

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 571

Press
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101-102

Dated

11-4

19-1865

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Not to be folded or roughly handled

29/12/20

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

No. 101. 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 sanction of the Major General Commanding the Division, been informed that he must vacate his present dwelling within one month, from the 1st 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 has understood from the above mentioned Proceedings, I beg to submit for the 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, gave his sanction to the step, and the Joint Magistrate should take a house at Coonoor, as it was thought that thereby future annoyance would be avoided, and the previously existing feeling removed. 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 is a conclusion forced upon him. It is not desirable that the Joint Magistrate should reside 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, and 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.

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.

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

From Lieutenant Colonel F. H. SCOTT, Quarter Master General,
Cantonment Joint M.
1865.

Under instruction from the

No. 1
Occupation of Houses in
Paragraph 7. Other

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the last

From Lieutenant Colonel F. YOUNG, Joint M.
Colonel, J. B. SPURGEON,
March 1865, No. 84.

I have the honor
as no dwelling house of any d
notice required to be given

when you
Joint Magistrate; and my
Bill now being passed.
graph 15 of G. O. G. C
conveyed in the last parag
occupation of the house

From Lieutenant Colonel J. B. SPURGEON,
Magistrate

In reply to your letter, No.
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Paragraph 2 of your letter

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Refer to
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FORT SAINT GEORGE,
11th April 1865.

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CHINOT,

Chief Secretary.

*Proceedings of the Madras Government, Judicial Department,
11th 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 im-
mediate 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 Com-
mander-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.

Federal Department

Memorandum for Orders

Letter from the Magistrate of } Dated 4th April 1865. n.º 38
 Coimbatore
 or from the Quarter Master } D. 7th April 1865. n.º 4149.
 General of the Army

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

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The cantonment Magistrates.
in the Act (Act) passed
for the administration
Military Cantonments
this residency.
His Excellency's opinion is
given in the Quarter Master
General's letter of the 7th
Instant. So to the effect
that the Act in question
not be deemed to settle
Lieut Colonel Young
residence within military
limits when regimental
officers whose duty requires
"immediate Contingency" &
"men, are unprovided with
"quarters." His Excellency
observes that "the residence
of a Joint Magistrate
within Military limits
is no doubt desirable, just
as it is that an executive
Engineer or other local
Officers should there reside.
But when it comes to
"matter

State the same
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"matter of priority of right,
"The Commander in Chief does
"not hesitate to say that
"the Joint Magistrate must
"give way to the Military
"Officers. 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
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I put a house
which near
But even through the

hill green
At such a pace as can
have enforcement
advocated by his
would be returned

The
Magistrate would
completely paralyze the
administration of the
House of Commons
Office of Parliament
Magistrate in England
part of the machinery
of government

As the time allowed
to Lieut. Holmes young
for his appeal
yours

expires on the 17th instant,
immediate orders are
required.

Secy of the Interior's Government. *Edw. De Hart*

Recd the following letter
from the Registrar of Land Office.
(Here enter 4 April 1865 No. 38.)

11 April 1865 No. 541

The Governor in Council
considers in the opinion
of H. E. the Commissioner
in Chief and must
decide & interpret
with the rules which
have been issued
by the military authorities
directing that of young
to vacate the house
at present occupied
by him at Washington
as the ground that
it is required for
office of the Regiment
quartered there.

W. M.

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W. M.

W. M.

To the Secy of Land Office
U. S. Department
Washington
Recd 13/4.

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