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Revenue Department

Minutes of Consultation

6th July 1858

Back nos 21 + 22

Order no 931 of 76 1st July 1858

(4) Sheets

பாதுகாப்பு பிரதி

பெயர்: மகேந்திரமலிங்கம்

7/08

Fort Saint George, Revenue Consultation of 6th July 1858.

No. 21. Read the following Extract from the Proceedings of the Board of Revenue; dated 23rd June 1858, No. 2178.

In Consultation 23rd June 1858. Read letter from the Collector of Salem, dated 4th June 1858, forwarding copy of a decree passed by the Subordinate Court of his Zillah in O. S. No. 74 of 1853.

(Here enter No. 67.)

Resolved that the foregoing letter and its accompaniments be submitted for the information of the Right Honorable the Governor in Council, with reference to Extract Minutes Consultation, dated 3rd April 1854, No. 394, Revenue Department.

In Consultation 3rd April 1854.

2. The suit was instituted by Mr. Fischer to recover Rupees 20-7-9 as having been unduly levied from him by the Collector.

3. The Plaintiff had purchased a piece of ground from certain Malialies on the Shervaroy Hills, who paid a Cundayem of 18 and odd Rupees upon it; rent was however demanded from him at one Rupee per Acre, being the rate chargeable to settlers under the orders of the Board noted in the margin; he objected to pay, when certain property of his was distrained and sold to meet the Government demand.

C. O. B. Vol. 1 *page* 273, *Note* 10.

4. The Subordinate Judge has dismissed the suit, with costs, on the ground of his having no jurisdiction in the matter, the Collector being empowered under Sections XXXVIII. and XXXIX. of Regulation II. of 1803, to fix the revenue under the orders of the Board of Revenue.

5. Mr. Fischer subsequently appealed to the Civil Judge who dismissed his petition on the same grounds, viz. that questions to the assessment of the country do not come within the jurisdiction of the Courts.

(A true Extract.)

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

No. 22. ORDER THEREON, No. 931; dated 6th July 1858.

Ordered that the foregoing Extract be recorded.

(Signed) T. PYCROFT,

Chief Secretary.

No. 2178.

Extract from the Proceedings of the Board of Revenue, dated 23d June 1858.

In Con. 23d June 1858. Read letter from the Collector of Salem, dated 4th June 1858, forwarding copy of a decree passed by the Subordinate Court of his Zillah in O. S. No. 73 of 1853.

(Here enter No. 2.)

Resolved that the foregoing letter and its accompaniments be submitted for the information of the Right Honorable the Governor in Council, with reference to Extract Minutes Consultation, dated 3d

In Con. 3d April 1854. April 1854, No. 94, R. D.

2. The suit was instituted by Mr. Fischer to recover Rupees 20-7-9 as having been unduly levied from him by the Collector.

3. The Plaintiff had purchased a piece of ground from certain Malialies on the Shevaroy Hills, who paid a Cundayem of 18 and odd Rupees upon it; rent was however demanded from him at one Rupee per Acre, being the rate chargeable to settlers under the orders of the Board noted in the margin; he objected to pay, when certain property of his was distrained and sold to meet the Government demand.

C. O. B. Vol. I page 273, Note 10.

4. The Subordinate Judge has dismissed the suit, with costs, on the ground of his having no jurisdiction in the matter, the Collector being empowered under Sections XXXVIII. and XXXIX. of Regulation II. of 1803, to fix the revenue under the orders of the Board of Revenue.

5. Mr. Fischer subsequently appealed to the Civil Judge who dismissed his petition on the same grounds, viz. that questions relating to the assessment of the country do not come within the jurisdiction of the Courts.

(A true Extract.)

Secretary.

To

W. H. BAYLEY, Esq., *Acting Secretary to Government, R. D.*

Copy to the Collector of Salem.

Extract from the Proceedings of the Board of Revenue

Sales B.
Vol. 24
3 Sales Returned

Submitting a letter from the Collector of Salem relative to a Cutch insti... by Mr Sadler to recover Rs. 20-7-9 as having been unduly levied from him; with copy of the Subordinate Court's Decree dismissing the suit...

Ordered.

WHS