M.R.O. 1—33,000—15-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 1161 Press Mis.

164-165

Dated 23-8-1915

14/15

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
23rd August 1865.

No. 164. Read the following letter from C. W. READE, Esq., Magistrate of South Arcot, to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George; dated Cuddalore, 4th August 1865, No. 65.

The High Court have recently ruled that Sub-Magistrates cannot commit to the Superior Magistracy, and that they are not to hold preliminary inquiries into complaints beyond their own powers, but at once to refer the parties making them to the officer competent to adjudicate on them; and when the grave inconveniences, &c., of the operation of this order were pointed out, the Judges observed that they had nothing to do with the hardship to individuals arising from the working of the Law, but their duty was simply to declare the Law.

2. The vast amount of additional labor thrown upon the Superior Magistracy, under the operation of the ruling in question, is almost incalculable, while the inconvenience and hardship to the public are proportionately serious. The remedy is, of course, alone with the Legislature, and it is possible that the time is not far distant when that remedy must be applied.

3. Some time ago the Joint Magistrate addressed me, on the subject, the enclosed letter marked A, and I at once replied to him in the enclosure B, as I felt that, without further practical experience of the effect of the High Court's ruling adverted to, objections might reasonably be urged against interference with the procedure laid down by Law.

4. Mr. Whiteside has again twice addressed me, once on the 20th ultimo, in a letter of which I enclose a copy (C), and in a second of this date (D), and in both these communications he adduces instances in illustration of the extreme hardship of the order interdicting preliminary inquiry and committals to the superior Magistracy by the Subordinate Magistracy; and although I still feel that Government may think that the time has not arrived for seeking the interference of the Legislature, yet I am so fully alive to the practical evils of the existing state of things—and there would seem no valid reason why a case may not equally be inquired into and committed to a Magistrate as to a Principal Sudder Ameen or Subordinate Judge of co-ordinate powers—that I am induced no longer to delay calling the attention of the Government to a subject which so materially concerns the welfare and social comfort of the people; and even supposing the occasion be not deemed a fitting one to moot an alteration of the law, the Government may at all events agree on the advisability of learning the experience of the Magistracy in other Districts, in order that when the period for action does arrive, the necessary data and materials may have been digested and be ready at hand, in support of any proposals that may be determined on for submission to the Legislative Council of India, with whom, I presume, alone rests the remedy; and therefore, under the pressing representations of my Joint Magistrate, I have thought it as well to bring the matter prominently before Government. I will only add my opinion that the sooner a remedy is applied the better for the people, while the superior Magistracy will be relieved from an amount of very irksome and unprofitable labor, which is calculated to prove at times embarrassing, as well as to impede the due discharge of their other more important functions.

From W. S. WHITESIDE, Esq., Joint Magistrate of South Arcot, to C. W. READE, Esq., Magistrate of South Arcot; dated Verdachallam, 28th June 1865, No. 541, A.

I have the honor to draw your attention, in the following remarks, to the Proceedings of the High Court, noted in the margin, by which my work as Joint Magistrate is being enormously, and, as I venture to submit, needlessly increased.

22nd December 1864, and paragraphs 2 and 3 of the Proceedings of the 22nd May 1865.

2. In these Proceedings, the High Court have ruled that, in the case of offences falling within the ultimate cognizance of the Courts of Session or Principal Sudder Ameens in their criminal capacity, the preliminary investigation shall, in all such cases, be conducted by the Sub-Magistrate of the locality where the offence took place, and by him shall be committed for a formal trial by one of the officers just named; but that as regards cases triable by a Magistrate with full powers, the Sub-Magistrates must always decline even to receive a complaint of such a kind, and must invariably refer them direct to the Magistracy for investigation.

3. One consequence of this ruling is that my Magisterial work is being increased to an extent far beyond what it ever reached before. Until now the Taluq and Sub-Magistrates of my Sub-Division have made the usual preliminary investigation of cases that were ultimately to be disposed of by me; and, in consequence, many parties, witnesses and defendants, were saved from a long journey to attend my office, for an inquiry that was really false. The sifting of the evidence that took place before the Sub-Magistrate in many cases prevented my wasting my already fully occupied time in matters that ought never to come before me.

4. By this course, no injustice was caused to complainants, and the preliminary inquiry, as I have shown, was often a great boon to individuals who were innocent of the offence laid to their charge, or witnesses ignorant of the facts under inquiry; but, under the present system, this safe-guard is taken away. In every case triable by me, the parties will have to travel to my Cutcherry a long distance, and, after making their complaint, wait till the parties named by them are summoned from the Taluq; when they arrive, it will very possibly be found to be a groundless complaint, and that all the trouble and annoyance would have been avoided had the Sub-Magistrate on the spot made a preliminary inquiry in the 1st instance.

5. It is very true that, under Sections 135 and 273 of the Criminal Procedure Code, Magistrates have power to refer complaints made to them to their Sub-Magistrates for preliminary trial, when they have good reason to doubt the truth of the complaint made to them, but it very seldom happens that a complaint is so clumsily framed as, on its face, to betray its own untruthfulness. That is usually discovered in the course of the inquiry itself, after all the witnesses have been summoned, and the parties are in attendance. Again, there are offences which must, under the law as it at present stands, be only disposed of by a Magistrate with full powers, *e. g.*, the illegal rescue of cattle, punishable under Act III of 1857. I have never yet been able to discover why the Legislature so particularly ordered that this offence should be tried by a Magistrate with full powers, for it is one of an extremely trivial nature, and, in the scores of such cases that I have tried, in no one instance was the offence found to have been attended by such serious or aggravating circumstances as to call for a punishment more severe than the fine of Rupees 3 or Rupees 4, or a few days detention in the Taluq Cutcherry. I have always looked upon the preliminary inquiry in the Taluq into cases falling under Act III of 1857 as a boon to the people; for the charge is one extremely easy, and also very likely to be made through enmity. According to the late exposition of the law by the Judges of the High Court, anybody who wishes to annoy his neighbour has only to complain to me that when driving the goats out of his paddy field the owner hustled him and took away the animals; and I must, perforce, thereupon summon all the individuals named by the complainant, and very possibly give them a march of 30 or 40 miles from their village to my Cutcherry all for nothing, and which would have been spared them had the Sub-Magistrate on the spot made a preliminary investigation, and found what truth there really was in the matter.

6. It seems to me that, in its present condition, the law is productive of very great hardship to the people, while to me it now occasions very great inconvenience. The result of the operation of the Penal and Criminal Procedure Codes has been to multiply the number of cases on my Magisterial file in the most surprising manner. Thus, in 1861, the year before these enactments came into force, the total number of cases tried by the Joint Magistrate in this District was only 18. In 1862, they were 60; in 1863, 204; and, in 1864, the number of cases tried in my office amounted to 227. This enormous increase took place, even though many of the cases were thrown out in the course of the preliminary inquiry by the Taluq Magistrates as false or not proved, and when I deduct from the 365 days which compose the year, 52 Sundays, and also the various holidays allowed by Government, the time taken up when my office was actually travelling on circuit, and on days when I was quite occupied by the Jamabandy, and without time to devote to Magisterial trials, I find that I had more than one Magisterial case per diem, during 1864, to try myself. What the state of things will be when I have myself to conduct every trial on every serious Magisterial complaint, I really do not like to think. That it will be productive of a still greater pressure of work than I have ever before felt is certain; two or three days ago one of my Sub-Magistrates referred to me, for this inquiry, in accordance with the late rulings of the High Court, three cases on one morning, two of them being trumpery charges of rescue of cattle under Act III of 1857. I am daily in office from seven to eight hours, and do not waste my time while there, but I feel certain that I shall very soon be quite unable to keep pace with the Magisterial work that will pour into my office from my two Taluq Magistrates, and four Sub-Magistrates.

7. I really do not see why Magistrates should be placed in so much worse a position, as regards their criminal work, than Session Judges or Principal Sudder Ameens, and I suppose there is no question but that preliminary inquiry by Sub-Magistrates into cases ultimately triable by the Magistracy will be productive of comfort to the people concerned, and of relief at the same time to the Magistrates at the head of the various divisions.

8. From time to time, alterations and amendments have been made in the Penal and Criminal Procedure Codes, when found necessary. I am aware that hasty changes in such enactments are very inadvisable; but the matter that I have now endeavoured to bring to your notice is of no little importance, and I trust that you will agree with me in thinking that I have sufficiently made out my case to justify you in drawing the attention of Government to the present unsatisfactory condition of the law, and moving them to obtain such a change thereon as will extend to the Magistracy the provisions of Chapter XII of the Criminal Procedure Code, as regards preliminary inquiries by Sub-Magistrates of cases ultimately to be committed to them for trial and disposal.

From C. W. READE, Esq., Magistrate, South Arcot, to W. S. WHITESIDE, Esq., Joint Magistrate, South Arcot; dated Cuddalore, 30th June 1865, B.

I have had under my consideration your letter of the 28th, No. 215.

2. I quite agree with you as to the inconveniences and difficulties consequent on the late ruling of the High Court on which you comment, but I am not of opinion that the time has come for legislative action in the matter. It is of course the Legislature alone (I mean the Legislative Council of India) who can apply the remedy, if it be thought to need one. You will be aware of the Proceedings of the High Court on a reference from myself, and which are published at page 592 of the District Gazette of the 4th March last, and since then the very question now mooted by you has been brought before them by the Magistrate of the Kistna District, when the Judges in their Proceedings of the 22nd May last, observed that "it is their duty to declare what the law says, without reference to any hardship that may arise from its provisions." It was further pointed out on the same occasion, as a remedy for the inconveniences brought to notice under the operation of their rulings, that "it was quite competent to a Magistrate with full powers, under Sections 135 and 273 of the Code of Criminal Procedure, to refer to a subordinate Magistrate, for

inquiry, cases in which he may see reason to doubt whether there is good ground for a prosecution."

3. I am, of course, aware that this only partially meets the evil; still, without greater experience of the working of the law under the recent interpretation by the High Court, I am of opinion that it would be premature to press the matter on the notice of Government, who would, I am satisfied, merely decline to interfere, until further time had ratified the views which you have now expressed in your letter under present acknowledgment. I, therefore, think it better not at present to move in the matter as requested by you.

(True Copy).

(Signed) C. W. READE,
Magistrate.

From W. S. WHITESIDE, Esq., Joint Magistrate of South Arcot, to C. W. READE, Esq., Magistrate of South Arcot; dated Cuddalore, 20th July 1865, C.

On the 20th ultimo, in my letter, No. 215, I had the honor to draw your attention to the great advisability of moving the Government to procure such an alteration of the provisions of the Code of Criminal Procedure, so far as to extend to the Magistrates of each District the provisions of Chapter XII of that Code, so as to allow of Sub and Taluq Magistrates instituting preliminary investigation in cases ultimately triable by the Magistracy, and committing them for trial in the same way as is now done in regard to Session Judges and Principal Sudder Ameens. I then pointed out to you that such preliminary inquiry would afford a very great boon to the people, by enabling the local Magistracy to sift the evidence on the spot, and find out what grounds there may be really for entertaining the charge against the defendants, and that, while it would, in many cases, prevent much inconvenience by unnecessary detention of parties in custody, or needless attendance of witnesses at the Cutcherries, the Magistracy (already heavily over-worked) would be spared the necessity for devoting much time to the trial of paltry or fictitious complaints, as they are at present compelled to do.

2. I feel urged now to draw your very careful consideration to the following brief statement of the facts of a case tried by me yesterday, which illustrate very forcibly the truth of my opinion as to the cruel hardship that the present state of the law involves.

3. The prisoner was charged in the Calendar with "theft in a building by a private servant." The prosecutor was Ramachendrau Row, the late Sub-Magistrate of Mannargoody (who was dismissed lately for various acts of misconduct). The charge was a very serious one, but when placed before me for trial, I was astonished to find the prisoner to be a very little child, that is, under 10 years of age. I should think he was not more than 8.

4. The property that he was accused of having stolen was a handful of raw rice, and a fragment of a cocoanut of the estimated value of eight Pice. The evidence for the prosecution shewed that the prisoner, an orphan, was employed by prosecutor at an extremely small rate of pay, which, however, he did not receive properly. That one day he complained to his master's wife of hunger, and begged for something to eat, and this being refused, he pilfered the food mentioned above, and was sneaking out into the backyard to eat it, when he was pounced on by a member of the family, and the prosecutor relentlessly handed him over to the Police; and he was at once conveyed to the station house, and locked up a long with some 26 prisoners then awaiting trial before me on other charges.

5. If any preliminary inquiry had been made, I feel sure that the child would have been set at liberty forthwith by the Sub-Magistrate, but, of course, nothing of the kind was done, and as I could not take up the case until those before it on my file were tried, and the charge sheet conveyed to me no intimation of the age of the prisoner, or the real facts of the case, the prisoner was detained in the station-house for ten days, in company with a large body of hardened offenders, subjected of course to all the deteriorating influences of the place, and he has now doubtless advanced many stages on the road of vice, and is ripe for the commission of much more serious offences.

6. I inflicted a nominal punishment and released him at once, but I earnestly submit that it is not right that such an occurrence as I have now related should be permitted by the law, nay, not only permitted, but actually necessitated. Unless some alteration of the Criminal Procedure Code is ordered, these sort of things must, and will, happen frequently.

7. I could enlarge at great length on this subject, and bring forward several instances that have occurred during the last few days in which parties have been compelled to travel 40 and 50 miles to appear before me on ridiculously petty charges of "Illegal rescue of cattle," which, according to the law, are of so serious a nature as to necessitate a trial by a European Officer only. These cases broke down after some quarter of an hour's investigation, and had it been made on the spot by a Taluq or Sub-Magistrate, the parties and witnesses would have been spared the hardship of a journey of 80 to 100 miles in the middle of the hot weather.

8. When Act III of 1865 is extended to this District, and its provisions put in force, I shall be able, I suppose, to obviate this latter grievance, but until then there is no help for it.

9. If you have not already pressed upon the attention of Government the urgent necessity for improving this unsatisfactory condition of the law, I would beg that your letter may not be delayed longer. I feel sure that you will concur with me in thinking that I could not have produced a stronger case to show the want of some such alteration of the Criminal Procedure Code as I have proposed above.

(True Copy).

(Signed) C. W. READE,
Magistrate.

From W. S. WHITESIDE, Esq., Joint Magistrate of South Arcot, to C. W. READE, Esq., Magistrate of South Arcot; dated Cuddalore, 4th August 1865, No. 276, D.

In continuation of the subject of my letter to you, No. 216, dated the 20th ultimo, I have now the honor to draw your attention to another instance that came before me a few days ago, and which also tends to show the great advisability of obtaining such an alteration of the law as will enable Sub and Taluq Magistrates to make preliminary inquiries into cases ultimately triable by Magistrates with full powers.

2. An old and extremely decrepit man, who with difficulty obtains an existence by begging about the streets of this Town, was found one evening sitting on the steps of a godown belonging to Devasigamany Pillay, the Abkarry Contractor, wherein he had stored a large quantity of jaggery used in distilling Arrack. He had a small scrap of cadjan leaf in his hand, by means of which he was scraping up, near a hole at the bottom of the door, a few drops of the melted and refuse jaggery trickling in the gutter. He then licked the leaf moistened with jaggery, and in this way committed "theft in a building". He was arrested, and found to have in his possession a small pot containing a couple of spoonfuls of the spilt jaggery, valued by Devasigamany Pillay's Agent at 3 pice, which, of course, aggravated his offence, as he was in "possession of stolen property." He was confined, as usual, for some days until his case came up for trial in the proper order, but had any Sub-Magistrate made a preliminary inquiry, I do not believe, I should have been compelled to waste the greater portion of one afternoon in trying such a charge. I can hardly believe that the Government are aware, or would desire the time of the European Officers of a district to be occupied in disposing of such ludicrously trivial cases as I have now had the honor of detailing to you.

3. I would further beg to inform you that the Superintendent of Police, if referred to, will be prepared to express the very decided opinion he entertains on the subject; for the preliminary inquiry by the European Magistrate of every case that can possibly be brought before them necessitates the escorting of prisoners from all parts of the district to the offices of the Magistracy in infinitely greater numbers than has hitherto been usual, and this very seriously adds to the ordinary Police duties.

4. The Government not long ago appointed a Commission to consider the best means of reducing public correspondence, and had the present state of things been in force at the time, I feel sure that attention would have been directed to the great increase of correspondence upon important Magisterial matters with Taluq Officials, that is necessitated by the Magistracy having to receive and act in the first instance on such a multitude of really trifling complaints.

(True Copy.)

(Signed) C. W. READE,
Magistrate.

No. 165. ORDER THEREON, 23rd August 1865, No. 1161.

Before passing orders on the subject to which the foregoing letter relates, the Governor in Council requests that the Magistrate of South Arcot will submit statements showing in a clear, condensed, intelligible form, what were the operations of his own, the Joint Magistrate's, and the other European Magistrates' Courts for the 12 months which preceded the issue of the High Court's ruling to which he refers, and what have been their operations from that date up to the end of last month. The statements should show the number of cases *inquired into and determined* by each of the Magistrates in question; the number of complainants and prisoners, and of witnesses for the prosecution and the defence examined in each case; the date on which each trial commenced and closed; and the number of the accused who were punished, and the number acquitted.

2. The attention of His Excellency in Council has been attracted by the statement made in the 5th paragraph of Mr. Whiteside's letter of the 20th ultimo, that the accused was ten days in confinement before his case came on for hearing and disposal. The Joint Magistrate should be called upon for explanation.

(True Extract).

J. ARBUTHNOT,
Chief Secretary.

To the Magistrate of South Arcot.

Exd. J. H. Burns.

No 215 / 541 / 6

Rec^d 30-6-65

A

From

R. S. Whiteside Esqre

Joint Magistrate of S. Arcot

To

C. W. Reade Esqre

Magistrate of South Arcot

Sir,

I have the honor to draw your attention to the following remarks in the Proceedings of the High Court noted in the margin, by which my work as Joint Magistrate is being enormously, and as I venture to submit needlessly increased.

2. In these Proceedings the High Court have ruled that, in the case of Offences falling within the ultimate cognizance of the Courts of Sessions Principal Sudr Ameens in their Criminal capacity, the preliminary investigation shall, in all such cases,

22^d December 65 & para 2 & 3 of the Proceedings of the 22^d Aug 1865

be

be conducted by the Sub Magistrate of the locality where the offence took place, and by him shall be committed for a formal trial by one of the officers just named - but that as regards cases triable by a Magistrate with full powers the Sub Magistrates must always decline even to receive a complaint of such a kind, and must invariably refer them direct to the Magistracy for investigation -

3 One consequence of this Ruling is that my Magisterial work is being increased to an extent far beyond what it ever reached before - Until now the Taluq & Sub Magistrates of my Sub Division have made the usual preliminary investigation of cases that were ultimately to be disposed of by me and

in consequence many parties, witnesses and Defendants, were saved from a long journey to attend my office for an enquiry that was really false - the sifting of the Evidence that took place before the Sub Magistrate in many cases prevented my wasting my already full occupied time in matters that ought never to come before me -

4 By this course no injustice was caused to complainants and the preliminary enquiry, as I have shown, was often a great boon to individuals who were innocent of the offence laid to their charge or witnesses ignorant of the facts under enquiry - but under the present system this safeguard is taken away - In every case triable by me the parties will have to travel to my Kachery a long distance, and

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moned, and the parties are in attendance -
Again, there are offences which must,
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with full powers, e.g. the illegal Rescue
of Cattle, punishable under Act III of 1857 -
I have never yet been able to discover
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of an extreme trivial nature, and in
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found to have been attended by such
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I have always looked upon the preliminary

enquiry

enquiry in the Taluq into cases falling under Act III of 1857 as a boon to the people. For the charge is one extremely easy and also very likely to be made through enmity - According to the late exposition of the Law by the Judges of the High Court any body who wishes to annoy his neighbour has only to complain to me that when driving the goats out of his field they fed the owner hustled him and took away the animals; and I must perforce thereupon summon all the individuals named by the Complainant and very possibly give them a march of 30 or 40 miles from their Village to my Kacheri all for nothing, and which would have been spared them had the Sub Magistrate on the spot made a preliminary investigation, and found what truth there really was in the matter.

6. It seems to me that in its present condition the Law is productive of very great hardship to the people, while to me it now occasions very great inconvenience. The result of the operation of the Penal & Criminal Procedure Codes has been to multiply the number of cases on my Magisterial File in the most surprising manner. In 1861 the year before these Enactments came into force the total number of cases tried by the Joint Magistrate in this District was only 18. In 1862 they were 69, in 1863. 204; and, in 1864, the number of cases tried in my Office amounted to 227. This enormous increase took place even though many of the cases were thrown out in the course of the preliminary enquiry by the Taluq Magistrates as false

or not proved - and when I deduct from the 365 days which compose the year, 52 Sundays - and also the various holidays allowed by Government, the time taken up when my office was actually travelling on Circuit, and on days when I was quite occupied by the Jamaabandi and without time to devote to Magisterial trials, I find that I had more than one Magisterial case per diem during 1864, to try myself. What the state of things will be when I have myself to conduct every trial on every serious Magisterial complaint I really do not like to think - That it will be productive of a still greater pressure of work than I have ever before felt is certain, two or three days ago one of my Sub Magistrates referred to me for this enquiry, in accordance with

with the late Rulings of the High Court, three cases on one morning, 2 of them being trumpery charges of Rescue of Cattle under Act III of 1857. I am daily in office from 7 to 8 hours and do not waste my time while there, but I feel certain that I shall very soon be quite unable to keep pace with the Magisterial work that will pour in my Office from my 2 Talus Subdivisions & 4 Sub Magistrates -

7. I really do not see why Magistrates should be placed in so much worse a position as regards their Criminal work than Sessions Judges or Principal Sudr Ameens, & I suppose there is no question but that preliminary enquiry by Sub Magistrates into cases ultimately triable by the Magistracy will be productive

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of comfort to the people concerned and of relief at the same time to the Magistrates at the head of the various Divisions [illegible] From time to time alterations and amendments have been made in the Penal & Criminal Procedure Codes when found necessary; I am aware that hasty changes in such Enactments are very inadvisable, but the matter that I have now endeavoured to bring to your notice is of no little importance, and I trust that you will agree with me in thinking that I have sufficiently made out my case to justify you in drawing the attention of Government to the present unsatisfactory condition of the Law, and moving them to obtain such a change therein as will extend

to the Magistracy the provisions of Chapter XII of the Criminal Procedure Code as regards preliminary enquiries by sub Magistrates of cases ultimately to be committed to them for trial & disposal

I have the honor to be
Sir
Your most obedient servant

W. J. Whitehead
Joint Magistrate

South Arcot
Joint Magistrate's Office
Vridachallam
28 June 1865

Judicial 10

No. 1680

From The Magistrate of South Arcot
Dated 1st Augt. 1866

For Orders

The order passed by the High Court dated
the 20th June 1866 in the matter of the petition
of Ramalingam Pillay praying to be admitted to
bail pending the trial of the charge of
having committed dacoity in the house of
Ramasamy Pillay, was communicated to the
Magistrate of South Arcot for his information
and guidance in the matter of the bail bond
executed by the petitioner. The Magistrate
in reply reports that no fact has been
brought to his notice, since the passing of
the order, which would render it necessary
for him to cancel the bail bond executed
by the petitioner. He also reports that
two cases of dacoity have been committed
within the jurisdiction of the Court
of Sessions of the two offences above
referred to being of an aggravated
character and calculated to cause
considerable excitement in the
neighbourhood, he would respectfully
call for instructions whether the petitioner
should be called upon to execute a fresh
bail bond before the trial of the case
comes on for hearing. The Magistrate
in Proc, 20th June 1866 No. 1680 has
submitted in a clear, connected, intelligible
form, a statement showing what were the

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Term
The Petition of Ramalingam Pillay
to
The High Court of Judicature
at Madras
Dated 20th June 1866
Rec'd 25th June 1866

Petitioner
Ramalingam Pillay

Examination read
from the Records
of the High Court
referred to in
certain proceedings
in the Criminal Revn.
Case -

Q

operations of his own, the Joint Magistrates &
the other European Magistrates' Courts for the
12 months which preceded the issue of the
H. Court's Circular with which they find fault
and what have been their operations from
that date up to the close of the month
last preceding the receipt of this order
of Govt.
The statement should show the number
of cases submitted to & determined by each
of the Magistrates in question; the number
of complainants & prisoners; & [illegible] for
the prosecution & the defence examined
in each case; the date on which the trial
commenced & closed; the number of the
accused who were punished & the
number acquitted. One such statement
will embrace the 12 months preceding the
issue of the H. Court's order, the other statement
should give similar particulars for
the period which has elapsed as above explained
since the order has been in force.
With these details we shall be able
to determine whether the serious addition
to work now written about from S. Arcot

has really been inflicted on the Magistracy
of the superior grade & class by the H. Court's
View of the Code.
And in the event of the S. Arcot statements
making out the case as put by the Magistrate,
I would send a circular to all the Magistrates
of Distts asking them to report whether
any & what inconveniences have resulted
from the order of which Messrs Reade and
Whiteside so bitterly complain.
Personally, I think the operation of the
H. Court's order will be an unmixed blessing
for the lower classes. Our Sub Magistrates,
taken from the lower set of Cutcherry
servants, are either wholly or partially
ignorant of the important duties which under
the 2 new Codes they were performing,
and the proper enquiry order has in many
instances been the result of their exercise
of the powers they were called on unex=
pectedly & suddenly to wield.
I don't understand what the Joint Magte means
by saying that "a warrant" [illegible] was 10 days in [illegible] to
confirm [illegible]. [illegible] should be referred to
explain. I quite concur in the course
taken by Mr Phillips

14 Aug.

Form. ~~showing~~ what

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read letter from the Magistrate of South Arcot — Inter 4th Augt. 65 No. 65.

Order — 23d August 1865 No. 1161.

Before passing orders on the subject to which the foregoing letter relates, the Governor in Council requests that the Magistrate of South Arcot will submit a statement, showing in a clear, condensed, intelligible form, what were the operations of his own, the Joint Magistrates, & the other European Magistrates' Courts for the 12 months which preceded the issue of

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prisoners; & of witnessed
for the prosecution &
the defence examined
in each case; the date
on which each trial
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the number of the ac-
cused who were punished
& the number acquitted

2. The attention of H. E.
in Council has been
attracted by the state-
ment made in the 5th
para

para: of Mr. Whiteside's
letter of the 20th Ulto., that
the accused was ten
days in confinement
before his case came on for
hearing & disposal. The
Joint Magistrate should
be called upon for ex-
planation.

The Magistrate of
South Arcot.

PROCEEDINGS of GOVERNMENT.

No. 1154

Judl. 186 S. Department.

Dated 25th August 1865.