

MADRAS RECORD OFFICE.

Government of Madras.

J. J. J. DEPARTMENT.

G.O. No.	1271	Press
		~~Mis.~~
	18-19	
Dated	27-10-1918	

Not to be folded or roughly handled

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Fort St. George, Judicial Consultation, 6th October 1857.

No. 18. Read the following letter from C. F. CHAMIER, Esq., Acting Register to the Court of Foujdaree Udalut; to E. MALTBY, Esq., Acting Chief Secretary to Government, dated 25th September 1857, No. 54.

SIR,

1. I am directed by the Judges of the Foujdaree Udalut, to acknowledge the receipt of Extract from the Minutes of Consultation, under date the 16th Instant, and to offer the following explanatory remarks in reference thereto.

2. The Judges are desirous it should be understood, that it is not *their* opinion, that Mr. Brett's scheme as a whole, is worthy of experiment: on part of that scheme they have already recorded their views, and they consider that to oblige the wandering tribes to travel with passes, would be open to grave objections, as tending to revive nearly all the abuses which used to prevail under the old chowky system.

3. The Judges also deem it extremely questionable whether, without the express sanction of the Legislature, a Magistrate can lawfully impose restraints of so general a nature on any classes of the community; and which go far beyond the "customary restrictions" contemplated in the Government proceedings quoted in the margin of para: 3.

4. Para. 14 of Mr. Brett's letter was one of those on which the Judges were required especially to report. If the *whole* of what the Judges have said on this point be taken *together*, and it be remembered that they speak from personal experience of the nature of the evidence upon which persons of suspicious character are generally held to security, their remarks will not appear too strong.

5. The Judges of the Foujdaree Udalut have thought it their duty thus further to express their opinions on the subjects discussed in the Salem Magistrate's letter, and they now leave the matter entirely in the hands of the Government. The Judges would only add that, it seems scarcely necessary, at a time when a considerable increase to the Police force has been temporarily sanctioned, to introduce a system which, as the Magistrate states, has often been urged upon the Foujdaree Udalut, but never received their concurrence.

(Signed) C. F. CHAMIER,
Acting Register.

No. 19.

ORDER THEREON, No. 1271; dated 3rd October 1857.

To be recorded.

(Signed) E. MALTBY,
Acting Chief Secretary.

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3. The Judges also deem it extremely questionable whether, without the express sanction of the Legislature, a Magistrate can lawfully impose restraints of so general a nature on any classes of the community; and which go far beyond the "customary restrictions" contemplated in the Government Proceedings quoted in the margin of para: 3.

4. Para: 14 of Mr. Butler's letter was one of those on which the Judges were required especially to report. If the whole of what the Judges have said on this point be taken together, and it be remembered that they speak from personal experience of the nature of the evidence upon which persons of suspicious character are generally held to security, their remarks will not appear too strong.

5. The Judges of the Pondicherry Adalat have thought it their duty thus further to express their opinions on the subjects discussed in the Salem Magistrate's letter, and they now leave the matter entirely in the hands of the Government. The Judges would only add that it seems scarcely necessary, at a time when a considerable

increase

Nadras 25 September 1857

No 54

From

C. J. Chamier Esquire

Acting Register to the Court
of Soudance Adalat

To

C. Maltby Esquire

Acting Chief Secretary to
Government

Sir,

I am directed by the Judges of the
Soudance Adalat to acknowledge the receipt
of Extract from the Minutes of Consultation under
date the 16th instant, and to offer the following
explanatory remarks in reference thereto.

The Judges are desirous it should
be understood that it is not their opinion that
Mr Birtle's scheme as a whole is worthy of
experiment; on part of that scheme they have
already recorded their views, and they consider
that to oblige the wandering tribes to travel
with papers would be open to grave objections,
as tending to revive nearly all the abuses
which used to prevail under the old Chowkey
system.

The

3227 Sep 24 1857. No 142.

Indl Letter to Eng.
24 Dec 31 of 1857.

Para 45.

In by Mem: 6th October
Judicial 1857. Depart

No

1271

From the Acting Register
of the Soudance

To the Acting Chief Secy
to Government

Dated 25th
Dec 24th September 1857

No 1572.

No 54

Atty

Offering certain expla-
natory remarks with
reference to the Extract
from the Minutes of Con.
dated 16th instant.

230 Sep
22 Oct

18+19

No 1271

Recorded Me
30 Oct 1857