

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	574	Press
		~~Mis.~~
Dated	9-4-19	1866

63-64

22
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Not to be folded or roughly handled

N^o 72
1866

Calicut 14th March 1866

From

H. D. Cook Esq^r

Civil Judge of Calicut.

To

The Honorable A. J. Arbuthnot.

Chief Secretary to Government.

Judicial Department
Fort St. George.

Honorable Sir,

With reference to Proceedings of Government dated 5th instant N^o 333 recorded in review of this Court's general Inventory of the intestate property, I have the honor to state that the Principal Sudr Amin of Calicut has reported that the advertisement prescribed by Clause 7 Section 16 Regulation 3 of 1802 was published in due time in each of the cases of the property forming N^{os} 1, 2, 4, 5, 6 & 7 but that no notices requiring creditors, if any, to appear, have been published by him under the impression that such notices could only issue on the expiration of the period in the said advertisement and under the orders of Government.

2. The rule hitherto observed in this Court and in the late Sub Court and even in the Principal Sudr Amin's Court of Calicut was to issue the Notice either simultaneously with or on the expiry of the period of the Advertisement, and this rule appears, in no case, to have been objected to by Government; but the present Principal Sudr Amin has now expressed a doubt whether he can issue the notice as has hitherto been done

without

*Proceedings of the Madras Government, Judicial Department,
9th April 1866.*

No. 63. Read the following letter from the Civil Judge of Calicut, to the Chief Secretary to Government, Fort Saint George; dated Calicut, 14th March 1866, No. 72.

With reference to Proceedings of Government, dated 5th instant, No. 333, recorded on review of this Court's general inventory of the intestate property, I have the honor to state that the Principal Sudr Ameen of Calicut has reported that the advertisement prescribed by Clause 7, Section 16, Regulation III of 1802, was published in due time, in each of the cases of the property forming Nos. 1, 2, 4, 5, 6 and 7, but that no notices, requiring creditors, if any, to appear, have been published by him, under the impression that such notices could only issue on the expiration of the period in the said advertisement, and under the orders of Government.

2. The rule hitherto observed in this Court and in the late Sub-Court, and even in the Principal Sudr Ameen's Court of Calicut, was to issue the Notice either simultaneously with, or on the expiry of, the period of the advertisement, and this rule appears, in no case, to have been objected to by Government; but the present Principal Sudr Ameen has now expressed a doubt whether he can issue the notice as has hitherto been done, without the special orders of Government.

3. I have the honor to request you, therefore, to obtain for me some definite instructions on the above point.

No. 64. ORDER THEREON, 9th April 1866, No. 514.

It is observed that Clause 7, Section 16, Regulation III of 1802, requires the issue of but one advertisement, calling upon the heirs of the deceased, or other persons entitled to receive charge of his effects, to attend and substantiate their claims within 12 months. It is not clear, therefore, what the Judge means by an advertisement and a subsequent notice. He is requested to explain himself more fully, and to state what was the purport of the advertisements issued in the cases referred to.

(True Extract).

Chief Secretary.

To the Civil Judge of Calicut.

Exd. J. H. Burns,

without the special orders of Government.

3. I have the honor to request you
therefore to obtain for me some definite instructions
on the above point

Civil Court
Calicut
14th March 1866

I have the honor to be
Honorable Sir,
Your most Obedt Servant

A. Crook
Civil Judge.

Ex. L.

Judicial 1866 Depuaty
No 514.
Proceedings of the
Madras Government.
Dated 9th April 1866.

Recd 5th March 1866 A. 20-21.

214
772

29th March 63.
1224

Recd 10th April 1866
The Civil Judge of
Calicut
The Chief Secretary to Govt
Govt of Madras
Fort St George
14th March 1866
No 514
Requesting certain
definite instructions
with regard to the Estates
of the deceased persons

*Proceedings of the Madras Government, Judicial Department,
9th April 1866.*

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(True Extract).

Chief Secretary.

To the Civil Judge of Calicut.

Ex J. H. Burns.

03-04.
It may not be advisable
to remove Cooper from
the trouble arising out
of the charge of there is talk
after 12 months & dealing
with him -
22-3-06. W.D.

Judicial 1866. Department.

No 574.

PROCEEDINGS OF GOVERNMENT.

Of 1216.

Dated 9 April 1866.

C. J. B. and
H. J. B.