M.R.O. 1—32,000—16-10-20.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1618 Press ~~Mis.~~

64-66

Dated 6 Oct. 1903 ~~19~~

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 6th October 1863.

Read the following papers :—

No. 64. From J. G. THOMPSON, Esq., Officiating Session Judge of Mangalore; to A. J. ARBUTHNOT, Esq., Chief Secretary to Government, Fort Saint George, dated Mangalore, 24th August 1863, No. D. U.

As the High Court is not now sitting I am under the necessity of addressing you direct with reference to the Notification of Government, dated the 12th instant, directing that certain Officers in this Zillah shall take down the evidence of witnesses in their own vernacular language.

2. The Principal Sudder Ameen, Mr. Rozario, has represented to me that his vernacular is neither English nor Canarese, but Portuguese, that he is not accumstomed to use that language in the discharge of his official duties, that it will be the most laborious and inconvenient task for him to take down evidence in it, and that it is not understood by the Ministerial servants of his Court.

3. Under these circumstances, I have thought it my duty to sanction his proposal to continue to take evidence as before, till fresh orders are received from Government.

4. The vernacular of one of the 1st Class Sub-Magistrates, Mr. Fernandez, is Konkani, which is as inconvenient as Portuguese in office business.

5. I have therefore the honor to request that the Government will direct each of the Officers named in the above Notification to take down the evidence of witnesses in English, as was proposed in my letter* to the Registrar of the High Court. Each of the said Officers habitually uses English in his office.

* Of 31st July 1863.

No. 65. From J. G. THOMPSON, Esq., Officiating Session Judge of Mangalore; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Madras, dated Mangalore, 26th September 1863, No. F. W.

I regret to find from your Memorandum of the 14th instant, No. 281, that the letter which was sent from this Court to the High Court on 31st July 1863, was a copy of the first draft I made. It was pointed out to me that that draft would lead to the inconvenience which has actually arisen; and I corrected it at once. I have the honor to enclose a copy of the letter as it stands in the letter book.

2. I also submit a nominal list of the Officers referred to, with the information called for in your Memorandum. I propose that every one of them shall, for the futuro, record the evidence of witnesses in English.

List.

Name.	Appointment.	Vernacular.	Knowledge of English.
Thompson, J. G.	Offig. Session Judge	English	
Rozario, L. S.	Principal Sudder Ameen	Portuguese	Very good, he has long written all his decisions in English; and records the substance of evidence in English.
Morris, G. L.	Acting Magistrate	English	
Webster, A. McC.	Head Asst. Magistrate	Do.	
Fernandez, J. F.	Sub-Magistrate, 1st Class	Konkani	Very good, he transacts the business of the Treasury in English.
Ball, J.	Do.	English	

Proceedings of the Madras Government, Judicial Department,
6th October 1863.

From J. G. THOMPSON, Esq., Officiating Session Judge of Mangalore; to G. R. SHARPE, Esq., Acting Registrar of the High Court of Judicature, Madras, dated Mangalore, 31st July 1863, No. C. A.

I have the honor to inform you that it appears to me desirable that under the provisions of Section 196 of the Criminal Procedure Code, the Session Judge, the Principal Sudder Ameen, all Magistrates exercising full powers, and all Sub-Magistrates of the 1st Class, in the Zillah, should be directed to take down the evidence of witnesses in their own hands in English.

2. The only English Officer in the Zillah who is now qualified to examine Native witnesses without the aid of an Interpreter, is the Head Assistant Magistrate, Mr. Webster; and he is qualified in Canarese alone. But notwithstanding this, I am of opinion that the change is in every way desirable. I enclose a copy of the Acting Magistrate's letter on the subject.

3. The Principal Sudder Ameen, Mr. Rozario, considers that the change is undesirable, as far as he is concerned, as he thinks it will cause an additional demand upon his time. I think he is mistaken: and that even if it be so, the change is still to be desired.

(True Copy)

(Signed) J. G. THOMPSON,
Offg. Civil and Session Judge.

No. 66. ORDER THEREON, 6th October 1863, No. 1,618.

Ordered that the following be published in the Fort Saint Gazette:—

NOTIFICATION.

His Excellency the Governor in Council directs it to be notified, that, with reference to Sections 249, 268, and 364 of the Code of criminal Procedure, the Judicial and Magisterial Offices in the Zillah of Mangalore, who are named in the margin, have been authorized to take down the evidence of witnesses with their own hand in English, in accordance with the provisions of Section 196 of the said Code.

Mr. J. G. Thompson, Officiating Sessions Judge.
„ L. S. Rozario, Principal Sudder Ameen.
„ G. L. Morris, Acting Magistrate.
„ A. McC. Webster, Head Assistant to the Magistrate.
„ J. F. Fernandez, Subordinate Magistrate of the 1st Class.
„ J. Ball, do.

This Notification supersedes that published under date the 12th August last.

2. The Collector of South Canara is requested to insert the foregoing in the District Gazette.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

Exd. T. McMoctry.

Judicial Department.

DINGS of the MADRAS GOVERNMENT.

on the Ses-
ge of Mang[illegible] Enter 25 Aug. & 26 Sep. 63.

Order — 6th October 1863 No 1618.

Ordered that the follow-
ing be published in the
Fort St. George Gazette:—

Notification.

It the Governor in Council directs
to be notified, that, with reference
§§ 249, 268, & 364 of the Code of
inal Procedure, the Judicial &
ol Magisterial Officers in the Zil-
lah of Manga-
lore, who are
named in the
margin, have
been

pson — Officiating
Sessions Judge.
io — Principal
Sudder Ameen.
io — Acting Ma-
gistrate.
Webster — Head Assis-
tant to the Ma-
gistrate.

Mr. S. F. Fernando — Subordinate Magistrate of the First Class
" S. Ball ——— do ———.

authorised to take down the evidence of witnesses with their own hand in English in accordance with the provisions of §196 of the said Code

This notification supersedes that published under date the 12th Aug last.

The Collector of South Canara is requested to insert the foregoing in the District Gazette.

Gazette.

The Hon'ble the Judges of the High Court. 3
" Sessions Judge of Mangalore. 1
" Collector of South Canara. 1
——— Gazette. 1

duplo

Judicial 1863. Department.

No. 1618.

PROCEEDINGS OF GOVERNMENT,

Dated 6 October 1863

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