

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. <i>907</i>	Press ~~11/18~~
<i>121-124</i>	
<i>121-124.</i>	
Dated <i>13.7.1861</i>	<i>10</i>

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Not to be folded or roughly handled

907

*Proceedings of the Madras Government, Judicial Department,
13th July 1861.*

Read again letter from the Chairman, Chamber of Commerce, Madras, dated 6th June and recorded in the Proceedings of Government, dated 15th June 1861, No. 779.

Read also the following papers :—

No. 121. From J. SILVER, Esq., Magistrate of Tinnevely; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated Tenkasy, 14th June 1861, No. 173.

1. I have the honor to acknowledge your Circular letter of 29th May, No. 693, and having given the subject my serious consideration, I have to state that I could not recommend any Native land-owner in this District for the Office of Honorary Magistrate.

2. There are twenty-six Zemindars in Tinnevely, but they are men for the most part, totally uneducated, who live retired on their own Estates, and who I scarcely think, would appreciate or be competent to discharge the duties of the Office. If the system is once introduced and becomes known, a few among them may be ambitious of the Office, and even try to qualify themselves to fill it; and in such an event, it would be a pleasure to me to bring forward their names; but there are none I could specially recommend, at the outset.

3. There are two European gentlemen resident in this District, Mr. Kinnear and Mr. Hardy, both Merchants at Tuticorin, whom, from their high character, I could confidently recommend to be invested with the powers of Honorary Magistrates.

No. 122. From J. SILVER, Esq., Magistrate of Tinnevely; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated Tenkasy, 22nd June 1861, No. 179.

1. I have the honor to acknowledge the Proceedings of Government in the Judicial Department, dated 15th June 1861, No. 779, referring for my report a letter addressed to Government by the Chairman of the Chamber of Commerce at Madras, dated 6th June 1861, regarding a Magisterial Officer being stationed at Tuticorin, qualified to investigate cases under Act XIII of 1859.

2. As no complaints by any of the residents at Tuticorin, of fraudulent breaches of contract under Act XIII of 1859, have been made to me, I cannot admit the correctness of the allegation, that the business of the place is much impeded; and I have heard that this representation to the Chamber of Commerce, comes from only one resident of the place, Mr. Barter; but not having seen the address, I cannot be perfectly certain if it emanated from any other of the residents, except Mr. Barter.

3. There are in Tuticorin the Master Attendant who is a Justice of the Peace, and qualified to dispose of charges brought against Europeans. There is also a Police Ameen vested with the powers of a Taluq Head of Police. The Magisterial charge of the Taluq and the Town, is in my own hands. In the event of my absence from Tinnevely, the Resident Deputy Magistrate at that place is empowered by me to receive and decide any complaints under Act XIII of 1859, coming from Tuticorin.

4. The Salt Deputy Collector, Mr. Wright, referred to in the last para. of the letter from the Chamber of Commerce, has charge of the Salt and Sea Custom Department. I have already recommended through the Board of Revenue, for reasons shewn, that another and more experienced Officer should replace Mr. Wright in this District; but even if this was not the case, he is not qualified to be invested with the Magisterial power suggested. The Government Order of the 23rd August 1859 lays down, that only a Magisterial Officer competent to use the extended powers conferred by Section 54, Act VII of 1843, can exercise the powers vested in a Magistrate by Act XIII of 1859; and Mr. Wright has not yet passed an examination even for the first standard, and consequently cannot exercise the ordinary powers of a Magistrate. Besides this, the Board of Revenue and Government have repeatedly ordered that Salt Deputy Collectors should be restricted to their own proper duties.

5. And now for the remedy I would propose. On the re-arrangement of the Taluqs last year, consequent on Mr. Pelly's scheme, my Head Assistant was transferred from the coast to

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13th July 1861.

the north of the District, where he is now stationed at Strivilliputtur, 60 miles north of Tinnevely. It is an important part of the Province, much requiring the residence of an European Officer in it, and I cannot advocate my Head Assistant's removal to Tuticorin.

6. In my letter to Government of the 14th instant, No. 173, I have recommended that two residents of Tuticorin, Mr. Kinnear and Mr. Hardy, should be invested with the powers of Honorary Magistrates. Both gentlemen are men of sterling practical common sense, and of character and consideration in the town. Their duties will naturally be light, as under the new Police system now being introduced, I have proposed that Tuticorin be made the station of a Sub-Magistrate, who will decide ordinary cases. I can recommend that both the gentlemen I have named, if they accept office, as I trust they will, be empowered to try complaints of fraudulent breaches of contract under Act XIII of 1859, receiving from me such instructions and advice as may from time to time be necessary. They are both engaged in trade in Tuticorin, but I make this recommendation in accordance with the spirit of paragraph 13 of His Excellency the Governor General's Minute of 13th November 1860. This will at once provide the remedy which the Chairman of the Chamber of Commerce seeks.

7. The only other suggestion I can make is, that if an Officer of experience in the Public service is appointed Salt Deputy Collector in Tinnevely, as recommended in my letter to the Board of Revenue of 27th May last, he may be entrusted with Magisterial powers in the town of Tuticorin alone. This would add very little to his own proper duty of charge of the Salt, and would meet the difficulty.

No. 123. From W. R. ARBUTHNOT, Esq., Chairman, Chamber of Commerce; to the Chief Secretary to Government, Fort Saint George, dated 25th June 1861.

I have the honor to acknowledge the receipt of Proceedings of the Madras Government, in the Judicial Department with Order thereon, 15th June 1861, No. 779.

These Proceedings having been circulated for the information of the Chamber of Commerce, I am desired to state that while the Chamber is not surprised at the Government desiring to be informed of the views of the Chief Magistrate of Tinnevely, it deems it important that no avoidable delay should be allowed to take place in providing a remedy for the evil that has been complained of.

The subject has been already brought to the notice of that Officer by one or more of the Residents of Tuticorin, but from the enclosed copy of a letter addressed by him to Mr. C. J. Barter it would not appear that Mr. Silver had in contemplation the introduction of any remedial measure.

Some remedial measure, however, the Chamber would again respectfully submit, is loudly called for.

Tuticorin has of late years become a considerable Sea Port, largely resorted to by European shipping. Police cases must therefore almost of necessity be of frequent occurrence, and there is probably no other Port in India of equal importance which is unprovided with the means of disposing of them.

The Tuticorin season is now at its height. The deliveries of Cotton and its preparation for shipment are going actively forward, and it is confidently anticipated that the large interests at stake will no longer be suffered to remain without a Magisterial Officer on the spot for their protection.

From J. SILVER, Esq., Magistrate of Tinnevely; to C. J. BARTER, Esq., Tuticorin, dated Covilputty, 20th May 1861, No. 146.

In reply to your letter of the 17th instant, I beg to inform you, that complaints of breaches of contract will be investigated by the Resident Deputy Magistrate at Tinnevely, T. Vencata Row. Only a Magisterial Officer vested with authority to exercise the extended powers under Act VII of 1843, can deal with breaches of contract under Act XIII of 1859.

Proceedings of the Madras Government, Judicial Department,
13th July 1861.

No. 124.

ORDER THEREON, 13th July 1861, No. 907.

The Government direct that, as the best arrangement for meeting the difficulty adverted to in the above letter, the Head Assistant Collector and Magistrate be as a present expedient transferred from Streevellipootoor to Tuticorin and that he be invested with power to investigate cases under Act XIII, 1859.

2. Early measures will be taken for appointing an Uncovenanted Deputy to the Tinnevely District during the absence of Mr. Wright. Meanwhile Mr. Garstin's transfer to Tuticorin as his Head Quarters will be made at once. The Tuticorin season is said by the Madras Chamber of Commerce, to be at its height and the deliveries of Cotton and its preparation for shipment to be actively going forward. The Magistrate will therefore order him to Tuticorin forthwith.

(Signed) T. PYCROFT.

Chief Secretary.

Exd. T. O'Connor.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read again letter from
the Chairman Chamber of
Commerce Madras of 6th June
and recorded in the Proceedings
of Government dated 15th June
1861. N^o 779.

Read also the following letter

From the Mag^{ty} of Tinnevely (here enter 11th 22nd June 1861. N^o 178
and 179.)

From the Chairman of the Chamber
of Commerce. } - 25th June 1861.

Order thereon 18th July 1861. N^o 907.

The

Y^{rs}.

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that, as the best arrangement
for meeting the difficulty allu-
sioned to in the above letter,
the Head Assistant Collector
and Magistrate be as a per-
expedient transferred from
Sturwellpootor to Tuticorin
and

and that he be invested with
power to investigate cases
under Act XIII. 1859.

2 Early measures will
be taken for appointing
an ^{Deputy} ~~Assistant~~ ^{Commissioner}
to the Simnally District
during the absence of Mr.
Wright. Meanwhile Mr.
Gardiner's transfer to Tuticorin
as his Head Quarters will
be made at once. The Tuticorin
season is said by the
Madras Chamber of Com-
merce to be at its height &
the deliveries of Cotton
and its preparation for
shipment to be actively
going forward. The Mag^{te}
will therefore order him
to Tuticorin forthwith.

3 Further orders will
be

be passed in the Revenue
Department in respect to
this Revenue charge and
duties, and the provision
to be made for those now
devolving on him at Stran-
nellipostoor. —

JP

The Mag^{te} of Simnally. }
Chamber of Commerce } Sept 13th
Revenue Department: } Sept 15th

Proc of Adm.

Local 186 . Department.

No. 907

PROCEEDINGS of the MADRAS

GOVERNMENT.

Offn. 2nd Aug 708 a.m. 1998.
27th Aug 1870.

Dated 13 August 1871.

*Transferring Head Clerk
Chap. 4 of Annals from
the will of the to the
Print. Proprietary in order
to meet the difficulty
to be met by the
of Committee.*