Judicial (1895) Department.

ORDINARY PRINTED.

G.O., No. 350.

Dated 16th Feb. 1895.

INDEXED.

[Despatch Abstract.]

PERSONAL APPEARANCE IN COURTS

Communicating to District Judges opinion of the Advocate-General that exemptions from -- under section 641 of the Civil Procedure Code are purely personal, and specifying the persons entitled to claim such exemption in this Presidency.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	D

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	1441		1895				
	1460		1895				

[illegible] copies of the [illegible]

Note for the U.S.

Please see order

Insert letter for [illegible]

[illegible] to change the Chief [illegible]

Under [illegible] at [illegible] of [illegible]

For U.S.

The Udr. has selected the G.O. for E.T. I shall withhold the paper pending the printing of revised copies

7/3

Revised copies printing

7/3

~~1410~~

Ref. on C. No. 3235/1894

Resident's office
Trevandram 18th October 1894

From

H. B. Grigg Esquire C.S.I.
Resident in Travancore and Cochin

To

The Honorable Mr. J. F. Price C.S.I.,
Chief Secretary to Government
Fort St. George

Sir

At the instance of the Dewan of Travancore, I have the honor to request that Government will be pleased to furnish me with a copy of the list of persons exempted by the Madras Government from personal attendance in Courts under Section 641 of the Civil Procedure Code (Act No. XIV of 1882) to serve as a guide in framing a similar list for Travancore. Page 60 of the first list of notifications and rules having the force of law shows that Prince Muhammad Munavur Khan Bahadur Amir-i-Arkat is the only one now exempted but I am not absolutely certain of this.

I have the honor to be
Sir,
Your most obedient servant

H. B. Grigg
Resident

BM

1894

~~Current No. 4410~~

~~Political Dept~~

pl. Pole Sc. + Record 90.

5752

Jud. Dept

From

The Resident in Travancore and Cochin

To

The Chief Secretary to Government

Fort St. George

Transferred to the Judicial Department

Under Secretary

Dated 18th October 1894

Recd 22nd

Regd 23/10

Regd in Jud. 29/10

C.S. 26/10

Ref: on C. No. 3235/1894

Enclosure :- None

CHIEF SECRETARY
22 OCT. 1894
GOVERNMENT OF MADRAS

Refce
Have you made sure that there are no other exemptions, please? The list of Notifns [illegible] there may be omissions.
R.O.

Requesting to be furnished with a copy of the list of persons exempted by the Madras Government from personal attendance in Courts-

Any such list please

3/11

None
1.11.94

W.E.

[G/26]

Judicial DEPARTMENT.

C. No. 5752 of 94

FOR ORDERS.

The last list of persons exempted from Personal appearance in Courts was prepared in 1881, since then no list has been prepared.

Between 1881 and 1891 only one exemption was granted, i.e. in the case of Prince Mahamad Manavur (G.O. No. 14 d/: 10/1/91). Since 1891 no exemptions have been made.

The policy of Govt. ~~being~~ has been to discourage such exemptions as much as possible.

List of Notfns. and rules having the force of Law ~~[illegible]~~ prepared in 1891 shows only the Name of Prince Muhamad as being exempted from personal appearance in Courts. ~~Evidently~~ Presumably the persons whose names appear in the Office list of 1881 are all now dead.

~~The~~ Resident in Travanc Cochin, might be informe Prince Muhamad Munavar a only person exempted by personal ~~appearance~~ attendance

Elwtr 12.11.94

D 14.11

N

Refce. No. 2274 / 19-11-94

The attention of the Dist. Judge concerned will be drawn to G.O. d/22 February 1881 No. 406 Judl. & they will be requested to state if so whether the persons whose names appear in the list subjoined hereto are still alive, & if not whether their successors in office, if any, ~~continue~~ exercise the privilege of refusing to make personal appearance in the Civil Courts

D 16.11

DESPATCHED
19 NOV 94
M.S.

The Dist. Judges of Tinnevelly, Cuddapah, Tanjore, Chingleput & Madura

Copies 17/11

Please see replies received from the D.J.s ~~referred to~~ in of Tinnevelly, Cuddapah, Tanjore, Chingleput & Madura -

1st D.J. Tinnevelly reports: Vanamamalai Swami of Tinnevelly is dead, and that his successor does not exercise the privilege of refusing to make personal appearance in Civil Courts -

2nd D.J. Cuddapah, reports, that the priest of the Pushpagari Mutt referred to is still alive -

3rd D.J. Tanjore reports: Subramania Desika is dead & that his successor Ambalavana Desika claims & exercises the privilege of refusing to ~~[illegible]~~ make personal appearance in Civil Courts -

Note Govt. does not seem to have recognized this claim -

4th D.J. Chingleput reports: Sriwan Sadhagopa of Ahobalam Mutt is dead & his successor has not yet claimed the privilege -

5th ~~D.J.~~ Madura: reports that ~~the~~ Siva High Priest referred to is alive & that Syed Khan Mahomedan Priest is dead, his successor is not exempted from appearing in Civil Courts -

The persons exempted, are:

1st The Priest of Pushpagiri Mutt. Cuddapah
2nd Ambalavana Desika - Tanjore
3rd Siva High Priest: Madura. &
4th Prince Muhammad Munavar:

The Resdt. at Travancore may be informed accordingly -

~~A draft letter to the Resident of Travancore appended~~..

The above names will have to be
1. inserted in the list of notfns having the force of law.

List of persons exempted from personal attdce. in Courts

(Forwd)

6246

No. 16.

CUDDAPAH District COURT,
22d November 1894

FROM
W. H. Walsh ESQUIRE,
District Judge,
CUDDAPAH.

TO
The Chief Secretary
to Government
Madras -

SIR,

With reference to your memo No. 2274 dated the 19th Instant I have the honour to state that the priest of the Pushpagiri Mutt referred to in the list subjoined to G. O No. 406 dated the 2d February 1881, is still alive -

I have the honour to be
Sir,
your most obedient Servt

Wwalsh
District Judge

Jud

Endt No 2274 19-11
papers

6246

Jud Dept

From

The District Judge
Cuddapah

To

The Chief Secretary
to Government
Madras

Dated } 22d November 1894
Despd }
Recd 23/11
Reg 23/11
No 16
En — "

CHIEF SECRETARY
23 NOV. 1894
GOVERNMENT OF MADRAS

Subject.

Informing that the priest of the Pushpagiri Mutt referred to in the list subjoined to G.O. No 406 dated 22d February 1881 is still alive.

Wait till other replies are read &c

No. 1619.

6399

District Court, Chingleput,
30th November 1894.

From
S. Russell Esqr
District Judge,
Chingleput,

To
The Honorable J. F. Price C.S.I.
Chief Secretary to Government,
Judicial Department
Fort St. George

Sir,

With reference to the Under Secretary's memo, No. 2274, dated the 19th instant, Judl., I have the honor to inform you that Srivan Sadhagopa Ramanuja Yathindra Maha Desikuluvarn, the Head Priest of the Ahobalam Mutt in Trivellore Talug, who is the only person in this District Exempted from personal appearance in Civil Courts, is now dead, and one Sriman Sadhagopa Srinivasa swami *alias* Vengepuram Runga Chariar claims to be his successor in office; but he has not claimed the privilege of refusing to make personal appearance in Courts.

2. I may here mention that a suit is now pending in my Court in which his right to succeed to the office is questioned.

I have the honor to be,
Sir,
Your most obedient servant
S Russell
District Judge

Wrtd

1894. 6399

Jud Dept

Judicial Department

From

The District Judge

Chingleput

No 1619

Dated 30th November }
Despatched do } 1894.
Received 2/11/94 }
Regd 3/11/94

Enclosure

UNDER SECRETARIAT PUBLIC & E DEPTS 7 DEC

Subject

Informing that

Srivan Satagopa Rama-
nuja Yatheenthra Maha
Desikulvaram, the
Head Priest of the Ahobalam
Mutt in Tirvellore, the
only person ~~in~~ the Dt
exempted from personal
appearance in Civil
Courts is dead.

CURRENT No 6523

Jud Dept

From

The District Judge of
Madura

Dated 4th December }
Despatched 6th — do — } 1894
Received 8 }

No. 762

CHIEF SECRETARY -8 DEC 1894 GOVERNMENT OF MADRAS

Reference :— Memo dated 19.11.94
No. 2274 Judicial Dept:

Subject

Stating that of the two persons
(Mahammadan Priest + High Siva
Priest) mentioned in the list Sub-
joined to G.O. $\frac{\text{No. 406}}{\text{22-2-81}}$ Jud., the
Mahammadan priest is dead +
the Siva Priest is alive. The Suc-
cessor of the former does not exercise
the privilege of refusing to make
personal appearance in the civil
Courts.

Madura District Court

No. 762/1894

dated the 4th December 1894.

From

J. W. F. Dumergue Esquire,
District Judge, Madura.

To

The Honourable J. F. Price I.C.S., C.S.I.,
Chief Secretary to Government,
Madras.

Honourable Sir,

With reference to the memorandum of Government dated 19th ultimo No. 2274, Judicial Department, I have the honour to state that, of the two persons of this district whose names appear in the list subjoined to G.O. dated 22d February 1881 No. 406 Judicial, one, namely, Syed Shaw valley Ullah Khadiri Peer Zadah of Madura is dead and that the other, namely, the Siva High Priest of Madura is alive.

2. The successor in office of the former, namely, the Mahammadan Priest does not exercise the privilege of refusing

to make personal appearance in the civil Courts.

I have the honour to be
Honourable sir,
Your most obedient Servant

W. W.

District Judge.

No. 1336

District Court
Tanjore 3rd December 1894.

CURRENT No. 6597

From E. J. Sewell Esquire
Ag: District Judge
Tanjore

To The Chief Secretary to Government
Judicial Department
Madras

Through The Registrar of the High Court
of Judicature
Appellate side
Madras.

Sir,

In reference to memo No. 2274 Judicial dated November 19th, 1894, I have the honor to state that Subramania Desika Pandara Sannadhi mentioned in the G.O 406 Judicial is not now alive. His successor in office Ambalavana Desika Pandara Sannadhi claims and exercises the privilege referred to in the G.O mentioned above.

I have the honor to be,
Sir,
Your most obedient Servant

E J Sewell
Ag: District Judge.

H. C. No. 6800.
Judicial (1894) department

~~CURRENT NO.~~

From,

The District Judge
Tanjore

CHIEF SECRETARY
12 DEC 1894
GOVERNMENT MADRAS

To

The Chief Secretary to Govt.
Judicial department
Madras

Thro. The Registrar of the High Court
of Judicature
appellate side
Madras.

Dated 3rd
Despd 3rd } December 1894.
Recd in
Jud. 12
Reg. 72

HIGH COURT
RECEIVED
4 - DEC. 94
MADRAS

No. 1336

Stating that Subramania Desika Randara Sannadhi is not alive and that his successor claims and exercises the privilege of refusing to put in personal appearance in Civil Courts

---

CURRENT NO. 6597

No. 3618. Jud. Dept.

Forwarded to the Chief Secretary to Government, Fort St. George.
(By order)

High Court of
Judicature,
Appellate Side,
Madras,
11th December 1894.

H. Dalu
Registrar.

CURRENT NO. 6860

No. 489

Tinnevelly District Court
18th December 1894.

From,

M. D. Bell Esquire,
Ag: District Judge,
Tinnevelly.

To,

The Honorable J. F. Price,
Chief Secretary to Government
Fort Saint George, Madras.

Sir,

With reference to the memorandum of the Under Secretary dated the 19th November ultimo No 2274 Judicial, I have the honor to state that Vanamamalai Ramanuja Jeer Swami of Tinnevelly mentioned in the list subjoined to G. O. dated 22nd February 1881 No 406 Judicial is dead and that his successor in office does not seem to have attended any civil Courts within the District nor had any occasion to exercise the privilege of refusing to make personal appearance in Courts.

I have the honor to be,
Sir
Your most obedient Servant.

Ag: District Jud

1 w/

CURRENT No. 6860

Jul Dept

From

The Ag. District Judge

Tinnevelly

To

The Chief Secretary

to Government

Madras.

Dated 18th December }
Sent 21st do } 1894.
Received 24th }

No. 489

CHIEF SECRETARY GOVERNMENT OF MADRAS 24 DEC 1894

Stating that Vanamamalai Ramanuja Jeer Swami does no seem to have attended Civil Courts within the District nor exercised the privilege of refusing personal attendance in Court.

500—20-6-94.

Jud. DEPARTMENT.

No.s 5752, 6246, 6399, 6523, 6597 & 6860

From

Dated 189 ,

FOR ORDERS.

In C. No. 5752 Mr. Grigg asks for a list of persons exempted under sec. 641 of the Civil Proc. Code from appearance in Court. The last list of such persons was prepared in 1881 (vide G.O. of 22 Feb 1881, No. 406, Jud.) when the number of names was six.

A reference was made to the Judges of the Districts where these persons reside in order to ascertain whether they are still alive &, if not, whether their successors claim the privilege of non-attendance. The replies received show that two only of these persons are alive & that of the successors of those who are dead one only has claimed & exercised the privilege of non-attendance.

2. The question is whether exemptions under sec. 641 can be granted Ex-officio. In every case ~~the exemption~~ ~~was granted~~ but one the

man to whom Exemption was granted was specified both by name & office. In one instance, however, though the man's office was specified, it was distinctly stated that the concession was applicable to himself only &, in the one case where the man exempted was referred to by the name of his office only, it was expressly stated that *ex officio* exemption is not permissible by law.

This latter case will be found dealt with in G.O. of 25 Jan 1875, No. 157, Judl, the Govt. said "Sec. 22 of the "Code of Civil Proc. (1859) does "not contemplate an order "creating an hereditary "privilege".

This sec. 22 is practically identical (so far as concerns this point) with sec. 641 of the present Code.

3. There seems no reason to doubt that the G.O. of Jan. 1875 was correct & that *personal* exemption only can be granted under sec. 641. The point may, however, be referred (if C.S. thinks necessary) to the Adv: Gen: &, if he agrees in this view,

(1) his opinion can be comd to all Dt. Judges;

(2) the Dt. Judge Tanjore may be told that the successor to Subramanya Desika has no right to the concession which he claims & exercises;

(3) Mr. Grigg can be told that there are only three persons now exempted & so exempted can claim to enjoy ~~[illegible]~~ the same privilege. On a previous occasion Govt. has held that no such claim can be sustained, ~~[illegible]~~ exemptions under sec 641 being purely personal. Govt. Solicitor [illegible] 4/2/95. [illegible]

(4) the list of notifns as having the force of law may be amended by the omission of the entry on p. 60 relating to Prince Muhammad.

4. Since the preparation of the list in 1881 no exemption save that of the Prince of Arcot in 1891 seems to have been granted.

5. It seems unnecessary to trouble H.M. with this.

[illegible]
26 Jan

Make sure by getting the A.G.'s opinion though I have no doubt as to what the law is: need not trouble H.M. with this – at any rate as the case stands

[illegible]
31/1/95

G.O. 380 Judl.
16/2/95

N.
Ref only [illegible] 3/2

Jo 299
4-2-95

The Hon. the Adv. Gen. is requested to be so good as to favour Govt with his opinion whether exemption from personal appearance in Court can be granted under sec. 641 of the Code of Civil Proc. to a person by virtue of his office; in other words, whether the *successor* to the head of a religious institution (for instance) who ~~has been~~ was

Exemptions und. Sec 641 C.C.P.

C1

(For Order)

CURRENT 3P588

[Re section 641 of the Code of Civil Procedure]

Opinion

I think that the exemption under section 641 of the Code of Civil Procedure is purely personal, and, therefore, answer the question put to me in the negative

(Signed) J. H. Spring Branson
Advocate General

Madras
7th February
1895

(True Copy)

Ernest Barclay

Government Solicitor

CURRENT No. 588

Judicial (1895) Department

Refce No. 209 of 4.2.95 + papers

From
Ernest Barclay
Government Solicitor
Madras

To
The Chief Secretary
to Government
Madras.

Dated 8th February 1895
Received 8th } Feby
Regd 9th }

No. 68

8 FEB. 1895

Forwarded with reference to the Memorandum of Government No. 209 dated 4th February 1895. Judicial.

Ernest Barclay

Government Solicitor

Eh
11/2

Subtd
Eh
12/2

From the Govt. Solicitor, Madras of 8-2-95 No. 68

Abstract.- Forwarding the following Opinion of the Adv. Gl. of 7-2-95

[G./24]
100—22-12-94.

Judl. DEPARTMENT.

Papers to be read in Proceedings :—

P. { Again G.O., dated 22 Feb 1881, No. 406, Jud.
{ Again G.O., dated 10 Jan 1891, No. 14, Pol.

P Current No. 5752 of 18 , dated 14 26/10/94 from ~~Political Dept~~
6246 — — 22/11/94 - Dt. Judge Cuddapah No. 16.
6399 — — 30/11/94 - Dt. Judge Chingleput - No. 1669
6523 — — 4/12/94 . Dt. Judge Madura No. 762
N Q Current No. 6597 of 18 , dated 11/12/94 from the Regr. High Court - No. 3611
6860 — 18/12/94 - Ag. Dt. Judge Tinnevelly No. 48
A. 588 — 8/2/95 - the Govt. Solicitor No. 68.

order P.S. of 16 Feb. 95, No. 350.

Office
Tell Appu Chetti to insert in the 3rd Supplement an erratum cancelling the entry about Prince Md. Munavar on p. 60 of the List of Notifns.

The Adv: General's Opinion will be communicated to the various Dt. Judges. ~~of Cuddapah, Chingleput, Madura, Tanjore & Tinnevelly~~. The only persons in the Presidency who can claim exemption from personal appearance in the Courts under sec. 641 of the Code of Civil Procedure are the following:—

(1) Sri Abhinavothanda Vidya Narasimha Bhárata Swámi, ~~Spiritual~~ Priest of the Pushpagiri Math in Cuddapah taluk, Cuddapah district;

(2) Saiva Sámayya Cháriya Tirugnána Sambandha Pandára Sannadhi Avargal, Saiva High Priest of Madura;

(3) Prince Muhammad Munáwar Khán Baháduer Amír-i-Arkat.

2. With reference to the provis

of sec. 641 of the Civil Proc. Code, a copy of this Proc^{gs} will be furnished to the High Court; &, with reference to his letter d/ 18 Oct. 1894, ~~the~~ a copy will ~~also~~ be furnished to the Resident in Travancore & Cochin also.

15/2/95 14 Feb

To the Hon the C. J. with C. L. 6
— Govt. Sol: 6
— Rest. in Travancore & Cochin 6
– all Dt. Judges. 119 despd 22/2/95
Copies to the Chief Judge of the Presy Court of Small Causes 3 & to the Judge of the City Civil Court: 3
despd 28/2/95

Revised G.O. despd 12/3/95

Note
It seems unnecessary to mark this for H.M.; it merely states the facts.

Exemptions from appearance in Court

CS

P.S.

16th February 1895, No. 350, Judicial.

Please reprint this as altered – 250 copies
7/3

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

Read—again the following papers:—

G.O., dated 22nd February 1881, No. 406, Judicial.

Abstract.—Communicating to the Honorable the Judges of the High Court a list of persons exempted from personal appearance in court under section 641 of Civil Procedure Code.

G.O., dated 10th January 1891, No. 14, Political.

Abstract.—Publishing a notification in the *Fort St. George Gazette* exempting Prince Mahammad Munawar Khan Bahadur, Amir-i-Arkat, from personal appearance in civil court.

Prince of Arcot

Read—also the following papers:—

From the Resident in Travancore and Cochin, dated 18th October 1894, No. 3235.

Abstract.—Asking for a list of persons exempted by the Madras Government from personal appearance in court to serve as a guide in framing a similar list for Travancore.

From the District Judge, Cuddapah, dated 22nd November 1894, No. 16.
" " " Chingleput, " 30th " " " 1619.
" " " Madura, " 4th December " " 762.
" Registrar, High Court, " 11th " " " 3618.
" Ag. District Judge, Tinnevelly, dated 18th December 1894, No. 489.

No. 209.

The Honorable the Advocate-General is requested to be so good as to favour Government with his opinion whether exemption from personal appearance in court can be granted under section 641 of the Code of Civil Procedure to a person by virtue of his office; in other words, whether the *successor* to the head of a religious institution (for instance) who was so exempted can claim to enjoy the same privilege. On a previous occasion Government has held that no such claim can be sustained, exemptions under section 641 being purely personal.

(Signed) J. F. PRICE,
Chief Secretary.

4th February 1895.

To the Government Solicitor.

From the Government Solicitor, Madras, dated 8th February 1895, No. 68.

ABSTRACT.—Forwarding the following opinion of the Advocate-General, dated 7th February 1895 :—

OPINION.

[Re *section* 641 *of the Code of Civil Procedure.*]

I think that the exemption under section 641 of the Code of Civil Procedure is purely personal, and, therefore, answer the question put to me in the negative.

(Signed) J. H. SPRING BRANSON,
Advocate-General.

—— ——

ORDER—dated 16th February 1895, No. 350, Judicial.

The Advocate-General's opinion will be communicated to the various district judges. The only persons in the presidency who can claim exemption from personal appearance in the courts under section 641 of the Code of Civil Procedure are the following :—

(1) Srí Abhinuvothanda Vidhya Narasimha Bhárata Swámi, Priest of the Pushpagiri Math in Cuddapah taluk, Cuddapah district ;

(2) Saiva Sámayya Cháriyar Tirugnána Sambandha Pandára Sannadhi Avargal, Saiva High Priest of Madura ;

(3) ~~Prince~~ Muhammad Munáwar Khán Bahádur, ~~Amír-i-Arkat.~~ Prince of Arcot

[illegible] Rao Bahadur of

2. With reference to the provisions of section 641 of the Civil Procedure Code, a copy of this Proceedings will be furnished to the High Court ; and, with reference to his letter, dated 18th October 1894, a copy will be furnished to the Resident in Travancore and Cochin also.

(True Extract.)

J. F. PRICE,
Chief Secretary.

To the Hon'ble the Chief Justice, with C.L.
" the Government Solicitor.
" the Resident in Travancore and Cochin.
" all District Judges.
Copies to the Chief Judge of the Presidency Court of Small Causes and to the Judge of the City Civil Court.

[illegible] Ok

7/3

Exd. S. J. Pereira.

Jndl G O No. 350 d/ 16 Feby 1895

[G/36]

Despd 28/2/95

Recd in dists 12/3/95

District and Session Judge of	North Arcot, Chittoor.	6
	South Arcot, Cuddalore.	6
	Bellary.	8
	South Canara, Mangalore.	10
	Chingleput.	6
	Coimbatore.	9
	Cuddapah.	6
	Ganjam, Berhampore	6
	Godávari, Rajahmundry.	10
	Kistna, Masulipatam.	6
	Kurnool.	6
	Madura.	11
	North Malabar, Tellicherry.	8
	South Malabar, Calicut.	6
	Nellore.	6
	Nilgiris, Ootacamund.	6
	Salem.	6
	Tanjore.	6
	Tinnevelly, Palamcottah.	8
	Trichinopoly.	6
	Vizagapatam.	7

Govt. of {1895} Madras.

JUDICIAL.

57

Issued

Recd. *Encl.*

G.O., 16th February 1895, No. 350.

FEBRUARY.

Personal Appearance in Courts.

Communicating to district judges opinion of the Advocate-General that exemptions from under section 641 of the Civil Procedure Code are purely personal, and specifying the persons in this presidency who are entitled to claim such exemption.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

Read—again the following papers:—

G.O., dated 22nd February 1881, No. 406, Judicial.

Abstract.—Communicating to the Honorable the Judges of the High Court a list of persons exempted from personal appearance in court under section 641 of Civil Procedure Code.

G.O., dated 10th January 1891, No. 14, Political.

Abstract.—Publishing a notification in the *Fort St. George Gazette* exempting Muhammad Munawar Khan Bahadur, Prince of Arcot, from personal appearance in civil court.

Read—also the following papers:—

From the Resident in Travancore and Cochin, dated 18th October 1894, No. 3235.

Abstract.—Asking for a list of persons exempted by the Madras Government from personal appearance in court to serve as a guide in framing a similar list for Travancore.

From the District Judge, Cuddapah, dated 22nd November 1894, No. 16.
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" Ag. District Judge, Tinnevelly, dated 18th December 1894, No. 489.

No. 209.

The Honorable the Advocate-General is requested to be so good as to favour Government with his opinion whether exemption from personal appearance in court can be granted under section 641 of the Code of Civil Procedure to a person by virtue of his office; in other words, whether the *successor* to the head of a religious institution (for instance) who was so exempted can claim to enjoy the same privilege. On a previous occasion Government has held that no such claim can be sustained, exemptions under section 641 being purely personal.

(Signed) J. F. PRICE,
Chief Secretary.

4th February 1895.

To the Government Solicitor.

From the Government Solicitor, Madras, dated 8th February 1895, No. 68.

ABSTRACT.—Forwarding the following opinion of the Advocate-General, dated 7th February 1895 :—

OPINION.

[Re *section* 641 *of the Code of Civil Procedure.*]

I think that the exemption under section 641 of the Code of Civil Procedure is purely personal, and, therefore, answer the question put to me in the negative.

(Signed) J. H. SPRING BRANSON,
Advocate-General.

ORDER—dated 16th February 1895, No. 350, Judicial.

The Advocate-General's opinion will be communicated to the various district judges. The only persons in the presidency who can claim exemption from personal appearance in the courts under section 641 of the Code of Civil Procedure are the following :—

✓ (1) Srí Abhinuvothanda Vidhya Narasimha Bhárata Swámi, Priest of the Pushpagiri Math in Cuddapah taluk, Cuddapah district;
✗ (2) M.R.Ry. Rao Bahadur Saiva Sámayya Cháriyar Tirugnána Sambandha Pandára Sannadhi Avargal, Saiva High Priest of Madura;
✗ (3) Muhammad Munáwar Khán Bahádur, Prince of Arcot.

2. With reference to the provisions of section 641 of the Civil Procedure Code, a copy of this Proceedings will be furnished to the High Court; and, with reference to his letter, dated 18th October 1894, a copy will be furnished to the Resident in Travancore and Cochin also.

(True Extract.)

Chief Secretary.

To the Hon'ble the Chief Justice, with C.L.
„ the Government Solicitor.
„ the Resident in Travancore and Cochin.
„ all District Judges.
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Exd. S. J. Pereira.

Govt. of {1895} Madras.

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G.O., 16th February 1895, No. 350.

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