M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1455 Press ~~Mis.~~

302.303

Dated 22-7-1861.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 22nd July 1861.

No. 302. Read the following Proceedings of the Madras Government in the Judicial Department, dated 13th July 1861, No. 907 :—

Directing the Head Assistant Collector and Magistrate of Tinnevelly to be transferred from Streevellipootoor to Tuticorin, and investing him with the power to investigate cases under Act XIII. of 1859. (Vide Judicial Proceedings, 13th July 1861, Nos. 121—124.)

No. 303. ORDER THEREON, 22nd July 1861, No. 1,455.

Ordered to be communicated to the Board of Revenue for information.

(Signed) J. D. SIM,
Secretary to Government.

JUDICIAL DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read again letter from the Chairman Chamber of Commerce, Madras, dated 6th June and recorded in the Proceedings of Government, dated 15th June 1861, No. 779.

Read also the following papers :—

From J. SILVER, Esq., Magistrate of Tinnevelly; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated Tenkasy, 14th June 1861, No. 173.

I have the honor to acknowledge your Circular letter of 29th May, No. 693, and having given the subject my serious consideration, I have to state that I could not recommend any Native land-owner in this District for the Office of Honorary Magistrate.

2. There are twenty-six Zemindars in Tinnevelly, but they are men for the most part, totally uneducated, who live retired on their own Estates, and who I scarcely think, would appreciate or be competent to discharge the duties of the Office. If the system is once introduced and becomes known, a few among them may be ambitious of the Office, and even try to qualify themselves to fill it; and in such an event, it would be a pleasure to me to bring forward their names; but there are none I could specially recommend, at the *outset*.

3. There are two European gentlemen resident in this District, Mr. Kinnear and Mr. Hardy, both Merchants at Tuticorin, whom, from their high character, I could confidently recommend to be invested with the powers of Honorary Magistrates.

From J. SILVER, Esq., Magistrate of Tinnevelly; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated Tenkasy, 22nd June 1861, No. 179.

I have the honor to acknowledge the Proceedings of Government in the Judicial Department, dated 15th June 1861, No. 779, referring for my report a letter addressed to Government by the Chairman of the Chamber of Commerce at Madras, dated 6th June 1861, regarding a Magisterial Officer being stationed at Tuticorin, qualified to investigate cases under Act XIII of 1859.

2. As no complaints by any of the residents at Tuticorin, of fraudulent breaches of contract under Act XIII of 1859, have been made to me, I cannot admit the correctness of the allegation, that the business of the place is much impeded; and I have heard that this representaion to the Chamber of Commerce, comes from only one resident of the place, Mr. Barter; but not having seen the address, I cannot be perfectly certain if it emanate from any other of the residents, except Mr. Barter.

3. There are in Tuticorin the Master Attendant who is a Justice of the Peace, and qualified to dispose of charges brought against Europeans. There is also a Police Ameen vested with the powers of a Taluq Head of Police. The Magisterial charge of the Taluq and the Town, is in my own hands. In the event of my absence from Tinnevelly, the Resident Deputy Magistrate at that place is empowered by me to receive and decide any complaints under Act XIII of 1859, coming from Tuticorin.

4. The Salt Deputy Collector, Mr. Wright, referred to in the last para. of the letter from the Chamber of Commerce, has charge of the Salt and Sea Custom Department. I have already recommended through the Board of Revenue, for reasons shewn, that another and more experienced Officer should replace Mr. Wright in this District; but even if this was not the case, he is not qualified to be invested with the Magisterial Power suggested. The Government Order of the 23rd August 1859 lays down, that only a Magisterial Officer competent to use the extended powers conferred by Section 54, Act VII of 1843, can exercise the powers vested in a Magistrate by Act XIII of 1859; and Mr. Wright has not yet passed an examination even for the first standard, and consequently cannot exercise the ordinary powers of a Magistrate. Besides this, the Board of Revenue and Government have repeatedly ordered that Salt Deputy Collectors should be restricted to their own proper duties.

5. And now for the remedy I would propose. On the re-arrangement of the Taluqs last year, consequent on Mr. Pelly's scheme, my Head Assistant was transferred from the coast to

the north of the District, where he is now stationed at Strivilliputtur, 60 miles north of Tinnevelly. It is an important part of the Province, much requiring the residence of an European Officer in it, and I cannot advocate my Head Assistant's removal to Tuticorin.

6. In my letter to Government of the 14th instant, No. 173, I have recommended that two residents of Tuticorin, Mr. Kinnear and Mr. Hardy, should be invested with the powers of Honorary Magistrates. Both gentlemen are men of sterling practical common sense, and of character and consideration in the town. Their duties will naturally be light, as under the new Police system now being introduced, I have proposed that Tuticorin be made the station of a Sub-Magistrate, who will decide ordinary cases. I can recommend that both the gentlemen I have named, if they accept office, as I trust they will, be empowered to try complaints of fraudulent breaches of contract under Act XIII of 1859, receiving from me such instructions and advice as may from time to time be necessary. They are both engaged in trade in Tuticorin, but I make this recommendation in accordance with the spirit of paragraph 13 of His Excellency the Governor General's Minute of 13th November 1860. This will at once provide the remedy which the Chairman of the Chamber of Commerce seeks.

7. The only other suggestion I can make is, that if an Officer of experience in the Public service is appointed Salt Deputy Collector in Tinnevelly, as recommended in my letter to the Board of Revenue of 27th May last, he may be entrusted with Magisterial powers in the town of Tuticorin alone. This would add very little to his own proper duty of charge of the Salt, and would meet the difficulty.

From W. R. ARBUTHNOT, Esq., Chairman, Chamber of Commerce; to the Chief Secretary to Government, Fort Saint George, dated 25th June 1861.

I have the honor to acknowledge the receipt of Proceedings of the Madras Government, in the Judicial Department with Order thereon, 15th June 1861, No. 779.

These Proceedings having been circulated for the information of the Chamber of Commerce, I am desired to state that while the Chamber is not surprised at the Government desiring to be informed of the views of the Chief Magistrate of Tinnevelly, it deems it important that no avoidable delay should be allowed to take place in providing a remedy for the evil that has been complained of.

The subject has been already brought to the notice of that Officer by one or more of the Residents of Tuticorin, but from the enclosed copy of a letter addressed by him to Mr. C. J. Barter it would not appear that Mr. Silver had in contemplation the introduction of any remedial measure.

Some remedial measure, however, the Chamber would again respectfully submit, is loudly called for.

Tuticorin has of late years become a considerable Sea Port, largely resorted to by European shipping. Police cases must therefore almost of necessity be of frequent occurrence, and there is probably no other Port in India of equal importance which is unprovided with the means of disposing of them.

The Tuticorin season is now at its height. The deliveries of Cotton and its preparation for shipment are going actively forward, and it is confidently anticipated that the large interests at stake will no longer be suffered to remain without a Magisterial Officer on the spot for their protection.

From J. SILVER, Esq., Magistrate of Tinnevelly; to C. J. BARTER, Esq., Tuticorin, dated Covilputty, 20th May 1861, No. 146.

In reply to your letter of the 17th instant, I beg to inform you, that complaints of breaches of contract will be investigated by the Resident Deputy Magistrate at Tinnevelly, T. Vencata Row. Only a Magisteral Officer vested with authority to exercise the extended powers under Act VII of 1843, can deal with breaches of contract under Act XIII of 1859.

ORDER THEREON, 13th July 1861, No. 907.

The Government direct that, as the best arrangement for meeting the difficulty adverted to in the above letter, the Head Assistant Collector and Magistrate be as a present expedient transferred from Streevellipootoor to Tuticorin and that he be invested with power to investigate cases under Act XIII, 1859.

2. Early measures will be taken for appointing an Uncovenanted Deputy to the Tinnevelly District during the absence of Mr. Wright. Meanwhile Mr. Garstin's transfer to Tuticorin as his Head Quarters will be made at once. The Tuticorin season is said by the Madras Chamber of Commerce to be at its height and the deliveries of Cotton and its preparation for shipment to be actively going forward. The Magistrate will therefore order him to Tuticorin forthwith.

(True Extract.)

Chief Secretary.

To the Magistrate of Tinnevelly.
,, Chamber of Commerce.
,, Revenue Department.

Exd. T. O'Connor.

Recd 1861 Sept 6th
Exo: of Govr for Duty.

No 1699.

Exo: N. G. in the
Judicial Dept.
dated 13th July 1861
Recd 16th
No 907.

Lee Kenny

Directing the Road Superintendent
Collector and Surveyor of
Simonville to be transferred
from the Seventh Section to
Victoria and investing him
with the power to decide
certain Cases under Act X III
of 1859

No 1455 - 25th July
With an Order

No 1455

Ordered to be com-
municated to the Board
of Revenue for informa-
tion.

Lt Gov:
22nd July 1861

L. D. S.

6 Copies to the Board of Rev:
with proc: J. D. No 907.

Copy 23rd

No 302 + 303