M.R.O. 14—13,000—27-9-24

# MADRAS RECORD OFFICE.

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## Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 2870 Press ~~Mis.~~

553. 554

Dated 24 — 10 — 1866.

***Not to be folded or roughly handled***

*Proceedings of the Madras Government, Revenue Department, 24th October* 1866.

No. 553. Read the following Proceedings of the Madras Government in the Judicial Department :—

Passing orders on letter from the Magistrate of Vizagapatam, proposing revision of the form of "Vakeel's Fee Voucher," furnished to him by the Board. } (Here enter 13th October 1866, No. 1,616.)

No 554. ORDER THEREON, 24th October 1866, No. 2,870.

**Miscellaneous.** Ordered to be recorded.

(True Extract.)

(Signed) J. D. SIM,

*Secretary to Government.*

Exd. S. T. Augustin.

*Proceedings of the Madras Government, Judicial Department, 13th October 1866.*

No. 154. Read the following letter from D. F. CARMICHAEL, Esq., Magistrate of Vizagapatam, to the Chief Secretary to Government, Fort Saint George; dated Vizagapatam, 13th September 1866, No. 231.

The receipt of the Proceedings of Government, Judicial, No. 1369, of 1st September instant, affords me a suitable opportunity of laying before the Government the accompanying form of 'Vakeel's Fee Voucher' which has been devised by the Board of Revenue, in their Circular Order, No. 10 of 1866, regarding contingent charges.

2. They direct, paragraph 15, that "whenever a Vakeel or other Subordinate "is appointed to attend the Session Court, to prosecute any case, the Magistrate "shall address a letter to him, in the form now prescribed, and payment of the fee "will be made to him, on the sanction of the Session Judge," and it is added, in a note—"The Judge has power to sanction a fee of less amount, if necessary."

3. I submit that all this is wrong—

(1.) Because the Magistrate is required to enter the amount of fee beforehand, when it is impossible to say whether the case will be long or short, or what degree of care and attention the Vakeel may bestow on it.

(2.) Because it is altogether inexpedient to give the Judge the power of interfering with the Magistrate in the matter. The Vakeel is responsible to the Magistrate, and the Magistrate to the Government, for the proper carrying out of public prosecutions. If the Vakeel palpably misconducts himself, let the Judge communicate by Proceedings with the Magistrate, who will know how to dispose of the complaint; but the Vakeel, being the employé of the Magistrate, should be directly under the control of that Officer only.

(3.) Because the form is *incongruous*, the writer being the Chief Executive Officer of the District, and the addressee an up-country Vakeel. It should run in the shape of a *Sunnud*.

To——

"You are hereby appointed to conduct, &c.", without so much of the 'obedient servant' and 'having the honor' and so on, *est modus in rebus*.

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No. 155. ORDER THEREON, 13th October 1866, No. 1616.

The Government agree with Mr. Carmichael, in his objections to the "Vakeel's Fee Voucher," furnished to him by the Board of Revenue. It is not expedient that the Session Judge should have the power of interfering with the discretion of the Magistrate, in fixing the amount of fee, which should, moreover, be determined after the conclusion of each case. Further, the form should run in the shape of a *Sunnud*. The Governor in Council requests the Board to revise the form accordingly.

(True Extract).

*Chief Secretary.*

To the Magistrate of Vizagapatam.
" Revenue Department.
" Revenue Board, with the form.

Exd. J. H. Burns.

Pro. 17 September 1866 No
573-3

Revenue 1866. Oct. No
Pro. of Govt for October
No. 3680.

Proceedings of the
Madras Govt. in
the Jud. & Sepate

Dated 13th Octr
Recd 19th Octr 1866.
No. 1616.

Passing orders
on letter from the
Magte of Vizagapa-
tam proposing re-
vision of the form
of Vakeels Fee Vouche
furnished to him
by the Board. —
No. 2870.

RECORDED

No 553 to 554