

(1) Number of pages 16(2) Date of repair 24-12-42

(3) Initials of the Referencer _____

MADRAS RECORD OFFICE.

Government of Madras.

Public works

DEPARTMENT.

G.O. No. <u>3441</u>	Press Mis.
<u>328-330</u>	
Dated <u>15-11-</u>	<u>18 65.</u>

Not to be folded or roughly handled

12

*Proceedings of the Madras Government, Public Works Department,
15th November 1865.*

Read the following papers :—

No. 328. From the Government Pleader, Madras, to the Secretary to Government, Public Works Department, dated Madras, 7th November 1865, No. 157.

1. With reference to the Orders of Government, &c., under the dates and numbers noted in the margin, I do myself the honor of forwarding, for the information of His Excellency the Governor in Council, a copy of the finding of the Civil Judge of Trichinopoly in return to the Order of the High Court, dated 7th August 1865, in Special Appeal Suit numbered 469 of 1864.

Order of Government, 2nd December 1864, No. 3,455, Public Works Department.
Letter from Government Pleader, 7th August 1865, No. 128.
Order of Government, 18th August 1865, No. 2,403, Public Works Department.
Letter from Government Pleader, 9th September 1865, No. 139.

2. Memorandum of objections to this finding must be filed in the Court on or before the 16th instant, I therefore request that I may be furnished by the 13th with such observations as may be necessary to enable me to frame the necessary objections.

3. I observe the Defendant has not adduced any evidence as recommended by me.

4. I am not aware what the plans are that are referred to as having been produced by the Plaintiff, or the nature of the Land Register book mentioned by the Civil Judge.

5. I have applied for copies of the evidence, &c., but it may be several days before I procure them; and I have little doubt I shall not be able to get copies of the plans referred to. If they are, as stated, maps made by the Revenue Survey, I doubt not you could obtain copies on application to that Department.

6. If the statement of the Civil Judge be correct, it would appear that the Government Vakeel at Trichinopoly has been making "admissions" totally at variance with the instructions formerly given to me, as also with the maps put in on the former hearing.

As time is of importance, these papers will be referred to Lieutenant-Colonel Greenaway for such observations as he may have to offer on the finding of the Civil Judge of Trichinopoly. It will be observed that the Memorandum of objections to this finding must be filed in Court on or before the 16th instant. Immediate attention is therefore requested to this reference.

FORT SAINT GEORGE, (Signed) CHARLES A. ORR, Colonel, R. E.,
11th November 1865. Secretary to Government, P.W.D.

No. 329. From the Executive Engineer, Trichinopoly, to the Secretary to Government, Public Works Department, dated Trichinopoly, 13th November 1865, No. 1,052.

Enclosures 2 in original.

1. I have the honor in reply to Memorandum dated 11th November 1865, received this morning, to subjoin the following points of objection to the Judge's finding for consideration.

2. The map produced on which the decision is based is a map of Auroor village, Salem District, made by the Revenue Survey, 1860, subsequent to the origin of the Suit, the alleged boundaries appear to have been indicated to the Surveyors by the village authorities of Auroor, the Curnum of which is adduced as a witness in support of their correctness in paragraph 6 of the Judge's proceedings.

3. The Register is that prepared by the Revenue Settlement Department.

4. The head of the channel in dispute is not shown on this map, the site shown as where it is said to exist is a small piece of waste (Peramboke) land lying on the east of the river.

The Civil Judge.

Proceedings of the Madras Government, Public Works Department,
15th November 1865.

5. The Mooroonga Kallatur village authorities, who allege that the site of the head is partly in their own and partly in Velavelapootur (Trichinopoly) land, had been summoned, but owing to repeated postponement were not present at the last hearing, of which I only had notice on the morning on which it took place.

6. I requested that evidence might be taken as to what village the site was considered to belong at the time of the channel being cut, or that the recorded opinion of the Collectors of both Districts might be admitted, as proof that it then appertained to Trichinopoly. Evidence on the three other points referred to was not heard, as the Judge limited his enquiry to the question of jurisdiction, and I was informed, on application, that the said evidence would be taken hereafter if required.

7. The maps produced by me were made *previous* to the origin of the Suit, and the Judge recognizes the admission of both parties that the river formed the boundary of the Taluqs. I submit, therefore, that it was open to question whether the small piece of Peramboke land lying east of the said river (supposing it to be the site of the head) was rightly included in the Salem District by the Revenue Surveyors or not.

8. The aforesaid points had been communicated by me to the Government Vakeel, and he had been informed that the evidence of the Mooroonga Kallatur people was essential.

No. 330. ORDER THEREON, 15th November 1865, No. 3,441.

CIVIL WORKS, No. 51.

The foregoing letter from the Executive Engineer at Trichinopoly will be communicated to the Government Pleader.

(True Extract.)

(Signed) CHARLES A. ORR, Colonel, R. E.,
Secretary to Government.

To the Government Pleader.
,, Superintending Engineer, 6th Division.

Exd. S. T. Augustin.

St^o 1052.

Trichinopoly Exec Eng^r Office
13th November 1865

2
From
Lieutenant Colonel J. Greenaway
Executive Engineer
Trichinopoly
30
To
Colonel C. A. Orr R. E.
Secretary to Government
Public Works Dept^t

Sir,

I have the honor in reply to
Memo 2. in orig^l Memo 2. — dated 11th November 1865
received this morning, to subjoin the
following points of objection to the Judge's
finding for Consideration
2nd The map produced on which the
decision is based is a map of Mooroonga
Village Salem District made by the
Revenue Survey 1860. Subsequent to the
origin of the Suit, the alleged boundaries
appear to have been indicated to the
Surveyors by the Village Authorities of
Mooroonga the Survey of which is adduced
as evidence in support of their proceedings
in para 6 of the Judge's proceedings

The Court Judge.

3 The Register is that prepared by the Revenue Settlement Department.

4 The head of the Channel in dispute is not shown on this map, the site shown as where it is said to exist is a small piece of waste (Perambole) land lying on the east of the river.

5 The Mooringa Kallatur Village authorities who allege that the site of the head is partly in their own and partly in Velavurkootam (Trichinopoly) land had been summoned, but owing to repeated postponement were not present at the last hearing, of which I only had notice on the morning on which it took place.

6 I requested that evidence might be taken as to ^{what} Village the site was considered to belong at the time of the Channel being cut or that the recorded opinion of the Collectors of both Districts might be admitted, as proof that it then appertained to Trichinopoly. Evidence

on the three other points referred to was not heard as the Judge limited his inquiry to the question of jurisdiction, and I was informed on application that the said evidence would be taken hereafter if required.

7 The maps produced by me were made prior to the origin of the suit, and the Judge recognizes the admission of both parties that the river formed the boundary of the Taluq. I submit therefore that it was open to question whether the small piece of Perambolam land lying east of the said river (supposed to be the site of the head) was rightly included in the Salem District by the Revenue Surveyors or not.

8 The aforesaid points had been communicated by me to the Government. Vakil and he had been informed that the evidence of the Mooringa Kallatur people was essential.

I have

The Civil Judge.

I have the honor to be
 Sir
 Your most obedient servant
W. C. C. C.
 Executive Engineer Trichinopoly

117
 No 157
 72
 From Clement Dale Esquire Government Pleader Madras.
 To Colonel C. A. Orr R. E. Secretary to Government P. W. D.

Madras 7th November 1865

Sir

Para 1. With reference to the Orders of Government &c.

Order of Govt. 2^d December 1864
 No 3455 P. W. D.
 Letter from Govt. Pleader 7th
 August 1865 No 128
 Order of Govt. 18th August 1865
 No 2403 P. W. D.
 Letter from Govt. Pleader 18th August 1865

under the dates and numbers noted in the

margin; I do myself the honor of forwarding
 for the information of His Excellency the

Governor in Council, a copy of the finding

of the Civil Judge of Trichinopoly, in return to the Order
 of the High Court dated 7th August 1865, in Special Appeal
 No 469 of 1864.

2. Memorandum of objections to this finding must
 be filed in the Court on or before the 18th Instant; I therefore
 request that you may be furnished by the 13th with such
 observations as may be necessary to enable me to frame
 the necessary objections.

3. I observe the Defendant has not adduced any
 evidence as recommended by me.

4. I am not aware what the plans are that are
 referred to as having been produced by the Plaintiff, or the
 nature of the Land Register Book mentioned by
 the Civil Judge.

No 29

Noting the points
 of objections to the
 Court Judge's finding
 in the Special Appeal
 No 469 of 1864 for in
 No 3455 of 1865.

Dated 15th
 Dec 15th 1865
 No 29

To the Secy. to Govt.
 P. W. D.
 No 4554-
 1865-1867

No 3441-15th Nov 1865

5 I have applied for copies of ^{the} evidence to which it may be several days before I procure them; and I have little doubt I shall not be able to get copies of the plans referred to. If they are, as stated, maps made by the Revenue Survey, I doubt not you could obtain copies on application to that Department.

6. If the statement of the Civil Judge be correct, it would appear that the Government Valuers at Trichinopoly have been making "admissions" totally at variance with the instructions formerly given to me, as also with the maps put in on the former hearing.

I have the honor to be

Sir

Your most obedt servant

Wm. Dalrymple

Government Pleader
Madras

[Faint, mostly illegible handwritten notes and signatures in the bottom right corner of the page.]

21

The Civil Judge has the honor to acknowledge the receipt of the Proceedings of the High Court under date the 7th August 1865. directing him to give both parties, in the suit noted in the margin, an opportunity of adducing evidence as to the place of arising of the Cause of action, and to return his finding upon that evidence, within 2 months of the receipt of the said Proceedings.

2- In return the Civil Judge begs to state that the Offi Vakil produced on the 27th September and 24th Instant, 3 maps of the Villages of "Arur", "Muringa", "Kobittur", and "Andapuram", prepared by the Superintendant of the Revenue Survey, as also Copies of Land Register Books of the said 3 Villages, and cited 3 Wit- nesses, but the 4th Sept has not pro- duced any new evidence.

3- The Civil Judge having once more perused the Records of the suit, and having again heard the Vahils for both parties, is now of opinion

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The Hon. Mr. Justice
of the High Court
of the Government of India
Secretary to Government

1865
The Hon. Mr. Justice
of the High Court
of the Government of India
Secretary to Government

1865

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Forwarding a copy of the
finding of the Civil Judge
of the High Court in the
H. 409 of 1864 for
information &c.

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As there is of importance
these papers will be referred to the
Coll. Secretary for such observation
as he may have to offer on the find-
ing of the Civil Judge of the High Court.
It will be observed that the above
objections to the finding must
be filed in Court on or before
the 10th Decr. 1865. Immediate attention
is therefore requested to this re-
ference.

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that the Principal Sudder Quim of Salem had jurisdiction in the matter at issue -

4- The Maps produced by the Defendant at the first hearing, were Maps of the entire District of Trichinopoly, and as both parties admitted that the River "Karnattar" was the boundary line dividing the said District from Salem, and as the Plaintiff Vakil, who had then been allowed ample time for producing the evidence now brought forward by him, failed in adducing any, the Civil Judge of Course concluded that as the new Channel begins on the eastern or Trichinopoly side of the said River, the cause of action had its origin in the Trichinopoly District.

5- On an inspection however of the 3 Maps now produced, it is shown (therein) that the spot, where the new Channel commences, though lying on the Eastern side of the River, forms part of the Salem District, it is admitted by all parties, and

and is likewise shown in the Maps produced by the Defendant, that the place where the new Channel takes its rise, lies just above the Upper, or Andapuram Ament of the said River, the Ament is marked only in the Map of the village of Arur, and this Map shows that the spot, where the Channel is alleged to commence, lies within the limits of the Village of Arur attached to the Salem District.

6- In addition to the foregoing, the evidence of 2 of the said Witnesses, who are Curums of the Villages of Arur, and Andapuram together with the Land Register Book produced of the former Village, are indirect support of the correctness of the boundaries as shown in the said Map of Arur.

7- The Proceedings of the High Court under acknowledgment were received by the Civil Judge on the 16th August last, and within time was allowed the parties to produce their evidence, but when the suit was taken up for hearing

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W. H. 18658
W. H. 18658
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W. H. 18658

Findings of the Civil
Judge of the District in the
Human Channel and Concomitant
-Causing to the Post-Disaster
from the Se: 1865, Submitting
Certain objections to,

W. H. 18658