

MADRAS RECORD OFFICE.

Government of Madras.

Official DEPARTMENT.

G.O. No.	1582	Presse
		Mis.
Dated	7-11	19-1865

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
7th November 1865.

No. 54. Read the following Extract from the Proceedings of the Government of India in the Foreign Department, Judicial, under date Simla, the 23rd September 1865, No. 373.

Read a despatch from the Home Department, dated 22nd June last, No. 1718, submitting for consideration a proposal made by the Madras Government, that the appointment of Cantonment Magistrates at Kanchi, Secunderabad, Bangalore, and Rangoon, may be left to that Government.

Read also the replies of the undermentioned officers to whom the above was sent for opinion:—

From the Commissioner of Mysore, No. 1454, dated 19th July.

From Chief Commissioner British Burmah, No. 164, dated 20th July.

From Chief Commissioner Central Provinces, No. 224, dated 10th August.

From Resident Hyderabad, No. 25, dated 29th August.

Ordered that copies of the foregoing replies be sent to the Home Department, with reference to their No. 1718, dated 22nd June last, with the remark that the proposal of the Madras Government does not appear likely, if adopted, to work well, and is attended with inconveniences sufficient to warrant its rejection.

(A true Extract).

(Signed) A. COLVIN,

Off. Under Secy. to the Govt. of India.

From the Commissioner for the Government of the Territories of His Highness the Maharajah of Mysore, to the Secretary to the Government of India, Foreign Department, with Governor General, Head Quarters, Simla; dated Bangalore, 15th July 1865, No. 1454.

In reply to Mr. Colvin's despatch, No. 272, dated 4th instant, I have the honor to submit that as the Superintendent of Police at Bangalore is an officer of the Mysore Commission, I am of opinion that matters had better remain on their present footing. The Superintendent of Police is regularly selected from the ranks of the Assistants, who have passed in Canton and in the prescribed standards of examination, and he is also eligible for promotion to a district charge. Moreover, any of the four third Class Deputy Superintendents can now be appointed to the post of Police Superintendent (Cantonment Magistrate) the pay being the same. There being therefore a wider field of selection and the officers appointed being known to the Commissioner and the Judicial Commissioner, I consider that good selections are more likely to be made under the present system, than if the Madras Government were to appoint to a post under the Mysore Government, an officer of whose qualifications that Government must necessarily be ignorant. To give the promotion to second Class Cantonment Magistrates of the Madras Presidency in recognition of the historic acknowledged claims of the officers of the Mysore Commission, would only benefit one class to the detriment of another, and would therefore present no real advantage.

2. It is scarcely necessary for me to observe that Bangalore is as much a Civil as a Military Station, and that it is in the former light that it is now making such rapid strides. This is owing to its being the Head Quarters of the Civil Administration, and since the opening of the Railway, the focus of the trade of Mysore, pecuniaries which should not be lost sight of. Were it a purely Military Station without any civil elements, the case would of course be widely different.

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With reference to the Memorandum, No. 173 of 30th July 1865, from the Officiating Under-Secretary to the Government of India in the Foreign Department, transmitting copy of correspondence regarding the appointment of Commission Magistrate at Secunderabad being made to the Madras Government, I have the honor to state, that the Madras Government is perhaps of opinion that though Secunderabad is a first class Commission, yet His Excellency has ruled that the Commission Magistrate there must be created exceptionally, as it cannot be classed with similar appointments in other provinces, and consequently it has been decided by His Excellency to leave the pay of the post as it has been fixed, viz., £100. Rupee Staff allowance plus the Surgeon's pay of the rank of the Officer holding it. When a Captain therefore holds the office as proposed (the Major rank is a British Major only) the pay is a very few Rupees more than that of a 2nd Class Commission Magistrate. But setting this part of the question aside, I would venture with His Excellency's permission, to make an objection to the proposal of the Madras Government. I honestly confess that I think the Brigadier General Commanding the Hyderabad Subsidiary Force and myself would probably select an officer better suited for the multifarious duties of Commission Magistrate here, than we are ordinarily likely to get by the proposed means. I must be required of the officer holding the post in question that a knowledge of Codes and Proceedings is required of the officer holding the post is question that a knowledge of Codes and Proceedings. He is not merely Magistrate and Judge, but Superintendent of Police and Conservator of Aliberry duties, and various local duties. He has not only to deal in many important

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and delicate matters with the Military authorities of the largest Cantonment I believe in India, but with the officers of the Nizam's Government and the inhabitants of the surrounding Villages and especially with the Nizam's establishment for collecting Import and Octroi duties in Cantonments; now, in all these matters, the influence of personal character is of the greatest consequence, if a man adds an equable and patient temper to a sound judgment and firm will, all goes smoothly, bickerings and disputes, which would be certain to flourish under an officer wanting in any of the qualifications above quoted are checked in the bud, and the Brigadier General and I look to the possession of these qualities quite as much as to knowledge of law or a judicial mind. We both in short have the very deepest personal interest in securing the most efficient officer we can find for the appointment, and I venture to regard that as a better guarantee for success than selection from a small body of 2nd Class Cantonment Magistrates, men necessarily almost of limited ideas from their limited experience.

2. Lastly, I would beg to represent in addition to what I have said in the first paragraph, that the question of the salary of a Cantonment Magistrate here can scarcely be said to be finally decided until His Excellency has had before him the report of the working of the new system here during its first year. If His Excellency should consider ground shown for an Assistant Magistrate or Judge of Small Causes, some modification of the allowance of future Magistrates would perhaps be considered necessary.

No. 2602.

Copy forwarded to the Government of Fort Saint George, for information, with reference to letter therefrom, No. 737, dated the 16th of May.

(By Order).

HOME DEPARTMENT, SIMLA,
7th October 1865.

(Signed) A. P. HOWELL,

Under Secy. to the Govt. of India.

No. 55.

ORDER THEREON, 7th November 1865, No. 1582.

To be recorded.

(True Extract).

A. J. ARBUTHNOT,

Chief Secretary.

Am. 16 Feb 1865 - 1525

*Suppl. 1865-Sept
Pro. of Govt. 1582
H. J. Arbutnot
Home Dept*

No. 2602

7th November 1865

Adm. 7 Oct 1865

Adm. 2nd 1865

No. 2252

*Declining for reasons stated,
to entrust to this Govt. the
duty of appointing officers to
be Cantonment Magistrates of
Kampur, Secunderabad, Ben-
galore & Bangalore.*

*W. J. Arbutnot
7th Nov 1865
H. J. Arbutnot
11/11/65*

Adm. 1865-54-55