

71.

*Proceedings of the Madras Government, Judicial Department,
23rd July 1860.*

No. 142. Read the following Memorandum:—

- MEMORANDUM.

The Registrar of the Sudder Court has the honor to forward 3 copies of the Circular of the Judges under date the 13th instant, on the subject of Act VIII of 1859, as desired by the Proceedings of Government, dated 5th October 1859, No. 1,354.

(Signed) C. F. CHAMIER,
Registrar.

SUDDER COURT,
14th July 1860.

To the Chief Secretary to Government.

No. 143. To the Secretary to the Government of India, dated Fort Saint George, 23rd July 1860, No. 921.

In continuation of my letter, 27th ultimo, No. 801, I am directed to forward, for submission to the Government of India, copy of a Circular issued by the Sudder Adalat in respect to Act VIII, 1859.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Proceedings of the Sudder Court, 13th July 1860.

CONSTRUCTIONS OF ACT VIII OF 1859.

Question.

Answer.

Is the former procedure,—allowed by Section 387 to be followed in suits pending at the time when the Act came into operation,—to cease to apply as soon as a decision is made; or may it be claimed through all the stages of the execution of the decree to its final disposal?

The former procedure can only be followed in such cases up to final judgment.

In reference to the execution of final decrees passed before 1st January 1860, is the Act compulsory?

Yes.

In suits pending on the 1st January 1860, will it be best to allow the vakeels to choose at once under which procedure they will abide in all the future stages of the suit, or to proceed under the new Act, reverting to the old procedure only where any right may be otherwise lost?

It will be for the Judge to decide, under all the circumstances of the case, which procedure shall be followed at any stage of such a suit, upon a question being raised by the parties; but it must be borne in mind that the new procedure is binding upon the Court, unless it be clearly shown that any of its provisions would deprive either party of any right which he would otherwise have possessed.

(True Extract).

C. F. CHAMIER,

Registrar.

To

The Civil Judge of

Sept. 20th
Encls. 1-

73.

N^o 921.

The Secretary to the Govt. of India.

Sir -

In continuation of my letter, 27th Mels. N^o 801, I am directed to forward, for submission to the Govt. of India, copy of a Circular issued by the Sudder Proceedings of the Sudder Court, 13th July '60. Adalat in respect to Act VIII-1859.

Fort St. George
23rd July 1860 - J

J.P.

June 11/60. B.

Aug. 27 Sunday

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The Registrar of the
District Court.
New York.

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De 2/11/44 J. C. Davis

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on the subject of each ~~item~~

2-1859.

Carthage Letter.

142. 142.3
The Secretary to the Govt. of India

The continuation of my letter
to you dated 1080.

Subl. 160.8.