

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1813	Press
		MIS.
31-34		
Dated	5. 11. 1882	1 st

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
5th November 1862.*

Read the following papers:—

No. 31. From JOHN MILLER, Esq., Acting Government Solicitor, Madras; to the Honorable T. PYCROFT, Chief Secretary to Government, Madras, dated 8th September 1862, No. 399.

I have the honor to acknowledge the Order Dated 3rd September 1862, No. 1,440, Judicial Department. of Government noted in the margin, and in compliance therewith, to forward herewith a detailed Return showing the extent of litigation in which Government were a party in the several sides of the Supreme Court at Madras, during the year 1861, also a Memorandum of the titles of the cases referred to in the return.

No. 32. From CLEMENT DALE, Esq., Government Pleader; to the Honorable THOMAS PYCROFT, Chief Secretary to Government, Madras, dated 9th September 1862, No. 139.

1. In continuation of the letter I had the honor of addressing to the Acting Chief Secretary to Government, under the date and number noted in the margin, 31st July 1862, No. 110.

I have now the honor of enclosing, for the information of the Honorable the Governor in Council, a Return showing the extent of litigation to which Government was a party in the Sudder Court at Madras during the year 1861, as requested in the Proceedings of Government, under date the 25th July 1862, No. 1,204 Judicial Department.

2. It will be observed that 8 Regular Appeal Suits were pending in 1861; in 4 of these Government was appellant; in the remaining 4 Government was respondent.

3. In all the 4 cases in which Government was appellant questions of considerable importance are raised.

4. In one of those, No. 136 of 1857, (which was a cross appeal on No. 103 of 1857) questions were raised, as to whether the Estate of a Brahmin who died without heirs escheated to the Crown. Also as to the power of a widow, who had entered into possession of her deceased husband's landed property on his death without heirs, to encumber the Estate. Regarding these suits, I had the honor to address the Right Honorable the Secretary of State for India in Council, in my letters under dates the 21st December 1852, No. 154, and the 7th August 1861, No. 142.

5. In another of those suits, No. 140 of 1859, the questions raised are not of so much public importance as those to which I have alluded in para. 4, but yet one of those questions will affect a number of Zemindary Estates held by persons of the Cumbala Totiar caste; and to that extent the suit is of public importance. Against the decree passed in that suit by the Sudder, an appeal to Her Majesty in Council has been preferred, and it is hoped that an authoritative construction of portions of Act No. 8 of 1859, will be obtained; on the subject of this suit I had the honor to address the Right Honorable the Secretary of State for India in Council in my letter of the 14th January 1862, No. 7.

6. In the 4th of those regular Appeal Suits, the questions raised are also of great public importance, the principal one being, the power of a widow to adopt to her deceased husband. It is also sought to correct vicious procedure on the part of a Civil Judge. This case is still pending in the Court of Sudder Adalat.

7. In the 4 suits in which Government are respondents, questions of public importance were also raised. In one, No. 21 of 1861, questions as to the rights of the Crown to accretions in navigable rivers was raised, but the case was disposed of under the regulation for the limitation of suits—2 of those 4 cases are still pending.

8. In the 3 special Appeal Suits the Government is respondent, no question of is raised in any of them.

*Proceedings of the Madras Government, Judicial Department,
5th November 1862.*

9. Neither the Despatch set out in the Proceedings of Government, nor the Proceedings state the object for which the return is required; it may, however, be convenient to state, that the prosecuting and defending suits, and conducting proceedings in the Court of Sudder Adalat in which Government is concerned, form but a small portion of the duties performed by me for Government, as I have to advise with the authorities in the Provinces, as also with the Board of Revenue, and Government, on points of law, as also in respect to the construction and application of the Acts and Regulations of Government; and, in cases of difficulty, in regard to the institution, defence and conduct of public suits instituted before the subordinate tribunals; and in all suits, other than those of the most ordinary character, I have been called upon to revise and settle the pleadings, to advise on the evidence, and on points which arise during the conduct of such suits in the subordinate Courts.

10. There was a rule in the late Court of Foujdare Adalat, under which I was liable to be called upon to appear before the Court in support of the prosecution, in cases in which appeals against the sentences of Sessions Courts were preferred. At one time I was frequently called upon by the Judges to appear in the discharge of that duty, during the year 1861; however I was not called upon to appear in any such case, but I have been informed, that it is in contemplation to pass in the High Court a rule similar to that to which I have alluded. The records in Criminal cases are generally voluminous. The preparing for the hearing requires a considerable time, and the hearing has frequently occupied a full day.

11. I may remark that since I took charge of my office the business has increased very considerably.

No. 33. From C. F. CHAMIER, Esq., Registrar of the High Court of Judicature at Madras; to the Honorable T. PYCROFT, Chief Secretary to Government, Fort Saint George, dated 18th October 1862, No. 22.

With reference to the Order of Government, dated the 11th August last, No. 1,289, I am directed by the High Court to forward the accompanying statement showing the extent of litigation in which the Government were a party in the Civil and Subordinate Courts during the year 1861.

No. 34. ORDER THEREON, 5th November 1862, No. 1,813.

The Returns furnished by the Government Solicitor, the Government Pleader, and the High Court, will be arranged into one statement, for transmission to the Secretary of State, in reference to his Despatch of the 26th June last, No. 17.

2. That portion of the Solicitor's Return relating to the "Sessions," will not be included in the general statement, and the omissions under the percentage columns in the Pleader's Return, will be supplied.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

*Proceedings of the Madras Government, Judicial Department,
5th November 1862.*

Statement showing the extent of litigation to which the Government was a party in the Civil Courts of the Madras Presidency during the year 1861.

	Government, Plaintiff or Appellant.				Government, Defendant or Respondent.				Remarks.
	Total number of cases pending.	Decided in favor of Government.	Do. against Govt.	Total decided.	Total number of cases pending.	Decided in favor of Government.	Do. against Govt.	Total decided.	
SUPREME COURT.									
Original Suits.									
Plea Side.....	a1			1 100	b2	c1		1 100	For remarks see the foot Notes, e, b, c, d, e, f, g and h.
In Equity.....	d1				e5				
Under Act XXX, 1858.					f2	g9		9 100	
Insolvent.....					h1	1		100	
SUDDER COURT.									
Regular Appeal Suits.....	4		*3	3 100	4	2		2 100	*Of the 3 Suits here mentioned the Decree in A. S. Nos. 103 and 136 of 1857 has been reversed by the Privy Council, and these suits have been remitted to the Sudder Adalat, and against the Decree in A. S. No. 140 of 1859 an appeal has been preferred to the Privy Council where it is still pending.
Special Appeals.....					3	2		2 100	
Summary Appeals.....	2	1	1	2 50 50					
CIVIL AND SUB-ORDINATE COURTS.									
Original Suits...	1	1		1 100	76	28	7	35 80 20	
Regular Appeals.	5	2		2 100	7	4	1	5 80 20	
Summary Appeals.....									
Totals...	13	5	4	9 55 44	99	46	9	55 84 16	

ABSTRACT OF CASES TO WHICH GOVERNMENT WERE PARTIES IN 1861.

Plea Side.

a Narrain Sing..... versus..... Captain G. A. Smith.
b Doe dem Accalchammaingauroo.... „ Richard Roe.
b S. Saravanamootoo Pillay..... „ The Secretary of State.
c The Secretary of State..... „ Lieutenant W. de N. Ramus.

In Equity.

d The United Kingdom..... versus..... S. C. Kistnamah Chetty and others.
e Soobba Ummall..... „ S. Vadachellum Moodelly and others.
e V. Moonesawmy Chetty..... „ The Secretary of State and others.
e V. Vencatarungum Chetty..... „ The Secretary of State and others.
e M. Vuradah Boye and another..... „ R. Vencut Row and others.
e N. Varadarajooloo Naick and another..... „ C. T. Kistnasawmy Naick.

Proceedings of the Madras Government, Judicial Department,
5th November 1862.

Under Act XXX of 1858.

- f Claim of Mahomed Abdollah Khan, Bahadoor, and others.
f Do. Raja Ruggoonada Ram, Bahadoor.
g Do. Nabob Ghousa Begum.
g Do. Azezon Nissa Begum and others.
g Do. Meer Ahmud Ally.
g Do. Teekum Doss.
g Do. Rajah Eswaradoss Maharajah Vunt, Bahadoor.
g Do. Mookthar-oon-nissa Begum.
g Do. Syed Mahomed Ghous.
g Do. Shajee-ool-Moolk, Bahadoor.
g Do. Azum-oon-Nissa Begum.

Insolvent.

h In the matter of Thomas Green an Insolvent Debtor.

Exd. T. McMootry.

Hate, it shows the extent of litigation in which the Govt. are concerned during the year 1861.

Original Suits	Regular Appeals	Sum of Appeals	Government Plaintiff or Appellant						Government Defendant or Respondent					
			Total Number of Cases from day of Decided in favor of Government	Do. against Government	Not decided	Days of Decided in favor of Government	Do. against Government	Total Number of Cases from day of Decided in favor of Government	Do. against Government	Not decided	Total Number of Cases from day of Decided in favor of Government	Do. against Government	Not decided	Total Number of Cases from day of Decided in favor of Government
1	5	"	1	"	1	100	"	28	1	35	20	20	20	20
5	2	"	2	"	2	100	"	4	1	5	80	80	80	80
"	"	"	"	"	"	"	"	"	"	"	"	"	"	"

C. S. Chambers.
Register

High Court
18th Dec 1862
Exd. T. McMootry

Return showing the extent of litigation in which Government were a party in the Supreme Court at Madras during the year 1861.

Government Plaintiff or appellant. Government Defendant or Respondent.

Total number of Cases pending.	Decided in favor of Government.	Do. against Government.	Total decided.	Percentage of Cases decided in favor of Government.	Do. against Government.	Total decided.	Percentage of Cases decided in favor of Government.	Do. against Government.

Original Suits.

Plea Side	"	41.	"	1.	100%	"	62.	91.	"	1.	100%	"
In Equity	"	41.	"	"	"	"	25.	"	"	"	"	"
Under Act xxx of 1858	"	"	"	"	"	"	62.	99.	"	9.	100%	"
Insolvent	"	"	"	"	"	"	41.	1.	"	100%	"	"
Sessions	"	18	4.	22	81%	27%	"	"	"	"	"	"
Regular appeals	"	"	"	"	"	"	"	"	"	"	"	"
Special appeals	"	"	"	"	"	"	"	"	"	"	"	"
Summary appeals	"	"	"	"	"	"	"	"	"	"	"	"

Col. Munro
Actg. Gov. Solr.

Madras,
September 8th 1862

From the
Register of the
Court of Justice
Madras dated 18th 4th 20th
Mar 1862. No. 22.

28.9.62
No. 125

1862
1863

From
The Asst. Sec. of the
to the Chief Justice of the
Court
Dated Sept 18, 1862.

Exhibit No. 1.

Return showing the extent of litigation to which Government was a Party in the Sudder Court at
Machra during the year 1861.

	1861						1861					
	Govt. Plaintiff or Appellant			Govt. Defendant or Respondent			Govt. Plaintiff or Appellant			Govt. Defendant or Respondent		
Total number of cases pending	6	1	4	5	2	13	6	1	4	5	2	13
Decided in favor of Government	1	1	1	1	1	5	1	1	1	1	1	5
Decided against Government	5	0	3	4	1	13	5	0	3	4	1	13
Total decided	6	1	4	5	2	13	6	1	4	5	2	13
Decided in favor of Government	1	1	1	1	1	5	1	1	1	1	1	5
Decided against Government	5	0	3	4	1	13	5	0	3	4	1	13
Total decided	6	1	4	5	2	13	6	1	4	5	2	13
Decided in favor of Government	1	1	1	1	1	5	1	1	1	1	1	5
Decided against Government	5	0	3	4	1	13	5	0	3	4	1	13
Total decided	6	1	4	5	2	13	6	1	4	5	2	13

Original Suits
Regular Appeal Suits
Special Appeals
Summary Appeals

" Of the Suits here mentioned the
Dues in vol. 110 and 111 of 1857 have
been received by the Sudder Council &
these due to have been remitted to the
Sudder Adalat and against the Dues
in vol. 110 of 1859 an Appeal has
been preferred to the Sudder Council
where it is still pending -

[Signature]

Government Pleader at Machra

Abstract of Cases to which Government were parties in 1861.

Plea Side.

- a. Narrain Sing ——— vs Captain G. A. Smith
- b. Doe dem Accalchammaniguroo vs Richard Roe.
- b. S. Saravanamoottoo Pillay vs The Secretary of State
- c. The Secretary of State ——— vs Lieut. W. de N. Ramus.

In Equity.

- d. The United Company ——— vs J. K. Kishnamah Chetty and others
- e. Soobha Umumall ——— vs S. Vadaichellum Moodelly and others
- e. V. e. Moonsawmy Chetty ——— vs The Secretary of State and others
- e. V. Venkatarungum Chetty ——— vs The Secretary of State and others
- e. M. Viradach Boyandanoth vs R. Vincent Row and others.
- e. N. Varadarajoorloo Naickan vs L. J. Kistnawmy Naick

Under Act xxx of 1858.

- f. Claim of Mahomed Abdoolah Khan Bahadoor and others
- f. — D^o — Rajah Rugganada Ram Bahadoor.
- f. — D^o — Nalob Gousea Begum
- f. — D^o — Azeemulla Begum and others
- f. — D^o — Meer Ahmed Ally
- f. — D^o — Teekum Dofs.
- f. — D^o — Rajah Esvaradoss Maharajah Vunt Bahadoor.
- f. — D^o — Lookhar Comissa Begum
- f. — D^o — Syed Mahomed Ghose.
- f. — D^o — Shajeeool Moolk Bahadoor.
- f. — D^o — Azum Comissa Begum

Insolvent.

- h. In the matter of Thomas Green an Insolvent Debtor.

Sessions

Part of Reader's Edition
 Jan 1861

Smith & Co
 No 1841

Sessions.

The Queen — against Venkatachellom.

Dr.

" Nyma

Dr.

" Cundasaunmy Ancharry.

Dr.

" Abdul Kader and others.

Dr.

" Mulliah

Dr.

" Collet and his Gajapen and others.

Dr.

" Narraimen and others.

Dr.

" Tooloo Na and others.

Dr.

" Khader B. and others.

Dr.

" Ramasa

Dr.

" A. H. Kemp.

Dr.

" and others.

Dr.

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Dr.

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Dr.

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Dr.

" and others.

Wm Miller
Oct 7. 1862

Madras,
September 8th 1862

showing the extent
of Courts of the

Government
or of

Proc. 29th July 1862 - 292-293
- 1289 -

Judicial 1862 Dept. 12

Judicial Letter to Eng. J. S. Nov.
18 of 1862

From ~~Proc. of~~ Proc.
The Registrar of the
High Court of Judicature
at Madras.

To The Chief Secretary
to Government

Dated 18th } October 1862.
Proc. 18th }

W. H. One Enclosed

N^o 22 N^o 2125

Submitted

Statement showing the
extent of litigation in
which the Government
were a party in the
P. & Subordinate Courts
during the year 1861.

Enclosure No 2.

Enc No 399.

From
the Secy. for: the
Chief Secy to Govt.
at Madras.
Dated September 8th 1862.

Proc. 29th July 1862

31234

C 26 Oct
R 28 "

With an Order.

Shewing the extent
of Courts of the

Government or of			

Proceedings of the Madras Govt.

Read the following letters—

From the Govt. Solicitor—Enter 8th Sep. '52 N^o 339.

" the Govt. Pleader—9th do—'139.

" the High Court—18th Oct.—'22.

Order—N^o 1813 of 5th November 1862

The returns furnished by the Govt. Solicitor, the Govt. Pleader, & the High Court will be arranged into one statement for transmission to the Secretary of State, in reference to his Despatch of the 26th June last N^o 14.

2. That portion of the Solicitor's return relating to the "Sessions" will not be included in the general Statement—& the ommissions under the Percentage columns in the Pleader's return, will be supplied.

The Chief Justice of the High Court. { despatched
Govt. Pleader {
Govt. Solicitor {

1862/1863
1/11

Remarks.

*For Remarks see the foot
notes, a. b. c. d. e. f. g. &c.*

of the 3 Sides are mentioned at
135 of 1837 in
in A.S. No.
by the Purvey
been mentioned
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the

. Abstract of Cases to which Govt. were parties in 1861.

Under act XXX of 1858.

f. Sons of c. Mahomed Abdoolah Khan Bahadoor and others.

g	Rajah Ruggonada Ram Bahadur.
g	Habib Couse Begum.
g	Suzoon missa Begum and others. or Ahmed Ali
g	Ishwar Doss.
g	Rajah Enaradas Maharajah Tunt. Shadoo.
g	Mookther. oon missa Begum.
g	Ajied Mahomed Ghose.
g	Najee. ad. Hookk. Bahadur.
g	Azum. oon missa Begum.

Insolvent.
the matter of Thomas Cyren and Insolvency Boston.