

MADRAS RECORD OFFICE.

Government of Madras.

General DEPARTMENT.

G.O. No.	27	Press
		~~Mis.~~
11-12		
Dated	12	1945

Not to be folded or roughly handled

1

Fort St. George, Judicial Consultation, 18th January 1859.

No. 11. Read the following letter from F. LUSHINGTON, Esq., Civil Auditor; to W. H. BAYLEY, Esq., Acting Secretary to Government, Fort Saint George, dated 23rd November 1858, No. 731.

Fixed Department.

SIR,

I have the honor to request you will obtain for me the instructions of Government on the following point.

On the 11th June 1858, Captain J. G. Russell the Assistant Agent in Kurnool, obtained sick leave to Europe for 15 months under the Furlough Regulations of 1854 and ceased to do duty under that leave on the 15th June last, and subsequently embarked for Europe. Messrs. Binny and Co., (Captain Russell's Agents) having enquired of this Office what allowances that Officer would be entitled to draw during his absence, were informed, that as the Agency of Kurnool had been abolished by the Notification of Government, dated 13th June 1858 from the 1st July last, Captain Russell's appointment as Assistant Agent had terminated also, and that consequently in my opinion he could receive no portion of the salary of his appointment as Assistant Agent except for the period from 15th to 30th June. Messrs. Binny and Co., having communicated this reply to Captain Russell, that Officer in a letter of which an Extract has been communicated to me, states that "the Act above alluded to abolished the Commission, but the irregular Horse remain, that he had commanded them for years, and that he expected to change the denomination of his appointment, but never to lose it."

As this Office is not aware what the intentions of Government may be as regards the appointment of Assistant Agent and whether Captain Russell will be allowed to resume it on his return, I have the honor to request that you will obtain for me the instructions of Government, whether I am authorized to pass to Captain Russell the moiety of his staff salary which he would have been entitled to for six months had his appointment not been abolished by the Act above quoted.

No. 12. ORDER THEREON, No. 37; dated 12th January 1859.

Captain J. G. Russell, Assistant Agent and Officiating Agent in Kurnool, on the 11th June last, obtained sick leave to Europe under the Furlough Regulations of 1854.

2. His Agents have applied to the Civil Auditor to know, what allowances he would be entitled to, during his absence, and have been told that, as the Kurnool Agency was abolished from the 1st July last, his appointment as Assistant Agent had terminated also, and that he could draw no pay on account of it beyond the 30th June. Captain Russell has replied, that although the Agency has ceased to exist, the Kurnool Irregular Horse remain. He had commanded them for years, and expected to change the denomination of his appointment, but never to lose it.

3. The Civil Auditor enquires what are the intentions of Government regarding the appointment of Assistant Agent, and whether Captain Russell will be allowed to resume it on his return, as also, whether he is authorized to pass to that Officer, the moiety of his staff salary to which he would have been entitled for 6 months, had his appointment not been abolished by Act XXIII of 1858.

E. M. C. 6th September 1842.

4. The arrangements sanctioned by the Government of India in 1842, for the administration of Kurnool and Bunganapilly were, that they should be managed by a Commissioner† on the footing of the Agents in Ganjam and Vizagapatam aided by a Military Assistant who was also to have charge of the Kurnool Horse. Captain Newbolt was the first Assistant Agent. G. O. 8th February 1848. On the 8th February 1848, Lieutenant J. G. Russell, 29th M. N. I., was appointed Assistant to the Agent in Kurnool and Bunganapilly, vice Captain Newbolt. His salary which was at first Rupees 425 per mensem, i. e. Rupees 200 in addition to his Military pay and allowances was in May 1849 raised to Rupees 500 a month consolidated.

To Government of India, 18th August 1851.
From do. do. 31st October "

6. In 1851 the Government obtained for Captain Russell a further increase of Rupees 200 per mensem on the ground of the length and value of his services, thus increasing it to Rupees 700, but of this 200 Rupees was to be a personal allowance and the pay of the appointment was to revert to Rupees 500 on the next vacancy.

Myself the ...
Captn.

Fort St. George, Judicial Consultation, 18th January 1859.

7. In 1854, it was proposed to convert Kurnool from an Agency into a Collectorate, with additions from the adjoining Districts of Cuddapah and Bellary. In the remarks of Government Extract Minutes Consultation 9th September 1854, originating the scheme it was said para. 7, "The Collector will be aided by a Head Assistant (who may be a Military man to have charge of the Kurnool Horse,) and Junior Civil Assistants."

8. In their proceedings of 23rd October 1854, para. 17, the Revenue Board expressed their opinion that besides the present Military Assistant, a Head Assistant, should be appointed to Kurnool, and that if the new Court be established at Nundial, that should be his Head Quarters.

9. The Government Extract Minutes Consultation 17th February 1855, approved the arrangements proposed by the Board, but did not make any special mention of the Military Assistantship, nor does any reference to that office appear in the correspondence which subsequently ensued relative to the Kurnool Collectorate and Zillah with the Revenue Board and the Supreme Government.

10. In a letter dated 22nd October 1857, this Government submitted to that of India, a Tabular Statement, in the prescribed form, showing the proposed revised establishment for the new Collectorate of Kurnool and Zillah of Nundial. The Military Assistant is not entered in the statement, either in the present, or in the proposed scale of establishment. The total increase of the new above the old establishments is given at Rs. 3,133½ per mensem, or Rs. 37,602 per annum, but if the Military Assistant is not to be retained, this is an error, and the monthly additional charge should be less by Rupees 700, Captain Russell's pay as Assistant Agent.

11. The Government of India, 11th December 1857, Financial Department, sanctioned the revised establishments at an additional charge of Rupees 37,062—which, as above said, is more than the additional charge which will be incurred if the Military Assistantship be abolished.

12. On the Agency terminating on the 1st July last, it became necessary to provide temporarily for the charge of the Kurnool Horse—now augmented to 296 men exclusive of Ressaldar, Jemadars, &c. Lieutenant Grove who had previously been in command of them as Assistant Agent was, therefore, as a temporary arrangement, made an Assistant to the Magistrate of Kurnool with charge of the Irregular Horse, on his former rate of pay which was charged to the Police Department.

13. From the above review of the correspondence, it seems clear to Government that the omission of the appointment of Military Assistant in the arrangements connected with the creation of the new Collectorate of Kurnool, was an oversight. Such an Officer was evidently required, as originally contemplated, for the command of the Kurnool Irregular Horse, besides being available for Magisterial duties. The Governor in Council therefore resolves that Captain Russell be still regarded as Military Assistant which it is observed will leave the excess of the new above the old establishments at the sum sanctioned by the Government of India Rs. 37,062. The Civil Auditor will accordingly pass to Captain Russell a moiety of his staff salary for six months under the usual rules. Lieutenant Grove will as acting for Captain Russell continue to draw his present allowances. This arrangement will continue until measures can be taken for the absorption of the Kurnool Horse into the General Police force of the Madras Presidency.

(Signed) T. PYCROFT,
Chief Secretary.

Memorandum

It is better to go for the orders of the Members of Council. I have no cognizance of the terms under which Mr Longley was appointed Assistant, or whether it was intended that Capt Russell should return to command the Kurnool Horse.

W. H. Longley
I suppose Capt Russell's assistantship is only an Agent of the

W. H.

East India
Company
in India
W. H.

Judicial Depart^t

Memorandum.

Letter from Civil Auditor

23 Nov. 1858 —

Captain J. G. Russell
^{and Off. Acting Agent}
Sp^t. Agent in Hornool
on the 11th June last ob-
tained sick leave to Europe
under the furlough regula-
tions of 1854, and ceased
to do duty on the 15th idem.

2. — His Agents applied
to the Civil Auditor to
know what allowance he
would be entitled to, during
his absence, and were told
that as the Hornool Agency
had been abolished from
the 1st July last, his ap-
pointment as Assistant
Agent had terminated also,
and that he could draw
no pay on account of it
beyond the 30th June —
Captⁿ.

4 10
Captain Russell ^{had} replied,
that although the Agency
has ceased to exist, the
Hurnool Irregular Horse
remain. He had command-
ed them for years, and ex-
pected to change the de-
nomination of his appoint-
ment but never to lose it.

3. — The Civil Auditor
enquires what are the inten-
tions of Government regard-
ing the appointment of
Asst. Agent, and whether
Captain Russell will be
allowed to resume it on his
return - as also, whether he
is authorized to pass to that
Officer, the moiety of his
staff salary to which he
would have been entitled
for 6 months, had his
appt.

C.M.C. 6th Sept. 1842.

In 1843. On Act X. 1843
passing, the Com^r. be-
came Agent. —

The Gov^t. of India 29th June
1842 suggested either this or a
consolidated salary of Ru-
pees 500 per mensem. —

Appointment not been abo-
lished by Act XXIII of 1838.

4. — The arrangements
sanctioned by the Gov^t.
of India in 1842 for the
administration of Hurnool
and Bunganapilly were,
that they should be ma-
naged by a Commissioner
on the footing of the
Agents in Ganjam and
Vizagapatam aided by a
Military Assistant who was
also to have charge of the
Hurnool Horse. The Asst^t.
was under the control
and direction of the Com-
missioner, to perform
such duties as that Officer
might prescribe. and his
salary was fixed at two
hundred Rupees a month
in

in excess of his Military
pay and allowances. —

5. — Captain Newbolt
was the first Asst. Agent. —

6. — On the 8th Feb^y 1848,

G. O. 8th February 1848. —

Lieutenant J. G. Russell
29th M. N. I. was appoint-
ed Asst. to the Agent in
Thornool and Bunganaully
vice Captain Newbolt —
and drew, in that capacity,

Milit^y Allowance 225.
Thornool Civil do 200

425. —

Rs. 425 per mensem. —

7. — On the 6th April
1849 the then Agent, Mr.
H. D. Phillips, solicited
some addition to the allow-
ances of his Assistant. —

In so doing he represented
that the duties assigned
to the Asst. Agent were
Magisterial, Revenue,
Judicial and Military —
He

appointment was to revert
to Rs. 500 on the next va-
cancy. —

10. — In 1854, it was pro-
posed to convert Thornool
from an Agency into a
Collectorate, with additions
from the adjoining Districts
of Cuddapah and Bellary.
In the remarks of Govt.
C. M. C. 9th Sept. 1854
originating the scheme it
was said P. 7. "The Collec-
tor will be aided by a
Head Assistant (who may
be a Military man to have
charge of the Thornool
Horse) and Junior Civil
Assistants." —

11. — In their proceedings
of 23rd October 1854, P. 17.,
the Revenue Board ex-
pressed their opinion
that

He had a distinct Magis-
-terial and Revenue charge
and exercised the functions
of a Subordinate Judge,
besides having the separate
command of the Kurnool
Irregular Horse "a body
of about 230 strong."

8. — The Govt. 3rd May 1849,
recommended and the su-
-preme Govt. 26th idem, con-
-firmed the salary of the
Asst. Agent being raised to
Rs. 300 per mensem. —

9. — In 1851 the Govern-
-ment obtained for Capt.
Russell a further increase
of Rs. 200 per mensem
on the ground of the length
and value of his services —
thus increasing it to Rs. 700 —
but of this 200 Rs. was
to be a personal allowance
and the pay of the
asst.

To Govt. of India
18th Aug. 1831.
From do do 31st Oct.
1831. —

that besides the present
Military Asst. a Head
Asst. should be appoint-
-ed to Kurnool and that
if the new Court be es-
-tablished at Nundial,
that should be his
Head Quarters. —

12. — The Govt. C.M.C.
14th February 1835 ap-
-proved the arrangements
proposed by the Board,
but took no notice of
the Military Asst. — His
salary does not appear in
the estimate in para. 6,
on either side of the ac-
-count. —

13. — In like manner
in the letter to the Govt.
of India 2nd April 1835 —
founded on the preceding
papers

Total proposed Es-
timate ——— 73,694.
Salary of ~~Agent~~
Agent ——— 24,000.
49,694.

papers, no mention is made of the Military Asst. The statements of the extra expense involved in the charge, net Rs. 49,694. annually, sent up by the Board and forwarded to the Govt. of India - do not exhibit the salary, either as part of the cost of the proposed establishment, or of that which ^{was} to be superseded by it. —

14. — In the letter from the Govt. of India 13th Nov. 1835 - and the reply to it, 12th January 1836, no reference is made to the Military Assistant. —

15. — There is nothing more in the correspondence bearing on the point until the

the letter from this Govt. to that of India dated 22nd Oct. 1834. With that letter this Govt. submitted a Tabular Statement, in the prescribed form, showing the proposed revised establishment for the new Collectorate of Hurnool and Zillah of Muddial. The Military Asst. is not entered in the Statement, either in the present, or in the proposed scale of establishment. The total increase of the new above the old Establishments is given at Rs. 3,133½ per annum or Rs. 3^{rs} 602 per annum - but if the Asst. is not to be retained, this

This is an error, and the
monthly charge should be
less by Rs. 400 Captain Rus-
sell's pay, as Asst. Agent.
No. - The Govt. of India
11th Dec. 1854. Finl. Dept.
sanctioned the revised es-
tablishments at an ad-
ditional charge of Ru-
pees 34,062 - which, as above
said, is more than the ad-
ditional charge which will
be incurred if the Military
Asst. ship be abolished -
Nevertheless the revised
scale, actually sanctioned,
must be looked to, and,
as the Military Assistant-
ship does not appear in it,
the Civil Auditor was, it
is submitted, justified in
holding that the appointments
had

14
had terminated with the
Agency. -
14. - The omission of the
Military Assistantship in
the "Present" or "Agency" scale
of establishment was pro-
bably an oversight - but
I doubt whether it was ul-
timately intended to have
a Military Assistant in
the Ferozabad Collectorate,
as originally contemplated.
Such an officer could not,
under the new system, per-
form judicial or revenue
duties - He could only ex-
ercise Magisterial func-
tions and command the
Ferozabad Force. The charge
of this would, it was sup-
posed, be provided for
in the new Police arrange-
ments. - Meanwhile

now augmented to 296
men exclusive of Res.
saldar, Jemadars &c.

18. Meanwhile, however
on the Agency terminating
on the 1st July last, ^{it} ~~was~~
became
~~was~~ necessary to provide
temporarily for the charge
of the Thumool Horse.

Lieutenant Groves who had
previously been in command
of them as Actg. Asst.
Agent was, therefore, as a
temporary arrangement, made
an Asst. to the Magistrate
of Thumool with charge
of the Irregular Horse, on
his former rate of pay
which was charged to the
Police Department.

19. The question now is
what to do with Captain
Russel. It is hard that
he should be turned adrift
after

15
after ten years good ser-
vice. At the same time
the Thumool Horse formed
but a part of his original
charge, and are not charge
enough for one man. The
post of Military Asst.
to the Collector cannot be
said to have been sanctioned
under the new Police
arrangements, will not be
required.

20. A Civil servant
whose appointment has
been abolished may, with
the sanction of the Supreme
Government, receive com-
pensation allowance not
exceeding $\frac{2}{3}$ of his pre-
vious salary. There may
be no warrant for it,
but

but perhaps, under the
peculiar circumstances of
the case, the Govt. might
allow Captain Russell to
draw his sick absentee al-
lowance, as Assistant Agent.
He also should not be
replaced under the orders
of the Commander-in-Chief,
so as to be again available
for civil employment when
he returns to India. I do
not see what more can
be done for him. —

This is a hard case
which has occurred
entirely by an over-
sight.

I think Capt Russell
should be considered as the permanent officer of

Ed. 10. 12. 1857
J. D. D.

the Kurnool force - otherwise. This
displacement might be considered
as reflecting on his character -
as long as he holds it. he could
hardly be reduced in pay.

It will probably be some time
before this body can be absorbed
in the police - I think they certainly
must have an European officer to com-
mand them.

I think Russell is not
not known to Kurnool. but it is
difficult to know how to provide
for him.

I think the above
course - the correct
one - the money is
forthcoming - but one occasion has been
made in respect to having the ability
to do

Judicial Department

No 37

Extract from the Minutes of Consultation
Dated 12th January 1859.

Read the following letter
from the Civil Auditor:

(Here enter 23rd Nov^r 1858.)

Captain J. G. Russell
Apt. Agent and Officiating
Agent in Hurmool on the 11th
June last obtained sick leave
to Europe under the furlough
regulations of 1854.

2. His Agents have ap-
plied to the Civil Auditor to
know, what allowance he would
be entitled to, during his ab-
sence, and have been told
that, as the Hurmool Agency
~~has been~~ ^{was} abolished from the
1st July last, his appointment
as Apt. Agent had termina-
ted also, and that he could
draw no pay on account of
it

At
roll

11812

In Rs to Gov. 10th January 1859
Judicial 1859 Dept.

At 23rd
March 1859: Gov.

Dated 12th January 1859
At 1853/60.

By my certain name
on the Civil Auditor's letter
requesting instructions
relative to the allowance
of Captain Russell's
agent in Hurmool, and
direct that Captain Russell
be little regarded - as
being a distant authority
- being the Civil Auditor
to the Govt. Captain Russell
a majority of his staff
funding matters under
the actual rules should

By my ad acting for
Captains R to certain
to observe his present
allowances.

cc 2 Dec.
23 Jan 1859

it beyond the 30th June —
Captain Russell has replied,
that altho' the Agency has ceased
to exist, the Kurnool
Irregular Horse remain. He
had commanded them for
years, and expected to change
the denomination of his ap-
pointment but never to lose
it.

3. — The Civil Auditor en-
quires what are the intentions
of Govt. regarding the ap-
pointment of Aft. Agent,
and whether Captain Russell
will be allowed to resume it
on his return — as also, whether
he is authorized to pass to
that Officer, the moiety of
his staff salary to which he
would have been entitled for
6 months, had his appoint-
ment not been abolished
by Act XXIII of 1838. —

The

C.M.C. 6th Sept. 1842.

* In 1843. On Act X - 1843 pass-
ing, the Comr. became Agent.

G.O. 8th Feb. 1848. —

4. — The arrangements
sanctioned by the Govt. of
India in 1842 for the ad-
ministration of Kurnool
and Banganapilly were,
that they should be managed
by a Commissioner on the
footing of the Agents in Tan-
jore and Vizagapatam, aid-
ed by a Military Aft. who
was also to have charge of
the Kurnool Horse. Capt.
Newbolt was the first Aft.
Agent. —

5. — On the 8th February
1848, Lieut. S. G. Russell
29th M. N. I. was appoint-
ed Aft. to the Agent in
Kurnool and Banganapilly
vice Captain Newbolt —
His salary which was at
first Rs. 425 per mensem
i.e. Rs. 200 in addition to
his Military pay and al-
lowances was in May 1849
raised

To Govt. of India 18th Aug. 1851.

From do do 31st Oct. a-

raised to Rs. 500 a month
consolidated. —

6. — In 1851 the Govern-
ment obtained for Captain
Russell a further increase
of Rs. 200 per annum on
the ground of the length and
value of his services — thus
increasing it to Rs. 700 —
but of this 200 Rs. was to
be a personal allowance
and the pay of the ap-
pointment was to revert to
Rs. 500 on the next vacancy. —

7. — In 1854, it was pro-
posed to convert Thurnool
from an Agency into a Col-
lectorate, with additions from
the adjoining Districts of
Cuddapah and Bellary. — In
the remarks of Govt. C.M.C.
9th Sept. 1854 originating
the scheme it was said Para
"The Collector will be
aided

5
aided by a Head Asst. who
may be a Military man
to have charge of the Thur-
nool Horse, and Junior
Civil Assistants". —

8. — In their proceedings
of 23rd Oct. 1854, D^y, the
Revenue Board expressed
their opinion that besides
the present Military Asst.
a Head Asst., should be
appointed to Thurnool and
that if the new Court be
established at Nundial,
that should be his Head
Quarters. —

9. — The Govt. C.M.C. 17th
February 1855, approved the
arrangements proposed by
the Board but did not
make any special mention
of the Military Assistant-
ship, nor does any refer-
ence to that office appear
in

in the correspondence, which
subsequently ensued, relative
to the Khumool Collectorate
and Zillah with the Revenue
Board, and the Supreme Govt. —

10. — In a letter dated
22nd Oct. 1834 this Govt.
submitted to that of India
a Tabular Statement, in
the prescribed form, show-
ing the proposed revised
establishment for the new
Collectorate of Khumool and
Zillah of Nandial. The
Military Apts. is not entered
in the statement, either in
the present, or in the propos-
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The total increase of the
new above the old establish-
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3,133½ per mensem, or
Rs.

Rs. 37,602 per annum —
but if the Military Apts.
is not to be retained, this
is an error, and the monthly
additional charge should be left by
Rs. 700 Captain Russell's
pay as Asst. Agent. —

11. — The Govt. of India
11th Dec. 1834 India Dept.
sanctioned the revised es-
tablishments at an addi-
tional charge of Rupees
37,062 — which, as above
said, is more than the
additional charge which
will be incurred if the
Military Apts. ship be
abolished. —

12. — On the Agency
terminating on the 1st
July last, it became ne-
cessary to provide tem-
porarily for the charge
of the Khumool Horse-
Leut.

now augmented to 296 men
exclusive of Head-dar, Juma-
dar &c. &c.

Leut. Grove who had previously been in command of them, as Asst. Agent was, therefore, as a temporary arrangement, made an Asst. to the Magistrate of Kurnool with charge of the Irregular Horse, on his former rate of pay which was charged to the Police Department. —

13. — From the above review of the correspondence it seems clear to Government that the omission of the appointment of Military Asst. in the arrangements connected with the creation of the new Collectorate of Kurnool was an oversight. Such an officer was evidently required — as originally contemplated

7
contemplated — for the command of the Kurnool Irregular Horse besides being available for Magisterial duties — The Govt. in Council therefore resolved that Capt. Russell be still regarded as Military Asst. which it is observed will ~~not~~ leave the excess of the new above the old establishments at the sum sanctioned by the Govt. of India Rs. 37,062 — The Civil Auditor will accordingly pass to Captain Russell a moiety of his staff salary for six months under the usual rules — Lieut. Grove will be acting for Captain Russell continue to draw his present

~~Will not~~ -

present allowances - This
arrangement will continue
until measures can be
taken for the absorption
of the Thummal Horse
into the General Police force
of the Madras Presidency.

JP

Copy to the Civil Auditor

" Capt. Russell.

" Coll^y of Thummal.

Dispd 15th

M. J. Hall

cb. Lang/59.
R11 "