

MADRAS RECORD OFFICE.

Government of Madras.

Juridical DEPARTMENT

G.O. No. 1573

Press
~~Mis.~~

75-77

Dated

19-4-1959

Not to be folded or roughly handled

19

*Proceedings of the Madras Government, Judicial Department,
for the month of November 1859.*

Read again letter from the Magistrate of Malabar, dated 5th October 1859, No. 95, recorded in Proceedings, 13th October 1859, No. 1391.

Read also the following letters.

No. 75 From CLEMENT DALE, Esq., Government Pleader, Sudr Udalut; to THOMAS PYCROFT, Esq., Chief Secretary to Government, dated 18th October 1859, No. 126.

Paragraph 1. I do myself the honor of acknowledging the receipt of the Proceedings of Government, 13th October 1859, No. 1391. Government of date and number noted in the margin, and to state as my opinion that Act Judicial Department.

No. XVIII of 1835, does not apply to the case under consideration.

2. From Mr. Grant's letter, I collect that the Seal in question, although resembling Government Seals "in dimension and appearance" and differing "but little in size" yet is not an imitation of those Seals, and would not in consequence come within the definition of forgery. I am of opinion, therefore, that, as at present advised, the petitioner could not be proceeded against, under the Criminal Law, nor the Regulations.

3. If, however, any improper or fraudulent use were made of the Seal, the petitioner might render herself liable to proceedings in the Criminal or Civil Courts; should such a case arise, I shall be able to advise on the course to be pursued.

4. I, however, do myself the honor of suggesting for the consideration of the Honorable the Governor in Council, whether (if the use or existence of this Seal is likely to prove so objectionable as Mr. Grant anticipates) it might not be desirable for the Collector to point out the objections to the petitioner, and recommend her to have the Seal broken up, and another made of a different shape; say oval or oblong; or with an ornamented or indented edge, similar to some of those purchased by Government from the Nabob's Estate; probably she might see the propriety of making some such alteration.

No. 76. From J. L. LUSHINGTON, Esq., Superintendent of Stamps; to T. PYCROFT, Esq., Chief Secretary to Government, dated 26th October 1859, No. 140 of Fusly 1269.

With reference to the Order of Government, dated the 13th Instant, No. 1391, referring for my report a letter to your address from the Magistrate of Malabar and its enclosure,* being a petition from Alleclamah, I have the honor to state that the Seal which the petitioner is desirous of using to all documents which she may sign bears no resemblance to the die at present used in this Office except in size, still less will it resemble the die to be used under the proposed Stamp Act, so that as far as Government is concerned, the use of the Seal is not likely to be injurious, whether ignorant Natives in the interior are likely to be taken in by it, the Collector probably is the best judge.

No. 77. ORDER THEREON, 19th November 1859, No. 1573.

With his letter of the 5th Ultimo, the Magistrate of Malabar submitted, for the Orders of Government an impression of a Seal which Alleel Amah, a woman of rank, had forwarded to him to remain as a record by way of registry in his Cachari. The Magistrate remarked that from the resemblance it bears to public Seals—the Taluq Police Seals and the Government Cadjan Stamps—it is open to abuse, and, therefore, highly objectionable. He was doubtful whether Act XVIII of 1835, which prohibits the wearing by private individuals of badges resembling those worn by Government servants, applies, in its spirit, to Seals, and whether its penal provisions can be enforced in cases like the present one.

2. The Government Pleader is of opinion, that the Act does not apply—and further as the Seal in question is not an imitation of Government Seals, it does not come under the definition of forgery. If any fraudulent or improper use were made of it, Alleel Amah might render herself liable to proceedings in the Civil or Criminal Courts.

3. The Superintendent of Stamps reports that the Seal bears no resemblance to the die at present used in his Office, except in size, and even in this last point also, it will not resemble

Proceedings of the Madras Government, Judicial Department,
for the month of November 1859.

the die to be used under the proposed Stamp Act. Whether ignorant Natives in the interior are likely to be taken in by it, the Collector is, he observes, the best judge.

4. The Magistrate will inform Alleel Amah that he cannot in any way recognize the Seal that she has adopted, and that all her receipts for Malikana, and any other papers that she may address to any Government Officers, must be signed by her in the way which she has hitherto used or they will not be admitted.

5. With regard to her correspondence with private persons, the Government see no occasion for their interference.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Judicial.

Proceedings of the Madras Govt.

Read the following letters—

From the Magistrate of

Malabar 5th Octo. 1859

N^o 95

Recorded in Proceedings,

13th Octo. 1859 N^o 1391-

the Govt. Pleader 18th Octo. 1859 N^o 126.

the Superintendent of

Stamps

" 26th do. 140.

Order. 19th November 1859. N^o 1573.

With his letter of the 5th Octo.,

the Magistrate of Malabar

submitted, for the orders of

Govt., an impression of a seal

which ~~was~~ Alleel Amah,

a woman of rank, had

forwarded to him to re-

main as a record by way

of registry in his Cachari.

The Magistrate remarked

that from the resemblance

it bears to Public Seals

the Taluk Police Seals &

the Govt. Cadjan Stamps

it is open to abuse &

therefore highly objection-

able

Unsettled

Don't know

objectionable. He was
doubtful whether Act
XVIII of 1835, which pro-
hibits the wearing by pri-
vate individuals of badge
resembling those worn by
Govt. servants, applies, in
its spirit, to seals, & whether
its penal provisions can be
enforced in cases like the
present one.

2. The Govt. Pleader is of
opinion that the Act does
not apply - & further as
the seal in question is not
an imitation of Govt. seals,
it does not come under
the definition of Forgery.
If any fraudulent
or improper use were made
of it, Alceel Anah might
render herself liable to
proceedings in the Civil
or Criminal Courts.

3. The Superintendent of
Stamps

Stamps reports that the
seal bears no resemblance
to the die at present used
in his office, except in size,
& even in this last point
also, it will not resemble
the die to be used under
the proposed Stamp
Act. Whether ignorance
of the nature of the inter-
ference is likely to be taken
in by it - He thinks it
is, but he does not judge.

4. The Master of the
in from Alceel Anah
that he cannot in any
way recognize the seal
that she has adopted,
and that all her receipts
for Malakara, and
any other papers that
she may address to
any post office be signed
by her in the way which
she has hitherto used
or they will not be

The Court has perused
 the petition of the said
 John Smith & Co. & has
 been satisfied that the
 same is true & correct
 in all particulars & that
 the said John Smith & Co.
 are entitled to the relief
 prayed for in the
 petition & that the
 same should be granted
 with costs.

admitted -
 I - with regard to her
 correspondence with
 private persons, the fol-
 lowing is the substance of the
 evidence - Affect
 heretofore may be that
 he left to follow her own
 course - She thought
 however to be careful
 that if she continued
 to employ the said man
 he would do so at her own
 risk - and that she
 may consider herself
 liable to proceedings in the
 Civil or Criminal Courts
 in the event of his seal
 being put to an improp-
 er or fraudulent use -

J.P.

Magistrate of Malabar }
 with original Petition & seal } 24/12/24

8 - Cash 1/4 1/2