M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	2351	Press ~~Mis.~~
19-23 Dated	10-9-	19 1868

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
10th September 1868.

Read the following:—

No. 119. Proceedings of the Board of Revenue, dated 5th July 1867, No. 4,206.

Read the following letter from the Collector of Madura, to the Secretary to the Board of Revenue, dated 22nd May 1867, No. 137.

1. In obedience to the Order contained in the 33rd paragraph of the Board's Proceedings, dated 29th April 1867, No. 2,610, I have the honor to submit Sheristadar Venkatasami Naik's explanation, called for by the Board in their Proceedings referred to above.

2. I enclose translation of extract from Register of lands held by public servants, shewing how the lands (including Putta No. 13) have been entered from time of acquisition in 1862 to present year.

Explanation of the Huzoor Sheristadar of Madura, furnished with reference to paragraph 33 *of the Board's Proceedings, No.* 2,610, *dated* 29*th April* 1867.

* Register recommending the transfer of Puttas held by deceased persons.

1. A Fontti Kaifiet,* submitted by the Madura Tahsildar, recommending the transfer of the Putta No 15, held by Adam Saib in the name of his son, was, on the 5th May 1866, (when settlement was in progress,) received into the Sheristadar's department.

2. Prior to the receipt of the said Kaifiet, Chapmia *alias* Abdul Kader, the brother of Adam Saib, presented a petition to the Collector on the 24th April 1866, praying for the transfer of the Putta in his name, which was referred to the Tahsildar on the 4th May following. The petition was returned to the Collector on the 11th idem. In the said petition the petitioner has stated that all lands held by Adam Saib have been transferred to him by the latter; that Adam Saib has, in a petition presented to the Civil Court, admitted the above transaction; and that the petitioner has filed a suit against one Muniyandy for recovery of a portion of the land which was decided in his favor. The petitioner when called on, produced the proceedings alluded to in the petition. These were perused by the Sheristadar, who, after oral inquiry of the Curnum, reported all the proceedings connected with the case in detail. He also reported to the Collector that a small portion of the land was held by him on mortgage. Chapmia *alias* Abdul Kader was not a common person, and had held the offices of Munshi and Tahsildar, &c., and was ultimately a pensioner. He also appeared before the Collector, Mr. Levinge, and represented to him all the circumstances of his case, when Mr. Levinge ordered the transfer of the putta in the name of Abdul Kader. The Sheristadar, in the presence of the Collector, endorsed on the Fontti Kaifiet, the substance of the order in his own hand, and the Collector initialed it. The said Kaifiet was, on the 16th May 1866, returned to the Tahsildar with an order.

3. In accordance with this order, the Putta was transferred in Abdul Kader's name, and was delivered to him.

4. Immediately after the issue of the Putta, the son of the said Adam Saib, presented on the 25th May 1866 a petition to the Collector, complaining that the Sheristadar, without bringing to the Collector's notice all the facts connected with the Putta in question, fraudulently caused the issue of the Putta in Abdul Kader's name, and that the Sheristadar was led to do so because a portion of the land was held by him on mortgage. The Collector thereupon ordered both the Tahsildar and the Huzoor Head Clerk, the former to direct Adam Saib's son to attend the Circuit Cutcherry at Oosilampatty, and the latter to bring all the records connected with the case to the above place. In obedience to the Collector's order, the Head Clerk took the following papers and other records connected with the case, and read them to the Collector, at Oosilampatty, on the 5th June 1866:—

1. Kaifiet.
2. Abdul Kader Saib's petition.
3. Deeds of sale.
4. Petition to the Civil Court.
5. Decree passed by the Principal Sudder Ameen.

5. Mr. Levinge then openly declared that he had already ordered the transfer of the Putta in the name of Abdul Kader on the Sheristadar's representation to him of all the circumstances relating to the subject, and on satisfying himself of the facts of the case, and tried Adam Saib's son magisterially, for having defamed the character of the Sheristadar by falsely accusing him of not bringing to the knowledge of the Collector the true facts of the case.

6. Had the Sheristadar really kept the true circumstances of the case from the Collector's knowledge, he would have, when all the proceedings bearing on the subject were read over to him by the Head Clerk, reversed the order passed by him on the Kaifiet, and directed the transfer of the Putta in the petitioner's name. The punishment awarded to the petitioner by Mr. Levinge magisterially, fully clears the Sheristadar of any blame in the matter, and bears evidence to the fact of the Sheristadar having brought to the Collector's notice all the circumstances of the case.

7. Chapmia *alias* Abdul Kader had not, since the year 1860, resided at Madura but at Palani and Ramnad, where he held the office of Tahsildar. Adam Saib was living with Abdul Kader and was superintending Abdul Kader's garden, &c. The Sheristadar then merely knew that Adam Saib and Abdul Kader were brothers, but did not know whether they were divided brothers or not, or whether Adam Saib had transferred his lands to Abdul Kader. In 1862 Adam Saib told the Sheristadar that he wished to mortgage certain lands at Arapaliam, to which the Sheristadar replied that he was willing to get the lands on mortgage, they being situated near Madura. Adam Saib thereupon mortgaged to the Sheristadar 1-12-1 Cawnies of land on two different dates* for the aggregate sum of Rupees 365, and executed to him two bonds on stamp papers. The Sheristadar was then Head Clerk. These lands have been included in the register of landed property furnished to the Collector by the Sheristadar on the 15th December 1862. It was initialed by the Collector, and placed amongst the records. The lands in question have been registered also in the general register of lands held by public servants. The Sheristadar held occupation of the lands since the date of their mortgage to him. After the death of Adam Saib, the Tahsildar wrote, during the settlement of Fusly 1273, a Kaifiet to the Huzoor, recommending the issue of a putta for the lands in the name of the Sheristadar, the mortgagee, which was returned to the talook with instructions that it should be disposed of after inquiry, and a putta was, as usual, issued for the lands in the name of Adam Saib in the said Fusly.

	Extent	Rs.
* 10th March 1862	0 13 3	175
20th Sept. ,, ...	0 14 2	190

8. On his return from Ramnad to Madura, Abdul Kader informed the Sheristadar that Adam Saib had, in 1855, transferred to him all the lands (inclusive of the lands mortgaged to the Sheristadar) possessed by him, and that he had presented a petition to the Civil Court to that effect; and that Adam Saib, whom he had employed to superintend his domestic affairs or garden, had without his (Abdul Kader's) knowledge mortgaged some of the lands to the Sheristadar and some to Muniyandy and others, and that he (Abdul Kader) was about to file a civil suit for the recovery of the lands. Whereupon the Sheristadar declared his readiness to give up the lands on repayment of the money he had advanced on mortgage, provided the suit which he (Abdul Kader) proposed to file against Muniyandy and others be decreed in his favor.

9. Sometime afterwards, Abdul Kader represented to the Sheristadar that the suit which he had preferred against Muniyandy and others, had been decided in his favor, and the lands put in his possession, and he offered to pay off the mortgage and to receive back the lands which the Sheristadar held on mortgage. The Sheristadar accordingly received from Abdul Kader the sum of Rupees 365, and made over the lands to him at the beginning of Fusly 1276. The lands in question are now held by the sons of Abdul Kader who is dead.

10. The Sheristadar has represented to the Collector the fact of his having given up the lands obtained by him on mortgage. The lands in question cannot in consequence be included in the return of landed property of the Sheristadar furnished to the Board with the Collector's letter, dated 15th December 1866.

11. Prior to the settlement of Fusly 1275, (in which the Putta was transferred,) when Abdul Kader questioned the validity of mortgage, the Sheristadar expressed his readiness to give up the lands, and had no more interest in the lands than the said sum which he paid on mortgage.

Proceedings of the Madras Government, Revenue Department,
10th September 1868.

The Sheristadar had not, therefore, any necessity to object to the transfer of the Putta, nor did he do so.

12. As observed in paragraph 33 of the Board's Proceedings, Muniyandy does not hold any putta for the lands* which the Sheristadar obtained on mortgage. The Sheristadar accepted the mortgage on the lands, as nobody objected to it when the transaction took place. Of the said 1-12-1 Cawny, 0-9-1 appertains to the Putta No. 13, in the name of Muniyandy, and the rest to the Puttas Nos. 4 and 15 issued in Abdul Kader's name in Fusly 1275. The transfer of the puttas (for the mortgaged lands) to the name of Abdul Kader or Sheik Moideen Saib, was not of the smallest consequence to the Sheristadar, as his interests could not be affected thereby, nor could any transfer of putta subject him to the loss of the amount invested in the mortgage. In all cases referred to the Sheristadar for disposal, his duty is simply to represent to the Collector the contents of all the various documents, &c., and to prepare orders in obedience to his instructions. In 1843 the Sheristadar first entered the public service in this district as a Roysam. Every Collector under whom the Sheristadar served, on being satisfied of his good behaviour and attention to the public business, promoted him gradually. In 1863 he obtained the appointment of the Huzoor Sheristadar. The Sheristadar, who was from his long experience perfectly aware that puttas were being issued in the names of persons who had died some 30 or 40 years ago, brought the circumstance to the notice of the Collector, who issued Circulars to the Tahsildars calling upon them to render Kaifiets during the settlement of their talooks, as to the transfer of the puttas of deceased persons in the names of their heirs. In accordance with the said Circular, the Tahsildars furnished, in Fusly 1273, Kaifiets recommending the transfer of puttas (issued for many years in the names of many deceased persons) to their heirs. The Kaifiets so rendered are 535 books in number, and amount to more than five or six dufters. Such Kaifiets were furnished for 535 of the villages of four talooks composing the principal division. The Sheristadar himself examined all these Kaifiets, and endorsed on each of them in his own hand the instructions of the Collector as to the persons in whose names puttas were to be transferred, and then endorsements were signed by the Collector. Similar Kaifiets are being still rendered in every subsequent Fusly, though not in such large numbers as was the case in Fusly 1273. These Kaifiet books have been shewn to the Honorable D. Arbuthnott by the Sheristadar.

1-12-1.

13. In the present instance also the puttas were ordered to be transferred in exactly the same way that many others were transferred. In no case, but the one under notice, has any voluminous correspondence passed between the Board and the Collector. The reason is this. Certain servants in the Huzoor are not in good terms with the Sheristadar. Whenever a new Collector joins the district, it is customary with these servants to cause, in concert with Mr. Fischer, false charges to be preferred against the Sheristadar, (which are inquired into and dismissed,) and to write several anonymous petitions. These facts are well known to Mr. Parker, the late Collector, and those that succeeded him. In certain correspondence with the Honorable Board and Government this fact has also been brought to their notice. The Sheristadar respectfully takes this opportunity to submit that Mr. Clarke, who was for a long time the Sub-Collector and Collector of this district, and now the first Member of the Board, is also aware of what stamp the conduct of Mr. Fischer is, and of the annoyance to which the Sheristadar is subjected to through the intrigues of Mr. Fischer. Both Mr. Fischer and his Writer, Mr. Scott, caused many petitions to be sent up by one Sheik Moideen, a boy of about fifteen years of age, against the Sheristadar, with the intention of ruining the Sheristadar's character in the estimation of his superiors.

Vide Mr. Clarke's letter to the Board, 20th September 1859, No. 179.

14. The Sheristadar, therefore, humbly solicits the Board to take into their favorable consideration the foregoing facts.

MADURA,
22*nd May* 1867.

(Signed) VENKATASAWMY NAIDU,
Sheristadar.

(Signed) D. ARBUTHNOTT,
Collector.

Extract from the Satement given on the 29th November 1862, by Venkatasami Naik, Huzoor Head Clerk, for the lands possessed by him in the district of Madura.

Taluk.	Name of the officer.	Name of the office.	Year, month, and date of appointment.	Village in which land is situated.	Lands acquired.														When acquired, whether prior or subsequent to the employment in the public service.	Date of acquisition.	By what means acquired.	Nature of interest possessed by such servant in such landed property.
					Punjah.								Nunjah.									
					CS.	AS.	¼ AS.	RS.	A.	P.	CS.	AS.	¼ AS.	RS.	A.	P.	Total.					
																	CS.	AS.	¼ AS.	RS.	A.	P.				
Madura.	Venkatasami Naik.	Head Clerk.	30th March 1843.	Romoottapolliem.	...	...	...	...	...	...	1	12	1	8	14	0	1	12	1	8	14	0	Subsequent.	10/3/62 24/9/62	By mortgage.	Mortgage right.

(Signed) D. ARBUTHNOTT,
Collector.

(True translation of an Extract.)

MADURA,
22nd May 1867.

1. The Board wish to know—

1*st.*—Whether the mortgage deeds that must have passed between the Sheristadar and Adam Saib are forthcoming, and if not, what has become of them.

2*nd.*—Whether there are any other deeds connected with the transaction.

3*rd.*—Whether the land (13-3) first mortgaged, or the land (14-2) mortgaged on the 20th September 1862, contained the 0-9-1 admitted by the Sheristadar to be in the name of Muniyandy, and whether the latter was at the date of the mortgage in Muniyandy's name.

4*th.*—If the 0-9-1 was in Muniyandy's name at the date of the mortgage, how the Sheristadar came to advance on the security of the land without consulting Muniyandy, and if it was not, how he allowed his mortgage to be imperilled by the transfer of putta to that individual.

5*th.*—In whose possession the lands were while under mortgage to the Sheristadar, and into whose occupation they passed on the determination of the mortgage.

6*th.*—The date of Abdul Kader's death.

2. The Board observe that most of these questions are in paragraph 33 of their Proceedings, to which the enclosure in the foregoing letter purports to be a reply.

No. 120. Proceedings of the Board of Revenue, dated 14th September 1867, No. 5,904.

Read the following letter from the Collector of Madura, to the Acting Secretary to the Board of Revenue, dated Melur, 25th July 1867, No. 202.

I have the honor to submit my answers to the questions asked by the Board in their Proceedings, No. 4,206, dated 5th July 1867.

1. Two Deeds of Mortgage were executed by Adam Saib to the Sheristadar, one on the 10th March 1862, and the other on the 24th September of the same year. They were, after mutilation, returned to Abdul Kader Saib, when he redeemed the lands. The two Deeds now obtained from Abdul Kader's son are herewith submitted for the inspection of the Board.

Translations herewith sent.

2. The lands referred to in the said bonds were, prior to their mortgage to the Sheristadar, held on mortgage by three individuals, namely, Alagiri Row, Carupana Pillay, and Perumalayi. The Deeds executed to these individuals for the lands (also torn up) were delivered to the Sheristadar by Adam Saib, when the latter executed to the former, bonds mortgaging the lands. The first mentioned mortgaged lands were also restored to Abdul Kader Saib by the Sheristadar on payment to him of the money advanced on security of the lands. Two of these bonds executed on stamped cadjans, and now obtained from Abdul Kader's son, are also sent herewith. The other bond written on a plain cadjan is said to have been lost.

Translations herewith enclosed.

3. Muniyandy holds putta for 0-9-1 Cawny, which forms a portion of the land shewn in the Mortgage Bond executed to the Sheristadar on the 10th Macrh 1862.

5. When the Settlement Report for Fusly 1272 was prepared, Streenivasiah was Sheristadar, and the report was passed by the Collector on the 6th October 1863, on which date the present Sheristadar was appointed to act for his predecessor who took privilege leave of absence for three months. Venkatasami Naik took no part in the preparation of the report which was despatched on the 16th idem. The delay of ten days between the date of passing and despatching of the report arose, I understand, from the time taken by the Clerks in copying out the report and its numerous enclosures. A list of all the Registers furnished in Fusly 1272, is enclosed.

6. PARAGRAPH 3.—It is not generally customary in the district to obtain receipts for money repaid to a mortgagee when the lands mortgaged are redeemed, since the mortgage deeds themselves are returned to the parties who executed them; so in the present instance the Sheristadar states that he did not give any receipt for the money paid to him.

7. Sheik Moideen, Adam Saib's son, has filed a plaint in Original Suit No. 2 of 1867, on the file of the Civil Court of Madura, against Abdul Kader, &c., and Sheristadar, for recovery of the lands referred to in paragraph 7 of Sheristadar's explanation, forwarded to the Board with my letter of the 22nd May last, No. 137, and some other property.

8. In an hearing held by the Court on a written statement put in by the Sheristadar, stating that he has no interest in the 1-12-1 Cawnies of land since he received the money he had advanced on mortgage and made over the land to Abdul Kader at the beginning of Fusly 1276, the Court has ordered the Sheristadar to be struck off the list of defendants.

9. In the General Register of lands held by public servants, the transfer of the land has not been noted. The Sheristadar explains that he did not present any statement of alteration regarding the 1-12-1 Cawnies of land which was redeemed by Abdul Kader at the beginning of Fusly 1276, and it was omitted from the list of landed property furnished by him, and forwarded to the Board on the 15th December last, because it had been redeemed in July 1866, and was not, therefore, in his possession in December 1866. I have now ordered the transfer of the land to be noted in the General Register.

10. PARAGRAPH 4.—Extracts and Translations of the Registers marked Nos. 1 and 2 are enclosed. No. 1 is an extract from the General Register, and No. 2 from a Register submitted by the Madura Tahsildar, shewing the lands acquired by certain public servants in Fusly 1271. The General Register of lands held by the public servants was opened only in Fusly 1272.

ENCLOSURE No. 1.

ABSTRACT.—Extract from the Register of lands held by public servants in the district of Madura, prepared as per Board's Circular, dated 13th October 1862.

ENCLOSURE No. 2.

ABSTRACT.—Translate of an extract from the Register of lands held by public servants in the district of Madura, prepared as per Board's Circular, dated 13th October 1862.

ENCLOSURE No. 3.

ABSTRACT.—Extract from the Register of lands acquired by the Revenue and Police servants in the Madura Talook, in Fusly 1271.

Proceedings of the Madras Government, Revenue Department, 10th September 1868.

ENCLOSURE No. 4.

ABSTRACT.—Translate of an extract from the Register of lands acquired by the Revenue and Police servants in the Madura Talook, in Fusly 1271.

ENCLOSURE No. 5.

ABSTRACT.—List of Registers of lands furnished by the public servants of the Madura District, for Fusly 1272.

ENCLOSURES Nos. 6 and 7.—Petitions.

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1. The Collector's explanation is not altogether satisfactory. The abstract contained in paragraph 117 of the Madura Settlement Report for Fusly 1271, purported to shew all lands acquired during that Fusly (not during the Calendar year 1861 only, as stated by the Collector), and in it Venkatasami Naik is said to have obtained Acres 15-33-63 "by purchase" and "on a fixed permanent rent," but no mention is made of any land obtained by him *on mortgage*. Nevertheless, it is admitted that Venkatasami Naik obtained Cawnies 0-13-3 on mortgage on the 10th March 1862. No attempt is made to explain this obvious discrepancy. Again, the Board find it difficult to acquiesce in the Collector's mode of explaining the suspicious fact that the usual abstract statement of lands acquired during Fusly 1272 was not submitted to the Board in the case of any one but the Sub-division Sheristadar. If Venkatasami Naik really did send in to the Collector a statement of his lands in the form he must have done, if enclosure No. 1 is copied from a genuine document, nothing could have been easier than to ascertain from it what land had been acquired during the Fusly, for although the pieces of land obtained then and previously were "blended," as the Collector says, in the same document, the date at which each was acquired was distinctly given.

2. The Board wish to be informed whether an *English* Register of such lands has not been kept in the district, and if so, in whose custody it has been, and what has become of it.

3. As it seems unlikely, however, that any further light will be thrown on the question whether the Sheristadar's interest in these lands was or was not known to Mr. Levinge, and as the Government still await the Board's conclusions as to the conduct of the Sheristadar before disposing of Sheik Moideen's case, the Board resolve to state that their inquiries have not elicited anything calculated to throw further blame on the Sheristadar than is expressed in Board's Proceedings, 29th April 1867, No. 2,610. His explanation of his conduct is recorded in Board's Proceedings, 5th July 1867, No. 4,206. He states that he obtained and relinquished the land claimed by Sheik Moideen in a fair and open manner, and that he brought the fact that he had done so to the knowledge of the Collector. The first point is confirmed by documentary evidence, the second depends on his own assertion, and is neither confirmed nor contradicted by other testimony.

3. These Proceedings will be submitted to Government, with reference to Government Order, 13th May 1867, No. 1,073.

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No. 122. Proceedings of the Board of Revenue, dated 7th May 1868, No 3,345.

Read the following letter from the Collector of Madura, to the Secretary to the Board of Revenue, dated 8th April 1868, No. 91 :—

1. With reference to paragraph 1 of the Board's Proceedings, dated the 10th ultimo, No. 1,725, I have the honor to observe that, under the Board's Circular, dated 13th October 1862, No. 6,843, the public servants are required to submit lists of the lands acquired by them in reference to the Calendar year, but not to the Fusly year. The Sheristadar, Venkatasami Naik, furnished on the 29th November 1862, the list shewing among others the land (Cawni 0-13-3) obtained by him on mortgage on the 10th March 1862, which could not, therefore, be included in the Abstract contained in paragraph 117 of the Settlement Report for Fusly 1271, which, the Board is aware, embraces portions of 1861 and 1862.

2. With respect to paragraph 2, I beg to state that no English Register of such lands has been kept in this district.

3. The original lists furnished by the Sheristadar, during the years 1861 and 1862, shewing the lands acquired by him, are herewith forwarded for the Board's information, which bear the initials of Mr. Levinge. The Board will see from these lists that they were submitted in due time, as required by the Board's Circular.

4. In regard to paragraph 3, I beg to send herewith, copy of Mr. Levinge's letter of the 26th March last, from which the Board will observe that the Sheristadar's interest in the lands, alluded to in the Proceedings under reference, was known to the late Collector.

From V. H. LEVINGE, Esq., to the Collector of Madura, dated Kodikanel, 26th March 1868.

I have the honor to return the enclosure received with your letter of the 21st March, and to inform you that I remember, at the time of the dispute, that the Sheristadar informed me that some portion of the land was, or had been, (I forget which,) in his possession, it having been mortgaged to him by petitioner's father. My impression is that he told me also that the land had been redeemed, and was not then in his possession.

Enclosures Nos. 2 to 4.

Abstract.—Original lists of land acquired by the Huzoor Sheristadar.

Submitted to Government, with reference to Board's Proceedings, dated 10th March 1868, No. 1,725.

No. 123. Order thereon, 10th September 1868, No. 2,351.

Miscellaneous.

1. The Governor in Council has carefully considered this case, and does not deem it necessary to pass any further orders.

Proceedings of the Madras Government, Revenue Department,
10*th September* 1868.

2. The following Endorsement will be passed upon Petitions Nos. 2,487 of 1866, 5 and 1,592 of 1867, and 1,087, 1,370, and 1,520 of 1868 :—

The Governor in Council having received a full report on the subjects of these petitions sees no sufficient reason for interfering in the matter.

(True Extract.)

(Signed) R. A. DALYELL,
Acting Secretary to Government.

To the Board of Revenue.
,, the Petition Department, with Petitions.

Exd. F. R. Bantleman.

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out remark from Government;

No. 4,206.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 5th July 1867.

Read the following letter from the Honourable D. ARBUTHNOTT, Collector of Madura, to the Secretary to the Board of Revenue, dated 22nd May 1867, No. 137 :—

1. In obedience to the Order contained in the 33rd paragraph of the Board's Proceedings, dated 29th April 1867, No. 2,610, I have the honour to submit Serishtadar Venkatasawmy Naik's explanation, called for by the Board in their Proceedings referred to above.

2. I enclose translation of extract from Register of lands held by public servants showing how the lands (including Putta No. 13) have been entered from time of acquisition in 1862 to present year.

ENCLOSURE No. 1.

Explanation of the Huzoor Serishtadar of Madura, furnished with reference to paragraph 33 of the Board's Proceedings, No. 2,610, dated 29th April 1867.

*Register recommending the transfer of Puttas held by deceased persons.

1. A Fontti Kaifiet,* submitted by the Madura Tasildar, recommending the transfer of the Putta No. 15, held by Adam Saib in the name of his son, was, on the 5th May 1866, (when settlement was in progress,) received into the Serishtadar's Department.

2. Prior to the receipt of the said Kaifiet, Chapmia *alias* Abdul Kawder, the brother of Adam Saib, presented a petition to the Collector on the 24th April 1866, praying for the transfer of the putta in his name, which was referred to the Tahsildar on the 4th May following. The petition was returned to the Collector on the 11th idem. In the said petition, the petitioner has stated, that all lands held by Adam Saib have been transferred to him by the latter ; that Adam, Saib has in a petition presented to the Civil Court, admitted the above transaction; and that the petitioner has filed a suit against one Muniyandy for recovery of a portion of the land which was decided in his favour. The petitioner when called on, produced the proceedings alluded to in the petition. These were perused by the Serishtadar, who, after oral inquiry of the Curnum, reported all the proceedings connected with the case in detail. He also reported to the Collector that a small portion of the land was held by him on mortgage. Chapmia *alias* Abdul Kawder was not a common person, and had held the offices of Munshi and Tahsildar, &c., and was ultimately a pensioner. He also appeared before the Collector Mr. Levinge, and represented to him all the circumstances of his case, when Mr. Levinge ordered the transfer of the putta in the name of Abdul Kawder. The Serishtadar, in the presence of the Collector, endorsed on the Fontti Kaifiet, the substance of the order in his own hand, and the Collector initialed it. The said Kaifiet was, on the 16th May 1866, returned to the Tahsildar with an order.

3. In accordance with this order, the putta was, transferred in Abdul Kawder's name, and was delivered to him.

4. Immediately after the issue of the putta, the son of the said Adam Saib, presented on the 25th May 1866 a petition to the Collector, complaining that the Serishtadar, without bringing to the Collector's notice all the facts connected with the putta in question, fraudulently caused, the issue of the putta in Abdul Kawder's name, and that the Serishtadar was led to do so because a portion of the land was held by him on mortgage. The Collector thereupon ordered both the Tahsildar and the Huzoor Head Clerk, the former to direct Adam Saib's son to attend the Circuit Cutcherry at Oosilampatty, and the latter to bring all the records connected with the case to the above place. In obedience to the Collector's order, the Head Clerk took the following papers and other records connected with the case, and read them to the Collector, at Oosilampatty, on the 5th June 1866.

1. Kaifiet.
2. Abdul Kawder Saib's petition.
3. Deeds of Sale.
4. Petition to the Civil Court.
5. Decree passed by the Principal Sudder Amin.

5. Mr. Levinge then openly declared that he had already ordered the transfer of the putta in the name of Abdul Kawder, on the Serishtadar's representation to him of all the circumstances relating to the subject, and on satisfying himself of the facts of the case; and tried Adam Saib's son magisterially, for having defamed the character of the Serishtadar by falsely accusing him of not bringing to the knowledge of the Collector the true facts of the case.

6. Had the Serishtadar really kept the true circumstances of the case from the Collector's knowledge, he would have, when all the proceedings bearing on the subject were read over to him by the Head Clerk, reversed the order passed by him on the Kaifiet, and directed the transfer of the putta in the petitioner's name. The punishment awarded to the petitioner by Mr. Levinge magisterially, fully clears the Serishtadar of any blame in the matter, and bears evidence to the fact of the Serishtadar having brought to the Collector's notice all the circumstances of the case.

7. Chapmia *alias* Abdul Kawder had not, since the year 1860, resided at Madura but at Palani and Ramnad, where he held the office of Tahsildar. Adam Saib was living with Abdul Kawder and was superintending Abdul Kawder's garden, &c. The Serishtadar then merely knew that Adam Saib and Abdul Kawder were brothers, but did not know whether they were divided brothers or not, or whether Adam Saib had transferred his lands to Abdul Kawder. In 1862 Adam Saib told the Serishtadar that he wished to mortgage certain lands at Arapaliam, to which the Serishtadar replied that he was willing to get the lands on mortgage they being situated near Madura. Adam Saib thereupon mortgaged to the Serishtadar 1-12-1 cawnies of land on two different dates* for the aggregate sum of Rupees 365, and executed to him two bonds on stamp papers. The Serishtadar was then Head Clerk. These lands have been included in the Register of landed property furnished to the Collector by the Serishtadar on the 15th December 1862. It was initialed by the Collector, and placed amongst the records. The lands in question have been registered also in the General Register of lands held by public servants. The Serishtadar held occupation of the lands since the date of their mortgage to him. After the death of Adam Saib the Tahsildar wrote, during the settlement of Fusly 1273, a Kaifiet to the Huzoor recommending the issue of a putta for the lands in the name of the Serishtadar, the mortgagee, which was returned to the taluk with instructions that it should be disposed of after inquiry, and a putta was, as usual, issued for the lands in the name of Adam Saib in the said Fusly.

	Extent.	Rs.
* 10th March 1862...	0 13 3	175
20th Sept. ,, ...	0 14 2	190

8. On his return from Ramnad to Madura, Abdul Kawder informed the Serishtadar that Adam Saib had, in 1855, transferred to him all the lands (inclusive of the lands mortgaged to the Serishtadar) possessed by him, and that he had presented a petition to the Civil Court to that effect; and that Adam Saib whom he had employed to superintend his domestic affairs or garden, had without his (Abdul Kawder's) knowledge mortgaged some of the lands to the Serishtadar and some to Muniyandy and others, and that he (Abdul Kawder) was about to file a civil suit for the recovery of the lands. Whereupon the Serishtadar declared his readiness to give up the lands on repayment of the money he had advanced on mortgage, provided the suit which he (Abdul Kawder) proposed to file against Muniyandy and others be decreed in his favour.

9. Sometime afterwards Abdul Kawder represented to the Serishtadar that the suit which he had preferred against Muniyandy, and others, had been decided in his favour, and the lands put in his possession, and he offered to pay off the mortgage and to receive back the lands which the Serishtadar held on mortgage. The Serishtadar accordingly received from Abdul Kawder the sum of Rupees 365, and made over the lands to him at the beginning of Fusly 1276. The lands in question are now held by the sons of Abdul Kawder who is dead.

10. The Serishtadar has represented to the Collector the fact of his having given up the lands obtained by him on mortgage. The lands in question cannot in consequence be included in the return of landed property of the Serishtadar furnished to the Board with the Collector's letter, dated 15th December 1866.

11. Prior to the settlement of Fusly 1275, (in which the putta was transferred,) when Abdul Kawder questioned the validity of mortgage, the Serishtadar expressed his readiness to give up the lands, and had no more interest in the lands than the said sum which he paid on mortgage.

8

Petition 2487. of 1866

Board's Proceedings. 29th april 1867. No. 2610
5th June do
14th Sept. do
6th March 1868.

In June 1866 Shaik Mohideen petitioned the Board of Revenue with reference to certain lands the puttahs for which had been transferred from his deceased Father's name into that of his uncle Abdul Kader, the Collector of Collector of Madura.

In September Mohideen petitioned Govern- stating that the transfer of puttahs had been effected through the influence of the Sheristadar, Venkatsami Naick, to whom part of the lands had been mortgaged. He further complained that he had been sentenced to im- prisonment of the Magist. for defam- -ation under the Penal Code in connexion with the puttah question.

2 The sentence passed of the Magistrate was ~~confirmed~~ reversed on appeal of the Sessions Court: Government however † desired the Magistrate to explain his proceedings & send the record: the records ‡ appear to have been sent - they are not now here, were I conclude, returned with- -out remark from Government,

† Order 30th October 1866 on Petition 2487 of 1866.

‡ Proc. Govt. 13th May 1867. containing Proc. of the Bd. 29th april 1867 No. 2610.

G. O. 12th Feb. 1868.

transaction, & state whether there is any evidence of the Municipality having been interested in this contract of the Shevagery Jemindary.

This report has not as yet been received.

9 Report req. on receipt of which he in a better position to judge of the desirability on general grounds of transferring Venkatasami Naick to another District.

713.

Shipped this parcel by the Bill for Madras in the Discovery Master Wm. Hay Commander bound in Madras & Bay of Bengal. Public Honorable the Municipal Board Claims.

I have the honor to be Sir Your most obedient humble Servant

but I confess I think that there is no reason for blaming him in either of the cases that have come before us. It seems to me probable that the cause assigned [illegible] for these conflicting [illegible] was [illegible] the letter entertained towards him by the late Mr. Fischer - is left. I do not think there is any ground for the Municipality or the Mr. Ry. as vacancy [illegible] for a Chairman. I must [illegible] in both [illegible] I have no doubt he will [illegible] 6 June 68.

Memorandum.

Complaints against
Venkatsami Naik.
Sheristadar. Madura District.

Rec'd June 1868 Reg. Acc 18 any 1868 R 24

REVENUE DEPARTMENT.

No. 1594

From The Board of Revenue

Dated 7th May 1868.

FORT ORDERS.

The enclosed memorandum from the Head Assistant Collector of Madura was received

Before noting my opinion on the points raised in these papers, I shall be glad to know the aggregate extent of lands held by the Calleries Sambhadars in the district of Madura

WDM
9 June 68.

The information required by Mr. Phillips is supplied in the Collector's letter of 2 July 68. herewith circulated. Dt. 7. July.

The Head Assistant Collector of this District is shown by a Statement prepared at his request, to be holding dry land-land liable to assessment of Rs. 244. Their extent is 57 Cawnies odd. They all lie in the Madura Taluk. Some plots have been obtained by purchase, while one is held under mortgage.

The numerous Returns which are in the packet, proceed mainly from one of two Mahomedan brothers, who complained many months back that certain land belonging to them had been unfairly & improperly transferred by his opposing brother to the Head Assistant, whose official position & opportunities of daily personal contact with the European Head of the District, naturally provide favorable means for opposing & thwarting any complaint

unsupported any of his own acts. The investigation ordered to be made by the Collector appears to have been strangely delayed and when it result, based on the Sunkladars explanatory statement, did reach the Bd of Revenue, it was found that questions had not been answered by

his officer which had been categorically put in para 33 of Secy: dated 13 May 67. On the further correspt passed the ultimate consideration of which led the Bd of Rev: to declare that the Collectors explanation of discrepancy relative to the extent of the Sunkladars land is not altogether satisfactory. They add that the further enquiries made

are not calculated to throw further blame on the Sunkladar since if suspected on the Secy: 29 April 67, No 2610.

It is obvious beyond doubt, according to these Secy:, that the Sunkladar had many possible subsist from Mr Lewis, the late Collector of Madura, who went to the extent of annually prosecuting & punishing the complaining Sawy Mahomedan for certain allegations vs Mr Lewis, in the absence of a complaint from the Sunkladar, heed the defamation of that functionary.

Shld, this enquiries heed, show, that the Sunkladar was misled as to the boundaries of part of the land in dispute the limitation of which the Board have deemed it necessary to annul.

I observe that in a letter to the Collr of Madura of ~~xxxx~~ current date - 2d March 1868 - Mr Lewis states that the Sunkladar did inform at the time of the dispute about the land in question that he had some enmity with Lewis, but Mr Lewis in pursuing as he had may said or not - any clear as may be gathered from the letters & this corrs -

After carefully considering all that has been brought forward in connection with the Secy: of the Sunkladar I am disposed to believe that it would be for the interests of the Govt & for the comfort of the people of the district that the Bd of Rev take a standard of this character into consideration in a decision of this

than Madura & I would advise that they be instructed accordingly

16 July 1868 HDR

I do not think that there are sufficient grounds for ordering the removal of the Sunkladar to another District. It appears from the Collrs letter of the 26th March 1868 which was with Mr Lewis's from the Board's proc: of the 29th April 1867. It is quite clear that the Sunkladar

Rev.ue Department

No. 2357.

Proceedings of the Madras Government

Under date the 10 ~~August~~ Septr. 1868.

Read the following

Proceedings of the Board.

of Revenue.

147

Stating that explanation afforded by Coll.r of Madura of certain discrepancy in regard to extent of land held by Huzoor Sheristadar is not altogether satisfactory; requesting to be informed whether an English Register of lands acquired by public servants has not been kept in each District &c &c, in whose custody it has been & what has become of it, & subg. Dis.o Gov.t to Gov.t

B.R. 10th March/68 No. 172

Subg. to Gov.t with reference to Board's Gov.t of 10th March/68 No. 1725, letter from Coll.r of Madura forwarding lists of land acquired by Huzoor Sheristadar

— Dis.o — dated 7th May/68 No. 3345

I have no hesitation in agreeing with the Board that the explanation afforded by the Collector of Madura of the discrepancy in regard to extent of land held by the Huzoor Sheristadar is not altogether satisfactory, and that it is desirable that the Collector should be informed whether an English Register of lands acquired by public servants has not been kept in each District &c &c, in whose custody it has been & what has become of it.

I would omit the two first paragraphs and retain only the 3rd.

W.

1 The Governor in Council after a careful consideration of this case acquits the Madura Huzoor Sheristadar of any impropriety of conduct as regards

I agree with the opinion expressed by Mr. Arbuthnot that as sufficient case has been shown to justify even the removal of the Sheristadar which could scarcely be done with some prejudice to him and liable to his successor

M.

is proved the Charge of the intimacy which existed between the Sheristadar & Mr. Ellis & which has been considered by the Board only as I do not see any other point on the case in support of which there is any ground for imputing the propriety of the Sheristadar's proceedings. I have very little doubt that the complaints against the Sheristadar were instigated by persons hostile to him but under these circumstances I cannot think that his removal would be to the advantage of the public service. It would I fear be encouraging false complaints.

10th Augt/68

W.

regards acquiring land
in the District.

2 The orders of the Board
of Revenue as to the issue of
Le puttake appear to be
just and proper.

2. The following endorse-
ment will be passed upon
petitions Nos. 2487 of 1866, 5c
and 1592 of 1867. 1087-1370-1152 00/68.

The Governor in Coun.
having received a full
report on the subjects of
Less petitions sees no reason for
interfering in the matter.

1. The Gov in Council have carefully considered this case and have decided that it is necessary to pass any further orders

This para only deposes of the petitions and has not been initialled by Govt. It may not be proposed as above

Retain

N.

14 Copies to the Govt Plant Deposit
1 Copy - to Petition Desk with
Petitions

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Revenue 1868 Dispatch
from Govt. for Secy

No. 2357.

Proceedings Madras Govt.
Dated 10 Septr. 1868

No. 119 @ 123