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MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1521 Press/Mis.

59-60

Dated 11. 12. 1861.

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Not to be folded or roughly handled

Madras 4th December 1861

No. 125

From,
C. F. Chamier Esquire
Registrar of the
Sudder Court.

To,
T. Pycroft Esquire,
Chief Secretary
to Government.

Sir,

1. In the uncovenanted service examination Rules originally published, there was a provision that no persons in the public service before the 1st January 1859 should be eligible for promotion until they had passed the prescribed test, but this provision was subsequently withdrawn, and such persons are accordingly totally exempted from the operation of those Rules.

2. Long prior, however, to the introduction of examinations for the uncovenanted service, it had been the

the practice to require Candidates for the Office of Sudder Ameen and District Moonsiff to undergo an Examination, and under this System District Moonsiffs are liable to have their qualifications tested before confirmation in their appointments.

3. The Government are aware that the position of those District Moonsiffs who are at present holding their appointments conditionally is somewhat anomalous, and it appears to the Judges that some exceptional measures must necessarily be adopted to relieve them from that position. They were, under the Rules laid down in 1855, liable to a very simple test, which was subsequently altered, with the view of lightening the labors of the local Examination Committees, to the law test prescribed for the Judicial Department of the Uncovenanted Service. This however has since been abolished, and the District Moonsiffs in question are left in uncertainty as to what will now be required of them.

4. The Judges apprehend that

to

to subject these Officers to the Special test laid down in connection with the revised scheme of examinations for the Uncovenanted Service, would be simply nugatory, and would tend to exclude a large proportion of the older officers, who are otherwise well qualified for their present duties. The Special test now proposed will be a proper accompaniment to the literary test, but the standard is much higher than the class of Officers referred to can be expected to attain.

5. The Judges having merely to satisfy themselves, with reference to Section VI Regulation VI of 1816, that the persons they appoint to the Office of District Moonsiff are duly qualified for the post, they would propose to dispense with any examination in the case of such of the Officers conditionally appointed, as may have given practical proof of their efficiency, and with this view to call upon the Civil Judges to state which of the Officiating District Moonsiffs may thus be at once confirmed

+ Why? They not
have been so subject
[illegible] under
the Rules of 1855
[illegible]
[illegible] Rules

in

their appointments.

6. Bearing in mind the difficulty which the older, but more experienced, public servants have felt in mastering the subjects of late years added to the original examination test, arising chiefly from their being unacquainted with English, the Judges are further disposed to rule, that whenever any officer who was in the service before 1855 may be selected for the office of District Moonsiff, he shall merely be examined in the Code of Civil Procedure, the Rules of Practice (Civil), Strange's Manual of Hindu Law and Sadagopa charlu's Manual of Mahomedan Law, all of which have been translated into the native languages.

how & by whom?

7. Mr. Frere would propose that the Law of evidence should form one of the tests for this class of Candidates, or that the above exemption should be confined to those nominees who may have entered the service of Government prior to the year 1840, or may now be above 40 years of age; but the absence of translations of any English work on this subject, appears to Messrs. Strange and Phillips to render it, for the present at least, unsuitable for the purpose.

8. The Judges are, however, unanimously of opinion that the Special Law Test, as described in their letter to the Commissioner for the Uncovenanted Civil Service examinations, dated 21st November last, should be applied as soon as possible to all nominees who may be appointed to office conditionally, as well as to candidates for future employ. Translations of the several text books on the subjects comprised in the above test, are in course of preparation, or may be expected shortly; and it may be anticipated therefore that the above object may be capable of accomplishment at no distant date. But in the absence of any such translations, the Judges think that it would be neither practicable nor just to enforce the application of the Law Test as respects

respects those nominees who may have entered the Service of Government under the old Rules, and are, as a class, generally, unacquainted with the English language-

Sudder Court,
Registrar's Office,
4th December 1861-

I have the honor to be,
Sir,
Your most Obedt. Servant,

C. J. Chamier.
Registrar.

Exd. [illegible]
Handlaren.

Extract from a letter addressed by the Sudder Court to the Commissioner for the Uncovenanted Civil Service Examination dated 21st November 1861-

Special Law Test-

I Law of Evidence- Text book, Hindersley's Manual-

II Hindu Law- Text Books, Strange's Manual, and 1st vol: Strange's Hindu Law-

III Law of Contracts and Torts, including the rules on the measure of damages. Text books on the first subject Sawyer's Manual; on that of Torts and the measure of damages Broom's Commentaries on the Common Law, pp. 628 to 863 Ed: 1856. Smith's Lectures on Contracts is also a good elementary work-

IV Civil Procedure and the Elements of the Mohamedan Law. Text books, the Code of Civil Procedure, and Sadagopacharlu's Manual of Mohamedan Law.

V Criminal Law and Procedure. Text book, Mayne's Notes on the Penal Code,

and

Pro: 17th February 1860. No 43 & 44.
" 15th June 1851. No 406.
Pub-Pro: 4th March 1858 No 40 to 18.
" 29th Octr 1860 No 31 & 32

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[illegible] and the Code of Criminal Procedure

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Judicial 1861 Deptt
No
1521

From,
The Registrar of the Sudder Court.

To,
The Chief Secretary to Government.

Dated 4th
Recd 5th December 1861.

No 1972 No 125.

Proposing to dispense with any examination in the case of such of the Officers conditionally appointed to the office of District Moonsiff as may have given practical proof of their efficiency, and a certain test for such Officers who were in the service before 1855 as may be selected for the Office in question.

Jud 155/62

Wt [illegible] an order

Order thereon 11th December 1861 No 1521

Referred for the remarks of the Commissioners for conducting the U C S Examinations

J.J.

To the Commrs for the U. C. S. Examination } Despd 12th

E/3 20 Vandlauen.