M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. ~~18~~ 559 — Press ~~Mis.~~

1865-186.

Dated 11 · 3 · — 1861.

Not to be folded or roughly handled

No. 185. Read the following Proceedings of the Board of Revenue, dated 13th September 1860, No. 4,164 :—

Read the following letters from W. KNOX, Esq., Collector of Kistna District, to J. D. SIM, Esq., Secretary to the Board of Revenue, Fort Saint George, dated 12th August 1859, and 17th August 1860, Nos. 148 and 180.

Letter dated 12th August 1859, *No.* 148.

1. I have the honor to submit for the favorable consideration and orders of the Board of Revenue, a Petition from Rájah Kandragulah Jagannáda Ráu Gopála Ráu Bahádur, ex-Zamíndár of Divi, praying that he and his children may be allowed to enjoy without restriction of time the three gardens now granted to him on a life tenure along with his pecuniary pension of Rupees 300.

2. The three gardens in question are situated in the villages of Modumudi, Viswanádhapalli, and Mundapakala, all in the Divi Pargana, and are subject to a fixed rent of Pagodas 20, or Rupees 80 per annum. Their area is given in Mr. Lushington's letter of the 24th December 1852, at Cutties $6\frac{12}{80}$. According to subsequent measurements, it is given at C. 7, V. 3, P. 9, or acres 123 nearly.

3. In accordance with the recommendations of the then Collector, the Commissioner of the Northern Circars, and the Madras Government, the Government of India bestowed these three gardens on the ex-Zamíndár in the following terms : —" The Governor General is pleased to sanction " the grant of a life pension of Rupees 300 per month *together with the three gardens* referred to by " the Commissioner Northern Circars in behalf of Rájah Kandragulah Jagannáda Ráu Gopála Ráu " Bahadur, ex-Zamíndár of Divi, the *tenure* to terminate *finally on his death*."

4. The chief ground on which the present request is founded is that these gardens were private family property long prior to the date of the permanent settlement and totally unconnected with the proprietary right of the Divi Purgana, which was created at a more subsequent date or in 1805.

5. This assertion is substantially correct. These gardens are alluded to in the village accounts, dated 1788, as the property of the family, and as the Pargana, which was one of the Company's Havelly or Demesne lands was farmed by the ancestors of the present Zamíndár from the Chief and Council in 1770, the gardens were probably planted about that time. All the accounts from 1788 down to 1805 mention the gardens as the property of the family. The rent paid on the gardens up to 1796 appears to have fluctuated in the different years, owing apparently to a charge being made on the crops grown in the gardens ; after that they paid a fixed rent of Rupees 80 per annum. In 1805, the Pargana was granted to the ancestor of the present Zamíndár on a permanent Cowle, and from this down to the present time, the same rent has continued unaltered and has been paid for 53 years.

6. The land enclosed by the gardens has been always deducted from the assessable lands as Porumbok. The fact of there being a fixed rent payable on them from the remotest period is itself an evidence of their being private property, and but for the incidence of their owner becoming subsequently Zamíndár of the Estate, the gardens would have continued in the family undisturbed, like any other heritable private gardens similarly situated. Under these circumstances the tenure of these gardens should not, I would submit, be limited to the tenure of the pension, which latter alone is connected with the lapsed proprietary right of the Estate.

7. I beg therefore to recommend that the restriction to a life tenure as regards these three gardens may be removed and the property in them declared hereditary in the family of the Petitioner, subject to the payment of the usual rent of Rupees 80.

Letter dated 17th August 1860, *No.* 180.

1. In reply to the Proceedings of the Board, No. 4,958, I have the honor to report that the ex-Zamíndár of Divi Pargana has been paying the usual rent, 80 Rupees per annum, on the three gardens referred to since 1853. The Tarəm assessment of these lands, with reference to the

Dated 2nd December 1859.

adjoining Seri lands, is as follows, but it must be remembered that to enable the land to pay this Shist the trees in the garden must be cut down and the whole cultivated :—

Name of the villages in which the gardens are situated.	Extent.	Rate of assessment per acre.	Amount of Taram assessment.	Quit-rent per annum.
	ACRES. G.	RS. A. P.	RS. A. P.	RS.
Modumudi garden.....	73 26	3 5 5	245 14 0	60
Viswanádhapalli do.....	33 27	1 5 4	44 13 6	8
Mundapakala do.....	15 11	0 10 2	9 11 9	12
Total.....	122 24	5 4 11	300 7 3	80
Average...	.. ...	1 12 4		

2. There was another garden at Nagayalanka village, but it was completely washed away by the river in 1834, and the quit-rent of that garden, 20 Rupees, has not since been paid.

3. If water from Government sources is taken, an extra tax will of course be paid, but the ex-Zamíndár is unwilling to pay the Taram assessment.

4. I would submit that the Government must have understood the gardens came with the Estate, and were not, properly speaking, his ancestral property, Mr. Lushington in his report* merely stating that they were planted by his ancestors. If the Board be good enough to lay my former letter† before the Government, they will be in a better position to see clearly the facts of the case. Long before the Estate came into the possession of the family, the gardens in question were in its enjoyment on a fixed quit-rent, which is paid to this day, from the time of the present incumbent's great-grandfather. The Estate was a subsequent acquisition, and its forfeiture should not involve the loss of property to which there was a prior claim irrespective of that to the Estate.

* *Dated 24th December* 1852.

† *12th August* 1859, *No.* 148.

5. The lands in which the gardens are situated are entered in the Porumbok, and separated from the cultivable area. I would look on them in the spirit of the order regarding Asalmínha gardens in the Proceedings of Government, dated 3rd January last, and continue them without the restriction of a life tenure to the family of the present incumbent, subject to the payment of the same quit-rent which has been paid for 64 years. He may now or in future convert them into freeholds, if he chooses, under the rules in force.

6. Government have of late dealt so much more liberally with men of Petitioner's class than they used to do, and the Inám Commissioner has accustomed men to see land held under much less valid titles remain in the holder's family, that I am led to hope the Board will submit and support the ex-Zamíndár's request.

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1. In 1852 the Divi Zamíndári was sold for arrears of Revenue, and purchased by Government.

2. The circumstances of the Zamíndári are fully stated in the letter from the Government of India, dated 13th May 1853, communicating their sanction for the arrangement proposed by the Collector and Commissioner Northern Circars, and recommended by Government for the maintenance of the ex-Zamíndár, which was the grant of a life pension of Rupees 300 per mensem, together with the enjoyment of three gardens which had been planted by his ancestors, "the tenure to terminate finally on his death."

In Ex. Mins. Cons., No. 635, Revenue Department, dated 14th, in Cons. 10th June 1853, No. 530.

3. These gardens include an area of 123 acres, as has recently been ascertained by measurement, and were subject to the payment of a Kattubadi Shist of Rupees 80 to the Estate, but the Collector did not in his letter on the subject distinctly explain whether this Kattubadi was in future to be paid to Government by the ex-Zamíndár, and it appears from the general tone of the corespondence to have been thought that the grant was to be of the nature of a life Inám.

From Collector of Masulipatam, to Commissioner Northern Circars, dated 24th December 1852, in Cons. 17th January 1853, No. 6.

From Commissioner to Government, dated 17th January 1853.

Ex. Mins. Cons., No. 294, Revenue Department, dated 15th, in Cons. 21st March 1853, No. 225.

4. Mr. Knox however now explains that these gardens were the property of the Zamíndár's family long before the creation of the Divi Zamíndári.

5. They are so entered in the village accounts of 1788, and as the Divi Pargana which was one of the Company's Havelly or Demesne lands was farmed by the ex-Zamíndár's ancestors in 1770, the gardens were probably planted about that time.

6. All the accounts from 1788 to 1805 mention the gardens as the property of the family, and the rent which had fluctuated up to 1796, was from that year fixed at Rupees 80 per annum.

7. The Zamíndári was not created until 1805, and continued in the family until 1852, the Kattubadi Shist on these gardens remaining unaltered in the accounts of the assets.

8. Since the sale of the Zamíndári the gardens have continued in the ex-Zamíndár's possession subject to the payment of the quit-rent in question to Government, which has been regularly discharged.

9. The ex-Zamíndár now prays, and Mr. Knox supports his prayer, that the tenure of the gardens on these terms which has by the order of the Supreme Government been limited to the life of the ex-Zamíndár himself, may be continued to the family without limitation, on the grounds of their old established interest in them from a date long anterior to the origin of the Zamíndári, and of the nature of their rights in the gardens being altogether distinct from and higher and more intimate than their tenure of the Zamíndári under the Istimrár Sannad.

10. The land included in the gardens has always been deducted from the assessable lands as *Porumbok*, and a fixed rent has been charged on them from the remotest period to which the accounts extend, two circumstances which the Collector cites as evidence of the private proprietary right of the family independently of their subsequently created rights as Zamíndárs.

11. The Board are prepared to admit that the family of the ex-Zamíndár appear to have had distinct and higher rights in these gardens than those which were conferred on them by the Istimrár Sannad, and they consider that it is these last alone which were transferred by the sale of the Zamíndári for arrears.

12. That sale did not alter or weaken the proprietary rights of any of the landholders within the Zamíndári, and could not, the Board think, in any way diminish interests possessed by the ex-Zamíndár's family irrespective of the creation of the Zamíndári.

13. Those interests in the gardens in question were of a nature that has of late years been recognised to the fullest extent, viz., such as result from the undisturbed enjoyment of the lands at a fixed quit-rent for a period of 80 or 90 years, and it seems likely that had the fact been brought fully to notice in 1852, the limitation of the tenure of the gardens on the quit-rent of Rupees 80 per annum to the life of the ex-Zamíndár and present holder would not have been made.

14. Should it be enforced, the ex-Zamíndár would have good grounds to complain that a different measure of justice was dealt out to him from that which all Inámdárs are receiving under the rules prescribed by Government to the Commissioner, and the Board resolve to recommend strongly to Government that the limitation of the tenure of the gardens, which appears to have originated in a misconception of the facts of the case, be withdrawn, and that the gardens be left in the possession of the family on the same terms as those under which they held them before the creation and since the abolition of the Zamíndári.

(True Copies and Extract.)
(Signed) W. HUDLESTON, *Sub-Secretary.*

No. 186. ORDER THEREON, 11th March 1861, No. 559.

Under the circumstances now brought to notice, the Government concur in the recommendation made by the Board of Revenue in paragraph 14 of these Proceedings respecting the right of the ex-Zamíndár of Divi in the gardens referred to; and they resolve to apply to the Government of India for the necessary sanction.

(Signed) J. D. BOURDILLON,
Secretary to Government.

Proceedings of the Madras Government, Revenue Department, 11th March 1861.

Ordered that the following letter be despatched.

No. 187. From J. D. BOURDILLON, Esq., Secretary to the Government of Fort Saint George, to the Secretary to the Government of India, Revenue Department, dated 11th March 1861, No. 560 :—

SIR,

1. The Divi Estate in the Masulipatam (now Kistna) District was sold in 1852 for arrears of Revenue and purchased on account of Government; and, in the following year,* the Government of India, on the application of this Government, sanctioned the grant to the ex-Zamíndár for his life of three gardens in that Estate, together with a money pension of 300 Rupees a month, which was also restricted to his life.

* *Proceedings Govt. of India, Home Dept., 13th May 1853, No. 391.*

2. I am now directed to forward the accompanying Proceedings† of the Board of Revenue with its enclosures on the subject of the gardens in question. It is now brought to notice that these gardens were the property of the Zamíndár's family long before the creation of the Divi Zamíndári. In proof of this assertion, it is stated that the gardens are so entered in all the accounts from 1788 to 1805, in which latter year the Zamíndári was formed; that the rent payable on them which had fluctuated up to 1796, was from that year fixed at Rupees 80 per annum; and that since the sale of the property for arrears the gardens have continued in the ex-Zamíndár's possession, subject to the payment of the rent.

† *Dated 13th September 1860, No. 4,164.*

3. It appears to this Government that if the fact of the ancient possession of these gardens by the family as strictly private property, had been fully brought forward in 1853, the limitation to a life tenure would have been neither recommended by this Government nor required by the Government of India. In point of fact the sale of the Zamíndári did not touch the tenure of these gardens. It is true that if the Government had desired to push the Zamíndár to the uttermost, his interest in them might have been attached and sold towards making good his defaults; but this in fact was not done, and the gardens therefore still remain the property of the ex-Zamíndár. Under these circumstances I am directed to request the Government of India to modify their Order of May 13th 1853, so as to leave the gardens the permanent property of the ex-Zamíndár, subject only to the fixed Quit-rent.

3. These gardens include an area of 123 acres as has recently been ascertained by measurement, and were subject to the payment of a Kattubadi Shist of Rupees 80 to the Estate, but the Collector did not in his letter on the subject distinctly explain whether this Kattubadi was in future to be paid to Government by the ex-Zemindar, and it appears from the general tone of the correspondence to have been thought that the grant was to be of the nature of a life Inam.

From Collector of Masulipatam, to Commissioner Northern Cirkars, dated 24th December 1852, in Cons., 17th January 1853, No. 6.
From Commissioner to Government, dated 17th January 1853. Ex. Mins. Cons., No. 294, R. D., dated 15th, in Cons., 21st March 1853, No. 225.

4. Mr. Knox however now explains that these gardens were the property of the Zemindar's family long before the creation of the Divi Zemindary.

5. They are so entered in the Village accounts of 1788, and as the Divi Purganah which was one of the Company's *Havelly* or Demesne lands was farmed by the ex-Zemindar's ancestors in 1770, the gardens were probably planted about that time.

6. All the accounts from 1788 to 1805 mention the gardens as the property of the family, and the rent which had fluctuated up to 1796, was from that year fixed at Rupees 80 per annum.

7. The Zemindary was not created until 1805, and continued in the family until 1852, the *Kattubadi Shist* on these gardens remaining unaltered in the accounts of the assets.

8. Since the sale of the Zemindary the gardens have continued in the ex-Zemindar's possession subject to the payment of the quit rent in question to Government, which has been regularly discharged.

9. The ex-Zemindar now prays and Mr. Knox supports his prayer that the tenure of the gardens on these terms which has by the Order of the Supreme Government been limited to the life of the ex-Zemindar himself, may be continued to the family without limitation, on the grounds of their old established interest in them from a date long anterior to the origin of the Zemindary, and of the nature of their rights in the gardens being altogether distinct from and higher and more intimate than their tenure of the Zemindary under the Istimrar Sunnud.

10. The land included in the gardens has always been deducted from the assessable lands as *Porumbok*, and a fixed rent has been charged on them from the remotest period to which the accounts extend, two circumstances which the Collector cites as evidence of the private proprietary right of the family independently of their subsequently created rights as Zemindars.

11. The Board are prepared to admit that the family of the ex-Zemindar appear to have had distinct and higher rights in these gardens than those which were conferred on them by the Istimrar Sunnud, and they consider that it is these last alone which were transferred by the sale of the Zemindary for arrears.

12. That sale did not alter or weaken the proprietary rights of any of the landholders within the Zemindary, and could not, the Board think, in any way diminish interests possessed by the ex-Zemindar's family irrespective of the creation of the Zemindary.

13. Those interests in the gardens in question were of a nature that has of late years been recognised to the fullest extent, viz., such as result from the undisturbed enjoyment of the lands at a fixed quit rent for a period of 80 or 90 years, and it seems likely that had the fact been brought fully to notice in 1852, the limitation of the tenure of the gardens on the quit rent of Rupees 80 per annum to the life of the ex-Zemindar and present holder would not have been made.

14. Should it be enforced, the ex-Zemindar would have good grounds to complain that a different measure of justice was dealt out to him from that which all Inamdars are receiving under the rules prescribed by Government to the Commissioner, and the Board resolve to recommend strongly to Government that the limitation of the tenure of the gardens which appears to have

Sanad

originated in a misconception of the facts of the case be withdrawn, and that the gardens be left in the possession of the family on the same terms as those under which they held them before the creation and since the abolition of the Zemindary.

(True Copies and Extract.)

Sub-Secretary.

To J. D. Bourdillon, Esq., Secretary to Government, R. D.

Copy to G. Thornhill, Esq., Acting Collector of Kistna District.

Exd. J. Wright.

Note - It seems doubtful whether in strictness, the ex-Zamindar can claim these gardens as a right - seem to have been merged, with other landed property forming part of the Zamindary, in the Settlement of the Devi Estate; (See first para of Mr. Master's Memo.) & if so they were comprised with it - Still these gardens seem to stand on a somewhat different footing from even the other private charities referred to. There is nothing else connected about them - And considering the value attached to such property for beyond its real money value, I think it will be no more than due to the family to make the Grant herein

-ment - An order of the Govt. of India will be necessary for this -

I concur in the Board's recommendation in Para 14. -

Ditto 1 WW

"heretofore" have been settled by the Circa

P. 15 March 1853 Ro 8-10.
14 June 1852 10-11.
Copy in a Letter to Coy
1/4 # Lane 18/1829

Revenue 1860 Deptmt Dated
Pro: of Govt Fort St. George
N. 1991.

Proceedings of the
Board of Revenue

Dated 13th Septr 1860.
Despd. 17 } Septr 1860.
Recd. 17
Ent. 1-2 Septr
No. 4164

Further Do:
15th October No. 1874
No. 5559 11th March 54

Submitting letter from the Collector of Kistna Dist. forwarding a Petition from the ex-Zemindar of Dist. & recommending that the gardens now granted to him be left in the possession of the family on the same terms as those under which they held them before the creation & since the abolition of the Zemindary.

No. 185

C. 28th Octr. A 4 Sheet

[illegible]

[illegible]

[illegible]

Zamindari. total eleven gardens. which
"heretofore" have been settled by the Circar

the family & under the terms ...

When the ex-Zamindar was called upon by Mr. Lushington to state in what form he would prefer to have the allowance which Govt. intended to grant him after the sale of the estate, he replied that previous to the grant of the Zamindari of Divi to his ancestors, one of them had a monthly allowance of Rs. 525, besides certain Savarams, Gardens &c. In the grant of the Zamindari this sum of Rs 525 monthly or Rs. 6300 annually was still continued in the shape of a deduction in the Zamindar's favor from the rent due to Govt. in addition to the ordinary 1/3rd of the revenue - Rs. 24000 - making a total of 30300 Rs. to be received annually by the Zamindar: in his letter he does not mention what however he does not mention about the "Savarams" and was ordered about the "Gardens" at that time. His request was that the same allowance of Rs. 525 monthly might now be made to him, in addition to the "Savaram lands situated in "Divi & the Savaram lands situated in "Pargana" (Divi I suppose) "which have "from former times been successively and "hereditarily continued under our enjoyment "as well as the three Gardens (being our own "property) situated in Modumudi, thandu "Palakala, & Nowanadapalli, planted by "my ancestors at considerable outlay "and continued under our enjoyment "with a fixed annual kattubadi tax "of 80 Rs. since prior to Faseli 1212." together with wells & other Gardens planted subsequent to the acquisition of the Zamindari. total eleven Gardens. which "heretofore" have been settled by the Circar

To Collector 6 Nov. 1852. (Enclosure 2 of letter from Com. N.C. dy 1st January 1853. No. 11.

the abolition of the Zamindary

"under rent, and the rist thereof carried to
"the credit of the Estate"

24 Dec 1852 No 66. f. 5 — Mr Lushington thereupon recommended to the Commissioner N.C. that an allowance of 300 or 350 R. shd be made to the ex-Zamindar, together with the three gardens above mentioned, "which were planted by his ancestors."

6 12/16 kattis. subject to the payment of katubadai rist of 8 Rs. to the estate.

17 Jan. 1853. Dis. 11. — In his letter to Govt the Commissioner says that the Collector recommended the grant of a pension "together with three gardens belonging to the family."

He further states that to the Zamindar's prayer was for "the pension and sávaram lands originally granted to the family and now included in the Estate, together with certain gardens formed by them in various parts of it." and he finally recommends that the Collector's proposal be carried out, "the whole to be enjoyed for life"

para 6.

para 7.

E. L. C. 15 March 1853- No. 294. — In their order the Govt observe that "the Commissioner supports the "Collector's recommendation that an "allowance of Rs 350 per mensem with "the enjoyment of three gardens which "are family property" be conferred &c &c. and they resolved "to recommend to the "Govr of India that a pension of Rs. "300, per mensem (with the gardens re"ferred to by the Commissioner) be con"ferred on the ex-proprietor, but on the "distinct condition that it is to be for life "only"

15 March 1853- No. 295 — Accordingly in their letter to the S. of I. they refer to the Commissioner's concurrence with the Collector "in proposing the grant of Rs. 350 per mensem, with three gardens which are family property - the whole to be held for life" and "request that a pension of Rs. 300 per mensem, with the gardens referred to by the Commissioner, may be granted to him, but on the distinct understanding that it is for life only."

N.B. It might be supposed that the "it" here, referred only to the pension, but such apparently was not the intention of Government, for the draft order as it originally stood was as follows.

"to request that the provision suggest-
"ed by the Commissioner may be grant-
"ed but on the distinct understand-
"ing that it is for life only" - the "it" referred to the "provision" & when the first part of the sentence was revised, the latter part remained as it was.

In a petition to the Governor-General of 3 April 1853. the ex-Zamindar alludes to "the 52 kattis of sávaram lands & the 11 "gardens which had been continued to me "since former times." thus contradicting his previous petition to the Collector (see para 1 above) where he particularly stated that the 8 gardens had been

planted subsequently to the grant of the Zamindari.

dated 24 January 1853. In another petition to the address of the Chief Secretary to Govt the ex-zamindar submits his application for a pension of Rs. 525 - together with to 52 kattis of "Tamo." and 11 Gardens of coconuts, which
" were deducted from the whole extent
" of the available lands of the Zamindari,
" these Saravarams & gardens were enjoyed
" by my great grandfather together
" with the above allowance of Rs 525,
" Consequently I have taken the liberty of
" humbly applying for those allowances
" only which were granted before the
" Dist Pargana was conferred. The above
" Saravarams and gardens were rented
" out by the Collector for Rs. 307 9/2 in Fasli
" 1262."

With a view to discover whether any mention of these gardens was made in the sanad granted to the first Zamindar, who received the Pargana in lieu of privileges previously enjoyed, a memo was sent
8 Oct. 60 to the Rd. who replied that no copy was on their records - but that one cd be obtained if necessary from the Collector. Should this be sent for?

yes

If these gardens are given up to him as "hereditary" he will probably claim the saravarams & other gardens if it can be shewn by the village accounts that they were in possession of the family prior to the grant of the Zamindari & were not specially alluded to in the sanad as having been cancelled by its grant.

The ground for the tenure being made for life only seems to have been simply that such grant was considered sufficient compensation to the ex-zamindar: the village being supposed to be a portion of the estate -

The new fact now brought forward is that the gardens were the property of the Zamindar's family before the creation of the Zamindari: the proof being that in the village accounts from 1788 to 1805 they are so entered on a fixed rent: that from 1805 (when the Zamindari was created) until 1802 (when it was sold) the kattu-badi stands on these gardens remained unaltered in the accounts of the assets: and that the land included in them has always been deducted from the assessable lands as Porambók -

Cfm Oct 11.

The sanad has been received from the Collector - but nothing can be learnt from it regarding the privileges in lieu of which the estate was bestowed.

But in answer to the question put in G.O. 15 Oct/60. No 1874 - the Collector + gives it as his opinion that the three villages in which the gardens claimed by the ex-Zamindar are situated,

+ See Boards Pro. 6 Dec/60 No. 5700.

having belonged continuously to the family from 1788 until the grant of the Estate in 1805, are not included in the rights or privileges in lieu of which the Zamindari was granted. so that apparently if the gardens are to be given up to the ex-Zamindar, he might equally claim the restoration of the villages. the names of the talles are included in the list of villages on the back of the Sanad, as belonging to the Estate.

Jany. 1861.

The Sanad granted to the Divi Zamindar, and the Proceedings of Govt. promising to make the grant being dated the same day viz. 15 November 1805, a further search has been made in the Record Office to ascertain whether there are any papers to shew how the amount of peshkash was arrived at, and whether any details were forthcoming exhibiting the previous privilege which might have been redeemed by the grant of the Estate. Nothing however can be found on the subject

Claim made by the Ex-Zamindr of Divi - Krishna Dt. Tuck

—

CGM
Feb 25/61.

C 28. Feb

10

R. D.

No. 559.

Proceedings of the Madras Govt.
Under date the 11th March 1861.

Read the following
Progs. of the Bd. of Revs. -

Here enter 13th Sept. 1861 No. 1401.

Submit with Bds recommendation a Petition from Under Secy of Divi praying that the gardens now granted to him be left in the possession of the family on certain conditions.

Under the circumstances now brought to notice, the Govt. concur in the recommendation made by the Board of Revs in para 14 of these Progs: respecting the right of the Ex-Zamindar of Divi in the gardens referred to; and

and they resolve to ap-
-ply to the Govt. of India
for the necessary sanction

Ordered that the
following letter be despatch-
ed. —

No. 660 —

To The Secy. to the Govt. of India
Revr. Departt. —

Sir,

The Divi estate
in the Masulipatam
(now Kistna) district was
sold in 1852 for arrears
of Revr. and purchased
on account of Govt.; and, in the following year *
the Govt. of India, on the
application of this Govt.,
sanctioned ~~in the following~~ the grant

Copies to the Bd of Rev Dispr 12

5 Copies Dispr 27 Sbr 12

* Progs Govt. of India Home Dept. 13th May 1853 No. 391. —

to the ex-Zamindar for
his life of three gardens
in that Estate, together
with a money pension of
300 Rs. a month which
was also restricted to
his life. —

2. — I am now directed
to forward the accom-
panying Progs.* of the Bd
of Revr. with its enclosures
on the subject of the
gardens in question. It
is now brought to no-
-tice that these garden
were the property of the
Zamindar's family long
before the creation of
the Divi Zamindari -

* Of 13th Septr. 1850 No. 4104 -

In

In proof of this assertion, it is stated that the gardens are so entered in all the Accounts from (in which latter year the Zamindari was formed) 1788 to 1805, that the rent payable on them which had fluctuated up to 1796, was from that year fixed at Rs. 80 per annum; that since the sale of the property for arrears the gardens have continued in the Co.'s Zamindari's possession, subject to the payment of the rent. —

3. — It appears to this Govt.

Govt. that if the fact of the ancient possession of these gardens by the family as strictly private property, had been fully brought forward in 1853, the limitation to a life tenure would have been neither recommended by this Govt. nor required by the Govt. of India. In point of fact the sale of the Zamindary did not touch the tenure of these gardens. It is true that if the Govt. had desired to push the Zamindar to the uttermost his interest

interest in them might have been attached and aid towards making good his defaults; but this in fact was not done; and the gardens there-from still remain the property of the Za-mindar - Under these circumstances I am directed to request the Govt. of India to modify their order of May 13/53, so as to leave the Gar-dens the permanent property of the Za-mindar, subject only to the fixed quit rent.—

Fort St George,
11th March 1854.

Copy in a Letter to England
24th June 1861 No 19

Claim of the Sec. Zamindars of Divi - Krishna distt: to certain gardens. —

Revenue 1861 Departt.
Proc: of Govt for March
No 559.
Proc: of the Madras Govt
Dd 11th March 1861.
Concurring in the Board's re-