M.R.O. 14–5,450—22-10-25.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial
~~Public~~ DEPARTMENT.

~~G.O. No.~~ Back No. 37-38 Press ~~Mis.~~

Dated 13th January ~~186~~ 1857

Not to be folded or roughly handled

JUDICIAL DEPARTMENT.

No. 59.

Extract from the Minutes of Consultation under date the 13th January 1857.

Read again letter from the Agent to the Governor of Fort Saint George at Vizagapatam.

Forwarding the Appeal from the Agent's decision in review of O. S., No. 78 of 1848, of the Agent's file, brought by Vyrecherla Jugganadahrauze for the recovery of the Coorpaum Zemindary. } (Dated 17th October and recorded in Diary to Cons. 11th November 1856.)

Read also the following Petition from Vyrecherla Jugganadahrauze.

Submitting a Supplement intended to be attached to the regular Appeal already forwarded through the Agent at Vizagapatam. } (Here enter 4th November 1856.)

Ordered that the Decree passed by Government on the above Appeal be forwarded to the Agent to the Governor of Fort St. George at Vizagapatam, for the information of Vyrecherlah Jugganadahrauze.

(A true Extract.)

(Sigd) T. Pycroft

Chief Secretary.

1838 – Orders thereon No. 59/13 Jan 57

Exd. J. A. Wilson.

t of Parwook

Complaint

D. H.

Petitions

No. 2491 of 1856

From Stree Vyrucherla Jagun=nadarauze Bahadur Appellant Plaintiff in No. of 1856 on the file of the Government agents Court at Vizagapatam

This is a supplement intended to be attached to the regular appeal already before the Right Honorable The Governor in Council from the Decree of the agent at Vizagapatam in the matter of the Coorpam Zemindary

This may be put in the bundle when the Record of the appeal is sent up for orders — The appeal petition was in Teloogoo & sent to the Govt Translator for translation

Delivered to the [illegible]

Petitioner is informed that his appeal from the Decree of the agent at Vizagapatam is now before the Government & will be disposed of in the regular course.

D.F.C

No. 2496 of 1856

From Rungen Shungra narayanen Vishna nathun brother & Vakeel of Soobben Velliyappen of Puttan Maden at Yanamullore Provinthy of Maathoopay Defendant in Udalut case No. 51 of the year 1021 in the Zillah Court of Parwoor Travancore.

Complains

Petitions from Vakeels are not recognised by Government

D.F.

Complaint of certain orders of the appeal Court in Travancore in the matter of a Suit in which the individual to whom Petitioner acts as Vakeel, was a party.

No. 2402 of 1856

From Teroo Chedambara moodely Woomadewar for Pleadership in the Court of Sudr & Foujdaree Adalut.

Prays that Government will give orders that the rules in respect to the appointment of persons to the office of District moonsiff may be strictly enforced.

To be lodged under of the Petition Rules

D

No. 2492 of 1856

From Mr. John Fredrick Anderson late auditor in the Civil auditor's office.

Prays for further review of his case.

To be Lodged un 4 of the Petition

D.

No. 2494 of 1856

From Cuppoo moodeliar of Perambore.

altogether unintelligible as are all former petitions from the same

To be returned to Petitioner ~~per applyapplication~~ any further petitions or applications will not be noticed.

D. Carmichael
Dy. Secy. to Govt.

Fort St. George
13th November 1856

The poor man is harmlessly mad & is made quite content if his Petitions are returned to him

HUU

Vakalat executed by V. Jagann
Bahadur in favor of
Bapanayya Naidu

[illegible]

Endorsement on the
Petitions No. 2496-2502-
2492 & 2494 of 1856

Dated 13th November 1856

A 401

C 10th Novr 12.13

Appeal —

1st Asstt Collr

[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

[illegible]

[illegible]

6

Appeal petn presented by A. Bapanayya, Vakil for V. Jagannadharazu Bahadur

[illegible]

[illegible]

7/265 N 14

R Cunliffe
Ag Collr

No. of Paper	Value of Stamp	Name of Purchaser	For whom purchased	For what purpose	Date of Sale
1/6	R P 4 a 6	~	J. Baupaniah	For Appeal Petition	1st Novr 1856

E Calatee Pillay
Agt to the Collr
of Madras

Judicial Department

No. 59

Extract from the Minutes of Consultation
Dated 13th January 1857

Read again letter from the Agent to the Governor of Fort Saint George at Vizagapatam.—

Forwarding the Appeal from the Agent's decision in review of O.S. No. 78 of 1848 of the Agent's file brought by Vyrecherla Jugganadahrauze for the recovery of the Coorpaum Zemindary.

Dated 17th October and recorded in Dy to Cons: 11th November 1856. No.

Read also the following Petition from Vyrecherla Jugganadahrauze.

Submitting a Supplement intended to be attached to the regular Appeal already forwarded thro' the Agent at Vizagapatam.—

Here enter 4th November 1856.

Ordered that the Decree passed by Government on the above Appeal be forwarded to the Agent to the Governor of Fort St. George at Vizagapatam for the information of Vyrecherlah Jugganadahrauze.—

D. F. C.

Printed Copy to the Agent to the Govr. of Fort St. Geo: at Vizagapatam

6

2 1

[illegible]

71265 N 15

Cunliffe
By Collr

No. of Paper	Value of Stamp	Name of Purchaser	For whom purchasing	For what purpose	Date of Sale
15	R. P. 4 " 6	~	J. Baupaneah	For Appeal Petition	1st March 1856

Elalatee Pillay
Agt to the Collr
of Madras

[illegible]

71265 N16

R Cunliffe
Ag Collr

No. of Paper	Value of Stamp	Name of Purchaser	For whom purchased	For what purpose	Date of Sale
16.	4 a 6	~	J. Baupaniah	For Appeal Petition	1st Novr 1856

E Calatee Pillay
Agt to the Collr
of Madras

8

1

౪ 4

[illegible]

71265 No 17

W Cunliffe
Ag Collr

No of Paper	Value of Stamp	Name of Purchaser	For whom purchased	For what purpose	Da of Sal
17	R 4 a 6	—	J. Baupaiah	For Appeal Petition	1st Nove 1856

E Calatee Pillay
Agt to the Collr
of Madras

9

5

[illegible]

7 1265 No 18

Ag Collr

No of Paper	Value of Stamp	Name of Purchaser	For whom purchased	For what purpose	Date of Sale
18	4 „ 6	„	J. Bauponiah	For Appeal Petition	1st Novr 1856

E Palatee Pillay
Agt to the Collr
of Madras

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[illegible]

71265 N 19

R Cunliffe
Agt Collr

No. of Paper	Value of Stamp	Name of Purchaser	For whom purchased	For what purpose	Dat of Sal
19	Rs. P 4 a 6	~	J. [illegible]	For Appeal Petition	1st Novr 1856

E Calateerpillay
Agt to the Collr
of Madras

Indd 24/10/1858

[illegible] 1857

11

The Right Honorable the Governor in Council of
Fort St. George

The humble representation of [illegible]
Row Bahadur Appellant in the appeal
against the Civil Decree No. 78 of 1848
passed by the Court of the Governor's
Agent in the Zillah of Vizagapatam.

Most respectfully Sheweth,

1. That your Representator after having lodged a Suit in the above Court regarding his claim to the Zamindary of Cooroopam for a period of 13 years and having found no redress resorted at last to your Lordship in Council in firm hopes of obtaining Justice, and accordingly fortunately for him your Lordship in Council after having condescended to take the pains of perusing the whole of the documentary evidences (touching) his case was pleased to recognize your Representator's claim as reasonable & lawful and a minute was accordingly passed by your Lordship in Council under date the 17th Febry last.

2. Altho', that the above minute sanctioned

the

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the restoration to your Representator of the Zemin
yet it having at the same time declared that
restoration should be made after a re-inquiry
of the Case by the Agent at Vizagapatam; Your
Representator is now totally in despair of its
restored into its possession, as that functionary
& his official underlings have equally taken warm
interest in the case in the behalf of the defendant
by reason of their standing in the place of guardian
& who in consequence properly come under the head of
Departments. In proof of this your Representator
to insert that the said officials are already trying
best to divide the Zamindary, or if practicable to
deprive your Representator at once of its possession

3- That, this long delay of 13 years which has
already taken place in the suit has not been owing
to any insufficiency of the grounds of the cause
want of evidences both documentary & personal, as
your Lordship in Council may have been well
aware by the just & due enquiry already made by
your Lordship in Council, but chiefly owing to
the great & warm interest which the Agent himself
& his officials take in the ~~cause~~ case of the Defendant
and as long as the case is to be finally decided
under the superintendence & authority of the
Agent

Agent there is not the least ray of hope of its being
immediately settled. A number of years perhaps
are to elapse, before a decision is given, when in
all probability considering what has been hitherto
the fate of the case, it may be reasonably
expected that it will assume a new aspect &
involve endless difficulties.

4- That your Lordship in Council has already
been satisfied as to the goodness of the cause &
recognized your Representator's claim to the
Zamindary. Besides this the decree of Mr Robertson
in the 43 Para has also met your recognition in
the event of your Lordship in Council being
pleased still to entertain any doubts as to
the merits of the case, your Representator begs
most respectfully that a refer may be made to
the documentary evidences of the respectable & aged
individuals marginally noted, whose evidence in considera-
-tion of their respectibility & their having been eye
witness of the case from being to end may be relied on
Thus in the absence of any proof to the unfairness
of the claim of your Representator & in the face
of several proofs to the contrary, should it still
be the pleasure of your Lordship's Council to
have

1 The Zemindar of Volgam
2 Do — Do — Andra
3 Do — Do — Maurunge
4 Do — Do — Poochepentah
5 Seetummah the wife of Veechela Sooryanarauze the elder aged 75 years
6 Veerummah the wife of Veechela Seeoosaramrauze aged 70 years
7 Soobummah the wife of Saloorchela Gunyarauze aged 80 years
8 Vendee Cauntaroyoo the Priest of Zamindars of Coorooparn aged 75 years
9 Soonuah the Priest of the Zamindar of Maurunge aged 50 years
10 Soobookee Balaram Pautroodoo aged 84 years
11 Dasarasee Putnayadoo the Village Curnum aged 60 years
12 Buzzam Hurkristna Putnayadoo aged 70 years
13 Goolla Gooriah Patroodoo aged 69 years
14 Vaeesapoo Appunnaidoo Mokha-sadar to the Village of Coorooparn Talookah aged 56 years

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Sabala Apparoydoo
Mokhadoor to the Village
named Poolayummah
Coorrospaum Talookah
aged 60 years

The above evidences have
already witnessed fully
in this Case according
the usual manners of
the Castes & of Countries

have the case settled under the authority of the Agent your Representator begs to assure your Lordship in Council that there is no probability of a final decree being obtained easily for reasons stated in the preceding para, & the few surviving witnesses may not live to prove the case by the time it shall have been settled. Several connected with this case have already found their way to their graves during these 30 years.

5. That the allowance of Rs 250-0-0 per mensem granted to the Defendant in the shape of maintenance allowance has greatly tended towards his securing the influence of all the leading men in the Agency & has been the sole cause of the protracted process of the Suit, & as the Defendant is not in any way entitled to the boon Government may reasonably discontinue the allowance more properly as his claim upon the Zamindary has not hitherto been in any way or in any decree acknowledged, and as the Claim now laid has been almost proved to be illegal.

6. That in the conclusion, of above all evidences which your Lordship in Council has already taken the pains of perusing, there is a letter written by Zamindar of Jayapooram to be found on the Records of the Office of the Agent, & that a reference hitherto will fully satisfy at once Your Lordship in Council as to the goodness of your Representator's claim, and that the Defendant has not at all & in any way the slightest claim upon the Zamindary.

7. Your Representator begs to enclose the Original and Translation in English of an Arzee presented to the Agent at Vizagapatam on the 2nd October 1853 and his endorsement dated 18th November 1853, by a number of 211 individuals comprising Veechirla Seetummah & other nearest Relations & Members of Coorrospam Zamindary family, Landholders and Lairnoms &ca. this as well as the documentary evidences given by the respectable and aged [illegible] inhabitants [illegible] the 23rd [illegible] the Petition clearly [illegible] your Lordship in Council, your Representator's just claims to the said Zamindary [illegible] to the prevailing customs & usages on the [illegible] Zamindars.

8. With the above humble representation of his case your poor Representator most respectfully prays your Lordship in Council to alter the [illegible] of the 27th February last, & pass orders for the restoration of the Zamindary to your Representator independently of any further investigation in the Agent's Court and without his

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no interpretation at all

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And your Representator as in duty Bound Shall Ever Pray.

Vakeel

Messrs. Perumaul
5 Moody Street of
Persewaukum Pettah
Door No 14
3 April 1855

2/
5.1679/92

1 No. 953 of 1855

No 9 of 185
Para 10.

From Jugganadarow Bahadur appellant in No. 78 of 1848 on the file of the Governor's Agents Court at Vizagapatam

Dd. 3 April /55.

~~[illegible]~~ Referring to his previous petitions and orders of Govt. thereon dated 17 Feby. last. prays a modification of the said orders and restoration of the Zemindary of Corrospum on further investigation

Returned under para 4. of the Petition rules with reference to the orders of Govt. on Petitions Nos. 1570 - 1893 - 2100 and 2559. all of 1854.

[illegible]
Ch. Sec. to Govt.
Fort St. George.

4
Sub. No. 2491 of 1856

J 1857 D
Dn No 56

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14

To

The Right Honorable the Governor in Council of
Fort Saint George

The humble representation of Jugganadarow Bahadar. Appellant in the appeal against the Civil Decree No 78 of 1848. passed by the Court of the ~~Gover~~ Governor's. Agent in the Zillah of Vyzagapatam.

Most Respectfully Sheweth,

With sentiments of profound respect and submission Your Petitioner most respectfully begs leave to submit for your Lordship's serious and favorable consideration in Council the following particulars in the humble hope that his case will meet with such redress as it truly deserves at your Lordships hand.

Your Petitioner had on 3 and 19th April last represented to your Lordship in Council that he cannot obtain justice at the Agents Court in case of its acting up to the extract of your minutes of consultation forwarded on the 17th February last.

Your Lordship in Council instead of taking the circumstances set forth in his petition into your mature consideration returned it to him with reference to the 4th Para of the Petition Rules which he humbly begs to state deprived him of the encouragement which he is entitled to, from such high Quarters.

Your Petitioner begs to submit that the Petition Rules upon which his petition was returned, do not at all apply to your Petitioner's Case at issue in as much as all appeals arising from the decrees of the Civil Courts refer to Judicial Regulations.

Your Petitioner sees sufficient reason for disposing of his case by your Lordship in Council agreeably to the 5th Rule 16th Section of 1802 of the

Appeal Regulations and he respectfully submits that on the face of such grounds, it is unjust that his case may be referred to the Agent's Court at Vyzagpatam for decision which is against him.

The Agent is guardian to the Defendant consequently he evinces a great desire in promoting his welfare. He entertains a great hatred towards your Petitioner for the reason of his having formerly carried on Suits for making him (the Agent) one of the Defendants. He is a Gentleman of extraordinary abilities. He does not feel disposed to recognize your Petitioner's lawful claim to the Zemindary, not having a good opinion of him. He can dispose of Petitioner's Case as he thinks proper, possessing, as he does a superior genius. Should he attempt to throw any obstacle in the way of Petitioner's Suit, it is impossible that justice can be meted out to him. Your Petitioner's Suit is under investigation for the last Thirty Five Years and it is Fourteen years since he has been invariably prosecuting it [illegible] degree of hardship with respect to these Agencies. He therefore fears that in case of any further impediment being thrown by the Agent he will hardly obtain redress to his grievances. It is a practice observed in Civil Courts, that cases similar to your Petitioner's involving in peculiar difficulties may be tried by other Judges. At Chicacole which is nearer to your Petitioner's litigated Zemindary than to Vyzagpatam, there is a Session Judge and your Petitioner earnestly prays that either thro' the above Officer, or the Agent at Ganjam his case may be tried de-no-vo. reserving at the same time, the power of decision to Govt. Should the Government not feel disposed owing to petitioner's greatest misfortune to comply with the above request, he fears that a great injustice may be done to his case by the Agent at Vyzagpatam. by reason of his not being a friend to the Petitioner, as he already brought to your notice. consequently he prays that the Governor in Council will give it their favorable consideration.

Seven months have already elapsed since Government entered their Minutes of Consultation for the reinvestigation of your Petitioner's case by the Agent at Vyzagpatam, but nothing of the kind has as yet been commenced. Your Petitioner is led to suppose from the delay which the Agent thus allows to take place in carrying out the injunction of Govt. that further orders are necessary to induce him to do so. He therefore prays that the Governor in Council may be pleased to issue orders to the above Agent to proceed forthwith to the investigation of Petitioner's case & pass his decree thereon.

Your Petitioner has taken the liberty of frequently urging the matter upon your attention since there being no higher Authority than Govt. for which, he humbly trusts that he may be excused.

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Madras

To

The Right Honorable the Governor in Council
&ca &ca &ca

Fort St. George

The humble Petition of Verecherla
Juggunnada Rauze Bahadur appellant
in Civil Decree No. 78 of 1848. of the
Government Agents' Court of Vizagapatam.

Most Humbly Sheweth,

In most respectfully presuming to submit this Petition to the benevolent & judicious consideration of your Lordship in Council, your Petitioner solicits for pardon special attention & protection.

Government, again referred your Petitioner's Case to the Agent for his retrial & disposal, while it had already undergone a thorough & minute examination in all its bearings. By such retrial, your Petitioner begs to urge that it will only cause vain labour but do no good. Mr. Robertson has given him a point to prove the usages of the caste & country regarding the rights of the natural Iſsues of the Zemindars, which point, he fully substantiated by 15 witneſses of old respectable & responsible persons, of which usages, Petitioner adduced several instances, but as the Agent had paſsed his Decree based on only one point viz. your Petitioners birth, the above proofs were omitted to be entered therein, although the Agent in the above Decree admits the prevalence of such usages of the caste & tribe of the Hill Zemindars with regard to the right of the inheritance since there are such strong proofs & instances, it would not be just to cause a reinvestigation; As by so doing no advantage will accrue but will prove just as much beneficial as is derivable by pouring water in a glass already filled. Under the impression that in case the Zemindary is not put in your Petitioner's possession, it might perhaps occasion a loss of the name of his caste & tribe of the Zemindary, the whole of his family relations & people in the country have from the commencement of this suit continued to represent to the Authorities of your Petitioners just & legal right, to it & in elucidation of the same he adduced several proofs & instances, & your Lordship in Council also have in Extract Minutes of Consultation dated 17th. February 1855 observed similar other instances which he begs to assure are quite sufficient to enable your Lordship to pass your personal judgement without further interference of the Agent.

2. This suit was originated at first in 1820, but has been in agitation particularly from the last 14 years, during which period after enduring much labour the Case came to an end. Should your Lordship not deem fit to set the matter at rest by an early adjustment, your Petitioner fears it can hardly be expected to do so for many years to come. The Case has now arrived at maturity after being continued so long in process of law. By a reinvestigation it will only revive it anew the time hitherto passed under litigation was the most tedious he experienced as every day was like a year, Your Petitioner is unable to suffer such inconveniences any longer, his case stands in the same predicament as that of a Woman totally disregarded both by her parents & her husband, such injustice should not have taken place in your Lordship's enlightened Government. In fact the order of Government subjecting the Case for retrial & disposal by the Agent leads to loss of much more time than what is already past, as well as to prolong unnecessary correspondence & endure vain labour as particularised below, Your Petitioner therefore solicits Your Lordship will from the proceedings already recorded in this matter, be pleased to arrive at a just & legitimate conclusion in recognizing your Petitioners right to the Zemindary—

3. In the event of the case being retried a decision cannot be expected unless one or two years are elapsed, & the decision so passed must be an original one, from which an appeal will be made by any of the parties to Governm & as for passing an appeal Decree another two or three years will be taken up, thus making a period of 4 or 5 years in all. Your Petitioner cannot obtain justice if your Lordship will now be pleased to pass your impartial judgement it will be considered as final & conclusive rendering further appea unnecessary thereby he will be restored to peace safety & comfo,

4. The Agent is guardian to the Respondent & he is much disposed towards his favorable interests consequently, it is necessary to join the Agent as a party with the opponent for which your Petitioner applied to Government to point out a place of justice for his prosecution, in reply your Petitioner was advised to exclude the Agent from so doing, & to prefer the suit in the Agent's Court, this instruction, Petitioner deeply regrets to state, is quite repugnant to reason & justice, it is therefore left to your Lordship in Council to consider how far it would be justifiable to refer the case again to the Agent who to favor the opponent has done no justice (altho, he is fully aware of the validity of the Petitioners claim) and

against whose decision an appeal is made to Government.

5. Mr. Arbuthnot was Agent of the Northern Circar Vizagapatam in the years 1840-41. 44- & 45 & Mr. Smallett in the years 1842-43-46. 47-48-49 & 1850, & whom the former falsely reported to Government that your Petitioner's Case was rejected, notwithstanding the latter mentioned Gentleman is fully aware of the above injustice but he rendered no justice, inconsequence of which, Petitioner applied to Government Board of Revenue & Court of Suoor Audalut for orders to have the abovementioned both Gentlemen joined as parties with the Opponent. Mr. Smallett has now again been appointed as Agent who will never forbear having jealousy towards the Petitioner touching the former transactions, under which circumstance, his case would equally meet with the same fate as that of one who takes medicine from a prejudiced Doctor this is a material subject to be decided by your Lordship in Council free of others interference in this matter-

6- That from the year 1841 to the end of 1853. your Petitioner's Case has suffered much & met with repeated injustices by the Agent, but after the lapse of much time & on appealing to your Lordship in Council the case has now came to some perfection, he solicits therefore that your Lordship will consider the propriety of allowing him to enjoy his just & legitimate right to the Zemindary free of any further loss of time or injustice being done by the Agent or subjecting the case to the disposal of the only Agents who are the chief obstacles in the way of his gaining his right-

7- Seetharama Rauze (who by mother side, was the grand father of the Respondent) has deprived your Petitioner his right to the Zemindary to which that individual cannot prove the most distant claim nor is the Respondent a legal heir or representative of that person, but he is the issue of the daughter of (Seetharama Rauze) who married a woman of a different Caste. The Respondent has no right of either Caste or tribe of Coorocpam Zemindar, he made away much money from the state at 250 Rupees per Month, to recover which sum from him your Petitioner sees no means but by allowing him to continue enjoying this amount would prove great loss to your Petitioner, he therefore trusts that orders be given to stop the same. On consideration there appear many difficulties of like nature which your Petitioner is unable to bear any longer, As your Lordship is Superior of all Tribunals under Government & well distinguished for upright & impartial administration of justice by restoring the oppressed & aggrieved parties to the enjoyment of their legitimate rights which by the perverted & diverted order of the local executive authorities were enjoyed by persons possessing no claim whatever, it rests therefore with your Lordship to compassionate your Petitioner's distressed state of life, In your Lordship's personal adjudgement of this case you will not find much labour, a mere reference to the depositions given by the witnesses on his behalf will be quite sufficient to enable your Lordship to fully recognize his right. If your Lordship considering this little ~~labour~~ trouble entrust the Case to the disposal of the Agent your Petitioner feels reluctance to state that he will have to suffer long many more difficulties than those hitherto passed-

8 Under these circumstances & as Government is always ready & prepared to adopt early measures towards in settling claims of like nature which are submitted for

its disposal) from an impression that any delay in so doing tends rather to expose parties to distress & annoyance than being relieved. He therefore begs that Your Lordship will consider the propriety of an early adjustment of this Case, which from a long time has endured much difficulties.

9. In conclusion your Petitioner humbly & respectfully solicits your Lordship in Council will, in kind & judicious consideration of the foregoing circumstances & those enumerated in his Petition submitted under date the 3rd Instant, be moved with feelings of Compassion to pass Your Lordship's judgement on his Case thereby relieve him from the impending difficulty and distress.

For which act of Justice & equity your Petitioner as in duty Bound

Shall Ever Pray.

Inala Bapaniah
Vakeel

Madras. Peddoo Naick's Pettah
Peroomaul Moodaly Street Door
No. 17
19th April 1855.

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5167 9/52

Jud. Eng. No. 31 March 29
of 1857 Para 10.

Returned under para 4. of the Petition Rules: with reference to the orders of Govt. on Petns. Nos. 1570. 1893. 2100. and 2559. all of 1854. and on the same subject. [illegible]
Fort St. George. 5th Secy. to Govt.

B

No. 1074 of 1855.
From [illegible]
[illegible]

Memorandum

Enclosed are the reasons for the Appeal Petition already presented on Stamp papers of the value of one Thousand Rupees to the Government Agent at Vizagapatam on the 2nd October 1856 for transmission to His Excellency the Right Honorable the Governor in Council of Fort Saint George.

Ent. No. 2191 of 1856.
2.

Eng. 9th March
No. 9 of 1857
Para 10.

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To,

His Excellency
The Right Honorable
The Governor in Council
&c. - &c. - &c.
Fort Saint George

My Lord,

Appeal reasons submitted by Stree Vyrecherla Jagan
Bahader Appellant Plaintiff in No. of 1856.

That, I preferred a suit in No. 78 of 1848 regarding Coor
dary and its estates &c., which the late Agent Mr. Robertson dismissed on refe
Durma Sastras, on which I appealed to Government, who passed Minutes of Consu
17th February 1855 stating that Hindoo Durmah Sastras will not be applicable
appertaining to the right of my heirship, and directing to pass decree on careful investig
made of the ~~usage~~ of this Country, Caste, and the Old people residing in the Cooroopam
the present Agent Smollett Esqre. again filed this suit in No. 41 of 1855 and on his or
he having dismissed it persisting ~~himself~~ in the false adoption of the late Seetaram
invalid possession and enjoyment obtained by him and his widow Soobadrummah
illegal heirship of the defendant, I submitted this appeal again reasons of which ar

1. The dismissal of my suit by the Agent touching points w
not regarded in the first enquiry by the late Agent Mr. Robertson, and in the appea
Government is opposed to the opinion expressed by several Authorities. In the m
last, the Agent came to Parvatipoorum sent for and enquired of about 100 old
in the Cooroopam Zamindary in question, who unanimously declared that
of the undivided younger brother of the late China Sunneasy Rajoo, who ob
Cowl to the above Zamindary, and that in my caste, and in this Country, it is
men of my description possess right of the Zamindary, but the mention made by th
recording their evidence in view to effect his decision in favor of the 1st defenda
enquiry was made in consequence of the witnesses on both parties having in
regarding the usage of the Country and Caste, is very strange.—

2. I have strongly proved that, before the death of my
Seetaramarajoo was never adopted, he was the only son begotten by illegal
person of 19 years old, and being married could not have been eligible for a
father Pedda Sunneasy rajoo forged documents to shew as if adopted, and tha
~~Somarajoo~~ Seeraramarajoo adopted a Calinga Comety woman as his wife by putti
of flowers, to the both of whom, myself and my younger brother Somarajoo were bo
by the usages of the Country and Caste, we are heirs to my great uncle. In order

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option of Seetaramarajoo may appear to be true, his father got the reasonable report
Ameen dated 3rd April 1820 to be destroyed, and substituted it by Another, which he
and filed with the records by the assistance of the Cercar Servants, On a comparison being
e at my request by the Agent Mr Robertson of the signature to the report with that of other
munications of the Ameen, the signature was found different from that of the Ameens,
which report is the Voucher marked B filed on behalf of the defendants. Government
ecognized the fact of our being born in the family of the Coorooparn Zamindary. The
es of the Zamindar, Caste people, Merasedars, Servants, Priests and the Belgam Zamin
are witnesses on my behalf, and about 100 old persons also gave evidence, no such credita
nd vast number of witnesses are on behalf of the defendants. As there can be no
to my great uncle for adopting any one, while myself and brother are surviving,
n if really has taken place too, cannot be valid. I objected, representing these
y Reply, that Seetaramarajoo was not worthy of being adopted, which the defendants
f means to oppose ~~some~~ in their Rejoinder remained silent. documents marked
r the defendants shews that Seetaramarajoo was of 19 years old, his forthwith delivery
ion of the Estate by the Government is a proof to it. On occasions of marriages of the
in the Zillah of Vizagapatam, and of their giving birth to sons it is usual to
writing such circumstances to the Collector. If Seetaramarajoo was married subse
ly the defendant did not produce such writing. In the last order passed on the
nuary 1821 to deliver Seetaramarajoo in possession of the Coorooparn Zamindary the Boar
evenue having observed that claimants should prefer Civil suit and obtain justice, it
orm no ground to think that they approved of the adoption. Notwithstanding the Agent is
at the Board of Revenue did not take into consideration the fact which appears by the
ree that myself and brother the sons of my great uncle's brother are living but the
by the Agent that Government upon much enquiry delivered the State to Seetarama
consistent with reason.

In the year 1820, when my great uncle died, the whole of the people
my father's families were all females excepting myself and my brother all of
case, have admitted the fact of our being then minors. Seetaramarajoo and his
to usurp the Zamindary in question, Seetaramarajoo's uncle Neelacunta
n Ramarajoo raised objections of Seetaramarajoo's adoption, while the
e can be no more surprizing than the writing of the Agent, that the whole
the family have concurred to Seetaramarajoo's possession, tho' others agreed
lebar my right.—

In the year 1830, I was in my seventeenth year's of Age, however,
laiming for the Coorooparn Zamindary and its estate, Seetaramarajoo's widow
nmah held out hopes and promises that sanction will be procured in my name
Zamindary but owing to minority my suit was not then publicly brought forward.
year 1834 I endeavoured to prefer a suit which Soobadramah understanding assured

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me that Talook will be delivered to me, and gave me some money for the liquidation of my debts
and in the year 1841 she died, since which time, I presented Petitions to Mr Arbuthnot regar
my right as per Memorandum marked **F** filed on my behalf, but that Gentleman did institute no
enquiry, I solicited Government by means of urzees, Mr Arbuthnot wrote to me in 1844 a lett
as per document marked **G** filed, intimating, orders were passed that in the absence of a Civi
decree, there is no way to exempt the 1st defendant, I presented a motion to the Sudr Court requ
ing them to point out a place where I could lodge my suit including the above Functionary,
the Court in their proceedings have ordered that I should do it in the Agent's Court excluding th
Gentleman, on which I brought the suit in Forma Pauperis, which Mr Arbuthnot did not a
In 1848 I commenced this regular suit. By saying that Soobadramah informed to the Reven
Authorities of the 1st defendant to be her heir, he cannot be so. From time immemorial it is cu
mary among the Hill Caste people of adopting women of all castes, excepting those of the lower
castes Viz! Washerman and Barber &c, as their wives by putting wreaths of flowers, and the so
begotten by those women are united in their fathers' Castes and become their heirs. the usages of
the Country and Caste are of various sorts and they continue as such from a great length of time
In Section 16 Regulation 3 of 1802, and in Act No 3 of 1843, it is prescribed that these usage ar
worthy of being confirmed, according to which, the Authorities in all places pass decrees. The
Court of Suder Adaulet passed decrees in Nos 13 and 14 of 1813, 11 of 1816, 14 of 1817, and 8 of 1821, to the
effect that certain Zamindarees should, according to the usage of the Country Caste, be enjoyed
of succession from seniority, the Agent without considering so far, whatever he may have argued agains
the Regulations and the Court's decrees that my Hill Zamindarees are boundless, it is of no utility
In the two Cases referred to in the 9th para below, the Agent admitting the usages of the Country an
caste, conducted his proceedings accordingly. By the Pedegree forwarded by the Coorooparn Sufly
Ameen in 1820, and by that attached to the Agents decree, and by the evidence of the Witnesses, it
is quite evident that I am close relation to my great uncle, and that Seetaramarajoo is a distant
cousin borne to a dancing woman. The 2d, 3d, 4th, 5th, 6th, 9th, and 10th Witnesses on my behalf
have declared the admission of my suit by Soobadrummah at several times. these proofs are convin
with clause No 4 Section 18 Regulations 2 of 1802. Moreover the lateness of time is naturally not att
table to the suits appertaining to Cousins, this circumstance is confirmed by the Court of Suder Ada
which Mr Robertson also had agreed to, whenever the parties prefer such suits, the Authorities
and dispose them. Furthermore in pages 21 and 22 Volume 2 of the Hindoo Law by Sir Thomas
Strange and Chapters 11 and 12 of the Mahomedan Law by Mr McNaughten, it is prescribed
tha [illegible] her [illegible] in land, tho' enjoyed unlawfully by any one for any length of time, should, on
discovery, be made over to the lawful claimant cancelling such unlawful enjoyment, this opin
appears also in Section 8 Regulation 31 of 1802, which Section was introduced regarding land
belonging to Government, however, when it becomes a matter of question claim or whether or no
[illegible] plea [illegible] were
attached

ght of a lawful claimant of landed properties ceases by the unlawful enjoyment of illegal heirs, the
easons of the alleged regulations will not go without making use in the cases of other parties also—
overnment considering these reasons delivered the Tanjore State to Surbojah Maharajah as would
ppear in the latter part of the document marked **E** filed on my behalf. The sanctions of Govern-
ent are changable in the Courts of Justice—Notwithstanding the Agent admitted that no doubt
lt of my entitling to the right of the State in question from the circumstance of my great uncle
ing had no son, but the allusion he made use of that my claim is not such as to reverse the
validated possession and enjoyment of Seetaramarajoo and Soobadramah is ~~not conso~~ quite repug-
ant to reasons, stipulations, and Court's decrees.—

Supposing the adoption is confirmed but according to the usage and successive
ht of enjoyment from seniority, I alone become heir to Seetaramarajoo, this will be manifest on
ference to the documents marked **C** and **D** filed on my behalf. The 3rd defendant is a mean
erson by birth in Mooka Caste, to whom Soobadrummah having given her daughter the 2d defendant
marriage, my Hill caste people have excommunicated the 2nd defendant from my caste, the 1st
fendant who is born to the 2nd and 3rd defendant cannot be a legal grandson to Seetaramarajoo
ther by the usage of the Country and Caste, or by Sastras, or by any other—Neither did the Collector, nor
e Board of Revenue, nor Government take into consideration any proofs or law by which the 1st defendant
s circumstanced, could be entitled to the personal estate of his maternal grandfather, nor did the
efendant's witnesses inform them. If considered this, it will be perceived that Soobadrummah was desti-
tute of Children, in which case even I only become her heir. Tho' a Widow unlawfully become
ossessor of a landed property which was acquired by the Original person in the family, yet the
thines that such property should, after her, go to Cousins—The Agent stated that I should
ree to allow a part of the estate in dispute to the 1st defendant, which I did not accede to, on
, the Agent is prejudiced and dismissed the case,— [illegible] circumstances in connection with such
llegal a procedure on his part, I informed to Government by means of several Petitions dated 3rd,
nd 19th April and 5th October 1855, which the Government did not take into consideration, in proof
f this, the above three Petitions are again submitted with this.—

While the Pleadings in question developes that no caste difference exists
etween myself my father and great uncle, and that I am heir to them, and that the first defendant
egotten by a person of foreign caste cannot be a legal grandson to the late Seetaramarajoo, the Agent
nsidering us both in equal position, shewn a trivial object to Government, stating that if the case connects
ith the heirship is to be disposed of at seeing the very appearance of a person, the decision must have
passed in a different manner, his attempt to obliterate the name of my Cooroopam Zamindaree
fretful nature—By Mahazernamah marked **I** filed on my behalf, it is apparent that the
endant has no right to the Zamindary and that I possess right to it, also the opinion of the People
he Zamindary. These people are always of opinion that the 1st defendant cannot be heir at all
the connexion by female side—As section 11 Regulation 2 of 1819 define that Government will
ot like to invest power to a person whom the people do not approve, the Agent supports by saying
at the cause of such dislike of the 1st defendant by the people in Cooroopam Zamindaree was his
father, but he adduced no proof to it.

Had the Agent seen the 4th Chapter in Mahabhagavathum referred to
the 3rd para of my Reply, he would never have mentioned that my Hill caste people do not
by any to have been connected with the Original caste of more ancient—The power of Jeypoor
as not [illegible] cised in Ganjam Zillah. Purla—Kimedy [illegible]

77

in Ganjam Zillah being more ancient than Jeypoor, it is quite clear that the Agent did not
understand the truth of the origin of the Conda or Hill caste. The present Jeypoor Zamindar Stree
Vikrama dava Maharajoo addressed a letter to the Agent on the 5th day of the decreasing Moon
in the Month of Shravanum of the year Sowmeah stating that I am the heir to my great uncle.
At a time when there existed no disputes of this nature, Honorable Russell Esqre reported to Government
of the usages and customs of the Hill caste people—Government did not admit the statement made
by Mr Robertson that my father who belonged to Hill caste was a Soodra, consequently the
allusion made by the Agent that the Hill Zamindars are Ghosty Soodras, is not right.—

8 How did the Agent who is aware that even the Hyderabad Government
[howsoever the circumstance maybe] select heirs from the people in the families of the Zamindarees
approve of Soobadrummah's heirship—As no permanent Cowls to certain Zamindarees Viz Prathapa-
ghery, Beredy, Saroogadha, Soorunghy and few others, to shew the mode of selection of heirs to them
and to certain Hill Mokhasa or free gift Villages as well as to certain Proprietary Talooks, Clause
3 para 13 was introduced in the Agency Rules, which clause the Agent wishes to apply also to the
Permanent Zamindarees but it is not proper.—

9. Notwithstanding the widow and daughter of the Belgam Zamindar who died
in the year 1849 were living but his brother was selected as heir to that State at the Agent's recom-
-mendation, when ~~the~~ no doubt whatever was entertained, after the lapse of much time, he had
suspeecision whether that transaction was reasonable or not, he says that doubt is removed from
the circumstance of the late Zamindar's daughter being given in marriage to the grandson of the
present Zamindar—supposing her husband dislikes her, and all her issues were daughters and
there be a son begotten to another wife by her husband, it is beyond comprehension how would the
Agent's suspecion be then removed—While there was youngest son fostered by the married wife
to the late Mokasahdar of the Village Woossanoopoorum in Palaconda Zamindaree, the
Agent selected as heir to it one Kistnon dhora who was the Eldest son of the above Mokhasadar
by illegal marriage—That Palaconda Zamindar Koormarajoo and his Grandfather
Vijayaramarajoo were sons of dancing women, Mr Gordon selected Koormarajoo as heir,
if this be irregular, it cannot be reasonable on the part of the Government to withdraw the
Zamindary under penalty, but it should have been made over to the son of the married wife an
who is still living why did that individual not claim for it in the Government.

10 The defendants never mentioned that Cotoopam Village was given to me as
Mokasa or free gift, it was given to my brother, after Soobadrummah, Government confirmed
it to my brother's sons—In whatever way Seetaramarajoo's uncle Neelacuntarajoo and his
son Ramarajoo pleaded against me with the view of usurping the Estate of the Zamindary
it can be of no utility at all—The Board of Revenue placing responsibility in Mr Arbuthn
proposed the 1st defendant as Minor Zamindar by means of Hookoom dated 16th August 1841
The Agent says that Mr Arbuthnot did not admit my suit in forma pauperis, [illegible]ulation
to on paying costs and to obtain justice.—
my behalf have declared that Vencamah was the
possible under any circumstances to the Agent to
es besides Zamindars, on the plea that they were

attached to the Coorroopam Zamindaree, to this, Sections 18 and 57 of Act No. 2 of 1855 will not agree. The evidence of the Zamindars confirm the only heirship by male side. The Agent objects that Andra Zamindar is of a petty State, but he does not think that Somarasoo who is of the defendant's witness is a Manavurthedar or person living upon allowance.— Mr. Robertson and the Agent, both admitted that the adoption of wives by putting wreaths of flowers is called a sort of marriage, but the Agent says that he cannot believe the proof adduced that my father married my mother in like manner, but assigns no reason to it.—

12. I therefore solicit that Government will, on consideration of this appeal reasons, the Original records, and the Minutes of Consultation passed by Government on the 17th February 1855 be pleased to reverse the decree passed on retrial by the Agent and to issue instructions to the effect of the 1st defendant delivering to me the Coorroopam Zamindary and its Estates &c. with Costs.—

As in duty Bound

4th November 1856.— Shall Ever Pray

The above signature in Gentoo is of

Inala Baupamiah

Vakeel

[illegible] 1858

From Vyrecherlah Juggannadarauze Plaintiff Appellant in No. 78 of 1848 on the file of the Government Agent at Vizagapatam

Dated 4/58

No 50. In Cons 13 Jany 1857

With 5 Enclosures

This is a supplement intended to be entered in the regular appeal already before the R. H. the Govt in Council from the decree of the Agent at Vizagapatam in the matter of the Coorpaum Zemindary.

To Cy of 31 March 1857 No 9

Para 10

Reported in No 15 of 1857. No 7 no remarks

15-9-71

12-9-71

19-9-72

37838

5 / J. 1679/92

24

THE 13TH JANUARY 1857.

DECREE OF THE RIGHT HONORABLE THE GOVERNOR IN COUNCIL.

Present.

THE RIGHT HONORABLE LORD HARRIS,—PRESIDENT.

THE HONORABLE SIR H. C. MONTGOMERY, BART.

Appeal from the Decision of P. B. Smollett, Esq., Agent to the Governor of Fort Saint George in Vizagapatam, passed in Review of Original Suit, No. 78 of 1848, under date the 11th July 1856.

Vyrecherlah Jugganadarauze, - - - - - - - (Plaintiff) Appellant.

Versus.

1. Vyrecherlah Sooria Narain Rauze, - - - -
2. Seelavumsem Seetamah, mother and guardian of 1st Defendant, - - - - - - - -
3. Seelavumsem Sunnasy Rauze, father of 1st Defendant,
4. Mooppurty Suntosharoydoo, guardian of 1st Defendant, - - - - - - - -

} (Defendants) Respondents.

1. This is an Appeal preferred by the Plaintiff in No. 78 of 1848, on the file of the Agent at Vizagapatam, against the revised Decree of that authority passed under date 11th July 1856.

2. The Plaintiff brings an action of Ejectment for the recovery of a portion of the COORPAUM Zemindary. The Defendant is SOORIA NARAIN RAUZE, a minor and ward of the Agent.

3. MR. ROBERTSON, before whom the Case was originally tried, dismissed the Suit with Costs, deciding, under a reference to the Pundits of the Court of Sudr Udalut, that Plaintiff's illegitimacy was a bar to his title.

4. On Appeal, the Governor in Council directed a revision of the Judgment, on the ground that it is by no means clear that the Hindu Law prevails in all its integrity among the Hill Castes of Vizagapatam, and the Agent was required to revise his Decision after ascertaining by full and careful enquiry what the usage of the COORPAUM family and of the country in general may be in regard to the right of Inheritance.

Ext. Min. Con. 17th Feb. 1855.

5. The present Agent, after a succinct review of the state of succession under the MOGUL Dynasty and our own Rule in the CIRCARS down to the year 1802, when the CORNWALLIS Settlement was every where introduced, records the following opinion on the foregoing question, viz:—That, putting aside, as altogether tainted by party spirit, the Statements of certain witnesses cited by Plaintiff and Defendant, the evidence of the neighbouring RAJAS, who have been examined at length, is sufficient to establish the fact, that, in the absence of near and legitimate heirs, bastards are competent to inherit.

6. It was, however, decreed that under the facts of the case, which will be recited below the legal right of Plaintiff is not so clearly established as to warrant the setting aside the two previous successions, which have not until now been formally questioned.

7. The facts of the case referred to by the Agent are briefly these.

CHINNA SUNNEEASEE RAUZE, the first of the family who held under the Permanent Settlement, demised in the year 1820. On the 27th March in that year, or three days before his death, he notified to the Collector his adoption of a Cousin's son, one SEETARAM; after some correspondence (in the course of which it was elicited that the late Zemindar's only brother had departed this life eight years previously, leaving two widows and two natural children, of whom the Plaintiff is one and in respect of whom no claim was at that time set up) the Board of Revenue directed that the adopted son, SEETARAM, should be kept in possession, parties feeling aggrieved thereby being at liberty to apply to the Courts of Udalut.

8. This SEETARAM RAUZE enjoyed the Estate for a period of 10 years. He died in the year 1830, leaving a widow, a son (who barely survived his father) and two daughters. The title of the widow was disputed by one NEELKANTH RAUZE, and his son, RAMA RAUZE, two members of the family, but *not* by the present Plaintiff, who at that time had come of full age, being about

[illegible] 1856

[illegible] of 31 March No 9

twenty three years old. After a reference to Government, the widow of the late Zemindar was acknowledged as successor, and held the Estate till her death in 1841.

9. On the occurrence of this event, the Board of Revenue, in accordance with the sanction conveyed to them by Government, acknowledged the title of the present Zemindar, the maternal grandson of the late Ranee. Plaintiff now for the first time brought forward his claim, and the same was rejected. He subsequently petitioned for leave to sue as a Pauper. MR. W. U. ARBUTHNOT, who was in charge of the Agent's Office, refused to accede to this prayer, and Plaintiff in the year 1848, or 28 years since the death of CHINNA SUNNEEASEE RAUZE, from whose adopted son and successor, the present Zemindar is the second in lineal descent, brings the present action. The decision of the lower Court being against him, he now appeals on the merits.

Extract Minutes of Consultation, 6th September 1841.

10. The case, the Governor in Council observes, has been most carefully and ably investigated by the present Agent, Mr. Smollett. He concurs with the Agent that the Appellant (Plaintiff) has failed to establish his alleged title to the Estate in dispute, and he resolves therefore to affirm the Decree of the lower Court with all costs.

The 13th ~~2d~~ January 1857

Decree of the Right Honorable The Governor in Council.

Present

The Right Honorable Lord Harris — President
His Excellency Lieut. General P. Grant C. B. (absent)
The Honorable W. Elliot Esqre. (absent)
The Honorable Sir H. C. Montgomery Bt. and

A

Appeal from the Decision of P. B. Smollett Esqre. Agent to the Governor of Fort St. George in Vizagapatam passed in Review of Original Suit No. 78 of 1848, under date the 11th July 1856.—

Vyrecherlah Jugganadahrauze
(Plaintiff) Appellant—

Versus.

1. Vyrecherlah Sooria Narain Rauze
2. Seelavumsem Seetamah, Mother and guardian of 1st Defendant
3. Seelavumsem Sunnady Rauze father of 1st Defendant.
4. Moopperty Suntosharoydoo Guardian of 1st Defendant

(Defendants) Respondents.

This is an appeal preferred by the Plaintiff in No. 78 of 1848 on the file of the Agent at Vizagapatam, against the revised Decree of that authority passed under date 11th July 1850.-

2. The Plaintiff brings an action of ejectment for the recovery of a portion of the Coorpaum Zemindary- The Defendant is Sooria Narain Rauze, a minor and ward of the Agent.-

Mr

3. Mr Robertson, before whom the case was originally tried, dismissed the Suit with costs- deciding, under a reference to the Pundits of the Court of Sudr Udalut, that Plaintiff's illegitimacy was a bar to his title.-

4. On appeal, the Governor in Council directed a revision of the judgment, on the ground that it is by no means clear that the Hindu Law prevails in all its integrity among the Hill Castes of Vizagapatam- and the Agent was required to revise his decision after ascertaining by full and careful enquiry what the usage of the Coorpaum family and of the Country in general may be in regard to the right of Inheritance.—

5. The present Agent, after a ~~rapid~~ succinct review of the state of Succession under the Mogul Dynasty and our own rule in the Circars down to the year 1802 when the Cornwallis Settlement was every where introduced, records the following opinion on the foregoing question. Viz:- That putting aside, as altogether tainted by party spirit, the statements of certain witnesses cited by Plaintiff and Defendant, the evidence of the neighbouring Rajas who have been examined at length, is sufficient to establish the fact, that, in the absence of near and legitimate heirs, bastards are competent to inherit.—

It

It was, however, decreed that under the facts of the case which will be recited below the legal right of Plaintiff is not so clearly established as to warrant the setting aside the two previous successions, which have not until now been formally questioned.—

7. The facts of the case, referred to by the Agent are briefly these—

Chinna Sunneeasi Raiz, the first of the family who held under the Permanent Settlement, demised in the year 1820—on the 27th March in that year, or three days before his death, he notified to the Collector his adoption of a Cousin's Son, One Seetaram—after some correspondence (in the course of which it was elicited that the late Zemindar's only brother had departed this life eight years previously, leaving two widows and two natural Children, of whom the Plaintiff is one and in respect of whom no claim was at that time set up) the Board of Revenue directed that the adopted Son, Seetarám, should be kept in possession, parties feeling aggrieved thereby being at liberty to apply to the Courts of Udalat.

8. This Seetarám Rauze enjoyed the estate for a period of 10 years. He died in the year 1830, leaving a widow, a Son (who barely survived his father) and two Daughters. The title of the widow was disputed by one Neel Kanth Ráuze and his Son Ráma Rauze, two members of the family, but not by the present Plaintiff, who at that time had come of full age, being about twenty three years old. After a reference to Government, the widow of the late Zemindar was acknowledged as Successor and held the estate till her death in 1841.

Ex. Mof Cons: 6/9-1841

9. On the occurrence of the event, the Board of Revenue, in accordance with the Sanction conveyed to them by Government, acknowledged the title of the present Zemindar, the maternal grandson of the late Ranee. Plaintiff now for the first time brought forward his claim, and the same was rejected.

rejected - He subsequently petitioned for leave to sue as a Pauper - Mr. W. U. Arbuthnot, who was in charge of the Agent's Office, refused to accede to this prayer - and Plaintiff in the year 1848 - or 28 years since the death of Chinna Sunnecasee Ráuze, from whose adopted son and succeſsor, the present Zemindar is the second in lineal descent - brings the present action - The decision of the lower Court being against him, he now appeals on the merits.-

10. The case, the Governor in Council observes, has been most carefully and ably investigated by the present Agent Mr. Smollett - He concurs with the Agent that the Appellant (Plaintiff)

(Plaintiff) has failed to establish his alleged title to the estate in dispute - and he resolves therefore to affirm the Decree of the lower Court with all costs.-

9/12-57

Decree
of the
G in C

Dr to Eng of 31st March
No 9 of 1857
Para 10
Reply to which 15 of 1857 P.7.
no remark

Decree of the Govr in
Council - 13th Jany/57

Coopaum Zemy.

Jan 19/57 C.

Circulate

C. b. Jan
R 8 ..

1. This is an appeal preferred by the Plaintiff in No 78 of 1848 on the file of the Agent at Vizagapatam, against the revised Decree of that Authority passed under date 11th July 1856.

2. The Plaintiff brings an action of ejectment for the recovery of a portion of the Coopaum Zemindary. The Deft is Sooria Narain Rauze, a minor & ward of the Agent.

3. Mr. Robertson, before whom the case was originally tried, dismissed the suit with costs - deciding, under a reference to the Pundits of the Court of Sudder Udalut, that Pltff's illegitimacy was a bar to his title.

Ex. M. Cons.
17th February
/55. [illegible]

4. On appeal, the Governor in council directed a revision of the judgment, on the ground that it is by no means clear that the Hindu Law prevails in all its integrity among the Hill Castes of Vizagapatam - & the Agent was required to revise

his decision after ascertaining by full & careful enquiry what the usage of the Coorpaum family & of the Country in general may be in regard to the right of Inheritance.

5. The present Agent, after a careful review of the state of Succession under the Mogul Dynasty & our own rule in the Circars down to the year 1802 when the Cornwallis Settlement was everywhere introduced, records the following opinion on the foregoing question - viz - That, putting aside, as altogether tainted by party spirit, the statements of certain witnesses cited by Plff & Deft, the evidence of the neighbouring Rajas who have been examined at length, is sufficient to establish the fact, that, in the absence of near & legitimate heirs, bastards are competent to inherit.

6. It was, however, deemed that under the facts of the case - wh will be recited below - the legal right of Plff is not so clearly established as to warrant the setting aside the two previous successions, wh have not until now been formally questioned.

7. The facts of the case, referred to by the Agent are, briefly, these.

Chinna Sunneeási Rázu, the first of the family who held under the Per~~petual~~manent Settlement, demised in the year 1820. on the 27th March in that year, or three days before his death, he notified to the Collector his adoption of a cousin's son - one Seetarám. After some correspondence (in the course of wh it was elicited that the late Zemindar's only brother had departed this life eight years previously, leaving two widows & two natural children of whom the Plff is one & in respect of whom no claim was at that time set up) ~~The~~ the Bd of Revenue directed that the adopted son, Seetarám, shd be kept in possession, parties feeling aggrieved thereby being at liberty to apply to the Courts of Adalut.

8. This Seetarám Rauze engaged the estate for a period of 10 years - He died in the year 1830. leaving a widow - a son (who barely survived his father) & two daughters. The title of the Widow was disputed upon Neelkaunt Rázu & his son Ráma Rauze two members of the family,

but not by the present Plff, who at that time had come of full age, being about twenty three years old. After a reference to Govt., the widow of the late Zemindar was acknowledged as successor — & held the estate till her death in 1841.

Est. M.C. 6/9-41

9 - On the occurrence of this event, the Bd of Revenue, in accordance with the sanction conveyed to them by Govt, acknowledged the title of the present Zemindar, the maternal grandson of the late Ranee. Plaintiff now for the first time brought forward his claim, & the same was rejected. He subsequently petitioned for leave to sue as a Pauper. Mr W. U. Arbuthnot, who was in charge of the Agents office, refused to accede to this prayer. & Plaintiff in the year 1848 — or 28 years since the death of Chinna Sunneeasee Rázy, from whose adopted son & successor the present Zemindar is the second in lineal descent — brings the present action. The decision of the lower Ct being against him, he now appeals on the merits:—

Note — Unless the Govt., on a primâ facie view of the Record, are pleased to confirm the Agent's decree — wh. upholds the title of the Deft, it will be necessary to direct the latter (now Respondent) to file his answer in appeal. D.F.C. 4/11-56

I am quite satisfied that the Agent's decree must be upheld on the grounds now set forth in 20–22 paras & 34 para. I went into the case carefully before on the appeal from Mr Robertson's judgment and came to the same conclusion — but not on the grounds [illegible] adduced by him which were evidently wrong. The Defts right is now so clearly established that I think it quite unnecessary to call upon him for an Answer to the appeal &c.

I think the point noticed in para 10 of the Decree is deserving of serious consideration — I mean the introduction into Cl. 3 of No XIII of the Agency Rules of the exception made to the right of selection to a succession in Zemindaries held under a Permt Settle. This is not the first time the anomaly has been made apparent and as these Rules are passed by a simple order of Govt. I think it very desirable that the clause shd be amended by the omission of the vitiating proviso above mentd.

The case has been most carefully and ably investigated by the present Agent Mr Smollett whose decision against the Plaintiff's claim should be confirmed.

On a late occasion it was proposed to make some alteration in the Agency rules, but on [illegible]

reference be made to
the Govt. Pleader a question
was raised as to the power of
altering the rules after subsequent
their final confirmation — If
this difficulty can be overcome it
would be highly expedient to omit the words
in Rule XIII that nullify the operation of it —
the exercise of the power of selection it was
intended to give to the Govt. would save many
an estate to the old families & much litigation
& it would be merely a revival of a power
inherent in the supreme authority —

7/11/56 —

I am of opinion that the decree of the Agent should be upheld — It seems to be very necessary that the point alluded to in para 10 of the decree should be cleared up and distinctly defined —

JG

I concur

From the papers now circulated I perceive that the point referred to in para 10 of the Agent's decree has been contested before and was carefully considered at the time the Rules were drafted. For the reasons therefore recorded by Mr Russell in his minute of the 19 Jany 1838 (Rev. Dep. 28 Jany /38) I fear there is no remedy under the terms of the Summary Settlement [illegible]. But I do not concur in the force of the argument advanced by the Govt. Pleader, & had there been stronger ground I would have advised a reference to the Legve. Council for a declaratory act.

C 13 N
R 18"

Dr to Eng of 31 March
No 9 of 1857
Para 10.
Repd to in No 15 of 1857
30-7-75 ✓ no remark
06-4-78 ✓
12-9-99 ✓
19-3-92 ✓
19-2-00
5-11-13 ✓

37 43

In Cons 13th Jany 1857
Judicial 1857 Depart.

No 59

Extracts Mins. of Cons.

d/13th Jany/57

Pe No 7/44 — 114/62

Directing that the Decree passed passed by Govt on the Appeal by Vyrecherla Juggunnadha=Ranze for the Recovery of the Coorpaum Zemindary be forwarded to the Agent at Vizagapatam for the information of the said party.—

(6)

C. h. Sun
2.8"