M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1147 Press Mis.

Dated 26th August 1889.

Not to be folded or roughly handled

No. 57. Read the following Proceedings of the Board of Revenue, dated 12th August 1859, No. 3127.

Read letter from the Collector of Rajahmundry, dated 30th July 1859, No. 114.
(In Con. 10th August 1859, No. 4000.)

In Con. 20th June 1859, No 2917.
Sree Rajah Ooppalapaty Jogee Juggannadha Rauze Appellant.
versus.
The Collector of Rajahmundry, Respondent.

Resolved, that the above letter be submitted to Government, with reference to para. 4 of their order dated 17th June last, R. D., No. 802, regarding the decree of the Sudder Udalut in appeal Suit No. 89 of 1856.

2. In this letter Mr. Purvis furnishes the explanation, required by Government, in regard to the mismanagement of the original suit·

3. The answer filed in the local Court was prepared by Mr. Purvis, and was forwarded* by him with translation of the plaint to the Commissioner, who submitted† it to Government by whom the defence of the suit was sanctioned,‡ without any objection being raised to its terms.

* *To Commissioner 30th March* 1855.
† *To Government 23d April* 1855.
‡ *E. M. C. 9th May* 1855, *R. D., No* 560. *in Con. 17th May* 1855, *No.* 471.

4. The general plea of the right of Government to new lands in the beds of rivers appears to have been advisedly omitted. The Collector, in his letter forwarded the draft answers, noticed the plea, but doubted whether it could be sustained, and the stronger pleas of previous possession, &c., were alone relied on. In a memo. which Mr. Purvis subsequently
Vide Enc. 4. addressed to Mr. Dale on the defence of the appeal, his doubts as to the former plea are also stated.

5. The plan forwarded by Mr. Purvis was a copy of the one prepared by the Ameen deputed by the Civil Court to survey the locality in dispute, and was the best at Mr. Purvis' disposal.

6. The conduct of the case at its hearing in the Civil Court devolved as usual, on the Government Pleader, who is responsible for not objecting to the admission of irrelevant or improper documents, and evidence as well as for failing to cross-examine the witnesses. Mr. Purvis states that most of the documents filed by Plaintiff were really originals sent from the Collector's office on the Judge's requisition; those filed for the defence were also originals. He also urges that the defence, however faulty it now appears, was successful.

(A true Extract.)

(Signed) J. D. SIM, *Secretary.*

No. 58. ORDER THEREON, 26th August 1859, No. 1147.

Ordered that the foregoing Extract be recorded.

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

Revenue Department

N°. 3127

Proceedings of the Board of Revenue dated 12th August 1859.

Read letter from the Collector of Rajahmundry dated 30th July 1859 N°. 114. (Entered 10th August 1859 N°. 1490)

Resolved that the above letter be submitted to Government with reference to para 4 of their order dated 17th June last R. D. N°. 802. regarding the decree of the Sudder Adalut in Appeal Suit N°. 89 of 1855.

In Cons 20th June 1859 N°. 2917.
Sree Rajah Gopalarao Patty Sogee Juggannadha Rauze Appellant.
The Coll.r of Rajahmundry Respondent.

2. In this letter Mr. Purvis furnishes the explanation required by Government in regard to the mismanagement of the original Suit.

3. The Answer filed in the local Court was prepared by Mr. Purvis, and was forwarded by him with translation of the Plaint to the Commissioner who submitted it to Government by whom the defence of the Suit was sanctioned without any objection being raised to its terms.

* Commissioner 30th March 1855.

© To Government 23d April 1855.

Extract Minutes Cons. 9th mi Cons 17th May 1855 R.D. N°. 500.

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4. The general plea of the right of Government to new lands in the beds of rivers appears to have been advisedly omitted. The Collector in his letter forwarding the draft answer, noticed the plea, but doubted whether it could be sustained - and the stronger pleas of previous possession &c. were alone relied on. In a Memorandum which Mr Purvis subsequently addressed to Mr Dale on the defence of the appeal, his doubts as to the former plea are also stated. — o Encl: 4.

5. The plan forwarded by Mr Purvis was a copy of the one prepared by the Amen deputed by the Civil Court to survey the locality in dispute, and was the best at Mr Purvis' disposal.

6. The conduct of the case at its hearing in the Civil Court devolved, as usual, on the Government Pleader, who is responsible for not objecting to the admission of irrelevant or improper documents and evidence as well as for failing to cross-examine the witnesses. Mr Purvis states that most of the documents filed by Plaintiff were really originals, sent from the Collector's office on the Judge's requisition. Those filed for the defence were also originals. He also urges that the Defence, however faulty, it now appears, was successful.

(A true Extract)

Secretary.

To

J. D. Bourdillon Esq
Secretary to Government
Revenue Department.

R. Pons of Govt. 17th June/59
No 61 to 63
Coun: 15th May/59 — 5–6.

Revenue 1859 Sept.
Pro. of Govt. 28th Augt.
No 1478.

Proceedings of the
Board of Revenue

Dated 12th
Recd 12 } August 1859.
Read 13
E. I. & Ch. Letter Returned 30-9-59
No 3127.

Submitting with the
Board's remarks a letter from
the Collector of Rajahmundry
furnishing the explanation
required by Government re-
garding the decree of the Lower
Court in appeal suit No 89
of 1856.

No 1147.
Recorded
26 Augt 59.

105 to 58.

47 Aug 25