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MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 1702 Press Mis.

228-239

Dated 29. 11 19 1885

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department;
20th November 1865.

No. 238. Read the following Extract from a letter, dated 26th June 1865, from Professor Goldstücker, to Whitley Stokes, Esq.

For some years—I must however premise—I have been sometimes consulted in matters of Hindu Law, with which I am familiar, through my studies of the last 15 years; and recently a cause celebre from Madras, which has been pending for the last 30 years, especially occupied my attention. I had to give an elaborate opinion on it, which, if printed, I shall send you, and I found that the chief legal authorities on matters of inheritance in the Presidency of Madras, viz., the *Smritichandrika and Vyavahara-Madhaviya* are entirely unknown to English Lawyers; for the texts of these works are scarce, and no English (I even believe no Vernacular) translation of them exists. The consequence of this state of things is that, for instance, in a case like the one I alluded to before, justice has completely failed, and there can be no doubt that the same result must have occurred in all other cases where the law of the *Smritichandrika* and the *Madhaviya* had to guide the decision of the Judges. After having studied these works for a long time, I was pressed, therefore, to prepare a translation of them, and, I declared my willingness to do so, provided I could see my way; for I need scarcely tell you that publishers in this country are far from supporting a scheme which is beyond the reach of their commercial intellect. My way, however, I could only see if the Indian Government at *Calcutta* were willing to order, or to patronize, a labor of this kind (for I do not think that the Indian Council here would like to interfere with what belongs more especially to the Local Government). In my conviction, indeed, it ought to do so; for since the law of inheritance in the Madras Presidency is administered according to these works—those even more authoritative than the *Mitakshara*—it seems to me that it is a duty of Government to supply its own Judges with a reliable translation of them, and not to make them dependent on the law which Pundits whisper into their ears; and you know even much better than myself, what such whispers are worth, though I, too, could adduce some very glaring instances of the value of such opinions, and of the quotations the Pundits make.

There is, to the best of my recollection, a Telugu abridgment (not a translation) of the Smritichandrika.

(Signed) W. S.

Now, if I undertook the matter, I should propose to give the original Sanskrit text of both works (the *Smritichandrika* and the *Madhaviya*), an accurate translation of it, references to the other digests (*Mitakshara, Dayathaga Vyavaharamayukha, &c.*), and such indices as would make the work thoroughly practical, probably also some critical notes, relating to the Sanskrit text. The extent of such a work, if printed in the usual 8vo. size of similar works, would, I believe, amount to about 40 sheets (of 16 pages each), more or less, and after all the preparatory work I have already done during the last two years, I believe that I could complete it in another year.

In considering the terms on which I would undertake the work, I thought, that the best and simplest plan would be, if I engaged to supply the Indian Government at Calcutta with 500 copies, bound in cloth, *to be delivered at the India Office in London*, and if, in return I received from the Government one thousand pounds. This sum, all my friends, to whom I named the subject, told me is rather too low,

than too high; and if you consider that Government could sell the greatest amount of its five hundred copies at about £2 each, you will admit that its eventual loss would in reality amount only to a small sum.

I am very anxious to know whether you approve of the plan; and if you do, whether I could venture to request you to support it with your personal influence, and in this case, whether I could also tax your kindness to such an extent as to request you to apply to the Calcutta Government, in my name, and to settle the matter according to your own discretion. For any alteration in the amount of copies (for instance, 750 at £1,250) or other detail, which I do not now foresee, I should cheerfully leave to your better judgment; and if you are of opinion that I might be entitled to more favorable terms than those named by me, I need not tell you that I should be very thankful for obtaining them.

No. 239. To the Honorable the Chief Justice of Her Majesty's High Court of Judicature, Madras, dated Fort Saint George, 29th November 1865, No. 1702.

I am directed to request that you will favor His Excellency the Governor in Council with the opinion of the Honorable the Judges of the High Court, on the proposal made in the enclosed extract from a letter from Professor Goldstücker, for the publication of a translated edition of the Smritichandrika and Madhaviya.

2. His Excellency in Council desires to be informed whether the Judges consider the publication to be one that is likely to be useful, and, if so, whether they would recommend that copies should be furnished by Government to the Courts in this Presidency, and what number.

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

Rcd. J. H. Burns,

dasp 2/12

Judicial Department

No. 1702.

To

The Honorable the Chief Justice
& the Rt Honble Judges of the High Court of Judicature
Madras

Honble Sirs -

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and what number.

Fort St. George
29. November 1805

Rec: of Govt

Judicial 1865 Departt.

No 702

To

The Hon'ble

The Chief Justice of the

High Court of Judicature

Madras.

Fort St. 2728

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dated 29 November 1865

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