Public Works ([illegible]) Department.

G.O., No. 3143 W

DATED 5 Dec 1899.

[Despatch Abstract.]

Fees. Sanctioning the payment of the sum of Rs 686-12-0 preferred by the Pleader, Negapatam Dn, for conducting the prosecution, in a certain suit for perjury, on behalf of the Ex Engr, of the Dn, and directing that half of the amount be recovered from Mr N. Räthnasabapathy Pillai the then Ex Engr, for the disregard of rules, dilatoriness and want of judgment shown in undertaking the action

[P. W. 2. / 500—27-10-99.]

Indexed. B E 7/12

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

P.W. DEPARTMENT.

B/ 5

READ the following:—

Endt. of the Suptg. Engr., V Circle, No. 525 W. d/ 13.9.95

Letter from the Govt. Solicitor No. 544 d/ 9.10.95

Circulated to ~~H.E. the Governor~~ ~~Fees to a Vakil~~

ORDER. No. 3149 W. d/ 5.12.95

Appd. A.G.H. 27.11.99

In the first of the letters read above the Suptg. Engr., V Circle, requests the sanction of Govt. to the payment of two bills aggregating Rs 686-12-0 preferred by the Hon'ble Mr. P. Ratnasabhapati Pillai, Pleader, Negapatam, for conducting the prosecution of one Sodalamuttu Nadar for perjury, on behalf of the Executive Engineer, Negapatam division.

2. The Govt. observes that this prosecution was undertaken by the Executive Engineer, Mr. N. Ratnasabhapati Pillai, without obtaining the prior sanction of Govt.; & that he did not even report the facts of the case to the

DW/W

Supty.

P. W. 4.
1,000—18-7-99.

22/11 Q. 2811

Supdg. Engineer. It is urged by the Supdg. Engineer that Mr. Ratnasabhapati Pillai appears to have looked upon the case as a trivial one & one that would have been settled at once at small cost & as coming under the terms of G.O. No 179 W dated 20th J Jany 1894. Under this order Executive Engineers may authorise the institution of criminal prosecutions in "very petty cases" or in "cases of real emergency". This prosecution for perjury cannot be considered to fall under either category, and in undertaking it without authority Mr Ratnasabhapati Pillai acted most irregularly.

3. Mr Ratnasabhapati Pillai further engaged a private pleader to conduct the prosecution, in violation of the orders issued in G.O. No 2050 W of 7th July 1888 L which directs that no vakil can be retained except through the District Magistrate, and he did not even enter into an agreement with the pleader as to the fees to be paid. The result of this disregard of the rules is that Govt: is now called upon to pay much higher fees than would have been necessary had Mr. Ratnasabhapati Pillai paid attention to the procedure laid down.

4. Finally the Govt: is constrained to notice the dilatoriness shown by Mr Ratnasabhapati Pillai in launching this injudicious prosecution. In para 4 of his judgment the Head Assistant Magistrate, Negapatam, remarks that certain evidence "has been "rendered almost valueless "owing to the extraordinary "delay on the part of the P.W.D.

P.W.D. in taking action in this case". For this delay Mr. Ratnasabhapati Pillai must be held responsible. This is not the first occasion ~~in~~ which the dilatory methods adopted by this office in dealing with public business ~~and~~ has come under the notice of Govt.

5. The payment of the bills for Rs 686-12-0 is sanctioned, but as this charge has been caused by the dilatoriness, disregard of the rules, + want of judgment shown by Mr. Ratnasabhapati Pillai, half of the amount, viz: Rs 343-6-0, will be recovered from him in six instalments.

Qur.

H.E.
7/11/99

To
The Supdg. Engr, V Circle ✓
" Examr., P.W. Accts. ✓
(paras 1 & 5)

Despd.
6/12/99.

W 18/11/99.

P.W. DEPARTMENT. 24

Flag H

READ the following:—

Endt. of the Supdg. Engr, V Circle, No. 525 W dt. 13.9.99.
Letter from the Govt. Solicitor No. 544 dt. 9.10.99

Fees to a Vakil for conducting a criminal prosecution on behalf of Govt.

Circulated to H.E. the Governor

For ORDERS

× Flag - H

In the first of the letters× read above the Supdg. Engr, V Circle, requests the sanction of Govt. for the payment of a fee of Rs 686-12-0 demanded by the Hon'ble P. Ratnasabhapati Pillai, Pleader, Negapatam, for conducting the prosecution of one Sodalamuthu Nadan for perjury on behalf of the Executive Engineer, Negapatam Division.

2. Briefly the circumstances of the case are as follows.

3. In Jany 97 certain individuals were prosecuted before the Stationary Sub Magistrate, Negapatam, for causing injury to the irrigation sluices in Vellyar by fishing with-

H.

DW
W

[P. W. 4.
1,000—18-7-99.]

H.E. 7/11 L 6/11

the prohibited distances of
the masonry works, but the
case was discharged by the Sub
Magistrate on 10th March 97. Soda:
lamuthu Nadar, who was a lessee
for fisheries that year & who had
sub-let the fishing to one of the
accused in the above case, was
taken as a Court witness, & he
deposed, presumably to shield
his sub renter, that no restriction
was placed upon his fishing in
any part of any river, & that
there was no stipulation of any
kind to prevent his fishing near
masonry works, & that therefore
no mischief was caused by the
accused either to the masonry
works or to the water supply. Although
this evidence was contradictory to
the terms of the lease executed
by Sodalamuthu Nadar, the
case was discharged as stated
above. Mr N. Ratnasabhapathi Pillai,
the then Executive Engineer of
the Negapatam Division, not being
satisfied with the apparent mis:
carriage of justice in this case
&

W 10/11/95 6/12/99.

C

× Flag. C

& considering that it would be against the interests of the dept. if the case was left unnoticed obtained the sanction of the Court which tried the case to prosecute Sodalamuthu Nadar for perjury. ~~This [illegible]~~ Nothing however appears to have been done till 22nd Novr. 98 when Mr N. Ratnasabhapati Pillai pointed out to the District Magistrate the miscarriage of justice & asked him to conduct the prosecution of Sodalamuthu Nadar. The District Magistrate in reply on 29th Novr. 98 requested Mr. N. Ratnasabhapati Pillai to have a complaint laid before the Head Assistant Magistrate. In Decr. 98 Mr. N. Ratna:sabhapati Pillai engaged the Hon'ble P. Ratnasabhapati Pillai

a

a local Pleader, to conduct the prosecution. This case was tried by the Head Assistant Magistrate who discharged the accused.

4. In launching this prosecution it will be seen from what follows that Mr. N. Ratnasabhapati Pillai not only disregarded rules but also showed a want of judgment & a great deal of dilatoriness.

5. In the first place Mr. N. Ratnasabhapati Pillai did not obtain the prior sanction of Govt. to prosecute the case for perjury as he should have done, & he did not even report the facts of the case to the Supdg. Engr. The Supdg. Engr. states that Mr. N. Ratnasabhapati Pillai appears to have

have

×Flag 7

have looked upon the case as a trivial one, & as ~~coming~~ one that would have been settled at once at small cost, & as coming under the terms of G.O. No. 179 W of 20.1.94. Under this order Executive Engineers may authorise the institution of criminal prosecutions in "very petty cases" or "in cases of real emergency". This case of perjury cannot be considered to come under either category.

6. In the second place Mr. N. Ratnasabhapathi Pillai engaged a private vakil to conduct the prosecution in violation of the orders issued in

G.O.

G.O. No 2050 W.G. 7.7.88 which directs that no vakil can be retained ex:cept through the District Magistrate.

Key ?

7. Thirdly, Mr N. Ratna:sabhapati Pillai entered into no agreement with the vakil as to the fees to be paid. The vakil now presents bills aggregating Rs 686-12-0 & declines to take anything less. The District Magistrate is of opinion that Rs 150 in addition to the travelling allowance & costs incurred in purchasing stamps should be paid to the vakil. The Govt: Solicitor was consulted × & he is of opinion that altogether the amount claimed is

× Flag - M

& Flag. XX

is not unreasonable, & that the charges made by the vakil are not so high that their payment could be resisted. The vakil's bills must therefore apparently be paid.

8. Finally Mr N. Ratna:sabhapati Pillai's dilatoriness in connection with the perjury case also requires notice. In para 4 of his judgment, the Head Asst. Magistrate re:marks that certain evidence has "been rendered almost valueless owing to the extraordinary delay on the part of the P.W.D. in taking action in the case". The complaint in the perjury case was laid before the Head Asst. Magistrate in

in Decr, 98 while the case in which the accused is alleged to have perjured himself was concluded on 10th March 97.

7. For the delay in ~~[illegible]~~ launching this injudicious prosecution Mr Ratnasabhapathy Pillai must be held responsible. This is not the first time that ~~Mr~~ this officer's dilatoriness has come before# the notice of Govt: as will be seen from GOs No ×2873 W of 12.10.97 & No 477 W of 14th Febry 99.

Delay in disposing of a lascar's pension application put up with another file,

× Hay J

9. For the dilatoriness, want of judgment, & disregard of rules in undertaking this action, it is submitted that

Appd.
A.E.H.

that Mr Ratnasabhapati Pillai be made to pay half the amount of the vakil's bill viz: Rs 343-6-0, the balance being met by Govt.

Appd.
A.E.H.
15.11.99

H.H.
23/10/99

30.10.99

Put.

R. No. 8470

C No. 7561.

W

~~DW.~~

For orders as to what recommendation should be made in submitting this case to Govt.

It will be seen

(1) that the Ex. Engr., Negapatam Division, launched this prosecution without obtaining the sanction of Govt., & did not even report the facts to the Supty. Engr. The Supty. Engr. states that Mr. Ratnasabha=pati Pillai appears to have ~~thought~~ looked upon the case as a trivial one, & as one that would have been settled at once at small cost, & as coming under the terms of G.O. No. 79 W. d. 20.1.94 flagged 7. It is submitted that

that a criminal prosecution for perjury can hardly be looked upon as a "very petty case".

(2) that Mr N. Ratnasabhapati Pillai engaged a private vakil, the Hon'ble P. Rathnasabhapati Pillai, without consulting the District Magistrate as he should have done, please see G.O. $\frac{2050\,W}{7.7.88}$ flagged Z

(3) that no agreement was entered into with the vakil as to the fees to be paid. The vakil now presents bills aggregating Rs 686-12-0 & declines to take anything less.

Attention is also invited to the remarks in para 4 of the Hd. Asst. Magistrate's judgment

where

where certain evidence is said "to have been rendered almost valueless owing to the extraordinary delay on the part of the P.W.D. in taking action in the case". The complaint in this case was laid before the Head Asst. Magte. in Decr. 98. i.e. one year & 9 months after the case in which the accused is alleged to have perjured himself was over.

The bills must be paid apparently, but the question is

should Govt. pay them
in full?
or in part?

& what notice should be taken of Mr Rathnasabhapati Pillai's action in the matter.

18/8/99

P.T.O

W. M. Ratnasaphapati Pillai's dilatoriness, want of judgement and disregard of rules in ~~this~~ undertaking this action more than a year an a half after the alleged perjury had occurred appears to deserve especial notice from Government

The fees demanded by the ~~M~~. P. Rathnasabhapati Pillay ~~appear~~ viz Rs 638-12 are ~~very high~~ considerably in excess of what the Dist. Magistrate considers himself entitled to pay. (Rs 137-12).

I consider that the ~~Sub~~-Magr should be made to pay some portion say half the difference

HL
20/9

Send the case to the Govt. Solicitor, & ask if the fees charged ~~can~~ must be paid

21-9-99

H.P. draft necessary [illegible]
HL

write C No 75?? with ~~eleven~~ enclosures & 3 printed G.os:
373-179
2050W -
~~Desp~~
5/10/99

INDEX

6/10/99

Public Works (1899) Department.

CURRENT No. 8470

Order

From
The Govt Solicitor
Madras.

No. 544.

Dated 9-10-99.
Received at Ootacamund 11-10-9
Registered at Madras 16-10-9
Enclosures {Plans 16 / others 16} Total 18
Spare copies.
R.

SUBJECT.

Stating that the fees cla[illegible] by Mr Rathnasabapathi Pillai are reasonable.

Papers with minutes
11-X-99

SAW

6109

BACK PAPERS.

No.	Date.	
3978C	3-10-99	vide 305W/2
2344W	6-9-99	
3515C	17-8-99	
1667W	27-6-99	× vide 305W/2.
1495W	9-6-99	
1346C	4-3-99	
1136C	22-2-99	
477W	14-2-99	
5646C	14-12-98	
5576C	10 12-98	
1631W	30-6-98	vide 305W/2
1191W	12-5-98	
1748C	22-3-98	
3469W	11-12-97	

FURTHER PAPERS.

No.	Date.

Public Works (1899) Department.

CURRENT No. ~~7561~~

1495W 99

From The Supg Engineer 5th Circle

Order

No. 525 W.

Dated 8/13 September 1899.

Received } 13-9-99

Registered

Enclosures 11 Plans - nil Detail / Others - 11 S. A.

Spare copies

SUBJECT.

Fishery Prosecution sanction case against lessee Sadalaimuthoo Nadan

Forwarding for Sanction of Govt 2 Bills for Pleaders fees for conducting the —

No E1 / 8470/99

025515

NAW

BACK PAPERS.

No.	Date.
205 w	7-7-88
35150	17-8-99
2344 w	6-9-99
1667 w	27-6-99
1631 w	30-6-98
1191 w	12-5-98
3469 w	11-12-97
179 w	20-1-94
35150	17-8-99
	& file

FURTHER PAPERS.

No.	Date.

FOR COPIES ONLY

INDIA

TWO ANNAS

THOMAS DE LA RUE AND COMPANY LIMITED.

SUPERINTENDING ENGINEER'S CIRCLE, P.W.D., MADRAS.
No. 1/633 N7
4 SEP 1899

In the court of the ~~First class~~ Sub-Divisional magistrate, Negapatam.

Calendar Case No 6 of 1899

Name of defendants:—. Sodalaimuthu nadan.

Charge:—. Giving false evidence in the course of a judicial proceeding under Section 193 Indian Penal Code.

Finding:—Case not made out.

Sentence:—. Discharged under Section 253 C.P.C.

1. Serial number:— C.C. 6/99.

2. Description of accused.

Name — Sodalaimuthu nadan.

Father's name — Lakshmana nadan.

Caste or race — Shanar.

Occupation — Toddy renter.

Residence — Velipalayam.

Age — 47.

The accused in this case, has been charged on the complaint of the Department of Public Works maistry with having committed — perjury as a court witness in C.C. No 78 of 1897 on the file of the Sub-magistrate of Negapatam. In that case certain individuals were prosecuted by the D.P.W. authorities with causing injury to

Correction Nil
Interlineation

1st sheet

[illegible] 259
[illegible] 14-4-99.
[illegible]

FOR COPIES ONLY
INDIA
TWO ANNAS
TWO ANNA

certain irrigation sluices &c by fishing within the prohibited distance. The present accused who was in that year the lessee of the fisheries and who had sublet the fishing to these persons was called as a Court Witness and stated that there was no such limit of distance fixed in the lease. The lease muchilika was not apparently produced in that case, and the accused were discharged by the Submagistrate on 10.3.97. About a year later on 6.3.98 sanction was applied for by the D.P.W. to prosecute the present accused for perjury. Sanction was granted by the Submagistrate on 5.10.98 and action was taken on it on 10.12.98.

2 - Exhibit 1 is the lease muchilika executed by the accused. It is partly in English, partly in Tamil. The English portion contains a number of conditions of which the 4th runs ("I shall not x x x catch fish within 200 yards of any anicut, or dam or 30 yards from any other masonry work". This directly — contradicts the statement made by the accused in his evidence.

Corrections nil
Interlineations nil

words 184. 2

[illegible] 260
[illegible]
14 – 4 – 99
[illegible]

FOR COPIES ONLY

INDIA
TWO ANNAS

TWO ANNAS

3. The defence is that the accused does not understand English, that the muchilika was not read and translated to him before he signed it and that he made the statement he did in good faith.

4. The evidence as to whether the English portion of the document was read over to him in Tamil has been rendered almost value-less owing to the extraordinary delay on the part of the D.P.W in taking action in the case. The evidence on the point offered by the — Prosecution is that of the clerk who wrote Exhibit A and the then Tahsildar of Negapatam. The former's evidence is not very satisfactory He says in one place with apparent confidence that the document was translated to the accused in another place, he admits that he cannot remember whether he or the — Tahsildar translated it, although he can remember that no other clerk did so, and that it was read out "near the door." That he should thus recollect unimportant details while he has forgotten important ones seems to me to detract not a little

Correction nil
Interlineation nil
Wo[illegible] 153.
3

[illegible] 261
[illegible]

4 — 4 — 99

[illegible]

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INDIA

TWO ANNAS

from the value of his reminiscences. The Tahsildar frankly says that he cannot remember, and that sometimes in such cases in the pressure of business the clerk takes the signature of the party who is then brought before the Tahsildar. The Tahsildar, if the party says it is all right, adds his certificate. It is argued for the Prosecution that as the document was registered it must under the rules, have been translated to the party, but no evidence is offered as to whether the course of business was strictly followed. There are further one or two considerations which lend strength to the plea of the defence. In the first place, by far the greater part of the document is the Schedule in Tamil in which the various waters are detailed in which the fishing may go on. At the end, it is stated that in these waters, fishing may be done (Varákkam póla' (according to custom)). These words are certainly vague and do not bear the meaning which the Prosecution's Witness puts on them, that of 'according

Correction nil
Interlineation nil

.79.

4 [illegible]

[illegible] 262
[illegible]
14-4-99
[illegible]

FOR COPIES ONLY

INDIA TWO ANNAS

the conditions of the muchilika'.

5 But, further, the accused's own deposition shews that it is hardly likely that he would knowingly have made a statement, the falsity of which could so easily be brought home to him; for, quite apart from the contradiction which he has made as to the condition of the lease referred to, he goes on to state quite gratuitously that the lease contained a condition about not poisoning the rivers in order to kill fish. The lease, in fact, contains no such condition. It seems to me that had the accused known really at the time that what he said was false and had intentionally given false evidence — not really believing that the lease ran as he stated, he would hardly have, so to say, gone out of his way to make such statements, when he must have known that their falsity could be at once detected by a reference to the lease-deed. It seems to me therefore that the prosecution has not sufficiently —

Correction nil

[illegible] 263
[illegible]
14 — 4 — 99
[illegible]

FOR COPIES ONLY

INDIA

TWO ANNAS

established prima facie the necessary criminal intention on the part of the accused, or shewn sufficient grounds for inferring it. In these circumstances he is, I think, — entitled to discharge and I direct accordingly under Section 253 C. P. C.

Camp: [illegible] 8-4-99 } (Signed) J. W. Hughes
A.S. Hd. Astt. Magte

Correction nil
Interlineation nil
No of words total 904
Copied by S. Ramaswami.
Compared by [illegible]
SC

(True Copy
V. Venkataraman
A.S. Head Clerk to A.S. Hd. Magt.

6th & last Sheet.

[illegible] 264
[illegible]
14 — 4 — 99
[illegible]

NEGAPATAM DIVISION
Regr. No.
1? JUL. 99
EXECUTIVE ENGINEER'S OFFICE.

APPLICATION NO. 228
FOR COPY RECEIVED ON 13.4.99
STAMP PAPERS CALLED FOR 6
STAMP PAPERS PRODUCED 16.4.99
COPY READY 19.4.99
COPY ~~DELIVERED OR~~ SENT BY POST TO
party on 25.4.99

5F57

MAGISTRATE'S OFFICE,

CAMP,

FROM

THE District MAGISTRATE,

Tanjore.

SUPERINTENDING ENGINEER'S
No. 3/1633/M.5
4 SEP 1899

TO

THE Executive Enginee
Negapatam Dn.

(3)

Dated 29th

Despatched November 1898

DESPATCHED
1 DEC 98

Received

3/12/98

No. 1019 Magl

12/517 th
28 APR 1899

ENCLOSURES. 10 as per list
recd from Ex: Engineer

Sir,

In returning herewit
the enclosures received
with your letter of the 2nd
November 1898 No 891 M,
have the honour to reques
that you will have the
complaint or informa
of the offence laid by
the Head Assista

Magistrate

I have the honor to be
Sir
Your most obedient Servant
[illegible]
For ag Dt Magistrate

Very early reply is requested.

As [illegible] Ayyar 21-7-99
Offg: Ex: Engr

Ditt
19/7/99

No. 733 [illegible] 21-7-99

~~Copy forwarded also~~ To the Honorable ~~Rettinasabhapathy~~ ~~Ayyangar~~ Pleader with a request that he will be good enough to state if he will accept the ~~fee~~ terms offered by the Dt. Magistrate & if otherwise to give his reasons for such an unusually heavy charge preferred by him for conducting the case.

[illegible] Ayyar 21-7-99
Offg: Engr

[illegible]
19/7/99

Tanjore COLLECTOR'S OFFICE,
1899.

FROM
THE Dty Collector of Tanjore

TO
THE Executive Engineer
Negapatam D.

Dated 1/12
Despatched July 1899
Received

Ref on C. No. 764 of 99
May

ENCLOSURES. 3

Former Reference.

Sir,

Adverting to your letter dat
July 1899 No 680 Mis. I have the
to invite your attention to Governm
order dated 14th May 1888 No
Judicial and to para 3 of Gov
-ment order dated 7th July
No 2050 W. Public Works, which
that the District Magistrate
be con... [illegible] of fees
-ments requi...

...ance in the conduct of criminal cases and which enjoin no Vakil can be retained except through the District Magistrate. Please let me know whether any special agreement as to fees was made with the Vakil before engagement.

2. As regards the claim for fees made by the vakil the rule is not more than Rs 25 for each appearance in Court will be sanctioned save in exceptional cases and that this fee should be regulated according to the time occupied — vide Government orders Nos. /94 Judicial & 889 Judl / 7-6-98. If I were making recommendation for payment of fees ~~was made with the vakil before engagement~~ in C. C. No. /99 on the file of the Head assistant Magistrate I should recommend Rs 125 in addition to Travelling allowance and costs incurred in purchasing stamps. In the Sanction case, a fee of Rs 25 only would be paid.

3. The enclosures to your letter are herewith returned.

I have the honour to be,
Sir,
Your most obedient Servant,

13.7/
For ag. District Magistrate

to Dt. Magte

NEGAPATAM DIVISION
Regr. No. 721
19 JUL. 99
EXECUTIVE ENGINEER'S OFFICE

Copy forwarded to M.R.Ry
Ratnasabhapathy Pillai
Engl Exe Engineer (on leave)
~~he is thereby requested~~
with a request that he state
whether any agreement
was made with the Hon. P.
Ratnasabhapathy Pillai

which he was engaged
without reference to the
Dt. Magistrate, ~~or~~ ~~the~~ and
without ~~of~~ origl. sanction of

Madura
13 August 1899

SUPERINTENDING ENGINEER'S OFFICE
No. 8633 M
4 SEP 1899
V. CIRCLE, P.W.D., MADRAS

From
M.R.Ry
N. Ratnasabhapathi Pillai Avl.
Executive Engineer Neg
Division on leave

To
The Executive Engineer
Negapatam Division
Negapatam

Sir

With reference to your letter No.
432 M. d/21 July 1899 I have the honor to
inform you the correspondence in office
will shew that the Collector was consulted
in the matter of engaging a vakil in the
case under reference. The matter was pla
in Mr. P. Ratnasabhapati Pillai's hands wi
a request to do the needful, I made no spe
agreements with the vakil as to the fees he wa
to get. I was under the impression tha
the vakil would accept what fees the
Collector may adjudge as fair.
As regards obtaining previous San
tion of Government to engaging a vak
at Govt. expense I beg to state that I intend
to address Govt. when I first referred
the matter to the Collector but evidently
it was lost sight of, when action was
taken placing the case in the hands of
the vakil.

I have the honor to be
Sir
Your most obedt. Sr.
N. Ratnasabhapat
13.8.99

SF 59

Rl 1042.
1050
1011.

SUPERINTENDING ENGINEER'S OFFICE
No. 9/633 N 4
4 SEP. 1899
P. W. D., MADRAS.

No. 836
15.8.99

To

The Dt Magistrat
Tanjore

Sir,

With reference to your letter No 744 of Mag d/12th July 99 I have the honor to ~~enclo~~ forward a copy of letter just received from Mr. N. Ratna Sabhapathy Pillai Esq, who is now on furlough, explaining the circumstances under which ~~the local~~ pleader was engaged to defend the case in question, and to observe that the officer appears to have thought that

1 ~~he~~ Ratnasabhapathy
13.8.99

and consequently he did not even make ~~to~~ any prior agreement with the Vakil as to fees thinking that he would agree to ~~the~~ the fees from Magistrate.

2. I enclose also a copy of the Pleader's letter d/13.8.99 from which it will be seen that he is not inclined to accept the fees offered by you; ~~and~~ I request therefore your further & early instructions in the matter, as I wish to refer the whole question to the orders of the S.E. without further loss of time.

3. Mr. R. Pillai went away on furlough ~~in January last~~ & the matter appears to have been under correspondence till now. I have &c

S.B.
17.8.99
Offg Exe: Engr

15/8/99

15/8/99.

15 AUG 99

(28)

No.

To

The Dt Magistrate
Tanjore

Sir,

With reference your letter No 744 of Mag d/12th July 99 I have the honor to forward a copy of letter just received from Mr. N. Ratna Sabhapathy Pillai Esq, who is now on furlough, explaining the circumstances under which the pleader was engaged to defend the case in question, and to observe that the officer appears to have thought that the

and consequently he did not even make any prior agreement with the Vakil as to fees thinking that he would agree to the fees from me

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3. Mr. R. Pillai went away on furlough & the matter appears to have been under correspondence till now. I have &c

Offg Exe: Engr

ddressed to you
as in Conformity
ith the G.Os quoted
i your letter, and
e seems to have
taken your reply
ere to No. 1019 Mad. of
9.11.98 as giving him
ufficient authority
to proceed with the
ase. This fact is
evinced by the spirit
f his letter to the Pleader
copy of which is also
nclosed for your perusal.
Evidently the fact
of the Govt. Pleader
having been dead
at the time must
have necessitated
the engagement of
a
the Vakeel. It seems
lso probable that that
~~the [illegible]~~ Officer
did not foresee that
e case would attain
magnitude which
[illegible] at present

Dis 98 / Tour 99.

Tanjore district magistrate's office
Camp - Setu Bava Chattram
dated 23rd August 1899

SUPERINTENDING ENGINEER'S OFFICE
No. 18/633 No. 4
4 SEP. 1899
V. CIRCLE P.W.D., MADRAS.

From

J. Twigg Esquire
Ag district magistrate
Tanjore

To

The Executive Engineer
Negapatam Dn.

Draft put up
28/8/99

Sir,

In reply to your letter No. 830 M dated 18th August 1899, I have the honor to say that I can give you no instructions or assistance in the matter as the vakil was entertained without my knowledge or authority. Your only course seems to be to address the Superintending Engineer as you propose.

I have the honor to be,
Sir,
your most obedient servant
J Twigg
Ag district magistrate.

W

NEGAPATAM DIVISION
Regr. No 1051
26 AUG 99
EXECUTIVE ENGINEER'S OFFICE

From

The Collector
District Magistrate
Tanjore

To (10)

The Ex Engineer
Negpm Dn

Dated 23 } August 1899
Recd 24 }

Dis 98/Jour of 99

Enc - nil

Stating that he can give no instructions or assistance in the payment of fees to the vakil

Please prepare a draft to S.E. setting forth all the facts

AB
27 8 99

SUPERINTENDING ENGINEER'S OFFICE
No. 11/633
SEP 1899
CIRCLE

Bill for the fees etc. due to The Hon'ble P. Ratnasabhapati pillai – pleader for conducting the Prosecution in Cal. Case No. 6 of 1899 on the file of the Head Assistant Magistrate of Negapatam on behalf of the Executive Engineer Negapatam Division against Sodalamuthumadar – for perjury.

		Rs. as. ps
7. 2. 1899.	Appeared in Court – 2 witnesses (Pro-1st w. and 2 w.) examined for prosecution	75-0-0
8. 2. 1899.	Appeared. Pro-1st witness crossexamined and Pro. 3 w. examined & cross examined	75-0-0
9. 2. 1899.	My assistant Mr A. V. Ponnusami Iyer pleader appeared – Case adjourned to following day	50-0-0
10. 2. 1899.	My assistant do appeared – posted for further evidence for prosecution	50-0-0
15. 2. 1899.	My assistant do – presented revised 2nd list of witnesses for prosecution	50-0-0
17. 2. 1899	Appeared – 2 witnesses (Pro-4 w. & 5th w.) examined for prosecution. Adjourned for further evidence	75-0-0
14. 3. 1899	My assistant appeared. Summonses for further witnesses (Tahsildar & Sub Registrar) not served – Adjourned	50-0-0
20. 3. 1899.	My assistant appeared & intimated to Court that under the Circumstances stated by the Sub Registrar his evidence may be dispensed with	50-0-0
6. 4. 1899.	My assistant appeared at the Koradachery Camp. Pro-6 w (Tahsildar) examined	75-0-0
	Double 2nd class trainage from Negapatam to Koradachery for my assistant; and do for the back journey	3 4

2.

7. 4. 1899	My assistant appeared again at the Koradachery Camp — Case finally heard . .	~~Rs~~ 75	0	0
	Double 2nd Class trainage for my assistant from Negapatam to Koradachery and do for the back journey —	3.	4.	a
5. 12. 1898.	Stamp for Vakalat to appear in appeal against the Sanction order before the Head Assistant Magistrate .	a.	8.	a
8. 12. 1898	Do. for Vakalat to appear in Cal. case No 6 of 1899 . .	a.	8.	a
10. 12. 1898.	Stamp for petition to send for Certain papers from the Taluq office .	a.	8.	a
12. 12. 1898;	Stamp for Copy petition for certain papers	a.	1.	a
a . .	Copy stamps . .	a.	14.	a
16. 12. 1898,	Court fees stamps for copies of deposition, and appeal Sanction order	2.	a.	a
13. 4. 1899,	Stamp for copy petition for Judgment	a	1.	a
16. 4. 1899.	Copy stamps for Judgment	a	12.	a
	Total Rs	636	12	0

A. Ramasamy Aiyar
Pleader

P. Ba[illegible]
Pleader
27. 4. 1899

28 APR. 1899
~~5Ho~~
517

NEGAPATAM DIVISION
No.
1 JUL. 99
EXECUTIVE ENGINEER'S OFFICE.

Vide No 680 M / 6.7.99.

No E 12 / 5470/99

Bill by the Hon'ble C. Raja
S Ganapathi Pillai, Pleader
Negapatam

Sanction Proc against Sodala
Ilankia Nadar.

SUPERINTENDING ENGINEER'S OFFICE,
No.
1 SEP. 1899
V. CIR[illegible], MADRAS.

To

my fees due for appearing before the Head Asst. Magte at Negapatam on the 8th Dec 1898 in the above proc. against Ilankia ... in No 8 of 1898 (Fifty) Rs 50-0-0

GOVERNMENT OF INDIA
ONE ANNA

P. [illegible]
pro S. Pleader

Negapatam
17. 1. 99

NEGAPATAM DIVISION
Cur. No.
17 JUL. 99
EXECUTIVE ENGINEER'S OFFICE.

File is [illegible]

Cont 13
Sep/99

Negapatam
17-6-99

From
The Hon'ble P. Ratnasabhapathi Pillai
Pleader
Negapatam

SUPERINTENDING ENGINEER'S OFFICE
No. Negapatam
SEP. 1899
V. CIRCLE, P. W. D., MADRAS.

To
The Executive Engineer
Negapatam Division
Negapatam

Sir: I beg to enclose a bill for my fee for appearing and [illegible] before the Std. Magistrate [illegible] of Negapatam in the revision petition no 8 of 1899 [illegible] [illegible] proceedings against [illegible] [illegible]. I request that orders may be kindly issued for paying the bill.

I have the honour to be
Sir
Your most obedient servant
P. Ratnasabhapathi Pillai
Pleader
Negapatam

Please now put up full file regarding this

PGK
20.2.99

Give time by 2 Clerk on 15.3.99

PGK
15.3.99

Negapatam
April 26 - 1899.

SUPERINTENDING ENGINEER'S OFFICE
No.
1899
V. CIRCLE, P.W.D., MADRAS.

AB
28.4.99

~~From~~

The Hon'ble P. Ratnasabapathi
Pleader
Negapatam

To

The Executive Engineer
Negapatam Division
Negapatam

Sir,

In reply to your letter No. 397 M. dated 13th April 1899, I have the honor to forward herewith the records as per annexed list connected with calendar case 6 of 1899 on the file of the Court of the Head Assistant Magistrate of Negapatam (D.P.W. vs. Sodalamuthu Nadar), and an authenticated copy of the judgment by the Court. As stated at the foot of the list, some of the papers are filed in Court, and I request that you will kindly address the Head Assistant Magistrate for a return of those papers.

2. The bill already sent up to your office is for my fee due for appearing in the Court of the Head Assistant Magistrate to oppose Sodalamuthu Nadar's petition of appeal against the Sanction order of the Stationary Magistra

3. I submit herewith another bill for fees and costs due for appearing for your Department in the court of the Head Assistant Magistrate for trial in the above Calendar case. The quantity of work done is specified in the bill itself, and I request favour of payment for it and my previous bill referred to in paragraph 2.

I have the honor to be
Sir
Your most obedient Servant

27. 4. 99

Plinder

Pl 5174
28/11/99

(11)

E. S. Cours 32 of
Genl cost
accepted:
ay. L a Bill

Copy of letter from M R. Ry. S. Bhaskara Aiyar av
B.A., B.E., Offg. Executive Engineer, Negapatam Divi
to the Suptg. Engineer, 5 Circle, No 464 S. d/2.9.

I have the honour to submit for sanction Government two bills amounting to Rs 686-12-0 preferred by Honourable P. Rathnasabhapathi Pil Pleader, Negapatam, for conducting the Prosecution in Calendar case No. 6 of 1899 on the file of the He assistant Magistrate of Negapatam on behalf of Executive Engineer Negapatam Division against one Sodalamuthu Nadar for perjury. The circumstance of the case are as follows: ——

In about January 1897 certain individuals were prosecuted before the Stationary Sub Magistrate, Negapatam for causing injury to the irrigation sluices in Vellyar by fishing within the prohibite distances of the masonry works, but the case was discharged by the Sub Magistrate on 10 March 1897. In the course of the enquiry into the above case, one Sodalamuthu Nadar who was a lessee for fisherie that year and who had sub-let the fishing to one of the accused in the above case, happened to be taken as a ~~count~~ court witness and he deposed, presumably to shield his subrenter, to the effect that no restriction was placed upon his fishing in any part of any river and that there was no stipulation of any kind to prevent his fishing near masonry works and as such, no mischief was caused by the accused either to the masonry wo or to the water supply. Although this stateme

s was quite contradictory to the terms of the
uchilika executed by the above said Sodala-
uthu Nadar the lessee, the case was discharged
the 10 March 1897, by the Sub Magistrate who
eems to have acted on the false evidence given
the men, without going through the muchilika.
r. N. Ratnasabhapati Pillai the then Executive
gineer not being satisfied with the apparent
iscarriage of justice in the above case, which
ut for the haphazard manner in which the
prosecution was conducted, must have secured
conviction and considering that it would prove
aneful to the interests of the irrigation works
o the Department, if left unnoticed, applied for
sanction to prosecute the said Sodalamuthu
Nadar for perjury. This was granted by the Sub
Magistrate and although the Nadar appealed to
the Head assistant Magistrate against the grant
of sanction for his prosecution it was confirmed
by the latter Magistrate, being satisfied with
the merits of the case after due enquiry. In
his No. 891 M dated 22nd November 1898. Mr. N.
Ratnasabhapati Pillai Executive Engineer pointed
out to the District Magistrate Tanjore the mis-
carriage of justice and asked him to conduct the
prosecution of the said Sodalamuthu Nadar
for perjury, and on the District Magistrate's instruc-
tions conveyed in his No. 1019/Magte dated 29 November 1898,

the

the complaint was laid before the Head Ass
ant Magistrate in December 1898, engaging Hon
able P. Ratnasabhapati Pillai, local pleader to
conduct the case on behalf of the Executive Engin
This prosecution also unfortunately fell throug
and the accused was discharged by the Hea
Assistant Magistrate in April 1899 (vide copy of
the judgment enclosed). The questions that wil
naturally arise are:—

due?

(i) Whether the sanction was obtained for th
prosecution of the man for perjury.

(ii) Whether the District Magistrate was con
sulted in the matter of engaging a private Vak
for conducting the prosecution and

(iii) Whether any agreement as to fees was made
before engaging the pleader. From the enclosed let
from Mr. N. Ratnasabhapati Pillai, Executive
Engineer, dated 13 August 1899, it will appear
that the matter of applying for sanction was lost
sight of at the time viz in December last, and
soon after he left the Division on furlough in
January last. With regard to the 2nd point,
Mr. N. Ratnasabhapati Pillai appears to have
thought that the District Magistrate's letter
No. 1019/Magte dated 29 November 1898, in reply to his
No. 891 M dated 22nd November 1898, as vesting in
him sufficient authority to proceed with th

ca

ase and his action in engaging the local
leader would seem to be justified by the fact
t the local Government Pleader was at the
me dead. These facts are evinced by Executive
gineer's letter to the pleader which is enclosed
r reference. With regard to the third point
. N. Ratnasabhapati Pillai explains that
e was under the impression that the pleader
would accept what fees the District Magistrate
may adjudge as fair, and it seems also pro-
bable that Mr N. Ratnasabhapati Pillai would
ot have realized at the time, that the case
would attain the magnitude which it does
at present. In my No. 680. M. dated 6 July 1899
the pleader's bills were sent to the District
Magistrate for expression of his opinion and in
his reply thereto No. $\frac{744}{\text{mgte}}$ of 99 dated 12 July 1899
(herewith enclosed for reference) he first recom-
mended Rs 150/- in addition to the Travelling
allowance and costs incurred in purchasing
stamps. This was communicated to the pleader
to know if he would accept the fees offered
by the District Magistrate, but the pleader
declined to accept them, as will be seen from
his letter dated 13 August 1899 herewith enclosed
I again represented this to the District Magistrate
No 830-M. dated 18 Augu 1899 and applied

for his further instructions in the matter and from his reply No. $\frac{98}{\text{2ous}}$ of 99 dated 23rd August 1899, it will be seen that he is not prepared to give any instruction or assistance, as the Vakeel was engaged without his knowledge or authority.

11. 2 Bills for Rs 636-12
1 Rs 50 from Hon:
P. Ruthnasabapa-
thy Pillai Vakil
with 2 covering letters.

Under the circumstances explained above, orders instructions may be given as to the payment of Rs 686-12-0 as claimed by the pleader.

No. 525 W.

Encls 11
1 Copy of Judgment
of the Head Actt
Magistrate
d 8/4/99.
(2) D. O. No 891 M. d
22/11/98 to the Dt.
Magistrate.
(3) Dt. Magistrate's
No. 1019 d 29/11/98
(4) Letter to the Honorable
P. Ruthnasabapathy
Pillay Vakil d 4-12-98.
(5) D. O. No 680 M. d
6-7-99 to the Dt. Magis
-trate.
(6) Dt. Magte: No $\frac{749}{\text{mi.}}$
of 99 d 12-7-99 with
D. O. No 732 & 733 M.
d 21-7-99.
(7) Letter from Hon:
P. Ruthnasabapa-
-thy Pillai Vakil
d 13/8/99.
(8) Letter from N.
Ruthnasabapathy
Pillai Ex. Engr. on
leave d 13-8-99.
$\frac{8}{13}$ September/99.
(9) D. O. No 830 M.
d 18-8-99 to the Dt.
Magistrate.
(10) Dt. Magistrate
No $\frac{98}{\text{2ous}}$ of ~~99~~ 23/8/99

11.9.99

To the Chief Engineer, P. W. Department, for orders. It appears necessary that the fee demanded Rs 686-12-0 should be paid. Mr Ratnasabhapati Pillai's action in the matter has been most irregular; he did not report the facts to the Supg: Engineer nor did he obtain sanction for the prosecution. He appears to have looked upon the case as a trivial one and one that would have been settled at once at small cost and as coming under the terms of G. O. No 179 W. dated 20 January 1894.

The prosecution for perjury in a case of this kind was injudicious.

Colonel R.E.
Supg: Engineer, 5 circle

7th July 1888, No. 2050 W., Public Works.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

General.
Establishment.

Read—again the following :—

G.O., dated 30th May 1888, No. 1580 W., Public Works.

Read—the following letter from Major A. W. SMART, R.E., Executive Engineer, South Arcot Division, to the Superintending Engineer, V Circle, dated Cuddalore, 7th March 1888, No. 114 :—

I have the honor to inform you that the Subdivisional officer, Chidambaram, forwarded, with his letter No. 114, dated 24th ultimo, a report received from Rungasawmi, head lascar, Coleroon Rajahvoikal, complaining of assault by Nadamuni Sreenivasa Iyengar and others of Kangankollai village, Chidambaram taluk. The case is this, that while the head lascar and other lascars tried to take to the pound in the Kondayaruppu village about 150 cattle, which were grazing nanal in the Coleroon padugai in the limit of Kangankollai on the evening of 19th February 1888, the above-mentioned individuals (Nadamuni Sreenivasa Iyengar and others) illegally obstructed the lascars from driving the cattle to the pound, and also assaulted them. Notwithstanding this interference, the head lascar succeeded in pounding 9 cattle as per receipt enclosed. I intended to have prosecuted the offenders before the Magistrate, as there appears to be sufficient ground to do so and also sufficient proof to establish the case; but, in the mean time, the Subdivisional officer, Chidambaram, intimated in his letter No. 129, dated 28th February 1888, that the head lascar had been summoned to appear before the Sub-Magistrate of Mannárgudi on the 3rd March 1888, on a charge brought against him by Nadamuni Sreenivasa Iyengar for wrongfully impounding cattle, whereupon the Subdivisional officer was asked to request the Sub-Magistrate to postpone the case till the counter-case can be brought. I therefore request that you will obtain the sanction of Government to the case brought against the head lascar being defended at the public expense, as also to the institution of the counter-case against Nadamuni Sreenivasa Iyengar and others.

No. 717.

Forwarded to the Chief Engineer, Public Works Department, with recommendation that sanction be given under Code para. 405, to the defence of the charges brought by the villagers against the lascar, and to the prosecution of the counter-charge by the lascar against the villagers being conducted at the public expense.

Bangalore,
19th May 1888.

(Signed) H. M. VIBART, Colonel, R.E.,
Superintending Engineer, V Circle.

Order—dated 30th May 1888, No. 1580 W., Public Works.

The defence of the suit brought against head lascar Rungasawmi, and the prosecution of the counter-charge, at the expense of the State, is sanctioned. It does not appear why the papers were delayed by the Superintending Engineer from the 7th March to the 19th May. The result of the cases should be reported.

(Signed) W. L. C. BADDELEY, Captain, R.E.,
Under-Secy. to Govt., P.W.D.

READ—also the following paper:—

From H. SEWELL, Esq., District Magistrate, South Arcot, to the Chief Secretary to Government, dated Cuddalore, 4th June 1888, No. 111/88:—

I have the honor to report the following case for the orders of Government.

2. On the 22nd February 1888 a complaint was lodged by one Nadamuni Sreenivasa Iyengar before the 2nd-class Magistrate of Mannárgudi, charging one Rangasami Pillai, head lascar of the Lower Coleroon anicut works under the Public Works Department, and another, with illegal seizure of cattle under Section 22, Act I of 1871.

3. The Sub-Magistrate fixed the hearing of the case for the 3rd March and sent out summonses. On that date the Public Works Department Superintendent of the Rajavoikal and the head lascar (one of the accused) requested the Sub-Magistrate to adjourn the case, as it was intended to bring a counter-complaint against complainant of having resisted the seizure of impounded cattle, and having rescued them while being taken to the pound. It was stated that this matter had been referred to their official superior the Assistant Engineer for orders.

4. The Sub-Magistrate first adjourned the case to the 17th and then to the 24th March 1888, but no complaint was formally laid by the head lascar, and on the matter being brought by the Sub-Magistrate to the notice of the Executive Engineer, through the Assistant Engineer, the former officer requested me in letter No. 246, dated 23rd March 1888, to say whether the case could not be adjourned till the sanction of Government to the institution of the counter-case which had been applied for was received.

5. As the counter-complaint was a simple matter, being an offence under Section 24, Act I of 1871, I asked the Executive Engineer (letter No. 55/88, reference on Engineer received, dated 5th April 1888) why, the sanction of Government was required; but as no reply was received till the 26th idem, I reminded him on that date.

6. In his letter No. 383, dated 30th April 1888, the Executive Engineer said that under para. 405 of the Public Works Code, the members of the Public Works Department were prevented from instituting or defending any suits in their official capacity without the formal sanction of Government, and that sanction had, therefore, been applied for.

7. I pointed out to the Executive Engineer, on the 2nd May, that the paragraph of the Public Works Department Code referred to by him related to civil suits and not to criminal proceedings, and asked him whether he had any other objection to the case against the lascar being proceeded with. I again reminded him of the above on the 14th May.

8. The Executive Engineer and Superintending Engineer, whom I also addressed on the subject, are both of opinion that para. 405 of the Public Works Code refers to *criminal* as well as civil proceedings, and inform me that the sanction of Government has been applied for through the Chief Engineer for the institution of a complaint against Sreenivasa Iyengar referred to above, and for the defence of the complaint brought by him, and therefore ask the case to be allowed to stand over till the sanction is received.

9. I am of opinion that para. 405 of the Public Works Code refers only to civil suits. If sanction has to be applied for in every petty criminal case of the kind, great delay in their disposal will necessarily result. I have, therefore, the honor to request the favor of instructions as to whether it is necessary to obtain the previous sanction of Government in such cases.

Referred to the Public Works Department for the favor of remarks.

(By Order.)

(Signed) A. G. CARDEW,
Ag. Under-Secretary.

15th June 1888.

No. 2489 Ct., Judicial.

Transferred to the Public Works Department accordingly.

(By Order.)

OOTACAMUND,
28th June 1888.

(Signed) A. G. CARDEW,
Ag. Under-Secretary.

ORDER—dated 7th July 1888, No. 2050 W., Public Works.

The rule in para. 405 of the Public Works Code refers to civil proceedings only, and not to criminal cases.

2. When a public officer is prosecuted criminally, he must defend himself, and the only question will be whether he should bear the cost personally, or whether Government should bear it. This is a question which can only be decided after the investigation. The officer must, therefore, in all cases apply to the District Magistrate to appoint a vakil, and unless it is obviously a personal matter, or so simple that legal assistance is not necessary, the District Magistrate should comply with the request, subject to future orders as to payment of the fee.

3. As to prosecutions by officers of the department, Executive Engineers will be authorised, at their discretion, to order such to be instituted in very petty cases, or cases of emergency, but no important prosecution should be instituted without the sanction of Government, except in cases of emergency. In cases of doubt the Executive Engineer will do well to consult the District Magistrate, and no vakil can be retained, except through that officer.

4. These orders will be embodied in the Public Works Code.

(True Extract.)

(Signed) J. O. HASTED, Colonel, R.E.,
Secretary to Govt., P.W.D.

To Superintending Engineers.
To the Consulting Architect to Government.
„ Superintending Engineer, Periyár Project.
„ Examiner, Public Works Accounts.
„ Chief Engineer for Irrigation.
„ Consulting Engineer for Railways.
„ Judicial Department.

Exd. F. R. Bantleman.
Spare Copies

GENERAL.
ESTABLISHMENT.

Govt. of {1888} Madras.

PUBLIC WORKS.

Dated July, 7th.

Recd. *Encl.*

G.O., 7th July 1888, No. 2050 W.

JULY.

Criminal Suits

Instructions regarding the prosecution and defence of — by officers of the Public Works Department and the modification of Public Works Code para. 405.

GENERAL.
ESTABLISHMENT.

Govt. of {1894} Madras.

PUBLIC WORKS.

Dated January, 20th.

Recd. *Encl.*

G.O., 20th Jan. 1894, No. 179 W.

JANUARY.

Criminal Prosecutions

Directing the continuance of the practice hitherto in force in connection with the authority of Executive Engineers to institute — in petty or urgent cases.

20th January 1894, No. 179 W., Public Works.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

General.
Establishment.

Read—the following paper :—

Office-note from the Examiner, Public Works Accounts, dated Madras, 11th January 1894, No. 63 A.

Under Madras Public Works Department Code, paragraph 412, Executive Engineers were empowered to authorize the institution of criminal prosecutions in very petty cases; but as a corresponding rule does not exist in the Government of India Code, orders of Government are requested, with reference to footnote on page 2, volume I of Government of India Code, as to whether I may continue to accept without question the authority of the Executive Engineers for the institution of such petty criminal prosecutions.

Order—dated 20th January 1894, No. 179 W., Public Works.

The practice hitherto in force in Madras under which Executive Engineers may, at their discretion, authorise the institution of criminal prosecutions in very petty cases, or in cases of real emergency, will be continued.

(True Extract.)

(Signed) J. PENNYCUICK, Colonel, R.E.,
Secretary to Govt., P.W.D.

To Superintending Engineers.
,, the Consulting Architect to Government.
,, the Chief Engineer for Irrigation.
,, the Examiner, Public Works Accounts.

Exd. C. A. Munisawmy.

Spare Copies

{1894} Madras.

JUDICIAL.

10

Issued

Recd. Encl.

G.O., 15th February 1894, No. 373.

FEBRUARY.

Fees to Public Prosecutors.

Considering a fee of Rs. 250 sufficient for the Public Prosecutor, Sessions Court, Kistna, in a case of cheating, and laying down certain general rules for the payment of enhanced fees.

Ma

15th February 1894, No. 375, Judicial.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

Read—the following paper :—

From the District Magistrate, Kistna, dated 25th December 1893, No. 1007.

Order—dated 15th February 1894, No. 373, Judicial.

The Government considers that a fee of Rs. 250 will be sufficient in the present case.

2. The expenditure in the form of special fees to Public Prosecutors amounts to a considerable sum annually and seems to be rapidly increasing. It is necessary that District Magistrates should consider closely all the circumstances of the case before they submit to Government proposals for the payment of an enhanced fee, and the following general rules must be observed :—

(1) Not more than Rs. 25 for each appearance in Court will be sanctioned save in exceptional cases.

(2) No fee is payable as a general rule for days spent in examining the records.

(3) If a Public Prosecutor is required to leave head-quarters he is allowed actual conveyance expenses but not halting allowances : he is also allowed a fee for days of which so much has been spent in travelling as to render it impossible for him to attend in Court.

(4) Public Prosecutors are expected to travel second class by railway.

(True Extract.)

J. F. PRICE,
Chief Secretary.

To the District Magistrate, Kistna.
,, all other District Magistrates.
,, the Accountant-General.

Exd. A. Raitt.

Madras 9th October 1899.

From,

Ernest Barclay
Government Solicitor
MADRAS.

To,

The Secretary to Government
Public Works Department
Ootacamund.

Sir,

I. I beg to acknowledge receipt of your letter dated 3rd instant No. 3987C with file of papers relating to a claim for costs by the Honourable Mr. Rathnasabapathi Pillai.

3978?

2. At the time when Mr. Rathnasabapathi Pillai's services were engaged in connection with the prosecution for perjury referred to in the correspondence, no arrangement was come to as to what fees he was to be paid and he, not being a Government Pleader but an independent Vakil, is not, of course, bound by any orders of Government on the subject. The only question therefore is whether the fees claimed by Mr. Rathnasabapathi Pillai are reasonable or not.

3. From Mr. Rathnasabapathi Pillai's bill it appears that he or his Assistant appeared before the Head Assistant Magistrate at Negapatam nine times & at Koradacherry Camp once and, for these appearances, Mr. Rathnasabapathi has charged fees amounting to an aggregate of Rs 600/- or at an average of Rs 60 for each appearance. Mr. Rathnasabapathi Pillai however charges Rs 75 for each appearance when witnesses were examined and for attending at Koradacherry Camp and I do not think these charges unreasonable. The other charges of Rs 50 a day for appearing in the Court at Negapatam when the case was adjourned or very little was done, seem rather high but are not so high that their payment could, I think, be resisted. A good deal would depend, in a case like this, on the standing of the Vakil engaged and, apparently, Mr. Rathnasabapathi Pillai is a gentleman of some standing. Altogethe I do not think the amount claimed is unreasonable. The fee of Rs 125/ proposed by the District Magistrate is, I think, quite unreasonable

for a Vakil's appearing in Cou[illegible] ten different occasions, one of such occasions being at a distance.

4. I return the papers sent me and

I have the honor to be

Sir

Your Obedient Servant

Ernest Barclay

Government Solicitor.

Gl 517. m
. 99

20680 m
6.7.99
(5)

SUPERINTENDING ENGINEER'S OFFICE
No. 5/1633 NG
SEP 1899

To ~~Imo V~~

The District Magistrate
Tanjore.

Sir,

Adverting to your No 1019. Magl d/ 29.11.98 I have the honor to ~~state that~~ forward for a favor of opinion as to the ~~your approval~~ reasonableness or otherwise of the ~~amounts~~ & kind return, 2 bills amounting to Rs 686-12-0 ~~receipted~~ ~~from the~~ preferred by the Hon: P. Ratna Sabhapathi Pillai Pleader Negapatam for conducting the Prosecution in Calendar Case No 6 of 1899 on the file of the Hd Asst Magistrate of Negapatam on behalf of this Dept against one Sodalai Muttu Nadar for perjury.

2. The judgment pronounced by the Hd. Asst. Magte. discharging the Accused is also sent herewith for your perusal & kind return.

G.K.
24/6/29.

F 57

No 591 M 8/8/99

Dt 13.11.98

The Dt Magte

No 1510 M
16.11.98

(2)

SUPERINTENDING ENGINEER'S OFFICE
No. 21633 N.G.
4 SEP 1899
V. CIRCLE, P.W.D., MADRAS.

Sir

I have the honour to enclose
herewith corresp[illegible]
regarding fishing in prohi-
bited places enquired into
in C C No 78 of 97 on the
file of the Sub Magte &
it ~~was~~ will be observed that a
miscarriage of justice
~~was~~ occurred on a/c of
perjury evidence of
[illegible] had an fishing
licence for the year 97
whose evidence was depen[ded]
upon in deciding the
case — Sanction
having been applied for
for prosecuting the man
for perjury it has been
stated by the 2nd Clu
Magistrate the inquiry ~~was~~
be As proceedings
cannot be taken
against the man

I have honor to request that [illegible] (Govt.) be engaged to conduct the prosecution

Shaw
17.11.98

Regd
17/11

23/517 Ju
28 APR 1889

File the papers to [illegible]
[illegible]
18/11

Enclosures 10.

1. This office No 162 M to the 2nd cl. Magistrate [illegible] 6.3.98 with 1 incl.

2. Vizagapatam 2nd class Magistrate No 231/98 of 11.3.98 being this office No 216 M 21/3/98

3. Vizagapatam Tahsildar's No 569/2 of 98 of 9.3.98

4. ~~Vizagapata~~ This office No 311 M to the Tahsildar, 13.5.98 Vizagapatam

5. Petition from [illegible] of 1.7.98 being [illegible] No 601 M 15/8/98

6. Vizagapatam 2nd class Magistrate [illegible] petition from do of 19.9.98, No [illegible] 78/97 (~~of~~ [illegible])

7. This office letter No 698 M 11.5.98

8. [illegible] 2nd cl. Magistrate No [illegible] 78/97 18

[illegible]
/

Only 5 enclos are noted in the Accy memo to be sent to the Govt Solicitor.

Presumably -

(1) E.G.s letter to the Hon'ble P [illegible] d/d

(2&3) Two Bills.

(4) Vakils reply.

(5) The Rules – G.O. 373 Judl d 15/2/94

Submitted that the whole case current with its enclosures together with G.Os 373 Judl 1790 d 20-1-94 2050 d 9 7-7-9[illegible] be sent. [illegible]

[illegible] send [illegible]

In Pubbic – [illegible] with No. 7 enclos (4/10/94) [illegible]

(7)

Negapatam
13. 8. 99.

From
The Hon'ble P. Ratnasabhapati Pillai,
Pleader, Negapatam.

To The Executive Engineer,
Negapatam Division.

NEGAPATAM DIVN.
1041 In
14 AUG 99

SUPERINTENDING ENGINEER'S OFFICE
No. 7/633 N
SEP 1899
P.W.D., MADRAS.

Sir,

With reference to your footnote No. $\frac{733}{21\cdot7\cdot99}$, I beg to state that the case in question came on before the Court of the Head Assistant Magistrate of Tanjore on no less than 10 different dates, and that in addition to the conduct of the case in Court I had to collect the necessary materials to support the prosecution. I have detailed the work done in my bill itself, and I regret my inability to accept the Rs 125 offered. If it is necessary to obtain the sanction of Government for the disbursement of the fee claimed by me, I request that the same may be obtained: Rs 75 per diem when substantial work was done, and Rs 50 on other dates is, I would respectfully submit, not a heavy charge in my case. In the Sanction revision hearing I have claimed only Rs 50 which is not unreasonable. I request the favor of early orders.

I have the honor to be
Sir
your most obedient Servt

Pd/ 5/12/

The Hd, PR

5/12

SUPERINTENDING ENGINEER'S OFFICE
Karkib 4/1633 N.G
4 SEP 1899
MADRAS.

~~Dear~~ Sir,

The Collector has in his R. 1017 Mg: of 29 Nov. given permission to have the case against Sodalamuthu Nadan for perjury instituted before the Hd. Asst Magistrate Negapatam. I have instructed the maistry who originally conducted the case in connection with which Sodalamuthu Nadan ~~was~~ now remains the charged, to give you the necessary information. As I learn that the Govt. Pleader has ~~lately~~ lately died ~~and~~ I request you to be good enough to do the needful.

P 3/12/

I have &c.

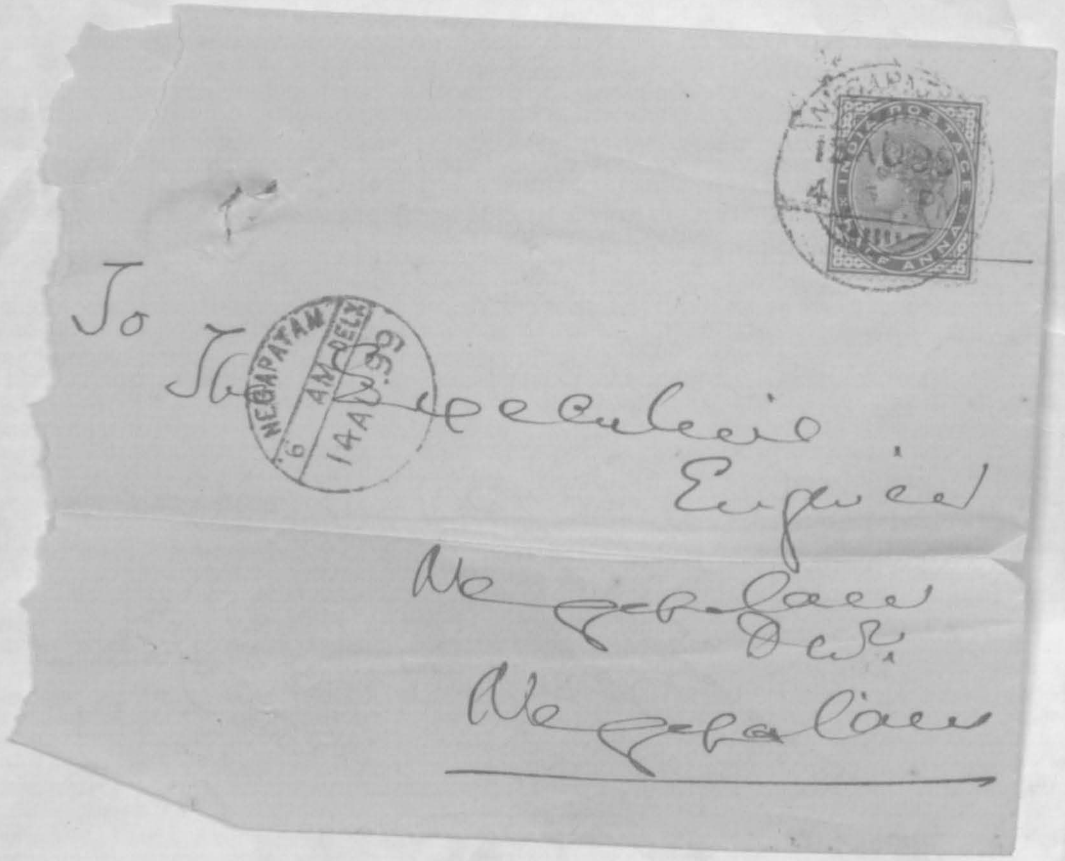
S. Pluto 54

(4)

This should go
with that file

4

Oct 5
50/70/33



NEGAPATAM
13 AU 99
4 P

INDIA POSTAGE
HALF ANNA

To The Executive
Engineer
Negapatam
Dist.
Negapatam

NEGAPATAM
6 AM DELY
14 AU 99

PATAM
A.M. DELY
14 AU 99