

MADRAS RECORD OFFICE.

Government of Madras.

Political DEPARTMENT.

G.O. No. 289

Press
~~Mis.~~

Dated

4-4-1918

Not to be folded or roughly handled

13-4-30

Madras 2nd April 1857.

N^o 31.

From

George Ellis Esq^r

Register to the Court of
Sadr Udulat.

To,

J. Jeyaraj Esq^r

Chief Secretary to
Government.

Sir,

1. I have the honor to acknowledge the receipt of the Extract from the Minutes of Consultation dated 9th March 1857, forwarding for the opinion of the Court of Sadr and Fijidaree co Udulat, copy of a letter from the Commissioner of Tanjore proposing the establishment of a District Moonsiff Court at Tanjore.

2. I am directed by the Judges to state that they approve of the proposal of the Commissioner to establish a District Moonsiff Court at Tanjore with the jurisdiction assigned in para 13 of his letter.

3. If it be the intention of Government to proceed at once to the abolition of the local

local Courts at Tanjore, the Judges are of opinion that special legislation will become necessary, as without it there will be no tribunal to which the Appeal and Special Appeal suits filed in the Superior Courts at Tanjore can be referred.

4. With reference to the question, whether without special legislation which it is desirable if possible to avoid, arrangements might not be made for the disposal of cases in progress before the Rajahs Courts ~~per se~~, the Court of Sadr Udulut observe that they have not sufficient information respecting the proceedings of Government in regard to the Tanjore Raj, or of the constitution of the Rajahs Courts, to pronounce, decidedly on the legality of their existence subsequent to the late Rajah's death, but if they had this information, and gave their opinion on the legality of decisions passed by these Courts, they consider it right to inform Government that the point is a questionable one which would probably hereafter be brought before the Sadr Udulut in Appeal, when the Court with fresh information before them or being differently constituted might arrive at a contrary opinion, whilst if the proposed High Court were then established it would be brought before a Tribunal, the opinion of two of the Judges of which may be inferred from the proceedings in the Supreme Court respecting a decree of the Nabob's

Makhamah

Makhamah Court pronounced subsequent to the Nabob's death. The abolition of these Courts and legislation seem therefore the course which would most satisfactorily dispose of this question.

5. The Government may however wish for information as to the course before them if they decide against legislation. I am directed therefore to state that as the arrears in the local Appeal Courts are trifling and probably no considerable delay would arise in their disposal these Courts might under express orders from Government be allowed to continue in operation for the termination of such Appeals, but the Judges are not prepared to recommend the adoption of this course as they are in possession of no information as to the mode of procedure of these local tribunals, the merits of their decisions, or the estimation in which they are held by the Community over whom they have hitherto had jurisdiction. I am further directed to state that the Judges would consider it objectionable for the new Moonsiff Court and the local Courts to exist at the same time.

6. Should however the Government decide upon the continuance for the purpose above mentioned of the local Appeal Courts, the Judges would

new could for
for case
the legal
court
being given
to one

would recommend the abolition at once of the local Court of Original jurisdiction and the suspension of the Establishment of the new District Munsiff Court at Tanjore until the arrears in the late Rajahs Appeal Courts have been disposed of - on the District Munsiff Court being established, the suits in progress before the Rajahs Court of Original jurisdiction should be reinstituted in the Munsiff Court, stamps being supplied by Government.

7. The execution of the judgments passed by the Courts of the late Rajahs either wholly or in part should follow the rule observed in regard to the execution of Foreign judgments generally in the Courts of the East India Company; but the Judges are of opinion that in the execution of these decrees no greater force should be given them than they would have had if executed by the Courts by whom they were passed.

8. I am directed, on the part of the Government determining upon the immediate abolition of all the late Rajahs Courts, to submit for its consideration the draft of an Act providing for

That is on an appeal which copy of the decree being put in to call on party cost in the case stayed it will be executed if no value objection is shown to proceed execution of the decree 28 Dec 1859 - But the Government have been given power to

for the disposal of all suits pending before those Courts.

Adis Udalat
 Register's Office
 22 April 1859.

I have the honor to be,
 Sir,
 Your most Obedt Servant.
James Blair
 Register.

Ed. M. M. M.

Draft Act

Whereas in consequence of the demise of His late Highness the Rajah of Tanjore it is necessary to make provision for the future administration of Civil and Criminal Justice in such portions of the Territory as have lapsed to the British Government, it is hereby enacted as follows.

I Such portions of Territory as were formerly administered by the Courts of the late Rajah of Tanjore shall be included in the Zillah of Combaconum.

II The Rules for the administration of Civil and Criminal Justice in force for the Madras Provinces are hereby declared to be in full force and effect in the portions of Territory specified in Section I, from the date of the promulgation of this Act.

III It shall be competent to the Civil Judge of Combaconum to hear and determine any appeals from decrees passed by the Courts of His late Highness the Rajah of Tanjore either before or subsequent to his death, and to refer the same for hearing and determination to the

Bill to be sent to the
the 13 of 1857 by the
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E. J. M.

No 181.

From The Honorable Company's Solicitor
To The Chief Secretary to Government

April 4th 1857.

Sir
Having heard that the Judges or Officers who presided over the Court (for the administration of Justice) of the late Rajah of Tanjore during His Highness's life time have not only assumed to act in the same character since his death but are still so acting I feel it my duty respectfully to solicit the attention of Government to the subject; to my letter of the 20th of January last No 50; and to the correspondence therewith sent.

I am of opinion (as stated in my letter to the Resident at Tanjore of the 14th of January last No 29) that the Jurisdiction of the late Rajah's Court ceased with his death, and that all proceedings by and in such Court subsequent to his death have been without sufficient authority and therefore unlawful.

I consider it very desirable that the Judges of the (late) Court should be at once directed not to exercise further their assumed Jurisdiction.

The

P. E. D. & Co. 11th Aug 57
No 13 of 1857 Part 22

Enclosed in a letter from
Mr. D. J. to the Chief Secy
dated 29th April 1857 Part 22.

Oct. 1857. O.
No 1303.

The Supreme Court decided on Wednesday last that the jurisdiction of the Mahrattah Court of the late estate of the Carnatic ceased with his death.

Further information has strengthened me in the opinion expressed in my letter to the Resident at Tanjore at 29 that for the reasons therein stated the suit instituted after the late Rajah's death, by the person who filled the office of his Kile in his life time against Krishna Royer ought never to have been preferred or entertained.

Not having seen the pleadings or evidence in the suit in question I cannot at present form a decided opinion on its merits as they affect the Defendant; but I strongly incline to think from my knowledge of the transaction out of which this suit has arisen and the circumstances connected with it which came under my consideration in the suit lately instituted in the Supreme Court by Ballaswamy Ammal against the Honorable Company, that the suit in question would never have been entertained or recognized by any Civil Court administered by justice according to the ordinary principles of equity, and that such suit ought not to be further prosecuted.

In conclusion I would beg to suggest

suggest that the whole case be called for and submitted either to the Government Pleader or my self with a view to the most fitting course that is now open, being adopted.

I have the honor to be
for
your most obedient servant

M. D. S. C.

Hon. Cos. Secy.

Am the Court
which has
been the
subject of the
suit in question
is not a
person
but a
company
and the
suit is
not a
suit
against
a person
but a
suit
against
a company
and the
suit is
not a
suit
against
a company
but a
suit
against
a company

The Court
has decided
that the
suit is
not a
suit
against
a person
but a
suit
against
a company
and the
suit is
not a
suit
against
a company
but a
suit
against
a company

It is an
action
which will
be decided
by the
Court
and the
Court
will
decide
whether
it is
a
suit
against
a person
or a
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against
a company
and the
Court
will
decide
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it is
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suit
against
a person
or a
suit
against
a company

Dec. 10. 1850.
M. D. S. C.

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from Sudr Adawhit 2^h. do.

J. L.

Utilitarian 1857 Departures

1871.

57/3

Maximum

6-4/57

and thank the friends

of the Imperial Commission
of Enquiry and for the first
time - and that the
very process of enquiry

connected with the work
of the National Board
and with the State Board

These papers should be referred to the
Govt Pleader for opinion - ~~but~~
imagine Govt have nothing to do with
the case instituted by the Sirkelle
but the President ^{at Imphal} should immediately
be informed of the opinion of the Govt Solicitor -

Surely there must be some precedent
respecting these Courts - supposing the policy
of Govt had been to the continuance of the
Raj - must there have a fresh institution
of Courts - what occurred in Manipur
of the late Rajah - the Courts & hardly
be abolished until ~~some~~ the abolition of
Govt was declared - should there had
been time to establish fresh ones -

At Q

10
The papers may be referred but does
not appear that any embarrassment is
likely to occur for Govt had no concern
with the late Rajah Krishna Rao &
steps have been already taken for
the establishment of a new Tribunal of

I think as the Courts have
been declared to be (as Solicitor
as illegal) - I should be sensible
that the President who has al-
ways exercised some sort of
interference over the work
of the Courts, this does so that the
Sirkelle, should be told that
under present circumstances
it is advisable that the functioning
of the Courts should be limited
as far as possible - The institution
of the late Rajah Krishna Rao was always
soured to me as a doubtful course
on the part of the Sirkelle -
The abolition of the Courts and the
institution of a new Tribunal
should be expedited ~~as~~

Extracts from the files - Dated 11 April 1857.

From Mr Solicitor 4 April 57

From Sudder 2 do

Received that copy of
the above letter from the
Mr Solicitor has been
- visited to the Resident
at Tanjore for his infor-
- mation and that he
be instructed, that in
- the present circum-

-stances, the operations
of the Rajah's Court
should be limited as
far as possible. It
is observed that it
was explicitly stated
by the late Resident
that the Honble Compt.
was in no way

By

W. H. D. S.

Political 1857/1858

No 289

Extract from the files
of the Resident

11 April 1857

implicated in the suit
brought by the Sir Kale
against the Sir Kale.

2 resolved also that
in Boyson's letter & the

previous correspondence

From Mr Tol 20 Jan 57

EMC 27 Jan 57

From Com Tanjore

9 Feb 1857

EMC 9 March 57

is orig. to be returned.

on the subject - with the
letter from Mr Reg to the

Court of Sess. at Tanjore

of the 2^d inst. to refer

to the Govt. I leave the

for his opinion on the

matter discussed in

them - and whether

it is desirable at once

to establish a District
Court at Tanjore

and what course
should be taken in

respect to the execution

of - or disposal of
appeals from, decrees
given by the Rajah's
Court both before
the death of that
Prince & since.
- months -

3. With regard how
- can be the Solicitor
remarks it is to be

observed that the
of the Home authorities
decision is to the

disposal of the Raj
of Tanjore was not

known to this Govt
until a year after

Sevraj's demise,
and that the anany.

- must be connected
with that decision

he now in course of
 being carried out.
 It is to be presumed
 that the Rajah's Council
 must continue to
 act until a measure
 could be adopted
 for replacing him
 by others —

Mr. Solicitor }
 I Adalat }

JP

Gov. Pleader }
 Resident at Tanjore }

with orig. letters

11/15

Patience 1857 Sep 14

Abstract Memoirs of George

2111: April 1857.

I have the honor to acknowledge the receipt of your letter of the 10th inst. relative to the proposed publication of the "History of the State of New York," and in reply to inform you that the same has been forwarded to the proper authorities for their consideration.

I am, Sir, very respectfully,
Your obedient servant,

J. B. CROSSLAND