

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 166	Press
54-55	~~Mis.~~
Dated 8-2-	19 859

Not to be folded or roughly handled

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Fort St. George, Judicial Consultation, 8th February 1859.

No. 54. Read the following letter from R. B. CHAPMAN, Esq., Under Secretary to the Government of India; to the Chief Secretary to the Government of Fort Saint George, dated Fort William, the 17th January 1859, No. 126.

Home Department, Judicial.

SIR,

In continuation of letter No. 1288, dated the 24th August 1858, I am directed to transmit for information the accompanying Extract, paras. 8 to 10 of a Despatch No. 14, dated the 30th November 1858, from the Right Honorable the Secretary of State for India, on the subject of the operation of Act No. XXXIII of 1854, relative to the time at which, and the language in which, Judicial decisions are to be recorded.

Extract from a Despatch from the Right Honorable the Secretary of State for India in the Judicial Department, No. 14 of 1858, dated the 30th November.

Letter dated 26th August (26) 1858.

As to working of Act XXXIII of 1854, relative to the time at which and the languages in which Judicial decisions are to be recorded.

8. The apprehensions expressed in para. 18 of the Legislative Despatch of the Court of Directors dated 10th December (2) 1856, that the provisions of this Act would be "found greatly to impede the due despatch of business in the several Civil and Criminal Courts to the great inconvenience of the people," appear happily to have been unfounded, as in reply to your reference on the subject, the Local Government and Subordinate authorities were almost unanimous in reporting that the Act has worked most beneficially, and has given the highest satisfaction to the deciding Officers and to the public. I agree with you therefore, in opinion that under these circumstances, the law ought not to be altered.

9. In reviewing the reports however, you properly pointed out to the Local Government that the Act requires its provisions to be observed at such time only as Officers may be acting "Judicially," and in answer to objections raised by certain of the Officers that delay was caused by the Act rendering it obligatory, that all decisions should be written in open Court, you explained that by an express provision in the Act, such a course was not necessary, and that the law only enjoins that the signature of the Officer should be attached to the decision at the time of the same being pronounced.

10. The instructions you have issued on these points, as well as your having called attention to the adoption of measures for securing uniformity of procedure, whereby all needless delay may be avoided, will doubtless tend to the still more satisfactory working of the Act.

(True Extract.)

(Signed) R. B. CHAPMAN,
Under Secy. to the Govt. of India.

No. 55. ORDER THEREON, No. 166; dated 8th February 1859.

To be communicated to the Judges of the Sudder and Foujdaree Udalt, in reference to Extract Minutes Consultation No. 1277, dated 17th September last:

(Signed) T. PYCROFT,
Chief Secretary.

45-46
21-9-56

No. 166.

At
test

To be communicated to the
Judges of the Suddar & Foujda-
ree Udalt in reference to
Gov. Mins. Cons. No. 1277 dated
17th Septem^r. last.

W. H.
J. H. George, Esq.
8th February 1859.

[Signature]

The Judges of the Suddar & Foujda-
ree Udalt } Disp^d 12th 56

[Signature]

Decisions are necessary.

Have the honor to
be,

Yours most obedient servant,

JM Phelps

Secretary to the Society

To be communicated to the
Members of the Society & Foreign
Correspondents in reference to
the 12th of October.