M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 1626 Press ~~Mis.~~

74-75

Dated 16 — 11 — ~~19~~ 1818

Not to be folded or roughly handled

No. 74. Read the following letter from CLEMENT DALE, Esq., Government Pleader, Sudr Udalut; to THOMAS PYCROFT, Esq., Chief Secretary to Government, dated 6th November 1858, No. 141.

SIR,

Para. 1. With reference to the letters and Extract from the Minute 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 instituted in the name of Mr. Williamson, the Post Master General of Madras, and which was numbered 96 of 1858, came on for hearing this morning. Mr. Fischer did not put in any answer, and on Mr. Ritchie appearing on his behalf, I objected to his being heard. The Court however permitted him to proceed when without calling on me, their Honors were pleased to declare, they should make a Decree in terms similar to that passed by them in the Special Appeal Suit numbered 42 of 1858. The Decision in that Suit, I had the honor to report by my letter likewise noted in the margin.

Letter from Government Pleader; to Chief Secretary, 27th November 1857, No. 126, paras. 11, 12, 13 and 14.
Minutes Consultation, 9th December 1857, No, 1742, Public Department.
Letter from Government Pleader; to Chief Secretary, 12th February 1858, No. 16.
Letter from Government Pleader; to Chief Secretary, 3rd September 1858, No. 104.

Letter from Govt. Pleader, to the Chief Secretary, 25th August 1858, No. 94.

2. Referring to the 2nd para. of my letter of the 25th August 1858, No. 94, I have the honor to tender to His Lordship in Council, similar advice with reference to the costs in A. S. No. 45 of 1857, as I there offered with respect to the costs in A. S. No. 44 of 1857.

3. With reference to what steps should now be adopted, I would advise a similar course being pursued in this case as I recommended in paras. 3 to 5 of my letter of the 25th August 1858, and to those paras. I solicit the attention of His Lordship in Council.

4. It is true that in this case Government are hampered more than they were in respect to the other Suit by the abortive proceeding of Shama Row, reported in my letter of the 12th February 1858, No. 16; it was probably owing to the form in which Shama Row prepared his petition that the application failed; at any rate the request for leave to appeal has never yet been made and consequently has not been refused, and I am of opinion (should the Civil Court take the objection) that if the purport of Shama Row's former petition be properly explained and the correct effect of Mr. Mayne's order shewn to the Court, no objection ought to arise on that ground.

5. Should His Lordship in Council approve of the course I have advised, I have the honor to request, that the papers (or copies of them) forwarded in my letter of the 12th February 1858, No. 16, may be returned to me.

No. 75. ORDER THEREON, No. 1626; dated 16th November 1858.

Mr. Dale reports that the *Sudder* Court has set aside the Decree of the Civil Court of *Madura* in A. S. No. 45 of 1857, wherein the Post Master General was Appellant.

2. The Government agree with *Mr. Dale*, that *Sham Row*, the late Government Pleader in the *Madura* Court, who unauthorisedly entered the Post Master General's name in the Suit, should not be sued for the costs, the amount being trivial.

3. As suggested by him, *Mr. Dale* will, in communication with the Post Master General, prefer an Appeal against the Decree in the Original Suit before the Subordinate Court, in the name of the defendant, *Venkiah*, the late Deputy Post Master.

4. The papers referred to in the last para. of Mr. Dale's letter, are herewith returned to him.

(Signed) W. H. BAYLEY,
Acting Secretary to Govt.

Exd. F. Cartledge.

No 1626.

Mr. Dale reports that the Sudder Court has set aside the decree of the Civil Court of Madura in A.S. No 45 of 1857, wherein the Post Master Genl was Appellant.

2. The Genl agree with Mr. Dale that Shaw Rose, the late Genl pleaders in the Madura Ct, who unauthorizedly entered the Post Master Generals name in the suit, will not be sued for the costs, the amount being trivial.

3. As suggested by him, Mr Dale will, in communication with the Post Master Genl, prefer an appeal agt the decree in the original suit before the Subordinate Court, in the name of the Defts, Venkiah, the late Dy Post Master.

4. The papers referred to in the last para of Mr. Dale's letter are herewith returned to him.

D.L. 1-10/01.

Post Offices
16 November 1858.

To the Govt Clerk with my letter of 23rd Sept 1858.

Asst Post Master General

of the Course I have advised I have the honor to request that the papers (or copies of them) forwarded in my letter of the 12th February 1858 No 16 may be returned to me.

I have the honor to be
Sir
Your most Obedt Servt
Wm. T. Dale
Lieut Pleader Supr Court

Pub C 3d Nov 1857 Nos 27 & 28.
— 15th Dec — Nos 769-62 & 63
— 12th Jan 1858 Nos 25 & 26
— 23d Feb — Nos 12 & 13-36 & 37.
— 12th March — Nos 607.
— 19th — — Nos 20 & 21.
— 27th April — Nos 34 & 44.
— 21st Sept — Nos 506.
J C 11th — do — Nos 17 & 18.

C 11 Nov
R 15

74 & 75.

Inv Com. 15 November
Inl 1858 Dep Sec

From Govt Pleader S Pl

To Chief Secy to Govt

Dated 6th November 1858

Rec'd 8

No 2103

No 141

(Enclosure none)

Para 1 Reporting that in the S A S No 96 of 1858 instituted in the name of the Postmaster Genl of Madras the Court of S Pl had made a Decree in terms similar to that passed by them in the S A S No 42 of 1858.

Advising the Course to be pursued

5 Requesting papers (Correspondence) forwarded in his letter of the 12th February 1858 No 16 may be returned to him

Certain order