

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1702	Press ~~Mis.~~
Dated	25. 10. 1918	

343-344

u/y

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
25th October 1866.*

No. 343. Read the following Proceedings of the Board of Revenue, dated 16th October 1866, No. 7457.

Read the following letters:—

From the Collector of North Arcot, to the Acting Secretary to the Board of Revenue; dated Chittoor, 4th July 1866, No. 176.

I have the honor to request that the Board will be pleased to favor me with instructions as to whether the fees payable to the Public Prosecutor are to be fixed by myself, as heretofore, under the authority conveyed in paragraph 5 of the Order of Government, dated the 2nd February 1863, No. 157, or whether their settlement should be left to the Session Judge, with reference to paragraph 15 of the Board's Proceedings of the 16th May last, No. 3407.

2. I may here observe that the form of the Order to the Public Prosecutor, under Section 231 of the Code of the Criminal Procedure, recently received from the Board's Office, differs from that prescribed by the High Court, under date the 15th October 1862.

From the Acting Collector of Trichinopoly, to the Secretary to the Board of Revenue; dated 18th September 1866, No. 198.

In paragraph 15 of the Board's Circular Order, No. X of 1866, a form of letter to be addressed by the Magistrate to Vakeels, when appointing them to prosecute cases in the Session Court, was prescribed, and it was laid down that payment of fees was to be made "on the sanction of the Session Judge;" this letter, after being receipted by the Vakeel on payment, being forwarded (with the Session Judge's signature) as a voucher with the Contingent Bill.

2. Neither from the Government Order, Judicial Department, dated 2nd February 1863, No. 157, nor from that promulgated on the 1st instant, can I discover that the sanction of the Session Judge is necessary. In both Orders, it is the Magistrate alone who is empowered to disburse these fees, and it is clear from the latter Order that, whatever voice the Judge may have had in the matter of criminal prosecutions has now been taken from him. I have the honor to request, therefore, to be informed whether the requisite disbursement of such fees for the current month can be made under the signature alone of the Magistrate, and, in that case, to suggest that a new form of Vakeel's Fee Voucher should be furnished.

P. S.—Since writing the above, the Government's approval of the form of voucher for Vakeels' fees, conveyed in paragraph 9 of their Proceedings, dated 20th April 1866, has been brought to my notice, but circumstances having been altered by the Order above referred to, of the 1st instant, I still consider it advisable to moot the question.

Resolved that the foregoing letters be submitted to Government, in the Financial Department, for the necessary orders on the subject referred to by the Collectors, the form of the "Vakeels' Fee Voucher" proposed by the Acting Deputy Accountant General having been approved by Government in that Department, in their Order, dated 20th April 1866, No. 149.

(True Copies and Extract.)

(Signed) W. HUDLESTON,

Secretary.

To the Chief Secretary to Government, Financial Department.

*Proceedings of the Madras Government, Judicial Department,
25th October 1866.*

No. 344. ORDER THEREON, 25th October 1866, No. 1702.
The Board are referred to G. O., 13th October 1866, No. 1616, in the Judicial
Department.

(True Extract).

J. D. SIM,

Secretary to Government.

To the Board of Revenue.

Exd. J. H. Burns.

25 Oct 1866 No 1702.

The Board are referred
to G. O. 13th Oct/66 No 1616
in the Judl Dept

JDS

To the Bd of Rev. des 25/10

Pro. 2^d Feb 1866 to 500.
- 1st Sept 1866 to 13.
- 13th Oct. - 15th 155.
Total 2^d Feb 1866 to 38.

Seal of the Board

Seal

1866.

Department.

No.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 16th October 1866.

Supd 20 - 21
Rev. Secy

Noted 25th October/66

No. 7,457.

No 2323.

Submitting for orders letter from Collectors of North Arcot and Trichinopoly enquiring whether fees payable to Vakeels appointed to prosecute cases in Session Court are to be fixed by the Magistrate or the Session Judge.

See 11th 1866
W. K. ...

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