Revenue Department

No 316

Dated 14 — 3 — 1859

No. 49. Read the following Extract from the Proceedings of the Board of Revenue, dated 12th March 1859, No. 861.

Read letter from the Collector of Madras, dated 10th March 1859, No. 27, bringing to notice the circumstances connected with the case of a charge of trespass brought at the Vepery Police Court against a quit rent Conicopoly by one Vencatasa Maistry and the Meerassidars of Veyasurpady, and requesting that the Law Officers of Government be directed to aid the defendant in his reply.

From B. CUNLIFFE, Esq., Collector of Madras; to J. D. SIM, Esq., Secretary to the Board of Revenue; dated Madras, 10th March 1859, No. 27.

SIR.

1. The Police peons of a Thanna in Veyasurpady at the request of the quit rent Conicopoly of the Peremboor Division, took into custody on the 5th Instant, a bandy man of one Vencatachella Moodely, together with a Wodder named Vencatasa Maistry, for removing earth from certain immemorial waste land within the precincts of Veyasurpady.

2. The men were released on bail by the Police, and on the 8th when I was informed of the matter, I directed the Conicopoly to take out the usual summons against the parties.

3. On arriving today at office, the quit rent Conicopoly produces a summons, citing him to appear this morning at the Vepery Police Court, to answer a charge of trespass brought against him by Vencatasa Maistry and the Meerassidars of Veyasurpadi, thus anticipating the movements of this office in the matter.

4. I have requested the Magistrate to permit the case to stand over for a few days, as it "involved an important principle affecting the interests of Government," and to give time to the defendant to prepare himself against the charge.

5. The Meerassidars of Veyasurpady advised by a Mr. Saunders are, it appears, determined to bring to an issue the question of their alledged Meerassi right in immemorial waste.

6. Mr. Saunders has addressed the Government for compensation for such waste taken up by Government for Railway purposes, and I have replied to one Extract Minutes of Consultation in the Railway Department, and am about to answer some further representations by Mr. Saunders on the same subject.

7. The question coming forward in the shape of a charge for trespass, does, to my mind, present some difficulty, as probably the bench will not receive evidence as to precedent, or the opinion of those most versed in the matter, or of the Government as to Meerassi right, but will require proof of the actual possession of the land by the Government, and as it is advisable to meet the point raised in the strongest manner, I have to request that the Law Officers of Government be directed to aid the defendant in his reply.

8. It is plain from the proceedings of the Meerassidars; 1, in warning the Commanding Officer of the 25th N. I. off the ball practice ground, declaring it to be their Meerassi land; 2, in enclosing the waste lands on the border of Cochrane's Canal; 3, in addressing Government for compensation for the land occupied by the Railway; and 4, by this charge of trespass, that instigated by a paid agent who has all to gain and nothing to loose by the agitation of the question, they are determined to bring it to an issue, the more necessary therefore that this office be assisted with professional advice. It has just been suggested to me, and I think with much force, that the matter is of such an intricate and important nature, that it cannot be disposed of in a charge of trespass, and a five Rupee fine, but should be decided by Civil Suit, before a competent tribunal.

The Board resolve to lay the above letter before Government at once, and to request that the Collector may be allowed the assistance of their Law Officers in meeting the charge of trespass brought against his subordinate.

(A true Extract.)

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

Fort Saint George, Revenue Consultation of 15th March 1859.

No. 50. ORDER THEREON, No. 316; dated 14th March 1859.

Ordered accordingly that the Law Officers of Government be directed to aid the defendant in the case referred to.

2. The result will be reported to Government.

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

No. 861.

EXTRACT from the PROCEEDINGS of the BOARD of REVENUE, dated 12th March 1859.

Read letter from the Collector of Mrdras, dated 10th March 1859, No. 27, bringing to notice the circumstances connected with the case of a charge of trespass brought at the Vepery Police Court against a Quit Rent Conicopoly by one Vencatasa Maistry and the Meerassidars of Veyasurpady, and requesting that the Law Officers of Government be directed to aid the Defendant in his reply.

(In Con. 11th March 1859, No .—.)

The Board resolve to lay the above letter before Government at once, and to request that the Collector may be allowed the assistance of their Law Officers in meeting the charge of trespass brought against his subordinate.

(A true Extract.)

Secretary.

To

J. D. BOURDILLON, Esq., Secretary to Government, R. D.
Copy to Collector of Madras.

Revenue 1859 Depart.
Dº to Covt 15th March

No. 316

Extract from the Proceedings
of the Board of Revenue

Dated 12th March 1859
Rec'd 14

1 Encl. No. 801.

Pro. of the Bd of Rev. Dated 3 Dec. 58
C. No. 2933 in Corr. 10th July 56
N. 10-11
E. E. 72 7th 56 C. L. 271 &c

Submitting a letter from the Collector of Madras regarding a charge of trespass brought at the Vepery Police Court against a Quit Rent Encroachment, and supporting his request that the Law Officers of Government may be directed to aid the Defendant in his reply.

Ent. No. 316. 14th March 59.

No. 49 & 50.

No. 316.

Ordered accordingly that the Law Officers of Govt be directed to aid the Defendant in the case referred to.

The records will be returned to Govt.

Fort St. Geo.
14th March 1859.

To Copies to Bd of R. Desp. 14
" — Advocate Genl
" — Govt Solicitor