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MADRAS RECORD OFFICE.

Government of Madras.

Legislative DEPARTMENT.

G.O. No. 39-40-41

Press
Mis.

Dated 1-3-

1894.

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1ST MARCH 1894, Nos. 40, 41, LEGISLATIVE.

LEGISLATIVE DEPARTMENT.

LETTER—from

THE UNDER SECRETARY TO THE GOVERNMENT OF
FORT ST. GEORGE,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
DEPARTMENT OF REVENUE AND AGRICULTURE.

SIR,

In continuation of my letter, dated 26th February 1894, No. 30, Legislative, I am directed to forward for the consideration of His Excellency the Governor-General a petition from the Zamindárs of Venkatagiri, Karvetnagar and Kálahasti (also called Calastry and Bommarázupálaiyam) in which they urge that assent should not be accorded to the Madras Proprietary Estates' Village Service Act, 1894, on the ground that they occupy a position different from that held by the other Zamindárs in this Presidency.

The arguments upon which the memorialists base their claim to special treatment are set out more fully in the petitions which form papers 14 and 19 attached to the Madras Proprietary Estates' Village Service Bill than in the present memorial and I am directed to request that the attention of His Excellency the Governor-General may be invited to those papers.

I am also to forward for His Excellency's information three pamphlets marked A, B and C which contain particulars of the settlement with the three Zamindárs and to ask that they may be returned when no longer required.

2. Prior to the year 1802 the three Zamindárs held their estates subject to two conditions, namely, (1) payment of a peshkash which, before the assumption of authority by the Honorable East India Company, had varied in accordance with the exigencies of the paramount power and (2) military aid. At the beginning of the century the Government of Madras decided that the liability to render military aid should be commuted into a money payment and enquiries were instituted with a view to determining the sum which should be exacted in commutation. On the 24th August 1802 a permanent sanad was issued to each of the Zamindárs with a letter explanatory of the method upon which the new peshkash had been fixed. It will be seen that, the money equivalent of the military service having been estimated, the revenue from Salt, Sayar and Arrack was deducted therefrom and the difference added to the original peshkash; the result formed the new peshkash. In the explanatory letters the Zamindárs were informed that the reversion of the lands held by the "Amáram and Kattubadi peons" would vest in themselves and, contrary to the practice followed in all subsequent sanads, no express declaration of the right of the State to deal with all lákhiráj lands was made in the sanads or in the letters which accompanied them. Relying, apparently, upon these facts the petitioners argue that, in 1802, the Government relinquished to them the right of dealing at pleasure with village-service ináms and that the State is now, as a consequence, precluded from any interference therewith.

பாதுகாப்பு பரிந்து

செப்பனிகுவர் பெயர்: ரு. சிவாபிவேல்

செப்பனிகுவதற்காக எடுத்தல்-11/08 - 2/09
கொள்கப்பட்ட நாள்.

25-2/1899
சுரபார்க்கும்
முதல் முதிபாள
கையொப்பம்

சுரபார்க்கும்
2ம் முதிபாள
கையொப்பம்

சுரபார்க்கும்
உதவியாளர்
கையொப்பம்

3. The position adopted by the three Zamindárs was discussed at some length by the Hon'ble Mr. Garstin, C.S.I., whose remarks on the subject appear at pages 7 and 13-18 of the Proceedings of the Legislative Council bearing date the 12th December 1893. He came to the conclusion that the arguments advanced were unsustainable and the Government concurs in this opinion. In the first place, the three sanads were issued under, and derive their force from, the provisions of Regulation XXV of 1802 and, in section 4 of that enactment the right of the State to all lákhiráj lands and other lands paying only favourable quit-rents is distinctly asserted. Secondly, it is sufficiently clear that the "Amáram and Kattubadi peons" formed a portion of the military force maintained by the Zamindárs and were not, in any sense, village-servants. The terms "Amáram" and "Kattubadi" are explained in paragraphs 14 and 20 of Mr. Stratton's report, dated the 14th December 1800 (pages 8 and 9 of pamphlet A) and paragraphs 28 and 29 of that report and Appendix 12 attached thereto show clearly that the talayári or village-watchman was an officer quite distinct from the Amáram or the Kattubadi peon. Appendix 12 is particularly plain on this point for, in calculating the emoluments of the Kattubadi peons, Mr. Stratton expressly deducts the shares of the produce payable to the village establishment including the "taliar or village watching peon." Moreover, in paragraphs 13 and 14 of his report dated the 14th July 1801 (page 3 of pamphlet B), Mr. Stratton draws a distinction between Amáram and Kattubadi ináms, on the one side, and Pannulu Mányalu (village-service ináms), on the other, remarking that the Zamindárs can resume at pleasure the former but not the latter. These facts, coupled with paragraph 11 of the explanatory letters to the Zamindárs, leave no room for doubt that the reservation to the Zamindárs of the right to resume the Amáram and Kattubadi ináms in their estates was an act of special favour which left unaffected the reversionary right of the State to the village-service ináms.

Why the sanads contain no express reference to lákhiráj lands cannot now be ascertained. It may have been the result of an oversight as surmised by the Hon'ble Mr. Garstin, C.S.I., or the omission may have been intentional, the object being to enable the Zamindárs to resume the Amáram and Kattubadi ináms without openly violating the terms of their sanads. In either case the omission cannot deprive the State of a power conferred upon it by enactment.

4. I am to add that the memorialists' statement that they were relieved of all Police functions by their sanads is incorrect for the sanads (paragraph 12) expressly declare the contrary.

I have the honour to be,

Sir,

Your most obedient servant,

A. BUTTERWORTH,

Under Secretary.

FORT ST. GEORGE,
1st March 1894.

ENDORSEMENT—dated 1st March 1894, No. 41, Legislative.

Copy to the Government of India, Legislative Department.

A. BUTTERWORTH,

Under Secretary.

Encl. A. Raitt.

1894.

LEGISLATIVE DEPARTMENT.

*From the Government of
Fort St. George.*

Issued

Recd.

Encl.

Letter, &c., 1st March 1894,
Nos. 40, 41.

MARCH.

Madras Proprietary Estates' Village Service Act.

Forwarding to the Government of India, with remarks, a petition from the Rajas of Venkatagiri, Kálahasti and Karvetnagar, praying that the assent of the Governor-General to the — may not be accorded.

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Originals of Legislative
G. Co. sent dated 26th February
and 1st March 1894, Nos 29-31
and 39-41 respectively - all from
Proprietary Estate, Valley, Peninsular Mts.

Submitted for the
perusal of His Excellency the
Governor.

AP 1/3/94.

Perusal

Seen
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Seen
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To

His Excellency the Right Honorable

THE VICEROY & GOVERNOR GENERAL IN COUNCIL

OF INDIA.

The Humble Memorial of the MADRAS LANDHOLDERS' ASSOCIATION.

MOST RESPECTFULLY SHEWETH,

1. That the Memorialists beg to approach Your Excellency with this their humble, but emphatic, protest against the Madras Proprietary Village Service Bill, forwarded by the Government of Madras for Your Excellency's assent, and now pending the same.

2. That the Memorialists venture to state that the said Bill is a measure of legislation, which has entirely failed to commend itself to public opinion in the Presidency, upon considerations as well of policy as of principle, and the universal disfavour, it experienced, has found expression in the numerous petitions of protest that poured on to Government and the vehement adverse criticisms that have been persistently levelled against it by several organs of the Local Press of essentially distinct interests.

3. That the Memorialists are further in a position to state that there is almost a consensus of opinion amongst the District Officers consulted on the subject that there is no necessity for legislation such as the Bill in question embodies.

4. That the unpopularity of this legislative measure of the Local Government was further emphasised by the unmistakable opposition to its passing by several non-official members of the local Legislative Council.

5. That the passing of the Bill has further been tainted with illegality of procedure, as explained below, which, the Memorialists are strongly advised, is fatal to its recognition at Your Excellency's hands. The Bill was on the 15th November 1893 referred to a Select Committee for report under Rule 34 of the rules for the conduct of business of the Legislative Council, dated 15th November 1893, and the said Committee sent in a report on the 28th November with numerous amendments and alterations of the Bill of a substantial character, and a minute of dissent by one of the Hon'ble Members. Rule 39 of the said rules lays down that "the Report of the Select Committee, any minute that may be recorded by individual members of the Council, and the reports and minutes (if any) and the Bill (or any portion thereof) if amended, shall also be published in the *Fort Saint George Gazette* in the languages in which the original Bill was published." The Council met on the 12th December to consider the Report, the amended Bill and the minute aforesaid; the first part of the said rule was complied with, by copies of the amended Bill having been circulated amongst the members, (although it is necessary to remark that even in this respect the amended Bill was furnished to one of

the Hon'ble Members only 6 days before the Meeting, and amendments, which that member gave notice of the very next day, were rejected as out of time") but the all-important second part was left wholly uncomplished with, neither the amended Bill nor the Report, nor the minute of dissent having been published in the said *Gazette* either in English or in the Vernacular. Now, the object of the publication enjoined by the Rule is evident, viz., that the public should be allowed an opportunity to consider and criticise or offer its opinion on the amended Bill and that the Hon'ble Members should consider the Bill with the benefit of such criticism or expression of opinion, if any. Such opportunity, the public had not, and benefit of such public criticism which, not only possibly, but certainly, would have been forthcoming, the Members of Council had equally not.

6. Again, a *Gazette* extraordinary, dated 28th December 1893, was published during *Christmas Holidays* and the Council met on the 5th January 1894 for passing the Bill during the *same Holidays*. This went only to satisfy the letter of Rule No. 39, while the spirit of it was entirely sacrificed, the Bill having been taken up in a hurry, admittedly to suit the convenience of the Honorable Mover, who was then shortly to retire only 7 days after the publication, during which period the Vernacular Bills could not have possibly reached in time the remote Districts of the Presidency. Almost all the interested parties, viz., the landholders, being in the Mofussil, they could not have even seen the Bill, much less could they have had an opportunity to consider and submit their views in time. During the sitting of the Legislative Council, important speeches were made by the Honorable Mover of the Bill and others. The Council forthwith proceeded to take up the Bill, with a view of passing it, without giving an opportunity even to the Members to understand and grasp the arguments adduced in support of the Bill on which they had to vote. Several members like the Hon'ble Rev. Dr. Miller objected to this procedure of the Legislature in the following words:—

"I am not able to go into the technical question, but it does seem to me that rule 39 applies here. If it does apply it seems to me, as the Hon'ble Mr. P. Rangayya Nayudu and others have maintained, that notice of motion to keep to the rules is not required to be given. If it be a fact that to go on with the discussion now is against the fundamental rules of business, then certainly notice of motion was not required. I think the Hon'ble Member in charge of the Bill need not at all regret that objection has been taken at this particular stage after his very lucid and most important speech on this question has been made, for it seems to me, Sir, the very fact of this very important speech being laid before us is one of the very strongest reasons why we should now adjourn further discussion. I confess, my Lord, I for one am unable—no doubt among the Members of the Council there are men much abler than I am, but I suspect I am not the only one who is unable—to grasp the whole of the facts that the Hon'ble Mr. Garstin has laid before us now at one hearing. I think there are others as well as myself who would like calmly to consider this question in the light of what has now been said so well in the paper which I am very glad that we have in this tangible form. But we require time to consider it. I think an adjournment is most desirable. My Lord, in reply to what has been said by the Hon'ble Mr. Garstin that this Bill has been before the public for many months, I would say it is perfectly true, but it has not been practically before the Members of this Council many months, for the simple reason that a large number of the present Members of the Council were not Members of the Council until a recent date, and their minds were not directed to questions of this kind, and some of them like myself have not had the previous training necessary to enable them to grasp subjects of this sort all at once. I do think if this Council, composed as it largely is of Members who have been recently added, is to give an unbiased opinion upon a Bill full of details, full of new principles, and full of technicalities, a Bill requiring a very careful study in all its parts—if this Council, constituted as it is, is to give a proper decision upon such a Bill as this, very much more consideration is necessary on the part of the Members than can be given at a single sitting." (Vide Hon'ble Rev. Dr. Miller's speech dated 12th December 1893.)

The short interval allowed on the objection of the Hon'ble Rev. Dr. Miller was not even sufficient for an expert to thoroughly master the situation, much less should it have been to the Honorable Members unacquainted with

the working of the Zemindary Estates. Mr. Garstin prejudiced the Council, saying that the counsel of the Association was no longer necessary to be heard, though new lines of arguments were sprung upon the Council by the Honorable Mover himself, which the counsel would have met, if heard before the full Council (*vide* the Honorable Mover's speech.) The Memorialists do not find their way to believe that the same state of things complained of by Hon'ble Dr. Miller did not continue to the end, even as regards the speakers themselves. (*Vide* Mr. Garstin's speech extracted in the last para.)

7. That the Memorialists annex hereto copies of two Memorials with Memorandums and other papers attached thereto addressed by them to the Local Council and respectively dated 14th September 1893, 8th December 1893, marked G and I, which the Memorialists crave may be read as part and parcel of this Memorial, and beg to state that the said papers sufficiently disclose their objections to the enactment in question.

8. That the Memorialists would point out that a study of the progress of the Bill in the Council, as will appear from the records accompanying it, cannot but indicate that the Hon'ble Members, chiefly the member in charge of it and his supporters, were only feeling their way in the dark with but imperfect and indefinite, not to say misleading, information, the proposed legislation in its present scope having been before the public only for some months, and not for ten years as alleged; and the amendments, above 200 in number introduced into the Bill at all stages from its submission to the first Select Committee (it was twice referred) up to the hour of its passing, but too palpably betrays that its promoters stood upon slippery ground throughout, and abundantly justify the requisition of the Memorialists for the appointment of a Commission to hold the enquiry as suggested by them.

a. A Zemindari Karnams' Bill was brought forward in 1883 and dropped by a G. O., No. 4 of 14th January 1888. The present Bill which including other servants than Karnams and proposing a new proprietary village service cess not mentioned in the original Karnams' Bill, is quite distinct and different, and was introduced into the Council only in February 1893. The occasion for the present proposed legislation is admitted to be a complaint from certain ryotwari villagers of Tinnevely in October 1887.

b. In the original Bill of 1885, no *Village Service Cess* was proposed, nor were other classes of village servants than Karnam sought to be brought under its purview. The statement, therefore, of the Hon'ble Mr. Garstin that the Bill had been before the public for 10 years is unwarranted.

9. That the Memorialists, while confidently hoping that Your Excellency will, upon a perusal of the annexed papers, refuse your assent to the Bill, would humbly commend to Your Excellency in brief words some of the patent features of it by way of shewing that the enacting of the same is inequitable, unnecessary, and inexpedient for the following reasons, viz.,

(1) The Bill proposes to divert and seduce the legitimate allegiance of the village servants from their recognised masters, the proprietors. No representation of any sort has emanated from the servants or the masters to justify or warrant any interference in the manner proposed. On the contrary the proposed measure is resented by both, which fact completely negatives the unfounded allega-

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tion that legislation is found necessary to place the relations between the said masters and servants upon a more satisfactory footing than now exists.

(2) The Bill is attempted to be justified upon the only tangible ground that definite control to the Government over the several classes of servants enumerated in the Bill has become necessary, by reason of the indispensableness of the supply of vital and agricultural statistics (*vide* the Hon'ble Mr. Garstin's speech, dated 28th February and H. E. the President's concluding speech.) Now, for the preparation of such statistics, the services of no village servants other than Karnams are, it must be conceded, necessary; and while the addition of one or more sections in one of the Regulations relating to Karnams will secure the desired object, it is simply extravagant and inexpedient to enact a sweeping Law interfering with, and seriously disturbing the time-honored internal economy of Proprietary Estates. As regards servants other than Karnams the attempt to justify legislation was an absolute failure from the beginning to end.

(3) It is said that the proposed Legislation is necessary for the improvement of the Police Administration (*vide* the statement of Objects and Reasons and Mr. Garstin's speeches). Section 5 of Regulation XXV of 1802 declared all lands or rissooms theretofore appointed to the support of police establishments to be at the disposal of the Government, who accordingly resumed the same, and did away with all connection between the District Police and the Village Police, in other words, between Dasa Kaval and Stalam Kaval as explained in para. 13 of the Memorandum of Observations, dated 8th December 1893. Neither in the original Regulation nor in the permanent Sannads given under that Regulation, were the Zemindars or their village watchmen assigned any police function. Only under Regulation XI. of 1816 the Headman or Village Munsiff and village watchmen were made ex-officio petty police officers. From this it is manifest that to levy a cess for the maintenance of police is illegal. It has been abundantly shown by the Memorialists that the occasion, which prompted the Government to legislate for the alleged improvement of the Police administration, was a complaint from certain ryotwari villagers in October 1887 against the increase of crimes and against the exaction and terrorism of Kavagars, under the demoralizing influence of the reorganization and the revolutionary changes under the Village Service Act IV. of 1864. The Official Report of Mr. J. D. Rees, the Head Assistant Collector of the locality attributes, the increase of crimes in the place to the unhappy changes of the immemorial village system under the said Act. Very strangely, instead of this being a strong reason against the contemplated change, the Madras Government deduces arguments from this to extend the Act to Proprietary Estates, as a remedy for increase of crimes in Ryotwari Villages.

(4) It virtually disturbs and violates the declared permanent character of the settlement of Proprietary Estates. The peishcush, which by contract is a permanent demand and ought therefore to be constant in amount, is made liable to enhancement under the guise of another name, *viz.*, 'cess', and, taxation, under such or other names, might endlessly multiply. The apologists of the Bill endeavour to argue that the income then allotted to the Proprietors has increased in value by rise in prices, while the Government share of the income, *viz.*, peishcush has remained the same. But they forget that whereas the levy of the cess from the Proprietors, as of the *peishcush*, would remain constant in amount and inexorable, the collections by the proprietors of the cess, as of the *rents*, must fluctuate through

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a wide range due to the variety of seasons, and that the loss which, under the circumstances, is inevitable, must be irreparable. This increase of the income was anticipated by the granters of permanent sannad, which in emphatic and solemn language pledged "*nor any increase of the fixed Jumma be ever made under whatever changes or improvements your interests or your pleasure may lead you to introduce into the estate.*" Thus the Memorialists submit that the sacred obligations, contractual and otherwise, of the Government towards the landed aristocracy of the country, whose loyalty to it has always been their distinguishing feature, ought not to be violated.

(5) Inams granted to village servants are declared enfranchisable, and the assessment thereof being declared recoverable by the proprietors, payment of the aggregate of the same is declared leviable from them. In other words, this means that the Proprietors are made liable to pay in a lump what is distributed over numerous small ryots, and what might or might not be recovered or recoverable from them. The peishcush which must be paid, whether rents are recovered or not, from tenants is literally added to by the increment of the said *rents* with an exactly like liability to pay what may or may not be collected. If this be not a violation of the plain import of the Permanent Sannad, the Memorialists fail to see what can amount to such. Surely, it cannot be pretended that the commission, which the Government fixes as payable to the proprietors without their contracting for the same, is a recompense for their amenability to loss, due to non-collection, as well as the cost of collection, which latter alone, the Bill declares it to represent.

(6) The Memorialists venture to observe that, whatever might be said to be the case with regard to the *peishcush*, they see no reason why the cess should not be levied upon the actual collection rather than upon the demand, especially seeing that the Government can count upon precise accounts of collections from Karnams, who are sought by the Bill to be brought under its direct and complete control. The same observation applies to assessments of Inams to be enfranchised, the collection of which is delegated to the proprietors. If, however, the liability cannot be limited to the actual collection, the Memorialists venture to submit that, inasmuch as the chief village servants are, by the Bill, brought under the direct control of the Government, the collection of the ryots' share of the cess and of the assessments on enfranchised Inams might more appropriately be entrusted to such servants, proprietors being left free from responsibility except to the extent of their own share of the cess.

India being a poor country where famines are frequent, the principles of English tenure cannot be applied to it, though H. E. Lord Wenlock expresses it. The present defective Rent Laws do not enable many Zemindars to collect their Rents and pay Peishcush and Road Cess in time. They have often to borrow to pay the same and many a Zemindar has been impoverished. To impose a new cess would only be adding to the present burden which is almost past the point of endurance.

(7) Divided authority over the Karnams as is proposed in the Bill, must lead to confusion and loss to Proprietors. They should be placed entirely under the control of the Government or of the Proprietors. In the latter case only, the Proprietors may be made liable to furnish Government with statistics, vital and agricultural.

(8) There has been no complaint whatever in regard to the sufficiency or the nature of the emoluments till now in existence. On the contrary, there has been a strong protest by the Karnams against the intended changes. At the beginning of this century when the Government of the East India Company converted the emolument into fixed money payment, it was found by experience that the change was for the worse and the former system was revived. (Vide the Extract under para. 4 from the Memorandum of this Association to the Local Legislative Council, dated the 8th December 1893). The salary system is liable to the evil of misappropriation, as pointed out by the Association in its Memorandum, dated the 14th September 1893.

9. That the Memorialists beg to state that the objections pointed out in the next preceding paragraphs are meagrely illustrative and by no means exhaustive and pray that the same may be considered with the Memorials and papers annexed which again do not convey an adequate idea of the immediate and remote evils of this legislative undertaking of the Local Government.

10. That the Memorialists beg that Your Excellency will, after a patient consideration of their prayer, give effect to unmistakably declared and unusually outspoken public opinion which the Bill has evoked on its merits, by vetoing and refusing assent to, the same, directing the Local Government to proceed on the result of an enquiry by commission, as suggested by the Memorialists inasmuch as the Local Government was not, owing to undue haste, in possession of facts and figures as admitted by the Hon'ble Mover* and the Select Committee†

* "I am much obliged for Hon'ble N. Sathya Row's criticisms, but I am sorry to say that I cannot follow him through them because I am not sufficiently au fait with the figures and not sufficiently confident of their accuracy. The words I used in my speech were words couched in the broadest language, so as not to convey any assurance whatever that what I was saying was put forward with any feeling that the statistics were such as could be implicitly relied upon. I wished every one to understand that what I put forward was the merest guess work on my part based upon figures supplied to me a few hours before the debate began. It is quite possible he is right in saying that my estimate of the yield from the assessment of the Karnams is based upon the assumption that they would be enfranchised at their full assessment." Vide Mr. Garstin's speech in the last Council Meeting, dated 5th January 1894, when the Bill was passed.

† "We have no information before us on which to base a list of the duties of the other village officers" (than Karnams). (The Select Committee's Report of 10th April 1893, para. 3.)

For which act of justice, Memorialists will pray

Rajah of Venkatagiri,
President, on behalf of the Madras
Landholders' Association.

MADRAS,
13th February 1894.

To

His Excellency the Right Honorable

THE VICEEROY & GOVERNOR GENERAL IN COUNCIL

OF INDIA.

The Humble Memorial of the RAJAHS OF VENKATAGIRI,
TALASTRI, AND KARVETNUGGAR.

MOST RESPECTFULLY SHEWETH,

1. That the Memorialists are members of the Madras Landholders' Association whose memorial protesting against the Madras Proprietary Estates' Village Service Bill is being submitted to Your Excellency simultaneously with this memorial.

2. That the Memorialists adopt in entirety what is urged in the said Association's Memorial, and beg to add thereto as follows.

3. The Memorialists' ancestors held a royal status and their dominions were of the nature of a Raj.

4. That the peishah in respect of their Estates was fixed not with reference to any assets but with reference to the military service rendered by their ancestors.

5. That therefore plausible arguments might be urged with regard to other proprietary estates justify the proposed interference with their internal economy and administration, the same cannot apply to the Memorialists' holdings with respect to which the Sannads are distinct in scope and character.

6. That if in their estates be enfranchised, the Memorialists submit they are entitled to compensation in the same way as they were considered entitled to, when they had to abandon the levy of Motherfa taxes.

(1) The arguments of the Honorable Mr. Garstin are onesided. He rests upon some statement made in the Manual of the Nellore District and concludes that the present Rajahs were simply Desakavals and that they were only armed Memorialists' Co. Had Mr. Garstin made this speech in the presence of the Memorialists, it would have been effectually refuted.

(2) The Sannads issued from the Emperors of Delhi and the Nizams of Hyderabad shew clearly that Memorialists' ancestors were not mere Desakavals. They were by the terms of Sannads to furnish Military aid in the times of war and were rewarded for services rendered by the then Emperors from time to time, as is shewn by old documents in the possession of the memorialists. They established forts and garrisons the same. They had Military weapons and arms including big cannon which were destroyed only 30 years ago, soon after the Mutiny, some of which are still allowed by the Government for purposes of salute. The letter of Lord Clive and the Sannads bear testimony to the fact that the status of these three Rajahs was a great deal higher than what the Honorable Mr. Garstin under-stands to make out it was. When by Sannads the said Rajahs were relieved of a

cess for the maintenance of Village Police. The ancestors of, the memorialists had military as well as police establishments like the States of Pudukota and Cochin.

(3) The contract between the Government on one side and the three Rajahs on the other ought to be held sacred, and they cannot now be said illegal be condemned now as is done by Mr. Garstin, after having been acted upon for nearly a century. Accepting them as sacred contracts, the Government from time to time granted the memorialists compensation in respect of moturpha taxes and withdrew the operations of the Inam Commission from them. It cannot for a moment be said that successive Governors, and Members of Council, and Judges of Sadler Adawlut and the High Court made a series of mistakes and misunderstood the scope of the Sannads as the Hon'ble Mr. Garstin would contend.

7. The Hon'ble Mr. Garstin says that Lakhiraj lands were by mistake omitted from calculation in the Sannads of the three Zemindaries. As the Peishchush was admittedly not fixed with reference to assets, these Lakhiraj lands were not taken into account, and the Government cannot claim them now. The Government gave up their claims 30 years ago to personal grants when the Inam Commission wished to enfranchise them. The Government cannot now with any justice claim service Inams, which as well as personal grants come under the common name of Lakhiraj lands. The scope of the High Court's judgment referred to in his speech is misunderstood. It neither includes the Government nor the Government was a party; though both were asked to join it. This case was only with reference to Moturpha levied by some minor Inamdar after the Moturpha Mr. Plumer, Civil Judge compensation was given to the Rajah. The decision of the High Court, was directly with Lakhiraj lands. The Zemindar was a party to it and Government Village Munsif was the other party. Suit No. 13 of 1818 of Fowzdari Adawlut was between Zemindari and Government. Such decisions would appear to be acceptable as final.

8. That the Memorialists beg to refer Your Excellency to copies annexed to their memorials to His Excellency the Governor of Madras against the Bill, of September and December 1893, which, they crave, may be read as part and parcel of this Memorial.

9. That the Memorialists pray that Your Excellency will refuse assent to the Bill and direct the exclusion of these three Zemindaries from the purview of the Bill, as the Peishchush was not fixed on their assets, as in the case of other Zemindaries.

For which act of justice, Memorialists will ever pray

13th February 1894.

To

His Excellency the Right Honourable

BARON BELBY LAWLEY WENLOCK, G.C.I.E.,

GOVERNOR & PRESIDENT IN COUNCIL,

FORT ST. GEORGE.

The humble Memorial of the RAJAHS OF
VENKATAGIRI, KALAHASTI AND KARVETI-
NUGGUR.

MOST RESPECTFULLY SHOWETH,

That your Memorialists were not mere renters or farmers of Revenue as was the case with the majority of the Zemindars. That they possessed almost a regal status from the 14th century downwards is a fact that can be proved to the satisfaction of any civil Tribunal. That they possessed Mints of their own, as admitted by Mr. Stratton in his Report of 1801, exercising sovereign authority of issuing their own coins. That they exercised all powers before the permanent settlement which a sovereign exercises in his own territory. That the language employed in their letters by Lord Clive and others in 1802 (vide enclosures annexed) using such words as *territory*, *tribute*, &c. as applicable to the Estates of your Memorialists, places beyond doubt that the Government of the day recognised the regal status of your Memorialists' ancestors.

2. That the Government in their deed of settlement with the Memorialists did not take away their power over their Lakiraji lands under which Category Village service Inams form one class. That from the time of the transfer of the Carnatic to the British, just a century ago, when their rights to collect the salt-tax, the sayar, the abkari-tax and more recently the Motarfa, were found desirable to be restricted in the interests of Government, sufficient compensation was awarded. That if the Government now find it necessary to withdraw Village Inams from the control of your Memorialists, sufficient compensation should be awarded to them. That when the work legitimately required for the performance of certain Revenue functions was paid for in the shape of income from lands assigned and certain fees in grain allowed to be collected, no legal authority has been adduced to support the overriding of the special terms of the settlement made to add to the burden of the Proprietors by introducing salary system.

3. That the fact of your Memorialists having submitted to the Road Cess is not a sufficient ground for submitting them to other Cesses, as two wrongs

do not make one right. That if any further efficiency is required of the present village servants for the purpose of improving Civil, Criminal, Police, and Agricultural administration of villages, the Government are bound by equity and good conscience to pay for it from the Imperial Revenue, which is collected for purposes of such administration.

4. That even if the Memorialists should be considered no better than mere renters of Land Revenue, the Government, as lessors, have no right whatever to seek the protection of Legislature to increase the rent under the Cowle and Kubuliat agreement under which the rent has been permanently fixed under the designation of *permanent peishcush*. That the terms of the deed of permanent settlement should be strictly adhered to which was distinctly called a Cowle.

5. That when it had become an open question between the Government, as lessors on one side, and the Zemindars, as Lessees on the other, whether the Lessors have the right to levy any additional fees or cesses—and thus enhance the permanent assessment, such disputes should be first settled by a Court of Justice before Government, one of the contracting parties could set Legislature in motion against the other party to the contract.

6. That therefore your Memorialists humbly beg that the Government be good enough to initiate proceedings and establish their right before a Court of Judicature, or permit them to do the needful and obtain a judicial declaration of their legal rights and liabilities under the Cowls and Kabulyats between themselves and Government under which your Memorialists contend that they are not bound to pay even a single pie in addition to the permanent demand.

For which act of kindness your Memorialists as in duty bound shall ever pray.

MADRAS,
8th December 1893.

That the Government in the exercise of their power have been bound to pay for the improvement of the village servants for the purpose of improving Civil, Criminal, Police, and Agricultural administration of villages, the Government are bound by equity and good conscience to pay for it from the Imperial Revenue, which is collected for purposes of such administration.

That the fact of your Memorialists having submitted to the Government a memorial for submitting them to other lessors is a wrong.

39/1041
10

17

CHIEF SECRETARY
22 FEB. 1894
GOVERNMENT OF MADRAS

To

His Excellency the Right Honorable

BARON BEILBY LAWLEY WENLOCK, G.C.I.E.,

GOVERNOR & PRESIDENT IN COUNCIL,

FORT ST. GEORGE.

MAY IT PLEASE YOUR EXCELLENCY,

We, the undersigned Rajahs beg to request Your Excellency will be graciously pleased to forward to the Government of India the accompanying Appeal Memorial against the Madras Proprietary Village Service Bill with enclosures, and for this act of kindness we shall ever feel obliged to Your Excellency.

We beg to remain,

Your Excellency's most Obedient and Humble Servants,

J. R. Prishua
Jachandra
Rajah of Venkatagiri.

[Signature]

Rajah of Karvetpuzh

MADRAS,
13th February 1894.

[Signature]
Rajah of Katakoti

20

39/041
11

Legislative Department

From

The Rajas of
Kuttabajiri
Harvet Nugguram
& Kalahasti

Date d 13th
Recd 22nd
Reqd 23rd } Feb 4 94

Enc - one

Subject

Requesting to forward to the Govt.
of India the enclosed appeal
memorial against the Madras
Proprietary Estates' Village Service
Bill.

Papers to be read in Proceedings :-

Again G.O. dated 26 Feb. 1894, No. 29304/18 Leg.

Again G.O., dated 18, No.

Current No. 76 of 1894, dated 13 Feb from the Rajas of Venkatasiri, Karwatnagar & Kalahasti.

Current No. of 18, dated Order from Minch 1894, No. 39.

The petition will be forwarded to the G. of I. (Q 20) 26 Feb 1894. Letter to the Sec. of the G. of I., Dept. of Rev. & Agriculture.

Dup sent
5 envelopes
16 s. copy
3/3/94

Sir,
In continuation of my letter of 26 Feb 1894, No. 30, Leg., I am directed to forward for the consideration of H. E. the G. G. a petition from the Zamindars of Venkatasiri, Karwatnagar & Kalahasti (also called Calastri & Bonumangan-palangam) in which they urge that assent should not be accorded to the Madras Proprietary Estates Villages Service Act, 1894, on the ground that they occupy a position different from that held by the other Zamindars in this Presidency.

The arguments upon which the memorialists base their claim to special treatment are set out more fully in the petition which forms papers 14 & 15.

18
27/2/94
28/2/94

19 attached to the Madras Proprietary Estates' Village Service Bill than in the present Memorial & I am directed to request that the attention of H.C. the G.C. may be invited to those papers.

I am also to forward for H.C.'s information three pamphlets marked A, B & C which contain particulars of the settlement with the three Zamindars & to ask that they may be returned when no longer required.

2. Prior to the year 1802 the three Zamindars held their Estates subject to two conditions, namely, (1) payment of a peshkash which, before the assumption of authority by the Hon. E. I. Company, had varied in accordance with the exigencies of the ~~present~~ ^{present} Paramount power & (2) military aid.

At the beginning of the century the Govt of Madras decided that the military aid should be commuted ~~to~~ ^{by} a money payment & enquiries were instituted with a view to determining the sum which should be exacted in commutation. On the 24th Aug. 1802 a Permanent Sayad was issued ~~directing~~ ^{directing} to each of the Zamindars with a letter explanatory

the word "military" should not be used

of the method upon which the new peshkash has been fixed. It will be seen that, the money equivalent of the military service having been estimated, the revenue from Salt, Sayar & Arnaak was deducted therefrom & the difference added to the original peshkash; the result formed the new ~~result~~ ^{result}. In the explanatory letters ~~the~~ ^{the} Zamindars were informed that the reversion of the lands held by the "Cinnaram & Kattubadi peons" would vest in themselves & contrary to the practice followed in all subsequent Sayads, ~~therefore~~ ^{therefore} no express declaration of the right of the State to deal with all Lakshiraj lands was made in the Sayads or in the letters which accompanied them.

Relying ^{apparently} upon these facts the petitioners are of the opinion that, in 1802, the Govt. relinquished to them the right of dealing at pleasure with village service inams & that the State is now, as a consequence, precluded from putting forward any claims thereto.

3. The position adopted by the three Zamindars was discussed at some length by the Hon. Mr. Garstin, C.C. whose remarks on the

subject appear at pages
 93 & 99-104 of the Proceedings
 of the Legislative Council
 bearing date the 12th Dec.
 1893. He came to the conclusion
 that the arguments advanced
 are unsustainable & the
 Govt. concurs in this opinion.
 In the first place the three
 Sanads were issued under
 & derive their force from
 the provisions of Regⁿ XXV
 of 1802 & in section 4 of
 that enactment the right
 of the State to all Lakhiraj
 lands & other lands paying
 only favourable quit-rents
 is distinctly asserted.
 Secondly it is sufficiently
 clear that the "Amaram
 & Kattubadi peons" formed
 a portion of the military
 force maintained by the
 Zamindars & were not, in
 any sense, village-servants.
 The terms "Amaram" &
 "Kattubadi" are explained
 in paragraphs 14 & 20 of
 Mr. Stratton's report dated
 the 14th Dec. 1890 (Annex
 (pages 8 & 9 of pamphlet
 A) & paragraphs 28 &
 29 of that report &
 Appendix 12 attached
 thereto show clearly that
 the talayari or village-
 watchman was an officer
 quite distinct from the
 Amaram or the Kattubadi
 peon. Appendix 12 is
 particularly ^{plain} clear on
 this point for, in calculating

why the Sanads contain no
 express reference to Lakhiraj
 lands cannot now be ascertained.
 It may have been an oversight
 as surmised by the Hon. Mr.
 Garton, C.M., or the omission
 may have been intentional,
 the object being to enable
 the Zamindars to resume the
 Amaram & Kattubadi ^{peons} ^{without} ^{violating} the terms
 of their Sanads. In either
 case the omission cannot
 deprive the State of a
 power conferred upon it
 by enactment.

39/104/14

the enrolment of the Kattubadi
 peons, Mr. Stratton expressly
 deducts the shares of the
 produce payable to the
 village establishment in-
 cluding the 'talayari' or
 'Village watching peon' (132)
 moreover, in paragraph 14
 of his report dated the
 14th Dec. 1890 (page 3 of
 pamphlet B), Mr. Stratton
 draws a distinction between
 Amaram & Kattubadi ^{peons} ^{inams}
 on the one side, & Panrulu
 Manyalu (village-service
 inams), on the other, remarking
 that the Zamindars can
 resume at pleasure the
 former but not the latter.

These facts, coupled with
 paragraph 11 of the explanatory
 letters to the Zamindars,
 leave no room for doubt
 that the reservation to the
 Zamindars of the right to
 resume the Amaram
 & Kattubadi inams in
 their estates was an
 act of special favour
 which left unaffected
 the reversionary right of the
 State to the village service
 inams.

4. I am to add that the
 memorialists' statement
 that they were relieved of
 all Police functions by
 their Sanads is in conflict
 for the Sanads, ^(paragraph 12) ^{expressly}
 declare the contrary.

26/1/94

No. 10

Copy to the Govt. of India, Legislative Dept.

Recd. 26.2.1944
3/3/44

Copy to the Rev. Dept.

Recd. 3/3/44

Petition against
Proposed Indian Bill

Hand. J. P. K. 1944
Hon. Mr. Justice

29 15

23-5-03 ✓
10/11/02
8-1-03 R

ORDINARY, PRINTED.

Legation Department
G.O. FILE 1st March 1894
No 39,40 & 41-

29/12/03 R
11-6-04 ✓
26-7-09 ✓
28-3-12 ✓
25-7-12
8-8-12 ✓
16-4-25 ✓
7/8/38 ✓
22.8.38 H

16

INDEXED.

Post office to Press 1/3/94

Returned for signature

Despatched in print 3/3/94

Despatch Abstract

Madras Proprietary Estate
Petition from the Rajah of Tanjore
Memorial from the Rajah of Tanjore
regarding the Rajah's estate
protesting against the seizure of
the property of the Rajah of Tanjore

Letter despatch

Home Department
A petition from the Rajah of Tanjore
Kallabadi Marathas, praying that the
report of the Rajah to the Madras
Proprietary Estate, Village Service Act
should not be recorded.