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# MADRAS RECORD OFFICE.

## Government of Madras.

Financial DEPARTMENT.

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|---|---|
| G.O. No. 69 | Press / Mis. |
| 29-30 | |
| Dated 12-3- | 18 68. |

29-30 12/13

**Not to be folded or roughly handled**

## *Proceedings of the Madras Government, Financial Department, 12th February* 1868.

No. 29. Read the following letter from the Examiner of Claims, to the Chief Secretary to Government, Fort Saint George ; dated Fort Saint George, 18th January 1868, No. 41.

I have the honor, by direction of the Accountant General, to forward, for the consideration and orders of the Right Honorable the Governor in Council, the accompanying letter, with its enclosure, from the Acting Civil Judge of Tranquebar, dated 4th Decemher 1867, No. 796, and to state that, as the propriety or otherwise of the conduct of the District Moonsiff in practising as a Pleader in another Court while absent on Medical Certificate was obviously not a question with which the Audit Department could deal, the point was referred by the Accountant General to the Judges of the High Court as the Head of the Judicial Department. It will be observed, however, from the enclosed copy of a letter from their Registrar, that the Judges decline to interfere in the matter, and I am instructed, therefore, to lay the matter before Government, in order that they may have an opportunity of expressing their approval or disapproval of Mr. Ballard employing himself during his leave, if they consider it right to do so.

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From the Acting Civil Judge of Tranquebar, to the Examiner of Claims, Madras ; dated Tranquebar, 4th December 1867, No. 796.

Mr. Ballard, the District Moonsiff of Sheally, obtained leave of absence on sick certificate for six months from 1st June last, and proceeded to Bangalore, and his application for an extension of the same, for 15 months longer, is now before the High Court. It appears from a letter from the Judicial Commissioner of Mysore, a copy of which is enclosed, that, on the 13th idem, Mr. Ballard has been enrolled as a Pleader in the Courts of Mysore and Coorg. I have the honor to request that you will be good enough to let me know whether he can, under the Leave Rules, draw an absentee allowance as Moonsiff of Sheally, and at the same time be a Pleader in Mysore while absent on sick leave.

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From the Judicial Commissioner in Mysore, to the Acting Civil and Session Judge, Tranquebar ; dated Bangalore, 29th November 1867, No. 1692-224.

In reply to your letter, No. 757, dated the 22nd instant, I have the honor to inform you that Mr. Thomas Ballard, District Moonsiff of Sheally, was enrolled by Mr. Kindersley, Officiating Judicial Commissioner, as a Pleader in the Courts of Mysore and Coorg on the 13th June 1867, and has received a sunnud accordingly. He was recommended by Mr. R. G. Clarke, Civil Judge of Ootacamund and late Judge of Tranquebar.

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From the Examiner of Claims, to the Registrar of the High Court of Judicature, Appellate Side ; dated Fort Saint George, 12th December 1867, No. 941.

I have the honor, by direction of the Accountant General, to transfer the accompanying letter, No. 796, dated the 4th instant, with enclosure, from the Acting Civil Judge of Tranquebar, to the Honorable the Judges of the High Court, for disposal.

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From the Deputy Registrar of the High Court of Judicature, Appellate Side, to the Examiner of Claims ; dated Madras, 21st December 1867.

I have the honor, by order, to return you the enclosed communication, which is not addressed to the High Court, and with which they have no concern.

*Proceedings of the Madras Government, Financial Department,*
*12th February* 1868.

No. 30. To the Honorable Sir C. H. SCOTLAND, Kt., Chief Justice of the High Court of Judicature, dated Fort Saint George, 12th February 1868, No. 69.

I am directed by His Excellency the Governor in Council to forward to you the enclosed correspondence, relating to Mr. Ballard, District Moonsiff of Sheally, being permitted to practice as a Vakeel either in the Madras Presidency or beyond its limits, while absent from his Court on Medical Certificate. I am to request that you will favor His Excellency in Council with the opinion of the Honorable the Judges of the High Court upon the question which has been raised, as the decision on Mr. Ballard's case will serve as a precedent.

From the Examiner of Claims, 18th January 1868, No. 41.

(Signed) R. S. ELLIS,
*Chief Secretary.*

Exd. J. H. Burns.

No. 796.

Trangnehar
4th December 1867

From

E. F. Elliott Esquire
Acty Civil Judge
Trangnehar

To

The Examiner of Claims
Madras

Sir

Mr. Ballard the District Moonsiff of Sheally obtained leave of absence on sick Certificate for 6 months from 1st June last & proceeded to Bangalore and his application for an extension of the same for 5 months longer, is now before the High Court. It appears from a letter from the Judicial Commissioner of Mysore, a copy of which is enclosed, that on the 13th instant, Mr. Ballard has been enrolled as a Pleader in the Courts of Mysore & Coorg. I have the honor to request that you will be good enough to let me know whether he can, under the leave Rules, draw an absentee allowance as Munsiff of Sheally and

at the same time be a pleader in
Mysore whilst absent on sick leave

I have the honor &c

Sir,

Your most obdt. Servant

E. P. Elmslie.
Acting Civil Judge

No. 1642/224

Mysore Jud. Commr's Office
Bangalore 29th November 1867

From

C. B. Saunders Esqr. C.B
Judicial Commissioner
in Mysore

To

C. F. Elliott Esquire
Asst Civil & Sessions Judge
Tanjore

Sir,

In reply to your letter No. 757 dated the 22d instant I have the honor to inform you that Mr. Thomas Ballard District Moonsiff of Shealy was enrolled by Mr. Kinderaley officiating Judicial Commissioner as a Pleader in the Courts of Mysore & Coorg on the 13th June 1867, and has received a Sunnud accordingly. He was recommended by Mr. R. G. Clarke, Civil Judge of Cotacamund and late Judge of Tanjore.

I have &c.

(signed) C. B. Saunders
Judicial Commissioner

(True Copy)

E. P. Elliott
Acty Civil Judge

Dr. Civil No 6619/67.

From
The Asst Civil Judge
of Tanjore

Dated 4th December 1867
Received

Requesting to know whether Mr. T. Ballard can draw an execute a Warrant as Moonsiff of Shealy and at the same time be a Pleader in Mysore

Enclosure 1.

R. Civil No 5701/68.

No. 941

Fort Saint George

Accountant General's Office

The 12th December 1867

From

The Examiner of Claims

Fort Saint George

To

The Registrar of the High Court

Appellate Side

Sir

I have the honor by direction of the Accountant General to transfer the accompanying letter No. 796 dated the 4th Instant with its enclosure from the Acting Civil Judge of Tranquebar to the Honorable the Judges of the High Court for disposal.

I have the honor to be
Sir
Your most obt. Servt.
(Sgd) W. Donald
Examiner of Claims

/ True Copy /
W. Donald
Examr of Claims

No. 6619/67.
Enclosure 1.
In a letter from the Civil Judge of Tranquebar dated 4th December 1867.

Copy of the letter from the Judicial Commissioner of Mysore.

In File No 507/60.

From

The Deputy Registrar of the
High Court of Judicature
at Madras.

To

W. Donald Esquire
Examiner of Claims

Sir

I have the honor by order
to return to you the enclosed communication
which is not addressed to the High Court and
with which they have no concern.

I have the honor to be
Sir,
Your most Obt. Servant
(Sgd) Tho. Withins.
Deputy Registrar
Appl. Side.

High Court of
Judicature Madras
21st December 1867

(A true Copy).

W. Donald

Examiner of Claims

No. 41.

Fort Saint George,
**Accountant General's Office,**
The 18th January 1868.

FROM

THE EXAMINER OF CLAIMS,
*Fort Saint George.*

TO

THE CHIEF SECRETARY
TO
THE GOVERNMENT OF FORT SAINT GEORGE,
*Financial Department.*

SIR,

I have the honor ~~with reference to Proceedings of Government No. dated the 186 , Department,~~ to by direction of the Accountant General to forward for the consideration and orders of the Right Honble the Governor in Council the accompanying letter with its enclosure from the Acting Civil Judge of Tranquebar dated 4 December 1867 No. 796 and to state that as the propriety or otherwise of the conduct of the District Moonsiff in practising as a pleader in another Court while absent on Medical Certificate was obviously not a question with which the Audit Department could deal, the point was referred by the Accountant General to the Judges of the High Court as the head of the Judicial Department - It will be observed however from the enclosed copy of a letter from their Registrar that the Judges decline to interfere in the matter, and I am instructed therefore to lay the matter before Government in order that they may have an opportunity of expressing their approval or disapproval of Mr Ballard employing himself during his Leave if they consider it right to do so -

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

J. Donald
*Examiner of Claims.*

Encl. 17/2

Financial department.

No 69.

15 JL

To The Honorable Sir C. W. Scotland Kt
Chief Justice of the High Court of
Judicature.

Honble Sir,

I am directed by His Excellency the Governor in Council to forward to you the enclosed correspondence relating to Mr. Ballard, District Munsiff of Sheally, being permitted to practise as a Vakeel while absent from his Court on Medical Certificate. I am to request that you will favor His Excellency in Council with the opinion of the Honorable the Judges of the High Court upon the Question which has

From the Ex of Claims
18 Jany/60 No 48.

Letter in the Madras Presidency as to Vakeels

Encl. 1 Letter from the Secretary to the Board of Revenue
Encl. 2 Letter from the Secretary to the Chief Secretary to Government
Encl. 3 Petition of Mr. Ballard

Mr. Ballard
Encl. 3 Petition

Enclosure 1 to No 69

Extract from the proceedings of the Board of Revenue dated 12th January 1860

Read the following letter from the Secretary to the Chief Secretary to Government dated 10th January 1860 No 69

Resolved that the accompanying Petition of Mr. Ballard, Deputy Collector, be forwarded to the Government with a request that the necessary permission may be granted to Mr. Ballard, Deputy Collector, to practise as a Vakeel in the Courts of Sheally, during the period of his absence on Medical Certificate.

Ordered that the Petition be returned to Mr. Ballard, Deputy Collector, with information that the Board have forwarded it to the Government with a request that the necessary permission may be granted to him to practise as a Vakeel in the Courts of Sheally during the period of his absence on Medical Certificate.

27 Feb 60

29

has been raised, as the decision on Mr Ballard's case will serve as a precedent.

Fort St George
12th February 1863

Extract from the Madras Mail - 28th Dec/64

"When says the Delhi Gazette of the 17th the Despatches from India of Mr Knight, the Revd his Self, a Chaplain in the Bombay Establishment, opened Editorial charges of the Civil Service in India, the Bombay Government referred the question as to whether the arrangement could be permitted to stand, to the Secretary of State for India. We learn from a private letter by this mail of the 18th, that Sir Charles Wood is "of opinion" that an Officer of Govt should edit a Newspaper without the express sanction of his Government, and that the Bombay Government was competent to deal with the case in question. Either they, under the authority conveyed by the late Court of Directors' Despatch No. 25 of 11th May 1853.

& High Court and a report by Govt: pro and con on the matter of that letter, may be instructive to the Judges. The discipline of all Judicial functionaries rests with the H. Court: who owned notice any scandal of the Civil subordinates were the cause.

If the Question now involved, was a mere pay Question, the Govt: on an appeal from the C. J. of Bengal would & the Examiner of Claims, might adjust it; but it is a matter of conduct.

I see no valid objection to an appeal.

Mem:

19th

Mr Ballantine
is a Specimen man,
must be dealt with as
such. There is no definite
ruling on the subject. It
will be seen from Pro: of
16th May 67. p. 219. that
an Employé in the Sea
Customs Office who engag-
-ing as a Pleader, was
allowed private leave
for a period of Six months,
and that it was ruled
that any extension of
the leave would subject
the absentee to forfeiture
of his entire pay.

Mr Ballantine case
is analogous to Mr
Schalcihs and Mr
Haskells. Both Mr
Schalcihs & Mr Haskells
Pro are Enthusiasts,
obtained Medical
Certificates

Certificates and pro-
-ceeded to England
with the ostensible
object of passing as
Barristers of Law.
It is true that they re-
-ceived no remunera-
-tion for the passport, but
they were certainly not
incapacitated from
performing their legiti-
-mate duties, whilst
at the expence of Govt
they were endeavour-
-ing to raise them-
-selves to a better position
than that which they
respectively filled.

Mr Pollard has
him, from his own
conduct, unfortunate
in the Judicial Ser-
-vice. He evidently
wishes to set out of it,
and has gone to the
Hyperi Territories on
the plea of illness, to

He

? W Sebastick
was quite incapa
for work in this
When he broke
down

letter
merits
etc

Ld if he cannot succeed
as a Pleader.

The Uncovenanted
Service Rules allows
Privilege as well as Sick
Leave, and if the Resident
Department considered
Mr Pollard eligible for
the latter, it seems clear
that the remuneration
during such leave, must
be paid to him.

Mr Pollard's papers as
to Records of this Office
recently sent for, will
be only article fit is
Extracted from the Index
Book dated 28th Dec. 64,
and is put up.

SH

Mr Bat
District Room
= Diff of Sheep

(19)

Consul

Show to the Chief Secy
after despatch.

Write to the
Chief Justice

Financial 1868 Departt.

No 69.

To

The Honorable
The Chief Justice of the
High Court of Judicature
Madras

Dated 12 February 1868.

F No 110.

29-30.