

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1476	Press
		~~Mis.~~
183-184		
Dated	29.11.1861	19

9/10

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
29th November 1861.*

No. 183. Read the following letter from B. CUNLIFFE, Esq., Magistrate of the Madras District; to T. PYCROFT, Esq., Chief Secretary to Government, Judicial Department, Fort Saint George, dated Saidapet, 9th November 1861, No. 48.

1. I have the honor to acknowledge the receipt of the Government Proceedings dated 26th October 1861, No. 1,311.

2. It may perhaps assist the disposal of the question under discussion, if I enclose an original letter from the Joint Magistrate at the Mount, and copies of the correspondence* alluded to in paragraph 3, and with this view I forward the accompanying documents.

*From Joint Magistrate, dated 18th August 1860.
To Mr. Pelly, 20th August.
From do. 1st September.

3. With the Police cases added to those disposed of as Joint Magistrate, the latter will settle about 90 cases monthly. He is conversant with Hindustani, but as Tamil and Telugu will usually be the languages of the parties appearing before him, a Manager and Interpreter on 70 Rupees, to assist generally in Office duties, and to interpret in the two dialects last mentioned, appears to me not unreasonable.

From Lieut. C. G. GUNNING, Joint Magistrate; to the Magistrate of the Madras District, Sydapet, dated Saint Thomas' Mount, 1st November 1861, No. 67.

1. I have the honor to acknowledge the receipt of Proceedings of Government No. 1,311, under date the 26th October 1861 forwarded for my information, and with reference to the same to offer the following remarks on the nature of the Office of the Cantonment Superintendent of Police at this station. I trust my doing so may not be considered out of place as there still appears to be a certain amount of misconception on the part of Government relative to the duties this Officer performs, under what circumstances the establishment was sanctioned, &c., which the Controller of Military Finance, to whom I perceive these questions have been referred, may probably have some difficulty in rendering intelligible.

2. Previous to the introduction of the Mofussil Police, the Mount Police establishment consisted, as Government are aware, of 1 Cutwall, 1 Interpreter, 1 Mootsuddy, 1 Darogha, 3 Duffadars, 1 Bullock and Cooly maistry, 52 Peons, 1 Dandiah and 1 Tom tom man, at a monthly expense of 507 Rupees. On the substitution of the former Force in April 1860, the latter was disbanded with the exception of that part constituting the Office,* which was retained

* 1 Cutwal.
1 Interpreter.
1 Mootsuddy.
1 Tom tom man.

in order that the duties of the Officer in immediate charge of the Police (authority vested in the Commanding Officer in a Military Bazar station, vide Regulation VII of 1832) might be carried on as usual. This arrangement was duly reported to His Excellency the Commander-in-Chief for the information of Government. The month following this change the pay of the Office, with the exception of that of an Acting Interpreter, was passed for payment by the Military Auditor General pending, as he said, further instructions from Government on the subject; Government was then solicited to sanction the audit of the

† Pay of the Acting Interpreter.

item† of the abstract objected to by Military Auditor General which they were pleased to do in their Order dated 23rd April 1860, copy of which is hereto attached, and this Order, implying, as it would appear to do, authority generally to the arrangement effected consequent on the substitution of the new Police, has supported the disbursement of the pay of the Office up to the date of objection in June last by the Military Department on the plea that the charge was not a Military one, and by the Civil Department in consequence of the sum not having been included in the Budget for 1861-62.

3. On the arrangements made by Mr. Pelly for the establishment of the Joint Magistrate at the Mount, with the Order thereon being published conceiving that the amalgamation of the duties of Joint Magistrate and Officer in charge of the Police would necessarily follow, I represented in my letter to you No. 83, dated 18th August 1860, how indispensable the services of

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an Office Manager and Interpreter would be to an Officer situated as the Station Staff Officer at the Mount carrying on Judicial duties. Mr. Pelly, however, did not consider this addition to his arrangement necessary and declined to recommend it. I therefore did myself the honor of waiting upon the Honorable Mr. Morehead who was then at the head of the Government and laid the case before him; he admitted the force of my remarks, but stated at the same time that he did not think that the change anticipated by me was contemplated, as it would be the means of depriving the Commanding Officer of the station of the authority vested in him by Regulation VII of 1832. On this understanding the question was supposed to be finally settled.

From Lieut. C. G. GUNNING, Joint Magistrate; to B. CUNLIFFE, Esq., Magistrate of Madras District, dated Saint Thomas' Mount, 18th August 1860, No. 83.

Government in their Order upon Mr. Pelly's report on the Office of the Joint Magistrate at the Mount, decline to sanction any increase to the Establishment, as no reason is given for the necessity of the measure, and as the duties of that Officer will be materially reduced when he ceases to have charge of the Police.

I have not had the advantage of reading a copy of Mr. Pelly's report here referred to, but from that part of it quoted by Government, I cannot help being impressed with the idea that that gentleman has not been in possession of information sufficient to enable him to define correctly the distinction between the two Offices of Superintendent of Police and Joint Magistrate at the Mount. I would therefore beg, with all deference, to lay before you for submission to higher authority, should you think it necessary, information regarding the establishments hitherto attached to both these Offices, the nature and amount of work performed in each, and on the former being discharged what extra amount of duty will entail on the latter, and by this means hope to show not only that an increased establishment, as objected to by Government, will be absolutely necessary, but also that in reality the duty of the Joint Magistrate will rather be increased than decreased when his functions of Superintendent of Police shall have ceased.

Owing to most of the cases, brought to the Police for investigation, being cognizable by the Superintendent of Police, the Magistrate's file at the end of the quarter seldom shews more than 12 or 15 cases, and if to these be added three or four disposed of by him as Justice of the Peace, the total will be the amount of work which has hitherto fallen to the lot of the Joint Magistrate's Department.

One English Writer on a salary of Rupees 18, and two Mootsuddies on salaries of 10 and 10½ respectively, compose this establishment.

The establishment of the Superintendent of Police consists of 1 Cutwall (really a Native Assistant to the Superintendent of Police and Joint Magistrate) on a salary of 70 Rupees; an Interpreter on 35 Rupees; a Mootsuddy on 10 Rupees, and a Tom tom man on 2 Rupees. The Cutwall and Interpreter are properly speaking connected with both departments, although included on the Police Muster Roll, and will of course be discharged with the others when the Orders of Government are issued on the subject. 1 Darogah, 3 Duffadars, 1 Bullock Maistry, 52 Peons, and 1 Dundiah, were discharged on the substitution of the Mofussil Constabulary at the Mount in April last. On an average about 120 cases are disposed of by the Superintendent of Police every month; about 30 of these are small bazar suits under 20 Rupees, and the rest (90) Criminal cases which will one and all, it is surmised, be included on the Magistrate's file when the Office of the Superintendent of Police is abolished. The evidence is recorded in these cases in substance merely, and not verbatim as in the Joint Magistrate's Department.

From the above it follows that, when the establishment of the Superintendent of Police is discharged, with the exception of the Abstracts and Muster Rolls of the Peons, &c., and about three small Bazar Suits monthly (the record of which seldom require more than about half a sheet of paper each), the whole of the duty of both departments considerably increased by its being necessary to take a more detailed record of 90 cases monthly, will devolve upon the Joint Magistrate's Department, consisting of one English Writer, and two Mootsuddies, total expense to Government Rupees 38-8-0; the only person who could do the work on these terms is an Officer capable of being his own Interpreter in three Native languages (Hindoostani, Tamil

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29th November 1861.*

and Telugoo,) and who can devote his whole time to the care and supervision of his Office. The latter at least of these conditions, could not of course be secured in the Staff Officer of a large Military Station like the Mount, and the first is rare indeed among Military men. Under these circumstances, I would respectfully beg, if I am allowed, to suggest the following establishment on the lowest scale necessary to ensure the satisfactory performance of the duty of the Joint Magistrate's Department at the Mount from the date of the breaking up of the Police establishment.

1 Head or Manager of the Office who is likewise to interpret at the Bench...	Rupees...	70 0 0
1 English Writer...	"	25 0 0
2 Mootsuddies at Rupees 15 each...	"	30 0 0
2 Peons to attend during Office hours to keep order, carry messages, &c., at Rupees 6 each...	"	12 0 0
Total Rupees...		137 0 0

The increase of salary to the Writers is recommended as much, on account of the time they have been in the Office (as noted in the margin*) without preferment of any kind as to the increased work they will have to perform hereafter. Hoping Government, taking into

consideration the amount of work to be got through, and the fact that no personal remuneration whatsoever is allowed to the Joint Magistrate, will sanction the above amount in view to the satisfactory working of the Department.

(True Copy.)

(Signed) B. CUNLIFFE,
Magistrate.

From B. CUNLIFFE, Esq., Magistrate of Madras District; to C. PELLY, Esq., Member of the Board of Revenue, Fort Saint George, dated Saidapet, 20th August 1860, No. 339.

I regret to find it necessary to re-open the subject of the future establishment of the Joint Magistrate at the Mount, which appeared settled by Government Proceedings 4th instant, No. 1,299.

2. I had supposed that the Joint Magistrate would dispose of the cases which formerly came before him as Superintendent of Police, with the establishment recommended in my letter of the 16th June and sanctioned by the Government, but the enclosed copy of a letter 18th August, No. 83, from the Joint Magistrate shows, and in my opinion, satisfactorily, that a Manager, who will also act as Interpreter, is requisite to enable the presiding Officer to discharge his duties properly. His pay is proposed at 70 Rupees, which appears not too much for an Official acting in the double capacity.

3. The establishment for the Superintendent of Police is as per margin* which Captain Gunning tells me has not been discontinued, pending the orders of Government upon the Brigadier's letter entered in Government Proceedings 19th May last, No. 637, and that for the Joint Magistrate, included a Writer upon 18 and two Gumastas upon 10-8 and 10 Rupees, making an aggregate in the two offices of Rupees 155-8.

4. If to the establishment recommended in your letter of the 20th July No. 362, there is added a Manager on 70, the total pay of the Office servants would be 148 Rupees monthly, or somewhat less than the united cost of the Police and Joint Magistrate's Offices.

* Kotwal.....	Rupees 70
Interpreter.....	35
Writer.....	10
Tom tom man.....	2
Total Rupees	117

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5. The introduction into the cantonment of the new Police does not lessen the Office work, as the old Police cases will now come before the Joint Magistrate, and there appears no room to suppose that a lesser establishment than formerly will suffice.

(True Copy.)

(Signed) B. CUNLIFFE,
Magistrate.

From C. PELLY, Esq., Member of the Board of Revenue; to B. CUNLIFFE, Esq.,
Collector of Madras, dated 1st September 1860, No. 494.

I have the honor to acknowledge the receipt of your letter of the 20th instant, recommending an increase to the Joint Magistrate's establishment at St. Thomas' Mount, and in reply, to state that the Government have passed their final orders on the subject of this establishment, prior to the receipt of your letter under reply. I am unwilling therefore to re-open the question, but at the same time, I would express my opinion that I do not consider it necessary to allow an Interpreter to the Joint Magistrate, and no such Officer has been allowed to similar Cantonment Offices in other Districts or to any Magisterial Department whatever in the Districts.

(True Copy.)

(Signed) B. CUNLIFFE,
Magistrate.

No. 184. ORDER THEREON, 29th November 1861, No. 1,476.

The Government are unable to sanction the appointment of an Interpreter for the Office of the Joint Magistrate at Saint Thomas' Mount. As observed by Mr. Pelly, no such Officer has been allowed to similar Cantonment Offices in other Districts or to any Magisterial Department whatever in the Districts.

2. It is remarked that the establishment for the Joint Magistrate sanctioned by Government under date 23rd August 1860 included three Writers on salaries of Rupees 25, 20 and 15 per mensem, any one of whom might be made available to interpret when required. The pay of the Interpreter to the Superintendent of Police, was, it is observed, only Rupees 35 a month.

3. It would appear to be Lieutenant Gunning's impression that in consequence of the substitution of the New Police for the former Military Police at Saint Thomas' Mount, the class of cases formerly disposed of by him as Superintendent of Police will henceforth have to be settled by him as Joint Magistrate and the proceedings in them require to be recorded in greater detail than before. This however is an error. His Jurisdiction as Officer in charge of the Police, Cantonment Officer, or Station Staff Officer under Regulation VII, 1832, will be precisely what it has been hitherto, and his mode of procedure in respect to the disposal and recording of cases brought before him under that Regulation will undergo no change.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

*Military Department
Proceedings of the Madras Government*

Read the following papers

*Memo from the Adjutant General of the Army Fort St. George
22nd April 1860 N^o 274.*

*In submitting the written letter
from the Officer Commanding Mount the
Commanding Mount the Commander in Chief
has the honor to request the orders of Govern-
ment as to the disposal of the*

Outwall

Interpreter

Writer

Sam Sam man

*attached to the Office of the Superintendent
of Police at that Station*

*2 Sir P Grant concludes that those
entitled to Pension under Regulation, will be
admitted to that indulgence and that the
others will be discharged*

*From the Brigadier Commanding the Mount, 16th
April 1860 N^o 258, to the Adjutant
General of the Army, Fort Saint George.*

*I have the honor to report that
agucally to orders of Government, dated
19th March 1860, N^o 334, the Military Police
Sons at this Station have this day been
disbanded and replaced by the new
Constabulary under Lieutenant Hearn
Superintendent of Police Chingleput District.*

Thur

There now remains the Establishment is per
margin, attached to the Office of the Superintendent
of Police of this Station. Lieutenant Macnamara
as Police Orderlies to keep order
during office hours and to assist in the issue
of Summons, Warrants &c.

1. Cutwall
1. Subordinate
1. Writer
1. Term Term man

With report of the Military Auditor General
12th May 1860 13.

Memorandum from the Adjutant General of
the Army, Fort St. George 5th June 1860 14:362

The Commander in Chief has the honor
to submit for the decision of Government,
the within correspondence in continuation
of that forwarded with Memorandum from
this Office dated 23rd April last 11:2711

* Regarding the
disposal of certain
Police servants
at St. Thomas Mount

From the Brigadier Commanding the Mount
26th May 1860 14:48 to the Adjutant General
of the Army Fort Saint George

In consequence of the Military Auditor General having objected to the Pay of an Acting
Interpreter for the Police Office at this Station
being disbursed on the removal of the last
incumbent to the Madassil Police, I yesterday
dismissed a Candidate whom I had enter-
tained in that post on the 6th Instant and
have now the honor to solicit His Excellency
the Commander-in-Chief's instructions
regarding the manner in which the Police
Cases are hereafter to be disposed of
without the services of this very necessary

Copy of the
Military Auditor
General's letter
annexed

necessary functionary, and further to beg that the
Sanction of Government may be obtained
to the enclosed Extracts from the Cantonment
Orders dated 24th April and 5th May 1860,
to enable me to draw this item of the pay of
the Police Establishment up to the 31st Instant
From the Acting Asst. Military Auditor Genl.
Fort Saint George 14th May 1860 14:210, to the
Paymaster Presidency.

In returning the Abstract of Pay
for the Establishment of the Superintendent
of the Mount Police for the month of April
1860, forwarded with your letter of the 8th
Instant, 14:41, I have the honor by desire
of the Military Auditor General to acquaint
you, that pay for the Cutwall, Shootsugg
and Term Term men of the above Establishment
may be disbursed pending the decision
of Government, to whom reference has been
made regarding the disposal of the men
in question

Pay for the Acting Interpreter
from 16th April 1860, cannot be admitted -

Order 14:2194 - 15th June 1860

Extract from Cantonment Orders 134
Brigadier General Commanding
dated Saint Thomas Mount 24th
April 1860.

C

C. O. Cantonment Central (Sashid)
is appointed to act as Police In-
spector from the 15th Instant,
without prejudice to his own
appointment as a temporary
measure until a passed bander-
date can be procured to fill
the appointment; vice Rhond
Row, promoted to Inspector in
the Mofussil Police.

(A true Extract)

Signed / C. G. Gunning Lt. Col.
Station Staff Officer

Extract from Cantonment Orders
by Brigadier General Mackenzie
dated 1st March 1860
Mount 5th May 1860

C. O. VII. Mohamed Cassim is
appointed Interpreter to the
Police Establishment at this
Station from this date, vice
Rhond Row resigned.

(A true Extract)

Signed / C. G. Gunning
Station Staff Officer

The Orders sub-
mitted with the
foregoing carriage
providence as in
the margin are
confirmed

2- Pending further
arrangements
and Orders.

The Governor in
Council sanctions

the temporary
entertainment

of an Interpreter

for the Canton-
ment Police Office

at Mount

Mount

True Extract

Signed / R. Hamilton Lt. Col.
By Secretary to Govt

True Copies

Signed / C. Cooke Major

By Major Genl of the
Army

True Copy
Gunning
Superintendent of Police

N: 67
To

The Magistrate of the
Madras District
Hyderabad

Sir

1 I have the honor to acknowledge
the receipt of Proceedings of Government
N: 1311 under date the 26th October 1861 forwarded
for my information, and with reference to the
same to offer the following remarks on the
nature of the Office of the Cantonment Superin-
tendent of Police at this station. I trust my
doing so may not be considered out of place
as there still appears to be a certain amount of
misconception on the part of Government relative
to the duties this Office performs, under what
circumstances the Establishment was sanctioned,
1860, which the Controller of Military Finance, to
whom I perceive these questions have been
referred, may probably have some difficulty
in rendering intelligible.

2 Previous to the introduction of the
Mofussil Police the Mount Police Establishment
consisted as Government are aware of 1 Cultural
1 Interpreter 1 Mootsaddy 1 Harogha, 3 Buffadars
1 Bullock & Cooly Maistry 52 Peons 1 Landiah
and 1 Tom Tom man at a monthly expense of
507 Rupees. On the substitution of the former force
in April 1860 the latter was disbanded with
the

the exception of that part constituting the Office, which was retained in order that the duties of the Officer in immediate charge of the Police (Authority vested in the Commanding Officer in a Military Station vide Regulation VII of 1832) might be carried on as usual. This arrangement was duly reported to His Excellency the Commander in Chief for the information of Government. The month following this change the pay of the Office, with the exception of that of an Acting Interpreter was passed for payment by the Military Auditor General pending, as he said, further instructions from Government on the subject. Government was then solicited to sanction the Audit of the item of the Abstract objected to by Military Auditor General which they were pleased to do in their order dated 23rd April 1860, Copy of which is hereto attached. And this Order, implying, as it would appear to do, Authority generally to the arrangement effected consequent on the substitution of the new Police, has supported the disbursement of the pay of the Office up to the date of objection in June last by the Military Department on the plea that the charge was not a Military one and by the Civil Department in consequence of the sum not having been included in the Budgets

* 1 Cutwall
1 Interpreter
1 Mootwaddy
1 Tom Tom man

* Pay of the acting Interpreter

Budget for 1861/62.

3 On the arrangements made by Mr. Pelly for the Establishment of the Joint Magistrate at the Mount with the order thereon being published conceiving that the amalgamation of the duties of Joint Magistrate and Officer in charge of the Police would necessarily follow I represented in my letter to you 11th 83 dated 18th August 1860 how indispensable the services of an Officer as Manager and Interpreter would be to an Officer situated as the Station Staff Officer at the Mount carrying on Judicial duties. Mr. Pelly however did not consider this addition to his arrangement necessary and declined to recommend it. I therefore did myself the honor of waiting upon the Honorable Mr. Morehead who was then at the head of the Government and laid the case before him - he admitted the force of my remarks, but stated at the same time that he did not think that the change anticipated by me was contemplated as it would be the means of depriving the Commanding Officer of the Station of the Authority vested in him by Regulation VII of 1832. On this understanding the question was supposed to be finally settled.

Saint Thomas Mount
1st November 1861

I have the honor to be
Sir,
Your most Obedient Servant
J. J. J.
Joint Magistrate

7th
Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter
from the Magistrate
of Madras.

(Here enter 9 Nov 1861 here)

Order thereon 29 Nov 1861, No. 1476.

The Government are
unable to sanction the
appointment of an in-
terpreter for the office
of the Joint Magistrate
at Saint Thomas Mount.
As observed by Mr. Pelly,
no such officer has
been allowed to similar
Cantonment offices
in other Districts or to
any Magisterial De-
partment whatever
in the Districts.

Sh

MR
Well
Letter to Collector of Madras,
1st September 1860.

Am a letter from the
Magistrate at Madras
dated 9th September 1861
No 45

To
The Joint Secretary
to Govt

(Original letter
from the Joint Magistrate
of Saint Thomas Mount.)

No 598
4 Nov 29 Nov 1861
The Joint Magistrate
at Saint Thomas Mount

Encl 1st } October 1861
Recd 22 }
Enclosure 1 (1) 1861

Offer certain remarks
on the nature of the
Office of the Joint
Magistrate at Saint
Thomas Mount
with reference to Ord.
of Government No 1311
dated 26th October 1861
No 45 &
No 1828

2. It is remarked that the establishment for the Joint Magistrate sanctioned by Govt. under date 23rd August 1860 included three writers on salaries of Rupees 25. 20 & 15 per mensem, any one of whom might be made available to interpret when required. Their pay of the Interpreter to the Superintendent of Police, was, it is observed only Rupees 35 a month.

3. It would appear to be Sir C. Cunningham's impression that in consequence of the substitution of the new Police for the former Military Police at Saint Thomas Mount, the class of cases formerly disposed of by him

him as Supdt of Police will henceforth have to be settled by him as Joint Magistrate, and the proceedings in them require to be recorded in greater detail than before. This however is an error. His jurisdiction as officer in charge of the Police. Cantonment Officer, or Station Staff Officer under Regulation VII 1832 will be precisely what it has been hitherto, and his mode of procedure in respect to the disposal and recording of cases brought before him under that Regulation will undergo no change.

J.P.

To the Magistrate, Madras District. {Deposited
" Sudder Court.

W.K.

Imman

From Joint Magistrate.
18 August 1860.

ibid.

Proef 1852
Judicial 1861. Department

No. 1476.

PROCEEDINGS OF GOVERNMENT.

Dated 29 November 1861

*Declining to sanction
the appointment of an
Inspector for the Office
of the Principal Assistant
at David Thomas Mount.*