

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	32	Press
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35-36		
Dated	10.1.1863.	~~10~~

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Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
10th January 1863.*

No. 35. Read the following letter from J. FRASER, Esq., Acting Collector of North Arcot; to A. J. ARBUTHNOT, Esq., Chief Secretary to Government, Fort Saint George, dated Chittoor, 1st December 1862, No. 56.

1. I have the honor to forward translation of a khat received from the Zemindar of Karvetnuggur and two enclosures which accompanied it. The Zemindar requests that under Section 22, Act VIII of 1859, he may be excused from attendance to give evidence in any Civil Court.

2. I observe that according to a Note to this Section in the 2nd edition of Ramprasad Roy's* comments on the Civil Procedure Code, the Bengal or Supreme Government (I know not which) "have recently determined that all Sunnudee Rajahs and Mahomedan nobles of corresponding rank are to be exempted from personal attendance under this Section." I beg therefore to recommend the Karvetnuggur Zemindar's request for the favorable consideration of Government.

Translation of a letter from the Zemindar of Karvetnuggur to the Acting Collector of North Arcot, dated 26th December 1862.

1. In consideration of the various means of assistance rendered by my ancestors for the well-being and prosperity of the State during the Carnatic and British Governments, and of the allegiance they owed to them, they treated them with due respect and have showed the same regard towards me also from the very beginning without any failure. This would be evident to your Honor from Lord Clive's letter accompanying the Istimirar Sunnud recognizing our title to the Zemindari.

2. Taking these into consideration, no summons was issued directing my ancestors or my personal appearance in the Provincial or Civil Court, Collector's Office, or any tribunal to give evidence or for any such purposes.

3. One Coca Vencatachelapathi Naidoo, residing at Madras, having on one occasion cited me as a witness in Nos. 1,407 and 2,422 of 1860, on the file of the Supreme Court, that authority in consideration of my position in life dispensed with my personal attendance, and directed that I might be examined by commission. These precepts which are two in number are herewith transmitted.

4. But now, a few common persons with a view to disgrace me by throwing obstacles in the way of the respects I continue to enjoy from the very beginning, being shown to me, cited me as a witness to appear in person to give evidence in Original Suit No. 2 of 1862 instituted by me in the Civil Court at Chittoor, and the Civil Judge is of opinion that I should accordingly attend.

5. Section 22, Act VIII of 1859, sets forth that Government may at their discretion exempt from personal appearance in Court, persons whose position in life entitles them, in their opinion to such privilege, and that a list of their names shall be transmitted by them to the principal Civil Court of the District within the jurisdiction of which they may reside; and it is moreover specified (in immediate succession to that part of that Section which contains such a provision) in page 13 of the work entitled "Comments on the Code of Civil Procedure" by Ramprasad Roy, Government Pleader in the Court of Sudr Dewani Adalat at Calcutta, that it has been ruled by the Government of Bengal that Zemindars in possession of Sunnuds should be exempt from personal appearance in Courts.

6. I therefore earnestly request that you will be pleased to submit the matter for the consideration of Government, so that the necessary instructions may be issued to the Civil Court at Chittoor to exempt me from personal attendance as a witness, or for any other purposes in conformity with the provisions of the Section above quoted, due regard being had to the respect which continues to be shown towards me from the commencement; and that I may be furnished with a certificate to that effect.

Proceedings of the Madras Government, Judicial Department,
10th January 1863.

7. If, on any occasion, any material points have to be ascertained from me in any case, I pray that my personal appearance may be dispensed with, and my evidence taken by commission.

8. I further request that this letter may be transmitted to Government with your support.
(True translation.)

(Signed) J. FRASER,
Acting Collector.

No. 36. ORDER THEREON, 10th January 1863, No. 32.

His Excellency the Governor in Council sees no grounds for exempting the Zemindar of Cauvetnuggar from appearing as a witness in a Court of Justice. Applications for a similar exemption have been refused in the case of the Zamorin of Calicut and the Zemindar of Shevagunga.

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

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter
from the *M. Collector of North*
Arch.

(This letter is dated 1st Decr 1862 No. 56.)

Order thereon 10th Jan 1863 No. 32.

His Excellency the Governor
in Council sees no ground
for exempting the Zemindar
of Cauvetnuggar from ap-
pearing as a witness in
a Court of Justice. Appli-
cations for a similar ex-
emption have been refused
in the case of the Zamorin
of Calicut and the Zemindar
of Shevagunga.

To the Collector of North Arch. - *sent in file in the 1st class.*
Two Encls. sent with the printed copy of this.

