

**MADRAS RECORD OFFICE.****Government of Madras.***Revenue* **DEPARTMENT.**

G.O. No. 1315

Press  
Mis.

22-23

Dated

3-7-1861.

**Not to be folded or roughly handled**

*Proceedings of the Madras Government, Revenue Department,  
3rd July 1861.*

No. 22. Read the following letter from CLEMENT DALE, Esq., Government Pleader  
Sudder Adalat, to J. D. SIM, Esq., Secretary to Government, Revenue Department,  
Fort Saint George, dated Madras, 25th June 1861, No. 117 :—

SIR,

1. With reference to the letters noted in the margin, I do myself the honor of reporting  
for the information of the Honorable the Governor in  
Council, that on the 11th of April last, I forwarded to the  
Collector of Madras a copy of the Decree passed by the  
Court of Sudder Adalat in Special Appeal Suit No. 72 of 1860.

The Collector subsequently drew to my attention, that in the statement of the costs incurred by the  
Defendants, as set out at the foot of the Decree, the Court had treated the matter as though the  
interest of the two Defendants were identical, and had awarded, as against the Plaintiffs, one set  
of costs only, this error the Collector requested me to have remedied.

2. On its being pointed out to the Deputy Registrar, he promised to have the error  
rectified and the Decree reprinted. I have this morning received from the Sudder copies of such  
reprint, and do myself the honor of enclosing you three of such copies, to be substituted for the  
copies forwarded with my letter of the 11th April 1861, No. 74.

No. 23. ORDER THEREON, 3rd July 1861, No. 1,315.

Ordered to be recorded.

(Signed) J. D. SIM,

Secretary to Government.

*Upd. Alender S. H.*

# IN THE SUDDER COURT AT MADRAS.

Before the Principal Sudder Ameen of Chingleput, Pauper Original Suit  
No. 15 of 1855.

Before the Civil Court of Chingleput, Pauper Appeal No. 11 of 1858.  
Before the Sudder Court at Madras, Pauper Special Appeal No. 72 of 1860.  
Under Act VIII of 1859.

|                         | In the Court of First<br>Instance. | In the Lower Appel-<br>late Court. | In the Sudder<br>Court.                                                                                 |
|-------------------------|------------------------------------|------------------------------------|---------------------------------------------------------------------------------------------------------|
| Annasamy Pillay.....    | } Pauper Plaintiffs.               | } Pauper Appellants.               | } Pauper Special<br>Appellants.<br>By their Pleaders,<br>J. D. Mayne, Esq., and<br>Caroonagara Manaven. |
| Tiruvengada Pillay..... |                                    |                                    |                                                                                                         |

|                                                                                    |               |                                                                                                                                                |
|------------------------------------------------------------------------------------|---------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| P. B. Smollet, Esq., late<br>Collector of Chingleput...                            | } Defendants. | } Respondents. Special Respondents.<br>C. Dale, Esq., Government Pleader,<br>for the Collector, and Sadagopah<br>Charlu for the 2nd defendant. |
| Vencatanarsoo Pundit.....                                                          |               |                                                                                                                                                |
| Supplemental Defendant.<br>C. J. Shubrick, Esq., Collec-<br>tor of Chingleput..... |               |                                                                                                                                                |

Annasamy Pillay and Tiruvengada Pillay, pauper appellants abovenamed, appeal in  
form *ad pauperis* to the Sudder Court at Madras, against the decree of the lower courts in the  
above original and appeal suits, dated 31st March 1857, and 2nd September 1859, respectively,  
for the following reasons:—

1. Because the collector was not justified in having interfered with the trust of the  
davustanum in dispute, under Regulation VII of 1817, as the succession to the trust was by  
inheritance in the line of descent, in your petitioners' family.
2. Because, even admitting that the collector had the power to interfere in this case, he  
was wrong in having gone to the extent of removing your 1st petitioner from this trust, not  
confining himself to take such measures as would be sufficient to ensure safety to the property  
endowed for charity.
3. Because, no dissipation of the charity property by your 1st petitioner was proved, as  
no legal evidence was adduced to support the plea.
4. Because, if the dissipation can have been proved to the extent of a breach of trust,  
the proper measure would have been to prosecute him (1st petitioner) criminally.
5. Because, many of the public documents filed in this case, show that the collector  
exceeded his power in interfering with the management of the davustanum in dispute.
6. Because, all what the petitioners had, were sacrificed for the benefit of the davustanum  
in dispute, and their having become paupers, was no wonder.

The Sudder Court affirm the decree of the lower appellate court, not finding in the special  
appeal any grounds, such as are described in Section 372, Act VIII of 1859, to call for their  
interference.

## COSTS IN THE SUDDER COURT.

First Special Respondent's costs.

|                                                                    |         |   |   |
|--------------------------------------------------------------------|---------|---|---|
| Government Pleader's fee on Rs. 2,800...                           | 140     | 0 | 0 |
| 1 Roll for vakalatnama...                                          | 2       | 0 | 0 |
| To be paid to the 1st special respondent by the special appellants | 142 0 0 |   |   |

*By order of the Pleader*

Second Special Respondent's costs.

|                                                                           |         |
|---------------------------------------------------------------------------|---------|
| Pleader's fee as above...                                                 | 140 0 0 |
| 1 Roll for vakalatnama...                                                 | 2 0 0   |
| To be paid to the second special respondent by the special appellants.... | 142 0 0 |

கஅகூ௦௦௦)த்திய பாப்பர் விசேஷ அப்பீல் ந. எஉ.

கஅருகூ௦௦)த்து அ-வது ஆக்ட்டு ஈ.எஉ-வது பிரிவில் கண்டிருக்கிற ஏதுக்களில் ஏதுவும் விசேஷ அப்பீலில் காணப்படாமையால், சதர்க்கோர்ட்டார் இதில் பிரவேசிக்க இடமில்லை; ஆதலால், கீழ்ப்பீல்கோர்ட்டுத்தீர்ப்பை ஊர்ஜிதப்படுத்துகிறார்கள்.

சதர்க்கோர்ட்டில் க-வது விசேஷ அப்பீல் பிரதிவாதிக்குப் பிடித்த செலவு.  
 ரூ. ௨௫௦௦ - இ கவரன்மெண்டுவக்கீல் பீசு ..... ரூ. ௧௫௦ ௦ ௦  
 வகாலத்தநாமாவுக்கு முத்திரைக்காகிதம் - க இ ..... ௨ ௦ ௦  
 ஆக-வது விசேஷ அப்பீல் பிரதிவாதிக்கு விசேஷ அப்பீல்வாதிகள் செலுத்தவேண்டிய ரூ. ௧௫௨ ௦ ௦  
 உ-வது விசேஷ அப்பீல் பிரதிவாதிக்குப் பிடித்த செலவு.

மேற்கண்டபடி கவரன்மெண்டுவக்கீல் பீசு ..... ரூ. ௧௫௦ ௦ ௦  
 வகாலத்தநாமாவுக்கு முத்திரைக்காகிதம் - க இ ..... ௨ ௦ ௦  
 ஆக-வது விசேஷ அப்பீல் பிரதிவாதிக்கு விசேஷ அப்பீல்வாதிகள் செலுத்தவேண்டிய ரூ. ௧௫௨ ௦ ௦

By order of the Court.

23rd March 1861.

*Signed J. B. M. M. M.*  
 Deputy Registrar.

Forwarded to the Lower Appellate Court, for transmission under Section 361, Act VIII of 1859, to the Court of First Instance.

*W. A. Alexander Esq.*

21503/61

Recd. July 1/61  
13/7/61

N<sup>o</sup> 117  
From Clement Dale Esquire Government Pleader Sudder Adalat  
To J. D. Sim Esquire Secretary to Government.

Madrass 25<sup>th</sup> June 1861

Sir,  
Dear Sir

Letter from Govt. Pleader to Secy to Govt.  
23<sup>rd</sup> March 1861 N<sup>o</sup> 62.  
do 11<sup>th</sup> April 1861 N<sup>o</sup> 74

With reference to the letters noted in the margin, I do myself the honor of reporting for the information of the Honorable the Governor in Council, that on the 11<sup>th</sup> of April

Last I forwarded to the Collector of Madras a copy of the Decree passed by the Court of S. A. in Special Appeal, suit N<sup>o</sup> 72 of 1860; The Collector subsequently drew to my attention, that in the statement of the Costs incurred by the Defendants as set out at the foot of the Decree, the Court had treated the matter as though the interests of the 2 Defendants were identical, and had awarded, as against the Plaintiffs, one set of Costs only; this error the Collector requested me to have remedied.

2 On its being pointed out to the Deputy Registrar, he promised to have the error rectified and the Decree reprinted. I have this morning received from the Sudder Copies of such reprint, and do myself the honor of enclosing you 3 of such Copies, to be substituted for the Copies forwarded with my letter of the 11<sup>th</sup> April 1861 N<sup>o</sup> 74.

I have the honor to be  
Sir,  
Your Most Affectionate Servant  
Clement Dale  
Govt. Pleader S. A.

12-18 = 14m 3/4 = 509 }  
3103

Recd 1861 Sept 25  
no. 1503  
From Geo. P. Blackwell  
Secretary to Government

Date 25<sup>th</sup> June 1861  
Recd 26<sup>th</sup> —

Ch. III

with 3 Buckles

There are several papers  
by the Court of Chancery  
in regard to the suit of 1860.

No 1315

Wm. Reed  
Wm. Reed  
Wm. Reed  
Wm. Reed

No 22423

Wm. Reed