

No. 228. Read the following Proceedings of the Board of Revenue, dated 17th April 1871:—

Read the following letter from the Officiating Collector of Tanjore, to the Acting Secretary to the Board of Revenue, dated 5th April 1871, No. 105.

I HAVE the honour to forward herewith copy of a Summons* issued from the Small Cause Court at Combaconum to Mr. A. T. Arundel, now Acting Head Assistant Collector of Tinnevely,

* In Original Suit No. 6 of 1871 on the Principal Sadr Amin's Side.

relative to a Suit which has been instituted in the Court by one Subba Chetty, and in which Mr. Arundel has been included as 2nd defendant.

2. From the particulars of the plaint appended to the Summons, and which are evidently a transcript of the petition of the plaint itself, it will be seen that the object of the Suit is to recover the cost alleged to have been incurred by the plaintiff in reclaiming certain land which was granted to him on darkhast, in the first instance, by Mr. Arundel, while Assistant Collector in this district, but which, on appeal to the Collector, was ordered to be transferred to another party. This other party has accordingly been made the first Defendant.

3. The facts of the case are these. In 1869 plaintiff applied for certain waste land in the village of Kallappuliyur in the Combaconum Taluq, and Mr. Arundel, who was then in Revenue charge of the taluq, granted the same to him in spite of the Mirassidar's declared willingness to take it up, because the Darkhastdar offered to pay assessment for two crops, while the Mirassidar was willing to pay for only one. The latter then appealed to the Collector, who reversed Mr. Arundel's order, and directed that the land be granted to the appellant on ordinary one-crop assessment, of which alone it had on examination been found to be capable. The Collector's order was further upheld by the Board in their Proceedings, dated 22nd June 1870, No. 4,318. It is here to be observed that plaintiff's offer to pay the double-crop assessment was not made till after the Mirassidar had agreed to take up the land on ordinary assessment for one crop, and it was, therefore, clear that the former was only outbidding the Mirassidar without any intention to cultivate, nor any possibility of his cultivating two crops.

4. This being the case, the plaintiff now coolly enough alleges that during the short period which intervened between the date of the Assistant Collector's order, which was 17th April 1869, and that of its reversal by the Collector, namely, 29th September following, he laid out Rs. 1,050 in preparing about 2 velis 3 mahs 13 gulies of land for cultivation, and seeks, by means of this Suit, to recover this modest sum with interest and costs. I do not conceive that a claim like this will be recognized by any Court of Law, since plaintiff could not have entered upon his speculation without a knowledge that his ultimate success was essentially a matter of chance, and when he spent any money upon it could not but have been aware that the Assistant Collector's order in his favour was open to appeal and reversible by the Appellate Revenue authority. This, however, is a plea to be urged by the party who has eventually got the land, namely, the 1st defendant, and against whom would lie, if at all, any claim which plaintiff may have for compensation in this respect. So far, therefore, as the Assistant Collec-

Rev = 1871. *Oct*
Board of Revenue,
MADRAS. *7/1237*

PROCEEDINGS, 12TH APRIL 1871, No. 1,524.

Sept 1891

Encl.

Received. 19th

APRIL.

No. 1,524.

Transfer of certain land to Remount Depot—at Oosoor in Salem District in lieu of that formerly transferred,—Letter from Acting Sub-Collector in charge of District, requesting sanction for, submitted to Government.

7/7/4
Sanctum

No. 226-227

M. F. McPhee Esq. Dec 29

The

Proceedings of the Madras Government, Revenue Department,
21st April 1871.

tor is concerned, he is clearly not liable to be sued, inasmuch as he acted within his authority as such.

5. Mr. Arundel has forwarded to me a draft of the written statement which he proposes to put in, and which, with a copy of his letter giving cover thereto, is herein enclosed. This officer, it will be seen, rests his defence on the mere ground that his official successor in Tanjore is the party to be sued for an act done by him in his official capacity, and that as he (Mr. Arundel) has ceased to be Assistant Collector in Tanjore, he ought not to be made a defendant. I do not see however, why the liability to defend the Suit should thus be even transferred to Mr. Arundel's official successor, who, it appears to me, may be absolved from it also by a short answer as follows:—

"The order which the 2nd defendant, as Assistant Collector, passed in plaintiff's favour, was passed by him in his official capacity, and within his jurisdiction as such, and he, as either such officer, or as a private individual, is not liable to be sued for any loss which may have arisen to plaintiff in consequence of such order. The 2nd defendant, therefore, requests that the Suit as against him may be dismissed with costs."

6. I beg to request the Board's sanction for putting in a written statement as above, and for conducting the necessary defence on behalf of Mr. Arundel at the public expense.

7. The hearing of the Suit has, as will be seen from the copy of the Court's Summons, been posted for the 9th proximo.

SUBMITTED for the orders of Government, the amount at issue in the Suit exceeding Rs. 1,000. The date fixed for the hearing is the 9th May.

The answer prepared by the Collector seems to the Board to be sufficient.

* Referred to in paragraph 3 of Collector's letter.

A copy of Board's Proceedings, dated 22nd* June 1870, No. 4,318, are herewith submitted for the information of Government.

No. 229.

ORDER THEREON, 21st April 1871, No. 715.

Miscellaneous.

THE defence of the Suit in the first instance is sanctioned on the usual terms. Copy of the plaint should have been submitted.

(True Extract.)

(Signed)

W. HUDLESTON,

Acting Chief Secretary.

To the Board of Revenue,
the Accountant-General.

Exd. F. R. Dantleman.

Revenue Department
Proceedings of the Board of Revenue
dated 17th April 1871

No. 105. Read the following

From, W. M. Bradell Esq.,
Off. Collector of Tanjore.

To, J. Grose Esq.,
Acting Secretary to the,
Board of Revenue,
Chennai.

Sir,

I have the honor to forward herewith copy of a Summons issued from the Small Cause Court at Combarum to Mr. A. J. Arundel, now Acting Head Assistant Collector of Tanjore, relative to a suit which has been instituted in the Court by one Subba Chetty, and in which Mr. Arundel has been included as 2nd Defendant.

2. From the particulars of the plaint appended to the Summons, and which are evidently a transcript of the petition of the plaintiff itself, it will be seen, that the object of the suit is to recover the cost, alleged to have been incurred by the Plaintiff in reclaiming certain land which was granted to him on Dakhast in the first instance by Mr. Arundel while Assistant Collector in this District, but which, on appeal to the Collector, was ordered to be transferred to another party. This other party has accordingly been made the first defendant.

The

Official Capacity, and that as he (Mr. Crundel) has ceased to be Assistant Collector in Tanjore, he ought not to be made a defendant. I do not see, however, why the liability to defend the suit should thus be even transferred to Mr. Crundel's Official Successor, who, it appears to me, may be absolved from it also by a short answer as follows.

The order which the 2nd Defendant, as Assistant Collector, passed in Plaintiff's favor, was passed by him in his Official Capacity and within his jurisdiction as such, and he, as either such Officer or as a private individual is not liable to be sued for any loss which may have arisen to Plaintiff in consequence of such Order. The 2nd Defendant, therefore, requests that the suit as against him may be dismissed with Costs.

6. I beg to request the Board's sanction for putting in a written statement as above and for conducting the necessary defence on behalf of Mr. Crundel at the public expense.

7. The hearing of the suit has, as will be seen from the copy of the Court's summons, been postponed for the 9th proximo.

Tanjore Off. Collector's Office, I have &c.
Valluam, Tanjore District, Signed W. M. Cadell
5th April 1871. Off. Collector.
Submitted

Submitted for the Orders of Government. The amount at issue in the suit exceeding Rupees 1000. The date fixed for the hearing is the 9th May. The answer prepared by the Collector seems to the Board to be sufficient.

A copy of Board's Proceedings dated 22nd June 1870, No. 4318, are herewith submitted for the information of Government. Referred to in para 3 of Collector's letter.

True Copy &c &c
J. Gole
Acting Secretary

To, The Secretary to Government
Revenue Department
with 3 enclosures & Board's Proceedings No. 4318 of 1870.

W. M. Cadell

Official Capacity, and that as he (Mr. Crundel) has ceased to be Assistant Collector in Tanjore, he ought not to be made a defendant. I do not see, however, why the liability to defend the suit should thus be even transferred to Mr. Crundel's Official Successor, who, it appears to me, may be absolved from it also by a short answer as follows.

" The order which the 2nd defendant, as Assistant Collector, passed in Plaintiff's favor, was passed by him in his Official Capacity and within his jurisdiction as such, and he, as either such Officer or as a private individual is not liable to be sued for any loss which may have arisen to Plaintiff in consequence of such order. The 2nd defendant, therefore, requests that the suit as against him may be dismissed with costs."

6. I beg to request the Board's sanction for putting in a written statement as above and for conducting the necessary defence on behalf of Mr. Crundel at the public expense.

7. The hearing of the suit has, as will be seen from the copy of the Court's summons, been postponed for the 9th proximo.

I have &c.
Tanjore Off. Collector's Office, Valluam, Tanjore Taluk.
Signed W. M. Cadell
Off. Collector.
5th April 1871. Submitted

Submitted for the Orders of Government. The amount at issue in the suit exceeding Rupees 1000. The date fixed for the hearing is the 9th May. The answer prepared by the Collector seems to the Board to be sufficient.

A copy of Board's Proceedings dated 22nd June 1870, No 4318, are herewith submitted for the information of Government. Referred to in para 3 of Collector's letter.

True Copy & Exact
J. Gole
Acting Secretary

To,
The Secretary to Government
Revenue Department
with 3 enclosures & Board's Proceedings No 4318 of 1870.

J. M. Gole

No. 230. Read the following letter from the Under-Secretary to the Government of India, Financial Department, (Separate Revenue—Stamps,) to the Secretary to the Government of Fort Saint George, dated Fort William, 31st March 1871, No. 2,031-A:—

2. The suggestions of the Committee amount to a proposal for a radical change in the method hitherto adopted in the manufacture and supply of these stamp papers.

(1).—That the stamped papers should be manufactured in England and sent out to this country in a complete state.

(3).—And the printing work also should be of a description involving a high degree of artistic skill.

(5).—That the various values should be divided into classes, and each value should be represented by a design prominently different from the designs used for other values.

Class I.—Rs. 1,000.

„ III.— „ 10, „ 20, „ 40, „ 70.

„ V.—Annas 1, 2, 3, 4, 8, 12.

6. It is the intention of the Government of India to prescribe that stamps of one-anna value shall always be denoted by adhesive stamps, so that no separate stamps of this value will be required.

7. *To Bengal, Madras, and Bombay.*—I am directed to request that the Superintendents of Stamps of Calcutta, Madras, and Bombay, may be called on to state, after communication with the Governments to which they supply stamped papers, how many stamps of each value they will require, and at what