M.R.O. 1—38,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 353 Press Mis.

126-127.

Dated 19 — 10 — 1930

415

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 19th October 1860.

No. 126. Read the following letter from J. RATLIFF, Esq., Civil Judge of Cuddapah, to T. PYCROFT, Esq., Chief Secretary to Government in the Judicial Department, dated 6th October 1860, No. 462.

1. In acknowledging receipt, this day, from the Register to the Court of Sudr Adalut of copy of the Proceedings of Government bearing No. 1,241 and date 26th ultimo, I have the honor, with reference to the opinion recorded at opening of paragraph 2 thereof, to, respectfully, submit, for the consideration of Government, an explanation, of the motive cause, that induced the notification thus condemned.

2. That it was not connected with the Order quoted, in paragraph 3 of the Government Proceedings, will be apparent, when I mention, that it was simply a repetition, and application to this district, of a precisely similar notification circulated by me as Judge of Nellore, sometime (to the best of my recollection) in September or October last year, to the Subordinate Judicial authorities there.

3. Having had frequent reason for suspecting that public servants not infrequently arranged with parties (to suits) to get themselves summoned as witnesses, when desirous of quitting their own immediate stations and duties, on private business or pleasure, lying at, or adjacent to, that where this or that Court was situate, and when, either knowing they could not obtain, or disliking to solicit, leave, in the ordinary way, the propriety of, in some way, checking this presumed abuse, and possible collusion, had often occurred to me: but it was, unless my memory is treacherous, the casual discovery of a case, apparently in point, that induced me to take a definite step, towards prevention of the evil, which I did, in the mode now disapproved of by Government.

4. The discovery alluded to occurred, as follows, (to the best of my recollection).

5. Mr. Elton, the late Collector of Nellore, applied to me for information as to the protracted detention before the Sudder Amin's Court of one of his Subordinates, (a Salt Cotar Superintendent) who had been summoned as witness in a Civil suit.

6. Enquiry shewed the man's attendance to have been dispensed with some time previously, and that he had remained, as there was reason for believing, he had also originally really come (*i.e.*, got summoned) on his own private business.

7. My object, therefore, in framing the rule I did, was to ensure, as far as such check could do, the non-naming, and summoning Government servants, as witnesses, by parties in Civil suits unless bonâ-fide required as such.

8. The collection, of an amount equal to daily salary of such servants, while absent from duty, under any such summons, I considered in the light of batta, and directed it's payment to Government, in lieu of to the parties themselves as usual with ordinary witnesses, as they were themselves, meanwhile, receiving their full salaries from Government.

9. In now further reporting the cancelment of the notification, I have the honor to solicit excuse for taxing the Government with this explanation concerning it.

No. 127. ORDER THEREON, 19th October 1860, No. 1,353.

The above letter will be forwarded to the Court of Sudder Adawlut to whom it should have been addressed, and who would have used their discretion whether or not to lay it before Government.

2. The Judges will inform Mr. Ratliff that in the opinion of Government his explanation has not in any way improved the case. The abuse to which he adverts, if prevalent, might have been checked by other means than those which he employed, which affected all suitors calling for the testimony of public servants, whether in collusion with them to procure undue absence from Office or otherwise.

3. The Judges of the Sudder Adawlut will remark that Mr. Ratliff states that he had previously introduced the same practice in Nellore. It will of course have been prohibited in that as in all other Zillahs under the Order of Government of the 26th ultimo.

Paragraph 2.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Judicial Departt.

Proceedings of the Madras Govt.

Read the following letter from the Civil Judge of Poodcopah.—

(Here enter 6th October 1860, No. 1162.)

Order thereon 19th October 1860 No. 1353.

The above letter will be forwarded to the Court of Sudder Adawlut to whom it should have been addressed, and who would have used their discretion whether or not to lay it before Government.—

2.— The Judges will inform Mr. Ratliff that in the opinion of Govt. his explanation has not

not in any way improved the case. The abuse to which he adverts if prevalent might have been checked by other means than those which he employed, which affected all suitors, calling for the testimony of public servants, whether in collusion with them to procure undue absence from office or otherwise. —

JP

3. The Judges of Rice S
will remark that M
Ratcliff states that
he had previously
attended the
same practice in
Burma

To the Sudder Adalut. 24 Sept

Letter - Revd 4th Oct
Commr has been
prohibited in that
as in all other
Districts under the
order of Govt of
26 Aug.

JP

P 2

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Judicial 1860 Departt

No 1353

Proceedings of Govt

Dated 19th October 1860