M.R.O. 14—12,000—27-9-34

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 58 Press ~~Mis.~~

113-114

Dated 9— 1— 1867.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
9th January 1867.

No. 113. Read the following Proceedings of the Board of Revenue, dated 14th December 1866, No. 8,880.

Read the following letter from the Government Pleader, Madras, to the Secretary to the Board of Revenue, dated 12th December 1866, No. 133 :—

1. In continuation of the letter which I had the honor of addressing to you, under the date and number in the margin, I have the honor to advise that the suit should be resisted.

11th December 1866, No. 132.

2. The Board will observe that, in framing the written statement, I have not framed the defence on the grounds suggested by Government. I have not adopted that course, as I am of opinion such a line of defence as is suggested could not be supported.

3. I found my opinion that the suit should be resisted on the supposition that the Suravaliuttu Odai is a natural stream ; that it is not a tidal or navigable river ; and that the village of the first and second defendants skirts the stream.

4. The law of England is clear on the point raised by me in the written statement. I cannot find any decision on the point as regards India before the Privy Council ; but although the tenure of land in India differs from the tenure under which lands are held in England, I am of opinion, that the principle on which the decisions in English cases depend, would be upheld in respect of cases arising in India.

Communicated to the Collector of Tinnevelly, in continuation of Board's Proceedings dated 14th December 1866, No. 8,849.

No. 114. ORDER THEREON, 9th January 1867, No. 58.

Miscellaneous.

Ordered to be recorded.

(True Extract.)

(Signed) J. GROSE,
Under Secretary to Government.

To the Board of Revenue.

Exd. S. T. Augustin.

Dept. 1866.
Rec'd Gazette for January

Department.

No. 4309.

PROCEEDINGS OF THE BOARD OF REVENUE.

Dated 14th December 1866.

No. 8,880.

Communicating Collector of Tinnevelly letter from Government Pleader advising that O. S. No. 16 of 1866 on file of Principal ... Amin's Court of Tinnevelly be returned and submitting further remarks regarding ... statement framed by him.

RECORDED.

Rec'd
L. D. L