M.R.O. 1—80,000—16-10-20.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	190	Press ~~Mis.~~
80-32 Dated	11-2-1870	

Not to be folded or roughly handled

Read the following:—

No. 80. Proceedings of the Board of Revenue, dated 2nd August 1869, No. 5,636.

Read the following letter from the Officiating Collector of the Kistna District, to the Acting Secretary to the Board of Revenue, dated Masulipatam, 8th July 1869, No. 205.

With reference to the Board's Endorsement, dated 21st April 1869, on the accompanying petition,* addressed to Government by Manikia Row Janganah Row, ex-Zemindar of Repalli, praying that the allowance of his deceased mother may be re-added to his allowance, as it formed part of the amount originally granted to him, I have the honour to refer the Board to their Proceedings noted in the margin. It appears from it that the Board supported the petitioner's cause, and recommended that the allowance should be treated on the same principle as that of the Sattenapalli Zemindar, but the Government rejected the petitioner's request in their Order, No. 1,293, dated 12th June 1861, stating that the petitioner's estate of Repalli was smaller than the estate of Sattenapalli.

* No. 20, dated 18th December 1868.

No. 2,248, dated 2nd May 1861.

2. Petitioner argues, that if in the case of Sattenapalli, with a peishcush of Rupees 1,20,000, pension was granted to the Zemindar's family, amounting to Rupees 520,† then in regard to Repalli, with a peishcush of Rupees 92,000, his pension ought to be Rupees 400 in proportion, whereas he only asks for himself the Rupees 50 a-month which his mother enjoyed during her life-time, in addition to Rupees 250 a-month, his present allowance.

	Rs.
† To Venkatagopal Row	300
,, Kondul Row	160
,, China Venkuboyama	60
	520

Enclosure No. 1.—Petition.

Submitted to Government, with reference to their Endorsement on Petition No. 20 of 1869.

2. Petitioner, the ex-Zemindar of Repalli, in the Kistna District, prays for a re-consideration of an Order of Government, dated the 18th June 1861, No. 1,213.

3. In that Order, the Government declined to continue to petitioner the pension of Rupees 50 per mensem, which had recently lapsed on the death of his mother. Petitioner relied on the alleged parallel case of the ex-Zemindar of Sattenapalli in the same district, whose mother's pension was continued to him on her demise.

4. The Government remarked that this was done in accordance with an arrangement which had for its object to place the Sattenapalli Zemindar "in a relative position with the proprietor of the *smaller* estate of Repalli," who received the same pension, Rupees 250, but to whom for that reason it was not intended to extend the same indulgence.

No. 81. Proceedings of the Board of Revenue, dated 23rd October 1869, No. 7,892.

Read the following letter from the Officiating Collector of the Kistna District, to the Acting Secretary to the Board of Revenue, dated Masulipatam, 3rd September 1869, No. 271.

In continuation of my letter, No. 227, dated 27th July last, reporting the death of Manikia Row Janganah Raw, ex-Zemindar of Repalli Estate, and recommending that his allowance, less one-fourth, may be continued to his son, I have the honour to forward translation of his son's petition, No. 844, praying that no reduction may be made on the grounds therein stated, for the favourable consideration of the Board.

2. He alludes in the petition to several cases of ex-Zemindars in this district, who have been favoured with full allowances so long as there are lineal male descendants in the family, and requests that he may be treated with the same consideration, as his father's pension was already curtailed by Rupees 50 paid to his mother, having been resumed by Government after her death, and as the sum of Rupees 300 originally granted to his father was already too small for the support of the family.

3. He further states that the present collections of the estate are a great deal larger than the peishcush formerly paid to Government, and that the pension granted to the widow of Vasireddi Lakshmipati Naidoo is not parallel to his case.

Enclosure No. 1.—Translation of an Arzi.

In their Proceedings of the 21st August 1869, No. 6,301, the Board recommended Government to continue a reduced pension to the son of the late ex-Zemindar of Repalli, and Government passed orders accordingly in Government Order, dated 18th September 1869, No. 2,603.

2. In adopting the Collector's proposal that the pension should be reduced, the Board overlooked the peculiar circumstances of the case, and they now resolve to lay the matter again before Government.

3. Without going into the history of the conditional surrender of the Guntoor Estates, the subsequent sale for arrears of revenue, and the final order of the Court of Directors that they should not be restored, it will be sufficient to refer to the despatch of the Court, No. 1 of 1849, in which the whole subject is reviewed. In paragraph 13, the Court, though refusing to increase the allowances granted to the ex-Zemindars, accept the proposal of the Madras Government that they should be settled on the proprietors and their lineal descendants (in the male line) excluding adoptions.

See also G. O., 25th May 1866, No. 1,255.

4. The minor, Venkatagopal Row, is a son of the late ex-Zemindar, and in accordance with the declared intention of Government at the time the estate was finally resumed, his father's pension should be continued to him in full.

Proceedings of the Madras Government, Revenue Department,
11th February 1870.

5. In the petition, submitted with the Collector's letter, the minor remonstrates against the refusal of Government to continue the pension of Rupees 50 which lapsed on the death of his grandmother. The subject is now before Government.

Board's Proceedings, 2nd August 1869, No. 5,636.

No. 82. Order thereon, 11th February 1870, No. 190.

Miscellaneous.

The Government are constrained to adopt the same conclusion as that at which the Board have arrived in their Proceedings, dated 23rd October 1869, No. 7,892. The terms of despatch No. 1 of 1849, from the late Court of Directors, do not appear to warrant any deduction from the sanctioned stipends in the case of the five ex-Zemindars to whom the despatch applies, as long as they are represented by lineal descendants in the male line. The ex-Zemindar of Repalli (now a minor) is therefore entitled to a pension of Rupees 250 per mensem.

2. There is, however, some doubt whether the ex-Zemindar ought to inherit the pension of Rupees 50, formerly enjoyed by his grandmother by virtue of the same despatch. The Government resolve to give the ex-Zemindar the benefit of this uncertainty, as they are of opinion that the provision for the family was intended to be Rupees 300 per mensem.

3. The pension of the ex-Zemindar of Repalli is therefore now fixed at Rupees 300 per mensem. Of this sum Rupees 50 should be paid to his step-mother, in accordance with present arrangements, but at her death it will lapse to the head of the family.

(True Extract.)

(Signed) R. A. DALYELL,
Acting Secretary to Government.

To the Board of Revenue.
,, the Accountant-General.

Exd. F. R. Bantleman.

Journal of the 1st Session
and Assembly of the State

Ayl.

3rd Day 1/19

Journal of the Senate

Lu Rein Jun: ordered that the Schoolmaster, this Vestry do perform of a consn from the Bd of Rev: by accepting their recommendation in regard to the amount of pecuniary support for continuance to the care of the late Sexton of Rapelly. The Vestry consn was only a few words or lines. It must at length and with abundant care, into the subject reported on, and the Vestry will the facts submitted in that consn, and simply agree in the Bds view by an order of appeal. What they required in their para 8. —

The Rev: Board now address the Vestry on the same subject and declaring that in appeal case they "overlooked the peculiar circs of the case" recall their former resons;- state that a despatch from the late Govt of Ors: extend that pension of the Revd under which Rmade be continued to the "usual dependants" of the original recipients of the allowance, and that that the Vestry do appeal to the late Ex Governor

Chorel

Rowed not be reduced below
what his late father was paying.

Another point for decision is
whether 50 Rs. of the capital on the death
of the grandmother of the Executants
son Rowed he shall continued to the
Collector be subject to a deduction of
25% as first advanced for the
5 Lac 50 Rs.—

2 Eighth Rs.—

The Board's Trustee admission that in
an unfortunate case of this character they
overlooked certain which were patent
from their records and which must have
been ascertainable from the papers ac-
cessible to their hands when they came
considering the subject, is to be re-
deplored by them — And they respectfully
that on further consideration, they had changed
their views, the matter would have been
satisfactorily enough. The Rs. is
now respectfully constituted to that
sum was.

It was not often come that this
Case could possibly contemplated as
continuing without reduction, of the
pendency they calculated upon the
Despatch of 1849 to apply to the future
Jeemadary. Such a course would have
been opposed to their general principle
inculcated by them that a reduction should
as a rule follow a lapse.

Save Resume of opinion that the
Govt. touching Lapsed Inam order dated

Recd. last Inam
Rs. 2093 in Rokum
will in due course
for crediting
to Mr. Hall
Treasurer

Memo. for orders on No. 3721 of 3929.

In their Proceedings dated 28th October 1869. No. 7892, the Board recommend that G. O. dated 18th Septr. 1869. No. 2603, which was passed in accordance with their representation and by virtue of which a reduced allowance was granted to the minor son of the late Zemindar of Repalli, may be reconsidered on grounds hereinafter stated-

2. From 1847 to 1849 the state of the Guntoor Zemindaree was

was brought prominently
before the notice of Govt.-
The grossest mismanagement
and fraud on the part
of the Zemindars had for
a long time prevailed, and
the result was that in
Despatch No 1 of 849, the
Court of Directors sanctioned
the resumption by Govt.
of five Zemindary Estates -
One of these was the Re-
-palli Estate. At the time
the Court wrote, the five
Zemindars were in receipt
of allowances from Govt,
totalling Rs. 34,800. The Govt.
in laying the case before
the

the Court had recom-
-mended that this
sum should be in-
-creased to a lakh, but
the Court in their Des-
-patch alluded to above
declined to increase the
allowances owing to the
"faithless and fraudulent
conduct" of the Zemindars.

3. The Board now
consider that the terms
of Despatch No 1 of
1849 bind the Govern-
-ment not to decrease

the

the allowances of which the Zemindars were in receipt in 1849 so long as there are lineal descendants in the male line. Whether the Board are correct is the question which now awaits the decision of Government.

4 On reference to paras 13 and 14 of Despatch No 1 of 1849, the Governor will observe that the terms of the Despatch are by no means definite. In paras 13, the Court reiterate at length the proposition of Mr Elliott the Govt to the effect

× This Despatch which is the most important paper in the case is tied round with red cord, in order that it may be easily distinguished from the other papers.

effect that allowances totalling a lakh of Rupees instead of Rs 34,800 should be made to the five Zemindars and to their lineal heirs. In paras 14, they decline to accede to this proposition, stating that they "would "not feel justified in "granting" out of the general "revenues of the country "a larger allowance than "that which is now "assigned for the maintenance of the Zemindaries", and that they "feel that they go to "the utmost limit "of indulgence in permitting

"them to retain their
"present allowances."

Para 14 containing nothing as to lineal heirs

5 The Board took the provision for lineal heirs on to the scale of allowances sanctioned by the Court of Directors for the Zemindars. Certainly paras 13 & 14 when coupled together may lead the reader to infer that it was the intention of the Court that the same allowances should be retained by the Zemindars' heirs, and that that intention was not adequately

adequately expressed. But on reading the Despatch through, I am inclined to think that the omission was designed and that the Court intended to leave the Govt some latitude in the matter of continuing the sanctioned allowances to the heirs. It is clear that the Directors were startled by the tale of peculation and

and mismanagement on the part of the Zemindars which were unfolded to them, & it seems equally clear that unwillingness to disturb a scale of allowances already settled by the Madras Government was their only reason for not reducing the Zemindars' stipends. In the last paragraph of their Despatch they write as follows. "The "practice of pensioning "dispossessed Zemindars, "a practice almost if not quite "unknown under the Bengal Presi- "dency must be discontinued."

6. Besides this, the Board apparently forget that if the Despatch is to be construed as settling a fixed allowance on the lineal heirs, it must also be construed as prohibiting any allowance to heirs other than lineal. Now it so happens that the widow of the late Zemindar (one of the five estates to which the Despatch applies) is at present in receipt of a monthly stipend of Rs 750 out of the Rs 1,200 which was allotted to her deceased husband. If the tenor of the Despatch be adhered to, she must be deprived of her allowance.

7. Moreover the Despatch alluded to has already been ignored once. The sanctioned allowance was Rs 300, of which Rs 50 went to the Zemindar's mother. In 1861 the mother's allowance was resumed: but if the Despatch, as read by the Board, had been adhered to,

it would have been inherited by her Lineal heir. (Vide Sr. C. G. Master's Memo written on the occasion, dated 1st June 1861, No. 1,129 in which nothing whatever is said as to the Despatch)

8. On the other hand it must be premised that the Government have on one occasion defined the Despatch in question as granting the allowance to the Zemindars and their Lineal descendants. Vide G. O. dated 25th May 1866, No. 1258. But it was on this very occasion that the Government acted in a manner contrary to the spirit of the Despatch, for they granted three-fourths of the deceased Zemindar's pension to one other than a Lineal heir.

9. The decision at which the Government may arrive with reference to Board's Proceedings, dated 23rd October 1869

1869, No. 7,892, will also apply to Board's Proceedings dated 2nd August 1869, No. 5636. Embodied with these Proceedings is a letter from the Collector of Kistna reporting on a petition from the Ex-Zemindar of Repalli in which the latter remonstrates against the resumption of his mother's allowance of Rs 60 at her decease, which was sanctioned by G. O. dated 18th June 1861, No. 1,213. The Ex-Zemindar has since died but his son is to a certain extent the inheritor of his cause.

10. It is submitted that G. O. dated 18th September 1869, No. 2603 even if it be opposed to the letter, which is more than doubtful is certainly not opposed to the letter of Despatch No. 1 of 1849, and that on the grounds hereinbefore stated,

I have

There is no necessity for modifying or cancelling these said G.O.

Yes

Revenue Department

No. 190.

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 11th January 1870.

Read the following Proceedings of the Board of Revenue.

Subm: for orders Collector's report on Petition from Ex-Dewan of Repalle pr Krishna Dt, praying for continuance to him of pension of 50 Rs per mensem enjoyed by his deceased mother.

H.E. 2nd Aug. 1869. No. 5,036.

Subm: Collector's letter forwarding translation of a petition from the son of the deceased Ex-Zemindar of Rapally praying for continuance to him in full of the pension enjoyed by his father.

H.E. 25th Oct. 1869. No. 7892.

The Govt are constrained to adopt the same conclusion as that at which the Board have arrived in their Proceedgs dated 28th Oct. 1869. No. 7892. The terms of Despatch No. 1 of 1849 from the late Court of

Directors

Director, do not appear to warrant any deduction from the sanctioned stipends in the case of the five Ex-Zemindars to whom the Despatch applies as long as they are represented by lineal descendants in the male line. The Ex-Zemindar of Repalle (now a minor) is therefore entitled to a pension of Rs. 250 per mensem.

2. Whether the Ex-Zemindar ought by virtue of the same Despatch to inherit the pension of Rs. 50 which was formerly enjoyed by his Grandmother is a question which admits of grave doubt. The Govt in their Proceedings dated 8th Nov. 1845, No 1295 fixed the pension

In wording of this para: it is proposed to insert which if any. [illegible] Ex Zemindars are dead & in enjoyment of any pensions by virtue of the same despatch. The Govt wishes to give the Ex-Zemindar the benefit of this uncertainty as they are of opinion that the pension for the family was intended to be Rs 300 per mensem.

pension of the then Ex-Zemindar at Rs. 250 and that of his mother at Rs. 60, and no provision was made that the former should inherit the quota of the latter on her decease. It was the scale of allowances involving this arrangement which was sanctioned by the Court of Directors. The Govt, however, consider that the benefit of this uncertainty should be allowed to the Ex-Zemindar and that the lapsed pension of Rs. 50 should henceforth be added to his allowance

3. The pension of the Ex-Zemindar of Repalle is therefore fixed at Rs. 300 per mensem. Of this sum

sum Rs 50 should be
paid to his stepmother
in accordance with present
arrangements, but at her
death it will lapse to the
head of the family.

Yes

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