

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1300	Press Mis.
117-118		
Dated	13-8-	1862 -19-

28/20

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
13th August 1862.*

No. 117. Read the following letter from J. W. CHERRY, Esq., Civil Judge of Salem; to A. J. ARBUTHNOT, Esq., Acting Chief Secretary to Government, Fort Saint George, dated 30th July 1862, No. 8.

I have the honor to submit for the consideration and Orders of Government, copies of correspondence* that has passed between myself and the Magistrate of the District, *Marked A. relative to the execution of a decree in Original Suit No. 387 of 1852, on the file of the Moofly Sudder Amin of Salem.

2. In this suit, the Gooroo or priest of the Devanga caste of weavers, sued another class of weavers called the Saliers, in view to establish his right to traverse certain parts of the main street in Sevapett in the town of Salem with the caste insignia, &c., and obtained a decree in his favor. This decree though reversed in appeal was finally confirmed by the † Marked B. Sudder Adalat in Special Appeal Suit No. 141 of 1857, as would appear from the accompanying copy† of their decree.

3. The Plaintiff moved the Court of first instance to put him in possession of his rights awarded by the decree, and his prayer was so far granted by the lower Court, which published the usual proclamation on the spot, through the executive Officer of the Court, viz., the Nazir, declaring that Plaintiff was under the abovementioned decrees at liberty to pass down in procession the disputed streets, and warning the Defendants and others against opposing Plaintiff under the provisions of Act VIII of 1859.

4. In conformity with this proclamation the Plaintiff attempted to go in procession, but was obstructed by the Police Officers, on the ground that they had orders from the Honorable D. Arbuthnott, the Magistrate, to stop the procession.

5. This matter being reported to me by the Moofly Sudder Amin, I called upon the Magistrate to explain the circumstances under which the Gooroo was prevented from exercising his vested rights in the face of a proclamation from the Court.

6. The Magistrate explained that his predecessor, Mr. Brett, had apprehended a breach of the Peace and had interdicted Plaintiff from going in procession, that the Moofly Sudder Amin had not given him timely notice of the execution of the decree, and that therefore he issued an order to stop the procession. He quoted in support of his proceedings the ruling of the Fouzdaree Adalat, dated 6th July 1854, and Extract Minutes of Consultation, dated 26th March 1859.

7. I was of opinion that the said Fouzdaree Adalat ruling was inapplicable inasmuch as it refers to the interference of a Sessions Judge in matters of caste dispute, procession, &c., and as regards the Extract Minutes of Consultation, I pointed out to the Magistrate, that under the concluding part of paragraph 7 of the above Order of Government, he was bound to see that no impediment is thrown in the way of the enforcement of the principle, as laid down in the decrees of the lower Court and the highest appellate Court, and required him to state distinctly whether the execution of the decree in question would be really attended with any disturbance, and if so, whether he was not able to put it down with the aid of the Police Force at his disposal.

8. The Magistrate in his reply announces to me that he has made arrangements with the Police and has decided upon allowing the procession with certain restrictions and then remarks that although a right has been duly declared by a Civil Court "it is the undoubted duty of the Magistrate to stop the exercise of such right if he has reason to apprehend a breach of the Peace."

9. If as the Magistrate observes, it was his undoubted duty to prevent the procession, the decree is of no avail to the party who has after a long and expensive Law suit succeeded in obtaining a judgment in his favor, by which his right to the procession has been fully weighed and legally allowed by a Court of Justice. The Law thus becomes null and void when the Magistrate interferes, on the ground that putting the same into practice would be attended with a breach of the Peace—the same might be said as to the right of a party to enter into the posses-

Proceedings of the Madras Government, Judicial Department,
13th August 1862.

sion of a house or any other property. The Magistrate of Salem thus virtually admits that "Mob Law" takes precedence of the Law of the land.

10. The Government Order quoted by him clearly says: "It will suffice that the principle (that every man has a full right to the free use of the highway and to deal with his property as he pleases, so that he does not give any real cause of annoyance to others, or generally speaking to do any act not repugnant to decency and morality nor prohibited by Law) be temperately but resolutely upheld whenever opportunities for asserting it may present themselves fairly and in due course." (The italics are mine.)

11. The right of procession was not in this case "prohibited by Law" and that right was moreover "fairly and in due course" decreed to the party by the Law.

12. As both Mr. Brett and Mr. Arbuthnott have under the authority of the Government Orders declared and acted upon an opinion the very opposite to the one I entertain, and as there should be no misapprehension as to the course to be pursued in a matter of this kind, I respectfully request you will let me know the views of the Government on the disputed point, which is simply this; can a Magistrate, if he has reason to apprehend a disturbance, upon the execution of a decree of a Civil Court, interfere in such a way, as to make that decree a dead letter?

No. 118.

ORDER THEREON, 13th August 1862, No. 1,300.

The Governor in Council sees no occasion for the present reference from the Zillah Judge of Salem. The Magistrate, it appears, has made arrangements which will enable the decree of the Civil Court to be carried out without risk of a disturbance. That he hesitated in the first instance to allow the procession to take place, arose from his not being aware of its intended occurrence in time to admit of due precautions being made for the preservation of the public peace.

2. The Government are not prepared to enter upon the more general question mooted by Mr. Cherry. If the Magistrate of Salem should at any time declare himself unable to permit a decree of the Zillah Court to be carried out, the matter should be submitted to Government through the Court of Sudder Udalt and such orders will then be passed as the circumstances of the case may seem to demand.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

B

Decree of the Court of Sudder Udalt

Before the Honble Judge, Ameer of Salem in C.S.

No. 387 of 1857
Civil Court of 20th Appeal Suit No. 70 of 1855

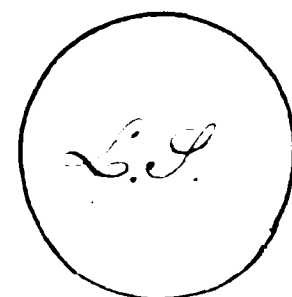
Court of Sudder Udalt, Special Appeal Suit

No. 111 of 1857

[Signed] W. A. Morehead.

G. S. Cooper.

C. R. Baynes.



Special Appellant. Versus. Special Resp't.

Sankalinga Moorthy 1st Vembary Govinda

= Chetty, & 6 others

This suit was brought by Plaintiff, the guru or priest of the people of the Sankalinga caste, to establish his right to pass in his palanquin in procession through certain streets and thoroughfares in the town of Salem, accompanied by his disciples, bands of music, banners &c. He stated that

thus attended he had hitherto been in the habit of passing through all streets & high roads in the zillah of Salem but that on the occasion of his attempting to visit certain houses situated on one of the high roads in Salem, the Defendants had obstructed & prevented him, whereby he had incurred a loss of 700 Rupees, and further that his predecessor in the office of gooroo had exercised this right without opposition.

The Defendants plead that it was contrary to established custom for the people of Plaintiff's caste to go in procession through streets inhabited by the people of Defendants' caste, and that the matter at issue had already been adjudicated on in Appeal Suit No. 204 on the file of the Subordinate Court; a decree having been passed

in that suit, forbidding the previous gooroo to pass in procession through the very street in question.

The Moonsiff decreed in favor of Plaintiff on the grounds, that the street being a thoroughfare, plaintiff had a right to go through it when & how he pleased, and that not having been a party in Appeal Suit No. 204, he was not debarred by the decree in that case from bringing his present claim.

On appeal the Civil Judge for the reasons assigned in the following paragraphs of his judgment reversed this decision.

"Plaintiff contends that his predecessor exercised the right to which he now lays — claim, he does not pretend to hold any sunned or patent proving

proving his right, but rests it on the two grounds; 1st, that the road is a public thoroughfare common to all; and 2nd, that prior to thirty years ago the right was recognised and exercised by his predecessors. The defendants on the other hand, while fully admitting the road to be a public thoroughfare, declare the claim set up by Plaintiff to be an innovation, and deny that it has the sanction of custom; and further add that neither Plaintiff or his predecessors ever went in procession through the disputed locality. In such a matter the onus of proof is clearly with the Plaintiff.

The Defendants further urge that the matter of this suit has been already adjudicated, and file the decrees/documents Nos 93 & 94 to which they refer. There is an Original decree (document No 93) denounced by the Plaintiff as inapplicable and

and "in no way affecting the case in issue" details the grounds for the decision arrived at, but before discussing the question there raised, it proceeds to define what is a private & what is a public street, and then determines that the particular road now under litigation was a public thoroughfare, but at the same time rejects the Plaintiff's claim to procession as not proven, and as not sanctioned by custom."

"In the former suit the 1st & 2nd Defendants occupied the same position; the party preferring the suit only is different, though of the same caste & sect as the previous Plaintiff, the right contended for is in reality the same, though in the former case put forward on behalf of the dumb idols

idols, while in the present it is on behalf of the living ~~same~~, but the localities are the same and the interests involved are no less so. The Plaintiff ⁱⁿ at once ~~is~~ respecting the decrees 93 and 94 has aside a consideration of these points, but if the facts in that & the present suit are so analogous, it was not competent to a lower tribunal to run counter to the well defined principles on which the decree of a Higher Court was founded, and the mere circumstance of the Plaintiff being different, could not set aside those principles which should have guided the Plaintiff in adjudicating on such a question.

The theory advanced by the Plaintiff to the effect, that the street being a thoroughfare, the Plaintiff & every body is at liberty to use it for their processions, is apparently liberal and tolerant

tolerant, but is in fact the reverse. While a thoroughfare in a ^{native} town is inhabited by persons of all shades of creed & opinion and this diversity is recognised & acted upon, it is clear that the prejudices arising therefrom are to be respected, consistent with equal toleration to all sects and parties, but this consistency would be departed from if a privilege were accorded to one class in direct violence to the admitted & immemorial prejudices of another.

The question therefore is not simply whether the road is a private or public one to which the Plaintiff would limit it, but whether it has hitherto been the custom or right of Plaintiff & his people to carry their processions through such thoroughfare

to the annoyance and in violation of the feelings of the other sects or classes residing therein. Now, it is undisputed that since the year 1810, neither the Plaintiff or his followers have ever been permitted the privilege, when an attempt has been made, opposition has been raised, and the Police have peremptorily put a stop to it, and though these prohibitions of the Magistrate carry with them no weight in respect to the right they incontrovertibly set at rest another important question, namely that of custom or custom on which it appears to the Civil Judge the question of right must altogether depend. It is conceded that Plaintiff who is a priest of his caste has never till now preferred his claim, while during the last fifty years such claim has never been entertained; hence it is not open to the Court to accord as a privilege that which is claimed as a right in violation

violation of the feelings & prejudices of others. Plaintiff's right therefore not being made out, he is prohibited from going in procession in the locality where he claims that right is to pay.

Against this decision a special appeal was admitted, in order that the principle involved in the case as to the right of parties to use the public roads for caste procession might receive the consideration of a full Court.

Before the Court Mr. Mayne contended for the Plaintiff. "This is merely a question regarding right of way in a high road or public thoroughfare; if I have the right to go at all, it is no matter, how I go, I may go in a palanquin with a band of music, trumpets, or in any manner that I please."

Plaintiff

7
He does not claim this right in virtue of his
office of gooro or priest, or because this
privilege had been previously exercised
by himself or his predecessor, he claims
as a British subject, a right inherent
and inalienable; this would dispose of
the preliminary objection, vizt, that
Plaintiff's suit was barred by the Statute
of Limitations, as the prescription would
not run from the time he had last
exercised his right but from the time
his cause of action arose which would
only be when such right was interfered with.
The Magistrates at times may have
interfered, and no doubt might stop any
person or procession passing down the
highroad, if they had cause to apprehend
a breach of the peace, but such preven-
tion could certainly not interfere with
Plaintiff's vested rights, and still less
would

would vest any private party with the
right to do so. In England such a case
could never have come into Court, but
even under Hindoo Law it is incumbent
on the party who interferes with a
common Law right to show some Hindoo
Law or custom which forbids the ex-
ercise of such a right. The Civil
Judge would rest the Plaintiff's
claim on the right of custom, and
would throw the onus probandi on him,
but this was clearly wrong, as the onus
probandi clearly lies with the party
who seeks to interfere with another's
public rights. In the present instance
they do attempt to show a custom, but
it is neither a legal or laudable one,
they claim a right to turn out and
stop us passing down the public
street, if we resist, they are justified
in

in preventing us at all hazards even
by killing us. Now this is a custom
so bad & so opposed to public policy that
no Court could uphold it.

"As regards the objection
that the matter at issue has already
been adjudicated on in Appeal No. 204
of 1851, the decree No. 93 shows
and it is also allowed that the Plain-
tiff was no party to the suit, and as
he does not claim his right through the
Plaintiff in that lease, his claim
cannot be barred by any decision in
it; though Plaintiff's claim cannot
be effected by it, the principle upon
which the Judge in that case founded
his judgment we are willing to accept of;
he first of all showed which is a private
& which is a public street, and declared
that though there was no thoroughfare
through a private street, there was through
a public and though he decided against

the Plaintiff's right to pass in procep-
sion through the public street in
question, it was on the ground that
it was not advisable, as such pro-
cessions might lead to a riot & breach
of the peace, but the principle laid
down by him is that through a public
street, as this is admitted to be, every
one has a right to go as he pleases."

"Plaintiff therefore sues to
establish his inherent & inalienable
right, a right that cannot be af-
fected by any of Limitations, or
any previous adjudication in a
suit to which he was not a party."

No. 204 for the Defendants
urged, that this was a question of
custom; that the ones of showing some
custom lay with the plaintiff; that the
Judge of the Lower Court has found
that Plaintiff has failed to prove,
that

that by custom he had any such right
as that he now sought to establish; also
that claiming through his predecessor in
the office of priest, his claim must be
barred as having been already decided
against in N. 204 of 1841; that the matter
at issue was identical with that in
the present suit; that the decree in it
was binding and precluded plaintiff or
any of his caste-people from carrying
idols through, or, by inference, making
any religious demonstrations of any
kind in that street.

J. D. Mayne Esq. Barister-
at-Law, and V. Shadagopachetty appear-
ed for the Special appellant, and R. Cole
Esq. Barister-at-Law. and S. Seroomale
cherry for the Special Respondents.

Judgment

It is evident that the Plaintiff
in suing for a declaration ^{of right} to pass in the
manner described, did not intend or desire
to

9
setup a "custom" warranting his doing
that which failing such "custom" the
Defendants might prohibit, but wished
simply to assert his natural right,
and to pray that Defendants might
be restrained from interfering with it.
Such right is inherent in every subject
of the state, not requiring as the learned
Judge appears to suppose, to be created
by "sums" or "patent", and it lies upon
those who would restrain him in its
exercise, to show some "Law" or "custom"
having the force of Law depriving
him of the privilege.

In the present case the Defendant
would urge, that the Plaintiff has
lost — his right under a rule of Law,
in as much as by the decree of the
Acting Subordinate Judge in N. 204
of 1841, other parties of the same
caste were forbidden to go through the
same

same street with Idols; without entering
into the merits of that decree, or pronouncing
how far the Plaintiff might stand con-
affected thereby in the event of his attempting
to do the same thing, it may suffice to say,
that the right therein contended for was the
privilege of carrying ~~or~~ certain "Idols" touching
which there is no question in this case; the
Plaintiff merely desiring to pass in a palan-
quin with banners and instruments of music,
in such way as the Magistrate may not
object to as dangerous to the public safety.
When, therefore, the Plaintiff sought in 1852,
to pass through the street in such procession,
the defendants obstructed and prevented
him; they did so without any apparent
grounds, and at their own peril if they
could not show their right by law or custom
to do so. That they had no such right by
law has been already shown; that they have
none by custom is in the opinion of the
Court

10
Court equally clear. They do not pretend
to prove any such either by documentary
evidence, in the way of ancient ruling,
permission by competent authority, or
agreement between the parties concerned;
they merely assert & prove what the Plain-
tiff does not care to deny, that for many
years he has not passed through the
street, but the circumstance of an
individual not personally using any
particular highway for any number of
years would not extinguish his right
to use it whenever he pleases. The Court
of Suor. Redalut therefore resolved to
reverse the decree in appeal, and to
affirm that of the Suofy Suor. Amun,
ordering that defendants pay all costs
in appeal and special appeal

[True copy] [Signed] L. F. Lehamier
By Registrar
W. H. H.
Clerk of Court

A

Extract from the Proceedings of the
Civil Court of Salem under date the 20th
April 1862.

Read a paper from the
Sudor Amien bringing to the notice
of this Court that at the instance
of the Plaintiff a faaroo or Decree
of Davaangha Kaste he was re-
quired to execute the decree
passed in C.S. No. 387 on the
file of his Court, which has been
S.P. No. 1410 finally confirmed by the Sudor
1855 Board in Special Appeal No. 141/54
2. This Decree recognised the
said Pp's right to pass thro the
main street in procession [Re the
Sudor Amien] issued a Procept for
the enforcement of the decree but
the Payer has reported that the
decree cannot be carried out owing
to the interference of the Police officer
on the ground that the execution
thereof is likely to cause a distur-
bance and owing also to an order
of the Magistrate having been published
on

Judicial Department

1862

Enclosure No. II
marked B

On a letter dated
30th July 1862 from
the British Consul
at Salem to the
British Deputy to
Government
Salem

20th July 1862

on the spot against the goods
going in procession.

Ordered that a translation
of the foregoing decree be sent to the
Magistrate of Salem who will be
pleased to explain under what
circumstances the execution of the
Decree referred to has been already
interfered with, and why the decree
should not be at once enforced -
The Magistrate is bound to carry
out the Law and should not allow
the same to be set at defiance.

A copy of the Judgment of the Higher
Court is sent for the Magistrate's
information and guidance.

True Extract

Signed J. H. Cherry

Chief Judge

Salem Magistrate's Office

11th Sept/52

Thomp

The Honorable L. Sebastian

Magistrate of Salem

To

To

J. H. Cherry Esq.

Sir

Chief Judge of Salem
With reference to an ex-
tract from the Proceedings of the
Civil Court of Salem dated the
20th Ultimo requesting me to explain
under what circumstances the execution
of the Decree passed by the District
Court in C.S. No. 387 of 1852
has already been interfered with,
and why the decree should not at
once be enforced, I have the honor
to inform you that my predecessor
was of opinion that if the goods
were allowed to pass in procession
tho' the disputed street a serious
disturbance would undoubtedly take
place. I was not made aware only
accidentally of the District Court
Judge's intention to execute the decree
till the evening of the day previous
to the one on which it was intend-
ed to be executed, and as the Supt.
of Police was absent from the station
at

at the time I issued a warrant to
the Head Quarter Inspector to stay
the procession. I annex copy of an
Endorsement signed by Mr. Brett
on the petition presented to him
by Sambalinga Mooty forson
of the Davangere caste explaining
why he declines to grant the forson
permission to pass in procession
with caste insignia thro the whole
main street of Chevalet, and per-
mitting the forson to pass thro certain
streets named therein.

2 I am calling out the views
of my predecessor packed in accor-
dance with the instructions con-
tained in para 5 of C. I. O. dated
30th March 1859, and in keeping
with the ruling of the P. C. dated
6th July 1854.

3 With reference to para 4 of
said Extract, I beg further to observe
that the Mooty Sur Amin gave me
no timely notice of his intention
to execute the decree, so that I could
neither
is matter to
be considered
is required
by law for
the execution
of a decree
Wheery
C. I. O.

neither, I concert arrangements with
the Superintendent of Police, to the
reservation of the peace nor could
I say the objections Mr. Brett has
to me pass, passing in procession
the disputed street before the court
for their consideration. Under the
circumstances I had no alternative
left at the last moment but to
issue the decree I did.

I have &c
Wm. D. Sebastian
Magistrate

Extract from the Proceedings of the Civil
Court of Salem under date 14th May 1862

I read again urged from
the Mooty Sur Amin relative
to the execution of the decree in
C. I. O. 387 of 1852 on the file of
his Court.

I read also letter of the
Mooty Sur Amin from
the Magistrate of Salem under date
14th May 1862 in answer to his Court's
Extract

of the 20th April requesting a
notation of the Magistrate's Proceedings
in interfering with the execution of
the abovementioned decrees.

1. The Magistrate would be so
good as to state distinctly whether in
his opinion he considers the execution
of the Decree in question will be
really attended with a breach of
the public peace and likely to cause
a disturbance and whether in that
event he is unable with the assistance
of the Police, to put it down.

2. The Civil Judge seems the
Goudarrie's ruling quoted
by the Magistrate in his letter in-
applicable to the present instance
inasmuch as that refers to the inter-
ference of the Session Judge whereas
here it is the Civil Judge who is
appealed to by one who holds a decree
to be put in possession of his civil
rights.

3. As regards the Extract of
Minutes of Consultation, the Court
begs

begs to refer him to para 7 in which
it is clearly stated "Further altho
the principle - that every man has a
"full right to the free use of the
"highway and to deal with his
"property as he pleases so that he
"does not give any real cause of
"annoyance to others or generally speak-
"ing to do any acts not repugnant
"to decency and morality, nor pro-
"hibited by Law - is a sound principle,
"and such as the officers of forum
"must should never fail to assert
"whenever they may be appealed to
"as proper occasions may arise, yet,
"it is not desirable that they should
"go out of the way to enforce the
"application of the principle. It will
"suffice that it be temperately but
"resolutely upheld whenever opportu-
"nities for asserting it may present
"themselves fairly and in due course.

4. In the present case the forum
right to traverse the disputed
street with the caste insignia and
his followers has been fairly and in due
course

course expressly recognised by the
decree of a Court of Law and
that decree has been confirmed
by the highest Judicial Tribunal
the Sudr Adalat.

It would be a great in-
justice to the former of all the
expenses and annoyance to which
he has been subjected for a series
of years in establishing his right to
the privilege in question, he should
now be interdicted in the exer-
cise of that privilege in consequence
of an apprehension by the Magis-
trate that the execution of the
judgment in his favor might create
a disturbance.

The Court considers that
the Law of this case having been
formally declared, it is the duty
of the Magistrate to use his best
endeavours to see the same enforced,
and not throw obstacles in the
way of its being carried out, merely
from fear of an imaginary disturbance.

Before therefore taking further
steps in this matter the Court
wishes clearly to learn from the
Magistrate as to whether he is or is
not able to put in force the Law,
as declared in this particular case.

Ordered that Extract from
these Proceedings be sent to the Mag-
istrate of Salem, for his information and
guidance.

J. H. & Perry
Scrib. & Sup.

Salem Magistrate's office
10th July 1862

Respectfully
The Honorable D. Ashburnham
Magistrate
of Salem
To
J. H. & Perry Esq.
Scrib. & Sup. of Salem

Sir, I have the honor to acknow-
ledge Extract from Proceedings of
the Civil Court of Salem under date
1st

1st Instant and to inform you
that having made arrangements
with the Superintendent of Police
it is my intention to allow the
procession to take place on the
understanding that the party engaged
in the procession shall give one
clear week's notice to the Police
of the day and hour on which the
procession is to take place. Lacking
this notice the Police have orders
to stop the procession.

2 I take this opportunity of
pointing out to the Court and
all our respects that although the
Court has declared the right of an
individual to go in procession it
cannot call on the Magistrate to
carry out such decree and it is the
undoubted duty of the Magistrate to
stop the exercise of such right
if he has reason to apprehend a
breach of the peace.

*The intention
of a decree
made with the
Court. The
Magistrate was
only called upon
to submit the law
to not obstruct
its being enforced.*

3 The Civil Court should bear
in mind that if any disturbances were
to occur a Civil Court decree would
be of no use.

There is no excuse for a Magistrate
who allowed the procession to take
place, and as the Civil Court is in
no way responsible for the peace of
the district the expressions made
use of by the Civil Court in paras
5 & 6 regarding the fears of the
Magistrate of an imaginary sister
tribe are uncalled for.

I have etc.
10/10/97 D. S. Subbath
Magistrate

10/10/97 D. S. Subbath
Magistrate

10/10/97
Gangadhar
10/10/97

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter
from the Civil Judge of
Salem.

[M.C. 30 July 1862 nos.]

Order thereon 13th August 1862 nos 300

The Governor in Council
sees no occasion for the
present reference from the
Zillah Judge of Salem.
The Magistrate, it appears,
has made arrangements
which will enable the
business of the Civil Court
to be carried out with-
out risk of a distor-
sion. That he hesi-
tated in the first in-
stance to allow pro-
cession to take place
arose from his not
being aware of its
intended

Judicial Department

Enclosure No 1
marked A

See a letter
dated 30th Aug 1862
from the Civil
Judge of Salem

to
Charles Elliot
Secretary to
Government

Wm A. Pitt

MS. 162 nos 1519

indeed, convenience in
time to admit of due
precautions being made
for the preservation
of the public peace

2. The Govt are not
prepared to enter upon
the more general ques-
tion suggested by Mr.
Cherry - If the Ma-
gistrate of Salem should
at any time, declare
himself unable to
permit a decree of
the Zillah Court to
be carried out - the
matter should be
submitted to Govt.
tho' the Court of
Sudder Munsif and
such orders will then
be passed as the
circumstances

of the case may
seem to demand.

JP

To the Court Judge of Salem
Magistrate - do
Sudder Munsif

Deap 13th

Wm. J. ...
1862. Department.

No. 1300.

PROCEEDINGS OF GOVERNMENT.

Dated 13th Aug. 1862.
St. H. 1862/63

Feb 25 1864

Having that by the way
of whom should at any
time declare himself in the
to permit the carrying out
of the decree of a J. H. H.
Court the matter should be
opened to go through
the Court.

1148/18