

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.

Press

~~Mis.~~

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Dated *11th 20-4-1918*

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PROCEEDINGS, JUDICIAL DEPARTMENT, FROM 11TH TO 20TH APRIL 1860.

No.	The authority from, and Order thereon.	Date.	Subject.
1	Postmaster General.....	1860. 5th April...	Reports that some Magistrates in the Provinces refuse to receive charges of theft or other criminal offences against Post Office Servants, when preferred by Subordinate Postmasters without his sanction, in order to instructions being issued to Magistrates and Officers of Police on points adverted to.
2	Order thereon.....	11th April....	Referred to the Faujdári Adálat.
3	Civil Auditor.....	2nd April....	In reply to Order, 23rd February, No. 215, states that he has been unable to find any instance in which Batta has been passed to Sowars of the Kurnool Horse whilst employed from home, and that it rests with Government to determine whether batta should be allowed to the Detachments in North Arcot and Canara, &c.
4	Order thereon.....	11th April....	Communicated to the Inspector General of Police.
5	Quarter Master General of the Army.	10th March....	States that the Commander-in-Chief cannot gather, from the authorities noted in Order, 13th February, No. 173, a reply to his question asking, under what circumstances and at whose recommendation, Rupees 2,406 per annum was sanctioned for the Cantonment Roads at Bellary.
6	Order thereon.....	11th April....	Referred to the Public Works Department for further explanation.
7	Vencatachellum Moodely, brother of Saubapathy Moodely, late Cash-keeper at the Vellore Railway Station, (Petition.)	2nd April....	Under circumstances represented, prays that the sentence against his brother of infliction of lashes be reversed, as he is not able to bear them in his weakly state of health; and that of 14 years' imprisonment be reduced, as he has paid a fine of 27,000 Rupees.
8	Order thereon.....	11th April....	Observe that Government cannot permit any mitigation of the sentence, and that stripes are not inflicted without the Medical Officer's concurrence.
9	Messrs. Parry and Co.....	16th March....	Requests to be informed if the wearing of belts over the shoulder by private Peons is prohibited in the District of Malabar.
10	Order thereon.....	11th April....	Informed that the practice has been disallowed since 1844.
11	Deputy Register to the Sadr Court.	30th March....	The Principal Sadr Amin at Honore having reported the loss of a remittance of Rupees 2-1-0 to the Civil Judge of Dharwar, being batta due for 2 Notices served at that Station, requests sanction to the disbursement of the amount out of the unclaimed money in deposit in the Principal Sadr Amin's Court.
12	Order thereon.....	11th April....	Sanctioned.
13	J. Wilkins, Esq., Principal Sadr Amin of Rajahmundry, through the Sadr Adálat and Civil Auditor.	26th March....	Applies for leave of absence, under Section 7, Absentee Rules, for 2 months, commencing from date of quitting his Station.
14	Civil Judge of Rajahmundry.	30th March....	As Mr. Wilkins is desirous to take advantage of the Steamer "Governor Higginson's" return to Madras, solicits that a Telegram may be sent to him, should the leave applied for have been granted.

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No.	The authority from, and Order thereon.	Date.	Subject.
		1860.	
15	Order thereon.....	12th April....	Leave granted, the Session Judge exercising also the powers of a Sub Judge during Mr. Wilkin's absence.
16	Accountant General.....	15th March....	Under circumstances reported, recommends that the Sub Treasurer be authorized to require from the Administrator General, as from all other Officers, the usual receipt upon Bills presented by him for payment.
17	Order thereon.....	12th April....	Copy of the letter furnished to the Administrator General, with intimation that Order, 21st August 1851 is superseded by the rules of 8th April 1856, and with directions to give his receipts on Bills of Exchange by endorsement.
18	Sub Judge of Ootacamund..	24th March....	The period of 12 months having elapsed since the Notification relative to the effects left by Mrs. H. S. Thompson, submits Statements exhibiting the Assets at the credit of her Estate, with particulars of the claims preferred against it, and solicits orders in the matter.
19	Order thereon.....	12th April....	Authorize the Sub Judge to distribute the Assets rateably among the deceased's creditors, &c.
20	Magistrate of Krishna District.	26th March....	Submits a Statement showing the several articles of Clothing sanctioned for the use of the Masulipatam Sibbundy Corps.
21	Order thereon.....	12th April....	Recorded.
22	Magistrate of Tanjore.....	28th March....	Reports that the introduction of the new Police system is progressing favorably, and describes the means adopted to suppress opposition and to allay alarm and excitement. Requests sanction for the removal of the Revenue and Magisterial Head Quarters of his District to Tanjore, and for the retention of the Military Guard over the Treasury there.
23	Order thereon.....	12th April....	Copy of the letter forwarded to the Military Department for orders to retain the Detachment as requested; and to the Revenue Department for the consideration of the proposal to remove the Collector's Head Quarters to Tanjore.
24	Agent to the Governor in Vizagapatam.	26th March....	Considers, for reasons stated, that State Prisoner Balunky Dausoo may be safely released, he being warned, and two Sureties of Rupees 500 each taken for his good behaviour for 2 years.
25	Order thereon.....	12th April....	Directs the Prisoner's release from personal restraint and that he be sent to Vizagapatam.
26	Acting Head Assistant Collector of North Canara in charge.	29th March....	Requests to be informed whether Bandari Gopala, a Prisoner under sentence of transportation for life should be sent by Steamer, via Compta to the Andamans, or by land to Madras.
27	Order thereon.....	13th April....	Direct the Prisoner to be forwarded to Madras by land, or by sea, if an opportunity offers.
28	Sub Treasurer.....	20th March....	Reports his inability to trace the deposit of certain articles stated to have been transmitted to the General Treasury on the 17th July 1835, and states that the remaining articles will be sold as directed.
29	Order thereon.....	13th April....	Communicated to the Accountant General and to the Clerk of the Crown.
30	Sub Treasurer.....	21st March....	In reference to Order, 9th March, No. 294, relative to the sale of certain Securities, suggests, for the reasons stated, that either Government give him a limit at which they may

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			be sold, or that the sale be left to his own discretion, and further, should either course be adopted, that the principle be made applicable to all purchases or sales by the Sub Treasurer.
		27th March....	Referred to the Accountant General.
31	Accountant General.....	2nd April....	Is of opinion that there is no objection to allowing the Sub Treasurer to exercise his own discretion in the purchase or sale of Public Securities, he being required to send the Register in which the transaction is recorded, for the Accountant General's countersignature.
32	Order thereon.....	13th April....	Authorized accordingly, but the Sub Treasurer directed not to sell the Securities referred in the Order, No. 294, until further orders.
33	Register of the Sadr Court.	11th April....	States the names of the Zillahs from which the required information respecting the office of Kazi has not been received, owing to its not having been supplied by the Collectors.
34	Order thereon.....	13th April....	Direct the Judges to issue stringent orders to the Collectors, intimating to them that Government are much displeased with the delay that has occurred.
35	Auditors of the Accounts of the Administrator General.	23rd March....	Submit their report on the Accounts for the half year ending 31st December 1859. Consider that Rupees 500 should be allowed to the Administrator General for the the preparation of his Schedules, &c., and that this, the usual bill for printing, and such allowance as may be granted, to themselves, be charged to all Estates having Assets above 10 Rupees, and that the half year's interest on the Audit Fund be drawn and applied to defray the portion of those charges falling upon Estates with balances less than Rupees 500.
36	Order thereon.....	14th April....	Review the Report, sanction the items of expence recommended by the Auditors, and grant them Rupees 400 each in remuneration of their services, &c. Call upon the Accountant General to report what is the present state of the Audit Fund, and the Auditors, what are the Assets of the Estates above and below Rupees 500 chargeable with the cost of Audit and other points.
37	Commissioner of North Canara.	26th March....	Submits, for disposal, copy of sentence of death against Prisoner Sidi Benove, to be hanged in chains at Jugglebett, and of transportation for life against prisoners Sant Sali Gopala and Gouli Vittu, passed under Act 14 of 1857, in No. 4 of 1860 on his file.
37 A	Minute by the President.....	7th April....	Sees no reason to object.
37 B	Minute by the Honorable E. Maltby.		Concurs in the proposed sentences.
38	Commissioner of North Canara.	26th March....	Forwards copy of sentence on the same prisoners passed under Act 14 of 1857, in No. 5 of 1806 on his file.
38 A	Minute by the Honorable E. Maltby.		Concurs in the conviction of the prisoners in this case.
39	Order thereon.....	14th April....	Confirm the sentences passed in case No. 4 of 1860.
40	Agent to the Governor in Vizagapatam.	27th March....	The State Prisoners referred to in Orders, 21st December 1859, and 8th February 1860, Nos. 1701 and 148, having requested to be left at

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41	Order thereon.....	14th April....	Vizagapatam under his surveillance, states that, in a political point, he has no objection to their remaining.
42	Member for Madras of the Legislative Council.	29th March....	Authorize the Agent to retain the prisoners at Vizagapatam.
43	Order thereon.....	14th April....	Intimates that the Articles of War are under revision, and that a new Code is about to be proposed by Sir Bartle Frere.
44	Magistrate of the Godavari District.	24th March....	Communicated to the Military Department. Submits his views in regard to the protection of the Town of Ellore without the aid of a Military Guard, and considers that, if all regular troops are to be withdrawn, the Rajah-mundry Sibbundy Corps must be increased to the extent of another Company of 50 men, to be employed at that town.
45	Order thereon.....	14th April....	Referred to the Commander-in-Chief, for information whether the relief of the regular Troops at Ellore is urgent. Observed that the Sibbundy Corps cannot be increased.
46	Accountant General.....	30th March....	Affords explanation of the delay in the adjustment of advances made by the Collector of Ganjam for expenses incurred in quelling disturbances in Purlakemidy during 1856-57.
47	Order thereon.....	14th April....	Recorded.
48	Administrator General.....	11th April....	States that he has forwarded to the Auditors copies of Lists referred to in Order, 3rd April, No. 409.
49	Order thereon.....	14th April....	Recorded.
50	Commissioner of Police.....	31st March....	In reporting that Messrs. Ritchie and Shaw, Solicitors of one Mootoosawmy Moodelly, have given him notice to quit a shed situated on the Monegar Choultry road, (occupied as a Police Station,) with threat of an action of Ejectment, solicits that the matter may be put into the hands of Mr. Boyson for settlement.
51	Order thereon.....	14th April....	Forwarded to the Government Solicitor, for advice as to the steps to be taken in the matter.
52	Commissioner of Police.....	30th Jan.....	Submits a Superannuation Roll of 16 Officers of the Madras Police, some of whom are certified to be unfit for further service, and states that he thinks, for the reasons given in the Register of "Abstract of the grounds of application," it desirable that the parties should be removed from the Force.
53	Order thereon.....	14th April....	Remarks passed on the several cases, and the Commissioner requested to submit a Roll revised in accordance therewith, &c.
54	Register of the Sadr Court.	11th April....	Forwards 17 Sticks, 9 from Bellary and 8 from Chingleput; and requests to be informed, whether the Sticks in the Civil Court of Madura are to be sold on the spot or sent to Madras.
55	Order thereon.....	16th April....	Present two of each set of Chobs to the Central Museum, and direct that the rest, as well as 4 others, be forwarded to the Mint to be melted down and the proceeds carried to Public Account; also that the Civil Judge be instructed to send the Sticks in his Court to the Government Office.
56	Mr. J. Higginbotham.....	3rd April....	In submitting copy of the Acts of the Legislative Council for 1858 and 59, (priced Rs. 6) seeks the patronage of Government to the edition.

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57	Order thereon.....	16th April....	Resolved to take 12 copies, at Rupees 5 each.
58	Register of the Court of Sadr Adalat.	17th Jan.....	Specifies the changes which the Judges recommend in the Gunttoor, Masulipatam and Rajahmundry Zillahs, in consequence of the alterations made in the Revenue Department, and intimates that they propose that the Zillah of Combaconum be divided into two distinct Zillahs.
59	G. T. Beauchamp, Esq., Judge of Combaconum, and Acting Judge of the Sadr Adalat, (Memorandum.)		Urging the necessity for a second Civil and Sessions Court for the Tanjore District, and shows how the Combaconum Zillah could be easily divided.
60	Order thereon.....	16th April....	Concur with the Judges, the new Court being located at Negapatam instead of at Tanjore as recommended; and propose to meet the charge by the saving effected by the abolition of the Masulipatam Collectorate, and by the amalgamation of the Chingleput and Madras Collectorates, in lieu of abolishing the Zillah Court of Masulipatam. Request the Judges to submit draft of Notification announcing the establishment of a Civil and Sessions Court, as well as Principal Sadr Amin's and Mufti Sadr Amin's Court at Negapatam, &c.
61	Arthur Hall, Esq.....	8th March....	Submits the result of the investigation, held by him, under Order, 6th December 1859, No. 1639, into Mr. Sullivan's pecuniary transactions with his Subordinates, especially with Narrainsawmy Naidoo, the Police Amin of Vellore, and into the allegations of bribery and corruption against him, as well as of favoritism in his proceedings as Head Assistant and Sub Collector and Joint Magistrate of North Arcot, with Mr. Sullivan's explanatory statement of the various matters elicited from the evidence of parties, which, by comparison with the books and documents referred to, he has found to be correct. Gives his opinion that there are no grounds to charge Mr. Sullivan with complicity in the corrupt practices of Narrainsawmy Naidoo or of dishonest proceedings on his own part, but that he has been unquestionably guilty of dereliction of duty and disobedience of orders in borrowing money as he has done, and has grievously erred in making a confidential favorite of Narrainsawmy Naidoo, &c.
62	Minute by the Honorable E. Maltby.	21st March....	Offers remarks on the different points reported on by Mr. Hall, and, concurring in his conclusion, considers that Mr. Sullivan's breach of a known rule and the discredit he has brought upon the public administration and on his own name, disqualify him from further employment in North Arcot.
63	Minute by the Honorable W. A. Morehead.	21st March....	Concurs in the remarks made by Mr. Maltby.
64	Minute by the President.....	24th March....	Observes that Mr. Sullivan must be removed from his appointment and his case reported to for the decision of the Secretary of State, with his opinion that Mr. Sullivan is not deserving of confidence and cannot therefore be re-employed.

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65	Order thereon.....	1860. 16th April.....	Review Mr. Hall's report and pass Orders in accordance with Mr. Maltby's Minute. Direct the whole of the papers, Minutes, &c., to the Secretary of State for his instructions. Thank Mr. Hall for his fair and clear report, &c.
66	Proceedings of Government, Public Department.	27th March.....	Communicating Supreme Government's Resolution ruling that a break in service caused by resignation of appointment cannot count for pension.
67	Order thereon.....	17th April.....	Published in the Gazette.
68	Officiating Principal Sadr Amin of Cochin.	4th April.....	No one having claimed the balance Rs. 31-0-10 (advertised on the 18th August 1857,) at the credit of the Estate of a Jew from Bagdad, named Salah, who died at Cochin, intestate, solicits orders as to its disposal.
69	Order thereon.....	17th April.....	Grant authority for its being carried to the Public Account.
70	Proceedings of Government, Military Department.	4th April.....	Communicating letter from the Adjutant General stating that the Commanding Officer 3rd European Regiment has reported that no man has deserted from that Corps whose description agrees with that of "Cody."
71	Order thereon.....	17th April.....	Communicated to the Commissioner of Police.
72	Mr. Cross, Esq., Magistrate of Police.	13th April.....	Requests permission to obtain, for his Court, a copy of Norton's Topics of Jurisprudence, 1st Part.
73	Order thereon.....	18th April.....	Authorized.
74	Commissioner of Police.....	16th April.....	Requests that the Accountant General may be charged with the realization of the Interest on the funded property of the Police Superannuation Fund.
75	Order thereon.....	18th April.....	Authorized accordingly.
76	Collector and Agent at Vizagapatam.	2nd April.....	Captain Owen, Military Assistant, having for 2 months conducted the whole duties Revenue, Civil and Police of the Principal Assistant, solicits that he may be Gazetted as having acted from 3rd February, in order to the Civil Auditor's passing his Abstracts as Acting Principal Assistant.
77	Order thereon.....	18th April.....	Direct accordingly.
78	Member for Madras of the Legislative Council.	13th March.....	In reply to letter, 11th January, No. 35, requests attention to the terms of Section 317 of the Criminal Procedure Code, as it appears to him that it fully provides that the Provisions of Act 24 of 1859 shall be in no way affected by that Code. With regard to the objection made to any transfer to the Magistrates of Madras of the criminal powers vested in the Sub Judges and Principal Sadr Amins, states (paragraphs 4 @ 14) that in any proposition to change the existing constitution of the Courts, provision should be made for retaining the jurisdiction of those Officers; shows, by reference to the 1st and other Sections of the Code, that Magistrates are restricted to their present powers, but, for reasons mentioned, is convinced that is highly desirable for the convenience and welfare of the people, &c., that concurrent jurisdiction should be given to Magistrates. Re-iterates his opinion that the powers of Heads of Police should be enlarged to those exercised by Magistrates under Sections 32 and 33, Regulation 9 of

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		1860.	1816, as the Police is now a separate body. Requests to be informed of the designation which the Head of District Police and Village Moonsiff are in future to bear.
79	Order thereon.....	18th April.....	Copy of the letter and that to which it replies, forwarded to the Inspector General of Police, for his opinion whether the provisions of Act 24 of 1859, be sufficiently saved by Section 317, C. P. Code, &c. With reference to paras. 4 @ 14, remarked that there would be no objection to Magistrates being vested with the powers proposed. The enlargement of the powers of Heads of Police approved, such Officers being termed "Talook Magistrates," and Village Moonsiffs, "Village Magistrates."
80	Assistant to the Inspector General of Mofusil Police.	17th April.....	Requests that certain Collectors may be authorized to advance in May to the respective Superintendents on account of Pay and Allowances of the Force in their Districts, sums (aggregating Rupees 52,000) not exceeding the amounts indicated, to be adjusted by duly audited Bills.
81	Order thereon.....	18th April.....	Authorized.
82	Acting Magistrate of Kur-nool.	11th April.....	Submits, for consideration, the advisability of relieving the Detachment of the Irregular Horse serving in the Canara District.
83	Order thereon.....	19th April.....	Communicated to the Inspector General of Police and to the Commissioner of North Canara, &c.
84	Inspector General of Jails...	9th April.....	With reference to Order, 30th March, No. 387, states that he did not propose to Government to take over the Brick-field which is held in the name of the District Engineer, but to be re-imbursed for the Resthouse and other works from the Prison's Estimates.
85	Order thereon.....	19th April.....	Communicated to the Chief Engineer and Collector of Coimbatore.
86	Magistrate of Vizagapatam.	28th March.....	Under circumstances represented, solicits the reimbursement of Rupees 280 expended by him in the construction of 4 Privies at Waltair, and an allowance of Rupees 100 a month for the conservancy of that station, one half of it for roads and the other half for general purposes.
87	Proceedings of Government, Military Department.	28th March.....	In reference to the subject of conservancy in Military Cantonments, remarking that the question of the provision to be made for Waltair and Vizagapatam will be considered in this Department.
88	Order thereon.....	19th April.....	Sanction the Estimate for the 4 Privies and an allowance of 100 Rupees a month for the conservancy of the station of Waltair, &c.
89	Proceedings of the Board of Revenue.	26th March.....	Submitting letter from the Acting Collector of Cuddapah reporting that he has in his Office 48 silver Badges, valued at Rupees 146-9-0.
90	Order thereon.....	19th April.....	Direct that the Badges be sold and the proceeds carried to the Public Account.
91	Surgeon of the Lunatic Asylum.	13th Feb.....	States that if 9 Peons and 1 Naigue are entertained and added to the establishment of the Asylum on the salary and privileges enjoyed by the Police Peons, the Guard may be relieved.
92	Acting Inspector General of Ordnance and Magazines.	5th March.....	Transmits Report from the Superintendent Gun Carriage Manufactory relative to the proposed

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		1860.	substitution of Police Peons for the Sepoy Guard for the protection of the Manufactory. Considers that a detail of Lascars from that establishment will be sufficient for the protection of the Bullet Factory. Suggests that Peons be obtained from the Commissioner of Police, when required, for the custody of Ordnance Stores.
93	Director General Medical Department.	19th March...	Submits, with observation, letter from the Acting Physician, General Hospital relative to the Guards required for that institution.
94	Order thereon.....	19th April ...	Under circumstances noticed, resolve to instruct the Commissioner of Police to take Police charge of the Gun Carriage Manufactory, Bullet Factory, General Hospital and Lunatic Asylum, without any increase as far as possible to his present Establishment, and direct that the party of Native Police at the General Hospital be replaced by a European Constable regularly relieved, &c.
95	Proceedings of Government, Revenue Department.	31st March ...	Referring letter from the Agent in Vizagapatam, in view to the consideration of his suggestion for investing the District Munsiffs at Wadadi, Vizianagaram, and Sitanagaram with criminal powers under Act 12 of 1854.
96	Register to the Faujdári Adálat.	5th April ...	Referred to the Faujdári Adálat.
97	Order thereon.....	13th April ...	Intimates that the Judges see no objection.
98	Administrator General.....	20th April....	Resolve accordingly, &c.
99	Order thereon.....	13th April ...	Submits 2 Lists of Estates, one of balances to be paid into the Treasury to Government credit, and the other of balances at debit, both certified by the Auditors.
100	Order thereon.....	20th April ...	Authorize the Administrator General to clear his Books of the 44 Estates named in the Lists.
101	Proceedings of Government, Public Works Department.	12th April ...	Authorizing certain grants for roads in the Soopah Talook, North Canara.
102	Order thereon.....	20th April ...	Communicated to the Commissioner of North Canara.
103	Proceedings of Government.	20th April ...	Authorize the Civil Auditor to admit Mr. Hall's Bill for the wages of a Clerk.
104	Mr. J. Miller, Solicitor.....	1st Feb.....	Forwards, for favorable consideration, Memorial of Hurry, a Hindoo, the grandson and sole Executor of the last Will and Testament of Nancy, deceased, praying Government to waive and give up their rights, and order the amount of certain legacies to be paid to him as the representative of Nancy, the mother of Mary Ravelli, deceased.
105	Government Solicitor.....	2nd Feb.....	Referred to the Government Law Officers.
106	Order thereon.....	9th April ...	Forwards Advocate General's opinion, and suggests, in conformity therewith, that the Officers of Account be authorized to retain on behalf of Government one-tenth part of the Bonds and Cash deposited in the General Treasury, (Order, 9th March, No. 294,) and to endorse, deliver and pay to Hurry, nine-tenths of the same, taking his receipt in a form to be prepared by him.
107	Order thereon.....	20th April....	Resolved accordingly.
108	Inspector General of Jails...	29th March...	Requests that this Office Establishment may be put on a permanent footing, but, for reasons assigned, wishes to leave it open to revision,

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		1860.	the Clerks being regarded as in the service and entitled to pension.
107	Order thereon.....	20th April....	Observe that Government see no objection.
108	Proceedings of Government, Military Department.	3rd April....	Recording observation on the extent of reduction effected in the Native Troops by the employment of the new Police in the District of Chingleput.
109	Order thereon.....	20th April....	Communicated to the Magistrate of Chingleput and to the Inspector General of Police.
110	Director General, Medical Department.	5th April....	Recommends that 2nd Dresser Seweram, a patient in the Lunatic Asylum, be transferred to the Pension Establishment.
111	Order thereon ...	20th April....	Direct an application to be made to the Military Authorities.
112	Inspector General of Jails, (Memo.)	9th April....	Suggests a modification of the proposed Bill for regulating sentence of transportation of Convicts.
113	Order thereon.....	20th April....	Not deemed necessary, &c.
114	Proceedings of Government, Revenue Department.	5th April....	Observing that Mr. Campbell, Deputy Commissioner of Police, is engaged in the manufacture of Salt, a calling incompatible with that of an Officer of Police, require him to make his choice between the two.
115	Order thereon.....	20th April....	Recorded.
116	Proceedings of Government, Revenue Department.	11th April....	Requiring the Inspector General of Police to report when he will be able to commence the organization of the new Police in the Cud-dapah District.
117	Order thereon.....	20th April....	Recorded.