

MADRAS RECORD OFFICE.

Government of Madras.

General

DEPARTMENT.

G.O. No. *2035*

~~Pres.~~
Mis.

131/134

Dated *12*

18*67*

Not to be folded or roughly handled

February 14, 1865

My dear Arthur

Your first note referred to
Act VII of 1850 and not to Act
II of 1855.

I cannot find any instance of
"High Courts" having acted under
provisions of Act VII of 1855
since Act VIII of 1859 came into
operation.

Act VIII of 1859 contains provisions
which, with some unimportant
differences, are precisely the same
in substance and have the same
effect as the provisions of Act
II of 1855.

Act VII of 1855 must undoubtedly
have never been expressly repealed
and as in all Actions and Suits
instituted in the late Supreme Court
before Act VIII of 1859 came into
operation our High Court Rules

provide for the Old Practice being
preserved (as it prevailed prior to
the operation of Act VIII of 1859,) it seems to me that to proceed by
Amend IV in a Superior Action
instituted in the late Supreme Court
the provisions of Act VII of 1855
(and not the corresponding provisions
in Act VIII of 1859) would still apply.
But that in actions instituted
in the High Court since Act VIII of
1859 came into operation the pro-
visions of that Act, and not those of
Act VII of 1855 are applicable: and
such to the best of my belief and so
far as I have been able to learn has
been the invariable practice.

Yours very sincerely
A. J. Arbuthnot

The Honorable
A. J. Arbuthnot

32
London February 15. 1865
My dear Sir,
I have the honor to acknowledge the receipt of your letter of the 14th inst.

Re Act VII of 1855.
I ought to have expressed my regret more
clearly, but my reply should
have been limited to the action of the
High Court under Act VIII of 1859, and
that Act came into operation. I
could not say a single word without incon-
venience, I would support your reply
in substance as follows,

As far as we can ascertain there have
not been any instances of the High Court
having acted under VII of 1855 since
Act VIII of 1859 came into operation.
In all suits instituted since VIII of 1859
came into operation the High Court, as
regards actions, has invariably acted
under VIII of 1859.

It is considered by me to be that Act VII
of 1855 is still fully operative in actions
instituted in the late Supreme Court and
still pending. See 24 & 25 Victoria chap 106
sect. 12: and that the existence of
of VII of 1855 are still operative in actions
of actions or process, even in actions.

na. By 1st part - there being no corres-
ding provision, in VIII of 1859 and
a clause, being consistent with the
visions of VIII of 1859. See 24 & 25
in chap 104 Sect. 11.

Yours very sincerely,

Wm. A. D. Carter

No.

Message for despatch by Electric Telegraph.

FROM MADRAS

To Calcutta (Bengal)

FROM CHIEF SECRETARY

To Home Secretary.

WORDS

As far as we can ascertain there has not
been any instances of the High Court having acted under
seven of eighteen hundred and fifty five since right of
eighteen hundred and fifty nine came into operation.
In all suits instituted since right of eighteen hundred
and fifty nine came into operation the High Court
as regards arrest, has invariably acted under
right of eighteen hundred and fifty nine. It is
considered by our Solicitor, that seven of eighteen hundred
and fifty five is still fully operative in actions
instituted in the late Supreme Court and still
pending. See twenty four and twenty five Victoria
chapter one hundred and four. Section twelve, and that
the subsistence clause of seven of eighteen hundred
and fifty five are still operative in cases of arrest
on mesne process, even in suits in the High Court. There
being no corresponding provisions in right of eighteen
hundred and fifty nine and such clauses being
consistent with the provisions of right of eighteen
hundred and fifty nine. See twenty four and twenty
five Victoria chapter one hundred and four, section
eleven.

16/2

1-
Judicial Dept

1000 000

Date 16th Feby 1865.

138.

From

Sent: Col: W. J. Wilson

Inspector General of Jails

Mumool

To

The Honble A. S. Ellis C.B.

Chief Secretary to Government

Fort Saint George

By

I have the honor to return the letter from the Secretary to the Government of India N. 6062 with Enclosures which was referred to me for report with respect to the remarks regarding diet -

2. I believe that the dieting in force in the Madras Jails is simple, and that the unusual mortality which took place amongst the Madras Convicts at Port Blair in July last was in all probability owing to the same cause to which that amongst those who remained in the Presidency may be principally attributed viz the great state of weakness from famine and disease from which they were suffering when received into jail. The practice heretofore was to embark all Convicts unless they were too ill to stand the voyage, but the existence of old age, infirmity or of Chronic disease not immediately dangerous to life was not permitted to interfere with the carrying out of sentences of transportation, and a number of

Convicts must necessarily have arrived at Port
Blair in bad condition. This however is not likely
again to happen as orders have recently been issued
to the effect that all convicts under sentence of
transportation to the Andamans are to be examined
prior to embarkation and that those who are unfit
for labor by reason of old age, disease, or infirmity
are not to be sent. Should the mortality still continue
it must then be put down to climatic influences
or to the other cause mentioned in para 3 of the
Secretary's letter although the practice of medicine re-
ferred to is not common with Andamans men.

A Regiment of Native Infantry it was well known
that the Andamans Sepoy did not willingly stint himself
in the article of food, and he was rarely known to
sneeze, whereas it was quite the contrary in the
case of Hindoos serving in Andamans Regiments.
However, this cause if it does exist may be
removed by the introduction of the sleeping
system which is said to have been so successful
at Port Blair.

3. An Envelope from the Kellie Collectors account

112
along with the letter under reference is herewith
returned.

I have the honor to be
Sir
Your most Obedient Servant

J. M. L. R.

Inspector General of Prisons

Kurnool

30 November 1867.

24/4-

1914

Medical 1857-1867
Irene

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Important fact: of hair

Journal

that according to the

The same thing

✓ 138.

22/11/93

Chapters to reference regarding
what is education facts.

Sept 30th 1857

December 4 Dec

Belmont Ave N.Y.C.

Not an artist.

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To the top of hills deep $1\frac{1}{2}$