

1876.
September 22.

NELLAIKU-
MARU CHETTI

v.

MARAKA-
THAMMAL.

special arrangement by which she was to give an acquittance to the family, and they in return to acquit her of any accountability for it. With that sum of money she could do any thing she liked.

Appeal dismissed.

APPELLATE CIVIL.

Before Mr. Justice Innes and Mr. Justice Kernan.

CHINNA UMMAYI AND 10 OTHERS (PLAINTIFFS), APPELLANTS,

v. TEGARAI CHETTI AND 2 OTHERS

(DEFENDANTS) RESPONDENTS (1).

1876.
August 22.
October 16.

Dancing girl—Immoral custom—Public Policy.

In a suit by the dancing girls of a temple claiming to have by custom a veto upon the introduction of any new dancing girls into the service of that temple, and praying for an inquiry as to whether the Dharmakarta of the temple was a fit and proper person to hold that office. *Held*, dismissing the appeal, that, assuming that plaintiffs established that, by the custom of the pagoda, they had the rights they claimed, and that the custom, in some respects, fulfilled the requisites of a valid custom the Court could not shut its eyes to the fact that by making the declaration prayed for it would be recognizing an immoral custom, viz., for an association of women to enjoy a monopoly of the gains of prostitution, a right which no Court could countenance.

THE facts in this case were as follows :—

In the temple of Mallikeswarasvámi, two dancing girls were dedicated by the Dharmakarta to the services of the temple, without the consent of the existing body of dancing girls, and the present suit was instituted against the Dharmakarta and these two Déva Dásis asking for the following relief, viz., that the Court should ascertain and declare the rights of the Déva Dásis of the pagoda in regard

(1) to the dedication of Déva Dásis ;

(2) to the Dharmakarta's power to fine and suspend them ;

and that the Court should also ascertain and declare the rights of plaintiffs, the existing Déva Dásis, as to the exclusion of all other Déva Dásis, save those who are related to, or adopted by, some one of the Déva Dásis for the time being, or those who being approved by all are elected and proposed to the Dharmakarta for dedication.

(1) Appeal No. 9 of 1876 against the decree of Mr. Justice Holloway, dated 25th of April 1876.

women to enjoy a monopoly of the gains of prostitution, a right, which on the score of morality alone, no Court could countenance.

The Court would also indirectly be lending its countenance to the traffic in minors for the purposes of prostitution, which the Penal law regards as a serious offence. The cases of *Chalakonda Alasani v. Chalakonda Ratnachalam* (1) and *Kamakshi v. Nagarathnam* (2) relate to rights to property of women of the Dási class. They are not in point.

The dismissal of the suit, therefore, was right, and the appeal must be dismissed with costs.

Appeal dismissed.

JURISDICTION AS COURT OF REVISION.

*Before Mr. Justice Holloway, Mr. Justice Innes, and
Mr. Justice Kindersley.*

PROCEEDINGS, 31ST OCTOBER 1876.

REG : v. ADIVIGADU.

Theft in foreign territory—Jurisdiction—Act X of 1872, Sec. 67.

The accused stole property in foreign territory and was apprehended with it in his possession in a district in British territory. *Held* that Section 67 of Act X of 1872 did not give the Courts of such district jurisdiction to try him for the theft (3).

REFERENCE by the District Magistrate of Bellary of certain proceedings of the Second-class Magistrate of Hindupúr as contrary to law.

The High Court made the following ruling, in which the facts sufficiently appear :—

THE prisoner in this case has been convicted by the Second-class Magistrate of Hindupúr of the offence of theft under Section 379 of the Penal Code, and has been sentenced to be rigorously imprisoned for six months. The property stolen consisted of a number of asses; the place at which the theft was committed was a village in Mysore; the place at which the prisoner was apprehended with the stolen property was a village in the taluq of Hindupúr (Bellary District).

(1) 2 M. H. C. Rep. 56.

(2) 5 M. H. C. Rep. 161.

(3) *See Reg. v. Tukhya Govind*, I. L. R. 1 Bom. 50.

1876.
October 16.

CHINNA
UMMAYI
P.
TEGARAI
CHETTI.

1876.
October 31.