M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1090-91 Press / ~~Mis.~~

Dated 1-9th August 1859.

Not to be folded or roughly handled

No. 13. Read the following letter from J. D. SIM, Esq., Secretary to the Board of Revenue; to J. D. BOURDILLON, Esq., Secretary to Government, Revenue Department, dated 30th July 1859, No. 2958.

*No.	1325,	from	Ganjam,	17th	in Con.	28th March	1859, No. 49 Encs. 4
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,,	947,	,,	do.	24th Feb.	,,	7th March	,, ,, 108 ,, 2
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,,	938,	,,	Masulipatam,	28th Feb.	,,	7th ,,	,, ,, 19 ,, 1
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,,	949,	,,	Nellore,	2d	,,	7th March	,, ,, 29 ,, 10
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,,	3732,	,,	Kurnool,	20th	,,	27th July	,, ,, 94
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,,	898,	,,	Tinnevelly,	28th Feb.	,,	4th ,,	,, ,, 88 ,, 1
,,	1906,	,,	Coimbatore,	23d	,,	29th April	,, ,, 63 ,, 5
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,,	1318,	,,	do.	23d	,,	28th March	,, ,, 54 ,, 3
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,,	2272,	,,	Malabar,	12th	,,	19th May	,, ,, 108 ,, 2
,,	855,	,,	Madras,	28th Feb.	,,	1st March	,, ,, 21 ,, 3

† No.	555,	from	Meer Mohib Ally, Madras,	11th in Con.	12th Feb. 1859.		
,,	593,	from	Sibghattoolla Cauzyool Moolk,	9th in Con.	14th Feb. 1859.		
,,	594,	from	Rajah Eshoor Doss Dayavunt Bahader,		14th Feb. 1859.		
,,	592,	from	K. Nursinga Row,	12th in Con.	14th Feb. 1859.		
,,	667,	from	Rajah Kondun Laul Bahadoor,	15th in Con.	18th Feb. 1859.		
,,	728,	from	Rungasamy Iyear,	23d in Con.	23d Feb. 1859.		
,,	725,	from	V. Sadagopa Charry,	23d in Con.	23d Feb. 1859.	Enc.	1
,,	726,	from	Meer Goolam Ally.	21st in Con.	23d Feb 1859.	Enc.	1
,,	752,	from	Haujee Mahomed Bauker Slurauzee Namazee,	24th in Con.	24th Feb. 1859.	Enc.	1
,,	755,	from	Terazishkhan Bahadoor,	24th in Con.	24th Feb. 1859.		
,,	857,	from	Streenevassiah,	24th in Con.	26th Feb. 1859.		
,,	858,	from	C. Poorooshottum Moodelly,	28th in Con.	1st March 1859.		
,,	962,	from	Viziah Ragavoloo Chetty,	8th in Con.	8th March 1859.		
,,	963,	from	Gopaula Sastry Pundit S. U.,	8th in Con.	8th March 1859.		
,,	1000,	from	M. Soobaroyaloo Naidoo,	11th in Con.	11th March 1859.		
,,	2131,	from	Appana Sastry,	11th in Con.	11th May 1859.	Enc.	1
,,	2132,	from	Roopkishoor Laula Sowcar,	11th in Con.	11th May 1859.	Enc.	1
,,	2157,	from	S. Krishnama Charry,	12th in Con.	12th May 1859.	Enc.	1
,,	2221,	from	S. Jeyaram Chetty	17th in Con.	17th May 1859.		
		from	P. Somasoondrum Chetty	5th in Con.	5th May 1859.		
,,	3432,	from	N. C. Mooroogasa Moodelly,	12th in Con.	13th July 1859.		

I am directed to submit, for the information of the Honorable the Governor in Council, the replies of the several Collectors* to the reference made to them in connection with Ex-

In Con 23d Dec. 1858, No. 5650. tract Min. Consultation, dated 14th December 1858, R. D., No. 1663, on the subject of Oaths and Affirmations. The replies of the several individuals† at Madras, whose opinions were asked at the same time, are also herewith submitted.

2. A great diversity of opinion is apparently presented in these papers, but it is classified without difficulty, and the practical solution of the question is easy.

3. The following is a summary of the different views expressed;—

I. Many persons, European as well as Native, advocate the reintroduction of oaths but with the important qualification that their use shall be confined to certain classes only, such as the uneducated and persons of doubtful veracity. Both oaths and the present solemn affirmation in their opinion may be dispensed with, or the latter alone retained, as regards all other persons.

Some would leave it altogether to the presiding officer to require either an oath or the solemn affirmation now in use at his discretion.

II. Many persons, on the other hand, are altogether opposed to a return to oaths, as inefficacious and wrong in principle.

III. Both parties, with some exceptions, are of opinion that it would be impossible to introduce an oath of universal obligation.

And both concur in the view that no form of oath is binding on the conscience of a Native, unless it is administered in a temple or before the village goddess, with certain ceremonial observances.

Both parties are further agreed as to the necessity of the oath varying with the shades of religious belief among Hindoos.

help a Brahmin." Almost every case, it is justly observed, may be brought within these exceptions.

III. The facility of obtaining purification, viz. by bathing in the Ganges, by the gift of a few annas to a Brahmin, &c.

9. There are many, Chenchal Row observes, who are so low in the scale of intelligence as to be readily gained over by "a little gold, or a few words from the Priest or Curnum."

10. Such are the chief reasons which Chenchal Row puts forth for the opinion he holds. His arguments apply equally to Mahomedans, though the belief in a future state with them is more defined and more generally held.

11. The native opinion in general in Rajahmundry is for a return to oaths with the reservation, already expressed, in favor of the respectable classes.

12. Mr. Fraser, Sub-Collector and Joint Magistrate in Masulipatam, who has considerable up-country experience and knowledge of native character, follows what he considers to be the prevalent opinion of natives on this question, viz. "To exempt from taking oaths, those only whose known character for uprightness, or social position would, of itself, be a guarantee in the opinion of the community, for truthful evidence." In regard to all others Mr. Fraser would adopt such oath as would be considered most binding: at the same time on the application of both parties to that effect, and with the permission of the Court, he would dispense with oaths altogether, and receive the *simple* testimony only of the witnesses.

13. Mr. Fraser notices the fact that claims to property, including houses and lands, are frequently privately settled on the *simple* declaration of a third party, who considers himself called upon to give a decision to the best of his ability, as if bound by the most stringent oath.

14. Mr. T. A. N. Chase, Head Assistant Collector of Masulipatam, in the absence of some oath that would really bind the conscience, would abolish both oaths and solemn affirmations. The Divine name in the present solemn affirmation is considered, he says, to refer to the presiding officer of the Court.

15. Native opinions on this question in Masulipatam do not differ from those entertained by the same classes elsewhere. The reverence for an oath, it is stated, varies with the sanctity of the place where it is uttered, and it is urged that, if punishment for false testimony were certain, the necessity for oaths would altogether disappear.

16. Mr. Dykes, the Officiating Collector and Magistrate of Guntoor, and his native subordinates with two exceptions, as well as some private individuals, whose sentiments have been taken, advocate a return to the former system of oaths.

17. *Nellore.*—Mr. Elton, Collector and Magistrate of Nellore, thinks that a return to oaths would be "wrong in principle and useles in practice." Mr. Elton was in the Judicial Department when the former system of swearing was in force, and does not recollect that perjury was less frequent then, or that a greater regard was paid to oaths then than at present with the solemn affirmation, which, he is of opinion, should be retained in preference to a simple declaration.

18. Mr. Minchin, the Sub-Collector and Joint Magistrate of Nellore, is of a different opinion, and thinks that oaths are necessary in some cases, the present solemn affirmation being used at the discretion of the Court. He admits that, with some persons, the sanctity of a Brahmin would be considered superior to that of an oath, but that the advantages generally to be expected from the reintroduction of oaths should not be thrown away for this reason.

19. The frequency of false testimony is traced by Rungacharloo, the Naib Sheristadar of Nellore, to errors in the Judicial system rather than to the operation of Act V. of 1840, by which oaths were discontinued. He would retain the present solemn affirmation as the rule, but would introduce oaths to be administered at the discretion of the Court.

20. A. Sreenavasa Row, Acting Tahsildar of Cavaly in Nellore, thinks that the present solemn affirmation, from its abstruse character and from its recognizing one GOD only, is too sublime and refined for the Hindoo mind, which is familiar with gods many, the number of whom is daily increasing, and with the object of its worship *visibily* presented to it. The solemn

affirmation is, therefore, considered unsuitable and inefficacious, and should be superseded, it is thought, by such form of oaths as may be considered most binding, since religous belief, whether founded in truth or otherwise, exercises a powerful influence over all minds. Sreenavasa Row speaks from experience as to the effect of swearing in judicial proceedings in the Northern Circars. His views are delivered at great length, but are based on the present state of the Hindoo mind, which is not yet prepared, he thinks, for the abolition of the Ramayanum and the supposed sacred water.

21. The re-introduction of oath is opposed by A. Sudarshana Row, Monshee of the subdivision of Nellore, who considers the value of evidence to depend more on the moral disposition of the party, than on an oath. A return to oaths would be distasteful, he observes, to the higher classes, and is, moreover, opposed, he thinks, to the principle of non-interference with religious matters, which Government have laid down for their guidance.

22. Messrs. Simpson and Smith, who are both engaged in commercial pursuits in Nellore, hold opposite views. The former does not consider that any change of system is called for; the latter would return to the state of things previous to the enactment of Act V. of 1840.

23. *Bellary, Cuddapah and Kurnool.*—Mr. Pelly, Collector and Magistrate of Bellary, considers the ordinary administration of oaths in Courts of Justice, as mockery, and he would confine himself to a simple *warning*, with prompt punishment by the Court, for false evidence. He would allow parties to settle their disputes by oath, in the way they feel most binding.

24. Mr. Murray, Collector and Magistrate of Cuddapah, holds the opposite view, and is of opinion that all parties should be sworn in the mode most binding on the conscience.

25. Mr. Collett, Sub Collector and Magistrate of Bellary, is in favor of a *simple* affirmation. He notices the fact that there are many persons who would not take an oath under any circumstance, whether before a Court, or in the private settlement of claims. The solemn affirmation is looked upon, he says, as a mere official form.

26. Captain Touch, of the Judge Advocate's Department at Bellary, also advocates a *simple* declaration, without reference to religious sanction, which would offer no ground of objection to the scruples of any class. It is believed, he observes, that the great mass of evidence delivered in Courts of Justice in India, is affected in a very limited degree by a sense of the moral obligation of an oath or solemn affirmation, and that a material improvement in the character of the evidence given in these Courts, is to be obtained only by an alteration in the law, which will inspire a dread of the penal consequences of giving false evidence, by dealing with the offence as one of a less grave nature than perjury, as defined by the present law, and rendering the punishment more certain.

27. A *simple* affirmation is considered to be preferable to a warning, as being the act of the witness and in itself conveying a warning, which otherwise might be liable to be omitted or imperfectly communicated.

28. The native servants in Bellary are divided in opinion. Rayapah, the head Serishtadar, is in favor of a simple affirmation, as oaths from the frequent and common exhibition of elements which are held sacred, and which ought not to be touched without previous ceremonial observances, are offensive to the upper classes and inefficacious as regards others. The native officials in Cuddapah advocate a return to oaths; they would, however, abolish the use of Ganges water, which is viewed by the masses as common water, and substitute the Saligram for Brahmins and the Ramayanum for all classes of Hindoos. The argument in favor of oaths seems to be drawn from the fact that the practice is familiar to the people when disputes and claims are adjusted among themselves privately. It is admitted, however, that false testimony before the Courts, is common because punishment is difficult. In Kurnool the general opinion is in favor of oaths.

Note.—The Saligram is a stone held sacred as a type of Vishnoo.

29. *Chingleput.*—Mr. Shubrick, Collector of Chingleput, thinks that in the present state of the people, who attach so much importance to external observances, the abolition of oaths was

IV. It is argued by the opponents to a return to oaths that untruth is enjoined as a duty in the moral code of the Hindoos in certain exceptional cases. P. Chenchal Row, Serishtadar of the Sub-division in Rajahmundry, whose remarks are well worth perusal, observes that almost every case may be brought within these exceptions. "There is not a native," he adds, "be he the highest official or the most learned Pundit, that will not consider it an honor to commit perjury, to save thereby a man's life, or help a Bramin."

See Abstract accompanying para. 8.

Moral guilt, he adds, is easily removed by means of ceremonial observances.

V. It is stated by some that the present solemn affirmation is looked upon as a mere form of Court; a matter of ordinary routine, without any religious obligation attached to it. The Divine name as therein introduced, when translated into the vernacular, is considered to apply to the presiding officer of the Court.

VI. In the opinion of some natives the use of the Divine name, as conveying the idea of Unity, is too refined and abstruse for a nation whose gods are countless, daily increasing and may be indefinitely added to, and who are accustomed to objects that can be seen and touched as representations of Deity. Persons holding this view are either forced back to the use of sacramental symbols as water and stone, which, under certain conditions, are sacred, and represent or are identical with Deity in the estimation of the masses, or would abolish altogether both oaths and the solemn affirmation now used.

VII. The use of these symbols and of the Koran in a Christian Court of Justice, is objected to as a direct recognition of idolatry and false religion.

VIII. The advocates of a return to oaths assert that a great increase of false testimony has followed their disuse, while the other party hold the opposite view. The opinion in the former case seems to be inferential as what must necessarily follow the abolition of forms binding on the conscience. That in the latter is stated to be founded on observation.

Some opponents of oaths admit the increase of false evidence but are disposed to attribute this to faults connected with the constitution and procedure of Courts.

IX. Summary punishment of false testimony is a *sine qua non* with all of whatever shade of sentiment in other respects.

4. The foregoing is an outline of the different views entertained on this subject. The papers now submitted are very voluminous, but the accompanying abstract, which has been drawn up for easy reference, will be found to contain all the information on the subject that is necessary.

5. The great evil the Courts have to contend with consists in the ease with which false evidence is to be purchased. All classes notice this; and hence the necessity, in their opinion, for prompt punishment in all cases of false testimony. With a provision to this effect the weight of opinion is perhaps in favor of a *simple* affirmation which is thought to be preferable to a warning or admonition as being the act of the witness and in itself conveying a warning which otherwise might be liable to be omitted or imperfectly communicated.

Captain Touch, of the Judge Advocate's Department in Bellary, Abstract para. 26.

ABSTRACT.

Ganjam. *Masulipatam.* *Vizagapatam.* *Guntoor.* *Rajahmundry.*

Mr. Forbes, the Collector of Ganjam, thinks that the number of those who have any veneration for truth, is very small. He is, therefore, in favor of a return to oaths, as calculated, from "a superstitious reverence" entertained for them, to restrain the masses who are otherwise easily tempted to falsehood. He believes that when parties elect to settle the point in dispute by an oath, they will generally prefer to have it administered under every circumstance of solemnity.

2. Mr. Forbes' European Assistants are divided in opinion. The Principal Assistant Collector, Mr. G. Thornhill, inclines to a *simple* statement in the case of the higher classes, but would introduce an oath, as regards all others, at the discretion of the presiding officer. Mr. F. Morris, Acting Senior Assistant Collector, considers the present solemn affirmation very suitable and that the re-introduction of oaths would be attended with much difficulty in practice, owing to the variety of forms that would be necessary, in order to reach the conscience of each person.

3. The opinions of the native officials and others, who were consulted in Ganjam, are for the most part very much of the foregoing complexion, viz. in favor of the re-introduction of oaths with discretionary power, in the presiding officer, to dispense with them, where the parties belong to, what are termed, the respectable classes. The District Moonsiff of Palasa would adopt a *simple* declaration in the case of such persons, and oaths as regards others, with ceremonies such as extinguishing a light in the temple, where the witness is of a notoriously bad character.

Mr. Reade. *Mr. Purvis.* *Mr. W. Knox.*

4. The Collectors of Vizagapatam, Rajahmundry and Masulipatam, are of opinion that native testimony would be improved by a return to oaths, at the same time prompt punishment of falsehood seems to be looked to as the most certain means of gaining the object in view. Mr. Purvis, Collector of Rajahmundry, though advocating the abolition of the present solemn affirmation in favor of oaths, is of opinion that the latter should be administered only at the discretion of the Court.

5. Mr. T. J. Knox, Principal Assistant Collector of Vizagapatam, states that he knows of no oath that would be of universal obligation in the Northern Circars and that each person should be sworn, if an oath is required, before the idol of his own village. Even then he thinks that truth would be elicited, not from a sense of religious accountableness, but in deference to the presence and opinion of neighbours. Mr. Knox notices that falsehood is considered to be admissable according to the moral notions of the Hindoos in a large number of cases, such as where women, Bramins, &c., are concerned, and that while such is the case, any appeal to the conscience must be in vain. He is opposed to the re-introduction of oaths and would receive evidence without a solemn affirmation.

6. Mr. H. Morris, Acting Sub-Collector of Rajahmundry, is of opinion that depositions on a *simple* affirmation would be as truthful as those now obtained, and that English gentlemen could not conscientiously administer the former oaths.

7. Captain Greenway, Executive Engineer of the Godavery Division, is also in favor of a *simple* declaration. He objects to the introduction of the Divine name into an affirmation, and "strongly deprecates any return to the old plan of Koran and Ganges water, because such official recognition of a quasi efficacy in the sacraments of false creeds, tends towards perpetuating them in the hearts of the people—especially the people of this country—with whom a Government guarantee is very powerful." Captain Greenway would extend the *simple* declaration to all Christian deponents, as the retention of the usual oath in their case presents not only an anomaly, but tends to their degradation in the eyes of the Heathen, as conveying the impression that veracity was only to be secured, as regards them, by a stronger appeal to the conscience.

8. P. Chenchal Row, Serishtadar of the Sub-division in Rajahmundry, regards both oaths and the solemn affirmation as "objectionable and useless," and advocates the substitution of a simple form "To tell the truth and nothing but the truth." The reasons of this opinion are ably and fully put forth and may be noticed somewhat in extenso. They are as follow:—

1. The impossibility of obtaining a conscientious regard as to what is uttered in consequence of the character and diversity of religious belief, some persons maintaining complete annihilation on the cessation of the present state; some the temporary duration only of future punishment, while others rest in the doctrine of transmigration of life, which, in its hold on the conscience, is feeble, compared with the conviction of the eternity of punishment. Some maintain, it is added, that man is a passive agent only and in no way morally accountable.

11. That the Hindoo moral code sanctions perjury when committed, "to save a cow or a Brahmin, to prevent the loss of character, money or life, or to make a marriage valid or practicable." "There is not a Native," it is added, "be he the highest official or the most learned Pundit, that will not consider it an honor to commit a perjury, to save thereby a man's life, or

premature. He is in favor of their re-introduction, though not sanguine that the cause of Truth will be much advanced by that measuse.

30. C. Chenganah, Head Clerk in the Chingleput Cutcherry, objects to the present solemn affirmation as too refined for the people in their present state of knowledge. The Ramayanum and the water of the Ganges, &c., he thinks, are alone suited to them.

31. The opinions of other natives in Chingleput are to the same effect. Some material object, which not only represents but is believed to be Deity, is considered necessary.

32. *South Arcot.*—Mr. Ratliff, the Acting Collector, thinks that the present solemn affirmation is altogether inefficacious. Both this officer and Mr. McDonell, the Sub-Collector and Joint Magistrate think that oaths are necessary; but "to be of real value," the latter observes, "must be taken in the temple."

33. Summary punishment is approved, but with the precaution of an oath superadded.

34. M. Rungacharloo, Head Serishtadar of South Arcot, considers oaths more efficacious than the solemn affirmation now in use; but where the latter has failed, it is owing, he says, to perjured parties getting off with impunity as is shewn by the returns of committals and convictions, the average of five years being 49 of the former and 27 of the latter. Strictly speaking, the oath, he observes, should be taken in the temple; but owing to the practical impossibility of such a course, he thinks that the Court House will be a sufficiently appropriate place. If the power of punishing summarily cannot be entrusted to the presiding officer of a Court, Rungacharloo thinks parties giving false evidence should be immediately tried with a jury of three or five persons.

35. The native feeling generally in South Arcot is in favor of oaths. Swearing in a temple is considered the proper way of administering an oath, but as this cannot be generally adopted, it is suggested that it be confined to special cases only. The solemn affirmation, it is stated, is not understood; and the words with difficulty pronounced.

36. *North Arcot*—The Sub-Collector of North Arcot would retain the present solemn affirmation for Hindoos and have an oath, as more binding, for the Mahomedans.

The native subordinates and native community in North Arcot are in favor of a return to oaths.

37. *Tanjore.*—The European authorities in Tanjore are generally in favor of a repeal of Act V. of 1840. A religious hold on the conscience by some outward means, is considered necessary.

38. Mr. Grenfell, Acting Sub-Judge of Combaconum, is of opinion that each person should be sworn in the name of the object which he worships, and, as in many cases it would be difficult to discover what that object is, he would allow the opposite party to dictate the form of oath to be administered, both in respect of the object of worship and of the ceremonial to accompany the administration of the oath.

39. In support of his opinion as to the necessity of external ceremonies, he adduces a case which came under his own observation. In a suit to recover on a deed of sale the Defendant declared his readiness to withdraw all opposition, if Plaintiff would, after bathing in the Cauvery, state with the Ramayanum in his hand, that the consideration embraced by the deed had not been received by him. Plaintiff refused to do this, but stated that he was willing to take the usual solemn affirmation in Court. It was understood, Mr. Grenfell adds, that Plantiff's claim was untenable.

40. The native opinion in Tanjore is in accordance with the above as to the necessity of the former oaths being again brought into use. The present solemn affirmation is looked upon, it is stated, as a mere warning from the Judge without any religious obligation attached to it.

41. V. Ramiah, Head Serishtadar of Tanjore and formerly a student in the Madras University, considers that the number of persons whose evidence may be safely taken without an oath, is "infinitesimally" small, and that there is a class of professional witnesses at Combaconum and other seats of Justice, who will not hesitate to give false evidence whether on oath or otherwise. With the majority of the people, oaths, he thinks, may be used with advantage. "The

native population may not," he says, "have a correct idea of a future state of rewards and punishments, but they are superstitious in the extreme, and oaths in forms suited to their religious belief, are calculated to strike terror into them. A mere declaration is lost on such men, * * * a mere formula conveying no idea or image to the mind, but called upon to swear upon the Ramayanum, or in the name of their village goddess, which they revere and adore as the preserver of themselves and their cattle from pestilence and from famine, they are at once put upon their guard, and their is a strong guarantee for their speaking the truth, however much the temptation may be the other way."

42. The Tahsildars and others in Tanjore hold the same views.

43. *Trichinopoly.*—It is the opinion of Mr. Bird, the Collector and Magistrate of Trichinopoly, and of all the Native officers in Trichinopoly, that oaths are indispensable.

44. The solemn affirmation is considered to be too refined for the people.

45. Both Mr. Simpson, a Wesleyan Missionary, and Mr. Kohlhoff a Missionary of the Society for the Propagation of the Gospel, as well as other gentlemen whom Mr. Bird consulted, are of opinion that without oaths there is no security against false evidence. "Whatever practice," Mr. Kohlhoff observes, "holds with respect to the European should hold also with the Hindoo or Mahomedan, who will thus be led to respect themselves the more, and be induced to pay a greater regard to truthfulness."

46. *Madura.*—Mr. T. Clarke, Collector and Magistrate of Madura, is not insensible to the increase of false testimony since the enactment of Act V. of 1840, and though the present solemn affirmation is neither understood nor appreciated by the people, and is sometimes looked upon as a kind of incantation, the repetition of which will be followed by evil if falsehood is uttered, he would not advocate a return to the oaths formerly in use. He does not consider them expedient, or necessary, or proper.

47. The attempt to build a superstructure of truth on a false foundation, viz. on an invocation to false gods, involves, he says, an inconsistency, and he does not think that a Christian Judge can be held guiltless of putting dishonor on the Truth if he takes part in such a proceeding.

48. He does not think that any necessity exists for paying such honor to idols on political or judicial grounds, as the use of oaths is repugnant to respectable witnesses and was found by experience to impede the administration of Justice.

49. Mr. Clarke, speaking from personal experience, says, that oaths, as formerly administered in Courts and Cutcherries, were seldom looked upon with any awe or reverence under the plea that no sacredness of the water is preserved in the presence of outcasts, and that there is no guarantee that the water poured out to the Hindoo is that of the Ganges, or the parcel tendered the Mahommedan, is not a bundle of rags, as it was once found to be.

50. The feeling, that taking an oath is dishonorable, is considered to be unchanged

51. Mr. Clarke notices the trifling with and profanity of the sacred principles of Truth in all Courts of Justice by the professional four-and-two-annas witnesses, and is of opinion that summary punishment of false evidence is imperatively called for.

52. Mr. Clarke would repeal Act V. of 1840. He would simply require witnesses to affirm the truth of their statements and warn them of the consequences of uttering a falsehood, and would introduce an Act declaring false statements summarily punishable by fine and imprisonment, making the provisions of Section VII, Regulation XIII of 1832 applicable to all sorts of false testimony, and extending its powers to the Magistracy and Police. Under this arrangement one appeal only is to be allowed, viz. from the tribunal awarding the punishment to that immediately above it.

53. The public servants and others in Madura, whose opinions have been taken, are, for the most part, in favor of the re-introduction of oaths, with divers additions as to the names of the different objects of worship, though some high in office with others unconnected with the public service, would retain the present solemn affirmation.

54. *Tinnevelly.*—Mr. Levinge, Collector and Magistrate of Tinnevelly, does not think that any alteration of the existing law would tend to improve the character of native evidence. He would, however, dispense with the present solemn affirmation and substitute for it a simple admonition.

55. He states that this was also the real opinion of natives, who thought that, whether a solemn affirmation or oaths were adopted, the practice, from its hourly occurrence, would soon pass into a mere form with those who habitually frequented Courts, and have the effect of deterring many, who have a dislike to oaths, from prosecuting or giving evidence; but that owing to the influence of some persons, connected with Pagodas, who looked to the creation of new appointments with the re-introduction of oaths, the native opinion, as now outwardly expressed, had undergone a change in favor of a return to oaths. Before this change of sentiment, it was the general opinion in Tinnevelly that witnesses should be simply warned and punished for falsehood; but that when parties desired that the subject in dispute between them should be decided by oath, and were agreed as to the form of oath, they should be allowed to follow that course.

56. A. Govindoo Naid, Head Writer in the Collector's Cutcherry, is of opinion, that, with a law for punishing falsehood, a preliminary warning alone would be sufficient.

57. *Coimbatore.*—The general opinion in Coimbatore, with one exception, is in favor of a return to oaths. The exception has reference to Mr. Walhouse, the Sub-Collector, who, "after 15 years constant experience is of opinion that oaths and affirmations should be altogether dispensed with." "There are oaths and forms of adjuration," he adds, "which the natives fear to break, and statements made under such might be relied on, but of these some are barbarous, others grotesque and nearly all so cumbrous and dilatory, as to be inadmissible in an English Court."

58. *Salem.*—In Salem, Mr. Hathaway the Collector and Magistrate, and his Acting Head Assistant, Mr. Carr, with several Native subordinates, are of opinion, that it will be wisest to retain the present system.

59. "I think," Mr. Hathaway observes, "that the total abolition of an oath, or solemn affirmation, would have a very injurious effect on the native mind, and give a sort of official stamp to the harmlessness of lying. On the other hand, the re-introduction of the abolished forms of oath, would, I think, be still more injurious to our character, as a Christian Government, inasmuch as it would, in a measure, be making a legal recognition of religions, which we believe to be false and baneful."

60. *Malabar.*—A large majority in this district is in favor of a return to oaths.

61. An elaborate paper drawn up by Mr. F. C. Brown, of Anjarakundy in this district, is forwarded by Mr. Grant the Collector and Magistrate, the object of which, apparently, is to shew that oaths and the complicated procedure of our Courts are unfavorable to Truth.

62. *Canara.*—Mr. Fisher, Collector and Magistrate of Canara, would repeal Act V. of 1840, not in favour of a return to oaths or of a simple affirmation, but of a warning, with punishment for a departure from truth.

63. He does not think that an oath really binding on the conscience of a Native can be administered in a Court, but in a Temple alone.

64. Mr. Fisher's subordinates, European and Native, advocate the taking of evidence on oath in the form most binding on the conscience, and are of opinion that prompt punishment is necessary, when a person giving evidence is detected in telling falsehoods.

65. *Madras.*—Mr. Cunliffe, Collector of Madras, and his native subordinates, are altogether in favor of the re-introduction of oaths.

66. The views of respectable natives at the Presidency, whose opinions have been taken do not differ from what has been said in the foregoing paras. Some incline to oaths as acting on the conscience, others entertain the opposite view.

No. 14. ORDER THEREON, 15th August 1859, No. 1090.

The Bill for the re-introduction of Oaths in Judicial Proceedings having been withdrawn in the Legislative Council, it is no longer necessary to forward these papers to Calcutta, in connection with that Bill. But as they discuss other questions of interest in relation to the taking of evidence, the Government resolve to forward them to the Clerk of the Council, with reference to his letter of the 20th November 1858, No. 168. They will also be communicated to the Member of the Council for Madras for his information with reference to his letter of the same date.

2. The papers thus forwarded will be the letter of the Board of Revenue and the precis of replies.

(Signed) J. D. BOURDILLON,
Secretary to Government.

Ordered in consequence that the following letter be despatched.

No. 15. From J. D. BOURDILLON, Esq., Secretary to Government, Fort Saint George; to W. MORGAN, Esq., Clerk of the Legislative Council of India; dated 15th August 1859, No. 1091.

With reference to your letter of the 20th November 1858, No. 168, I am directed by the Honorable the Governor in Council toforward a letter from the Board of Revenue dated 30th July 1859, with a precis of the replies given by the Collectors and others in the Presidency on the subject of Oaths and Affirmations.

N° 1090.

Proceedings of the Madras Government
Under date the 13th August 1859.

Read the following
letter from the Secretary to
the Board of Revenue.

Submitting with the
Board's remarks, correspond-
ence from the several Collectors
and other individuals at
Madras whose opinions were
asked on the subject of oaths
and affirmations, together
with an abstract drawn up
for easy reference, containing
all the necessary informa-
tion on the subject.

(Here enter 30th July 1859
N° 2958)

The Bill for the
introduction of Oaths
in judicial proceedings
having been withdrawn
in the Legislative Coun-
cil, it is no longer necessary
to forward these papers
to Calcutta, in connection
with

with that Bill. But as they discuss other questions of interest in relation to the taking of evidence, the Government resolve to forward them to the Clerk of the Council, with reference to his letter of the 20th November 58 No 168. They will also be communicated to the Member of the Council for Madras for his information with reference to his letter of the same date.

2 The Papers thus forwarded will be the letter of the Board of Revenue and the press of replies.

6 Copies to the Bd of Rev. Dispd 16th

Revenue 1859 Departt.
Pro: of Govt. 19th August
№ 1090.

Pro: of the Madras Govt.
Dft 15th August 59.

44-5
4-12-58

Revenue Board's letter with a precis of the replies given by the Collectors and others on the subject of Oaths and affirmations, to be forwarded to the Clerk of the Legislative Council of India and the Member of the Council for Madras.

№ 13 & 14.

Dispt. 16

Revenue Departt.
Fort St. Geo: 15 Augt 1859.
№ 1091.

To
W. Morgan Esqre.
Clerk of the Legislative Council
of India. —

Sir,

With reference to your letter of the 20th Novr. 1858 № 168 I am directed by the Honble. the Govr. in Council to forward a letter from the Board of Revenue dated 30th July 59 with a precis of the replies given by the several Collectors and others in this Presidency on the subject of Oaths and Affirmations.

Fort St. Geo:
15 Augt 1859.

Revenue 1859 Sept.
Pro: of Govt. 19th Augt.

No. 1091.

To the Clerks of the
Legislative Council of
India -
Dated 15th August 1859.

Revenue Board's letter
with a precis of the replies
given by the Collectors and
others on the subject of
Oaths and affirmations.

No 15 -