

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.

1705

Press

~~Mis.~~

144-145

Dated

17. 10. 1862 19

5/6

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
17th October 1862.*

No. 144. Read the following letter from M. J SHAW STEWART, Esq., Acting Secretary to the Government of Bombay; to the Secretary to the Government of Madras, dated Bombay Castle, 13th September 1862, No. 2,758.

The Secretary of State for India having, in a recent Despatch to this Government, suggested the expediency of assimilating their functions in judicial matters with those of the other Governments of India, I am directed by His Excellency the Governor in Council to request that you will, with the permission of the Government of Madras, favour this Government with information as to the mode pursued in the Madras Presidency in receiving and disposing of Civil Appeals from the decisions of Courts established in non-regulation Districts, and in dependent Foreign States; and also as to the exercise by the Madras Government of a right of review or appeal in Criminal cases under the like circumstances.

No. 145. To the Secretary to the Government of Bombay, dated Fort Saint George, 17th October 1862, No 1,705.

I have the honor to acknowledge the receipt of your letter of the 13th ultimo, No. 2,758, requesting information as to the mode pursued in this Presidency in the Government receiving and disposing of Civil Appeals from the decisions of Courts established in non-regulation Districts, and in dependent Foreign States—and also as to the exercise by the Madras Government of a right of review or appeal in Criminal cases under the like circumstances.

2. In reply I am directed to state that the only non-regulation Districts in the Madras Presidency are the Government Agencies of Vizagapatam and Ganjam established under Act XXIV, 1839. Under the revised rules sanctioned by the Government in July 1860, for the guidance of the Governor's Agents of those tracts, a copy of which accompanies, appeals from all decrees upon Original Suits passed by an Agent, lie to the High Court, excepting appeals from decrees in Suits wherein the landed possession of a Zemindar, Bessoie, or other feudal chief may have formed the subject of litigation. Appeals in these cases lie to the Governor in Council alone, but, any such appeal may be referred by the Government for the decision of the High Court, under the proviso that the Court's decree shall not be carried into execution without the permission of the Governor in Council. In Criminal cases, the review of the proceedings rests with the High Court. No cases are referrible to the Government.

3. In regard to dependent Foreign States, those under the supervision of the Madras Government are the States of Travancore and Cochin, the Poodoocottah State, the Jaghires of Soondoor and Bunganapillay. A Memo. by the late Resident of Travancore and Cochin showing the course of judicial administration in both States, is forwarded. By Treaty the Rajahs of both States are bound "to pay at all times the utmost attention to such advice as the English Government shall occasionally judge it necessary to offer them, with a view to the economy of their finances, the better collection of their revenues, the administration of Justice, the extension of commerce, the encouragement of trade, agriculture and industry, or any other objects connected with the advancement of their Highness's interests, the happiness of their people, and the mutual welfare of both States." This article of the Treaty confers upon the British Government through the Resident a general power of supervision in Judicial as of other matters, but he does not interfere with the detailed administration of Civil or Criminal Justice—nor does any appeal lie to him. In Poodoocottah, Bunganapillay and Soondoor the state of things is much the same. The two latter Jaghiredars are however bound by their Sunnud, to abstain from the punishment of mutilating criminals, and not to sentence capitally, or execute persons capitally convicted, without the sanction of Government previously obtained—but they are to refer all cases appearing to them to call for such punishment for the consideration and Orders of the Governor in Council. There is no Treaty between the Rajah of Poodoocottah and the British Government. He probably would not be allowed to mutilate criminals, nor be permitted to inflict capital punishment without the sanction of Government—but no case has yet arisen in which it has been necessary to enforce such prohibition.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Vizagapatam.

dupd. 21st
with Fra 23rd July 1858
and
Residents Memo. 14th Feb 1861

Judicial Department

121705.

To
The Secretary to the Government
of Bombay.

Sir,
I have the honor to
acknowledge the receipt of your
letter of 12th Ultimo. 122758,
requesting information as to
the mode pursued by the
Government of Bombay in
receiving and disposing of
cases from the Courts of
Magistrates established in
regulation districts, and in
Independent Sovereign States -
also as to the exercise by the
Madras Government of a
right of review or appeal
in Criminal cases under the like
circumstances.

In reply I am directed
to state that the only non-
regulation Districts in the
Madras Presidency and the
Government Agencies of
Vizagapatam.

W M

Vizagapatam & Coarim
established under Act XXIV
1839. Under the revised rules
sanctioned by the Govern-
ment in July 1860 and
for the guidance of the
Governor's Agents of those
tracts, a copy of which accom-
panies, appeals from all de-
cisions upon original suits
passed by the Agent, lie
to the High Court, excepting
appeals from decisions in
suits
possessed of a hereditary
Bessoy, or other Feudal
Chief may have formed
the subject of litigation.
Appeals in these cases
lie to the Governor in Coun-
cil alone, but, any such
appeal may be referred
by the Government for
the decision of the High
Court, under the proviso
that the Court's decree shall
not be carried into execution

without the permission of the
Governor in Council. In Crimi-
nal cases, the review of the
proceedings rests with the
High Court. No cases are
referable to the Government.
3. In regard to dependent
Foreign States, those under
the supervision of the Madras
Government are the states
of Travancore and Cochin,
the Pudukottah state, the
Sondoor and
Laghier of Branganapillay.
A Memo by the Late Resident
of Travancore & Cochin show-
ing the
of judicial ad-
ministration in both states,
is forwarded. By Treaty
the rajahs of both states
are bound to p. at all
times the utmost attention
to such advice as the English
Government shall occasionally
judge it necessary to
offer them, with a view to the
economy of their finances, the
better collection of their revenues,
the administration of Justice,
the

the extension of Commerce,
the encouragement of trade,
agriculture and industry, or
any other objects connected

with the advancement of
their Highness's interests,
happiness of their people,
and the mutual welfare
of both States. This article
of the Treaty confers upon
the British Government
through the Resident a general
power of superintending

Judicial as of other matters
but he does not interfere
with the detailed ad-
ministration of Civil or Criminal
Justice - nor does any appeal
lie to him - In Poodoocottah,
Rungana Pillay & Soondoon
- the state of things is much
the same - The two latter
Saghielars are however
bound by their Sumud,
to abstain from the punish-
ment of mutilating ^{and not to}
males, & sentence capitally,
or

or execute persons capitally
convicted, without the sanc-
tion of Government previ-
ously obtained - but they are
to refer all cases appearing
to them to call for such
punishment for the consid-
eration & orders of the
Governor in Council -
There is no treaty between
the Rajah of Poodoocottah
& the British Government
He probably will not be
allowed to mutilate criminals
^{be permitted}
nor to inflict capital punish-
ment without the sanction
of Government - but no case
has yet arisen in which it
has been necessary to enforce
this prohibition -

Fort St. George,
1st Oct. 1862

W. H. K.

100

April 1905.

To the Secretary to the
York of Bombay

Sept 24th 1882

'
 affirming the ^{its} ^{only} ^{the}
 non regulation ^{is} in the
 medical evidence on the
 Hygeiæ and human
 hygiene; and informing him
 of the most ^{the} ^{the} ^{the}
 tendency in the ^{the} ^{the}
 direction of civil hygiene
 for the benefit of human
 hygiene and in dependent
 foreign states.

144 8-145