

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 722	Press
60-61	Mis
Dated 23 - 5 - 1859	

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
from 18th to 27th May 1859.*

No. 60. Read the following letter from E. G. R. FANE, Esq., Acting Magistrate of Salem; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 6th May 1859, No. 154.

I have the honor to enclose translation of the Plaint in O. S. No. 3 of 1859, instituted in the Subordinate Court of Salem against the Joint Magistrate Mr. Smith, and of the draft of an answer proposed by him to file in defence, and to request the sanction of Government for defending the suit at the public cost.

2. The time for filing the answer will expire on the 27th May 1859.

Translation of the Plaint instituted in the Subordinate Court of Salem by Chinna Cootty Gounden, son of Parya Gounden, a Nauttan by caste, and a resident of Karoomanoor in Trechengode Talook, against Nulle Gounden, son of Chenthy Gounden, do. by caste; Rajarow, Thasildar of Trechengode; H. G. Smith, Esq., Acting Sub-Collector of Salem.

1. This suit is brought to establish the plaintiff's right to the earth raised by him at an estimated cost of Rupees 5 for the support of his house from the water of a jungle stream and to prohibit the defendants from excavating a channel nearly measuring 12 yards long east to west, at a cost of 4 Rupees.

2. The plaintiff states that the houses situated at Karoomanoor were built by his ancestors and have been enjoyed by him from their time; that in order to keep off the water of the jungle stream situated on the east of the said houses, earth was raised several years ago, that in the month of November of 1858, the 2nd defendant on a complaint being made by the 1st, decided the earth raised be removed and a channel east to west be dug up nearly between his houses; that this decision was eventually confirmed by the 3rd defendant, the Acting Sub-Collector. Hence the suit.

Received 14th March 1859.

Filed 15th do. do.

(Marked) CHINNA COOTTY GOUNDEN.

(True translation.)

(Signed) H. G. SMITH,

Joint Magistrate.

(Signed) EDWARD FANE,

Acting Magistrate.

No. 61. ORDER THEREON, 23rd May 1859, No. 722.

The Honorable the Governor in Council grants authority for the defence, in the first instance at the public expense, of O. S. No. 3 of 1859, instituted in the Subordinate Court of Salem against the Joint Magistrate of the District, but will determine, when a copy of the Decree is furnished, whether the costs, if any be adjudged against the Joint Magistrate, shall be borne by that Officer, or by the Government.

(Signed) T. PYCROFT,

Chief Secretary.

Nº 722

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Wm. George
23rd May 1859

The Magistrate
of Salem } Obedt. 23rd May