

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1142	Press
153-155		~~His.~~
Dated	14.7.1863	11

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,

14th July 1863.

Read the following papers:—

No. 153. From G. R. SHARPE, Esq., Acting Registrar of the High Court of Judicature at Madras; to J. D. SIM, Esq., Secretary to Government in charge, Judicial Department, Fort Saint George, dated Madras, 29th June 1863, No. 67.

1. I am directed by the Chief Justice and Judges to acknowledge receipt of Proceedings of the Madras Government, No. 912 of 15th instant, and to state that, relying upon the representation of the Magistrates of the Kistna and Madura Districts, they recommend the issue of directions by Government under Section 196 of the Code of Criminal Procedure as requested by those Officers.

2. I am further directed to state, that the several Civil and Session Judges and Magistrates will be informed that all similar applications should be submitted through the High Court.

No. 154. From the Honorable D. ARBUTHNOTT, Magistrate of Salem; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Salem, 25th June 1863, No. 90.

In enclosing copies of letters from the Joint Magistrate of Salem and the Deputy Magistrate in charge of the Namkul Division, requesting me to obtain the sanction of Government for their taking down the evidence of witnesses in their own handwriting and in the English language, under Section 196 of the Code of Criminal Procedure, I have the honor to request the sanction of Government for the Joint Magistrate and the Deputy Magistrate in charge of the Namkul Division taking down the evidence in the manner proposed in their applications.

From H. S. THOMAS, Esq., Acting Joint Magistrate of Salem; to the Honorable D. ARBUTHNOTT, Magistrate of Salem, dated Ossoor, 9th April 1863, No. 32.

I have the honor to request you will solicit the Government to accord to me under Section 196 of the Criminal Procedure Code the sanction which is accorded to many other Officers of taking down evidence in Criminal cases in English.

2. I sought this sanction in the Madura District, but before the order of Government could be received, I was transferred to this District.

3. There is more reason for the sanction in this than in the Madura District on account of the mixture of languages; Tamil, Telugu, and Canarese are all three spoken daily, and when on circuit with a light office, there is sometimes a difficulty in recording the witness's evidence in his own tongue. I am conversant with all the three languages and in a position to get over this difficulty by recording the evidence in English myself if the sanction sought is granted.

4. Further it will expedite justice, and it is I am sure a source of great satisfaction both to accuser and accused to see that the whole evidence is personally recorded by the European Officer without any Native intervention.

5. Whether with justice or not, all classes, and more specially the poor, are accustomed to consider Cutcherry Gumastahs venal, and justice uncertain when they are employed. I have good grounds for being convinced that if this fear is removed many, who hitherto held back from seeking the justice which they thought rightly or wrongly that they would have to pay for, will now come forward, and also appreciate the expedition with which justice can be given them.

6. I am aware that this course will add to my own personal labor, and this is one reason why I do not seek the same order for my Subordinate Magistrates. The number of cases coming through their hands is so great that it would be more than they could do.

(True Copy.)

(Signed) W. BOALTH,
Deputy Magistrate, for the Magistrate.

*Proceedings of the Madras Government, Judicial Department,
14th July 1863.*

From V. RAMIENGAR, Deputy Magistrate, Namkul Division; to the Magistrate of Salem,
dated Namkul, 14th February 1863, No. 4.

I have the honor to request that in the event of your seeing no objection, you will be so good as to obtain the sanction of Government for my taking down the evidence of witnesses with my own handwriting and in the English language under Section 196 of the Code of Criminal Procedure. At present much time is consumed in each case by the depositions being taken down in Tamil by my Clerks, and owing to the paucity of hands on my establishment, their employment in this way interferes with other work in the office.

2. You will have observed that the several grades of the Magistracy in the Cuddapah District have recently been allowed by Government to record the evidence of witnesses in the manner now proposed.

(True Copy.)

(Signed) W. BOALTH,
Deputy Magistrate, for the Magistrate.

No. 155. ORDER THEREON, 14th July 1863, No. 1,142.

Under Section 196 of the Code of Criminal Procedure, the Governor in Council authorizes the Joint, Head Assistant, and Deputy Magistrates in the Kistna District to take down the evidence of witnesses, each with his own hand in English.

2. The same authority is extended to the Acting Joint Magistrate of Salem.

3. The Honorable the Judges of the High Court will be requested to report on the recommendation of the Magistrate of Salem on the application of his Deputy in charge of the Namkul Division; and also on the letter from the Magistrate of South Arcot, recorded in Proceedings, 4th February 1863, No. 163.

4. The Magistrates of the Kistna and Salem Districts will publish respectively the orders in paragraphs 1 and 2 *supra*, in the District Gazettes.

(Signed) J. D. SIM,
Secretary to Government.

Ed. T. McMoorty

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letters—

From the High Court Inter 29 June '63 N° 67.

" the Magistrate of Salem 25 do . 90.

Order—14 July 1863 N° 1142.

Under § 196 of the Code of Criminal Procedure, the Governor in Council authorises the Joint, Head Assistant, and Deputy Magistrates in the Kistna District to take down the evidence of witnesses, each with his own hand in English.

2. The same authority is extended

on the letter from the
Magistrate of South
Arcot, recorded in
Pros: 4 Feb '63 No. 168.

4. The Magistrates of
the Krishna & Salem
districts will publish
respectively the orders
in paras. 1 & 2 supra,
in the District Gazettes.

extended to Mr. H. S.
Thomas, Joint Magis-
trate of Madurai, and
the Acting Joint Magistrate
of Salem.

3. The Honble the Judges
of the High Court will
report on the recommend-
ation of the Magistrate
of Salem on the appli-
cation of his Deputy
in charge of the Nann-
kul Division - & also

The Honble the Judges
of the High Court with
Magistrate of the
Krishna District.
of Salem.
Gazette paras 1 & 2.

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deputy

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PROCEEDINGS OF GOVERNMENT,

Pro. Chy
1865. Department.

Handwritten signature and date: 14 July 1913