

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 501

Press
Mis.

Dated 12 — 4 — 1859.

Not to be folded or roughly handled

Fort Saint George, Revenue Consultation of 12th April 1859.

No. 49. Read the following Extract from the Proceedings of the Board of Revenue, dated 22d March 1859, No. 978.

Read letter from the Acting Collector of Salem dated 21st February 1859, No. 33.

(In Con. 25th February 1859, No. 770.)

Resolved that the above letter be submitted to Government with reference to their Endorsement, dated 27th August last, on Petition No. 2360 of 1858.

2. Petitioner's claim to a share in the Inam lands which he seeks leave to prosecute by Civil Suit, is based on the alleged adoption of his father Ramasawmiah by his maternal Uncle Nunjuppaya, the father of the Defendant Vencataramaniah.

3. He produces two papers to prove this adoption, but neither of them distinctly state the fact, though as said by the Acting Collector it may perhaps be inferred from their tenor.

4. The Defendant denies that any such adoption ever took place.

5. It is for Government to decide whether the evidence to prove the adoption is sufficient to justify the grant of the desired permission to sue for the Inams. In the Board's opinion it is not sufficient.

6. As to the Inams themselves it is to be observed that No. 1, is a grant by the late Company's Government to Nunjuppaya for three lives, and the Board would recognise the succession of the grantee's own son, rather than that of a son by an alleged adoption, which was not admitted by the family or clearly proved. Nos. 2, 3, 4 and 5, are old Inams enjoyed by Defendant by inheritance, and acquired either by grant or purchase by his ancestors, and these if the adoption were proved, might form fair subject for litigation.

7. No. 6, is a Dusbundum Inam granted to the Defendant and another, for keeping in repair certain tanks which they constructed, and to this it does not appear that the Petitioner could under any circumstances have any claim.

8. The Board do not concur in opinion with Mr. Hathaway that Inams of this last description come under the operation of Regulation VII. of 1817, and are therefore exempt from the operation of Regulation IV. of 1831.

(A true Extract.)

(Signed) W. HUDLESTON, *Sub-Secretary.*

No. 50.

ORDER THEREON, No. 501; dated 11th April 1859.

The petitioner applies for the permission of Government under Section II. Regulation IV. of 1831, to sue in the Civil Court for the recovery of certain Enams to which he considers that he has a claim. It appears from the papers that the interests of Government are not in any way concerned; and the Governor in Council resolves therefore to give the permission sought.

2. Whether or not the Petitioner has proved or can prove the adoption of his Father is of no consequence in the present question. That is one of the issues which will be properly tried by the Court.

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

from

From A. HATHAWAY, Esq., Acting Collector of SALEM,

dated Hurroor, 21st February 1859, No. 33.

With reference to the Government Endorsement on Petition, No. 2360 of 1858; I have the honor to submit the following report.

2. Petitioner seeks the permission of the Government, under regulation IV of 1831, to establish his right to a share in the Jagheer of Mathoogondahully, and some other Jodigy and Surva Inam Villages &c., now in the possession of Vencatramaniah.

3. He basis his claim, on an alleged adoption, by Defendants father, of his (Petitioner's) father, previous to the birth of Defendant.

4. From the enquiry held in the case, it appears that the claim of the Petitioner relates to the estates specified below.

I. Mathoogondahully Jagheer—consisting of 11 Villages, assessed at Rupees 3,793-14-7, and paying a Jodigy of Rupees 10 to the Government.

II. The Surva Inam Village of Athysamoodrum, in the Oosoor Talook, assessed at Rupees 316-0-11.

III. The Jodighy Inam Village of Madypully, in the above Talook, assessed at Rupees 180-3-5, and paying a Jodigy of Rupees 24.

IV. A piece of Butvurty Inam land situated in the Amany Village of Talavoo, in the Denkencottah Talook; assessed at Rupees 110-11-10, and paying a Jodigy of Rupees 7-8-9 to the Government.

V. Another piece of Butvurty Inam land, situated in the above Village, assessed at Rupees 35-14-1; and paying a Jodigy of Rupees 1-13-7 to the Government.

VI. Certain Dasavundum Inam lands situated in the Village of Cotaculloopully, and three other Villages, attached to the Oosoor Talook; and assessed at Rupees 54-11-9.

No. I. 5. The Jagheer of Mathoogondahully was granted to the late Nunjuppiah, the father of the Defendant, in the year 1821, by the Honorable East India Company, for three successive generations, in remuneration of the valuable services rendered to the state, by the grantee, as Sheristadar in this, and some other Districts.

6. Out of the 11 Villages constituting the Jagheer, 9 are in the possession of the Defendant Vencatramaniah (the son of the original grantee); and the remaining two, are (with Defendant's consent) in the possession of Chetumbariah and two others, the Nephews of the original grantee.

7. The tenor of the Sunned is, that the Jagheer should lapse to the Government, after the demise of the grandson of the original grantee, and that it should not be sold or mortgaged, either wholly, or in part.

No. II. 8. The Surva Inam Village of Athysamoodrum appears to have been given, about 130 years ago, by the Poligar of Bagalore, to Vencatagherry Iyah, the great grandfather of the Defendant Vencatramaniah.

9. The only document that the defendant has produced, is a takeed, issued in the year 1822, by Mr. Cockburn, the late Collector of the District, to the Tahsildar of Oosoor, directing him to continue the Inam to Soobbiah, the eldest son of the grantee; as he was satisfied, from the enquiry then held, that Soobbiah was the legitimate proprietor of the Inam.

10. From the statement of the Curnum, it appears that the Inam Village was enjoyed, jointly, by Soobbiah and his brother Nunjuppiah, till the death of the former; when, his son, and subsequently the grandson's three sons, divided the property with Nunjuppiah.

11. The Defendant, as son of the survivor, is now in possession of the whole Village.

No. III. 12. This Inam Village appears to have been originally granted to Boochiah, by the Poligar of Soolagherry; long before the assumption of the country by the British; and in the survey accounts, it stands registered in his name.

13. The sunnud is not forthcoming; but a takeed of Mr. Cockburn, dated 1821, names Boochien as the original grantee.

14. From the statement of the Curnum, it appears, that the Inam village was sold by the original grantee, in fusly 1232, for Rs. 1,120, to Soobbiah; from whom it descended successively to his nephew the Defendant.

from

No. IV.

15. This Inam land appears to have been granted by His Highness, the late Rajah of Mysore, to Cavesamiah; in whose name it stands registered in the survey accounts, and on his demise to have passed to his son Streenevassiah; after whose death, it was partly sold, and partly conferred as gift by his widow, to Soobbiah, in the year Promodootah (1809).

16. On Soobbiah's death, it descended through his brother Nunjuppiah, to the nephew Vencutramaniah.

No. V.

17. This Inam appears to have been granted by Jagadavarayaloo, a Hindoo Rajah, to Annapoorneammal; in whose name it stands registered in the survey accounts.

18. It was in the first instance mortgaged by the son of the survey Inamdar, to Palcode Soobbiah, who re-mortgaged it to Soobbiah, after whose death, it passed (as above) through Nunjuppiah, to the Defendant Vencutramaniah.

No. VI.

19. These Dasavundum Inam lands were granted by the Poligar of Soolagherry, in fasly 1244, to the Defendant Vencutramaniah, and another, for keeping in repair certain tanks which they jointly constructed in the Soolagherry Poliput; and the Inam is now enjoyed by the grantee.

20. Having explained in the preceding paras, the nature and description of the several Inams above referred to, and the manner in which the Defendant Vencutramaniah became possessed of them; I proceed to pass an opinion upon the grounds on which petitioner rests his claim to a share in them.

21. Petitioner states, that the late Nunjuppiah, having been childless for several years after his first marriage, adopted Petitioner's father Ramasamiah; and that no division of property took place, between the latter and Nunjuppiah.

22. In default of any oral testimony he filed two documents, in support of the adoption.

23. Of these—the first, is a copy of a letter addressed by the late Nunjuppiah to the Petitioner's father; and the second is a copy of a Cararnamah, which the Petitioner's father and the Defendant, jointly executed "as the sons of the late Nunjuppiah," in the name of Chetumbariah and two others, the nephews of Nunjuppiah.

24. The fact of adoption is nowhere clearly asserted in these documents; but may, in a measure, be inferred from certain passages.

25. Defendant, denying the adoption in toto, urges that the petitioner's father Ramasawmiah was the nephew (sister's son) of his father; who brought him up in his house, out of pure affection; and that when Ramasawmiah attained majority he dismissed him from his house, more than 50 years ago, with considerable property.

26. From the foregoing circumstances the Board will observe that the alleged adoption has not been satisfactorily established; and therefore it is questionable, whether the Petitioner should be permitted under Regulation IV of 1831, to sue for the share of his father.

27. It should also be borne in mind, in disposing of this matter, that the Jagheer being a personal grant, reverts to Government after the demise of the present incumbent's son.

28. In regard to the Inam village of Athisamoodrum, the question of resumption might have to be brought before the Inam Commissioner, on the death of the present incumbent, as the only title is long possession.

29. In regard to the Dasavundum Inam lands, I am of opinion, that the permission of the Government is not necessary; in as much as they fall under the head of service Inams, enumerated in regulation VII of 1817, and not under those enumerated in Regulation IV of 1831.

30. Enclosed are copies of the 3 documents alluded to in this report.

ENCLOSURE. 1.

Translation of a Canarese letter addressed by Nunjuppiah to Ramasamiah.

To Ramasamy with the blessing of 1000 years long life. The young people, the married women, myself and others in the house are quite well up to the 1st of the intercalary month of Asvejum, you should write and inform me of the welfare of the young people, of the married women, and of all others especially of your own. I obtained the gentleman's order to go to Caroor on the 9th day, to be present at the ceremony of Pooneyavachenum. I procured some half rupee pieces, some quarter rupee pieces and some

from

two annas pieces to give alms to the bramins, also some cloths required for the ceremony of Namacaranum (or the ceremony of giving name to babes) and went to bed that night with the intention of leaving this about 4 A. M. in a palanqueen borne by 12 men, about 1 in the morning, I was attacked with pain in the stomach and my bowels were opened once, afterwards, I vomited thrice and then the day broke. After day-break some bengal gram mixed in butter milk was given to me. From wednesday morn until that evening I vomited 81 times. In the evening the young people from Rajepoor and Aloomalumm and others from Womalore arrived. The whole of Salem was in a state of confusion. I was insensible. After the 1st Jaunum on Wednesday (morning after 3. A. M. on Thursday) I had my senses restored and then a quarter seer of rice in Buttermilk was given to me. About this time the dawn of Thursday was seen. Owing to the medicines given me on Tuesday and Wednesday having been very heating I got fever on Thursday. From this day until Saturday cooling decoctions were given me, and the fever left me. From Saturday until Sunday I gave all sorts of wanums (gifts) for the curing of my illness. On Saturday, Sunday, and Monday, I took strong pills and fed myself on rice and pepper water prepared without tamarind. Tomorrow I am going to give up the diet, I am also going to bathe tomorrow in order to purify myself from the pollution of childbirth. Up to this time I had no water put on my head. I purpose to have pepper and milk rubbed on my head and to bathe tomorrow. It will take 15 days for me to get strong. The sickness has left me. I hope to get strong by taking proper food and also by oiling my head. By virtue of the adoration paid by the elders of our family both to the bramins and to the married women of that class, by your own good luck, by the good and posterity increasing luck of the babe now born, by the righteousness of Accamiah and Gooroomoortee, by the manner you, as the happy son of your father, have maintained that reputation which I have gained in the countries situated on the 4 sides of the terrestrial globe from the 1006 gentlemen (meaning many thousands of gentlemen) in this Caleyogum; by your having gained through Streeram's blessing a name that the son is a better and happier man than the father, by virtue of the righteousness of the babe now born and lastly by the good time in which the babe was born, the Almighty has enabled me to recover from the sickness from which I suffered lately. Never mind hereafter. I am not suffering from sickness now, you need not be afraid. In a few days I hope to get strong as usual. Afterwards I mean to leave with you, your mother, your sister and all your brothers and take leave from you and go to Ramasvaram or Satooyathra. I will stay there 15 days and then return to you. I also intend to bring 4 or 6 Cavadies of ganges water borne by bramins in order that the elders of the house may have an opportunity of washing in the same and to give a feast in our new house for 1000 persons. I further intend to have a thatched house called Yagasala erected on the North side of the garden near Soobbanah's well and wish very much to have the ceremony of Yaggeyum or burnt offerings performed through the bramins of Togaray and Baugalore at a small cost of Rupees 1,000 or a little more in the name of the master. This is to take place before the Yoogadee feast. If you tell me when I come to Caroor whether you approve of the auspicious ceremonies being performed in the month of Chitrem and in the first fortnight of the month of Vysakum, I shall be much pleased. I am aware of the wishes of others on the subject. Never mind hereafter. Food digests properly. I get proper sleep, you are to know this.

With my blessings. Figs are not to be got in this part of the Country. I hear there are figs in the gardens at Trichinopoly. It matters not even if 4 Rupees are spent on this account, as I should eat one or two half ripe and three quarter ripe fruits every day send me either at once or on two occasions 10 or 5 figs, if you can get them at Trichinopoly. If you send them to Ramasamy at Namcul with a request to send them to Salem without delay, I would get them. You are to know this.

ENCLOSURE. 2.

Translation of a Canarese Cararnamah.

Cararnamah or agreement executed on the 5th day of the 2nd fortnight in the month of Carteecca, of the year Vejiah, by Ramasamiah and Vencataramaniah, the son of Nunguppiah, to Vencatagherry Iyah and Chetumberiah the sons of Vencatasoobbiah, whereas; the deed of release or Pareekhut which our father Nungapiah and yourselves mutually executed and exchanged after dividing both the personal and real pro

from

perty, is correct. Certain of the points referred to in the above deed not having been settled, we would proceed to settle them today as detailed below. All the lands which belonged to Moonegounden were formerly rented out to you. As objections are raised to your continuing in the enjoyment of some of the lands above referred to we give you in their stead the lands specified below. 7 Poonjah fields which were ploughed by Moonegounden, measuring 693½ goontas and assessed at Rupees 36 - 0 - 4, Vecramadoo Nunjah land, is now given to you instead of the one objected to. This land is situated in the Cusbah, measuring 62 goontas and bearing an assessment of Rupees 5. The aggregate assessment of the above land amounts to Rupees 41 - 0 - 4. You should remit this sum regularly every year to the Jagheer Cut-cherry according to the Kistbundee and obtain a receipt for the same.

2. The mention made in the Cararnamah that you should have the 6 pits consisting of 372 Cundagums and 4 Colagums of raggy in the village of Byrenaikenhully is correct. The 6 pits full of raggy will be opened and shown to you by us on Monday in the 2nd fortnight of the month of Carteecka of the above year. Should we fail to do this, we will measure the above mentioned 372 Cundagums of raggy ourselves, and put you, in possession thereof within 3 days and obtain a receipt from you. If we should fail to put you in possession of the raggy within the prescribed time, we agree to pay you the value of the whole quantity of raggy calculated at the current price of 5 Rupees per Cundagum and keep back the raggy for ourselves.

3. In regard to cattle, we are prepared to give them to you as mentioned in the Carar and as may be pointed out by Boochieppah and Senkarappah.

4. You are to give up the following lands, viz., the land cultivated with sugarcane crop, the land cultivated by Moonegounden on warum tenure; the poonjah land situated opposite to the garden at Chicca Moottoogoudahully, and lastly the land brought under the plough in the garden, and are to have in their stead free of rent your pasture land which formerly belonged to Moonegounden, besides the land given to you bearing an assessment of Rupees 41 - 0 - 4, we have given the pasture land to you as Inam. You are at liberty to cultivate any portion of the pasture land and enjoy it without paying any rent to the jagheer.

5. In the Cusbah, you are to have 2 Colagums of land rent free for making vegetable and flower gardens.

6. As mentioned in the former Fysul we will let you have another building ground in the Circar land. You are to act up to these terms. We two and yourselves should live as milk and water. This Carar or agreement was executed with our mutual consent and there is to be no further dispute.

(Signed) RAMASAMIAH.
(") VENCATARAMANIAH.

Witnesses.

Ramiah of Saracahully,
Nunjoondeah of Palcode,
Nunjoondiah of Tummaniah,
Capeniah,
Appasastry son of Ramasastry of Oosoor,
Chendrasagarasastry son of Tojara Soobbasastri,
Naranappen,
Pooroheta Nunjoondabutto,
Pooroheta Vencataramabutto,
Anniah of Nulloor.

This document was written by
Senkarappa with the consent of
all these people.

(True Translation.)

(Signed) A. HATHAWAY,
Acting Collector.

from

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ENCLOSURE. 3.
Translation of a maharatta Takeed issued by M. D. Cockburn Esq., the late Collector of Salem.

Collector's
Seal.

M. D. COCKBURN, Esq., Collector of Baramahal Salem &c.

To Meergayasooddeen, Tahsildar of Oosoor. It appears that the village of Athisamoodrum attached to the Baugalore poliput in your Talook was given about 100 years ago, on Survamanien tenure, by the Poligar, to Vencatagherry Iyen, who enjoyed the village until the year Verodecrootoo, that in the year Parcethabee, Soobbien the son of the above Inamdar, having left his residence, to live in the Company's territory, Tipposooltan had the village under attachment, until the year Calayooktee, and that in the year Sitharthee, the Poligar as usual continued the Inam to Soobbien. Soobbien having further proved in the Hoozoor by a Bogaputtah issued in his name, that the village has been enjoyed from fusly 1220, on Survamanien tenure, and that the grant was made many years ago, you are directed to allow Soobbien to enjoy the Inam village in future as heretofore. On the back of this Takeed, the boundaries of the Inam village, and the Ayacut are given in detail you are to take a copy of the Takeed and the particulars on the back of the Takeed and to give the original Takeed to the Inamdar.

10th January 1822, Salem.

You are to know this.

(Signed) by Mr. COCKBURN, in English,
(True Translation.)

(Signed) A. HATHAWAY,
Acting Collector.

ENCLOSURE, 4. Petition No. 2360 of 1858.

Rev. Department

N^o 501

Extract from the Minutes of Consultation
Under date the 11th April, 1859

Read the following
Extract from the Proceedings of the Board of Revenue.

(Here enter 22 March 1859
N^o 978)

The Petitioner
applies for the permission of Government
under Section II Regulation IV of 1831, to sue
in the Civil Court for
the recovery of certain
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claim. It appears

from

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P 488/59

from the papers that
the interests of Government
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2. Whether or not the
Petitioner has proved or can
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That is one of the issues
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tried by the Court. *W*

W

Copies to the Judge
Dispt. 11.
1 - Mr. Dep. Recd.

Revenue 1857 Dec 1st.
Debit 12th April

21st 571.

Contract of 1857
21st April 1857.

Permitting the Station
in 1857 of 1857 to show in the
Civil Court for the recovery
of certain claims and losses in
relation to which the same
evidence has a claim.

1849 & 50.