

MADRAS RECORD OFFICE.

Government of Madras.

Journal DEPARTMENT.

G.O. No.	50	Press
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	34-35	
Dated	17-1-1959	

Not to be folded or roughly handled

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Fort St. George, Judicial Consultation, 18th January 1859.

No. 34. Read the following Extract from the Minutes of Consultation in the Revenue Department, dated 5th January 1859, No. 21.

Read the following Extract from the Proceedings of the Board of Revenue, dated 22nd December 1858, No. 4705.

Read again the following papers.

From G. S. FORBES, Esq., Collector of Ganjam; to J. D. SIM, Esq., Secretary to the Board of Revenue, Fort St. George, dated Chetterpore, 24th August 1858, No. 140.

SIR,

With reference to the Extract from the Proceedings of the Board of Revenue, under date the 15th January last, No. 176, I have the honor to state that there have been no instances in this District in which the new rule has been acted upon.

From C. W. READE, Esq., Collector of Vizagapatam; to J. D. SIM, Esq., Secretary to the Board of Revenue, Fort Saint George, dated Nursipatam, 20th October 1858, No. 186.

SIR,

Referring to your Memo. of the 6th October, and the Board's Proceedings of the 15th January last, and its enclosure, I have the honor to state that no inconvenience whatever has been felt in this District in consequence of the order of Government empowering the summoning of public servants in Police cases without reference to heads of offices, as was formerly the practice.

2. I am of opinion that the order in question is an excellent one, and cannot reasonably be objected against; although I believe it has met with opposition from many Collectors and Magistrates.

From A. PURVIS, Esq., Collector of Rajahmundry; to J. D. SIM, Esq., Secretary to the Board of Revenue, Fort St. George, dated Cocanada, 27th October 1858, No. 154.

SIR,

I have the honor to acknowledge the receipt of the Extract from the Proceedings of the Board of Revenue of 15th January last, forwarding Extract Minutes of Consultation of the 4th Idem, regarding the summoning of public servants in Police cases, and to state that no instance of the practice lately introduced operating inconveniently, has come to my notice, nor am I of opinion that such is likely to be the case, with a moderate degree of vigilance on the part of the Officers controlling the Native Police.

From H. WOOD, Esq., Collector of Gunttoor; to J. D. SIM, Esq., Secretary to the Board of Revenue, Fort Saint George, dated 20th October 1858, No. 133.

SIR,

In reply to Extract from the Board's Proceedings dated 15th January 1858, No. 176, conveying the orders contained in a Despatch from the Honorable Court of Directors on the subject of summoning public servants as witnesses in Police cases, I have the honor to state that I am not aware of any inconvenience having arisen from an observance of the orders of Government, contained in their Minutes Consultation dated 16th December 1856.

To prevent inconvenience (on occasions when time and circumstances will allow of doing so) the attendance of subordinates is required, by an application to the heads of offices in which they may be serving.

Fort St. George, Judicial Consultation, 18th January 1859.

From F. B. ELTON, Esq., Collector of Nellore; to G. S. FORBES, Esq., Secretary to the Board of Revenue, Fort Saint George, dated 5th March 1858, No. 36.

SIR,

With reference to the Circular Extract from the Proceedings of the Board of Revenue, under date the 15th January 1858, calling for a report on the new rule referred to in Extract Minutes of Consultation, under date the 4th Idem, I have the honor to state that the rule in question, directing that whenever the attendance of public servants is required in criminal cases before the Police, the summons should be served direct on such servants, without previous reference to their official superior, has now been in operation rather more than a year. No practical inconvenience has been hitherto experienced in the Revenue Department, nor is such likely to be the case while the Revenue and Police functions are united.

2. Were this not the case, I consider that inconvenience might be experienced during the time of the annual settlement, when in some cases, the Revenue servants cannot well be immediately spared from the duties they are engaged on.

3. In these cases sufficient time should be given in the summons, to allow of an application being sent by the head of the office for an extension of the period mentioned, when such may be necessary on public grounds.

From C. PELLY, Esq., Collector of Bellary; to J. D. SIM, Esq., Acting Secretary to the Board of Revenue, Fort Saint George, dated Wooravacondah, 29th January 1858, No. 14.

SIR,

I have the honor to acknowledge the receipt of Extract from the Proceedings of the Board of Revenue, No. 176 of 15th Instant, calling for a report, on the effects of the new rule, respecting the summoning of public servants as witnesses in Police cases, I beg to observe, that the attendance of public servants, except Peons, to give evidence in criminal cases, is seldom required; but if they are summoned, the heads of offices will of course be put to some inconvenience in consequence of their subordinates being suddenly summoned. But since I have received the Board's Circular No. 58 of 7th January 1857, communicating Extract Minutes Consultation of 16th December 1856 on this subject, no practical inconvenience to the heads of offices, has ever been brought to my notice.

From C. J. SHUBRICK, Esq., Collector of Chingleput; to J. D. SIM, Esq., Acting Secretary to the Board of Revenue, Fort St. George, dated Sydapet, 23rd January 1858.

SIR,

Referring to Extract from the Board's Circular Proceedings, No. 176 of the 15th Instant, relative to any inconvenience through the direct summoning of Revenue and Judicial servants as witnesses in Police cases, I have the honor to report that while no such cases have occurred in this District since the rule was in force, I see no object in its having been framed, or any inconvenience possible to arise from it, inasmuch as no penalty attaching to inattention to the summons of a Police Officer. The public servant summoned has it always in his power to attend when it will not inconvenience him or his own proper duties. Though inattention to a Magistrate's summons is punishable by fine, any reasonable excuse for the inattention would of course be admitted and the direct serving of his summons could not therefore I should think be the cause of inconvenience to any public servant, whether the servant summoned, or the head of his office.

From C. WHITTINGHAM, Esq., Collector of North Arcot; to J. D. SIM, Esq., Secretary to the Board of Revenue, Fort Saint George, dated Palmanair, 12th October 1858, No. 205.

SIR,

I have the honor with reference to Extract from the Proceedings of the Board of Revenue, dated 15th January 1858, No. 176, communicating Extract Minutes of Consultation under date 4th January 1858, No. 1, respecting the summoning of public servants of either the Revenue or

Fort St. George, Judicial Consultation, 18th January 1859.

Judicial Department as witnesses in Police cases, to state that no practical inconvenience has been experienced in this District in consequence of subordinates being summoned to give evidence in criminal cases in the manner directed by the rule in question.

From G. N. TAYLOR, Esq., Acting Collector of South Arcot; to G. S. FORBES, Esq., Secretary to the Board of Revenue, Fort Saint George, dated Vellapooram, 24th March 1858, No. 60.

SIR,

In reference to the Board's Circular No. 176, of the 15th January last, requesting that the effects of the rule sanctioned by Government under date the 19th December 1856, may be reported on after the expiration of a year, I have the honor to state for the information of the Board and Government, that I am not aware that any practical inconvenience has been experienced by heads of offices in consequence of their subordinates being summoned to give evidence in the manner therein directed.

From H. D. PHILLIPS, Esq., Collector of Tanjore; to J. D. SIM, Esq., Secretary to the Board of Revenue, Fort Saint George, dated Vellum, 16th October 1858, No. 222.

SIR,

No. 176, dated 15th January 1858. In reply to the Circular marginally noted, I have the honor to report that inconvenience has not occurred in my range from the new system of summoning public servants without a previous reference to the head of the department to which they belong.

From M. J. WALHOUSE, Esq., Acting Collector of Trichinopoly; to J. D. SIM, Esq., Secretary to the Board of Revenue, Fort Saint George, dated 19th October 1858, No. 196.

SIR,

Para. 1. With reference to Extract from the Board's Proceedings, dated the 15th January 1858, No. 176, transmitting an Extract from the Minutes of Consultation, Revenue Department, dated the 4th January 1858, and communicating an Extract from a Despatch from the Honorable Court, respecting the summoning of public servants of either the Revenue or Judicial Department, as witnesses in Police cases, and to report on the effects of the new rule after it has been in operation for a year.

2. I have the honor to report that on the receipt of the Circular No. 58, dated the 7th January 1857, and the Extract Minutes of Consultation, dated the 19th December 1856, No. 1333, Circular Orders were sent to all Police Officers informing them of these orders, and from the reports now received from them, it is understood that no practical inconvenience has been experienced from the operation of the new system, by summoning Revenue subordinates, during the last year, to give evidence in Police cases, as indeed no single subordinate has been so summoned in any Talook; it may therefore be safely assumed that no appreciable public inconvenience is ever likely to arise from the operation of the rule.

3. This report would have been furnished before had not the 2nd para. of the Board's Circular No. 176, been supposed to refer to the end of the current year.

From A. HATHAWAY, Esq., Acting Collector of Madura; to G. S. FORBES, Esq., Secretary to the Board of Revenue, Fort St. George, dated 8th March 1858, No. 75.

SIR,

No. 176. With reference to the Board's Circular of the 15th January last, I have the honor to inform you that only three instances of public servants being summoned as witnesses by Police Officers occurred in the past year, of which, two were before the Police Ameen of Madura, and one before the head of Police at Dindigul. The parties examined, happening to be servants attached to the establishment of the Collector and Sub Collector; and but a brief time having been occupied in their examination, no inconvenience resulted from their temporary absence.

Fort St. George, Judicial Consultation, 18th January 1859.

But I am of opinion that the progress of business would be much impeded, if public servants were liable to be summoned before all Police Officers and forwarded as witnesses to the Criminal Courts without previous notice being given to the head of offices.

From D. MAYNE, Esq., Acting Collector of Tinnevely; to G. S. FOBBS, Esq., Secretary to the Board of Revenue, Fort St. George, dated Trichendoor, 13th April 1858, No. 139.
SIR,

With reference to Extract from the Proceedings of the Board of Revenue, dated 15th January 1858, communicating copy of Extract from the Minutes of Consultation, Revenue Department, dated the 4th Idem, respecting the summoning of public servants of either the Revenue or Judicial Department as witnesses in Police cases, and requesting that the effects of the new rule referred to, may be reported on after it has been in operation for a year; I have the honor to state that on the receipt of the Circular Extract from the Proceedings of the Board of Revenue, Revenue Department, No. 58 of the 7th January 1857, the instructions contained in it were circulated to all Tahsildars, &c. in the District for their guidance, and it does not appear that the rule in question has been attended with any practical inconvenience, owing to the Revenue and Judicial servants being summoned to give evidence in Police cases, without previous notification being given to their immediate superiors.

From H. A. BRETT, Esq., Collector of Salem; to G. S. FORBES, Esq., Secretary to the Board of Revenue, Fort Saint George, dated 10th April 1858, No. 38.
SIR,

With reference to an Extract from the Proceedings of the Board of Revenue, dated the 15th January 1858, No. 173, forwarding Extract Minutes of Consultation, dated the 4th Idem, No. 1, respecting the summoning of public servants whether of the Revenue or the Judicial Department as witnesses in Police cases, and requesting the several Collectors to report upon the effects of the new rule after it has been in operation for a year, I have the honor to state that the new practice has not been attended with any inconvenience to the public service.

From W. FISHER, Esq., Collector of Canara; to J. D. SIM, Esq., Secretary to the Board of Revenue, Fort Saint George, dated Mangalore, 26th October 1858, No. 121.
SIR,

No. 176. With reference to the Circular of the Board under date the 15th January 1858, accompanied by Extract Minutes Consultation of the 4th Idem, No. 1, I have the honor to state for their information, that heads of offices do not seem to have experienced any practical inconvenience by the adoption of the practice of summoning as witnesses in Police cases, public servants either Revenue or Judicial, in the same manner as other individuals.

From P. GRANT, Esq., Acting Collector of Malabar; to J. D. SIM, Esq., Secretary to the Board of Revenue, Fort St. George, dated Calicut, 30th October 1858, No. 161.
SIR,

With reference to Extract Proceedings of the Board of Revenue, under date the 15th January last, I have the honor to state that no practical inconvenience has been experienced by heads of departments, so far as my experience goes, by their subordinates being summoned to give evidence in Police cases, without previous reference to them.

Resolved that the above letters be laid before Government, with reference to Extract In Con. 15th Jan. 1858. Minutes Consultation 4th January last, R. D., No. 1.

2. It will be seen from the above letters, that no practical inconvenience has yet been experienced from the working of the new rule admitting public servants to be summoned as witnesses without previous reference to their official superiors.

3. The Reports of the Collector of Masulipatam, Cuddapah, Kurnool and Coimbatore, will be submitted when received, if any inconvenience has resulted in their Districts.

(A true Extract.)

(Signed) J. D. SIM,
Secretary.

Fort St. George, Judicial Consultation, 18th January 1859.

Ordered to be communicated to the Judicial Department, with reference to Extract Minutes Consultation 15th December 1857, No. 1628, in that Department.

(A true Extract.)

(Signed) W. H. BAYLEY,
Acting Secretary to Govt.

No. 35. ORDER THEREON, No. 50; dated 17th January 1859.

The letters, now communicated through the Revenue Department, were obtained in consequence of Extract Minutes Consultation dated 15th December 1857, No. 1628, para. 2, and are Reports from the Collectors of sixteen Districts on the operation of the rule adopted in Extract Minutes Consultation dated 16th December 1856, No. 1331, admitting public servants to be summoned as witnesses without previous reference to their official superiors.

2. From these Reports, it appears that in two of the Districts no instance has occurred in which the rule was acted upon, and in fourteen of the Districts, no practical inconvenience resulted from observance of the rule.

3. The result of the enquiries, as shown above, instituted by the Revenue Officers, will be communicated to the Home authorities in continuation of Extract Minutes Consultation, dated 8th April 1858, No. 447.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

No. 4705.

EXTRACT from the PROCEEDINGS of the BOARD of REVENUE, dated 22nd December 1858.
Read again the following papers :—

No. 3954, From Ganjam	24th August in Con.	6th September 1858, No. 140.
" 4851, " Vizagapatam	20th " "	28th October " " 186.
" 5003, " Rajahmundry	27th Oct. " "	5th Nov. " " 154.
" 4789, " Guntoor	20th " "	26th Oct. " " 133.
" 1055, " Nellore	5th " "	9th March " " 36.
" 605, " Bellary	29th January " "	8th February " " 14.
" 410, " Chingleput	23rd " "	26th January " " 20.
" 4662, " North Arcot	12th " "	18th October " " 205.
" 1329, " South Arcot	24th " "	30th March " " 60.
" 4740, " Tanjore	16th " "	22d October " " 222.
" 4787, " Trichinopoly	19th " "	26th " " " 196.
" 1122, " Madura	8th " "	13th March " " 75.
" 1625, " Tinnevely	13th " "	20th April " " 139.
" 1559, " Salem	10th " "	15th " " " 38.
" 4945, " Canara	26th Oct. " "	4th Nov. " " 121.
" 5013, " Malabar	30th " "	6th " " " 161.

Resolved that the above letters be laid before Government with reference to Extract Minutes Consultation 4th January last, R. D. No. 1.
In Con. 15th Jany. 1858.

2. It will be seen from the above letters that no practical inconvenience has yet been experienced from the working of the new rule admitting Public Servants to be summoned as witnesses without previous reference to their Official Superiors.

3. The reports of the Collectors of Masulipatam, Cuddapah, Kurnool and Coimbatore will be submitted when received, if any inconvenience has resulted in their Districts.
(A true Extract.)

(Signed) J. D. SIM,
Secretary.

To
W. H. BAYLEY, Esq., Acting Secretary to Government, R. D.
Copy to all Collectors.

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Nº 50.

Extracts from the Minutes of Consultation.

Dated 17th January 1859.

Here enter Ex: Min: Cons:

Rev. Dept.

Dated 5th January 1859 Nº 21.

The letters, now communi-
cated thro' the Rev: Dept.,
were obtained in consequence
of Ex: Mins: Cons: dated 15th
December 1857 Nº 1628, para. 2.,
& are Reports from the Col-
lectors of 16 Districts on the
operation of the rule adopted
in Ex: Mins: Cons: dated
16th Decr. 1856. Nº 1331 admit-
ting Public Servants to be pun-
ished as witnesses without
previous reference to their
Official Superiors.

2. From these reports, it appears
that in 2 of the Districts no
instance has occurred in which
the rule was acted upon, & in

1859/8.
in Nº 32.

14 of the Districts, no practi-
cal inconvenience resulted
from observance of the rule.

3. The result of the enquiries, as
shown above, instituted by
the Revenue Officers, will
be communicated to the Home
Authorities in continuation
of Ex: Mins: Cons: dated
8th April 1858 No. 447.

J.P.
H.P. - 2040

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1859

In Dr. Town: 18th January
Material 1859 & 1860

Just 28-1859-3-11-1859

No. 13 of 1859
Sept. 1859-11-1859

No. 50.

Exhaust. Moist. of bond.

27th January 1859.

Reports of the
at 3 o'clock
for the
as in