

Revenue Department

N^o 344

Dated 16-3-1859

Fort Saint George, Revenue Consultation of 22d March 1859.

No. 12. Read the following Extract from the Proceedings of the Board of Revenue, dated 14th March 1859, No. 878.

Read the following letters from the Collector of North Arcot, dated 1st and 3rd March 1859, Nos. 62 and 64.

(In Con. 3rd and 7th March 1859, Nos. 879 and 911.)

In Cons 16th February 1859. Resolved that the foregoing letters be submitted for the information of the Right Honorable the Governor in Council, with reference to Extract Minutes Consultation, dated 15th February 1859, No. 205, R. D.

2. It will be seen that the Plaintiff in Original Suit No. 8 of 1859, was duly informed by the local officers that the land which he was cultivating was not that which had been assigned to him, and the latter was also pointed out to him. He did not cultivate Nunjah crops nor use Government water, but the land being classed as Nunjah, that assessment was levied agreeably to the practice of the District.

3. An extention of time for filing the Answer has been obtained until the 29th Instant.

(A true Extract,)

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

No. 13. ORDER THEREON, No. 344; dated 16th March 1859.

Under the explanation now furnished, the Right Honorable the Governor in Council grants authority for the defence, in the first instance at the public expense, of O. S. No. 8 of 1859 instituted in the Subordinate Court of Chittoor against the Collector of North Arcot; but will determine when a copy of the decree is furnished whether the costs if any be adjudged against the Collector, shall be borne by that officer or by the Government.

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

Para. 1. I have the honor with reference to Extract Minutes of Consultation under date the 15th February 1859, No. 205, communicated by the Board with their order dated 17th idem, to submit a special report on the points adverted to by Government.

2. It is stated by the Curnum who performed the duties in fuslies 1262, 63 and 64 in a deposition, of which copy and translation are submitted, that the Plaintiff in O. S. No. 8 of 1859, on the file of the Sub Court did not cultivate the land assigned to him, but other land; and that the fact was pointed out to the Plaintiff by the Curnum, by the Peshcar, and by the late Tahsildar of the Talook. It appears also that the proper land was pointed out to the Plaintiff. There seems to have been no uncertainty on the subject in the Curnums mind; and in entering the land in question as Poonjah, he did but obey the orders of his superior Officer. The Plaintiff did not cultivate Nunjah crops or use Government water, but the occupier of land assessed as Nunjah is invariably charged with that assessment whether Government water is used or not, for there is no other tax with which he could be charged.

3. I have applied for a further extension of the period allowed to file an answer, but the order of the Court has not been passed on my application. The period now expires on the 8th instant, and if further extension be not granted, the answer proposed with the Board's amendment will be filed before or on that date.

4. With the Curnums deposition and its translation, a plan of the ground showing the boundaries of the land in question is also submitted.

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ENC. 1.

Translation of a Deposition given by Curnum Sabapathy Pillay, son of Pombya Pillay, Curnum by caste and occupation, age about 50 years, place of residence Moosurpaukum in the Cauverypauk Talook.

QUESTION.—Did Cunthady Streeramyangar cultivate the land which he obtained by Durkast in the above Village in Fusly 1262, or some other land.

ANSWER.—He did not cultivate the land obtained by Durkast, but he cultivated other land.

QUESTION.—Give the boundaries of the piece of land made over to Streeramyangar on Durkast, and of that which he cultivated.

ANSWER.—The boundaries of the land given to Streeramyangar are, to the west of Gothugye Tope, to the south of the road from Congeveram to Arnee &c., to the east of the bend of the new Kasakall, and to the north of the Gothagye nuttum Curnum Maniem and Sivalingum. The boundaries of the land he cultivated are to the west of Gothugye Tope and Charymadoo, to the south of Gothugye Nuttum Nunjah lands, and the Curnum and Caval Maniems, to the east of the new Kassakall, and to the south of the Durkast land above mentioned.

QUESTION.—Did you point out to Streeramyangar, which was the Durkast land.

ANSWER.—When Streeramyangar instead of cultivating the land he had obtained on Durkast, went to till other Nunjah land, I told him that that was not the land he had obtained, which lay to the North and which he should cultivate and not the Nunjah land which he had not obtained.

QUESTION.—Whilst you were aware that Streeramyangar did not cultivate the Durkast Poonjah land but another Nunjah field, why did you enter it in the Jummabundy accounts as Poonjah?

ANSWER.—In the Sagoopady Adungal, Ajimaish, and all other accounts, the field in question was entered as Nunjah. During the Ajmayah by Peishcar Seetharamiah, he at the request of Streeramyangar sent for the Pymash Chittah, and after examining the land informed Streeramyangar that what he cultivated was not included in the Durkast, but that it formed a separate Nunjah field. The Peishcar entered it in the Ajmaysh accounts as Nunjah. During the settlement I entered the land in question in the Stalavaree and Puttah accounts as Nunjah, but at Streeramyangar's request, the Head Seristadar Sooba Row, directed the land to be entered in the accounts as Poonjah, and I did so accordingly. The Puttah however was not given to Streeramyangar, but held in Deposit, and the Tahsildar was ordered by the Serishtadar to proceed and inspect the land personally. In his Ajmayish in Fusly 1263, the Tahsildar having found that the land cultivated was Nunjah, entered it as such in the Ajmaysh accounts, and communicated the same to Streerameyangar. In the Chittah accounts and Puttah of 1263, I entered the field in question as Nunjah.

QUESTION.—Who wrote the accounts in Fuslies 1262 and 1263?

ANSWER.—In those fuslies and in fusly 1264, I and another Registered Curnum Cally pillay wrote the accounts; from fusly 1265 Cally Pillay alone.

(Signed) Sabapathypillay.

given before me 26th February 1859.

(True Translation.)

(Signed) C. WHITTINGHAM,
Collector.

26th February 1859.

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ENC. 2.—Plan.

IN CON. 7TH MARCH 1859, No. 911.
From C. WHITTINGHAM, Esq., Collector of NORTH ARCOT,
dated Chittoor, 3rd March 1859, No. 64.

I have the honor with reference to para. 3 of my letter of the 1st instant No. 62, to state for the information of the Board, that the Government Vakeel has reported to me that a further extension of 20 days, commencing from the 9th instant, has been granted for filing the answer in the suit adverted to in the above letter.

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No 344.
Extract from the Minutes of Consultation
Under date the 16th March 1859

Read the following
Extract from the Proce-
dings of the Board
of Revenue.

(Here enter 14th March 1859
No 878)

Under the expla-
nation now furnished,
the Right Honorable
the Governor in Council
grants authority for
the defence, in the
first instance at the
public expense, of O.S.
No 8 of 1859 instituted
in the Subordinate
Court of Chittoor
against the Collector
of

At
Ag

W. H.

of North Arcot, but
will determine when
a copy of the decree is
furnished whether the
costs of any be adjudged
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shall be borne by
that Officer or by
the Government.

J. A.

Joseph Adolphus
with an Encl.
Pip? 16th

68-6
15-2-59

Outgoing
Cable No.

No 12 + 13-

Revenue 1859 & 1860
To Gov: 22 March.

No 344.

Extracts of Gov:
216 March 1859.

Granting authority to the
Collector of Customs to issue for the
defence in the first instance, at
the public expense of Oct. 1859, 1859
incurred at the end of 1859
and stating that when a copy
of the same is furnished it will
be determined whether the Govt.
if any be assigned against the
Collector should be borne by
that officer or by the Government.

From the Govt of India
19 March 1859

Special Circulation
for post to
Govt.