

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.

254

Press
Mis.

138-139
Dated

15-2-

19 1865

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,

15th February 1865.

No. 138. Read the following letter from C. DALE, Esq., Government Pleader, Madras, to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Madras, 6th February 1865, No. 31.

With reference to the Order of Government, under the date and number 22nd November 1864, No. 1670, Judicial Department. noted in the margin, I do myself the honor of reporting, for the information of the Honorable the Governor in Council, that the Regular Appeal, No. 64 of 1864, came on for hearing on the 28th ultimo, when the appeal was dismissed with costs.

2. On perusing the copy of the written statement furnished by the High Court, or perhaps I should more properly style it a copy of the translation of the written statement, I observed that, although in substance much to the same effect as the written statement prepared by me, the language is different, and in some respects, if the translation be correct, may prove (in the event of future proceedings) prejudicial to Government. In preparing pleadings in which admissions are made, it generally requires great care and nicety of language, to prevent undue advantage being taken of the admission; and when a pleading has been prepared by a professional man, the Native Vakeels to Government should not be permitted to re-cast such pleading. If in settling a pleading any error may have been made by me consequent on a misunderstanding of the facts, an alteration may be permitted to render the pleading in strict accordance with the facts, but even that should be done with great care, and particularly so as to avoid any difference in expressions relating to the same act, in different portions of the pleading. A pleading must be put in the language of the Pleader signing it, but if the pleading be in a Vernacular, there is no objection to its being accompanied by an English translation. I, therefore, do myself the honor of suggesting that in all cases where a pleading may be prepared by the Government Pleader at Madras, for filing in the Mofussil Courts, the Government Vakeels in the Mofussil should be instructed, first, to satisfy themselves that the facts are correctly stated, and to attend to any Notes which may require attention when that is completed; then, to translate the written statement into the Vernacular, and to make a fair copy of the English written statement,—the Vernacular and such fair copy to be annexed together, and filed in the Court.

No. 139. ORDER THEREON, 15th February 1865, No. 254.

The Governor in Council directs that the remarks made in the foregoing letter be communicated to the Collector of Madura, who will explain why the substance of the written statement prepared by the Government Pleader, in the case referred to, was altered in the translation presented to the Court.

2. The Government approve of the course proposed by Mr. Dale, viz., that in all cases in which statements or pleadings are prepared by that officer for presentation in a Mofussil Court, a copy of the statement in English shall be submitted together with the Vernacular translation; any errors that may have been made in matters of fact being duly corrected in both papers, which moreover must be done with the greatest possible care.

(True Extract).

A. J. ARBUTHNOT,
Chief Secretary.

To the Collector of Madura.

„ Government Pleader.

„ Collector of *Madura*

Exd. J. H. Burns.

justices

N:322.

From the Government's Reader.
Feb.

in view

in

12

end of the Date. other
Any error for

Lower to corrected before
statement

If the date means simply that

a copy of any pleading
in preparation in English, shall, as a rule,
be submitted to me (both in the
original, together with a translation
in the vernacular language to be
made in the office of the officer
putting in the date, pleading, I
think he is clearly entitled to the
rule - subject of course to any attention
found necessary if the date has
been in error as to a fact.

I think the ruling suggested in this para
of Mr. Gifford's remarks is unavailing
never say Wd

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter
from the Government Pleader.

(Here enter b^d February/68. A. 21)

Order thereon 15th February 1868. A. 254.

The Governor in Council
directs that the remarks made
in the foregoing letter be com-
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MR
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in English shall be submitted
together with the Vernacular
translation, any errors that
may have been made in
matters of fact being duly
corrected in both papers which
moreover must be done with
the greatest possible care.

7/9

To the Collr of Madras.
• Jri Pleader
• All Collectors
• Revenue Department.

Industrial 1865. Department.
No. 254.

PROCEEDINGS of GOVERNMENT.

FN: 840
2620

Dated 15th February 1865