M.R.O. 1—39,000—16-10-23.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1160 Press Mis.

15-16

Dated 28—8—1923

Not to be folded or roughly handled

No. 15. Read the following letter from JOHN SPENCER, a Pensioned Bailiff of the Small Cause Court of Madras; to T. PYCROFT, Esq., Chief Secretary to Government, Fort St. George, dated 15th August 1859.

I have the honor to hand you my Appeal Petition to Government accompanied by 10 enclosures in support of my prayer, and beg you will be pleased to recommend my hard and pitiful case to their favorable consideration.

To His Excellency the Right Honorable Sir CHARLES EDWARD TREVELYAN, K. C. B., Governor in Council, Fort Saint George, dated 15th August 1859.

The humble appeal of John Spencer, a Pensioned Bailiff of the Madras Court of Small Causes, residing in Stringer street, door No. 8, in the Black Town of Madras.

MOST HUMBLY SHEWETH,

1st. That appellant is a Native of Hallifax, in the County of York, in England; was born in the year 1789. In the year 1808, being called upon to take up arms in defence of his country, enrolled himself as a Private in Her Majesty's 84th Regiment. He was with the expedition at "Flusheim," under the Command of the "Earl of Chatham" in the year 1809, arrived at Bombay on the 1st July 1810. Was present at the reduction of the "Isle of France," and was also present at the capture of Kurnool in 1815, and remained with his Regiment throughout the whole of the Mharatta campaign up to the year 1819, but when Her Majesty's 84th Regiment returned to England, appellant volunteered his services in Her Majesty's 69th Regiment as Serjeant and was afterwards promoted to the rank of Colour Serjeant, and continued so, until the return of that Corps to England in 1825. Appellant being then of the age of about 35 years, was according to the rules of the service inadmissible for further volunteering into any other Regiment, and was consequently pensioned at one shilling and ten and half pence (1-10½) per diem, as per certificates herewith enclosed marked A, B and C, for your Excellency's information.

2nd. That in the year 1825, Henry Byrne, Esq., the then Chief Commissioner of the Court for the recovery of small debts, sent for appellant, and offered him the situation of a Bailiff in the Court; which post appellant accepted, and filled forthwith, and continued in it, until the 28th day of September 1827. Edward Francis Elliot, Esq., being then, one of the Commissioners of the said Court, as also Superintendent of Police, seeing the steadiness, and activity with which appellant discharged his duty, took a likeness to him, and with the concurrence of Henry Byrne, Esq., removed appellant from that Court, and appointed him as Market Constable, and Keeper of the Justices' Gaol in town; in the Police establishment.

3rd. On the 6th of December 1827, Madras was visited by a severe hurricane, which lasted for more than 24 hours, when many ships were wrecked, and very considerable damages done on shore, appellant as chief Constable of Police with a few brave Native Officers of the Police force, ventured out on that dreadful occasion at the hazard of their lives, and became instrumental of saving the lives of seamen and others then in eminent danger; which circumstance having been brought to the notice of the local Government by Edward Francis Elliot, Esq., the then Superintendent of Police, under date the 21st March 1828, Government were pleased to bestow on your appellant as a mark of their approbation for distinguishing himself during the storm of 6th December 1827, an increase of pay of 21 Rupees, per mensem, with a silver medal, and that this increase of pay to be continued to be enjoyed by appellant so long as he may continue in the Police establishment. A copy of the Secretary's letter dated 2nd April 1828, is herewith enclosed marked D, for your Excellency's information.

4th. Madras being then in a most unsettled state, owing to many marauders infesting the place, and its vicinity, and there being no other European Constables then, except appellant, possessed of sufficient experience, and dexterity of mind to keep down the daily plunders, disturbances, clippings of the noses and ears, and murders, that were then committed by the notorious rebel "Annasawmy" and his followers, it devolved upon apellant as the Chief Police Constable to be continually engaged in quelling disturbances both by day and night at the risk of his life.

5th. In the year 1828, a very severe fighting took place in Royapooram, between the boat people and the "Pully" and low Mahomedan caste people of the outside of the boundary walls; and this disturbance was kept up for more than 3 days. The inhabitants of Royapooram was not able to come into town; nor those from town go to Royapooram. The Royapooram gates were in consequence closed up by order of the authorities. During this interim when appellant went up to Royapooram and was endeavoring to pacify the boat people, a good sized and sharp granite stone was lashed at him, from the top of the ramparts by an Indian sling wad, which severely wounded his left cheek close to his eye, when appellant, profusely bleeding, and covered with blood, fell senseless to the ground. If such circumstance had occurred to him, while in the performance of duty in Military service, appellant would have had the benefit of a *wound pension*, and the *proud distinction of a medal for his gallantry*. A certificate by the parties present at the spot then, marked E. is herewith enclosed for your Excellency's information.

6th. On the 12th January 1830, appellant was appointed (unsolicited) to the very responsible post of "acting Keeper" of Her Majesty's Criminal and Debtors' Gaol of Madras, and continued in that office until 31st January 1835, with credit to himself, and to the entire satisfaction of his then immediate superior. Although appellant was thus appointed in all matters of importance, he was sent for by the Superintendent of Police for consultation and assistance in effecting difficult and perilous arrests; as in the case of the arrest of the above noted rebel, "Annasawmy," (a character too notorious for explanation.) This rebel Annasawmy having set at defiance Edward Francis Elliot, Esq., (the Chief Magistrate) and all his Officers for many days, appellant was sent for, and asked, if he knew the rebel "Annasawmy?" and whether appellant would be able to take him up? Appellant answering, that he believed he could do so; Mr. Elliot, desired appellant to be prepared to accompany him on this duty, at 4 o'clock the following morning. Appellant attended the Police Office, pursuant to appointment, and accompanied Mr. E. F. Elliot, (the Chief Magistrate,) all his European Constables, Native Peons, and other Officers of the Police. Then Mr. Elliot, Appellant, Henry Gibbs, and Joseph Marshall went in advance to the house of the rebel Annasawmy; when about 100 paces from thence, appellant pointed out the house to Mr. Elliot, and the door of which was found then opened, appellant requested Mr. Elliot and his retinue to wait outside of the house in question, and to allow appellant to enter it first. On his being permitted to do so, and entering the said house, appellant was met by a female, who asked appellant what he wanted; on his replying that he wanted to see Annasawmy, she said, that Annasawmy was gone up to the country, since the past week; and that the said house was repeatedly searched by the Chief Magistrate, and his Officers to no effect, and then, she threw open, all the room doors, and windows, and permitted appellant to proceed with the search, and on doing so, appellant found the rebel Annasawmy, concealed in a *cave* that appeared expressly made for concealment in the inner part, in the side of the house well. He was without any cloth or garment on him, appellant seized him by the arm, and brought him out of the place of his concealment, and delivered him up in the public street to the custody of the Chief Magistrate and his Officers. This perilous task, appellant humbly submits, in addition to other similar tasks performed by him, may be favorably viewed by your Excellency. Appellant's health being much impaired; and his medical adviser having recommended him to remove to some healthy locality for the restoration thereof; appellant applied for such grant in January 1835, which, being refused, he was necessitated to resign his then acting appointment of Keeper of Her Majesty's Gaol on the 31st January 1835.

7th. That within a month after appellant left the Gaol, and removed to a healthy locality, he having regained his health and strength, the Superintendent of Police sent for him, and reinstated him as Constable of the Police establishment, and when he claimed for the boon of the arrears allowed as an increase to his pay viz., at 21 Rupees per month, he was informed by the Superintendent of Police, that such boon was kept in reserve for him by Government, to be given up when he was in need or distress hereafter; appellant taking it for granted remained silent and was contented with the bare pittance of his Constable's pay, and continued as Constable of the Police from 1st February 1835 to 25th April 1839, and finding that the night work of the Police did not agree with him, at his own request appellant was transferred as Bailiff of

Proceedings of the Madras Government, Judicial Department, from 27th August to 2nd September 1859.

the Court of Commissioners for the recovery of small debts on the 25th April 1839, which will be seen by the enclosed copy of Edward Francis Elliot, Esq., Certificate marked F. But when the Madras Court of Small Causes was established in 1850, appellant's salary was augmented to 100 Rupees per mensem, during the whole of his services in the last mentioned Court, appellant discharged his duties with credit to himself, and to the entire satisfaction of his employers till July 1857. Thus the greater portion of appellant's life was spent in the zealous, active and faithful services rendered by him to the State for a period of 32 years.

8th. In the year 1856, appellant's vision being much impaired by advanced age, and the arduous duties he had performed before, while employed in the Police establishment, being advised by his medical attendant to place at once under the treatment of a proper Oculist, appellant accordingly applied for leave to do so; which, being refused to him, he was necessitated to memorialize the late Honorable Court of Directors for a pension for his services rendered generally to the State. His then immediate superiors, the Judges of the Small Cause Court of Madras very strongly supported his memorial to the Honorable the Court of Directors, and recommended appellant to the favorable consideration of Government, that a moiety of his salary of 100 Rupees per mensem, which he drew retrospectively for 6 years, prior to the date of his memorial, viz., 50 Rupees per month, may be bestowed on him, as a pension, but the Court very uncharitably over-ruled such recommendation, and bestowed a pension on appellant of only 20 Rupees per mensem, being $\frac{1}{5}$ of his salary; at the time appellant memorialised the Court of Directors; he not having placed himself under any professional Oculist, he was then unable to produce any medical certificate, but since his being pensioned, having done so, for nearly 2 years. Copies of the medical certificates marked G and H are herewith enclosed for your Excellency's information.

9th. Appellant most respectfully begs to submit that he clearly understood by the letter of the Secretary to Government dated 22nd April 1828, to the Superintedent of Police, that the increase of 21 Rupees per mensem of his salary was to be continued to him, during the time he shall serve in the Police establishment. He has received such personal allowance of 21 Rupees per month, from the date of the above referred letter from the Secretary to Government, up to the 31st December 1829, when he was nominated as acting Gaoler of Her Mrjesty's Gaol* *without prejudice* to his situation in the Police establishment. In January 1830, this allowance was ceased drawing, and he reverted to his former station at the Police on the 1st February 1835, and continued in that establishment till 25th April 1839, leaving an interim of 9 years, 3 months, and 25 days, of which, his personal allowance of 21 Rupees per mensem, was with held payment by Government to appellant which aggregates to Rupees 2,348 and Annas 8 to which appellant humbly conceives to be fairly and equitably entitled to, without any prejudice to this claim, during the period of 5 years appellant was employed as acting Keeper of Her Majesty's Gaol; and your Excellency will see in paragraph 6 of this Appeal Petition that appellant performed most important and perilous duty of the Police also.

* Vide enclosure I.

10. In conclusion appellant with due submission and respect begs to submit for your Excellency's gracious consideration, that 20 Rupees per mensem in this hard and scarce times is a very small remuneration for 32 years' hard and perilous services rendered by appellant to the State, in situations highly of responsibility, and acknowledged by Government to have been both faithful and meritorious, and very severely felt by appellant, in his present blind and helpless condition. Therefore appellant humbly prays your Excellency in Council will take his hard and pitiful case into favorable consideration, and obtain for him a pension of 50 Rupees per mensem, being the amount which the Judges of the Small Cause Court recommended appellant for, together with his personal allowance of 21 Rupees per mensem, sanctioned by Government in letter from the Secretary dated 22nd April 1828.

For which act of beneficence your aged and helpless appellant as in duty bound

Shall ever Pray,

(Signed) JOHN SPENCER.

Proceedings of the Madras Government, Judicial Department, from 27th August to 2nd September 1859.

No. 16. ORDER THEREON, 29th August 1859, No. 1160.

Mr. Spencer makes two requests — 1st, that certain arrears of personal allowance alleged to be due for several years between 1829 and 1839, may be paid him — and 2nd, that his pension may be increased from 20 Rupees to 50 Rupees per mensem.

The Government, it appears, disallowed the first of these claims more than 20 years ago, and as nothing new has been advanced in its support, they must decline re-opening the question.

Petitioner's pension was fixed by the Honorable Court of Directors on full consideration of his claims. Clearly therefore no increase to the present amount can be sanctioned.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Fort St. George
27th June 1825

This is to certify that Color Serjt. John Spencer landed at Bombay in the year 1810 on the 1st day of July from the Honble Companys Ships Elphinstone and that he then belonged to the 84th Regiment to which I belonged at that time.

(Signed) J. S. Jones
Capt. 69th Regt.

I Color Serjt. Gibbs late of the 86 Regt. do declare that I was a Passenger in the Ship Elphinstone in the year 1810 and that Color Serjt. Spencer was also a Passenger at that time and that he landed on the 1st July at Bombay.

(Signed) Hy Gibbs
Color Serjt. 69th Regt

Lett. Pol. Reg. 16. Cancy
No. 2 of 1828

To

The Supt. of Police

Sir,

I am directed by the Right Honorable the Governor in Council to acknowledge the receipt of your letter of the 21st Ultimo, & to convey to you his sanction for the increase of Pay & for the donations therein recommended as rewards to the Police Officers who were distinguished for their exertions during the late Storm Viz:

To Isaac Spencer an increase of Pay from 63 Rupees to 84 Rupees per Mensem.

To Seekaram an increase of pay from 28 to 35 Rupees per Mensem & a donation of 50 Rupees

To Permall Naig an increase of pay from 10½ to 21 Rupees per Mensem & donation of 50 Rupees & to the Duffadars Peons & Sallies named by you being 31 in Number, a donation of a Months pay each.

The Amount of the Donations will thus be 338 Rupees & the increase of monthly pay 38½. It is to be clearly understood that the latter is to continue only during the time that the individuals upon whom it is now conferred remain in their present Service; & that when they quit it, the Salary of their situations will revert to its former Amount. You are authorized to enter the Amount of increase of pay of Seekram Jemmadar & Permal Naigue in the Monthly Contingent Bill of your Office.

The Right Honorable the Governor in Council previously to Sanctioning the preparation of the Medal to which your Letter, would wish to be made acquainted with its intended device, & the probable Expence of its Execution.

I am &c
Signed C. Thompson
Secy to Govt

Fort St George
22 April 1828

I hereby Certify and have much pleasure in doing so that I have known Mr Ino Spencer (formerly Colour Serjt and now employed in the Police Establishment) for upwards many years - I believe nearly Eighteen, - during the whole of which period his conduct and Character, was most Exemplary as a zealous and Active Soldier in the discharge of his duties as also on Board good Man in other respects. -

He served with me many Years in H. M. 84th Regt, and it is but Justice to this Individual, I have this testimony, as he thinks it may promote his prospects in life. -

[Signed] A Lowe Capt.
Royal Regt.

Madras 21st
Dec. 1828

3

D

Lieut. Col. Agnew 16th Lancers
Sept 1828.

Reg. B.
No 1350

Public Department

No. 77.

To The Superintendent of Police

Sir,

I am directed to acknowledge the receipt of your letter of the 19th instant, and to inform you, that the Right Honorable the Governor in Council has been pleased to sanction the appointment of John Spencer to the charge of the Supreme Court Gaol, during the absence of Mr. Mogg, without prejudice to his allowances, should he assume the duty of Market Constable.

I am &c.

(signed) R. H. Clarke
Acting Secretary to Government

Fort St. George
29th January 1830.

(A true Copy)
(signed) R. S. Campbell
Deputy Comm.r of Police

Read 29th Jan.y 1830.

R

This is to Certify that John Spencer was first entertained as a Bailiff in the Court of Commissioners for the recovery of small debts in July 1825 and continued in that Capacity till Appointed Head Constable in September 1827 the Arduous duties of which Office he performed to the entire Satisfaction of his immediate Superiors till the 12th of January 1830, when he was appointed to the responsible Situation of Jailer of Her Majesty's Jail, and which he resigned on the 1st February 1835 when he resumed the duties of a Constable in which he performed with Zeal intelligence and activity till the 25th April 1839 when at his own request he was transferred to his Old post of Bailiff to the Petty Court in which Situation he continues to this time performing the Active duties of the Post with Credit to himself and satisfaction to the public

Signed C. F. Elliot
Chief Magte & Supt of Police
and
First Commissioner

Madras
30th June 1849

3

Lieut Col Hughes
Asst. Adjt Genl
Madras

Lieut Col Hughes
Asst. Adjt Genl
Madras

Ad. H. Q. 1st Div. 2d Dist. Lucknow
No 2 of 1858.

Exp. 8
to Jan 1858

This is to certify that I have this day examined John Spencer Pensioner of Chelsea Hospital, and find that he has Cataracts in both Eyes complete in the left and already far advanced in the right Vision is therefore much impaired in one Eye and quite lost in the other

Surg I. L. Powell
Actg Supt Eye Infirmary

Madras 11th January 1858

Land Revenue Dept. Pensions
No 2 of 1858.

Mr. John Spencer Bailiff of the Small Cause Court having applied to me for a Certificate on which to ground an application to Government for a Pension I Certify that he has Cataracts in both Eyes, completely in the left and far advanced in the right Vision consequently much impaired in one Eye and quite lost in the other - And I am of opinion that he is permanently disqualified for his duties

I also Certify to the best of my belief that his Infirmities has not been occasioned by intemperance or other irregular habits

(Signed) J. Shaw
Asst. Surgeon Infirmary

Madras
27th November 1858

Ag. D.
in No. 1350

Encl. to Govt. Letter dated 16th January 1830.

E

We the undersigned inhabitants of Madras do recollect the time of the riots at the Royapooram Gate of the Town of Madras in the year 1828 when Mr John Spencer was wounded in the execution of his duty as Chief Constable of Madras

We were witnesses of the whole riot & were on the spot at the time

H M Alderman

J Thomson

1/59.8
Rec'd 1830.

Mount 16th July 1824

I hereby Certify that the bearer Colour Serjt John Spencer volunteered from H.M.S. Ajax in 1819 to the 69th Regt from which period he has Conducted himself to the entire satisfaction of his superiors so much so as to merit, his present appointment as Colour and Pay Serjeant

Phil[ip] L. Leslie
Major Commd[in]g 69th Regt

Madras 16th July 1825

Color Serjt Spencer of the 69th Regt has been recommended to me and he served with me in the 8th & the 69th Regts since the Year 1810 in the former and better Regiment he has served with such credit to himself as to merit the highest esteem and respect from every Officer and individual of the Regt. He is worthy of the most unbounded Confidence. In whatever situation he may be employed as far as diligence and attention combined with strict probity can go he will I confidently believe acquit himself to the satisfaction of his Employers. He had for several Years the uncontrolled Charge of the accounts of my Company and I never had the slightest reason to look to his accounts

Thos S Jones
Capt. 69 Regt

Lieut Col Fraser 20th Inf.
A.D.C. Genl.

Offg D.A.G.
No 1330

Judicial Department

Proceedings of the Madras Government.

13 K

Sept. 2nd 1839

From Wm. Johnstone Esqr.
Officiating Bailiff
in the Zanana Cause

Order thereon 29th August 1839. No. 1160.

Mr. Spencer makes two requests, 1st that certain arrears of "personal allowance" alleged to be due for several years between 1829 & 1839 may be paid him, and 2nd that his pension may be increased from 20 Rs. to 30 Rs. p. m.

The Govt. it appears, disallowed the first of these claims

Sept. 8
No. 1350

Ind. Dept. Sept. 2nd 1839

more than 20 years ago, and as nothing new has been advanced in its support. They must decline re-opening the question.

Petn Jennison was filed by the Hon. Ct. of Directors on full consideration of his claims - Clearly therefore to increase to the present amount can be sanctioned.

J.P. L. L

To W. Alex Spencer Despd &c

Ld. L. C. to Reg. 15 January,
No 2 of 1866.
Repts. to No 36 of 1760 Filed Sept.

Proc. of Court - 2 Septr
Judicial 1859 Defendts

No 1160

Proceedings of Court.

Reg. August 1859.

Inform Mr. J. Spencer
pensioned Bailiff of
the Small Cause Court
that Govt decline en
re opening the question
of certain arrears
of personal allowance
alleged to be due
to him and cannot
sanction an increase
to his pension

1546

C23 Sept
827