

MADRAS RECORD OFFICE.

Government of Madras.

Provincial DEPARTMENT.

G.O. No. 1239	Press
17-18	~~Mis.~~
Dated 9-9-1928	

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 14th September 1858.

No. 17. Read the following letter from CLEMENT DALE, Esq., Government Pleader, Sudr Udalt; to THOMAS PYCROFT, Esq., Chief Secretary to Government, dated 25th August 1858, No. 94.

SIR,

Para. 1. With reference to the letters and Extracts from the Minutes of Consultation, noted in the margin, I have the honor to report for the information of the Right Honorable the Governor in Council, that the Special Appeal Suit No. 42 of 1858, came on for hearing this morning, when the Court of Sudr Udalt decided, that the proceeding in the Civil Court in the name of Mr. Williamson was a nullity, they therefore set aside the Decree passed by the late Civil Judge of Madura in the Appeal Suit, leaving Venkenniah to appeal, if he should think he had cause to do so; with regard to the question of costs the Court determined to remit the stamps, leaving each party to pay his own costs in the first instance, and then to recover the balance, after remission of the stamps, from Shama Row the late Government Vakeel, if they thought fit to sue him.

2. Referring to the latter part of this decision, I believe the amount of costs incurred on behalf of Mr. Williamson, after the stamps are remitted, will be very trifling; and under that impression, I advise that no proceedings be instituted against Shama Row to recover such balance.

3. The only point which remains for consideration is, whether an Appeal should be now preferred against the Decree of the Subordinate Judge. For the questions which arise, and which it is desired should be decided, I have the honor to solicit attention to the 2nd para. of my letter of the 25th February 1858, No. 22, (noted above). His Lordship is aware, that in the Original Suit the defendant did not defend, it was decided exparte. An attempt will be made to take advantage of this, but I am of opinion that enough appears on the record itself, whereby that difficulty may be overcome, and I advise that an Appeal be forthwith referred to the Zillah Court against the Decree of the Subordinate Court.

4. Should His Lordship in Council approve of this suggestion, it will be necessary that a Vakalutnamah be forthwith obtained from Venkenniah, authorizing the present Government Vakeel at Madura to prefer and prosecute such Appeal. The form of Appeal Petition should be the same as I forwarded to the late Government Vakeel before Shama Row altered it.

5. The Decree in the O. S. was sealed on the 30th December 1856, and the period for Appeal expired on the 30th January 1857, a discretionary power is vested in the Appellate Court of admitting Appeals, although the petition may be presented after the expiration of the limited period; but Venkenniah will have to shew satisfactory cause, for not having presented his petition within the limited period. I apprehend that no reasonable doubt could arise that the unauthorized acts of Shama Row constitute sufficient cause (although most unsatisfactory certainly) why Venkenniah had not presented the petition within the limited period. I would however suggest the propriety of my preparing the petition to be presented, explaining the cause of the delay.

No. 18. ORDER THEREON, No. 1239; dated 9th September 1858.

Referring to former correspondence, the Government Pleader, *Sudder Udalt* Court, informs Government that the Court, on hearing of the Special Appeal, set aside the Decree passed by the late Civil Judge of *Madura* against the Post Master General, it being held that the latter functionary had been made appellant in the Civil Court by the unauthorized act of the late Government Pleader of that Court, *Sham Row*, whose *Sunnud* of appointment was withdrawn by Government on the 18th February last, in consequence of this and other irregularities.

Handwritten note:
Himself draw up the Petition to the Civil Court of S.H. 28/9/58.

Fort St. George, Judicial Consultation, 14th September 1858.

2. The Government agree with Mr. Dale, that it will not be worth while to sue Sham Row for the amount of costs. They further concur with him in the propriety of an Appeal being preferred against the Decree in the O. S. before the Subordinate Court, in the name of the late Deputy Post Master of Madura, Venkenniah. Mr. Dale will arrange for this, in communication with the Post Master General and will, as suggested, himself draw up the petition to the Civil Court.

(Signed) T. PYCROFT,
Chief Secretary.

Judicial Sept

No 1239

21st Sept 1858

Real the planning taken
from the Govt Pleader. Sudden Ad^t } have entered No
2/25 Aug/58.

Referring to former correspondence
the Govt Pleader, Sudder Adalat Court
informs Govt that the Court, on hearing
of the Special Appeal, upholds the
decree passed by the late Civil Judge of
Madura against the Post Master General.
It being held that the labour function-
-nary had been made appellant
in the Civil Court by the unauthori-
-zed act of the late Govt Pleader
of that Court, Sham Row, whose
summons of appeal was withdrawn
by Govt on the 18th Feb last, in con-
-sequence of his & other irregulari-
-ties.

2. The Govt agree with Mr. Dale that it
will not be worth while to sue Sham
Row for the amount of costs. They
further concur with him in the pro-
-priety of an appeal being preferred
against the decree in the O. S. before
the Subordinate Court, in the name of
the late D. J. Post Master of Madura,
Venkenniah. Mr. Dale will arrange
for this, in communication with the
Post Master General & will, as suggested,
himself draw up the Petition to the
Civil Court. J. H. 28/8/58.

To the Govt Pleader with a. Madras
a Post M General
21st Sept 1858

Ch. 24. to Louis: 14th of July

Radical 1850 defects

No 1239

Richard Meiss: of Flood

MS. A. 9. 2. 6. 7. 8.

H. No 1654

1859

—2003

dealing with the whole
of the matter that it will
not be worth while to
do them so in the late
hot places in the
Civil War of America
for the Government of
the United States by the
United States Government

Notwithstanding Mr. Steele to be wrong
for an original being interpreted
against the above in the O.S.
Hence the above Court in the
name of the Low City Court
Charles of Princeton, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845,

C28 Aug 7
R7 Sep