

95546

Selection from the old
Records of the Grayham Collectorate
1840

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Selections from the Old Records

OF THE

GANJAM COLLECTORATE.

1840.

Printed for convenience of reference.

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Index No. 4/1840.

Revenue Department

No. 1320.

Extract from the Minutes of Consultation under date the 14th October 1840.

Read the following Extract from the Proceedings of the Board of Revenue.—

Relative to the Settlement of the Land Revenue
of the Government Talooks in the District of Ganjam
for Fusly 1248.

Here enter 3rd September 1840 No. 332.

Para 1. The Right Honourable the Governor in Council much regrets to observe that owing to the extremely disastrous nature of the present season 1249 falling upon two previous bad years, the inhabitants of the Villages in the Itchapore and Palaecondah Talooks have been reduced to the greatest distress for the means of subsistence and that great mortality has ensued from starvation and disease. He remarks at the same time that in the Wadadah Talook, which is extensively supplied by River channels, the crops were of an average quantity. This fact shows that much of the misery which periodically occurs might be prevented if the River irrigation could be extended, and he desires that the Board will call the particular attention of the Civil Engineer of the division to the subject and that he be directed to ascertain whether the irrigation of this District is not susceptible of improvement.

2. The Gross Settlement of the Government Estates for the year under review exhibits an excess above that of the year preceding to the extent of
Fusly 1247 4,91,542-3-11 13,381-13-10 owing to the improved state of the
Do. 1248 4,14,924-6-9 resources of the villages in the Goomsur talook and partly to the

progressive rise in the rent of the triennial lease of the Villages in that of Soornadah.

3. Of the amount of settlement above shown there remained outstanding at the close of the Fusly Rupees 31,842-0-2. This balance was reduced by the 30th June
4 @ 6 last to 18,519-7-6, the whole of which for the reasons given in para 14 of his
report the Collector is of opinion cannot be realized at all; but defers recommending its remission till further enquiry has been made. Notwithstanding the large
balance at its close the current collections for Fusly 1248 exceed those of
Rs. 54,132-11-1 the year preceding in the sum noted in the margin, and the Gross collections the amount of Peshcush formerly payable by Rupees 24,224-15-10.

4. The Right Honourable the Governor in Council concurs generally in the observations recorded by the Board of Revenue on the subjects noticed in these paras.
Paras 6 @ 12 The survey it is observed was commenced upon in Fusly 1246 since which
period the measurement of the Villages in the Poombaccondah Talook
only has been completed. The Collector attributes the little progress made to the smallness of the establishment and the inexperience of the persons employed. In
Para 9 Report order to hasten the completion of a work evidently so much required and
from which so many advantages are expected to result, as well as to
ensure its being correctly performed, it is suggested whether it might not be advisable for the Collector to send for from other districts, a few individuals well acquainted with the duties, to be employed in company with and in addition to the present establishment.

5. The entire demand under all sources, Land and Extra, was Rupees 13,69,993-0-6, of which 12,33,312-4-8 were brought to account within the Fusly, exceeding the
Para 14 amount so collected in the previous year by 1,04,889-14-3. Of the total
Fusly 1247 demand above shown there remained at the close of Fusly 1249 a balance of
10,41,322-8-5. Rupees 36,225-11-11.

6. His Lordship in Council has much pleasure in recording his approbation of the result of the management by Mr. Baugerman of the district of Ganjam during the period under review.—

(A True Extract.)

(Signed.) H. CHAMIER,
Chief Secretary.

Extract from the Proceedings, of the Board of Revenue, dated 17th December 1840.

Ordered that transcript of the foregoing Extract from the Minutes of consultation be furnished to Mr. Baugerman for his observation and guidance, with reference to the Board's Proceedings on the Land Revenue settlement of Ganjam, for Fusly 1248 under date the 3rd September last.

The Collector will be pleased to give his attention more particularly to the suggestion contained in Paragraph 1 of the Resolution of Government, and he will report hereafter.

and what additional Establishment could properly be employed in the completion of the survey in the Government Talooks.—

(A True Extract.)

Secretary.

Revenue Department.

Index No. 7/1840.

Extract from the Proceedings of the Board of Revenue, dated 18th August 1840.

Read the following letter from the Collector of Ganjam, dated 22nd July 1840.

(No. 45.)

1. Ordered that the Advertisement for the sale of the several Zemindary and Proprietary Estates in the District of Ganjam, transmitted with the foregoing letter, be published in the Office of the Board of Revenue, the date of sale being fixed for the 17th September. A corresponding alteration will be made in the notification published by Mr. Bannerman in his Collectorate.—

2. The Board of Revenue approve generally of the suggestions offered by the Collector in the letter under observation, and of the measures he proposes to take for the recovery of arrears of Revenue for the past year. Mr. Bannerman will report hereafter the result of the sale and the arrangements made with the several defaulting Proprietors that these may be submitted for the consideration and sanction of the Right Honorable the Governor in Council.—

3. Mr. Bannerman is permitted, agreeably with his suggestion, to bid on account of Government for the Karakavāsut Estate to the extent formerly authorized by the Board of Revenue.

(A True Extract.)

Secretary.

Revenue Department.

Index No. 9/1840.

Extract from the Proceedings of the Board of Revenue, dated 8th September 1840.

Read letter from the Collector of Ganjam submitting the usual accounts of the settlement of the Government Talooks in that District for fusly 1248.

(10th July 1840.)

Para 1. The season is described by Mr. Bannerman to have been very unfavourable from the deficiency of the ordinary rains in July and August and their entire failure in December and January. The crops are said to have suffered to the greatest extent in the Pochandah Talook, while in Wadala, chiefly watered by River channels, the crops were of an average quantity. From the drought in Ganjam and the scarcity prevailing in Cuttack, and Vizagapatam, the prices of grain of all descriptions were unusually high, particularly towards the latter part of the fusly.

2. The number of Villages under Ammanic Management in fusly 1248 was 989 of which 810 were rented to Ryots, 577 to Renters, and 12 were settled by a Division of produce. There was an increase of 176 Villages in the year under review in comparison with fusly 1247, which Mr. Bannerman explains arose from a number of small clearances having been made on the sides and recesses of Hills, by Khonds, Panoas, and other wild Tribes, who cultivate small spots of Jungle, and are entered as separate hamlets in the accounts. The Government rent levied upon them is very trifling, the whole amount in fusly 1248 being only Rupees 264-6-0 and taken more as an acknowledgment of the rights of Government than as a Revenue; but it is intended that they should contribute more largely hereafter, as the lands are cleared, and the locations became more productive to the Holders.

3. The Gross settlement of fusly 1248 amounted to Rupees 4,14,924-6-9, exceeding the settlement of the preceding fusly by Rupees 13,581-13-10. The chief increase it is seen took place in the Goomsur and Sooradah Talooks, and this it is explained was occasioned in the former by the improved resources of the villages. In the latter, the increase in the settlement was caused by the progressive rise of rent in the triennial lease of the Villages as settled in fusly 1245. The items of increase and diminution are noticed in great detail in Para 5 of Mr. Bannerman's Report, but these do not seem to require remark.

4. Of the amount of the settlement noted in the preceding para there was collected, and brought to account within the fusly, Rupees 3,83,082-6-7, leaving a balance outstanding of Rupees 31,842-0-2 subsequent collections to the end of fusly 1249 it is seen from the

Demand collection and Balance statements of the District amounted to Rupees 13,327-2-3, leaving an arrear uncollected of Rupees 18,514-10-6. In fusly 1247 from a settlement of Rupees 4,01,542-8-11 there was brought to account within the fusly Rupees 3,28,949-11-6. The collections of 1248 were, therefore, Rupees 51,132-11-1 in excess of those of fusly 1247.

5. The Permanent settlement of the entire lands now belonging to Government, the outturn of which has been noted above, was Rupees 3,58,787-6-9. The Gross collections under Ammanic have been stated at Rupees 3,83,082-6-7, and exceed the amount of Posh-cash payable under the Zemindary system by Rupees 24,294-15-10.

6. In the Board's Proceedings on the settlement of Ganjam for Fusly 1247, reference was made to the system observed in the Revenue management of the District and the Collector was particularly called to explain the nature of Durkasts taken from the Ryots at the commencement of the season, the amount of the offers, and the method in which the assessment was afterwards determined, with the grounds on which remission and deduction was allowed. It was also observed that it was desirable that accounts showing the extent of cultivation, with the amount of assessment there on, should be forwarded from Ganjam in the same form as far as practicable as from other Districts.

7. In reference to the latter point Mr. Bannerman has explained in Paras 6 and 7 of the Report now under review, that this cannot be done at present in the shape wished for by the Board, from the want of an uniform system of measurement of the Lands in his District. He observes that the standard measurement varies not only in the different Talooks but often in the several Villages of the same Talook, and he goes into some detail to show the nature of the various standards in use which it is not necessary for the Board to particularize in this place. It is sufficient to observe that under the system as described by the Collector, they concur with him in thinking it would be impracticable to reduce the accounts with any degree of accuracy to a common standard of measurement, or to exhibit the general result of the entire extent of cultivation, as desired, in an abstract shape.

8. In reference to the nature of the Durkasts taken from the Ryots, and the general mode of apportioning the settlement and granting remission, the Collector has supplied very clear and concise information in Paras 8, 9 and 10 of his Report. These Durkasts, as the Board had imagined, are proposals to cultivate entered into by the cultivators at the commencement of the season, and signed by all the Cadeen Ryots, forming the basis of the settlement. This corresponds with what is known as "the Dittum" in other Districts, it is formed mainly with reference to the prosperity of the Village, and the amount of the previous years settlement combined with a consideration of the present condition of the Ryots, its amount being in short the demand for the year.

9. The extent of cultivation having been thus determined, the assessment Mr. Bannerman explains, is apportioned by the Ryots themselves on their several fields according to their productiveness. If disputes arise as to the amount of assessment on any particular field, the matter is settled by arbitration with the principal Ryots of neighbouring Villages, but for the most part the former sist is adhered to, and the assessment having been thus fixed Puttahs and muchilkas are exchanged, regulating the demand against individual Ryots.

10. This practice the Board believe is in the absence of an actual survey, and an assessment fixed on each field with reference to its ascertained capabilities and productive value, perhaps the best that can be followed, and if attentively checked the fairest to Government and most agreeable to the people. The demand corresponding with the Durkasts entered into at the beginning of the year, and not being regulated by the nature and circumstances of the season, the deductions which it is necessary to make for loss of crop and land unsown appear in Ganjam as Balances of Revenue. In ordinary seasons the amount, Mr. Bannerman states, is moderate, in adverse ones the amount is necessarily very large.

11. In districts under a survey, field assessment, and where the dimensions of the Fields are ascertained with tolerable accuracy, the difference of system consists in this, that what is kept in the accounts in Ganjam as a Balance of Revenue, is there exhibited as a remission from the dittum or first settlement. In some districts these remissions from the nominal settlement are shown in detail, in others they are not exhibited in account but the real settlement only is shown, after remission and deductions have been made for crops withered and Lands left unsown. Mr. Bannerman states that if deductions be made similar to those taken from the caboolats in the ceded Districts then the heavy Balances now exhibited in account in Ganjam would not exist. It would, certainly, be a very great improvement in the existing practice if this could be done, but the Board will not direct that it be followed in Ganjam unless the Collector is satisfied that with the present defective measurement, the system could be practically and beneficially resorted to. In effect the Balances are ultimately written off and perhaps it may be as well to adhere to the existing system, until the survey now in progress shall have been completed.

12. It has been stated in the commencement of these proceedings that with the exception of 12 Villages settled on a system of division of produce, all the Villages are either rented by the Villagers or by Renters, and it may naturally be asked where the individual settlement described by Mr. Bannerman is pursued. The Board believe that the system, as above particularized, is followed in the 310 Villages nominally said to be rented by the Ryots, but actually cultivated under individual engagements, and without the intervention of a middle man.

13. In Goomsur the Collector reports that there was a general disinclination in the Ryots to render themselves responsible for the settlement of the Village, and a preference is given by the people to rent to one individual who is answerable for the money payments to Government, and from whom they receive assistance and advances on loan.

14. It is unnecessary to pursue the remarks of the Collector further through the items of Revenue occasional and Extra contained in the Paras of his letter noted in the margin.

The entire demand from all sources including Lands permanently settled, Paras 15 to 19. Lands under ar any, as well as under the various items of Extra Revenue, for Fusly 1248 was Rupees 13,32,293-6-0, and collections up to the 11th July were Rupees 12,36,212-4-8, leaving a Balance due of Rupees 1,33,731-1-4. In the preceding year the total collections from the same sources were Rupees 10,41,222-6-5, shewing an increase of Revenue in the year under notice of Rupees 1,94,869-14-3.

15. Of the outstanding Balance for Fusly 1248 noted above, Rupees 1,07,552-5-5, had been collected up to the 11th July 1849, leaving the balance of Fusly 1248 then uncollected Rupees 23,228-11-11, a result, on the whole, considered very satisfactory.

16. It is observed that the Collector's Report on Fusly 1248 is only dated the 10th July 1849, and did not reach the Board till some days after the close of the year succeeding that reported upon. It is trusted that so great a delay will not again occur and that the results of Fusly 1249 will be brought to notice within three months of the close of the Fusly year.

Ordered that a copy of the foregoing Extract from the Board's Proceedings, be forwarded to the Collector of Ganjam for his information and guidance.

(A True Extract).

Secretary.

Revenue Department.

Index No. 12/1840.

No. 1245.

Extract from the Minutes of Consultation under date the 11th November 1840.

The Right Honourable the Governor in Council proceeds to take into consideration Paras 12, 16 of the General Letter in this Department from the Honourable the Court of Directors, dated the 8th July 1840 No. 5.

PARA 1. A copy of these paras will be furnished to the Agents to the Governor of Fort St. George in Ganjam and Vizagapatam respectively for their information and guidance and their attention will be particularly drawn to the observations contained in the 13th para as to the propriety and expediency of the observance of conciliatory rather than Coercive measures for suppressing the practice of human sacrifices by the Khonds.

2. From the papers recorded at the Consultation noted in the Margin, and which

were forwarded to the Honourable Court with the despatch in Dy. to Cons. 23rd April 1840 this Department, dated the 24th September last No. 13, they

No. 41, No. 43. will observe the nature and extent of the powers which have

been vested under the provisions of Act No. 24 of 1839 in the Agents to the Governor of Fort St. George in Ganjam and Vizagapatam, and which in the opinion of Government if judiciously and properly exercised by those officers, will be found to be quite sufficient to enable them effectually to put a stop to the supply of victims for the meriah rites, by making signal examples of the persons engaged in this traffic. Should Mr. Bannerman however be of opinion that those powers are insufficient, he will explain his reasons for thinking so, and suggest for the consideration of Government the further powers he would propose to invest the Agents with, for the suppression of this offence.

Extract from a General letter from the Honourable Court of Directors, dated 8th July, 1840 No. 5.

12. We are much gratified at the success which has attended the efforts of Mr. Bannerman and Captain Campbell to put down the atrocious practice of human sacrifices in the Khond villages on the borders of these Collectories, by which already

not only a large number of lives has been saved but there is much reason to believe that,

at least in those parts where our power is the most understood, an effectual check has been placed on the future performance of those barbarous rites. Of the general course which has been

pursued by the Local Officers, which is strictly in accordance with the instructions contained in paras 11 to 19 of our Despatch, dated 21st November No. 17, of 1838 we entirely approve.

13. We deeply lament that the individual Yaroooy Bheema of whose guilt, in kidnapping and selling to the Khonds for the purpose of being sacrificed a child who was afterwards restored no moral doubt can exist, should have escaped conviction. We observe that in Mr. Bannerman's opinion the same result will probably follow all attempts to

procure a conviction in similar cases. That officer says "I consider it to be entirely hopeless to expect to obtain the conviction of persons guilty of offences of this nature before the Court of

"Circuit, where all the niceties of Mahomedan Law are required to be conformed to, and I think it is deserving of the consideration of the Right Honourable the Governor in Council whether it might not be expedient to invest the officer to whom may ultimately be entrusted the superintendence of the Hill tracts, with power to try summarily persons charged with this offence, in the same manner as cases of Thuggee are, I believe disposed of by the General Superintendent, which arise in Native states, not with the jurisdiction of the company's Courts."

14. Although it appears that the difficulty of procuring a conviction in these cases does not arise so much from the inadmissibility of witnesses under the technical rules of the Mahomedan Law (a difficulty which if it existed would be met by the provisions of Regulation 1 of 1825) as from the actual deficiency of evidence to the facts of kidnapping and sale, yet we think that Mr. Bannerman's suggestion is worthy of your serious consideration and we apprehend that under the ample authority conveyed to you by Act No. XXIV of 1839 it is fully within your competence to invest the Collectors of Ganjam and Vizagapatam with whatever powers may be found necessary for the suppression of this most atrocious crime.

15. All accounts agree in stating that the victims destined for the meriah rites must be purchased for a price and that the sacrifice of individuals obtained by violence would be of no avail in the eyes of the barbarous Khonds. It appears to be not only impolitic to attempt to use force against these wild tribes for the suppression of their horrid practices, but considering the unhealthiness of the climate, and the natural difficulties of the country which they inhabit impracticable to do so with any prospect of ultimate success. With them therefore recourse must still be had to the exercise of negotiation and persuasion which have already been attended in so many instances with such favourable results. But much may at the same time be done to prevent the supply of victims, and no means should be left undried to bring to condign punishment the wretches engaged in this horrid traffic. Especial tribunals for that purpose must be constituted if as Mr. Bannerman elsewhere

remarks from the circumstances under which the abduction and sale of the unfortunate captives usually take place, it is almost impossible to obtain such proof as would be sufficient to convict the accused before the ordinary judicial tribunals.

16. We approve of the means adopted by you for the maintenance of the meriah children given up by the Khonds at the public expense until they shall be old enough to provide for themselves.

(True Extracts.)

Chief Secretary.

To THE AGENT TO THE GOVERNOR OF
Fort St. George in
GANJAM.

Revenue Department.

Index No. 16/1840.

CIRCULAR.

To THE COLLECTOR IN THE ZILLAH OF
GANJAM.

Sir,

I am directed by the Board of Revenue to transmit the accompanying Extract from a letter from the Honourable Court of Directors, dated 10th April 1839 with the Resolution of Government thereon, and to request that agreeably to the desire of

the Right Honourable the Governor in Council you will state your sentiments as the measures best calculated to prevent the recurrence of the loss of lives in drawing Pugoda Cars, without interfering with the prejudices and feelings of the Natives.

Revenue Board Office,
Fort St. George,
9th April 1840.

I have the honour to be,
Sir,
Your most obedient Servant.

Secretary.

Extract from a letter from the Honourable the Court of Directors,
dated the 10th April 1839 No. 3.

10. These serious accidents are much to be regretted, and we should be glad if you could devise any regulations consistent with our orders on the subject which, without interfering with the feelings and opinions of the natives, might tend to prevent or lessen their recurrence.

14 Loss of six lives in drawing cars
5 in Carriages and 1 in the Sering
gham Festival at Trincomopoly re-
ported.

Extract from the Minutes of Consultation under dated the 30th September 1839.

No. 1221.

4. A copy of this para will be furnished to the Board of Revenue with instructions to call upon the several Collectors in the provinces for their sentiments as to the measures best calculated to prevent the recurrence of such accidents as are referred to in it, and to submit the same with their own opinion thereon for the consideration and orders of Government.

(True Copies.)

Secretary.

Revenue Department.

Index No. 18/1840.

No. 509/820.

Extract from the Minutes of Consultation under date the 23th July 1840.

Read the following letter from the Secretary to the Board of Revenue.

(Here enter 15 June 1840 No. 226.)

The Right Honourable the Governor in Council has learnt with regret the failure of the experiments made in the Provinces under this Presidency for the introduction of the use of the new form of Plough manufactured at Porto Novo. The superiority of the implement over that in use in the Country is generally admitted by the Revenue Officers, but as it appears from their reports that the great drawback is in the description of Cattle employed in agriculture which are represented to be far inferior in power to what is required in the use of the Porto Novo Plough, His Lordship in Council think that it will be useless to prosecute the experiment further, even were it practicable to make any reduction in the weight of the implements.

2. The Board of Revenue will be pleased to draw out a statement showing the entire cost of the Ploughs and of the expenses incurred in their transport to the different Districts and the sums realized from what have been sold and will further suggest the best means of disposing of the number remaining on hand.

3. As some specimens of the Plough in question were forwarded on the requisition of the Government of India, His Lordship in Council purposes to address that Government with the view of ascertaining the result of any experiments which may have been made in the Provinces under that Presidency.

(A True Extract.)

(Signed) H. CHAMIER,
Chief Secretary.

Extract from the Proceedings of the Board of Revenue, dated 17th August 1840.

Ordered that Copy of the foregoing extract from the Minutes of consultation be furnished to the Collector of Ganjam with references to the Report from his District noted in the margin on the proposed introduction of the form of Plough manufactured at the foundry at Porto Novo.

21st December 1839.

The Collector of Ganjam will submit a statement of charges incurred on account of these implements as they stand on the books of his office, as also of the sums realized on those sold and he will suggest the means that seem most advisable for the disposal of the remainder, to enable the Board of Revenue to supply the report called for in Para 2 of the extract from the Minutes of Consultation now forwarded.

(A True Extract.)

Secretary.

Public Department.

Index No. 21/1840.

No. 1156.

Extract from the Minutes of Consultation, dated 29th October, 1840.

Read the following letter from the Secretary to the Government of Bengal.

No. 907.

To H. CHAMIER, Esq.,

CHIEF SECRETARY TO THE GOVERNMENT OF FORT ST., GEORGE.

Sir,

I am directed to transmit to you the accompanying copy of letter No. 125, from the Commissioner in the Tenasserim Provinces dated the 9th ultimo, bringing to Notice a large and continued importation of Coolies and Women into Moulmain from the Ports in the Northern Coromandel Coast, chiefly Coringa, and to request that the Right Honourable the Governor in Council will be pleased to cause enquiries to be instituted, as to the circumstances under which these Coolies and Women are shipped for and imported into Moulmain.

I have the honour to be,
Sir,
Your most obedient Servant.

FORT WILLIAM,
THE 7TH OCTOBER 1840.

(Signed) G. A. BUSHLY,
Secretary to the Government,
of Bengal.

No. 125.

To

G. A. BUSHLY, Esq.,

SECRETARY TO THE GOVERNMENT OF BENGAL,

GENERAL DEPARTMENT, FORT WILLIAM.

Sir,

I think it my duty to bring to the Notice of the Right Honourable the Governor of Bengal, the circumstance of the large and continued importation into the place of Coolies and women from the Ports on the Northern Coromandel Coast, chiefly Coringa. The Coolies come here, I have every reason to believe in search of work and of their own accord, in the same manner as for very many years they have been in the habit of resorting to the settlement in the straits of Malacca, but some doubts may be entertained as to the freedom of action under which the women are brought here. It may be wrong perhaps to apply the word "prostitute" indiscriminately to all of them. Their object appears to be to secure a temporary Establishment with their fellow countrymen residing here either as fixed residents, or sepoy and Military followers. On the arrival of a vessel from the coast these individuals go on board and selecting a woman, pay the Commander for her passage and she follows him ashore on an agreement being made for supporting her. These transactions though perhaps consonant with Native ideas yet certainly wear the appearance of illegality and in all probability there are among them some instances of actual forcible sale of the persons of women.

Circumstanced as this Country is with regard to population the free and voluntary immigration of men and women from different parts of India is a circumstance to be rejoiced at, but it is a matter so liable to abuse among the Natives more especially as regards women, that I beg His Lordship's consideration of the subject and would suggest that some arrangement be made by the authorities on the coast whereby we may be assured that the immigrants

arriving in any vessel have come of their own free will and are in no manner under restraint.

Monlmain,
The 9th September, 1840.

I have &c.,
(Signed) E. A. BLUNDELL,
Commissioner in the Tenasserim
Provinces.

(True Copy).

(Signed) G. A. BUSHLY,
Secretary to the Government of Bengal.

Ordered that a copy of the foregoing letter be forwarded to the Collectors of Masulipatam, Rajahmundry, Vizagapatnam and Ganjam with instructions to institute enquiries in their respective districts as requested and to report the result for the information of Government.

(True Extract and Copies).

Chief Secretary.

To

THE COLLECTOR OF GANJAM.

Revenue Department.

Index No. 26/1840.

To

THE COLLECTOR IN THE ZILLA OF GANJAM.

Sir,

PARA 1. I am directed by the Board of Revenue to acknowledge the receipt of your letter of the 10th ultimo reporting the result of the arrangements made with the Proprietors of Estates in your District for the liquidation of the Balances due for Fusly 1249, and in reply to acquaint you that the sale of the Carakavala Estate therein brought to notice is sanctioned. You will be pleased accordingly to make it over to the Purchaser on payment of the amount for which it was knocked down at the sale.

2. The further arrangements for the Houtlah Porendy and the other Estates in Ganjam noticed in your letter have been made the subject of a separate Report to Government of this day's date. As soon as final orders shall have been received thereon, no time will be lost in communicating them to you.

3. You will have already received definite instructions in reference to the Coomrao Estate before the receipt of this communication.

I have the honour to be,

Sir,

Your Most Obedient Servant.

Secretary.

REVENUE BOARD OFFICE,
FORT SAINT GEORGE,
5th November 1840.

Revenue Department.

Index No. 27/1840.

No. 642/972.

Extract from the Minutes of Consultation under date the 3rd September, 1840.

Read the following extract from the proceedings of the Board of Revenue.

Relative to the settlement of the extra sources
of Revenue of the Ganjam district for fusly 1248.

(10th August 1840 No. 311.)

	F. 1247.		F. 1248.		Increase.	Decrease.
	Rs.	A. P.	Rs.	A. P.	Rs.	A. P.
Salt ..	2,85,003	10 10 3	21,951	1	23,257	6 11
Sayer ..	31,105	8 8	26,501	1 7	4,604	7 1
Sea customs ..	3,926	7 3	22,032	8 9	18,106	12 6
Abkarry ..	35,710	0 0	30,402	1 0	5,307	15 0
Sundry small Forms and licenses.	3,570	4 0	3,632	14 0	62	10 0
Stamp ..	13,210	12 0	11,320	8 0	1,890	4 0
Motorpha ..	16,365	11 8	16,357	3 11	8	7 9

The statement entered in the margin, exhibits at one view the various items of increase and decrease in the several sources composing the extra-revenue of the District of Ganjam for fusly 1248, as compared with the proceeding year.

2. The result is an increase in the total demand of Rupees 50,165-14-4, in the total collections of 41,381-5-9 and the net Revenue of Rupees 38,494-5-7 in Fusly 1248 above that of the preceding year.

3. The sources under which this large increase has been principally obtained are salt and Sea Customs, under the former head, the collections, current and extra were Rupees 3,26,314-1-0, from which after deducting charges to the amount of 17,579-7-0 there

Fusly.	Ra.	A.	P.
1239 ..	2,79,281	12	1
1240 ..	2,83,923	5	0
1241 ..	2,54,814	15	11
1242 ..	2,52,053	1	0
1243 ..	3,30,993	0	3
1244 ..	2,87,713	9	0
1245 ..	2,50,584	10	7
1246 ..	2,61,789	15	0
1247 ..	2,85,663	10	10
1248 ..	3,24,951	1	9

remained a net revenue of 3,08,731-10-6 in excess of that of Fusly 1247 by Rupees 34,223-14-0. The actual sales in the fusly under review not only exceeded those of the fusly 1247 but of the 10 years preceding with the exception of 1248, as appears by the statement entered in the margin. It is satisfactory to observe that this increase has occurred entirely in the sales for home consumption owing to the continued tranquility of the district.

4. The great increase in the revenue from Sea customs above the year preceding, is accounted for by the exportation from Ganjam of grain to the Southward where a scarcity prevailed.

5. Under Abkarry alone, is there a decrease in the demand to any extent below the fusly preceding. This result is imputed to the withdrawal of troops in the latter mentioned year which occasioned considerable loss to some of the renters and so precluded them from making similar offers for the year under review.

6. The delay in the realization of the revenue from Motorpha should have been explained in the manner pointed out by the Board of Revenue. The balance under

11-12. this head at the close of the fusly is stated in statement 7 to be owing to the irregularity of payment by the Ryots in Goomsur and to their death or poverty in other talooks.

7. The observations of the Board of Revenue expressed in these paras are approved.

8. The Right Honourable the Governor in Council considers the result of the settlement of the extra sources of Revenue in this district to be very creditable to the management of Mr. Bannerman.

(A True Extract.)

(Signed) H. CHAMIER,
Chief Secretary.

Extract from the Proceedings of the Board of Revenue, dated 21st September 1840.

Ordered that a transcript of the foregoing extract from the minutes of consultation be furnished to the Collector of Ganjam with reference to the Board's Proceedings on the settlement of the extra sources of Revenue in his district for Fusly 1248 under, date the 10th August.

(A True Extract.)

Secretary.

Revenue Department.

Index No. 29/1840.

Extract from the Proceedings of the Board of Revenue, dated 4th June 1840.

Read the following.

To

The President and Members of the Board of Revenue.

Gentlemen,

PARA 1. I am directed by the Right Honourable the Governor in Council to request that you will take into early consideration and report on the expediency of imposing a toll upon all carriages and carts traversing the great western and other new roads under this Presidency, on wheels of narrow and sharp tire, with a view to the introduction of broader wheels in the common carts of the Country, and to preserve the roads from being rapidly cut up and destroyed as they now are.

2. As a preliminary step it will be desirable to give notice that the Government have this measure in contemplation, and to specify the required breadth of tire, in order that parties concerned may have time to provide themselves with the means of avoiding the infliction of the penalty.

3. It would be very beneficial also if some method could be devised for preventing carts from following each other in precisely the same track, whereby the early destruction of newly made roads is now effectuated.

Neilgherries, Ootacamund, }
4th May 1840.

(Signed) H. CHAMIER,
Chief Secretary.

Ordered that a copy of the foregoing letter be forwarded by circular to all Collectors with a request that they will state their sentiments on the expediency of imposing a toll on all carts and carriages of the description adverted to by Government while traversing the new roads undertaken under this Presidency. The Collector will be pleased to state the amount of toll that might properly be demanded on each vehicle, the Roads in his District on which it should be enforced, and the breadth of fire that should be required for carriages on which a tax is not contemplated to be levied.

The information called for it is desired may be furnished in one month from the date of the receipt of these Proceedings.

(A True Extract.)

Secretary.

Index No. 31/1840.

No. 234.

To

THE COLLECTOR OF
GANJAM.

Sir,

I have the honour to forward to you herewith an abstract for the pension of two individuals as per margin paid from the Treasury of the Collector of Benares amounting to company's Rupees 666-10-8 six hundred and sixty six, annas ten and pice eight, and request you will have the goodness to acknowledge the receipt thereof and credit the amount by a transfer entry in your next journal to "Agra Presidency" debiting the proper head.

Streokara Bunge and Rajah Goomsur for December 1839.	Company's Rupees. . .	441-10-8
Hurry Kistnah Bunge adopted son of the above for Company's Rupees. .	225 -0-0	
	666-10-8	

I have the honor to be,
Sir,
Your most obedient Servant.

Fort St. George,
Acct. General's Office,
20th July 1840.

Accountant General.

Revenue Department,

Index No. 34/1840.

CIRCULAR.

To

THE COLLECTOR IN THE ZILLAH OF
GANJAM.

Sir,

The extension in late years of cultivation on wet and dry land under wells dug at the expense of individual Ryots, it is believed, is very considerable in all Districts, and very much on the increase. In some this has been permitted without the levy of any additional tax whatever, whilst in others it has been permitted only under certain restrictions. The Board desire to know what has been the practice in your district, whether cultivation of this description has been allowed without any additional impost or restriction, or if any additional tax or restriction has been imposed the extent and nature of such. They will be glad to receive your opinion in detail as to the expediency of exempting cultivation under new wells altogether from tax and leaving the Ryot to enjoy the full benefit of his improvements, or of restricting the exemption for a given period of years only sufficient to enable him to reimburse him self for the outlay. The subject is one of great interest to the

Government and to the people, and the Board request your early attention to it, and hope to receive your reply within 2 months from the receipt of this.

I have the honour to be,
Sir,
Your most obedient servant.

Revenue Board Office,
Fort St. George,
6th February 1840.

H. FREE,
Ag. Sub-Secretary.

Revenue Department.

Index No. 36/1840.

To

THE CHIEF SECRETARY TO
GOVERNMENT.

Sir,

PARA 1. I am directed by the Board of Revenue to request that you will lay before the Right Honourable the Governor in Council the accompanying letter from the Collector of Ganjam, reporting an almost entire failure of the Rice crops throughout a considerable extent of his District in consequence of continued drought.

2. It will be observed, with regret, that Mr. Bannerman anticipates a considerable defalcation of Revenue in consequence both in the collections from the Government lands and in the receipts on account of Poishensh from Zemindars and Proprietors with the produce of the present harvest and the stock of grain remaining from the produce of former seasons, he does not apprehend that there will be any actual deficiency of food for the population, but he fears that the ryots whose cultivation has yielded no return will be without the means of purchasing unless relief be afforded by Government.

3. To alleviate their distress he suggests that employment may be found for them on public works. He states that he has called for estimates of the repairs required to the tanks and water courses in the Government talooks which he will submit in the usual course, but as these talooks contain few extensive works of this description, he recommends that authority may be granted for repairing that part of the main Northern road which lies between Itchapoor and Berhampore the extent being about 10 miles, and the probable cost, according to the moderate degree of repair which he proposes to effect, about 5,000 Rupees.

4. The construction of a good road from the Cuttack frontier to Berhampore was sanctioned in the Department of Public Works under date the 13th August last, and the continuation of the same to Itchapoor appears to the Board a measure likely to prove of great public utility independently of the present object, and they accordingly beg to solicit the favourable consideration of Government to Mr. Bannerman's proposition.

5. With reference to Para 5 of his letter, they also beg to recommend that sanction may be granted to him to entertain temporarily a body of extra peons, which he represents to be urgently required for the protection of the villages in the Government talooks from the attacks of Hili Robbers, who have commenced their depredations since the appearance of scarcity. Mr. Bannerman has not stated the number he thinks requisite, but the Board have no doubt that he will be careful to put the Government to no unnecessary expense on this account.

Revenue Board Office,
Fort St. George,
20th January 1840.

(Signed) R. D. PARR,
Ag. Secretary.

Extract from the Mint. of Con. under, date the 28th January 1840.

PARA 1. The Right Honourable the Governor in Council approves of the measures proposed to be adopted by the Collector of Ganjam for alleviating the distress of the Ryots in his District whose cultivation has yielded no return, and authorizes him to undertake the repair of the main Northern road between Itchapoor and Berhampore and to expend on this work a sum not exceeding Rupees (5,000) five thousands.

2. His Lordship in Council also authorizes Mr. Bannerman to employ temporarily a body of extra Peons for the protection of villages in the Government Talooks. The charge on this account will be restricted as much as possible, and not be incurred longer than may be found to be absolutely necessary.

8. It is observed that the roads sanctioned in August last will tend to give occupation to the distressed Ryots and the Governor in Council will be prepared to sanction a further extension of those Roads if it thought expedient to afford relief to the suffering population by employing them more extensively on public works.

(A True Extract.)

(Signed) H. CHAMIER,
Chief Secretary.

Extract from the Proceedings of the Board of Revenue, dated 13th February, 1840.

PARA 1. Ordered that a transcript of the foregoing Extract from the Minutes of Consultation and of the letter from the Office to which it relates be furnished for the information and guidance of the Collector of Ganjam.

2. With reference to the concluding Para of the Order of Government the Board desire that Mr. Bannerman will report whether he considers a further extension of the repairs in question expedient with the view of affording occupation to the suffering poor.

(A True Extract.)

Ag. Secretary.

Revenue Department.

Index No 37/1840.

Extract from the Proceedings of the Board of Revenue, dated 10th August 1840.

Read letter from the Collector of Ganjam submitting the accounts connected with the settlement of the extra Revenues of that District for Fusly 1248.

(10th July 1840.)

PARA 1. In the year under review the Receipts from the sale of salt, current and extra amounted to Rupees 3,26,314-1-6, and exceeded those of the preceding year by Rupees 39,982-11-10. The charges were Rupees 17,579-7-0 and the net Revenue was Rupees 3,08,734-10-6 after deducting charges the net Receipts of Fusly 1247 were Rupees 2,74,510-10-9, shewing an increase of Net Revenue in Fusly 1248 of Rs. 34,223-15-9 from this branch, arising it is seen altogether from increased sales of salt for Home consumption.

2. A comparison it will be observed is made by Mr. Bannerman in Para 13 of the sales of salt in Ganjam for the last ten years in one only of which, viz., Fusly 1243, the sales exceeded those of the Fusly under report. The result is ascribed to the encouragement the trade has received from the continued tranquillity of the Country, and as far is considered very satisfactory.

3. There was a net decrease in the current collections of sayer of Rupees 604-4-4 in comparison with Fusly 1247, the Receipts in the current year being Rupees 30,501-1-1 and in the past Rupees 31,105-5-5, and there was a large decrease in the recovery of arrears. Deducting charges, the net receipts under this head amounted to Rupees 24,231-9-1 shewing a net decrease on the year of Rupees 4,267-8-11.

4. There was a very considerable increase of Revenue in the Sea Custom Department in Fusly 1248, the net Revenue being Rupees 21,311-13-3 in this year, while it only amounted to Rupees 1,271-4-4 in the preceding the increase being thus Rupees 20,040-7-11. The Collector explains that this result was caused almost entirely from a large exportation of Grain from Ganjam to the adjoining Districts to the Southward having taken place during Fusly 1248 in consequence of the scarcity prevailing in these Parts.

5. There was a net decrease in the year of Rupees 5158-7-9 under the head of Abkary, the Revenue of Fusly 1248 being Rupees 29,872-3-2 and of Fusly 1247 Rupees 35,040-10-11. This branch of Revenue is rented out, and the Decrease in the offers of the renters, it is explained, was caused by a withdrawal of Troops and their followers from the District which occasioned considerable loss to some of the principal Farmers during the previous year.

6. The rents of the year under notice were Rupees 30,402-1-0. The collections within the Fusly and up to the end of December 1839 amounted to Rupees 29,592-2-8 leaving a balance outstanding of Rupees 809-14-4, which Mr. Bannerman explains is in train of recovery.

7. The current collections from small Farms and Licenses in Fusly 1247 were Rs. 2,115-2-0 and in Fusly 1248, Rupees 2,982-13-4, shewing an increase of 867-11-4 on the year. A comparison of the Net Receipts exhibits an increase of Rupees 793-2-10 on the year which amounted in Fusly 1243 to Rupees 3,667-13-10.

8. In stamps there was a net falling off in the year of Rupees 1,720-13-3, the Revenue of Fusly 1248 being Rupees 11,504-9-1 while the Revenue of Fusly 1247 was Rs. 13,225-6-4. The Decrease was caused by a diminished demand for stamp paper in the Chicacole Zillah Court.

9. There was a net decrease of Motorpha Collections in Fusly 1248 of Rs. 5,306-7-0 the Decrease seems chiefly attributable to the current collections having been realized with less regularity in the year under notice than in Fusly 1247. The settlement for Fusly 1248 amounted to Rupees 16,357-3-11 and fell short of the demand of the previous year by Rupees 8-7-9 only, but the amount realized within the Fusly was only Rupees 10,453-13-1 and the balance on the 31st December was still Rupees 2,729-1-7. The cause of this backwardness in the collection of the Motorpha tax in a season otherwise favourable should have been explained by the Collector in the body of his letter.

10. On the whole the demand under all branches of extra revenue in Ganjam for Fusly 1248 was Rupees 4,40,927-1-0, showing an increased demand of the year of Rupees 50,465-14-4, the demand of the preceding year having been Rupees 3,89,561-3-2. The Collections, current, extra, and arrears, amounted to Rupees 4,37,219-2-10, and the charges were Rupees 26,167-3-4, leaving a Net Revenue of Rupees 4,11,051-13-6. The net receipts of the previous year were Rupees 3,72,557-7-11 and the net gain in Fusly 1248 was Rupees 38,494-5-7.

11. It is desired that the explanation of the increase and diminution in the charges contained in Paras 31 to 34 of the Collector's letter be omitted hereafter from the body of the Report, and inserted only in the Printed statement of collections, charges and Net Revenue for the District. If a detailed explanation of any item seems called for it should be furnished in the latter under the Head to which it appropriately belongs, agreeably with the practice in other Districts.

12. It is only further necessary to observe that the Report, tho' repeatedly called for was not received in the Board's Office till some days after the expiration of the Fusly succeeding that to which this statement relates. There is nothing in the preparation of this Report that can require any great demand on the Collector's time or attention or excuse the delay that has occurred in its transmission, and the Board having already noticed this with their disapprobation hope to have the report on the year just expired within three months of the close of the Fusly.

Ordered that a copy of the foregoing extract from the Boards Proceedings be forwarded to the Collector of Ganjam for his information and guidance.

(A True Extract.)

Secretary.

Revenue Department.

Index No. 40/1840.

No. 320.

To

THE CHIEF SECRETARY to
GOVERNMENT.

Sir,

PARA 1. I am directed by the Board of Revenue to request you will lay before the Right Honourable the Governor in Council the accompanying letter from the Collector of Ganjam, reporting the death on the 24th May last of Ragoonata Churnoo Bunge head of a branch of the Goomsur family who was in the receipt of an allowance of Rupees 150 per mensem from Government.

2. Ragoonata Bunge was the adopted son of Gopenaud Bunge, son to Veeramañ Bunge Zemindar of Goomsoor, but deposed in 1792 as incompetent to manage the Estate and pensioned on a salary of Rupees 12,000 per annum. The Pension was continued in full to Gopenaud Bunge, and on his death one half was allotted for the maintenance of some collateral relatives and Rupees 150 per mensem was granted to his adopted son under the authority of Government conveyed in Mr. Secretary Hill's letters of the 18th July 1820 and 28th October 1823.

The late incumbent Ragoonata Churnoo Bunge is stated by Mr. Bannerman to have died in involved circumstances from his having austentatiously kept up the same sort of state and ceremony that was observed by the Rajahs of Goomsur of whom he was the representative. He has left a Widow, two sons, and three Daughters, the eldest boy being about 14-years of age. As the family are destitute, the Collector suggests the grant of a reduced

allowance of Rupees 100 per mensem to the eldest son for their support, and the Board beg to add their recommendation of the proposal for the sanction of Government the grant to have effect from the date of the demise of Ragoonata Bunge.

Revenue Board Office,
Fort St. George,
24th August 1840.

(Signed) P. B. SMOLLETT,
Secretary.

Extract from the Minutes of Consultation, dated 21st November 1840.
Read the following letter.

No. 167.

To

H. CHAMIER, Esq.,

CHIEF SECRETARY TO THE GOVERNMENT OF

FORT ST. GEORGE.

Sir,

I am directed to acknowledge the receipt of your letter No. 700/1636, dated the 23rd ultimo with its enclosure, and in reply to state for the information of the Right Honourable the Governor in Council that the Governor General of India in Council has been pleased to sanction the grant of Rupees 100 per mensem for life to the eldest son of Ragoonata Chennoo Bunge, head of a branch of the Coomary family in Ganjam.

Fort William,
19th October 1840.

(Signed) F. J. HALLIDAY,
Secy. to the Government of India.

Ordered to be communicated to the Board of Revenue with reference to their Secretary's letter, dated 24th August 1840, No. 220 and to the Officers of account and audit.

(Signed) H. CHAMIER,
Chief Secretary.

Extract from the Proceedings of the Board of Revenue, dated 14th December 1840.

Ordered that a copy of the letter to the Chief Secretary to Government, dated the 24th August last with transcript of the foregoing extract from the minutes of consultation thereon be furnished to Mr. Bannerman, for his information and guidance, with reference to his communication of the 8th August.

(A True Extract.)

Secretary.

Index No. 42/1840.

Decree of the Court of Sudr Udalut.

Provincial Court in the Northern Division Original Suits No. 43 of 1839.
Court of Sudr Udalut.

Appeal No. 6 of 1833.

Tripasoor Venkatacondalarow,
Appellant,
Vakeel

Goolam Moortooza,
Versus

Tripasoor Jaggunnadhharow
Respondent,
Vakeel

T. Appiah.

(Signed) T. A. OAKES,
W. HUQLESTON.

Appeal No. 8 of 1833.

Tripasoor Jaggunnadhharow,
appellant,
Vakeel

T. Appiah,
Versus

Tripasoor Venkatacondalarow
Respondent,
Vakeel

Goolam Moortooza.

L. S.

1. The original suit was instituted in the Provincial Court for the Northern Division by Tripasoor Venkatacondalarow to recover from his elder brother Tripasoor Jaggunnadhharow, so much of the real and personal property left by his deceased father Nursingarow Pantulu as should make his share equal to the share of his elder brother; as follows so much of the

villages appertaining to the Mootahs of Aska and Coomary as may yield annually the sum of Rs. 5,016-0-0 a half share of the produce of those Mootahs amounting to Rs. 5,575-7-14 his share of the personal property of his father amounting to Rs. 1010 and his share of the Enams granted by Hurree Hurra Narraendra Deo to his father and his elder brother.

2. The suit was filed on the 23rd December 1829 in the Provincial Court and that Court by decree date the 29th January 1838 and adjudged that the Mootahs of Koomary and Korlah should be equally divided between the Plaintiff and the Defendant that the amount of the residue of the sum paid for the Mootah of Askah which has been sold for arrears of Revenue retaining in deposit in the Zillah Court of Chicacole pending the issue of this suit should be paid to the Plaintiff and that the Defendant should pay to the Plaintiff a moiety of the profits of the Mootahs of Askah and Coomary for Fushies 1230-1237 and 1238 after deducting his share of the profits of Korlah but disallowed the Plaintiff's claim upon the Mohoree Inams and the personal property alleged but not proved to be in the Defendants possession.

3. From this decision both parties appealed to the Court of Sudr Udalut Tripasoor Venkatacondalarow by Petition, dated 27th April 1838 and filed on the 25th June 1838 as No. 5 of that year the special grounds of appeal were filed on the 26th November 1838 and the answer of the Respondent was filed on the 4th February 1839 Tripasoor Jaggunnadhharow appealed by petition, dated 23rd April 1838 and filed on the 2nd July 1838 as No. 8 of that year the special grounds of appeal were filed on the 28th January 1839 and the answer of the Respondent was filed on the 25th March 1839.

4. It appears to the Court of Sudr Udalut that the exhibits No. 25 cited by the appellant in No. 8 in Para 1 of his detailed appeal petition as proving that a complete division of the paternal Estate was made during the life time of the father of the parties serves to prove the contrary. Nursingarow died on the 24th April 1819 and the said exhibit shews that the Hoondas of Aska and Coomary had not on the 25th June 1819, been placed in the said appellants possession.

5. It appears to the Court of sudr adalut that the exposition of the Hindoo Law on the subject of partition during the life time of the Father giving by the pundits of this Court in the Vassereddy cause applied to this case and from thence it is clear that full and independent possession of the respective shares is essential to the Completion of partition.

6. The record moreover Contains no proof of a division of the personal Estate and ever had the division of the whole estate been made as alleged by the appellant, its validity according to the Hindoo Law of Benares which obtains on the territories could not be admitted on the ground of inequality of distribution.

7. (See Macnaghten Vol. 1 P. 44 and the opinion of the Pundits of this Presidency given in the elements of the Hindu Law app. ps. 5 and 7. quoted in the note).

8. For these reasons the court of Sudr Udalut cannot admit the alleged division of property.

9. In respect to the original right of property in the two estates this appellant has advanced inconsistent and contradictory statements. He first asserts his own right, as the purchaser, through his father under circumstances which had they been shown to be truly described would have gone to nullify the purchase and consequent right of property under the provisions of sections XVII and XX Regulation XXVI of 1802 and afterwards as above noticed he founds his title upon his father's property in the same.

10. The Court of sudr adalut entirely concur with the provincial Civil Court in their decision that the estates were acquired by the father of the parties.

11. Nor can there be any doubt that according to the Hindoo Law as prevalent in these territories, the brothers take equal shares of the paternal estate.

12. The appellant in No. 8 of 1833 has made no objection to the Estimate in the decree of the Provincial Court of the value of the profits of the mootahs of the Aska and Coomary for Fushies 1230, 1237 and 1238 adjudged by their decree to the Respondent and therefore that valuation and award on that account to the Plaintiff must in the opinion of the Court of Sudr Udalut be affirmed.

13. The Court of Sudr Udalut do not however understand upon what ground it has been decreed that the Mootahs of Coomary and Coorlah shall be divided between the Plaintiff and Defendant share and share alike. This part of the decree seems to the Court of Sudr Udalut to be at variance with the petition of plaintiff according to the purport of which the Court resolve to adjudge to the Plaintiff so much of the mootah of Coomary as shall make his share of the lands paying revenue to Government equal to the share in possession of the Defendant.

14. The Court of Sudr Udalut resolve to affirm the Provincial Court's Decree in respect to the award of Rs. 3,140-6-10 on account of the Mootah of Askah.

15. With respect to the Mohurree Enams shown by the exhibit No. 50 to have been granted in 1765. The Court of Sudr Adalat are of opinion that the Defendant's failure to disprove the Plaintiff's assertion that that date is 21 years before his birth suffice to overthrow his claim at the granted. Here appears nothing in the record to sustain the Defendant's pretension to exclusive property in these lakhiraj lands of which a moiety is the lawful right of the Plaintiff.—Appellant in No. 6 of 1838 and is awarded to him by the Court accordingly.

16. There remains for determination the Plaintiff's claim for Rs. 1010-15-6, it should be Rupees 1085-15-6 as half of the property in defendant's possession attached under the Court's order in appeal No. 11 of 1826 referred to at p. 98 of the record.

17. The attachment was made under the provisions of Section V Regulation II of 181 in order to secure the execution of the judgment to be passed in the appeal last mentioned. Its operation ceased with the decree in that case by which the claim of the appellant was dismissed and it appears to the Court of Sudr Adalat moreover that in order to the establishment of the plaintiff's claim to a moiety thereof it was incumbent upon him to prove that it came into the Defendant's possessions as part of the paternal Estate.

18. The District Moonsiff under the order of the Zillah Court issued in pursuance of this Court's order for an attachment attached every article that he could find in the Defendant's possession. There is not a little of evidence in the record to show that the article enumerated in the lists Nos. 55-56 and 57 or any of them belonging to that estate and it is evident that many of them did not but were the personals of the Defendant and if the houses, Gardens, household furniture were of the Defendant, be liable to Plaintiff's claim a co-heir it is clear that a share of the Plaintiff's property of the same description is in like manner claimable by the Defendant.

19. Regarding the single masted Vessel a principal article mentioned it may be observed that though in existence and of a certain value at the period of the attachment there is nothing to show its existence now it has been solemnly divided that the Plaintiff in the former suit above mentioned founded his claim on a forged instrument he thus deprived himself of the opportunity of realizing the value of perishable goods belonging to the estate by a sale as his claim was necessarily dismissed and in this new suit he was bound to prove the existence of movable property claimed by him and its having appertained to paternal Estate.

20. Why the plaintiff did not renew in this suit the claim on account of the persona Estate advanced by him in the suit No. 3 of 1821 on the file of the Provincial Court does not appear that the Court of Sudr Adalat cannot perceive that a moiety of good attached merely as being in Defendant's possession as above mentioned is upon any principle awardable to the plaintiff without proof that they appertained to the paternal Estate.

21. The costs in the original suit and in the two appeals are to be borne by the parties respectively with reference to the modification of the Decree of the Provincial Court above declared according to the following statement.

Appeal No. 6 of 1838.

Fees payable to appellant's Vakeel

Goolam Moortuza on Rs. 1410-15-6.

Calculated according to clause 1st

Section XXV of 1816 ... 70 8 0

Do. to Respondents Vakeel ... 70 8 0

T. Appiah as above ... 70 8 0

141 0 0

Value of stamp papers filed by the appellant Viz.—

1 Roll for Vakalatnamah 2 0 0

1 Roll for the 1st sheet of the appeal petition ... 50 0 0

1 Roll for the other part of the appeal petition. 4 0 0

1 Roll for special grounds of appeal ... 20 0 0

76 0 0

Value of stamp papers filed by the Respondents Viz.—

1 Roll for Vakalatnamah. 2 0 0

3 Rolls for answers ... 12 0 0

1 Roll for motion ... 4 0 0

18 0 0

94 0 0

295 0 0

Appeal No. 8 of 1838.

Fees payable to appellant's

Vakeel T. Appiah on

Rupees 9042-2-5½ calculated

as above ... 330 13 5

Fees payable to Respondents

Vakeel Goolam Moortuza

as above ... 330 13 5

661 10 10

Value of stamp paper filed by the appellant Viz.—

1 Roll for Vakalatnamah. 2 0 0

1 Roll for 1st sheet of the appeal petition ... 350 0 0

1 Roll for the other part of the appeal petition ... 4 0 0

7 Rolls for special grounds of appeal ... 28 0 0

4 Rolls of Motions ... 16 0 0

400 0 0

Value of stamp paper filed by the Respondent Viz.—

1 Roll for Vakalatnamah. 2 0 0

9 Rolls for answer ... 36 0 0

6 Rolls for motion ... 24 0 0

62 0 0

462 0 0

1123 10 10

Total Rupees ... 1358 10 10

of which the amount of costs payable by Tripasoor Jagannadharow Respondent in No. 6 and appellant in No. 8 of

1838 on Rupees 9442-2-5½ being the amount allowed ... 1227 4 4

By Tripasoor Venkataracendularow Appellant in No. 6 and

Respondent in No. 8 of 1838 on Rupees 1010-15-6 being

the amount disallowed ... 131 6 6

1358 10 10

Total amount of costs increased in the Provincial Court by

both parties on Rs. 10002-6-7½ being the amount claimed

is Rs. 1355-10-0 of which the amount of costs payable by

the Defendant on Rs. 10064-10-7½ being the amount

allowed ... 1186 12 3

By the Plaintiff on Rupees 1937-12-0 disallowed ... 218 13 9

1355 10 0

Total Rupees ... 2714 4 10

Given under our hands and the seal of the Court this 19th day of August in the year of our Lord A. D. 1839.

By order of the Court of Sudr Adalat Read in Court this 2nd September 1839.

Under the orders of Her Majesty in Council of the 10th April 1838

No Appeal from this decree can be admitted.

(Signed) T. H. DAVIDSON,

Acting Registrar.

(Signed) T. H. DAVIDSON,

Acting Registrar.

(True Copy).

(Signed) T. H. DAVIDSON,

Acting Registrar.

(True Copy).

(Signed) HAIG,

2nd Judge for the Registrar.

(True Copy).

No. 256.

Extract from the Proceedings of the Provincial Court of Appeal for the Northern Division.

Dated 13th March 1840.

Read return dated 13th December last from the Zillah Judge of Vizagapatam to the precept of this Court of the 7th October preceding No. 949 whereby he was required, with

reference to the orders of the Sudr Udaulat of the 30th September last, to carry into execution the decree of that Court in Appeal suits Nos. 6 and 8 of 1832.

In this return the Judge states that the Collector of Ganjam has requested further instructions as to the interpretations to be placed upon the orders of Sudr Udaulat above quoted, and reports that he will make a supplementary return upon the production by Trepasore Venkata Condalarow of the necessary receipts for the property to be made to him in accordance with notices which have been issued for service to the Nazir of the Court.

Read also letter from the same Officer No. 367, dated 17th December enclosing copy of the return of the Collector of Ganjam, the despatch of which was previously omitted by oversight.

In this communication the Collector states that he is doubtful whether under the instructions of the Sudr Udaulat of the 30th September he is to place in the possession of Trepasore Venkata Condalarow so much of the Coomaree Estate as will yield annually to the Proprietor Rs. 1253-1-0 or whether it is intended that lands yielding a net income equal to the sum specified after payment of the Government Pesenah should be made over to him.

The Provincial Court observe in reference to the Decree that the Sudr Udaulat have awarded according to the purport of the plaint so much of the mofatah of Coomaree to the Plaintiff as shall make his share of lands, paying revenue to Government equal to the share in the possession of the Defendant and on reference to the plaint it appears that the sum specified in their order of the 30th September is thus calculated and has reference accordingly to the gross Revenues of the Estates.

The Gross Revenue of Coomaree are stated at	...	7,863	8	0
The Gross Revenues of Coorlah at	...	5,377	6	0
Total Gross Revenues	...	13,260	14	0
Which gives a share to each of	...	6,636	7	0
Deduct the Coorlah Revenue	...	5,377	6	0
Amount to be transferred to Coomaree	...	1,253	1	0

With regard to the last part of the Collector's return which has reference to the principles upon which the sub-division statements should be prepared the Court remark that the task assigned to the Revenue authorities by the partition of the lands in question is distinctly limited to the transfer of villages of the Coomaree Estate yielding a gross rent to the Proprietor of Rs. 1,253-1-0 to Trepasore Venkata Condalarow.

The Court further remark that the delay and difficulty which have arisen in the sub-division of the Estate could scarcely have occurred had a copy of the Decree been forwarded in the first instance to the Collector of Ganjam, an omission which the Zillah Judge will immediately supply, forwarding at the same time a copy of these proceedings to the Collector of Ganjam.

The Zillah Judge has not made the promised supplementary return and the Court direct that he be called upon to show what further steps he has taken in pursuance of the orders issued to him on the 7th October last.

Ordered that a copy of these proceedings is forwarded to the Zillah Judge of Vizagapatam who will communicate the opinion of the Court of the Collector of Ganjam, precept requiring conformity hereto and returnable within three days.

(True Extract.)

(Signed) G. T. BEANCHAMP,
Register.

(True Copy.)

Judge.

Index No. 43/1840.

W,

Captain Richardson Jr. Assistant to the Agent to the Governor of Fort St. George in Ganjam and Edward Taylor Senior Assistant to the Magistrate and Colonel of 1st Division of Cuttack having been deputed to arrange the dispute, between the Ryots of Baunapooram and Kalikote met in the neighbourhood of the Frontier on the morning of the 29th of April 1840.

The stones pointed out to us, by the Karzee, Dholuhheira, Bessore and some Ryots of Baunapooram, the Kalikote authorities not having arrived, and which were declared by them to be marked as boundary stones do not differ in this respect from others within soil

the whole apparently cut, with a view to their being used perhaps in the construction of the Fort or some of its buildings a tamarind tree is stated to be another point of the boundary line and although the Baunapoor people claim these as their limits from time immemorial, the Karzee of Banakool, the frontier village, admitted that the Ryots of both districts, had more than once cause into collision whilst employed, in cutting wood, in the belt of Jungle, which forms the subject of dispute. We are therefore of opinion, that the ditch running from the Bohating mountain to the westward, under the walls of the old Fort of Chaterquil and forming its ditch, to the margin of the lake, was the original boundary, between the two Districts; and as this is well defined, and likely to obviate future disputes, we recommend that the same be adopted as a Frontier line, to be continued to the Eastwards into the Lake as far as a rock called Kaldee. The ditch itself to be considered rental ground.

Banakool, April 29th 1840.

(Sd.)
Jr. Asst. Agent.

Asst. Magistrate and Collector of
Pooree and Cuttack.

No. 138.

To.

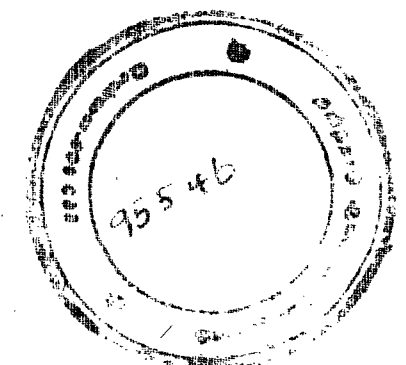
K. BANNERMAN Esq.,
COLLECTOR & MAGISTRATE,
Ganjam.

Sir, I have the honour to transmit one of 2 Copies of the decision of Captain Hall and Mr. Trevor regarding the disputed boundary between Khalleccota and Baunapoor and a Map of the County I shall defer promulgating the decision until I learn from you that the Rajah is satisfied.

I have the honour to be
Sir,
Your most obedient servant.

Zillah Cuttack
Collector's Office
Pooree 6th May 1840.

Collector.



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