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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No. *584* Press
B.P. No. *584* ~~Mis.~~

Dated *6-5-1876* -196-

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
6th May 1876.*

No. 56. Read the following letter from J. W. H. ADLEY, Esq., Government Pleader, Madras, to the Hon. D. F. CARMICHAEL, Secretary to Government, Revenue Department, dated 29th April 1876, No. 65:—

With reference to the Proceedings of Government noted in the margin, I have the honor to report that, as thereby Revenue Department, 22nd January 1876, instructed, I filed a special appeal in the High Court against the judgment of the District Court of South Malabar in Appeal Suit No. 221 of 1875, refusing to decree to Government possession of certain escheat lands.

2. The special appeal (No. 127 of 1876) was heard on the 3rd instant before the Chief Justice and Mr. Justice Kindersley. The Court held that the rights of Government were sufficiently protected by the decree of the District Court, and that, having sold the jenm right, Government could have no right to possession. It was intimated that the ordinary vendor's lien of Government on the lands for the balance of unpaid purchase-money was unaffected by the District Court's decision. The result was that the special appeal was dismissed with costs.

3. I do not think that practically the interests of Government are prejudicially affected by this adverse decision. Government has still the security of the land to fall back upon for the remaining instalments of the purchase-money. If they are not paid by the second defendant, notice must be given to the first defendant to pay them, and in default a suit must be brought to recover them by means of the lands in his possession. I enclose copy of the High Court's decree.

4. I return the two original enclosures which accompanied the above Proceedings.

No. 57.

ORDER THEREON, 6th May 1876, No 584.

Miscellaneous.

COMMUNICATED to the Collector through the Board of Revenue.

(True Extract.)

(Signed) D. F. CARMICHAEL,
Secretary to Government.

To the Board of Revenue.
,, the Government Pleader.

Exd. J. W. Fischer.

1876

No 65

Madras
29th April 1876

To Mr. J. H. Handley Esq
Government Pleader
Madras

To the Honble D. F. Carmichael
Secretary to Government
Revenue Department

With reference to the Proceedings of
Government noted in the margin
I have the honor to report that as
thereby instructed I filed a special
appeal in the High Court against
the judgment of the District Court
of South Malabar in appeal
suit No 221 of 1875 refusing to decree
to Government possession of certain
escheat lands.

2. The Special appeal (No 127 of
1876)

Rev. Dept.
22nd Jan^y 1876
No 87

Cont. of 1876: 34
REVENUE.
THE BOARD OF REVENUE,
Dated May, 6th
Recd.
G.O. 6th May 1876, No. 581.
MAY.
Nos. 56-57.
Special Appeal No. 127 of 1876 in High Court
Filed on behalf of Government against the
judgment of the District Court of South Malabar
in suit relating to certain escheat lands.—Com-
municating to the Coll. Secy, through the Board of
Revenue, letter from the Government Pleader
reporting dismissal of—

washed on the 3^d Instant
before the Chief Justice and Mr
Justice Standley. The Court
held that the rights of Government
were sufficiently protected by the
decree of the District Court and
that having sold the land right
Government could have no right
to possession. It was intimated
that the Ordinary vendor's lien of
Government on the lands for
the balance of unpaid purchase
money was unaffected by the
District Court's decision. The result
was that the Special appeal was
dismissed with Costs.

3. I do not think that practically
the interests of Government are
prejudicially affected by this adverse
decision. Government has still
the

the security of the land to fall
back upon for the remaining
instalments of the purchase money.
If they are not paid by the 2nd
defendant notice must be given
to the 1st defendant to pay them
and in default a suit must
be brought to recover them by
means of the lands in his
possession. I enclose copy of
the High Court's Decree.

4. I return the 2 Original Enclosures
which accompanied the above
Proceedings.

I have the honor to be
Your most ^{obedient} servant

J W Bantley
Government Pleader

Communicated to the Collections
through the W.D. of New York

6 May 1876

From
 The Govt. Printer
 To
 Messrs & Govt
 Rev. Secy
 No 584, 6 Nov, 1876
 Date 22^d April
 1876
 Recd 2nd May
 P. S. Smith, D. D. J. C. S.
 1865
 If A. No 127 of 1876
 in regard to
 in behalf of Govt
 signed judgment
 of District Court
 of Madison in said
 relating to certain
 School lands -
 Report of Survey of
 Madison