M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No.	401	Press ~~Mis.~~
71-72		
Dated	16—3—	1860.

Not to be folded or roughly handled

No. 71. Read the following Proceedings of the Board of Revenue, dated 10th March 1860, No. 1243 :—

Read letter from the Collector of Madura, dated 27th February 1860, No. 36.

(In Con. 3rd March 1860, No. 1001.)

The Chattiram Endowments referred to in the above correspondence are known locally as Barki Venkata Ráu's and Hali Náranaiyen's Choultries and were granted prior to British rule. They were attached by the Sub-Collector of Madura on the 15th March 1836, on the ground that the objects for which they had been granted had been wholly lost sight of and that no buildings were in existence. This proceeding was reversed by the Officer in charge of the District in October of the same year, on the "Hakdárs" of the Endowment engaging to feed Bráhmans coming to their houses during the day.

Paragraph 6, enclosure 2, in letter from Collector to Board, dated 21st March 1855, *No.* 34. *In Con. 2nd April* 1855.

2. The Hakdárs failed to abide by this agreement and early in 1842, notices were served on them by the Collector to the effect that the Endowments would be resumed if Chattirams were not built by the 12th July of that year. These notices were disregarded and the Endowments were attached on the 23rd July 1842.

3. In 1849, this circumstance was brought to the knowledge of the Board by the then Collector, Mr. Parker, who stated that as the Endowments were insufficient to build and maintain two Chattirams, he had endeavored, though unsuccessfully, to induce the Hakdárs to unite and build one jointly, and he recommended that this course should be adopted by Government under Regulation 7 of 1819, as well as that a small Establishment should be retained and an allowance of two and five Rupees monthly granted, respectively, to the Hakdárs, who should be invited to supervise the Chattirams. Ultimately, Mr. Parker contemplated the gratuitous supply of Firewood, Butter-milk and Rice to travellers.

From Collector of Madura, dated 6th December 1849, *No.* 151, *in Con. 3rd January* 1850.

4. Mr. Parker reported that in one case* nothing remained of the original Chattiram beyond a well and ruined wall and that it went to ruins about 1802. In the other case,† he stated that not a vestige remained, and the site on which it was said to have stood was then covered with other buildings. It was said to have become a ruin about the same time as the other Chattiram. Mr. Parker recommended also that the lands should receive in common with the Government lands of the Districts, the remissions effected by Mr. Hurdis and Mr. Peters, which up to that time they did not enjoy.

* *Barki Venkata Ráu's, the subject of O. S.* 64, *of* 1854, *and Appeal Suit* 295, *of* 1856.

† *Hali Naranaiyen's, the subject of O. S.* 63, *of* 1854, *and A. S.* 43, *of* 1857.

5. In a later letter Mr. Parker stated that a private subscription had been commenced in aid of the Endowment Funds and that it was expected that a sum of about 1,000 Rupees would thus be raised.

From Collector, 14*th January* 1850, *No.* 5, *in Con.* 21*st January* 1850, No. 171, *Board's Proceedings,* 19*th idem, No.* 130.

6. The Board recommended the erection of a Chattiram as proposed by Mr. Parker, the expenditure in excess of the funds in hand which were about 1,000 Rupees being gradually recovered from the proceeds of the lands under Government management. They also reduced the Establishment and suggested that Mr. Parker's proposals regarding an allowance to the Hakdárs and the supply of food to travellers should remain in abeyance until the cost of the building had been fully defrayed.

Board's Proceedings, 3*rd January* 1850, *No.* 37.

Extract Minutes Consultation, 5th February 1850, Revenue Department, No. 124.
In Consultation, 14th February 1850, No. 332.
Enclosures in Extract Minutes Consultation, 14th October 1854, No. 1327.
In Consultation, 4th December 1854, No. 3431.

7. In these views Government concurred, and the approval of the Home Government was communicated in their Despatch, 12th July 1854, No. 16, Revenue Department, paragraph 10.

8. Plans and Estimates were afterwards forwarded by the Board to the Department Public Works, but the project seems to have been deferred owing to insufficiency of funds.

Board's Proceedings, 9th December 1850, No. 2372.

9. Matters apparently remained thus until the Hakdárs sued Government in the Sub-Court for the recovery of the Endowments in 1854.

O. S. No. 63, of 1854, on file of Sub-Court of Madura.
1 Narasimma Sastri, } Plaintiff.
2 Venkatéswaralah, }
Versus
1 R. D. Parker, Esq., Collector. }
2 T. Clarke, Esq., Sub-Collector. } Defendants.
3 Venkataraw Sarvahtadar. }
O. S. No. 64, of 1854, on file of Sub-Court of Madura.
Shevaramvadani,—Plaintiff.
Versus.
1 R. D. Parker, Esq., Collector. } Defendants.
2 T. Clarke, Esq., Sub-Collector. }

Appeal Suit, No. 43, of 1857.
1 Narasimma Sastri, } Appellants.
2 Venkatéswaralah. }
Versus
1 R. D. Parker, Esq., Collector. }
2 T. Clarke, Esq., Sub-Collector. } Respondents.
3 Vencat Row, sarvahtadar. }
Appeal Suit, No. 795, of 1856.
Shevaram vadani,—Appellant.
Versus.
1 R. D. Parker, Esq., Collector. } Respondents.
2 T. Clark, Esq., Sub-Collector. }

10. The institution of these Suits was duly reported to Government, as well as their successful defence.

11. From the letter now submitted it appears that appeals were lodged in both cases before the Civil Court of Madura. This circumstance does not seem to have been reported to the Board, the Sub-Collector in charge having, it is presumed, overlooked the necessity of obtaining sanction for carrying on proceedings.

12. The Civil Judge has now reversed the original decrees in both cases, and declared the attachment erroneous and unwarranted. The appellants are, therefore, to be replaced in possession of the Endowments and their mesne profits, of which last $\frac{1}{3}$rds are to be devoted to the building within 18 months of two Chattirams, and the remaining $\frac{1}{3}$rd to the personal use of the Hakdárs. Pending the construction of the Chattirams, the appellants are to administer the charity at their own houses. The costs are to be borne by Government.

13. The decision as Mr. Clarke points out is of an extraordinary character. The Judge declares that the Endowments have no connection with Chattirams, yet orders two to be built from their proceeds. He admits that the feeding of travellers is one object of the Endowment, yet assigns no portion of the past proceeds for the purposes, and in one of the cases at least seems to consider that the maintenance of the Hakdár's family in itself fulfils the obligation.

14. If the inconsistencies in the decree were the only points to be considered, the Board would have felt no hesitation in supporting the Collector's recommendation that a special appeal should be instituted in the Sadr Adálat, but as the case stands it seems to them that the inaction of the Officers of Government in respect of the erection of a new Chattiram would prove a hindrance to the successful issue of a special appeal. Admitting, as the Board believe is true, that the Endowments were for the maintenance of Chattirams among other objects, it would appear inconsistent to endeavor to set aside a decree which enjoins the construction of two Chattirams and devotes $\frac{1}{3}$rds of the net profits of the Endowments for 18 years to the purpose, when Government have held the Endowments for that period and done nothing to fulfil what they declare to be one important object of the grant. The original buildings were in ruins in 1802, and the first interference of Government was in 1836. Between the final attachment in 1842, and the first institution of the Suits in 1854, a period of 12 years, nothing was done, although the profits of the Endowments are said to have been supplemented by a private subscription. Had Government absolutely resumed the Endowment as forfeited, this embarrassment would not have existed, though they would still have had to justify the resumption; but the need of a Chattiram and the obligation of building one at least, was fully admitted, yet none was built or even commenced. Now the decree, in spite of its inconsistencies, provides for the erection of two Chattirams within 18 months, so that a question arises whether it would be proper to endeavor to set aside a decision which provides within 18 months for the very object Government have had in view for nearly as many years.

15. The two Chattirams ordered to be built will doubtless be insignificant structures compared with the single building which Government contemplated, but it must be admitted, the Board think, that the sum allowed for the purpose, viz., $\frac{1}{3}$rds of the net proceeds of the Endowment for nearly 18 years is very liberal, especially as it must be and has been conceded that this is but one object of the charity.

16. The decree is, moreover, open to question in that part of it which refers to the distribution of food to travellers. The Board, however, regard charities of this character as of very doubtful value.

17. If Government are disposed to appeal further in this matter, the Board would recommend that the case be placed in the hands of Mr. Dale, but on the whole they recommend that the appeal decree, with all its inconsistencies be accepted as a reasonably fair settlement of the matter, although this involves the payment of all costs.

18. The Civil Judges it will be seen, specially reserves the right of the appellants to the lands forming the Endowment for the decision of the Inám Commissioner.

19. The Board request that the Collector will report without delay on the private subscription already alluded to, stating its present amount, &c. He will also inform the Board whether the wishes of the subscribers can now be ascertained as to its future disposal, and whether arrangements can be made with the Hakdárs or one of them for its employment, as originally intended, in aid of the sum adjudged by the Court for building a Chattiram.

20. The Collector will further state the present assessment and value of the Endowments, and the circumstances under which the appeals were defended without sanction.

21. The time for filing a special appeal expires on the 19th instant, but the papers only reached the Board on the 3rd instant.

(A true Extract.)

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

No. 72. ORDER THEREON, 16th March 1860, No. 401.

There are two ancient Chattiram Endowments in the Madura District. The Chattirams are stated to have gone to ruin about 1802. In 1842 the Endowments were attached, as the holders after repeated warnings, failed to build the Chattirams, or to feed travellers, as required by their tenure. The intention in attaching the land was to build the Chattirams; but this was not done, possibly as the funds required to accumulate for the purpose.

2. In 1854 the holders, in both cases, sued Government to recover the Inám land; and in 1857 they were both non-suited by the Sub-Judge. They appealed, and the original decrees have now been reversed by the Civil Judge; who has decided that the Ináms shall be given back, with the mesne profits: and that the holders shall forthwith build Chattirams. All the costs of the law proceedings are to be paid by Government. Their amount is not stated.

3. The Collector strongly urges a special appeal: on the ground that the Civil Judge's reasoning is illogical, and the facts assumed and stated in the decree, untrue. But the Board think that no further proceedings need be taken; inasmuch as though the Civil Judge may be wrong in his reasons, yet his decree ensures all the substantial objects of the grants of land, and of the Government attachment.

4. The Government concur with the Board of Revenue that it is not desirable to take steps to oppose the appeal decrees. The Board will ascertain the amount of costs payable by the Government, and report it for final sanction.

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

There are two entries
in Mr. Lloyd's Endowments in Bradenoch Dis-
trict. The Chattels are stated
to have been given about 1802.

In 1842 the endowments
were attacked, as the Lotts,
after repeated warnings,
failed to build the Chattels
or feed travellers. The
intention in attaching
the land was to build
Chattels; but this was
not done; possibly as the
funds required Sacrificing
- cut for the purpose.

In 1854 the Lessee in
both cases sued for. to recover
the Locus Lands; & in 1857 they
were recovered by the
Sub. Judge. They appealed, & the
case might deemed to now
been removed by the Civil
Judge: who has decided that
the Locus shall be given back,
& the mesne profits:
that with the Lessee shall pro-
-ceed. the Lessee shall pro-
-ceed with both Causes - All
the costs of the two proceedings
to be paid by first - amount
not stated -
The Court strongly under-

appeal: on the
ground that the Civil
Judge wrong in his
decision & the facts assumed
& stated in the decree
entered. That the H^ble High
Court can further proceedings
need be taken; inasmuch
as the Civil Judge
may be wrong in his reasoning,
yet his decree endorses
all the substantial Rights
of the grants of Land, & of
the first - attachment -
It will be deemed
that the proceedings in the

Civil Court of Madura

Present R. R. Cotton, Civil Judge

O. S. No. 63 of 1854 Sub Court file

Plaintiffs	Defendants
1. Narasimma Sastry	1. The Collector
2. Venkataswariah	2. The Sub Collector
	3. Vencat Row Sheristadar Sub Division.

Appeal No. 43 of 1857.

Plaintiffs Appellants	Defendants Respts
1. Narasimma Sastry	1. The Collector
2. Venkataswariah	2. Sub Collector
	3. Vencat Row late Sub Division Sheristadar
Vakeel Soobramany Iyer	Govt Vakeel
Ramasamy Iyer.	Narasima Row.

1 This Suit was brought to recover possession of 10 b 5 $\frac{32}{10}$ Cooties of land, yielding annually 157 Rt. 6. As. 9 P., Sequestered by the 2d. Defendant, with the Consent of the first at the instigation of the 3d. together with

Court Lane already extended one six years. also that though the annual value of the enhancement is stated at 257 Rupees, yet the assessment of 12 years under first management amounts only to 2048 Rupees —

— Orders are requested.

The time for appearing expires on the 19th Inst. the Collr. should not write to the Collr. till the 27th Feby —

D. Hamilton 15

with Rs. 1380. intermediate profits and to obtain an acknowledgment of Plaintiffs right to the land in question as Huckdars of Cali Narainens Charity.

II Plaintiffs allege that the lands in question, and specified in the Plaint, were originally granted to their Ancestors by one Cali Narains for their support and feeding travellers, that up to the assumption of the Country by the Honorable Company, they enjoyed them - When Mr. Hundis as Collector fixed a peroo/peo, or quit rent on them and that they (Plaintiffs) up to the 1830, continued in uninterrupted enjoyment of the same; that in 1831, the Sub Collector attached them, on the plea that the Conditions of the Charity were not acted up to, but they were released in appeal by the Collector; that in 1842 they were again attached on a similar plea, and that Plaintiff had failed to repair the Choultry, and they, Plaintiffs having failed to obtain their restitution, were brought this Suit in Jail

III Mr. F. Clarke as Sub Collector and Defendant in answer denies their right of Cali Narains to grant the land in question and challenges the Plaintiffs to prove that the gift was made with the concurrence of the Ruling power, whose consent would be necessary to give validity to any alienation of the Revenue. The 2d Defendant is prepared to shew that the lands in question and entered as endowments of a Choultry which originally existed in the Town of Vindigul, and that the Plaintiffs and their ancestors, were in the habit of providing accommodation and food for travellers, so that the lands in question were attached under Regulation VII of 1817 or 1831 and the object of the Endowment has been wholly lost sight of; but they were again restored to Plaintiffs on their engaging to feed Brahmins

Brahmins coming to their houses during that
day. that in 1832, Plaintiffs having failed
to act up to their agreement, Notice was
served on them to build a Choultry by the
12th July following, failing to do which the
Inamiem would be resumed, which it was
on the 25th July 1842. under the Regulation
above quoted & measure which received
the sanction of Government.

IV. Plaintiffs reply that the contents
of the ruling power was not necessary to give
validity to the Gift. Similar ones having
constantly been acknowledged good &
without it, they deny that a Choultry ever
existed, & that the lands were granted
to their ancestors for the support of their
family and feeding Brahmins who should
come to them, & not for a Choultry that
is "Building;" that Mr. Harris gave them
a Patta in June 1912. by which the
character of the Endowment is apparent &
that

witness Arnold

that it was for defendants who alleged
Choultry existed to shew it, or where it
was, when it disappeared & how and
why the Inamiem was not then resumed; that the
Collector in 1836 admitted there was no
Choultry and restored the lands to them
on their agreeing to feed Brahmins in their
house; that on the misrepresentations of
the 3d Defendant the lands were again
resumed and the erection of a Choultry made
the stipulation on which alone it would be
restored.

V. The 1st Defendant rejoins that
there was a Choultry, that Mr. Harris's Pattah
proves this fact as well as that Plaintiffs were
merely managers of it. that the Order of 1836
restoring the Inamiem to Plaintiffs was
merely a temporary arrangement.

VI. Plaintiffs filed 8 Dfts. 9 Exhibits.
Plaintiffs cited 4 Witnesses none Pucca
cited by defendants.

VII. The Acting Sub Judge Mr. Cockerell
dismissed

dismissed the Plaintiffs Suit, being of opinion that they had failed to establish their claim to the lands, which he considered it was proved were endowments granted to a Choultry, which did not now exist and that consequently the Defendants under Regulation VII of 1817 were fully justified in sequestering them.

VIII Plaintiffs dissatisfied appeal, and deny that there ever was a Choultry, or that it has been shewn that one ever existed. that the word "Chuttrum" entered in the various documents filed, and on which the Sub Judge has laid such stress, does not prove as he asserts that there was a Choultry that the word must not be taken literally as meaning a Building but in a most extended light as a Charity that in the Kyfeyat No I given in 1796 not only is the land in dispute stated to be for the support

of the Appellants family, and for the daily feeding of 17 Brahmins, but the Number of their family at that time was particularly that this document was called for, and taken by Competent authority and its authority till 1847 acknowledged. that the Sub Judge wanted thrown discredit on it because it is wholly Appellants Ancestors own statements. that their document No II confirms No I that, because the Appellants gave food and Cloth to the way faring Brahmins they were styled "Chuttrumdars" that the at the heading of document II the words Chuttrum, Soorygar Ramalingo Iyen occurs, yet the purpose for which the Inamiens was granted is entered in the body of the document, and that for 36 years (query 46) years no objection was ever raised to their holding the Inamiens on the ground that the Building was not

in

in existence which shews that the purpose for which the Inaam was given was understood and acknowledged to be for their support and the feeding of Brahmins; that when the lands were first attached the Principal Collector having examined all the records and found that the Inaam was granted for feeding Brahmins Ordered the lands to be restored to the Appellants and the Sub Collector in idea of building a new Choultry, effected an amicable arrangement with the Appellants long Established prescriptive right — that now alleging the Inaam was given to support a Choultry & facts they have not been able to prove, the Defendants Respondents have agreed to deprived them of the lands; that when the lands were given back to them in 1836 they entered into an agreement to distribute food which they have strictly and religiously done ever since till again deprived of the means of doing so by defendants Respondents attaching the lands which they were not justified in doing

That Regulation VII of 1817 gives the Collector no authority to interfere with charitable Endowments so long as the intentions of the donor are acted up to, that the Inaam in question the income of which is thirty-six is plainly shewn to have been given for feeding Brahmins and the maintenance of the feeder and their family that this is admitted by all even the Sub Judge - that to imagine that Appellants out of the small income could build a Choultry is absurd - that the Sub Collector recommended the income should be kept back 2 years in order that a Choultry might be built but that 15 years have

have elapsed and there are no signs whatever of any Chambly, that the Sub Judge has not decreed how much longer the Mauricien is to be kept in myst, what the building is to cost & how many persons shall be employed and fed not what appellants as Heir Litrary Reclamers shall receive for their maintenance; that it is evident that the attachment of the Mauricien was ordered under the false pretences of fraudulently evading a Chambly promissory note.

IX Mr Lockerby, acting Sub Collector, gives answer for 2d Respondent under oath, of course, upholds the Original and decree passed by himself as acting Sub Judge.

X The Civil Judge has given the records and what has been adduced by the Parties of the contending parties at the final hearing his very careful consideration.

The Respondents Factual pleas, that

that the Court has no jurisdiction, in the matter and that the Suit could only have been instituted under the Sanctions of Government, which has not been obtained and, in support of his argument cites Ord. XV of 1837 and Ord XXXI of 1838, and decree of the Sudr Adalut in Special Appeal Nos 3 of 1855, if the Mauricien is Shroturiem, and Regulation VII of 1817 viz. it is a Charitable Endowment. The Civil Judge does not consider the Arguments valid, in as much as the enactments first quoted are inapplicable to the present case; in Regulation VII of 1817 Section XIV it is said, that parties aggrieved by the order of a Collector can bring an action against him. The 2d Respondent put in 2 Documents with his answer, to shew that the Mauricien in question was not Shrotriem, which Appellants admit it is not this in the Puttah filed in Original No. 295/1858 it is Style Dasi Shrotriem Igara

Ijara Pulla" that this Court called upon the Appellants to prove that the Inaam em was Shrotriem which knowing to be the titles of the Pattah was an error they did not attempt to do.

XI It appears that the Appellants and their ancestors, for a very long series of years up to 1836, enjoyed the lands in question as Inaam for their own support and for dispensing Charity to others. that, so long back as 1796, the avowed object of the Inaam was this, and the statement to this effect has since then formed a portion of the record in the Collectors Office. A Copy is filed A in Document D, the object of the Inaam is also entered thus:

4 The Inaam was granted for feeding people.

5 The Members of the family (in Fusly 1223) are 15 in Number.

6. The charity has existed the last 72 years.

From

From be the these documents it appears to the Civil Judge that the lands were granted for the feeding of Brahmins, and the support of those who administered the Charity (the Appellants)

There is nothing on the record to shew that the produce of the Endowment was ever appropriated contrary to the intentions of the donor to the personal use of the Individuals in immediate charge and possession of the Endowment nor does such a charge appear ever to have been brought against the Appellants. they were left unmolested in charge until 1836, when it appears to have struck the Co-Respondent that the Endowment was for the maintenance of a Structure termed a Chattrum and that, as such, had been allowed to go to ruin, under Act VII of 1817, his interference was called for: and he therefore attached the lands, till the Chattrum should be built. On an appeal however

however to the Principal Collector, he restored the lands to the Appellants on their engaging to feed Brahmins at their houses, as it appeared from a reference to the Manieum Accounts of Fusly 1173, that the Appellants maintained their family exs from the produce of the Manieum feeding also the Brahmins and that it was also apparent that the Manieum had been in the Appellants possession previous to the Fysul Settlement. The Appellants ex case appears to have received the consideration of the Principal Collector, who, without laying on them any further obligation than that of feeding Brahmins who should come to them at noon and paying the porumpa restored to them the lands. No mention being made of a Choultry to be repaired or built. The 1st Respondent in Original Rejoinder, states that this was merely a temporary

arrangement, this the Civil Judge cannot admit, the matter seems to have been duly investigated and finally disposed of by the Principal Collector 6 years after the lands were again attached by the 2d Respondent who reported to the Collector that the Appellants neglected to perform the Charity as agreed, living in Wallum and other Villages and that the Building, Chattrum was in a dilapidated state and should be repaired from 2 years income of the Manieum, whereupon the Collector ex directed 14th April 1847 that Bangaru Shastry and others should erect a Choultry and conduct the Charity in accordance with their Engagement they had entered into in 1836, and that due notice should be sent them, that if they failed in this, the lands should be attached. The Choultry having been built the lands were attached and have been so ever since

since and it is to recover them the Suit has been brought.—

XII The failure on the part of the Appellants to build the Choultry is the basis of the attachment, and the point in dispute is whether there ever was a Choultry, that is, a Building, and whether its existence and proper repair were provided for by the grantor of the Inamiem. The Appellants stoutly deny that any such building ever existed and that the words "Chattrum Inamiem" entered in the Public records merely denote the Character of the Charity that is, "Supplying food": on the other hand the Respondent avers, that, from the term Chettrum Inamiem, it is evident that there was a Chettram Building.—

XIII In the yadasts, the Chettrum is stated to be in a dilapidated condition, and requiring 2 years' income (about

(about 200 Rupees) for its repair- from which it is to be inferred that such a Building was in existence and unmistakably apparent; yet no evidence has been adduced to establish this most important point; for it is evident that if Respondents Could have shewn the Chattrum in question the Appellants' pleas for restitution of the lands would have been, at once invalidated and falsified. The idea of building a Choultry as evidenced by the Collector in April 1842, before the 17th July appears absurd- not less so, the repair of a dilapidated one for 200 Rupees- but the extraordinary fact is, that this Choultry appears only to exist on papers. Its actual existence or dilapidated remains- no one can be brought to depose to, surely if it existed in 1842, there must be some persons alive who could have deposed to the

facti

fact, there has not been the slightest
attempt to identify the structure, query,
was it of stone, or brick, and chunam
tiled, terraced or what? where was it
situated - what now occupies its site. Evidence
to these points would have set the matter
at rest at once, but none has been
produced. If there ever was a Building
and the Inamieum was granted for its
maintenance, how is it that the Principal
Collector in 1836 and others before him
did not exact from Appellants what
is now demanded, and how could the
Principal Collector, had he believed
that the repair and maintenance of
a Chettrum formed one of the require-
ments appertaining to the Inamieum,
have released the lands and directed
that the food should be given at the
houses of the Appellants.-

XIV In Document B, dated 1813
ib

it is shewn that the charity had existed
77 years, and the Endowment is therein
stated to have been made for feeding
the people and mention is also made
of the number of appellants family.
from this Official document, leaving
A for the present out of the question, it
would appear, that while the Appellants
were to administer the charity to others,
they likewise were to be maintained. No
mention is made regarding the keeping
the Chaultry in repair, this omission
may probably be consequent on such
a building if built of stone, as is
customary, needing no better repair.
As regards the word "Chettrum" used
on the records the Civil Judge cannot
admit that it can establish the
Respondents point, and in the absence
of any evidence whatever to shew
that such a building ever existed
it

it is not unreasonable to suppose that the word was merely used to characterize the charity. Holding this opinion the Civil Judge does not consider the attachment of the lands by the Respondent was warranted. No regular investigation appears to have been made in 1842 into the case, but merely on the report of the 2d. Respondent first Respondent issued the order for attachment, which under Regulation VII of 1817 he could only legally do, on proof before him that the intent of the grantor of the Inamem had not been carried out and the produce of the lands had been misappropriated. The Civil Judge therefore resolves to reverse the Decree of the Lower Court, and to direct that the 1st. Respondent do make over to the Appellants the net proceeds of the lands

lands assessed from the date of attachment to this date and also the lands as it appears the number of Brahmins to be fed was only about 12 daily and that the Appellants own family consisted of an equal number. The Court awards the Plaintiffs Appellants out of the above Amount 1/3d. and directs that the balance be expended in the erection of a Choultry at Dindigul to be called Cali Narayina Chettrom. The Appellants, till such Chettrom is completed, being required to administer the Charity at their own house, as directed by the late Principal Collector.—

1st. Respondent to pay all costs Original and appeal. This Decree merely affects the question of past attachment, which the Court

Considers

considers was made on insufficient grounds and is not intended to establish the Appellants right to the lands, which will be adjudicated by the Inam Commissioner lately Specially appointed to determine such rights.

The 2/3rds of the intermediate profits are awarded to be given over to the Plaintiffs (Appellants) under Security that within 18 Months of its receipt a Chettrum be built the erection of which shall be certified by the Revenue or D. P. W. to have cost the sum awarded.

Given under my hand and the Seal of the Court this 19th December 1859.

/Signed/ R. R. Cotton.
Civil Judge

The Period for Appealing expirers on the 19th March 1860

/True Copy/
/Signed/ T. Clarke
Collector

/A true Copy/

Secretary

Rev. Dept.

No. 401.

Proceedings of the Madras Government
Under date the 16th March 1865.
Read the following
Proceedings of the Board of
Revenue

Reporting on certain Chuttrum Endowments in Madura and recommending that the appeal decrees of the Civil Judge notwithstanding all its inconsistencies be accepted as settlement of the matter.

(Here enter 10th March 1865 No. 1240)

There are two ancient Chuttrum Endowments in the Madura District. The Chuttrams stated to have gone to ruin about 1802. In 1842 the endowments were attached, as the holders after repeated warnings, failed to build the Chuttrams, or feed travellers as required by their tenure. The intention in attaching the land was to build the Chuttrams; but this was not done possibly as the funds required to accumulate for the purpose.

R. Rs. Rd March 1865
Dec 7-72.

2. In 1854 the holders, in both cases, sued Government to recover the inam land, and in 1857 they were both nonsuited by the Sub Judge. They appealed, and the original decrees have now been reversed by the Civil Judge, who has decided that the inams shall be given back, with the mesne profits: and that the holders shall forthwith build chuttrams. All the costs of the law proceedings are to be paid by Government. Their amount is not stated.

3. The Collector strongly urges a special appeal: on the ground that the Civil Judge's reasoning is illogical, and the facts assumed and stated in the decree, untrue. But the Board think that no further proceedings need be taken; inasmuch as though the Civil Judge may be wrong in his reasons, yet his decree ensures all the substantial objects of the grants of land, and of the Government attachment.

4. The Government concur with the Board of Revenue ~~in their opinion~~ that it is not desirable to take steps to oppose the appeal decrees. They observe that the proceedings in the courts have already extended over six years, and that though the annual value of the endowments is stated at 207 Rs, yet the commutations of 12 years, under Government management, amounted only to 2048 Rs.

The Board will ascertain the amount of costs payable by the Government, and submit it for final sanction.

11 Copies
Board of Revenue.
with Hi Encls

Dispatched

Revenue 1860 Departt.

Pro: of Govt. 20th March

No. 401.

Pro: of the Madras Govt.

261-100.
29-1-14 B.I

D/ 16th March 1860.

Pro: of the Board of Revenue D/ 8th June 60 & No 1213 on Cases for June 60 No 261-262.

From Do. D/ 18th Augt 60 No 1748 in Pro 2nd Sept. No 1756.

Concurring with the Board of Revenue that it is not desirable to take steps to oppose the Civil Judge's decrees regarding certain Chatteram endowments in Madura.

No 71 & 72