M.R.O. 14—13,000—27-9-24

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	1325	Press ~~Mis.~~
291-92. Dated	13 - 5 -	18 68.

Not to be folded or roughly handled

G.O.
1325

Proceedings of the Madras Government, Revenue Department,
13th May 1868.

No. 291. Read the following Proceedings of the Board of Revenue, dated 15th April 1868, No. 2,718.

Read the following letter from the Collector of Madura, to the Secretary to the Board of Revenue, dated 10th March 1868, No. 59 :—

1. With reference to the Board's endorsement dated 27th February last, upon Government Petition No. 2,351, of 1867, (Board's No. 126 of 1868,) I have the honor to draw your attention to the correspondence noted in the margin, from which it is clear that the claim again put forward was thoroughly and fully investigated by the late Collector Mr. Parker, and on his report, the Government in 1848 finally rejected it. The claim was then preferred by the late Mr. G. Fischer, as the assignee of two of the sons of Nunjappa Chetty' whose third son petitioner represents himself to be.

Extract from the Proceedings of the Board, dated 8th February 1847, No. 61.
From Collector of Madura, to the Board of Revenue, dated 29th October 1847, No. 183.
From Board to the Collector of Madura, dated 22nd May 1848, communicating Extract from Minutes of Consultation, dated 11th May 1848.
From Government to Collector of Madura, dated 19th September 1848, No. 1,027.
To Government from Collector of Madura, dated 11th November 1848, No. 17.
From Board to the Collector of Madura, dated 11th December 1848, communicating Extract from Minutes of Consultation, dated 28th November 1848, No. 1301.

2. From Mr. Fischer's Memorial, dated 25th August 1848, it appears the petitioner was not one of the assigners; but this does not, in my opinion, affect the decision above referred to, inasmuch as, from Mr. Parker's letter to the Chief Secretary to Government, dated 11th November 1848, it is clear that Nunjappa Chetty, through whom this petitioner claims, was himself a Gumastah of one Kistnan Chetty, the real cardamom renter, and had no right whatever to the amount claimed.

Enclosure No. 1.—Petition.

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1. This letter will be submitted to Government, with reference to their endorsement on Petition No. 2,351 of 1867.

2. The petitioner represents himself to be a son of the Nunjappa Chetty who was the ostensible renter of cardamoms on certain hills in the Madura district from 1810 to 1813. There is good reason to believe that the real renter was Kistnama Chetty, the Treasury Shroff, and that Nunjappa Chetty was only his Gumastah.

From the Board to Government, dated 20th April 1848, No. 885.

3. The lessee fell into arrears, and the produce of the farm was attached and sold on behalf of Government in the last year of the lease. The result of the sale left a balance in favor of the renter of Rupees 11,678-9-11, after making the requisite deduction for rent, and the expenses of the attachment and sale. Rupees 8,111-12-5 of this amount was drawn by Kistnama Chetty *for* the renter, and the remainder (Rupees 3,566-13-6) continued to be shewn as due to the renter in the Collector's accounts after the last payment was made in 1815.

4. In 1828, on the death of the Collector, Mr. Peter, it was discovered that extensive defalcations had been going on in the treasury for many years. The Cashkeeper, Bickajee Row, and the Shroff, Kistnama Chetty, were amongst the delinquents, and the latter confessed

From John Bird, Commissioner to Government, dated 28th August 1828.

that he had made away with "about 25,000 Pagodas." Amongst the sums which had disappeared was the deposit of Rupees 3,566-13-6, which still stood in the name of Nunjappa Chetty.

5. In 1829, fourteen years after the last of the recorded transactions in connection with the cardamom lease had taken place, Nunjappa Chetty died, without, as far as can be ascertained, having made any claim to the sum credited to him in the Treasury accounts.

6. The first complaint with respect to it was made in 1834, when a son of Nunjappa Chetty addressed the Board, and was told to apply to the Collector in the first instance. This he does not appear to have done.

7. Nothing more was heard of the claim until December 1846, when Mr. G. F. Fischer memorialized Government, stating that Chinna Kistnan and Venkata Subbaroyan, the two sons of Nunjappa Chetty, had made over their claim to him, and requested that it might be paid. The particulars of his demand included the sums paid to Kistnama Chetty for the renter, as well as the final balance, with interest up to date.

Extract Minutes of Consultation, dated 11th January 1847, No. 61.

8. The Collector reported that it was supposed that Kistnama Chetty had been a partner of Nunjappa Chetty, if not himself the substantive renter, but that no absolute proof of the fact was forthcoming.

9. The Government considered it so evident that there had been collusion between Nunjappa Chetty and the Shroff, and that the case was one to which the Law of Limitations was peculiarly applicable, inasmuch as the frauds and falsification of accounts to which the Shroff had been a party deprived them of the means of testing its validity, that they refused to admit the justice of Mr. Fischer's claim. They offered, however, to pay him Rupees 3,566-13-6, the balance shewn in the books, if he chose to take it in full satisfaction of all demands. He refused to do so in a letter, dated the 3rd June 1848.

Extract Minutes of Consultation, dated 11th May 1848, No. 490.

Communicated to Government, with Board's Procs., dated 19th June 1848, No. 1,369.

10. A month or two afterwards, he again memorialized Government on behalf of the two sons of Nunjappa Chetty. The Collector was again called upon to report, and he then found the record of the inquiry into the Treasury defalcations conducted by Mr. Bird in 1828. It contained a deposition in original given by Nunjappa Chetty, and copies of depositions given by Kistnama Chetty, in which it was stated without reserve, that the latter was the real cardamom renter and the former only his Gumastah. The Government then came to the conclusion that the claim was invalid, and resolved to reject it, and to revoke the offer which they had made to pay Mr. Fischer a portion of it.

From the Collector, to the Chief Secretary to Government, dated 11th November 1848.

Extract Minutes of Consultation, dated 28th November 1848, No. 1,301.

11. The petitioner's claim is identical with that which was thus considered and rejected in 1848.

Proceedings of the Madras Government, Revenue Department, 13th May 1868.

No. 292. ORDER THEREON, 13th May 1868, No. 1,325.

Miscellaneous.

1. The Government have again gone through the records connected with this claim, of which a full resumé is given in the Proceedings of the Board of Revenue now under consideration.

2. So long ago as 1848, the Government declared, in reference to a similar claim preferred on behalf of two other sons of Nunjappa Chetty, that the claim was invalid, and resolved to reject it absolutely.

3. Nothing new, either in fact or argument, gives the present claim any more colourable title to consideration, while the further lapse of time renders it, if possible, still less tenable.

4. The Government are satisfied that the petitioner is not of right entitled to that which he demands, nor is there any thing, either in the present requisition, or in the transactions out of which it arises, to induce the Government to treat the matter otherwise than as a matter of legal right.

5. The petitioner will be informed accordingly.

(True Extract.)

(Signed) W. HUDLESTON,
Secretary to Government.

To the Board of Revenue.
„ the Petition Department.

Exd. S. T. Augustin.

Revenue Department.

No. 1325

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 13th May 1868.

Read the following Proceedings of the Bd of Revenue.

Submitting with remarks report of Collector of Madura on Petition No. 2351 of 1867. from alleged son of Tenu=jappa Chetty, ostensible renter of Cardamoms on certain hills in District, claiming payment of a sum of money due to renter.

Here enter 15th April 68 No. 2718

1. The Govt. have again gone through the Records connected with this claim, of which a full review is given in the Proc.s of the Bd of Revenue now under Consid.n

2. So long ago as 1848 the Govt. declared, in reference to a similar claim preferred on behalf of two other sons of Tenjappa Chetty, that their claim was invalid and resolved to reject it absolutely.

3. Nothing new either in fact or argument gives the present claim any more colourable title to consideration, while the further lapse of time renders it, if possible, still less tenable.

4. The Govt. are satisfied that the Petitioner is not of right entitled to that which he demands

nor is there anything either in the present rejunxition, or in the transactions out of which it arises, to induce the Govt. to treat the matter otherwise than as a matter of legal right.

5. The Petitioner will be informed accordingly.

F.B.

14 Copies Letter Bd of Revenue Despatch 14
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Revenue 1868 Deputy
Sec to Govt for Marine

No 1325

Sec to the Madras Govt
dated 13 May 1868

Nos 291-292