

*Proceedings of the Madras Government, Revenue Department,
2nd May 1873.*

No. 22. Read the following despatch from the Right Honourable the Secretary of State for India:—

Judicial.

INDIA OFFICE, LONDON,

No. 3.

20th March 1873.

MY LORD,—The Revenue despatch of your Excellency in Council, dated 28th January, No. 2 of 1873, relative to an inconvenient practice said to prevail in the Registrar's Office of the Judicial Committee of the Privy Council of omitting to give notice to successful suitors in the High Court of special leave to appeal granted by the Privy Council, has been considered by me in Council.

2. In reply, I forward copy of a letter* from the Solicitor to this office, explanatory of the course followed with reference to such appeals.

*Dated 5th March 1873.

3. With reference to Court of Wards' cases, I desire the attention of your Excellency in Council to the concluding paragraphs of the Solicitor's letter.

I have, etc.,
ARGYLL.

His Excellency the Right Honourable
The Governor in Council Fort St. George.

ENCLOSURE NO. 1.

From H. S. LAWFORD, Esq., Solicitor to the India Office, to H. MERIVALE, Esq., C.B., dated Drapers' Hall, 5th March 1873.

I HAVE the honour to acknowledge the receipt of your letter of the 28th ultimo, forwarding a copy of a despatch from the Government of Madras, with enclosures, upon the subject of the appeal case noted in the margin.

From Madras.

Oolagappa Chetty, Appellant; and the Hon. D. Arbuthnott, Collector and Agent to the Court of Wards, on behalf of the minor son of Gandama Ramakrishnama Naick, Zemindar of Gandamanaikanoor, in the Periyakulam Taluq, and others, Respondents,—No. 80 of 1869.

2. Before the arrival of this despatch, I had discovered that the appeal had been admitted by the Judicial Committee, and beg to refer to

my report of the 14th ultimo, to the Under-Secretary of State, suggesting that I should take the necessary steps on behalf of the Collector, which I have now done.

3. It is not the practice for the Registrar of the Privy Council to give official notice to parties either of special leave to appeal having been granted, or of any proceedings in his office relative to the hearing of an appeal, until an appearance has been entered by such parties. It is, however, incumbent upon the prosecutor of an appeal, before it can be heard ex-parte, to give two distinct notices to the other parties, which must be posted at Lloyd's Coffee House and the Royal Exchange, the first of such notices expiring at the end of two months, and the second at the end of six weeks.

4. In Government cases, or where an officer of Government may be a party (as the Collector in this case), I am generally informed through the courtesy of the officers in the Registrar's Department; besides which I cause an inquiry to be made there periodically; and I do not, therefore, think that the case contemplated by Mr. Handley of an appeal being decided without the knowledge of one of the parties is likely to occur.

5. With reference to the observations in the accompanying papers upon the subject of Court of Wards' cases generally, I would submit that the practice recently sanctioned by the

*Proceedings of the Madras Government, Revenue Department,
2nd May 1873.*

Lieutenant-Governor of Bengal for the conduct, in this country, of these cases appealed to the Privy Council should be suggested for their adoption to the Madras Government, and that, in all these cases, the Government Pleader or other officer having the conduct of the case in India be requested to communicate directly with me, as Agent, for conducting the appeal before the Judicial Committee.

6. In these cases, the Government have no interest, and the costs are paid out of the Minor's estate; it would, therefore, appear to be unnecessary and inconvenient that they should be dealt with in the same manner as cases in which Government is a party.

No. 23.

ORDER THEREON. 2nd May 1873, No. 448.

Miscellaneous.

COMMUNICATED, with copy of the enclosure, to the Board of Revenue and Government Pleader, with refer-

ence to G. O., 23rd January 1873, No. 88.

2. The course indicated in the penultimate paragraph of Mr. Lawford's letter should be adopted in future appeals of the Court of Wards to the Privy Council.

(True Extract.)

(Signed)

R. A. DALYELL,

Acting Secretary to Government.

To the Board of Revenue.
,, the Government Pleader.

Drapers Hall
5th March 1871

Sir:

From Madras
Oolagappa Chetty
appellant
— and —
The Honble D
Arbuthnot collector
and Agent to the
Court of Wards on
behalf of the minor
sons of Gaudama
Rama Krishnama
Narka Zemindar of
Gundamansalkaroor
in the Puzhakulam
Taluk and others
Respondents
No. 80 of 1869

I have the honor to acknowledge
the receipt of your letter of the 28th
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Despatch from the Government of
Madras with enclosures upon the
subject of the Appeal Case noted
in the margin.
Before the arrival of this Despatch
I had discovered that the appeal
had been admitted by the Judicial
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I should take the necessary steps
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have now done.

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Herman Merivale Esq. C. B.

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In Government cases or where an Officer of Government may be a party (as the Collector in this case) I am generally informed through the courtesy of the Officers in the Registrars

Registrars Department, besides which, I cause an enquiry to be made there periodically, and I do not therefore think that the case contemplated by Mr. Handley of an appeal being decided without the knowledge of one of the parties is likely to occur.

With reference to the observations in the accompanying papers upon the subject of Court of Wards Cases generally, I would submit that the practice recently sanctioned by the Lieutenant Governor of Bengal for the conduct in this Country of these Cases appealed to the Privy Council, should be suggested for their adoption to the Madras Government, and that in all these Cases the Government Pleader or other Officer having the Conduct of the

the Case in India, be requested to
communicate directly with me
as Agent for Conducting the Appeal
before the Judicial Committee.

In these Cases the Government
have no interest, and the Costs are
paid out of the Minors Estate, it
would therefore appear to be
unnecessary and inconvenient that
they should be dealt with in the
same manner as Cases in which
Government is a party.

I am &c

(signed) H. S. Lawford

No. 7.

7-

Copy letter from the Solicitor to the
India Office, dated the
5th March 1873. —

Referred to in Judicial Letter to
Madras, No. 3, dated 20th March 1873.
Para. 2.

Indicjal
n:3

19-
India Office

London, 20th March 1873.

My Lord,

1. The Revenue despatch
of your Excellency in
Council dated 29th
January n: 2 of 1873.
relative to an inconsistent
practice said to prevail
in the Registrar's Office
of the Judicial Comm^{rs}
of the Privy Council,
of omitting to give
Notice to successful
suits

His Excellency
The Right Honorable
The Governor in Council
Fort St George.

1. Petitioners in the High Court, of special leave to appeal granted by the Privy Council, has been considered by me in Council.

2. In reply, I forward copy of a letter* from the Solicitor to this Office, explanatory of the course followed with reference to such appeals.

* dated 5 March 1873

3. With reference to Court of Wards Cases, I desire the attention of your Excellency in Council to the concluding paragraphs of the Solicitor's

Solicitor's letter

I have the honor to be,

My Lord

Your Lordships most
Obedient, humble servant

Agth

No. 6.

Judicial
20th March 1873

The

Letter to Fort St. George

No. 3.

6-1

No. 22-23

Forwarding copy of a letter from
the Solicitor to the India Office explaining
the practice observed with reference to
appeals to the Privy Council -

S.O. No. 448 - 2 May/73.

Recd. 13th April 1873 via Brindisi
& Bombay:

13.

Dep. Secy of State
20 March 1873 No 3

No. 448.

Communicated, with
copy of the enclosure, to the
Bd of Rev and Genl. Oudney,
with reference to Co. 23?
January 1873 No. 88.

The course indicated in
the penultimate para of Mr.
Lawford's letter should be
adopted in future ^{the} course
of Wards cases of appeals
to the Privy Council.

L. D. S.

Chair

14 To the Secy of Pen Sec = 10 May/73
3 " Genl. Oudney "

2 May 73.

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15.

Mr. Clerk for Home
No 3 of 1873/15

Govt. of 1873 Madras.

REVENUE.

To

THE BOARD OF REVENUE,

&c. &c. &c.

Dated May 2nd.

Recd.

And

G. O., 2nd May 1873, No. 429.

MAX.

Nos. 22-23.

Am. N. P. R.

Is

Appeals to Privy Council.—Despatch from Home Government forwarding copy of letter from the Solicitor to the India Office, explaining the practice observed in connection with them; communicated to Board of Revenue and Government Pleader.

28 April 73. P. 1 May