M.R.O. 14—13,000—27-9-24.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 243 Press ~~Mis.~~

109-160

Dated 8 . 2 . ~~19~~ 1864

Not to be folded or roughly handled.

No. 159. Read the following Proceedings of the Board of Revenue, dated 4th February 1864, No. 745:—

Read the following letter from the Government Pleader, dated Madras, 1st February 1864, No. 22.

1. I do myself the honor of reporting for the information of the Board that the Collector of the Kistna District has intimated to me that certain queries would be sent by the Civil Court at Guntoor to the Court of Small Causes at Madras, for the purpose of being put to one Mr. Marcellus Burke, an inhabitant of Madras, who is cited as a witness on behalf of C. V. Narayanappa, the Defendant in Original Suit No. 103 of 1855 on the file of the late Civil Court at Masulipatam, which has been referred by the High Court for the trial of certain issues; and the Collector has requested me to appear before the Court on behalf of the Plaintiff and cross examine the witness.

2. I have put myself in communication with the Registrar of that Court, and have been informed that Thursday next, the 4th instant at 11 o'clock has been fixed for the purpose of proceeding with the examination.

3. From information obtained from the Court I learn that the Civil Court of Guntoor has ordered the examination of four witnesses, viz.,

1. Chintala Paty Viswanadum;
2. Mr. Marcellus Burke;
3. Gumparthy Narasyah; and
4. The Secretary to the Board of Revenue.

Of the first three witnesses I know nothing, and at the Small Cause Court I cannot even get their address beyond "Madras." From paper sent to me by the Collector, I find Mr. Marcellus Burke resides at No. 68 in Condapah Modelly street, at Pursewaukum.

4. To enable me to cross examine, I should be in possession of information regarding the character, profession, or means of livelihood of these parties, their antecedents, where they have been residing, what means they would have of knowing that the father Cavally Lutchmiah had advanced money to Lutchmedavamah, the widow of the last Zemindar, and in fact any circumstances which would enable me to test the truth of their testimony, or would impugn their character if it will not bear investigation.

5. I have not the means through which I could obtain the information alluded to, and probably the Board may not have persons in their Establishment adapted for that description of work. I do not know whether the Collector of Madras could obtain it.

6. In England the aid of intelligent Officers attached to the Police are freely given for such purposes. I know that in 1826-27, on the application of a gentlemen against whom an action in the King's Bench was pending, and in which it was necessary to work up evidence for his defence, the Chief Magistrate at Bow-street without hesitation placed at that gentleman's disposal the services of one of the most intelligent of the Bow-street Officers; and for the services rendered the Officer was permitted to receive remuneration. The Law Reports show that the services of intelligent Detectives and Police Officers are constantly made available for similar purposes in Civil Suits. The present Commissioner of the Madras Police says he has not a sufficiency of men to enable him to detail any for such duties; he however does not think they fall within his province. Assuredly no private individual has a right to require such assistance at the hands of the Police; unquestionably it is a matter of favor, and would not be granted if it would interfere with the public service. In England doubtless there are men who can be spared for light work of that description without, as a general rule, its materially interfering with their ordinary duties; and if in Madras the Force is so extremely limited, that not a single intelligent man can be spared for work of that description, I imagine there must be now, as there were formerly, a

number of men whom the Commissioner frequently employs for extra duties, and whom he could recommend, who could be employed on payment for obtaining information required.

1. Communicated to the Acting Collector of Madras, in view to his affording the Government Pleader all the aid in his power for the purpose stated. The Madras Deputy Collector has probably the means of giving efficient aid in this and similar cases.

2. Communicated also to the Collector of the Kistna District, who should have sent the Government Pleader fuller information as to the parties whom he was requested to examine on behalf of Government.

3. Copy of Mr. Dale's letter will also be submitted for the consideration of Government, and for such orders as they may think fit to pass to enable the Government Pleader to obtain all the information he may require in Government cases in the High Court as occasion may arise. Cases may doubtless occur in which the assistance of the Police may be needed for confidential enquiry.

No. 160. ORDER THEREON, 8th February 1861, No. 213.

Paragraph 6 of Mr. Dale's letter to the Board of Revenue will be referred to the Judicial Department for consideration and orders.

(True Extract.)

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

To the Judicial Department.
„ Board of Revenue.

Exd. S. T. Augustin.

No. 745.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 4th February 1861.

Read the following letter from the Government Pleader, dated Madras, 1st February 1861, No. 22:—

1. I do myself the honor of reporting for the information of the Board that the Collector of the Kistna District has intimated to me that certain queries would be sent by the Civil Court at Guntoor to the Court of Small Causes at Madras, for the purpose of being put to one Mr. Marcellus Burke, an inhabitant of Madras, who is cited as a witness on behalf of C. V. Narayanappa, the Defendant in Original Suit No. 103 of 1855 on the file of the late Civil Court at Masulipatam, which has been referred by the High Court for the trial of certain issues; and the Collector has requested me to appear before the Court on behalf of the Plaintiff and cross examine the witness.

2. I have put myself in communication with the Registrar of that Court, and have been informed that Thursday next the 4th instant at 11 o'clock has been fixed for the purpose of proceeding with the examination.

3. From information obtained from the Court I learn that the Civil Court of Guntoor has ordered the examination of four witnesses, viz.,

1. Chintala Paty Viswanadum;
2. Mr. Marcellus Burke;
3. Gumparthy Narasyah; and
4. The Secretary to the Board of Revenue.

Of the first three witnesses I know nothing, and at the Small Cause Court I cannot even get their address beyond "Madras." From paper sent to me by the Collector, I find Mr. Marcellus Burke resides at No. 68 in Condapah Moodely street, at Pursewaukum.

4. To enable me to cross examine, I should be in possession of information regarding the character, profession, or means of livelihood of these parties, their antecedents, where they have been residing, what means they would have of knowing that the father Cavally Lutchmiah had advanced money to Lutchmedavamah, the widow of the last Zemindar, and in fact any circumstances which would enable me to test the truth of their testimony, or would impugn their character if it will not bear investigation.

5. I have not the means through which I could obtain the information alluded to, and probably the Board may not have persons in their Establishment adapted for that description of work. I do not know whether the Collector of Madras could obtain it.

6. In England the aid of intelligent Officers attached to the Police are freely given for such purposes. I know that in 1826-27 on the application of a gentleman against whom an action in the King's Bench was pending, and in which it was necessary to work up evidence for his defence, the Chief Magistrate at Bow-street without hesitation placed at that gentleman's disposal the services of one of the most intelligent of the Bow-street Officers; and for the services rendered the Officer was permitted to receive remuneration. The Law Reports show, that the services of intelligent Detectives and Police Officers are constantly made available for similar purposes in Civil Suits. The present Commissioner of the Madras Police says he has not a sufficiency of men to enable him to detail any for such duties; he however does not think they fall within his province. Assuredly no private individual has a right to require such assistance at the hands of the Police; unquestionably it is a matter of favor, and would not be granted if it would interfere with the public service. In England doubtless there are men who can be spared for light work of that description without, as a general rule, its materially interfering with their ordinary duties; and if in Madras the Force is so extremely limited, that not a single intelligent man can be spared for work of that description, I imagine there must be now, as there were formerly, a number of men whom the Commissioner frequently employs for extra duties, and whom he could recommend, who could be employed on payment for obtaining information required.

Rect. 1864. Department.
Pro. of Govt. for February.

No. 151.

PROCEEDINGS OF THE BOARD OF REVENUE.

Dated 4th February 1864.

Exp. 5-8

Pro. Madras Govt. Jud. Dep. 8/24 Feby/64 Cal. 533

No. 745.

Pro. Bd. of R. 9/12 March/64

From Mad. Govt. Jud. Dep. 8/23 Mar/64 Cal. 786.

Communicating letter from the Government Pleader intimating receipt of a letter from the Collector of the Kistna District requesting him to appear before the Small Cause Court and cross-examine some witnesses to be examined there on behalf of Defendant in O. S. No. 103 of 1855, on the file of the late Masulipatam Civil Suit.

(No. 243. 9 Feby.

Will Lawrence

No. 243.

Board of Rev.

Dale's letter is to the Board of Revenue will be referred to the Judicial Depart. for consideration and orders.

L. M.

Fort St. George 9th Feby. 1864.

Rd. C. Lude 10th Copies 9 Feby
11 Copies Tottie 10 Feby Rec'd Copies 11 Feby

No. 159 & 160.

1. Communicated to the Acting Collector of Madras, in view to his affording the Government Pleader all the aid in his power for the purpose stated. The Madras Deputy Collector has probably the means of giving efficient aid in this and similar cases.

2. Communicated also to the Collector of the Kistna District, who should have sent the Government Pleader fuller information as to the parties whom he was requested to examine on behalf of Government.

3. Copy of Mr. Dale's letter will also be submitted for the consideration of Government, and for such Orders as they may think fit to pass to enable the Government Pleader to obtain all the information he may require in Government cases in the High Court as occasion may arise. Cases may doubtless occur in which the assistance of the Police may be needed for confidential inquiry.

(A true Copy and Extract.)

Secretary.

To J. D. Sim, Esq., Secretary to Government, R. D.
" G. Banbury, Esq., Acting Collector of Madras.
" G. Thornhill, Esq., Collector of the Kistna District.
" C. Dale, Esq., Government Pleader, Madras.

Exd. J. Wright.