M.R.O. 1—20,002—12-8-65.

(1) Number of Pages 18,

(2) Date of repair 12.1.68,

(3) Initials of the Referencer 20.1.68

MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revs DEPARTMENT

G.O. No. 1257. Press
B.P. No. Mis.

Dated 11. 9. 1875 196 .

Not to be folded or roughly handled

No. 110. Read the following Proceedings of the Board of Revenue, dated 14th August 1875, No. 2,295:—

Read the following letter from C. T. LONGLEY, Esq., Collector of Salem, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Shervaroy Hills, 29th July 1875, No. 218.

I HAVE the honor to forward the copy of a letter from the Subordinate Judge of Salem, and to request the Board's instructions in the matter.

2. The Subordinate Judge states that a suit has been filed in his Court to enforce the terms of a mortgage and of a lease made by the Poligar of Bagalore in respect to sixty-five villages belonging to the Bagalore Polliem, and wishes to be informed, with reference to the Circular Order of the late Sadr Court, No. 136-B, whether there is any objection to his entertaining the suit and disposing of it on its merits.

3. The Board are aware that Bagalore is one of the three unsettled Polliems in the Oossoor Taluq held on no deed of permanent settlement. In the correspondence noted in the margin, the Board and Government, while issuing Istimrar Sanads to the other two Polliems (Ankusagiri and Shulagiri), have not granted one to the Poligar of Bagalore, apparently on the ground that he was much involved in debt.

Board's Proceedings, dated 18th December 1871, No. 4,602.
Government Proceedings, dated 4th March 1873, No. 255.
Board's Proceedings, dated 30th October 1871, No. 4,536.
Government Proceedings, dated 4th March 1873, No. 256.

4. It does not appear to me that the Polliem in question falls under any of the three classes of grants referred to in paragraph 3 of the Circular Order quoted by the Subordinate Judge. It certainly does not fall under either VII. of 1817 or VI. of 1831. The wording of Section 4, Act XXIII. of 1871, appears however to include under its operation grants of land made by Government similar to that now in question; but the Government so far back as 1850 were of opinion that it did not fall within the provisions of Regulation IV. of 1831, the then enactment, which has now been superseded by Act XXIII. of 1871.

5. In the correspondence noted in the margin, the right of the Civil Courts to sell Polliems in satisfaction of a Civil Court Decree was fully discussed by the Board and Government, when the Government waived their right to oppose the Court's authority, and directed the Collector to request the Court to insert a clause in the Notice of Sale to the effect that "the rights of Government as to the continuance of the estate on its existing peishcush, or even on its existing tenure, will be the same under the new as under the old holder."

1. Board's Proceedings, dated 28th Feb. 1850.
2. Collector's letter to Board, dated 16th December 1850, No. 123.
3. Board's Proceedings, dated 24th December 1850.
4. Board's letter to Collector, dated 9th January 1851.
5. Board's Proceedings, dated 10th March 1851.

6. The plaintiff in the suit now before the Subordinate Judge's Court seeks simply for the enforcement of a mortgage and lease by which the plaintiff was to manage the estate and to enjoy the mesne profits of the Polliem for a stated number of years. A translation of the plaint is enclosed. I see no objection to the Court being allowed to take cognizance of the suit.

Proceedings of the Madras Government, Revenue Department,
11th September 1875.

ENCLOSURE No. 1.

From T. V. PONNUSAWMY, Subordinate Judge, to C. T. LONGLEY, Esq., Collector of Salem, dated Salem, 13th April 1875, No. 41.

A SUIT has been filed in my Court to enforce the terms of a mortgage and of a lease made by the Poligar of Bagalore in respect of sixty-five villages belonging to the Bagalore Polliem. The debt appears to have been contracted by the Poligar to release the Polliem from attachment made in execution of a decree passed against him by the District Court of Salem.

2. The plaintiffs simply seek to enforce their right against the right, title, and interest of the Poligar (defendant) in the Polliem, which is admitted by *a life-interest.*

3. With reference to the Circular Order of the late Sadr Court, dated 12th July 1855, No. 136-B, I beg to be informed whether there is any objection to my entertaining this suit and disposing of it on its merits.

(True Copy.)

(Signed) T. PRITCHARD,
Deputy Collector, for Collector.

ENCLOSURE No. 2.—Translation of Plaint.

SUBMITTED for the orders of Government.

2. The Subordinate Judge of Salem has addressed the Collector regarding a suit filed against the Poligar of Bagalore, an unsettled Polliem, to enforce the terms of a lease and mortgage of sixty-five villages. The Sub-Judge observes that "plaintiffs simply seek to enforce their right against the right, title, and interest of the Poligar (defendant) in the Polli[illegible] which is admitted by a life-interest," and inquires, with reference to the Circular of the late Sadr Court, dated 12th July 1855, whether there is any objection to the entertainment and disposal of the suit on its merits.

3. The interest of Government is not affected, and the Board are of opinion that there is no objection to the Court's taking cognizance of the suit.

4. A permanent Sanad was offered to the Poligar, but he declined to accept it, apparently because he was heavily in debt, *vide* G. O., 9th March 1868, No. 616.

(True Copies and Extract.)

(Signed) H. E. STOKES,
Acting Secretary.

No. 111.

ORDER THEREON, 11th September 1875, No. 1,357.

Miscellaneous.

THE Government see no objection, under the circumstances stated, to the Subordinate Judge taking cognizance of the suit.

(True Extract.)

(Signed) A. MACGREGOR,
Acting Secretary to Government.

To the Board of Revenue.

Exd. F. R. Bantleman.

Revenue Department.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 14th August 1875.

Read the following

No. 218

From, The Collector of Salem

To, The Secretary to the
Board of Revenue
Madras

Sir, I have the honor to forward
the copy of a letter from the Subordinate Judge
Judge of Salem and to request the
Board's instructions in the matter.

2. The Subordinate Judge states
that a suit has been filed in
his Court to enforce the terms of
a Mortgage and for Sale made
by the Poligar of Bagalore in
respect to 6 5 villages belonging to the
Baga Cow

Rw 3432/75

1875.

Board of Revenue,

MADRAS.

PROCEEDINGS, 14TH AUGUST 1875, No. 2,295.

Encl.

Received

AUGUST.

No. 2,295.

Suit—filed against Poligar of Bagalore in Salem District to enforce the terms of a lease and mortgage of certain villages in the Polliem.—Letter from Collector forwarding one from Subordinate Judge of Salem regarding—, submitted to Government.—Opinion expressed that there is no objection to the Court's taking cognizance of the suit.

Bagalore Polliem, and wishes to be informed, with reference to the Circular Order of the late Sudr Court № 136 B, whether there is any objection to his entertaining the suit and disposing of it on its merits.

3. The Board are aware that Bagalore is one of the three unsettled Polliems, in the Collectorate of Salem, held on no deed of Permanent Settlement. In the correspondence noted in the margin the Board and Government while issuing Istimirar Sunnuds to the other two Polliems (Ankusagiri and Shulagiri) have not granted one to

Board's Pro: 18th Decr 71 № 4602
Govt Pro: 4th March 73 № 255
Board's Pro: 30th Octr 71 № 4536
Govt Pro: 4th March 73 № 256

6/137

to the Poligar of Bagalore, apparently on the ground that he was much involved in debt.

4. It does not appear to me that the Polliem in question falls under any of the three classes of grants referred to in para 3 of the Circular Order quoted by the Subordinate Judge. It certainly does not fall under either VII of 1817 or VI of 1831. The wording of section 4 Act XXIII of 1871 appears however to include under its operation Grants of land made by Government similar to that now in question; but the Government

40

so far back as 1850, were of opinion that it did not fall within the provisions of Regulation IV of 1831, the then enactment, which has now been superseded by Act XXIII of 1871.

5. In the correspondence noted in the Margin, the right of the Civil Courts to sell Pollioms in satisfaction of a Civil Court Decree, was fully discussed by the Board and Government, when the Government waived their right to oppose the Court's authority and directed the Collector to request the Court to insert a Clause in the Notice of Sale to the effect that

1. Board's Proc: 28th Feby 1850
2. Collector's letter to Board No 123. 1850
3. Board's Proc: 24th Dec: 1850.
4. Board's letter to Collector 9th January 1851.
5. Board's Proc: 10th March 1851.

that "the rights of Government as
"to the continuance of the Estate on
"its existing Peishcush, or even on
"its existing tenure will be the same
"under the new, as under the old
"holder".

6. The Plaintiff in the suit now before the Subordinate Judge's Court seeks simply for the enforcement of a mortgage and Lease by which the Plaintiff was to manage the Estate and to enjoy the mesne profits of the Pollioms for a stated number of years. A transtation of the Plaint is enclosed. I see no objection to the Court being

being allowed to take cognizance
of the suit.

Salem Collectors Office,
Camp, Sherevaroy Hills
29th July 1875

I have &c.
(signed) C. I. Longley
Collector -

Enclosure

No 41

From.

The Subordinate Judge
Salem

To, C. I. Longley Esqre,
Collector of Salem

Sir, A suit has been filed, in my Court to enforce the terms of a mortgage and of a lease made by the Poligar of Bagalore in respect of 65 villages belonging to the Bagalore Poliem. The debt appears to have been

been contracted by the Poligar to release the Poliem from attachment made in execution of a decree passed against him by the District Court of Salem.

The Plaintiffs simply seek to enforce their right against the right title and interest of the Poligar (Defendant) in the Poliam, which is admitted by a life interest.

With reference to the circular Order of the late Sudder Court dated 12th July 1855 No 136B, I beg to be informed whether there is any objection to my entertaining this suit and disposing of it on its merits.

I have &c
(signed) T. V. Ponnusamy
Subordinate Judge

Salem Subordinate Judge's Court
13th April 1875

(True Copy)
(signed) J. Pritchard
Dy Collr for Collector
Submitted

Submitted for the orders of Government.

The Subordinate Judge of Salem has addressed the Collector regarding a suit filed against the Poligar of Bagalore, an unsettled Polliem to enforce the terms of a lease and mortgage of sixty five villages. The Sub Judge observes that "plaintiffs simply seek to enforce their right against the right title and interest of the Poligar (defendant) in the Polliem which is admittedly a life interest" and inquires with reference to the Circular of the late Sudr Court dated 12th July 1855 whether there is any objection to the entertainment

9/1317

entertainment and disposal of the suit on its merits.

The interest of Government is not affected and the Board are of opinion that there is no objection to the Courts taking cognizance of the suit.

A permanent Sanad was offered to the Poligar but he declined to accept it apparently because he was heavily in debt. Vide Government Order 9th March 1868 No 616.

(True Copies & Extract)

J. A. Ottley
Ag Secretary

To, The Secretary to Government
Revenue Department
with translation of plaint &
to be returned.

C. P. Mg

No 1357

The government see no objection
under the circumstances stated
in the subordinate judge taking
cognizance of the suit.

28/9 In Scheyd. Rec. Ord. 29 Dec. 1791
14 Brumaire Cap. An 22me
11 Sept 1795.

Rec. 15 Sept 2 Ord
No 3432.

Proceedings of the
Board of Commissioners
for Land Claims

Dated the 11th August 1795

Present

Thomas Powell Esquire
Chairman
Peter Derbigny Esquire
Member
Joseph Pilie Esquire
Member

Petition of Bazile Lanoux
praying for a Concession
of a certain arpent of land
on the Mississippi River
Petition — Letter from
Collector of Customs
from Secretary's Office
of Salem regarding Dis —
Returned to Court —
Returned Ordered
Ordered that the Petitioner
have leave to withdraw
his Petition

Dismissed

P. C. Derbigny
Secretary

Dismissed
this 28th
day of
August
1795

Thomas Powell
Chairman

Dismissed
this 11th
day of
September
1795

Thomas Powell
Chairman

The Lieut. Governor should
have stated what Writings in
the possession of
Jean Baptiste Lanoux
formerly related to.

The nature of the Claim & the Concession
on which claim is founded are not stated in the petition.
The Lieut. Governor should state
these matters before the question arises
whether the Court has jurisdiction
of the cause.

30 Oct 1795 No 3434 - 5
24 pieces 73 - 24 Oct
44 do 73 - 30
5 do 68 - 1795