M.R.O. 1—23,000—15-10-25.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 1048 Press Mis.

42-43

Dated 6 — 7 — 19 1886

4/2

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 6th July 1866.

No. 42. Read the following letter from J. R. KINDERSLEY, Esq., Bellary, to the Under Secretary to Government, Fort Saint George; dated Bellary, 18th June 1866.

I have the honor to inform you that about the month of February last the Government were pleased to make certain proposals with a view to the translation of my "Manual of Evidence" into the languages of this country.

2. I have unfortunately mislaid the copy of the Proceedings of Government then furnished to me; but, if I recollect rightly, the intention was that translations should be made under the authority of Government; that the translations should be sold for not more than Rupees 3 per copy; and that I should be allowed 8 Annas per copy, payable on the whole of each edition at the time of printing.

3. The Government, however, abstained at that time from making any particular Order for the translations; and, in the meantime, a translation in Tamil has been published by V. Ramiengar, now First Assistant to the Chief Secretary, under permission previously granted to publish one edition only.

4. That edition is now nearly exhausted, and V. Ramiengar has asked my permission to publish another. I have already declined offers made by other persons, on the ground that I was in treaty with Government; and I have expressed to Mr. Walker my strong preference for dealing with Government.

5. I have, therefore, the honor to request that you will be good enough to ascertain and inform me, whether it is the intention of Government to act upon the basis agreed upon for the translation of the Manual a few months ago; and, if not, whether I am at liberty to treat with private persons.

6. It seems desirable that the question should be settled speedily, because the Manual is one of the Text Books for the approaching Special Test Examination.

No. 43. ORDER THEREON, 6th July 1866, No. 1048.

In accepting the terms upon which Mr. Kindersley permitted them to publish translations of his "Manual of the Law of Evidence," the Government did not understand that they acquired any such monopoly as would preclude Mr. Kindersley from making other arrangements, or from permitting private persons to translate his valuable work.

2. The object which the Government had in view was to ensure to the Commissioner for Uncovenanted Civil Service Examinations the power of obtaining one standard translation in each Vernacular, which might be adopted as a Text Book for the Examinations.

3. There can be no objection on the part of Government to the independent publication of other translations of the Manual, and if a competent work were to appear without their intervention, they would be prepared at once to sanction its adoption by the Commissioner; in any case, they have no wish to interfere with Mr. Kindersley's interests in the matter, or to throw any obstacle in the way of literary enterprize on the part of individuals.

Proceedings of the Madras Government, Judicial Department,
6th July 1866.

4. The Commissioner for Uncovenanted Civil Service Examinations is requested to report what steps he has taken towards obtaining translations of the Manual, and with reference to the impending Examination what results may be expected.

5. A copy of the Proceedings of Government in the Judicial Department, under date the 3rd January 1866, will be furnished to Mr. Kindersley.

(True Extract).

Acting Chief Secretary.

To J. R. Kindersley, Esq., with Proceedings, No. 2 of 1866.
" the Commissioner for the Uncovenanted Civil Service Examinations.

Exd. R. H. Lee.

To H. Anstey Esq.
Kindersley & Co. to Govt.
Fort St. George.

Bellary
15th June
1866

2x

Sir,

I have the honor to inform you that about the months of February last, the Government were pleased to make certain proposals with a view to the translation of any Manual of Evidence into the language of this country.

2. I have unfortunately mislaid the copy of the Proceedings of Government then furnished to me; but, if I recollect rightly the intention was that translations should be made under the authority of Government; that the translations should be sold for not more than Rs. 5 per copy; and that I should be allowed 8 annas per copy payable on the whole of each Edition at the time of printing.

3. The Government however abstained at that time from making any particular order for the translations; and in the mean time a translation in Tamil has been published by V. Ramiengar, sword Bearer Asstt. to the Chief Secretary,

under permission previously granted to publish one edition only.

4. That edition is now nearly exhausted, and V. Kamilingan has asked my permission to publish another. I have already declined offers made by other persons, on the ground that I was in treaty with Government; and I have expressed to Mr Walker my strong preference for dealing with Government.

5. I have therefore the honor to request that you will be good enough to ascertain, and inform me, whether it is the intention of Government to act upon the basis agreed upon for the translation of the Manual within a few months ago; and, if not, whether I am at liberty to treat with private persons.

6. It seems desirable that the question should be settled speedily, because the Manual is one of the text-books for the approaching Special Examination.

I have the honor to be,
Sir,
Your most obedient servt.
J. R. Kinderley

Kamingtin handed by Mr Kinderley
1879

Judicial Dept.

Judicial 15th Sept. 1856.

From
C.P. Hamilton Esq.
Secretary

To
The Registrar of
the Supreme Court
of Judicature at Fort
William.

No. 1357.

Sir,

I am instructed to
solicit from the Hon.
Justices of the Supreme
Court of Judicature
at Fort William,
information as to the
number of copies
of the "Manual
of the Law of Evidence"

Memo

Govt in Pro. 3 Jan. '66 empowered the Comrs W.C.S. Exams to offer Rs.500 for Translations of Mr Kindersley's Manual of the Law of Evidence - the ownership to remain with Govt.

2. The arrangement with Mr Kindersley being, that Govt were to pay him £k. her copy on each edition at the time of printing, the edition not to be more than 1000 copies, the price per copy not to exceed 3 Rs.

4 Mr Kindersley having previously expressed a wish to treat with Govt in preference

Oct. 1829

to independent private arrangements,
seems to have considered himself precluded
from any further arrangement for the translation,
by the terms of para 6 of the order above
quoted, in which Govt. acceded generally
to his propositions.

Meantime V. Ramaya (1st Asst. in this Office)
has published one translation in Tamil,
& proposes to now to translate the 3rd
Edition: & it is upon Ramaya's application
for permission to do this, that Mr
Kindersley now asks whether the Govt.
intend to act upon the basis agreed
upon, or whether he is at liberty to
treat with private persons.

The letter in which the terms,
agreed to in the order, were offered,
is not published among the papers,
but Mr Kindersley says he has refused
permission to private individuals
to translate his Manual - Evidently
on the supposition that Govt intended
to publish as many translations as
were required, & that he was bound
not to interfere with the right which
he had made over to them.

Ramaya has Mr Kindersley's permission to
translate the 1st Edition, but has published
the 2nd without further permission from
him or from Govt.

There seems to be no reason why a

longer numbered translations shd
not be made, else reply
might be to the effect that

"G! did not intend to preclude
~~Educat~~ Dept from making any
arrangements which might seem
best for private individuals -

Their object was to enable the
Commrs to obtain one standard
translation in each vernacular
to be approved by himself & Mr Kindersley
which might be adopted as a text book
for the Service Exam?

If a competent work appears without their
intervention they would not care another
to have no wish to interfere either in the matter
It is interesting or to throw obstacles in the way of literary
enterprise on the part of individuals.

Memo -

This draft will not prevent the
Commrs for U.C.S Exams from
acting upon the instructions conveyed
in the Proceedings of Govt of the
5th Jan^y last.

Parthasarathi Chetty's Telugu Translation
has been published — his Tamil
translation will be published by
the middle of July — V. Ramaya
wishes to publish a second Edition
of his Tamil translation, &
the object of this Draft is to
enable him to get this recommendation from Mr Kindersley.

Have the Govt any right

to say "nobody shall translate
Mr Kindersley's Manual unless
approved by the Commr: "?
This does merely disclaim
such intention. It asks the
Government Commissioner from
continuing his endeavours to obtain
an approved
— by translation in each Vernacular,
for which, if the translations
agree, the Govt will pay Rs 500
and the royalty to Mr Kindersley.

V. Ramaya is now awaiting the
result of this application to obtain
hence a translation of the 5th edition:
he is anxious to publish it,
but as I understand him,
is not anxious to sell his
work for Rs 500.

I presume the Hon'ble Mr
Phillips does not propose to
claim a monopoly in the translation,
and to request Mr Kindersley
to refuse permission to translate
the Manual: also
probably the insertion of the
following form in the proposed
draft rule mentioned above.

4 "The Commissioner C.S. is
"requested to report what steps
"he has taken towards obtaining

"translations of the Manual, ours
"reference to the impending Exam^n.
"What results may be expected."?

The words "and by Mr Kindersley" might be omitted in para 2: but I think that the author of a work, knowing but little of the language into which it is translated, would often detect inaccuracies which would escape the notice of the most accomplished linguist, who was not at the same time thoroughly conversant with the original.

I would adhere to the basis which the Govt itself suggested on the 3rd January last; that is, Govt buy Mr Kindersley the royalty of half rupee on each copy of an Edition of the translations as they shall be printed — and let the Uncov: C.S. Commrs deal with the parties who may come forward with proposals to translate the Manual.
Mr Kindersley should have nothing to do with an opinion as to the merits of the translations. He may be an excellent lawyer and yet a very indifferent scholar in the Vernacular languages. Any how it is most unlikely that his opinions will be worth having in respect of translations into four languages — Tamul Telugu, Canarese & Malayalum. —
We have already received unfavourable testimony to the work of Parthasarathy Chetty's Telugu Translations. The Un: C: Comm Govt should be again referred to — ascertain whether for their translations Parthasarathy Chetty is willing to accept 500 Rupees.
We have, further, information that a Tamul translation has been prepared & printed, and that the first Edition has been (as I am aware of the present writing) quite exhausted — the translator a V. Ramaya, one of the best English Scholars in the Madras Presidency, whose ability is known to Mr Lee, Mr Arbuthnot C. Bunyard & to Sir Thomas Pycroft. Should Babaji not start for Europe, the Govt of the U.C.S. Commrs might be requested for his opinion of V. Ramaya's work — if favourable, V. Ramaya might be asked, as in the case of Parthasarathy Chetty, whether he will sell the copy right for 500 Rs. after adapting his translations to the slight changes & alterations which may be made by Mr Kindersley in the third Edition of the Book. May
29 December 64.

These two slips herein will be an Index to the Letters & Annual Parts of the questions and the translations will soon be in the hands of students.

For what is wanted in Canara & Salem the Canara may answer 20 Copies.

1867

(7)

(4)

Judicial Department.

No. 1242

Dated 5th Sept 1866.

Proceedings of Government.

Judicial Department.

4x

PROCEEDINGS *of the* **MADRAS GOVERNMENT.**

Read the following letter from J. R. Kindersley Esqre, Civil & Sessions Judge, Bellary.

/Here enter 18th June 1866/

Order thereon. 6th July 1866 No. 1060.

N.

Let a clean copy be prepared by Mr. Ellis for signature

Dr. Ellis

Copy

Rec'd the 9th July

In accepting the terms upon which Mr. Kindersley permitted them to publish translations of his "Manual of the Law of Evidence", the Government did not understand that they acquired any such monopoly as would preclude

preclude Mr Kindersley from making ~~any other~~ arrangements ~~with this~~ ~~other individuals~~ or from permitting private persons to translate his valuable work.

2. The object which the Government had in view was to ensure to the Commissioners for the Uncovenanted Civil Service Examinations the power of obtaining one Standard translation in each Vernacular, which after approval by himself and Mr Kindersley might be adopted

adopted as a text book for the Service Examinations.

3 There can be no objection on the part of Government to the independent publication of other translations of the Manual, and if a competent work were to appear without their intervention, they would be prepared at once to sanction its adoption by the Commissioners: in any case they have no wish to interfere with Mr Kindersley's interests in the matter or to throw any obstacle in the

the way of literary enterprize on the part of individuals -

*. A copy of the Proceedings of Govern- ment in the Judicial Department under date the 3d January 66 will be furnished to Mr Kindersley.

[illegible]

[illegible]

[illegible]

[illegible] impression of their smaller ci, that much incon- venient delay will arise from the course Sir Barnes Peacock proposes to take - Sir Barnes Peacock stated in Oct, 20 months ago, that the Statt without an answer relative to the Telugu Translation it has been approved by the Govt Translator, & by Mr Kindersley - the next Univer- sary is close at hand & something ought to be done finally to settle the question.

To

J. P. Kindersley Esqr
with the Govt's letter
The Commissioner C. S. Evans
Hyderabad