

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 751

Press
~~Mis.~~

294.295

Dated 30 4 19 1863

Not to be folded or roughly handled.

*Proceedings of the Madras Government, Revenue Department,
30th April 1863.*

No. 294. Read the following letter from CLEMENT DALE, Esq., Government Pleader, Madras, to J. D. SIM, Esq., Secretary to Government, Revenue Department, Fort Saint George, dated Madras, 28th April 1863, No. 34:—

SIR,

1. I have the honor to enclose, for the information of the Honorable the Governor in Council, copy of a Notice served by Mr. Mayne, the Vakeel for Cavelly Vencata Narainappah on Mr. Boyson, requiring him to produce at the hearing of the R. A. S. No. 103 of 1857, on the Appellate side of the High Court, the books, letters, Proceedings of Government, &c., therein enumerated.

2. The case is posted for hearing on Saturday the 2d May 1863, the Court sits at 11 o'clock.

3. I have not seen "the Proceedings of the Revenue Board in No. 35 of 1832, showing the receipt and disposal of a Petition to the Board by Vargonda Lutchmeedavammah, Zamindar of Vissanapett, dated 7th January 1832," nor the Extract from the Minutes of Consultation No. 623, dated 31st August 1855, but I entertain little doubt they are privileged communications, and their production cannot therefore be enforced; the other papers mentioned in the notice I have perused, and I cannot understand that legitimately or for any other purpose than for trying to mislead the Court, any use could be made of the papers, and I suppose the other papers are of the same character. The case was posted for the settlement of issues some months ago, and on that occasion the Vakeels for the Appellant did not require the production of these papers, and I do not know how the Vakeels have acquired a knowledge of their existence.

4. It would be desirable that I should see the papers I have mentioned in paragraph 3; and to-morrow would be a convenient day for the purpose, if sent to me at my Chambers on the North Beach.

5. I advise that all the papers mentioned in the Notice be sent by an intelligent and trustworthy Clerk to the Court House, Mount Road, on Saturday next, the 2nd proximo, at 11 o'clock; with instructions not to produce them, or let them be perused by anybody, but Mr. Boyson or myself, or by our directions.

6. I also advise, that I be instructed to resist their production on the ground of their being privileged communications; I do so on principle, as it is bad to set a precedent, or to depart from the regular course; not that I think with a properly constituted Court their production could do either good or harm to Appellant or Respondent.

From J. D. MAYNE, Esq., Vakeel for Appellant, to the Government Solicitor, dated Madras, 28th April 1863, R. A. No. 103 of 1857.

SIR,

Take notice that you are hereby required to produce at the hearing of this cause on the Appellate side of the Court, the books and Proceedings of the Revenue Board in No. 35 of 1832, showing the receipt and disposal of a Petition to the Board by Vargonda Lutchmeedavammah, Zamindar of Vissanapett, dated 7th January 1832. Also Extract of Minutes of Consultation of Government, dated 13th August 1855, No. 570, in the Judicial Department, and the letter of the Government Pleader, dated 27th July 1855, referred to therein. Also a letter from the Government Pleader to the same Department, dated 22nd August 1855, and Extract from the Minutes of Consultation No. 623, dated 31st August 1855, in the same Department.

No. 295. ORDER THEREON, 30th April 1863, No. 751.

1. The papers referred to will be sent under seal by a trustworthy person with instructions as proposed. The Board will arrange for the transmission similarly of their Proceedings as entered in the Notice.

2. Mr. Dale is authorised and instructed to oppose the production of the papers on the grounds stated in paragraph 6 of his letter above recorded.

Ind. 13 Aug 1855 No. 15-16
31 13 14

Copy in Letter to England
of 23 June 1862 of 1863

Rev. 1863. 1863. 1863.

From Government. Madras.

To Secretary to Government.

Date 28 April 1863

Rev. 29 -

Pro. 13. Rev. 12 May 1863 No. 1108

N. 34

(With 1 enclosure)

From Govt. P. K. and 1863

6th 1090. in R.

Forwarding Copy of

a Notice served by Mr.

Mayne, the Vakeel for Cavelly

Venkata Narayanappa, on

Mr. Boyce requiring

him to produce in the

High Court certain records

of Govt.

N. 751. 1863. April.

With an Order

N. 274. 1863.

C. 30. 1863. May.