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Revenue Department

Minutes of Consultation

4th May 1858

Back Nos 3 & 4

Order no 538²/19th March 1858

(822)

Fort Saint George, Revenue Consultation of 4th May 1858.

No. 3. Read the following letter from CLEMENT DALE, Esq., Government Pleader Sudr Udalut; to HENRY FORBES, Esq., Acting Secretary to Government; Madras 26th April 1858, No. 38.

Sir,

Para. 1. With reference to the 2 letters I had the honor to address to you under the dates and numbers noted in the margin; I have the honor to report for the information of the Right Honorable the Governor in Council that on the 21st Instant the Sudr Udalut received a letter to their address from the Civil Judge of Calicut with reference to the contemplated appeal in the name of the Tahsildar of Calicut against the Decree passed in O. S. No. 2 of 1856 and that the Court have granted a further extension of 3 weeks time to the intended Appellant for putting in his Brief Appeal Petition.

2. I have the honor to state that I find a decision of the Privy Council on an Appeal from Bombay from a Decree passed in a suit arising from circumstances very similar to those which are involved in the suit above mentioned. The Bombay Regulation as quoted in the report is couched in similar language to that contained in our Regulation in that case the Privy Council admitted the Appeal and held that the judge had no discretion but was bound to award costs to the successful Party.

3. I have the honor to remind you that I have not been furnished with copies of Decree, Petition of Appeal, and answer referred to in the 8th para. of my letter of the 19th Ultimo noted above.

No. 4. ORDER THEREON, No. 538; dated 28th April 1858.

The Board of Revenue, in their Proceedings dated 8th March 1858 para. 6, recommended the suggestion of the Acting Collector of Malabar, that the Sudder Court might be moved to call up the appeal against the Decree in Suit No. 20 of 1856 on the file of the Mooftee Sudder Ameen of Calicut, the institution of which was authorized in Extract Minutes Consultation dated 7th January 1858, No. 24, in order that it might be disposed of by the former Court, together

with the appeal proposed to be instituted before them against the Decree in Original Suit No. 2 of 1856 on the file of the Civil Court. The Government requested Mr. Dale to consider the propriety of acting on that suggestion,

and that officer in his letter of the 23d March 1858, No. 28, para. 8, requested to be furnished with the Decree of the Sudder Ameen, the Petition of appeal thereon, and the answer thereto, to enable him to form an opinion on the subject. The first two documents having been returned to the Board's office, with Extract Minutes Consultation dated 7th January 1858, No. 24, this letter was communicated to them with Extract Minutes Consultation dated 24th March 1858, and they ought to have furnished Mr. Dale with the papers that were in their office and called upon the Collector to transmit copy of the answer. From the present letter of Mr. Dale they do not appear to have done this, and they will be good enough to lose no further time in complying with Mr. Dale's request.

2. The other paras. of Mr. Dale's letter above recorded, appear to require no notice at present

(Signed) H. FORBES,
Acting Secretary to Government.

* செப்பனிருவர் பெயர் *செப்பனிருவர்* *
* செப்பனிருவருக்காக *
* எடுத்துக்கொள்ளப்பட்ட நாள் 06/2008 *
* செப்பனிரு முடிந்த நாள் 08/2008 *
* *26/4/58* *
* சாப்பாக்கும் ஆராய்ச்சி உதவி *
* மு. நி. பா. ஏ. யாளர் *
* கையொப்பம். கையொப்பம் *

No 38 30

From Clement Dale Esquire Government Pleader Sudr Udalut
To Henry Forbes Esquire Acting Secretary to Government

Madras 26th April 1858

Sir,

Para 1 With reference to the 2 letters I had the honor to
address to you under the dates and Numbers noted in the

Letter from Govt Pleader to Govt.
23rd March 1858 No 28
15th April 1858 No 34

margin; I have the honor to report for the
information of the Right Honorable The Governor
in Council that on the 21st Instant the Sudr

Udalut received a letter to their address from the Civil Judge
of Calicut with reference to the contemplated appeal in the
name of the Tahsildar of Calicut against the Decree passed
in O. S. No 2 of 1856 and that the Court have granted
a further extension of 3 weeks time to the intended Appellant
for putting in his Chief Appeal Petition

2- I have the honor to state that I find a decision
of the Privy Council on an Appeal from Bombay from
a Decree passed in a suit arising from circumstances
very similar to those which are involved in the suit
above mentioned. The Bombay Regulation as quoted
in the report is couched in similar language to that
contained in our Regulation. In that case the Privy
Council admitted the Appeal and held that the Judge
had no discretion but was bound to award costs to
the successful Party.

3 I have the honor to remind you that
I have not been furnished with Copies of the
Decree, Petition of Appeal, and Answer referred
to

Gout. Pleader

Levenue 1858 Report
2nd Course 4th May.

623

From the Great Teacher
such conduct

Oct 26th - 1871. -

Dec 24
1858. 28th. April 1858

Negotiating with reference to the con-
 templated appeal in the name of the
 tobacco or tobacco, against the de-
 cree passed in Oct. 12 of 1855 that
 the Court have granted a further
 extension of 3 weeks time to be
 intended after that time within
 which the appeal be taken. It is
 thinking that the Privy Council may
 on appeal from Bombay, from a
 decree passed in a suit arising
 from circumstances very similar
 to those which are involved in the
 suit above mentioned, refused
 the appeal, that is that the Privy
 Council refused it, but have
 found it necessary to be
 decreed that the

N^o 538

Extract from the Minutes of Consultation
Under date the 28th April 1858

I Read the following
letter from the Hon^{ble} Member
Sir John Lubbock

(Dated 26 April 1858)

*At
the
meeting
of the
Board*

The Board of Revenue
in their Proceedings
of 8 March 1858 para 6,
recommended the sugges-
tion of the Acting Collector
of Malabar that the sud-
der Court ^{might} be moved
to call up the appeal against
the Decree in suit N^o 20 of
1856 in the file of the Master
Ludlow Amies of Calicut,
the institution of which

was authorized in Ex. Min.
Cons. Off. Jan'y/58 N. 24,
it is ordered that it ^{might} be
disposed of by the former
Court, together with the
appeal proposed to be
instituted before them
against the Decree in
Original suit N. 2 of 1856
in the file of the Civil
Court of that District.

The Govt requested Mr.
Dale to consider the
propriety of acting on
that suggestion, and that
officer in his letter of the
3^d March 1858 N. 28 p. 8,
requested to be furnished
with the Decree of the
Sudder Ameen, the Pe-
tition of appeal thereon,
and the answer thereto,
enable him to form an
opinion

Ex. M. C. 17 March/58
N. 356

56 56
opinion on the subject;
The first two documents,
having been returned
to the Board's office
with Ex. Min. Cons. Off.
Jan'y/58 N. 24, this letter
was communicated to them
with Ex. Min. Cons. Off. 24th
March/58, and they ought
to have furnished Mr.
Dale with ^{the} papers that
were in their office and
called upon the Collector
to transmit copy of the
answer. From the present
letter of Mr. Dale they do
not appear to have done
this, and they will be good
enough to lose no further
time in complying with
Mr. Dale's request.

2. The other papers
of Mr. Dale's letter above
recorded

recorded appear to
require no notice at
present.

H. G.

Chief & Adm. Sec.

Dep't 29th

1st Gen'l Reader

Revenue 1858 - 20th Sept.
20th Aug 4th May

215538

Extract of the
28th April 1858

Directing the Board
of Revenue to furnish Mr. Dalry
with the documents relating
to the contemplated appeal
against the Revenue and that
the 20th of 1858, on the file of the
appeal by the Revenue of the
for his opinion thereon.