M.R. O. 1—83,000—16-10-29.

# MADRAS RECORD OFFICE.

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## Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 1208 Press —Mis.—

43-46

Dated 8 — 9 — 1939

***Not to be folded or roughly handled***

## *Proceedings of the Madras Government, Judicial Department, from 3rd to 9th September* 1859.

No. 43. Read the following letter from P. GRANT, Esq., Magistrate of Malabar; to T. PYCROFT, Esq., Chief Secretary to Government, Judicial Department, Fort St, George, dated Calicut, 3rd August 1859, No. 70.

Jemedar Coomaren Naír and Havildar Ahmod Cawn, of the Malabar Police Corps, who volunteered, in May last, to accompany Lieutenant Blomfield to North Canara, have since died of cholera whilst on field service in that part of the country, at Jugglepett.

2. Lieutenant Blomfield strongly advocates the bestowal of a small pension on their heirs. On grounds of justice as well as policy, I strongly support his recommendation. Hitherto Nairs have steadily avoided entering the ranks of the Army; and I think that the effect of a pension being bestowed in the present instance, may be to encourage people of this caste to take service in future. They are a fine, independent, class of subjects, and would make good soldiers.

3. The following paragraph taken from Lieutenant Blomfield's letter, is so much to the point, that it is quoted at length.

" These men having volunteered from a purely Local Corps to serve wherever their services should be required, and being in the actual performance of Military duty in a disturbed District at the time of their decease, would, I should imagine, naturally come under the provisions of paragraph III of the sanctioned Rules of the Corps regarding pensions to men wounded, or died in the field."

" At all events I should think that these are cases to which the benevolence of Government might justly be extended, and therefore request that you will kindly co-operate with me in the above recommendation."

4. In these sentiments I quite agree, and certainly, I think, that the spirit of paragraph III of the sanctioned Rules of the Corps is fully adhered to, when the heirs of men deceased of Cholera on field service, are pensioned.

5. Paragraph III of sanctioned Local Rules adverted to is in accordance with the spirit of paragraph VI of the Rules sanctioned by Government, and referred to in paragraph 5 of Extract Minutes of Consultation, dated 23rd December 1853, No. 768.

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No. 44. MINUTE by the HONORABLE the PRESIDENT, dated 31st August 1859.

The pensions should, I think, be granted. Death caused by disease contracted on service is equivalent to death by wounds received on service.

(Signed) C. E. TREVELYAN,

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No. 45. MINUTE by HIS EXCELLENCY the COMMANDER-IN-CHIEF, dated 31st August 1859.

Pensions ought certainly to be granted, under the rule applicable to Native Soldiers of the Line dying of disease contracted on foreign service.

(Signed) PATRICK GRANT.

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No. 46. ORDER THEREON, 8th September 1859, No. 1208.

The Honorable the Governor in Council is of opinion that, according to the Rules sanctioned for the Malabar Police Corps, the heirs of the two deceased Officers, named in the Magistrate's letter, should be admitted to pension, on the ground of their having died of disease whilst engaged on foreign service. Resolved that the Magistrate of Malabar be requested to report, who should be recognised as the heir of the two Officers respectively, and what the pensions should be. The amounts should not, it is to be observed, bear a higher proportion to the pay of the deceased Officers than is borne by pensions given to heirs of Native Officers of corresponding ranks in the Regular Army, who have died of disease on foreign service to the pay of such Officers.

(Signed) T. PYCROFT,
*Chief Secretary.*

**Exd. F. Cartledge.**

Judicial Department.

Memorandum.

Read the following letter from the Magistrate of Malabar.—

(Here enter 3d August 1859 No 70.)

The Magistrate of Malabar forwards and supports an application from the Commandant of the Malabar Police Corps for the grant of a small pension to the heirs of Jemadar Coomaren Nair and Havildar Ahmad Cawn, who having volunteered, in May last, to accompany Lieutenant Blomfield to North Canara, have since died of Cholera whilst on field service in that part of the Country, at Jaggalpett.—

2.— The pensions it is conceived may fairly be granted under the provisions of Para. III of the sanctioned Rules

The pensions should, I think, be granted. Death caused by disease contracted on service is equivalent to death by wounds received on service.

2 Inspr
31 Aug 59.

Pensions might certainly be granted under the 3rd Regulation to relatives of the Sepoy dying of disease contracted on foreign service.

Entd 4 Sept 59

of the Corps regarding Pen=
=sions to men wounded or
dying in the field. These
rules it is said are in ac=
=cordance with the spirit of
Para: VI of the Rules sanc=
=tioned by Government, and
referred to in Para: 5 of
Extract Minutes of Consulta=
=tion dated 23rd December
1853, No. 768.—

3.— Undependently of
this the grant of Pensions
is recommended on the
ground of Policy as likely
to encourage Nairs (the
Jemadar being a Nair)
to enter the Army which
they have hitherto avoided
doing. They are a fine,
independent class of sub=
=jects, and would make
good Soldiers.—

4.— The constitution of
the Malabar Police Corps
as recommended by this
Government 23rd December
1853. and sanctioned by the
Supreme Government 31st

Inasmuch

March 1854, provides Rule
VI. that "Native Officers and
Privates are to be entitled
to the same rate of Pension
as is granted to men of
corresponding rates of pay
in the regular Army in
case of casualty in action."
I have not found the Local
rules referred to by the
Magistrate.—

5. The tenor however
of the rule already quoted
is to place the men of the
Malabar Police Corps on
the same footing as Sepoys
as respects pensions to themselves
or to their families in the
event of their being killed
or disabled in action.—

6.— This was the more
necessary inasmuch as
the Special Service for
which the Corps was
raised was a desperate
one— viz: against the Mop=
=lahs who in their out=
=breaks fight to the
death and neither give nor
take quarter. ~~Inasmuch~~

Inasmuch.

7. Thus long

Native Officers died not die of wounds received in action but they died of Cholera in a Campaign for which they had volunteered and when serving in a District other than that to which their Corps is attached.—

8.— In the regular Army when a man dies of disease on Foreign service, ~~or within six months~~ after his return to his Country & before discharge from from disease so contracted, ~~this~~ his Heirs ~~are~~ is entitled to Pension.—

Military Pay and Audit Regulations Section XVI, Heirs, Para. 4. Page 289.

Hospital

9.— An application for pensions to the families of some men of the Golcondah Sibbundi Corps who had died of fever caught in the Jungles of Vizagapatam was refused by Extract Minutes Consultation 10th Nov. 1858 No. 1588 But then, 1st— These men were serving

serving in their own District—

2nd— They have no such rule regarding Pensions as obtains in the Malabar Police Corps.—

Sink

# Judicial. 5th.

## Proceedings of the Madras Govt.

Read letter from the
Magistrate of Malabar Enter 3rd Augt 1859 No 70.
Minute by H. E. the Pre.
sident in Council 31st do
Do. by H. E. the Comman-
der-in-Chief

Order thereon 8th Sept 1859 No 1208.

The Hon'ble the Governor
in Council is of opinion
that, according to the
Rules sanctioned for the
Malabar Police Corps,
the heirs of the two deceased officers
named in the Magis-
trate's letter, should be
admitted to pension, on
the ground of their having
died of disease whilst en-
gaged on Foreign Service.
Resolved that the Magis-
trate of Malabar be re-
quested to report who should
be recognised as the heirs
of

Copy sent to
Judicial 1859. Dept.

Signed by the Right
Hon'ble Richard and by His
Excellency the Commander-in-
Chief.

No 1208.

Dated 3rd August 1859.

Read 10th & 17th Sept.

Expressing the Governor
in Council's thanks to the Revd
Stone & Surgeon Bain &
Paniallar Nambiar Court mem-
bers of the Malabar Police corps
and Lieut Oldham which
are paid service in Malabar
Canara.

46 H 445

c 29 Augt
R 7 Sept

of the two officers respectively, & what the pensions should be. The amounts ~~would~~ shewed not, it is to be observed, bear a higher proportion to the pay of the deceased officers than is borne by pensions given to heirs of natives officers of corresponding ranks in the regular army, who have died of disease on Foreign Service. to the pay of such

The Magistrate of Malabar. Sept 12th
Civil Auditor — dept 7/11/89

Com of Gen & Exp

Judicial 1859 Despatch

No 1208.

Proceedings of Govt.

Dated 8th September 59

No. 1058.
1700

Requesting the Magistrate of Kurdistan to report who should be recognized as the heir of the two officers respectively belonging to the Bengal Local Corps who died of diseases while employed on foreign service and what the pensions should be the amount which should and it is also stated, heard a higher proportion to the pay of the deceased officers than is borne by pensions given to heirs of Native officers of corresponding grades in the regular army.

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