

Fort St. George, Judicial Consultation, 23rd June 1857.

| Names of the Estates of the Zemindars. | Purganahs wherein collected under head "cat-<br>tle fines and corn thefts"<br>appear. |                         |   |            |             |                         |
|----------------------------------------|---------------------------------------------------------------------------------------|-------------------------|---|------------|-------------|-------------------------|
|                                        | 1                                                                                     | 2                       | 3 | 4          | 5           | 6                       |
| 1 Wooyoor Zemindary                    | 1 Wooyoor Purganah, ...                                                               | 1 Wooyoor Purganah, ... |   | Gollapully | 1 Vejayaroy | 1 Moonastalum.          |
| 2 Sengagooden                          | 2 Chatroy do.                                                                         | 2 Chatroy do.           |   |            |             | 2 Madoor.               |
| 3 Umberpettah Mootah                   | 3 Numberpettah Mootah.                                                                | 3 Numberpettah Mootah.  |   |            |             | 3 Sengagooden.          |
| 4 Tungallamoody do.                    | 4 Tungalla Moody.                                                                     | 4 Tungalla Moody.       |   |            |             |                         |
| 5 Chavendra do.                        |                                                                                       |                         |   |            |             |                         |
| 6 Chavercottah Purganah                |                                                                                       |                         |   |            |             | 4 Chavendra Mootah.     |
| 7 Coocheepoody                         |                                                                                       |                         |   |            |             | 5 Davercottah Purganah. |
| 8 Nursayagooden                        |                                                                                       |                         |   |            |             | 6 Coocheepoody.         |
| 9 Vulloor Samootoo                     |                                                                                       |                         |   |            |             | 7 Nursayagooden.        |
| 10 Vasuntavadah                        |                                                                                       |                         |   |            |             | 8 Vulloor Samootoo.     |
| 11 Narayanaporum                       |                                                                                       |                         |   |            |             |                         |
| 12 Doodapoody                          |                                                                                       |                         |   |            |             |                         |
| 13 Mulcacherlah                        |                                                                                       |                         |   |            |             |                         |
| 14 Half part of Tirwoor Mootah         |                                                                                       |                         |   |            |             |                         |
| 15 Timmanagoodem                       |                                                                                       |                         |   |            |             |                         |
| 16 Vuddlaputta Nootanum                |                                                                                       |                         |   |            |             |                         |
| 17 Wootoor Mootah                      |                                                                                       |                         |   |            |             |                         |
| 18 Half part of Tirwoor Mootah         |                                                                                       |                         |   |            |             |                         |
| 19 Callagara village                   |                                                                                       |                         |   |            |             |                         |
| 20 Pootrala                            |                                                                                       |                         |   |            |             |                         |
| 21 Condoor Cumbhum Naudoo              |                                                                                       |                         |   |            |             |                         |
| 22 Cookelum Pandoo                     |                                                                                       |                         |   |            |             |                         |
| 23 Moonocolla                          |                                                                                       |                         |   |            |             |                         |
| 24 Pengolanoo                          |                                                                                       |                         |   |            |             |                         |
| 25 Enagadapah                          |                                                                                       |                         |   |            |             |                         |
| 26 Half part of Gumpalagoodem          |                                                                                       |                         |   |            |             |                         |
| 27 do.                                 |                                                                                       |                         |   |            |             |                         |

28 Conera Mootah  
29 Lingagery Purganah  
30 Moongala Purganah  
31 Penagoodoor Lunka  
32 Chelegoodoor  
33 Rayavarum  
34 Gollapollem  
35 Davarapully  
36 Croottvennoo  
37 Vissana Pettah  
38 Mylavarum  
39 Bully Purroo

Masulipatam,  
Collector's Cutcherry,  
13th May 1857.

Fort St. George, Judicial Consultation, 23rd June 1857.

23 Conera Mootah.  
24 Lingagery Purganah.  
25 Penagoodoor Lunka.  
Vissanapettah.  
Bullepurroo

(Signed) T. J. KNOX,  
Acting Collector.

*Fort St. George, Judicial Consultation, 23rd June 1857.*

No. 34.

ORDER THEREON, No. 706; dated 22nd June 1857.

1. The Acting Magistrate of Masulipatam requests the instructions of Government as to whether Zemindaries and Proprietary Estates in his district are excluded from the operation of Act III of 1857. He observes that the proprietors levy fines on trespassing cattle for their own benefit, and that this source of revenue yields a considerable sum. He also notices an instance in which the practice was recognized as legal by a Decree of a Civil Court.

2. The Right Honorable the Governor in Council considers the practice above referred to objectionable in principle and one likely to lead to abuses. He therefore directs that orders be at once issued, through the Revenue Department, to put a stop to it wherever these fines are not entered among the assets on which the Peshcush was fixed. In those instances where they have been included, the several Collectors will be required to report the compensation that should be allowed to proprietors, by deductions from their Peshcush, on their being deprived of this source of income. They will also state whether from local peculiarities it is advisable to exempt any estate from the operation of Act III of 1857, under the provisions of Section XX.

(Signed) E. MALTBY,  
Acting Chief Secretary.

Exd. F. Cartledge.

*For orders.*

*The practice of Zemindars  
& other holders of estates  
levying these fines for  
their own benefit seems  
objectionable in principle  
& likely to lead to abuses.*

*Will Govt direct it to  
be at once stopped in  
those estates where these  
fines are not entered  
among the assets on which  
the Peshcush was fixed -  
and <sup>call for</sup> ~~order~~ a report  
in other instances for  
the purpose of ascertaining  
what deduction should  
be made in the Peshcush  
as compensation on this  
source of income being  
taken, and whether from  
local peculiarities it is  
advisable to allow the*

practice to continue on  
some estates exempting  
them from Act 3 of 1857  
under Section XX.

Me

This appears

to be correct

Me

A

Judicial Department

No 706

Extract from the Minutes of Consultation.

Dated 22<sup>nd</sup> June 1857

Read again letter from the  
Acting Magistrate of Masulipatam  
dated 31<sup>st</sup> April and recorded in Dr  
Cons: 5<sup>th</sup> May 1857.

Read also the following letter  
from the same officer.

(See entry 13<sup>th</sup> May 1857 No 174).

1. The Acting Magistrate of  
Masulipatam requests the in-  
structions of Govt. as to whether  
Raminaries and Proprietary Estates  
in his district are excluded from  
the operation of Act III of 1857.

He observes that the proprietors  
levy fines on trespassing cattle  
for their own benefit, and that  
this source of revenue yields  
a considerable sum. He also  
notifies an instance in which  
the practice has ~~been~~ recognized  
as legal by a Decree of a Civil  
Court.

Court.

2. The Right Honble the Governor in Council considers the practice above referred to objectionable in principle and one likely to lead to abuses. He therefore directs that orders be at once issued, through the Revenue Dept., to put a stop to it wherever these fines are not entered among the arrears on which the Pescham was fixed. In those instances where they have been paid, the several Collectors will be required to report the compensation that should be allowed to proprietors, by deductions from their Pescham on their being deprived of this source of income. They will also state whether from local

peculiarities

peculiarities it is advisable to exempt any estate from the operations of Act III of 1857. under the provisions of Sect XX.

W. H.

To the Revenue Dept.  
with letter & enclosed.  
May of Masulipatam

Sept. 27<sup>th</sup>

County & Term: 23rd June  
Judicial 1857: 23rd June

Weymouth

Extracts & Notices of Court.

23rd June 1857

South Devon & Cornwall

of 1857 Part 4.6

De 13-18-1857 1857 1858 1859

23rd June 1857 1858 1859

94/94

26/66

203/68-19

23rd June 1857

64-66

4

33 434

# MADRAS RECORD OFFICE.

Government of Madras.

*Jurial* DEPARTMENT.

G.O. No. 706

Press

~~MIS.~~

33-84

Dated

23-6-1907

Not to be folded or roughly handled

*Fort St. George, Judicial Consultation, 23rd June 1857.*

Read again letter from the Acting Magistrate of Masulipatam, dated 21st April, and recorded in Diary to Consultation 5th May 1857.

No. 33. Read also the following letter from T. J. KNOX, Esq., Acting Magistrate of Masulipatam; to T. PYCROFT, Esq., Chief Secretary to Government, Fort St. George, dated 13th May 1857, No. 174.

SIR,

In obedience to Extract of Minutes of Consultation, Judicial Department, under date 4th May, I have the honor to report that the levy of fines on trespassing cattle, which the Civil Court had partially recognized, was under the following circumstances.

2. D. Gungarauze, who after 20 years' litigation, obtained from the Collector half the Agraharum of Ulloor, which the Collector had declared was the property of a Pagodah in a summary suit, moved the Civil Court for arrears of collections, &c., and on 30th September 1851, the Civil Judge ordered among other arrears the collections of fines on trespassing cattle to be made over to D. Gungarauze,\* an Extract from his Proceedings is annexed, and with this order the Collector complied, without any remonstrance.

3. It is the custom for every Zemindar in this district to make this collection, and these fines were included by the Circuit Committee in their calculations of assets, for they are entered as an item of revenue to the Zemindar, and though it is difficult now to say positively, they were no more to be collected by the Zemindar, especially as the Peshkush on each estate seems to have been fixed on no defined rules, it is clear the Collectors of those days did not consider them leviable on Government account, and for 50 years this collection has been made by each Zemindar on his own behalf, and though it would be difficult to prove the legality of this levy by any written law, immemorial custom gives it equal sanction.

(Signed) T. J. KNOX,  
*Acting Magistrate.*

Extract from an Extract from the proceedings of the Civil Court of Masulipatam, dated 30th September 1853, No. 149.

Amount of fines credited to Vinnacotta and Goodewadah Estates above the Bilerneta Beriz, according to maumool, 43-0-7.

† D. Gungarauze.

leviable under any denomination beyond the fixed Bilernetah Shrotreyem.

\* Collector.

Appellant\* states, that it is usual to credit to the Vinnacottah and Goodewadah Estates the fines recovered on account of loss occasioned by stray cattle. The Civil Judge observes, that the practice is not known to be supported by any authentic document, and while Respondent as Agraharumdar pays a fixed Bilerneta Beriz to the Circar and thereby incurs this loss, he is the proper party who should obtain credit for any fines that may be recovered on the same account. Respondent is accordingly entitled to this item, unless satisfactory explanation is afforded to the contrary.

(True Extract.)

(Signed) T. J. KNOX,  
*Acting Collector.*