M.R.O. 14—13,000—27-9-24.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1557 Press / Mis.

236.238

Dated 24—8—19-1863

Not to be folded or roughly handled

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24-8-63

Proceedings of the Madras Government, Revenue Department, 24th August 1863.

No. 234. Read the following letter from RAJAH MULRAUZE VENKATAKONDUL ROW, Zemindar of the Estate comprising the Talooks of Bellamkonda, Vinukonda and Rachur, in the late Guntoor District, Madras, to J. D. SIM, Esq., Secretary to the Government of Madras, Revenue Department, dated Madras, 20th May 1863 :—

SIR,

1. Referring to the decision of the late Honorable Court of Directors, communicated to me with the Proceedings of the Board of Revenue, dated 19th October 1858, I beg to submit a Memorial in triplicate to the address of the Right Honorable the Secretary of State for India in Council, setting forth the circumstances under which I have been withheld the enjoyment of a large Estate valued at Rupees 5,68,000 a year, without any allowance for the maintenance of myself and my large family.

2. It will be perceived that the Government of Madras were pleased to uphold my claims to the Zemindary, and to recommend me for an allowance to the Government of India; but that authority refused to sanction the stipend on grounds that did not apply to me, and their decision has been supported by the Honorable Court of Directors.

3. The Estate under reference was originally resumed by Government to be kept under their management till its resources were fully developed, *i. e.*, to be retained in trust for the family of the last proprietor, as will be seen from the documents accompanying the Memorial. As the Government of Madras have been pleased to restore the Estates in the case of Zemindars possessing less valid claims than I have, I humbly beg that a similar benevolence will be shown to me or that His Excellency the Governor in Council will be pleased to recommend my unfortunate case to the favorable consideration of the Home authorities, and procure for me the restoration of my Estate and the payment of the allowance enjoyed in lieu of the Zemindary by my grandmother Lutchumamma the last holder, and due to me up to the recent date.

For this act of grace and justice, I, as in duty bound, shall ever pray.

No. 235. MINUTE BY THE HONORABLE THE PRESIDENT.

I do not wish to express any opinion of the general conduct of the Government and its Agents; but one thing is very clear, viz., that if under the "particularly good arrangements" of the Government the debt against the property accumulated to such an enormous extent, either the Peshcush was unduly heavy (which indeed appears to have been the case), or that the management was excessively bad, which also appears to be probable. The whole case appears to me to bear an aspect of harshness on the part of the Government, and of an undue desire to take advantage of any legal flaw to eject the possessors of the property and to step into possession; and I should be very glad to see the Estate restored to its original proprietor under such conditions as might prevent any infringement of the rights of the cultivators of the soil, and subject to such a Peshcush as might be fairly payable.

(Signed) W. T. DENISON.

No 236. MINUTE BY THE HONORABLE MR. PYCROFT.

This Estate in common with the other Zemindaries in the Guntoor District was sold for arrears of revenue; and the Court of Directors in 1849, or fourteen years ago, confirmed the sale and the retention of the Estates as the property of Government. We cannot now re-open the question. If this man has not before sent in a Memorial on the same subject, this may go Home; but in transmitting it, it will be sufficient simply to refer to the previous correspondence that has passed relative to the Mulrauze Estate.

17*th June* 1863.

(Signed) T. PYCROFT.

Proceedings of the Madras Government, Revenue Department, 24th August 1863.

No. 237. MINUTE BY THE HONORABLE MR. MALTBY.

I concur in Mr. Pycroft's view. If the case were to be re-opened several points would require scrutiny, among others the validity of the alleged adoption of Memorialist's father by Lutchumamma five years after her husband's death. But as the Government of India and the Home authorities have passed final orders in the case several years ago, this Government should, in my opinion, limit itself to the course which Mr. Pycroft proposes.

(Signed) E. MALTBY.

No. 238. ORDER THEREON, 24th August 1863, No. 1,551.

Ordered that the Memorial received with this letter be forwarded to its address, and that intimation of its despatch be given to the Memorialist.

(True Extract.)

(Signed) C. G. MASTER,

Deputy Secretary to Government.

Exd. S. T. Augustin.

TO

THE RIGHT HONORABLE SIR CHARLES WOOD, BART, K.C.B.

SECRETARY OF STATE FOR INDIA IN COUNCIL.

The humble Memorial of RAJAH MALRAUZE VENKATAKONDAL ROW, *Zemindar of the Estate, comprising the Taluqs of Bellamkonda, Venúkonda and Rachúr, in the late Guntoor District attached to the Presidency of Madras.*

MOST RESPECTFULLY SHOWETH,

THAT relying on the renowned justice and the noble magnanimity of the British Government, your humble Memorialist begs to submit this appeal against the orders of the late East India Company, under which he has been withheld the enjoyment of an extensive proprietory Estate, yielding an annual income of Rupees 5,68,000, without any provision being made for the maintenance of himself and his large family; and humbly trusts that your Excellency in Council will, on an unbiased and patient consideration of all the circumstances set forth by the Memorialist, be pleased to render him justice.

2. That the ancestors of the Memorialist ruled from many centuries back over a tract of land in the Northern Sirkars known as the Bellamkondaséma; and about the year A. D. 1700, acquired from the Nizam of Hydrabad, the Taluq of Venúkonda, and also distinguished titles and honors, conferred on them, in consideration of signal services rendered to the Sirkar of the day. These Taluqs continued in the uninterrupted enjoyment of the family and descended to the Memorialist's grand-father Malrauze Venkatagoonda Row Bahadúr, who, in addition to them, purchased the Taluqs of Rachúr, Sydapúr and Kadaly, situated respectively in the Kistna, Godavery and Nellore Districts; and in 1802, obtained permanent Cowls (or Milkeat Istimrar Sannads) for Bellamkonda, Venúkonda, and Rachúr. He held possession of his Estate till the year 1818, when, owing to inability to manage his large Zemindary, he made over to the Government a portion of the same; viz., the three Taluqs of Bellamkonda, Venúkonda, and Rachúr situated in the late Guntúr District, yielding an annual income of Rupees 5,68,000, and paying an annual Peishcush to the Sirkar of Rupees 3,33,792, on condition of the yearly payment to him by the Government, of Panjamhissa or a fifth share of the Revenues of the Taluqs; which amounted to Rupees 1,1 2000.

3. That it was now that Venkatagoonda Row perceived that no prospect was left him of begetting a son of his blood; and the boy he had brought up with a view to adopting him having died, he began to think of adopting some proper heir both to secure his heavenly bliss and his earthly rights, and hoped to fulfil his desires after the receipt of the orders of the Ruling Authorities respecting his request for Panjamhissa. But he was in the meantime seized with a sudden illness of which he died, leaving however strict injunctions to his wife Latchumamma to adopt for his son some proper person allied to the family.

4. That after the lapse of seven years which were spent by Latchumamma in procuring a legal declaration of her right to the Estate, in opposition to the claims set forth by one Malla Naidoo, son-in-law of her husband's cousin, the collector of the late Guntoor District intimated to her that owing to the falling short of the revenues of the Taluqs, the Government were not in a position to grant the full amount of the Panjamhissa (5th share of the Revenue) for the past period, but that such would be paid for the future to her and to her family. But as Latchumamma would not consent to these proposals, the whole of the Estate was made over to her with the mesne profits, amounting to Rupees 70,000, that accrued during the Government management of the Taluqs.

1st March 1827.

5. That finding that she now held an undisputed right over her Estate and that the only important duty left her was the giving effect to the dying injunctions of her husband for the adoption of a heir, she

selected one of her kinsmen named Venkatanarasimha Row, and having adopted him according to the rules prescribed by the Hindu law, gave public intimation of the same to the Collector through Arjee, dated 14th November 1832. This adoption was in due course reported by the Collector* to the Board of Revenue, and by the latter† to Government; but before any orders were passed on the subject, Venkatanarasimha Row died, leaving the Memorialist then a minor as his heir.

* 27th September 1836.
†17th November 1836.

6. That Latchumamma held possession of the Estate, till the year 1832 (Fusli 1242,) when owing to the great drought and famine then prevalent (as will be evident from the public Records), there was left for the first time a balance of Rupees 60,000 outstanding against the Estate; and to meet this small demand the Taluqs of Bellamkonda, Venúkonda and Rachúr in the late Guntúr District, were attached and taken under the management of Government. Sydapúr and Kadaly shared the same fate.

7. That the negotiations respecting the restoration of the first 3 Taluqs to Lutchumamma continued till the year 1839, when a letter* was addressed by the Collector under the orders of Government† offering a monthly stipend of 1,000 Rupees for her support, pending the disposal of the subject respecting the restoration of the Taluqs. This proposal was accepted.

* Dated 24th June 1839.
† Extract Minutes of Consultation, dated 23rd May 1839.

8. That in 1843, it was intimated* to Latchumamma that under orders from the Court of Directors her right in the Estate was to be made over *temporarily* to Government with a view to enable the latter to improve the condition of the Zemindary; and she was accordingly furnished with a Form of Agreement to be submitted by her to the Sircar, making over the Estate to the latter. A copy† of the Collector's letter to Latchumamma and the Form of Agreement accompanies, also a translation of the same is annexed in the margin‡. Latchumamma at once complied (15th January and 4th February 1843,) with the desires of the Authorities taking care to style herself in the Agreement (though at variance with the Form furnished to her) *the Guardian of the minor Zemindar Venkatakondal Row*, the Memorialist.

* Dated 5th January 1843. † Document A.

‡ *To Rajah Malrauze Lutchumiah (with the usual titles).*

The orders issued by the Honorable Court of Directors for making over to the hands of Government temporarily, that is for a certain period, the right possessed by you in your Estate, with a view to improve the Zemindary, and furnished with the Proceedings of the Board of Revenue, have been clearly explained to your Vakeel Pápati Venkatakristnammah who does inform you of the same by writing. Should you assent to the proposals thereby understood by you, you will execute and sign an agreement according to the Form* herein enclosed and forward the document that it may reach us by the expiration of eight days from this date. You will at the same time return to us the Cowls of permanent Peishcush apperta ning to the Zemindary. If you do not assent to the conditions stated by the Honorable Court of Directors, you will intimate the same to us by writing. Your reply should be furnished without fail by the date mentioned.

GUNTOOR,
COLLECTOR'S CUTCHERRY,
5th January 1843.

(Signed) H. STOKES,
Collector.

* FORM.

We, Rajah Malrauze Latchumiah, Zemindar of the Estate comprising the Paraganahs of Venukonda and Bellamkonda and of Garkapadu Villages in the Rachoor Talook, attached to the Guntoor District, have fully understood (having been explained to us by the Collector) the nature of the orders of the Honorable Court of Directors, communicated with Extract from the Proceedings of the Board of Revenue, dated 21st November 1842, for our making over our Estate temporarily, *i. e.*, for a certain period; and in accordance therewith, we hereby agree to make over to the hands of Government the whole of the right possessed by us in the said Zemindary on the conditions, (conveyed in those orders) that we shall continue to receive from Government sufficient means of support, and with the assurance that the Estate will be returned to us at a future period, *i. e.*, after the realization of the plans made by Government with a view to the Estate again attaining a prosperous condition; and we therefore herewith deliver up those Instruments; viz., the Sannads of Permanent Peishcush, through means of which this Estate was invested by the Government in our ancestors.

* 20th January 1846.

9. That in 1846, the Collector intimated to Latchumamma under orders from Government,* that the Taluqs were to be put up to sale for the sums due upon them up to date, which amounted to Rupees 22,00,000, viz., Rupees 60,000 while under the management of Latchumamma, and the remainder under the Government. Accordingly the whole Estate valued at Rupees 5,63,000 were struck down on behalf of Government for Rupees 5,000; a sum that could have been realized by the sale of any one of the 420 Villages comprizing the Zemindary. And when Latchumamma complained of these anomalous proceedings, it was intimated to her that the sale was only a nominal one, and that the Government would restore the Estate after its resources were fully developed. Such

† Dated 9th June 1846.

was the express promise held out by the Collector; who, moreover at the request of Latchumamma, gave a document† to the effect that the Estate would be restored

To Rajah Malrauze Latchumiah (with the usual titles.)

With reference to a verbal communication made to you of the grounds under which orders were passed by Government for putting up your Estate to auction, and resuming it on behalf of Government, you lately submitted your wish, that those grounds might be communicated to you in writing; and it is therefore hereby intimated to you (as follows.)

It was, that you made over to the hands of Government the whole of the rights possessed by you in your Estate on the condition of continuing to receive a sufficient means of support, and with the expectation that the Estate would at a future period be returned by Government, when they found it convenient to do so. You are hereby informed that the Government will not in the least fail to act up to those conditions.

GUNTOOR,
COLLECTOR'S CUTCHERRY,
9th June 1846.

(Signed) H. STOKES,
Collector.

when its resources were properly developed. A copy of the Document accompanies and also a translation of the same is annexed in the margin.

o Document B

10. That in the meantime Latchumamma finding that the infirmities of old age were fast growing upon her, thought it better to procure from the Government some formal acknowledgment of the right of the Memorialist to the Estate, and to the stipend enjoyed by her, with a view to provide against any future contingency, and with that intention addressed several Arjees to the Collectors requesting them to recognize the Memorialist as the sole heir of her husband Venkatagoonda Row.

11. That after some delay, the claims of the Memorialist were ordered by the Board of Revenue to be fully enquired into by Mr. Stokes, the then Collector of Guntoor, who being satisfied with the justness of the Memorialist's right, reported the same to the higher Authorities; but the Board of Revenue then simply passed an order* that the subject would receive their consideration after the demise of Latchumamma, to whose subsequent representations on the subject to the Collector and to the Commissioner of the Northern Cirkars, she received the same reply. Latchumamma also took care in April 1855, to execute a Will nominating the Memorialsit as her heir to the whole of her property, and the Estate, and the stipend enjoyed by her, and had the Will confirmed by the Collector. She died under date 3rd September 1855, asking the Authorities once more to give effect to her wishes for recognizing the Memorialist as her sole and just heir.

To Board 10th February 1843.
„ 17th March 1846.
* 16th April 1846.
Vide letter from Collector to Board, dated 26th June 1847.

12. That upon this the Memorialist addressed a Petition praying that the right and stipend enjoyed by his grand-mother Latchumamma might be restored to him. The then Collector Mr. Gordon, took a just view of the Memorialist's claims and reported the same to the Commissioner of the Northern Cirkars. But the latter whose feelings were then prejudiced against the whole body of the Zemindars in the Northern Cirkars, reported to Government unfavorably of the Memorialist's claims; and that Authority in consequence passed an order to the effect that as the Memorialist belonged to a female branch of the Family of Venkatagoonda Row, as the latter left no heirs, and as the orders of the Government of India dated 26th May 1851, prohibit the continuance of hereditary pensions in case of persons adopted as heirs, the Memorialist could have no claims on Government.

Letter to Commissioner, dated 14th September 1855.
20th October 1855.

ENDORSEMENT.

The Acting Collector has detained the Petition of Malrauze Venkata Condulrow for the purpose of looking into some of the records connected with the case.

The Order of the Government of India, 16th May 1851, declaring that Pensions shall not descend to adopted heirs is quoted by the Government as bearing upon the case in question. Were it not for this, the Acting Collector would feel at liberty to bring to notice the exceptional circumstances connected with the Malrauze Estate, in respect to the general disapprobation with which the management of the late Proprietors has been viewed; but as the case has already been twice placed before the Government it does not appear proper to revive it without intimation from higher Authority.

The Petition is accordingly herewith returned.

GUNTOOR DISTRICT,
COLLECTOR'S OFFICE,
MOONDRADOO DINDY,
22nd May 1856.

(Signed) H. NEWILL,
Acting Collector.

13. That the Memorialist then forwarded a petition to the Collector for transmission to Government exclaiming against the view taken by them, but the Collector while admitting as will be seen from his endorsement noted in the margin, that the grounds brought against the Memorialist were not applicable to him, refused to forward the petition to its destination, on the plea that final orders were passed on the subject.

* 11th July 1856.

14. That upon this, the Memorialist submitted* a petition direct to the address of Government, who perceiving that their former orders on the subject of the Memorialist's claims were passed merely on a perusal of the report of the Commissioner, and without an examination into the merits of the case, of the justness of which they were now fully satisfied, were pleased

15th September 1856. to submit the claims of the Memorialist to the favorable consideration of the Government of India, and to recommend the continuance to him of the allowance enjoyed by his grand-mother. But His Excellency the Governor General took a most uncharitable view of the Petitioner's case, and observing that the Memorialist was the son of a collateral relation of the last Zemindar, and adopted by Latchumamma not as the son of her husband who bequeathed his Estate to Government having no heir, but as her own son—she having only a life interest in the talooks, refused to entertain the claims of the Memorialist. The Memorialist appealed to the late Court of Directors, but the justness of his cause could not weigh with them against the decision of an authority like the Government of India, and that body simply passed an order to the effect that they saw no reason to interfere on behalf of the Memorialist.

Vide order of Government, 13th November 1856 No. 1213, communicated to the Memorialist by the Collector.

Letter to Government, 19th May 1857.

Board's Proceedings, dated 19th October 1858.

15. That thus it will be seen that the right of the Memorialist to an Estate, possessed by his ancestors from time immemorial, and enjoyed by them without any interruption, or blemish of character, during the Hindu and Mahomedan dynasties, and the early part of the British rule, has been impugned for the first time, and his claims to the Zemindary refused on grounds, the untenableness of which the Memorialist begs to submit in the succeeding paragraphs.

Para. 2. The British Government impressed with a deep sense of the injuries arising to the State and to its subjects, from the operation of such principles, has resolved to remove from its administration so fruitful a source of uncertainty and disquietude; to grant to zemindars and other landholders, their heirs, and successors, a permanent property in their land in all time to come; to fix for ever a moderate assessment of public revenue on such lands, which shall never be liable to change under any circumstances, to institute Courts of Judicature for the protection of these valuable rights, and to secure to every description of its native subjects under the operation of fixed and defined laws, the free exercise of the religious institutions, and domestic usages of their ancestors.

Para. 7. You shall be at free liberty to transfer, without the previous consent of Government, or of any other authority, to whomever you may think proper, either by sale, gift, or otherwise, your proprietory right in the whole, or in any part of your zemindary; such transfers of your land shall be valid, and recognized by the courts and officers of Government provided they shall not be repugnant to the Mahomedan or the Hindu laws, or to the regulations of the British Government, but unless such sale, gift, or transfer shall have been regularly registered at the office of the Collector, and unless the public assessment shall have been previously determined, and fixed on such separated portions of your estate by the Collector, such sale, gift, or transfer shall be of no legal force or effect, nor shall such transaction exonerate you from the payment of any part of the public land tax assessed on your entire zemindary previously to such transfer; but your whole zemindary shall continue to be answerable for the total land tax, in the same manner as if no such transaction had occurred.

Para. 15. Continuing to perform the above stipulations, and to perform the duties of allegiance to the British Government, its laws, and regulations, you are hereby authorised and empowered to hold in perpetuity to your heirs, successors, and assigns at the permanent assessment herein named, the zemindary of Bellamkonda and Venukonda.

16. That Venkatagoonda Row possessed a sole and undisputed right over his estate—a right over which he had the power of transfer or sale *to whomsoever he liked*, provided that the Sirkar demand on the same, was duly paid. That such was the description of the right possessed by him over his Estate will be evident from the 2nd, 7th and 15th clauses (noted in the margin) of the Sannad granted to him by the late East India Company, and from Section 8 of Regulation XXV of 1802. He never forfeited this right to the Authorities by any misconduct on his part. It was this right that Latchumamma inherited from her husband, and she had like him the power of transferring the same to whomsoever she liked, and much more to the son adopted by her at the instance of her husband. She could not therefore be said to have only a *life* interest to the Estate; and this view of the Government of India cannot be supported by the terms of the Sannad.

17. That there is no document to show as surmised by the Government of India in their final orders, that the Estate was made over by Venkatagoonda Row, for want of heirs. Such is not apparent from the Arjee presented by him to the Collector. And even admitting, for the sake of argument, that Venkatagoonda Row's letter to the Collector, dated 18th September 1818, were such a document as to support the view taken by the Government of India, it was there distinctly stated by him that his Estate was made over to the Government *on condition of payment of Panjamhissa to him and to his successors*. The State had never to pay this allowance, and could not therefore assert that Venkatagoonda Row bequeathed his Estate to Government. Moreover, had the Taluqs been made over for good, there would have been no occasion for the Collector to assure Latchumamma, that the Panjamhissa allowance asked by her husband in lieu of the Estate, would be continued *to her and to her family*; or for the Taluqs being eventually returned to her.

18. That when the Estate was first made over to the late East India Company by Venkatagoonda Row on condition of the payment of Panjamhissa to him, it was expressly stipulated in his Arjee to the Collector that such allowance should be continued "to him, his heirs, persons succeeding him in his post, or persons appointed by him to his place." Thus it

18th September 1818.

could never be intended by him that the right of his family to the Estate should be discarded in the event of failure of a direct issue. And besides the conditions stated by him on that occasion were never questioned by the Authorities. It is submitted that the Memorialist and his father come at least under the category of "persons succeeding to him in his post, or persons appointed by him to his place" in the event of its being argued that they do not become his heirs.

19. That when objections were made by Latchumamma to the strange proceedings of the Authorities in knocking down the sale of her large Estate (yielding as already stated an annual income of Rupees 5,68,000), for Rupees 5,000 on behalf of Government, to meet a demand of some 60,000 Rupees, she was informed by the Collector that the Taluqs would be restored after their resources were fully developed; and thus made to feel an assurance during her life, that either herself or her family would one day get back the Estate, or that they would be allowed a stipend so long as the Taluqs remained in the hands of Government. She never for a moment doubted the honesty or the propriety of the late Honorable Company's policy.

Vide margin of p. 9.

20. That the most important point on which the claims of the Memorialist either for the Estate or the allowance, rest, is the *legality of the adoption* of the father of the Memorialist by Latchumamma. The Memorialist humbly begs that your Excellency in Council will be pleased to consider well the facts and arguments brought forward by him to establish this right, the only point on which any special exception would appear to have been taken both by the Government of India and the late Court of Directors, and condescend to do justice to a family that has maintained its greatness from time immemorial.

21. That every day experience must have shewn to the Ruling Authorities the great anxiety felt by the Hindoos of all sects and ranks, to continue the name of their family either by begetting an issue of their blood, or by adopting somebody. And this they believe the more essential, to secure rest for their souls in their after life. It is therefore more than probable that Venkatagoonda Row felt an ardent desire to adopt a heir during the eve of his life, and that seeing that sudden illness prevented him from giving effect to his wishes, he left strict injunctions to his wife to adopt some person for his heir. And that he left such instructions, the Memorialist is now able to prove to the satisfaction of the Authorities. That Venkatagoonda Row felt a desire to adopt is evident from another circumstance, namely, his having brought up during his life time, a boy whom he had intended to adopt; but that boy having died, and as no opportunity was left him to make selection of another, he left dying injunctions to his wife to adopt. The fact of his having brought up the young man will be evident from the proceedings of the North Provincial Court in case No. 32 of 1820 before them.

67. A wife or a widow may adopt under authority given by her husband; but the adoption in either case is on the husband's account, and not on that of the wife.

69. Direction to the wife to adopt may be given by the husband at any time.

70. In granting authority to the wife to adopt it is not necessary that the son to be adopted should be named by the husband.

71. It is not necessary that the authorization should be in writing.

72. The authorization may be acted upon by the widow after any lapse of time.

117. On adoption being made by a widow the property of the deceased husband passes at once from her to the son adopted.

22. That it was in pursuance of the orders of her husband that Latchumamma adopted the father of the Memorialist; and such adoption was in all respects legal being authorized by the Hindu Law (vide the sections of Strange's Manual of Hindu Law quoted in the margin) which even permits to the widow the right of adopting with the consent of her cousins. Such adoptions are held legal in Courts of Law established by the Government to protect the rights of their subjects; and it must be very anomalous if the Government themselves do not recognize these rights.

23. That if it be argued that the orders of the Ruling Authorities prohibit the recognition of the rights of adopted sons to the stipend granted by Government on political grounds (under which the present allowance cannot be classed), it appears most uncharitable to the Memorialist that such orders should have any retrospective effect. For the adoption in question was made in 1832, while the prohibitory orders were made subsequent to 1850, that is, after an interval of 18 years. All Laws, Regulations, and Acts are made to have only a prospective effect, and it is evident to your Lordship that they could never be allowed to have any retrospective action. Venkatagoonda Row could not have foreseen that the adoption of a son by his widow, would be questioned under the authority of an order passed long after his death, or he would not, having a large interest at stake, have omitted to adopt during his lifetime only. And moreover if the order of the Government of India dated 26th May 1851, were to affect the adoption made in 1832, it seems but just that the spirit of the recent orders of Her Most Gracious Majesty, expressing her willingness to recognize the adoptions made by the Princes and Chiefs of India, with a view to continue

their families in the event of failure of natural heirs, must be obeyed in supersession of all former orders on the subject. So that, your humble Memorialist begs to submit, that the adoption must be recognized on grounds both of legality and propriety. Besides the Memorialist submits that some allowance must be made for any informality in the arrangements made by Venkatagoonda Row, respecting his Estate in the early part of the British Rule, and at a time when the relations between the Ruling Authorities and its subjects were not fully understood. Had at that time the exceptions now taken to adoption been clearly understood, Venkatagoonda Row would certainly have made such an arrangement as to leave no room for the least doubt respecting the claims of the Memorialist.

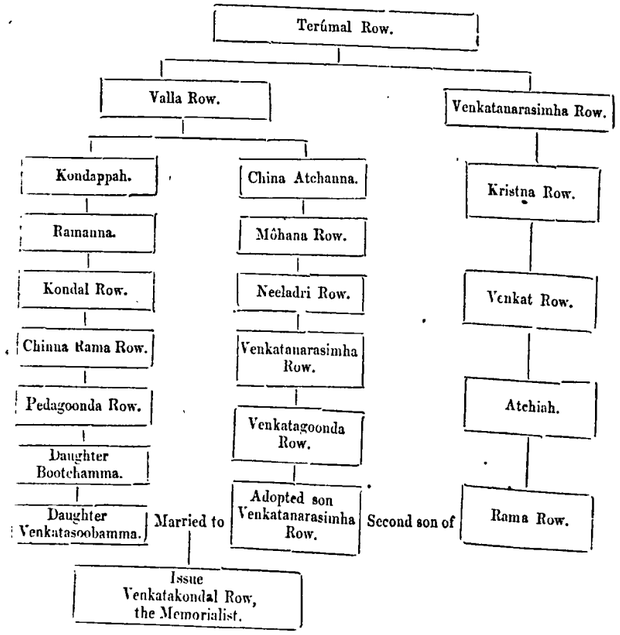
24. That it is evident that had there existed any objections to the adoption, they must have been raised at the time notice of the ceremony was made to the Collector (in 1832), or when Latchumamma attempted (as is apparent from her several Arzees to the Collector and the Commissioner), to make the Authorities alive to the rights of the Memorialist as the adopted heir of Venkatagoonda Row, or at least when she executed a Will in favor of the Memorialist declaring him heir to her Estate and allowance—which Will was duly attested* by the Collector. Instead of which, these objections were allowed to lie dormant till the day of Latchumamma's death, or 24 years after the adoption, and when the Memorialist considered his right to be most secure from the long and acquiescing silence exhibited by the Authorities on the subject, he found himself deprived both of his Estate and allowance.

* Under date 9th May 1853.

25. That the Petitioner most humbly begs to submit, that it was only in his case that objections were taken on the score of adoption by a widow, while in numerous other instances the Authorities have been pleased to recognize such adoptions.

The claims to the Nedadavole Estate, made by Rajah Naria Appa Row *adopted by a widow*, were recognized.

26. That it seems most strange to the Memorialist that the right of adoption by females, should be recognized in the case of Shrotriems and Inams granted by the Proprietors of Estates, while those very Proprietors are denied that right. Numerous instances of the former, may be found in the cases decided before the Inam Commission.



27. That irrespective of adoption the Memorialist possesses the right of descent both in the male and female lines from the family of Venkatagoonda Row, as will be apparent from the Genealogical tree entered in the margin.

28. That the claims of the Memorialist were declared to be valid, first, by Mr. Bruce (*A.*), then by Mr. Hathaway (*B.*), subsequently on a full enquiry, by Mr. Stokes (*C.*), and lastly (that is after the death of Latchumamma) by Mr. Gordon (*D.*), who were all Collectors of the late Guntoor District, as will be found from the reports submitted by them to the Board of Revenue under dates noted in the margin. And what was more, the Memorialist's

(*A.*) Letter to Board 27th September 1836.
(*B.*) " 9th December 1842.
(*C.*) " 10th February 1843 and 17th March 1846, Board P:o. thereon, 16th April 1846.
" 26th June 1847.
(*D*) Letter to the Commissioner, dated 14th September 1855.

claims were upheld finally by the Local Government in the recommendation made by them to the Government of India for an allowance on behalf of the Memorialist, which was not granted by that Authority. It is here for consideration by your Lordship in Council whether the Government of India were justified in applying a Rule made for ordinary stipends, to an allowance, paid on account of a large Estate, retained by Government under certain conditions. The Government of India were not pleased to show to the Family of the Memorialist even that consideration bestowed on pensions granted as exceptional cases to individuals possessing no claims whatever on the bounty of the State.

29 That although the Local Authorities were fully aware of the anxiety felt by Latchumamma to procure from them a recognition of the claims of the Memorialist and apparently acknowledged the latter's right, they never led Latchumamma or the Memorialist to understand, that the allowance was to continue during her life only. They have authorized the continuance of pensions in cases where it was distinctly intimated that it was a life pension, and it was the misfortune of the Memorialist not to have even fallen under that category.

30. That having thus far given a sketch of the history connected with the Zemindarry enjoyed by his Ancestors, and endeavoured to shew the right possessed by him to the Estate or the allowance granted in lieu thereof, the Memorialist now begs to submit for the consideration of your Lordship in Council, the obligation under which the Local Authorities have placed themselves for the restoration of the Zemindary to the family of Venkatagoonda Row. The Estate was made over to Government to be kept *in trust* for the family of Venkatagoonda Row, till its resources were fully developed, and that such were the conditions entered into by the Local Authorities has been already stated in this Memorial, and will be evident to your Lordship on a perusal of the translation of the Document B annexed to the margin of para 9 of this address.

* Vide paras 8 and 9.

31. That the Memorialist begs to submit that his Estate does not fall under the class of Zemindaries in the Northern Cirkars, which were lately resumed by Government, owing to certain wanton misconduct on the part of the holders, when allowed the management of their Talooks as a temporary measure, on behalf of Government. Some of those very Zemindars have been restored to the possession of their Talooks; and the reasons for the restoration of the Estate under reference to the family of Venkatagoonda Row, which has all along conducted itself in obedience to the orders of the Ruling Authorities, and even once afforded effectual aid to the Collector Mr. Oak, in 1815, in expelling an inroad of the Mahrattas into Guntoor and on no account forfeited its right, are not less strong than those that existed in favor of those Zemindars.

32. That the management of the Estate by the Government, has not been a profitable concern to them. When the taluqs were first made over to the Authorities by Venkatagoonda Row, they were returned to his widow, after the lapse of 8 years; because the Government found that the income realized from them, during their management, was insufficient to meet the payment of the Panjamhissa demanded in lieu of the Estate. Moreover, after the Zemindary was attached for the comparatively small amount of arrears of 60,000 rupees, there was left a balance of upwards of 21 lacs of rupees during the first 14 years of the Government management, or above 1,50,000 Rupees a year; and the Memorialist humbly presumes that the present income does not leave much profit after meeting the charges of establishment; and this small profit is surely not equivalent to the magnanimous consideration of restoring an ancient family once great and opulent, to its former footing, by making over the Estate to the Memorialist, which would prove under his management profitable alike to his family and to the State.

33. That the Memorialist therefore begs to submit that the Estate be made over to him fixing the Peishcush under the principles laid down in Regulation 25 of 1802; and also if deemed necessary, on condition of payment by him, at reasonable instalments, the whole or a portion of the sum of rupees 60,000, for which the Estate was apparently resumed by Government.

34. That the Estate was resumed by the late East India Company, when annexation was the order of the day; but such proceedings on their part have been held to be irregular by Her Majesty the Queen; and as it has been *never too late with the British Government to rectify an error*, the Memorialist confidently trusts that he will be restored to his ancestral possessions; and that your Lordship in Council will see the protection promised by Her Most Gracious Majesty in the following words, extended to the Memorialist.

Copy in a Letter to England
of 22nd August No. 91 of 1863

3
Enclosure 1 of 63.

"We know, and respect the feelings of attachment with which the Natives of India regard the lands inherited by them from their ancestors; and we desire to protect them in all rights connected therewith, subject to the equitable demands of the State."

What leniency has been shown in the case of the Tanjore Rajah's family; and what justice and grace have been extended to the Proprietors of Estates (noted in the margin) having less valid claims than the Memorialist! And it is humbly trusted that the charity will not be withheld from the Memorialist, who possesses no other decent means of livelihood than what the grace of the Rulers may be pleased to bestow on him.

Chockumputty Estate in the District of Tinnevelly was restored to the son of the last holder.
Nedadavole Zemindary in the Kistnah District was restored to Rajah Nariah Appa Row.
Goodoor parganah in the Kistnah District was restored to Rajah Nagamnah Naidoo.
Chintalavantoo Estate was made over to Bhavany Mooktaseraprasad Naidoo.

35. That it is the conduct of arbitrary and unjust Governments to tread upon the rights and honors of the subjects of a country conquered by them, and those acts have always tended to the ruin of such Governments: while, it is the principles of moderation and justice that have distinguished the British Rule over the wide ends of the world, and tended to establish its supremacy over all parts of the Globe, on a firmer footing than all the great Kingdoms and mighty Empires that have hitherto existed.

36. That in conclusion the Memorialist once more begs to urge upon the consideration of your Lordship in Council, that, whether considering the absolute right of Venkatagoonda Row to dispose of his Estate to whomsoever he chose, or the direct connexion existing between him and the Memorialist, (a connection fully sanctioned by the Hindoo Law and admitted by the Local Authorities),—the obligation under which the Government have laid themselves either for the restoration of the Estate or the continuance of the allowance to the family of Venkatagoonda Row, or the paltry profit accruing to the Government from the retention of the Zemindary—and the claims of the Memorialist on the bounty of the State as compared with those admitted in the case of Zemindars far more disadvantageously circumstanced than the Memorialist, or the unexampled mercy shown by the British Government to actual delinquents, the Memorialist is entitled to every just and lenient consideration at the hands of Her Majesty's Government.

That for this act of justice and benevolence, the Memorialist shall as in duty bound

EVER PRAY.

10th May 1863.

A

b

Copy in a Letter to England
Dy 24th August No 91 of 1863

2
Dom No 1344 of 163

B

Copy in a Letter to England
D/ 24th August A.G. of 1863

Sm. No 1341 of 63

9.

Minute by the Honorable the President

I do not wish to express any opinion of the general conduct of the Government and its Agents; but one thing is very clear, viz, that if under the "particularly good arrangements" of the Government the debt against the property accumulated to such an enormous extent, either the Peshcush was unduly heavy (which indeed appears to have been the case), or that the management was excessively bad, which also appears to be probable. The whole case appears to me to bear an aspect of harshness on the part of the Government, and of an undue desire to take advantage of any legal flaw to eject the possessors of the property and to step into possession and I should be very glad to

ee the Estate restored to its ori-
ginal proprietor under such con
ditions as might prevent any
infringement of the rights of the
cultivators of the soil, and sub-
ject to such a Peshcush as
might be fairly payable.

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ditions as might prevent any
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cultivators of the soil, and sub-
ject to such a Peshcush as
might be fairly payable.

Minute by the Honorable Mr. Pycroft.

This Estate in common
with the other Zemindaries o
the Guntoor District was sold
for arrears of revenue; and the
Court of Directors in 1849, or four
teen years ago, confirmed the sale
and the retention of the Estates as
the property of Government. We
cannot now re-open the question. If
this man has not before sent in a
Memorial on the same subject, he
may go Home; but in transmitting
it, it will be sufficient simply
to refer to the previous correspondence
that has passed relative to the
Mulrauze Estate.

17th June 1863

Copy of a Letter from the Secretary to Government dated 18th June 1863 with Enclosure.

Copy of a Letter from the Secretary to Government dated 18th June 1863 with Enclosure.

Received the 24th August 1863.

Answered the 24th August 1863.

No. 2235.

Political Department.

The Memorialist states that the Zemindary of Mulrauze was sold for arrears of Revenue in 1849, and that the Court of Directors confirmed the sale and retained the Estate as the property of Government. He requests that the question may be reconsidered, and that he may be allowed compensation.

Fort St. George, 24th August 1863.

Minute by the Honorable Mr. Malby.

I concur in Mr. Pycroft's view. If the case were to be re-opened several points would require scrutiny, among others the validity of the alleged adoption of Memorialist's father by Lutchum-amma five years after her husband's death. But as the Government of India and the Home authorities have passed final orders in the case several years ago, this Government should, in my opinion, limit itself to the course which Mr. Pycroft proposes.

(Received from the Revenue Department the Proceedings noted in the margin.)

No. 1537 - 24 Aug.

No. 2361.

Minute by the Hon'ble Mr. Malby, dated 9th December 1863.

Read Mr. Lawrence's letter to Government, dated 9th December 1863, and Mr. Pycroft's Report, dated 1st December 1863.

I concur in the opinion expressed by the Hon'ble Mr. Malby.

Simla, 9th December 1863.

No. 2041.

Mr. Lawrence's letter to Government, dated 9th December 1863, with Mr. Pycroft's Report, dated 1st December 1863.

Copy ma Letter to Chairman
of Sub Com dated 1st of 1863

Revenue 1863 Despatch
Rec: of Govt before despatch

No 2042.

Minuted by the Honorable
Wm Mac'Kay

Concurring with the
Synergists views regarding
the restoration of the
Malabar Estate

No 237.

Ord No 1631 - 24 Aug

Original Letter to Council
of 2nd Dec. & Dup. to do of 1863

No 2042.

Minute by the Hon. Mr. Maltby

Concurring in the Governor's views regarding the restoration of the Malabar Estates.

No 2040.

Minute by the Honorable the President.

Proposing that the Malabar Estate in the Guntoor District may be restored to its original proprietor under certain conditions.

No 2041.

Minute by the Hon. the Member of Council

17th June 1863.

Dissenting from the views expressed by the President regarding the restoration of the Malabar Estates.

No 235 to 237.

Ordered 15th Aug. 63.

Revenue 862 Deputt.
Copy forwarded for Request.

From Resdt. 28 April 1819

I should wish to express any opinion of this Council under the particular circumstances of the present case, but I think it very clear that under the general rule of Government the property accumulated by a subject dying without heirs either the Sovereign or the Lord Paramount (which in this case would have been the Company) is entitled to succeed to it. This appears to me to be the principle on which all escheats have been decided, and I am not aware of any exception to it in favor of the Crown, unless there exists in the Country some local usage or law of which I am ignorant. I am also aware that in the Mahratta Country the Government has generally claimed the property of those who have died without heirs, but I am not aware that this claim has ever been admitted by the Courts of Justice, or that it has been established by any Regulation. I am not aware that any such claim has been made in the Ceded Districts, and I am inclined to think that it would not be supported by the Courts of Justice in the Company's Territories. I am also aware that in the Mahratta Country the Government has generally claimed the property of those who have died without heirs, but I am not aware that this claim has ever been admitted by the Courts of Justice, or that it has been established by any Regulation. I am not aware that any such claim has been made in the Ceded Districts, and I am inclined to think that it would not be supported by the Courts of Justice in the Company's Territories.

In 1819 the then Govt. of Bellary conferred Sunna Kondah & Rachoor in Guntoor & predecessor a wish to transfer these Estates to Govt., on condition of their annually paying him & his heirs R. 109,459 per annum, which sum exceeds the object was perhaps a desire to secure a safe pension for his widow - as he had no issue - and a female not unlikely to manage the private property.

The Revd Bd allowed the Collr to take charge of the Estates in order to ascertain their

value - without any
pledge beyond payment
of whatever surplus
might each year
accrue.

Meanwhile the
Jemindar Reid,
confirming - on his
part - the arrange-
ment to be free at any
time to resume
a portion of the Mulla
Rent.

Gist declined
the request & desired
the Collr to retain
the Estate in trust,
until one or other of
the claimants could
prefer an order of
Court.

The Estate thus
continued until
1826 when the Widow
claimed the reserved
payment in arrears
or the Estate -

plan to eject the proprietary
of the property and to
step into prospects -
and should be very glad
to see the Estate restored
to its original proprietor
under such conditions as
might prevent any
infringement of the rights
of the cultivators of the
soil and secure to
such a fair Revenue
as might be fairly
payable. -

The deletion should be thrown

Qre 4 Dec 1819

This estate in common
with the other Jumidarries
in the Jungleboor District was
some years ago
confirmed to the
Collr of Dinagepore
in 1814 or 15 years ago
on principle that the
Collr in the exercise of his
Office

be considered as
on the same footing
as may be common
from Revenue defaulters.

17 Augt 26 - writing
it, it will be sufficient
to reply as upon the
previous occasion
that the Govt has passed
no order in relation to the Mulraj
estate.

17 June 63 J Pyecroft

3
I concur in Mr Pyecroft's
view - If the case were to
be re-opened several
points would require con-
sideration, among others the
validity of the alleged adop-
tion of Bhimsinhjee's father
by Lakshmeeama 5 years
after her husband's death.
But as the Govt of India
& the Home authorities
have passed final orders
in the case several years
ago, this Govt should
not, in any manner limit
itself to the course which
Mr Pyecroft proposes

The result of the
Collr's management
is set as follows -
The valuation of the
Estate in 1802 was
Rs 5,47,295 per an:
The Jemindar's average
collections from F. 1217
to F 1224 were Rs 557429
The Peishcush Rs 338792
The Collections of F.
1218 were Rs 286908
AD 1818/9
and thence to F 1234
they averaged Rs 411,479.
In F 1235 they were
Rs 572,223 -

The estate was in
bad order when re-
ceived, and the
Management has
not considered very satis-
factory.

Govt desired the
Collr to point out to
the Widow that it

was for her interest to take the surplus (some 13000 Rs) and a fair then sum of Rs 150,000 - which put him and his heirs and confirm her husbands arrangement first perfected.

The Widow decided this after and ultimately in 1827 the Estate was made over to him with a Certificate of Sale.

In 1833 the Widow fell into arrears to the extent of Rs 70000 - and the Estate has attached with a view to a portion of it being sold in cancellation

but himself consented to release the Es-

tate, if the Widow could give security for paying the arrears in certain instalments to proposed by her.

The Widow could not furnish the security - and the Estate continued under attachment the arrears per during this negotiation apparently having risen to Rs 244,395, Exclusive of interest.

The Bd recommended a sale of one of the Estates / Rachur / but pointed out that as all the Estates would pass with the Widow at her death, it was for her to consider whether

Sale was desirable
with this contingency
in prospect.

The Govt in con-
sideration of this -
& of the impracticability
of getting a fair
price for the Estate
at that time, decided
on retaining the a-
mount of it,
paying the Widow
a sum not Exceeding
Rs 10,000 per ann: out
of the Surplus Revenue
if any.

Matters thus Co
-tinued until this
and other Zemindaries
in former years fell &
heavily in to arrears
that the question of
dealing with them
was referred home.

The Zemindary
had been private

as well as public liabi
-bilities -

The Bd recom-
-mended that the
Estates should be
sold - bought by Govt
and re conferred
on the old proprietors
by deeds declaring
them not liable for
debts incurred pre
-viously to those deeds

The Govt were for
selling - buying &
keeping the Estates
giving the old pro-
prietors a sum for
maintenance -

The Home Govt
adopted a "middle
course" - the proprietors
were to be required
to surrender their
Estates to Govt & re
ceive a sufficient

income -

maintenance & restoration of the Estates eventually" Now words were" If it our desire that Estates be restored & the Management of Zemindars until all the arrangements are completed & when this period shall arrive, new sunnuds & cabooleut should be executed restraining them from interfering with any of the arrangement & rates of assessment which they may find in force on their Zemindaries without the Express consent of Govt." In the interval a theory of Govt

Encl 16 Decr 1827

System of administration was to be introduced. If the Zemindars refused these terms, the Estates were & be held & permanently assumed. The window opened by the "temporary surrender" of her estate by legal difficulties intervened & the Estates were held & brought by Govt the Zemindars receiving a fresh assurance that this was a mere formality and that Govt would in no way depart from the terms of the Surrender by that of receiving a sufficient maintenance & the hope that the Estate may be eventually restored"

The petitioners ob-
ject held out for
performance of
the pledge - and the
question was referred
home.

The Home Govt. then
decided that the
despatch containing
the pledge was written
under a misappre-
hension of the case -
that the loss of the
Estates was mainly
owing to the mal ad-
ministration of the
proprietors, & & &
that the utmost they
could do was to free
the proprietors the
allowances they
~~the~~ were then drawing

The arrear against
the Widow Estate when
sold was some 15/2 lacs
which seem to have

that the pledge im-
plied naturally
previous payment
of the arrears - which
was applied.

accrued almost entirely under Govt. Management.

The Widow continued to draw her allowance / Rs 1000 per mens. / till 1853 when she died.

Peter's case was then laid before Govt. by the Comr., who Colonel Irving [illegible] with a recommendation that a small pension - Rs 200 per mensem - should be given to him -

The Govt. at first refused consider a misapprehension - but on the principle applied to the Govt of Sikra & sanctioned the proposed grant.

The Govt of Sikra

Refused

Petr then mr. Municalised the Hume pet. who upheld the decision of the Subrem pet.

Petrs claim by adoption seems very questionable - if, as I presume his father Narasima Row & Mulla Row are different persons - as the Zemindar is not likely to have re-quested his return payments to Mulla Row & authorised his wife to adopt another person - Petr is also related to the Zemindar in the female line - but all claims are settled by the Regulations vol. XII

despatched
5 May 1855 No. 5.

Extract of the Hume pet. permanently retaining the Estate after its sale & him.

Chas. L Reid

No. 1551.

Ordered that the Memorial received with this letter be forwarded to its address, and that an intimation of its despatch be given to the Memorialist.

Fort St. George
21st Augt 1863

under which he has been withheld the enjoyment of a large Estate valued at Rs 560,000 a year without any allowance for his maintenance with a large family, prays for the transmission of the same to the said with authority with the strong recommendation of this Government.

Copying Letter to England
24th August 1863.

No. 234 to 238.

29 June 1863 Rd Coly Aug 1863

Rev. 1863 Oct 3rd
Rec'd of Govt for No. 1154.

From Rajah Muthu Vengia Venkatachalam Chetty Garu Grandson of Late Estate Comprising the Taluq of Pattukotta, Vellimalai & Pachur inside Gunjur District Madras.

Dated 22nd June 1863
Rec'd
Copies & Enclosures

Forwarding a Memorial in Triplicate addressed to the Right Honorable the Secretary of State for India stating for the Consideration & Favourable Order