

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 2995	Press ~~Mrs.~~
33.34	
Dated	8-12-1865.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
8th December 1865.*

No. 33. Read the following Proceedings of the Board of Revenue, dated 28th November 1865, No. 7,585.

Read the following letters:—

From the Government Pleader, to the Acting Secretary to the Board of Revenue, dated Madras, 2nd November 1865, No. 154.

1. I do myself the honor of reporting, for the information of the Board, that the Vissannapett Suits, Regular Appeal Suits, Nos. 103 and 137 of 1857, on the file of the late Court of Sudder Adalat, came on for hearing on the 30th of October and 1st November before the High Court, on the return made by the late Civil Judge of Guntoor, Mr. William Elliot, to the Order of the High Court, dated 2nd May 1863; their Lordships the Judges have reserved their Judgment; when procured I will do myself the honor of forwarding a copy.

2. The Memorandum prepared by the Head Accountant of the Board, and handed to me, was very carefully prepared, and proved of very great assistance to me. If corresponding care and ability had been evinced in the office of the Collector, and by the Government Vakeel at Guntoor, I have little doubt I should have been enabled to have presented the case before the Court in a much more advantageous manner than the record as now prepared enabled me to do. The Head Accountant, Jeyram Chettyar, and Durmaroya Moodlyar, attended me in Court, and it affords me great pleasure to state that they were of great service to me, and shewed they had intelligently made themselves acquainted with the accounts filed in the Court and their contents.

From the same Officer, dated Madras, 16th November 1865, No. 166.

1. With reference to the Orders of Government under the dates and numbers noted in the margin, I do myself the honor of reporting, for the information of the Board, that the Regular Appeal Suits, Nos. 58 and 61 of 1864, on the file of the High Court, came on for hearing this morning, when their Lordships the presiding Judges were pleased to reverse the Decree of the Civil Court of Guntoor, and pronounced Judgment for the Defendant with costs.

2. I will do myself the honor of forwarding a copy of the Decree when procured.

3. I regret extremely to feel myself under the necessity of drawing to the attention of the Board, the manner in which this case has been conducted in the Civil Court. I consider myself the more bound to do so, as I have lately had to support an Appeal from the same Court, in which it is possible the interests of Government may be materially damaged by the mode in which it was conducted in the Civil Court; and judging from the records of the two cases, I have formed an extremely low estimate of the capacity of the Government Vakeel in the Civil Court of Guntoor.

4. In my letter to the Board on the 24th of October 1863, No. 122, I pointed out the nature of the evidence which should be adduced for the Defendant on the

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hearing of the Original Suit No. 30 of 1863. In the first instance, I can do no more than advise in general terms the nature of the evidence which should be adduced. I have, however, re-perused my letter since I have acquired a more accurate knowledge of the case from a perusal of the record; and it does not occur to me that I could have done more for the guidance of the Vakeel in the Guntur Court than I did in that letter, and I have no hesitation in saying that had the Vakeel possessed ordinary intelligence, and even an elementary knowledge of the profession in which he professes to practice, the case would have been presented to the Courts in a very different form to that in which it came up from the Civil Court.

5. The interests involved in most of the Government suits which come up in Appeal are of great magnitude, either in respect of the value of the property, or the questions raised. I submit, therefore, that it is a question worthy of consideration whether the interests of Government would not be studied by endeavoring to obtain the services of properly (or fairly) qualified men as their Vakeels in the Mofussil Courts. If a man holding that office conscientiously does his duty to Government, he is necessarily shut from all cases in which the interests of Government may even by possibility be involved; and those are generally the cases in which a clever practitioner would be most handsomely paid. A retaining fee in the shape of a small monthly salary, with the fee allowed by regulation in cases where Government or its officers are parties, is not, as a general rule, sufficient to induce efficient men to forego the more profitable species of business.

6. In the case on which I am now reporting, the Board have done their utmost to assist me in arriving at an understanding of the accounts put in. With what success their endeavors have met, they are as well acquainted as myself: I was obliged to inform the Court I could not make any use of some of those accounts from a want of instructions how they were applicable, and the parts which were applicable. This difficulty need not have arisen had the Collector reported to the Board such information, and furnished translations of the portions he relied upon; together with such other portions, (if any,) which he might think could be relied upon by the opposite party. I may mention, that as regards the document which was marked as Exhibit No. VII., I have been totally unable *even to surmise* a reason why it was filed. As at present advised, it appears to me to have very unnecessarily encumbered the record, and caused needless trouble in translating, &c.

7. I have fortunately been enabled to glean from the evidence, sufficient to convince the Court that the Decree in the Original Suit should be reversed, but I was so enabled principally from the evidence adduced by the Plaintiff himself. This may not be the case in other suits, and if a similar lack of acumen and energy be displayed in other cases, Government may find their interests very materially damaged.

1. The foregoing letters will be submitted for the consideration of Government with reference to the Government Pleader's remarks in paragraph 5 of his letter, dated 10th November 1865. They will also be forwarded to the Acting Collector of the Kistna District, whose attention will be called to Mr. Dale's remarks as to the want of intelligence shewn in conducting the cases in Court, and the

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gross carelessness evinced in the Collector's office in submitting a mass of documents without a proper explanation of their contents. The accounts connected with the Vissanapettai Suit were most voluminous, but probably a simple abstract might have been prepared in the Collector's office, which would have been of the greatest service to Mr. Dale. In the Lanka case, too, the accounts comprised a variety of matters, and explanation should certainly have been submitted as to what parts of them were specially relevant to the case. Mr. Chase will be good enough to submit any explanation which it may be in his power to offer at an early date.

2. The Board are glad to receive so favorable a testimony from Mr. Dale to the services rendered by their Head Sheristadar, and by Deputy Collector Durmayen Mudali, who was doing duty in the Board's Office when the case referred to came on for hearing.

No. 34.

ORDER THEREON, 8th December 1865, No. 2,995.

Miscellaneous.

The remarks of the Government Pleader as to the inefficiency of the Government Vakeel in the Civil Court of Guntur, and his suggestion to procure the services of properly qualified men for such employment in the Mofussil Courts generally, will be communicated to the Judicial Department.

(True Extract.)

(Signed) J. D. SIM,

Secretary to Government.

To the Judicial Department.
,, the Board of Revenue.

Exd. S. T. Augustin.

1011 August 1874 1011-107
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Pen 1865. Department.
of Agriculture

No. 3455.
PROCEEDINGS OF THE BOARD OF REVENUE.

Dated 28th November 1865.
No. 1865.

No. 7,385.

Submitting letters from the Government, Pleader on the subject of the Vissanpett and Lanka Suits in Kistna District, and calling upon the Collector for certain explanation regarding them.

No. 1011/1011-107
No. 1011/1011-107

No. 1011/1011-107

No. 1011/1011-107

No. 1011/1011-107

No. 2290.

Memorandum of the Government

Relative to the sufficiency of the

power of the Board of Revenue

in the case of the Board of Revenue

in the case of the Board of Revenue

for such employment in the case of the

Board of Revenue with the Board of Revenue

the Judicial Department

No. 1011/1011-107
No. 1011/1011-107