

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	220	Press ~~Mis.~~
	30	
Dated	24 — 2 — 1887.	

Not to be folded or roughly handled

12
Fort St. George, Judicial Consultation, 24th February 1857.

No. 220.

Extract from the Minutes of Consultation dated 21st February 1857.

No. 30. The Government proceed to pass orders on such paragraphs of the letter from the Honorable Court of Directors in the Judicial Department, dated 17th December, No. 19 of 1856, as require notice.

Paras. 3 and 4. Intimate that Convicts Luke Rowland and Wm. McLean have arrived and been taken charge of by the Government Authorities; and that 40£ have been paid to the Captain as balance of Passage money.

2. Will be communicated to the Military Department.

Para. 7. Notice the conduct of Lieutenant Smith, Joint Magistrate of Chingleput, in regard to the dismissal of two Officers on his Establishment without setting forth any specific instances of misconduct of a nature to warrant a punishment of such severity; and fully approve the directions issued by Government to the Magistrate to arrange at once for the transfer of the Moonshees to other appointments of not inferior emolument in the District.

3. Will be communicated to Lieut. Smith, through the Magistrate of Chingleput.

Para. 8. Concur fully in the commendation bestowed on Mr. G. S. Forbes for the prompt and judicious measures adopted by him on the occasion of a disturbance at Tindevanum.

4. Will be communicated to the Collector of South Arcot and to Mr. G. S. Forbes, on his return to India.

Para. 9. Observe that Mr. Morehead was entitled to, only one month's leave under the rules.

5. Will be communicated to the Civil Auditor.

Para. 12. Regret that the Sudder Court did not at once relieve the Collector of Salem of the Bangalore Poliput Estate, the charge of which did not properly appertain to his Office.

6. Will be communicated to the Court of Sudr Udalut.

Para. 13. Notice the highly creditable manner in which Lieutenant Macdonald's expedition into Rottabaree in pursuit of the marauders who disturbed the peace of the Goomsoor country was conducted; and observe that no information as to the disposal of the persons captured, with certain exceptions, has been received by the Court.

7. Will be communicated to the Acting Agent in Ganjam, and through him to Lieut. Macdonald.

Para. 16. Approve of the investiture of the District Moonsiff of Permagoody and Shevagunga with Criminal jurisdiction, and trust the result will shew the expediency of pursuing a similar course in regard to the other District Moonsiffs.

8. Will be communicated to the Magistrate of Madura and the Court of Sudr and Foudaree Udalut.

Para. 19. Observe that the Honorable Court have already approved the employment of a temporary additional Police force for the suppression of Robberies in the South Arcot and Bellary Districts, and await the report promised of the outrages committed.

9. The Honorable the Court of Directors will be informed that the report alluded to in this para: was submitted with para: 65 of the Despatch from this Government, dated 15th July, No. 22 of 1856.

Para. 22. Approve of Government having declined to interfere in the complaint against the Acting Collector of Madras in connection with certain land taken up for public purposes.

10. Will be communicated to the Collector of Madras.

Para. 26. Observe that the Clauses respecting the sale of poisonous substances proposed to be inserted in the new Police Code are

11. The Honorable Court will be informed that no fur-

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

not to be found in Act XIII of 1856, and desire to be informed whether the subject has again been brought under consideration.

* Vide their Report, dated 12th April 1856.

Para. 27. Remark that Government very properly declined to interfere except to advance any sum that might be required for meeting the expences of the suit brought against the Magistrate of Coimbatore by Bowany Lalah.

Para. 33. Approve of the Proceedings of Government in the case of the Convicts who escaped from the Cuddapah Jail; and of the remarks of Government on the conduct of the Sessions Judge in declining to forward the application of the Magistrate.

Para. 34. Notice the revised Rules for the examination of Candidates for the Office of District Munsiffs and Pleaders and remark that the plan whereby the former are nominated by Zillah Judges will, the Court believe, be found incompatible with the system of admission to the Uncovenanted Judicial service by competition at Public examinations which is henceforth to prevail in the Madras Presidency under the operation of the rules now in force and that consequently Section VI. Regulation VI, 1816 must be repealed.

† Rev. Cons. 3rd June 1856, Nos. 4 to 14.
" " 6th Feby. 1857, " 16 to 18.

ther correspondence has taken place on the subject referred to in this para: and that the section alluded to was struck out by the Legislative Council because the Select Committee did not consider it expedient to retain it in the Bill.

12. Will be communicated to the Advocate General and Magistrate of Coimbatore.

13. Will be communicated to the Court of Foujdaree Udalt for intimation to the Officers concerned.

14. This para: will be communicated to the Judges of the Court of Sudr Udalt in reference to Ext. Min. Con. 29th June 1855. With regard to the concluding remark of the Honorable Court it is observed that the rules under comment will be superseded by the system for the general examination of uncovenanted public servants on admission to or promotion in the public service which will come in force on the 1st January next, and which prescribes certain standards of qualifications for Candidates for employment in the Judicial Dept. The papers† on this subject will be forwarded to the Sudr Udalt and their opinion asked whether any modification of Section VI, Regulation VI, 1816 or of any other Regulation or Act will be called for on the new system taking effect. They will observe that that system is not to be purely competitive but that the authorities in whom the right of appointment rests will still have the power of selection among all who have attained a prescribed standard, as selection of District Munsiffs is now made from

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

among persons who have passed the Pleader's examination required by the Rules of 6th July 1855, and hold a Diploma.

Paras. 35 to 40. Review Proceedings relative to the Vissanapettah Mootah in Masulipatam which was resumed as an escheat, but afterwards ordered by the Sudr Udalt to be given to the holder of a decree against the late proprietor: approve the orders of this Government directing the Collector to institute a suit for the recovery of the Estate, and state that, in the event of a successful issue, it will be for Government to determine whether any consideration should be shewn to the mortgagee for any losses he may have sustained.

Para. 41. Notice proceedings in regard to the dismissal of Ramachendra Row, Peishcar of Sauttoor in Tinnevely, and desire to be informed whether the object for which he caused the illtreatment of the Cooly suspected of having stolen a momety was made to appear in the course of the investigation.

Para. 47. Approve the appointment of Mr. Rohde, and the instructions issued to him on the various points connected with the duties of his Office; notice the objection taken to the views of the Medical Board as to the average space to be allowed to each Convict, and desire that if they have not yet stated the grounds of their opinion, they may be called upon to do so.

Para. 56. Refer to the decision of the Foujdaree Udalt in the case of the Record Keeper of the Collector's Cutcherry at Salem; and approve the instructions issued to the Government Pleader to avail himself of the first opportunity of having the question involved in that decision re-argued.

Para. 62. Notice the case of the Brahmadasen Tahsildar, who was charged with illusage, and observe that the Court is at a loss to discover upon what grounds the Session Judge remitted the fine imposed on him while he upheld the conviction against the Peons.

Para. 70. Approve the instructions of Government respecting the employment of the Malabar Police Corps as volunteers on the same working pay as is granted to the Sappers.

Para. 71. Approve the orders of Government in reference to the complaints preferred against Vencut Row Gomastah of North Arcot.

Para. 75. Approve the proceedings of the Board of Revenue in the case of the Periapolliam Tahsildar, and desire that it may

15. Will be communicated to the Collector of Masulipatam with reference to Extract Minutes of Consultation 31st August 1855, No. 623. Mr. T. Knox will report what progress has been made in the Suit.

16. Will be communicated to the Magistrate of Tinnevely with reference to his letter of 23rd July 1855, with a request that he will furnish the information called for by the Honorable the Court of Directors.

17. The Honorable the Court of Directors will be referred to the Report from the Inspector of Prisons for 1855, which will be forwarded to them by the next mail, and the Medical Board to whom copy of this para: will be furnished will be called upon for the reasons and for the data from which they have inferred the necessity of allotting 500 cubic feet to each Prisoner.

18. Will be communicated to the Magistrate of Salem and the Government Pleader with reference to Extract Minutes Consultation 27th November 1855, No. 865.

19. Will be communicated to the Magistrate and Sessions Judge of Tinnevely through the Foujdaree Udalt.

20. Will be communicated to the Magistrate of Malabar.

21. Will be communicated to the Magistrate of North Arcot.

22. It is observed that a Memorial from Streenevasa

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

be publicly notified that he shall not again be employed in the Government Service; record the Court's opinion that the Session Judge, Mr. Dowdeswell, failed in his duty in passing over the case as one not calling for his interference, and that Mr. Shubrick cannot be entirely acquitted of indiscretion in having entrusted such a Subordinate with an order that could lead him to suppose that he would be in more danger by failing to collect the balance than by employing irregular measures for the purpose.

Now and the papers connected with his case, were sent to the Honorable Court under date 24th Decr. 1856. Before taking any further steps in regard to this individual, the Government will await the orders of the Honorable Court upon these papers.

Paras : 1. 2. 5. 6. 10. 11. 14. 15. 17. 18. 20. 21. 23. 24. 25. 28. 29. 30. 31. 32. 34. 42. 43. 44. 45. 46. 48. 49. 50. 51. 52. 53. 54. 55. 57. 58. 59. 60. 61. 63. 64. 65. 66. 67. 68. 69. 72. 73. 74. 23. Need no remark.

(Signed) T. PYCROFT,
Chief Secretary.

3rd Judicial Dept.

No. 220

Extract from the Minutes of Court.
Dated 21st February 1857

The Government proceeded to pass orders on such paragraphs of the letter from the Honorable Court of Directors in the Judicial Dept. dated 17th December 1856 as require notice.

[Handwritten signatures and initials]

Paras 3rd. Intimate that Convicts Luke Rowland and Wm. McLean have arrived and been taken charge of by the Port Authorities, and that 40 L have been paid to the Captain as balance of Passage money.

2 Will be communicated to the Military Department.

Para 7 Notice the conduct of Lieut. Smith, in the charges made of Chinglepat, in regard to the dismissal of two officers on his establishment without letting forth any specific instances of misconduct of a nature to warrant a punishment of such severity and

3 Will be communicated to Lieut. Smith through the

the Magistrate of
Chingleput.

Will be communicated
to the Collector of South
Arcot and to Mr. G. S. Forbes
on his return to India.

Will be communi-
cated to the Civil Auditor.

Will be communi-
cated to the Court of Sadr
Adalat.

Will be communi-
cated to the Acting Agent
in Ganjam and through
him

and fully approve the di-
rections issued by Govt to
the Magistrate to arrange
at once for the transfer of
the Moonshees to other ap-
pointments of not inferior
importance in the District.

Para 10. Concur fully in the
commendation bestowed
on Mr. G. S. Forbes for the
prompt and judicious
measures adopted by him
on the occasion of a dis-
turbance at Hindavanam.

Para 11. Observe that Mr.
Forbes had been entitled to
only one month's leave under
the rules.

Para 12. Regret that the
Sudder Court did not at
once relieve the Collector
of Salem of the Bangalore
Potlupul Estate, the charge
of which did not properly
appertain to his Office.

Para 13. Notice the highly
creditable manner in which
Lieut. Macdonald's expedition
into Kollabance in pursuit
of the marauders who
disturbed the peace of the
Gandoor Country was
conducted; and observe
that no information as
to

to the disposal of the
persons captured, with
certain exceptions, has
been received by the Court.

Para 16. Approve of the
investiture of the District
Munsiff of Ponnagoochy
and Shemunganga with
criminal jurisdiction,
and trust the result will
show the expediency of
pursuing a similar
course in regard to the
other District Munsiffs.

Para 19. Observe that the
Hon. Court have already
approved the employment
of a temporary additional
Police Force for the sup-
pression of robberies in
the South Arcot and Bellary
Districts, and await
the report promised of
the outrages committed.

Para 22. Approve of Govt
having declined to inter-
fere in the Complaint
against the Acting Collec-
tor of Madras in connec-
tion with certain land
taken up for public
purposes.

Para 26. Observe that the
clauses respecting the sale
of

him to Lieutenant
Macdonald.

Will be communi-
cated to the Magistrate
of Madurai and the Court
of Sadr & Foujdare Adalat.

The
9. The Hon. Court of Direc-
tors will be informed that the
report alluded to in this para-
graph was submitted with para 65
of the Despatch from this Govt
dated 15th July No 22 of 1856.

Will be communicated
to the Collector of Madras.

14. The Hon. Court will be
informed that no further
correspondence has
taken

taken place on the subject referred to in this para and that the Section alluded to was struck out by the Legislative Council because the Select Committee did not consider it expedient to retain it in the Bill.

of poisonous substances proposed to be inserted in the new Police Code are not to be found in Act III of 1856, and desire to be informed whether the subject has again been brought under consideration.

*Under this
Report dated
12th April 1856*

12 Will be communicated to the Advocate General and Magistrate of Coimbatore.

Para 27. Remark that Govt very properly declined to interfere except to advance any sum that might be required for meeting the expenses of the suit brought against the Magistrate of Coimbatore by Boman Potab.

13 Will be communicated to the Courts of Pajdare Aba but for intimation to the Officers concerned.

Para 35. Approve of the Proceedings of Govt in the case of the Convicts who escaped from the Cuddalore Jail and of the remarks of Govt on the conduct of the Sessions Judge in declining to forward the application of the Magistrate.

14

Para 36. See next page.

15 Will be communicated to the Collector of Masulipatam

Para 36. See next page. Revises 35 & 40. Revises proceedings relative to the Cassanipettah Moolah in Masulipatam which was recommended as an escheat, but afterwards ordered by the Sudder Adalat to be given

Para 34. Notice the revised Rules for the examination of Candidates for the Office of District Mootiffs and Pleaders and remark that the plan whereby the former are nominated by Jellat Judges will, the Court believe, be found incompatible with the system of admission to the Unconvenanted Judicial Service by competition at Public examinations which is henceforth to prevail in the Madras Presidency under the operation of the rules now in force and that consequently Section VI Reg. VI. 1816 must be repealed.

*Re. Com. 3rd June 1856. 48/14
" " 6 Feb. 1857. 16/18*

14 This para will be communicated to the Sudder Adalat of the Court of Sudder Adalat in reference to the Memoirs of 24th June 1855. With regard to the concluding remark of the Honorable Court it is observed that the rules under comment will be superseded by the system for the general examination of Unconvenanted public servants on admission to or promotion in the public service which will come in force on the 1st January next and which prescribes certain standards of qualifications for Candidates for employment in the Judicial Department. The papers on this subject will be forwarded to the Sudder Adalat and their opinion asked whether any modification of Sec. VI. Reg. VI. 1816 or of any other Regulation or Act will be

called for on the new
system taking effect.

They will observe that
that system is not to be
purely competitive but
that the authorities in
whom the right of ap-
pointment rests will
still have the power of
selection among all who
have attained a prescribed
standard - as selection of
District Mootiffs is,
now made from among
parties who have passed
the Pleaders examination
required by the Rules
of 6th July 1855.
and hold a Diploma.

given to the holder of a
Deed against the late pro-
prietor. Approve the orders
of the Govt directing the
Collector to institute a suit
for the recovery of the estate,
and state that, in the
event of a successful
issue, it will be for Govt
to determine whether
any consideration should
be shown to the mortgagee
for any losses he may have
sustained.

Para 11. Notice proceedings
in regard to the duties
of Ramachandra Row
Peshkar of Tanjore in the
revelly, and desire to be
informed whether the
object for which he caused
the ill-treatment of the
Cody suspected of having
stolen a money was
made to appear in the
course of the investigation.

Para 14. Approve the ap-
pointment of Mr. Roberts and
the instructions issued to him
on the various points con-
nected with the duties of
his Office; notice the ob-
jections taken to the report of
the Medical Board as to the
average space to be allowed
to each convict, and desire
that

Masulipatam, with
reference to E. Minsions
31st August 1855. No 623. Mr. J.
H. may will report what
progress has been made in
the suit.

16. Will be communi-
cated to the Magistrate of
Tanjore with reference to his
letter of 25th July 1855, with
a request that he will
furnish the information called
for by the Hon. the Court of
Directors.

17. The Hon. the Court of
Directors will be referred to the
Report from the Inspector of
Prisons for 1855, which
will

will be forwarded to them
by the next mail. and the
Medical Bd to whom copy of this
para will be furnished will be called
upon for the reasons and for the data
from which they have inferred the ne-
cessity of allotting 500 Cubic feet to each
prisoner.
18 Will be communi-
cated to the Magistrate of
Salem and the Govern-
ment Pleader with refer-
ence to Ex. Min's Cons 27^a
Nov. 1855. No 865.

19 Will be communicated
to the Magistrate and Sessions
Judge of Sinnerelly thro'
the Foydaree Udalat.

20 Will be communi-
cated to the Magistrate of
Malabar.

21 Will be communicated
to the Magistrate of North
Arcot.

that if they have not yet
stated the grounds of their
opinion, they may be called
upon to do so.
Para 56. Refer to the decision
of the Foydaree Udalat in
the case of the Record Keeper
of the Collector's Catchery at
Salem; and approve the in-
structions issued to the
Govt Pleader to avail him-
self of the first opportunity
of having the question in-
volved in that decision
re-argued.

Para 52. Notice the case of
the Pothimadaseen Sahaddeen
who was charged with Blasphemy,
and observe that the Court
is at a loss to discover upon
what grounds the Session
Judge remitted the fine
imposed on him while he
upheld the convictions
against the plea.

Para 70 Approve the
instructions of Govt respecting
the employment of the Malabar
Police Corps as volunteers
on the same working pay
as is granted to the Sappers.

Para 71 Approve the orders
of Govt in reference to the com-
plaints preferred against
Venkat Row Gernasetah of
North Arcot.

Para 75 Approve the pro-
ceedings of the Board of
Revenue in the case of
the Periapolliam Sahaddeen,
and desire that it may
be publicly notified that
he shall not again be em-
ployed in the Govt Service;
record the Court's opinion
that the Sessions Judge,
Mr. Poynderswell, failed in
his duty in passing over
the case as one not calling
for his interference, and
that Mr. Shubrick cannot
be entirely acquitted of im-
discretion in having en-
trusted such a subordinate
with an order which
lead him to suppose that
he would be in more
danger by failing to col-
lect the balance than
by employing irregular
measures for the purpose.

Paras 12, 56, 10, 11, 14, 15, 17, 18, 20,
21, 23, 24, 25, 28, 29, 30, 31, 32,
34, 42, 43, 44, 45, 46, 48, 49,
50, 51, 52, 53, 54, 55, 57, 58, 59,
60, 61, 63, 64, 65, 66, 67, 68, 69,
72, 73, 74.

22 It is observed that a
Memorial from Stranewase
Row and the papers
connected with his case,
were sent to the Honble
Court under date 24th
Dec^r 1856. Before taking
any further steps in
regard to this individual,
the Govt will await
the orders of the Honble
Court upon these papers.

23 And no remark.

P. J. O.

24 February
Micheal 1857 before 9th

1857

Subae to Minis of Home

29/2/57
From the Librarian
157. 12. 58
From the Librarian
157. 12. 58

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25/2/57

80

Copy of Para 2 with Para 304 of the Despatch to
the Military Depart. Desp'd 6th

do - 3 - do - 7 - Magt of Calicut Desp'd 6th

do - 4 - do - 8 - Coll of South Arcot Desp'd 6th

do - 4 - do - 8 - G. S. Forbes Esq. 6th Feb 57/58 Desp'd

do - 5 - do - 9 - Civil Auditor Desp'd 6th

do - 6 - do - 12 -

do - 8 - do - 16 } Sadr Adalat Desp'd 6th

do - 14 - do - 34 } with copies of Papers noted in the margin
of that para.

do - 7 - do - 13 - Agent at Bangalore Desp'd 6th

do - 8 - do - 15 - Magt of Madras Desp'd 6th

do - 10 - do - 22 - Coll of Madras Desp'd 6th

do - 12 - do - 27 - Advocate General Desp'd 6th

do - 12 - do - 27 - Magt of Coimbatore Desp'd 6th

do - 13 - do - 33 } Sadr Adalat Desp'd 6th

do - 19 - do - 62 }

do - 15 - do - 35 @ 40 - Coll of Madras Desp'd 6th

do - 16 - do - 41 - Magt of Coimbatore Desp'd 6th

do - 17 - do - 47 - Medical Board Desp'd 6th

do - 18 - do - 56 - Magt of Salem Desp'd 6th

do - 18 - do - 56 - Government Pleader Desp'd 6th

do - 21 - do - 70 - Magt of Malabar Desp'd 6th

do - 21 - do - 71 - Magt of N. Arcot Desp'd 6th

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On 24 Feb to 24 Feb
Chas. B. 1857 before 9th

c 19 Feb
221