Revenue Department

No 337

Dated 15 — 3 — 1859

No. 89. Read the following Extract from the Proceedings of the Board of Revenue, dated 24th February 1859, No. 681.

Read the following letter from the Acting Collector of Malabar, dated 23rd December 1858, No. 188.

(In Con. 28th December 1858, No. 5887.)

E. M. C. 3d in Con. 5th Sep. 1856, *R. D., No.* 933.
E. M. C. 22d in Con. 25th June 1857, *R. D., No.* 622.
E. M. C. 19th in Con. 20th Jany. 1857, *R. D., No.* 72.

Resolved that the foregoing letter and its accompaniments be submitted for the information of the Right Honorable the Governor in Council, with reference to the correspondence noted in the margin.

O. S. No. 7 of 1856, in Sub-Court.

A. S. No. 413 of 1857, in Zillah Court.

2. The suit was originally instituted for the recovery of damages resulting from the sale of certain property of Plaintiff for arrears of revenue.

3. The original cause of action is thus explained in the Board's letter to Government of 12th June 1857. "Portion of the lands of a family were held by a junior member. A remission had been granted for the whole property, but the head of the family appropriated it entirely to herself. The detached portion having fallen into arrear, Mr. Conolly under the circumstances held the head of the family or Jenmekaren responsible, and sold her personal property, on which she instituted this suit in her own and her son's name."

4. The defence set up by Mr. Clarke was 1st, that he was not responsible for the acts of his predecessor Mr. Conolly; and 2ndly, that the course pursued by the late Collector was correct. But the decree of the Subordinate Judge was adverse on both points.

5. The Government will observe from para. 4 of the Board's Proceedings of 12th June 1857, a copy of which was forwarded to the Collector, that it was not the desire of the Board to maintain in appeal the argument as to the liability of a Collector to be sued for the official acts of his predecessor, but it will be seen from the decession of the Civil Judge now submitted that he has non-suited the Plaintiff on this very point, declaring that he has no action against Mr. Conolly's successor for the official acts done by Mr. Conolly and against which no suit was filed in Mr. Conolly's life-time nor was depending when his successor took charge.

O. S. No. 10 of 1857, on the file of the Principal Sudder Ameen.

6. In this case Plaintiff sought to recover certain land forming part of a Salt pan, with arrears of rent due thereon, but failed to establish his title, the Court declaring that the fee simple of the property vested in Government.

(A true Extract.)

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

No. 90. ORDER THEREON, No. 337; dated 15th March 1859.

Ordered that the foregoing Extract be recorded.

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

No. 681.

EXTRACT from the PROCEEDINGS of the BOARD of REVENUE, dated 24th February 1859.

Read the following letter from the Acting Collector of Malabar, dated 23rd December 1858, No. 188.

(In Con. 28th December 1858, No. 5887.)

E. M. C. 3d in Con. 5th September 1856, R. D., No. 933.
E. M. C. 22d in Con. 25th June 1857, R. D., No. 622.
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Resolved that the foregoing letter and its accompaniments be submitted for the information of the Right Honorable the Governor in Council, with reference to the correspondence noted in the margin.

O. S. No. 7 of 1856, in Sub. Court.

A. S. No. 413 of 1857, in Zillah Court.

2. The suit was originally instituted for the recovery of damages resulting from the sale of certain property of Plaintiff for arrears of revenue.

3. The original cause of action is thus explained in the Board's letter to Government of 12th June 1857. "Portion of the lands of a family were held by a junior member. A remission had been granted for the whole property, but the head of the family appropriated it entirely to herself. The detached portion having fallen into arrear, Mr. Conolly under the circumstances held the head of the family or Jenmekaren responsible, and sold her personal property, on which she instituted this suit in her own and her son's name."

4. The defence set up by Mr. Clarke was 1st, that he was not responsible for the acts of his predecessor Mr. Conolly; and 2ndly, that the course pursued by the late Collector was correct. But the decree of the Subordinate Judge was adverse on both points.

5. The Government will observe from para. 4 of the Board's Proceedings of 12th June 1857, a copy of which was forwarded to the Collector, that it was not the desire of the Board to maintain in appeal the argument as to the liability of a Collector to be sued for the official acts of his predecessor, but it will be seen from the decision of the Civil Judge now submitted that he has non-suited the Plaintiff on this very point, declaring that he has no action against Mr. Conolly's successor for the official acts done by Mr. Conolly and against which no suit was filed in Mr. Conolly's life-time nor was depending when his successor took charge.

O. S. No. 10 of 1857, on the file of the Principal Sudder Ameen.

6. In this case Plaintiff sought to recover certain land forming part of a Salt pan, with arrears of rent due thereon, but failed to establish his title, the Court declaring that the fee simple of the property vested in Government.

(A true Extract.)

Secretary.

To

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

Copy to Acting Collector of Malabar.

Revenue 1859 Dept.
Cons 15th March.

No 319

Extract from the
Proceedings of the
Board of Revenue

Dated 24th February 1859
Recd 25
3 Encls Returned
No 681

Submitting for Letter with
accompanying Papers from the Acting
Collector of Tanjore reporting
the result of Mr's No 413 of 1857
on the file of the Zillah Court
& of O.S. No 10 of 1857 on that
of the Principal Sudr Ameen

No 337

Recorded

15th March 1859