M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 369 — Press / ~~Mis.~~

411-412

Dated 6-2-1862.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 19th February 1862.

No. 411. Read the following Proceedings of the Madras Government in the Judicial Department, dated 8th February 1862, No. 193 :—

Passing orders on the letter from the Adjutant General of the Army, reporting that no pay was issued to the Cantonment Police Establishment at Saint Thomas' Mount since June last. (Vide Judicial Proceedings, 8th February 1862, Nos. 55, 56.)

No. 412. ORDER THEREON, 19th February 1862, No. 369.

Communicated to Mr. Pelly who will submit without delay the report called for in paragraph 19 of the above Proceedings.

(Signed) C. G. MASTER,
Deputy Secretary to Government.

JUDICIAL DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following letter from Lieutenant-Colonel W. G. WOODS, Adjutant General of the Army; to the Secretary to Government, Military Department, Fort Saint George, dated 14th January 1862, No. 49.

With reference to the Order of Government, dated 14th September 1861, No. 1,159, I have the honor, by order of the Commander-in-Chief, to bring to the notice of Government, that the Officer Commanding the Mount has again represented that no pay whatever has been drawn for the Cantonment Police Establishment at that Station since June last (for the month of May.)

Referring the question of the Establishment of the Cantonment Police at the Mount, to Mr. Pelly, as to whether it was included in his review of the Magisterial Establishment at that Station.

Transferred to the Judicial Department.

FORT SAINT GEORGE,
15*th January* 1862.

(Signed) H. MARSHALL, Colonel,
Secretary to Government.

ORDER THEREON, 8th February 1862, No. 193.

In the above letter the Adjutant General represents that the Officer Commanding the Mount has again reported that no pay has been issued to the Cantonment Police Establishment at that station since June last, for the month of May.

Memo. paragraph 17.

2. His Excellency the Governor in Council has again had under his consideration the correspondence, as per margin, connected with the Establishment of the Staff Officer at Saint Thomas' Mount as in Police charge of the Cantonment under Regulation VII, 1832, and as Joint Magistrate; as also on the arrears of pay due to the servants alluded to in the letter from the Adjutant General, which is recorded at the head of these proceedings.

From the Inspector General Madras Police, 18th February 1860.
Order thereon, 19th March 1860, No. 334.
Proceedings of Government, Military Department, 15th June 1860, No. 2,194.
Order thereon, 27th June 1860, No. 797.
Proceedings of Government, Revenue Department, 4th August 1860, No. 1,299.
Order thereon, 11th September 1860, No. 1,169.
Proceedings of Government, Revenue Department, 23rd August 1860, No. 1,419.
Order thereon, 28th August 1860, No. 1,090.
From the Deputy Adjutant General of the Army, 23rd July 1861, No. 473.
From Inspector General, Madras Police, 28th August 1861, No. 1,306.
Order thereon, 14th September 1861, No. 1,159.
From C. Pelly, Esq., 23rd September 1861, No. 1,057.
Order thereon, 26th October 1861, No. 1,311.
From the Magistrate of Madras, 9th November 1861, No. 48.
Order thereon, 29th November 1861, No. 1,476.

3. The circumstances are these:

4. Lieutenant Gunning is Station Staff Officer and Joint Magistrate at Saint Thomas' Mount.

5. As Station Staff Officer he has, under Section IV, Regulation VII, 1832, within the Cantonment limits, jurisdiction in petty offences under that Regulation over camp-followers and registered Bazaarmen; has also jurisdiction over all natives in respect to the smuggling of intoxicating liquors, manufacturing or selling them without a license; and further tries cases of petty debts, when the amount at issue does not exceed twenty Rupees, and the defendant is a Native Non-Commissioned Officer or Soldier or one of the Military classes specified in Section XIII of the Regulation. He may also when the defendant is a person of the above-mentioned classes refer to a Punchayet for decision, on the consent of the parties, suits for money, or personal property of any amount.

Sections XIII, XIV.
„ XVI, XLIV.
„ XXI, Clause 3.
Section XXIV.

6. All these powers he exercises under Regulation VII, 1832, and under the orders of the Officer Commanding the Mount.

Regulation VII, 1832.
Sections IV, XVIII, XXI, Clause 3.

7. Lieutenant Gunning is also Joint Magistrate, and in that capacity has the full powers of a Magistrate over all residents within the Cantonment, except European British subjects, and save in respect to the persons and classes of offences provided for in Regulation VII, 1832. These powers he exercises under the supervision of the Sessions Judge of Chingleput, to whom his Calendars are furnished, and an appeal lies for any decision passed by him as Joint Magistrate.

	Rs.
Peons, at per mensem	333
1 Cutwal	70
1 Interpreter	35
1 Writer	10
1 Tom-tom man	2
Rupees	450

8. Lieutenant Gunning as Station Staff Officer had an Establishment as per margin.

From Mr. Pelly, 7th July and 13th August 1860.

	Rs.	A.	P.
1 Writer	18	0	0
1 Gomastah	10	8	0
1 Do.	10	0	0
Rupees	38	8	0

9. As Joint Magistrate he had an Establishment costing Rupees 38-8-0.

Proceedings, Military Department, 15th June 1860.

10. On the 19th March 1860, the Cantonment Police were disbanded and replaced by the new Constabulary.* There then remained in the Staff Officer's office the servants as per margin, in respect to whom the Orders of Government were solicited. The Military Auditor General, pending decision of Government, passed the pay for April 1860 of the first, third and fourth, but declined to pass the pay for the second who was an Acting incumbent. Pending further orders the Government, 15th June 1860, Military Department, sanctioned the temporary entertainment of an Interpreter for the Cantonment Police Office at Saint Thomas' Mount.

* 1 Inspector.
30 Constables.

1 Cutwal	70
1 Interpreter	35
1 Writer	10
1 Tom-tom man	2
Rupees	117

11. On the 7th July 1860, Mr. Pelly when revising the Subordinate Magisterial Establishments for the Madras (late Chingleput) District, recommended an Establishment of Rupees 78 per mensem. After some discussion the Government sanctioned an Establishment of Rupees 84 per mensem, being, as stated by Mr. Pelly, that which he had fixed as the Standard Establishment for Joint Magistrates in Military Cantonments. In his reports on the subject Mr. Pelly wrote: "At Saint Thomas' Mount, a Military Cantonment, the Station Staff Officer is also Joint Magistrate, but he draws no allowance on that account. *His functions of Superintendent of Police have ceased* but he will still have Magisterial duties to perform, and *many of the cases which were disposed of by him in both capacities of Police Superintendent and Magistrate, averaging* about 900 in the year, *will probably come before him as Magistrate*, so his services will still be required, and *an establishment will be necessary*.

12. In July last it was represented to Government that the Establishment at Rupees 117 per mensem which as above (paragraph 10) shown had been kept on in the Staff Officer's Office after the introduction of the new Police, had not received their pay in June for May. The Military Pay Department had declined to disburse their pay on the plea that the charge should be adjusted by the Civil Department—the Civil Auditor, because it had not been included in the Budget.

13. Some correspondence followed in respect to the position of these servants, their duties, to what Establishment they belonged, and to what Department they should be charged. In a letter dated 1st November 1861, and sent up through the Magistrate of the Madras District, Lieutenant Gunning applied for a Manager and Interpreter to his Office on a salary of Rupees 70. Mr. Pelly to whom reference was made on the application objected to it on the ground that such was unnecessary as no such Officer had been allowed to similar Cantonment Offices in other Districts or to any Magisterial Department whatever in the Districts, and the Government, 29th November 1861, declined to sanction the appointment.

Memo. paragraph 15.

From the Adjutant General of the Army, 14th January 1862, No. 49.

14. It is now again brought to the notice of Government that the Establishment of the Staff Officer's Office have received no pay since that for May last.

15. It appears to Government that throughout the consideration of this matter by the various subordinate authorities before whom it has come, there has been a radical error in deeming the position of the Station Staff Officer at the Mount, as a Judicial Functionary, is in any way affected by the introduction of the new Police.

16. By that measure the Staff Officer was relieved from any direct charge of the Police as regards their organization, equipment, promotion or other details, and was provided with a new Agency for carrying out his judicial functions, as for serving summons or warrants, making searches or arrests, &c., &c. For these he had to employ the new Mofussil Police, in place of his own peons who were disbanded.

17. But this did not affect his own status as a Judicial Officer, Civil or Criminal. As pointed out in the Order of Government, 29th November 1861, his jurisdiction as Staff Officer under Regulation VII, 1832, remained the same as before, and whatever cases he would have before disposed of as Staff Officer under that Regulation, he would still have to dispose of under the same law and in the same manner. These cases would not, as supposed, be transferred to his cognizance as Joint Magistrate.

18. It is plain however, *vide supra* paragraphs 8, 9, that the establishment proposed by Mr. Pelly for the Joint Magistrate of the Mount was fixed by him at Rupees 84 per mensem, or more than double what it was before, under the idea that his jurisdiction would be so enlarged.

19. The question then is, is this Establishment sufficient for Lieutenant Gunning disposing of cases Civil and Criminal as Staff Officer under Regulation VII, 1832, and of other Criminal cases under the general law? If it is not, it should be increased. The Government resolve to refer this question to Mr. Pelly for his early report, after communication with the Officer Commanding the Mount, and on a consideration of all the duties which Lieutenant Gunning has to perform in his joint capacity. He will ascertain what Establishment is maintained for the performance of these duties in other Cantonments as Bellary, Cannanore and Trichinopoly. At all these stations authority under Regulation VII, 1832, is vested in the Commissariat Officer, and a part of his Commissariat Establishment is probably made available for the purpose.

Memo: paragraph 22.

20. Should any further Establishment beyond the Rupees 84 already sanctioned be required by Lieutenant Gunning in his capacity as Station Staff Officer, it seems clear to Government that it should be a Military charge. Lieutenant Gunning as Staff Officer holds a Military Office and has to deal with Military and Semi-Military persons and Military offences. The Establishment required for that purpose is as properly debitable to the Military Department as his own pay. It is clear that the Establishment already sanctioned by Government, Rupees 84 per mensem, is sufficient and indeed more than sufficient to aid him in the disposal of his cases as *Joint Magistrate*. No further charge should therefore be thrown on the Civil Department.

21. With respect to the servants who have received no pay since June last (for May) they have been continued under Orders of Government of 15th June 1860, Military Department, they have been constantly employed ever since, and they are not to lose their pay by reason of any conflict of opinion between the Civil and Military Authorities as to the Department to which it should be charged. It must be paid at once and the men discharged. Lieutenant Gunning will forward to the Civil Paymaster the Abstract on that account made up to the date of dismissal, and the amount disbursed may be charged against the savings in the present year's Budget under

the head Law and Justice. Whether Lieutenant Gunning will require any of these for the future. will be decided on receipt of Mr. Pelly's report. It is clear however that he cannot require them all in addition to his Joint Magistrate's Establishment too—at a cost of Rupees 117+84=201 per mensem. He himself only asked Mr. Pelly for one to cost Rupees 137.

Letter from Lieutenant Gunning, to Magistrate, Madras District, 18th August 1860, in Proceedings of Government, 29th November 1861, No. 1,476.

(True Extract.)

Chief Secretary.

To the Adjutant General.
" Military Department.
" Magistrate of the Madras District.
" Controller of Military Finance.
" Inspector General of Police.
" Revenue Department.
" Accountant General.
" Civil Paymaster.
To Mr. C. Pelly.

10 Spare Copies

Rev-1862 Departt
Pro: of Govt for February
N. 386.

Proceedings of the
Madras Govt in
the Judicial Dept.

Dated 8th Feby
Received 10th 1862.

N. 193.

Passing orders on the
letter from the Adjt
Genl. of the Army
reporting that no
pay was issued to
the Cantonment
Police Estabt. at
Ft. Thomas Mount
since June last-
No 36 G. 20 Feb
With an Order
L.

Sent

N. 369.

Communicated to Mr Pelly who
will submit without delay the
report called for in para 19
of the above Proceedings.

Fort St. George
19th Feby 1862.

To Chief to the
Hon. Mr Pelly
with Govt J.D. L. 193-

Dispd 20