

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 221

Press
~~His.~~

100-101

Dated 13. 2. 1962. ~~14~~ ..

5/6

Not to be folded or roughly handled

1-

*Proceedings of the Madras Government, Judicial Department,
13th February 1862.*

No. 100. Read the following letter from L. C. INNES, Esq., Civil Judge of Nundial; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated Kurnool, 25th January 1862, No. 3.

1. On the 20th December 1861, a large portion of this station was constituted a Military Cantonment, within the limits of which, as I have been lately apprised, the house I occupy is included. Believing that the Government attach as much importance to the housing of the Officers of their Civil as to that of their Military service, I venture to protest against the inclusion of the house I occupy within the limits of the Cantonment; a measure which I will now show was not called for by the circumstances of the case, and is unfair to the Civil Officers of this station.

2. I desire that I may be clearly understood not to be bringing this matter to the notice of Government for any private purposes.

Though now legally liable to be turned out of my house at any moment, I am assured and am satisfied that no such course will be taken as long as I remain in Kurnool.

3. My successor however will not fare so well. Colonel Galwey has informed me that on my departure the house now in my occupation will be made the mess house with upper rooms for the Colonel commanding; and there is every reason to believe that the intention will in this instance be carried out unless steps be taken by Government for changing the Military limits so as to exclude it. I raise the question therefore with reference to my successor alone, who I apprehend would otherwise be without a house.

4. The houses occupied by the Officers of the Regiment and their families are all within the Fort. My house is at one extremity of the station, and is distant about half a mile from the entrance to the Fort which is at the opposite extremity of the station.

5. The very situation of my house therefore renders it unsuitable for the purpose to which as I am informed by Colonel Galwey it is intended to be applied.

6. Although all the houses at present occupied by the Officers and their families are within the Fort it is observable that three of these are not embraced within the Military limits, viz., those occupied by Colonel Galwey, Captain Lloyd Philipps and Dr. Ratton respectively, and that two of those within the Fort and within Military limits are at present tenanted by Civilians, viz., the houses occupied by Dr. DeFabeck, Zillah Surgeon and Mr. Smith in the employ of the Irrigation Company. Two houses are vacant, not including the late mess house, the roof of which has fallen in and which is consequently abandoned.

7. Of the two vacant houses, one is I believe about to be pulled down by the owner, so that the other alone remains for consideration.

8. This house is at the northwest angle of the Fort and was lately occupied by Major Doveton. With a few trifling additions it would answer well for a mess house. The intention has I know been entertained of converting it to that purpose, but it seems doubtful at present whether Dr. Ratton will not be allowed to change into it, and the house now occupied by Dr. Ratton be taken instead.

9. I have alluded above to a house in the occupation of Mr. Smith. A short period before the publication of the orders converting Kurnool into a Military Cantonment, this house which was the property of Major Doveton was sold to a Native Sowkar. The house is in the Military limits, and in position, accommodation and every other respect it was admirably adapted for a mess house. When Major Doveton sold it, he at the same time vacated it for the house which I have above referred to as at the northwest angle of the Fort. Previous to his vacating it and until it was taken by Mr. Smith it was the desire of the Officers of the Regiment to rent it of the new owner as a mess house.

Some difficulties were I believe made on the part of Colonel Galwey, and in the meantime Mr. Smith just a few days before the publication of the orders converting Kurnool into a Military Cantonment, obtained (much to the regret of the Officers) a long lease of the house, which has thus through sheer supineness passed for the term of the lease from the hands of the Military authorities, and is I believe altogether as unavailable for Military purposes as though it were not within Military limits at all.

*Proceedings of the Madras Government, Judicial Department,
13th February 1862.*

10. Mention has been made above of three houses which are not included within Military limits though they are within the Fort.

I have never heard it satisfactorily explained why they were exempted; but I conclude that had they been included there would have been less show of reason for including my house; and that a desire to avoid the appearance of wanting too many houses, actuated the authors of the measure in exempting these, of which one (viz., that occupied by Captain Lloyd Philipps) has ample accommodation for a mess house.

11. It will thus be seen, that there being sufficient house room within the Fort no necessity existed for the inclusion of the house I occupy within Military limits.

12. There are only four European Civil Officers permanently located here; the Collector, the Judge, the Zillah Surgeon and the Engineer.

The Zillah Surgeon Dr. DeFabeck is provided at present with a house in the Fort and within the Military limits, of which he has a lease. His successor however may not be allowed to rent it, and may be forced to seek a house without those limits. The Engineer has no house, and is living in the Office of the Public Works Department.

13. Now there are three houses which are highly rented at 100, 125 and 150 Rupees monthly, and are thus in some measure protected from being taken by any of the numerous Officers of the Irrigation Company with whom Kurnool is now teeming. One of these houses was occupied by the Collector Mr. Arbuthnott, who foreseeing, no doubt, the difficulty he would have in recovering it on his return, made arrangements, before quitting the country on leave, for keeping it on.

14. Another is the house I occupy, and the third is a new house, not yet finished, but occupied in its lower story by the Acting Collector Mr. Minchin. Of the three mine is the only one which is within the Military limits. But of the remaining two, that occupied by Mr. Minchin will on his departure be taken either by the Chief Officer of the Irrigation Company or by several of those other Officers of the Company jointly, who will have on Mr. Arbuthnott's return to vacate the house kept on for him, and which at present they are permitted to live in.

15. All the other houses in Kurnool are let; and thus there will be no house for the Judge who may happen to be my successor, but that which I now occupy; which however he will not be permitted to rent.

16. Even if it be admitted that any of the houses which I have spoken of above as suitable for the purposes of a mess house, is inferior in accommodation, &c., to what might reasonably be looked for in a mess house; I think it may fairly be questioned whether this reason would justify the excluding one of the Civil Officers of the station from the only house that would probably be available for him.

17. It may perhaps be thought by Government that the above remarks are premature, and that the time has not arrived for determining whether any change in the Cantonment limits should be made. But I think when the intentions of Colonel Galwey upon the house I occupy are openly avowed, and the improbability of my successor getting another is so strong, I should be wrong in not bringing to the notice of Government, what is likely to put my successor in an unfair position of great discomfort and inconvenience.

18. The change of the Judge's station to Nundial is I believe as far off as it was 3½ years ago; and until it is brought about the Judge for the time being will have to live in Kurnool.

19. I beg therefore most respectfully to protest against the inclusion of the house I occupy within the limits of the Cantonment and to request that the subject may be reconsidered by Government with a view to the rectification of the limits.

20. Had I been made aware while the arrangements were pending that my house was to be included I should have addressed the Government at an earlier date.

No. 101. ORDER THEREON, 13th February 1862, No. 221.

Referred, through the Military Department, for the remarks of His Excellency the Commander in Chief, with the observation that, in fixing the Military limits of the Kurnool Cantonment, such

*Proceedings of the Madras Government, Judicial Department,
13th February 1862.*

arrangements should be made as will not deprive of suitable accommodation the Chief Civil Officers of the District, the Collector, the Judge, the District Engineer, and the Zillah Surgeon.

2. The Government do not perceive on what principle the house now occupied by Mr. Innes could be dealt with as stated in paragraph 3 of his letter. The building was erected before the formation of the Cantonment; and the Government are not aware of any law by which Cantonment Rules can be made compulsorily to apply to such property.

(Signed) T. PYCROFT,
Chief Secretary.

N^o 3

Civil Court of Pondicherry
Tumool 25th January 1862.
From L. C. Innes Esquire
Civil Judge of Pondicherry
To, J. Pycroft Esquire
Chief Secretary to Government.
Fort Saint George

Sir,

1. On the 20th December 1861, a large portion of this station was constituted a military cantonment, within the limits of which, as I have been lately apprised, the house I occupy is included. Believing that the Government attach as much importance to the housing of the officers of their civil as to that of their military service, I venture to protest against the inclusion of the house I occupy within the limits of the cantonment, a measure which I will now show was not called for by the circumstances of the case, and is unfair to the Civil Officers of this station.

2. I desire that I may be clearly understood not to be bringing this matter to the notice of Government for any private purposes.

N^o 3

Civil Court of Pondicherry

Runnool 25th January 1862.

From L. C. Innes Esquire

To, Civil Judge of Pondicherry

J. Pycroft Esquire

Chief Secretary to Government.

Fort Saint George

Sir,

1. On the 20th December 1861, a large portion of this station was constituted a military cantonment, within the limits of which, as I have been lately apprised, the house I occupy is included. Believing that the Government attach as much importance to the housing of the officers of their civil as to that of their military service, I venture to protest against the inclusion of the house I occupy within the limits of the cantonment, a measure which I will now show was not called for by the circumstances of the case, and is unfair to the Civil Officers of this station.

2. I desire that I may be clearly understood not to be bringing this matter to the notice of Government for any private purposes.

H. 1

Though now legally liable to be turned out of my house at any moment I am assured and am satisfied that no such course will be taken as long as I remain in Fumool.

3. My successor however will not fare so well.

Colonel Galway has informed me that on my departure the house now in my occupation will be made ^{of the case} the Mess house with upper rooms for the Colonel ^{should be} Commanding, and there is every reason to believe ^{access - for} that the intention will in this instance be carried out ^{before used} unless steps be taken by Government for changing the ^{house - & by} military limits so as to exclude it. I raise the question ^{no law can} therefore with reference to my successor alone, ^{be used} who I apprehend would otherwise be without a house. ^{to apply to}

4. The houses occupied by the officers of the Regiment and their families are all within the Fort. My house is at one extremity of the station, and is distant about $\frac{1}{2}$ a mile from the entrance to the Fort which is at the opposite extremity of the station.

5. The situation of my house therefore renders it unsuitable for the purpose to which as I am

N^o 221-13 February 1862.

Referred, thro' the Milly. Dept. for the remarks of H. R. the Commander-in-Chief - with the observation that, infixing the Milly. limits of the Fumool Cantonment, such arrangements should be made as will not deprive of suitable accommodation the Chief Civil Officers of the District, the Collector, the Judge, the District Engineer, & the Hillah Surgeon.

2. The Government do not perceive ^{on} the Milly. Dept. Civil Judge of Sundial ^{14th}

on what principle the house now occupied
by Mr. Jones could be dealt with as stated
in para. 3 of his letter. The building was
erected before the formation of the Cantow-
ment, and the Government are not aware
of any law by which Cantowment Rules
can be ^{made} compulsorily to apply to such
property.

C. W. Jones
1911

1911

To the M. L. Dept.
Civil Judge of Municipal