1132/65

M.R.O. 1—20,002—12-8-65.

(1) Number of Pages 116

(2) Date of repair 2-1-1967

(3) Initials of the Referencer

MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

REVENUE DEPARTMENT

G.O. No. 1132 Press

~~B.P. No.~~ ~~Mis.~~

Dated 3-9-1874 ~~196~~ .

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
3rd Septem[illegible] 1874.

No. 57. Read the following Proceed[illegible]s of the Board of Revenue, dated 17th July 1874, [illegible]. 1,854 :—

Read again Board's Proceedings, d[illegible] 15th December 1871, No. 5,040.

Government Order, 23rd F[illegible]uary 1872, No. 335, R. D.

,, ,, 14th November ,, ,, 1,557, ,,

,, ,, 28th May 1873, ,, 539, ,,

Read also the following replies of Collectors to Board's Proceedings, dated 2nd May 1873, No. 707 :—

From Collector of	Ganjam,	dated	31st July	1873,	No. 1,771.
,, ,,	of Vizagapatam,	,,	9th ,,	,, ,,	1,017.
,, ,,	of Godavery,	,,	30th June	,, ,,	206.
,, ,,	of Kistna,	,,	28th ,,	,, ,,	1,009.
,, ,,	of Nellore,	,,	19th Jan.	1874, ,,	122.
,, ,,	of Bellary,	,,	14th August	1873, ,,	271.
,, ,,	of Cuddapah,	,,	8th Nov.	,, ,,	222.
,, ,,	of Kurnool,	,,	30th August	,, ,,	263.
,, ,,	of Madras,	,,	12th June	,, ,,	144.
,, ,,	of Chingleput,	,,	15th July	,, ,,	278.
,, ,,	of North Arcot,	,,	31st ,,	,, ,,	452.
,, ,,	of South Arcot,	,,	2nd August	,, ,,	275.
,, ,,	of Tanjore,	,,	1st Sept.	,, ,,	313.
,, ,,	of Trichinopoly,	,,	12th ,,	,, ,,	202.
,, ,,	of Madura,	,,	21st July	,, ,,	228.
,, ,,	of Tinnevelly,	,,	13th June	,, ,,	316.
,, ,,	of Coimbatore,	,,	5th August	,, ,,	162.
,, Commissioner of the	Nilgiris,	,,	2nd Feb.	1874, ,,	9.
,, Collector of	Salem	,,	2nd June	1873, ,,	155.
,, ,,	of South Canara,	,,	6th August	,, ,,	1,270.
,, ,,	of Malabar,	,,	9th June	,, ,,	144.

THE above p[illegible]ers relate to the question as to how judgments under Regulation VI. of 1831 are to be enforced. On a reference from Bellary, two points were referred for the opinion of the Advocate-General; first, as to whether the Revenue Courts can award mesne profits under the Regulation, 2nd as to how the award is to be enforced. The Advocate-General answered the first question in the affirmative, but expressed a doubt as to whether there was any way of enforcing a decree for mesne profits except by an action brought upon it, the Regulation containing no provision for the execution of the Collector's order.

2. As to the delivery of possession of the land allotted to a village office, the Advocate-General was inclined to think that the Collector [illegible]d be authorized in taking summary possession of it as being land belonging to Government, but the Board do not see how this is to be effected. A recent case has come before them from Tinne[illegible]lly in which a village officer, who had obtained the decree of a Revenue Court awarding to him possession of certain Village Service Inam land, was unable to obtain possession thereof. The o[illegible]pants declined to resign possession, the Collector was unable to oust them, and on the decree-[illegible]lder making application to the Civil Court to execute the Revenue Court's decree, the reply [illegible]was that the jurisdiction of the Civil Court was expressly barred by the Regulation. It is clear, therefore, that the difficulty is not limited to the execution of decrees for mesne profits, which [illegible]re of comparatively rare occurrence, but extends to the enforcement of an order for transfer of p[illegible]ession.

3. The Board in addressing Gov[illegible]rnment [illegible]e subject proposed an amendment of Regulation VI. of 1831, with a view to the enactmen[illegible]me simple Rule of Procedure to be observed in the adjudication of cases under the Regul[illegible] The Government at first considered fresh legislation unnecessary with the prospect of [illegible]y enfranchisement of Village Service Inams,

but, on a further reference from the Board poi[illegible]ng out that several years must elapse before the introduction of the Village Cess Act into all [illegible]stricts is feasible, the preparation of a Draft Bill was ordered.

4. Before finally deciding upon the exp[illegible]ency of legislation, the Board resolved to call for reports from all Collectors as to the numb[illegible]r of cases in which difficulty has been experienced in the execution of judgments under the law in force, and the letters above quoted [illegible] their replies.

5. The Collectors of the districts marginally noted report that no inconvenience has resulted from the state of the law. In some the Regulation is practically inoperative, and in the rest no difficulty has been experienced in giving effect to the awards of the Revenue Courts by simply directing the Tahsildar to execute them. The Collectors of Bellary and Godavery state that no difficulties have arisen, mainly because the Revenue Courts have abstained from adjudicating on claims to mesne profits, knowing that they were powerless to enforce their decrees. Several Collectors have given it as their opinion that mesne profits can be recovered under Section 52, Act II. of 1864, and it is expressly stated that this is the mode of procedure adopted in the North Arcot District. The Board are disposed to think that this course is legal, notwithstanding that the Advocate-General in giving his opinion on this point omitted to notice this provision of the law.

Ganjam, Vizagapatam, Kistna, Nellore, Cuddapah, Kurnool, Madras, Chingleput, Tanjore, Trichinopoly, Madura, Tinnevelly, Coimbatore, Neilgherries, Salem, South Canara and Malabar.

6. The Collectors of two districts only (North and South Arcot,) report that difficulty has been actually experienced. In the former the Assistant Collector awarded mesne profits in four cases and was apparently unable to execute his decrees, though this is not expressly stated; in the latter district, a judgment of the Deputy-Collector "awarding possession of land" was ignored by the adverse party and is to this day left a mere dead letter. The Collector strongly urges an amendment of the Regulation, and predicts that as soon as the impotence of the Revenue Courts is known the people will not be slow to take advantage of the defect in the law.

7. It has also been pointed out in connexion with this subject that the enfranchisement of Village Service Inams will not render Regulation VI. of 1831 inoperative, as claims to the enjoyment of the emoluments attached to such offices as village artisans, to which the village-cess is inapplicable, will still remain for adjudication. The suits, connected with such offices, however, cannot be very numerous.

8. The case mentioned by the Collector of Ganjam does not seem to call for any orders. The office was created by the Zemindar, and the emoluments annexed thereto by him; he was therefore competent to abolish the office or withdraw the emoluments at pleasure. Such instances must be rare.

9. The replies received from Collectors show that as yet but little practical difficulty has been experienced. Under these circumstances the Board do not deem it advisable to take any action at present, and recommend that Regulation VI. of 1831 be left untouched.

No. 58. ORDER THEREON, [illegible] September 1874, No. 1,132.

Miscellaneous.

THE Government concur with the Board.

(True Extract.)

(Signed) C. G. MASTER,
Acting Secretary to Government.

To the Board of Revenue.
,, Judicial Department.

Exd. G. A. Turton.

12-1-09.

12/6(1)

Govt. of Madras.

REVENUE.

SEPTEMBER
No. 6758

Dated September 1874.

Read

The BOARD OF REVENUE

&c. &c. &c.

Encl.

G.O. No. 944 September 1874, No. 1,192

Regulation VI of 1831—Concurring with Revenue Board that no steps should be taken for [illegible]

No. 1,854.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 17th July 1874.

Read again Board's Proceedings, dated 15th December 1871, No. 5,040.
Government Order, 23rd February 1872, No. 335, R. D.
,, ,, 14th November ,, ,, 1,557, ,,
,, ,, 28th May 1873, ,, 539, ,,

Read also the following replies of Collectors to Board's Proceedings, dated 2nd May 1873, No. 707:—

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,, ,,	of Tanjore,	,,	1st Sept.	,,	,, 313.
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,, Collector of	Salem	,,	2nd June	1873,	,, 155.
,, ,,	of South Canara,	,,	6th August	,,	,, 1,270.
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THE above papers relate to the question as to how judgments under Regulation VI. of 1831 are to be enforced. On a reference from Bellary, two points were referred for the opinion of the Advocate-General; first, as to whether the Revenue Courts can award mesne profits under the Regulation, 2nd as to how the award is to be enforced. The Advocate-General answered the first question in the affirmative, but expressed a doubt as to whether there was any way of enforcing a decree for mesne profits except by an action brought upon it, the Regulation containing no provision for the execution of the Collector's order.

2. As to the delivery of possession of the land allotted to a village [illegible]ce, the Advocate-General was inclined to think that the Collector would be authorized in taking summary possession

of it as being land belonging to Government, but the Board do not see how this is to be effected. A recent case has come before them from Tinnevelly in which a village officer, who had obtained the decree of a Revenue Court awarding to him possession of certain Village Service Inam land, was unable to obtain possession thereof. The occupants declined to resign possession, the Collector was unable to oust them, and on the fee-holder making application to the Civil Court to execute the Revenue Court's decree, the reply was that the jurisdiction of the Civil Court was expressly barred by the Regulation. It is clear, therefore, that the difficulty is not limited to the execution of decrees for mesne profits, which are of comparatively rare occurrence, but extend to the enforcement of an order for transfer of possession.

3. The Board in addressing Government on the subject proposed an amendment of Regulation VI. of 1831, with a view to the enactment of some simple Rule of Procedure to be observed in the adjudication of cases under the Regulation. The Government at first considered fresh legislation unnecessary with the prospect of the early enfranchisement of Village Service Inams, but, on a further reference from the Board pointing out that several years must elapse before the introduction of the Village Cess Act into all districts is feasible, the preparation of a Draft Bill was ordered.

4. Before finally deciding upon the expediency of legislation, the Board resolved to call for reports from all Collectors as to the number of cases in which difficulty has been experienced in the execution of judgments under the law in force, and the letters above quoted are their replies.

5. The Collectors of the districts marginally noted report that no inconvenience has resulted from the state of the law. In some the Regulation is practically inoperative, and in the rest no difficulty has been experienced in giving effect to the awards of the Revenue Courts by simply directing the Tahsildar to execute them. The Collectors of Bellary and Godavery state that no difficulties have arisen, mainly because the Revenue Courts have abstained from adjudicating on claims to mesne profits, knowing that they were powerless to enforce their decrees. Several Collectors have given it as their opinion that mesne profits can be recovered under Section 52, Act II. of 1864, and it is expressly stated that this is the mode of procedure adopted in the North Arcot District. The Board are disposed to think that this course is legal, notwithstanding that the Advocate-General in giving his opinion on this point omitted to notice this provision of the law.

Ganjam, Vizagapatam, Kistna, Nellore, Cuddapah, Kurnool, Madras, Chingleput, Tanjore, Trichinopoly, Madura, Tinnevelly, Coimbatore, Neilgherries, Salem, South Canara and Malabar.

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7. It has also been pointed out in connection with this subject that the enfranchisement of Village Service Inams will not render Regulation VI. of 1831 inoperative, as claims to the enjoyment of the emoluments attached to such offices as village artisans, to which the village-cess is inapplicable, will still remain for adjudication. The suits, connected with such offices, however, cannot be very numerous.

8. The case mentioned by the Collector of Ganjam does not seem to call for any orders. The office was created by the Zemindar, and the emoluments annexed thereto by him; he was therefore competent to abolish the office or withdraw the emoluments at pleasure. Such instances must be rare.

9. The replies received from Collectors show that as yet but little practical difficulty has been experienced. Under these circumstances the Board do not deem it advisable to take any action at present, and recommend that Regulation VI. of 1831 be left untouched.

(A true Extract.)

C. A. Turton

Acting Sub-Secretary.

To the Acting Secretary to Government, Revenue Department,
with original replies of Collectors.

Copy to all Collectors.

Exd. G. A. Turton.

A 1132/5

No. 155

Salem Collectorate Office
Camp Cuddapah
June 2nd 1873.

From
The Acting Collector of
Salem

To The Secretary to the
Board of Revenue
Madras.

Sir,

With reference to the Proceedings of the Board of Revenue, No. 707, dated 2nd ultimo, I have the honour to state that, with the exception of 5 villages in the Tripatore Taluq which were transferred from North Arcot, there are no villages in this District in which the succession to village officers is hereditary.

2. With regard to these five villages, no suits under Regulation VII of 1831 have

No. 2355
Rev. 1874. Dept.

BOARD OF REVENUE,
MADRAS.

PROCEEDINGS, 17TH JULY 1874, No. 1,854.

Dept. 11 Aug. 1874.

Encl. 2
x Rec'd 5th

Received 12th ditto

JULY.
No. 1,854.

Regulation VI. of 1831.—Reports from Collectors as to whether any difficulty has been experienced in execution of judgments under — submitted to Government, with remarks, and with recommendation that no steps should be taken for amending the Regulation at present.

No 1132.

Ans. 57-58

have ever been brought before the authorities. The Service Swamis in them will be enfranchised when the Village cess is introduced which will be next year.

I have the honour to be

Sir,

Your most obedient Servant

Fredrick Rice

Acting Collector

Comp.d A.P.

No 94

Assistant Collectors office
Cuddalore 2d June 1853.

From,

Charles. Keogh Esquire
Assistant Collector
South East

To.

H. E. Sullivan Esqr.
Ag Collector South East

Sir,

In reply to your docket
No 521 of the 30th ult. I have
the honor to state that I have
never passed, and have
not known to be passed
a decree under Regulation
VII of 1831 for mesne profits,
and in my opinion such
under this regulation involv-
ving difficulty in the exec-
cution of decrees, are so rare,
there is no necessity for legis-
lation on the subject.

From Chas Keogh Esqr
Asst Collector
dated 2nd June 1853
Read 6th do

Ans. 8th June 1853.

Stating that, with the exception of Pricings in Tripatore Taluq, there are no villages in the Sub Collectorate of Trichinopoly.

Recd 8th June 1853
Entered & sent Collr
8th June 1853.

2. The Statement of cases in which difficulty has been experienced in the execution of Judgements is, as regards my office, nil.

I have &c.

(Signed) C. Keogh

Assistant Collector

(True Copy)

Thomson

Asst Collector for

Ag Collector

Comptd ff

I am Sir Your Most Obt Servt

Collector of South Area 2nd

Cuttack 1st June 1873

Ag Collr of Cuttack

No 223.

Head Asst Collectors Office

Jindiaroon 4th June 1873

From

G. K. Chamberlain Esqre

Ag Head Asst Collector of

South Area

To,

H. E. Sullivan Esqre

Ag Collector of South area

Sir,

I have the honor to report on the subject of your Docket No 521 dated 30th May 1873 Covering Boards Proceedings No 704 dated 2nd May.

The suits under Regulation VII of 1831 which have hitherto come before me have been of 2 kinds.

1st Suits to establish a title to an hereditary office vacant at the time.

2nd To establish a similar title

to

to an office in the possession of some other individual.

3rd To establish a right to certain emoluments either in land, in money or in kind, by a person already in possession of the office to which the emoluments appertained, as against some person withholding such Emoluments.

3 All fees or Emoluments in money or in Kind which may be withheld contrary to the decree of a Revenue Court under Regulation VII of 1817 can be collected under section LII Act II of 1864.

4. The only case in which a difficulty could arise, would be where the occupant of land refused to vacate it in favour of a decree holder

5 I have never met with any instance of such refusal myself, nor do I think it likely to be a matter of frequent occurrence; as the impotence of the Revenue Courts to carry out their decrees in such cases is quite unknown to the vast majority of the people.

6. The flaw however undoubtedly exists; but if the Board object to altering the Regulation I would suggest that suits to oust an unauthorised occupier of Government land might be conducted at the Expense of Government, as this in virtue of his public capacity that the village official entitled to the land claims possession.

Such suits must invariably terminate in favour of the Plaintiff, and the Government would only be losers in case the Defendant should prove to

have

have no objections.

Have &c

(Signed) G. H. Chamberlain

Sg. Head Asst. Collector

True Copy

Thomson

Assistant Collector for

Acting Collector

Ltr from Dy Collr Kalpee
Collection & Refund
Establishment
Dated 20th June 1873
Rec'd 23rd June 1873

11372/10

No 224.

From

The Deputy Collector
General Duties
South ward

To,

H. C. Sulivan Esqre
Acting Collector of South ward

Sir,

In reply to your D.O. No 571 dated 30th Ult. I have the honor to state that an amendment of Regulation VII of 1831 is to enable Collectors to execute their Decrees for Emoluments on land and for mesne profits is highly called for in the interests of the Service.

2 I had several cases to determined under the Regulation. In almost all of them, the claim

was

was for the recovering of the Inam lands from adverse holders. The village officers concerned seldom apply for mesne profits in their Plaints and my judgments have invariably been in respect to the Inam lands only.

3 In a few instances, mesne profits were claimed: but I declined to award any as they could be obtained by recourse to a civil suit under Standing Order No. 165 after the dispute as to the right to hold the Inam land is settled.

4 My judgments for Inam lands were invariably respected by the parties: and in cases where the award was in favor of the Inamdar, I directed as a rule that the land should be made over to him.

In one case however, the transfer under

under my judgment was ignored by the party cast: the land and he re-entered the Inam land the judgment holder complained against him of Criminal Trespass but the Sub Magistrate acquitted the intruder on the ground that he was in possession of the land. He did not take into consideration the fact of the transfer of the land in the intermediate period. The Collector, Gazetteer was at my request, pleased to review the order of the Sub Magistrate as illegal under Section 435 of the old Criminal Procedure Code: but the High Court in their Proceedings No. 945 dated 17th May 1872 declined to interfere observing "For the "disposal of the present reference "it is sufficient to say that there "is nothing in the Magistrate's

letter

letter which discloses a matter
" with which a Court of Revision
" could properly interfere.

The Inamdar in this case is still
kept out of his Emoluments and
my Judgment is rendered a dead
letter. It is anomalous that the
Collector should be able to pass
Judgments which he cannot Enforce.
Hard cases such as the one I have
instanced above are likely to
become more common when the
absence of the Collectors power to
execute his own Decrees is more
widely known. The village officers
seeking redress under the Regulation
are generally Ryots and Talaries
who are proverbially indigent and
to expect them to have their rights
established by recourse to Law
Suits is an impossibility and that
they never availed themselves of
the

the Established Courts in order
to obtain the mesne profits under
standing orders No. 15 would be
evident by a reference to the files
of the Civil Courts.

I am therefore of opinion that
provision should be made in the
amendment proposed for executing
Decrees for land Emoluments
as well as their mesne profits.

I have &c
" Signed / C. Seebaliah
Deputy Collector

/ True copy /

A. Thomason
Assistant Collector for
Acting Collector

Comptg

South Arcot Sub Collectorate Office
Kanjangollai 11th June 1873

No 312.

From,

A. L. Lister Esquire
Ag Sub Collector
South Arcot

To,

H. E. Sullivan Esqr.
Ag Collector of South Arcot

Sir,

In reply to your docket No 521 of the 30th ultimo covering Board's Proceedings No 707 of the 2d idem I have the honor to state that I do not think there is any necessity for amending Regulation VI of 1831.

2. No difficulty has ever been experienced in the execution of Judgements in the Sub Division

I have &c
Signed A. L. Lister
Ag Sub Collr.

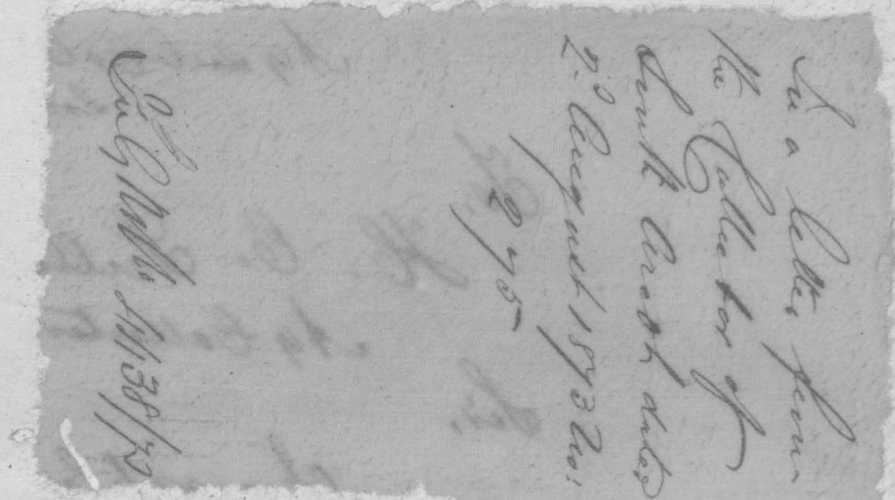
(True Copy)

Thomson
Assistant Collr for
Ag Collector

Compd ff

In a letter from the Collector of Arcot dated 2nd Augt 1873 No 2795

Sub Collr's Office 11/6/73



SOUTH ARCOT.

COLLECTOR'S OFFICE.

D32/14.

No. 275

Cuddalore
2nd August 1873.

From H. E. Sullivan Esqre
Acting Collector of South Arcot.

To J. Grigg Esquire
Secretary Board of Revenue
Madras.

Sir,

I have the honor to reply to the Proceedings of the Board of Revenue, dated 2nd May 1873, No 707, regarding the amend=ment of Regulation VII of 1831, and to submit copies of letters from the divisional officers conveying their views as to the necessity or otherwise for a legal provision in re=gard to the execution of de=crees under that Regulation.

2. It will be seen that Messrs Lister and Kough do not consider fresh legislation

to

to be called for-

3. The Acting Head Assist=
=ant Collector Mr Chamberlain thinks that although the flaw undoubtedly excists, still the difficulty can be obviated in cases of awards for emoluments in money or in kind by the application of Section 52 of the Madras Revenue Recovery Act; and in cases where possession of land is concerned - (which cases he thinks will be of very rare occurrence) by a Civil Suit to be conducted at the expense of Government.-

4. The Deputy Collector Sri Baliah on the other hand is of opinion that an amend=ment of the law is decidedly called for inasmuch, as when the impotence of Revenue Courts to enforce their decrees becomes more generally known to the people they will not hesitate to

to avail themselves of the law's defect. In support of this opinion the Deputy Collector alludes to an instance in which his judgment award=ing possession of land was ignored by the adverse party and is to this day left a mere dead letter.

5. I do not myself under=stand how there can be any doubt on the subject at all. One of the objects with which Regulation VII of 1831 was framed was clearly to enable the class of persons therein referred to to obtain a summary adjudication of their claims by the officers of Government in the Revenue Department and to save them from the expense and delay inseparable from a regular suit before the ordinary Courts of Judicature, and in order to secure efficient

service

service from the village sibbun-
-dy it was clearly in the in-
-terest of the State that such
claims should be thus sum-
-marily and speedily dis-
-pased of. That the framers
of the Regulation should have
omitted to provide for the enforce-
-ment of the awards which the
Revenue officers of Government
were thereby empowered to
make seems strange at first,
but it must be remembered
that forty odd years ago the
country was not saturated
with laws as it is now, and
a man in thase days would
as soon have thought of setting
the Collector's award at defi-
-ance as an inhabitant of
Persia would of disobeying
an order of the Shah in these.
It doubtless never occurred to
the legislators of the time that
it was advisable to empower
the

the Collector to enforce his judg-
-ments: they certainly did
not think it was necessary.
But we have changed all
that, and now when a Collector
is made a defendant in
half the suits which come
before the Civil Courts it needs
no very powerful vision to
detect that the prestige which
used to attach to his office is
a thing of the past. Law
begets law, and in my opinion,
unless Revenue officers sitting
to adjudicate claims under
Regulation VII of 1831 are to become
a mockery and a bye word
the omission in the old en-
-actment must be supplied.
The argument against fresh
legislation on the subject that
hitherto no difficulty has
been experienced by certain
officers in enforcing their de-
-crees, is futile. In the first
place

place other officers have experienced it, and all will as soon as the defect in the law is known, and the present discussion will go far to disseminate this knowledge. The idea that the awards of a Revenue Court should be enforced by the decree-holder filing a suit in the Civil Courts was certainly never contemplated by the framers of Regulation VII of 1831, and I have grave doubts whether such a suit would not be barred by the provisions of the Regulation itself.

I have the honor to be
Sir
Your most Obedt Servt

[illegible]

Acting Collector

2

No 164

Malabar Collectors office
Calicut 9th June 1873.

From

A. MacGregor Esqre
Collector of Malabar

To

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

Sir,

In reply to the Board's Proceedings dated 2d May 1873 No 707, I have the honor to state that there have been no cases in this district coming under Regulation VII of 1831, and that therefore no difficulty has been experienced in the execution of judgments passed under its provisions.

I have the honor to be
Sir
Your most obedt. Servant

A MacGregor
Collector

1873.

SOUTH ARCOT.

From
The Collector of South Arcot.

To
The Secretary to Government

Dated 9th June 1873.

Received 13th June 1873.

Enclosures 4 N

No. 275

Subject.

Stating that no cases have arisen in this District coming under Regulation VII of 1831 and that no difficulty has been experienced in the execution of judgments passed under its provisions.

Pd Govt Rd 16/6/73
Pd 5/7/73

No. 144. Madras Collectors Office
12th June 1873.

From.

J. D. Hooberugh Esqre
Actg Collector of Madras.

To,

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

Sir,

With reference to the Board's Proceedings No. 707 of 2nd ultimo, I have the honor to report that in Madras there are no village Officers such as those referred to in Regulation VI of 1831. The Collection of Revenue is made through Conacapullays who receive a fixed Salary from Government.

2 Section 52 of Act II of 1864 (Madras) provides for all dues payable by any person to or on behalf of the Village Servants employed in Revenue and Police duties being recovered in the same manner as arrears of Land Revenue, and I believe that the mesne profits awarded under Regulation VI of 1831 may be recovered in the same manner.

Subject
From the Collector of Madras
To the Secretary to the
Board of Revenue
Madras.
Dated 9th June 1873
Rec'd 12th June 1873
Proc. 24th June 1873. No. 1187.
Acting Asst Collr
Has no cases in
District Comp under Regs
Madras VI of 1831 and
Act II of 1864
Entered
Examined
Compared

under the above Section as an arrear of
Land Revenue.

I have the honor to be,
Sir,
Your most Obedient Servant

[signature]
Asst Collector of Chadras

1132
20

Vide Letter to Board 31-7-1 No 452

No 251

1132/21

North Arcot
Collector's Offi
Amt 7th June 1

From

The Deputy Collector
on General Duties. N. A

To W. S. Whiteside Esquire
Collector of North Ar

Sir,

With reference to your Dock
dated 17th instant No 1084 calling f
a statement alluded to, in the Proce
of the Board of Revenue dated 2d May
last No 707. I have the honor to rep
that in no case difficulty has been
experienced by me in the Execution
Judgments under Reg: VII of 1831 in
this Division.

2. In one or two cases holders of de
under that Regn applied to me
for realizing the assessment of

Executions of Decrees passed under Regn VII of 1831.

V 1843 Collectorate
Rec'd 30 Oct 1843
Proceedings of the Collector of Salem
Dated 13th Oct 1843
Received 16th Oct 1843
Enclosure
Rec'd 21st Oct 1843

With reference to Board's Proceedings dated 2nd instant, stating that there are no Village Officers in Madras and requesting to be informed in what manner Regulation VII of 1831 and the Collection of Revenue is made by Court of Judicature

Dated 19th Oct 1843

...ram lands and I have ordered
the Tahsildars to levy the sums under
Sec: 52 of the Madras Act II of 1864.

I have the honor to be
Sir
Your most obed[t] Servt

P. Kalyanaraman
Dy Collector.

Wm

Read 8 July 1873
Recd 12 July 1873
Letter to the Bd of Rev 31-7-73 No 452
No 389.
Vide Collr's No 365
Copy of Collr's letter dated 12th July 1873 forwarded with Collr's No 365
Copy of Collr's letter dated 12th July 1873 forwarded with Collr's No 365

From

F. W. Elliott Esqre
Head Asst Collector
North Arcot

To

W. S. Trevelyan Esqre
Collector
Chittoor

Sir

In reply to your docket No 1084 dated 17th ultimo, I have the honor to report that so far as I can learn no difficulty has been experienced in executing judgments under Regulation VII of 1831 in the Wallajah Taluq. In cases in which sums of money have been decreed to be due to the office-holder by the Inam-holder it has been customary to direct the Tahsildar to collect the amount so decreed under Section 52 Act II of 1864. I know of no case in which the Tahsildar has reported any difficulty in so collecting.

I am however of opinion that Act VII of 1831

From P. Kalyanaraman
The Dy Collector
Inquiry Section
No 1084
Dated 27th June 1873
Read
No 251

Reports that in no case difficulty has been experienced in executing decrees under Regulation VII of 1831 in the Division

Chittoor 10th July 1873

does require improvement, and that Collectors should be empowered to execute the judgments they may pass whether such judgments be for mesne profits or for possession.

I would also point out that Clause 3 Section 4 of Regulation VII of 1831 is indefinite. Collectors may refer Cases to native Assessors for investigation. Who is to pass orders in such Cases? and how are Assessors to notify to Collectors the results of their investigations?

I think the present amendment of the law would be a favorable opportunity for permitting Collectors in suits under this Regulation to award Costs.

It is not laid down by what agency witnesses are to be summoned. It has been customary to send summonses through the Tahsildar, but I think it is rather hard to expect Talug peons to be perpetually running hither and thither to serve processes for parties who in many Cases have no valid Claim whatever. We are bound to investigate every Claim made, & otherwise the Claimant appeals to the Collector and the Case is sent for disposal under Regulation VII of 1831. Many such Cases have occurred in this Taluq. The time of Talug peons is at present fully occupied in other work and I submit serving processes in these Cases is not their duty.

But even if it be ruled that Talug peons should be obliged to proceed when the Claim is made by a Moniegar in a Jamindary, a Dy. Tahsildar has only 2 peons and it cannot be expected that one of these should always be employed in serving processes under this Regulation.

Again I am persuaded that the power of granting Costs would have the effect of checking the number of frivolous and vexatious Claims which are now brought forward to the annoyance of Village Officers & Ryots who are obliged to be absent from their Village duties during a protracted enquiry to the detriment of the Government Service. In fact I believe a promiscu-

Statement showing the number of cases in which difficulty has been experienced in executing the Judgment under Regulation VII of 1831

No of Suit	Name and Taluq and Village	Name of Plaintiff	Name of Defendant	Nature of the Suit	Nature of Judgment	Remarks
31 of 1873	Vasanthapuram in Chittoor Taluq.	Chengal Reddi Monegar	Marpisagaya Reddi & others.	To recover the sum of Rs. 220-10-11 being the assessment of the Inam lands enjoyed by the Defendants who not being Inamdars have nevertheless resisted the lands from Fasli 1282	Decreed that Defendants do pay to Plaintiff the sum of Rs. 220-10-4 being assessment for site on Inam lands improperly enjoyed by them	
51 of 1873	Gundlapalle in — Dt. —	Chinna Reddi and others Monegars	Chengal Reddi	Dt. — Dt. for 3 years and 9 months amounting to Rs. 140	Decreed that Rs. 140 be collected and paid to Plaintiff each Fasli	
499 of 1872	Gundlapalle in — Dt. —	Subba Reddi Monegar	Vyapuri Reddi	To recover Rs. 14-3-2 being the assessment of Inam land for 3 years	Decreed that Rs. 14-3-2 be paid to Plaintiff by Defendant	
of 1873	Kaligeri in — Dt. —	Rami Reddi Monegar	Kalappa Reddi	To recover the sum of Rs. 70 being the assessment of Inam lands enjoyed by Defendant for one year	Decreed that [illegible]	

North Arcot
Collr's Office
the 25 June 1873

Collector &
Agent



No 488.

No 543. Vide Letter to the Bd No 452 31 July 73. Sub Collr Cherra on Circuit

12-7-73

Khasi Hills 9 July 73.

From Henry Sewell Esquire
Sub Collector of North Arcot.

To C. S. Whitehead Esqre
Collector of North Arcot.

Sir

I have the honor to report for your information that in the Case No 1084 of 17 June last and in reference to Board's Proceedings No 704 dated 3rd May 1873, I have the honor to report that in carrying out the orders of the Board in enforcing decrees under Reg: VI of 1831 has come many notice in the Sub Division. The decree is generally followed by an order to the Tahsildar to see it carried out, which though of doubtful legality is the only course open to the Revenue Officers.

I have the honor to be
Sir
Your most obedt Servant
Henry Sewell
Sub Collector

No. 452

North Areot 11 3/4

Collector's Office
2nd
Chittoor 31 July 1873.

From W. S. Whitehead Esquire,
Collector of North Areot.

To A. E. Stokes Esquire,
Ag Secretary to the
Board of Revenue
Madras.

Sir,

Referring to the Proceedings of the Board of Revenue dated 2 May 1873, I have taken + [illegible] reports as per margin received from my Divisional officers, all of whom state that no difficulty has been experienced by them in executing the Decrees passed under Regulation VI of 1831 for the possession of land, or the recovery of mesne profits. It seems that the Decrees used to be followed by an order to the Tahsildar to give effect to them, and that, where mesne profits are concerned, an order used to be sent

+ Subdivisional Asst. Collector's letter No. 543 dated 9th July 1873.
Head Asst. Collector's letter No. 366 dated 8th July 1873.
Do. (Sub-Collector's letter No. 251) dated 27 June 1873.

sent for the recovery thereof under Section 52 Act II of 1864.

2. The only Officer who regards difficulties in the execution of Decrees is the Dy. Collector in charge of Chittoor and Cheranghiry Taluks. The first report was made by Mr. Q. Sewell in 1872. The Board and Government then held (Government Proceedings 14th November 1872) that fresh legislation was necessary in the matter; but the former, on further consideration, now doubt the necessity for legislation as I have called for further report.

3. The present practice of executing the Decrees under Regulation VII of 1831 through the Tahsildars is, as observed by the Sub-Collector, of doubtful legality, but it is the only course open to Revenue Officers. I beg to enclose a statement showing cases in which difficulty was experienced in executing the Decrees: As the point has been formally mooted, it is; I think, better to arm Revenue officers

officers with powers to execute these Decrees, than to allow the present undefined Course to continue, unless it be authoritatively settled that the recovery of Mesne profits under Section 52 of Act II of 1864 is legal. Even then the difficulty as regards the execution of Decrees for lands will remain at present.

4. Mr. Wilkinson proposes that the opportunity should be taken to define the Officer who is to pass Orders upon Cases referred to Native Assessors for investigation, and the manner in which the Assessors should notify to Collectors the results of such investigation. He also suggests that Collectors should be empowered to award Costs under Regulation VII of 1831. I agree with Mr. Wilkinson in the advisability of making these provisions. The Regulation is one which is open to improvements in divers ways, and so lately as the 9th Instant, the Board of Revenue in their Proceedings No: 1235 laid down

down the Courses to be followed in the Services of Processes issued under the provisions of that Regulation, which will have the effect of removing what has been felt as a serious difficulty.

I have the honor to be,
Sir,
Your most obed.t Servant
E Whitcomb
Colonel

North Area Collector's office
Dublin 5th July
1853

To
The Secretary to the
Board of Customs.

Read

No. 1009

KISTNA DISTRICT COLLECTOR'S OFFICE

MASULIPATAM 28 June 1873

1132/79

From,

F. D. Lewan Esquire

Acting Collector of the Kistna District.

To,

J. Grose Esquire

Secretary to the Board of Revenue,

Madras.

Sir,

I have the honor to reply to Board's Proceedings R. 707 dated 2nd May 1873. that the Officers of the District are unanimous in reporting that the cases under Regulation VII of 1831 are seldom or never filed in the District.

No change in the Law is, therefore, necessary for this district; the more so, as it is contemplated to introduce the village Service Cess Act this year.

I have the honor to be

Sir

Your most obt Servant

F D Lewan

Acting Collector

O/ Rec/ Venkatramanna
Clerk

Received 1st July 1873

Read 31-7-73.

Docd 2.8.73.

Cpd 402

Report on the Practice of executing the Decrees of Civil Courts under Regulation VII of 1831.

S.S.

Masulipatam 28th June 1873

Recd 1st July 1873

Board of Revenue
Proc 27th July 1874
No 1457

The Secretary to the Board of Revenue
Madras

1873 Department.

From,
The Collector
of Kistna District.

To,
The Secretary
to the Board of Revenue
Madras

Dated 28th June 1873.
Received
No. 1009
Enclosure

Re 2000/24
Rs 23 Stamps
Rupees Thirteen only
Regulation VI of 1831 is
necessary.
Regd 28/6/73
Sent 30/6/73

No. 206. Godavery District
Collectorate Office
Cocanada 30th June 1873

From

W. S. Forster Esquire
Acg Collector

To

H. S. Grove Esquire
Secretary to the Board
of Revenue Madras

Sir,

With reference to Board's
Proceedings of the 2nd May 1873 No.
707, I have the honour to state
that I am of opinion that Regula-
tion XI of 1831 should be amended
as desired, if any effect is
to be given at all to the Decrees
of Revenue Judicial Courts.

2. The Regulation contains no
provision for the Execution of the
Decrees whether in the form of
taking possession of lands or in
awarding mesne profits. The Ad-
vocate General suggests a Civil
Suit to recover the mesne profits

amended by the Court, and
I do not know if then the parties
in the Civil Court are not at
liberty to dispute the [illegible]
of the award or the amount, and
if they are, it is clear the Revenue
Court decree is a dead letter.
If the suit is founded upon
the Revenue decree, it is a question
from what date the period of
limitation runs whether from
the date of the original
of action or that of the decree

3. I cannot think that the introduction
of the Village Courts removes
the difficulty in our way - Re-
gulation XI of 1831 would take in
all hereditary Village and other
offices which necessarily include
the Dues of Village barber, carte-
ters, watchmen and the like
as pointed by the late Sadr Adalut

Vide Sloane's Ed. 2 do
& Revenue & Criminal Regulations Page 477
Par a 11.

and Board of Revenue. The
Village Cess Act 4 of 1864 (Madras)
does not apply to these Dues
and Inams or fees, claims to Mesne
profits will still have to be
adjudicated upon by the Revenue
Courts.

4. It is true that there can be
but very few cases where there
would be any necessity for the
award of Mesne profits, as generally
the person dispossessed of the
Inam would not have worked
as a Village Servant before the
suit was instituted. But a case
is as good as several of its kind
and I cannot avoid proposing the
amendment of the Regulation which
is undeservedly short, obscure, and
defective.

5 I had only one case in which
the Mesne profits were claimed: but
in this case, I had to dismiss
that part of the claim, he cancel

had

had the power to Enforce a
decree for their mere profits.
A Court of Law has not got
authority to pass any order
which it has not the power
to Enforce.

I have the honour to be,
Sir,
Your most Obedient Servant
W Foster
Ag, Collector

Ed. Hay Drummond
Esq.
Secretary

No. 1017.

Vizagapatam July 9th 1873.

From,

J. R. Daniels Esquire,
Acting Collector.

To,

J. Grose Esquire,
Secretary to the Board of Revenue,
Fort Saint George.

Sir,

I have the honours to report upon Regulation VII of 1831 as requested by the Board in their Proceedings No 707 dated May 2d 1873:

2. There has been no difficulty in this District in the execution of judgments under this Regulation. It has not been the practice here to award either mesne profits or costs and both the Principal and Senior Assistant Collectors give their opinion that mesne profits can not be awarded and that there is no hardship in inforcing them because the holder of the office though he may not be entitled to it pays for the work until he is ousted by the Courts decree, and it would be unjust to make him refund what he has received in return for his service.

In

3. In the majority of cases this may be true but instances may occur in which mesne profits ought to be allowed and under the head of emoluments they are recoverable by the Regulation.

4. In cases where possession of the land has been awarded there has been no difficulty, the successful party is put in possession by the Tahsildar under the orders of the Revenue Officer passing the decree: the want of a specific provision might be needed if any opposition were made to the execution of such orders, but practically they are carried into effect without opposition.

I have the honour to be,
Sir
Your most obt. servant
W Daniel
Acting Collector

No 316

Timmevelly Collre Circuit Cutcherri
Courtallum 13th June 1873.

1132/35

From

R. K. Puckle Esqre
Collector

To

J. Grose Esqre
Secretary to the Board of Revenue
Madras

Sir,

In reply to the Board's proceedings No 707 dated 2nd may last, I have the honor to inform you that no practical difficulty has as yet been experienced in enforcing judgements under Regulation VII of 1831, the Courtown is to order the Sahukar to put the decree-holder in possession, and though this often involves the ejectments of actual occupants, no exception has yet been taken to the legality of the procedure.

2 It would be better however to provide for the ejectments of occupants and the installation of decree holders by law.

I have the honor to be
Sir
Your most Obed Servt

R K Puckle
Collector

Compd K D H

1873
Board's Proceedings
Collector
Tinnevelly
Transmitting
Sd
The Secretary
to the Board of Revenue
Fort St George
Rec 20th May
Dated 9th May 1873
Read 15th

No 1015.

Reporting on Regn
Cattle Trespass of 1831 and
stating that no difficulty
in enforcing decrees has
been experienced in executing
decrees under it,
but suggesting that it
would be better to provide
for the ejectment of
occupants and the
installation of decree
holders by law.

Pd Endorsed and Rd 20th May 1873.

No. 278

1137/36

Chingleput District Collector's Office,
Out Circuit, Pattiswaram
Saidapet, 15th July 1873.

From

R. W. Barlow Esqre

Collector of the
Chingleput District:

To

J. Groves Esqre

Secretary to the Board of Revenue,
Madras.

Sir,

In reply to the Proceedings of the Board No. 1707 dated 2 May last, I have the honor to report that I am unable to discover that there have been any cases in this District in which serious difficulty was experienced in executing decrees under Regulation VII of 1831.

2 At the time the Regulation was passed, the mere fact of a decree existing would have been a sufficient reason for its being admitted to, and subsequently, as a rule,

1873
Collector
Board of Revenue
Acknowledged
Letter
Secretary
Proceedings
Regulation VII of 1831
Collectors to execute decrees
Regulation XII of 1831

if parties even troubled themselves
with doubts as to specific provi=
=sion for exemption, they were
content to submit to what was
deemed as being an "inveterate"
=rity" so called- Matters and doubt
=less becoming different now that
the Country is overrun with a class,
termed Law Agents, who live by
setting their neighbours by the
ears; but I consider there is
no sufficient reason, so far as
this District is concerned, for
such legislation-

I have the honor to be
Sir,
Your most obed.t Servant.

W W Parker
Asst Collector.

E W

113 2/37

1

1873 Dept.

From

THE COLLECTOR OF

CHINGLEPUT.

To

THE SECRETARY TO THE

Board of Revenue.

Dated 15 July 1873

Received 17 July 1873

Enclosure.

No. 278

Submitting report called for regarding the execution of decrees under Regn VI of 1831.

Postage Rs 1-5-6

Bs 1-5-6

No 228 1132/38 Collector's Office
Madura
21st July 1873.

From W. McCahan Esquire
Collector of
Madura

To J. Crose Esquire
Secretary to the
Board of Revenue
Madras.

Sir,

With reference to the Proceedings of the Board of Revenue, No 707 dated 2d May 1873, I have the honor to report that no difficulty has been experienced in executing Judgments under Regulation VI of 1831; but if such Judgments cannot be legally executed legislature is necessary to prevent future inconvenience. People are not aware that they can resist the authority of Revenue Officers in this matter. I scarcely understand why the fees of Village Officers cannot be collected under Act II of 1864; but this reference appears to be founded on some legal opinion which

which I have not seen.

I have the honor to be
Sir
Your most Obed. Servt.

M McAuliffe
Collector

1132
39

From

No. 1771

113 V/40

The Collector of

Cuddapah

To

The Secretary to the

Board of Revenue

Madras.

Dated Chittoor, 31st July 1873.

Sir,

1. With reference to the Board's Proceedings of the 2d May last, No. 707, I have the honor to state that there have been few cases in this District in which difficulty has been actually experienced in the Execution of Judgments under Regulation VI of 1831. This is however probably because people generally do not know the illegality of such action and are ignorant of the amount of power on the part of the Revenue Officers to Execute such decrees. Whenever the Execution of such decree is applied for, the Tahsildar or the Deputy Tahsildar is directed to do the needful

1873

From The Collector of Cuddapah

To The Secretary to the Board of Revenue

Dated 31st July 1873

No. 228

Rec'd 2nd Aug 1873

Report that no difficulty has been experienced in executing Judgments under Regn VI of 1831.

Recommended

A.C.S. 1874

needful, and he does it - People have no idea that he is acting beyond his legal powers and they consequently at once submit to what he directs - I anticipate however that once this defect of the law is known the people will not hesitate to take advantage of it, and I therefore consider it very desirable that Collectors should be legally empowered to execute their Judgments - My Principal Assistant Mr. Grahame is also of the same opinion -

2. I might here mention a difficulty which I have met with in the course of administering this Regulation - This is as to whether a Collector can take up claims to village offices to which no emoluments are annexed by the State - I had lately before me a case in which the zemindar of Bindy had appointed a man as the head of a village (there being already no other head enjoying Government Inam) and gave him some land of his estate as Inam - The office descended in lineal succession one or two steps, and then the zemindar turned out the incumbent for disobeying him or for some other cause - If this office can be called hereditary, it will according to the letter of Section 3 of the Regulation, fall within its scope, but as we have no power to interfere with the emoluments which are entirely the zemindar's property, this would involve the anomaly that the zemindar may simultaneously deprive the person whom the Collector recognizes, of the emoluments - and leave the office an empty title - the office moreover was one of the zemindar's own creation and I judged on the whole that it would not be equitable to interfere

though

though it might strictly speaking fall under the category of hereditary offices - These circumstances induce me to conclude that the Spirit of the Regulation does not apply to such cases - Section 7 of Regulation VI of 1831 restricts, apparently, the control of Collectors to offices to which emoluments have been annexed by the State made to the possession of offices or enjoyment of emoluments annexed to such offices -

3. As Regulation IV of 1816 implies the existence of the Head of a village in every village in the Country, and defines the possession of that title as the man who collects the revenue and under whose authority the village Servants act it is quite possible to imagine, that the office might exist without any state emolument and that the possession of the office might be objectionable

2/

an object

~~anxious~~ of ambition for other reasons than pecuniary ones -

4. If Regulation VI of 1831 is to be amended I think the opportunity might be taken to make clear such a doubt as above mentioned - Otherwise I request that I may be favoured with instructions on the subject -

I have the honor to be
Sir
Your most obedient Servant
C Lushington
Collector

C. P. Giles
Nagalapuram
7th Sept.

E. W. Johnson
Head Clerk

1132/43

BELLARY COLLECTOR'S OFFICE

No. 271

Dated 14th August 187 .

From,

THE COLLECTOR OF
BELLARY.

To,

The Secretary to the Board of Revenue
Madras

Sir,

In reply to the Board's Proceedings
No 707 dated the 2nd May last, I have the
honor to report that as a general rule suits
for mesne profits under Regulation VI of
1831 are very seldom brought in this District

2 There have been of late two suit cases
before the Sub Collector, the amounts 150 £
for which a difficulty in [illegible]
ment.

3 Therefore no such statements as is
desired in the above, can be submitted.

4 In two or three instances lately

Division officers as to the decision that applications
for the recovery of mesne profits have been
made to them, but that they have not passed
any judgments, not knowing how to execute
their orders even if they passed it.

5. The Acting Solicitor thinks
that fresh legislation for the enforcement
of decrees under the Regulations is un-
necessary, and that where the difficulty
arises it can be met by Section LIII of Act
II of 1865.

6. The Head Assistant and General
Deputy Collectors opine that a separate
provision for the purpose is required.

7. I myself deem it expedient
that a clause or two should be added to
the Regulations empowering Revenue Courts
to enforce their judgments, under it, for
a judgment will be of no use, if the
enforcement of it is not provided for

and it is for want of these powers that as a
general rule Revenue Courts decree the
Suits alone, and leave the questions of
mesne profits untouched.

8. The Regulations quoted by the Sola
Collector cannot be applied to these
cases, for damages cannot be considered
arrears of Revenue, neither can the amounts
decreed, be collected under the Civil Pro-
cedure Code, because Regulation VI of
1831 which gives Revenue Courts jurisdic-
tion in such matters, distinctly says
that they are not ordinary Courts of
jurisdiction. I have the honor to be
Sir,
Your most obedient Servant.
W. Nash
Collector

113 3/44

Gen. H.H. No 7

No. 162

Coimbatore Collector's office
5th August 1873.

From,

B. Horsbrugh Esquire,
Ag. Sub Collector in charge,
Coimbatore.

To,

J. Grose Esquire,
Secretary to the Board of Revenue,
Madras.

Sir,

With reference to Revenue Board's Proceedings No. 707 of 2nd May 1873, I have the honor to state that from the replies received from 3 of my Division officers it appears that no difficulty has been experienced in the execution of judgments under Regulation VII of 1831. The Deputy Collector in charge of the Northern Division has not replied but probably the same answer will be returned from this quarter.

2. Section 52 of Act II of 1864 can be made applicable to cases in which the Defendant's refusal to pay the amount decreed under Regulation VII of 1831.

I have the honor to be,
Sir,
Your most obedt. Servt.
B. Horsbrugh
Ag. Sub Coll. in charge.

1132
1873

G.O. No. 1716.
Revenue DEPARTMENT
BELLARY COLLECTOR'S OFFICE
Dated 4th August 1873 No. 171

To,
The Secretary to the Board of Revenue
Madras

Enclosure.
Received 7/8/73

Ag. Sub Coll. 2nd Sept. 1874

Respecting on the above
to this attended
before
VII of 1831.

Dy. Collector
Bellary
Dated 10-9-73

No. 1270.

South Canara Collector's Office
Mangalore, 6th August 1873

1132
4/6

From

H. L. Thomas Esq
Collector of South Canara

To

J. Grose Esq
Secretary to the Board of Revenue
Madras.

Sir,

With reference to the Board's Proceedings dated the 2d May last, No 707/8. I have the honor to report that with a single exception, no cases have yet been tried or decided in this District under the provisions of Regulation VI of 1831 and consequently there has been no occasion for enforcement of Decrees.

Mr. H. Reade's letter to Board, dated 14th December 1815.
Board's do dated 21st Nov. 1868 No 5284 A
Do 26 Oct. 1871, No 457, Para 3.

Proceedings dated 10th April 1872, No 571.

The exception is that the provisions of the above quoted Regulation were generally inapplicable to the circumstances of this District there being therein no hereditary Emoluments attached to village offices such as exist elsewhere, but the Board having lately ruled that cases of succession to village offices may be dealt with under the above Regulation, the one case referred to them for disposal under that law was tried and disposed of accordingly, but the decision left the

existing state of things was disturbed, and hence there was no occasion for the execution of the decree.

3. No further suits have since been filed or disposed of, and there is no tendency on the part of the village Officers of this District to resort to the provisions of the Regulation.

Even supposing that the Regulation is largely availed of in this District in future, I apprehend no difficulties in the execution of Decrees in as much as the salaries of the Village Establishment being paid from the Treasury, the means of giving redress to aggrieved parties [illegible] which I think that, for obvious reasons, there will be no occasion for any retrospective effect being given to decisions passed under the Regulation.

I have the honor to be,
Sir,
Your most obedt Servt
H. Howell.
Collector.

No 263

Kurnool Collector's Office
30 August 1873.

1132
1873
8 Sept

From

James Hope Esquire
Acting Collector of Kurnool.

To

The Secretary to the
Board of Revenue
Madras.

Sir,

In reply to Board's Proceedings No. 707 dated 2nd May 1873, I have the honor to inform you, that there have been very few suits tried by the Revenue Courts in the District under Regulation VII of 1831, and in them, no difficulties have been felt in the execution of judgments, whether for mesne profits or for the possession of the Inams.

2. The Service Inams in the District have all been enfranchised except the 5 classes noted in the margin. Difficulties sometimes, arise in enforcing decrees in suits connected with these latter classes of Inams, and I therefore think it necessary to make some provision for the summary execution of judgments by Revenue

1 Washermans Inams
2 Barbers Do
3 Carpenters Do
4 Blacksmiths Do
5 Potmakers Do

From the Collector of Kurnool
To the Secretary to the Board of Revenue
Madras
Dated 30th August 1873
Received 8th Sept 1873
Read Proceedings

Courts.

3. I would suggest at the same time, that a clause should be added to the Regulation to authorize the Revenue Courts to award costs in suits according to their discretion.

I have the honor to be
Sir,
Your most Obedient servant
James Oake
Acting Collector.

Tanjore Collector's off[illegible]
No 313 Tanjore 4th September 1873
1132
49

From
The Honorable H. Arbuthnott
Collector of Tanjore

To
H. E. Stokes Esqre
Acting Secretary to the Board
of Revenue, Madras

Sir,

With reference to the Board's Proceedings of the 2nd May 1873 No 707, I have the honor to state, that as reported by Mr Morris in his letter dated 15th May 1871 No 143, Regulation VI of 1831 is wholly inoperative in this District, there being no [illegible] Officers performing public duties in it [illegible] office is held to be hereditary or who are remunerated otherwise than by salaries paid from the public Treasury in the manner with other public Servants.

2. On the general question of the execution of

1132

350

of a Vessel passed by Revenue
Cutter under this enactment where it is in
operation, I am of opinion that a legislative
provision for the [illegible] of such duties
by the Revenue authorities is necessary.

I have the honor to be

Sir

your most obt Servant

S. Ketchum

Collector

113 2/51

Trichinapoly Collectors Office
12th September 1873.

No. 202

From,

The Ag. Collector of
Trichinapoly.

To, The Secretary to the
Board of Revenue
Madras.

Sir,

With reference to the Proceedings of the Board No 707 dated the 2d of May last, I have the honor to report that the disputes therein adverted to have not arisen in this District.

2. General claims were preferred under Regulation VII of 1831, but in all them (with one exception) the parties concerned invariably came to terms soon after the Complaints were lodged. Mr Mare, the Assistant Collector tried a case and decided that the Plaintiff had no cause of action. The provisions of the Act having thus been in abeyance in this District

113 2/52

protect. I have no statement to furnish.

I have the honor to be,
Sir,
Your most obed't Servant.

J. Cunningham
Ag. Collector.

No 222 Cuddapah Collector's office
8 November 1873.

1132
53

From

Henry Sewell Esquire
Acting Collector of
Cuddapah

To

S. Grove Esquire
Secretary to the Board of Reven
Madras

Sir

With reference to Board's Pro-
ceedings dated 2nd May 1873 No 707, I
have the honor to report that no difficulty
appears to have been experienced in this
District in the execution of Judgments
under Regulation VII of 1831, and that
therefore there would be no necessity for
legislation as considered by the Board of
Revenue.

I have the honorable
Sir
Your most Obedient Ser

Ag. Collector

Ex C 5/10

1132

Collr's Collr's Office
Camp Adelaide
19th January 1874

No 122

From,
G Vans Agnew Esquire
Collector of Tolleroe

To
J Grove Esquire
Secretary to the
Board of Revenue
Madras.

Sir,

In reply to the Proceedings of the Board of Revenue, dated 2nd May 1873, No 707, I have the honor to state that no difficulty has been experienced in executing Judgments passed under Regulation VI of 1831 in this District

2 I do not think legislation is required. I have the honorable
Sir
Your most Obedt Servt

for Collr

Tolleroe Collr's Office
No 107.
Dated 8th Sept 1874
Received 10th Sept 1874
To the Secretary to the
Board of Revenue
Madras.

Sir,

With reference to the Board's Proceedings dated 20th May 1873 No 707 that no difficulty appears to have been experienced in the execution of Judgments under Regn VI of 1831 in this District

I have the honor to be
Sir
Your most obedt Servt
Collector

1132
55

Commissioners Office
Coimbatore 2nd February 1874.

No. 9

From

J. R. Cockerell Esqre
Commissioner - Nilgiris

To

The Secretary to the
Board of Revenue
Madras

Sir.

In reply to Circular of the Board of Revenue No 304 dated 2nd May 1873 calling for reports on Regulation VI of 1831, I have the honor to state that there have been no cases under the Regulation in the Nilgiris District since the commission was constituted.

2. With regard to legislation to enable Service holders under the Regulation to recover mesne profits, it seems to me that these holders have in fact no claim whatever.

3. The Government pays for service and if an hereditary village servant has not occupied his post either from neglect or because it is usurped, he has not done the work of the office and therefore has no right to claim payment for it. To rule otherwise would, as I consider, be a rule that the village offices are personal appanages instead of being offices Certain

perform

Rec'd 7th Feb 1874
Dated 19 January 1874
Despatched 22 1-74
Received 24/1/74
No 122

States that no difficulty has been experienced in working the judgements that have been passed under Regulation VI of 1831

Postmaster Coll[illegible]
July 1874

persons have an hereditary right to serve. In the districts in which I have been, the custom has been to allow the holders of village offices the emoluments even when holding for a minor.

I have the honor to be
Sir
Your most obedt Servt

H. Cameron
Commissioner.

1324/56

Revenue Board Bendigo 17th July 74

No 1854

In Orders

The Board submit the report & Collectors on the subject of amending Regn 31 to enable Collectors to enforce execution of decrees passed under its provisions

2. The late Advocate General Mr. Haagne considered such amendment desirable and the Board were in favor of it

3. The Government however considered the matter [illegible]

See f.0. 23rd July 72 No 335.

No. 2967/1878
Date 23rd December 1878.

Commissioner's Office,
Ootacamund.

To

The Secretary to the
Board of Revenue
Madras

Enclosures. "

SUBJECT.

Submitting reports on the subject of amending Regn. 31 of 1831.

Regn. 31 of 1831
Regn. 7 of 1865
Regn. 2 of 1868
Regn. 2 of 1873
Regn. 2 of 1877

Regn. 2 of 1878.

Sec in f.o. 28th July 73
No 554

Act II of 1864. S. 52.

"All arrears of revenue other
"than Land Revenue due to Govt, all
"advances made by Govt for cultiva-
"tion or other purposes connected with
"the revenue, and all fees or other dues
"payable by any person to or on
"behalf of the village servants em-
"ployed in Revenue or Police duties,
"and all cesses lawfully imposed
"upon land, may be recovered in the
"same manner as arrears of Land
"Revenue under the provisions of this
"Act, unless the recovery thereof
"shall have been or may hereafter
"be otherwise specially provided
"for."

I concur.

31/8

In the Division

Sec in f.o. 14th Nov 72 No 1557

Elst as the eventual introduction of the Village Service left out of all District would direct all the Requirements of the case.

3. Subsequently they were induced to change their views by cases having arisen in Bellary and both Areot in which it had been found impossible to enforce decrees

They then directed the Board to submit a draft Bill amending the Regulation. but "on further consideration" the Board doubted the necessity for legislation & called on all collectors to report "the number of cases in which any difficulty has been experienced in the execution of Judgments under Reg: VII of 31.

4. It now appears that this has been the case only in North & South Areot

In the former District indeed decrees when decreed are recovered under § 52 Act II of 64 & several collectors & the Board think this legal.

5. Under these circumstances the Board would leave the Regulation "untouched" Sal

1732