M.R.O. 1—77,006—8-6-37.

(1) Number of pages 18

(2) Date of repair 26.7.38

(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No. 138 Press Mis.

81-84

Dated 29-2-1864.

10/11

81-84

Not to be folded or roughly handled

Read the following papers :—

No. 81. From G. A. BALLARD, Esq., Collector of Malabar ; to J. D. SIM, Esq., Secretary to Government, Revenue Department, Fort Saint George, dated Calicut, 5th October 1863, No. 110.

As directed in the Order of Government noted in the margin, I have the honor to submit a copy of one of the Security Bonds referred to in my letter to the Board of Revenue, dated 10th September 1863.

Dated 25th September 1863, No. 1769, Revenue Department. Paragraph 6.

Transferred to the Financial Department.

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

14*th October* 1863.

Referred, with the previous papers on the subject, to the Government Pleader for his opinion as to whether, under the terms of the Security Bond (a copy of which is furnished by the Collector of Malabar), the securities of the servants attached to the Pay office at Cannanore are liable to make good the deficiency discovered in the Civil cash chest at that station.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

Fort Saint George,
29*th October* 1863.

No. 82. From C. DALE, Esq., Government Pleader, Madras; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, dated Madras, 2nd November 1863, No. 132.

I have the honor to acknowledge the receipt of the Proceedings of Government, under the date noted in the margin, and to state for the information of the Honorable the Governor in Council that in my opinion the securities of the servants attached to the Pay office at Cannanore are not, under the document submitted to me, liable to make good the deficiency discovered in the Civil cash chest at that station.

29th October 1863, Financial Department.

2. If the deficiency had been proved to have been caused by the servants attached to the Pay office, their sureties would have been liable ; and under an instrument properly framed, a judgment might have been obtained against them.

3. If, however, the sureties had been liable, there would have been great difficulty in proceeding against them under the instrument submitted to me, arising from defective preparation.

4. I return the order with the papers which accompanied.

The Government Pleader will be good enough to furnish a form of Security Bond to be executed by the servants of the Pay office.

(Signed) A. J. ARBUTHNOT,
Chief Secretary to Government.

5*th December* 1863.

No. 83. From C. DALE, Esq., Government Pleader, Madras; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Madras, 20th February 1864, No. 41.

I do myself the honor of acknowledging the receipt of the Order of Government, under the date noted in the margin, and as therein requested to enclose a form of Bond. I have added marginal notes giving full directions for the guidance of the parties entrusted with procuring the execution of the Bond.

5th December 1863, Financial Department.

2. I am under the impression that Government are in possession of forms of Bonds suitable for the purpose for which this form has been asked, having understood that in 1855 or 1856, the Company's Solicitor was directed to prepare forms of Contracts to be used on behalf of Government, as also of Bonds to be taken from public servants giving security.

Proceedings of the Madras Government, Financial Department, 29th February 1864.

3. In references made to me on the subject of Contracts entered into on behalf of Government, I certainly have not seen one in a form which could have been prepared by a professional man.

4. I have prepared this form rather than entail on Government the trouble of a further reference; but having done so, I trust I may be excused for submitting, for the consideration of the Honorable the Governor in Council, that the preparation of this form was a duty properly devolving on the Government Solicitor. Most assuredly it is not a duty which could be expected to be performed by a Vakeel; indeed, I do not suppose there is a Vakeel in this Presidency excepting those who, from their position as Barristers and Attorneys, have been permitted to practice as Vakeels, who could prepare documents of that description; and it is equally clear that it does not constitute part of the professional duties of a Barrister to draw such documents. It is the proper province of the Attorney or Notary to draw Deeds. It is, however, usual in cases of difficulty, or where great responsibility attaches, for the drafts to be laid by the Attorney before a Barrister to settle. In the preparation of such a document as that now forwarded, there could be no necessity for obtaining the assistance of counsel; nor is this a document which would apply exclusively to the Mofussil. It is an instrument which would be equally applicable to every office at Madras itself. Moreover, when I was Company's Solicitor, I prepared all Deeds of that description required for the use of Government.

5. I return the Order noted above.

No. 84. ORDER THEREON, 29th February 1864, No. 138.

Ordered that the form of Bond received with the foregoing letter be forwarded to the Revenue Department, with reference to paragraph 2 of the Proceedings in that Department, dated 25th September last, No. 1769, and to the subsequent correspondence* noted in the margin.

* From Collector of Malabar, 5th October 1863, No. 110, and Order thereon, 29th idem.
From Government Pleader, 2nd November 1863, No. 132, and Order thereon, 5th December 1863.

2. References of the nature adverted to in his letter will in future be made to the Government Solicitor.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

Exd. J. Tulloch.

3

N° 41

From Clement Dale Esqre Government Pleader Madras.
To The Honorable A. J. Arbuthnot Chief Secretary to Government.

Madras 20 February, 1864.

Sir,

Para 1 I do myself the honor of acknowledging the receipt of the Order of Government under the date noted in the margin and as therein Requested to Enclose a form of Bond I have added Marginal notes giving full directions for the guidance of the parties entrusted with procuring the Execution of the bond.

5 December 1863 No. 737 Financial Deptt

2. I am under the impression, that Govt are in possession of forms of bonds suitable for the purpose for which this form has been asked; having understood that in 1855 or 1856 the Company's Solicitor was directed to prepare forms of Contracts to be used on behalf of Government, as also of Bonds to be taken from public servants giving Security

3. In References made to me on the subject of Contracts entered into on behalf of Government, I certainly have not seen one in a form which could have been prepared by a professional man.

4. I have prepared this form rather than
Entail on Government the trouble of a further
reference; but having done so, I trust I may be
Excused for Submitting for the consideration of
the Honorable the Governor in Council that the
preparation of this form was a duty properly
devolving on the Government Solicitor. Most
assuredly it is not a duty which could be
Expected to be performed by a Vakeel; indeed
I do not suppose there is a Vakeel in this Presidency,
Excepting those who from their position as
Barristers and Attorneys have been permitted
to practise as Vakeels, who could prepare
documents of that description; and it is equally
clear that it does not constitute part of the
professional duties of a Barrister to draw such
documents: It is the proper province of the
Attorney or Notary to draw Deeds, It is
however usual in Cases of difficulty, or where
great Responsibility attaches, for the Drafts
to be laid by the Attorney before a Barrister
to settle: In the preparation of such a Document
as that now forwarded there could be no necessity
for obtaining the assistance of Counsel; nor is
this a document which would apply Exclusively
to

No. 110

Malabar Collector's Office
Calicut 5th October 1863

From

G. A. Ballard Esqr
Collector of Malabar

To

J. D. Sim Esqr
Secretary to Govt. Rev. Dept.
Fort St George.

Sir,

As directed in the Order of Government noted in the margin I have the honor to submit a copy of one of the Security Bonds referred to in my letter to the Board of Revenue dated 10th Sept. 1863.

3/25 Sept 63. No 1769 - Rev. Dept.

I have the honor to be,
Sir,
Your most Obedient Servant,

G A Ballard
Collector.

Ed D.S.

Encl. to Board's Proc. dated 5th Oct. 1863 No. 1769

From Govt. Select Records
To Chief Secretary to Govt.
Dated 20th February 1864
Rec'd 22nd

No. 138

Read and Recorded

(with Collectors)

Enclosing a form of Security Bond proposed to be taken from Shanars executing Palmyra Leases by Govt. to be executed by Govt. servants in the Tinnevelly District.

List of Shanars

No.

Ordered that the form of Bond presented with the foregoing letter be printed & that copies of the same be furnished to the Collectors of the several districts for their use.

2 The Government Shanars will be informed that references of the nature admitted to in this letter will in future be made to the Board of Revenue.

To Govt. Shanars.
Collectors of this Board
& districts

W. C. and Order

A. 737

Proceedings of Government
Finance Dept.

Date 5 December 1863
Rec'd do
Ans'd 20th Feby 1864

Our letter from Govt.
Pleader dated 2 November
1863 A. 132.-

The Govt. Pleader would
be good Enough to furnish
a form of Security Bond
to be executed by the Servants
of the Pay Office at
Cannanore.-

In a letter from the
Collector of Malabar
dated 5 October 1863
A. 116.

Rc. Rs 2432/63

A Copy of the
Security Bonds referred
to in the Collector's letter to
the Board A. Nov 24
A. 1863

Reference -

I.O. Cannies in habitant of Cannanore do hereby
engage and bind myself, my Heirs, Executors and administrators
as Security to the Deputy Paymaster Malabar and Canara, and
Officer in Charge of the Civil Treasury at Cannanore, for the
time being for the good Conduct of Mr. Philip Sard Brennan
employed as Treasurer and Cash Keeper in the above Department
that the said Mr. Philip Sard Brennan shall be bound to
render a true and faithful account of all monies & effects
which the Deputy Paymaster and Officer in charge of the
Civil Treasury at Cannanore, may from time to time entrust
to the Charge. In failure whereof I, my Heirs Executors
and administrators do hereby promise and bind myself
to pay to the Deputy Paymaster and Officer in charge of the
Civil Treasury at Cannanore for the time being such sum
or sums of money to the amount of Government Rupees 10,000/25000
Two thousand and five hundred, which the Government
may be pleased to order to be recovered from me
by Stoppages or deductions, and in order to secure this I do
Cannies do hereby bind over my lands & Premises
five Stamps Documents deposited in the Register Office situated
in Royal Anakom, Chirakal-Desom, in the Chirakal
Taluq, to the Deputy Paymaster Malabar Canara
and Officer in charge of the Civil Treasury at Cannanore,
for the time being and I I.O. Cannies do hereby
authorize the Deputy Paymaster Malabar and
Canara and Officer in charge of the Civil Treasury
at Cannanore, for the time being to sell and
that without any reference to me the said Principal
with or even to make good any deficiation or
loss that may be sustained from the said Mr.
Philip Sard Brennan misconduct= In token of the
above I.O. Cannies with my own free will and
Consent, and with a perfect knowledge of the
Contents of this my Bond, do hereunto set my

Pro. 29th Oct. 25th Sept. 63 No. 337-338
Pro. 1st Oct 63- Q 689 to D
28 July 63- 264-265 Q D
17 July 63- 46-47 Q D

Transferred to
the Financial
Debt.

L B S.
Secy to Govt.

4th Dec. 763

Extract Submitted.

81

Financial
Revenue 1863

Jn. 2432

From
The Collector of Malabar
To
The Secretary to Govt.
Revenue Department
Fort St. George

Dated 15th October 1863
Rec'd 23
Rec'd 15- " —

Jn. 110

Enc: 1.

No 699

Submitting a copy of one of the Security Bonds referred to in the Collectors letter to the Board of Revenue dated 10th September 1863. on behalf of Mr. P. B. Brennan, the treasurer & Cash keeper of the Civil Treasury at Cannanore

Referred.

X.D. 30th 5. 30 pm

Referred, with the previous papers on the subject, to the Government Pleader for his opinion as to whether under the terms of the Security Bond (a copy of which is furnished by the Collector of Malabar) the Securities of the Servants attached to the Pay Office at Cannanore are liable to make good the deficiency discovered in the Civil Cash Chest at that Station.

Fort Saint George.
29th. October 1863.

L. J. Cumberland
Chief Secretary

To,
The Government Pleader.

Jud. Dept. No. 28 Sept. 63 Nos. 264 & 265
Dist. " 17th Oct. " " 46-47.
" 1st Nov. " " 1-2.

with an Encl.

Disp. 30th Oct. 63

R. Whitehouse

my signature this First day of August one thousand
eight hundred and Sixty two -

Witnesses. /Signed/ C. Ramier

/Signed/ Francis Pereira
" F. B. d'Santos.

Executed in my presence this day first -
August 1862 -

/Signed/ A. J. P. Ewart Major
Joint Magistrate

/ A true Copy /
Walter Dowglas Captain
A. J. Dy. Paymaster

№ 132

From Clement Dale Esquire Government Pleader Madras
To The Honorable A. J. Arbuthnot Chief Secretary to Government

Madras 2 November 1863

Ser

Para 1 I have the honor to acknowledge the Receipt of the Proceedings of Government under the date noted in the margin, and to state for the information of the Honorable the Governor in Council, that in my opinion the Securities of the Servants attached to the Pay Office at Cannanore are not under the Instrument submitted to me, liable to make good the deficiency discovered in the Civil Cash Chest at that station.-

29 October 1863 Financial Dept

2 If the deficiency had been proved to have been caused by the Servants attached to the Pay Office, their Sureties would have been liable; and under an Instrument properly framed a Judgment might have been obtained against them.-

3 If however the Sureties had been liable there would have been great difficulty in proceeding against them under the Instrument submitted to me, arising from defective preparation.

4 I return the order with the papers which accompanied.

I have the honor to be
Sir,
Your Most Obedient Servt.

Government Pleader

The Government Pleader will be good enough to furnish a form of Security Bond to be executed by the Servants of the Pay Office.

5th December 1863.

G. J. Copleston
Chief Secretary to Government.

To the Government Pleader

Financial Dept. No. 132 / 138
Letter from Govt. P. Leader dated 5 Dec. 1863
Reply dated 10 Dec. 1863

17

Financial Departments.

PROCEEDINGS of the MADRAS GOVERNMENT.
Read letter from the Collector of Malabar — 5 Oct. 63 — No.

Read the following letters from the Government Leader —

Dated 2d November 1863 — 132.
(Dated 20th Idem — Enclosure No. 41)

Order — 29th February 1864 — No. 138.

Ordered that the Form of Bond received with the foregoing letter be forwarded to the Revenue Department, with reference to para 2 of the Proceedings in that Department dated 25th Sept. last No. 1769 & to the subsequent correspondence noted in the margin.

2 The Govt Pleader will be informed that Reference of the nature adverted to

* From Coll. of Malabar — 5 Oct. 1863 — No. 110 — & Rder thereon 29 Idem.
" Govt Pleader 25 Nov. 1863 — No. 182 — & Rder thereon 5 Dec. 1863.

Financial 1864. Department.

No. 138

PROCEEDINGS of GOVERNMENT.

Dated 29th February 64