M.R.O. 1—20,00x—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 111 Press Mis.

199-200

Dated 26 — 1 — 19 1866

3/4

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
26th January 1866.

No. 199. Read the following Proceedings of Government in the Military Department, dated 18th January 1866, No. 238.

Communicating letter from the Adjutant General, stating that the Joint Magistrate and not the Cantonment Magistrate of Wellington is the proper person to attest and re-enlist Soldiers, as that Officer does not hold a Regimental Commission.

(Vide Proceedings, Military Department, dated 18th January 1866, Nos. 416—418.)

No. 200. ORDER THEREON, 26th January 1866, No. 111.

The foregoing letter from the Adjutant General will be communicated to the Joint Magistrate at Ootacamund, and that Officer will be furnished with copy of the two documents applied for in paragraph 2 of his letter recorded above.

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

To Major W. R. Campbell,
Joint Magistrate, Ootacamund, with two Papers.

Mxd. J. Tulloch.

Read the following papers :—

From the Chief Secretary to Government..... Here enter 30th December 1865.

From the Adjutant General ..... ,, 10th January 1866, No. 18.

From the Joint Magistrate, Ootacamund, 19th December 1865, No. 147; to the Chief Secretary to Government, Fort Saint George.

With reference to Government Order, dated 13th December 1865, No. 1771, appointing me to enlist and to re-engage soldiers or persons who may be desirous of enlisting or re-engaging in Her Majesty's Army, I have the honor to submit, for the consideration of His Excellency the Governor in Council, the advisability of appointing the Cantonment Magistrate of Wellington, who is also a Justice of the Peace, instead of the Joint Magistrate of Ootacamund, to enlist, attest and re-engage soldiers and persons as aforesaid, provided there be no objection to the arrangement, as the Cantonment Magistrate being on the spot at Wellington, soldiers and others would be saved a march of twenty-four miles from Wellington and back, the distance between Wellington and Ootacamund being twelve miles.

2. I would feel greatly obliged by your favoring me with a copy of Proceedings of Government, No. 916 of 21st June 1864, referred to in memorandum No. 428, dated 1st December 1865, from the Adjutant General—also copy of Section 52 of XXV, Victoria Cap: V, referred to in Government Order of 13th December 1865, No. 1771, both for record in my office.

3. I was under the impression formerly that according to the Mutiny Act, dated 18th March 1864, a Military Officer was precluded attesting soldiers or persons for the Army, and until now the Session Judge of Ootacamund has invariably undertaken that duty, as a Justice of the Peace in the Civil Service, and even on 16th December 1865, the Officer Commanding 105th Regiment forwarded a recruit to be attested, with a printed form to be filled in by the Justice of the Peace, and in it were the words, "and that I am not Military Officer;" being a Major in the Staff Corps, this sentence I was constrained to strike out before signing the certificate, and I beg to be informed, if I was correct or not in signing the certificate under these circumstances.

Referred to the Military Department.

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

30th December 1865.

Referred to the Commander-in-Chief (Adjutant General's Department.)

4th January 1866.

From the Adjutant General, Fort Saint George, 10th January 1866, No. 18; to the Secretary to Government, Military Department.

In reply to the referred letter from Major W. R. Campbell, Joint Magistrate, Ootacamund, I have the honor, by order of the Commander-in-Chief, to inform you, that that officer's suggestion cannot be carried out, as Captain Richards holds a Regimental Commission. The Mutiny Act now in force (Chapter XI, 7th April 1865) contains the same provisions in this respect as do the previous enactments—*viz.*, that no person authorized to enlist and attest shall hold any Regimental Commission—*vide* Section 52.

2. Government is aware that it has been ruled, that this prohibition does not apply to officers of the Staff Corps, as they do not hold a Regimental Commission.

Prov. Sec. Letters Vol. 92–93.

Judicial 1866 Despatch

No 111

Proceedings of Govt in the Military Deptt
No 238

Dated 18 Jany 1866
Rec'd 23 Jany 1866

No 152

Comm'g Letter from the Adjutant General stating that the Joint Magistrate & not the Asst Magistrate of Wellington is the proper person to attest and recruit Natives as that Officer does not hold a Regimental Commission.

With an Order

199-200.

Order, No. 238, 18th January 1866.

Ordered that the foregoing letter from the Adjutant General, be communicated to the Judicial Department.

(True Extract.)

Alfred Duff Major General,
Secretary to Government.

To the Judicial Department.
" Adjutant General.
" Controller of Military Accounts.

26th January 1866 No 111

The foregoing letter from the Adjutant General will be communicated to the Joint Magistrate at Otaki and that Officer will be furnished with copy of the two documents applied for in para 2 of this letter recorded above.

Major W. B. Campbell
Joint Magistrate
Otaki
with 2 Papers

dispd 29/

Encl. J. E. Cathcart.