

MADRAS RECORD OFFICE.**Government of Madras.***Revenue* **DEPARTMENT.**

G.O. No. 524

**Press
Mis.**

156-157

Dated

10 3 - 18 65

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
10th March 1865.*

No. 156. Read the following Proceedings of the Board of Revenue, dated 11th January 1865,
No. 159.

Read the following letter from G. BANBURY, Esq., Acting Collector of North Arcot, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Chittoor, 11th November 1864, No. 299 :—

1. I have the honor to reply to the Board's Proceedings, dated 14th November 1863, regarding the adjustment of the present irregular boundary line between the late Sutwaid Talook, and the Zemindary of Calastry.

2. From the accompanying translation of the Zemindar's Khat, received on the 3rd instant, at this office, the Board will perceive, that although he is anxious to meet the wishes of Government as regards the satisfactory settlement of the boundary, there are the following objections extant with reference to the whole, or portions of villages which would have to be transferred from our territory to his, in the event of a mutual adjustment being carried out.

First.—That in his territory both the proprietary and occupancy rights to the soil vest in the Zemindar; this is not the case with the villages we hand over to him, and he doubts whether these rights could now be conceded to him.

Second.—That he receives the Circar share of the Nunjah produce in grain, whereas our Ryots pay a fixed Taram assessment, so that to make the exchange in any way just as regards the assessment derivable, we should have to give him about three Cawnies for every one we received from the Samustanum.

Third.—The amount received as Melvaram by him varies according to the caste of the cultivator, whereas nothing of the kind exists in our villages.

Fourth.—That the villagers, who would become hereafter our Ryots by the adjustment, are in many instances heavily indebted to the Samustanum in grain, and that the realization of this demand hereafter would be most difficult.

Fifth.—That Roosrooms or fees not known in our villages are annually realized in his; and that lands assessed at an amount equal to these relinquished fees would have to be granted him.

Sixth.—That certain Roosrooms and Jody are levied upon Inám lands.

Seventh.—That the forests and jungly tracts yield him a certain revenue. I presume he refers to contracts and licenses for gathering honey, wax, bark, &c., which do not obtain in the Government villages, and that consequently the Ryots newly transferred to his estate would object to his levying taxes upon the leaves for manure and other jungle products, which they have hitherto enjoyed totally free of any tax or seigniorage.

3. The Zemindar states, finally, that he is willing to make the following arrangement which will, he conjectures, harmonize with the views of Government, and meet all the requirements of the case. His proposition is to trace a boundary line which shall include the uttermost points of the Samustanum territory running into Sutwaid, and thus comprise in this evenly defined limit, the intermingled tracts, and disputed boundaries, that all the lands now belonging to Government, which fall within the limits of this trace, should be handed over to him; as, when once the boundary disputes come under the jurisdiction of one authority, he anticipates there will be but little difficulty in their adjustment.

4. The terms upon which the Zemindar proposes to take over our territory stand thus. That after deducting the expenses of management, Saderwarid, and public work repairs, the average assessment of the last twenty years should be calculated upon the tracts we hand over; and that after further deducting an appropriate sum, in consideration of the fixed nature of the assessment, the Government will receive hereafter, without any claims being urged for remissions we should incorporate the product thus obtained with his annual Peishcush, and realize it from him accordingly. The Zemindar furthermore guarantees to the Ryots, thus transferred to his Samustanum, all the rights, privileges, and immunities they have hitherto enjoyed under our rule. I doubt, however, whether Government would be prepared to relinquish so much valuable territory for the somewhat inequivalent benefit of a well-defined boundary line; and it also appears to me

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problematical whether, in the event of the Sutwaid Ryots being transferred to the Samustanam their present position as regards rights, &c., will not year by year be more closely assimilated to that of the other cultivators under the Zemindar's sway.

5. Any attempt at a mutual adjustment would not only be productive of the difficulties above enumerated, but, owing to the heavy assessment upon the Zemindar's lands, we should have to forego a very much larger extent of territory than we received. Government would not, I presume, in the event of this exchange being effected, wish to maintain a rate of assessment so singularly in excess of that of the surrounding Government lands, and would most probably place their newly acquired tenants upon the same footing as the rest of the Ryots in the Sutwaid Talook. The State would consequently be losers both in territory and revenue.

6. I know from former experience that there is considerable difficulty in coming to anything like satisfactory terms with the Zemindar regarding these boundary disputes. Amicable adjustments and mutual arrangements have hitherto been unsuccessful. Mr. Whittingham, Mr. Sullivan, and I, successively tried our utmost, and signally failed in coming to anything like fair terms. The Zemindar's demands were not only most extortionate, but he ignored our Paymash, the boundary stones, and every thing else that we had to advance in favor of our just rights. I may be mistaken, but, I think, the preferable plan would be to make the provisions of Section 25 of Act XXVIII. of 1860 applicable to Zemindars, and thus settle each present and future case individually upon its own merits, should the Proprietor not be willing to refer the matter to arbitration under Section 22 of the said Act. The Calastry Zemindar urges that Regulation XII. of 1816 does not apply to these cases, and I presume he would likewise endeavour to show that he was not amenable to the provisions of Act XXVIII. of 1860.

ENCLOSURE No. 1.

ABSTRACT.—Translation of a Khat addressed by the Zemindar of Calastry to the Acting Collector of North Arcot.

1. Submitted for the consideration of Government, with reference to the Order of Government, dated 7th November 1863, No. 2010, Revenue Department.

2. The Board share Mr. Banbury's doubt as to the probability of the Ryots' rights in any transferred Government lands being respected, and cannot recommend that the Zemindar's proposal be accepted, neither can they admit that his asserted rights in lands, which might be transferred to Government from the Zemindary fairly belong to him, including as they do the proprietary right in the soil.

3. The Board have no doubt that Act XXVIII. of 1860, for the decision of boundary disputes, is applicable to such cases as those between the Calastry Zemindary and the Government villages in Sutwaid.

No. 157.

ORDER THEREON, 10th March 1865, No. 524.

Miscellaneous.

The Governor in Council considers it preferable to await the survey of the Madras and North Arcot Districts, when the demarcation of the villages adjacent to the Calastry Zemindary will form a part of the operations.

(True Extract.)

(Signed) J. D. SIM,
Secretary to Government.

To the Board of Revenue.

Ex d. S. T. Augustin.

To
The Acting Collector of North Arcot,
(with the usual compliment.)
Sir,

I have received your letter dated 8th August 1864. purporting to have been written in accordance with the proceedings of Government dated 7th November 1863 No. 2010, and in which it is stated, that the disputes now existing in respect of the boundaries between the Madras District and this Zemindary and the inconveniences consequent upon this state of things both to the Government and the Zemindar, are attributable to the irregular character of the boundary line, that you are to concert with me as to the mode of regulating this boundary line by an amicable exchange of lands; that upon the result being laid before Government accompanied by my opinion, the Government would adopt the necessary measures; that I may consent to have the boundary dispute settled by arbitration; that I may communicate in full detail my views on the subject; that loss is occasioned both to Government and to me by the boundary question remaining unsettled, and that therefore I should speedily transmit a clear reply on the subject.

1. In reply I beg to state that I cannot be too earnest to conduct myself in conformity with the wishes of Government, for, this I consider to be my bounden duty: I am glad that the Government in order to give effect to its wishes has adopted a plan satisfactory to both parties. But, as the letter above abstracted contains no particulars as to the manner in which the boundary line is proposed to be fixed, the number of villages now belonging to the Zemindary which will fall within the said line, the number of villages now belonging to Government which will come to be included in the Zemindary &c., I am unable to say any thing as to the details of the measure. I therefore request to be favored with the above particulars together with a map of the District.

2. As regards the boundary dispute I have no objection whatever to submit to the decision of arbitrators. But should the villages to which the boundary dispute relates come to be included in the Zemindary in the settlement of the new boundary line, the above dispute might be adjusted by village Punchayett under Regulation VII of 1816. In that event, as both the disputing villages will be situated within the limits of the Zemindary, I would not be a loser whichever village might obtain the disputed tract. I therefore beg to request; that you will consider whether it is at all necessary to dwell on the last mentioned topic in settling the question first proposed viz; that relating to the new boundary line. I also wish to be informed, in case of a reference

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to arbitration, whether the arbitrators are to be selected from the class of Merchants and Ryots or from among the Officers of the Government under the Zemindary.

3. I further request information as to the details in case it should be the desire of the Government or of yourself to adjust the question of the boundary line also by a reference to arbitration. I would wish to know at the same time whether the arbitrators so appointed are to take up the question of the disputed village boundaries, or that of the general boundary line.

4. I have no objection to the annexation by Government of any of the Zemindary villages in settling the new boundary line but as the lands in this Zemindary have not been separately surveyed and assessed, a consideration of the undermentioned points will show the inconvenience to which the Government will be put by this means.

1st. The right to the soil in all the villages attached to the Zemindary rests in the Zemindar.

2nd. The wet lands in such villages do not pay a money assessment, but the produce is divided.

3rd. The shares in the said division are rated according to the order of the castes.

4th. The Ryots of the said villages are greatly indebted in corn to the Zemindary.

5th. In the Zemindary certain Roosooms are raised which are not in vogue under the British Administration.

6th. Certain Roosooms and Jodis are now collected from Inam lands.

7th. Forest lands abound in the Zemindary and likewise yield their Revenue.

5. Now as regards the 1st of the points above enumerated, (viz: the Zemindar's right to the soil) I desire to be informed if the Government will undertake to cause the right to the soil to be made over to the Zemindar in the case of all the lands which are to be given to the Zemindary under the exchange.

6. As to the 2nd. point (viz: the assessment on the wet lands in the zemindary being usually levied in kind) I submit; that the Teerva of the zemindary villages is very high according to the current prices. If the Government should surrender lands yielding a revenue, from the value of their actual cultivation, equal to what is derived from the zemindary villages valued according to the current prices, the waste-lands in the zemindary would be excluded from the calculation of the assessment. I therefore request to be informed whether the Government agrees to fix a Teerva for these waste lands according to the same rates as those prevailing in respect of the lands under actual cultivation.

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7. In respect of the 3rd. point (viz: the rate of assessment being fixed in the order of the castes) instead of regulating the proportion of the Teerva according to the order of the castes, whether Government would fix a uniform rate. This would lead to the various castes being aggrieved and appearing before the Collector with oft-repeated complaints.

8. To come to the 4th. point (viz: the Ryots being greatly indebted to the zemindar), the cultivating Ryots being tenants, it is the immemorial practice, whenever the proportion of corn coming to them out of the whole produce after deducting the zemindar's share should be insufficient for their maintenance, to give from the zemindar's share so much as might be sufficient for their maintenance, to enter this in the account as a debt against them, and in favourable seasons to credit an instalment in liquidation of this debt whatever portion of grain may remain in the tenant's share after reserving enough for his maintenance. In this manner debts have occurred upon the accounts from ancient times. Information is therefore necessary as to whether Government is prepared to undertake the liquidation of the debts of these tenants in case the latter should be transferred to Government.

9. As to the 5th. point (The levy of Roosooms in the zemindary), I beg to be informed whether lands will be given in compensation also for these Roosooms, as well as for the waste and cultivated lands.

10. As to the 6th. point (viz: the Roosooms and Jodis levied in the zemindary upon Inam lands) it has to be known whether cultivated lands are to be given in exchange for the Roosooms upon the Inams.

11. As to the 7th. point (viz: the revenue from the forest lands) I beg to suggest for the consideration of Government the fact that, in case any Jungle lands should be given me by Government. I will have according to usage to levy upon these lands certain items of revenue, uncollected by Government, and this would make the Ryots of the said Jungles refractory. Information is needed on this subject also.

12. I believe that the various points above considered will, if duly weighed, convince you that the Government would be a loser by effecting an exchange in the manner aforesaid.

13. Instead of such an exchange, the adoption of the measure hereunder proposed will, it is conceived, prevent loss, secure the improvement of the boundary line, and set at rest the boundary disputes; and I therefore request that you will be pleased to procure the Government's sanction for the same.

14. The measure proposed is this.—The new boundary line to be carried along the limits of the furthest zemindary village situated within the Government's territory. The Government villages brought within the

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limits of the zemindary by such boundary line to be given over to the zemindary upon a permanent assessment fixed at the amount of the average collections during a period of twenty years diminished by a proper per-centage, deductions being at the same time made for the various charges of establishment, sadarward and repairs. This permanent assessment to be paid along with the Pesheush. The zemindar to conduct himself in respect of the Ryots, the cultivation and the collection of the revenue in conformity with the Government rules in force in that behalf at the time of the settlement of the said permanent assessment. By this simple plan the various inconveniences above detailed will be prevented, the boundary line will be improved, the end sought by Government will be completely accomplished, boundary disputes will be avoided, the Government will be saved any loss of revenue, and the Police arrangements will be rendered more efficient.

Soliciting your attentive consideration to all the matters above particularized.

I remain &c.,

(Signed) Damar Coomar Vencatapah Naidoo Bahadoor,

Samasthanum of Calastry.

Dated
1st November
1864

Copy of the letter
dated 1st Nov 64
sent to the Board

R 11/11/65

To

The Honorable the President and Members

of the Board of Revenue.

Sirs,

I respectfully beg to inform the Board that the acting Collector of North Arcot, in his letter dated 8th. August 1864, desired me, in reference to the Government order dated 7th. November 1863, to express my sentiments relative to the settlement of the boundary disputes, and the rectification of the boundary line. I accordingly addressed the Acting Collector a letter dated 1st. November 1864, giving my views on the subject; and asking for some further particulars regarding it, but I have been favored with no reply up to this date. I however learn that the Acting Collector entertains some doubt that, if the Government villages were transferred to me with a permanent Beriz, as I have solicited for the rectification of the boundary line, I might bring them gradually under zemindary system, and that he has declared that Act XXVIII. of 1860 should be made applicable to this case.

2. If this is the opinion formed by the Acting Collector on my letter, I beg to say it is not correct. I have already agreed that the villages, which may be made over to me with a permanent Beriz, shall be continued under the Ryotwar system as usual, and there is no reason to apprehend that I will act otherwise, for in that case I will be liable to the risk of breaking my agreement and to the consequent penalties incurred by it. When I am quite prepared to obey implicitly the order of Government, and when I have so expressed myself, it will not be just to bring the case under Act XXVIII. of 1860 which is by no means applicable to me.

3. I beg the Board's permission to say a few words on the zemindary system which is condemned as injurious to the interests of the ryots. I can say without fear of opposition that the ryots under the zemindary system get on much better than under the Ryotwar, at least as far as my zemindary is concerned. I always take care of the interests of my ryots, and see them supplied with all their wants in all bad times. They are generally supplied with all kinds of seeds which they may require at any time for sowing, and are provided with Bullocks &c, whenever they may be in want of them, their cost being recovered from them by instalments according to their circumstances. I receive from them the proprietary share in kind according to the outturn. Whenever the

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outturn is small and the ryots share is insufficient for their maintenance, a portion of my share is allowed to them on condition of their giving it back at the time of good harvest. The fact that the ryots under my zemindary are in a better condition, will be borne out by a reference to Mr. Bourdillon's report in 1853. Under the ryotwar system the ryots have to look to their own resources, and can expect no such aid from Government as they do from me in hard times. Whatever may be their gains they are required to pay the whole assessments of the lands they hold, and if they expect any remission for shavy &c., they cannot get it without the interference of petty officials and without some remuneration to them. The ryots of my zemindary are free from all these inconveniences. I have merely stated this for the sake of argument, to show to the Board that the ryots of my zemindary are not treated badly as it is supposed to be, but I am quite willing to apply the ryotwar system, in its integrity, to the villages that may be transferred to me agreeably to the wishes of Government.

4. I now beg to enclose the letter I have addressed to the acting Collector of North Arcot on the subject together with its translation, from which the Board will see that I have only applied for further particulars, and proposed certain arrangements merely for consideration, and that I have not expressed my opinion finally. The Acting Collector cannot therefore arrive at a correct conclusion in the matter without hearing further. I therefore request respectfully that the Board will be pleased to take into their favorable consideration the circumstances I have stated in this address, and settle the Boundary dispute, the rectification of the line, and the proper working of the Police, in such manner as they may in their wisdom deem proper and judicious without having recourse to Act XXVIII. of 1860. As Mr. Robinson the experienced Collector has taken charge of the District, I would respectfully beg that the opinion of that Gentleman may be obtained before the settlement of these questions. I am prepared to submit any information that may be required from me.

డామర కుమార వేంకటాపహ నైడూ బహదూర్
సామస్థానం ఆఫ్ కాలాస్ట్రీ

I remain &c.,

(Signed) Damar Coomar Vencatapah Naidoo Bahadoor,

Samasthanum of Calastry.

Dated
25th January
1865

To

His Excellency

The Honorable Sir William Thomas Denison, K. C. B.

Governor in Council of

Fort Saint George.

MOST EXCELLENT SIR,

I beg most respectfully to bring to the notice of your Excellency in Council that, with reference to the Government Order dated 7th November 1863, the late Acting Collector of North Arcot desired me in his letter dated 8th August 1864, to express my sentiments relative to the settlement of boundary disputes between the villages of my Zemindary and Government villages, and the rectification of the boundary line. I accordingly stated fully my views on the subject in a letter addressed by me to the Acting Collector under date 1st November 1864, and at the same time applied for information on certain points connected with the question. I am sorry to state that I have been favoured with no reply up to this date, and as the Collector has apparently entertained doubts as to the desirableness to transferring some of the Government villages to me in the manner proposed, I addressed a letter to the Board on the 25th Instant enclosing translation of my letter addressed to the Collector.

2. I beg to submit for the consideration of your Excellency in Council a spare copy of my letter addressed to the Board and its enclosure, and request the favour of these papers being perused by your Excellency. It will be observed from my letter, addressed to the Acting Collector that I have applied for certain further particulars, that I have proposed certain arrangements merely for consideration, and that I have not expressed my opinion finally, and if, in this premature state of things, the Acting Collector has arrived at any conclusions, they must necessarily be false.

3. I beg to add that I am ready to meet the wishes of Government, and come to an amicable settlement of the question with them provided that such settlement does not seriously affect the interests of my Zemindary. The adjustment of the present boundary disputes, and the laying down of a well defined boundary line is as much an object of importance to me as it is to Government, and it cannot therefore be

of 1860. When the

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reasonably supposed that I am averse to any arrangements intended for the attainment of this object. The transfer proposed by me of some of the Government villages to my Zemindary with a permanent assessment is an extremely simple arrangement, and will easily dispose of the existing disputes by establishing a clear line of boundary. I beg therefore most earnestly to commend this arrangement proposed by me for your Excellency's favourable consideration. Also Mr. Robinson, the experienced Collector of the district, has recently taken charge, and I request that he may be desired in communication with me to arrange for the settlement of the boundary line.

4. I am ready to furnish him such information as may be required from me to facilitate the settlement.

I remain &c.,

(Signed) Damar Coomar Vencatapah Naidoo Bahadoor Garoo,

Samasthanum of Calastru.

Calastru —
31st January
1865

of 1860. When the

From the correspondence
 submitted, it ap-
 pears that the bound-
 aries of the put &
 primary villages,
 are very uncer-
 tain and that
 disputes between
 the by the constantly
 occur in conse-
 quence. The first
 step must evidently
 be to fix the bound-
 aries with pre-
 cision and the
 put see no reason
 to question the com-
 petency of the [Mr.]
 to do this under
 Sect II Reg XXVIII
 of 1860. When the

Q 11/8/65

Major, [unclear]
 for 31 Jan 65

W. H. [unclear]
 10/5/65

its application to the boundary disputes between the Jem's and the fort village, although the matter is not free from doubt. It seems to me however that as the need is not very pressing, it might be well to wait until the survey of the K. And. district and Madras District is undertaken when the demarcation of the fort village adjoining the Jem in the land will form a necessary part of the operations. There can be no question that Act XXVIII 1860 will then apply - the boundaries as settled will be recorded in the village maps and registers, and disputes may satisfactorily be adjusted then they come by any proceeding now to be taken.

In the first place it is necessary that any adjustment in the shape of an exchange of villages should take place I think not - so long as the Proprietors are already defined to matters not whether they go or no - or when so - as soon as the Survey is set to work the boundary will be fixed and this will settle the matter at rest - more than the matter may therefore stand over till then.

March 10/65 R. S. Searcy

Revenue Department.
No. 524.

Proceedings of the Madras Government.
Under date the 10th March 1865.
Read the following papers.

Proceedings of the Board of Revenue.

Submitting for consideration with remarks, letter from the Acting Collector of North Arcot replying to Board's Proceedings dated the 11th November 1863, regarding the adjustment of the present irregular boundary line between the late Pulwaid Taluk and the Zemindari of Calastrey.

Here enter 11th January 1865.
21/579.

From Damar Coomar Venkataiah Bahadoor Garoo Sannasthanum of Calastrey.

Enclosing a copy of his letter addressed to the Acting Collector of North Arcot expressing his views relative to the settlement of the boundary dispute and the rectification of the boundary line, states that he has agreed that the village which may be made over to him with a permanent heriz shall be continued under the Pachtawary system as usual; that it is not just to bring the case under Act XXVIII of 1860, and that he is prepared to submit any information that he may be required.

Not a District Officer
I am to be on
in the
Here enter 25 January 1865.

The Governor in Council

Council considers it preferable
to await the survey of the can-
nadas and north ^{district} Districts,
when the demarkation of the
^{adjacent to the Calcutty} adjoining Villages will form
a part of the operations.

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To the Board of Rev^d with an enclosure
Dec 13 1840

Revenue 1865 Sept 11
No. 400 for 1865

No. 324

No. of the Chalmers
Sept 10 - 1865

No. of the Board of Revenue
Sept 1865/66

No. No. 96-97
7-11-63

Receiving the money
of the Chalmers and for the
of the District!

No. 136457.