M.R.O. 14—10,000—21-4-52.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1575 Press ~~Mis.~~

419. 420

Dated 31. 7. 1861.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 31st July 1861.

No. 419. Read the following Proceedings of the Board of Revenue, dated 6th July 1861, No. 3,554 :—

Read the following letter from G. S. FORBES, Esq., Collector of Ganjam, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Chepauk, dated Chetterpúr, 19th June 1861, No. 154.

Sir,

1. Adverting to the Board's Proceedings, No. 2,875, dated 3rd instant, communicating Order of Government, dated the 1st idem, No. 1,127, I have the honor to report for the information of the Board and of Government that the lands attached to the Mutt at Chicacole, and which form the subject of a suit against the Acting Principal Assistant, are entered in the Inám accounts of Fasli 1226 as a grant by Nawáb Sheer Mahomed Khan. No Sanad, however, is in existence, nor is any date given.

2. The Pymaish accounts of 1839 described the Inám as the endowment of the Mutt in question.

3. Under these circumstances, I submit that an answer in the accompanying form will sufficiently meet the statements of the plaint as far as the Principal Assistant is concerned; and as this answer embraces all the points indicated by the Government as material to the defence, I have desired Mr. Hooper to file it in order to save time.

4. The time for hearing having been fixed for the 1st June, I had already told Mr. Hooper to apply for an extension of six weeks. The time occupied by the post between this and Madras being about ten days each way, and several days of necessity elapsing before the papers can pass through the Board and Government Offices, it would be a risk to wait further orders before putting in an answer. Letters posted here are usually delivered at Chicacole on the third day.

Draft of an answer to be presented to the Civil Court at Chicacole in Original Suit No. 43 of 1861.

1st. The first Defendant pleads that the land which forms the subject of the plaint was held by his predecessor in office to be in lawful possession of the other Defendant, for which decision he (first Defendant) cannot be held responsible under Section 28, Regulation XXVII. of 1802.

2nd. That as regards his order of 13th March, first Defendant was bound as a Magistrate to restrain an act of trespass on the property of a person already held to be in lawful possession, and that he is protected from this prosecution by Act XVIII. of 1850.

3rd. Lastly, that the Government have no interest in the issue of the suit.

In Cons. 3rd June 1861, No. 3,361.

1. Submitted for the information of Government, with reference to their Proceedings, dated 1st June 1861, No. 1,127.

2. It will be observed that the Pymaish accounts of 1839 describe the Inám land under litigation as a religious endowment.

3. The Collector having issued instructions for filing the answer drafted by him in accordance with the views of Government, no special orders on the subject are now requisite.

4. The Board observe that the entries regarding the land in the Inám accounts of Fasli 1226, and in the Pymaish accounts of Fasli 1250, as quoted in the first draft answer and in the present letter, do not appear to agree together.

(A true Copies and Extract.)

(Signed) W. HUDLESTON, *Secretary.*

No. 420. ORDER THEREON, 31st July 1861, No. 1,515.

Ordered to be recorded.

(Signed) J. D. SIM,
Secretary to Government.

No. 3,554.

Proceedings of the Board of Revenue, dated 6th July 1861.

Read the following letter from G. S. FORBES, Esq., Collector of Ganjam, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Chepauk, dated Chetterpur, 19th June 1861, No. 154 :—

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Enclosure No. 1.

Draft of an answer to be presented to the Civil Court at Chicacole in Original Suit No. 43 *of* 1861.

1st. The 1st Defendant pleads that the land which forms the subject of the plaint was held by his predecessor in office to be in lawful possession of the other Defendants; for which decision he (1st Defendant) cannot be held responsible under Section 28, Regulation XXVII of 1802.

2nd. That as regards his order of 13th March, 1st Defendant was bound as a Magistrate to restrain an act of trespass on the property of a person already held to be in lawful possession, and that he is protected from this prosecution by Act XVIII of 1850.

3rd. Lastly, that the Government have no interest in the issue of the suit.

In Cons. 3rd June 1861, No. 3,361.

1. Submitted for the information of Government, with reference to their Proceedings dated 1st June 1861, No. 1,127.

2. It will be observed that the Pymaish accounts of 1839 describe the Inam land under litigation as a religious endowment.

2. The Collector having issued instructions for filing the answer drafted by him in accordance with the views of Government, no special orders on the subject are now requisite.

3. The Board observe that the entries regarding the land in the Inam accounts of Fasli 1226, and in the Pymaish accounts of Fasli 1250, as quoted in the first Draft answer and in the present letter do not appear to agree together.

(True Copies and Extract.)

W. Hudleston

Secretary.

To J. D. Sim, Esq., Secretary to Government, R. D.

Copy to G. S. Forbes, Esq., Collector of Ganjam.

Exd. J. Wright.

Pros: of Board 1-2.

Recd 18th July
Pros: of Govt for July
No 1947.

Proceedings of the
Board of Revenue

Dated 6th July 1861
Disp. 20
Rec'd 22d

No 3551

Enclosing

Submitting for information a letter from the Collector of Ganjam reporting that the lands attached to the salt at Chicacole are entered in the Inam accounts of Fusli 1226.

No 1576. Ult
Recorded

31st July 1861

Nos 419 & 420.

C28 July 1830.