M.R.O. 1—99,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No.	446	Press Mis.
209-210		
Dated	15-3-~~19~~ 1867	

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Not to be folded or roughly handled

JUDICIAL DEPARTMENT.

No. 456.

FROM

A. J. ARBUTHNOT, ESQ.,

Chief Secretary to the Government of Fort Saint George,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,

HOME DEPARTMENT.

SIR,

I am directed to transmit, for the consideration of the Right Honorable the Governor General of India in Council, copies of the annexed papers, referring to the circumstance of there being no Court at Secunderabad in which European Officers can be sued for debt for a larger sum than Rupees 1000.

From Messrs. Arbuthnot & Co., Madras, dated 17th November 1866.
Opinion of Acting Advocate General, dated 4th March 1867.

2. It will be seen that the Acting Advocate General of Madras is of opinion that an easy remedy would be to extend the provisions of Act XI of 1841 to all persons resident in Cantonments beyond the limits of British India.

I have the honor to be,

Sir,

Your most obedient Servant,

FORT SAINT GEORGE,
18*th March* 1867.

Chief Secretary.

From Messrs. ARBUTHNOT & Co., Madras, to the Chief Secretary to Government, Fort Saint George; dated Madras, 17th November 1866.

We have the honor to call the attention of the Right Honorable the Governor in Council to the fact that no European resident in Secunderabad can be prosecuted for debt to a greater amount than Rupees 1000, which is the maximum sum that falls within the jurisdiction of the Small Cause Court, the tribunal that has the largest jurisdiction in that place. The circumstance has been brought to our knowledge in connection with a large balance still due to us by certain Officers of the late 3rd Madras European Regiment, whom, for the reason above stated, we are unable to sue, although that course has been pointed out to us by His Excellency the Commander-in-Chief as the only one whereby we can expect to recover our dues. This is a defective state of the law as connected with Secunderabad, which, we imagine, it is only necessary for us to bring to the notice of Government to ensure its being speedily amended.

Referred to the Advocate General for his opinion.

FORT SAINT GEORGE,
28*th February* 1867.

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

From the Acting Government Solicitor, Madras, to the Chief Secretary to Government, Fort Saint George; dated Madras, 4th March 1867, No. 111.

I have the honor to acknowledge the order of Government noted in the margin, relative to the proposed amendment of the law as regards recovery of debts due from Europeans resident at Secunderabad.

Dated 28th February 1867, and made on letter from Messrs. Arbuthnot & Co. to Government of the 17th of November 1866.

2. Having submitted the matter for the consideration of the Acting Advocate General, I now forward a copy of his opinion on the subject.

3. I also return the order above noted.

OPINION.

Messrs. Arbuthnot & Co. are correct in stating that no Court in Secunderabad can give them any relief against European Officers to a greater amount than Rupees 1000. If their debtors were persons amenable to the Native Articles of War, or persons residing and trading in Secunderabad, a Military Court of Requests could take cognizance of their claim to any amount. (See Acts XI of 1841, Sec. 17, and XI of 1865, Sec. 48.

2. This Government cannot legislate in the matter, as Secunderabad is beyond the limits of the Madras Presidency. The only course would be for the Government to call the attention of the Governor General in Council to the anomalous state of things pointed out by Messrs. Arbuthnot & Co. An easy remedy would be to extend the provisions of Act XI of 1841, Sec. 17 to all persons resident in Cantonments beyond the limits of British India.

(Signed) J. D. MAYNE,
Acting Advocate General.

4th March 1867.

(True Copy).

(Signed) H. G. PRICHARD,
For H. J. BROCKMAN,
Acting Government Solicitor.

Exd. J. Tulloch.

Madras. 17th November 1866

The Chief Secretary to Government,

Sir,

We have the honor to call the attention of the Right Honorable the Governor in Council to the fact that no European resident in Secundera-bad can be prosecuted for debt to a greater amount than Rs. 1000.- which is the maximum sum that falls within the jurisdiction of the Small Cause Court the tribunal that has the largest juris-diction in that place. The circumstance has been brought to our knowledge in connection with a large balance still due to us by certain Officers of the late 3rd Madras European Regiment whom for the reason above stated we are unable to sue, altho' that course has been pointed out to us by His Excellency the Commander in Chief as the only one whereby we can expect to recover our dues. This is a defective state of the law as connected with

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with Secunderabad which we imagine it is only necessary for us to bring to the ~~knowledge~~ notice of Government to ensure its being speedily amended.

We have the honor to be,
Sir,
Your most Obedient Servants,

Abbotsford

Judicial Department.
No. 456.

To

The Secretary to the Government
of India,
Department.

Sir,

I am directed to transmit for the consideration of the Right Honorable the Governor General of India in Council a copy of the annexed papers, referring to the circumstance of there being no Court at Secunderabad in which Europeans can be sued for debt for a larger sum than Rs. 1000.

2 It will be seen that the Advocate General

From Messrs. Abbotsford & Bradbury
dated 17th November 66.
Opinion of Advocate General
dated 4th March 1867.

Dept 19/3

19/1867 Judl

No 2581.
Secretary to Govt of India
Legislative Dept
Fort William
dated 19th Nov 1867

From
Capt. Archibald Keith
Secy to Govt of India
Legislative Dept
Fort William
dated 19th Nov 1867

No 2581.
Secretary to Govt of India
Legislative Dept
Fort William
dated 19th Nov 1867

Request that Advocate General may be directed to give his opinion.

Tal. M. George
28th Feby 1867

G. J. Cuthbert
Chief Secretary

To the Government Solicitor
Dept 28/2 Rec'd 28th Feby Entd Returned 5th March 1867 J.S.L.
For H. L. S. acty Govt Solr.

Nos 1/2
28/2/67

General of Madras is of opinion that an early remedy would be to extend the provisions of Act XI of 1841 to all persons resident in Cantonments beyond the limits of British India.

Fort St. George
18th March 1867

Copy to the Govt. Solicitor's dispo
19/3

Judicial 1867 Departt.

No. 456

To
The Secy. to the Govt.
of India

Feb. 600/68.

Dated 18th March 1867.

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