M.R.O. 1—89,000—16-10-23.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 1616	Press ~~Mis.~~
149-150	
Dated 21-10-	~~19~~ 1887

415

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 21st October 1863.

No. 149. Read the following letter from D. F. CARMICHAEL, Esq., Agent to the Governor, and Justice of Peace; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Vizagapatam, 30th September 1863, No. 505.

On the 14th instant, Serjeant Thorpe of the Department Public Works in Ganjam, while encamped at Singadi, a Jeypore village near Buttelee on the confines of the Purla Kimedy Estate, had the misfortune to cause the death of a little native girl, six years old.

2. It appears the Serjeant shot at a dog with his Rifle. The dog had stolen his bread and was making a meal of it, about 30 yards off. The bullet slightly grazed the animal, and then striking the ground a few yards beyond rose and fell on the head of the child, who was standing with her father, fishing in a channel 366 yards off. A person standing by the channel cannot be seen from the Overseer's shed, and the father, not having noticed the report of the Rifle, at first supposed that his child had fallen down in a fit.

3. The occurrence of the accident did not become known to the Overseer till half an hour afterwards; when he immediately sent for the Sub-Magistrate from Gunapur, in order to a regular inquiry being instituted.

4. If the Sub-Magistrate had had his wits about him, he would at once have seen that no prosecution was tenable; or at all events he should have released the prisoner, taking bail for his appearance when called for. But getting flurried over the case, he sends the Serjeant to me on two charges; first, for 'culpable homicide,' which no ingenuity can twist the circumstances to fit in with; and secondly, for 'negligent conduct with respect to an explosive substance,' which is equally absurd.

5. The child's father deposed before me that he made no charge; that he knew it was an accident, and the same was quite clear from the other depositions taken by the Sub-Magistrate, the Serjeant was discharged. He made the father a considerable present in money, and throughout the inquiry showed that no person could feel greater sorrow at the calamity than himself; though there is not slightest ground for self-reproach of any kind.

6. He was obliged to come down in a Dooly, and will have to return to Kimedy in the same way. His actual travelling expenses are thus Rupees 42-14-4, for which sanction is solicited. I propose further to allow him 1 Rupee per diem subsistence money, and for this too the sanction of Government is required, as Europeans and East Indians (vide G. O., Judicial, 1st September 1862, No. 1,430) are ordinarily limited to a maximum allowance of four Annas. But Serjeant Thorpe is an Overseer of the Department Public Works, drawing about Rupees 200 a month, and unless it is intended to mulct him, a rate of four Annas a day is, in his respectable position of life, obviously inadequate; especially when travelling and at a distance from home.

A Bill is enclosed.

No. 150. ORDER THEREON, 21st October 1863, No. 1,676.

The Governor in Council sanctions the payment of the actual travelling expenses incurred by Serjeant Thorpe in proceeding from Kimedy to Vizagapatam and back.

2. As Serjeant Thorpe will have drawn his salary for the period of his absence from his station, the Governor in Council does not deem it necessary, under the circumstances, that he should also receive subsistence allowance for that period.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

Exd. T. McMootry.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from the Agent to the Governor in Vizagapatam.—

(Here enter 30th Sept. 1863 - No. 505)

Order thereon 21st October 1863 - No. 1696.

The Governor in Council sanctions the payment of the actual travelling expences incurred by Serjeant Thorpe in proceeding from Trimedy to Vizagapatam and back.

2. As Serjeant Thorpe will have drawn his salary for the period of his absence from his station, the Governor in Council does not deem it necessary, under the circumstances, that he should also receive subsistence allowance

Allowance for the ensuing year.

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The Right Hon.ble the Governor
of Fort St. Geo. in his respective
Table a Year 3
Lt.te Colonel Raymond 3
Deputy Adjutant General 2

dep.d 22

15

Pro: Ack.

Judicial 1863. Department.

No. 1676.

PROCEEDINGS of GOVERNMENT.

Dated 21st October 1863.

Sanctioning the travelling expenses incurred by Sept. Thorpe P.W. Dept. in proceeding from Kemedy to Vizagapatam to answer to a charge of Culpable homicide preferred against him by the Sub Mag.te of Gunapur.

149 & 150