

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	193	Press
55-56		Mis.
Dated	8-2	19 182

2/22

Not to be folded or roughly handled

2/22
19/1/22

*Proceedings of the Madras Government, Judicial Department,
8th February 1862.*

No. 55. Read the following letter from Lieutenant-Colonel W. G. WOODS, Adjutant General of the Army; to the Secretary to Government, Military Department, Fort Saint George, dated 14th January 1862, No. 49.

With reference to the Order of Government, dated 14th September 1861, No. 1,159, I have the honor, by order of the Commander-in-Chief, to bring to the notice of Government, that the Officer Commanding the Mount has again represented that no pay whatever has been drawn for the Cantonment Police Establishment at that Station since June last (for the month of May.)

Transferred to the Judicial Department.

FORT SAINT GEORGE,
15th January 1862.

(Signed) H. MARSHALL, Colonel,
Secretary to Government.

No. 56. ORDER THEREON, 8th February 1862, No. 193.

In the above letter the Adjutant General represents that the Officer Commanding the Mount has again reported that no pay has been issued to the Cantonment Police Establishment at that station since June last, for the month of May.

From the Inspector General Madras Police, 18th February 1860.
Order thereon, 19th March 1860, No. 331.
Proceedings of Government, Military Department, 15th June 1860, No. 2,194.
Order thereon, 27th June 1860, No. 797.
Proceedings of Government, Revenue Department, 4th August 1860, No. 1,299.
Order thereon, 11th September 1860, No. 1,169.
Proceedings of Government, Revenue Department, 23rd August 1860, No. 1,419.
Order thereon, 26th August 1860, No. 1,090.
From the Deputy Adjutant General of the Army, 23rd July 1861, No. 473.
From Inspector General, Madras Police, 28th August 1861, No. 1,306.
Order thereon, 14th September 1861, No. 1,159.
From C. Pelly, Esq., 23rd September 1861, No. 1,057.
Order thereon, 26th October 1861, No. 1,311.
From the Magistrate of Madras, 9th November 1861, No. 48.
Order thereon, 29th November 1861, No. 1,476.

2. His Excellency the Governor in Council has again had under his consideration the correspondence, as per margin, connected with the Establishment of the Staff Officer at Saint Thomas' Mount as in Police charge of the Cantonment under Regulation VII, 1832, and as Joint Magistrate; as also on the arrears of pay due to the servants alluded to in the letter from the Adjutant General, which is recorded at the head of these proceedings.

3. The circumstances are these:

4. Lieutenant Gunning is Station Staff Officer and Joint Magistrate at Saint Thomas' Mount.

5. As Station Staff Officer he has, under Sections XIII, XIV.
" XVI, XLIV.
" XXI, Clause 3.
without a license; and further tries cases of petty debts, when the amount at issue does not exceed twenty Rupees, and the defendant is a Native Non-Commissioned Officer or Soldier or one of the Military classes specified in Section XXIV.

Section XXIV.

mentioned classes refer to a Punchayet for decision, on the consent of the parties, suits for money, or personal property of any amount.

Regulation VII, 1832.

Sections IV, XVIII, XXI, Clause 3.

Section IV, Regulation VII, 1832, within the Cantonment limits, jurisdiction in petty offences under that Regulation over camp-followers and registered Bazaarmen; has also jurisdiction over all natives in respect to the smuggling of intoxicating liquors, manufacturing or selling them when the defendant is a person of the above-

6. All these powers he exercises under Regulation VII, 1832, and under the orders of the Officer Commanding the Mount.

*Proceedings of the Madras Government, Judicial Department,
8th February 1862.*

7. Lieutenant Gunning is also Joint Magistrate, and in that capacity has the full powers of a Magistrate over all residents within the Cantonment, except European British subjects, and save in respect to the persons and classes of offences provided for in Regulation VII, 1832. These powers he exercises under the supervision of the Sessions Judge of Chingleput, to whom his Calendars are furnished, and an appeal lies for any decision passed by him as Joint Magistrate.

	Rs.
Peons, at per mensem...	333
1 Cutwal...	70
1 Interpreter...	35
1 Writer...	10
1 Tom-tom man...	2

Rupees... 450

From Mr. Pelly, 7th July and 13th August 1860.

	Rs.	A.	P.
1 Writer...	18	0	0
1 Goruastah...	10	8	0
1 Do...	10	0	0
Rupees...	38	8	0

Proceedings, Military Department, 15th June 1860.

* 1 Inspector.
30 Constables.

	Rs.
1 Cutwal...	70
1 Interpreter...	35
1 Writer...	10
1 Tom-tom man...	2
Rupees...	117

bent. Pending further orders the Government, 15th June 1860, Military Department, sanctioned the temporary entertainment of an Interpreter for the Cantonment Police Office at Saint Thomas' Mount.

11. On the 7th July 1860, Mr. Pelly when revising the Subordinate Magisterial Establishments for the Madras (late Chingleput) District, recommended an Establishment of Rupees 78 per mensem. After some discussion the Government sanctioned an Establishment of Rupees 84 per mensem, being, as stated by Mr. Pelly, that which he had fixed as the Standard Establishment for Joint Magistrates in Military Cantonments. In his reports on the subject Mr. Pelly wrote: "At Saint Thomas' Mount, a Military Cantonment, the Station Staff Officer is also Joint Magistrate, but he draws no allowance on that account. *His functions of Superintendent of Police have ceased* but he will still have Magisterial duties to perform, and *many of the cases which were disposed of by him in both capacities of Police Superintendent and Magistrate, averaging about 900 in the year, will probably come before him as Magistrate*, so his services will still be required, and an establishment will be necessary.

12. In July last it was represented to Government that the Establishment at Rupees 117 per mensem which as above (paragraph 10) shown had been kept on in the Staff Officer's Office after the introduction of the new Police, had not received their pay in June for May. The Military Pay Department had declined to disburse their pay on the plea that the charge should be adjusted by the Civil Department—the Civil Auditor, because it had not been included in the Budget.

13. Some correspondence followed in respect to the position of these servants, their duties, to what Establishment they belonged, and to what Department they should be charged. In a letter dated 1st November 1861, and sent up through the Magistrate of the Madras District,

Memo. paragraph 15.

the application objected to it on the ground that such was unnecessary as no such Officer had

8. Lieutenant Gunning as Station Staff Officer had an Establishment as per margin.

9. As Joint Magistrate he had an Establishment costing Rupees 38-8-0.

10. On the 19th March 1860, the Cantonment Police were disbanded and replaced by the new Constabulary.* There then remained in the Staff Officer's office the servants as per margin, in respect to whom the Orders of Government were solicited. The Military Auditor General, pending decision of Government, passed the pay for April 1860 of the first, third and fourth, but declined to pass the pay for the second who was an Acting incumbent.

*Proceedings of the Madras Government, Judicial Department,
8th February 1862.*

been allowed to similar Cantonment Offices in other Districts or to any Magisterial Department whatever in the Districts, and the Government, 29th November 1861, declined to sanction the appointment.

From the Adjutant General of the Army, 14th January 1862,
No. 49.

14. It is now again brought to the notice of Government that the Establishment of the Staff Officer's Office have received no pay since that for May last.

15. It appears to Government that throughout the consideration of this matter by the various subordinate authorities before whom it has come, there has been a radical error in deeming the position of the Station Staff Officer at the Mount, as a Judicial Functionary, is in any way affected by the introduction of the new Police.

16. By that measure the Staff Officer was relieved from any direct charge of the Police as regards their organization, equipment, promotion or other details, and was provided with a new Agency for carrying out his judicial functions, as for serving summons or warrants, making searches or arrests, &c., &c. For these he had to employ the new Mofussil Police, in place of his own peons who were disbanded.

17. But this did not affect his own status as a Judicial Officer, Civil or Criminal. As pointed out in the Order of Government, 29th November 1861, his jurisdiction as Staff Officer under Regulation VII, 1832, remained the same as before, and whatever cases he would have before disposed of as Staff Officer under that Regulation, he would still have to dispose of under the same law and in the same manner. These cases would not, as supposed, be transferred to his cognizance as Joint Magistrate.

18. It is plain however, *vide supra* paragraphs 8, 9, that the establishment proposed by Mr. Pelly for the Joint Magistrate of the Mount was fixed by him at Rupees 84 per mensem, or more than double what it was before, under the idea that his jurisdiction would be so enlarged.

19. The question then is, is this Establishment sufficient for Lieutenant Gunning disposing of cases Civil and Criminal as Staff Officer under Regulation VII, 1832, and of other Criminal cases under the general law? If it is not, it should be increased. The Government resolve to refer this question to Mr. Pelly for his early report, after communication with the Officer Commanding the Mount, and on a consideration of all the duties which Lieutenant Gunning has to perform in his joint capacity. He will ascertain what Establishment is maintained for the performance of these duties in other Cantonments as Bellary, Cannanore and Trichinopoly. At all these stations authority under Regulation VII, 1832, is vested in the Commissariat Officer, and a part of his Commissariat Establishment is probably made available for the purpose.

20. Should any further Establishment beyond the Rupees 84 already sanctioned be required by Lieutenant Gunning in his capacity as Station Staff Officer, it seems clear to Government that it should be a Military charge. Lieutenant Gunning as Staff Officer holds a Military Office and has to deal with Military and Semi-Military persons and Military offences. The Establishment required for that purpose is as properly debitable to the Military Department as his own pay. It is clear that the Establishment already sanctioned by Government, Rupees 84 per mensem, is sufficient and indeed more than sufficient to aid him in the disposal of his cases as Joint Magistrate. No further charge should therefore be thrown on the Civil Department.

21. With respect to the servants who have received no pay since June last (for May) they have been continued under Orders of Government of 15th June 1860, Military Department, they have been constantly employed ever since, and they are not to lose their pay by reason of any conflict of opinion between the Civil and Military Authorities as to the Department to which it should be charged. It must be paid at once and the men discharged. Lieutenant Gunning will forward to the Civil Paymaster the Abstract on that account made up to the date of dismissal, and the amount disbursed may be charged against the savings in the present year's Budget under

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8th February 1862.

the head Law and Justice. Whether Lieutenant Gunning will require any of these for the future will be decided on receipt of Mr. Pelly's report. It is clear however that he cannot require them all in addition to his Joint Magistrate's Establishment too—at a cost of Rupees 117+84=201 per mensem. He himself only asked Mr. Pelly for one to cost Rupees 137.

(Signed) T. PYCROFT,
Chief Secretary.

Prob report

Memorandum

From the Adj. Genl. of the Army—³ / dated 14 Jan'y 1862 /

Lieutenant Gunning is Station Staff Officer and Joint Magistrate at Sanib Thomas' Mount.

2. As Station Staff officer he has, under Sec. IV. Reg. VII-1852 immediate charge of the Police within the Cantonment limits. has jurisdiction in petty offences under that regulation over camp followers and registered Kanoor men. has also jurisdiction over all natives in respect to the smuggling of intoxicating liquor &

Section XVII-XIV

Sec. XVI-XIV

Section XXI C. 3.

Sec: XXIV.

Regulation VII - 1852.
Sec: IV - XVIII - XXI - C. 3.

liquors or manufacturing or selling them without a license - and further, in cases of petty debts - when the amount at issue does not exceed twenty rupees - and the defendant is a Native - now - Commissioned officer or soldier or one of the Military classes specified in Section VIII of the regulation - He may also when the defendant is a person of the above mentioned class refer to a Panchayat for decision, on the consent of the parties, suits for money or personal property of any amount -

3. All these powers he exercises under Regulation VII - 1852. and under the orders of the officer commanding the Mount.

4. Licut. Jinning is also Joint Magistrate, and in that capacity has the full powers of a Magistrate over all residents within Cantonment, except European British Subjects -

with these he would deal in Justice & the Peace.

and came in respect to the persons and classes of offences provided for in Reg: VII - 1852.

These powers he exercises under the supervision of the Sessions Judge of Bangalore, to whom an appeal lies for any decision passed by him as Joint Magistrate.

His Calendars are furnished &

Prom. a/p m	333
1. Cutwall	70
1. Interpreter	35
1. Writer	10
1. Tom Tom man	2
	450

Given by Kelly - 7 July & 13 Aug 1860.

1. Writers	18-0-0
1. Broomastah	10-8-0
1. Old	10-0-0
	Rs. 38-8-0

Thos. Mily. Dept. - 15 June 1860

+ 1. Inspector.
30. Constables.

1. Cutwall	70
1. Interpreter	35
1. Writer	10
1. Tom Tom man	2
	Rs. 117

5. Licut. Jinning as Station Staff Officer had no establishment as per margin.

6. As Joint Magistrate he had no establishment costing Rs. 38-8-0.

7. As the 19th March 1860 the Cantonment Police were disbanded and replaced by the new Constabulary. There then remained in the Staff Officer's office the servants as per margin in respect to whom the orders of Govt. were solicited.

The Military Auditor for a general pending decision of Govt. passed the pay for April 1860 of the first third.

third
 three and fourth - but
 declined to pass the pay
 for the second who was
 an acting incumbent.

Pending further orders
 the Govt. is since 1860 only
 sanctioned the temporary
 entertainment of an Inter-
 preter for the Cantonment
 Police Office at St. Thomas
 Mount.

8. On the 4 July 1860 Mr.
 Pelly when revising the
 Subordinate Magisterial
 Establishments for the
 Madras (late Chingleput)
 District recommended an
 establishment of Rs. 78
 per annum - as he doing
 he marked -

"At Saint Thomas
 Mount, a Military Cantonment, the Station Staff
 Officer is also Joint Magis-
 trate, but he draws no
 allowance on that ac-
 count. His functions of
 Superintendent of Police
 have ceased, but he will
 still have Magisterial
 duties to perform, and
 many of the cases which
 were

1. Clerk	Rs. 25.
1. - do -	20.
1. - do -	15.
1. Deftersund	7.
2 Bona & Bona & Co.	12.
1. Sweeper and Lamp lighters	5.
	<u>Rs. 84.</u>

were disposed of by him
 in the capacities of Police
 Subst. and Magistrate, av-
 eraging about 900 in the
 year, will probably come
 before him as Magistrate,
 so his services will still
 be required, and an establish-
 ment will be necessary.

9. The Govt. - 4 Aug. 1860
 at first sanctioned, but sub-
 sequently on further ex-
 planation from Mr. Pelly
 they sanctioned - 25th Aug. 1860
 for the Joint Magistrate at
 St. Thomas Mount the es-
 tablishment as per mar-
 gin being that which was
 he stated Mr. Pelly had
 fixed as the standard
 establishment for the
 Joint Magistrate in the
 Military Cantonment.
 At the same time Mr.
 Pelly quoted as evidently
 concurring in it a remark
 of the Collector Mr. Cum-
 berly that his (the Joint
 Magistrate's) functions as
 Superintendent of Police
 have ceased, but it is
 supposed that the cases
 formerly

+ for the Joint Mag. of
 St. Thomas Mount

Para. 7

to him
formerly falling in that
capacity will now come
before him as Joint Mag-
istrate. He would appear
then to have no fair amount
of work and should have
a proportionately strong es-
tablishment.

This from a reference
made to the Comd of Madras
seems to be a mistake
the pay is drawn by the
Deputy Comd. but remitted
to the Joint Mag.

10. It appears from a
Memo. from the Controller
of Military Finance 8th
October 1861 that this
said establishment has
never yet been entertain-
ed by the Joint Magistrate.

11. On the 23rd July last
a representation was made
to Govt. by the Deputy
Adjutant General to the
effect that the Military
Pay Department had de-
clined to disburse the pay
for May 1861 of the Mil-
itary Police Establishment
of the Mombasa No. 117
men on the plea that
the charge should be ad-
justed by the Civil Depart-
ment — the Civil Auditor
because it had not been
included in the Budget.
The

See margin of para. 7

28 Aug. 1861

23rd Sept. 1861

12. The Govt. referred
to the Inspector Genl. of
Police and to Mr. Pelly;
the first stated that the
reference in question did
not appear to refer to the
Police but to the arrange-
ments made by Mr.
Pelly for the establish-
ment of the Canton-
ment Joint Magistrate
at Saint Thomas' Mount.
The latter on the contrary
said that the establish-
ment alluded to by the
officer commanding here
— ^{ex} ~~long~~ apparently to the
Police Department, with
which he had no concern,
and it appears ^{ex} to be a
portion of the old Police
Establishment transferred
to the New Police alluded
to in the beginning of
paragraph 2 of his letter
dated 13 Aug. 1860 No 450.
The Inspr Genl. of Police
was ^{thought} ~~there~~ ⁱⁿ ~~error~~ ⁱⁿ ~~supposing~~ ^{that} the
estab.

Establishment in question
did ~~not~~ not refer to the Police
but to the arrangements
made by him for the es-
tablishment of the Com-
missioner's Court Magis-
trate at St. Thomas Mount.

13. The Govt. - 26th Feb.
1861 - remarked. It was
clearly their intention &
that of Mr. Pelly that the
Police Establishment cost-
ing Rs. 533 monthly
should be transferred to
the Magistrate as soon as
the Cantonment officers
ceased to be Supd. of
Police, and that the new
Establishment of Rs.
84 should suffice for all
his duties as District Ma-
gistrate. Otherwise the
Govt. would have been
sanctioning increased
Establishments for per-
forming duties which
they at the same time
declared to be largely
reduced. -

They

They asked the Control-
ler of Military Finance
to report whether the
Establishment whose
pay was then under
consideration formed
part of the original
Police Establishment
and whether it had
been transferred to the
Magistrate Police when
it was sanctioned, what
duties it performed ^{at} and
under what circumstan-
ces the Military Pay
Department had decided
that the charge should
be adjusted in the Civil
Depart^{ment}. He ^{was} also
to state whether provi-
sion had been made
for it in the Military
Budget.

14. The Controller of
Military Finance replied
8th November 1861 - that
in March 1860 the Military
Police were at the Mount,
costing

1. Outwal — 70
 1. Interpreter — 35
 1. Writer — 10
 1. Town Town man — 2
Rs. 117

costing Rupees 333 Monthly,
 were disbanded, and replaced
 by the new Constabulary,
 that there only remained
 under the Joint Magis-
 trate of that Station,
 the Establishment noted
 in the margin, 2. Profus-
 -il Power as Police Order-
 -lies being detailed to keep
 Order during office
 hours, and to assist in
 the issue of summonses,
 Warrants &c. The above
 appointments were sanc-
 -tioned pending further
 arrangements and orders.
 Govt. had observed that
 its intention was that
 the Police Establishment
 costing Rs. 333 monthly,
 should be disbanded and
 replaced by the Profusil
 as soon as the Canton-
 -ment Officer ceased to
 be Superintendent of
 Police, and that the new
 Establishment of Rs.
 84 should suffice for all
 his duties as Joint Ma-
 -gistrate. The former
 had

mistaken - vide
 super - para 10

R 117

had been done, but the
 Joint Magistrate at the
 Mount never drew the
 latter, nor the original
 Establishment of Rs.
 38 1/2 for which it was
 substituted, as appears
 to be supposed by Govt.
 both were drawn by the
 Deputy Collector of
 Chingleput. This had
 been ascertained from
 the Civil Auditors Office,
 but whether they are
 employed under the
 orders of the Joint
 Magistrate at the Mount
 or not, the Controller
 of Military Finance
 was unable to say, but
 if so employed and their
 pay, as above shown
 being adjusted in the
 Civil Department, the
 Pay of the Establish-
 -ment enumerated in the
 preceding para. should
 also apparently be
 similarly adjusted.
 The Police duties at
 the Mount consist of
 guarding the Jail, serving
 summonses, issued from
 the

+ sanctioned in Prov.
 of Govt. 23d Augt. 1860
 No. 1119.

the Cantonment Police Office, suppressing illicit traffic, preventing liquor from being taken into the Cantonment. &c. &c. and adjustment of the Pay of the Establishment in the Civil Department was decided on, because under the new system of Budget Estimates, the pay of all Police Establishments is adjusted, like Joint Magistrate personal salaries, in the Civil Department, and in assimilation with Military Police Establishments in other Cantonments in the Presidency.

No provision had been made in the Military Budget for the Pay of the above Establishment.

15. On a letter dated 1st November 1861, and sent up by the Magistrate of the Madras District. Joint Gunning applied for the services of a Manager & Interpreter

on

N.B. Whether he would require any establishment for the disposal of civil suits. &c. &c. not in the original letter.

on a salary of Rs. 40 per mensem. It seems that the work falling on him as Joint Magistrate is not more than 12 or 15 cases a month. but as Chief of Police he has about 120 cases viz: 30 small hazar suits and 90 Criminal cases. When the new Police was introduced into the Mount and the reestablishment of the Joint Magistrate was revised. Joint Gunning under the impression that all the aforesaid Criminal cases would be disposed of by him as Joint Magistrate, applied to Mr. Pelly for the following Establishment:

1. Head or Manager of the office who is likewise to interpret at the Bench	70 - - -
1. English Writer	25 - - -
2. Mootsaddis at Rs. 15 each	30 - - -
2. Boys to attend during office hours to keep order, carry messages, &c. at Rs. 6 each	12 - - -
Total Rs. 137 - - -	

Mr.

Mr. Pelly declined to
recommence the Interpreter
on the ground, that such
was unnecessary, as no
such officer had been ab-
sented to similar Gov-
ernment offices in other
Districts or to any Ma-
gisterial Department
whatever in the District.

16. The Govt. of 29. Novr.
1861 declined to sanction
the appointment of an
Interpreter for the Joint
Magistrates Office -

17. The Assistant Sec-
retary now prescribes
14th January 1862 - that
the officer Commanding
the Mount has, again
reported that no pay
has been issued to the
Customs Police Es-
tablishment at that
Station since June last
for the month of May.

18. The above is an Ab-
stract of all the corres-
pondence that has passed
on this somewhat tiresome
business. It seems to me
that

that throughout the consi-
deration of this matter
there has been a radical
error in placing the posi-
tion of the Station Staff
officer at the Mount as
a Judicial Sanctionary
in any way affected by
the introduction of the
new Police.

19. By that measure the
Staff officer was relieved
from any direct charge
of the Police as regards their
organization, equipment,
promotion or other details,
and the general mainte-
nance of the public peace
and good order in the Cu-
stomhouse, and was pro-
vided with a new Agency
for carrying out his ju-
dicial functions, as for
serving summonses or war-
rants, making searches
or arrests &c. &c. For
these he had to employ
the new Mofussil Police,
in place of his own Pons
who were disbanded.

20. But this did not
affect his own status as
a

a Judicial officer, civil or criminal - As pointed out in the order of Govt. 29th Novr. 1861 his jurisdiction as Staff officer under Reg. VII. 1832 remained the same as before, and whatever cases he would have before ~~him~~ disposed of as Staff officer under that Regulation he would have to dispose of under the same law and in the same manner. These cases would not as supposed be transferred to his cognizance as Joint Magistrate.

21. It is plain however - vide supra paras. 8-9 - that the establishment proposed by Mr. Pelly for the Joint Magistrate of the Mount was fixed by him at Rupees 84 per mensem, and more than double what it was before, under the idea that his jurisdiction would be so enlarged.

22. The question then is

is this establishment sufficient for Lieut. Gunning disposing of, cases Civil and Criminal as Staff Officer under Regulation VII. 1832 and of other Criminal cases under the general law? If it is not it should be increased. I confess that I don't see how this can be settled unless it be referred to Mr. Pelly, and he be directed to decide in communication with the officer Commanding the Mount and on a consideration of all the duties which Lieut. Gunning has to perform in his joint capacity.

23. Should any further establishment beyond the Rupees 84 already sanctioned be required by Lieut. Gunning in his capacity as Station Staff Officer, it seems clear to me that it should be a Military charge. Lieut. Gunning as Staff Officer holds his law as to be

is this establishment sufficient for Lieut. Gunning disposing of, cases Civil and Criminal as Staff Officer under Regulation VII. 1832 and of other Criminal cases under the general law? If it is not it should be increased. I confess that I don't see how this can be settled unless it be referred to Mr. Pelly, and he be directed to decide in communication with the officer Commanding the Mount and on a consideration of all the duties which Lieut. Gunning has to perform in his joint capacity.

23. Should any further establishment beyond the Rupees 84 already sanctioned be required by Lieut. Gunning in his capacity as Station Staff Officer, it seems clear to me that it should be a Military charge. Lieut. Gunning as Staff Officer holds his law as to be

1st of his presence
Occ - The present
in Cantabria - I
house - present
people - the old

In other cantonments
Br. Mary, Calmarac, &
Trichinopoly. A Officer
who was under Reg VII.
1832 is the Commissioner
Office - & his establish-
ment is no doubt a
military camp -

last! Ex - to be
date of his arrival
leaving the State
for the 1st & 2nd
for the 1st & 2nd
the 1st & 2nd
decided by the
1st & 2nd

a Military office, and
has to deal with Military
and semimilitary persons
and military officers. The
establishment required
for that purpose is, as
properly, debitable to the
Military Department
as his own pay, or as
the pay and establish-
ment of the Deputy
Judge Advocate General.

24. With respect to the
servants who have re-
ceived no pay since
June last (for May)
they have been continu-
ed under orders of the
Government of 15 June 60
they have been constantly
employed ever since, and
they are ^{not} to lose their
pay by reason of any
conflict of opinion be-
tween the Civil and
Military Authorities as
to the Department to which
it should be charged - It
must be paid at once
up to the date on which
they may be discharged
and

and may, I think be
charged against the sav-
ing in the present years
Budget under the head
Law & Justice. - It is
clear that Secret printing
cannot require to know
from this Joint Mapis-
tate's establishment
for - at a cost of R 117
+ 84 = 201 p m. He
himself only asked for
R 137

Vide Supra p. 15.

JP

1A
Judicial Department.

Proceedings of the Madras Government.

Read the following letter
from the Adj. Genl. of the
Army.

(Mess enter in Camp 1862 No. 193)

Order thereon 8 February 1862 No. 193.

Memorandum

W

Will

In the above letter the
Adjutant General represents
that the Officer Commanding
the Mount has again re-
ported that no pass has
been issued to the Com-
missioner Police Establish-
ment at that Station
since June last for the
Month of May.

2. His Excellency the
Governor in Council has
again had under his con-
sideration the correspondence
as per margin connected
with the establishment
of the Staff Officer at
Saint Thomas Mount
as in charge of the Com-
missioner under Reg. VII-1832

and

From the Secy. Genl. Madras Police
18 February 1860
order thereon - 19 March 1860 No. 334.
From Secy. Genl. Madras Police - 15 June 1860 No. 2194.
order thereon - 27 June 1860 No. 499.
From Secy. Genl. Madras Police - 4 Aug. 1860 No. 1299.
order thereon - 11 Sept. 1860 No. 1169.
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From Secy. Genl. Madras Police - 26 Oct. 1860 No. 1311.
order thereon - 29 Nov. 1860 No. 1476.

and as Joint Magistrate - as
also on the arrears of pay
due to the servants alluded
to in the letter from the
Adjutant General - which
is recorded at the head of
these proceedings.

3. The circumstances are these.

4. Lieutenant Gunning
is Station Staff Officer, and
Joint Magistrate at Fort
Thomas' Mount.

5. As Station Staff
Officer he has, under sec:
IV Reg. VII-1832, immediate
charge of the Police within
the Cantonment limits
has jurisdiction in petty
offences under that regu-
lation over Camp followers
and registered Bazaar
men - has also juris-
diction over all natives
in respect to the smug-
gling of intoxicating
liquors, manufacturing
or selling them without
a license, and further
trivial cases of petty
debts - when the
amount at issue does
not exceed twenty rupees
and the defendant is a
Native.

Section XXIV

Regulation VII 1832.
Sec. IV XVIII XXI C. 3.

Native non-Commis-
sioned officer or soldier
or one of the Military
classes specified in sec:
XIII of the regulation. He
may also when the De-
fendant is a person of
the above mentioned class
refer to a Panchayat for
decision, on the demand
of the parties, suits for
money or personal pro-
perty of any amount.

6. All these powers
he exercises under Regu-
lation VII 1832, and under
the orders of the Officer
Commanding the Mount.

Lieut. Gunning is
also Joint Magistrate,
and in that capacity has
the full powers of a Ma-
gistrate over all residents
within the Cantonment
except European British
Subjects and laws in res-
pect to the persons and
classes of offences pro-
vided for in Reg. VII-1832.
These powers he exercises
under the supervision of
the Sessions Judge of
Chingleput to whom
his Calendars are fur-
nished and an appeal
lies

Section XIII XIV

XVI-XLV

XXI C. 3.

1. Courtial — 70
 1. Interpreter — 35
 1. Writer — 10
 1. Low Low man — 2
 Rs. 450

From Mr. Pelly July 1860.
 1. Writer — 15
 1. Constable — 10
 do — 10
 Rs. 35

Proc. Mily. Sept. 15 June 1860.

+ 1. Inspector.
 30. Constables.

1. Courtial — 70
 1. Interpreter — 35
 1. Writer — 10
 1. Low Low man — 2
 Rs. 117

has for any decision passed by him as Joint Magistrate.

8. Lieut. Gunning as Station Staff Officer had an establishment as per margin.

9. As Joint Magistrate he had an establishment costing Rupees 38-8-11.

10. On the 19th March 1860 the Cantonment Police were disbanded and replaced by the new Constabulary. There then remained in the Staff Officer's office the servants as per margin in respect to whom the orders of Govt. were solicited. The Military Auditor General pending decision of Govt. passed the pay for April 1860 of the first, third and fourth but declined to pass the pay for the second who was an Acting incumbent.

Pending

Pending further orders the Govt. 15 June 1860 Mily. Depar^t sanctioned the temporary maintenance of an Interpreter for the Cantonment Police Office at Saint Thomas Mount.

11. On the 7 July 1860 Mr. Pelly when revising the subordinate Magist^{ri}-tial establishments for the Madras (P^{ro}-vince) District recommended an establishment of Rs. 48 per mensem. After some discussion the Govt. sanctioned an establishment of Rs. 84 per mensem being as stated by Mr. Pelly that which he had fixed as the standard establishment for Joint Magistrates in Military Cantonments. In his reports on the subject Mr. Pelly wrote - "At Saint Thomas Mount, a Military Cantonment the Station Staff Officer is also Joint Magistrate but he draws no

allowance

allowance on that ac-
-count. His functions of
Superintendent of Police
have ceased but he will
still have Magisterial
duties to perform, and
many of the cases
which were disposed of
by him in both capa-
-cities of Police Super-
and Magistrate, aver-
-aging about 900 in
the year, will probably
come before him as
Magistrate, so his ser-
-vices will still be re-
-quired, and an estab-
-lishment will be ne-
-cessary.

12. In July last it
was represented to Govt.
that the establishment
at Rs. 117 per mensem
with ^{above} ~~as above~~ shown
had been kept on in
the Staff Officer's Office
after the ^{in the} new Police
~~were introduced~~ had
not received their pay
in June for May.

the

The Military Pay Depart-
-ment had declined to dis-
-burse their pay on the
plea that the charge should
be adjusted by the Civil
Department - the Civil
Auditor because it had
not been included in the
Budget.

13. Some correspondence
followed in respect to the
position of these servants
their duties, to what es-
-tablishment they belonged
and to what department
they should be charged.
In a letter dated 11th
Novr. 1861 and sent up
through the Magistrate
of the Madras District
Smith Gunning applied
for a Manager and In-
-terpreter to his office on
a salary of Rs. 70. Mr.
Pelly to whom reference
was made on the ap-
-plication objected to it
on the ground that such
was unnecessary as no
such officer had been al-
-lowed to similar permanent
offices

para 10

Para. 15

From the Adj. Genl. of the Army
14 January 1862 No. 49

offices in other Districts or
to any Magisterial De-
partment whatever in
the District, and the Govt.
29th Novr. 1861 declined to
sanction the appointment.

14. It is now again
brought to the notice of
Govt. that the Establish-
ment of the Staff of-
ficers Office have received
no pay since that for
May last.

15. It appears to Govt.
that throughout the consi-
deration of this matter
by the various subordi-
nate authorities before
whom it has come, there
has been a radical error
in claiming the position
of the Staff of-
ficer at the Mount as
a Judicial Functionary
in any way affected by
the introduction of the
new Police.

16. By that measure
the Staff Officer was
relieved from any direct
charge

charge of the Police as re-
gards their organization,
equipment, promotion or
other details, and the ge-
neral maintenance of the
public peace and good
order in the Cantonment,
and was provided with
a new Agency for carry-
ing out his judicial func-
tions, as for serving sum-
mons or warrants, mak-
ing searches or arrests
&c. &c. For these he
had to employ the new
Mogussil Police, in place
of his own Peons who
were disbanded.

17. But this did not
affect his own status
as a Judicial Officer Civil
or Criminal. As pointed
out in the order of Govt.
29th Novr. 1861 his position
as Staff Officer
under Reg. VII. 1852 re-
mained the same as
before, and whatever
cases he would have be-
fore disposed of as Staff
Officer under that
Regulation

Regulation he would have to the pose of under the same law and in the same manner. These cases would not, as supposed be transferred to his cognizance as Court Magistrate.

18. It is plain however - vide supra para. 8-9 - that the reestablishment proposed by Mr. Pelly for the Court Magistrate of the Mount was fixed by him at Rs. 84 per mensem, or more than double what it was before, under the idea that his jurisdiction would be so enlarged.

19. The question then is, is this reestablishment sufficient for Lieut. Gunning disposing of cases Civil and Criminal as Staff officer under Regulation VII - 1832, and of other Criminal cases under the general law? If it is not, it should be increased.

The

Memo. Para. 22.

The Govt. resolve to refer this question to Mr. Pelly for his early report, after communication with the officer commanding the Mount and on a consideration of all the duties which Lieut. Gunning has to perform in his joint capacity. He will ascertain what reestablishment is maintained for the performance of these duties in other Com. Stations, as Bellary, Cannanore and Trichinopoly. At all these stations authority under Reg. VII - 1832 is vested in the Commissariat officer, and as part of his Commissariat establishment is probably made available for the purpose.

20. Should any further reestablishment beyond the Rs. 84 already sanctioned be required by Lieut. Gunning in his capacity

capacity, as Station Staff
officer, it seems clear to
Govt. that it should be a
Military charge - Lieut.
Gunning as Staff officer
holds for Military office
and has to deal with
Military and semi-military
persons and military
offences. The establish-
ment required for that
purpose is, as properly
debitable to the Military
Department, as his own pay.
It is clear that the es-
tablishment already auc-
tioned by Govt. Rs. 84 per
month is sufficient and
need not more than suf-
ficient to pay him in the
disposal of his pay as
as Joint Magistrate. No
further charge should
therefore be thrown on
the Civil Department.

21. With respect to
the servants who have
received no pay since
June last (for May)
they have been continued
under

under orders of Govt.
of 15 June 1860 Mil. Dep.
they have been continued
- by employed ever since,
and they are not to
lose their pay by reason
of any conflict of
opinion between the
Civil and Military au-
thorities as to the de-
partment to which it
should be charged. It
must be paid at once
and the man discharged.
Lieut. Gunning will for-
ward to the Civil Pay-
master the abstract
on that account made
up to the date of dis-
missal, and the amount
disbursed may be charged
against the savings in
the present year's budget
under the head Law &
Justice. Whether Lieut.
Gunning will require
any of these for the
future will be decided
on receipt of Mr. Pelly's
report. It is clear
however that he
cannot

Letter from ^{Mr. B. J. C.} Lento Luning
to Magistrate 18 Aug. 1860 in
Chas. of Govt. 29 Nov. 1861 No. 11/6.

cannot require them all
in addition to his Dist.
Magistrate's establishment
too at a cost of Rupees
 $11\frac{1}{2} + 8\frac{1}{2} = 20$ per mensem.
He himself only asked
Mr. Pelly for one to cost
Rupees 13\frac{1}{2}.

JP

36 L80 -

Chitabey Dep^y 11
Adjutant Genl of the Army 3
Magistrate of the Madras District 3
C. Pelly Esq^r 3
Controller of the Finance 3
Civil Paymaster 3
Accounts Genl 3
Inspector Genl of Police 11
Rev. Dep^y 11

despatch

Office of the Secretary
Public Department 1862.

No. 193.

Proceedings of the Madras
Government.

Dated 8 July 1862
J. H. 374.
— 1852.

*Lord Orders respecting
the pay of the ~~Colonial~~
under the ~~Staff~~ Officer
at ~~David~~. Thomas Mount,
and the Department to
which the same is to be
referred.*