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M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

21378

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1573 Press
~~Mis.~~

Dated 20-11- 1937

Not to be folded or roughly handled

No. 38. Read the following Proceedings of the Board of Revenue, dated 24th October 1872, No. 2,068 :—

Read the following letter from J. W. HANDLEY, Esq., Government Pleader, Madras, to the Secretary to the Board of Revenue, dated 10th October 1872 :—

WITH reference to the Board's Proceedings noted in the margin, I have the honour to report that, in accordance with the instructions therein contained, I proceeded to Chengleput on the 6th instant, to conduct the prosecution before the Sessions Court of the prisoners committed for trial by the Deputy-Magistrate on a charge of forgery of documents relating to the assessment of Income-tax in the Ponnery Taluq.

27th September 1872, No. 1,934.

2. The trial of the cases commenced on the 7th, and occupied that and the following day. The prisoners were defended by Mr. John Miller, Barrister, and Mr. Tasker, Solicitor, and by a Vakeel of the Civil Court. The prisoners were all (3) three convicted. The two gumastahs, Chengul Row and Streenivass Row, were sentenced to three years rigorous imprisonment each, and the Chetty was sentenced to two and a half years rigorous imprisonment.

3. The Chengleput public prosecutor Parthasardy Iyengar assisted me in the prosecution. He informs me that he was to have received a fee of Rupees 100 for conducting the case before the Deputy-Magistrate, but owing to his being attacked with the prevailing epidemic, he was unable to be present at Sydapet during the whole enquiry. I would suggest that, as he did conduct the case in part before the Magistrate and it was not his fault that he did not complete it, the fee originally agreed on, or at least part of it, might be paid to him. I leave the question of the amount of my fee in the hands of the Board. My expenses amounted to about Rupees 50.

THE correspondence in this case will be submitted to Government, with the Board's recommendation that Mr. Handley be paid 550 Rupees for conducting the prosecution ; and that the Rupees 100 referred to be paid to the Local Government Pleader, as suggested by Mr. Handley.

No. 39. ORDER THEREON, 12th November 1872, No. 1,540.

Miscellaneous.

THE Governor in Council sanctions payment of the fees recommended by the Board in this instance, but deems it advisable that some scale of payment should be settled for determining the amount in similar cases in future, and desires that the Government Solicitor will report what will be suitable.

(True Extract.)
(Signed) D. F. CARMICHAEL,
Acting Secretary to Government.

To the Board of Revenue.
,, the Accountant-General.
,, the Government Pleader.
,, the Government Solicitor.

Exd. F. R. Bantleman.

Bdgt. of 1872

REVENUE.

To

THE BOARD OF REVENUE,

&c., &c., &c.

Dated November 12th.

Recd.

G. O., 12th November 1872, No. 1,540.

NOVEMBER.

Nos. 38-39.

Forgery of Documents relating to assessment of Income-tax in Chingleput District.—Board's Proceedings recommending payment of Rs. 550 to Government Pleader for conducting prosecution of the parties concerned, with orders thereon.

No. 1,934.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 27th September 1872.

Read the following letter from R. W. BARLOW, Esq., Acting Collector of the Chingleput District, to the Secretary to the Board of Revenue, dated Sydapet, 20th September 1872, No. 391 :—

WITH reference to the Board's Proceedings, No. 1,796, dated 9th instant, sanctioning the appearance of Mr. Handley to conduct certain prosecutions before the Deputy-Magistrate, with reference to frauds in the Income-tax accounts, I have the honour to report, that both cases have been committed to the next Sessions at Chingleput, which commences on Monday, the 7th proximo, and to suggest that the Government Pleader should also appear there to assist the public prosecutor in these cases if the Board think it desirable.

COMMUNICATED to the Government Pleader who is requested to appear at the trial and conduct the proceedings on behalf of Government.

(A true Copy and Extract.)

(Signed) J. GROSE,
Secretary.

To the Government Pleader.

Copy to the Acting Collector of the Chingleput District.

Exd. G. A Turton.

Revenue
1872.
Board of Revenue
MADRAS.

PROCEEDINGS, 27TH SEPTEMBER 1872, No. 1,

Received

SEPTEMBER.
No. 1,934.

Income-tax.—*Frauds in connection with*—perpetrated by certain parties in Chingleput District. Report from Collector that the cases have been committed to the next Sessions at Chingleput communicated to Government Pleader, with request to conduct proceedings on behalf of Government.

Encl.

Revenue 2,934

No. 1,796.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 9th September 1872.

Read the following letter from R. W. BARLOW, Esq., Acting Collector of the Chingleput District, to the Secretary to the Board of Revenue, dated Coromandel, 6th September 1872, No. 374 :—

RAGUNATHA ROW, the Income-tax Collector, Madras, distrusting the receipt of a certain Chetty, as to his having been assessed to income-tax at Arnee, in Ponneri Taluq, as regards his profits in Madras, wrote to me on the subject.

2. After a reference to the taluq it seemed *prima facie* probable that forgery had been committed, and I directed that all papers should be sealed up and sent to the Deputy Collector in charge of that taluq, who was directed to hold a departmental inquiry, and, if necessary, to proceed criminally, with a view to commitment to the Sessions Court.

3. On the Deputy Magistrate informing me that there were grounds so to proceed against two goomastahs for forgery and a merchant for abetment I directed the Government Prosecutor, Parthasaradi Aiyengar, from Chingleput to conduct the prosecution as the matter was one affecting the revenue interests of Government, and further the nature of the case, involving account, etc., was such that I considered it unadvisable that the presiding Magistrate should virtually have to conduct the prosecution, and trust the course I have adopted will be approved.

4. One case is all but concluded, but the more important and clear one is to be opened on Wednesday next. The merchant charged with abetment is (as I am informed) a very rich Chetty, and has retained several Vakeels of the High Court and an English Attorney to defend him. Under these circumstances I would suggest that the Government Pleader should be sent to conduct the prosecution. The case comes on at 11 A.M. on the 11th instant at Home's Garden, Mount Road.

5. The nature of the charge is briefly (though I write from memory, the papers not being before me) that the Chetty's income (1871-72) was estimated in Madras at Rupees 3,000 odd, when he produced in the Madras Collector's office a receipt granted by the Ponneri Tahsildar for his income-tax that year, in which the word "Madras" appeared but written over a dash, which raised suspicion and caused the reference. The Ponneri Tahsildar states "Madras" was not there when he signed the certificate, and it seems other accounts in the taluq have been tampered with so as to correspond. From information from the taluq it further appears that the Chetty was only assessed to an income of Rupees 1,500 and that Madras profits were not included.

FORWARDED to Mr. Handley with request that he will be so good as to arrange to appear and conduct the prosecution as desired by the Acting Magistrate of Chingleput.

(A true Copy and Extract.)

(Signed) H. E. STOKES,
Acting Sub-Secretary.

To the Government Pleader.

Copy to the Acting Collector of Chingleput.

Exd. A. S. Rodgers.

1872.

Board of Revenue

MADRAS.

PROCEEDINGS, 9TH SEPTEMBER 1872, No. 1,796

Encl.

Received

SEPTEMBER.

No. 1,796.

Criminal prosecution—of certain parties for fraud in connexion with income-tax assessment imposed on a Chetty in Ponneri Taluq, Chingleput District.—Government Pleader requested to conduct —.

No. 2,068.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 24th October 1872.

Read the following letter from J. W. HANDLEY, Esq., Government Pleader, Madras, to the Secretary to the Board of Revenue, dated 10th October 1872:—

WITH reference to the Board's Proceedings noted in the margin, I have the honour to report that, in accordance with the instructions therein contained, I proceeded to Chengleput on the 6th instant, to conduct the prosecution before the Sessions Court of the prisoners committed for trial by the Deputy-Magistrate on a charge of forgery of documents relating to the assessment of Income-tax in the Ponnery Taluq.

27th September 1872, No. 1,934.

2. The trial of the cases commenced on the 7th, and occupied that and the following day. The prisoners were defended by Mr. John Miller, Barrister, and Mr. Tasker, Solicitor, and by a Vakeel of the Civil Court. The prisoners were all (3) three convicted. The two gumastahs, Chengul Row and Streenivass Row, were sentenced to three years rigorous imprisonment each, and the Chetty was sentenced to two and a half years rigorous imprisonment.

3. The Chengleput public prosecutor Parthasardy Iyengar assisted me in the prosecution. He informs me that he was to have received a fee of Rupees 100 for conducting the case before the Deputy-Magistrate, but owing to his being attacked with the prevailing epidemic, he was unable to be present at Sydapet during the whole enquiry. I would suggest that, as he did conduct the case in part before the Magistrate and it was not his fault that he did not complete it, the fee originally agreed on, or at least part of it, might be paid to him. I leave the question of the amount of my fee in the hands of the Board. My expenses amounted to about Rupees 50.

THE correspondence in this case will be submitted to Government, with the Board's recommendation that Mr. Handley be paid 550 Rupees for conducting the prosecution; and that the Rupees 100 referred to be paid to the Local Government Pleader, as suggested by Mr. Handley.

(A true Copy and Extract.)

J Grose

Secretary.

To the Chief Secretary to Government, Revenue Department,
with copies of Board's Proceedings, Nos. 1,796 and 1,934 of 1872.

Copy to the Government Pleader.
„ to the Collector of Chengleput.

Exd. G. A. Turtot

Received 12 Dec

Proceedings, 24th October 1872, No. 2,068.

Encl.

Board of Revenue,
1872.
MADRAS.

OCTOBER.
No. 2,068.

Criminal prosecution.—Recommendation made to Government that Rupees 550 be paid to Government Pleader for conducting prosecution of certain parties on a charge of forgery of documents relating to assessment of Income-tax in Ponnery Taluq, Chengalpat District; and Rupees 100 to Local Government Vakeel for assisting in the prosecution.

Proceedings of the Madras Government, Revenue Department,

20th November 1872.

No. 143. Read the following letter from the Government Solicitor, Madras, to the Acting Secretary to Government, Revenue Department, Fort St. George, dated 15th November 1872, No. 510:—

I HAVE the honour to acknowledge the receipt of the Order of Government dated 12th instant, No. 1,540, Revenue Department, requesting me to report what would be a suitable scale of fees to be paid to the Government Pleader in all cases where he is directed by Government to appear before Mofussil Courts in cases in which Government is interested.

2. I have conferred at length with Mr. Handley upon the subject of the above order, and have now to report that he has expressed his willingness to accept a fee of 50 Pagodas, or 175 Rs. per diem, and expenses out of pocket for every day which he shall be necessarily absent from Madras when appearing on behalf of Government in the Mofussil; subject, however, to this condition, that if Mr. Handley should have to appear in any case in which the Vakeel's fees allowed by the Court are larger than if calculated upon the above scale, then that his fee shall be the amount awarded by the Court.

3. The scale of fees above proposed appears to me to be a very fair and reasonable one, and certainly is a far more moderate one than what any Barrister of Mr. Handley's position and standing might reasonably ask in a private case. The scale now proposed is, in fact, merely double the fee which is marked on an ordinary brief given to a Counsel in a case on the Original Side of the High Court, and which case could not possibly last more than an ordinary day of eleven till four, and might only occupy an hour or so.

No. 144. ORDER THEREON, 20th November 1872, No. 1,593.

Miscellaneous.

APPROVED.

(True Extract.)

(Signed) D. F. CARMICHAEL,
Acting Secretary to Government.

To the Government Solicitor.
,, the Board of Revenue.
,, the Government Pleader.
,, the Accountant-General.

Exd. F. R. Bantleman.

14/11/72.
18/3 Nov.
21-11-72 Mon

Bdle. of {1872} Madras

REVENUE.

THE GOVERNMENT SOLICITOR,

&c., &c., &c.

dated November 20th.

ecd.

Encl.

G. O., 20th November 1872, No. 1,593.

NOVEMBER.
Nos. 143-144.

Fees to Government Pleader for appearin in Mofussil Courts.—Scale proposed by the Go ernment Solicitor in communication with Gover ment Pleader, approved.

No. 570.—

Madras 15th November 187

From H. G. Prichard,
Government Solicitor, Madras.—

To D. F. Carmichael Esqre

Dist- Secnt-George.—

Ser,

I have the honor to acknowledge the receipt of the order of Government dated 12th Instant, No. 1540, Revenue Department requesting me to report what would be a

=ment Pleader in all Cases where he is de=
=puted by Government to appear before —
Mofussil Courts in Cases in which Government
is interested.—

2. I have conferred at length with Mr Handley upon the subject of the above order and have now to report that he has expressed his willingness to accept a fee of 50 Pagodas or 175 Rupees per diem and expenses out of pocket for every day which he shall be ne=
=cessarily absent from Madras when appearing

on

behalf of Government in the Mofussil -
Subject however to this condition, that if
Mr Handley should have to appear in
any c[illegible] which the Vakeels fees allowed
[illegible] Court [illegible] larger if calculated
upon the above scale then that his fee shall
be the amount awarded by the Court. -

3. The Scale of fees above proposed
appears to me to be a very fair and reason-
[illegible] one and certainly is a far more moder-
ate one than what any Barrister of Mr
Handley's position and standing might
reasonably ask in a private case. The scale
now proposed is in fact merely double the
fee which is marked on an Ordinary Brief
given to a Counsel in a case in the Original
side of the High Court, which case could
not possibly last more than an Ordi-
-nary day of eleven till four and
might

might only occupy 4 hours or so. -

I have the honour to be,
Sir,
Your obedient
servant
W. E. Forchard
Government Solicitor