

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	631	Press
		~~Mis.~~
11-12		
Dated	3 — 5 —	19 1864

4/5

Not to be folded or roughly handled

3rd May 1864.

No. 11. Read the following letter from the Right Reverend the Bishop of Madras; to His Excellency the Governor in Council, Fort Saint George, dated Madras, 13th April 1864.

I have the honor to forward, for the consideration of your Excellency in Council, the accompanying letter from the Reverend J. V. Bull, dated 11th instant.

(Signed) F. MADRAS.

From the Reverend J. V. BULL, M. A., Chaplain of Wellington and Coonoor; to the Right Reverend the Lord Bishop of Madras, dated Coonoor, 11th April 1864.

I beg to forward to you an account of a circumstance which occurred to me during the past week.

2. On Friday evening last, the 8th instant, a Peon came to my house with an open summons in his hand, citing me to appear (under pains and penalties if I refused) before the Civil Judge at Ootacamund on the next day, Saturday, the 9th instant at 12 o'clock, signed by a Mr. Innes, and stamped with the official seal.

3. I was, of course, much astonished at such a mode of proceeding, but I obeyed the warrant and went into Ootacamund, and found on my arrival that I was summoned in this way simply to attest my own signature which was affixed as a witness to a Will of one of my late Parishioners at Bangalore, a matter which did not take me two minutes to execute.

4. Now, my Lord, in the first place I complain of the indignity to which I was subjected by this officer, in having an open summons sent to my house by a common Peon, citing me to appear at the Civil Court as if I had committed some felonious act, when a letter, couched in the usual official terms, would have answered every purpose. But waiving this objection, and supposing this officer to have the power to act so uncourtously as he has done, my greater complaint is that I was compelled to undertake a journey of 24 miles, simply to attest my own signature, when there was a Magistrate and a Justice of the Peace, Major Young, appointed by Government, resident in the station of which I am the Chaplain, and before whom I could as legally have taken the oath without any loss of time or trouble to me whatever, had this officer, Mr. Innes, thought fit to have sent the paper to the Magistrate of Wellington. As I have over and over again, during my service in India, signed my name as a witness to the signature of my Parishioners to their last Will and Testament, I may, many times, be cited as I have been in this instance, and compelled to undertake this journey, at whatever inconvenience to me in my public duties, or personally to myself. I would beg your Lordship therefore to forward this my complaint to the Government, and with all deference and respect I would solicit that orders be issued to the Civil Judge at Ootacamund, that when so simple a matter as the attestation of a signature or an ordinary affidavit be required of me, the same be sent to the resident Magistrate at Wellington to carry into effect.

5. Under the circumstances stated above, I beg to apply that the usual travelling allowance of 12 Annas per mile for the 24 miles, Rupees 18, be passed to me.

No. 12. ORDER THEREON, 3rd May 1864, No. 631.

The course taken by the Civil Judge of Ootacamund in the matter referred to in the foregoing letter, appears to have been in accordance with the rules for summoning witnesses as laid down in the Code of Civil Procedure, except that no tender would seem to have been made of Mr. Bull's travelling expenses at the time of serving the summons as prescribed by Section 151. It is only when the witness is resident at some place more than 100 miles from the place where the Court is held, or is unable from sickness or infirmity to attend, or is a person exempted by reason of rank or sex from personal appearance in Court, that a commission can be issued for the examination of an absent witness. Mr. Bull is in error in supposing that there is the slightest

Proceedings of the Madras Government, Judicial Department,
3rd May 1864.

indignity implied in the service of such a summons in the manner authorized by law. Such summonses are constantly served in the manner of which Mr. Bull complains, on public officers of all grades, as well as on private individuals. Mr. Bull should apply to the Civil Judge to order the payment of his travelling expenses.

(True Extract.)

To the Right Reverend the Bishop of Madras.
" Civil Judge of Ootacamund.

Chief Secretary.

Exd. J. Tulloch.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from the Right
Reverend the Bishop of Madras

(Recd. letter 13th April 1864)

Order thereon 3rd May 1864 No. 631

The course taken by the
Civil Judge of Ootacamund
in the matter referred to
in the foregoing letter, appears
to have been in accordance
with the rules for summoning
witnesses as laid down in
the Code of Civil Procedure,
except that no tender would
seem to have been made of
Mr Bull's travelling expenses
at the time of serving the
summons as prescribed by
Section 151. It is only when
the witness is resident at
some place more than 100
miles,

W

" W

miles from the place where
the Court is held, or is
unable from sickness or
infirmity to attend, or is
a person exempted by reason
of rank or sex from personal
appearance in Court, that
a Commission can be issued
for the examination of an
absent witness. Mr Bull
is in error in supposing
that there is the slightest
indignity implied in the
service of such a summons
in the manner authorized
by law. Such summonses
are constantly served in the
manner of which Mr
Bull complains, on public
officers of all grades, as
well as on private individuals.
Mr Bull should apply
to the Civil Judge to order
the payment of his travelling
expenses.

expenses.



The Right Rev. the Bishop
of Calcutta } des^d 27/8
The Civil Judge of Portacannery } 3
10

Revised
1864
Department.

No. 631

PROCEEDINGS OF GOVERNMENT.

Dated 3^d May 1864.

11.12