

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	<i>1672</i>	Press
		Mis.
	<i>133-134</i>	
Dated	<i>19.12.1860</i>	<i>19</i> .

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Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
19th December 1860.*

No. 133. Read the following Memorandum from C. F. CHAMIER, Esq., Registrar of the Sudder Court, to the Chief Secretary to Government, Fort Saint George, dated 17th December 1860.

The Registrar of the Sudder Court has the honor to forward 3 copies of the Circular of the Judges under date the 15th instant, on the subject of Act VIII of 1859, as desired by the Proceedings of Government, dated 5th October 1859, No. 1,354.

No. 134. To the Secretary to the Government of India, dated Fort Saint George, 19th December 1860, No. 1,672.

In continuation of my letter, 15th October last, No. 1,334, I am directed to forward, for submission to the Government of India, copy of a Circular issued by the Sudder Court, in respect to Act VIII, 1859.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

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Proceedings of the Sudder Court, 15th December 1860.

Constructions of Act VIII of 1859.

Section 213. It is an authenticated extract from the Register, as it exists, which is alone required; and it is not competent to the Revenue authorities to refuse to grant the same, notwithstanding that such register may not indicate the present owner of the land.

Section 39. The copies of documents referred to in this Section, are not those authenticated copies to which the Stamp Act relates. Being lodged merely in the interval between the institution of the suit and its hearing, when the originals by Section 128 are to be produced if not already filed, such copies may be made on plain paper.

Section 73. This Section requires no more than that those persons should be joined as Defendants, whose claims are necessary to be taken into consideration before deciding on the *Plaintiff's title*. It is the *latter only* which will form the subject of the decree.

The Court should not *call upon a Plaintiff* to include as Defendants other claimants to the property sued for; the bringing in of fresh parties being entirely an act of the Court, as ruled in the Circular of the 1st October last.

Section 284 et seq. The Courts are only bound to execute decrees of the Mysore authorities if application is made to them under the conditions required by these Sections.

Section 184, &c. The Judgments and Decrees of the Courts are to be distinct documents; and copies of the same, when applied for, are to be given separately.

The Judgment is to state the claim, and defence, the nature of the exhibits, and the several particulars required by Sections 185, 186, and 187, or 359 of the Act; but is not to give any details of the costs, nor to be sealed.

The Decree is to state the matters required by Section 189 or 360, without adverting to any of the reasons or considerations detailed in the judgment; and is to contain a full statement of costs.

No separate entry is to be made of the date on which the decree may be sealed and signed. The only date appearing in the decree is to be that on which judgment was pronounced, which ordinarily will be the day on which the suit is finally heard.

Section 235. In attaching immoveable property the Ameen is never to remain in charge, but to return to the Court as soon as he has proclaimed the written order.

Section 233. The Ameen should be directed to remain in charge of moveable property, attached in execution under this Section, only where it may be of a nature difficult to remove, or at a great distance from the Court, and in all such cases measures should be taken to effect the sale of the property immediately after the expiration of the fifteen days' notice required by the Act.

Where moveable property has to be attached in execution, and it is of a perishable nature, the usual process for attachment and sale should be issued simultaneously under Section 250 of the Act.

Section 85. In attaching moveable property *before judgment* the ameen should be required to bring the property to Court and deliver it into the custody of the Nazir or Head Goomastah, unless it be of a perishable nature, in which case it may be sold under Section 250, as in execution, and the proceeds kept in deposit.

(True Extract).

C. F. CHAMIER,

Registrar.

dispt-21th

N^o. 1672.

The Secretary to the Govt. of India.

Sir.

In continuation of my
letter, 15th Oct. last N^o. 1334,
I am directed to forward
for submission to the Govt.
of India, copy of a Circular
Proceedings of the Sudder Court,
15th Decr. 60. issued by
the Sudder Court, in
respect to Act VIII-1859.

Fort St George,
19 Decem^r, 1860.

JJ

Ans^d 16th 8th
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