M.R.O. 14—13,000—27-9-24

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 2798	Press ~~Mis.~~
257. 258	
Dated 16 11.	1865.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
16th November 1865.

No. 257. Read the following Proceedings of the Board of Revenue, dated 30th October 1865, No. 6,955.

Read again letter from the Collector of Salem, recorded in Board's Proceedings, dated 3rd June 1865, No. 2,944.

Read also the following letter from the Collector of Salem, to the Acting Secretary to the Board of Revenue, dated Trippattur, 27th September 1865, No. 110 :—

1. With reference to paragraph 3 of the Board's Proceedings, dated 3rd June 1865, No. 2,944, I have the honor to subjoin dates of the several Orders of the Collectors alluded to in Mr. Thomas's report, embodied in the Proceedings under reference.

2. The correct date of Mr. Brett's Order, No. 76, referred to in paragraph 5 of the Sub-Collector's letter, is 13th September, and not 13th October.

Order issued by Mr. Brett, referred to in paragraphs 6 and 9 of the Sub-Collector's letter, is dated 13th September 1856, No. 76.

Endorsements passed by Mr. Phillips, referred to in paragraph 9 of the Sub-Collector's letter, directing the Petitioner to seek redress in the Civil Courts, are dated 19th June and 24th November 1851, Nos. 5 and 135.

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1. Resolved that the foregoing letters be submitted for the consideration and orders of Government, with the Board's recommendation that, under the circumstances detailed in the Sub-Collector's report, the arrears of pay due to Petitioner Sencarien as Curnum of the two villages in Thalihalli Mootah, and amounting, from Fusly 1230 to Fusly 1274, at Rupees 14-3-2 per annum, to Rupees 638-14-6, be paid to him, and that the Peshcush of the Mootah be reduced henceforth to Rupees 1,843-7-1, to admit of the Mootahdar paying the annual allowance, without further interference of Government.

2. The Board think it fair to allow the Curnum's claim for arrears, on the ground that the salary, which ought to have been deducted from the revenue of the Thalihalli estate when the permanent settlement was made, has been received into the treasury of Government from the date on which the Kavaripatnam Mootah was attached.

3. The Board have already noticed that the proposal to allow interest is, in their opinion, inadmissible.

No. 258. ORDER THEREON, 16th November 1865, No. 2,798.

Land Revenue.

The payment of arrears of salary, amounting to Rupees 638-14-6, to the Curnum of Balegalli and Yeroomampatti, and the reduction of the Peshcush of the Thallihalli Muttah from Rupees 1,857-10-3 to Rupees 1,843-7-1, as recommended in paragraph 1 of the Board's Proceedings, are sanctioned.

(True Extract.)

(Signed) W. HUDLESTON,
Acting Secretary to Government.

To the Board of Revenue.
,, the Accountant General.
Exd. S. T. Augustin.

No. 2,944.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 3rd June 1865.

Read the following letter from H. S. THOMAS, Esq., Sub-Collector of Salem, to C. N. POCHIN, Esq , Acting Collector of Salem, dated Camp Thali, 25th March 1865 :—

1. I have the honor to reply to the Collector's letter, No. 752, dated 30th September last, referring to me, for report, the Board Petition No. 1,401 of 1864, and other records connected with it.

2. Petitioner is the Kurnum of the villages of Balegulli and Yeroomampatti in the Thalihalli-Muttah of Kristnageri Taluk. He states that having been Kurnum of the said two villages and of sixteen villages in the late Kaveripatnam Muttah, he enjoyed Inam lands granted to his ancestors in four of the villages of the latter Muttah, that the latter Muttah having, in Fasli 1230, become the property of Government, the Inams were resumed and money payments substituted, and from that time were made in those sixteen villages only from the amount of their annual settlement, while neither lands were granted, nor payments made, for the two villages now held by the Petitioner; and that as from the amount of the permanent assessment fixed for the Thalihalli Muttah, no deduction was made to meet the charge for the service of a Kurnum for those two villages, his claim for it lies not on the Muttahdar, but on Government, who should, therefore, pay him the salary in future including all the arrears due from Fasli 1230, at Rupees 14-3-2 per annum.

3. The Petitioner says he enjoyed Inam lands till Kaverapatnam Muttah became Government property. This is not supported by any records. He also states that the Muttahdar resumed these lands, and gave others in the same villages. The Government having established money payments, it may be concluded that if the Zemindar gave lands instead of money, it was a private arrangement for the mutual convenience of the parties, and not an Inam properly so called.

4. Such is the Petitioner's statement. Though it is in the main correct, it is somewhat confused. I have personally examined him, and the records received with your letter have been carefully gone through. The case is a long standing one, and from the year 1837 down to the present period numerous inquiries have from time to time been instituted by different Collectors and Tahsildars. The question has, however, remained undecided. Owing to the length of the period this case has been allowed to stand unsettled, some of the original records connected with it have been lost; copies too are not procurable in the Taluk where it seems they were destroyed. With reference to some questions, therefore, we are left in ignorance. The papers, however, which remain and were received with your letter appear sufficient for all intents and purposes.

5. One of the Collectors, Mr. Brett, has made a searching inquiry into the matter by referring to the Huzur accounts of the Permanent settlement, but he has not, I believe, reported the matter to the Board on account of the absence of the Petitioner, at least so it would appear from a copy of his endorsement enclosed. His Takeed, No. 76, dated 13th October 1856, the Urzee of the Tahsildar, to which it purports to be a reply, and the account of Permanent settlement subsequently prepared and submitted by the Tahsildar (all copies) are the documents from which we gather the most information. The facts of the case are as follows.

6. During the Paimaish Petitioner's father Pandithayen was registered Kurnum of the eighteen villages noted in the margin, and as such had certain assessed lands granted him as Inams in villages Nos. 7, 11, 13 and 16. In Fasli 1210, these Inams were resumed and money payments substituted, of which there were, it appears, two accounts kept in the Huzur records, the one without date, and the other showing the sums disbursed in Faslis 1211, 1212 and 1213. It is not clear how these payments, differing in

1. Ballegulli.
2. Yeramamputti.
3. Chaparti.
4. Thaliyur.
5. Molakathim Manahalli.
6. Banakamuthu.
7. Sukrandahalli.
8. Thapasi Maranahalli.
9. Bannihalli.
10. Machinkuppam.
11. Pothapuram.
12. Katheripuram.
13. Dasarahalli.
14. Millahalli.
15. Janaparahalli.
16. Kalnehalli.
17. Kathari.
18. Jagadah.

amount in each successive year, were at this period regulated. However as the Permanent settlement has superseded these payments, I need not mention them except to notice that these payments were then also made from the same four villages. In Fasli 1214, Muttahs were formed when the salary of Kurnum was deducted as shown in the margin, from the beriz of the same four villages in the late Kaveripatnam Muttah, though the villages Nos. 1 and 2 were not in that Muttah at all, but formed part of the present Thalihalli Muttah. Mr. Brett's order states that he was satisfied by reference to the Huzur accounts, that the deduction made in the beriz of the four villages was for the eighteen villages in question, and not only for the sixteen in that Muttah (Kaveripatnam). He further observed that the fact is corroborated by the principle on which the deduction was made. The rate of pay given to all Kurnums throughout this part of the District being Rupees 2-4-0 per cent. of the beriz, he took this as the basis of a calculation shown in the margin, by which he proved that the Rupees 107-9-4, deducted from the beriz of the above named four villages, was not on account of one Muttah only, but of both Muttahs; for 107-9-4 is 2¼ per cent. on 4,781-5-10, the total beriz of both villages.

	Rs.	A.	P.
No. 7, in Sukrandahelli...	28	8	11
,, 11, ,, Pothapuram	57	15	10
,, 13, ,, Dasarahalli	13	1	2
,, 16, ,, Kalnehalli...	7	15	5
Total	107	9	4

	Beriz of Fasli 1213.			Deduction at 2¼ per cent.		
	Rs.	A.	P.	Rs.	A.	P.
The sixteen villages of Kavaripatnam Muttah...	4,150	5	8	93	6	2
The two villages of Thahilhalli Muttah	631	0	2	14	3	2
Total ...	4,781	5	10	107	9	4

7. It might perhaps be questionable how the revenues of one Muttah could have been taxed for the payment of an Accountant in two villages of another Muttah; but it should be remembered that this was the practice previous to the settlement of Muttahs, and it no way affected the interests either of Government or the Muttahdar from what source the payment was made.

8. In Fasli 1230, for reasons not known, the Kavaripatnam Muttah became the property of Government, and since then money payments have continued to be made for the sixteen villages only, still at the rate of 2¼ per cent. upon the revenue accruing in them each year; and while separating these sixteen villages out from the eighteen for which the entire payments had hitherto been fixed, it appears to have been lost sight of that arrangements should have been made for the payment due on account of the two remaining villages of Thalihalli. Nothing was paid for them, and this is what Petitioner seeks.

9. It appears from copy of a Takeed issued by the late Collector, Mr. Orr, dated 10th November 1837, that the salary for the two villages in question was claimed by Chenrayappan, brother of the present claimant Sancarien, but that he (Mr. Orr) declined to comply with the complainant's wishes to have the payment for those two villages made from the revenue of the Government villages. The order said nothing further, and Mr. Brett noticed it in his Takeed, observing that it was not final as regards how the claim should be met. Petitioner says in one of his Urzees that his complaints to Messrs. Lockhart and Gleig proved unavailing, and that Mr. Phillips, another Collector, directed him to seek redress in the Civil Courts.

10. The salary claimed for these two villages is Rupees 14-3-2 per annum. This is founded on the account of the permanent settlement by which you will see that all deductions on account of salaries were arrived at by a calculation of 2¼ per cent. of the revenue of Fasli 1213, which calculation still obtains in other Muttah villages.

(See paragraph 6.)

11. The Muttahdar of Thalahalli refuses to pay the amount on the ground that no deduction was made in the permanent assessment of his Muttah. His statement is proved to be true by the account of the permanent settlement furnished by the Tahsildar, wherein there is no deduction made for these two villages on account of the Kurnum's office. The Muttahdar's refusal, and the Kurnum's demand on Government, seem to me to be perfectly just, and I am of opinion that the Petitioner is entitled to pay from Government from the time the Kavaripatnam Muttah came under Amani down to the present period as also for the future.

12. Taking Rupees 14-3-2, the sum shown by Mr. Brett's calculations to have been the allotment then meant for these two villages, the arrears due from Fasli 1230 to Fasli 1274 inclusive, amount to Rupees 638-14-6. If the Government acknowledge Petitioner's right to the arrears, it will follow that they should also pay him at the same rate for the future every year as long as the two villages in question continue to be Muttah. I am not inclined to recommend the principle of making, as in Government villages, yearly payments with reference to yearly revenues over the accounts of which we can have no direct check. The best way to suit the circumstances of the case, I believe, will be to settle the matter once for all by striking off from the Peishcush fixed by Istimirar Sunned a sum equal to the salary of the Kurnum, viz., Rupees 14-3-2 per annum, whereby the Muttahdar will be looked to for future years payment, and the interference of Government will cease.

13. As all the eighteen villages were formerly the charge of one Accountant, it does not appear what special claim the Petitioner has to these two. The members of Petitioner's family seem by common consent and long established custom to have divided the duties and emoluments among them, and when the sixteen villages were separated from the two, these two seem to have fallen to his share. Though there is no record now forthcoming to establish his claim to this share, there is the uncontested usage of forty-five years throughout, which he and his father have been performing the duties without emoluments, during which time also those emoluments have not been enjoyed by any other member of his family, but have been waived by them, and lost sight of by Government. The Muttahdar too acknowledges this.

14. The Petitioner seeks only the arrears of salary due and regular payments for the future, but, I think, he is fairly entitled to more than this, and that common justice demands, and had he sued the Government any Civil Court would have decreed that he should be paid his arrears with simple interest at 12 per cent. per annum for the whole period of forty-five years that he has been denied the emoluments due to the post he has filled. It will be seen that he has not failed to petition every Collector, as well as the Board, and that has been met with vexatious delays.

15. While the balance due to the Petitioner of Rupees 14-3-2 for forty-five years, amounts to Rupees 638-14-6, simple interest on Rupees 14-3-2 at 12 per cent. per annum for forty-four years, amounts to Rupees 1,786-11-6, and both together make the Petitioner's claim to be for Rupees 2,325.

16. The records received with your letter, together with the deposition taken before me from the complainant, are herewith submitted.

(True Copy.)

(Signed) C. N. POCHIN,
Acting Collector.

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1. Submitted to the Board of Revenue with reference to their endorsement, dated the 10th May last, on Petition No. 1,401 of 1864.

2. The orders of the Board in the matter are solicited.

3. The Acting Collector agrees with the Sub-Collector that Curnum Sencarien is entitled under the circumstances stated in Mr. Thomas's letter, to pay from Government, and to this end a deduction of Rupees 14-3-2 should be made in the Peishcush of the Thalahalli Muttah.

4. The present Peishcush of the Thalahalli Muttah is Rupees 1,857-10-3, and if the deduction proposed is sanctioned, it will be reduced to Rupees 1,843-7-1.

5. I also agree with Mr. Thomas that Sencarien is entitled to the arrears of his pay, but I am not prepared to recommend that any interest on these arrears should be paid. It appears that the Muttahdar declined to move in the matter. As the Kurnum was his servant, he ought to have done so years ago, and long ere this doubtless a deduction of the amount, Rupees 14-3-2, would have been sanctioned by the Board, and the matter would have been settled.

SALEM,
10th April 1865.

(Signed) C. N. POCHIN,
Acting Collector.

ENCLOSURE No. 1.—Petition.

1. It appears to the Board, as to the Collector, that it was the Muttahdar's business to see that any allowance to which the Kurnum might legally be entitled was paid to him; and therefore, though the Petitioner has long been kept out of his dues, the Board are not disposed to regard it as a very hard case. The Petitioner himself admits that he was referred to the Court by a former Collector, Mr. Phillips. It does not appear, however, that he ever took steps to sue out his claims.

2. It seems clear from the report now submitted that the charge for the Kurnum of the two villages in question was made on the other villages, and that when the latter villages were resumed by Government the charge ceased. The proper course will now be to deduct the Kurnum's pay from the Peishcush of the two villages.

3. The proposal to allow interest on the arrears of pay is, in the Board's opinion, altogether inadmissible. It is a question indeed, for the reasons already adverted to, whether the claim for arrears should be admitted. On this point, however, the Board will defer coming to any definite conclusion until they hear from the Collector what were the dates of the several orders of the different Collectors, which are alluded to in Mr. Thomas's report. When this information is received, the matter will be submitted for the decision of Government.

(A true Copy and Extract.)

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

To Honorable D. Arbuthnott, Collector of Salem,

Exd. J. Wright.

Directing the deduction of the pay of the Kurnum of the villages of Balegulli and Veroomampattiin Kristnagiri Taluk from the Peishcush of those villages, and requesting to report the dates of the orders of the different Collectors on the Petitions addressed to them by the Kurnum.

Dated 3rd June 1865.

No. 2,944.

No.

PROCEEDINGS OF THE BOARD OF REVENUE,

Department.

1865.

No. 6,955.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 30th October 1865.

Read again letter from the Collector of Salem, recorded in Board's Proceedings, dated 3rd June 1865, No. 2,944.

Read also the following letter from the Honorable D. ARBUTHNOTT, Collector of Salem, to P. A. DALYELL, Esq., Acting Secretary to the Board of Revenue, dated Trippattur, 27th September 1865, No. 110:—

1. With reference to paragraph 3 of the Board's Proceedings, dated 3rd June 1865, No. 2,944, I have the honor to subjoin dates of the several Orders of the Collectors alluded to in Mr. Thomas's report, embodied in the Proceedings under reference.

2. The correct date of Mr. Brett's Order, No. 76, referred to in paragraph 5 of the Sub-Collector's letter, is 13th September, and not 13th October.

Order issued by Mr. Brett, referred to in paragraphs 6 and 9 of the Sub-Collector's letter, is dated 13th September 1856, No. 76.

Endorsements passed by Mr. Phillips, referred to in paragraph 9 of the Sub-Collector's letter, directing the Petitioner to seek redress in the Civil Courts, are dated 19th June and 24th November 1851, Nos. 5 and 135.

---

1. Resolved that the foregoing letters be submitted for the consideration and orders of Government, with the Board's recommendation that, under the circumstances detailed in the Sub-Collector's report, the arrears of pay due to Petitioner Sencarien as Curnum of the two villages in Thalihalli Mootah, and amounting from Fasli 1209 to Fasli 1271, at rupees [illegible] per annum, to Rupees 638-14-6, be paid to him, and that the Peshcush of the Mootah be reduced henceforth to Rupees 1,813-7-1, to admit of the Mootahdar paying the annual allowance, without further interference of Government.

2. The Board think it fair to allow the Curnum's claim for arrears, on the ground that the salary, which ought to have been deducted from the revenue of the Thalihalli estate when the permanent settlement was made, has been received into the treasury of Government from the date on which the Kavaripatnam Mootah was attached.

3. The Board have already noticed that the proposal to allow interest is, in their opinion, inadmissible.

(A true Copy and Extract.)

Acting Sub-Secretary.

To W. Hudleston, Esq., Acting Secretary to Government, R. D.,
with copy of Board's Proceedings, 3rd June 1865, No. 2,944.

Copy to the Honorable D. Arbuthnott, Collector of Salem.

Exd. J. Wright.

Rect 1865. Department
Pres: of Govt for Sorn

No. 3102

PROCEEDINGS OF THE BOARD OF REVENUE,

ated 30th October 1865.

No. 6,955.

Submitting letters from the Collector of Salem
nd recommending that the arrears of pay due t
Petitioner in No. 1401 of 1864, as Curnum o
Cholihalli Mootah, from Fasli 1230 to Fasli 1274
mounting to Rupees 638-14-6 be paid to him
nd that a reduction be made in the Peshcush o
he Mootah.

№ 2798 16 Nov

Wtt order

№ 257 258

Co. Proc 8 Nov

№ 2798

The payment of arrears of salary amounting to Rs. 638-14-6, to the Curnum of Balegalli and Yerroomanpatti, and the reduction of the peishcush of the Hallihalli Muttah from Rs. 185-7-10-3 to Rs. 1843-7-1 as recommended in para 1 of the 13th Proceedings, are sanctioned.

1st To the Board's Order dated 17th Nov
2d Do Reminded Genl

16th Novr 65.