M.R.O. 14—10,000—21-4-22

# MADRAS RECORD OFFICE.

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## Government of Madras.

Revenue **DEPARTMENT.**

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| G.O. No. 1863 | Press ~~Mis.~~ |
| 220 . 251 | |
| Dated 25 . 5 . 1861. | |

***Not to be folded or roughly handled***

## *Proceedings of the Madras Government, Revenue Department, 25th September* 1861.

No. 230. Read the following letter from JOHN MILLER, Esq., Acting Government Solicitor, Madras, to J. D. SIM, Esq., Acting Chief Secretary to Government, Revenue Department, Fort Saint George, dated Madras, 24th September 1861, No. 717 :—

SIR,

Letter from the Acting Deputy Secretary to Government, to the Acting Government Solicitor, dated 20th September 1861, No. 371, Judicial Department.
Proceedings of Government in its Revenue Department, dated 23rd September 1861, No. 1,850.

1. I have the honor to acknowledge the letter and Proceedings of Government noted in the margin.

2. The object of the action instituted by Accatchammanee Gauroo, in the Supreme Court, is to recover possession of the Poliapet of Ankusagiri, which she claims to be her property.

3. From the information afforded to me by the Board of Revenue, I understand that the Poliapet originally belonged to one Careyappah Gowda, and that it is now held by one of his descendants, Dalavoy Appa Ráu, under the Order of Government noted in the margin.

Dated 9th April 1861, No. 794, Revenue Department.

4. Accatchammanee Gauroo seeks to make the Secretary of State for India in Council, Defendant, in the action, as the tenant in possession; but inasmuch as it does not appear from the papers before me, that Government is in fact the tenant in possession, or that Government has any interest in the Estate, beyond the Revenue of it, I do not propose to consent to the action being proceeded with against the Secretary of State, unless Government is in actual possession of the Estate, which I have ascertained from the Board of Revenue is not the case. I cannot at present see any necessity for the intervention of Government in the matter, or their taking any steps for asserting the right, or defending the title of the party in possession to the Estate. I have nevertheless considered it desirable for the interests of Government, to lay the papers connected with the matter before the Advocate General for his consideration, and will communicate his views to Government as soon as I can.

5. With regard to the question raised by Government, as to the jurisdiction of the Supreme Court, I beg to state, that it has been lately held in the Supreme Court in the case noted in the margin, that the Court had Jurisdiction in respect of lands outside of its local limits, when the party in possession is within its local limits. Consequently the Secretary of State, if it is determined that he shall defend this action, would be subject to the Supreme Court's Jurisdiction.

John Doe on the demise of Stephen Lazar.
Versus.
P. Veerapermall Pillay.

6. If it is determined that Government should not intervene in the matter, Accatchammanee Gauroo would be entitled to a judgment *ex parte*, upon satisfactory proof of her title to the Estate being given to the Supreme Court; but this judgment cannot affect any other party than Government.

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No. 231. ORDER THEREON, 25th September 1861, No. 1,863.

This letter will be forwarded to the Board of Revenue who will be requested to lose no time in communicating with Mr. Miller and explaining to him that as Ankusagiri is an "unsettled" Polliam, not held under a permanent Sanad, the right of determining the succession vests in Government, as Government, and cannot be made the subject of a Suit in any Municipal Court. It is of importance that their right should be upheld, and the proper line of defence would seem to be a demurrer to the Court's jurisdiction. Mr. Dale is probably conversant with the peculiar tenure of these Polliams, and might afford useful information as to the course to be adopted in meeting the action.

(Signed) C. G. MASTER,
*Deputy Secretary to Government.*

Accatchammance Gauroo would be entitled to a judgment ex parte upon satisfactory proof of her title to the Estate being given to the Supreme Court, but this judgment cannot affect any other party than Government.

I have the honor to be,
Sir,
Your most Obedient Servant,

Johnson Ellis
Actg Gov: Solr

No 1863.

This letter will be forwarded to the Board of Revenue who will be requested to have no time in communicating with the Millers and explaining to him that it is Government's wish "unvexatted" Williams not held under a Government Lease, the right of determining the succession rests in Government, and Government cannot be made the subject of a suit in any Municipal Court. It is

it of importance that their right
should be upheld, and the
proper line of defence would
seem to be a demurrer to the
Court's jurisdiction. Mr Dale
is probably conversant with
the peculiar tenure of these
Pleas and might afford
useful information as to the
course to be adopted in meeting
the action.

Ford Abergavenny
28th Sept 61

1 Copies Board of Revenue Dispt 26
3 " Govt Solicitor
1 " J.C. Dale Esqre
1 Ms Copies to the above Dispt 25
Officers

Rec'd 1861 Sept 28
Answd " 29
Sir Math Forster Pinhorn.
Attorney Gen'l to Govt.
Nassau

Dated 24th
Read 28th } September
1861
No enclosure
Ans'd "

Affirm the assumed tenure
under which Receiver-General
Succession duties collected
Receipts of Marshal in
the Exercise of Commission
to be Issued for every
Island Colony - to be kept
the usual Burning of the Union
Court as to the Vice-Admiralty
in Island of Trinidad and other
Foreign Courts. —

J. 1863. 25. Sept.

Nassau Bahamas 4

Letter to Govt
Nassau 1861 Sept 28

J. 230 + 231