

(1) Number of Pages.....16
(2) Date of repair.....5.3.68
(3) Initials of the Referencer.....24.68

MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No.

856

Press

B.P. No.

Mis.

Dated

26. 6. 1876 196 .

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
26th June 1876.*

No. 273. Read the following Proceedings of the Board of Revenue, dated 10th June 1876, No. 1,532:—

Read the following letters:—

From R. J. MELVILLE, Esq., Acting Collector of Sea Customs, Madras, to C. A. GALTON, Esq., Acting Secretary to the Board of Revenue, dated 26th May 1876, No. 913.

With reference to the papers marginally noted, I have the honor to forward herewith copy of a letter from the Acting Government Order, dated 9th December 1873, No. 1,382. Government Solicitor, dated 22nd May 1876, No. 254, with enclosure (to be returned), and request the order of Government may be obtained for the payment of the amount specified in the Board's Proceedings, dated 15th May 1875, No. 1,315. Government Order, dated 4th February 1876, No. 152.

decree, viz., Rupees 4,988-15-0, to the plaintiff in Suit No. 52 of 1874.

2. I have written to the Government Solicitor requesting to be furnished with a copy of the decision of the High Court in the matter of the appeal preferred in connection with this suit, and referred to in Board's Proceedings, dated 15th May 1875, No. 1,315, and G.O., dated 4th February 1876, No. 152, and shall submit it to the Board when received.

ENCLOSURE No. 1.

From E. BARCLAY, Esq., Acting Government Solicitor, Madras, to R. J. MELVILLE, Esq., Acting Collector of Madras, dated 22nd May 1876, No. 254.

I HAVE the honor to forward herewith the decree made in Original Suit No. 52 of 1874 in P. Chidambaram *versus* the Collector of Sea Customs, dated 1st February 1875, from which you will observe that the defendant is decreed to pay to the plaintiff or to his attorneys the sum of Rupees 4,988-15-0, I have, therefore, to request that you will obtain the sanction of Government for payment of the above amount.

(True Copy.)

(Signed) J. BLAKE,
For Acting Collector of Sea Customs.

ENCLOSURE No. 2.—Authenticated Copy of Decree.

From R. J. MELVILLE, Esq., Acting Collector of Sea Customs, Madras, to C. A. GALTON, Esq., Acting Secretary to the Board of Revenue, dated 30th May 1876, No. 941.

With reference to paragraph 2 of my letter, dated 26th May 1876, No. 913, I have the honor to forward herewith copy of a letter received from the Acting Government Solicitor, dated 27th May 1876, No. 264, stating that copy of the decision on appeal referred to will be sent on the re-opening of the High Court.

ENCLOSURE No. 1.

From E. BARCLAY, Esq., Acting Government Solicitor, Madras, to R. J. MELVILLE, Esq., Acting Collector of Sea Customs, Madras, dated 27th May 1876, No. 264.

I HAVE the honor to acknowledge receipt of your letter of the 26th May, instant, No. 919, and in reply to inform you that as the High Court is now closed for the annual vacation, I am unable to apply for a copy of the decree on appeal. I will, however, do so on the re-opening of the Court.

*Proceedings of the Madras Government, Revenue Department,
26th June 1876.*

which will be on the 10th July next. In the mean time, it will be advisable to obtain the sanction of Government for payment of the amount of the decree forwarded to you with my letter of the 22nd May, instant, No. 251, to prevent any execution being issued on the Court being opened.

(True Copy.)

(Signed) R. J. MELVILLE,
Acting Collector of Sea Customs.

SUBMITTED to Government with reference to G.Os., 9th December 1873, No. 1,382, and 4th February 1876, No. 152.

2. Payment of the amount decreed may be made under G.O., dated 10th March 1876, No. 355, which directs that refunds and payments ordered by a competent Court should be made subject to the exercise of the right of appeal when the order appears to be contestable.

(True Copies and Extract.)

(Signed) C. A. GALTON,
Acting Secretary.

No. 274.

ORDER THEREON, 26th June 1876, No. 856.

Miscellaneous.

THE order quoted by the Board is not applicable to the present case; the decree of the High Court not being

directed against the Government but the Collector of Sea Customs at Madras.

2. The usual course is to obtain a copy of the Judgment and then decide whether the officer concerned shall be held personally responsible or not. In the present case, however, the Governor in Council is sufficiently conversant with the facts of the case, to enable him to say at once that there is no room for deliberation. He considers that Mr. Hunter-Blair is entitled to the full support of Government, and directs that the sum of Rs. 4,988-15-0 mentioned by the Board be disbursed as a public charge.

(True Extract.)

(Signed) D. F. CARMICHAEL,
Secretary to Government.

To the Board of Revenue.
„ the Accountant-General.

Exd. F. R. Bantleman.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 10th June 1876.

No. 1532.

Read the following

C. No. 913

From R. J. Melville Esq
Acting Collector of
Sea Customs
To C. A. Galton Esq
Acting Secretary
Board of Revenue.

Sir,
With reference to the
papers marginally noted,
I have the honor to for-
ward herewith copy of
a letter from the Acting
Government Solicitor,
dated 22nd May 1876 No. 254
with enclosure and request the
order of Government may be
made.

W. H. French



Govt. of 1876: Madras.

REVENUE.

To THE BOARD OF REVENUE,
&c., &c., &c.

Dated June, 26th.

Recd.

Encl.

G.O., 26th June 1876, No. 856.

JUNE.
No. 273-274.

Suit No. 52 of 1874, filed in the High Court
against the Collector of Sea Customs, Madras, in
an Opium smuggling Case.—Directing disburse-
ment of Rs. 4,988-15-0 decreed in—, as a public
charge.



obtained for the payment of
the amount specified in the
decree, Viz Rupees. 4988-15-0
to the Plaintiff in Suit No 52
of 1894.

2. I have written to the
Government Solicitor request-
ing him to be furnished with a copy
of the decision of the High Court
in the matter of the appeal pre-
ferred in connection with this
suit and referred to in Board's
Proceedings dated 15th May
1895 C.V. 1315, and G.O. dated
4th February 1896 C.V. 152, and
shall submit it to the Board
when received.

I have of
Sea Customs House } signed R. J. Melville
Madras, 26 May 1896 } Sd/- Collector
Sea Customs.

Enclosure

Enclosure.

C.V. 254

From Ernest Barclay Esq
Ag Government Solicitor
Madras
To

R. J. Melville Esq
Sd/- Collector of Madras.

Sir,
I have the honor to for-
ward herewith the Decree made
in O. S. C.V. 52 of 1894 in P.
Sithambaram ~~vs~~ The Collector
of Sea Customs, dated 1st Fe-
bruary 1895 from which you
will observe that the Defend-
ant is decreed to pay to the
Plaintiff or to his attorney
the sum of Rupees. 4988-15-0,
I have therefore to request
that you will obtain the sum-
-tion of Government for payment of

of the above amount.

I have 2nd
Addres. 2nd / Ernest Barclay
23rd May 1896 }
Sg Govt Solicitor
/ True Copy /
Sg / T. Blake
for Sg Collectr Sea Customs.

Read also the following
N^o 941.
From W. C. J. Melville Esq
Sg Collectr of Sea Customs
To C. A. Galton Esq
Sg Sustay Board of Revenue.

Sir,
With reference to para. 2.
of my letter, dated 26th May 1896
N^o 915, I have the honor to
forward herewith copy of a letter
received from the Acting
Government Solicitor, dated
27th May 1896 N^o 264, stating
that

that copy of the decision on
appeal referred to will be sent
on the reopening of the High
Court.

I have 2nd
Sea Customs House. 2nd / W. C. J. Melville
Addres. 30th May 1896 } Sg Collr Sea Customs.

Enclosure

N^o 264

From Ernest Barclay Esq
Sg Government Solicitor
To W. C. J. Melville Esq
Sg Collectr of Sea Customs
Addres.

Sir,
I have the honor to
acknowledge receipt of your
letter of the 26th May instant,
N^o 919 and in reply to inform
you that the High Court is
now closed for the annual vaca-
-tion, I am unable to apply for

for a copy of the Decree on an
appeal. I will, however,
do so on the re-opening of the
Court which will be on
the 10th July next. In the
meantime it will be advisable
to obtain the sanction of Govern-
ment for payment of the amount
of the Decree forwarded to you
with my letter of the 22nd May
instant N^o 254, to prevent
any execution being issued,
on the Court being opened.

Madras. } I have &c
27th May 1873 } sigd/ Ernest Barclay
City Court Solicitor.

True Copy

sigd/ W. C. J. Melville

Acting Collector
Sea Customs.

Submitted

Submitted to Government
with reference to G. O. 9th Decem-
ber 1873 N^o 1382 and 4th Febru-
ary 1876 N^o 152.

Payment of the amount
decree may be made under
G. O. dated 10th March 1876 N^o 355,
which directs that refunds
and payments ordered by a
Competent Court should be
made subject to the exercise
of the right of appeal when
the order appears to be con-
testable.

True Copies & Extracts

W. L. L. L.
Ag Secretary

To The Secretary to
Government P. O. D.
with authenticated copy of
Decree to be returned.

W. L. L. L.
C. 13.

No 856

R. A

Read Profs. Bd. Rev.

10th June/76.

The Order quoted by the Bd. is not applicable to the present case; the decree of the High Court not being directed against the Govt but the Collector of Sea Customs at Madras.

2. As usual in cases where their officials are sued in their official capacity, the Govt. authorized the Crown Solicitor to defend the suit, in the first instance; but it is not the practice of Govt. to hold themselves responsible for the payment of any damages & costs that may be awarded against any of their officials, until, after a perusal of the Judgment of the Courts, they are satisfied that the official acted in a bona fide manner.

3. The usual course is to obtain a copy of the Judgment & then decide whether the official concerned should be held personally responsible or not. In the present case, however, the Govt. is sufficiently conversant with the facts of the case, to enable him to say at once that there is no room for deliberation. He considers that Mr Hunter is entitled to the full support of Govt. & directs that the sum of Rs 249 88-15-0 mentioned by the Bd. be disbursed as a further charge.

By Concerned 26/6/76

26 June 1876

Ind. C. of the Board of Directors June 26. To the Accountant General. Dated 26th June 1876

I would mark the recommendation of the

the account credit to the Court that is cash of the order no further done. I have not at present any other recommendation of the Board of Directors.

L. V. 14/6/76

109 Dec/73 - 112. 13
- 14 Dec/74 - 39 - 40
- 10 Mar/76 - 107 - 108

Revenue 1876
Revenue of the
Board of Directors

Dated 11th June 1876
By the
Secretary

Decide 13th of 1874, filed in High Court by former Chamberlain against Collector of Madras, with a view of obtaining a writ of habeas corpus. The Court has granted the writ of habeas corpus. The Court has granted the writ of habeas corpus. The Court has granted the writ of habeas corpus.

the Board made under
the advice of the Solicitor
at once, and sanctioned
the payments.

Possibly no written
judgment will issue,
we have the Decree and
most of us have read
the argument and
know the facts. The
Decree of the Court
cannot I think be
impugned, and if so,
the less said the better.

Mr. Hunter Blair acted
^{in the case in question}
very precipitately and
in that illegal manner
in which Executive Officers
are constantly tempted
to act when vested
with quasi judicial
powers. He did so also
in other cases of the
same nature.

But there is no doubt
of the bona fides of the
Department; it is with
this guise of our man
that we have to do,
(judicial mala fides
concerns us less perhaps

I see no evidence of premeditation
the illegality has now been
determined by a decree of the
the grounds of which are not
before us. The time Mr. Blair
was in constant communication
with the Govt. Solicitor - and that
his case throughout was
fully established before
the High Ct. altho' the proceedings
were technically illegal

22/6

WLL

in such cases) 8

Mr. Blair must have
the fullest support of the
Executive Govt. in this
matter. His contrast with
opium smuggling in
this Presidency has extended
over years. Very considerable
direct success attended
his exertions, and the
fear which he had esta-
-blished by such action
as that under consideration
was a most effective
deterrent. But his best
services lie in the earnest-
ness with which he
brought the habitual
opium smuggling through
Madras to notice, leading
as it did, to legislative
action & great Executive
vigilance throughout
India.

The indirect results
must be very ^{valuable} gainful
to the State - a gain to
which the little sums
thus lost must bear
an infinitesimal proportion

19/6 JSL

Debit of May 1895
for damages & costs
agst. Coler. Sea Customs

Cue
Despatch as amended
in brief form
§