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2. Date 29-9-36
3. Initials of Officer
M.R.O. 1-83,400-28-11-30. *P*

MADRAS RECORD OFFICE.

Government of Madras.

Public DEPARTMENT.

G.O. No. <i>964</i>	Press ~~Mis.~~
Dated <i>24-9</i>	<i>1866</i>

Not to be folded or roughly handled

PUBLIC DEPARTMENT.

No. 964.

FROM

J. D. SIM, Esq.,

Secretary to the Government of Fort Saint George,

TO

THE SECRETARY TO THE GOVERNMENT OF INDIA,

HOME DEPARTMENT.

SIR,

In forwarding to you the accompanying papers, I am directed to state that,

Proceedings, Military Department, 23rd July 1866, No. 2569.

Proceedings, Public Department, 4th September 1866, No. 891.

owing to the want of European Medical Officers, this Government has recently placed a Native Surgeon in temporary Medical charge of a Civil Station, and

has, pending the confirmation of the Government of India, authorized the allowances of a Civil Surgeon being passed to him during such charge.

2. The Government consider that, as the Native Surgeon has to perform all the duties of the office, he is fairly entitled to the salary attached to it.

I have the honor to be,

Sir,

Your most obedient Servant,

FORT SAINT GEORGE,
24th September 1866.

Secretary to Government.

Ed. J. H. Burns.

copy 2/6
With 4 copies each of the inclosures.

Public Department. 2
No. 964.

To
The Secretary to the Government
of India,
Home Department.

Sir,

Recd. Public Deptt. 25th July 1891 No. 2569
Public 14 Sept. 1891

In forwarding to you the accompanying paper I am directed to state that, owing to the want of European Medical Officers the Government has recently placed a European Surgeon in temporary medical charge of a Civil Station, and has, pending the confirmation of the Government of India, authorized the allowance of a Civil Surgeon being paid to him during such charge.

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107

Fork M. George
24 Sept. 1876

1. Date of receipt 10/10/36
2. Date of issue 10/10/36
3. Date of reference

M.R.O. 1-82,400-23-11-80

MADRAS RECORD OFFICE.

Government of Madras.

Legislation DEPARTMENT.

G.O. No.	964	Press Mis.
Dated	7-8	1867

Not to be folded or roughly handled

9/10/36

Public 1866 Report

1866

To the
Honorable the President
of India

Subd 24. September 1866

1866

Proceedings of the Madras Government, Public Department.

7th August 1867.

No. 54. Read the following letter from the Acting Magistrate of Trichinopoly, to the Acting Chief Secretary to Government, Fort Saint George; dated Trichinopoly, 31st July, 1867, No. 39.

I have the honor to acknowledge the receipt of Proceedings of Government, Public Department, dated the 17th instant, No. 843.

2. The Government have therein held me personally responsible, and censured me in my capacity as Magistrate, for an act legally performed by me under Section 18 as the mouth-piece of the body of Town Commissioners solely in my capacity as their President.

3. Premising that there was no question of emergency involved, the state of the conservancy of the Cantonment being exactly what it had been at any time in the last half century, and that the Conservancy funds, which had hitherto been at the disposal of the Military authorities, were then, and are to the present day still at their disposal (Government not having replied to the late President's letter on the subject, dated 5th November 1866, No. 1); I beg most respectfully to submit, for the consideration of the Government, that both the notice and the letter, to which exception is taken, having been determined upon, after full discussion in meeting, by a majority of the Commissioners, I was bound by the law to adopt and sign them, quite independently of what my individual opinions might have been; and that I cannot, therefore, in justice be held to be personally responsible, as Magistrate, for a which the law compelled me to perform, as President.

4. What lay in my power as Magistrate, acting independently, to do towards adjusting the difficulty I did.

5. I explained personally to Colonel Greenaway that, as President, in which capacity I had been addressed, the law did not permit me to act, ordinarily, without the concurrence of the body of the Commissioners, and that it was not optional with me to indite letters independently as President; that I could not bind the Commissioners, and that as the Commissioners, after the fullest consideration, had arrived at the conclusion, that it did not rest with them to accord to the Military authorities any other status beyond that assigned to them by the legislature in common with other ordinary rate-payers, I considered that the only way to meet the difficulty would be for him to address me as Magistrate instead of President, and that, in the former capacity, I would with pleasure afford him every information in my power, though, of course, I could not undertake to pledge the Commissioners to any thing.

6. I further urged that the only legal way to meet the difficulty was, in my opinion, what I had already suggested, and what has since occurred to, and been adopted by the Government, viz., the better representation, by appointing some of them as Commissioners of the Military rate-payers.

7. Adverting to paragraph 4 of the Order, I beg to add that I do not consider the Commissioners' (not *my*) notice as affecting in any degree the exercise of the powers vested in me individually as President by Section 23. I was and am prepared to act under that Section, on real emergencies, without respect to the notice. I therefore respectfully submit that I am not amenable to the charge of having abdicated my functions in any respect.

8. In paragraph 5, I, as Magistrate, am directed to correspond as President with the Officer Commanding the Division.

*Proceedings of the Madras Government, Public Department,
7th August 1867.*

9. As the majority of the Commissioners have already declined to take it upon themselves to confer upon the Officer Commanding the Division any position or authority in respect to themselves which the legislature have not thought fit to confer upon him, and as, in ordinary matters, their decision is legally binding on the President, I beg the Governor in Council will be pleased to allow me to consider this order to be binding on me, as President, in respect only to instances of emergency under Section 23.

10. I had an interview with Major General Duke on the subject some days ago, when I proposed that, in order to render as efficient as possible the representation of the Military rate-payers, two resident Officers should be nominated Commissioners, one of whom should be Vice-President. Besides Colonel Greenaway, I suggested Major Williams, the Brigade Major, and the General assented, provided Major Williams was willing. I wrote to him, and on receipt of his reply I have addressed the Government on the subject.

11. The Government will observe that, with these two Officers, the Garrison Surgeon, the Superintendent of Police, and Executive Engineer—all Military men—that element will be, decidedly, the most strongly represented, and that there will be no real necessity for correspondence between the Commissioners, as a body, and the Military Department.

12. In conclusion, I beg that, under the above explanation, the Government will be pleased to relieve me of the censure passed upon me as an individual, and as Magistrate, for acts which I trust I have satisfied the Government I was leg- bound to perform as President of the Commissioners.

13. I wish to add that Mr. Banbury's letter to the Officer Commanding Trichinopoly having been written without the knowledge or consent of the Commissioners committed them to nothing.

No. 55. ORDER THEREON, 7th August 1867, No. 964.

With reference to the letter above recorded, the Government observe that there is nothing in Act X of 1865 which would prevent the President making himself the channel of communication between the Municipality and the General Commanding the Division on matters affecting the troops within the municipal limits.

2. Under these circumstances, the Government see no reason to question the propriety of their Order, No. 843, dated 17th July 1867.

(True Extract).

Acting Chief Secretary.

To the Acting Magistrate of Trichinopoly.
" Military Department.

Exd. J. Talloch.

*Trichinopoly District Magistrate's
Circuit (utikery) Memalwa ddy
July 31st 1867*

*1039
From,
Geo. Vans Agnew Esquire
Acting Magistrate of Trichinopoly
To The Honble R. S. Ellis Esq.
Acting Chief Secretary to Government*

*Sir,
Port Saint George*

*Prat. I have the honor to
acknowledge the receipt of Proceed-
ings of Government Public Depart-
ment dated the 17th Instant 1867.*

*2. The Government have
therein held me personally respon-
sible and censured me in my
capacity as Magistrate, for an
act legally performed by me under
Section 18 as the mouthpiece of
the body of Town Commissioners
solely in my capacity as their
President.*

*3. Specifying that there was
no question of emergency involved,
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what it had been at any time in the last half century, and that the Conservancy funds which had hitherto been at the disposal of the Military authorities were then and are to the present day still at their disposal (Government note letter on the subject dated 5th Nov-

ember 1866 No. 1); they most respectfully to submit for the consideration of the Government, that both the notice and the letter, to which exception is taken, having been determined upon, after full discussion in meeting, by a majority of the Commissioners, I was bound by the law to adopt and sign them, quite independently of what my individual opinions might have been; and that I cannot, therefore, in justice, be held to be personally responsible, as Magistrate, for acts, which the law compelled me to perform, as President.

4. What lay in my power as Magistrate, acting independently, to do towards adjusting the difficulty I did.

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5. I explained personally to Colonel Greenaway that, as President, in which capacity I had been addressed, the law did not permit me to act, ordinarily, without the concurrence of the body of the commissioners, and that it was not optional with me to write letters independently, as President; that I could not bind the commissioners, and that, as the commissioners, after the fullest consideration, had arrived at the conclusion, that it did not rest with them to accord to the Military authorities any other status beyond that assigned to them by the legislature in common with other ordinary rate payers, I considered that the only way to meet the difficulty would be for him to address me as Magistrate instead of President, and that, in that capacity, I would with pleasure afford him every information in my power, tho' of course I could not undertake to pledge the commissioners to anything.

6. I further urged that the

The only legal way to meet the difficulty was, in my opinion, what I had already suggested, and what has since occurred to, and been adopted by the Government viz. the better representation by appointing some of them as Commissioners of the Military ratepayers.

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8. In para 5, as Magistrate, I am directed to correspond as President with the Officer Commanding the Division.

As the majority of the Commissioners have already declined to

to take it upon themselves to confer upon the Officer Commanding the Division any position or authority in respect to themselves which the Legislature have not thought fit to confer upon him, and as, in ordinary matters, their decision is legally binding on the President. May the Government in Council will be pleased to allow me to consider this Order to be binding on me, as President, in respect only to instances of emergency under Section 23.

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I have the honor to be,
Sir,
Your most Obedient Servant.

C. J. Martin

Acting Head Assistant
for Acting Magistrate

Richmond, Va.
Magistrate's Office
Thursday
July 1867.



The Honble J. L. Ellis, Esq.
Acting Chief Secretary to Government.
For Secret Seal

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from
the Acting Magistrate of Trichinopoly;
dated 31 July 1864. P.S.P.

Order returned 7 August 1867. H. 964

With reference to the letter above recorded the Government observe that there is nothing in Act ~~X~~ of 1865 which would prevent the President making himself the channel of communication between the Municipality and the General Commanding the Division on matters affecting the troops within the Municipal limits.

2. Under these circumstances

[Handwritten signature]

Nov 7. 1853
Pulley 1853. Alfred

From
 the 18th May to
 = date of discharge
 = property.

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 2nd of George

Walter H. & July 1888
Deed to August

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 which Acceptance is taken
 in the No. of your No. 243
 the 100 say "the same" having
 been determined upon
 after full discussion
 in meeting by a vote
 of 20 of the 30 members.
 I think he was
 wrong by the hands
 of the said. Again I have

circumstances, the
Government see no
reason to question the
propriety of their order
No 243^d dated 17 July 1841,

To the Acting Master of
the *Thames* *20th*
Military Department

Rec'd 1867 Department.

No. 664.

PROCEEDINGS OF GOVERNMENT.

Dated 1st August 1867

54.58