M.R.O. 1—32,000—15-10-89.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 529 Press ~~Mis.~~

17-18

Dated 12 — 5 — ~~19~~ 1857

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 12th May 1857.

No. 17. Read the following letter from E. B. THOMAS, Esq., Magistrate of Coimbatore; to T. PYCROFT, Esq., Chief Secretary to Government, dated 17th April 1857, No. 13.

Sir,

1. With reference to the Extract from the Minutes of Consultation of the 25th July 1855, No. 525, I have the honor to request Government sanction for the amount† I have still had to pay, (although the first Judgment was reversed in my favor) in the action of Bhawany Lalah against me.

† Rupees 632½

2. I need scarcely again assure the Government, the plea was sustained entirely by *false* native evidence, supported by the paid talent and skill of a practiced European Advocate, had I done my duty less energetically, I should not probably have suffered, I acted, bonafide, for the public good, and trust the support of Government will not be denied me.

3. If Government fully knew the difficulties and necessities of the case, and the intrigue employed to frustrate my honest and zealous endeavours to maintain the peace of my District, they would not deem me worthy of censure, nor withdraw the support for which every Magistrate must look, when doing his duty fearlessly, in the face of native intrigue and falsehood, with other influences unfairly against him.

(Signed) E. B. THOMAS.
Magistrate.

No. 18. Order thereon, No. 529; dated 6th May 1857.

The Government have already in Extract Minutes Consultation 11th December last, expressed their opinion that the Proceedings of the Magistrate in the matter of Bawany Lallah throughout, exhibited a want of discretion and judgment. They are however willing to believe that Mr. Thomas was actuated by a sense of duty and anxiety to maintain the peace of his District, and they will not therefore refuse to relieve him from payment of the costs, to which he is still liable, (Rupees 632-8) six hundred and thirty two Rupees 8 Annas. The memo. submitted with his letter, is therefore sanctioned.

(Signed) T. PYCROFT,
Chief Secretary.

Memo of Papers Circulated

Letter from Magistrate of Coimbatore 7th July 58 No 19 Submits Memo of facts and grounds on which he acted in requiring security from Bowany Lalah, and requests sanction to defend the suit brought against him.

Extract Minutes Cons: 18th July 58 No 516 Advocate General ask for his opinion as to whether Government should undertake the defence of the suit &c.

Letter from Honorable Company's Solicitor 21st July 58 communicates opinion of Advocate General.

Extract Mins Cons 26th July 58 No 525 Government decline to interfere in the suit, but offer to advance Mr Thomas any sums he may require.

Extract from Honble Courts Despatch 17th December 58 approve the proceedings of Government.

Ext.

Extract Mins Cons 29th Augt /54 Orders of Government respecting religious processions.

Three Copies of Athenæum in which the case is reported.

Minute of Right Honble the President dated 5 July /56 noticing an Article in the Athenæum reflecting on Mr Thomas' Character, and adducing reasons why Government should take the matter into serious consideration.

Extract Mins Cons 9th July /56 No 806 calling for explanation respecting the discrepancy between the two documents put in by the Plaintiff and the Defendant as to the sentence of the Magistrate.

Letter from the Magistrate date 25 July /56, affords explanation on the above point, and as to the grounds of his proceeding in Ramany Lalah's case.

Extract Mins Cons 21st Augt /56 No 794 refer the above letter to the Foujdaree Udalut, and request their opinion as to the correctness of the forms employed &c and call on the Magistrate to explain cause of delay in taking up the case.

Letter from Magistrate 12th September 1856 afford explanation on the point above referred to.

Letter from Sudder Udalut 4th November 1856, give their opinion on the points referred to them.

Extract Mins Cons 11th December 1856 No 1464, review the above two papers and express the opinion of Government that the proceedings of the Magistrate throughout exhibited a want of discretion and judgement.

Letter to the Honble Court reporting the above dated 10th Feby /57 para 54

Judicial Department
1857 Demi: 12 May 529
From the Magistrate of Coimbatore
To the Chief Secretary to Government
Dated 17th April
Recd 23 " 1857
No. 13 No. 6661

With 38 enclosures.
Requests the sanction of Govt for Rs 632-8-0 being the amount of costs incurred by him in defending the suit instituted against him by Bhowany Lalah in the Supreme Court.
With an Order

Sep 1 In Ltr 555 N. 1112
Judl Letter 20 Oct No 26 of 1857 Parab.
Repd to Govt Sept 1858
" " " P. 17

1746

27 Apl
12 May

No 529

The Govt have already E M C 11 Dec 26 expressed their opinion that the proceedings of the Magistrate in the matter of Bhowany Lallah throughout exhibited a want of discretion and judgment. They are however willing to believe that Mr Thomas was actuated by a sense of duty and anxiety to maintain the peace of his District and they will not therefore

expense to relieve him from payment
of the costs to which he is still
liable R 632. 8 – Six hundred
and thirty two Rupees eight annas
The Memo: submitted with
~~this~~ his letter is therefore sanctioned

Fort St George
6 May 1853

JF

Majr of Cantonmt – with a Memo:
& 2 original Enclosures
Sub Treasr
Officer of Audit Canara

(Signed) E. Maltby
Actg Chief Secy.

Disptd [illegible]

P.S.

I respectfully request the return
of the enclosed papers at convenience –
E. R. Thomas
Magistrate