பாதுகாப்பு பிரிவு - 1

செப்பனிடுபவர் பெயர்

செப்பனிடுவதற்காக எடுத்துக் கொள்ளப்பட்ட நாள்

செப்பனிட்டு முடித்த நாள்

சரிபார்க்கும் முதல் மு. நி. பர். எ. கையொப்பம்

சரிபார்க்கும் உ. நி. பர். எ. கையொப்பம்

ஆராய்பவர் உதவியாளர் கையொப்பம்

No. 67. Read the following Extract from the Proceedings of the Board of Revenue; dated 13th June 1857, No. 2031.

Read letter from the Government Pleader Sudr Udalut, dated 11th May 1857,* stating that the Plaintiff in suit No. 10 of 1855, filed a brief appeal Petition in the Masulipatam Civil Court, which has been submitted to the Sudr Court and numbered 43 of 1857, and that Mr. Salmon has since filed a detailed petition. Also stating that the appeal time will expire on the 16th May 1857, but as the Court is closed for the recess, the answer may be put in on the opening of the Court on the 1st July.

*In Consultation 13th June 1857.

(Here enter No. 47.)

Ordered that the above letter, and the correspondence noted in the margin, be submitted for the orders of the Right Honorable the Governor in Council.

From Collector 25th April in Cons. 8th May 1857.
Proceedings to Government Pleader 8th May 1857.

2. The apellant in this suit, Hooghully Rama Row, was one of the public servants in Masulipatam, who was tried, convicted and punished, under the provisions of Regulation IX. 1822. He subsequently appealed to the Civil Court against the sentence passed upon him; but his suit was dismissed with all costs. An appeal has now been preferred to the Sudr Court, to reverse the Civil Judge's Decree, and the Acting Collector has requested the Government Pleader to appear on his behalf.

3. The case involves the question whether public servants employed in a purely ministerial capacity in the Magistrate's Department are amenable to Regulation IX of 1816, and if, notwithstanding Section XLVIII. Regulation XI. of 1816, Clause 2, Section II. Regulation IV. of 1821, and the fact of the appellant possessing no executive police authority whatever, the decision of the Civil Court is reversed, it will follow that persons in appellant's position cannot be punished for such crimes as acceptance of bribes voluntarily offered.

4. The Board therefore recommend that Mr. Dale may be authorized to appear on behalf of the Collector and to conduct the defence at the public cost.

5. The Board have not the appeal before them, nor the Draft answer, but they presume the case may be left in the hands of Mr. Dale who can apply to them for information if requisite.

(A true Extract.)

(Signed) J. D. SIM, *Acting Secretary.*

No. 68. ORDER THEREON, No. 632; dated 23d June 1857.

The Right Honorable the Governor in Council grants authority for the defence, in the first instance, at the public expense of Appeal Suit No. 43 of 1857 on the file of the Court of Sudr Udalut, instituted by Mr. Salmon on behalf of the Plaintiff in Suit No. 10 of 1855* (defended at the public cost) on the file of the Civil Court of Masulipatam, and against the judgment passed in that Suit by the said Court; but will determine when a copy of the decree is submitted, whether the costs, if any be adjudged, against the Collector of that District, (the respondent) shall be borne by that officer or by the Government.

*Mins. Cons. dated 28th March 1856, No. 334.

2. The Government Pleader will accordingly appear on behalf of the Collector and conduct the defence. The Government are desirous that they should have an opportunity of perusing the answer before it is presented; Mr. Dale will therefore submit it as early as possible, but if he does not receive the approval of Government before the 1st of July, he will put in his answer on that date, and any additions or amendments that the Government may wish to introduce may be afterwards placed before the Court under Sec. X. of Act IX. of 1855.

(Signed) H. FORBES,
Acting Secretary to Government.

Revenue Department.

No 2031

Extract from the Proceedings of the Board of Revenue, dated 13 June 1857.

Read letter from the Government Reader Sudder Adalat, dated 11th May 1857, stating that the Plaintiff in Suit No 10 of 1855, filed a brief Appeal Petition in the Masulipatam Civil Court, which has been submitted to the Sudder Court and numbered 13 of 1857, and that Mr Salmon has since filed a detailed petition, also stating that the Appeal time will expire on the 16th May 1857, but as the Court is closed for the recess, the Answer may be put in on the opening of the Court on the 1st July.

Rec'd in Com 13th June 1857

(Here Enter No 57)

Ordered that the above letter and the Correspondence noted in the margin, be submitted for the orders of the Right Honorable the Governor in Council.

Fr. Coll 25 April in Com 8 May 1857.
Rec'd by Govt Reader 8 May —

The

2. The Appellant in this Suit, Hooghully Rama Row, was one of the publice Servants in Masulipatam, who was tried, convicted and punished, under the provisions of Reg: IX - 1822. He subsequently appealed to the Civil Court against the Sentence passed upon him, but his Suit was dismissed with all costs. An Appeal has now been preferred to the Sudder Court, to reverse the Civil Judge's Decree, and the Acting Collector has requested the Government Pleader to appear on his behalf -

The case involves the question whether publick Servants Employed in a purely ministerial capacity in the Magistrate's Department are amenable to Regn IX of 1816 and if, notwithstanding Sect: XLVIII Reg XI of 1816. Clause 2, Sect III. Reg: IX of 1821 and the fact of the appellant possessing no Executive police authority whatever, the decision of the Civil Court is reversed, it will follow that persons in Appellant's position cannot be punished for such Crimes as acceptance of bribes voluntarily offered -

The

4. The Board therefore recommend that Mr. Dale maybe authorized to appear on behalf of the Collector and to conduct the defence at the publick cost.

5. The Board have not the appeal before them - nor the Draft answer, but they presume the case maybe left in the hands of Mr. Dale who can apply to them for information if required.

(A True Extract)

D. Lewis
Ag Secretary

To,
H. Forbes Esq
Ag Secretary to Government
Revenue Department.

P. Bills.

Revenue Department

№ 1162.

Extract from the Proceedings of the Board of Revenue, dated 8th May 1857.

Read letter from the acting Collector of Masulipatam, dated 25th April 1857, stating that he has received notice that an effort has been made in the Sudder Court against the decree passed by the Civil Court in the case of Hoogholly Rama Row Versus the Collector, and that he has forwarded to Mr Dale, a copy of the decree and requested him to appear and defend the Suit; also submitting whether he is correct in his opinion that it rests with Mr Dale to draft and file the appeal answer.

(Here enter № 50)

The Board observe that the acting Collector is quite correct in supposing that the Government Pleader of the Sudder Adalut, is the proper Officer to draft Pleadings and conduct the proceedings

Rec.d 25th June 1857
Cons.n 25th June 1857 № 891

Extract from the Proceedings of the Board of Revenue

Dated 15th June 1857
Read 15th June 1857
4 Encl.s

Sir Rg. № 2031. 23d June

Submitting a letter (with Enclosures) from the Sheristadar of the Court of the Principal Sudder Ameen of Masulipatam dated 13th May 1857 № 210 of 1855 filed by Hoogholly Rama Row against the Collector, and stating that the decree sued for was passed under the Collector's Petition, and that he considers it necessary that Mr Dale should be authorized to appear on behalf of the Collector and contest the decree at the Sudder Court.

Cons.n 25th June 1857 № 891

Extract from the Proceedings of the Board of Revenue

Dated 15th June 1857

Sir Rg. № 2031. 23d June

Submitting a letter (with Enclosures) from the Sheristadar of the Court of the Principal Sudder Ameen of Masulipatam dated 13th May 1857 № 210 of 1855 filed by Hoogholly Rama Row against the Collector, and stating that the decree sued for was passed under the Collector's Petition, and that he considers it necessary that Mr Dale should be authorized to appear on behalf of the Collector and contest the decree at the Sudder Court.

C18 Vol. 1222

Appeal to proceed

proceedings on behalf of Government in suits before that Court, but it is necessary to obtain the sanction of Government before entering upon the defence of any law suit in which their officers are concerned.

The information conveyed in the above letter is very vague, and the Board are unable to address Government, without being satisfied that the suit has actually been appealed against, and that it is necessary for the respondent to file an appeal answer. They resolve therefore to request that the Government Pleader will advise them of the present stage of the Proceedings in the case adverted to by Mr Knox, and will inform them if an appeal has been preferred, what period has been assigned for the admission of an answer on behalf of the Masulipatam authorities.

(A true Extract)
pd/ J.C. Sim,
ag Secretary

To C. Dale Esq
Government Pleader

(A true Copy)
J. C. Sim
ag Secretary

* C.O. Supplement page 195. Note 4.

N° 632

Extract from the Minutes of Consultation

Under date the 23rd June 1837

Read the following

Extract from the Proceedings

of the Board of Revenue.

(Here enter 13th June 1837 N° 2031)

The Right Honble

the Governor in Council

grants authority for the

defence, in the first instance

at the public expense of

Appeal Suit for [illegible] 1837

on the file of the Court of

Sadar Adalut instituted

by Her Salmon on behalf

of

1837 Dedart.

Extract from the
Proceedings of the Board
of Revenue to the Secretary
Secretary to Government
Revenue Department
dated 13th June 1837 No
2031

Copy. No 691/15.

3rd Part to Govt Pleader
dated 8th July 1837.

of the Plaintiff in Suit No
10 of 1853 (defended at the
public cost) on the file of
the Civil Court of Masu-
lipatam, and against the
judgment passed in that
Suit by the said Court,
but will determine when a
copy of the decree is submitted,
whether the costs, if any be
adjudged, against the Collec
tor of that District, (the
Respondent) shall be borne
by that Officer or by the
Government.

2. The Government
Pleader will accordingly
appear on behalf of the Collec
tor and conduct the defence.
The Government are desirous

that

× Mins: Coun: of 25th March
1856 Pa 334.

0-8

that they should have an
opportunity of perusing the
answer before it is presented.
Mr. Dale will therefore —
submit it as early as possible,
but if he does not receive the
Fiat of Government
before the 1st of July, he will
put in his answer on that
date, and any additions or
amendments that the Govern
ment may wish to introduce
may be afterwards placed
before the Court under Sec.
X of Act IX of 1853.

3 Copies to the Bar of the
2 with Encls
to the Govt Dispd 23

Cons 28 March 56 N. 33-34.

Revenue 1857 Department
Cons 23 June
C N° 632

Extract Minutes of Cons.

Dated 23 June

From Govt Pleader Sudr Udalut 24 June 1857 C N° 728 inclos
From Do 22 Aug 57 C N° 966 inclos
Petn

Authorizing the dismissal of the Appeal Suit N° 43 of 1857 on the file of the Court of Sudr Udalut (depended at the public cost) and N° 10 of 1855 on the file of the Civil Court of Mursh. dismissed, against the Collr of that District.

Ref 67 68

C 18 June 1857

Revenue Department

Minutes of Consultations

23rd June 1857

Back Numbers 67-68

Order no 632 dated 23rd June 1857