

Revenue Department

Minutes of Consultation

12th May 1857

Back No 33-34

Order no 438 dated 9th May 1857

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பாதுகாப்பு பரிசு-1
செப்பனியுபவர் பெயர் ஸ்ரீ விஜயலக்ஷ்மி
செப்பனியுபவர்காக எடுத்தக் 8/06
கொள்வப்பட்ட நாள்
செப்பனியு இடித்த நாள் 10/06

சுமபார்க்கும்
முதல் மு. நி. பா. எ.
கையொப்பம் கையொப்பம்

Fort Saint George, Revenue Consultation of 12th May 1857.

No. 33. Read the following Extract from the Proceedings of the Board of Revenue; dated 27th April 1857, No. 1303.

* In Consultation 27th April 1857. Read letter from the Acting Collector of Tanjore dated 28th March 1857.*
(Here enter No. 50.)

In the foregoing letter, the Acting Collector of Tanjore requests permission to defend at the cost of Government an action which has been brought against him and others in the Sub-Court under the following circumstances.

2. In a letter dated 19th January 1856,† No. 10, the Collector of Tanjore reported that 8 villages in the Puttoocottah talook of that District were held on Survamaniam or rent free tenure by a Gosayee for the distribution of food to travellers, but that the conditions of the trust had not been duly observed.

3. The Gosayee was himself wholly ignorant of every thing connected with the charity he was supposed to administer, and his servants so interested in concealing the actual state of matters that it was difficult to arrive at a correct knowledge of the income and expenditure of the villages. The receipts however of the two previous Fushies ranged from 1,950 to 2,230 Rupees, while the expenditure on account of the charity was only 15 per cent. of the income, and it was doubtful whether even this limited amount had been properly expended in furtherance of the object of the grant. The remainder was said to have been expended in a pilgrimage to Tripaty, in the repayment of private loans and other irregular modes.

4. The Gosayee had moreover alienated portions of the trust lands, some in perpetuity and some for various periods, he had no disciples, was incapable of teaching and was a man of abandoned character.

5. Under these circumstances, the Collector recommended the resumption of the lands, and as the existence of a Chuttrum maintained by the Rajah within two miles and at which food was gratuitously distributed rendered the re-establishment of the Gosayee's Chuttrum as an almshouse unnecessary, Mr. Forbes suggests that the proceeds of the resumed villages should be appropriated to the erection of shelter for travellers on lines of road then deficient in such accommodation, the Gosayee's Chuttrum being repaired and retained as a halting place for travellers, providing their own food.

6. The Board concurred with the Collector that the Gosayee's misappropriation of the Funds of the charity and illegal alienation of its landed endowment warranted the resumption of the trust, and they authorized the Collector accordingly to resume the lands, holding the proceeds in deposit.

7. The Collector was also requested to submit his proposals for the future appropriation of the revenue of the villages more in detail. This information has not hitherto reached the Board, and the matter has not been brought formally before Government for confirmation under Regulation VII. of 1817.

8. In carrying out the Board's orders a dispute arose between the parties who are respectively Plaintiff and 3d Defendant in the suit now referred to, as to the right of possession to a portion of the lands included in the endowment, Plaintiff claiming under a mortgage deed, and 3d Defendant under a lease from 2d Defendant, the Gosayee.

9. The case was investigated by the local Revenue officers who decided in favor of the 3d Defendant.

10. The matter depends entirely on the nature of the evidence adduced, but the Acting Collector is not liable under Act XVIII. of 1850.

11. The Board have added a clause to the draft answer to this effect, and another maintaining that the alleged mortgage was illegal, being contrary to the provisions of Regulation VII. of 1817.

12. The Board recommend that the Acting Collector may be authorized to conduct the defence of the suit in the mode proposed at the public expense, and they request that the resump-

Fort Saint George, Revenue Consultation of 12th May 1857.

tion of the lands ordered in their Proceedings of the 23d February 1856 may now receive the formal confirmation of Government, the disposal of the revenues of the villages in some mode not inconsistent with the terms of the grant being left for future consideration.

(A true Extract.)

(Signed) J. D. SIM, *Acting Secretary.*

No. 34.

ORDER THEREON, No. 438; dated 9th May 1857.

The Right Honorable the Governor in Council grants authority for the defence, in the first instance, at the public expense, of the suit instituted by Vythy Taven in the Subordinate Court of Combaconum against the Acting Collector of Tanjore; but will determine when a copy of the decree shall be submitted whether the costs, if any be adjudged against the Collector, shall be borne by that officer or by the Government. The answer as revised by the Board is approved.

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

Draft Answer

1. In consequence of the misappropriation by the Gosayer holding the trust of the Charitable Institution at Nandyam, of the proceeds of the lands forming its original endowment, the Board of Revenue in the exercise of the powers vested in them by Regulation III of 1817 ordered the Collector (by Proceedings dated 23^d February 1856, N^o 551) to resume the landed endowment and hold the proceeds in deposit pending further instructions as to their disposal.

2. In carrying out these orders a dispute arose between the Plaintiff and the 3^d Defendant as to the right of possession of the land sued for, the former alleging that it had been mortgaged to him by the 2^d Defendant, the former Trustee of the Institution, and the latter that he had leased it from the said Trustee previous to the date of the mortgage alleged by Plaintiff to have been executed in his favor. On enquiry, the late Acting Collector resolved

1857 Oct 12

Enclosed is an Order
from the Provisional of the
Board of Education to the
Land to Government of the
Department of Education
1857 Jan 1303

Dr. J. C. Brown

Re 467/17
Brown's May 1857

resolved to leave the 3^d Defendant in possession of the land.

3. The Acting Collector in deciding on the conflicting claims of Plaintiff and 3^d Defendant to occupation of the land having acted judicially under Regulation V of 1822 and as he believed within his jurisdiction, 1st Defendant pleads non-liability under Act XVIII of 1850.

4. The 1st Defendant further pleads that the alleged mortgage to the Plaintiff by the 2^d Defendant was illegal, being contrary to the provisions of Regulation VIII of 1817 which forbids the alienation of lands granted for charitable purposes.

J. L. Sur
By Secretary

N^o 1303

Extract from the Proceedings of the Board of Revenue
 dated 27th April 1857. N^o 1303

Recd letter from the Acting Collector
 of Tanjore dated 28th March 1857.
 (Now into N^o 50.)

In the foregoing letter the Acting Collector
 of Tanjore requests permission to defend at the
 cost of Government an action which has been
 brought against him and others in the Sub.
 Court under the following circumstances.

In Cons. 23rd Feb 1857 2. In a letter dated 19th January 1856, N^o 40,
 the Collector of Tanjore reported that 8 villages
 in the Puthacottah Talook of that District
 were held on Suroorawann or rent-free
 tenure by a gosayer for the distribution
 of food to travellers, but that the conditions
 of the trust had not been duly observed.

3. The gosayer was himself wholly
 ignorant of every thing connected with the
 charity he was supposed to administer
 and his servants so interested in concealing
 the actual state of matters that it was dif-
 ficult to arrive at a correct knowledge of the
 the

the income and expenditure of the villages. The receipts however of the two previous years ranged from 1950 to 2230 Rupees, while the expenditure on account of the charity was only 15 per cent of the income, and it was doubtful whether even this limited amount had been properly expended in furtherance of the object of the Grant. The remainder was said to have been expended in a pilgrimage to Tripaty, in the repayment of private loans and other irregular modes.

4. The Gosayeri had moreover alienated portions of the Trust lands, some in perpetuity and some for various periods. He had no disciples, was incapable of teaching, and was a man of abandoned character.

5. Under these circumstances the Collector recommended the resumption of the lands, and, as the existence of a Chuttrum maintained by the Rajah within two miles and at which food was gratuitously distributed rendered the re-establishment of the Gosayeri Chuttrum as an almshouse unnecessary, Mr. [unclear] suggested.

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50
suggests that the proceeds of the resumed villages should be appropriated to the erection of shelter for travellers on lines of road than in default in such accommodation. The Gosayeri Chuttrum being resumed and retained as a halting place for travellers providing their own food.

6. The Board concurred with the Collector that the Gosayeri's misappropriation of the funds of the Charity and illegal alienation of its landed endowment warranted the presumption of the Trust, and they authorized the Collector accordingly to resume the lands, holding the proceeds in deposit.

7. The Collector was also requested to submit his proposals for the future appropriation of the Revenue of the villages more in detail. This information has not hitherto reached the Board, and the matter has not been brought formally before Government for confirmation under Regulation VII of 1857.

8. In carrying out the Board's orders a dispute arose between the parties who are respectively Plaintiff and Defendant in the suit now referred to, as to the right of possession to

to a portion of the lands included in the
indentment, Plaintiff claiming under a mortgage
deed and 3rd Defendant under a lease from 2nd
Defendant the Governor.

9. The case was investigated by the local
Revenue officers who decided in favor of the
3rd Defendant.

10. The matter depends entirely on the nature
of the evidence adduced, but the Acting Collector
is not liable under Act XVIII of 1850.

11. The Board have added a clause
to the Draft submitted to this effect,
and are then maintaining that
the alleged mortgage was illegal,
being contrary to the provisions
of Regulation VII of 1817.

12. The Board recommend that
the Acting Collector may be
authorized to conduct the de-
ference of the suit in the
mode proposed at the pub-
lic expense, and they request
that the resumption of the lands
ordered in their Proceedings of the 23rd
February 1856 may now receive
the

the formal confirmation of Government the
disposal of the revenues of the villages in
some mode not inconsistent with the terms
of the grant being left for future consideration.

(Attn Extract)

[Signature]
Acting Secretary

To

H. Forbes Esq.

Acting Secretary to Government,

Revenue Department.

[Signature]
Attest

Revenue 1887 Dept
20th Dec 12th day 1887

21/12/87
21/12/87
21/12/87

Contract from the
Proceedings of the
Board of Revenue

Date 27th Oct 1887
No 285
Bundelkhand
No 1303

Substituting the Board
the Acting Officer of Revenue in
place of the institution of a Board
in the district in connection with
the collection of certain land revenue
in the district of the Bundelkhand
of the District of the Bundelkhand
has made the Board of Revenue
by the Board and requesting the
to be substituted in the district of the
public revenue, and that the Board
of the Board may be substituted
the general organization of the Board
in the district of the Bundelkhand

With your order
No 138-285

No 4038

The Right Honorable the
Governor in Council grants authority
for the absence, in the first instance, at
the Public Office of the said institution
by the Board in the Subordinate Board
of the Board of Revenue against the Acting
Collector of Bundelkhand, but will determine
when a copy of the above shall be sent
in the district of the Bundelkhand, if any be
submitted against the Collector, shall
be borne by that office as by the
Government. The answer received
by the Board is approved -

J. H. D. George
27th May 1887
To the Board of Revenue
with 37th May 1887