M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1710 — Press / ~~Mis.~~

1665-1668

Dated 13 8. 1862.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 13th August 1862.

No. 145. Read the following letter from CLEMENT DALE, Esq., Government Pleader, Sudder Adálat, to A. J. ARBUTHNOT, Esq., Acting Chief Secretary to Government, dated Madras, 29th July 1862, No. 108 :—

SIR,

12th July 1862, No. 1,518, Revenue Department.

1. I have the honor to acknowledge the receipt of the Proceedings of Government under the date and number noted in the margin, and to report to the Honorable the Governor in Council as my opinion, that it is not incumbent on Government to comply with applications of the nature of that referred to in the Proceedings now under acknowledgment, but that Government on such applications may refuse an inspection, or to furnish a copy, of any of their records.

2. I am of opinion that all communications made by Collectors in their official capacity to Government are privileged communications, the production of which cannot be enforced by any Municipal Court without the consent of Government.

3. If a suitor considers the production in evidence of a public record to be necessary for the support of his case, he should apply to the Court in which his case is pending, for a summons to be directed to the party in whose custody the record is kept; should such party consider the production of the record to be objectionable, he should attend the Court with the document and state his reasons for objecting to produce the document; the Judge will decide whether it should or should not be produced.

4. The subject is treated in the Circular Order of the Sudder Court, dated the 17th of June 1824, and the observations of the Board of Revenue there set out; provision is also made in Act No. II of 1855, Sections 21 and 23.

No. 146. ORDER THEREON, 13th August 1862, No. 1,710.

Ordered to be communicated to the Board of Revenue together with copy of the Order of Government, dated 12th July 1862, No. 1,518, to which this letter is a reply, for circulation to the Collectors.

(Signed) T. PYCROFT,
Chief Secretary.

No. 108

From Clement Dale Esqre Government Pleader Sudder Adalat

To A.J. Arbuthnot Esqre Acting Chief Secretary to Government

Madras 29th July 1862

Sir,

Para 1 I have the honor to acknowledge the receipt of the Proceedings of Government under the date and number noted in the margin; and to report to the Honorable the Governor in Council as my opinion, that it is not incumbent on Government to Comply with applications of the nature of that referred to in the proceedings now under Acknowledgment, but that Government on such applications may refuse an inspection, or to furnish a Copy, of any of their Records.

12th July 1862 No. 1578
Revenue Department

2. I am of opinion that all Communications made by Collectors in their Official Capacity to Government are privileged Communications, the production of which cannot be enforced by any Municipal Court without the Consent of Government

3. If a Suitor Considers the production in Evidence of a public Record to be necessary for the support of his Case, he should apply to the Court in which his Case is pending, for a Summons to be directed to the Party in

whose Custody the Record is Kept; Should such Party Consider the production of the Record to be objectionable, he should attend the Court with the Document and state his Reasons for objecting to produce the Document, The Judge will decide whether it should or should not be produced -

4 - The subject is treated in the Circular Order of the Sudder Court dated the 17 of June 1824, and the observations of the Board of Revenue there set out; provision is also made in Act No II of 1855 Sections 21 and 23.

I have the honor to be
Sir
Your Most Obed[t] Servant

W. Tayler

W-1710.

Gov[t] Pleader &c &c

Ordered to be communicated to the Board of Revenue together with copy of the order of Gov[t] dated 12th July 1862 No 1518 to which this letter is a reply, for circulation to the Collectors.

W M

4th Board of Rev: Despt 4th
24th Court of Sudr Adalut for information.

Rec[d] 18th July 1862
Rec[d] 19th July 1862
Rec[d] 21st July 1862

Rec[d] 12th July 1862 No 1710
From Gov[t] Pleader &c &c
Rec[d] 17th July 1862
Rec[d] 19th July 1862
Rec[d] 21st July 1862

Date 29th July 1862
Rec[d] 31st July 1862

Rec[d] 108

Reporting as this Opinion that it was not necessary on Gov[t]'s part to comply with the Application for the production of public Documents but that Gov[t] might refuse or dismiss an inspection or demand a Copy if deemed necessary -

Rec[d] 12th Aug[t]

Write an order