M.R.O. 14—18,000—57-6-24.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 3472 Press ~~Mis~~

434-436

Dated 22 — 12 — ~~19~~ 1866

Not to be folded or roughly handled

Read the following papers :—

No. 434. From the Registrar of the High Court of Judicature at Madras, to the Secretary to Government, Revenue Department, Fort Saint George, dated Madras, 8th November 1866, No. 63.

1. I am directed by the Acting Chief Justice and Judges of the High Court to forward, for the consideration of Government, copies of two letters from the Judge of the Small Cause Court of Cuddalore, complaining of the inconvenience caused by the Collector closing his Office and Treasury, without notice, on days not authorized as public holidays. It is obvious that the practice of closing Public Offices on unauthorized days, would, if it became at all general, often interfere with the regular and satisfactory administration of justice.

2. The High Court have no control over the Collector as to the management of his Office, and are therefore compelled to lay the matter before Government.

From the Judge of the Court of Small Causes, Cuddalore, to the Registrar of the High Court of Judicature, Madras, dated Cuddalore, 19th October 1866, No. 14.

1. I have the honor to bring to the notice of the Judges the inconvenience and delay to the business of this Court that is occasioned by the Collector's Cutcherry and the District Treasury being closed without notice, and upon days on which no holidays are allowed by Government.

2. In the official list of authorized holidays, one day is allowed for the Dasara feast, but this year the Collector's Cutcherry and Treasury are closed, for what reason I am unaware, and will not re-open until Monday, the 22nd instant.

3. On the 11th instant I applied officially to the Collector for certain records belonging to the Cuddalore Talook, required for reference in Summary Suit No. 894, on the file of my Court. The records were not forwarded by the Collector, and yesterday evening, finding that the suit was posted for hearing this day, and that the Collector's Office was closed for the Dasara feast, as I have stated, I directed my Nazir to apply direct to the Cuddalore Tahsildar for the papers. The Tahsildar to-day reports that the records in question have been for some time in the Collector's Office, and that he had duly informed the Collector of the fact.

4. The Collector's Cutcherry not being opened to-day, I have had no option but to postpone the trial of the suit until the documents are forwarded to me ; and, in consequence of the delay, the parties with a large number of witnesses (for the case is an unusually important and serious one) are caused unnecessary inconvenience and expense in the way of batta, &c., &c.

5. I have also had occasion to remit to the District Treasury monies paid into Court upon an order of this Court, but the remittance, together with my official letter to the Deputy Collector, has been returned, with a verbal intimation that the treasury is closed with the permission of the Collector, and that none of the Treasury officials are in attendance, and I am consequently compelled to retain the money in my Court until the Treasury re-opens.

6. A letter I addressed to-day to the Treasury Deputy Collector, respecting the purchase of stamps, is also un-replied to for the same reason.

7. I submit that if the Collector sees fit to grant leave to his Cutcherry people on dates not set apart as holidays by Government, he is bound to give notice of the fact, and to make such arrangements as will prevent inconvenience or delay to the work of other Offices being occasioned by such indulgence.

From the Judge of the Court of Small Causes, Cuddalore, to the Registrar of the High Court of Judicature, Madras, dated Cuddalore, 22nd October 1866, No. 15.

With reference to the subject of my letter No. 14, of the 19th instant, I have the honor to inform you that subsequent to the despatch of that letter, and after I had also addressed Mr. Reade about

the inconvenience I had experienced, the Collector cancelled a portion of the holidays he had previously granted to the Treasury officials, and on Saturday the District Treasury was open during half the day, that is from 11 A. M. to 2 P. M.

Transferred to the Revenue Department.

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

FORT SAINT GEORGE,
8th November 1866.

1. Forwarded to the Board of Revenue for report, after reference to the Collector.

2. The Government wish to have a Memorandum shewing on what days, not being authorized public holidays, the Collector's Office has been closed since January last.

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

Received 12th
Entered and returned 12th } November 1866.

(Signed) W. HUDLESTON,
Secretary.

No. 435. Proceedings of the Board of Revenue, dated 10th December 1866, No. 8,771.

Read the following letter from the Collector of South Arcot, to the Secretary to the Board of Revenue, dated Cuddalore, 20th November 1866, No. 234.

1. I am in receipt of the Order of Government, communicated with the Board's Proceedings, No. 8,214, of the 14th instant, calling on me to submit a Memorandum shewing on what days, not being authorized public holidays, my office has been closed since January last.

2. I beg, in reply, to state that I am not in the habit of granting holidays to my office people, and on reference to the Heads of Departments mentioned in the margin, and whose Memorandums I enclose, marked A. and B., I have ascertained that only in the instances* here quoted, has any holidays been granted to the Office, other than on the days authorized by Government.

Head Serishtadar, Vernacular Department.
Head Clerk, English Department.

* 1st March.
14th July.
10th August.

3. The first of these days (1st March) is a very important local festival which all castes observe, and which, in the Collector's Office, has always been allowed as a holiday, and it is also universally observed in all the local Courts. The second (14th July) has, likewise, been a usual holiday when the office establishment is in Cuddalore; but, I may observe, that this holiday is looked upon in lieu of that granted by Government on the 14th April, and known as the Triplicane feast, which is never observed in this district, and therefore the one is a mere substitute for the other. The third (10th August) is not an understood holiday; but in this year it was granted, for some special reason, by Mr. Irvine, who was in temporary charge of my Office, owing to my sudden illness at the time.

4. On the occasion referred to by Mr. Whiteside, in his letter of complaint to the High Court, I had planned to visit certain irrigation works which had become breached in recent floods, situated about twenty-six miles from Cuddalore; and, as I could not well do this distance, including going and returning, under three days, and there was no necessity to take out of my office people with me, I took advantage of the Dasara feast, which fell on the 18th October, and accordingly granted them the two additional days of the 19th and 20th, directing that all matters of importance should be attended to. It so happened, that I was summoned back the night of the day I left, by the illness of my child, while also the weather prevented my further progress, and I, accordingly, returned the next morning (the 19th), and although fully occupied myself with correspondence and other matters, I did not require the attendance in Office of the Vernacular Department, as they had no notice of my unexpected return, but on the following day (Saturday the 20th) Office was held as usual.

5. Mr. Whiteside makes a great mistake in supposing that any letter from him would have influenced my plans, formed on public and conscientious grounds; and my cancelling one of the two additional days, granted by me on the occasion of the Dasara, was simply for the reasons already stated.

6. For myself, except on Sundays, I do not really know what it is to enjoy a day's respite from work; and when occasional public holidays do occur, it is my opportunity to clear off appeals and other miscellaneous matters, the disposal of which, for weeks together, I am sometimes compelled to postpone, owing to the pressure of more important affairs claiming my daily attention, and it is the same with the English Department of my Office, to the Clerks in which I am seldom able to give leave on the Hindoo holidays allowed by Government.

7. I have to add that, since the agitation of the question of granting a half holiday on every Saturday to Public Offices in the Provinces, namely, from September last, I have allowed the servants of my Office to leave at 3 o'clock on that day, but many of them attend early in the morning; so that, except for a few who reside at a long distance, the indulgence is nothing great.

8. The Government will perceive, from what I have stated, that only three days have been conceded as holidays during the current year, and one of these was in lieu of, not in addition to, one of the prescribed Government holidays; thus, the excess days over those allowed by Government have really been only two, and I feel confident that this fact will satisfy Government that a careful discretion has been exercised by me, and that the Head of a district should be allowed discretion in a matter of the kind, will, I presume, be concurred in by Government.

ENCLOSURES Nos. 1 and 2.

ABSTRACT.—Memorandums from Serishtadar and Head Clerk.

1. Submitted to Government, with reference to Government Order dated 8th November 1866, Revenue Department.

2. The Board do not consider that in the matter in question, Mr. Reade has exceeded the powers vested in Collectors, though it was unfortunate the Judge of the Small Cause Court should have been somewhat inconvenienced on the particular

occasion brought to notice. The Office appears to have been closed on the 18th and 19th October for the Dasara, for which feast two days are allowed in South Arcot in the authorized list. The Collector should always make special arrangements for the despatch of emergent business, if his Office from any cause happens to be closed on a day when other Offices are open; and should notify the fact to the Courts beforehand.

No. 436. ORDER THEREON, 22nd December 1866, No. 3,472.

Miscellaneous.

The Government concur with the Board of Revenue in their observations on this question.

(True Extract.)

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

To the Board of Revenue.
,, the Judicial Department.

Extd. S. T. Augustin.

For consideration of the Board of Rent for report after reference to the Collr.

The first wish to have a memo: showing on what last days - but being one restricted public holidays. the Collrs Office has been closed since last March.

L. A. S.

Received 12th November 1866.
Entered 12th

L. Bd of Revenue for entry

Secretary -

C-F. 4012-1/16 H.3472.

The fee. enclosed in the Ld. Asst. in their observations on the former.

J. D.S.

22nd Decemb 66

Dated 10th December 1866.

Rec'd 13 Dec

Read 14th Do

Sent to Judicial Dept. D.S.

Rev. 1866. Department.
Proc. of Govt. for December

No. 2471.

PROCEEDINGS OF THE BOARD OF REVENUE,

No. 8,771.

No. 3472 dated 10th Dec 1866

Submitting letter from Collector of South Arcot reporting the occasions, other than authorized public holidays, on which his office has been closed since January 1866; and remarking that discretionary powers vested in Collectors has not been exceeded in this case.

Copy to the Collector of South Arcot.

Encl. 1. Wright

No. 431 to 436

With Orders

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