

# MADRAS RECORD OFFICE.

Government of Madras.

*Judicial* DEPARTMENT.

|                 |                          |
|-----------------|--------------------------|
| G.O. No. 837    | Press<br><del>Mis.</del> |
| 5-6             |                          |
| Dated 23-8-1968 |                          |

Not to be folded or roughly handled

*Fort St. George, Judicial Consultation, 2nd July, 1858.*

No. 5. Read the following letter from JAMES OUCHTERLONY, Esq., late Principal Sudr Ameen of Ootacamund; to T. PYCROFT, Esq., Chief Secretary to Government, dated 8th June 1858.

SIR,

I had the honor, on the 1st Instant, to inform you that I had closed my Court agreeably to the Notification in the Gazette of its being abolished from that date; and to add that, in presuming such to be the desire and intention of the Government, I had handed over all records and funds, together with the charge of the Jail, to Mr. E. W. Bird.

2. I hope I may now be permitted respectfully to enquire of the Government, what compensation is to be awarded to me for this deprivation of my appointment?

3. I trust also that I shall not be considered to ask too much, if, looking at the peculiar features of this case, I solicit the favor of Government expressing to me (always supposing it to entertain such an opinion) that it is not from my Judicial duties having been in any way inefficiently or laxly performed, that the Court over which I have presided has been abolished. I venture to solicit this, because, as it is now for a space of *two years* that I have presided over my Court, and as the new one substituted for it is one of *precisely similar jurisdiction*, my removal from the bench in the abolition of the first must wear an equivocal appearance (calculated to affect me prejudicially) in the eyes of those who are ignorant of the attending circumstances.

No. 6. ORDER THEREON, No. 838; dated 23rd June 1858.

The Right Honorable the Governor in Council regrets, that it is not in his power to make to Mr. J. Ouchterlony, late Principal Sudr Ameen of Ootacamund, any compensation for the loss of his appointment. He will however be prepared to recommend to the favorable consideration of the Honorable the Court of Directors, any representation which Mr. Ouchterlony may see fit to address to them on the subject.

2. The Government deem it but just to Mr. Ouchterlony, to express their satisfaction at the manner in which he has discharged the duties of his late office. The abolition of the Principal Sudr Ameen's Court at Ootacamund, has been carried out under orders of the Honorable the Court of Directors--altogether irrespective of Mr. Ouchterlony--and solely on the ground that in the judgment of the Honorable Court, a Subordinate Court is better adapted to the circumstances of the Neilgherry Hills.

(Signed) T. PYCROFT,  
Chief Secretary.

The R H K Jc reports that it  
is not in his power to make to  
Mr J Ouchterlony Late Principal  
Judge Justice of Ottawa any  
any compensation for the loss of  
his appointment - He will however  
be prepared to recommend to  
the favorable consideration of the  
Honorable the Council of Directors  
any representation which Mr  
Ouchterlony may see fit to  
address to them on the subject -

St  
H  
Wm

2. The fct deem it but just  
to Mr Ouchterlony to express  
their satisfaction at the man-  
-ner in which he has discharged  
the duties of his late office -  
The abolition of the P S Justice's  
Court <sup>at Ottawa</sup> has been carried out  
under orders of the Honorable  
the Council of Directors - at the  
-the instigation of Mr Ouchter-  
-lony - and solely on the ground  
that in the judgment of the R H K  
Council a Subordinate Court is better  
adapted to the circumstances of

C. H. Smith  
1858

The Red Cherry Hills.

Mr J. D. McIntosh, Dir. of the  
Fort St George, 2

23<sup>rd</sup> June, 1858.

546

And to the same: 29. July 1858.  
Judicial. 1858. Separate.

From James Buchanan, Esq.,  
late British Consul, Director of  
Cotacaim and.

21<sup>st</sup> June 1858.

Feb. 1917.

No. 1010.

Engineer who has been in the  
is to be awarded to him for the  
deposition of his report on the  
addition of his report on the  
imposed, in consequence of the  
abolition of his Court, and,  
for reasons stated, which the  
fact of his report appearing to  
him that it is not from his  
various studies having been  
in any way in the account  
or by the fact of his report  
and on which he had  
precluded has been abolished.

W. H. Smith

# Judicial Department 22 June 1858 Contents

|   |                                       |                      |                                                                                                                                                                                                                                                                     |
|---|---------------------------------------|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | From the Commissioner of Police       | 2 <sup>nd</sup> June | <sup>being</sup> Solicits sanction for the payment of Rs 5 per month as rent for the new Jailah proposed to be erected by Nagappa Moddy for the use of the Police Subadar Major's Quarters in Tiruvankuram                                                          |
| 2 | Order thereon                         | 16 June              | Sanctions the payment                                                                                                                                                                                                                                               |
| 3 | From the Magistrate of Marulipattanam | 10 June              | Solicits authority for the payment to the men of the Marulipattanam Libburi Corps of Rs 2 each as an equipment money & for the advance of Rs 200 made <sup>by him</sup> to Captain Ashley for the purpose of supplying the men with sandals & undress white jackets |
| 4 | Order thereon                         | 16 June              | The payments sanctioned                                                                                                                                                                                                                                             |
| 5 | From the Comd of Sudda Adalat         | 5 June               | Under the circumstances stated recommends the re-transfer of Madhava Rao from the charge of the Sub Court of Cuddapah to the Bellary District on an opportunity offering for his employment there, either in the Revenue or Judicial Department                     |

6 Order thereon

16 June

accede to the recommendation & notice that the transfer could be effected at once if the party who fills Madhava Rao's former place in Bellary or any Officer of similar grade there does not object

7 From the Government Agent Vizagapatam 31<sup>st</sup> May

Requests that the Civil Auditor may be authorized to pay to Lieut. Sobree Rs 100 per mensem as Civil salary so long as he remains attached to the Government Subbunder

8 Order thereon

16 June

Intimate the Civil Auditor accordingly

9 From the Acting Magistrate of Immervelly 3<sup>rd</sup> June

States that a rigorous registry of all the arms in his District would be an arrangement attended with much advantage in further of opinion that the general rearming of the people of the District were to be carried into effect it would tend greatly to relieve the Criminal Courts from a large proportion of cases of the more heinous character which come before them, & requests that authority may be granted for the enforcement of Sec. I to VI & XVIII of Act 8 of 1857 in his District

Order thereon

10

11 From the Civil Judge of Chittoor 14 June

Order thereon

12

13 From W. F. G. of Bellary Special Commissioner North Canara

16 June

Refer the foregoing letter to the Court of Enquiry & ask for their opinion on the views of Mr. Mayne on the subject of disarming the populace - Intimate that the Government are not prepared on the statement submitted by the Acting Magistrate to authorize the enforcement of the registry of arms

14 June

With reference to the great increase in his station for want of a proper medical aid since the removal of Dr. Harper to coast, respectfully requests that he may be permitted to return to Chittoor

16 June

Referred to the Military Secy & intimated that Government are anxious that Dr. Harper should rejoin the station of Chittoor

16 June

States the uncomfortable position in which Seepurana has placed himself & reports an attack recently made by a party of his men on some of the Portuguese troops - Is of opinion that the authorities in Canara are under the circumstances of the case bound to co-operate heartily

14 Over the river

16 June

with the former Govt at this  
period  
agree with the Special Commis.  
that the authorities of Canara  
should co-operate heartily with  
the Portuguese Govt in their op-  
erations against the deep-sea piracy

15 From the Magistrate  
of Rajahmundry

28 May

Submits for sanction & Indent  
for arms & clothing required for  
the use of the Submarine Corps  
in his District, & solicits author-  
ity for disbursing a sum not  
exceeding Rs 500 for making  
up the clothing

16 Over the river

16 June

Sanction the Indent as also  
the expenditure of a sum  
not exceeding Rs 500 for ma-  
king up the clothing referred to

17 From the Magistrate  
of Canara

2nd June

Reports the transmission with  
destination of the letter from  
the Govt to the Governor General  
of the Portuguese Settlements in  
India, & submits that the ar-  
rangements for all operations  
for the capture or destruction of  
the rebels should be left altogether  
in Captain Schneider's hands  
Consent with the Magistrate that  
the arrangements for the operation

18 Over the river

16 June

the arrangements for the operation

From the additional  
Joint Magistrate of  
Bellary to the Inspector  
General of Ordnance  
Over the river

2nd June  
1st  
17 June

From the Magistrate  
of North Arcot

3rd June

Over the river

referred to should be left to  
Captain Schneider

Submits Indent for gunpowder  
and muskets required for use  
in his District

Desire the Inspector General of  
Ordnance & Magazines because  
the Indent be complied with

Reports the occurrence of a mob  
during highway robbery in the  
Layangmatak pass thro which the  
road from Goodrathum <sup>to</sup> Dal  
mainam is carried, & the measures  
adopted by him for the apprehen-  
sion of the robbers - alludes to a  
proposal made by him to re-  
move to this pass the Suppader  
& Peons sanctioned for the Polon-  
Zabok which might in turn  
be supplied with the additional  
Peons obtained by substituting  
mummers for the Suppal Peons,  
but under circumstances of  
the case recommends the en-  
trenchment of at least one  
Suppader & 16 peons for the protec-  
tion of the Pass

17 June

Trust that the Magistrate will

use his best endeavours for the detection of the robbers - notice that the arrangement for guarding the Lanyangontak Pass by a force drawn from the Bolon Talook might have been carried out under the authority that has been granted for the entertainment of extra Deons for the relief of the Police Deons but that engaged in the conveyance of Talook Supplies - authorize the Magistrate in case the force is not strong enough for the protection of the Pass to strengthen the same by the addition of as many extra Deons as may be required

25 From Mr. G. A. Bal:  
Land Special Com:  
Inspector North Co.

26 Over thereon

27 From the Commissioner  
General

4 June Reports his proceedings up to date

17 June Approve the proceedings

In reply to reference forward a letter from the Quarter Master General intimating that it would at present be quite impossible to comply with the

Order thereon

29 From Hoofaynah Begum wife of the Prisoner Jholam Ghose

30 Order thereon

31 From the Telugu Translator to Government

32 Order thereon

14 June requisition made by the agent: Hill Tracts of Orissa for the Elephants taken from his Sept<sup>to</sup> communicated to the agent in the Hill Tracts of Orissa

Solicit the grant of a pardon to her husband who has been sentenced to transportation by the Supreme Court to be transported for life, for an offence against the State, & transmit a memorial for transmission to the Hon: Court containing a similar prayer

15 June Intimate that the Government see no reason for granting a pardon to Jholam Ghose nor any grounds for transmitting the memorial to the Hon: Court which is therefore returned

16 June Reports as requested on Syed Shah Ally's Telugu translation of Baynes Civil Code

18 June Intimate that the Government are willing to take 30 copies of the work but except a discount of 10 per cent on the price of the books taken - since the distribution of the copies in

33 From the Principal  
Sudo Amun  
Vizagapatam

3rd June

the manner specified  
Reports that he has with refer-  
ence to instructions from the  
civil judge of Chittoor  
pended Pesarapanty Venkiah:  
the Government Vakil at  
his Court, from his duties for  
some misconduct, pending an  
appeal by the party to the Sub-  
Court of the decision of the  
civil judge declaring him  
ineligible for his post; and  
suggests that one Doovasolah  
Chinnu Lutchanna may be ap-  
pointed to act as the Sub-  
Vakil in the meanwhile

34 Order thereon

1st June

Refer the foregoing letter to the  
Court of Sudo Vakil who will  
report the issue of the appeal  
proposed to be made by Ven-  
kiah, if any be preferred - &  
appoint Chinnu Lutchanna to  
act as Government Vakil  
in the Principal Sudo Amun  
Court during the suspension  
from office of Venkiah

35 Spt. Min. Com  
Revenue Dept.

15th June

Refer for consideration an ap-  
plication from one B. Ramanna  
at the same time

36 Order thereon

37 From the Acting  
Magistrate of Ma-  
labar

38 Order thereon

39 From the Deputy  
Assistant General  
of the Army

18 June

allowed to import from Sel-  
low certain cargoes of Salt:  
petre intended to be sold to  
houses of Agency at Madras  
for shipment to Europe  
Communicated to the Com-  
missioner of Police for his re-  
port

19 June

Submits for sanction Indents for  
petty & target materials for the half  
year ending 31st October 1858  
& for the annual supply of  
Clothing, required for the Ma-  
labar Police Corps  
Notice that the Indents should  
not have been forwarded to  
Government & send them re-  
spectively to the Supdt & Agent  
Army Clothing, & the Inspector  
General of Ordnance & Maga-  
zines for disposal & direct  
Mr Robinson to send future  
similar Indents direct to those  
authorities

9 June

Forward a letter from the Officer  
commanding the Mount requir-  
ing that Captain De Creve who  
has been appointed Acting Sta-  
tion Staff Officer may be appoin-  
ted to act as Joint Magistrate and

33  
F  
L

40 Order Thereon 19 June  
41 To the Chief Justice of the Supreme Court 19 June

42 From the Court of Sudder Adalat 16 June

43 Order Thereon 19 June

34  
P

44 From Mr J. D. Robinson Special Commissioner North Canara 4 June

45 Order Thereon 19 June

46 From the Commissioner of Police 5 June

5  
Ep  
P

Justice of the Peace in the District of Chingleput with jurisdiction within the abkharree limits of the Cantonment  
47 Order Thereon  
Appoint Captain Crewe accordingly  
Request him to sign a Commission of the Peace on behalf of Captain Crewe

Request to be furnished with a copy of Clarke's Code of Regulations & Acts for the use of the Subordinate Court at Ootacamund  
The Board of Examiners desired to supply the Judges with a copy of the work

Describes the position of Seepurana since he has betaken himself into the jungles & reports the results of the trials held by him up to date  
48 Order Thereon  
Received

Forward copy of letter from the Commissioner of Madras on the subject of the insufficient protection against accidents from drowning in the tanks & wells situated within the jurisdiction of the Supreme Court & recommend that the proposal therein made for covering the wells with a grating may be

From Mr J. D. Robinson Special Commissioner North Canara

49 Order Thereon

50 To the Government of India

51 From the Magistrate of Tanjore

19 June Intimate that the Government have no power to compel the adoption of Mr. Vignarajah's plan as respects private wells that are not in the vicinity of any public street, & request the Municipal Commissioners to try it in a few public wells & see how it succeeds

With reference to the losses sustained during the disturbances by the cultivators of isolated villages of the Soopah Talook submit that a sum of Rs 1000 judiciously distributed as a "Tuccary" among the more suffering villagers would have a good influence on the minds of the population

19 June Authorize the issue of the Tuccary & leave it to the Collector to provide for its recovery on such terms as he may deem most suitable

19 June Transmit copies of certain despatches forwarded to the Hon. Court

3rd June Forward the complaint & the sentence in a case of authority

33  
52

Order thereon

21<sup>st</sup> June

mem of Coorvady Vuttum Com  
baccum Laksh

Call the attention of the Magistrate  
to the Circular Order of the 19<sup>th</sup>  
November 1856 & desire him in  
future to transmit the complaint  
as well as the sentence in Eng-  
lish

53  
55 From the Government  
Agent Ganjam

4<sup>th</sup> June

Obtain authority for the refund  
of Rs 162-2-11 & Rs 7-6-7 being  
the sale proceeds of the property of  
certain individuals who died at  
Ganjam, which were erroneously  
carried to the credit of Government,  
desire him to remit the amounts  
respectively to the Commissioner  
at Cuttack & the Magistrate of  
Bongaloe for payment to the  
heirs of the deceased  
authorized accordingly

54  
56 Order thereon

21<sup>st</sup> June

57 From the Commis-  
sioner of Police

12<sup>th</sup> June

Submits for sanction a Bill for  
Rs 243-1-2 being the cost of  
printing in the newspapers the  
notifications respecting the in-  
troduction of sec. 1 to 6 & 22 of the  
Criminal Code XXVII of 1857

Sanctioned

Order thereon

21<sup>st</sup> June

Member for Madras

Transmit copy of the remarks

2<sup>nd</sup> Dec of the Legisla-  
tive Council

60 From the Magistrate  
of Salem

Consultation

2<sup>nd</sup> June

of the Inspector of Prisons on  
the Bill for "making further  
provision for the removal of  
prisoners" now before the Legis-  
lative Council

Submits for sanction and in-  
dent for a supply of 60 Fur-  
els, & ammunition in lieu  
of those that have become  
unserviceable  
Desire the Inspector General of  
Ordnance & Magazines to cause  
the indent to be complied with

61 Order thereon

22<sup>nd</sup> June

62 From the Comm-  
Military Dept

27<sup>th</sup> May

Forward a communication  
from the Government of In-  
dia intimating that the  
family allowance granted to  
the wife of Quarter Master  
Sergeant Reid of the Buffs  
Police, is payable from the Civil  
Treasury at Buffs & is char-  
geable to the Civil Dept

63 Order thereon

22<sup>nd</sup> June

64 From Mr G of Bal-  
lard Special Com-  
missioner & Acting  
J. Magistrate  
North Comara

Under the circumstances stated  
recommends the payment to  
Kistnapak the Choukydar of  
Siggi, of Rs 650 in compen-  
sation of the losses sustained

65 Order thereon

22<sup>nd</sup> Jan

by him when the rebels do  
& burnt the Chouky & his house  
Sanction the payment

JP

Judicial 1858 Sept

No 25

Consultation

Dated 22<sup>nd</sup> June

1858

Jeru

X + #