

MADRAS RECORD OFFICE.

Government of Madras.

Political DEPARTMENT.

G.O. No.	113	Press
		~~Mis.~~
Dated	20 . 2 .	~~1861~~

Not to be folded or roughly handled

22/1/37

*Proceedings of the Madras Government, Political Department,
20th February 1861.*

No. 63. Read abstract Translation of Petition from SIVAJI APPA, KISTNASAMI APPA and GOVINDASAMI APPA, Grandsons of the late DATTAJI APPA, residing within the Fort of Tanjore, dated 6th August 1860.

Petitioners set forth their claim to certain allowances granted them by the grandfather of the late Rajah, which were reduced in amount by the father of the late Rajah, and have been lately entirely discontinued. They enclose endorsement from the Commissioner and the Agent and pray for redress.

No. 2,440 of 1860.

Referred to the Collector for report.

FORT SAINT GEORGE,
25th September 1860.

By order,
(Signed) L. FORBES,
Deputy Secy. to Government.

No. 64. Read also letter from W. M. CADELL, Esq., Government Agent at Tanjore, to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 19th December 1860, No. 583.

Paragraph 1. As directed by Government in their endorsement on Petition No. 2,440 of 1860, I have the honor to submit the following report on the subject therein contained.

2. Petitioners are grandsons of the late Dattaji Appa, Serkele or Minister to His late Highness the Rajah Serbhoje, and the statements contained in their Petition are as follow:

* *Vadamattain* 1 } *Mayaveram Taluq.*
Pungudi 2 }
Manaválam pettai 3—*Combaconum do.*

3. The 3 Shrotriem villages noted in the margin* and which were originally granted by the Government of Madras in the year 1805 to their grandfather, were sold to His late

Highness the Rajah Sivaji, by their deceased paternal uncle, Malharje Appa; but as the right of ownership to one of the villages, viz., Manaválam pettai, was at the time under litigation between Petitioners' father and their uncle, the said Malharji Appa, and the matter was then pending in appeal before the Sadr Adalat; the late Rajah, and with a view to establish the validity of the sale, prevailed upon the Petitioners' father in consideration of the sum of Rupees 10,000 paid to him by Malharje Appa, to give up all his right and title to the said village, promising at the same time that Petitioners' father should, in addition to the above, receive a further sum of Rupees 2,000 from the Palace for clearing the debts which he had then incurred, and also an increase of Rupees 35 to the monthly salary which he (Petitioners' father) had on the Palace Establishment, thus raising it from Rupees 65 to Rupees 100. These promises, however, not having been acted up to by the late Rajah, Petitioners pray that the same should now be carried out by the Government, or should the Government decline to do so, that the sale of the Shrotriem villages above mentioned should be annulled.

4. This latter request is further based on the plea that the villages were granted by Government to their grandfather, Dattaji Appa, as a reward for services rendered by the family to the State, and being therefore specially intended and designed for the support of the family, the Petitioners urge that they are inalienable under the provisions of Regulation IV of 1831. They further argue that their deceased uncle was incompetent to dispose of them to the Rajah. In the event, however, of the promises above adverted to being fulfilled, Petitioners express their willingness to waive these legal objections and to allow the sale to hold good.

5. It seems unnecessary now to enter on the question as to what claim the Petitioners may now have on the bounty of Government for pecuniary assistance for the purpose of liquidating their debts and for a monthly allowance for the support of their family; such claims, had they any basis to rest on, would doubtless have been preferred long ere this, but as the case now stands they are unsupported by anything but the Petitioners' own assertion. It is, however, to be observed that a moiety of the salary, viz., Rupees 45 which Petitioners' father had on the

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Establishment of His late Highness the Rajah, was granted to him by Government as a life pension during the arrangements made for the allotment of Pensionary allowances to the servants and dependants of the late Raj with separate pensions also of Rupees 5 each, to two of these Petitioners, *viz.*, Sivaji Appa and Krishnaji Appa. None of these have, however, up to this date been accepted.

6. As regards the sale of the villages; it does not appear to me that the case comes within the pale of Regulation IV of 1831. These were granted to Petitioners' grandfather on Shrotriem tenure by Lord William Bentinck, Governor in Council of Fort Saint George on behalf of the British Government, under a grant dated 8th November 1805, in lieu of certain other villages held by him on the same tenure and which were ceded by him to the Government. The grant purports to have been made to him (Dattaji Appa) and his heirs, but there is nothing in it to show that it was granted as a reward for services rendered to the State, or that it was specially intended for the support of the family. If therefore any defect is attached to its title by reason of the Inam not being declared in the grant to be alienable, such defect can, I conceive, only affect the right to hold the land on Shrotriem tenure, and it will therefore be for the Government to determine whether the same should be continued to be enjoyed as "Inam," or whether they should be assessed to the Public Revenue; at all events it appears to me that the sale must stand good.

7. It thus appears to me that there is no occasion for the interference of Government on the Petitioners' behalf and that, should Petitioners have any ground for disputing the validity of the sale of the villages to the late Prince on the plea of the concurrence of their father having been obtained thereto by the exercise of undue influence as alleged in the Petition, it is open to them to seek redress by means of Civil action.

8. Further, the Petitioners claim the arrears due to their father up to the date of his demise on account of the pension assigned to him on the death of His late Highness the Rajah, but which was neither accepted or drawn by him. Petitioners now state that, had not the pension been suspended by special Orders, the same would have been drawn by their father, and as all other pensions stopped in like manner have since been directed to be paid, they (Petitioners) request that the amount of pension due to their father may also be now paid to them.

9. Petitioners' father had, as stated above, a life pension of Rupees 22-8 per mensem granted him by Government in No. 24 of the Schedule of the Dowlat Pamloke Department, which, however, as above stated, he did not lay claim to. Petitioners' statement that he was prepared to receive it and that it was stopped by special Orders, is contrary to fact. Such being the case, the rules observed as regards the payment of pensions, do not admit, as stated in the Commissioner's endorsement enclosed with the petition, of the arrears due to a deceased Pensioner being discharged, unless the pension had been accepted by the party entitled to it, and the necessary muster taken of him.

No. 65.

ORDER THEREON, 20th February 1861, No. 113.

1. Two claims are put forward by the Petitioners.

2. The first has reference to three Srótriyam villages in the Mayaveram and Combaconum Taluqs, which were granted to Petitioners' grandfather in 1805, by the Government, and were subsequently sold to the Raja of Tanjore by the Petitioners' paternal uncle. The ownership of one of the villages was, at the time of the sale, the subject of litigation between the uncle aforesaid and his brother (Petitioners' father), and Petitioners state that the Raja prevailed upon their father to accept a sum of Rupees 10,000, a promise of Rupees 2,000 more, and an increase of Rupees 35 per mensem to his salary, and in consideration thereof to agree to the sale of the village. Petitioners add that these promises have never been fulfilled, and they therefore pray either that the sale may be cancelled, as being in contravention of the Inám Regulations, and as being invalidated by the incompetency of their uncle to make the alienation, or that the terms of the Raja's agreement be fulfilled by the Government.

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3. The plea of the Petitioners based on the alleged illegality of the sale is obviously of no weight. The villages may not, under the terms of the original grant, have been alienable upon Inám tenure, but their sale appears to have been a *boná fide* transaction, and if any defect be attached to the title of present or future holders, such defect, as the Collector properly observes, will affect not the ownership of the villages, but the tenure upon which they are to be held. As regards the second objection, it is only necessary to remark that Petitioners admit that their father consented to the sale, and there is nothing to show that undue or improper influence was employed for securing his concurrence.

4. It is not stated in whose possession the villages are at present. If, as seems likely, they are in the hands of Government, they will be assessed to the public revenue, and if they are held by private parties under other than ordinary tenure, the matter will be decided by the Inám Commissioner under the rules.

5. Petitioners pray that, if their first request be not acceded to, and it be held that the sale is valid, the sums which they assert the Raja promised to their father may be paid to them by Government. This claim which seems now newly brought forward, and is stated by the Agent to be unsupported by any thing beyond Petitioners' own assertion, is altogether inadmissible.

6. The second demand is for payment of arrears of pension due to their father at the time of his decease. This has been properly disallowed. Their father, it appears, was pensioned on Rupees 22½ per mensem, being a moiety of his salary, but he died without accepting it, and as he never mustered as a pensioner, the arrears cannot now be drawn.

7. Two of the Petitioners, it is observed, Sivaji Appa, and Krishnaji Appa, have had pensions assigned them, but they have not seen fit to accept them.

(Signed) T. PYCROFT,
Chief Secretary.

[illegible]

1860
 6th August
 1860
 1860

Read Abstract Translation of a Petition from Sivaji Appa, His-
trassami Appa & Govindasami Appa - grandsons of
the late Dattaji Appa - residing within the Dist of Tanjore
dated 6 Aug 1860.

Read also letter from for Agent at Tanjore — 19 Dec. 1850 — 583
Order thereon 20 February 1861. No. 113.

1 - Two claims are
put forward by the
Petitioners -

2 - The first has refe-
rence to three Pro-
-triyam Villages in
the Mayaneram &
Cambaconam Ta-
lugo, which were
granted to Pet's
grandfather in 1805,
by the Govt., and
were subsequently
sold to the Raja of
Tanjore by the Pet's
paternal uncle. The
ownership of one
of the Villages was,
at the time of the
sale, the subject of
litigation between
the uncle aforesaid

Well

Dec 29. 9. 10.

25 Dec. 1860

25 Dec. 1860

Referred to the Collector for report.

No. 2440 of 1860

Govt.

No. 2440 of 1860

From Sivaji

Appa, His-
trassami Appa & Govin-

dasami Appa Grand-

sons of the late

Dattaji Appa.

Residing within

the Dist of Tanjore

Dated 6 Aug 50

Dec 19 Aug 1860

Read & examine

the petition of the

petitioners & certain

advances granted

them by the grandfather

of the late Sivaji, which

were lodged in

amount by the father

of the late Sivaji, and

have been lately re-

cently discovered.

They enclose herewith

from the Commission

of the Agent at Tanjore

for reference.

and his brother (Pet^r
father), and Pet^r state
that the Raja prevailed
upon their father to
accept a sum of Rs 1000
a promise of Rs 2000
more, and an in-
crease of Rs 35 p. m. to
his salary, and in
consideration thereof
to agree to the sale
of the village. Pet^r
add that these pro-
mises have never
been fulfilled, and
they therefore pray
either that the sale
may be cancelled,
as being in contra-
-vention of ^{the main} ~~Regulations~~
1801, and as being
invalidated by the
incompetency of their
Anch to make the
alienation, or that
the terms of the Raja's

I presume they mean
this. Reg 4. of 31.
only forbids the
Cahorts buying main
claims.
The main claim says
that suits shall be
decided from a
commission for the
purpose of settling

agreement he fulfilled
by the Govt.

3. The plea of the
Pet^r based on the
alleged ^{illegality} ~~invalidity~~
of the sale ~~under Reg~~
~~1801~~ is obvious
of no weight - The
Villages may not,
under the terms of the
original grant, have
been alienable upon
main tenure, but
their sale appears to
have been a havi
pich transaction, and
if any defect be attach-
ed to the title of pre-
sent or future holders
to such defect - as
the Cal^t properly ob-
serves - with affect
not the ownership of
the villages, but the
tenure upon which

As they are to be sold.

As regards the second objection, it is only necessary to remark that Petrs admit that their father consented to the sale, and there is nothing to show that undue or ~~improper~~ improper influence was employed for securing his concurrence.

4. It is not stated in whose possession the Villages are at present. If - as seems likely - they are in the hands of Govt, they will be added to the public revenue, and if they are held by private parties under other than ordinary tenure, the matter will be decided by

the same Commission, under the rules.

5. Petitioners ^{first} pray that, if their ~~claim~~ request be not acceded to, and it be held that the ~~sale~~ sale is valid, the sums which they apert the Raja promised to their father may be paid to them by Govt. -

+ which seems now heavily brought forward, and is stated by the Govt to be unsupported by anything beyond Petitioners own assertion.

This claim is altogether inadmissible.

6. The second demand is for payment of arrears of pension due to their father at the time of his decease. This has been properly disallowed. Their father, it appears,

was pensioned on
R. 22 1/2 p.m. being a
majority of his salary,
but he died without
accepting it, and
as he never mustered
as a pensioner, the
arrears cannot
now be drawn.

7. Two of the
Pett., it is observed,
Sivaji Appa, and
Krishnaji Appa,
have had pensions
assigned them, but
they have not seen
fit to accept them.

d. 7.
—

Govt Agent at Tanjore - for com^{rs} to the Petitioners
(with 4 orig Enclosures) Dec 20. 2. 61.

10/10

Medical 1807. Depts.

10.11.03
55782-1203-

11/13

Proceedings of Govt

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2/20 February/61

Disposing of the
Petition of Jangie Appa and
two others grandsons of
Dattajirappa Dirbale to
H. Hall & Co. the Raja's servants
applying for British hon.
:vidione (being made by
Govt. servants for the support
of their family)

62 @ 04

C 11 Feb.
R 15 "