M.R.O. 14—10,000—21-4-32

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1316 Press ~~Mis.~~

158-60

Dated 28 - 9 - 1859

Not to be folded or roughly handled

MADRAS RECORD OFFICE

Government of Madras.

DEPARTMENT.

Proceedings of the Madras Government Revenue Department, from 24th September to 4th October 1859.

No. 58. Read the following letter from J. D. SIM, Esq., Secretary to the Board of Revenue; to J. D. BOURDILLON, Esq., Secretary to Government, Revenue Department; dated 29th August 1859, No. 3390.

In Consultation 4th July 1859, *No.* 3214.

3d August 1859, *No.* 157, *in Cons. 8th August* 1859, *No.* 3960.
Dated 23d May No. 1793.
From Collector 20th in Cons. 24th January 1859.
Remarks 16th February 1859.

Adverting to the orders of Government, dated 2d July 1859, No. 879, R. D., I am directed by the Board of Revenue to submit herewith a letter from the Sub-Collector in charge of Salem forwarding a proper translation of the original summud in the case of the Valliampet Jaghire, as called for by Government. The other papers connected with the subject are also herewith re-transmitted.

2. It will be seen from the Sub-Collector's report that the Jaghire is at present under attachment.

No. 59. MINUTE BY THE HONORABLE THE PRESIDENT.

This is a very unsatisfactory way of adjudicating important interests. Out of many Claimants the Board of Revenue prefers one and we another. As at present informed I believe that our decision is the right one, but we could not feel any confidence in it unless we were to hear both Parties and study the subject in a manner quite inconsistent with our other duties. Cases of this kind are entirely of a judicial character, and should be decided by the Courts of justice and not by the Executive Government—and we should express this opinion to the Board of Revenue. We should also add to our order that if any Parties are dissatisfied with our decision they can apply to the Courts.

22d September 1859. (Signed) C. E. TREVELYAN.

No. 60. ORDER THEREON, 28th September 1859, No. 1316.

It appears to Government after a careful consideration of the genealogical table and of the facts stated, that Sítárám, the fifth of the claimants enumerated by the Board, (marked b. b. in the Collector's table,) is the lawful heir to the Jáhgír, being nearer in blood to the last holder than any other claimant. He will accordingly be immediately put in possession of the property, and the intermediate profits will be paid to him.

2. The Government regard the course followed in this case as an unsatisfactory way of adjudicating on important interests. On the facts as laid before them, they fully believe their decision to be the right one; but in order to full confidence, it would be necessary for them to hear both parties, and to study the subject in a manner quite inconsistent with their other duties. Cases of this kind are entirely of a judicial character, and ought to be decided by the Courts of Justice and not by the Executive Government.

3. The fact that the property had been placed under management on the death of the last holder made it necessary in the present case that the Government should decide between the rival claims. But it should be made known to the unsuccessful claimants that if dissatisfied with the Government decision, they are free to have recourse to the Courts; and the Governor in Council hereby grants permission to all or any of them, under Section II. Regulation IV. of 1831 to sue in the constituted Courts for the Jáhgír, if so minded.

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

No. 3390.

From J. D. SIM, Esq., Secretary to the Board of Revenue.

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

Sir,

In Con. 4th July 1859, No. 3214.

3d August 1859, No. 167, in Con. 8th August 1859, No. 3960.
Dated 23d May 1793.
From Collector 20th in Con. 24th January 1859.
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2. It will be seen from the Sub Collector's report that the Jaghire is at present under attachment.

Revenue Board Office,
Fort St. George,
29th August 1859.

I have the honor to be,
Sir,
Your most obedient servant,

Secretary.

Copy to Officiating Collector of Salem.

Revenue Dept.

No. 1316

Proceedings of the Madras Government

Under date the 28th September 1859

Read again remarks

of the Board of Revenue

dated 16th February No. 600

and records dealing Proceedings

of Government 2d July 1859

No. 879.

Read also the following

papers.

From the Secretary to the Board of Revenue:-

Submitting a letter from the Sub Collector in charge of Salem, forwarding a further translation of the original Chunnad in the case of the Valluvapet Jaghir, resumed by Government.

(Here enter 29th August 1859 No. 3390)

Minute by the Honorable the President - - -

(Here enter 22d Sept. 1859)

It appears to me unnecessary after a careful consideration of the papers relating to the grant of the Jaghir and of the facts stated by that

that Sitaram, the fifth of the claimants enumerated by the Board, (marked b.b. in the Collector's table,) is the bonafide heir to the Jahgir, being nearer in blood to the last holder than any other claimant. He will accordingly be immediately put in possession of the property, and the intermediate profits will be paid to him.

3 The Government regard the course followed in this case as an unsatisfactory way of adjudicating on important interests. On the facts as laid before them, they fully believe their decision to be the right one; but in order to feel confidence, it would be necessary for them to hear both parties, and to study the subject in a manner quite inconsistent with their other duties. Cases of this kind are entirely of a judicial character, and ought to be decided by the Courts of Justice and not by the Executive Government.

3 The fact that the property had been placed under ~~management~~ on the death of the last holder made it necessary to ~~pass a decision in the present case~~ [in the present case that the Govt. shd decide between the rival claims.] But it should

shoulde be made known
to the commissioners of Lacinvale
that if desired to sell with
the Government Lands
they are given to Surveyor
to survey the Lands,
and the Governor in
Council shall grant
permission to sell as any
of them, under Section III
of Regulation IV of 1831 to
the contrary notwithstanding
Council for the Judges
of the Circuit.

[signature]

Clerk of Council

£ 55 0 00

Ordering Clerk