



Revenue Department

Minutes of Consultations

7th April 1857

Back No 31-33

Order no 326 dated 4th April 1857

(12)

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Fort Saint George, Revenue Consultation of 7th April 1857.

Read the following papers.

No. 31. *To the Right Honorable GEORGE FRANCIS ROBERT, LORD HARRIS, Governor in Council, Fort St. George; dated 30th October 1856.*

The humble Petition of Moottavy Lutchooma-charloo, worshipper of the Pagoda of Stree Vencatachella Swamy in Godoogu Pettah at Masulipatam.

MY LORD,

Para. 1. I beg leave, respectfully, to approach your Lordship in Council, with the following address, in the confident hope that your Lordship will be pleased to consider the subject mooted, and the arguments which I shall take the liberty of advancing in support of my injured cause, which I humbly hope, will be by your Lordship found to be both charitable, and in perfect accordance with the dictates of justice.

2. There is a Pagoda dedicated to Stree Vencatachella Swamy situated in Godoogu Pettah at Masulipatam, to which the former Zemindar of the Repully Estate in Guntoor, named Rajah Manicarow Apparow, granted in the year Pareedavi, corresponding with Fusly 1202 (1792-3,) a monthly allowance of Rupees 4 in the following proportions, viz. Rupees 2 from the Rachoor Division, and the other Rupees 2 from the Repully Division. The grant was made, as will be seen, some years before the Permanent settlement, and the payment in Fusly 1212 (1802-3.) question continued to be made uninterruptedly, for upwards of 60 years, during which period the Estates frequently came under Amani management, and the Collectors of that time fully recognized the claim of the Pagoda to the allowance, and ordered its discharge regularly. Indeed, so good was the validity of the grant considered to be, and so peremptory the claim of the Pagoda to the payment, that, on one occasion, when the Repully Zemindar had withheld the allowance for several months, the then Collector, Mr. J. Goldingham, insisted and actually compelled the Zemindar to make good the amount with arrears, as will be seen by an Endorsement granted by that authority dated 9th January 1838.

3. In this place, I consider it incumbent upon me to solicit your Lordship's attention to the important and significant fact that Mr. H. Stokes, who always regarded such allowances with a deeply scrutinizing eye, did not think it justifiable to discontinue the one in question; but felt himself under the conscientious necessity of allowing it to be continued without molestation. It is also worthy of remark that Mr. Stokes had the administration of affairs in Guntoor for about 10 years. During this long period, he most minutely scrutinized every thing connected with the District, so that the slightest irregularity must have necessarily arrested his attention. Nor was his management merely superficial, but extended to the minutest particulars of the affairs of his District. He went so deeply into his work, that he revised the details of the entire management of the country by a regular arrangement of the Divisions, and by assigning the appropriate number of villages to each talook. This gave rise to the necessity for his revising and remodelling the allowances payable to the Zemindars, village Curnums, and other officers, and of resuming, at the same time, many lands and other privileges, till then enjoyed unquestioned. It is fair to suppose that on such an occasion, so auspicious to every thing like resumption if it were just, he would have availed himself of that fitting opportunity of stopping the allowance in question, if the nature of the grant admitted of such a measure; but he did not. Your Lordship will scarcely suppose that the subject escaped his notice; for his unswerving attention was continually directed to subjects of this kind. If he, therefore, failed to abrogate this grant, it is clear that he had absolutely no tangible grounds for so doing. Besides, Mr. Stokes resided in the District for 10 years, as also did Mr. Thomas Alexander Oakes, and Mr. John Clinton Whish. Can it be possible that all these three Gentlemen, who passed upwards of a quarter of a Century or more than 30 years, in managing the details of the country, failed to see that the grant in question was gratuitous (properly so called) and, therefore, resumable at pleasure? Such a supposition cannot, in reason or fairness, be entertained, and it follows as a matter of course that there could not

பாதுகாப்பு பிரிவு

செய்யுபுபவர் பெயர்

V. ராஜா

செய்யுபுபவர்க்காக

7-8-06

எழுத்துக்கொள்ளப்பட்ட நாள்

9-06

செய்யுபுபு முடித்த நாள்

28/07

சரிபார்க்கும்

சரிபார்க்கும்

ஆரம்பித்த

முதல் மு.நி.பா.எ.

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உதவியாளர்

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have existed any just or defensible grounds for discontinuing it. These important facts, my Lord, I humbly submit for your Lordship's liberal judgment, carry along with them a powerful and convincing argument *in my favor*, that the grant was not one that was newly conceded by the British Government, but one that descended, without hindrance, for many years past, and intended for the support of a Pagoda, whose thousands of votaries were the inhabitants of the country, from whom the Government derived their revenues. When the Zemindaries were resumed, the charges connected with them became, I submit, equally obligatory on the party resuming; and as the British Government always professed to respect the religious opinion and institutions of the Hindoos, as of all the other nations whom they conquered, I respectfully appeal that the grant made by the Zemindars for the Pagodas should be continued also.

4. The object of this appeal is to bring under your Lordship's notice, that the allowance thus described has been discontinued since June last under the orders of Mr. Newill, the Acting Collector of the district, and under the sanction of the Commissioner, (but on what grounds, has not been made known to me); and to solicit your Lordship's aid for the restoration of the grant, and its continuance, hereafter, unmolested by the local authorities. The allowance was granted, as already stated, anterior to the permanent settlement by the Zemindar of Repully, and afterwards, on the sub-division of the estate, continued by the Zemindars of the two estates, Repully and Mulrauze.

5. I did not fail to request Mr. Newill's reconsideration of the measure which he had recourse to, but on my petition No. 19 of the 1st August last, the endorsement which he gave was, "This allowance was not fixed by public authorities." Having preferred an appeal to the Board of Revenue, they on the 14th August 1856, passed an endorsement on my petition, No. 2084, to the effect that "they cannot receive appeals from the orders of the Commissioner, Northern Circars."

6. Adverting to the endorsement of the Acting Collr. Mr. Newill, I have to argue again, most positively, that this is an allowance which was enjoyed for a period of upwards of 60 years without any hindrance,

ZEMINDARIES.		
1. Rajah Manicarow Bavanarow.	4. Rajah Manicarow Junganarow.	
2. " " Atchemmah.	5. " Mulrauze, Venkata Goondarow.	
3. " " Seetanarow.	6. " " Latchimah.	
COLLECTORS.		
1. Thomas Alexander Oakes, Esquire.	6. Patrick Grant, Esquire.	
2. John Clinton Whish, " "	7. Alexander Fairlee Bruce, " "	
3. William Mason, " "	8. John Goldingham, " "	
4. John Blackburne, " "	9. Huddleston Stokes, " "	
5. Malcolm Lawrie, " "	10. H. Wood, " "	

ACTING COLLECTORS.		
1. John Orr, Esq.	6. E. B. Glass, Esq.	
2. C. P. Brown, " "	7. W. R. Lockhart, " "	
3. W. Lavis, " "	8. Daniel White, " "	
4. W. A. Neave, " "	9. A. Purvis, " "	
5. A. S. Mathison, " "		

And many other public officers whose names slipped from my memory.

- Enclosure No. 4. Order from Mr. Oakes, dated 14th April 1819, to A. Kistnamacharloo, directing him to produce the sunnud.
- No. 5. Ditto dated 17th do. informing him of his having issued orders for the payment of the allowance, and returning the sunnud after perusal.
- No. 6. Endorsement of Mr. Goldingham, No. 1388, dated 28th December 1841 to the effect that he had issued orders as do. do.
- No. 7. Do. of Mr. White, No. 307, dated 8th September 1845 to the above effect.

the sunnuds, and examined the public records and accounts before they passed orders for its continuance. Here, I venture to leave it to your Lordship to consider whether or not this allowance was originally granted by a competent authority, and whether it is liable to be discontinued, altogether, to the detriment of the poor Davastanam.

7. I may, further, be permitted by your Lordship to state that almost all the enams, or ready money allowances for the support of either Natives or the Davastanams, &c. which are now in force throughout the Madras Presidency, are those originally granted by former Nabobs, Rajahs, Zemindars, &c. Among them the present is one, and precisely of the same nature.

8. I shall now advert to a case exactly in point, in which the proceedings of the Government officers were altogether different. There were two Pagodas in the village of Singaroyapoliam, appertaining to the Pergunnah of Akalamanad of Masulipatam. For these Pagodas, an annual allowance of Rupees 128 was fixed previous to Fusly 1212. This allowance was lately objected to; on which a reference was made on the subject to the Commissioner by the Collector. Here was a fair opportunity offered for quashing the grant, if it were possible or politic; but what, my Lord, was the decision of the Government *at which your Lordship's self presided*? It was nothing less than that land equal to the money allowance in value should be given, with the express consent of the party concerned. In the face of such a precedent, it remains for your Lordship to decide whether, in the present case, which runs exactly parallel with the above one, a similar allowance *can be withdrawn*. It might be also observed that, even in Madras, where allowances of the same description are administered directly under the eyes of Government, the authorities recently recommended the resumption of some small payments made to certain Pagodas; but the Government, actuated by a principle of even-handed justice, were unwilling to interfere with long established rights, and decided that such resump-tions could not be made.

9. It is unnecessary for me at present to trespass longer on your Lordship's valuable time and patience by further details in support of my case. I will therefore, leave the matter in your Lordship's hands, confidently trusting that, after due enquiry into the facts connected with this grant, your Lordship will see sufficient reason to pass a favorable decision on this appeal, and for which act of justice I need not say that I shall hold myself,

Ever your Lordship's grateful,
and obedient humble servant.

ENDORSEMENT No. 2439 of 1856.

It does not appear from the Endorsements produced by the Petitioner by what authority the allowance was discontinued and nothing is discoverable in any of the Government proceedings upon the Masulipatam enams with reference to this one.

Ordered therefore that this Petition be referred to the Collector, through the Board, for a brief report of the circumstances of the case.

(By Order,) (Signed) M. NORMAN,
FORT SAINT GEORGE, } Depy. Secy. to Govt.,
24th November 1856.

No. 32. Extract from the Proceedings of the Board of Revenue, dated 24th March 1857, No. 898.

Read letter received from the Acting Collector of Gunttoor
* In Con. 24th March 1857. under date 6th March 1857.*

(Here enter No. 35 of 1857.)

Ordered that the foregoing letter be laid before Government
+ Board's No. 97 of 1856. with reference to the Deputy Secretary's endorsement on Petition† No. 2439 of 1856 bearing date 24th November 1856.

2. The allowance in question, it will be observed, was discontinued in accordance with the orders of Government communicated in para. 5 of Extract Minutes of Consultation dated 20th September 1856, No. 1013, R. D.

3. The Petition is herewith returned.

(A true Extract.)
(Signed) L. FORBES,
Acting Sub-Secretary.

No. 33. ORDER THEREON, No. 326; dated 4th April 1857.

Para. 1. The petition above recorded is to the effect that a certain allowance of 48 Rupees per annum granted by a former Zemindar of Repully in Masulipatam for the support of a

Fort Saint George, Revenue Consultation of 7th April 1857.

Pagoda has been discontinued by order of the Commissioner Northern Circars. As nothing was discoverable in any of the Government Proceedings relative to the Masulipatam enams authorizing such a course, the Collector was required to report on the case through the Board of Revenue on 24th November 1856.

2. From the Collector's reply, now submitted by the Board of Revenue, it appears that Petitioner's allowance was the second of the two which it was ordered should "cease forthwith" in para. 5 of Extract Minutes Consultation dated 20th September 1856, No. 1013.

Ordered accordingly that the following endorsement be made on petition 2439 of 1856.

"Petitioner is informed that the allowance he refers to was discontinued by order of Government dated 20th September 1856."

(Signed) H. FORBES,
Acting Secretary to Government.

To

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The Right Honorable George Francis Robert, Lord Harris,
Governor in Council,

Fort St George.

The humble Petition of Mollay

Lutheumacharloo, worshipper of the

Pagoda of Stree Vencatachella Swamy

in Godoogu Pettah at Masulipatam.

My Lord.

Para 1. I beg leave, respectfully, to approach
your Lordship, in Council, with the following address,
in the confident hope that your Lordship will be pleased
to consider the subject mooted, and the arguments which
I shall take the liberty of advancing in support of my
injured cause, which I humbly hope, will be by your
Lordship found to be both charitable, and in perfect
accordance with the dictates of justice.

2. There is a Pagoda dedicated to Stree
Vencatachella Swamy situated in Godoogu Pettah at
Masulipatam, to which the former Zemindar of the
Repully Estate in Guntur, named Rajah Manicarov

Apparow

Apparow, granted in the year Parudavi, corresponding with Fuly ¹²⁰² 1792/3. a monthly allowance of Rupees 4 in the following proportions, vizt Rupees 3 from the Racheer Division, and the other Rupees 1 from the Repully Division. The grant was made, as will be seen, some years before the Permanent Settlement, and the payment in question continued to be made uninterruptedly, for upwards of 60 years, during which period the Estates frequently came under Amami management, and the Collectors of that time fully recognized the claim of the Pagoda to the allowance, and ordered its discharge regularly. Indeed, so good was the validity of the grant considered to be, and so peremptory the claim of the Pagoda to the payment that, on one occasion, when the Repully Zemindar had withheld the allowance for several months, the then Collector Mr. S. Goldingham, insisted and actually compelled the Zemindar to make good the amount with arrears, as will be seen by an Endorsement granted by that authority dated 9th January 1838. in Enclosure to 1.

In this place, I consider it incumbent upon me to solicit your Lordship's attention to the important and significant fact that Mr. A. Stiles, who

always regarded such allowances with a deeply scrutinizing eye, did not think it justifiable to discontinue the one in question; but felt himself under the conscientious necessity of allowing it to be continued without molestation. It is also worthy of remark that Mr. Stiles had the administration of affairs in Guntoor for about 10 years. During this long period, he most minutely scrutinized every thing connected with the District, so that the slightest irregularity must have necessarily arrested his attention. Nor was his management merely superficial, but extended to the minutest particulars of the affairs of his District. He went so deeply into his work, that he revised the details of the entire management of the country by a regular arrangement of the Divisions, and by assigning the appropriate number of villages to each Talook. This gave rise to the necessity for his revising and remodelling the allowances payable to the Zemindars, village Curums, and other officers, and of resuming, at the same time, many lands and other privileges, till then enjoyed unquestioned. It is fair to suppose that on such an occasion, so auspicious to every thing like resumption if it were just, he would have availed himself of that fitting opportunity of stopping the allowance in question, if the nature

of the grant admitted of such a measure; but he did not.
Your Lordship will scarcely suppose that the Subject escaped
his notice, for his unwearied attention was continually
directed to subjects of this kind. If he, therefore, failed to
abrogate this grant, it is clear that he had absolutely no
laughable grounds for so doing. Besides, Mr. Stokes resided
in the District for 10 years, as also did Mr. Thomas
Alexander Oaker, and Mr. John Clinton White. Can
it be possible that all these three Gentlemen, who passed
upwards of a quarter of a Century, or more than 30 years,
in managing the details of the Country, failed to see that the
grant in question was gratuitous (properly so called) and,
therefore, resumable at pleasure? Such a supposition cannot,
in reason or fairness, be entertained, and it follows as a
matter of course that there could not have existed any just or
defensible grounds for discontinuing it. These important
facts, my Lord, I humbly submit for your Lordship's
liberal judgement, carry along with them a powerful and
convincing argument in my favor, that the grant was not
one that was newly conceded by the British Government,
but one that descended, without hinderance for many years
past, and intended for the support of a Pagoda, whose
thousands of votaries were the inhabitants of the Country, from
whom

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whom the Government derived their revenues. When the
zemindaries were resumed, the charges connected with them
became, I submit, equally obligatory on the party resuming,
and as the British Government always professed to
respect the religious opinions and institutions of the Hindoos
as of all the other nations whom they conquered, I respectfully
appeal that the grant made by the zemindars for the
Pagodas should be continued also.

4. The object of this appeal is to bring under your
Lordship's notice, that the allowance thus described has
been discontinued since June last under the orders of
Mr. Twiss, the acting Collector of the district, and under
the sanction of the Commissioner, (but on what grounds, has
not been made known to me); and to solicit your Lordship's
aid for the restoration of the Grant, and its continuance,
hereafter, unmolested by the local authorities. The allowance
was granted, as already stated, anterior to the permanent
settlement by the zemindar of Repully, and afterwards, on
the subdivision of the Estate, continued by the zemindars of the
two Estates, Repully and Mubraige.

5. I did not fail to request Mr. Twiss to reconsi-
deration of the measure which he had recourse to, but on my petition
of the 1st August last, the Endorsement which he gave
Enclosure 2.

the Madras Presidency, are those originally granted by former Nabobs, Rajahs, Zemindars &c. - Among them the present is one, and precisely of the same nature.

I shall now advert to a case exactly in point, in which the proceedings of the Government Officers were altogether different. There were two Pagodas in the village of Singa-royapolliam, appertaining to the Pergunnah of Akalamnad of Masulipatam. For these Pagodas, an annual allowance of Rupees 128 was fixed previous to Feb'y 1212. This allowance was lately Objected to, on which a reference was made the subject to the Commissioner by the Collector. There was a fair opportunity offered for quashing the grant, if it were possible or eligible; but what, my Lord, was the decision of the Government at which your Lordship's self presided? It was nothing less than that land equal to the money allowance in value should be given, with the express consent of the party concerned. In the face of such a precedent, it remains for your Lordship to decide whether, in the present case, may parallel with the above one, a similar allowance can be withdrawn. It might be also observed that even in Madras, where allowances of the same description are administered directly under the eye of Government, the authorities recently recommended the resumption of some small

payments made to certain Pagodas; but the Government, actuated by a principle of even-handed justice, were unwilling to interfere with long established rights, and decided that such resumption could not be made.

It is unnecessary for me at present to trespass longer on your Lordship's valuable time and patience by further details in support of my case. I will therefore, leave the matter in your Lordship's hands confidently trusting that, after due enquiry into the facts connected with this Grant, Your Lordship will see sufficient reason to pass a favorable decision on this appeal, and for which act of Justice I need not say that I shall hold myself

30th October 1856

Ever

Your Lordship's Grateful
and Obedient

humble Servant

[Signature]

2439 of 1856

It does not appear from the Endorsements produced by the Petitioner, by what authority the allowance was discontinued and nothing is discoverable in any of the Government

Cons. 28 Sept 1852

Rec. 1857 Department
24 to Cons. 7th April

N^o 304

Returned from the Secretary
of the Board of Revenue

Dated 24th March 1857.

3. Inc. 16. & 17. by
1. Returned to the Ad.

N^o 398

LC. 22. 226. 11. 2. April

Submitting a letter
from the Acting Collector
of Guntoor reporting on
Dec. 19 24, 39 of 1856.

N^o 32.

Q. 26 & 27. 1831

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No 326

Extract from the Minutes of Consultation
Uncon-dated the 1st April 1857

Read Petition No 2439
of 1856

Read also Ex. Prop. No.
of Rev. dated 24 March
1857 No 898.

P.S. The Petition above recited
is to the effect that a cer-
tain allowance of 48
Dolces per annum
granted by a former
Lemador of Tepally
in Masulipatam for
the support of a Pagoda
had been discontinued
by order of the Commr.
H.C. As nothing
was discoverable
in any of the fo.

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Proceedings relative
to the Madalipatam
Inams authorizing
such a course, the
Collector was required
to report on the case
through the Board of Revenue
on 24 Nov 1856.

2. From the Collector
reply, now submitted
by the Board of
Rev.: it appears
that Petitioners al-
lowance was the
second of the two
which ^{it was} ~~was~~ ordered
should "cease forthwith"
in Para 5 of S.M.C.
dated 20 Sept. 1856
No 1013.

Ordered accordingly
that the following
enactment be

made on Lett. 2439 of
 $\frac{326}{42}$ 1856.

"Petitioner is informed
"that the allowance
"he refers to was dis-
"continued by order
"of Govt. dated 20 Sept.
"1856." - ~~being the~~
~~from~~ Wk. March 26.

Rd

Copies to the Bd of Rev.
with an Encl. Orig: 6
One for Cdr. Rev. B.

1857

(1)

1857 to 1860: 72 1/2 pages

No 326.

Extract Miss: of Con:

Dated 14th April 1857.

During our visit we met
informing Mr. Thomas the late
Lutheran Charles, the wife
of the Baron of the Venetian (the
Lutheran Secretary of the
Protestant Church) that the
arrangement for the support
of the Chapel was decided
and by order of Govt
dated 20th Sept. 1856.

31 1832-1833

26th March 1831