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Revenue Department

Minutes of Consultations

28th July 1857

Back Numbers 11-12

Order no 734 dated 23rd July 1857

பாதுகாப்பு மின்ன - 1
 செப்பனிடும்பவர் பெயர் J. கோமதி
 செப்பனிடும்பவர்க்காக எடுத்த
 கொள்வனப்பட்ட நாள் 10/6
 செப்பனிடும் முடிந்த நாள் 11/7
 சரிபார்க்கும் 19/7/57
 முதல் கு.நி.பா.எ. 2ம்.நி.பா.எ. உதவியாளர்
 கையொப்பம் கையொப்பம் கையொப்பம்

Fort Saint George, Revenue Consultation of 28th July 1857.

No. 11. Read the following letter from J. D. SI^r. Esq., Acting Secretary to the Board of Revenue; to H. FORBES, Esq., Acting Secretary to Government, Revenue Department; dated Fort St. George, 29th June 1857, No. 2214.

Sir,

When the proposition to convert the public buildings in the Arnee Fort into a Central Jail was abandoned by Government for reasons stated in Extract Minutes Consultation, Judicial Department, No. 752, dated 13th October 1855, the Board of Revenue were instructed to communicate with the Collector of North Arcot and to report on the title of Government to the ground occupied by the Fort and its glacis, with a view to enable Government to decide whether they were at liberty to order the sale of the public buildings with their sites, or only the materials of the buildings. It was also suggested that if the right of Government to the site of the Fort and glacis were absolute, the Jaghiredar might be asked to purchase the whole property at a fair valuation, or it could be divided into convenient lots and sold to private individuals.

Board's letter 27th October 1855.
 From Collector North Arcot dated 9th January in Consultation 24th March 1857.
 Board's Proceedings dated 24th March 1857.
 From Collector South Arcot dated 17th in Consultation 28th April 1857.
 From Collector North Arcot dated 30th April in Consultation 29th June 1857.

2. With reference to the foregoing instructions, I am desired by the Board of Revenue to submit for the consideration and orders of Government the correspondence noted in the margin.

3. Mr. Sub-Collector Pochin, to whose Division the land in question belongs, states that the Jaghiredar claims the site of the Fort as a part of his Jaghire, but that as he can produce no documents to prove his right, the claim is untenable.

4. The Collector is of opinion that as the ground undoubtedly belonged to the Jaghiredar before its occupation as a Fort, it remains with the Government to prove that it was either purchased or received as a gift from the Jaghiredar, and that if this cannot be done from the records of the Collector of South Arcot, to whose district the five talooks South of the Palair belonged at the time when the land in question was obtained, he would recommend that the materials only be sold and the ground restored to the Jaghiredar.

5. The Jaghiredar virtually refuses to purchase the property as he has avoided giving Mr. Whittingham a direct reply to a reference made to ascertain that point. He further states that the site was not transferred to Government in perpetuity but only to be held so long as it should be required for Military purposes, but this statement is not supported by any documents.

6. A search has also been made among the records of the Collector's Cutcherry in South Arcot without any avail, as Mr. Hall states that no papers have been discovered calculated to bring to light the conditions under which the site in question has been held. He infers that the ground must have been taken possession of without any formal conveyance of title from the Jaghiredar, and that it has since been regarded as Government property without question.

7. The Board's records have also been searched but equally without success.

8. The Jaghiredar has apparently no means of establishing his claim, and it rests with Government to determine whether in the similar absence of any proof of their title, the validity of their right shall be inferred from their undisputed possession for a series of years.

No. 12. ORDER THEREON, No. 734; dated 23rd July 1857.

In this letter, the Board of Revenue report in reference to Extract Minutes Consultation in the Judicial Department dated 13th October 1855, No. 752, para. 6, on the title of Government to the ground occupied by the Fort and its glacis. The present Jaghiredar, it is stated, claims the site of the Fort as a part of his Jaghire; he has, however, no means of establishing his claim, and as after every search into the records of the North and South Arcot Collectorates and into those of the Board's office, no proof of the title of Government has been obtained, the Board enquire, whether the validity of the right of Government might not be inferred from their undisputed possession for a series of years.

Fort Saint George, Revenue Consultation of 28th July 1857.

2. From a document lodged amongst the records of the Government office, headed "an agreement taken by the Honorable John Hollond, Esq., President and Governor in Council of Fort St. George and its dependencies, from Shenevassarow, heir of Tremulrow Jaghiredar of Arnee" dated 20th June 1789, it is observed that on the Government restoring possession of the Jaghire upon the terms of the treaty of 1762 entered into between the Nabob of the Carnatic and the Rajah of Tanjore the then Jaghiredar engaged for himself and for his heirs after him, "to conform to the terms of that treaty so far as it related to the Jaghire of Arnee, acknowledging that he had no right by the treaty to the Fort of Arnee and Doby Guddah."

3. On the strength of this document therefore and in reference to the fact that the Arnee Fort has been excluded from the sunnuds issued to the Jaghiredars* who have since succeeded to the Jaghire, the Right Honorable the Governor in Council cannot recognize any claim on the part of the present Jaghiredar to the property in question, and resolves unhesitatingly to disallow it.

* To Tremulrow dated 3d May 1796.
To Shenevassarow ,, 19th April 1825.
To Tremulrow ,, 30th Aug. 1853.

4. The Board will in communicating this decision to the Jaghiredar, instruct the Collector of North Arcot to proceed to give effect to the orders of the 13th October 1855, for the disposal of the buildings in such manner as may seem most advisable.

5. The Collector will be careful to explain very fully to the Jaghiredar that the decision of Government on this case is based on a deed voluntarily given by his ancestor, and by which he renounced all claims upon the Fort for himself and his successors.

A copy of the agreement referred to in para. 2 will be forwarded to the Board of Revenue for communication to the Collector.

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

Revenue Board Office,
Fort St. George,
29 June 1857.

N^o 22/4

From
J. D. Sim Esq.
Ag. Secretary to the Board of Revenue.
To
H. Forbes Esq.
Ag. Secretary to Government
Revenue Department.

Sir,
When the proposition to convert the public buildings in the Arnee Fort into a Central Jail was abandoned by Government for reasons stated in Extract Minutes Consultation, Judicial Department, No. 752 dated 13 October 1855, the Board of Revenue were instructed to communicate with the Collector of North Arcot and to report in the title of Government to the ground occupied by the Fort and its glacis, with a view to enable Government to decide whether they were at liberty to order the sale of the public buildings with their sites or only the materials of the buildings. It was also suggested that if the right of Government to the site of the Fort

Fort and Glacis were absolute, the Jaghirdar might be asked to purchase the whole property at a fair valuation, or it could be divided into convenient lots and sold to private individuals.

With reference to the foregoing instructions I am directed by the Board of Revenue to submit for the consideration and orders of Government the correspondence noted in the margin.

Board's letter 27 Oct. 1858
To Col. H. West dated
9 Jan. 1859
24 March 1859
To Col. H. West dated
14 June 28 April 1859
To Col. H. West dated
30 April 1859
June 1859

Mr. Sub. Collector Doekin, to whose Division the land in question belongs, states that the Jaghirdar claims the site of the Fort as a part of his Jaghira, but that as he can produce no documents to prove his right, the claim is untenable.

The Collector is of opinion that as the ground undoubtedly belonged to the Jaghirdar before its occupation as a Fort, it remains with the Government to prove that it was either purchased or received as a Gift from the Jaghirdar, and that if this cannot be done from the Records of the Collector of South Arcot to whose district the five Talooks South of the Palur belonged at the time when the land in question was obtained

obtained, he would recommend that the materials only be sold and the ground restored to the Jaghirdar.

The Jaghirdar virtually refuses to purchase the property as he has avoided giving Mr. Whittingham a direct reply to a reference made to ascertain that point. He further states that the site was not transferred to Government in perpetuity but only to be held so long as it should be required for military purposes, but this statement is not supported by any documents.

A search has also been made among the Records of the Collector's Cutcherry in South Arcot without any avail as Mr. Hall states that no papers have been discovered calculated to bring to light the conditions under which the site in question has been held. He infers that the ground must have been taken possession of without any formal conveyance of title from the Jaghirdar, and that it has since been regarded as Government property without question.

The Board's records have also been searched but equally without success.

The

The Jaghiredar has apparently
no means of establishing his claim and
it rests with Government to determine
whether in the similar absence of any
proof of their title, the validity of
their right shall be inferred from their
undisputed possession for a series of
years.

Recd Board Office
Fort St. George
29 June 1857

I have the honor to be,

Sir,

Your most obedt servant,

J. S. M.
Ag Secretary

To
H. Forbes Esq.
Ag Secretary to Government
Revenue Department

You will observe that the Govern-
ment have abandoned the idea of employing
the old Fort at once as a central Jail
and now direct that the buildings and
the grounds occupied by the Fort and
Glacie St. be sold either to the Jagers
or of pieces or in separate lots to any
person or persons who may offer. You will
report therefor for the information
of the

No. 934. 27th July
Wm. A. de Baten.

of Government the nature of the title
on which the land has been held, and
should it be such as to permit of
the land being sold, you will ascertain
the wishes of the Jagheendar in regard
to the purchase, reporting to the Board
the result of your inquiries.

Rev B^d Office, Shaw & Co

Fort St George,

27th October, 1853

Signed J. S. Forster.

Acting Secretary

True Copy

J. S. Forster

Acting Secretary

(7)

Revenue Department

No. 734.

Tract from the Minutes of Consultation
Under date the 23rd July 1857.

Read the following letter
from the Acting Secretary
to the Board of Revenue.

(Here enter 29th June 1857 No. 2214)

Handwritten initials

In this letter, the
Board of Revenue report
in reference to Tract Minutes
Consultation in the Indian
Department dated 13th
October 1855 No. 752 para.
on the title of Government
to the ground occupied
by the Fort and its Clavis.
The present Jaghuridar, it
is stated, claims the site

June letter from the Acting
Secretary to the Board of
Revenue to the Acting Secy
to Govt dated 29th June 1857
No. 2214

Copy
of Revenue letter to Board
under date 29th June 1857
No. 2214

Respecting the Jaghuridar's
the Fort & Clavis are. Under
No. 2214

No. 734

of the Fort as a part of his
Jaghire; he has, however,
no means of establishing
his claim, and on after
every search into the records
of the North and South
Arcot Collectorate and
into those of the Board's
Office, no proof of the title
of Government has been
obtained, the Board enquire,
whether the Validity of
the right of Government
might not be inferred
from their undisputed
possession for a series
of years.

2 I am a document
logged amongst the
records of the Govern-
ment Office, headed

9
"an agreement taken
"by the Noble Ishw
"Holland Esq. President
"and Governor in Coun-
"cil of Fort St George
"and its dependencies,
"from Shereef Sarwar,
"Rise of Tervul row
"Jaghirdar of Arnee"
dated 20 June 1789
it is observed that
on the Govt restoring
possession of the
Jaghire upon the
terms of the Treaty
of 1762 entered into
between the Nabob
of the Carnatic and
the Rajah of Tanjore
the then Jaghirdar
engaged for himself
and

and for his heirs after
him, "to conform to
"the terms of that Treaty
"so far as it related
"to the Saghirdar of
"Arnee, acknowledging
"that he had no right
"by the Treaty to the
"Fort of Arnee and
"Doby Chuddahs.

3. On the strength
of this document there-
fore and in reference
to the fact that the
Arnee fort has been
excluded from the
summers issued to

the Saghirdars who ^{to Simulrow dated 3.}
have since succeeded ^{to Simulrow " 19}
to the Saghirdar, the
Right Honorable the
Governor

(10)
Governor in Council
cannot recognize
any claim on the
part of the present
Saghiridar to the
property in question,
and resolves unhe-
sitatingly to disallow
it.

4. The Board
will in communica-
ting this decision
to the Saghiridar,
instruct the Collector
of North Arcot
to proceed to give
effect to the orders
of the 13th October
1855 for the disposal
of the Buildings
in such manner
as

as may seem most
advisable.

The Collector
will be careful to
explain very fully
to the Sighirdar
that the decision
of Government on
this case is based
on a deed volun-
tarily given by his
ancestor, and by
which he renounced
all claims upon
the Trib for himself
and his Successors.

RZ

A copy of the agree-
ment referred to in
para 2 will be forwarded
to the Board of Revenue
for

(11)

for communication to
the Collector.

3 Copies to the Secy of Secy
with copy of the Agreement & H. Encl
3 - - - - - and Dep't
Disb' 24

(12)

4/11/12

Revenue 1857 Dept.
D. to Cons 28th July.

134/67

No 734

Contract of Cons.

D. 23rd July 1857.

C. M. C. 27th Aug 1857. No. 841

Transd the Chief of the
August 1857 C. M. C. 11080

17/12/67

Observing, for reasons stated,
that Government, cannot recognize
any claim on the part of
the present Jaghiredar to the
Fort and Glacis of Arnee, and
resolving unhesitatingly to dis-
allow it.

No 11/12