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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Judicial DEPARTMENT

G.O.	299	Press.
B.P.		Mis.
Dated	21. 2 -	1868 197-

Not to be folded or roughly handled

V.S.M.

263-25

Proceedings of the Madras Government, Judicial Department,
21st February 1868.

No. 263. Read the following letter from G. D. LEMAN, Esq., Acting Session Judge, Guntoor, to the Chief Secretary to Government, Fort Saint George; dated Guntoor, 25th January 1868, No. 26.

I have the honor to acknowledge, during the Christmas Holidays, the receipt of Proceedings of Government under date December 20th, 1867.

2. Most respectfully, I beg to record my protest against the course the Government have been pleased to adopt in passing such censure on my conduct as is conveyed in paragraph 15, without giving me any opportunity of explanation, or even of laying the facts of the case as concern myself before them.

3. In justice to myself, I feel it necessary to request the attention of Government to the following, which it is a matter of regret to me should have been so long delayed by the necessity of reference to Masulipatam and by my own want of leisure.

4. The reference of the Deputy Magistrate, dated May the 15th, was not, as far as my memory serves, brought to my notice at all. It does not appear from the records that such was done. Had it been so done, it could hardly have escaped me, as the matter of reference would have been novel to me, coming from a Sub-Division of a District where such a thing could not occur.

5. The Yadast* of the 21st June reached me on the 22nd, a Saturday. There

* Translation enclosed.

was nothing in it to show the matter was so emergent as it now appears to have been, and as reference was made to the

Yadast of May 15th, of which I was not cognizant, it was necessary, before I could reply, or find out what was wanted or what had been done, that a reference to the records should be made.

6. The succeeding day was, of course, Sunday, and on Monday, the 24th, I left Bunder to attend on the Committee for the Examination of Assistants, which was held at Guntoor, and did not get back till the 1st July, when I made over charge of the Office.

7. The 22nd was the last day I sat in Cutcherry as Collector and Magistrate; and on that day I received the Gazette appointing me to act here.

8. I knew that my successor would return with me from Guntoor and take charge the day we arrived, that I might hurry back to Guntoor and hold the Sessions which were advertised for the 4th July. Of necessity there was much work of all kinds to be completed, and I suppose the references not being at hand, and the immediate emergency of the case not being apparent, this Yadast was left unanswered simply because I had not time to finish every thing.

9. The only omissions of which I can accuse myself are, first, that I did not, on joining, personally look through the vernacular records to see what references were unanswered; secondly, that from press of business, I omitted to answer a Yadast on the day I received it, not having reason to suppose the matter was urgent.

10. If the Government still hold to the opinion that these constitute a negligence deserving of the censure that I have received, I can but defer my opinion to their better judgment; but I am sanguine that, being in possession of these facts, the Government will deem it only just to me to reconsider their proceedings.

*Proceedings of the Madras Government, Judicial Department,
21st February 1868.*

No. 49.

MEMORANDUM.

[22nd June 1867.—Signed G. D. L.]

As the offenders who were apprehended in the villages attached to the Tummaragodu Division, on account of thefts committed by them in the Nizam's country, cannot be made over to the authorities there without the permission of the Madras Government, agreeably to their Proceedings dated 8th May 1866, I have directed them to be detained in the custody of the Police under a Remand Warrant, and, in communicating the same to the late Magistrate, by a Yadast dated 15th May, No. 40, requested him to inform me whether the said offenders can be ordered to be released from custody if no communication is received from the Resident, or detained for some time more.

2. I have not as yet received any reply to the said Yadast, and I, therefore, make another communication to you on the subject.

3. The Police Inspector of Tummaragodu Division having informed me by an Urzee, dated 11th June, that the batta paid to the said offenders was insufficient, and applied for an order to increase it to two Annas a day, I have accordingly issued an order this day to the Sub-Magistrate of Tummaragodu to pay batta at the rate of two Annas a day. I, therefore, beg to represent the same to you.

BUNDER, 21st June 1867.

(Signed) V. VENKATACHELLAM,
Deputy Magistrate.

(True Copy.)
(Signed) W. WILSON,
Acting Magistrate.

(True Translation).
(Signed) G. D. LEMAN,
Acting Session Judge.

No. 264.

ORDER THEREON, 21st February 1868, No. 299.

In the letter above recorded, Mr. Leman seeks to obtain from the Government a reconsideration of the censure passed upon him in paragraph 15 of their Order dated 20th December 1867, for having, by neglecting an official reference to his predecessor, and one to himself, as Acting Magistrate of the Kistna District, aided in prolonging the confinement without trial of certain prisoners from the Nizam's country, which illegal detention was the subject of the Government Proceedings above quoted.

2. Mr. Leman says that the reference of the Deputy Magistrate regarding these prisoners addressed to his predecessor, dated the 15th May, was not brought to his notice.

3. As regards this defensive argument, the Government have to observe that the first duty of a Collector and Magistrate on taking charge of his office, after counting the Treasury, is to look at the list of unanswered references of the office. Had Mr. Leman done this, the reference of the Deputy Magistrate could not have escaped his notice.

4. He also states that the reference of the 21st June, reaching him on the 22nd of the same month, a Saturday, contained nothing to show that the matter was *emergent*, and that he left the Head Quarters on the 24th, Monday, on official duty, only returning on the 1st July, when he gave over charge of the office.

5. On examining this reference of the 21st June (of which a translation is appended) it appears that it related to offenders from the Nizam's country who could not be dealt with without the permission of Government; that they were detained under a *Remand Warrant*; and that a communication had been made on their subject

*Proceedings of the Madras Government, Judicial Department,
21st February 1868.*

more than a month before the reference to Mr. Leman, to which no reply had at the date of this second reference been received. The facts, first, that the reference was to a peculiar class of offenders; secondly, that nothing could be done with these without the special permission of Government; and, thirdly, that already more than a month had passed since a reference regarding these offenders had been unsuccessfully made, all appear to afford the character of emergency which Mr. Leman denies to the document in question.

6. Under these circumstances, the Government see no reason to modify their censure, and observe with surprise and regret that Mr. Leman appears not to be sensible of the grave neglect of duty of which he was guilty.

(True Extract).

Chief Secretary.

To G. D. Leman, Esq., Acting Session Judge, Guntoor.

Exd. J. Tulloch.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from Mr.

G. L. Leman Esq. Session Judge
Guntur.

(Recd. order 25th January 1868 No. 26)

Order thereon 21st Feb. 1868 No. 299.

In the letter above record-
ed Mr. Leman seeks to obtain
from the Government a recom-
-sideration of the sentence passed
upon him in para 15 of their
order dated 20th December
1867 for having, by neglecting
an official reference to his
predecessor and on to him-
self as Acting Magistrate
of the Krishna District
aided in prolonging the
confinement, without trial,
of certain prisoners from
the Vizian country which
illegal.

illegal detention was the
subject of the Government
Proceedings above quoted.

2. Mr. Leman says
that the reference of the Deputy
Magistrate regarding the
prisoners addressed to his
judicial office dated the 15th May
was not brought to his
notice.

3. As regards the defensive
argument, the Government have
to observe that the first
duty of an ^{Chief} and Magistrate
in ^{his} office
after counting the Treasury
is to look at the list of
unanswered references of the
Office. Had Mr. Leman
done this, the reference of
the Deputy Magistrate
could not have escaped
his notice.

4. He also states that
the reference of the 21st June
reaching him on the 22nd
of the same month, a
Saturday, contained nothing

to show that the matter
was urgent and that he left
the ^{his} quarters on the 24th
Monday, on official duty,
only returning on the 1st
July when he gave over-
sight of the office.

5. On examining this
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(of which a translation
is appended) it appears
that it related to offenders
from the Argam's Country
who could not be dealt
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document in question.

Under these circumstances
the Government see no reason
to modify their censure and
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regret that Dr. Leman
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of the grave neglect of duty
of which he was guilty.

12
disposed by G. D. Leman Esq
A. G. Session Judge, Quebec.

Memorandum

above recited

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seeks to delay from the
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of certain prisoners from the
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detention was the subject of
the Joint Resolutions of that
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clearly 6/11/47

when he gave over charge
of the office.

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10047

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In justice to myself, I feel it necessary to request the attention of Government to the following, which, it is a matter of regret to me, should have been so long delayed by the necessity of reference to Masulipatam & by my own want of leisure.

4.

The reference of the Deputy Magistrate dated May the 15th, was not, as far as my memory serves, brought to my notice at all. It does not appear from the Records that such was done. Had it been so done, it could hardly have escaped me, as the matter of reference would have been novel to me coming from a Sub Division of a District where such a thing could not occur.

Translation }
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The Gāzast of the 21st June reached me on the 22nd a Saturday. There was nothing

in it to show the matter was so emergent as it now appears to have been, and as reference was made to the ^{21st of May} ~~21st of May~~, of which I was not cognizant, it was necessary before I could reply or find out what was wanted, or what had been done that a reference to the records should be made.

6.

The succeeding day was of course Sunday & on Monday the 21st, I left Bunder to attend on the committee for the examination of a Assistant, which was held at Guntoor, & did not get back till the 1st July, when I made over charge of the office.

7.

The 22nd was the last day I sat in Puteherry as Collector & Magistrate, & on that day I received the Gazette appointing me to act here.

8 I knew that my successor would
return with me from Guntoor & take charge
the day we arrived, that I might hurry
back to Guntoor & hold the Sessions which
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there was much work of all kinds to be
completed & I suppose the references not
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of the case not being apparent, this Gaoon
was left unanswered simply because
I had not time to finish every thing -

9 The only omissions of which I can
accuse myself are 1st that I did not
on joining, personally look ^{through} the vernacular
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to answer a Gaoon on the day I received it,
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I have received, I can but defer my
opinion to their better judgment, but
I am sanguine that being in possession
of these facts, the Government will deem
it only just to me to reconsider these
proceedings.

Guntoor Session Court
25th January 1868

I have the honor to be
Sir
Your most Obedt Servant.

W. M. M. M.
Acting Session Judge

22nd June 1867
 (enc) / G. D. A.

Armo:

C. (P) Lomawaga²⁹
 Acting Magistrate
 Richa District

As the offenders who were pre-
 sided in the Villages attached to the
 Simmeracota Division on account of thefts
 committed by them in the Kiam's country,
cannot be made over to the authorities
there without the permission of the British
Government, agreeably to their Proceedings
dated 8th May 1866, I directed them to
 be detained in the custody of the Police
 under a Remand Warrant, in communi-
 cating the same to the late Magistrate
 then in office by a Warrant dated 15th May 1866

From 20th June 1867 to 25th 263.

Official. 1868 (Deputy)

From J. D. & Co. in
 the office of the
 Magistrate

To the Chief Secretary
 to Government
 Secy. M. George

Dated 25th January 1868
 (Remind. 30)

Enclosure 1st 212

Offering certain
 explanation regarding

the above subject of your
 report under date the

20th December 1867 -
 & also in reference to
 the same

Ch. Secy.
 263.
 R. 17.

requested him to inform me whether the
said offenders can be ordered to be released
from custody if no communication is
received from the Resident or detained
for some time more.

I have not as yet received
any reply to the said Yeast & I
therefore make another communication
to you on the subject.

The Police Inspector of Tummar
Cota Division having informed me by
an Arjee dated 11th June that the Batta
paid to the said offenders was insufficient
& applied for an order to increase it to
2 Annas a day, I have accordingly issued
an order this day to the Sub-Magistrate
of Tummar Cota to pay Batta at the rate

of 2 Annas a day. I therefore beg to
represent the same to you -

Signed, V. Venkatachellam
Deputy Magistrate

Bunder
21st June 1867

/ True Copy /

Amprajivada
18th January 1868

/ Signed / Mr. Wilson
Acting Magistrate

/ True Translation /

W. Wilson

Acting Session Judge

Concurrence in a
letter from the Af-

fection House of Quaker

Dated 25 January 1868

Jan 21st 1868 & 26th -

Resolution of the

Quaker address

by the Deputy

Magistrate to the

Magistrate of the Dis-

trict on the 21st June

1867- 1868

No 242