M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 687 Press ~~Mis.~~

306-307

Dated 23-1- 18 61.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 23rd January 1861.

No. 306. Read the following Proceedings of the Board of Revenue, dated 4th December 1860, No. 5,671 :—

Read the following letter from J. D. ROBINSON, Esq., Acting Collector of North Arcot, to W. HUDLESTON, Esq., Acting Secretary to the Board of Revenue, Fort Saint George, dated Chittoor, 27th November 1860, No. 288.

SIR,

No. 2,602 of 1860.

1. I have the honor with reference to the Board's Endorsement of 4th October 1860, on a Petition presented to Government by Séshagiri Ráu, dated 4th September 1860, No. 2,602, to submit the report therein called for.

2. In 1856 Séshagiri Ráu presented a Petition to my predecessor, praying that the Jáhgírdár of Arnee might be compelled to continue to him his monthly allowance of 18 Rupees which had been unjustly withheld.

3. The Jáhgírdár when called upon to explain why this allowance had been discontinued replied that the 13 Rupees a month were merely paid to Petitioner as the salary of the post of Bakshi, and that as that had been abolished he (Petitioner) was no longer entitled to receive it.

4. Mr. Whittingham accepted the explanation and embodied it in his endorsement observing that as Petitioner's name did not appear in the list appended to Extract Minutes Consultation, dated 13th March 1832, the matter was not one in which he could officially interfere. But the Jáhgírdár's explanation is to my mind a misrepresentation of the facts of the case, as Petitioner's claim is not for the fees which he received by virtue of his post as Bakshi, but for the monthly allowance of 18 Rupees which was quite a distinct matter. That the Petitioner had two sources of income in the Jáhjír is clear from the documents* marked A and B respectively. The former of these is a Sanad granted to Petitioner's father by the present Jáhgírdár's grandfather of which the following is extract :—

* *Enclosures to Government, Petitions under notice.*

"We and our successors will pay you and your successors the above allowance (18 Rupees per month) in perpetuity." The document marked B is a Tákid passed by the same party conferring upon Petitioner's father the situation of Bakshi with fees at the rate of one Fanam in every Pagoda (3½ Rupees) distributed among the Establishment.

5. The Jáhgírdár maintains that these documents were never granted. The whole question, therefore, turns upon the genuineness of the Sanad A.

6. There have been found, however, among the records of my office two papers which decide the case conclusively to my mind against the Jáhgírdár.

7. One† of these papers bearing the signature of Mr. Dent, the Collector of South Arcot, to which the Jáhjír was then attached, is an account current of the Arnee Establishments in which Petitioner's father is exhibited as drawing 30 Rupees monthly. This indicates sufficiently plainly that *some* allowance was paid to Petitioner's family.

† *Relating to Fasli* 1214.

8. The other is a document‡ signed by Tirmal Ráu, grandfather to the present Jáhgírdár, extract of which literally translated is herewith annexed for the Board's consideration. In one of these it is plainly stated that a monthly allowance of 18 Rupees had been fixed in perpetuity on Petitioner's father, and allusion is likewise made to a Sanad having been granted him to that effect. This seems fatal to the Jáhgírdár's assertion that no such Sanad was ever issued. That the Sanad alluded to in the extract is the same as that marked A, will be plain enough if the signatures "Tirmal Ráu" affixed to each be compared as both correspond in all respects, and both papers are of the same tenor.

‡ *Dated 19th June, Fasli* 1222.

9. On the death of Petitioner's father the monthly allowance of 18 Rupees was reduced to Rupees 13, a mere arbitrary economy which even if tacitly acquiesced in by Petitioner, has neither justice nor good faith to support it.

10. The fact that Petitioners's name does not find mention in the list of Khándáns referred to in Mr. Whittingham's endorsement is no justification of a downright breach of good faith on the Jáhgírdár's part who is bound to keep his ancestor's promises and engagements whether made to a Khándán or Swakeeya of the family, in which latter degree of affinity, Petitioner stands to him.

11. Under the term Khándán are comprised blood relations such as brothers, paternal uncles, &c., whereas, Swakeeya applies rather to connections by marriage such as brothers-in-law, maternal cousins, &c.

12. The former term, therefore, denotes consanguinity, and the latter mere affinity, but the distinction should not, I think, affect Petitioner's claims, an opinion I the more readily adopt, as the Board will have already learned from my letter of the 26th ultimo, No. 249, that the Jáhgírdár has kept faith with neither class, but has brought his niggardly economy to bear as well on Khándáns as Swakeeyas.

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1. Ordered to be submitted to Government, with reference to their Endorsement on Petition No. 2,602 of 1860, and to the Board's Proceedings, dated 9th November 1860 on a similar case.

2. The Board have no further remarks to offer on the present case than that the claim seems a perfectly equitable one, and that they shall be glad if means can be found to compel the Jáhgírdár to fulfil the engagements which have devolved on him with the Estate.

(A true Copy and Extract.)

(Signed) W. HUDLESTON, *Acting Secretary.*

No. 307. ORDER THEREON, 23rd January 1861, No. 154.

1. The Collector's report in this case seems to show clearly that the Arnee Jáhgírdár has not acted in good faith towards Séshagiri Ráu.

2. The order of Government, dated 24th December last, No. 2,495, contained final instructions regarding other Petitions of a nature similar to the one now under consideration. The Collector of North Arcot will proceed in the present case as directed in paragraph 5 of that order and report the result.

(Signed) C. G. MASTER,
Deputy Secretary to Government.

To The Honorable
The Governor in Council
Fort S.t George.

The Humble Petition of Shasagherry
Row son of Dhondopunt Sway Keyah
of Arnee Jaghierdar a resident of
Satyalzie in agreement of the Arnee Jaghier
at present residing at Triplicane in
Parthasarathy Street.

Humbly Sheweth,

That the said Dhondopunt your Petitioner's late father received in his lifetime an allowance of Rupees 18 the Fusly, and a fee for the performance of the rites of Puttrokee from the Jaghier of Arnee as will appear in reference to the original documents and their respective translations marked with the letters A and B.

That the said Dhondopunt your Petitioner's late father so received the said allowance and fee from Teeroomala Row the Jaghierdar of Arnee, and after his death from his son and Successor Shreenevasa Row.

That on the 17th March Fusly 1246 the said Dhondopunt died, leaving your Petitioner his son him surviving.

That the said Shreenevasa Row continued to

to your Petitioner the said monthly allowance namely Rupees Thirty 13/ and that on your Petitioner coming to the knowledge of this fact selected of the said Shreenevasa Row the payment of the full amount of allowance, which was promised to be given to him, but not given.

That when your Petitioner arrived at a proper age, the rules of Buckshee were given to him, in August 1854 Faisly.

That in Fasly 1262 the said Shreenevasa Row the Jaggheerdar of Arnee died, and was succeeded by his son Seevvenala Row, (the present Jaggheerdar) who likewise continued to your Petitioner the payment of the said allowance of Rupees 13. and the fee of the office of Buckshee, until 31 March 1854. and thereafter discontinued them this private pique.

That your Petitioner presented a Petition to the Collector of Chittoor for the restoration of the said monthly allowance, who endorsed on the Petition that he cannot interfere for the reasons therein set forth. Vide the Original endorsement with its translation marked with the letter C.

That thereupon your Petitioner appealed to the Board of Revenue on the 6 June 1859, who referred your Petitioner to the endorsement of the Collector of Chittoor.

That after the receipt of the Board's endorsement, your Petitioner was desirous immediately of

of representing his case to the Honorable the Governor in Council for redress, but not having documents in support of his case deferred it.

That now your Petitioner has obtained such documents, he begs leave to submit them, with the following grounds of appeal viz.

1st That as the son of Shendopunt he and his heirs for ever are entitled to the continuance of the payment of the Monthly allowance of Rupees 13

2nd That such allowance cannot not all be discontinued — and

3rdly That the decision of the Collector of Chittoor was based on erroneous information.

That in respect of the 1st & 2nd grounds your Petitioner humbly refers to the said document A, containing a promise of allowing Rs 18 monthly to your Petitioners late father, the said Shendopunt, and his heirs for ever. Such promise is verified by a public document, attested extract of which and its translation marked D respectively are herewith submitted.

That in respect to the 3rd ground that "the decision of the Collector was based on erroneous "information" your Petitioner humbly refers for the consideration of Government to the endorsement of the Collector itself with the following short explanation.

That your Petitioners representation

to the Collector of Chittoor was for an order to the
Jaggheerdar to continue the monthly allowance
secured to him and to his Heirs for ever by documents
A and B. and for the payment of the stoppage from
1st April 1854 and next for the restoration to him of
the office of Brickshee and its emoluments.
such being the facts of the case, the Jaggheerdar's
statement embodied in the Collector's endorsement in
these words "that the Petitioner had been paid an
"account of some service rendered, but that service
"being discontinued the allowance was never Revived
"discontinued" is, unwarranted and thrust forward
to conceal the true nature of the claim, to deceive the
Collector and to defeat the ends of Justice; for, it is
evident by the words quoted, that allusion was
made to the duties of Brickshee, which were suspended
and the restoration of which your Petitioner did not
solicit for.

That your Petitioner begs to notice the
further portion of the endorsement of the Collector
which runs in these words "In this matter there
"had been a List of the Relatives of Jaggheerdar sub-
"mitted with the minutes of Consultation dated 13
"March 1832. In which List the name of the Petitioner
"is not written." In respect to this subject it is
necessary for your Petitioner to explain that in
the Jaggheer there are three Classes of persons

receiving

receiving allowances viz.

First Class - Khayes meaning "a son; a Kinsman
"near, or remote."

Second Class - Vauvous Kestahe - "a person of a race;
"a person belonging to a family or
"lineage"

Third Class - Sway Keyah - "of one's own family, own
"in generation".

The List referred to, contains the names of persons
comprising the 1st Class, and not of those comprising
the two other Classes; nevertheless such two
other Classes of persons do exist and do draw
their allowances; this fact is distinctly expressed
in the public document marked B herewith submitted
in the public document marked B herewith submitted
That your Petitioner belongs to the 3rd Class.

That your Petitioner, previously to concluding
this appeal, begs to bring to the notice of Government,
the following Extracts of Paras 3 & 6. of their order
to Streenevasa Row late Jaggheerdar of Arnee
and the father of the present Jaggheerdar bearing
date the 19th April 1825

3. "You shall make a suitable provision for the
"different members of your family according to
"established usage and according to the order of
"Government when they may see fit to interfere"

× × × × ×

6. "On the failure of any of the foregoing conditions
"this summud will be of no effect, and your Jaggheer
"will be liable to be resumed."

Your Petitioner therefore humbly prays that the Hon'ble the Governor in Council will be graciously pleased to take his case into the consideration of Govt. and make such orders that your Petitioner may uninterrupted continue receiving the monthly allowance of Rupees 18, together with the back or arrear allowances, withheld from 1 April 1854 to this date (as per Statement hereunto annexed) or make such other orders as are necessary in the matter. And your Petitioner as in duty bound will ever pray.

Memo: of the balance due by the Jaggheerdar's of Aniee & Sashagerry Revenue of Shendopunt Swaykeyah of the Aniee Jaggheer.

Allowance from April 1246 Fusly or 1836 to March 1264 Fusly or 1854 being 18 years @ Rs 18 ₱ Month ——— P. 3888 ——

Deduct. The Amount received from the Jaggheerdar from August 1247 Fusly or 1837 to March 1264 Fusly or 1854 being 18 years 8 Months at Rs 13 ₱ Month ——— 2600 ——

Remitted Amount or of the balance due at different times ——— 385 —— 2985 ——

903 ——

Add - The Amount of Allowance of arrears due from the date of my discontinuance viz from April 1264 Fusly or 1854 to August 1270 Fusly or 1860 being 5 years and 5 months at Rs 18 ₱ Month ——— 1152 ——

Total —— 2055 ——

4th September 1860

Herewith

Herewith enclosed the Original Documents and Extracts with its Translations marked from A. to E. Grainlieg 6. with an Endorsement of the Board

No. 2602 of 1860.

Referred to the Board of Revenue with reference to the orders of Government dated 9th May and 7th July 1860. No. 745 and 1120, on similar complaints. —

By Order

For Chief Secy. to Govt.

Fort Saint George,
4th September 1860.

Forwarded to the Collector for early report with reference to the Board's Proceedings dated 11th May and 13th July 1860.

By Order

L. Anstruther

Subdt Asstt

Cer B.O. Offce
Lr to H. George
4th Oct. 1860

Recd 10.10.60

Returned to Collr in Cr on Petn No 2900 of 1859.

No 2602 of 1860

From Sashagherri Rao the son of Dhondopont Surya Rayah of Arnee Jaghiredar for restitution of Salya Vijia Nagarum of the Arnee Jaghire now residing at Tripliconne

Recd 4 Septr 60.

With 6 enclosures
From 3d Sessy 60 No 3061 & 30 [illegible]

Sale 6236 Pgodas
Rs 3090/60.

States that his late father received an allowance of 18 Rs. per mensem and also certain fees from the Jaghiredars or Nazir up to the date of his death in Fasli 1245: that on that event a diminished allowance of Rs. 13 per mensem was made to him by the late Jaghiredar, and that in 1254 when he attained a proper age, the Office of Bakshi was also conferred upon him, as it had been upon his late father: that in 1262 when the present Jaghiredar succeeded to the estate he continued in the enjoyment of the same emoluments, until 31 March 1854 when the Jaghiredar discontinued them.

That he has appealed in consequence to the Collector and the Board of Revenue but that they have declined to interfere. Produces their endorsements.

That he has document, (which he produces) showing his hereditary right to the allowance of 18 Rs per mensem: that these documents are corroborated by records in the Collectors Kacharis.

That the Collector has taken an erroneous view of his case, having been misled by the Jaghiredar.

Prays that the Government will be pleased to order his allowance of Rs 18 to be continued to him & the arrears amounting to Rs. 205.5 to be paid to him

Rec.d 1861 Despatch
Pros. of Govt for Jaffy. 761.

No. 3090.

Proceedings of the
Board of Revenue

Dated 4th
Desp.d 10 } Dec.r 1860.
Rec.d 11th

Encls. 2 (1 ol. Encls. 4 (8 Petition
1 Return 6 Petition
9 Enclo: No. 56 of 1860 dated 26-10-60

From Dr. J. 23rd Jany. 1861 No. 16 C.S. 1046
on Bm 29th Dec.r 1861 No. 3059

Submitting with the Board's remarks a letter from the Collector of North Arcot reporting on Govt. Petition No. 2602 of 1860 praying that the Jaghire-dar of Arnee be compelled to continue to him his Monthly allowance which had been unjustly withheld.

No. 154. 25th January.

With an order

No. 154

1. The Collectors report in this case seems to shew clearly that the Arnee Jahgirdar has not acted in good faith towards Sheshagiri Row.

2. The Order of Government dated 24th December last, No. 2195 contained fenal instructions regarding other petitions of a nature similar to the one now under consideration. The Collector of North Arcot will proceed in the present case as directed in paragraph 5 of that order and report the result.

Fort St. Geo:
23d January 1861.

13 Copies - Board of Revenue with an Ord. Cir. Jy 24
1 — Mr. C. Jr. with Pet.r & Rec.d R. 24th Jany C. Jr.