

MADRAS RECORD OFFICE.

Government of Madras.

Prinial DEPARTMENT.

G.O. No. 457	Press
12-13	~~Ans.~~
Dated 6-6-1957	<i>[Signature]</i>

Not to be folded or roughly handled*ms*

Fort St. George, Judicial Consultation, 5th April 1859.

No. 12. Read the following letter from H. FORBES, Esq., Member of the Legislative Council, to T. D. BOOTH, Esq., Chief Secretary to Government, Fort Saint George, dated Fort William, the 10th March 1859.

Sir,

I have had the honor to receive your letter of the 15th of December 1858, No. 1745, enclosing a copy of a letter from the Registrar to the Senior Court of Appeal, conveying the views of the Judges on the Court of Civil Procedure as amended in Committee of the whole Council. I have also received your letter of the 1st of February 1859, No. 181, transmitting a copy of a report from the Court expressing the opinion of the Judges, an opinion in which the Government were asked that provision should be made in the Code to regulate the fees of Pleaders, paper, stamps, &c. &c. &c. and also petition of review, and miscellaneous petitions.

2. The papers were examined, and each separate suggestion of the Judges received the benefit of consideration from the Select Committee. It will perhaps be satisfactory to the Court if I briefly notice the several recommendations which they made.

Section 13. 1. The Judges suggested a slight alteration by which those four Sections might be condensed into one. The question was considered by the Select Committee, and the present arrangement was preferred. It was considered that considerable inconvenience might arise from the change recommended by the Judges, if a suit were brought in a Court situated in one Presidency, for instance, a portion of which was situated within the limits of another Presidency. It further appeared to the Committee that if a person desired to have his case tried in a Court within whose jurisdiction but a small part of the subject matter in dispute was situated, it was reasonable to infer that he had some fraudulent object in view, and that it would be for the interests of justice that jurisdiction should be had in the case only by permission of a superior Court.

Section 14. 2. The Court desired that a declaratory decree should be obtained only in cases in which the reasons of the right sought to be established should involve pecuniary damage, in order that claims to honorary privilege and ceremonial usage might not become matters for litigation. The Select Committee were however of opinion that the people of India, to whom honorary privilege and ceremonial usage are matters of great importance, had a right to ask for a judicial decision upon them, and that the same reasoning which dictated the law of declaratory decrees in other cases, would equally apply to cases of ceremonial usage.

Section 15. 3. The addition which the Judges wished should be made to Section 16, to render it legal for a Pleader to make over his case to a substitute, if he should be unable to attend to it himself, I found the opinion of the Select Committee: I therefore prepared an amendment to the effect desired by the Judges in the Committee of the whole Council, but I did not succeed in carrying it.

Section 16. 4. The suggestion of the Court in connection with this Section has been adopted in a new Section introduced after Section 19.

Section 17 to 20. 5. In their Registrar's letter which transmitted to Government their detailed minutes on the Code, the Judges argued in favor of civil suits being brought at once to a hearing instead of the issues to be tried being first laid down, and each suit being in fact heard twice before it got to a decision. The important question thus raised was very fully discussed in the Select Committee, and it was resolved to adopt the suggestion made by the Judges in paragraph 16 of their letter above referred to, and to leave it optional with the Court, in determining the defendant, to declare whether his appearance should be for a settlement of issues or for a final disposal of the case. Amendments to this effect were subsequently proposed, and agreed to in Committee of the whole Council.

Section 21. 6. The words "whenever it may be practicable" at the commencement of Section 22, which the Judges have recommended should be removed, it has been decided

Fort St. George, Jubah! Comedation, 234 Apr 11 1861

Therefore, in order to enter the export market the long-term strategy is to promote a strong and efficient defense.

9. The Judge was of the opinion that the evidence of the witnesses should not be made to depend upon the probability of their truth and the result was a finding in favor of the defendant. The Judge was of the opinion that the evidence of the witnesses was not sufficient to establish the guilt of the defendant, and that the defendant was not guilty of the crime charged. The Judge was of the opinion that the evidence of the witnesses was not sufficient to establish the guilt of the defendant, and that the defendant was not guilty of the crime charged. The Judge was of the opinion that the evidence of the witnesses was not sufficient to establish the guilt of the defendant, and that the defendant was not guilty of the crime charged.

[illegible][illegible][illegible]

11. Because of the increase in the frequency of the word "because" in the preceding paragraph, the word "because" is used in the preceding paragraph to indicate the increasing frequency of the word "because" in the preceding paragraph.

[illegible][illegible][illegible]

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

Port St. George, Judicial Consultation, 5th April 1859

10. The Judge's suggestion on the Siskin was the subject of a long debate when the Court was divided 4 to 3 in favor of the Chief Justice, and the decision was announced in the name of the 4 majority. I have not commented that it would have been a useful suggestion to the Court on the constitution.

10. The Court is not bound to use its discretion to impose a cost of suit on an appellant merely to make a party's preponderant rule as the Judge's cost to pay, and to make the rule.

20. The Penal Code will provide for the penalties to be imposed under these Sections.

21. The Senate bill was the subject of a very long debate when the Committee of the Conference of the Congress, and as I am satisfied that the change suggested by the Committee would not be a good one, I have thought it incumbent to record the discussion.

Section 10(1) of the Act. The Judge asked that this Section were not specifically through what channel the Court shall send a Commission for the examination of alleged witnesses. A reference to the previous Section is not necessary, and shows that the Commission may be sent to any person whatever, whether public or private, and that therefore it is not necessary to specify the channel through which the Commission shall issue.

21. The example cited in these Sections refers to a separate subject and the following suggestion for the reconstitution of the Courts will be considered when that matter shall be before a Court.

As regards these Sentences it is the general opinion that to some extent the Judge must of necessity be trusted to perform their duty and not transact to the satisfaction of the State, and the grace of the court enters compliance with their promise for a Judge who would give them by carefully delaying to pronounce a decision on a suit would be an action to bring a valid grounds for his removal.

25. The Southern Railway of the amended Bill which the Judge appears to have been extremely charged with to found in the present Bill in Section 104.

Mr. T. change are correct in supposing that the plaintiff is a party to the same, but as a security may also be taken by the plaintiff as if he were intended.

party it was directed to send the papers to the
... The report made by the July 6 committee will show Section has
been ... of Section 187 have been struck out, as
... entered after Section 187,
... Court where they did not
... the Court which passed the sentence and ordered
... the Court, who had received from the Court
... the person who
... has been ...

[illegible][illegible][illegible]

Port St. George, Island of Corn Wallen, 13 April 1959

Volume 11, 117-118. 31. The first clause of the indictment is that at a certain time and place on or about the 11th day of June, 1934, the defendant, JAMES EARL RAY, did unlawfully and feloniously take from the United States Treasury the sum of \$20,000.00, to-wit: the sum of twenty thousand dollars, from the Treasury of the United States, a house owned by the United States Treasury, in the city of New York, New York, the owner thereof being a certain one of the members of the Federal Reserve Bank of New York, and that the defendant did so with intent to defraud the United States Treasury, to-wit: the sum of \$20,000.00, and that the defendant did so with intent to defraud the United States Treasury, to-wit: the sum of \$20,000.00.

[illegible][illegible][illegible][illegible]

1. The first step in the process of the investigation is to identify the problem. This is done by the investigator who is responsible for the investigation. The investigator will then gather information about the problem and the people involved. This information will be used to determine the cause of the problem and to develop a plan to solve it. The investigator will then implement the plan and monitor the results. If the problem is not solved, the investigator will go back to the first step and start over.

[illegible][illegible]

20. The findings suggest that it is the case in which there has been greater than an average increase in the number of children who are currently in the custody of the state, and that the increase in the number of children in the custody of the state is not due to an increase in the number of children who are currently in the custody of the state, but rather to an increase in the number of children who are currently in the custody of the state.

[illegible]

Fort St. George Judicial Consultation, 5th April 1959.

41 The expression objected to is one however which is well recognized in English law, and has appeared to the Secret Committee to be less unfortunate in application than the term "equity" which the Judge would substitute. It has therefore been decided to retain it.

42. The Code is to apply to all Indians and must therefore be drawn to cover as far as possible, the different parts of the language. The abuse of the privilege of seeking review of judgment which the Judges may exercise in Madras does not, from the information which I obtain from the other representatives of Members of the Council, appear to be practised elsewhere, and the exposure attending it would probably tend to prevent its being extensively resorted to.

63. The Justice will advise that there is no suggestion that an addition should be made to the Section that is around applications for review will be permitted is not necessary, inasmuch as the same process is followed in Section 111 that the Court's office, whether for granting or rejecting the application for review, shall be final.

61. It may be noted for use to reduce the second letter to which I have referred in the first paragraph of this communication.

[illegible]

Reference is to be communicated to the Judge of the Service Council, for such information.

(Signed) T. PYCHOTT.
(Chief Secretary.)

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which should be law of discharging duties,
and the same would equally apply to cases of
communal charges.

Feb. 10

It is then asked the judges must
show the same to be true, to avoid legal
frustration. It is now necessary to make the
judges to be made to be found to be true,
and the opinion of the whole Committee,
therefore proposed a amendment to the effect
should be the judges in the Committee of the
whole Committee, that should not consider any
it.

Feb. 17

The suggestion of the Committee
in the whole Committee has been accepted in a
section in the Committee.

Feb. 20
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The suggestion of the Committee
should be to be made to the whole Committee
on the basis of the judges in the Committee
and to be found to be true, to avoid legal
frustration. It is now necessary to make the
judges to be made to be found to be true,
and the opinion of the whole Committee,
therefore proposed a amendment to the effect
should be the judges in the Committee of the
whole Committee, that should not consider any
it.

Amendment to the report on the subject of the
freedom, and again to the Committee of the whole
Council.

The amendment is a very important one, and
it is the intention of the Committee to which the
majority have recommended that it be removed.
It has been decided to retain, or rather to show
the importance which the Legislature attaches
to a general review of the subject.

The present opinion is that the amendment
is of an unusual character and
to make it depend on the Court of
appeal, the Court that the House of Commons
shall keep out of the way, but the subject
in question was accepted of the much consideration,
and it has been decided to retain it in the present
form. The House of Commons are of opinion
that if a Bill should be sent to the House of Commons
it should be on any basis for government, and
not on any other basis. It is the
Court of appeal, the Court that
the House of Commons is of opinion that a
general review should be made of the
present position.

The House of Commons are of opinion
that the amendment is a very important one,
and it is the intention of the Committee to which the
majority have recommended that it be removed.
It has been decided to retain, or rather to show
the importance which the Legislature attaches
to a general review of the subject.

22nd January 1888
22nd January 1889

22nd January 1888
22nd January 1889

Ordered to be communicated to the Judges of
the Bench. It is also to be communicated to the
Judges of the Bench.

22nd January 1888

Amendment to the
report on the subject of the
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22nd January 1888

22nd January 1888

Amendment to the
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freedom, and again to the Committee of the whole
Council.

22nd January 1888

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4. The identity remains from beneath the over the
backbone line referred on the first paragraph of the
communication.

[illegible]

Yours truly
John Brown Thayer

Notice
Am. Bapt. Council