

1. Unit No. 111
2. Date of receipt. - 6 10 36
3. No. of References
7

M.R.O. 1-22,400-22-11-80

MADRAS RECORD OFFICE.

Government of Madras.

Public DEPARTMENT.

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

Not to be folded or roughly handled

9/2
26/10/36

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 Greenway, 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 legally 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.

Ed. J. Tulloch.

*Trichinopoly District Magistrate's
Circuit (Machinery) Memorandum
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*

*Paial. I have the honor to
acknowledge the receipt of Proceed-
ings of Government Public Depart-
ment dated the 17th Instant No. 843.*

*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. Permitting that there was
no question of emergency involved,
the state of the Cusserwamy of
the Cantonment being exactly
What*

to that 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 sent letter on the subject dated 5th No-

vember 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 -

I

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 the former 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.

7. Adverting to Para 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 understood 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 para 5, I, as Magistrate, am directed to correspond as President, with the Officer Commanding the Division.

9. 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.

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 ratepayers, two President Officers should be nominated Commissioners one of whom should be Vice President. Besides Colonel Greenwood suggested a 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

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 legally bound
to perform, as President of the
Commissioners.

13. I wish to add that
Mr. Baubury's letter to
the

The Officer Commanding Trichi-
nopoly having been written with-
out the knowledge or consent
of the Commissioners committed
them to nothing.

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

C. Munro

Acting Head Assistant
for Acting Magistrate

Trichinopoly
Master of Ceremonies
Trichinopoly
July 1857.



To
The Honble R. S. Ellis, Esq.
Acting Chief Secretary to Government.
Trichinopoly

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from
the Acting Magistrate of Trichinopoly,
Dated 31 July 1867. No. 9.

Order thereon of August 1867. No. 964.

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

Under these
circumstances

JP
WPM

From
Public 1867. No. 964

From
No. 965
= State of Guider
= nobody.

From
No. 966
= State of Guider
= nobody.

From
No. 967
= State of Guider
= nobody.

From
No. 968
= State of Guider
= nobody.

From
No. 969
= State of Guider
= nobody.

circumstances the
Government see no
reason to question the
propriety of their order
No 213rd dated 17 July 1867

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

Rec'd
1864 Department.

No. 264.

PROCEEDINGS OF GOVERNMENT.

Dated, *1st August 1864*

54.58