Revenue Department

GO No 840

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Dated 1st July 1859

No. 5. Read the following letter from J. D. SIM, Esq., Secretary to the Board of Revenue; to J. D. BOURDILLON, Esq., Secretary to Government, R. D.; dated 20th June 1859, No. 2351.

In Con. 1st April 1859, No. 1421.

In Con. 30th May 1859, No. 2425.

With reference to para. 2 of Extract from Minutes of Consultation, dated 30th March last, R. D., No. 433, I am directed by the Board of Revenue to submit herewith a letter from the Acting Sub-Collector in charge of Masulipatam, dated 25th May 1859, soliciting instructions as to the payment of costs decreed against the Collector in O. S. No. 5 of 1857, on the file of the Civil Court of Masulipatam, relating to the village of Bullepurroo.

2. The actual amount of the costs payable by the Collector is Rupees 119-4-4. Of this amount Rupees 7-6-0 have already been disbursed, leaving a balance Rupees 111-14-4 unadjusted.

3. The particulars of the case having been fully laid before Government in the Board's Proceedings of 7th August 1857, and 10th March 1859, it is unnecessary to recapitulate them here. The only question for decision now is the payment of the costs adjudged against the Collector.

4. It is clear that the Government had no interest in the suit, and that the Collector acted for the benefit of the Minor Proprietor. But as the village has been awarded to the Plaintiff with the mesne profits, the surplus in the hands of the Collector, Rupees 250, cannot be applied in liquidation of the Collector's costs. The Court has, moreover, issued a precept, calling for payment of the surplus.

5. Under these circumstances, the Board recommend that sanction may be granted for defraying the whole amount of the Collector's costs, Rupees 119-4-4, from the public funds.

No. 6. ORDER THEREON, 25th June 1859, No. 840.

Under the circumstances explained by the Revenue Board, the Governor in Council sanctions the disbursement from the Public Treasury of Rupees (119-4-4,) one hundred and nineteen, annas four and pice four, the amount of costs incurred by the Collector of Masulipatam as 2d Defendant in original suit No. 5 of 1857, on the file of the Civil Court of Masulipatam.

(Signed) J. D. BOURDILLON,
Secretary to Government.

In Con. 30th May 1859, No. 2425.

From T. A. N. CHASE, Esq., Acting Sub Collector in charge MASULIPATAM,

dated Masulipatam, 25th May 1859, No. 84.

In reply to the Board's order, No. 1188, dated 4th April last, on the subject of the Suit No. 5 of 1857, relating to the village of Bullepauroo, I have the honor to state that the Decree passed therein directs the 2d Defendant (Collector) to pay his own costs. The amount of the 2d Defendant's costs is Rupees 114-6-4 as per Decree, plus Rupees 4-14-0, incurred subsequent to the date of the Decree as particularized in the margin. Of this sum Rupees 2-8-0 have been debited in the public accounts to the head of Law Charges and Rupees 4-14-0 to the head of Advance, the rest, Rupees 111-14-4 has not been disbursed yet being fees due to the Pleader.

	Rs.	A.	P.
Stamps for application to the Sudder or extending of Appeal time	4	0	0
Fees paid to Volunteers for transcribing Decree	0	14	0
	4	14	0

2. Sanction was given in Extract Minutes of Consultation, dated 17th August 1857, for defending the Suit at the *public* expense. But as the Collector interfered only at the instance of the guardian of the minor, and there is now a surplus of Rupees 250 in the Treasury in favor of the minor, it rests with the Board of Revenue to decide whether the Estate or the Government should bear the cost of the Suits decreed against the Collector.

3. In pursuance of a precept from the Court, I have issued orders to put the Plaintiff in the Suit in possession of the village and garden of Bullepauroo. In regard to the payment of the surplus also decreed to the Plaintiff, I have informed the Court that I await the Board's instructions on the subject.

Rev. Dept.

№ 840.

Proceedings of the Madras Government
under date the 25th June 1859.

Read the following
letter from the Secretary
to the Board of Revenue.
(Received under 20 June 59 № 2351)

Under the circum-
stances explained by the Rev-
enue Board, the Governor in
Council sanctions the disburse-
ment from the public treasury
of Rs. 119. 4. 4, the amount
of costs incurred by the Coll.
of Masulipatam as 2d defend-
ant in original suit № 57 of
1857, on the file of the Civil
Court of Masulipatam.

To Copies to the Bd of Rev. Dated 27th
" " Account Genl
" " Genl Audt

Revenue 1859 Dept.
Pro: of Govt. 1st July

No 840.

Pro: of the Madras Govt.
Dt 25th June 59.

Rupees 119-4-4
disbursed to the Collector
of Masulipatam for the
Costs in O.C. No 5 of 5
on the file of the Civil
Court of that District.

No 5 to 6.