Sectt. I (i)-I—10,006—7-10-70.

(1) Number of pages_____

(2) Date of repair_____

(3) Initials of the Referencer_____

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

DEPARTMENT

G.O. No. / B.P. No.	1207	Press / Mis.

Dated 22-5-76 197 .

Not to be folded or roughly handled

MRG

120/

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

READ the following ~~letter~~ papers

Petition dated 3rd April 1876 from Silas, Pa-
-daya Christian of Kaity Mission, com-
-plaining of being unjustly fined and
imprisoned for felling a tree on pri-
-vate property with the permission
of the owner.

Letter dated 2nd May 1876 from the Tandu-
-ment Magistrate, Wellington, for-
-warding the record of the case.

Order thereon, Ootacamund, 20th May
1876, No. 981.

There is no question
that the Petitioner held a writ-
ten permission from the Revered at
Rochler of the Kaity Mission, au-
thorizing him to fell the tree in
question, and from examination of
the

the grant and the enquiries instituted by the Government there is no doubt that it was standing in the Imperial property and that no offence whatever was committed by the Petitioners.

2. The Governor in Council directs that the tree be at once surrendered to the Petitioners, that the fine of Rupees 50 levied from him be at once refunded, and that a further sum of fifty Rupees be paid to him as some compensation for the imprisonment to which he has been unjustly subjected.

3. The Commissioner will make these payments and will call on Major Jago, the Deputy Conservator of Forests, to show cause why the latter sum should not be recovered from the Forest subordinates who laid and prosecuted the

the unfounded charge, for their gross and culpable negligence.

4. The enquiry made shows unmistakeably that the tree stood within the boundary of private property, that evidently no attempt had been made to ascertain how the boundary stones stood, for they were buried in bushwood that had to be cut away before they could be approached, and overgrown with moss which had not been disturbed.

5. The Governor in Council considers that the enquiry held by the Cantonment Magistrate was defective in so far that he failed to obtain the evidence of the Reverend A. Rochler who granted the pass which was produced before the Magistrate and who could have deposed to the question of boundary, and also in not requiring the Forest Officers

officers to corroborate their bare
assertion of the tree being Govern-
-ment property by describing its
position with reference to the ad-
-jacent boundary stones or marks.
The lamentable perversion of justice
which has occurred in this case will
be a warning to the Cantonment
Magistrate of the care which is
necessary in disposing of Forest
charges, and in accepting the testi-
-mony of Forest subordinates whose
zeal may render them too ready
to impute criminal offences to the
public in connexion with their
operations.

6. The evidence given before
him as to the tree being in a
Government Khalsa, and the
Khalsa being officially named,
was manifestly inaccurate

Found

from beginning 170/3 to end.

True Extract

Chief Secretary

No. 2054
Rev. 1876 Dept

Govt. of {187} Madras.

Proceedings Judl Departt

To

Dated 20 May
Recd. 22-5-

1876, No. 981.

Nos.

Papers

Papers relative to Petition from Bastian Fernandez of Kandy Mission complaining of being unjustly fined and imprisoned for felling a tree on private property with the permission of the owner.

No 1207 - 22 May 1876

With Order

Communicated to Rev Coombes

Copy

To Rev Coombes Kandy 23 May 1876