No. 3050. Copy.

Court of [1869] Madras.

JUDICIAL.

To

THE SHERIFF OF MADRAS.

&c., &c., &c.

Dated September 1st.

Read 9th *Encl.*

G. O., 1st September 1869, No. 1446.

SEPTEMBER.

Nos. 8-9.

Sanctioning payment of Solicitor's fee for proceeding in the Police Court, a charge of assaulting a Sheriff's Officer, and issuing orders to the Departments directing previous reference to Government before engaging the professional services of the Government Solicitor.

No 41 - 1 Sept 69

Writ to Order

No. 8. Read the following letter from the Sheriff of Madras, to the Chief Secretary to Government, Fort Saint George; dated Madras, 26th July 1869, No. 355.

On the 21st June last, Andrew Cooper, Sheriff's Bailiff, was assaulted by two men, named Soondurjee and Hurry Ram, while endeavouring to execute a warrant of the High Court for the arrest of one Parasaram Sett.

2. These two men were prosecuted before T. G. Clarke, Esq., Magistrate of Police, and convicted under Section 353 of the Indian Penal Code, and fined in the sum of Rupees 125 each, and were also adjudged to pay Rupees 50 as costs, as will appear by the enclosed certificate of the Magistrate.

3. Mr. Barclay, of the Firm of Messrs. Prichard and Barclay, conducted the case for the prosecution. A balance of Rupees 70 is due to them for costs, as per bill enclosed.

4. I have the honour to request that sanction may be obtained for the payment of the said sum of Rupees 70.

5. The fines, amounting to Rupees 250, have been recovered, out of which a sum of Rupees 50 has been paid to the Bailiff Cooper as compensation, leaving a balance of Rupees 200 available as a fund to meet Messrs. Prichard and Barclay's claim for costs.

6. The sum of Rupees 120 charged for costs appears to me to be a reasonable and proper charge, considering that the trial lasted four days.

No. 9. ORDER THEREON, 1st September 1869, No. 1446.

The Governor in Council sanctions the payment of the sum of Rupees (70) seventy, being the balance of the Court costs in the case referred to in the foregoing letter.

2. It is observed that the previous sanction of Government was not applied for and obtained, as should have been done, for engaging the services of a Solicitor in this case.

3. The Governor in Council deems it expedient to direct, in continuation of the orders of Government noted in the margin, that Heads of Departments shall not be at liberty to engage the professional services of the Government Solicitor, in any case connected with their offices, without previously obtaining the authority of Government to do so. In applying for such authority, they will represent the circumstances under which the aid of the Solicitor is considered necessary; and it will rest with the Government to determine whether the case shall be taken up by the Government Solicitor on behalf of Government, or whether the applicant shall be informed that it will rest with himself to secure, at his own cost, such professional assistance as he may think he requires.

Fxt. Mins. Cons., Judicial Dept., 14th May 1856, No. 509.
Pros. of Govt., Judicial Dept., 30th November 1868, No. 1817.

4. Special cases may occur—but these will be rare—in which it may be necessary for the Head of the Department concerned, at once to communicate with the Government Solicitor, without previous reference to Government. In such cases, a report of the matter should, as soon as possible, be submitted to Government, who will thereupon pass any orders that may be deemed requisite.

(True Extract.)

R. S. ELLIS,
Chief Secretary.

To the Sheriff of Madras, with two enclosures returned.
„ Accountant General.
„ Revenue Department, for information & for communication to officers subordinate to that Department.

No 41

Comm^d to the
undermentioned Authorities
Board of Revenue
Direc of Rev. Settlt
Supt of Rev. Survey
Offg Conr of Forests
Inam Commr
Govt Inamologist

Exd. J. Wright.

11 Sept 69

8 Fortw Bd of Rev
7 " Dir of Rev Settlt
7 " Supt of Rev Survey
7 " Offg Conr of Forests