M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 939 Press ~~Mis.~~

Dated 1. 8. 1863.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 1st May 1862.

No. 14. Read the following letter from CLEMENT DALE, Esq., Government Pleader, Sudder Adalat, to J. D. SIM, Esq., Secretary to Government, Revenue Department, Fort Saint George, dated Madras, 14th April1862, No. 66:—

SIR,

1. I have the honor to acknowledge the receipt of the Proceedings of Government, under the date and number noted in the margin, and to report to the Honorable the Governor in Council that, in my opinion, the claim of Government to the newly formed Island referred to can be upheld, and successfully maintained; I therefore do not think it advisable that Government should consent to submit the settlement of the dispute to arbitration.

15th March 1862, No. 584, Revenue Department.

2. My opinion is formed from understanding that the Island is newly formed in a navigable river; and on the supposition that the communication referred to in the 8th paragraph of the Board's Proceedings, was not couched in terms which would *bind* the Government to submit the dispute to arbitration; as also from the consideration that the settlement of the question must depend on a point of Law, regarding which there might be a difficulty in selecting an arbitrator with sufficient knowledge of the Law of that subject to ensure a satisfactory decision. Moreover, any decision thus arrived at, would not definitively set the question at rest; while if it were unfavorable to Government, such a decision might dispose other parties to assert claims and oppose the rights of Government.

No. 15. ORDER THEREON, 1st May 1862, No. 939.

Communicated to the Board of Revenue with reference to the Order of Government, dated 15th March 1862, No. 584. The Board will refuse to acknowledge the claim of the Rajah to the Island in dispute, and be guided by the Government Pleader in following this course.

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

No 66

From Clement Dale Esquire Government Pleader Sudder Adalat.

To. J. D. Sim Esquire Secretary to Government

Madras 14th April 1862.

Sir

Para 1

15th March 1862. No 584. Department.

I have the honor to acknowledge the receipt of the Proceedings of Government under the date and number noted in the Margin, and to report to the Honorable the Governor in Council that in my opinion, the Claims of Government to the newly formed Island preferred to can be upheld, and successfully maintained. I therefore do not think it advisable that Government should Consent to submit the settlement of the dispute to arbitration.

2 My opinion is formed from understanding that the Island is newly formed in a navigable River; and on the supposition that the Communication referred to in the 8th Para. of the Board's Proceedings, was not couched in terms which would bind the Government to submit the dispute to arbitration. It is also from the Consideration that the settlement of the question must depend on a point of law, regarding which there might be a difficulty in selecting an Arbitrator with sufficient knowledge of the law of that subject to ensure a satisfactory decision. Moreover any decision there arrived at, would not definitively set the question at

at present: while if the were unfavorable to Government, such a decision might dispose other parties to assert claims and oppose the rights of Government.

I have the honor to be

Sir

Your most obt. servt.

Gov. Pleader

Treasury Dept.
Dec. 15th 1842

Gov. Pleader
Treasury Dept.
Dec. 15th 1842

Dec. 15th 1842

Transmits letter of Dec. 14th 1842 from Gov. Pleader.

Returned to Gov. Pleader

1842.

Transmits letter of Dec. 14th 1842 from Gov. Pleader.

Returned to Gov. Pleader