M.E.O. 1—88,000—16-10-28.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 871	Press Mis.
101-102	
Dated 11-4-1885	

8/8

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
11*th April* 1865.

No. 161. Read the following letter from P. GRANT, Esq., Magistrate of Coimbatore, to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George; dated Erode, 30th March 1865, No. 38.

I will learn from the original correspondence herewith forwarded, that the Joint Magistrate of Wellington has, under the Major General Commanding the Division, been informed by the Officer Commanding Wellington that he must vacate his present dwelling within one month, from the instant, as it is required for the Officers of the Garrison, Regimentally employed. The Joint Magistrate has also been interdicted from entering another house situated within the Cantonment, lately occupied by Dr. Fitzgerald. The Major General of the Division does not understand from the Joint Magistrate that he has mentioned the above Proceedings, I beg to submit for consideration and decision of Government. Some time ago, when the houses in the Cantonment were all (I believe) occupied, and when an unpleasant feeling between the Joint Magistrate and some of his neighbours existed, I, at his request, the Officer Commanding the station, previously given his sanction to the step, agreed to (the Joint Magistrate) should take a house at Coonoor, as it was thought that thereby all future annoyance would be avoided, and the previously existing feeling cease. The inconvenient distance of Coonoor from the Cantonment, and the chance of getting into the house vacated by Dr Fitzgerald seem to have led the Joint Magistrate to change his mind and adopt the present course, which of course precludes the inclusion forced upon him that the Joint Magistrate should be out of the Cantonment. The Officer Commanding an important Military station, and the Military Joint Magistrate of that station should stand in a position of antagonism to each other, is, to say the least of it, highly inexpedient, and can only continue with the certainty of weakening the authority of the latter official.

From Colonel F. YOUNG, Joint Magistrate of Wellington and Coonoor, to P. GRANT, Esq., District Magistrate, Coimbatore; dated Wellington, 27th March 1865, No. 88.

With reference to the Order of Government, No. 408, of the 15th instant, "directing me to submit all representations through you," I have the honor to forward copies of correspondence, marked A, B, and C, relative to my being ordered to vacate my house in the Cantonment, it being required for Regimental Officers' Quarters; and as the Officer Commanding Wellington has declined forwarding on the appeal authorized by paragraph 15 of G. O. G. C.,* No. 227 of 1862, I have the honor to request that you will kindly submit the correspondence to Government for final decision.

* See Fort Saint George Gazette for 1862, page 87.

You are aware that I was most anxious to live out of Cantonment a short time ago, owing to the annoyance I received from an Officer's wife residing in my immediate neighbourhood, and the correspondence I send for *your* perusal will show you how the annoyances have increased. I, however, secured the refusal of a house vacated by Dr. Fitzgerald, with the view of avoiding any further unpleasantness, but you will observe that the Officer Commanding Wellington interdicted me from occupying the house, and, upon this point I trust that Government will also kindly decide.

From Lieutenant
Cantonment Joint M
18
Under instruct om the

No
Occupation of Houses in
Paragraph 7. Other

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Fr Lieutenant Colonel F. YOUNG, Joint M
tenant Colonel, J. B SPIERS
March 1865, No. 84.

I have the honor
as no dwelling house of any d
notice required to be
when yo
Joint Magistrate; and my
Bill now being passed.
graph 15 of G. O. G.
conveyed in the last parag
occupying the

From Lieutenant Colonel J. B. SPIER
Magistra
In reply to your letter, No.
be granted from
officer though i

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the subject.

Refer tment, for th cy the Comma
e , whose
ment Magistrates in the Act for the
FORT SAINT GEORGE,
dated 1865.

ed) A J HINOT,
Chief Secretary.

Proceedings of the Madras Government, Judicial Department,
11*th April* 1865.

Referred to the Commander-in-Chief, for His Excellency's observations, as early as convenient, with reference to the date fixed by the Military authorities for the Cantonment Magistrate's removal.

FORT SAINT GEORGE,
5th April 1865.

(Signed) R. HAMILTON, Lieut. Colonel,
Under Secretary to Government.

No. 102. From Lieutenant Colonel F. H. SCOTT, Quarter Master General, to Colonel H. MARSHALL, Secretary to Government, Military Department, Fort Saint George ; dated 7th April 1865, No. 4149.

I have the honor, by order of His Excellency the Commander in Chief, in reply to the reference from Government, dated 5th instant, relating to the removal of the Cantonment Magistrate of Wellington from the limits of the station, to say that the Commander-in-Chief does not consider that the Act for the administration of Military Cantonments, can be deemed to entitle Lieutenant Colonel Young to *reside* within Military limits, when Regimental Officers, whose duty requires immediate contiguity to the men, are unprovided with quarters. The residence of the Joint Magistrate within Military limits is no doubt desirable just as it is that the Executive Engineer, or other local officers, should there reside; but when it comes to a matter of priority of right, the Commander-in-Chief does not hesitate to say that the Joint Magistrate must give way to the Military Officer. His office should of course be in the Cantonment.

Transferred, with No. 38, to the Public Department.

FORT SAINT GEORGE,
7th April 1865.

(Signed) R. HAMILTON, Lieut. Col.,
Under Secretary to Government.

No. 103. ORDER THEREON, 11th April 1865, No. 571.

The Governor in Council concurs in the opinion of His Excellency the Commander-in-Chief, and must decline to interfere with the orders which have been issued by the Military authorities, directing Lieutenant Colonel Young to vacate the house at present occupied by him at Wellington, on the ground that it is required for Officers of the Regiment quartered there.

(True Extract).

Chief Secretary.

To the Magistrate of Coimbatore.
,, Military Department.

Exd. J. H. Burns.

Judicial Department

Memorandum for Orders

Letter from the Magistrate of Coimbatore } Dated 4th April 1865. N° 58

& from the Quarter Master General of the Army } & 7th April 1865. N° 4149.

Lieut. Colonel Young, Cantonment Joint Magistrate at Wellington, has been ordered by the Military Authorities to vacate his house in that Cantonment, on the ground that it is required for regimental Officers. Colonel Young has appealed against the Order, and this appeal has been referred to His Excellency the Commander in Chief; His Excellency's attention being at the same time drawn to the position which has been given to

the

"matter of priority of right,
"the Commander in Chief does
"not hesitate to say that
"the Joint Magistrate must
"give way to the Military
"Officer. His Office should
"of course be in the Canton-
"ment."—

I submit, with all
deference to His Excellency,
that great practical incon-
venience must arise in
connection with the working
of the Act, if it be ruled
that the Cantonment
Magistrates are liable to
be excluded from living
within the limits of the
Cantonment under the
Order which it is proposed
to apply to Lieut. Colonel
Young. It may be that
at Wellington the enforce-
ment of this rule will be
less inconvenient than it
would be in other Canton-
ments. The Magistrate

State the Reasons
given in the
Commander in Chief's

"The Cantonment Magistrates
in the Act Cobbly passed
for the administration
Military Cantonments
the Presidency.
Excellency's opinion is
given in the Quarter Master
General's letter of the 7th
Instant. It is to the Effect
that the Act in question
"must be deemed inapplicable
"to Lieut. Colonel Young
"Residency Cantonment
"limits when Regimental
"Officers whose duty requires
"immediate Control over
"men, are unprovided with
"Quarters." It is accurately
observed that "the residence
"of the Joint Magistrate
"within Military limits
"is no doubt desirable, just
"as it is that the Executive
"Engineer or other Local
"Officer should there reside.
"But when it comes to
"matter

expires on the 1st Instant,
immediate Orders are
required.

Sir H. Lockard C

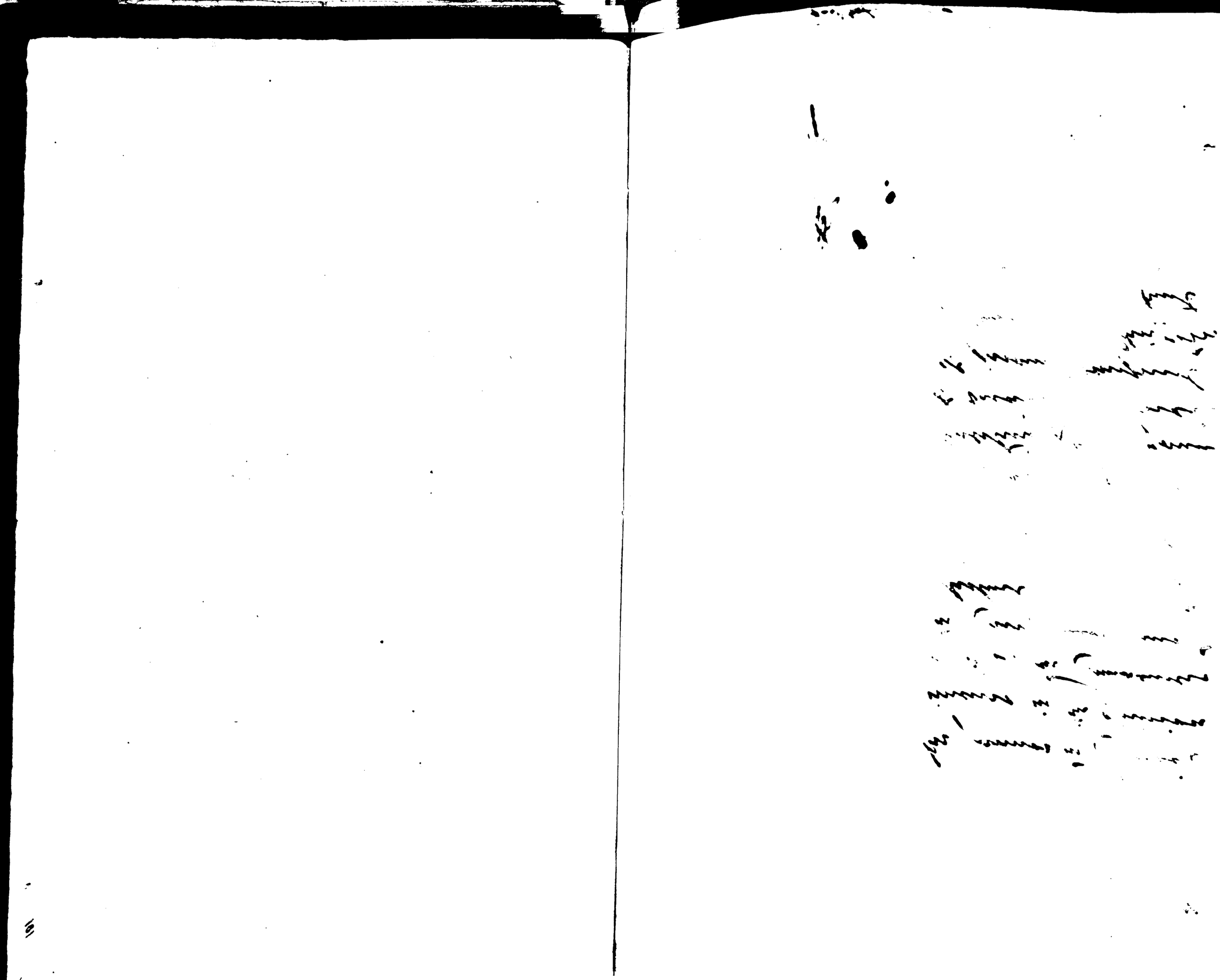
Secy to the Madras Government.

Read the following letter from the Magistrate of Coimbatore. (Here enter 4th April 1865 No. 38.)

11th April 1865 No. 541-

In former in Council concurs in the opinion of H.E. the Commander in Chief and must therefore & interpose with the orders which have been issued by the Military authorities directing the Govt & vacate the Houses at present occupied by them as Hospitals as the ground and it is required for Officers of the Regiments quartered there.

To the Magistrate Coimbatore
Mil. Department
Lieut Col Young A. Mast. Millington



Judicial 1865 Depart.

No. 5/71

Miscellaneous Cor.

Dated 11th April 1865.