M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1489 Press ~~Mis.~~

-31-

Dated 17—11— ~~19~~ 85

Not to be folded or roughly handled

No. 31. Read the following letter from the Adjutant General of the Army; to the Secretary to Government, Military Department, dated 13th November 1857, No. 1396.

SIR,

I have the honor, by order of the Commander in Chief, to forward for submission to the Right Honorable the Governor in Council the accompanying copies of correspondence from the Officer Commanding Southern Division, relative to the issue of a summons to the Officer Commanding 1st Light Cavalry by the Principal Sudder Ameen at Ootacamund for the attendance of an Officer of that Corps, and I am directed to request that Government will be good enough to favor His Excellency with a decision on this point of Civil Law.

(Signed) W. G. WOODS, Lieut.-Col.,
Adjutant General of the Army.

To the Adjutant General of the Army, Fort Saint George, dated Trichinopoly, 4th November 1857, No. 232.

SIR,

I have the honor to forward, for information of His Excellency the Commander in Chief, copies of a correspondence between the Principal Sudder Ameen at Ootacamund and the Officer Commanding 1st Regiment Light Cavalry, regarding a summons, sent to Lieutenant Parsons of that Regiment to appear at Ootacamund, to answer to a suit filed against him by a stable keeper for Rupees 25 and to request instructions as to the liability of Officers of the Army, serving in Military stations, to be thus summoned to appear at distant Courts for trifling sums claimed from them, instead of the claimant preferring his claim before a Court of Requests, which he may always do by addressing the station Staff Officer or Fort Adjutant.

Another noticeable point is the unfairly short notice, *i. e.* (deducting the time occupied by the summons on the road) 7 days for a distance of 160 miles.

(Signed) R. BUDD, Major Genl.,
Commanding Southern Division.

To the Deputy Assistant Adjutant General, Southern Division, dated Trichinopoly, 2nd November 1857, No. 192.

SIR,

In forwarding copy of letter received from the Principal Sudder Ameen, Ootacamund, and summons therein alluded to, together with my reply, I have the honor to request you will convey to me, instructions of the Major General Commanding, regarding the matter which is without precedent in my experience.

Lieutenant Parsons informs me that the cause of suit against him is, in consequence of his running a pony in a race, which he had hired from Wilson and Co. against a pony belonging to Lieutenant Sherlock of Her Majesty's 74th Regiment, which was for sale at Rupees 15.

Wilson and Co. claimed Rupees 25, in consequence of the above race, and Lieutenant Parsons refused to pay the same.

(Signed) P. T. CHERRY, Lieut.-Col.,
Commanding 1st Regt. Light Cavalry.

No. 925.
Trichinopoly, 2nd November 1857.

(Signed) C. WAHAB, Brigadier,
Commanding Trichinopoly.

From the Principal Sudder Ameen, Ootacamund; to the Officer Commanding 1st Regiment Light Cavalry, Trichinopoly, dated 24th October 1857, No. 146.

SIR,

I have the honor to enclose summons in Original Suit No. 153 of 1857, on the file of my

Court, and request you will have the goodness to cause the same to be served upon the witnes therein mentioned and to return it with his endorsement.

(Signed) J. OUCHTERLONY,
Principal Sudder Ameen.

(True Copy.)

(Signed) P. T. CHERRY, Lieut.-Col.
Commanding 1st Regt. Light Cavalry.

IN THE PRINCIPAL SUDDER AMEEN'S COURT AT OOTACAMUND.
C. S. No. 153 OF 1857.

WILSON & Co. ..... *Plaintiffs.*

Versus.

Lieutenant A. D. PARSONS, 1st Light Cavalry ..... *Defendant.*

To Lieutenant A. D. PARSONS, 1st Light Cavalry, residing at Trichinopoly.

(L. S.) Whereas your attendance is required to give evidence on behalf of yourself in th above cause, you are hereby required personally to appear before this Court on the 5th day c November 1857, at 11 o'clock in the forenoon for that purpose.

Given under my hand and seal of the Court, this 23rd day of October 1857.

(Signed) J OUCHTERLONY,
Principal Sudder Ameen.

(True Copy.)

(Signed) P. T. CHERRY, Lieut.-Col.
Commanding 1st Regt. Light Cavalry.

To the Principal Sudder Ameen, Ootacamund, dated Trichinopoly, 30th October 185' No. 191.

SIR,

No. 146-1857. Enclosing summons requesting the same may be served upon A. Parsons, 1st Regiment Light Cavalry.

I have the honor in acknowledging receipt of your letter, date 24th Instant, No. and subject as per margin, and would suggest tha if "Wilson and Co." have any claim against Lieutenant Parsons, the should by Deputy or by an official letter to the Fort Adjutant, Trich nopoly, make their claim before a Court of Requests under Clause 6(of the Act 12 and 13, Vict. Cap. 43.

I retain the summons forwarded pending further communication from you, and instructior from superior anthority, to whom I have forwarded copy of your letter and this my reply.

(Signed) P. T. CHERRY, Lieut.-Col.
Commanding 1st Regt. Light Cavalry.

(True Copy.)

(Signed) P. T. CHERRY, Lieut.-Col.
Commanding 1st Regt. Light Cavalry.

(True Copies.)

(Signed) E. F. BURTON, Captain,
Ag. D. A. A. General, S. D.

(True Copies.)

(Signed) W. G. WOODS, Lieut.-Col.
Adjutant Genl. of the Army.

Fort St. George, Judicial Consultation, 17*th November* 1857.

Referred to the Judicial Department.

(By Order.)

(Signed) C. A. BROWNE, Lieut.-Col.
Secretary to Government.

: St. George,
lovember 1857.

. ORDER THEREON, No. 1489; dated 17th November 1857.

eferred to the Government Pleader for his opinion.

(Signed) T. PYCROFT,
Chief Secretary.

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No 1489

Referred to the Govt. Pleader for his opinion

Tor C. St. George.
17 November 1857.

Govt Pleader
Disp'd. 21st

Well

I make this reference as it may be more satisfactory — but I imagine the P.S.A. is right & the action must lie where the cause of action arose — a shopkeeper on the Neilgherries is not to go to Tiffin in order to [illegible] debt incurred at Ootacamund
The time allowed in the notice seems too short [illegible]