

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	1176	Press
		~~Mis.~~
	52.53	
Dated	3 . 7 -	19-1863

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
3rd July 1863.*

No. 52. Read the following letter from CLEMENT DALE, Esq., the Receiver of the Carnatic Property, to J. D. SIM, Esq., Secretary to Government, Revenue Department, Fort Saint George, dated Madras, 26th June 1863, No. 72:—

Sir,

6th June 1863, No. 61. In continuation of the letter I had the honor of addressing to you, under the date and number noted in the margin, I do myself the honor of enclosing for the information of the Honorable the Governor in Council, a copy of an order passed by the High Court under date the 10th instant.

IN THE HIGH COURT OF JUDICATURE AT MADRAS, 10th JUNE 1863.

Present.

The Honorable MR. JUSTICE PHILLIPS.

The Honorable MR. JUSTICE FREKE.

Civil Petition No. 148 of 1863.

Petitioner.—Cavale Vencatanarappah, Zemindar of Vissunnapettah and Jaghiredar of Tannalore of Zillah Misulipatam. By his Vakeel J. D. Mayne, Esq.

We decline to accede to the request contained in this Petition, and for two reasons. In the first place we consider that, adverting to the express instructions of the Lords of the Judicial Committee of the Privy Council, directing this Court to take evidence on the points specified in their Lordships' Judgment, and to proceed in the cause according to the result of such enquiries, it is no longer open to us to consider a plea, which, if of any value at all, would tend to supersede the necessity of making any such enquiries as are now specially enjoined upon this Court. And in the second place, we are of opinion that even were the point now urged by the petitioner fully established by evidence, it could possess little or no weight for the determination of the case; it being apparent, as has been observed by their Lordships in their Judgment, that the onus of proof as respects the legality of alienation by a widow, rests upon the party asserting it; and the mere fact of the Government having in their original Pleint omitted to impeach the *bona fides* of the transfer now in question would in no way tend to relieve the opposite party from the necessity of such proof.

By the Court,

(Signed) T. WILKINS,
Deputy Registrar.

(True Copy.)

(Signed) T. WILKINS,
Deputy Registrar.

No. 53.

ORDER THEREON, 3rd July 1863, No. 1,176.

Communicated to the Board of Revenue.

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

72
most Noble Sir, The Receiver of the Customs & Excise
Viney Esq. Secretary to Government

Madras 26 June 1863

Sir,

In continuation of the letter of the 3rd
3rd 64. The honor of addressing to you was
the margin; I do myself the honor of submitting
the information of the Honorable the
Governor in Council as copy of new orders
passed by the High Court under date the
instant.

I have the honor to be,
Sir,
Your Most Obedient Servant
Wm. D. D.
Government Pleader

9511-78

Comm
of Revenue.—

W. J. P.

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11 Ohio State - Poplar Hospital

Peru 1863
No. of Gov. for 1863
From Gov. Mexico
To Secretary to Government

Date 26 June 1863.
Read 29th —

N^o-72

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Inclosing Copy of order
passed by the High Court
under date the 10th June 1863
in R. A. A. No. 148 of 1863. -

Ms. 1175-32 July.

With an Order-

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230 lines of 63 A. 800 line