

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No.	1186	Press
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	32.33	
Dated	2 / 6	18 65.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
2nd June 1865.*

No. 32. Read the following letter from C. DALE, Esq., Government Pleader, Madras, to W. HUDLESTON, Esq., Acting Secretary to Government, Revenue Department, Fort Saint George, dated Madras, 18th May 1865, No. 86 :—

SIR,

1. I have the honor to acknowledge the receipt of the Proceedings of Government, under the date and number noted 16th May 1865, No. 1,018, Revenue Department. in the margin, and to advise that a plea to the jurisdiction under Act No. II. of 1864, Section 58, should not be put in, because the plea in Original Suit No. 700 of 1864 appears to have been filed in August 1864, whereas the Act referred to, did not take effect till November 1864.

2. Had the Act been in operation when the suit was instituted, I should have advised a plea to the jurisdiction; not that I think such a plea ought to be successful, but because if an adverse judgment were pronounced the Act might be amended.

3. A written statement on behalf of both the Defendants should be put in, answering the several points raised in the plea, to the correctness of which the authorities do not assent.

4. I avail myself of this opportunity of adverting to a difficulty that is constantly arising: the use in Revenue correspondence of Revenue terms without an English definition. The only works that I am aware of are Wilson's Glossary and Brown's Zillah Dictionary; these are seldom of much use, for from the context it is frequently evident that the term is used in the correspondence in a sense different from that given by either Wilson or Brown; in fact, that the term is used in a technical sense, to understand which requires the aid of one initiated in their use, and as it appears to me the same term is not unfrequently used in a different sense in different parts of the country. My Head Writer and Interpreter are very good linguists, but both are generally at a loss to give a definition which would agree with the context. If a plea to the jurisdiction had been put in much would have depended on the meaning of the term "Teerwajasti." The literal meaning of which would appear to be a "higher rate of tax," "an additional assessment." I suppose it is in the latter sense that the term is used; but the term appears to be general to any kind of assessment, and not confined to an assessment on account of water supplied for irrigation, and yet it is in that more limited sense, as I understand it, that the term is used in the plea and correspondence; and without knowing the precise sense in which it is used it would have been impossible to have argued the point of jurisdiction, and if the case goes on, it will be necessary that the Government Pleader in the High Court should be apprised of the proper definitions of the two terms "Zerayati" and "Teerwajasti" as used in the pleadings.

5. I think the responsibility of affording correct definitions of these native and technical terms, when used by Revenue Officers, or in pleadings, should be thrown on the officers of the Districts; and I do myself the honor of suggesting, for the consideration of His Excellency the Governor in Council, whether it would not be advisable that a Circular Order should be issued that in all cases in which advice or assistance is sought from the Law Officers, the Officer forwarding pleadings in which such terms are used, or who may make use of such terms in correspondence, should give the correct definition in English of the terms used.

No. 33. ORDER THEREON, 2nd June 1865, No. 1,180.

Land Revenue

1. Communicated to the Board of Revenue, with reference to their Proceedings, dated 4th May 1865, No. 2,232.

*Proceedings of the Madras Government, Revenue Department,
2nd June 1865.*

2. The Government sanction the defence of the suit on its merits. The answer should include a general demurrer to the jurisdiction of the Court in such matters, although the special bar under Act II. of 1864 (Madras) cannot be pleaded.

3. The Collector should be directed to observe Mr. Dale's instructions in paragraph 3, as to the form of answer. Each averment in the plaint which the Collector is not disposed to admit as correct, should be expressly denied, and defendant should be put to the proof of it.

4. The Board's attention is requested to Mr. Dale's remarks as to the unnecessary difficulty caused by the use of technical terms without full explanation of their exact force and meaning. They will issue a Circular Order on the subject.

(True Extract.)

(Signed) W. HUDLESTON,

Acting Secretary to Government.

To the Board of Revenue.
,, the Government Pleader.

Ed. S. T. Augustin.

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I have the honor to be

Your Most Obedient Servant

W. H. Hudleston

Government Pleader

82-1180

Feb 18 May 1885

Feb 20th a —

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advising that a plea of the
jurisdiction under Act No 20/64
Section 58. Should not be put
in place.

Suggesting "Alta Circular"

Order should be served. No

in all cases in which advice
of counsel is sought, etc.

Head Quarters Officer of the

Lettering / Reading / Should

English of the Terms used:-

10000000 June

With Order

Conrad & Co. B. & C.
New York & Co. B. & C.

Ms. A. 9.2.233. De St. Vincent & Grenadines

of the visit on its merits. The interview

5. The firm believe of the first 3 months mentioned
at No. 1. The spirit embodied in 2. of the
firm cannot be located.

Wm. H. L. Smith

1. Thomas M. Miles in Auction in 1890.

as to form of address - each circumstance
in the petition of the party is not significant
admit to correct. There is frequently some
thing. Well, but the language is
of the American in

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expressed a wish to understand
more fully the difficulties connected with the
technical terms which he felt explained
better the force & meaning. They will return

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