M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 707 Press
Mis.

477-478

Dated 26 - 3 - 1861.

Not to be folded or roughly handled

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477-478

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Proceedings of the Madras Government, Revenue Department, 26th March 1861.

No. 477. Read the following letter from CLEMENT DALE, Esq., Government Pleader, Sudder Adálat, to J. D. BOURDILLON, Esq., Secretary to Government, Revenue Department, Fort Saint George, dated Madras, 16th March 1861, No. 57 :—

SIR,

1. I have the honor to acknowledge the receipt of the Proceedings of Government of the date and number noted in the margin, and to report for the information of the Honorable the Governor in Council, that consequent upon the Proceedings of the Board of Revenue, dated the 18th of December last, No. 5,938, my attention has been directed to the Suits referred to by the Collector of Ganjam, and I am, therefore, able to state that the appeals referred to in the 9th paragraph of the Proceedings of the Board, dated the 26th ultimo, were not presented within the limited period prescribed by Section 333 of Act VIII of 1859; and the Court not being satisfied that the appellants had shown sufficient cause, refused to admit the appeals.

Order of Government 12*th March* 1861, *No.* 565, *Revenue Department.*

2. I observe that in his letter, dated the 4th December 1860, No. 320, the Collector states the "appeal time expires on the 31st January 1861." Some time must elapse before the appeals, &c., on behalf of the Collector can be presented. The time embraced in the periods between presenting the petitions for review, and the giving orders thereon, will be allowed in calculating the time prescribed for appeal; but if, after deducting that time, the 90 days allowed for appealing shall have expired before I can present the petitions for appeal, I shall have to satisfy the Court of the cause of the delay. To enable me to do this I should have furnished to me a detailed statement of what has been done, with the dates on which each act has been performed, and the reasons accounting for any delay, should any have occurred. I have written to the Collector stating this, and asking for the required information.

3. I do not observe that the defence now put forward by the Collector under Regulation 27 of 1802 was raised in the Civil Court.

4. I shall require to file in the Sudder, orders of Government, authorizing me to appeal, I therefore do myself the honor of requesting that a separate order directing me, on behalf of the Collector, to prefer an appeal from the decree of the Civil Judge in each Suit may be passed, and forwarded to me in duplicate.

No. 478. ORDER THEREON, 26th March 1861, No. 707.

With reference to the last paragraph of this letter, the Governor in Council authorizes the Government Pleader to institute, on behalf of the Collector of Ganjam, an appeal in the Court of Sudder Adálat from the decree passed by the Civil Court of Chicacole in each of the Suits Nos. 4 and 5 of 1859 on the file of that Court. Mr. Dale will conduct the appeal at the public cost in the first instance, but the Government will determine when a copy of the decree is submitted, whether the costs, if any be adjudged against the Collector, shall be borne by that Officer or by the Government.

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

C 29 April 1859 p. 34-35
21 December 1860 p. 373-374
12 March 1861 p. 196-197

Nos 477 & 478

C 21 March 9 Rs.

Revenue 1861 Separate
Pro: of Govt for Allahabad No 709.
From Govt Pleader Sdr
To Secretary to Government
Dated 16th March 1861
Rec'd 18th "

No 707. 26: Inward
No 57

(Enclosure none)

States that the appeals referred to in the Proceedings of the Bd of Revenue dated 25th Ultimo were not presented within the prescribed time, and that the Court has therefore refused to admit them

Pro: of the Bd of Rev: 9th May 1861
No 1263 in Pro:
With an Order

Rec'd 21 March 1861
Sent to Collector in Orig 26 March
Sent Copy in Orig to Govt 13th April
Sent Copy in Orig to Govt 29th April

not [illegible] the first instance to
pursue the appeal for costs of Dec 21/60
& March 12/61

No 707.

With reference to the last para of this letter, the Governor in Council authorizes the Government Pleader to institute, on behalf of the Collector of Ganjam, an appeal in the Court of Sudder Adalat from the Decree passed by the Civil Court of Chicacole in each of the suits nos 474 & 475 of 1859 on the file of that Court - Mr. Dale will conduct the appeal at the public cost in the first instance, but the Government will determine when a copy of the Decree is submitted, whether the costs, if any be adjudged against the Collector, shall be borne by that Officer or by the Government

Fort St Geo:
26th March 1861