

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	384	Press ~~Mis.~~
207-208		
Dated	16 — 3 —	191864

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Not to be folded or roughly handled

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*Proceedings of the Madras Government, Judicial Department,
16th March 1864.*

No. 207. Read the following letter from C. DALE, Esq., Government Pleader, Madras; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Madras, 2nd March 1864, No. 51.

I have the honor to acknowledge the receipt of the Proceedings of Government under the date and number noted in the margin, and to solicit your attention to an error which appears in the abstract at the head of those Proceedings,

24th February 1864, No. 243, Judicial Department.

from which it would be supposed that in paragraph 6 of my letter to the Board under date the 1st of February 1864, No. 22, I had *requested* the aid of the Police for obtaining information. A reference to my letter will show this is a mistake; in the previous paragraphs I reported to the Board the expected examination of four witnesses in a suit against the Collector of Masulipatam then pending in the Civil Court of Guntoor, together with the information I ought to be put in possession of, to enable me on behalf of Government to cross examine those witnesses; while in paragraph 5 I intimated to the Board I had not the means through which I could obtain the information; and believing the Board were equally destitute of proper agency, I suggested whether the Collector of Madras could obtain it. In paragraph 6 I show a practice prevalent in England, but add, "the present Commissioner of the Madras Police says he has not a sufficiency of men to enable him to detail any for such duties; he however does not think they fall within his province;" I thereby showed that I knew the Commissioner of the Madras Police would not assist, and that as a matter of right, assistance could not be required at the hands of the Police. I therefore certainly did not request such aid.

2. It is the duty of the Departments, in which litigation arises, to get up the case and procure the evidence and information necessary. The suit to which I have referred arose in Masulipatam, it was therefore an exceptional case; and it did not suggest itself to my mind in the first instance that the Collector of Madras might have the means of procuring the information; and it being a matter in which Government is largely interested, and the time being short, I did step out of the strict line of my duty, and did ask Colonel Wilson if he could assist; having failed I had no other recourse than to place myself in communication with the Board; in doing which I mentioned a course which in England would be open, but which I knew was not available here.

No. 208.

ORDER THEREON, 16th March 1864, No. 384.

To be recorded.

(True Extract.)

A. J. ARBUTHNOT,
Chief Secretary.

Exd. T. O'Connor,

Pro. 24th Feb 1864 & Oct 24th 243.

Jul 1864 Dep. 2

From Government Pleaser
Madras,
To Chief Secretary to
Government

Dated 2nd March 1864.
Recd 4th

N^o 51 N^o 406

Soliciting attention to
an error which appears in
the Abstract at the head of
the Proceedings of Government
dated 24th February 1864 No
243. Judicial Department.

16th March 1864 243
J. P. M. G. 243

210. Harsh
216 "

207. 208.