M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 882 — Press / Mis.

825. 326

Dated 22nd Dec. 1862.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 24th April 1862.

No. 325. Read the following Proceedings of the Board of Revenue, dated 2nd April 1862, No. 2,138:—

Read the following letter from G. A. BALLARD, Esq., Acting Collector of Tanjore, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Madras, dated 18th March 1862, No. 94.

SIR,

1. In forwarding for the information of the Board, a copy of a letter
24th February 1862. addressed to me by my Deputy in charge of the Treasury, I have the honor to observe that I have consulted Messrs. Beauchamp and Bird, and that they agree with me in thinking that, under the circumstances stated by the Deputy Collector, it is of no public benefit to publish in the District Gazette the notices of the dates of hearing of Civil Suits.

2. There is another item of information, the publication of which in the District Gazette might, for much the same reasons as those quoted in the previous case, be discontinued, viz., the lists of Civil decrees passed.

3. I have therefore the honor to request the authority of the Board for discontinuing the publication of these notices.

From M. SADASIVA PILLAY, Deputy Collector of Tanjore, to G. A. BALLARD, Esq., Acting Collector of Tanjore, dated 24th February 1862, No. 91.

SIR,

1. I have the honor to address you regarding an item of information, the publication of which in the District Gazette, it is, in my humble opinion, desirable to discontinue. I mean notices of the periods of hearing of Civil Suits in the several Courts of the District.

2. The insertion of these notices in the official organ was ordered by Government in their Proceedings of the 20th September 1859, paragraph 8, wherein they lay much stress on the importance of assigning them a place in it. The passage runs as follows:—"They are by law required to publish certain stages of suits by proclamation, but this appears to be done by "pasting the paper on one of the walls of the Court house, which is little more than a form. "It is desirable that the different stages of suits should be invariably published in a concise "shape in the Gazette, and when it is found that it can be certainly depended upon for such "information much trouble, anxiety, and expense will be saved to parties." It is therefore not without some diffidence that I write to advocate the discontinuance of the publication of these documents as subserving no useful purpose, and as matter which might give place to more useful and necessary articles of information, for the insertion of which there is a strong growing demand.

3. Even what I would here respectfully to point out is that the dates of "hearing" of suits are not required by law to be published by "*Proclamation*," as assumed in the orders of Government above quoted. The law treating on the subject is Act VIII of 1859 (the new Civil Procedure Code), Sections 42, 43, 49, 139 and 183, and these do not contemplate more than a summons to be served directly on the party in some cases or a verbal notice in others to his Vakil. There is no such notice being required in the Proceedings of the Court, and a copy stuck on the wall of the Court House. Any other mode of conveying the information is apparently unknown to the law.

4. By the new Code is the Summary Process incident to the progress of a suit, and any publication of the same in an official periodical seems inconsistent with its policy. Even were the terms as to call an award analogous to the publication of the Sheriff's Court in the Presidency, it is intended as a process only to promote the ends of justice, it does not appear that there are any benefits or facilities to accomplish its object. Less publicity is the rule of the Courts who have Vakils of Court, and those who cannot afford to

have one are certainly not likely to be subscribers to the District Gazette. In this District the Gazette is circulated as follows:—

On the Public service gratis	174
Village Servants	98
Private Subscribers	12

5. The bulk of the circulation being thus among Public servants, it is quite improbable that these men will have the disinterestedness to seek out the parties interested in the progress of suits, and volunteer the intelligence which the Gazette contains.

6. One Judicial Officer of experience whom I have been able to consult on the subject, the District Munsif of Tanjore, fully concurs in the above views and in the utter uselessness of the publication in question, and I have no doubt that others would readily endorse them.

7. There are various items of our office work which I would like to have abridged through the agency of our Press, but for which I find it is, at present, not quite equal with the existing demand on it. You will further have observed that notices of meeting of our new local Legislature and Bills of proposed Acts are also required to be published in the District Gazette. No commencement or attempt of any kind has been moreover made in this District in the way of printing important and valuable "official records" remaining in the archives of the Collectorate, a branch of work to which importance is attached in the orders of Government quoted, paragraph 10; and the undertaking of these demand that the Press should be disencumbered of all unnecessary or useless jobs. If therefore you at all think my representation worthy of consideration, I beg to request you will lay the matter before the Board of Revenue, and obtain a cancelment of the portion of their order, which has reference to the publication of notices of the "Hearing of Suits."

8. Perhaps, as a step preliminary to the submission of the question to the Board, I would beg to propose that the Civil Judges of the District may be asked for their opinion as to the necessity or usefulness of the publication in question.

9. I may add that, of late, these hearing notices do not after all appear to be very regularly, or in due time published in the Gazette owing to press of other matter and to want of sufficient types, for which, I believe, application has been lately made to the Board.

(True Copy.)

(Signed) G. A. BALLARD, *Acting Collector.*

In Cons. 31st September 1859 No. 4725.

Ordered to be submitted to Government, with reference to their Proceedings, dated 20th September 1859, No. 1,269, paragraph 8, and with the Board's recommendation that the publication of the date of hearing of Suits, and of decrees passed in the District Gazettes be discontinued as not of much advantage, and as occupying space and time that could be otherwise employed much more usefully to the public. The Board have received similar addresses on this subject from more than one other Collector.

(True Copies and Extract.)

(Signed) R. A. DALYELL, *Sub-Secretary.*

No. 326. ORDER THEREON, 24th April 1862, No. 882.

Authority is granted accordingly.

(Signed) C. G. MASTER,
Deputy Secretary to Government.

Rec'd 23rd Sept/59 No 23-30

Rec'd 1862 Despatched

Part of Year for Collected

No. 1078

PROCEEDINGS OF THE BOARD OF REVENUE.

Dated 2nd April 1862.
Despatched
Received

No. 2,138.

Submitting a letter from the Collector of Tanjore and recommending that the publication in the District Gazettes of the date of hearing of Suits and of decrees passed be discontinued.

No 325 & 326.