

MADRAS RECORD OFFICE.

Government of Madras.

Pennine DEPARTMENT.

G.O. No. 1608	Press
366.367	Mis.
Dated 28.7.1862.	

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
28th July 1862.*

No. 366. Read the following Proceedings of the Madras Government in the Judicial Department, dated 18th July 1862, No. 1,136:—

Passing orders on Mr. Pelly's reports on the general question of the Establishments required by Military Officers performing Magisterial duties in Cantouments and other stations, and observing that the necessary report to Government of India will be made by Revenue Department. } (Vide Judicial Proceedings, 18th July 1862, Nos. 151—153.)

No. 367. ORDER THEREON, 28th July 1862, No. 1,608.

Ordered that Mr. Pelly be requested to include the Establishments sanctioned in this Order in the revised Tabular Statement to be submitted by him under the Order of Government dated 3rd July 1862, No. 1,445, for transmission to the Government of India.

(Signed) P. P. HUTCHINS,
Acting Deputy Secretary to Government.

JUDICIAL DEPARTMENT.
PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following papers:—
From the Honorable C. PELLY, Esq., Member of the Board of Revenue; to J. D. SIM, Esq.,
Secretary to Government, Revenue Department, Fort Saint George, dated 23rd April
1862, No. 2,041.

The subject of the establishment allowed to the Joint Magistrate in the Military Cantonment of the Mount lately came again under consideration of Government, and in paragraph 19 of the Order quoted in the margin, the question arose whether "this establishment is sufficient for Lieutenant Gunning disposing of cases Civil and Criminal as Staff Officer under Regulation VII of 1832, and of other Criminal cases under the general law? If it is not it should" (the Government remark) "be increased." This question was "referred for my 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." I was also to "ascertain what establishment is maintained for the performance of these duties in other Cantonments, as Bellary, Cannanore and Trichinopoly."

2. At the Military Stations of Bellary, Wellington and Cannanore, an establishment was lately sanctioned by Orders of Government for assisting the Military Staff Officers at those Stations in their capacity of Joint Magistrates, and I accordingly addressed the Collectors of the Districts in which those Stations are situated, and requested them to inform me whether the establishments sanctioned for those Joint Magistrates, perform the Judicial work of all Police cases which come before them in their capacity of Officer in immediate charge of the Police under Regulation VII of 1832, as well as of other Magisterial cases; or whether a separate establishment of any kind is entertained for transacting the duties devolving on them under the said Regulation: they were further requested to shew whether any other establishment was entertained for transacting the Civil business of trying cases of petty debts, and cases connected with the Abkarry Rules, referred to in paragraph 5 of the Order of Government now under reply. I also desired the Collectors to report on the efficiency generally of the establishments provided by me for these Officers: and I take this opportunity for reviewing generally the establishments allowed to the Military Magistrates in these Cantonments. The time occupied in obtaining answers to this requisition has necessarily delayed my reply to Government. I will now give the opinions of the Collectors on the point referred to them, first however shewing the establishments allowed for each Joint Magistrate at the Stations referred to, and at other Stations where an establishment is provided for Magisterial Officers who perform no revenue duties.

Stations.	Gumastahs.		Dufferbund.		Massaljee and Sweeper.		Peons.		Total.	
	No.	Pay.	No.	Pay.	No.	Pay.	No.	Pay.	No.	Pay.
Bellary ...	1	35	...	...	1	5	3	18	7	93
Ramandrug	1	15	1	7	1	5	1	7	4	44
St. Thomas' Mount.	1	25	1	7	1	5	2	12	7	81
Palaveram ...	1	15	...	...	...	...	2	12	4	52
Wellington and Coonoor ...	1	25	...	...	1	5	2	14	5	64
Cannanore ...	1	20	1	7	1	5	2	12	7	81
Paumben	1	15	1	7	...	...	...	...	2	32

Additional allowance to the Joint Magistrate, Rs. 50.

Cannanore.—3. The first Station I will notice is Cannanore. The Collector of Malabar, Mr. Grant, reports that the Joint Magistrate in this Military Cantonment performs the Judicial work of all cases coming before him under Regulation VII of 1832, as well as of all other Magisterial or Criminal cases, which the late arrangements and the operation of the Indian Penal Code have rendered exclusively triable, or primarily cognizable by that Officer. No separate establishment of any kind is entertained for the duties entailed on him by the Regulation just quoted.

From Collector, 21st March 1862, No. 899.

4. The establishment formerly allowed for the transaction of business that devolved on him as Superintendent of Police under that Regulation, was numerically the same as that now allowed, except that an addition of one hand under the title of Dufterbund has been made to the Joint Magistrate's Office.

5. He has no separate establishment for the Civil business adverted to above, and he is necessarily dependant for aid on his ordinary Magisterial establishment. I would here observe that, judging from the number of petty suits tried by Major Ewart, this Civil work is as heavy as the Criminal business, but it must be noted that the same work has always formed part of his duty. The Collector Mr. Grant is of opinion that the establishment is not sufficiently strong especially for the transaction of his Magisterial duties. He enumerates these duties.—They consist of the general duties devolving on Staff Officers exercising the powers of Regulation VII of 1832, within Military Cantonments, of duties devolving on him as Staff and Commissariat Officer, consisting chiefly in visiting Military bazars, disposing of cases of encroachment, boundary disputes and other matters connected with the bazars. Summoning Panchayets for the decision of suits for money or other personal property to any amount or value against Military classes, issuing search warrants for the seizure of liquor, checking nuisances, &c.

6. In his capacity of Joint Magistrate, he has jurisdiction over all Natives not belonging to the Military within the limits, not only of the Cantonment but of the whole town of Cannanore, which on the abolition of the Police Amoen, was placed under him. This has greatly increased his duties, especially as cases formerly cognizable by a Criminal Court alone, are now cognizable by a Magistrate under the Criminal Procedure Code. Major Ewart is also a Justice of the Peace and disposes of cases of assault, &c., committed by Europeans.

7. He is moreover a Registrar of deeds and is invested with Civil jurisdiction under Act III of 1859, in suits for debts, &c., in which the value does not exceed 200 Rupees.

8. Mr. Grant points out that in a period of three months, the number of cases dealt with by Major Ewart was, Criminal cases..... 115
Civil do. 365

and on the consideration of the whole amount of work he has to perform he recommends the addition of one more Clerk to his present establishment.

9. He also alludes to a request of Major Ewart for more Peons, and an increase of pay to his establishment, and an allowance to himself, and considers these requests deserving of attention.

10. I would beg permission to remind the Government that the increase of one clerk now asked for was submitted to Government in my letter dated 11th July last, and the Government then observed as the establishment was sufficient for the purely Magisterial work of the Joint Magistrate, it should be restricted to the duties for which it was granted, and that as "the other heavy work alluded to seems to devolve on Major Ewart as Commissariat Officer, any increase of establishment necessary in consequence, should be submitted to his Departmental superior." Whether any application was made and with what results I am not informed.

11. From all that the Collector and Major Ewart urge, I am of opinion that some further assistance is required for the Staff Officer at Cannanore, but chiefly on account of the duties devolving on him as Staff Officer and not as Joint Magistrate, exercising Magisterial jurisdiction under Regulation VII of 1832, or under the General Regulations, for which duties the esta-

Order of Government, dated 16th September 1861, No. 1,833.

Paragraphs 11, 12.

ishment given should be ample in my opinion. But the head Clerk should have 35 Rupees instead of 25 Rupees, the same salary as sanctioned for a similar servant in Bellary.

Bellary.—12. The next station I will notice is Bellary. In this town, the work was, as pointed out in my letter to you under date 22nd May 1861, No. 882, very heavy, but still for the Magisterial work the establishment numerically was deemed sufficient, but the pay of the head Clerk was raised from 25 to 35 Rupees, and an extra Peon allowed in place of the Dufterbund who was dispensed with. An additional Clerk was needed for the Dâk duties, and the Government directed that this man should be paid out of the fees which the Board of Revenue were authorized to charge for laying Dâks for the public.

From Collector, 25th March 1862, No. 41.

See Order of Government, dated 12th June 1861, No. 1,184.

13. This establishment "carried on the Judicial work of all Police cases which came before the Cantonment Joint Magistrate in his capacity of Officer in immediate charge of the Police under Regulation VII of 1832, as well as all other Magisterial cases in addition to the transaction of civil business referred to in paragraph 5 of the Order of Government, 8th February 1862, No. 193, for which no separate establishment was or is entertained."

14. Mr. Hathaway the Collector believes "that this establishment was sufficient for the due performance of the duties of the office of Cantonment Joint Magistrate as well as of those falling under Regulation VII of 1832, and he does not consider that any increase of the establishment is necessary. It is too large for the duties of an Officer who acts only under Regulation VII of 1832."

15. It appears that Major Benson the Cantonment Joint Magistrate of Bellary has been lately transferred to another station and no Officer invested with Magisterial powers has as yet been appointed in his place. If it is not the intention of Government to appoint a Joint Magistrate for the town of Bellary, a part of the establishment sanctioned by Government on 12th June 1861, may be dispensed with; but I have no intimation that such is the intentions of Government.

See letter to Government, dated 16th August 1860, para. 4.
Order of Government, Revenue Department, dated 5th September 1860, No. 1,523.
Do. Judicial Department, dated 21st July 1860, No. 915.

I think that an Officer with full powers of a Magistrate in the large town and Military Cantonment should be retained. Should a Military Magisterial Officer not be appointed, it would, I think, be necessary to have a Sub-Magistrate for the part of the town not included in the Military Cantonment. If the duties of the Commissariat Officer are confined to Regulation VII of 1832, Mr. Hathaway recommends that

the establishment for that Officer be retained on the following reduced scale:—

1 Clerk...	...	...	Rupees 35
1 Do. ...	...	...	" 20
2 Peons, at 6 Rupees each...	...	...	" 12
			Total 67

The cost of the present establishment is Rupees 93

Saving 26

Wellington and Coonoor.—16. The Staff Officer at Wellington, who exercised jurisdiction as Officer in immediate charge of the Police under Regulation VII of 1832 in the Military Cantonment of Wellington prior to introduction of the new Police system, was made Joint Magistrate of that place and of Coonoor. But it

From Collector, dated 11th March 1862, No. 3.

seems that since his appointment of Joint Magistrate he ceased to perform any of the duties of the Staff Officer under Regulation VII of 1832. Even the duties connected with the Abkarry were handed over to the Collector under orders of the Commissary General. No Civil business of the nature noticed in paragraph 5 of the Government Order under consideration is now performed by the Commissariat Officer at Wellington. "In addition to his Commissariat duties for the supply of provisions, &c., to the few troops now at Wellington, he performs the duties of a Joint Magistrate only, and not of the Military Police under Regulation VII of 1832." This is evidently not in accordance with the intentions of Government, as pointed out in paragraphs 15, 16 and 17 of their Order now under reference. The Joint Magistrate of Wellington should exercise all the Judicial functions Civil or Criminal within his jurisdiction, under the provisions of that Military Bazar Regulation VII of 1832, as he before exercised as Officer in immediate charge of Police in the Cantonment. His present establishment, Mr. Thomas reports is quite sufficient for the Magisterial work, but if the Joint Magistrate is to perform again also the duties of a Judicial Officer under Regulation VII of 1832, some establishment will, he says, be required for this special duty—and recommends one Writer on 21 Rupees. But as the Magisterial cases will not be more numerous than they are at present, (for every Judicial enquiry must now be made before him as Magistrate, the lesser work of the Officer under Regulation VII of 1832, being absorbed in the more extended sphere of Magistrate), I see no reason, on account of Magisterial work, to provide for an additional establishment. It may possibly be necessary to have further assistance for the Civil work, but at so small a Military Station, there cannot be much work of this nature, and it does not appear that the Commissariat Officer has stated that any addition will be necessary. For the Magisterial work of every kind, the establishment of 2 Clerks allotted to the Joint Magistrate of Wellington and Coonoor, is seen to be ample.

Trichinopoly.—17. No establishment for a Joint Magistrate's Office was made for Trichinopoly, though it is a large Military Station, for the Officer in immediate charge of the Police under Regulation VII of 1832, was not vested with the powers of a Joint Magistrate. A Sub-Magistrate was appointed for that part of the town not within Military limits, and the duties of the Military Officer are confined to those enumerated in Regulation VII of 1832, including the trial of suits for debt under Rupees 20 incurred by Native Military persons under Section 21 of that Regulation. He is the Commissariat Officer. He has no special establishment but two persons paid out of the Abkarry Funds are entertained for assisting him in his duties. Since the introduction of the new Police, the executive control of the Cantonment Police has been vested in the Superintendent of Mofussal Police. The Cutwal of the Town was abolished at the same time, and the duties performed by that Officer are now performed by the new Police. The Cutwals' duties seem to have been Police duties including the apprehension of offenders against the Abkarry Regulations. In the Collector's judgment the office of Cutwal is not necessary now.

Palaveram.—18. In the Madras District are two stations. At Palaveram, the small establishment of two Clerks is reported by the Collector to be sufficient. Here the Staff Officer disposed of petty Police cases, and cases of debt in the Military Bazar, and it being desirable on the introduction of the new Police to invest him with Magisterial powers, he was made an Assistant Magistrate, and an establishment assigned to him.

Mount.—19. The question of the sufficiency of the establishments allowed for the Joint Magistrates in Military Cantonments has arisen from the representations of the Staff Officer of the Cantonment at the Mount. The information given above respecting the establishments at

See Order of Government, dated 16th November 1860, No. 2,160.

Collector's letter, dated 5th April 1862.

Letter from Collector, dated 8th March 1862, No. 4, paragraph 2.

Mr. Pelly's letter to Government, dated 6th December 1860, No. 657.
29th January 1861, No. 701.
G. O., dated 20th February 1861, No. 399.

other Military Cantonments will aid the Government in forming an opinion of the actual requirements at this station. The opinion of the Collector, and the Officer Commanding the Mount, have been sought, and given, together with that of Lieutenant Gunning, the Staff Officer chiefly interested in the matter. I had a personal interview with Lieutenant Gunning, and he stated to me that the establishment allowed for the Mount as per margin* was ample for transacting the business of all Police cases coming before him in his capacity of Joint Magistrate, and also as Officer in immediate charge of the Police under Regulation VII of 1832. But he required a person to officiate in the capacity of Cutwal of the Bazars, which situation, consequent on the entrance of the new Police, was abolished or absorbed in the Police arrangements. In Lieutenant Gunning's letter† to the Collector (paragraph 4) he fully admits that "the only want felt in the transaction of all the Magisterial duties, whether on the trial and decision of cases under Regulation VII of 1832, or of cases coming under the general Magisterial Regulations, is that of a competent Interpreter;" and he goes on to state that the services of one of the clerks is availed of for this purpose, but that the salary of 25 Rupees is insufficient. I observe that the salary of the office of Interpreter was 35 Rupees in the old establishment. He then (paragraph 5) advocates the re-appointment of a Cutwal or of some similar Officer which if allowed would render the services of an Interpreter unnecessary. It is evident from this that all that is required to make the Magisterial Department efficient, is a higher salary to one of the existing clerks. But for other than the Magisterial duties of the Staff Officer, the re-appointment of the late Cutwal is solicited by Lieutenant Gunning; the Officer Commanding the Mount is also of opinion‡ that "a better paid and a person of higher note, than any at present attached to the establishment should be added thereto; a person in whom the Staff Officer can confide for the performance of the important and essential duties (presently to be noticed) which cannot be undertaken by any part of his present establishment;" and the Collector on the ground that these Officers are the best judges of their own requirements, supports the request that a Cutwal and Interpreter on Rupees 70 be added to the establishment already sanctioned.

From Collector of Madras, dated 8th March 1862.
From Officer Commanding, dated 23th February 1862.

*1 Clerk.....		Rs.	25
1 Do.			20
1 Do.			15
1 Do.			7
1 Dufterbund ..			21
2 Peons, at 6 Rupees.....			5
1 Sweeper and Lamp lighter			—
			84

Dated 8th March 1862. Enclosure in Mr. Cunliffe's letter † above.

‡ From Officer Commanding, dated 23th February 1862, paragraph 2.

20. The necessity for the situation of Cutwal in the Military Bazars of the Mount, now that the new Police arrangements have been introduced, is a question for the consideration of Government. It is scarcely one in which I am called upon to offer an independent opinion. But to enable the Government to come to a decision on the point, I annex a list of all the duties for which such an Officer is said to be required in connection with the Staff duties of the Officer at the Mount. These duties are described by the Officer Commanding and by Lieutenant Gunning as follows:—

Duties of Lieutenant Gunning,

- 1st. As Station Staff Officer—
The general duties of the Cantonment, such as are usually performed by a Brigade Major in a large Station.
- 2nd. As Joint Magistrate, and Officer in immediate charge of Police under Regulation VII of 1832—
Exercises the powers of a Magistrate within Military limits; Abkarry jurisdiction, and powers of Justice of the Peace; has charge of Police and bazars. The number of Criminal and Civil cases committed and summarily disposed of yearly under this head, is stated to be 1,250 cases.

21. The duties which the Cutwal would have to perform and for which his services are applied for are stated to be as follows:—

- (1.) To attend at fixed hours and register complaints.
- (2.) To collect and account for all monies levied as fines, and for the poundage of cattle.
- (3.) To pay batta to Prisoners.
- (4.) To form Punchayets and take Muchilikas, &c.
- (5.) To interpret at the Police Office.
- (6.) To examine and attest all Native documents before submission for signature.
- (7.) To pass accounts which are 7 in number, viz. :—
 - I. General account.
 - II. Statement of prisoners confined and released.
 - III. Cattle Fund.
 - IV. Award and Remittance.
 - V. Police fine account.
 - VI. Register of unclaimed property.
 - VII. Register of Warrants.
- (8.) To carry out decrees in execution of distraint.
- (9.) To cause the apprehension of suspicious characters and vagrants, and to make himself generally acquainted with what is going on among the Natives.
- (10.) To collect information on the spot in cases of disputed property.
- (11.) To assist in procuring carriage in cases of emergency.
- (12.) To supervise bazars, to see that unwholesome provisions are not exposed for sale, and that proper weights and measures are used, &c.
- (13.) To attend to Municipal improvement, repairs of drains, &c.

22. Lieutenant Gunning in arguing the necessity for a Cutwal, observes in his letter to Mr. Cunliffe, that the Staff Officer "is responsible not only for the cleanliness and regularity of

Paragraph 5.

"the bazar, but for the conservancy of the Cantonment; the repair of roads, &c.; to see that no unwholesome food is sold, and in fact is supposed to be responsible for nearly every thing that goes on in the Cantonment good or bad; and to assist him in these duties, and indeed to admit of his carrying them on at all satisfactorily, a person holding the position of Cutwal should be added to his establishment; he would be invaluable not only as an Assistant to the Superintendent of Police, but also as a person of some authority at the head of the Native community. No one" (Lieutenant Gunning goes to say) "can have any conception of the usefulness of the person of the kind in a large Military Cantonment, subject to the rules and regulations (local and general) of a Military bazar station."

23. I have, I think, now fully set forth the reasons which have induced the Military Officers at the Mount to request, that the appointment of the Cutwal should be again retained. The office was merged in the new Police arrangements, and the Government will observe that some of the duties enumerated, for which the Cutwal is required, are properly the duties of the Police Officers; I allude specially to Nos. 9—12. It will be for the Government to determine whether the other duties in that list demand the services of an Assistant to the Staff Officer or not. There will probably be difference of opinion as to the necessity of such an Officer. Major Benson, who lately held the situation of Staff Officer at the large Cantonment of Bellary, in a conversation I lately had with him, deprecated as an evil the services of a Cutwal; and the Collector of Trichinopoly deems the office unnecessary. It is for the Government to decide whether such a Native Assistant to the Staff Officer's Establishment is required at the Mount or other Military Cantonments, now that the new Police has abolished the Office of Cutwals. Should a person of this kind be found necessary, his salary should not be less than 50 Rupees a month, and might be raised to 70 Rupees, which was the salary of the late Cutwal; whose restoration Brigadier Whistler

See letter above quoted.
paragraph 3.

strongly recommends, and of whose character he speaks in very high terms, as "a person in every way to be relied upon." His service is 24 years. But the necessity for the office, and not the merits of an individual, is the question under consideration. I think I have shown that the establishments allowed for the

Joint Magistrates at the Military stations are sufficiently strong. I am however of opinion that the head Clerk should have 35 Rupees, as was lately allowed at Bellary, and I would propose that the undermentioned Establishments be sanctioned for the future.

District.	Station.	Present Establishment.						Proposed Establishment.					
		Gumastahs.		Dufterbund.		Masaljee and Sweeper.		Peons.		Total.		Gumastahs.	
		No.	Pay.	No.	Pay.	No.	Pay.	No.	Pay.	No.	Pay.	No.	Pay.
Bellary...	Bellary...	135				15		318		793		135	
	Ramandrug...	120				15		17		444		120	
Madras...	St. Thomas Mount...	115				15		212		784		115	
	Palaveram*	125						212		452		125	
Coimbatore.	Wellington and Coonoor.	120				15		214		564		120	
		125						212		784		125	
Malabar...	Cannanore....	120				15		212		784		120	
Madura...	Paumben...	115								232		115	

* Joint Magistrate's additional allowance, 50 Rupees.

24. A Dufterbund is perhaps a more useful man than a 3rd Peon, but as Bellary wished for a Peon instead, it was on a previous occasion allowed; but I have now again for the sake of uniformity placed him under the head of Dufterbund or Head Peon. For the Head Clerk having charge of the Magisterial Office, I have on re-consideration thought fit to recommend in every case a salary of not less than 35 Rupees, a sum not too much to obtain a competent person.

25. In the foregoing establishment it will be seen that the Civil Station of Paumben and the Sanatorium at Ramandrug are entered. The establishments of these seven stations should not apparently be debited to the Revenue Budget, because the Magistrates perform no revenue duties, but rather to the Judicial under the Head of Law and Justice.

26. The town of Trichinopoly is not entered at all because as before observed, no Magisterial Establishment was provided for the Military Cantonment Officer at that station.

27. Should the question arise whether the Military Officers at Military Cantonments should continue to be invested with Magisterial powers, and exercise those powers over the whole town and beyond the Military limits of the Cantonment, as is now the case at the Mount, at Palaveram, at Bellary, at Cannanore and at Wellington, and should it be decided that they are not to be Joint Magistrates, but are merely to exercise the jurisdiction conferred on them by Regulation VII of 1832, in that case the establishments now proposed by me may be reduced and might at those Stations be as follows, with the addition of Cutwal or not, as the Government may decide. In this case the establishments would be debitable as hitherto exclusively to the Military Department; and Trichinopoly should also be placed on the same basis. But I am strongly of opinion that it is desirable that these Officers should be invested with the full powers of a Magistrate, if their other avocations allow of their time being so employed.

Establishment for Officers exercising Jurisdiction under Regulation VII of 1832 only.

Stations.						Clerks.		Peons.		Total.	
Bellary	...	...	...	...	...	1	35	2	12	4	67
Madras.	Mount	...	...	...	...	1	35	2	12	4	67
	Palaveram	...	...	...	...	1	20	2	12	4	67
Wellington	...	...	...	...	...	1	25	2	12	4	52
	...	...	...	...	...	1	15	2	12	4	52
Cannanore...	...	...	...	...	...	1	35	2	12	4	67
Trichinopoly	...	...	...	...	...	1	20	2	12	4	62
	...	...	...	...	...	1	35	2	12	4	62
	...	...	...	...	...	1	15	2	12	4	62
	...	...	...	...	...	1	35	2	12	4	62

28. The designation of "Officer in immediate charge of Police" seems now to be a misnomer, and should I think be changed. He might be designated "Staff Officer and Military Joint Magistrate," (if invested with Magisterial powers) and as the Cutwal is a Police Officer, his designation also should be changed, if a person of this description is to be employed. He might be called Assistant to the Staff Officer.

29. There is one other point which should be considered by Government, and that is the remuneration of the Military Officers for the extra work imposed on them as Magistrates in the towns. They all seem to complain that these duties have been greatly increased, and it is a fair question for the Government to consider whether Staff Officers fully qualified for the duty should not receive some remuneration for these new and extra duties. In the case of the Adjutant at the Depôt of Palaveram a small allowance of 50 Rupees was sanctioned on account of the additional duties to be performed by him as Assistant to the Magistrate. At the large Stations of Bellary, Cannanore and the Mount, at all of which, the extra work appears to be heavy, a Magisterial allowance to the Officer exercising those functions, in addition to the Staff pay and allowances would seem to be fair. The question is hardly one that comes within my province, but, as it has been brought forward by Collectors in the course of the enquiry into establishments, I considered it right to bring it prominently to the notice of the Government, for their consideration and orders.

From the Honorable C. PELLY, Member of the Board of Revenue; to J. D. SIM, Esq., Secretary to Government, Revenue Department, Fort Saint George, dated 29th April 1862, No. 1,216.

In continuation of my letter, dated 23rd instant, I have the honor to forward a letter from the Collector of Trichinopoly, dated 23rd April, in which, after communication with the Staff Officer at Trichinopoly, he informs me that this Officer employs an establishment as per margin for the transaction of the duties he has to perform under Regulation VII of 1832. This establishment is paid out of the Abkarry Revenue.

1 English Writer	Rupees	25	0	0
1 Tamil do.	"	10	8	0
Total...		35	8	0

2. He further states that the Office of Cutwal is now unnecessary.

Transferred to the Judicial Department.

(Signed) C. G. MASTER,
Deputy Secy. to Govt.

30th April 1862.

ORDER THEREON, 18th July 1862, No. 1,136.

In the letters above recorded, Mr. Pelly reports on the general question of the establishments required by the Military Officers performing Magisterial duties in Cantonments and other stations.

2. The powers of these Officers are, first, those defined by Regulation VII of 1832—and, secondly, those vesting in a Joint or Assistant Magistrate under the general law. In the one case, the powers are exercised by the Senior Commissariat Officer of the station *ex-officio*, or some other Officer specially appointed for the purpose, on the Government establishing and fixing the limits of the "Military Bazar station." In the other case, the powers are specially conferred under Act IV of 1847. Officers appointed under this enactment are designated "Military Joint Magistrates" at places which are not Military Bazar stations, and "Cantonment Joint Magistrates" in such stations. In some instances the jurisdiction of a Cantonment Joint Magistrate has been extended beyond the limits of the Cantonment.

3. Of the stations mentioned in the above letters, Trichinopoly is a Military Bazar station, and the powers of the Commissariat Officer in charge are restricted to those conferred by Regulation VII of 1832. The same description applies to Bellary, as Captain Benson's successor was not made a Cantonment Joint Magistrate. Captain Benson's jurisdiction extended over the Bruce and Mellor pettahs of the town, but these (Civil) pettahs have been re-placed under the Deputy Magistrate, Mr. Blake—and the Officer succeeding to the charge of the Cantonment under Regulation VII of 1832, was directed to follow the procedure prescribed by Section VII, in cases falling under Section VI of that Regulation.

4. The Governor in Council now resolves under Act IV of 1847, to appoint Lieutenant J. D. W. Sewell, Sub-Assistant Commissary General, to be a Joint Magistrate in the District of Bellary, and to have jurisdiction within the limits of the Cantonment. The Magistrate will apply to Government, if he thinks it desirable that Lieutenant Sewell should also be appointed a Justice of the Peace.

5. St. Thomas' Mount and Cannanore have Cantonment Joint Magistrates. At the Mount, the Station Staff Officer is in charge under Regulation VII of 1832, and his jurisdiction as a Joint Magistrate is limited to the Cantonment. The same arrangement exists at Cannanore, except that the Commissariat Officer, who is in charge there, has also been appointed a Register of Deeds, and vested with Civil jurisdiction under Act III of 1859. The Governor in Council resolves to rescind so much of the Order of the 17th October 1859, No. 1,397, as extended this enactment to the Cantonment of Cannanore. Such Civil Suits, as come under this Act, will henceforth be dealt with by Courts of Requests, as in other Cantonments.

6. At Palaveram an Assistant Magistrate has been appointed under Act IV of 1847. On Wellington being discontinued as a Military Bazar station under the Order of the 8th August 1860, No. 2,853, Military Department, the Commissariat Officer at the station was made Joint Magistrate of Jackatalla and Coonoor.

7. There is no Military Joint Magistrate at Ramandroog. Major Archer, who was vested with Magisterial powers, never qualified—and his successor, in the Command of the Depôt, not being acquainted with any of the Vernaculars has not been recommended for the appointment. The Police Ameen, now designated a Sub-Magistrate, exercises at the station the powers of a Subordinate Magistrate of the second class under the Code of Criminal Procedure.

8. The appointment of a Military Joint Magistrate at Paumben is a special case. The Officer formerly employed in superintending the operations in the Paumben channel was vested with Magisterial powers, chiefly on account of his having charge of the Convicts at that station, with jurisdiction over the Island of Ramiseram and the villages on the point jutting out from the mainland towards the Paumben channel. On the abolition of this appointment, an Officer of the Public Works Department, was placed in charge of the channel, in addition to his other duties. On the ground of its being objectionable to invest Officers in charge of Public Works, with Magisterial powers, Lieutenant Hankin was only authorized to exercise the powers of punishment conferred by Regulation X, 1832. This arrangement, however, made no provision for the Magisterial charge of the Island and the point on the mainland, and on the representation of the Magistrate and after reference to Mr. Pelly, the Government appointed, under Act IV of 1847, Lieutenant Hankin to be a Joint Magistrate at Paumben. It was found necessary also in view to securing his constant presence at the station for the proper control of the Convict Jail, to relieve him in the Public Works Department of the charge of the Ramnad and Shevagungalh Zemindaries.

9. In paragraph 23 of his letter, Mr. Pelly gives in a tabular form, the sanctioned and proposed establishments for the Cantonment and Military Joint Magistrates. For the Cantonments of Bellary, Cannanore, and Saint Thomas' Mount one uniform establishment at a cost of Rupees 94 a month, is recommended. In paragraph 27, Mr. Pelly submits a scale which should be adopted as the establishments for the Officers exercising jurisdiction under Regulation VII, 1832. A uniform rate of Rupees 67 is put down for Bellary and Saint Thomas' Mount, and the same

Establishment of Officer exercising jurisdiction under Regulation VII, 1832.	
2 Writers at 35 and 20	Rs. 55
2 Peons at 6	" 12
	— 67
Do. of do. as Joint Magistrate under Act IV, 1847.	
1 Writer	" 15
1 Dufferbund	" 7
1 Massaljee and Sweeper	" 5
	— 27
	Rupees 94

Wellington.	
2 Writers at 35 and 20	Rupees 55
2 Peons at 7	" 14
1 Massaljee and Sweeper	" 5
	Rupees 74
Paumben.	
1 Writer	Rupees 35
1 Dufferbund	" 7
	Rupees 42
Palaveram	
2 Writers at 35 and 15	Rupees 50
2 Peons at 6	" 12
	Rupees 62

tary Joint Magistrates. The Governor in Council agrees with Mr. Pelly that these services ought not to be required to be rendered gratuitously, as long as the work is extra. He is pleased accordingly to sanction an allowance of Rupees (70) seventy a month to be drawn by each Officer vested with the Magisterial powers under Act IV of 1847, provided that he receives no salary, or other allowance, in the Civil Department.

12. The total cost and the excess of expenditure entailed under these orders, are shown below:—

	Civil.	Sanctioned.	Proposed.
Bellary ...	...	93	97
Cannanore ...	...	84	97
St. Thomas' Mount...	...	84	97
Wellington ...	...	64	144
Paumben ...	...	32	42
Palaveram ...	...	102	112
Ramandroog ...	...	44	...
		503	589
Military.			
Bellary...	...	...	67
Cannanore ...	...	...	67
St. Thomas' Mount...	...	117	67
	Rupees...	620	Rs. 790

Already sanctioned	...	620
Excess of expenditure Rupees...	...	170 per mensem.

might be taken for Cannanore. The Governor in Council approves these rates and directs that Rupees 67 on account of each of these three Cantonments, be debited to the Military Budget, and Rupees 27 to the Civil Department. These proportions, it is observed, are in conformity with the arrangement which formerly obtained. The establishment of the Cantonment Joint Magistrate at Saint Thomas' Mount used to cost Rupees 155½ a month—of which Rupees 117 was a Military, and Rupees 38½ a Civil charge.

10. The Governor in Council approves also the establishments proposed for the Military Joint Magistrates at Wellington and Paumben, and the Military Assistant Magistrate at Palaveram, to cost respectively Rupees 74, 42, and 62 per mensem, as shown in the margin.

11. In regard to the remarks in the last paragraph of Mr. Pelly's report, it is observed that, with the exception of the Military Assistant Magistrate of Palaveram, who draws an allowance of Rupees 50 a month in the Civil Department, no remuneration is granted for the duties performed by the Cantonment and Military Joint Magistrates.

The above will be adopted in lieu of the establishments sanctioned from time to time in the course of the revisions consequent on the introduction of the new Police, and re-organization of the Talook establishments. The necessary report to the Government of India will be made by the Revenue Department, and the Civil Paymaster will pass the revised charges which will take effect from the 1st instant, under the authority of this Government, in accordance with the Financial Resolution of the 18th March 1861, No. 3,392. The expense to be incurred, and not provided for in the Budget, will be defrayed from the savings under "Law and Justice" indicated by the Accountant General in his letter recorded in Proceedings, 20th ultimo, No. 945.

13. The Controller of Military Finance will report whether the amount debitable to the Military Department, Rupees 201 a month for the rest of the current official year, can be met from savings in the Military Budget.

(True Extract.)

Acting Chief Secretary.

To the Honorable C. Pelly.
 " Magistrate of Bellary
 " " Madras.
 " " Coimbatore.
 " " Malabar.
 " " Madura.
 " Revenue Department.
 " Military do.
 " Controller of Military Finance.
 " Civil Paymaster.
 " Accountant General

Exd. T. O'Connor.

No. 13 Octr/60 ac. 214-215
 3 Nov. " " 49-51
 24 April/61 " 114-115
 12 June " " 116-117
 19 Feby/62 " 111-112
 Indu 20 June " " 945
 R-12 April/61 " " 193-194
 July/62 " 35-36

orders that Mr. Kelly be required
 to include the establishments sanctioned in that order
 in the revised statement to be submitted to
 him under the order of Govt dated 30 July 1862 No. 1136
 transmission to the Govt of India

13 June 1862
 Mr. Kelly
 5. July 1862
 Mr. Kelly
 28. July 1862

No. 366 + 367

Revenue 1862 Octr
 Pro. of Govt for July
 W-2067
 Proceedings of the Madras
 Govt in the End. Ofc.
 (Noted 15th 3 July 1862
 Received 21st 3
 W-1136

Pro. Judicial of 21 May/62 O.A. 1173
 Pro. D. - 5/23 Decr/62 C.N.
 3550 in 3m
 16th March 63 No. 265261

In the Cr. 685
 From Honble C. Kelly Member of the
 Bd of Rev. of 29 April 63 No. 988

Passing order on Mr.
 Kelly's reports on the gene-
 ral question of the Establs
 kept by Military Officers per-
 forming Magisterial du-
 ties in Cantonments and
 other stations and re-
 serving that the neces-
 sary report to Govt of
 India will be made by
 Rev. Dept. -

No. 1008. 28 July

With a...