

807 10

Proceedings of the Madras Government, Revenue Department,
9th May 1871.

No. 96. Read the following Proceedings of the Board of Revenue, dated 18th April 1871, No. 1,613 :—

Read the following letter from the Collector of Tinnevely, to the Acting Secretary to the Board of Revenue, dated 23rd March 1871, No. 118.

THE Manager of the Pannei lands* belonging to Tirumaleikumarasami Pagoda

in the Tenkasi Talug, produces an order

* Situated at Puliarei village now attached to Travancore.

Board's letter to Government, dated 13th October 1851, No. 442.

Extract from the Minutes of Consultation, dated 5th December 1851, No. 1,208 communicated with Board's Proceedings, dated 5th January 1852.

of the Court for copies of the orders of the Board and Government as per margin relative to the exchange of certain villages between the Travancore territory and this district; I have therefore the honour to request sanction for granting the copies.

SUBMITTED for the orders of Government; the copy chiefly required being a copy of Extract Minutes of Consultation, No. 1,208, dated 5th December 1851.

2. It is unusual and, the Board think, objectionable to grant copies of such correspondence, and as the originals can be produced in Court, no sufficient reason has, in their opinion, been given for the grant of the copies required in this instance.

Mo. 97. ORDER THEREON, 9th May 1871, No. 807.

Miscellaneous.

THE Government decline to grant copies of the correspondence referred to.

As the Board remark, the originals can be produced in Court when required in the usual course.

(True Extract.)

(Signed) D. F. CARMICHAEL,
Acting Secretary to Government.

To the Board of Revenue.

Erd. F. R. Bantleman.

3^d
Revenue Department

N^o 807.

Proceedings of the Madras Government
Under date the 9th May 1871.

Read the following
Proceedings of the Board of
Revenue.

Subj. letter from Col^l of
Tinnevely requesting permission
to grant copies of Govt. Order
Relative to exchange of certain
villages & between Travancore territory
& Tinnevely Dist. to the Govt. of Travancore
lands belonging to the same
Papadon.

(H.E. 18th April / 1871)

The Government
decline to grant copies of the
correspondence referred to. As
the Board remark the originals
can be produced in Court
when required in the usual
courses.

the Board of Rev^y Dept^o

16-96-97

Public papers left
by Manager of
the land in
weekly District

14/2/1871

86

*Proceedings of the Madras Government, Revenue Department,
13th May 1871.*

No. 166. Read the following Proceedings of the Board of Revenue, dated 21st January 1871, No. 309:—

Read the following replies of Collectors to Board's Proceedings, dated 22nd February 1870, No. 1,235.

From the Ag. Collr. of Ganjam,		dated 16th March 1870, No. 285.	
" Offg. "	Vizagapatam,	" 18th June "	" 457.
" " "	the Godavery District,	" 10th March "	" 64.
" " "	the Kistna District,	" 29th " "	" 1,267.
" " "	Nellore,	" 14th May "	" 1,045.
" Acting "	Bellary,	" 10th March "	" 64.
" " "	Cuddapah,	" 19th May "	" 91.
" " "	Kurnool,	" 7th March "	" 80.
" Acting "	Madras,	" 17th May "	" 171.
" " "	North Arcot,	" 24th " "	" 210.
" " "	"	" 27th July "	" 320.
" " "	South Arcot,	" 6th April "	" 83.
" " "	Tanjore,	" 9th March "	" 81.
" " "	Trichinopoly,	" 1st June "	" 116.
" Offg. "	Madura,	" 13th " "	" 179.
" Acting "	Tinnevely,	" 9th July "	" 317.
" " "	Coimbatore,	" 3rd Nov. "	" 274.
" " "	Salem,	" 19th May "	" 85.
" Offg. "	South Canara,	" 4th " "	" 591.
" Acting "	Malabar,	" 10th March "	" 98.
" Asst. Commr.	Nilgiris,	" 25th " "	" 49.

THESE reports on the alienation of Curnums' Inams in Zemindaris will be submitted to Government, with reference to Government Order, 22nd June 1870, No. 920.

2. No very extensive alienation of such Inams seems to have taken place so far, but all Collectors recognize the fact that it may take place, and that, as the law stands at present, they are powerless to prevent it. The general opinion is, that Section 8 of Regulation VI. of 1831 should be rescinded.

3. This Regulation is the only one making Village Service Inams inalienable, and Section 8 excepts all Curnums' Service Inams in permanently settled estates from its operation.

4. The late Sadr Court ruled that even in Zemindaris Inams of this kind are inalienable (probably because they are life-grants for service), but it has been shown that the Courts are not always guided by this ruling, and, as the Collector is not a party to suits in which these Inams are involved, it is only by accident that he can become aware that an alienation of them has been allowed.

5. It is of great importance to Government that Curnums in, permanently settled estates should be maintained in efficiency, and there will probably be no objection on the part of proprietors (but rather the contrary) to the Collector

unmarked

*Proceedings of the Madras Government, Revenue Department,
13th May 1871.*

being substituted for the Civil Court as far as regards them. Complaints are often made by Zemindars of the difficulty they experience in dealing with fraud or corruption on the part of these officials.

6. The Board are accordingly of opinion that Section 8 of Regulation VI. of 1831 should be rescinded. The part of it which refers to the public institutions which form the subject of Regulation VII. of 1817 is of no importance now.

No. 167

ORDER THEREON, 13th May 1871, No. 842.

Miscellaneous.

THE Collector of Vizagapatam having reported a case which occurred in 1864 where, under a Deed of Gift, decreed away by a District Munsiff, whose decision had been confirmed in appeal by the Civil Judge, the Government called for copies of the decrees of both Courts.

2. The word "Curnum," it was observed, does not occur in either judgment, and it appeared doubtful whether the Inam which formed the subject of the Suit was considered either a Service Inam generally or as forming part of a Curnum's emoluments. It was further remarked that whatever doubt may have existed previously to 1851, as to the effect of Regulations XXV. and XXIX. of 1802 in prohibiting the alienation of such emoluments, these doubts must have been set at rest by the Notification of the late Court of Sadr Adalat, dated 30th August of that year; and the Government awaited reports from all Collectors of districts before determining what further steps, if any, were called for on their part.

3. These returns have now been received. Of the twenty Collectors, fifteen* reply either that there are no such Inams in their districts or that they have no reason to believe that their alienation is sanctioned by the Civil tribunals. The Collector of the Godavery fails to express himself clearly on the point. The Collector of Vizagapatam knows only of the single case he has already brought to notice. The Collector of Cuddapah opines that no such jurisdiction would be usurped by any District Munsiff of good character. The Collector of Tinnevely cites a case (Suit No. 186 of 1867, file of the District Munsiff of Tinnevely) where out of 10½ chains entered as Curnum's Inam in the village of Vagaithavu in the Kadambur Zemindari, 9½ were sold in execution of the decree; and the Acting Collector of Madura particularises another and recent case where the District Munsiff of Shivagunga attached a Curnum's Inam in satisfaction of a decree. Mr. Bliss immediately presented a motion for its release, but the Court having adjourned, no order had up to date of his report been passed on it.

4. The Board of Revenue, on view of these results, have observed that although such alienations may not be numerous, yet they may take place, and that, "as the law at present stands, Collectors are powerless to prevent it."

* Ganjam.	South Arcot.
North Arcot.	Tanjore.
Kistna.	Trichinopoly.
Nellore.	Nilgiris.
Bellary.	Coimbatore.
Kurnool.	Salem.
Madras.	South Canara.

Malabar.

*Proceedings of the Madras Government, Revenue Department,
13th May 1871.*

5. For this apprehension, however, no good reason, in the opinion of His Excellency in Council, appears. He observes, on the contrary, that, whenever land

or any interest in land is about to be sold by a Civil Court, the law requires that the order shall be fixed up, amongst other places, in the Office of the Collector of the Zillah in which the land may be situated. Ample opportunity is therefore afforded to the Collector to pray the Court to postpone its attachment, on the ground that the land is not in the hands of a party against whom execution is sought on his own account or as his own property, but on account of, and in trust for, the public service.

Section 239, Code of Civil Procedure.

Section 246.

6. There remain, of course, the cases where the specific thing claimed and decreed is the land or a portion thereof. Here the Collector has not the same means of being informed of the transaction, but their occurrence is not suspected, although most things in a district come sooner or later to a Collector's ears.

7. It will be sufficient, the Government consider, for Collectors and their subordinates to exercise all possible vigilance in the matter, and, in the first instance brought to notice, the High

Section 35, Act XXIII. of 1861.

Court may be moved to set aside the decision as without jurisdiction, or such other remedy adopted as the Law officers of the Government shall advise. Certainly no sufficient grounds have been disclosed for rescinding Section 8 of Regulation VI. of 1831, thus uprooting the present long-continued system, and transferring the immediate dominion over Zemindari Curnums from the Zemindars to the Collectors; a vast change, which the Government are not prepared to agree with the Board in thinking, would be acceptable to the landlords of the country, great or small.

(True Extract.)

(Signed)

D. F. CARMICHAEL,

Acting Secretary to Government.

To the Board of Revenue.
.. the Judicial Department.

Exd. F. R. Bantleman.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 22nd February 1870.

Read the following letter from J. I. MINCHIN, Esq., Collector of Vizagapatam, to the Acting Secretary to the Board of Revenue, dated 21st December 1869, No. 768:—

I HAVE the honour to forward copy of a letter from my Assistant, Mr. Johnson, on the subject of the alienation of the emoluments attached to the office of Curnum in Permanently Settled Estates, which is in this district a question of much importance.

2. Mr. Johnson brings to notice a case in which three-fourths of the Curnum's emoluments in a certain village have been decreed away from the office by the decision of the Civil Court upon a Deed of Gift, the decree of a District Moonsiff to this effect having been upheld on appeal by the Civil Court.

3. In this case, although the interests of Government were affected, the Government was not represented, and it is only casually that the alienation of this Service Inam has been brought to notice.

4. I do not believe that it was the intention of the Legislature, in framing Section 8 of Regulation VI. of 1831, to allow the emoluments of Curnums in Permanently Settled Estates, to be alienable, or to be subject to the ordinary jurisdiction of the Courts.

5. Regulation VI. of 1831 gives authority of two kinds to Collectors: *first*, for the custody of emoluments set apart by the State for payment of certain public services; *secondly*, it vests them with the sole authority of declaring who are entitled to hold such emoluments.

6. I take it that Section 8 of the Regulation applies to the latter authority. Under Regulation XXIX. of 1802, this as regards Curnums in Permanently Settled Estates is vested in the proprietors of such estates: but as there is nothing in that Regulation to prevent the alienation of such village officers' emoluments, it follows that if they are exempted, *quoad* the guardianship of such emoluments, from the Provisions of Regulation VI. of 1831, there is no power to prevent the universal alienation of such emoluments, concerning which no officer but the Collector has any power to interfere.

7. I beg that a legal opinion may be taken on this point, and if necessary, that legislative steps may be taken to vest in Collectors the power of preventing the alienation of Curnums' emoluments in Permanently Settled Estates.

ENCLOSURE No. 1.

From E. C. JOHNSON, Esq., Assistant Collector, to the Collector of Vizagapatam, dated 19th December 1869.

BEING in doubt as to the proper interpretation of Section 8 of Regulation VI. of 1831, I have the honour to request that you will favour me with your opinion on the same.

2. That Section declares that nothing in the Act shall affect the office of Curnum in Permanently Settled Estates, the succession to such having been already arranged for by Regulation XXIX. of 1802. Now the provisions of Regulation VI. of 1831, relate to two different subjects. *first*, the hereditary village offices, and *second*, the emoluments attached to them. This is distinctly stated in Section 3, Clause I. Of these two, Section 8 mentions only one, viz., the office of Curnum; this having been provided for elsewhere; it will be observed that no provision is there made for the enjoyment of emoluments. I believe, therefore, that Section 8 does not intend to withdraw suits for the enjoyment of Curnums' emoluments from the operation of the Act.

3. If I do not mistake, you have yourself informed me that your opinion coincided with mine on this point. I find, however, that the practice here has been to leave such suits to be tried by the Civil Court, and I have now before me a case in which on the strength of a Deed of Gift, the Civil Court has decreed that a Brahmin doing no service work shall hold 9 garce of land belonging to a Service Inam, while the person who was actually performing the duties and was the direct heir of the original Inamdar, is left in possession of 3 garce.

4. Should the practice in force here be correct, I cannot of course interfere in this matter, which seems to me most clearly to require a settlement on grounds more compatible with the ordinary State policy with regard to Service Inams.

5. Should your opinion, however, coincide with mine, I should be glad if you would request Government to give an authoritative decision on the point in question.

(True Copy.)

(Signed) J. I. MINCHIN,
Collector.

THE Collector of Vizagapatam brings to notice, a case in which three-fourths of the emoluments attached to the office of Curnum in a village belonging to a Permanently Settled Estate, have been alienated by a decree of the Civil Court of Vizagapatam. The Collector is of opinion that the action of the Court was barred by Regulation VI. of 1831, notwithstanding that Section 8 lays down that "nothing contained in this Regulation shall be construed to effect, etc.," and requests that legal opinion be obtained on the point, which is one of great importance as regards Zemindary Districts. It is obvious that if the decision of the Court in this instance, is correct, there is nothing to prevent the universal alienation of Curnum's Inams in all settled districts.

2. The Board observe that it has been frequently ruled by the late Sudder Adawlut, as shown in the cases cited in the margin* that even under the provisions of Regulation 29 of 1802, the Inams attached to Curnums' offices in settled districts are not alienable. It may further be observed that the Service Inams in settled estates were excluded from the Permanent Settlement, and are, therefore, public property.

3. All Collectors are requested to state what means they have of protecting the public interest in similar cases, and whether the Courts have been in the habit of recognizing such alienation in their respective districts.

4. The Board resolve to submit the correspondence to Government, with a view to the opinion of the Advocate-General being taken. The Collector should have submitted copies of the decrees alluded to, and should at once send them.

(True Copies and Extract.)

(Signed) A. MACGREGOR,
Acting Secretary.

(True Copy.)

(Signed) J. T. MAYNE,
First Assistant.

To the Acting Secretary to Government, Revenue Department,
,, all Collectors.

Exd. G. A. Turton.

From G. ELLIS, Esq., Acting Collector of Ganjam, to the Acting Secretary to the Board of Revenue,
dated Chetterpore, 16th March 1870, No. 285.

With reference to the Board's Proceedings, No. 1,235 of the 22nd ultimo, I have the honour to state, that I am not aware of any cases in which Courts of this district have recognized the alienation of Inams attached to the Office of Curnum in the Zemindary Estates, as to the protection of the public interest in similar cases, I consider the Collector is powerless in the existing state of the law.

Exd. G. A. Turton.

1870.
Board of Revenue,
MADRAS.

PROCEEDINGS, 22ND FEBRUARY 1870, No. 1,235.

Encl.

Received

FEBRUARY.

No. 1,235.

Curnum—of a village belonging to a permanently settled estate in Vizagapatam District.—Letter from Collector bringing to notice that three-fourths of emoluments attached to office of—, have been alienated by a decree of Civil Court, submitted to Government, with request to obtain opinion of Advocate-General as to authority of Court in this respect. All Collectors desired to report whether Courts have been in the habit recognizing such alienations in their districts.

From R. J. MELVILLE, Esq., Officiating Collector of Vizagapatam, to the Acting Secretary to the Board of Revenue, dated 18th June 1870, No. 457.

With reference to paragraph 3 of Board's Proceedings, dated 22nd February 1870, No. 1,235, recorded in Government Proceedings, Revenue Department, dated 10th May 1870, No. 680, I have the honour to state that no means exist in this district of protecting the office of Curnum in Zemindaries from alienations.

2. In fact the Revenue authorities have no means of knowing of such alienations, unless a complaint is made by some person who is thereby injured. Supposing the complaint to be made it is a doubtful point if Regulation VI. of 1831 gives the Collectors jurisdiction in such cases. Mr. Minchin, in his letter recorded in the Government Proceedings under report, is of opinion that Section 8 of the above Regulation applies only to the power of appointment conferred on proprietors by Regulation XXIX. of 1802. A legal opinion on this point is most important. At present the most opposite opinions are held on the subject. Mr. Carmichael, I am informed, refused to take up suits for Curnum's emolument in Zemindaries on the ground that he had no jurisdiction; Mr. Minchin on the other hand used to dispose of such suits under Act VI. of 1831. As nothing can be worse than this uncertainty I think an authoritative ruling on the subject should be obtained.

3. As regards the second question in paragraph 3, I have the honour to state that no other case has come to my notice, but it is evident from the case which gave rise to the present Proceedings that the Courts in this district have been in the habit of recognizing such alienations. It is to be observed that the case was appealed to the Civil Court and the original decision recognizing the alienation confirmed. In my opinion the only way in which the interests of the public in this respect can be properly looked after by the Revenue authorities would be to pass a short Act, declaring that in all suits in which Service Inam land is concerned notice should be given by plaintiff to the Tahsildar or other officer in whose jurisdiction it is situate. A certificate, to the effect that notice has been given, should be required at the institution of the suit. In cases where this course has not been observed no decree should be binding on Government. At present there is nothing to prevent Service Inam land being alienated by collusion between two parties in the suit.

From W. S. WHITESIDE, Esq., Acting Collector of North Arcot, to the Acting Secretary to the Board of Revenue, dated Palmanair, 27th July 1870, No. 320.

In continuation of my letter of the 24th May last, No. 210, I have the honour to state that there is nothing on my records or on those of the Civil Court to show that any suits, such as those referred to in the Board's Proceedings, dated 22nd February 1870, No. 1,235, were ever filed in the Courts of this district. The provisions of Regulation XXIX. of 1802 are the only means available of protecting the public interest in similar cases.

From C. T. LONGLEY, Esq., Acting Collector of Tinnevely, to the Acting Secretary to the Board of Revenue, dated 9th July 1870, No. 317.

With reference to Board's Proceedings, dated 22nd February, No. 1,235, I have the honour to report that I can trace only one case of the kind alluded to by the Collector of Vizagapatam in his letter embodied in the above Proceedings. In this case the emoluments of a Curnum in a permanently settled estate were sold in satisfaction of the decree of a Court; it occurred in Kadambur, one of the small Zemindaries in the district. The facts were as follow—

2. Ten and a half chains of dry land was set apart as Inam at the permanent settlement for the Curnumship of the village of Vagaithavu in the Kadambur Zemindary. Of the above 10½ chains, 9½ were sold under decree, in Suit No. 186 of 1867, of the Tinnevely District Moonsiff's Court.

3. I think legal action is necessary to empower the Collector to prevent such alienations in permanently settled estates, and the simplest way appears to be to include the office of Curnum in permanently settled estates in Section 8, Regulation VI. of 1831.

Exd J. Tulloch.

immediate

From J. FRASER, Esq., Collector of the Godavery District, to the Acting Secretary to the Board of Revenue, dated Amalapur, 10th March 1870, No. 64.

With reference to the Proceedings of the Board of Revenue, dated 22nd ultimo, No. 1,235, I have the honour to report that the Revenue authorities are not interfering with the Service Inams of Curnums in the villages of permanently settled estates in the Godavery District. The Zemindars and proprietors are in the habit of appointing Curnums and making over the land as they please, and the Curnums, both working and non-working, who hold the Service Inams alienate or transfer them to others. The Civil Courts take cognizance of all suits brought regarding such lands either by the Zemindars or Curnums, but I am not aware of any decrees having been passed by the Courts recognizing alienations of such Service Inams made by Curnums to others than members of their own families.

2. The only means of protecting the public interest in regard to the Curnums' Service Inams, which were excluded from the permanent settlement, are, in my opinion, by altering the law so as to vest the Collectors with authority to appoint and dismiss the Curnums, and to interfere with the disposal of the lands therewith connected, as in the case of the other village servants in the permanently settled estates. I have no doubt that the Courts, if requested, would give the Collector notice when any suit was brought to enforce the transfer or sale to an outsider of portions of such Inams, and Sub-Registrars might be ordered not to register such transfers without first informing the Collector.

Exd. J. Tulloch.

From J. A. C. BOSWELL, Esq., Officiating Collector of the Kistna District, to the Acting Secretary to the Board of Revenue, dated Masulipatam, 29th March 1870, No. 1,267.

With reference to paragraph 3 of the Board's Proceedings, No. 1,235, dated 22nd February 1870, I have the honour to report that no means are left to the Collector to prevent alienations of the emoluments attached to the office of Curnums in permanently settled villages, nor are there any instances in which the Courts in this district have entertained suits for the recovery of the alienated emoluments of Curnums in Zemindary estates, and have recognized them.

2. In Zemindary estates, the office of Curnum, and the emoluments pertaining thereto, have sometimes passed into another family, which had no hereditary right, by means of gift, or close relationship, when the registered Curnum has left no male issue. In such cases, the transferee is generally the daughter's son, or son-in-law of the transferer. Such alienations are never brought to the notice of the Collector, but are sometimes sanctioned by the Zemindar. The emoluments are rarely mortgaged or sold.

3. Regulation VI. of 1831 was passed to prevent the misappropriation of emoluments annexed by the State to hereditary village and other offices in the Revenue and Police Departments; but Section VIII. expressly excluded from the operation of that Regulation, the office of Curnums established by Regulation XXIX. of 1802, in Zemindaries where the land revenue has been permanently fixed. Section II. of Regulation VI. of 1831, declared all emoluments annexed to hereditary revenue offices inalienable by mortgage, sale, gift or otherwise, and their transfer null and void, and likewise exempted them from attachment or other process in satisfaction of Decrees of Courts. This principle is surely applicable to the office of Curnum in Zemindary estates, though in practice it must be enforced by the Civil Courts.

4. The simplest way to prevent alienations would be to extend, by an enactment, Sections II. and VIII. of Regulation VI. of 1831 to the office of Curnums in the permanently settled Zemindary estates; but the whole question of village offices in Zemindaries requires to be dealt with by the Legislature. Curnums should be brought under the authority of the Collector; and provision made for the emoluments of all classes of village officials.

5. Section VI. of Regulation XXIX. of 1802, is never attended to by the Zemindars. The Collector of the district is not informed of the vacancies occurring in the office of Curnum, either by death or dismissal, nor of the names of the persons by whom the vacancies have been filled up. If the Zemindars are made to act up to Section VI. regularly, the Collector will be kept informed whether the emoluments are enjoyed by the family entitled to them, or by others by means of gift, etc. I am issuing a Circular on the subject.

Exd: G. A. Turton.

From C. G. MASTER, Esq., Officiating Collector of Nellore, to the Acting Secretary to the Board of Revenue, dated Nellore, 14th May 1870, No. 1,045.

I HAVE the honour to acknowledge the receipt of the Board's Proceedings, No. 1,235, dated 22nd February 1870, calling for report as to whether emoluments attached to the office of Curnum in villages belonging to permanently settled estates have been alienated by decrees of Civil Courts, and what means the Collectors have of protecting public interests in such cases.

2. The Deputy-Collector of Naydupet states in his letter, dated 19th March 1870, No. 61, that in the Venkatagiri estate, the emoluments of Curnums are entirely under the control of the Rajah, and that Government do not possess any means for checking their alienation.

3. In his letter, dated 10th March 1870, No. 130, (copy of which is herein enclosed,) the Officiating Sub-Collector, Mr. Hughesdon, observes, that if Regulation VI. of 1831 is not applicable to the Inams in question, no means exist for the protection of public interests in respect of such Inams.

4. It does not appear that in this district alienations of such Inams have been recognized by the Judicial authorities.

5. The Revenue authorities have no means of knowing when suits are instituted in respect of the emoluments of Curnums in Zemindary villages.

ENCLOSURE No. 1.

From J. C. HUGHESDON, Esq., Officiating Sub-Collector, to the Officiating Collector of Nellore, dated Kandukur, 10th March 1870, No. 130.

With reference to Board's Proceedings, No. 1,235, dated 22nd ultimo, I have the honour to state that it would seem that, if Act VI. of 1831 is inapplicable to the Inams attached to Curnums' offices in settled estates, no means exists for the protection of public interests in respect of such Inams unless it be the institution of a regular suit in the Courts against persons who exercise or claim to exercise rights over the Inams without performing the duties of the office. That such a suit by the Collector would lie I see no reason for doubting, but it is a cumbrous method of procedure. I am unable to say whether the Courts of this district are in the habit of recognizing the alienation of the Inams; but I think it probable that they would do so if the Collector failed to intervene in behalf of the State; and such failure is likely, as the Collector has seldom means of knowing that litigation exists with regard to the Inams. The only effectual protection is the application of Act VI. of 1831.

(True Copy).

(Signed) C. G. MASTER,
Officiating Collector.

Exd. T. Cartledge.

From J. H. MASTER, Esq., Acting Collector of Bellary, to the Acting Secretary to the Board
of Revenue, dated 10th March 1870, No. 64.

With reference to the Proceedings of the Board of Revenue, No. 1,235, dated 22nd ultimo.
I have the honour to state that there are no permanently settled Estates in this district.

Exd. G. A. Turton

A. Turton.

From G. VANSAGNEW, Esq., Collector of Cuddapah, to the Acting Secretary to the Board of Revenue, dated Peelair, 19th May 1870, No. 91.

ADVERTING to the Proceedings of the Board, dated 22nd February last, No. 1,235, I have the honour to state that the only permanently settled estates in this district are a few Kayam, Jody, and Shrotriem villages.

2. I find that last year the Kadiri Moonsiff's Court entertained and disposed of a suit regarding the right to the office of Reddy (or headman) in a Shrotriem village, also one regarding the produce of a Reddy Inam, in a Ryotwar village.

3. In 1867, the Moonsiff's Court, then held at Duvur, disposed of several suits regarding Service Inams, but on the motion of the Collector, the Civil Court quashed the whole of the Proceedings.

4. I do not find any other instances of the interference of the Civil Courts with Service Inams, but such may of course have occurred, and might occur again without falling under the notice of the Revenue Department.

5. I fancy it would be found that no District Moonsiff of good character ever usurped jurisdiction in such cases, but only the corrupt ones, a class I regret to say not yet quite extinct.

6. I addressed the Civil Judge asking for information from his records on the subject, but having received no reply yet, and a reminder from the Board's office having reached me, I defer my reply no longer.

Exd. G. A. Turton.

23

From T. A. N. CHASE, Esq., Collector of Kurnool, to the Acting Secretary to the Board of
Revenue, dated Nandial, 7th March 1870, No. 80.

In reply to paragraph 3 of the Board's Proceedings, No. 1,235, dated 22nd February 1870,
I have the honour to inform you that there are no permanently settled estates in this district.

Exd. T. Cartledge.

From W. T. BLAIR, Esq., Acting Collector of Madras, to the Acting Secretary to the Board of Revenue, dated Sydapet, 17th May 1870, No. 171:—

In reply to the Proceedings of the Board of Revenue, dated 22nd February 1870, No. 1,235, I have the honour to state that, assuming that Regulation VI. of 1831 is not applicable to the Inams of Curnums in permanently settled estates, a Collector has no power of protecting the public interests in regard to such Inams.

2. From a communication received from the Acting Civil Judge it appears that the Civil Courts in this district are not in the habit of recognizing alienations of Curnums' Inams in permanently settled estates.

Exd. T. Cartledge.

From W. S. WHITESIDE, Esq., Acting Collector of North Arcot, to the Acting Secretary to the Board of Revenue, dated Chittoor, 24th May 1870, No. 210.

ADVERTING to Mr. Sub-Secretary Pennington's Official Memorandum of the 14th instant, No. 410, I have the honour to state, that there is nothing on my record to enable me to reply at once to the question contained in paragraph 3 of the Proceedings therein quoted. This I will do on receipt of an answer from the Civil Judge, to whom a reference was made on the subject on the 3rd instant, and whose Court is now adjourned.

2. I may mention that in the Zemindaries of Carwaitnuggur, Calastry, and Arni Jaghire, the emoluments attached to the office of Curnum merged in the assets of the estate holders.

Exd. G. A. Turton.

Exd. G. A. Turton.

Turton.

From C. W. READE, Esq., Collector of South Arcot, to the Acting Secretary to the Board of Revenue, dated Villapuram, 6th April 1870, No. 83.

In reference to the Proceedings of the Board, under date the 22nd February last, No. 1,235, I have the honour to report, that I know of no cases in which the Courts in this district have recognised the alienations of emoluments attached to village offices. 29

Ed G. A. Turton.

... same way as other
... officers on their establishments.

Ed. G. A. Turton.

Turton.

From W. F. HATHAWAY, Esq., Acting Collector of Tanjore, to the Acting Secretary to the Board of Revenue, dated Vallam, 9th March 1870, No. 81.

In answer to the Board's Proceedings of the 22nd ultimo, No. 1,235, I have the honour to state that there are no permanently settled Estates in this district. In the unsettled Polliems, of which there are 13, there are no Inams attached to the Curnum's Office: but the Curnums receive their salaries in money, or sometimes in grain, from the Poligars, in the same way as other salaried officers on their establishments.

Exd. G. A. Turton.

Turton.

From W. M. CADELL, Esq., Acting Collector of Trichinopoly, to the Acting Secretary to the Board of Revenue, dated 1st June 1870, No. 116. 33

I HAVE the honour to acknowledge the receipt of the Board's Proceedings, No. 1,235, of the 22nd February last, in which Collectors are called upon to state whether the Courts have been in the habit of recognizing the alienation of the Curnum's Inam in the permanently settled estates, and what means exist for protecting the public interest in such cases.

2. With reference to the first point, I beg to state that from inquiries made by me, I learn that there have been no cases of alienation of Curnum's Inam, nor any in which such alienation has been recognized by the Courts in this district.

3. As regards the second point, I think that, unless the provisions of Regulation VI. of 1831, are expressly declared to apply also to the cases of Inams attached to the office of Curnum in the permanently settled estates, there is no means whatever of protecting the public interest in such Inams, and that a fresh enactment will be necessary to secure the same, in the event of the above Regulation being considered inapplicable.

Exd. G. A. Turton.

Turton.

From H. W. BLISS, Esq., Officiating Collector of Madura, to the Acting Secretary to the Board of Revenue, dated Kodikanel, 13th June 1870, No. 179.

35
In reply to the Board's Proceedings, No. 1,235, dated 22nd February 1870, I have the honour to report that since the date of the Circular Order of the late Sudder Court, quoted in paragraph 2 of the said Proceedings, no Curnums Inams in the settled estates of this district have been alienated by the Civil Court. An Inam of the above description was lately attached under order of the District Moonsiff of Shevagunga, in satisfaction of a decree passed by the Madura Small Cause Court. I have, with reference to the above Circular, directed a motion to be presented to the Moonsiff, requesting the release of the Inam from attachment, but no order has been passed thereon, the Court having adjourned. The order of the Moonsiff's Court when passed will be communicated to the Board.

Exd. G. A. Turton.

Exd. G. A. Turton.

From H. E. SULLIVAN, Esq., Acting Collector of Coimbatore, to the Acting Secretary to the Board of Revenue, dated 3rd November 1870, No. 274.

In reply to the Proceedings of the Board of Revenue of the 22nd February 1870, No. 1,235, I have the honour to report that a reference to the old records of this office shows that when the permanent peshcush of the 13 petty Poliputs in this district was settled no Inam lands were allotted for the pay of Village establishment, but that the amount of permanent settlement was fixed at 70 per cent. of the revenue then derived in each estate, *minus* an allowance of $7\frac{1}{2}$ per cent. for the remuneration of Village establishment.

2. In the seven Poliputs in the Pollachy Taluq the village servants are remunerated in cash by the Poligars, while in the five Poliputs in the Oodoomulpettah Taluq lands have been allotted from the assets of the estate.

3. In the Andiputty Poliput in Caroor Taluq the Village Monigar is paid in cash by the Poligar, while the other servants have lands allotted to them from the ayacut of the Poliput.

4. In one case alone in Oodoomulpettah Taluq has an Inam land allotted by the Poligar been alienated by the holder, and this alienation extends only to his proprietary right, the land having been originally allotted from his own holding.

Mrd. G. A. Turtan.

From C. N. POCHIN, Esq., Collector of Salem, to the Acting Secretary to the Board of Revenue,
dated 19th May 1870, No. 85.

I HAVE the honour to reply to the Board's Proceedings, under date the 22nd February last, No. 1,235.

2. Curnums in this district, whether employed in Government villages or in permanently settled estates, do not receive their pay in land, but in *hard cash*. Only in six villages the practice is different. Five of these villages now belong to the Tripatore Talook, and were transferred to this district from North Arcot, some few years back, and one village which is in Namkul Talook, was transferred from the Trichinopoly District. In these, the Curnums enjoy Inams for their remuneration in lieu of money.

3. With the exception of the villages above referred to, in all the others in the district, the office of Curnum *is not a Mirassy right*. It is in the position of any other subordinate Revenue office, and the pay is drawn in the same way from the Government Treasury. The emoluments are neither divisible nor alienable. The registered servant who performs the duty of the office receives the pay.

4. The pay of the Curnums in Mootahs was deducted from the assets when the Peishcush of each Mootah was settled. The Mootahdar is of course guided by Regulation XXIX. of 1802, in appointing persons to the Curnum's office, but even in Mootahs, office *is not a Mirassy one*. Any person that is really fit for the duty is appointed, and he receives his pay from the Mootahdar.

5. I consider that special measures for preventing the alienation of Curnum's pay, is not required in this district, any more than that rulings, and orders should be passed for preventing the alienation of the emoluments attached to any other Revenue office held under Government.

Md. G. A. Terton.

3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
NATARAJ 621																											

From A. McC. WEBSTER, Esq., Officiating Collector of South Canara, to the Acting Secretary
to the Board of Revenue, dated Mangalore, 4th May 1870, No. 591.

With reference to paragraph 3 of the Board's Proceedings, dated the 22nd February 1870,
No. 1,235, I have the honour to state that, in South Canara, there are no permanently settled
estates such as those referred to by Mr. Minchin.

Erd. E. C. Shunker.

From A. McC. WEBSTER, Esq., Officiating Collector of South Canara, to the Acting Secretary
to the Board of Revenue, dated Mangalore, 4th May 1870, No. 591.

With reference to paragraph 3 of the Board's Proceedings, dated the 22nd February 1870,
No. 1,235, I have the honour to state that, in South Canara, there are no permanently settled
estates such as those referred to by Mr. Minchin.

Erd. E. C. Shunker.

63
From A. McC. WEBSTER, Esq., Acting Collector of Malabar, to the Acting Secretary to the
Board of Revenue, dated Calicut, 10th March 1870, No. 98.

With reference to paragraph 3 of the Board's Proceedings, dated 22nd February 1870,
No. 1,235, I have the honour to state that there are no Curnum Inams in this district.

Ed. T. Cartledge.

From C. A. GALTON, Esq., Assistant Commissioner of the Neilgherries, to the Acting Secretary
to the Board of Revenue, dated Ootacamund, 25th March 1870, No. 49. 65

With reference to paragraph 3 of Board's Proceedings, No. 1,235 of 22nd ultimo, calling upon Collectors to report what means they have of protecting the public interests in the alienations of Curnums' Inams in permanently settled estates, and whether the District Courts have been in the habit of recognizing such alienations, I beg to report that there are no permanently settled estates in this district, and the Civil Courts have, therefore, had no such alienations to deal with.

Edw G. A. Turton.

9013th May 1871
N^o 842

No. 13 May 1871 L. B. No.
166-167

49
The office of the
is in the city of
Many of these offices
of course it is not
proceeds landed from
before your order, we
formal under the
in all such cases, when
the house was not in-
cluded in the estate
the house is a state
an owner and the pro-
perty by the Act of 1812.
But in all other cases
the state has no power
of interference, or
the emoluments, if any,
are due to the
and not from the
The office of the
is in the city of
Many of these offices
of course it is not
proceeds landed from
before your order, we
formal under the
in all such cases, when
the house was not in-
cluded in the estate
the house is a state
an owner and the pro-
perty by the Act of 1812.
But in all other cases
the state has no power
of interference, or
the emoluments, if any,
are due to the
and not from the

天

no such claims in
their districts, and that
they have no reason to
believe that their
allocation is sanctioned
by the Civil Tribunal.
The Collector of the
Godavery fails to
express himself
clearly on the point.
The Collector of
Vizag. seems to
of the influence
he has already brought
to notice. The Collector
of Cuddapah
opines that no such
jurisdiction

jurisdiction would be usurped
by any District Munsiff of
good character. The Collector
of Simevelly cites a case
Dist. No. 186 of 1867, file of
the D. Munsiff of Simevelly,
where out of 10/12 shares
entered as Curman's share
in the village of Vagaita
- on the Kadamlur
Zemindari of 9/12 were sold
in execution of the Decree;
and the Ag. Collector of
Madura particularizes
another and recent case
where

where the Ministry of
Shirajin is attached to
Germany's name in satis-
faction of a decree. Mr
Haid immediately pre-
sented a motion for its
disallowance, but the Court having
adjourned, no order has
yet been made up to date of his report
has been passed on it.

The Board of Revenue,
in view of these results,
have observed that, al-
though such alienations
may not be numerous,
yet

yet they may take place
and that as the law
at present stands,
collectors are powerless
to prevent it.
But for this appre-
hension, no good reason
appears. On the contrary,
whenever property or land
or any interest in land
is about to be sold by
a civil court, the law
requires that the order
shall be fixed up, and kept in
other places, and that office
of

Section 239
Code of Civil Pro.

immediate

of the collection of the Zillah
in which the land may be
situated. Ample opportunity
is therefore afforded to the
Collector to pray the Court
to remove its attachment
on the ground that the
land is not in the pos-
session of the party
against whom execution
is sought on his own
account, or as his own
property, but on account
of and in trust for the
Public Services. There

Section 246

There remain of course
the cases where the specific
thing claimed and decreed
is the land or a portion
thereof. Here the Collector
has not the same means
of being informed of the
transaction, but their
occurrence is not suspect-
ed, although most things
in a district come sooner
or later to a Collector's
ears. Will it not be
enough, the first instance

There remain of course
the cases where the specific
thing claimed and decreed
is the land or a portion
thereof. Here the Collector
has not the same means
of being informed of the
transaction, but their
occurrence is not suspect-
ed, although most things
in a district come sooner
or later to a Collector's
ears. Will it not be
enough, the first instance

57
There remain of course
the cases where the specific
thing claimed and decreed
is the land or a portion
thereof. Here the Collector
has not the same means
of being informed of the
transaction, but their
occurrence is not suspect-
ed, although most things
in a district come sooner
or later to a Collector's
ears. Will it not be
enough, the first instance
[we
immediate)

we have of it, to move
the High Court to set
aside the decision, as with-
out jurisdiction, or to adopt
such other remedy as the
Law officers of the Govt.
shall advise. There
seem to be no sufficient
grounds for rescinding
Section 8 of Reg. VI of 1831,
thus uprooting the existing
system with its 40 years
growth, and transferring
the immediate dominion
over Zemindary Curmies

Section 35. Act XXXI.
of 1861

from

59
from the Zemindars to
the Collector, an astound-
ing change which I
cannot agree with the
Board in thinking
would be acceptable
to the landlords of the
country, great or small

D.S. 28/6/71

Ed. H. P.

immediate

I enclose the original
order and the copy of
the order made for
the same. The original
is in the hands of
the Collector of Vizagapatam
and the copy is in the
hands of the District
Munsiff. The original
is in the hands of the
Collector of Vizagapatam
and the copy is in the
hands of the District
Munsiff.

Memo.

Alienation of Com-
munes Service In-
dian in Zamindaries.

Case

Revenue Department

842

Proceedings of the Madras Government
Under date the 13th May 1871

Read the following
Proc. of the Board of Revenue

Subj. with certain opinions
Reports from Collectors on alienation
of Communes' Service Indians in
Zamindaries.

H. E. 21st Jan'y. 1871, No 309

The Collector of Vizagapatam
having reported a case, which
occurred in 1864, where under
a Decree of Gift, three-fourths
of the land attached to a
certain Zamindari Communeship
had been decreed away by
a District Munsiff, whose
decision had been confirmed
in appeal by the Civil Judge,

The

229th April 1871

immediate

the Govt called for copies of
the decrees of both Courts. It is understood

2. The word "Curium,"
it was observed, does not occur
in either judgment, and it
appeared doubtful whether the
Inam which formed the subject
of the suit, was considered
either a Service Inam general
-ly or as forming part of a
Curium's emoluments. It
was further remarked, that
whatever doubt may have
existed previously to 1851, as
to the effect of Regulations
XXV and XXIX of 1802 in
prohibiting the alienation

of

53
of such emoluments, these
doubts must have been set
at rest by the Notification
of the (late) Court of Sudder
Mudlat dated 30 August
of that year, and the Govt
awaited reports from all
Collectors of Districts before
determining what further
steps, if any, were called
for on their part.

3. These Returns have
now been received. Of the
20 Collectors, 15 reply either
that there are no such
Inams in their districts
or that they have no reason
to

x
Guzjam.
S. Arcot
Kistna
Nellore
Bellary
Karnul
Madras
S. Arcot
Tanjore
Tuticorin
Cuddalore
Talem
S. Tanjore
Malabar

immediate)

to believe that their
alienation is sanctioned
by the Civil tribunals. The
Collector of the Godavery
fails to express him-
self clearly on the point.
The Collector of Vizagapatam
knows only of the
single case he has
already brought to
notice. The Collector
of Suddapah
states that no such
jurisdiction

65
jurisdiction would be
exercised by any District
Munsiff of first character.
The Collector of Tanjore
states a case, first of
18th, of the District
Munsiff of Tiruvelli,
where out of 10 1/2 chains
of land as Curum
land in the village
of Vagathari in the
Tanjore District
9 1/2 were sold in ex-
istence of the becase;
and the Collector
of Madras states
larger number and
percent

immediate

recent case where the
St. Henry of Shire
being attacked and
Camino Enam in
satisfaction of a decree
Mr. Pless immediately
presented a petition
for its release, but
the Court having ad-
journed the order had
up to date of his
report been passed
or it is in the hands of

the Board of
Revenues in view of
these results have
observed that although
such alienations may
not

Section 229
Code of Civil Pro.

not be numerous yet
they may take place
and that "as the law
"at present stands
Collectors are powerless
to prevent it."
For this appre-
hension however no good
reason in the opinion
of H. C. in Council
appears. He observes on
the contrary that whenever
land or any interest in
land is about to be
sold by a Civil Court
the law requires that
the order shall be
fixed up, amongst
other

immediate)

other places in the office
of the Collector of the
Zillah in which the
land may be situated.
Ample opportunity is
therefore afforded to the
Collector to pray the Court
to remove its attachment
on the ground that
the land is not in the
possession of the party
against whom execution
is sought, or his own
account or as his
own property, but
in account of and
in trust for the
Public Service.
Here

Section 2, 6.

also under
the same

There remain of
course the cases where
the specific thing claimed
and decreed is the land or a
portion thereof. Here the
Collector has not the same
means of being informed of
the transaction, but their
occurrence is not suspected
although most things in
a district come sooner or
later to a Collector's ears.
It will be suffi-
cient, the Govt. considers
for Collectors and their
subordinates to exercise
all possible vigilance in
the matter and in the first
instance

immediate

instance brought to notice,
the High Court may be
moved to set aside the deci-
sion as without jurisdiction,
or such other remedy adopted
as the Law Officers of the
Government shall advise.
Certainly no sufficient
grounds have been disclosed
for rescinding section 8 of
Reg. VI of 1831, thus uprooting
the present long continued
system and transferring
the immediate dominion
over Zemindari Curnum
from the Zemindars to the
Collector, a vast change,
which the Government
are

Section 35. Act XXIII of 1861.

are not prepared to agree
with the Board in thinking
would be acceptable to
the landlords of the country,
great or small.

14 To the Secy. to the Govt. of India
5- June 1861

Secy. to the Govt. of India

immediate)

*Alienation of
immovable property
in Zemindaries*

*May be despatched
without further delay*

Sr.

22 June/71 No 265-266

Rev- 1871. *Depar*
Board of Revenue,
MADRAS.
72:286.

PROCEEDINGS, 21st JANUARY 1871, No. 309.

Desp^d 27 Jan 71

Encl.

Received 28th

S. Act 842-13 May 71

JANUARY.

No. 309.

Curnums' Service Inams—in Zemindaries.
—Reports from Collectors on alienation of —,
submitted to Government, with Board's opinion
that Section 8 of Regulation VI. of 1831,
which excepts all such Inams from operation of
that Regulation, should be rescinded.

No 166

c 27th Apr/71 no may