

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1348	Press
	28-29	~~His~~
Dated	7. 11. 1861	~~18~~

Not to be folded or roughly handled*7/7*
1861-29

*Proceedings of the Madras Government, Judicial Department,
7th November 1861.*

No. 28. Read the following letter from Lieutenant Colonel W. F. MARRIOTT, Acting Secretary to Government, Bombay; to the Secretary to the Government of India, dated 31st December 1860, No. 4,481.

It having been represented to the Governor in Council that the salaries of the Cantonment Magistrates under this Presidency were inadequate, I was directed to enquire what salaries were accorded to the Cantonment Joint Magistrates under the Bengal Presidency. The information was furnished by your letter, No. 60, dated 3rd September last, copy of which was communicated to the Quarter Master General for the information of His Excellency the Commander-in-Chief.

2. His Excellency on this pointed out that the salaries of the Cantonment Magistrates under this Presidency were much less than those which ruled in Bengal and the following Resolution was sent in reply: "The Governor in Council would be glad of the opinion of His Excellency the Commander-in-Chief as to the sufficiency of the present salaries irrespectively of Bengal precedent. That precedent and the reduction lately effected in the cost of the Offices of Cantonment Magistrate by the amalgamation thereof with the Deputy Judge Advocate General's duties would warrant increase of salary if independently called for. But if not so called for, the Governor in Council cannot give the increase solely because the higher salary is paid in another Presidency."

3. A copy of the Quarter Master General's reply to this Resolution, No. 3,562, dated 16th instant, I have the honor to forward. In this His Excellency after enumerating all the duties which fall to be performed by Cantonment Magistrates states that "he cannot but think that they are worse paid than any other Public Servants and that in proportion to their duties they are very much under-paid."

4. The Governor in Council instructs me to bring to the notice of the Government of India, the economy with which the duties devolving upon the Cantonment Magistrates are performed in this Presidency, by uniting them to the Office of Judge Advocate General in two instances, viz., Mhow and Kurrachee, and concurring in opinion with His Excellency the Commander-in-Chief, he strongly recommends that the Bengal allowances of Cantonment Joint Magistrates may be accorded to the others, who are only four in number.

5. The usual Statement for the Financial Department accompanies.

From Lieutenant Colonel R. PHAYRE, Quarter Master General of the Army; to the Secretary to Government, Military Department, Bombay, dated 16th November 1860, No. 3,562.

In answer to the reference made by the Honorable the Governor in Council, on the reported inadequacy of the emoluments of Superintendents of Bazars, His Excellency the Commander-in-Chief desires to offer the following remarks.

2. In many of the Cantonments or Camps we have in charge of the Superintendents of Bazars, very numerous populations equivalent in the measure of responsibility they entail, to large cities in which public order is not guarded by Municipal institutions.

3. This latter consideration is, His Excellency conceives, of great importance, as in consequence of it a never ceasing and undivided responsibility is thrown on the Superintendent.

4. It would be easy to shew that the number of the population in the Camp of Mhow, the Cantonment of Poona, in that of Sholapoor, &c., &c., respectively would, if under Civil Superintendence, require the supervision of at least a first class Assistant Collector, Rupees 800 per mensem. Now that we have Income Taxes to collect the onus of which as regards Military Cantonments must fall on the Superintendent. We may easily imagine that did he belong to the Civil branch he would ask for an Assistant. His Excellency does not say that this would be necessary, but he merely instances it to shew the extent of duties thrown on the single Superintendent.

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5. In addition to the Police and security of the Cantonment, the care of the roads, of the Bazar, discipline of the Police, the collection of the Abkarry also forms an important part of his duty, to this has lately been added the conservancy of the station at large; thus he is a Magistrate, a Policeman, a Collector and a Conservator. Taking all these matters into consideration, the Commander-in-Chief cannot but think that the Superintendents of Bazars in this Presidency are worse paid than any other Public Servants, and that in proportion to their duties they are very much underpaid.

6. It is worthy of the consideration of Government that a thoroughly good Superintendent of Bazars is a servant, who might be made use of by Government at any time in the most important offices of administration, the training being an excellent one.

Extract from the Proceedings of the Honorable the President in Council, in the Military Department; under date the 18th January 1861, No. 642.

Read letter from the Acting Secretary to the Government at Bombay, No. 4,481, dated the 31st December 1860, forwarding copy of one from the Quarter Master General of the Bombay Army, and bringing to notice the economy with which the duties devolving upon Cantonment Magistrates are performed in that Presidency, and recommending that the Bengal allowances of Cantonment Joint Magistrate may be accorded to the others, who are only four in number.

Ordered that the foregoing documents be transmitted, in original, to the Home Department, for consideration and orders with an intimation that the appointments and salaries belong to the Civil Department.

(True Extract.)

(Signed) F. D. ATKINSON, Major,
Offg. Secy. to the Govt. of India.

No. 228.

Forwarded to the Financial Department, for consideration and orders.

HOME DEPARTMENT.
The 26th January 1861.

By Order, &c.,
(Signed) H. U. BROWNE,
Under Secretary to the Govt. of India.

From C. H. LUSHINGTON, Esq., Secretary to the Government of India; to Lieutenant Colonel W. F. MARRIOTT, Acting Secretary to the Government of Bombay, dated Fort William, 5th February 1861, No. 1,467.

Financial Department.

With reference to your letter, No. 4,481, dated 31st December 1860, on the subject of the allowances of Cantonment Magistrates in Bombay, I am directed to enquire whether the functions of Cantonment Magistrates are performed by Military Officers not holding any other permanent staff appointments, or are they united to other offices—if the latter, you are requested to state whether the Magistracies all belong to one grade or are divided into two grades of the first and second classes as in the Punjab.

From Lieutenant Colonel W. F. MARRIOTT, Acting Secretary to Government, Bombay; to the Secretary to the Government of India, Military Department, dated 26th February 1861, No. 569.

I have the honor to acknowledge the receipt of your letter, No. 1,467, dated 5th instant, and in reply to inform you that of the six Cantonment Magistrates under this Presidency, two are Deputy Judge Advocates General and receive the pay of that office performing the duties of both offices, without additional remuneration in any way for the duties of Cantonment Magistrate.

The remaining four hold no other office than that of Cantonment Magistrate, and are all of one grade.

*Proceedings of the Madras Government, Judicial Department,
7th November 1861.*

No. 13.

Transferred to the Financial Department, for disposal.

By Order, &c.,

FORT WILLIAM,
The 12th March 1861.

(Signed) H. K. BURNE,
Assistant Secretary to the Govt. of India.

No. 2,965.

Forwarded to the Military Department, for report.

By Order, &c.,

FINANCIAL DEPARTMENT,
The 21st March 1861.

(Signed) C. H. LUSHINGTON,
Secretary to the Government of India.

From Colonel G. BALFOUR, Chief of the Military Finance Department; to the Secretary to the Government of India, Financial Department, dated Calcutta, 17th September 1861, No. 812 A.

With reference to the papers forwarded for report under your docket No. 2,965 dated 21st March last, I have the honor to state that in Bengal, Cantonment Joint Magistrates exercise Police powers, and under Act III of 1859, they have Civil jurisdiction and are Registers

* As Cantonment Joint Magistrate.....	150	0	0	of Deeds. The appointment is a Civil one and
As Superintendent of Abkarry.....	86	0	0	a Civil salary as per margin* is attached to it in
	236	0	0	the Civil Department. The situation is combined
As Superintendent of Sudder Bazar.....	64	0	0	with that of Superintendent of Sudder Bazar, for
Total.....	300	0	0	which latter office a staff pay of Rupees sixty-

four per mensem is passed in the Military Department. Thus the aggregate staff salary of a Cantonment Joint Magistrate is Rupees three hundred per mensem exclusive of Regimental pay and allowances, of those Rupees 300-0-0. latter the Regimental allowances though passed in the Military Department are debited to the Civil Department.

2. The foregoing emoluments are exclusive of any fees which the Cantonment Joint Magistrates may receive as Registers of Deeds.

3. Thus the only emoluments of the Cantonment Joint Magistrates which are chargeable to the Military Department are the net pay of his Regimental rank and his staff salary as Superintendent of Sudder Bazars.

4. When Commissariat Officers had charge of Sudder Bazars they discharged the duties of Superintendent *ex-officio* or without the staff salary of sixty-four Rupees per mensem, which is now, paid to Cantonment Joint Magistrates and it may be questioned whether the emoluments of the latter Officers have not been so improved by their fees for registering Deeds under Act III of 1859, as to warrant the denial in their case for the future as in that of Commissariat Officers in times past of the staff salary of Rupees sixty-four per mensem for the charge of Sudder Bazars.

5. Should you entertain this question, returns of the average amount of registration fees of Cantonment Joint Magistrates under Act III of 1859, might be applied for through the Supreme Government in the Home Department.

6. A list of the stations at which there are Cantonment Joint Magistrates is given in the margin, from the latest Army List. The appointments are created and filled up by the Civil Department.

Agra.	Farruckabad.	Rawul Pindia.
Allahabad.	Fyzabad.	Roorkee.
Bareilly.	Gondah.	Roy Bareilly.
Barrackpore.	Jhansi.	Raneegunge.
Benares.	Lucknow.	Sealkote.
Cawnpore.	Meerut.	Shahjehanpore.
Delhi.	Mooltan.	Sangor.
Dinapore.	Morar (Gwalior).	Umballah.
Dum Dura.	Peshwar.	Jullunder.
Ferozepore.		

*Proceedings of the Madras Government, Judicial Department,
7th November 1861.*

7. In the Bombay Presidency the staff pay issued in the Military Department, to Cantonment Joint Magistrates or Superintendents of Bazars exceeds the corresponding Military charge in the Bengal Presidency. Any increase of the former allowance should constitute therefore a Civil charge which if authorized might be sanctioned and paid in the Civil Department.

8. The portion of the Cantonment Joint Magistrate's Civil salary which is given for the Superintendence of the Akbarry might be fixed with some reference to the relative productiveness of the Akbarry tax in Bengal and in Bombay Cantonments respectively.

No. 12,199.

FORT WILLIAM, FINANCIAL DEPARTMENT, the 2nd October 1861.

Ordered that a copy of the above letter from the Military Finance Department, and of the previous correspondence with the Government of Bombay, be forwarded to the Government of Madras, with a request that a report be furnished on the allowance given to, and the duties performed by, Cantonment Joint Magistrates in that Presidency, so that some general Rule may be laid down for all the Presidencies.

By order of His Excellency the Governor General in Council.

(Signed) C. HUGH LUSHINGTON,
Secretary to the Government of India.

No. 29.

ORDER THEREON, 7th November 1861, No. 1,348.

The Magistrates will, each for his own district, submit statements showing the Military Joint Magistrates appointed by Government, the allowances including fees received by them, and the duties they perform.

(Signed) J. D. SIBI,
Secretary to Government.

Duplicate

Year.	Revenue.		Charges.		Total.		Net.	
	Ordinary.	Extra-ordinary.	Ordinary.	Extra-ordinary.	Revenue.	Charges.	Surplus.	Deficit.

Extracts from Home Department of Government of India.		Office to which the Proposition refers.	Nature of Charge.		Proposition.												Casual or Extraordinary.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																							
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Grounds of Proposition.	Local Government's Recommendation.	Orders of the Government of India.		
		Home Department.	Financial Department.	
		Remarks.	Remarks.	Orders.
The inadequacy of the salaries of the Cantonment Magistrates under this Presidency compared with the duties which devolve upon them as more particularly set forth in the forwarding letter.	Recommended for sanction			
Bombay Castle 17 December 1860	Lt. G. Manette Lieut. Col. Actg. Secy to Govt.			

Proc 17th Sept 1861. C. 1508/114

Judicial 1861 Sept
F
4

Further C. 1824

- " — 1838.
- " — 1843
- " — 1850.
- " — 1857.
- " — 1869.
- " — 1870.
- " — 1871.
- " — 1880.
- " — 1883.
- " — 1884.
- " — 1895.
- " — 1912.
- " — 1925.
- " — 1930.
- " — 1945.
- " — 1950.
- " — 334/62
- " — 435
- " — 441

From

The Secy to the Govt
of India. F. 25 12/99

2nd Oct 1861.
F. 25 12/99

Encs 3.

No. 1701

Requests that a Report
be furnished on the allowance
given to & the duties performed
by Cantonment Joint Magis-
trates in the Madras Presidency
so that some general rule
may be laid down for all the
Presidencies and forward copy
of a letter from the Milly Fi-
nance Dept of the previous cor-
respondence with the Bombay
Govt on the subject.

With an Order.

C. 2410
1930

Proc 17th Sept 1861

N^o: 1348 - 7th November 1861.

W. W. / The Magistrates will,
each for his own dis-
trict, submit state-
ments showing the
Military Court Ma-
gistrates appointed
by Govt., the allow-
ances including fees
received by them, &
the duties they per-
form. J. D. S.

The Magistrate of the 20 Districts -
J. D. S.