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MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 56-57 Press / Mis. Original

Dated 16th Jan 1873.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
16th January 1873.

No. 114. Read the following Proceedings of the Board of Revenue, dated 14th August 1872, No. 1,581:—

Read Petition No. 1,240 of 1872 from Rajah Vasareddi Venkata Lukshaumah, the widow of Rajah Vasareddi Lakshmipati Naidoo, Bahadoor, Mana Sultan of the Kistna District, requesting that her present maintenance allowance may be raised to its original amount of Rupees 1,000, and the arrears disbursed to her.

In this petition Vasareddi Venkata Lukshaumah, widow of the late Lakshmipati Naidoo, and adoptive mother of a minor, prays for a re-consideration of G. O., 25th May 1866, No. 1,255, in which the pension of Rupees 1,000 a month enjoyed by her late husband is declared to have lapsed, and though Rupees 750 a month is continued to the widow, it is intimated that this is done as a matter of grace, and that adopted sons have no claim to the pension.

2. The petitioner points out that the ruling that the Vasareddi pension was granted to the ex-proprietor and his descendants in the male line only, exclusive of adopted children, is inconsistent with the decision in G. O., 6th December 1871, No. 2,063, where the Chelakulurpetta pension, which was granted under precisely similar circumstances, is continued in full to an adopted son on the ground that (as remarked by the Board) "all the circumstances of the case indicate the propriety of classing the pension as an allowance in lieu of property given up to Government, and therefore, under the recent ruling of the Government of India, inheritable by heirs natural or adopted without limitation in perpetuity."

G. O., 2nd October 1871, No. 1,720.

3. This allegation is true. The Vasareddi pension was granted under the same circumstances as the Chelakulur pensions. Moreover, there are special reasons for dealing compassionately with the petitioner and her son. The Board resolve, therefore, to submit the petition for the favourable consideration of Government.

4. The Vasareddi estates were once the most extensive and the richest in Guntoor. The magnificence of the Zemindar, who lived at the beginning of the present century, is thus described by Mr. Walter Elliot: "Venkatadri Naidoo, the Vasareddi proprietor, in addition to his family estate of Chintapully, acquired possession of the Vengupoorum District, being a quarter of the Repilly Estate, in a settlement of debts due to him by its less provident proprietor, and of those of Colloor and Nizampatam, sold for arrears by order of Government. He removed in disgust from his family residence of Chintapully, because it was judged necessary to curb his turbulence by placing a garrison in the fort, and built a new town with palaces and extensive gardens at Amarawatty. He also erected residences at Chebrole and other places and built a lofty Gopuram (or temple-tower) at Mangalgerry, besides numerous Pagodas at Amarawatty, Chebrole, etc. He set up 108 pillars of brass, each richly gilt and 30 feet in height, at the principal shrines throughout his domain, and twice he distributed his weight in silver and once in gold to Brahmins. He performed pilgrimages to Rameswaram and Benares, during the latter of which he presented costly offerings to the ex-Pershwa Bajee Row, and lavished large sums on the priests. Before setting out he paid up his peishcush in advance, and deposited nearly two lakhs of rupees more in the public

Report to Government, 14th April 1846.

treasury to meet his drafts on the road. The title of Mana Sultan was purchased from the Nizam by a Nuzzer of a lakh of Pagodas, and he spared no expense in his sacrifices, marriages, and festivals, so that the fame of their magnificence is still a subject of wonder; and at his death he left property valued at upwards of 50 lakhs (or more than £500,000)."

5. In 1798 Venkatadri Naidoo legally adopted Jagannatha Baboo, through whom the petitioner claims. In 1807 he made a second adoption which the Privy Council have decided to be illegal of Ramanadha Baboo. In 1816 he died, leaving the estate half to Jagannatha and half to Ramanadha. This division of the property was also illegal. It ought all to have descended to Jagannatha.

Moore's Indian Appeal Cases, Vol. IV., page 3.

6. Jagannatha immediately claimed the whole estate, and a long course of litigation ensued, at the beginning of which the treasure accumulated by the father was speedily dissipated; "partly embezzled by his confidential servants, partly squandered in legal expenses."

Mr. Elliot's report.

7. The Provincial Court decreed in favour of Jagannatha in June 1824. Ramanadha immediately appealed, and before the appeal was heard Jagannatha died in February 1825, leaving a legally adopted son, Lakshmipati Naidoo, who was the husband of the petitioner.

Moore's Indian Appeal Cases, Vol. IV., page 23.

8. Ramanadha at once claimed the whole of the estates as heir both to Venkatadri and Jagannatha. His position was attacked by other members of the family, and especially by the guardians of Lakshmipati Naidoo, but the Sadr Court decided in his favour, and he enjoyed the position of Zemindar until the Privy Council declared him a usurper and Lakshmipati Naidoo the rightful heir in 1846.

Page 49.

9. By this time the property which was the object of all this litigation had disappeared. For one cause or another the estates were under the management of the Collector almost without intermission from 1816-17 to 1843-44. Arrears rapidly accumulated. The subordinates in charge grew rich whilst the tenants were impoverished. In 1832-33 there was a famine, and a succession of bad seasons reduced the estate to the lowest ebb. In 1836-37 Government tried the experiment of placing Ramanadha in charge, but the experiment failed. He was a man of the most unprincipled character. He is described as being lost to all sense of moral obligation, heartlessly ungrateful, an intriguer, setting spies on spies, and endeavouring to influence the course of justice corruptly, a man whose "perjuries, falsehoods, and want of good faith recorded in the Zillah Court, and stamped on all his other transactions, have brought him into universal contempt, even among his own countrymen." As might have been expected this most untrustworthy Manager embezzled a large portion of his collections, and the

Mr. Walter Elliot's report to Government, 14th April 1846.

Mr. W. Elliot's report to Government, 9th August 1845.

Report of the 14th April 1846, paragraph 102.

arrears continued to accumulate. In 1841-42 the experiment was put an end to, and the direct management re-assumed by Government. In 1844 Ramanadha was required to surrender the estate to Government on the understanding that it would be restored when free from debt, and that a maintenance allowance of Rs. 1,000 a month would be paid to the proprietor in the meantime. This condition was in accordance with the instructions of the Court of Directors (letter of the 21st June 1842, No. 14). In 1846 the estate was sold for arrears under orders from Government who found it impossible to free the estates from the accumulation of debt in any other way.

10. Four other estates were in a similar situation, and were dealt with in the same way, namely, Mulraz, Chelkalurpad (or Chelakulurpetta), Sattanapilly, and Repilly.

11. A written assurance was given to the proprietors in the following terms:—

From the Collector to the Board, 1st April 1846, No. 33.

"As you have subsequently expressed a wish to have in writing an assurance to the same effect as was made to you verbally when the reasons of Government for ordering your estate to be sold and bought in by Government were explained to you, you are hereby informed that the Government will in no way depart from the conditions on which your estate has been surrendered, namely, 'that of receiving a sufficient maintenance and the hope that it may be eventually restored.'"

12. At the time this assurance was given Ramanadha was the Zemindar of Vasareddi, and the maintenance allowance was paid to him, but three months afterwards the Privy Council decreed against him, and when the news arrived Government transferred the allowance to Lakshmipati Naidoo, the *adopted* son of the Jagannatha who died in 1825.

13. Mr. W. Elliot, a Member of the Board of Revenue, was deputed to the Guntoor Zemindaris to inquire into the causes of their depression, and to determine how they could best be restored to prosperity. In April 1846 he sent in his final report. In paragraph 98 he quotes his instructions "to report on the best mode of final settlement with each family, whether by the restoration of their entire estates eventually or by a perpetual money pension, or by the gift of a Muttah, or certain number of villages in perpetuity, either on a nominal rent or rent free." He recommends that the estates shall not be restored, but that the proprietors shall be allowed increased pensions and be Muttahdars of the villages in which they live.

From Government to Walter Elliot, Esq., 3rd Member, Board of Revenue, 17th January 1845, No. 74.

Report, 14th April 1846.

14. On this Government recommended the Court of Directors to grant increased pensions to the proprietors settled on their lineal descendants, excluding adoptions, and to assign them the village in which each resided. In the case of Vasareddi the pension was to be Rs. 3,677 instead of Rs. 1,000 a month.

E. M. C., 6th December 1847, No. 1,322.

15. The Court of Directors on receiving this report altered their views regarding the Zemindars. They had previously regarded their condition with

No. 1 of 1849.

compassion as the result of calamities of season and other circumstances over which they had no control. Mr. Elliot's report made known to the Court for the first time the faithless and fraudulent conduct of the Zemindars as managers of their estates, and the great loss of revenue and impoverishment of the district which had resulted from their extravagance and mismanagement, and the Court considered that it went "to the utmost limits of indulgence in permitting them to retain their present allowance." The words of Government about *excluding adoptions* are quoted in the despatch.

16. The terms of strong disapprobation in which Mr. Elliot, Government, and the Court of Directors stigmatize the conduct of the Guntoor Zemindars specially apply to the usurper Ramanadha Baboo, but they have no application to any member of the Vasareddi family. It is, to say the least of it, possible that if the pretended adoption had never taken place, the estate, backed by the treasure which Venkatadri Naidoo had accumulated, would have descended intact from Jagannatha Baboo to Lakshmipati Naidoo and from Lakshmipati Naidoo to his son, who is now left without the hope even of a small pension.

17. The Board do not think the use of the express words "lineal descendants, excluding adoptions," should prevail against the other circumstances in the case. In the first place, public policy has changed with regard to adoptions, Englishmen have more knowledge of, and sympathy with, the feeling of Hindoos on the subject, and it is better understood that according to the Hindoo Law, the fact that a son is an adopted son and not a natural son makes him none the less his father's heir. In the second place, it was the expressed intention of Government when the Vasareddi estate was surrendered, and afterwards when it was sold for arrears, that an allowance *in lieu of it* should be given to the proprietor. This intention was changed to some extent, so far as regarded Ramanadha Baboo, by his misconduct, but this ought not to injure the cause of the unfortunate family whom Ramanadha kept out of their inheritance. It seems to follow that the pension granted to Lakshmipati Naidoo, being an allowance "in lieu of property given up to Government," should be continued unreduced to his adopted son as is contended by the petitioner.

No. 115. ORDER THEREON, 16th January 1873, No. 56.

Miscellaneous.

THE Government concur in these views, and will make the necessary recommendation to Her Majesty's Government through the Government of India.

(True Extract.)

(Signed) D. F. CARMICHAEL,
Secretary to Government.

To the Board of Revenue.

Exd. F. R. Bantleman.

Govt. of Madras.

REVENUE.

To

THE BOARD OF REVENUE.

Dated January 16th.

Read.

G. O., *16th January* 1873, *No.* 56.

JANUARY.
Nos. 114-115.

Vasareddi Zemindar's Pension.—Concerning in the views of the Board of Revenue reference to the continuance of the pension to his adopted son, and resolving to make necessary recommendation to Her Majesty's Government through the Government of India.

REVENUE DEPARTMENT,
FORT ST. GEORGE,
16th January 1873.

No. 57.

No. 116.

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,

FINANCIAL DEPARTMENT.

Miscellaneous.

Financial Department, No. 3,418, 11th September 1871.

SIR,—On a recent reference from this Government it was ruled by the Government of India that an allowance which has been assigned in lieu of property given up to the State descends to adopted heirs as in the case of private property, while in the case of other hereditary pensions an adopted son has no *right*, and it need not be continued to him, unless Government see special reasons for doing so.

2. This concession was not, of course, intended to have a general retrospective effect; but the Government of Madras desire to re-open one case where their decision would have been different from what it was, had the ruling of the Government of India been enunciated five years earlier. It is the case of the adopted son of the late ex-Zemindar of the great Vasareddi Estates in the Northern Circars. The circumstances are peculiar, and derive a special interest from the antiquity and splendour of the family, whose representative was long the wealthiest nobleman of the Presidency. I am to request, therefore, that this letter and its enclosures may be submitted to Her Majesty's Government with the support of His Excellency the Governor-General in Council.

3. The Vasareddi Estates were purchased by the Collector at a revenue sale for arrears in the year 1846 for the sum of 5,000 Rs., but the misfortunes of the family date from 1816. In that year the Zemindar Venkatadri Naick died, leaving *two* adopted sons. The Privy Council decided that a Hindoo could not adopt two sons at one time, and gave a decree for the elder (by priority of adoption), viz., Jagannatha, who adopted Lakshmipati, the adoptive father of Venkatalakshmi Narasimha, the youth on whose behalf the Governor in Council has re-opened the case.

Moore, Vol. IV.

4. The litigation between the two adopted sons of Venkatadri Naick, which commenced at his death, lasted for twenty years. During this period, for one cause or another, the estates were managed almost without intermission by the officers of Government. No proper supervision was exercised over the Native subordinates: arrears accumulated, and the terrible famine which desolated the Guntoor province in 1832 left the Vasareddi property in a state of complete exhaustion and insolvency.

5. After much correspondence and discussion the late Honourable Court of Directors passed their orders in the matter of the Zemindaris of the Guntoor Circar in their Revenue Despatch No. 14 of 1842. This Government had recommended that they should be put up to public auction for arrears, bought and permanently retained by the Collector, a suitable maintenance being at the same time allotted to the dispossessed Zemindars. The Honourable Court, however, observed that they were unwilling to deal with them so harshly "on account of a default which has been occasioned, in the first instance, by physical causes altogether beyond their control." They required the Zemindars, "on condition of receiving a sufficient maintenance from Government, to surrender the whole of their proprietary rights into its hands." Certain measures were to be taken for the improvement of the estates and the security of the ryots, and, when these were completed, the Madras Government were to be at liberty to restore the estates to the management of the Zemindars.

6. On these terms the Vasareddi Estate, amongst others (five in all), was surrendered by the proprietor. Subsequently in 1846 it was determined by the Madras Government to bring all the Guntoor surrendered estates to sale for arrears of revenue, and to buy them all in, in view "to placing the rights of Government to hold them and be in a position to deal with them as might seem fit, beyond all question." It was, however, simultaneously notified to the Zemindars that this procedure would involve no departure from the conditions of the surrender, viz., "that of their receiving a sufficient maintenance with the hope that the estates might be eventually restored."

Extract Minutes of Consultation No. 98, dated 20th January 1846.

7. The maintenance assigned to the Vasareddi Zemindar on the surrender of that property on these conditions was Rs. 1,000 *per mensem*; and it is clear that, as the Government has no intention of restoring the estate, good faith demands that the pension should be continued, permanently and without deduction, to his heirs according to Hindoo Law. It is very true that the Court of Directors were ultimately led to attribute to the gross extravagance and criminal mismanagement of the Guntoor Zemindars that default which, seven years earlier, they ascribed to misfortune; and that they declared their feeling that "they went to the utmost limits of indulgence in permitting them to retain their present allowances;" but it is impossible to deny that the terms of surrender involved an obligation which one of the parties alone is not competent to dissolve, that a certain rate of maintenance, then agreed upon, should always be continued to the ex-Proprietors.

Revenue Despatch No. 1 of 1849.

8. The ex-Zemindar of Vasareddi died, leaving a widow with a written authority to adopt, in 1865. On that occasion the Governor in Council decided that the pension should be continued to the widow, less one-fourth; and that any claim by adoption was inadmissible. They observed that the words used by the Honourable Court in their latest despatch on the subject are "lineal descendants." It is doubtful, however, whether, the paragraph in which the expression occurs constitutes more than a reiteration only of the views of the Madras Government then under consideration. At all events, with the inauguration now intimated by the Government of India of a more liberal policy regarding

Procs. Govt., No. 1,255, dated 25th May 1846.

Revenue No. 1 of 1849, paragraph 13.

adoption by stipendiaries so situated, and [illegible] in advertence to the very special circumstances of the Vasareddi Zemindari, the Governor in Council ventures to solicit, through the Government of India, the authority of Her Majesty's Government to deal with this case under the latest ruling of the Governor-General in Council, retrospectively.

I have the honour to be,
Sir,
Your most obedient servant,

D. F. CARMICHAEL,
Secretary to Government.

Original
Revenue
~~Financial~~ 1873 Jan.

From Government of
Fort St. George.

Dated 16th January. } No. 57.
R. } Enclosures.
6 spare copies.

D. No. Procs. { D.
L. No. { No.

Further Cons 969/73

SOLICITS, under circumstances stated, that the authority of Her Majesty's Government may be obtained for the continuance of the Vasareddies Zemindar's pension in full to his adopted son.

Vasareddy Case

I submit for consideration that the later decision of the Hon'ble Court in the grounds, as detailed in their despatch No 1 of 1869 paras 8 & 15 - should be summarised at the close of para 6 of this draft - This despatch cancelled the grounds held out in the despatches of 1842 & 1846. and form the basis of the order of the Madras Govt which it is now proposed to alter - We are, I think,

bound to give the same
proviso as to the ~~as~~
proviso as to the proviso
under - and if we draft
he shall, I fear, lay
our selves ~~for~~ to [illegible] be
-seen this from both the
Secretary & the House
of Lords.

I do not know whether
it is intended that to
allow this I must be made
to the Chetak a less petty
case. It will be less liable
to be remarked by the Lords
but that if so were right to
in dealing with that case

as we did & of our own. and.
thirdly, it is strange that
he should refer this one.

L. & S. 6/12

I think the despatch of 1849. — should
be described - so as to give the Govt
of India the [illegible] whole case. — but
I would not just proposed in immediate
contrast the ruling of the Govt of India
of 71. which liberally allows of
~~adoption~~ the descent of allowance in
lieu of property, to adopted sons. -
& state that this Govt considers that
the Vasareddi case is one in which
this rule should be specially applied -

V.I.C

I agree with Wellby. I do not think we need

Revenue Department.

Memo: for Orders.

Petitioner prays for a reconsideration of G. O. dated 25th May 1866, No. 1255, and urges that the pension granted to Lakshmipati Naidoo as Ex-Zemindar of Vasireddy should be continued unreduced to his (minor) adopted son.

A full and clear résumé of the circumstances of the case is given in the Board's Proceedings submitting

I do not see how we can set aside the distinct order of the Home Govt. in 1849- increasing the allowances of the Ex-Zemindars & at the same time saying the conditions that they should have lineal descendants to succeed to the extended Ex. clusion of adopted heirs. If the Govt. of the day has stood on their legal right to the estates - or should

submitting the petition.

From the papers accompanying, G.O. dated 25th May 1866 it appears that the Members of Govt fully realized the hard circumstances of the case so far as petitioner (no one having been adopted) is concerned, but did not see their way to a more liberal allowance owing to the terms of Despatch No 1 of 1849 in which the character of the pension is defined as granted to the ex-proprietor and his lineal descendants. i. e. descendants in the male line to the exclusion of collaterals and adopted children.

Subsequently arrears had accrued to the amount of 41 lacs exclusive of interest - which would probably have been brought by the trustees & paid to the owners of their own choice. The grant of any allowance was an act of grace. I do not think we can go back on the decision, order of 1842 which was revoked for reasons assigned. Nor do I think the order of the Viceroy - in 1871 - is applicable - that being charitable grants, or specific letters -

Rec. Madras Govt dated 2nd Oct. 1861 No. 1720

not "malikhana" & the like -

I am quite in favor of liberality in cases like this - but it must not be forgotten that the grant comes out of the taxes paid by the people - and I do not think we should abet a plea for rendering mere charity perpetual.

J. D.S.

Considering the decision the analogous case of the

9

Subsequently, however, the Viceroy and Governor-General in Council, has ruled that when a pension is an allowance in perpetuity in lieu of property given up to Govt, it ought to descend to adopted heirs.

In paras 8 to 10 of Despatch No 1 of 1849 it seems to be admitted (though with regret) that the Govt are bound either to restore the estates or afford the proprietor a sufficient maintenance.

It having now been decided that the estates shall never be restored, the pension under the terms

terms of the despatch appears to be an allowance in perpetuity in lieu of property given up to Govt and the only point for consideration is whether the remark in para 13 about the exclusion of adopted children precludes the Govt from acting upon the general rule laid down by the Govt of India as above noted.

The Chelakeulurpetta pension granted under precisely similar circumstances has already been declared inheritable by adopted Sons and it is also to be observed that the remarks in para 13 of the despatch No 1 of 1849 if are merely made in

for Chelakeulurpetta pension, and having regard to the ruling (referred to in the correspondence) of the Govt of India respecting adopted sons - as well as to the circumstances of the case as detailed by the Bd of Revenue, - I think there is full ground for compliance with the Petition

I entirely concur in the arguments set forth in the Boards proceedings and in this Memo: and in the course recommended by H.E. the Governor. which is entirely in accordance with the more enlightened policy,

as regards adoption, which now prevails -

RE

recapitulating the liberal proposals made by Sir Walter Elliott while in para 14 these proposals are rejected and the former maintenance allowance confirmed. - This maintenance was granted in 1844 under the instructions conveyed in para 8 of the Court's despatch No 14 of 1842 in which adopted heirs are not expressly referred to

J.

Entd by Lee.

Ex the J.C. of 25 May 46. Pp. 1253. disposing of the appl. of the Widow of Kachanjeatta Chetty for continuance of his pension it is enacted "that the "claimant of the pension is deputed in the Despatch of the Court of D.D. 28th. of 1844 "It was granted to the Petitioner & his lineal descendants i.e. descendants in the male line to the exclusion of adopted children"

Report accordingly

Memo for Index

Regarding question of Debentures to be issued in the Province of New Zealand

provided & reduce it by one fourth.

I think it is open to question whether the intention of the Memo for. was known widely enough to be acted.

Letter despatched No. 14. of 1842 (21. June) to Lt. Gov. Hobson with the proposals relative to the introduction of Emigrants - the Immunities of Settlers - including Exemption

"The course of Gov. (the Govt.) announced for adoption is that of putting the Estates of the Public auction for cash - and purchasing Waste Lands by Govt. to be permanently maintained as suitable Maintenance Lands allotted to the dispossessed Inhabitants.

"The Govt. Rev. on the Waste Lands purchased by Govt. to be purchased again expended. the present proprietors & their Land Commissioners + +

× × × ×

"be handed over from

" Surveyors Expenses
" a Middleman Course by
" Exposing the Immigrants
" on condition of receiving
" a sufficient Grant Land
" from Govt. & surrender
" the Waste Land proportionate
" & Govt. in & to Lands

Their retention mutually under real Summons - When cleared from debt apart in order. was then entered = plated.

~~XX~~ Bills were issued accordingly. and although it was subsequently found necessary to postpone the Sale & purchase by Govt. & Land claims of private creditors - an assurance was given in writing to the dispossessed Inhabitants with the approval of Govt. & the effect that

"the Government wish in no
way depart from the conditions
on Wh. your Estate was
last surrendered. viz. that
of securing a sufficient
Maintenance and the
hope that it may be eventually
restored" - (G.O. 12 Aug 46)

In their Despatch No. 1. of 14.
(31. Jan.) the Hon.ble Govt. forward
the report of Lt. Watts Asst. R.
showing that the consideration
shown to the Zemindar, & the
impression that their future
& permanent engagement was
the result of arrangements begun
under control - viz. daughter
famine & disease. has rendered -
as proves this management
to principle conduct was
prompted by them.

and desire that the
Estates should not be
restored -

They then proceeded to

from Rs. 34800
per Annum.

	Rs.
Vasareddi	12000
Kulkuz —	12000
Chittoor pâd -	3600
Sattanapilly -	3600
Errpalli -	3600
	34800

"determine the arrangement
"Hospitality made with the
"Each family." and
first consider the proposal
of Rs. G.G. that the allowance
"now" received by the Zemindars
should be increased to a lac
of Rupees - and the opinion
of this Govt that the
Scale proposed "is highly
"liberal - and might be
"settled on the Proprietors
"and their lineal descendants
"(meaning by persons
"descendants in the male
"line only) excluding
"adoptions - on condition
"of their relinquishing
"all claim to Rs. they may
"be supposed to possess
"& the restoration at
"a distant period of
"their Zemindaries"

The Ct. of Dt. then proceeded
to say "we feel that we

Ken remained in the hands of the Zemindars. and in that case it is unquestionable that adopted sons & coparceners legal rights & interest.

I think then that the limitation of the right allowance of Rs. 1000 annually to the Zemindars of Vasareddi & lineal descendants only excluding collaterals & adoptions is a point question - and in support of this view I would point to the practice in the case of "Patlik. Klaus" cases in regard to "Patlik. Klaus"

As regards this particular case also I would remark that Ram Lakshmi Patlu Karu was declared by the Privy Co. to be the proper legal representative of the Vasareddi family - the allowance Rs. had been to that family & Ramanadha Babu was transferred thereto in 1844. he was required to execute an agreement that he accepted & "acquiesced in all the proceedings of Sir Lewis Bentinck or any Magistrate or adopted by Govt. in this respect &c."

Ref.

In the petn. annexed to the Lordship's order to file petn. in forma pauperis at para 40. it is stated "statement by Govt. of the said decree of H.C. in Council 3 March 48 it was considered that as the appellant had been declared by that decree to be the right & heir of the family, he should be placed in the same position as the late Ramanadha Babu had been before the said allowance. it was thereupon determined that an allowance of Rs. 1000 per annum should be granted to him the said Appt. conditionally on his executing a bond or document acquiescing in what had been done by Govt. in regard to the Vasareddi Estate" 41. "that such determination was communicated to the said appellant & accepted the allowance on the terms offered. and in consideration of such allowance by a certain Memorandum he declared that he consented to and acquiesced in all the proceedings of Sir Lewis Bentinck adopted by Govt. in respect to the Vasareddi Estates"

Thus according to Govt's own showing they admit that Rs. had no hereditary right under the decree of 48 (that is prior to the Despatch of 49) & he placed in the same position as Ramanadha Babu

the Vasareddi Estates both in Guntoor & Nellore" — Rs. vacancy included the "accruer" of 1862

But this is the annuity that L. Raidu says the Rao was guilty of this contempt & forfeited to the Zemindar & confiscation to Govt. Ramanadha Babu & the wrongful claimant to Estates - Rs had been put in possession by Govt. in pursuance of decree Rs. was attainted & convicted of the H.C. the was vested after enquiry in the Estate

The decision of Govt. as to the limitation of the grant to lineal descendants was passed in 1856.

On 21. Augt. 70. the Govt. of India formally declared that Rao a "pension" in an allowance in perpetuity in lieu of property given up by Govt. - it was left to descend

Ld Stanley's views as to the case of private persons."

and in accordance with this ruling the entire Calfstore Bt has been enjoyed by one of the two Equal Sharers in a monthly allowance of £. 300. settled in 1862 on the Chl Calvert Jr. Jamieson was continued by the late Ld Stanley in Jan. 6. Dec. 71. His estate and the Barcaldine Estate were identical in circumstances.

I submit that the decision of 1866 in regard to the succession of the late Earl is [illegible] should be overruled. and that the continuance paid to the adopted son should be the proper course adopted.

The family entitled to special consideration. seeing that the claim is mainly founded on the surrender by Govt. of our estate while in litigation & the management of the party eventually found by the H. L. to be the rightful claimant.

6. Oct. 72.

x had previously remitted in regard to the allowance

Nov. had L. B. practically been disturbed. Would there have been considered a possessory indefeasable right to the allowance as an hereditary property conferred in consideration of the surrender of his rights?

Answer. The Govt. admit that Lieutenant Patrick is entitled to the allowance. The acquiescence in the act of Govt. has in consideration of the allowance. Does not this necessarily drive it back again from the old surrender. & bar any modification consequent on subsequent action of Govt.?

24.Oct.72. L.K.

Memo for Order

Pension of Ex-Zamindar of Vasareddy.

Appeal

C. 25 Oct 1872 R. 13 Nov/72 RC 6 Dec R 14

16th Dec/73.

W.57.

To the Secy to Govt of India

Financial dept

Fin. dept
No 3418
11th Sept/71

Sir.

In a recent reference from this Govt, it was ruled by the Govt of India that an allowance which has been assigned in lieu of property given up to the State, descends to adopted heirs as in the case of private property, while in the case of other hereditary pensions an adopted son has no right, & it need not be continued to him unless Govt see special reasons for doing so.

2. This concession was not of course intended to have retrospective effect; but the Govt of Madras desire to reopen one case where their decision would have been different from what it was, had the Ruling of the Govt of India been enunciated five years earlier. It is the case of the adopted son of the late ex Zamindar of the great Vasareddi Estates in the Northern Circars; the circumstances are peculiar, & derive a special interest from the antiquity & splendour of the family, whose representative was long the wealthiest nobleman of the Presidency. I am to request therefore that this letter & its enclo-

Seen
J. S.

3. You ask at first.

or a general.

- sures may be submitted
to Her Majesty's Govt. with the support
of His Excellency the G. G. in Council.

3. The Vásareddi Estates were purchased by the Collector at a revenue sale for arrears in the year 1846 for the sum of 5000 Rs, but the misfortunes of the family date from 1816. In that year the Zamindar Venkatádri Naick died, leaving two adopted sons. The Privy Council decided that a Hindu could not adopt two sons at one time, & gave the elder, (by priority of adoption) a decree for Jagannatha, who adopted Lakshmipati, the adoptive father of Venkatalakshmi Narasimha the youth on whose behalf he G. in C. has reopened the case.

Moore Vol IV.

4. The litigation between the two adopted sons of Venkatádri Naick wh. commenced at his death lasted for 20 years. During this period, for one cause or another, the Estates were managed almost entirely by the Officers of Govt. No proper supervision was exercised over the Native subordinates: arrears accumulated, and the terrible famine which desolated the Guntoor province in 1832 left the Vasareddi property in a state

of complete exhaustion & insolvency.

5. After much correspondence & discussion, the late Hon'ble Court of Directors passed their orders in the matter of the forfeited Zamindaries of the Guntoor Circar in their Revenue despatch No 14 of 1842. This Govt. had recommended that they should be put up to public auction for arrears, bought & permanently retained by the Collr., a suitable maintenance being at the same time allotted to the dispossessed Zamindars. The Hon'ble Ct. however observed that they were unwilling to deal with them so harshly "on account "of a default wh. has been occasioned "in the first instance by physical causes "altogether beyond their control". They accordingly left the Zamindars "on condition "of receiving a sufficient maintenance "from Govt. to surrender the whole of their "proprietary rights into its hands." Certain measures were to be taken for the improvement of the Estates & the security of the Ryots, and when these were completed, the Estates were to be restored to the management of the Zamindars.

^ the Madras Govt were to be at liberty to restore

6. On these terms the Vásareddi Estate, (& this in all) amongst others, was surrendered by the Proprietor. Subsequently in 1846 it was determined by the Madras Govt. to bring all the Guntoor surrendered estates to sale

Ex. Inns-Cons No 98
of 20th Aug/46

for arrears of Revenue & to buy them all in, in view to placing the rights of Govt to hold them & be in a position to deal with them, as might seem fit, beyond all question." It was, however, simultaneously intimated to the Zamindars that this procedure would involve no departure from the conditions of the surrender, viz "that of their receiving a sufficient maintenance with the hope that the Estates might be eventually restored".

Lee Lord
L. Bd

7. The maintenance assigned to the Vásareddi Zamindar on the surrender of that property on these conditions was Rs 1000 per mensem, and it is clear that, as the Govt has no intention of restoring the Estate, the pension should be continued, permanently & without deduction, to his heirs according to Hindu Law. The ex Zamindar of Vasareddi died, leaving a widow with a written authority to adopt, in 1865. On that occasion the G. in C. decided that the pension should be continued to the Widow, less one fourth, & that any claim by adoption was inadmissible. They observed that the words used by the Board of C. in their latest despatch on the subject are "clearly decreeing" It is doubtful however whether the paragraph in wh the expression occurs constitutes more than a reiteration only of the orders of the Madras Govt been under consideration. At all events, with the augmentation now intimated by the Govt of India of a more liberal policy regarding adoption by Dependencies to dictated, & in abeyance to the very special circumstances of the Vásareddi Zamindary, he may sentence to solicit through the Govt of India the authority of H. M. Govt to deal with his case under the late Ruling of the G. G. in C. retrospectively. DS 5/12

Govt has no intention of restoring the Estate, good faith demands that

Prov Govt No 255
of 28 May/46

Revenue No 1 of 1849
para 13

Revenue despatch
No 1 of 1849

Note - The Board did not in their despatch of 1845 (where an adopted son's claim to the pension was alluded to by the Govt) happened after the receipt of the new Ruling of the Govt of India. On this case occasion & the adoption was refused & pension resumed. Some years ago on a reference to the Madras Govt before the new Ruling - Para 13 - the necessity of the present reference arose &c

18

Vasareddy Draft

Para 7. amended in accordance with the remarks of the Members of Govt

7. The maintenance assigned to the Vásareddi Zamindar on the surrender of that property on these conditions was Rs 1000 per annum; and it is clear that, as the Govt has no intention of restoring the Estate, good faith demands that the pension should be continued, permanently & without deduction, to his heirs according to Hindu Law. It is very true that the Court of Directors were ultimately led to attribute to the extravagance & criminal mismanagement of the Guntoor Zamindars that default which - seven years earlier - they ascribed to misfortune; & they declared their feeling that "they went to the utmost limits of indulgence in permitting them to retain their present allowances"; but it is impossible to deny that the terms of surrender involved an obligation, which one of the parties alone is not competent to dissolve, that a certain rate of maintenance, then agreed upon, should always be continued to the ex Proprietors.

8. The ex Zamindar of Vasareddi died &c &c as in old draft 7. DS. 24/12/72.

Vacuated Jersey

an amended passport issued
in conformity to St Louis Mtg
Circular dated 5th November
1870

Cos

L. D.N.

R.S.C

Pass 13/1-73
Lodge

R. 8 Jany/73 R 13 Jany/73

No. 116

R.C. 8th Jany/73 R 13th Jany
2 6th Dec/72 R 14th