M.R.O. 1—3

MADRAS RECORD OFFIC

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 504 Press ~~Dis.~~

210-217

Dated 31.3.1883. ~~19~~ .

13/14

Not to be folded or roughly handled

Read the following papers:—

No. 210. From J. ROHDE, Esq., Inspector General of Jails; to T. PYCROFT, Esq., Chief Secretary to the Government of Fort Saint George, dated Madras, 22nd August 1862, No. 436.

* To be returned.

I have the honor to forward a letter* from the Session Judge of Bellary relative to the pay of the so called Superintendent of Convict labor at that station.

2. The Government have already been repeatedly troubled with this matter, and have, I find, in the Order of the 10th ultimo, in the Public Works Department, No. 1,623, left the question of liability undecided, Mr. Ratliff refers to General Armstrong's letter refusing payment on the ground that the charge was not contemplated by Government in fixing the amount for the maintenance of the Cantonment roads, &c.

3. I beg to submit that the Superintendent in question be brought on the temporary establishment of the District Engineer, to whom all the available labor of the Convicts can be made over under rules already in force for regulating the labor and discipline of prisoners employed by the Officers of the Department Public Works; this arrangement will probably relieve the District Engineer of large exposes for the maintenance of trunk roads within two miles of the prison to a much greater extent than will suffice for the payment of the Serjeant's salary.

From J. RATLIFF, Esq., Session Judge of Bellary to J. ROHDE, Esq., Inspector General of Prisons, Ootacamund, dated 26th July 1862, No. 322.

Proceedings of Madras Government.
Letter from Major General Armstrong, dated 26th July 1862, letter to be returned.

In submitting enclosed for your consideration, the correspondence marginally noted, relative to the arrears of salary due to the Superintendent of Convict labor, I have the honor to solicit that you will be good enough to effect an early decision in the matter, as the Superintendent has not received any salary since last March.

From Major General E. ARMSTRONG, Commanding Ceded District; to the Session Judge of Bellary, dated Bellary, 26th July 1862, No. 82.

With Proceedings of Madras Government, No. 1,033 of the 10th July 1862, herewith returned.

In reply to your letter, No. 308 of the 23rd instant,* I have the honor to acquaint you that Lieutenant Colonel Ouchterlony, Acting Deputy Chief Engineer, Central Circle, has misapprehended the tenor of the Deputy Assistant Quarter Master General's letter, No. 501, of the 30th May last, to the Acting District Engineer of Bellary, in reporting to Government that the "sum of Rupees 1,980 sanctioned for conservancy is expended solely upon the interior of the Fort," Captain Riach in stating the whole sum was expended "in keeping the Fort and roads clean" meant thereby to state the fact, that all the roads of the Cantonment are kept clean as well as the Fort out of the sum allotted for this purpose.

With reference to the pay of the Serjeant employed by you in superintending your Convicts, I beg to refer you to the letter, No. 84, from my predecessor in command to your predecessor, under date the 26th September 1861, from which it will appear that the Military authorities of the Cantonment have no cognizance of any Road Serjeant, and that in the allowance granted by Government no such charge was estimated for, and consequently no money is available for the purpose.

No. 211. Proceedings of Government in the Public Works Department, dated 1st September 1862, No. 2,080.

Communicating the order passed on the question as to the Department to which the salary of the Superintendent of the Convicts employed on minor Military works in the Cantonment of Bellary is to be debited.

(Vide Proceedings Public Works Department, dated 1st September 1862, Nos. 15 & 16.)

No. 212. Proceedings of Government in the Military Department, dated 10th September 1862, No. 3,122.

Observing that until it is clearly shown on what roads and works the Convicts were employed under the Superintendent of Roads at Bellary, it is impossible to decide which Department is responsible for his salary. (Vide Proceedings Military Department, dated 10th September 1862, Nos. 218 & 219.)

No. 2,461.

No. 213. MEMORANDUM.

The enclosed letter from the Sessions Judge of Bellary is forwarded with reference to the Inspector General of Jail's letter, dated 22nd August, No. 436.

(Signed) J. ROHDE,
Inspector General of Jails.

CALICUT, OFFICE OF INSPECTOR GENERAL OF JAILS,
dated 1st December 1862.

To the Chief Secretary to the Government of Fort Saint George.

From J. RATLIFF, Esq., Session Judge of Bellary; to the Inspector General of Prisons, Outacamund, dated Bellary, 22nd November 1862, No. 559.

With reference to a copy of your letter to the Chief Secretary to Government, under date the 22nd August last, and No. 436, on the subject of the salary of the Superintendent of Convict labor forwarded to me by you a *2nd time* and received yesterday, but upon which no orders appears to have yet been passed by Government, I have the honor to request the favor of your re-addressing the Government on the subject, as the Superintendent of Convict labor has been and is put to great inconvenience and difficulty by the non-receipt of his salary for the very protracted period of eight months.

No. 214. Proceedings of Government in the Military Department, dated 28th January 1863, No. 293.

Communicate for consideration the subject, whether, under the arrangements set forth, the further services of a paid Superintendent of Convicts employed on the roads at Bellary are necessary, and observe that the superintendence of the prisoners must of necessity be arranged for in this Department. (Vide Proceedings Military Department, dated 28th January 1863, Nos. 449 & 441.)

No. 215. From J. RATLIFF, Esq., Session Judge of Bellary; to A. J. ARBUTHNOT, Esq., Chief Secretary to Government, Fort Saint George, dated Bellary, 17th February 1863, No. 30.

On the 9th of July 1860, one James McMahon an European Pensioner, was appointed Superintendent of Convict labor on the roads or other public works, on an appointment made under sanction granted by Order of Government, under date 7th June 1860, No. 722.

2. This functionary, however, owing, apparently in the first instance, to objections raised by the Major General Commanding as to disbursement of his pay from the Cantonment Road Maintenance allowance, and, subsequently, to consequent references on the point has been already kept without any salary soever, for no less a period than "11* *months*."

3. I have repeatedly addressed the Inspector General of Prisons on the subject, but that Officer having, in a letter under date 29th ultimo (of which copy is herewith submitted) declined further interference, I am fain to submit the man's case to Government direct, as being an especially hard one.

Proceedings of the Madras Government, Judicial Department,
31st March 1863.

4. I have not taxed you by submitting copies of heretofore correspondence on the subject, having reason to believe that the Government has already been placed in possession of all facts connected with it.

That the man's salary is due to him is unquestioned, the whence payable being the only point at issue.

I have, accordingly, the honor to respectfully solicit the orders of Government on the subject.

From J. ROHDE, Esq., Inspector General of Jails; to J. RATLIFF, Esq., Session Judge of Bellary, dated Vizagapatam, on Circuit, 29th January 1863, No. 748.

In acknowledging your letter of the 16th instant, I have the honor to state that if the Superintendent of Convict labor on the public roads of Bellary is not paid, as directed by Government, either by the Military or Public Works Department, or by the residents who benefit by the roads, the labor of Convicts should be withdrawn and the Convicts employed in breaking up granite for road metal *for sale*, or in any other profitable way. The Officer, referred to, forms no part of the Prison's establishment, and I am not disposed to interfere further.

2. I had reason to believe that orders on the subject had been sent from the Central Office, Department Public Works.

(True Copy.)

(Signed) J. RATLIFF,
Session Judge.

No. 216. Proceedings of Government in the Public Works Department, dated 14th February 1863, No. 379.

Observing in reference to Military Proceedings, No. 298, dated 28th January 1863, that the Public Works Department should be re-imbursed the amount paid to the Road Superintendent at Bellary, minus what is properly debitable to it. (Vide Proceedings Public Works Department, dated 14th February 1863, Nos. 230 & 231.)

No. 217. ORDER THEREON, 31st March 1863, No. 504.

28th January 1863, No. 293.

It has been determined in the Military Department that the arrears of pay due to the Superintendent of Convicts at Bellary, including the amount already disbursed to him by the Department Public Works, should be debited *rateably* to the Departments concerned, their respective liability being settled by the particulars of work performed under his superintendence. It has also been ordered that, for the future, Convicts employed upon Military works should be supervised by Lascars or Camp followers attached to the Military Department. It remains for this Department to decide whether, under this arrangement, the services of the Superintendent are any longer needed.

2. This Officer was first entertained in lieu of the Military Road Serjeant. The object for which he was appointed, as that for which the Serjeant was placed at the Judge's disposal, was, not to look after the discipline or safe-keeping of the Convicts, but simply to oversee their work within the Cantonment, which was at too great a distance from the Civil quarters and the Jail to admit of the prisoners there employed being often visited by the Judge or Jailor. The Judge, conscious of this difficulty, only undertook the charge of the Cantonment roads on the express stipulation that the Road Serjeant should be placed under his orders. The Road Serjeant was found useless and has been got rid of, and the Military Department is now unwilling to bear the expense of his successor. It is obvious, therefore, that the Judge's responsibility for the maintenance of the Cantonment roads must cease, and that the Superintendent, who was entertained for that work alone, must at once be dismissed.

3. One other point calls for notice. The Civil Judge has pointed out that for a long time the Superintendent has been kept without any pay whatsoever, and it is not unlikely that some little time may elapse before the respective liability of the several Departments for the arrears can be satisfactorily determined. His Excellency in Council therefore directs that the Superintendent be paid up to the date of his discharge by an advance subject to future adjustment. The course, it is observed, is in accordance with the Resolution of the Government of India, dated 18th December 1862, Financial Department.

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

Exd. T. McMootry.

PUBLIC WORKS DEPARTMENT.
Military.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following Proceedings of the Madras Government in the Military Department:—

Communicating letter from the Quarter Master General of the Army regarding the pay of the Superintendent of Roads at Bellary. } (Here enter 8th August 1862, No. 2,745.)

ORDER THEREON, 1st September 1862, No. 2,080.

1. The question involved in the correspondence recorded in the above Proceedings is the Department to which the salary of the Superintendent of the Convicts employed on minor Military works in the Cantonment of Bellary is to be debited.

2. The Cantonment of Bellary was brought under the provisions of paragraph 4 of the G. O. of 14th August 1860, in the Proceedings of Government Military Department, dated 31st August 1860, No. 3,151, and a sum of Rupees 1,980 was sanctioned for conservancy purposes under the regulations promulgated in the former order. The regulations in question provide for the repair of all main roads, &c., in the Cantonment by the Department Public Works and of minor roads, &c., by the Conservancy Department. The orders of Government in the Military Department quoted above, do not restrict the appropriation of the Conservancy grant of Rupees 1,980 to the particular roads on which that allowance is now expended as specified by the Quarter Master General of the Army. They* evidently contemplated that Convict labor was to form an auxiliary to the means placed at disposal for the maintenance of roads. As the Convicts are not employed on the roads kept in order by the D. P. W., it is clear that the salary of the Superintendent is not chargeable to the D. P. W., and if not chargeable to that Department it must be debited to the Conservancy allowance, it having already been decided† that it cannot form a charge against the Jail Department. This will seem clearer by supposing Convict labor to be withheld. Then as *all main* roads are maintained by the Department Public Works with the Budget grant and without‡ the aid of Convicts, the repair of *all minor* roads, *including* those now kept in order by the latter means, will necessarily devolve on the Conservancy Department under the operation of the General Orders of 14th August 1860.

* Paragraph 3 of Order.

† Proceedings of Judicial Department 9th December 1861, No. 1,519.

‡ See letter from District Engineer dated 13th February 1863, No. 443.

3. The insufficiency of the Conservancy grant to meet the charge on account of the Superintendent's salary, does not affect the question now at issue, but is a distinct question for consideration and settlement in the Military Department.

4. The error, as it is supposed, in the view taken by the Quarter Master General of the Army,§ seems to be owing to his believing that the Conservancy allowance was granted for the specific purpose mentioned in his letter, and that the Conservancy Department had nothing whatever to do with the minor works executed under the orders of the Sessions Judge. The Orders in the Military Department, dated 31st August 1860, No. 3,151, do not apparently recognize this distinction, but were intended to bring the Bellary Cantonment under the scope of the rules for the supervision of Conservancy duties in different Military Cantonments, the Convicts, as evidently contemplated by paragraph 3 of those orders, being allowed to assist the Conservancy Department in carrying out certain works of a minor character under the orders of the Sessions Judge. It will be for the Military Department to decide whether this is a correct construction of the orders¶ in that Department, and to pass orders on the point now at issue.

§ Letter dated 2nd August 1862, No. [illegible].

¶ Dated 31st August 1860, No. 3,151.

(True Extract.)

Colonel, R. E.,
Secretary to Government.

To the Military Department.
„ Judicial Department.
„ Deputy Chief Engineer, Central Circle.

Exd. S. T. Augustin.

MILITARY DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Proceedings of Govt. P. W. D., dated 10th July 1862, *No.* 1623. *From the Qr. Mr. General, dated 2nd August* 1862, *No.* $\frac{259}{6099}$. } *Recorded in Proceedings of Govt., dated 8th August* 1862, *No.* 2745.

Proceedings of Govt. P. W. D., dated 1st September 1862, *No.* 2080. } *Recorded in Proceedings of Govt., dated* 10*th Sept.* 1862, *No.* 3122.

} Read again the papers noted in the margin.

Read also the following papers:—

From the Deputy Quarter Master General of the Army, Fort Saint George, 8*th December* 1862, *No.* 9472; *to the Secretary to Government, Military Department.*

I have the honor, by order of His Excellency the Commander-in-Chief, to forward the reply of the Officer Commanding Ceded Districts, with reference to the Order of Government, Military Department, No. 3122, dated 10th September last, the reply* having been delayed owing to the absence of the Engineer of the District.

* *No.* 120, *dated 20th November* 1862.

2. His Excellency has nothing to add to my letter of the 2nd August last, No. $\frac{259}{6099}$, but to reiterate that, on a reference to the Estimate referred to in it, the repair of any Roads was not provided for, and that as the Sessions Judge continues to repair all Roads within or without Military limits, the charge for superintendence cannot be debited to the Conservancy Fund, except an additional grant to that extent is authorized. The Commander-in-Chief cannot therefore agree in the opinion pronounced by Government in paragraph 3 of their Order, No. 3122.

From the Officer Commanding Ceded Districts, Head Quarters, Bellary, 20*th November* 1862, *No.* 120; *to the Quarter Master General of the Army, Head Quarters, Secunderabad.*

With reference to Minutes of Consultation, Military Department, No. 2080, of the 1st September 1862, forwarded with your Office Memorandum, No. 6971, of the 12th idem, on the subject of the particular Department to be charged with the Pay of the Superintendent of Convicts employed on the Roads at Bellary, I have the honor to observe, that there appears some misconception in the question at issue, and I will therefore briefly state, that previous to September 1858, various Roads in the Cantonment of Bellary, were kept in repair by the Deputy Assistant Quarter Master General's Department, aided by a large gang of Convicts, specially placed at his disposal for the purpose—having also 12 Gravel Carts and 5 Water Carts, the work being superintended by a Road Serjeant, paid in the Military Department, drawing Pay through the Quarter Master General's Department.

2. But in September 1858, the whole of this Establishment (including the Road Serjeant), was transferred to the immediate working control of the Session Judge, who was thenceforth entrusted with the sole authority to keep *all* the Roads, within both Civil and Military limits, in proper repair, with the exception of the two main Roads that encircle the entire Station, which two roads, and the roads within the Fort, are kept in repair by the Public Works Department; and I may be permitted to observe that the system has been found to work remarkably well, particularly under the present energetic Judge, Mr. Ratliff.

3. It appears that after a few months' trial, the then Session Judge found the Road Serjeant worse than useless, and took the necessary steps to dispense with his services, and save his Pay to the State, which, to the amount of upwards of 70 Rupees per mensem, he still continued to draw from the Military Pay Office. The Serjeant in October 1859, was transferred to the Pension Establishment.

4. It is understood however, that, at a subsequent period, the Judge discovered that the services of some other party was requisite as a Superintendent of Convicts, and he accordingly, without reference to any Military Authority, entertained, entirely in the Civil Department, a person whom he considered qualified for the post; but of course under the circumstances, no Pay could be drawn for him in the Military Department—the Military appointment of Road Serjeant having ceased.

5. Totally irrespective of the foregoing arrangement, by Minutes of Consultation, under date 31st August 1860, No. 3151, a Conservancy allowance on sanitary grounds was allotted for maintaining cleanliness in the Fortress, Bazars, and Military limits of Cantonment of Bellary. In this allowance (Rupees 165 per mensem), no provision is made for the superintendence of Convicts employed in executing the repairs to the Roads, that functionary having no connection with the Conservancy Department. The allowance is merely calculated to cover the exact expenditure requisite for the payment of Carts, Bullocks, Sweepers, Toties and Coolies, leaving a small contingency for such charges as for brooms, baskets, &c., &c., to maintain the requisite cleanliness on the Roads, Bazars and large space covered by the Cantonment; no balance remaining available for any other purpose.

6. The question involved in this case appears to be, what particular Department is to be debited with the Pay of the present Superintendent of Convicts, employed alike on repairs to all *Military* and *Civil* Roads. I have shewn that there are no available funds from the present Conservancy allowance, and I therefore respectfully suggest that, if the Right Honorable the Governor in Council is pleased to determine that the charge in question be borne by the Conservancy Fund, it will be requisite to increase that monthly grant in the exact amount required to meet the payment, but it will present the anomaly of the party being employed in the Civil Department, under the Session Judge, and paid in the Conservancy Department, the executive control of which latter is in hands of the Major of Brigade.

ORDER, No. 293, *28th January* 1863.

The foregoing papers relate to the charge for superintendence over the Convict employed at Bellary, in the general construction and repair of the Roads in that Cantonment.

2. The question at issue is the Department to which the Superintendent's Pay is properly debitable. It is clear from the previous correspondence that the charge should not fall exclusively on the Military Department—the Superintendent having been employed as occasion required, under the several Departments, Civil, Public Works and Military. The most equitable mode of adjusting the arrears will be to debit the charge rateably to the Departments concerned.

3. It does not appear which Department has actually disbursed the Pay of the individual in question; but the adjustment will be best effected as directed in the preceding paragraph.

4. As Military Conservancy Funds do not contemplate or provide for any charge for superintendence, it will for the future rest with the Military Authorities, when employing Convicts, to provide their own superintendence, for which Lascars, Camp Colormon, &c., are available, or to dispense with superintendence altogether. Other Departments at Bellary employing Convicts, will either provide suitable superintendence from their own Establishments, or pay for it, if supplied by the Jail Department.

5. It will be considered in the Judicial Department whether, under the above arrangements, the further services of a paid Superintendent of *Works* at Bellary, are necessary—the superintendence of the *Prisoners*, however, must of necessity, be arranged for in that Department.

(True Extract.)

Deputy Secretary to Government.

To the Quarter Master General.
" Judicial Department.
" Public Works Department.
" Controller of Military Finance.

Exd. T. Stubbs.

PUBLIC WORKS DEPARTMENT.
Military.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following Proceedings of the Madras Government in the Military Department :—

Deciding that the arrears of pay of the Superintendent of Convicts employed on the roads at Bellary should be adjusted by debiting the charge rateably to the Civil, Public Works and Military Departments. } (Here enter 28th January 1863, No. 293.)

ORDER THEREON, 14th February 1863, No. 379.

10th July 1862, No. 1,623.
1st Sept. „ „ 2,089.
17th „ „ „ 2,236.

1. Communicated to the Deputy Chief Engineer, Central Circle, with reference to the orders as per margin.

2. Adverting to paragraph 3 of the foregoing Proceedings, it is observed that in Proceedings of this Department dated 14th February 1862, No. 219, instructions were given to the District Engineer, Bellary, to disburse the salary of the Road Superintendent. It will be necessary, therefore, that the Public Works Department should be re-imbursed the amount minus what is properly debitable to it.

(True Extract.)

Colonel, R. E.,
Secretary to Government.

To the Deputy Chief Engineer, Central Circle.
„ Military Department.
„ Judicial do. with Military Bx
„ Officer in charge of Audit Department.
„ Accountant General.

Exd. S. T. Augustin.

12

Judicial Department.

MADRAS GOVERNMENT.

No.

Resolved that the above letter from the Inspector General of Jails be referred to the Public Works Depart.t for report as to whether there is any objection to the course proposed in para 3 of Mr. Rohde's letter.

To the Public Works Depart.t
" Inspector General
of Jails—

to time by the Dep.t Pub.lic Works, should be debited rateably to

12

Judicial Department.

the MADRAS GOVERNMENT.

36
80
122

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No. 82 293

Officer Commanding
Ceded Districts 30.

Replies to letters No. 308 & 77
of 23d Instant regarding
the Pay of Road Sergeants

Bellary 26th July 1862

to time by the Dept. Public
Works, should be debited rateably

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Judicial Department.

the MADRAS GOVERNMENT.

19th March 63

[illegible]

a Chest 2nds

[illegible] this morning

[illegible] to Salary

[illegible] Road Superintendent

at Bellary about

which time has been

a Sub-Conductor of Stores.

[illegible] this

[illegible] has come

[illegible] Rs

[illegible]

to the Superintendent of Con-victs at Bellary, including the amount already disbursed to him by the Dept Public Works, should be debited rateably

216

My dear Abbattoir

I send you these papers
according to your wish
It came to me last today

Yours sincerely
E Ravenshaw

23rd

12

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following papers

Letter from the Superintendent of Jails. Mere enter	22nd August 62	No 436
Proceedings with E.D.	1st Septr	2080
Abstract of Cost in the Public Depts	10th Septr	3122
Memo from the Superintendent of Jails	1st Decr	
Abstract of Cost in the Public Depts	28th January 1863	293
Letter from the Superintendent of Jails Bellary	1st July	30
Abstract of Cost in the Public Works Depts	11th	379

Order thereon 31st March 1863 No 504

28 Jan 63 - No 293

It has been determined in the Military Department that the arrears of pay due to the Superintendent of Convicts at Bellary, including the amount already disbursed from time to time by the Depot Public Works, should be debited rateably to

to the Departments concerned, their respective liability being decided on the particulars of work performed under his Superintendence. It has also been ordered that, in the future, convicts employed upon Military works should be Superised by Lascars or Camp followers attached to the Military Departt. It remains for this Departt to decide whether, under this arrangement, the services of the Superintendent are any longer needed.

2. This officer was first entertained in lieu of the Military Road Serjeant. The object for which he was appointed, as that for which the Serjeant was placed at the Judge's disposal, was not to look after the discipline or safe keeping of the Convicts, but simply to oversee their work within the Cantonment, which was at too great a distance from the Civil Quarters and the Jail to admit of the prisoners there employed being often visited by the Judge or Jailor. The Judge, conscious of this difficulty, only undertook the charge of the Cantonment Roads on the express stipulation that the Road Serjeant should be placed under his orders. The Road Serjeant was found useless and has been got rid of, and the Military Deptt is now unwilling to bear the expence of his Successor. It is obvious therefore, that the Judge's responsibility for the maintenance of the cantonment roads must cease, and that the Supt, who was entertained ~~and that the Supt who was entertained~~ for that work alone, must at once be dismissed.

3. One other point calls for notice. The Civil Judge has pointed out that for a long

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kept without any pay
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likely that some little time
may elapse before the
respective liability of the
several departments for the
arrears can be satisfactorily
determined. His Excellency
in Council therefore directs
that the Superintendent be
paid up to the date of his
discharge by an advance
subject to future adjustment.
This course, it is observed,
is in accordance with
the Resolution of the
Govt of India dated 10th
Dec: 62, Fin' Dept.

MM

W/R

To the Accountant
" Military Cashier
" Civil Works Cashier
" Collector of Bellary
" Collector of Do
" Accountant
" Civil Paymaster

Circd-1

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Judicial 1863. Department.

No. 504

PROCEEDINGS OF GOVERNMENT,

Dated 21st March 1863

F. No. 712 - Left
" 1310 -
" 1802 -
" 2342.

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