

# MADRAS RECORD OFFICE.

Government of Madras.

*Indial* DEPARTMENT.

|          |             |                      |
|----------|-------------|----------------------|
| G.O. No. | 405         | Press<br><u>Mis.</u> |
| Dated    | 12 . 3 . 19 | 1867                 |

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Not to be folded or roughly handled

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*Proceedings of the Madras Government, Judicial Department,  
12th March 1867.*

Read the following papers :—

No. 144. From the Civil and Session Judge of Nellore, to the Chief Secretary to Government, Fort Saint George; dated Nellore, 8th September 1866, No. 42.

I have the honor to acknowledge receipt of Proceedings of the Madras Government, Judicial Department, dated 1st September 1866, and in reply to the request contained in paragraph 17 to state, that it appears to me that Rupees 50 per mensem would be proper remuneration to the Government Vakeel for the Civil work he is called on to perform in this District. I must, however, admit that I have experienced difficulty in arriving at a conclusion on this point, and submit my opinion to the above effect with some hesitation.

No. 145. From the Civil and Session Judge of Mangalore, to the Chief Secretary to Government, Fort Saint George; dated Mangalore, 9th October 1866, No. f. b.

With reference to paragraph 17 of the Order\* of Government, dated 1st September 1866, No. 1369, I have the honor to state that, in my opinion, the Government Vakeel in this Zillah, if the post is to be continued, is not entitled to the remuneration contemplated by Government,

\* Regarding remuneration of Government Vakeel for the performance of Civil business in which the Government is concerned.

STATEMENT of Suits in which Government Vakeel is employed on behalf of Government.

|                                         | 1861.                             |                  | 1862.                             |                  | 1863.                             |                  | 1864.                             |                  | 1865.                             |                  | Total.                            |                  |
|-----------------------------------------|-----------------------------------|------------------|-----------------------------------|------------------|-----------------------------------|------------------|-----------------------------------|------------------|-----------------------------------|------------------|-----------------------------------|------------------|
|                                         | Regular Original and Appeal Suit. | Execution Cases. | Regular Original and Appeal Suit. | Execution Cases. | Regular Original and Appeal Suit. | Execution Cases. | Regular Original and Appeal Suit. | Execution Cases. | Regular Original and Appeal Suit. | Execution Cases. | Regular Original and Appeal Suit. | Execution Cases. |
| Civil Court..                           | 1                                 | ...              | ...                               | ...              | ...                               | ...              | 1                                 | 1                | ...                               | 2                | ...                               | ...              |
| Principal S. Amiens' Courts.....        | 5                                 | 1                | 1                                 | ...              | 1                                 | ...              | 3                                 | 1                | ...                               | 10               | 2                                 | ...              |
| Moonsiff's Courts in Mangalore Town.... | ...                               | 1                | 3                                 | ...              | 1                                 | 1                | ...                               | 2                | ...                               | 4                | 4                                 | ...              |
| Total...                                | ...                               | ...              | ...                               | ...              | ...                               | ...              | ...                               | ...              | ...                               | 16               | 6                                 | ...              |

as the Civil business in this Court to which the Government is party, is comparatively light, as shown in the margin.

2. In this District it has been the practice to allow fees to the Government Vakeel in cases where the Government is unsuccessful, the same

being collected from the party cast.

3. In suits before Moonsiffs, other than the Mangalore Moonsiff, the services of the Government Vakeel are not employed, but one of the Vakeels of such Moonsiff's Court is retained by the Collector, and allowed fees at the ordinary rate.

No. 146. From the Civil and Session Judge, Guntoor, to the Secretary to Government, Fort Saint George; dated Guntoor, 13th November 1866, No. 149.

With reference to paragraph 17 of the Order of Government, dated 1st September 1866, No. 1360, conveyed in their Proceedings, Judicial Department, of the

*Proceedings of the Madras Government, Judicial Department,  
12th March 1867.*

same date, calling upon the Civil Courts at Chingleput, Guntoor, Madura, Mangalore, and Nellore, to state what, in their opinion, would be proper remuneration to Government Vakeels for the Civil work they are called upon to perform in their respective Districts, I have the honor to state as follows:—

2. The Government are probably aware that this has become a very heavy Court, since the abolition of the late Masulipatam Zillah. This has added to the work of the Government Vakeel on the Civil side, although not to a very large extent. In consideration of this, and of the salary which Officers, under the denomination of "Division Public Prosecutors," receive in the Mysore Commission, I recommended in my report to the Honorable L. C. Innes, on the revision of the Judicial Establishment, that the salary of the Government Vakeel be raised from Rupees 21 to Rupees 100 for the present incumbent, instead of remunerating him, as at present, partly by a fixed salary and partly by fees in Session cases. The Vakeel of this Court does not know a single word of English, and was admitted as a Pleader in 1834 on a College Certificate, at that time the only test required.

3. In the case of a Government Pleader, who had taken his B. L. degree, it would, in my opinion, be well worth the while of Government to raise the emoluments to Rupees 150, and thus ensure the due protection of their interests, which are neglected possibly in nine cases out of ten, because the incumbent was selected, and is even now sometimes chosen, more on account of length of service than any other cause. If the rule which requires that a Government Pleader shall have passed the District Moonsiff and Pleaders' test in English, were never departed from in the case of future nominees, there would be fewer recurrences of the inefficiency which Mr. Dale brings to notice.

No. 147. From the Civil Judge of Chingleput, to the Secretary to Government, Fort Saint George; dated Chingleput, 16th November 1866, No. 400.

In reply to the Order of Government, Judicial Department, No. 1369, dated 1st September 1866, and with reference to paragraph 17, I have the honor to state that, in my opinion, 70 Rupees per mensem would be an adequate remuneration to the Government Vakeel for the Civil work he would be called upon to perform in this District.

No. 148. From the Civil Judge of Madura, to the Chief Secretary to Government, Fort Saint George; dated Madura, 25th January 1867, No. 30.

I have the honor, with reference to the Order of Government, dated 1st September 1866, No. 1369, to submit my opinion that the monthly salary of 21 Rupees, now given to the Government Vakeel, is sufficient for the duties required of him, which is ordinarily to report to the Government (Collector) any matter before the Court in which it is interested, and to put in such objecting or other motions as he may be directed to present in all cases in which he is employed to defend or prosecute a suit; he receives, I believe, the established fee for doing so.

*Proceedings of the Madras Government, Judicial Department,  
12th March 1867.*

No. 149. ORDER THEREON, 12th March 1867, No. 405.

In G. O., dated the 1st September last, No. 1369, the Government, in reviewing the position and emoluments of the Government Vakeels in the Provinces, called upon the Civil Judges noted in the margin, where the Civil business in which Government is concerned appeared

Chingleput.  
Guntoor.  
Nellore.

Madura.  
Mangalore.

to be heavy, to state what, in their opinion, would be proper remuneration to the Vakeels in question for the Civil work they are required to perform in their respective Districts.

2. The Civil Judges of Madura and Mangalore consider that the salaries hitherto given to the Government Vakeels in their Districts are sufficient. The present salaries will accordingly be retained.

3. The Judges of Nellore, Chingleput, and Guntoor respectively suggest the sums of Rupees 50, 70, and 150 as fair remuneration for the Government Vakeels employed in their respective Districts, but they do not specify the data on which their opinions are based. The Governor in Council requests that a Statement in the annexed form may be submitted by each of the three Judges in question, showing what the work of the Vakeels has been for the last three years.

|              | 1864.                                                  |                                  | 1865.                                                  |                                  | 1866.                                                  |                                  | Total.                                                 |                                  |
|--------------|--------------------------------------------------------|----------------------------------|--------------------------------------------------------|----------------------------------|--------------------------------------------------------|----------------------------------|--------------------------------------------------------|----------------------------------|
|              | No. of cases in which the Government has been a party. | Value of property in litigation. | No. of cases in which the Government has been a party. | Value of property in litigation. | No. of cases in which the Government has been a party. | Value of property in litigation. | No. of cases in which the Government has been a party. | Value of property in litigation. |
| Civil Court. |                                                        |                                  |                                                        |                                  |                                                        |                                  |                                                        |                                  |
| &c., &c.     |                                                        |                                  |                                                        |                                  |                                                        |                                  |                                                        |                                  |

(True Extract).

Chief Secretary.

To the Civil and Session Judge of Nellore.

" do. Chingleput.  
" do. Guntoor.

Exd. J. Tulloch.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letters.

From the Civ. & Ses. Judge of Madras. Dated 8 Sept. 1866 No 42.  
 — do. of Mangalore — 10 Oct — 46.  
 — do. of Guntur — 13 Nov — 149.  
 — do. of Chingleput — 16 — 400.  
 — do. of Madras — 25 Jan'y 67 — 30.

Order thereon 12 March 1867 No 405

In L. C. dated the 1<sup>st</sup> September last No 1369, the Government in reviewing the position and involvements of the Govt. Vakeels in the Provinces called upon the Civil Judges noted in the margin where the civil business in which Government is concerned appeared to be heavy, to state who!

Chingleput  
 Guntur  
 Madras  
 Mangalore

*[Handwritten initials]*

what in their opinion would be proper remuneration to the Vakeels in question for the civil work they are required to perform in their respective districts.

2. The Civil Judges of Madras and Mangalore consider that the salaries <sup>by the</sup> ~~present~~ given to the Government Vakeels in their Districts are ~~not~~ sufficient. The present salaries will accordingly be retained.

3. The Judges of Bellary, Chingleput and Guntur respectively suggest the sum of Rupees 50-70 and 150 as fair remuneration for the Government Vakeels employed in their respective Districts but they do not specify the data

Memo for Orders.

In G.O. 1<sup>st</sup> Sept. last No 1369, the Government in reviewing the position and emoluments of the Government Vakeels in the Provinces, called upon the Zillah Judges of the District named in the margin, where the Civil business in which Government is concerned appeared to be heavy, to state what in their opinion, would be proper remuneration to Government Vakeels for the civil work they are called upon to perform in their respective Courts, and the following is a precis of the replies to this requisition.

Chingleput.  
Guntur.  
Bellary.  
Madras.  
Mangalore.

no data are given to show  
on what this opinion is  
based - unless he is a  
Chingleput. statement  
70 Rupees a month would be adequate remuneration - according to a former  
work of H. F. V. at Chingleput.

The Judge of this Zillah thinks that, with reference to the class of men who would be selected in future for the office of Government Vakeel, viz. those who have passed the B.L. and the Special Test Examinations, the salary of the office might be fixed at 150 Rs a month.

Mr. Velly thinks that the salary might be fixed at 50 Rs a month, tho' he states that he has experienced some difficulty in arriving at a conclusion and gives his opinion with some hesitation.

Mr. Cotton considers the present salary of 21 Rs a month sufficient for the duties ordinarily required of the

Madura. The present salary of 21 Rs a month is sufficient for the duties ordinarily required of the

the Government Vakeel, which consists of reporting to the Collector any matter before the Court in which the Government are interested and to put in such motions as he may be directed to present.

Mangalore. The Civil business to which the Government is a party being comparatively light in this Court, the Judge thinks that the present pay of the Vakeel is sufficient.

Orders are requested.

The reports required by Mr. S. Pyawoff should be furnished



*Book of the  
Veterans*

(1)

*Judicial 1852. Department.*

No. 405.

PROCEEDINGS OF GOVERNMENT.

*7th 1869. 706. 932.*

*Dated. 12. March 1867.*

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