M.R.O. 1—39,(Ka)—15-10-27.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 74	Press Mis.
126-127	
Dated 17—1.	19 1886

3/4

Not to be folded or roughly handled

No. 126. Read the following letter from the Judge of the Court of Small Causes, Masulipatam, to the Chief Secretary to Government, Fort Saint George; dated Masulipatam, 4th January 1866, No. 1.

In forwarding, herewith, a stamp refund Certificate issued by this Court in Original Suit No. 360 of 1864, on the case being adjusted by the parties, together with the endorsement of the Deputy Collector in charge of the Treasury, refusing payment to the party entitled to it, on the ground that the Certificate was not presented for payment within three Calendar months from the date of the filing of the adjustment in Court, as provided for in Act XVII of 1848, I beg to bring to the notice of His Excellency the Governor in Council that the delay was not occasioned by any neglect on the part of the plaintiff. His application was presented on the 31st October 1864, the date of the adjustment, but that was the day before the Cyclone which caused such devastation to life and property in Masulipatam, and confusion among the records and suspension of the legitimate work of the Court, as reported in my letter to the High Court of the 9th November 1864.

2. As there was much work to be done in drying and arranging the portion of records which were found scattered about, damp, and in confusion, and in restoring things to order, and as all the servants of the Court suffered in the loss of relatives and property, and some of them were laid up with wounds or fever—moreover, as I felt compelled, on account of the emergency of the occasion, to place the services of my Head Clerk at the disposal of the Honorable Mr. Ellis, during his stay at Masulipatam for about six weeks, to assist him in carrying out his sanitary measures—it was a considerable time before the work of the Court was restored to order. Hence the above Certificate was not granted to plaintiff until the 11th February 1865, 11 days after the time prescribed by the Act for the presentation of payment.

3. I reported these circumstances to the Judges of the High Court, and requested them to obtain the sanction of Government for its payment to the party entitled to it; but as the High Court declined to interfere in the matter, on the ground that, after having given the Certificate, the Judicial authorities have no concern in the matter, I beg you will be pleased to obtain the special sanction of His Excellency the Governor in Council for payment to the said plaintiff of the sum of Rupees 16, to which he is entitled, under Section 26, Act X of 1862, but for the above unavoidable delay.

No. 127. ORDER THEREON, 17th January 1866, No. 74.

Under the circumstances represented in the foregoing letter, the Governor in Council sanctions the refund to the plaintiff in Original Suit No. 360 of 1864, on the file of the Masulipatam Court of Small Causes, of half the amount of Stamp duty paid on the plaint.

(True Extract).

Chief Secretary.

To the Judge of the Court of Small Causes, Masulipatam, with the Certificate.
" Collector of the Kistna District.
" Accountant General.

Exd. J. H. Burns.

Judicial Department.

PROCEEDINGS *of the* **MADRAS GOVERNMENT.**

Read letter from the Judge of the Court of Small Causes at Masulipatam

(Date entered 4 January 1866 No 7)

Order thereon 17th January 1866 No 74

Under the circumstances represented in the foregoing letter, the Governor in Council sanctions the refund to the Plaintiff in Original Suit No 356 of 1865 on the file of the Masulipatam Court of Small Causes of half the amount of Stamp duty paid on the plaint.

The Judge of the Court of Small Causes Masulipatam - with the Collector
" Collector of the Kistna District
" Acct General
" Revenue Department } dispatch 19/1

Judicial 1865. Department.

No. 74

PROCEEDINGS OF GOVERNMENT.

Dated 17 January 1866.

Press No. 2755, G. M.—14-11-65—500.

126-127.