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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Judicial DEPARTMENT

G.O. No.	1881	Press.
B.P. No.		Mis.
Dated	4-11-1888	198

Not to be folded or roughly handled.

4TH SEPTEMBER 1888; No. 1881, JUDICIAL.

GOVERNMENT OF MADRAS.
JUDICIAL DEPARTMENT.

READ—the following paper:—

From S. HARVEY JAMES, Esq., Secretary to the Government of India, Legislative Department, to the Chief Secretary to the Government of Madras, dated Simla, 25th August 1888, No. 1476.

I am directed to forward herewith forty copies of the papers noted on the margin, and to request that the Governor in Council will favor the Government of India in this department with an expression of his opinion on the provisions of the Bill, and with the opinions of the Honorable the Judges of the High Court and of such selected officers and other persons as the Governor in Council may think fit to consult on the subject.

2. I am also to request that the Bill and Statement may be published in the *Port St. George Gazette* in English, and in such other languages as the Governor in Council may deem proper, and that the dates of publications of both may be communicated in your reply.

3. The reply to this letter should be sent in by the 15th September next.

ORDER—dated 4th September 1888, No. 1881, Judicial.

Copies of the Bill with Statement of Objects and Reasons will be forwarded to the Honorable the Judges of the High Court, the Advocate-General, and the Chief Judge of the Court of Small Causes, with the request that they will favor the Government with their opinions on the provisions of the Bill at an early date.

2. The Bill with Statement will be published in the *Port St. George Gazette* in English and the several vernaculars.

(True Extract.)

Ag. Chief Secretary.

To the Honorable the Judges of the High Court with a C. L.
„ the Advocate-General.
„ the Chief Judge, Small Cause Court.

Edw. A. Beatt.

Govt. of Madras
JUDICIAL.

Issued

Recd.

Encl.

G.O., 4th Sept. 1888, No. 1881.

SEPTEMBER.

Acts and Bills.

Forwarding to certain authorities, for opinion, copies of a Bill to amend the Code of Civil Procedure and the Presidency Small Cause Courts Act, 1882, and directing publication in the Fort St. George Gazette.

BILL

TO

Amend the Code of Civil Procedure and the Presidency Small Cause Courts Act, 1882.

WHEREAS it is expedient to amend the Code of Civil Procedure and the Presidency Small Cause Courts Act, 1882; It is hereby enacted by the Government of Madras as follows:—

1. For the second schedule to the Code of Civil Procedure there shall be substituted the schedule in the first schedule to this Act.

2. (1) To section 23 of the Presidency Small Cause Courts Act, 1882, the following shall be added, namely:—“Subject to such control, the Court may modify or cancel any certification under this section as occasion may appear to it to require.”

(2) For the second schedule to the same Act there shall be substituted the schedule in the second schedule to this Act.

(3) Any declaration which has been notified under the proviso to section 23 of the Presidency Small Cause Courts Act, 1882, before the day on which this Act is passed, and which was in force immediately before that day, shall, subject to the power of the Court under that section, be construed, so far as may be, as referring to the schedule which has been substituted by the first foregoing sub-section for the second schedule to that Act.

3. To section 58 of the Code of Civil Procedure, 1882, the following shall be added, namely:—

“Provided that an appeal from an order specified in section 58, clause (17), shall lie—

(a) to the District Court where the order was passed by a Court subordinate to that Court, and

(b) to the High Court in any other case.”

4. Act VIII of 1882 (the Code of Civil Procedure, 1882) shall be amended in the following manner:—

THE FIRST SCHEDULE TO THIS ACT.

THE SECOND SCHEDULE TO THE CODE OF CIVIL PROCEDURE.

Consolidated Schedule of the Code of Civil Procedure, 1882, and the Presidency Small Cause Courts Act, 1882, as amended by the Government of Madras.

CHAPTER I.—Of the Jurisdiction of the Courts and *Res Judicata*, except section 11 and the last paragraph of section 14.

CHAPTER II.—Of the Place of Suing, except section 20, paragraph 4, and sections 23 to 24 (both inclusive).

CHAPTER III.—Of Parties and their Appearances, Applications and Acts.

CHAPTER IV.—Of the Frame of the Suit, except section 43 and section 44, rule 2.

CHAPTER V.—Of the Institution of Suits.

CHAPTER VI.—Of the Issue and Service of Summons, except section 77.

CHAPTER VII.—Of the Appearance of the Parties and Consequence of Non-appearance.

CHAPTER VIII.—Of Written Statements and Set-off.

CHAPTER IX.—Of the Examination of the Parties by the Court, except section 170.

CHAPTER X.—Of Discovery and the Admissions &c. of Documents.

CHAPTER XII.—Section 135, first paragraph, Judgment where either party fails to produce his evidence.

CHAPTER XIII.—Of Adjournments.

CHAPTER XIV.—Of the Summoning and Attendance of Witnesses.

CHAPTER XV.—Of the Hearing of the Suit and Examination of Witnesses, except sections 182 to 188 (both inclusive).

CHAPTER XVI.—Of Affidavits.

CHAPTER XVII.—Of Judgment and Decree, except sections 204, 207, 210, 211, 213, 214 and 215.

CHAPTER XVIII.—Of Costs, sections 220, 241 and 243.

CHAPTER XIX.—Of the Execution of Decrees, sections 223 to 236 (both inclusive), 239 to 253 (both inclusive), 259 (except so far as relates to the recovery of sums), 260

except so far as relates to immovable property), 275 to 283 (both inclusive), 284 to 287 (both inclusive), 288 to 293 (both inclusive), 294 to 297 (both inclusive), 298 to 303 (both inclusive), 304 to 307 (both inclusive), 308 to 313 (both inclusive), 314 to 317 (both inclusive), 318 to 323 (both inclusive), 324 to 327 (both inclusive), 328 to 333 (both inclusive), 334 to 337 (both inclusive), 338 to 343 (both inclusive).

CHAPTER XX.—Section 363, Power to invest certain Courts with Insolvency jurisdiction.

CHAPTER XXI.—Of the Death, Marriage and Insolvency of Parties.

CHAPTER XXII.—Of the Withdrawal and Adjustment of Suits.

CHAPTER XXIII.—Of Payment into Court.

CHAPTER XXIV.—Of Security for Costs.

CHAPTER XXV.—Of Commissioners, except section 390.

CHAPTER XXVI.—Suits by Bankers.

CHAPTER XXVII.—Suits by and against Government or Government Servants.

CHAPTER XXVIII.—Suits by Aliens and by and against Foreign and Native Rulers.

CHAPTER XXIX.—Suits by and against Corporations and Companies.

CHAPTER XXX.—Suits by and against Trustees, Executors and Administrators.

CHAPTER XXXI.—Suits by and against Minors and Persons of unsound Mind.

CHAPTER XXXII.—Suits by and against Military Men.

CHAPTER XXXIII.—Interpleader.

CHAPTER XXXIV.—Of Arrest and Attachment before Judgment, except as regards immovable property.

CHAPTER XXXVI.—Appointment of Receivers.

CHAPTER XXXVII.—Reference to Arbitration.

CHAPTER XXXVIII.—Of Proceedings on Agreement of Parties.

CHAPTER XLVI.—Reference to and Revision by High Court.

CHAPTER XLVII.—Of Review of Judgment, sections 623, 626 and 630.

CHAPTER XLIX.—Miscellaneous.

THE SECOND SCHEDULE TO THIS ACT

THE SECOND SCHEDULE TO THE PRESIDENCY SMALL CAUSE COURTS ACT, 1882.

(See section 123.)

PORTIONS OF CIVIL PROCEDURE CODE EXTENDING TO COURT.

PRELIMINARY. Section 2, Interpretation, and

CHAPTER I.—Of the Jurisdiction of the Courts and *Res Judicata*, except section 14.

CHAPTER II.—Of the Place of Suing, except sections 15 to 19 (both inclusive), Section 20, paragraph 4, sections 23, 24 and 25, and section 25, paragraphs 2 and 3.

CHAPTER III.—Of Parties and their Appearance, Applications and Acts, except sections 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

CHAPTER IV.—Of the Issues of the Suit, except section 43 and section 44, rule 1.

CHAPTER V.—Of the Institution of Suits, except section 43, clause (1), sub-clause (iv), section 44, clause (1), and sections 45 and 46.

CHAPTER VI.—Of the Issue and Service of Summons, except in section 64, the words "and the copies of written statements required by section 43 have been filed" and sections 65 and 66.

CHAPTER VII.—Of the Appearance of the Parties and Consequence of Non-appearance.

CHAPTER VIII.—Of Written Statements and Set-off, except sections 110, 112 and 113.

CHAPTER IX.—Of the Examination of the Parties by the Court, except section 119.

CHAPTER X.—Sending for Reports and Production, &c., of Documents, sections 137 (except paragraph 2), 138, 140 (except the proviso and the last six words), 141, 141A, 142, 142A, sub-section (2), 143 and 145.

CHAPTER XI.—Settlement of Issues, sections 150 and 151.

CHAPTER XII.—Disposal of the Suit at the first Hearing, except sections 154 and 155.

CHAPTER XIII.—Of Adjournments.

CHAPTER XIV.—Of the Summoning and Attendance of Witnesses, except sections 163, 169, 170 and 175.

CHAPTER XV.—Of the Hearing of the Suit and Examination of Witnesses, except sections 182 to 191 (both inclusive) and the second paragraph of section 193.

CHAPTER XVI.—Of Affidavits.

CHAPTER XVII.—Of Judgment and Decree, except sections 200, 201, 202, 204, 207 and 211 to 215 (both inclusive).

CHAPTER XVIII.—Of Costs.

CHAPTER XIX.—Of the Execution of Decrees, sections 229, 230A and 230B, section 230, first two clauses, sections 231 to 236 (both inclusive), 245 to 256 (both inclusive), 265 (so far as relates to the attachment of moveable property or distress therefor), 267 to 272 (both inclusive), 273 (so far as relates to decrees for moveable property), 275 to 292 (both inclusive), 301 to 333 (both in-

clusive), 336 (except the last three clauses), and 337 to 343 (both inclusive).

CHAPTER XXI.—Of the Death, Marriage and Insolvency of Parties.

CHAPTER XXII.—Of the Withdrawal and Adjustment of Suits.

CHAPTER XXIII.—Of Payment into Court.

CHAPTER XXIV.—Of requiring Security for Costs.

CHAPTER XXV.—Of Commissions, except section 395.

CHAPTER XXVII.—Suits by or against Government or Public Officers.

CHAPTER XXVIII.—Suits by Aliens and by and against Foreign and Native Rulers, except section 433, sub-sections (1), (2), (4) and (5).

CHAPTER XXIX.—Suits by and against Corporations and Companies.

CHAPTER XXX.—Suits by and against Trustees, Executors and Administrators.

CHAPTER XXXI.—Suits by and against Minors and Persons of Unsound Mind.

CHAPTER XXXII.—Suits by and against Military Men.

CHAPTER XXXIII.—Interpleader.

CHAPTER XXXIV.—Of Arrest and Attachment before judgment, except as regards the attachment of immovable property.

CHAPTER XXXV.—Interlocutory Orders, sections 498, 499, 500 and 502.

CHAPTER XXXVI.—Appointment of Receivers, section 503.

CHAPTER XXXVII.—Reference to Arbitration, except the provisions of section 522 as to appeals.

CHAPTER XXXVIII.—Of Proceedings in Agreement of Parties, except so much of section 527, clause (2), as relates to immovable property.

CHAPTER XLVI.—Of Reference to and Revision by High Court.

CHAPTER XLIX.—Miscellaneous.

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

A
BILL
TO

Amend the Code of Civil Procedure and
the Presidency Small Cause Courts
Act, 1882.

(Mr. Scoble.)

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to remove doubts which have been expressed as to the effect of the Debtors Act, VI of 1888, and the Civil Procedure Code Amendment Act, VII of 1888, on the procedure of Presidency and Provincial Courts of Small Causes, and as to the course of appeal from orders in insolvency-matters under sections 331, 352, 353 and 357 of the Code of Civil Procedure.

As section 653 of that Code (section 8, Act VI, 1888) does not apply to Presidency Courts of Small Causes, and the portions of the Code applicable to Provincial Courts of Small Causes have now to be ascertained by reference to two Acts (XIV of 1882 and IX of 1887), it is considered that the doubts which have been expressed as to the effect of the legislation of this year on the procedure of Courts of Small Causes should be removed by the substitution of new schedules for the second and third schedule to the Code of Civil Procedure and the second schedule to the Presidency Small Cause Courts Act, XV of 1882.

Act VIII of 1886 (*an Act to correct a clerical error in the Indian Limitation Act, 1877*) has been rendered obsolete by section 66 of the Civil Procedure Code Amendment Act, VII of 1888.

The 15th August 1888.

ANDREW K. SCOTLAND.

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

ANNEXURE

TO

Bill to amend the Code of Civil Procedure and the Presidency Small Cause Courts Act, 1882.

(Statement of Objects and Reasons.)

G. O. No. 1, Simla, 1902. 22nd Nov. 1902. 100/100-100.

FROM

No. 1076.

SECRET NO.

Secretary to the Government of India,
LEGISLATIVE DEPARTMENT.

TO

THE CHIEF SECRETARY TO THE GOVERNMENT OF

Dated Simla, 11th August, 1902.

SIR,

A Bill to amend the Code of Civil Procedure and the Presidency Small Cause Courts Act, 1882, with the Statement of Objects and Reasons.

I AM directed to forward herewith forty copies of the papers noted on the margin, and to request that the Governor in Council will favour the Government of India in this Department with an expression of his opinion on the provisions of the Bill, and with the opinions of the Hon'ble the Judges of the High Court and of such selected officer and other persons as the Governor in Council may think fit to consult on the subject.

2. I am also to request that the Bill and Statement may be published in the *Simla Gazette* in English, and in such other languages as the Governor in Council may deem proper, and that the dates of publication of both may be communicated in your reply.

3. The reply to this letter should be sent in by the 15th September next.

I have the honour to be,

SIR,

Your obedient Servant,

Secretary to the Government of India.

G. O. No. 1, Simla, 1902. 22nd Nov. 1902. 100/100-100.

The Gospel of John
Lecture, Sept.

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Requesting
expression of opinion
regarding the
Eastern Industrial
Presiding Board
Council and Board of
1900

"Adoption of land for engineering less than
 time for these operations. Formerly
 an answer was not allowed, except
 in cases like the other one. I would rather
 it should have been granted: now
 this is reduced to 20 days. It is obvious
 that the demand cannot be completed
 with.

1. *Phragmites australis* (Cav.) Trin. ex Steud.
 2. *Scirpus americanus* (L.) Link.
 3. *Eleocharis acicularis* (L.) Rostk Schmidt
 4. *Sagittaria arifolia* (L.) Link.
 5. *Alisma plantago-foliosa* (L.) Rostk Schmidt
 6. *Sparganium angustifolium* Michx.
 7. *Najas* sp.
 8. *Chara* sp.
 9. *Utricularia* sp.
 10. *Hydrocotyle* sp.
 11. *Salvinia* sp.
 12. *Wolffia* sp.
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 180. *Wolffia* sp.
 181. *Elodea* sp.
 182. *Hydrilla* sp.
 183. *Chara* sp.
 184. *Utricularia* sp.
 185. *Hydrocotyle* sp.
 186. *Salvinia* sp.
 187. *Wolffia* sp.
 188. *Elodea* sp.
 189. *Hydrilla* sp.
 190. *Chara* sp.
 191. *Utricularia* sp.
 192. *Hydrocotyle* sp.
 193. *Salvinia* sp.
 194. *Wolffia* sp.
 195. *Elodea* sp.
 196. *Hydrilla* sp.
 197. *Chara* sp.
 198. *Utricularia* sp.
 199. *Hydrocotyle* sp.
 200. *Salvinia* sp.
 201. *Wolffia* sp.
 202. *Elodea* sp.
 203. *Hydrilla* sp.
 204. *Chara* sp.
 205. *Utricularia* sp.

Received DEPARTMENT.

Papers to be read in Proceedings:—

Again G.O., dated	188	, No.
Again G.O., dated	188	, No.
Current No.	of 188	, dated

Current No. 3709 of 1981, dated 25 Aug/81 from the Govt of India
Regis. Sept.

Comes. 4. 8. 10. / 18. 8. 1

Paper of the Bell with
 statement of objects and
 reasons will be presented to
 the Honorable the Judges of the
 High Court, the Advocate Genl.
 & the Chief Judge of the Ct. of Chancery;
~~and the Hon. the Judges of the~~
~~as agreed with the request that~~
 they will favor the Govt with
 their opinions on the propriety
 of the Bell ^{at an early date.}

2. The Ball with Claret is
now to be published in the first
English language in English and
in French version.

E

Letter to ...
of ...
May 8 ...

11/2

VE

1000 ...
1000 ...

1000

1000

Q-8-03
15-11-13

ORDINARY PAID 1890

1890
Sept 1890

6/9
7/9
11/9

Let a little family
to enter a letter and
express your love to
me and to the children
to the President and all the
family and to the
family and to the
family and to the