2

Revenue Department

Minutes of Consultations

12th March 1858

Back No 59 x 60

Order No 308 of 9th March

1858

(Bound)

பாதுகாப்பு பிரிவு-1
செப்பனிடுபவர் பெயர்:
செப்பனிடுவதற்காக எடுத்துக் கொள்ளப்பட்ட நாள்:
சரிபார்க்கும் முதல் முகியாள
கையொப்பம்
சரிபார்க்கும் 2ம் முகியாள
கையொப்பம்

Fort Saint George, Revenue Consultation of 12*th March* 1858.

No. 59. Read the following Extract from the Proceedings of the Board of Revenue; dated 18th January 1858, No. 257.

In Consultation 19*th Sep. and* 26*th Nov.* 1857.
* *Vide Proceedings to Malabar* 26*th Nov.* ,,
In Consultation 18*th January* 1858.

Read letters from the Acting Collector of Malabar dated 27th August, 7th October* and 18th December 1857.

(Here enter Nos. 134, 148 and 203.)

The Acting Collector of Malabar, in the first of the above communications reported the death of a Malabar Pensioner Kristna Putter of Palghaut, and in the second and third of them furnishes information regarding the allowance.

2. The adoptive father of the deceased Pensioner was Shamnauth Putter who when Malabar was ceded to the British Government was (and for sometime had been) the Principal Minister of the Zamorin Rajah.

3. The Rajah was entirely under the guidance of Shamnath who during the first year of our rule gave much trouble. He subsequently however came to terms and at his own suggestion was appointed Dewan of the British Government for the Zamorin's Territories, continuing however the Rajah's Minister also as before. His remuneration was fixed by the Bombay authorities who then administered the Province, at 1 per cent. on the revenue collected.

4. The amount drawn during the first 9 years from 1793-94 cannot be traced in the Collector's records, but in 1802 Major McLeod when reporting to the Board of Revenue on the settlement of the district which had then been transferred to the Government of Madras, (para. 39), speaks of the pension as amounting to *Rupees* 6,000 per annum. The original Enclosure "L" of his report is not forthcoming in the Board's records; but a copy of it is given in Volume 13 of their Proceedings for 1802. In this the allowance of Star Pagodas 1,407-3-60 is entered as stated by Mr. Robinson; viz. "one per cent. on the net collections *after* deducting the 20 per cent. allowed to the Zamorin and his family."

Dated 18*th June in Cons.* 15*th July* 1802.

5. In 1803, Government sanctioned a pension of Rupees 5000 to Shamnath and on his death continued ⅔ of it to his adopted son Kristnah Putter (now deceased) the remainder being allowed to revert to the Zamorin Rajah on the assertion of Mr. Vaughan, the then Collector, that the allowance was wholly paid from his Malikhana.

Dated 5th March 1803, *R. D.*

6. Mr. Robinson points out that this was an error and that the Rajah has no valid title either to this portion or to that which has now lapsed and is claimed by him.

7. The Malikhana was calculated at 20 per cent. on the gross Jummah deducting only $\frac{1}{16}$ for village establishments and Major McLeod in the report already referred to, (para. 38) regrets that it was fixed at so high a rate, and that only $\frac{1}{16}$ was deducted for charges when they really amounted to 20 per cent. In the Enclosure L of that report the pension to Shamnath as already mentioned is expressly stated to have been 1 per cent. on the net revenue *after* deducting the Zamorin's Malikhana. Independent however of this, a formal agreement was executed in 1806, between the Zamorin and Mr. Warden on behalf of Government, and in this document the Malikhana is fully calculated and fixed at Star Pagodas 37,760-39-0, which sum the Acting Collector (in the last of the communications above recorded) reports that the Rajah has received ever since 1801.

See also Enclosure K.

8. Under these circumstances the Board fully concur with Mr. Robinson that the Zamorin had no right to the reversion of any portion of Shamnath's pension and that his claim to the sum which has now lapsed, founded on the erroneous transfer of ⅔ of it to him in 1819, is clearly inadmissible.

9. The Rajah has in fact received about half a lac of public money to which he had no right and the Board consider that he will be treated with the utmost liberality if he is permitted

to continue in the enjoyment of this share of the pension (2,000 Rupees) for life, the remainder lapsing to Government from the 13th August last, the date of Kristnah Putter's death.

Vide Enclosure 2 in letter from Acting Collector 4th March in Consultation 20th April 1857, No. 30.

10. Major McLeod's report with its enclosures and a copy of the agreement referred to in para. 7 are herewith forwarded for reference.

(A true Extract.)

(Signed) J. D. SIM, *Acting Secretary.*

No. 60.

ORDER THEREON, No. 308; dated 9th March 1858.

1. Looking at the facts narrated by Mr. Robinson in his letter of the 7th October 1857, and referring especially to the agreement entered into in 1806 by the Zamorin Rajah on the one part, and Mr. Warden the Principal Collector of Malabar on the other, by which an allowance of twenty per cent. of the revenue of the year 976, after deducting ten per cent. for charges, was guaranteed to the Rajah, as well as to the fact that Major McLeod stated in 1802 that the pension granted to Shamnath Putter, the late Dewan of the Zamorin territories, was originally calculated at one per cent. on the net revenue, after deducting the Zamorin's Malikana, it is clear that the claim set up by the Rajah to the reversion of the remaining portion of the Dewan's pension, which has now lapsed by the death of Kristnah Putter, his adopted son, is altogether untenable. It is obvious that the two-fifths of Shamnath Putter's pension, or 2,000 Rupees per annum, which was transferred to the Zamorin on the death of the former in 1819, on the supposition that the pension was chargeable to the Rajah's Malikana, has been enjoyed by him without any title to it whatever. The error was committed on the mistaken representation of Mr. Vaughan, then Principal Collector, that the Rajah received only a twentieth part of the revenue, after one per cent. from the gross had been deducted for Shamnath's pension, as noticed by Mr. Robinson, the allowance originally made to the Dewan was clearly a life pension granted to him from the public assets, in consideration of the political services rendered by him to the British Government. Mr. Robinson states, that he has failed to trace in the records of the District any grounds for the position which Mr. Vaughan assumed in 1819, and that the present Zamorin has failed to respond to his call for any proofs he may possess of his claim.

2. So far therefore from the Zamorin Rajah being allowed to succeed to the three fifths share of the Dewan's pension which has now lapsed, on the strength of the error once committed by the Government officer, the Government fully agree with the Revenue Board that the Zamorin will be treated with the utmost liberality, if he is permitted to profit by the former error, and be suffered to continue in the enjoyment, during his life, of the two-fifths share of the pension formerly erroneously given to him.

3. The Right Honorable the Governor in Council accordingiy directs that the remainder of the Dewan's pension, or 3,000 Rupees per annum, be considered as having lapsed to Government from the 13th August last, the date on which Kristnah Putter the adopted son died; that the other two-thirds, now erroneously enjoyed by the Zamorin, lapse also to Government on the death of that prince; and that intimation of this decision be made to the latter.

(Signed) H. FORBES,
Acting Secretary to Government.

308/3

Revenue Department.

No. 257.

Extract from the Proceedings of the Board of Revenue, dated 18th January 1858. No. 257

Read letters from the Acting Collector of Malabar dated 27th August & 7th October, and 15th December 1857.

In Cons 19th September and 26th November 1857.
*Vide Pro to Malabar 25th Feb 4th
In Cons 18th January 1858.

(See enter Nos 135-138 and 203)

The Acting Collector of Malabar in the first of the above communications reported the death of a Malabar Pensioner Kristna Putter of Palghaut, and in the Record and Abstract of those pensions information regarding the allowance.

2. The adoptive Father of the deceased Pensioner was Shamnath Putter who when Malabar was ceded to the British Government was (and for some time had been) the principal Minister of the Zamorin Rajah.

3. The Rajah was entirely under the guidance of Shamnath who during the first year of our rule gave much trouble. He subsequently however came to

proved

to terms and at his own suggestion was appointed Dewan of the British Government for the Zamorin's Territories, continuing however the Rajahs Minister also as before. His remuneration was fixed by the Bombay Authorities who then administered the Province, at 1 Per cent on the Revenue Collected.

4. The amount drawn during the first 9 years from 1793/94 cannot be traced in the Collectors records but in 1802 Major McLeod when reporting to the Board of Revenue on the Settlement of the District which had then been transferred to the Government of Madras, (Para 39) speaks of the pension as amounting to Rupees 8000 per Annum. The original Enclosure "L" of this report is not forthcoming in the Board's records, but a copy of it is given in Volume 13 of their Proceedings for 1802. In this the allowance of Star Pagodas 1207-3-00 is entered as stated by Mr Robinson; Viz." one per cent on the net collections after deducting the 20 per cent allowed to the Zamorin and his Family."

Dated 18th June 18[illegible]

In 1803 Government sanctioned a

Dated 5th March 18[illegible]

5.

a pension of Rupees 5000 to Shamnath and on his death continued 3/5 of it to his adopted son Krishnah Patter (now deceased) the remainder being allowed to revert to the Zamorin Rajah on the assertion of Mr Vaughan the then Collector, that the allowance was wholly paid from his Malikhana.

6. Mr Robinson points out that this was an error and that the Rajah has no valid title either to this portion or to that which has now lapsed and is claimed by him.

7. The Malikhana [illegible] at 20 per cent on the gross Summah deducting only 1/2 for Village Establishments and Major McLeod in the report already referred to, (Para 38) regrets that it was fixed at so high a rate, and that only 1/2 was deducted for charges when they really amounted to 20%. In the enclosure to that report the pension to Shamnath as already mentioned is expressly stated to have been 1 per cent on the net revenue after deducting the Zamorin's Malikhana. Independent however of this, a formal agreement was

See also Enclosure K.

executed

10. Major McLeod's report with its enclosures and a copy of the agreement referred to in Para 7 are herewith forwarded for reference.

Vide Encl 2 in letter from Sy Coll.r 2d March in Cons 25th April 1837 N 30.

(A true Extract)

Sy Secretary.

To

D. Forbes Esq.

Sy Secretary to Government

Revenue Department.

executed in 1800 between the Zamorin and Mr Warden on behalf of Government, and in this document the Malikhana is fully calculated and fixed at Star Pagodas 37700-39-0 which sum the Acting Collector (in the last of the communications above recorded) reports that the Rajah has received ever since 1801.

8. Under these circumstances the Board fully concur with Mr Robinson that the Zamorin had no right to the cession of any portion of Shanmathi's pension and that his claim to the sum which has now that pension founded on the mere act of transfer of 1/3 of it to him in 1819 is clearly inadmissible.

9. The Rajah has in fact received about half a lac of Public Money to which he had no right and the Board consider that he will be treated with the utmost liberality if he is permitted to continue in the enjoyment of this share of the pension (2000 Rupees) for life. the remainder lapsing to Government from the 13th August last, the date of Krishna Pattar's death.

Major

Cons. 7 November 1823 No. 20-21
" 16 December 1825 " 69-70
" 2 June 1857 " 29-30

22-10-92

Revenue 1858 Depart.
No. 4 Cons 12 March
No. 85

Extract from the Proceedings of the Board of Revenue

Dated 18th } January 1858.
Recd. 21st }

25 Enclo.
24 Returns No. 257

S 6 No. 308 9th March 1858.

Submitting with the Boards remarks a letter (with Enclosures) from the Acting Collector of Malabar reporting the death of pensioner Raistra Putter adopted son of Shamnath Putter late Prime Minister to the Zamorin Rajah, and stating the opinion of the Board that the Rajah's claim to the lapsed allowance is clearly inadmissible.

No. 69

c 25th Feby Recd. March

No.

Extract from the Proceedings of the Board of Revenue, dated 26th November 1857.

Read letter from the Acting Collector of Malabar dated 7th October 1857.

(Rec'd enter No. 128)

The Board have referred to their records and find that the Allowance of Star Pagodas 1107-3-6 to Shanmath Putter is entered as being "one per cent on the Net Col. [illegible] the Summary and not Cumey.

Ag Coll.r letter Para 5.

2nd. This payment was evidently not included then in the Summah of which 2½ was allowed to the Zamarin. The only question is whether in calculating the Malikhana in 1805 this Sum was inadvertently included or not.

3rd. Major McLeod's report of 1802 quoted by the Acting Collector (enclosure 2) gives the Malikhana fixed in M. L. 970 as Star Pagodas 35323-35-12 and an additional Allowance of Star Pagodas 2357-0-0.

On

On the other hand in the Agreement exe-
cuted between Mr Warden and the Rajah,
the Mah Khana is fixed at Star Pagodas
5716-34-2. The latter sum nearly corresponds
with the aggregate of the two former but
Star Pagodas 35323 appears to be exactly 20%
on the Summah of Fasly 1248, after deducting
5% for charges.

We Board presume that the
Original agreement above referred to must
be the guide and they wish to know what
are the actual rights of the Rajah and
Ryots in the Lands of the Estate
Agreeably now to the Agreement the
Peishcush is fixed at Star Pagodas
Rupees from Shanmath Puttee
Sircar of 5716-34-2 Rupees from Shanmath Puttee
Sircar will be separately shown in the
Account.

Pending the orders of Government
Entire Puttee Jenmom will of course remain
as now.

A true Extract
Signed S. D. Sim
Ag Secretary

To
W. Robinson Esq
Ag Collector of Malabar

Attested by S. D. Sim
Ag Secretary.

From Agent
dt March 1857
1857 No 522. Encl

* J. C. 38332 a
to the Collec
dated 15th M

308/9
R. D.

No. 308.

Extract from the Minutes of Consultation
Under date the 9th ~~February~~ March 1858.

Read the following extract from the Proceedings of the Board of Revenue.

[Received 18th January 1858. No. 25]

1. Looking at the facts narrated by Mr. Cobourne in his letter of the 7th October 1857, and referring especially to the agreement entered into in 1806 by the Zamorin Rajah on the one part, and Mr. Warden the Principal Collector of Malabar on the other, by which an allowance of twenty per cent of the revenue of the year 976, after deducting ten per cent for charges, was guaranteed

guaranteed to the Rajah,
as well as to the fact that
Major Macleod stated in
1802 that the pension granted
to Shanmuga Pillai, the co-
heir sharer of the Zamorin
territories, was originally
calculated at one per cent
on the net revenue, after
deducting the Zamorin's
Malikana, it is clear that
the claim set up by the co-
rajah to the reversion of the
remaining portion of the
relevant pension, which has
now lapsed by the death
of Krishna Pillai his adopted
son, is altogether untenable.
It is obvious that the two co-
heirs of Shanmuga Pillai
pension, or 2,000 Rupees per
annum, which was trans-
=ferred to the Zamorin on the
death of the former in 1819,
on

on the supposition that the
pension was chargeable to
the Rajah's Malikana, has
been enjoyed by him without
any title to it whatever. The
error was committed on the
misstated representation of
Mr. Vaughan, then Principal
Collector, that the Rajah
received only a two annas
part of the revenue, after
one per cent from the gross
had been deducted for
Shanmuga's pension as
noticed by Mr. Robinson;
the allowance originally
made to the deceased was
clearly a life pension
granted to him from the
public exchequer, in consider-
=ation of the political and
services rendered by him
to the British Government.
Mr. Robinson states, that
he

he has failed to trace in the records of the District any grounds for the posi= tion which Mr. Vaughan assumed in 1819, and that the present Zamorin has failed to respond to his so called for any proofs he may possess of his claim.

2. So far therefore from the Zamorin Rajah being allowed to succeed to the three fifths share of the Arcaud pension which has now lapsed, on the strength of the error once committed by the Govern= ment officer, the Govern= ment fully agree with the Income Board that the Zamorin will be so treated with the utmost liberality, if he is permitted to

to profit by the former an error, and be suffered to continue in the enjoyment during his life, of the two fifths share of the pension formerly erroneously given to him.

3. The Right Honorable the Governor in Council accordingly directs that the remainder of the pension, or 3,000 Rupees for annum, be considered as having lapsed to Govern= ment from the 13th May last, the date on which Krishnah Putter the adopted son died; that the other two thirds, now erroneously enjoyed by the Zamorin, lapse also to Government on the deaths of the two princes; and that intimation

of

of this decision be made
to the Latter.

JR

Respy to the Secy of War
with the Enclos
Circ 10
1 to Acct Genl
1 to Civil Audr
1 to Mr Casp Rodman

Dec 12 Rec'd 12th Answd

Dec 9th 1808.

Circuit Court of Md.

Dy Pettit's Case.

Directing Relief to be given
to the Executive Agents
of the Seminole Nation of Indians
to be retained on hand for issuing
to Emigrants from the Nation
Ground that the Sum thereof
may be employed by the Agents
in the purchase of Provisions
to be issued to the Emigrants
on their March

9-3-11

10/12 Rec'd

C. No 67 V 60

225 Foley 82 March