

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1616	Press
		~~Mis.~~
Dated	13. 10. 1988	

154-135

4/5

Not to be folded or roughly handled*ms*

*Proceedings of the Madras Government, Judicial Department,
13th October 1866.*

No. 154. Read the following letter from D. F. CARMICHAEL, Esq., Magistrate of Vizagapatam, to the Chief Secretary to Government, Fort Saint George; dated Vizagapatam, 13th September 1866, No. 231.

The receipt of the Proceedings of Government, Judicial, No. 1369, of 1st September instant, affords me a suitable opportunity of laying before the Government the accompanying form of 'Vakeel's Fee Voucher' which has been devised by the Board of Revenue, in their Circular Order, No. 10 of 1866, regarding contingent charges.

2. They direct, paragraph 15, that "whenever a Vakeel or other Subordinate is appointed to attend the Session Court, to prosecute any case, the Magistrate shall address a letter to him, in the form now prescribed, and payment of the fee will be made to him, on the sanction of the Session Judge," and it is added, in a note—"The Judge has power to sanction a fee of less amount, if necessary."

3. I submit that all this is wrong—

(1.) Because the Magistrate is required to enter the amount of fee beforehand, when it is impossible to say whether the case will be long or short, or what degree of care and attention the Vakeel may bestow on it.

(2.) Because it is altogether inexpedient to give the Judge the power of interfering with the Magistrate in the matter. The Vakeel is responsible to the Magistrate, and the Magistrate to the Government, for the proper carrying out of public prosecutions. If the Vakeel palpably misconducts himself, let the Judge communicate by Proceedings with the Magistrate, who will know how to dispose of the complaint; but the Vakeel, being the employé of the Magistrate, should be directly under the control of that Officer only.

(3.) Because the form is *incongruous*, the writer being the Chief Executive Officer of the District, and the addressee an up-country Vakeel. It should run in the shape of a *Sunnud*.

To—

"You are hereby appointed to conduct, &c.", without so much of the 'obedient servant' and 'having the honor' and so on, *est modus in rebus*.

No. 155. ORDER THEREON, 13th October 1866, No. 1616.

The Government agree with Mr. Carmichael, in his objections to the "Vakeel's Fee Voucher," furnished to him by the Board of Revenue. It is not expedient that the Session Judge should have the power of interfering with the discretion of the Magistrate, in fixing the amount of fee, which should, moreover, be determined after the conclusion of each case. Further, the form should run in the shape of a *Sunnud*. The Governor in Council requests the Board to revise the form accordingly.

(True Extract).

Chief Secretary.

To the Magistrate of Vizagapatam.

„ Revenue Department.

„ Revenue Board, with the form.

Ed. J. H. Burns.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter
from the Magistrate of Vizagapatam
Here, under 13th Sept. 1866. No 231

Order. 13th October 1866 No 1616.

The Government agree
with Mr. Samudraiah in his ob-
jections to the "Schedule Fee" tendered
furnished to him by the
Board of Revenue. It is not
expedient that the Session
Judge should have the
power of interfering with the
discretion of the Magistrate
in fixing the amount of fee,
which should, moreover, be
determined after the conclu-
sion of each case. Further,
the form should run in the
shape of a sum. The Govern-
ment in Council requests the Board

W.M.

for

to revise the form accordingly.

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To the *Ministry of Education*
" *Other Educational*
" *Revenue Department*
" *Public Works Department*
" *Charitable Institutions*

18/10/10

18/10/10

Executive 1863. Department.

No. 1515.

PROCEEDINGS OF GOVERNMENT.

Dated 13 October, 1863.

214-2525.

1863-1865.