

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.

298

Press

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Dated

25. 2. 1867-19.

Not to be folded or roughly handled

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989/82
252/53/85.

219-220

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*Proceedings of the Madras Government, Judicial Department,
25th February 1867.*

No. 219. Read the following letter from Mr. S. P. FERNANDEZ, Malayalam Interpreter, High Court, to the Chief Secretary to Government, Fort Saint George; dated Madras, 15th August 1866.

I beg leave to acknowledge the receipt of the Order passed by Government on the 6th June last, No. 898, with reference to my Malayalam translation of Mr. Kindersley's "Manual of the Law of Evidence."

2. In that Order, the Governor in Council has been pleased to advert, first, to the "long delay" which has occurred in the publication of the translation, and, second, to the "unfavorable opinion" passed by the Commissioner for the Unconvenanted Civil Service Examinations respecting it. As these two circumstances have led His Lordship in Council to manifest a disposition to withdraw from the work the patronage which had been already conceded to it, I feel that it is but just that, in now soliciting a reconsideration of the Order under acknowledgment, I should be allowed to lay before you such explanation as may tend to remove the impression in question.

3. (1st).—In regard to the delay, I beg to submit that it arose entirely from circumstances over which I could have exercised no control. In the absence of a Malayalam Press at the time at Madras, and owing to a practice obtaining at the Collectorate Press in Malabar to refuse the execution of all private work, I was necessitated to enter into an engagement with a Press at Calicut, owned by Arnachellum Moodelliar, the late District Moonsiff. From the time the printing of my Translation was undertaken by this individual, to a very recent date, I had used every effort to urge upon him the propriety of fulfilling his engagement, but, unfortunately, without any effect. To convince Government of the truth of this assertion, I beg to submit such of the original letters from Arnachellum Moodelliar on the subject, and copies of letters of mine to him, as I could lay my hands on.

4. (2nd).—In reference to the "unfavorable opinion" passed by the Commissioner, I feel I must, with every respect, solicit your kind attention to the 2nd paragraph* of the N. B. appended to my communication of the 14th April last, and submit my emphatic but humble remonstrance against any reflection that may have been intended to be cast on the translation, revised as it has been by an admittedly talented Native Functionary of Malabar.

5. Although the fact of the translation having been, at my own request, revised by Kelloo Nair, must, for the purposes of the present question, supersede the necessity of entering into the question of the competency of the Translator himself, yet, as that fitness seems to be indirectly called into question by the Commissioner in

* "The translation is, as submitted in my letter recorded in the Proceedings of Government, Judicial Department, 23rd July 1862, thoroughly revised by 'the ablest Native Functionary of Malabar,' Kookel Kelloo Nair, the late Principal Sudder Ameen of Calicut (who revised the Honorable Mr. Collett's Translation of Mr. Baynes' Criminal Law), and, to use Mr. Collett's own words, 'his (Kelloo Nair's) name must be a sufficient guarantee of the critical precision and accuracy of the translation,' so that the merits of the translation must stand unquestionable. I beg to add that Kelloo Nair had also revised the subsequent alterations, with reference to the 2nd Edition, as the manuscript in my possession will prove. "I beg that Government will not consider the specimen of paper and types used in the printing of the three forms of the translation of the 1st Edition (submitted with my letter to Mr. Under-Secretary Walker, of the 17th ultimo) as specimens of those to be produced in reference to the translation of the 2nd Edition. At the time the former Edition was in Press, I stood at a disadvantage in reference to my knowledge of such matters. More satisfactory arrangements have since been personally made by me, and I shall, as soon as I am favored with instructions, satisfy the Government upon this point also."

*Proceedings of the Madras Government, Judicial Department,
25th February 1867.*

paragraph 5 of his Secretary's letter, dated 14th April last, I feel I cannot but with all submission state that I am prepared to stand on my own merits as a Translator of no ordinary reputation. I was for a series of years engaged as a Translator in the Zillah Court of Calicut, where I was pronounced by one qualified to do so, viz., Mr. G. A. Harris, the then Judge, and a Malayalum scholar himself, as "a careful and efficient Translator." On another occasion, in 1853, Mr. Harris, after having satisfied himself of the accuracy of the work, was pleased, officially, to recommend my Malayalum Translation of "The District Moonsiff's Guide" for the support and patronage of the late Sudder Court. Again, I was engaged to assist the late Arnachellum Moodelliar in his Malayalum Translation of "Baynes' Civil Law," an acknowledgment of which services will be found recorded in the preface of that work, which was approved of by the Government and the public. Later again, Mr. Justice Strange, known as an excellent Malayalum scholar, who had spent upwards of 15 years in Malabar, and who could read, write, and speak the language with great facility, was pleased to bear evidence* to my peculiar qualifications, not only as a Translator, but also

* "Mr. Fernandez, Malayalum Translator in the Appellate Branch of the High Court, has asked me to testify to his merits as a Translator. I am myself familiar with Malayalum, and have found him an efficient Translator. He is also intelligent and industrious, and has always come up well prepared in the cases he has to attend upon the Bench with."
MADRAS, 14th April 1863.

(Signed) T. L. STRANGE.

as one capable of studying and preparing the Malayalum records of Civil cases for hearing and disposal by the High Court. With these and other testimonials and facts in favor of my fitness as a Translator, and especially with reference to my present position as the Malayalum Interpreter of the High Court, it is clear that the imputation cannot be applied to my case with any accuracy.

6. Having now, I trust, afforded a satisfactory explanation on the two points adverted to by Government in their Proceedings of the 6th June last, I have only to add that I shall be perfectly free from all pecuniary liabilities on account of the work in question, if it will please the Governor in Council to allow me only an additional half Rupee per copy to the rate at which the Government has already promised to purchase 300 Copies.

No. 220.

ORDER THEREON, 25th February 1867, No. 298.

The Governor in Council adheres to the orders already passed in this case. If the translation should appear, and be favorably reported upon, the Government will consider the advisability of taking a portion of the 1st Edition, at the price fixed in G. O., No. 1160, dated 23rd July 1862, viz., Rupees (2½) two, and Annas eight.
(True Extract).

Chief Secretary.

To Mr. S. B. Fernandez, with enclosures, returned.
,, the Commissioner for the Uncovenanted Civil Service Examinations.

Exd. J. H. Burns.

TESTIMONIALS

OF

MR. SAMUEL B. FERNANDEZ.

[The following Testimonial was given by Mr. Fernandez's first employer, on the occasion of the latter's departure from Malabar.]

"MR. FERNANDEZ,

"I have pleasure in bearing testimony to your zeal and industry since your employment as a Writer in 1845, when I selected you owing to the good character I heard of you and from your writing such an excellent hand. The correctness with which you have copied long and difficult papers has often merited and called forth my approval, and I had hoped to have been able to promote you and other equally deserving Writers on a future occasion, and which advancement you will doubtless obtain if you continue to discharge your duties as hitherto.

Your's obediently

H. MORRIS,

Civil and Sessions Judge"

"CALICUT,
"9th Novr. 1851."

[The following Testimonial was given by the aforementioned Mr. Morris' successor in Office.]

"Mr. S. B. Fernandez, the 4th Writer on the establishment of this Court, having applied to me for a testimonial upon which to ground an application for a better situation elsewhere, I have much pleasure in stating that, during the 16 months that I have presided over this Court, Mr. Fernandez has conducted himself well and discharged the duties of his office much to my satisfaction. He writes a fine hand, and translates the

Malayalam into English pretty correctly, and, altogether,
I consider him a promising young man, and wish him
success in his application.

ZILLAH COURT, CALCUT, } S. N. WARD,
" 4th July 1853. } Civil and Sessions Judge."

The following is an Extract from the Preface of the Malayalam translation of Mr. Baynes' Civil Law published in 1854, a work in which Mr. Fernandez gave some assistance]

"I am also under obligation to Mr. S. B. Fernandez,
4th Writer of the Civil Court, for having prepared and
furnished me with abstracts, in English, of the Circular
and other instructions issued from time to time from the
year 1844."

The following letter is addressed by Mr. Ward's successor in office to Mr. Fernandez, in reply to his application for leave to proceed to Tellicherry to seek the appointment of Foujdary Translator in the Court at that Station.]

" 5th September 1854.

To
Mr. S. B. FERNANDEZ,

"You may take four days' leave for the purpose of
proceeding to Tellicherry.

"I have been fully satisfied with your conduct, and
consider you competent for the situation of Foujdary
Translator.

G. HARRIS,
Civil Judge."

The following was given by Mr. Harris, when Mr. Fernandez left the Civil Court, for employment under the Honorable A. J. Arbuthnot, the then Malayalam Translator to Government and Director of Public Instruction.]

"Mr. FERNANDEZ,
"I have always been satisfied with your conduct, and
there being a prospect of bettering yourself at the present

No. 220. ORDER THEREOF

The Governor in Council and
the translation should appear, and
consider the advisability of taking
G. O., No. 1160, dated 23rd July

To Mr. S. B. Fernandez, with enclosure,
the Commissioner for the United

Exd. J. H. Burns.

"time, I have the pleasure to certify the same and hope
you will succeed. Your translations are carefully and
well done."

CALCUT, } G. HARRIS,
" 22nd August 1855. } Civil Judge."

[The following was given by the Honorable A. J. Arbuthnot, when Mr. Fernandez applied for the appointment of Translator in the Jute Sudder Court.]

"Mr. Samuel Fernandez has served as Munshi in the
Malayalam Translator's Office since 1855. He is a good
translator and an intelligent man. The Office of the
Malayalam Translator is about to be removed to the
Western Coast, and as Mr. Fernandez desires to remain
in Madras, I give him this Certificate with reference to
an application which he wishes to make for an appoint-
ment in another Office."

MADRAS, } A. J. ARBUTHNOT,
" 28th January 1860. } Malayalam Translator to Govt."

[The following was given by Mr. Justice Strange on the occasion of his retirement from the Bench of the High Court.]

"Mr. Fernandez, Malayalam Translator in the Ap-
pellate Branch of the High Court, has asked me to testify
to his merits as a Translator. I am myself familiar with
Malayalam and have found him an efficient Translator.
He is also intelligent and industrious, and has always
come up well prepared in the cases he has had to attend
upon the Bench with.

MADRAS, } T. L. STRANGE."
" 14th April 1863. }

Mr. Samuel B. Fernandez has

*Mr. S. B. Fernandez High Court
and U.C. Examination } despo 28/2*

has been entrusted with
responsible duties as a
Translator, and afterwards
as an Interpreter, and has
discharged them efficiently
and satisfactorily. -

Signed / C. F. Chauvin
High Commr.
Paris. 12 April
1864.

1 True Copy /
S. B. Fernandez

ORDER THEREOF

The Governor in Council and
the translation should appear, and
consider the advisability of taking
G. O., No. 1160, dated 23rd July

To Mr. S. B. Fernandez, with en
,, the Commissioner for the Uni

Exd. J. H. Burns.

Mr. S. B. Fernandez, High Commr.
Cons. U.C. Examination } despo 28/2

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from
Mr. S. B. Fernandez - Malaya:
- Jun Interpreter - High Court
(See entry 15 August 1866)

Order thereon 25 February 1867 No. 298.

The Governor in Council
adheres to the order al-
- ready passed in this case.
If the translation should ap-
- pear and be favorably reported
upon the Government will con-
- sider the advisability of taking
a portion of the 1st Edition at
the price fixed in G. O. No. 1160
dated 23rd July 1862 viz Rs. 2 1/2
two annas eight.

[Handwritten signature]

Mr. S. B. Fernandez High Court
and U.C. Examination } despatch 28/2

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[Handwritten notes:]
To Mr. S. B. Fernandez
Commissioner for the U.C.
Examination

To Mr. S. B. Fernandez, with en-
,, the Commissioner for the U.C.

Exd. J. H. Burns.

list of returns

Official 1897. Department.

No. 298.

PROCEEDINGS OF GOVERNMENT.

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Dated 25th January 1897.

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