M.R.O. 1—23,600—16-10-27.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 1311	**Press** ~~**Mis.**~~
151-152.	
Dated 13. 9. 1865	~~**19**~~ .

3/3

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 13th September 1865.

No. 161. Read the following letter from C. DALE, Esq., Government Pleader, Madras, to Colonel C. A. ORR, R. E., Secretary to Government, Public Works Department, Fort Saint George; dated Madras, 9th September 1865, No. 139.

I do myself the honor of acknowledging the receipt of the Proceedings of Government of the date and number noted in the margin, and to forward, as there requested, a copy of the Proceedings of the High Court, remanding the Special Appeal Suit No. 469 of 1864 to the Civil Judge at Trichinopoly, for further investigation.

16th August 1865, No. 2403, Public Works Department.

In the High Court of Judicature at Madras.

Monday, the seventh day of August, one thousand eight hundred and sixty-five.

Present.

The Honorable Mr. Justice Frere.

and

The Honorable Mr. Justice Holloway.

Special Appeal No. 469 *of* 1864.

J. G. Ryves, Special Appellant.
(4th Defendant).

and

Appavaiyan and ten others. } Special Respondents. (Plaintiffs).

Special appeal against the Decree of the Civil Court of Trichinopoly in R. A., No. 253 of 1861, confirming the Decree of the Principal Sudder Ameen's Court of Salem in Original Suit No. 3 of 1857.

This Special Appeal coming on for hearing in the presence of Mr. Government Pleader for the Special Appellant, and of Mr. E. Branson, Vakeel for the 3rd Special Respondent, the other Special Respondents not appearing in person or by Council, the Court made the following order:—

ORDER.—It clearly appears from the return of the Civil Judge that the Vakeel for the original plaintiff expressed his desire to produce evidence in rebuttal of the conclusions which the Civil Judge drew from the two maps adduced by the defendant, but that the Judge refused to hear it, because it was not ready and because it would contradict the maps. The plaintiff had a manifest right to contradict the defendant's maps if he could, and the tendency assigned for not hearing it was the precise reason which rendered it incumbent upon the Civil Judge to hear it. He is distinctly directed to give both parties an opportunity of adducing evidence as to the place of arising of the cause of action, and to return his finding, containing a distinct judgment upon that evidence, within two months of the receipt of the order.

(By the Court).

(Signed) P. P. HUTCHINS.
Registrar, Appellate Side.

Referred to the Judicial Department, with reference to the Proceedings in the Public Works Department, No. 2403, dated 18th August 1865, and to the note of the Honorable Mr. Phillips, which accompanied it.

(Signed) C. A. ORR, Col., R. E.,
Secretary to Government, P. W. D.

FORT SAINT GEORGE,
13*th September* 1865.

No. 162. ORDER THEREON, 13th September 1865, No. 1311.

To be recorded.

(True Extract).

A. J. ARBUTHNOT,
Chief Secretary.

Exd. J. H. Burns.

Pro — 12th August 65 No 445-446
J Min: 18th 7bre — 15th 7bre 65 Pa 129

Referred to the Judicial Departt with reference to the Proceedings in the P.C.A. No 2403 dated 18th August 1865 and to the note of the Honorable — Mr Phillips which accompanied it.

C.H.R.
Secy to Govt

Fort Saint George
13th Sept 1865

No 3485
Judicial Dept
From Government Pleader
Madras
To Secretary to Government
P.W. Department

Dated 9th September
Recd 12th 1865.
Read — 14 —
No 1394 No 1654
(with an Enclosure)

Forwarding a copy of the Proceedings of the High Court remanding the Special appeal suit No 469 of 1864.
13th September 1865 No 1311

Referred

157-152
C15-D2
R19
No 162
13.9.65

Government Press