M.R.O. 1—38,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue. **DEPARTMENT.**

G.O. No.	3148	Press ~~Mis.~~
142-431		
Dated	10th December 1869.	

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 10th December 1869.

No. 142. Read the following Proceedings of the Board of Revenue, dated 5th November 1869 :—

Read the following letter from the Government Solicitor, Madras, to the Acting Secretary to the Board of Revenue, dated Madras, 23rd October 1869, No. 573.

With reference to the Proceedings of the Board of Revenue, dated 28th September 1869, No. 7,205, and in continuation of my letter of the 1st October 1869, No. 526, I have now the honour to report, for the information of Government, that the Advocate-General appeared on the 16th October 1869, on the first hearing of the Suit filed, by the Nellamboor Tirupad against the Collector of Malabar and another, in the Civil Court of Calicut. The plaintiff, who was represented by Mr. Green, an Advocate of the High Court at Madras, filed thirteen documents on behalf of the plaintiff, and the Advocate-General put in the defendant's written statement, and filed all the documents which he thought would be of service on the final hearing, except Captain Osborne's Report, which had not arrived from the Revenue Board, and copies of two mortgages produced by the plaintiff's uncle before the Moonsiff's Court when execution issued for the sale of the property in 1836 : these documents, the Advocate-General mentioned to the Court, would be forthcoming shortly, and objected to the plaint upon the ground that it did not disclose with sufficient clearness the lands sought to be recovered. The Court then ordered a Commission to issue to define the boundaries set out in the plaint, and Mr. Webster suggested Major W. H. Hessey, the Deputy Superintendent of the Revenue Survey Department, as the Commissioner ; but as the Advocate for the plaintiff was not instructed to consent, the Court gave time till the 25th instant for both parties to agree to a Commissioner ; in default the Court will appoint a Commissioner. The plaintiff was ordered to bear the costs of the Commission in the first instance, but ultimately such costs are to be costs in the cause ; the plaintiff was also ordered by the Court to deposit 1,000 rupees in Court on the 25th instant, and as much more from time to time as may be necessary. The Commissioner to be appointed was authorized to take evidence if necessary, and both parties were to be at liberty to attend on the Commission by their respective Agents.

2. With reference to the prayer in the plaint for an injunction, the Court stated that if any application were to be made, it must be by separate petition ; it was also impossible to settle the issues, for, as the Court justly observed, the defence may be totally different according to the boundaries.

3. I have disbursed to the Advocate-General, in addition to the sum of Rupees 3,500 already sanctioned by Government, the further sum of Rupees 91-14-0, being his travelling expenses to and from Calicut ; and have the honour to request that you will obtain the sanction of Government for the last-mentioned payment.

Submitted to Government in continuation of Board's Proceedings, dated 6th October 1869, No. 7,434.

Proceedings of the Madras Government, Revenue Department,
10th December 1869.

2. The sanction of Government is requested for the additional payment to the Advocate-General of travelling expenses, amounting to Rupees 91-14-0.

No. 143. ORDER THEREON, 10th December 1869, No. 3,148.

Miscellaneous.

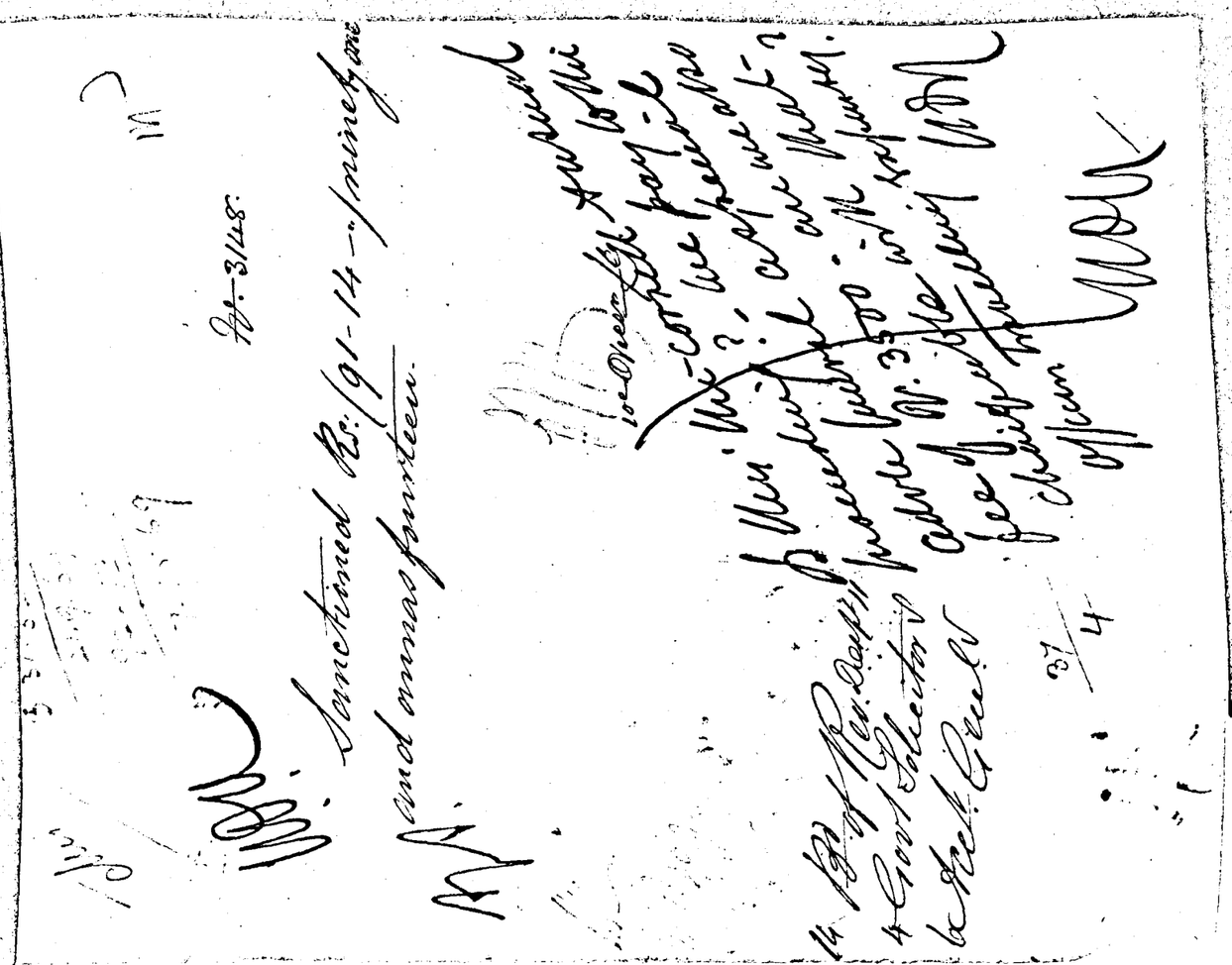
SANCTIONED, Rupees (91-14-0) ninety-one and Annas fourteen.

(True Extract.)

(Signed) R. A. DALYELL,
Acting Secretary to Government.

To the Board of Revenue.
,, the Government Solicitor.
,, the Accountant-General.

Exd. F. R. Bantleman.



Govt. of {1869} Madras.

REVENUE.

To

THE BOARD OF REVENUE,

&c., &c., &c.

From Board's Recm 10 Dec/69
R. 4177.

Dated December, 10th.

Recd. *Encl.*

G. O., 10th December 1869, No. 3,143.

DECEMBER.

Nos. 142-143.

Nellamboor Tirupad's Suit.—Travelling expenses incurred by Advocate-General in connection with it, sanctioned.