M.R.O. 1—38,000—16-10-20.

MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No. 1529 Press ~~Mis~~

18—19

Dated 30—10. ~~1918~~

Not to be folded or roughly handled

No. 18. Read the following letter from CLEMENT DALE, Esq., Government Pleader, Sudr Udalut; to W. H. BAYLEY, Esq., Acting Secretary to Government, dated 27th October 1858, No. 135.

SIR,

Para. 1. I have the honor to acknowledge the receipt of an Extract from the Minutes of Consultation noted in the margin; but previously to acting upon the order to communicate with Boodoo Beebee, I consider it right to suggest, for the approval of the Right Honorable the Governor in Council, a re-consideration of that order, on the ground, that as a general principle it is impolitic for Government by their Law Officers to prosecute or defend suits, relating to the affairs or acts of individuals, other than public servants acting in the defence of public rights of property, or under the specific orders of Government. This is a principle that is universally acted upon by Government in suits instituted in the Supreme Court and is in conformity with the practice pursued in Bengal; and as laid down (I believe) by the Court of Directors.

Minutes Consultation, 19th October 1858, No. 1477, Judicial Department.

2. I observe in the Circular Orders of the Board of Revenue for 1854, page 90, a copy of Minute of Consultation, wherein the subject is canvassed; I have not copies of the letters there referred to, but from my recollection aided by the Minute of Consultation, I apprehend the principle was on that occasion fully brought to the notice of His Lordship in Council, and had full consideration.

3. I would suggest that if Boodoo Beebee can bring herself under the Regulations, &c., relating to pauper suits, she might prefer her Appeal in *formâ pauperis*.

4. I have offered the above suggestions solely on public grounds; and as I consider in the faithful discharge of my duty to Government; but having discharged that duty, I may perhaps be permitted to add, that if Boodoo Beebee appeals in *formâ pauperis* I shall be happy to act as her Pleader in my private professional capacity; or if she cannot bring herself within the Regulations, &c., relating to pauper suits, and any difficulty should arise in her obtaining the services of a competent Pleader in the Sudr Udalut, I shall be most happy to present and prosecute the Special Appeal in the above capacity; but of course in that case, on being placed in funds, or having a sufficient guarantee, for the payment of stamps and other necessary expenses which may be incurred by me. Probably the easiest mode would be for the Officer Commanding Palamcottah to be the medium of communication.

No. 19. ORDER THEREON, No. 1529; dated 30th October 1858.

The Government are unable to admit the force of the objections raised by the Government Pleader in the above letter.

2. The case is, it appears to them, one which may very properly be treated specially, not only in respect to the sex, condition and circumstances of the individual, Boodoo Beebee, who has been harassed with legal proceedings in consequence of the gross ignorance of the Tinnevelly Courts—but because it is of much importance, both in a Political and Military point of view, that the principle involved, viz., the exemption of service pensions from the jurisdiction of the Courts of Law, should be fully asserted by Government.

3. Mr. Dale will accordingly proceed with the least possible delay to carry out the orders already communicated to him on the 19th Instant. In applying to the Sudr for leave to prefer the Special Appeal, he will at the same time move the Judges to order that the process of the lower Court be stayed, until the Appeal be adjudicated

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

№ 1529 Judicial Dept.

Extract Minst: of Cons
D/30 October 1858.

From Fort Pleadn
27-10-58- № 135

The fort an unable to
admit the force of the
objections raised by the
fort Pleader in his above
letter -

W.M.

The case is, it appears
to them, one which may
very properly be treated
specially not only in
respect to the exceptio-
-nal and circumstances
of the individual, Doolo
Baboo, who has been
harassed with legal
proceedings in conse
-quence of the post
ignorance of the Tri-
-xeorily Courts - but

3c

Town Council be stayed.
until the appeal be
adjudicated

JP

Govt Pleader - dispd 30th M.S.
Military Dept - Disp'd 31st

because it is of much
importance, both in a
Political and Military
point of view, that the
principle involved - viz
the exception of such
questions from the juris-
diction of the Courts of
Law - should be fully
~~maintained~~ asserted by
Govt —

I. Mr Dale will accordingly
proceed with the least
possible delay to carry
out the orders already
communicated to
him with the view —
applying to the Court for
leave to prefer the special
appeal he will at the
same time move
the Judge to order
that the proceedings of the

C. Pro. 75-76

19/10/58

Dy. Asst Comrs: 5 November

Judicial 1858 Dept.

No 1529

Extract Mins: Comrs:

Dated 30 October 1858.

Inform the Govt. Pleader that Govt. are unable to admit the force of the objections raised by him to the orders of Govt. about Bombay Bobbe and directing him to proceed with these orders with the least possible delay.

1849.