M.R.O. 1—30,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1916 Press Mis.

53-55

Dated 2-12-1870 To

Not to be folded or roughly handled

Read the following letters :—

No. 53. From the Government Solicitor, Madras, to the Under-Secretary to Government, Revenue Department, Fort Saint George, dated Madras, 18th November 1870, No. 594.

I HAVE the honour to acknowledge the receipt of your official memorandum, No. 1,788 of 1870, dated 14th September 1870, forwarding to me, for report, the petition tollis Excellency the Governor in Council of Inguva Seetaramaya, dated the 15th of August 1870, praying that he might be released from jail and from payment of the costs of Government, amounting to Rupees 1,031-4-0 in the Suit noted in the margin.

Original Suit No. 412 *of* 1869.
The Right Honourable the Secretary of State
versus
I. Seetaramaya and others.

2. The delay in making the report called for by Government has been caused partly by my having had to refer the matter to the Deputy-Collector of Madras for information relative to a portion of the property mentioned in Inguva Seetaramaya's petition, and partly because an application, which was only finally disposed of yesterday, has been pending before the High Court since the 15th of August last at the instance of Inguva Seetaramaya, with a view to his obtaining his discharge from custody under the provisions of Section 273 of the Civil Procedure Code.

3. I will now proceed to state briefly the facts connected with the Suit above referred to, and then express my views upon the above petition.

4. The Suit, under the Decree in which Seetaramaya was sent to jail for non-payment of the costs of Government, was an action of ejectment against him and his tenants for recovery of possession of certain land (the property of Government), situated on the Trivatoor high road, and forming part of the north esplanade; the Suit was founded partly upon deeds showing the original purchase of the land by Government, and partly upon certain letters written by the defendant Seetaramaya himself to the Deputy-Collector of Madras, in which he admitted that the land was the property of Government, and that he held it simply upon sufferance; the defence set up was, firstly, that the claim was barred by Statute of Limitations; and secondly, that the letters above referred to had not been written by Inguva Seetaramaya but were forgeries. On the hearing of the Original Suit, however, the Court held that it had been clearly proved in evidence that the letters in question had been written by Seetaramaya, and that the evidence given by him could not be believed, and the Court gave a Decree in favour of Government with costs, and directed that the land in dispute should be given up to Government within three months, and that Seetaramaya should be at liberty within such period to remove the buildings and trees on such land. Against this Decree, Seetaramaya appealed, but was again unsuccessful, the Appellate Court confirming the Decree of the Lower Court; and I may mention that Mr. Justice Holloway, who was one of the Judges who heard the appeal, in his Judgment expressed his opinion that Seetaramaya in his evidence before the Lower Court had perjured himself.

5. Seetaramaya, in accordance with the Decree of the Lower Court, removed all the buildings on the land, and gave up possession of the latter at the expiration of the three months mentioned in the Decree.

6. On the same day that judgment was pronounced on the appeal, namely, the 6th of July last, I caused Seetaramaya to be arrested for non-payment of the costs of Government in the Original Suit, having been unable to find any property against which I could obtain execution, and since such last-mentioned date Seetaramaya has remained in jail at the instance of Government.

7. On the 15th of August 1870, I was served with a copy of a petition presented to the High Court by Seetaramaya, praying that he might be released from jail under the provisions of the 273rd Section of the Civil Code, and to such petition was annexed a Schedule as required by such Section, purporting to contain a full account of all property of whatever nature belonging to the applicant, whether in expectancy or in possession, and whether exclusively held by him or jointly with others, or by others in trust for him, and of the places respectively where such property was to be found.

8. On the same 15th of August 1870, Seetaramaya appears to have presented the petition to Government now referred to me, and the Schedule annexed to such petition corresponds with the Schedule to the petition to the High Court above referred to.

9. The petition to the High Court came on for hearing on the 19th of August last, when I appeared on behalf of Government, and opposed the application on the following grounds, firstly, because the two wells mentioned in the Schedule annexed to the petition were upon the land delivered up to Government under the Decree in the Suit, and therefore were not in the possession of the defendant; and that, even if the Court were of opinion that the materials of the wells were the property of Seetaramaya, they were not of the value of 400 Rupees as alleged by him, but only of the value of 200 Rupees; and further that the defendant had given no account whatever of the value of the building-materials removed by him from the land. The Court thereupon ordered the case to stand over to the 26th of August, in order that evidence might be obtained as to the value of the materials removed by the defendant, and as to what had become of them.

10. On the 26th of August, the defendant set up that the materials had been sold by him for Rupees 388 or thereabouts, and that he had lost a portion of such sum by robbery, and had paid away the residue to various creditors. I thereupon applied for time to inquire into the truth of these statements, and the Court adjourned the application to the 14th of October last.

11. On the 14th of October last, the case was adjourned at the request of the defendant's Attorney to the 1st of November 1870, on which last-mentioned date I called evidence and proved that the value of the materials in question was about 1,000 Rupees, and that they had realized upwards of 800 Rupees, and also called witnesses who stated that they had, since the date of the sale of the materials, obtained loans from the defendant out of moneys which he admitted were the sale-proceeds of such materials; the defendant thereupon set up that the moneys which had been lent by him were not his own, but the property of his wife, and applied for an adjournment to enable him to call witnesses to prove this. The case was accordingly adjourned to the 10th instant, and there being no time to dispose of it on that day, it was again adjourned to yesterday, when the Court, after hearing the evidence called by the defendant dismissed the application upon the ground that

Seetaramaya had not, as required by the Civil Code, given a true account of his property, but, on the contrary, had concealed it, and the Judge sent him back to jail where he will have to remain for two years from the date of his arrest, provided that during such period Government pay him the usual subsistence allowance of 4 Annas per diem.

12. With regard to the equity of redemption of a one-fourth share in the Shrotriem village called Tarnellore, in the taluq of Ponnary, in the district of Madras, referred to in the petition to Government now before me, I caused inquiries to be made through the Deputy-Collector of Madras as to the nature and value of the property; and on the 15th of October last, I received a letter from him forwarding one from the Acting Collector of Chingleput, to the effect that he found upon inquiry that Seetaramaya appeared to be one of the two registered holders of a quarter share in the above village, but it did not appear whether such share had been mortgaged or not.

13. From the facts, which were proved in evidence on the hearing of the Suit above referred to, I have come to the conclusion that Seetaramaya vexatiously defended the Suit, he being perfectly aware that the land in his possession was the property of Government, and further that, in giving his evidence, he repeatedly perjured himself; and I am also of opinion that Seetaramaya has concealed or made away with the sale-proceeds of the building-materials of his house, with a view of preventing Government from being paid their costs, and that, under the above circumstances Seetaramaya is not entitled to the slightest consideration at the hands of Government. It is, however, for Government to determine whether they consider it desirable to continue paying the subsistence allowance of 4 Annas per diem to Seetaramaya, in order to keep him in jail for the period of two years from the date of his arrest, and upon this point, I shall be glad to receive the orders of Government.

14. I may mention that Seetaramaya's subsistence allowance has been paid by me to the end of the current month.

15. I return, herewith, the enclosure forwarded with the memorandum above noted.

TRANSFERRED to the Revenue Department.

(Signed) H. E. STOKES,
Under-Secretary.

No. 54. From the Government Solicitor, Madras, to the Under-Secretary to Government, Fort Saint George, dated Madras, 28th November 1870, No. 613.

WITH reference to my letter to your address of the 18th November, instant, No. 594, relative to the Suit noted in the margin, I have now the honour to forward herewith a copy of a notice which I have received from Inguva Seetaramaya, the 1st defendant in the above Suit, of his having filed his petition praying for the benefit of the Act for the Relief of Insolvent Debtors at Madras, and to request that you will be good enough to obtain the orders of Government

Original Suit No 412 *of* 1869.
The Right Honourable the Secretary of State for India in Council
versus
1. Seetaramaya and others.

Govt. of {1870} Madras.

REVENUE.

To

THE GOVERNMENT SOLICITOR.

&c., &c., &c.

Dated December, 2nd.

Recd. [illegible]

G. O., 2nd December 1870, No. 1,916.

DECEMBER.
Nos. 53—55.

Inguva Seetaramaya, a prisoner in the Civil Jail at Madras, and an applicant for the Insolvent Act.—Government Solicitor to take the necessary steps to oppose his discharge, and to report the result.

That your Petitioner was not possessed of any title Deed in respect of the said piece of ground and consisting on the advices of certain individuals that the length of Prescription will be on the rights of Government, and through the influence of certain interested evil disposed persons of the said Court foolishly suspended the said order whereon on the 16th February 1870 a Decree was made and possession of the said piece of Ground was accordingly delivered over by Petitioner.

That at the time of said Decree pronounced the Judge asked Mr. Advocate General whether he was willing to purchase the said [illegible] which was refused. That thereupon three months time was allowed to Petitioner to remove the said building.

The building was thereupon knocked down and sold for Rupees 335 deducting therefrom Rupees 45 wages paid for coolies to knock down the building left a balance of Rupees 290 out of which he foolishly incurred an expense of Rupees Sixty Costs for defending the said suit and incurred a further expense of Rupees 60 on a foolish idea that he might gain the day in appealing against the said decision, Rupees forty was lost by robbery Rupees 75 was paid to another party entitled to share with Petitioner as Rupees fifty five was paid to certain of his creditors, besides he is still indebted to several individuals in divers sums of money.

The Appeal was also dismissed with costs on the sixth July 1870 - On the very same day Mr. Advocate General directed the Government Solicitor to take out a Warrant of arrest and arrest Petitioner in the Debtors Jail for costs in Original Suit amounting to Rupees 1031-4-0.

That your Petitioner truly says that he is not worth at present even one thousand Rupees, not only lost his employment he and his family are [illegible] allowance of four annas allowed him for his subsistance in gaol being totally inadequate to support himself and his large family, and shall always will also suffer further and further loss to Government than they have already incurred on Petitioner's account in prosecuting and defending the said original suit and Appeal.

The said allegations as to Petitioners poverty will be proved on enquiring the Government Solicitor about Petitioners mode of life.

That your Petitioner is possessed of property in the Schedule hereunto annexed and that he is willing to place same at the option of Government.

Schedule referred to in the foregoing Petition.

To value of two wells and two large trees situated at No 4 on the Trivatoor & Chingleput Road to Washermen Cottah	400
One small old Iron	12
One old table and bench	2
Two iron Spoons	3
One small brass Lavabey	2
Two Brass Chumboos	2
One lead Chumboo	6
One small brass Cup	1
One old Copper Punchapatrum	12
One Brass Plate	2
One Woollen Chuvvah	4
Rupees	434

I am entitled to the property of one fourth Share of a Shrotrium village called Tirunellore in the Taluk of Conjeveram Madras District of the value of Rupees five hundred and twenty eight which was mortgaged with one Thirtavasamy Iyengar in April 1860 for Rupees 175 and the same is not yet redeemed.

Ingooveh Seshiravanie

Your Petitioner therefore humbly prays that upon your Excellency in Council taking the foregoing circumstances particularly the pleasure of Government in respect of Government owing to his foolishness & Government having seized the property and also the date of Government to order your Petitioner to be released from the District Jail and allowed him a proper Salary for which act of Justice your Petitioner shall as in duty bound ever pray

Ingooveh Seshiravanie

Delivered at Madras 15th August 1870.

In the Court for the Relief of Insolvent Debtors at Madras.

No

The Right Honorable the Secretary of State for India in Council, The same Creditor, Coorum Ramanjooloo Naidoo and Cumbrimpantee Kistnasawmy Iyer.-
Creditors of the Insolvent.-

Sirs,

Take notice that I, Ingroovah Seetharamaniah late a Clerk in an Attorneys Office but at present a prisoner in Her Majesty's Debtors Jail at Madras have on the 22nd day of November instant, presented a petition to Her Majesty's Court for the relief of Insolvent Debtors at Madras praying for the benefit of an Act of Parliament made and passed in the Eleventh year of the Reign of Her present Majesty Queen Victoria, Chapter 21 entitled an Act to consolidate and amend the Laws relating to Insolvent Debtors in India and that a Schedule containing a full description of all my Creditors and Claimants and a full account of my Estate and Effects is filed in the said Court pursuant to the directions and provisions of the said Act and that in pursuance thereof the Court hath been pleased to appoint

8 13

Rec: 30 Sept 1870

No 1788 of 1870.

Transferred to the Govt Solicitor for report. Petitioner asserts that he is possessed of property from which a portion of the claim of Govt can be satisfied

By order
[illegible]
Under Secretary to Govt

Fort St George
14th September 1870

No 518

Examined
12 " 70

duly issued to creditors & claimants in the Insolvency & also to Govt for Govt Pleader to be selected

Court declared a dividend

Rec: 17 Sept 1870

Rec: 30 Sept 1870

Transferred to the Govt Solicitor for report

Petitioner declared a dividend

Petitioner has been adjudged an Insolvent & that the Govt & all the Creditors & claimants have been duly served with notice

Petitioner has been examined & the Petition granted

Petitioner has been ordered to pay Rs 1031-4-4 & that he be imprisoned for the term of six months

Petitioner has been ordered to pay Rs 4112 of a dividend & costs & a Decree in favor of Govt & that he be imprisoned for the term of six months

Petitioner has been ordered to pay Rs 1031-4-4 & that he be imprisoned for the term of six months

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appoint the fifteenth day of December 1870 for the hearing of the matters of my said Petition and to make an order dated the 22nd day of November 1870 for vesting my Estate and Effects in the Official Assignee, and take notice that on the said 15th day of December 1870 I the said Ingoovah Seetharamiah intend to apply to be discharged accordingly.-

Dated this 23rd day of November 1870.

Yours &c.

/Signed/ I. Seetharamiah.

Insolvent in Person.

/True Copy/

H. J. Richard

Government Solicitor.-

Rec. 3687/70

Trans. 2nd Dec./70 Ins. Dr. 54.

Enclosure in Letter from
The Government Solicitor
Madras, to the Under
Secretary to Government
Fort St. George, dated 28th
November 1870, No. 613.

from date of arrest-Jervis
for Pl. maintains the plea for
the subsistence of a Human
Creature.

The Evidence paid to
ends Nov. 30. and the
for Pl. Solicitor asks
Verdict for Pl. with Costs
to continue the Jury.

From the Evidence
it appears that the prisoner
Cooke release again Overhaul
debts under the Act &
it appears that H.S. Justice
Duncan Lawrence issued
Debt. Warrant for Costs
Constable brought him
by pursuance of the Clause
repealing debt &c. the
Court from the operation
of the Act.

H.S. Pitfield acts
Victim Lieut. to officer
to discharge

Each order as
necessary as before

I cannot think
that there is any
cause for discharge

J.A.
N

He has no claim
to consideration
I would give
him leave.

N. J. D-N.

J/A.

11

finding & officer
must be given not
later than 9 Oct.

He must appear
decree with costs
and if Counsel desired
that the legal point
be decided by the Ct.

If this is given in
favor of Pl. it
may be afterwards
considered whether
Pl. shall continue
Jury of the subsistence
allowance or letting

dep. J.A.

30 Sept. 1870.

report the result.

2. It seems desirable that the legal question involved should be argued and decided by the High Court, and the prisoner is not deserving of any lenient consideration on the part of Govt.

3. Should the result of his petition under the Act be to leave him in confinement, the Govt will again consider the question of his prolonged detention

detention at their suit and cost

L.R.

Mr. Govt Solicitor Dept. 2 Sec 4 Dept. 9
14 Bo 76 Rec'd

Lieut. By Order. Jodrell

Signatum Constantinopoli Cruz. —

8