

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1815

Press
Mis.

354.357

Dated 26. 8. 1862.

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Revenue Department,
26th August 1862.*

No. 354. Read the following Proceedings of the Board of Revenue, dated 17th July 1862,
No. 4,620.

Read the following papers :—

Letter from the Acting Collector of North Arcot, dated 18th June 1862, No. 112.

Nos. 1,140 and 1,401 of 1862. 1. On the endorsed Petition noted in the margin, I am called upon to submit an early report with reference to the Board's Proceedings, dated 24th April 1862, No. 2,604.

2. The persons now claiming allowances from the Jaghir are those named below :—

Venkata Rao.
Bhagirathi Boyi.
G. Gundu Rao.
Subhau Rao Sahib.
Swakiya Seshagiri Rao.

3. Of these, the first named Venkata Rao traces his origin to Bhimasena Rao, marked No. 3 in the Government list,* on the strength of an alleged adoption by the daughter-in-law of the latter. In paragraph 5 of the enclosure to the Petition under report, the Jaghirdar impugnes this claim.

* Accompanying Ex. Mins. Cons. dated 13th March 1832, No. 269.

4. In the absence of any evidence to establish the alleged adoption, Mr. Bourdillon having in 1854 rejected the claim of Venkata Rao, the Jaghirdar is not in my opinion called upon to make any allowance to this party.

Vide Khat to the Jaghirdar of Arnee, dated 25th June 1854, No. 3.

5. The second claimant Bhagirathi Boyi prays for the continuance of the monthly allowance of 8 Rupees. But the Jaghirdar in paragraph 6 of the above-mentioned enclosure, states that the allowance was on the demise of her husband reduced to 4 Rupees with reference to the long standing custom of the family.

6. When parties entitled to allowance accede to its reduction, no notice is called for; but when they object, I think the Jaghirdar should not be allowed thus arbitrarily to reduce allowances to a member of the family.

Vide paragraph 5 of the Government Order, dated 9th May 1860, No. 745.

7. In the case of Visbaram Venkata Rao, the Jaghirdar proposed to reduce the allowance due to him; but he was compelled to pay the full amount which he has accordingly done. Similarly in the case of Ramachendra Rao Sahib, son of the late Jaghirdar's brother, the full amount is now being paid, although the Jaghirdar did at one time put forth his plea for reduction.

8. The Jaghirdar pleads that in a certain case the reduction was recognized by former Collectors. This I observe is not conclusive against Bhagirathi Boyi, as she protests against the reduction, while the other party acquiesced in it. Bhagirathi Boyi is, in my opinion, entitled to the full amount of 8 Rupees per month.

9. Gunnari Gundu Rao claims the allowance of 7 Rupees enjoyed by his late father Gunnari Rama Rao, marked No. 22 in the list. From the Khat addressed by Mr. Whittingham, to the Jaghirdar of Arnee, under date the 4th December 1858, No. 23, it appears that a moiety of the above allowance was adjudged to him, the remainder being granted for the maintenance of his uncle, named Venkata Rao. As both these parties are equally entitled to participate in the allowance, the arrangement seems to be fair; and Gundu Rao is not, in my opinion, entitled to more than $3\frac{1}{2}$ Rupees a month. The Jaghirdar states that he is prepared to pay him the moiety with arrears; but Gundu Rao represents that he could get no access to the Jaghirdar. In calling upon the Jaghirdar to dispose of this and other claims, I only urged him to disburse the amount justly due.

10. Subbhan Rao Sahib, who is a minor, is the son of Rajas Boyi, the present Jaghirdar's step-mother. In paragraph 8 of the enclosure alluded to, the Jaghirdar states that a sum of Rupees 83,000 was paid to Rajas Boyi, mother and guardian of Subhan Rao, in full of all claims on account of the past and future maintenance. This Rajas Boyi denies.

11. The Jaghirdar says that this adjustment was made by mediators; but he has not produced any documentary proof in support of his statement, nor has he adverted to the fact of any such thing as existing.

12. Considering the important and permanent nature of the alleged settlement, which, if true, would exempt the Jaghirdar from the necessity for paying any allowance in future to Subhan Rao Sahib or his heirs, it is not likely that the Jaghirdar would have allowed the matter to rest on the precarious evidence of mediators, without a formal deed being executed to perpetuate the transaction. The Jaghirdar does not allege the existence of such a document; and in its absence, I am inclined to believe Rajas Boyie's statement, viz., that all she received was a certain sum in jewels which were her Stridana, and to which she was of right entitled, and that maintenance to her son is still due.

13. Venkata Rao Sahib late Jaghirdar's brother was allowed 250 Rupees a month, which was approved of by the Court of Directors. As Subhan Rao Sahib stands in the same relation of half brother to the present Jaghirdar, I am of opinion that an equal amount should be paid to him with arrears.

Vide Board's Proceedings, dated 14th June 1849.

Vide Collector's report to Board of 27th November 1860, No. 288 and Government Order thereon, dated 23rd January 1861, No. 154.

14. It only remains to speak of Seshagiri Rao whose claim the Government have distinctly admitted on a special report submitted by Mr. Robinson.

15. In spite of this final decision, and in the face of the strict orders of Government, the Jaghirdar obstinately declines to continue the allowance in question, and addressed me a Khat last week to this effect. The attempt to get the money paid by or through the Collector is an attempt to throw the responsibility of doing so on him, and a contempt of the orders of Government.

16. The persons who are entitled to allowances in my opinion are:—

Bhagirathi Boyi.
G. Gundu Rao.
Subhan Rao Sahib,
Swakiya Seshagiri Rao.

17. As the payments of so many persons are withheld by the Jaghirdar, I beg to lay the matter before the Board, with reference to the Order of Government, dated 2nd May 1862, as the term therein specified expired on the 16th instant.

18. The Board's Petition under report, as well as that bearing No. 1,140 of 1862, are herewith returned together with their enclosures.

19. As this report, contains the information called for in the Board's Proceedings, dated 24th April 1862 No. 2,604, this communication has been removed from the file of unanswered letters.

Board's Petition 1,921 of 1862 from the Jaghirdar of Arnee, dated 23rd June 1862.

Letter from the Acting Collector of North Arcot, dated 27th June 1862, No. 124.

I have the honor to return the endorsed Petitions noted in the margin, as the report therein called for was made on the 18th instant.

Board's Nos. 108 and 1,744 of 1862.

Proceedings of Government, dated 28th June 1862, No. 1,416, forwarding certain Petitions, and requesting to know whether the Arnee Jaghirdar has conformed to their Order.

(In Cons. 30th June 1862, No. 4,063.)

1. In their Proceedings recorded above, the Government ask whether the Arnee Jaghirdar has conformed to their Order.

2. The letter* from the Acting Collector of North Arcot also recorded above, is the latest report on this subject. Before, however remarking upon it, the Board consider it desirable to recapitulate briefly the leading circumstances connected with these payments to the members of the Arnee Jaghirdar's family.

* Dated 18th June 1862.

3. The case which gave rise to the present correspondence was that of Arnee Venkat Rao, who appealed to Government for the continuance of a monthly allowance of 21 Pagodas, together with two years' arrears. This man was the son of Strinivasa Rao, whose name stood No. 1 on the list of pensioners in Extract from Minutes of Consultation, 13th March 1832, No. 269, as in receipt of an allowance of Rupees 73-8-0 per mensem. On his death in 1858, the Jaghirdar endeavored to reduce the allowance by one-third, and hence Arnee Venkat Rao's claim which the Government considered† to be a fair one.

G. O., 9th May 1860, No. 745, R. D.

† 24th December 1860, No. 2,495, para. 5.

4. The next claimant was Vedaji Subba Rao, son of Vedaji Appa Rao, No. 10 in the list of March 1832, and a recipient of 13 Rupees monthly. V. Subba Rao complained that his stipend had been discontinued since his father's death in June 1856.

Government Order, 7th July 1860, No. 1,120.

5. The Government in their Proceedings of 24th December 1860, paragraph 5, told the Jaghirdar that unless a settlement was come to in these instances, as well as in cases of other claimants who might have right on their side within a month of the receipt of the Order, further steps should be taken: and after receiving a detailed report‡ on a claim made by one Seshagiri Rao, towards whom they thought that the Jaghirdar had not acted in good faith, they directed§ the Collector to proceed in this case as already ordered for the first two.

‡ From Collector, 27th November 1860, recorded in Board's Proc. 4th December 1860, No. 5,671.

§ 23rd January 1861, No. 154.

6. These are the cases to which the Government refer when they ask in their Proceedings recorded at the head of this paper, whether the Jaghirdar has yet conformed to their Order.

G. O., 8th March 1861, No. 531.

7. A similar query was put by them in March 1861, and it appears from the Collector's reports that up to October of the same year, the only action which was taken by the Jaghirdar was the transmission to the Collector in February of Rupees 3,296-8-0 in three sealed bags. This sum was the amount of arrears claimed by the three parties named in the margin, two of them being the persons alluded to in the Order of 24th December 1860. Mr. Robinson promptly returned this money to the Jaghirdar, who had merely asked that it might be held in deposit in the Treasury pending the issue of an appeal which he was about to make to Government.

Venkata Rao, Vedaji Subba Rao, and Sattia Vija Appa Venkata Rao.

23rd October 1861, No. 2,029.

8. This correspondence was reviewed by Government in their Order marginally noted. They told the Jaghirdar that he was bound to obey their orders under penalty of revocation of his Sanad; and that they would not tolerate any further disobedience or evasion of their orders.

9. In March of the current year, the Board received a petition from Seshagiri Rao, already referred to, complaining that nothing had been done about

No. 844 of 1862.

his allowance, though Government had passed orders upon it in January 1861. In reply to the Board's endorsement upon this, the Acting Collector reported* that though his predecessor and he himself had urged the Jaghirdar to conform to the orders of Government in regard to this and similar claims it had been without effect: and that when he wrote to tell the Jaghirdar that unless these claims were settled before April 1st, he would recommend the resumption of the Jaghir by Government, the only answer he got was that the Jaghirdar could not attend to the subject for a month hence in consequence of the marriage of a relation. Mr. Fraser recommended that he should be authorized to give a last warning, and then to resume the Jaghir, if in fifteen days all reasonable claims were not settled in full.

10. The Board in the meantime had seen copy of a letter addressed by the Jaghirdar to the Collector dated the 11th April, stating that all allowances, except Sheshagiri Rao's had been paid, and that the amount in that case had been forwarded to the Collector. They resolved† therefore before passing orders on the Collector's letter to await his further report.

11. With their Proceedings of 29th April last, No. 919, the Government forwarded five petitions from the parties named in the margin, and required the Board to ascertain immediately from the Acting Collector whether the Jaghirdar had yielded obedience to their Order of 23rd October preceding; and if not, to inform him that unless he did so within one month, they would take the Estate under management. The Collector was directed to prepare a list of the relatives with the amount payable to each. A reminder on the same subject was received from Government on the 26th May, No. 99.

12. The notice referred to in the preceding paragraph was served upon the Jaghirdar on the 16th May, and on the 30th idem, the Collector wrote to say that the Jaghirdar had not yet conformed to the orders of Government, nor did he seem much inclined to do so. He particularly objected, it would seem, to pay any thing to Sheshagiri Rao. In forwarding this report to Government the Board remarked‡ that they had received two petitions from the Jaghirdar, asserting, that the claims of four out of five individuals had been adjusted; and that the amount due to Sheshagiri Rao had been forwarded by him to the Collector but refused by that Officer. These petitions were forwarded to the Collector for early report.

13. It is in reply to the Board's Proceedings of 24th April and 10th June last, referred to above, that the Collector has now submitted his report of June 18th, No. 112.

14. In this letter he examines into the claims of five§ persons whose allowances have been either diminished or stopped. No. 1 he thinks deserves nothing, but the claims of the other four are valid and have not been satisfied. No. 5 is that Sheshagiri Rao in whose favor Government passed their Order of 23rd January 1861, and on this case the Acting Collector observes, "in spite of this final decision, and in the face of the strict Orders of Government, the Jaghirdar obstinately declines to continue the allowance in question, and addressed me a Khat last week to this effect." The Jaghirdar has, it is true, forwarded to the Collector on more than one occasion, a sum of money on account of the arrears due to Sheshagiri Rao, and this it appears, was done with the avowed object of throwing the responsibility of payment on the Collector.

15. In the Government Order of the 28th June, No. 1,416, the Board are asked whether the Jaghirdar has conformed to the order of Government. They find from Mr. Fraser's report that in the case of Visharam|| Venkata Rao, the full amount has been paid. Vedaji|| Subba Rao is not mentioned by Mr. Fraser, the Board therefore accept the Jaghirdar's assurance that he has been

- § 1. Venkata Rao.
- 2. Bagirathi Bhoje.
- 3. G. Gundoo Rao.
- 4. Subba Rao.
- 5. Sheshagiri Rao.

|| G. O. 9th May 1860, No. 745.

† „ 7th July „ „ 1,120.

paid. So far then the Jaghirdar has conformed to the order of Government, but inasmuch as Sheshagiri Rao's case is still undisposed of, it cannot be said that the orders of Government have been fully complied with.

16. It was in respect to this claim that, the Jaghirdar, through his Vakil, addressed to the Collector, to the Board and to the Government, those remonstrances which form Board Petition 1,140 and its enclosures. Various reasons were therein given why the claim was an unfair one: the chief and strongest arguments used were that Sheshagiri Rao is not a relative and therefore not entitled to the interference and aid of Government under the terms of the Sanad: that it was not competent to any of the Jaghirdar's predecessors, according to the judgment of the Courts, to entail on the Estate charges to the prejudice of their successors: and that even were the deed of assignment produced by Sheshagiri Rao proved to be genuine, and did it purport to convey to the original grantee and his heirs for ever a claim for pension, such would be voidable on the determination of the grantor's interest in the Estate. But whatever value these arguments may possess, it was, the Board think, for the Jaghirdar to conform without hesitation to the orders of Government, and not, a year and more after their issue, to begin to ask for inquiry into and report on the relationship which Sheshagiri Rao might or might not bear to him. The Board do not doubt, but that Government would willingly have taken into consideration any representation which the Jaghirdar might have thought proper to make after their orders had been fully complied with. As the case stands, the Jaghirdar has himself or his advisers to thank for the position in which his obstinacy has placed him.

17. In his Petition No. 1,921 of 1862, the Jaghirdar protests against the Collector's recommendation for resumption of his Jaghir, on the ground that such a punishment should only be inflicted for actual deliberate contumacy. The Board leave it to Government to determine whether or not the conduct of the Jaghirdar throughout can be described in more appropriate terms.

18. In paragraph 4 of this petition the Jaghirdar would make it appear that the Collector has failed to conform to the orders of Government requiring a re-investigation and report on Sheshagiri Rao's claim. Nothing of the kind was ever ordered. The Government Petition No. 966 of 1862 was simply "referred to the Collector of North Arcot through the Board of Revenue, with reference to Government Order, dated 29th April 1862, No. 919," and the Jaghirdar's Petition of the 12th April* was forwarded to the Collector for very early report with reference to Board's Proceedings, dated 24th April 1862, No. 2,604, i. e. as regards the circumstances connected with the alleged remittance of the money due to Sheshagiri Rao through the Collector. No re-investigation of the claim was ever directed.

19. In paragraph 5 of his petition the Jaghirdar complains that the Acting Collector in his report of 18th June has adverted to the claims of parties not referred to in the Government Order of October 1861; but the Board observe, that in their Order of 24th December 1860, the Government directed a settlement of the cases specifically mentioned, as well as those of other claimants who might have right on their side. But the Board would not press this. They think that it has been clearly shown that the Jaghirdar has omitted fully to carry out the orders of Government in a case specially mentioned, and therefore the present assertion on the Jaghirdar's part does not affect the question at issue.

20. The Board in the course of the foregoing remarks have not taken into consideration the cases of these "other parties." The Collector has referred to some of them in his report of 18th June and the Jaghirdar has in his Vakil's address to the Collector of 24th April† last, stated objections to the continuance of some of these stipends. Besides the foregoing individuals there are others whose petitions formed enclosures to the Government Order of 28th June last, No. 1,416. The Board are of opinion that as the Collector has‡ in course of preparation in accordance with Government Order, 29th April last, the list of relatives, with the amount payable to each, the best course will be, after the general question is settled, to take into consideration this list, with any remarks which the Jaghirdar may have to make on each case, and to submit it in a complete form for the final orders of Government.

† Enclosure to Petition 1,401 of 1862.

‡ Vide Collector's letter, dated 30th May 1862, No. 91, paragraph 3, recorded in Board's Proceedings 10th June 1862, No. 3,727.

(True Copies and Extract.)

(Signed) C. G. MASTER, Acting Sub-Secretary.

6 *Proceedings of the Madras Government, Revenue Department,*
25th August 1862.

No. 355. To His Excellency Sir WILLIAM DENISON, K.C.B., Governor in Council of Fort Saint George.

The humble Petition of TEROOMALA RAO SAHEB, Jaghirdar of Arnee presented on his behalf by his Vakil V. SADAGOPA CHARLOO:—

RESPECTFULLY SHEWETH,

1. That the Jaghir of Arnee was an ancient Estate conferred on your Petitioner's ancestors about 400 years ago by the Subadar of the Deccan for and in consideration of good services rendered to him by them. It accordingly continued to be held and enjoyed successively in the family down to the time of your Petitioner's great grandfather Sreenevasa Rao Saheb; in whose time it was captured by the Nabob of the Carnatic. But after the conclusion of the war, a treaty of peace was entered into between the said Nabob and Pertaupa Sing, Rajah of Tanjore, under date the 12th October 1763. The 5th Article of that treaty provided that at the request of Rajah Pertaupa Sing the Nabob should restore to the Jaghirdar of Arnee his Jaghir on certain conditions which appear below. Accordingly the Government of Madras, under orders from the Court of Directors, restored the Jaghir to the said Sreenevasa Rao Saheb, under a Cowle dated the 20th June 1789. The conditions of that instrument were based on the treaty quoted above, and they were that the Jaghirdar should not erect any forts or strongholds within his Estate; that he should behave himself in all things with due obedience to the Government of the East India Company and of the Nabob; that he should not retain any Military force; that he should do every thing to provide for the welfare of the inhabitants, the increase of cultivation, and the improvement of the country; that he should not impose any new duties and customs; and that he should pay Nuzzer of 10,000 Rupees yearly to His Highness the Nabob.

2. After the death of the said Sreenevasa Rao Saheb, the Government of Madras granted a Sanad to his adopted son Teroomala Rao Saheb under date the 10th May 1796. The terms of this document were identically the same as those of the Cowle above alluded to in every respect but one, viz., that the Nuzzer aforesaid was directed to be paid to the Government of the East India Company, instead of to the Nabob, as a pledge of the Jaghirdar's obedience to them and as a return for the protection afforded by them.

3. The Jaghir was accordingly held by him until his demise in or about 1825, when Government renewed their Sanad with his eldest son Sreenevasa Rao Saheb. This deed was dated the 19th April 1825; and reiterated the conditions of the Sanad of 1796. Two further stipulations were however added to it, viz., that the grantee should make a suitable provision for the different members of his family according to established usage and according to the orders of Government when they may see fit to interfere, and that on failure of any of its conditions, the Sanad would be of no effect and the Jaghir would be liable to be resumed. The Sanad does not in any way explain why these additional conditions were introduced into it; and your Petitioner is at a loss to understand why the grantee submitted to the same. Be this as it may, the Jaghir was held under it by your Petitioner's father till his death in 1853.

4. On the thirteenth day of August 1853 the Government renewed their Sanad to your Petitioner on the same terms as those embraced in the one granted to his father in 1825. At that time your Petitioner was a minor and could not and did not understand the terms of the grant. After attaining his majority he took no pains to compare the terms of the Sanad granted to him with the earlier ones of 1789 and 1796, feeling no immediate necessity for doing so. The annoyance which his relatives have given him has since driven him to inquire into the terms of the original grants, and the result of his labors has been the discovery of the two very stringent conditions newly added to the Sanad of 1825 and repeated in that of 1853 without a why or a wherefore.

5. For the present, however, your Petitioner will not enter into any lengthened discussion as to the legality or binding character of the additional condition imported into the Sanads granted to his father and himself. He will reserve it for any future occasion when he may feel the necessity of going into the question. For the purposes of the present petition, he will assume that such condition is legal and binding on him; and that Government is under it fully authorized to entertain questions regarding the allowances due to the members of his family. Even then it must be allowed that Government has no warrant to interfere in the case of any one who is not a member of his family. They cannot decide on the claims of a servant, a defendant, the holder of any grant from the Jaghirdar or the like. They can only interfere in cases in which members of the family put forward claims for maintenance.

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6. With these observations, your Petitioner will at once proceed to the immediate subject of this petition.

7. On the 23rd October 1861, Government passed their orders on the claims of the five individuals named below, viz.:—

1. Ramachandra Rao.
2. V. Venkat Rao.
3. Vedaji Subba Rao.
4. Satya Vijaya Appa Venkat Rao.
5. Shesagiri Rao.

The Government decided that the claims of these parties should be satisfied before any representation from your Petitioner would be listened to. It should be borne in mind that of these five individuals the claims of the first four differed and were distinguishable from that of the fifth Shesagiri Rao. The former were admitted to be members of the family and the only dispute between them and your Petitioner was the *quantum* of the allowance payable to them, they demanding more than he agreed to pay. The fifth man Shesagiri Rao was not a member of the family nor even a relation of your Petitioner; who therefore denied and still denies his title to any allowance from the Jaghir. The ground on which the allowance claimed by him was awarded to him by Government was not his relationship to the Jaghirdar or his being a member of his family, but certain Sanads purporting to have been granted to his father by that of your Petitioner.

8. Under these circumstances, your Petitioner paid off the allowances due to the first four claimants with past arrears, and on account of the allowance decided to be due to Shesagiri Rao, he remitted Rupees 2,000 to the Acting Collector of North Arcot to be either held in deposit pending the final decision of Government in his case, or at the Acting Collector's discretion to be disbursed to the claimant. His reasons for preferring payment of the money through the Acting Collector were; 1st, that these Proceedings being taken under Regulation IV of 1831, and the payment being made *under protest*, it was best that this should be done through the public Officer before whom the case was pending; 2ndly, that no intimation having been given to him as to the rate at which the allowance should be paid (*i. e.* whether it was at 18 or 13 per mensem) he necessarily felt doubts on the matter and therefore left the same to be decided by the Acting Collector; and 3rdly, that if Government should finally decide against the claimant, the Collector would be better able to recover the money paid *under protest* than your Petitioner, whose only remedy would then be a Civil Suit against a pauper and a stranger to the family having no allowances to retrench from.

9. Along with the said sum of 2,000 Rupees your Petitioner forwarded his final appeal to your Excellency in Council dated 11th April 1862. Both these were returned by the Acting Collector pending his recommendation to resume the Jaghir. Against the Proceedings of the Acting Collector, your Petitioner presented several petitions to the Board of Revenue, who have referred the entire matter for the decision of Government. Upon such reference, your petitioner begs to submit this petition for the gracious consideration of your Excellency in Council.

10. The points requiring the judgment of Government are three:—

(1.) Whether your Petitioner has done any thing to justify the resumption of his Jaghir.

(2.) Whether the tender of the money to the Collector was not a proper procedure under the circumstances of this case, and,

(3.) Whether the Acting Collector was not bound to have inquired into the case of Shesagiri Rao and forwarded with his report your Petitioner's petition to Government.

11. As to the first point, it is not asserted that your Petitioner has violated any of the graver and more important provisions of the Sanad under which he holds his Jaghir. He has not withheld payment of his Peshcash; nor built forts in his Jaghir; nor neglected the interests of his inhabitants; nor imposed new taxes on them. As to the provision for the members of his family he has always been anxious to accede to just claims. Of the five individuals embraced in

8 *Proceedings of the Madras Government, Revenue Department,*
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the Government Order of October 1861, four have been paid; and the claim of the fifth having been pronounced by legal advisers to be questionable, he has tendered payment of the money under protest through the Acting Collector for reasons already detailed. Is this conduct to be denounced as disobedience to the orders of Government? and for this is the Jaghirdár to meet the punishment inflicted on deliberate contumacy? He feels too much assurance in the justice of Government to apprehend that they will sanction the extreme measure recommended by the Acting Collector.

12. Upon the second point, your Petitioner will content himself with referring your Excellency in Council to paragraph 8 of this petition. The untenable and questionable character of Shesagiri Rao's title will be evident from the petition to the address of Government, dated 11th April last, which was forwarded to the Acting Collector, but returned by him to your Petitioner.

13. On the third point, your Petitioner submits that the said petition of the 11th April last discloses matter requiring a thorough re-investigation of the merits of the case. Added to this the orders of the Board and Government noted in the margin* directed an inquiry into the claim of Shesagiri Rao. But the Acting Collector has declined to institute any enquiry until the dues of Shesagiri Rao were paid direct by your Petitioner.

14. Your Petitioner will not occupy the time of Government with more than alluding to the harsh style in which the Collector couches his communications to him (your Petitioner) and the treatment of communications from your Petitioner's Vakíl. He will ere long address Government on that subject.

He now humbly but confidently prays —

- (1.) That the recommendation of the Acting Collector may be disallowed.
- (2.) That he may be directed to receive the money tendered by your Petitioner, and,
- (3.) That the case of Shesagiri may be re-investigated and his claim, to be supported by your Petitioner, may be rejected.

And your Petitioner shall ever pray.

16th July 1862.

V. SADAGOPAH CHARLOO,
Jaghirdár's Vakíl.

No. 356. To His Excellency Sir WILLIAM DENISON, K. C. B., Governor in Council of Fort Saint George.

The humble Petition of TEROOMALA RAO
SAHEB, Jaghirdár of Arnee, presented by his
Vakíl V. SADAGOPAH CHARLOO.

RESPECTFULLY SHEWETH,

1. That since the representation of his petition of the 16th ultimo, to the address of Government, your Petitioner was advised *himself* to pay to Shesagiri Rao the allowance due to him under the orders of October 1861. Having made up his mind to do this, he has sent his Peons Vellore or Chittoor and is absent from Arnee, your Petitioner has requested the Acting Collector to send him down to him when he may appear before his Kacheri. And when he appears at the Jaghirdár's Kacheri, he will be paid the whole of his allowance.

2. Your Petitioner regrets at what has past, and for having given any occasion to the Acting Collector and the Board of Revenue to consider him guilty of defiance of the orders of Government. He assures your Excellency in Council that this will not occur again.

3. With these apologies, for the trouble your Petitioner has given to the Board and Government, he prays that the matter may be dropped for the present, and that no further notice may be taken at present of the communications of the Board and the Acting Collector.

4. When the list, which is in course of preparation at the Collector's Office, is completed, he will once for all submit the whole of his observations on the claims of the several individuals.

And your Petitioner shall ever pray.

V. SADAGOPAH CHARLOO,
Vakíl for the Jaghirdár.

7th August 1862.

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No. 357.

ORDER THEREON, 26th August 1862, No. 1,815.

1. The Proceedings of the Board of Revenue have reference to the refusal of the Jaghirdár of Arnee to conform to the orders of Government, regarding the payment of certain stipends to members of the family and to the dependents of the Jaghirdárs of Arnee, which stipends, according to the terms of the Sanad under which this Jaghir is held, the present Jaghirdár is bound to pay.

2. Upon the refusal of the Jaghirdár, he was informed that he was bound to obey the orders of Government, under penalty of the revocation of his Sanad, and that the Government would not tolerate any further disobedience or evasion of their orders.

3. The claim to which the Jaghirdár has offered most resistance is that of one Shesagiri Rao; in the other principal cases, the Jaghirdár would appear to have conformed to the orders of Government. The Board notice other claimants, of whom a list is under preparation, and are willing to listen to such objections as the Jaghirdár may have to bring to these claims, provided he shows a willing obedience to the orders of Government in the case of Shesagiri Rao, regarding the validity of whose claim the Government have already decided.

4. In his petition the Jaghirdár expresses his willingness to obey the orders of Government by the immediate payment to Shesagiri Rao of the amount due to that individual, upon his presenting himself to the Jaghirdár to receive the same. The Jaghirdár expresses his regret at the unnecessary trouble that he has caused to the Government and the Board of Revenue by his refusal to pay the sum due by him to the relations and dependents of his family.

5. Under these circumstances the Government resolve to send these Petitions to the Board, and to request them to direct the Acting Collector of North Arcot to send Shesagiri Rao to the Jaghirdár of Arnee to receive the arrears of stipend due to him.

6. The Acting Collector will report to the Board of Revenue that the Jaghirdár has, without delay, fulfilled the promises contained in his petition. The Government, while willing to accept the Jaghirdár's apology, will not delay taking measures to enforce obedience to their orders, should the Jaghirdár again hesitate to perform the duty required of him.

(Signed) T. PYCROFT,
Chief Secretary.

No 354 to 357

Refusing execution of laws
relating to the refusal of
the Jaghirdar of Arnee
to conform to Govt. orders
regarding payment of
certain stipends to members
of his family and to the
dependents of the Jaghirdar
- Hindu of Arnee -

Proceedings of the
Madras Government
Dated 26th August 1862

No 1815

Revenue 1862 Dep't
Pro. of Govt. of Madras

26
3011
11 Copy

To

HIS EXCELLENCY SIR WILLIAM DENISON, K. C. B.,
GOVERNOR IN COUNCIL OF FORT SAINT GEORGE,

&c. &c. &c.

The humble Petition of Teroomala Row
Saheb, Jaghiredar of Arnee.

RESPECTFULLY SHEWETH,

That the final orders of Government on the subject of your Petitioner's Khandans or Stipendiaries dated 23rd October last were communicated to him by the Collector of North Arcot, and in obedience thereto, he has distributed to all those Khandans all the arrears of allowance decided by Government to be due to them. He will ere long address Government on the general subject of the Khandan's allowances. He now begs leave for the last time to approach your Excellency with his reiterated prayer that he should be exempted from liability to pay the allowance awarded to a complete stranger named Sashagery Row, on the following grounds.

I. Because the said Sashagery Row is not in any way related to or connected with your Petitioner. Like the Khandans he has no hereditary claims to be maintained from and out of the profits of the Jaghire; neither his name nor that of his father is entered in the List of Khandans annexed to E. M. C. dated 13th March 1832, and the Collector Mr. Robinson in his letter to your Petitioner of date the 18th January 1861, declared that no hereditary allowance need be paid to any person not found in that list, and his alleged relationship is not even attempted to be proved. His father was employed as Bakshee under your Petitioner's forefathers on a monthly pay of Rupees 18, and as such he had certain fixed duties to perform in the service of the Jaghiredar for the time being, who creates or abolishes the office whenever he thinks fit; and such is not a *mirasi* or hereditary office. Clearly the holder of it cannot lay claim to have it continued from father to son. Indeed there are no hereditary offices attached to the Jaghire, with the exception of those of village servants.

II. Because the fact that the office which Sashagery Row and his father held is not of a hereditary character must be evident to any one from the admitted circumstance that on his (Sashagery's) appointment to it the salary which his father was in the receipt of was reduced from 18 Rs. to 13 Rs. per mensem, and he continued receiving this without any complaint or objection for 17 years preceding his dismissal in 1854. Surely if he was a Khandan entitled to receive the salary of his father, he would have remonstrated against this reduction.

III. Because the man was dismissed for misconduct, and is therefore not entitled to any salary. It is going too far and compromising your Petitioner's status too much to say that he must maintain even those who have misbehaved, who have set his authority in defiance and sided with his enemies in trumping up cases of forgery and perjury against him.

IV. Because the sunnuds produced by the said Sashagery Row are false and fabricated. There are no copies or entries of the same among the records of the Jaghire. Your Petitioner stoutly denied their genuineness, and no evidence of any sort or kind has been adduced in proof of it; and yet the Collector Mr. Robinson assumed them to be true and *bona fide* in the teeth of your Petitioner's denial and in the absence of any evidence. Your Petitioner repeatedly asked the Collector to send the original documents that he may have an opportunity of inspecting them. The Collector ought in deference to your Petitioner's position to have complied with this reasonable request. He might have done this by affixing his initials to them to prevent their being tampered with. But he persisted in his refusal to let your Petitioner look at them. If as Sashagery Row says he was related to your Petitioner and had hereditary claims to be maintained out of the profits of the Jaghire, what need was there for the alleged execution of these sunnuds?

There was no pressure on your Petitioner's forefathers to grant them to Sashagery's father. All these circumstances must satisfy your Excellency in Council that the documents have been trumped up to support an unfounded claim. As if anything was wanting to show their utter falsity, it is now pretended that they were lost in the Collector's Cutcherry. How is it possible to account for their loss? No explanation of this mystery is even suggested.

V. Because the sunnuds, even if genuine, cannot bind your Petitioner. No consideration is shown for their execution. One of them is said to provide for the grant of 18 Rs. salary in perpetuity. The other empowers the grantee to receive from the servants of the Jaghire a *bonus* of 1 fanam per pagoda out of their salaries! Unless Sashagery or his father was a Khandan these documents could not confer hereditary rights on either. They were only binding on the grantor and not on your Petitioner for the simple reason that if each Jaghiredar was competent to alienate the revenues of the Jaghire to strangers, he might leave nothing to his successors.

VI. Because the claims of Sashagery have already been finally disposed of by the late Collector Mr. Whittingham and the Board of Revenue. He was dismissed from the post of Bakshi in 1854, and immediately appealed to the said Collector. His appeals were repeatedly dismissed by him and by the Board of Revenue, and Government on the ground that his name was not found in the list passed by Government in 1832. (See orders of the Collector, dated 10th December 1858, endorsement of the Board of date the 20th July 1859 and the orders of Government in 1859.) In the face of such decisions, Mr. Collector Robinson thought fit for reasons best known to him to re-open the question and without any enquiry or proof assumed that the man was your Petitioner's relation, an assumption which has been accepted by the Board of Revenue as correct. If final decisions of competent authorities are to be thus set aside on no solid grounds, what safety can there be to the interests of the people?

VII. Because the term "Swakia" which Sashagery Row prefixed to his name is not to be found in any of the records of the Jaghire. It shows beyond a doubt that he is no relation; for none of the admitted Khandans found in Government Lists have such epithets applied to them. The term itself means "one's own" or "dependents." If the man is related to your Petitioner, what is his relationship? Is any specific relationship alleged? No. Is it proved? No. How then can the mere use of at best an ambiguous epithet prove consanguinity?

VIII. Because in the sunnud under which your Petitioner holds the Jaghire, Government have not reserved to themselves the right or power of interfering with his treatment of the Jaghire servants. It is admitted that Sashagery was a Bakshi and as such dismissible by your Petitioner. In the case of one Nijananda Pillay and others who appealed to Government against their dismissal by your Petitioner, Government under date the 24th July 1857 passed the following order.

"The Petitioners would appear to be merely servants of the Jaghiredar and removable at his pleasure. Government will not interfere with his freedom of action in this respect."

"Should Petitioners suppose they have a legal claim on his purse, they are at liberty to test the question in the Civil Courts."

Your Petitioner has no objection whatever to Government referring Sashagery Row also to the Civil Courts.

IX. Because if Government is not prepared to recal their orders in the case of Sashagery Row, many false claims of a similar class of servants are sure to be thrust forward and the resources of the Jaghire will be swamped. If Sashagery Row's was the only case of the kind, your Petitioner would not mind bowing down to the decision of Government, though considering it to be unjust. His objection is one of principle. He questions the policy of Government extending their interference to the claims of his servants, and in that light alone he begs that this appeal may be viewed.

On all these grounds, your Petitioner humbly prays for a reconsideration of the orders of Government passed in the case of Sashagery Row and that the same may be recalled.

He also prays that a full enquiry may be made as to the pretended relationship of Sashagery and a report called for from the Collector on the whole of this case or what is better that he may be referred to the Civil Courts where your Petitioner is prepared to meet him.

And your Petitioner, WILL EVER PRAY.

(Signed) V. SADAGOPAH CHARLOO,
Vakeel for the Jaghiredar.

MADRAS,
11th April 1862.

To

JAMES FRASER, Esq.,

Acting Collector of North Arcot.
&c.

&c.

SIR,

On behalf of Tiroomala Row Saheb, Jaghiredar of Arnee, I beg to enclose herein Government Currency Notes for Rs. 2,000 on account of the alleged arrears of pay decided by Government to be due by him to one Sashagery Row his dismissed Bakshi. His dismissal dates from March 1854, and from that date his pay in arrears up to the end of March 1862 would at Rs. 18 per mensem the rate claimed by him amount to Rs. 1,746; but according to the rate at which he had continued to receive for 17 years previously viz. Rs. 13, it would aggregate to only Rs. 1,261.

I also crave leave to enclose a Petition to the address of Government praying for a reconsideration of their orders on this subject, and to request that you will be pleased to forward it to them with such observation as may occur to you in reference to it. And pending the disposal of this Petition, I am desired to ask of you the favor of your holding the said sum of Rs. 2,000 in deposit. And I have thought it proper to do so, because if the money is now paid away to the claimant and Government are disposed to pass an order on this recent application favorable to the Jaghiredar, he would be without means to recover the amount from a mere pauper. His case is not like that of a Khandan whose future allowance is available for retrenchment of any payment made by mistake or under a misapprehension, but he is a mere servant and a pauper. In making this request, however, the Jaghiredar is by no means actuated by feelings of disobedience or disrespect to the orders of Government which motives have unfortunately been imputed to him by Mr. Collector Robinson on the misrepresentation of his subordinates. Should it nevertheless appear to you that his present application to have the money held in deposit on the grounds stated above is likely to be viewed by Government as an attempt or indication of an intention to trifle with their injunctions, he has no objection to the arrears being at once paid over to the claimant. His contention is one affecting a principle, and not the small sum of money he is now compelled to pay.

The Jaghiredar further begs to intimate to you that he has distributed the allowances due to all the Khandans included in the lists approved of by Government, and is also distributing the current allowances from month to month; and he requests that this fact may be reported to Government.

The Jaghiredar further begs to be permitted to conduct his correspondence with you in future in English, as he thinks that this course will preserve the good will of Government towards him; and prevent the language of his communications being misinterpreted or misunderstood. He requests that this permission may be accorded to him, and that you will be pleased to send your answers also in English.

I have the honor to be,

Sir,

Your most obedient and humble servant,
(Signed) V. SADAGOPAH CHARLOO,
Vakeel for the Jaghiredar.

11th April, 1862.

To

THE PRESIDENT AND MEMBERS OF THE BOARD OF REVENUE,

*The humble Petition of Teroomala Row Saheb,
Jaghiredar of Arnee.*

RESPECTFULLY SHEWETH,

That in the matter of the orders of the Board and Government passed in the case of one Sashagery Row, a dismissed servant of the Jaghiredar, a sum of Rs. 2,000 was yesterday remitted to the Acting Collector, together with a Petition to the address of Government on the same subject; and the Acting Collector was asked at the same time either to hold the money in deposit pending the decision of Government on the said Petition, or at once to pay the arrears over to the claimant if such course was deemed preferable.

The Jaghiredar has since been informed that on the 9th or 10th instant, the Acting Collector has addressed a communication to your Board recommending the attachment of the Jaghier as a consequence of his (Jaghiredar's) alleged disobedience. He will not now trouble your Board with any observations on this charge of disobedience made against him. But humbly hastens to intimate to your Board that the money has been already forwarded to the Acting Collector, and to request that under the circumstances the extreme measure suggested by him may not be sanctioned or recommended by your Board. To save him from any such consequences, he begs that the arrears of pay due to the claimant may at once be ordered to be paid over to him. Copy of your Petitioner's letter to the Acting Collector accompanies this.

And your Petitioner,

WILL EVER PRAY.

(Signed) V. SADAGOPAH CHARLOO,

Vakeel for the Jaghiredar.

12th April, 1862.

OFFICIAL MEMORANDUM.

The Acting Collector of North Arcot returns the Bank notes and letter in English sent by the Jaghiredar of Arnee and refuses to have any communication with him on the subject of payment to his relations and dependents pending the answer of Government to his (the Acting Collector's) letter to them of the 10th instant.

NORTH ARCOT,
Collector's Court Kacheri,
POOTALPIT, 14th April
1862.

(Signed) J. FRASER,

Acting Collector.

To

TRIMALA ROW SAHEB,
Jaghiredar of Arnee.

To

THE PRESIDENT AND MEMBERS OF THE BOARD OF REVENUE,
MADRAS.*The humble Petition of Teroomala Row Saheb,
Jaghiredar of Arnee.*

RESPECTFULLY SHEWETH,

1. That, in reference to the Jaghiredar's Petition of the 12th instant to the Board, he begs to state that his letter of the 11th instant to the address of the Acting Collector, referred to in that Petition, with its enclosures including Government Currency Notes for Rs. 2,000, was delivered to that Officer on the 14th (the delay in the transmission being consequent on the intervening Sunday the 13th) at Chittoor. But the Acting Collector forthwith returned the same with a memorandum dated the 14th, which is submitted herewith for the perusal of the Board.

2. The Jaghiredar further begs to present herewith his letter to the Acting Collector above adverted to with his Petition to Government therein enclosed, and humbly but earnestly prays, for reasons contained in his letter to the Collector,

1st. That the Petition to Government may be forwarded to them with the recommendation of the Board either at once or after any enquiry which the Board may deem proper to direct; and,

2ndly. That the Collector may be directed to receive the Currency Notes from your Petitioner for disposal as the Board may think proper, *i. e.* to be either held in deposit pending the final orders of the Government on the Petition now submitted to them or what is preferable under present circumstances to be at once distributed to the claimant Sashagery Row.

And your Petitioner as in duty bound,

WILL EVER PRAY.

(Signed) V. SADAGOPAH CHARLOO,

Vakeel for the Jaghiredar.

17th April, 1862.

To

JAMES FRASER, Esq.,

Acting Collector of North Arcot.

SIR,

1. I have been desired by the Jaghiredar of Arnee to acknowledge the receipt of your Telugu *Khat* of the 11th instant, No. 9, in reply to his of the 18th ultimo, No. 12, in which he applied for a month's time to answer your *Khat* of the 7th idem, No. 6, in consequence of the then approaching marriage of his younger brother Ramachandra Row Saheb. It is hardly necessary to tell you that on such an occasion as the marriage of his uterine brother, involving grand preparations in accordance with oriental customs, the Jaghiredar's time and attention must be wholly taken up. And under the circumstances the period of one month applied for by him was reasonable. But in your *Khat* under acknowledgment you have been pleased to observe that the Jaghiredar has assigned reasons for not complying with your former *Khats* and on that ground alone have thought fit to recommend to Government the sequestration of the Jaghire. The Jaghiredar feels deeply pained to find that the reason assigned by him for not being able to send an immediate reply, and which will he hopes be now viewed by you as not unsatisfactory, should have been condemned as *ಛೇದನ*. The term is a compound of *ಛೇ* and *ಛೇನ*, meaning respectively false and worthless. The Jaghiredar is satisfied that *you* never could have meant or desired the use of such insulting language to a person in his position. But this instance will serve to show you the state of feeling that your subordinates entertain towards him and it was for this reason that in his last communication to you which you have returned, he expressed his desire to keep up his correspondence with you in English.

2. As to the claims of the individuals referred to in your *Khat* under reply, the Jaghiredar begs to state that the arrears due to the following individuals were paid off on the dates mentioned in the subjoined memo.

No. in Govt. List.	Name.	Amount paid.	When paid.
Not in the list.	Ramachandra Row.....	6,500 0 0	4th January 1862.
1	Visharam Venkata Row.....	3,528 0 0	5th February 1862.
10	Vedaji Soobba Row.....	675 3 4	24th November 1861.
5	Satya Vijaya Appa Venkat Row through Annajee Row.....	373 12 8	2nd April 1862.
	Total...	11,077 0 0	

3. These four individuals and Sashagery Row were the five persons who appealed to Government and obtained orders in their favor; of these four have been paid their arrears as shown above, and on account of the arrears due to Sashagery Row, the Jaghiredar sent to you 2,000 Rs. with a Petition to the address of Government, but which you returned under date the 14th instant.

4. The other parties referred to in your *Khat* of the 11th instant are Nos. 3, 21, 22 in the Government list and Soobhan Row. All these parties but No. 21 have appealed to the former Collector, or to the Board, or Government, and their appeals were dismissed by those authorities. But since the receipt of the orders of Government on the claims of the five individuals mentioned in the last paragraph, they have again applied to you on their claims to allowances from the Jaghiredar. I shall proceed to answer their cases seriatim.

5. No. 3 in the Government list was originally Bemasana Row. He was in receipt of 20 Rs. a month. He had two sons Raghothama Row and Poorooshothama Row; the former predeceased his father, the latter survived him. Poorooshothama received 16½ Rs. and Raghothama's widow Toolaja Bhojee the remaining 3½. Both these have also died, and the only surviving party in the family is Poorooshothama's widow Lakshmee Bhojee who now receives 5 Rs. per mensem, and her allowances at that rate have been paid off up to January last. She has no complaint to make. But a young man of the name of Venkata Row is the claimant before you on account of No. 3. He represents that he was adopted by Toolaja Bhojee, the widow of Raghothama Row and claims to have the 20 Rs. allowed to the late Bemasana Row. The Jaghiredar begs to submit that in 1854 this claimant appeared for the first time before Mr. Bourdillon, the then Collector, who disposed of his claim in these terms. "The said claimant Venkata Row is not the heir of the party whom he wishes to represent. He pretends that Toolaja Bhojee adopted him; this is not proved. Even if proved, he can have no claim to the allowance, which neither she nor her husband enjoyed. His claim is therefore dismissed by endorsement on his Petition to the Board." See Mr. Bourdillon's *Khat* to the Jaghiredar under date the 25th January 1854, No. 3. From this order he made no appeal whatever, and it stands final. Yet he has the audacity to repeat his claim after the lapse of 8 years. Under the Statute of Limitations his claim would be barred after this long acquiescence from the time his claim was dismissed by Mr. Bourdillon.

6. The next claimant is No. 21. Her name is Bhagirathy Bhojee, widow of Annajee Row. The allowance he was in the receipt of was 8 Rs., which on his death was reduced to 4 Rs. to his issueless widow, with reference to the long standing custom of the family. This sum he is prepared to pay her with all arrears if she would only receive it. For obvious reasons an issueless widow would not by law and usage be entitled to, nor would she require the same amount which was allowed to her husband jointly with herself. And the principle of this reduction had been recognised by the late Acting Collector Mr. Brett and Collector Mr. Bourdillon in their *Khats* to the Jaghiredar of the 5th August 1853, No. 13 and 25th January 1854, No. 3, respectively in the matter of the claims of Toolaja Bhojee and Lakshmee Bhojee referred to in the last para; and as a further illustration of the principle the Jaghiredar begs to state that the widow of No. 21, in the Government List still continues to receive less than a moiety of the allowance enjoyed by her husband. He will also allude to the case of No. 15 in the Government List in support of this principle; in which the widow of Balajee Row received 10 Rs. out of the 24 assigned to him. The Jaghiredar is prepared to pay her entire arrears and the current allowance at the rate of 4 Rs. per mensem and frequently offered the same to her. But she persists in refusing this for reasons which the Jaghiredar hopes will appear to you to be untenable. On this matter the Jaghiredar addressed you a *Khat* No. 10, dated 9th March 1862.

7. No. 22 in the List of Government was G. Rama Row. He was in receipt of a stipend of Rs. 7 per mensem. On his death the same was continued to his son Baboo Row, who received it till he had occasion to go to Benares when he assigned the allowance in payment of a debt of 400 Rs. he had borrowed of one Parasooram who accordingly received it for some years. After that, Baboo Row's uncle, Vencat Row, applied to have a moiety of this allowance apportioned to him, which application was complied with by the late Collector Mr. Whittingham in his *Khat* of

the 4th December 1858, No. 23. In that same *Khat* it was also decided that the other moiety should be continued to Baboo Row's brother Goondoo Row, who is the present claimant before you; and Parasooram was referred to Civil Suit for recovering his debt. Accordingly Vencat Row ever since continues to receive 3½ Rs.; but Goondoo Row having persisted in his refusal to receive the 3½ Rs. adjudged by Mr. Whittingham, the matter was reported to that Officer who sent the following answer dated 19th March 1857, No. 9. "In the matter of Goondoo Row's stipend, a *Khat* dated 4th December 1858 was sent to you. He is now informed by endorsement that if he is not willing to receive the one Pagoda a month therein awarded, he cannot get any other order such as he desires." This order stands final, not having been set aside by the Board or Government. It will be seen from the above that this man's claim had been twice disposed of and disposed of most equitably. The allowance set apart for the entire branch of Rama Row was ordered to be divided between his younger brother Venkat Row and his younger son Goondoo Row. If Goondoo Row wishes to have the whole 7 Rs. paid to him, what is to become of Venkat Row? The Jaghiredar is prepared to pay the 3½ Rs. with arrears to Goondoo Row if he will only receive it. On this matter a *Khat* No. 11, dated 9th March 1862 was sent to you by the Jaghiredar.

8. It now only remains to dispose of in a few words the claims of Soobhan Row referred to in your *Khat* aforesaid. He is the step brother of the Jaghiredar. On the death of his father the late Sreenivasa Row Saheb, Soobhan Row and his mother Rajoobbojee Saheba claimed an allowance for maintenance. After some dispute the matter was submitted to arbitration, when the arbitrators decided that Rs. 83,000 should be paid in full of all claims on account of past and future maintenance. This sum was accordingly paid to Rajoobbojee Saheba in the presence of the mediators. Shortly after this she presented several petitions to the Board, who by endorsement of the 18th July 1857 referred those petitions to the Collector for report, which having been made, the Board by their order of the 8th June 1859, No. 2139, referred her and her son to the Civil Court for redress. On appeal to Government, the decision of the Board was confirmed. Instead of therefore resorting to the Courts, she has again applied to you on behalf of her minor son. It may be as well to add that she had preferred a complaint of robbery to the Magistrate, who however dismissed it as false and unfounded. The papers connected with this claim having been mislaid, the Jaghiredar has applied to Government for copies thereof, and on receipt of the same will again address you if necessary.

9. The Jaghiredar feels assured that if all the foregoing facts which are to be found among your records were brought to your notice by your subordinates, you would not have called on him for a fresh settlement of these claims which have been actually and virtually disposed of by competent authorities. The order of Government, dated 23rd October 1861, No. 2029, under which the Jaghiredar is now called upon to settle these claims, can only refer to the case of the five individuals therein specifically referred to and if at all to any unsettled claims, but surely not to such claims as those of Nos. 3 and 22 and Soobhan which have been finally decided by the authorities for the time being. The Jaghiredar now hopes that any impressions which might have been made on your mind that he is disobedient to the orders of Government may be removed. He has already shown that the claims of four out of the five men in whose favor Government decided have been fully satisfied, and there is no complaint from them that such has not been the case. It should also be remarked that the payment of the larger claims, viz., those of Ramachandra Row and Nos. 1 and 10 had been made long before the Jaghiredar's *Khat* asking for a month's time on account of his brother's marriage, and that then the small sum of Rs. 373-12-8 only was due to No. 5. The case of the 5th man Sashagery Row, is the subject of his present appeal which he has forwarded to you on special grounds, but which you were pleased to return, along with the money which he placed at your disposal and discretion for satisfying the claims of this perfect stranger either at once or after disposal of his appeal to Government. The claims of Nos. 3 and 22 and Soobhan Row had been already disposed of, and the principle which should govern the case of No. 21 has also been declared by former Collectors. And the Jaghiredar now respectfully asks, what is there left to support the

recommendation which it has pleased you to make to Government that his Jaghire should be sequestered?

10. On all these grounds I beg that you will be pleased to recal your recommendation for zuffing the Jaghire; dismiss the claims of Nos. 3, 21 and 22, and of Soobhan Row, and forward the Jaghiredar's final appeal to Government on the case of Sashagery Row after receiving from him the amount already tendered to you, and disposing of it as you like best under the circumstances of the case.

I have the honor to be,

SIR,

Your most obedient servant,

(Signed) V. SADAGOPAH CHARLOO,

Vakeel for the Jaghiredar.

24th April, 1862.

N. B.—The above communication was returned on the ground that Vakeels can make their representation to the Collector only verbally but not in writing.

To

THE PRESIDENT AND MEMBERS OF THE BOARD OF REVENUE.

*The humble Petition of Tiroomala Row
Saheb, Jaghiredar of Arnee.*

RESPECTFULLY SHEWETH,

That your Petitioner very much regrets the necessity he is under of again approaching your Board with this address, but trusts that he will be pardoned for this intrusion under the following circumstances of the case.

On the 24th ultimo, the Jaghiredar, through his Vakeel, V. Sadagopah Charloo, addressed the enclosed communication to the Acting Collector of North Arcot on the subject of certain Khandans' claims referred to in a Telugu Khat received from his office. This communication was returned by Mr. Fraser with an endorsement to the effect that the Vakeels of any parties are at liberty to make their representations to him *only verbally but not in writing*.

Your Petitioner is not aware of any rule or regulation to this effect. On the contrary such practice prevails in other Districts and your Board themselves graciously allow of parties addressing Petitions through their Vakeels and Agents. Petitions to Government through the medium of duly constituted Vakeels are always received. The right of addressing an Officer of Government *verbally* may or may not be accorded; but the privilege of written communications has never been refused to any subject of the British Government. Whether that subject sends his written communication himself or through his legal adviser is immaterial.

In the case of the present letter, there were special reasons why the communication should be in writing, and in English. The Jaghiredar complains in the 1st para of his Vakeel's letter submitted herewith, that the Telugu Khat from the Acting Collector contained insulting language, and in para 9 thereof that the subordinate officers in the Collector's office have suppressed facts from the notice of the Acting Collector.

Under these circumstances the Jaghiredar humbly prays that the enclosed may be sent to the Acting Collector for his consideration, or that he may be desired to receive it from your Petitioner's Vakeel.

And your Petitioner,

WILL EVER PRAY.

(Signed) V. SADAGOPAH CHARLOO,

Vakeel for the Jaghiredar.

7th May, 1862.

To

THE PRESIDENT AND MEMBERS OF THE BOARD OF REVENUE,

&c.

&c.

&c.

*The humble Petition of Tiroomala Row Saheb,
Jaghiredar of Arnee.*

RESPECTFULLY SHEWETH,

1. That on the 12th April 1862, your Petitioner presented a Petition to your Board submitting copies of his communication to the Acting Collector of North Arcot, dated the 11th idem and of its enclosure.

2. That on the 10th idem, the Acting Collector sent up a recommendation to your Board to resume the Jaghire, unless your Petitioner settled the claims of his Khandans.

3. That thereupon* your Board called upon the Acting Collector for a report on the statements of your Petitioner in his Petition referred to in the 1st para hereof.

4. That on the 24th April the Jaghiredar addressed another letter to the Acting Collector stating that the claims of parties referred to in the orders of Government dated 23rd October 1861 amounting to upwards of 11,000 Rs. had been adjusted, and that on account of the claim of Sashagery Row a sum of 2,000 Rs. was forwarded to that Officer, but returned by him in consequence of his communication to the Board of the 10th April 1862.

5. That on the 23rd May 1862, the Jaghiredar again remitted to the Sub Collector the said 2,000 Rs. on account of Sashagery Row's claims. This sum, together with the Jaghiredar's Khat of that date No. 2, was handed over to the Acting Collector, who once more returned the money to the person who carried it.

6. That the Jaghiredar now regrets to learn that in the face of all these proceedings the Acting Collector has thought fit to report to your Board that the orders of Government of October 1861 have not been complied with. Your Petitioner cannot express to your Board in adequate terms his mingled feelings of pain and astonishment at the action which the Acting Collector has now taken. It cannot be denied that the claims of four out of the five individuals embraced in the said orders of Government *have been fully discharged, and not a cash is due to them* up to the dates specified in the communication of your Petitioner referred to in para 4 hereof. The Acting Collector cannot be ignorant of this circumstance as it was brought to his notice more than once (see Jaghiredar's letter to the Acting Collector of the 24th April and his Khat to the Sub-Collector of the 23rd May 1862). Those individuals have preferred no complaint whatever that their allowances have not been paid since the Government Orders of October last, but on the contrary reported to the Collector their receipt thereof. And as to the claims of the fifth individual, Sashagery Row, the sum of Rs. 2,000 sent by him to the Acting Collector, once directly and again through the Sub-Collector, has been refused on both occasions. How under such circumstances the Collector is justified in reporting that the Jaghiredar has not conformed to the orders of Government, it is for your Board to say. True it is that in making the payment to the said four individuals and sending money to pay Sashagery Row with, the Jaghiredar yielded to the pressure of the orders of Government without giving up his right of further appeal to Government. But there is a vast difference between payment of money *under protest* and *refusal* to pay. The Jaghiredar has indeed paid the money under protest but not *refused* to pay it. That he did pay upwards of 11,000 Rs. to the said four individuals must be apparent from their reports which were sent to the Acting Collector, and the refusal of the Acting Collector to receive the said 2,000 Rs. will be manifest to your Board from his Official Memorandum of the 14th April last, submitted with the Jaghiredar's Petition of the 17th idem.

On all the foregoing grounds, the Jaghiredar humbly and with confidence in the justice of your Board, prays

1stly. That the Acting Collector's recommendation to resume the Jaghire, may not be complied with.

2ndly. That the Acting Collector may be directed to receive from your Petitioner the 2,000 Rs. on account of Sashagery Row's claims, and dispose of the same at his discretion; and,

3rdly. That the Acting Collector may be also instructed to forward to Government the Jaghiredar's Petition of the 11th April last on the subject of Sashagery Row's claim after holding an enquiry on it.

And your Petitioner,

SHALL EVER PRAY.

(Signed) V. SADAGOPAH CHARLOO,

Vakeel for the Jaghiredar.

4th June, 1862.

THE PRESIDENT AND MEMBERS OF THE BOARD OF REVENUE.

The humble Petition of Teroomala Row Saheb,
Jaghiredar of Arnee, presented by his Va-
keel V. Sadagopah Charloo.

RESPECTFULLY SHEWETH

1. That upon the Jaghiredar's Petition to your Board of the 4th Instant, the Collector was called upon for certain explanations which your Petitioner now learns have been submitted to you; and in reference thereto, he begs to address this further Petition to your Board.

2. In the said Petition of the 4th Instant, your Petitioner pointedly stated that of the five individuals in whose favor the order of Government dated 23rd October 1861 had been passed, the claims of four were fully satisfied, and that on account of the fifth man Sashagery Row a sum of 2,000 Rs. was remitted twice to be held in deposit or paid under protest, but was returned on both occasions. The Acting Collector does not deny these facts, which may therefore be assumed to be correct without further reference. But he says that the Jaghiredar has not *himself* paid the allowance to Sashagery Row. The reasons which induced and still induce your Petitioner to prefer tendering the amount to the Acting Collector as above set out have been stated to him and they are these. 1stly. That the payment being tendered *under protest*, it is best that the same should be done through a *public Officer*. 2ndly. That no intimation having been given to the Jaghiredar of the rate at which the allowance should be paid (*i. e.* whether it be 18 or 13 Rs. per mensem) he necessarily felt doubts on the matter and therefore left the same to be decided by the Acting Collector, and 3rdly. That in case Government should finally decide that Sashagery Row had no claims whatever, the Collector would be better able to recover the money paid under pressure of their orders than your Petitioner whose only remedy would then be a *Civil Suit* against a *pauper*.

3. While therefore your Petitioner is most willing and ever ready to conform to the orders of Government dated in October 1861, and has done so in four out of five instances, his tendering the money in the fifth and asking for a reconsideration of the very questionable and untenable claim of Sashagery Row, can by no possibility be construed into a conduct savoring of disobedience, or opposition to the directions of Government. Before pursuing this course, he obtained sound legal advice for which he applied; and it would, he humbly submits, be a hard and severe measure indeed if for a conduct like this he is to meet with the punishment inflicted on actual deliberate contumacy, viz., the deprivation of the management of the Jaghire. He feels assured that your Board will not, under the circumstances of the case, endorse the recommendation of the Acting Collector to *zuft* the estate.

4. In connection with the case of Sashagery Row, your Petitioner cannot fail to bring to the notice of your Board that while the Acting Collector is ready to condemn his (Jaghiredar's) proceedings as contumacious, he would not do the favor of instituting an enquiry into the Row's case as directed by the Board, and Government in their orders marginally noted* which enquiry would satisfy Government of the utter falsity and futility of his claim. Nor would he even forward for the consideration of Government the Jaghiredar's Petition of the 11th April last on the subject of this claim, which Petition was returned by him (Acting Collector) but was forwarded to him by your Board.

5. Your Petitioner is also informed that in his last communication to the Board, the Acting Collector has adverted to the claims of three* other individuals not embraced in the orders of Government of October 1861, as not satisfied by the Jaghiredar. In the first place any failure on the part of the Jaghiredar to comply with the

* 1. Soobhan Row Saheb.
2. Bhagirati Bhojee.
3. Goondoo Row.

demands of parties not specifically alluded to in that order cannot subject him to the penalties provided therein for disobedience thereto. If otherwise, your Petitioner must be under constant dread of attachment of his Jaghire upon the litigious claim of any discontented Khandan in Arnee. In the next place your Petitioner submits that the claim of Soobhan Row Saheb has already been satisfied by a lump money payment of 83,000 Rupees, and that Bhagirati Bhojee and Goondoo Row would not appear and receive their dues.

6. Regarding the claim of Soobhan Row, your Petitioner begs to subjoin copy of the Jaghiredar's letter of the 14th Instant, No. 22, to the Acting Collector which runs as follows.

1. "I have the honor to acknowledge the receipt on the afternoon of the 12th Instant of your Telugu *Khat* of the 5th No 16, on the subject of the claims of Soobhan Row Saheb and Rajasbhoyee Saheba. You therein require me to settle their claims to past and current allowance and report the same to you within the 16th Instant. I must confess that I was not a little surprised at this communication, as the claims of these very parties have already been referred by you to the Sub-Collector for enquiry and report and are still pending investigation before that Officer to whom I have addressed a *Khat* on the 5th Instant.

2. "In regard to the claim of Soobhan Row Saheb I have only to subjoin what was stated in para 8 of a communication addressed to you by my Vakeel under date the 24th April last, but which you were pleased to return to him."

8. "It now only remains to dispose of in a few words the claims of Soobhan Row referred to in your *Khat* aforesaid. He is the step brother of the Jaghiredar. On the death of his father the late Sreenavassa Row Saheb, Soobhan Row and his mother Rajasbhoyee Saheba claimed an allowance for maintenance. After some dispute the matter was submitted to arbitration, when the arbitrators decided that Rupees 83,000 should be paid in full of all claims on account of past and future maintenance. This sum was accordingly paid to Rajasbhoyee Saheba in the presence of the mediators. Shortly after this the said parties presented several Petitions to the Board, who by endorsement of the 18th July 1857 referred those Petitions to the Collector for report, which having been made, the Board by their order of the 8th June 1859, No. 2139, referred her and her son to the Civil Court for redress. On appeal to Government, the decision of the Board was confirmed. Instead of therefore resorting to the Courts, she has again applied to you on behalf of her minor son. It may be as well to add that she had preferred a complaint of robbery to the Magistracy, who however dismissed it as false and unfounded. The papers connected with this claim having been mislaid, the Jaghiredar has applied to Government for copies thereof, and on receipt of the same will again address you if necessary."

3. "To this I must add that I am prepared to prove to the satisfaction of the Sub-Collector before whom this claim is under enquiry that the said sum of Rupees 83,000 was not only paid as stated above, but that portions thereof have been lent to several parties under Bonds on stamp paper purchased from your Office. It will appear from the foregoing facts that the application of Soobhan Row Saheb and his mother Rajasbhoyee Saheba is nothing more than a demand for a fresh settlement of an old decided satisfied claim and as such ought to be dismissed by you."

4. "The claim of Rajasbhoyee Saheba for an allowance separate from that of her son is further illegal; for according to Hindu Law her maintenance must be provided by her son from and out of the allowance granted to him and it is only where a widow is sonless that she can claim subsistence money from the general head of the family."

7. From the foregoing it must be evident to your Board that the claim of Soobhan Row Saheb has been fully satisfied by the said payment of Rs. 83,000. The Acting Collector apparently views this as payment made to Rajasbhoyee Saheba and therefore erroneously supposes that her son is still entitled to the monthly allowance of 250 Rs. In doing so, he must have shut his eyes to the fact that by Hindu Law the *Saheba* has no claim of her own on the Jaghiredar and the payment of the large sum made to her must therefore have been and in point of fact was for her son, and the payment was made to her for no other reason than that her son was and still is a minor.

8. As to the two other parties your Petitioner begs to subjoin para. 3 of his communication to the Acting Sub-Collector of the 14th Instant.

3. "Regarding the two other parties viz. G. Goondoo Row and Bhagirati Bhojee, the only cause of the non-payment of their allowances is their failure to appear before my Cutcherry. My *Bukshi* issued two notices, one before the receipt of your *Khat* under acknowledgment and the other after it, calling upon them to appear before him and receive the arrears due to them. Both these notices were returned by the Taluq Daffadar with an endorsement that they were absent from their Village. I enclose them for your perusal; and request that you will be good enough to direct them to appear at my Cutcherry when their arrears will be disbursed."

9. To this he has to add that these parties have subsequently appeared before the Jaghiredar's Cutcherry at the instance of the Sub-Magistrate, but refused to receive the allowance unless it was raised to what they had claimed before but which claims had been disallowed by the former Collector of the District. Their refusal was attested by a Mahazernamah which is now before the Sub-Collector.

10. A consideration of all these circumstances will not fail to convince your Board of the following facts viz:

1stly. That the arrears due to Sashagery Row were not only not refused but actually tendered to the Collector twice.

2ndly. That under the peculiar circumstances of the case, the Collector should have complied with your Petitioner's prayer as to the disposal of the money so tendered.

3rdly. That the Acting Collector has not reinvestigated the case of Sashagery Row as directed by the Board and Government.

4thly. That the claim of Soobhan Row Saheb has already been satisfied and disposed of by the authorities and,

5thly. That Goondoo Row and Bhagirati Bhojee have refused to receive the usual allowance payable to them.

Your Petitioner therefore most respectfully prays.

1stly. That the Acting Collector's recommendation to resume the Jaghire may be disallowed.

2ndly. That that Officer may be directed to receive the money tendered by the Jaghiredar on account of Sashagery Row.

3rdly. That the reinvestigation ordered by the Board and Government may be instituted into Sashagery's claim and,

4thly. The Jaghiredar's Petition of the 11th April last forwarded to Government for their consideration and decision.

And your Petitioner shall ever pray.

(Signed) V. SADAGOPAH CHARLOO,
Vakeel for the Jaghiredar.

23rd June, 1862.

Printed copy of
Petition No.
1921 of
1882

W. H. 434 L

W. H. 1815 26th July 1882

W. H. 1815

Yours very truly
J. H. 1815

19/8/60

My dear Mr. H. 1815,
H. 1815 desires me to
ask you with reference to
the last line of para 3
of the 1815. H. D. whether the
words "regarding the va-
lidity of which there can
be no doubt" refer to the
opinion of Government
on Seshagiri Rao's claim,
or to their impression of
the Board's sentiment
on that claim.
In the former case
no alteration of course

would be required - but
if the Government have
understood the Board
to say that no doubt
exists about Reshaji
Rao's right to a stipend,
it may be as well to
correct the misappre-
hension before the
order is communicated
to the Collector.

In para 16 of their
Proceedings of 17 July
last No. 4620, the Bd
detailed the reasons
which had been assigned

to shew that such right
did not exist, and left
it to be inferred from
the tenor of their remarks
that these arguments
possessed a certain
value.

The order will not
be communicated to the
Collector till I hear
from you that it may
go as it stands.

For convenience of
reference I enclose copies
of the papers referred to,
with the passages now
in question marked with
blue pencil.

Rev. Depy.

1815-

Proceedings of the Madras Govt.
26th Aug 1862.

Read Proceedings of the
Board of Revenue.

dated 18th June 1862.

Read petition of Teroomala
Rao Sahib Jaghirdar
of Arnee, presented by his
Vakil V. Sadojaha (Kadoo
(Here enter name))

Order thereon.

The proceedings of the Board
of Revenue have reference
to the refusal of the Jaghirdar
of Arnee to conform
to the orders of Govt, regarding
the payment of certain
stipends to members

of the family and to the
dependents of the Jaghri-
dars of Amra; which stands,
according to the terms
of the Sumud under
which this Jaghri
is held, the present
Jaghirdar is bound
to pay. -
Upon the refusal of
the Jaghirdar, ~~that~~
he was informed that
he was bound to obey
the orders of Govt, under
penalty of the revocation
of his Sumud, and
that the Govt would
not tolerate any further
disobedience or violation
of their orders. -

168
The claim to which the
Jaghirdar has referred
most unwillingly is that
of one Shesagori Rao;
In the other principal
cases, the Jaghirdar
would appear to have
conformed to the orders
of Govt. -
The Board notice other
claimants, of whom an
list is under preparation,
and the Board do not
appear to listen to such
objections as the Jaghirdar
may have to bring to
these claims, provided
he shows a willful obedience
to the orders of Govt in
the case of Shesagori
Rao, regarding the validity

of which there can be no doubt.

In his petition the Jaghirdar
expresses his willingness
to obey the orders of Govt by
the immediate payment
to Sheshgiri Rao of the amount
due to that individual, upon
his presenting himself to
the Jaghirdar to receive the

Jaghirdar of
Arner

For circulation

same; The Jaghirdar excuses his report at the unnecessary
trouble that he has caused to the Govt and the Board
of Revenue by his refusal to ~~bequeath~~ pay the sum
due by him to the relations & dependents of his family.
Under these circumstances the Govt resolve ^{Send this Petition to the Board} to request
them, to direct my acting Collector of N. Dist to send
~~the Jaghirdar of Arner~~
Sheshgiri Rao to the Jaghirdar of Arner to receive
the arrears of stipend due to him.

^{at} The Collector will report to the Board of Revenue
that the Jaghirdar has, without delay, fulfilled
the promises contained in his petition. The Govt
while willing to accept the Jaghirdar's apology,
will not delay taking measures, to ensure obedience
to their orders, should the Jaghirdar again hesitate
to ~~perform~~ perform the duty required of him.

M.S.

14 Copies to the Secy of Govt
with 2 Petitions
1- to Secy of Govt with 9 Petitions

Chy. Secy

30/10
5

22-12-1867
19-9-1867
26-10-21

Revenue 1862 Dec 18th.
Dro: of Govt for Aug 1862.

1815

Pro. No. 39-40
13-3-1832
128-129
9-5-60
73-74
7-7-60
419-420
24-12-60
306-307
23-1-61
129-130
8-3-61
2776279
23-10-61
3976402
29-4-62
416-424
28-6-62

No 352, 357.

Pro. No. 416
2-5-62
C. No. 1654/62

Pro: of the Madras Govt.
Dy 26th August 1862.
Pro. No. 2911 dated 02
6.11.2853 and 1862.
From Dy 31 Aug 1862 C. No. 3031.
With C. No. 2959/62
Passing orders on
papers relating to the
refusal of the Magistrate
of Amree to conform to
Government orders re:
granting payment of
certain allowances to
members of the family
and to the dependents
of the Magistrate of Amree.