M.R.O. 1—20,000—16-10-20.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 638

Press ~~Mis.~~

20-21

Dated 20—6— ~~19~~ 1887

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 2nd June 1857.

No. 20. Read the following letter from GEORGE ELLIS, Esq., Register to the Court of Sudder Udalut; to E. MALTBY, Esq., Acting Chief Secretary to Government, dated 19th May 1857, No. 52.

Sir,

1. I am directed by the Judges of the Court of Sudder Udalut, to submit for the approval of the Right Honorable the Governor in Council, the accompanying draft of a Circular Order they propose issuing in supercession to that dated the 28th December 1829 B, pointing out the course to be observed in executing Decrees of Native States.

2. It will be observed, that the above Circular Order was issued under instructions from Government, at a time when there was no positive legislative provision for the execution of such Decrees, but as Act XXXIII of 1852 now provides for executing the Decrees of Her Majesty and the East India Company's Courts, and the Courts established in Native States by the authority of the Governor in Council, in places beyond the jurisdiction of the Courts pronouncing them, the course laid down in the Circular Order of the 28th December 1829 B, can no longer obtain in respect to the Decrees of these Courts.

3. As however no provision is made for the execution of Decrees of an Independent Native State or of a Foreign State, the Judges are of opinion, that the rule obtaining in Bengal, might with advantage be adopted in this Presidency, and they accordingly solicit authority to substitute the accompanying Circular Order for that of the 28th December 1829 B.

(Signed) GEORGE ELLIS,
Register.

Draft of a Circular Order.

No. .

The Court of Sudder Udalut, with the sanction of the Right Honorable the Governor in Council, resolve to cancel their Circular Order, dated 28th December 1829 B, and to intimate that in future, parties wishing to enforce a foreign Judgment within any District subject to the jurisdiction of the Courts of the East India Company, must institute an Action founded thereon in the proper Court of the District; the merits of such foreign Judgment being in a measure open to the examination of the Judge, but only under the circumstances of its being objected to as having been already liquidated, fraudulently obtained, or that the Court by which it was given had no jurisdiction.

(Signed) GEORGE ELLIS,
Register.

No. 21. Order thereon, No. 638; dated 30th May 1857.

The Right Honorable the Governor in Council approves the draft Circular Order respecting the course to be pursued in executing foreign Judgments submitted with the above letter, which the Court of Sudder Udalut purpose to issue in supercession of that dated 28th December 1829 B.

(Signed) E. MALTBY,
Acting Chief Secretary.

Exd. F. Cartledge.

Judicial Department

No. 818

From the Register to the Court of Sudr Udalut.-

Dated 19th May 1857.

For orders

I approve -

Judicial Department

No. 138

Extract from the Minutes of Consultation

Dated 30th May 1857.

Read the following Letter from the Register to the Court of Sudder Adawlut

(Here enter 19th May 1857 No 1052)

The Right Honble the Governor in Council approves the draft Circular Order respecting the course to be pursued in executing foreign Judgments, submitted with the above, which the Court of Sudder Adawlut propose to issue in supersession of that dated 28th Decr 1849

B.

Copy to Court of Sudder Adawlut Despd 4th

18-1-17 ✓

Duty Recd: 2nd June

Judicial - 1857 Depart.

No. 138

Extract Mins of Cons

d/30 May /57

Approve the draft Circular Order respecting the course to be pursued in executing foreign Judgements which the Sudr Udalut propose to issue in supersession of that d/18th Dec. 29 - 13.

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28 May
29