M.R.O. 1—30,000—16-10-23.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 821 Press ~~Mis.~~

242-243

Dated 27.5.1863 ~~19~~ .

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
27th May 1863.

No. 242. Read the following letter from A. PURVIS, Esq., Magistrate of Godavery District; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Ambajipeta, 25th March 1863, No. 106.

I have the honor to submit, for such consideration as His Excellency the Governor in ancil may consider it deserves, a communication from certain French and German residents Cocanada complaining of the distinction which exists between them and European British subjects in that, while charges against the latter can only be investigated by a Justice of the Peace, they are liable to be brought before the Native Magistracy, and praying that this distinction may be abrogated.

2. The gentlemen who are parties to the address are in error in supposing that there has been any change in the law, especially in respect to them. They were, previous to the passing of Act XXV of 1861, (the Code of Criminal Procedure) amenable to the authority of the Heads of District Police, but owing to the powers of the Subordinate Magistrates of the 2nd Class, extending to a fine of Rupees 50 or imprisonment for one month, being much larger than those possessed by the Officers first named, who could impose a fine of but Rupees 3, some few cases, which would otherwise have been tried by the superior Magistracy, have been tried and disposed of by the Subordinate Magistrates of the 1st or 2nd Class.

3. While I am not myself prepared to advocate any change in the law which would exempt the class, to which the gentlemen whose communication is under consideration belong, from the jurisdiction of the Native Magistracy, I feel it to be due to them, forming as they do an important section of the community at Cocanada, that the grievance under which they believe themselves to labor should be made known to Government.

From the French and German Inhabitants of Cocanada; to A. PURVIS, Esq., Collector and Magistrate of Godavery District, Rajahmundry, dated Cocanada, 24th January 1863.

We, the undersigned French and German inhabitants of Cocanada, beg to call your attention to a distinction introduced by a recent Act in the trial of certain cases before the Courts of Magistrates, an innovation which we have witnessed with pain, and which is calculated to degrade us in the public esteem.

We refer to the difference lately created between British and Foreign Europeans, the latter not being allowed to claim the privilege of being judged by European Magistrates, which privilege is exclusively reserved to the former.

We are unable to assign a cause for this change of the law, as the conduct of our countrymen in India has always been honorable and dignified, and whilst we must express our surprise that Government should have thought fit to withdraw from us the rights we formerly possessed, we indulge in the hope that this change is to be attributed to an oversight and that it will therefore be the easier to correct it.

We need scarcely point out to you that our International Treaties make no such distinction between subjects of one or the other country, but, on the contrary, that their spirit is wholly opposed to it.

It is also obvious that such laws tend to lower our social position and must necessarily exercise a pernicious influence on our operations in this country.

The interests of this District, to the development of whose resources we have not a little contributed, must equally suffer from them.

We deem it therefore of the highest importance for us to obtain the abolishment of this deplorable distinction between Europeans of different nations, and with this view we appeal to you for your kind assistance.

We trust that the interest which you bear to the welfare of this District and its inhabitants will be the best inducement for you to use your influence on our behalf.

(Signed) F. CHOLET.
(,,) A. JOUVET,
and 13 others.

(True Copy.)
(Signed) A. PURVIS,
Magistrate.

Magistrate of Godavery District dispd. 1 piece

Proceedings of the Madras Government, Judicial Department,
27th May 1863.

No. 243. ORDER THEREON, 27th May 1863, No. 821.

The Governor in Council is not prepared to recommend any change in the law as applicable to European foreigners residing in British India.

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

Exd. T. McMootry.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from the Magistrate of Godavery

(Hereunter 25th March 1863 No. 106)

Order thereon 27th May 1863 No. 821.

The Governor in Council is not prepared to recommend any change in the law as applicable to European foreigners residing in British India.

To The Magistrate of Godavery District dispp. 1 piece

Judicial 186 6. Department.

No. 821

PROCEEDINGS OF GOVERNMENT.

Dated 27 May 1863.