

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1390	Press Mis.
364-365	
Dated 24-6-1862.	

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
24th June 1862.*

No. 364. Read the following letter from R. E. MASTER, Esq., Officiating Director of Revenue Settlement, to J. D. SIM, Esq., Secretary to Government, Revenue Department, Fort Saint George, dated Madras, 18th June 1862, No. 817/64:—

SIR,

1. I have the honor to submit, for the orders of Government, a letter from the Assistant Director in charge of the Kistna party, dated 24th April 1862, No. 41, requesting permission to defend, at the public expense, a Suit No. 1,033 of 1861, Bapatla District Moonsiff's file, and brought against the Deputy Director Mr. F. W. Morris, four of his official Subordinates and certain other individuals, by one Ravula Ramaya and others, villagers of Perala in the Bapatla Taluq of the Kistna District, with the view to obtain the reversal of a decision passed by the Deputy Director in a boundary dispute between the abovenamed village, and those of Karomchedu and Ipurupalem.

2. It appears that at the time of marking the boundaries of the villages abovenamed, a dispute arose as to the line, and the Ryots of all three villages executed an agreement to the Deputy Inspector of boundaries (2nd Defendant) in which they undertook to abide by the marks and measurements mentioned in certain documents, called Dandakavilalu in the possession of the villagers of Perala. On calling for these documents the Deputy Inspector found that the measurements therein given were according to a "Ghada" measuring 16½ fathoms, the size of the fathom being determined by a stone pillar situated on the southern wall of the Pagoda. The Plaintiffs disputed the correctness of this test, and pointed out a taller pillar on the northern wall of the Pagoda as the true one. The Deputy Inspector, after enquiry, adopted the smaller pillar, made his measurements and submitted the record to the Deputy Director, recommending that the boundary should be marked accordingly, and the Deputy Director on perusal of the record issued orders in general compliance with the Deputy Inspector's recommendation, in accordance with which the boundary was marked.

3. The Plaintiffs have now brought a suit to reverse the decision, and have included the Deputy Director, the Deputy Inspector and three Gumashtas as Defendants.

4. The decision was not formally passed under the provisions of Act XXVIII of 1860, the machinery of that law not being usually put in force unless the parties intimate their wish to that effect in accordance with Section X. It was settled, as hundreds of such disputes are, by the parties agreeing beforehand to abide by certain conditions. Such a mode of settlement is of course not final, and it is open to either party to seek a more formal decision in a Court of law, but the dissatisfied party is hardly justified in including the Settlement Officers as Defendants, for otherwise a Deputy Director might be called upon to defend hundreds of suits. The answer proposed by Mr. Cox, I think, enters unnecessarily into the merits of the case. It seems to me that it will be sufficient for the Deputy Director (first Defendant) to plead the protection of Act XVIII of 1850, and further that he being a Subordinate Officer, the Plaintiffs' proper course, if dissatisfied with his order, was to have appealed to the Director of Revenue Settlement, and that not having done so they are not warranted in including him as a Defendant, and for the 2nd, 3rd, 4th, and 5th Defendants to plead that they are not liable as they merely executed the orders of their superior officer, 1st Defendant.

5. I request that the Government will sanction the defence of this Suit at the public cost.

6. As the time allowed for filing the answer will expire on the 7th proximo, and as it is possible that the orders of Government on the present reference may not be passed in sufficient time to allow of their being communicated to the local Officers before that date, I have instructed the Assistant Director (should no orders to the contrary in the meantime reach him) to put in the draft answer which I have prepared. The institution of the present Suit was only brought to my notice on the 22nd ultimo, and the delay in submitting this report is owing to the necessary records and information connected with the case not having been received till the 16th instant.

Received of
 Dr. J. C. Carter for
 1862. 1862. 1862.

The Hon. Secy of State

The Hon. Secy. of the Treasury
 Washington, D. C.
 Dear Sir:

Handwritten signature: *Handwritten signature*

Headed 1817
No. 1922 June 1862.

64

Don't say I left. I never
20 Sept 1922 U.S. 2714

100647065

Feb. 13th - Sat. -
 Whitewater

Ms. B. 3. 90.
The Governor in
Council is of opinion that the
XVIII of 1859 cannot be placed
in this case, as the settlement of
it is not yet judicially deter-
mined. The same is should
be left for the three
magistrates to find should be
shown to remove their names
from the list of delinquents on
the ground that they are not
interested in the said land that
the said parties agree to advise
by the decision of the settlement
officers. —

Thos W. Leonard
26 June 1862

From W. D. Leonard }
 21. & June 1862 }
 The copy of the Journal of the
Board of the 27th
of the 27th
 is given to the printer
 of the 27th