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Revenue Department

Minutes of Consultations

4th May 1858

Back no. 64 x 65

Order no 569 D/ 3rd May 1858

No. 64. Read the following letter from CLEMENT DALE, Esq., Government Pleader Sudder Udalut; to HENRY FORBES, Esq., Acting Secretary to Government, dated Madras 1st May 1858, No. 42.

SIR,

Para. 1. I do myself the honor to acknowledge the receipt of an Extract from the Minutes of Consultation noted in the margin; and to request that I may be favored with translations of the Answer and Rejoinder put in by the Collector of Salem in O. S. No. 9 of 1855 on the files of the Subordinate Court of Salem, to enable me to form an opinion as to the advisability of appealing from the decree passed in that Suit.

Minutes Consultation 28th April 1858 No. 541, Revenue Department.

2. In the Document sent to me, as a true copy of the Decree, the answer and rejoinder are not abstracted, but merely directions to the following effect are inserted "here enter the Collector's answer from para. 2 "and" here enter 1st Defendant's rejoinder." If the Decree is so prepared it is very irregular.

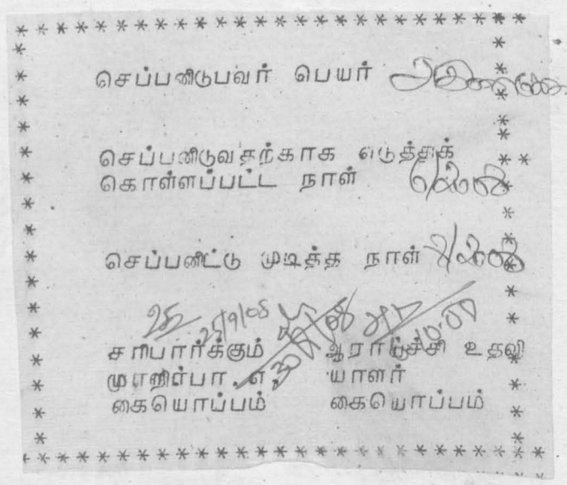
3. In the 3rd para. of the Board's Proceedings 21st April 1858, No. 1399 it is said "the Collector in his *reply* having stated," &c. I presume this is a mere clerical error, if it refers to any Proceeding in the original suit, inasmuch as the Collector was the Defendant in that suit, and could not file a replication or reply.

4. It would appear by the Copy Decree that the Plaintiff was the successful party in the suit, "the Collector having conceded the facts" alleged in the Plaint; if such be the case he (the Plaintiff) would under Regulation III. of 1802 Section 9 be entitled to his costs, unless there be any other regulation or act whereby the case under consideration is governed; probably the answer or rejoinder may disclose such; if not I should be glad to know, on what principle it is contended that this case should not follow the general rule.

No. 65. ORDER THEREON, No. 569; dated 3d May 1858.

Ordered to be communicated to the Board of Revenue, with a request that they will furnish the papers and information required by Mr. Dale as early as possible.

(Signed) W. H. BAYLEY,
Acting Secretary to Government.



that the Plaintiff was the successful Party in the

No 42 3 Revenue

From Clement Dale Esquire - Government Pleader Sudr Udalut

To Henry Forbes Esquire Acting Secretary to Government

Madras 1st May 1858

Sir,

Para 1- I do myself the honor to acknowledge the receipt of an Extract from the Minute of Consultation noted in the Margin, and to request that I may be favored with Translations of the Answer and Rejoinder put in by the Collector of Salem in O.S. No 9 of 1855 on the files of the Subordinate Court of Salem, to enable me to form an opinion as to the advisability of Appealing from the Decree passed in that Suit.

M/B 28th April 1858 No 641 Revenue Department

2. In the Document sent to me, as a True Copy of the Decree, the Answer and Rejoinder are not abstracted but merely directions to the following Effect are inserted "Here enter the Collectors Answer from para 2" and "Here enter 1st Defendants "Rejoinder" If the Decree is so prepared it is very irregular.

3. In the 3d para of the Board's Proceedings 21st April 1858 No 1399 it is said "The Collector in his Reply having stated &c" I presume this is a mere clerical Error, if it refers to any proceeding in the Original Suit, inasmuch as the Collector was the Defendant in that Suit, and could not file a Replication or Reply.

4. It would appear by the Copy Decree that the Plaintiff was the successful Party in the

that the Collector having conceded the facts alleged
in the plaint; If such be the case he (the Plaintiff)
would under Regulation III of 1802 Section 9 be
entitled to his Costs, unless there be any other Regulation
or Act whereby the case under Consideration is Governed;
Probably the Answer or Rejoinder may disclose such;
If not I should be glad to Know on what principle
it is contended that this case should not follow the
General Rule.

I have the honor to be
Sir,
Your most Obedt Servt

Chas. Lock

Spr. & Reader

From Govt Pleader Sdr
dy 9 June/58 C No 92 in
" 15 June

Nos 64+65.

Revenue 1858 Sept
Dt to Cons 4th May.

No 659.

From the Govt Pleader
Sudr Adalut.

Dated 1st May 1858.
Recd 3

Requesting to be favored with Translations of the answer and Rejoinder put in by the Collector of Salem in O.S. No 9 of 1855, on the files of the Subordinate Court of Salem to enable him to form an opinion as to the advisability of appealing from the Decree passed in that Suit, together with suggestions and observations on certain documents connected therewith.

With an order
No 669. 3d May 1858.

No 569.

Ordered to be communicated to the Board of Revenue with a request that they will furnish the papers and information required by Mr Dale as early as possible.

W H Bayley

Lt Sec Govt
3d May 1858.

M. Copy to Bd of Rev.
Encs 3
" Govt Pleader 15.