M.R.O. 14—13,000—27-9-24.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1043 Press ~~Mis.~~

216-217

Dated 17. 6. ~~19~~1864

Not to be folded or roughly handled

MB

Proceedings of the Madras Government, Revenue Department, 17th June 1864.

No. 216. Read the following Proceedings of the Board of Revenue, dated 25th April 1864, No. 2,473.

Read the following letter from the Acting Collector of Madras, dated Trivattur, 16th April 1864, No. 167 :—

1. As requested in the Board's Proceedings dated 4th April, I have the honor to report that I have furnished Mr. Dale with the greater portion of the information required. Some more translations have been asked for this morning, and will be immediately sent.

2. As requested by Mr. Dale, statements have been taken from certain witnesses, who were present at the sale of the lands at Tinnanore and Madavaram. Evidence is being collected at Madras as to the debts and circumstances of the late Kavali Venkata Latchmiyah, the father of the Defendants, and as to his well known extravagance. I have asked Mr. Dale to fix a day for examining these witnesses himself. All the authenticated copies of document required by Mr. Thornhill, have been sent to him. I am also endeavouring to ascertain through some influential persons at Madras, for what purpose the debts of the Defendants' father were really contracted.

3. With regard to paragraph 2 of Mr. Dale's letter dated 31st March in Board's Proceedings dated 4th April, No. 1,988, I beg to state that I was wholly unaware when the Guntoor Suit was coming on, and when the information I was asked to supply would be required. The requisition contained in Mr. Dale's letter* of the 1st February, No. 21, came just before I went to Trivallur on Jammabundi; thence I proceeded to Ponnari, and after the completion of these two Talooks, I went of my own accord to Mr. Dale who then informed me that the suit came on that day. I had nothing officially to show me when the hearing came on, until four days after it commenced.

* Embodied in Board's Proceedings, 4th Feb. 1864, No. 746.

4. There appeared to me in one of Mr. Dale's letters a disposition to cast upon my office a portion of the responsibility connected with the conduct of the Guntoor case. As I was merely aiding Mr. Dale regarding the detached portion connected with the anonymous Petition, I naturally objected to this, and the correspondence† is forwarded for the Board's information.

† From Mr. Dale, dated 5th April 1864, No. 75.
To Mr. Dale, „ 9th „ „ „ 123.
From Mr. Dale, „ 11th „ „ „ 81.

5. Had I known that the information was required by a given date, I would, notwithstanding the Jammabundi and the other heavy duties of the Madras Collector's Office, have done my very best to furnish it. The Board are doubtless aware that an inquiry of this nature takes up much time and consideration, it was new and foreign to my Office, and was a matter which I could not trust wholly to Tahsildars or subordinates, as the investigations have to be conducted with as little publicity as possible.

ENCLOSURE No. 1.

From C. DALE, Esq., Government Pleader, to G. BANBURY, Esq., Acting Collector of Madras, dated 5th April 1864, No. 75.

1. I have the honor to acknowledge the receipt of your letter to my address, under the date and number noted in the margin.

2nd April 1864, No. 112.

2. The only communications I have received from the Collector of Kistna District, relating to the Proceedings of the Civil Court at Guntoor, on the application of the Government Pleader in that Court, requesting the Civil Judge to allow time for taking the evidence suggested by me, were three; the first dated the 8th, the other two, the 18th and 21st of March last; copies of these I forwarded to the Board of Revenue, and presumed the Board would communicate with you on the subject.

3. Previously to the receipt of your letter now under acknowledgment, I had seen your Translator, and had gone through the abstract brought by him, and pointed out what information should, in my opinion, be obtained, and what papers should be forwarded to the Collector of Kistna.

4. I would draw your particular attention that in the 12th paragraph of my letter to the Board of Revenue da ed the 1st February 1864, No. 21, I say "unless we can explain that, it may not be safe for Government to put it in that Schedule;" I observe you say a copy of that Schedule has been sent to Mr. Thornhill. I communicated to your Translator that a Telegram should be sent to Mr. Thornhill desiring him not to file that Schedule.

5. As regards the 3rd paragraph of your letter now under acknowledgment, I beg to draw your attention that the Code of Civil Procedure (see Sections 175, 176, 177, and 178) contemplates that when a commission is applied for the names of the witnesses with their residences, &c., should be given to the Court; such is the practice (as a general rule) in Her Majesty's Courts, until therefore the evidence required was obtained, and the names of the witnesses communicated to me, I was not in a position to address the Collector of the Kistna District instructing him to obtain a commission from the Guntoor Court.

6. It is unsafe to advise an evidence until the whole or certainly the greater portion is laid before me. I have pointed out to your Translator which of the documents referred to in the abstract should be copied, and got ready for proof. Of those sent me with your letter now under acknowledgment, it appears to me at present that the only paper required will be a copy of the Decree *(a)* in O. S. No. 205 of 1839.

(a) Herewith returned as also commission for examination of witnesses.

7. As regards the list of the principal documents (herewith returned), so far as I can judge, the Collector of Kistna has called for copies of the only papers which could be of use.

8. You should not swear the witnesses, but merely take down or (have taken down) a clear statement of the several facts to which each witness could speak. When that is complete I should wish to see the witnesses; and if more convenient to yourself and the witnesses I would attend at your Office (Homes' Garden) for the purpose of examining them.

ENCLOSURE No. 2.

From G. BANBURY, Esq., Acting Collector of Madras, to C. DALE, Esq, Government Pleader, dated Trivettur, 9th April 1864, No. 123.

1. I have the honor to acknowledge receipt of your letter dated 5th instant, No. 75.

2. As I have already informed you, the first intimation that I received regarding the commencement of the Guntoor Suit, was when I came to you of my own accord, on the 1st of April; you then communicated to me that it commenced that day. The letters referred to by you in paragraph 2 were not forwarded to me, and I received no official intimation regarding the hearing at Guntoor until the 5th, four days after the case began. Had you communicated to me the Kistna Collector's letter of the 8th of March, I should not have thus been kept in total ignorance as to what was going on in the north.

3. You must remember that the conduct of the case rests entirely with you, as the professional adviser of Government. I am merely a channel of information regarding the isolated portion of the Suit connected with the anonymous Petition, and it was for you to apprize me, and if necessary to remind me when this information, that I had to furnish, would be required. In my letter dated 18th February last, I informed you that I was engaged in the annual Jummabundy, and absent from Madras.

4. With regard to paragraph 4 I forwarded the Schedule on the 31st at Mr. Thornhill's request, to whom your letter of the 1st February embodied in Board's Proceedings of the 4th idem, was communicated. I sent my Translator to you on the 4th morning; he, I believe, suggested that the Telegram should be sent at once, saying you deemed it proper not to file the Schedule. It was not however sent until the following day.

5. As regards paragraph 5, I must remind you that the application for the commission rested solely with you, as the professional conductor of the case on behalf of Government: I may be mistaken; but from the wording of paragraph 5, there appears a disposition to throw upon my Office a portion of the responsibility regarding the application in question. I was never

Proceedings of the Madras Government, Revenue Department,
17th June 1864.

asked for the names of the witnesses; it was for you to obtain all the necessary technical details for framing the application, and you must be aware that I am perfectly correct in declining any responsibility whatever with reference to the commission.

6. The information still remaining unobtained, is being procured as far as practicable, and I will communicate with you from time to time. The witnesses' statements will be ready next week, and I will let you know on what day the witnesses will present themselves at Homes' Gardens. I shall still be on Jummabundy, and my presence, I presume, will not be necessary. If however you deem it best I should be there, I will stay the settlement for one day. I shall be happy to aid you in any legitimate way, as regards inquiries arising from the anonymous Petition. I took considerable pains at first in ascertaining the truth of the averments therein contained, but you must be aware that obtaining legal proofs of these averments is no easy task. It is in reality the work of a Solicitor professionally trained.

ENCLOSURE No. 3.

From C. DALE, Esq., Government Pleader, to G. BANBURY, Esq., Acting Collector of Madras, dated 11th April 1864, No. 81.

9th April 1864, No. 123.

1. I have the honor to acknowledge the receipt of your letter to my address, under the date and number noted in the margin.

2. I abstain from observing on paragraphs 2 to 5, as it appears to me such a course would be useless; further than to say that I communicated direct to the Board under the impression, which I still retain, that such was the proper course. I adopted that course after considering the matter.

3. As regards paragraph 6 of your letter now under acknowledgment, I have the honor to request that you will apprize me when you have obtained the information, and will forward to me statements of what facts each witness can speak to, letting me know at the same time on what days the witnesses could attend at your Office. I make this request because I have other duties to attend to, and it will be necessary for me to make arrangements before I can absent myself from my Office.

(True Copies.)

(Signed) G. BANBURY, *Acting Collector.*

1. Ordered to be submitted for the information of Government, with reference to their Proceedings dated 31st March 1864, No. 530.

2. The Board had no reason whatever to suppose that Mr. Dale communicated to them Mr. Thornhill's letters regarding the date of hearing with the intention of their communicating them to Mr. Banbury, or that it could possibly occur to Mr. Dale that when he had been placed in direct communication with Mr. Banbury, such a course was necessary or proper in order to inform Mr. Banbury of the limit of time for obtaining the evidence that Mr. Dale considered desirable.

3. The Board decline to accept such responsibility for details connected with the Government Pleader's Department.

No. 217.

Miscellaneous.

ORDER THEREON, 17th June 1864, No. 1,043.

Communicated to the Government Pleader.

(True Extract.)

(Signed) C. G. MASTER,

Deputy Secretary to Government.

To the Government Pleader.
„ the Board of Revenue.

Exd. S. T. Augustin.

that the Telegram should be sent at once, saying you deemed it proper not to file the Schedule. It was not however sent until the following day.

5. As regards paragraph 5, I must remind you that the application for the commission rested solely with you, as the professional conductor of the case on behalf of Government: I may be mistaken; but from the wording of paragraph 5, there appears a disposition to throw upon my office a portion of the responsibility regarding the application in question. I was never asked for the names of the witnesses; it was for you to obtain all the necessary technical details for framing the application, and you must be aware that I am perfectly correct in declining any responsibility whatever with reference to the commission.

6. The information still remaining unobtained, is being procured as far as practicable, and I will communicate with you from time to time. The witnesses' statements will be ready next week, and I will let you know on what day the witnesses will present themselves at Homes gardens. I shall still be on Jummah-andy, and my presence, I presume, will not be necessary. If however you deem it best I should be there, I will stay the settlement for one day. I shall be happy to aid you in any legitimate way, as regards inquiries, arising from the anonymous Petition. I took considerable pains at first in ascertaining the truth of the averments therein contained, but you must be aware that obtaining legal proofs of these averments is no easy task. It is in reality the work of a Solicitor professionally trained.

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(True Copies.)

(Signed) G. BANBURY, Acting Collector.

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2. The Board had no reason whatever to suppose that Mr. Dale communicated to them Mr. Thornhill's letters regarding the date of hearing with the intention of their communicating them to Mr. Banbury, or that it could possibly occur to Mr. Dale that when he had been placed in direct communication with Mr. Banbury, such a course was necessary or proper in order to inform Mr. Banbury of the limit of time for obtaining the evidence that Mr. Dale considered

Rev = 1864. Department.

Proc^s Govt for June.

No. 1106.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 25th April 1864.

Dept 27-0

Rec^d 28th.

No. 2,475.

Submitting for information letter from the Acting Collector of Madras reporting that he has furnished Mr Dale with the greater portion of the information respecting the Vissanapett case.

No 1043: 17 June

Noted in Order

Rec^d 31st March Pro^s N 336-337

No. 1043.

Communicated to the Government

Pleader.

Govt Ltr 17th June 1864.

Copies sent to Govt Pleader Cognizance

Rec^d 16th

Engd J. Wright.

Nos 216 & 217.

Govt Ltr 17th June 1864 N^o 11

3. The Board decline to accept such responsibility for details connected with the Government Pleader's Department.

(True Copies and Extract.)

Secretary.

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

Copy to G. Danbury, Esq., Acting Collector of Madras.