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# MADRAS RECORD OFFICE.

Government of Madras.

*Public Works* DEPARTMENT.

G.O. No. 100

204-209

Press  
Mis.

Dated 9 — / — 18 66.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,  
9th January 1866.*

Read the following letters :—

No. 207. From the Government Pleader, to the Secretary to Government,  
Public Works Department, dated Madras, 6th January 1866, No. 4.

1. In continuation of my letter of the  
11th December 1865, No. 178. date and number noted in the margin,  
I do myself the honor of reporting, for  
the information of His Excellency the Governor in Council, that the Special Appeal  
Suit No. 469 of 1864 came on for hearing this morning, when their Lordships the  
Judges determined to apply to the Civil Judge of Trichinopoly for information,  
whether the Defendant had notice of the 25th of October 1865, having been fixed  
for the further hearing of the case, and if so, when the notice was given, and for  
explanation.

2. My 10th ground of objection on which the High Court decided on that  
course was put in as follows: "10th. Because the Civil Judge has not afforded to the  
4th Defendant a sufficient opportunity of adducing evidence as to the place of arising  
of the cause of action, inasmuch as though Witnesses on behalf of the 4th Defend-  
ant for the purpose of giving evidence on the point were in attendance at the Civil  
Court on the 16th day of September 1865, the day named for the hearing of the  
said Appeal Suit; as also on the 27th day of September 1865, to which day the Civil  
Judge had postponed the hearing of the Suit, yet without giving sufficient notice of  
the day which ultimately he fixed for hearing the Suit, the Civil Judge heard the  
Suit on the 25th day of October last, and would not allow time for warning the said  
Witnesses to attend."

No. 208. From the Government Pleader, to the Secretary to Government,  
Public Works Department, dated Madras, 8th January 1866, No. 5.

1. In continuation of my letter of the date and number noted in the  
margin, I do myself the honor of advis-  
ing that any map or maps which bear  
upon the question of jurisdiction should  
be presented to the Civil Judge for the purpose of his forwarding them to the High  
Court. I also advise that at the same time Colonel Greenaway should offer evi-  
dence to the Civil Judge to prove that the map or maps were made by authority of  
Government, and not made for any purpose of any litigated question, and that the  
custody from whence they come is the proper custody.

2. I have not seen the precept, I cannot therefore tell whether the Civil  
Judge has been directed to take further evidence on the part of the Defendant.  
If he has, Colonel Greenaway should be prepared with, and should tender the fur-  
ther evidence that he desired to put in.

No. 209. ORDER THEREON, 9th January 1866, No. 100.

CIVIL WORKS, No. -37

1. The foregoing letters from the  
Government Pleader will be communi-  
cated to the Executive Engineer at  
Trichinopoly.

*as though witnesses on behalf of the 4th defendant*

*Proceedings of the Madras Government, Public Works Department,  
9th January 1866.*

2. Adverting to paragraph 1 of Mr. Dale's letter of the 8th instant, Colonel Greenaway will apply to the Collectors of Salem and Trichinopoly for any original maps which they may possess of those Districts, and he will present them to the Civil Judge of Trichinopoly with evidence on the points referred to.

3. Colonel Greenaway's particular attention is requested to paragraph 2 of Mr. Dale's letter already quoted.

(True Extract.)

(Signed) CHARLES A. ORR, Colonel, R. E.,  
Secretary to Government.

To the Executive Engineer, Trichinopoly.  
,, Superintending Engineer, 6th Division.  
,, Government Pleader.

Ed. S. T. Augustin.

*From Clement Dale Esquire Government & Leader Madras.  
To Colonel C. A. Orr R. E. Secretary Government & Madras.*

*Madras 6<sup>th</sup> January 1866*

*Sir.*

*Para 1.*

*In continuation of my  
letter of the date and number  
11<sup>th</sup> December 1865 No. 178  
noted in the margin I beg to*

*self the honor of reporting for the information  
of His Excellency the Governor in  
Council that the Special Appeal suit  
No. 469 of 1864 came on for hearing this  
morning, when their Lordships the Judges  
determined to apply to the Civil Judge  
of Trichinopoly for information, whether  
the defendant had notice of the 25<sup>th</sup> of  
October 1865 having been fixed for the  
further hearing of the case, and if so when  
the notice was given, and for explanation.*

*2 My 10<sup>th</sup> ground of objection on  
which the High Court decided on that course  
was put in as follows. "10<sup>th</sup> Because  
the Civil Judge has not afforded to the  
4<sup>th</sup> defendant a sufficient opportunity  
of adducing evidence as to the place  
of arising of the cause of action, inasmuch  
as though witnesses on behalf of the 4<sup>th</sup> defendant*

I cannot therefore tell whether the Civil Judge has been directed to take further evidence on the part of the Defendant. If he has - Colonel Greenaway should be prepared with, and should tender, the further evidence that he directed to put in.

Proceedings of the <sup>No 100</sup> <sup>P.H.O.</sup> <sup>Government</sup> <sup>under date the 9<sup>th</sup> Janry/66</sup> <sup>that the following</sup>

From the Government Pleader.

Informing that the Special Appeal Suit No. 469 of 1864 came on for hearing & the Judges of the High Court determined to apply to the Civil Judge of Trichinopoly for information whether the defendant had any notice of the 25<sup>th</sup> Dec/65 having been fixed for further hearing of the case & if so for explanation

From - Do - Do - Do

Advising that any map which bears upon the question of Jurisdiction be presented to the Civil Judge

N<sup>o</sup> 8. 6<sup>th</sup> Janry 1866 No. 4

N<sup>o</sup> 8<sup>th</sup> Do. No. 5

The foregoing letters from the Government Pleader will be communicated to the Executive Engineer at Trichinopoly.

Adverting to para of Mr. Dale's letter of the 8<sup>th</sup> Instant, Colonel Greenaway will apply to the Collectors of Salem and Trichinopoly for any <sup>which they may possess</sup> original maps of

Shave the honor to be  
Sir  
Yours most respectfully

Wm. Hall.

Government Pleader.

1866  
Hon<sup>ble</sup> Secy<sup>ry</sup> of Govt  
Trichinopoly  
29<sup>th</sup> Janry 1866  
To Secy<sup>ry</sup> of Govt  
Trichinopoly

Antid 8<sup>th</sup> Janry 1866  
Recd 9<sup>th</sup> Janry 1866  
N<sup>o</sup> 5

Advising that any map which bears upon the question of Jurisdiction be presented to the Civil Judge.

c 30 205.

See 100-900 Janry 1866

*[Signature]*

those Districts, and he  
will present them to the  
Civil Judge of Tichinopoly  
with ~~the~~ evidence on the  
points referred to -

Colonel Greenaway's  
particular attention is  
requested to para 2 of  
Mr. Dale's letter already  
quoted.

W.B.

to

The Executive Engineer  
Tichinopoly

Superdurg 6<sup>th</sup> Aug

Govt Pleader

18

24

Dec 10<sup>th</sup> January -

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Govt 1866 Dept  
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P.O. of the Alipout  
D / 9 Jany / 66

Andapuram Channel  
Sect. — Correspondence from the  
Govt Pleader on the subject of —  
communicated to the Executive  
Engineer, Trichinopoly with  
certain instructions. —

N. 207 & 209