

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1423	Press ~~Mis.~~
³⁶⁻³⁷ Dated	3-9-1867	

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Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
3rd September 1867.*

No. 36. Read the following letter from the Inspector General of Jails, to the Acting Chief Secretary to Government, Fort Saint George; dated Ootacamund, 22nd August 1867, No. 88.

On the 5th November last, I had occasion to address you in consequence of an application preferred by the Superintendent of the Jail at Calicut for a second clerk, on the ground that all

Judicial Department, 15th January 1867, No. 80.

warrants for the committal of prisoners, whether Criminal or Civil, were drawn up in the Malayalam language. This reference resulted in the issue from the High Court, on the 8th February 1867, of a Circular, to the effect that, wherever practicable, all warrants, &c., &c., addressed to Officers in charge of District Jails by Judicial and Magisterial Officers should be prepared in English. This order, however, has done little to remedy the inconvenience felt at Calicut, as most of the Sub-Magistrates and District Moonsiffs are Natives, all of whom issue their processes in the Vernacular, which is stated to vary in each Amshom or Taluq. The Superintendent, therefore, has found it necessary to continue the employment of an additional clerk, whom he had previously engaged on a salary of 20 Rupees per mensem, for the purpose of making translations, and he has defrayed the amount at his own expense since the 15th September last. The Acting Superintendent now represents, as did also the Superintendent, in his letter of the 1st October, printed with the Proceedings above quoted, that it is not possible to procure one person to conduct the duties both in English and in Malayalam satisfactorily on 35 Rupees per mensem, and he has requested me to submit the matter once more for the consideration of Government. On referring to Mangalore and Tellicherry, I find that the clerks at the Jails there are Natives, who are conversant with the Vernacular. At Mangalore, all warrants are in English; documents relating to debtors, and petitions only being in Canarese; but at Tellicherry many of the warrants and other papers received at the Jail from the District Moonsiffs and Sub-Magistrates are in Malayalam. The population of that Jail, however, is less than half of that at the Calicut Jail. I have, therefore, the honor to request that Government will be pleased to sanction the employment of the additional clerk, with retrospective effect from the date of his engagement, as a temporary measure, until the accommodation at the Central Jail is completed, and that the regular clerk should then be discharged if still incompetent as to the Vernacular. The only alternative which occurs to me is, that the Superintendent be authorized to discharge the present clerk now, and to make the best arrangements in his power for supplying his place by a person acquainted with both languages.

From the Acting Superintendent of the Jail, Calicut, to the Inspector General of Jails, Madras; dated Calicut, 30th May 1867, No. 19.

I have the honor to address you, with reference to the Proceedings of the Madras Government, dated the 15th of January last, relative to the entertainment of a Native Goomastah in the Jail at Calicut, applied for by Doctor Pearce, Superintendent of the Jail, in his letter to you of the 1st October 1866, No. 47.

2. In February last copy of a Circular from the High Court was also received in this office, ruling, "that, wherever practicable, all warrants, &c., addressed by Judicial and Magisterial Officers to the District Jails, be in the English language." The requirement of this order does not appear to have been as yet even partially complied with, since all warrants issued from the Courts

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of the Sub and Deputy Magistrates and District Moonsiffs are still in the Vernacular language, as are also all correspondences received from them.

3. From my short experience of the duties of this Jail, I am strongly convinced of the necessity of a Native writer in the office, as I have personally witnessed the multiplicity of Malayalum writings and transactions that incessantly encumber the Department.

4. There are six extensive Taluqs in the Malabar District, which contain in all 13 Sub-Magistrates of different grades and 12 District Moonsiffs. All warrants from these Sub-Magistrates, whether sentencing prisoners or committing them for trial, and those from the Moonsiffs, sentencing debtors, are addressed in the Vernacular language. These papers have all to be correctly translated into English before the office entries are made, and great care is essential in their translation, since the idiom and phraseology of the language of one Taluq or Amshom materially differ from those of another, and a person unacquainted with these differences is apt to be led into some grave mistake.

5. Furthermore, I consider that it will be a matter of difficulty to enforce the observation of the order of the High Court herein above adverted to, as nearly the whole batch of the Junior Magistracy of Malabar and its Moonsiffs are Natives, and men who have scarcely any knowledge of the English language.

6. The English duties of the Jail office are also not trifling as you are aware, and to procure a person who could satisfactorily conduct both these and the Malayalum duties on Rupees 35 a month is impossible.

7. Doctor Pearse, seeing the necessity for a Native writer, has up to this date retained one, paying him out of his own pocket.

8. Under these circumstances, I have the honor to request you will be pleased to lay the matter once again before the Madras Government, and endeavour to obtain its sanction for the entertainment of a second clerk on Rupees 20, as well as for the disbursement of arrears of his pay from the time he was taken on. If this becomes impracticable, I would beg to be authorized to refuse, for the future, all Malayalum warrants and papers addressed to the Jail, as well as all prisoners sent to Jail under Malayalum warrants, whether committed or sentenced.

From the Acting Superintendent of the Jail, Calicut, to the Inspector General of Jails, Ootacamund; dated Calicut, 25th July 1867, No. 25.

I have the honor to address you again on the subject of my letter, No. 19, of the 30th May last, to which I have not as yet been favored with a reply.

2. I beg to say that, notwithstanding the Circular of the High Court, referred to in my last letter, Malayalum warrants, petitions, and other papers are still being sent in numbers to this office, which has rendered the retention of the Malayalum writer almost obligatory.

3. As no final decision appears to have as yet been come to with reference to this point, I earnestly request you will move the Government on the subject at an early date, either obtaining sanction for the entertainment of the Malayalum writer, or authority to refuse, for the future, all Malayalum papers and warrants.

4. As to dispensing with the services of the Malayalum writer while Malayalum papers and warrants are continued to be received, I consider I would be placing myself in a very false position, since the Malayalum language is utterly unknown to me.

No. 37.

ORDER THEREON, 3rd September 1867, No. 1423.

In the foregoing letter the Inspector General of Jails states that, notwithstanding the Circular issued by the High Court in February last, directing that "wherever practicable" all warrants, &c., addressed to Officers in charge of District Jails by Judicial and Magisterial Officers, be prepared in English, great inconvenience is still experienced at the Calicut Jail, in consequence of processes being drawn up by most of the Native Sub-Magistrates and District Moonsiffs in the Malayalum language.

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3rd September 1867.*

2. The Superintendent of the Jail has found it necessary to employ, at his own expense, an additional clerk on a salary of 20 Rupees a month, since the 15th of September last, for the express purpose of translating the Vernacular papers.

3. The Superintendent had represented in October last, that without a Malayalum writer the duties could not be satisfactorily conducted, and that no Native qualified in that language could do the work of an English writer also. The Acting Superintendent makes a similar representation now, and has requested the Inspector General of Jails again to submit the matter for the consideration of Government.

4. On consideration of the circumstances set forth in the letters from the Acting Superintendent of the Calicut Jail, and the Inspector General of Jails, the Governor in Council directs that the additional Malayalum clerk employed since the 15th September 1866, on Rupees 20 per mensem, be retained until the completion of the Central Jail at Cannanore.

5. The Accountant General will enter the salary of the Malayalum clerk, from the 15th September last, in the Statement of fresh charges to be submitted for the confirmation of the Government of India.

(True Extract).

Acting Chief Secretary.

To the Inspector General of Jails.
" Accountant General.

Exd. J. Tulloch.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following
letter from the Inspector
General of Suits.
(H. R. of 22nd August/67. h. 88)

143-35

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36-1

Order. 3rd Sept^r August/67. h. 1423

In the foregoing
letter the Inspector General
of Suits states that with
standing the Cir:
: orders issued by the
High Court in February
last, directing that
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Inspector General of
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the matter for the con-
sideration of Govern-
ment.

4. On considera-
tion of the circum-
stances set forth in the
letters from the Acting
Superintendent of the
Calicut jail, and the
Inspector General of
jails, the Governor in
Council ^{directs} ~~the~~ ^{that}
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since the 15th Septem-
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until the completion of
the Central Jail at ^{Cannanore} ~~Calicut~~.

5. His Accounts
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Salary of the Qualification
Click from the 15th Sept^r
last, in the Statement
of fresh charges to be
submitted for the confir-
mation of the Govern-
ment of India.

Recd 3rd September 1867

PROCEEDINGS OF GOVERNMENT.

No. 1423.

Colonial 1867. Department.

The Secretary of India
Acct General } despatch