

# MADRAS RECORD OFFICE.

Government of Madras.

*Judicial* DEPARTMENT.

|             |           |                          |
|-------------|-----------|--------------------------|
| G.O. No.    | 1500 1501 | Press<br><del>Mis.</del> |
| <i>S-10</i> |           |                          |
| Dated       | 28-11     | 1907                     |

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*7/10*

*Fort St. George, Judicial Consultation, 24th November 1857.*

No. 9. Extract from the Minutes of Consultation, dated 18th November 1857, No. 1500.

The Right Honorable the Governor in Council, proceeds to pass orders on a Despatch from the Honorable the Court of Directors, dated 5th October, No. 14 of 1857.

Observe that the provisions of Act XXV of 1855, place restrictions upon the Government by limiting its powers to the appointment of a Principal Sudder Ameen's Court at Ootacamund, instead of leaving it to the discretion of the Government to appoint either a Sub-Judge or a Principal Sudder Ameen; consider that in this respect, the Act is fatally defective; and accordingly direct that measures be taken for procuring a modification of its provisions, conformably to the instructions conveyed in the Court's Despatch of 12th November 1856; concur as to the expediency of nominating a European Officer to the Judicial office at Ootacamund, but think it the better course to appoint a Subordinate Judge rather than a Principal Sudder Ameen, on an exceptional salary; and for reasons already stated, object to the creation of exceptions to a general scale of remuneration which if admitted in one instance will, with difficulty be resisted in others; notice that this arrangement may be carried into effect at no greater expense than is required for the Court of a Principal Sudder Ameen by establishing a Sub-Judge's Court at Ootacamund and a Principal Sudder Ameen's Court in lieu of one of the District Courts already presided over by a Sub-Judge, and, for reasons advanced, authorize the postponement of the reduction of the salary of the Principal Sudder Ameen, from 800 to 500 Rupees, until after the expiration of 6 months from the date of the receipt of this Despatch.

1. Resolved that, as directed by the Honorable Court in para. 2 of this Despatch, application be made to the Member for Madras, of the Legislative Council for an Act to modify the provisions of Act XXV of 1855, in the manner pointed out by the Court, in para. 6 of their previous Despatch of 12th November 1856, No. 17.

2. Resolved also, that copy of this Despatch be furnished to the Court of Sudder and Foujdaree Adawlut, and that they be requested to suggest to Government, which of the Subordinate Courts in the Madras Presidency may most properly be changed to a Principal Sudder Ameen's Court, to admit of the creation of a Sub-Court at Ootacamund.

3. Resolved further, that paras. 4 and 5 of the Despatch be communicated to Mr. James Ouchterlony, Principal Sudder Ameen of Ootacamund for his information.

(Signed) T. PYCROFT,  
*Chief Secretary.*

Ordered that the following letter be despatched.

No. 10. From T. PYCROFT, Esq., Chief Secretary to the Government of Fort Saint George; to D. ELLIOT, Esq., Member of the Legislative Council for the Madras Presidency, Calcutta, dated 18th November 1857, No. 1501.

SIR,

I am directed by the Right Honorable the Governor in Council to forward to you the accompanying copy of a correspondence, as per margin, which has passed between the Honorable the Court of Directors and this Government in respect to Act XXV, 1855.

2. You will observe that the Honorable Court consider that enactment to be fatally defective, inasmuch as by it the Government are virtually restricted to the establishment at Ootacamund of a Principal Sudr Ameen's Court, there being no provision for enabling the Session Judge of Coimbatore to hold Sessions at Ootacamund for the trial of persons committed by a Subordinate Judge. They desire that application be made to the Legislative Council in view to this defect being remedied.

3. It appears to this Government that this may be done by a very slight alteration of the two first Sections of the present Act, viz., by specifying in the first Section Regulation II as well as Regulation VIII, 1827, and substituting in Section II for "the Principal Sudr Ameen of such Court," the "Judge" of such Court. Section III might be modified as follows:—

"It shall be lawful for the Judge of such Court to exercise, by appointment of the Government of Fort Saint George, all the powers of a Joint Magistrate; and when the Court established shall be a Principal Sudr Ameen's Court established according to Regulation VIII, 1827, of the Code of Fort Saint George, it shall be lawful for the Judge of such Court to exercise all the powers of a Criminal Court constituted according to Regulation II, 1827."

4. It will thus be open to the Government to establish at Ootacamund either a Subordinate Judge's Court or a Principal Sudr Ameen's Court with full criminal powers, and in either case to invest the presiding Officer with the powers of a Joint Magistrate.

Fort St. George, Judicial Consultation, 24th November 1857.

5. A copy of the Act thus amended is herewith forwarded, and I have to request that it may be laid before the Legislative Council.

6. As the alterations are simple and the Honorable Court have limited the continuance of the rate of salary now drawn by the Principal Sudr Ameen to six months from the receipt\* of their Despatch by this Government, I am to request that the matter may receive your early attention.

\* 8th November 1857.

(Signed) T. PYCROFT,  
Chief Secretary.

Exd. F. Cartledge.

Judicial Department

No 1500

Extract from the Minutes of Consultation  
Dated 18th November 1857.

The Right Honble the Governor  
in Council proceeds to pass orders  
on a Despatch from the Honble  
the Court of Directors dated 6th  
October 1854 of 1857.

Observe that the provisions of  
Act XXV of 1855 place restrictions  
upon the Govt. by limiting its  
powers to the appointment of a  
Principal Sudr Ameen's Court  
at Cochin instead of leaving  
it to the discretion of the Govt.  
to appoint either a Sub-Judge or  
a Principal Sudr Ameen: con-  
sider that in this respect the  
Act is fatally defective; and con-  
sidering direct that measures be  
taken for procuring a modifi-  
cation of its provisions, con-  
formably to the instructions  
conveyed in the Court's Despatch  
of 12th Nov/56: concerning as to the  
expediency of nominating a  
person officer to the Judicial office

1. Resolved that, as directed  
by the Honble Court in para  
2 of this Despatch, application  
be made to the Member, for  
Madras, of the Legislative  
Council for an Act to modify  
the

at Ootacamund, but think it the better course to appoint a Subordinate Judge rather than a Principal Sudder Ameer on an exceptional salary, and for reasons already stated, object to the creation of exceptions to a general scale of remuneration which if admitted in one instance will, with difficulty, be resisted in others; notice that this arrangement may be carried into effect at no greater expense than is required for the Court of a Principal Sudder Ameer by establishing a Sub Judge's Court at Ootacamund and a Principal Sudder Ameer's Court in lieu of one of the District Courts already presided over by a Sub Judge, and, for reasons already stated, authorize the postponement of the resumption of the salary of the Principal Sudder Ameer from 800 to 500 Rs until after the expiration of 6 months from the date of the receipt of this despatch.

the provisions of Act XXV of 1855, in the manner pointed out by the Court in para 6 of their previous Despatch of 12<sup>th</sup> Nov: 1856 No 17.

2. Resolved also that copy of this Despatch be furnished to the Court of Sudder & Foujdare Adawlut and that they be requested to suggest to Govt., which of the Subordinate Courts in the Madras Presidency may most properly be charged to a Principal Sudder Ameer's Court to admit of the creation

of a Sub Court at Ootacamund.

3. Resolved further that paras. 4 and 5 of the Despatch be communicated to Mr. James Auchterlony Principal Sudder Ameer of Ootacamund for his information.

ordered

4. Ordered also that the following letter be despatched

To D. Elliott Esq.

Member, for Madras, of the Legislative Council.

(Here enter No )

*[Signature]*

Copy to Court of S. & F. Adawlut.  
(with copy of despatch)

" Principal Sudder Ameer of Ootacamund  
(with copies of paras 4 & 5 of do.)

Sept 2<sup>nd</sup> 1857

Despatch 23<sup>d</sup>

No 1501 Ind. Dept.

To

J. Chittagoo

Member of the Legislative Council  
for the Madras Presidency  
Calcutta.

Sir,  
I am directed by  
the Right Honourable the  
Governor in Council to  
forward to you the  
accompanying copy of  
a correspondence, as per  
margin, which has passed  
between the Honourable  
the Court of Directors and  
this Government in re-  
spect to Act XXV-1855.  
2. You will observe  
that the Honourable  
Court consider that enact-  
ment to be fatally de-  
fective, inasmuch as  
by it the Government  
are virtually restricted  
to

Despatch of Hon. Court of Directors  
12<sup>th</sup> November 1856. Ind. Dept.  
Letter to Hon. Court of Directors 1857 " " 13-  
Despatch of Hon. Court of Directors " " 14-

H

G

M

W

By to Gov. 24<sup>th</sup> Nov/57  
Ind. Dept. 1857 despatch

No 1501

Contract Ministry of Hon.

1857 Nov 15/57

to Gov. 15<sup>th</sup> Dec 1857. No 1501  
Feb 19/58.

to the establishment at  
Cotacaimo of a Principal  
Sudr Ameris Court, there  
being no provision for  
enabling the Session Judge  
of Combatoe to hold Sessions  
at Cotacaimo for the  
trial of persons committed  
by a Subordinate Judge.  
They desire that applica-  
tion be made to the Legis-  
lative Council in view  
to this defect being provided

3. It appears to this  
Government that this may  
be done by a very slight  
alteration of the two first  
sections of the present act  
viz. by <sup>speci-</sup>ifying in the  
first section Reg. II as  
well as Reg. VIII. 1827 and  
substituting in Sec. II for  
"the Principal Sudr Ameris  
of such Court, the Judge"  
of such Court. Sec. III might  
be modified as follows:-

"It shall be lawful  
for

for the Judge of such  
Court to exercise, by ap-  
pointment of the Govern-  
ment of Fort St. George,  
all the powers of a Court  
Magistrate, and when  
the Court established  
shall have ~~been~~ a Princi-  
pal Sudr Ameris Court  
established according  
to Reg. VIII. 1827 of the  
code of Fort St. George,  
it shall be lawful for  
the Judge of such Court  
to exercise all the powers  
of a Criminal Court con-  
stitute according to  
Reg. II. 1827.

4. It will thus be  
open to the Government  
to establish at Cotacaimo  
either a Subordinate Judge's  
Court or a Principal Sudr  
Ameris Court with full  
Criminal powers, and in  
either case to invest the  
presiding Officer with  
the powers of a Court  
Magistrate.

5. A Copy of the act  
thus amended is herewith  
forwarded. and I have  
to request that it may be  
laid before the Legislative  
Council.

6. As the alterations  
are simple and the <sup>House</sup> Court have limited the  
continuance of the rate  
of salary <sup>now</sup> drawn by the  
Principal Suds Ameen  
to six months from the  
receipt of their Despatch  
by this Government I am  
to request that the matter  
may receive your early  
attention.

JF

Print 6 copies of the Despatch  
separately.

8<sup>th</sup> Nov. 1857.

Fort St George. 3  
18<sup>th</sup> November, 1857. 3

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