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MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. /58

~~Press~~
Mis.

Dated 24-1-1871

Not to be folded or roughly handled

PROCEEDINGS OF THE BOARD OF REVENUE, dated 20th December 1870.

Read the following letter from Colonel F. J. B. PRIESTLEY, Superintendent of Revenue Survey, to the Acting Secretary to the Board of Revenue, dated Chepauk, 24th November 1870,

No. 2,810-108:—

ON the recommendation of the Board of Revenue, Government, in their Proceedings of the 14th December 1869, No. 3,176, directed that Major Hessey should be employed as Commissioner for the settlement of the disputed boundary between the Rajah of Nellambur and Government, I have the honour to enclose extracts from judgment of the Civil Court of Calicut expressing a high opinion of the value of Major Hessey's services towards the settlement of the disputed boundary.

2. I have not been able to ascertain whether any scale exists for the remuneration of officers similarly employed, but according to Act VIII. of 1859, Section 182, it is laid down that the Court may order a certain sum to be paid by the party at whose instance or for whose benefit the Commission is issued for the expenses of the Commission; as in this case Major Hessey was nominated Commissioner by the Advocate-General on behalf of Government, I trust the Board may see fit to recommend to Government to sanction some reasonable remuneration being paid to Major Hessey.

3. He was employed on the duties of the Commission from 6th January to 1st February 1870, and passed the greater part of the time between these dates in the unhealthy localities adjoining Nellambur and Goodaloor. Towards the expenses incurred by him, he has only drawn 130 Rupees, being mileage at the usual rate. This sum I need hardly observe goes but a very short way towards meeting the expenses attendant on travelling in the Wynad, amounting, I believe, to about 500 Rupees in the present case.

P.S.—An original letter, (to be returned,) from Major Hessey, dated 7th November 1870, No. 1,083-447, is appended for reference if required.

EXTRACT from Judgment in Original Suit No. 10 of 1862, in the Civil Court of Calicut, dated 15th August 1870.

2. For the purpose of elucidating the matter in dispute and of tracing the boundaries mentioned in the plaint, and to enable the plaintiff to point out the places mentioned in his Exhibits, this Court deemed it requisite to have a careful local investigation, and to have special maps prepared setting out clearly the boundaries of the land claimed by the plaintiff and the portions now in the occupation of the Government; a Commission was therefore issued under the provisions of Section 180 of the Civil Procedure Code to Major W. H. Hessey, Deputy-Superintendent, Revenue Survey, directing him to examine witnesses and any documents which the parties might produce, and to prepare detailed maps, and submit the same with a report.

3. The Commissioner accordingly proceeded to the locality, and having given due notice to the parties to appear before him with their evidence, he conducted a full inquiry into all the matters submitted to him, prepared maps of the lands in dispute with the surrounding country, and sent in the same with a report accompanied by the depositions which were taken by him. These maps, report, and depositions now form a most valuable part of this record, and were received in evidence. The inquiry was so carefully conducted and the maps so clearly drawn out, that the trial of this suit was rendered far more simple than it otherwise could have been; in fact without such maps and local inquiry, it would have been very difficult for this Court to arrive at a right understanding of the plaintiff's claims. Great praise is due to Major Hessey for his careful execution of this order of Commission, and it is a tribute to the exhaustive nature of his work that neither the Court nor either of the parties to the suit required his personal attendance in open Court at the final hearing..

(Signed) F. C. CARR,
Acting Civil Judge.

(True Extract.)

(Signed) F. J. B. PRIESTLEY, Colonel,
Superintendent of Revenue Survey,

CHEPAUK,
24th November 1870.

ENCLOSURE No. 1.

From Major W. H. HESSEY, Deputy-Superintendent, No. 1 Revenue Survey Party, to the Superintendent of Revenue Survey, dated Coimbatore, 7th November 1870, No. 1,083-447.

REFERENCE—Your letter, No. 2,556-355, of 31st October 1870, asking for information regarding the number of days I was employed as Commissioner in the Boundary dispute between the Nellambur Rajah and the Government, and regarding batta, mileage, or any remuneration drawn by me.

I have the honour to send you a statement of the mileage drawn by me whilst on duty away from my head-quarters, on the occasion of my being employed as Commissioner for the purpose of mapping the boundaries of certain lands claimed by the Tirumulpad of Nellambur in Original Suit No. 10 of 1868, in the Civil Court of Calicut.

2. It is nothing more than the ordinary mileage drawn by me whenever I am absent on duty from my own district (Coimbatore), or when absent from head-quarters on any other than Survey duty.

3. The Civil Judge of Calicut inquired if I were willing to undertake the appointment of Commissioner for the purpose of preparing maps and defining the boundaries of the lands in dispute in Original Suit No. 10 of 1868, on the file of the Civil Court of Calicut, and stated that I had been nominated by the Advocate-General who appeared as Counsel for Government.

4. Goodaloor is not perhaps a locality I should have selected to pass a fortnight in if I had consulted my own inclination, but it appeared to me that the defendants in the suit would not have nominated me unless they had considered it for the interest of Government that I should act. I therefore, as a mere matter of duty, accepted the nomination irrespective of any prospect of remuneration.

5. Had I not been in the service of Government, the Court would doubtless have awarded a sum as remuneration under Section 182 of the Code of Civil Procedure Act VIII. of 1859.

6. Being a Government servant, I could not of course claim or expect any extra payment for the performance of any duty whatever it might be.

7. I am happy to have been able to execute the duty to the satisfaction of the Court and to have been favoured with the expression of your approbation.

8. I left Coimbatore on the 6th January 1870 and returned to it on 1st February 1870, having been absent from my head-quarters for 26 days as per diary enclosed.

ENCLOSURE No. 2.

ABSTRACT.—List showing the amount of Mileage allowance and Trainage of horse drawn to Major W. H. Hessey, Deputy-Superintendent of Revenue Survey, No. 1 Party, while on Circuit to Nellambur, for the purpose of settling the disputes of boundaries between the Rajah of Nellambur and Government.

ENCLOSURE No. 3.

ABSTRACT.—Diary of Major W. H. Hessey, Deputy-Superintendent, Revenue Survey, and Commissioner appointed by the Civil Judge, Calicut, for the purpose of mapping the boundaries of certain lands claimed by the Tirumulpad of Nellambur, in Original Suit No. 10 of 1868.

SUBMITTED for the orders of Government.

2. The Board think an honorarium of Rupees 500 should be given to Major Hessey as an acknowledgment of his services and to reimburse him for the extra expenses which he incurred.

(True Copies and Extract.)

J. Grose
Acting Secretary.

To the Secretary to Government, Revenue Department,
with two original enclosures.

Copy to the Superintendent of Revenue Survey,
with one original letter, returned.

„ to the Collector of Malabar.

Ed. T. Cartledge.

Revenue Department
17-188.

Proceedings of the Madras Government
Under date the 21st January 1871.

Read the following
Proceedings of the Board
of Revenue.

Subj. for orders letter
from Supdt. of Rev. Survey re.
recommending grant of honorarium
to Major Hessey, D. S. S., as an
acknowledgment of his services
in connection with settlement
of boundary dispute between
Nellambur Rajah & Government.

(H.E. 20th December/70
No. 7234)

The Government
consider that Major
Hessey is fairly entitled
to special remuneration for
the difficult work which
he so efficiently performed
to the recorded satisfaction
of

J. Grose

of the Civil Court.

The suit was decided
in favor of Government

but the costs of the Com.

mission were divided.

No claim for special

remuneration was advanced

or even contemplated ap.

parently by Major Depey

as costs in the suit, and

the Government ^{has accounted} ~~has accounted~~

that the ^{usual} ~~ordinary~~ mileage

drawn by him was charged

as an ordinary ^{item} ~~part~~ of

his pay bill against

Government.

2. Colonel Priestley

states that he believes

Major Depey's extra or

This occasion to have been

about \$500. and the Go

vernment therefore accept

the Board's recommendation

and authorize the Account

General to pass the

amount of \$500 to Major

Depey to be debited against

the Budget provision for

law expenses.

48

14 Letter B of Rev. Mr. Dr. 25
6 - ^{Acct. Genl.}
13 - ^{Letter of Rev. Mr. Dr.}

G.D.
Honorable Mr.
Major Henry M.
Sgt. Rev. Henry

15.3.12.19
26.1.71
4-6-185

C.D.
N.