

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1455	Press
		Mis
Dated	10-9-	1867

96-98

9/10

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,

10th September 1867.

Read the following papers :—

No. 96. TO THE RIGHT HONORABLE THE GOVERNOR IN COUNCIL,

Fort Saint George, Madras.

The humble representation of SREE VYR-
CHERLA YARAKAMA, member of the
Coorpum Zemindar's family in the Dis-
trict of Vizagapatam.

MOST RESPECTFULLY SHEWETH,

That the suit brought by petitioner's late husband, Sree Vyrcerla Jagganatharaz, for the succession of the said Coorpum Zemindary, having been dismissed in appeal by your Lordship in Council, the Agent to the Governor, on the request of the minor Zemindar's guardian, recommended to Government the payment of 1500 Rupees a year from the Coorpum Zemindar, for the maintenance of Jagganatharaz's family, which your Lordship in Council had confirmed, and gave an order, No. 557, dated 13th May 1857, for the continuance thereof.

2. That the late Agent had accordingly taken a Kararnama from petitioner's late husband, binding himself to receive the same, as well as the Zemindar after his majority paid him through the Agent, at 1500 Rupees a year.

3. But that petitioner's husband having in February last died, petitioner requested the Agent for the payment of the above allowance, and begs to submit, herein enclosed, his reply to petitioner, and his letter to the Zemindar on the subject, marked A and B; on perusal thereof, your Lordship in Council will see no objection for the continuance of the above allowance to petitioner's family.

4. That subsequently the Zemindar of Coorpum having personally attended on Mr. Carmichael, the Agent at Vizagapatam, who held proceedings, refusing to pay the allowance to petitioner's family, copy of which she begs to submit, herein enclosed, marked C.

5. That it was stipulated in the Kararnama taken from petitioner's late husband, that the said allowance was agreed to pay for the maintenance of the family of your petitioner, but not during the life-time of Jagganatharaz himself. The Zemindar of Coorpum on his majority admitted to this Kararnama, and paid the stipend, and he had also admitted this fact in his plaint, No. 8 of 1865, on the file of the Civil Court of Vizagapatam. Copy of the same is herein enclosed, marked D, to show that his statement before Mr. Carmichael, that he did not agree to continue the stipend to Jagganatharaz's family, was fictitious.

6. That petitioner's late husband had two wives, three sons, one daughter, man and maid servants, &c., &c., 50 in number, to be maintained by means of the above allowance, and they being members of the Coorpum family, have full right to claim maintenance from that estate, and the above allowance having been stopped by the Agent two years since, they have been perishing for want of food and raiment.

7. That this matter having lately been settled by Government, and part of the Coorpum Zemindary having still been under the Agency's power, petitioner begs to submit this to your Lordship in Council, most humbly soliciting your Lordship in Council will, on perusal of the Government Proceedings, dated 13th May 1857, No. 557, quoted above, as well as of the documents herewith submitted, be graciously pleased to direct the Agent to continue the allowance to petitioner and family in conformity to Government order.

For which act of justice she will, as in duty bound, ever pray.

VIZAGAPATAM, 28th May 1867.

(Signed) యరచర్ల యరకామా.

*Proceedings of the Madras Government, Judicial Department,
10th September 1867.*

A.

From D. F. CARMICHAEL, Esq., Agent to the Governor of Fort Saint George in Vizagapatam, to YARAKAMA and SEETAMA, wives of SREE VYRCHERLA JAGGANATHARAZ; dated Vizagapatam, 4th March 1865.

I understood the contents of the letter you presented through a Vakeel on the 28th February last, and am extremely sorry for the loss of your husband.

2. You cannot possibly receive the allowance as your husband did, unless you obtain a certificate of your heirship from the Civil Court.

3. It would not be convenient to make the Coorpum Zemindar pay you 1000 Rupees for the performance of your husband's funeral rites, as requested by you; but I passed an order to Hoozoor Cash-keeper and Shroff to pay, on your receipt, 200 Rupees out of Rupees 625, deposited by Coorpum Zemindar in the Hoozoor Treasury under the allowance, in order that the said funeral ceremonies may not be postponed. I wish to inform you that the allowance cannot be paid to you, until you produce the certificate of heirship.

B.

From D. F. CARMICHAEL, Esq., Agent to the Governor of Fort Saint George in Vizagapatam, to VYRCHERLA SOORIA NARRAINRAZ, Bahadoor, Zemindar of Coorpum; dated Vizagapatam, 3rd March 1865.

I understood the contents of your letters, dated 21st, 27th, and 28th February. It is stated in the letters, dated 27th and 28th February, that you came to understand that Coorpum Jagganatharaz, who was receiving allowance from you, has been dead; that you sent Rupees 625 to be paid to him under the allowance due for five months from February up to June, and praying that if the said amount was deposited in the Treasury, it may be refunded to you.

2. On the report given by Mr. Smollett, the late Governor's Agent, stating that, in the suit between Jagganatharaz and you, the Right Honorable the Governor in Council had established your right to the Zemindary; that you having agreed to pay at 1500 Rupees a year for the maintenance of Jagganatharaz, and on his demise it should be passed to his family; that this arrangement was approved by Government; and that if Jagganatharaz conduct himself without creating disturbances, the money allowance would be transferred to a Village Vassaty, the Government passed a Minute, dated 18th May 1857, on the subject. These circumstances were informed to your mother and guardian by then Agent. On a reference to the whole correspondence in this case, it appears to me that allowance should also be passed to Jagganatharaz's family. You should, therefore, pay to Jagganatharaz's family at 125 Rupees a month, or at 1500 Rupees a year, as you did to Jagganatharaz, and I in consequence received to my Treasury the sum of Rupees 625 you sent for that purpose.

C.

To the CIVIL COURT OF VIZAGAPATAM.

Plaint presented under Section 26 of the Civil Code, by Sree Rajah Vyrcherla Sooria Narrainraz Bahadoor, Coorpum Zemindar Garu, plaintiff, residing at Soorianaraina Peerum village, against, 1st, Vyrcherla Sevacamaraz; 2nd, Do. Neelacuntaraz; and, 3rd, Do. Vee-rabadraraz, the 2nd and 3rd being minors, their mother and guardian; 4th, Chandrama, defendants, residing at Catipaum village of the said Taluq.

SHREETH,

That Sree Vyrcherla Soobadrama Puttamahadavy, the late Zemindar of Coorpum, and grand-mother of the plaintiff, had, 30 years ago, granted to Vyrcherla Jagganatharaz, the above Catipaum village as private Mokasa, without fixing thereon any quit-rent.

*Proceedings of the Madras Government, Judicial Department,
10th September 1867.*

2. That the said Jagganatharaz, and his undivided brother Somaraz, the father of the 1st, and grand-father of the 2nd and 3rd, defendants, had been enjoying this village—Somaraz died.

3. That in the year Plava, or 1841, Soobadrama died, and her heir and successor, the plaintiff, being minor, his guardian, the then Agent to the Governor, attached the village in question, and included it to Yerayettee, but he, on the request of Jagganatharaz, passed it again for the maintenance of the late Somaraz's family, under Order, No. 20, dated 6th May 1843.

4. That plaintiff obtained majority on the 8th September 1857, the said Jagganatharaz having presented a Karamnama or document before the Governor's Agent, stipulating among other conditions to receive a ready money allowance of 1500 Rupees a year from Fusly 1236, or 1857; plaintiff has been paying the same to him.

5. That while defendants, who are not divided with Jagganatharaz, are liable to maintain themselves by means of the said ready money allowance, as agreed by Jagganatharaz, they forcibly possessed the said Catipaum village in the year Pingala, or 1857. Under Regulation XXV of 1802, and under Clause 14, Section 1, Act XIV of 1859, plaintiff has full right to resume from the defendants the village with the boundaries undermentioned, together with Rupees 8112, being past produce thereof for eight years from Pingala, or 1857, in which the plaintiff had taken charge, up to Recktasby, or 1864.

6th February 1855.

D.

Claim of the family of the late VYRCHERLA JAGGANATHARAZ to Towjee or Stipend from the Zemindar of Coorpum.

ORDER.—It appears here that the Governor in Council passed a decree on the 13th January 1857 under the Agency rules, rejecting the claim of Vyrcherla Jagganatharaz to the Coorpum Zemindary, which was at that time, as it is now, in the possession of the present Zemindar, then a ward of the Agent to the Governor.

2. Mr. Smollett, on the 30th April following (the ward having by this time attained his majority), reported to Government that, in view to the future peace of the Zemindary, he had arranged that Jagganatharaz should receive a life-stipend of 1500 Rupees per annum; that such stipend was to be changed into a Village Vassaty by and bye; and that it was agreed that such Vassaty was to descend to Jagganatharaz's family after his death.

3. In reply, the Governor in Council, on the 13th May 1857, No. 557, Judicial Department, sanctioned the arrangements reported.

4. A few months ago, Jagganatharaz died. No land had ever been assigned to him, but the stipend was paid by the Zemindar through the Agent's Catcherry with regularity. He, however, demurs to continuing it, or any portion of it, to the deceased's family.

5. With Mr. Smollett's letter to the Government before me, I was unable to see what grounds the Zemindar could possibly have for refusal; but he has now boldly challenged the correctness of Mr. Smollett's statement, and affirms that though he was in a measure coerced into pensioning Jagganatharaz no promise, expressed or implied, was ever made by him, or on his behalf, to continue that indulgence to a second generation.

6. I have looked carefully through the records, and am bound to say that the Zemindar's assertion appears to be altogether correct. I decline, therefore, to call upon him to fulfil an engagement into which he is not shown to have entered, and resolve to refer the family of Jagganatharaz to try their claim in a Civil Court, if they think proper.

VIZAGAPATAM,
16th November 1865.

(Signed) D. F. CARMICHAEL,
Collector and Agent to the Governor.

10th September 1867.

No. 97. From the Acting Agent to the Governor of Fort Saint George in Vizagapatam, to the Acting Chief Secretary to Government, Fort Saint George; dated Vizagapatam, 14th August 1867, No. 295.

I have the honor to report on petition,* No. 1452 of 1867, of the Government file.

* With 9 enclosures re-transmitted.

2. The petitioner in this case is the elder widow of one Vyrcberla Jagga-natharaz, who died at Vizagapatam on the 22nd February 1865, leaving a family of two widows, three sons, and one unmarried daughter of the 2nd widow as per margin.* This individual was an illegitimate son of a former Zemindar's brother, and in 1848 he claimed succession to the Coorpum estate in preference to the present holder (then a minor).

1. Sree Vycherla Erakamma Garu.
 2. Sree Vycherla Sitayama Garu.
 1. Sree Vycherla Venkatapativaraz Bahadoor.
 2. Sree Vycherla Asimraz do.
 3. Sree Vycherla Neelacantharaz do.
 1. Sree Vycherla Chelluma Garu.

Daughter & three
sons of the 2nd
widow.

present holder (then a minor under the Court of Wards), who had succeeded through a female legitimate line.

3. The original case was tried in the Agent's Court, and decreed in June 1856 in favor of the minor, now Zemindar.

4. The case was carried in appeal, under Rule XXII of the Agency rules, to the Governor in Council, who confirmed the Agent's decision on the 13th January 1857.

5. I beg to submit copy of the late Agent's order† in the claim made by these petitioners; this order will put the case before the Government in as clear a manner as possible.

† Inserted above.

No. 98. ORDER THEREON, 10th September 1867, No. 1455.
The Governor in Council.

The Governor in Council trusts that the Acting Agent to the Governor will be able to effect an amicable arrangement between the Zemindar of Coorpum, and the widow and family of the late Jagganatharaz.

2. The Zemindar will be informed that the Government view with much regret his conduct in refusing to continue to the widows and children of his late uncle the allowance which was agreed upon in the year 1857. The Government cannot doubt that the Zemindar fully understood the tenor of the arrangement then made, and the intention that the allowance should be hereditary.

3. If, however, the Zemindar still declines to comply with the suggestion of the Agent to the Governor, and is resolved to repudiate an agreement which, though it may be deficient in formality, had undoubtedly an equitable basis, and has prevailed in for many years, the Government concur in the decision of the Agent, referring the parties aggrieved to the Civil Courts.

(True Extract).

Chief Secretary.

To the Acting Agent in Vizagapatam, with enclosures returned.

Exd J. Tulloch.

A Sooria Karami Range was of a p. when K. amara p.
 mind. before led to K. Regiments letter of 30 April/57 was
 concluded it is not proper to let to be and not known.
 K. full letter of that amara p. and K. full. that
 K. in only allow in. was L. K. com in. in. in. in.
 variety is through in favor of L. K. head. every char.
 - 2 each.
 At K. in. in. in. K. in. is not to be. in. in. in. in.
 5 K. Range, are a piece that K. promises in. in. in. in.

I cannot but think that
it will ^{be} inflicting a great
hardship on the Pet. if he
is referred to a Civil Court
and by Mr. Lamichael's order.
Mr. Smeltzer's settlement
in 1857, has not been
demurred to, by the
Journ. Turner say for
for a number of years,
and he now seeks to
take advantage of an
act of omission on the
part of the former Gosh.
agent, in not having
taken a formal document
from him.

He must have been perfectly
aware of Mr. Smith's
appt to Govt and
of this Govt order sanctioning
an arrangement which
is now for the first time
questioned. No fixed
date is assigned by
Mr. Smith, for converting
the money allowance
into a village salary
except the consolidation
of the Zemindars authority

Let them settle permanently with the Agency as now
with the supervision of the Agency as now

Let them settle permanently with the Agency as now
with the supervision of the Agency as now

I am sure this Mr. Smith's plan is in the
Agency - I don't think I ought to say I don't
think it is a matter of course I don't
think it is a matter of course I don't

The Zemindars' conduct is much to be regretted after an
acquiescence of several years in any arrangement which had an
equitable basis, though perhaps deficient in formalities. He leaves
the Zemindars' conduct of his conduct in a state of confusion -
but I do not see that the Govt. hopes the power of placing them
into a continuance of the allowance as he paid up to the date of his

under duty. It is a matter
of course, but the
decide, unless
the Government
Agent has in
planned enough
over the Zemindars
to permit him
to take his
on his family
the Government
The correspondence
clearly shows that it
was not a life grant
to Jagganadaya but
the intention to secure
peace from a dangerous
pretender by providing
for him & his family.
So upon now and
to pretend that he
was coerced at the
time by the Gov. Agent
an act of bad faith

W.D.

He on the part of the Zemindar
 who should I think
 be required to fulfil
 his engagement
 & continue the payment
 in land or money
 or give an equivalent
 in land to the family
 of the deceased Jag-
 ganadaray.

The case seems to be
 a bad one but I agree
 with my colleagues in
 thinking that the
 Government should
 charge the Agent
 to satisfy himself
 as to the merits of the
 case & the Court
 should then decide.

The Petitioner Shree Vyreschola Yara-
 -kamma (or Erkamma) is the elder
 widow of the late Shree. V. Jagganada-
 -rao who died on the 22nd Feb.
 1865.

2. Jagganatharao was an illegitimate
 son of a former Zemindar of
 Coorpur: in 1848 he claimed
 Succession to the estate as against
 the present holder Sooria Narain-
 -rao then a minor under the
 Court of Wards.

The original case was tried in the
 Agents' Court in 1856; decision
 was given in favour of the Deft.
 Sooria Narainarao, and the
 latter was confirmed in his
 possession by Decree passed by
 the Gov. in Council dated 13th
 January 1857.

(Mr. Smalltt.)

3. In the following April, the Agent
 reported that in order to prevent
 intrigues and quarrels, he had
 invited Jagganatharao to

Kizapalam and advised that
some arrangement should be
come to. That this advice had
been ~~followed~~ and that
Jagganatharaj had consented
to receive at first a money
payment of Rs 1500 per annum,
the allowance he ultimately
converted into a village
Vasaty, and that it was
agreed that such Vasaty ^{was}
to descend to Jagganatharaj's
family on his death.

The founder Soria Narainraj
was not then in possession.

O.S. Judicial
19th May 1867. No. 557.

4. This arrangement was ^{sanctioned}
by the Governor in Council.

5. The allowance was regularly paid
by Soria Narainraj till the
death of Jagganatharaj in
1865.

Narainraj then refused to con-
tinue payment of the allowance
to Jagganatharaj's family.

6. The Petitioner requests that the Govt.
will direct Soria Narainraj to
continue payment, he being bound
to continue the allowance to the
deceased husband's family, under
the terms of the order of Government
19th May 1857.

7. The allowance has not been con-
verted into a vasaty, nor has
any land been assigned.

8. From the letter addressed by the Agent
to Soria Narainraj on the 3rd
March 1865 it appears that
the Agent was then of opinion
that "on a reference to the whole
correspondence it appeared that
that the allowance should be
continued to Jagganatharaj's
family" as it had been the
deceased.

9. Towards the end of the year how-
ever the Agent took a totally
different view of the matter.
In his order of the 16th November 1865
he refers the Petitioner and the
family of the late Jagganatharaj
to the Civil Courts, stating that

Judicial Dept. 7

Proceedings of the Madras Government.

Read abstract of Petition No. 1452 of 1867.

Read also the following letter from the acting Agent to the Governor, Vizagapatam, dated 14th August 1867. No 295.

Order thereon. 10th September 1867 No 1455.

The Governor in Council meets

that the acting Agent to the Governor ~~should~~ will be able to effect an amicable arrangement between the Zemindar of Compore, and the widow and family of the late Jagannatharaj.

2. The Zemindar will be informed that the Government view with much regret his conduct in refusing to continue the widows and children of his late uncle the allowance which was agreed upon in the year 1857: the Government cannot doubt that the Zemindar fully understood his ~~intention~~ ^{intention} of the arrangement then made, and the intention that the allowance should be hereditary.
3. If however the Zemindar ^{still} declines to comply with the suggestion of the Agent to the Governor, and is

Sornia Narainaraj having boldly challenged the correctness of Mr. Smollett's statement" (given in para 3. of this memo.) "and affirmed that though he was in a measure coerced into promising Jagannatharaj, no promise express or implied has ever made by him, (or) on his behalf to continue that indulgence to a second generation and the Agent adds "he has carefully gone through the records and is bound to say that the assertion appears to be altogether correct."

10. It will be observed that in Mr. Smollett's letter it is not stated by whom it was agreed that the allowance was to be continued with a vasati and continued to Jagannatharaj's family after his death: and that Jagannatharaj's consent to accept Rs. 1500 per annum, does not of itself evidence assent on the part of the payer to pay that sum.

11. Mr. Carmichael had, no doubt, good grounds for referring the parties to the Civil Courts, and the Petitioner might be informed that Govt. will pass no order in this matter, but leave her to proceed.

* is directed by the Agent in his last order, if she thinks proper.

773. P.V.

resolved to repudiate an agreement
which, though it may be deficient
in formality, had undoubtedly an
equitable basis, and ^{has prevailed} ~~was acquiesced~~
in for many years, it is ~~in the~~
~~the right of a good and proper title~~
~~to the land~~. The Govt.
concurs in the decision of
the agent, referring the
parties agreement to
the said Comr.

PRR

To the Agent in Singapore
with enclosure returned 10/11/1898

96-98

Richard, 1863-1871

1871-1875

Richard, 1875-1881

Richard, 1881-1887