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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revt. DEPARTMENT

G.O. No.	756.	Press
B.P. No.	180—181	Mis.

Dated 22. 6. 1824 196 .

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
22nd June 1874.

No. 180. Read the following Proceedings of the Court of Wards, dated 27th May 1874, No. 1,272:—

From W. S. WHITESIDE, Esq., Collector and Agent to the Court of Wards, to J. GROSE, Esq., Secretary to the Court of Wards, dated Ranipet, 12th March 1874, No. 141:—

I have the honour to forward, for consideration and orders, an English petition presented to me on behalf of the Jaghiredar of Kolattoor in the Arnee Minor Estate, claiming compensation on account of loss sustained by him owing to the collection of the Moturpha tax having been prohibited by Government in 1861.

2. In this petition the Jaghiredar claims Rupees 3,360, which he states to represent the actual loss sustained by him from Fasties 1271 to 1282, and a reduction of Rupees 320 in the annual kist due upon his estate payable to the Arnee Jaghiredar.

3. The petitioner put forward a similar claim in previous years. The matter was fully reported by the Sub-Collector in his letter No. 125, dated 19th February 1872, (copy enclosed).

4. It will be seen that the Sub-Collector, after some local inquiry, was satisfied that the amount of compensation then claimed by petitioner from Fasties 1271 to 1274, viz., Rupees 1,104, was not more than he was really entitled to, with the exception of Rupees 3, which was discovered to be in excess of the amount entered in the village accounts.

5. The average of the above four Fasties being Rupees 322, I think the petitioner is within the mark when he claims an annual reduction of Rupees 320 from his kist. This amount may safely be accepted as representing his annual loss by the withdrawal of the power to collect the tax, and the ready money compensation due to petitioner for 12 years from Fasties 1271 to 1282, will be Rupees 3,840.

6. So far as figures are concerned, the petitioner has in no way exaggerated his claim. The important question for decision now is, who is to satisfy this claim, the Jaghiredar of Arnee, or the Government?

7. From the correspondence, which resulted in the G. O., dated 18th February 1872, No. 280, it appears to me clear that the Government, in reducing the Arnee Jaghiredar's peishcush by Rupees 4,000, intended that such a reduction should be regarded as a full compensation for the abolition of the Moturpha tax from the entire estate, of which petitioner's Jaghire forms a portion. But it appears that in the statement of loss under Moturpha put in by the late Jaghiredar of Arnee, and with reference to which that reduction of peishcush was granted, he did not include the loss sustained in the villages forming the Kolattoor Jaghire, and he distinctly mentioned that fact in his kist, dated 5th September 1869, No. 8; even if the Jaghiredar had included the above villages, I do not suppose that the Government would have given him more than they eventually ordered. I am therefore of opinion that the compensation claimed by petitioner should be paid out of the funds of the Arnee Minor Estate.

8. The Jaghire of Kolattoor was originally granted by the ancestors of the Minor Jaghiredar, as Mokhassa, to the ancestors of the Kolattoor Jaghiredar, in consideration of the relationship subsisting between them, subject to an annual

judicr peishcush of Rupees 3,000. In return for this amount, the whole village of Pudyppalayam and a portion of Ariayappadi, which were included in the villages given as Mokhassa, were placed in possession of the Arnee Jaghiredar.

9. I have no means of ascertaining whether the original grant of Mokhassa, also included the revenue from Moturpha tax in the villages forming the Mokhassa or not. From the fact, however, of the late Jaghiredar having carefully excluded the above villages from his list of those in which he declared he had sustained loss on account of the abolition of the Moturpha tax, I am disposed to believe that all sources of revenue, including Moturpha, were assigned to the Kolattoor Jaghiredar.

10. I beg therefore to recommend that Rupees 3,819, representing the loss of 12 years, from Fasliee 1271 to 1282, at Rupees 320 a year, be paid to petitioner from the funds of the Minor Estate of Arnee, and as petitioner pays nothing in the shape of really money to the Arnee Estate, lands in Pudippalayam village, bearing an assessment of Rupees 320, be re-granted to petitioner, *i.e.*, the right to collect the assessment be transferred from the Arnee Estate to petitioner in consideration of his annual loss.

11. In a subsequent petition (translation enclosed) presented by the Kolattoor Jaghiredar, he claims a compensation of Rupees 4,761-5-0, and an annual reduction of Rupees 300-12-6. He alleges that the figures given in his former petition are incorrect, and that those entered in his 2nd petition tally with the village accounts. This appears to me to be inadmissible, the amount of compensation claimed in the 2nd petition being based upon the annual average of Rupees 320, which was calculated upon the petitioner's own statements found, after inquiry, by the Sub-Collector to be correct. The 2nd petition should therefore be rejected.

Enclosure No. 1.—Petition.

Enclosure No. 2.

From A. CHURCHMAN, Esq., Acting Sub-Collector, to J. D. ROBINSON, Esq., Collector of North Arcot, dated Vaniar Four Tatoo, 19th February 1875, No. 125.

With reference to your letter of the 13th January 1874, No. 34, I have the honour to report the result of my inquiries regarding the claim made by the Kolattoor Jaghiredar for compensation on account of the loss sustained by him owing to Government having, in their order, dated the 6th February 1866, No. 115, prohibited the collection of Moturpha tax.

2. The Jaghiredar claims compensation for the loss sustained by him from the non-collection of Moturpha tax during the four Faslies 1271, 1272, 1273, and 1274, and the amount of his claim is Rupees 1,064. The persons from whom the tax was levied in previous faslies were the owners of betel, areca-nut, mills and looms, and fisheries.

3. The Jaghiredar has filed not only a statement showing what he would have obtained from the persons on the above order of Government not been promulgated in the faslies, but also a statement showing the collection for the five faslies preceding those for which he now claims compensation.

4. The trouble is a very great one, and the number of villages in which the collection of Moturpha is alleged to have been stopped is startling as the sum entitled, nine; but some of these are subdivisions of a village and not separate villages.

5. On receiving the petitions with the statements, I examined the Monigars and Curnams of the villages to give evidence. Being themselves not in favour of the Jaghiredar. Thinking it but natural that they should so depose, I went to five of the villages and made personal inquiry of the villagers, who all declared that no tax had been collected during the above four faslies. They also gave the same rates as those given by the Monigars and the Curnams. I tried to get some receipts produced by the villagers for the payments made in the former faslies, but in this I was unsuccessful.

6. The Jaghiredar appears, from the statements of the witnesses examined, to have incurred no expense on account of the collection of the tax. Some of the Monigars and Curnams say that they got some remuneration for collecting the tax, but it was paid by the person from whom the tax was collected, and not by the Jaghiredar. Others say they got nothing, and the amount which they had to collect was so small that they could not have expected anything.

7. If the average of the actual collection for the five faslies preceding Fasli 1271 is taken, the amount due for the four fields will be Rupees 1,400-15-0. On comparing the statement of the amount claimed by the Jaghiredar with his accounts, it is found that there are Rupees 3 more entered in the statement than appear in the accounts, which, notwithstanding that the collection of the tax was prohibited, show what should have been paid on account of this tax. From the accounts produced and the inquiries I have made, I do not think that the Jaghiredar has demanded more than he is entitled to, with the exception of these three Rupees.

8. With reference to the question put by you, as to whether this claim was not competed in that preferred by the late Jaghiredar of Arnee and already disposed of, I have to state that it does not appear to have been so. The statement filed by the Jaghiredar, showing the collections during the five faslies preceding Fasli 1271, does not contain any of the villages entered in the statement filed by the Kolattoor Jaghiredar, and the statement filed by him, showing the amount claimed by him for Faslies 1271, 1272, 1273 and 1274, is in your office.

9. There has been considerable delay in reporting regarding this claim. It was pending when I took charge of the Sub-Division. Some witnesses had been examined and the inquiry was deemed to require the Jaghiredar to produce some accounts. The delay occurring regarding the claim after I joined the district, arose from my desire to test the correctness of the accounts by personal inquiry in the villages.

(True Copy.)

(Signed) W. S. WHITESIDE,
Collector.

Enclosure No. 3.—Translation of Petition presented by Kolattoor Jaghiredar, to the Collector, dated 24th February 1874.

In his letter above recorded, the Collector of North Arcot forwards, for the Court's orders, a petition presented by the Jaghiredar of Kolattoor in the Arnee Minor Estate, claiming compensation on account of loss sustained by him owing to the collection of the Moturpha tax having been prohibited.

2. The Jaghiredar claims an annual payment of Rupees 320 as a recompense for the future, and a lump sum of Rupees 3,869 for the loss sustained by him between Fasli 1271 (when the collections ceased) and Fasli 1282. The Acting Sub-Collector, Mr. Churchman, ascertained by a personal inquiry on the spot, in 1872, that the claim was within the amount of loss sustained, as shown by the accounts. The petitioner has since increased his claim to an annual reduction of Rupees 300, and payment of a lump sum of Rupees 4,761, but has not substantiated it.

3. From the Sub-Collector's letter it appears that the claim must have been preferred as early as 1868, but no explanation is afforded of the reason why the subject was not alluded to in reporting upon the compensation to be awarded to

this Arnee Zemindar. It appears to be quite clear, however, that the present claim did not form an item in the statement of loss sustained by the Jaghiredar of Arnee, and the question now arises: Is the claim to be satisfied; if so, by whom?

4. As regards the first point, it does not appear that the delay in bringing the matter forward is due to any remissness on the part of the petitioner, for he seems to have preferred his claim immediately, and to have renewed it from time to time.

5. As to the second point, the Collector recommends that compensation should be granted out of the funds of the Arnee Minor's Estate, a lump sum being paid for past losses, and a grant of land, bearing an assessment of Rupees 320, or rather the right to collect the assessment on such land, being made over to the Kolattoor Jaghiredar as a recompense for the future. This latter arrangement is necessitated by the fact that the Jaghiredar pays no peishcush in ready money under the arrangement explained by the Collector at paragraph 8.

6. The Court of Wards, however, are not prepared to accede to the Collector's proposals. It is exceedingly doubtful whether the Kolattoor Jaghiredar can have any claim upon the Arnee Zemindar. The loss was sustained in consequence of action taken by the Government; and in any case the Court are reluctant, on the eve of handing over the estate to the Minor, to admit a claim of this nature, which the latter might be able successfully to contest in a Civil Court, and which involves a portion of his revenue for ever.

7. After these considerations, the Court resolve to submit the claim for the consideration and orders of Government. The only mode of settlement which occurs to them is for Government to pay the amount claimed on account of arrears, and further commute the annual payment for a lump sum, or still further to reduce the peishcush payable on the Arnee Estate, on condition that compensation to the same extent is made by the Minor to the Kolattoor Jaghiredar, holding under him, either by a grant of land, or by any other arrangement actually agreed upon.

No. 761. Order thereon, 22nd June 1874, No. 766.

Miscellaneous.

His Excellency the Governor in Council considers that the claim is a valid one, and that the arrears due should be paid thereto from Imperial refunds.

2. In regard to the future, however, the Arnee Jaghiredar should be requested to come to some arrangement with the Nekhasadar in consideration of the further reduction of the Arnee Minor's (the Jaghiredar's) peishcush.

I, (Here Extract).

(Signed) C. C. MASTER,
Acting Secretary to Government.

No. 1,272.

PROCEEDINGS OF THE COURT OF WARDS, dated 27th May 1874.

Read the following letter from W. S. WHITESIDE, Esq., Collector and Agent to the Court of Wards, to J. GROSE, Esq., Secretary to the Court of Wards, dated Ranipet, 12th March 1874, No. 141 :—

I HAVE the honour to forward, for consideration and orders, an English petition presented to me on behalf of the Jaghiredar of Kolattoor in the Arnee Minor Estate, claiming compensation on account of loss sustained by him owing to the collection of the Moturpha tax having been prohibited by Government in 1861.

2. In this petition the Jaghiredar claims Rupees 3,869, which he states to represent the actual loss sustained by him from Faslies 1271 to 1282, and a reduction of Rupees 320 *in the annual kist due* upon his estate payable to the Arnee Jaghiredar.

3. The petitioner put forward a similar claim in previous years. The matter was fully reported by the Sub-Collector in his letter No. 125, dated 19th February 1872, (copy enclosed).

4. It will be seen that the Sub-Collector, after some local inquiry, was satisfied that the amount of compensation then claimed by petitioner from Faslies 1271 to 1274, viz., Rupees 1,504, was not more than he was really entitled to, with the exception of Rupees 3, which was discovered to be in excess of the amount entered in the village accounts.

5. The average of the above four faslies being Rupees 322, I think the petitioner is within the mark when he claims an annual reduction of Rupees 320 from his kist. This amount may safely be accepted as representing his annual loss by the withdrawal of the power to collect the tax, and the ready money compensation due to petitioner for 13 years, from Faslies 1271 to 1283, will be Rupees 3,840.

6. So far as figures are concerned, the petitioner has in no way exaggerated his claim. The important question for decision now is, who is to satisfy this claim, the Jaghiredar of Arnee, or the Government?

7. From the correspondence, which resulted in the G. O., dated 13th February 1872, No. 280, it appears to me clear that the Government, in reducing the Arnee Jaghiredar's peishcush by Rupees 4,000, intended that such a reduction should be regarded as a full compensation for the abolition of the Moturpha tax from the entire estate, of which petitioner's Jaghire forms a portion. But it appears that in the statement of loss under Moturpha put in by the late Jaghiredar of Arnee, and with reference to which that reduction of peishcush was granted, he did not include the loss sustained in the villages forming the Kolattoor Jaghire, and he distinctly mentioned that fact in his kuit, dated 5th September 1860, No. 8; even if the Jaghiredar had included the above villages, I do not suppose that the Government would have given him more than they eventually ordered. I am therefore of opinion that the compensation claimed by petitioner should be paid out of the funds of the Arnee Minor Estate.

8. The Jaghire of Kolattoor was originally granted by the ancestors of the Minor Jaghiredar, as Mokhassa, to the ancestors of the Kolattoor Jaghiredar, in consideration of the relationship subsisting between them, subject to an annual jodi or peishcush of Rupees 3,000. In return for this amount, the whole village

of Puduppalayam and a portion of Ariayappadi, which were included in the villages given as Mokhassa, were placed in possession of the Arnee Jaghiredar.

9. I have no means of ascertaining whether the original grant of Mokhassa also included the revenue from Moturpha tax in the villages forming the Mokhassa or not. From the fact, however, of the late Jaghiredar having carefully excluded the above villages from his list of those in which he declared he had sustained loss on account of the abolition of the Motarpha tax, I am disposed to believe that all sources of revenue, including Moturpha, were assigned to the Kolattoor Jaghiredar.

10. I beg therefore to recommend that Rupees 3,840, representing the loss of 12 years, from Faslies 1271 to 1282, at Rupees 320 a year, be paid to petitioner from the funds of the Minor Estate of Arnee, and as petitioner pays nothing in the shape of ready money to the Arnee Estate, lands in Puduppalayam village, bearing an assessment of Rupees 320, be re-granted to petitioner, *i.e.*, the right to collect the assessment be transferred from the Arnee Estate to petitioner in consideration of his annual loss.

11. In a subsequent petition (translation enclosed) presented by the Kolattoor Jaghiredar, he claims a compensation of Rupees 4,761-5-0, and an annual reduction of Rupees 336-12-0. He alleges that the figures given in his former petition are incorrect, and that those entered in his 2nd petition tally with the village accounts. This appears to me to be inadmissible, the amount of compensation recommended by me being based upon the annual average of Rupees 320, which was calculated upon the petitioner's own statements found, after inquiry, by the Sub-Collector to be correct. The 2nd petition should therefore be rejected.

Enclosure No. 2.

From A. CRUICKSHANK, Esq., Acting Sub-Collector, to J. D. ROBINSON, Esq., Collector of North Arcot, dated Vellore Police Talim, 19th February 1872, No. 125.

With reference to your letter of the 16th January 1860, No. 31, I have the honour to report the result of my enquiry regarding the claim made by the Kolattoor Jaghiredar for compensation on account of the loss sustained by him owing to Government having, in their order, dated the 9th February 1861, No. 318, prohibited the collection of Motarpha tax.

2. The Jaghiredar claims compensation for the loss sustained by him from the non-collection of Motarpha tax during the four Faslies 1271, 1272, 1273, and 1274, and the amount of his claim is Rupees 1,364. The persons from whom the tax was levied in previous faslies were the owners of shops, indigo vats, oil mills and looms, and fourteen.

3. The Jaghiredar has filed not only a statement showing what he would have obtained from the collection of the above tax had the above order of Government not been promulgated in the Jaghire, but also a statement showing the collection for the five faslies preceding those for which he now claims compensation.

4. The Jaghire is a very small one and the number of villages in which the collection of the tax is alleged to have been stopped, according to the statement filed, nine; but some of these are hamlets of a village and not separate villages.

5. The Jaghiredar filed his accounts and produced the Moniagars and Curnams of the villages to give evidence. Their statements are all in favour of the Jaghiredar. Thinking it but natural that they should so depose, I went to five of the villages and made personal inquiry of the villagers, who all declared that no tax had been collected during the above four faslies. They also gave the same rates as those given by the Moniagars and the Curnams. I tried to get some receipts produced by the villagers for the payments made in the former faslies, but in this I was unsuccessful.

6. The Jaghiredar appears, from the statements of the witnesses examined, to have incurred no expense on account of the collection of the tax. Some of the Moniagars and Curnams say that they get some remuneration for collecting the tax, but it was paid by the person from whom the tax was collected, and not by the Jaghiredar. Others say they got nothing, and the amount which they had to collect was so small that they could not have expected anything.

7. If the average of the actual collection for the five faslies preceding Fasli 1271 is taken, the amount due for the four fields will be Rupees 1,400-15-0. On comparing the statement of the amount claimed by the Jaghiredar with his accounts, it is found that there are Rupees 3 more entered in the statement than appear in the accounts, which, notwithstanding that the collection of the tax was prohibited, show what should have been paid on account of this tax. From the accounts produced and the inquiries I have made, I do not think that the Jaghiredar has demanded more than he is entitled to, with the exception of these three Rupees.

8. With reference to the question put by you, as to whether this claim was not comprised in that preferred by the late Jaghiredar of Arnee and already disposed of, I have to state that it does not appear to have been so. The statement filed by the Jaghiredar, showing the collections during the five faslies preceding Fasli 1271, does not contain any of the villages entered in the statement filed by the Kolattoor Jaghiredar, and the statement filed by him, showing the amount claimed by him for Faslies 1271, 1272, 1273 and 1274, is in your office.

9. There has been considerable delay in reporting regarding this claim. It was pending when I took charge of the Sub-Division. Some witnesses had been examined and the inquiry was stopped to enable the Jaghiredar to produce some accounts. The delay on my part in reporting regarding the claim after I joined the district, arose from my desire to test the correctness of the accounts by personal inquiry in the villages.

(True Copy.)

(signed) W. S. WHITESIDE,
Collector.

Enclosure No. 3.—Translation of Petition presented by Kolattoor Jaghiredar, to the Collector, dated 24th February 1874.

In his letter above recorded, the Collector of North Arcot forwards, for the Court's orders, a petition presented by the Jaghiredar of Kolattoor in the Arnee Minor Estate, claiming compensation on account of loss sustained by him owing to the collection of the Motarpha tax having been prohibited.

2. The Jaghiredar claims an annual payment of Rupees 320 as a recompense for the future, and a lump sum of Rupees 3,839 for the loss sustained by him between Fasli 1271 (when the collections ceased) and Fasli 1282. The Acting Sub-Collector, Mr. Cruickshank, ascertained by a personal inquiry on the spot, in 1872, that the claim was within the amount of loss sustained, as shown by the accounts. The petitioner has since increased his claim to an annual reduction of Rupees 337, and payment of a lump sum of Rupees 4,761, but has not substantiated it.

3. From the Sub-Collector's letter it appears that the claim must have been preferred as early as 1868, but no explanation is afforded of the reason why the subject was not alluded to in reporting upon the compensation to be awarded to the Arnee Zemindar. It appears to be quite clear, however, that the present claim did not form an item in the settlement of loss sustained by the Jaghiredar of Arnee, and the question now arises, Is the claim to be satisfied; if so, by whom?

4. As regards the first point, it does not appear that the delay in bringing the matter forward is due to any remissness on the part of the petitioner, for he seems to have preferred his claim immediately, and to have renewed it from time to time.

5. As to the second point, the Collector recommends that compensation should be granted out of the funds of the Arnee Minor's Estate, a lump sum being paid for past losses, and a grant of land, bearing an assessment of Rupees 320, or rather the right to collect the assessment on such land, being made over to the Kolattoor Jaghiredar as a recompense for the future. This latter arrangement is necessitated by the fact that the Jaghiredar pays no peishcush in ready money under the arrangement explained by the Collector at paragraph 8.

6. The Court of Wards, however, are not prepared to accede to the Collector's proposals. It is exceedingly doubtful whether the Kolattoor Jaghiredar can have any claim upon the Arnee Zemindar. The loss was sustained in consequence of action taken by the Government; and in any case the Court are reluctant, on the eve of handing over the estate to the Minor, to admit a claim of this nature, which the latter might be able successfully to contest in a Civil Court, and to alienate a portion of his revenue for ever.

7. Under these circumstances, the Court resolve to submit the claim for the consideration and orders of Government. The only mode of settlement which seems feasible is for Government to pay the amount claimed on account of arrears, and either commute the annual payment for a lump sum, or still further to reduce the peishcush payable on the Arnee Estate, on condition that compensation to the same extent is made by the Minor to the Kolattoor Jaghiredar, holding under him, either by a grant of land, or by any other arrangement mutually agreed upon.

(True Copies and Extract)

Acting Sub-Secretary.

To the Acting Secretary to Government, Revenue Department,
with two original enclosures.

Collector of North Arcot.

Encl. T. O'Connor.

Received 1st May 1874.

Registered

GOVT. OF MADRAS.

No. 1279

Dated 27th April 1874.

Answered

Recorded

Revenue Department.

No. 1279

Dated 1st May 1874.

ORDERS.

12
756

FOR ORDERS.

Chief Secretary to Govt.

Revenue Department.

No. 765

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 27th June 1874.

READ the following Part of the Consult of 25th June 1874.

Submitting claim of Proprietors of Kollidam Joghir re-Trunk Road Tolls to compensation for loss sustained by discontinuing to collect of Kollegalen Tax leaving them free to collect

H. E. 27th May 1874 - No. 1872.

His Excellency the Governor in Council considers that the claimants are entitled to the amount claimed by them as the estimated loss from Revenue Proprietors

2. But as to the Zemindar Proprietors however the claim is inadmissible

Secretary

requested to come to me
arrangement with the
Mortgagee in consideration
of a further Reduction
of £5.5.0 per annum
from the September
next

£110

Mortgagee £110

Sept Rent £2.15.0 8/2/1774
Land Tax

1-8-81