MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. Press List of contents.

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PROCEEDINGS, JUDICIAL DEPARTMENT, FROM 1ST TO 10TH JUNE 1859.

No.	Description from and Order thereon.	Date.	Subject.
		1859	
1	Inspector General of the Army.	22nd May.....	Reports that, under circumstances stated, the Commander-in-Chief cannot recommend any mitigation of the just sentence, viz. 2 years' imprisonment, awarded to Patrick McDonald by a Court Martial in March 1857.
2	Order thereon	1st June.....	The Sheriff of Madras requested to intimate to the prisoner that his sentence cannot be mitigated.
3	C. Casava Pillay	12th May..	Submits a copy of a Malayalum Translation of the Manual of Mahomedan Law, (priced Rupees 1-12-0,) and solicits Government patronage.
4	Order thereon.....	1st June.....	Requested to forward 5 more copies of the Work.
5	Secretary to the Government of India, Public Works Department.	19th May.....	Reports that all practicable means may be taken to urge on the construction of the proposed Prison at Octacamund.
6	Order thereon	1st June.....	Communicated to the Inspector General of Jails.
7	Commandant Andaman Seedy Corps.	21st May.....	States that the Corps is ready to embark for its destination, whenever ordered. Reports that Subadar Sheik Hemed has joined.
8	Order thereon	1st June.....	Communicated to the Superintendent of Marine, with a request to make arrangements for conveying the Corps to its destination, &c.
9	Deputy Register to the Court of Requests, Udalur.	7th May ...	States that the Judges would prefer, in cases where an Englishman may be charged with the homicide of Natives, to have a special Jury of English gentlemen, as it would afford a reasonable certainty of an impartial treatment of the case.
10	Judges of Her Majesty's Supreme Court.	20th May ...	Upon consideration of the Advocate General's suggestion, think it desirable that the panel should be so enlarged as to deprive a European prisoner of the power of exhausting the number by challenge, and, for this purpose, propose to substitute, for the existing rule, a Rule by which the number of persons summoned shall be increased to 60, of whom not less than one-third shall be Natives, &c., which will, they believe, supply a remedy.
11	Minute by the President,	31st May ...	Proposes to express acquiescence in the course recommended by the Judges, and is of opinion that the correspondence ought to be published.
12	Order thereon	2nd June..	Resolved accordingly.
13	Judges of Her Majesty's Supreme Court of Judicature	2nd June..	Reply accordingly.
14	Proceedings of Government	2nd June..	The Judges Tanjore Udalut, requested to state to what places they would propose to extend Act 13 of 1859, and by whom the powers vested in a Magistrate of Police should be exercised at such places.
15	Resident at Hyderabad ...	30th May ...	Intimates that Rupees 2,83,964, the expenses incurred on the embarkation to the Straits of 2 Companies from Hyderabad, has been paid into the Bombay Treasury.
16	Order thereon	2nd June..	Communicated to the Accountant General.
17	Magistrate of Malabar ...	25th May ...	Submits Indents for petty Stores, for the use of the Malabar Police Corps.
18	Order thereon	2nd June..	Forwarded to the Civil Auditor.

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19	Collector and Agent to the Governor, Vizagapatam.	27th May.....	Solicits the extension of the provisions of Act 13 of 1859, to his District.
20	Order thereon.....	3rd June..	Referred to the Court of Sudder Udalut.
21	Adjt. General of the Army	3rd June....	Intimates that a Committee has examined the Register of heirs to property and pensions of the men of the Arabs in Sabadeey Corps, present at Head Quarters, and has been adjourned until further orders.
22	Order thereon.....	4th June.....	Copy of the letter furnished to the Commissariat of the Corps.
23	Adjt. General of the Army.	9th April....	In reply to Minute, 22nd March, No. Hon. states that it seems requisite to appoint Officers to the Commissariat of the Force at Ramgolum, Secunderabad and Jaulnah only, and that the Commander-in-Chief would suggest that the Civil Auditor certain Uncovenanted Officers named, be appointed Justices of the Peace to record and attest Recruits' Declarations.
24	Commissary General (Memorandum.)	30th May.....	States that it appears the Commissariat Officers at Jaulnah, Secunderabad and Ramgolum are not enrolled in the Commission of the Peace.
25	Order thereon.....	4th June....	Instead of adopting the Commander-in-Chief's suggestion, thinks it would be preferable to appoint the Commissariat Officers at the stations named to be Justices of the Peace, and is unable to apply to the Judges of the Supreme Court for the issue of Commissions to Major E. E. Muller, Captain E. A. H. Webb, and Lieutenant R. H. W. Mignath, &c.
26	Judges of H. M.'s Supreme Court of Judicature.	4th June.....	Request them to issue Commissions accordingly.
27	Do. Do.	30th May.....	In acknowledging letter dated 25th April, reserving a Minute on the subject of the consolidation of the Supreme and Sudder Courts into a single High Court, &c., suggests that the matter should be deferred to the present Commissioners in more general terms, and that they should be requested to report what are the evils existing in the present system of judicature and by what concert they may be most effectually removed. Annexes Memorandum of their proceedings, and enclosures for maturing and giving effect to an improved system of judicature.
28	Minute by the President....	31st May.....	Concurs in the proposed alteration in the terms of the reference to the Commissioners, and recommends that the Commissioners be those hereby appointed.
29	Order thereon.....	4th June....	Records accordingly.
30	Judges of H. M.'s Supreme Court of Judicature.	4th June.....	Concurring in the suggestion, intimate that the Commissioners have been appointed accordingly.
31	Member for Madras of the Legislative Council.	23rd May.....	Suggests that the early attention of the Sudder Court should be requested to the Bill to regulate all Laws affected by the new Code of Civil Procedure, as it is very desirable that the List of Madras Regulations and Acts should be revised by that Court.
32	Order thereon.....	8th June...	Communicated to the Judges of the Sudder Udalut.
33	Inspector General of Jails....	25th May	Requests that the Pension to the widow and children of the late Mr. Stephens, Jailor at Vellore, who was shortly to be married, may be

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			paid from the date of his death, and that the usual form of Pension Certificate for them may be sent to Mr. Sullivan.
34	Order thereon.....	6th June....	Certificate issued, granting a pension of Rupees 10 to the widow, to cease on re-marriage, and of Rupees 3-8-0 to each of her children, to cease on their coming of age respectively.
35	Deputy Register to the Court of Sudder Udalut.	2nd June.....	Recommends that special sanction may be granted for Rupees 20-8-1, the excess over the authorized Saderward allowance expended by the Civil Judge of Combaconum in April, and for such further sums as may be expended by him in May and June.
36	Order thereon.....	6th June....	The Civil Auditor authorised accordingly.
37	C. W. Reade, Esq., Agent to the Governor in Vizagapatam.	17th May....	States that, on perusal of the instructions conveyed in Minute, 28th March, No. 417, respecting processions through streets and thoroughfares with flags and like insignia, it occurred to him that the principle enunciated was at variance with a ruling of the Sudder Court in a Decree passed in special appeal on a judgment recorded by him when presiding over the Civil Court at Salem. Feeling that the Decree is both unsound and in violation of all precedents, thinks the matter is of sufficient importance to revive reconsideration, but concludes that the orders of Government must have precedence over the Court's decision.
38	Order thereon.....	6th June....	Having attentively considered the Sudder Udalut's Decree, observe that there is nothing in it repugnant to the course laid down in the Government order, nor does not bar the Magistrate's interference with any procession if of has a tendency to break the public peace.
39	Under Secretary to the Government of India.	24th May....	Request that the Legislative Council may be furnished with certain returns specified, together with any remarks on the Bill for the establishment of Courts of Small Causes, &c.
40	Order thereon.....	6th June.	The Sudder Udalut requested to furnish the returns called for.
41	Inspector General of Ordnance and Magazines.	4th June..	States that the best provision for the repair of the Arms of the Andaman Islanders is the attaching of an Armourer Artificer to the Corps, but the Principal Commissioner of Ordnance cannot obtain the services of one to proceed to such a station. As he thinks with the Superintendent Gun Carriage Manufactory that the services of a Native Artificer may be secured if the prospect of a pension be held out, recommends that the Commandant be granted a Monthly on a liberal salary.
42	Order thereon.....	6th June..	Request the Commandant accordingly and desire to be informed of the rate of salary and pension suffice out to induce a competent Native to give his services.
43	Extract from the Proceedings of the Government of India in the Foreign Department.	25th May.	Forwarding copy of a letter to the Secretary to the Government of Punjab, containing an expression of their views on the subject of the admission of Mussulmans to Jails.
44	Minute by the President	1st June.	Concurs in the view taken by the Supreme Government and recommends that a copy of the letter be sent to the Inspector of Prisons with an intimation to that effect, &c.

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47	Order thereon	7th June...	Resolved accordingly.
46	Secretary to the Government of India.	7th June...	Observe, in reference to Home Despatch, 2nd April, No. 6 of 1845, that the subject of introducing Missionary Agents into Jails was adverted to by the Inspector General in his letter, 30th June 1857, No. 231, but he was informed that Government would not favor any attempts at proselytism, &c., and to report that he has been furnished with a copy of the letter to the Punjab Government with the intimation of the Government's concurrence in the views therein contained.
47	Reverend J. M. Lechler...	22nd May....	States that he has paid 5 visits on Sundays to three prisoners in the Jail at Salem in order to explain the Scriptures, at their own request, and that other prisoners are about to seek permission to attend his Sunday School, but he is informed that the Inspector of Prisons will probably not permit him to pay visits, and therefore requests it may be ascertained from Government whether or not he may continue his instruction to those men.
48	Order thereon	7th June....	Referred to the Inspector General of Jails.
49	Acting Magistrate, South Arcot.	19th May....	Reports on the measures introduced by Mr. Taylor for the better surveillance of the Prisoners and wandering tribes in the Districts, sanctioned experimentally for 1 year, from 1st April 1858 to 31st March 1859, and solicits sanction for their continuance until the new system of Police has been fully organized.
50	Order thereon	7th June....	Allowed accordingly.
51	Commissioner of Northern Circars.	20th May....	Reports that the insurgents have plundered and burned down 2 more hamlets on the Goomsur frontier, and that Lieut. Dresser's party, after twice unsuccessfully endeavouring to overtake them, has started again in pursuit with Lieut. Gierken of the Belgaum Sheikhdy Levy. Details his own proceedings. States that there is much activity on the Goomsur side of the frontier, a cordon of out-posts having been established and flying columns being in readiness for offensive purposes.
52	Order thereon	8th June....	Approve the proceedings of the Commissioner.
53	Registrar to the Court of Sudder Udalut.	25th May....	Transmits 15 Statements in illustration of the administration of Civil Justice in the Courts of this Presidency during the year 1858.
54	Order thereon	8th June....	Five copies forwarded to the Secretary of State for India and to the Government of India.
55	Under Secretary of State for India.	8th June....	Transmit 5 copies of the Statements.
56	Secretary to the Government of India.		
57	Proceedings of Government, Public Department.	31st May....	Communicating Extract from Home Despatch, intimating that the question of the protection of Natives of India who are British subjects, emigrating to French Colonies, is under the consideration of Her Majesty's Government in communication with the Emperor of the French.
58	Order thereon	8th June....	Recorded.
59	Member for Madras of the Legislative Council.	3rd June....	Forwards copy of a Bill for reducing the Sudder Courts in Bengal from a portion of their duties on the Criminal side, and requests to be informed if it be the wish of Government that the relief should be extended to Madras.

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60	Order thereon	9th June....	Referred to the Judges of the Poojaree Udalut.
61	Proceedings of Government Military Department.	31st May....	Intimating that the establishment of the Andaman Corps may be kept up to its authorized complement by calling for Volunteers from the Line.
62	Order thereon	9th June....	Direct the arrangement to be adopted, &c., and communicated to the Commandant, also to the Government of India.
63	Inspector General of Ordnance and Magazines.	8th June....	The Principal Commissary of Ordnance having secured the services of a man, trained at the Arsenal, as Armourer for the Andaman Settlement at 18 Rupees a month with rations, recommends that he be entertained with a promise of a small increase of pay after each year's service.
64	Order thereon	9th June....	Direct that the Armourer be accordingly attached to the Andaman Corps, cancelling previous order (No. 42 of this Table). Will recommend to the Supreme Government that his pay should be hereafter raised but can make no promise to that effect.
65	Secretary to the Government of India.	9th June....	Report these Proceedings (Nos. 61 & 64 of this Table) and those under dates 12th and 16th May, Nos. 605 and 650, relative to the Andaman Settlement.
66	Session Judge of Masulipatam.	3rd June.	Forwards translation of a special verdict given in by the Jurors in a case lately tried by the Session Court, in which the accused was placed on trial for attempt at murder while in an unsound state of mind. States that he directed the Civil Surgeon to place the prisoner, a Sepoy Dresser, under observation and medical treatment, &c.
67	Order thereon	10th June....	Referred to the Judges of the Foujdaree Udalut through whom the case ought to have been submitted.
68	Clerk of Madras	8th June....	In reply to Order, 27th May, No. 727, reports that he is unable, after due enquiry from John Hoskins, to afford any satisfactory information regarding the circumstances of the widowed daughter and her family. Recorded.
69	Order thereon	10th June....	In reference to Minute, 16th May 1857, forwarding the detention in custody for 2 years of Hadia Perambil Moideem, Prisoner No. 52 of 1856 on the Sessions Calendar of
70	Sessions Judge in charge, Calicut.	17th May....	Nos. 52 of 1856 on the Sessions Calendar of ... forwards copies of 3 certificates by the Civil Surgeon relative to the state of mind of the prisoner, and awaits orders.
71	Order thereon	10th June....	Consent to the prisoner being set at liberty, but consider it necessary that the Police should receive ...
72	Proceedings of Government, Military Department.	31st May....	Referring the Commander-in-Chief's application for the services of certain Officers being transferred at his disposal for Regimental duty.
73	Minute by the President	9th June....	The services of Captain Smith, 2nd Madras European Regiment, being required by the Commander-in-Chief, proposes that he should be kindly placed at His Excellency's disposal, &c.
74	Order thereon	10th June....	Resolved accordingly, but observe that Lieutenant Grote, 2nd Madras European Regiment, Grote, 2nd Madras European Regiment, Commanding Kurnool Irregular Horse and Assistant to the Magistrate of Kurnool could not be conveniently spared.