M.R.O. 1—50,000—15-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 937	Press ~~Mis.~~
60	
Dated 1 — 8 — ~~19~~ 1887	

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 4th August 1857.

No. 60. Extract from the Minutes of Consultation, dated 1st August 1857, No. 937.

1. In continuation of the orders contained in Extract Minutes of Consultation, dated 27th July 1857, No. 882, the Right Honorable the Governor in Council is pleased to notify that the Commissioners may adopt either of the two following courses in recording the evidence given in trials before them.

1st. The substance of the evidence given by a witness may be recorded in English, but this is always to be in the hand-writing of the Commissioner, and he is carefully to affix his signature to all statements taken in this manner.

2nd. The evidence of a witness may be taken down in his own language, the form of a narrative being used instead of that of question and answer, to save unnecessary labor. In this case the witness is to be called upon to sign his deposition, before it is countersigned by the Commissioner.

2. But the defence made by the accused party is always to be taken down in his own language and words, and is to be offered to him for signature.

3. Retrospective effect cannot be given to Act XIV of 1857, and the powers of the Commissioners therefore apply only to the trial and punishment of offences committed in part at least after the publication of the order of Government announcing their Commissions.

4. Magistrates have a discretionary power to commit persons charged with heinous offences against person and property, for trial before the Commissioner, or before the Criminal Courts in the ordinary course of law.

(Signed) E. MALTBY,
Acting Chief Secretary.

Judicial Depart

No. 937

E. M. of C 1 August 1857

JJ

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1 In continuation of the orders contained in E M of C dated 27 July 1857 No 882 the Rt. H. the G. in C is pleased to notify that the Commissioners may adopt either of the 2 following courses in recording the evidence given before them -

1st The substance of the evidence given by a Witness may be recorded in English, but this is always to be in the handwriting of the Commissioner, and he is careful to affix his signature to all statements taken in this manner.

2nd The evidence of a Witness may be taken down in his own language, ~~[illegible]~~ ~~[illegible] of question & answer~~, the form ~~Instead~~ of a narrative being used instead of the question & answers to save unnecessary labor - In this case the Witness is to be called upon to sign his deposition, before it is countersigned by the Commissioner

2 – But the defence made by the accused party is always to be taken down in his own language & words, and is to be offered to him for signature.

3 – Retrospective effect cannot be given to Act XIV of 1857, & the powers of the Commissioners therefore apply only to the trial & punishment of offences committed in part at least after the publication of the order of Govt. announcing their commissions

4 – Magistrates have a discretionary power to commit persons charged with heinous offences against person or property, for trial before the Commissioners, or before the Criminal Courts in the ordinary course of Law.

To all the Session Judges
" " " Magistrates
" Agents at Ganjam, Vizagapatam
[illegible]
} Desp.d 3d Augt.

In Ltr Bom: 4th August
Judicial 1857 Depart.

No. 937

Extract Mins. of Cons.

d/ 1st August /57.

Jl. Ltr to Engd. 24th Decr.
No. 31 of 1857 Para 28