M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 2482 Press ~~Mis.~~

391-392

Dated 22 — 12 — 18 60.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 22nd December 1860.

No. 391. Read the following letter from J. R. BOYSON, Esq., Government Solicitor, Madras, to J. D. SIM, Esq., Secretary to Government, Revenue Department, Fort Saint George, dated Madras, 10th December 1860, No. 2,069 :—

SIR,

1. With reference to the Proceedings of Government noted in the margin, I have the honor to forward a copy of a further Opinion of the Advocate General.

Revue Department, 30*th July* 1860, *No.* 1,269.
Do. 13*th Aug.* ,, ,, 1,349.
Do. 4*th Sept.* ,, ,, 1,513.
Do. 15*th Sept.* ,, ,, 1,615.

2. I have the authority of the Advocate General for stating that in his opinion (and most certainly in mine) the more expedient course will be to institute any legal proceedings that may ultimately be determined upon in the Civil Court at Coimbatore rather than the Supreme Court at Madras.

3. Should Government concur in this view, it follows that the control of any such proceedings would devolve upon the Government Pleader and not on myself, and it therefore occurs to me that any notice, which may be necessary in anticipation of or with the view to any such proceedings should be given (or at all events settled) by that Officer and not by me.

4. I therefore beg to suggest that if Government should determine to instruct the Government Pleader, I be authorized to communicate to him what has passed between the Advocate General and myself, and to hand over to him the papers forwarded with the Proceedings of Government, Nos. 1,513 and 1,615 which I retain for that purpose.

(COPY OPINION.)

1. The course of proceeding in this matter as regards Messrs. John and James McIvor appears to have been very lax indeed; admitting James McIvor into possession without any engagement being executed by him, any authority being shown for his brother William's signing in his name and James' or any ratification by him of William's acts. In strictness, I incline to think that he is only a Tenant at Will, but Government have so long dealt with him as their Lessee, that I could not advise them to ignore the case now.

2. The most favorable course for James McIvor will be to treat him as having ratified and adopted his brother William's acts, by his letter of 27th April 1854 to Mr. Thomas, and by taking subsequent possession on that footing. I therefore advise that such notice be given as suggested in my former Opinion, and if Mr. James McIvor should take the objection that *he* has not signed any counterpart or other engagement, ***then*** treat him as a Tenant at Will, or as a Tenant from month to month, and give him a month's notice to quit.

10*th October* 1860.

(Signed) THOMAS SYDNEY SMYTH,
Advocate General.

(True Copy.)

(Signed) J. R. BOYSON,
Government Solicitor.

No. 392. ORDER THEREON, 22nd December 1860, No. 2,482.

1. The Governor in Council resolves to act on the advice of the Advocate General and Mr. Boyson, and to request that Mr. Dale will undertake the conduct of the proceedings against Mr. McIvor.

2. Mr. Dale will warn Mr. McIvor of the intentions of Government as desired by the Secretary of State in the Despatch noted in the margin, and if legal proceedings are ultimately necessary, will institute them in the Court of the Sub-Judge of Ootacamund.

15*th June* 1859, *No.* 6, *Para.* 43.

(Signed) J. D. SIM,
Acting Secretary to Government.

Revd 2 Dec.

No. 2482.

Proceedings of the Madras Government

Under date the 22d December 1860

Read the following letter from the Govt Solicitor

Forwards with reference to former correspondence, copy of Advocate Generals further opinion as to the remedy of Govt under the leases granted to Mr of land on the Nilgiris & advises as to the course that should be pursued.

(Here enter 10th Decr 1860 No 2064)

The pril letter & ach on the advice of the Advocate Genl and Mr Norton and & request that Mr Dale will undertake the conduct of the proceedings against Mr Mc Leor.

Mr Dale will warn Mr Mc Leor of the intentions of Govt as desired by the Secy of State in the Despatch noted in the margin - and if legal proceedings are ultimately necessary will institute them in the Court

15th June 1859 No 6. P. 43.

Mr Dale Mr Mc Leor 22 Dec 1860.

No 2391.

Copy in Letter to Govt dated 22d Decr 1860 No 2910

Ditto Ditto 30th July 1860 No 2391 @ 2391

" 13th May 1860 No 1143-1144

" 18th " do " 1220-1221

" 11th Sept 1860 No 52-53

" 15th " do " 248-249

Letter from Govt dated 12th Sept 1860 No 2910

Letter to Govt dated 13th Decr 1860 No 3016

Reply " " 18th " " 3016

Letter from Govt dated 22d Decr 1860 No 2910

Ditto to Govt dated 22d Decr 1860 No 3016

Reply " " 22d " " 3016

No 2482. 22d December

Forwards with correspondence to former Cases and answers, Opy Advocate General's further opinion, Opy Petition of Mr Mc Leor to the Honble the Governor in Council, Opy of Govt Proceedings thereon, Opy of Mr Norton's Report on the Petition and advises as to the course that should be pursued.

C. S. Ans. Rep.

- Should bring a suit in the District Court as recommended by the Advo. General.

Yes - Mr Dale

Mr Dale will warn Mr Mc Leor of the intentions of Govt as desired by the Secy of State in the Despatch noted in the margin - and if legal proceedings are ultimately necessary will institute them in the Court

Let postage be
of the ~~P. S. Steamer~~
Steamengine.
~~at Fort Petro.~~

S D S.

1 Copy - Government Solicitor 22d
1 " Government Pleader in Dep. with Para. 43 of Ptts. Cir.
12 " Board of Revenue 22 Circ. 2.

Copy in a Letter to Engt
Dt 20th January 1861 No. 22.

Revenue 1860 Dept.
Pros: of Govt for December.

No 2482.

Pros: of the Madras Govt
Dt 22d December 1860.

From Govt Pleader 17th March 61
No. 678.

Further Pros: 7th Feby 61 No 299.

55 Mc/04

Mr Dale to undertake the conduct of the proceedings against Mr Mc Ivor and to institute legal proceedings in the Court of the Sub Judge of Cotacamund, if ultimately necessary.

No 391 & 392.