officiating Conservator of Forests, British Burmah, I have the honor to

September 1860.
10—Pay from 16th February to 31st August 1860, for Private J. Ogden employed in the Department of Woods and Forests—Rupees 66-6-6.

acquaint you, that as the rule which was in existence prior to 23rd December 1862, sanctioning pay (in the Military Department) of soldiers who obtained Civil employment, during the first year of such employment, did not apply to those

employed in the Conservancy or Forest Department, the retrenchment in question was consequently correctly made by this Department, and cannot be removed.

To H. Leeds Esq., Officiating Conservator of Forests, British Burmah, for information.

From the Officiating Conservator of Forests, British Burmah, Moulmein, 8th December 1864, No. 195B; to the Paymaster Pegu Division, Rangoon.

With reference to letter No. 3756, from the Examiner Pay Department to your address, dated 18th October, I have the honor to request you will be good enough to furnish me with a copy of the Order referred to, prior to the 23rd December 1862. The Examiner seems to me to make rather a nice distinction when he says, the Order, though referring to soldiers in civil employ, did not apply to soldiers employed in the Conservancy or Forest Department.

Is not a soldier when employed as Ogden was in this Department, employed in civil employment, and if not, what denomination does such employment come under?

Memorandum from the Officiating Conservator of Forests, British Burmah, Rangoon, 8th May 1865, No. 1B; to the Deputy Auditor and Accountant General, British Burmah, Rangoon.

Intimates in reply to memorandum, No. 4847, that the Officiating Conservator of Forests is not aware of any authorized retrenchment existing against him.

He begs to forward copy of his last letter to the Paymaster, on the subject of a retrenchment made by the Military Auditor, but he believes erroneously as the letter shows. That letter has never been replied to.

No. 195B, of the 8th December 1864.

With Report from the Controller of Military Accounts, 11th January 1866, A.

ORDER, No. 335, 26th January 1866.

The Forest Department being a purely Civil one, the Governor in Council directs that the Military pay of Private Ogden, Her Majesty's 68th Light Infantry, during the period he was employed in that Department in Burmah, be passed to him.

Docket to the Secy. to the Govt. of India, P.W.D. | Here enter 26th Jan. 1866, No. 336.

(True Extract.)

Marshall Major General,

Secretary to Government.

To the Controller of Military Accounts, with an enclosure.

.. Examiner Pay Department.

.. Military Accountant.

.. Adjutant General,.....} for information

.. Revenue Department, ...} *with 10 copies*

Dec. 1866. *Open*
also of *open* *open*
p. 332.

Proceedings of the
Synodical Conf. in
the United States.

Printed 26th 3rd January
Received 21st 3rd 1866.
p. 335.

Directing, and
the circumstances
state, to have the
pay of private soldiers,
the first both 2nd 1st, during
his employment in the
force of the in Germany

82-296.
Communicated to the Com-
missioner of Trade and
the Board of Revenue.

5th July 1866
The Commissioner of Trade and Revenue
11th 10th 1866

1859 & 60.

1896-5th 1866
With order

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