

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	782	Press
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121-122		
Dated	17.6.1881	45

Not to be folded or roughly handled

415

11

Proceedings of the Madras Government, Judicial Department,
17th June 1861.

No. 121. Read the following Proceedings of Government in the Revenue Department, dated
12th June 1861, No. 1,184.

Communicating the Order passed on a letter from
C. Pelly, Esq., recommending an addition to
the Establishment of the Military Joint
Magistrate of Bellary on the ground of the
business at Bellary being considerable.

(Vide Proceedings Revenue Department, dated
12th June 1861, Nos. 116 and 117.)

No. 122.

ORDER THEREON, 17th June 1861, No. 782.

To be recorded.

(Signed) T. PYCROFT,
Chief Secretary.

ORDINGS OF THE MADRAS GOVERNMENT.

from C. PELLY, Esq., Member of the Board of Revenue, to
Secretary to Government, Revenue Department, Fort Saint George,
2nd May 1861, No. 882:—

to submit for the orders of Government a letter* from the Collector
of Bellary, forwarding also one from the Military
Joint Magistrate at Bellary, in which a request for
an increase of the Joint Magistrate's Office Establish-
ment, sanctioned by Government under date the
5th September 1860, is urgently requested, and
strongly recommended by the Collector. The corres-
pondence on the subject is forwarded.

Military Joint

2. Captain Benson, after a trial, states distinctly,
that the Establishment as per margin, recom-
mended by me is not equal to the quantity of work
that has to be performed in the town of Bellary.
That town contains a large Military Force and a
population, including this force, approximating to
75,000 souls.

of Military Police of Bellary, that Officer's jurisdiction now extends
over the whole of the town of Bellary, as it formerly
did, until the Military Cantonment was a few years
ago reduced in size. Every Police case under the
I of 1832, was carried in the first instance before the Superintendent
imposed of finally, or transferred by him to the Magistracy, according
ary person or not; the difference now is, that Captain Benson is
rial powers over the whole town, and consequently has a greater
a he had before, and which he says occupies him from 7 in the
on, and even later, and he complains that his Establishment is not

he has a large amount of Civil work in the Military Courts of
Requests, and besides this the D&K duties or posting Establishments;
which appears to be very heavy, and imposes much work and
responsibility on his Clerks. He points out that about 15,000 Rupees
ugh his Office on account of D&K expenses. This work is mostly
cks and bearers for Government Troops, but it includes also D&Ks
has been long conducted by this Officer, and works very well.
mmend that it be taken out of his hands and transferred to the
ident that it is rather on account of this part of his duty, that
a increase to his present Magisterial Establishment, than for the
; and a part of the expense may be defrayed out of the fees which
llers for posting them.

disposed to recommend, on the strongly expressed opinion of the
y the Collector, that the Establishment be increased by one Clerk
advise his Establishment as follows:—

	Rs.
Clerk	35
Do.	25
Do.	20
Do.	15
Peons @ 6 Rupees each	18
Peon and Mash&chi... ..	5

Total... 118

proposed Captain Benson expresses his conviction that the work
But I see no reason to believe that the numerical strength of the

Joint Magistrate's Establishment, as originally sanctioned, is insufficient for the *magisterial work* for which it was primarily intended. The extra man now asked for is on account of the heavy D&K duties which are performed in this Office.

7. The magisterial work of the Military Joint Magistrate at Bellary is certainly much heavier than the magisterial work at any of the other stations* at which these Officers have been appointed, as may be seen by the accompanying statement which I had prepared, to show the extent of magisterial duties performed by each, in consequence of this, and a similar application, made by the Joint Magistrate of Cannanore, for an increase to the Establishment allowed. It will be observed that the work at Bellary, though much heavier than in the other stations, is not beyond what the three Clerks should be able to perform, the average number of depositions taken in each working day being only seven; of copies, one; and of processes, even less than one. At Cannanore the Clerks seem to have almost nothing to do.

8. In his letters to the Collector, of 19th February and 1st May, Captain Benson also requests that the matter of granting himself some extra allowance for the additional work he has to perform, may be laid before Government, and the Collector strongly recommends that an extra remuneration may be allowed.

9. None of the Commissariat Officers have received any extra remuneration for the magisterial duties now entrusted to them, in place of the Police duties which they hitherto had to perform, but which are now more or less undertaken by the Police. In a recent instance, however, an allowance was granted to a Military Staff Officer at Palaveram; but in that case the magisterial duties imposed on him were entirely new, and he never performed any Police duties, which the Commissariat Officers had to perform. The question is one of general application, and one for the consideration of Government.

10. But in the case of Bellary there seems to be more grounds for acceding to the proposition than elsewhere, judging from the amount of extra work of a judicial nature now transacted by the Officer at that station. Captain Benson (letter 1st May) explains that when he accepted the appointment, he was under the impression that Regulation VII of 1832 would become inoperative, and that he would be relieved from all duties connected therewith; but he finds that with the exception of paying the Police, and a few minor duties, he has the same work to do as with the old Police, and now the whole of the magisterial work of the two towns (the Military Cantonment and the Civil town) rests on him, and he seems to have heavy work in connection with Military Courts of Requests, in addition to his Commissariat duties. He believes his duties to be equal to and even in excess of Secunderabad and Bangalore, at which places there is a Sub-Assistant Commissary Officer to aid the senior Officer; and he would willingly forego any extra allowance for the extra labor he now has to undergo, if a Sub-Assistant were appointed to Bellary. Mr. Hathaway also speaks of the *heavy increase* of work devolving on the Joint Magistrate, and of his inability to give him any effectual assistance (see Collector's letter, dated 3rd May 1861).

11. I quite believe that Captain Benson's time must be very fully occupied with the duties he has to perform in this large Military station; and though some aid might be afforded him by sending occasionally cases for investigation to the Civil authorities, yet this is not a desirable expedient, where the Collector has not a Covenanted Assistant available for the duty; and I would rather commend to the consideration of Government the proposition that Bellary should have (as it frequently has before had) an Assistant in the Commissariat Department to help Captain Benson in all his duties.

ORDER THEREON, 12th June 1861, No. 1,184.

1 Clerk	25	1. In their Order of 5th September 1860,
1 Do.	20	No. 1,523, Government sanctioned an Estab-
2 Do.	15	lishment costing 84 Rupees monthly for the
1 Dufterbund	7	Military Joint Magistrate of Bellary. Mr. Pelly
2 Peons at six Rupees each	12	now recommends an addition to it of one
1 Sweeper and Mash&alchi	5	Clerk and one Peon, raising the total cost to
Total...	84	Rs. 118, the Dufterbund to be dispensed with.

This addition is recommended on the ground of the business at Bellary being considerable.

2. Mr. Pelly, however, states that the "work at Bellary though much heavier than in the other (Military) stations, is not beyond what the three Clerks (now allowed) should be able to perform." In another place he says, "I see no reason to believe that the numerical strength of the Joint Magistrate's Establishment as originally sanctioned, is insufficient, for the *magisterial work* for which it was primarily intended. The extra man now asked for is on account of the heavy D&K duties which are performed in this Office." Judging from the description given of the work in the Joint Magistrate's Office, the Government are willing to admit that an addition should be made to the pay of the Head Clerk to enable the Joint Magistrate to secure the services of a person of intelligence, and they accordingly grant permission for the salary of the Chief Clerk being raised from twenty-five to thirty-five Rupees monthly. The additional Peon on Rupees (6) six is also allowed, as the Dufterbund provided for in the Original Establishment, it is observed, is to be dispensed with. The additional Clerk required for the D&K duties can be paid out of the fees which, under paragraph 5 of the Order of Government of 10th December 1860, No. 2,357, the Board of Revenue were authorized to charge for laying D&Ks for the public.

3. The Establishment of the Joint Magistrate at Bellary as now sanctioned will be as follows:—

1 Clerk...	35
1 Do.	20
1 Do....	15
3 Peons at six Rupees each	18
1 Sweeper and Mash&alchi	5
Total...	93

4. The Government observe that the Clerks on the Establishment of the Joint Magistrate of Cannanore are said to have "almost nothing to do." In this case a reduction should be made in that Establishment to meet the additional charge now sanctioned.

5. Mr. Pelly's suggestion in the latter part of paragraph 11 will be referred to the Military Department for consideration.

(True Extract.)

S. T. Augustin

Secretary to Government.

To C. Pelly, Esq.
To the Board of Revenue.
" Accountant General.
" Civil Paymaster.
" Judicial Department.
" Military do.

Erd. S. T. Augustin.

