

CONFIDENTIAL.

G.O., No. 1182.

Confidential No. 914

DATED 2nd March 1897

[Despatch Abstract.]

Referring to the Honble the Advocate General for favour of
opinion Proceedings of the Court of Wards submitting
certain points for the consideration of Govt in the
matter of the retention of counsel in England
for Court of Wards cases.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
<i>10</i>	850	Rev	12-2-97				
<i>10</i>	56	Rev	6-1-97				
<i>10</i>	5086	Rev	11-12-96				
<i>10</i>	4789	Rev	25-11-96				

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
<i>10</i>	<i>2667</i>	<i>197</i>					
<i>10</i>	1975	Rev	13-4-97				
<i>10</i>	2741	Rev	31-5-97				

Confidential

Revenue (1897) Department.

CURRENT No. 1309.
Confidential No 18

From
The Court of Wards

Order

No. 259 *Mis*
Conf. 9

Dated 11 February 1897.

Received 12th

Registered 12th

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SUBJECT.

*Submitting certain
points for the consideration of
Government in the matter of
the retention of Counsel in
England for Court of Wards cases.*

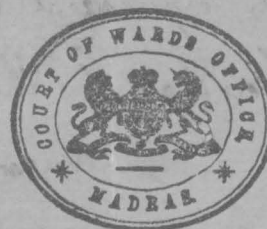
BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS

G.O.	No.	Department.	Date.

CONFIDENTIAL.



Proceedings of the Court of Wards,

Dated 11 February 1897.

No. 259 M
Consl. No. 9

Full Court
Read Proceedings of Madras Government, Revenue Department, No. 56 Revenue, dated 16 January 1897.

Resolution.

The Court submit the following points for the consideration of Government

2. As Government is aware, the Court of Wards is defending this appeal as Court of Wards on behalf of its ward.

3. In regard to the engagements of counsel in England for the conduct of cases in which the Court's wards are interested, there appear to have been no definite instructions till 1874. In that year the Court of Wards was asked to communicate direct with the India Office Solicitor (the intervention of Government being considered unnecessary) regarding the retention of Counsel for a case which it was expected, would go on appeal before the Privy Council.

Later on, the Government at the instance

L.R. No 182 Rev.
10-2-74

instance of the Court of Wards, requested the Secretary of State to cancel the application for the retention of the India Office Solicitors in the Nuzvid case, which was made in ignorance of the fact that the necessary arrangements had been made by the deceased proprietor. But the Secretary of State replied

"Solicitor already instructed. All Court Wards' cases in his hands alone" - G.O. 790 Rev. 24-5-78

In the same case, on an application from the India Office Solicitor, the Court of Wards authorised him to retain an additional lawyer to cooperate with counsel engaged by the deceased proprietor. A copy of this Resolution was submitted to Government at the time, apparently because it related to a matter of detail.

In 1889, it was distinctly laid down that the instructions applicable to Government Privy Council appeals would apply to Court of Wards cases also; and they have been strictly followed since.

4. Though it is not usual, or perhaps legal, for Government to interfere in matters of detail with the action of the Court of Wards, it retains general administrative supervision; and its remarks on the annual administration reports are invariably treated as instructions to be observed. In point of fact however, according to the present law, the intervention of Government begins and ends with passing orders on each

each proposal submitted to it by the Board of Revenue to bring the estate of an incapacitated proprietor under the superintendence of the Court of Wards (Clause 3-Section 2 of Regulation V of 1804). From that moment the authority of the "Board of Revenue acting in its capacity of the Court of Wards" is legally complete and independent. It is submitted, therefore, that the Court of Wards was strictly within its powers, when it used its previous knowledge and experience in respect of a selection from the English Bar to suit the exigencies of the Pittapur case.

5. It has already been pointed out that the Government has hitherto refrained from interfering with the action of the Court, save in the matter of the issue of general instructions of such a nature that the Court had never any hesitation in meeting the wishes therein expressed, and there has therefore been no necessity for a definite declaration of the exact extent to which the Court of Wards is legally independent of the Executive. Ordinarily the Court has been willing to leave the selection of counsel in the hands of the Secretary of State; but when, as in the present instance, it has reason to believe that the interests of its wards would be benefited by the retention of any specified counsel, its legal position is such as to justify the expectation that its wishes will be complied with.

6. Copies of the judgments of the District Courts and the High Court are submitted herewith,

so that Government may address the Secretary of State
again in the matter, in view of the weighty interests
involved in the case so far as the Court's ward is concern-
ed, and the necessity for taking early steps to
secure the services of the counsel most competent,
in the opinion of the Court, to deal with the case.

True Extract

Receiv
Secretary
11 FEB 1897

To

The Secretary to Government
Revenue Department with
2 Enclosures & with copy of C.P. 3210
29-11-78.

Adm
Copy

CONFIDENTIAL.

1896.
Court of Wards,
MADRAS.

To

THE COLLECTOR OF

Proceedings, dated 1896.
No.
Conf. No.

Abstract.

D
4 1,000--11-6-96.

REVENUE DEPARTMENT.

C No. 1309 of 1897.

From the Court of Wards

The Hon Mr. G. P. S. C. B.

Dated 11-2-1897.

FOR ORDERS.

Please see G. O.
No. 56 d. 16-1-97 and
the note thereunder.
The Court of Wards re-
quested that the Soli-
citor to the Secy of State
might be instructed
to retain two Counsel
named in view to
their appearing
on ^{its} behalf to oppose
the Pittapur appeal
to the Privy Council
in the Pittapur case.
The Secy of State however
declined to comply
with the request on
the ground that
the selection of counsel
to represent any Indian
authorities in litigation
at home was left to
his 'sole' discretion, after

after the nature of the ~~case~~ litigation had been fully made known to him. With reference to this reply of His Lordship, the Court of Wards point out that "ordinarily the court has been willing to leave the selection of counsel in the hands of the Secy of State; but when, as in the present ~~case~~ instance, it has reason to believe that the interests of its wards would be benefited by the retention of any specified counsel, its legal position is such as to justify the expectation that its wishes will be complied with." This raises a grave question as to how far, the Court of Wards is legally independent of the Executive. So far,

FOR ORDERS.

Yes
29
1/3/97

Please see notes of the
Hon. Messrs Hutchinson & Garstin
under G.O.S. 2086 + 342
7-4-88 27-1-93
flagged A + B

Issue from
2/3/97

So far there has been no definite decision on the point and it is submitted that the papers may be referred to the Hon. the Advocate General for opinion. If he should agree in the Court's view that that authority is legally independent of the Executive, the papers may be forwarded to His Lordship the Secy of State for orders.

[Signature]

G.O. no 22 March 1897 No 1182
Referred to the Hon. the Advocate General for favor of opinion as to whether the Court of Wards is correct in its contentions in paragraph of the Pro:

For orders
(A)
1 Mar 97

[Signature]

(A)
20 Feb 97

To the Hon. the Adv. G.O. 22 March 1897
with 1 reg. and the return 30/3/97

First copy sent to Press.

Returned for Signature.

Despatched.

READ AGAIN G.O., N.
182

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CONFIDENTIAL.

Sp 1182
3-97
IN THE HIGH COURT OF JUDICATURE AT MADRAS.

Tuesday, the third day of November,
One thousand eight hundred and ninety-six.

PRESENT:—

THE HONOURABLE MR. JUSTICE SHEPHARD,

AND

THE HONOURABLE MR. JUSTICE DAVIES.

APPEAL No. 33 OF 1895.

1. The Court of Wards,
2. Venkata Kumara Mahipati Surya Rao Bahadur Garu
otherwise called and styled Sri Raja Rao Venkata Kumara
Mahipati Surya Rao Bahadur Garu, a minor, by his newly ap-
pointed guardian Raja Vellanki Venkatarama Rayaningaru
Bahadur Garu. } Appellants (1st and 2nd
Defendants).
Sri Raja Rao Venkata Surya Mahipati Ramakrishna Rao
Bahadur. } Respondent (Plaintiff).

Appeal against the Decree of the District Court of Godavari in original suit No. 6 of 1891,
and the order passed on review by the said Court, dated the 27th July 1896.

This appeal coming on for hearing on Monday, Tuesday, Wednesday, and Thursday, the
26th, 27th, 28th and 29th days of October 1896, and having stood over for consideration till
this day, the Court delivered the following

JUDGMENT:—

This is an appeal against the decision of the District Judge who has decreed in favour
of the plaintiff's right to succeed to the ancient Zamindari of Pittapur in the Godavari Dis-
trict. The plaintiff claims as the adopted son of the late Raja of Pittapur. As such he
claims to recover the estate and effects of his adoptive father. The appellant alleges himself
to be the natural born son of the late Raja, it being said that his birth took place in the
month of October 1885—some twelve years after the date of the plaintiff's adoption. The
adoption of the plaintiff in 1873 is admitted. The defence is rested on two independent grounds.
First, it is said that the appellant is entitled to succeed in virtue of his being the natural born
and legitimate son of the deceased Raja by his first wife Mangayamma, and secondly, it is
said that the late Raja left a will bequeathing to the appellant practically his whole property,
making some provisions for the adopted son and other members of the family.

The District Judge has found in favour of the plaintiff with regard to both these points.
He has found that the appellant is not the son of the late Raja nor of the Raja's wife. He
has also found that, although the late Raja did make three wills, all being to the same effect
so far as the question in this case goes, those wills are not valid and operative as against the
plaintiff. Mr. Bhashyam Ayyangar, who argued the case on behalf of the appellant, was
prepared to impugn both these findings. But, as he was satisfied with the disposition of prop-
erty made in the Raja's wills, he was content with a decision on the question of their validity
if that question was decided in his favor. His position was that, whether his client was the son
of the late Raja or not, he was entitled to the Raja's property as bequeathed under the wills.
We proceed then to consider whether these wills of the Raja are valid against the plaintiff.
That the three wills were duly executed by the late Raja on the 16th of February 1889, 7th
September 1889 and 17th March 1890, respectively, is a fact found by the District Judge and
not disputed. It may be a question whether the last of these three wills supersedes the other

two. The third issue relates to this question, and it is one which may have to be decided in some future suit, inasmuch as there is a variance between the gifts made in the first two papers and those made in the last. For the purpose of the present case it appears to us unnecessary to decide the question, inasmuch as there is a complete disposition of the property in favour of the appellant as well under the last will as under the first two. The plaintiff, the present respondent, impugns these wills on several grounds in order to avoid the application of the principle laid down by the Judicial Committee in *Sartaj Kuari v. Deoraj Kuari*—I. L. R., 10 All., 272. It has been alleged on behalf of the respondent that the Zamindari of Pittapur is not an impartible Zamindari, and further, that, if it be an impartible Zamindari, it is a Zamindari which according to the custom or in virtue of the tenure upon which it is held, is inalienable. The 6th and 8th issues were framed with reference to these contentions. With regard to the question of impartibility (the 6th issue), the finding of the District Judge is in the appellant's favour. He finds that the property comprised in Schedules I and II, that is, the Zamindari and the accretions thereto, are impartible. We were referred by Mr. Bhashyam Ayyangar to numerous documents, proving in our opinion beyond all doubt that the estate has always been regarded as impartible. In family arrangements made in 1845 and 1869 (Exhibits CCIX and CCCVII) it was so treated. In the course of the descent which is traced back for several generations to the original holder (Exhibit CCCXXI) there are several instances in which, on the death of the holder of the Zamindari, there was a plurality of legal heirs, and yet only one succeeded to the estate. The Zamindari was treated as admittedly impartible in the litigation to which the present plaintiff was a party (Exhibits CCLXXXIV and XII). It is not necessary, however, to elaborate this point, because the Advocate General who appeared for the respondent practically abandoned it.

3 Upon the contention raised by the 8th issue that the Zamindari is by custom or in virtue of its tenure inalienable, the District Judge finds that the Zamindari was in its origin a military or feudal estate. The only evidence in support of this finding to which we were referred consists of statements by the late Raja that he placed at the disposal of the Government in 1879—1880 some armed men on account of the disturbance in Rumpa. There is no evidence as to the circumstances under which this was done. It is suggested by the Advocate General that there may be more evidence as to the nature of the tenure in the possession of the Court of Wards and that they ought to have disclosed it to the Court. The answer to this is that the burden of proving that the estate was held by military or quasi feudal tenure, lay upon the plaintiff and that it was competent to his advisers to elicit from the Court of Wards any information with regard to the history of the Zamindari which might be in their possession. Apart from the suggestion that the Zamindari was held on military tenure, it is not contended that there was any evidence to prove that the Zamindari was by custom inalienable. On the other hand, Mr. Bhashyam Ayyangar refers to numerous instances in which grants in perpetuity of portions of the Zamindari have from time to time been made (Exhibits CCLXXIX and DQ series). The exhibits marked CCLXXIX relate to such alienations prior to the permanent settlement; the others are subsequent thereto. As, in our opinion, there is no evidence that the estate was ever held on military tenure, it is not necessary to consider whether the nature of the tenure, if it had been military in its origin, would have been affected by the permanent settlement of the estate under Regulation XXV of 1802. For these reasons we have come to the conclusion that the District Judge was wrong in his finding of fact upon the eighth issue.

4 The question now follows whether, the estate being without doubt impartible and not shown to be inalienable either by custom or otherwise, the principle laid down in the case above cited is applicable. It was decided in that case that the property in the paternal or ancestral estate acquired by birth under the Mitakshara Law, is so connected with the right to a partition that it does not exist where there is no right to a partition. In the absence of co-ownership their Lordships held that there was no restraint upon the father's power of alienation. The case as been considered more than once by a Division Bench of this Court, and there can be no doubt that we are bound to act upon the doctrine explicitly laid down

by the Judicial Committee (See I. L. R., 13 Mad., 197 and *Ib.* 18 Mad., 287). There are, it is true, cases prior to 1888 in which expressions were used which point to another view of the law. But we must now take it that in those cases* as well as in the later case

* 9	M. I. A.	...	588
12	"	...	540
13	"	...	333
9	Ben. L. R.	...	274
I. L. R., 1	Mad.	...	312
I. L. R., 5	I. A.	...	1

at I. L. R., 18 Cal., 151, a distinction is to be made between a matter of succession by inheritance and a question of alienability. This distinction is clearly marked by the Judicial Committee itself in *Sartaj Kuari's* case. (I. L. R., 10 All., 285). The decision is a clear authority to the effect that the Raja could legally have alienated

the whole or any part of the estate by gift or otherwise during his lifetime. It is contended, however, that what a Hindu can alienate by gift *inter vivos*, he cannot always alienate by a testamentary disposition. The Advocate General combated the proposition that a Hindu can alienate by will all that he can dispose of by gift *inter vivos*. There is a strong body of authority in support of the proposition that the two powers are co-extensive (I. M. H. C. R., 337, 4 Ben. L. R., 132, 9 Ben. L. R., 398, 6 M. I. A., 344 and 12 M. I. A., 38). Cases were cited in which learned Judges have thrown doubt upon the universality of this proposition (2 Ben. L. R., 41, 4 Ben. L. R., 241, 3 M. H. C. R., 55 and 8 M. H. C. R., 30). The weight of authority is, however, strongly in favor of the proposition above mentioned. In 12 M. I. A., 38, the Judicial Committee say as follows:—"Decided cases too numerous to be now questioned, have determined that a testamentary power exists and may be exercised at least within the limits which the law prescribes to alienations by gift *inter vivos*." An attempt was made to shew that there were cases in which a Hindu could not bequeath by will what he could give away *inter vivos*, and the case of a Hindu widow disposing of her savings was cited as an instance. It is answered that the question of a widow's right to dispose of her property by will depends upon the nature of the property—whether it is such that she could give it away by gift *inter vivos*. No case has been cited in which a widow has been held incapable of bequeathing by will property which she could otherwise legally dispose of. No principle is suggested on which a distinction can be rested between the extent of the power of giving by will and of giving *inter vivos*.

5 The cases relating to the disposition by will of an undivided share of a coparcenary property, really support the proposition that the powers of giving and bequeathing are co-extensive. In 8 M. H. C. R., 11 it was held that a Hindu could not alienate by will his undivided share of coparcenary property, and thus defeat his son's coparcenary right. When that case was decided, the view, since overruled (I. L. R., 7 Mad., 357), was entertained that a Hindu, under like circumstances, could make a gift *inter vivos* of his undivided share of family property. Dealing with these decisions the Judicial Committee in I. L. R., 5 Bom., 62 use the following language: The "reasons for making this distinction between a gift and a devise are, that the coparcener's power of alienation is founded on his right to a partition; that that right dies with him; and, that, the title of his co-sharers by survivorship vesting in them at the moment of his death, their remains nothing upon which the will can operate." In Bombay it should be mentioned a different view as to a coparcener's power of disposition had been taken. The High Court there had held that a coparcener could not either give or devise his share without the consent of his co-sharers. Referring to this the Judicial Committee go on to observe: "Their Lordships do not think it necessary to decide between the conflicting authorities of his Bombay and the Madras High Courts in respect of alienations by gift, because they are of opinion that the principles upon which Madras Court has decided against the power of alienation by will are sound, and sufficient to support that decision." The doctrine here approved that it is the right to a partition which puts a restraint on the coparcener's power of alienation, is the very doctrine enunciated in I. L. R., 10 All. The case (I. L. R. 5 Bom.) decides that, where there is a right to a partition subsisting in one coparcener, the power to bequeath his share cannot be exercised by another coparcener. In I. L. R., 10 All., the negative proposition is asserted that, where the right to a partition is wanting, there is no

restraint on the power of alienation. Seeing that, in their judgment in the same case (I. L. R., 10 All.) the Judicial Committee cited the, Hansapur case in which the disposition was a testamentary one, we cannot suppose that they intended to restrict their decision to the case of gifts *inter vivos*. The conclusion at which we arrive is that, as the late Raja was capable of disposing of his estate by gift to a stranger notwithstanding the existence of a son, so there is nothing to prevent his dealing with it by way of testamentary disposition.

We come now to consider the question raised by the fifth issue. This issue appears to have been framed with respect to an allegation made in the fifth paragraph of the plaint. Reference is there made to an adoption deed, dated the 1st October 1873. In point of fact there is no such deed, and it is not alleged in the plaint that, apart from the document bearing date the 1st October 1873, there was any contract between the plaintiff's natural father and the late Raja on the occasion of the plaintiff being given in adoption to the late Raja. The document of the 1st October 1873 (Exhibit DC) was executed some few days after the ceremony of adoption took place. This document evidences nothing more than a concession made by the late Raja with regard to the retinue of his adopted son and to the access to him of the members of his natural family. It is true that by way of recital, it is stated in the document that the boy has been adopted and constituted the heir to the Zamindari and its appurtenances. These words state nothing more than the legal consequences of the plaintiff's adoption. It cannot be pretended that they in any way restrain the adoptive father in the exercise of his powers of alienation. It might as well be said that the Raja had precluded himself from prejudicing the rights of his adopted son by begetting a natural son. Language far stronger was used by the adoptive father in the case of *Rangammal v. Atchamma* (4 M. I. A., 1), and yet it was held that he had not disabled himself from disposing of the property without the consent of his adopted son. Their being no evidence and, as we have said, no allegation even of anything in the nature of a contract or a settlement, we must hold that there was nothing in the provisions of the document of the 1st of October 1873 to preclude the Raja from disposing of his property as he pleased, so long as he did not evade the obligation to maintain the appellant. That obligation is recognised in the wills.

It remains to deal with the contention which is raised under the fourth issue. The issue is not happily worded, but we are told that it is meant to raise the question whether, by reason of the mere fact that the appellant is not the son of the testator, he is precluded from taking the estate under the will. For the purposes of this issue we are assuming that the appellant is, as found by the District Judge, not the son of the late Raja. It is contended that the Raja's expressed intention was to give the estate to his begotten son and that the gift must fail if, in point of fact, the appellant does not answer to that description. In the plaint the allegation in respect of this matter is that the Raja, in or about October 1885, announced that his wife had been delivered of a son, namely, the appellant, and that this assertion on his part was false and fraudulent and set up to deprive the plaintiff of his rights as an adopted son. From this allegation in the third paragraph of the plaint and the plaintiff's own evidence as also from the opening of the plaintiff's vakil in the court below and from the conduct of the case in that Court, it is abundantly clear that plaintiff's case was that the Raja was himself a party to the conspiracy by which the appellant was introduced into the family as his son, he being in fact a stranger. There is nothing to indicate that the Raja was under any mistake about the matter and still less that he himself was the victim of the alleged fraud. The Judge apparently accepts this view of the case in paragraph 128 of his judgment. These being the circumstances, the cases cited to us, in which the testator was either under a misapprehension or was deceived are wholly inapplicable. In the class of cases to which the case in I. L. R., 11 Cal., 463 belongs, the testator made a gift to a certain person under the belief that he filled a certain character, and the language of his will showed that his intention was that the person named should take the gift only in that character. In such cases it has been held that, when the testator turns out to have been mistaken, the gift must fail, because the presupposed condition does not exist. It was argued that, notwithstanding the fact that the testator, the Raja, was under no mistake, the will still showed that his intention was that the appellant, as his

begotten son, and only as begotten son, should take under it. It is contended that, by his reference to the Hindu Law and by his constant repetition of the word *aurasa* son, the Raja evinced his clear determination to make his will in harmony with Hindu opinion which might be scandalized if he had given away his property to a stranger. Having regard to the admitted fact that the Raja knew that the legitimacy of his putative son was disputed, we are asked to say that he intended the appellant to take only in the event of his claim as son being established by a Court of law. A somewhat similar argument was used by Sir George Jessel as Counsel for the appellant in *Hill v. Crook* (L. R., 6 H. L., 265). There the testator bequeathed certain property on trust for his "daughter Mary, the wife of the said John Crook" for her life, John Crook in the former part of the will having been described as the testator's son-in-law, and after the decease of his said daughter, Mary Crook, he directed that his property should remain upon trust for the benefit of the children of his said daughter Mary Crook. It appeared that John Crook had first married another daughter of the testator and that, upon her death, he had gone through a form of marriage with the testator's daughter Mary. This daughter Mary was, therefore, not the legal wife of John Crook, and her children were not her legitimate children. There was in fact a double misdescription, for *prima facie* according to English law 'children' imports legitimate children. The children of Mary Crook were reputed and known as her children. So, in the present case, we have been referred to evidence shewing that the appellant was introduced to the Raja's friends as his child and that the usual ceremonies for a child were performed by the Raja. It was held in *Hill v. Crook* that the children of Mary Crook were as clearly pointed to by that description as if they had been mentioned by name. There can be still less doubt where, as in the present will, the actual name of the donee is also given. All that can be said with regard to this will is that, if the appellant is not the son of the late Raja, there has been a misdescription of him in the will. It cannot be said that there is possible doubt as to the identity of the person intended by the testator. We may to the case of *Schloss v. Stiebel*, (6 Sim., 1) cited in the argument, where the testator's betrothed to a lady and intended to marry her in a few days, made a codicil favour describing her as his wife. Although he died before marrying her, it was the lady was entitled to the legacy. That case, like the present, illustrates the doctrine that a false description does not by itself vitiate the legacy. In *Kennell v. Ves.* 808, the Master of the Rolls, citing the passage from the Digest (XXXV, 17, see also XXXV, 72, 6), says that the "meaning of it is that a false reason given for the legacy is not of itself sufficient to destroy it." If there is an adequate description of the person intended to take, the erroneous addition of words of description is immaterial. This is the case even where the error is unintentional, the true fact being unknown to the testator. *A fortiori* it must be so where the testator, for some reason of his own, uses words which he knows to be inapplicable. His description of the appellant as his *aurasa* son, which we are assuming to have been intentionally erroneous, we are disposed to attribute to a desire on his part to strengthen the position of his intended beneficiary, who, we must repeat, had after all been treated by him as his son. The frequency of the use of the term '*aurasa*' is, in our opinion, fully accounted for by the need of distinguishing the *aurasa* from the *dattaka* or adopted son. It may be noticed that in each of the wills the full name of the adopted son and of the *aurasa* son is given only once and in other places the descriptions *aurasa* and *dattaka* are used in juxtaposition.

On this part of the case we find that the testator's intention was undoubtedly to give the estate to the appellant irrespective of his claim to the estate of son. No fraud or deception was practised upon the testator. He was under no mistake as to the facts. He used language which can apply to no one but the appellant and his gift must take effect.

To recapitulate, our findings are (1) that the Zemindari was an impartible estate; (2) that there is no proof that it is inalienable either by custom or reason of the tenure; (3) that the estate thus being alienable *inter vivos* according to the decision in I. L. R.,

10 All, it was equally alienable by will, (4) that the late Raja's will is not void as being in conflict with any contract or settlement made by him in the plaintiff's favour, and (5) that the appellant, whether or not he was the son of the testator, is the *persona designata*.

11 Having come to these conclusions in favour of the appellant, we deem it unnecessary to proceed further with the appeal. The inquiry into the matter of the legitimacy of the appellant would entail a mere waste of the time of the Court for a great number of days, besides causing needless expense to the parties, for in the result their position with regard to the property would not, in the view we have taken of the validity of the will, be altered by the decision at which we might arrive on the other question.

12 We must allow the appeal and reverse the decree of the District Court and dismiss the suit.

13 We have considered the question of costs. We think that, as the plaintiff has provoked an enquiry into the legitimacy of the appellant which, unless he succeeded in impeaching the Raja's wills, was vain, he ought to pay the ordinary costs of the litigation. By ordinary costs we mean the costs incurred under the Court Fees' Act for stamp duties, and under the Legal Practitioner's Act for pleader's fees, and the printing and translation charges in this Court. Other costs incurred by the parties themselves such as the costs of the Commissions for the examination of witnesses and of printing papers done outside the Court must be borne by the party who incurred them.

By the Court,

(Signed) J. T. GILLESPIE,
Ag. Dy. Registrar,
Appellate Side.

Exd. by B. Varada Charlu.

To

THE DISTRICT JUDGE OF GODAVARI,

(with record and six spare copies of printed judgment).

(True Copy)

J. T. GILLESPIE,
Ag. Deputy Registrar,
Appellate Side.

HIGH COURT OF JUDICATURE
AT
MADRAS.

JUDGMENT

IN

APPEAL No. 33 of 1895.

(From Original Suit No. 6 of 1891,
District Court of Godavari).

Dated 3rd November 1896.

Sent.

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

Appeal No. 33 of 1895.

Appts. (1st and 2nd Defts). versus P'spt (Plff.)

The Court of Wards and Sri Rajah Rao Venkata
another. Surya Mahipati Rama-

By the Honorable V. kristna Rao Bahad ur.
Bhashyam Iyengar and
Mr. P. Subramaniya Iyer.

Original Suit No. 6 of 1891.

IN THE DISTRICT COURT OF GODAVARI.

Civil Suit No. 6 of 1891.

BETWEEN:—Sri Rajah Rao Venkata Surya Mahi-
pati Ramakristna Rao Bahadur, resid-
ing at Cocanada in the District of
Godavari Plaintiff.

versus

1. The Court of Wards.
2. Venkata Kumara Mahipati Surya
Rao, otherwise called and styled
Sri Rajah Rao Venkata Kumara
Mahipati Surya Rao Bahadur
Garu, a minor of the age of five
years or thereabouts, residing at
the Pittapur Palace in the District
of Godavari, who is under the
protection of his guardian Karapa
Row Seshia Garu, residing at Pit-
tapur in the District of Godavari,
appointed and acting as such
guardian by and under the autho-
rity of the Court of Wards.
3. Karapa Rao Seshia Garu—(added
as per order of the Court, dated
23—11—91 on M. P. 463 of 1891). Defendants.

Plaint presented under Section 50 of the Code of Civil Proce-
dure.

Sri Rajah Rao Venkata Surya Mahipati Ramakristna Rao
Bahadur, the plaintiff abovenamed, states as follows:—

1. The plaintiff was adopted by Sri Rajah Rao Venkata
Mahipati Gangadhara Rama Rao Bahadur Garu, the late Rajah
C. B. A. D. 33—1

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of Pittapur, on the 28th day of September 1873. The plaintiff was given in adoption to the said Sri Rajah Rao Venkata Mahipati Gangadhara Rama Rao Bahadur Garu by the plaintiff's natural father Sri Rajah Velugoti Kumara Yachama Naidu Bahadur, C. S. I., Panchahazar Mansubdar, then Rajah of Venkatagiri, and in pursuance of an agreement between the plaintiff's said natural father and the said Sri Rajah Rao Venkata Mahipati Gangadhara Rama Rao Bahadur Garu, the latter, on the 1st day of October 1873, executed an instrument whereby he constituted the plaintiff, his heir to the Pittapur Zemindari, and all property, moveable and immovable, belonging to him.

2. In or about the year 1881 differences and disputes arose between the plaintiff and his adoptive father, the late Sri Rajah Rao Venkata Mahipati Gangadhara Rama Rao Bahadur Garu, and in consequence thereof, the plaintiff left Pittapur, and owing to the continued ill-feeling shewn towards him by his said adoptive father, resided in Madras up to the death of his said adoptive father hereinafter mentioned.

3. In or about October 1885 the said Rajah, adoptive father of the plaintiff, announced that his first wife had been delivered of a son, the 2nd defendant herein. The plaintiff asserts that the 2nd defendant is not the son of the late Rajah or of his said 1st wife, and that the assertion that he is the lawful issue of the said Rajah is false and fraudulent and is set up to deprive the plaintiff of his rights as an adopted son.

4. On or about the 17th March 1890 the said Rajah is said to have executed a Will which, amongst other matters, contained the following clause in favor of the 2nd defendant.

"According to Hindu Law it is just that the natural-born son should get all properties. It is also my opinion that the same should be followed. Certain immoveable properties including proprietary estates, &c., and a considerable portion of moveables form my self-acquisitions. Although these are not of an impartible character like the ancient Zemindari of Pittapur, yet they, as well as all other kinds of my moveable and immoveable property, should devolve upon my natural-born son Chiranjivi Kumara Surya Rao."

5. The plaintiff submits that all the dispositions in favor of the 2nd defendant, which are contained in the alleged Will, are based upon the assumption that he is the natural-born son of the Testator; and that such dispositions are wholly invalid and ineffectual; 1st, because the 2nd defendant is not the natural-born son of the Testator; 2ndly, because they contravene the provisions of the adoption deed of the 1st October 1873 above referred to; 3rdly, because under the Mitakshara Law and family custom the Will itself is wholly void, and 4thly, because the properties dealt with by the Will are from their

C. B.

character and nature inalienable by Will, the plaintiff denying that any portion of the properties of the late Rajah were his self-acquisition as untruly alleged in the Will.

6. The plaintiff's adoptive father the said Sri Rajah Rao Venkata Mahipati Gangadhara Rama Rao Bahadur Garu died at Pittapur, in the District of Godavari, on or about the 22nd day of July 1890, leaving the plaintiff, his adopted and only son.

7. Immediately on the death of the said Sri Rajah Rao Venkata Mahipati Gangadhara Rama Rao Bahadur Garu and during the plaintiff's absence at Madras, the Collector of Godavari professing to act as the agent of the 1st defendant, the Court of Wards, took possession of the whole of the estate and effects belonging to, or in the possession of, the said Sri Rajah Rao Venkata Mahipati Gangadhara Rama Rao at the time of his death.

8. The plaintiff, who was detained at Madras in the celebration of the funeral ceremonies of his adoptive father, gave notice to the Collector of Godavari of his claim to the Pittapur Zemindari and other properties in the possession or enjoyment of his said adoptive father at the time of his adoptive father's death, and having been informed that the 1st defendant was through the Collector of Godavari interfering on behalf of the 2nd defendant in taking possession of such properties, the plaintiff on or about the 15th day of August 1890 addressed a letter to the 1st defendant in which he gave the 1st defendant distinct notice that he utterly repudiated the claims and pretensions advanced on behalf of the 2nd defendant, and he requested the 1st defendant to give directions to the Collector of Godavari to recognise his claims to the Zemindari and all other properties.

9. On his arrival in Cocanada in the month of August 1890, the plaintiff was informed by the Collector of Godavari that acting under the instructions of 1st defendant he, the Collector, had on behalf of the 1st defendant taken possession of the Zemindari of Pittapur and other properties in the possession of the late Rajah of Pittapur at the time of his death, and that the 1st defendant had taken such possession on behalf of the 2nd defendant, who was alleged to be the natural-born son of the plaintiff's adoptive father and his first wife.

10. On or about the 4th day of September 1890, the plaintiff received from the Collector of Godavari, Extract of the Proceedings and Resolution of the Board of Revenue, Madras, dated the 18th day of August 1890, with reference to the plaintiff's letter to the 1st defendant of the 15th August 1890. The resolution so passed intimated that the Board had no option but to acknowledge the 2nd defendant as the heir to the estate until the contrary was established in Court of Law.

C. B.

11. The plaintiff has in the schedules hereunto appended set forth the particulars of the properties taken possession of by the 1st defendant so far as the plaintiff is at present able to give same. The plaintiff craves leave to alter or amend such lists whenever necessary.

12. On or about the 15th day of November 1890 the plaintiff gave notice to the 1st defendant under Section 424 of the Code of Civil Procedure of this suit. Such notice was sent to the 1st defendant by registered post and has been delivered to the 1st defendant.

The plaintiff, therefore, prays judgment.

1. That it may be declared that the 2nd defendant is not the son of the deceased Rajah, and that the Will in his favour is wholly ineffectual and invalid.

2. That if the Court should be of opinion that the 2nd defendant is the son of the deceased Rajah, then, that it may be ascertained and declared which of the properties taken possession of by the 1st defendant are impartible and which are partible, and that it may be further declared that the plaintiff by primogeniture is entitled to all such properties as may be declared to be impartible, and also that he is, as the eldest surviving member of the late Rajah's family, entitled to possession of all properties which may be declared to be partible.

3. That the 1st defendant may be decreed to deliver to the plaintiff, possession of the estates and other properties, immoveable and moveable in the schedules hereunder written and more particularly mentioned, and all other properties in the possession or enjoyment of the late Rajah of Pittapur at the time of his death taken possession of by the 1st defendant as in the plaint alleged.

4. That an account be taken of all the properties, immoveable and moveable, in the possession of the late Rajah of Pittapur at the time of his death taken possession of by the 1st defendant.

5. That the 1st defendant may be decreed to pay to the plaintiff mesne profits of the properties so taken possession of by the 1st defendant from the time the said 1st defendant took possession of such properties till such properties are returned to the plaintiff.

6. That the defendants may be decreed to pay the costs of this suit.

7. That the plaintiff may have such further or other relief in the premises as to this Honorable Court shall seem meet and the nature of the case may require.

(Here enter the Schedules above referred to).

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Schedule L.

This Schedule is an abstract of the Schedules A to K, and is prepared with the object of shewing the valuation of properties as required by the provisions of the Court Fees Act.

Schedule.	Particulars of properties.	Peishcush annually payable to Government.	Valuation how assessed.	Valuation in accordance with the provisions of the Court Fees Act.
A	The ancient Zemindari of Pittapur	2,48,168 15 8	Ten times the amount of peishcush.	24,81,680
B	Four Proprietary Estates	30,740 0 0	Do.	3,07,400
C	Inam lands, gardens, &c	...	No peishcush is payable, but the annual net profits are estimated at rupees 20,000 and the valuation is fifteen times this amount.	3,00,000
D	Houses and buildings, vacant sites	...	Market value.	8,00,000
E	Lands held on usufructuary mortgage or lease	633 0 0	Ten times the amount of peishcush.	6,330
F	Jewels, ornaments, furniture, cloth and sundry other articles.	...	Market value.	11,06,000
G	Cash, currency notes, coins &c.	...	Do.	2,51,000
H	Live stock	...	Do.	22,100
J	Outstanding debts, &c.	...	...	10,00,000
K	Properties in Court, &c., in litigation	...	...	1,50,000
	Value of immoveable property	...	Grand Total...	64,18,520
	Value of moveable property	...	...	38,95,420
		...	...	25,28,100
		...	...	64,18,520

E. S. WILKINS, *Barrister-at-Law,*
Counsel for the Plaintiff,
S. VENKIAH,
1-4-91, *Vakil.*

1st April 1891,
RAJAHMUNDEY.

(Here enter verification.)

Sri Rajah Rao Venkata Surya
Mahipati Ramakristna Rao Bahadur Garu.

Sri Rajah Rao Venkata Surya
Mahipathi Ramakristna Rao Bahadur Garu.

IN THE DISTRICT COURT GODAVARI.

Original Suit No. 6 of 1891.

<i>Plaintiff.</i>	<i>versus</i>	<i>Defendants.</i>
Sri Rajah Rao Venkata		1. The Court of Wards.
Surya Mahipati Ramakristna		2. Sri Rajah Rao Venkata Kumara Mahipati Surya Rao Bahadur Garu, minor, Rajah of Pittapur, by his guardian Karapa Rao Seshia Garu, residing at Pittapur.

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Written statement filed under Section 110 of the Code of Civil Procedure by the Court of Wards joined as 1st defendant herein.

1. On the death in July 1890 of Sri Rajah Rao Venkata Mahipati Gangadhara Rama Rao Bahadur, the late Rajah of Pittapur, the proprietor of the Zemindari of Pittapur and other estates paying revenue direct to Government, the Court of Wards, acting upon the report made by the Collector of the district, under Section 3 of Regulation V of 1804 and the Will left by the deceased Rajah and with the sanction of the Governor-in-Council obtained under the said section, constituted the 2nd defendant a ward under the said Regulation, in the *bona-fide* belief that he was the son and legal representative of the said deceased Rajah and has since been exercising its powers and duties under the said Regulation in respect of the said ward and his estate, the subject of the suit.

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2. The plaintiff has no cause of action against the Court of Wards, which only exercises control and supervision over its ward and the management of his estates, and the Court of Wards as such is not liable to be sued.

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3. The plaintiff has unnecessarily and improperly included the Court of Wards as a defendant in this suit and the Court of Wards, therefore, submits that the suit be dismissed with costs as against it.

26th November 1891.

W. A. HAPPELL,

Collector, Godavari,
and Agent to the Court of Wards.

P. Subramany Iyer, Vakil.

K. Perraju, Vakil.

M. Venkatratnam, Vakil.

(Here enter verification)

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W. A. HAPPELL,

Collector, Godavari,
and Agent to the Court of Wards.

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IN THE DISTRICT COURT, GODAVARI.

Original Suit No. 6 of 1891.

<i>Plaintiff.</i>	<i>Versus.</i>	<i>Defendants.</i>
Sri Rajah Rao Venkata		1. The Court of Wards.
Surya Mahipati Ramakristna Rao Bahadur Garu.		2. Sri Rajah Rao Venkata Kumara Mahipati Surya Rao Bahadur Garu, minor, Rajah of Pittapur, by his guardian Karapa Rao Seshia Garu, residing at Pittapur.

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Written statement filed under Section 110 of the Code of Civil Procedure by the 2nd defendant abovenamed.

1. This defendant admits that on the 28th September 1873 the plaintiff was adopted by the late Rajah of Pittapur and that on the 1st October 1873 the instrument mentioned in para. 1 of the plaint was executed by the said Rajah.

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2. This defendant says that the said instrument was executed simply as written and formal evidence of the factum of the plaintiff's adoption and of his right to succeed as heir presumptive under Hindu Law to the estate of his adoptive father on his death and for the purpose of securing to the plaintiff's natural father the privilege of appointing and dismissing the plaintiff's servants and attendants as also for the purpose of permitting the plaintiff's natural father and his relations to visit the plaintiff.

3. This defendant, therefore, says that the said instrument confers on the plaintiff no right higher than or different from that possessed by him under the Hindu Law by virtue of his adoption.

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4. This defendant denies the allegation made in para. 3 of the plaint that this defendant is not the son of the late Rajah or of his first wife, but says that he is the "Aurasa" or begotten son of the late Rajah by his first wife Sri Rajah Rao Mangayamma Garu.

5. This defendant says that he has all along been openly recognized, treated and acknowledged as such son and heir apparent to the estate of the late Rajah not only by his parents, their relations and friends and the officers of Government, but also by the plaintiff himself.

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6. This defendant says that on the 17th March 1890 the said Rajah made his last Will and Testament whereby, in confirmation of his previous Will, dated 16th February 1889, as more fully explained by a codicil executed in September 1889, the late Rajah bequeathed C. B.

the whole of his estate to this defendant subject only to certain provisions as to the maintenance of the plaintiff and others and as to the payment of the debts due by the late Rajah and the management of the estate during the minority of this defendant.

7. This defendant denies that the Will is invalid and ineffectual for all or any of the reasons set forth in para. 5 of the plaint, but says that the devise in favor of this defendant is absolute and not conditional upon this defendant being the son of the Testator; that the said devise in no way contravenes the provisions of the instrument of adoption, dated 1st October 1873 already referred to; that there is no family custom rendering any testamentary disposition by the late Rajah of his property void; that the properties dealt with by the Will are not of a character and nature inalienable by Will; that the properties specified in the Will as the self-acquisition of the late Rajah are his self-acquisitions, that the law of Mitakshara is inapplicable to alienation of impartible property, though ancestral, that the whole of the property devised by the Will is either ancestral impartible property or self-acquired property of the Testator over which he had absolute power of disposition and that the said Will is valid and binding upon the plaintiff.

8. This defendant says that the properties mentioned in Schedule No. I hereunto annexed form the ancient impartible Zemindari of Pittapur and its appurtenances which descend to a single heir according to the law and custom of primogeniture. The properties in Schedule No. II hereunto annexed were acquired at different times by the late Rajah's ancestors and incorporated with the ancient impartible Zemindari of Pittapur and they descended to a single heir along with the said Zemindari and have thus become appurtenant thereto.

9. This defendant says that according to Hindu law and also according to custom, in case of competition between an adopted son and an after-born begotten son, whether they belong to one of the regenerate classes or to the Sudra caste, the rights and status of the adopted son are decidedly inferior to those of the after-born son; that an impartible estate descends solely to the begotten son to the exclusion of the adopted son and that in partible properties the adopted son is entitled to no more than a share equal to $\frac{1}{4}$ of the share of a natural-born son. This defendant says that in view of the contingency of the plaintiff's right as the adopted son of the late Rajah and heir to his estate being superseded by the subsequent birth of an "Aurasa" son, the late Rajah was, at or about the time when the plaintiff's adoption was arranged, requested by the plaintiff's natural father to send the plaintiff back to

C. B.

his natural family on the happening of the said contingency, after settling upon the plaintiff such sum of money or property for his maintenance as the late Rajah might see fit and proper.

10. This defendant says that the properties comprised in Schedules Nos. III and IV hereunto annexed are the self-acquired properties of the late Rajah—the properties mentioned in Schedule III being acquired by the late Rajah out of the savings of the impartible estate and those mentioned in Schedule IV being the Stridhana property of his paternal aunt Sri Rajah Vellanky Lakshmi Venkayamma Garu devised to him by her last Will, dated 3rd June 1883.

11. This defendant is entitled to the properties mentioned in Schedules I and II in virtue of his being the natural-born son of the late Rajah and also under the Will left by the said Rajah and he is further entitled to all the properties comprised in Schedules III and IV under the said Will and to $\frac{4}{5}$ of such properties by reason of his being the natural-born son of the late Rajah.

12. This defendant further says that the Velamas to which caste the plaintiff and this defendant belong form a sub-division of the Kshatriya caste and that at any rate the ceremonial customs and practices and the rules of succession observed and followed by them are similar to those of the regenerate classes.

13. This defendant denies that the plaintiff as the eldest surviving member of the late Rajah's family is entitled to possession of all or any of the properties which may be declared to be partible as alleged in the 2nd prayer of the plaint or to any of the reliefs prayed for.

14. This defendant denies the correctness of the schedules filed with the plaint and annexes hereunto correct schedules marked I to IV and VII shewing the particulars of the properties left by the late Rajah as well as his liabilities and Schedule No. VI shewing the particulars of properties granted to and in the enjoyment of others as well as properties not possessed by the late Rajah but included in plaint schedules.

15. This defendant does not admit any of the allegations made in the plaint other than those expressly admitted herein and he puts the plaintiff to the proof of all such allegations as he may consider essential to his case.

16. The plaint is defective inasmuch as it omits to state where and when the cause of action arose as prescribed by Clause (d) of Section 50 of the C. P. C., and contains particulars other than those required by the said section by making allegations which are either wholly irrelevant or relevant only as matter of evidence.

17. The suit is barred by limitation.

18. This defendant denies the jurisdiction of this Court to hear and determine the suit so far as it affects the Viravaram Estate described as Item No. 4 in Schedule B attached to the plaint, lying as it does in the Agency tracts not subject to the jurisdiction of this Court.

19. This defendant, therefore, prays that this Honorable Court be pleased to dismiss the suit with all costs.

(Signed in Telugu)

27th November 1891. Guardian of the 2nd defendant. 10

P. Subramany,
Vakil.

K. Perraju,
Vakil.

M. Venkataratnam,
Vakil.

(Here enter verification.)

(Signed in Telugu)

Guardian of the 2nd defendant.

IN THE DISTRICT COURT, GODAVARI.

Original Suit No. 6 of 1891.

Written statement put in by the 3rd defendant Karapa Rao Seshia Garu under Section 110, C. P. C.

1. Items Nos. 16 and 28 as per Schedule D annexed to the plaint do not form part of the estate claimed by the plaintiff and, as such, plaintiff has no right to claim or recover them.

2. The 3rd defendant claims Item No. 16 as his own under a registered deed of gift executed by the late Rajah of Pittapur in his favour on the 12th June 1890.

3. As regards Item No. 28 the 3rd defendant sets up his right to it under a registered sale-deed, dated 20th January 1886, executed in his favour by Badam Somanna who purchased it on the 12th of February 1883 from Pannala Venkatadri Bhottlu and 2 Subbarayudu, the original owners of the same.

4. That the properties mentioned above have ever since been in the possession and enjoyment of the 3rd defendant.

The 3rd defendant, therefore, prays that this Honorable Court may be pleased to dismiss plaintiff's suit with regard to these properties with costs.

(Signed in Telugu.)

A. SUNDARA RAMIAH,
Pleader.

(Here enter verification.)

(Signed in Telugu.)

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IN THE COURT OF THE DISTRICT JUDGE, GODAVARI.

Friday, the 21st day of December,

One thousand eight hundred and ninety-four.

PRESENT :—G. T. MACKENZIE, Esquire,

Ag. District Judge.

Original Suit No. 6 of 1891.

Plaintiff.

Sri Rajah Rao Venkata Surya Mahipati Ramakrishna Rao Bahadur, residing at Cocanada in the District of Godavari.

versus

Defendants.

1. The Court of Wards.

2. Venkata Kumara Mahipati Surya Rao, otherwise called and styled Sri Rajah Rao Venkata Kumara Mahipati Surya Rao Bahadur Garu, a minor, of the age of five years or thereabouts, residing at the Pittapur Palace in the District of Godavari, who is under the protection of his guardian Budhavarapu Kamarazu Garu appointed in the place of Karapa Rao Seshayya Garu removed as per order on M. P. No. 377 of 1892, dated 14th November 1892.

3. Karapa Rao Seshayya Garu of Pittapur (added as per order of the Court, dated 23rd November 1891, on Miscellaneous Petition No. 463 of 1891).

This suit is brought by the plaintiff.

(1). To have it declared that the 2nd defendant is not the son of the deceased Rajah and that the Will in his favor is wholly ineffectual and invalid.

(2). That if the Court should be of opinion that the second defendant is the son of the deceased Rajah, then it may be ascertained and declared which of the properties taken possession of by the 1st defendant are impartible and which are partible and that

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do account to plaintiff and pay him mesne profits of the properties; the amount of such profits to be determined in execution of this decree, and that the lawful costs which the 1st defendant has incurred on behalf of the 1st and 2nd defendants may be deducted from the amount of mesne profits and that the plaintiff do bear his own costs.

(Here enter memorandum of costs).

Given under my hand and seal of the Court, this 21st day of December 1894,

(Signed) G. T. MACKENZIE,
Ag. District Judge.

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(Here enter Schedule.

(Signed) G. T. MACKENZIE,
Ag. District Judge.

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IN THE COURT OF THE DISTRICT JUDGE, GODAVARI.

Pronounced on Friday, the 21st day of December 1894.

PRESENT:—G. T. MACKENZIE, ESQUIRE, Ag. District Judge.

Original Suit No. 6 of 1891.

Plaintiff.

versus.

Defendants.

Sri Rajah Rao Venkata
Surya Mahapati Rama-
krishna Rao Bahadur,
residing at Cocanada
in the District of Goda-
vari.

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1. The Court of Wards,
2. Venkata Kumara Mahipati
Surya Rao, otherwise called
and styled Sri Rajah Rao
Venkata Kumara Mahipati
Surya Rao Bahadur Garu, a
minor of the age of five years
or thereabouts, residing at
Pittapur Palace in the Dis-
trict of Godavari, who is
under the protection of his
guardian Budhavarapu
Kamaraju Garu appointed in
the place of Karapa Rao
Seshayya Garu removed as per
order on M. P. 377 of 1892,
dated 14th November 1892.
3. Karapa Rao Seshayya Garu
(added as per order of the
Court, dated 23rd November
1891 on M. P. No. 463 of
1891).

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This suit is brought by the adopted son of the late Rajah of Pittapur against the Court of Wards and against the second defendant, who is the minor son of the late Rajah. The plaint sets forth that second defendant is not the son of the Rajah or of the Rajah's wife, and the plaint also disputes the title of second defendant to succeed under any Will left by the late Rajah, the contention being that the Rajah made the Will assuming that 2nd defendant was his son; that the Will contravenes the contract made at adoption; that the Will is void by law and custom, and that the properties dealt with by the Will are inalienable and cannot pass by Will. The plaint prays for a declaration that second defendant is not the son of the late Rajah and that the Will is invalid. If it be found that the second defendant is the son of the late Rajah then

plaintiff prays for a decision as to which of the properties left by the late Rajah are partible and which impartible.

2. The Court of Wards, as first defendant, filed an answer saying that under Section 3 of Regulation V of 1804 with the sanction of the Governor-in-Council they took possession of the Pittapur Estate in the *bona fide* belief that the second defendant is the son of the late Rajah and submitting that there is no cause of action against the Court of Wards and that the Court of Wards as such, is not liable to be sued.

3. The second defendant filed an answer in which he admits the adoption of plaintiff, asserts that he himself is the begotten son of the late Rajah puts forward the Will as absolute and not conditional, maintains that certain property left by the late Rajah is impartible, descending to the begotten son alone and contends that plaintiff as the adopted son is entitled only to one-fifth share of the self-acquired property.

4. A third defendant was added as the alienee in possession of some of the plaint property. He filed an answer saying that it was his own property.

The following issues were framed:—

- I. Whether plaintiff has any cause of action against the Court of Wards (first defendant).
- II. Whether the second defendant is the Aurasa or begotten son of the late Rajah of Pittapur by his first wife Sri Rajah Mangayamma Rao Garu.
- III. Whether the said late Rajah duly executed the Will, dated 16th February 1889, the Codicil, dated 7th September 1889, and the Will, dated 17th March 1890 and, if so, whether the two former are subsisting testamentary documents?

Note.—It is explained by second defendant's pleader that these three documents together are relied upon as constituting the last testamentary disposition by the late Rajah.

IV. If the second defendant be found to be not in fact the son of the late Rajah, whether he is precluded from claiming under the said testamentary disposition?

V. Whether the said testamentary disposition contravenes the provisions of the instrument of 1st October 1873 executed by the testator and, if so, whether such disposition is invalid by reason thereof.

VI. Whether the properties specified in Schedules I and II of the second defendant's written statement are impartible?

VII. Whether the properties specified in Schedules III and IV of the said written statement are the self-acquisitions of the late Rajah of Pittapur.

VIII. Whether the aforesaid testamentary disposition in so far as it relates to properties, if any, found to be impartible, is invalid under either Hindu Law or family custom or by reason of the tenure on which the suit estate is held.

Note.—It is conceded by second defendant's pleader that in respect of ancestral partible property, the Will would be invalid under Hindu Law. It is conceded for plaintiff that so far as regards self-acquisitions, if any, the Will would be valid subject of course to findings on other issues.

IX. Whether the family of the Rajah of Pittapur belongs to the caste of Sudras or to that of Kshatrias or to a class following the ceremonial customs and rules of succession similar to those of the regenerate classes, and if the last, whether the law of succession prescribed for the regenerate classes will govern the family?

X. Whether, whatever be the caste of the parties, the plaintiff or the second defendant has a preferential right by Hindu Law or custom to succeed to the properties found to be impartible?

Note.—The custom relied on is that set up in para 9 of second defendant's written statement and is relied on by second defendant.

XI. Whether plaintiff as eldest surviving member of the family of the late Rajah is entitled to recover possession of all the properties found to be partible?

XII. What are the properties, moveable and immoveable left by the late Rajah for which the defendants are accountable?

XIII. Whether plaintiff is entitled to recover mesne profits from the defendants as claimed in the fifth prayer of the plaint, and, if so, what is the amount thereof?

Note.—By consent of parties the question of the amount of mesne profits if plaintiff be found entitled to the same, is reserved to be determined in execution.

Note.—It is explained for plaintiff that the cause of action arose in July-August 1890, as described in the plaint and that the fraudulent act set out in para. 3 of the plaint became known to the plaintiff in 1890. It is contended for defendants that if there was any such fraud it became known to plaintiff more than three years before this suit and that plaintiff's claim is barred by limitation. The next issue accordingly is :—

XIV. Whether plaintiff's claim either in whole or in part, is barred by limitation.

XV. Whether the third defendant is entitled to item No. 13 of plaint schedule D, as donee of the late Rajah. 10

XVI. Whether item No. 28 in the same schedule forms part of the estate left by the late Rajah.

6. I propose commence this judgment with a narrative sketch of the life of the late Rajah of Pittapur, of the rise of this dispute and of the progress of this suit, in order that the reader of this judgment may have some clue which he can follow in the labyrinth of evidence on record.

7. The Zemindari of Pittapur is a large estated situate mostly in this Godavari District. It dates from a grant in 1647, to the ancestors of the late Rajah in the days of the Mahomedan Kings of Golkonda. Since then it has been held by this family, Surya Rao, fourteenth Rajah of Pittapur, died in 1850 leaving four sons. The eldest son died in October 1854 and the succession then passed to the second son Gangadhara Rama Rao, who was then a boy of ten years having been born on January 4th, 1844, and who thus succeeded as sixteenth Rajah of Pittapur. The estate was under the care of the Court of Wards and the young Rajah

59th D. W. was educated under a private tutor and at school

25th D. W. in Cocanada. He acquired a knowledge of Eng- 30

106th D. W. lish and could speak and write that language but not very correctly. In January 1862 he attained

the age of eighteen years, which was then the age of majority for Wards of Court and he took possession of his estates.

8. Before this date in February 1851 the Rajah had married his first wife, Mangayamma, who was a daughter of one of the Velanki family of Zemindars in the Kistna District.

In April 1865 the Rajah married a second wife, Sitayamma, daughter of the Rajah's manager. In October 1871, the Rajah married a third wife, Subbayamma, a daughter of Rajah Narayya 40

Appa Rao of Nuzvid. This lady is termed by the witnesses in this suit "The Nuzvid Rani."

9. Thus in 1871 we find the Rajah while still a young man married to three young women.

These three wives bore no child and the Rajah on 28th September 1873 adopted the second son of the Rajah of Venkatagiri. This adoption and a document executed three days later are admitted in this suit. The adopted son is the plaintiff in this suit. He married in 1875, a lady of the Nuzvid family, and has four sons. 10

10. In January 1874, the Rajah consulted Dr. Branfoot, who then was Civil Surgeon at Cocanada, regarding the failure of the Rajah's virile powers, and in 1875 the Rajah went to Madras and there consulted Dr. Stanborough. From this date we have the evidence of European medical witnesses regarding the Rajah's health.

11. The late Rajah of Venkatagiri gave several of his sons in adoption but unfortunately instead of permitting them to take their places as members of their new families, he interfered and encouraged them still to look to him for advice. From this cause or from some other cause, a coldness arose between the Rajah of Pittapur and his adopted son, and this feeling increased as years passed. 20

12. In 1879 Surya Rao, a cousin of the Rajah and the next heir after the plaintiff, filed a suit to set aside plaintiff's adoption. His contention was that there is a family custom forbidding such adoption by the reigning Rajah. This suit went as far as the Privy Council and was dismissed. It is said that the Rajah defended the suit in a lukewarm way and that plaintiff had to obtain funds from Venkatagiri to conduct a vigorous defence. The relations between the Rajah and plaintiff became worse. Plaintiff took up his residence in Madras and there was an arbitration to fix his maintenance allowance. 30

13. In 1878 the Rajah was appointed a Member of the Legislative Council of Madras and he held that appointment for four years until 1882. On December 26th, 1879, he married a fourth wife, Ramayamma, and about this time the idea of a begotten son to inherit his estates seems to have been ever present in his mind. There were constant rumours that the first wife, Mangayamma, was pregnant and when the expected confinement did not take place, the Rajah believed or professed to believe that the period of gestation 40

may be eighteen or twenty-seven months. On the other hand plaintiff's relatives seem to have grossly insulted the Rajah by setting a watch over Mangayamma to see what came of the rumoured pregnancies.

14. The second Rani Sitayamma died in June 1881, and the fourth Rani Ramayamma died in August 1882, so that there only two alive, the senior Mangayamma and the 3rd or Nuzvid Rani Subbayamma. But in 1884 the Rajah married three more wives. On May 17th he married Bhavayamma, known as the Chitrada Rani. On June 4th, he married a sixth wife, known as the Viravaram Rani, and on June 24th, he married a seventh wife Lakshmi Sitayamma, who came from Lingalavalasa, and is known as the Bobbili Rani. Thus the Rajah had five wives living.

15. It is alleged for the defence that the seventh wife, the Bobbili Rani, had a miscarriage, but this is denied for the plaintiff. However that may be, it is admitted that the sixth wife, the Viravaram Rani, was pregnant in 1885, and in the month of October was approaching her time of delivery. On October 5th, about 11 P. M., it was announced that a son was born to the senior Rani Mangayamma. This son was put forward by the Rajah as his begotten son and heir in every usual way. A fortnight afterwards, on October 19th, at 5 P. M., a daughter was born to the sixth wife, the Viravaram Rani.

16. At this time plaintiff was in Madras. He had not been invited to the three marriages in 1884, and he evidently was not on friendly terms with his adoptive father. On October 6th, 1885, he received a telegram from the Manager at Pittapur telling him of the birth of second defendant. He waited six months, and on 6th April 1886 wrote to the Rajah asking for particulars of the birth of the son of whom rumour spoke. The Rajah on 21st April 1886 sent back a somewhat stiff reply saying that plaintiff had been informed by telegram of the birth.

17. So matters remained. Plaintiff met the Rajah at Benares in 1889. The health of the Rajah became worse. He made a Will in favour of second defendant and died on 22nd July 1890.

18. Plaintiff was then at Bangalore. He gave notice to the Court of Wards and to Government that he claimed the estates of the deceased Rajah as the adopted and only son. The Court of Wards regarded the minor, the boy said to have been born on October 5th, 1885, as in possession of the estates, and the Court of Wards obtained the sanction of Government to take charge of the estates during the child's minority. The plaintiff, therefore, in November

1890, gave notice of this suit, and in April 1891 filed the plaint in this suit. Issues were settled on 14th December 1891, and more than two years was spent in taking evidence on commission, both in India and England, but at length on July 9th, 1894, the suit came on for hearing.

19. After the Rajah's death, plaintiff requested the Court of Wards that the senior Rani Mangayamma should be medically examined to see if she was the mother of a child. The Court of Wards refused this application, but afterwards, without any notice to plaintiff, a lady physician from Bombay, Mrs. Ryder, was taken to Pittapur and examined the Rani.

The evidence of Mangayamma was taken on commission at Pittapur in March 1894, but she fell ill while the cross-examination was in progress and she died in April.

The hearing of the suit proceeded from day today after it commenced on July 9th, 1894. In November the health of the District Judge, Mr. Ross, gave way and he had to take furlough to Europe. I took over the part-heard suit, under Section 191 of the Code of Civil Procedure, in the midst of the evidence of the 55th witness for the defence. Thus I have not had the advantage of seeing the demeanour of the previous witnesses but as very many of those witnesses had given their evidence on commission and not before this Court, this is of little consequence.

21. An enormous mass of evidence has been placed on record and it is very difficult to limit this. The suit is very keenly contested and the contest covers a large extent of ground on every portion of the evidence placed on record an argument of some sort is founded and the parties are entitled to make out the case upon which they intend to rely not only before this Court but when the suit reaches the High Court and the Privy Council.

22. The second issue is the main issue in this suit. It raises the question whether second defendant is the son of the late Rajah of Pittapur and this question involves the twofold question whether the child was born from the womb of the Rajah's wife and whether the Rajah was impotent.

23. The point was taken throughout the trial of this suit that Section 112 of the Evidence Act shuts out evidence of the impotency of the late Rajah. It is admitted that the couple were validly married, and that they were living together as a man and

wife nine months before this child was born. My predecessor, Mr. Ross, ruled that Section 112 is intended to forbid any contest between the husband and an adulterer in paternity cases and that the section does not exclude evidence to show that the Rajah was impotent. In that ruling I concur. I am of opinion that the word access in Section 112 means effectual access. It means the access of a husband, who is capable of procreating. I imagine that if a husband were castrated, Section 112 would not shut out evidence of that fact, and so I think that the section does not exclude evidence that a husband is impotent. There are limits to the power of a legislature and there are limits to the effect even of these conclusive presumptions in the Indian Evidence Act. If Section 113 was overthrown in Damodhar's case, I. L. R. 1 Bombay, 367, Section 112 may be overthrown in this suit. The argument of the defence might have some weight if the child were found to have been born from the womb of the Rajah's wife, but plaintiff's case is that it was not so born and part of the evidence which he relies upon is this evidence to show that it is improbable that the wife was impregnated by her husband. From this point of view, at least, the evidence is admissible.

24. The evidence regarding the physical state of the late Rajah is very voluminous and the most convenient way to set it forth will be to describe the career of the late Rajah and to take the evidence in chronological order. The Rajah, as 25th D. W. a school boy, is said not to have been stout. He was 106th D. W. married in 1861, when he was seventeen years of 89th D. W. age, and as his wife, Mangayamma, had attained puberty, I suppose he lived with her at once after the marriage.

25. We have the evidence of a Brahman subordinate in the cash office that from 1862 the Rajah complained 36th P. W. of gonorrhæa and that he was stout even then and used to be very tired after riding. I give no weight to the evidence of these unskilled witnesses. They may intend to be truthful but they have no accurate knowledge of diseases what the Rajah called gonorrhæa may have been merely a discharge arising from want of cleanliness.

26. It has already been mentioned that in 1865 the Rajah married second wife and that in October 1871 he married a third wife, at Nuzvid, Subbayamma. It is asserted that the Rajah had no affection for his first and second wives but this cannot be said of the third

wife. For two years after the marriage the Rajah and Subbayamma lived together at Kadyam, away from the other wives,

19th P. W. and in after years the Rajah seems to have maintained his liking for her. The letters which the Rajah wrote to Subbayamma are letters of an affectionate husband and come into this weary record like a sun beam into a dungeon. See

especially the news which the Rajah sends her of

Exhibit MM. the behaviour of a pet dog which she had left

Exhibit PP, behind her. Subbayamma in her evidence says

that at first the Rajah had some slight capacity for sexual intercourse but that this capacity ceased and he became a woman in shape of a man and that it was for this reason that the Rajah decided to adopt a son.

27. Plaintiff was adopted by the Rajah on September 28th, 1873, barely two years after the Rajah's marriage

Exhibit D C. with Subbayamma. The adoption itself is a very strong proof that the Rajah had given up hope of a begotten son.

28. In January 1874 the Rajah consulted the Civil

13th P. W. Surgeon at Cocanada. Doctor Branfoot came out to India in 1872 and was posted to Cocanada in

1873. As he was born in February 1848, he was only twenty-five years of age at the date of this consultation. The Rajah was the first native gentleman of rank who had come under his treatment and the case was a unique case and impressed itself upon his memory.

The Rajah was suffering from herpes and balanitis, the result of want of cleanliness. Dr. Branfoot gave a prescription which afforded relief. Dr. Branfoot says "I examined Rajah's organs on the occasion of my first visit. They were remarkably small and ill-developed, and had the appearance of belonging to a child rather than a man. The prepuce was long, the glans penis small and the penis short. The testicles also appear very small. This also refers to the scrotum. I formed the opinion that he was impotent. I believed him incurably impotent." Dr. Branfoot saw the Rajah a second time and the Rajah asked for something to increase his virile power. Dr. Branfoot did not tell the Rajah that he was impotent and gave him Easton's syrup or some such stimulant to satisfy him. In cross-examination Dr. Branfoot says that the Rajah's genital organs appeared to be the size of those of a boy of twelve or thirteen and he admits that a boy of thirteen may procreate, but the witness steadily adheres to his opinion that the Rajah was impotent. Dr. Branfoot gives as the

A. D. 33-4

grounds of his opinion that the Rajah was enormously fat and unwieldy and that the development of his genital organs seemed to have been arrested at the age of thirteen.

29. The reputation of Surgeon Lieutenant Colonel Branfoot stands high in Madras and the defence knowing 13
13th P. W. what weight this witness will have the Courts, have made a fierce attack upon his evidence. It is pointed out that when at Coccaada he was a young and inexperienced man; that he formed a very hasty opinion upon very insufficient grounds; that he has given evidence trusting to his recollection of a patient whom he had not seen for twenty years; that he approaches the question with his mind made up and that he obstinately refuses to consider any new light that may modify his opinion. In reply plaintiff's Counsel said that Dr. Branfoot is a man with a reputation to lose and that when medical men have a patient before their eyes, they form an opinion by a sort of rapid intention rather than by reasoning which can be set forth in the witness box. In one's daily conduct in the most important concerns of one's family one abides by the rapid decision of skilled physician and why not in a Court of law? I think that there is good sense in plaintiff's reply and that Dr. Branfoot's opinion is a very strong point in this case. 20

30. There is the evidence of three native 30th P. W. witnesses about the Rajah's ailments at this period 31st P. W. but I think that it is a waste of time to discuss their 42nd P. W. evidence.

31. In May 1875 the plaintiff was married and it seems to have been about this time that the Rajah of Pittapur quarrelled with the Rajah of Venkatagiri, father of plaintiff.

32. In this year 1875 the Rajah went to Madras and there consulted Dr. Stanborough. This witness saw the 30
3rd P. W. Rajah at intervals until June 1880 so his evidence is important. He says that the Rajah's private parts were of the size of those of a youth of ten or twelve years of age. His scrotum was very small, little larger than a racket ball. The testicles were high up and very small. The Rajah could not withdraw his foreskin and was suffering from balanitis through want of cleanliness. The prepuce was quite as long as the penis itself and was contracted and had sores on it. The genital organs were undeveloped or atrophied. 40

The Rajah said that he could not have connection with women. Witness told the Rajah that it was impossible to cure him as he had come too late. There was not the slightest improvement in the Rajah's condition until Dr. Stanborough left India in June 1880 and in the opinion of witness he could not afterwards have been cured. The Rajah told Dr. Stanborough that he had never been able to have sexual intercourse properly. The Rajah used the word impotent and said that he was unable to procreate children. Witness in his deposition has made a sketch of the Rajah's scrotum and penis. If that sketch is true, many an infant has as large an organ. Witness speaks from memory as his note books were lost in a shipwreck. 10

33. In this case one medical witness is pitted against another and, therefore, I think it my duty to say that the description Dr. Stanborough in his printed deposition is misleading. The defence explain that they omitted by oversight to instruct Counsel to cross-examine in London on this point. Witness was once in the service of the East India Company and was once attached to a Regiment; but I have always heard that he was removed from that service by sentence of Court Martial. Thus this witness is not on a level with witnesses of unblemished career. However I see no reason to doubt Dr. Stanborough's evidence in this suit. 20

34. About this date comes in the evidence of a native physician who treated the Rajah. Also may here be 43rd P. W. mentioned the evidence that the Rajah made overtures to Kalahasti for another wife, which are said to 9th P. W. have been rejected because of the Rajah's physical state. A curious story is told by the High Court Vakil 8th P. W. that the Rajah asked him if he married a woman already pregnant, would the child already in the womb be the legitimate issue of the husband. In cross-examination this witness is shown to have had a chequered career. Another curious story is told by Mr. Wedderburn, a Barrister, practising in Madras. He says that the Rajah asked him 6th P. W. if he could employ a Brahman to beget a son on his wife's body. The defence say that witness must have mistaken the Rajah's meaning that the Rajah must have been alluding to a bill which he afterwards drew for Council to legitimate a widow's offspring. Mr. Wedderburn as plaintiff's Counsel in reply had to comment on his own evidence and very fairly admitted that it is a recollection of a conversation that took place many years ago. 40

35. On December 26th, 1879, that Rajah married a fourth wife, Ramayamma. The Nuzvid Rani Subbayamma says 19th P. W. with regard to this marriage that the Rajah's idea was to leave this fourth wife at her parent's house, saying that if she were a clever woman, she would get issue there, in other words that some man would impregnate her there. This will be found at pages 45 and 46 of the pamphlet containing Subbayamma's printed deposition.

36. On the other hand there is some evidence that the Rajah was at this time in a better state of health for on October 3rd D. W. ber 30th, 1879, he was seen by Dr. Walker at Cocanada. Surgeon-Major Walker has given assistance to the defence as a medical expert and gives evidence as third witness for the defence. Witness says that the Rajah's organs were small below the average size but could not fairly be described as infantile. The Rajah said that he did not get a full erection and that he could not have efficient or satisfactory intercourse with his wife. Dr. Walker gave him advice and treatment, and in February 1880 the Rajah told Dr. Walker that he was able to have effectual intercourse. Witness examined the Rajah's urine and the Rajah had not albuminous urine or diabetes. Witness heard that the Rajah had a son and witness did not disbelieve it. Witness is not surprised at any thing in sexual matters. In cross-examination witness admits that the previous history of the Rajah coupled with the description given by other medical witnesses of his condition makes it probable that the Rajah was sterile.

37. We now come to the evidence of Mr. Willie Grant, who 11 P. W. was formerly an Attorney of the Madras High Court, but went to London in 1878 and remained there until 1880 in order to be called to the Bar. Before Mr. Grant went to England, the Rajah spoke about his health. The Rajah said that it was no good his going to a woman and that as soon as he tried, his desire was over. When Mr. Grant was in London in 1879 Ex. O. he received from the Rajah a letter which enclosed a memorandum descriptive of the Rajah's ailments. Mr. Grant took this paper to Dr. Paul, a Medical Officer 4th W. P. formerly well-known in Madras and now practising in London. The memorandum stated that the Rajah was impotent and could not have proper connection. Dr. Paul refused to advise and suggested that Dr. Brockman or some other medical man in India be consulted. Thereupon Mr. Grant wrote to Dr. Brockman and he saw the Rajah for three days in June 1880.

38. Dr. Brockman says that the Rajah's penis was a rudimentary organ little more than half an inch in diameter. 2nd P. W. The foreskin was elongated and thickened with cracks and ulcerations and it could not be retracted. There was a very nasty discharge from want of cleansing the gland. Witness is of opinion that the inability to retract the foreskin was a congenital condition. Dr. Brockman's exact words are: "The scrotum was a small tucked up little bit of affair about the size of an ordinary lime. The testicles were in the scrotum underneath the penis. The testicles were very small and very soft. His testicles were in a state of non-development. They never would be any bigger and I doubt if they ever had been. I would apply the word rudimentary to all his genital organs. His abdomen was pendulous, very prominent and laden with fat. I could not see the genital organs of the Rajah when he stood up before me without stooping to look underneath. What obstructed the view was his abdomen. His groins were enveloped in fat regular cushions of fat so that the penis had to be searched for. I had to get rid of these rolls of fat before a good view of the penis could be obtained. I told him that I could do nothing for him and he was not capable in my opinion of having sexual intercourse and he admitted it. He told me that he never had sexual intercourse to his satisfaction. He told me he could not get an erection and asked me to give him medicines to bring it about. He told me he had to employ artificial means by getting women to stimulate the organ by manipulation. Even under these circumstances he told me it was unsatisfactory and no good. In my opinion the Rajah was impotent.* It was in my opinion incurable **." In cross examination witness said "my only reason for not undertaking his treatment was that I found his case hopeless and I thought I could not do him the slightest good with reference to his condition of impotency. His case was so plain that it required not reference to any books nor did I desire any consultation with any other medical man." When asked for his reasons for this unhesitating opinion the witness gave five reasons, viz, small penis, undeveloped testicles, fat, long foreskin and no erection. In further cross-examination witness admitted that no one of these five reasons would in itself be sufficient.

39. Brigade Surgeon Lieutenant-Colonel Drake Brockman is an officer of reputation in Madras, and his opinion carries weight. The defence find little in his evidence which they can assail and so were compelled to contend that he ought at least to have kept the Rajah in good spirits and ought not cruelly thus to have shattered A. D. 33—5

his hopes. It is well-known that impotence is more a mental than physical disease. If the plaintiff can be brought to believe in their efficacy, bread pills are as good a medicine as anything in the pharmacopia. Dr. Brockman ought to have remembered this and not to have driven the Rajah to despair. In reply plaintiff's counsel pointed out that a Rajah of wealth with a tedious cure to be undertaken, is not a patient whom a Doctor would lightly send away, so it must be supposed that Dr. Brockman, if some what too plain spoken, was at least honest in the opinion he gave.

40. Dr. Brockman's unfavourable opinion did not weigh heavily upon the Rajah if we may judge from the evidence of witnesses who saw him at Cocanada soon afterwards. Deputy Collector Suray Rao Naidu saw him at a meeting of the District Board and Mr. Brown met the Rajah and spoke to him.

41. In June 1881 Dr. Beech commenced to attend professionally upon the Rajah. His evidence will be discussed later. 1st P. W. In January and February 1882 at Calcutta the Rajah was under the care of Dr. Ferris, who gave him advice and a prescription. Dr. Ferris says that the Rajah's genital organs were below the average size. His impression was that the Rajah was potent but debilitated from excessive coition. Dr. Ferris stretched the prepuce with a small glove-stretcher and drew it back to inspect the gland. This made the crack in the foreskin bleed and caused the Rajah much pain. Dr. Ferris afterwards received a letter from the Rajah saying that he was able to have sexual intercourse satisfactorily. Witness destroyed the letter. Dr. Ferris' description of the Rajah is much more favourable than the Madras descriptions of his person and ailments.

42. Plaintiff's Counsel admitted that if Dr. Ferris' evidence is believed, it will seriously damage plaintiff's case and he attacked the witness with some vehemence contending that no such letter was received from the Rajah because we are not told that any present accompanied it, and that even if such a letter were written by the Rajah, it is likely to be untrue. The prescription given by Dr. Ferris is an approdisiac an absurd thing to give to impotent man. The London experts condemn this treatment. Who is this Dr. Ferris? He came out to India in 1853 and was for a time Surgeon marine. In 1856 he left that post and he is now employed by a firm of Chemists, so his professional reputation probably stands as high as would that of a Barrister employed in an Attorney's office. I know nothing about Dr. Ferris except what is on record but I notice that Surgeon Colonel Harvey speaks of him with respect.

43. In the year 1882 the Rajah was seen by Dr. Browning but 17th D. W. not as a patient. Surgeon Major Browning is an expert for the defence. Here may be mentioned the evidence of Mr. Gould, who was Dentist in Madras. Mr. Gould came out to India in September 1873 and six months after his 7th P. W. arrival was called to see the Rajah in a house in Madras. It made an impression on his memory because this was the first native house he has entered. The Rajah was sitting on a sofa and he pulled up his cloth and showed his private parts saying that he was no good for a woman and asking Mr. Gould to give him medicine. Mr. Gould told him to consult a medical man. Witness says his penis was very very small. I did not see anything beyond his penis. I did not see his testicles. It was very difficult to see anything at all by reason of his fat. I could not have seen even his penis if he had not pulled up the fat of his abdomen.

44. From 1881 to 1886 Dr. Beech was District Surgeon as Cocanada and he is a most important witness in this 1st P. W. suit. During these five years he saw the Rajah frequently and was consulted about the Rajah's health

20 and his genital organs. Dr. Beech says that these organs were of the size of those of a boy of twelve. The penis was about as thick as witness' middle finger and a little more than an inch and a half in length. Witness attributes this condition to arrest of development. The Rajah told witness that it was with great difficulty he got an erection and that when he approached a woman and barely touched her, the erection vanished. The Rajah never told the witness that he had effected penetration. Witness considered that the Rajah was both impotent and sterile. Dr. Beech treated the Rajah and was for some time hopeful but the condition of the patient did not improve and Dr. Beech gave up all hope. The Rajah was stout and became stouter and suffered from diabetes. Witness went to Pittapur on October 16th, 1885, and saw the infant, second defendant. This portion of the evidence will be discussed later. Dr. Beech was examined a second time and was questioned about statements he had made to various persons about the paternity of this child.

45. The evidence of Dr. Beech stands in the front of the record as he is the first witness for plaintiff and it has been attacked by defence with the utmost vigour. It is contended that Dr. Beech is a man of low professional attainments, who did not understand the case he was treating and did not know the difference between glycosuria and diabetes, it is contended that his evidence is contradictory, that his conduct was unprofessional and that he is a dishonest witness who has changed sides. The

defence point out that Dr. Beech admits that he was hopeful until within a few months of the birth of second defendant.

Ex. 2. Whence then his certainty that the Rajah was not the father? If he believed that the Rajah was not the

Ex. 4. father how came he to congratulate the Rajah not once but twice? How came he to accept a fee, to accept a

Ex. 1. watch for his wife and to permit Mrs. Beech to put on the watch, an inscription commemorating the birth of

57th D. W. second defendant? how came he to give Messrs. 69th D. W. MacLennan and Vanstavern to understand that the

Rajah might be the father? The truth is that Dr.

Ex. A. Beech did at that time believe that Rajah was the father. The memorandum which he then wrote shows

this clearly. It is a slovenly paper mixing up the results of his own observation with what the Rajah told him but its intention is obvious to support the Rajah's paternity. It even mentions that the infant had snuffles, as if it were the offspring of a syphilitic sire. But so soon as the Rajah was dead, plaintiff visits Dr. Beech at Calicut and thenceforward Dr. Beech is on the plaintiff's side.

46. In reply plaintiff's Counsel made a very lukewarm defence of Dr. Beech, saying that he was a necessary witness whom plaintiff's advisers were bound to put forward, that his cross-examination had come upon them as a surprise that if they had known his testimony would be so discredited, they probably would not have put him forward as a witness, that Dr. Beech's own professional brethren are shocked at his conduct, and that this Court is asked to believe Dr. Beech only so far as his testimony is corroborated by other witness. In fact plaintiff's Counsel made haste to cast this babe out to the wolves of the defence in order that he might escape clasping to his bosom Drs. Bradfoot and Brockman.

47. I think that in discussing this matter both sides were too hard on Dr. Beech. I do not wish to take a low standard but this Court is not a *censor morum* and I am concerned with Dr. Beech only as a witness whose evidence is before me. I do not know Dr. Beech. I never met him. I never heard of him until I read his printed deposition in this record. I do not think from what is on record that Dr. Beech is a dishonest witness. The very contradictions in his evidence show his honesty, for a dishonest witness would take a line and adhere to it. The congratulations to the Rajah and the inscription on the watch certainly are open to comment but it must be remembered that Dr. Beech was in peculiar circumstances. One cannot always blurt out the discourteous

truth. It is well-known to every person who has stopped to think upon this subject that every man who comes in contact with his fellow men deviates from the absolute truth every day of his life. The ordinary phrases "if you please" "with your permission," "I beg your pardon," "I much regret," "I shall be very glad" are often untrue. The official signature "your most obedient servant" is usually a glaring falsehood. Some people draw the line at "not at home." Every body draws the line somewhere. perhaps few would go so far as Dr. Beech has gone but it does not follow that he is now a dishonest witness. Then comes his talking to people about the Rajah. I care nothing about the breach of professional etiquette. There are Doctors and Doctors in India, some are as reticent as are their professional brother in England and others are sad talkers. But the talkers may be honest witnesses. It is said that Dr. Beech has changed sides. I do not think that this is shown-

2nd D. W. He denies the conversations with Messrs. Vanstavern and MacLennan and these conversations are counter-

40th P. W. poised by conversations with Mr. Brown and Dr. Hadden, whom he told that the Rajah could not be

the father. A point was put forward that Dr. Beech had been reminded by a letter of his conversation with Dr. Hadden and that in his cross-examination he did not mention this letter.

Ex. A. but said that he remembered the conversation because Dr. Hadden was his Assistant. I see nothing in this point. The memorandum which Dr. Beech wrote when he saw the infant is certainly a curious paper. I imagine that Dr. Beech himself did not know what his intention was when he wrote that paper. But on the whole I come to the opinion that no sufficient reason is shown why this Court should distrust Dr. Beech's evidence.

43. One point that was urged by the defence against Dr. Beech is that he has produced no prescriptions. It is contended that these are purposely withheld and that the Court must presume that if produced they would show that the Rajah had improved in December 1884 about the time that second defendant was begotten. I see no force in this contention. Prescriptions are not in the custody of the Doctor who wrote them. They are with the patient or at the dispensary. It was not the business of Dr. Beech to collect these prescriptions. If they are not in the Rajah's papers the defence ought

to have got them from the dispensary. Here I may

40 108th D. W. mention that in December 1884 the Hospital Assistant at Pittapur paid 14 visits to the Fort but forgets why he paid these visits.

49. In June 1885 the Hospital Assistant at Ellore attended 31st P. W. the Rajah for severe abscesses. The evidence of this officer shews that the Rajah must then have been in a very bad state of health. In November 1886 witness went to Pittapur and received a fee of rupees 116. Witness lodged with Dharmarajulu, the Pittapur Hospital Assistant, who told him that second defendant was not even the son of the first Rani.

50. Dr. Hadden was Assistant Surgeon at Cocanada. He 10
40th P. W. says that Dr. Beech told him that second defendant could not be the Rajah's son because the Rajah was incapable of procreating. Witness went to Pittapur in 1887, and saw 108th D. W. the Rajah. There were cracks in his foreskin. On that occasion Dharmarajulu, the Hospital Assistant at Pithapur, told witness that the Rajah could not be the father of the second defendant. Witness saw the Rajah again in 1889 when the Rajah was suffering from dropsy and diseased kidneys and was in fact a dying man. Witness says that the disease of the kidneys must have been of ten years' standing. In cross-examination Dr. Hadden was roughly handled. It appears that the Attor- 20
neys on both sides approached Dr. Hadden to secure his evidence and he was foolish enough to give a statement to the defence Attorney regarding the Rajah's ailments before he gave evidence for the plaintiff.

51. Dr. Lychlander is Assistant Surgeon at Rajahmundry. 1st. D. W. He saw the Rajah in 1887. The Rajah complained of gonorrhæ and said that he had got it from intercourse with a woman. Witness saw no reason to disbelieve the Rajah's statement. There was an urethral discharge with chordee of the penis. The penis was partially erect because of the chordee. It was about three inches long. Witness treated the Rajah for gonorrhæ. 30

52. I cannot see that this evidence is of much assistance to us in this suit. Even if it be believed that the Rajah had gonorrhæ in 1887, it does not follow that he could penetrate or impregnate a woman. The gonorrhæal posion may have touched his penis when he was dallying with woman as is described by his concubine, the 22nd witness, or it may not have been true gonorrhæa but only urethritis from the chronic inflammation of the prepuce and gland spreading back up the tube. 40

53. But I much doubt if Dr. Lychlander's story is true. He is an Assistant Surgeon, residing in this town, with salary

and allowances which amount to rupees 150 per mensem. He walked into this Court house to give his deposition and he has been paid by the defence rupees 40 or nearly three months pay. He explains that he received this money not because he gave evidence but because he studied medical works and prepared opinions upon questions of midwifery for the defence. I take leave to doubt if the Court of Wards required the expert opinion of an Assistant Surgeon in an up-country station and the payment has to my mind the appearance of a payment made to induce Dr. Lychlander not to give evidence on the other side. I formed this opinion even before my attention was drawn by plaintiff's Counsel to Exhibits DL. and D M which show that Dharmarajulu, the Hospital Assistant at

Pittapur arraigned for Dr. Lychlander's evidence
Ex. D P. with enquiries for dates when both the Rajah and
Ex. D M. Dr. Lychlander were at Rajahmundry so that a date
108th D. W. might be fixed for the alleged treatment. If the
defence carried dismay into the ranks of plaintiff's
advisers by their cross-examination of Dr. Beech, the plaintiff's first
witness, the plaintiff, has certainly retaliated by his onslaught upon
20 Dr. Lychlander, the defence first witness.

At the very least it is a most instructive glimpse into the way in which the Court of Wards has been spending the money of the Pittapur Estate during this suit. See also the
Ext C Y. postcard which Dr. Lychlander wrote to 74th plaintiff's witness.

54. I omitted to mention some documentary evidence which bears upon the Rajah's health. In 1876 he had letters Exhibit 196. from Dr. Hanks giving him medical advice and Exhibit C R, dated 1871 and Exhibits C S., dated 1875 refers to the Rajah's ailments. 30

55. Dr. Carruthers was District Surgeon in 1889 and saw the 6th P. W. Rajah at Pittapur. The Rajah was despondent about his health. Dr. Carruthers found that his heart was weak and that there was sugar and albumen in the urine and he recommended the Rajah to come to Rajahmundry for treatment. The Rajah was not excessively stout and witness thinks that Dr. Beech's description is exaggerated. A man servant gave his arm to the Rajah when he walked, but that appeared to the witness as a ceremonial and not done of necessity. Surgeon-Major Carruthers is an expert for the defence, but his evidence seems to be free from bias. 40

56. At the close of 1889 and the beginning of 1890 the Rajah was at Beuares and there he was seen by Drs. Hooper, Lazarus 8th D. W. and Venis. They say that he was dropsical with sugar

9th D. W. and albumen in the urine, [suffering apparently from
10th D. W. disease of kidneys and heart, but it did not occur to
them that the Rajah was or had been impotent. Prob-
ably as they were attending a dying man, they paid no attention to
that subject. The Rajah returned to Pittapur and died on July
22nd, 1890.

4th P. W. 57. This medical evidence which I have
14th P. W. briefly sketched was placed before experts and
15th P. W. both sides produce opinions upon which
16th P. W. they rely. In favour of the plaintiff are the opi-
17th P. W. nions given by Dr. Paul, Sir John Williams, Dr.
16th D. W. Champneys, Mr. Erichson and Dr. Heath.
18th D. W. In favour of the defence are the opinions given
19th D. W. by Surgeon Colonel Harvey, Dr. Playfair, Sir
20th D. W. William Priestly, Mr. Rose, Mr. Treves, Mr.
21st D. W. Cooper and Mr. Barrow. The best opinions
22nd D. W. that London can produce are thus ranged against
23rd D. W. each other.

5^o. At the close of the hearing of this suit the task of dis-
cussing the voluminous evidence was divided, one taking the me-
dical evidence, another the facts of the case, and a third the
Hindu Law that bears upon it. For the defence the medical evi-
1st P. W. dence was discussed by Mr. P. Sukramanyam Iyer in
3rd P. W. a most able speech of three days duration. His conten-
tion is that only Drs. Beech and Stanborough saw the
Rajah for any length of time and they are witnesses, upon whose
testimony this Court cannot safely rely. Drs. Branfoot,

13th P. W. and Brockman may be men of greater reputation but
2nd P. W. they have formed their opinions upon the slightest
possible inspection of the Rajah. Thus the plaintiff's case really
rests upon the hasty and superficial examination of the Rajah by
these two officers. The opinions of experts must be supported by
reasons. Even if there were nothing on the other
3rd D. W. side, plaintiff's case must fail from its intrinsic weak-
4th D. W. ness. But there is ample evidence for the defence.
Dr. Walker in 1879 and Dr. Ferris in 1882 give a
different account of the Rajah. These two witnesses were honestly

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hopeful, as appears from their prescriptions, and they believed the
Rajah when he said there was improvement. Also, there are witnesses
of the highest credit, who speak to the Rajah's general health. Dr

Browning who saw the Rajah with hawk
17th D. W. on wrist, Mr. Brown, who galloped a long
2nd D. W. side the Rajah's horse, Mr. Metcalfe,
56th D. W. who saw the Rajah walk up a hill, and Mr.
57th D. W. Vanstavern, who saw Rajah unaid-
ed mount a sixteen hands horse. The

10 Court cannot put aside the evidence of these gentlemen
and regard the Rajah as a debilitated invalid. The truth is that
the Rajah misled some of his medical advisers and has misled the
experts by his inaccurate use of medical terms. The Rajah spoke
of gonorrhœa when he had no gonorrhœa. He spoke of shankers
but he never had a shanker. The masturbation of which the Rajah
spoke was not masturbation until emission, but the Rajah touched
himself or got women to touch him only for the purpose of obtaining
an erection in order to penetrate his wife, which is a very different
thing. The phrase "excessive abuse" was put into mouth of Dr.
20 Ferris by the examining Counsel. The corpulency of the Rajah
has been much exaggerated. His defects in virile power arose from
mind and not from body. He was too anxious and went from
Doctor to Doctor. When at last he found medical men who gave tone
to his mind and restored his confidence in himself he recovered his
powers. What reason can be given sufficient to brand the Rajah with
the stigma of impotency? He did not suffer from disease until
long after the birth of 2nd defendant. The small size of the organs
does not connect impotence. The state of the prepuce does not
hinder fruitful intercourse. Even if the Court be of opinion that the
30 Rajah, by excessive coition with his wives, had temporarily lost
his powers, every body knows that by abstinence and careful living
for a time the powers would return to him. If any thing could win
this case for the defence, it would be this speech by Mr. P. Subra-
maniam Iyer. I never listened to a better speech.

58. In reply Mr. Wedderburn pointed out as regards corpu-
lency the medical men who saw the Rajah naked or at least saw his
thighs naked have a better idea of his obesity than have the medical
men who saw the Rajah only with a tight belt and clothes on. We
have the photographs and although every photographer strives to
40 flatter the subject, yet undoubtedly the photographs do show the
Rajah as an unwieldy man. In Exhibit N we have the Rajah's own
statement that he weighed 275 lbs or nearly twenty stones. The Court
cannot ignore the opinions formed by Drs. Branfoot and Brock-
man, men who have risen to eminence in their profession. The

evidence of a medical man who has seen the patient is of more value than is the opinion of many speculative experts who did not see the patient. As for as the London experts compare the fairness of Mr. Erichson with the hostile attitude of Mr. Rose. Plaintiff does not say that the Rajah was congenitally impotent or that is impossible, in the sense of against nature, for him to be a father but plaintiff does say that by his mode of life he had so lost his natural powers, that it was impossible, in the sense of in the highest degree improbable, that he could be a father and that any jury of twelve honest men would say so. This contention is not affected by the fact that unimpeachable witnesses saw the Rajah moving in society. It is not denied that the Rajah went out of doors and travelled over India. Mr. Wedderburn himself saw him at Government House, Madras. But on these occasions as the Rajah was in his best clothes, so was he on his best behaviour, putting his best foot foremost. If we wish to know what the Rajah was at other times, let us look

at the ghastly scene depicted by Mr. Gould. In a Chetty's house in Black Town, this Rajah, this Lord of an ancient and fertile Zemindari, mumbled unintelligible complaints and pulled up his cloth to show his genitals instead of his teeth to the Dentist.

As for Mr. Vanstavern's story that the Rajah rode up to his house one evening and unaided, remounted his horse, Mr. Vanstavern is an old gentleman who may have dreamed this, but even it is true, it does not show much. The Rajah may occasionally have been seen on horseback but there is no other evidence of any active habit. It is said that the Rajah shot tigers. If the Rajah went in a carriage to the end of the metalled road and then was carried in a palanquin to the platform where he sat to await the beat no activity would be required. The whole tenor of the evidence in this case is against the defence.

59. In considering the medical evidence upon this point, I have come to the opinion that plaintiff's witnesses and the defence witnesses are very much of one mind in this matter but that they are using the word impossible in different senses. Plaintiff's witnesses say that it was impossible for the Rajah to be a father meaning that it was so highly improbable that one may act as if it were impossible. The defence witnesses will not say that it was impossible evidently giving to the phrase impossible the meaning of against nature, but they admit that it was improbable and highly improbable. The word impossible seems to have frightened the defence witnesses. See Mr. Mayne's cross-examination of Mr. Rose at page 240 and of Mr. Treves at page 261. One witness says that he is sur-

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prised at nothing in sexual matters and another defence witness says that everything is possible unless the organs have been removed. But the Courts do not take this view for decrees of nullity are given against husbands who have male organs and cannot use them.

60. In the ordinary affairs of life and in deciding disputes in a Court of Law an event may be so extremely improbable that it is safe to act as if that event were impossible. Two of the witnesses for the defence express this view with somewhat brutal frankness. Professor Playfair admitted that certain external signs on a female may be produced by other causes than a previous pregnancy and he was asked what he would say if he found these signs on a virgin. His reply was "I should have no hesitation in doubting the virtue of that virgin lady. I believe in a woman's abdomen and not in her statements." Similarly Mr. Cooper admitted that in perhaps one case in a hundred a man gets gonorrhæ otherwise than by sexual intercourse and went on to say "a Clergyman comes to one with that sort of thing and he is certain that he got it from a privy. As a rule one does not believe that statement." Thus we find that these witnesses, who brusquely disbelieve the virgin lady and the Clergyman and act as if it were not possible that these patients are telling the truth shrink at the word impossible when applied to the chance that the Rajah of Pittapur begot second defendant.

61. In addition to the medical evidence, we have the direct testimony of female witnesses who have consorted with the Rajah. Two servant girls say that they were the Rajah's concubines and that he had no virile power whatever and employed them merely to toy with his private parts. This may be true or it may not be true. Nobody would give weight to what these two women say. Then we have the evidence of four of the wives. Mangayamma and the Chitrada Rani say that the Rajah was a capable husband, while the Nuzvid Rani and the Bobbili Rani say that he had lost his powers. I am disposed to give credence to the evidence of the Nuzvid and Bobbili Rani. Mangayamma is bound to defend herself and the second defendant, so is an interested witness. The Chitrada girl is connected with Mangayamma's family and so espouses her cause. On the other hand we have Subbayamma who is a lady of some character and position. She is the daughter of Narayya Appa Rao, the last Rajah of unpartitioned Nuzvid. She has property and law suits of her own. Her very lengthy evidence shows that she is a person of some decision of character. The Bobbili Rani is younger, but I see no reason to suppose that she gives other than true evidence. It is said that she had a miscar-

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riage but she denies this. The Rajah may have shown a foetus in a bottle, though that was a horrid thing to do, but if the story be true, I imagine that the Rajah was merely boastful and that the Bobbili Rani is to be believed when she says that she never was pregnant. Then again it is said by the defence that the Bobbili Rani volunteered her evidence. It is explained for the plaintiff that this was not so. Mr. Ross fixed a date by which all applications must be made for commissions to examine witnesses. The commission to examine the Bobbili Rani was applied for too late and was refused. Then plaintiff took out a summons to the Bobbili Rani to attend in Court and give evidence. Terrified at this summons, the Bobbili Rani herself applied for a commission which Mr. Ross granted. It is also said that the Bobbili Rani negotiated with Mangayamma for a price for her evidence, but I see no sufficient proof of that. Upon the whole, I think that although the evidence of these Rani is not worthy of much reliance, yet that it deserves more credit than does the evidence of Mangayamma and the Chitrada Rani.

62. In 1688, when James II was King of England, a Prince of Wales was born and a popular rumour arose that the Queen was sterile, that the infant had been introduced into Royal bed chamber in warming pan and that it had not been born from the Queen's womb. Macaulay in his history says that one thing that exploded this calumny was the fact that the Queen afterwards gave birth to a daughter which proved that she was not sterile. A similar disturbing element comes in here. A fortnight after second defendant appeared in the Fort at Pittapur, the Viravaram Rani gave birth to a daughter. This might be a very strong point in this case. If the Viravaram Rani had come forward and stated on oath that her husband was the father of her daughter, I must say that I should have been reluctant to disbelieve her and to give upon this issue a finding worded so as to call in question the legitimacy of her daughter. But the

Viravaram Rani has not come forward
Exhibit DJ. and it is pointed out for the plaintiff
that the accounts kept in Pittapur

Fort show that she went to Viravaram a few days after her marriage in June 1884 and that she returned to Pittapur on February 25th, 1885, only 233 days before the birth of her daughter. The suggestion is that the Rajah let her remain at her parents' house until some other man had made her pregnant. In reply it is contended that the accounts are not a sufficient guide and the Rajah may have visited her. Be that as it may, the doubt cast upon her conduct together with her omission to give evidence prevents me from regarding the birth of this daughter as any indication that the Rajah was potent.

63. Dr. Brockman gives five reasons for his belief that the Rajah was impotent. Here I may explain that I use impotent in its widersense. Incapable means a man who has no erection and who,

therefore, cannot penetrate. A man may be capable but be sterile because his semen is infertile. Impotent includes both these words.

64. The 1st reason is the undeveloped penis. In the examination of the witnesses many were asked about a small penis. If small means short that would be of no consequence because a man's penis may, when he shivers with cold, retract itself almost out of sight and the same penis may be very large when erect. But I understand Drs. Stanborough, Beech, Braufoot and Brockman to say that the penis was not only short but small, that is to say, small in diameter with a small gland and that their idea is not that a healthy organ of this size may not impregnate a woman but that the smallness of the size points to arrest of development.

65. The second reason is testicles undeveloped and fragmentary. Upon this point I must trust the medical men who saw the patient more than the experts who theorise about him and I accept the description given by Drs. Braufoot and Drake—Brockman. I do not feel confidence in the evidence of Dr. Ferris and I have a suspicion that Dr. Walker is actuated probably unconsciously by opposition.

66. The third reason is the large quantity of adipose tissue which surrounded the penis, symphysis, pubis and groins and abdomen. I think that there is very much force in Mr. Wedderburn's remark that the observers who saw the Rajah without clothes think much more of his obesity. No doubt many, very many stout men are fathers of families, but I suspect that their obesity is of a different type to that of the late Rajah of Pittapur. In other words there is a healthy fat and an unhealthy fat. The photographs of the Rajah make me think

that his fat was unhealthy. The defence put into the witness box, Mr. Metcalfe, the well-known Principal of the Rajahmundry College, and he boldly declared that the Rajah was no stouter than himself. But Mr. Metcalfe, though not an athlete, is a man of much intellectual activity. There was a better witness in Rajahmundry whom the defence might have put into the box, an officer who was twenty stone but has now reduced himself to nineteen and is nevertheless the father of a family. But he is a

keen snipe short. I know the stout officer with seventeen children of whom Dr. Carruthers speaks. He was Port Officer at Masulipatam. He was a Master Mariner who had spent his life in the open air. It is a very safe line for the defence to take in argument. The probability is that the Court will be with them for many Judges have a tendency to be stout. Shakespeare had noted

this fact when he wrote—

And then the justice, with fair round belly
with fact capon lined.

It is likely that a personal bias will deter most Courts from holding that a corpulent man is necessarily impotent. But the Rajah of Pittapur has himself given his weight as 275 lbs. His belts show that he could tighten his waist only to 48 or 44 inches. It must in fairness be admitted that this corpulence is one of the factors in the problem and cannot be left out of sight. There is an entire absence of any evidence that the Rajah took any exercise except an occasional ride on horseback.

67. The forth reason is the elongation of the prepuce which was in a state of thickening and ulceration. Upon this point some of the expert witnesses gave evidence that men do have sexual connection, notwithstanding the pain it causes and that it is possible for the semen to pass. Possibly the Rajah at one time may have been able to have intercourse,

19th P. W. indeed the Nuzvid Rani tells us that in 1871 he had some slight capacity, but I cannot believe that a man with his prepuce and gland in the state described by Drs. Stanborough, Beech and Brockman between 1875 and 1886 could have sexual intercourse.

68. The fifth and most important reason is his want of power of erection and his complaint that he had no emissions of semen.

3rd P. W. This varies from his statement five years previously to Dr. Stanborough that he emitted gum water. It is likely that he had lost even that reminiscence of potency. The evidence of the two concubines shows that he did not emit. 22nd P. W. The whole tenor of the evidence shews that he had lost his manly powers. 23rd P. W. The only evidence to the contrary is of that of Dr. Walker and of Dr. Ferris.

If in February 1880 the Rajah told Dr. Walker the truth that there was an improvement, the Rajah must have lost that improvement before he saw Dr. Brockman in June 1880 and Dr. Ferris in January 1882. If the Rajah did write to Dr. Ferris to say there was an improvement, he must have lost that improvement before

7th P. W. he saw Mr. Gould. We have the evidence of Dr. Beech that about December 1884, the date when second defendant must have been begotten, there

1st P. W. was no improvement. I think the conclusion is irresistible that at the end of December 1884 or beginning of January 1885 the time when second defendant was conceived in his mother's

womb, the Rajah of Pittapur was not potent. It is doubtless true that such impotency is often only temporary. A man may debilitate himself by excess or by bad habits and may nevertheless by abstinence and a careful life regain his lost powers. But there is a total absence

4th D. W. of any evidence that the Rajah made this effort, unless it be Dr. Ferris' story of the letter, which is supported

42nd D. W. by a passage in the evidence of the Chitrada Rani, but which I cannot believe. We know what he was when

7th P. W. Mr. Gould saw him about March 1884.

1st P. W. We have Dr. Beech's evidence. I cannot

find that in December 1884 or January 1885, the Rajah was potent. I must find as a fact that the Rajah was impotent.

69. We now pass to the medical evidence concerning Mangayamma. She is said to have been

3rd P. W. slightly younger than the Rajah. Her birth is placed in April 1844. She was

married to the Rajah at seventeen. The evidence shows that she had a discharge. The Rajah called it Gonorrhœa but it seems to have been leucorrhœa. She was treated by Dr. Stanborough at Madras. An attempt was made, by the defence to suggest, that it was the Nuzvid Rani whom Dr. Stanborough attended but this suggestion was not made out and there seems to be no doubt that it was Mangayamma and that she has been suffering from a discharge.

70. The second defendant is said to have been born on October 5th, 1885. The Rajah died on July 22nd, 1890, and immediately after the Rajah's death, plaintiff asked the Court of Wards that Mangayamma be medically examined and received a reply that his request was inadmissible. Afterwards, when this suit had been filed, plaintiff applied to this Court to order the examination of the Rani but Mr. Ross ruled that he had no power to pass such an order. Meanwhile

11th D. W. the Court of Wards, without any notice to plaintiff, brought down from Bombay a lady doctor, who went to Pittapur, and examined Mangayamma on March 26th and 28th, 1892. Plaintiff was at one time disposed to raise the question whether it was Mangayamma who was thus examined but that point is not now pressed,

12th D. W. as the evidence of Mr. and Mrs. Miller shows that it was Mangayamma. Mr. Miller is a Civil Servant, who was for a time Managar under the Court of

Wards. Mrs. Miller is his wife.

71. This examination by the lady Doctor Mrs. Ryder was incomplete and unsatisfactory because
 11th D. W. Mangayamma was so horrified at being examined by her visitor, that she began to have convulsions and the examination had to close. Incomplete as it was the evidence of Mrs. Dr. Ryder has been laid before the experts and the experts range themselves on one side or the other giving contrary opinions as they did regarding the Rajah's potency. It is one more instance of the value of expert testimony.

72. Mrs. Ryder says that Mangayamma was a tall, well-proportioned, well-developed woman of delicate constitution and nervous. Witness found the vulva orifice small but gaping. The *os uteri* by touch was transverse and nodulated. The walls of the vagina were slightly inflamed and the papilla prominent. The anterior lip of the uterus was prominent. The breast were relaxed and pendant with prominent nipples and dark areola. There were striae on the breasts. The abdomen was relaxed and pendulous, there was a pigment line in the median line of the abdominal wall and old white striae on the abdomen and thighs.

73. The defence experts say that these signs show conclusively that Mangayamma had borne a child and in addition to the experts I have already named I must now mention Mrs. Phipson and Mrs.

14th D. W. Bradley of Bombay, who gave evidence

15th D. W. as experts on this point. On the other hand plaintiff's experts say that these

signs point the other way. The small orifice shows that she was not a mother. The gaping orifice is to be expected in a woman of 48 years. The transverse *os uteri* is virginal. The nodulation may arise from the discharge and this suggestion is strengthened by the fact that witness found the vaginal wall inflamed. The prominent papillae is virginal. Parturition would obliterate the papillae. The anterior prominent lip of the uterus is virginal. The relaxed pendent breasts must be expected in a native woman of this age. The prominent nipple is virginal. The dark areola is usual among Hindus. The relaxed and pendulous abdomen proves nothing and the pigment line is often seen in virgins. The striae on the breast and on the abdomen and the thighs may have arisen from causes other than pregnancy. Especially is stress laid upon the fact that Mrs. Dr. Ryder in her examination failed to note two signs which are conclusive proof of a previous pregnancy, viz., scars in the vagina and laceration of the perineum.

74. I am altogether unable to come to a decision in this matter upon expert testimony so conflicting. In the question about

the Rajah, a man may venture to have an opinion of his own, because the subject is one of which he has some personal knowledge. But in this question of the signs that denote a previous pregnancy a layman must be guided by the medical witnesses. The testimony of Sir John Williams, for instance, is most emphatic but upon this question the defence witnesses are reinforced by the three ladies whose evidence carries some weight. Mrs. Ryder is a physician of many years practice. Mrs. Phipson is in charge of the Cama Hospital at Bombay and has a reputation. Mrs. Bradley was a midwife in Bombay but went to Europe and obtained a medical diploma. Thus the medical evidence seems to be fairly balanced. But there is one flaw which vitiates it or as much of it as relates to the internal examination. Mrs. Ryder's examination of the internal organs was made under difficulties and is incomplete so that no satisfactory conclusion can be drawn from that examination. I therefore am obliged to say that the medical evidence does not enable this Court to decide whether Mangayamma was or was not a mother.

75. Leaving the medical evidence we now pass on to the evidence of witnesses who speak to the history of this case. There is evidence to show that the Rajah had not friendly
 20 Exhibit HHH feelings towards Mangayamma. In one letter he writes of her very bitterly. After the visit to Madras in 1875 he seems to have ordered her away and she was at Tiruvur in her parents' house from 1876 to 1880. In the latter part of 1880 she met the Rajah at Samulcota and it was supposed that she then became pregnant, the date of the supposed conception being 21st October 1880. Her Srimantam ceremony was performed on 2nd April and upon 10th April 1881 she left Samulcota for Tiruvur where she remained until August 1884. The Rajah at first published abroad the news of Mangayamma's pregnancy but more than nine months passed and nothing came of the pregnancy. Whereupon the Rajah said that it was an elephant pregnancy in which the period of gestation is more than nine months. A mass of evidence has been put on record by the defence to show that the Rajah was honest in this idea and that there is a wide spread local belief that a woman may carry an infant in her womb for 18 or 27 months or even for a longer period. Whether the Rajah honestly believed this, I cannot say, but there is no doubt that he enunciated the belief.

76. All this time Mangayamma remained at Tiruvur in her parents' house. There were persistent rumours that she was pregnant and spies were sent from Venkatagiri to keep watch on her doings. Plaintiff's case is that during this period Mangayamma simulated pregnancy and made attempt after attempt to obtain a child which she could pass off as the fruit of her womb. The defence say that there was no such attempt made, that even the Ven-

katagiri people believed that she was pregnant, that the spies were intended to see that a daughter born to Mangayamma be not changed into a son and that the truth is that Mangayamma was suffering from hysterical or spurious pregnancy.

77. Regarding these attempts evidence has been given for plaintiff and has been contradicted by the defence and a brief summary must here be given of the evidence for and against. The first attempt is spoken to by a Brahman singer,

58th P. W. who says that Mangayamma sent by him a message to the Zemindar of Utukur and that when witness' mother-in-law was about to give birth to a child, Mangayamma asked that if the infant be a boy, it be given to her. I do not think that this witness deserves much credit.

78. The next story is told by a prostitute, whose mother was one of the servants in the household of Mangayamma's mother. She says that Mangayamma arranged to take the infant of a pregnant woman named Kasturi Ramakka, but Ramakka brought forth a daughter, so the plot came to naught. Witness stands alone in this story. She must have been a very young girl at the time. In cross-examination she was induced to give dates which are disproved by the defence evidence. Thus this story is unworthy of credit.

79. We now come to the evidence of Kotta Ramayya, a Velama gentleman, who was Mangayamma's adviser and confident. Witness says that three years after the commencement of the supposed pregnancy, Mangayamma asked him to procure a boy for her. Witness first approached on this delicate subject, his own brother,

49th P. W. whose wife was pregnant, but the wife would not consent. Then witness found out a Sudra

48th P. W. woman named Komana Ganga, who was pregnant. While witness was on this business he

Exhibit B R. received from Mangayamma a letter which he produces. The woman Ganga was brought to lodgings near Tiruvur but she gave birth to a daughter. The next

overture was made to Chidrala Pichaya of Ellapuram, whose wife was pregnant, but he

50th P. W. was timid about it. Two or three months after this attempt Mangayamma left Tiruvur. Witness afterwards heard of the birth of second defendant and did not

believe it. In cross-examination he admits that he was present at the Barasala ceremony of second defendant.

80. The letter which this witness has produced is Exhibit B R. It certainly reads as if witness was intended by Mangayamma to

bring something secretly. The defence deny that this letter is genuine and they cross-examined witness upon it at very great length and contended vehemently that the letter is a fabrication. Also, the defence contradict his

61th D. W.

80th D. W.

81st D. W.

58th D. W.

Ex. 188.

10

weighing the evidence in this matter, I am disposed to give credit to Kotta Ramayya's evidence and to believe that Exhibit B R is genuine and that Mangayamma was plotting.

67th P. W.

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81. The next informant is Datla Narasam-ra. She says that when Mangayamma was at Rajahmundry on her return journey from Tiruvur, she sent witness to Kadyam with a letter to Ramayamma about procuring a child. That overture was unsuccessful. Afterwards at Pittapur Mangayamma again sent the witness to Ramayamma with a letter asking for the infant of Sitaramasami but this attempt

Exhibit Q. C.

30

74th D. W.

76th D. W.

77th D. W.

her dates are wrong, because the infant of Sitaramasami was born on March 11th, 1885—about this date there is a little episode. The manager sent for the registers of Hundur village to show this date and the date was seen in the register but afterwards the date was found to be different and it is said the curnam was approached by an emissary on plaintiff's side and that he has tampered with the register. This allegation may be true. I think that Narasamma may have made mistakes about the date but that her story may nevertheless be based on some foundation of fact. I did not see the witness.

40

82. Mangayamma returned to Pittapur in November 1884 and remained there. At 11 p. m. on the night of October 5th the birth of a son was announced. The question which this Court has now to decide is whether this infant was born from Mangayamma's womb or was brought into the Pittapur Fort.

83. The fort at Pittapur is a large enclosure within a mud wall which has stone gate ways. This is a usual type of old

fashioned Indian Forts. Peons are stationed at the gate ways but possibly the discipline is not very strict and the attendance is not very punctual. There is evidence that pathways outside the Fort lead to places in the wall other than gateways, so it may be taken that the inmates get over the wall at these places. In Zemindar's Forts, the guard at the gate is often more for show than for use. Within the Fort is the Rajah's palace where he resides and transact business. Adjoining this is the block of buildings where the Rani has her apartments.

84. The story told by two women servants named Appi and

Sita is that on the evening of October 5th 10

64th P. W. Mangayamma swore them to do her bidding

66th P. W. and then told them of the plot. The Chitrada

Rani and a servant, named Bodidi *alias* Sai-randri were in the secret. About 11 p. m. Bodidi entered and spoke to Mangayamma who said to the two witnesses that Kanakiah had brought the child and that they were to fetch it. Bodidi remained with Mangayamma while the witnesses went out of the house to "Lakshminarayana's yard" where they met Kanakiah who was carrying an infant, wrapped in two cloths. By what route Kanakiah

had brought the infant into the Fort does not appear. Kanakiah was a man who had been long in the service of Mangayamma. The two witnesses carried the infant indoors into Mangayamma's bed room. They found her reclining upon a low cot. Bodidi had a pot full of blood, intestines and after birth, which she emptied on the floor near the cot. Bodidi smeared with blood Mangayamma's petticoat and sprinkled her white sheet. Bodidi then took the infant and smeared it with white stuff to make it appear as if it were newly

born. Then the Chitrada Rani went out of the room and called one of her women to take a message to the Rajah that a son was born to Mangayamma. Soon afterwards the Rajah and the Hospital Assistant entered the room. The Rajah made Mangayamma put out her hand from under the sheet which covered her and the Hospital Assistant felt her pulse. The Rajah and the Hospital Assistant went away without looking at the infant which lay there. That infant is the second defendant. The witness Appi went out into the village and got some woman's milk for the infant but by next morning there was a wet nurse in attendance. The Rani, Mangayamma, did not suckle the infant. She lay on her cot for nine days but she ate her usual food.

85. That is the story told by the two women. Bodidi and 40

Kanakiah are dead but the story is contradict-

44th D. W. ed by Mangayamma, by the Chitrada Rani and

42nd D. W. by two women servants, who say that they were

45th D. W. present at the birth. This is the direct evi-

46th D. W. dence.

86. Of indirect evidence we have a huge mass. One point that plaintiff makes is that in the months preceding October 5th, 1885, there was no intimation of Mangayamma's pregnancy. Eleven witnesses say that they did not hear that Mangayamma was pregnant and it is in evidence that even the Rajah fell back upon the old story of the pregnancy that had lasted from October 1880 and said that second defendant had been five years in the womb. On the other hand thirty-two witnesses for the defence say that they did hear that Mangayamma was pregnant. So also plaintiff takes the point that upon this day, October 5th, there was no announcement in Pittapur Fort that Mangayamma was in labour. Six witnesses say that they did not hear that she was in labour. But this is met by nine witnesses for the defence, who say that on that day they did hear that she was in labour. Similarly nineteen witnesses for plaintiff say that she had not the appearance of a pregnant woman while twenty witnesses for the defence say that she did appear to be pregnant and eleven witnesses say that she suckled the infant.

87. To read this evidence is a weary task and the perusal makes the reader disposed to subscribe to the despairing dictum of Mr. Justice Holloway that oral evidence in India is *prima facie* not entitled to credit. In his speech at the close of the suit the Hon. Mr. Subramanya Iyer very wisely said that he would not ask the Court to count heads and that it is quality and not quantity of evidence that will guide the Court to a decision. In discussing this evidence I shall strive to keep this principle in view.

88. We may commence with the evidence of the Rani.

44th D. W. Mangayamma is an interested person. She is accused of fraud. If she is guilty of this fraud, she is bound to deny it. Her previous conduct at Tiruvur does not dispose me to place confidence in her integrity. I feel that much reliance cannot be placed upon her denial. The Chitrada Rani is a young woman who was under the influence of Mangayamma. Their families are connected. I cannot attach much weight to her evidence.

89. The Nuzvid Rani, as I have said before, 19th P. W. is the daughter of one of the foremost men in the Northern Circars. Her evidence impresses me

40 favourably. It is contended that she has always been hostile to Mangayamma. It is true that she seems always to have looked down upon Mangayamma with contempt, but it does not follow that she would give false evidence against her. The evidence of the Bobbili Rani has been assailed. It is said that she hesitated and was disposed in

consideration of an increase of maintenance allowance to give evidence for the defence. I do not think that this accusation is made out against the Bobbili Rani and I am disposed to believe her evidence.

64th W. P. 90. There is no intrinsic reason why the evidence of the two women servants should not

66th W. P. be believed. They were not shaken in cross-examination and their evidence is in part corroborated by that of plaintiff's 67th witness. I did not see them, so cannot judge of their demeanour.

59th D. W. 91. One witness whom I did see did not make a good impression on me and that witness is Mrs. Beggs. She is the widow of the old School Master of the Rajah and so used to visit at Pittapur. She says that she went to see Mangayamma after the arrival of second defendant and that Mangayamma put the infant to her breast. Witness does not say if the child seemed to obtain any milk from Mangayamma's nipple. I am sorry to say it, but the demeanour of this witness gave me the idea that she was giving false evidence. There was a furtive glance at the Judge on the Bench to see if he believed her story.

92. There is another witnesses whom I saw, to whom I wish to denote some space in this judgment and that witness is Dharmarajulu, the Hospital Assistant in charge of the dispensary at Pittapur. This man, who is now 47 years of age, is one of the old school of Military Hospital Assistants usually called by the good old name "Dressers." He entered the service in 1868 and after fourteen years spent with a regiment or as an itinerant Dresser attached to the Camp of a Civil Officer, in 1882 he was posted to Pittapur. I have no wish to decry the class of the old Military Hospital Assistants. Some of them were worthy men and one remembers with gratitude the various Dressers who in remote jungles have stood by one's bed side as one tossed with fever and ague. Some of them were marvellously skilful in their profession. I remember an old Dresser who unaided performed the cesarian operation upon a Missionary's wife, who could not give birth to her first child because of some malformation of the pelvis. But I am unable to see any such good points in this witness. I can find in him no good quality, unless perhaps a power of ingratiating himself with his patients, for he certainly made himself acceptable to the late

7th D. W. Rajah of Pittapur. Dr. Carruthers is a witness for the defence, but this is how he speaks of Dharmarajulu. "I had every reason to be dis-

satisfied with him. When I inspected his hospital, I found it in an untidy condition. I reported badly about the place and I threatened to transfer him to Bhadrachalam." This threatened transfer did not take place. Dharmarajulu was able to induce the Rajah to express a wish that he should remain at Pittapur and apparently this wish was acceded to and the witness remained. In addition to periodical presents or fees from the Rajah, Dharmarajulu received rupees 20 per mensem for his attendance on the two children. He lived in a house rent free and when the Rajah lay on his death bed the title-deeds of this house were given to Dharmarajulu as a gift. He has since repaired or improved this house with timber which was the property of the estate and he paid nothing for that timber. The Rajah in his Will left rupees 100 per mensem to Dharmarajulu as the medical attendant of the children and the Court of Wards has paid this allowance. It is a high allowance—a very high allowance. The tsalary of witness as a First Class Hospital Assistant is only rupees 60 per mensem. Since the Rajah's death, Dharmarajulu has become a money-lender on a small scale at Pittapur. But the most startling thing in the rise and progress of Dharmarajulu

Fort St. George Gazette, 3rd December 1889. is that in December 1889 he was nominated by the Collector a Member of the Cocanada Taluq Board and that in May 1890 the Taluq Board elected him as a Member of Godavari District

Fort St. George Gazette, 20th May 1890. Board. This is the first instance I have known of a Dresser sitting at the District Board among the local magnates. I have had the curiosity to refer to the official report of the District Board meeting at Rajamundry on August 27th, 1892,

District Gazette. when Dharmarajulu is said to have busied

himself about the "securing" of evidence for the defence. I see that the Collector was in the chair. Then come the names of the Superintending Engineer, the Head Assistant Collector, the Deputy Collector, the Manager of the Pittapur Estate, a Tahsildar, Dharmarajulu and then a Deputy Tahsildar. Thus this Dresser of an out-lying dispensary took his place at the District Board. This man whom this pending suit practically accused of being an accomplice in a foul fraud, sat amongst these officers of position and repute. I wish to say nothing about this witness, for which I cannot find warrant in the evidence before me but it does seem to me to be clear that the prosperity of Dharmarajulu dates from the arrival of second defendant in the Fort at Pittapur.

93. The evidence which this witness has given is severely criticised for plaintiff. Witness says that he felt Mangayamma's pulse

but he cannot tell us how many beats per minute he counted. He did not give ergot, because ergot is a dark medicine and one of the women had already given evidence that he gave a white medicine. So Darmarajulu giving evidence after her, has to stick to this story of white medicine and he tells us that he gave Ammonia and Ether in some water. He says that he brought that medicine with him. If so, he must have brought two bottles, one of Ammonia and one of Ether, for these are medicines that evaporate. His testimony is contradicted by four witnesses—the 1st, 40th, 41st and 61st witnesses for plaintiff. His testimony is impeached by documentary evidence. He has the audacity to tell the Court that he does not know the handwriting of his own brother-in-law. It is submitted that the testimony of this witness is utterly unworthy of credit.

94. I am disposed to take that view of the evidence of Dharmarajulu. I attach credit to the contradictions by the 40th, 41st and 61st witnesses and I am disposed to believe the story of these witnesses which shows that Dharmarajulu at the time believed that second defendant had been brought into the Fort. I also attach importance to the evidence of Dr. Beech, the first witness. Dr. Beech was on tour at that time and did not visit Fittapur until October 16th. He says that Dharmarajulu told him that there was a rumour that the infant had teeth. I see no reason to doubt the recollection of Dr. Beech on this point. It is a thing that would remain in his memory, especially as he mentioned the rumour in the memorandum which he wrote that morning. This is another strong piece of evidence to show that Dharmarajulu then doubted if the infant was Mangayamma's child. Dr. Beech does not seem to have understood that Dharmarajulu had himself seen the child. So the inference is that Dharmarajulu kept silent about his share in the business. I must say that in this suit I regard with the utmost distrust the evidence which Dharmarajulu has given.

95. One point upon which the defence rely is that witnesses have spoken to a resemblance between second defendant and the late Rajah. Witnesses 69, 70, 71, 78, 84, 86 and 108 say that there is a resemblance. It is true that in some cases the Courts have given weight to such evidence. It will have more force when the child has become an adult before the dispute comes into Court as was the case in the famous Douglas suit. I think that little reliance can be placed upon a likeness seen in children and

that the evidence of these witnesses is too slight to carry any weight. On the other hand is evidence that second defendant is dark, much darker than either the late Rajah or Mangayamma who were both of a light "bamboo" colour (see the evidence of Dr. Beach on this point).

96. Another matter put forward by the defence is the conduct of the parties. It is contended that plaintiff and many of his witnesses have acknowledged the second defendant to be the son of the late Rajah. This is not put forward as an estoppel but as an admission as evidence to negative the allegation of fraud. Before discussing the evidence on this point, I must say that to my mind, in a case such as this is, the smallest possible deduction can be drawn from such evidence. Admissions of facts may be important. Recognition by relatives is in pedigree cases most important because in these cases there is often little else before the Court. But plaintiff's case here is that second defendant was fraudulently put forth to deceive the relatives. It can be no answer to such a case to reply that certain of the relatives believed in the second defendant or that others of the relatives were too timid to act upon their suspicions.

97. However let us discuss this conduct of the parties and first let us take the Rajah and the plaintiff. The Rajah knew from the first that the birth of second defendant would be questioned. The fact that the rupees 400 paid to Dr. Beech was entered in the accounts as paid to a Pundit is a most instructive fact. So far back as 1881 the Rajah knew that his capacity was questioned. The adoption appeal pending before the Privy Council gave him a beautiful opportunity to record evidence of the birth of 2nd defendant and this was suggested to him but he did not take the opportunity. In 1887 it is clear that the Rajah knew this suit was brewing.

98. The plaintiff was already on cold terms with the Rajah. There had been an arbitration about his maintenance allowance. He was living separate. He had not been invited to the marriages in 1884. He received no letter from his father telling him of the birth of second defendant but only a telegram from the Manager. To this he made no immediate reply which in itself shows how strained the relations were. Six months afterwards when the birth of a second son to himself gave him a good excuse for writing to his adoptive father, he wrote a letter under legal advice and asked for particulars of the birth.

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The Rajah also took legal advice and wrote a very guarded reply. There is not much recognition here.

99. But the defence lay stress upon the Bank Mortgage. The facts that lead up to this must be narrated. The Bank of Madras has a Branch at Cocanada which stands on ground that belonged to the Rajah. The Bank built a large building on this site and it was agreed that the Bank should protect itself by taking a mortgage from the Rajah of this building. When the mortgage bond was under preparation, the Bank of Madras knowing that this suit was threatened, insisted upon plaintiff joining the Rajah in the execution of the mortgage bond. Plaintiff consulted the Rajah of Venkatagiri and consulted his legal advisers and held back. The excuse he gave was that personal liability would attach to him even if he did not succeed to the Pittapur Estate. The Directors of the Bank yielded this point and the document was drawn so as to make plaintiff liable only in the event of his succeeding to the Pittapur Estate. Plaintiff still held off and the Bank then threatened a suit for specific performance. Plaintiff then signed. The mortgage bond contains a recital of the birth of second defendant. This is relied upon by the defence as an admission by plaintiff that second defendant is the son of the late Rajah.

100. I see no force in this point. The whole story is told in Mr. Crombie's evidence. The very reason why the Bank of Madras compelled plaintiff to sign was because the birth of second defendant was disputed. A minor point taken by the defence is that plaintiff has contradicted himself. In applying for a commission to examine witnesses, the plaintiff filed an affidavit saying that he signed the mortgage bond not knowing of the recital. In his evidence before this Court he admits that he did know of the recital. Plaintiff explains that before signing the affidavit he had told his legal advisers that he signed the mortgage bond under legal advice, that the recital would not bind him and that he was told in reply that this was equivalent to signing without knowledge of the recital and that he could take the affidavit. This explanation is not satisfactory, but the matter is not of much importance. Admitting that plaintiff did know of the recital, the nature of the whole transaction shows that this recital was not intended as an admission of the truth of the birth of second defendant.

101. The defence proceed to point out that all four Ranis went to Tirupati and that at the tonsure ceremony of second defendant all four threw a gold coin as part of the ceremony. The Bobbili Rani also in her letters speaks of 2nd defendant as the son. I do not

think that this is of much weight. The Rajah was a man of violent temper and it may well be that the two Ranis had not the courage to tell him to his face that the second defendant was not his son.

102. It is then said that many relatives wrote to congratulate the Rajah and that others were present at the Barasala and Annaspradham ceremonies of second defendant. To this it is replied for plaintiff that these congratulations may, in some instances, be explained away. The old Rani of Bobbili was inclined to make common cause with the Rajah against hated Venkatagiri, for she too had taken a son in adoption from Venkatagiri, and had quarrelled with Venkatagiri over the boy. But it is asserted for plaintiff that after the arrival of second defendant not a Velama kinsman ever sat at meals with the Rajah and that there is a significant absence of recognition by the powerful families of Nuzvid and Nidadavolu.

103. Next the defence say that the rank and file of plaintiff's witnesses are a lot of dismissed servants and that plaintiff has money enough to make it worthwhile for these witnesses to come forward on his behalf. I think that this observation cuts both ways. There is a good deal of evidence on record that servants who would not consent to support the defence were dismissed, so that perhaps the plaintiff's witnesses have preferred truth to their posts and the defence witnesses have clung to office. As for expenditure I do not know what plaintiff is spending. He is a private man spending his own money. But there have been glimpses of the mode in which the Court of Wards has spent the estate money. Mangayamma seems to have had an entertaining allowance of rupees 1,500 per mensem. It is highly probable that she expended a great part of this in placating witnesses for the defence.

104. Much stress was laid upon the fact that the plaintiff has brought forward no evidence to show whose son the second defendant really is, to show whence come the infant which Kanakiah held in his arms in the Pittapur Fort at eleven o'clock on that October night. This idea was very early put forward. After the plaintiff was filed the defence put in interrogatories asking plaintiff whose son the second defendant was asserted to be. This seems to me like beating a cripple with his own crutch. The second defendant is in possession. The Court of Wards is in possession. All the influence of Collector, Manager and Tabsildar is on the side of the defence. Plaintiff is kept at arms length. It is a marvel that he has succeeded in obtaining so much evidence. It ought not to tell against him that he has failed to obtain more. Is it likely that the parents who parted with their son in consideration of his inheriting the broad acres of Pittapur

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will now come forward to dash down their son from his pedestal? But that is what the defence argument amounts to.

105. I wish to digress here to say that the system, under which the executive officers of Government in this Presidency are Agents of the Court of Wards, is in one respect a bad system. When there is litigation, to which a Ward of Court is a party, the executive from the Board of Revenue downwards take a side and their influence is thrown into the scale in favor of the Ward of Court. I have already mentioned the allowance made to Mangayamma. There is another

matter in the conduct of this suit which
Exhibit CZ. startles one, Mangayamma, on 24th February

1891, wrote a letter to the Collector asking that all her letters to the Rajah be made over to her. She promises to return any that may be useful to second defendant. What orders were passed by the Collector up on this letter does not appear, but none of these letters have been produced and I am asked by plaintiff's counsel to say that they have been withheld by the defence and to presume that, if produced, these letters would have laid bare the plot of the Rajah and Mangayamma to substitute an heir. I shall not do this, because, in this suit, I prefer not to base my decision upon presumptions. But I formerly, as Judge of this District, place upon regret my regret that the Collector has laid himself open to this aspersion.

106. The next point taken by the defence is that the two women, Jaldy Appi and Sita, are accomplices. It is contended that the whole case of plaintiff rests upon the story told by these two women; that this story is not corroborated and that plaintiff's case must, therefore, fall to the ground. It is also said that the story is grossly improbable because, if an introduction were contemplated, the way would have been paved for it by simulated pregnancy and labour pains, so that the whole story told by plaintiff's witnesses cannot be believed.

107. I quite admit that these two women are accomplices and that it is unlikely that Mangayamma would have selected them for the task. I have already expressed an opinion that they tell their story well and that Narasamma, the 67th witness, has corroborated part of it, but I freely admit that no Court would rest a decision upon the evidence of these women, if it stood alone. However, it seems to me that plaintiff's case stands more upon the probabilities and upon the indirect evidence and that plaintiff may possibly succeed even without the evidence of these two women.

108. Upon the burden of proof it was then contended that, because this suit practically accuses the Rajah and Mangayamma of fraud, this Court must require very strong proof before giving a

decision in favor of plaintiff. The contention is that such substitution of an heir is a crime. It is called *suppositio parus* in Scotland 1, and although in England it has no name, yet, in India, it would undoubtedly fall within the definition of fabricating false evidence. Dewan Bahadur Subramanya Iyer put his contention so high as this, that I, sitting here as District Judge, must require from plaintiff as strong a case as if I were sitting as Sessions Judge with the Rajah or Mangayamma in the Dock charged with this crime.

109. This doctrine was laid down by Lord Coalston in the Douglas case and several English and American cases were cited in support, but no Indian case was cited which goes so far. I entirely admit that there is a very heavy burden upon plaintiff. The second defendant is in possession and was put forward as his son by the late Rajah in the most emphatic manner so that a very clear case must be made out by plaintiff, before this Court will oust the second defendant. So far both sides are agreed. But I think that it would be dangerous in India to enunciate the doctrine, for which the defence contends that, in a Civil Suit, between plaintiff and defendant, a necessary implication of fraud against a third person throws the presumption of innocence into the scale.

110. The same idea was then put forward in different words. It was contended that no sufficient motive is shown for such wickedness and that it is most unlikely that Mangayamma, a lady of rank, and the Rajah, a man of position, would have stooped to this plot. The Rajah was a man of a kindly heart. He was well disposed (see the page in his will about the Bible.) He may have quarrelled with his adopted son, but he loved his grandson who would succeed after plaintiff.

111. It appears to me that the late Rajah was what Dr. Johnson called "a good hater." There is ample evidence to show this. These feuds between Zemindars in the Northern Circars are very bitter. The feud between Vizianagaram and Bobbili is historical. These feuds remind me of the feuds between families in my own country. I imagine that it is because of family feuds that the crime of *suppositio partus* is a crime known to Scottish law. There is the old anecdote of the Scottish nobleman, who, being told of the death of a grandson which let in a hated Kinsman as next heir of entail, exclaimed, "The heirs ought not to have died so long as there was a lad born in all Glenorchy."

112. As for Mangayamma I fear that the evidence of her attempts at Tiruvur and the withholding of her letters tells against her and lessens any reluctance which this Court might have had to find that she is capable of this plot. I wish to say nothing that will give offence, but this is a civil suit and it is only fair to the parties that I should put on a paper what is in my mind on this subject. I cannot feel much confidence in the principles of a lady who has been brought

T. S. J.

D. C. M. P., 278—1

up in the atmosphere of a Zemindar's Zenana. Why is it that European parents in India are so careful to send their children to Europe at an early age? It is not because of the climate although that may be the excuse given. It is lest the children be corrupt by the servants. Now the servants about a European household in India are usually married men and women. But in a Zemindar's household the female servants. I cannot call them maid servants, are mostly kept women as amply appears from the evidence in this record. The influence exercised by these women over a Zemindar's children must be bad. The ladies in a Zenana have little occupation. The natural result is that Zenana is hotbed of intrigue. I know that the Privy Council thinks that we, Indian Judges, take a too pessimistic view of human nature. In one case the Privy Council said, "Judges in India are perhaps too apt to see fraud everywhere". But I must decide this suit according to my own ideas, and I cannot think that Mangayamma was incapable of this plot.

113. It may be said that the Rajah would not have encouraged this plot when there was a prospect of the Viravaram Rani bringing forth a son. The evidence seems to point to Mangayamma having hastened this scheme to anticipate the confinement of the Viravaram Rani and that the Rajah passively accepted the accomplished fact taking care to ask no questions.

114. In reply plaintiffs' counsel pointed out that, among the witnesses who heard nothing about Mangayamma's labour pains on October 5th, are officials of position who ought to have heard. We have the accounts of Pittapur Fort where every article issued to the Rani, is entered. On October 5th, 1885, there is an entire absence of issue of any articles for a confinement, such articles, as we finally issued on October 19th for the Viravaram Rani or on a previous date when plaintiff's wife gave birth to a son. These things may seem to be trifles, but it is by trifles that fraud is detected. Again it has been said that an introduction would surely have been preceded by a simulated pregnancy and by simulated labour pains. Not at all. Any announcement that Mangayamma was in labour, would have roused the palace and then no opportunity could possibly be found to smuggle in the infant.

115. As Rajah T. Rama Row well said, the defence ask this Court to find that series of most unlikely events of a series of medical curiosities, did happen. The first is that the Rajah recovered his powers and was able to procreate about the beginning of 1885. The second is that Mangayamma conceived after twenty-three years of barren wedlock. The third is that she conceived immediately after from years of spurious pregnancy. The fourth is that she bore her first child at forty-one years of age, a thing that happens only in one case in five thousand.

T. S. J.

sand with native women. The fifth is that she, at that age, gave birth to her first child in an easy labour without skilled assistance. The concurrence of these five marvels is surely too much."

116. The issue has been very fully argued and I have no hesitation as regards any decision. Doubtless the burden is heavily on plaintiff to prove his case. When I took up this suit, my feeling about it was that never had a plaintiff undertaken so uphill a task, so hopeless a quest, as this attempt to oust a son in possession who had, for years, been acknowledged by his father and mother. But the evidence which I have discussed, leaves no doubt in my mind that plaintiff's cause is just and that he has been the victim of foul conspiracy. Frequent reference was made in the course of the arguments to the great Douglas case which was tried in Scotland in 1767. There are certainly many points of resemblance, but I think there is one difference. In the Douglas case the fifteen Judges of the Court of Session at Edinburgh heard the case and eight voted one way and seven voted the other way. In this suit if fourteen colleagues had sat on this Bench with me, I think that all fifteen would have been of one opinion. Upon the second issue I find that second defendant was not born from the womb of Mangayamma and that he is not the son of the late Rajah of Pittapur.

117. I proceed to record findings upon the other issues which were argued. The sixth issue raises the question whether the Pittapur Zemindari is impartible, as has already been stated it was granted in A. D. 1647 and came down by descent to the late Rajah who was sixteenth Rajah of Pittapur. For the defence the Honorable Mr. Bhashyam Iyengar contended that it is impartible inasmuch as it has

always passed to one man, although, on six occasions, there was a plurality of heirs. In his argument Mr. Bhashyam Iyengar referred to the following authorities:—

5 M. I. A. 169 at pages 184, 186.

6 M. I. A. 164 at page 190.

13 M. I. A. 339.

2 I. A. 263, 203 (sic)

I. L. R. 2 Madras 128.

I. L. R. 3 Madras 290.

I. L. R. 13 Madras 406.

The Ramnad case, not yet reported I. A. 18.

118. With regard to the property in Schedule II attached to the written statement, Mr. Bhashyam Iyengar explained that it is property within the limits of the Zemindari which the Rajahs had acquired and that the presumption is that it was intended to be incorporated with the estate and to follow the estate in its devolution.

The only exception is item No. 22, the bungalow at Rajahmundry. That is without the territorial limits of the estate, but it has come down with the estate from the fourteenth Rajah and is evidently intended to go with the estate.

In this argument Mr. Bhashyam Iyengar referred to

I. L. R. 16 Madras 54.

I. L. R. 17 Madras 444.

12. M. I. A. 49.

119. In reply Rai Bahadur Anandacharlu pointed out that the descent of this estate has not always been by primogeniture. In at least two instances it has gone to an uncle before his nephew, the son of his elder brother, and once it seems to have gone to a junior branch of the family, before it went to the senior branch. Upon this it is contended that the estate was held in co-parcenary, that the senior member of the family held it as managing member and not by primogeniture and that it is now partible. The decision of the chief in council at Masulipatam in 1787 was erroneous because it proceeded upon the idea that this family is Kshatriya, whereas the family is Sudra. As for any statements or admissions made by plaintiff or by former Rajahs of Pittapur, these were made before recent decisions of the Privy Council had enlightened us on this subject.

120. It appears to me that this case cannot be distinguished from the Devarakota case at I. L. R. 13 Madras 406. I think that the instances, in which the estate passed to an uncle before his nephew or to a junior cousin before his senior cousin, do not alter the fact that this estate passed indivisible as an impartible Zemindari. Possibly these instances, in which the heir by primogeniture was passed over may be attributed to military necessities, for I believe that Pittapur was held on a feudal or military tenure. Even as late as 1880 in the Rampa rebellion the late Rajah placed a militia at the disposal of Government. I think that these instances of deviation from the line of descent by primogeniture are not sufficient to support the contention of Mr. Ananda Charlu that this estate is joint property, held by the managing member. Upon this sixth issue, I must find that the property in Schedules I and II is impartible.

121. The seventh issue deals with the property in Schedules III and IV. The property in Schedule III has been purchased by the Rajah out of savings. The property in Schedule IV passed under the will of Lakshmi Venkayamma in June 1883. Mr. Bhashyam Iyengar contends that all this property is the self-acquired property of the Rajah and absolutely at his disposal. The Will left by the Rajah shows his intention that this property should pass with the estate to second defendant. If the Will is invalid, then the property is parti-

ble. Upon this issue I find that the property is the self-acquisition of the late Rajah.

122. The ninth issue was not argued. I find that the family is Sudra. The tenth and eleventh issues raise the question whether the begotton son succeeds before the adopted son, and whether the adopted son takes an equal share or only one-fifth. The following authorities were cited:—

Mayne, para. 155.

West and Bubler, 3rd Ed. p. 1187.

I. M. H. C. R. 45.

I. L. R. 12 Bombay, 105, 108.

I. L. R. 7 Madras, 253.

I. L. R. 17 Madras, 422.

I. L. R. 4 Calcutta, 425.

I. L. R. 3 Madras, 318.

Sacred books of the East, Vol. 33, p. 200.

Colebrooks Digest II, 332.

Mitakshara Cap. I., Sec. II.

It appears to me that the begotton son being a superior class must inherit impartible property before an adopted son. I think that the adopted son takes one-fifth of the impartible property. This family is Sudra, but it has never been clearly decided that in Sudra families; the adopted son takes an equal share. The dictum at I. L. R. 3 Madras, 318 is only an opinion and not a decision.

123. The next issue discussed was the eighth issue which raises the question whether the late Rajah had power to bequeath by Will the impartible Pittapur Estate. Mr. Bhashyam Iyengar's contention on this issue is that, since the Madras High Court at I. L. R. 13 Madras, 197, followed the case reported in I. L. R. 10, Allahabad, 272, the holder of an impartible Zemindari may alienate his estate and that the power to bequeath by Will is co-extensive with the power to alienate *inter vivos*. I cannot find my notes of Mr. Anantacharlu's reply on this issue, but my recollection is that he admitted that, if a Zemindar has power to alienate one acre, he has power to alienate his whole estate and that he relied upon his contention upon another issue that the estate is partible.

124. It appears to me that the decision of the Privy Council at I. L. R. 10 Allahabad, 272 which runs counter to the whole previous current of Madras decisions, must not be stretched too far. That decision is that the holder of an impartible Zemindari may alienate a portion

of the estate unless there is some custom or something in the tenure by which the estate is held which forbids such alienation. It is a very long stride from a decision which allowed the alienation of a parcel of land or permitted a mining lease to a decision which permits a Zemindar to bequeath his estate to any beggar he picks up out of the street. I cannot think that Privy Council in the decision at I. L. R. 10 Allahabad, 272 contemplated any such result of their decision. I am of opinion that as the Zemindari was in its origin a military or feudal estate and that as the grant of a Sannad in 1802 did not change the previous tenure, there is certainly something in the tenure of this estate that prevents the holder from bequeathing it *en bloc* to a stranger and that is my finding upon the eighth issue.

124. The twelfth issue was not discussed. Apparently plaintiff accepts the schedules attached to the written statement. The fifteenth and sixteenth issues were not pressed. Third defendant has produced his title-deeds and plaintiff does not question them.

125. With regard to the third issue, the three Wills have been formally proved in the course of this suit for the defence. It is contended for the plaintiff that the third Will supersedes the others. I think not. I think that all three documents must be read together as one testamentary disposition.

126. The fourth and fifth issues raise the question whether second defendant, although found in fact to be not the son of the late Rajah, can inherit under these Wills. Upon this question Mr. Bhashyam Iyengar pointed out that second defendant, the legatee, is an innocent person. He is no party to the fraud. Also plaintiff's case is that the late Rajah was a party to the fraud. Therefore, the testator was not deceived and knew what he was doing when he made this bequest.

127. In the course of a lengthy argument the following cases were referred to:—

- Wilkinson *vs.* Jonghen L. R. to Eq., 319.
- Schloss *vs.* Stibell & Simons Reports, 1.
- Penfold *vs.* Giles 6. L. J. N. S., Ch. 4.
- Rishton *vs.* Cobb 5 Mylne and Crea., 145.
- Doed Gain *vs.* Rouse 5, C. B.
- Ford *vs.* Bateley 23 L. J. N. S., Ch. 225.
- Pratt *vs.* Matthew 22 Bevan, 328.
- In re Pitts 27 Bevan, 576.
- Laker *vs.* Hawker L. R. 1. Ch. Div. 644.

In re Boddington 22, Ch. Div. 597, 25, Ch. Div. 685,

2 M. H. C. R., 462.

3 I. A., 253.

I. L. R. 11 Calcutta, 463.

I. L. R. 12 Calcutta 686.

I. L. R. 5 Bombay 48, 61, 62.

2 Indian Jurist N. S. 24.

128. Upon this point I think that there is much force in the contention of Mr. Bhashyam Iyengar that second defendant is an innocent person, that the testator knew what he was doing and that the second defendant ought to get at least the self-acquired property of the late Rajah. For some time I was disposed so to decide the matter. It may be that the Rajah intended second defendant, even if dispossessed of the Zemindari, to get something as a recompense for the cruel position in which he has been placed. But upon further consideration I am of opinion that the adoption of plaintiff on 28th September 1873 and the subsequent agreement of October 1st, 1873, preclude the Rajah from bequeathing his property to a stranger. It is true the agreement of October 1st, 1873, is not a settlement of property but it is evidence to show that the Rajah of Venkatagiri gave plaintiff in adoption to the Rajah of Pittapur with an implicit understanding between them that plaintiff should inherit in the event of there being no begotten son. That event has now happened, and I think that this implicit agreement upon which the adoption took place is sufficient to hinder the Rajah of Pittapur from bequeathing even his self-acquired property away from plaintiff.

129. The fourteenth issue is upon limitation. It is contended for the defence that plaintiff's evidence shews that he knew of this fraud more than three years before suit, I. L. R. 13 Calcutta-308; 15 Calcutta, 58 and 20 Calcutta, 487. In reply Rajah F. Rama Rao referred to I. L. R. 3 Calcutta, 504; 6 Allahabad, 75, 466; 16 Madras, 311 and 25 W. R; 476 and contended that Article 95 of Schedule II of the Limitation Act does not apply. Plaintiff had twelve years or at least six years and the cause of action did not arise until the death of the late Rajah of Pittapur. There was no need for plaintiff to file a declaratory suit while his adoptive father was alive. For one reason plaintiff to the last hoped that his adoptive father would repent and do him justice before he died. If Article 95 does apply then upon the merits, time did not run against plaintiff. Mere gossip insufficient to justify a suit does not make time run against a plaintiff. Is a man to be forced into Court before he has collected any evidence? I think that cause of action arose in

July 1890 and that this suit is in time. It is a suit to recover land and twelve years seems to be the period.

130. The 1st issue is whether plaintiff has any cause of action against the Court of Wards. This issue has been framed because the Court of Wards as first defendant, has put in a novel plea to the effect that the Court of Wards as such cannot be sued.

131. For the first defendant it is contended that the Court of Wards is a Court. In England the control of the estates of minors is exercised by the Court of Chancery and in this Presidency similar functions are exercised by the Court of Wards. It is true that the powers of the Court of Wards are given by Statute Regulation V of 1804 and that here is a point of difference between the Court of Wards in Madras and the Court of Chancery in England, but the Court of Wards although a statutory creation is not the less a Court. This District Court, which is trying this suit, is a creature of the local legislature. See Regulation III of 1803 and Act III of 1873. Moreover the Court of Wards is a Court of Justice. Section 24 of Regulation V of 1804 gives the Court of Wards power to pronounce a judgment and this brings the Court of Wards within the definition at Sections 19 and 20 of the Penal Code. The Court of Wards can be sued no more than this District Court could be sued because it gave any permission to the guardian *ad-litem* of a minor suitor. The Court of Wards is not in possession of the Pittapur Estate. The second defendant was already in possession by inheritance and under his father's Will. In any case plaintiff must have been compelled to sue to oust second defendant even if the Court of Wards had not assumed control and had left Mangayamma alone to fight the battles of her infant son. Thus the interference of the Court of Wards gives the plaintiff no cause of action. The regulation provides a procedure for suits. The manager must be sued and in some cases the Collector but never the Court of Wards. In any case plaintiff is entitled to no relief against the Court of Wards. It had the sanction of Government to assume control under the regulation. It was then clothed with full power and the Guardians and Wards Act saves the power of the Court of Wards. All that it had done has been done in good faith for the benefit of the minor second defendant, Q. M. H. C. R. 47. Even if plaintiff succeeds costs must come out of the estate. *Mitchell Vs. Gard*, 2 Swaby and Tristram, 275 All this litigation has been caused by the late Rajah.

132. In reply Mr. Wedderburn said that although the argument for first defendant looked very well in theory, it is not in accordance with the facts. It is the practice to sue the Court of Wards not only in this Presidency but in Bengal 3 W. R., 83 and also 14 W. R., 34. As for possession it may be true that the Wards of the old Regulation read as if the Manager were in possession and as if the Court of Wards exercised only a mere supervision but as a matter of plain fact the Court of Wards is in possession and is very emphatically in possession. The rents of the Pittapur Estate are remitted to Madras to the Court of Wards and there the Court of Wards spends these rents as it pleases. See the evidence of Mr. Miller, who was Manager of this estate. He says that the Court of Wards spent money and issued orders and that he heard of it afterwards when the expenditure came to be entered in the accounts. If this is not possession, what is possession? Wherein lies the difference between the power of the Court of Wards and the power of any Zemindar who lives in Madras and receives remittances from his Manager? And what is the difference between the position of Mr. Miller and the position of any other Manager of a Zemindari who has to supply funds to an absentee landlord in Madras? Most undoubtedly the Court of Wards is in possession.

133. Mr. Wedderburn went on to say that the Court of Wards may have had the legal power to spend money in defending this suit and that it may be hopeless for plaintiff to seek for any relief against the Court of Wards, but that, nevertheless, this discussion is not a purely academic discussion upon an interesting point of law. It is a vital matter to plaintiff. Under the best legal advice he could obtain, plaintiff deliberately included the Court of Wards as a defendant and his reason for doing so was this. Under this unfortunate system by which the executive officers of Government supervise the management of the estates of incapacitated proprietors, the executive officers are biassed in favour of any Ward of Court. In the present litigation plaintiff has not had fair play at the hands of the Court of Wards and the hostility of the Court of Wards is so marked that plaintiff fears lest if the Court of Wards be struck off this record, the Court of Wards may in some way evade or defeat the decree which plaintiff hopes to obtain. Plaintiff, therefore, prays that the Court of Wards may be retained as a defendant in this suit, not because any relief is asked for against the Court of Wards but that the Court of Wards may have no excuse for not obeying any order which this Court may pass in this suit. Also, there is the issue regarding mesne profit. In ascertaining the

mesne profits, the expenditure of the Court of Wards must be scrutinised.

134. It may, perhaps, be thought that this is an unnecessary attack upon the Court of Wards, but plaintiff feels himself aggrieved. He had expected that some sort of an enquiry would be made by the Collector into the story of second defendant's birth. The position held by the Collector enabled him to hold such an enquiry but nothing of the sort was done. We know from the evidence of Dr. Beech that he had told Mr. Happel, the Collector, that second defendant could not be the Rajah's child but we do not know if Mr. Happel mentioned this to the Court of Wards. Section 6 of Regulation V of 1804 evidently intends that reports by Collectors on such occasions shall be made public but this report has been withheld from us. Plaintiff made a request that Mangayamma be examined and this request was brusquely refused. Afterwards the Court of Wards saw that plaintiff's request was reasonable, but, instead of, yielding the point and arranging for a fair and open examination, the Court of Wards smuggled into Pittapur a lady Doctor from Bombay, without the knowledge of plaintiff, without the knowledge of Mr. Miller, without the knowledge of Mangayamma herself. Small wonder is it that Mangayamma was taken by surprise and went into convulsions. This is a sample of the way in which the Court of Wards has treated plaintiff. The executive officers ought to have stood aloof from both litigants and ought to have been impartial, but we find Mr. Miller endeavouring to extract evidence from the Ranis and endeavouring to persuade Mangayamma to submit to examination, all for the benefit of the defence, and even Mrs. Miller is brought into this unsavoury case. A subsequent Manager goes down to Hundur to see about the village register. It cannot be the duty of the Manager to hunt up evidence for one side more than for another. But even the Collector of the adjacent District and his Tahsildars are ordered to collect evidence for the defence. And there is worse. On February 24th, 1891, after plaintiff had given notice of this suit, Mangayamma addressed that marvellous letter to the Collector, asking that her letters to the Rajah be made over to her and promising to return any that might be useful to second defendant's cause. These letters were in the custody of the Collector as Agent of the Court of Wards. In all fairness they ought to have been available for both parties. Let all the evidence be placed before

the tribunals and let justice be done *Magna est veritas et prevalebit*. But these letters are gone. They are withheld. Had they been placed before this Court there can be no doubt that Mangayamma's plots would have been disclosed. This is not all. Mr. Miller who seems to have had some elementary ideas of fair play, amused himself when he became Manager by making a list of all the Rajah's papers. A very fit and proper thing to do. But this list is not forthcoming. It has disappeared. The Collector of Golavari by permitting such suppression of evidence has smirched the British name in this District. Then comes the allowance to Mangayamma. The Rajah had fixed an allowance for the Ranis and it is to be supposed that he knew how much they required. But the Court of Wards knows better and gave Mangayamma an allowance of rupees 1,500 per mensem for her Velama relations or upon some such pretext. No accounts of her expenditure were asked for. It was absolutely at her disposition. Can any reasonable man doubt that this money was applied by Mangayamma in bribing witnesses? May we not go further and say that the Court of Wards, when it granted this allowance, must have known that it would be spent in bribing witnesses? That being the attitude which the Court of Wards has maintained throughout, plaintiff is not disposed to forego any legal hold he may be able to obtain in this suit against the Court of Wards. He is not disposed to content himself with a decree against an infant and against the Manager for the time being. Who is the Manager? A man of straw. Here to-day and gone to-morrow. It is said that the present Manager is going to Madras shortly to take up an appointment in the office of the Court of Wards. Look at the Kangandi Case at I. L. R. 13 Madras, 197, 199 where the Court of Wards itself had to dismiss its unworthy Manager and had to direct the Collector to file the suit on behalf of the minor and then say if the Court of Wards can to day tell the plaintiff that he must content himself with a decree against their Manager.

135. If this question came before me as *res integra* I should say that the defence contention must prevail for undoubtedly the words of the Regulation point that way. But it is ninety years since that Regulation was passed and this is the first time, so far as I know, that the Court of Wards has set up this plea. I think that if the practice of this Presidency is to be changed, the change must, be made by the High Court and not by a District Court. Also there is some force in Mr. Wedderburn's contention that the Court of Wards really is in possession as much as any absentee land lord is

in possession. As for the partiality which plaintiff imputes to the Court of Wards and Collector, I think that is the fault of the system more than of the men. Two matters, however, the suppression of Mangayamma's letters to the Rajah and the grant of an unduly large allowance to Mangayamma are very grave accusations and I think that they call for enquiry at the hands of the Madras Government or of the Secretary of State. Upon the first issue I find that there is cause of action against the Court of Wards.

136. The decree will be that as against the third defendant this suit is dismissed with costs. The decree will declare that the second defendant is not the son of the late Rajah of Pittapur and that the Will in his favour is wholly ineffectual and invalid. The decree will direct that the first defendant do deliver to plaintiff possession of the estates and other properties, immoveable and moveable, in the Schedules I to IV attached to second defendant's written statement, and that the first defendant do account to plaintiff and pay him mesne profits of the properties from the date upon which first defendant took possession until the date on which such properties shall be returned to plaintiff, the amount of such mesne profits to be determined in execution of this decree. The lawful costs which first defendant has incurred on behalf of the first and second defendants may be deducted from the amount of mesne profits, as there is no fund from which plaintiff's costs can be met other than the property which will be delivered to plaintiff, the plaintiff will bear his own costs.

Pronounced in open Court this twenty-first day of December 1894.

G. T. MACKENZIE,
Acting District Judge.

True copy.

H. MOBERLY,
Ag. District Judge.

The following witnesses were examined :—

For Plaintiff.

- | | |
|--|---|
| 1. Dr. L. Beech, | 37. Ahomed Sahib. |
| 2. Dr. Brockman. | 38. Guju Raju. |
| 3. Dr. H. Stanborough. | 39. Attili Uppayya. |
| 4. Dr. G. L. Paul. | 40. Mr. William James Hadden. |
| 5. Mr. A. C. Sadler. | 41. B. Venkata Reddi. |
| 6. Mr. H. G. Wedderburn. | 42. Sheik Davoor Sahib. |
| 7. Mr. H. J. Gould. | 43. Mudumbi Raghavachalu. |
| 8. Mr. C. R. Carunacara Menon | 44. Veizers Subbarow Pantulu. |
| 9. Panuganti Seshachalapati-
rayanamgar. | 45. Indraganti Suryanarayana. |
| 10. B. Sundar Mudaliar. | 46. R. V. S. Ramakristna Rao
Garu (plaintiff). |
| 11. Mr. Willie Grant. | 47. Kotha Ramayya. |
| 12. Mr. S. E. Falconer. | 48. Kommana Ganga. |
| 13. Surgeon Lieut.-Col. Arthur
N. Branfoot. | 49. Kotta Lakshmaya. |
| 14. Dr. John Williams. | 50. Chidarala Pitchayya. |
| 15. Dr. Francis Henry Champ-
neys. | 51. Chidarala Pitchamma (on
Commission). |
| 16. Mr. John Eric Erichson. | 52. Votukuri Tirumalarayudu. |
| 17. Mr. Christopher Heath. | 53. Chelluri Jaggarazu. |
| 18. Rao Lakshmi Seethayam-
ma. | 54. Tampa China Latchayya. |
| 19. Sri Rajah Rao Subbayamma
Rao Bahadur. | 55. Kotta Narasayya. |
| 20. Mr. Augustus Henry Deane
(on Commission). | 56. Sangepu Atchamma. |
| 21. Kanvoy Narahari Venkata-
rangam Chetti. | 57. Sangepu Latchayya. |
| 22. Pasupuleti Sobhanadri. | 58. Velidi Sivaramayya. |
| 23. Pasupuleti Rattayi. | 59. Thota Dorayya. |
| 24. Miriyala Pallamma. | 60. Aripirala Hanumantha Rao. |
| 25. Ambata Ramayya. | 61. Kotamurti Veerabhadra Rao. |
| 26. Kotamarthi Ramarathi. | 62. Hundi Rama Row. |
| 27. Jaldur Simhachellam. | 63. N. Bindhu Madhava Rao. |
| 28. Punayamantula Ghantalu. | 64. Jaldur Appi. |
| 29. Vanapalli Atchamma. | 65. Mr. David Alexander John
Crombie. |
| 30. Lall Meah, | 66. Patharalegedda Seetha. |
| 31. Vinjimuri Latcharaya lu. | 67. Datla Narasamma. |
| 32. Vuppuluri Surayya. | 68. Gullapudi Ramakristnayya. |
| 33. Amancha Tammayya. | 69. Desarazu Venkatachelapatti
Rao. |
| 34. Malyala Venkatrazu. | 70. Vinjamuri Appanna Sastri |
| 35. Sonthi Venkatratnam. | 71. Rapuri Raghavayya. |
| 36. Dabbi Reddi Pantulu. | 72. C. Somasundara Sastri. |
| | 73. Nirmala Surya Row. |
| | 74. Bandaru Madhava Row. |
| | 75. Kanchi Govinda Row. |

For 2nd Defendant.

1. Mr. James Lychlander.
2. Mr. Phillip Brown.
3. Dr. Walker (on Commission).
4. Dr. J. R. Ferris (on Commission).
5. J. B. Howatson, Esquire (on Commission).
6. R. J. Carbery, Esquire (do).
7. Dr. Carruthers, Brigade Surgeon, Lieut. Col. (do).
8. Mr. Rose Hooper (do).
9. Dr. Lazarus (do).
10. Dr. W. Venis (do).
11. Lady Dr. Mrs. Emma Ryder. (do).
12. Mrs. Miller (do).
13. Mr. Miller (do).
14. Mr. Pechy Phipson (do).
15. Mr. G. M. Bradley (do).
16. Surgeon Col. Harvey (do).
17. Dr. Browning (do).
18. Dr. W. S. Playfair (do).
19. Dr. Priestly (do).
20. Professor W. Rose (do).
21. Frederick Treves (do).
22. Mr. Alfred Cooper (do).
23. Mr. A. Barrow (do).
24. Mr. E. Barclay (do).
25. R. Suryarao Naidu (do).
26. Bolanath Sett (do).
27. Yepuri Kaveri (do).
28. Aynapurapu Annamma (do).
29. Devata Akkamma (do).
30. Vedivada Gangamma (do).
31. Vedanga Tirupatamma (do).
32. Ghanta Venkamma (do).
33. Avasingaraju Kamamma (do).
34. Thanga Atchamma (do).
35. Karri Seshamma (do).
36. Bandaru Manikyam (do).
37. Dasari Rajamma (on Commission).
38. Voduri Subbamma (do).
39. Damara Lakshminarasamma (do).
40. Damara Bullemma (do).
41. Sri Rajah Row Chellayamma Row (do).
42. Sri Rajah Row Bhavayamma (Chitrada Rani) (do).
43. Vissapragada Latchamma (do).
44. Sri Rajah Row Mangayamma Row (do).
45. Rasamsetti Nanjati.
46. Batchu Seethamma.
47. Golla Ammanna.
48. Kasturi Chinnammi.
49. Nagireddy Venkayya.
50. Punyamanthula Nalla Venkadu alias Venkatratnam.
51. Bhadri Venkadu.
52. Thondangi Varahalu.
53. Korangi Maridi.
54. Palla Rangamma.
55. Bongu Kristnamma.
56. Mr. E. P. Metcalfe.
57. Mr. T. Vanstavern.
58. Nanduri Venkatrayudu.
59. Mrs. Potronella Beggs.
60. Chalikani Ramachendra Bhaskara Row.
61. Ramaraju Latchamma.
62. Subbisetti Ramudu.
63. Marepilli Seethamma.
64. Pasupuleti Venkata Subba.
65. Anupindi Seshadri Sastry.
66. Godugu Pullayya.
67. Jonnakooti Appanna.
68. Khanchibhotla Butchayya Sastry.
69. Mr. MacLennan.

70. Jayanti Ramayya.
71. Peddibhotla Venkatapayya.
72. Samineni Narasimha Row (further examined.)
73. Peddada Chitti Ramayya.
74. Ajjarapu Subbarayudu.
75. Vennelaganti Kamarazu.
76. Devaguptapu Bharadwajam.
77. Ravipati Sriramulu.
78. Vatchavayi Raya Jagapatiraju.
79. Devulapalli Thammiasastry alias Venkata Krishna Sastry.
80. Tikkani Balaji Rao.
81. Parama Veeraswami.
82. Devarapallai Subbaraya Sastry.
83. Malyala Meenayya.
84. Ravu Atchayya Garu.
85. Ravu Ramarayanam Garu.
86. Gutturty Venkataswami.
87. Ravu Sripatirayanam Garu.
88. Ravu Bhaskararayanam I Garu (further exd.)
89. Tanjori Venkata Chellapati Row.
90. Ravu Venkatarayanam Garu.
91. Damara Dharmarayanam Garu.
92. Remella Ramayya Garu.
93. Ravu Seshayya Garu.
94. Ravu Ramarayanam Garu.
95. Ravu Chinnarayanam Garu.
96. Bindari Kondayya.
97. Amaravadi Venkatapayya Sastry.
98. Pakala Venkatrayudu.
99. Duggirala Subbarayudu.
100. Yamajala Ramadass.
101. Allamraju China Venkatrayudu.
102. Turaga Venkata Suraparaju.
103. Kalabarigi Sundara Row.
104. Bodam Somanna.
105. Mallireddi Dandi.
106. Redlam Dharma Rao Naidu Garu.
107. Pathipati Seetaramayya.
108. Kondapalli Dharma-rajulu.
109. Inughanti Pattabhiramarayanam Garu.
110. Sri Ravu Venkata Chandrayanam Garu.
111. Paravam Narasimha Charyulu.
112. Aradyala Soorayya.
113. Akondi Venkatramnam.
114. Vaddiparti Ramayya alias Ramanna.
115. Gudimella Ramaswami.
116. Kadiyam Venkatarayudu.
117. Kadimsetti Venkataswami.
118. Virijala Venkatarayudu.
119. Vissapragada Ramayya.
120. Kanakala Thathayya.
121. Addanki Sreeramulu.
122. Voleti Venkatrazu.
123. Nakka Ayyanna.
124. Muttangi Venkatrayudu.
125. Allamraju Kamanna.

The following documents were filed.

For Plaintiff.

- A. Memorandum made by Dr. Beech when he went to see the son and heir of the late Rajah of Pittapur, dated 16th October 1885.
- B. Copy of letter addressed to Mr. Brockman by Mr. W. Grant, dated 10th October 1879.
- C. Letter addressed by the late Rajah of Pittapur to Messrs. Frank Richardson and Saddler, dated 21st June 1885. 10
- D. Telegram sent by the Rajah of Pittapur to Messrs. Frank Richardson and Sadler, dated 9th October 1885.
- E. Letter addressed by the late Rajah of Pittapur to Messrs. Frank Richardson and Sadler, dated 10th October 1885.
- F. Copy of letter to the Rajah of Pittapur by Frank Richardson and Sadler, dated 24th December 1885.
- G. Copy of letter to the Rajah of Pittapur by Frank Richardson and Sadler, dated 8th January 1886.
- H. Letter addressed by the Rajah of Pittapur to H. G. Wedderburn, Esquire, Barrister, High Court, Madras, dated 5th February 1883. 20
- J. Letter addressed by the Rajah of Pittapur to Panuganty Rangayya Garu, dated 24th December 1883.
- K. Letter addressed by the Rajah of Pittapur to Panuganty Rangayya Garu, dated 25th August 1887.
- M. }
M1. } Photographs.
- N. Letter addressed by the Rajah of Pittapur to Mr. W. Grant, dated—December 1878. 30
- O. Letter addressed by the Rajah of Pittapur to Mr. W. Grant, dated 5th March 1879.
- P. Letter addressed by the Rajah of Pittapur to Mr. W. Grant, dated 11th January 1881.
- Q. Copy of letter addressed to the Rajah of Pittapur by Mr. W. Grant, dated 3rd February 1881.

- R. Letter addressed by the Rajah of Pittapur to Willie Grant, Esquire, dated 12th July 1881.
- R1. Copy of telegram sent by the Rajah of Pittapur to the Honorable Mr. P. O'Sullivan, Advocate-General, dated 11th July 1881.
- S. Letter by the Rajah of Pittapur to W. Grant, Esquire, dated 13th July 1881.
- T. Letter by the Rajah of Pittapur to W. Grant, Esquire, dated 27th July 1881.
- U. Letter addressed by the Rajah of Pittapur to W. Grant, Esquire, dated 14th August 1881. 10
- W. Copy from the press copy of telegram sent by W. Grant, Esquire, to the Rajah of Pittapur.
- Y. Copy from the press copy of telegram sent by W. Grant, Esquire, to the Rajah of Pittapur.
- Z. Letter addressed by the Rajah of Pittapur to W. Grant, Esquire, dated 25th August 1881.
- AA. Letter addressed by the Rajah of Pittapur to W. Grant, Esquire, dated 29th August 1881.
- BB. Letter addressed by Rajah of Pittapur to W. Grant, Esquire, dated 7th September 1881. 20
- BB1. A memorandum enclosed with letter No. BB.
- CC. Telegram from the Rajah of Pittapur to W. Grant, Esquire, dated 9th October 1881.
- DD. Letter from the Rajah of Pittapur to W. Grant, Esquire, dated 11th October 1881.
- EE. Letter from the Rajah of Pittapur to W. Grant, Esquire, dated 8th November 1881.
- FF. Letter from the Rajah of Pittapur to W. Grant, Esquire, dated 14th November 1881. 30
- GG. Telegram from the Rajah of Pittapur to W. Grant, Esquire, dated 21st November 1881.
- HH. Book compiled by plaintiff's 12th witness (Mr. Falconer) showing the number of deliveries from 1844 to 1891.
- JJ. Letter addressed by the Rajah of Pittapur to the Rajah Simhadri Apparayanam Garu of Nuzvid, dated 26th March 1885.

- KK. Letter from the Rajah of Pittapur to the care of Rajah Simhadri Apparayanam Garu to be delivered to the Pittapur Rani, dated 2nd April 1885.
- MM. Letter from the Rajah of Pittapur to the care of Rajah Simhadri Apparayanam Garu to be delivered to the Pittapur Rani, dated 8th June 1888.
- NN. Letter from the Rajah of Pittapur to the care of Rajah Simhadri Apparayanam Garu to be delivered to the Pittapur Rani, dated 10th June 1888.
- OO. Letter from the Rajah of Pittapur to the care of Rajah Rajagopala Apparao Garu to be delivered to the Pittapur Rani, dated 10th February 1888. 10
- PP. Letter from the Rajah of Pittapur to the care of Rajah Simhadri Apparayanam Garu to be delivered to the Rani, of Pittapuram, dated 6th June 1888.
- QQ. Letter from the Rajah of Pittapur to the care of Simhadri Apparayanam Garu to be delivered to the Rani of Pittapuram, dated 12th April 1888.
- RR. Letter with cover addressed by the Rajah of Pittapur to the care of Rajah Simhadri Apparayanam Garu to be delivered to the Rani of Pittapur, dated 14th June 1888. 20
- SS. Letter with cover addressed by the Rajah of Pittapur to the care of Rajah Simhadri Apparayanam Garu to be delivered to the Ranees of Pittapur, dated Wednesday, the 6th day of the bright fortnight of Magham.
- TT. Letter with cover addressed by the Rajah of Pittapur to Rajah Devanam, dated 24th October 1882.
- UU. Letter with cover addressed by the Rajah of Pittapur to the care of Simhadri Apparayanam Garu to be given to the Rani of Pittapur, dated 17th May 1888. 30
- WW. Letter with cover addressed to the Rajah of Pittapur by the Rajah of Venkatagiri, dated Monday, the 11th day of Kartika Suddham.
- YY. Telegram from the Rajah of Pittapur to Rajah Rangayya Apparao Garu, dated 6th February 1888.
- ZZ. Letter with cover addressed by the Rajah of Pittapur to N. Venkata Ramanjulu Setti Garu, dated 19th September 1878.

- AAA. Telegram with cover from the Rajah of Pittapur to plaintiff's 21st witness (N. V. Rangam Setti Garu), dated 7th May 1880.
- BBB. Letter with cover from the Rajah of Pittapur to plaintiff's 21st witness, dated 3rd September 1879.
- CCC. Copy of order to the Muktyar of the Rajah of Pittapur to pay the plaintiff's 21st witness rupees 150 monthly and his arrears of pay, dated 8th April 1880.
- DDD. Letter with cover addressed by Paida Ramakristnayya to plaintiff's 21st witness, dated 27th August 1879. 10
- EEE. Letter with cover from the Rajah of Pittapur to plaintiff's 21st witness, dated 18th September 1879.
- FFF. Letter with cover from the Rajah of Pittapur to plaintiff's 21st witness, dated 25th August 1879.
- GGG. Letter with cover from K. Veerabhadra Rao, private Vakil of the late Rajah, to the plaintiff's 21st witness, dated 3rd February 1879.
- HHH. Letter from the late Rajah of Pittapur to Malyala Venkata Seshayya.
- JJJ. Telegram from the Rajah of Pittapur to plaintiff's 21st witness, dated 7th January 1880. 20
- KKK. Telegram from P. Ramakristniah to plaintiff's 21st witness, dated 8th January 1880.
- MMM. Telegram from the Rajah of Pittapur to plaintiff's 21st witness, dated 6th January 1880.
- NNN. Telegram from the Rajah of Pittapur to plaintiff's 21st witness, dated 22nd January 1880.
- OOO. Letter from the Rajah of Pittapur to plaintiff's 21st witness, dated 12th July 1881.
- OOO(a.) Copy of telegram enclosed in OOO from the Rajah to Mr. P. O' Sullivan, Advocate-General, dated 11th July 1881. 30
- PPP. Telegram from Bindu Madhava Rao Pantulu to plaintiff's 21st witness, dated 20th August 1881.
- QQQ. Letter from Bindu Madhava Rao to the plaintiff's 21st witness, dated 9th November 1881.
- (QQQa.) Letter to Mr. W. Grant enclosed in Exhibit QQQ, dated 8th November 1881.

- RRR. Letter with cover from the Rajah's Secretary V. Lakshmanamurty to the plaintiff's 21st witness, dated 11th November 1881.
- SSS. Letter with cover from V. Lakshmanamurty to plaintiff's 21st witness, dated 15th December 1881.
- SSS(a). Memo enclosed in Exhibit SSS.
- TTT. Letter with cover from the Rajah of Pittapur to the plaintiff's 21st witness, dated 12th May 1883.
- VVV. Telegram with cover from A. V. Narasinga Rao to plaintiff's 21st witness, dated 6th October 1885. 10
- WWW. Letter with cover from V. Lakshmanamurty to the plaintiff's 21st witness, dated 9th February 1883.
- YYY. Letter with cover from Ambati Ramayya, a servant of the late Rajah of Pittapur, to the plaintiff's 21st witness, dated 19th October 1887.
- YYY(a). Enclosure to Exhibit YYY.
- ZZZ. Letter with cover from A. V. Narasinga Rao to plaintiff's 21st witness, dated 28th February 1888.
- ZZZ(a). Enclosure in 2 pieces to ZZZ.
- AB. Letter with cover from the Rajah of Pittapur to plaintiff's 21st witness, dated 14th November 1881. 20
- AC. Letter with cover from the Rajah of Pittapur to plaintiff's 21st witness, dated 18th March 1882.
- AD. Telegram with cover from the Rajah of Pittapur to plaintiff's 21st witness, dated 19th December 1879.
- AE. Letter with cover from the Rajah of Pittapur to plaintiff's 21st witness, dated 25th December 1879.
- AF. Letter with cover from the Rajah of Pittapur to plaintiff's 21st witness, dated 20th October 1880.
- AG. Letter with cover from A. V. Narasinga Rao to plaintiff's 21st witness, dated 30th March 1885. 30
- AH. Order of Rajah of Pittapur to plaintiff's 21st witness, dated 4th February 1879.
- AJ. Telegram with cover from the Rajah of Pittapur to the plaintiff's 21st witness, dated 24th December 1889.
- AK. Order to the plaintiff's 31st witness issued by the then guardian of 2nd defendant (Rao Seshayya Garu), dated 14th July 1892.

- AL. Item in Mote Khana Chitta relating to the supplies made by Badam Somanna and others on the occasion of the birth of the daughter by Ramayamma Garu, dated 19th October 1885.
- ALi. Item in Mote Khana Chitta relating to the supplies made by Badam Somanna, Dowlula Venkatrazu and others on the occasion of the birth of a son by Pedda Janana Varu, dated 5th October 1885.
- AM. Item in Khangi Chitta relating to payment of arrears of pay to a physician for his treating the Sri Pedda Devanam Varu, dated 9th January 1877. 10
- AN. Item in the Nagadi Chitta for October 1885 relating to certain sums spent on the occasion of the birth of 1st son to the Rajah by his first wife, dated 5th October 1885.
- AO. Item in the Nagadi Chitta for March 1885 relating to certain sums, &c., spent on the occasion of stringing Tali on a new thread, of the Rajah's 1st wife, dated 10th March 1885.
- AOi. Item in the same Chitta relating to sums, &c., spent on the occasion of stringing of Kutti Kantu on a new thread, of the 1st wife of the Rajah of Pittapur, dated 11th March 1885. 20
- AP. Items in Mote Khana Chitta regarding supplies made to the 1st wife of the Rajah, dated 31st August 1885.
- AQ. Letter from Mr. G. Venkatratnam to the plaintiff's 33rd witness, dated 10th September 1892.
- AR. Order issued to the plaintiff's 33rd witness by the Manager of Pittapur Estate, dated 8th October 1892.
- AS. Order to the plaintiff's 33rd witness issued by the Manager of Pittapur Estate, dated 30th July 1892. 30
- AT. Chit to the Mote for supplies to be made to Sri Rajah Ramayamma Garu (Vieravaram Rani), dated 19th October 1885.
- AU. Item in the Nagadi Chitta relating to payment of the amount to a Pundit who came from Cocanada, as Rajah's own charity, dated 16th October 1885.
- AUi. Item in the same Chitta for presents to some friends who came from Cocanada, as Rajah's own charity, dated 22nd October 1885.

- AV. Item in the Nagadi Chitta for Rajah's own expenses, dated 23rd December 1870.
- AVi. Item in the same Chitta relating to batta for 12 days paid to Rao Pedda Buchi Venkatarayanam Garu, dated 23rd December 1870.
- ALii. Item in the Mote Khana Furja Chitta relating to things supplied for the bathing of the 1st wife of the Rajah after Purudu on the 15th October 1885, dated 15th October 1885.
- AW. Letter from Dr. Beech to the plaintiff's 40th witness, dated 23rd February 1893. 10
- AY. Letter from the plaintiff to the Rajah of Pittapur, dated 7th April 1886.
- AZ. Letter from the late Rajah of Pittapur to the plaintiff, dated 21st April 1886.
- BA. Copy of letter addressed by the plaintiff to Mr. Crombie, Secretary and Treasurer, Bank of Madras, dated 13th May 1886.
- BC. Press copy of letter from Messrs. Barclay and Morgan to Mr. T. Subba Rao, Vakil, dated 23rd February 1887. 20
- BD. Letter from Mr. T. Subba Rao to Messrs. Barclay and Morgan, dated 5th May 1887.
- BE. Draft of settlement deed executed by the late Rajah of Pittapur to his adopted son, dated—1882.
- BF. Maintenance deed executed by the late Rajah of Pittapur in favor of the plaintiff, dated 23th March 1882.
- BG. Copy of letter from the Rajah of Pittapur to the plaintiff. (no date).
- BH. Letter from Dr. Lazarus to the plaintiff, dated 2nd August 1892. 30
- BJ. Letter from Paida Ramakrishnayya to plaintiff's 47th witness (Kotta Ramayya), dated 21st February 1876.
- BK. Letter from Paida Ramakrishnayya to plaintiff's 47th witness (Kotta Ramayya), dated 2nd May 1876.
- BL. Letter from Mangayamma to her Attayya Garu (no date).
- BM. Letter from Mangayamma Row to the plaintiff's 47th witness (no date).
- BN. Do. do. (no date).
- BO. Do. do. (no date).

BP. Letter from Mangayamma Rao to the plaintiff's 47th witness (no date).

BQ. Do. do., dated 27th February 1883.

BR. Letter from do. to do. (no date).

N. B.—BT, BU, BV, and BW, were struck out of the record for reasons stated in the Court's order passed on the notes of the Court on 25th October 1894. 10

BS. Do. do. dated Friday, the 1st day of the bright fortnight of Margasira (no year).

BX. Letter written from Mangayamma to Vutukuru Tirumalarayudu, dated Saturday, the 3rd day of the dark fortnight of Karthika (no year).

BX1. Do. do. (no date).

BX2. Do. do. (no date).

BX3. Do. do. (no date).

BX4. Do. do. dated Saturday, the 6th day of Magha Suddham (no year).

BX5. Do. do. (no date).

BX6. Do. do. (no date).

BX7. Letter by Mangayamma to Tirumalarayudu, dated Sunday, the 15th day of dark fortnight of Pushyam (no year). 20

BX8. Letter by Mangayamma to Tirumalarayudu (no date).

BX9. Letter by do. to do., dated the 10th day of bright fortnight of Margasira (no year).

BY. Letter written by Sri Rajah Vellanki Lakshmi Venkayya Rao Zemindar Garu to plaintiff's 52nd witness Vutukuru Tirumalarayudu, dated 1st February 1881.

BZ. Letter by Sri Rajah Vellanki Lakshmi Venkayya Rao Zemindar Garu to plaintiff's 52nd witness, dated 29th July 1881. 30

CA. Letter written by plaintiff's 52nd witness to Ammayya Garu (Mangayamma) containing a reply written by the latter to the former (no date).

CB. Letter written by Sri Rajah Vellanki Lakshmi Venkayya Rao Zemindar Garu to plaintiff's 52nd witness (V. Tirumalarayudu), dated 29th October 1881.

CB1. Rukka enclosed in the said letter (Exhibit CB) (no date).

- CD. Letter written by Sri Rajah Vellanki Lakshmi Venkaya Rao Zemindari Garu to plaintiff's (52nd witness) dated 13th November 1882.
- CDi. Rukka enclosed in the letter (Exhibit CD) (no date).
- CE. Letter by Sri Rajah Vellanki Lakshmi Venkayya Rao Zemindari Garu to the plaintiff's 52nd witness, dated 25th January 1883.
- CEi. Rukka enclosed in the letter CE (no date).
- CF. Letter written by plaintiff's 63rd witness N. Bindu Madhava Rao to Messrs. Frank Richardson and Sadler, dated 17th June 1885. 10
- CG. Letter by plaintiff's 63rd witness to Messrs. Frank Richardson and Saddler, dated 9th October 1885.
- CG1. Copy of telegram sent by the late Rajah of Pittapur to Messrs. Frank Richardson and others, dated 9th October 1885.
- CH. Letter written by Messrs. Frank Richardson and Sadler to plaintiff's 63rd witness (N. Bindu Madhva Rao Pantulu), dated 29th January 1886. 20
- CJ. Letter written by Messrs. Barclay and Morgan to plaintiff's 65th witness (Mr. D. A. J. Crombie), dated 19th February 1886.
- CK. Letter written by the plaintiff's 65th witness (Mr. D. A. J. Crombie) to Messrs. Barclay and Morgan, dated 13th May 1886.
- CK1. Letter written by plaintiff's 65th witness Mr. D. A. J. Crombie to Messrs. Barclay and Morgan, dated 11th February 1887.
- CM. Letter written by plaintiff's 65th witness to Messrs. Barclay and Morgan, dated 28th January 1888. 30
- CN. Letter by plaintiff's 65th witness (Mr. D. A. J. Crombie) to Messrs. Barclay and Morgan, dated 20th April 1888.
- CO. Letter written by Messrs. Barclay and Morgan to plaintiff's 65th witness (Mr. D. A. J. Crombie), dated 23rd April 1888.

- CP. Letter written by plaintiff's 65th witness to Messrs Barclay and Morgan, dated 23rd September 1887.
- CQ. Letter written by Mangayamma to Ramammal (no date).
- CR. Letter written by the late Rajah of Pittapur to Vinjamuri Venkata Subbarayudu (father of 70th witness), dated 25th July 1871.
- CS. Letter with cover written by the Rajah of Pittapur to Venkata Subbarayadu, dated 8th September 1875. 10
- CT. Letter written by the Rajah of Pittapur to V. Venkata Subbarayudu, dated 12th November 1875.
- CU. Letter by the Rajah of Pittapur to V. Venkata Subbarayudu, dated 5th December 1875.
- CW. Letter written by Mangayamma to the late Rajah of Pittapur, dated 19th October 1883.
- CW1. Postal cover wherein the letter CW was placed, dated 19th October 1883.
- CY. Postcard to B. Madhava Row (74th plaintiff's witness) by Mr. Lychlander (1st witness for 2nd defendant), dated 1st September 1892. 20
- CZ. Arzi by Mangayamma to the Collector, Godavari, dated 24th February 1891.
- DA. Letter from the Collector, Godavari, to the Secretary, Court of Wards, dated 29th July 1891.
- DA1. Statement showing the allowances or Baratams paid by the late Rajah of Pittapur to Velamas, dated 29th July 1891.
- DB. Certified copy of the Proceedings of the Board of Revenue, dated 28th October 1890. 30
- DC. Certified copy of Kararnama executed by the late Rajah of Pittapur to the ex Rajah of Venkatagiri, dated 1st October 1873.
- DE. Plaintiff's Petition No. 431 of 1892 regarding the examination of the person of 1st Rani by plaintiff's medical experts, with Court's order thereon, dated 23rd January 1893, dated 2nd November 1892.

- DF. Letter from the defence 65th witness (Anapindi Seshathiri Sastri) to the late Rajah of Pittapur, dated 31st October 1881.
- DG. Letter from defence 65th witness to the late Rajah of Pittapur, dated 31st August 1881.
- DH. Letter from Mr. MacLennan, (defence 69th witness) to the Secretary and Treasurer, Bank of Madras, dated 7th September 1886.
- DJ. Extracts from different accounts of defendants in 4 batches, Nos. I, II, III and IV. 10
- DK. Letter written by defence 108th witness Mr. Dharmarajulu, dated 3rd August 1890.
- DJr. Extract from the Nagadi Chitta of November 1888 shewing payments to certain Dasis therein stated, dated 29th October 1888.
- DL. Account shewing the expenditure incurred and other details in the Tirupati and Benares trips, dated Fasli 1299.
- DM. Letter written by defence 108th witness Mr. Dharmarajulu (no date). 20
- DN. Do. do. (no date) to Voosa Ramaswami, Chief Engineer.
- DO. Letter written by defence 108th witness to Kotta Ramayya (no date).
- DP. Letter written by Suryanarayana, dated 20th August 1892.
- DJ2. Extract from Mote Khana Chitta shewing the quantity of lamp oil spent for torches on the occasion of the Dresser visiting the place, dated 31st December 1884 and 31st January 1885. 30
- DJ3. Extract from the Chitta shewing payment made to certain Dasis for their services from February to April 1882.
- DQ. Muchilika executed by Rettikanty Bhiravu Puntulu in favour of the late Rajah of Pittapur, dated 16th August 1868.
- DQc. Muchilika executed by Janna Mahomed Sahib in favour of the Rajah of Pittapur, dated 12th August 1867.

- DQ2. Registered Muchilika executed by Kanchibhotla Suryanarayana Sastrulu in favour of the Rajah of Pittapur, dated 23rd August 1872.
- DQ3. Registered Muchilika executed by Ambati Bapayya and two others in favour of the Rajah of Pittapur, dated 23rd August 1872.
- DQ4. Muchilika executed by Ravu Buchi Venkatrayanam Garu in favour of the late Rajah of Pittapur, dated 30th June 1863.
- DQ5. Muchilika executed by Ravu Buchi Venkatatrayanam Garu in favour of the late Rajah of Pittapur, dated 30th June 1863. 10
- DQ6. Muchilika executed by Srimat Kelambi Alwaracharyulu in favour of the late Rajah of Pittapur, dated 15th April 1877.
- DQ7. Registered Muchilika executed by Srimat Kelambi Alwaracharyulu in favour of the late Rajah of Pittapur, dated 15th April 1877.
- DQ8. Muchilika executed by Ghuntasala Prakasam in favour of the late Rajah of Pittapur, dated 7th June 1869. 20
- DQ9. Muchilika executed by Akula Venkatrayudu in favour of the late Rajah of Pittapur, dated 21st November 1869.
- DQ10. Muchilika executed by Sameneni Muddu Narasimharayudu in favour of the late Rajah of Pittapur, dated 30th June 1868.
- DQ11. Registered Muchilika executed by Kanchibhotla Buchenna Sastrulu and two others, in favour of the late Rajah of Pittapur, dated 5th December 1887. 30
- DR. Extract from the Register of Deposits of Wills, relating to deposit of a Will by the late Rajah of a Pittapur, and subsequent withdrawal thereof, dated 5th July 1875.

For 2nd Defendant.

- I. Letter with cover addressed to the 1st Bani of Pittapur by Mrs. Lionel Beech, dated 31st December 1885.

- DF. Letter from the defence 65th witness (Anapindi Seshathiri Sastri) to the late Rajah of Pittapur, dated 31st October 1881.
- DG. Letter from defence 65th witness to the late Rajah of Pittapur, dated 31st August 1881.
- DH. Letter from Mr. MacLennan, (defence 69th witness) to the Secretary and Treasurer, Bank of Madras, dated 7th September 1886.
- DJ. Extracts from different accounts of defendants in 4 batches, Nos. I, II, III and IV. 10
- DK. Letter written by defence 108th witness Mr. Dharmarajulu, dated 3rd August 1890.
- DJr. Extract from the Nagadi Chitta of November 1888 shewing payments to certain Dasis therein stated, dated 29th October 1888.
- DL. Account shewing the expenditure incurred and other details in the Tirupati and Benares trips, dated Fasli 1299.
- DM. Letter written by defence 108th witness Mr. Dharmarajulu (no date). 20
- DN. Do. do. (no date) to Voosa Ramaswami, Chief Engineer.
- DO. Letter written by defence 108th witness to Kotta Ramayya (no date).
- DP. Letter written by Suryanarayana, dated 20th August 1892.
- DJ2. Extract from Mote Khana Chitta shewing the quantity of lamp oil spent for torches on the occasion of the Dresser visiting the place, dated 31st December 1884 and 31st January 1885. 30
- DJ3. Extract from the Chitta shewing payment made to certain Dasis for their services from February to April 1882.
- DQ. Muchilika executed by Rettikanty Bhiravu Puntulu in favour of the late Rajah of Pittapur, dated 16th August 1868.
- DQr. Muchilika executed by Janna Mahomed Sahib in favour of the Rajah of Pittapur, dated 12th August 1867.

- DQ2. Registered Muchilika executed by Kanchibhotla Suryanarayana Sastrulu in favour of the Rajah of Pittapur, dated 23rd August 1872.
- DQ3. Registered Muchilika executed by Ambati Bapayya and two others in favour of the Rajah of Pittapur, dated 23rd August 1872.
- DQ4. Muchilika executed by Ravu Buchi Venkatrayanam Garu in favour of the late Rajah of Pittapur, dated 30th June 1868.
- DQ5. Muchilika executed by Ravu Buchi Venkatrayanam Garu in favour of the late Rajah of Pittapur, dated 30th June 1868. 10
- DQ6. Muchilika executed by Srimat Kelambi Alwaracharyulu in favour of the late Rajah of Pittapur, dated 15th April 1877.
- DQ7. Registered Muchilika executed by Srimat Kelambi Alwaracharyulu in favour of the late Rajah of Pittapur, dated 15th April 1877.
- DQ8. Muchilika executed by Ghuutasala Prakasam in favour of the late Rajah of Pittapur, dated 7th June 1869. 20
- DQ9. Muchilika executed by Akula Venkatrayudu in favour of the late Rajah of Pittapur, dated 21st November 1869.
- DQ10. Muchilika executed by Sameneni Muddu Narasimharayudu in favour of the late Rajah of Pittapur, dated 30th June 1868.
- DQ11. Registered Muchilika executed by Kanchibhotla Buchenna Sastrulu and two others, in favour of the late Rajah of Pittapur, dated 5th December 1887. 30
- DR. Extract from the Register of Deposits of Wills, relating to deposit of a Will by the late Rajah of a Pittapur, and subsequent withdrawal thereof, dated 5th July 1875.

For 2nd Defendant.

- I. Letter with cover addressed to the 1st Bani of Pittapur by Mrs. Lionel Beech, dated 31st December 1885.

- II. Letter addressed by Dr. Beech to the Rajah of Pittapur, dated 14th October 1885.
- III. Letter addressed by Dr. Beech to the Rajah of Pittapur, dated 27th October 1885.
- IV. Letter addressed by Dr. Beech to the Rajah of Pittapur, dated 30th March 1886.
- V. Letter addressed by Dr. Beech to the Rajah of Pittapur, dated 7th March 1888.
- VI. Letter from D. Beech to the Rajah of Pittapur, dated 9th May 1888. 10
- VII. Letter with cover from Dr. Beech to A. V. Narasinga Rao, Dewan to the Rajah of Pittapur, dated 21st September 1883.
- VIII. Letter from Dr. Beech to the Rajah of Pittapur (not dated).
- IX. Letter from the Rajah of Pittapur to Dr. Beech, dated 6th October 1885.
- X. Photos of the Rajah of Pittapur and his adopted son.
- X (a). Photos of the late Rajah of Pittapur. 20
- (b). Photos of the late Rajah of Pittapur.
- (c). Photos of the late Rajah of Pittapur.
- XI. Letter from the Rajah of Pittapur to Messrs. Franck Richardson and Sadler, dated 27th January 1886.
- XII. Statement of case in appeal from the decision of the High Court in No. 140 of 1880.
- XIII. Copy of letter from the Rajah of Pittapur to plaintiff's 6th witness (H. G. Wedderburn, Esq), dated 13th March 1884. 30
- XIV. Letter with cover from the plaintiff's 11th witness (Mr. W. Grant) to the Rajah of Pittapur, dated 25th August 1881.
- XV. Letter with cover from the plaintiff's 11th witness to the Rajah of Pittapur, dated 18th August 1881.

- XVI. Letter from the plaintiff's 11th witness (Mr. W. Grant) to the Rajah of Pittapur, dated 28th September 1881.
- XVII. Letter from the Rajah of Pittapur to plaintiff's 11th witness (Mr. W. Grant), no date.
- XVIII. Letter from the Manager of Pittapur Estate to the plaintiff's 18th witness (Rao Lakshmi Seetayamma Garu), dated 19th May 1892.
- XIX. Letter from the plaintiff's 18th witness to the Manager of the Pittapur Estate, dated 19th May 1892.
- XX. Letter from the Manager of the Pittapur Estate to the plaintiff's 18th witness, dated 20th May 1892.
- XXI. Letter from the Manager of the Pittapur Estate to the plaintiff's 18th witness, dated 20th May 1892.
- XXI (a). Interrogatories to be answered by plaintiff's 18th witness, sent with letter No. XXI.
- XXII. Letter from the plaintiff's 18th witness to the Manager of the Pittapur Estate, dated 20th May 1892.
- XXIII. Arzi from the plaintiff's 18th witness (Rajah Lakshmi Seetayamma Garu) to the Collector of Godavari, dated 19th October 1890.
- XXIV. Letter from the plaintiff's 18th witness to Row Subbayya Garu, guardian for the Pittapur Estate, dated 20th May 1892.
- XXV. Letter from the plaintiff's 18th witness to Rao Seshayya Garu, dated 11th March 1891.
- XXVI. Letter from the plaintiff's 18th witness to the Collector of Godavari, dated 19th January 1892.
- XXVII. Letter from the plaintiff's 19th witness to the Rajah of Pittapur, dated Tuesday, the 4th day of dark fortnight of Vysakha (no year).
- XXVIII. Letter Rajah from Rajagopala Appa Rao to the Rajah of Pittapur, dated 23rd August 1888.

- XXIX. Letter from Rajah Rajagopala Appa Rao to the Rajah of Pittapur, dated 29th January 1889.
- XXX. Letter from plaintiff's 19th witness to the Rajah of Pittapur, dated Friday, the 6th day of Jyesta Suddham (no year).
- XXXI. Letter from the Rajah of Pittapur to the plaintiff's 19th witness, dated 25th January.
- XXXII. Letter from the Rajah of Pittapur to Rajah Rangayya Appa Rayanam Garu, dated 8th February 1888.
- XXXIII. Letter to the Rajah of Pittapur by the plaintiff's 19th witness, dated Monday, the 9th day of dark fortnight of Magha (no year).
- XXXIV. Letter to the Rajah of Pittapur by the plaintiff's 19th witness, dated Saturday, the 4th day of the bright fortnight of Kartika (no year).
- XXXV. Letter to the Rajah of Pittapur from the plaintiff's 19th witness, dated 21st February 1874.
- XXXVI. Letter to the Rajah of Pittapur from plaintiff's 19th witness, dated Wednesday, the 3rd day of Ashada dark fortnight (no year).
- XXXVII. Letter to the Rajah of Pittapur from the plaintiff's 19th witness, dated Wednesday, the 14th day of Jeystam bright fortnight (no year).
- XXXVIII. Letter with cover from Mr. Deane to the Rajah of Pittapur, dated 7th October 1885.
- XXXIX. Letter from the plaintiff's 21st witness to the Rajah of Pittapur, dated 15th December 1886.
- XL. Letter from the plaintiff's 21st witness to the Rajah of Pittapur, dated 14th July 1882.
- XLI. Letter from the plaintiff's 21st witness to the Rajah of Pittapur, dated 25th September 1883.
- XLII. Letter from 21st witness for plaintiff to the Rajah of Pittapur, dated 6th July 1880.

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- XLIII. Letter addressed by the Rajah of Pittapur, dated 20th July 1832.
- XLIV. Letter addressed to the Rajah by the 3rd Rani Subbayamma, with cover, dated Friday, the 5th day of bright fortnight of Visagha (no year).
- XLV. Letter from the plaintiff's 21st witness to the Rajah of Pittapur, dated 29th May 1883.
- XLVI. Letter from plaintiff's 21st witness to the Rajah of Pittapur, dated 31st August 1881.
- XLVII. Letter from plaintiff's 21st witness to the Rajah of Pittapur, dated 22nd July 1881.
- XLVIII. Letter from do. to do., dated 18th August 1881.
- XLIX. Letter from do. to do., (not dated).
- L. Letter from do. to do., dated 30th August 1881.
- LI. Telegram from plaintiff's 21st witness to the Rajah of Pittapur, dated 6th October 1885.
- LII. Letter from do. to do., dated 16th October 1885.
- LIII. Letter with cover from the plaintiff's 21st witness to the Rajah of Pittapur, dated 16th April 1886.
- LIV. Letter written by plaintiff's 25th witness to Vellanki Venkataramarayanam Garu, dated 4th May 1891.
- LIV (a). Postal cover wherein Exhibit XLIV is enclosed, dated 10th May 1891.
- LV. Letter by plaintiff's 25th witness to Vellanki Venkataramarayanam Garu, dated 22nd May 1891.
- LVI. Letter with cover from plaintiff's 31st witness to Mangayamma Rao Bahadur Garu, dated 1st August 1891.
- LVII. Item relating to payment of rupees 341-5-9 on the Barasala ceremony of the 1st son of the Rajah of Pittapur by his 1st wife on the 5th October 1885 (in Nagadi Chitta for October 1885), dated 16th October 1885.
- LVII (a). Item in the same chitta for payment of rupees 33-12-4, dated 17th October 1885.
- LVII (b). Item in the same chitta relating to expenditure made on the occasion of giving name to the 1st son of Sri Rajah by his 1st wife, dated 18th October 1885.
- LVII (c). Item in the same chitta relating to payment to a washerwoman for washing cloths during the

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Purudn days of the 1st son of the Rajah,
dated 19th October 1885.

- LVIII. Arzi from the plaintiff's 32nd witness to the
Manager of the Pittapur Estate Mr. L. C.
Miller, dated 4th February 1892.
- LIX. Item in the Nagadi chitta for November 1885
relating to things supplied for Suvaram of Sri
Rajah Ramayamma Garu, with details stated,
dated 7th November 1885.
- LX. Item in Nagadi chitta for October 1885 relating 10
to sums spent for feasting Brahmins, &c., on the
occasion of the 1st son having been born to
the Rajah, dated 15th October 1885.
- LX (a). Item in the same chitta relating to presents
made to the persons who brought presents
from Sri Ranga Raya Bhattam of Srirangam
on the occasion of the birth of the 1st son to
the Rajah, dated 5th October 1885.
- LX (b). Item of credit in the same chitta relating to 20
presents received from Sri Ranga Raya
Bhattam, 1st son having been born on 5th
October to the Rajah, dated 15th October
1885.
- LX (c). Item in the same chitta relating to sum
paid to the bearers, &c., who came with Chin-
taputta Vangamma of Kottapalli, dated 6th
October 1885.
- LX (d). Item in the same chitta relating to payments 30
made to bearers, &c., who came with Row
Madhavarayanam Garu of Karapa, dated 7th
October 1885.
- LX (e). Item in the same chitta relating to payments
made to bearers, &c., when Damera Seeta
Ramaswamy Garu and his wife and children
came to Pittapur with details stated, dated
8th October 1885.
- LX (f). Item in the same chitta relating to payments 40
made to the servants who came with Inuganti
Venkataramarayanam Garu, dated 11th Octo-
ber 1885.

- LXI. Item in Nagadi Chitta for October 1885 rela-
ting to presents sent to the apartments of the
1st wife of the Rajah for giving them to Sri
Rajah Venkata Surya Rao Bahadur Garu, 1st
son having been born to the Rajah, dated
21st October 1885.
- LXII. Item in the Nagadi Chitta for December
1885 with details showing the sums spent for
telegrams sent to several persons, 1st son
having been born to the Rajah by his 1st wife,
dated 31st December 1885.
- LXIII. Item in the Nagadi Chitta for January 1886
relating to presents made to the person who
brought presents from the Maharaja of Vizia-
nagaram to Sri Rajah China Nayana and
Venkataramayya, dated 31st January 1886.
- LXIV. Item in the Nagadi Chitta for February 1886
relating to the expenditure made for feasting
on the occasion of Annaprasana of Sri
Rajah China Nayana Garu, dated 5th
February 1886.
- LXIV (a). Item in the same Chitta relating to money
gifts made to Brahmins on the occasion of
Annaprasana of Sri Rajah China Nayana
Garu, dated 6th February 1886.
- LXIV (b). Item in the same Chitta relating to payment
to a washerwoman who washed the cloths of
1st wife of the Rajah after bathing, dated
11th February 1886.
- LXV. Item in the Nagadi Chitta for March 1886
relating to payment made to a washerwoman
who washed the cloths of the 1st wife of the
Rajah after bathing, dated 9th March 1886.
- LXVI. Item in Nagadi Chitta for March 1886 relat-
ing to payment made to a washerwoman for
washing the cloths of the 1st wife of the
Rajah after bathing, dated 30th March 1886.
- LXVII. Item in the Nagadi Chitta for October 1886
relating to payments made to a washerwoman
for washing the cloths of the 1st wife of the
Rajah after bathing, for 5 months, dated
24th October 1886.

- LXVIII. Item in the Nagadi Chitta for October 1885 relating to payment of Batta of the servants of Chelikani Swami Rayanam Garu of Katra-valapalli when he came to Pittapur, dated 28th October 1885.
- LXIX. Item in the Nagadi Chitta for August 1886 for payment made to the bearers and servants of Vellanki Venkata Krishtnarayanam Garu, dated 10th August 1886.
- LXX. Item in the Nagadi Chitta relating to payment made to the servants, &c., of Sri Rajah Ramachendra Apparayanam Garu of Nuzvid, dated 14th August 1887. 10
- LXXI. Item in the Nagadi Chitta relating to payments made to the persons who brought fresh water when Sri Rajah went on hunting excursions to Annavaram, dated 5th September 1884.
- LXXII. Item in the Nagadi Chitta relating to the expenses made for posting horses when the Rajah went on hunting excursions to Nellipudi on 4th May 1884, dated 30th September 1884. 20
- LXXIII. Item in the Nagadi Chitta for making a gold girdle for the Rajah on 15th March 1887, dated 30th June 1887.
- LXXIV. Memorandum sent to the plaintiff's 33rd witness by the Rajah of Pittapur with direction to credit the sum in the Kangi Chitta, dated 17th December 1885. 30
- LXXV. Letter addressed to 2nd defendant's Attorney Mr. P. Subramaniam by plaintiff's 40th witness, dated 22nd January 1893.
- LXXVI. Letter from the Venkatagiri Rajah to the Rajah of Pittapur, dated Saturday, the 6th day of Palguna (no year).
- LXXVII. Letter from the Venkatagiri Rajah to the Rajah of Pittapur, dated Friday, the 3rd of Chaitra Suddham (no year).

- LXXVIII. Letter from the Venkatagiri Rajah to the Pittapur Rajah, dated 18th November (no year).
- LXXIX. Mortgage deed executed by the late Rajah of Pittapur and his adopted son (plaintiff) in favour of the Bank of Madras, dated 12th July 1888.
- LXXX. Letter from Mr. Douglas Grant to 2nd defendant's Attorney (Mr. P. Subramaniam Iyer) dated 26th April 1893. 10
- LXXXI. Petition No. 357 of 1893 presented on behalf of the plaintiff praying the Court to include the name of D. A. J. Crombie, Esquire, in the plaintiff's commissions issued to Madras dated 23rd August 1893.
- LXXXII. Affidavit of the plaintiff in support of the Petition No. 357, dated 25th August 1893.
- LXXXIII. Agreement executed by the late Rajah of Pittapur and the plaintiff in favour of the Bank of Madras, dated 3rd September 1880. 20
- LXXXIV. Letter from Mr. D. A. J. Crombie to Messrs. Barclay and Morgan, dated 20th February 1886.
- LXXXV. Press copy of letter from Messrs. Barclay and Morgan to Mr. D. A. J. Crombie, dated 7th February 1887.
- LXXXVI. Printed copy of letter from Messrs. Barclay and Morgan to Mr. T. Subba Rao, dated 14th May 1887. 30
- LXXXVII. Draft mortgage deed proposed to be executed by the late Rajah of Pittapur and the plaintiff in favor of Bank of Madras, dated 1887.
- LXXXVII (a). Press copy of said draft. Year 1888.
- LXXXVIII. Letter from T. Subba Rao to Messrs. Barclay and Morgan, dated 17th January 1888.
- LXXXIX. Print copy of letter from Messrs. Barclay and Morgan to Mr. T. Subba Rao, dated 18th October 1887.

- XC. Print copy of letter from Messrs. Barclay and Morgan to plaintiff, dated 19th January 1888.
- XCI. Print copy of letter from Messrs. Barclay and Morgan, to plaintiff, dated 3rd July 1888.
- XCII. Letter from the plaintiff to Messrs. Barclay and Morgan, dated 5th July 1888.
- XCIII. Print copy of letter from Messrs. Barclay and Morgan to plaintiff, dated 5th July 1888.
- XCIV. Letter from the plaintiff to Messrs. Barclay and Morgan, dated 11th February 1888. 10
- XCV. Copy of letter from the Rajah of Pittapur to Mr. T. M. Macleannan, dated 10th May 1888.
- XCVI. Letter from the plaintiff to D. A. J. Crombie, Esquire, dated 8th July 1886.
- XCVII. Letter from the plaintiff to the late Rajah of Pittapur, dated 9th January 1876.
- XCVIII. Letter from the plaintiff to the Rajah of Pittapur, dated 1st May 1878.
- XCIX. Letter written by the plaintiff to the Rajah of Pittapur about the inquiries regarding the Thanedars of Samarlakota and Karapa (not dated). 20
- CI. Letter from the Venkatagiri Rajah to the late Rajah of Pittapur, dated Monday, the 13th day of Pushya Bahula (no year).
- CII. Letter from the plaintiff to the late Rajah of Pittapur, dated 5th March 1879.
- CIII. Letter from the Rajah of Pittapur to Mr. Carmichael, dated 29th October 1878. 30
- CIV. Letter from the plaintiff to Vempatichelam, dated 19th February 1831.
- CV. Letter from the Venkatagiri Rajah to Rajah Vellanki Ramarayanam Garu, dated 12th November 1881.
- CVI. Letter from the plaintiff to Dr. Lazarus, Benares, dated 26th July 1882.
- CVII. Letter from the plaintiff to the Rajah of Pittapur, dated 18th December 1881.

- CVIII. Letter from the Rajah of Pittapur to the plaintiff (no date).
- CIX. Copy of letter from the Rajah of Pittapur to the plaintiff (no date).
- CX. Do. do., dated 17th October 1881.
- CXI. Do. do., dated 2nd December 1881.
- CXII. Draft of mortgage bond proposed to be executed by the Rajah of Pittapur, to the Rajah of Venkatagiri, dated 1882. (no month).
- CXIII. Memorandum of objections to the drafts of mortgage deed and settlement deed made by the Rajah of Pittapur (no date).
- CXIV. Memorandum of further objections to the said drafts of deeds by the Rajah of Pittapur, dated 11th March 1882.
- CXV. Letter from the Rajah of Pittapur to his general Muktyar V. Chelmiah (no date).
- CXVI. Copy of telegram from the Rajah of Pittapur to the Rajah of Venkatagiri, dated 19th August 1873.
- CXVII. Copy of letter from the Rajah of Pittapur to Sri Rajah Vellanki Lakshmivenkayamma Rao Bahadur Garu, dated 9th February 1882.
- (CXVIII. Letter from the Rajah of Venkatagiri to the Rajah of Pittapur, dated Thursday, the 4th day of Ashad Bahulam (no year).
- CXIX. Letter from the Venkatagiri Rajah to the Pittapur Rajah, dated Saturday, the 7th day of Kartika Bahulam (no year).
- CXX. Letter from the Venkatagiri Rajah to the Rajah of Pittapur, dated Wednesday the 6th day of Vysakha Bahula (no year).
- CXXI. Arzi to the Collector of Godavari by the Rajah of Pittapur, dated 6th October 1885.
- CXXII. Letter from Vellanki Venkata Kristnarayanam Garu to the Rajah of Pittapur, dated 5th June 1887.

- CXXIII. Letter from Vellanki Venkata Krishnarayanam Garu to Mangayamma Garu, dated 1st August 1890.
- CXXIV. Letter from plaintiff's 47th witness Kotta, Ramayya, to Mangayamma, dated 26th January 1891.
- CXXIV(a). Summons (duplicate) issued to plaintiff's 47th witness as defendant in Original Suit No. 9 of 1891 on the file of the District Munsif's Court, Ellore, dated 12th January 1891. 10
- CXXIV(b). Copy of plaint in Original Suit No. 9 of 1890 sent with the summons issued to plaintiff's 47th witness in that suit, dated 9th January 1891.
- CXXV. Letter from plaintiff's 47th witness (Kotta Ramayya) (addressee not known) (no date).
- CXXVI. Letter from plaintiff's 47th witness to Avasara Venkatachellam, dated 26th April 1891. 20
- CXXVII. Receipt given to Sree Rajah Rao Mangayamma Rao Garu by plaintiff's 47th witness, dated 28th October 1891. 20
- CXXVIII. Letter from plaintiff's 47th witness to Mangayamma's father V. Jagannatha Rayanagar, dated 20th October 1885.
- CXXIX. Letter from plaintiff's 47th witness to Avasara Venkatachellam, dated 24th February 1892.
- CXXX. Letter from plaintiff's 47th witness K. Ramayya to Avasara Venkatachellam, dated 25th June 1892. 30
- CXXXI. Letter from Mangayamma to her maternal aunt (Pinni), dated Sunday, the 2nd day of dark fortnight of Kartika (no year).
- CXXXII. Letter from plaintiff's 47th witness to Rajah Vellanki Jagannadha Rayanam Garu, dated 16th February 1885.
- CXXXIII. Letter from plaintiff's 47th witness (Kotta Ramayya) to Mangayamma, dated Monday, the 12th day of dark fortnight of Phalguna (no year).

- CXXXIV. Letter purporting to have been written by plaintiff's 50th witness (Chidarala Pitchayya) and his brother to Vellanki Jagannadha Rayanam Garu, dated 10th February 1885.
- CXXXV. Letter from Simhadri Apparao to 3rd Rani of the late Rajah of Pittapur, dated Monday, the 13th day of additional Aswija Bahulam (no year).
- CXXXV(a). Letter from Rangaya Apparao Garu to the 3rd Rani of the late Rajah of Pittapur, dated Sunday, the 6th day of bright fortnight of Jyestean (no date.)
- CXXXV(b). Letter from the 3rd Rani to the late Rajah of Pittapur, dated Wednesday, the 14th day of bright fortnight of Ashada (no year.)
- CXXXV(c). Letter from the 3rd Rani to the Rajah of Pittapur (no date)
- CXXXV(d). Letter to the Rajah of Pittapur from his 3rd Rani, dated Tuesday, the 5th day of dark fortnight of Ashadam (no year.)
- CXXXV(e). Letter to do. from do. (no date).
- CXXXV(f). Letter to do. from do., dated 22nd October 1873.
- CXXXVI. Letter from Sri Rajah Vellanki Lakshmi Venkayya Garu to the late Rajah of Pittapur, dated 14th August 1881.
- CXXXVII. Letter from Sri Rajah Vellanki Lakshmi Venkayya Rao Garu to the late Rajah of Pittapur, dated 18th December 1881.
- CXXXVIII. Letter from do. to do., dated 23rd February 1882.
- CXXXIX. Copy of the memorandum of the views of the late Rajah of Pittapur in respect of the plaintiff's maintenance, &c, dated 11th March 1882.
- CXL. Statement made by the plaintiff's 63rd witness, N. Bindu Madhava Rao, to 2nd defendant's Pleader, Mr. G. Venkatratnam, dated 20th January 1892.
- CXLI. Copy of letter from plaintiff's 63rd witness to T. M. MacLennan, Esquire, dated 14th April 1888.

- CXLII. Letter from the plaintiff's 63rd witness and A. V. Narasinga Rao to the late Rajah of Pittapur, dated 7th May 1888.
- CXLIII. Telegram sent by plaintiff's 63rd witness to Frank Richardson, dated 28th January 1886.
- CXLIV. Copy of telegram sent by Mr. Richardson to plaintiff's 63rd witness, dated 28th January 1886.
- CXLV. Copy of letter from Messrs. Barclay and Morgan to the plaintiff's 65th witness (Mr. D. A. J. Crombie), dated 12th November 1885. 10
- CXLVI. Copy of letter from do. to do., dated 5th April 1886.
- CXLVII. Copy of letter from do. to do., dated 27th September 1887.
- CXLVIII. Copy of letter from do. to do., dated 6th February 1888.
- CXLIX. Copy of letter from do. to do., dated 14th February 1888.
- CL. Copy of letter from Mr. Crombie to Messrs. Barclay and Morgan, dated 25th June 1888. 20
- CLI. Letter from do. to do., dated 10th July 1886.
- CLII. Copy of letter from do. to do., dated 7th November 1885.
- CLII (a). Copy of letter written to the Secretary and Treasurer, Bank of Madras, (enclosure to Exhibit CLII), dated 27th October 1885.
- CLII (b). Copy of telegram (enclosure to Exhibit CLII), dated 31st October 1885.
- CLIII. Letter from Mr. MacLennan to the Secretary and Treasurer, Bank of Madras, at Madras, dated 20th September 1887. 30
- CLIII (a). Letter by the late Rajah of Pittapur to Mr. MacLennan (enclosure to CLIII), dated 18th September 1887.
- CLIV. Letter to the Rajah of Pittapur from Mr. Walker (2nd defendant's 3rd witness), dated 3rd November 1879.

- CLV. Letter to the Rajah of Pittapur from Mr. Walker, dated 12th December 1879.
- CLVI. Letter with a memo. of account on one side written to the Rajah by Mr. Walker dated 9th September 1880.
- CLVII. Copy of prescription made by Dr. Ferris (2nd defendant's 4th witness) to the Rajah of Pittapur, dated 1st February 1882.
- CLVII (a). Copy of prescription made to Maharani of Pittapur by Dr. Ferris, dated 1st February 1882. 10
- CLVII (b). Copy from the book of prescriptions relating to the Maharani of Pittapur, made by Dr. Ferris (2nd defendant's 4th witness), dated 1st February 1882.
- CLVII (c). Copy from the book of prescriptions relating to the Maharani of Pittapur made by Dr. Ferris (2nd defendant's 4th witness), dated 7th February 1882.
- CLVIII. Letter from Mr. Scott Thomson and Co. to the Rajah of Pittapur, dated 15th July 1882. 20
- CLIX. Letter from do. to do., dated 2nd August 1882.
- CLX. Letter from do. to do., dated 20th December 1882.
- CLXI. Letter from Scott Thomson and Co. to the Secretary to the Rajah of Pittapur, dated 24th August 1883.
- CLXII. Memorandum showing the particulars of the examination of Mangayamma by defendant's 11th witness (no date.)
- CLXIII. Extract from case book showing cases of duration of menstruation prepared by Mrs. E. P. Phipson, 2nd defendant's 14th witness (no date.)
- CLXIV. Extract from the records of Cama Hospital showing cases of delivery at 40 and upwards prepared by defendant's 14th witness (no date.)
- CLXV. Extract from King's College Hospital book from 21st February 1890 to 9th December 1891. 40

- CLXVI. Print copy of letter from Messrs. Barclay and Morgan to the plaintiff, dated 21st October 1886.
- CLXVII. Print copy of letter from Messrs. Barclay and Morgan to Mr. T. Subba Rao, dated 27th September 1887.
- CLXVIII. Letter from Mr. Crombie to Messrs. Barclay and Morgan, dated 1st June 1888.
- CLXIX. Waistcoat of the late Rajah of Pittapur prepared by Baboo Bolonath Sett. 10
- CLXX. Extract from the rough order book of Tailoring Department prepared by Baboo Bolonath Sett (2. D. W. 26) (no date)
- CLXXI. Extract from the Pucea Jabda Bobi prepared by Baboo Bolonath Sett.
- CLXXII. Extract from the ledger prepared by Baboo Bolonath Sett.
- LXXIII. Letter from Sri Rajah Rao V. M. Surya Rao to the late Rajah of Pittapur, dated 23rd November 1881. 20
- CLXXIV. Order to Atchuti Kamaraju by Surya Rao, dated 15th October 1885.
- CLXXV. List of expenditure for the articles sent to the quarters of the Rajah of Pittapur by Surya Rao, dated 1st November 1885.
- CLXXVI. Order of the General Muktyar Challapalli Ramabrahmam by Surya Rao, dated 27th November 1885.
- CLXXVII. Arzi from Mangayamma Rao to the Collector of Godavari, dated 19th October 1891. 30
- CLXXVII (a) Estimate of expenditure on the occasion of pilgrimage to Surpavaram, dated 19th October 1891.
- CLXXVIII. Woollen coat worn by the late Rajah of Pittapur.
- CLXXVIII (a) Trousers worn by the late Rajah of Pittapur
- CLXXIX. Laced belt used by the Rajah of Pittapur.
- CLXXX. Red colored cloth belt used by the Rajah of Pittapur (no date).
- CLXXXI. Belt set with precious stones, worn by the late Rajah of Pittapur. 40

- CLXXXII. Belt made of silk-cloth with precious stones set thereon worn by the Rajah of Pittapur.
- CLXXXIII. Gold waist-string worn by the late Rajah of Pittapur.
- CLXXXIV. Do. do.
- X (d). Photo of the late Rajah of Pittapur.
- CLXXXV. Letter from plaintiff's 6th witness (Mr. Metcalfe) to the late Rajah of Pittapur, dated 7th October 1885.
- CLXXXVI. Telegram from the late Rajah of Pittapur to defendants' 56th witness, dated 28th December 1889. 10
- CLXXXVII. Letter from defendants' 57th witness (Mr. Vanstavern) to the Rajah of Pittapur, dated 15th October 1885.
- CLXXXVIII. Entry in the birth register of Yellapuram relating to the birth of a son to Chiderala Pitchayya, dated 26th August 1894.
- CLXXXVIII (a). Entry in the death register of Yellapuram relating to the death of the son of Chiderala Pitchayya, dated 26th August 1884. 20
- CLXXXIX. Letter from Mr. MacLennan (defence 6th witness) to the Rajah of Pittapur, dated 7th October 1885.
- CXC. Letter from Mr. MacLennan to the Secretary and Treasurer, Bank of Madras, dated 17th December 1885.
- CXCI. Register of births and deaths relating to the village of Vundoor for 1885, from January to the end of December 1885.
- CXCI (a). Do. do. for the year 1886. 30
- CXCII. Letter from 2nd defendant's 78th witness (V. Raya Jogapatiraju) to the late Rajah of Pittapur, dated 11th February 1886.
- CXCIII. A bill regarding the legality of the offspring of Hindu widows to inherit the estates of their parents (no date).
- CXCIV. List of property (moveable) handed over to the Vakil of the late Rajah on his behalf, dated 6th May 1862.
- CXCV. Entry in the register of births for 1883, for the village of Gudivada relating to the birth of a daughter of Rajah Vellanki Venkatakrishna Rao Garu, dated 21st October 1883. 40

- CXCVI. Letter from Dr. N. Hanks to the late Rajah of Pittapur, dated 22nd March 1876.
- CXCVI (a). Dr. Hank's directions to the late Rajah of Pittapur, dated 22nd March 1876.
- CXCVII. Travelling allowance bill of Dr. L. Beech for October 1885.
- CXCVIII. Registration copy of Will executed by Sri Rajah Vellanki Lakshmi Venkayya Row in favour of the late Rajah of Pittapur, dated 3rd June 1883. 10
- CXCIX. Telugu Will executed by the late Rajah of Pittapur, dated 16th February 1889.
- CXCIX (a). English translation of the Will of the late Rajah of Pittapur, dated 16th February 1889.
- CCI. Telugu Will of the late Rajah of Pittapur, dated 7th September 1889.
- CCII. Do. do., dated 17th March 1890.
- CCII (a). Schedule attached to the Will, dated 17th March 1890, dated 17th March 1890.
- CCIII. Arzi from the late Rajah of Pittapur to the Collector of Godavari, dated 20th June 1890. 20
- CCIV. Petition from the late Rajah of Pittapur to the Collector of Godavari, dated 20th March 1872.
- CCIV (a). Hakikat of the late Rajah of Pittapur, dated 20th March 1872.
- CCV. List of moveable property prepared and signed by Mr. Clegg, dated 6th August 1890.
- CCVI. Letter from old Bobbili Rani (adoptive mother of the present Rajah of Bobbili) to the late Rajah of Pittapur, dated 13th November 1885. 30
- CCVI (a). List of articles enclosed in letter (Exhibit CCVI) no date.
- CCVII. Letter from Sri Damara Appayya Garu to the late Rajah of Pittapur, dated 8th December 1885.
- CCVIII. Letter from Inuganti Janardhanarayanam Garu to the late Rajah of Pittapur, dated 12th October 1885. 40

- CCIX. Kararnama executed between Sri Rajah Rao Venkata Suraya Rao and his younger brother Kumara Venkata Rao, dated 26th April 1845.
- CCX. Registered sale deed executed by Bachu Ramesam and others in favour of the late Rajah of Pittapur, dated 6th November 1885.
- CCXI. Registered sale deed executed by Sri Rajah Yenumula Lachan Dora Garu in favour of the late Rajah of Pittapur, dated 20th June 1879.
- CCXII. Registered sale deed executed by Sri Rajah Mallaparaju Meerja Venkatapatiraju Garu and another in favour of the late Rajah of Pittapur, dated 24th August 1887.
- CCXIII. Sale deed executed by M. Venkata Sastrulu in favour of the late Rajah of Pittapur, dated 26th October 1864.
- CCXIV. Registered sale deed executed by Akella Seshayya in favour of the late Rajah of Pittapur, dated 8th November 1877.
- CCXV. Registered sale deed executed by Toyyati Narayana Somayajulu in favour of the late Rajah of Pittapur, dated 14th August 1875.
- CCXVI. Sale deed executed by Amancha Narsayya and another in favour of the late Rajah of Pittapur, dated 6th February 1864.
- CCXVII. Registered sale deed executed by Avasarala Venkatarayudu in favour of the late Rajah of Pittapur, dated 8th March 1876.
- CCXVIII. Registered sale deed executed by Pide Peda Ramanna in favour of the late Rajah of Pittapur, dated 22nd February 1871.
- CCXIX. Registered sale deed executed by Rajanala Suradu in favour of the late Rajah of Pittapur, dated 27th February 1871.
- CCXX. Registered sale deed executed by Takurn Ramanadham in favour of the late Rajah of Pittapur, dated 13th December 1886.
- CCXXI. Registered sale deed executed by Mergapuri Subhadracharyulu in favour of the late Rajah of Pittapur, dated 23rd November 1878.

- CCXXII. Registered sale-deed executed by Jamalgedda Vyaghreswarudu in favour of the late Rajah of Pittapur, dated 5th January 1886.
- CCXXIII. Registered sale deed executed by Vadrevu Chelamayya in favour of the late Rajah of Pittapur, dated 29th March 1885.
- CCXXIV. Registered sale deed executed by Mallepudi Ramayya in favour of the late Rajah of Pittapur, dated 23rd June 1876.
- CCXXV. Registered sale deed executed by Kancherla Subbarayadu in favour the late Rajah of Pittapur, dated 12th June 1883.
- CCXXVI. Registered sale deed executed by Sripati Gavarapanda and others in favour of the late Rajah of Pittapur, dated 19th November 1886.
- CCXXVII. Registered sale-deed executed by Muppidi Dorayya and others in favour of the late Rajah of Pittapur, dated 3rd November 1884.
- CCXXVIII. Registered sale-deed executed by Marindi Bhavayya and his two sons in favour of the late Rajah of Pittapur, dated 6th September 1883.
- CCXXIX. Registered sale deed executed by Kotamarti Seetanna in favour of the late Rajah of Pittapur, dated 17th November 1884.
- CCXXX. Registered sale deed executed by Vadrevu Chelamayya in favour of the late Rajah of Pittapur, dated, 10th April 1883.
- CCXXXI. Registered sale deed executed by Tumu Ramadasu and another in favour of the late Rajah of Pittapur, dated 20th April 1883.
- CCXXXII. Registered sale deed executed by Chittavayula Suryaprakasam in favor of the late Rajah of Pittapur, dated 24th February 1885.
- CCXXXIII. Registered sale deed executed by Ala Subbarayudu in favour of the late Rajah of Pittapur, dated 7th July 1875.
- CCXXXIV. Registered sale deed executed by Arbuthnot & Co., in favour of the late Rajah of Pittapur, dated 20th December 1865.

- CCXXXV. Registered sale deed executed by Mr. C. W. Simson, Attorney of Mr. F. J. Simson, in favour of the late Rajah of Pittapur, dated 22nd June 1889.
- CCXXXVI. Registered sale deed executed by Neelan Veeraraghavulu Naidu and another in favour of the late Rajah of Pittapur, dated 24th May 1878.
- CCXXXVII. Registered sale deed executed by Meerja Wajali Begg and others, in favour of the late Rajah of Pittapur, dated 17th December 1886.
- CCXXXVIII. Registered document executed by Syed Muktum Saheb and others in favour of the late Rajah of Pittapur, dated 18th July 1877.
- CCXXXIX. Registered sale deed executed by the Bank of Madras in favour of the late Rajah of Pittapur, dated 19th May 1887.
- CCXL. Registered sale deed executed by Paida Ramakrishnayya in favour of the late Rajah of Pittapur, dated 21st July 1882.
- CCXLI. Registered sale deed executed by Rajah Meerja Venkatapati Raju Garu and another in favor of the late Rajah of Pittapur, dated 3rd October 1885.
- CCXLII. Registered sale deed executed by Totta Veeraswamy in favour of the late Rajah of Pittapur, dated 22nd March 1878.
- CCXLIII. Registered sale deed executed by Kasturi Gollanagayya in favour of the late Rajah of Pittapur, dated 23rd September 1876.
- CCXLIV. Registered sale deed executed by Digavilli Venkata Siva Rao, in favour of the late Rajah of Pittapur, dated 1st March 1874.
- CCXLV. Registered sale deed executed by Gudiseva Venkatratnam and another in favour of the late Rajah of Pittapur, dated 16th August 1877.

- CCXLVI. Registered sale deed executed by Vemava-
rapu Venkatratanam in favour of the late Ra-
jah of Pittapur, dated 7th April 1873.
- CCXLVII. Registered sale deed executed by Avancha
Ramayya in favour of Vadrevu Chelamayya,
dated 14th January 1885.
- CCXLVIII. Registered sale deed executed by Paida Ra-
makrishnyya in favour of the late Rajah of
Pittapur, dated 14th December 1883.
- CCXLIX. Registered sale deed executed by Polina Sam-
bayya and another in favour of the late Rajah
of Pittapur, dated 15th June 1888. 10
- CCL. Sale deed executed by Morta Veerasalingam in
favour of the late Rajah of Pittapur, dated
26th November 1864.
- CCLI. Sale deed executed by Morta Veerasalingam
in favour of Nuzvid Venkata Ramana, dated
23rd December 1877.
- CCLII. Registered sale deed executed by Golla Ven-
kanna in favour of the late Rajah of Pittapur,
dated 18th September 1872. 20
- CCLIII. Sale deed executed by Manne Atchanna in
favour of the late Rajah of Pittapur, dated
24th October 1872.
- CCLIV. Sale deed executed by Manne Ganga in favour
of the late Rajah of Pittapur, dated 24th
October 1872.
- CCLV. Sale deed executed by Manne Ramudu in
favour of the late Rajah of Pittapur, dated
24th October 1872. 30
- CCLVI. Sale deed executed by Manne Gavara in favour
of the late Rajah of Pittapur, dated 22nd
October 1872.
- CCLVII. Sale deed executed by Manne Surayya in
favour of the late Rajah of Pittapur, dated
22nd October 1872.
- CCLVIII. Registered sale deed executed by Edigi Venki
in favour of Nuzvid Chinnama, dated 25th
April 1872.

- CCLIX. Registered sale deed executed by Talla Ven-
katrayudu in favour of Nuzvid Venkatramana,
dated 8th August 1872.
- CCLX. Sale deed executed by Vadrevu Appaya in
favour of Sri Rao Venkatarayanam Garu,
dated 20th April 1868.
- CCLXI. Registered sale deed executed by Nadipalli
China Somayya in favour of the late Rajah
of Pittapur, dated 19th September 1872.
- CCLXII. Registered sale deed executed by Kuchiman-
chi Sitamma in favour of the late Rajah of
Pittapur, dated 14th July 1886.
- CCLXIII. Registered sale deed executed by Kuchimanchi
Gavamma in favour of the late Rajah of
Pittapur, dated 14th July 1886.
- CCLXIV. Registered lease bond executed by Tumma-
gunta Papayya in favour of the late Rajah of
Pittapur, dated 2nd February 1885.
- CCLXV. Registered document executed by Sri Para-
sara Battadu and 3 others, dated 15th De-
cember 1883.
- CCLXVI. Registered sale executed by Mahommed Kasim
Saheb in favour of the late Rajah of Pittapur,
dated 16th January 1874.
- CCLXVII. Registered sale deed executed by Putra
Achayya in favour of the late Rajah of Pitta-
pur, dated 23rd March 1878.
- CCLXVIII. Registered sale deed executed by Aurupalli
Chintalu in favour of Subbamma and another,
dated 25th April 1872.
- CCLXIX. Sale deed executed by Rao Dharamaryanam
Garu in favour of the late Rajah of Pittapur,
dated 26th October 1864.
- CCLXX. Registered sale deed executed by Ijanagiri
Kristnama and others in favour of the late
Rajah of Pittapur, dated 9th December 1877.
- CCLXXI. Registered sale deed executed by Poliseti
Amanna in favour of the late Rajah of Pitta-
pur, dated 9th March 1866.

CCLXXII. Sale deed executed by Kotta China Achayya in favour of the late Rajah of Pittapur, dated 9th January 1865.

CCLXXIII. Registered sale deed executed by Vuppulury Surayya in favour of the late Rajah of Pittapur, dated 29th December 1882.

CCLXXIV. Registered conveyance deed executed by Vadrevu Chelamayya in favour of the late Rajah of Pittapur, dated 3rd September 1885.

CCLXXV. Sale certificate granted to the late Rajah of Pittapur as purchaser in Court sale held in execution of the decree in S. C. No. 435 of 1876, Sub-Court, Cocanada, dated 30th November 1881.

CCLXXVI. Registered sale deed executed by Vaddiparti Ramanna in favour of Vadrevu Chelamayya, dated 3rd October 1884.

CCLXXVII. Registered sale deed executed by Jaldū Achipilla in favour of the late Rajah of Pittapur, dated 30th April 1883.

CCLXXVIII. Copy of a letter from the late Rajah of Pittapur to the old Rani of Bobbili, dated Wednesday, the 13th day of Margasira Suddham (no year).

CCLXXIX. Extract from the English Inam Register of Pittapur, dated 14th March.

CCLXXIX (a). Do. do. dated 14th March.

CCLXXIX (b). Do. do. dated 8th February 1860.

CCLXXIX (c). Do. do. dated 20th February 1860.

CCLXXIX (d). Do. do. dated 18th February 1860.

CCLXXIX (e). Do. do. dated 18th February 1860.

CCLXXIX (f). Do. do. dated 3rd November 1860.

CCLXXIX (g). Extract from the English Inam Register of Manakhandavada, dated 1st February 1860.

CCLXXIX (h). Extract from the English Inam Register of Kumarapuram, dated 22nd February 1860.

CCLXXIX (j). Extract from the English Inam Register of Pakkaradinpalem, dated 23rd February 1860.

CCLXXIX (k). Extract from the English Inam Register of Govindarajulupalem, dated 8th February 1860.

CCLXXIX (l). Do. of Chidalada, dated 14th March.

CCLXXIX (m). Do. of Yendapalli, dated 25th August 1860.

CCLXXIX (n). Do. of Kondavaram, dated 14th March 1860.

CCLXXIX (o). Do. of Mulapeta, dated 2nd February 1860.

CCLXXIX (p). Do. of Nagulapalli, dated 20th February 1860.

CCLXXIX (q). Do. of Chebolu, dated 16th February 1860.

CCLXXIX (r). Do. of Durgada, dated 4—5—60.

CCLXXIX (s). Do. of Kommanapalli, dated 2—2—60.

CCLXXIX (t). Do. of Hamsavaram, dated 16—2—60.

CCLXXIX (u). Do. of Pudikonda, dated 16—2—60.

CCLXXIX (v). Do. of Challapalli, dated 28—3—60.

CCLXXIX (w). Do. do. do.

CCLXXIX (x). Do. do. do.

CCLXXIX (y). Do. do. do.

CCLXXIX (z). Do. do. do.

CCLXXIX (aa). Do. do. do.

CCLXXIX (bb). Do. of Torredū, dated 16—3—60.

CCLXXIX (cc). Do. of Kateru, dated 4—4—60.

CCLXXIX (dd). Do. of Kumarapuram, dated 21—2—60.

CCLXXIX (ee). Do. do. dated 22—2—60.

CCLXXIX (ff). Do. do. do.

CCLXXIX (gg). Do. of Immapuram, do.

CCLXXIX (hh). Do. do. dated 30—4—60.

CCLXXIX (ij). Do. do. do.

CCLXXIX (kk). Do. do. do.

CCLXXIX (ll). Do. do. dated 24—2—60.

CCLXXIX (mm.) Extract from the English Inam Register of Immapuram, dated 24-8-60.

CCLXXIX (nn.) Do. of Venkatakrishnarayapuram, 20-4-60.

CCLXXIX (oo.) Do. do. do.

CCLXXIX (pp.) Do. do. dated-21-5-60.

CCLXXIX (qq.) Do. do. 27-8-60.

CCLXXIX (rr.) Do. do. do.

CCLXXIX (ss.) Do. of Bhimavaram, dated 16-4-60.

CCLXXIX (tt.) Do. do. do.

CCLXXIX (uu.) Do. do. do.

CCLXXIX (vv.) Do. do. 7th May 1860.

CCLXXIX (ww.) Do. of Pandalapaka, 28-8-60.

CCLXXIX (xx.) Do. of Seela, dated 4-5-60.

CCLXXIX (yy.) Do. of Chintataur, dated 23-8-60.

CCLXXIX (zz.) Do. do. do.

CCLXXIX (aaa.) Do. of Vellangi, dated 20-4-60.

CCLXXIX (bbb.) Do. of Sampara, dated 21-5-60.

CCLXXIX (ccc.) Do. of Dangeru, dated 28-8-60.

CCLXXIX (ddd.) Do. of Ravanayapett, 21-5-60.

CCLXXIX (eee.) Do. of Kistnapuram, 14-3-60.

CCLXXIX (fff.) Do. of Gudala, dated 29-8-60.

CCLXXIX (ggg.) Do. of Vanapalli, 29-8-60.

CCLXXIX (hhh.) Do. do. do.

CCLXXIX (ijj.) Do. of Sarlakotta, 15-5-60.

CCLXXIX (kkk.) Do. do. do.

CCLXXIX (lll.) Do. do. 1-5-60.

CCLXXIX (mmm.) Do. do. 25-5-60.

CCLXXIX (nnn.) Do. do. 5-3-61.

CCLXXIX (ooo.) Do. of Pandaru, 16-5-60.

CCLXXIX (ppp.) Do. do. do.

CCLXXIX (qqq.) Do. do. do.

of Jaggammagaripett, dated 30th January 1866.

CCLXXIX (rrr.) Do. do. do. dated 27-8-60.

CCLXXIX (sss.) Extract from the English Inam Register of Jaggammagaripett, dated 4-4-60.

CCLXXIX (ttt.) Do. of Atchutapuram, 8-6-60.

CCLXXIX (uuu.) Do. of Chintatura, 28-8-60.

CCLXXIX (vvv.) Do. of Kapavaram, 20-4-60.

CCLXXIX (www.) Do. of Mamilladoddi 19-5-60.

CCLXXIX (xxx.) Do. do. do.

CCLXXIX (yyy.) Do. do. do.

CCLXXIX (zzz.) Do. do. do.

10 CCLXXIX (a b.) Do. do. 4-5-60.

CCLXXIX (a c.) Do. do. 21-5-60.

CCLXXIX (a d.) Do. do. do.

CCLXXIX (a e.) Do. of Undoor, dated 19th May 1860.

CCLXXIX (a f.) Do. do. do.

CCLXXIX (a g.) Do. do. do.

CCLXXX. Certified copy of a letter from the Collector of Godavari to the Secretary of the Court of Wards, Madras, dated 17th January 1861.

20 CCLXXXI Letter from the Collector of Godavari to the late Rajah of Pittapur, dated 10th May 1862.

CCLXXXII. Letter from the Collector to the late Rajah of Pittapur, dated 7th November 1883.

CCLXXXIII. Certified copy of judgment in Appeal Suit No. 14 of 1876 on the file of the High Court, dated 9th March 1880.

CCLXXXIII (a). Certified copy of the decree in the said suit.

CCLXXXIII (b). Certified copy of judgment of the Privy Council in appeal from the decision in Appeal Suit No. 14 of 1876 of High Court, dated 19th July 1883.

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CCLXXXIV. Certified copy of plaint in Original Suit No. 11 of 1879 on the file of the District Court, Godavari, dated 12th September 1879.

CCLXXXIV (a). Certified copy of a statement of 1st defendant in the said suit (the late Rajah of Pittapur) dated 14th January 1880.

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- CCLXXXIV (b). Statement of 2nd defendant in that suit (the present plaintiff) no date.
- CCLXXXIV (c). Certified copy of judgment in Original Suit No. 11 of 1879 on the file of the District Court, Godavari, dated 23rd August 1880.
- CCLXXXIV (d). Certified copy of decree in the said suit, dated 23rd August 1880.
- CCLXXXIV (e). Certified copy of High Court's judgment in Appeal Suit No. 140 of 1880, dated 19th September 1882.
- CCLXXXIV (f). Certified copy of decree in the said suit, dated 19th September 1882.
- CCLXXXV. Certified copy of Report from the Council of Masulipatam to the Board of Revenue, dated 19th March 1787.
- CCLXXXVI. Certified copy of Resolution of the Board of Revenue, dated 19th March 1787.
- CCLXXXVII. Certified copy of a report from the Council of Masulipatam to Board of Revenue, dated 28th March 1787.
- CCLXXXVII.(a). Certified copy of a Resolution of the Council of Masulipatam, dated 28th March 1787.
- CCLXXXVIII. Certified copy of the report of the Members of the Council at Masulipatam, dated 7th April 1787.
- CCLXXXVIII (a). Extract from the Minutes of Consultation of the Council of Masulipatam, dated 7th April 1787.
- CCLXXXIX. Copy of a letter to the Chief and Council of Masulipatam from the Board of Revenue, dated 23rd April 1787.
- CCXC. Certified copy of pedigree filed as Exhibit on behalf of 1st defendant in O. S. No. 11 of 1879, dated 14th January 1880.
- CCXCI. Certified copy of a letter from the Collector of the Zillah of Rajahmundry to the Board of Revenue, dated 29th February 1828.
- CCXCI (a). Copy of Will executed by Rajah Rao Venkata Niladri Rao Bahadur Garu (enclosed in the above letter), dated 25th February 1828.

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- CCXCI (b). Certified copy of the translation of the Arzi addressed by Rajah Rao V. Niladri Rao Bahadur to the Collector of Godavari (no date).
- CCXCII. Copy of letter from the Secretary, Board of Revenue, to the Chief Secretary to the Government, dated 10th March 1828.
- CCXCIII. Certified copy of letter from the Secretary to the Government to the Board of Revenue, dated 14th March 1828.
- CCXCIV. Certified copy of letter from the Board of Revenue to the Collector, Rajahmundry, dated 17th March 1828.
- CCXCV. Extract from the Proceedings of the Board of Revenue, dated 3rd December 1850.
- CCXCVI. Certified copy of letter No. 1 addressed by the Collector, Godavari, to the Commissioner, N. Circars, with its enclosures, dated 4th January 1851.
- CCXCVII. Certified copy of the Proceedings of the Madras Government, dated 3rd August 1872.
- CCXCVIII. Copy of letter from the Collector of Godavari to the Commissioner, N. Circars, dated 25th April 1854.
- CCXCIX. Copy of letter from the Sub-Collector in charge to the Commissioner, N. Circars, dated 3rd October 1854.
- CCC. Extract from the Proceedings of the Commissioner, N. Circars, dated 16th October 1854.
- CCCI. Certified copy of letter from the Collector to the Commissioner, N. Circars, dated 16th October 1854.
- CCCII. Extract from the Proceedings of the Commissioner, N. Circars, dated 23rd October 1854.
- CCCIII. Copy of letter from the Collector, Godavari, to the Commissioner, N. Circars, with enclosures, dated 10th November 1854.

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- CCCIV. Extract from the proceedings of the Commissioner, N. Circars, in the capacity of Court of Wards, dated 22nd November 1854.
- CCCV. Copy of letter from the Collector, Godavari, to the Commissioner, N. Circars, dated 15th December 1854.
- CCCVI. Copy of letter from the Collector, Godavari, to the Commissioner, N. Circars, with enclosures, dated 20th November 1855.
- CCCVII. Registration copy of an agreement executed between Rajah Venkata Mahipati Venkata Rao and the late Rajah of Pittapur about the Gollaprolu Estate, dated 8th December 1869. 10
- CCCVIII. Certified copy of the register of transfers together with copies of Arzis addressed to the Collector by late Venkatrao and the late Rajah of Pittapur and also a copy of agreement executed between them, dated 8th December 1869, dated 21st February 1870.
- CCCIX. Certified copy of deposition of the 1st defendant in O. S. No. 11 of 1879, District Court's file, dated 12th August 1880. 20
- CCCX. Certified copy of deposition of the 1st witness, for defence in O. S. No. 3 of 1887, Sub-Court, Cocanada, dated 1st July 1887.
- CCCXI. Certified copy of plaint in O. S. No. 6 of 1884 Sub-Court, Cocanada, dated 12th February 1884.
- CCCXII. Registration copy of Will executed by Rajah Vellanki Lakshimi Venkayya Rao in favour of the late Rajah of Pittapur, dated 2nd March 1880. 30
- CCCXIII. True extract of the Proceedings of the Madras Government, dated 19th August 1890.
- CCCXIV. Print copy of the Proceedings of the Court of Wards, dated 21st August 1890.
- CCCXV. Item in Nagadi Chitta relating to payment to Golla Ammanna who suckled the 2nd defendant for 16 days, dated 20th October 1885.

- CCCXVI. Summons issued to plaintiff with 2 lists of documents to be produced by him at the instance of 2nd defendant, dated 12th July 1894.
- CCCXVI (a). Summons issued to plaintiff with one list of documents to be produced by him, dated 30th July 1894.
- CCCXVI (b). Summons issued to plaintiff at the instance of 2nd defendant with a list of documents to be produced by him, dated 13th August 1894.
- CCCXVII. List of witnesses on behalf of plaintiff with lists of documents to be produced by them, dated 20—6—1894.
- CCCXVIII. 2nd defendant's Petition No. 43 of 1893 with 4 enclosures, dated 23rd January 1893.
- CCCXIX. Registration copy of hypothecation bond executed by the late Rajah of Pittapur in favour of the Rajah of Venkatagiri, dated 28th March 1882.
- CCCXX. Extract from Mote Khana of Khaney's chittas, several months in 1885 and 1886.
- CCCXXI. Printed copy of pedigree with a statement on the back of it showing inheritance of succession to the Pithapur Estate filed in Original Suit No. 11 of 1872, District Court's file, dated 12th August 1890.
- CCCXXII. Extract from the Register of Deposits of Wills, relating to the Deposit of a Will by the late Rajah of Pittapur and its delivery to him on 7th March 1890, dated 19th February 1889.
- CCCXXIII. Extract from the Register of Deposits of Wills relating to the Deposit of a Will by the late Rajah of Pittapur, dated 19th March 1890.

(Signed) G. T. MACKENZIE,
Ag. District Judge.

- CCCIV. Extract from the proceedings of the Commissioner, N. Circars, in the capacity of Court of Wards, dated 22nd November 1854,
- CCCV. Copy of letter from the Collector, Godavari, to the Commissioner, N. Circars, dated 15th December 1854,
- CCCVI. Copy of letter from the Collector, Godavari, to the Commissioner, N. Circars, with enclosures, dated 29th November 1855.
- CCCVII. Registration copy of an agreement executed between Rajah Venkata Mahipati Venkata Rao and the late Rajah of Pittapur about the Gollaprolu Estate, dated 8th December 1869. 10
- CCCVIII. Certified copy of the register of transfers together with copies of Arzis addressed to the Collector by late Venkatrao and the late Rajah of Pittapur and also a copy of agreement executed between them, dated 8th December 1869, dated 21st February 1870.
- CCCIX. Certified copy of deposition of the 1st defendant in O. S. No. 11 of 1879, District Court's file, dated 12th August 1880. 20
- CCCX. Certified copy of deposition of the 1st witness, for defence in O. S. No. 3 of 1887, Sub-Court, Cocanada, dated 1st July 1887.
- CCCXI. Certified copy of plaint in O. S. No. 6 of 1884 Sub-Court, Cocanada, dated 12th February 1884.
- CCCXII. Registration copy of Will executed by Rajah Vellanki Lakshimi Venkayya Rao in favour of the late Rajah of Pittapur, dated 2nd March 1880. 30
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- CCCXV. Item in Nagadi Chitta relating to payment to Golla Ammanna who suckled the 2nd defendant for 16 days, dated 20th October 1885.

- CCCXVI. Summons issued to plaintiff with 2 lists of documents to be produced by him at the instance of 2nd defendant, dated 12th July 1894.
- CCCXVI (a). Summons issued to plaintiff with one list of documents to be produced by him, dated 30th July 1894.
- CCCXVI (b). Summons issued to plaintiff at the instance of 2nd defendant with a list of documents to be produced by him, dated 13th August 1894.
- CCCXVII. List of witnesses on behalf of plaintiff with lists of documents to be produced by them, dated 20—6—1894.
- CCCXVIII. 2nd defendant's Petition No. 43 of 1893 with 4 enclosures, dated 23rd January 1893.
- CCCXIX. Registration copy of hypothecation bond executed by the late Rajah of Pittapur in favour of the Rajah of Venkatagiri, dated 28th March 1882.
- CCCXX. Extract from Mote Khana of Khaney's chittas, several months in 1885 and 1886.
- CCCXXI. Printed copy of pedigree with a statement on the back of it showing inheritance of succession to the Pithapur Estate filed in Original Suit No. 11 of 1879, District Court's file, dated 12th August 1890.
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(Signed) G. T. MACKENZIE,
Ag. District Judge.

A. D. 33—26

- CCLXXXIV (b). Statement of 2nd defendant in that suit (the present plaintiff) no date.
- CCLXXXIV (c). Certified copy of judgment in Original Suit No. 11 of 1879 on the file of the District Court, Godavari, dated 23rd August 1880.
- CCLXXXIV (d). Certified copy of decree in the said suit, dated 23rd August 1880.
- CCLXXXIV (e). Certified copy of High Court's judgment in Appeal Suit No. 140 of 1880, dated 19th September 1882. 10
- CCLXXXIV (f). Certified copy of decree in the said suit, dated 19th September 1882.
- CCLXXXV. Certified copy of Report from the Council of Masulipatam to the Board of Revenue, dated 19th March 1787.
- CCLXXXVI. Certified copy of Resolution of the Board of Revenue, dated 19th March 1787.
- CCLXXXVII. Certified copy of a report from the Council of Masulipatam to Board of Revenue, dated 28th March 1787. 20
- CCLXXXVII.(a). Certified copy of a Resolution of the Council of Masulipatam, dated 28th March 1787.
- CCLXXXVIII. Certified copy of the report of the Members of the Council at Masulipatam, dated 7th April 1787.
- CCLXXXVIII (a). Extract from the Minutes of Consultation of the Council of Masulipatam, dated 7th April 1787.
- CCLXXXIX. Copy of a letter to the Chief and Council of Masulipatam from the Board of Revenue, dated 23rd April 1787. 30
- CCXC. Certified copy of pedigree filed as Exhibit on behalf of 1st defendant in O. S. No. 11 of 1879, dated 14th January 1880.
- CCXCI. Certified copy of a letter from the Collector of the Zillah of Rajahmundry to the Board of Revenue, dated 29th February 1828.
- CCXCI (a). Copy of Will executed by Rajah Rao Venkata Niladri Rao Bahadur Garu (enclosed in the above letter), dated 25th February 1828. 40

- CCXCI (b). Certified copy of the translation of the Arzi addressed by Rajah Rao V. Niladri Rao Bahadur to the Collector of Godavari (no date).
- CCXCII. Copy of letter from the Secretary, Board of Revenue, to the Chief Secretary to the Government, dated 10th March 1828.
- CCXCIII. Certified copy of letter from the Secretary to the Government to the Board of Revenue, dated 14th March 1828.
- CCXCIV. Certified copy of letter from the Board of Revenue to the Collector, Rajahmundry, dated 17th March 1828.
- CCXCV. Extract from the Proceedings of the Board of Revenue, dated 3rd December 1850.
- CCXCVI. Certified copy of letter No. 1 addressed by the Collector, Godavari, to the Commissioner, N. Circars, with its enclosures, dated 4th January 1851.
- CCXCVII. Certified copy of the Proceedings of the Madras Government, dated 3rd August 1872.
- CCXCVIII. Copy of letter from the Collector of Godavari to the Commissioner, N. Circars, dated 25th April 1854.
- CCXCIX. Copy of letter from the Sub-Collector in charge to the Commissioner, N. Circars, dated 3rd October 1854.
- CCC. Extract from the Proceedings of the Commissioner, N. Circars, dated 16th October 1854.
- CCCI. Certified copy of letter from the Collector to the Commissioner, N. Circars, dated 16th October 1854.
- CCCI. Extract from the Proceedings of the Commissioner, N. Circars, dated 23rd October 1854.
- CCCII. Copy of letter from the Collector, Godavari, to the Commissioner, N. Circars, with enclosures, dated 10th November 1854.

CCLXXIX (*mm*). Extract from the English Inam Register of Immapuram, dated 24-8-60.

CCLXXIX (*nn*). Do. of Venkatakrishnarayapuram, 20-4-60.

CCLXXIX (*oo*). Do. do. do.

CCLXXIX (*pp*). Do. do. dated 21-5-60.

CCLXXIX (*qq*). Do. do. 27-8-60.

CCLXXIX (*rr*). Do. do. do.

CCLXXIX (*ss*). Do. of Bhimavaram, dated 16-4-60.

CCLXXIX (*tt*). Do. do. do.

CCLXXIX (*uu*). Do. do. do. 10

CCLXXIX (*vv*). Do. do. 7th May 1860.

CCLXXIX (*ww*). Do. of Pandalapaka, 28-8-60.

CCLXXIX (*xx*). Do. of Seela, dated 4-5-60.

CCLXXIX (*yy*). Do. of Chintataur, dated 23-8-60.

CCLXXIX (*zz*). Do. do. do.

CCLXXIX (*aaa*). Do. of Vellangi, dated 20-4-60.

CCLXXIX (*bbb*). Do. of Sampara, dated 21-5-60.

CCLXXIX (*ccc*). Do. of Dangeru, dated 28-8-60.

CCLXXIX (*ddd*). Do. of Ravanayapett, 21-5-60.

CCLXXIX (*eee*). Do. of Kistnapuram, 14-3-60. 20

CCLXXIX (*fff*). Do. of Gudala, dated 29-8-60.

CCLXXIX (*ggg*). Do. of Vanapalli, 29-8-60.

CCLXXIX (*hhh*). Do. do. do.

CCLXXIX (*ijj*). Do. of Sarlakotta, 15-5-60.

CCLXXIX (*kkk*). Do. do. do.

CCLXXIX (*lll*). Do. do. 1-5-60.

CCLXXIX (*mmm*). Do. do. 25-5-60.

CCLXXIX (*nnn*). Do. do. 5-3-61.

CCLXXIX (*ooo*). Do. of Pandaru, 16-5-60.

CCLXXIX (*ppp*). Do. do. do.

CCLXXIX (*qqq*). Do. do. do.

of Jaggammagaripett, dated 30th January 1866.

CCLXXIX (*rrr*). Do. do. do. dated 27-8-60.

CCLXXIX (*sss*). Extract from the English Inam Register of Jaggammagaripett, dated 4-4-60.

CCLXXIX (*ttt*). Do. of Atchutapuram, 8-6-60.

CCLXXIX (*uuu*). Do. of Chintatura, 28-8-60.

CCLXXIX (*vvv*). Do. of Kapavaram, 20-4-60.

CCLXXIX (*www*). Do. of Mamilladoddi 19-5-60.

CCLXXIX (*xxx*). Do. do. do.

CCLXXIX (*yyy*). Do. do. do.

CCLXXIX (*zzz*). Do. do. do.

10 CCLXXIX (*aa*). Do. do. 4-5-60.

CCLXXIX (*ab*). Do. do. 21-5-60.

CCLXXIX (*ac*). Do. do. do.

CCLXXIX (*ad*). Do. of Undoor, dated 19th May 1860.

CCLXXIX (*ae*). Do. do. do.

CCLXXIX (*af*). Do. do. do.

CCLXXIX (*ag*). Do. do. do.

CCLXXX. Certified copy of a letter from the Collector of Godavari to the Secretary of the Court of Wards, Madras, dated 17th January 1861.

20 CCLXXXI Letter from the Collector of Godavari to the late Rajah of Pittapur, dated 10th May 1862.

CCLXXXII. Letter from the Collector to the late Rajah of Pittapur, dated 7th November 1883.

CCLXXXIII. Certified copy of judgment in Appeal Suit No. 14 of 1876 on the file of the High Court, dated 9th March 1880.

CCLXXXIII (*a*). Certified copy of the decree in the said suit.
CCLXXXIII (*b*). Certified copy of judgment of the Privy Council in appeal from the decision in Appeal Suit No. 14 of 1876 of High Court, dated 19th July 1883.

30 CCLXXXIV. Certified copy of plaint in Original Suit No. 11 of 1879 on the file of the District Court, Godavari, dated 12th September 1879.

CCLXXXIV (*a*). Certified copy of a statement of 1st defendant in the said suit (the late Rajah of Pittapur) dated 14th January 1880.

A. D. 33-25

- CCLXXXIV (b). Statement of 2nd defendant in that suit (the present plaintiff) no date.
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- CCLXXXIV (d). Certified copy of decree in the said suit, dated 23rd August 1880.
- CCLXXXIV (e). Certified copy of High Court's judgment in Appeal Suit No. 140 of 1880, dated 19th September 1882. 10
- CCLXXXIV (f). Certified copy of decree in the said suit, dated 19th September 1882.
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- CCLXXXVI. Certified copy of Resolution of the Board of Revenue, dated 19th March 1787.
- CCLXXXVII. Certified copy of a report from the Council of Masulipatam to Board of Revenue, dated 28th March 1787. 20
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- CCXCI (b). Certified copy of the translation of the Arzi addressed by Rajah Rao V. Niladri Rao Bahadur to the Collector of Godavari (no date).
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(Signed) G. T. MACKENZIE,
Ag. District Judge.

MEMORANDUM OF APPEAL.

Before the District Court of Godavari at Rajahmundry.

Original Suit No. 6 of 1891.

Before the High Court of Judicature at Madras.

Appeal No. 33 of 1895.

	In the Court of First Instance.	In the High Court.	
1. The Court of wards.			
2. Venkata Kumara Mahipatti Surya Rao Bahadur Gar, other- wise called and styled Sri Rajah Rao Venkata Kumara Mahipati Surya Rao Bahadur Gar, a minor, by his newly appointed guardian Rajah Vellanki Venkatrama Rayanin- Garu Bahadur Garu.	1st and 2nd Defts. }	Appts.	10

versus.

Sri Rajah Row Venkata Surya Mahi- pati Ramakrishna Rao Bahadur. }	Ptff.	Respt.	20
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The defendants abovenamed beg to present this Appeal to this Honorable Court against the decree of the District Court of Godavari in Original Suit No. 6 of 1891, dated the 21st day of December 1894, for the following, among other grounds:—

1. The decision of the District Judge is against law, weight of evidence and the probabilities of the case.

2. The District Judge is in error in holding that the plaintiff has a cause of action against the 1st defendant.

3. The District Judge is wrong in stating that his finding on the 1st issue is in accordance with the practice of Courts in this Presidency.

4. The finding of the District Judge that the 2nd defendant is not the son of the late Rajah of Pittapur by his first wife Mangayamma is altogether against the weight of evidence and the probabilities of the case.

5. The District Judge's finding that the Rajah was not potent in December 1884 or January 1885 is erroneous and quite opposed to the weight of evidence.

6. The District Judge ought to have found that Mangayamma did give birth to the 2nd defendant.

7. Such portions of the oral and documentary evidence as to the alleged introduction of the 2nd defendant or the attempt or attempts alleged to have been made by Rani Mangayamma to procure a child while at Tiruvur and Pittapur as have been accepted by the District Judge ought to have been rejected as entirely unworthy of credit.

8. The District Judge has not given due weight to the conduct of the plaintiff and other members of the family recognizing the 2nd defendant as the son of the late Rajah of Pittapur.

9. The District Judge has practically ignored plaintiff's admission in the Bank document, Exhibit LXXIX, under circumstances which rendered it all but conclusive evidence against the plaintiff, that the 2nd defendant is the son of the late Rajah of Pittapur.

10. The District Judge is wrong in holding that Exhibit BR is genuine.

11. Having regard to the finding of the District Judge on the 2nd issue, the District Judge ought to have decided as to the fourth issue that the 2nd defendant is entitled to the properties whether ancestral or self-acquired under the testamentary disposition of the Rajah even if the 2nd defendant is not in fact the son of the late Rajah.

12. The District Judge is in error in holding that the late Rajah of Pittapur had no power to alienate the properties in question.

13. The District Judge's view that the tenure on which the property is held, prevented the holder from alienating it is untenable and not supported by any evidence.

14. The District Judge is wrong in holding that Exhibit DC precluded the Rajah from bequeathing his property to the 2nd defendant.

15. The District Judge ought to have decided the 14th issue against the plaintiff.

16. The District Judge's ruling that Section 112 of the Indian Evidence Act does not preclude evidence of impotence and state of health of the Rajah is erroneous in law. As also his ruling that, under the circumstance of the case, Section 123 of the Evidence Act does not preclude disclosure of communication between the late Rajah and his wives.

17. The District Judge's ruling as to the admissibility of DJ series is erroneous in law.

18. The observations of the District Judge in para. 105 are irrelevant, unwarranted and not supported by any evidence.

19. Some of the suggestions made by the Judge in the judgment are not supported by evidence in the case.

V. BHASHYAM IYENGAR,
11th February 1894, *Vakil for Appellants.*

P. SUBROMONEYA IYER,
Attorney for Appellants.

Memo of Valuation.

Ancient Zemindari of Pittapur at 10 times the annual peishcush, viz., rupees 2,48,168 ...	24,81,690	0	0	10
Four proprietary estates at 10 times the peishcush (rupees 30,740)...	3,07,400	0	0	
Inam lands, gardens, &c., at 15 times the annual net profits (20,000) ...	3,00,000	0	0	
Houses and buildings, vacant sites (market) value ...	8,00,000	0	0	
Lands held on usufructuary mortgages, leases at ten times the peishcush (633) ...	6,330	0	0	
Jewels, ornaments, furniture, &c. ...	11,00,000	0	0	20
Cash, currency note, coins, &c. ...	2,51,000	0	0	
Live stock ...	22,100	0	0	
Properties in Court in litigation ...	1,50,000	0	0	
Outstanding debts, &c. ...	10,00,000	0	0	
Value of immoveable property ...	38,95,420	0	0	
Value of moveable property ...	25,23,100	0	0	
Total ...	64,18,520	0	0	