M.R. O. 1—88,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1476 Press ~~Mis.~~

183-184

Dated 29.11.1861 ~~19~~ .

9/10

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
29th November 1861.

No. 183. Read the following letter from B. CUNLIFFE, Esq., Magistrate of the Madras District; to T. PYCROFT, Esq., Chief Secretary to Government, Judicial Department, Fort Saint George, dated Saidapet, 9th November 1861, No. 48.

1. I have the honor to acknowledge the receipt of the Government Proceedings dated 26th October 1861, No. 1,311.

2. It may perhaps assist the disposal of the question under discussion, if I enclose an original letter from the Joint Magistrate at the Mount, and copies of the correspondence* alluded to in paragraph 3, and with this view I forward the accompanying documents.

*From Joint Magistrate, dated 18th August 1860.
To Mr. Pelly, 20th August.
From do. 1st September.

3. With the Police cases added to those disposed of as Joint Magistrate, the latter will settle about 90 cases monthly. He is conversant with Hindustani, but as Tamil and Telugu will usually be the languages of the parties appearing before him, a Manager and Interpreter on 70 Rupees, to assist generally in Office duties, and to interpret in the two dialects last mentioned, appears to me not unreasonable.

From Lieut. C. G. GUNNING, Joint Magistrate; to the Magistrate of the Madras District, Sydapet, dated Saint Thomas' Mount, 1st November 1861, No. 67.

1. I have the honor to acknowledge the receipt of Proceedings of Government No. 1,311, under date the 26th October 1861 forwarded for my information, and with reference to the same to offer the following remarks on the nature of the Office of the Cantonment Superintendent of Police at this station. I trust my doing so may not be considered out of place as there still appears to be a certain amount of misconception on the part of Government relative to the duties this Officer performs, under what circumstances the establishment was sanctioned, &c., which the Controller of Military Finance, to whom I perceive these questions have been referred, may probably have some difficulty in rendering intelligible.

2. Previous to the introduction of the Mofussil Police, the Mount Police establishment consisted, as Government are aware, of 1 Cutwall, 1 Interpreter, 1 Mootsuddy, 1 Darogha, 3 Duffadars, 1 Bullock and Cooly maistry, 52 Peons, 1 Dandiah and 1 Tom tom man, at a monthly expense of 507 *Rupees*. On the substitution of the former Force in April 1860, the latter was disbanded with the exception of that part constituting the Office,* which was retained in order that the duties of the Officer in immediate charge of the Police (authority vested in the Commanding Officer in a Military Bazar station, vide Regulation VII of 1832) might be carried on as usual. This arrangement was duly reported to His Excellency the Commander-in-Chief for the information of Government. The month following this change the pay of the Office, with the exception of that of an Acting Interpreter, was passed for payment by the Military Auditor General pending, as he said, further instructions from Government on the subject; Government was then solicited to sanction the audit of the item† of the abstract objected to by Military Auditor General which they were pleased to do in their Order dated 23rd April 1860, copy of which is hereto attached, and this Order, implying, as it would appear to do, authority generally to the arrangement effected consequent on the substitution of the new Police, has supported the disbursement of the pay of the Office up to the date of objection in June last by the Military Department on the plea that the charge was not a Military one, and by the Civil Department in consequence of the sum not having been included in the Budget for 1861-62.

* 1 Cutwal.
1 Interpreter.
1 Mootsuddy.
1 Tom tom man.

† Pay of the Acting Interpreter.

3. On the arrangements made by Mr. Pelly for the establishment of the Joint Magistrate at the Mount, with the Order thereon being published conceiving that the amalgamation of the duties of Joint Magistrate and Officer in charge of the Police would necessarily follow, I represented in my letter to you No. 83, dated 18th August 1860, how indispensable the services of

an Office Manager and Interpreter would be to an Officer situated as the Station Staff Officer at the Mount carrying on Judicial duties. Mr. Pelly, however, did not consider this addition to his arrangement necessary and declined to recommend it. I therefore did myself the honor of waiting upon the Honorable Mr. Morehead who was then at the head of the Government and laid the case before him; he admitted the force of my remarks, but stated at the same time that he did not think that the change anticipated by me was contemplated, as it would be the means of depriving the Commanding Officer of the station of the authority vested in him by Regulation VII of 1832. On this understanding the question was supposed to be finally settled.

From Lieut. C. G. GUNNING, Joint Magistrate; to B. CUNLIFFE, Esq., Magistrate of Madras District, dated Saint Thomas' Mount, 18th August 1860, No. 83.

Government in their Order upon Mr. Pelly's report on the Office of the Joint Magistrate at the Mount, decline to sanction any increase to the Establishment, as no reason is given for the necessity of the measure, and as the duties of that Officer will be materially reduced when he ceases to have charge of the Police.

I have not had the advantage of reading a copy of Mr. Pelly's report here referred to, but from that part of it quoted by Government, I cannot help being impressed with the idea that that gentleman has not been in possession of information sufficient to enable him to define correctly the distinction between the two Offices of Superintendent of Police and Joint Magistrate at the Mount. I would therefore beg, with all deference, to lay before you for submission to higher authority, should you think it necessary, information regarding the establishments hitherto attached to both these Offices, the nature and amount of work performed in each, and on the former being discharged what extra amount of duty will entail on the latter, and by this means hope to show not only that an increased establishment, as objected to by Government, will be absolutely necessary, but also that in reality the duty of the Joint Magistrate will rather be increased than decreased when his functions of Superintendent of Police shall have ceased.

Owing to most of the cases, brought to the Police for investigation, being cognizable by the Superintendent of Police, the Magistrate's file at the end of the quarter seldom shews more than 12 or 15 cases, and if to these be added three or four disposed of by him as Justice of the Peace, the total will be the amount of work which has hitherto fallen to the lot of the Joint Magistrate's Department.

One English Writer on a salary of Rupees 18, and two Mootsuddies on salaries of 10 and 10½ respectively, compose this establishment.

The establishment of the Superintendent of Police consists of 1 Cutwall (really a Native Assistant to the Superintendent of Police and Joint Magistrate) on a salary of 70 Rupees; an Interpreter on 35 Rupees; a Mootsuddy on 10 Rupees, and a Tom tom man on 2 Rupees. The Cutwall and Interpreter are properly speaking connected with both departments, although included on the Police Muster Roll, and will of course be discharged with the others when the Orders of Government are issued on the subject. 1 Darogah, 3 Duffadars, 1 Bullock Maistry, 52 Peons, and 1 Dundiah, were discharged on the substitution of the Mofussil Constabulary at the Mount in April last. On an average about 120 cases are disposed of by the Superintendent of Police every month; about 30 of these are small bazar suits under 20 Rupees, and the rest (90) Criminal cases which will one and all, it is surmised, be included on the Magistrate's file when the Office of the Superintendent of Police is abolished. The evidence is recorded in these cases in substance merely, and not verbatim as in the Joint Magistrate's Department.

From the above it follows that, when the establishment of the Superintendent of Police is discharged, with the exception of the Abstracts and Muster Rolls of the Peons, &c., and about three small Bazar Suits monthly (the record of which seldom require more than about half a sheet of paper each), the whole of the duty of both departments considerably increased by its being necessary to take a more detailed record of 90 cases monthly, will devolve upon the Joint Magistrate's Department, consisting of one English Writer, and two Mootsuddies, total expense to Government Rupees 38-8-0; the only person who could do the work on these terms is an Officer capable of being his own Interpreter in three Native languages (Hindoostani, Tamil and Telugoo,) and who can devote his whole time to the care and supervision of his Office. The latter at least of these conditions, could not of course be secured in the Staff Officer of a large Military Station like the Mount, and the first is rare indeed among Military men. Under these circumstances, I would respectfully beg, if I am allowed, to suggest the following establishment on the lowest scale necessary to ensure the satisfactory performance of the duty of the Joint Magistrate's Department at the Mount from the date of the breaking up of the Police establishment.

1 Head or Manager of the Office who is likewise to interpret at the Bench...	Rupees...	70	0 0
1 English Writer...	,, ...	25	0 0
2 Mootsuddies at Rupees 15 each...	,, ...	30	0 0
2 Peons to attend during Office hours to keep order, carry messages, &c., at Rupees 6 each... ...	,, ...	12	0 0
Total Rupees...		137	0 0

The increase of salary to the Writers is recommended as much, on account of the time they have been in the Office (as noted in the margin*) without preferment of any kind as to the increased work they will have to perform hereafter. Hoping Government, taking into consideration the amount of work to be got through, and the fact that no personal remuneration whatsoever is allowed to the Joint Magistrate, will sanction the above amount in view to the satisfactory working of the Department.

* 1 English Writer, Narrayanasami Nayadu, 13 years.
1 Mootsuddy, Ramachendrayer, 25 years.
2 Mootsuddies, Verasami Iyengar, 9 years.

(True Copy.)

(Signed) B. CUNLIFFE,
Magistrate.

From B. CUNLIFFE, Esq., Magistrate of Madras District; to C. PELLY, Esq., Member of the Board of Revenue, Fort Saint George, dated Saidapet, 20th August 1860, No. 339.

I regret to find it necessary to re-open the subject of the future establishment of the Joint Magistrate at the Mount, which appeared settled by Government Proceedings 4th instant, No. 1,299.

2. I had supposed that the Joint Magistrate would dispose of the cases which formerly came before him as Superintendent of Police, with the establishment recommended in my letter of the 16th June and sanctioned by the Government, but the enclosed copy of a letter from the Joint Magistrate shows, and in my opinion, satisfactorily, that a Manager, who will also act as Interpreter, is requisite to enable the presiding Officer to discharge his duties properly. His pay is proposed at 70 Rupees, which appears not too much for an Official acting in the double capacity.

18th August, No. 83.

* Kotval.....	Rupees	70
Interpreter.....	,,	35
Writer.....	,,	10
Tom tom man..	,,	2
Total Rupees		117

3. The establishment for the Superintendent of Police is as per margin* which Captain Gunning tells me has not been discontinued, pending the orders of Government upon the Brigadier's letter entered in Government Proceedings 19th May last, No. 627, and that for the Joint Magistrate, included a Writer upon 18 and two Gumastas upon 10-8 and 10 Rupees, making an aggregate in the two offices of Rupees 155-8.

4. If to the establisment recommended in your letter of the 20th July No. 362, there is added a Manager on 70, the total pay of the Office servants would be 148 Rupees monthly, or somewhat less than the united cost of the Police and Joint Magistrate's Offices.

5. The introduction into the cantonment of the new Police does not lessen the Office work, as the old Police cases will now come before the Joint Magistrate, and there appears no room to suppose that a lesser establishment than formerly will suffice.

(True Copy.)

(Signed) B. CUNLIFFE,
Magistrate.

From C. PELLY, Esq., Member of the Board of Revenue; to B. CUNLIFFE, Esq., Collector of Madras, dated 1st September 1860, No. 494.

I have the honor to acknowledge the receipt of your letter of the 20th instant, recommending an increase to the Joint Magistrate's establishment at St. Thomas' Mount, and in reply, to state that the Government have passed their final orders on the subject of this establishment, prior to the receipt of your letter under reply. I am unwilling therefore to re-open the question, but at the same time, I would express my opinion that I do not consider it necessary to allow an Interpreter to the Joint Magistrate, and no such Officer has been allowed to similar Cantonment Offices in other Districts or to any Magisterial Department whatever in the Districts.

(True Copy.)

(Signed) B. CUNLIFFE,
Magistrate.

No. 184. ORDER THEREON, 29th November 1861, No. 1,476.

The Government are unable to sanction the appointment of an Interpreter for the Office of the Joint Magistrate at Saint Thomas' Mount. As observed by Mr. Pelly, no such Officer has been allowed to similar Cantonment Offices in other Districts or to any Magisterial Department whatever in the Districts.

Letter to Collector of Madras, 1st September 1860.

2. It is remarked that the establishment for the Joint Magistrate sanctioned by Government under date 23rd August 1860 included three Writers on salaries of Rupees 25, 20 and 15 per mensem, any one of whom might be made available to interpret when required. The pay of the Interpreter to the Superintendent of Police, was, it is observed, only Rupees 35 a month.

From Joint Magistrate, 18th August 1860.

3. It would appear to be Lieutenant Gunning's impression that in consequence of the substitution of the New Police for the former Military Police at Saint Thomas' Mount, the class of cases formerly disposed of by him as Superintendent of Police will henceforth have to be settled by him as Joint Magistrate and the proceedings in them require to be recorded in greater detail than before. This however is an error. His Jurisdiction as Officer in charge of the Police, Cantonment Officer, or Station Staff Officer under Regulation VII, 1832, will be precisely what it has been hitherto, and his mode of procedure in respect to the disposal and recording of cases brought before him under that Regulation will undergo no change.

Ibid.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Military Department

Proceedings of the Madras Government

Read the following papers

Memo from the Adjutant General of the Army Fort St George
22nd April 1860 No 2744

In submitting the written letter from the Officer Commanding Mount ~~the Commanding Mount~~ the Commander in Chief has the honor to request the orders of Government as to the disposal of the

Cutwall
Interpreter
Writer
Town Sowcar

attached to the Office of the Superintendent of Police at that Station

2 Sir P Grant concludes that those entitled to Pension under Regulation, will be admitted to that indulgence and that the others will be discharged

From the Brigadier Commanding the Mount, 16th April 1860 No 258, to the Adjutant General of the Army, Fort Saint George

I have the honor to report that agreeably to orders of Government, dated 19th March 1860, No 334, the Military Police Peons at this Station have this day been disbanded and replaced by the new Constabulary under Lieutenant Hearn Superintendent of Police Chingleput District

There

There now remains the Establishment as per margin, attached to the Office of the Superintendent of Police of this Station. Lieutenant Hearn details 2 Peons as Police Orderlies to keep order during Office hours and to assist in the issue of Summons, Warrants &c.

1 Cutwall
1 Interpreter
1 Writer
1 Tom Tom man

With report of the Military Auditor General
12th May 1860 B.

Memorandum from the Adjutant General of the Army, Fort St. George 5th June 1860 No. 362

The Commander in Chief has the honor to submit for the decision of Government, the within correspondence in continuation of that* forwarded with Memorandum from this Office dated 23rd April last No. 274 –

* Regarding the disposal of certain Police Servants at St. Thos. Mount

From the Brigadier Commanding the Mount 26th May 1860 No. 48 to the Adjutant General of the Army Fort Saint George

In consequence of the Military Auditor General having objected to the Pay of an Acting Interpreter for the Police Office at this Station being disbursed on the removal of the last incombent to the Mofussil Police, I yesterday dismissed a Candidate whom I had entertained in that post on the 6th Instant and have now the honor to solicit His Excellency the Commander-in-Chief's instructions regarding the manner in which the Police Cases are hereafter to be disposed of without the services of this very necessary

Copy of the Military Auditor Generals letter annexed

necessary functionary, and further to beg that the Sanction of Government may be obtained to the enclosed Extracts from the Cantonment Orders dated 24th April and 5th May 1860, to enable me to draw this item of the pay of the Police Establishment up to the 26th Instant –

From the Acting Assistt. Military Auditor Genl. Fort Saint George 14th May 1860 No. 210, to the Paymaster Presidency.

In returning the Abstract of Pay for the Establishment of the Superintendent of the Mount Police for the month of April 1860, forwarded with your letter of the 8th Instant, No. 41, I have the honor by desire of the Military Auditor General to aquaint you, that pay for the Cutwall, Mootsuddy and Tom Tom, men of the above Establishts. may be disbursed pending the decision of Government, to whom reference has been made regarding the disposal of the men in question

Pay for the Acting Interpreter from 16th April 1860, cannot be admitted –

Order No. 2194 – 15th June 1860

Extract from Cantonment Orders By Brigadier E. Amsinck Commanding dated Saint Thomas' Mount 24th April 1860 –

C

C. O. Cantonment Cutwal Sashiah is appointed to act as Police Interpreter from the 15th Instant, without prejudice to his own appointment as a temporary measure until a passed Candidate can be procured to fill the Appointment; vice Dhond Row, promoted to Inspector in the Mofussil Police.

(A true Extract)
(Signed) C G Gunning Lieut.
Station Staff Officer

Extract from Cantonment Orders by Brigadier Deasnuck Commanding dated Saint Thomas Mount 5th May 1860

C. O. VII Mohomed Capsum is Appointed Interpreter to the Police Establishment at this Station from this date, vice Dhond Row resigned

(A true Extract)
(Signed) C G Gunning
Station Staff Officer

The Orders Submitted with the foregoing correspondence as in the margin are Confirmed

2- Pending further arrangements and Orders- The Governor in Council sanctions the temporary entertainment of an Interpreter for the Cantonment Police Office* at Saint Thomas Mount

* Joint Magistrate

True Extract
(Signed) R Hamilton Lt. Col.
Dy Secretary to Govt

True Copies
(Signed) C Cooke Major
Dy Asst Genl of the Army

True Copy
C. C. Gunning
Superintendent of Police

No. 67
To

The Magistrate of the
Madras District
Sydapet

Sir

1 I have the honor to acknowledge the receipt of Proceedings of Government No. 1311 under date the 26th October 1861 forwarded for my information, and with reference to the same to offer the following remarks on the nature of the Office of the Cantonment Superintendent of Police at this Station- I trust my doing so may not be considered out of place as there still appears to be a certain amount of misconception on the part of Government relative to the duties this Officer performs, under what circumstances the Establishment was sanctioned &c&c, which the Controller of Military Finance, to whom I perceive these questions have been referred, may probably have some difficulty in rendering intelligible-

2 Previous to the introduction of the Mofussil Police the Mount Police Establishment consisted as Government are aware of 1 Cutwal 1 Interpreter 1 Mootsuddy 1 Daroga, 3 Duffadars 1 Bullock & Cooly Mastry 52 Peons 1 Dandiah and 1 Tom Tom man at a monthly Expense of 50 7/ Rupees- On the substitution of the former Force in April 1860 the latter was disbanded with the

the exception of that part constituting the Office, which was retained in order that the duties of the Officer in immediate charge of the Police (authority vested in the Com=manding Officer in a Military Razar Station vide Regulation VII of 1832) might be carried on as usual. This arrangement was duly reported to His Excellency the Commander in Chief for the information of Government. The month following this change the pay of the Office, with the exception of that of an Acting Interpreter was passed for pay=ment by the Military Auditor General pending, as he said, further instructions from Government on the subject. Government was then solicited to sanction the Audit of the item of the Abstract objected to by Military Auditor General which they were pleased to do in their order dated 23rd April 1860, Copy of which is hereto attached. And this Order, implying, as it would appear to do, authority generally to the arrangement effected consequent on the sub=stitution of the new Police, has supported the disbursement of the pay of the Office up to the date of objection in June last by the Military Department on the plea that the charge was not a Military one and by the Civil Department in consequence of the sum not having been included in the Budget

× 1 Cutwall
1 Interpreter
1 Mootsuddy
1 Tom Tom man

* Pay of the acting Interpreter

Budget for 1861/62.

6 2

3 On the arrangements made by Mr. Pelly for the Establishment of the Joint Magistrate at the Mount with the order thereon being published Conceiving that the amalgamation of the duties of Joint Magistrate and Officer in charge of the Police would necessarily follow I represented in my letter to you No. 83 dated 18th August 1860 how indespensable the services of an Office Manager and Interpreter would be to an Officer situated as the Station Staff Officer at the Mount carrying on Judicial duties. Mr. Pelly however did not consider this addition to his arrangement necessary and declined to recom=mend it. I therefore did myself the honor of waiting upon the Honorable Mr. Morehead who was then at the head of the Government and laid the case before him. He admitted the force of my remarks, but stated at the same time that he did not think that the change anticipated by me was contemplated as it would be the means of depriving the Commanding Officer of the Station of the authority vested in him by Regulation VIII of 1832. On this understanding the question was supposed to be finally settled.

I have the honor to be
Sir,
Your most Obedient Servant
J. Fenning
Joint Magistrate

Saint Thomas' Mount
1st November 1861

9/7

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from the Magistrate of Madras—

(Here enter 9 Novr 1861 No 48)

Order thereon 29 Novr 1861, No 1476.

The Government are unable to sanction the appointment of an Interpreter for the office of the Joint Magistrate at Saint Thomas' Mount. As observed by Mr Pelly, no such officer has been allowed to similar Cantonment offices in other Districts or to any Magisterial Department whatever in the Districts—

Letter to Collector of Madras, 1st September 1860.

Well

In a letter from the Magistrate of Madras dated 9th November 1861 No 48.

To The Chief Secretary to Govt

Original letter from the Joint Magte of Saint Thos Mount.

No 598 Sub Proc 29 Novr 1861 Rep 83

From The Joint Magistrate S. Thomas Mount

Dated 1st October 1861 Recd 2d No 69

Enclosure 1

Offers certain remarks on the nature of the Office of the Cantonment Superintendent of Police at the Mount with reference to Order of Government No 1311 dated 26th October 1860

Indl Pry D No 1828

From Joint Magistrate.
18 August 1860.

2. It is remarked that the Establishment for the Joint Magistrate sanctioned by Govt. under date 23d August 1860 included three writers on Salaries of Rupees 25-20 & 15 per mensem, any one of whom might be made available to interpret when required. The pay of the Interpreter to the Superintendent of Police, was, it is observed only Rupees 35 a Month.

ibid.

3. It would appear to be Lieutt. Gunning's impression that in consequence of the substitution of the New Police for the former Military Police at Saint Thomas' Mount, the class of cases formerly disposed of by him

8 4

him as Supdt. of Police will henceforth have to be settled by him as Joint Magistrate and the proceedings in them require to be recorded in greater detail than before. This however is an error. His Jurisdiction as Officer in charge of the Police Cantonment Officer, or Station Staff Officer under Regulation VII 1832 will be precisely what it has been hitherto, and his mode of procedure in respect to the disposal and recording of cases brought before him under that Regulation will undergo no change.

J.P.

To the Magistrate, Madras District } Desp. 2d Dec.
" Sudder Court

15 Copies L. E. 5-0

E.W.K.

Imram

Board of Revenue

Judicial 1861. Department

No. 1476.

PROCEEDINGS *of* GOVERNMENT.

Dated 29 November 1861

Declining to sanction the appointment of an Interpreter for the Office of the Joint Magistrate at Saint Thomas' Mount.

4360] Madras—Printed at the Government Press.