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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

DEPARTMENT

G.O. No.	1207	Press
B.P. No.		Mis. ✓
Dated	22-5-76	197

Not to be folded or roughly handled

1207
Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

READ the following letter papers

Petition dated 3rd April 1876 from Silas, Madaya Christian of Kaiti Mission, complaining of being unjustly fined and imprisoned for felling a tree on private property with the permission of the owner.

Letter dated 2nd May 1876 from the Cantonment Magistrate, Wellington, forwarding the record of the case.

Order thereon, Octacommund, 20th May 1876, N^o 981.

There is no question that the Petitioner held a written permission from the Reverend St Roches of the Kaiti Mission, authorizing him to fell the tree in question, and from examination of

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

2. The Governor in Council directs that the tree be at once surrendered to the Petitioner, 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 Commissioner of Forests, to show cause why the latter sum should not be recovered from the Forest subordinates who laid and prosecuted

the unfounded charge, for their gross and culpable negligence.

4. The enquiry made shows unmistakably 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 brushwood that had to be cut away before they could be approached, and overgrown with snags 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 Court-martial
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 Sholoh, and the
Sholoh being specially named,
was manifestly inaccurate
from

from beginning to end.

True Extract

Industrie

Chief Secretary

Respectfully Expected

