No. 149. Read the following Proceedi Revenue, dated 12th April 1

Read the following letter from the Gov ier, Madras, to the Acting Secretary to the Bo elly, 5th April 1871.

With reference to the Boa in the margin, I have the bmit draft memorandum to the Civil Court against the ree of the Principal Sadr Amin of Ma Original Suit No. 104 of 1866. The papers only reached me a few days ag and my time being fully occupied with the case I am prosecuting here for Governmer, I have been quite unable to submit the draft sooner. I have telegraphed to theCollector to apply for a fortnight further time for filing the appeal, but lest it could not be granted, I have thought it safer to forward a copy of the draft to m direct, that the appeal may be filed in time. Any amendments which the Boa or Government may think necessary can be made afterwards by the permission of the Court.

2. I have re-considered my forme ft, and have slightly altered the order of the grounds of appeal and the wordi some of them. I think the appeal, as it now stands, fairly raises the whole qu ion at issue between the plaintiff and Government; but the case contains so ma local terms and allusions, and depends so much upon local usage and law that egret much that circumstances have prevented my having the advantage of c ring with the Board before drawing up the appeal. As it is, I can only leave the Board to rectify any errors or omissions they may discover in the draft.

The Board approve of the memorandumof appeal submitted with this letter.

No. 150. Order thereon, April 1871, No. 675.

Miscellaneous.

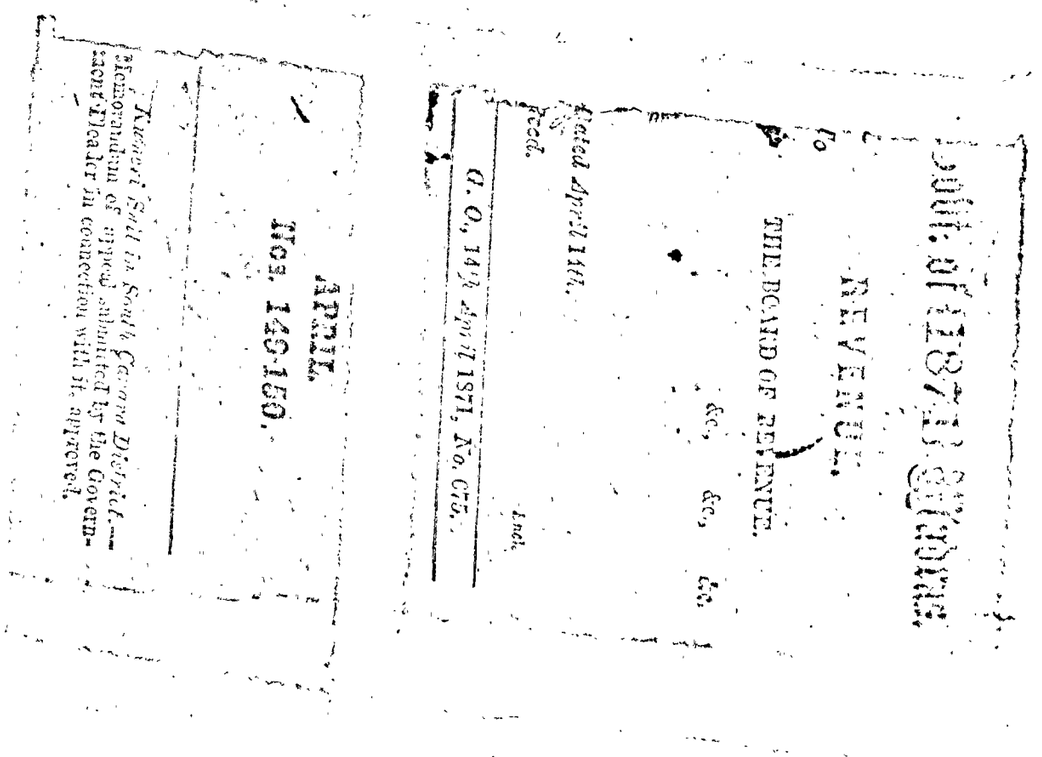
The Government approve the draft memorandum of appeal.

(True Extract.)

(Signed) W. HUDLESTON,
Secretary to Government.

To the Board of Revenue.
„ the Government Pleader.

Exd. F. R. Bantleman.



No. 1,533.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 12th April 1871.

Read the following letter from J. W. HANDLEY, Esq., Government Pleader, Madras, to the Acting Secretary to the Board of Revenue, dated Tinnevelly, 5th April 1871:—

Dated 18th March 1871.

WITH reference to the Board's Proceedings noted in the margin, I have the honour to submit draft Memorandum of Appeal to the Civil Court, against the Decree of the Principal Sudder Amin of Mangalore, in Original Suit No. 104 of 1866. The papers only reached me a few days ago, and my time being fully occupied with the case I am prosecuting here for Government, I have been quite unable to submit the draft sooner. I have telegraphed to the Collector to apply for a fortnight further time for filing the Appeal, but lest it should not be granted, I have thought it safer to forward a copy of the draft to him direct, that the appeal may be filed in time. Any amendment which the Board or Government may think necessary, can be made afterwards by the permission of the Court.

2. I have re-considered my former draft and have slightly altered the order of the grounds of appeal and the wording of some of them. I think the appeal as it now stands, fairly states the whole question at issue between the Plaintiff and Government, but the case contains so many local terms and allusions, and depends so much upon local usage and law, that I regret much that circumstances have prevented my having the advantage of conferring with the Board before drawing up the appeal. As it is, I can only leave it to the Board to rectify any errors or omissions they may discover in the draft.

ENCLOSURE No. 1.

Memorandum of Regular Appeal in the Court of the Principal Sudder Ameen of Mangalore, Original Suit No. 104 of 1866, in the Civil Court of Mangalore, Appeal Suit No. of 1871.

	In the Lower Court.	*In the Appellate Court.*
The Collector of South Canara... ...	Defendant.	Appellant.
versus		
Krishna Varmâ Mutu Arasu	Plaintiff.	Respondent.

THE abovenamed defendant appeals to the Civil Court of Mangalore against the decree of the Principal Sudder Ameen of Mangalore in the above suit, dated 16th January 1871, for the following reasons, viz:—

1. It is contrary to law and the weight of evidence in the case.

2. The lands, the subject of the suit, are waste lands, the property of Government, who have therefore a right to restrict the Kumeri cultivation by the plaintiff, such cultivation having been previously carried on by their permission only.

3. The plaintiff has not proved that he possesses any proprietary right in the lands in question.

4. The decrees relied on by the Lower Court were in suits to which Government were no party, and are therefore no evidence of plaintiff's proprietary right as against Government.

5. The entry of kumeri shist and of pepper and cardamom shist in a chitta is no admission of the plaintiff's proprietary right in the soil.

6. The Lower Court is wrong in inferring that the waste lands in the five southern maganis of Kasargod Talook are private property because lands of the same nature are for the most part so in Malabar.

5th April 1871. (Signed) J. W. HANDLEY,
Government Pleader.

THE Board approve of the Memorandum of Appeal submitted with the letter.

(True Copies and Extract.)

J Grose
Acting Secretary.

To the Government Pleader.
,, the Collector of South Canara.
Copy to the Secretary to Government, Revenue Department,
with copy of Memorandum of Appeal.

Exd. G. A. Turton.

1871.

Board of Revenue,

MADRAS.

PROCEEDINGS, 12TH APRIL 1871, No. 1,533.

Dept. 12 Apl. 1871.

Encl.

Received. 25

APRIL.

No. 1,533.

Appeal—to Mangalore Civil Court in South Canara District against Decree of Principal Sudr Amin in Suit No. 104 of 1866, regarding certain Kumari land,—Draft memorandum of, prepared by Government Pleader, approved.

of the suit, are waste lands, the property of Government who have therefore a right to restrict the Kumari cultivation by the plaintiff, such cultivation having been previously carried on by their permission only.

3 The plaintiff has not pronounced that he possesses any proprietary right in the lands in question.

4 The decrees relied on by the Lower Courts were in suits to which Government were no party and are therefore no evidence of plaintiff's proprietary right as against Government.

5 The Entry of Kumari Thiel and of pepper and Cardamom which in a Chitta is not a admission of the plaintiff's

right in the said

6 The Lower Court is wrong in inferring that the waste lands in the five Pattams of Karangod Valay are private property, because lands of the same nature are for the most part so in Malabar

5th April 1871

(Signed) J. W. Handley
Government Pleader

(True copy)

J Gole
Acting Secretary

Rev. 1163/71.

Enclosure in a letter from the Government Pleader dated 9th April 1871

Regt. Revenue Appeal in Civil Suit No. 104 of 1866 on file of Principal Sudder Amin's Court.

Revenue Department.

5

Proceedings of the Board of Revenue dated 12th April 1871.

Read the following

From,

J. W. Handley Esqre
Government Pleader. Madras

To

J. Grose Esqre
Acting Secretary to the Board of Revenue.

Sir,

Dated 13th March 1871

With reference to the Board's Proceedings noted in the margin I have the honor to submit draft memorandum of appeal to the Civil Court against the Decree of the Principal Sudr Amin of Mangalore in O.S. No. 104 of 1866. The papers only reached me a few days ago and my time being fully occupied with the case I am presenting here for Government I have been quite unable to submit the draft sooner. I have telegraphed

to the Collector to apply for a fortnight's further time for filing the Appeal, but lest it should not be granted, I have thought it safer to forward a copy of the draft to him direct, that the Appeal may be filed in time. Any amendments which the Board or Government may think necessary can be made afterwards by the permission of the Court.

2. I have reconsidered my former draft and have slightly altered the order of the grounds of appeal and the wording of some of them. I think the Appeal as it now stands fairly raises the whole question at issue between the plaintiffs and Government, but the case contains so many local terms and allusions and depends so much upon local usage and law, that I regret much that circumstances have prevented my having the advantage of conferring with the Board before drawing up