

CURRENT NO. 5

CHEMICAL EXAMINER'S OFFICE,

Madras, 17th November 1891

Major J. H. Pope. M. D., B.
CHEMICAL EXAMINER,

Madras.

Chief Secretary to Government
Judicial Department

With reference to G. O.
dated 1891 no: 2068 Judicial
"Confidential" I have the
to the following with
paragraphs (2) and (3) of

Paragraph 2, I am
why "no attempt
to remove or exam
which covered the great
to blade"; and as in
(3) the Government
on me and but have
to chemical exam

No. 977.

From Surgeon.

To

THE

SIR,

dated 8th of
marked "Conf
honor to state
regard to pa
the same.

2.

asked to exp
"was made to
"the mud wa
"portion of t
paragraph
lay a charge
the Assistant

Compton

14-96

My dear Price

In continuation.

My D.O. of the 10th inst: reports
Shubrick's case. I find that under
§ 5 (Public) No 331 dated 25th April
1891 I am not bound to suspend
him. I propose not doing so, as
his suspension would cause great
inconvenience. He can always run
up to Madras by one night's mail
and return by the next night, only
being absent from his jail 12 hours
of daylight. The D^o would be made
answerable for his jail. If any time
travels like that with other business

Believe me

Yours sincerely

J. Smith

He
thinks me
J. Price

13.12.92
My dear Price

I heard privately from
Shadrach two days ago that he
Commercial Point, after selling
his Estate at a nominal price, was
preparing him for the balance for
some debt, I in a fine incurred while
he was a Planter, and that he has
nothing for it but to go through
the Insolvent Court.

I have given him a few days casual
leave from the 16th inst.; the Doctor
acting for him, to go to Madras
and see his Solicitors. Of course
from the date of his application
for relief under the Act I must

him, and I write
to ask if I may at the same
time appoint Dr. Butler, the Medical
Officer in charge of the Jail, to act
for him. Have no one else available.
I know nothing of Smith's
indebtedness when I first recommended
him to send commenda for a jail.
He has made such an excellent
Supp. that I hope I shall lose
him

Believe me
Yours sincerely
J. Smith

He
Humble W. J. 2 Dec

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to ask if I may at the same
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Humble W. J. 2 Dec

G10 NO. 1657. Judicial
dt. 20. 8. 1891.

8-8-1891

CURRENT No. 3250

Foreign Office;

Simla, the 13 July, 1891.



Dear Sir,

I am desired to ask you to refer to your office endorsement No. 1165 in the Judicial Department dated the 16th June, sending us copies of papers regarding the release of the State prisoners, Gunzu Pantulu and Moduru Mondulo.

From letter No. 220 dated the 26th May 1891 from the Governor's Agent at Ganjam it would seem that these

two

செப்பனிலுதற்காக
கொள்ளப்பட்ட
மாதம் 1991 வருடம்
செப்பனிலு முடிந்த
மாதம் 1991 வருடம்
சுராய்ச்சி உதவியாளர்
கையொப்பம்

two men had been confined for some
default or disobedience connected with
the payment of revenue. If that is so,
I am to point out that Regulation II of
1819 can hardly be regarded as appli-
cable to the case of revenue defaulters,
and I am to request that, with the per-
mission of the Governor in Council, steps
may be taken to prevent recourse to the
Regulation except in cases which are
clearly covered by the preamble. The
Government of India are most anxious
that the exercise of these extraordinary
powers

2
1657
powers of the executive should be kept
within the narrowest possible limits,
and should not become a legitimate
subject of hostile criticism

Is there in the present day
sufficient reason to retain the power
given by section 7 of Act XXIV of 1839 to
the Agents in Ganjam and Vizagapatnam?

I write on behalf of Sri Murtuza
Barad who is desisted from signing
this
Yrs very truly
W. Cunningham

To The Honble Mr. J. F. Price,
Chief Secretary to the Government
of Fort St. George

LHA

NT No. 3250

Judicial

DEPARTMENT.

State prisoners file

Go 11-6-91: 1165 aryl m

6-4-91: 627 ar

29-4-92: 740 m

Maria W.

3/1657

H. W.

From .

The Foreign Office

Government of India

Referred to the Agent to
the Governor in Calcutta
for remarks.

(By order)

By order Secy.

No.

Dated 13

Received

Enclosures

July 1891

SUBJECT.

Pointing out that Regulation
II of 1819 cannot be applicable
to persons defaulters and re-
questing that steps may be taken
to prevent recurrence to the
Regulation except in cases
which are clearly covered by the
provisions.

No. 1253

4
1657

From the Foreign Office, Simla.

Dated 13 July 1891.

FOR ORDERS.

The preamble of Regⁿ. II of 1819 runs as follows —
 "Whereas reasons of state policy
 render it necessary occasionally
 to place under restraint
 individuals against whom
 a judicial proceeding would be
 inadvisable or improper;

The circumstances under which the two men in question were committed to jail will be found detailed in Mr. Horsfall's letter read Feb. 29 ap. 1890 as you see it will be seen that they were arrested because they refused to attend to their business with the Patna respectively with the intention of entering into direct negotiations with their Laminars.

In the ordinary tract a case of this nature would be decided in the Civil Courts but in the Agency tract the Govt. has consistently discouraged the resort to civil litigation in view of the danger & difficulty attending the enforcement of decrees. Such being the case the arrest of the two men under an Agency Warrant seems strictly within the terms of the preamble of Regⁿ. II of 1819.

Mr. Mortimer Durand probably misunderstood the case but a copy of Mr. Horsfall's letter above referred to is con. to 1.

is doubtless recognize
the course taken was
justified by the circumstances.

2. As regards the question of
continuing, to the Agents in Panjam
& Vizagapatam their powers of
arbitrary arrest it is presumed
that the answer is to be that
such powers are necessary
that it would be impolitic
to withdraw them.

27 July.

The men were not arrested for non
payment of Revenue - but for
a continuance act likely to cause
a disturbance of the public peace -
The Gov. of India has evidently
misunderstood what a "mamool"
means in the A. Census.
It is submitted that it is not
advisable to allow these powers
at present vested in the Agents
of Vizag & Ganjam.

28 July

It should be explained that the measure
was resorted to, not for the purpose of raising
Revenue demand, but for the suppression
of continuing amounting to revolt against
the constituted authority of the British Govt.
taking the form of refusal to pay the cus-
tomary tributes which are not in any
sense revenue. If this were allowed to
go on the tranquillity of these hills would
soon be endangered. The main ten-
ance of the houses given to the Agents
by Act XXIV of 1839 is essential in pre-
sented circumstances but the Agents will
be instructed to have recourse to them as
sparingly as possible.

W.S.
Sd/-

J.H.P.
6/10/91

Agent in Panjam
Vizagapatam

W.S.

17/10/91

[61]

Papers to be read in Proceedings:—

Again G.O., dated 188, No.
Again G.O., dated 188, No.
Current No. 188, dated from

Current No. of 188, dated from

Order of 20.8.91. No 1657.

The Agents to the Govt in Panjam &
Vizagapatam will be instructed
to have recourse to the powers of
summary arrest conferred upon
them by Act XXIV of 1839 as
soon as possible. It is desirable
that the exercise of these extra-
ordinary powers should be
restricted within the narrowest
limits.

From orders
19 Aug.

2 Agent Panjam
Vizagapatam

Recd.
22.8.91
With copy of
Hd. Memo for
Ld. Secy.

D.O. to Mr. S. S. S. S.

Sir,
I am directed to acknowledge
the receipt of Mr. Cunningham's
letter of the 15th ultimo in which
he invites attention to an office
endorsement No. 1165 in the D.O.
of the 16th June. Mr.
Cunningham observes that two
persons named Sanga Pantel &
Sastur Sastur would appear to
have been arrested by the Agent to
the Govt, Ganjam, in exercise of
the powers vested in him by Act
XXIV of 1839 on account of a
default on their part to pay
revenue due by them & he

...the desirability
restricting the exercise of these
summary powers of arrest within
narrowest limits.

It is apparent from Mr. Cunningham's
letter that he has mistaken the
meaning of the agent's letter
which was forwarded with the
endorsement above referred to.
The men in question were arrested
because they contumaciously refused
to pay their customary tribute
to the Missogy, in the case of Jagan
Pantulu, & to the Patro, in the case
of Manduru Mandala. The object
of these individuals, in thus refusing
payment was to attract directly
the attention of the Government
& the Paddakimedi respectively & their
action amounted to a revolt against
constituted authority & was in
a sense a mere act of disobedience
connected with the payment of
tribute.

I forward an account of the matter
as given by the Agent, Mr.
Spall, in his letter dated the
17th March 1890 No 32. This will
under the circumstances of the case
be more intelligible & I am to say that
my Agency in dealing with offences
of this kind would soon endanger
the tranquillity of the hill tracts.
Mr. Cunningham raises the further
question of the necessity of retaining
the powers of summary arrest
vested in the Agents of Jagan &
Missogy by Act No 18 of 1890. I
am desired to state that
Mr. Spall is of opinion that it is
essentially that these powers of
the Agents in this respect should
be left undisturbed but orders
are now being issued to the officers
concerned to exercise these powers
with discretion & to avoid any
excesses.

James Cunningham

17 Aug

Letter to Sir H. M. D. ...

J. E. V.

(From order)

HEAD-AGAIN ORDER OF GOVERNMENT, DATED
18 No.

ENCLOSURE

CURRENT NO.

STATEMENT WITH DITO.

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Confidential No. 147
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Judicial DEPARTMENT.

G.O., DATED 20. 8. 91.

No. 1657

Series. Mis

Confidential.

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Apt. 20/8

Returned for signature

Despatched 21/8 + 22/8

[Despatch Abstract.]

Act XXIV of 1839. Instructing the
Agents in Gajam & Vizagapatam
to have recourse to the power of
summary arrest conferred upon them
by — as seldom as possible; and
informing the Govt. of India Foreign
Dept of the circumstances under
which Ganga Pantulu & Madana
Pantulu were arrested in Gajam