M.R.O. 1—8-10-16-17-2.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 850 Press Mis

16-17

Dated 21—6—19 1957

Not to be folded or roughly handled

No. 16. Read the following letter from C. F. CHAMIER, Esq., Register to the Court of Sudder Udalut; to T. PYCROFT, Esq., Chief Secretary to Government, dated 18th June 1859, No. 52.

1. Adverting to the Proceedings of the Madras Government dated the 4th Instant, drawing the attention of the Sudder Udalut to the Bill now before the Legislative Council for repealing the Regulations and Acts affected by the new Code of Civil Procedure, I am directed by the Judges to communicate such cursory observations thereon as it is in their power to offer within the brief period allowed them for the consideration of so intricate a subject.

2. The Judges conclude that Section XXXIII of Regulation V of 1802 has been inadvertently entered among the provisions to be repealed, as it has already been rescinded by Section II, Regulation VIII of 1818.

3. The expression "Dewanny" not being applicable to this Presidency, it should be stated that Section VII of Regulation IV of 1806 is repealed so far as it relates to the *Sudder Udalut*.

4. With respect to Regulation VII of 1809, the Judges observe that Section XXII has already been repealed by Section I, Act X of 1855. Section XXXI being repealed by the present Bill, there remains nothing but the preamble, all the other Sections having been either rescinded or superseded by subsequent enactments. The preamble itself relates to a class of judicatories which no longer exists. The Judges therefore recommend that the whole Regulation be repealed.

5. The Judges consider this further advisable, because Section XXIX, Regulation VII of 1809, which, though not rescinded, has yet been superseded by Act III of 1843, being specially repealed by the present Bill, any other Sections not so repealed, but similarly superseded, would be revived on the passing of the Bill, in consequence of the said Act being one of the Laws which the Bill repeals.

6. The revival of provisions, and there are many such in the Regulations, which have been superseded, though not positively repealed, by subsequent enactments, would create much difficulty and confusion, all such provisions having been omitted in Clarke's Edition of the Madras Code, which is the only one now in use in the Courts.

7. To obviate this effect the Judges would suggest that the beginning of Section I of the Bill be altered thus:—Except so far as they repeal *or supersede* the whole or any part, &c., &c.

8. The extent to which Regulation VI of 1828 is to be repealed, is not stated, but the whole Regulation is probably intended.

9. The Judges remark that Section V, Regulation II of 1834, has already been specially repealed by Section I, Act XVII of 1848.

10. The mutilated condition of the enactments partially repealed by the present Bill, as well as the generally confused state of the whole of the Madras Regulations, arising from a large portion of their provisions having been rescinded, superseded, or modified by later enactments, will not fail to attract the attention of the Legislature; and to induce them, the Judges trust, at no distant period to apply the process of re-arrangement and classification to the entire Code.

No. 17. ORDER THEREON, 21st June 1859, No. 850.

Resolved that a copy of the above letter—in which the Judges submit certain observations on the Bill before the Legislative Council for repealing all Laws affected by the new Code of Civil Procedure—be forwarded to the Member for Madras, in reference to his letter of the 23rd Ultimo.

(Signed) T. PYCROFT,
Chief Secretary.

Proceedings of the Madras Government, Judicial Department, from 18th to 24th June 1859.

No. 18. To the Honorable H. FORBES, Esq., Member for Madras of the Legislative Council of India, dated Fort Saint George, 21st June 1859, No. 851.

Referring to your letter of the 23rd Ultimo, I have the honor to forward to you copy of a letter, 18th Instant, No. 52, in which the Judges of the Sudder Udalut submitted certain observations on the Bill before the Legislative Council for repealing all Laws affected by the new Code of Civil Procedure.

(Signed) T. PYCROFT,
Chief Secretary.

Extl. F. Cartledge.

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List

Judicial.

Proceedings of the Madras Govt.

Read letter from the Judges of the Sudder Udn. Adt. Enter 18th June 1859 No. 52.

Order thereon. 21 June 1859 No. 850.

Resolved that a copy of the above letter, in which the Judges submit certain observations on the Bill before the Legislative Council for repealing all Laws affected by the new Code of Civil Procedure – be forwarded to the Member for Madras in reference to his letter of the 23 Ultn.

To the Judges of the Cy of Sudr. Adt. Sign'd 20th
Ltd 8

Rec'd 21st Jun 1837

Judicial

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No. 851.

The Honble H. Forbes, Esqre
Member for Madras of the
Legislative Council.

Sir.

Referring to your letter of the 23d Ult. I have the Honor, ~~under the orders of the Honble the Governor in Council~~, to forward to you copy of a letter, 18th Instant, No. 52, in which the Judges of the Sudder Dewanny Adawlut submitted certain observations on the Bill before the Legislative Council for repealing all Laws affected by the new Code of Civil Procedures.

I have &c.
J. P.

Fort St George
21 June 1837.

Rec'd 24th June
Answd 30th May 1838

No. 850

Rec'd 24th June 1837 from the Sudder Dewanny Adawlut

Copy of Letter &c.
3/21 June 1837

Report of Laws affected by the New Code.