M.R.O. 1—39,000—16-10-39.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1159 Press Mis.
13-14

Dated 29—8—1857.

Not to be folded or roughly handled

9.25

Proceedings of the Madras Government, Judicial Department, from 27th August to 2nd September 1859.

Nos. 13 and 14. Proceedings of the Madras Government, dated 29th August 1859, No. 1159.

The Honorable the Governor in Council proceeds to pass orders on a Despatch from the Right Honorable the Secretary of State for India, dated 14th July last, No. 7.

Para. 1. The undermentioned letters from your Government having been laid before me in Council, I have now to communicate to you the following remarks.

Letter No. 1 *of* 1859, *dated* 11*th January.*

Acknowledging receipt of certain Despatches from the Court of Directors and Secretary of State for India, and reporting the orders passed thereon.

2. No remark.

Letter dated 18*th January (No.* 2*)* 1859.

Transmitting copy of a communication from the Government Solicitor, pointing out a difficulty which, as he anticipates, may arise from Sections 39 and 40 of the late Act for the better Government of India.

3. Transferred to the Revenue Department.

Letter dated 8*th February (No.* 3*)* 1859.

Transmitting Reports and enclosures received from the Acting Magistrate of Tinnevelly, relative to a serious riot which occurred in the town of Tinnevelly on the 22nd December last.

4. This letter will be more fully replied to on receipt of information as to the result of proceedings in connection with the case of riot at Tinnevelly which at the time of your Despatch were pending in the Sudder Court.

Letter dated 8*th February (No.* 4*)* 1859.

Transmitting Memorial from Mr. J. J. Cotton, Civil and Session Judge of Masulipatam, praying to be relieved from the effect of the Orders of Government declaring him responsible for Rs. 2,676-2-4, the value of certain property stolen from the Office of the Nazir of his Court.

5. Mr. Cotton has been held responsible for the value of the stolen property, on the ground that the loss was caused by his lax supervision and irregular proceedings and by his culpable neglect of Orders of the Sudder Court in regard to the safe custody of property in the hands of subordinate Officers.

6. In his Memorial Mr. Cotton explains the circumstances under which the property has been stolen, he shews that the greater portion of it was only put into the Nazir's hand for sale a day or two before the theft took place, and that of the total amount which he is required to make good, property to the extent of Rupees 2,408-2-4 was an escheat to the Government, the value of which has been roughly estimated.

7. Considering that the injunctions contained in the Circular Order, No. 128, of the 20th May 1853, for the safe custody of property of this description in the Treasury chest were strictly adhered to previous to its being placed in the hands of the Nazir, the responsible Officer for the arrangements for the sale, and that there is no imputation on the integrity of the latter Officer in connection with this transaction, Her Majesty's Government are of opinion that there are grounds under the explanation he has afforded for dealing leniently with Mr. Cotton's case and that he may be relieved from demand for the amount for which he has been held responsible.

2. These paragraphs will be communicated to the Judges of the Sudder Udalut and to Mr. J. J. Cotton, in reference to Extract Minutes Consultation, 22nd May 1858, No. 671, and to the Offices of Account and Audit. Under the view taken by Her Majesty's Government Mr. J. J. Cotton will be relieved from the demand of Rupees 2,676-2-4, for which he has been held responsible on account of the robbery of the Masulipatam Court Treasury.

Secretary's Letter dated 7th February (No. 155*)* 1859.

Requesting to be furnished with three more copies of the Acts of Parliament 21 and 22 Victoria.

8. The Acts in question were despatched by the Southampton Mail of the 3rd March last.

3. Three copies of these Acts, the supplementary number applied for, have been duly received and distributed.

Government Letter 12th February (No. 5) 1859.

Transmitting a Memorial from Lieutenant Colonel H. Colbeck on the subject of his retiring pension.

9. Transferred to the Financial Department.

Letter, 15th February (No. 6) 1859.

Transmitting returns of the Police Corps and Police of the Presidency.

10. As the entire Police of the Presidency is undergoing reorganization, this return calls for no remark.

Letter, 15th February (No. 7) 1859.

(2.) Transmitting further correspondence in regard to the state of affairs on the Goa Frontier of the Canara District.

11. Transferred to Political Department.

(3.) Riot at Combaconum in November 1858.

12. The object of this serious riot was the plunder of grain-shops and is to be ascribed to the high price of rice which is stated to have stood for some months before the out-break at famine rates. It is satisfactory to observe that the riot was speedily suppressed by the measures taken by the local authorities. The death of one of the most forward of the rioters at the hands of the Subordinate Judge, Mr. Grenfell, appears to have been unavoidable.

4. These remarks will be communicated to the Magistrate of Tanjore, and to Mr. Grenfell.

(4.) Proceedings connected with the trials under Act XIV of 1857, and with the apprehension and detention of suspicious characters.

13. Your Proceedings in these several cases call for no remark.

(5.) Papers containing particulars respecting the movements of the deported Tungul Syad Fuzl and of the steps taken by Her Majesty's Commissioner for the affairs of Jeddah to prevent his return to India.

14. Transferred to the Political Department.

(6.) Reporting that Act XXXII of 1858, for bringing the Port of Tanjore and the adjacent territory under the Laws of the Presidency had been put in force from the 1st November 1858.

(7.) Appointment of the Commandant of the General Depôt of European pensioners to be a Justice of the Peace.

(8.) Court of the Principal Sudder Ameen at Combaconum closed, a similar Court established at Mangalore.

(9.) Appointment of Captain Saxton to be Assistant to the Agent at Ganjam.

15. Approved.

(10.) Complaints of delays and irregularities on the part of Captain Smith, Assistant Agent at Ganjam in the disposal of the business of his Office.

16. The conduct of Captain Smith in keeping persons under examination on criminal charges for periods varying from two to twenty months was highly censurable. It is however unnecessary to add anything to the resolution of your Government dated 18th November last, which fully disposes of the case, and which shews that the late Officiating Agent, Mr. W. Knox, was also to blame, for his lax supervision of the proceedings of his subordinate.

5. Communicated to the Judges of the Foujdaree Udalut, in advertence to Extract Minutes Consultation, 18th November 1858, No. 1637.

Proceedings of the Madras Government, Judicial Department, from 27th August to 2nd September 1859.

(11.) Scale of travelling allowances to the Chief Commissioner of Police and his Subordinates, &c.

(12.) Purchase of Office furniture for the Chief Commissioner of Police and his Assistants.

(13.) Grant of gratuities to the Cazees of Nundial and Serwell District of Kurnool, on the abolition of their offices sanctioned by Government of India.

(14.) Application for grant of gratuities to the families of certain men of the Golconda Sibbandi Corps rejected by the Government of Madras.

17. No Remark.

(15.) Clothing supplied to the Members of the Madras Police Force, for the year 1859 at an aggregate expense of Rupees 11,910-8-6.

18. The Government of India was addressed on this subject in a Despatch, dated 30th November 1858, (No. 14.)

(16.) Purchase of articles for Jail purposes sanctioned.

(17.) Disbursement not exceeding 200 Rupees for clearing jungle at the stations of Outacamund and Coonoor authorised.

19. No Remark.

(18.) Measures for improving the sanitary condition of the town of Salem.

20. Her Majesty's Government approve of your resolution directing that the Pagoda Surplus Fund be invested in the 5 per cent, Loan at the price of the day, and that from the interest, a sum be placed yearly at the disposal of the Sanitary Association for cleansing the town of Salem, equal to the amount which they may raise by local subscriptions. They concur with you, that aid for improving the condition of the town cannot be afforded beneficially unless in such a manner as to act as a stimulus to local efforts and they trust that the contributions of the residents will be fully equal to the annual interest of the Pagoda Funds. I observe that the Collector and District Engineer have been called upon to furnish estimates of the cost involved in certain projects recommended by the Board of Revenue for the improvement of the town.

6. Copy of this paragraph will be forwarded to the Board of Revenue, through the Revenue Department, in reference to Extract Minutes Consultation, 27th November 1858, No. 1675.

(19.) Estates of Wm. Mulcahy, deceased.

21. A further communication will be made to you on receipt of information as to whether the deceased has left any relatives having a legal claim to his property.

(20, 21.) Claims against Mr. Serle late Administrator General.

22. Transferred to the Administrator General's Department.

(22.) Remission of part of the sentence of 14 years' imprisonment passed on a prisoner for good conduct in assisting in the capture of an escaped Convict.

23. Approved.

(23.) Reference to the Legislative Council of correspondence with the Sudder Court, respecting a proposed measure "for affording protection to rights of property "by the Registration of Bonds "and other Documents."

24. This correspondence which will also be transmitted by the Legislative Council, through the Government of India, now calls for no remark.

(24.) Reporting that the parties concerned in the Sir Islands murder case have been duly shipped for the Mauritius to take their trial there and that the expenses incurred on their account have been charged to the Mauritius Government.

(25.) Reporting temporary additions to various establishments.

(26.) Employment of a Dresser to afford Medical aid to Convicts at Tripaloor.

(27.) Alterations and repairs to Judicial and other buildings.

(28.) Grant of premises for the deposit of the records of the Sudder Court.

(29.) Building for the use of the European Jailor at Ootacamund.

(30.) Premises for certain Moonsiffs' Courts sanctioned.

(31.) Arrangements made for the transfer of the mountain train of the Malabar Police Corps and of the buildings therewith connected to the lines of the European detachment at Mallapooram.

(32.) Explanation of the Sudder Court in regard to the establishment of Village Moonsiffs' Courts in large and populous towns.

(33.) Criminal Jurisdiction permanently conferred on the District Moonsiffs of Baupatla.

25. No Remark.

26. No Remark.

27. Approved.

28. As the illegality of the appointments noticed in the Judicial Despatch of the Court of Directors No. 5, dated 26th May 1858, paragraph 13, is admitted by the Sudder Court and measures are in progress for rectifying the error which has been made, the subject calls for no further notice.

29. Her Majesty's Government request that you will furnish them with a Statement showing the number of Moonsiffs in the Madras Presidency on whom criminal powers have been conferred under Act XII, 1854, reporting at the same time the measure of success which has attended the operation of the system introduced by that Act.

7. The Foujdaree Udalut will furnish the Statement and Report called for by the Home Government in paragraph 29 of the above Despatch.

Letter dated 21st February (No. 8) 1859.

Reporting the removal to England of John Coleman, a Military Convict under sentence of transportation.

30. The usual intimation has been given to the Home Office of the expected arrival of this Convict.

Letter dated 12th March (No. 9) 1859.

Leave on Medical Certificate to Mr. Goodwyn, Civil and Session Judge of Salem.

31. Transferred to the Financial Department.

Letter dated 26th March (No. 10) 1859.

Transmitting a Memorial from Seetharamiah, late Head of Police of Cavaripauk Talook in Zillah North Arcot, appealing against the Orders of the Government of Madras removing him from his office.

32. The Memorialist was removed from office for neglecting to give the necessary assistance to a Police Duffadar entrusted by the Magistrate of Chingleput with a Warrant to arrest certain persons charged with complicity in a serious gang robbery and to search their houses. The charge of neglect was made by the Duffadar and is denied by the Memorialist. The Magisterial authorities of the two Districts support their respective subordinates.

8. The Appellant, Seetharamiah, forfeited his appointment as Tahsildar and Head of Police of the Cauvaripauk Talook in consequence of a charge of misconduct in his latter capacity, under the Orders of Government

33. Her Majesty's Government have no means of judging of the correctness of the Memorialist's statement that he has faithfully served the Government for a period of 32 years and that for 10 of these he held the office from which he has been removed. They are of opinion, however, that if, on enquiry, his statement of the lengthened period of approved service be confirmed, the re-employment of the Memorialist in a position corresponding with that from which he was discharged, may properly be accorded to him in recognition of his previous good character.

22nd September 1858, No. 1296. Resolved that the Collector of North Arcot be informed that, after a verification of Seetharamiah's statement in the manner pointed out by Her Majesty's Government, he is at liberty either to re-instate the late Tahsildar, if his office is still unfilled, or re-employ him in his District in a position equal to that from which he was displaced. Copy of these Orders will be furnished to Seetharamiah for his information.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Proceedings of the Madras Govt.

Dated 29th August 1859 No 1159

The Hon'ble the Governor in Council proceeds to pass orders on a Despatch from the Rt. Hon'ble the Secretary of State for India dated 14th July Last No 7.

Paras. 5 to 7. In reference to the Memorial from Mr. J. J. Cotton, Civil & Sessions Judge of Madura Sultpattah, appealing against the orders of Govt., declaring him responsible for Rs 2,670-2-4, the value of certain property stolen from the office of the Nazir of his Court — intimates that Her Majesty's Govt. are of opinion that there are grounds under the explanation Mr. Cotton has afforded, for dealing leniently with his case, & that he may be relieved from demand for the amount for which he has been held responsible.

2. These paras will be communicated to the Judges of the Sudder Udalut & to Mr. J. J. Cotton in reference to Ex: Mins: Cons: 22nd May 1858 No. 671. and to Mr. Office Agt. [illegible]

3. In deference to the opinion expressed by H. M's. Govt. on the subject of Mr. Cotton's Memorial, the Govt. will not exact from him repayment of the amount, viz. Rs. 2,670-2-4, for which he was declared responsible. That portion of the loss, which consisted

⊕ Under the orders taken by the Govt Mr J J Cotton will be relieved for Rs

demand of Rs.
2676: 2: 4 for
which he has
been debited on
account of
Wooding of K.
Manuscripts
Local Treasury

consisted of Warrant monies & Peons' Batta, amounting altogether to 268 Two Hundred & Sixty Eight Rupees, will consequently be borne by the State. Copy of the present para will accordingly be furnished to the Offices of Audit & Account.

forward of the piaters at the hands of the Subordinate Judge, Mr. Grenfell, to have been unavoidable.

Para 15. Pronounces the conduct of Captain Smith, Assistant Agent at Tanjore, in keeping persons under examination on criminal charges for periods varying from two to twenty months, to be highly reprehensible.

6. Communicated to the Judges of the Foujdaree Adalut vide Inadvertence to Exc: Mins: Cons: 18th Novr: 1858, No. 1637.

Para 8. Advises despatch of the Acts of Parliament, 21 & 22 Victoria, by the Southampton Mail of the 3d March last.

4. Three copies of these Acts, the supplementary number applied for, have been duly received & distributed.

Para 12. Observes with satisfaction that the serious grain riot at Combaconum in November 1858, was speedily suppressed by the measures taken by the local authorities — & considers the death of one of the most

5. These remarks will be communicated to the Magistrate of Tanjore. and to Mr Grenfell

Para 20. Approves the measures of Govt. for improving the sanatory condition of the town of Salem.

7. Copy of this para will be forwarded to the Board of Revenue, thro' the Rev: Dept., in reference to Exc: Mins: Cons: 27th Novr. 1858, No. 1675. The Collector & District Engineer have not yet, it is to be presumed, submitted the Estimates called for in para 9 of the Extract.

Para 28. As measures are in progress to rectify the appointment of Village Moonsiffs in large & populous towns — the illegality of the proceeding having been admitted by the Sudder Court — the subject requires no further notice.

" 29. Requests to be furnished with a Statement, shewing the number of Moonsiffs in the Madras Presidency, on whom criminal powers have been conferred under Act XII of 1854 — & also, with a report, at the same time, on the measure of success which has attended the operation of the system introduced by that Act.

8. The Fouzdaree Adalut will furnish the Statement & Report called for by the Home Govt. in para 29 of the above Despatch.

Paras 32 to 33. Adverting to the Memorial from Seetharamiah, late Head of Police of the Cauveripauk Talook in North Arcot, appealing against his removal from Office — states that H. M's Govt. are of opinion that if on enquiry Seetharamiah's Statement of the length of approved services be confirmed, his reemployment in a position

9. The Appellant, Seetharamiah, forfeited his appointment as Tahsildar & Head of Police of the Cauveripauk Talook in

position corresponding with that from which he was discharged, may properly be accorded to him in recognition of his previous good character.

in consequence of a charge of misconduct in his latter capacity, under the orders of Govt., 22nd Septemr. 1858 No. 1296. Resolved that the Collector of North Arcot be informed that, after a verification of Seetharamiah's statement in the manner pointed out by H. M's. Govt. he is at liberty either to reinstate the late Thasildar, if his office is still unfilled, or reemploy him in his district in a position equal to that from which he was displaced. Copy of these orders will be furnished to Seetharamiah for his information.

JP

Orders 9/10.

Abstract

10-4-11 1st
30-5-12

Orders of Govt 2 Sept

Judicial 1859 Defendt

No 1159

Proceedings of Govt

2/29 August 1859.

~~Ft. A. 1950.~~

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