

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	581	Press
	45-46	~~Mis.~~
Dated	4-5-19	1918

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 4th May 1858.

No. 45. Read the following letter from WILLIAM FISHER, Esq., Magistrate of Canara ; to the Chief Secretary to Government, Fort Saint George, dated Mangalore, 24th April 1858, No. 32.

SIR,

1 To Mr. Robinson, dated
24th April 1858.
1 To Mr. Ballard dated ditto.

In laying before Government the accompanying correspondence, I have the honor to state that I have at length very unwillingly consented to Mr. Ballard's taking up his Commission, as I think the arguments now put forward by Mr. Robinson are weighty, and worthy of every consideration. I have no actual list of the number of prisoners awaiting trial, nor do I know how many of them are charged with active participation in the late disturbances ; but I feel that under existing circumstances, the speedy and efficient working of the Commission is a matter of the utmost importance.

2. Knowing the difficulties encountered in securing efficient Native Agency, and the weakness of that now employed by Mr. Robinson, I can only consent to Mr. Ballard's proceeding to Soopah on a sufficient establishment being organized, to enable him to work with effect.

3. Extra servants must under these circumstances be employed, and I trust that the Government will be pleased to sanction the step I have taken in directing Mr. Robinson, to arrange in communication with Mr. Ballard, for the due working both of the Commissions held by these gentlemen and of the establishment with which Mr. Binny must carry on the ordinary duties of the Sub Collector of Canara.

4. Distances are so great in this District, and the post routes often so circuitous, that endless time is lost in corresponding with the Officers in Soopah. In anticipation therefore of a reply to my letter to Mr. Robinson, under date 11th Instant, I forwarded Mr. Ballard's Commission to that gentleman. Unwilling however to act except under special directions from me, Mr. Ballard has awaited the result of Mr. Robinson's reply to that letter, and on the grounds now put forward, as shewn in my letter to Mr. Robinson of this date, I have sent him orders specific, though of necessity contingent on the organisation of the Native Agency required.

From W. FISHER, Esq., Magistrate of Canara ; to J. D. ROBINSON, Esq., Joint Magistrate and Commissioner North Canara, Soopah, dated Mangalore, 24th April 1858.

SIR,

I have the honor to acknowledge receipt of transcript of a letter addressed by you to Mr. Ballard, in which you acknowledge receipt of my official of the 11th Instant, and state your reasons for still wishing Mr. Ballard to take up his Commission with a view to assisting you in disposing of the cases arising out of the late troubles in North Canara.

2. The present grounds on which you urge the exercise of the powers granted to Mr. Ballard are different from those which have hitherto been advanced ; and whereas there were serious objections in my opinion to the working of a joint Commission, I think very differently of the plan you would now adopt, of carrying on the Commission with Mr. Ballard's assistance, simultaneously on the frontier, and in the interior.

3. The proposal you now make is, I think, in itself excellent, as it is of the greatest importance under the circumstances in which you are placed, that justice should be speedy.

4. At the same time two Commissioners cannot work in different parts of the District without sufficient Native Agency. Your own which has only been organised by detaching the Sub Division Sheristadar, and the Soopah Tahsildar, from their proper duties, has been already greatly weakened by the illness of Roodrapah,* (whose place in the Balaghaut I have supplied with the Naib Sheristadar) and I do not see how it is possible for Mr. Ballard to act with effect unless an establishment be found for him, by selections from your own office, and the Talook servants, or from those I have sent up to assist in carrying on the routine duties of the Balaghaut, during your absence with your own Cutcherry.

5. I therefore request that in consultation with Mr. Ballard you will at once make arrangements for employing efficient servants under the Commission, filling up their places in your office or in the Talooks, as may be necessary, in order to the due working of the ordinary local establishments under Mr. Binny during the absence of Mr. Ballard as Commissioner.

Fort St. George, Judicial Consultation, 4th May 1858.

6. You will be good enough to send me a list of the temporary appointments it may be necessary to make, and I trust that with reference to the number of individuals to be tried, and the captures yet to be made at this late season of the year, the Government will be pleased to sanction the measures I now think it necessary to make in order to the efficient working of the Commissions held by Mr. Ballard and yourself.

7. I much regret the necessity that seems to exist for taking the step now decided on, as I had great hopes that with Mr. Binny's assistance you would have been able to carry on the duties imposed on you with sufficient celerity, and I am sorry to disturb Mr. Ballard who has so lately entered on his duties as Acting Sub Collector.

8. Experience however has pointed out that, with Mr. Binny in his present relation to you however able and willing he may be, you alone cannot deal with cases with sufficient promptness and as so much depends, in the present state of public feeling, on speedy retribution when deserved, and the early release of the innocent; and justice if not prompt, loses half its value; I consent to Mr. Ballard's taking up his Commission on the necessary Native Agency being organised, and have laid before Government my reasons for doing now, what under other circumstances I did not do earlier.

9. Copies of letters addressed this day to Messrs. Ballard and Binny are forwarded for your information.

(True Copy.)

(Signed) WM. FISHER,
Magistrate.

From W. FISHER, Esq., Magistrate of Canara; to G. A. BALLARD, Esq., Acting Joint Magistrate of Canara, dated Mangalore, 24th April 1858.

SIR,

With reference to transcript of a letter to your address forwarded to me by Mr. Robinson, as a reply to my official of the 11th Instant, copy of which has been forwarded to you, I have the honor to transmit for your guidance copy of a second official now addressed to Mr. Robinson. I will thank you to concert measures with that Officer, and to act on your Commission as soon as a Native Agency which will admit of the Commissions being worked simultaneously on the frontier and in the interior of the District, can be organized. On your proceeding to Soopah, Mr. Binny will take charge of the Sub Division.

(True Copy.)

(Signed) WM. FISHER,
Magistrate.

No. 46.

ORDER THEREON, No. 581; dated 4th May 1858.

Under the circumstances stated, the Government approve of Mr. Ballard having been directed to take up his Commission under Act XIV, 1857. Every means should be taken to provide him with an efficient establishment at an early date.

(Signed) T. PYCROFT,
Chief Secretary.

No 581.

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Fort St. George
4 May 1858

Mag of Canara Disptd. 4th

Jud Lr to Enqd No. 13

7-9-58

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