

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	2	Press
		Mis.
Dated	3 / 1	19 1866

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Judicial Department,
3rd January 1866.*

Read the following papers :—

No. 3. From S. PARTHASARADY CHETTY, a Translator in the Appellate Side of the High Court, to the Chief Secretary to Government, Fort Saint George; dated Madras, 1st November 1864.

With due respect and submission, I beg to bring to your kind notice that, with the permission of the author, I have translated into Telugu and Tamil the latest edition of Mr. Kindersley's Manual of the Law of Evidence, and have just sent the manuscripts to the Press.

2. From a Notification published in the last issue of the *Fort Saint George Gazette*, I find that the examination according to the Special tests has been postponed to August next.

3. The former Notifications published in the *Fort Saint George Gazette*, inviting tenders for the supply of a certain number of copies of the said translations, and the favorable order of Government passed regarding the Malayalam translation of this work, encouraged me to undertake the present task.

4. The necessity of patronizing the publication of the Vernacular translations of such legal works, for the benefit of the public at large, must be too obvious to the Government to be commented upon here.

5. With regard to the accuracy of my translations, I think that the favorable reports of the Government regarding my Tamil and Telugu translations of Sawyer's Manual of the Law of Contracts will be a sufficient guarantee.

6. Under these circumstances, I respectfully beg you will be so kind as to recommend, for the favorable consideration of the Government, the adoption of my translations as text books for the ensuing Special Test Examination, and the purchase of a number of copies thereof as formerly notified.

7. I beg to add that I will be prepared to supply such number of copies as the Government may require in January 1865, at 5 Rupees per copy, and that I am willing, if necessary, to submit, for the perusal of Government, either the manuscript copies or such portion of them as may have been printed.

No. 4. From J. R. KINDERSLEY, Esq., to the Under Secretary to Government, Fort Saint George; dated Rajahmundry, 19th November 1864.

I have the honor to acknowledge the receipt of your Memorandum of the 5th instant, No. 562, enclosing a letter from Parthasarady Chetty, and inquiring whether his translation of my Manual of Evidence has my approval, and whether his translations may (in my opinion) be accepted as text books for the Special Test Examinations.

2. In reply, I have the honor to inform you that Parthasarady Chetty has my permission to make and publish one edition (printed at one time) of translations of my Manual in Tamil and Telugu; but I have no interest in the publication, and am not in any way responsible for the correctness of the translations.

3. I have not seen the translations in question; but, if they are good translations I should consider them proper text books for such candidates for examination as cannot read the original work; because the Manual was written expressly for Native Public servants, and has been largely purchased by that class of persons.

4. The 2nd edition is out of print, but I hope shortly to publish a 3rd edition in English.

*Proceedings of the Madras Government, Judicial Department,
3rd January 1866.*

No. 5. From S. PARTHASARADY CHETTY, to the Under Secretary to Government, Fort Saint George; dated Madras, 8th February 1865.

Agreeably to the instructions contained in your Memorandum, dated the 1st December last, No. 627, I respectfully beg to submit, herewith, such parts of my Telugu Translation of Mr. Kindersley's Manual as has already been printed, and the manuscript of the other portions, and request you will be kind enough to lay them before the Government as early as possible, in order that I may be enabled to publish the work so as to make it available for candidates coming up for the ensuing Special Test Examinations.

2. The manuscript of my Tamil Translation of the Manual is in active preparation, and will be submitted in the course of a few weeks.

No. 6. MEMORANDUM.

In returning the accompanying translation of a portion of Mr. Kindersley's Law of Evidence, the Telugu Translator to Government is of opinion that the translation is fairly done, considering the very difficult style of the English work of which it is a translation.

MADRAS,
8th April 1865.

(Signed) T. G. M. LANE, Major,
Telugu Translator to Government.

Referred to the Commissioner for the Uncovenanted Civil Service Examinations, for his opinion as to the expediency of adopting the Telugu translation of Kindersley's Law of Evidence, prepared by S. Parthasarady Chetty, as a text book for the Uncovenanted Civil Service Examinations, Special Test.

FORT SAINT GEORGE,
12th April 1865.

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

No. 213.

OFFICIAL MEMORANDUM.

The Under Secretary to Government, Public, &c., Departments, is directed to request that the opinion called for, under date the 12th ultimo, on a letter from the Telugu Translator to Government, respecting the translation of a portion of Mr. Kindersley's "Law of Evidence," may be furnished with the least practicable delay.

FORT SAINT GEORGE,
16th May 1865.

(Signed) F. BRANDT,
Acting Under Secretary.

To the Commissioner for the Uncovenanted Civil Service Examinations.

No. 7. From the Secretary to the Commissioner for the Uncovenanted Civil Service Examinations, to the Under Secretary to Government, Public Department; dated Fort Saint George, 18th May 1865.

With reference to your Official Memorandum of the 16th instant, No. 213, I am directed to inform you that the translation of Mr. Kindersley's Law of Evidence has been sent to him for inspection, and that the Commissioner awaits Mr. Kindersley's reply, before giving his own opinion as to the worth of the translation.

*Proceedings of the Madras Government, Judicial Department,
3rd January 1866.*

No. 8. From the Commissioner for the Uncovenanted Civil Service Examinations, to the Chief Secretary to Government, Fort Saint George; dated 1st June 1865.

I have the honor to return the several papers forwarded to me with endorsement, dated 12th ultimo, and to recommend, with reference to Major Lane's favorable report thereon, and the letter from Mr. Kindersley to my address, copy of which I enclose, that S. Parthasarady Chetty's Telugu translation of "Kindersley's Manual of the Law of Evidence" be adopted as a text book in connection with the Special Test Examinations.

2. Parthasarady Chetty should be required to attend to the suggestions made by Mr. Kindersley in paragraphs 3 and 4 of his letter.

3. The Law of Evidence constitutes* a portion of one of the tests prescribed for candidates for the Offices of District Moonsiff and Pleader, Deputy Collector and Magistrate, Tahsildar, Sub-Magistrate and Taluq Sheristadar, but in consequence of no text books being available, it has been hitherto dispensed with in the case of such candidates as are allowed to pass examination through the medium of a vernacular language.

* Vide G. O., 18th November 1862.

4. I take this opportunity of observing that, as the Law of Evidence is one of the most essential branches of legal knowledge, it is very desirable that speedy arrangements should be made for securing translations of the Manual referred to in all the principal languages of this Presidency.

From J. R. KINDERSLEY, Esq., to the Acting Secretary to the Commissioner for the Uncovenanted Civil Service Examinations, Madras; dated Rajahmundry, 23rd May 1865.

I have the honor to acknowledge the receipt of your letter of the 12th instant, requesting my opinion as to the expediency of adopting Parthasarady Chetty's translation of my "Manual of Evidence" as a text book for the Special Test Examination.

2. The Manual in question was first compiled six years ago, when I should have been learning instead of writing law, and every year has made me less satisfied with it. But I conclude that it in some measure suits the class of Public servants for whom it was intended, from the speedy exhaustion of two editions, and from the approval of the Government of Bombay, who have bought 100 copies, and have obtained my permission to translate the Manual into the languages of that Presidency.

3. Then, as to Parthasarady Chetty's translation, which I have the honor to return by Book-post, it seems to be in general correct; though I detect inaccuracies here and there. In some places there is great felicity of expression. I think that it ought to be carefully revised by a better scholar than myself; that it should be adapted to the 3rd edition of the original, which is now in the press, and which is not very different from the 2nd edition which is out of print; and that the numbers of the Sections should correspond with the numbers in the original for easy reference.

4. I find that the Natives here are more familiar with the legal terms in the English language than with the Sanscrit words which have been substituted for them in this translation. It might, therefore, be proper, as a general rule, to express technical terms in English by the side of the Sanscrit. Natives usually study such books in company with others, who can explain an English word here and there. The writer's habit of joining several words together by the use of Sandhi tends to obscurity.

5. I do not wish to be responsible in any degree for the correctness of this translation; and I have no interest in it of any kind.

No. 9. From S. PARTHASARADY CHETTY, a Translator in the High Court, to the Chief Secretary to Government, Fort Saint George; dated Madras, 17th August 1865.

With reference to my letter to the Under Secretary, dated the 9th February last, submitting the manuscript copy of my Telugu translation of Mr. Kindersley's Manual of the Law of Evidence, I respectfully beg to remind the Government that no orders have as yet been passed upon it, although I had intended to make the work available for the ensuing Special Test Examinations.

2. Now as the subscribers are hurrying me about the work, and as I am precluded from passing it through the Press until the Government may be pleased to communicate their pleasure to me on the subject, I humbly beg your honor will do me the favor of obtaining the sanction of His Excellency the Governor for striking off the work as early as possible.

No. 10. ORDER THEREON, 3rd January 1866, No. 2.

The Government are of opinion that, in consideration of the favorable judgment passed upon S. Parthasarady's translation of Mr. Kindersley's Manual of the Law of Evidence, it may be accepted as a proper work for Government patronage.

2. The Government are not, however, prepared formally to adopt the work as a text book, since any proper translation of the original work would be equally useful for the instruction of candidates, but they authorize the Commissioner for the Uncovenanted Civil Service Examinations to state, in a Public Notification, and in connection with the rules, that such a translation by S. Parthasarady has been published.

3. The Translator's attention will be called to the suggestions contained in paragraphs 3 and 4 of Mr. Kindersley's letter.

4. As translations in other languages of this work are required, the Government consider that the most likely course to insure an early supply of the work will be that the Commissioner for the Uncovenanted Civil Service Examinations should issue an advertisement, calling on qualified persons, willing to undertake the task, to supply translations in Tamil, Malayalam, and Canarese of Mr. Kindersley's 3rd edition. The Commissioner will, after due consideration of the qualifications of the applicants, select one to perform each translation, the first 20 or 30 pages of which will be submitted to Mr. Kindersley and the Government Translators for approval, before the remainder is proceeded with. The work will be printed* at the Government cost, and each Translator will be bound to revise the proofs of his own work. For this service, the Commissioner is empowered to offer Rupees 500 as remuneration for each translation, the ownership of the translation remaining with Government. As it is understood that Parthasarady Chetty has a Tamil translation already in hand, the Government have no objections to the Commissioners employing him for the work, and making terms with him for the supply to him of the copies which he may require for the subscribers he has already secured.

5. The Government are further of opinion that it would be expedient, if S. Parthasarady Chetty is willing to accede to such a proposal, that the translation now in question, in Telugu, should be purchased of him and be printed by Government. The Commissioner will communicate with him, and ascertain whether he is

willing to accept the same price for this translation as that proposed in the last paragraph.

6. It is understood that Mr. Kindersley is willing to allow Government to publish translations of his work in editions of 1000 or less copies, on condition that Government pay him a royalty of half a Rupee per copy for each copy printed, such royalty to be paid on the whole edition at the time of its publication, and on the further condition that the work is to be sold to the Public at not more than Rupees 3 per copy. To these terms, generally, the Government accede, but specific orders will be passed in each case as occasion may arise.

(True Extract).

Chief Secretary.

To the Commissioner for the Uncovenanted Civil Service Examinations.

To J. R. Kindersley, Esq.

To the Tamil Translator to Government.

„ Malayalum do.

„ Canarese do.

To S. Parthasarady Chetty.

Ed. J. H. Burns.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following
papers:—

From S. Parthasarady Chetty, ^{Here enter 1st Novr 1861. + 8th Feb: 1865.}
Translator in the High Court }
From J. K. Henderley Esq. } 19. Novr/64
the Agent Translator }
to Government } 8th April 1865.
Secretary to the }
Commr for the U.C. S. & A. } 18th May
Commr for the U.C. S. & A. } 1st June
S. Parthasarady Chetty }
Maid. } 17 August

Order thereon 3rd January 1866 No. 2.

The Government are of opinion
that in consideration of the
favorable judgment passed
upon S. Parthasarady's Trans-
lation of Mr. Henderley's
Summary of the
Evidence, it may
be accepted as a proper
work for Government pa-
tronage

MD
GP

2- The Government are not however prepared formally to adopt the work as a Text Book, since any proper translation of the original work would be equally useful for the instruction of Candidates, but they authorize the Commissioners for the U. C. S. Examinations to state in a Public Notification and in connection with the rules, that such a translation by S. Parthasarady has been published.

3 The translator's attention will be called to the suggestions contained in paras 3 and 4 of Mr Hindersley's work. Letter

4 As translations in other languages of this work are

are required, the Government consider that the most likely course to ensure an early supply of the work will be that the Commissioners for the U. C. S. Examinations should issue an advertisement, calling on qualified persons, willing to undertake the task, to supply translations in Tamil, Malayalam and Canarese of Mr Hindersley's 3^d Edition. The Commissioners will after due consideration of the qualifications of the applicants, select one to perform each translation, the first 20 or 30 pages of which will be submitted to Mr Hindersley and the Government Translators for approval, before the remainder is proceeded with. The work will be printed at the Government cost and each translator will be bound to revise the proofs of his own work. For this service, the Commissioners is empowered to offer Rs 500 as remuneration for each translation, the ownership of the translation remaining with Government. As it is understood that Parthasarady Chetty has a Tamil Translation already in hand, the Government have no objections to the Commissioners employing him

for the work and making terms
with him for the supply to him
of the copies which he may require
for the subscribers he has already
secured.

5 The Government are
further of opinion that it would
be expedient if S. Parthasarady
Chetty is willing to accede to
such a proposal, that the Trans-
lation now in question, in Tulu
should be purchased of him
and be printed by Government.
The Commissioners will com-
municate with him and as-
certain whether he is willing to
accept the same price for
this translation as that proposed
in the last paragraph.

6 It is understood
that Mr. Hindersley is willing
to allow Government to publish
translations of his work in
editions of 1000 or less copies, on
condition that Government
pay him a royalty of half a
rupee per copy for each copy
printed, such royalty to be
paid on the whole edition at
the time of its publication
and on the further condition
that the work is to be sold to
the Public at not more than
Rupees 3 per copy. To three
times

terms generally, the Government
accede, but specific orders will
be passed in each case as
occasion may arise.

Com^r for the U.C. Examinations
J. R. Hindersley Esq
Tamil Translator for
Malayalam — do
Canarese — do
S. Parthasarady Chetty

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Translation of
Kindsley's Law of
Evidence

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Judicial 1866. Bryant.

1862.

Proceedings of Court

1845-1871.

1866. 1871. January 1866.

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