M.R.C. 1—50,000—16-10-28.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 942 Press Mis.

1617

Dated 4 - 7 - 19 1865

4/5

Not to be folded or roughly handled

No. 16. Read the following letter from E. B. POWELL, Esq., Director of Public Instruction, to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George; dated 5th May 1865, No. 1063.

I have the honor to submit the accompanying letter* from Mr. Caldwell, Inspector of Schools, 4th Division, for the consideration of Government.

* Requested to be returned.

2. It certainly appears to me that the summoning as Assessors of such a proportion of teachers in a school as four out of nine, and two out of three, could only be justified by extraordinary circumstances. It is evident that, when two teachers out of three are absent, a school must be shut up; and, though the drawing off of four out of nine teachers might not necessitate such a measure, it could not but prove very injurious, and if the teachers taken included the senior ones, the school would then undoubtedly have to be closed.

3. I do not know in whose hands the nomination of Assessors is placed; but I would suggest that the officer, whoever he may be, should be called upon to exercise *with discretion* his power of summoning men, and to avoid inflicting unnecessary injury upon a school. In making this suggestion, I take for granted that Government are not prepared to exempt School Masters from serving as Assessors.

From E. C. CALDWELL, Esq., Inspector of Schools, 4th Division, to E. B. POWELL, Esq., Director of Public Instruction; dated Cuddalore, 1st May 1865, No. 265.

I have the honor to bring to your notice that no less than four out of nine of the Masters of the Zillah School at Cuddalore, and two out of three of the Masters of the Taluq School in the old Town, have been summoned as Assessors, or Jurors, for the Sessions of the Civil Court this month, and venture to suggest the expediency of bringing the matter to the notice of Government, with a view, if possible, of procuring the exemption from the Jury lists of the teachers in the Government Schools.

2. I may point out that the duties of the teachers in the schools are not such as can be made up at other times, and that the removal of each Master breaks up, for the time of his absence, the whole class, consisting usually of from 20 to 30 persons.

3. It may be observed that it is a very unusual circumstance that so large a proportion (more than half) of the staff of the two schools in the station should be taken up at one time; but under existing circumstances there appears nothing to prevent its recurrence.

No. 17. ORDER THEREON, 4th July 1865, No. 942.

The Governor in Council observes that by law the selection of the persons to be summoned as Assessors, or Jurors, at the holding of the Sessions is made "by lot in open Court." It is not, therefore, competent to the officer on whom the duty of summoning Jurors devolves to exercise any discretion in the matter. The law,

Section 336 of the Code of Criminal Procedure.

however, affords a remedy for any coincidence, such as that brought to notice by the Inspector of Schools. The Session Court is at liberty to excuse any Juror, or Assessor, from attendance, for reasonable cause, and in the case of persons in the public service, "the Head Officer of the office" in which they are employed, through whom alone the service of the summons must be effected, is authorized to communicate with the Court, in view to the person summoned being excused from attendance.

Section 340.

Section 339.

(True Extract).

Acting Secretary to Government.

To the Director of Public Instruction.

Exd. J. H. Burns.

2

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from the Director of Public Instruction.

Rece'd 5 May 1865 No. 1065

Order thereon 4 July 1865-No. 94

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Sec 340.

Sec 339.

To the Dr. of Pub Instruction a. 55/7

Judicial 1865. Department.

No. 942

PROCEEDINGS OF GOVERNMENT.

Dated 4 July 1865

16-17.