

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	1122	Press Mis.
230-31	Dated 27-7-1820	

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
27th July 1870.*

No. 230. Read the following Proceedings of the Board of Revenue, dated 14th June 1870:—

Read the following letter from the Government Solicitor, Madras, to the Acting Secretary to the Board of Revenue, dated 1st June 1870, No. 297.

WITH reference to the Proceedings of the Board of Revenue, dated 23rd May 1870, I have the honour to inform you that, as therein requested, I have conferred with the Advocate-General and Mr. Mayne as to the advisability of treating with the Nellambur Rajah with a view to a compromise of the Suit now pending in the Civil Court at Calicut, on the terms indicated by the Collector of Malabar, and have now to state, for the information of the Board, that they are both of opinion that it would be most unwise to attempt any compromise whatever; notwithstanding that such compromise might be effected on terms very favourable to Government, both Mr. Advocate-General and Mr. Mayne being of opinion that Government have a thoroughly good defence to the present Suit, and, moreover, that the effect of even a most favourable compromise would inevitably result in bringing to an issue the several claims of a similar description to the present, which are now kept back pending the result of the present Suit.

2. I have further to state that when I saw Mr. Advocate-General on the subject of the Order of the Board of Revenue above noted, he informed me that in consequence of the further consideration of the Local Fund Bills now before the Legislative Council of Madras being postponed till October next, he would now be in Madras at the time of the final hearing of the Suit in August, next, and would therefore be able to appear in the Civil Court at Calicut at such hearing on behalf of Government. The Advocate-General also informed me that he was willing to accept a fee of 6,500 Rupees upon his Brief, and I have therefore the honour to request that you will obtain the order of Government as to whether I am to mark the above fee on his Brief, and in such case that provision may be made for disbursement to me of the amount of the fee, as I am not in sufficient funds to meet it myself.

3. In conclusion, I should mention that the above fee of Rupees 6,500 will cover any opinions and consultations on evidence which may have to be given by Mr. Advocate-General prior to the final hearing of the Suit.

THE Board concur with the Advocate-General and Mr. Mayne in considering that it would not be advisable to compromise the Suit now pending with the Nellambur Rajah.

2. The question as to whether the services of the Advocate-General should be retained for the final hearing of the Suit will be submitted for the orders of Government.

3. In their Order of the 15th March 1870 Government authorized the Government Solicitor to retain Mr. Mayne, because it was probable that Mr. Norton would not be in India when the final hearing took place.

4. It now appears that Mr. Norton has put off his departure till October, and he will be in Madras when the Suit is heard next August.

other info, it would be in the same

*Proceedings of the Madras Government, Revenue Department,
27th July 1870.*

5. The Government Solicitor asks for orders as to whether he may give him a Brief and a fee of Rupees 6,500.

6. The Suit is one of great importance, and as matters stand they think it necessary to retain Mr. Norton's services.

No. 231.

ORDER THEREON, 27th July 1870, No. 1,122.

Miscellaneous.

UNDER the circumstances represented in the foregoing papers, the Right Honourable the Governor in Council considers it unadvisable to enter into any compromise with the Nellambur Terupad.

2. His Lordship in Council does not, however, deem himself justified in incurring the additional expense involved in the Board's proposal to retain the Advocate-General in the case in addition to Mr. Mayne.

3. It is observed that the Order, dated 15th March 1870, No. 363, authorized the Government Solicitor to secure Mr. Mayne's services at the final hearing of this Suit, because it was reported probable that the Advocate-General would be unable to attend himself.

(True Extract.)

(Signed)

H. E. STOKES,

Under-Secretary to Government.

To the Board of Revenue.

Ed. F. R. Bantleman.

even otherwise, it would be the same

PROCEEDINGS OF THE BOARD OF REVENUE, dated 23rd May 1870.

Read the following letter from A. MACGREGOR, Esq., Collector of Malabar, to the Acting Secretary to the Board of Revenue, dated Calicut, 19th May 1870:—

I HAVE the honour to inform you that the Ellia Rajah of Nelamboor called on me yesterday and expressed the greatest anxiety that the matter in dispute between the Nelamboor Rajah and the Government should be arranged without any further litigation. The Ellia Rajah is transacting all the business of the estate and I have no doubt that he represented the views of his uncle, as the latter is still less inclined to engage in expensive litigation. As the question of a settlement has often before been mooted I should be inclined to regard the proposal with a certain amount of suspicion, and would not advocate the relaxation of the necessary steps towards preparing evidence for the hearing until the Rajah actually signs a document, binding himself to a settlement such as the Government would regard as satisfactory.

2. I believe the Rajah would be satisfied with the consideration that all claim to costs should be foregone by Government.

3. There are in reality two matters in dispute. The question raised in the present involves the title to a block of land in the possession of Government, consisting partly of high plateau land from the left bank of the Pykara river to the northern edge of the plateau of the Neilgherries; secondly, it comprises some slopes on the northern and eastern faces of the plateau, on which Cinchona plantations have been made by Government and by private individuals; and, thirdly, low feverish lands at the bottom of these slopes where a coffee plantation has been begun and abandoned. The latter tract is throughout separated from the plateau above by lines of crags more or less inaccessible.

4. This tract may be described as that part of the Rajah's claim lying beyond the boundary of Nambalacode proper (as claimed by Government) which is not in the possession of Mr. Ouchterlony.

5. The other dispute is regarding land in the possession of Mr. Ouchterlony beyond the limits of Nambalacode proper, and includes all of what is known as the Ouchterlony Valley.

6. The Government have in their orders, dated 30th March 1865, No. 701, and 13th October 1865, No. 2,477, announced their intention of reclaiming this land, and while stating that they were ready to forego mesne profits and to confirm *bonâ fide* titles therein intimated that they would insist on dispossessing the Rajah of his rents as landlord for the future and assuming that position themselves. This they could only do by suit. The land was, however, alienated to Mr. Ouchterlony for a small sum of ready money and an annual payment of 20 Rupees a year.

7. What I would propose is that Government should undertake to forego their claims to any part of the lands included in either of those disputes excepting the lands situated on the plateau, and such of the lands on the slopes as have been appropriated for Cinchona plantation. This would make the Government boundary follow that of the Malabar District with one or two trifling alterations.

8. Mr. Richardson forwarded yesterday to the Government Solicitor a map prepared by Major Hessey, showing all the ground in dispute.

9. Should Government be disposed to arrange the suit as I have proposed it would be necessary for the Government Solicitor to forward to me the draft of a document to be signed by the Rajah, having attached thereto an extract from the aforesaid map, with the boundary to be now stipulated for marked thereon.

COMMUNICATED to the Government Solicitor, with the request that he will take the advice of the Advocate General and Mr. Mayne as to the advisability of treating with the Nelamboor Rajah on the terms indicated by the Collector of Malabar.

(A true Copy and Extract.)

(Signed) J. GROSE,
Acting Secretary.

To the Government Solicitor.

Copy to the Collector of Malabar.

Exd. J. Tulloch.

Colt. of 1870

REVENUE.

THE BOARD OF REVENUE.

Dated July, 27th.

Recd.

And

G. O., 27th July 1870, No. 1,122.

JULY.

Nos. 230-231.

Nelamboor Suit in Civil Court of Calicut, Malabar District.—Proceedings heard of Revenue regarding the non-advisability of treating with the Rajah with a view to compromise, and retention of Mr. Norton's services at final hearing of it, with orders thereon.

I am not sure
 whether it is
 better to have
 the case decided
 by the court or
 by the Board of
 Revenue. I think
 it is better to have
 it decided by the
 court. I am not
 sure. I think it is
 better to have it
 decided by the court.
 I am not sure.

a pt. of course can.
 not compromise in
 the truth of the advice
 the 2 members of the
 Bar. both sorry they
 were not in the
 case.

I think also - with
 the fact that the
 Board of Revenue
 is also in the case.
 which - has been in the
 bearing on other cases &
 claims he would be
 held in reserve - is the
 very worst circumstance.
 Mr. Mayne's services were
 obtained originally, he
 says it was done for
 him, I believe, his own
 fault / that the Board will
 not be in India when
 the case comes on - but
 even otherwise, it would

The Rt Honble the
 Govt. in Council resolves
 to be guided by the
 opinions of Mr. Mayne
 & their law officers,
 and to decline to
 enter into any
 promise of the suit
 with the Hellenian
 Tirupad.

Under the circum-
 stances stated by the
 Board of Rev. he is
 pleased to authorize
 the retention of the
 advocates generally serving
 at the final hearing of
 the suit

Recd in P.O. 1870
 22/11/70
 1870.

Board of Revenue,

MADRAS.

PROCEEDINGS, 23RD MAY 1870, No. 3556.

Received

Encl.

Dec-1790/70

MAY.
 No. 3556.

Sd/- Insulted against Government in Cal-
 licent Civil Court in Malabar District, by Nel-
 lamboor Tirupad, regarding certain lands.-
 Letter from Collector submitting proposals for
 effecting a compromise in, communicated to
 Government Solicitor, with request to take
 advice of Advocate General and Mr. Mayne as
 to advisability of treating with Tirupad on
 terms suggested by Collector.

A treasury order for
Rs 6500 will be forwarded
to the Govt Solicitor in
payment of the Arch
for his fees, and
should the bridge
provision for dam
charges be already
exceeded, the Arch
General will be good
enough to report to
what head the charge
may most conveniently
be debited.

MS

I think, we have not
policy to have secured
them - the less specially
retained, the better
may. I believe, at
least, as to the
like the, under the
circumstances the
Nator should claim
the fee, in another
question.

J. D. S.

I entertain grave doubts
as to whether the Govt
ought to retain the
Advocate General in this
case in addition to
his lawyer who was
retained some months
ago as the former but
the latter was short
of hands here. The
lawyer is a very able
counsel with independent

to be defined the interests
of Govt. - He has been
retained a retaining fee
of Rs 6000 - It is true
proposed to retain the
Nator also at an
additional cost of

Rs 6500.

I would submit to you
that the Govt
do not share the
jointed in retaining
this additional expense
for Nator is no doubt
well acquainted with the
case & with the line
of dispute which will
be before us. What if
the former of his own
if he works & appears
against the Govt. I
believe that the interests
of the Govt would be
quite safe in his lawyer's
hands, and considering
the circumstances which
lead to his lawyer being
retained, I cannot think
that the Govt would
with any propriety accept

a hint from the other
side in this case.

A. A.

I agree with Mr. Advertiser
in thinking that Mr. Potter
should not be retained
also, great an additional
cost. I would depend
on Mr. Mayne.

17/3

Adm. Secy

No 1122.

6

Under the circum-
stances represented in
the foregoing papers, the
Rt Honble the Gov. in
Council ^{considers} ~~deems~~ it un-
advisable to enter into
any compromise with
the Hellenambour Tempad.

J. R. S.

His Lordship in Council
does not, however, deem
himself justified in
incurring the additional
expense involved in the
Bdo proposal to ~~not~~
retain the Advoents funeral,
in the case, in addition
to Mr. Mayne.

It is observed that

The order dated 15 Mar
1870 No 863 authorized
the post solicitor to
secure Mr. Magne's services
at the final hearing
of this suit, because
it was reported probable
that the Advocate General
would be unable to
attend himself.

W.D.

27 July pp

14. To the Board of Review & Aug

July 1870

32/
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