M.R.O. 1—38,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 1451 Press Mis.

72-74

Dated 8 - 9. 19 1883

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Not to be folded or roughly handled

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Proceedings of the Madras Government, Judicial Department, 8th September 1863.

Read the following papers:—

No. 72. From R. W. LODWICK, Esq., Acting Accountant General; to the Chief Secretary to Government, Fort Saint George, dated 22nd June 1863, No. 86.

Bond Department.

1. As my Department has frequently to take from persons Bonds of Indemnity under the rules regarding Government Notes, I have the honor to submit for consideration, whether it would not be advisable to obtain from the Solicitor to Government a form of Bond suitable to the cases which came before me and to permit me to have printed forms of the same kept in readiness so that when a person is required to give such a Bond nothing more will be necessary than for him to fill up the blanks in, and sign, one such printed form in the presence of one or two witnesses.

2. I think this will not only save time but be a great convenience to the public who have now to go to the expense of getting Bonds drawn up by legal men which are afterwards referred to the Government Solicitor for approval.

Referred to the Government Solicitor.

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

FORT SAINT GEORGE,
25th June 1863.

No. 73. From JOHN ROBERT BOYSON, Esq., Government Solicitor, Madras; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Madras, dated Madras, 28th August 1863, No. 632.

1. I have permitted the reference noted in the margin to lie over until the disposal of more emergent matters and the closing of the High Court for the vacation enable me to give it attention.

Dated 25th June 1863, on letter from the Acting Accountant General to Chief Secretary, dated 22nd idem, No. 86, Bond Department.

2. Having now considered it, I have the honor to state that I do not consider it expedient that the Accountant General should take upon himself and his Department the trouble and (what is of still greater moment) the responsibility of preparing Bonds of Indemnity for execution by parties seeking consideration or favor at the hands of Government under one or other of the states of circumstances referred to in Section XIV, XIX, and XXIII, of the "Government Loan Department Guide."

3. In my opinion, there is no hardship in requiring parties seeking such concessions at the hands of Government, (in many instances rendered necessary by, or arising from their own irregular or informal methods of dealing with business matters, or their own carelessness or oversight, or from one or other of the many contingencies which occasionally happen in the course of business, and the onus and the consequences of which it is but reasonable and, indeed, necessary that the parties interested should bear) to obtain such legal advice or aid as the circumstances may call for, or the parties interested may desire, at their own expense; and I am not prepared to admit that it is at all the duty of, or morally incumbent upon, Government either to give such parties the gratuitous services of their Law Officers, or to save them from the charges which the obtaining of independent legal aid would necessarily involve.

4. I cannot realize that any very great saving of time would result from the plan suggested by the Accountant General, unless indeed he kept a number of Bonds *ready stamped with varying amounts of duty* for immediate use, for, if this were not done, each Bond, when prepared, would require to be sent to the Stamp Office to be stamped and this would preclude that system which the Accountant General seems to contemplate of *at once* filling up a blank printed form of Bond on the *first* application of a party, and disposing of the whole matter on a single visit by the applicant to the Accountant General's Office.

5. But there seem to me far more important reasons for not adopting the system which, on the score of public convenience, the Accountant General has suggested, and these are the expediency in my opinion, of the Accountant General and his Department not incurring the responsibility of preparing or filling up such Bonds, or of determining what facts should be

recited to point to the object of the Indemnity, &c., &c., for their so doing, might lay the foundation for subsequent question and dispute as to whether the facts stated were or not in strict accordance, with the representations (verbal they might be) of the party giving the Bond, &c., and the desirability of there being written record furnished by or on behalf of the party giving the Indemnity, of the circumstances under which and the grounds upon which the concession is sought.

6. I think that for the security of Government, and for the fair protection of the Accountant General and his *Department* (in not requiring *it* to perform duties which properly attach to *mine*) all such cases should be referred to me for arrangement and that the course which has been hitherto pursued should be continued. I will do all that is possible to avoid unnecessary delay.

7. I return the reference above noted.

No. 74. ORDER THEREON, 8th September 1863, No. 1,451.

The Government Solicitor's letter will be communicated to the Acting Accountant General, and he will be informed that for the reasons given by Mr. Boyson the Government do not think it advisable to alter the present practice.

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

Exd. T. McMootry.

Judicial Department.

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A. 1348.

From the Acting Accountant General.
Dated 22d. June 1863

A. 1904

From the Government Solicitor.
Dated 28 August 1863.

For Orders

I think, mainly for the reasons given in para 5 of Mr Boyson's letter, that the present practice should continue. The Accountant finds himself bitterly not dealt with legal instruments

JP

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Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letters

From the Ag: Acct. Genl — H.E. 22d June 1863 No 86

" Govt Solicitor, Madras — " 28th August — " 632

Order thereon 8th September 1863 No 1451.

The Government Solicitor's letter will be communicated to the Acting Accountant General and he will be informed that for the reasons given by Mr Boyson the Government do not think it advisable to alter the present practice.

To the Acct Genl: dispatch

Dist. of Satara.

Pro. Supr

Judicial 1863. Department.

No. 1457.

PROCEEDINGS OF GOVERNMENT

Dated 8th September 1863.

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