

*Proceedings of the Madras Government, Revenue Department,
27th September 1862.*

No. 514. Read the following Petition from Rajah VASSAREDDY LUTCHMEEPATHY NAIDOO, BAHADOOR MUNNA SULTAN, Zamindar of Chintapully and other Taluqs in the Districts of Guntoor and Masulipatam, to T. PYCROFT, Esq., Chief Secretary to the Government of Fort Saint George, Madras, dated 4th September 1862:—

SIR,

1. I have the honor to forward to you three copies of a Petition addressed by me to His Excellency the Secretary of State for India in Council, together with thirty-one Extracts of Proceedings and documents obtained from the late Court of Sudder Adalat, as also three copies, in two parts, of the printed papers connected with my case, being an embodiment of the thirty-one Extracts herewith submitted intended for facilitating their perusal; all which I request you will be pleased to lay before the Government, and then transmit them to the Secretary of State for India by the earliest opportunity, for which I shall feel extremely obliged and thankful. I have not forwarded the decisions of Her Majesty in my case, as they are matters obtainable in England at the Office of the Judicial Committee of the Privy Council, besides they are fully set out in the printed papers herewith sent, whereby the occasion for sending the originals is obviated.

2. As I live generally in the country and come occasionally to town, I beg that all communications on this matter may be addressed to me, care of V. S. Sam, Esq., Luz, Madras (whom I have appointed as my Agent) whereby the same will be duly transmitted to me by him wherever I may be at the time.

No. 515. ORDER THEREON, 27th September 1862, No. 2,105.

The Petitioner is informed that his Memorial was forwarded to the Right Honorable the Secretary of State for India on the 27th of September 1862.

(Signed) P. P. HUTCHINS,
Acting Deputy Secretary to Government.

TO

THE RIGHT HONORABLE THE SECRETARY OF STATE

IN COUNCIL FOR INDIA.

The Humble Petition of Rajah VASSAREDDY LUTCHMEPATHY NAIDOO BAHADOOR MUNNA SULTAN, Zemindar of Chintapully and other Talooks in the Districts of Guntoor and Masulipatam, composing the VASSAREDDY Estates, in the Presidency of Madras in the East Indies.

SHEWETH,

1. That your Petitioner is the lawful Heir and Zemindar of Chintapully and other Talooks in the Districts of Guntoor and Masulipatam composing the Vassareddy Estates, by right of adoption by the late Zemindar Rajah Jugganadha Baboo.

2. That on the death of the said Rajah Jugganadha Baboo on or about the 28th day of February 1825, various and serious litigations ensued with regard to the right of succession to the said Estates, and which finally was submitted in appeal to His late Majesty in Council from the decision of the Court of Sudder Udalt of Madras in A. S. No. 11 of 1827 of its file, preferred by your Petitioner's adoptive Mother and Guardian Vassareddy Rungamah.

3. That pending the said litigation, your Petitioner's Mother and Guardian the said Vassareddy Rungamah with the view of preserving the Estates from depredation, moved the Courts to take the same under their attachment, which was accordingly done and from which attachment they have never been released.

4. That your Petitioner submits, that in the course of and during the Court's attachment of the said Chintapully and other Talooks composing the Vassareddy Estates, and management of the same by the Government Revenue Authorities—and previous to their being put or placed under the controul and management of Ramanadha Baboo, a surplus collection of Revenue of about 14,00,000, Rupees or £140,000, (after paying all charges and Government kist, &c.) was deposited with the Court of Sudder Udalt of Madras, for the benefit of the party that would eventually be pronounced to be the rightful and lawful Heir and Successor to the said Vassareddy Estates.

5. That the said appeal of your Petitioner's adoptive Mother and Guardian Vassareddy Rungamah to His late Majesty in Council having been heard and reported upon by the Honorable the Judicial Committee of the Privy Council on the 29th February 1848, Her Most Excellent Majesty in Council was pleased to approve of the same, and by reversing the Decision of the Court of Sudder Udalt of Madras in the said A. S. No. 11 of 1827, was pleased to declare and pronounce, on the 2d March 1848, your Petitioner to be the rightful Heir and Successor to the Vassareddy Estates aforesaid.

6. That pending such appeal to England, your Petitioner's antagonist Ramanadha Baboo, by force of several and repeated applications and petitions, succeeded in getting himself put into the free and uncontrouled management of the said Vassareddy Estates, as fully set out in the Petition presented on behalf of your Petitioner to Her Most Excellent Majesty in Council, in page 37 of the Printed Papers herewith submitted, without giving any security whatever; and that in utter disregard of your Petitioner's earnest and repeated petitions and protests in that regard made and preferred.

7. That although the said Court of Sudder Udalut of Madras issued the order of the 27th July 1836 to put your Petitioner's antagonist Ramanadha Baboo in such possession of the Vassareddy Estates aforesaid, yet your Petitioner submits that he was not held or treated as the rightful Heir or proprietor of the said Estates, but was looked upon as a Servant under and for the Court; for his attention was particularly called by the Collector of Guntoor to the better management of the Estates for the benefit of all the litigants and to the necessity of punctual and regular accounts.

8. That the conduct of the said Ramanadha Baboo in the possession and management of the said Vassareddy Estates was profligate and highly reprehensible, will be evident to your Excellency in Council upon perusal of the Petition already adverted to in page 37 of the Printed Papers herewith submitted, and also of the Petition presented to the Court of Sudder Udalut at Madras in page 69 of the said Pamphlet. All representations made by your Petitioner to the Revenue Board and other authorities on that behalf did not meet with the attention that they merited.

9. That your Petitioner will not presume to recapitulate all the circumstances contained in the Two Petitions aforesaid—but by praying that your Excellency will be pleased to peruse the same, will only submit that the Board of Revenue finally, at the representation of the Collectors of Guntoor and Masulipatam, of Ramanadha Baboo's "gross mis-management and an intentional disregard of his engagements," directed the Collector of Guntoor on the 9th December 1841 "to use his discretion in attaching the Estate" and that officer accordingly attached the said Estates on the 8th January 1842.

10. That, referring to the Petitions in pages 37 and 69 of the Printed Papers aforesaid, for particulars of all circumstances that transpired on this occasion, your Petitioner submits that whilst the said Vassareddy Estates were in the safe custody and trust of the Court of Sudder Udalut of Madras as aforesaid, and consequently under the immediate and direct management of the Government Revenue Authorities, the Guntoor portion of the said Estates were put up and sold for arrears of Revenue or Kist and bought by Government for the sum of Rupees 5,000 of £500—and this, for the arrears brought on or occasioned by themselves through the delinquency of their own Servant or Manager, Ramanadha Baboo, whom they put in charge of the said Estates in spite of all the representations and protests of your Petitioner and without even taking any security from him.

11. That whilst the Decision of Her Most Excellent Majesty in Council of the 2d March 1848, decreeing the entire Vassareddy Estates aforesaid to belong to your Petitioner, was received by the Madras Government and filed of Record in the said Court of Sudder Udalut of Madras, the Masulipatam portion also of the said Estates was put up and sold by Government, for arrears and kist, as the property of the said Ramanadha Baboo, in utter disregard of the Decision of Her Majesty in Council of the 2d March 1848 aforesaid and in contravention of all the laws and rules that prescribe the form and procedure in matters of such sales for arrears of revenue.

12. That your Petitioner humbly submits, that under the provisions of Clause 4, Section 14, of Regulation V, of 1804 and Regulation X. of 1831, it has almost invariably been the practice and rule with the Madras Government, as also with the late Honorable the Court of Directors of the East India Company, not to demand or claim any arrears that might have accrued during the minority or incapacity of the parties to attend to the management of their own Estates, that have been held either under the Court of Wards or under attachment of the Courts of Judicature *pendente lite*. Nevertheless in this your Petitioner's case only, not only that rule has been deviated from, but also a portion of the said Estates, was sold at a time that there was no party from whom to demand the arrears; and another portion was sold as belonging to a man, that Her Majesty had declared not to be the proprietor of it.

13. That your Petitioner having sought in vain for a long time to induce the Court of Sudder Udalut to carry out the Decree of Her Majesty in Council of the 2d March 1848 aforesaid, and finding that no satisfactory result was obtainable from that Tribunal, he was constrained in 1852 to submit his grievance to Her Most Excellent Majesty in Council in a Petition, as set out in extenso in page 37 of the Printed Papers herewith submitted—which Petition, upon the usual

reference in such cases, to the Honorable the Judicial Committee of the Privy Council, they, on the 5th July 1852, after hearing Counsels on both sides, reported to Her Majesty in Council that "the said Court of Sudder Dewany Adawlut at Madras ought to be ordered forthwith to carry into execution Her Majesty's Order in Council of the 2d March 1848 made upon the hearing of the said Appeal and to direct the Collectors of Guntoor and Masulipatam and those districts in which the Vassareddy Estates are situated to put the appellant Rajah Lutchmepathy Naidoo in possession of the property in pursuance of the report of this Committee of the 29th February 1848 and of Her Majesty's Order in Council of the 2d March 1848 approving the same, reserving to the Madras Government and to all persons except the Respondents in the Original Appeal the right to appear for their interest if any."

14. That this Report of the Honorable the Judicial Committee of the Privy Council was made with the full knowledge and mature consideration of all the facts and circumstances of the sales effected, and the purchases made by the Madras Government of the Vassareddy Estates aforesaid, will be evident to Your Excellency in Council upon perusal of the same as given in full in page 52 of the Printed Papers herewith submitted, as quoted and recited in Her Majesty's Affirmation and Confirmation of the same, on the 18th day of August 1852—whereby Your Excellency in Council will perceive that whatever might have been the causes or pretences that induced the Government of Madras to sell those Estates for arrears of Public Revenue, such causes or pretences and such sales and purchases were ignored; and spite of such purchases by the Madras Government and the law that prevails for avoiding sales effected for arrears of kist, the Judicial Committee of the Privy Council reported to Her Majesty that the Sudder Dewany Adawlut at Madras ought to be ordered forthwith to carry into execution Her Majesty's Order in Council of the 2d March 1848 made upon the hearing of the said Appeal and to direct the Collector of Guntoor and Masulipatam and those districts in which the Vassareddy Estates are situated to put the Appellant Rajah Lutchmepathy Naidoo in possession of the said property—thus leaving or allowing the Court of Sudder Udalut at Madras no grounds whatever to question either their Jurisdiction, or power to resume the said Vassareddy Estates from Government and to put them in your Petitioner's possession.

15. That, this report having been approved of by Her Majesty, by and with the advice of Her Majesty's Privy Council, was graciously pleased on the 18th day of August 1852 to order as it was strictly ordered that "the said Court of Sudder Dewany Adawlut at Madras do forthwith carry into execution Her Majesty's order in Council of the 2d March 1848" &c. &c. "Where of the Judges of the said Court of Sudder Dewany Adawlut at Madras for the time being and all other persons whom it may concern, are to take notice and govern themselves accordingly." Thus, your Petitioner humbly submit, was the Report of the Judicial Committee of the Privy Council fully ratified and confirmed by the fountain head of all Law and Justice, Her Most Gracious Majesty the Queen in Council, against whose ruling no human voice can prevail.

16. That upon this last mentioned order of the 18th August 1852 being received by your Petitioner, he presented the same to the Court of Sudder Udalut at Madras with a brief petition or application dated 9th October 1852 (set out in page 67 of the printed papers herewith submitted) praying that "the Court will issue the necessary orders for forthwith putting the said Decree of Her Most Gracious Majesty the Queen in Council in force and giving full and immediate effect to the same."

17. That the said Court of Sudder Udalut at Madras, as would appear by Proceedings held on the 15th October 1852, (Extract of which is given in page 68 of the said printed Papers herewith submitted) resolved, "to call upon the Government Vakeel to urge any objections which he might have to offer against the execution of the above Decree, and the said resolution having been accordingly carried into effect, application [has been] was made by the Vakeel that he may be permitted to take a copy of the Appellant's motion and be allowed a period of one week, with a view to his obtaining the instructions of the Board of Revenue or the Government for his guidance in the matter." "Ordered accordingly."

Your Petitioner humbly submits that such a course (to be taken by this said Court of Sudder Udalt of Madras) was by no means contemplated by the order of Her Majesty in Council of the 18th August 1818.

18. That some months having elapsed since the above Proceedings were held by the Court of Sudder Udalt of Madras (on the 15th October 1852) and no objections having been urged or offered by Government, for which purpose one week was allowed, your Petitioner was advised by his Council to present another detailed Petition to the Court of Sudder Udalt at Madras, which he accordingly did on the 17th June 1853, as will be seen in page 69 of the printed Papers herewith submitted.

19. That, upon such petition being filed the Government Vakeel in the said Court put in an answer, for and on behalf of the Honorable the East India Company, which is also set out in page 89 of the printed Papers herewith submitted.

20. That, these two Petitions came to be heard on the 7th July 1853, when the Court of Sudder Udalt of Madras dismissed your Petitioner's application, on the ground, that as the lands were sold for arrears of Revenue and purchased by Government (para 4 of the Extract of Proceedings page 112 of the printed Papers herewith submitted) "that the sale of land in satisfaction of claims of Revenue can only be avoided by the payment of Revenue which one of any parties engaged in litigation for land is at liberty to make and so have the land placed in his possession pursuant to Clause fourth Section XI. Regulation XII. of 1809, and the legality of such sale can only be called in question by a suit instituted for the purpose as provided for by Section seven Regulation II of 1802. The former of these courses the Petitioner failed to take and the Estates in question fell in consequence under the power of the Revenue Authorities and were sold for the arrears of Revenue due on them, and the latter of these courses whereby alone the question at issue between the Petitioner and the Government can be brought under Judicial cognizance has not yet been pursued. Entertaining this view of the law as bearing upon the case under consideration, the Court of Sudder Udalt are satisfied that they have no jurisdiction to enter upon a summary investigation of the title under which the Government holds the Estates decreed to the Petitioner, the Petitioner having failed to show that the Decree of Her Majesty the Queen in Council of the 2d March 1848 which has been committed to the Sudder Udalt for execution, authorizes the Court to resume from the Government of Madras and make over to him the Estates adverted to in the said Decree, as the circumstances under which the Government have been possessed of the said Estates, are apparently such as the law permits of and as the Decree in no way provides against. The Court are therefore constrained to dismiss the Petitioner's application." And this Order, your Petitioner humbly begs to submit, was passed by the Court of Sudder Udalt, notwithstanding the Decretal Order of Her Majesty the Queen in Council of the 18th August 1852—
 * Vide para. 14, above remarks. and which allows the Court of Sudder Udalt no such power*—and which Decretal Order of the 18th August 1852 aforesaid your Excellency in Council will perceive, is by no means taken notice of by the Court, but is passed over sub silencio as if it were never issued or never had an existence, and as if the application of your Petitioner under consideration had not been based upon and made under and pursuant to such Decretal Order of Her Majesty the Queen in Council of the 18th August 1852—but under and pursuant to the Original Appeal Decree of the 2d March 1848 which was passed in the case between your Petitioner and the parties therein concerned.

21. That, with a view of inducing the Court of Sudder Udalt to review or reconsider their Order of dismissal of your Petitioner's Application as aforesaid, your Petitioner presented another Petition on the 13th October 1853 wherein he brought forward some more matters of fact which your Petitioner was advised did considerably strengthen his position, (as will be seen in page 121 of the Printed Papers herewith submitted)—but the Court Sudder Udalt by their proceedings of the 28th November 1853 dismissed it also by observing that "In their Order of the 7th July 1853 the Court of Sudder Udalt have already intimated to the Petitioner that it is not competent to them by an interlocutory order to adjudicate on the legality of such sale and that such

"question can only be brought to issue by a Civil Action." Under these circumstances the Court "of Sudder Udalt dismiss the Petition."

22. That your Petitioner begs humbly to submit, that, by the refusal of the Court of Sudder Udalt at Madras to carry out and carry into effect the said Order of the 18th August 1852, conveyed to them by Her Majesty the Queen in Council as shown above, he is placed in a worse position than he was before he had made the application to Her Majesty in 1852, and the Order of the 18th August 1852 aforesaid had been passed by Her Most Excellent Majesty in Council. Considering the peremptory tone and nature of the said order, your Petitioner humbly submits, that it does actually virtually and to all intents and purposes quash and nullify the sales effected by the Government of the said Vassareddy Estates, as fully shown above in this Petition, and does direct the Court of Sudder Udalt to resume the same from Government and make them over to your Petitioner, although not expressed in such stated or absolute terms. Consequently the Court of Sudder Udalt of Madras was in error in declaring that "they have no jurisdiction to enter upon a summary investigation of the title under which the Government holds the Estates decreed to the Petitioner—(which they were not required to do)—and that Her Majesty the Queen in Council does not authorise "the Court to resume from the Government of Madras and make over to him (the Petitioner) the Estates adverted to.—To institute a Suit or Suits in the Two Civil Courts of the Guntur and Masulipatam, as inferentially directed by the Court of Sudder Udalt, was beyond the means your Petitioner could command, for they would have entailed such heavy expenses that he could by no means afford, and hence such a direction or order, your Petitioner submits, was tantamount to a denial of Justice. Besides, under all the circumstances above set out, your Petitioner does not see what real advantage he could possibly have derived by instituting such suits; for, if such Decretal Order of Her Most Gracious Majesty the Queen in Council as of the 18th August 1852, had failed to produce the desired effect, what chance had your Petitioner of carrying out the point by any Decree or Decrees that the Courts below might have pronounced upon his suits?

23. That, ever since the proceedings held by the Court of Sudder Udalt and the dismissal of your Petitioner's Applications as aforesaid, he has failed to obtain from the Madras Government either a recognition of his rights or an inclination to give effect to the Order of Her Majesty the Queen in Council of the 18th August 1852—and although your Petitioner is advised, once more to bring all the foregoing circumstances before and to the notice and consideration of Her Most Gracious Majesty the Queen in Council in a Petition; but your Petitioner being persuaded that your Excellency will not suffer or sanction a Solemn Order of Her Majesty the Queen in Council to be so slighted or set at naught, prefers submitting it in the first instance to your Excellency in Council, in the strong belief and fervent hopes that he will not be allowed or driven by your Excellency in Council to adopt such a proceeding again.

24. Your Petitioner therefore humbly prays that your Excellency in Council will be pleased to order the Government of Madras not only to carry out the Order of Her Majesty the Queen in Council of the 18th August 1852 and put your Petitioner in possession of all the Vassareddy Estates as adjudged to him by the Decree of Her Majesty in Council of the 2d March 1848, but also, to write off and expunge all arrears of kist or Revenue, caused and occasioned by the malversations of their own Servant or Manager Ramanadha Baboo, and for the accruing or accumulation of which arrears your Petitioner is by no means blameable, and to instal him in the position and place of the Zemindar of all the Vassareddy Estates, to which position and place he is justly and lawfully entitled, free of all incumbrances, restrictions and retrenchments of any kind whatsoever.

And your Petitioner as in duty bound

WILL EVER PRAY.

MADRAS,
August 1862.

Signature of Rajah Vassareddy Luchma
and his son

The Signature of Rajah Vassareddy Luchma
Rajah Bahadur Manna Sultan
Zemindar of Vassareddy Estates.

26.8.95

Copy in a letter to England
of 27.8.1861 to 1862. B. 49

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PAPERS

RELATING

TO THE CLAIMS OF RAJAH

V. LUTCHMEPATHY NAIDOO, BAHADUR,

ZEMINDAR

TO THE

VASSEREDDY ESTATES.

Madras:

PRINTED BY G. SARAVAPPA CHETTY, AT THE HINDU PRESS,
13, ARMENIAN STREET.

1861.

PAPERS RELATING TO THE VASSEREDDY ESTATES.

DECREE OF THE QUEEN IN COUNCIL.

AT THE COURT AT BUCKINGHAM PALACE,

The 2nd Day of March, 1848.

PRESENT.

THE QUEEN'S MOST EXCELLENT MAJESTY.

HIS ROYAL HIGHNESS PRINCE ALBERT.

LORD CHANCELLOR,
LORD PRESIDENT,
DUKE OF NORFOLK,
MARQUIS OF ABECORN,
LORD STEWARD,
LORD CHAMBERLAIN,
EARL GREY,
EARL OF AUCKLAND,

LORD JOHN RUSSEL,
VISCOUNT PALMERSTON,
LORD CAMPBELL,
SIR JOHN HOBBHOUSE, BART,
MR. LABOUCHERE,
SIR GEORGE GREY, BART,
MR. CHANCELLOR OF THE
EXCHEQUER.

Whereas there was this day read at the Board a Report from the Judicial Committee of the Privy Council dated the 29th of February 1848, in the words following, viz :

“ His late Majesty having been pleased by His order in Council of the 23rd February 1836 to direct the United Company of Merchants of England trading to the East Indies to bring to a hearing before this Committee the humble Petition and Appeal of Vasseretty Rungummah, widow, against Vasseretty Atchummah and Puttoory Caledoss, and likewise the humble petition and appeal of the said Vasseretty Atchummah against Vasseretty Ramadah Baboo. The Lords Committee in obedience to his

late Majesty's said order have taken the said appeals into consideration and likewise a humble petition of the said Vasserreddy Rungumma, widow of the late Rajah Juggunnadha Baboo, deceased and adoptive mother and guardian of Rajah Vasserreddy Lutchmepathy Naidoo Bahadar Manna Sultan (now a Minor) of the Zillah of Masulipatam in the Presidency of Madras in the East Indies setting forth: That on or about the 6th day of September in the year 1826 the Appellant as such guardian as aforesaid filed her plaint in the Provincial Court for the Northern division of the said Presidency against Vasserreddy Atchummah, widow Rajah Vasserreddy Ramanadha Baboo and Puttoory Caledoss respectively Respondents hereto, which plaint was numbered 29 of A. D. 1826 on the file of the said Court, and the said plaint stated (among other things) to the purport and effect that on the 11th of January 1805, Rajah Vasserreddy Vencatadry since deceased had caused a marriage to be solemnized whereby the Appellant and the Respondent Vasserreddy Atchummah became without any distinction of seniority the lawful wives of Rajah Jagannadha Baboo, since deceased the son of the said Rajah Vasserreddy Vencatadry since deceased, and then a Minor of the age of 6 years and a half or thereabouts, and that on the 9th day of April 1819, a separation took place between the said Rajah Juggunnadha Baboo, since deceased, and the said Respondent Vasserreddy Atchummah, and from that time the rights and duties of wife of the said Rajah Jagannadha Baboo became solely vested in the Appellant, and the said plaint further stated that the said Rajah Jagannadha Baboo having no issue, on or about the 26th day of April 1819 in conjunction with the Appellant adopted Lutchmepathy Naidoo the third son of Chava Naidruannah and that the usual ceremonies of the said adoption were completed on the 18th day of August following, and the said plaint further stated (among other things) that some time previous to the 20th day of

February 1825 the said Rajah Juggunnadha Baboo, since deceased became seriously indisposed and on or about the 20th day of February 1825 the said Rajah Juggunnadha Baboo, since deceased duly made and executed his last Will whereby he appointed the Appellant Guardian to his said son Rajah Vasserreddy Lutchmepathy and bestowed upon his said son the whole of his Estate with the exceptions therein and in the said plaint particularly mentioned, and that the said Will was delivered to the custody of the Appellant, and that on or about the 28th day of February the said Rajah Juggunnadha Baboo departed this life, and that his funeral rites were duly performed in the name of his said son Rajah Vasserreddy Lutchmepathy Naidoo, and the said plaint further stated (among other things) that shortly after the decease of the said Rajah Juggunnadha Baboo the said Respondents Vasserreddy Atchummah and Vasserreddy Ramanadha Baboo, severally claimed the Estate of the said Rajah Juggunnadha Baboo, deceased, pretending to hold certain Wills or other instruments purporting to be executed by the said Rajah Juggunnadha Baboo, whereby they had respectively become entitled to the said Estate, and that after the decease of the said Rajah Juggunnadha Baboo, the said Respondents had endeavoured to give authenticity to the said Wills and instruments and create evidence in support thereof, and that the Respondent Puttoory Caledoss had fraudulently conspired with the said Respondent Vasserreddy Ramanadha Baboo, to deprive the Appellant as guardian of the said Rajah Vasserreddy Lutchmepathy of the said Estate and transfer possession thereof to the said Respondent Vasserreddy Ramanadha Baboo, and that by the means and in the manner hereinbefore and in the said plaint particularly mentioned the said Respondent Vasserreddy Ramanadha Baboo, had acquired possession of certain portions of the said Estate therein and hereinafter particularly mentioned and set forth and the said plaint prayed that the

said Respondent, Vasserreddy Ramanadha Baboo, ought be decreed to yield up and deliver possession to the Appellant (as Guardian of the said Rajah Lutchmepathy Naidoo as aforesaid) of so much of the said Zamindary and property as he then held and retained, that is to say 121 Villages situate in the Zillah of Guntoor, 154 Villages situate in the Zillah of Masulipatam yielding together an annual gross Revenue of about 440,000 Rupees and a permanent Assessment of Rupees 282,214-9-6, and 23 Villages of Chintalapooty Vuntoo yielding a gross Revenue of about 30,000 Rupees and a permanent Assessment of Rupees 19,868-8-0, and certain forts, houses, gardens and other real property valued at 176,000 Rupees (all which said Zamindary Villages and real property respectively are enumerated and described in a list schedule annexed to the said plaint) and the said plaint further prayed that the said Respondents Vasserreddy Ramanadha Baboo and Puttoory Caledoss might be decreed to pay to the Appellant as Guardian aforesaid the sum of 300,000 Rupees being the estimated profits of the said Zamindary Villages and property received and wrongfully retained by them as hereinbefore and in the said plaint particularly mentioned, and the said plaint further prayed that the attachment of the Court might be removed from the remaining portion of the said Zamindary that is to say 153 Villages (including six islands) comprising the Chatoormookapatam Vakee, and of 85 Villages comprising the Mootah of Rajapittah the whole whereof were under attachment by order of the said Court. That on or about the 9th day of February in the year 1827 the said Respondent Vasserreddy Ramanadha Baboo duly appeared and put in his answer to the said plaint and thereupon the Appellant replied to the said answer and the said Respondent Vasserreddy Ramanadha Baboo put in a rejoinder to the said reply.

That on or about the 21st day of February in the year

1827 the said Respondent Vasserreddy Atchummah duly appeared and put in her answer to the said plaint and thereupon the Appellant replied to the said answer and the said Respondent Vasserreddy Atchummah put in a rejoinder to the said reply. That in or about the 2d day of March in the year 1827 the said Respondent Puttoory Caledoss duly appeared and put in his answer to the said plaint and thereupon the Appellant replied to the said answer and the said Respondent Puttoory Caledoss put in a rejoinder to the said reply. That the said cause being then at issue, documentary evidence was entered into both on the part of the Appellant and the said Respondent respectively, and 4 of the witnesses who had been summoned with others to give evidence for and on behalf of the Appellant were examined by the said Provincial Court. That by a Decree of the said Provincial Court bearing date the 11th day of May in the year 1827, it was ordered and decreed that the claim of the Appellant should be disallowed and her suit dismissed with Costs. That the Appellant presented a petition of Appeal from the said last mentioned Decree to the Court of Sudder Dewany Adawlut at Madras which said petition was numbered 11 of A. D. 1827 on the file of the said Court. That by an order of the said Court of Sudder Dewany Adawlut bearing date on or about the 22d day of October in the year 1829 it was ordered among other things that the Provincial Court for the Northern division aforesaid should be by precept commanded to re-admit the original suit numbered 29 of 1826 (being the suit of the Appellant hereinbefore mentioned) upon their file and to try and determine it de novo, and it was further ordered among other things that upon such trial evidence should be received and examined in conformity with the provisions of Section 10 Reg. 15 A. D. 1816. That in pursuance of the aforesaid order and on the receipt of the precept hereinbefore mentioned the said Provincial Court

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said Respondent, Vasserreddy Ramanadha Baboo, ought be decreed to yield up and deliver possession to the Appellant (as Guardian of the said Rajah Lutchmepathy Naidoo as aforesaid) of so much of the said Zamindary and property as he then held and retained, that is to say 121 Villages situate in the Zillah of Guntoor, 154 Villages situate in the Zillah of Masulipatam yielding together an annual gross Revenue of about 440,000 Rupees and a permanent Assessment of Rupees 282,214-0-6, and 23 Villages of Chintalapooty Vuntoo yielding a gross Revenue of about 30,000 Rupees and a permanent Assessment of Rupees 19,868-8-0, and certain forts, houses, gardens and other real property valued at 176,000 Rupees (all which said Zamindary Villages and real property respectively are enumerated and described in a list schedule annexed to the said plaint) and the said plaint further prayed that the said Respondents Vasserreddy Ramanadha Baboo and Puttoory Caledoss might be decreed to pay to the Appellant as Guardian aforesaid the sum of 300,000 Rupees being the estimated profits of the said Zamindary Villages and property received and wrongfully retained by them as hereinbefore and in the said plaint particularly mentioned, and the said plaint further prayed that the attachment of the Court might be removed from the remaining portion of the said Zamindary that is to say 153 Villages (including six islands) comprising the Chatoormookapatam Vakee, and of 85 Villages comprising the Mootah of Rajapittah the whole whereof were under attachment by order of the said Court. That on or about the 9th day of February in the year 1827 the said Respondent Vasserreddy Ramanadha Baboo duly appeared and put in his answer to the said plaint and thereupon the Appellant replied to the said answer and the said Respondent Vasserreddy Ramanadha Baboo put in a rejoinder to the said reply.

That on or about the 21st day of February in the year

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1827 the said Respondent Vasserreddy Atchummah duly appeared and put in her answer to the said plaint and thereupon the Appellant replied to the said answer and the said Respondent Vasserreddy Atchummah put in a rejoinder to the said reply. That in or about the 2d day of March in the year 1827 the said Respondent Puttoory Caledoss duly appeared and put in his answer to the said plaint and thereupon the Appellant replied to the said answer and the said Respondent Puttoory Caledoss put in a rejoinder to the said reply. That the said cause being then at issue, documentary evidence was entered into both on the part of the Appellant and the said Respondent respectively, and 4 of the witnesses who had been summoned with others to give evidence for and on behalf of the Appellant were examined by the said Provincial Court. That by a Decree of the said Provincial Court bearing date the 11th day of May in the year 1827, it was ordered and decreed that the claim of the Appellant should be disallowed and her suit dismissed with Costs. That the Appellant presented a petition of Appeal from the said last mentioned Decree to the Court of Sudder Dewany Adawlut at Madras which said petition was numbered 11 of A. D. 1827 on the file of the said Court. That by an order of the said Court of Sudder Dewany Adawlut bearing date on or about the 22d day of October in the year 1829 it was ordered among other things that the Provincial Court for the Northern division aforesaid should be by precept commanded to re-admit the original suit numbered 29 of 1826 (being the suit of the Appellant hereinbefore mentioned) upon their file and to try and determine it de novo, and it was further ordered among other things that upon such trial evidence should be received and examined in conformity with the provisions of Section 10 Reg. 15 A. D. 1816. That in pursuance of the aforesaid order and on the receipt of the precept hereinbefore mentioned the said Provincial Court

proceeded in conformity with the said regulation to try and determine the said cause de novo, and thereupon oral and documentary evidence was entered into both on the part of the Appellant and the said Respondents respectively. That by a Decree of the said Provincial Court bearing date the 5th day of July in the year 1830 it was ordered and decreed that the said plaint of the Appellant should be dismissed with Costs. That on or about the 29th day of July in the year 1830 the Appellant presented a Petition to the said Court of Sudder Dewany Adawlut thereby complaining of the said last mentioned Decree and that by an order of the said Court of Sudder Dewany Adawlut bearing date the 9th day of January in the year 1831 the Appellant was ordered and permitted to file a supplemental pleading in the said suit numbered 11 of A. D. 1827 by way of Appeal from the last mentioned Decree. That by a Decree of the said Court of Sudder Dewany Adawlut bearing date the 14th day of March 1832, it was declared (among other things) that the Appellant had entirely failed in making out her claim on behalf of the said Rajah Lutchmepathy Naidoo and it was ordered and decreed (among other things) that the Appeal of the Appellant in her suit numbered 11 of A. D. 1827 hereinbefore mentioned should be dismissed with Costs, and the said Decree contained a Statement whereby it was declared that the sum of Rupees 12,607-8-0 was payable by the Appellant in respect of the said Costs. That on or about the 25th day of April in the year 1832 the said last mentioned Decree was duly signed and certified by the Judges or other proper officers of the said Court of Sudder Dewany Adawlut. That the Appellant feeling herself aggrieved by the said Decree of the 14th day of March 1832 on or about the 17th day of October in the year 1832 presented a Petition of Appeal to His late Majesty in Council which was duly received by the said Court of Sudder Dewany Adawlut and was transmitted by them to his late

Majesty in Council together with a transcript of all the proceedings in the said cause, and humbly praying that his late Majesty in Council would take her said Appeal into consideration and that the said Decree of the said Court of Sudder Dewany Adawlut bearing date the 14th day of March 1832 may be reversed altered or varied or for other relief in the premises. And their Lordships have further proceeded to take into consideration the humble Petition of Vassereddy Atchummah the senior wife of Rajah Juggunnadha Baboo, deceased, in the 2d Appeal as aforesaid setting forth:—That on the 8th of November 1820 Vassereddy Ramanadah Baboo filed his plaint in the Provincial Court for the Northern Division of the Presidency aforesaid against the above named Rajah Juggunnadha Baboo, (the adopted son of Rajah Vassereddy Vencatadry, deceased,) to recover possession of 133 Villages being a moiety of the Zemindary estates in the Northern Circars of the said Rajah Vassereddy Vencatadry to which as his share he claimed to be entitled as the 2nd adopted son of said Rajah Vassereddy Vencatadry and by virtue of a deed of gift and will. The Plaintiff claimed also the sum of Rupees 976,985-6-1½ on account of mesne profits. That on the 16th day of June 1824 the Provincial Court by its Decree dismissed the said Plaintiff's suit with Costs. From this Decree the said Ramanadha appealed to the Sudder Dewany Adawlut of Madras; his Petition of Appeal was admitted on the 30th of October 1824 and on the 20th of January 1825 the Respondent Rajah Juggunnadah Baboo appeared in the Sudder Adawlut to that Appeal which is distinguished as No. 16 of 1824. That on the 17th March 1825 a motion was presented to the Sudder Adawlut by the Appellant in the said Appeal No. 16 of 1824 stating that the Respondent the said Rajah Juggunnadha Baboo had died on the previous twenty-eighth of February and had appointed the Appellant his heir. That the Appellant therefore withdrew his Appeal and he prayed

the Court to issue a precept to the Provincial Court directing them to put the Appellant in possession of the disputed property. The Appellant in support of his Petition presented to the Court among other documents a paper purporting to be a Copy of a Will of the deceased Respondent in favour of the then Appellant. But on the 12th of May 1825 his Appellant presented a counter Petition to the Sudder Adawlut impeaching the said pretended Will and praying that as elder widow of the deceased she might under orders of the Court be put into possession of the whole of her deceased husband's property. That on the 23d day of June 1825 the Sudder Adawlut directed this Appellant to institute a suit in the Provincial Court against the said Ramanadha for recovery of the entire Estate of the said Juggunnadha deceased, and the said Sudder Adawlut instructed the Provincial Court with reference to the circumstances under which the aforesaid Appeal of Ramanadha (No. 16 of 1824) was withdrawn, to consider his claim to a moiety of the Estate of Rajah Vasseretty Venecadry, not to be finally adjudicated, and that in determining upon the suit to be instituted by this Appellant the Provincial Court should confine their Judgment to the new points to be raised, and the Sudder Adawlut declared that in the event of Judgment in such last mentioned suit going against the said Ramanadha the case would on Appeal be brought on in all its bearings and that it would then be competent to the Sudder Adawlut to read the record in the former Appeal (No. 16 of 1824) and make it part of the latter. That on the 20th day of August 1825 the Appellant accordingly filed her plaint in the Provincial Court aforesaid against the said Ramanadha, thereby stating as therein is stated that the Appellant in the character of the eldest widow, and heiress of the deceased Juggunnadha claimed to be entitled to and to recover the whole of his real and personal Estate. The suit thus instituted by the Appellant is distinguished as No.

20 of 1825. That the said Defendant Ramanadha appeared on or about the 11th day of November 1825 and filed his answer to the said plaint of the Appellant to which answer the Appellant on the 16th day of the same month filed her reply and on the same day the said Defendant filed his rejoinder to the reply of the Appellant. That the said suit (No. 20 of 1825) being at issue the Appellant presented to the said Provincial Court as documentary evidence in support of her said plaint a Will purporting to have been executed by the said Juggunnadha in favour of the Appellant, and the said Defendant Ramanadha also produced in evidence the aforesaid Will of the said Juggunnadha in his favour upon which he relied, but the said Provincial Court rejected both documents as inadmissible and no other evidence either oral or documentary was received by the said Court. That on the 22d day of December 1825 the said Provincial Court made its Decree in the said suit (No. 20 1825), and thereby decreed to the Appellant as the legal heir to her late husband the said Juggunnadha possession of the property in general both real and personal subject to the opinion of the said Sudder Adawlut upon the said Appeal (No. 16 of 1824), which applied to the said 133 Villages claimed by the said Defendant in his said suit against the said Juggunnadha. That on or about the 10th day of April 1826 the said Defendant Ramanadha appealed from the said Decree of the Provincial Court pronounced in favour of the Appellant to the Sudder Adawlut of Madras and such Appeal is distinguished as No. 4 of 1826, and on or about the 15th day of May 1828 he filed in the Sudder Adawlut his special reasons in support of such appeal and the Appellant filed her answer thereto on or about the 19th day of June 1828. That after the filing of the said appeal No. 4 of 1826 the Sudder Adawlut together with the record of such appeal entered among other things into a consideration of the record of the aforesaid former appeal, No. 16 of 1824, and on the 23rd day of April 1832

the said Court by its Decree reversed the aforesaid Decrees of the Provincial Court of the 16th day of June 1824 and the 22nd day of December 1825, respectively, and adjudged among other things that the said Ramanadha the Appellant was entitled to succeed to the entire Estate real and personal of the said late Rajah Vas-eruddy Vencatadry. That the Appellant feeling herself aggrieved by the said Decree of the Sudder Adawlut in the particulars hereinbefore set forth, presented to the said Court her Petition of Appeal to his late Majesty in Council which was received by the said Sudder Adawlut and was by such Court transmitted to his late Majesty in Council together with a transcript of the Record in the said suit or respective suits, and humbly praying that His late Majesty in Council would take the said Appeal into consideration and that the said Decree of the Sudder Adawlut aforesaid may in the particulars complained of by the Appellant be reversed, altered or varied or for other relief in the premises. And their Lordships having heard Counsel appointed by the said United Company of Merchants on behalf of all the parties do this day agree humbly to report to your Majesty as their opinion that as against Puttoory Caledoss (who seems to have been very improperly made a party to these Proceedings) the Appeal of Rungumamah ought to be dismissed with Costs, and the Decree of the Court of Sudder Dewany Adawlut appealed from ought in other respects to be reversed. Their Lordships are of opinion that it should be declared that the adoption of Ramanadha was invalid and that he was not entitled to be considered as a co-heir with Juggunnadha to Vencatadry, but that under the circumstances appearing in evidence he was entitled to such property included in the gift made by Vencatadry after Juggunnadha came of age as Vencatadry had the power to dispose of, and that it should be declared that Ramanadha was entitled to retain those portions of such property which came into his possession

and to have restored to him such portions thereof as came into the possession of Juggunnadha or to have compensation made for the rent of the Estate of Juggunnadha, and their Lordships are further of opinion that the adoption of Lutchmepathy by Juggunnadha was well proved and that Lutchmepathy is entitled to succeed to the whole Estate of Juggunnadha and their Lordships recommend to your Majesty that with these declarations the cause should be remitted to the Court below with directions to do what may be necessary for giving them effect, and that no costs ought to be given in the Appeal or in the suit below, except to Caledoss as hereinafter provided, and in case your Majesty should be pleased to approve of this Report and to order as is herein recommended then their Lordships do direct that there be paid to the United Company of Merchants of England trading to the East Indies or their Agents by the Appellant and Respondent respectively or by their respective representatives the following sums for the costs, charges and expenses of bringing this Appeal to a hearing, viz. by Rungumamah as Mother and Guardian of Lutchmepathy Naidoo Bahadoor or by her or his representative or representatives the sum of eight thousand two hundred and sixty-two pounds ten shillings and eleven pence sterling for costs incurred on her behalf, and likewise the further sum of two thousand five hundred and twenty-five pounds fifteen shillings and five pence sterling for costs incurred on behalf of Puttoory Caledoss, and by Atchumma or by her representative or representatives the sum of three thousand five hundred and eighty-three pounds seventeen shillings and four pence sterling for costs incurred on her behalf as Respondent in the 1st Appeal, and likewise the sum of five thousand nine hundred and fifty-nine pounds fourteen shillings and eleven pence sterling incurred on her behalf as Appellant in the 2d Appeal, and finally by Ramanadha Baboo or by his representative or representatives the

sum of five thousand six hundred and twenty-two pounds eighteen shillings and one penny sterling for costs incurred on his behalf as Respondent in the 1st Appeal, and the further sum of five thousand nine hundred and eighty-one pounds eight shillings and nine pence sterling for costs incurred on his behalf as Respondent in the second Appeal.

Her Majesty having taken the said Report into consideration was pleased by and with the advice of her Privy Council to approve thereof and to order as it is hereby ordered that the said Decrees of the Court of Sudder Dewany Adawlut of Madras, be, and the same are hereby reversed, with the declarations in the said report set forth and recommended, and the said Cause is hereby remitted to the said Court of Sudder Dewany Adawlut at Madras to do what is necessary to give effect to the said declarations and report—whereof the Judges of the Court of Sudder Dewany Adawlut at Madras for the time being, and all other persons whom it may concern are to take notice and govern themselves accordingly.

I hereby certify that this is a true Copy of Her Majesty's Order in Council of the 2d March 1843.

(Signed) W. LEONARD.

Council Office, Whitehall, }
5th October 1843. }

FIRST PETITION TO THE SUDDER COURT.

TO

THE COURT OF SUDDER UDALUT.

*The Petition of T. Appiah, Vakeel,
on behalf of Rajah Vasserreddy
Lacthmeepathy Naidoo, Bahader
Manna Sultan the adopted Son
and Heir of the late Rajah
Vasserreddy Jugganatha Baboo
Bahader Manna Sultan and
Appellant in Suit No. 11 of 1827
on the file of Your Honorable
Court.*

SHEWETH,

That Your Petitioner begs leave to present herewith an official copy of the Decision passed by Her Most Gracious Majesty, the Queen in Council on the 2d March 1848, in the Appeal preferred by Your Petitioner from the Decree pronounced by Your Honorable Court in the abovementioned suit No. 11 under date the 14th March 1832, in which, according other things, it has been decided and declared that the adoption of Ramanadha Baboo is invalid, that he is not entitled to be considered a co-heir with the late Rajah Jugganadha Baboo to the late Rajah Venkatadry Naidoo, that the adoption of Your Petitioner by the late Rajah Jugganadha Baboo has been fully proved and that Your Petitioner is entitled to succeed to the whole Estate of Jugganadha Baboo.

Your Petitioner therefore prays Your Honorable Court will be pleased to issue precepts without delay to the Civil Judges of the Zillah of Gunttoor and Masulipatam respectively, directing them to make over to Your Petitioner, according to Her Majesty's decision, the whole of the real

and personal Estate of the late Rajah Jugganadha Baboo, as particularized in the schedule annexed to the plaint in the original suit No. 29 of 1826 on the file of the late Provincial Court for the Northern Division.

(Signed) T. APPIAH,
Vakeel

20th November, 1848.

(True Copy)
(Signed) THOS. WILKINS,
Acting Deputy Registrar.

SECOND PETITION.

TO

THE COURT OF SUDDER UDALUT.

The humble Petition of Tolati Appiah, Vakeel, on behalf of Rajah Vasserreddy Lutchmeepathy Naidoo Bahader Manna Sultan Appellant in Appeal Suit No. 11 of 1827 on the file of this Honorable Court.

SHWETH,

That on the 20th November Ultimo, Your Petitioner presented a Petition No. 467 to Your Honorable Court together with an English translation, submitting therewith an authentic copy of the decision of Her Majesty in Council in favor of Your Petitioner, on his appeal against the Decree of Your Honorable Court in the above No. and prayed Your Honorable Court to execute the same without delay. This circumstance, having come to the notice of Your Petitioner's opponent Ramanadha Baboo, the latter removed to the Nizam's Territories taking away with him property belonging to the Zemindary and that to a considerable extent. On being informed of it and of the said Ramanadha Baboo's

further intention of removing even such other property as still remained in the Fort of Amaramithee, Your Petitioner wrote an Arzee on the 6th Instant to the Magistrate of Guntoor Zillah, requesting him to adopt measures for the restoration of the property so taken away and for preventing the removal of what was still left, upon which Your Petitioner received from that officer an Inoyetnamah (letter) which is herewith submitted dated 11th Instant, informing him that in the absence of any precept &c. from Your Honorable Court his request could not be attended to.

Your Petitioner therefore humbly requests that Your Honorable Court will be pleased forthwith to issue an order of execution prayed for by his last Petition, but should Your Honorable Court think that there will be some further delay in doing so, then pending the issue of such orders, Your Petitioner humbly solicits that an order should be sent immediately to the Collector of Guntoor in order that the whole property may be protected and secured and Your Petitioner saved thereby from further loss, and Your Petitioner as in duty bound

SHALL EVER PRAY.

(Signed) TOLATI APPIAH,

Vakeel.

23rd December, 1848.

Translation presented by Petitioner and compared with the original by

(Signed) T. NARAINSAWMY,

Deputy Translator.

(True Copy)

(Signed) THOS. WILKINS,

Acting Deputy Registrar.

THIRD PETITION.

TO
THE JUDGES OF THE COURT OF
SUDDER UDALUT.

*The humble Petition of Rajah
Vasserreddy Latchmeepathy Nai-
do Bahader Manna Sultan,
the Appellant in A. S. No. 11
of 1827 on the file of this Court,
presented on his behalf by Far-
den Seth Sam and Tolati Ap-
piah, Pleaders.*

RESPECTFULLY SHEWETH,

That upon Your Petitioner's filing in Your Honorable Court the decision in his favor of Her Most Gracious Majesty in Council in the above Appeal suit, Your Honorable Court was pleased on the 23rd December 1848 to issue precepts to the Civil Courts of Masulipatam and Guntour, directing them to attach and secure the properties of the parties litigant in the said suit within the Vasserreddy Zemindaree. The Civil Court of Guntour upon receipt of the said precept directed the said order to the Collector of the District who thereupon issued a Takeed to the Tahsildar of Coorapad to put the said order into execution. Your Honorable Court is fully aware that there are Forts, Houses, Gardens, and other immoveable properties belonging to Your Petitioner within the said Zemindaree of Vasserreddy estimated at Rupees 1,76,000 as particularized in the original plaint. Your Petitioner now comes to understand that such of the said Properties as were in the usurpation and possession of Your Petitioner's opponents, have been enlisted by the said Tahsildar in the Zuft accounts as belonging to Your Petitioner's said opponents.

2. That Your Petitioner coming also to understand that Ramanadha Baboo on being informed of Your Petitioner's having filed Her Majesty's decision in Your Honorable Court, and moreover being apprehensive that he would be made to bear his proportionate share of costs incurred by the Honorable the Court of Directors in conducting the said Appeal, as also to give up the cash and other property to Your Petitioner in his possession, was about to remove into the Nizam's Dominions with all the said funds and property, did on the 23rd of November 1848 address a Petition to the Board of Revenue requesting the said Board to adopt such measures as would prevent his doing so. In the mean time, Your Petitioner having heard that the Furniture, &c., had been partly removed to the Nizam's Dominions and partly concealed in the Fort at Amrawaty to be so removed, on the 6th December last wrote a Petition to the Collector of that Zillah to which he received the Inoyetnamah which he submitted to Your Honorable Court on the 23rd December last with Petition No. 516 of 1848. Subsequently one Thadappully Kristinah has obtained a Warrant from the Zillah Court of Guntour and attached Your Petitioner's Houses that were in the usurped possession of the said Ramanadha Baboo as also such of the Furniture as were left unremoved in the said Houses, in satisfaction of a certain sum of money said to be due to him by the said Ramanadha Baboo. Your Petitioner is moreover informed that whilst even these Your Petitioner's Houses have been enlisted in the Zuft account as Ramanadha Baboo's property, the Furniture &c., also belonging to Your Petitioner's Estate in the usurpation and possession of Parwati Ammal, the mother of the said Ramanadha Baboo and who also resides in the Fort at Amrawaty, have not been attached, but left free to continue in her possession and which are consequently liable to be also so removed to the Nizam's Dominions when an opportunity may occur for so doing.

3. As all the above mentioned properties come under the original attachment of the Court pending the Decision of Her Majesty in Council in the above appeal suit, Your Petitioner humbly submits that Your Honorable Court is fully competent to recover the said properties from the said party and his dependants who have taken an illegal possession of them, and to direct the said Ramanadha Baboo to be arrested, whereby not only will the costs incurred on his behalf by the Honorable the Court of Directors be easily recovered, but also Your Petitioner's property to the extent of Rupees 3,00,000 as specified in the original plaint be secured, which although included in the said original attachment, have nevertheless been surreptitiously removed by him to the Nizam's Territories.

4. As all these inconveniences and removals have been occasioned by the delay that has occurred in Your Honorable Court's directing the release of the Vasserreddy Zemindaree from attachment and its restoration to Your Petitioner, and as by further delay greater mischief might be practised by Your Petitioner's opponents, Your Petitioner most humbly prays Your Honorable Court will be pleased to issue the needful order of release as early as practicable, and in the meantime Your Petitioner humbly prays that Your Honorable Court will be pleased to order that all those Forts, Houses, Furniture, &c., that are specified in the original plaint be struck out of the Zulf account as belonging to the said Ramanadha Baboo and retained as belonging to Your Petitioner's Estate, as also to direct the recovery from the said Ramanadha Baboo of all that he has removed into the Nizam's Frontiers belonging to Your Petitioner, and all that he owes to Your Petitioner, and to cancel all the Warrants obtained by his creditors to attach Your Petitioner's property in satisfaction of his (the said Ramanadha Baboo's) debts, and also to attach and retain all the furniture and

property in the possession of the above mentioned Parwati Ammal, the mother of the said Ramanadha Baboo as those also belong to Your Petitioner.

And Your Petitioner, as in duty bound,

WILL EVER PRAY.

(Signed) V. SETHI SAM,

Pleader.

పక్షము తో లేక అప్పయ్యత్రాల అని ప్రస్తావి.

(True Copy)

(Signed) THOS. WILKINS,

Acting Deputy Registrar.

MADRAS,
29th January 1819. }

Nundigamah Zemindary, belonging to Rajah Ramanadha Baboo, Zemindar.

Names of the Estates.	Permanent Assessment.	Balance of Principal up to 20th December 1815.	Interest up to 20th December 1815.	Total.
Nundigamah Purgannah.....	10,500 0 0	0 10,500 403	0 0 12,67,755	7 5 23,34,150 0 5
Panoogunchiprole do.	15,750 0 0	0 0 97,005 14 3	0 0 92,471 4 11	1 1 1,89,507 3 4
Matanole do.	6,750 0 0	0 0 31,986 13 11	0 0 31,310 13 1	1 0 68,297 11 0
Chintalapati Vuntloo.....	6,300 0 0	0 0 58,815 12 11	0 0 64,495 1 3	2 1 1,23,310 13 2
Six Islands Purgannah.....	3,150 0 0	0 0 23,412 0 11	0 0 16,374 7 0	0 0 39,816 7 11
Culdindy do.	2,500 0 0	0 0 26,113 10 6	0 0 25,933 10 8	0 0 52,047 6 2
Akulamanad do.	600 8 0	0 0 126 0 0	0 0 1,473 3 1	0 0 1,599 3 1
Namaly Mootah.....	1,42,201 8 0	0 0 13,00,923 13 8	0 0 14,99,513 13 15	1 1 6,28,06,737 13 1
Total.....				

(Signed) T. PYCROFT,
Secretary.

(True Copy)
THOS. WILKINS,
Acting Deputy Registrar.

FOURTH PETITION.

TO
THE JUDGES OF THE COURT OF
SUDDER UDALUT.

*The humble Petition of Rajah
Vassereddy Latchmeepathy
Naidoo, Bahader Manna Sultan,
the Appellant in A. S. No. 11
of 1827 on the file of this
Court presented on his behalf
by Varden Seth Sam and T.
Appiah, Pleaders.*

RESPECTFULLY SHEWETH,

That Your Petitioner coming to understand yesterday that Nandigam Estate forming part of the Vassereddy Zemindaree in the Masulipatam District has been ordered to be sold by Public Auction by order and authority of the Honorable the Board of Revenue for arrears of Kist said to be due by the said Zemindaree from Fusly 1235 to 1258 inclusive as the property of Your Petitioner's opponent Ramanadha Baboo, Your Petitioner presumes to present this Petition to Your Honorable Court and to submit.

1. That the said Vassereddy Zemindaree with all its moveable and immoveable properties having been placed under attachment by order of Your Honorable Court on the Appeal Petitions in the above suit being forwarded to England for the benefit of the party that would eventually be declared entitled to succeed to the said Estate, until such attachment of Your Honorable Court is removed and the arrears of Kist demanded from Your Petitioner as provided for in Section IV Regulation XXVII of 1802, such sale of the said portion or the whole of the said Zemindaree is unjust and illegal inasmuch as the attachment under which the Estate is now placed did not take place by order of the Honorable Court for the benefit of the parties concerned,

and until such Your Honorable Court's attachment is removed, the Revenue authorities have no right to claim the arrears from Your Petitioner who is just now out of possession much more to sell the said Estate for the same.

2. That the decision of Her Most Gracious Majesty in Council in favor of Your Petitioner having been long ago obtained by Government, and the claims or pretensions of the said Ramanadha Baboo thrown out by the said decision, the Revenue authorities of Government have no right to consider the said Zemindarce as still belonging to said Ramanadha Baboo or direct to sell it as such.

3.- That as such sale of the said Estate will involve the said Zemindarce in great troubles and occasion Your Petitioner serious loss, and as Your Petitioner is precluded from entering into communication with the said Revenue authorities of Government in consequence of Your Honorable Court not having ordered the release of the said Zemindarce from Your Honorable Court's attachment, Your Petitioner humbly prays that Your Honorable Court will be pleased to direct forthwith by precept that such sale of the said portion of the Zemindarce be stayed until the rightful party is put in possession of the same, and until the regular course prescribed by the regulations have been adopted by the Revenue authorities by means of which alone an Estate can be brought to Auction and not when the same is under attachment of Your Honorable Court on behalf of the parties concerned.

And Your Petitioner, as in duty bound,

WILL EVER PRAY.
(Signed) V. SETH SAM,
Pleader.

உரிமையுடையவரே.

(True Copy)

(Signed)

Deputy Registrar.

MADRAS,
6th February 1849. }

SUDDER COURT TO REVENUE BOARD.

MADRAS, 15th February 1849.

FROM

T. H. DAVIDSON, ESQ.,

Registrar to the Court of Sudr Udalut.

TO

T. PYCROFT, ESQ.,

Secretary to the Board of Revenue.

SIR,

I am directed by the Judges of the Sudder Udalut to forward to you for the purpose of being laid before the Board of Revenue, the accompanying Petition presented to the Court, on behalf of Rajah Vassereddy Lutchmeepathy Naidoo, the Appellant in Appeal No. 11 of 1827 on the file of the Sudder Udalut.

2. It will be observed that the Petitioner states that a portion of the Vassereddy Estate situated in the Masulipatam District, has been ordered by the Board of Revenue to be sold, and his prayer is that the sale may be stayed.

3. The Judges observe that they have recently received from the Government the Decree of the Queen in Council in this cause, which is in favor of this Petitioner, and that Decree is accompanied by an order from the Honorable the Court of Directors directing that steps be taken to recover the amount of the expenses incurred by the Honorable Court in bringing that cause to a hearing before the Privy Council.

4. The Judges further remark that on the 20th January 1842, a communication was addressed by the Board of Revenue to this Court, stating that Ramanadha Baboo had been removed from the management of the Vassereddy Estate, and that the Estate had been placed under the management of the Circar and this, it would appear, was done at the instance of the Sudder Udalut.

5. With reference to these circumstances, the Judges request that the Board of Revenue will have the goodness to favor them with a Statement of the Grounds on which the (alleged) sale has been ordered.

6. And pending the result of this reference, the Judges venture to suggest to the Board of Revenue the expediency of issuing orders for the temporary suspension of the sale.

7. It is requested that the Petition, when no longer required, may be returned to this office.

I have the honor to be,
Sir,

Your most obedient Servant,
(Signed) T. H. DAVIDSON,
Registrar.

(True Copy)
(Signed) THOS. WILKINS,
Acting Deputy Registrar.

Sudder Udaltut, Registrar's Office, }
15th February 1849.

REPLY.

REVENUE BOARD OFFICE,
Fort St. George, 5th March 1849.

FROM

T. PIERCE, Esq.,

Secretary to the Board of Revenue.

TO

T. H. DAVIDSON, Esq.,

Registrar to the Court of Sudder Udaltut.

SIR,

Rev. Dept. Para. 1. I am directed by the Board of Revenue to acknowledge the receipt of your letter of the 15th ultimo, forwarding a Petition herewith returned presented to the Court of Sudder Udaltut on

behalf of Rajah Vasseretty Lutchmepathy Naidoo, the Appellant in Appeal No. 11 of 1827 on the file of the Court, offering certain observations upon the subject of that Petition, requesting that the Board will explain the grounds upon which the (alleged) sale of the Vasseretty Estates in the Masulipatam District has been ordered, and, pending the result of your reference, suggesting the expediency of issuing orders for the temporary suspension of the sale.

2. In reply the Board of Revenue instruct me to express their request that it has not been in their power to comply with the suggestion of the Judges of the Court of Sudder Udaltut for the suspension of the sale of the Masulipatam Vasseretty Estates. Orders to that effect were sent to the Collector immediately on receipt of your letter, but the sale had already taken place; the Estates having been sold for arrears of public revenue, and purchased on account of Government on the 12th ultimo. The Board will however defer reporting the sale for the confirmation of Government pending the receipt of any further communication which the Judges may be desirous of making upon the subject.

3. With reference to para 4 of your letter it should be explained that the communication from this office therein alluded to, applied only to the Vasseretty Estates in the District of Guntoor. Ramanadha Baboo continued in charge of the Masulipatam Estates until the close of the year 1844, when in consequence of his mismanagement, they were attached by the Collector under orders of the Board of Revenue for the arrears of public revenue which had accumulated against them, and they remained under revenue Zuff from that time to the date of the late sale.

4. The Board desire me to enclose for the information of the Judges of the Court of Sudder Udaltut a Statement

showing the Estate sold and the arrears of Peishcush, Principal and Interest which had accrued upon each, calculated to the 20th December last.

I have honor to be,

Sir,

Your most obedient Servant,

(Signed) T. PYCROFT,
Secretary.

Revenue Board Office,
Fort St. George,
5th March 1849.

To

H. DAVIDSON, Esq.,

Registrar to the Court of Sudder Udalt.

(True Copy)

(Signed) THOS. WILKINS,
Acting Deputy Registrar.

ORDER THEREON.

Extract from the Proceedings of the Sudder Udalt, under date the 12th March 1849.

PRESENT.

G. S. Hooper, Esq.

E. P. Thompson, Esq.

W. Morehead, Esq.

} Puisne Judges.

Read Miscellaneous Petition presented on the 8th February 1849, by V. Seth Sam, Esq. and T. Appiah, Vakeels, on behalf of Rajah Vasseretty Lutchmepathy Naidoo, Appellant in Appeal No. 11 of 1827 on the file of the Court of Sudder Udalt.

(Here enter M. P. No. 73 of 1849.)

1. The Petitioner states that a portion of the Vasseretty Estate situated in the Masulipatam District, has been ordered by the Board of Revenue to be sold and his prayer is that the sale may be stayed.

2. The Petitioner alleges that the said Zemindaree, with all its moveable and immoveable property was placed under attachment by order of the Sudder Udalt, and he urges that the sale of any portion of the Zemindaree is unjust and illegal, inasmuch as the attachment under which the Estate is now placed, did not take place by order of the Board of Revenue for arrears of Kist, but by order of this Court for the benefit of the parties, and that until such attachment be removed, the Revenue authorities have no right to claim the arrears from the Petitioner.

3. The Court of Sudder Udalt deemed it right, before disposing of this Petition, to make a reference on the subject to the Board of Revenue, from whose reply the Court learn that the Masulipatam Vasseretty Estate was purchased on account of Government on the 12th ultimo. The Board further state that Ramanadha Baboo continued in charge of the Masulipatam Estates until the close of the year 1844, when in consequence of his mismanagement, they were attached by the Collector, under orders of the Board, for the arrears of public revenue which had accumulated against them, and they remained under Revenue *Zuft* from that time until the date of the late sale.

4. Under the circumstances represented in the Board's letter the Court of Sudder Udalt must decline to interfere further in this matter.

Ordered that the prayer of the Petition be rejected, and that Extract from these Proceedings be given to the Petitioner's Vakeels on their application.

Ordered also that Extract from these Proceedings be sent to the Secretary to the Board of Revenue for the information of the Board.

(True Extract)

(Signed)

Deputy Registrar.

FIFTH PETITION.

TO

THE JUDGES OF THE COURT OF
SUDDER UDALUT.

*The humble Petition of Rajah
Vasserreddy Lutchmepathy Naidoo Bahader, Mannah Sultan,
Appellant in A. S. No. 11 of
1827, on the files of Your Honorable Court, presented on his
behalf by Varden Seth Sam
and T. Appiah, Pleaders.*

RESPECTFULLY SNEWETH,

That it is with the greatest reluctance that Your Petitioner finds himself constrained a fifth time to trouble Your Honorable Court and to pray the speedy issue of the precept directing the release to Your Petitioner from Your Honorable Court's attachment of the Vasserreddy Zemin-daree pursuant to the decision and order of Her Most Gracious Majesty in Council. The delay occasioned by Your Honorable Court for the last 6 months has been attended with serious inconvenience and annoyance to Your Petitioner, and consequently Your Petitioner solicits the favor of an order on his several Petitions that Your Petitioner should know what course to pursue, for if Your Honorable Court would not feel disposed to give effect to the said order of Her Majesty, Your Petitioner will be under the painful necessity of applying to the Court of Directors and the Clerk of the Judicial Committee of Her Majesty's Privy Council to have the said order carried into effect and execution.

And Your Petitioner, as in duty bound,

WILL EVER PRAY.

(Signed) V. SETH SAM, Pleader.

(True Copy)

(Signed) THOS. WILKINS,
Aj. Depy. Registrar.

Madras, 2nd April 1849.

ORDER THEREON.

*Extract from the Proceedings of the Sudder Udalt,
under date the 16th April 1849.*

PRESENT.

G. S. Hooper, Esq.

E. P. Thompson, Esq.

W. A. Morehead, Esq.

} Puisne Judges.

*In Appeal No. 4 of 1826.*Rajah Vasserreddy Ramana-
dha Baboo.*Versus.*Atchummah, the Senior Wi-
dow of the late Rajah
Vasserreddy Juggunnadha
Baboo.*Before Her Majesty in
Council.*Atchummah, the Senior Wi-
dow of the late Rajah
Vasserreddy Juggunnadha
Baboo.*Versus.*Rajah Vasserreddy Ramana-
dha Baboo.*In Appeal No. 11 of 1827.*Rungummah, the Senior Wi-
dow of the late Rajah
Vasserreddy Juggunnadha
Baboo, on behalf of Lutch-
mepathy Naidoo the alleged
adopted son of her late
husband.*Versus.*

1st Atchummah.

2nd Rajah Vasserreddy Rama-
nadha Baboo.

3rd Pottoory Calidoss.

*Before Her Majesty in
Council.*Rungummah, adoptive Mo-
ther and Guardian to Ra-
jah Vasserreddy Lutchme-
pathy Naidoo.*Versus.*

1st Atchummah.

2nd Rajah Vasserreddy Rama-
nadha Baboo.

3rd P. Calidoss.

Read Extract from the Minutes of Consultation under
date the 12th December last, forwarding with a Despatch

FIFTH PETITION.

TO

THE JUDGES OF THE COURT OF
SUDDER UDALUT.

*The humble Petition of Rajah
Vasserreddy Lutchmepathy Naidoo Bahader, Mannah Sultan,
Appellant in A. S. No. 11 of
1827, on the files of Your Honorable Court, presented on his
behalf by Varden Seth Sam
and T. Appiah, Pleaders.*

RESPECTFULLY SNEWETH,

That it is with the greatest reluctance that Your Petitioner finds himself constrained a fifth time to trouble Your Honorable Court and to pray the speedy issue of the precept directing the release to Your Petitioner from Your Honorable Court's attachment of the Vasserreddy Zemin-daree pursuant to the decision and order of Her Most Gracious Majesty in Council. The delay occasioned by Your Honorable Court for the last 6 months has been attended with serious inconvenience and annoyance to Your Petitioner, and consequently Your Petitioner solicits the favor of an order on his several Petitions that Your Petitioner should know what course to pursue, for if Your Honorable Court would not feel disposed to give effect to the said order of Her Majesty, Your Petitioner will be under the painful necessity of applying to the Court of Directors and the Clerk of the Judicial Committee of Her Majesty's Privy Council to have the said order carried into effect and execution.

And Your Petitioner, as in duty bound,

WILL EVER PRAY.

(Signed) V. SETH SAM, Pleader.

(True Copy)

(Signed) THOS. WILKINS,
Ag. Depy. Registrar.

Madras, 2nd April 1849.

ORDER THEREON.

*Extract from the Proceedings of the Sudder Udalt,
under date the 16th April 1849.*

PRESENT.

G. S. Hooper, Esq.

E. P. Thompson, Esq.

W. A. Morehead, Esq.

} Puisne Judges.

*In Appeal No. 4 of 1826.*Rajah Vasserreddy Ramana-
dha Baboo.*Versus.*Atchummah, the Senior Wi-
dow of the late Rajah
Vasserreddy Juggunnadha
Baboo.*In Appeal No. 11 of 1827.*Rungummah, the Senior Wi-
dow of the late Rajah
Vasserreddy Juggunnadha
Baboo, on behalf of Lutch-
mepathy Naidoo the alleged
adopted son of her late
husband.*Versus.**Before Her Majesty in
Council.*Atchummah, the Senior Wi-
dow of the late Rajah
Vasserreddy Juggunnadha
Baboo.1st Atchummah.
2nd Rajah Vasserreddy Rama-
nadha Baboo.
3rd Pottoor Calidoss.*Versus.*Rajah Vasserreddy Ramana-
dha Baboo.*Before Her Majesty in
Council.*Rungummah, adoptive Mo-
ther and Guardian to Ra-
jah Vasserreddy Lutchme-
pathy Naidoo.*Versus.*1st Atchummah.
2nd Rajah Vasserreddy Rama-
nadha Baboo.
3rd P. Calidoss.

Read Extract from the Minutes of Consultation under
date the 12th December last, forwarding with a Despatch

FIFTH PETITION.

TO

THE JUDGES OF THE COURT OF
SUDDER UDALUT.

*The humble Petition of Rajah
Vasserreddy Lutchmepathy Naidoo
Bahader, Mannah Sultan,
Appellant in A. S. No. 11 of
1827, on the files of Your Ho-
norable Court, presented on his
behalf by Varden Seth Sam
and T. Appiah, Pleaders.*

RESPECTFULLY SNEWETH,

That it is with the greatest reluctance that Your Petitioner finds himself constrained a fifth time to trouble Your Honorable Court and to pray the speedy issue of the precept directing the release to Your Petitioner from Your Honorable Court's attachment of the Vasserreddy Zemin-daree pursuant to the decision and order of Her Most Gracious Majesty in Council. The delay occasioned by Your Honorable Court for the last 6 months has been attended with serious inconvenience and annoyance to Your Petitioner, and consequently Your Petitioner solicits the favor of an order on his several Petitions that Your Petitioner should know what course to pursue, for if Your Honorable Court would not feel disposed to give effect to the said order of Her Majesty, Your Petitioner will be under the painful necessity of applying to the Court of Directors and the Clerk of the Judicial Committee of Her Majesty's Privy Council to have the said order carried into effect and execution.

And Your Petitioner, as in duty bound,

WILL EVER PRAY.

(Signed) V. SETH SAM, Pleader.

(True Copy)

(Signed) THOS. WILKINS,
Ag. Depy. Registrar.

Madras, 2nd April 1819.

ORDER THEREON.

*Extract from the Proceedings of the Sudder Udalt,
under date the 16th April 1849.*

PRESENT.

G. S. Hooper, Esq.

E. P. Thompson, Esq.

W. A. Morehead, Esq.

} Puisne Judges.

*In Appeal No. 4 of 1826.*Rajah Vasserreddy Ramana-
dha Baboo.*Versus.*Atchummah, the Senior Wi-
dow of the late Rajah
Vasserreddy Juggunnadha
Baboo.*In Appeal No. 11 of 1827.*Rungummah, the Senior Wi-
dow of the late Rajah
Vasserreddy Juggunnadha
Baboo, on behalf of Lutch-
mepathy Naidoo the alleged
adopted son of her late
husband.*Versus.**Before Her Majesty in
Council.*Atchummah, the Senior Wi-
dow of the late Rajah
Vasserreddy Juggunnadha
Baboo.*Versus.*Rajah Vasserreddy Ramana-
dha Baboo.1st Atchummah.
2nd Rajah Vasserreddy Rama-
nadha Baboo.
3rd Pottoor Calidoss.*Before Her Majesty in
Council.*Rungummah, adoptive Mo-
ther and Guardian to Ra-
jah Vasserreddy Lutchme-
pathy Naidoo.*Versus.*1st Atchummah.
2nd Rajah Vasserreddy Rama-
nadha Baboo.
3rd P. Calidoss.

Read Extract from the Minutes of Consultation under
date the 12th December last, forwarding with a Despatch

from the Honorable the Court of Directors, the Decree of Her Majesty in Council on the Appeals made from the Judgment of the Sudder Udalut in Appeals Nos. 4 of 1826 and 11 of 1827, with instructions to give effect to the orders of Her Majesty in Council, and to take measures for recovering on behalf of the Honorable the Court of Directors the costs incurred by the East India Company in bringing the Cases to a hearing.

(Here enter S. U. No. 1851 of 1818.)

Read also Petitions presented on the 20th November and 23rd December 1818, 29th January and 2nd April 1819, by T. Appiah and V. Seth Sam, Esquire, Vakeels on behalf of Rajah Vasserreddy Lutchmepathy Naidoo, Bahader, adopted son and heir of the late Rajah Vasserreddy Juggunnadha Baboo, and Appellant in Appeal No. 11 of 1827, submitting Copy of a Decree of Her Majesty in Council and praying that an order may be issued to the Civil Judges of Guntoor and Masulipatam directing them to make over to the Petitioner according to Her Majesty's Decree, the whole of the real and personal Estate of the late Rajah Vasserreddy Juggunnadha Baboo, as particularized in the schedule, alleged by the Petitioner to have been annexed to the plaint in original suit No. 29 of 1826 on the file of the late Provincial Court in the Northern Division.

(Here enter S. M. Petitions,

Nos. 467 and 519 of 1818,

" 55 and 163 of 1819.)

1. The Decree of Her Majesty in Council is to the effect that against Pottoory Calidoss "the Appeal of Rungumma ought to be dismissed with costs," and that the Decree of the Sudder Udalut pronounced in Appeals No. 4 of 1826 and 11 of 1827 "ought in other respects to be reversed"—"that the adoption of Ramanadha Baboo was invalid and that he was not entitled to be considered as a co-heir with Juggunnadha Baboo to Vencatadry Naidoo,

but that under the circumstances appearing in evidence he was entitled to such property included in the gift made by Vencatadry Naidoo after Juggunnadha Baboo came of age as Vencatadry Naidoo had the power to dispose of, and that it should be declared that Ramanadha Baboo was entitled to retain those portions of such property which came into his possession and to have restored to him such portions thereof as came into the possession of Juggunnadha Baboo or to have compensation made for the rent of the Estate of Juggunnadha Baboo," "that the adoption of Lutchmepathy Naidoo by Juggunnadha Baboo was well proved and that Lutchmepathy Naidoo is entitled to succeed to the whole Estate of Juggunnadha Baboo," and the Lords of the Judicial Committee of the Privy Council have directed that there be paid to the United East India Company or their Agents "by the Appellant and Respondent respectively or by their respective representative or representatives, the following sums for the Costs, Charges, and Expenses, of bringing this Appeal to a hearing, viz. By Rungumma as Mother and Guardian of Lutchmepathy Naidoo Ba-

£.	S. P.
8,262	10 11
2,525	15 5
<hr/>	
10,788	6 4
or	A. P.
Co's. Rs. 1,12,573	11 9

hader or by her or his representative or representatives, the sum of eight thousand two hundred and sixty-two pounds, ten shillings and eleven pence for costs incurred on her behalf, and likewise the further sum of two thousand five hundred and twenty-five pounds, fifteen shillings and five pence sterling, for costs incurred on behalf of Pottoory Calidoss, and by

£.	S. P.
3,583	17 4
5,959	14 11
<hr/>	
9,543	12 3
or	A. P.
Co's. Rs. 99,585	8 4

Atchumma or by her representative or representatives, the sum of three thousand five hundred and eighty-three pounds, seventeen shillings and four pence sterling for costs incurred on her behalf as Respondent in the first

Appeal, and likewise the sum of five thousand nine hundred and fifty-nine pounds, fourteen shillings and eleven pence sterling, incurred on her behalf as Appellant in the second Appeal, and finally by Ramanadha Baboo or by his representative or representatives, the sum

£.	S.	P.	
5,622	16	1	of five thousand six hundred and
5,251	8	9	twenty-two pounds, eighteen shil-
11,604	6	10	lings and one penny sterling for
or	A. P.		costs incurred on his behalf as Res-
Co's Rs. 1,21,088	12	6	pondent in the first Appeal, and the

further sum of five thousand nine hundred and eighty-one pounds, eight shillings and nine pence sterling, for costs incurred on his behalf as Respondent in the second Appeal."

2. In conformity with the Decree of Her Majesty in Council and with reference to the orders of the Sudder Udaltut under date the 23d December 1848, directing the Civil Judges of Guntoor and Masulipatam to take proper measures to secure by immediate attachment such property real and personal as may be found to belong to the above parties, the Court of Sudder Udaltut now direct that the said Civil Judges be commanded by precept returnable in six weeks from and after its receipt, to carry the said Decree into full execution.

3. And the Court further direct that the said Civil Judges do cause to be recovered from the Appellant Rajah Vasserreddy Lutchmepathy Naidoo or from his representative

£.	S.	P.	
10,788	6	4	or representatives the sum of ten
or	A. P.		thousand seven hundred and eighty-
Co's Rs. 1,12,373	11	9	eight pounds, six shillings and four
			pence sterling, or Rupees one lac
			twelve thousand five hundred and eighty-
			eleven and pice nine at the exchange of 1s. 11d. per Com-
			pany's Rupee, on account of the costs incurred by the
			East India Company on his behalf and on behalf of Pot-

toory Calidoss, who has been exonerated by the Decree of the Privy Council from all liability on account of the said Costs.

4. Ordered also that the Civil Judges of Guntoor and Masulipatam be required to recover from Vasserreddy Atchumma, the Appellant in the first and 1st Respondent in the second Appeal before Her Majesty in Council or from her representative or representatives, the sum of

£.	S.	P.	
9,543	12	3	nine thousand five hundred and forty
or	A. P.		three pounds, twelve shillings and
Co's Rs. 99,585	8	4	three pence sterling, or Rupees ninety-
			nine thousand five hundred and eighty
			five, annas eight and pice four at the exchange of 1s. 11d.
			per Company's Rupee, for the Costs incurred on her behalf
			by the East India Company in the above Appeals.

5. Ordered further that the Civil Judges of Guntoor and Masulipatam be required also to recover from Rajah Vasserreddy Ramanadha Baboo Respondent in both the above Appeals before Her Majesty in Council or from his

£.	S.	P.	
11,604	6	10	representative or representatives the
or	A. P.		sum of eleven thousand six hundred
Co's Rs. 1,21,088	12	6	and four pounds, six shillings and ten
			pence sterling, or Rupees one lac
			twenty-one thousand and eighty-eight, annas twelve and pice
			six at the exchange of 1s. 11d. per Company's Rupee on ac-
			count of the Costs incurred by the East India Company on
			his behalf in the above two Appeals. The above sums when
			so recovered from the parties aforesaid to be remitted to
			this Court by a Bill on the Accountant General in favor of
			the Register of the Sudder Udaltut.

6. Ordered also that, the Register of the Sudder Udaltut in communication with the Accountant General and Sub Treasurer be directed to sell the Promissory Note No. 1775 of 1832-33 for Sicca Rupees 1,000 and No. 2357 of

1832-33 for Sicca Rupees 7,200 deposited* by Vasserreddy Atchumma for the eventual Costs

* In Appeal No. 4 of 1826. in the Appeal preferred by her to His late Majesty in Council, and No. 239 of 1832-33 for Sicca Rupees 4,000, No. 3 of 1831-32 for Company's Rs. 1,111-4-7, No. 12 of 1831-32 for Company's Rs. 1,475-4-5, No. 40 of 1831-32 for Company's Rs. 1,056-11-6, No. 89 of 1831-32 for Company's Rupees 676-11-1 deposited* by

* In Appeal No. 11 of 1827. V. Rungumma adoptive Mother and Guardian of V. Lutchmepathy Naidoo, for the eventual Costs in the Appeal preferred by her to His late Majesty in Council, as well as the Promissory Note No. 4698 of 1825-26 for Sicca Rupees 5,000, and No. 4699 of 1825-26 for Sicca Rupees 3,000 deposited* by Vasserreddy Ramanadha Baboo

* Party in Appeal No. 6 of 1827. for the eventual Costs in the Appeal preferred by him to His late Majesty in Council, as noted marginally, as heir to the late Juggunnadha Baboo but which appeal was not forwarded to England because the title to the Estate of the deceased Juggunnadha Baboo was in litigation in the foregoing two causes,* and the Court further

* 4 of 1826. direct that the proceeds of the sale of such Bonds and the other funds in deposit in this Court on account of the parties aforesaid be paid into the General Treasury on account of the Costs, Charges, and Expenses, incurred by the East India Company in bringing the above cases* to a hearing,

* Appeal Suit No. 4 of 1826. viz. Thirty one thousand nine hundred and thirty-six pounds, five shillings and five pence sterling, or Rupees three lacs, thirty-three thousand two hundred and forty-eight and pice seven, at the exchange of

£ S. P.
31,936 5 5

or
Co's Rs. 3,33,248 0 7

1s. 11d. per Company's Rupee, informing at the same time the Civil Judges of Guntoor and Masulipatam of the amount so paid into the General Treasury in order that they may deduct the same from the amount which they are required above to collect from the several parties.

Ordered accordingly that Extract from these Proceedings be sent to the Civil Judges of Guntoor and Masulipatam for their information and guidance by precept returnable in six weeks from and after its receipt.

Ordered also that the above be communicated to the Vakeels of the parties respectively for their information

(True Extract)

(Signed) THOS. WILKINS,
Acting Deputy Registrar.

SUDDER COURT ON COLLECTORS' REPLIES.

Extract from the Proceedings of the Sudder Udalt, under date the 22d July, 1850.

PRESENT.

G. S. Hooper, Esquire,
E. P. Thompson, Esquire,
W. A. Morehead, Esquire, } Puisne Judges.

Read again returns and supplemental returns from the Civil Judges of Guntoor and Masulipatam, to the precepts of the Court of Sudder Udalt dated 16th April 1849, and 27th March 1850, directing the execution of the final order of Her Majesty in Council on the appeals preferred from the Decree of the Court of Sudder Udalt in A. S. No. 4 of 1826 and 11th of 1827.

(Here enter Nos. 883 and 927 of 1849, and 663, 718 and 919 of 1850.)

1. In his returns Nos. 927 of 1849 and 662 of 1850, the Civil Judge of Guntoor reports that the portion of the

Vassareddy Zemindary lying within the limits of Guntoor was put up for sale on account of arrears of Revenue and bought in by Government on the 1st April 1861.

2. The Civil Judge of Masulipatam in these several returns makes no mention of the estate, but he reports that the necessary measures for recovering the costs payable to East India Company under the orders in question by the sale of certain personalities have been adopted. Process for realizing the costs has also been issued by the Civil Judge of Guntoor.

3. It appears further from the letter of the Secretary to the Board of Revenue dated 5th March 1849 that the portion of the Zemindary situated within the Zillah of Masulipatam was sold for arrears amounting to 280 6,737-13-1 on the 12th February 1849.

4. The Court of Sudder Udaltut resolve that the progress already made in executing the aforementioned orders of Her Majesty in Council be communicated to the Vakeels of the parties.

(True Extract)
(Signed) THOS. WILKINS,
A. D. R.

PETITION TO PRIVY COUNCIL.

IN THE PRIVY COUNCIL.

TO

THE QUEEN'S MOST EXCELLENT
MAJESTY IN COUNCIL.

*The humble Petition of Rajah
Vassareddy Lutchmepathy Nai-
doo Bahader Munna Sultan,
Zemindar of Chintapully and
other Talooks in the Districts
of Guntoor and Masulipatam,
in the Presidency of Madras
in the East Indies.*

SHEWETH,

That on or about the 6th day of September in the year 1826 Vassareddy Rungamah, widow of Your Petitioner's adopted Father, Rajah Jagganadha Baboo, deceased, and Guardian of Your Petitioner, (then a Minor,) filed her plaint as such Guardian as aforesaid in the Provincial Court for the Northern division of the said Presidency, against Vassareddy Atchama, Widow, Rajah Vassareddy Ramanadha Baboo and Puttoory Calidoss, for the recovery of one hundred and twenty-one Villages, situate in the Zillah of Guntoor, in the Presidency aforesaid, one hundred and fifty-four Villages situate in the Zillah of Masulipatam aforesaid, then yielding together an annual gross revenue of about 4,40,000 Rupees, and a permanent assessment of Rupees 2,82,214-9-6 and twenty-three Villages of the Chintalapatty Vuntoo yielding a gross revenue of about 30,000 Rupees, and a permanent assessment of Rupees 19,868-8-0, and certain Lands, Houses, Gardens, and other real property valued at 1,76,000 Rupees and other Lands, Estates and Monies in the said plaint more particularly described.

That by a decree of the said Provincial Court bearing date the 11th day of May 1827, it was ordered and decreed

that the claim of the said Vassareddy Rungamah, as such Guardian as aforesaid, should be disallowed and her suit was dismissed with Costs.

That the said Vassareddy Rungamah thereupon appealed from the said last mentioned decree to the Court of Sudder Dewanny Adawlut at Madras.

That by an order of the said Court of Sudder Dewanny Adawlut bearing date on or about the 22nd day of October in the year 1829, it was ordered among other things that the Provincial Court for the Northern Division aforesaid, should re-allow the suit of the said Appellant upon the file of the Court, and try and determine it de novo.

That by a decree of the said Provincial Court bearing date the 5th day of July 1830 it was ordered and decreed that the said plaint of the said Appellant should be dismissed with costs.

That by an order of the said Court of Sudder Dewanny Adawlut, bearing date the 9th day of January 1831, the said Appellant was permitted to file a supplemental pleading in the said suit by way of appeal from the said last mentioned Decree.

That by a decree of the said Court of Sudder Dewanny Adawlut bearing date the 14th day of March 1832 it was decreed (among other things) that the appeal of the Appellant hereinbefore mentioned should be dismissed with costs.

That on or about the 17th day of October 1832, the said Appellant, feeling herself aggrieved by the said last mentioned decree, presented her petition of appeal to his late Majesty in Council which was duly received by the said Court of Sudder Dewanny Adawlut and was transmitted by them to his late Majesty in Council together with a transcript of all the proceedings in the said cause.

That at this period the whole of the property claimed by the said Appellant, as such Guardian of Your Petitioner as aforesaid, was under attachment by and under the control and management of the Collectors appointed by the Board of Revenue acting in the Districts of Guntoor and Masulipatam aforesaid respectively.

That on or about the 6th day of May 1833 and while the said appeal to his late Majesty in Council was pending and undecided, the said Vassareddy Ramanadha Baboo presented his Petition to the said Court of Sudder Dewanny Adawlut praying that the said Court would cause possession of the said property to be delivered over to him.

That in a proceeding of the said Court bearing date on or about the 10th day of June 1833 it was stated (amongst other things) that the said Vassareddy Ramanadha Baboo could obtain possession of the said property only on giving security and that there was a specific rule in his case which required that he should furnish security and the prayer of his Petition was rejected.

That the rule here referred to by the said Court in their proceeding last aforesaid is Regulation VIII of 1818 Section 4, which enacts as follows:—

“The Court of Sudder Adawlut may either order the judgment passed by them to be carried into execution, taking sufficient security from the party in whose favor the same may be passed for the due performance of such order or decree as his Majesty his heirs or successors shall think fit to make on the appeal, or suspend the execution of their judgment during the appeal taking the like security in the latter case from the party left in possession of the property adjudged against him, but in all cases security is to be given by Appellants to the satisfaction of the Sudder Adawlut for the payment of all such costs as the said Court may think likely to be incurred by the appeal as well as for the performance of such order or judgment

as his Majesty his heirs or successors may think fit to give thereupon, and after receiving such security the Court of Sudder Adawlut are to declare the appeal admitted and to give notice thereof to the Appellant and Respondent respectively, that they may take measures the one to prosecute, the other to defend the cause in appeal before His Majesty in his Privy Council according to the established mode of proceeding in similar cases."

That on or about the month of January 1834 the said Vassareddy Ramanadha Baboo, presented another Petition to the said Court praying that he might be placed in possession of the said property pending the said appeal upon giving the security required by the above recited Regulation VIII of 1818.

That in a proceeding of the said Court bearing date on or about the 14th day of April 1834 the said Court states that it was a point formally decided by them that no security was to be required for the Government Tribute but merely for the Zemindar's mesne profits exclusively of the said Tribute, and they ordered amongst other things that it should be referred to the Collectors in Guntoor and Masulipatam aforesaid to report to the said Court the aggregate gross receipts payable to the Zemindars in the Vassareddy Estates for the Fusly year 1230 (A. D. 1820-1) or its annual average during the whole period of their management.

That in a proceeding of the said Court, bearing date on or about the 21st day of July 1834, they stated that they were of opinion that the ends of justice would be answered by fixing the amount of security at 2,50,000 Rupees, and it was ordered that the Provincial Court of the Northern Division aforesaid should call upon the said Vassareddy Ramanadha Baboo to furnish good and sufficient security in the sum of 2,50,000 Rupees, and that on his producing competent security to that amount, to be submitted to and approved of by the said Court of Sudder Dewanny Adawlut, the said property be placed in his possession.

That thereupon the said Vassareddy Ramanadha Baboo presented a Petition to the said Sudder Court praying to be informed whether the said security of 250,000 Rupees so required by the said Court was for the whole period during which the said appeal might be pending or for what term.

That in a proceeding of the said Sudder Court bearing date on or about the 8th day of September 1834 it was stated that the period for which the said security was by the said order of the 21st day of July 1834 required was for one year only, and that at the expiration of that period the said Sudder Court would issue such further instructions as to security as might then appear expedient and equitable.

That subsequently in the said year the said Vassareddy Ramanadha Baboo petitioned the said Sudder Court for an allowance out of the said property, and the said Court granted him an allowance of 1,200 Rupees per mensem, but ordered that he should find security for the said sum.

That on or about the 31st day of March 1835 the said Vassareddy Ramanadha Baboo, presented a Petition to the said Sudder Court in which he states that he had been unable to find security for the said allowance of 1,200 Rupees per mensem, and prayed that the said allowance might be granted to him from the funds in deposit in the said Court without security.

That in a proceeding of the said Sudder Court bearing date on or about the 27th day of April 1835, it was stated that it was essentially necessary that the said Vassareddy Ramanadha Baboo should furnish security for the eventual refund of all payments made to him, from the said property in dispute, and the prayer of his said last mentioned Petition was refused.

That in or about the month of July 1836, the said Vassareddy Ramanadha Baboo presented a Petition to the said Sudder Court in which he represented the condition to which

the said property had been reduced in consequence as he alleged of its continuing under the management of the Revenue Officers of Government, and submitted certain Statements of the Collectors of Guntur and Masulipatam aforesaid shewing the arrears of Government Tribute then due, and prayed the said Sudder Court to place the said property in his possession without security on the condition of his entering into an agreement not to dispose of them by sale &c. before a decision shall have been received on the appeal preferred to his late Majesty in Council. That the said Vassareddy Rungamah as Guardian of Your Petitioner presented a Petition to the said Sudder Court praying that the said last mentioned Petition of the said Vassareddy Ramanadha Baboo might not be granted.

That in a proceeding of the said Sudder Court bearing date on or about the 27th day of July 1836 it was stated that it appeared to the said Court that there could be no question that there would be no profits from the said property for several years to come and that consequently on that account there could be no necessity for requiring any security whatever previous to ordering the said property to be placed in possession of the said Vassareddy Ramanadha Baboo, and it was ordered in the words or to the purport and effect follows, that is to say;—"the Court direct that whatever lands the Collectors of Guntur and Masulipatam may have in their charge belonging to the Vassareddy war Estate and attached under the order of the Provisional Court, be delivered over to the Petitioner Ramanadha Baboo. The Court therefore resolve that a copy of these proceedings be transmitted to the Provisional Court in the Northern Division for their information and guidance, commanding them by precept to instruct the Collectors in the Districts of Guntur and Masulipatam to deliver over to the Petitioner Rajah Ramanadha Baboo such of the Lands belonging to the Vassareddy war Estate, as they may hold under attachment."

That in pursuance of the above last recited order of the said Court of Sudder Dewanny Adawlut, the said Vassareddy Ramanadha Baboo was placed in possession of the said property in dispute without giving the security required by Section IV of Regulation VIII A. D. 1818 hereinbefore recited.

That Your Petitioner attained his majority in the month of March 1837, and that at divers periods in the years 1838, 1839 and 1840 and while the said appeal to his late Majesty in Council was still pending, Your Petitioner presented Petitions to the Board of Revenue complaining that the said Vassareddy Ramanadha Baboo was wasting and mismanaging the said property, and praying the said Board of Revenue to issue an order to put the said Estates under the management of the Collectors of Masulipatam and Guntur until the Decree of His Majesty in Privy Council should be made in the said appeal.

That in a proceeding of the said Court of Sudder Dewanny Adawlut bearing date on or about the second day of May 1842 it was declared in the words or to the purport and effect following;—"The Board of Revenue in their letter of the 20th January 1842 intimated to the Court of Sudder Adawlut that circumstances indicative of gross mismanagement and an intentional disregard of his engagement, on the part of Ramanadha Baboo, having been represented to them in recent reports from the Collector of Guntur, they had desired that officer to exercise his discretion in attaching the Estate should the Zemindar fail to make payments commensurate with his collections, and that they have been since apprized by a letter dated the 8th January 1842 that it had been found absolutely necessary that the Estate should be taken under management which has accordingly been done. The mismanagement of Ramanadha Baboo resting upon information in possession of the Revenue authorities, the Court of Sudder Adawlut resolve to direct that a copy of the translations of the Petitions recorded above, together with a copy of these proceedings be transmit-

ted to the Provincial Court in the Northern Division commanding them by precept to instruct the Collectors of Guntoor and Masulipatam to enquire into and report upon the charges made against Ramanadha Baboo of having made away with the proceeds of the Estate during the period it was under his management, under the orders of the S. U. of the 27th July 1843."

That some time in the year 1842 possession of the said property in dispute was taken from the said Vassareddy Ramanadha Baboo and resumed by the said Collectors of Guntoor and Masulipatam.

That on or about the 30th day of June 1843 and pending the said Appeal to His Late Majesty in Council the Chintapully and other Taluqs in the Zillah of Guntoor being a portion of the said property in dispute were advertised for sale for arrears of Revenue due to the Government amounting to 26,122,921 Rupees.

That on or about the 5th day of June in the said year 1843 Your Petitioner presented a Memorial to the Right Honorable the Governor in Council at Madras, and on the same date, a like Memorial to the Board of Revenue in which he protested against the said intended sale and prayed that a stop might be put to it until the final decision of the said appeal.

That the Right Honorable the Governor in Council by an Order dated 19th June 1843 referred Your Petitioner to the Board of Revenue.

That on or about the 5th day of June 1843 the Board of Revenue in answer to the Memorial of Your Petitioner informed him that the advertisement of the intended sale of the Vassareddy Estate for arrears of Revenue had emanated under the orders of Government.

That on or about the 28th day of February 1846 and while the said Appeal was still pending the said portion of the

said property in dispute previously mentioned was again advertised to be sold on the 1st day of April 1846 in satisfaction of arrears of Revenue.

That on the 28th day of March 1846 Your Petitioner presented a Petition to the Governor in Council at Madras praying that the said sale might be postponed until the Decree of Her Majesty in Council should be made in the said Appeal or that the whole of the said Vassareddy Estates might be made over to Your Petitioner on condition of his paying punctually the Government Tribute and sum of 50,000 Rupees per annum in liquidation of the arrears due to the Government.

That the last mentioned Petition of Your Petitioner was returned to Your Petitioner by the Secretary to the Government on the 21st day of April 1846, with the following Indorsement:—"The Petitioner is informed that the resolution of Government dated 20th January 1846 on the subject of the Guntoor Zemindaries is final and that the Petitioner's request cannot be complied with."

That on or about the 30th day of March 1846, Your Petitioner presented a Petition to the Collector of Guntoor praying that he would protect the said portion of the said property in dispute from sale until the Decree of Her Majesty in Council should become known.

That on or about the 6th day of April 1846 the said last mentioned Petition was returned to Your Petitioner by the said Collector with the following Indorsement:—"The Vassareddy Estates were under the orders of Government put up to public sale for arrears and bought in on behalf of Government on the 1st Instant. The request of the Petitioner cannot be complied with."

That on or about the 29th day of February 1848 the Judicial Committee of the Privy Council to whom the said appeal had been referred by Your Majesty in Council having

heard it argued by Counsel before them, agreed to report to Your Majesty,—

“That the said Decree of the Court of Sudder Dewanny Adawlut at Madras bearing date the 14th day of March 1832 should be reversed.”

That Your Majesty in Council was graciously pleased to approve of the said Report and by a Decree of Your Majesty in Council bearing date the second day of March 1845 it was ordered and decreed (amongst other things) that the said Decree of the said Court of Sudder Dewanny Adawlut should be reversed as in the Declarations in the said Report set forth and recommended, and the said cause was thereby remitted to the said Court of Sudder Dewanny Adawlut at Madras to do what was necessary to give effect to the said Declarations and Report, whereof the Judges of the Court of Sudder Dewanny Adawlut at Madras for the time being and all other persons whom it might concern were to take notice and govern themselves accordingly.

That under and by force of this Decree of Your Majesty in Council and by virtue of Regulation V. of 1804 Your Petitioner was entitled to be put in possession of the whole of the property in dispute freed and discharged from all arrears of Government Tribute or Revenue which had become due during his minority.

That by the said Regulation V. of 1804 Section 14 Clause 4, it is enacted as follows:—“The Lands of incapacitated Proprietors shall not be answerable for the payment of the public Revenue assessed thereon and if the net Collections of any year should prove unequal to the discharge of the fixed assessment, the deficiency shall be made good by surplus Collections of future years. Provided always, that the allowance for the support of the Proprietors shall be paid as well in years of deficient as of surplus produce.”

That on or about the 23rd of December 1848 and after the arrival in India of the aforesaid Order of Your Majesty in Council the said Court of Sudder Dewanny Adawlut made an Order reciting the receipt by the said Court of a Dispatch from the Honorable Court of Directors together with the Decree of Your Majesty in Council, and with instructions to take the proper measures for carrying the Orders of Your Majesty in Council into execution, and for recovery on behalf of the East India Company of the expense incurred by them in bringing the above cases to a hearing, and the said Court of Sudder Dewanny Adawlut then proceeded to make the following order:—
“Before issuing the usual Orders for the full execution of the Decree of Her Majesty in Council the Court of Sudder Udawlut resolve to direct the Civil Judges of Guntoor and Masulipatam to take the necessary steps in communicating with the Collectors of those Districts to secure by immediate attachment such property real and personal, as may belong to the parties above mentioned with the exception of Puttoory Calidoss the third Respondent in appeal No. 11, of 1827 who has been exonerated by the Decree of the Privy Council from all liability on account of the said costs.

“Ordered that Extracts from these proceedings be sent to the Civil Judges of Masulipatam and Guntoor by precept returnable in ten days from and after its receipt.”

That on or about the 29th day of January 1849 Your Petitioner presented a Petition to the said Court of Sudder Adawlut wherein among other things Your Petitioner complained of certain illegal acts committed by the said Ramanadha Baboo in attempting to remove certain of the property, funds and furniture, to which Your Petitioner was entitled under Your Majesty's said Decree and requesting that Ramanadha Baboo might be arrested for the purpose of securing the costs incurred, and to enable Your Petitioner to obtain a restitution of the property which had been improperly made away with

by the said Ramanadha Baboo, and praying that the Court would immediately issue the necessary Order for the release of the said Estates from attachment for the purpose of restoring the Estates to Your Petitioner according to Your Majesty's Decree in Council.

That the said Court of Sudder Dewanny Adawlut took no notice of Your Petitioner's last mentioned Appeal.

That on or about the 11th day of January 1849 the said Board of Revenue published an advertisement for sale of the remaining portion of the Property and Estates adjudged by the said Decree of Your Majesty in Council to belong to Your Petitioner, which advertisement was in the words and figures following, that is to say:—"Notice is hereby given that unless the sum of Rupees 28,06,737, being the balance of Peish-cash including interest outstanding up to 20th December 1848, against undermentioned Estates composing Nundegamah, Zemindary, belonging to Rajah Vassareddy Ramanadha Baboo being part of the Estate and Property declared by Your Majesty's Decree in Council, to be the property of Your Petitioner and ordered by Your Majesty to be delivered into the possession of Your Petitioner, "shall have been liquidated on or before Monday the 12th February 1849, the sale of the said Estates will agreeably to the instructions conveyed by the Board of Revenue in their proceedings dated 11th December 1848 commence at the Collector's Cutcherry at Masulipatam on that date, and will continue until the whole shall be sold."

That on the 8th day of February 1849 Your Petitioner presented a Petition to the said Court of Sudder Dewanny Adawlut, in which he protested against the said intended sale as wholly illegal, and prayed that it might be stayed until Your Petitioner should be put in possession of the same and until the regular course prescribed by the Regulations had been adopted by the Board of Revenue.

That in a proceeding of the said Court of Sudder Dewanny Adawlut bearing date on or about the 12th day of March 1849 the said Court declared that they had referred on the subject of Your Petitioner's last mentioned Petition to the Board of Revenue, and that from the reply of the said Board the said Court had learnt that the Masulipatam Vassareddy Estate (being the Estate of Your Petitioner, against the sale of which he had petitioned the said Court) had been purchased on account of Government on the 12th of the then last preceding month, and they further declared that they must decline to interfere further in the matter, and ordered that the Prayer of Your Petitioner should be rejected.

That on the 2nd day of April 1849 Your Petitioner again petitioned the said Court of Sudder Dewanny Adawlut to put in force the Decree of Your Majesty in Council.

That in a proceeding of the said Court of Sudder Dewanny Adawlut bearing date on or about the 16th day of April 1849 the said Court directed among other things as follows:—

"In conformity with the Decree of Her Majesty in Council and with reference to the Order of the Sudder Udalut under date the 23rd December 1848 directing the Civil Judges of Guntoor and Masulipatam to take proper measures to secure by immediate attachment such property real and personal as may be found to belong to the above parties, the Court of Sudder Udalut now direct that the said Civil Judges may be commanded by precept returnable in six weeks from and after its receipt to carry the said Decree into full execution."

That the said Order of the Court referred to in the said last mentioned proceeding and bearing date the 23rd day of December 1848 had reference solely to the levying of costs from Your Petitioner and the other parties in the said appeal, and the direction of the said Court to the said Civil Judges of Guntoor and Masulipatam to carry the said Decree into full execution was limited to so much of the said Decree as relates

by the said Ramanadha Baboo, and praying that the Court would immediately issue the necessary Order for the release of the said Estates from attachment for the purpose of restoring the Estates to Your Petitioner according to Your Majesty's Decree in Council.

That the said Court of Sudder Dewanny Adawlut took no notice of Your Petitioner's last mentioned Appeal.

That on or about the 11th day of January 1849 the said Board of Revenue published an advertisement for sale of the remaining portion of the Property and Estates adjudged by the said Decree of Your Majesty in Council to belong to Your Petitioner, which advertisement was in the words and figures following, that is to say:—"Notice is hereby given that unless the sum of Rupees 28,06,737, being the balance of Peish-cash including interest outstanding up to 20th December 1848, against undermentioned Estates composing Nundegamah, Zemindary, belonging to Rajah Vassareddy Ramanadha Baboo being part of the Estate and Property declared by Your Majesty's Decree in Council, to be the property of Your Petitioner and ordered by Your Majesty to be delivered into the possession of Your Petitioner, "shall have been liquidated on or before Monday the 12th February 1849, the sale of the said Estates will agreeably to the instructions conveyed by the Board of Revenue in their proceedings dated 11th December 1848 commence at the Collector's Cutcherry at Masulipatam on that date, and will continue until the whole shall be sold."

That on the 8th day of February 1849 Your Petitioner presented a Petition to the said Court of Sudder Dewanny Adawlut, in which he protested against the said intended sale as wholly illegal, and prayed that it might be stayed until Your Petitioner should be put in possession of the same and until the regular course prescribed by the Regulations had been adopted by the Board of Revenue.

That in a proceeding of the said Court of Sudder Dewanny Adawlut bearing date on or about the 12th day of March 1849 the said Court declared that they had referred on the subject of Your Petitioner's last mentioned Petition to the Board of Revenue, and that from the reply of the said Board the said Court had learnt that the Masulipatam Vassareddy Estate (being the Estate of Your Petitioner, against the sale of which he had petitioned the said Court) had been purchased on account of Government on the 12th of the then last preceding month, and they further declared that they must decline to interfere further in the matter, and ordered that the Prayer of Your Petitioner should be rejected.

That on the 2nd day of April 1849 Your Petitioner again petitioned the said Court of Sudder Dewanny Adawlut to put in force the Decree of Your Majesty in Council.

That in a proceeding of the said Court of Sudder Dewanny Adawlut bearing date on or about the 16th day of April 1849 the said Court directed among other things as follows:—

"In conformity with the Decree of Her Majesty in Council and with reference to the Order of the Sudder Udalut under date the 23rd December 1848 directing the Civil Judges of Guntoor and Masulipatam to take proper measures to secure by immediate attachment such property real and personal as may be found to belong to the above parties, the Court of Sudder Udalut now direct that the said Civil Judges may be commanded by precept returnable in six weeks from and after its receipt to carry the said Decree into full execution."

That the said Order of the Court referred to in the said last mentioned proceeding and bearing date the 23rd day of December 1848 had reference solely to the levying of costs from Your Petitioner and the other parties in the said appeal, and the direction of the said Court to the said Civil Judges of Guntoor and Masulipatam to carry the said Decree into full execution was limited to so much of the said Decree as relates

to the levying of costs, and was not an Order directing the said Civil Judges to put Your Petitioner in possession of the property to which he is entitled in order and by virtue of the said Decree of Your Majesty in Council.

That on the 21st day of December 1850 Your Petitioner presented a Petition to the Governor in Council of Madras praying that Your Petitioner might be put in possession of the said Estates and property in conformity with the Decree of Your Majesty in Council.

That on the 24th day of January 1851 an answer was returned by the Order of the said Governor in Council to Your Petitioner's last mentioned Petition which answer was in the following words:—"The Government cannot accede to the request contained in this Petition."

That on or about the 23rd day of February 1851 Your Petitioner presented a Petition to the Zillah Court of Guntoor aforesaid praying amongst other things for the delivery into his possession of the said estates and property and of 3,00,000 Rupees awarded to him by the said Decree of Your Majesty in Council.

That in a proceeding of the said Zillah Court of Guntoor bearing date on or about the 14th day of March 1851 the said Court stated as follows:—"The Court cannot interfere in the matter, and the Petitioner must address himself to the Court of Sudder Adawlut who will determine as to the propriety of complying or not with the request of the Petitioner."

That Your Petitioner has wholly failed in his attempts to obtain from the said Court of Sudder Dewanny Adawlut or from the said Board of Revenue or from the Governor in Council at Madras possession of the estates and property awarded to him by the said Decree of Your Majesty in Council, and the said Decree remains up to this present time unexecuted although a period of more than four years has elapsed since the said Decree was made, and Your Petitioner

suffers under the grievous hardship of a refusal on the part of the Court of Sudder Dewanny Adawlut to interfere on his behalf for the purpose of carrying into execution a Decree made by Your Majesty in Council in his favor which Decree commands the said Courts to do what is necessary to give effect thereto.

That Your Petitioner has no other means of redress open to him than by appealing to Your Majesty in Council and obtaining a peremptory Order commanding the said Court of Sudder Dewanny Adawlut and all other persons whom it may concern to carry without further delay the said Decree into effect.

Your Petitioner therefore most humbly prays that Your Majesty in Council will be pleased to take his Petition into Your most gracious consideration, and to grant him a peremptory Order addressed to the Judges of the said Court of Sudder Dewanny Adawlut or to such other persons and authorities as to Your Majesty shall seem fit, commanding them to execute the said Decree of Your Majesty in Council bearing date the 2nd day of March 1848 and to put Your Petitioner in possession of the land and other property awarded to him by the said Decree, or that Your Petitioner may have such further and other relief in the premises as to Your Majesty in Your Great Wisdom shall seem meet.

AND YOUR PETITIONER SHALL EVER PRAY, &c.

ORDER OF THE PRIVY COUNCIL.

PRIVY COUNCIL, *Wednesday the Sixteenth of June 1852.*

We Order that the Petitioner do serve the East India Company with a copy of the Petition and that this Petition be adjourned till the fifth of July next. And we further direct that the Board of Control shall be officially informed of the Order of Her Majesty referring this Petition to us and that

they may be furnished with a copy of the Order made together with a copy of the Petition in order that the Board of Control may take such steps as they may think proper.

DECREE OF THE QUEEN IN COUNCIL.

AT THE COURT AT OSEORNE HOUSE, ISLE OF WIGHT.

THE 18TH DAY OF AUGUST 1852.

Present.

THE QUEEN'S MOST EXCELLENT MAJESTY.

HIS ROYAL HIGHNESS PRINCE ALBERT.

LORD CHANCELLOR,	EARL OF MALMESBURY,
LORD PRIVY SEAL,	MR. HERRIS,
DUKE OF NORTHUMBERLAND,	SIR JOHN PAKINGTON,
LORD STEWARD,	MR. SECRETARY WALPOLE,
EARL OF DERBY,	MR. CHANCELLOR OF THE EX-
EARL OF HARDWICKE,	CHEQUEER

Whereas there was this day read at the Board a Report from the Judicial Committee of the Privy Council dated the 5th of July 1852 in the words following, viz. "Your Majesty having been pleased by Your Order in Council of the 30th June last past to refer unto this Committee the humble Petition of Rajah Vassareddy Lutcheempathy Naidoo Bahadoor, Munna Sultan, Zemindar of Chintapully, and other Talooks in the Districts of Guntoor and Masulipatam, in the Presidency of Madras in the East Indies setting forth:—That on or about the 6th day of September in the year 1826, Vassareddy Rungumamah, Widow of the Petitioner's adoptive father Rajah Jagganada Baboo, deceased, and guardian of the Petitioner (then a minor) filed her plaint as such guardian as aforesaid in the Provincial Court for the Northern Division of the said Presidency against Vassareddy Atchummah, Widow, Rajah Vassareddy Ramanada Baboo and Poottoory Calidoss

for the recovery of one hundred and twenty one Villages, situate in the Zillah Guntoor in the Presidency aforesaid, one hundred and fifty four Villages situate in the Zillah of Masulipatam aforesaid, then yielding together an annual gross revenue of about 4,40,000 Rupees and a permanent assessment of Rupees 2,82,214-9-6 and twenty three Villages of the Chintalapathy Vuntoo, yielding a gross revenue of about 30,000 Rupees, and a permanent assessment of Rupees 19,863-8-0 and certain forts, houses, gardens and other real property valued at 1,76,000 Rupees, and other lands, estates and monies in the said plaint more particularly described. That by a Decree of the said Provincial Court bearing date the 11th day of May 1827, it was ordered and decreed that the claim of the said Vassareddy Rungamah as such Guardian as aforesaid should be disallowed and her Suit was dismissed with costs. That the said Vassareddy Rungamah thereupon appealed from the said last mentioned Decree to the Court of Sudder Dewanny Adawlut at Madras. That by an order of the said Court of Sudder Dewanny Adawlut bearing date on or about the 22nd day of October in the year 1829 it was ordered among other things that the Provincial Court for the Northern Division aforesaid should readmit the Suit of the said Appellant upon the file of the Court and try and determine it de-novo. That by a Decree of the said Provincial Court bearing date the 5th day of July 1830 it was ordered and decreed that the said plaint of the said Appellant should be dismissed with costs. That by an order of the said Court of Sudder Dewanny Adawlut bearing date the 9th day of January 1831 the said Appellant was permitted to file a supplemental pleading in the said Suit by way appeal from the said last mentioned Decree. That by a Decree of the said Court of Sudder Dewanny Adawlut bearing date the 14th day of March 1832 it was declared (among other things) that the Appeal of the Appellant hereinbefore mentioned should be dismissed with costs. That on or about the 17th day of October 1832 the said Appellant feeling her-

self aggrieved by the said last mentioned Decree, presented her Petition of Appeal to his late Majesty in Council, which was duly received by the said Court of Sudder Dewany Adawlut and was transmitted by them to his late Majesty in Council together with a transcript of all the proceedings in the said cause. That at this period the whole of the property claimed by the said Appellant as such Guardian of the Petitioner as aforesaid was under attachment by and under the control and management of the Collectors appointed by the Board of Revenue Acting in the Districts of Guntoor and Masulipatam aforesaid respectively. That on or about the 6th day of May 1833, and while the said Appeal to his late Majesty in Council was pending and undecided, the said Vassareddy Ramanadha Baboo presented his Petition to the said Court of Sudder Dewany Adawlut praying that the said Court would cause possession of the said property to be delivered over to him. That in a proceeding of the said Court bearing date on or about the 10th day of June 1833 it was stated (amongst other things) that the said Vassareddy Ramanadha Baboo could obtain possession of the said property only on giving security and that there was a specific rule in his case which required that he should furnish security and the prayer of his Petition was rejected. That the rule here referred to by the said Court in their proceeding last aforesaid is Regulation VIII of 1818 Section 4 which enacts as follows:—"The Court of Sudder Adawlut may either order the Judgment passed by them to be carried into execution, taking sufficient security from the party in whose favor the same may be passed for the due performance of such order or Decree as his Majesty his heirs or successors shall think fit to make on the appeal, or suspend the execution of their Judgment during the appeal taking the like security in the latter case from the party left in possession of the property adjudged against him; but in all cases security is to be given by Appellants to the satisfaction of the Sudder Adawlut for the payment of all such costs as the said

Court may think likely to be incurred by the appeal as well as for the performance of such order or Judgment as his Majesty his heirs or successors may think fit to give thereupon, and after receiving such security the Court of Sudder Adawlut are to declare the Appeal admitted and to give notice thereof to the Appellant and Respondent respectively; that they may take measures the one to prosecute the other to defend the cause in Appeal before his Majesty in his Privy Council according to the established mode of proceeding in similar cases."—That on or about the month of January 1834 the said Vassareddy Ramanadha Baboo presented another Petition to the said Court, praying that he might be placed in possession of the said property pending the said Appeal upon giving the security required by the above cited Regulation VIII of 1818. That in a proceeding of the said Court bearing date on or about the 14th day of April 1834 the said Court stated that it was a point formally decided by them that no security was to be required for the Government Tribute but merely for the Zemindar's mesne profits, exclusively of the said Tribute, and they ordered amongst other things that it should be referred to the Collectors in Guntoor and Masulipatam aforesaid, to report to the said Court the aggregate gross receipts payable to the Zemindar in the Vassareddy Estates for the Fusly year 1230 (A. D. 1820) or its annual average during the whole period of their management. That in a proceeding of the said Court bearing date on or about the 21st day of July 1834 they stated that they were of opinion that the ends of justice would be answered by fixing the amount of security at 2,50,000 Rupees, and it was ordered that the Provincial Court of Northern division aforesaid should call upon the said Vassareddy Ramanadha Baboo, to furnish good and sufficient security in the sum of 2,50,000 Rupees; and that on his producing competent security to that amount to be submitted to and approved of by the said Court of Sudder Dewanny Adawlut the said property be placed in his possession. That thereupon the said

Vassareddy Ramanadha Baboo presented a Petition to the said Sudder Court praying to be informed whether the said security of 2,50,000 Rupees so required by the said Court was for the whole period during which the said appeal might be pending or for what term. That in a proceeding of the Sudder Court bearing date on or about the 8th day of September 1834 it was stated that the period for which the said security was by the said order of the 21st day of July 1834 required was for one year only and that at the expiration of that period the said Sudder Court would issue such further instructions as to security as might then appear expedient and equitable. That subsequently in the said year the said Vassareddy Ramanadha Baboo petitioned the said Sudder Court for an allowance out of the said property and the said Court granted him an allowance of 1,200 Rupees per mensem but ordered that he should find security for the said sum. That on or about the 31st day of March 1835 the said Vassareddy Ramanadha Baboo presented a Petition to the Sudder Court in which he stated that he had been unable to find security for the said allowance of 1,200 Rupees per mensem and prayed that the said allowance might be granted to him from the funds in deposit in the said Court without security. That in a proceeding of the Sudder Court bearing date on or about the 27th day of April 1835 it was stated that it was essentially necessary that the said Vassareddy Ramanadha Baboo should furnish security for the eventual refund of all payments made to him from the said property in dispute and the prayer of his said last mentioned Petition was refused. That in or about the month of July 1836 Vassareddy Ramanadha Baboo presented a Petition to the Sudder Court in which he represented the condition to which the said property had been reduced in consequence as he alleged of its continuing under the management of the Revenue officers of Government, and submitted certain statements of the Collectors of Guntoor and Masulipatam aforesaid shewing the ar-

rears of Government Tribute then due and prayed the said Sudder Court to place the said property in his possession without security on the condition of his entering into an agreement not to dispose of them by sale, &c. before a decision shall have been received on the appeal preferred to his late Majesty in Council. That the said Vassareddy Rungamah as guardian of the Petitioner presented a Petition to the said Sudder Court praying that the said last mentioned Petition of the said Vassareddy Ramanadha Baboo might not be granted. That in a proceeding of the said Sudder Court bearing date on or about the 27th day of July 1836 it was stated that it appeared to the said Court that there could be no question that there would be no net profits from the said property for several years to come and that consequently on that account there could be no necessity for requiring any security whatever previous to ordering the said property to be placed in possession of the said Vassareddy Ramanadha Baboo, and it was ordered in the words or to the purport and effect following that is to say:—"The Court direct that whatever lands the Collectors of Guntoor and Masulipatam may have in their charge belonging to the Vassareddy war estate and attached under the order of the Provincial Court be delivered over to the Petitioner Ramanadha Baboo. The Court therefore resolve that a copy of these proceedings be transmitted to the Provincial Court in the Northern division for their information and guidance commanding them by precept to instruct the Collectors in the District of Guntoor and Masulipatam to deliver over to the Petitioner Rajah Ramanadha Baboo such of the lands belonging to the Vassareddy war estate, as they may hold under attachment." That in pursuance of the above last recited order of the said Court of Sudder Dewanny Adawlut the said Vassareddy Ramanadha Baboo was placed in possession of the said property in dispute without giving the security required by Section 4 of Regulation VIII A. D. 1818, hereinbefore recited. That the Petitioner attained his major-

rity in the month of March 1837. That at divers periods in the years 1838, 1839 and 1840 and while the said appeal to his late Majesty in Council was still pending the Petitioner presented Petitions to the Board of Revenue complaining that the said Vassareddy Ramanadha Baboo was wasting and mis-managing the said property and praying the said Board of Revenue to issue an order to put the said estates under the management of the Collectors of Masulipatam and Guntoor until the Decree of his Majesty in Privy Council should be made in the said appeal. That in a proceeding of the said Court of Sudder Dewanny Adawlut bearing date on or about the 2nd day of May 1842 it was declared in the words or to the purport and effect following:—"The Board of Revenue in their letter of the 20th January 1842 intimated to the Court of Sudder Adawlut that circumstances indicative of gross mismanagement and an intentional disregard of his engagement on the part of Ramanadha Baboo having been represented to them in recent Reports from the Collectors of Guntoor, they had desired that officer to exercise his discretion in attaching the estate should the Zemindar fail to make payments commensurate with his collections, and that they have been since apprized by a letter dated the 8th January 1842 that it has been found absolutely necessary that the estate should be taken from under the management of Ramanadha Baboo. Resting upon information in possession of the Revenue authorities the Court of Sudder Adawlut resolve to direct that a Copy of the translations of the Petitions recorded above together with a Copy of these proceedings be transmitted to the Provincial Court in the Northern Division commanding them by precept to instruct the Collectors of Guntoor and Masulipatam to enquire into and report upon the charges made against Ramanadha Baboo of having made away with the proceeds of the estate during the period it was under his management under the orders of the Sudder Udalut of the 27th July 1836." That some time in the year 1842 possession of the said property in dispute

was taken from the said Vassareddy Ramanadha Baboo and resumed by the said Collectors of Guntoor and Masulipatam. That on or about the 30th day of June 1843 and pending the said appeal to his late Majesty in Council the Chintapully and other Talooks in the Zillah of Guntoor, being a portion of the said property in dispute, were advertised for sale for arrears of Revenue due to the Government amounting to 26,22,921 Rupees. That on or about the 5th day of June in the said year 1843 the Petitioner presented a Memorial to the Right Honorable the Governor in Council at Madras and on the same date a like Memorial to the Board of Revenue in which he protested against the said intended sale and prayed that a stop might be put to it until the final decision of the said Appeal. That the Right Honorable the Governor in Council by an order dated 19th June 1843 referred the Petitioner to the Board of Revenue. That on or about the 5th day of June 1843 the Board of Revenue in answer to the Memorial of the Petitioner informed him that the advertisement of the intended sale of the Vassareddy estate for arrears of Revenue had emanated under the orders of Government. That on or about the 28th day of February 1846 and while the said appeal was still pending the said portion of the said property in dispute previously mentioned was again advertised to be sold on the 1st day of April 1846 in satisfaction of arrears of Revenue. That on the 28th day of March 1846 the Petitioner presented a Petition to the Governor in Council at Madras praying that the said sale might be postponed until the Decree of Her Majesty in Council should be made on the said appeal, or that the whole of the said Vassareddy estates might be made over to the Petitioner on condition of his paying punctually the Government Tribute and a sum of 50,000 Rupees per annum in liquidation of the arrears due to the Government. That the last mentioned Petition of the Petitioner was returned to the Petitioner by the Secretary to the

rity in the month of March 1837. That at divers periods in the years 1838, 1839 and 1840 and while the said appeal to his late Majesty in Council was still pending the Petitioner presented Petitions to the Board of Revenue complaining that the said Vassareddy Ramanadha Baboo was wasting and mis-managing the said property and praying the said Board of Revenue to issue an order to put the said estates under the management of the Collectors of Masulipatam and Guntoor until the Decree of his Majesty in Privy Council should be made in the said appeal. That in a proceeding of the said Court of Sudder Dewanny Adawlut bearing date on or about the 2nd day of May 1842 it was declared in the words or to the purport and effect following:—"The Board of Revenue in their letter of the 20th January 1842 intimated to the Court of Sudder Adawlut that circumstances indicative of gross mismanagement and an intentional disregard of his engagement on the part of Ramanadha Baboo having been represented to them in recent Reports from the Collectors of Guntoor, they had desired that officer to exercise his discretion in attaching the estate should the Zemindar fail to make payments commensurate with his collections, and that they have been since apprized by a letter dated the 8th January 1842 that it has been found absolutely necessary that the estate should be taken from under the management of Ramanadha Baboo. Resting upon information in possession of the Revenue authorities the Court of Sudder Adawlut resolve to direct that a Copy of the translations of the Petitions recorded above together with a Copy of these proceedings be transmitted to the Provincial Court in the Northern Division commanding them by precept to instruct the Collectors of Guntoor and Masulipatam to enquire into and report upon the charges made against Ramanadha Baboo of having made away with the proceeds of the estate during the period it was under his management under the orders of the Sudder Udawlut of the 27th July 1836." That some time in the year 1842 possession of the said property in dispute

was taken from the said Vassareddy Ramanadha Baboo and resumed by the said Collectors of Guntoor and Masulipatam. That on or about the 30th day of June 1843 and pending the said appeal to his late Majesty in Council the Chintapully and other Talooks in the Zillah of Guntoor, being a portion of the said property in dispute, were advertised for sale for arrears of Revenue due to the Government amounting to 26,22,921 Rupees. That on or about the 5th day of June in the said year 1843 the Petitioner presented a Memorial to the Right Honorable the Governor in Council at Madras and on the same date a like Memorial to the Board of Revenue in which he protested against the said intended sale and prayed that a stop might be put to it until the final decision of the said Appeal. That the Right Honorable the Governor in Council by an order dated 19th June 1843 referred the Petitioner to the Board of Revenue. That on or about the 5th day of June 1843 the Board of Revenue in answer to the Memorial of the Petitioner informed him that the advertisement of the intended sale of the Vassareddy estate for arrears of Revenue had emanated under the orders of Government. That on or about the 28th day of February 1846 and while the said appeal was still pending the said portion of the said property in dispute previously mentioned was again advertised to be sold on the 1st day of April 1846 in satisfaction of arrears of Revenue. That on the 28th day of March 1846 the Petitioner presented a Petition to the Governor in Council at Madras praying that the said sale might be postponed until the Decree of Her Majesty in Council should be made on the said appeal, or that the whole of the said Vassareddy estates might be made over to the Petitioner on condition of his paying punctually the Government Tribute and a sum of 50,000 Rupees per annum in liquidation of the arrears due to the Government. That the last mentioned Petition of the Petitioner was returned to the Petitioner by the Secretary to the

Government on the 21st day of April 1846 with the following Endorsement:—"The Petitioner is informed that the Resolution of Government dated 20th January 1846 on the subject of the Guntoor Zemindaries is final and that the Petitioner's request cannot be complied with." That on or about the 30th day of March 1846 the Petitioner presented a Petition to the Collector of Guntoor praying that he would protect the said portion of the said property in dispute from sale until the Decree of her Majesty in Council should become known. That on or about the 6th day of April 1846 the said last mentioned Petition was returned to the Petitioner by the said Collector with the following Endorsement:—"The Vassareddy estates were under the orders of Government put up to public sale for arrears and bought in on behalf of Government on the 1st instant. The request of the Petitioner cannot be complied with." That on or about the 29th day of February 1848, this Committee to whom the said Appeal had been referred by his late Majesty in Council, having heard it argued by Counsel before them agreed to Report to Your Majesty—That the said Decree of the Court of Sudder Adawlut of Madras bearing date the 14th day of March 1832 should be reversed, and amongst other things that the adoption of the Petitioner by Jaganadha was well proved and that the Petitioner was entitled to succeed to the whole Estate of Jaganadha. That Your Majesty in Council was graciously pleased to approve of the said Report, and by a Decree of Your Majesty in Council bearing date the 2nd day of March 1849 it was ordered and decreed (amongst other things) that the said Decree of the said Court of Sudder Dewanny Adawlut should be reversed as in the declarations in the said Report set forth and recommended, and the said cause was thereby remitted to the said Court of Sudder Dewanny Adawlut at Madras to do what was necessary to give effect to the said declarations and Report, whereof the Judges of the Court of the Sudder Dewanny Adawlut at Madras for the

time being and all other persons whom it might concern were to take notice and govern themselves accordingly. That under and by force of this Decree of Your Majesty in Council and by virtue of Regulation V. of 1804, the Petitioner was entitled to be put in possession of the whole of the property in dispute freed and discharged from all arrears of Government Tribute or Revenue which had become due during his minority. That by the said Regulation V. of 1804 Section 14 Clause 4 it is enacted as follows:—"The lands of incapacitated proprietors shall not be answerable for the payment of the Public Revenue *assessed* thereon, and if the net collections of any year should prove unequal to the discharge of the fixed assessment the deficiency shall be made good by the surplus collection of future years; provided always that the allowance for the support of the proprietors shall be paid as well in years of deficient as of surplus produce." That on or about the 23d of December 1848 and after the arrival in India of the aforesaid order of Your Majesty in Council, the said Court of Sudder Dewany Adawlut made an order reciting the receipt by the said Court of a despatch from the Honorable the Court of Directors, together with the Decree of Your Majesty in Council, and with instructions to take the proper measures for carrying the Order of Your Majesty in Council into execution and for recovery on behalf of the East India Company of the expense incurred by them in bringing the above cases to a hearing, and the said Court of Sudder Dewany Adawlut then proceeded to make the following order:—"Before issuing the usual orders for the full execution of the Decree of Her Majesty in Council, the Court of Sudder Adawlut resolve to direct the Civil Judges of Guntoor and Masulipatam to take the necessary steps in communication with the Collectors of those districts to secure by immediate attachment such property real and personal as may belong to the parties above mentioned with the exception of Poottoory Calidoss the 3d Respondent in Appeal No. 11th of 1827 who has been exonerated by the Decree of the Privy

Council from all liability on account of the said costs. Ordered that Extract from these proceedings be sent to the Civil Judges of Masulipatam and Guntoor by a precept returnable in ten days from and after its receipt." That on or about the 29th day of January 1849, the Petitioner presented a Petition to the said Court of Sudder Adawlut wherein among other things the Petitioner complained of certain illegal acts committed by the said Ramanadha Baboo in attempting to remove certain of the property, funds and furniture to which the Petitioner was entitled under Your Majesty's said Decree, and requesting that Ramanadha Baboo might be arrested for the purpose of securing the costs incurred and to enable the Petitioner to obtain a restitution of the property which had been improperly made away with by the said Ramanadha Baboo, and praying that the Court would immediately issue the necessary order for the release of the said estates from attachment for the purpose of restoring the estates to the Petitioner according to Your Majesty's Decree in Council. That the said Court of Sudder Dewany Adawlut took no notice of the Petitioner's last mentioned Appeal. That on or about the 11th day of January 1849 the said Board of Revenue published an advertisement for the sale of the remaining portion of the property and estates adjudged by the said Decree of Your Majesty in Council to belong to the Petitioner, which advertisement was in the words and figures following that is to say:—"Notice is hereby given that unless the sum of Rupees 28,06,737 being the balance of Peisheush including interest outstanding up to 20th December 1848 against the undermentioned estates composing Nundegammah Zemindary belonging to Rajah Vassareddy Ramanadha Baboo Zemindar" (being part of the estate and property declared by Your Majesty's Decree in Council to be the property of the Petitioner and ordered by Your Majesty to be delivered into the possession of the Petitioner) "shall have been liquidated on or before Monday the 12th February 1849 the sale of the said estates will agreeably to the instructions con-

veyed by the Board of Revenue in their proceedings dated 11th December 1848 commence at the Collector's Cutcherry at Masulipatam on that date and will continue until the whole shall be sold." That on the 8th day of February 1849 the Petitioner presented a Petition to the said Court of Sudder Dewany Adawlut in which he protested against the said intended sale as wholly illegal, and prayed that it might be stayed until the Petitioner should be put in possession of the same and until the regular course prescribed by the Regulations had been adopted by the Board of Revenue. That in a proceeding of the said Court of Sudder Dewany Adawlut bearing date on or about the 12th day of March 1849 the said Court declared that they had referred on the subject of the Petitioner's last mentioned Petition to the Board of Revenue and that from the reply of the said Board the said Court had learnt that the Masulipatam Vassareddy estate (being the estate of the Petitioner against the sale of which he had petitioned the said Court) had been purchased on account of Government on the 12th of the then last preceding month, and they further declared that they must decline to interfere further in the matter and ordered that the prayer of the Petitioner should be rejected. That on the 2d day of April 1849 the Petitioner again petitioned the said Court of Sudder Dewany Adawlut to put in force the Decree of Your Majesty in Council. That in a proceeding of the said Court of Sudder Dewany Adawlut bearing date on or about the 16th day of April 1849 the said Court directed among other things as follows.—"In conformity with the Decree of Her Majesty in Council and with reference to the order of the Sudder Adawlut under date the 23d December 1848 directing the Civil Judges of Guntoor and Masulipatam to take proper measures to secure by immediate attachment such property real and personal as may be found to belong to the above parties, the Court of Sudder Adawlut now direct that the said Civil Judges be commanded by precept returnable in six weeks from and after its receipt to carry the said Decree into full

execution." That the said order of the Court referred to in the said last mentioned proceeding and bearing date the 23d day of December 1818 had reference solely to the levying of costs from the Petitioner and the other parties in the said Appeal, and the direction of the said Court to the said Civil Judges of Guntoor and Masulipatam to carry the said Decree into full execution was limited to so much of the said Decree as relates to the levying of costs and was not an order directing the said Civil Judges to put the Petitioner in possession of the property to which he is entitled in order and by virtue of the said Decree of Your Majesty in Council. That on the 21st day of December 1850 the Petitioner presented a Petition to the Governor in Council of Madras praying that the Petitioner might be put in possession of the said estates and property in conformity with the Decree of Your Majesty in Council. That on the 21th day of January 1851 an answer was returned by the order of the said Governor in Council to the Petitioner's last mentioned Petition which answer was in the following words:—"The Government cannot accede to the request contained in this Petition." That on or about the 23d day of February 1851 the Petitioner presented a Petition to the Zillah Court of Guntoor aforesaid praying among other things for the delivery into his possession of the said estates and property and of 200,000 Rupees awarded to him by the said Decree of Your Majesty in Council. That in a proceeding of the said Zillah Court of Guntoor bearing date on or about the 14th day of March 1851 the said Court stated as follows:—"The Court cannot interfere in the matter and the Petitioner must address himself to the Court of Sudder Adawlut who will determine as to the propriety of complying or not with the request of the Petitioner." That the Petitioner has wholly failed in his attempts to obtain from the Sudder Dewany Adawlut or from the said Board of Revenue or from the Governor in Council at Madras possession of the estates and property awarded to him by the said Decree of Your Majesty in Council and the said

Decree remains up to this present time unexecuted although a period of more than 4 years has elapsed since the said Decree was made, and the Petitioner suffers under the grievous hardship of a refusal on the part of the Court of Sudder Dewany Adawlut to interfere on his behalf for the purpose of carrying into execution a Decree made by Your Majesty in Council in his favour which Decree commands the said Court to do what is necessary to give effect thereto. That the Petitioner has no other means of redress open to him than by appealing to Your Majesty in Council and obtaining a peremptory order commanding the said Court of Sudder Dewany Adawlut and all other persons whom it may concern to carry without further delay the said Decree into effect. The Petitioner therefore most humbly prays that Your Majesty in Council will be pleased to take his Petition into Your Most Gracious consideration and to grant him a peremptory order addressed to the Judges of the said Court of Sudder Dewany Adawlut or to such other persons and authorities as to Your Majesty shall seem fit commanding them to execute the said Decree of Your Majesty in Council bearing date the 2nd day of March 1848 and to put the Petitioner in possession of the land and other property awarded to him by the said Decree, or that the Petitioner may have such further and other relief in the premises as to Your Majesty in Your great wisdom shall seem meet. The Lords of Committee in obedience to Your Majesty's said order of reference have this day taken the said Petition into consideration and having been attended by Counsel on behalf of the Petitioner and likewise on behalf of the East India Company, their Lordships do this day agree humbly to Report to Your Majesty as their opinion that the said Court of Sudder Dewany Adawlut at Madras ought to be ordered forthwith to carry into execution Her Majesty's Order in Council of the 2d March 1848 made upon the hearing of the said Appeal, and to direct the Collectors of Guntoor and

Masulipatam and those districts in which the Vassareddy Estates are situated to put the Appellant Rajah Lutchmepathy Naidoo in possession of the said property in pursuance of the Report of this Committee of the 29th February 1848 and of Her Majesty's Order in Council of the 2d March 1848 approving the same, reserving to the Madras Government and to all persons except the Respondents in the original Appeal the right to appear for their interest if any."—Her Majesty having taken the said Report into consideration was pleased by and with the advice of Her Privy Council to approve thereof and to Order as it is hereby ordered that the said Court of Sudder Dewany Adawlut at Madras do forthwith carry into execution Her Majesty's Order in Council of the 2d March 1848, and that the said Court do direct the Collectors of Guntoor and Masulipatam and of those districts in which the Vassareddy Estates are situated to put the Appellant Rajah Lutchmepathy Naidoo Bahadoor in possession of the said property in pursuance of the Report of the Judicial Committee of the Privy Council of the 29th February 1848 and of Her Majesty's said Order in Council of the 2d March 1848 approving the same, reserving to the Madras Government and to all persons except the Respondents in the original Appeal the right to appear for their interest if any. Whereof the Judges of the said Court of Sudder Dewany Adawlut at Madras for the time being and all other persons whom it may concern are to take notice and govern themselves accordingly.

(Signed) THOS. L. BATHURST.

SIXTH PETITION TO THE SUDDER COURT.

TO
THE JUDGES OF THE COURT OF
SUDDER UDALUT.

*The humble Petition of Rajah
Vassareddy Lutchmepathy Naidoo
Bahader Manna Sultan,
Zemindar of Chintapally, Ap-
pellant in Appeal Suit No. 11
of 1827 on the files of this
Court presented by John Bruce
Norton, Esq., Barrister at Law.*

RESPECTFULLY SHEWETH,

That on or about the 18th day of August last past, Her Most Gracious Majesty the Queen in Council was pleased to Order that the Court of Sudder Udalt at Madras should "forthwith carry into execution Her Majesty's Order in Council of the 2d of March 1848, and that the said Court do direct that the Collectors of Guntoor and Masulipatam and of those districts in which the Vassareddy Estates are situated, to put the Appellant Rajah Lutchmepathy Naidoo Bahader in possession of the said property, in pursuance of the Report of the Judicial Committee of the Privy Council of the 29th of February 1848, and of Her Majesty's said Order in Council of the 2d of March 1848, approving the same, reserving to the Madras Government and to all persons except the Respondents in the original Appeal, the right to appear for their interests if any. Whereof the Judges of the said Court of Sudder Dewany Adawlut at Madras for the time being, and all other persons whom it may concern, are to take notice and govern themselves accordingly."

Your Petitioner therefore humbly prayeth that the Court will issue the necessary orders for forthwith putting

the said Decree of Her Most Gracious Majesty the Queen in Council in force and giving full and immediate effect to the same.

(Signed) JOHN BRUCE NORTON,
Barriester at Law.

MADRAS,
9th October 1852. }

(True Copy)
(Signed) THOS. WILKINS,
Acting Deputy Registrar.

ORDER THEREON.

Extract from the Proceedings of the Sudder Udalt, under date the 15th October 1852.

PRESENT.

G. S. Hooper, Esq. }
M. A. D. Inglis, Esq. (Officiating), } *Puisne Judges.*

In Appeal No. 11 of 1827.

Read motion presented on the 9th October 1852 by J. B. Norton, Esquire, Barrister at Law, on behalf of Rajah Vasserreddy Lutchmepathy Naidoo Appellant in the above Appeal Suit No. 11 of 1827, submitting duly authenticated copy of a Decretal Order passed by Her Majesty the Queen in Council under date the 15th August 1852, and praying that the necessary orders may issue for forthwith putting the Decree passed by Her Majesty the Queen in Council in reversal of the decision of the Sudder Udalt in the said Appeal suit in force and giving full and immediate effect to the same.

(Here enter S. U. M. P. No. 406 of 1852.)

1. It having been resolved by the Court of Sudder Udalt, in advertence to that clause of the Decretal Order of Her Majesty the Queen in Council aforesaid which re-

serves "to the Madras Government and to all others except the Respondents in the original Appeal the right to appear for their interests if any," to call upon the Government Vakeel to urge any objections which he might have to offer against the execution of the above Decree, and the said resolution having been accordingly carried into effect, application has been made by the Vakeel that he may be permitted to take a copy of the Appellant's motion and be allowed a period of one week with a view to his obtaining the instructions of the Board of Revenue or the Government for his guidance in the matter.

Ordered accordingly.

(True Extract)

(Signed) _____
Deputy Registrar.

SEVENTH PETITION TO THE SUDDER.

TO

THE HONORABLE JUDGES OF THE SUDDER UDALUT.

Miscellaneous Petition of V. Lutchmepathy Naidoo presented by his Pleader J. B. Norton, Esq.

RESPECTFULLY SHEWETH,

That V. Vencatadry Naidoo died in the year 1816 possessed of large landed Estates in Guntoor and Masulipatam leaving V. Jagannadha Baboo his adopted son, V. Ramanadha Baboo who also claimed to be his adopted son and two widows him surviving.

2. That V. Jagannadha Baboo died in 1825 leaving Atchamah his elder and Rungammah younger widow, and Your Petitioner, his adopted son, then a minor of the age of 6 years who attained his majority in the year 1837.

3. That various suits were instituted between the years 1819 and 1827 between the said V. Ramanadha Baboo, Atchamah, Rungammah and Jagannadha respecting the said property, and that in the progress of such suits the Vassareddy Estates were placed under attachment in the hands of the Collectors of Guntoor and Masulipatam by precepts from various Courts commencing with the year 1820 and so remained until as hereinafter mentioned in 1836.

4. That at the time such estates were respectively attached no arrears of Peishcush were due to Government on the said estates.

5. That during the time the said estates were under attachment and up to the time when the same were handed over to V. Ramanada Baboo by order of this Honorable Court in 1836 large arrears of Peishcush accrued due to the Government.

6. That on the 13th of September 1826 V. Rungammah filed her plaint in 29 of 1826 in the Provincial Court of the Northern Division against the said Atchamah, V. Ramanadah Baboo and one P. Calee Doss for the recovery of the whole of the said Vassareddy estates on behalf of Your Petitioner, that on the 11th of May 1827 the Provincial Court gave Judgment against the claim of Your Petitioner, that V. Rungammah appealed to this Honorable Court in No. 11 of 1827 on the 15th September 1827, that various proceedings took place until on the 4th March 1832 this Honorable Court finally decided against the right of Your Petitioner.

7. That on the 17th October 1832 Rungammah appealed to the King in Council against such last mentioned decree.

8. That on the 6th May 1833 V. Ramanada Baboo by his Petition No. 86 of 1833 petitioned this Honorable

Court to be put in possession of the said estates pending the said appeal in conformity with Section 17 of Regulation 2 of 1802.

9. That on the 10th of June 1833 such Petition was rejected and this Honorable Court pointed out that Regulation VIII of 1818 Section 4 provided the course applicable to the Petitioner's case.

10. That on the 6th of January 1834 the said V. Ramanada Baboo presented his Petition No. 1 of 1834 to this Honorable Court praying to be put in possession of the said estates upon giving sufficient security, against which counter Petitions No. 5 and 8 of 1834 were presented.

11. That on the 14th April 1834 this Honorable Court replied to the said last mentioned Petitions referring to Circular Order of 21st September 1826 stating that it would be safest not to deduct the charge of management from the amount of security to be taken, and referring it to the Collectors of Guntoor and Masulipatam to report the aggregate gross receipt payable to the Zemindar in the Vassareddy estates for the Fusly 1230 on the annual average during the whole period of their management, the amount of the Government Tribute payable therefrom and the difference or mesne profits without excluding the charges of management, after which the Court said it would be pleased to pass its final order on the said Petitions.

12. That upon receipt of such returns this Honorable Court on the 21st of July 1834 fixed the amount of security to be given by the said V. Ramanada Baboo at Rs. 2,50,000 and declared that the said V. Ramanada Baboo was not to be put into possession until after this Honorable Court had itself approved of such security.

13. That thereupon the said V. Ramanada Baboo petitioned this Honorable Court on the 25th of August by Miscellaneous Petition No. 81 of 1834 requesting to know

for what period his security was to be taken, whereto this Honorable Court replied on the 8th September 1834 that it was for one year only at the expiration of which this Honorable Court would issue such further orders as might be deemed expedient.

14. That by M. P. 106 of 1834 on the 27th October 1834 V. Ramanada Baboo petitioned this Honorable Court for an allowance of Rupees 3,500 per mensem from the fund deposited in Court, and this Honorable Court upon the 17th November 1834 granted him a monthly allowance of Rupees 1,200 upon his furnishing good and sufficient security for its repayment if the appeal to the King in Council should be given against him.

15. That on the 31st March 1835 V. Ramanada Baboo by M. P. No. 52 of 1835 petitioned this Honorable Court stating that he was unable to find such security and prayed that the said allowance might be granted to him from the funds in deposit in the Court without finding security.

16. That by a proceeding of this Honorable Court of the 27th April 1835 the said V. Ramanada Baboo was informed that inasmuch as he would have no right to the property if his adoption should be declared invalid it was essentially necessary that he should furnish security for refund of all payments made from the estate to him.

17. That on the 25th April 1836 V. Ramanada Baboo by his Petition No. 67 of 1836 again prayed to be put in possession of the said estates without security on his entering into an agreement not to dispose by sale of them before a decision should have been received from his Majesty in Council, and appended thereto an original letter from Mr. Mathison, Head Assistant Collector of Guntoor, under date 1st April 1836 which is as follows when translated:—

“ To Rajah Vassareddy Ramanada Baboo Bahader Munna Sultan Surdaso Mook Munnawor under the Circars

of Mootoozanafur, Moostaphanagur, Masulipatam, Nizamputnum and Cummam Mettoo, &c.

(After Compliments.)

With reference to my letter to the Board of Revenue accompanied by your Petition addressed to them requesting to be placed in possession of your Talook, the Board of Revenue by their proceedings dated the 14th March 1836 informed me that they admitted the points noticed in the said letter and forwarded the same with their recommendation to Government; they however directed me to inform you that as the estate which has been held under attachment under the precept of the Court of Sudder Adawlut could not be placed in your possession without the orders of that Court who resolved to do so on security being tendered for the profits which might accrue over and above the Peishcush, a motion should be made by you to the Sudder Court stating that under the present circumstances there is no probability for some time to come of the liquidation of even the Peishcush and that should any profits accrue afterwards it would be received by the Collector on account of the old arrears of Revenue, and also to furnish to you the accounts which you applied for shewing the actual collections from Fusly 1241 to 1244 and also the statement for the current year to enable you to produce the same before the Court to induce them to admit your application. They have also stated that the Court would thereupon consent to give you possession of the Talook without security for some time. You will therefore make a motion to the Sudder Court on the subject. If you address an Urzi respecting the accounts which you are in

need of I shall give you the necessary accounts under my seal and signature.

Cutcherry of the Head Assistant Collector in charge of the Guntoor Zillah.

(Signed) A. MATHISON,
Head Assistant Collector in Charge.
(A True Translation)

(Signed) T. NARASINGA ROW,
Translator.

GUNTOOR, }
1st April, 1836. }

18. That the Revenue Board by its proceedings of 11th March 1836 issued such orders as are referred to in the last mentioned letter, and that by Minute of Consultation of the 5th April 1833 the Governor in Council of Madras concurred with the Board of Revenue in considering that it would be equally for the interests of the Government as for those of V. Ramanada Baboo to place the estates in his possession and approved the instructions in the 7th para. of the Board's said proceedings to be issued to the Head Assistant Collector of Guntoor.

19. That on the 27th June 1836 V. Ramanada Baboo petitioned this Honorable Court stating as therein stated and praying this Honorable Court to pass an order in compliance with the prayer of his Petition No. 67 of 1836.

20. That counter Petitions M. P. Nos. 69, 70, 77 and 81 of 1836 were filed against such Petitions by Your Petitioner and others.

21. That on the 27th July 1836 this Honorable Court by its order directed that whatever lands the Collectors of Guntoor and Masulipatam might have in their charge belonging to the Vasseretty war estate and attached under the orders of the Provincial Court should be delivered over to the said V. Ramanada Baboo for the reasons therein stated,

that the said V. Ramanada Baboo was thereupon put into possession of all the Vasseretty estates without giving any security whatever as appears by the returns of the Collectors to the precepts of this Honorable Court dated respectively the 3d and 9th days of September 1836 forwarded by the Provincial Court on the 11th September 1836, and that as appears by the return of the Collector of Guntoor V. Ramanada Baboo had his attention particularly directed to the better management of the estates for the benefit of all the litigants and to the necessity of punctual and regular accounts.

22. That by M. P. No. 113 of 1838 Your Petitioner brought to the notice of this Honorable Court that the said V. Ramanada Baboo was appropriating the produce of the said estates without completely satisfying the Government Kist, that he had not furnished periodical accounts to the Collector nor had any been received by this Honorable Court, and praying that the Collectors of Guntoor and Masulipatam might be directed speedily to transmit all the necessary accounts of produce, &c.

23. That by an order of this Honorable Court dated 25th June 1838 reciting previous instructions to the said Collectors to furnish accounts, and that no accounts had been received by the Court, the Provincial Court was directed to carry out the orders of this Honorable Court contained in para. 4 of their proceedings of the 27th July 1836 without further delay.

24. That the Collectors of Guntoor and Masulipatam furnished certain accounts to this Honorable Court, but the return from Guntoor not being in its opinion sufficiently explicit this Honorable Court by its proceeding of the 6th August 1838 directed the said Collector to prepare his return in the same form as the Collector of Masulipatam and called upon the latter to explain why so small a sum had been collected in each year.

25. That by his return dated 23d August 1833 the Collector of Masulipatam forwarded to this Honorable Court an Urzi from the said V. Ramanada Baboo by which the Collector said it would appear that the cause of small collections was mainly attributable to the famine in Fusly 1242-3 and unfavorable seasons since the estates were entrusted to his management, and the said Collector further stated that the Revenue Board was impressed with the necessity of exercising a more efficient control than hitherto over the said estates.

26. That by its proceedings of the 11th September 1833 this Honorable Court declared that in consideration of the accounts transmitted by the Collectors of Guntoor and Masulipatam the Revenue liabilities with which the estate was shewn to be encumbered exhibited such a state of ruin and almost irretrievable embarrassment that this Honorable Court felt itself called upon to enquire whether any grounds existed for considering whether this deplorable result was attributable in any measure to misconduct on the part of V. Ramanada Baboo or whether there was reason to suppose that any portion of the proceeds of the estates had been misappropriated by that individual, and this Honorable Court determined to take the opinion of the said Collectors as to the propriety of continuing the said V. Ramanada Baboo in the management of the said estates.

27. That by his return dated 2d October 1833 the Collector of Guntoor informed this Honorable Court that there did not appear to be ground for disturbing at present the management of the said V. Ramanada Baboo.

That by his return dated the 10th October 1833 the Collector of Masulipatam informed this Honorable Court that the deterioration of the estates since the management of the said V. Ramanada Baboo was in a great degree to be attributed to his maladministration, that complaints had been

received of embezzlement and fraud against the said V. Ramanada Baboo, and that several of the charges of embezzlement proved true on investigation, and that there could be little doubt that the latter would have shewn a similar result if the Collector had been able to bring the enquiry to a close, that it appeared extraordinary that while the other parts of the country exhibited an increase in Fusly 1246-7 the Vassareddy estate had not only not progressed, but actually retrograded to a degree which could be accounted for in no other way than by referring it to maladministration and misappropriation of the Revenue. Moreover that the balance of Peishcush was so considerable with reference to the value of the Zamindary that little hope could be entertained of its discharge even under the last management, and that it appeared certain therefore that V. Ramanada Baboo could not for the contingent benefit to be derived from his right being ultimately confirmed in the Appeal before the Queen in Council undertake the temporary management for any other purpose than that of enriching himself at the public expense, and the Collector stated his opinion that the estate in the hand of V. Ramanada Baboo should be restored to the management of the Collector.

28. That by its proceedings of the 19th November 1833 this Honorable Court after reciting the said last mentioned returns resolved to forward the said returns to the Board of Revenue with a request to be furnished with the opinion of the Board as to whether the Collector of Masulipatam was justified in his report.

29. That by a letter dated 13th December 1833 the Board of Revenue replied to this Honorable Court informing it that in their opinion the state of the said estate in Masulipatam was mainly attributable to the remissness of the local officers in charge of the Collectorate during the last two years who had failed to adopt any of the means which the

Board had expressly pointed out to check and control the said V. Ramanada Baboo's settlements and to secure the due appropriation of the demands of the estate, and the Board of Revenue further intimated their anxiety that the management of the said V. Ramanada Baboo should not at present be interfered with as the interests of Government in the well being of the estates were paramount to all others and they trusted that it would not be considered necessary by the Court to interfere.

30. That by a proceeding of this Honorable Court dated 21th December 1833 reciting the last mentioned letter from the Board of Revenue this Honorable Court resolved to reject Your Petitioner's Petition No. 113 of 1833 hereinbefore mentioned.

31. That Your Petitioner on the 28th November 1833, the 17th September 1839 and 11th June 1840 petitioned the Board of Revenue bringing to their notice that the said V. Ramanada Baboo had been put into possession of the said estates without giving any security, charging against him sundry acts of mismanagement and devastation, and praying that the estates might again be taken under the management of the Revenue authorities for the protection of Your Petitioner's right as appears by the Petitions hereunto annexed marked respectively A. B. and C.

32. That Your Petitioner never received any reply to such his last mentioned Petitions until the 21st September 1840 when they were all three simultaneously returned to him bearing similar endorsements of that date as will appear on a reference thereto.

33. That on the 7th September 1840 this Honorable Court felt itself called upon to bring to the notice of the Board of Revenue the encumbered state of the Vasserddy estates and to enquire whether this was the result of mismanagement or misconduct of V. Ramanada Baboo.

34. That up to the 20th December 1841 this Honorable Court received no reply to such enquiries when they again addressed the Revenue Board forwarding the accounts of Fusly 1250 of the Collectors of Masulipatam and Guntoor whereby it appeared that arrears had during the management of the Revenue authorities and V. Ramanada Baboo accumulated to the extent of Rupees 21,68,956 in the Guntoor estate and Rupees 8,53,276-7-0 in the Masulipatam estates.

35. That no answer was received by this Honorable Court to either of such communications until the 20th Jany. 1842 when the Board of Revenue replied that circumstances indicative of gross mismanagement and an intentional disregard of his engagements on the part of V. Ramanada Baboo having been reported to them by the Collector of Guntoor, they had instructed that officer on the 9th December 1841 to exercise his discretion in attaching the estate and that they had been apprized by a letter from that officer dated the 8th of January that the estate had been taken under the management of the Collector.

36. That this Honorable Court by its proceedings dated 2d May 1842 having taken into consideration M. P. 47, 67, and 106 of 1842 determined that the mismanagement of V. Ramanada Baboo resting upon information in possession of the Revenue authorities, copies of the said Petitions with a copy of the Court's then proceedings should be transmitted to the Provincial Court of the North Division commanding them by precept to instruct the Collectors of Guntoor and Masulipatam to enquire into and report upon the charges made against V. Ramanada Baboo of having made away with the proceeds of the estate during the period it was under his management under the order of this Honorable Court of the 27th July 1836.

37. That in obedience to such precept the Head Assistant Collector of Masulipatam replied on the 23d June 1842

and the Assistant Collector of Guntoor on the 25th of June 1842, the latter stating that charges of mismanagement against V. Ramanada Baboo to the extent of 87,557-4-10 had on the 31st January previously been reported to the Revenue Board by Mr. Goldingham the late Collector, and that the result of subsequent examinations shewed a further sum of Rupees 20,749-0-6 and that there still remained a great number of Dusters to be examined, that during the management of V. Ramanada Baboo and between the years 1836 and 1842-4 when the Revenue Board resumed the said estate the Government Peishcush fell into arrear to a very large extent.

38. That from the 8th January 1842 the Revenue authorities remained in management of the Guntoor estates until the 10th June 1843 when the Guntoor estates were advertized to be sold by public auction for arrears due to Government amounting to 26,22,291 Rs.

39. That on or about the 5th day of June 1843 Your Petitioner memorialized the Board of Revenue against such intended sale and on the same date forwarded a like memorial to the Right Honorable the Governor in Council hereunto annexed and marked respectively D. E.

40. That by an Endorsement under the hand of Mr. Drury the Chief Secretary to Government the latter Petition was referred to the Revenue Board on the 19th June 1843.

41. That by an Endorsement on his Petition to the Board of Revenue under the hand of Mr. Pycroft Assistant Sub Secretary Your Petitioner was informed that the advertisement for the sale of the Vasserreddy estates emanated under orders from Government.

42. That on the 21st June 1843 Your Petitioner again by his Petition hereunto annexed and marked F. memorialized the Board of Revenue stating as therein stated and praying that the sale of the estate might be suspended, that the Board

of Revenue would receive a Kararnamah from Your Petitioner respecting certain permanent Cowles, and that the Revenue authorities should take the estate under their management until the arrears should be liquidated.

43. That the intended sale was postponed, and the estates continued under the management of the Revenue authorities until the 25th February 1846 when the Guntoor estates were again advertized for sale for arrears of rent amounting to Rupees 3,07,931.

44. That on the 28th March 1846 Your Petitioner by his Petition hereunto annexed and marked G. memorialized the Right Honorable the Governor in Council praying that the intended sale might be postponed pending the Appeal, and that Your Petitioner might be put in possession on condition of his punctually paying the Government Peishcush and 50,000 Rupees per annum in liquidation of the Government arrears.

45. That the said Memorial was returned to Your Petitioner on the 21st April 1846 endorsed by Mr. R. E. Clarke Deputy Secretary to Government as follows:—
“V. Lutchmeputhy is informed that the resolution of the 20th of June 1846 is final and that his request cannot be complied with.”

46. That on the 30th of March 1846 Your Petitioner memorialized the Collector of Guntoor by his Petition hereunto annexed marked H. praying that the sale might be postponed.

47. That on the 6th April 1846 such Petition was returned endorsed by the said Collector:—“The Vasserreddy estates were under orders of Government put up to public sale for arrears and bought in on behalf of Government on the 1st of April instant. The request of the Petitioner cannot be complied with.”

48. That the said estates were bought in on behalf of Government.

49. That the Vassereddy estates in Masulipatam still continued in the possession and management of the Revenue authorities until their sale as hereinafter mentioned during which period the arrears of Peisheush continued to increase.

50. That by a Decree of Her Majesty in Council bearing date the 2d March 1848 it was declared that the Decree of this Honorable Court appealed against should be reversed, and the said cause was thereby remitted to the said Court to do what was necessary to give effect to the said Decree whereof the Judges of this Honorable Court for the time being and all other persons whom it might concern was to take notice and govern themselves accordingly.

51. That by a Petition presented to this Honorable Court on the 20th November 1848, Your Petitioner prayed that in accordance with the said Decree this Honorable Court would be pleased to order the Collectors of Guntoor and Masulipatam to put him in possession of the whole of the property real and personal of his late father.

52. That by a proceeding of this Honorable Court dated 23d December 1848 after reciting the receipt of the said last mentioned Decree and instructions from the Court of Directors to take the proper measures for carrying the Orders of Her Majesty in Council into execution and to recover on behalf of the Court of Directors the costs incurred in bringing No. 4 of 1826 and No. 11 of 1829 to a hearing, this Honorable Court was pleased to declare that before issuing the usual orders for the full execution of the said decree it would direct the Civil Judges of Guntoor and Masulipatam to secure by immediate attachment the real and personal property of the parties to such Appeals except the said P. Calidoss against whom no costs had been awarded, and

that this order was communicated to the said Judge by precept returnable in 10 days and that the said property was attached in obedience thereto.

53. That on the 23d December 1848 Your Petitioner presented his Petition No. 519-48 to this Honorable Court praying for the order prayed for in his former Petition.

54. That on the 29th January 1849 Your Petitioner presented his Petition (M. P. 55-49) to this Honorable Court referring therein to the filing of the said decree charging sundry acts of malversation and fraud against V. Ramanada Baboo and praying among other things as follows:—"As all these inconveniences and removal have been occasioned by the delay that has occurred in Your Honorable Court's directing the release of the Vassereddy Zemindary from attachment and its restoration to Your Petitioner, and as by further delay greater mischief might be practised by Your Petitioner's opponents, Your Petitioner most humbly prays Your Honorable Court will be pleased to issue the necessary order of release as early as practicable."

55. That so far as Your Petitioner can find no notice was taken by this Honorable Court of any of these three last mentioned Petitions until the 16th April 1849, nor did Your Petitioner ever receive any reply thereto, but on the contrary this Honorable Court permitted the said estates in Masulipatam to be put up to public auction by the Revenue Board as hereinafter stated as the property of V. Ramanada Baboo on account of the Government arrears and to be purchased on behalf of Government on the 12th February 1849.

56. That on the 11th January 1849 the Board of Revenue with full knowledge of the said Decree of Her Majesty in Council advertized the said estates as the property of the said V. Ramanada Baboo for arrears of rent amounting to Rupees 28,06,737 for sale on the 12th

48. That the said estates were bought in on behalf of Government.

49. That the Vassereddy estates in Masulipatam still continued in the possession and management of the Revenue authorities until their sale as hereinafter mentioned during which period the arrears of Peishewsh continued to increase.

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that this order was communicated to the said Judge by precept returnable in 10 days and that the said property was attached in obedience thereto.

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55. That so far as Your Petitioner can find no notice was taken by this Honorable Court of any of these three last mentioned Petitions until the 16th April 1849, nor did Your Petitioner ever receive any reply thereto, but on the contrary this Honorable Court permitted the said estates in Masulipatam to be put up to public auction by the Revenue Board as hereinafter stated as the property of V. Ramanada Baboo on account of the Government arrears and to be purchased on behalf of Government on the 12th February 1849.

56. That on the 11th January 1849 the Board of Revenue with full knowledge of the said Decree of Her Majesty in Council advertized the said estates as the property of the said V. Ramanada Baboo for arrears of rent amounting to Rupees 28,06,737 for sale on the 12th

February 1849 when the same were put up and bought in on behalf of Government as aforesaid.

57. That on the 8th of February 1849 by M. P. 73 of 1849 Your Petitioner presented his Petition to this Honorable Court against such intended sale bringing to notice the illegality of the estate being sold until the attachment of this Court was taken off, but that this Court did not stay such intended sale, but on the 15th February 1849 addressed a letter to the Revenue Board suggesting that the alleged sale should be postponed and requesting to be favored with the grounds on which the sale had been ordered. That the Board of Revenue replied on the 5th March, and that on the 12th March 1849 this Honorable Court made an order on the said Petition 73-49 declining under the circumstances to interfere further in the matter and rejected the prayer of Your Petitioner's Petition.

58. That on the 2d day of April 1849 by M. P. 163 Your Petitioner again petitioned this Honorable Court praying for execution of the Decree of Her Majesty in Council.

59. That by a proceeding of this Honorable Court bearing date 16th April 1849 the Civil Judges of Guntoor and Masulipatam by a precept returnable in 6 weeks were directed to carry the said decree into full execution.

60. That to such precepts the Collector of Masulipatam returned "Nulla bona," and by the return of the Collector of Guntoor dated 12th June 1849 he stated that the Zemindary had been purchased by Government as reported by the Collector in his letter of 1st April 1846.

61. That on the 21st December 1850 Your Petitioner memorialized the Right Honorable the Governor in Council praying to be put in possession of the said estates agreeably to the Decree of Her Majesty in Council.

62. That on the 21th of January 1851 Your Petitioner received an order of Government of that date hereunto an-

nexed and marked I. under the hand of T. Pycroft Esq. Secretary to Government informing him that Government could not accede to the request contained in his Petition.

63. That Your Petitioner conceiving himself aggrieved on or about the 12th day of June 1852 presented his Petition to Her Majesty in Council, and the matter coming on to be heard before certain of the Lords of the Judicial Committee of the Privy Council on the 16th June and on the 5th of July 1852, Your Petitioner and the East India Company were on the last occasion respectively heard by their Counsel when it was determined by their Lordships to advise Her Majesty that this Honorable Court should be directed to carry into execution the Decree of Her Majesty hereinbefore referred to, and to direct the Collector to put the Appellant into possession of the property according to such Decree reserving to the Madras Government and to all persons except the Respondent in the original Appeal the right to appear.

64 That on or about the 18th day of August 1852 Her Majesty in Council passed an Order in accordance with such recommendation.

65. That on the 9th October 1852 Your Petitioner by his Counsel filed the last mentioned Decree in this Honorable Court and prayed for execution thereof, that thereupon notice was given by this Honorable Court to the Government through its then Vakeel and such proceedings were taken that on or about the 13th day of November 1852 the Madras Government appeared by their joint pleader to show cause against the execution of the Decree of Her Majesty in Council in favour of Your Petitioner.

66. That by such delay and neglect of this Honorable Court Your Petitioner humbly conceives he has been grievously injured, and he would respectfully point not only to the wishes and expressions of the Judges of the Privy

Council but to those of the very Council of the East India Company as evidencing their wish and desire that all legal technicalities should now be waived, and that this Court should take the whole question of Your Petitioner's right into its special and final determination, so as to enable him or the Government if they feel dissatisfied therewith to set the matter finally at rest by a decision of Her Majesty in Council without putting Your Petitioner after a life time spent in fruitless litigation to the delay and expense of instituting fresh suits in the Courts below.

67. That by a course analogous to that of Regulation XV of 1816 Section 14 Clause 8, this Honorable Court can as Your Petitioner respectfully submits meet now the justice of the case by determining it on its merits, especially if technicalities are waived on the part of the Government, the more so as the question for the decision of this Honorable Court is a dry point of law arising upon the facts above stated none of which are in dispute, and that under these circumstances any recourse to the lower Courts would be merely productive of expense and delay whereas the whole matter is now as ripe for the decision of this Honorable Court as it could be after the most prolonged litigation in the Courts below.

68. That under the facts above stated Your Petitioner respectfully submits that the sales of the Vassareddy estates as well in Gunttoor as in Masulipatam are invalid and of no effect as against Your Petitioner, and that he was entitled to be put in possession of such estates under the Decree of Her Majesty in Council before referred to free from all charges and incumbrance and claims on the part of the Government among others for the following reasons.

69. That any arrears accruing during Your Petitioner's minority cannot be justly charged against his estates.

70. That the said V. Ramanada Baboo having been admitted to possession and management by a wrongful order of this Honorable Court and in direct violation of the Regulation in that behalf made and provided, and the Revenue Board and Government having repeatedly had this brought to their notice and protested against by Your Petitioner, the Government cannot take advantage of the wrongful acts of its own servants or charge against Your Petitioner or his estate arrears which have accrued under the management of V. Ramanada Baboo admitted as above stated to manage the estates.

71. That Your Petitioner was powerless to prevent the said V. Ramanada Baboo from obtaining or continuing in such management and possession; inasmuch as the order of this Court putting him in possession was one against which Your Petitioner could not appeal.

72. That he has been guilty of no single act of laches or mismanagement or misconduct and that his estate cannot be held responsible for the laches of another not his agent and under the circumstances of this case.

73. That especially was Your Petitioner entitled to be put under the Decree of Her Majesty in Council in possession of all such portions of the Vassareddy estates as remained unsold at the date of the filing of such Decree in this Honorable Court and execution thereof prayed by Your Petitioner.

74. That the Government had no right to treat the Vassareddy estates unsold as the property of Ramanada Baboo, to advertise and sell and purchase them as such with notice of the Decree of Her Majesty in Council declaring them to belong to Your Petitioner.

75. That the Government having put up the estates as the property of V. Ramanada Baboo can only have purchased whatever right, title or interest he had in those premises at that time.

Council but to those of the very Council of the East India Company as evidencing their wish and desire that all legal technicalities should now be waived, and that this Court should take the whole question of Your Petitioner's right into its special and final determination, so as to enable him or the Government if they feel dissatisfied therewith to set the matter finally at rest by a decision of Her Majesty in Council without putting Your Petitioner after a life time spent in fruitless litigation to the delay and expense of instituting fresh suits in the Courts below.

67. That by a course analogous to that of Regulation XV of 1816 Section 14 Clause 8, this Honorable Court can as Your Petitioner respectfully submits meet now the justice of the case by determining it on its merits, especially if technicalities are waived on the part of the Government, the more so as the question for the decision of this Honorable Court is a dry point of law arising upon the facts above stated none of which are in dispute, and that under these circumstances any recourse to the lower Courts would be merely productive of expense and delay whereas the whole matter is now as ripe for the decision of this Honorable Court as it could be after the most prolonged litigation in the Courts below.

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69. That any arrears accruing during Your Petitioner's minority cannot be justly charged against his estates.

70. That the said V. Ramanada Baboo having been admitted to possession and management by a wrongful order of this Honorable Court and in direct violation of the Regulation in that behalf made and provided, and the Revenue Board and Government having repeatedly had this brought to their notice and protested against by Your Petitioner, the Government cannot take advantage of the wrongful acts of its own servants or charge against Your Petitioner or his estate arrears which have accrued under the management of V. Ramanada Baboo admitted as above stated to manage the estates.

71. That Your Petitioner was powerless to prevent the said V. Ramanada Baboo from obtaining or continuing in such management and possession; inasmuch as the order of this Court putting him in possession was one against which Your Petitioner could not appeal.

72. That he has been guilty of no single act of laches or mismanagement or misconduct and that his estate cannot be held responsible for the laches of another not his agent and under the circumstances of this case.

73. That especially was Your Petitioner entitled to be put under the Decree of Her Majesty in Council in possession of all such portions of the Vassareddy estates as remained unsold at the date of the filing of such Decree in this Honorable Court and execution thereof prayed by Your Petitioner.

74. That the Government had no right to treat the Vassareddy estates unsold as the property of Ramanada Baboo, to advertise and sell and purchase them as such with notice of the Decree of Her Majesty in Council declaring them to belong to Your Petitioner.

75. That the Government having put up the estates as the property of V. Ramanada Baboo can only have purchased whatever right, title or interest he had in those premises at that time.

76. That the sale of the said Masulipatam estates is altogether illegal and invalid on such grounds alone, independently of all the reasons which affect it in common with the Guntoor property.

77. That if the Government had any rights against the estate itself independent of all questions as to who was its proprietor or possessor, such estate should either have been put up and sold as the estate of Your Petitioner, or Your Petitioner should have been put in possession of such estate and the Government have been directed by this Court to seek its remedy for any rights which it might have against the estate after the same had been placed in Your Petitioner's possession.

78. That it was the duty of this Court to have put Your Petitioner in such possession and to have restrained such sale of the property as the estate of V. Ramanada Baboo.

79. That by the delay of this Honorable Court in giving Your Petitioner possession the Government was enabled to put up to sale and buy the said estate as the property of the said V. Ramanada Baboo.

80. Your Petitioner therefore respectfully prays to be heard by his Counsel at large upon the merits of this case, and to be allowed to refer to the various Petitions and documents herein alluded to, and that unless the Government of Madras can show good cause to the contrary this Honorable Court will be pleased to declare Your Petitioner entitled to the possession of the Vassareddy estates both in Guntoor and Masulipatam free from all claims and incumbrances on the part of the Government, or for such other order as to Your Honorable Court may seem meet.

And Your Petitioner shall ever pray.
(Signed) J. B. NORTON,
Barrister at Law.

(True copy)
(Signed) J. WILKINS,
A. D. R.

PETITION FROM THE GOVERNMENT OF MADRAS.
TO
THE JUDGES OF THE COURT OF
SUDDER ADWALUT.

*The humble Petition of the
Government of Madras, acting
for and behalf of the Honorable
the East India Company,
presented by Clement Dale,
Pleader, in answer to the Miscellaneous
Petition on the files
of this Honorable Court No.
— of 1853 presented by or
on behalf of Vassareddy Lutchmeputhy Naidoo the Appellant
in Appeal Suit No. 11 of 1827.*

SHEWETH,

That Your Petitioners admit that Vassareddy Vencatadri Naidoo died in the year 1816 possessed of large landed Estates in Guntoor and Masulipatam leaving Vassareddy Jagganauda Baboo his adopted son, Vassareddy Ramanadha Baboo who also claimed to be his adopted son, and two widows named Veeramah and Parwattamah him surviving.

II. Your Petitioners admit that the said Vassareddy Jagganauda Baboo died in the year 1825 leaving Achamah his elder and Rungamah his younger widow and the Petitioner Vassareddy Lutchmeputhy Naidoo who has since been Deceased by the Order of Her Majesty in Council to be his adopted son. And Your Petitioners further admit that the said Petitioner was then a minor of the age of six years and that he did attain his majority in the year 1847.

III. Your Petitioners admit that between the years 1819 and 1827 various suits were instituted as in the 3rd para. of the Appellant's said Petition mentioned, and that in

the progress of such suits the said Estates were placed under attachment in the hands of the Collectors of Guntoor and Masulipatam respectively by precepts from various Courts commencing with the year 1820. And Your Petitioners believe that the several attachments mentioned in the said Petition or some of them did remain on the said Estates until the year 1836.

IV. That pending litigation the several Courts of the East India Company within the Presidency of Madras are authorised by the Regulations in force within the Presidency under certain circumstances and for the due care and management of the Estate in dispute to appoint a person to manage such Estate, or by precept to cause such Estate to be held in attachment during such litigation by the Collector of the District wherein the land may be situated at the expense of the party who may be ultimately declared entitled thereto. And Your Petitioners submit that when acting under such Regulations or precepts such Collector closely resembles a Receiver appointed by the Court of Chancery in England, and is (so far as the management of that Estate is concerned) an officer of the Court under whose precept he is acting, and that (so far as the management of that Estate is concerned, and so long as the Peishcush payable therefrom is duly liquidated) the Collector is not a servant of Government nor is the Government liable or in any manner answerable for the acts of such Collector in the management of any Estate so attached.

V. Your Petitioners admit that at the time when such Estates were so respectively attached no arrears of Peishcush were due to Government on the said Estates.

VI. Your Petitioners admit that during the time the said Estates were under attachment as in the Appellant's said Petition mentioned and up to the time when the same were handed over to Vassareddy Ramanadha Baboo by order of the Honorable Court in 1836 large arrears of Peishcush did accrue due to the Government.

VII. Your Petitioners admit that several proceedings as mentioned or referred to in para. 6 of the Appellant's said Petition did take place, and that on or about the 17th of October 1832 the said Rungamah did appeal to his then Majesty in Council as in para. 7 of that Petition is mentioned, but as to the dates, substance and contents of such several proceedings, Your Petitioners humbly crave leave to refer thereto when the same shall be produced.

VIII. Your Petitioners admit that (amongst others) the several Petitions and proceedings mentioned or referred to in paras. 8, 9, 10, 11, 12, 13, 14, 15 and 16, of the Appellant's said Petition were presented and did take place. And Your Petitioners say that counter Petitions were presented by the said Achamah and Rungamah. But as to the dates, substance and contents of such several Petitions, counter Petitions and proceedings, your Petitioners humbly crave leave to refer thereto when the same shall be produced.

IX. Your Petitioners admit that the Petition mentioned or referred to in para. 17 of the Appellant's said Petition was presented to this Honorable Court by the said Vassareddy Ramanadha Baboo, and that there was appended thereto an original letter under date the 1st of April 1836 from Mr. A. S. Mathison who was then the Head Assistant Collector of Guntoor in charge, and that the same are of such purport or effect as in the Appellant's said Petition mentioned, but for greater certainty as to the contents thereof respectively Your Petitioners crave leave to refer thereto or a Translation of the said Letter by the Court Interpreter when the same shall be produced.

X. Your Petitioners say that in the month of February 1836 the said Vassareddy Ramanadha Baboo presented to the Board of Revenue a Petition in which he prayed to be put into possession of the Vassareddy Estates on condition of his discharging the current Peishcush annually in full, and that

thereupon and on the 14th March 1836 the Board of Revenue did pass certain Resolutions in which after noticing (amongst other things) that a Decree had been passed by this Honorable Court by which the said Vassareddy Ramanadha Baboo had been declared the sole heir, but that an Appeal had been preferred therefrom to the King in Council, and that in the mean time the Estates were retained under the Collector's management in consequence of the inability of the said Vassareddy Ramanadha Baboo to find the security required by this Honorable Court,—and further noticing the deplorable condition to which those estates had been reduced by the very disastrous seasons of 1242 and 1243, and that bad as those seasons had proved the out-turn of the succeeding Fusly 1244 was still more discouraging; the Board recorded its opinion that the best means of improving the resources of the country and restoring it to the condition from which it had fallen by an unparalleled continuance of adversity was to place it under the management of the said Vassareddy Ramanadha Baboo whose interest was bound up with its welfare and whose future fortunes must depend upon the success of his efforts to retrieve it. The Board therefore on those (and other) considerations, recorded that if the Estates were under the management of the Collector on account of the balances due to Government they would recommend that those balances should be allowed to stand over till a more favorable period should arrive. And that meanwhile the said Vassareddy Ramanadha Baboo should be put in possession on the terms proposed by him with a promise that he should not be pressed to make good even the current Peisheush if he could shew to the satisfaction of the Collector that the resources of the year were insufficient, but with a proviso on the other hand that if he the said Vassareddy Ramanadha Baboo failed to make payment in proportion to the resources, the management should be again taken from him, the Board observing that to press him for payment beyond the available resources of the year would be to involve

him in fresh difficulties or oblige him to oppress the Ryots and so on either supposition to defeat the object in view. But the Board observed such a step could not be taken without the concurrence of this Honorable Court since the Estates were held by the Collector under a precept from the Court, but that it appeared that Your Honorable Court had no objection to allow the Estates to be put in possession of the said Vassareddy Ramanadha Baboo on his giving security for any profit that might accrue above the Peisheush due to Government. The Board further remarked that the amount of security for all the Estates in both Masulipatam and Guntoor had been formerly fixed at 2 lacs and a half on an average drawn from the accounts of 11 years, but that such an average was obviously greatly more than the then present state of the Zemindaries justified, and suggested that if the said Vassareddy Ramanadha Baboo were to bring the subject again under the consideration of the Court with authenticated Statements of the actual out-turn from Fusly 1241 to 1244 and an estimate of the out-turn of the then current year, permission would probably be given for his being put in possession for some years without any security at all, as it was clear that the whole of the collections which could possibly be made for a long time would not be sufficient to discharge the demand of Government, besides the necessary expense of management, and remarked that as soon as the annual resources were more than sufficient to pay the current Peisheush and other charges, the Court would take care that the surplus was applied to liquidation of arrears. The Board therefore resolved to direct the Head Assistant Collector in charge to advise the Petitioner to make an application to this Honorable Court to the above effect and to furnish him with the necessary documents to be presented in support of it. And the Board further resolved to submit Mr. Mathison's letter and the Petition of the said Vassareddy Ramanadha Baboo with those proceedings for the consideration of Government, and to recommend that the said

Vassareddy Ramanadha Baboo should be put in possession of the Estates in Guntoor on the terms expressed in para. 5 if your Honorable Court should agree thereto.

XI. Your Petitioners say that the then Governor of Madras in Council on the 5th of April 1836 had under his consideration the circumstances represented by the Board of Revenue in the last mentioned proceedings. And Your Petitioners admit that by Minutes of Consultation on that date after stating as therein is stated the said Governor in Council did concur with the Board of Revenue in considering that it would be equally for the interests of the Government as for those of the said Vassareddy Ramanadha Baboo to place the Estates in his possession, and did approve of the instructions proposed in the 7th para. of the Board's proceedings to be issued to the Head Assistant Collector in charge of Guntoor; and requested that in the event of Your Honorable Court complying with the application of the said Vassareddy Ramanadha Baboo, that that officer be further instructed to make over the Estates to him the said Vassareddy Ramanadha Baboo on the terms expressed in the 5th para. of the last mentioned proceeding, with directions that immediately on the demands of Government being liquidated, he would communicate the circumstance through the Board of Revenue for the information of the Government and this Honorable Court, and that Your Honorable Court would if then necessary, take from the said Vassareddy Ramanadha Baboo the security theretofore demanded.

XII. Your Petitioners admit that on the 27th of June 1836 the said Vassareddy Ramanadha Baboo did present to this Honorable Court a Petition which was numbered 80 of 1836 in which he submitted a certain statement, and did pray as in the 19th para. of the Appellant's said Petition is mentioned, as also that counter Petitions were filed as in the 20th para. of that Petition is mentioned.

XIII. Your Petitioners admit that on the 27th of July 1836 Your Honorable Court did pass an order on the said Petitions numbered respectively 67, 69, 70, 77, 80 and 81 of 1836 which after referring to the last mentioned Petitions proceeded in the words and figures or to the purport and effect following:—"Under the provisions of Section IV. Regulation VIII. of 1818 the Court of Sudder Udalt may order the Judgment passed by them to be carried into execution taking sufficient security from the party in whose favor the same may be passed for the due performance of such Order or Decree as His Majesty, his heirs or successors shall think fit to make on the appeal.

"2. In their proceedings of the 21st of September 1826 the Court of Sudder Udalt declared that this would be sufficiently provided for if security is taken for all net receipts from the lands, because to whichever party the property may be finally adjudged, the revenue due to Government which constitutes the difference between the net and annual produce under the Regulations must have been intermediately paid and never constituted an accountable receipt to the party in possession; as long as that party gives security for all he receives so long will there be the means of duly performing the Decree of the King in Council because any private transfer of the land itself during the appeal is invalid under Section XIV. Regulation IV. of 1802.

"3. The Documents put in with these Petitions by the Petitioner in No. 67 shew beyond question that since Fusly 1241 so far from any profits having been obtained from the Estates under the management of the Revenue officers of Government, the collections have not been sufficient by several lacs of Rupees to satisfy the Government demands, and it appears to the Court that there can be no question that there will be no net profits for several years to come, and consequently on that account there can be no

" necessity for requiring any security whatever previous to ordering the Estates in question to be placed in possession of the Petitioner Rajah Ramanadha Baboo, a measure that may be for the benefit of all parties if the Petitioner Ramanadha Baboo can manage the Estates to greater advantage than the Revenue officers of Government.

" 4. All that appears necessary for this Court to do is to take care that the produce after payment of the expenses of cultivation shall be appropriated to the payment of the Revenue due to Government, and the Court are of opinion that this can be done without taking security by means of the Revenue authorities who should be requested periodically to certify to the Sudder Udalut all payments made by Rajah Ramanadha Baboo distinguishing payments on account of the "current Fusly" from those on account of "arrears" by which means there will be a sufficient check to prevent a misapplication of the collections."

" 5. For these reasons the Court direct that whatever lands the Collectors of Guntoor and Masulipatam may have in their charge belonging to the Vassareddy war Estate and attached under the order of the Provincial Court, be delivered over to the Petitioner Ramanadha Baboo."

" 6. The Court therefore resolve that Copy of these proceedings be transmitted to the Provincial Court in the Northern Division for their information and guidance commanding them by precept to instruct the Collectors in the Districts of Guntoor and Masulipatam to deliver over to the Petitioner Rajah Ramanadha Baboo such of the lands belonging to the Vassareddy war Estate as they may hold under attachment, and directing that a full and particular return be made showing what may have been done in pursuance of this resolution."

XIV. Your Petitioners do not believe that the said Vassareddy Ramanadha Baboo was thereupon put into possession

of all the Vassareddy Estates as in the 21st para. of the Appellant's said Petition is alleged, but they believe that shortly after the passing of the last mentioned order the said Vassareddy Ramanadha Baboo was put into possession of a very considerable portion of the property forming the Vassareddy Estates, and that he did not give any security whatsoever to this Honorable Court, and Your Petitioners admit that certain returns were made by the then Collectors of the Districts of Guntoor and Masulipatam and as Your Petitioners believe of such date and to such purport or effect as is mentioned in the 21st para. of the Appellant's said Petition, but for their greater certainty as to the contents of such returns Your Petitioners crave leave to refer thereto when the same shall be produced.

XV. Your Petitioners admit that (amongst others) the several Petitions, Proceedings and Orders mentioned or referred to in paras. 22, 23, 24, 26, 29, and 31 of the Appellant's said Petition were presented and did take place, and that certain accounts were furnished and returns made as mentioned or referred to in the 24, 25, 27 and 28 paras. of that Petition, as also that a letter of the date mentioned in the 30th para. of that Petition was addressed by the said Board of Revenue to this Honorable Court, and Your Petitioners say that counter Petitions were presented to some of the said Petitions. But as to the dates, substance and contents of such several last mentioned petitions, proceedings, orders, accounts, returns and letter, Your Petitioners humbly crave leave to refer thereto when the same shall be produced.

XVI. Your Petitioners admit that three several Petitions were presented by the said Appellant to the Board of Revenue and of such dates as are mentioned in the 32nd para. of the Appellant's said Petition, and they further admit that on or about the 21st of September 1840 such Petitions were severally replied to, but as to the dates, substance and contents of such petitions and replies Your Petitioners humbly crave leave to refer thereto or to Translations thereof when made by

the Interpreter of this Honorable Court. Your Petitioners however submit to the judgment of the Honorable Court that such 3 last mentioned petitions and the 6 several petitions in the Appellant's said Petition also referred to as marked D. E. F. G. H. and I. and the replies thereon respectively endorsed are not legally admissible as evidence on the question raised by the said Appellant in his said Petition numbered—of 1853, and Your Petitioners reserve to themselves the right of objecting to the admissibility of such documents should they be so advised.

XVII. Your Petitioners admit that by their proceedings under date the 7th of September 1810 this Honorable Court did pass an order to the effect stated in the 31th para. of the Appellant's said Petition, and that under date the 20th of December 1841 this Honorable Court did pass an order to the effect that certain accounts therein mentioned as received from the Collectors of Gunttoor and Masulipatam for the Fusly 1250 should be forwarded to the Board of Revenue with a request that they would state whether with reference to the said letter of the 13th December 1838, subsequent experience had not induced them to modify their opinion that it would be inexpedient to remove Ramanadha Baboo from the management of the Vassareddy Estate. And as to the amount of arrears as referred to in the 35th para. of the Appellant's said Petition Your Petitioners crave leave to refer to the said accounts when the same shall be produced.

XVIII. Your Petitioners admit that under date the 20th of January 1812 the Board of Revenue did address a letter to this Honorable Court stating to the effect set out in the 30th para. of the Appellant's said Petition.

XIX. Your Petitioners admit that by its proceedings dated the 2nd May 1842 this Honorable Court did determine as in the 37th para. of the Appellant's said Petition alleged.

XX. Your Petitioners admit that returns were made to the precept issued by this Honorable Court in pursuance of

the last mentioned order by the then Head Assistant Collector of Masulipatam under date the 23rd of June 1842 and by the Acting Collector of Gunttoor under date the 25th of June 1842 for the contents whereof Your Petitioners crave leave to refer thereto when they shall be produced.

XXI. Your Petitioners admit that during the management of the said Vassareddy Ramanadha Baboo the Government Peisheush did fall into arrear to a very large extent.

XXII. Your Petitioners admit that from the 8th of January 1842 the Collector of Gunttoor remained in the management of that portion of the Vassareddy Estates as was situated within the District of Gunttoor until the 10th of June 1843, when or about that time the same was advertised for sale by public auction for arrears of Peisheush due to Government.

XXIII. Your Petitioners admit that 3 several Petitions were presented by the said Appellant to the Board of Revenue and to the then Governor in Council and of such dates as are mentioned in the 40th and 43rd paras. of the Appellant's said Petition, and that on or about the 14th and 19th of June 1843 the 2 first of such Petitions were replied to as in the 41st and 42nd paras. of the Appellant's said Petition mentioned, but as to the substance and contents of such 3 several Petitions and the said replies Your Petitioners humbly crave leave to refer thereto.

XXIV. Your Petitioners admit that the then intended sale of the portion of the Vassareddy Estates as was situated within the District of Gunttoor was postponed and such portion continued under Zuft for the arrears of Peisheush until the month of February 1846 when it was again advertised for sale for arrears of Peisheush.

XXV. Your Petitioners admit that 12 other Petitions were presented by the said Appellant to the then Governor in Council under date the 28th of March 1846 and to the Collec-

tor of Guntoor on the 30th March 1846, and that on or about the 21st April and 6th April 1846 the same respectively were replied to, but as to the substance and contents of such last mentioned Petitions and the replies thereto Your Petitioners humbly crave leave to refer thereto.

XXVI. Your Petitioners admit that the portion of the Vassareddy Estates situated within the District of Guntoor was purchased on behalf of Government on the 1st of April 1846.

XXVII. Your Petitioners admit that the portion of the Vassareddy Estates which was situated within the District of Masulipatam, continued under the management of the Collector of that District until the sale thereof in the year 1849, and that during that period the arrears of Peishcush continued to increase.

XXVIII. Your Petitioners admit that a Decree was passed by Her Majesty in Council under date the 2nd March 1848, but as to the substance and contents thereof Your Petitioners humbly crave leave to refer thereto.

XXIX. Your Petitioners admit that a Petition was presented to this Honorable Court by the said Vassareddy Lutchmeputhy Naidoo on or about the 21st November 1848 which was No. 467 of 1848, and that in their proceedings under date the 23d of December 1848 this Honorable Court did pass an order to the effect set forth in the 53d para. of the Appellant's said Petition. But as to the dates, substance and contents of such Petition and order Your Petitioners humbly crave leave to refer thereto when the same shall be produced.

XXX. Your Petitioners believe that the last mentioned order was communicated to the Civil Judges of Guntoor and Masulipatam by precept and that the property in such order referred to was attached in obedience thereto.

XXXI. Your Petitioners admit that the 2 several Petitions mentioned or referred to in paras. 54 and 55 were pre-

sented to this Honorable Court by the Appellant. But as to the substance and contents of such Petitions Your Petitioners humbly crave leave to refer thereto when produced.

XXXII. Your Petitioners believe that no order was passed by this Honorable Court on the 2 last mentioned Petitions until the 16th of April 1849, but Your Petitioners submit that as regards the said Appellant's Petition presented on or about the 20th or 21st of November 1848 and numbered 467 Your Honorable Court did make the order dated the 23d of December 1848 hereinbefore referred to although the same was not a final order on such Petition.

XXXIII. Your Petitioners admit that on the 12th of February 1849 the portions of the Vassareddy Estates situated within the District of Masulipatam were put up to public auction by the Revenue Board for the recovery of the public Revenue due therefrom then in arrear and amounting to the sum of Rs. 28,06,737-13-1. And Your Petitioners say that the intended sale was sanctioned by the Board of Revenue on the 11th of December 1848, and that the advertisement of such intended sale was dated the 21st December 1848, and Your Petitioners admit that in such advertisement it is stated that the Zemindary belonged to Rajah Vassareddy Ramanadha Baboo Zemindar, and they further admit that the property was purchased on behalf of Government on the 12th February 1849. But whether such putting up to auction and sale was by the permission of this Honorable Court Your Petitioners submit to the judgment of Your Honorable Court. Your Petitioners however say that it was not till the 8th of February 1849 that the said Appellant took any steps for informing Your Honorable Court of such intended sale, and that upon the presentation of the Petition numbered 73 of 1849 mentioned or referred to in the 58th para. of the Appellant's said Petition, the several steps and proceedings also mentioned or referred to in the same para. were taken and passed by Your Honorable Court.

XXXIV. Your Petitioners say that it was on the 11th of December 1848 that the Board of Revenue directed that the portion of the Vassareddy Estate situated in Masulipatam should be disposed of for the recovery of the said arrears, and that at that time the Board of Revenue had no knowledge of the said Decree of Her Majesty in Council.

XXXV. Your Petitioners admit that the said Appellant did present to Your Honorable Court a Miscellaneous Petition bearing date the 8th of February 1849 and which was numbered 73 of 1849, and that thereby the said Appellant did allege that such intended sale was illegal, but as to the substance and contents of such Petition Your Petitioners humbly crave leave to refer thereto when the same shall be produced. Your Petitioners however submit to the judgment of Your Honorable Court that the grounds on which the Appellant rests his allegations of such illegality are untenable, and contrary to Law and the Regulations.

XXXVI. Your Petitioners admit that Your Honorable Court did not stay such intended sale inasmuch as the Petition numbered 73 was dated the 8th of February 1849, and the sale took place at Masulipatam on the 12th of that month, and therefore "the sale had already taken place" before the orders of the Board of Revenue (referred to in their Secretary's letter to Your Honorable Court under date the 5th of March 1849) reached the Collector.

XXXVII. Your Petitioners admit that this Court did address a letter to the Revenue Board, as also that on the 5th of March 1849, the Board of Revenue replied thereto, and (amongst other things) stated they would defer reporting the sale for the confirmation of Government pending the receipt of any further communication which this Honorable Court might be desirous of making upon the subject. And Your Petitioners likewise admit that on the 12th of March 1849

Your Honorable Court made an order as in the 58th para. of the Appellant's Petition is alleged, but as to the contents of such letters and order respectively Your Petitioners crave leave to refer thereto when produced.

XXXVIII. Your Petitioners admit that the Appellant presented to this Honorable Court a Petition dated the 2d of April 1849 and that it was numbered 168 of 1849. And that by their proceedings under date the 16th of April 1849 this Honorable Court did direct that the Civil Judges of Guntoor and Masulipatam should be commanded by precept returnable in six weeks from its receipt to carry the said Decree of Her Majesty in Council into full execution.

XXXIX. Your Petitioners admit that the Civil Judges of Masulipatam and Guntoor respectively did make certain returns to this Honorable Court forwarding returns from the Collectors of Masulipatam and Guntoor respectively stating to the effect that the available property of the several parties named in this Court's precepts had been attached for raising the costs incurred in the Appeal to Her Majesty in Council, and that the Collector of Guntoor did state that the Zemindary had been purchased by Government as in the Appellant's Petition is mentioned. And Your Petitioners say that by their proceedings under date the 22d of July 1850 this Honorable Court had under their consideration such returns and thereupon recorded that the portion of the Vassareddy Zemindary lying within the limits of Guntoor was put up for sale on account of arrears of Revenue and bought in by Government on the 1st April 1846, and that the portion thereof situated within the Zillah of Masulipatam was sold for arrears of Revenue on the 12th of February 1849, and Your Honorable Court thereupon resolved that the progress already made in executing the aforementioned orders of Her Majesty in Council should be communicated to the Vakeels of the parties, but for greater certainty as to the contents of such several returns and

order Your Petitioners crave leave to refer thereto when produced.

XL. Your Petitioners say that it is a constant and almost invariable practice of the East India Company in cases where ancient families or the holders of Zemindaries fall into misfortune from any cause, to make to the Head and Female members of such families such monthly allowances for their lives as will enable them to live in circumstances somewhat suitable to their former position in the world, but that such allowances are merely gratuitous and that the granting of them is not compulsory on the East India Company. And Your Petitioners say that from the year 1843 the Honorable East India Company paid to the said Vassareddy Ramanadha Baboo as the party recognised by this Honorable Court as the rightful owner of the said Vassareddy Estates an allowance of Rupees 1,000 per mensem, and that on receipt by Government of the said Decree of Her Majesty in Council dated the 2d of March 1848, it was considered that as the Appellant had been declared by their Decree to be the rightful Head of the Family he should be placed in the same position as the said Vassareddy Ramanadha Baboo had heretofore been as regarded the said allowance, and it was thereupon determined that an allowance of Rupees 1,000 per mensem should be made to him the said Appellant conditionally on his executing a Deed or Document acquiescing in what had been done by Government in regard to the Vassareddy Estates.

XLI. That such determination was communicated to the said Appellant who accepted the allowance on the terms offered and in consideration of such allowance by a certain Memorandum or agreement bearing a date corresponding with the 22d of September 1849, the said Appellant as the party declared by the final decision of Her Majesty the Queen in Council dated the 2d day of March 1848 to be the heir to the whole Estates of the late Vassareddy Jagganauda Baboo did declare

that he consented to and acquiesced in all the proceedings which had hitherto been adopted by Government with respect to the Vassareddy Estates in the Districts of Guntoor and Masulipatam.

XLII. On the execution of such agreement the allowance of Rupees 1,000 was paid to the Appellant for arrears from the month of November 1848 to the month of August 1849, and since that period the said allowance has been regularly paid by the East India Company to the said Appellant.

XLIII. Your Petitioners admit that the Appellant did present to the Governor of Madras in Council a Petition dated the 21st of December 1850, and that on the 24th of January 1851 such Petition was replied to to the effect stated in the 63d para. of the Appellant's said Petition.

XLIV. Your Petitioners admit that on or about the 12th of June 1852 the Appellant did present his Petition to Her Majesty in Council, but Your Petitioners submit that Regulation V. of 1804 is inapplicable to the case of the said Appellant inasmuch as (among other reasons) that Regulation was never put in force with respect to nor did the Court of Wards ever interfere in the controul, management or superintendence of the Vassareddy Estates or of any person entitled or claiming to be entitled thereto. But Your Petitioners further submit that the Regulation did not apply and could not have been enforced in respect of the Vassareddy Estates after the death of Vassareddy Jagganauda Baboo. Your Petitioners further submit to Your Honorable Court that the said Petition to Her Majesty in Council was inaccurate when it stated that the Court of Sudder Dewanny Adawlut took no notice of the Appellant's Petition presented to this Honorable Court on the 29th of January 1849 and numbered 55, inasmuch as the order made by Your Honorable Court under date the 16th of April 1849 was made on reading that Petition. Your Petitioners also submit that

the said Petition to Her Majesty in Council was further inaccurate in stating that the direction contained in the said order of the 16th of April 1849 "to carry the said Decree (meaning the Decree of Her Majesty in Council dated the 2d of March 1848) into full execution was limited to so much of the said Decree as relates to the levying of costs and was not an order directing the said Civil Judges to put Your Petitioner (meaning thereby the said Appellant Lutchmeputhy Naidoo) in possession of the property to which he is entitled in order and by virtue of the said Decree of Her Majesty in Council." As Your Petitioners submit that the plain and obvious meaning and indeed the only true interpretation of such order is that the said Civil Judges were thereby directed to put the said Decree into full execution as far as they or either of them lawfully could or might, not only with relation to the levying of the costs but also with relation to every other part of the said Decree. And Your Petitioners say that the said Appellant did not state in his said Petition to Her Majesty in Council the order made by Your Honorable Court under date the 22d of July 1850. And Your Petitioners also submit to Your Honorable Court that the said Appellant was under an error when he stated in his said Petition to Her Majesty in Council that the said Decree of Her Majesty in Council dated the 2d of March 1848 "remains up to this period unexecuted" and in stating that "there was a refusal on the part of the Court of Sudder Dewanny Adawlut to interfere on his behalf for the purpose of carrying into execution a Decree made by Your Majesty in Council in his favor"; for greater certainty however of the dates, substance and contents of the said Petition to Her Majesty in Council Your Petitioners humbly crave leave to refer thereto when the same shall be produced.

XLV. And Your Petitioners further admit that upon the statements and allegations set forth in the said Petition as presented by the said Appellant on the 12th of June 1852 to Her Majesty in Council, the Lords of the Judicial Committee

of the Privy Council did determine to advise Her Majesty as in the 64th para of the Appellant's said Petition is mentioned and that on or about the 18th of August 1852 Her Majesty in Council did pass an Order in accordance with such recommendation.

XLVI. Your Petitioners likewise admit that on the 9th of October 1852 the Appellant did file in this Honorable Court the last mentioned Order, and by a Petition numbered 406 of 1852 did pray for execution thereof, and that thereupon and on or about the 16th of October 1852 this Honorable Court did resolve to call upon the then Government Vakeel to urge any objections which he might have to offer against the execution of the above Decree as also that on or about the 13th November 1852 Your Petitioners did appear by their joint pleaders to shew cause against the execution of the first mentioned Decree of Her Majesty in Council in favor of the Appellant.

XLVII. Your Petitioners submit to the judgment of Your Honorable Court that the said Appellant was not powerless as in the 3d reason in his said Petition numbered—of 1853, is alleged, but that if he had felt himself aggrieved by the decisions or orders of this Honorable Court passed subsequently to the said Decree dated the 14th of March 1832 or any or either of them he might have appealed to Her Most Gracious Majesty in Council; for, if it should be held that as a general rule no appeal can be made to Her Majesty in Council from interlocutory judgments or orders of this Honorable Court, yet Your Petitioners submit the decisions or orders referred to by the Appellant were not interlocutory inasmuch as they were given after the final Decree (so far as this Honorable Court was concerned) had been pronounced, and were not given (so far as relates to this Honorable Court) in the middle of the suit. But Your Petitioners further submit that in matters which are not strictly appealable grievances but which Her

Majesty has referred to the Judicial Committee their Lordships under the reservations contained in the 3 and 4 William 4th Chapter 41, may advise Her Majesty to grant a Petitioner leave to appeal.

XLVIII. Your Petitioners submit to the judgment of this Honorable Court whether the said Appellant has or has not been guilty of laches from the circumstance of his (or the said Rungammah on his behalf) having neglected to prosecute with effect the said Appeal to Her Majesty in Council the same having been brought to a hearing before the Judicial Committee of the Privy Council under the provisions of the Act passed in the 3rd and 4th years of the reign of His late Majesty William the 4th Chapter 41 consequent on the said Appellant not having taken the necessary measures for bringing his said Appeal to a hearing.

XLIX. Your Petitioners say they are willing that Your Honorable Court, if it shall be pleased so to do should take the question of the Appellant's right as raised by his Petition numbered — of 1853 and met or elucidated by this Petition and by the several proceedings of record in Your Honorable Court into its special and final determination so as to enable the Appellant or Your Petitioners, if they shall be so advised, to set the matter finally at rest by a decision of Her Majesty in Council.

L. And Your Petitioners submit to Your Honorable Court that the sales of the Vassareddy Estates as well in Guntoor as in Masulipatam are legal and valid and that the same respectively should be confirmed as well as against the Appellant as against all other parties. And that under the circumstances of this case the Appellant was not entitled under the said Decree of Her Most Gracious Majesty in Council dated the 2nd of March 1848 to be put into possession of such Estates or any part thereof, unless (in so far as the portion of such Estate as is situated within the District of Masulipatam) he the

said Appellant had previously to the sale thereof paid to the Government of Madras the full amount of the Peishcush or Kist which had accrued and was then due upon or in respect of such Estate or Estates respectively with interest thereon from the time or respective times when the same became due at the rate of one Rupee per cent a month. And Your Petitioners submit that the sale of the said Estates and each of them should be upheld and declared valid, and that said Appellant's Petition numbered — of 1853 should be dismissed for the following (amongst other) reasons.

Firstly.—Because that by law, land which is situated in the Presidency of Madras and is assessed with the Public Revenue, is, (with one exception) the security for such Revenue, and (with that one exception) in all cases, and by whomsoever possessed, is answerable for the public Revenue assessed thereon, and such land may be sold by Government to discharge the Revenue due thereon.

Secondly.—Because the claim of Government for such public Revenue is paramount, and the Government stands in a relative position to a ground landlord, but with special powers given by law for the purpose of enforcing payment of such Revenue, by summary process and without the expense and delay of a suit.

Thirdly.—Because by law arrears of public Revenue may (as a general rule) be recovered by attachment and sale, at such times as the Board of Revenue may think proper; the exceptions to such general rule being, 1st where property devolved by inheritance to persons incapacitated by minority, sex or natural infirmity, and the Court of Wards exercise its functions in respect of such property and incapacitated person—and 2ndly where an Estate descends to a minor by the regular course of inheritance but which is not under the charge of the Court of Wards. In that case the Estate of such minor cannot be sold during his minority for arrears of revenue accruing

subsequently to his accession to the same ; but after such proprietor shall have attained his majority such estate may be sold for arrears of Revenue so accruing ; and because the case now under consideration comes within the operation of the general rule and not under either of the exceptions thereto.

Fourthly.—Because in case of an estate on which an arrear of public revenue has accrued, and which has been attached (except in cases where the Estate is taken by the Court of Wards under its charge) no person claiming to be the proprietor thereof has a right to be put into or recover possession of such Estate, without first paying to Government the arrears of Revenue then due on such Estate.

Fifthly.—Because in attaching or selling lands for arrears of public Revenue it matters not to whom such land may belong or who may be in possession, nor is it necessary that the name of the Proprietor or supposed Proprietor should be inserted in the advertisement for sale so long as the property to be sold is sufficiently described and identified ; and that with respect to the case now in question before Your Honorable Court, the inserting in the advertisements for the sale of the Vassareddy Estates that they belonged to Rajah Vassareddy Ramanadha Baboo was mere description for the purpose of identifying the property proposed to be sold.

Sixthly.—Because it was not the Estate, right, title and interest of Vassareddy Ramanadha Baboo that was advertised for sale, or that was sold, but it was the Estates themselves ; and, in becoming the purchaser, the Government of Madras purchased the Estates themselves, and not merely the Estate, right, title and interest of Vassareddy Ramanadha Baboo.

Seventhly.—Because the attachment of the Vassareddy Estates and the subsequent sales and purchases thereof, were legal and valid according to the law of the land and the Regulations in force within the Presidency of Fort Saint George ;

and because under such sales and purchases the Government of Madras is rightfully in possession of the Estates in question.

Eighthly.—Because in cases where the Courts by their precepts cause an Estate to be held in attachment, during litigation, by the Collector of the District wherein the land may be situated, such Collector is, in respect of such attachment, an officer of the Court issuing such attachment ; and that the Government is not answerable for the acts or defaults of such Collector done or suffered in such capacity.

Ninthly.—Because whether the admitting Vassareddy Ramanadha Baboo to possession and management of the said Estates were or were not by a wrongful order of this Honorable Court ; and whether the same were or were not in direct violation of the Regulations on that behalf made and provided ; or whether this Honorable Court were or were not guilty of delay, Your Petitioners are not in any manner answerable for such order, acts and delay, nor for the management of the said Estates by the said Vassareddy Ramanadha Baboo ; and because all arrears of Revenue which accrued under the management of the said Vassareddy Ramanadha Baboo are legally recoverable by Government, and

Tenthly.—That by the said memorandum or agreement so executed by the said Appellant Lutchmeputhy Naidoo under date corresponding with the 22nd of September 1849, and the acceptance of the said allowance or pension, he the said Appellant Lutchmeputhy Naidoo has debarred himself from questioning the acts or defaults of the Government of Madras with regard to the Vassareddy Estates.

Your Petitioners therefore most humbly pray that they may be heard by their Pleader (in this respect appointed) at large upon the merits of this case, and that they may be allowed to refer to the various petitions and documents herein mentioned or referred to. And that the said Petition of the said Lutchmeputhy Naidoo numbered — of 1853 may be dismissed,

And that Your Honorable Court will be pleased to declare that the said sales and purchases of the Vassareddy Estates by the Government of Madras are valid. And that Your Honorable Court will be pleased to grant to Your Petitioners such further or other relief in the premises as the nature and circumstances of the case may require and to Your Honorable Court shall seem meet.

And your Petitioners will ever pray, &c.

MADRAS, } (Signed) CLEMENT DALE,
25th June 1853. } Pleader.

ORDER THEREON.

Extract from the Proceedings of the Sudler Adawlut, under date the 7th July 1853.

PRESENT.

G. S. Hooper, Esq.,
W. A. Morehead, Esq., } Puisne Judges.
T. L. Strange, Esq., }

Read again Petition presented on the 9th October 1852 by J. B. Norton, Esq., Barrister at Law and Vakeel on behalf of Rajah Vassareddy Lutchmeputhy Naidoo Bahadur Munna Sultan Zamindar of Chintalapully and Appellant in Appeal Suit No. 11 of 1827 on the file of the Court of Sudder Adawlut.

(Here enter S. M. P. No. 406 of 1852.)

Read also Miscellaneous Petition presented on the 17th June 1853 by the same Vakeel on behalf of the same party.

(Here enter S. M. P. No. 175 of 1853.)

Read also Counter Miscellaneous Petition presented on the 27th June 1853 by C. Dale, Esq., Vakeel on behalf of the Government of Fort St. George.

(Here enter S. M. P. No. 178 of 1853.)

1. With the first of the foregoing Petitions the Petitioner's Pleader presented to the Court an Order passed by Her Majesty the Queen in Council bearing date the 18th August 1852 directing with reference to the decree passed by Her Majesty in Council in the Appeal preferred from the decision of the Court of Sudder Adawlut in the appeal suit above adverted to, that the Court of Sudder Adawlut "do forthwith carry into execution Her Majesty's Order in Council of the 2nd March 1848 and that the said Court do direct the Collectors of Guntoor and Masulipatam and of those districts in which the Vassareddy Estates are situated to put the Appellant Rajah Lutchmeputhy Naidoo Bahadur in possession of the said property in pursuance of the Report of the Judicial Committee of the Privy Council of the 29th February 1848 and of Her Majesty's said Order in Council of the 2nd March 1848 approving the same reserving to the Madras Government and to all persons except the Respondents in the original Appeal the right to appear for their interests if any."

2. The Court of Sudder Adawlut find that the above Order is based upon a representation made to Her Majesty the Queen in Council on behalf of the Petitioner to the effect that he had applied in vain to the Court of S. U. for the execution of Her Majesty's Decree and that the said Decree had been absolutely set at nought by the Court.

3. This representation being inconsistent with fact, the Court of S. U. deem it proper to premise their order on the Petitioner's Application by a brief recapitulation of the proceedings taken by them on being furnished with Her Majesty's Decree.

4. The Decree was forwarded to the Court by Government on the 12th December 1848. On the 23rd of that month preliminary orders were issued to the Civil Judges of the Zillahs of Masulipatam and Guntoor in conformity with the provisions of Clause ninth Sec. XIV Regulation XV of 1816

to make provision for the realization of the costs due under the said Decree by attachment of the property of the parties, who had been declared liable for the same. On the 16th April 1849 final orders were transmitted to the said Civil Judges directing them to carry the Decree into full execution, in return to which the Court were informed by the Civil Judge of Masulipatam that the Respondent Ramanadha Baboo, had no effects, and by the Civil Judge of Guntoor that those portions of the Vasserreddy Estates which were situated in the Guntoor Zillah had been sold for arrears of revenue and purchased by Government in 1846. The Court had been previously in communication with the Board of Revenue in regard to the Vasserreddy Estates in Masulipatam, in consequence of a Petition having been presented by the Appellant on the 8th February 1849 representing that the estates were about to be sold for arrears of Revenue and praying that the sale might be stayed, and on the 5th March had been informed by the Board that that portion of the Estate had been sold under similar circumstances and had been purchased by Government on the 17th of the preceding month.

5. The returns of the Civil Judges satisfied the Court that they were debarred from enforcing the execution of the decree by putting the Appellant Lutchmeputhy Naidoo in possession of the estates referred to, the said estates having passed out of the hands of the Respondent Ramanadha Baboo, who under the Decree in question was to be dispossessed in favour of the Appellant, and become vested in a third party, through a process sanctioned by the law, and under circumstances wholly irrespective of the matter adjudicated upon by Her Majesty in Council between the said litigants Lutchmeputhy Naidoo and Ramanadha Baboo.

6. The Court therefore took no further steps towards putting the Petitioner in possession of the Estates awarded to him nor did they receive any further application on the subject un-

til the 9th October last when the aforesaid Order of Her Majesty in Council under date the 18th August 1852 was presented by the Petitioner's Pleader with a motion for the immediate execution of the decree.

7. Under ordinary circumstances upon receiving the Order of Her Majesty in Council founded as has been already observed upon a misrepresentation of the real facts of the case, the Court would have deemed it sufficient to pass an order shewing that they had issued the regular process for the execution of Her Majesty's Decree, but had been debarred from enforcing it by an altered condition of the property awarded over which they had no control and dismissing the Petitioner's application; but as it appeared from the orders presented to the Court that it was the desire of Her Majesty in Council that the Appellant Lutchmeputhy Naidoo and the Government of Madras should be heard, so far as the law might permit and the Decree of Her Majesty in Council of the 2nd March 1848 might authorise, on the subject of their respective claims to the Estates adjudicated on under the said Decree, the Court resolved to give the parties the opportunity of being so heard and passed an order accordingly on the 16th of October 1852 calling upon the Government Vakeel to appear in behalf of Government within one week from that date.

8. The time allowed has been since extended on the repeated applications of the pleaders employed by the respective parties, the Petitioner's pleader having informed the Court that he was about to present a more detailed Petition. This was not put in until the 17th ultimo and was followed by a Petition presented on behalf of the Madras Government on the 27th of the same month. Upon consideration of these Petitions and of the oral pleadings addressed to the Court on the 2nd Instant the Court now proceed to pass their decision.

9. On the latter occasion the oral pleadings were confined to the question of the Court's Jurisdiction to determine

by an interlocutory order on the validity of the sales which have hitherto operated to prevent the Petitioner being placed in possession of the estates awarded to him by Her Majesty's Decree, the Court having deemed it proper that this preliminary question of their Jurisdiction should be decided before entering upon a consideration of the merits of the case.

10. The question therefore before the Court is whether the Government of Madras in becoming possessed of the estates adjudicated on by the decree of Her Majesty the Queen in Council of the 2nd March 1848, have violated the purpose of the said Decree in such a manner as to justify this Court in fulfilling their duty of enforcing the said Decree to negative the right of the Government to retain possession of the estates referred to, and to determine by an interlocutory order that they shall be taken from the Madras Government and made over to the Appellant Lutchmepathy Naidoo.

11. The only enactment under which the Court is empowered to annul by an interlocutory order a transfer to a third party of property under litigation is Section XIII Regulation IV of 1802 which provides that any "private" that is to say any covert or evasive "transfer of property (under litigation) by sale, gift or otherwise" shall be "null and void."

12. The Petitioner's Pleader before the Court has admitted that he is unable to characterize the purchase by Government of the Estates awarded to him as a transfer of this nature or to show that the Government conspired with Ramanaadha Baboo for the eventual defeat of any Decree that might be passed by Her Majesty in Council to his detriment and to the advantage of his opponent the Petitioner by taking possession of the property under litigation. He allowed that the Act of the Government whereby it became possessed of the said property has been open and public and devoid of any such concert or aim to defeat any anticipated or passed Decree of

Her Majesty in Council, and that it was a process resorted to in realization of demands held by the Government over the said Estates for arrears of Revenue, which had been accumulating for a long series of years; and he further admitted that the enactment above quoted viz. Section XIV of Regulation IV of 1802 gives sanction to such a course since it shows that the Government are authorized to enforce their Revenue claims upon land under litigation by sale thereof, even when such land may be held in possession by one of the litigants under express orders of Court.

13. With these admissions before them the Court of Sudder Udalut were at a loss to discover on what grounds the Petitioner's application for the intervention of the Court with regard to the property in question by means of an interlocutory order could be maintained, but the Petitioner's Pleader still endeavoured to show that under the circumstances of the case the intervention sought for might be exercised.

14. He adverted to the readiness of the Government to have the general merits of their tenure of the estates pronounced upon by means of the present proceedings, without a regular suit, but at the same time admitted that no such acquiescence could confer jurisdiction in the event of its being decided that the exercise of such jurisdiction was not authorized by law, and he then proceeded to support his application on the two following grounds.

1st. That the Court had unduly delayed to issue their order for the full execution of the Decree and were therefore bound to remedy the wrong so done by them to his client by placing him in the possession in which he would have been if no such delay had occurred.

2nd. That by a course analogous to that laid down in Clause eight Section XIV Regulation XV of 1806 the Court might dispose of the title of the Government to the Estates awarded to the Petitioner by the interlocutory order prayed for.

15. In support of the 1st of the grounds advanced by him the Pleader stated that the Decree of Her Majesty the Queen in Council of the 2nd March 1848 declaring the Petitioner to be heir to the Vassereddy Estates had reached the Court on the 12th December 1848, that the Court was bound to carry it forthwith into the fullest execution it would admit of, but that although the Petitioner had presented several applications for execution before the sale of the Masulipatam Estates took place, the Court had delayed to issue the necessary orders until after that event, and he argued that the Court was bound to give Petitioner redress for the delay by placing him in the position he would have been in if the orders of the Court had been issued previous to the sale of the estate; in regard to the Guntoor property which had been purchased by Government in 1846 he argued that although it could not now be placed in the Petitioner's possession upon the ground of the delay adverted to in regard to the Masulipatam estate, still as the tenure of the Government in both cases was similar, though of different dates, it might upon the principle of preventing partial or circuitous litigation be included in the order which he prayed the Court to issue and be made over to his client.

16. The delay attributed to the Court as a wrong which they are bound to remedy, and this at the expense of a third party in no way concerned in the suit, out of which the Decree of Her Majesty in Council has arisen is of two months; viz. from the 12th December 1848 when the Decree was received by the Court to the 12th February 1849 when the Masulipatam property was sold. In respect to this alleged delay it is sufficient to observe that whatever despatch the Court might have used in issuing their process for the execution of the decree it would have been altogether ineffectual to save to the Appellant, the property referred to, which had been placed by the Revenue authorities under attachment in the year 1844 on

account of the arrears of the Revenue due on it, and was thus in their hands and at their disposal towards the realization of those claims which they eventually pressed against it by sale and not in the hands of the Respondent Ramanadha Baboo, and with this attachment the Court of Sudder Udalt would have had no power to interfere save in the course of a regular suit instituted to disprove the validity of the claims upon which the attachment was based.

17. Having thus shown that the Appellant has been subjected to no loss or injury by the delay that occurred in issuing process of execution on his behalf, and that hence no remedial measure, were it within the competency of the Court to afford him any, can be claimed on this account, the Court of Sudder Udalt deem it unnecessary further to notice the delay of which the Petitioner has complained.

18. The 2d ground urged by the Petitioner's Pleader in support of his Plea that the Court have jurisdiction to dispose of the case by an interlocutory order is, that under the provisions of Section XXX Regulation V of 1802 which directs that in cases not provided for by specific rules the Court shall decide according to justice, equity, and good conscience, it is competent to the Court in this case to adopt a course analogous to that provided for in Clause 8th Section XIII Regulation XV of 1816, wherein upon application being made for the execution of a Decree the Courts are empowered in certain cases to make previous enquiries before proceeding to carry the Decree into execution and to enter upon the summary investigation of the title possessed by Government to the estates decreed to the Petitioner and for which the Petitioner has applied.

19. With reference to this argument the Court of Sudder Udalt have to observe that the object of Clause 8th Section XIV Regulation XV of 1816 is to protect parties to suits or their heirs against wrongful demands made against

them in execution of decrees, but has no reference to third parties asserting titles irrespective of those in litigation, and the Court therefore are at a loss to discover an analogy between the course of procedure therein provided for, and that which the Petitioner's Pleader desires the Court to adopt.

20. The Decree of Her Majesty in Council sets at rest the proprietary title to the estates in question, as depending between the Appellant Lutchmepathy Naidoo and the Respondent Ramanadha Baboo. The Government tenure of the estate which has come into being during the progress of the litigation, is based upon Revenue rights, the realization of which is by law made independent of all questions of proprietary title; the soil being responsible for the public Revenue in whomsoever the proprietary title to the soil may be vested. Though affecting as in the present instance the same land, nothing can be more distinct than the two questions, that of proprietary right and that of right of realization of Revenue, and a Decree, such as that of Her Majesty in Council in the present case adjudicating on a proprietary title in issue between two claimants to land, can afford no warrant for interference with the acts of Government in enforcing Revenue demands.

21. The sale of land in satisfaction of claims of Revenue can only be avoided by the payment of Revenue which one of any parties engaged in litigation for land is at liberty to make and so have the land placed in his possession pursuant to Clause fourth Section XI Regulation XII of 1809, and the legality of such sale can only be called in question by a suit instituted for the purpose as provided for by Section seven Regulation II of 1802. The former of these courses the Petitioner failed to take and the estates in question fell in consequence under the power of the Revenue authorities and were sold for the arrears of Revenue due on them, and the latter of these courses whereby alone the question at

issue between the Petitioner and the Government can be brought under judicial cognizance has not yet been pursued.

22. Entertaining this view of the law as bearing upon the case under consideration, the Court of Sudder Udalut are satisfied that they have no jurisdiction to enter upon a summary investigation of the title under which the Government holds the estates decreed to the Petitioner, the Petitioner having failed to show that the Decree of Her Majesty the Queen in Council of the 2d March 1848 which has been committed to the Sudder Udalut for execution, authorises the Court to resume from the Government of Madras and make over to him the estates adverted to in the said Decree, as the circumstances under which the Government have been possessed of the said estates, are apparently such as the law permits of and as the Decree in no way provides against.

The Court are therefore constrained to dismiss the Petitioner's application.

Extract to Petitioner's Vakeel on application.

(True Extract)

(Signed) T. WILKINS,
Acting Deputy Registrar.

FURTHER PETITION.

TO
THE HONORABLE THE JUDGES OF THE
COURT OF SUDDER UDALUT.

*The humble Petition of Vassarreddy Lutchmeputhy Naidoo
presented by his Pleader J. B.
Norton, Esq.,*

RESPECTFULLY SHEWETH,

That since the passing of the Judgment of this Honorable Court in this case on the 7th July last certain new matter not alluded to in his former Petition has come to

Your Petitioner's knowledge and which Your Petitioner now begs to lay before this Honorable Court with a view to its reviewing its said Judgment so far only as concerns the Vassareddy Estates situate in Guntoor, because he humbly conceives that the circumstances under which the said Estates were sold by the said Vassareddy Ramanadha Baboo and purchased by the Government of Madras are such as this Honorable Court can take up and enquire into on interlocutory Petition, and that they render such sale null and void as against Your Petitioner.

2. Your Petitioner craves to refer to the statements contained in his former Petition filed on record in this Honorable Court so far as they are necessary to elucidate the subject of his present Petition.

3. Your Petitioner further sheweth that by a letter from the Honorable Court of Directors in the Revenue Department bearing date the 21st June 1842 and numbered 14 it was determined by para. 8 that the Zemindars of Guntoor should be required on condition of receiving a sufficient maintenance to surrender their proprietary rights to enable Government to administer the affairs of the Zemindaries as effectually as if they had been acquired at public sale. That the statement should then be made as in Palnaud and if necessary a detailed survey and fresh assessment should be undertaken and that the Collector should be empowered to carry into effect works for the improvement of the irrigation and that the cost of such improvements together with that of the survey and assessment should be recovered if possible, out of the future proceeds of the Estates "and by para. 9 it was further settled that the Estates are not to be restored until all these arrangements are completed, and when this period shall arrive new Sunnuds and Caboliets are to be executed restraining the Zemindars from interfering with arrangements and rates of assessment which may be enforced, without the express consent of Government."

4. That by Minutes of Consultation under date the 11th day of October 1842 the Most Honorable the Governor of Fort Saint George in Council ordered as follows: "1. Ordered that paras. 1—11 of this dispatch be communicated to the Board of Revenue in view to their early consideration of the arrangements that will be necessary to give effect to the suggestions of the Honorable Court of Directors in respect of the Zemindaries of the Guntoor District. 2. The Board will direct the attention of the present Collector to the observations of the Honorable Court conveyed in para. 2 in regard to the state of the collections of the Palnaud District in Fusly 1248 compared with the preceding year. 3. The Board will be careful to have explained to the Guntoor Zemindars the precise nature of the instructions received from the Honorable Court for the temporary surrender of their proprietary rights under the conditions prescribed. 4. The management of the Zemindaries will be conducted on the same principles as the Ryotwary system of the Palnaud persion and the Board will be pleased to state what specific measures are necessary to give full effect to the views of the Honorable Court. 5. Should a detailed survey and fresh assessment be considered indispensable, they will consider the best means of carrying them into effect and the probable cost of the undertaking. Care should be taken that the survey of each of the Zemindaries may be separately conducted and the actual cost distinctly known, that the charge may be debited to them respectively."

5. That by proceedings of the Board of Revenue bearing date the 21st of November 1842 it was ordered "That extract of paras. 1 to 6 of the foregoing Minutes of Consultation and of paras. 1 to 10 of the general letter to which they have reference, be transmitted to the Collector of Guntoor for his information and guidance. His attention is requested to the remarks of the Court in para. 2 of their

dispatch with regard to the small collection of Fusly 1249 as compared with those of Fusly 1247 and especially to the large arrears on Enams and Agraharums. But the most important point of the dispatch is that which relates to the involved condition of the Zemindaries of Guntoor, the measures to be taken to retrieve their circumstances and give the proprietors relief, and to this subject the Collectors immediate special attention is requested. Mr. Stokes should in the first instance ascertain from the Zemindars whether they are willing to surrender their Estates on the terms proposed by the Honorable Court which he should have taken especial care to explain to them, and considering the alternative, the application is not likely to be refused. Supposing their assent to be obtained, he would consider what would be a proper allowance for the maintenance of each, and though it is desirable that they should receive enough to support them respectably, yet with reference to their liabilities, and the just rights of their creditors, public and private, it is imperative that the means for magnificence and luxury should not be provided them. Mr. Stokes should obtain from the Zemindars as accurate a statement as they can furnish of their private debts, and it would be well if he could form an approximate estimate of the amount which will be accepted in liquidation. But if he resorts to the creditors themselves for information on this point, he will be careful to use language which may commit Government as engaging for the payment of the debts. The Vassareddy Estates are under litigation, but in the foregoing negotiations Ramanadha Baboo should be dealt with as the proprietor."

6. That Ramanadha Baboo when called upon to surrender his proprietary rights under the conditions laid down refused his consent, upon which the Guntoor Estates were advertised to be sold on the 30th June 1843 for arrears of Revenue amounting to Rs. 26,22,291-0-0.

7. That on the 14th of June 1843 Ramanadha Baboo withdrew his opposition and signed a Kararnamah of which the following is a correct translation from the original in the Collector's Cutcherry at Guntoor. "Whereas I, Vassareddy Ramanadha Baboo Bahadur Munna Sultan Zemindar of the Estates of Chintapully Talook, Nezampatam, Circar Colloor &c. Villages and Vungepoorum Vuntoo in the Zillah of Guntoor, have been by the Collector made fully acquainted with the nature of the instructions of the Honorable the Court of Directors communicated along with the Extract from the Proceedings of the Board of Revenue under date 21st November 1842 regarding the temporary surrender by me of my Zemindary Estates, I do accordingly hereby surrender into the hands of Government the whole of my rights and titles in the Zemindaries aforesaid on condition of my receiving a sufficient allowance for maintenance from Government as therein mentioned and with the understanding that the Estate shall be restored to me after the efforts of Government for once more improving them are accomplished, dated 19th June 1843. (Signed) RAMANADHA BABOO."

8. That on or about the time of signing the above Kararnamah Ramanadha Baboo surrendered into the hands of the Collector the permanent Cowles of the Zemindary and received in accordance with the terms offered by the Honorable the Court of Directors and the Government of Fort Saint George an allowance of Rs. 1,000 per mensem.

9. That on or about the 17th of February 1846 the Collector of Guntoor addressed a requisition to Ramanadha Baboo to attend at his Cutcherry and furnish certain information regarding the Talooks of the Vassareddy Estates which were about to be put up to auction under the Orders of Government dated 20th of January 1846 unless the arrears amounting to Rs. 31,95,284-6-4 were paid within three days from that date. That on or about the 18th of

February 1846 Ramanadha Baboo presented himself at the Collector's Cutcherry and stated his inability to pay the arrears.

10. That the Zemindary was thereupon sold on the 1st of April 1846 and bought in by Government for the sum of Rs. 5,000.

11. That on the same date as last aforesaid the Collector acquainted Ramanadha Baboo that the Estates had been sold for the sum mentioned and promised on condition of his giving a Kararnamah renouncing all right to old balances and claims of whatever kind against the ryots, to recommend to the Board of Revenue that the balance of arrears against him amounting to Rs. 31,90,284, should be written off.

12. That in compliance with the directions contained in the said letter Ramanadha Baboo signed the agreement required, whereupon the balance of arrears was written off and his Pension of Rs. 1,000 continued to him under orders of Government.

13. Your Petitioner respectfully submits that the sale of the Guntoor Vassareddy Estates and the whole of the proceedings with reference to them which took place subsequent to the month of June 1843 are illegal and in breach of good faith and must be declared void and of none effect:—

Firstly.—Because if Your Petitioner were to admit which he is very far from doing that he is in any way bound or compromised by the acts of Ramanadha Baboo whilst improperly in possession of the Estates still the Honorable Court of Directors and the Government of Madras had voluntarily condoned his defalcations. They offered him by the despatch of the 21st of June 1842 and the Minutes of Consultation of the 11th October of the same year, present maintenance and the future restoration of the Zemindary in an

improved state on the sole condition that the title deeds should be given up. They were pledged to give new Sunnuds to the Zemindars when the work of restoration was completed and stated at that early period one of the chief stipulations that would be made for the protection of the Ryots when placed again under their control. The language employed by Government and the terms of the deed of surrender executed by Ramanadha Baboo are so explicit on this head that he will not waste the time of Your Honorable Court by dwelling at greater length on its necessary and obvious meaning.

Secondly.—Because the advantage which the Honorable Court of Directors expected to gain from the surrender by the Zemindars of their proprietary rights is stated in para. 8th of the despatch of the 21st of June 1842 as follows—“to enable Government to administer the affairs of the Zemindars effectually as if they had been acquired at public sale.” That result had been fully obtained. The deed of surrender extinguished all proprietary rights for an indefinite period as thoroughly as if they had never existed. It gave the whole power and the whole responsibility of administration into the hands of the Revenue authorities. The only profit which the state has derived from the sale of the Guntoor Vassareddy Estates is the right exercised up to the present moment of repudiating a voluntary and solemn obligation.

Thirdly.—Because that whereas the arrears of Kist due to Government in June 1843 when the Cowles were surrendered by Ramanadha Baboo amounted to Rs. 26,22,291, the estates were finally put up to auction for a balance of Rupees 31,95,284-6-8 shewing an excess of arrears to the amount of Rupees 5,72,993-6-8. That Your Petitioner's estates were not legally liable for a single rupee of the above excess is a point on which he need not dwell. Questions of increased arrears and more palpable mismanagement of the

resources of the Zemindary since the 14th of June 1843 are matters which concern the Government alone. The debt incurred prior to the surrender was extinguished by that act and the accountability for what took place afterwards solely rests with the state.

Fourthly.—Because if Ramanadha Baboo was not a consenting party to such sale, as Your Petitioner submits he was not, the Government had no right, power, or authority to alter vary or depart from an agreement into which it had voluntarily entered, and if the said Ramanadha Baboo was a consenting party to such sale, then Your Petitioner submits that the contingent rights of Your Petitioner, having been saved and secured by the temporary arrangement previously entered into, the said Ramanadha Baboo had no right in fraud of such rights and to their destruction and extinction voluntarily to abrogate the terms by which they were secured.

And lastly because neither did the Government give nor the said Ramanadha Baboo receive any valuable consideration whatever for such pretended sale.

And Your Petitioner therefore prays this Honorable Court to review its said Judgment so far as concerns the portion of the Vasserreddy Estates situate in Guntoor and he prays to be heard by his counsel in support of this Petition.

(Signed) J. B. NORTON,
Barrister at Law.

13th October 1853.

ORDER THEREON.

*Extract from the Proceedings of the Court of Sudder Adawlut,
under date the 28th November 1853.*

PRESENT.

G. S. Hooper, Esquire.

W. A. Morehead, Esquire.

T. L. Strange, Esquire.

} Puisne Judges.

Read Miscellaneous Petition presented under date the

13th October 1853 by J. B. Norton, Esquire, Vakeel on behalf of Rajah Vasserreddy Lutchmepathy Naidoo.

(Here enter S. M. P. No. 343 of 1853.)

Read also Miscellaneous Petition presented on the 29th October 1853 by the same Vakeel on behalf of the same party.

(Here enter S. M. P. No. 376 of 1853.)

Read also counter Miscellaneous Petition presented on the 21st November 1853 by C. Dale, Esquire, Vakeel on behalf of the Madras Government representing the East India Company.

(Here enter S. M. P. No. 409 of 1853.)

The object of the Petitioner in No. 343 is to induce the Court of Sudder Adawlut in revision of their order of the 7th July 1853 to set aside the sale of the Vasserreddy Estate in Guntoor made for arrears of Revenue because of a certain agreement alleged to have been previously entered into by the Government with Ramanadha Baboo, the then ostensible proprietor of the Estate, by which they undertook the management of the Estate with the view of redeeming it from such arrears.

In their order of the 7th July 1853 the Court of Sudder Adawlut have already intimated to Petitioner that it is not competent to them by an interlocutory order to adjudicate on the legality of such sale and that such question can only be brought to issue by a Civil action.

Under these circumstances the Court of Sudder Adawlut dismiss the Petition No. 343 of 1853.

Ordered that Extract from these proceedings be furnished to the Vakeels of the Petitioner and counter Petitioner.

(True Extract)

(Signed) THOMAS WILKINS,
Acting Deputy Registrar.

Copy in a Letter to End 2/27th September 1828:89

A-2.

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PAPERS

RELATING

TO THE CLAIMS OF RAJAH

V. LUTCHMEPATIY NAIDOO, BAHADUR,

ZEMINDAR

OF THE

VASSEREDDY ESTATES.

~~~~~

Madras:

PRINTED BY G. SARRAVUPPA CHETTY, AT THE HINDU PRESS,  
13, ARMENIAN STREET.

72

PAPERS RELATING TO THE VASSEREDDY ESTATES.

SUDDER COURT PROCEEDINGS.

*Extract from the Proceedings of the Sudder Udalt, under  
date the 21st July 1834.*

PRESENT.

J. Bird, Esq.,  
T. A. Oakes, Esq.,  
A. D. Campbell, Esq., } Puisne Judges.

Read again Returns from the Northern Provincial Court dated the 13th and 24th May to the Court's Precept of the 14th April last.

(Here enter Nos. 374 and 399.)

Also read again Petitions Nos. 1, 5 and 8 of 1834 read in Proceedings of the 14th April last.

1. The Court had under consideration on the 14th April last, the Petition No. 1 of 1834 on behalf of Rajah Vasseretty Ramanadha Baboo praying to be placed in possession of the Estates adjudged to him by the Decree of the Sudder Udalt of the 14th March 1832. They then resolved to call upon the officers in charge of those Estates, prior to the issue of any orders, for information which might enable the Court to fix the amount of security proper to demand, before possession was given.

2. The foregoing returns from the Provincial Court submit the information called for, but it is not so specific, nor of a nature to admit of a definite valuation of the property. The Court have given the statements furnished by

the Collectors of Masulipatam and Guntoor with the matters set forth in the motions Nos. 5 and 8 of 1834, full consideration, and are of opinion that the ends of justice will be answered by fixing the amount of security at 2,50,000 Rs.

Ordered accordingly that the Provincial Court, Northern Division, be, by precept, commanded to call upon Rajah Vasserreddy Ramanadha Baboo to furnish good and sufficient security in the sum of 2,50,000 Rupees, and that on his producing competent security to this amount, of which the nature and extent must be submitted to the Sudder Udaltut and approved of by that Court, the Estates adjudged to him by the Decree of the Sudder Udaltut of the 14th March 1832 be placed in his possession.

Ordered that Extract from these Proceedings be forwarded to the Provincial Court in the Northern Division by Precept returnable without delay.

Ordered also that Extract from these Proceedings be furnished to the Petitioner on application.

(True Extract)  
(Signed) THOS. WILKINS,  
*Acting Deputy Registrar.*

*Extract from the Proceedings of the Sudder Udaltut, under date the 17th November 1834.*

PRESENT.

|                       |                    |                  |
|-----------------------|--------------------|------------------|
| J. Bird, Esq.,        | (Officiating) 1st. | } Puisne Judges. |
| T. A. Oakes, Esq.,    | do. 2d.            |                  |
| A. D. Campbell, Esq., | do. 3d.            |                  |

Read again Petition presented on the 27th ultimo by the Vakeel Ghoolam Rajah on behalf of Rajah Vasserreddy Ramanadha Baboo.

(Here enter M. P. No. 106 of 1834.)

1. This is an application from Rajah Vasserreddy Ra-

manadha Baboo, representing the impoverished circumstances to which he has been reduced and praying the Court to assign him an allowance from the Vasserreddy Estates of 3,500 Rupees per mensem; pending the Appeal to His Majesty in Council. He also moves the Court to place the Estates attached under his immediate management, or to issue instructions to the Collector that the Aumeens appointed by him, may be directed to attend to his (the Petitioner's) suggestions whilst they have charge of the property.

2. The Court are willing to accede to the Petitioner's application for an allowance to the extent of 1,200 Rupees per mensem, upon his furnishing good and sufficient security for its re-payment if the Appeal to the King in Council should be given against him. They have fixed this sum, as the limit which in the present state of the property the Court would not be justified in exceeding. On the further request contained in his Petition, the Court can pass no orders: the Estates are placed by law under the charge of the Collector, and it rests with him to adopt any measures which he may think necessary for their prosperity.

Ordered that Extract of these Proceedings be furnished to the Petitioner upon his application.

(True Extract)  
(Signed) C. F. CHAMIER,  
*Registrar.*

*Extract from the Proceedings of the Sudder Udaltut, under date the 27th April 1835.*

PRESENT.

|                               |      |                  |
|-------------------------------|------|------------------|
| Charles May Lushington, Esq., | 1st. | } Puisne Judges. |
| John Bird, Esq.,              | 2d.  |                  |
| William Hudleston, Esq.,      | 3d.  |                  |

Read Petition presented on the 31st March by the

Vakeel Ghoolam Rajah, on behalf of Rajah Vassereddy Ramanadha Baboo.

(Here enter M. P. No. 52 of 1835.)

Read Counter Petitions presented on the 6th Instant by the Vakeel Hanoomanta Row, on behalf of Vassereddy Rungammah.

(Here enter M. P. No. 55 of 1835.)

1. The Petitioner Ramanadha Baboo referring to the orders of the Court of Sudder Udalut on his former Petition No. 106 of 1834 passed under date 17th November last, represents that he has been unable to find security for the allowance of 1,200 Rupees per mensem, which the Court upon that condition then consented to grant to him, and he now therefore prays that this allowance may be granted to him from the funds in deposit in the Court, without security in like manner as allowances have been given without security to Vassereddy Atchammah, and Rungammah.

2. The Petitioner has overlooked in his statement, the important distinction which exists between his case and that of the widows, Atchammah and Rungammah. Their right to a maintenance from the Vassereddy property is indisputable, and even should the Petitioner's right under the Decree of the Sudder Udalut, be confirmed by the King in Council, the widows would under that Decree, be still entitled to a larger allowance than the one they now enjoy. But should the Petitioner's adoption be declared invalid, he could have no claim whatever to any portion of the property in litigation, and it is essentially necessary therefore that he should furnish security for the eventual refund of all payments made from the Estate to him. It was upon this ground, that they originally complied with the application of the widows for an allowance for their subsistence without security, whilst it has been demanded from him, and the Court cannot therefore accede to his prayer, nor alter their orders of the 17th November last.

Ordered that Extract from these Proceedings be furnished to the Petitioner upon his application.

(True Extract)

(Signed)

Deputy Registrar.

# INOYETNAMAH.

*To Rajah Vassereddy Ramanadha Baboo Bahadur Munna Sultan Surdèsa Mûkee Mannawar under the Circars of MootooZannagur, Moosttufannagur, Masulipatam, Nizamputnum and Curnum Mettoo, &c.*

(After Compliments.)

With reference to my letter to the Board of Revenue accompanied by your Petition addressed to them requesting to be placed in possession of your Talook, the Board of Revenue by their Proceedings dated the 14th March 1836, informed me that they admitted the points noticed in the said letter and forwarded the same with their recommendation to Government; they however directed me to inform you that the Estate which has been held under attachment under the precept of the Court of Sudder Udalut could not be placed in your possession without the orders of that Court, who resolved to do so, on security being tendered for the profits which might accrue over and above the Peishcush. A motion should be made by you to the Sudder Court stating that under the present circumstances, there is no probability for some time to come of the liquidation of even the Peishcush and that should any profit accrue afterwards, it would be received by the Collector on account of the old arrears of revenue, and also to furnish to you the accounts which you applied for, shewing the actual collections from Fusly 1241 to 1244 and also the statement for the current year, to enable you to produce the same before the Court to induce them to admit your application. They have also stated that the Court would thereupon con-

sent to give you possession of the Talook without security for some time. You will therefore make a motion to the Sudder Court on the subject. If you address an Arzee respecting the accounts which you are in need of, I shall give you the necessary accounts under my seal and signature.

Cutcherry of the Head Assistant Collector in charge of the Guntoor Zillah.

(Signed) A. MATHISON,  
*Head Assistant Collector in charge.*

(True Copy)

GUNTOOR, }  
1st April 1836. }

(Signed) THOS. WILKINS,  
*Acting Deputy Registrar.*

# PETITION FROM RAMANADHA BABOO.

(TRANSLATION.)

## TO THE COURT OF SUDDER UDALUT.

*Petition of Rajah Fasserreddy  
Ramanadha Baboo Bahadur  
Munna Sultan.*

From the motions already presented by me, your Court have been very well made acquainted of the deteriorated condition to which my Zemindary Talooks have been reduced from their continuance under attachment, and of the accumulation of arrears of revenue thereon, without any prospect of liquidation of the Peishcush payable to the Honorable Company. I again take this opportunity to state the following circumstances.

1. The appeals preferred by my opponents to His Majesty in Council, were from a malicious intention of occasioning losses to me at any rate, but not from an impression that the Decree of your Court would be reversed. If your Court will not therefore take into serious consideration, the unfavourable circumstances and losses to which

the large Estate consisting of 561 Villages situated in the Districts of Masulipatam and Guntoor paying a Peishcush of Rupees 6,82,933 to the Honorable Company per annum, have been exposed by being placed under attachment (and managed by hands feeling no responsibility whatever) on the simple pretence of the said appeal having been preferred from your Decree, which is as good as a final decision, how can I obtain relief. I presented Petitions to your Court on the 6th of May 1833, and the 6th January 1834 in which I stated that a further continuance of the Talooks under attachment would fare still worse with them, and therefore begged that you would hit upon some plan to put them in my possession whereby to enable me thenceforward at least to endeavour to restore them to such a condition as to ensure means sufficient at least to pay the Circar Peishcush. Your Court then called for certain accounts from the Collectors of Masulipatam and Guntoor, and on a perusal thereof passed proceedings on the 8th of September 1834 informing me that the Estate would be placed in my possession provided I would give security to the extent of Rupees 2,50,000 an amount fixed without any foundation whatever. This I have been unable to do for so large an amount, as the Talooks have gone to so much ruin as that they were unable at least (not to speak of any profit at all) to pay the Circar Peishcush. I however entertained a hope that the Talooks might still come to good condition and if they do not pay the Circar Peishcush in one year they might pay it in another and that in that case I would not have much to regret. In this hope I have been disappointed inasmuch as I find that year by year the Talooks decay the more whereby I came to the conclusion that if they continue under attachment as they now are, they would never for years to come, yield a produce sufficient to answer even the Peishcush.

2. To prove to your Court the collections made now a days from my Talooks and the amounts credited in liquidation of the Peishcush after paying up the charges of attachment &c., I beg to annex a brief statement as follows :

| In the Zillah of Guntoor. | Circar Peishcush. |    |    | Amount credited in liquidation of the Peishcush after paying up the Zufty charges &c. out of the receipts of the Talooks. |    |     | Arrears due. |    |     |
|---------------------------|-------------------|----|----|---------------------------------------------------------------------------------------------------------------------------|----|-----|--------------|----|-----|
| Fusly.                    | Rs.               | A. | P. | Rs.                                                                                                                       | A. | P.  | Rs.          | A. | P.  |
| 1241                      | 5,40,737          | 7  | 4  | 4,63,037                                                                                                                  | 3  | 4   | 77,700       | 4  | ... |
| 1242                      | 5,40,737          | 7  | 4  | 2,30,370                                                                                                                  | 13 | 1   | 3,10,366     | 10 | 3   |
| 1243                      | 5,40,737          | 7  | 4  | 2,74,232                                                                                                                  | 3  | 3   | 2,66,505     | 4  | 1   |
| 1244                      | 5,40,737          | 7  | 4  | 1,77,358                                                                                                                  | 4  | ... | 3,63,375     | 3  | 4   |
| Total...                  | 21,62,949         | 13 | 4  | 11,44,998                                                                                                                 | 7  | 8   | 10,17,951    | 5  | 8   |

Thus a balance of Peishcush to the extent of Rupees ten lacs, seventeen thousand, nine hundred fifty one, annas five and pice eight, has become due for four years. If you also peruse the statement for the fusly year 1245, you will find how many lacs of Rupees are due on the Talooks situated in one single District of Guntoor, for five years up to the end of the said fusly year. I herewith submit for your perusal five statements from the fusly year 1241 to 1245 which I obtained under the seal and signature of the Collector of Guntoor. Besides this, an heavy arrears of revenue has

now become due to the Circar on the Talooks situated in the Zillah of Masulipatam for the accounts of which I have applied to the Collector of that Zillah. I shall produce them when received, a perusal whereof will shew you how many lacs of Rupees have hitherto become due to the Circar on my Talooks situated in the said two Zillahs. Be the arrear ever so many lacs, it would be some consolation if the inhabitants and Talooks were in good condition; most part of the inhabitants having experienced inconveniences from the Zufty management have emigrated to the great detriment of the Talooks. Your Court are moreover well aware of how many lacs of Rupees have been hitherto remitted by bills to the Collector in liquidation of the arrears of revenue, out of the Company's securities in deposit in your Court on account of my Estate. The amount so remitted has not been included in the said statements inasmuch as it did not form part of the collections made from the Talooks which were included in them.

3. If I should even now take possession of the said ruined Talooks and send for and satisfy the inhabitants by giving them advances of money, grain &c., and by executing to them cowls according as they please, I may hope that means would be probably obtained four or five years hence, sufficient for the liquidation of at least the Circar Peishcush, but under the present circumstances there is no probability or indeed any hope of my getting the better and the Talooks being restored to a good condition. I would not have felt so much, if the Circar Peishcush were at least discharged from my Talooks while under attachment. The sole ambition of my opponents is to occasion loss to me in any way. They do not at all feel at the deterioration of the Talooks. Even after the Talooks are placed in my possession it would take four or five years before they could discharge even the

Circar Peishcush, and I will be obliged to contract loans for the liquidation of the intermediate Peishcush &c., inasmuch as the Collector would recover from me the Peishcush annually. These loans could not be discharged until after four or five years after the said period. Thus a period of 8 years will take up for me to accomplish the said arrangement and restore the Estate to a flourishing condition, and I would have no profit to enjoy in the interval. It could not be blamed that I would usurp the profits after that period because the Decree of His Majesty in Council will be received in the interim. The object intended by the attachment of the litigated Estate in question is to prevent me from usurping any profits which might be derived after the payment of the Circar Peishcush, but not to bring ruin on the Talooks, and frustrate all means for the liquidation of the Circar Peishcush. My father the late Rajah Vassereddy Venkatadry Naidoo Bahadur Munna Sultan had been honored with presents from the Government, and without reducing the said large Estate to dilapidation, managed the concerns thereof properly and paid the Circar Peishcush without allowing it to fall in arrear. He distinguished himself as an object worthy of the protection of Government and acquired a great reputation in the world. With reference to his rank and dignity, your Court have passed a reasonable Decree declaring me heir to succeed to all the rights of my father according to Sastras. There is no doubt that this Decree of your Court would be affirmed by His Majesty in Council, but before this, a short delay will only take place. It however rests on your Court in the meanwhile, to support my Samustanum by securing me from all losses attending the ruin of my Talooks. The representation made by me respecting the dilapidation of the Talooks was laid before the Government by the Board of Revenue, and under the orders issued by the latter, the Collector in

charge of the District of Guntoor has written to me an Inoyetnamah on the 1st of April 1836, the original of which is herewith submitted for your perusal.

4. The causes of the ruin of my Talooks are these : The Zufty officers do not in proper seasons make settlements in regard to Kists, &c. execute cowls, or cause cultivation, &c. to be carried on, nor do they adjust the extent of produce at proper times, or realize the amount to be recovered. These and other circumstances have disturbed the condition of the ryots and reduced them to distress by which they feeling it impossible to live under the Zufty management, were induced to emigrate to foreign Talooks so that some of the Villages have been completely depopulated and some inhabited only by 3 or 4 ryots in each Village. Thus my Talooks have been extremely ruined, and the lands became a desert. The Talook of Nundigama situated in the Zillah of Masulipatam (exclusive of Chintalapaty Vunt which was sub-rented) which was formerly paying a Peishcush of Rupees 86,000 per annum has been so much deteriorated that a Dowle of only 8,000 Rupees has been fixed on it. The Tanahs of Coorapad and Guntoor situated in the Zillah of Guntoor, were formerly paying an annual Peishcush of Rupees 1,60,000 to the Circar, but their present circumstances are such that a Dowle of about Rupees 30,000 has been fixed on them. Unless I take a due care of these ruined Talooks at least hereafter by sending for the ryots and making the requisite arrangements, they will be much more ruined and I will have nothing to do. The remaining Villages do not pay completely even the Circar Peishcush. I submit these facts for the consideration of your Court, to enable you to afford me justice.

5. If your Court will at least now deliver over to me the Talooks which are so badly circumstanced that they

would not be able to pay even the Circar Peishcush (for a considerable time) rather than to continue them under attachment (on the ground of an Appeal having been preferred to the King in Council) and thereby occasion a loss of Peishcush, I shall arrange the affairs thereof as efficiently as practicable and pay the Peishcush to the Circar from the ensuing fussy year 1246.

I therefore request your Court will, on consideration of the foregoing circumstances, be pleased to issue precepts to the Collectors of Gunttoor and Masulipatam respectively, directing them to place the Estate in question in my possession, without security, on obtaining at least arrangement from me engaging myself not to dispose of it by sale &c., before a decision shall have been received from His Majesty in Council. I further beg to state that I have applied to the Collector of Masulipatam for the requisite accounts which I shall submit for your persual when received.

(Signed) GOOLAM RAJA, *Vakeel*.

(A True Translation)

(Signed) T. NARSINGA ROW,

(True Copy)

(Signed) THOS. WILKINS,  
*Acting Dy. Registrar.*

25th April 1836.

COUNTER PETITION FROM VASSEREDDY  
RUNGUMMAH.

(TRANSLATION.)

TO  
THE COURT OF SUDDER UDALUT,

*Counter Petition presented by  
Vasseretty Rungumma, adoptive  
Mother and Guardian of  
Rajah Vasseretty Lutchmee-  
pathy Naidoo Bahader Munna  
Sultan, Appellant in Appeal  
No. 11 of 1827 on your Court's  
File, to the Petition presented on  
behalf of Vasseretty Rama-  
natha Baboo in No. 67 of this  
year.*

A reference to the Petitions presented on behalf of Ramanatha Baboo in Nos. 1 and 86 of 1833, Nos. 1, 81, 106 and 118 of 1834, and No. 52 of 1835, to the Counter Petitions presented thereto in Nos. 96 and 97 of 1833, Nos. 5, 8, 110 and 111 of 1834 and Nos. 55 of 1835, and to the Proceedings of your Court passed on them under dates the 16th January and 10th June 1833, 14th April, 21st July, 8th September and 17th November 1834 and the 26th April 1835 together with all the references therein mentioned, will convince your Court that Ramanatha Baboo anxious to obtain irregularly possession of the disputed Talooks and with them their surplus funds without giving adequate security before even the result of the final decision of His Majesty in Council in this suit is known, has had recourse to divers means at different times anyhow to mislead your Court but that he had hitherto been frustrated in his endeavours by the above cited just and reasonable orders passed by you. It would further appear to you that even in the Petition now presented by him no circumstance of suffi-

cient importance has been stated to induce your Court to place him in possession of the disputed Talooks without security, excepting some circumstances which contradict those stated in the former Petitions. I therefore think it unnecessary to enlarge my answers to every allegation contained in the said Petition, but I shall however proceed to state hereunder only some important circumstances which will shew the irregularity of his application.

1. Ramanadha Baboo, throughout the said Petition, attributes the accumulation of the arrears of revenue and ruin of the Estate for want of regular cultivation &c., to the disputed Talooks being under the Collector's attachment, and proposes that if the Talooks were placed in his possession without security, he would take measures to prevent such injuries, and to pay up punctually the Circar Peishcush from Fusly year 1246 by contracting loans for the purpose. Here it is to be observed that the first part of Section IV Regulation VIII of 1818 Clause 2nd; Section XI Regulation XII of 1803, Section VII Regulation II of 1811, Clause 10th Section X Regulation V of 1802, and other enactments clearly declare that pending an Appeal, the litigated property shall not be placed in possession of the successful property unless he gives security for it, and that in default of security being given, the Estate shall be placed under the attachment of the Collector until a final decision shall have been passed. This same opinion has been plainly explained in your Court's proceedings of the 10th June 1833 and other dates above alluded to. It is not therefore just that Ramanadha Baboo should impugn the propriety of continuing the disputed Talooks in charge of the Collector who stands in neutral position to both parties according to the said regulations and say that he feels no interest in collecting the Circar Peishcush. It is equally unjust that he should make a request to be put in posses-

sion of the Estate without security. If there are any extraordinary measures to be adopted for the improvement of the said Talooks, nothing could prevent him from suggesting the same to the Collector according to his pleasure, and causing the requisite arrangement to be effected by him. He has therefore no need to take much pains on the subject. He possesses no more right or means than the Collector to improve the disputed Talooks by giving advances of money and paddy at proper times. This opinion has been explained in the last part of your Court's proceedings of the 17th November passed on Ramanadha Baboo's Petition No. 106 of 1834. Cultivation did not flourish owing to the deficiency of rains in Fusly 1241, which and the total failure of them in Fuslies 1242 and 1243 brought on a great famine and mortality among cattle and men. It was for this reason that the disputed Talooks were not duly cultivated and Collections made sufficient at least for the liquidation of the Circar Kists in Fuslies 1244 to 1245, although there had been partial rains in the said years, but this loss could not be ascribed to any neglect in the management of the Collector. If it were to be imputed to him, how could a profit have been derived from the Talooks annually in the preceding fuslies while under the Collector's attachment. The losses which were sustained in the said fuslies owing to the adverse nature of the season, were not confined only in the disputed Talooks, but also in all the Zemindaries held and managed by the Zemindars themselves in the Northern Division, and in the Circar Talooks. The said Zemindaries therefore came under sequestration. This is known to all, but suppressing it, Ramanadha Baboo attributed the losses sustained in the disputed Estate in the said fuslies to the Circar attachment. Thus he did to mislead your Court. When there happens a failure of rain through the divine agency and a great mortali-

ty among cattle &c., even the said person must be unable to improve the Talooks. When there are no such calamities, the Collector himself would bring them to a good condition. It would therefore appear to your Court that it is useless to place the Talooks in possession of Ramanadha Baboo. If losses were really sustained owing to any neglect on the part of the Collector, I would not have been remiss (until the passing of the final decision) in representing the same to the proper authorities, and getting the requisite arrangement made, because I possess an equal right and interest until then. Consequently, had it not been for some other object in his view, he would have felt no necessity to anticipate me in making a representation so prematurely nor is there any benefit to be derived only by himself from such a proceeding.

2. Although a loss was hitherto sustained only in some fuslies owing to famine, yet it cannot be at all expected that similar losses would be sustained and crops failed also from the fusly year 1246. There is every symptom that there will be proper rain in the present year, which will be useful for the crops of the said fusly. The inconveniences experienced from the said famine, have already passed over and the country is coming to a better condition. There is therefore no reason to place the disputed Villages in possession of the said Petitioner without any security for the profits thereof from Fusly 1246 with reference to the accounts of the said Petitioner. If Ramanadha Baboo did not think that a profit will be derived after the liquidation of the Circar Kists from fusly 1246, he would not say that he would contract loans for the discharge of the revenue and take so much pains for the purpose, but he would remain quiet for some time more in the same way as he has been lately. He would at no time entertain an idea that individuals would assist him with loans to the extent of lacs of

Rupees for the payment of Circar Peishcush before he is unable to give any other sufficient property in mortgage. He must be also aware that he cannot effect an arrangement more efficient than that of the Collector. The reasons urged by him on the subject are not therefore worthy of credit. As he is not sure that he would gain the cause ultimately he intends in the mean while to take possession of the disputed Talooks without security for some time by some expedient or other, and thereby to enable himself at any rate to occasion a deficiency in the collections to be made at that time and usurp a large amount gradually in order that he may secure a maintenance during his life time. He has accordingly invented the above grounds. If the Talooks were to be placed in his possession without security, as he wishes, the other party, who might ultimately gain the cause, will be deprived of all benefits. The Collectors will be altogether unable to get either the real accounts of the collections made, or the amount usurped by Ramanadha Baboo at the time when the Talooks may be in his possession. It cannot therefore be believed that the whole of collections would be paid on account of the arrears of revenue.

3. In Petition No. 106 of 1834 Ramanadha Baboo stated that he had not only expended all the property which had been in his possession, but also contracted loans to a great extent from individuals for his subsistence and that he possesses no more property or any hope of raising loans for his future maintenance. He prayed that an allowance might be granted to him in consideration of his distress. He reiterated the above circumstances in his Petition No. 52 of 1835 and added that no body would trust him to become security for the sum of Rupees 1200 assigned for his maintenance per mensem. If you consider all these you will find that it is impossible to believe that in the event of the disputed Talooks being placed in his possession without

security, he will not appropriate a portion of the collections thereof towards his own expenses and the liquidation of his debts &c., or pledge the disputed Talooks on account of his large debts &c. You will also find it impossible to recover for the party (who might be ultimately successful) the large amount to be usurped, and the extensive lands to be disposed of by him. It cannot be therefore at all believed that he would contract debts for the liquidation of the Circar Kists and the arrears of revenue. Although Ramanadha Baboo (who is destitute of property) executes an engagement regarding the Talooks as proposed in the concluding part of his present Petition, yet it is not just that the said Estate which is of considerable value, and on which a large sist has been assessed, should be placed in his possession merely upon such engagement, without any security prescribed by the regulations. If your Court will refer to the orders passed by you on the Petitions of Ramanadha Baboo Nos. 106 and 52 above said, and on his Petition No. 1 of 1833 you will find that you have plainly declared that previously to the passing of a final decision, even a small amount could not be paid to him from the disputed Estate without sufficient security for its re-payment. The reasons advanced for it must be applied also to the present subject which is of greater importance.

4. Ramanadha Baboo had formerly held possession of the Mootah of Rajahpet. He had also assumed some of the disputed Talooks by deceiving me with the assistance of Pottoory Calidoss the 3rd Respondent (since deceased) after the death of my husband. He did not then pay up punctually even the Circar Kists out of the collections of the Talooks; but usurped considerable money, which it was altogether difficult to recover from him, and the disputed Estates were subjected to considerable losses from the leases &c., which he had then given by reducing the sist; and he derived a benefit. Of these your Court are well aware from

the records of the appeals regarding our Estates. There is no ground to believe that he would desist from such conduct now. If in suits for landed Estates paying considerable Peishcush like the Talooks now at issue, the lands were to be placed in possession of the party without security for the Circar Peishcush, such party will not pay up the Peishcush notwithstanding he might realize considerable money sufficient for it, but usurp the collections and cause the disputed lands to be sold in auction according to Clause 1st Section V Regulation II of 1811, and in such case there will be no means or property whereby to recover the said money, and the considerable losses to be sustained in consequence. It is therefore incumbent on the Courts, who protect the Estate under litigation, to avoid such injuries by adopting such measures as may ensure the recovery of the money in question. If a present possessor shall have an unquestionable right to the profits of the Zemindary remaining after deducting the Peishcush from the collections thereof, then, the Revenue authorities may at any time attach the Estate and appropriate the profits to be derived by him in the future years, towards the liquidation of the Peishcush usurped by him, but in cases of such disputes, the said arrangement could not be made, because the whole account of profits will be applied to the security to be tendered to the Court in the beginning of the year, and the present possessor will have no property in possession. It is therefore absolutely necessary for the Court, at least in cases of disputes regarding extensive landed Estates, to take a security in the beginning of the year, for the amount of Peishcush in the same manner as they do for profits. While it is so, nothing is more surprising than that Ramanadha Baboo should make a request to be placed in possession of the disputed Talooks previously to the passing of a final decision, without security sufficient for Peishcush and profits and for preventing the ruin of the Talooks. There is neither an enactment nor an order of

your Court applicable to such a request nor is there a practice of so doing in any of the Courts.

5. In Petition No. 1 of 1834 presented by Ramanadha Baboo after the passing of your Court's Proceedings of the 10th June 1833, he acknowledged as stated above that not only the disputed Talooks, but also whole of the country have been visited with great famine from Fusly 1242, and proposed that if, upon an average of the produce of some of the former years when there was no famine, an amount of security be defined only for profits exclusive of Kists &c. he was ready to tender the same. This I opposed by a counter Petition in No. 5 of the said year, in which I stated several reasons to shew that a security for the amount of Peishcush is also necessary, but your Court without doing so, called for and examined the Collector's reports &c. and passed Proceedings on the 21st July 1834 in which you require a security to be given for 2,50,000 Rupees an amount less than one-third of the produce of the Zemindary. Although this order was quite expedient for him, yet he, without doing so, allowed considerable time to elapse. He afterwards in his Petition No. 81 of 1834 expressed his consent to give security for the said amount. In contradiction to these, he now requests to be placed in possession of the disputed Talooks although the famine is now over, and produces the accounts of losses for those years in which a famine was prevalent (as admitted by him not only in the said Petition No. 1 but also in Petition No. 106 of 1831) as if they had been prepared for the years in which the country was in good condition. From these accounts, he stated, it would appear that the Collector managed the affairs without feeling any responsibility. Thus he asserted some contradictory pleas with a view to mislead the Court. It would appear however that his application should not be complied with. It is not therefore necessary for me to detail my ob-

jections either to any orders which he might lately obtain from the Revenue authorities by deceiving them some how or other or to any other similar circumstances. Whatever might be the motive under which the Revenue authorities wrote the Inoyetnamah in the name of Ramanadha Baboo, yet it would at no time be sufficient to nullify the above Regulations and the Orders of the Court, and also the Petitions of Ramanadha Baboo, so that the interests of the party who may be ultimately successful, may be prejudiced.

I therefore request your Court will, on consideration of the foregoing circumstances &c., be pleased to reject the irregular prayer of the Petition presented by Ramanadha Baboo in No. 67 of this year.

(Signed) HANUMUNTA ROW,  
*Appellant's Pleader.*

(True Copy)

Monday,  
27th June 1836. }

(Signed) THOS. WILKINS,  
*Ag. Deputy Registrar.*

#### ORDER THEREON.

*Extract from the Proceedings of the Sudder Udalt, under date the 27th July 1836.*

PRESENT.

J. Bird, Esq.,  
W. Hudleston, Esq.,  
A. D. Campbell, Esq., } Puisne Judges.

Read Petitions presented by the Vakeel Ghoolam Rajah, on behalf of Rajah Vasseretty Ramanadha Baboo, representing the condition to which the Talooks of his Zemindary have been reduced in consequence of their continuance under the management of the Revenue Officers of Government, submitting two statements obtained from the Collec-

tors of Masulipatam and Guntoor shewing the Peishcush due from Fusly 1241 up to Fusly 1244 inclusive, and also for the present Fusly 1245 on account of the Vasserreddy war Estates under attachment by order of the Sudder Udalut, and praying that in consideration of the circumstances urged in his Petition, the Court will be pleased to place the Estates in question in his (Petitioner's) possession without security, on the condition of his entering into an agreement not to dispose of them by sale &c. before a decision shall have been received on the Appeal preferred to His Majesty in Council.

(Here enter S. M. Ps. Nos. 67 and 80 of 1836.)

Read also counter Petitions to the above presented by the Vakeels Guness Doss and Hanoomunta Row, on behalf of Vasserreddy Atchama, Rajah Vasserreddy Lut-hmepathy Naidoo and Vasserreddy Rungumma, praying that for the reasons detailed by them the prayer of the Petition No. 67 may not be complied with.

(Here enter M. Ps. Nos. 69, 70, 77 and 81 of 1836.)

1. Under the provisions of Section IV. Regulation VIII of 1818 the Court of Sudder Udalut may "order the judgment passed by them to be carried into execution, taking sufficient security from the party in whose favor the same may be passed, for the due performance of such Order or Decree as His Majesty, his heirs or successors, shall think fit to make on the Appeal."

2. In their Proceedings of the 21st of September 1826, the Court of Sudder Udalut declared that "this will be sufficiently provided for if security is taken for all net receipts from the lands, because to whichever party the property may be finally adjudged, the revenue due to Government, which constitutes the difference between the net and annual produce under the Regulations must have

"been intermediately paid and never constituted an accountable receipt to the party in possession; as long as that party gives security for all he receives, so long will there be the means of duly performing the Decree of the King in Council, because any private transfer of the land itself during the Appeal is invalid under Section XIV Regulation IV of 1802."

3. The documents put in with these Petitions by the Petitioner in No. 67 shew beyond question that since Fusly 1241, so far from any profits having been obtained from the Estates under the management of the Revenue Officers of Government, the Collections have not been sufficient by several lacs of Rupees, to satisfy the Government demands, and it appears to the Court that there can be no question that there will be no net profits for several years to come, and consequently on that account there can be no necessity for requiring any security whatever previous to ordering the Estates in question to be placed in possession of the Petitioner Rajah Ramanadha Baboo, a measure that may be for the benefit of all parties, if the Petitioner Ramanadha Baboo can manage the Estate to greater advantage than the Revenue Officers of Government.

4. All that appears necessary for this Court to do is to take care that the produce after payment of the expenses of cultivation shall be appropriated to the payment of the Revenue due to Government; and the Court are of opinion that this can be done, without taking security, by means of the Revenue authorities who should be requested periodically to certify to the Sudder Udalut all payments made by Rajah Ramanadha Baboo, distinguishing payments on account of the current Fusly "from those on account of arrears" by which means there will be a sufficient check to prevent any misappropriation of the collections.

5. For these reasons the Court direct that whatever lands the Collectors of Guntoor and Masulipatam may have in their charge belonging to the Vasseretty war Estate and attached under the orders of the Provincial Court, be delivered over to the Petitioner Ramanadha Baboo.

6. The Court therefore resolve that copy of these proceedings be transmitted to the Provincial Court in the Northern Division for their information and guidance, commanding them by precept to instruct the Collectors in the Districts of Guntoor and Masulipatam to deliver over to the Petitioner Rajah Ramanadha Baboo such of the lands belonging to the Vasseretty war Estate as they may hold under attachment, and directing that a full and particular return be made shewing what may have been done in pursuance of this resolution.

(True Extract)

(Signed) THOS. WILKINS,  
*Acting Deputy Registrar.*

#### RETURNS.

*Copy of Return of the Acting Collector of Masulipatam to Court's Precept of 2d August 1836.*

The Acting Collector in the Zillah of Masulipatam has the honor to state that in conformity with the instructions conveyed in the forgoing Precept, orders have been issued to the Revenue Ameens under his control to deliver over the charge of the Estates of Vasseretty to Ramanadha Baboo.

L. S.

Given under my hand, and Seal of the Cutcherry at Chullaputty, this 3rd day of September 1836.

(Signed) J. GOLDINGHAM,  
*Acting Collector.*

*Copy of Return of the Collector of Guntoor to Court's Precept of 2nd August 1836.*

In acknowledging the receipt of this Precept the Collector has the honor to state that, in conformity to the orders contained in the Proceedings of the Sudder Udalt under date the 27th July last which accompanied it, the lands composing the several Vapaud, Chebrole and Amrataloor Rajahbett. hees\* or portions noted in the margin belonging to the Vasseretty war Estate, which were held under attachment under Precepts from the Judicial Courts, have been made over to Rajah Vasseretty Ramanadha Baboo, the second adopted son of the late Rajah Vasseretty Venkatadry Naidoo.

With reference to the 4th para. of the Proceedings above referred to, the Collector begs to state that due attention will be paid to keep a sufficient check over the Zemindar to prevent any misappropriation of the collections that may be made by him from the lands now made over to him, and to forward to the Court an account particular of the sums paid by Ramanadha Baboo into the Collector's Treasury, distinguishing payments on account of the current Fusly from those on account of arrears at the expiration of the Fusly and particularizing the different portions on which account they may be paid. The Zemindar has been more particularly directed to give his attention to the better management of the Estates by which the parties under litigation as well as the Government might be benefitted in the highest degree, and to be punctual in the transmission of his accounts at the close of each Fusly, shewing the Demand, Collection and Balance on the Estate, as well as of all the charges incurred by him, together with

the amount paid into the Collector's Treasury on account of the Government Peishcush.

L. S.

Given under my hand and Seal, this  
9th day of September A. D. 1836.

(Signed) A. F. BRUCE,  
Collector.

(True Copies)  
(Signed) G. T. BEAUCHAMP,  
Register.

(True Copy.)  
(Signed) THOS. WILKINS,  
Acting Deputy Register.

GUNTOOR,  
Collector's Cutcherry. }

*Masulipatam Northern Provincial Court of Appeal.*

In return to above Precept which accompanied an Extract of the Proceedings of the Sudder Udalut directing that "Collectors of Masulipatam and Gunttoor be instructed "to deliver over to Rajah Ramanadha Baboo such of the lands "belonging to the Vasseretty war Estate as they may hold "under attachment," the Judges of the Northern Provincial Court have the honor to annex copies of Returns received from those Officers to Precepts communicating the Orders of the superior Court issued under date the 2nd ultimo.

L. S.

Given under our hands, and the Seal  
of the Court, this 11th day of September  
1836 A. D.

(Signed) J. G. PASKE,  
1st Judge.

(Signed) HUGH MONTGOMERIE,  
Acting 3rd Judge.

(True Copy)  
(Signed) THOS. WILKINS,  
Acting Deputy Register.

RAMANADHA BABOO'S MANAGEMENT.

*Extract from the Proceedings of the Sudder Udalut, under  
date the 11th September 1838.*

PRESENT.

J. Bird, Esq., }  
A. D. Campbell, Esq., } Puisne Judges.

Read return dated the 27th ultimo from the Provincial Court in the Northern Division to this Court's Precept of the 6th ultimo, directing the Northern Provincial Court of Appeal to call on the Collector of Gunttoor for an account of the sums paid into his Treasury by the manager of the Vasseretty &c., Estate, prepared according to the form submitted by the Collector of Masulipatam from whom an explanation of the reasons why so small a sum was collected in each Fusly was further required.

(Here enter S. A. No. 999 of 1838.)

From the communications which accompany the foregoing return it would appear that the present impaired state of the resources of the Zemindaries under Ramanadha Baboo's management is mainly attributed to the calamitous seasons from which the Districts of Gunttoor and Masulipatam have of late years so severely suffered. The Court of Sudder Udalut is willing to believe they may have been considerably deteriorated by these unfortunate causes, but on a consideration of the accounts transmitted to the Collectors of Gunttoor and Masulipatam, the revenue liabilities with which the Estate is shown to be now encumbered, exhibit such a state of ruin and almost irretrievable embarrassment that they feel themselves called on to enquire whether any grounds exist for considering this deplorable result to be attributable in any measure to misconduct on the part of the manager Ramanadha Baboo, or whether it is supposed

that any portion of the proceeds of the Estate have been misappropriated by that individual. In the meantime the propriety of continuing Ramanadha Baboo in the management of the property seems to be open to doubt, and this Court desire, accordingly, to be favored with the sentiments of the Collectors of Guntoor and Masulipatam on the point in question.

Ordered that Extract from these Proceedings be forwarded to the Provincial Court in the Northern Division, by Precept, returnable in 20 days from and after its receipt, with instructions to make the requisite communications to the Collectors of Masulipatam and Guntoor.

(True Extract)

(Signed) THOS. WILKINS,  
Acting Deputy Registrar.

#### RETURNS.

*Copy of the Return from the Collector of Guntoor to the Court's Precept of the 17th September 1838.*

The Collector of Guntoor has the honor to acknowledge the receipt of this Precept on the 22nd ultimo with Extract from the Proceedings of the Provincial Court dated 17th Instant on the propriety of continuing Vasserreddy Ramanadha Baboo in the management of the Vasserreddy Estate.

The present impaired condition of the Vasserreddy Estates is not in any way to be attributed to the misconduct of Ramanadha Baboo, since he has been entrusted with the management thereof. He has been in charge of the Estates 2 years only. The sum remitted by him during last Fusly was larger in proportion than the payments made by the other Proprietors, Chilkaloorpad excepted: this cannot but convey a favorable impression in regard to his management.

Whether Zemindary management, which admits of collections under different denominations, is better adapted to develop the resources of an Estate and to ensure the independence of the landholders than the management of the Collector is a separate question. It has been deemed expedient in the depressed state of the country consequent on the calamitous seasons of the Fuslies 1242 and 1243 to place the Proprietors generally in possession, and there do not appear to be any grounds for disturbing at present this arrangement in the case of Ramanadha Baboo.

Given under my hand and the Seal  
of the Collector this 2nd October  
A. D. 1838.

L. S.

(Signed) J. GOLDINGHAM,  
Collector.  
GUNTOOR,  
Collector's Cutcherry.

*Copy of the Return from the Collector of Masulipatam to do. do.*

In return to this Precept, the Collector has the honor to state that from a most minute enquiry which he has just instituted into the affairs of the Nundigamah Zemindary, it appears that the resources of the Estates, so far from having improved (as was anticipated) since the management was transferred from the hands of the Collector, have, for the last 2 years, exhibited a considerable deterioration, and that this result is in a great degree to be attributed to the maladministration of the Zemindar.

The settlement in Fusly 1245 when the Estates were under the management of the Collector amounted to Rupees 70,722-8-11 while in Fuslies 1246 and 1247 when they were managed by the Zemindar, it amounted for the former year to only Rupees 54,557-10-7 and for the latter to only

Rupees 53,752-6-2 though the seasons were equally favorable.

Complaints have been received of embezzlement and also of certain Villages having been collusively rented out at an unusually low rate; several cases of the former description have proved true on investigation, and there can be little doubt that some of the latter would have shown a similar result had the Collector been able to bring the enquiry to a close.

By Mr. Goldingham's letter to the Board of Revenue under date 10th August 1836, it appears that there was every prospect of an improvement in the condition of this Zemindary by the measures that had been adopted with the view of gaining the confidence of the Ryots, and by the actual return of a great number of those who had fled to the country of the Nizam, and as already observed the Revenue amounted for the same year to Rupees 70,722-8-11.

Now it appears extraordinary that while the other parts of the country have exhibited an increase in Fuslies 1216 and 1247, the Zemindary in question has not only not progressed but has actually retrograded to a degree which can be accounted for in no other way than by referring it to maladministration and misappropriation of the Revenues.

Moreover, the balance of Peisheush is so considerable, with reference to the value of the Zemindary, that little hope could be entertained of its discharge even under the last management, and it appears certain, therefore, that the Zemindar would not, for the contingent benefit to be derived from his right being ultimately confirmed in the appeal before the Queen in Council, undertake the temporary management for any other purpose than that of enriching himself at the public expense.

Under these circumstances, the Collector is of opinion that, that part of the Zemindary which is now in the hands

of Ramanadha Baboo should be again restored to the management of the Collector as the most likely mode of retrieving its affairs and securing the dues of the Estate.

Given at Chullapully under my hand and the Seal of this Cutcherry this 10th day of October 1838.

L. S.

(Signed) P. GRANT,  
Collector.

(True Copy)

(Signed) HUGH MONTGOMERIE,  
3rd Judge for the Register.

(True Copy)

(Signed) THOS. WILKINS,  
Acting Deputy Registrar.

*Masulipatam Provincial Court Northern Division.*

In return to this Precept which accompanied an Extract from the Proceedings of the Court of Sudder Udalut of the 11th ultimo, requiring this Court to obtain and forward the opinions of the Collectors of Guntoor and Masulipatam as to the propriety of continuing Vasseretty Ramanadha Baboo in the management of the Vasseretty Zemindary Talooks, the 2nd and 3rd Judges of the Northern Provincial Court have the honor of forwarding herewith copies of the returns from the above officers containing their opinions as directed.

Given under our hands, and the Seal of the Court this 12th October 1838.

L. S.

(Signed) J. R. HAIG,  
2nd Judge.

(Signed) HUGH MONTGOMERIE,  
3rd Judge.

(True Copy)

(Signed) THOS. WILKINS,  
Acting Deputy Registrar.

## ORDER THEREON.

*Extract from the Proceedings of the Sudder Udalt, under date the 19th November 1833.*

## PRESENT.

J. Bird, Esq.,  
T. A. Oakes, Esq.,  
A. D. Campbell, Esq.,

} Puisne Judges.

Read return made by the Provincial Court of Appeal in the N. D. under date the 12th ultimo to the Precept of the Court of Sudder Udalt of the 11th September 1833 requiring them, with reference to the very impaired state of the resources of the Zemindaries under the management of Ramanadha Baboo, to request the Collectors of Guntoor and Masulipatam to state whether in their opinion such result is to be attributable in any measure to misconduct on the part of the manager Ramanadha Baboo, or whether it is supposed that any portion of his collections from the Estate have been misappropriated by that individual.

(Here enter No. 1204.)

1. The Collector of Guntoor reports in his return of the 17th of September 1838 that the present impaired condition of the Vasserreddy Estate is not in any way to be attributed to the misconduct of Ramanadha Baboo, since he has been entrusted with the management thereof, that Ramanadha Baboo has been in charge of the Estates two years only, that the sum remitted by him during last Fusly, was larger in proportion than the payments made by the other proprietors, Chilkaloopad excepted, and that this cannot but convey a favorable impression in regard to his management, and that there do not appear to be any grounds for disturbing at present the management in the case of Ramanadha Baboo.

2. The Collector of Masulipatam states that from a most minute enquiry which he has just instituted into the affairs of Nundigamah Zemindary, it appears that the resources of the Estates, so far from having improved (as was anticipated) since the management was transferred from the hands of the Collector have, for the last 2 years, exhibited a considerable deterioration, and that this result is in a great degree to be attributed to the maladministration of the Zemindar, that the settlement in Fusly 1245 when the Estates were under the management of the Collector amounted to Rupees 70,722-8-11 while in Fuslies 1246 and 1247, when they were managed by the Zemindar, it amounted for the former year to only Rupees 54,557-10-7 and for the latter to only Rupees 53,752-6-2 though the seasons were equally favorable, that complaints have been received of embezzlement and also of certain Villages having been collusively rented out at an unusually low rate, that several cases of the former description have proved true on investigation, and there can be little doubt that some of the latter would have shown a similar result had the Collector been able to bring the enquiry to a close.

3. Mr. Grant proceeds to observe that from Mr. Goldingham's letter to the Board of Revenue under date the 10th August 1836, it appears that there was every prospect of an improvement in the condition of this Zemindary by the measures that had been adopted with the view of gaining the confidence of the Ryots, and by the actual return of a great number of those who had fled to the country of the Nizam, and as already observed, the Revenue amounted for the same year to Rupees 70,722-8-11, that it appears extraordinary that while the other parts of the country have exhibited an increase in Fuslies 1246 and 1247 the Zemindary in question has not only not progressed, but has actually retrograded to a degree which can be accounted for in no other way than by referring it to maladministration and misappropriation of the collections, that moreover the balance of Government Assessment

is so considerable, with reference to the value of the Zemindary, that little hope can be entertained of its discharge even under the best management, and it appears certain, therefore, that the Zemindar would not for the contingent benefit to be derived from his right being ultimately confirmed in the Appeal before the Queen in Council, undertake the temporary management for any other purpose than that of enriching himself at the public expense. That under these circumstances he is of opinion that, that part of the Zemindary which is now in the hands of Ramanadha Baboo should be again restored to the management of the Collector as the most likely mode of retrieving its affairs and securing the dues of the state.

4. As however it would be manifestly unjust, as well as inexpedient, to deprive Ramanadha Baboo of the management of the Estate without sufficient grounds, the Court of Sudder Udalt are desirous before they act upon Mr. Grant's report, of obtaining the opinion of the Board of Revenue as to the alleged maladministration of Ramanadha Baboo since he has been in charge of the Estate.

5. Accordingly the Court of Sudder Udalt resolve to direct that an Extract from these Proceedings together with a copy of the Statements furnished by the Collectors of Guntoor and Masulipatam showing "the Demand, Collection and "the Balance of Peisheush outstanding on the Nundigamah &c. "Estates placed under the management of V. Ramanadha Baboo, distinguishing payments on account of current and "arrears," be forwarded to the Board of Revenue, with a request that they will favor the Court of Sudder Udalt with their opinion whether the Collector of Masulipatam is justified in his report that the deterioration exhibited in the accounts "is in a great degree to be attributed to the maladministration of the Zemindar Ramanadha Baboo."

(True Extract)

(Signed) THOS. WILKINS,  
Acting Deputy Registrar.

Copy in a Letter to England 2/27 September 1849

26-6-75

1262

June 1862  
of the State of New York  
No. 2528

in  
the  
City of New York  
No. 2528

1862  
No. 2528

Office of the  
Recorder of Deeds  
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