Revenue Department

Minutes of Consultation

11th May 1858

Back to 69 & 70

Ended 6.9 & 8th May 1858

செப்பனிடுபவர் பெயர்

செப்பனிடுவதற்காக எடுத்துக் கொள்ளப்பட்ட நாள்

செப்பனிட்டு முடித்த நாள்

சரிபார்க்கும் முதன்மை ஆராய்ச்சி உதவியாளர்

கையொப்பம்

1 6910

Fort Saint George, Revenue Consultation of 11th May 1858.

No. 69. Read the following Extract from the Proceedings of the Board of Revenue, dated 1st April 1858, No. 1167:

In Con. 1st April 1858. Read letter from the Collector of Nellore, dated 30th January 1858.

(Here enter No. 15.)

Read again letter from the same Officer dated 18th July, recorded in Consultation 25th September 1857.

In Consultation 20th October 1857. Resolved that the above letters be submitted for the orders of Government with reference to para. 6 of Extract Minutes Consultation 9th October 1857, No. 1031, R. D.

In Consultation 9th February 1857. 2. In Extract Minutes Consultation 29th January 1857, No. 109, R. D., the Enam No. 58 was directed to be resumed as an unauthorized alienation of the former Collector Mr. Travers, but from the information now supplied, it appears to have been erroneously classed among the grants conferred by Messrs. Travers and Fraser. It was originally granted as the Collector states under the Mahomedan Government by the Fouzdar Vencagee, but from the Sunnud, a translation of which accompanies, it seems to have been bestowed by a different person, by one Vencataswara Bundaricayagulu, member of a Vedantic Institution in 1796, to the grand-father of the present holder, who evidently belonged to the same fraternity. In Fusly 1212 A. D. 1802-3 this enam was attached by Mr. Travers; because it was not found entered in the enam register, and was subsequently transferred to his Sheristadar on condition that he would build a Choultry on it for the accommodation of travellers. In 1820 however, the Sheristadar's son restored the land to the original grantee's son, in whose family it has ever since continued. Of the validity of this grant, there seems no doubt from the fact of its having been made prior to the period of limitation specified in Section II. Regulation XXXI. of 1802; and as such grants are exempted from interference, the Board concur with the Collector that it should be continued to Ramanjacharlu, grand son of the original grantee, subject to report on the occurrence of a lapse.

3. The enam No. 69 too, was included by mistake among those conferred by a former Collector. The Sunnud dated 1747, declares it to be a hereditary grant and looking upon it as made by a former Government, the Board think it may be treated as proposed by the Collector under the Enam Rules now in force.

(A true Extract.)

(Signed) G. S. FORBES, *Secretary.*

No. 70. ORDER THEREON, No. 619; dated 11th May 1858.

1. On 27th September 1857, the Board of Revenue laid before Government a letter from the Acting Collector of Nellore dated 18th July 1857, in which that officer reported, in respect to two Enams which it had been ordered by Government should be resumed in Extract Minutes Consultation 29th January 1857 No. 109, that a mistake had been made in including them among the grants made by Messrs. Travers and Fraser and that they had really been granted by the former Government. The Government accordingly resolved to await a further report promised by the Board, and in the meantime directed that the order of resumption should be held in abeyance.

Ex. Mins. Cons. 9th Oct. 1857, *No.* 1031.

2. In their proceedings above recorded, the Board bring the matter again to the notice of Government; and submit the original documents (with translations) on which the enams are claimed. It appears, from para. 11 of Mr. Taylor's letter of 18th July 1857, that No. 58 was an enam originally granted under the Mahomedan Government by a Foujdar, to one V. Venkatacharloo in 1798; but that it was attached by Mr. Travers in 1802 on account of its omission from the Register of enams which was made on the assumption of the country by the British, and given to

Granted for the repair of ...

his Sheristadar for a Chutrum, by whose son it is said to have been restored to the son of the original grantee, and the father of the present holder who petitioned to have the enam registered in his name in 1836, but no orders were passed.

NOTE.—*The Board state that the grant was made by this man* member of a Vedantic Institution, *to the grandfather of the present holder who evidently belonged to the same fraternity. The Government do not find grounds for these conclusions. The surname of the grantee merely denotes that he had performed the Yágam or sacrifice called "Pundarika" but not that he belonged to any Vedantic Institution.*

3. The Government observe that (as pointed out by the Board) the Enam was not granted by a Foujdar as asserted at first by the Acting Collector, but was given to the present claimant's grandfather by one Vencateswara Paundareekh Yajee. Now not only is this man's right to the land as enam, wholly unproved but on referring to the grant, the Government find no mention whatever of the land having been Lakhiraj at all and the enam must therefore be looked upon as one granted by Mr. Travers, when he alienated the land for the endowment of a Chutrum in 1802. Under these circumstances the Government direct that the land in question be at once brought to full assessment, as it does not appear that the grantee ever claimed the right of giving it rent-free, the deed merely certifies that an ordinary transfer by gift of one man's possession to another, had taken place, and the omission of any allusion of exemption from taxation probably accounts for the non-registry of the grant. It may be added that, even assuming the right of the grantee to be valid, he had no power to transfer a grant made by the State to himself. But nothing is brought forward to shew that such was the case; on the contrary, the deed of gift executed by the Sheristadar's son, to the son of the grantee, seems to indicate that the grant, as Lakhiraj, originated with Mr. Travers.

4. No. 69 is avowedly* an unauthorized alienation by a Cavalgar and Desh-Mookh, partly of the land which he held as such, and partly of lands which he rented. No hereditary claim to such grants can possibly be admitted, and No. 69 will be resumed at the death of the present incumbent.

* *Vide Translation of the Sunnud.*

(Signed) W. H. BAYLEY,
Acting Secretary to Government.

2/6970

No. 1167.

Extract from the Proceedings of the Board of Revenue, dated 1st April 1858.

In Con. 1st April 1858. Read letter from the Collector of Nellore, dated 30th January 1858,

[Here enter No. 15.]

Read again letter from the same Officer dated 18th July, recorded in Consultation 25th September 1857.

Resolved that the above letters be submitted for the orders of Government with reference to

In Con. 20th Oct. 1857. para. 6 of Extract Minutes Consultation 9th October 1857, No. 1031, R. D.

In Con. 9th Feb. 1857. 2. In Extract Minutes Consultation 29th January 1857, No. 109, R. D., the Enam No. 58 was directed to be resumed as an unauthorized alienation of the former Collector Mr. Travers, but from the information now supplied, it appears to have been erroneously classed among the grants conferred by Messrs. Travers and Fraser. It was originally granted as the Collector states under the Mahomedan Government by the Fouzdar Vencagee, but from the Sunnud, a translation of which accompanies, it seems to have been bestowed by a different person, by one Venctaswara Bundaricayagalú, member of a Vedantic Institution in 1796, to the grand father of the present holder, who evidently belonged to the same fraternity. In Fusly 1212 A. D. 1802-3 this enam was attached by Mr. Travers; because it was not found entered in the enam register, and was subsequently transferred to his Sheristadar on condition that he would build a Choultry on it for the accommodation of travellers. In 1820 however, the Sheristadar's son restored the land to the original grantee's son, in whose family it has ever since continued. Of the validity of this grant, there seems no doubt from the fact of its having been made prior to the period of limitation specified in Section II, Regulation XXXI, of 1802; and as such grants are exempted from interference, the Board concur with the Collector that it should be continued to Ramanjacharlú, grand son of the original grantee, subject to report on the occurrence of a lapse.

3. The enam No. 69 too, was included by mistake among those conferred by a former Collector. The Sunnud dated 1747, declares it to be a hereditary grant and looking upon it as made by a former Government, the Board think it may be treated as proposed by the Collector under the Enam Rules now in force.

(A true Extract.)

S. D. Ames
Secretary.

To

H. FORBES, Esq., *Acting Secretary to Government, R. D.*

Granted for the repair of tanks &c

Extract from the Minutes of Consultation
Under date the April 1858

Read the following Ex. Proc
of the Board of Revenue.

(Here enter 1 April/58 No 1671)

In Nov/56, the Board
of Revenue submitted correspond-
ence from the Coll of Nellore, in
which that officer reported on certa
enams, stated to have been granted
by Messrs Travers and Fraser, for-
mer Colls of that district, and sub-
mitted his recommendations as
to the mode in which they should
be dealt with. Among the enam
included in this report, which we
of various kinds and were identi
by different numerals, Nos 58 an
69 were in Ex: Mins: Cons: 29 Jan
1857, No 109, ordered to be resumed,
former, because it appeared to be
by parties totally unconnected w
the original Grantee, and the latt
which belonged to a class of enam
Granted for the repair of tanks a

Expected

Think the Terms
of Ex is mentioned
in the draft No
& Proceedings but
the Draft is not
to be found
(by mistake)
No 69 appears to be
an ancient Enam

Letters expected
daily

Letters
Dy Sec
No 22.

Revenue Board's
Consn. No 1671
of 1858

Extract from Proceedings of the Board of Revenue

Dated 1st April 1858

Read the following Extract from the Proceedings of the Board of Revenue

Dated 29th Jany 1857

No 109

Read the Report of the Collr of Nellore dated 9th Nov 1856

No 69

Read the Report of the Collr of Nellore dated 9th Nov 1856

Ordered that the Enams mentioned in the Collr's Report be resumed

Extract from the Proceedings of the Board of Revenue

Dated 29th Jany 1857

No 109

Read the Report of the Collr of Nellore dated 9th Nov 1856

No 69

Ordered that the Enams mentioned in the Collr's Report be resumed

Ex to Coll of Nellore 29 Jan 1857

No 69

Colo. Cultivation 628.

channels, because it was thought that the service could be provided for by the Public Works Dept.

On the 25th Sept following, the Board laid before Govt a letter from Mr. J. St. Taylor, Acting Coll of Nellore, dated 18th July 57 No 101, in which that Gentleman reported, in respect to these two inams, that on proceeding to resume them, he discovered that a mistake had been committed in including them among the grants made by Messrs Travers & Fraser, for that they had really been granted by the former Government, but as the Board proposed to report separately on this subject, and had called upon Mr. Taylor for the original documents, the Govt resolved in Ex. Mins: Cons: 9th Sept last, No 1031, to await their report, and in the meantime directed the order of resumption to be held in abeyance.

The Board accordingly bring this matter again to the notice of Govt in their present proceedings, having obtained the original documents, and extracts from the public records, from Mr. Elton the Coll. On referring to para 11 of Mr. Taylor's letter of the 18th July 57, it is observed that he explains that No 58 was a Charity Inam originally granted, under the Mahomedan Govt, by the Foujdar Vencaje, to one Medadow Vinda Vencatachariar, in 1798, but the cause its entry had been omitted from the Registry of inams prepared by Mr. Travers after the resumption of the country by the British Govt, it was attached by that Gentleman in July 1812, or the year 1802, while in the enjoyment of the said Vencatachariar, and was made over by him to his Sheristadar as an endowment to a Chuttrum; that the Sheristadar's son, however, restored it to Krishnamachariar, the son of the original Grantee, and the father of Ramanjachariar the present holder; that this individual petitioned to have the inam registered in his name so far back as 1836,

69 1/10

channels, because it
but that the merits of the case,
which was fully investigated
by Mr Bruhmes, was laid by
and lost sight of. Nobody Mr Say.
has explained to be also a grant of
the former government, having
been assigned by the Rajah Mun-
dapatyoar; and he added that this
owner, as well as the other, was
fully supported by deeds of ancient
date and the public records.
These papers are now before the Sort,
who remark, as pointed out by the
Board, that in respect of No 58,
the Summud declares the grant
to have been made, not by the Major
Sundries, but by one Veeabasawa Bom-
baraja, a member of the
same religious patemity as the grantee.
The Summuds however on which the
claims are held, have both of them
every appearance of validity, and
are of ancient date. The Sort are ac-
cordingly pleased to accept the re-
commendations of the Board, and
authorize the continuance of the
grants to the present claimants,
subject to reporton lapse.

Ent
Ent 10 April

Extract from the Minutes of Consultation
the 11th May
under date the April 1858

Read Extract from the Proceedings of
the Board of Revenue dated
1st April 1838 No 1167.

1. On 27 September 1857. the Board of
Revenue laid before Govt a letter
from the Acting Collector of Bel-
lore dated 18 July 1857, in which
that officer reported, in respect to
two Inams which had been adver-
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a mistake had been made in
including them among the grants
made by Rept Travers and Fraser
and that they had really been
granted by the former Govern-
ment. The Sort accordingly
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report promised by the Board,
and in the meantime direc-
ted the order of resumption

should
the held in abeyance.

2 In their proceedings above recorded, the Board bring the matter again to the notice of Govt; and submit the original documents (with translations) on which the Inams are claimed. Matters from Para 117 Mr Taylor's letter of 18 July 57, that No 58 was an Inam originally granted under the Mahomedan Govt by a Tanjdar, & one V. Venkatachariar. in 1798; but that it was attached by Mr Travers in 1802 on account of its origin from the Repute of Inams which was made on the assumption of the Country by the British, and given to his Shenistadar, by whose son it is said to have been restored to the son of the original Grantee, & the father of the present holder. who petitioned to have the Inam registered in his name in 1836, but no orders were passed.

3. The Govt observe that as pointed out by the Board, the Inam was not granted by a Tanjdar as stated at first by the Ag. Collector, but was given to the present claimants grandfather by one Venkateswara Pandaracha-

yajee. Now not only is this mere right to the land as Inam, wholly unproved but on appearing of the grant, the Govt find no mention whatever of the land having been Sarkiraj at all and the Inam must therefore be looked upon as one granted by Mr Travers, when he alienated the land for the Endowment of a Chatrum in 1802. Under these circumstances the Govt direct that the land in question be at once brought to settlement, as it does not appear that the grantee ever claimed the right of giving it rent free. The deed merely certifies that an ordinary transfer by sale of one mans property to another, had taken place, and the omission of any allusion of

Note - The Board state that the Grant was made to this man Member of a Vedantic Institution, & the Grandfather of the present holder who similarly belonged to the same fraternity. The Govt do not find grounds for these Conclusions - the Surname of the grantee merely denotes that he had performed the Yagam or Sacrifice called "Pundarika" but not that he belonged to any Vedantic institution

6970

exemption from Taxation probably
accounts for the non-registry
of the grant. It may be added,
that, even assuming the right of
the grantor thereto existed, he had
no power to transfer a grant
made by the State to himself.
But nothing is brought forward
to shew that such was the case;
on the contrary, the deed of
gift executed by the Hereditary
Chiefs Son, & the Son of the Grantee,
seems to indicate that the
Grant, as taking, originated
with Mr. Travers.

4. No 69 is avowedly an
unauthorized alienation by a
Caoalgar and Deskmorkh,
partly of the land which he held
as such, and partly of lands
which he rented. No hereditary
Claim such grants can properly
be admitted, and should be
examined at the head of the
present inquiry.

No 69
should be
examined at the head of the
present inquiry.

W.K.
April 11.

C 22 April 1828

3 Chiefs & No 2 Deputies
with 7 Enclosures

Vid. Translation
of the Summons

Quebec 1868
Conc: 11th May

No 69

Extract from Minutes of Council
Dated 11th May 1858

Directing that Mr Commissioner Vankoughnet do call upon
Messrs Wallace & Gill to produce the original
Grant, or a certified copy thereof, under the Great Seal
of Canada, mentioned in the petition of the Chiefs
of the Caughnawaga Indians, and that
upon the production of such Grant, or copy thereof,
No 69 (Lots [illegible] in the Seigniory of Laprairie)
be reported by the Commissioner as a valid
alienation of the Crown, and that
the Chiefs of the Caughnawaga Indians
be informed that the Grant is
valid.

No 69

69 70