M.R.O. 1—89,000—16-10-23.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 507 Press ~~His.~~

225 -226

Dated 28.3.1862 ~~H~~ .

3/4

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 28th March 1862.

No. 225. Read the following Proceedings of Government in the Revenue Department, dated 21st March 1862, No. 630.

Referring letter from the Board of Revenue, suggesting that the best and the only course to be pursued in view to obtaining sufficient time for putting in the defence in suits against Government, &c. is to obtain a legislative enactment on the subject.

(Vide Proceedings Revenue Department, dated 21st March 1862, Nos. 358 & 359.)

No. 226. ORDER THEREON, 28th March 1862, No. 507.

Referred to the Sudder Court, in continuation of Proceedings, 2nd September 1861, No. 1,094.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. T. O'Connor.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following letter from W. HUDLESTON, Esq., Secretary to the Board of Revenue, to J. D. SIM, Esq., Secretary to Government, Revenue Department, Fort Saint George, dated Madras, 8th March 1862, No. 1,553 :—

SIR,

1. Referring to the Proceedings of Government, dated 24th October 1861, No. 2,050, Revenue Department, I am directed by the Board of Revenue to request you will bring to the notice of Government, that as therein ordered they have consulted the Government Pleader as to the best course to be pursued in view to obtaining sufficient time for putting in the defence in suits against Government, or for filing Appeals in such cases, as a general rule, not dependent on the discretion of the Judges of the District Courts, and are advised by him that the only course is to obtain a legislative enactment on the subject.

In Cons. 25th October 1861, No. 6,748.

2. The Board do not find that in practice "a reasonable time for the necessary communication with Government through the proper channel and for the "issue of instructions" is generally allowed by the District Courts for this purpose, and the period of thirty days allowed by Section 333, Act VIII of 1859 for appeal to a District Court from the decision of a Court of Subordinate jurisdiction is not sufficient, it may safely be said in any case for the necessary reference, and for due consideration of the various points.

See Section 67, Act VIII of 1859.

3. It is unseemly and it is unfair to the public interests that the defence of suits in which those interests are at stake should be hurriedly prepared and undertaken at a disadvantage as compared with suits between private parties, and it is very undesirable that the matter should be left to the discretion of individual Judges, who in the case of Englishmen may not unfairly be assumed to be always more or less influenced in the matter by that national bias, which in its desire to ensure fair play to all parties, to the weak as to the strong, almost invariably all the world over ends by converting the English Judge into the advocate for the private party against the Government, and for the foreigner against the Englishmen in minor matters where high principles of justice are not immediately involved.

4. The Board are therefore of opinion that it is desirable that this matter should by legislative enactment be removed from the discretionary action of the Judges so far as the minimum of time to be allowed is concerned.

ORDER THEREON, 21st March 1862, No. 630.

Referred to the Judicial Department in continuation of G. O. 23rd August 1861, No. 1,694.

(True Extract.)

Deputy Secretary to Government.

To the Judicial Department.
" Board of Revenue.

Exd. T. McMootry.

Pros: Dept: Sept 61 No 97.

Ind[l] 1862 Dept

Pros: of Branch

Pros: of Govt in the Rev: Dept 630.

D[f] 21st
Rf 22nd } March 62.
4 Sheets

No 590

Referring letter from the Board of Revenue suggesting that the best & the only Course to be pursued in view to obtaining sufficient time for putting in the defence in suits against Govt &c &c to obtain a legislative enactment on the subject.

With an Order.

No 597 - 20 March 1862.

Referred to the Sudder Court, in continuation of Pros: 2 Sept. 1861 No 1,094.

The Sudder Court.
Desp[d] 28th "