M.R.O. 14—13,000—27-9-24.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 2429 Press ~~Mis.~~

241. 243

Dated 11 - 9 - ~~19~~1866

Not to be folded or roughly handled

Read the following papers:—

No. 241. From the Collector of Nellore, to the Secretary to Government, Revenue Department, Fort Saint George, dated Nellore, 16th August 1866, No. 39.

* Proceedings of the Board of Revenue, dated 20th July 1866, No. 4,993, and 26th August 1866, No. 5,410.
Letter to Board from Collector of Nellore, dated 9th August 1866, No. 243.

1. I have the honor to submit, for the consideration of Government, the correspondence noted marginally.*

2. In 1862-63 some land was given by the Sub Collector, Mr. Eliott, to one Chatrasi Narsimhulu, who cultivated the said land, and in due course obtained a Puttah for it.

3. The Puttah given in 1862-63, after due enquiry, was renewed the following year.

4. In 1863-64, in November, one Sagi Pedda Subbarazu claimed the land; and Mr. Eliott's successor cancelled the Puttah given by his predecessor.

5. The case then came before me in appeal; and, in the first instance, I determined to support the act of Mr. Eliott's successor. But I changed my mind before issuing the order, and deciding that what might have been taken into consideration in giving away land could not be taken into consideration when it was a question of cancelling a Puttah that had been given in due course, and held for two years, I decided against Sagi Pedda Subbarazu, and directed that the Puttah given by Mr. Eliott should be maintained; and a suit having been brought against me by the said Sagi Pedda Subbarazu, and the Board having refused to allow me to defend it at the public expense, I submit the case for the orders of Government.

6. The grounds on which the Board have proceeded are as follows:—

1*st*.—That I have not replied to a question put by the Board.

2*nd*.—That by my own shewing the man I gave my decision against had the better right.

7. The question put, and the answer given, I place side by side for reference.

Question.	*Answer.*
"The Board desire to know whether "the Plaintiff did actually hold the land "in dispute for some years for agricul- "tural purposes, and afterwards as pas- "ture land, and whether he paid the tax "upon it during both periods the land "being included in his Puttah as part of "No. 111. If so, the Board fear that "the acts of the Revenue authorities can- "not be defended with any prospect of "success."	"There is nothing in the accounts "to shew that the land was ever held by "him, or that he ever paid for it."

8. The answer in the preceding paragraph is, in the opinion of the Board, no answer, as I had previously stated that no reliance could be placed on the numbers; and consequently the accounts cannot establish "occupation either way;" on which point, I beg to submit, whether the accounts are necessarily no evidence as to occupation, because wrong as to numbers. That reliance cannot be placed on the old numbers in this District is notorious, but in other matters our accounts are

held good evidence. And if we take documentary evidence, I do not know that there is any other evidence, that we could take into Court better than the Government accounts. These accounts shew whether the land was paid for. If the area in occupation of the complainant, exclusive of the land in dispute, be more than he is paying for, the inference is that the land in dispute "is not included in his Puttah," he is not paying tax for it; and so far I answered, it seems to me, the Board's question, and I do not see what other answer I could have given.

9. As regards the second ground for the Board's decision, that the suit cannot be defended at the public cost, as I have myself shewn that the complainant has produced witnesses to his occupation, I beg to submit, for the consideration of Government, whether the fact, that complainant has "adduced oral evidence" to "previous occupancy," to a fraud in fact, can be regarded as sufficient grounds for cancelling a Puttah or confirming such cancelment, when no occupation was asserted till the land had been more than a year in the occupation of the Puttahdar. I simply referred to this oral evidence as the grounds on which an irregular order had been passed; and when I submitted my reply to the Board's question as to occupation, I presumed that the question had reference solely to our accounts, which are all that I should like, or think it advisable, to take into Court.

10. I regret extremely that I should have to trouble Government on a matter that is more or less personal. If it were merely a pecuniary question, the reference should not be made. I would pay the costs, should the decision of the District Moonsiff be against me, as I have paid the small sums noted in the margin.* But the question here involved affects the influence of a Collector. And without presuming to question the soundness of the decision arrived at by Board in a legal point of view, as regards my own proceedings, I respectfully beg the Government will be pleased to decide whether my order was so opposed to common sense, and the evidence before the Board, as to justify the Board denying me the support that is usually given when an Officer has apparently acted in good faith and to the best of his judgment.

* Board's Office Memorandum, dated 7th April 1866, No. 363 ... 3
Board's Proceedings, dated July 1863, No. 5,112 ... 6

11. On the receipt of the Board's Orders of the 6th, thinking the Board might perhaps have special grounds which rendered the support of myself unfair to others, I requested that I might be informed of those grounds, should there be no objection, intending to send this appeal through the Board. Not having received a reply as I am about to proceed on leave for three months, I trust I shall be excused for addressing the Government direct; and, in conclusion, I beg to state that a copy of this letter shall be duly forwarded to the Board for such remarks as they may consider it necessary to make.

12. Since writing the preceding paragraph, I have received the Board's Proceedings of the 15th,† stating that the support I claim is refused, because the order finally given was unjustifiable, and cannot therefore be defended at the public cost.

† Copy sent.

13. The Board infer from the evidence that the complainant was actually in possession of the land when a Puttah was given for it to another man by Mr. Eliott, and therefore the two years' occupation, to which I gave weight in maintaining

Mr. Eliott's Puttah, "was an additional reason why the wrong complainant had "sustained should be remedied without delay." I respectfully submit that the evidence before the Board leads to the opposite conclusion, and when complainant in his own plaint‡ sues for the crop grown in 1862-63, and only complained in 1863-64, the inference is that he was not in possession of the land when the Puttah was given to another. Whatever oral evidence might indicate, had complainant been really in possession of the land when the Puttah was given, he would not have let another take, still less cultivate it, without making a complaint. He would have complained at once, in 1862-63, before the Puttah was issued for that year. He did not complain, as I have already stated, till the following year, till 1863-64, and so far as I am aware he has given no explanation whatever of his previous silence.

‡ Board's Proceedings, 20th July 1866.

14. Leaving, however, these details as comparatively of minor importance, I beg finally to submit for the orders of Government whether the defence of official acts at the public expense is limited, as defined by the Board. I have always understood, as stated before receiving the Proceedings of the 15th, that so long as an Officer could be considered to have acted in good faith, and to the best of his judgment, he might reckon with safety on receiving the support of Government, that the Government would uphold him. But if such support is otherwise, if each of the numerous acts that a Collector is called on to perform is to be viewed on its own merits, and the Officer held liable to defend it at his own expense, should the Board disagree in the view taken of the evidence, the case becomes very different, and a responsibility is incurred that becomes a grave consideration. In the present case, I am called on to defend a suit in a Court eighty miles off. I am necessarily employing my Cutcherry in the preparation of what the Board have ordered shall be done at my own expense; in other words, disobeying a positive order of Government, and employing my Cutcherry in my private affairs; and as the state of my health renders it necessary for me to go on leave, I must ask my successor to abet me in such disobedience. If more time were at my disposal, I might make other arrangements. But there is nothing to prevent an accumulation of private suits in different parts of his District, as, deprived of the support of Government, would materially affect the efficiency of any Officer, to say nothing of the pecuniary risks involved. In suits such as that under reference, the Collector is in no ways personally interested. No body supposes I have any concern in the land. I am only brought into Court that all concerned may be present. My defence involves no denial of private rights, simply the recognition that so far as I am concerned the act was what had been done in good faith and to the best of my judgment, and should this view of the case be correct, I trust to this extent I may be supported.

No. 242. Proceedings of the Board of Revenue, dated 27th August 1866.

Read the following letter from the Collector of Nellore, to the Secretary to the Board of Revenue, dated Nellore, 17th August 1866, No. 253.

1. With reference to my letter of the 9th, I have the honor to submit, for the consideration of the Board, copy of a letter which I have deemed it advisable to address to Government without waiting for the further information I applied for as to the grounds on which the Board considered that they could not sanction the

defence, at the public expense, of Original Suit No. 537 of 1865, on the file of the District Moonsiff of Ongole.

2. The Board will, I trust, recognize the importance it is to me to have the question laid before Government before I proceed on leave, and that in addressing the Government direct, I adopt this course solely with reference to the few days that now intervene to the 28th, when I propose to hand over charge to Mr. Chase.

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1. The only remark that the Board deem it necessary for them to make on Mr. Dykes' letter to Government is, that as they apprehended the facts of the case from his report, there was nothing except the detected difference between the results of a scientific survey of the Plaintiff's holding, and the old entries of its extent in the Registers based on imperfect and rude measurement or grain estimates, to shew that the land in question was not included in Plaintiff's holding for which he was paying, and that the fact of his actual enjoyment of the land had been established to the Collector's satisfaction.

2. Mr. Dykes himself stated that the entries in the accounts, as regarded particular numbers of fields, could not be trusted, and therefore the fact that the accounts did not shew that Plaintiff paid for a field bearing a particular number did not, in the Board's opinion, establish anything one way or the other.

3. Under these circumstances, it appeared to the Board that they could not support the Sub-Collector's act in making over the land to a different person, or the Collector's revised decision in appeal upholding the Sub-Collector's order.

4. The Plaintiff appeared to them to have sustained a wrong at the hands of the District Officers, and the Board did not see how they could sanction the defence of the suit at the public cost.

5. They regret that their decision should have subjected Mr. Dykes to trouble and annoyance when he is out of health, but they do not see what other course they could have adopted, unless every act which is done by a Collector in good faith is to be defended at the public cost.

No. 243. ORDER THEREON, 11th September 1866, No. 2,429.

Land Revenue.

Ordered to be recorded, with reference to G. O. of the 21st ultimo, No. 2,161.

(True Extract.)

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

To the Board of Revenue.

Rd. S. T. Augustin.

No. 4,993.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 20th July 1866.

Read the following letter from J. W. B. DYKES, Esq., Collector of Nellore, to the Acting Secretary to the Board of Revenue, dated 4th July 1866, No. 205 :—

1. I have the honor to enclose the translation of a Plaint in case No. 537 of 1865, on the file of the Ongole District Munsiff's Court, as also an abstract of the Plaint and Draft Answer, and request the sanction of the Board to conduct the defence at public cost.

2. The third Defendant, &c., applied in 1862-63 for certain lands in Vulichi, in the Ongole Taluk, amongst which was land No. 112, consisting of 1¼ Gorru. The village authorities, in the usual form, reported that there was no objection to the application being accepted; and the same was accepted, and a Puttah granted that year in due course by the Sub-Collector, Mr. Eliott.

3. The complainant, Sagi Pedda Subbarazu, under the name of Sagi Subbarazu, thereon presented a petition to the said Sub-Collector, dated 22nd November 1863, No. 1,019, representing that the land in question was not No. 112, but part of No. 111, for which he held Puttah; and the issue of a Puttah to another was therefore wrong.

4. This petition was referred to the ahsildar for report, which was submitted under date 8th June 1864, No. 82.

5. From the report, No. 82, it appeared that the land entered in the A. Register as No. 111, consisted of fifty Gorrus, and was in the occupation of six separate Ryots, of whom the complainant was one; that, on measuring the lands held by these six Ryots, there was an excess of upwards of five Gorrus found; that the complainant, in whose name G. 14, V. 7, P. 8 were entered at the ordinary rates, and G. 3, V. 2, P. 0 as pasture, had G. 0 V. 2, P. 0 in excess of the recorded area; and that these measurements did not include the land in dispute.

G.	V.	P.	
40	3	12	held on Puttah.
9	12	4	held as pasture.
50	0	0	

6. But the complainant having deposed, before the Tahsildar, that he had cultivated the land in dispute some time ago, and had left it fallow in consequence of the soil having become unproductive, and having called witnesses who deposed to the fact of the land having been cultivated by him some four or five years back, the Acting Sub-Collector, Mr. Morris, thereon reversed his predecessor's proceedings, and issued an order, dated 11th August 1864, No. 398, directing that the Puttah granted to the third Defendant should be cancelled, and the land included in the Puttah of the complainant for 1864-65. The third Defendant, &c, having cultivated the land in 1863-64, the assessment was ordered to be collected from them, while the Sub-Collector declined to pass any order as regards the demand for 1862-63, on the ground that it had already been collected.

7. The third Defendant, &c., then appealed to me; and, without reference to the propriety of the Acting Sub-Collector reversing his predecessor's proceedings, I passed the following order: "The decision of the Sub-Collector is upheld. The land is on the banks of the Gundlakama. "The excess found on measurement may be the result of natural causes. The Appellant, it "appears, is one of those men who go about looking for such cases. He has no cultivation in the "neighbourhood. He has none in the village save one and a half Gorru to the east, which is not "cultivated as village authorities state; and to allow him, as shown in the plan, to come between "Respondent and the river would be wrong. No reliance can be placed on the old numbers, "and No. 112 may be in the bed of the river. 14-2-'65."

8. In passing this order, I, however, lost sight of an important point, viz., that the Defendants had been in possession of the land for 1862-63 and 1863-64; and the order not having been issued, though recorded, I reversed it, and finally issued the following order: "On re-consi- "deration, the Collector considers that the order passed last month must not be issued. The "reasons quoted, as regards Chatrasi Narsimulu (third Defendant) not having land, would have "held good had it been now a question of giving him it. But when it comes to turning him

" out of what has been given, the case is different; and although no reliance can be placed on " the numbers, with an excess as it is in his area, more land cannot be given to Sagi Subbarazu. " Sub-Collector's order reversed. 17-3-'65."

9. In the A. Register, No. 112 is entered as one and a quarter Gorrus Isukabhumi, south of No. 111; and the land in dispute agreeing with these details, under the peculiar circumstances of the case, I was unwilling to act upon the doubt as to the numbers and the intentions of the Defendant, and to the extent of depriving him of what he had obtained in due course two years previously.

10. When the Plaint was filed, I was not included as a party, and in the Notice served by the District Munsiff, it is stated that I have been included as a party, at the request of the complainant.

11. The date for filing the Answer will expire on the 17th, which will be postponed till the 31st instant.

Enclosure No. 1.

No. 537 of 1865.

Plaintiff,

Sagi Pedda Subba Raz, caste Kshatriya, profession Cultivator, residence Devarampad, Ongole Taluk.

Defendants.

(1.) Vulichi Kotappa, caste Bramin, profession Kurnum.
(2.) Vulichi Kondalarayudu, caste Bramin, profession Kurnum.
(3.) Chatrasi Narsimulu, caste Salé, profession Weaver.
(4.) Chatrasi Bhadrachelam.
(5.) Gandigunta Ramasami, caste Kamma, profession Cultivator.
(6.) Boiguluri [illegible], caste Balija, profession Cultivator.
(7.) Vattem Narasimulu. The first, second, third, fourth, and fifth Defendants are residents of Vulichi, and the sixth and seventh of Boddalurivaripalem hamlet of Devarampadu, in the Ongole Muttah.

Complaint preferred under Section 26 of Act VIII. of 1859.

I have every right to the G. 1 and V. 4 of land specified below included in Yeti Turpu Chenu, bearing No. 111 in my Puttah.

2. This land, along with the remaining portion of No. 111 Puttah land, is under our occupation and indisputable enjoyment from a period of 100 years.

3. The aforesaid land, situated by the side of a river, being well suited for pasturage, in consequence of its climate having become enriched by the river freshes, it is left waste for the use of my cattle, from a period of about five or six years.

4. As the village Kurnums, first and second Defendants, are on bad terms with me, they made the third, fourth, and fifth Defendants to apply for this land, got Puttahs for the same issued to them in Fusly 1272, by falsely representing to the authorities concerned that it is an unoccupied immemorial waste land and usually deducted in the accounts under "Isuka Minha," and that it bears No. 112. They also caused its boundary lines to be marked down.

5. Thereupon, a complaint having been preferred by us in the matter to the Sub-Collector, he got the case inquired into by the Tahsildar of our Taluk, and on perusing the records, decided the case on our behalf, and issued a Takid, dated 11th August 1864, directing that the land should be included in our Puttah in Fusly 1274, and that as the third, fourth, and fifth Defendants had cultivated it during Fuslies 1272 and 1273, when it was under dispute, the sist due thereon should be collected from them. I was, accordingly, placed in possession of my land including the same in my Puttah.

6. The land was placed under my enjoyment in Fusly 1274.

7. After this, the third Defendant preferred an appeal before the Collector of this District. He, the Collector, considering our right over the land and enjoyment although in the first instance confirmed the Sub-Collector's decision, and issued verbal orders to the effect, on a further consideration reversed it, stating that the grounds which appear to go against the Appellant's (third Defendant's) interest would only be of use in newly granting the land to me, but not in cancelling the Puttahs which were already issued to the Appellant, who paid the sist due on the land for two years. The Collector at the same time also issued Takid, dated 12th April 1865, to the effect, to the Tahsildar, and placed the third, fourth, and fifth Defendants in possession of the land.

8. The third, fourth, and fifth Defendants caused the land to be cultivated by the sixth and seventh Defendants. The land is fit to be sown. It is now in the occupation of the third, fourth, fifth, sixth, and seventh Defendants.

9. The third, fourth, fifth, sixth, and seventh Defendants have no right to the land under dispute.

10. If any excess is to be found in my land, I am prepared to take it up. Others have no right to it.

11. Considering the rich climate of the land which had been left waste for a long time, my profits would have been immense if I had cultivated it myself in Fuslies 1272, 1273, and 1275. By this Defendant I lost these profits.

12. And I request, under these circumstances, that I may be put in possession of my land, which measures G. 1, V. 4, P. 0. The annual income derivable from this land is Rupees 40, inclusive of Government sist, Rupees 8-8-0.

And I further request that the Court will be pleased to recover and give me the loss, Rupees 94-8-0 as detailed below, sustained by me in produce.

The boundaries of the portion of No. 111 under dispute, belonging to my Puttah, are as follow:—

(No. 1.) East Part of No. 111 of my Puttah and Nellore Venkayya and my uncle Sani Rana Chendra Razu's lands.
South. Nunam Ankayya's field.
West. The river.
North. My waste land.

Annual income derivable from the produce of the land situated within these boundaries inclusive of Government sist, is Rupees 40...	40	0	0
(No. 2.) The value of Puttis 3 and T. 15 of Jonnala, being the produce of the land during the said three Fuslies, at the current selling price, viz., Rupees 40 per Putti, is Rupees 150. And deducting from this Rupees 30, being expenses for cultivation, cost of seeds and hire for harvesting the crop, and also Government sist for the three Fuslies Rupees 25-8-0, the net profit is...	94	8	0
Rupees...	134	8	0

I beg to request, under these circumstances, that decision may be passed in my favor to enable me to recover from the said amount of Rupees 134-8-0 (No. 1) my land, and (No. 2) the loss referred to. I further request that the costs of suit may be made good, causing at the same time the Puttahs in the names of the third, fourth, and fifth Defendants to be cancelled, and the same included in my Puttah.

12th September 1865. (Signed) PEDDA SUBBA RAZU.

I hereby certify that the matters referred to in the Plaint are, to the best of my knowledge and belief, correct and true.

14th September 1865.

(Signed) PEDDA SUBBA RAZU.

(Signed) BHIMARZU RAMAKISTNAYA,
Pleader.

(Signed) Y. GOPALAKISTNAYYA,
Munsiff.

(True translation.)

(Signed) J. W. B. DYKES,
Collector.

ENCLOSURE No. 2.

ABSTRACT.—Abstract of the Plaint, &c.

ENCLOSURE No. 3.

ABSTRACT.—Answer proposed to be filed by the eighth Defendant in No. 537 of 1865.

The Board desire to know whether the Plaintiff did actually hold the land in dispute for some years for agricultural purposes, and afterwards as pasture land, and whether he paid the tax upon it during both periods, the land being included in his Puttah as part of No. 111. If so, the Board fear that the acts of the Revenue authorities cannot be defended with any prospect of success.

(True Copies and Extract.)

(Signed) R. A. DALYELL,
Acting Secretary.

To the Collector of Nellore.

Exd. J. Wright.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 20th July 1866.

Received

No. 4,993.

Requesting further information, from Collector of Nellore, regarding land forming subject of dispute in Suit No. 537 of 1865, on file of Ongole District Munsiff's Court.

No. 5,410.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 6th August 1866.

Read the following letter from J. W. B. DYKES, Esq., Collector of Nellore, to the Secretary to the Board of Revenue, dated 27th July 1866, No. 223 :—

1. I have the honor to acknowledge the receipt of the Board's Proceedings, dated 20th instant, calling upon me to report whether the Plaintiff did actually hold the land in dispute for some years for agricultural purposes, and afterwards as pasture land; and whether he paid tax upon it during both those periods, the land being included in his Puttah as part of No. 111.

2. In reply, I have the honor to state that there is nothing in the accounts to show that the land was ever held by him, or that he ever paid for it.

---

1. As at present informed, the Board cannot sanction the defence of the Suit at the public cost.

2. The Collector has not replied to the Board's question, as his answer refers only to the information to be obtained from the accounts, while he has himself stated in paragraph 7 of his first letter that no reliance can be placed on the old entries of field numbers, and consequently the accounts cannot be held to establish the point of occupation either way, and he has also stated in paragraph 6 of the former letter that Plaintiff had adduced evidence to establish the fact of previous occupancy.

3. The Collector's original decision (subsequently cancelled) appears to the Board to have been the correct one.

(A true Copy and Extract.)

(Signed) W. HUDLESTON,
Secretary.

To the Collector of Nellore.

Exd. J. Wright.

Nellore, Collectors Office, 9th August 1866.

No. 243.

From,

J. W. B. Dykes, Esquire,

Collector of Nellore.

To,

W. Huddleston, Esquire,

Secretary to the Board of Revenue,

Madras.

Sir,

I have the honor to acknowledge

Dated 6th instant. the receipt of the Board's Proceedings, stating that they

cannot sanction the defence at the public expense

of the suit on the file of the Ongole Munsif re-

-ferred to in my letter of the 27th July 1866.

2. As the suit is not one which can be

compromized in deference to the Board's views

I have directed the requisite measures for the

defence to be taken at my expense, and res-

-pectfully

Copy of Letter from the Collector of Nellore to the Secy. Board of Revenue, No. 243, dated 9th August 1866.

1866. Department.

Rec'd 20/8/66.

No.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 6th August 1866.

Received

No. 5,410.

Declining to sanction defence at public cost of Original Suit No. 537 of 1865, on file of Ongole District Munsif's Court in Nellore, regarding certain land.

D. W. H.

D. 24/8/66

-pectfully request the favor of the Board's in-
-forming me, should there be no objection
on what grounds it is considered that
the official act, with reference to which
this suit has been brought, is one that I
must personally defend.

2. I propose to avail myself of my
privilege leave from the 28th, and should be
obliged by early orders on the subject.

I have the honor &c

/Signed/ J. W. B. Dykes,

Collector.

Examined
W. L. Strachey

Revenue Department

Proceedings of the Board of Revenue
dated 15th August 1866

Read letter from the Collector
of Nellore, dated 9th August 1866, No 243.

The Board have already
informed the Collector why they cannot
sanction the defence at the public cost of
the suit in question viz because his original
order (subsequently cancelled) was the right
and proper one to be given - The order for
reversal of which Plaintiff sues was in the
Board's opinion unjustifiable - It deprived the
Plaintiff of what (so far as the Board are at
present informed) appear to have been his clear
rights in the land which was in fact already
in occupation when it was given to the third
Defendant on Durkhast and the reason
assigned

assigned for the order viz that Plaintiff had been dispossessed for 2 years so far from being any justification of the order was an additional reason why the wrong Plaintiff had sustained should be remedied without further delay.

If there are any facts in the case which justify the Collectors act, but which have not been laid before the Board, the Collector is at liberty to bring them forward and the Board will reconsider their decision

The Collector of course understands that unless an official act is shown to be justifiable, its defence at the public cost cannot be sanctioned

(True Extract)

(signed) W Huddleston
Secretary

To

The Collector of Nellore.

(True Copies) [signature]

Collector

Enclosure No III

Copy of letter from the
Collector of Kistna to the
Secretary to Government of
Fort St George, Revenue Department
No 39

Rec'd 24/01/65

Rec'd in Bd's Office 26th Jan 1865

Copies of correspondence
in which the Board have declined
sanctioning the dispossession of the Ryt
Cost of Civil Suit No 537 of 1861
in the file of the Civil Judge Masulipatam
Court.

Entered 26/1/65
24-1-65

Answer ordered to be filed by
the 8th Defendant in suit No 537, on the
File of the District Munciffs of Angole.

The 8th Defendant requests that
he may be relieved from this suit and
his costs awarded on the grounds that
he did not dispute Complainant of
the land claimed, was justified in the
orders he issued on the subject, and is
prepared to give Complainant a patta
for the land, should the decision of the
Court be in Complainants favor.

2 When the land in dispute was
applied for 1862-63, and a patta granted
by the SubCollector after due inquiry,

Complainant

Complainant did not state that he
was in possession of the land. He only
Complained in November 1863. And
in his plaint he himself admits that
the land had been waste for 5 or 6 years
previous to 1862-63 and was cultivated
by the Defendants in 1862-63, as well as
1863-64.

3 The patta issued in 1862-63, by
the then Sub Collector, it was not Compe-
tent to his successor to cancel of his own
accord in 1864-65. And the claim the
Complainant might have to the land
on the score of having grazed his cattle
there without paying for the pasture,

it

it was not for the 8th Defendant to consider
in deciding whether the irregular act
committed in Cancelling the patta
should be maintained, or the patta
issued after due inquiry upheld.

/Signed/ J. W. B. Dykes
Collector

/True Copy/

J W B Dykes
Collector

Submitted for the information of
Government.

Read Entered Recorded and Filed

114

Ex. 2429.

Ordered to be recorded

with reference to G.O. 7

the 21st Instant. No 2164.

1001

11th Feby 1866

14 Boards of Rev Despts 13th

Rec. 24 Feby 1866.

From

The Provost Marshal

Nelson

Co. Kentucky to Govt

Pay: Reports

Rebellion

Claim for Rent

Reports &c.

Copy of Answers

ordered to be filed by the

8th Regiment in Chief

Mr. Gay on the 5th of the

Chief Examiner's Office

Dec 5 66

Wm. [illegible]

Ex. 2429

C No 2767 of 1866
Pro: 24th August 66 No 3304 53

Rev:
Pro: of Govt. for September 1866 - Dept
No. 2836.
Proceedings of the
Board of Revenue

Dated 27
Desp. 27th } Aug 1866
Rec. 28th

No

Pro of the Board of Rev of 1st Sept
No 979.
Pro of the Board of Rev
of 19 Sept 1868 No 8074

No 2429 11 Sept

Passing remarks on
letter addressed to Govt. by
the Collr of Bellore on subs-
ject of D.J. No 537 of 1865
on file of Dt Munsiffs Court
at Ongole, the Offence of
which was refused to be sanc-
tioned by Board at public
Meeting.

No 241 @ 243

C 31 and 4 Dos Rs.