

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	526	Press ~~Mis.~~
	39-40	
Dated	3-5-1918	

Not to be folded or roughly handled

19

Fort St. George, Judicial Consultation, 4th May 1858.

Read again letters from the Magistrate of Salem, dated 22nd March 1858, Nos. 85 & 86, and recorded in Consultation 9th April 1858.

No. 39. Read also the following Extract from the Proceedings of the Board of Revenue, dated 21st April 1858, No. 1412.

In Consultation, 21st April 1858. Read Extract Minutes Consultation, dated 8th April 1858, J. D., forwarding to the Board of Revenue for report, copy of a letter from the Collector of Salem, requesting the sanction of Government for preferring an appeal, at the public expense, on behalf of defendants 1st and 11th in Original Suit No. 23 of 1856, before the Moofly Sudder Ameen of Salem.

(Here enter No. 448.)

The Board observe that the defendants, on whose behalf this application is made, are Village Moonsiffs, and that they were included in this suit, on account of acts done in their official capacity, the 1st defendant having entertained a charge of sheep-stealing preferred against the plaintiffs, and the 11th defendant having been present in his official capacity when the Sub Police Officer searched the plaintiff's premises.

2. It does not appear that these defendants took any other part in the proceedings, and as their acts were, for all that has been shewn to the contrary, done in good faith and in accordance with the requirements of their office, the Board consider the charge of conspiracy brought against them on no other grounds than those above stated, to be an attack from which they have a claim to be protected in the way now proposed by Mr. Brett.

3. The original decree by the Moofly Sudder Ameen exempts these defendants from damages, but saddles them with costs; and the appeal which Mr. Brett has drafted and which accompanies the Extract Minutes Consultation, prays for exemption from the payment of these costs, on grounds in which the Board concur. They suggest therefore that Mr. Brett be permitted to file the appeal at the public expense in the first instance, the final decision of Government being reserved till Judgment has been given.

(A true Extract.)

(Signed) G. S. FORBES,
Secretary.

No. 40. ORDER THEREON, No. 576; dated 3rd May 1858.

1. In Extract Minutes Consultation, 8th April, No. 448, the Board of Revenue were desired to report on two letters from the Magistrate of Salem dated 22nd March and numbered respectively 85 and 86, in which he forwarded draft appeal petitions against the decrees of the Moofly Sudder Ameen of Salem in O. S. No. 23 of 1856 and 13 of 1857.

2. The Board, in their proceedings recorded above, report on the first of these two letters. In this case (O. S. No. 23 of 1856) the 1st and 11th defendants, Village Moonsiffs of Yegoor and Andyoor and on whose behalf the appeal is to be preferred, were charged with having conspired, with the other defendants, to prefer against the plaintiffs a false and malicious complaint. They were decreed to pay damages (60 Rupees each) with the cost of the suit, and not as the Board state the costs only. Both of the Moonsiffs appear to have acted in accordance with the requirements of their office and in good faith, the 1st having merely entertained a charge of sheep-stealing preferred against the plaintiffs, and the 2nd having been present, in his official capacity, when their premises were searched.

3. The grounds of appeal are: 1st, the absence of evidence against them; 2nd, the insufficiency of the ground on which damages were awarded; and 3rd, the informality of the Judgment.

4. The Board of Revenue approve the draft appeal petition submitted by the Magistrate, and the Right Honorable the Governor in Council resolves, in accordance with their recommendation, to permit Mr. Brett to file the appeal at the public expense in the first instance, the final decision of Government being reserved till Judgment has been passed thereon. It is observed, however, that in the draft appeal the name of the 11th defendant has been omitted. The Magistrate will be careful to insert it before presentation to the Civil Court.

5. The Board of Revenue will submit their report on the other case, No. 13 of 1857, at an early date.

(Signed) T. PYCROFT,
Chief Secretary.

Judicial Department

No 576

Extract from the Minutes of Consultation

dated 3rd May 1858.

Read again letters from the
Magistrate of Salem dated 22nd March
1858 and recorded in Cons. April/58.

Read also the following
Extract from the Proceedings of the
Board of Revenue.

(Here enter 21st April/58 No 1417)

1. In Ex. this: Cons. 8th April,
the Board of Revenue were desired
to report on two letters from the
Magistrate of Salem dated 22nd
March and numbered respectively
85 and 86, in which he forwarded
draft Appeal petitions against
the Decrees of the Mofty Subba
Ameen of Salem in O.S. No 23
of 1835 and 13 of 1837.

2. The Board, in their Pro-
ceedings recorded above, report
on the first of these two letters.

At
the
Hall

In this case (No. 23 of 1st and 11th Defendants, Villages of Yagoor and And, on whose behalf the appeal preferred, - were charged having conspired, with the defendants, to prefer to the Plaintiffs a false and serious complaint. They were decreed to pay damages, (50 Rs.) out of the suit, and to state the costs only. The Moonsiffs appear to be in accordance with the orders of their office and faith, - the 1st having entertained a charge of stealing preferred against the Plaintiffs, and the 2^d been present in his office when their premises were searched.

3. The grounds of appeal are -

1st the absence of evidence

them; 2^d the insufficiency of the ground on which damages were awarded; and 3^d the informality of the judgment.

4. The Board of Revenue approve the Draft appeal petition submitted by the Magistrate, and the Right Honble the Governor in Council resolves, in accordance with their recommendation, to permit Mr Brett to file the appeal at the Public Expense in the first instance, the final decision of Court being reserved till judgment has been passed thereon. It is observed, however,

5. The Board of Revenue will submit their report on the other case, No 13 of 1857, at an early date.

J. P.

*that in the Draft Appeal the name of the 11th Defendant has been omitted. The Magistrate will be careful to insert it before presentation to the Civil Court.

Copy to Hl of Revenue } Disposed of
" Magistrate of Salem }

The 29th Dec. 1857
Judicial 1858 & 1859

1857

Extraordinary Minutes

2/3 May 1858.

Feb. 1858.

Ends No. 449

9-4-58

39440

24. Apr
1857