

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.

1138

Press
Mis.

Dated *26th August* 18*59*.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
from 20th to 26th August 1859.*

No. 34. Read the following Petition.

To the Secretary to Government in the Revenue Department, Fort St. George.

The Petition of Vinjamoory Teeromala Narrasimbacharloo Bhatowurty Enamdar holder, residing in the Talooks of Budwail and Cumbum in the Zillahs of Cuddapah and Kurnool respectively in the Presidency of Madras; dated 30th July 1859.

RESPECTED SIR,

I most humbly beg leave to enclose herewith 4 copies of an appeal Petition to the Right Honorable the Secretary of State for India, against the orders of Government of this Presidency, passed in my Enamaty case No. 775 of 1856, on the file of the Cuddapah District, together with its enclosures, and respectfully pray that your honor will be pleased to forward them as usual.

No. 35. ORDER THEREON, 25th August 1859, No. 1138.

Ordered that the Memorial received with the foregoing letter be forwarded to its destination, and that intimation of its dispatch be made to the Memorialist.

(Signed) W. C. SIM,

Acting Deputy Secretary to Government.

*time of his death, both our families lived
together*

To
The President and Members
of the Board of Revenue
Fort Saint George
250
21. Jan 39.

The Humble Petition
of Vinjamoory Irimala
Narasimha Charlo an Inha-
bitant of Cumbum District
of Karnool.

(Most Humbly Sheweth,
That on the death of Petitioner's
Nephew, Irimala Sessa Charlo, No. 775 of
the Butcherlee Enam Register of the Guddapala
District, the Sub Collector instituted an enquiry
with regard to the Enam lands of the deceased
and found, that of the Enam lands entered at
the Peimaish in the names of Narasimha
Charlo and Ranga Charlo, only one half
descended to and was enjoyed by the deceased
Sessa Charlo, while the other half having
been bestowed under a Deed of Gift executed
by his father on the 15th Soodha, of the Month
Chitra in the Year Verodhee, corresponding
with 1830 on Petitioner's father, it was enjoyed
by him and after him by Petitioner; that from
the time of Sessa Charlo's father up to the
time of his death, both our families lived
together

together; that besides these Enam lands Petitioner and his large family had no other source of maintenance. These facts having been established by many proofs to the satisfaction of the Sub Collector, that authority recommended to the Collector that the half share of Sessa Charloo should be gifted while the remaining half should be continued in Petitioner's name. On enquiring as to the results of the recommendation, Petitioner was informed that the Collector had taken a contrary view to this taken by the Sub Collector ^{Mr Weddell} on the ground 1st because in the Razeenamah filed in 1840 in the Sudr Ameen Court by Ramooja Charloo, the party who executed the Deed of Gift in favor of Petitioner's father and his relative, Anna Gummah with reference to a suit brought by her against said Ramooja Charloo for the recovery of 14 and odd Rupees, no exception was made of the lands given in gift to Petitioner's father and 2^d because in the deposition given by Petitioner in 1853 on the death of both Ramooja Charloo and Anna Gummah before the Cumbam Cutcherry in favor of Sessa Charloo as to his being the rightful heir to the lands mentioned in the Razeenamah filed by Anna Gummah. Petitioner made no reference as to his father having obtained lands under a Deed of Gift. On these

two grounds the Collector doubted the genuineness of the Deed of Gift and forwarded his report to the Board, who submitted it to Government. Subsequently the Collector passed an Endorsement under date the 9th November 1858, which is herewith enclosed, stating that Government viewing the Deed of Gift alleged to have been executed in 1830 was subsequently drawn up - ordered the resumption of Petitioner's Enam alone with that of Sessa Charloo.

2. That being unfairly dealt with, and the above order being contrary to the recorded proceedings held in his case, Petitioner most humbly begs to submit the following facts for the merciful consideration of Government from whom the order issued.

3. That with reference to the 1st objection raised by the Collector on the score of the Razeenamah, Petitioner begs to state that the suit brought by Anna Gummah against Ramoojee Charloo was for the recovery of money and not with regard to the Enam lands. She not being a stranger, Ramooja Charloo executed an agreement to give her 12 Rupees per Annum for her maintenance, as also a moiety of his Enams in the several villages - this was particularly stated in the Razeenamah.

Ramoojee

Ramanooja Charloo simply agrees thereby
allow Annalammah half of the Eiams
his Endorsement exclusive of the Eiam he had
retained in Gift on Petitioner's father. This is
that can be deduced from the Ragenamah
neither the names, the numbers nor the
extent of the lands are given, nor is any reference
made to the lands bestowed on Petitioner's father.
Why should it not be rather stated in the
Ragenamah that a moiety of the whole of
the lands including that of Petitioner's father
should be enjoyed by him instead of saying that
he should enjoy only half of his lands. From
the nature of the suit it was not at all requisite
to except or include the lands enjoyed by Petitioner's
father. The wording of the Ragenamah is
sufficient proof. It is not therefore necessary
to enter more fully in this subject.

That with reference to the Objection
raised by the Collector of Petitioner having omitted
in the deposition given by him in 1853 before the
Sub Collector in favor of Sessa Charloo the
son of Ramanooja Charloo as to his being the
rightful heir to the Eiam lands of the then
deceased Annalammah of his having omitted
on that occasion to make any mention of the Eiam
bestowed

bestowed on his father, he kept to submit that
tho' the Ragenamah executed by Annalammah,
and Ramanooja Charloo was to the above effect, yet
all the lands noted in the Ragenamah were
enjoyed by Ramanooja Charloo and after
him by Sessacherloo. They were never en-
joyed by Annalammah on the complaint
of some evil designing persons, an enquiry
was held when Petitioner deposed that be-
sides Sessa Charloo there was no other heir
besides to the deceased Annalammah. No
enquiry was made then as regards Petitioner's
own rights. However when he did commence
to speak about Ramanooja Charloo's Eiam
and about the lands in his (Petitioner's) enjoyment,
he was desired by the Officials not to say any-
thing irrelevant, but to speak to the point
with respect to the claim of Sessa Charloo.
But even in this deposition, Petitioner did not
give the particulars of the lands, their extent
or names, nor has he anywhere stated
that the lands obtained by his father by
gift were included in those of Ramanooja
Charloo and Annalammah. A perusal of
the deposition will show the truth of this
statement.

5. That the same doubt occurred
to

Ramanooja Charloo simply agrees thereby
to allow Annalammah half of the Ewams
his Endorsement exclusive of the Ewam he had
bestowed in Gift on Petitioner's father. This is
all that can be deduced from the Razenammah
namely neither the names, the numbers nor the
extent of the lands are given, nor is any reference
made to the lands bestowed on Petitioner's father.
Why should it not be rather stated in the
Razenammah that a moiety of the whole of
the lands including that of Petitioner's father
should be enjoyed by him instead of saying that
he should enjoy only half of his lands. Now
the nature of the suit it was not at all requisite
to except or include the lands enjoyed by Petitioner's
father. The wording of the Razenammah is
sufficient proof. It is not therefore necessary
to enter more fully in this subject.

That with reference to the 2^d objection
raised by the Collector of Petitioner having omitted
in the deposition given by him in 1833 before the
Sub-collector in favor of Sessa Charloo the
son of Ramanooja Charloo as to his being the
rightful heir to the Ewam lands of the then
deceased Annalammah of his having omitted
on that occasion to make any mention of the Ewam
bestowed

bestowed on his father, he kept to submit that
this the Razenammah executed by Annalammah,
and Ramanooja Charloo was to the above effect, yet
all the lands noted in the Razenammah were
enjoyed by Ramanooja Charloo and after
him by Sessa Charloo. They were never en-
joyed by Annalammah on the complaint
of some evil designing persons, an enquiry
was held when Petitioner deposed that be-
sides Sessa Charloo there was no other heir
besides to the deceased Annalammah. No
enquiry was made then as regards Petitioner's
own rights. However when he did commence
to speak about Ramanooja Charloo's Ewam
and about the lands in his (Petitioner's) enjoyment,
he was desired by the Officials not to say any-
thing irrelevant, but to speak to the point
with respect to the claim of Sessa Charloo.
But even in this deposition, Petitioner did not
give the particulars of the lands, their extent
or names, nor has he anywhere stated
that the lands obtained by his father by
gift were included in those of Ramanooja
Charloo and Annalammah. A perusal of
the deposition will show the truth of this
statement.

5. That the same doubt occurred
to

to the Sub Collector when he instituted the late enquiry as to Petitioner omitting to mention his claims in his former deposition, but on his giving the explanation submitted in para 4, that authority became satisfied - Petitioner had nothing a perusal of his deposition during the late proceedings will prove the truth of this.

6. That moreover the Sub Collector in order to satisfy himself fully of the genuineness of the Deed of Gift, and not finding any of the same kind of paper on which it was executed at Cumbum or else where, sent for the old records of 1830 from the Tahsildar's Cutcherry and found them to be of the same kind of paper as that of the Deed of Gift. The Sub Collector himself will bear Petitioner out in this statement.

7. That as a further step the Sub Collector got some of the old records from the Tahsildar's Cutcherry bearing the signature of Ramanooja Charloo, and on comparing them with the signature in the Deeds of Gift, found them to correspond exactly. It was therefore that that authority issued Tahsildars in 1856 Nos 174 and 140 to the Tahsildars of Buduail and Cumbum, directing that as the Deed of Gift was genuine, the lands obtained

in 1830 should be registered for his name, that the said lands should be separated and bounded off, and that of the proceeds of said lands for the past year should have been paid into the Treasury, it should have been made over to Petitioner and a receipt taken from him. Ramanooja Charloo died in 1844. ^{The Document was executed in 1830.} By what means can it be said that the Deed of Gift was forged either 14 years before or 14 after his death. How could the signature of Ramanooja Charloo be obtained to a paper so old as the enquiries of the Sub Collector shows. and how could the many witnesses be obtained thereto. It is for Government to ascertain the truth of this.

8. That besides it will be seen, that because the Sub Collector felt fully satisfied from the enquiries whether this Deed of Gift is genuine or not - to satisfy himself whether it was so or not - he enquired and comparing one proof with another, he felt satisfied fully, and he established the Deed of Gift and acknowledged it as being genuine.

9. That from the proceedings held in 1853 and 1856 it is clearly shown from the depositions of the Cultivating Ryots Gramathans and Curnams that the Sub Collector clearly

ascertained that Petitioner's father and after him Petitioner enjoyed the produce, together with the produce of the Enam lands of Sessa Charloo up to the time of his death. If the depositions of these several parties were false, how could they at the same time declare the same thing? True it is, that a certain individual presented a petition to the Sub-Collector stating that Petitioner had no right to the Enam lands, but on the Sub-Collector passing an endorsement to the effect that the party writing the petition should appear before him and take his solemn affirmation as to the truth of his statement, he appeared the next day and stated that he was unable to prove the assertion.

10. If the Deed of Gift were not genuine, the Sub-Collector who seeks the benefit of the Government would not establish it to the injury of their interests.

11. That in Regulation 4 of 1834 it is stated that no such Enams should be sold, but that does not prevent the
acceptation

acceptation of documents executed previous to that time, nor does it affect those who enjoy lands under a Deed of Gift executed previous to that period. No such construction has been given retrospectively to said Regulation.

12. That many orders have been issued that Enams enjoyed for some years should "constructively" be kept in possession of the parties though they should not have any documents to prove their claim. That many of such Enams have been continued. When Petitioner has a true Deed of Gift and enjoyment to be deprived of the Enam lands, he thinks that he has been unfairly dealt with, in putting the Enam on the grounds of the Deeds of Gift having been executed after 1830.

13. That Petitioner therefore prays that the foregoing circumstances may be taken into merciful consideration, peruse the original Proceedings - the Deeds of Gift and the decision of the Sub-Collector reverse the order passed contrary to the records, and to establish the Deed of Gift executed before, & Regulation IV of 1834 and agreeably to Petitioner's enjoyment, and place
Petitioner

Petitioner in possession of his Uiam lands.

And your Petitioner as in duty bound

Madras
21st January 1859.

Shall ever Pray
Jem Deewee S. O. S. D.
W. O. S. D. S. D.

Handwritten notes in the middle right section, including a large '1' and some illegible script.

Extensive handwritten notes at the bottom right, including a list of names or items and a signature.

To
The Right Honorable
The Governor in Council
Fort Saint George
Madras.

The Humble Petition
of Vunjamoor, Tirimala Narasimha
Charles an inhabitant of
Cumbum District of Kurnool

Most Humbly Sheweth,

That on the death of Petitioner's
Nephew, Tirimal seshu Charloo Nyy 5 of the But-
wherlee Enam Register of the Gnddapat District,
the Sub Collector instituted an enquiry with regard
to the Enam lands of the deceased and found, that
of the Enam lands entered at the Pirraish in the
names of Narasimha Charloo, only one half descended
to and was enjoyed by the deceased Seshu Charloo,
while the other half having been bestowed upon
a Deed of Gift executed by his father on the
15th Soodha, of the month Chitra in the Year
Perood hee, corresponding with 1830 on Petitioner's
father, it was enjoyed by him and after him
by Petitioner; that from the time of Seshu Charloo's
father up to the time of his death, both our
families lived together; that besides these Enam
lands Petitioner and his large family had no
other source of maintenance. These facts having
been established by many proofs by the satisfaction
of the Sub Collector; that authority recommended
to the Collector that the half share of Seshu
Charloo.

Charles Charloo's End.

and shews that the Enam
may be restored to him.

The Enam here

is referred to having been
renewed under the orders
of Govt. the D. of Peace
cannot interfere.

Govt. Office,
Fort St. George,
2nd Feb. 1839.

By Order,
Charles

Sub Secy.

No 250 of 1839

From Vunjamoor

Tirimala Narasimha

Charles on the subject

of the Enam in the

District of Kurnool.

Dated 29th Feb

Recd 27th Jan 1839

with the

order for the enquiry

renewed in reference

of the Collector's report

to the Board who thereupon

ordered the enquiry

to be made for the recovery

of the Enam lands

Charloo should be gifted while the remaining half should be continued in Petitioner's name. On enquiring as to the results of the recommendations, Petitioner was informed that the Collector had taken a contrary view to this taken by the Sub Collector Mr. Medderburn, on the ground 1st because in the Razeenamah filed in 1840 in the Sudr Ameen Court by Ramanoja Charloo - the party who executed the Deed of Gift in favor of Petitioner's father and his relatives. Ammalummah with reference to a suit brought by her against said Ramanoja Charloo for the recovery of 14 and odd Rupees, no exception was made of the lands given in gift to Petitioner's father, and 2^d because in the deposition given by Petitioner in 1853 on the death of both Ramanoja Charloo and Ammalummah before the Cumbum Cutcherry in favor of Sessa Charloo as to his being the rightful heir to the lands mentioned in the Razeenamah filed by Ammalummah - Petitioner made no reference as to his father having obtained lands under a Deed of Gift. On these two grounds the Collector doubted the genuineness of the Deed of Gift, and forwarded his report to the Board, who submitted it to Government, subsequently the Collector passed an Endorsement under date the 9th November 1858 which is herein enclosed, stating that Government viewing the Deed of Gift alleged to have been

been executed in 1830 was subsequently drawn up ordered the presumption of Petitioner's Enam alone with that of Sessa Charloo.

2 That being unfairly dealt with, and the above order being contrary to the recorded proceedings held in his case, Petitioner most humbly begs to submit the following facts for the merciful consideration of Government from whom the order is issued.

3 That with reference to the 1st objection raised by the Collector on the score of the Razeenamah, Petitioner begs to state that the suit brought by Ammalummah against Ramanoja Charloo was for the recovery of money and not with regard to the Enam lands. She not being a stranger, Ramanoja Charloo executed an agreement to give her 12 Rupees per Annum for her Maintenance, as also a moiety of his Enams in the several Villages this was particularly stated in the Razeenamah Ramanoja Charloo simply agrees thereby to allow Ammalummah half of the Enams in his Endorsement exclusive of the Enam he had bestowed in Gift on Petitioner's father. This is all that can be deduced from the Razeenamah for neither the names, the numbers nor the extent of the lands are given, nor is any reference made to the lands bestowed on Petitioner's father. Why should it not be rather stated in the Razeenamah that a moiety of the whole of the lands including that of

Petitioner's

Petitioner's father should be enjoyed by her instead of saying that he should enjoy only half of his lands. From the nature of the suit, it was not at all requested to except or include the lands enjoyed by Petitioner's father. The wording of the Government is sufficient proof. It is not therefore necessary to enter more fully on this subject.

4. That with reference to the 2^d objection raised by the Collector of Petitioner Charming, omitted in the deposition given by him in 1853. before the Sub Collector in favor of Seshu Charloo the son of Ramanooja Charloo as to his being the rightful heir to the Enam lands of the then deceased Ammal Umamah of his having omitted on that occasion to make any mention of the Enam bestowed on his father, he begs to submit that tho' the Razeenamah executed by Ammal Umamah and Ramanooja Charloo was to the above effect, yet all the lands noted in the Razeenamah were enjoyed by Ramanooja Charloo and after him by Seshu Charloo. They were never enjoyed by Ammal Umamah on the complaint of some evil designing persons, an enquiry was held when Petitioner deposed that besides Seshu Charloo there was no other heir besides to the deceased Ammal Umamah. No enquiry was made then as regards Petitioner's own rights. However when he did commence to speak about Ramanooja Charloo's Enam and about the lands in his (Petitioner's) enjoyment, he was desired by the Officials not to say any thing irrelevant, but to speak to the point

point with respect to the claim of Seshu Charloo. But even in this deposition, Petitioner did not give the particulars of the lands, their extent or names, nor has he anywhere stated that the lands obtained by his father by gift were included in those of Ramanooja Charloo and Ammal Umamah. A perusal of the deposition will show the truth of this statement.

5. That the same doubt occurred to the Sub Collector when he instituted the late enquiry as to Petitioner omitting to mention his claims in his former deposition, but on his giving the explanation submitted in para 6, that authority became satisfied. Petitioner held nothing, a perusal of his deposition during the late proceedings will prove the truth of this.

6. That moreover the Sub Collector in order to satisfy himself fully of the genuineness of the Deed of Gift, and not finding any of the same kind of paper on which it was executed at Cumbum or elsewhere, sent for the old records of 1830 from the Tahsildar's Cutcherry and found them to be of the same kind of paper as that of the Deed of Gift. The Sub Collector himself will bear Petitioner out in this statement.

7. That as a further step the Sub Collector got some of the old records from the Tahsildar's Cutcherry bearing the signature of Ramanooja Charloo, and on comparing them with the signature in the Deeds of Gift, found them to correspond exactly. It was therefore that that Authority issued

issued Sakeeds in 1836 or 174 and the to the
Tahsildar of Budwail and Gumbham, directing
that as the Deed of Gift was genuine, the lands
obtained by Petitioner's father under a Deed of
Gift in 1830 should be registered in his name, that
the said lands should be separated and bounded
off, and that of the proceeds of said lands for the
past year should have been paid over to Petitioner
from the Treasury and a receipt taken from
him. Ramanooja Charloo died in 1844. This docu-
ment was executed in 1830. Oh, what means can
it be said that the Deed of Gift was forged either
14 years before or 14 years after his death. How
could the signature of Ramanooja Charloo be
obtained to a paper so old as the enquiries of
the Sub Collector shows, and how could the
many witnesses be obtained thereto. It is for
Government to ascertain the truth of this.

8. That besides it will be seen, that per-
cuse the Sub Collector felt fully satisfied from
the enquiries whether this Deed of Gift is genuine
or not, and by comparing one proof with another,
he established the Deed of Gift and acknowledged
it as being genuine.

9. That from the Proceedings held in 1853 and
1856, it is clearly shown from the depositions of the
Cultivating Ryots, Grammathurs and Gumbams
that the Sub Collector clearly ascertained that Petitioner's
father and him, Petitioner enjoyed the produce,
together

together with the produce of the same lands
of Sesha Charlo up to the time of his death.
If the depositions of these several parties were
false, how could they at the same time, declare
the same thing? True it is, that Sesha Charloo
presented a petition to the Sub Collector stating
that Petitioner had no right to the Enam lands,
but on the Sub Collector passing an endorsement
to the effect, that the party writing the Petition
should appear before him, and take his solemn
affirmation as to the truth of his statement.
he appeared the next day and stated that he was
unable to prove the assertion.

10. If the Deed of Gift were not genuine,
the Sub Collector who seeks the benefit of the
Government would not establish it to the injury
of their interests.

11. That in Regulation 4 of 1851, it is stated
that no such Enams should be sold, but that
does not prevent the acceptance of documents
executed previous to that time, nor does it affect
those who enjoy lands under a Deed of Gift
executed previous to that period. No such con-
struction has been given retrospectively to said
Regulation.

12. That many orders have been issued
that Enams enjoyed for some years should "con-
structively" be kept in possession of the parties
though they should not have any documents
to prove their claim. That many of such Enams
have been continued; When Petitioner has a true
Deed

Deed of gift and enjoyment: to be deprived of the Enam lands, he thinks that he has been unfairly dealt with, in giving the Enam on the grounds of the Deeds of gift having been executed after 1830.

13. That Petitioner therefore prays that the foregoing circumstances may be taken into merciful consideration, and peruse the original Records the Deeds of gift and the decision of the Sub-collector reverse the order passed contrary to the Records and to establish the Deed of Gift executed before Regulation 11 of 1831 and agreeably to Petitioner's enjoyment, and place Petitioner in possession of his Enam lands.

And your Petitioner as in duty bound

Madras.

8th February 1859.

Shall Ever Pray
Deemed &c &c
and &c &c

Jan 4th 1859

Endorsement on Petition No 250 of 1859.

From Vinjamony, Tirumala Narsimha Chavala an inhabitant of Gumbum in the District of Kurnool.

Sets forth certain reasons in refutation of the Collector's Report to the Board, who thereupon obtained the sanction of Govt for the resumption of his Enam land. Submits Collector's Endorsement and prays that the Enam may be restored to him. Dated 21st January 1859.

The Enam herein referred to having been resumed under the orders of Government, the Board of Revenue cannot interfere.

Revenue Board Office
T. W. George
2nd February 1859.

Signed J. Huddleston
Sub Secy

True Copy

Land or Service

Petitioner, that the Sub Collector ~~for the district~~
 in this case to the Collector, who, without any proof that
 the deed of gift in favor of the father of your Lordship's
 Petitioner was a fabrication, but upon a mere suppo-
 sition that it was so, submitted his opinion to the
 Board of Revenue; that a ~~other~~ (Board of Revenue)
 and Govt. concurred in opinion with the Collector, the
 latter officer passed an Endorsement dated on the
 9th November 1858, in the Teloo language that the
 share of your Lordship's Petitioner was also held
 under sequestration; whereupon your Lordship's Peti-
 tioner presented addresses to the Govt. & Board pointing out
 their error and submitting explanation respecting the
 authenticity of the deed of gift - but the Board by
 Endorsement dated on the 21st January 1859, declined
 to interfere in the matter whilst the Govt. on the 24th
 February 1859, referred your Lordship's Petitioner to
 their former order and that on your Lordship's Peti-
 tioning the Collector, that officer by a verbal order de-
 clined interference in the case -

Your Lordships Petition in conclusion

And your Lordship's Petitioner as in duty
bound shall ever pray -

30th July }
1859 }

Quercus *Q. agrifolia*
acutifolia