M.R.O. 1—30,000—16-10-39.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1139	Press Mis.—
41-42		
Dated	24-8-	1959

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, from 20th to 26th August 1859.

No. 41. Read the following letter from CLEMENT DALE, Esq., Government Pleader, Sudder Udalut ; to THOMAS PYCROFT, Esq., Chief Secretary to Government, dated 22nd August 1859, No. 106.

Para. 1. I have the honor to report for the information of the Honorable the Governor in Council, that I have just learnt, that in April last, a petition was presented to the Court of Foujdaree Udalut by Mr. J. B. Norton, and a Native Pleader on behalf of 11 inhabitants of the town of Tinnevelly, appealing against the Order of the Sessions Judge of Tinnevelly, dated the 3rd January 1859, on the subject of certain streets in that town being public thoroughfares &c. I enclose a copy of the petition.

2. No notice of this petition has been served on me by the petitioners, nor have I received any intimation of it from the Foujdaree Udalut, or any Government Official ; moreover petitions are generally put in, without any public notification of their purport, &c., so that I have no certain means of knowing when petitions of this nature are presented.

3. It would appear that the Reverend Mr. Sargent received some intimation of its having been presented, and as I understand he informed the Secretaries in Madras to the Church Missionary Society, who have consulted Messrs. Boyson and Miller, and have requested those gentlemen to instruct Mr. Mayne to appear in the Foujdaree Udalut on the hearing of the petition.

4. How far it may be politic far a Missionary, or a Missionary Society, to appear in Court on such a subject, it is not my province to advise ; I apprehend, however, an objection will be taken by the petitioner's Counsel, to the right of Mr. Sargent to appear on that petition.

5. I have considered it my duty to report this to His Excellency in Council, although a report may probably have reached Government from the local authorities ; should it be deemed desirable that I should watch the proceedings, I do myself the honor of soliciting early instructions, as the petition is posted for Saturday next the 27th Instant, and I shall have to apply to the Foujdaree Udalut for copies of the Order appealed against, and other papers, if any, which may be before the Foujdaree Udalut.

TO THE JUDGES OF THE COURT OF FOUJDAREE UDALUT.

The humble M. P. of Soobramanea Pillay and 10 others, inhabitants of the town of Tinnevelly, in the Zillah of Tinnevelly, presented by J. B. Norton, Esq., Barrister at Law, and C. R. Caroonagaramenam, their duly constituted Pleaders.

RESPECTFULLY SHEWETH,

That dissatisfied with the Order of the Sessions Judge of Tinnevelly dated 3rd January 1859, your petitioners appeal to your Honorable Court on the following, amongst other grounds..

1st. Because the Sessions Judge has erred in declaring that all public streets were open to all kinds of processions.

2nd. Because the Sessions Judge has erred in declaring that there was no difference between the right to carry a funeral procession through a particular road and that of right of way to living passengers.

3rd. Because the Sessions Judge erred in cancelling without sufficient evidence or reasons, the Order by the late Magistrate Mr. Bird, declaring your petitioners' right to exclude the procession in question through their streets.

4th. Because the Sessions Judge has erred in having decided the street in question was a public high road without a regular Civil suit, and cancelled the admitted long standing right and privilege of your petitioners.

5th. Because the Decree in A. S. No. 82 of 1857, has no reference to the town of Tinnevelly, and to your petitioners.

Proceedings of the Madras Government, Judicial Department, from 20th to 26th August 1859.

Your petitioners therefore pray, that this petition may be received and the Order of the Sessions Judge may be reversed.

And your Petitioners, &c.

5th April 1859.

No. 42. ORDER THEREON, 24th August 1859, No. 1139.

Resolved that the Government Pleader be requested to be present at the hearing of the petition, of which a copy is enclosed in his letter, and to watch the proceedings.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

No 106

To Clement Dale Esquire Government Pleader Sudr Udalut

Thomas Pycroft Esquire Chief Secretary to Government

Madras 22nd August 1859

Sir,

Para 1 I have the honor to report for the information of the Honorable The Governor in Council, that I have just learnt, that in April last a Petition was presented to the Court of Foujdaree Udalut by Mr. J B Norton and a Native Pleader on behalf of 11 Inhabitants of the Town of Tinnevelly, appealing against the Order of the Sessions Judge of Tinnevelly dated the 3rd January 1859, on the subject of certain Streets in that Town being public thorough fares &c. I enclose a Copy of the Petition

2. No notice of this Petition has been served on me by the Petitioners, nor have I received any intimation of it from the Foujdaree Udalut, or any Government Official: Moreover petitions are Generally put in, without any public notification of their purport &c. so that I have no certain means of Knowing when petitions of this nature are presented.

3. It would appear that the Reverend Mr. Sargent received some intimation of its having been presented, and as I understand he informed the Secretaries in Madras to the Church Missionary Society, who have Consulted Messrs. Boyson and Miller, and have

requested those Gentlemen to instruct Mr. Mayne to appear in the Foujdaree Udalut on the Hearing of the Petition

4. How far it may be politic for a Missionary, or a Missionary Society, to appear in Court on such a Subject, it is not my province to advise. I appre-hend however an objection will be taken by the Petitioners Counsel, to the Right of Mr. Sargent to appear on that Petition.-

5. I have considered it my duty to Report this to His Excellency in Council, although a Report may probably have reached Government from the local Authorities. Should it be deemed desirable that I should watch the proceedings, I do myself the honor of Soliciting early instructions, as the Petition is posted for Saturday next the 29th Instant, and I shall have to apply to the Foujdaree Udalut for Copies of the Order appealed against, and other papers, if any, which may be before the Foujdaree Udalut.

I have the honor to be
Sir,
Your Most Obedient Servant

Govt Pleader S.D.

Order thereon 24th August 1857 — No. 1139.

Let me that the Govt Pleader be requested to be present at the hearing of the Petition of which a copy is enclosed

By order in this letter
the proceedings

W.H.

Govt Pleader dy 24 Aug
Copy to Mag of Tinnevelly with
order dy 12 Dec 57

Judicial 1859 Depth
Copy of Let 26 Aug. Pleader Sl
From Govt
To Chief Secretary to Govt
Dated 22nd August 1859
Rec'd 23rd

No 1374

No 106

(With one Enclosure)

Reports for the information of Govt. that he has just learnt that on April last a Petition was presented to the Court of Inquiry held by Mr. [illegible] Norton and a Native Reader on behalf of 11 Inhabitants of the Town of Tinnevelly, appealing against the order of the Sessions Judge of Tinnevelly on the subject of certain streets in that Town being public thoroughfares &c. Enclosed a copy of the Petition, and solicits early instructions should it be deemed desirable that he should watch the proceedings. —

W. R. Cornish

C 23 Aug.

41 to 42