

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	311	Press
		~~Mis.~~
<i>240-241</i>		
Dated	26-2	~~1887~~

4/5

Not to be folded or roughly handled

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Proceedings of the Madras Government, Judicial Department.

26th February 1867.

No. 240. Read the following letter from the Government Pleader, Madras, to the Chief Secretary to Government, Fort Saint George; dated Madras, 25th February 1867, No. 35.

I do myself the honor of acknowledging the receipt of the Order of Government of the date and number noted in the margin, and of returning a form of written statement, which I think it would be desirable to file in the suit there referred to.

Proceedings of Government, Judicial Department, 22nd February 1867, No. 281.

2. In the statement I have shown that the three defendants do not claim any interest; in the 2nd paragraph I have framed the defence a little more closely to the language used in the Act than Mr. Morris had done; and in the 3rd paragraph I have claimed similar exemption for the 12th defendant, under Act XVIII of 1850.

3. I inserted the 3rd paragraph from the language used in the 4th paragraph of the plaint, and on the assumption that, if the 12th defendant was about to enforce the order, it was his duty to do so; this, however, will require the attention of Mr. Morris, with the view of his satisfying himself it is consistent with truth.

4. No defence for the 13th defendant has been suggested by Mr. Morris. I conclude, however, the 4th paragraph is in accordance with the fact.

5. I have slightly altered the 2nd paragraph of the proposed answer, as I do not see any necessity for offering a suggestion for cavil, whether the present suit is or is not a personal action for damages.

6. I observe the hearing had been adjourned till the 31st of January last.

7. It is desirable that a fair transcript in English, of the written statement as finally settled, should be annexed to the Vernacular. In translating pleadings back again into English a Native Interpreter, as a general rule, alters the meaning, and in many cases most materially.

No. 241. ORDER THEREON, 26th February 1867, No. 311.

The Governor in Council directs that the draft answer prepared by the Government Pleader be sent to the Magistrate of Tanjore.

2. Mr. Morris will observe that the remark inserted in the 2nd paragraph of the answer proposed by him, that the order passed by the Head Assistant Magistrate could "be quashed only by the constituted Criminal Court of Appellate jurisdiction," has been omitted, there being no appeal against an order passed by a Magistrate under Section 62 of the Code of Criminal Procedure.

3. The Magistrate has already been instructed by telegraph to move the Civil Court to call up the suit, and to apply for further time for putting in the answer.

(True Extract).

Chief Secretary.

To the Government Pleader.

„ Magistrate of Tanjore, with draft answer.

Exd. J. Tulloch.

Criminal

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Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter
from the Government Pleader
Madras

(Here enter 25th February 1875)

Order thereon 26th February 1875 No. 311.

The Governor in Council
directs that the draft answer
prepared by the Government
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Magistrate of Tanjore.

2 Mr. Morris will
observe that the remark
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the answer proposed by
him, that the Order passed
by the Head Assistant
Magistrate could be quashed
only by the constituted

Criminal

Criminal Court of Appellate
jurisdiction has been omitted,
there being no appeal
against an order passed
by a Magistrate under
section 62 of the Code
of Criminal Procedure

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the Civil Court to call
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To the Government Pleader, Sep 1-3. 67.
To the Magistrate of Lunglei } Sep 27.
with draft answers

hit of the

1862. Department.

No. 311.

PROCEEDINGS OF GOVERNMENT.

of 1850.

1868/71.

Dated 24th February 1867.