

ACT No. X OF 1883.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 18th July, 1883.)

An Act to confirm and give effect to an award made by His Excellency the Viceroy and Governor General regarding certain matters in dispute between Sardár Bikráma Singh and the Kapúrthhala State.

Preamble

WHEREAS Sardár Bikráma Singh, in recognition of his services, received from the British Government a grant of land in Oudh forming part of the Akúna Estate; and that land was, with his consent, settled in the name of the Rájá of Kapúrthhala;

and whereas the Rájá of Kapúrthhala took possession of that land, and Sardár Bikráma Singh was unable to recover possession thereof by process of law;

and whereas His Highness Rájá Kurruck Singh of Kapúrthhala and Sardár Bikráma Singh agreed that all claims preferred by Sardár Bikráma Singh to and on account of the said land should be referred to Sir Henry Davies, the then Chief Commissioner of Oudh, for decision as arbitrator, and those claims were referred to Sir Henry Davies accordingly;

and whereas Sir Henry Davies, on the sixth day of January, 1871, delivered the following award, hereinafter called the first award (namely):—

“My award is that Rájá Kurruck Singh of Kapúrthhala, his heirs, executors or assigns, shall pay, within six months of the present date, in trust to the Chief Commissioner and to the Financial Commissioner of Oudh for the time being, and to the Commissioner of the Faizábád Division for the time being, jointly,

jointly, on behalf of Sardár Bikráma Singh and the heirs male of his body (if any), the sum of five lákhs of rupees, to be invested, as early as practicable, by the aforementioned trustees in the purchase of land within the Province of Oudh. Such land, when purchased, shall be immediately delivered into the possession of Sardár Bikráma Singh, and shall be held by him and by the heirs male of his body, if any, in proprietary right. But in the event of Sardár Bikráma Singh dying without heirs male of his body, the proprietary right in all such land shall revert unconditionally to the Rájá for the time being of Kapúrthhala.

“If the Rájá of Kapúrthhala, his heirs, executors or assigns, fail to pay to the trustees the sum of five lákhs of rupees within six months from the present date, possession of the fifty-five hãdbast circles detailed in the list hereto appended shall be given to Sardár Bikráma Singh; and all these hãdbast circles shall be held by him as mortgagee until the whole sum of five lákhs of rupees shall have been paid to the trustees.

“Furthermore, the Rájá of Kapúrthhala, his heirs, executors or assigns, shall pay to Sardár Bikráma Singh, within one month from the present date, the sum of fifty thousand rupees in full liquidation of all claims to the mesné profits of past years. On the expiry of one month, such sum, if still unpaid, will bear interest at the rate of 12 per cent. per annum.”

Addendum to award.

“To obviate doubts, I declare that, firstly, the words ‘heirs male’ mean only the sons of a woman belonging to the ahl-í-birádirí of Sardár Bikráma Singh; secondly, Sardár Bikráma Singh shall, prior to the birth of an heir male of his body, have no power to mortgage or sell his interest in the estate purchased for him by the trustees without offering it in the first instance to the Rájá of Kapúrthhala for the time being.

“This addendum shall be read as part of my award”;

and whereas doubts arose as to the meaning of that award, and, with the consent of the parties concerned, the matters in dispute were submitted to His Excellency the Viceroy and Governor General of India for decision;

and whereas in accordance with this submission, His Excellency the Viceroy and Governor General considered those matters, and on the third day of March, 1881, made the following award, hereinafter called the second award (namely) :—

“My award is that the estates already purchased and to
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be purchased shall (the aid of the legislature being invoked if necessary) be so settled that they shall be the property of Bikráma Singh, subject to the following conditions and restrictions:—

“*First.*—No alienations of, or right (other than a right of tenancy subject to rent, or a right incidental to such a tenancy) created over, the estates or any part thereof by Bikráma Singh shall be valid for any period beyond his life.

“*Secondly.*—If Bikráma Singh at his death leaves a male heir of his body surviving him, the succession to the estates shall take place according to the proper law of inheritance; but the estates shall not be chargeable with, or liable to be applied in satisfaction of, any debts incurred by Bikráma Singh, nor shall any person succeeding under this clause be liable, by reason of such succession, for any such debt.

“*Thirdly.*—If Bikráma Singh at his death leaves no male heir of his body surviving him, the estates shall pass to the then Rájá of Kapúrthhala.

“*Fourthly.*—If any lease or other contract fixing rent is granted to, or made with, a tenant by Bikráma Singh for a term, and Bikráma Singh dies before the expiration of such term, or if any such lease or contract is so granted or made in perpetuity, the rent of such tenant shall, notwithstanding anything contained in such lease or contract, be subject on the death of Bikráma Singh to enhancement from time to time on the same grounds, subject to the same conditions and according to the same procedure as if such tenant were a tenant with a right of occupancy; but if the rent is enhanced under this clause, the tenant may at any time thereafter rescind such contract”;

and whereas it is expedient to confirm the second award and give effect to the same;

and whereas, in obedience to the first award, the sum of five lákhs of rupees was paid by the said Rájá Kurruck Singh to the then Chief Commissioner and Financial Commissioner of Oudh and the then Commissioner of the Faizábád Division, and has been by them or by their successors in office invested in the lands specified in the schedule hereto annexed;

and whereas it is expedient to settle the said lands in accordance with the terms of the second award;

and whereas the first award, in so far as it has not already been executed, will be superseded by the second award and this Act, and it is therefore expedient

dient to rescind the first award ; It is hereby enacted as follows :—

1. This Act may be called Bikráma Singh's Estates Act, 1883, and shall come into force at once.

2. The first award is hereby rescinded ; the trusts created thereunder shall be deemed to have been fully executed and determined ; and the trustees thereunder shall be deemed to have been discharged.

The second award is hereby confirmed.

3. The lands specified in the schedule hereto annexed shall vest in Sardár Bikráma Singh, and shall be deemed to be settled as required by the second award.

Short title.
Commence-
ment.

Rescission of
first award,
and deter-
mination of
trust created
thereby.

Confirma-
tion of
second award.

Lands in
schedule to
be deemed
settled in
accordance
with second
award.

SCHEDULE.

LANDS VESTED IN SARDÁR BIKRÁMA SINGH.

(See section 3.)

District.	Tahsil.	Pargana.	Hadbast number.	Name of village.
Sitapur	Sitapur	Sitapur	34	Aitbalia.
			23	Arhbanian.
			37	Amypur.
			627	Victoria.
			463	Clarknagar.
			25	Alsia.
			75	Barabhari.
			442	Aishbagh.
			558	Mirnagar.
			190	Pitampur.
			136	Beadenpur.
			187	Pragpur.
			410	Isanagar.
			208	Tulshipur.
			341	Rahmatpur.
Rai Bareli	Dalmau	Misrikk Dalmau Saraini	29	Bichia Abadi.
			56	Baruáhar.
			59	Bandaie.
			57	Bahadurpur.
			208	Dariapur.
			171	Rampur Kalan.
			257	Rewari Pasia Khera.
			314	Saidapur.
			334	Firozpur.
			366	Kanjas.
			365	Kalehgaon with Chak.
			413	Lakhangaon with Chak.
			480	Haibatpur Khurd.
			477	Hilauli.
			476	Hathnasa.
Rai Bareli	Rai Bareli.	Khiron	8	Aiendhi.
			452	Malpur.
			28	Balehpur.