

Fort Saint George, Revenue Consultation of 10th November 1857.

No. 11. Read the following Extract from the Proceedings of the Board of Revenue; dated 21st October 1857, No. 3553.

Read letter from the Acting Sub-Collector of Madura; dated *In Cons. 21st October 1857. 13th October 1857.*

(Here enter No. 213.)

With this communication the Acting Sub-Collector Mr. Cockerell, by direction of the Acting Collector (whose illness is known to the Board by an application for leave of absence on sick certificate) forwards a correspondence which, he describes as relating to a suit instituted by the Zemindar of Tavarom against the Zemindar of Bodinaiknoor; and he intimates Mr. Sullivan's opinion that as the slopes of the hills are not adapted for cultivation and have no timber of any magnitude, they are not of such value as to be worth contending for on the part of Government in the suit alluded to above, in which it would appear the Collector is a defendant. Mr. Sullivan therefore recommends his being permitted to surrender all claims to them by a motion requesting the Court to exclude him from the suit.

2. It is further stated that an early reply is necessary as the period allowed by the Court for filing an answer expires on the 25th Instant.

3. The Board are constrained to remark that the manner in which this matter has been submitted entirely disables them from treating it in a satisfactory manner. The letter now recorded was received at their office at 5 P. M. on the 17th, the next day being Sunday. The correspondence of which it encloses a copy, is found on perusal to relate to the slopes of the hills indeed, but to make no mention of a suit against the Bodinaiknoor Zemindar and the Collector. No copy of the plaint in such suit or draft of a proposed answer is forwarded with the Acting Sub-Collector's letter, nor is a reference made to any previous letter giving cover to them. The Records of the Board have been searched in vain for any report of the suit, which, although the Acting Member Mr. Parker, who left the District a year ago, is said to be aware of it, and to have suggested the exclusion of the Collector as a Defendant, must, it is supposed, have been only recently instituted, as the time for filing an answer is only now expiring.

4. Thus the Board are called upon to procure and convey to Madura, within 7 days from the receipt of the Acting Sub-Collector's letter the sanction of Government for yielding all claim on the part of the State to a tract of land without seeing the grounds on which the Plaintiff founds his title, or receiving from the local authorities any other reason for taking this step than that the land is not productive. It is evident that to do what is required is quite impossible. Two out of the 7 days allowed have been lost in searching the records of the office, and three days will be occupied in the transit by Post to Madura. The remaining two days are wholly insufficient for a reference to Government, and it would be very improper to recommend the cession of Government land in such a hasty manner, even were there no circumstances to lead to a doubt of the Acting Collector's estimate of its value.

5. But there are circumstances to shew that however profitless in a pecuniary point of view the land in question may be, the maintenance of the right of Government thereto is of importance for the purpose of rebutting the claim recently set up by E. M. C. 28th July 1857, the Travancore State to the slopes. If Government admit themselves to have no land beyond the limits of the Zemindaries of Tavarom and Bodinaiknoor and the boundaries of those Estates be shewn to go only a part of the way up the slopes, as seems probable from reports of Messrs. Cockerell and Kolhoff, then the claim of the Travancore Government to a part of the slopes gains great force.

6. The Board therefore are not prepared, as at present informed, to withdraw all claim on the part of Government to the land in dispute between the two Zemindars, and they think that the situation of the boundary stones and the size of the estates as shewn in Ward and Connor's survey memoir afford sufficient grounds for maintaining it. Under the circumstances of the case, which debar them from a previous reference to Government, and from perusal of the plaint, they resolve to instruct the officer who may be in charge of the duties of the Collector at Madura, to file an answer in which the right of Government is asserted and that of the Plaintiff

 செப்பனெடுபவர் பெயர் தி.வி.பி.பி.
 செப்பனெடுவதற்காக
 எடுத்துக்கொள்ளப்பட்ட நாள் 4-2007
 செப்பனெடு முடிச்ச நாள் 6-2007
 சர்பார்க்கும் ஆரம்பிக்க உதவி
 மு. தி. பா. எ. யாளர்
 கையொப்பம். கையொப்பம்

Fort Saint George, Revenue Consultation of 10th November 1857.

denied; whether any further plea shall be inserted must be left to the discretion of that officer in view of the plaint.

7. As soon as possible after the receipt of these instructions, the officer in charge will be pleased to forward copy of the plaint, and state when it was filed, and what were the steps alluded to as taken by Mr. Parker to cause the Collector to be included as a Defendant. He will also submit copy of the answer he may file, and indicate the evidence by which he intends to support the pleas.

8. It is painful to the Board to have so often to remark on the insufficient information with which cases have for some time past been submitted for their orders from the Madura District.

Resolved that copy of these Proceedings be submitted to Government.

(A true Extract.)

(Signed) J. D. SIM, Acting Secretary.

No. 12.

ORDER THEREON, No. 1122; dated 4th November 1857.

The Right Honorable the Governor in Council approves the instructions issued by the Board of Revenue regarding the suit instituted by the Zemindar of Tavarum against the Zemindar of Bodinaiknoor and the Acting Collector of Madura, claiming certain Cardamom gardens situated on a portion of the slopes of the Hills which encircle the Estates of the two Zemindars alluded to. The usual authority for defending the suit at the public cost cannot be granted before copies of the plaint and answer are submitted.

2. The Government regret to observe that the plaint and answer have not been submitted by the Acting Sub-Collector, with his communication to the Board on the subject of the suit, as required in the Circular Orders of the Board noted in the margin;* though it is clear from his letter to Mr. Sullivan dated 23d September 1857, No. 175, that both of these officers were fully aware of the course that ought to be followed. The Board will be good enough to call upon both gentlemen (if Mr. Sullivan is still in the district) to explain the cause of the omission. Mr. Sullivan, or other officer in charge of the district, should be called upon also to shew cause for the delay of nearly fifty† days out of the sixty allowed by the Court for filing an answer to the suit, in the submission of the papers to the Board. The Government are dissatisfied at such apparently needless delay in the performance of public business, but they will reserve further remarks till explanation is laid before them.

3. The Government must however express their regret at the report the Board have been obliged to make in the concluding para. of their Proceedings as to the general conduct of the business in the Madura District of late, and they hope that the early submission of Mr. Sullivan's application for leave, will enable them to nominate an officer to assume charge of the Province.

(Signed) H. FORBES,

Acting Secretary to Government.

3 1122
Revenue Department.

No. 3533

Extract from the Proceedings of the Board of Revenue, dated 21 October 1857.

Read letter from the acting

Sub-Collector of Madura dated 13 October 1857.

(More Order No. 213.)

With this communication the acting Sub-Collector Mr. Crockerell, by direction of the acting Collector (whose illness is known to the Board by an application for leave of absence on sick Certificate) forwards a correspondence which, he describes as relating to a suit instituted by the Zemindar of Tavarum against the Zemindar of Bodinaiknoor, and he intimates Mr. Sullivan's opinion that as the slopes of the Hills are not adapted for cultivation and have no timber of any magnitude, they are not of such value as to be worth contending for on the part of Government in the suit alluded to above, in which it would appear the Collector is a Defendant. Mr. Sullivan therefore recommends his

his being permitted to surrender all claims to them by a written request to the Court to exclude him from the suit.

2. It is further stated that an early reply is necessary as the period allowed by the Court for filing an answer expires on the 25th inst ant.

3. The Board are constrained to remark that the manner in which this matter has been submitted entirely disables them from treating it in a satisfactory manner. The letter now recorded was received at their Office at 5 P.M. on the 14th the next day being Sunday. The correspondence of which it encloses a copy, is found on perusal to relate to the slopes of the Hills indeed, but to make no mention of a suit against the Bodinaitnam Tennindan and the Collector. No copy of the plaint in such suit or draft of a proposed answer is forwarded with the acting SubCollector's letter, nor is a reference made to any previous letter giving cover to them. The Records of the Board have been searched in vain for any report of the

4- 1122
the suit, which, altho' the acting Member Mr Parker, who left the District a year ago, is said to be aware of it, and to have suggested the exclusion of the Collector as a Defendant, must it is supposed have been only recently instituted, as the time for filing an answer is only now expiring.

4. Thus the Board are called upon to procure and convey to Madras, within 7 days from the receipt of the acting SubCollector's letter the sanction of Government for yielding all claim on the part of the State to a tract of land without seeing the grounds on which the Plaintiff founds his title, or receiving from the local authorities any other reason for taking this step than that the land is not productive.

production. It is evident that to do what is required is quite impossible. Two out of the 7 days allowed have been lost in searching the records of the Office, and three days will be occupied in the transit by Post to Madras. The remaining two days are wholly insufficient for a reference to Government and it would be very improper to recommend the cession of Government land in such a hasty manner, even were there no circumstances to lead to a doubt of the Acting Collector's estimate of its value.

5.

But there are circumstances to show that however profitless in a pecuniary point of view the land in question may be, the maintenance of the right of Government thereto is of importance for the purpose of rebutting the claim recently set up by the Travancore State to the Slopes.

E.M.C. 28th July 1857.
N^o 738. P.L.S.

If Government admit themselves to have no land beyond the limits of the Lemnades of Sauram and Podanacknoor and the boundaries of those Estates be shown to go only a part of the way up the Slopes as seems probable from reports of Messrs. Cockrell and Polhoff, then the claim of the Travancore Government to a part of the Slopes gains great force.

6.

The Board therefore are not prepared, as at present informed, to withdraw all claim on the part of Government to the land in dispute between the two Lemnades, and they think that the situation of the boundary stones and the size of the Estates as shown in Ward and Connor's Survey Memoir afford sufficient grounds for maintaining it.

Under the circumstances of the case, which
debar them from a previous reference to
Government, and from perusal of the Plaint,
they resolve to instruct the officer who may
be in charge of the duties of the Collector
at Madras, to file an Answer in which
the right of Government is asserted and
that of the Plaintiff denied whether any
further plea shall be inserted must be
left to the discretion of that officer in view
of the Plaint.

7. As soon as possible after
the receipt of these instructions the officer
in charge will be pleased to forward copy
of the Plaint and state when it was filed,
and what were the steps alluded to as
taken by Mr. Parker to cause the Collector
to be included as a Defendant. He will
also submit copy of the Answer he may
file, and indicate the evidence by which
he intends to support the Pleas.

8. It is painful to the Board
to have so often to remark on the insuffi-
cient information with which cases have
for some time past been submitted for
their consideration.

6-4
their orders from the Madras District.
Resolved that copy of these
Proceedings be submitted to Government.
(true Extract) 1122

W. H. S.
By Secretary.

To
A. Forbes Esq.
By Secretary to Government
Revenue Department.

is in my possession
E. S. S.

1- 1122
Rev Dept

N^o 1122

Extract from the Minutes of Consultation
Under date the 4th October, 1857

Read the follow-
ing Extract from the
Proceedings of the Board
of Revenue -

(Here enter 21st October/57
K.S.S.S.)

The Right Ho-
norable the Governor
in Council approves the
instructions issued by
the Board of Revenue
regarding the suit
instituted by the re-
sident of Tavarum
against

A
L
H
H

Revenue 1857
No 1122-1
1256

Extract from the
Proceedings of the
Board of Revenue.

Dated 21st
Nov 22nd, Oct 1857.

2 Secy. Revenue

No 1122-1

Extract from the
Proceedings of
the Board of Revenue
regarding the suit
instituted by the re-
sident of Tavarum
against the
Collector of the
District of Tavarum
in the year 1857.

Will

Copy of the Minute

against the zemindar
of Bodinaiknorr and
the Acting Collector of
Madura, claiming in-
-tain Cardamum gar-
-dens situated on a

portion of the slopes
of the Hills which
encircle the Estates
of the two zemindars
alluded to. The usual
authority for defending
the suit at the public
cost cannot be granted
before copies of the
plea and answer
are submitted.

2 The Government
regret to observe that
the Plea and answer
have not been submitted
by the Acting Sub-
Collector

19 April 1827
17 May - "
12 Jan'y 1829

8 1122
Collector, with his
communication to
the Board on the
subject of the suit,
as required in the
Circular Orders
of the Board noted
in the margin, ~~in~~
though it is clear
from this letter
to Mr. Sullivan
dated 23^d Septem-
-ber 1857 No 175,
that both of these
officers were fully
aware of the course
that

that ought to be
followed. The
Board will be
good enough to call
upon both gentle-
men (if Mr. Sullivan
is still in the
District) to explain
the cause of the
omission. Mr.
Sullivan, or other
officer in charge
of the District,
should be called
upon also to show cause
for

From 25th August
to 13th October,

9- 1122
for the delay of nearly fifty
days out of the sixty allow-
ed by the Court, ^{for} filing an
answer to the suit, in
the submission of the
papers to the Board. The
Government are dissatisfied
at such apparently needless
delay in the performance
of public business, but they
will reserve further remarks
till explanation is laid
before them.

3 The Government
must however express their
regret at the report the
Board have been obliged
to make in the conclud-
ing part of their Proceed-
ings as to the general in-
conduct

conduct of the business in
the Madras District of
late, and they hope that the
early submission of Mr.
Sullivan's application for
leave will enable them
to nominate an Officer to
assume charge of the
Province.

BR

Copy to the Secy. Gen.
with 2 Encls.
Disf 25

Contd. 28th Sept 1857

Revenue 1857 Deptt.
D. to Secy. 10th Oct.

No 1122.

Contract during 1857.

24th Nov 1857

Contract from 3rd Nov 1857
to 1st Dec 1857

Ex. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

On the subject of a suit
instituted by the Zamindar
of Sammam against that of
Rodinackin, in Madras,
relative to the right to certain
Boundary Markers.

No 1122.

1122

- at

27 Oct 1857