

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1465	Press
	26-27	~~Mis.~~
Dated	13	10-11-58

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 19th October 1858.

Read again letter from Mr. G. F. FISHER, dated 21st August, and entered in Consultation, 7th September 1858.

No. 26. Read the following letter from H. A. BRETT Esq., Magistrate of Salem; to T. PYCROFT, Esq., Chief Secretary to Government, Fort St. George, dated Oosoor, 21st September 1858, No. 282.

SIR,

I have the honor to acknowledge the receipt of an Extract from the Minutes of Consultation under date the 14th Instant, No. 1218, communicating a letter from Mr. G. F. Fischer, dated the 21st August 1858, and directing me to obtain from Mr. Smith, the Acting Joint Magistrate at Salem, any explanation he may have to offer, and to submit the same to Government, with my own remarks thereon.

2. I beg to submit a copy of Mr. Smith's reply, dated the 17th Instant, with copy of the translation enclosed in it. Mr. Smith's explanation amounts to this, that he thought it necessary to write his letter of the 4th of August last, in order to prevent Mr. James Fischer from again interfering with the Police; but, in fact, it was not necessary that Mr. Smith should write an insulting letter (which is the subject of complaint) in order to effect that object. The expressions in his letter are overbearing and contemptuous, and no public officer is at liberty, under any circumstances, to address any one in such terms.

3. With regard to the last para. in Mr. G. F. Fischer's letter, the charge against Mr. Smith is a general one, and Mr. Smith has met it by a general denial, which was the only course open to him.

From H. G. SMITH, Esq., Acting Joint Magistrate of Salem; to H. A. BRETT, Esq., Magistrate of Salem, dated 17th September 1858, No. 72.

SIR,

I have the honor to acknowledge the receipt of your letter, No. 267, dated 13th Instant, enclosing Extract of Minutes of Consultation, dated 4th Instant.

2. In noticing the first part of the letter in which Mr. Fischer states that it has been represented to him that I have done much mischief since I have been in the district, &c., &c., I beg to give my most emphatic denial to the truth of such representations.

3. With regard to the letter written by me to Mr. James Fischer, dated 4th of August, I beg to inform you that, on the 19th of July, I received a letter from that gentleman, enclosing a copy of a Tamil letter from his Goomastah, about an attack said to have taken place on his Indigo Factory, and requesting me to take notice of the same.

* Of Salem. 4. I accordingly issued orders to the Tahsildar* to enquire into the matter, who, on forwarding his proceedings to me, enclosed Mr. Fischer's letter to the Karkoon of Pedinaicken Pollium. From these proceedings, there does not appear to have been any remissness on the part of the Police.

5. Mr. Fischer, however, having addressed me on the subject of the supposed attack on his Indigo Factory, must well have known that his request therein contained would have been attended to, and had he only addressed a letter to the Tahsildar or Police officer, requesting their assistance in the matter, I should not have taken any notice of it, (although as I was in Salem at the time, even that was unnecessary); but when I find him writing to the sub-officer of Police, finding fault (without reason too) with the Police establishment, and telling them that he should hold them responsible for any property that might be stolen, I consider Mr. Fischer assumed to himself an authority which neither he or any other person in his situation possessed, and which I consequently considered a most impertinent proceeding, calculated to make the sub-officers of Police suppose that they are under his authority, and therefore the sooner checked the better.

6. Mr. Fischer I observe, states that it was a pert production, excused by the youth and inexperience of the writer, with which statement I cannot agree, as Mr. J. Fischer has had charge of his uncle's property for some years in the Salem district, and must well know to whom complaints regarding any misconduct on the part of the Police should be made.

* To be returned. I beg to enclose Mr. Fischer's Tamil letter* to the Karkoon and translation.

Fort St. George, Judicial Consultation, 19th October 1858.

Translation of a letter to the Karkoon.

From Mr. J. FISCHER,

Circumstance written to Narrainsing, the Karkoon of Peddinaicken Pollium.

Now we have herein enclosed a true copy of the Urzee received from the Indigo Factory Goomastah of Poottier Goundenpollium.

It is not only surprising to hear what had taken place, as written by the Goomastah, but it appears there is a want of proper arrangement in the Police.

It is incumbent upon the Circar to preserve property from being stolen.

We have also written to the Village Moonsiff of Poottier Goundenpollium on this subject.

Thinking that is your duty also to make "bundobust" against our property being stolen, we have written this.

If any of our articles are stolen, the Policedar must be responsible.

(Signed) J. FISCHER.

(True translation.)

19th July 1858.

(Signed) H. G. SMITH,

Acting Joint Magistrate.

(True Copies.)

(Signed) H. A. BRETT,

Magistrate.

No. 27.

ORDER THEREON, No. 1445; dated 13th October 1858.

From the papers which accompanied the first of the letters above referred to, it appears that on the receipt of an Urzee from the Goomastah of his uncle's Indigo Factory at Poottira Goundunpoem, intimating that thieves had visited the place, Mr. James Fisher addressed the Karkoon of Peddoonaikenpolyam, charging the Police with want of energy, and threatening to hold them responsible for any loss that might have occurred. Mr. H. G. Smith the Acting Joint Magistrate of Salem, subsequently informed Mr. J. Fisher that he considered this communication a most impertinent production, and enquired what business he had to interfere with the Police in any way, or who he was to hold them responsible for stolen property. This correspondence has been submitted to Government by Mr. G. F. Fisher.

2. Mr. Smith, in reply to a reference made to him by Government through the Magistrate, explains that as Mr. James Fisher had written to him respecting the thieves he must have known that his request would have been attended to, and that as he also addressed a Sub-Officer of Police finding fault with the Police establishment, and telling him that he would hold them responsible for any property that might have been stolen, he considered Mr. Fisher to have assumed to himself an authority which neither he or any other person in his situation possessed, and which he consequently regarded a most impertinent proceeding, calculated to make the Sub-Officers of Police suppose that they were under his authority, and therefore the sooner checked the better. The Magistrate in submitting this explanation to Government, very properly observes that it was not necessary that Mr. Smith should have written an insulting letter in order to effect this object; and that no public officer is at liberty to address any one in such terms as Mr. Smith did Mr. James Fisher.

4. The Government resolve to inform Mr. H. G. Smith, that his letter of 4th August, to the address of Mr. James Fisher, was highly improper and that he will incur the serious displeasure of Government should he offend in like manner hereafter.

(Signed) T. PYCROFT,

Chief Secretary.

Exd. F. Cartledge.

Judicial Department

No. 1720.

From

The Magistrate of Salem.

Dated 21st September 1858

For Orders

There is no such Karkoon
who is improper. He should be
held responsible for the property
lost for having written it.

I must merely inform you
that the Government has decided
that the letter of Mr. Fisher is
improper & that the letter of
Mr. Smith is correct. This will be
sent to you. It is not as improper

Judicial Department

No 1445.

Extract from the Minutes of Consultation

Dated 13 October 1858.

Read again letter from Mr
G. F. Fisher dated 21st Sept and sent
in Cons. 7th Sept. 1858.

Read also the following letter
from the Magistrate of Salem

(Here enter 21st Sept 1858 No 282.)

From the papers which ac-
-companied the first of the letters
above referred to, it appears that
on the receipt of an order from the
Governor of his Majesty's
Factory at Pootum Coimbatore
intimating that thieves had visit-
-ed the place, Mr James Fisher
addressed the Karkoon of Paddoonack
-empolyam, charging the Police
with want of energy and threaten-
-ing to hold them responsible for
any loss that might have occurred.

Mr. H. G. Smith, the Acting Social
Magistrate of Salem, subsequently
informed Mr J. Fisher that he con-
sidered this communication a
most impertinent production,
and enquired what ^{business} he had to in-
terfere with the Police in any
way, or who he was to hold them
responsible for stolen property. &
submitting This correspondence ^{has been submit-}
ted to Govt. Mr H. G. Fisher remarked,
that Mr Smith had been referred
to him as having done much in-
chief since he had been at Salem
that he converted a peaceful, well
disposed town to a turbulent and
disaffected one.

2. Mr Smith, in reply to
a reference made to him by Govt.
thru the Magistrate, denies the
~~charge~~ and states explains that
Mr James Fisher had written to
him respecting the thieves he must
have known that his request would
have been attended to, & that as
he also addressed a sub officer
of Police finding fault with

the Police establishment stating
him that he would hold them res-
ponsible for any property
stolen, he considered Mr Fisher
to have assumed to himself an
authority which neither he or any
other person in his situation
possessed & which he consequently
regarded a most impertinent
proceeding, calculated to make
the sub-officers of Police suppose
that they were under his authority
& therefore the sooner checked the
better. The Magistrate in submitting
this explanation to Govt. very pro-
perly observes that it was not
necessary that Mr Smith should
have written an insulting letter
in order to effect this object,
and that no public officer
is at liberty to address any one
in such terms as Mr Smith
did Mr James Fisher.

4. The Government resolve
to inform Mr H. G. Smith that
his letter of 4th August to the
address of Mr James Fisher

was highly improper and that
 he will incur the serious dis-
 -pleasure of Govt. should he
 offend in like manner hereafter.

JP

26024.

Copy to Magistrate of Salem
 " Mr. L. F. Fisher, Madras
 in reference to his letter of
 21st Augt/54.

Desp. 20th

In Dy. Secy. 19th Octy.
 Judicial 1858 the Hon^{ble}

No 145

Extraordinary of Govt.

21st October, 1858.

C. 6: Octy
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