

# MADRAS RECORD OFFICE.

Government of Madras.

*Revenue* DEPARTMENT.

G.O. No. 2707

Press  
~~Mis~~

77.78

Dated 7 — 11 — 1865.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,  
7th November 1865.*

No. 77. Read the following Proceedings of the Board of Revenue, dated 17th October 1865, No. 6,586.

Read again letter from the Collector of Tanjore, recorded in Board's Proceedings, 8th July 1865, No. 3,845.

Read also the following letter from the Collector of Tanjore, to the Acting Secretary to the Board of Revenue, dated 4th September 1865, No. 284.

1. With reference to paragraph 2 of the Board's Proceedings of the 8th ultimo, No. 3,845, I have the honor to state that the continued occupation of the land in dispute, is certainly connected with the large arrears which were outstanding against it in the Chuttrum accounts kept by the late Rajah.

2. For twenty years previous to the attachment of the land by the Commissioner, Mr. Forbes, in 1856, Petitioner had paid no Melvaram to the Chuttrum for this land; before that gentleman, therefore, he laid a claim to the Melvaram as well as to Mirassivaram, or in other words, wanted him to believe that he was in fact an Inámdar as far as it was concerned. This point he was directed to prove by some documents; but he could bring forward no proof, and could only point to the fact that no Melvaram had been collected for twenty years.

3. Mr. Forbes, on the other hand, had the Chuttrum accounts, which shewed, at all events, that the Rajah had not waived his claim to the arrears, though perhaps he had not done as much as he might have done towards their collection, and under these circumstances Mr. Forbes would not release the attachment, because he considered that Petitioner had not proved his title to the Melvaram, and because also the accounts shewed that there was a large balance due to the Rajah on that account.

4. With reference to the observations contained in paragraph 4 of the Board's Proceedings, I beg to observe that the fact of Petitioner's father having deceased in 1845, and of his estate having then been taken under the management of the Court of Wards, appears to be a strong argument in favor of Petitioner: for, though the Rajah might have been unwilling to come to extremities with Petitioner's father, who was an obstinate ruffian of the Kallar caste, yet there was no reason why he should not have persuaded the Court of Wards that his claim to the Melvaram was just, and got them to pay it to him. I think, therefore, that it may be fairly considered, that in consequence of no payment having been made for twenty years, or from 1836 to 1856, and no good reason having existed why the Melvaram was not collected at all events by the Rajah when the land was under the charge of the Court of Wards, Petitioner's claim is one which cannot now be easily resisted.

5. I beg to submit herewith a Statement, shewing the annual payment formerly made to the Chuttrum on account of the Melvaram on the lands in question, as also the entire proceeds thereof during the period of attachment, including both the Melvaram and Mirassivaram. These amounting, as shewn in the Statement, to Rupees 6,054-4-7, are now in deposit. For the first five years of the attachment, viz., Fuslies 1266 to 1270, no accounts were kept to shew the proportions of Melvaram and Mirassivaram, but these have been calculated and shewn in this Statement in the ratio in which the gross produce has been divided into Melvaram and Mirassivaram, and exhibited separately in the accounts for subsequent years.

6. The Petition No. 467 of 1865 received back with the Board's Proceedings under acknowledgment, is herewith returned.

ENCLOSURE No. 1.

ABSTRACT.—Statement shewing the payments made to the Chuttrum, on account of Melvaram, on the three-and-a-half Pangus of land in the village of Umayapuram, claimed by the Kabis-talum Muppanar.

*in the treasury since*

*Proceedings of the Madras Government, Revenue Department,  
7th November 1865.*

ENCLOSURE No. 2—Petition.

1. The Board resolve to submit the foregoing papers for the consideration and orders of Government.
2. The Collector is in favor of making over to the Petitioner in No. 467 of 1865, the Melvaram right in about ten Velis of land, including wet and dry, which Melvaram right was purchased and granted as the endowment of a certain Chuttrum by a former Rajah of Tanjore some sixty years ago.
3. Mr. Morris lays stress upon the fact that no attempt was made, during the twenty years preceding the death of the late Rajah, to collect Melvaram on behalf of the Chuttrum. The enjoyment of exemption for this period is not, however, sufficient proof of the grant which the Petitioner alleges to have been made to his forefathers, while the entry in the accounts of a balance outstanding against the land militates strongly against the plea.
4. The Board apprehend that the course pursued by Mr. Forbes in 1856, as described in paragraph 3 of the Collector's second letter recorded above, was the correct one. Under the operation of that order the land has remained under attachment, and the entire proceeds (including the Mirassivaram as well as the Melvaram) are in deposit. According to the Statement furnished by the Collector, these amount to Rupees 6,054-4-7, of which a sum of Rupees 4,647-14-1, as Melvaram, belongs to the Chuttrum; and the remainder, Rupees 1,406-6-6, *i. e.*, the Mirassivaram, to the Petitioner. At the time of the attachment, however, the total amount of Melvaram due, according to the accounts of the late Raj, amounted to Rupees 15,260, and therefore the Chuttrum has still a heavy claim upon the land.
5. The Board see no reason why the Petitioner's application should be complied with, and they would enforce payment as before; as, however, the case has been lying over undecided for twenty years, the Government may perhaps think it desirable to let the Petitioner sue out his claims if so disposed, and in this case it may be advisable to give him formal permission to do so. It is true that the Courts can admit claims to lands affected by Regulation VII. of 1817; but as Petitioner denies that the land is the property of the Chuttrum, he could hardly lay his suit under that Regulation.

No. 78. ORDER THEREON, 7th November 1865, No. 2,707.

**Land Revenue**

1. In these Proceedings the Board submit for orders a Petition in which Chendracasa Muppanar prays that twelve Velies of land in the Tanjore District, which were attached by Government in 1856, may be surrendered to him rent free, together with the arrears which have accumulated in the Treasury since the land was taken under management.
2. It appears that the Melvaram of the estate forms part of the endowment of the Muktambalpuram Chuttrum; but that no application for its payment was made to, or acknowledged by the occupiers of the land from 1836 to 1856, or until the Collector took charge of the Chuttrum on the death of the Rajah.
3. Under these circumstances the Governor in Council is of opinion that the claim to arrears which accumulated prior to 1856 must be waived.
4. The Petitioner denies the right of the Chuttrum to the Melvaram, and declares that it belongs to himself, but there seems to be no doubt whatever on this point. The Petitioner has utterly failed to make out his claim, and the twenty years' default of payment insisted on by the Collector is not sufficient to supply the want of title when viewed in conjunction with the Rajah's notorious repugnance to seek assistance from the Government Officers to enforce his rights in such matters, though he was otherwise powerless to maintain them.

*Proceedings of the Madras Government, Revenue Department,  
7th November 1865.*

5. The accumulations in the Treasury consist partly of Melvaram and partly of Mirassivaram. The former should at once be handed over to the Chuttrum funds, and the latter should be paid to Petitioner on his receipt.

6. The land also should be made over to Petitioner on ordinary Mirassi tenure.

(True Extract.)

(Signed) W. HUDLESTON.

*Acting Secretary to Government.*

To the Board of Revenue.  
,, the Accountant General.

Exd. S. T. Augustin.

*in the Treasury since*

PROCEEDINGS OF THE BOARD OF REVENUE, dated 8th July 1865.

Read the following letter from G. L. MORRIS, Esq., Collector of Tanjore, to R. A. DALYELL, Esq., Acting Secretary to the Board of Revenue, dated Point Calimere, 6th June 1865, No. 173:—

No. 467 of 1865.

1. I have the honor to submit the following report on the Petition marginally noted.

2. The village of Umaiapuram, therein referred to, was originally held on Survamaniem tenure by the family of the Peshwas, from whom a large portion of it was purchased by His Highness the Rajah Sarbhoji under three deeds of sale bearing various dates from 1804 to 1808, and granted as an endowment for the support of the Chuttrum founded by him in the village of Orattanad, under the designation of "Muktambalpuram Chuttrum."

3. What belonged to the Peshwas, and was purchased from them by the Rajah above named was, however, only the Melwaram right, or the right to the ruler's share of the produce; the Mirassi right, or the right of holding being held by the Ryots of the village in precisely the same manner as in ordinary Ryotwarry villages.

4. Among the parties who held the Mirassi right to the lands purchased by Rajah Sarbhoji, Petitioner's father, Appavu Muppanar was one,

\* Containing nearly 10 Velis of Nunjah and Panjah land. his holding being 3½\* pangus. This individual like other Mirassidars continued more or less to

pay to the Chuttrum above-mentioned, the Melwaram of the land held by him up to the year 1830. After which, however, and up to 1845, he paid nothing whatever with the exception of a small quantity of grain in 1836.

5. Appavu Muppanar died in 1845, when his estate was taken under the management of the Court of Wards on account of the minority of his son, the Petitioner, and after that likewise, no payment was made on this account. Thus in the accounts of the Chuttrum Department of the late Raja, arrears of revenue to the extent of Rupees 15,260 are shown to be due on the 3½ pangus above-mentioned.

6. In 1856, the whole of this village was, consequent on the extinction of the late Raj, placed under attachment on the requisition of the Special Commissioner, Mr. Forbes, in like manner with all other lands, which were in any way mixed up with the estates of the late Rajah.

7. Lands owned by other individuals in the Rajah's villages, and which were thus attached, were afterwards restored to them on their proving their respective claims thereto, but a claim to the land held by Petitioner's father, Appavu Muppanar, preferred on behalf of this Petitioner, then a Minor under the guardianship of the Court of Wards, was not acceded to, because his title thereto was not satisfactorily proved.

8. In 1861, the estate of this Petitioner was made over to him in consequence of his having attained his majority, but the land in question was retained and to this day remains under attachment, the usufructs thereof being kept in deposit. It is the recovery, therefore, of the same with usufructs, that forms the subject of this Petition.

9. It is to be observed, that all the landed endowments of the charitable institutions connected with the late Raj, including also the lands in this village with the exception of the 3½ pangus in question have since been placed under the charge of the Collector under Regulation VII. of 1817, but owing to the claim advanced on behalf of this Petitioner, which, however, has by no means been clearly substantiated, the proceeds of the land in question since the date of its attachment by orders of the Commissioner, have been held in deposit, and the aggregate accumulated sum of these now in deposit is nearly Rupees 6,000.

10. Petitioner states that when his estate was made over to him by order of the Court of Wards, the land in question was also made over, but afterwards attached by the Collector. That the land was made over to him is true in one sense; for it is included in the list of villages

*in the treasury since*

and lands restored to him, but what was made over could have been nothing more than the Mirassi right, which unquestionably belongs to the Petitioner. The Melwaram right which had been purchased and granted to the Chuttrum by the Rajah, and which was what had been intended to be attached in connection with the settlement of the affairs of the late Raj, evidently never was made over.

11. As to the merits of the Petitioner's claim to the Melwaram of the land in question, it is not supported by any evidence of title. During the inquiries held in 1857 it was alleged on behalf of the Petitioner, that the former Rajahs made a gift of the land to his forefathers on account of the friendship which subsisted between them, but this was a bare assertion, and if it had been a fact, it is very remarkable that the Rajah did not leave some writing showing what he had done.

12. As matters now stand however, and with advertence to the fact that the lands had ceased to pay anything to the Chuttrum for twenty years previous to the date of attachment by orders of the Commissioners, it is for the Board to decide whether the Melwaram right to the land in question is to be retained in trust for the Chuttrum under the provisions of Regulation VII. of 1817, or to be made over to the Petitioner.

13. I am of opinion that though Petitioner has failed to prove that the Rajah gave him the Melwaram right, yet that his ancestors having been allowed to enjoy it without molestation for twenty years makes it very difficult, if not impossible, for his claims to be resisted.

ENCLOSURE No. 1.—Petition.

1. If the Board understand Mr. Morris aright, the land claimed by the Petitioner is, and has been since 1856 (except perhaps for a brief period in 1861) under attachment, and the proceeds are kept in deposit.

The Collector has not explained clearly; however, the cause of this continued attachment. It is stated in paragraph 7 that while other lands which had been occupied on account of their connection with the estates of the late Raj had been restored to their owners after inquiry duly made, the claim put forward on behalf of the present Petitioner, then a Minor, for the land now in question "was not acceded to, because his title thereto was not satisfactorily proved." The Collector will be good enough to state the precise meaning attaching to this expression; and whether the continued occupation of the land was connected in any way with the large arrears due upon it as apparent from the Chuttrum accounts kept under the late Raj.

3. As to the claim set up by the Petitioner that the Melwaram was a gift to his forefathers by a former Rajah there is against it not only the fact that no evidence exists in support of the statement, but the accounts already alluded to show that all along the balance due was entered as outstanding.

4. It is certainly not clear why no attempt was made to collect these balances on behalf of the Chuttrum interested, but the Collector, in his concluding remarks, seems to have overlooked the fact that in 1836, or nine years before the death of Petitioner's father, an acknowledgment was made by the payment of a certain quantity of grain that there *did* exist a claim upon the land.

5. The Collector will state the amount of the annual payment formerly made to the Chuttrum from this land, and whether the sum of 6,000 Rupees now in deposit represents the *entire* proceeds since the attachment.

(A true Copy and Extract.)

(Signed) C. G. MASTER,  
Acting Sub-Secretary.

To G. L. Morris, Esq., Collector of Tanjore.

Edw. J. Wright.

Requesting further information regarding  
land claimed by Petitioner in No 467 of 1865.

No. 3815.

Dated 8th July 1865.

PROCEEDINGS OF THE BOARD OF REVENUE.

No.

1865.

Department.

Dec: 29/3/65

Enclosed in the No 467 of 1865  
Petitioner's claim is for the  
land claimed by the late Rajah  
in the year 1836.

in the treasury since

To the Board

De  
Memo for Orders

Board Pro 17th Decr 1856, 6586

With these proceedings the Board submit for the orders of Govt a petition for the release of about 12 values of land in the Tanjore district on Inam tenure together with the profits we have accumulated in the Treasury since the estate was attached in 1836.

In 1804-8 the Rajah Serboji bought the malvaram <sup>part of</sup> of the village of Amayapuram the family of the Peshwas & endowed a chuttram there with

R 6,054-4-7

circled/6586

have accumulated  
in the Treasury since

The estate now claimed by petitioner was part of this land & the mirass right belonged to petitioner's father.

The Melvaram was regularly paid to the Chuttrum till 1830. After that only one small isolated payment of small was made ~~that~~ was in <sup>quantity of</sup> 1836.

The Chuttrum accounts show that the claim to the Melvaram was never forgotten. It continued to be noted down regularly & the arrears <sup>in 1856 to</sup> amount to Rs 15260. On the other hand there is nothing to show that any

claim to the Melvaram was made to, or acknowledged by the owners of the estate after 1836.

Even when the estate had been taken under the management of the Court of Wards on the death of petitioner's father in 1845 no claim was made to them on behalf of the Chuttrum.

The claim seems to have been revived when Mr Forbes took charge of the Raj properly in 1856, & as the Chuttrums claim to arrears has been made & resisted, & remained undecided the land has since been kept under attachment

have accumulated in the treasury since

The petitioner now asks for Melvaram & unrecruvaram with the accumulations deposited in the treasury to be handed over to him.

Mr Morris thinks that the petitioner's claim should be conceded; the Board that it should not be conceded, & that the land should be kept under attachment till the debt to the chattram has been liquidated.

There are two points to be decided viz

1. The validity of the claim of the chattram to arrears & acc. accumulated prior to 1836

2. The validity of petitioner's claim to Melvaram.

1. I doubt how the claim of the chattram to the arrears can be admitted after lying dormant for 20 years. It is barred by the Statute of Limitation.

2. With regard to the Melvaram I would observe that so far from petitioner's title being made out, it was actually proved to belong to the chattram. Govts are not bound in any way to make it over to petitioner unless he can prove a valid grant or uninterrupted possession for 50 years. This he cannot do & there is nothing to prevent Govts from taking the Melvaram themselves or giving it to the chattram as they would probably

have accumulated in the treasury since

be disposed to do.  
Therefore I think that  
the land should at once  
be handed over to petitioner  
or ordinary mirasii tenure.  
That the portion of the de-  
posits which is credited to  
Melvaram, viz: R 4647-14-1.  
should be paid over to the Chut  
Gram funds, & that the re-  
mainder viz: R 1406-8-6  
should be given to petitioner.

I don't see why matters  
should be complicated  
by allowing petitioner to  
sue.

23.10.65

J.S.

Sept 467 of 1865: Tanjore.

The land which yields the Melvaram  
claimed by the Rtr., was under management  
by the Joint of hands on Rtr., a minor's  
behalf, from 1845. Whilst so Superintd.,  
it would have been within the duties  
of the Joint of hands to pay the Melvaram  
to the Raja of Tanjore, for it was he  
who, up to the date of his demise in  
Oct. 1855, had charge of the Courtanaid  
Choultry. The Melvaram, however,  
appears to have been withheld by the  
Rtr. father, from whom the payment  
last received, was a small payment  
in grain, made in 1836.

It is notorious to all who are ac-  
quainted with Tanjore & Tanjore  
Palace affairs, that the late Raja

2) was strange, but determined, averse  
to any requisition being made on the revenue  
authorities in the Sanyal province for the  
realization on his account, of monies due  
by Mirasidars or others for the rent or  
various of lands his private property, or  
the endowments of the Choulhies under his  
control.

Hence this I apprehend, that the claim  
for the Choulhy Mirasidarium due by Pelt's  
father remained so long in abeyance,  
though, from <sup>the fact of</sup> the Spec Com<sup>r</sup>, Mr. Forbes,  
having been able to trace in the Raj  
accounts, a record of the many years  
arrear, it is quite clear that the right  
of the Choulhy had never been overlooked,  
though, for the reason stated above, it  
had not been enforced.

A plea of this kind would, however  
avail not, if Pelt went into court  
to recover the land, & chose to allege  
the statute of limitation as a bar to

to the right of the Choulhy to the  
Mirasidarium. But it would be used  
in reply to it. <sup>pleaded</sup> ~~pleaded~~, that so soon  
as pursuant to an act of state, charge  
of all the Choulhies managed by the late  
Raja, had been transferred to the  
Govt of Res, under the provisions of Reg<sup>n</sup>  
7 of 1857, notice was taken of the rights  
of the Choulhy, in whose favor <sup>the Mirasidarium</sup> ~~it was~~  
undoubtedly brought to account from  
1857. I think that this fact would  
be held as a point of equity sufficient  
to multiply any advantage <sup>positions</sup> ~~positions~~  
ought attempt to secure for himself,  
as the friend of the late Raja,  
neglect of the interests of the institution  
left under his control.  
But it seems to me to be inadvisable  
to press the Pelt into a corner, &  
and force him to seek the  
aid of the courts. Whatever may

himself does not appear to have done more than deny the right of the Choully to the Malvarium, & he demands with accumulation for himself, together with the Malvarium of the land & forms the endowment of the Choully. —

no reason is apparent why Gov. Thomel have been kept out of the Malvarium from the date of his attaining his majority, and I would now order that whatever sum may be in deposit in the Collector's Treasury on that account, be paid over to him. — According to the Mem<sup>o</sup>. Subd. of the Collector, the sum due under this head, is Rs 1406-6-6.

The sum at credit, but also similarly in deposit, for Malvarium, is Rs 4647-14-1. That amount ought, I consider, to be at once brought to credit of the funds belonging to the Courtland Choully.

It is an doubtless in the hands of the Collector.

But, a penny to the peculiar circumstances under which the balance of Malvarium was permitted to accumulate whilst the Courtland institution was under control by the late Raja of Tanjore, and to the probable impossibility, if the matter got into court, of ever being able to show by the aid of the late Raj's records, that arrears from 1836 to 1855 were due to Gov<sup>t</sup> father, and later, to the land & forms the Choully endowment, I would direct that measures be not taken for realizing any part of the arrears due up to the date of the late Raja's death, & that the late Raja's Choully & Patod, being transferred to the Gov<sup>t</sup> of New being transferred to the Gov<sup>t</sup> of New in, I think it was, 1857. — in fact, that such old arrears be remitted.

over  
26 Oct 65. W.D.

It may be prudent in making  
the arrangement I have suggested, that  
the letter should state from the  
Govt. an acknowledgment, that he has  
no further demands against the Trustees  
of the Hospital - represented as they are  
by the letter.

It may also be remarked that if  
the Govt. mean that the Govt. can act  
into court - only on this point - permitting  
him to sue them there, they are in  
error.

I would add in conclusion, that,  
as regards the Govt. claim to be  
recognized as proprietor of the  
hospital, in other words as the Govt.  
free proprietor of  $3\frac{1}{2}$  hundred of land  
in the village in question, - consider  
doubtful grounds.

26 Nov 63

W

W. M. J.



are accumulated  
in the treasury since

82-2707-

ye. Roucin  
1865.

Read Proceedings of  
the Board of Revenue  
dated 17<sup>th</sup> Oct<sup>r</sup> 1865 No  
6586.

1. In these proceedings  
the Board submit for  
orders a petition in  
which Chendrasa  
Muppanar prays  
that 12 vches of land  
in the Tanjore district  
which were attached  
by Government in  
1856, may be surren-  
dered to him rent-  
free, together with  
the arrears which  
have accumulated  
in the treasury since

W.D.N.  
J.P.  
C.N.

the land was ~~taken~~  
under management  
~~in 1836~~

2. It appears that the  
milvaram of the state  
forms part of the in-  
dowment of the Muth  
Kambalpura Chut-  
trum. But that no  
<sup>application for payment</sup>  
~~claim~~ was made  
to, or acknowledged  
by the occupiers of  
the land from 1836

to 1856 or until ~~was~~ the  
change of the Chuttrum in the  
3. Under these circum-  
stances the Governor in  
Council is of opinion  
that the claim to  
arars which accu-  
mulated prior to 1836  
must be waived.

4. The petitioner denies  
the right of the chuttrum  
to the melvaram &  
declares that it belongs to  
~~himself~~ for himself  
but there seems to be

\* conjunction with the Rajah  
notorious reluctance to  
seek assistance from the Govt  
Officers: In fact in 1841  
he took matters like was  
otherwise powerless & retained  
them.

Colt. took  
death of the Rajah

no doubt whatever  
on this point. The pe-  
titioner has utterly  
failed to make out  
his <sup>claim</sup> ~~title~~ & the 20 years  
<sup>possession</sup> ~~possession~~ inserted in  
by the Collector is  
not <sup>sufficient</sup> ~~such a~~ character  
as to supply the want  
of title. It is viewed in

4. The accumulations  
in the Treasury consist  
partly of melvaram  
& partly of muraswa-  
ram. The former should  
at once be handed over  
to the chuttrum funds  
& the latter should be  
paid to petitioner on  
his request.

5. The land also should  
be made over to peti-  
tioner in ordinary  
murasw tenure.

30.10.65

14 To the Board of Co. Sec & Sec  
to the Board General &

Revenue is to be  
paid out for cash

2/27/07.

Order of the Marine Corps  
2/27/07

Ordering to be  
made over to the Customs  
Funds to be accumulated  
Funds with the Treasury  
on account of the  
withstanding in  
London.

2/27/08