M.R.O. 1—77,06—8-6-57.

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MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 528 Press Mis.

Dated 12th March 1869.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
1st March 1869.

Read the following :—

No. 23. Proceedings of the Board of Revenue, dated 7th January 1869, No. 43.

Read the following letter from the Collector of Ganjam, to the Acting Secretary to the Board of Revenue, dated Berhampore, 2nd December 1868, No. 1,303.

1. I HAVE to report the death, on the 23rd November, ultimo, of ADIKONDA DEO, the Zemindar of Chinna Kimedy. The deceased was thrice married, but there is no male issue. His third widow survives him ; she has one daughter, a child. There are three illegitimate sons, the eldest of whom is twenty-two years old. The present head of the family is deceased's undivided brother, RAGHUNATH DEO, *æt.* 46. In ordinary cases, when a Zemindar dies, the Courts of law regulate the succession if there is any dispute, but here there is no *Sunnud*, and the nomination to the vacancy (indeed the continuance of the tenure at all) is vested in the executive. As the family is of an ancient and illustrious stock, and as a sunnud was actually prepared when similar documents were issued to other Zemindars at the introduction of the Permanent Settlement, A.D. 1802, I venture to express a hope that the estate may now be formally and definitely settled upon the terms originally proposed. There are two or three other Zemindaries of Ganjam in the same predicament—no sunnud to show for their titles. The documents were duly transmitted to the Collector of the day, but are still lying in a box at the Cutcherry. Before delivery could be made, directions were received to withhold them, as the Zemindars concerned had meanwhile committed themselves to lawless or insubordinate courses.

2. For the first twenty or thirty years of the present century, the Ganjam and Vizagapatam Districts, it is well known, were in great disorder ; they were not indeed brought to the semblance of order till the vigorous administration of Mr. Russell, the Commissioner, supervened, first in 1832 and again in 1835. The 'Chinna Kimedy' Zemindar of that period was Chandramani Deo, father of the deceased. In his letter to the Board of Revenue, 16th August 1834, paragraphs 5 to 7, the Commissioner gives some account of Chinna Kimedy affairs. He mentions that the Rajah has three sons (1) Adikonda Deo, (2) Raghunath Deo, and (3) Lakshman Deo, then aged 16, 12, and 9 years respectively ; and that as Adikonda Deo was for ever intriguing against his father, he (Mr. Russell) had banished him with an allowance of Rupees 100 a month, to Chicacole, where he would be out of the way of doing mischief. "He is a fine lad, but his mother being a woman of "inferior rank, his brothers have a better claim to the succession ; and looking to "the probability of such a decision, his absence from the Zemindary at his father's "death, and the decline of his influence, are objects of much consequence." Soon after this, the father died, and the Right Honorable the Governor, Sir Frederick Adam, who was then on a tour in the Northern Circars, put an end to the contentions that might otherwise have ensued, by receiving Adikonda Deo as the acknowledged Zemindar, and by placing him in possession accordingly— *Vide* paragraphs 62 and 63 of Sir F. Adam's Minute, dated 30th June 1835, towards the close of Volume 1, printed Selections, Government Records, No. XXIV. There is evidence existing to show that the father was extremely anxious to pass over Adikonda Deo

in favor of his younger brother Raghunath Deo, because the latter was the eldest son of the first wife, the *Patta Mahadevi* as they style it, but this "better claim to the succession" was no doubt wisely considered inferior to the claims arising from the riper years of Adikonda Deo, (who, after all, was a *legitimate* son,) and the influence he had already acquired in the Zimindary during the troublous times that preceded Mr. Russell's visitation.

3. After a tenure of near thirty-five years, Adikonda Deo is now dead: he was a hard, grasping landlord, and it cannot be written of him that he died "deeply regretted." In the late famine, he entirely neglected the duties of his position, though forcibly reminded of them, when the Collector's repeated remonstrances had failed, by a letter from His Excellency the Governor himself, during his Lordship's visit to Ganjam. On the 24th November, the day after he expired, I received a letter purporting to come from him, dated 19th, (though his residence is not 20 miles off, and the matter was emergent,) in which he announced the approach of death, and nominated his son, the eldest of the three bastards, as his successor. Since then, I have received two letters from his widow, claiming to succeed her husband in the absence of legitimate issue, and announcing further, that she is now three months gone with child. This was the statement in her first letter: in her second, she adds that it was her husband's express wish that if she brings forth a son, such son should succeed; if a daughter, that she (the widow) should then adopt a son. She at the same time begs me to make arrangements to prevent spoliation of the property on the premises, and, generally, to protect her against the machinations of the three bastards, who, she states, were some time since turned out of the house by her husband. I had already attended to the care of the property by sending to the place the nearest Sub-Magistrate: his orders are to warn all persons from intermeddling with the personal effects of the deceased before obtaining authority from a competent Court; while in regard to the landed estate, he is to countersign all receipts and entries of money paid by the renters under their leases from the deceased Zemindar, so that all sums received after the 23rd November may be duly accounted for, pending the final orders of Government in the matter.

4. I have not thought it necessary to enter upon a formal enquiry, in view to determining, whether the signature in the alleged last letter of the deceased to me is a forgery, as the widow would have it, or not; any more than to investigate the truth of the allegations advanced by that lady on her own side as to the wishes of the late Zemindar. By doing so, I should be landed in an endless field of litigation without any sufficient reason; for, as already observed, the question, first, of continuing the tenure, and, secondly, of the most eligible nominee, is entirely for the decision of Government, and the intentions of the deceased (supposing him to have expressed them at all) form no part of the present consideration.

5. I have only to add, that RAGHUNATH DEO, who was considered by Mr. Russell to have the best claim to the succession, but who was on that occasion superseded by his step-brother, is a most respectable character: he has two young sons. His uterine brother, Lakshman Deo, mentioned above by Mr. Russell, is dead, leaving one son, a boy of eight, who lives with his uncle.

Proceedings of the Madras Government, Revenue Department, 1st March 1869.

6. The *Peishcush* or annual Government demand for Chinna Kimedy is Rupees 20,000: the villages are yearly rented out for from three to four times that figure.

THE Board resolve to submit the foregoing letter for the consideration and Orders of Government.

2. The Collector reports the death of the Chinna Kimedy Zemindar, Adikonda Deo, and as there is no permanent sunnud, the nomination of a successor will rest with Government,

3. The family is an undivided Hindu family, and the deceased has left no legitimate male issue, although his widow declares herself to be pregnant.

4. Beside the widow of the deceased Zemindar, there is his half-brother, Raghunath Deo, as a claimant to the succession, and the Collector reports that he is in every respect fitted to become the recognised Zemindar.

5. The Board observe in the first place that the estate has been, to all practical purposes, "permanently settled" ever since 1802, although no sunnud was actually issued, and they consider that this should be done as soon as this succession has been decided.

6. The Peishcush is very light; but in the event of a sunnud being issued, the Board would not recommend that it be enhanced, as there has been no escheat.

7. As regards the succession, the Board are of opinion that the late Zemindar's brother Raghunath Deo, has the best claim, provided that the widow who declares herself enceinte does not give birth to a son.

8. Should she, however, have a son, the Board do not see any reason why the ordinary law of Hindu succession should be set aside.

No. 24. Proceedings of the Board of Revenue, dated 5th February 1869.
Read Petitions Nos. 17 and 438, of 1869.

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1. These petitions will be submitted to Government, with reference to Board's Proceedings, dated 7th January 1869, No. 43.

2. The petitioner Ramakistna Deo, alluded to in the above Proceedings as one of the illegitimate sons of the late Zemindar of Pratapagherry, argues in these petitions, that although his mother's marriage was of the description called "Gandharva" he is nevertheless the legitimate heir to the estate.

No. 25. ORDER THEREON, 1st March 1869, No. 528.

Miscellaneous.

1. The Government are of opinion that though no sunnud was actually delivered to the late Zemindar, the suc-

cession should now be regulated as if the sunnud had existed, *i. e.* in accordance with the principles of Hindu Law.

2. If the widow of the deceased is really enceinte, it will be necessary to wait until her delivery is announced, before taking any further steps. A posthumous son would, in the ordinary course of events, take the inheritance.

3. The Collector should now be called upon to ascertain whether the late Zemindar's widow is really enceinte, and to take such measures as he may think fit to verify the sex of the expected child on its birth.

3. The temporary arrangements made by the Collector for the security of the property, are approved.

(True Extract.)

(Signed) R. A. DALYELL,

Acting Secretary to Government.

To the Board of Revenue.

Exd. G. A. Turton.

Govt. of 1869 Madras.

REVENUE.

To

THE BOARD OF REVENUE

Dated Fort St. George, 1st March 1869.

Recd. 3rd March 1869.

G. O., 1st March 1869, No. 728.

MARCH.

Nos. 23-25.

Zemindar of Chivva Kimedy in Ganjam District.—Temporary arrangements made by the Board for the security of the property of the late Zemindar, approved.