M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1521 Press ~~Mis.~~

1881-189

Dated 12-7-1862.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 12th July 1862.

No. 188. Read the following Proceedings of the Madras Government in the Judicial Department, dated 5th July 1862, No. 1,060:—

Intimating that a Bill will be introduced into the Local Legislative Council to extend the time allowed for preferring an appeal in a District Court, in cases in which the Government is one of the parties, to 90 days, as recommended by the Revenue Board.

(Vide Judicial Proceedings, 5th July 1862, Nos. 54, 55.)

No. 189. ORDER THEREON, 12th July 1862, No. 1,521.

Communicated to the Board of Revenue with reference to their Proceedings, 26th May 1862, No. 3,386.

(Signed) P. P. HUTCHINS,
Acting Deputy Secretary to Government.

JUDICIAL DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following Proceedings of the Board of Revenue, dated 26th May 1862, No. 3,386.

Read letter from A. WEDDERBURN, Esq., Collector of Cuddapah; to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Madras, dated Madanapalli, 12th May 1862, No. 57.

1. With reference to the Proceedings, Board of Revenue, dated 29th April 1862, No. 2,703, communicating the Order of Government, enclosing a Memorandum by the Judges of the Sudder Court, extending the period for the preliminary steps necessary in conducting suits on behalf of Government, I have the honor to represent that the period of 30 days at present allowed for *appeal*, is too short in the case of decrees passed by Native Judges in the vernacular. The Government Vakeel has to obtain and prepare a fair copy of the decree, and the decree has next to be translated in the Collector's Office, the Collector has then to form a judgment, and to record an opinion for submittal to the Board of Revenue, as to whether the decree should be accepted or appealed against, and finally he has to receive the Orders of the Board and Government, in reference to his future proceedings.

2. All these steps, involving time, can scarcely be completed within the short space of 30 days, and such a limit prevents a calm consideration of the merits of a case.

3. In Districts, where from want of Telegraphic communication, the earliest reply to a reference by post takes seven days, a quarter of the time lapses in the mere transmission of the letter, and receipt of the answer. Should any delay have occurred in the Government Vakeel receiving copy of the decree, the time for translation, consideration of the grounds of appeal, drafting, and fair copying of a letter, and its transmission, leaves no interval for the subject to receive the due consideration of Government before the limit of appeal has expired.

4. If the Collector puts in an appeal, before he has received instructions, he does so at his own risk, and it is objectionable that such should be the only course possible, when Government interests are concerned.

5. I observe that the Judges have no power to extend the period of appeal in suits against the Government, but if the period of appeal were extended from 30 to 60 days, all the above objections would be obviated.

6. A Collector is placed in a more disadvantageous position than a private individual, who can decide on his own responsibility on the spot, whether to appeal or not, and therefore I would recommend a Legislative Act to extend the period of appeal in suits affecting Government from 30 to 60 days for the reasons above stated.

Ordered that the above letter be submitted for the consideration of Government with reference to the correspondence noted in the margin. The Board, in their letter to Government, laid particular stress on the insufficient time allowed for appeals by Section 333, Act VIII of 1859, and as it appears that no other course is open, they beg leave to recommend that recourse be had to the Legislature to procure an extension of the time for appeal from 30 to 90 days in all suits in which Government is concerned as a party.

From Board, dated 8th March 1862, No. 1,353.
Government Proceedings, 21st Idem, No. 630, R. D.
Do. 16th April, No. 853, R. D.

(A true Copy and Extract.)

(Signed) W. HUDLESTON,
Secretary.

Transferred to the Judicial Department.

(Signed) J. D. SIM,
Secy. to Government.

ORDER THEREON, 5th July 1862, No. 1,060.

A Bill will be introduced into the local Legislative Council to extend the time allowed for preferring an appeal in a District Court, in cases in which the Government is one of the parties, to 90 days, as recommended by the Board of Revenue.

(True Extract.)

Acting Chief Secretary.

To the Board of Revenue.
" Revenue Department.
" Sudder Court.

Exd. T. O'Connor.

21 March/62 No. 358-359
16 April/62 — 270-271

Rev. 1862 Dept.
Proc. of Govt. for July.
No. 1321.

Proceedings of the
Madras Govt. in
the Jud. Dept.

Dated 5th July/62.
Received 7th do.
No. 1060.

No. 1521-12 July.
With an order
Intimating that
a Bill will be introduced into the Local Legislature Council to extend the time allowed for preferring an appeal in a District Court, in cases in which the Govt. is one of the parties, to 90 days, as recommended by the Revd. Bd.

No. 1321.

Communicated to the
Board of Revenue with reference
to their Proceedings 26th May
1862 No. 3386.

From Sec. to Govt.
12th July 1862.

14 Copies to the Bd of Rev. Desp. 16th
with Pro. & D. No. 1060.

No. 188 & 189.

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