M.R.O. 1—88,000—16-10-59.

# MADRAS RECORD OFFICE.

## Government of Madras.

Judicial DEPARTMENT.

| | | |
|---|---|---|
| G.O. No. | 238 | Press Mis- |
| 35-36 | | |
| Dated | 2-3-2—N 1858. | |

***Not to be folded or roughly handled***

Read the following Papers.

No. 85. From C. F. CHAMIER, Esq., Acting Register to the Court of Sudr Udalut; to T. PYCROFT, Esq., Chief Secretary to Government, dated 10th February 1858, No. 11.

SIR,

1. I am directed by the Judges of the Sudr Udalut to forward herewith the explanation afforded by the Civil Judge of Cuddapah, respecting the nomination of Vencatadry Shastry, as Government Vakeel in that Zillah.

2. It appears that, when appointing the said person to officiate in that capacity, in 1856, the Civil Judge intimated the circumstance to the Collector, and received a reply from that Officer stating that he saw no objection to the appointment.

3. Vencatadry Shastry appears to have performed the duties of Government Vakeel for about two years, to the satisfaction of the Civil Judge, and without any complaints from the Collector; and recently, upon the promotion of the incumbent, to have been recommended by the Civil Judge for confirmation in that office.

4. Prior to acceding to such recommendation, the Government seem to have called upon the Collector for his opinion, as to whether "Vencatadry Shastry was a fit and proper person to receive the permanent appointment;" which drew from the Collector the letter embodied in the Extract from the Minutes of Consultation under date the 9th Ultimo.

5. The Collector therein states that "under existing circumstances, there appear to be considerable objections to his nomination;" and gives as his reasons for so thinking,—that he has had great difficulty in obtaining replies to motions presented through him to the Civil Judge; that he has learned that he does not bear a high character for respectability; that grave charges have been preferred against him before the Civil Judge, and he has not learnt that any order has yet been passed upon them; that the Collector accordingly does not consider himself justified in recommending the appointment of Vencatadry Shastry as Government Vakeel, though he is not prepared to come down with proof in support of the charges against him.

6. The Civil Judge, in his explanatory statement, takes each objection in its order, and observes that the Collector has never complained to him of having experienced any difficulty in obtaining replies to motions; that by such "replies" must be meant the orders of Court upon them, for the delay in passing which, the Government Vakeel is not responsible; that if circumstances had come to the Collector's notice, affecting the opinion he had already formed of Vencatadry Shastry's character, he should have communicated the same to the Civil Judge; and that the "charges" in question had been totally discredited by the Civil Judge, who considered the Vakeel free from all suspicion of any improper conduct.

7. The Judges direct me to state that the two first objections taken by the Collector to the capacity and character of Vencatadry Shastry, are, in their opinion, altogether too vague to be acted upon; that the charge, of having written certain improper letters to parties, was palpably a false one; and that, at the close of the 8th para. of his statement, the Civil Judge seems fully to justify his recommendation in favor of Vencatadry Shastry being confirmed in the office of Government Vakeel.

---

1. The Civil Judge of Cuddapah has the honor to acknowledge the receipt of an Extract from the Minutes of Consultation under date the 9th of January 1858, passed upon perusal of a letter received from the Collector of Cuddapah, who "under existing circumstances" objects to Vencatadry Shastry, Acting Government Vakeel attached to the Zillah Court being confirmed in the situation in which he has been officiating for the last two years, and begs, as directed, to submit his report on the statements made in the Collector's letter relative to the said Vencatadry Shastry.

2. The first objection to the confirmation, is stated to be the difficulty experienced in obtaining replies to the motions presented to the Court through the Acting Government Vakeel "for the release of property from attachment or its sale on account of arrears of revenue," but with respect to this point, it is to be observed, that neither the Court nor the Vakeel have any thing to do with the attachment or the sale of the *property* for the realization of *arrears of revenue*. When *lands* are attached in execution of decrees, a reference is made to the Collector through the Government Vakeel to ascertain whether there exist objections to the sale thereof, but the said

same objection which the Collector pointed out in the case of Vencata Row when a nominee, holds equally with regard to Shashacharry, and if seniority in the service of Government be considered as conferring any claim, which alone could be quoted in favor of Shashacharry over Vencatadry Shastry, the Civil Judge would recommend from amongst the Pleaders attached to the Court, the Vakeel Jungum Mullapah who counts upwards of 30 years' service, is younger and far more active than Shashacharry and has also held "the responsible situation of Acting District Moonsiff" which the Collector seems to consider enhances the claim to the appointment.

Cuddapah Zillah Court,
*30th January* 1858.

(Signed) W. ELLIOT,
*Civil Judge.*

A.

From M. MURRAY, Esq., Collector and Magistrate of Cuddapah; to W. ELLIOT, Esq., Civil and Sessions Judge of Cuddapah, dated 21st February 1856, No. 134.

SIR,

In reply to your letter of the 19th Instant, I have the honor to inform you that I see no objections to the appointment of Vencatadry Shastry, Vakeel, attached to the Civil Court, to act for the Government Vakeel Ramachendrarow.

(True Copy.)

(Signed) W. ELLIOT,
*Civil and Sessions Judge.*

B.

From WILLIAM ELLIOT, Esq., Civil and Sessions Judge of Cuddapah; to M. MURRAY, Esq., Collector and Magistrate of Cuddapah, dated 19th February 1856, No. 82.

SIR,

In consequence of the absence of the Government Vakeel Ramachendrarow, on other duty, Vencatadry Shastry, another Vakeel attached to the Civil Court, has this day been nominated to act for him, and should you see no objection to the appointment, Vencatadry Shastry will exercise the duties of the office until further orders.

(True Copy.)

(Signed) W. ELLIOT,
*Civil and Sessions Judge.*

C.

From M. MURRAY, Esq., Collector of Cuddapah; to the Civil Judge of Cuddapah, dated Budwail, 23rd January 1856, No. 51.

SIR,

I have the honor to acknowledge the receipt of the Extract from the Diary Order passed by Acting Sub Judge in charge, nominating Joty Vencatrow as Acting Government Vakeel, in the room of Shashachary appointed to act for the District Moonsiff of Cudree, I beg to state that as the Circular order of the Sudr Udalut dated the 8th June 1838, No. 52, permits the Collector to have a voice in the nomination of the Government Vakeel, I decidedly object to the appointment of Joty Vencatrow to hold the appointment, as, from what I can learn, his character is far from exceptionable and further, he is the Vakeel in a suit, of which the Collector of Cuddapah is the Appellant before the Civil Court through the Government Vakeel, and the person now nominated to perform the duties of this office is Vakeel for the Respondent, and as he cannot perform the duty for both, his being Vakeel for the Respondent is a bar to his holding the appointment to which he stands nominated.

The present nomination I consider to be illegal, as the appointment rests with the Civil Judge in conjunction with the Collector, and the Sub Judge being in charge and not vested with the authority of the Civil Judge, has no power to nominate a Vakeel during the absence of the Civil Judge. In the meantime I protest against the appointment of Joty Vencatrow, as I do not consider him a proper person to hold the Government Vakeelship.

(True Copy.)

(Signed) W ELLIOT,
*Civil Judge.*



No. 36. To the Secretary to Government in the Judicial Department, Fort Saint George, Madras, dated Cuddapah, 9th January 1858.

The humble petition of Vencatadry Shastry, Acting Government Vakeel of the Zillah of Cuddapah.

SHEWETH,

That your petitioner humbly represents that previous to his nomination as Acting Government Vakeel, according to the Circular Order No. 52 of 28th June 1838, the Collector of Cuddapah was first consulted, and the said acting appointment conferred on your petitioner only after the Collector had written a letter by which he concurred in the nomination of your petitioner.

2. That on the 28th November 1857, a letter was written to Government by the Civil Judge of Cuddapah, recommending the confirmation of your petitioner in the appointment in which he is acting since the last *two years*, but no orders have yet been issued thereon, and your petitioner having been informed that Government had applied to the Collector of Cuddapah to ascertain whether he concurred in the nomination or not, your petitioner respectfully begs to submit the accompanying copy of a letter of the Collector, dated 21st February 1856, by which it will clearly appear that the said Collector of the District also approved of the nomination of your petitioner, who therefore humbly prays that he may be confirmed as Government Vakeel for the Zillah of Cuddapah.

For which act of justice your petitioner shall, as in duty bound, ever pray.

[illegible]

From M. MURRAY, Esq., Collector and Magistrate of Cuddapah; to W. ELLIOT, Esq., Civil and Sessions Judge of Cuddapah, dated 21st February 1856, No. 134.

SIR,

In reply to your letter of the 19th Instant, I have the honor to inform you that I see no objections to the appointment of Vencatadry Shastry, Vakeel attached to the Civil Court, to act for the Government Vakeel Ramachendra Row.

(True Copy.)

(Signed) W. ELLIOT,
*Civil and Sessions Judge:*

One roll of stampt paper having being filed by Vencatadry Shastry, Vakeel, on the 8th January 1858, copy of the letter of the Collector and Magistrate of Cuddapah under date the 21st February 1856, was furnished to him on the 8th January 1858.

(Signed) W. ELLIOT,
*Civil and Session Judge.*

No. 37. ORDER THEREON, No. 238; dated 23rd February 1858.

The Government concur with the Court of Sudr Udalut in considering Mr. Elliot's explanation, in regard to the appointment of Vencatadri Shastry as Government Vakeel of Cuddapah, to be perfectly satisfactory.

As however it is necessary that the party who is nominated to that office should enjoy the confidence of the Collector, the Government cannot confirm Vencatadri Shastry's appointment, and some other of the Vakeels of the Court must be selected. Jungum Mullapah would appear the most suitable if the Collector has no objection to him.

(Signed) T. PYCROFT,
*Chief Secretary*

Exd. F. Cartlodge.

Cases, nor to enter into all the minute
3 particulars given, or Comments
made, in the 2nd Paragraph of the
Collectors letter regarding the
proceedings of the Court, but with
respect to the Collector observing
that he had "not learnt that any
" order has yet been paped" upon the
letters oriented to, the Civil Judge
would observe that it is not cus-
=tomary to report to the Collector
every order ipsued by the Civil
Court, and Considers it suffi-
=cient to state that an order was
hoped on the 31st of March 1857
upon the subject in question—

8. Respecting the remark of
the Collector in the 3rd Para of his
letter that one Shashachary had
for a time acted as Government
Vakeel the Civil Judge would
explain that when Ramachendra
Row, who held the appointment,
was deputed to act as Moonsiff
of Chimbrum, Shashachary offi-
=ciated for a time in that duty,
but he having requested the
Court to appoint him to act

as Moonsiff of Cuddree and the said request having been Complied with, the Pleader Venkata Row was nominated to hold the Acting appointment of Government Vakeel, but the Collector objected, in his letter of the 23rd of January 1856, Mentioning as the Chief ground for such objection that Venkata Row was Vakeel for the Respondent in a Suit in which the Collector was the Appellant and this objection being deemed valid, Venkata dry Shastry was nominated by the Civil Judge and approved of by the Collector as shewn by his letter of the 21st of February 1856, and has ever since Continued in that Office. It is perfectly true that Shashachary on his return from Cuddree applied to be again allowed to officiate as Government Vakeel, but as Venkatasary Shastry had been appointed to act, not for Shashachary but for Ramachendra Row the said application was not

Enclosure C.

Enclosure A.

Read letter from the Asst Register 10 Feby 1858

Judicial Dept

No 252

From the Acting Registrar of the Sudr Court

Dated 10th February 1858.

In Orders

Mr Elliot's Explanation appears quite satisfactory

They are to as regards the objections but as the Vakeel in chief to Collectors Agent, have on subsequent dates objected to those two persons entirely the

Enclosure C/12 of January 1858

Muthusawmy Mudaliar Native Interpreter to Government Mudaliar obtain

In Cons. 23 February
Judicial 1858 Despatch
No.

From the Acting Registrar
of the Sudr Adalut

To The Chief Secretary
to Government

Dated 16
Rec'd 11 } February 1858

No 252. No 11

With 1 Enclosure

Forwarding with the opinion of the Court the explanation afforded by the Civil Judge of Cuddapah respecting the nomination of Tuccalary Chandy as Government Vakeel in that Zillah.

With an order

Dated 12th January 1858 No 142

Copy of a letter from the Acting Registrar of the Sudr Adalut to the Chief Secretary to Government, No 238.

Dated 23rd January 1858.

Sir,

I am directed by the Court of Sudr Adalut to transmit to you, for the information of the Right Honorable the Governor in Council, the accompanying copy of a letter from the Civil Judge of Cuddapah, No 11, dated 18th instant, explaining the circumstances under which he nominated Tuccalary Chandy to be Government Vakeel in that Zillah.

2. The Court are of opinion that the explanation afforded by the Civil Judge is sufficient, and that the nomination of Tuccalary Chandy is unexceptionable.

I have &c.

(Signed) W. H. Macnaghten
Acting Registrar

C 11 Feb
R 16 "
C 18 "
R 23 —

35 C 35