

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 109	Press ~~Mis.~~
226.228	
Dated	24-1-1865.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
24th January 1865.*

Read the following :—

No. 226. Proceedings of the Board of Revenue, dated 8th September 1864, No. 5,855.

Read the following letters :—

From J. FRASER, Esq., Officiating Collector of the Godavery District, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Cocanada, 5th July 1864, No. 168.

1. With reference to the Order of Government, dated 24th December 1863, No. 2,371, I have the honor to report as follows :—

2. In paragraph 10 of the Minutes of Consultation, under date 27th June 1856, No. 657, the Government directed that the arrears against the village of Kondapaud should be written off, and the village resumed.

3. In paragraph 16 of the same Proceedings it is said, that in all cases where resumption has been ordered, the villages should be offered to the former holder at the same rate as similar lands (*i. e.*, Jeroytee), in the vicinity are held, on the distinct understanding that if they then declined them, they will have no further claim to them under any circumstances.

4. The Commissioner, Northern Circars, through whom these Minutes of Consultation were received, directed, in the 4th paragraph of his order on the subject, that the villages mentioned in paragraphs 10, 13, and 14 of the Minutes of Consultation should be resumed, and the arrears written off. This was done in the case of Kondapaud, as appears from an order issued to the Tahsildar of Pentapad Talook, by the Acting Collector of the Masulipatam District on the 1st September 1856.

5. From the correspondence received from the Kistna District Collector's office, I observe that the Acting Collector of the Masulipatam District wrote (copy forwarded), to the Board on the 14th August 1856, No. 101, requesting further instructions regarding the exact terms on which the village should be offered to the late Mokhassadars. No answer was received to that letter.

6. In an Extract from the Minutes of Consultation, under date 15th March 1858, paragraph 2 (copy sent), Government direct that the village of Kondapaud should be made over to the Mokhassadars on the terms proposed by the Acting Collector of Masulipatam, which are referred to, and disapproved of, in paragraph 10 of the Minutes of Consultation of 27th June 1856, No. 656, but no order seems to have been issued in consequence, nor any steps taken to give effect to the order of Government.

7. The village was surveyed and assessed by the Revenue Settlement Department in Fusly 1272, and is now therefore held under the Ryotwar tenure instead of Joint-rent. Some of the former Mokhassadars are now landholders of an extent of 54 acres and 66 cents. assessed at Rupees 105-15-8 for Fusly 1273.

Read the following Extract from the

8. The annexed Statement shows the old assessment Nunjah, Punjah and Garden, and the Ayacat under each as compared with the present Settlement:—

According to the entries made in the Joint-vent accounts of Eusly 1271				According to the new Settlement accounts.			
Acres.	Shut.	Teerwah.	Total.	Acres.	Shut.	Teerwah.	Total.
Dry ...	617 72 0	1,020 12 5	...	617 72 0	1,020 12 5	...	...
Wet ...	...	...	...	...	...	...	...
Garden ...	...	...	...	...	...	...	...
Total...	617 72 0	1,020 12 5	...	617 72 0	1,020 12 5	...	...
Abdalmahmud.	310 9 6	...	...	310 9 6	...	...	...
Ibrahim ...	127 32 0	...	...	127 32 0	...	...	...
Total...	1001 90 0	1,020 12 5	...	1001 90 0	1,020 12 5	...	...

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Wet ...	Idim ...
Garden	

ABSTRACT.—Copies of an extract from a letter from the Acting Collector of Masulipatam to the Secretary to the Board of Revenue, and of an Extract from Minutes of Consultation on the subject of the Mokhassa village of Kondapaul.

From the same Officer, dated Cocanada, 13th July 1864, No. 173.

I have the honor to forward the enclosed Petition, No. 798 of 1864, presented to Government by the Ryots, &c., of Kondapaud in the Tanuku Talook, touching the matter referred to in the Petitions as per margin, and on which a report was sent to the Board on the 5th instant, No. 168.

Nos. 3,400 and 1,263.

1. Resolved that the above recorded letters be submitted for the consideration and orders of His Excellency the Governor in Council, with reference to the Order of Government quoted by the Collector, and to the Endorsements of Government on the Petitions under reference.

2. It will now be observed that the Orders of Government in the case of the Memorialists, the Mokhassads of Kondapaud, have been somewhat contradictory. The Board are of opinion that the Memorialists have been hardly treated in not having been reinstated in possession of their Mokhassa village according to the terms of the latest Order passed by Government in their case, dated 15th March 1858, No. 338.

3. The correspondence quoted by the Acting Collector shews, that in 1855 the Petitioners, among other Mokhassadars, were heavily in arrears of quit-rent; that in January 1856,* the

- Ex. from Mins. Cons., 18th January 1856, No. 63. arrears of quit-rent; that in January 1856,* the Government inquired whether the village of Kondapaud had been granted to the Petitioners prior to the Permanent Settlement; and that on the Commissioner of Northern Circars replying in the affirmative, the Government directed

- † Ex. from Minn. Cons., 27th June 1856, No. 657.

- † Ex. from Mins. Cons., 27th June 1856, No. 657. that the arrears standing against the Memorialists should be remitted, and that their Mokhassa village should be resumed, though the Acting Collector had recommended that Petitioners should be permitted to retain their property on conditions of their paying a portion of the arrears by instalments.

4. The orders above described were qualified in paragraph 16 of the same order, the Government having directed in that paragraph that the resumed village should be offered to the Mokhassadars at an assessment equal to one-third of the value of the gross produce. The Collector, seeing a difficulty in carrying into effect this portion of the order with a due regard to the interests of the occupants of the Mokhassa lands,

Dated 14th August 1856, No. 101.

- 16th February 1858, No. 636.

- 13 of which the Board drew the attention of Government to the remarks of the Collector on the point above referred to. The Extract from Minutes of Consultation, under date 24th March 1858, No. 383, dispose of these Proceedings of the Board, and in paragraph-6 thereof the Government observe that as the present arrangements did not involve the resumption of any of the Mokhassas, no orders were necessary on the Collector's reference, beyond recording that the Government in their former order had no intention of permitting the existing rights of the present occupants of the soil to be interfered with.

6. This observation was apparently made by Government in reference to an order which they had just passed on the subject of this and other Mokhassas, in effect cancelling the previous

- Dated 15th March 1858, No. 333. other Mokhassas, in effect cancelling the previous Orders of 1856, to which the Collector's reference alluded. The Board are unable to determine whether, when this latter Order was passed, the Government were aware that the cases which it dealt with had already been disposed of in a different manner in their previous Order, dated 27th June 1856, No. 657 ; but, be this as it may, the Board are of opinion that the Memorialists and any other Mokhassadars, who may be in a similar position, are entitled to the benefits conferred by the more recent order of the two. In the Order of 1856, the Government directed that the

Read the following Extract from the

Mokhassas of Kondapaud, Ujjamoor, and Pandoovah should be resumed, the arrears being written off, and the lands being offered to the former holders at an assessment of one-third the gross produce. In the Order of 1858, directions were given to restore Kondapaud to the Mokhassadars at the original quit-rent, all arrears, except a sum of Rupees 3,000, which was to be recovered by ten annual instalments, being written off; to restore Ujjamoor on the same terms, with a remission of all arrears; and to restore Pandoovah, with a remission of all arrears, excepting the sum of Rupees 1,200, which was to be recovered in a similar manner to the arrears against Kondapaud.

7. The Acting Collector has reported in his letter recorded at the head of these Proceedings, that as far as Kondapaud is concerned, neither the Orders of Government as issued in 1856, nor as issued in 1858, were fully carried into effect, inasmuch, as though that village was resumed it was never offered to the original holders on the terms proposed, nor was it restored on the terms of the subsequent order. Mr. Fraser will now be requested to report how the other two Mokhassas of Ujjamoor and Pandoovah have been treated.

8. In explanation of his predecessor's omission to give full effect to Order of 1856, Mr. Fraser states that the Collector's letter, dated 14th August 1856, was not disposed of by the Board, so that the Collector was not aware in what terms the renewed villages were to be offered to the original Mokhassadars; but as observed in paragraph 5 above, this letter was forwarded to Government with the Board's Proceedings, under date 16th February 1858, No. 636, and was disposed of by Government in Extract from Minutes of Consultation, 24th March 1858, No. 333, a copy of which was communicated to the Collector with the Board's Proceedings, 14th April 1858, No. 1,282. Mr. Fraser does not attempt to explain why the Order of Government* directing the restoration of the village under discussion, a copy of which was forwarded for the information and guidance of the Collector with the Board's Proceedings, dated 31st March 1858, No. 1,146, was entirely overlooked by Mr. Knox. Mr. Fraser, in correspondence with the present Collector of the Kistna District, will be requested to endeavour to trace out and report where the blame lies.

9. It now only remains to determine how the Memorialists' claims are to be dealt with. As stated in paragraph 6 above, the Board are of opinion that the Memorialists ought to be put in as good a position as that in which it was the intention of Government to place them by the Order of 1858. It is not now possible, without injustice to the present occupants of the Mokhassa lands from whom the Petition referred to in Mr. Fraser's second letter emanates, to carry out that order in its integrity, as the new settlement rates have been introduced, and it would be unfair to return to the old rates which are, as stated by the Collector, considerably in excess of those now in force. It is much to be regretted that when the matter was referred to Mr. Purvis in the latter part of 1862, he should have misled the Board by reporting that Memorialists' case had been finally disposed of by Government in the Order of 1856.

10. Under all the circumstances of the case, the Board consider that the only course by which the intentions of Government can now be carried out is to restore at once the Mokhassa village to the Memorialists at such a rate of quit-rent as will give them the same annual income from it as they would have obtained had the latest Orders of Government in their case been carried into effect.

11. The village was resumed at the commencement of the Fusly 1266, and on a reference to the enclosure of a letter, dated 3rd September 1855, No. 48, from Mr. Ballard, who was then employed as a Special Assistant to inquire into the Masulipatam balances, in which he

* Dated 15th March 1858, No. 338.

† Letter dated 30th December 1862, and recorded in the Board's Proceedings, dated 27th January 1863, No. 614.

recommended to the Collector that the village of Kondapaud should be permanently resumed, it

Fusly	Quit. rent.	Collection.
1260	1,432	1,242
1261	1,432	1,501
1262	1,432	1,462
1263	1,432	1,552
1264	1,432	1,553
Average...		1,462

appears that during five years of attachment the collections and quit-rent had borne the proportions shewn in the margin. The nominal shist of the village was, as stated in Mr. Fraser's letter, Rupees 1,627-3-2, but it seems very doubtful whether Memorialists could ever have

collected the whole of that amount. Under the arrangement directed in the Order of Government, which was not carried out, Petitioners were to have paid the quit-rent, Rupees 1,432, plus Rupees 300 for ten years. It is at least a question whether Petitioners would ever have been able to do this, and the Board would now propose that in consideration of the delay which has taken place in Memorialists' case, the Memorialists should be altogether relieved from the demand of Rupees 3,000 for arrears, and that the village should be restored to them at a Permanent Assessment of Rupees 1,300, with the understanding that they are not at liberty to alter the rates fixed on the lands of the village by the Settlement Department. These rates at present amount to Rupees 1,411-6-6, so that Memorialists will probably be in as good a position as they would have been had they obtained the village in 1858.

No. 227. *Proceedings of the Board of Revenue, dated 2nd December 1864, No. 7,744.*

Read the following letter from J. FRASER, Esq., Officiating Collector of the Godavery District, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Cocanada, 31st October 1864, No. 283 :—

Dated 8th September 1864, No. 5,855.

With reference to paragraphs 7 and 8 of the Board's Proceedings noted in the margin, I have the honor to inform you that I requested the Collector of the Kistna District to inform me why, and by whom, the Government Order, dated 15th March 1858, No. 338, directing the restoration of the village of Kondapaud to the former Mokhassadars, was overlooked. In answer I have received from him the accompanying letter (copy), dated 21st instant, No. 413, and copies of the former correspondence on the subject, from which the Board will observe that the order above quoted, directing the restoration of the villages of Kondapaud, as well as Azzapoor and Pandurna Khandrika, was cancelled by Government in their Extracts from Minutes of Consultation, dated 27th May 1858.

ENCLOSURE No. 1.

From G. THORNHILL, Esq., Collector of the Kistna District, to J. FRASER, Esq., Collector of the Godavery District, dated Masulipatam, 21st October 1864, No. 413.

1. With reference to your letter No. 374, dated 26th September 1864, I have the honor to state that, on further search in the records, the two documents noted in the margin have been discovered: copies of these are enclosed for your information.

Proceedings Board, 30th April 1859, No. 1,551.
Extract from Mins. of Cons., 27th May 1858, No. 694.

2. These orders are unnoticed by the Board in their Proceedings, 8th September 1864, and their existence was evidently unknown to the Board.

3. You will observe that the order of Government, dated 27th May 1858, distinctly cancels the order of the 15th March 1858, No. 338, quoted in the first paragraph of your letter under reply.

Board, 14th April 1858, No. 1,282.
Extract from Mins. of Cons., 24th March 1858, No. 333.

4. Copies of the orders of Government and the Board, called for in the second paragraph of your letter, are also enclosed.

Read the following Extract from the

6 *Proceedings of the Madras Government, Revenue Department,*
24th January 1865.

5. No definite instructions, so far as I can discover, were ever passed on the letter from the Acting Collector to the Board, dated 14th August 1856, requesting instructions as to the terms on which the villages should be offered to the Mokhassadars, nor does it appear from the records of this office that any such offer was ever made.

(True Copy.)

(Signed) J. FRASER, Officiating Collector.

ENCLOSURE No. 2.

ABSTRACT.—Copies of correspondence regarding Kondapaud village.

1. Submitted to Government in continuation of the Board's Proceedings, dated 8th September 1864, No. 5,855.

2. Under the circumstances now reported, the Board beg leave to withdraw the recommendation made in their former Proceedings on Petitioners' case, and to express their regret that, from an omission in their office, the latest order of Government on the matter, that passed in May 1858, escaped notice, when those Proceedings were drafted.

• Government Order, 18th January 1856, No. 63.

3. It now appears that in 1856* the Government directed that Petitioners' Mokhassa village should be resumed, as the Petitioners were heavily in arrears of quit-rent, but that His Excellency in Council was pleased in the same order to direct the Collector to allow the Petitioners to have their lands on ordinary tenure, at a fair rate of assessment.

4. The Collector resumed the Mokhassa, but requested further orders as to the terms on which the land was to be given to the present Petitioners, as it was apparently in occupation by other persons.

† Government Order, 15th March 1858, No. 338.

5. As the Government had inadvertently passed orders† directing the restoration of the Mokhassa, no orders were passed upon this reference as none seemed to be necessary. When the final order of Government‡ cancelling that just referred to, and confirming the original Order of 1856, was passed, the matter was not again brought forward, and, as reported by Mr. Thornhill, the land has apparently never been offered to Petitioners.

6. Under these circumstances it remains for Government to dispose of Petitioners' case as they think proper. As the lands forming the Mokhassa have now been settled by the Settlement Department with the present occupants, it will not be possible to offer them to Petitioners. The information called for in the 3rd paragraph of the Government Order, dated 24th December 1863, No. 2,371, is given in the 8th paragraph of the letter from Mr. Fraser, which was printed with the Board's former Proceedings on this subject.

No. 228.

ORDER THEREON, 24th January 1865, No. 109.

Miscellaneous.

The Memorials adverted to in Government Orders of 24th December 1863, No. 2,371 and 10th June 1864, No. 991, will now be forwarded to the Right Honorable the Secretary of State for India.

(True Extract.)

(Signed) C. G. MASTER,

Under Secretary to Government.

To the Board of Revenue.

Exd. T. O'Connor.

1263/64

G. Governor of Madras
Pres. Secy

The humble petition
of the Munsif of Matto
Maddars of Kondapaud
Collector of Tanjore.

most Honored
Sir

In former times my village
was under Lalla Pragasah Raja
dirirag. At that time an account
of receiving many taxes from
me I did not send to the Govern-
ment. I have since produced
many accounts of Dasta
nages about this Mokhassa.

re enter
no 383)

Collector

of Masulipatam for information
and guidance.

(True Extract)

(Signed) G. L. Forbes
Secretary

J. J. Knox Esq.
Acting Collector of
Masulipatam

Revenue Department

No. 383

Extract from the Minutes of Consultation
under date the 24th March 1858.

Read the following Extract from the

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(True Extract.)

(Signed) C. G. MASTER,

Under Secretary to Government.

To the Board of Revenue.

Exd. T. O'Connor.

then the collector named P.
was at that time took it
from & arrested it to the Government.
From that time we cultivate our
lands & live safely. We heard
again that the village
would be referred to Bhadriraj
& we are afraid about it,
because we cannot cultivate
the land & we & our family
cannot live in that village.
But if you receive any ad-
vantage from him we will
give to the Government. We
therefore beg of you not
to put it under his authority.
29 April 1864
Your most humble
obedient servants

Signed by these sry's
Alluri Brachamana
S. Deena Nagana Retanadar
Alluri Subbana
Alluri Narasanna
S. Ode. Kuntappa
Gode. Kuntappa
Murray. Vasentara
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ORDER THEREON, 21st January 1865, No. 109.

Miscellaneous.

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December 1863, No. 2,371 and 10th June 1864, No. 991, will now
be forwarded to the Right Honorable the Secretary of State for
India.

(True Extract.)

(Signed) C. G. MASTER,

Under Secretary to Government.

To the Board of Revenue.

Exd. T. O'Connor.

No. 6

FROM

THE MILITARY SECRETARY

TO H. E. THE GOVERNOR.

To

Secy: B. P. S.
Revenue Dep.

Dated

May 5th

Within letter
transferred by
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Arthur Henley
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No. 228.

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Miscellaneous.

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be forwarded to the Right Honorable the Secretary of State for
India.

(True Extract.)

(Signed) C. G. MASTER,

Under Secretary to Government.

To the Board of Revenue.

Exd. T. O'Connor.

No. 1263 of 1864.

Transferred to the Collector

of the Godavery with a due notice to Government

Order 24th December last, No. 2371.

By Order

For dth George

20th June 1864.

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My Secy to Govt.

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(True Extract.)

(Signed) C. G. MASTER,

Under Secretary to Government.

To the Board of Revenue.

Exd. T. O'Connor.

that the Court is about to
make over the village to
his charge. He presents
that they will quit the
village if it is placed
under his authority.

Offers to pay to Court
what they may expect
from him.

Recd 27 June 1864
Bt 5 July 1864

J. J. J.
at Calcutta
10/7/64
226

20228
Rev. 2446/64.
No. 1263 of 1864.

From Munsiff & P.
of Ponda Ponda
Taluk Lanuten in
District.

Dated 29th April
Recd 6th May 1864.

No. 1258/64
State that they suffered
much from overtaxation
when the village was
under the management
of Tella pargada Bho.
dirigazoo, & that on the
resumption of the village
by the Circle they have
lived safely, & that they are
now in fear as they hear

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Handwritten text in Telugu script, likely a memorial or petition, covering the right page of the document.

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(True Extract.)

(Signed) C. G. MASTER,

Under Secretary to Government.

To the Board of Revenue.

Exd. T. O'Connor.

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(True Extract.)

(Signed) C. G. MASTER,

Under Secretary to Government.

To the Board of Revenue.

Exd. T. O'Connor.

Recd 1853
12 Jan 64

Ms. A. 9.2. 798 of 1881

Forwarded to the collector of the
Godavery District with preference to endorsement
dated 20th June / signed on Peltion 1263 of 1884--
For A. L. George
By Order

By Order

celest

By: Secy: to Govt.

21. 10/10/10

No 1282

11

Extract from the Proceedings of the Court
of wards, dated 14th April 1858.

In Con: 14th April
1858

Read Extract Minutes Con-
sultation, dated 24th March 1858 P.D.

Communicating the order of
Government authorizing the
^{writing off the accounts of the Madras District}
of the balances amounting to Rupees
43275-4.. outstanding against
certain Mohkassa & Affra.
haram Villages in that
District and desiring to be
furnished with the cor-
respondence relating to
the arrangements for the
Villages of Mooltealumpam
and Prasadampam ---

(Here enter
no 383)

Forwarded to the acting Collector
of Madulipatam for information
and guidance.
(True Extract)

(True Extract)

(signed) G. L. Forbes
Secretary

To J. Knox Esq^r
Acting Collector of
Madulipatam

Revenue Department

No. 383

No. 383
Extract from the Minutes of Consultation
under date the 24th March 1858.

Read the following Extract from the

careful consideration to the detailed
Tabular Statement and the other papers
now submitted by the Board, and
he sees no reason in any case to
dissent from the conclusions arrived
at by the late Special Assistant
and the arrangements proposed by
him for the future. He accordingly
authorizes the striking out from the
accounts of the above amount of
balances vizt Rupees forty three thousand,
two hundred and seventy five and
annas four (43,275-4-4) which includes
that due on account of Comavara
por Cottah and Chaybroli Kairidreha,
the arrangements regarding which
have been concluded in the manner
formerly proposed.

6 As those now made regarding
these Moccassahs and Agraharams
do not involve their presumption,
it is unnecessary for Government
to issue orders as to the conditions
on

See paras
11-12 & mins.
Cons. 27th June
1856. R. D. No 657
Para 16 at

on which they may be restored to the
Moccassahs. It will be sufficient
here to record that the opinion formerly
expressed by Government on the
suggestion made by the late Com-
missioner Norther Circars, was certainly
not intended to convey any disregard
of the existing rights of any of the
present occupants to receive their
Pottahs direct from the Government
officers.

7 Before passing orders regarding
the future arrangements for the
Villages of Moottealampan and
Prasadampan, the Government
wish to see the letter of the Special
Assistant on the subject, dated 16th
April 1855, and the correspondence
that then passed, which is referred
to by the acting Collector in the Ta-
bular Statement regarding them
now submitted. "Manchavarasam"

would seem to be on the same footing
with them, to judge from the copy
of the list of Villages entered on the
permanent Cowle of the late Bezwada
zemindary, forwarded by the Board.
(A true Extract)

(Signed) H. Torrens

To The Board of Revenue
" Secy to Govt.
" Civil Auditor.

No 1551

Extract from the Proceedings of
the Board of Revenue, dated 30th April 1858.

Read letter from the Collector of
Masulipatam, dated 7th April 1858
enquiring what construction was
to be given to the order of Govern-
ment in Extract Minutes Consult-
ation 15th March, regarding the
restoration to their late proprietors
of three Mocassah Villages which
were resumed by order of Govern-
ment in Extract Minutes Consulta-
tion.

In H.C. of Con. session 27th June 1856. No 657 Revenue Department.
10th July 1856.

(Here enter No 55)

Resolved that the foregoing letter
be submitted for the orders of
Government. On comparing the
Extract Minutes Consultation of
the respective dates above quoted,
the Board are of opinion that the
fact of these Villages having been
disposed of in Extract Minutes Con-
sultation 27th June 1856 had escaped

In Con. 31st March the notice of Government - Extract
1858 - Minutes Consultation of 15th March
In H.C. Con. 28th January 1858 -
1858 R.D. No 338 refers to an order of
Government dated 18th January 1858
No 63 R.D. in which the case of these
Villages was reserved for disposal
As Mr Knot observed they were
directed to be resumed on the 27th
27th June 1856, the Board conclude
they were resumed accordingly.

The

2 The Board regret to find that in their Proceedings to Government, dated 25th February 1858 No 77, the disposal of the case of these Villages in Extract Minutes Consultation, dated 27th June 1856 No 657 should have escaped their attention, an omission which may in some degree have led Government to overlook their former orders on the subject.

(Signed) (A true Extract)
G. J. Forbes
Secretary

To H. Forbes Esq
Secy to Govt R. D.

No 694 Revenue Department.

Extract from the Minutes of Consultation under date the 27th May 1858

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

Submitting with the Board's explanation thereon, a letter from the Collector of Masulipatam, enquiring as to the construction to be placed on the order of Government 15th March 1858, regarding the

(Here enter
30th April
1858, No 1551)

restoration to their late proprietors of the 3 Moccassah Villages, resumed under date 27th June 1856

1 In Extract Minutes Consultation dated 15th March 1858 No 338, the Government passed orders regarding the disposal of certain Moccassah Villages in Masulipatam. These orders having been duly communicated to the Collector of that District, that officer, in his letter to the Board of Revenue dated 7th April 1858 No 55, points out that 3 of the Moccassah Villages Condapad, Vija, moon, and Pandoova Kandrika were previously disposed of in Extract Minutes Consultation 27th June 1856 No 657. And in their Proceedings above recorded, the Board of Revenue submit the Collector's letter

letter, and request the instructions of
Government on the subject.

2 The Government observes that
owing to the omission of the Board
to refer to former correspondence
in their Proceedings dated 25th February
1858, the orders dated 15th March last
were passed without Government
being aware at the time of any
previous directions on the subject;
the original orders must now
be adhered to, and the Board will
be pleased to make the necessary
communication to the Collector
The orders of 15th March so far as
they concern the Moccassah Villages
above referred to are cancelled
(A true Extract)

Dated 27th
June 1858
No 57.

No 338

To the Board
of Revenue

(Signed) W. H. Bayley
Secy to Govt

(True Copies)

ES
H. C. Cunka
H. C.

M. C. Cunka
Collector

Revenue Department

2746 x 3140

Memorandum

With these proceedings the Board of Revenue submit the report called for in G.O. 214th December last, No. 2871, upon a Memorial addressed to the Secy of State by the late Moosadars of Kondapid, and they further in consideration of the contradictory orders which appear to have been passed from time to time in reference to this village recommend its restoration to the original proprietors on certain specified and favorable terms.

In their orders, a direction to

18th Dec
In a letter from

18th Dec

In a letter from

The Collector

British India

Colonial Office

No. 413.

Copies of Correspondence

Orders of Revenue

Board of Revenue

Memorandum

Notes

Copies of Correspondence

Regarding Revenue

18th Dec

18th Dec

Notes

to above the Govt had
requested information upon
certain point, viz whether
desired, in their order of
June 1856, directing the re-
sumption of the Moassah,
the late holders of the vil-
lage had been allowed
the first refusal of it on
the full assessment which
might be determined after
enquiry.

When this question was
asked it was not known
that any correspondence
subsequent to June 1856 had
passed on the subject. Now
however that the Board
have drawn attention to the
matter it is found that on
the 15th March 1858, the
Govt passed an order No
238 in which, oblivious
apparently of the previous
order of June 1856, they sanc-
tioned the restoration of the
village on the terms proposed
by the Collector in 1855.

This order was passed
upon the Board's Pro: of the
15th February 1858 submitting
for

for information a letter
from the Collector of Masu-
lipatam furnishing cer-
tain particulars called
for by Govt in January 1856.
5. When the question of
the disposal of Kondapad
and other villages in areas
for quit rent came under
consideration, Mr. Ballar,
the Special Assistant in

* 27th Augt 1855, No 45 para 6. Masulipatam, recommen-
ded in the case of Kondapad
which had been under
attachment for 25 years and
against which arrears ex-
ceeding Rs 12000 were out-
standing that the village
should be resumed and the
balance written off. The
A. G. Collector, Mr. Fraser, how-
ever took a more lenient
view of the case. The origin-
al proprietors had express-
ed to him their great anx-
iety to recover their village,
and he thought that their
request might be complied
with on condition of their
paying Rs 1000 of the older
arrears by annual instal-
ments in addition to the
full

* Vide Appendix H record
ed in G.O. 18th January 1856, request might be complied
No 63 -
with on condition of their
paying Rs 1000 of the older
arrears by annual instal-
ments in addition to the
full

full quit rent. The Govt
with these contradictory re-
commendations before them
resolved to defer passing
any order in the case till
they had learnt whether
the village was granted
before the permanent as-
sessment, or subsequently;
remarking further that if
it proved to be a subsequent
grant it was entitled to no
consideration.

6. Mr. Goldingham, the Com-
missioner for the Northern
Circars replied to this ques-
tion in the following April;
he stated that the summa
showing by whom the grant
had been made was not
produced before the Col-
lector, but it was clear
that the village had been
entered in the accounts,
previous to the Permanent
Settlement as a Moossat.
Mr. Lushington was, he
added, averse to its resto-
ration, and he himself
agreed to the assumption,
but

L. M. C. 18th January 1856
No 63 para 4-

* Poo: 28th April 1856, No
49 paras 16, and 17.

* 27th June 1856, No 657-
p. 10-

but suggested at the
same time that the
land in this and other
similar cases might be
restored, the Government
assessment being fix-
ed at one-third of the
gross produce.

7. The Govt finally
declined* to accede to
Mr. Fraser's proposition
which they considered
to have been made with-
out reference to any
general principles, and
they directed that the
village should be re-
sumed and the arrears
written off, no reason for
special indulgence being
apparent in the case.

It

It is to be noted that they did not make any allusion to the question whether the village had or had not been granted prior to the Permanent Settlement, and it would seem that they disposed of the case on general grounds. As for the Commissioner's proposal to make over the land to the late Proprietors on an assessment fixed at one-third of the gross produce, they saw no reason for making a difference between these & other lands in the district, but when the assessment was really too high they authorized

authorized the Collector to reduce it to that of similar land in the vicinity and then give the first refusal to the former holders.

8. The Village of Hondapad was thus to all appearance finally disposed of but as already noted, (para 3 supra), a year and a half after this order was passed the Collector of Masulipatam reported to the Board of Revenue (the Office of Commissioner of the Northern Circars having been in the meantime abolished) that this and three other villages had been granted prior to the permanent settlement, whether this report was made

made in answer to the question asked in Q. Q. 18th January 1856 is not clear, but at all events the Board were under that impression and submitted it to Government with reference to that order.

9. From the notes recorded at the time it would seem that in sanctioning the restoration of Nondagad on the terms proposed by Mr. Fraser in 1855, the Government proceeded on what appeared to be the implied intention of the Government of 1856 as to the course to be followed if it turned out that the village had been granted prior to the permanent settlement: otherwise there did not

* by the members of the

+ 15th March 1858 No 338-

in their order of January 1856

not seem to be any ground for the restoration. They were evidently unaware that final orders had been passed in June 1856.

10. The mistake indeed was almost immediately discovered. The Collector of Masulipatam wrote to ask what construction was to be put on the order restoring three Moccassah villages which had already been resumed, and the Government observed that owing to the Board's omission to refer to former correspondence, in their Pro: dated 25th Feb^r 1858, the order of the 15th March was passed without Govt. being aware at the time of any previous directions

+ 7th April 1858.

Q. Q. 27th May 1858 No 694

on the subject. They desired
therefore that the original
orders should be adhered
to, that of the 15th March 1858
being cancelled so far as
it affected the Mocassah
villages resumed by G. O.

27th June 1856 to 1857.

11. In writing their
Proceedings now under re-
view the Board were
evidently unaware of this
last order of 27th May 1858. Their
proposals are based on the
presumption that the direc-
tions of the 15th March preceding
are still in force. The fact
of the cancellation of this order
was probably communicated
to the District, and hence most
likely, the omission to carry
out

22
out the instructions forward-
ed with the Board's Pro: dated
31st March 1858 alluded to
at the end of para: 8 of the
Proceedings under review.
The ignorance on the subject
prevailing in the District
as well now as when Mr.
Purvis reported on the
claim in 1862 may be ascribed
in part to the confusion re-
sulting from the transfer
to the Godavery District
in 1859/60 of that portion
of the old Masulipatam
District in which these
Mocassahs are situated.

12. It remains now to
enquire why the opportunity
was not afforded to the
Mocassah dars of Gondapad
of obtaining possession of
the

the village on the terms
sanctioned by G. O. 27th.
June 1856 - No 657.

13. It appears that
shortly after receiving
this order Mr Fraser, then
Acting Collector of Masu-
chiptan wrote with re-
ference to para 16 of
the G. O. to ask what
the exact intentions of
the Government were.
The Government had
stated that they saw
no reason for treating
these resumed Mocasah
Villages differently
from other lands in the
District. i.e. they
did not agree to the
Commissioner's

* 14th Aug^t 1856
No 104. para 5.

Commissioner's propos-
=al to make them
over to the late Proprie-
tors on an apsement
fixed at one-third of
the gross produce:
but where the apse-
=ment was really
too high they authorized
the Collector to reduce
it to that of similar
land in the vicinity
and then to offer the
Villages to the for-
mer holders. Upon
this Mr Fraser re-
marked that "under
the

"the joint rent sys:
 "Ten, the entire as:
 "segment of a village
 "is liable to alter:
 "ation from time to
 "time according to cir:
 "circumstances and the
 "a segment on the
 "several fields keeps
 "changing in a corres:
 "ponding degree. a
 "fixed segment
 "cannot be therefore
 "determined from
 "such data. The meaning
 of

"of Government seems to me
 "to be susceptible of two in:
 "terpretations: one that the late
 "Mocassatdars are now to be
 "constituted Proprietors or
 "Permanent Renters of their
 "villages, entering now into
 "engagements once for all with
 "Govt for paying such Re:
 "venue as may be determined
 "by it and possessing com:
 "plete authority to make
 "what arrangements they
 "think best with the culti:
 "vators of the land, and to
 "profit by what improvements
 "they are capable of making,
 "it being also understood that
 "no alteration in the Beriz
 "now fixed can be made ex:
 "cept at the survey or on ac:
 "count of Teerwajaty in
 "case of Circar water
 being

"being used. Another, I
 "think the more probable one,
 "that the late incumbents
 "are simple renters, their
 "lease being renewed annu-
 "ally or from time to time,
 "on such terms —
 "and for such amounts,
 "as the Collector may deter-
 "mine." He proposed there-
 "fore to wait for more de-
 "finite instructions before
 "accepting any offers which
 "might be made for any
 "of the resumed villages and
 "he added in a side note —
 "In cases, and they are many,
 "where the Mokhasadars have,
 "from poverty, absence or other
 "causes, held little or no
 "land in their own names
 "in the resumed villages, I
 "think it would be unjust
 "to the rest of the ryots

"to treat them (the Mokhasa-
 "dars) otherwise than as simple
 "members of the village commu-
 "nity and I would allow them
 "to hold only the lands they
 "have cultivated for long —
 "where they have held much
 "or most of the land in the
 "village, in their own or de-
 "pendants' names, there would
 "not be so much objection to
 "make them permanent renters."

11 This letter was de-
 "livered in the Board's office
 "some time and was eventually
 "submitted to Govt in 1858 to-
 "gether with other papers on
 "the subject of the Mokhasads
 "and Agrahars of the Ma-
 "sulipatam District. After
 "going into the details of several
 "cases the Board observed in

Board's Pro: 16th Feb.
 1858 &c. &c.

This particular point —
 paras

(paras 13 & 14) that the order
which Govt had passed
seemed only to authorize the
reversion of the lands by the
late inamdars on the same terms
on which any ordinary ryot
would be permitted to hold
them i.e. on payment of
the full assessment; that
this arrangement would be
obviously impracticable
where it would interfere with
the rights of existing occu-
pants to receive their Puth-
taks direct from the Revenue
Officers; that it was not
intended that these rights
should be infringed in any
case; and that the Acting
Collector's views as expressed
in the note to paras 5 of
his letter seemed to meet
the

x G.O. 24th March 1858 No. 383.

the orders under consideration.

15. In their order upon
these Proceedings the Government
after sanctioning the striking
out of the accounts a large
amount of balances outstanding
against certain Moccasahs
viz. including two named Coma-
varapoo Cottah and Chaybrole -
Kandrika observed that as the
arrangements "made regarding
these Moccasahs and Agesha-
"iums do not involve their

resumption

"resumption it is unnecessary

"for Government to issue orders

"as to the conditions on which

"they may be restored to the

"Mocassaddas. It will be

"sufficient here to record that

"the opinion formerly expressed

"by Government on the suggestion

"made by the late Commissioner

"Northern Circars, was certainly

"not intended to convey any

"disregard of the existing rights

of

"of any of the present occupants

"to receive their Pottahs direct

"from the Government Officers."

16. The fact seems to be

that the Government in joining

this remark were thinking of

the villages then under their

consideration and which were

also adverted to in the order of

June 1856, and overlooked the

application of the original

order to those villages which

had been resumed. The Board

in

in para 6 of their Proceedings
now under review express an
opinion that this observation was
made in reference to the order which
Government had just passed,
viz. that of the 15th March 1858 already
quoted above, which in effect can-
celled the previous orders of 1856:
this however could not have been
the case for it has been already
shown that when the order of 15th
March 1858 was passed the Gov^{ts}
were unaware of the existence of the
order of 27th June 1856 which is pro-
minently referred to in their order of
the 24th March 1858. The two orders of
March 1858 appear to have been drafted without
reference

reference
to each other - that of the ²⁸
15th March on the 1st and that of
the 24th March on the 8th idem.
17. From the foregoing
statement of the case it is appar-
ent that the Mocassadars
of Hondapad have not been
allowed the opportunity of
obtaining the possession of their
village on the terms authorized
by G. O. 27th June 1856 No 657:
i.e. on such a settlement as
might bring it on an equal-
ity with similar land in
the vicinity - and (as stated
by the Board in para 4 of
their present Proceedings) at
an "agreement" equal to one-
"third of the value of the gross
produce".

18. With the modification
which would have been adopted
with reference to the G. O. dated
24th March 1858 No 383 (see para 18)

Supra

supra) viz that such recovery
should not affect the existing
rights of any of the present
occupants to receive their
just share direct from the Govt.
"Officers" it is not apparent
that the late Mokhasadars
would have derived much
benefit from the change even
had it been made. It seems
from the Collector's report
referred with the Proceedings
now under review that the
extent of land in the village
actually held by the former
Mokhasadars at the present
time is only acres 5th odd
assessed at Rs 106.00.

19 If the Government
therefore should determine
that there is no reason to
restore the village on the
grounds stated by the Board
which, as already shown
are

* Para 7

are founded on a mis-
apprehension, it remains
to decide what consideration,
if any, should be shown to
the Memorialists on account
of the failure to act up to
the originally expressed
intention of Govt under
which the former Mokhasa-
dars would have retained,
notwithstanding the re-
sumption, some stake in
the village.

20 The sudden anxiety
which they have displayed
within the last year or two
to recover possession is
doubtless to be attributed
to the prospect of the extension
of wet cultivation. For
though according to the new
Settlement, rated the sum
of Rs 144.6.6 represents the
value

value of the village to Govt.
they offer to pay the old quit
rent or Rs 1432.4500 Rs a year
for ten years on account
of old arrears. Their former
under-tenants are
are decided by, opposed to
return to the old state of
things and have petitioned
against compliance with
Memorialists' prayer.

21. They to draw atten-
tion to the former memo-
randum in this case put
up with G.O. 21, December
1863 (No 2371). It will
be observed that no report
was called for, nor has
any been made, upon
Memorialists' statements
in connexion with the
Madavale arrears, I
suppose none is necessary?

Upon

x 2 December 1864
No - 7744

* 4 8 Sept/64
No - 5855.

22. Upon the decisions
which may be come to, will
depend whether the Memorial
goes home or no.

Since the foregoing me-
morandum was drafted
the Board have found
out the mistake into
which they have fallen
& have withdrawn
the recommendation
in favor of the memo-
rialists which they
made in their previous
Proceedings. They make
no proposal, but sim-
ply observe that
"as the lands forming
"the Chokkasa have now
"been settled by the
"Settlement Depart-
"ment with the present
"occupants, it will not
"be possible to offer
"them to Petitioners.

Should the Govt. decide
not to interfere with the
original assumption or
order it does not appear
necessary to shew any con-

sideration to the memo-
rials to merely because
effect was not given
to a part of the order
which, as shown by
Mr Fraser at the time,
could not have been
carried out with
notice to the interests
of the ryots generally.
The Government ^{upon}
~~in~~ ^{an} ~~order~~ ^{order} ~~representation~~ ^{representation}
said that
their order of their
was never intended
to convey any disregard
of existing rights &
they did in effect,
though not in direct
terms, withdraw
that order, as they
had a perfect right
to do.

7/12/64

There has been
much hindering
in this case but
the full story is
the pitch of the matter.

11 3 000 - 11 3 000
The put in 1856 resumed
the will for any area
of 12,000 - after 25 years at-
tack went to the point that
it might be offered to memo-
rials as full assessment.

The claim is explained
that this would be unjust
to the ryots who had acquired
the right of holding directly
from put.

The put did not ex-
actly recall the order
which never reached the
minerals - but it claimed
all in the form of a wa-
ring the rights of the
ryots.

Since then the land
has been settled directly
with the ryots - who can-
not be ousted.

The put in March
last refused to open the

question - and the result is the present Memorial in which is urged for the first time, that tender of the village has never made -

There is no fault of the annex and consequently of the solicitor of the Government -

The offer of holding the village on full assessment has never carried out - and has inferentially withdrawn - it is only now urged by Memorialists & others rights have sprung up which cannot be ignored - I do not see what can be done for Memorialists whose only claim in fact is based on a liberal intention never carried out - & accomplishment - L.S.P.

Memorialists cannot be carried out in the village - the new 1856 has brought full through - the Memorialists must go home with this stipulation - W.D.

Revenue Department

N^o 109 -

Proceedings of the Madras Government under date the 21st Sept/65 Read the following Pro^{cs} of the Board of Revenue

Submitting for consideration letter from the Off^r Collector of Godavari District, bringing to notice the contradictory orders passed in the case of the allotment of Stongapaul - (Here enter 8th Sept^r 1864 N^o 5855)

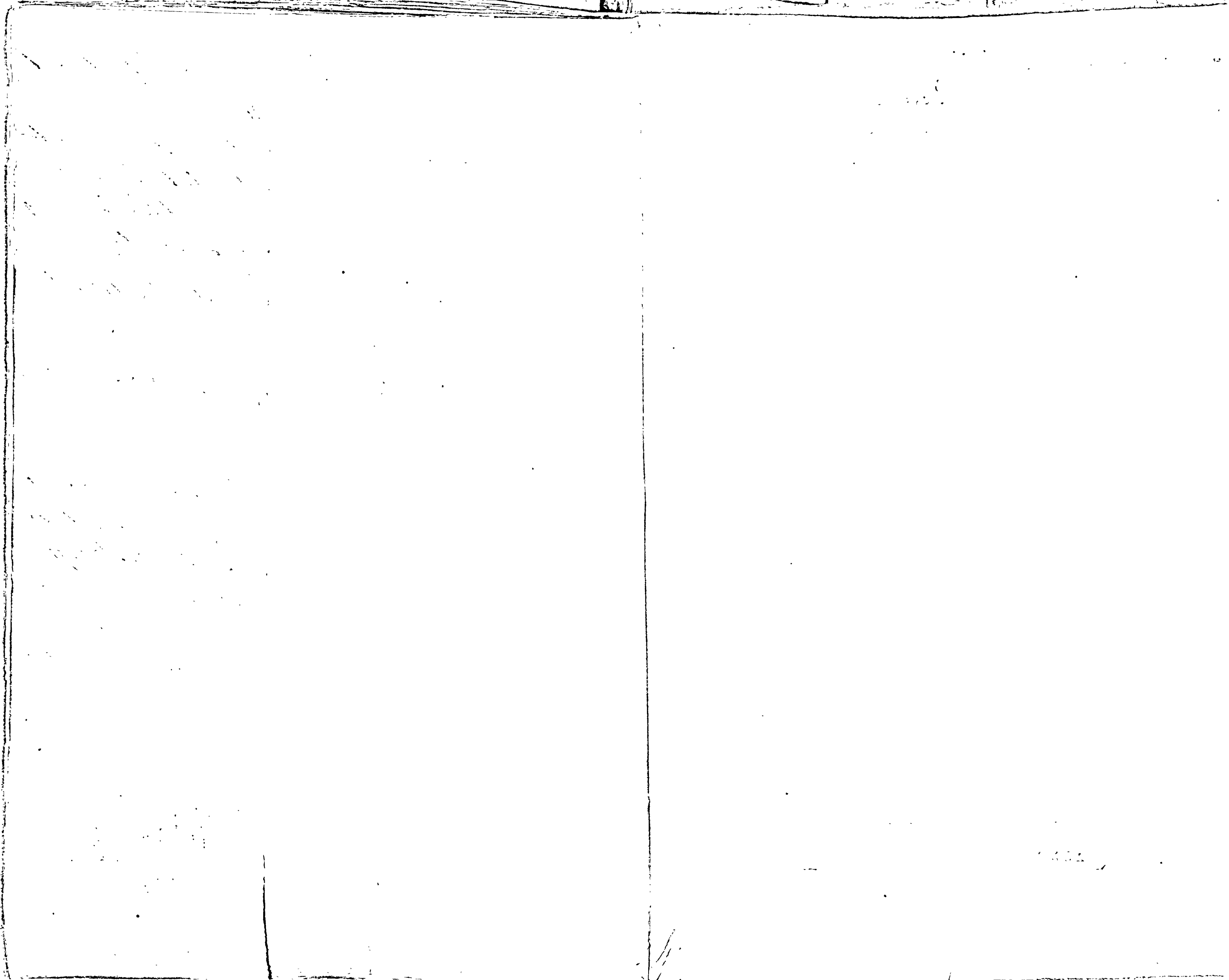
Submitting letter from the Officiating Collector of the Godavari District, and withdrawing the recommendation made in the case of Petitioners in N^o 798 of 1864. (Here enter 2nd December 1864 N^o 7744)

The Memorial advert

- ed to in Government Orders of 24th December 1863, N^o 2371 and 10th June 1864, N^o 991 will now be forwarded to the Right Hon^{ble} the Secretary of State for India. -

W.D.

14 To the Board of Revenue Dist 225 Jan 7



Copy in letter to Engr
of 3 February 65 N^o 5 all

Revenue 1865 Dept.
Pro of Govt. for Engr

N^o 109

Pro. of the Madras
Government of
24 January 65.

Pro. No. 30-31
27-6-1856

- 13-14
18-1-58

- 5-6
15-3-58

- 5-6
24-3-58

- 412-413
24-12-63

Directing that the de:
monials from the late de:
Kafsaars of Kondapand
in the Godavary District
praying that they be re:
-instated in possession in
of the said Village to be
forwarded to the Home
Government-

N^o 226 C 228