M.R.O. 14—18,000—57-9-24

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 2741 Press ~~Mis.~~

254-255

Dated 10 — 10 — 1866.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
10th October 1866.

No. 254. Read the following Proceedings of the Board of Revenue, dated 19th September 1866, No. 6,698.

Read the following letter from the Government Pleader, to the Secretary to the Board of Revenue, dated Madras, 29th August 1866, No. 118 :—

1. With reference to the letters which I had the honor of addressing to you, under the dates and numbers noted in the margin, I have the honor to advise that, in my opinion, a fresh suit must be instituted against Cavally Vencata Narrainappa for the recovery of the mesne profits of the Vissanapetta estate from the time he was put into possession of the Zemindary until the date of execution, with interest.

2nd November 1865,	No.	154.
16th February 1866,	,,	24.
22nd February ,,	,,	34.
2nd June ,,	,,	81.

2. I have not sufficient information before me to enable me to advise, *with confidence*, in what Court, under the 5th Section of the Procedure Code, the suit should be instituted. I think a question may be raised if the suit is instituted in the Civil Court of Guntoor with regard to the jurisdiction whether the cause of action arose there, and I believe Cavally Vencata Narrainappa resides at Komalaswarapettah, within the jurisdiction of the High Court, and not within the jurisdiction of the Civil Court of Guntoor, and I am aware there may be a delicacy in consulting either Mr. Mayne or Mr. Norton, both of those gentlemen having been the professional advisers of Cavally Vencata Narrainappa; under all the circumstances, therefore, I recommend that the suit be instituted in the Civil Court of Guntoor, and if the question of jurisdiction be raised, I can advise on the course to be then pursued.

1. Submitted for the consideration and orders of Government, with copies of the letters referred to by the Government Pleader.

2. Government are already in possession of all the facts of the case, which are also fully set forth in the several decrees.

3. Under the recent decree of the High Court, Government are entitled to the Vissanapetta Zemindary as an escheat.

4. As this Zemindary was in possession of Cavally Vencata Narrainappa from 1849, until the date when the decree of the High Court was executed and possession transferred to Government, the question now is as to the institution of a suit to recover the *mesne* profits which appear to have been received by C. Vencata Narrainappa since 1841.

5. C. Vencata Narrainappa has obtained leave to appeal to the Privy Council, but his application to stay execution of the decree was rejected by the High Court.

No. 255. ORDER THEREON, 10th October 1866, No. 2,741.

Land Revenue.

The Governor in Council directs that a suit to recover the mesne profits be immediately instituted.

(True Extract.)

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

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

Exd. S. T. Augustin.

No. 7,585.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 28th November 1865.

Read the following letters:—

From C. DALE, Esq., Government Pleader, to R. A. DALYELL, Esq., Acting Secretary to the Board of Revenue, dated Madras, 2nd November 1865, No. 154.

1. I do myself the honor of reporting, for the information of the Board, that the Vissannapett Suits, Regular Appeal Suits Nos. 103 and 137 of 1857, on the file of the late Court of Sudder Adalat, came on for hearing on the 30th of October and 1st November before the High Court, on the return made by the late Civil Judge of Guntoor, Mr. William Elliot, to the Order of the High Court, dated 2nd May 1863; their Lordships the Judges have reserved their Judgment; when procured I will do myself the honor of forwarding a copy.

2. The Memorandum prepared by the Head Accountant of the Board, and handed to me, was very carefully prepared, and proved of very great assistance to me. If corresponding care and ability had been evinced in the office of the Collector, and by the Government Vakeel at Guntoor, I have little doubt I should have been enabled to have presented the case before the Court in a much more advantageous manner than the record as now prepared enabled me to do. The Head Accountant Jeyram Chettyar, and Durmaroya Moodlyar, attended me in Court, and it affords me great pleasure to state that they were of great service to me, and showed they had intelligently made themselves acquainted with the accounts filed in Court and their contents.

From the same Officer, dated Madras, 16th November 1865, No. 166.

1. With reference to the Orders of Government under the dates and numbers noted in the margin, I do myself the honor of reporting, for the information of the Board, that the Regular Appeal Suits, Nos. 58 and 61 of 1864, on the file of the High Court, came on for hearing this morning, when their Lordships the presiding Judges were pleased to reverse the Decree of the Civil Court of Guntoor, and pronounced Judgment for the Defendant with costs.

11th August 1864, No. 1,441, Revenue Department.
7th December 1864, No. 2,211, Revenue Department.

2. I will do myself the honor of forwarding a copy of the Decree when procured.

3. I regret extremely to feel myself under the necessity of drawing to the attention of the Board, the manner in which this case has been conducted in the Civil Court. I consider myself the more bound to do so, as I have lately had to support an Appeal from the same Court, in which it is possible the interests of Government may be materially damnified by the mode in which it was conducted in the Civil Court; and judging from the records of the two cases, I have formed an extremely low estimate of the capacity of the Government Vakeel in the Civil Court of Guntoor.

4. In my letter to the Board on the 21th of October 1863, No. 122, I pointed out the nature of the evidence which should be adduced for the Defendant on the hearing of the Original Suit No. 30 of 1863. In the first instance, I can do no more than advise in general terms the nature of the evidence which should be adduced. I have, however, re-perused my letter since I have acquired a more accurate knowledge of the case from a perusal of the record; and it does not occur to me that I could have done more for the guidance of the Vakeel in the Guntoor Court than I did in that letter, and I have no hesitation in saying that had the Vakeel possessed ordinary intelligence, and even an elementary knowledge of the profession in which he professes to practice, the case would have been presented to the Courts in a very different form to that in which it came up from the Civil Court.

5. The interests involved in most of the Government Suits which come up in Appeal are of great magnitude, either in respect of the value of the property, or the questions raised. I submit, therefore, that it is a question worthy of consideration whether the interests of Government would not be studied by endeavoring to obtain the services of properly (or fairly) qualified men as their Vakeels in the Mofussil Courts. If a man holding that office conscientiously does-

his duty to Government, he is necessarily shut from all cases in which the interests of Government may even by possibility be involved; and those are generally the cases in which a clever practitioner would be most handsomely paid. A retaining fee in the shape of a small monthly salary, with the fee allowed by regulation in cases where Government or its officers are parties, is not, as a general rule, sufficient to induce efficient men to forego the more profitable species of business.

6. In the case on which I am now reporting, the Board have done their utmost to assist me in arriving at an understanding of the accounts put in. With what success their endeavors have met, they are as well acquainted as myself: I was obliged to inform the Court I could not make any use of some of those accounts from a want of instructions how they were applicable, and the parts which were applicable. This difficulty need not have arisen had the Collector reported to the Board such information, and furnished translations of the portions he relied upon; together with such other portions, (if any,) which he might think could be relied upon by the opposite party. I may mention, that as regards the document which was marked as Exhibit No. VII., I have been totally unable *even to surmise* a reason why it was filed. As at present advised, it appears to me to have very unnecessarily encumbered the record, and caused needless trouble in translating, &c.

7. I have fortunately been enabled to glean from the evidence, sufficient to convince the Court that the Decree in the Original Suit should be reversed, but I was so enabled principally from the evidence adduced by the Plaintiff himself. This may not be the case in other suits, and if a similar lack of acumen and energy be displayed in other cases, Government may find their interests very materially damnified.

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1. The foregoing letters will be submitted for the consideration of Government with reference to the Government Pleader's remarks in paragraph 5 of his letter, dated 16th November 1865. They will also be forwarded to the Acting Collector of the Kistna District, whose attention will be called to Mr. Dale's remarks as to the want of intelligence shown in conducting the cases in Court, and the gross carelessness evinced in the Collector's office in submitting a mass of documents without a proper explanation of their contents. The accounts connected with the Vissanapettah Suit were most voluminous, but probably a simple abstract might have been prepared in the Collector's office, which would have been of the greatest service to Mr. Dale. In the Lunka case too, the accounts comprised a variety of matters, and explanation should certainly have been submitted as to what parts of them were specially relevant to the case. Mr. Chase will be good enough to submit any explanation which it may be in his power to offer at an early date.

2. The Board are glad to receive so favorable a testimony from Mr. Dale to the services rendered by their Head Serishtadar, and by Deputy Collector Durmaroyen Mudali, who was doing duty in the Board's Office when the case referred to came on for hearing.

(A true Copy and Extract.)

(Signed) R. A. DALYELL,
Acting Secretary.

To W. Hudleston, Esq., Acting Secretary to Government, R. D.
„ T. A. N. Chase, Esq., Acting Collector of the Kistna District.
„ C. Dale, Esq., Government Pleader.

Exd. J. Wright.

Submitting letters from the Government Pleader on the subject of the Vissanapett and Lunka Suits in Kistna District, and calling upon the Collector for certain explanation regarding them.

Dated 28th November 1865.

No. 7,585.

Rev. No. 3251

PROCEEDINGS OF THE BOARD OF REVENUE

1865. Department

No. 1,207.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 20th February 1866.

Read the following letter from C. DALE, Esq., Government Pleader, to the Secretary to the Board of Revenue, dated Madras, 16th February 1866, No. 24:—

1. With reference to the letter I had the honor of addressing to you under the date and number noted in the margin, I do myself the honor of enclosing, for the information of the Board, five printed copies of the Decree passed by the High Court in Regular Appeal Suits Nos. 103 and 136 of 1857.

2nd November 1865, No. 154.

2. It will be observed the Decree is dated the 22nd January last, I applied on that day for a copy, but it has not reached me till this day; I have been informed the delay has been on the part of the Press at which the printing for the High Court is executed.

ENCLOSURES Nos. 1 to 5.—Printed copies of Decree.

Ordered that the foregoing letter be communicated to the Collector of the Kistna District, and that copy of the Decree be submitted for the information of Government.

(A true Copy and Extract.)

(Signed) W. HUDLESTON,
Secretary.

To the Secretary to Government, Revenue Department,
with copy of Decree.

„ the Acting Collector of the Kistna District.
with copy of Decree,

Copy to the Government Pleader.

Exd. J. Wright.

No. 1,350.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 23rd February 1866.

Read the following letter from C. DALE, Esq., Government Pleader, to the Secretary to the Board of Revenue, dated Madras, 22nd February 1866, No. 34:—

16th February 1866, No. 24.

With reference to the letter I had the honor of addressing to you, under the date and number noted in the margin, I advise that the Collector be forthwith instructed to apply for execution of the Decree pronounced by the High Court.

Communicated to the Collector of the Kistna District, with reference to Board's Proceedings, dated 20th February 1866, No. 1,207.

(A true Copy and Extract.)

(Signed) W. HUDLESTON,
Secretary.

To the Acting Collector of the Kistna District.

Copy to the Government Pleader, Madras.

Exd. J. Wright.

Rev. No. 3295

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 20th February 1866.

No. 1,207.

Submitting to Government copy of Decree passed in R. A. Suits Nos 103 and 136 of 1857, regarding Vissunapettah Zemindary, and communicating to Collector of Kistna district letter from Government Pleader forwarding copies of Decree.

No. 3,842.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 4th June 1866.

Read the following letter from C. DALE, Esq., Government Pleader, to the Secretary to the Board of Revenue, dated Madras, 2nd June 1866, No. 81 :—

30th May 1866, No. 79.

In continuation of the letter which I had the honor of addressing to you, under the date and number noted in the margin, I do myself the honor of reporting, for the information of the Board, that the Civil Petition, No. 83 of 1866, on the file of the High Court, came on for hearing this morning, when the presiding Judges were pleased to refuse the Defendant's application for stay of execution of the Decree of the High Court in the Vissanapett case; so soon, therefore, as the Civil Court opens, the Collector should vigorously press for its execution.

Communicated to the Acting Collector of the Kistna District for information and guidance, in continuation of Board's Proceedings, dated 31st May 1866, No. 3,746.

(A true Copy and Extract.)

(Signed) R. A. DALYELL,

To the Acting Collector of the Kistna District.

Copy to the Acting Secretary to Government, Revenue Department, for information, with Board's Proceedings, 31st May 1866, No. 3,746.

" to the Government Pleader.

Exd. J. Wright.

Rev. No. 3251

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 23rd February 1866.

Despatched

Received

No. 1,350.

Communicating to Acting Collector of Kistna District letter from Government Pleader, recommending that former be instructed to apply for execution of Decree passed by High Court in Revenue Appeal Suits Nos. 103 and 136 of 1857, regarding Vissunapettah Zemindary.

Enclosing Copy of Letter No 3 of
Revenue to the Govt of Fort St G
Dated 19 Septr 1866 No 6698.

1866. Department.

Rect No. 3757.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 4th *June* 1866.

Despatched

Received

No. ~~3604~~ 3862.

Communicating to Collector of Kistna District letter from Government Pleader, reporting that application of Defendants in Vissannapett case, for stay of execution of Decree of High Court in that case, has been refused.

Copies to Collr of Kistna
Govt Pleader

100 Octr 1866.

Pro. 6 December 1858 @ 33-34
- 8 March 166 • 126-127
- 6 April . . 53-54
- 18 June . . 391-392
- 29 625-626

Reports to Engd 27 February A.D. 1867 Mn

Revenue 1863. Department.

Pro. of Govt for Collector

No. 3284

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 19th September 1866.

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C.4.

No. 6,698.

Submitting for consideration and orders letter from Government Pleader recommending that a fresh Suit be instituted against Cavally Vencata Narrainappa for recovery of mesne profits of Vissannapettah Estate from the time he was put in possession of the Zemindary to date of execution of Decree.

A. 2518255

Ck. 2941-10-Cds

Both Order

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