

MADRAS RECORD OFFICE.

Government of Madras.

Political **DEPARTMENT.**

G.O. No.	646	Press Mis.
Dated	18 - 7.	1838

Not to be folded or roughly handled

Fort Saint George, Political Consultation, 5th October 1858.

No. 15 From H. D. PHILLIPS, Esq., Commissioner of Tanjore; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 14th September 1858, No. 318.

SIR,

Adverting to the correspondence in regard of the Suit instituted by Ramakistnyen against Mr. Cherry and others, of which the last communication is marginally noted; I have the honor to report that on the 8th instant the Subordinate Court recorded for proof certain fresh points, of which I beg to enclose a transcript.*

* No. 1.

2. The matters which the present Sub Court require to be established, arise from the averments introduced in paras: VIII and XI of the original answer, which, as the Government are aware, was prepared by the Government Pleader at Madras.

3. In the course of my duty, it consequently becomes necessary, I should solicit instructions as to the course which the Government Pleader would desire to see taken for establishing the points recorded by the Subordinate Court.

4. The authority under which the 1st Defendant, Mr. Cherry, acted when sequestrating the Enam, may, I infer, be exhibited by the production of the English letter addressed to him as Acting Collector of Tanjore, by the late Commissioner Mr. Forbes, in which he was directed temporarily to resume all Enams given by the late Rajah of Tanjore. If further proof be wanted, certain parts of the correspondence between the Supreme Government and the Government at Madras might be produced. These however would have seemed privileged communications, had they not already been laid before Her Majesty's Court at Madras.

5. The Arzee from the Government Vakeel in the Combaconum Court which gave cover to a copy of the points for proof, reached me only the day before yesterday, late. In reference to his intimation that the hearing of the Suit in question had been fixed by the Acting Sub Judge for the 24th Instant, I have instructed the Vakeel to apply for an extension of the period on the very obvious ground that communication with the Government at Madras being unavoidable, it is impossible for me to be prepared to meet the requirements of the Sub-Court in the time allowed.

POINTS FOR PROOF.

O. S. No. 29 of 1856.

The Plaintiff will prove his enjoyment and manner in which the land was heretofore held.

Defendant will prove that the produce sued for was property which belonged to the Rajah as Sovereign of Tanjore under certain Treaties, &c., and became part of the Revenues and State property of the East India Company on lapse of the Raj.

Answer para: XI.

Second Point.

That it would have been in the power of the late Rajah at any time to seize the produce of the land sued for as "resuming a grant," as it is argued the

Para: VIII of the answer. East India Company inherited a right to do.

3rd Point.

The authority under which the 1st Defendant acted, must be put in by the Defendants.

2nd hearing, 24th September 1858.

List, 17th September 1858.

Copy of an unauthenticated Extract.

(Signed) H. D. PHILLIPS,
Commissioner.

No. 16. ORDER THEREON, No. 646; dated 18th September 1858.

Order.—Ordered to be forwarded with its enclosure to the Government Pleader, who will advise the Commissioner as to the course that should be taken for establishing the points recorded by the Subordinate Court.

Exd. F. Cartledge.

(Signed) T. PYCROFT,
Chief Secretary.

to 646.

Ordered to be forwarded with its enclosure to the Gov. & Reader, who will advise as to the course that should be taken for establishing the points recorded by the Subordinate Court.

Fort S. George
18th Sept 1858

[Signature]
Chief Secretary

Recd. No. 158
7/9/58
1-501 to Eng. No. 3
1858

To the Gov. & Reader }
Under Statute. } dep. 15.

Received and entered (20th) and returned (30th Sept 1858)

Commissioner of } (Dep. 7th) }
Tanjore } } Gov. Reader