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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No.	925	Press
B.P. No.		Mis.
Dated 17.6.1872 196		

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Not to be folded or roughly handled

702

*Proceedings of the Madras Government, Revenue Department,
17th June 1875.*

No. 137. Read the following Proceedings of the Board of Revenue, dated 12th June 1875, No. 1,604:—

Read the following letter from W. H. COMYN, Esq., Acting Collector of Tinnevely, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated 31st May 1875, No. 281.

I HAVE the honor to request you to be good enough to obtain the sanction of the Board for the defence of Origin Suit No. 5 of 1875 on the file of the District Court, in which I am made defendant.

2. The circumstances of the case are as follow:—

The Chokampatte Zemindari was originally attached to the Tenkasi Taluq. When the eighteen villages of which the state consisted were sold by the District Court in 1867 and 1868, twelve villages were retained in the Tenkasi Taluq, and the remaining six villages were attached to the Sankaranainarkovil Taluq, under the sanction of the Board of Revenue (Proceedings, No. 5,240, dated 10th August 1870).

3. In June 1872, when the abkâr farms were sold for three years (Faslies 1282 to 1284), the lease of the Sankaranainarkovil Taluq was confirmed to one Chokalinganadan and Vairavanadan. The six villages attached to the Sankaranainarkovil Taluq still remained in the list of villages of the Tenkasi Taluq, where shops, &c., were to be established, and were included in the license of the Tenkasi Taluq renter. Notwithstanding the entry of the above six villages in the Tenkasi list, two of them, Vellalankulam and Sendamaram (a hamlet of Kulasegaramangalam), were also entered in the lists attached to the license of the Sankaranainarkovil renter, the plaintiff's principal.

4. These lists were prepared from the lists attached to the licenses given to the renters, who held the farms during the previous lease, viz., Faslies 1279 to 1281. The transfer of the six villages to Sankaranainarkovil in 1870 appears to have escaped notice when the farms were sold in Fasli 1282.

5. In February and June 1874, plaintiff applied to the Collector and Assistant Collector in charge of the taluq, respectively, to have the six villages transferred to his license from that of Tenkasi renters, but they declined to make any change during the course of the lease, and observed that he (plaintiff) ought to have noticed this before the sale, and that he was aware of the limits of the taluq when he bid for the farm.

6. On the 23rd February 1874, the renter of the Sankaranainarkovil Taluq (the plaintiff's principal) complained to the Assistant Collector that, as the Tenkasi renter held a license for the two villages abovementioned (Vellalankulam and Sendamaram), he was prevented from working the farm in those villages. The matter was duly reported to the Collector, and the Acting Sub-Collector, who was then in charge of the district, ordered that, "as these villages properly belong to Sankaranainarkovil Taluq, only the shop-keepers of that renter should be allowed to sell in those villages." Accordingly, these villages were struck out from the list attached to the Tenkasi renter's license, and the licenses issued to shop-keepers appointed by the Tenkasi renter were cancelled, and licenses were issued in the name of persons employed to sell liquor by the Sankaranainarkovil renters on the 17th April 1874.

*Proceedings of the Madras Government, Revenue Department,
17th June 1875.*

7. The renters of Sankaranainarkovil fell in arrears in October 1874, and the farm was taken under Government management (Board's Proceedings, Miscellaneous No. 8,328, dated 30th November 1874) with the likelihood of a loss of Rupees 5,600 by the close of the fashi, for which sum the renters will be held responsible according to the terms of their engagement; the agent of one of the renters has now filed the present suit to recover Rupees 3,550 on account of loss alleged to have been sustained by him from 1st July 1872 to 9th April 1874, from his not having been able to sell liquor in the two villages above-mentioned. It is evident that this suit has been brought with a view to evade payment of the arrears, for which renters will be held liable.

8. The plaintiff appears to me to have no cause of action. He was welcome to have opened a shop in Vellankulam and worked toddy in Sendamaram from the date of his license, and, if prevented by the Tenkasi renter, to have complained of it at once. This he did not do. The change made in the Tenkasi renter's license in February 1874 would have been made earlier if the plaintiff had applied for it in time; for the plaintiff applied immediately after the confirmation of the lease for permission to open shops at certain places not shown in the list, and this was allowed him.

9. If the plaintiff sustained any loss, it was his own fault, inasmuch as he took no steps whatever to open shops in the villages specified in the plaint. He could not have opened shops without previously conforming to the conditions provided in paragraph 13 of his engagement, and this he failed to do, i.e., he did not report the name of the person he wished to employ to sell liquor and cause him to execute the engagement required by Section 3 of the Abkari Act III. of 1861, and obtain a license in his name.

10. I beg to enclose a draft answer to the plaint, and to inform you that the hearing is fixed for 24th June 1875.

11. The value of the suit is Rupees 3,550.

Submitted for the orders of Government.

2. Plaintiff Agents of a late Abkari renter of the Sankaranainarkovil Taluq, sue to recover Rupees 3,550, loss alleged to have been sustained owing to the inclusion in the Tenkasi Taluq renter's license of two villages (Vellankulam and Sendamaram) belonging to the taluq rented by plaintiff.

3. It appears that these two villages, which in 1870 had been transferred from the Tenkasi to the Sankaranainarkovil Taluq, were by mistake included both in plaintiff's license and in the license of the Tenkasi Taluq renter. On the complaint of plaintiff, the mistake was rectified in April 1874. The two villages were struck out of the Tenkasi renter's license; the licenses for his shops there were cancelled, and fresh licenses were issued to shopkeepers named by plaintiff.

4. Plaintiff estimates his loss of profit on the two shops at Rupees 2,000 a year, and the amount claimed is for the period from 1st July 1872 to 9th April 1874.

5. It is proposed to defend the suit on the grounds that there was nothing to prevent plaintiff's opening shops in the two villages, had he taken the necessary

*Proceedings of the Madras Government, Revenue Department,
17th June 1875.*

steps to do so in due course, and that if he has sustained any loss, it is the result of his own neglect.

6. The Board recommend that the defence of the suit be sanctioned.

7. The date of hearing is the 24th June 1875.

(A true Copy and Extract.)

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

No. 138.

ORDER THEREON, 1

June 1875, No. 925.

Separate Revenue, No. 11.

Abkari.

HIS EXCELLENCY the Governor in Council is not prepared to sanction the defence of this suit on the grounds proposed by the Collector and acquiesced in by the Board of Revenue.

2. The plaintiff having purchased the exclusive right to manufacture and sell liquor in a certain defined tract, including the two villages under dispute, has a good claim to compensation for the loss incurred owing to licenses having been, through inadvertence, granted to another in those two villages.

3. Being entitled to the exclusive right, he was not bound to engage in competition, nor was he under any legal obligation to complain at once.

4. It is, however, observed that he did not urge his complaint in vain both in February and June 1873, and only in April 1874 did he obtain redress.

5. The Board should direct the Collector to pay into Court reasonable compensation for the loss sustained by plaintiff, and only defend any excess claim.

6. His Excellency in Council must express his disapproval of the want of care in the Collector's cutcherry, which has exposed Government to this needless expense.

(True Extract.)

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

To the Board of Revenue,
the Accountant-General.

Edw. W. J. Lewis.

Receipts

RECEIVED
OF THE
GOVERNMENT

Revenue Department
Miscellaneous No. 1000

Proceedings of the Board of Revenue
dated 20th November 1874

No. 612 Read the following

From R. M. Puckle Esquire
Collector

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

I have the honor to in-
form you that on consequence
of the Akhary Route of the
Lankannamarkovil Taluk
having fallen into arrears I
have ordered the farm to be
taken under the Government
management. The arrears amount
to Rs. 31/11-2 but these are covered
by the deposit in hand, Rs. 8000
I am, Sir, very respectfully,
18th November 1874
R. M. Puckle
Collector

Recorded

True copy & Extract

Signed J. J. Grose
Secretary

The Collector of Customs
True copy

A. G. T. M.

Acting Secretary
Board of Revenue

1861

Tuesday 21st May 1870

N^o 231

6/2

From

W. H. B. Conyn Enquire
Acting Collector

To

H. E. Stokes Esquire
Secretary to the Board of Revenue
Madras

Sir

I have the honor to request
you will be good enough to obtain
the sanction of the Board for the
defence of O.S. No. 1875 on the file
of the District Court in which
I am made a defendant.

2 The circumstances of the case
are as follows.

The Chokampalli Zamindari
was originally attached to the
Tondakudi taluk. When the villages
of which the estate consisted,
were sold by the District Court
in 1867 & 1868, 12 villages were retained

Enclosure in Proceedings
of the Board of Revenue
to the Off. Secretary to Govt.
D. B. 2125 from 195, 21/5/70

No. 423 of 11-5-70

Madras

No. 3/212/75

Copy of Board's
Proceedings dated 23/5/70

Madras 1874 No. 192

5328

in the Lunkasi Taluk and the
remaining 6 villages were
attached to the Sankaranamar
Coral Taluk under the sanction
of the Board of Revenue (Pro-
ceedings No. 2248 dated 10th August
1870)

On 1st June 1872, when the
above farms were sold, for
1 year (Nos. 1282 to 1284) the lease
of the Sankaranamar Coral Taluk
was confirmed to one Chokalinga-
nadan and Vannanadan. The 6 Vil-
lages attached to the Sankaranamar
Coral Taluk still remained in
the list of villages of the Lunkasi
Taluk, where shops were to be
established, and were included
in the license of the Lunkasi Taluk.
Notwithstanding the entry
of the above 6 villages in the Lunkasi
Taluk, 4 of them, Vellalankulam

and Sendamaram (a hamlet of
Kulasingaramangalam) were also
entered in the lists attached to
the license of the Sankaranamar
renter, the plaintiff's principal.

4. These lists were prepared
from the lists attached to the license
given to the renter, who held the farms
during the previous lease, viz. Nos.
1272 to 1281. The transfer of the 6 villages
to Sankaranamar in 1870, ap-
pears to have escaped notice
when the farms were sold in No-
v. 1872.

5. In February and June 1873
Plaintiff applied to the ^{and District Collector} Collector in
charge of the Taluk, respectively
to have the 6 villages transferred
to his license from that of the
renter, but they declined to make
any change during the course
of the lease and observed that he
(Plaintiff) ought to have noticed
this.

them before the sale and that
he was aware of the limits of
the Salage when he bid for the farms.
6. On the 23rd February 1874 the
renter of the Sankarannamkond Salage
(the plaintiff's principal) complained
to the Assistant Collector that, as
the Tenkasi renter held a license
for the two villages above mentioned
(Chalankulam and Sankarannam)
he was prevented from working
the farms in those villages. The
matter was duly reported to the
Collector, and the Acting Sub Col-
lector, who was then in charge
of the District, ordered that as
these villages properly belong
to Sankarannamkond Salage, only
the shopkeepers of that renter
should be allowed to sell in
those villages as is customary there.

7/8
Villages were struck out from
the list attached to the Tenkasi
renter's license and the license
issued to shopkeepers appointed
by the Tenkasi renter were cancelled,
and licenses were issued in the
name of persons employed to sell
liquor by the Sankarannamkond
renter on the 17th April 1874.

7. The renter of Sankarannamkond
fell in arrears in October 1874, and
the farms were taken under
Government management. (Board
Proceedings Miscellaneous No. 8328
dated 30th November 1874) with
the likelihood of a loss of Rs. 5000
by the close of the year for
which sum the renter will be
held responsible according to the
terms of their engagement. The
Agent of one of the renters has
now

now filed the present suit to
recover Rs. 3500 on account
of loss alleged to have been sus-
tained by him from 1st July 1872
to 31st April 1874 from his not
having been able to sell liquor
in the two Villages above mentioned.
It is evident that this suit
has been brought with a view
to secure payment of the arrears
for which revenue will be held
liable.

8. The Plaintiff appears to
me to have no cause of action.
He was welcome to have opened
a shop in Vellambikulam and
worked to sell in Sundaraman
from the date of his license and
if prevented by the Muzkaree
to have complained of it at once
but he did not do so. The change
in the

made in the Muzkaree's
license in February 1874, would
have been made earlier, if the
Plaintiff had applied for it in
time for, then the Plaintiff applied
immediately after the confirmation
of the lease for permission to
open shops at certain places not
shown in the list, and this was
allowed him.

9. If the Plaintiff sustained
any loss, it was his own fault in
as much as he took no steps whatever
to open shops in the Villages specified
in the plaint. He could not have
opened shops without previously
conforming to the conditions pro-
vided in para 13 of his engagement
and thus he failed to do so. He
did not report the name of the
person he wished to employ to sell
liquor.

liquor and cause him to execute
the engagement required in
section 8 of the abkary Act of
1864 and obtain a license in his
name.

10. I beg to enclose a draft
in answer to the plaint and to in-
form you that the hearing is
fixed for 24th June 1875.

11. The value of the suit is
Rs. 5000.

I have yours
(Signed) W. H. Langman
Acting Collector
(in copy)

W. H. Langman
Acting Secretary
Revenue Board

24
25

Revenue Department.

Proceedings of the Board of Revenue
Dated 12 June 1890.

Read letter from the Acting Collector
of Tanjore dated 21st May 1890, requesting
sanction for the defence of A. S. M. S. 1890
on the file of the District Board in which the
Collector is named as Defendant.

Submitted for the orders of Government.

Plaintiff's agent of a late Alkhan
member of the Chakranarayana Sahy sect
to recover Rs. 2000, has alleged to have been
sustained owing to the inclusion in the Chakranarayana
Sahy sect's house of two villages (Chakranarayana
and Chakranarayana) belonging to
the Sahy sect by plaintiff.

It appears that these two villages
which in 1870 had been transferred from the

Tanjore

Revenue Department
Dated 12 June 1890
of the Board of Revenue
to the Secretary to Govt.
A. S. M. S. 1890

Revenue Department
Dated 12 June 1890

Copy of letter from the
Collector of Tanjore dated 21st May 1890
No. 281 regarding O. S.
No. 5 of 1875 on the file
of the District Board

Senkasi to the Subharamarkovil Taluk
were by mistake included both in plaintiff's
license and in the license of the Senkasi Taluk
cudon. On the complaint of plaintiff the
mistake was rectified in April 1875. The
two villages were struck out of the Senkasi
cudon license, the licenses for his shops
there were cancelled and fresh licenses were
issued to shopkeepers named by plaintiff.

Plaintiff estimates his loss of profit
in the two shops at Rs 2000 a year and the
amount claimed is for the period from 1st
July 1875 to 9th April 1876.

It is proposed to defend the suit
on the grounds that there was nothing to
prevent plaintiff opening shops in the
two villages, had he taken the necessary
steps to place in due course, and that if
he has sustained any loss it is the result
of his own neglect.

The Board recommend that the defence
of the suit be sanctioned.

The date of hearing is the 24th June
1875.

Per Eschael

H. M. Eschael
By Secretary

To The Secretary to Government
Revenue Department with
Draft answer to his reference
and copies of Board's proceedings
dated 20 August 1875, 1876 and
30 November 1876, and a copy of letter
dated 3rd May 1875
No 281.

H. M. Eschael
By Secretary

12/1/71

W. L. 12: from 1875

The collector by mistake
gave licenses to manuf-
acture liquor to the
Humboldt Contractor
for two villages. The
exclusive trade in
which had been
sold to the Sachan
mineral Contractor.
The latter sued for
damages -

It is proposed to defend
in the fund that he
ought have established
kind shops & have
submitted names of
shopkeepers he proposed

[illegible]

Case No. 12 of 1925

Following letter on subject of indent 5.
1925 filed in Simsbury St. for recovery of lost
estate in 1925 including in list of assets made
by the estate of the late, William H. Barker.
Maine estate being with recommendation that the same be
sanctioned.

1925

Rev. D. B. Smith

17 June 1925

A. B. 12 June 1925

W. H. Barker

His Excellency the
Governor in Council
is not prepared to
sanction the release
of this debt on the
ground proposed by
the petitioners required
in by the Board
of Rev.

The Plaintiff having
purchased the exclusive
right to manufacture
a well known in a
certain defined tract
including the 2 villages
under dispute has
a good claim to
compensation for the

loss incurred owing
to license having
been through mistake
paid to another
in these two villages.

Being related to
the inclusion right
of the court bound to
suppose on competition,
and as he under
any legal obligation
to complain there.

It is known abroad
that he did urge his
complaint in vain
both in Dec. 1890
and in April
1891 he obtained

15
925

relief.

The Board should
direct the collector to
pay into the treasury
compensation for the
loss sustained by
Plaintiff and defend
any such claim.

As to a f. much
saying his disapproval
of the want of care
in the job catching
which has caused
great loss and loss
expense.

Respectfully to the Board of the 11th June
1. (Bureau of the 11th June)
1. To the Secretary of the Board

After