

# MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 2654 2877 ~~Pres~~  
Mis.

Dated 28-7-1968.

Not to be folded or roughly handled

18.

In the High Court of Judicature at Madras.

Wednesday, the twelfth day of  
August, one thousand eight hundred and sixty  
eight.

Present.

The Hon<sup>ble</sup> Sir Colley Harman Scotland,

Knight, Chief Justice.

The Hon<sup>ble</sup> Mr Justice Collett.

Regular Appeal No. 26 of 1868.

Sri Sri Dhurga Madhava Simha } Appellant  
Deo. } (Plff.)

Sri Venkateswara Deo } Respondent.  
(Def.)

Regular Appeal against the Decree of  
the Court of the Agent to the Governor at Sanjam  
in Original Suit No. 1 of 1867 referred to this Court  
for decision under Section XXII of the Revised  
Agency Rules in Proceedings of Government dated  
5<sup>th</sup> February 1868, No. 198.

Ground of Appeal.

"The Decree of the Agent to the Governor of  
Fort Saint George, Sanjam, is contrary to law  
and against the weight of evidence."

Decree: This Regular Appeal coming on  
for

for hearing: Upon perusing the ground of  
Appeal, the judgment and Decree of the Lower  
Court, and the material papers in the suit,  
and upon hearing the arguments of Mr.  
Advocate General Counsel for the Appel-  
lant, and of Mr. Snell, Counsel for the Res-  
pondent; this Court doth order and decree that  
the Decree of the Lower Court be, and the same  
hereby is, confirmed, and this Appeal dismissed;  
and this Court doth further order and decree  
that the Appellant do pay to the Respondent  
Rs 362-13-4 for his costs in opposing this  
Regular Appeal.

/ Signed / C. H. Scotland - Chief justice.

/ - - - / Charles Collett - Judge.

( True Copy )

D. Jarmiclaes

Agent to the Governor in  
Sanyam

Card  
29.11.1888

No. 58

Chatterpore 58

26<sup>th</sup> August 1868.

From,

The Agent to the Governor

in Ganjam.

To, The Secretary to Government

Revenue Department

Sir,

Madras.

With reference to the Proceedings of Government 8<sup>th</sup> July ultimo, No. 1890, I have the honor to furnish copy of the High Court's Decree, dated 12<sup>th</sup> August instant, dismissing with costs the Appeal of the Zamindar of Bodogodah against my Decision in O. S. No. 1 of 1867, whereby his claim to the Cuttingah mootah, as part of his Zamindari, was rejected.

2 The Appeal in such cases lies to the Governor in Council, and though here it was referred by His Excellency to the High Court for decision under Section XXII of the Agency

No. 2880/68  
Enclosed is a letter from the Agent to the Governor in Ganjam to the Secretary to Government Revenue Department, Madras dated the 26<sup>th</sup> August 1868.  
No. 58.

Copy of High Court's  
Decree in Regular Office  
No. 26 of 1868.

No. 2880/68  
No. 4444-4445  
No. 30 of 1868 & 4446

Order, that decision, had it proposed to disturb  
the independence of Cuttighah, could not have  
been carried out (vide the same Section) —  
without the sanction of Government, who —  
no doubt would have demanded a very strong  
case indeed before consenting to cancel the  
arrangements which have subsisted for the  
last sixty years, under the scope of  
Mr Secretary Fremantle's letter to the Board  
of Revenue, dated 3rd October 1807. As it is,  
however, the zamindar has taken nothing  
by his vexatious litigation, and it is hoped  
that the Chief of Cuttighah may now receive  
the Sunnud so long promised him. —

I have the honor to be  
Sir,  
Your most Obedt. Servant.

D. F. Arncliffe

Agent to the Governor in Ganjam

Edw  
A. P. M. M. M.

Memo for order  
on no 2850

On receipt of the Board  
Proceedings dated 8<sup>th</sup> April  
recommending the grant  
of a Sumud to the Sirdar  
or Chief of Cullingiah, in  
Gungaw, a draft order  
was prepared making  
certain proposals and  
was passed by the members  
and Mr Phillips.  
Subsequently it seemed  
to have been decided  
upon to ascertain, in  
the first instance, whether  
the Sirdar's right to  
estate was affected  
by a certain suit there

Received 1807 No. 221. R.S.  
" 5<sup>th</sup> Aug 1814 " 198 Just 24<sup>th</sup>  
" July 14 " 132 + 133 R.S.

Received 1868 Oct 4<sup>th</sup>  
No of Court on 14<sup>th</sup>  
11-2850.

As Agent to the  
Governor in Council

Collector  
Cullingiah

Recd 28<sup>th</sup> August  
Received. 3<sup>rd</sup> Oct 1868

Enclosed I  
have 2500 Rs. 2500

Deliver to G. O. 8<sup>th</sup> July last

No 1890, enclosing copy of the  
High Court's Decree confirming  
the Agents Decree in the

which referred to and recommended

the said order of the

long promised dividend to the

Chief of Cullingiah. —

Recd 4<sup>th</sup> 6

213 24/11/85 Recd

Pending in the High Court,  
and the G.O. under date  
8 July 1860 to 1890, was  
as to which the draft  
order above adverted is  
stitched, was despatched.

Mr. Cannichael now  
reports that the suit  
in question has been  
dismissed, so that  
the Richard's claim is  
not in any way affected  
by it. I would therefore  
propose that the draft  
order be now despatched,  
and should this be  
sanctioned by the members

I see no objection to  
this being now  
done W.D.  
W.D.

110  
of Feb, would request  
Mr. Cannichael to be kind  
enough to affix his initials  
to it, should it meet  
with his approval

W.D.

*den*  
*in Council 7<sup>th</sup> April 1868*  
*Proceedings of the Board of Revenue*  
*W. 25083*  
*Under date the 30<sup>th</sup> June 1868.*  
*Revised the 1<sup>st</sup> July 1868*

Rev. Deptt.

W. 25083

Proceedings of the Board of Revenue

Under date the 30<sup>th</sup> June 1868.

Read the following Proceedings of the B<sup>d</sup> of Revenue

Submitting letter from  
 Collector of Gajana with  
 recommendation that the  
 Sirdar of Cuttugiah be  
 furnished with a permanent  
 Saime on the terms proposed  
 by the collector -

8<sup>th</sup> April 1868

recorded in 8<sup>th</sup> July 1868

Recd also the following letter from the S<sup>rs</sup> (in 2050)

*W. 25083*  
*N.*  
*AA*

The Govt. find  
 from the old records  
 regarding this case  
 that in March 1809  
 the Acting Judge &  
 Magistrate of Gajana  
 Killah when re-  
 porting on the  
 quarrel between  
 Cuttugiah

Cutterick & Burraghur  
recommended that  
if Cutterick and the  
adjoining jungle  
villages proved not  
to be included in any  
Jemindari, then to  
ensure the permanent  
tranquillity of that  
part of the District,  
the Sirdar should  
be taken under the  
protection of the  
Company & required  
to make an annual  
payment of 50 or  
100 Rs in acknow-  
ledgment of his  
fealty.

A later letter  
mentioned that the  
Muck Representative  
of

150  
of the young Sirdar  
has expressed their  
willingness to take a  
"Cowle" from the  
Company, but stated  
that they were unable  
to pay any tribute  
as the whole revenue  
of the Sirdar did not  
amount to Rs 400.

In June of the  
same year, the  
Collector of the district  
reported that the  
independence of  
Cutterick of any  
Jemindars was  
established beyond  
doubt, and also  
advised that a  
Cowle should be  
granted to and

a

a Houchilla taken  
from the Sirdar con-  
firming & making  
permanent his tenure  
of the villages & lands in  
his possession on  
condition of his bearing  
allegiance to the Govt:  
and submitting to  
their laws, & paying  
a trifling annual  
or rather quarterly  
acknowledgment."

The B<sup>d</sup> concurred  
in this recommendation,  
& the Govt. under date  
3<sup>rd</sup> Oct 1807 authorized  
the B<sup>d</sup> to issue instructions  
for carrying the measure  
into effect.

The B<sup>d</sup> called on the Colly  
to specify the amount of the  
"trifling annual acknowledgment"  
which should be  
required

170  
required by the Sirdar,  
and it is in reply to this  
call made more than 60  
years ago that Mr. Far-  
michael now proposed  
that payment of <sup>yearly</sup> Rs 125  
should be required - being  
one-fourth of the present  
rental, as has been ad-  
mitted by the present chief -  
that the tenure of the estate  
should be declared here-  
editary but not transfer-  
able, and that the Sirdar  
should be required to  
attend and serve with  
his Palks and general-  
ly to afford assistance  
whenever required to do  
so by the Agent to the Go-  
vernor - the succession  
to the estate thus placed  
on a feudatory footing  
being regulated in ac-  
cordance with clause  
3, Section 10 of the Agency  
Rules

Rules -

The Board con-  
-cur in this recommenda-  
-tion and are of opinion  
that the proposed pay-  
-ment is very reasonable  
in amount compared  
with the terms of the  
Settlement of the ancient  
Zemindaris of the dis-  
-trict in which the Pesh-  
-kush was usually fixed  
at two-thirds of the Zemim-  
-dar's assets - but the  
Govt observe that the  
circumstances of this  
small estate are very  
different from those  
of most of the Zemindaris,  
and that the proportion  
which their Peshkush  
bore to the assets, at the  
beginning of the century,  
would certainly be found  
to

192  
to have greatly changed  
to the advantage of the  
Zemindars in the inter-  
-val of time that has  
since elapsed -

The Govt are rea-  
-dy to grant a sanction  
to the Sirdar, confirmatory  
of his rights according  
to the established  
custom of the family,  
and they see no objection  
to requiring him to make  
a trifling payment in  
acknowledgement of his  
subjection - & to render  
feudal service when  
required - but looking  
to the fact that the  
income of the Sirdar is  
very small - that in so  
wild a part of the coun-  
-try improvement in this  
respect can be but very  
gradual - and that he  
has <sup>never</sup> hitherto made any

any payment to Govt,  
they are of opinion that  
the presentation of  
an annual return of  
50 Rs will amply suffice  
to evidence his recogni-  
tion of his superior.

Before however  
taking any further  
step in the matter, the  
Govt <sup>desire to</sup> learn from the Col-  
lector whether the dis-

trict desires or is willing  
to receive such a sum.

and as is proposed  
on the conditions stated.

For otherwise there appears  
to be no sufficient reason  
for disturbing a state  
of things which has existed  
without objection down  
to the present time.

L.D.

14 Copies to the Dy. Secy. Secy. Secy. Secy.  
1 Copy to the Secy. Secy. Secy. Secy.

To the Dy. Secy.

M. C. Secy. Secy. Secy.

Withdrew

Rebort to England  
of 18th Decr. 1853 of 1868

207.22 125

of some the good to the Governor  
of Maryland

20.446-447

Revenue 1868 By  
No of 1000 of on 2/15

172508

No of the various Govt  
of 30 September 1868

Referred