

MADRAS RECORD OFFICE.

Government of Madras.

Journal DEPARTMENT.

G.O. No.	1052	Press
		~~Mis.~~
62-63		
Dated	3 — 8 —	19/5/58

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 3rd August 1858.

No. 62. Read the following letter from C. F. CHAMIER, Esq., Acting Register to the Court of Sudder Udalut; to T. PYCROFT, Esq., Chief Secretary to Government, dated 24th July 1858, No. 56.

SIR,

1. Having, as head of the Ministerial establishment of the Sudder Udalut, experienced some difficulty in giving practical effect to Section 9 of the Rules laid down in Extract from the Minutes of Consultation under date the 5th May 1854, I have the honor to bring the following circumstances to the notice of the Government, and to solicit their instructions thereon.

2. In the first case, the Ministerial servant was criminally punishable for the act charged; and, considering it to be objectionable, if not illegal, that a party accused of an indictable offence, should be prejudiced by any extra judicial enquiry into the subject of such accusation, I did not call upon him to plead to any written charge, but thought it better to place the matter at once in the hands of the Honorable Company's Solicitor, and to leave the party to be dealt with by those who, by Law, were specially vested with the cognizance of his offence.

3. Another case occurred in which I likewise considered the Rule in question to be inapplicable. Receiving intimation that a servant of the Court had addressed a defamatory petition to the Government, casting false and malicious imputations upon the character of another public servant, I called for and questioned the party; and, as he confessed that he was the author of the libel, it seemed to me superfluous to go through the form of furnishing him with a written charge, and I accordingly merely recorded the substance of his answer.

4. It would be useful to myself, and I presume to other heads of offices also, to know whether in these cases of dismissal, the particulars of which, as not affecting the general question, it appears unnecessary for me to enter into, the views and intentions of the Government have been sufficiently fulfilled. I am not aware that the design of the Rules, which was to prevent the "arbitrary" dismissal of Uncovenanted servants, would have been in any degree furthered by furnishing the individual in the latter case with a written charge, a course not pursued even in criminal trials; and, in the former case, it might have interfered with the due course of justice.

No. 63. ORDER THEREON, No. 1052; dated 3rd August 1858.

The course adopted by Mr. Chamier in the cases referred to, appears to be correct.

(Signed) T. PYCROFT,
Chief Secretary.

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Into the hands of
3rd August 1858-5

of C. F. Chamier Esq

Register to the Court of

Admiralty

Deputy Clerk

course adopted by
the proceedings of the Court
of Admiralty in the cases
referred to appears to
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gp

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