M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT**

G.O. No. 1556 Press ~~Mis.~~

237-238

Dated 28.9.1863 ~~19~~ .

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
28th September 1863.

No. 237. Read the following letter from the Honorable JOHN BRUCE NORTON, Advocate General; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Madras, 19th September 1863.

Some time before I had the honor of being appointed to act for the Advocate General I was retained on behalf of one Accachamanee, the 4th Defendant in suit No. 1 of 1862, on the files of the Civil Court of Salem.

2. The Collector of Salem is also a defendant in this suit; and I therefore think it desirable that I should not appear for my client at the hearing, which is appointed for the 17th of October, without the knowledge and sanction of His Excellency the Governor in Council.

3. My client neither seeks, nor can she obtain, in this suit, any redress, on her own behalf, for rights, which, if she wishes substantively to assert them, she must hereafter put forward as plaintiff in another suit.

4. She is equally interested with the Collector in resisting the present plaintiff's claim, and procuring a decree against her. My client's case is not in all respects the same as that of the Government; she asserts rights of her own, which however, as I have above remarked, she can obtain no relief on in the present suit. And in one important plea, her case is the same as that of the Government, namely, that the Act whereby the 1st Defendant, Appoo Row, has been put in possession of the Poliput, is an Act of State, and as such, not within the jurisdiction of any Municipal Court.

5. This plea must, I conceive, be of itself fatal to the plaintiff's claim; though the main fight will fall upon Mr. Mayne, the 1st defendant's Counsel, who is equally interested in establishing this plea.

6. Mr. Dale is on the spot, so that the Government interests may be sufficiently represented and protected; and unless the Government shall perceive any objection, which may have escaped myself, and to which I shall be happy to bow, I propose appearing at the hearing on behalf of my client, whose retainer I had accepted many months before I became Acting Advocate General.

7. I do not think there is any other case in which my duties to my earlier clients in any way clash with my present duties to Government; if indeed I except the case brought in the High Court by one of the Kaliana Mahal ladies of Tanjore against the Right Honorable the Secretary of State, Venkut Row and others; a suit which I have every hope to see compromised upon a footing satisfactory to all parties and interests.

No. 238. ORDER THEREON, 28th September 1863, No. 1,556.

Under the circumstances represented in the foregoing letter, the Governor in Council sees no objection to the Acting Advocate General acting for his client, the 4th defendant in the suit referred to.

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

Exd. T. McMootry.

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№1556 of 28th Sept. 63.

Under the circumstances represented in the foregoing letter the Governor in Council sees no objection to the Acting Advocate General acting for his client the Defendant in the suit referred to.

To The Acting Advocate General.
" Revenue Department. } sup 30