

367c. 16. 10. 86.
120 w 15. 1. 86.
396c. 14. 2. 82.
793 w 24. 3. 82.
5. 7. 4. 76.
600 w 7. 3. 81.

[6]

P.W.C. No 8562 ✓
Govt. of (188) Madras.

No. 2913 w of 5th Nov 86

B

Communicated

Communicated

to the Supt. of W. Works
to the Supt. of W. Works
Maintenance Scheme

with a direct reference to
his letter No. 3394 of
11th Oct 1886.

of 11th Oct 1886.

To

The M.D.



R. 3. 11. 86

Proceedings, dated

No.

2911/1886
1952 hri

188 6

Subject.

No. 2913 w of 5th Nov 86

Declining to exempt
the Manager of the
Tank Maintenance
Office from liability
to serve as juror

News
3/11/86

See
3/14/86

L. of W. S. of W. S. of W. S.
S. of W. S. of W. S. of W. S.

Dec'd 5-11-86

Wm. 6/11/86

Wm. 6/11/86

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

11th February 1881, No. 331.

Assessors.

Read the following paper :—

No. 63. *From Lieutenant-Colonel J. BEATTY, R.E., Superintending Engineer, Third Circle, to the Chief Engineer, Public Works Department, dated Pannavelai, 23rd January 1881, No. 891 S.A.*

In continuation of my letter, No. 846 S.A., of the 4th instant, I have the honor to forward a letter from the Executive Engineer, South Arcot Division, and to request that, under the circumstances therein stated, Supervisor Veeraragaviah Puntulu may be exempted from serving as Assessor.

2. I take this opportunity of bringing again to notice the desirability of exempting all the members of the Executive Establishment from serving as Assessors.

ENCLOSURE No. 1.

From Captain A. C. SMITH, R.E., Executive Engineer, South Arcot Division, to the Superintending Engineer, Third Circle, dated Camp Kuringepadi, 18th January 1881, No. 41.

In continuation of my No. 873, dated 21st December 1880, regarding selection of certain members of my office establishment as Assessors for the current year, I have the honor to bring to your notice that my Supervisor N. Veeraragaviah Puntulu reports that he is also selected as an Assessor.

2. I need hardly point out the inconvenience that is likely to be caused by the absence of even a single day of the Supervisor from his works, almost all of them being emergent works caused by the recent cyclone. His absence must necessarily retard their speedy progress and prompt measurement of work done and payment to the coolies employed thereon.

3. I do not think it advisable to address again on the matter the Session Judge, the date fixed for reviewing the list of Assessors having expired, and moreover the Judge having, in the case of my office people, stated that the Commissioners had no power to exempt them.

4. Considering the present very limited establishment of the Department of Public Works, and the extensive charge devolving on every member of the same, I would strongly recommend that Government may be moved to exempt, as a rule, all members of the department from serving as Assessors or Jurors. This rule is, I think (under the existing state of the department), necessary in the interests of the service.

No. 222.

Referred to the Judicial Department in continuation of No. 3, dated 7th January 1881.

1st February 1881.

(Signed) J. PENNYCUICK, Major, R.E.,
Under Secretary to Govt., P.W.D.

No. 64.

ORDER THEREON, 11th February 1881, No. 331.

Under the provisions of Section 406 of the Code of Criminal Procedure, and subject to the provisions of the concluding clauses of that section, the Right Honorable the Governor in Council is pleased to exempt all members of the Executive Establishment of the Public Works Department from liability to serve as Jurors or Assessors in Mofussil Courts.

(True Extract.)

R. DAVIDSON,
Chief Secretary.

To all Session Judges.
„ all District Magistrates.
„ the Public Works Department.

*No. 6002
dated 7th March 1881.*

*Communicated to the
officers of the Public Works
Department concerned.*

*Inf. J.P.
18/2*

Exd. T. O'Connor.

*S. Eng'rs
S.s. of works.*

*Proceedings of the Madras Government, Judicial Department,
23rd March 1876.*

Jurors.

Read again Proceedings of Government, dated 15th February 1876, No. 256.

Read also the following papers:—

No. 123. From Lieutenant-Colonel R. F. OAKES, R.E., Superintending Engineer, Tanjore, to Major-General G. W. WALKER, R.E., Secretary to Government, Public Works Department, Fort Saint George, dated Negapatam, 31st January 1876, No. 144.

I have the honor to inform you that on Lieutenant Romilly, R.E., the Range Officer of No. 3 Range, reporting to me

Enclosure one.
Original Proceedings of Session Court, No. 100,
dated 27th January 1876.

that his name had been inserted in the list of persons selected to serve as Jurors and Assessors in the Court of North

Tanjore for 1876, I addressed the Session Judge of that Court and requested him to remove Lieutenant Romilly's name from the list of Jurors and Assessors in his Court under G.O., No. 19, of 2nd March 1874, Public Works Department, and furnished him with a copy of the extract signed by the Chief Secretary. In reply, the Session Judge has furnished me with the enclosed extract from the Proceedings of his Court, dated 27th instant, in which it is stated that Lieutenant Romilly's name was included in the list of Jurors and Assessors "after duly considering the effect of the Government Order alluded to" by me, and that his name cannot be struck out of the list, unless the Local Government specially exempt him.

No. 100.

Proceedings of the Session Court of North Tanjore, dated 27th January 1876.

Read again letter from the Superintending Engineer, Tanjore, dated 25th instant, No. 109.
Read again extract from G.O., No. 19, of the 2nd March 1874.

The Superintending Engineer will be informed that the Session Judge regrets being unable to comply with his request that Mr. Romilly's name be removed from the list of Jurors and Assessors for the North Tanjore District for the current year.

2. The list was revised by the Session Judge and Sub-Collector, holding a special session for the purpose on the 17th instant, and Mr. Romilly's name was added by them after duly considering the effect of the Government Order alluded to in the Superintending Engineer's letter, and agreeing that Mr. Romilly's case was not covered by the general exemption. That officer's name can now be struck out of the list only upon the Local Government specifically exempting him or him and others similarly placed.

(True Extract.)

(Signed) J. H. NELSON,
Session Judge.

No. 48.

Transferred to the Judicial Department with reference to the orders in that Department, No. 194, dated 5th February 1874.

FORT ST. GEORGE, (Signed) G. W. WALKER, Major-Genl., R.E.,
3rd February 1876. Secretary to Government, P.W.D.

*Proceedings of the Madras Government, Judicial Department,
23rd March 1876.*

No. 124. *Order, 15th February 1876, No. 256.*

Resolved that the Session Judge of North Tanjore be called upon to explain the grounds on which he refuses to remove the name of Lieutenant Romilly, Range Officer in the Public Works Department, from the list of persons liable to serve as Jurors or Assessors in his Court; and how he holds, as it appears he does from his Proceedings dated 27th January 1876, No. 100, that Lieutenant Romilly's case is not covered by the general exemption in G.O., 5th February 1874, No. 194. That Order, which was before the Session Judge, expressly exempts "all officers of the Public Works Department from the grade of Range Officer inclusive and upwards" from such liability, subject only to the provision in the last clause of Section 406 of the Criminal Procedure Code, which permits Judges to summon even exempted persons on the trial of European British subjects.

(True Extract.)

(Signed) W. HUDLESTON,
Chief Secretary.

No. 125. From J. H. NELSON, Esq., Session Judge, North Tanjore, to the Hon. W. HUDLESTON, Chief Secretary to Government, Fort St. George, dated Negapatam, 23rd February 1876, No. 235.

With reference to the Order of Government, No. 256, of the 15th February 1876, calling on me to explain the grounds on which I refused to remove the name of Lieutenant Romilly, of the Public Works Department, from the list of persons liable to serve as Jurors and Assessors in this Court, and how I hold that Lieutenant Romilly's case is not covered by the general exemption in G.O., 5th February 1874, No. 194, I have the honor to inform you that I refused to remove the name of Lieutenant Romilly from the list of Jurors and Assessors because I had previously, upon due consideration, agreed with the Sub-Collector in holding that that officer's name ought to be added to the list, and that the Sub-Collector and I resolved to add that officer's name to the list because we understood that there is no such grade as that of Range Officer in the Department of Public Works, and that Lieutenant Romilly is not an officer of such service and standing in his department as that he can properly be held to belong to a class of officers habitually and permanently employed in managing Ranges. Until a few months before he had been employed in learning his business under Mr. O'Shaughnessy at Tranquebar and under the District Engineer at headquarters, and there appeared to us to be no reason to assume that he had been finally raised to a higher position in his department.

2. We were of opinion that, by "grade of Range Officer," Government could not have intended all officers for the time being placed in charge of Ranges, inasmuch as officers of very subordinate rank, for example Mr. Stevens of this district, are sometimes placed for a time in charge of Ranges.

3. And on the other hand it had been found necessary to deny the right to exemption claimed by an officer of considerable standing, Mr. Johnson, late of this district, who was not an officer in charge of a Range, but claimed to be of higher rank than a so-called Range Officer.

*Proceedings of the Madras Government, Judicial Department,
23rd March 1876.*

4. The exempting order under notice has caused the Revising Officers considerable doubt, and we should be glad to see its terms made more specific.

No. 352.

Referred to the Public Works Department, with reference to endorsement in that Department, dated 3rd February 1876, No. 48.

FORT ST. GEORGE,
25th February 1876.

(Signed) W. HUDLESTON,
Chief Secretary.

No. 126. ORDER THEREON, 23rd March 1876, No. 547.

It appears that the Session Judge and the Sub-Collector at Negapatam have construed the Order of Government in this Department of 5th February 1874, No. 194—under which "all Officers of the Public Works Department, from the grade of Range Officer inclusive and upwards," were exempted from liability to serve as Jurors or Assessors—as not covering the case of Lieutenant Romilly, who claimed to be so exempted while in charge of a Public Works Range.

2. They will be informed that Lieutenant Romilly being an Officer of the Royal Engineers of nearly six years' standing and three years' Departmental service, his case is within the purview of the Order above referred to; inasmuch as all Officers and Upper Subordinates of the Public Works Department, above the rank of Overseer, are eligible to the charge of such Ranges, and that, while actually holding such charge, they fall within the exemption given by the Order in question; the reason for the exemption being that the duties of the office are incompatible with service as a Juror or Assessor.

3. With the view, however, of precluding the possibility of any doubt being entertained in future as to the class of officers for whom the exemption was intended, His Grace the Governor in Council resolves, under the provisions of Section 406 of the Code of Criminal Procedure (and in supersession of the G.O. of 5th February 1874, No. 194), to declare that, subject to the provisions of the concluding clause of that Section, all officers and subordinates of the Public Works Department, while actually in charge of Public Works Ranges, are hereby exempted from liability to serve as Jurors or Assessors in Mofussil Courts.

(True Extract.)

Chief Secretary.

To the Public Works Department.

„ all Session Judges.

„ all Magistrates of Districts.

Exd. J. Wright.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

READ the following letter from

the Clerk of the Crown, and Crown
Prosecutor, Madras, dated 14th March 1882
exempting the Consulting Architect to
Government and the Personal Assistant
to the Salt Commissioner from liability
to serve on juries at the Criminal Sessions
of the High Court.

Order thereon 21st March 1882 No 425 P

Communicated to the Public Works Depart-
ment, and the Board of Revenue
(True Extract)

J. Forbes
Ag. Asst. Secretary

The Public Works Department
" Board of Revenue

PM 1876 Deptt
No 2355
Pro for April

Dated March 23rd
Issued - 30
Recd.

THE PUBLIC WORKS DEPARTMENT,
JUDICIAL.

1876

Dept. of 1876

Madras

No. 5.

Recd 31st March 1876
in full

Communicated to all
officers of the Public Works
Department.

1 April 76.

St. Engrs 17 B D
Cons. Architect 3
Engrs & Tr. Accts 5
Ch. Engrs for Bridges
Engrs for Roads
Engrs & Tr. Accts 1

Jurors—All officers and subordinates of the
Public Works Department, while actually in charge
of Public Works Ranges, exempted from liability
to serve as Jurors or Assessors in Mofussil Courts.

MARCH
Nos. 123-126.

G.O., 23rd March 1876, No. 517.

Govt. of {188 } Madras.

1883/12

Dated

Recd.

}

188 , No.

Nos.

*Exempting certain
persons from serving
on jury at the Sessions.*

[6]

Govt. of (188) Madras.

P. W. C. No 1883

To

The P. & B Dept

396C-14-282-

Recd: 22 March

Proceedings, dated 21st March 1882.

No. 425 R

Subject.

B. No 793 Waf 24th March
pr

Communicated
to the Consulting
Architect to Govt.



23.3.82

Entd. in Receipt Regr.

C. A. to Govt.

Sept 24-3-82

quent references to him that
the conduct

onerous ~~and~~ and
important duties
which he has to
perform in his position
as consg. architect
but also with reference
to the constant de-
mands for his services
at great distances
from Madras, and at
times beyond the
Presidency limits.

Sd/- R. H. S.

Secy to Govt
P. & B.

No 600 Waf 7-3-87.
- No 51 of 1-4-76.

Sept 14-2-82-

P. W. DEPARTMENT.

P. W. C. No.

908

From

The Consq: Architect
to Govt

No. 854.

Dated

9th } February
Reed. 10 }

SUBJECT.

Shicito exempt from
liability to be sum-
moned on the special
Jury.

Entd. in Receipt Rep.

Disposal.

C. E. No. 396.C dated 14-2-1882

Transferred to the
Judicial Department
for disposal with the
recommendation that
Mr. Chisholm be exempted
as requested both
see 1024-3-82

quent references to him that
is necessary for the conduct
of public business in the
Public Works Department

W. J. S.

60.793 W. J. S. - 3-82.
No 396C a 14-2-82.
60.793 600 W. J. S. - 7-3-81.
60.793 501 1-4-76

Judicial Department.

396C 14-2-82

Despd

The Judicial Dept. 18/2/82

P. W. DEPARTMENT.

Current No. 10778

From Suptg: Engineer & Civil

ENCLOS.

No. 3924

Dated 12/12/85

Received

Subsisting letter from the Genl Suptg P.W.
Soliciting exemption from
liability to be summoned
on the special jury.

DISPOSAL.

No. 2186

Dated

17th December

Transferred to the
Judicial Deptt for disposal
with the recommendation
that the General Superintendent
Public Works Stores may if
possible be exempted as
requested, in consideration
of his being the only officer
in his division, and of the
admn

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following

Endorsement of the Public Works Department, dated
17th December 1885 No. 2186C, transferring
letter from the Superintending Engi-
neer & Civil requesting to ex-
empt the General Superintendent
Public Works Stores from being
summoned as a special juror.

Order 8 January 1886 No 55 This
The Government are not
prepared to comply with this
application.

/ True Extract /

A. G. Cardew.

Ag Asst Secretary

To
The Public Works Deptt

396C 14-2-82

83/3

218627 17/12/85
79347 24/3/82
5-7/4/76

[6]

Govt. of 1881 Madras.

To

Superintendent



Proceedings, dated
No.

188

Subject.

No 120 Waf Jan. 15. 1886

Shewing that Govt
are not prepared to
comply with the application
made for the exemption
of the General Super-
intendent of Works from
being summoned
as a special juror

With order

S.E. V Circle

Defd
15/1/86

Judicial Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following

Endorsement in the Public Works Depart-
ment dated 16th October 1886, No 3617C,
on letter from the Superintendent of Works,
Tank Maintenance Scheme, dated 14th
October 1886 No 3394T, requesting that
the Manager of the Tank Maintenance
Office may be exempted from the jury
list.

Order 2^d November 1886 No 2952M

The Government are not prepared
to exempt the Manager of the Tank Mainte-
nance Office from liability to serve as a
juror.

(True Extract)

Ag. Secy
Ag. Secy Secretary.

To

The Public Works Department.