

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1007

Press
~~Mis.~~

42-43

Dated 27-7-1958

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 27th July 1858.

No. 42. Read the following letter from H. A. BRETT, Esq., Collector and Magistrate of Salem; to T. PYCROFT, Esq., Chief Secretary to Government, Fort St. George, dated Oosoor, 15th July 1858, No. 192.

SIR,

With reference to Extract Minutes of Consultation, dated the 1st June 1858, No. 712, authorizing me to prosecute in the first instance at the public cost, the Appeal against the decision of the Moofy Sudr Ameen of Salem, in O. S. No. 13 of 1856; I have the honor to state that the Civil Judge has refused to admit the Appeal on the ground that the Appeal was not put in within the proper time.

2. The original decision was passed on the 24th December 1857, and the Appeal period of one month from that date expired on the 25th January 1858; but owing to certain unavoidable circumstances, and to the time necessary for me to collect all the information, I required to enable me to judge whether the Appeal ought to be carried on or not, the Appeal petition was not put in before the 25th March. The Court then refused to admit the Appeal, on which I moved the Court for a review of its order, explaining at length the unavoidable nature of the delay, but on the 7th April the Court again gave an order to the same effect.

3. I now purpose appealing to the Sudr to compel the Civil Judge to receive the Appeal. For this purpose, I had forwarded all the necessary papers connected with the subject to Mr. Dale, the Government Pleader, at the Sudr Udalut, but he has since written to me that an order from Government is necessary, under Section VII, Regulation XIV of 1816, for him to take up the cause before that Court.

4. I therefore request that the Government will be pleased to issue an order authorizing Mr. Dale to appear for Government in the suit before the Sudr Udalut. It will save time if the order be sent to him direct.

No. 43.

ORDER THEREON, No. 1007; dated 27th July 1858.

Ordered to be communicated to the Government Pleader, with authority to institute the necessary proceedings in the Court of Sudder Udalut, in view to the admission by the Judge of the Civil Court of Salem of the Appeal preferred by the Collector and Magistrate of that District, against the Decree of the Moofy Sudder Ameen in O. S. No. 13 of 1856.

(Signed) T. PYCROFT,
Chief Secretary.

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Galea Collis Office }
Dofsoon 15th July 1858 }

To J. P. R. Esquire
Chief Secretary to Govt
Fort Saint George

I have the honor to be
Your Most Obedt Servt

Attest
Collector & Mag.

Judicial Department

No. 1007

Extract from the Minutes of Consultation
Dated 27th July 1858-

Read the following letter from
the Collector & Magistrate of Salem
(Here enter 15th July 1858 No 192)

Ordered to be communicated
to the Govt. Pleader with authority
to institute the necessary pro-
ceedings in the Court of Sessions
admission
of appeal in view of the finding of
the Civil Court of Salem being
against the appeal the appeal
preferred by the Collector and
Magistrate of that District
against the decree of the Magistrate
Sunder Ameen in O.S. No 13 of
1856.

The Court of Sessions
must issue an
order for a writ
to admit an appeal
after the time for an
appeal has expired - to do so is contrary
to the Court's duty
to uphold the law
and the public interest
in the administration of justice
and the Court must refuse to
grant the appeal.

Copy to Govt. Pleader
with authority to institute
proceedings in the Court of Sessions
" Col. & Mag. of Salem.

C. 1st June 1858 No 1007

to Secy
1858. Secy

to the Collector and
Magistrate of
Salem
The Chief Secy
to the Govt.
Secy to the Govt.

Dated 15th July 1858.
Received 19th
No 192.

To the
Register of
Sunder Ameen
No 13 of 1856
in O.S. No 13 of 1856

21 July
1858

Judicial 1858 before St

Extract. Murid. of Boers

As required by the

Chapin Hall of Columbia Univ.
 adding the great pleasure to
 contribute the necessary for

Exchanges in the House of

8 ducks (Mallards) in a row to

we deem good for us
and we of the Civil Com.

of Volume of the Appendix

moderned by the Gods

And I have to state of that

Do not trust against the

Discard of the Ministry

Under Amendment no. 22.

C 21 July
R 27 "