M.R.O. 1—89,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 1512 Press ~~Mis.~~

34-35

Dated 20. 11. ~~19~~ 35

Not to be folded or roughly handled

No. 34. Read the following letter from the Inspector General of Ordnance and Magazines; to the Secretary to Government, Military Department, dated 21st October 1857, No. 413.

SIR,

I have the honor to lay before Government, a copy of a representation from Major Maitland, Superintendent Gun Carriage Manufactory, on the impossibility at present to obtain redress from the Magistrates, for absence or neglect of duty on the part of persons employed at the Gun Carriage Manufactory.

2. I understand, from personal communication with the Superintendent, that the Superintendent has had cases of men engaged or employed by the month, leaving the Manufactory, or absenting themselves from the Government work at the Gun Carriage Manufactory, either from being better provided for in other situations, or from obtaining a preferable situation as to diminution of labor.

3. The old law to which Major Maitland alludes is, I believe, to be found in the old Police Code, passed many years since by the Madras Government, when it had power to establish Municipal Regulations for the good order and safety of the large community of this extensive Government.

4. This power is withdrawn, and the old rule abrogated, the consequence is, that the Law of master and servant in this Presidency, is left in a very unsatisfactory state, and not likely to be remedied by the Legislative Council sitting in Calcutta, in whom alone is now vested the power to make laws, if the long delay in attending to the petition about passing a law, defining the position and rights of master and servant, and long since sent to Calcutta, can be taken as our guide as to the future progress in preparing this much required law.

5. In respect to many of the classes employed at the Manufactory, I am of opinion that the Government have the remedy in their own hands, by the grant of pensions to these men, and I am quite satisfied that a better measure than the grant of pensions could not be devised for binding men to Government, and as it is a measure which a stable and powerful authority can alone carry out, I think the full benefit of the pensionary arrangement should be availed of by Government.

6. The arrangement which now exists respecting these men of having them on the same footing as private servants of individuals is, in my opinion, a mistake, for a private individual can, without question, raise or lower the rates of payment as necessary for his own purposes, but a Government Officer, in the position of Major Maitland, with 500 persons on this footing, and having great and important works to complete, has not the power of increasing or lowering the rates of pay in any way, and consequently with all the disadvantages of a private individual, without any of the conveniences, he has all the responsibilities of an Officer of Government.

(Signed) G. BALFOUR, Lieut.-Colonel,
Inspector General of Ordnance and Magazines.

Referred to the Judicial Department.

(By Order.)

Fort St. George,
23rd October 1857.

(Signed) C. A. BROWNE, Colonel,
Secretary to Government.

From the Superintendent of the Gun Carriage Manufactory; to the Inspector General of Ordnance and Magazines, dated 19th October 1857, No. 719.

SIR,

I have the honor to request you will have the goodness to bring under the consideration of Government, the existing Police Regulations regarding master and servant, which seriously affect the efficiency of all working establishments like the Gun Carriage Manufactory.

2. In the new Code, there is no law, whereby either party can obtain redress, whereas, in the old regulations, Magistrates were vested with ample jurisdiction in all cases between master and servant.

now, as formerly, amenable to "con-
-dign punishment".

3. Without entering upon the question as it concerns private establishments, I wish to bring before Government the fact, that all parties in Government employ, can now withdraw from their occupations without giving any warning, and without Government being able to obtain any redress, and thus intriguing persons in such critical times as we are now passing through, might easily stop the work of every Government establishment in the country, and produce most disastrous consequences.

4. According to the old Police Code, protection was given to both master and servant. The very great inconvenience now experienced in my department from workmen deserting, demanding immediate discharge, and staying away in parties often twenty, thirty or forty, for as long, or as short a period as they please, which I cannot prevent, was formerly met by condign punishment. I can never be certain now what amount of work can be executed, in short, Government is wholly at their mercy.

5. With a view to obtain a remedy for this great evil, I request the subject may be laid before Government, favored with your support.

(Signed) J. MAITLAND, Major,
Superintendent Gun Carriage Manufactory.

(True Copy.)

(Signed) G. BALFOUR, Lieut.-Colonel,
Inspector General of Ordnance and Magazines.

No. 35. ORDER THEREON, No. 1513; dated 20th November 1857.

The Government regret that the state of the Law precludes their interference, nor do they think it probable that the Legislative Council would listen to any application for a change in the Law.

2. The Government are not at present prepared to consider Colonel Balfour's proposition that these Artificers be admitted to the benefits of the pension list.

(Signed) T. PYCROFT,
Chief Secretary.

Ead. F. Cartledge.

Judicial Dep.t

E. M. C. No 8/

Read E. M. C. Military Dep.t referring to this Dep.t a letter (No 8/21 22 Oct/57) from the Inspector Genl of Ordnance & Magz. } transmitting No 8/23 24 Oct 26/57.

The Inspector Genl submits for the consideration of Govt a letter from the Supt of the Gun Carriage Manufactory. The letter complains that the new Police Act (No XIII of 1856) having repealed the old regulations regarding "Masters & Servants", without substituting any fresh provisions in their stead — it has come to pass that "all parties in Govt employ "can now withdraw from their occupations without giving any warning "& without Govt being able to obtain "any redress". Workmen, it is stated now desert, demand immediate discharge & stay away in parties often, twenty, thirty, or forty, for as long or as short a period as they please, which he, the Supt, cannot prevent; such offenders not being now, as formerly, amenable to "condign punishment".

Yes
Jrdll

2. As many of the "old regulations" adverted to are (very) hardly useful de-
servants, the Govt do not the less
be regret at their repeal evinced
by Major Maitland and the
Inspector General. The measure of
punishment now left in the
hands of Masters, though certainly
not do 'condign' as formerly, ought
assuredly to operate as some check
against the inconveniences
complained of. The hiring in this
Country is universally a monthly
hiring; Consequently at the end of
that term the contract is dissoluble
by either party; and it is suppri-
-sing how Col Balfour can wish
for legal interference into the liberty
of the servant who having fulfilled
his contract, chooses to quit the
Manufactory "either from being
"taken provided for in other situa-
"-tions or from obtaining a profe-
"-rable situation as to diminution
"of labor." Unwarrantable absence
from his duty during the term of his
service is of course punishable by the
servant's dismissal, accompanied

by a total forfeiture of wages;
and if these penalties are not
preventive of misconduct, the
remedy must be sought not in
the enacting of harsh laws, but
in Attempts to make the service
more attractive to the workman.

3. This, after all, the Inspector Genl
seems himself to acknowledge. He
observes (Para 5) that it is probable
the whole class of artificers in
Govt employ would be found to
Govt by the introduction of the
system of Superannuation Pen-
sions. The Govr in Cr remarks that
the extention of such a privilege
to subordinate public servants
now excluded from it, is under
the consideration of the Supreme
Govt., but this from financial
reasons may retard the intro-
duction of any general measure
for some time to come.

2. The Govr, in the mean while, re-
solve to call Col Balfour's attention
to Sects XVII, XVIII, XIX and XXV
of the new Police Act, constituting
a Police Superannuation Fund
and prescribing the sources from whe

Though some provision
for rewarding faithful
servants who shall have been
employers to inconvenience
by the wantonly & recklessly
leaving of their situations
during the term of their
engagement might be
desirable

its Income shall be derived.
Every Member of the Force, he will remark, is called upon to subscribe a trifle from his monthly pay, while the Govt contribute by waiving their claim to certain fines, proceeds of the sale of cast off clothing, old stores &c &c. If Col Balfour can devise a scheme of a similar nature for the Labour of the Work-men in his Dept, the Govt apprehend there will be no difficulty in procuring Legislative sanction for it; while under such extended benefits held out to them, there will be no hardness in requiring Artificers (as Police Force are now required - vide Sects XV and XVI of the Act) not to resign without giving two months' notice, under a heavy penalty, unless they obtain leave from the Head of the Dept so to do.

D Mac 27-10/57.

C to Navon
12.12.57

Judicial Dept
No. 1513

Modified Draft

Wm. C. No
D/24th November/57.

Read Govt Mills Dept
referring to this Dept a Letter
from the Inspector Genl of
Ordnance & Magazines.

} here enter
No 25 of Oct/57.
12413

The Govt regret that the state of the Law precludes their interference - nor do they think it probable that the Legislative Council will listen to any application for a change in the Law.

2. They regret to Col. Balfours proposition that these Artificers be admitted to the benefits of the Pension list, the Govt in the present state of the empire are precluded from recommending to extend such a measure.

D Mac
12-11-57.

Well
The first draft as sent prepared to consider

To the Inspec: Gen: of Ordn & Mag:
" Military Depart
} Despd 24th

Dy to Com. 24th Hons
Judicial 1857 Depart to

No. 1513

Extract Mins. of Coms

d/20 November/57.

34 & 35