

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 170	Press ~~Mis.~~
29-30	
Dated 9. 2. 1861	19 .

415

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Judicial Department,
9th February 1861.*

No. 29. Read the following letter from C. F. CHAMIER, Esq., Registrar of the Sudder Court, to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 2nd February 1861, No. 7.

1. I am directed by the Judges to communicate the following observations upon the Bill to amend Act VIII of 1859, now pending in the Legislative Council of India.

2. The Judges presume that the appellant will be entitled to be heard in support of his petition of appeal under Section 5. If so, they would suggest the insertion, after the word "made" in line 22, of the words "and after hearing the appellant, if in attendance."

3. The Judges remark that at line 25 the words "issue notice to" should be substituted for "summon."

4. The Judges observe that by Section V an appeal is allowed against orders passed in execution of Decrees, only on questions arising between the parties themselves. The Judges think it most desirable that an appeal, on points of law at least, should be allowed also to parties, preferring claims to property attached in execution of Decrees, from all Orders of the Court of first instance relating to such claims.

5. The Judges do not consider that any Judicial Order is required on the rejection of an application for the admission of a special appeal on account of the *insufficiency of the stamp*, or mere *informality* in drawing up the application. They would therefore suggest that the commencement of Section 8 be so expressed as to allow of the act of rejection in these cases being performed by the Ministerial Officers of the Court. The Section, as it now stands, would tend to impede the judicial business of the Court to a very material extent, and serve no useful purpose.

No. 30. To H. FORBES, Esq., Member for Madras of the Legislative Council of India, Calcutta, dated Fort Saint George, 9th February 1861, No. 170.

I am directed by the Honorable the Governor in Council to forward for your consideration and for submission to the Legislative Council, the accompanying copy of a letter from the Registrar of the Court of Sudder Adawlut, containing the remarks of the Judges upon the Bill for the amendment of Act VIII, 1859, now before the Council.

(Signed) T. PYCROFT,
Chief Secretary.

Desp. 9-2-61.

Judicial Dept.

No 170.

H. Forbes Esq.

Secy to the ^{of the} Madras Leg Council of India
Calcutta

I am directed by the H. P. C.
to forward for your
consideration & for
submission to the

Legislative Council,
an accompanying
copy of a letter from
the Registrar of the
Court of Sudder
Adawlat, contain-
ing the remarks of
the Judges upon the

Bill for the amend-
ment of Act VII
1859 now before
the Council.

W M
G
G M
Capt. St. George.
9 February 1861.

Jps

In para 4 of the letter I
thought that it was in-
tended to give parties
preparing claims to properly
attach an appeal, on fact
as well as law, from the
decision or proceeding of the
court ordering the attachment.
but I see no signs of it in this
Bill.

I don't wish to commit
the mind to the principle of
para 5, and allow appeals
being rejected by a Justice to be
or be amended - without the
cooperation of the Judges or
at least of a single Judge -
a reference to a single Judge or
just in other words our own
but take up much time.

4/2/62
Jp

I don't
understand
the 3rd para
of para 5. Sect
6 is the test here
I don't see it
of the appeal -
which is an appeal
on all points

no -
H
H

W

Per of Feb
16 April 1859

1859

To the members for the
of the Legislative Council
of India

1859

1859

Forwarding per his
consideration, to the
letter from the Registrar
of the Indian Councils
containing the names
of the Judges upon the
Bill for the Amendment
of the Act VIII 1859.