

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1464

Press
~~Miss~~

76-77

Dated 5-7-1862.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
5th July 1862.*

No. 76. Read the following Proceedings of the Board of Revenue, dated 3rd June 1862, No. 3,552 :—

Read the following letter from J. MILLER, Esq., Acting Government Solicitor, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Madras, dated 27th May 1862, No. 264.

SIR,

1. I have the honor to forward for your perusal and information a copy of a letter addressed by the Collector of Nellore to the Government Pleader, under date the 13th of March last, and of my reply thereto of the 26th idem, No. 158, together with copy of a notice since served upon me in the matter of B. Kistnasawmy Naidoo's Insolvency.

2. I have obtained copies of B. Kistnasawmy Naidoo's Petition and
* To be returned. Schedule and Balance Sheet, and (to save the delay of making a copy thereof) herewith send them.*

3. I also enclose you a form of notice to be given to the Insolvent, in the event of your wishing me to oppose his discharge, and shall be obliged by your favoring me with early instructions on the subject.

4. If I am to oppose the discharge, please tell me whether you are in a position to prove all or any, and if so, which of the charges suggested in the notice, and what evidence is available to substantiate each charge, and whether in communication with the Collector of Nellore, you can suggest any other grounds of opposition.

5. I request your early attention to this matter, as the notice of opposition must be given three clear days before the day appointed for the hearing of the Insolvent's Petition, and I should be instructed fully in the matter, at least three days before the notice is required to be given, to enable me to consider the grounds of opposition, and if necessary, consult the Advocate General thereon.

1. The Board of Revenue are not in a position to furnish the information desired on the proposed grounds for opposing the discharge, nor are they at present prepared to say that they will authorize such opposition on any such grounds, should they be stated to exist by the Sub-Collector in charge of the Nellore District to whom the above letter will be referred.

2. But it appears to the Board that the case involves an important principle affording far higher ground for opposition and one which must certainly not be abandoned should it really exist, on which point they request the Acting Government Solicitor to take the opinion of the Advocate General and communicate it to them.

3. The Insolvent is a Revenue defaulter, and seeks to evade his liabilities to Government by obtaining the protection of the Supreme Court under the Bankruptcy Act.

4. The Supreme Court have by their Charter no jurisdiction in matters of Government revenue, and cannot, the Board presume, enter into the question of the validity of the Insolvent's debt, the circumstances under which it was incurred, or afford relief from it; and if so, the liability should be struck out of the Schedule.

5. The Board request Mr. Miller to submit the point for the consideration of the Advocate General.

(A true Copy and Extract.)

(Signed) W. HUDLESTON, Secretary.

No. 77.

ORDER THEREON, 5th July 1862, No. 1,464.

Ordered to be recorded.

(Signed) P. P. HUTCHINS,

Acting Deputy Secretary to Government.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 3rd June 1862.

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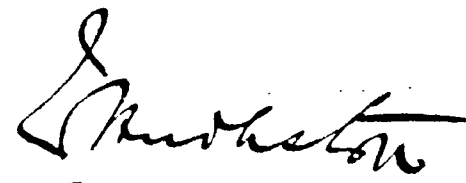
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General.

(A true Copy and Extract.)


Secretary.

To J. Miller, Esq., Acting Government Solicitor.

Copy to E. F. Elliott, Esq., Sub-Collector in charge of Nellore,
with 7 enclosures (to be returned).

„ J. D. Sim, Esq., Secretary to Government, R. D., for information.

Revised
1862 Department.
Revised for July
No. 1618-

PROCEEDINGS OF THE BOARD OF REVENUE.

Dated 3rd June 1862.
Despatched 6th —
Received 7th —

Indur Rao: 1862
28.19234/1862.
No. 3,552.

Replying to a reference made to the Board,
in the matter of the insolvency of B. Kistnasaw-
my Naidu, an Abkary Revenue Defaulter.

9/11/62
9/11/62
3rd July 1862

29/6/77

10/11/62