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Revenue Department

Minutes of Consultation

2nd July 1858.

Back Nos 77 & 78.

Order No 906 D 2nd July 1858

E. Stpet

VA

பாதுகாப்பு பிரிவு

செப்பனிடுபவர் பெயர் : மா இராமலிங்கம்

செப்பனிடுவதற்காக எடுத்தக்- 7/08
கொள்ளப்பட்ட நாள்.

25
18/7/08

சரிபார்க்கும்
முதல் முறியாள
கையொப்பம்

சரிபார்க்கும்
2ம் முறியாள
கையொப்பம்

ஆராய்ச்சி
உதவியாளர்
கையொப்பம்

Fort Saint George, Revenue Consultation of 2d July 1858.

No. 77. Read the following Extract from the Proceedings of the Board of Revenue; dated 18th May 1858, No. 2119.

Read Extract Minutes Consultation, dated the 14th June 1858, R. D.

In Consultation 18th June 1858.

(Here enter No. 816.)

The objection raised by Mr. Dale in para. 4 to the construction which the Collector of Salem has given to Clause 2, Section IV. Regulation I of 1823, appears to the Board to be merely technical.

2. He observes that this clause denies the Plaintiff his costs, but does not declare him liable for those of his opponent. This is true but it is equally clear that it does not afford the Plaintiff any formal exemption from Defendant's costs, and the fair inference from the condition on which the clause turns, is, that a Plaintiff by his neglect to make application for redress, before filing his suit has rendered it futile, he is justly chargeable with all expenses arising out of his error. The Board think it expedient to discuss the obligation of Government to construct or repair works of irrigation, on so trivial an occasion as the present, the point at issue may apparently be decided without allusion to the subject.

3. A letter was received from Mr. Brett at the same time with Government Extract Minutes Consultation. He states that the appeal time closes on the 18th, and as immediate orders were needed, the Board have instructed him by Telegraph to put in a brief petition of appeal which will be open to future amendment when the wishes of Government are known.

From Salem, 12th in Cons. 16th June 1858.

4. Mr. Brett's letter is herewith forwarded.

(A true Extract.)

(Signed) G. S. FORBES, *Secretary.*

No. 78. ORDER THEREON, No. 906; dated 2d July 1858.

The Right Honorable the Governor in Council agrees with the Board of Revenue in thinking it inexpedient to discuss at present the Legal obligation of Government to construct or repair works of irrigation, and he is also of opinion that as the question raised by the Government Pleader in the Appeal Petition proposed by him is a plea not urged in the Original Suit, it is likely that it will not be received by the Appellate Court under the ruling contained in para. 7 of the Decree of the Court of Sudder Udalut in Suit No. 82 of 1851 dated 1st December 1852.

2. It is also not desirable in the face of the exposition of the Law as given in Mr. Dale's letter dated 9th June 1858 to ground an Appeal on Regulation I. of 1823. Resolved, therefore, that the Board of Revenue be requested to instruct the Collector of Salem not to institute an Appeal against the Decree in Suit No. 9 of 1855 on the file of the Subordinate Court of that District, and if he has filed the Petition already to allow it to drop under Section I. Act XXIX. of 1841.

(Signed) W. H. BAYLEY,
Acting Secretary to Government.

R. D.

No 906 906/3

Extract from the Minutes of Consultation
Under date the 2nd July 1858.

Read the following
Extract from the Pro-
-ceedings of the Board
of Revenue.

Read letter 18 June 1858 ad[illegible]

The Right Honorable
the Governor in Council
agrees with the Board of
Revenue in thinking it
inexpedient to discuss at
present the Legal obligations
of Govt to construct or
repair works of irriga-
tion and he is also of
opinion that as the
question raised by the
Govt Pleader in the
appeal Petition pre-
posed by him is or

Pleas

plea not urged on the
original Suit at the time
that it will not be
received by the Appel-
late Court under the
ruling contained in
para 7 of the Decree of
the Court of Sudder
Adalut in Suit No
82 of 1851 dated 1st Dec.
1852.

It is also noted be-
low on the petition
of the respondent in the
Land Case given in the
Order Letter dated 9th
June 1858 to ground
an appeal on Regn
1 of 1825. Resolved there-
fore that the Board
of Revenue be requested
to instruct the Collec-
tor of Tanjore
to institute a

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Appeal against the Decree
in Suit No 9 of 1855 on
the file of the Subordi-
nate Court of Tanjore
~~Trichinopoly~~ and if he
has failed the Petition
of the Dy to allow it
to be presented under Act
Act XXIX of 1841.

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Copies to the Bd of Revr Dispatch 3d Jan 1859
Col Pleydell

E. H. B

Revenue 1858 Depot
Cons. 2d July

No 906

Extract Mins. of Cons.
Dated 2d July 58

Extract Board of Revenue
8th July 58 No 29 in
Lr 15th Feb.

Requesting the Board
of Revenue to instruct the
Collector of Salem for the
reasons within assigned
not to institute an
Appeal against the Decree
in Suit No 9 of 1855 on
the file of the Subordinate
Court of that District
& if he has filed the
Petition already to allow
it to drop under Section
1 of Act XXIX of 1841.

No 77078.