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Proceedings of the Madras Government, Financial Department,
15th July 1863.

No. 40. Read the following papers:—

To

The Honorable A. J. ARBUTHNOT

Chief Secretary to Government, Fort Saint George, Madras.

HONORABLE AND HONORED SIR,

In respectfully soliciting your honor to transmit the accompanying triplicate copies of my Memorial to the Right Honorable the Secretary of State for India permit me to represent—

I. That I have fully and clearly proved my right, by important documentary evidences to the proceeds in Government deposit of the jewels of the Rajah Muttu Ram alinga Setupati.

II. That the so called Zemindarni of Ramnaad has no right or title to the Zemindari itself.

III. That she cannot possibly have any claim to these proceeds—

IV. That therefore there is not the slightest necessity for any one, least of all to prosecute Government, as it is in their power to put an end to the injustice perpetrated towards him and his family by the late Honorable East India Company. Under the present benign rule of Her Most Gracious Majesty, petitioner most humbly, fervently and earnestly trust that justice will be rendered him by the restoration of the proceeds, and I therefore solicit that your honor will graciously condescend to transmit my Memorial with your favorable recommendation.

(Signed) STRI MUTTU PRATAPA SIMHA PARSUPANI SETUPATI.

MADRAS, 27*th June* 1863.

To

THE RIGHT HONORABLE THE SECRETARY OF STATE FOR INDIA.

EAST INDIA HOUSE, LONDON.

The humble petition of STRI MUTTU PRATAPA SIMHA PARSUPANI, SETUPATI, adopted grandson of RANI SHEVAGAMI NATCHIAR, daughter of MUTTO RAMALINGA SETUPATI, late Zemindar of Ramnaad.

MOST RESPECTFULLY SHEWETH,

In appealing from the unjustifiable decision of the local Government to your august authority, permit your Excellency's humble Memorialist to submit, with the utmost submission and deference, that he,—the last of an ancient, noble and once powerful family, through the tenacious adhesion of the Honorable the Governor in Council to an illegal and cruel order which was originally passed on a mere superficial view of the merits of the case,—has been reduced to the lowest depths of poverty and utter destitution.

2. That such are substantially the real facts of the case your Excellency may readily judge by condescendingly perusing the accompanying printed petition, in which Memorialist fully and distinctly set forth his indisputable claims, supported by undeniable documentary evidences.

3. The injustice,—gross and unparalled as it is in the annals of British administration in India,—which is rightly and universally acknowledged to be just and equitable,—the injustice of which Memorialist complains is, that whilst the large landed Estates, the Zemindari of Ramnaad, the Peshcush alone of which is about Rupees 3,30,000, and yields an annual revenue of several lacs of Rupees to the incumbent, has been alienated in favor of individuals who have no right or title thereto, to the total exclusion of the legitimate heirs, yet a comparatively insignificant item amounting to about, at most, Rupees 12,000, the proceeds of certain jewels which are in the hands of Government, belonging to Muttu Ramalinga Setupati, former Zemindar of Ramnaad, and the father of Sevagami Natchair, Memorialist's adoptive grandmother, is withheld from him, though he has proved beyond doubt his irrefutable claim to the said proceeds.

4. In 1795, Muttu Ramalinga Setupati was, through the malice and intriguing conduct of his sister, Mungaleswari Natchiar, without the slightest ground or the smallest show of reason, taken as a prisoner and confined as such in Fort Saint George, where he died on the 24th January 1809. At the time of his demise, he had alarge quantity of his personal property in his possession, much of which was stolen by the Sepoy guard placed over it; and the remainder was taken into the custody of Government, in whose hands the jewels have hitherto unaccountably remained. Unaccountably, because, on the decease of Muttu Ramalinga Setupati, all his other personal effects, together with the bones of the deceased Rajah, were delivered over to Rani Raja Rajeswari Natchiar, his widow, as his immediate heiress, under the orders of Government, dated 10th June 1809, they having previously taken the opinion of the Pundits of the Sudr Court and that of the Advocate General—(Vide Appendix XVIII). The Rani, Raja Rajeswari Natchiar, duly performed the funeral obsequies of her deceased husband, and inherited all his personal property,—the jewels in question alone excepted,—which from some unknown reason or other, were withheld from her, though she frequently applied for their restoration.

5. After her death, her daughter, the Rani Sevagami Natchiar, the only legitimate heiress to the Zemindari, having been fully absorbed in contesting her hereditary right to it, the withholding of which caused her the most bitter anguish and uncontrollable grief, did not deem it of s ufficient importance to solicit the restoration of the jewels, as she was under the impression, that they would at any time be delivered over to her.

6. On the death of Rani Sevagami Natchiar, all the personal property of her father which she possessed, was inherited by her adoptive son Kaungiasami Setupati—Memorialist's father—and after his decease, by his elder son Periasami Setupati, and lastly by Memorialist himself.

7. Here Memorialist would respectfully submit that if the said jewels were delivered over as they should have been done, in common with the rest of all the private property of the Rajah in the first instance to Rani Raja Rajeswari Natchair, they would have descended to her daughter and necessarily to Memorialist's father, elder brother and himself, and there would be no question now as regards the rightful claimant to the jewels or their proceeds.

8. That these jewels are unjustly withheld from your Excellency's humble Memorialist will be deduced from a single consideration, viz., that his adoptive grandmother Sevagami Natchiar—the only daughter and heiress of the Rajah Muttu Ramalinga Setupati—had every right, title and claim to the Zemindari, which was duly acknowledged by Government, yet on account of her minority, as well as to secure the tranquillity of the country and prevent all future misunderstanding as regards her right of succession, the Zemindari was placed in the possession of her aunt as her guardian. This arrangement was not abided by Government subsequently, and not only was the Rani Sevagami Natchiar most unjustly dispossessed of her hereditary Estate, but her heirs are kept out of the enjoyment of this paltry portion of her father's personal property. (Vide Appendices from II to VI).

9. Another consideration is this: that if it be allowed as it is by the highest Judicial and Revenue Authorities that she has been unfairly and unjustly dealt with in regard to her succession to the Zemindari, then it follows that she and her heirs have also been unjustly dealt with in respect to all the personal property of her father.

10. The Revenue and Judicial authorities candidly acknowledge the right and title of Rani Sevagami Natchair to the Zemindari itself.

11. The Collector, Mr. Powney, in his letter of the 25th February 1795, proposed to the Board of Revenue that the opinion of nine of the oldest, most learned, and most respectable inhabitants should be taken as respects the right of succession to the Setupati, or the Government of the Ramnaad Province. Such opinion was accordingly taken, and they, one and all declared in favor of the daughter, the Rani Sevagami Natchiar.

12. The report of the Collector together with the answers of the nine principal inhabitants are given in Appendix II.

* Note.—All the Appendices herein referred to are given in the printed Petition to Government.

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13. This conclusion was disputed by Mungaleswari Natchiar, the sister of the deceased Zemindar, on the ground that the opinions of the three principal Brahmins, three Head Pundarums of Ramisseram, and three of the oldest inhabitants were given under undue influence.

14. The subject was again referred to the Collector, who again instituted an inquiry, and after personally inspecting certain ancient records kept in careful deposit in one of the Ramisseram Temples, confirmed his first statement that Sevagami Natchiar was the only direct heiress to the deceased Zemindar.

Appendix III.

15. Whilst, however, giving expression to the above conclusion, that gentleman unaccountably recommended that from "motives of policy and expediency" the succession should devolve on the sister, who from her old age was not expected to live long or beget any children. In proposing this measure the Collector further recommended that the daughter Sevagami Natchiar should be placed under the protection of her aunt.

Appendix Do.

16. The reasons assigned were plausible, and Government adopted the views of the Collector without reference to its immorality or illegality. But it is to be remembered that Government in coinciding with the "motive of expediency" as urged by the Collector, had it all along in view that the daughter should, on her arriving at her majority, attain to the possession of the Zemindari. These views are expressly and distinctly expressed by them, as will be perceived from Appendices IV and V.

17. Further, Mungaleswari Natchiar on attaining at the summit of her wishes, betrayed her trust, notwithstanding her most faithful promises, to cherish and protect her niece, the minor daughter of her brother. Her letter to the Governor in Council is given in Appendix VI. The manner in which she sought to defeat the intentions of Government were twofold, by poisoning her niece and her sister-in-law, and failing in this, she pleaded the non-insertion of the name of Sevagami Natchiar, her niece, in the Sunnud or Deed of Permanent Settlement.

18. Your Excellency will be pleased to note that it was through the intrigues of Mungaleswari Natchair, the name of the actual heiress, that of Sevagami Natchiar, was altogether omitted in the Permanent Deed of Settlement issued on the 22nd April 1803. Nor would such an important omission have been made, were it not that the higher authorities—the Governor, Members of Council, Board of Revenue, and the Collector of Peshcush—were all different from those gentlemen who constituted the Government in 1795.

19. This single omission, this most important error, has caused all the evils, all the distresses, and all the unheard of miseries which overwhelmed Memorialist's grandmother, Sevagami Natchiar, his father, brother, and himself.

20. When the Sunnud was issued Sevagami Natchiar was very young, and of course was too inexperienced to remonstrate against the omission of her name in the Sunnud.

21. Another method reverted to by Mungaleswari Natchiar to preclude her niece from succession was her adoption of one Annasami, who was universally known as the *illegitimate offspring of a slave concubine.*

22. Your Excellency will perceive that the first act of injustice perpetrated by Government was the unjust admission of Mungaleswari Natchiar's claim to the Zemindari; second, by the omission of Sevagami Natchiar's name in the Sunnud; and third, by the recognition of the illegally adopted son, Annasami, the illegitimate offspring of a concubine.

23. The last act was altogether indefensible:—

I. Because Mungaleswari Natchiar was a widow, and according to Hindu law, could not make any adoption, and

II. Because the alleged adopted son belonged to a very insignificant tribe, and of a very low and disreputable caste and family.

24. His mean extraction was urged against him by 35 of the Chiefs of the Maravers, on the ground that all pilgrims of every description, including Princes and Nobles, had to make their obeisance to the Setupati or Guardian of the sacred shrine of Ramisseram.

25. Subsequently, the Rani Sevagami Natchiar disputed the right of her aunt to alienate the Zemindari and to so wickedly alienate the Estate. At the same time, the Board of Revenue gave her an endorsement to the effect that on the death of her aunt, her claims would be taken into consideration. This was never done; for in their Proceedings of the 30th March 1812* though they acknowledged that it never was the intention of Government to set aside the ancient family; that the Zemindari was transferred to Mungaleswari Natchiar from "motives of political expediency," yet they most unjustly thought proper to recommend to Government that the illegally adopted son of a low born female should be recognized as the Zemindar!! and such recommendation was accepted and recognized!!!

* Appendix VIII.

26. The Rani Sevagami Natchiar, the only true and rightful heiress of the Zemindari was directed to establish her claims in the Civil Courts. Could there have been any injustice equal to this?

27. In the midst of her misery and despondency she *did* appeal in No. 3 of 1813 to the Southern Provincial Court. That Court thoroughly investigated the case and passed a Decree on the 13th December 1813, (vide Appendix IX) declaring her to be the rightful claimant, and rejected and ousted the then incumbent, consequent on his illegal and invalid adoption.

28. Annasami appealed against this Decree to the Sudr Court, who remanded the case to the Southern Provincial Court for reconsideration. Said Court, on a re-enquiry of the case, and after fully entering into the grounds of its former decision deliberately affirmed it. Their second decision is given in Appendix X.

29. The Appellate Court unjustly reversed that decision on the ground that the Sunnud give to Mungaleswari Natchiar gave her the proprietary right to the Zemindari and to [illegible] it.

30. Thereupon, Sevagami Natchiar appealed to the Privy Council, who were pleased without enquiry or consideration, to affirm the decision of the Sudr Court.

31. That the affirmation of the Decree of the Local Court by them was from [illegible] prehension of the entire merits of the case may be clearly seen from Appendices XI and XII, consisting of the judgment of Mr. Rigby, then a Member of the Court of Directors and of Parliament, as also that of the most eminent Law Officers of England.

32. The *main objection* then urged was that the "Deed of Permanent Settlement did not confer any right on Mungaleswari Natchiar either of possession or of alienation.

33. Notwithstanding all this, the 1st Puisne Judge Mr. Grant recorded a Minute, (Appendix XIII), in which he utterly condemned the Appellate Proceedings (Sudr Court) "as having "in "this suit been throughout grounded in fallacy and error," and that a more singular specimen of sophistry in the legal dress of a Judicial decision was perhaps never before exhibited or "heard of in a Court of Justice, * * * * as in the erroneous constructions and mistaken "application by this Court of the provisions of Regulation XXV of 1802." In fine that gentleman describes the Decree as a very "hodge podge of error, sophistry and injustice." In recording this Minute the Judge recommended that the Court should rectify their error and procure a rehearing of the cause before the Privy Council. Minute is given in full in Appendix XIII, to which Memorialist solicits your Excellency's attention and kind perusal.

34. The like views were entertained in England by Members of the Board of Control, Court of Directors, and of the House of Commons, as also by retired Civil Servants of this Presidency. Among others I. S. Sullivan, Esq., who had been in Ramnaad for thirteen years and a half, stated† that the Deed of Permanent Settlement was misunderstood, and that the judgment of the Sudr Udalut, which reversed the original finding of the Provincial Court was erroneous. This point was still more strongly urged with reference to a decision of the High Court of Chancery of the 20th November 1828 in the case of Freeman *versus* Fairly in which it was declared that the Deed of Permanent Settlement was nothing more than to settle the amount of tribute. (Vide Appendix XIV.)

†Appendix XV.

35. Notwithstanding the undoubted right of Rani Sevagami Natchiar to succeed to the Zemindari, in virtue of her hereditary claim, and though Government themselves acknowledged such

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right, still she was not placed in possession of the Zemindari. On the contrary she was allowed to pine and die in wretchedness and poverty.

36. Meanwhile, whilst every effort was being made in England on behalf of the daughter, Annasami, the illegally adopted illegitimate son of a *slave concubine*, died without issue, and one Ramasami falsely claimed the succession on the ground of his adoption by the widow of the said Annasami. This claim was rejected* by the Collector, he being convinced that the alleged Will of Annasami was a forgery, and the adoption more than doubtful.

* Appendix XVI.

37. The Sudr Court, however, issued a precept directing Ramasami to be placed in possession of the Zemindari on his proving his adoption, which he easily did, from the large resources he had at his command.

38. Government were convinced that Ramasami's claim was doubly illegal, from the Will being forged, and from his being the brother of his adoptive mother. He could not be her son since she could not marry his father, *i. e.*, her own father.

39. The foregoing statement proves that Mungaleswari Natchiar was placed in possession of the Zemindari as the Guardian of the minor Sevagami Natchiar; that her adoption of Annasami was illegal; that the adoption of Ramasami by the widow of Annasami was doubly illegal, and that therefore the widow of Ramasami, the present Zemindarni, has no right to the Estate. With reference to this triple illegal alienation, Government themselves could not help deploring the injustice they had done to Sevagami Natchiar. In Extract Minutes of Consultation of the 1st June 1840, they say: "This ancient and valuable inheritance has thus passed away by adoption upon adoption from the lineal heir, the daughter of the last Rajah, to one who is believed not to be in the remotest degree connected by blood with her family."†

† Appendix XVII.

40. The Peshcush is comparatively small, and after the deduction of all charges there remains a balance of about Rupees 3,00,000 and more per annum. During the last fifty years there must have accrued a surplus of at least 18 millions of Rupees, which have been expended by the successive illegal incumbents in making themselves secure in the possession of the Zemindari, to the utter exclusion of the rightful heirs.

41. The first great error was in Government granting an illegal Sunnud, and the second was in the Sudr Court misinterpreting the said Sunnud or Deed of Permanent Settlement, and passing an erroneous decision regarding it, which was unjustly affirmed by the Privy Council. These errors might even now be rectified by the cancelment of the Sunnud and the ejection of the present Zemindarni, who is making strenuous efforts still more to estrange the Estate, in favor of a party who is not merly allied to the ancient family than herself. The various unwarrantable, unjustifiable measures resorted to by her are fully detailed in paragraph 27 of Memorialist's printed petition to Government.

42. Memorialist has above shown that the Zemindarni has no right or title to the Zemindari. What right then can she have to these jewels, a remnant of the personal property of Muttu Ramalinga Setupati, to which not even his sister had any claim.

43. On the 24th January 1809, Muttu Ramalinga Setupati died at Fort Saint George. His widow applied for his body and all his personal property, when Government, on the opinion of the Pundits of the Sudr Court and the Advocate General, directed the Town Major to transmit the remains of the deceased Poligar to the widow.

Vide Appendix XVIII, and paragraph 30 of Petition.

44. A year after the demise of the Poligar, his sister Mungaleswari Natchiar applied for the jewels, and Mr. Collector Parish backed her demand by making two statements which had no foundation in truth, viz., that Government had declared her to be the sole heir to the real and personal property of her brother, and that the jewels were Regali. The late Collector Mr. Clarke in his report of the 19th December 1859 unhesitatingly declares that these assertions of Mr. Parish are not borne out by the Records.

Vide paragraph 31 of Petition.

45. The nature of the jewels show that they are not Regalia, and the correspondence which transpired between the years 1795 and 1809 equally prove that the sister was never declared to be the sole heir to the personal property of her brother. Her claim was on a second reference to the Pundits of the Sudr Court rejected by Government and the jewels were retained in deposit to be delivered to the rightful heirs.

46. Raja Rajeswari Natchiar the widow of the deceased Poligar, who performed his funeral ceremonies, and inherited all his private property which were at Ramnaad applied to Sir Barlow's Government on the 8th February 1809, for the delivery of the jewels to her; but no notice was taken of her application. On her death, her daughter Sevagami Natchiar inherited all the personal property of her father and mother, and on the demise of Sevagami Natchiar it descended to Kaungiasami Setupati Memorialist's father and after him to his brother Pereasami Setupati, and lastly to himself. Such being the case, it is difficult to conceive why these jewels are withheld from Memorialist as they are but a small portion of the personal property of Muttu Ramalinga Setupati.

47. Mr. Collector Clarke latterly inquired into the claims of all parties to these jewels, and though he had not before him at the time all the documents which Memorialist subsequently submitted to Government, yet he could not but come to the conclusion that Memorialist had the best right to them, but for two objections raised by Memorialist's opponents, who seek thereby to deprive him of even this insignificant portion of his adoptive grandmother's property.

48. The objections are: the illegality of the 2nd marriage of Memorialist's adoptive grandmother, and the invalidity of the adoption made by her of Memorialist's father.

49. That these objections are false, unfounded and malicious, your Excellency will perceive from a perusal of paragraphs from 38 to 59 of the printed petition, and the appendices from XIX to XXXVII, referred to therein.

50. The 2nd marriage of Rani Sevagami Natchiar with Pratapa Simah Vigia Gopala Setupati was every way legal, it having been in strict unison with the laws and customs of the Maravers publicly solemnized and approved of and acknowledged by all her friends, relations and neighbouring Zemindars, among whom ranked foremost the Zemindar of Shevagunga, who conferred on her and her husband a Village out of his Estate for their support. The marriage was also recognized by the Southern Provincial Court, and they directed, in their Decree of 13th December 1813, the Zemindary to be placed in her and her husband's possession. Further if the marriage had been illegal, it would have been put forth as a plea to have Sevagami Natchiar's right to the Zemindari, and adverted to by the Sudr Court in their Appeal Decree No. 18 of 1814. Lastly, up to the time of her death, the Rani was held in the highest respect by her kindred and equals in rank, and had free and open intercourse with them.

Appendix IX.

51. The marriage being legal, it follows that the adoption by her of Memorialist's father was valid. One assertion however with regard to the adoption, false as it is, requires to be met: and that is that Kaungiasami Setupati was, at his adoption, married and the father of two children. Nothing could be more untrue, and there are abundance of documentary evidences to prove. He was publicly adopted in 1814, and the usual religious ceremonies were performed by prohitas. On the 16th January* 1819, the two sisters of his adopted father promised, under a written agreement, to give their daughter in marriage to him. On the 7th August† 1824, eleven Brahmins executed a Bond on stamped paper in the joint names of Sevagami Natchiar and her adopted son Kaungiasami Setupati. In a Rahadari issued by Mr. Collector Peters, dated 30th November‡ 1827, Kaungiasami Setupati is described as the adopted son of Sevagami Natchiar. On the 7th January§ 1828, the adoptive parents solicited the same Collector to grant them a special allowance of 1,000 Pagodas either in kind or money, to celebrate the marriage of their adopted son, with which request that

* Appendix XIX.

† Do. XX.

‡ Do. XXI.

§ Do. XXII.

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authority complied, as given in his reply of the 11th‖ March 1828. In 1830 Kaungiasami Setupati's elder son was born, and in 1832 Memorialist. On the 14th March¶ 1830, the adoptive parents executed a Muktiyar or Power of Attorney authorizing their adopted son to take charge of all their affairs, and on the 18th idem it was duly registered. On the 26th May** following they executed a Will, which was also registered bequeathing all their property to him. To two applications of the adoptive parents dated 29th March and 14th April 1832, Mr. Collector Parish granted a Rahadari to the adopted son, dated 21st April* 1832. During the last sickness of Vijia Gopala Setupati, he in an Urzi of the 20th November† 1836, requested the Collector Mr. Blackburne to allow his adopted son to inherit all his rights and property, and after his death the widowed Rani informed the Collector and the Court on the 23rd‡ of the same month that her adopted son had performed the obsequies of her deceased husband. In the Mufti Sudr Amin's Decree in O. S. No. 13‖ of 1844; as also in a receipt given by said Court for fees paid, the adoption of Kaungiasami Setupati was acknowledged. Under various dates,§ the adoptive mother addressed the Collector, Board of Revenue, and Government affirming the adoption of Kaungiasami Setupati. Particularly on the 13th February¶ 1849, she from her dying bed addressed all the above authorities soliciting the confirmation of all her rights and properties to her adopted son. After her death, the Collector in an Order of the 22nd March 1849** directed the arrears due on the lands belonging to Shevagami Natchiar to be collected from Kaungiasami Setupati, her adopted son and heir. The Ramnaad Head of Police, reported, under date the 4th June 1849, that Kaungiasami Setupati had performed the funeral ceremonies of his adoptive parents and that he was unquestionably their adopted son; and the Collector in a Takid of the 2nd July 1849, after thoroughly satisfying himself as regards the genuineness of the Muktiyar, Will, Petitions, &c., passed an order that all the property of the deceased Rani should be delivered over to him. Mr. Collector Parker, in his report to the Board of Revenue, dated 31st July, stated that there was *prima facia* evidence of the reality of his adoption and delivered all the "general property of his adoptive mother to him."

‖ Appendix XXIII.

¶ Do. XXIV.

** Do. XXV.

* Appendix XXVI.

† Do. XXVII.

‡ Do. XXVIII.

‖ Do. XXIX.

§ Do. XXX & XXXI.

¶ Do. XXXII.

** Do. XXXIII.

Appendix XXXIV.

Appendix XXXV.

52. The foregoing brief recapitulation of documentary evidence, will, it is presumed, clearly prove to your Excellency that the Rani Sevagami Natchiar was legally married and that the adoption of Kaungiasami Setupati was valid.

53. As already stated, the widow Raja Rajeswari Natchiar inherited all the private property of her deceased husband, these jewels alone excepted. On her death, her daughter Sevagami Natchiar succeeded to it, all of which were placed in possession of her adopted son Kaungiasami Setupati. He died in 1850, and the private farm lands having been sequestrated by mistake, they were ordered to be made over to Periasami Setupati under an order of the 26th March 1853, Appendix XXXVI.

54. Periasami Setupati presented petitions, and the Board of Revenue in their Proceedings of the 15th Jan[illegible]855, on the Collector's report, requested and [illegible] of Government, Extract Minutes of Consulta- [illegible] the landlord's share which accrued on the private farm-lands [illegible] him, thereby distinctly recognizing the right of Periasami Setupati as the [illegible] Rani Sevagami Natchiar.

Appendix XXXVII.

55. On the death of [illegible] elder brother, Memorialist fell into the possession of all the property which was enjoyed by his father, brother, and adoptive grandmother.

56. The above being the real facts of the case, it is for your Excellency to judge what right the present Zemindarni has to the private property of Muttu Ramalinga Setupati, the more especially to these jewels, since she nor her predecessors never laid any claim to any of all his other property.

57. In brief recapitulation of the foregoing statement, Memorialist would humbly submit that it has been irrefutably proved.

I. That Mungaleswari Natchiar was never acknowledged to be the heiress to the personal property of her brother.

II. That her adoption of Annasami was illegal and done with the malicious motive to exclude the rightful heiress her niece.

III. That the adoption of Ramasami by Annasami's widow was also illegal.

IV. That as neither of the above alleged sons had no proper title or legal right to the Zemindari, it follows that the present so-called Zemindarni has no right or title to the Zemindari itself.

V. That whilst she has no legal title to the Estate itself she cannot possibly have any right or title to these jewels, to which even the claim of Mungaleswari Natchiar was disallowed by Government.

VI. That on the contrary Raja Rageswari Natchiar, the widow, was acknowledged the heiress of her deceased husband, whose funeral obsequies she performed, and whose private property she inherited and enjoyed.

VII. That on her demise, her daughter Sevagami Natchiar succeeded to the property.

VIII. That on her death, her adopted son; after him her elder grandson, and now Memorialist himself succeeded to the personal property of Muttu Ramalinga Setupati.

58. It is on these conclusive grounds that Memorialist preferred his rightful claim to this small remnant of the personal property of Muttu Ramalinga Setupati, the father of his adoptive grandmother.

59. Your Excellency will be pleased to observe, that the Collector Mr. Clarke, in his report, dated 19th November 1859, totally disallows the right of the Zemindarni to the proceeds of these jewels. After stating his objections in paragraphs 18, 19 and 20 to the false claims of the Zemindarni, he uses in paragraph 21 the following plain language: "The title of the Zemin- "darni to this property, most questionable at the first, cannot, I conceive, at this distance of "time be recognized at all." That authority further states in paragraph 22, that "the sons of "Kaungiasami Setupati, the alleged adopted son of Sevagami Natchiar, if they could show that "the adoption of their father was real and legal, appear to me to have the best title to the pro- "perty." This point Memorialist presumes he has herein fully and distinctly placed beyond question; and he feels confident that if the documents submitted in the Appendix were before that gentleman at the time of writing his report, he would not have hesitated to have expressed himself decidedly in Memorialist's favor. As it was, that authority overlooked one important fact, viz., that Kaungiasami Setupati and his sons have in virtue of their adoption, enjoyed all the other property of the Rani Sevagami Natchiar, under the sanction of the Board and Government.

60. Such were the indisputable grounds on which Memorialist solicited Government to deliver to him the proceeds of the jewels, which were sold under their Orders of the 16th December 1859, for Rupees 12,851-2-6.

61. In their Order, 21st July 1862, N[illegible]3, Government entirely misapprehending the actual merits of the case, directed Memorialis[illegible]gle a suit against the Rani of Ramnaad for "the property he claims, and that unless th[illegible] claim within six months "from the date of this Order, the property wi[illegible]overnment to the Rani of "Ramnaad, as the proper owner thereof."

62. Against this most unjustifiable orde[illegible], Memorialist appealed representing that as the Zemindarni had no right to the Zemindari itself she had no right to these proceeds, and that

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since she was not in possession of the property, Memorialist could not with any degree of propriety or justice prosecute her. In fact the suit would not hold good.

63. After repeated representations of this kind, the local Government in their Proceedings of the 4th February 1863, No. 70, paragraph 3, were pleased to pass the following order:—"The "Petitioner preferred several petitions urging particularly that he was not competent to sue "the Zemindarni for property which was not in her possession, and never had been, and on this "and other grounds the Government saw reason to doubt the propriety of the previous decision. "They accordingly resolved to refer the matter to the Advocate General, paragraph 4.*** "In "accordance with his advice, the Governor in Council resolves to recall the Order of the 21st July "1862, and to intimate to the petitioner his wish that they should file suits against the Gov- "ernment. The Court will then be moved to make them interplead and settle their respec- "tive claims."

64. From this decision your Excellency will perceive that though the local Government have, in some small measure rectified their first mistake, yet that they persist in their adherence to their original decision, in withholding from Memorialist the proceeds of the jewels in question. Subsequently, Memorialist requested that his printed petition, containing many fresh and irrefutable evidences, may be referred to Mr. Collector Clarke, who was long a ruler of the District, and to the Advocate General, who at the time of giving his opinion (previously stated) was not in possession of any of the most important documents which Memorialist did submit. Had those documents been submitted to Mr. Collector Clarke and the Advocate General, without a question they would have arrived at the conclusion, that Memorialist was the rightful heir. But the matter was not referred to Mr. Clarke, who is at present a Member of the Board of Revenue, nor to the Advocate General.

65. The Advocate General's opinion was, in the first instance, given *exparte*, inasmuch as the documentary evidence, which Memorialist possessed and submitted were not before him at the time, and it was the revocation of that opinion that Memorialist sought and solicited.

66. This request to have his printed petition forwarded to that Officer not having been complied with, and being unjustly kept out of the enjoyment of the proceeds of the jewels in question, Memorialist most humbly and respectfully solicits your Excellency to take his hard and hapless case into just and gracious consideration, and render him justice.

67. Memorialist has clearly and distinctly proved that the present so-called Zemindarni has no right or title to the Zemindari, and that her claim to the proceeds of the jewels is still less valid, the more especially, as Memorialist's father, elder brother and himself have enjoyed all the other personal property of the Rajah Muttu Ramalinga Setupati, under the orders of the authorities. If these proceeds were at once delivered over to me, there would not be the slightest difficulty or trouble as regards the rightful claimant, as then there will be none to contest or dispute my claim to the jewels. Should any such come forward, Memorialist will, and is prepared to defend his rights.

68. A great and gross act of injustice was done to the Rani Sevagami Natchiar by the late Honorable East India Company, by exc[illegible]g her from her rightful inheritance, and by [illegible]d Zemindary to be alienated. [illegible]

[illegible] indefensible course of conduct, [illegible] the rightful heirs, [illegible]cient and hon[illegible]ily has been ruined, disgraced and made to experience all the bitter pangs of want and utter destitution. Notwithstanding the admitted illegality of the alienation of the Estate, and though as pointedly shown that the Zemindarni is making the most strenuous efforts fraudulently to convey the Estate to an individual who has not the most distant claim to it. Government instead of checking the fraud and escheating the Estate, still further encourage the Zemindarni who is already bloated with enormous wealth to prosecute her claim, though she has none, in the Courts to the proceeds of these jewels. Government have further directed Memorialist in an Order dated 28th April 1863, to contest his claim with her, both parties—Memorialist who has every claim, and the Zemindarni who has none whatever—to sue the authorities. It is for your Excellency to judge whether this is a fair and

equitable order. Is it right and just in Government to invite the Zemindarni to contest Memorialist's right to the proceeds when they are fully aware that she has not the smallest claim to them, and that without taking into consideration the various incontestible proofs adduced by him in support of his undoubted right. The subject is exceedingly simple, and can be decided on its actual merits, and there is not the slightest necessity for any one to go to Law against Government, least of all, Memorialist. Already he is overwhelmed with misery, and subject to want and privation. Beggary stares him in the face, and unless your Excellency graciously condescends to render him justice, he will become a thoroughly ruined man and doomed to irremediable, inevitable misery. Memorialist however has the fullest, firmest, surest belief that his appeal to your Excellency will not prove unavailing, that justice, though latent will be shown him, that he, the august authority, to whose honor the welfare of millions of Her Most Gracious Majesty the Queen's subjects is entrusted will deliver him from the ruin impending over him; and in this hope and trust he feels the greater assurance, since it is not to be supposed, that the wrongs inflicted on him, his brother, father and adoptive Grandmother will be perpetuated by a just upright and generous Administration, such as that of your Excellency under the direct auspices of the Sovereign.

Memorialist, in consideration of all the foregoing statements, solicits, with all due deference and submission, your Excellency to be graciously pleased to peruse the accompanying printed petition especially the documents given in the Appendix, and pass an order that the proceeds of these jewels may be delivered to him.

And Memorialist as in duty bound will ever pray.

27th June 1863.

ஸ்ரீமத் பிரதாபசிம்ஹ பாகுபாணி சேதுபதி.

No. 41. ORDER THEREON, 15th July 1863, No. 463.

Financial Department, No. 686, December 16th 1859.
" " " 187, May 4th 1860.
" " " 533, July 21st 1862.
" " " 54, January 24th 1863.
" " " 66, " 30th 1863.
" " " 79, February 4th "
" " " 301, April 28th "

1. The Memorial received with this petition and copies of the Proceedings of Government noted in the margin will be forwarded for the consideration of the Right Honorable the Secretary of State.

2. Intimation of this will be given to petitioner.

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

Exd. T. McMootry.

13

27

To
The Honorable A. J. Arbuthnot Esqr
Chief Secy to Government
Fort St George
Madras

1672
Encl.

Honorable & Honored Sir,

In respectfully soliciting your honor to transmit the accompanying triplicate Copies of my Memorial to the Right Honorable the Secretary of State for India permit me to represent.—

I That I have fully and clearly proved my right by important documentary evidences to the proceeds in Government deposit of the jewels of the Rajah Muttu Ramalinga Sethupaty.—

II That the so-called Zemindarni of Ramnaad has no right or title to the Zemindari itself.—

III That she cannot possibly have any claim to these proceeds

IV That therefore there is not the slightest necessity for any one, least of all viz. to prosecute Government, as it is in their power to put an end to the injustice perpetrated towards him and his family.—

by

by the late Honorable East India Company
Under the present benign Rule of Her
Most gracious Majesty. Petitioner most
humbly, fervently and earnestly trust that
justice will be rendered him by the restora
of the proceeds, and I therefore solicit that
your honor will graciously condescend
to transmit my Memorial with your
favorable recommendation.—

I beg to remain
Honorable & Honored Sir,
Your Most obt & very humble Servt

(Signed) Stre Mutth Pratapa Simha
Parsupani Setupati

Madra
June 1803

Rec. 28th April 63 - 84-85

Financial 1863 Departt.
No. 1672 of 1863
From Sri Muth Pratapa Simha Parsapani Setupati of Ramnad residing at Madras
Dated
Rec'd 27th June 1863
30th " " "
With 3 Enclosures

List of Papers

Finl. Ltr. to Govt. 17th July No. 14 of 1863.

No. 451

Forwards for transmission a Memorial to the Secy. of State praying under the circumstances stated that the proceeds in deposit of the sale of Jewels of Rajah Muttu Ramalinga Setupati may be restored to him.

cg Sale
12 "

13

To His Excellency the Honorable, the Governor in Council, Fort St. George, Madras.

THE HUMBLE PETITION OF SRI MUTH PRATAPA SIMHA PARSUPANI SETAPATI, ADOPTED GRAND SON OF RANI SHEVAGAMI NATCHIAR, DAUGHTER OF MUTTU RAMALINGA SETUPATI, LATE ZEMINDAR OF RAMNAAD.

RESPECTFULLY SHEWETH,

With every mark of respect and submission, Petitioner would humbly express his heartfelt gratitude for the gracious consideration of Government of his representations as to its being preposterous on his part to sue a party, who had not possession of property which belonged to him, and for their revised order, under date the 4th February last. But whilst he feels sincerely and fervently grateful for this measure of justice, yet he cannot but feel grieved and deplore that Government should not have carried into completion the full measure of justice due to him by the recognition of his rightful, hereditary and sole claim to the proceeds of the jewels belonging to his adoptive Grand mother's father Muttu Ramalinga Setupati, and that they should direct him to institute proceedings against themselves. For him to pursue this course, there is not the least neecssity, any more, than there is for Government to instigate the so called Zemindarni of Ramnaad to sue them for property to which she has not the slightest claim whatever.

2. The question at issue is exceedingly simple, and does not require any lengthened judicial enquiry to arrive at a just conclusion.

3. It resolves itself into a single point. Who is the rightful claimant of the jewels or their proceeds? Petitioner solemnly declares that *he* is and none other. This is not

mere unfounded assertion, but is based on the most irrefragable documentary proofs consisting of the records of Government and of authentic papers in Petitioner's possession, and some of which he begs herewith to append. The two following points are capable of the most positive and incontestible proofs, viz.

I. That the present Zemindarni, being an alien to the ancient family of the Ramnaad Zemindars, has no legal right or title to the Zemindary, which she enjoys by the grace of Government alone, and

II. That having no right to the Zemindary itself, she has no claim, in any sense, to these jewels.

4. In substantiation of the foregoing two points Petitioner would humbly beg to submit:—

I. That Mungaleswari Natchiar, the Sister of Muttu Ramalinga Setupati, contrived through intrigue and corruption to have herself placed on the Ramnaad throne. The neighbouring Country was in a state of inquietude; there were constant feuds and disturbances, and the British Government were at deadly warfare with the usurper of Mysore. Just at that juncture, His Highness, the Nabob of the Carnatic being deeply involved in pecuniary difficulties, Mungaleswari Natchiar took advantage of the then existing circumstances and by ingratiating herself with the principal Officers of the Nabob's Court by means of whole-sale bribery and presenting Nuzzers to the Nabob, secretly and effectually insinuated false charges against her unsuspecting brother, not one of which was enquired into much less proved, and got him brought down to Madras under a secret and sudden order of Goverument, and then placed him in close surveillance to which he unresistingly submitted, altogether unaware of the cause why he was so treated. Had he been inclined to rebellion, he might have offered resistance as he had a Force of 10,000 warriors at his Command. When thus apprehended he was plundered of all of his valuable property. Had he been guilty of any crime he certainly would have been tried and convicted.

5. That all the heavy misfortunes which have befallen Petitioner's unfortunate adoptive parents, through the cunning and malicious intrigues of Mangaleswari Natchiar is clearly discernable from the detestable course of conduct she

subsequently pursued even to the last gasp of her life.—The tenor of the Treaty entered into by Lord Hobarts' Government with the Sovereign of the Carnatic in regard to the Ramnaad Zemindary shows that the Zemindar Muttu Ramalinga Setapati was not under an Attaint, for otherwise it would not have been stipulated by His Highness, the Nabob, that his heir as soon as discovered should be appointed as his successor.—If he were not innocent, this article would not have been entered nor would the authorities have sought to do his heirs justice.

V Appendix I. p. IIV & XII. of Treaty dated 4th March 1795.

6. Agreeably to the tenor of the Treaty which was some time before under contemplation the Board of Revenue directed the Collector to ascertain who was the legal successor. The Collector Mr. Powney proposed that the opinion of 9 of the oldest, most learned and most respectable of the inhabitants should be taken on the matter on the ground that "as "the decision of the right of the succession to the "Setupati or Government of the Ramnaad Province, "involves a question of serious importance to the par- "ties concerned it appeared to me that a strict and impar- "tial discussion of it ought to take place by those who must "be supposed to possess a knowledge of the laws and usages "of the Country." The proposition having been acceded to, the Collector selected 9 individuals and communicated their undivided opinion to the Board of Revenue to the effect that Rani Shevagami Natchiar, the daughter and her husband, were according to the established laws and customs of the Province and of the usage of the former Government and that of the family, the rightful successors.

From Collector 25th February 1795.

V Appendix II. From Collector 2nd March 1795.

7. This conclusion was disputed by the Sister Mungaleswari Natchiar, whose foul object of usurping the Estate and irretrievably injuring her brother, is thus seen, represented to Government, that she should, in preference to her niece and her husband, succeed to the Estate.

8. The subject was a second time referred to the Collector who after mature and deliberate enquiry, and after personal inspection of an ancient historical record preserved in one of the Temples, confirmed his first state-

V. Appendix III.

From Collector 30th May 1795,

ment that the daughter Shevagami Natchiar was the heiress in the direct and regular line of succession.

9. But while he adhered to the correctness of his first view, he at the same time recommended that from "motives of policy and expediency," the succession ought to be declared in favor of the Poligar's Sister; and to strengthen his unworthy recommendation he assigned two plausible reasons viz. the minority of the daughter and the improbability of the Sister, from her old age, having any Children, and proposed, as a remedial measure, to obviate all difficulties and satisfy all parties, to place the minor daughter under the protection of her Aunt according to the usage of the Country.

Extract Minutes of Consultation 3rd July 1795.

10. These motives of political expediency were admitted by Government without reference to the morality or legality of the action and recognized the Sister as the successor for the time being.—This conclusively shows that Mungaleswari Natchiar had no inherent right to succeed to the Estate.—Further, the whole tenor of the two letters addressed on that occasion by Government to the Collector and Mungaleswari Natchiar respectively shows that it was the evident intention and resolution of Government to instal the minor daughter in her hereditary rights on her attaining her Majority, or at the latest, on the demise of her Aunt. In the first place the Collector was directed to be vigilant in preventing the abuse of the confidence which is thus placed in her [the Aunt] and on the first apprehension of danger or ill usage to the child to lose no time in adopting the most effectual means to secure her from the power of her Aunt, and in the next place the Aunt herself was instructed under penalty of forfeiting the favor of Government to bestow every care and attention on her niece. The use of such strong and expressive language in both letters would be words without meaning unless they were intended to convey the ultimate and fixed determination of the authorities to restore the Zemindary to Shevagami Natchiar on her coming of age.

Appendix IV. & V.

To Collector 4th July 1795.

To Mungaleswari Natchiar do. do.

11. Mungaleswari Natchiar in her reply dated 23rd October 1795,* faithfully promised to fulfil the trust reposed in her and to carefully look

Appendix VI.

after the interests and welfare of her young Niece. The following was the language used on the occasion "I shall take "charge of my Niece the daughter of my brother the late "Poligar of Ramnaad as if she has been surrendered up by "your Lordship and hope to treat her in such a manner as I "may not appear unworthy of the trust that shall be reposed "in me by your Lordship and endeavour to introduce into her "tender mind an improvement, so as her prudence as well as "cordiality may be increased by degrees with a view of giving "proofs of my respect and attachment to your Lordship, I shall "consider her as my own child and use her with an infinite love." But, she most lamentably failed in obeying the dictates of natural affection, humanity and duty and subverted the rights of her Niece in the same manner as she betrayed her brother. The truth was, that the Mother of Shevagami Natchiar, being fully aware of the evil disposition of Mungaleswari Natchiar and the malicious designs she entertained against the minor, strongly opposed her daughter being made over to the tender mercies of the Aunt, and obtained on her urgent representations a separate allowance for herself and daughter from the proceeds of the Estate. Meanwhile Mungaleswari Natchiar, —instead of bestowing her fostering care on her Niece secretly sought to destroy her life as well as that of her mother by poison, and finding the means employed by her ineffectual, resolved on cutting off the succession of Shevagami Natchiar by taking advantage of the omission of her Niece's name in the Sunnad or Deed of Permanent settlement.

12. According to the Treaty of His Highness the Nabob Wallajah, the time fixed for the nomination of a successor to Muttu Ramalinga Setupati and to make a permanent settlement of the Peshcush was 3 years but from some cause or other this Article Appendix I. p. (IV.) of the Treaty was not carried into effect till 7 years afterwards, when a special Commission was appointed to make enquiry as to the arrangements necessary to be made. That Commission without adverting to aught that had previously transpired, simply recommended, under date the 10th* February 1803 that the Zemindary lands should be transferred conditionally to Mungaleswari Natchiar pending final arrangements. Agreeably to this recommendation the lands were transferred to her on condition of her abiding by the terms which might be ultimately, proposed to her and subsequently issued a Sunnad in

* Appendix VII.

her name alone on the 22nd April 1803, to the exclusion of that of Shevagami Natchiar. This was designedly done and effected through the intrigues of Mungaleswari Natchiar. So important an omission would not have been made or allowed were it not that at the time of granting the Sunnad the Governor, Members of Council, Board of Revenue and the Collector of Peshcush were all different to those Gentlemen who formed the Government in 1795, and were consequently, as may be supposed, ignorant of the previous correspondence, the intentions therein expressed with regard to the minor daughter and the causes which rendered it expedient to nominate the sister of the Poligar as Zemindar for a time only. From this one error and great mistake on the part of Government there have ensued the direct and most interminable miseries to Petitioner's adoptive Grandmother, father and himself. Such has been the effect of an oversight of Government, unintentionally committed by them, that the rightful claimants have been disinherited of their lawful inheritance and subjected to want and privation.

13. At the time the Sunnad was issued, Shevagami Natchiar was too young to remonstrate or expostulate against the omission of her name and Mungaleswari Natchiar having through intrigues and fraud procured the exclusion of her Niece's name from the Sunnad, she came to the conclusion that the Sunnad conferred on her the right to alienate the Zemindary to the utter extinction of the hereditary and all powerful claims of the Niece, and acting on that assumption as well as with the view of thoroughly blasting all the hopes and prospects of the rightful inheritor she illegally adopted one Annasawmi, who was the illegitimate offspring of a slave concubine of the lowest caste.

14. In issuing the Sunnad Government committed a gross error and a grevious wrong, which might have been rectified in time had they chosen to do so. Far otherwise, however, was the course pursued by them. Their first act of injustice was followed up by a second, by the recognition of the illegal adoption made by Mungaleswari Natchiar. That the adoption was illegal is plain.

I. From Mungaleswari Natchiar having been a Widow at the time.

II. From Annasawmi having belonged to a caste different from those of the Maravers and

III. From his having been the illegitimate son of a kept boud woman. The circumstance of his mean extraction was the main ground of the objections which were strongly urged against him by 35 of the principal Tavers or chiefs of the Maraver caste as they could not brook to render him their usual homage, as they and all pilgrims, including Princes and Nobles—would have to do, it being the practice for all who visited Ramisseram to pay their devotion to the Setupati as chief of the sacred shrine.

15. Rani Shevagami Natchiar disputed the right of her Aunt to make the adoption and to alienate the Zemindary. The Board of Revenue to whom she represented the matter passed an Endorsment in April 1807 stating that they would consider her claims on the demise of her Aunt—On the death of Mungaleswari Natchiar, Petitioner's adoptive Grand mother Shevagami Natchiar again addressed the Board who whilst fully acknowledging in their Proceedings of the 30th March 1812 that it never was the intention of Government to set aside the ancient family, nor to interfere with the due course of succession, and whilst acknowledging that the Zemindary was transferred to Mungaleswari Natchiar, from motives of political expediency only, and that the Daughter was regarded by the Government as her presumptive and natural successor, still unjustly thought proper to recommend to Government that the illegally adopted son should be placed in possession of the Zemindary, and Government in Extract Minutes of Cousultation of the 15th May 1812, coinciding with the Board's views most unjustly acknowledged the adoption, and directed Rani Shevagami Natchiar to prosecute her claim in the Civil Courts, which she forthwith did in No. 3 of 1813 in the Southern Provincial Court.—That Court after thoroughly investigating into the merits of the case, passed a a Decree under date the 13th December

Appendix VIII. Board's Proceedings 30th March 1812 para 17.

Para 12—"The letters addressed to the Collector and to the late Rani respectively bearing date the 4th July 1795 tend to corroborate the conclusion which the papers before referred to are calculated to establish, namely that it was not the intention of the Government to set aside the ancient family, nor to interfere with the due course of succession further than considerations of political expediency were thought at the time to require, they also show that though such considerations did enter into the ground of the decision which was passed in favor of the Sister of the deposed Poligar the daughter was regarded by the Government as her presumptive and natural successor.

Appendix IX.

1813 declaring the Plaintiff Shevagami Natchiar to be the rightful claimant of the Ramnaad Zemindary and rejected the claim of Annasawmy on the ground of his illegal and invalid adoption—Annasami appealed against this decree to the Sudr Court who remanded the case to the Southern Provincial Court on the 6th April 1815 for reconsideration.—The lower Court, after taking further evidence and fully entering into the grounds of its former decision, deliberately affirmed it on the 30th August 1815,*

Appendix X.

16. The Sudr. Court however without the smallest consideration of the equitable grounds on which the lower Court passed their decision reversed both of their decisions in their Appeal Decree of the 10th October 1816, giving as their reason that the Sunnad conferred a proprietory right on Mungaleswari Natchiar to the Zemindary.

17. Shevagami Natchiar appealed to the Privy Council, who without enquiry, or consideration simply affirmed the decision of the Sudr. Court. With regard to the judgment of the Privy Council Mr. Rigby,* at a Meeting of the Court of Directors, of which he was a Member stated "that the tribunal here decided from misapprehension and "without having the proper documents before it; that if those "documents were produced they would unquestionably tend to "show injustice had been practised towards Shevagami Natchiar." The documents here alluded to are the correspondence which took place in 1795.

*Appendix XI.

18. Such also was the opinion of some of the most eminent Law Officers in England and permission for a rehearing of the case before the Privy Council, was obtained and a notice* to that effect was issued by C. P. Bartley Esq., to the opposite party dated 3rd January 1831. But unfortunately Shevagami Natchiar had already expended all her means so as to be totally unable to second the endeavors of her friends in England. Had the Cause been a second time heard, without a doubt she would have gained it.

*Appendix XII.

19. The grounds on which the Decrees of the Sudr. Court and Privy Council were disputed, were :—

I. That they were founded upon a gratuitous assumption that Government had a right to set a side the Daughter's claim to succession from motives of State Policy.

II. That notwithstanding the declaration of Government that the Daughter had every reasonable expectation to succeed the Aunt, yet that the Aunt had obtained a right which she did not possess to make an adoption.

III. That the Deed of Permanent Settlement did not confer any right on Mungaleswari Natchiar either of succession or of alienating it by bequest, and that Government had every right to regulate the tenure on which she was to hold it.

20. These grounds were still more fully and strongly urged by one of the Judges of the Sudr Court themselves. F. A. Grant Esq. 1st Puisne Judge recorded a Minute* under date the 12th June 1829 in which he condemns the Appellate proceedings in this suit as having throughout been grounded in fallacy and error, "and that a more singular "specimen of sophistry in the legal dress of "a Judicial Decision was perhaps never before exhibited or heard of "in a Court of Justice * * * as in the erroneous construction and "mistaken application by this Court of the Provisions of Regula-"tion XXV. of 1802." With regard to the affirmation of the Sudr Court's Decree by the Privy Council, Mr. Grant says that, "*that* "tribunal would seem to have taken for granted that the judgment "of this Court was in all respects legal and to have affirmed the "same without having heard and fully examined the whole and real "merits of the case." In short, Mr. Grant defines the Decree as a very "Hodge-Podge of error, sophistry and injustice." After right cogently arguing that the Deed of Permanent Settlement was not meant to convey or acknowledge any right of property in the party in possession, but was meant only to fix the land Revenue, Mr. Grant recommended that the Court should rectify their error and procure a rehearing of the Cause before the Privy Council. In making this recommendation that Gentleman cited a case* in point, Freeman vs Fairly which went before the Court of Chancery-regarding the tenure of landed property in India, and from the decision passed in it, he deduces analogically that the right of Shevagami Natchiar to inherit the Zemindary of Ramnaad, was most conclusively established; and further, as a precedent for the rehearing of the Cause by the Privy Council, he quoted the instance of Khallee Mullah Khan in which the first order of the Privy Council was reversed at the second hearing.

Appendix XIII. Which Petitioner humbly solicits your Excellency in Council's attention and particular perusal.

Reported in the Madras Gazette of the 14th & 16th May 1829.

Appendix XIV.

21. Precisely the same views were entertained in England by Members of the Court of Directors, of the Board of Control, and of the House of Commons, and such was the intense interest evinced on behalf of Shevagami Natchiar and the gross injustice done her, that a Circular was issued to all the retired Civil Servants of the Madras Presidency in England, by the India Board, soliciting their opinion on the matter, after a motion had been made for a rehearing. Among others, J. S. Sullivan Esq., who

had been a resident in the Ramnaad Zemindary for 13 years and a half* wrote to T. H. Villiers Esq., Secretary to the India Board, stating that the Deed of Permanent Settlement was not understood, and that if the Sudr Adaulut at Madras had consulted the Revenue Selections which they had access to they would have seen that Deeds of this kind referred to lands only and did not interfere with hereditary rights; that by the decision of the Sudr Adalut misinterpreting the Deed and Decreeing that the Aunt had the power to alienate the land by adoption, the Daughter has been deprived of her inheritance. In substantiation of his views he refers to the minute above quoted in the Margin and says that a strong opinion to this effect was expressed by Mr. Dowdeswell when a Member of the Supreme Council, and that that Gentleman from having filled for many years the office of secretary in the Revenue Department may be considered as the highest Authority on all questions connected with the Permanent Settlement. After summing up the whole case Mr. Sullivan came to this just conclusion, "A consideration of these circumstances seem to show that the "Judgment of the Sudr Udalut which reversed the original finding "of the Provincial Court was erroneous." In fact, Government themselves entertained the same opinion, and acting on their indisputable right to regulate the tenure of any holding, cancelled (Vide To Board of Revenue 13th February 1821, and from Government of Madras to Governor General, dated 8th January 1830,) in another similar case that of the Nuzid Zemindary, the Deed of Permanent Settlement, in which the name of a minor had been unintentionally but incorrectly omitted. But they did not exercise this right on behalf of Shevagami Natchiar, though they were fully aware that the omission of her name in the Sunnad granted to her Aunt was entirely an error and that the Sunnad in itself did not confer on Mungaleswari Natchiar any exclusive proprietary right to the Estate and to bequeath it away as she pleased. Shevagami Natchiar was left to experience the bitter pangs of cruel disappointment and the corroding influences of want and downright penury.

Appendix XV.

"Revenue Selections Volume III. page 151 "The conclusion of a Settlement by the officers "of the Revenue Department with any individual or body of persons is nothing more than "the recognition of a prima facia title in such "person or persons, it does not preclude others "from suing for the recovery of the lands so "settled or of any share or portion of them. "The fact of the settlement having been concluded by the Revenue Authorities with this "or that party would not weigh a grain in the balance."—Minute by Mr. Dowdeswell dated 7th October 1819.

22. In the meantime Annasawmi, the illegally adopted illegitimate son of a slave concubine, died without issue, and one Ramasamy, put forth a false claim to the succession, in virtue of his alleged adoption by the Widow of the aforesaid illegally adopted Annasawmi

on the expressed wishes of her deceased husband. This claim was at once disavowed by the Collector on two grounds viz. The genuineness of the Will said to have been executed by Annasawmi and the legality of the adoption by the Widow he being convinced that the Will was a forgery and the adoption was more than doubtful. Contrary to the expressed opinions of the Collector and without any reference thereto the Sudr Court granted a Precept on the 22nd January 1829 directing said Ramasawmy to be placed in possession of the Zemindary on his proving his adoption. This he did easily from his immense wealth and got possession of the Estate. It was against this Precept that F. A. Grant Esq., recorded the Minute above referred to.

Appendix XVI. V. From Collector 23rd April 1820.

23. Government were fully convinced that Ramasawmy's claim was beyond all doubt illegal, since the Will was a forged one, and he was the brother of his alleged adoptive Mother, and that such an adoption was totally at variance with Hindu Law. The adoptive Mother cannot adopt a son whose father she could not marry. The adopted son being her own brother, it follows that he could not be her son, and that his father could not be her husband.

24. The foregoing facts clearly show that Mungaleswari Natchiar was originally placed in possession of the Zemindary not in virtue of any inherent right of hers, but as the guardian of Shevagami Natchiar who was a minor;—that her adoption of Annasawmi was unauthorized and illegal;—that the adoption of Ramasawmy by the Widow of Annasawmi was doubly illegal and that therefore the Widow of Ramasawmy, the present so called Zemindarni, has no right or title whatever to the Zemindary, and is allowed to enjoy it merely through the favor and forbearance of a too generous Government. In regard to this trible illegal alienation of the Estate, Government themselves could not help deploring the injustice they had done to Shevagami Natchiar the lineal heir of the last Rajah. In Extract Minutes of Consultation of the 1st June 1840, they say,

Appendix XVII. "This ancient and valuable inheritance has thus "passed away by adoption upon adoption from "the lineal heir, the daughter of the last Raja, to one who is believed "not to be in the remotest degree connected by blood with her "family."

25. The truth is that this alien to the Ramnaad family—the present Zemindarni, or her predecessors, would not have inherited the Estate had they not made their footing secure by a liberal expenditure of the enormous means at their command, and the exercise of the vast influence which they possessed. The Peshcush is but small,—and after deducting all charges, there will have remained about 2,00,000 Rupees per Annum, which have been lavishly used

in defeating the claims of the rightful heirs. The truth of this will be ascertained if an enquiry be made as to the disposal of the heavy surplus, at least 10 Millions, which must have accrued during the last 50 years.

26. Owing to the first error committed by the Sudr Court, (affirmed as it was by the Privy Council) in admitting a Sunnad illegally given by Government, as they could have known from the documents submitted before them, and in the next place in misinterpreting the Sunnad or Deed of Permanent Settlement, still further injustice will be perpetrated, unless the Sunnad be cancelled and the alien, the present holder of the Zemindary, be ejected. Government are aware of the attempts she is making, and of the measure she has taken against themselves to establish her illegal and preposterous alienation of the Zemindary in favor of a party who is no nearly allied to the ancient family than herself. Presuming on the two previous illegal adoptions, that of Annasawmi and Ramasawmy having been acknowledged, and of her own illegal enjoyment of the Estate, she has not scrupled to employ every possible means to have the Estate still more estranged.

27. Ramasawmy died leaving 2 daughters ; the elder of whom succeeded him, and on her demise the younger. The latter was said to have adopted a son, but this adoption, as it appears, not suiting the purpose, as it clashed with the interests of the Widow, was not brought forward. On the death of the younger daughter, the Widow, the present Zemindarni, fell into possession as the heiress to her daughter ; and now, in view to favor her family, and defraud Government, she produced her sister's son, alleging, falsely so, that she had adopted him according to the instructions of her deceased husband. Finding, therefore, that from the fact of her husband having left issue, who succeeded him, this adoption would not hold good, she next asserted that she had made the adoption with the consent of her relatives, and seeing this plea also to be equally as untenable, she caused her alleged adopted son to bring a suit in Original Suit No. 1 of 1860, against herself and Government in view to have his alleged adoption confirmed during her life time. The Civil Judge in passing a Decree, travelled wide of the real question at issue, viz. the legality of the adoption which could not be substantiated and expressed his views on a point which was not before him, viz. the right of the Zemindarni to alienate the Estate :—on which Government have appealed against the lower Court's Decree, being put to the trouble and expense of defending themselves against the ingratitude of one whom they gratuitously favored. Whilst the Appeal Suit is pending, fearing that the adoption would not be acknowledged, and yet being anxious to secure the Zemindary to her Nephew, she boldly adopted the suggestion thrown out by the Civil Jugde and alienated it in his favor. Certain, however, that the Civil

Judge's Decree will be reversed, she has sought to induce Government to acknowledge the alienation by the offer of a heavy equivalent for the Estate as a Nuzzerana. This proposal will of course be treated with merited contempt by a just and impartial Government. Nothing can be more evident than that all these presumptious, irregular and unjustifiable proceedings of the Zemindarni have sprung from the one great error originally perpetrated by Government in issuing a Sunnad illegally in the name of Mungaleswari Natchiar, and in omitting the name of Shevagami Natchiar therein; and that there is but one proper and feasible method to put a stop to all further pretensions on the part of the Zemindarni, and that is to cancel the Sunnad—the cause of all this wrong and mischief. Government, who gave the Sunnad have, under the circumstances, every right to annul it in the same manner as they wrongfully and illegally granted it. Should this be done no annoyance will be suffered by Government, nor will their Officers be compelled to waste their time, labor and patience in defending indefinite Law Suits.

28. It has been shown that the present Zemindarni has no right or title to the Zemindary itself. What claim then can she possibly have to the proceeds of these jewels, which are but a portion of the personal property of Muttu Ramalinga Setupati, to which not even his Sister had any claim ?

29. To make the case still clearer, to show that she has not the shadow of a claim to the jewels, Petitioner would add the subjoined facts for the consideration of your Excellency in Council.

30. On the death of the Zemindar Muttu Ramalinga Setupati, on the 24th January 1809, at Fort St. George, his Widow, Raja Rajeswari Natchiar applied as heir direct, for the body of the deceased Poligar together with all his personal property, and Government took the opinion of the Pundits of the Sudr Court as to who was the heir of three parties, the widow, daughter, or sister of the deceased Zemindar, and they stated that, "in Scripture. in law and in popular usage, a wife is declared to be half the body of her husband; therefore while that half of the body is alive, another can neither perform any ceremonies to the deceased or take his property although the deceased's father, mother, uterine brother, &c., be alive, yet his wife shall take his Estate and perform his ceremonies." The Advocate General also declared that the Widow and the widow alone was entitled to take the Estate of the deceased Poligar. (Vide from Honorable Company's Solicitor's letter 1st March 1809.) "The

" son if any, if not the widow or other next of kin of the de-
" ceased are the proper claimants of the pro-
* Appenix XVIII. " perty." Government thereupon directed the Town Major under date the 10th June 1809, (in reference to the opinion of the Pundits of the Sudr Court therein enclosed,) to transmit the remains of her deceased husband to Raja Rajeswari Natchiar, which was accordingly done and she duly performed his obsequies and inherited all his private property which were at Ramnaad with the exception of these Jewels. That the opinions of the highest legal Officers of the Presidency were strictly in accordance with the laws and usage prevailing throughout Southern India, is proved by the following quotations. Mitaschara, Chapter II, Section I, page 326.

" The wealth of him who leaves no male issue goes to
" his Wife, on failure of her, it devolves on daughters.

Sir T. Strange's Elements of Hindu Law, Edition of 1825, page 44.

" The right of Inheritance as between husband and
" Wife is in a great degree reciprocal, the latter succeeding
" as heir to the property of her husband leaving no male
" issue :—universally."

Do. Do. page 155 " She is conspicuously so in her right to inherit, a right invested in her by marriage to be perfected on the death of her husband, without leaving male issue. This obtains universally.—

31. A year after the demise of Muttu Ramalinga Setupati, his sister Mungaleswari Natchiar applied for the jewels. The Collector Mr. Parish, in a letter dated 14th February 1810, seconded her claim by making two unfounded statements viz. that Government had declared (in 1795) the sister to be the sole heir of the real and personal property of her deceased brother, and that the jewels in question were Regalia. That these assertions are not borne out by the Records, Mr. Clarke, the late Collector, strongly denies in his Report of the 19th December 1859. After minutely, patiently and diligently examining the whole of the records, he, in para. 5 unhesitatingly says, " I cannot find any thing on the records
" to justify the statement of the Collector Mr. Parish that the
" Government in their public orders acknowledged the Rani
" to be the sole heir to the personal property of her deceased
" brother," and in para 19, he further states, that " had the

" Zemindar Mungaleswari Natchiar been able to show that
" the property left by the deceased Poligar formed part of
" the Regalia of the Estate, it is hardly conceivable she
" would have failed to do so, especially after the death of
" the Widow, Raja Rejeswari Natchiar on the 18th June
" 1815, when Shevagami Natchiar, of about 18 years of age
" was under her care and protection."

32. In fact a glance at the description of the jewels is sufficient to show the absurdity of designating them as Regalia, and a cursory perusal of the correspondence which transpired between the years 1795 and 1809 will convince your Excellency in Council that the sister was never declared to be the sole heir of the personal property of her deceased brother. Further, Government having referred (with respect to Mr. Collector Parish's letter) under date the 24th February 1810, No. 88, the question of her claim to the jewels to the Sudr Court, and the Pundits of that Court having affirmed the opinion previously expressed by them that the Widow and not the Sister was the rightful inheritor, rejected the false claim of Mungaleswari Natchiar and caused the jewels to be retained in deposit to be delivered to the legal representatives of the deceased Zemindar. Query ? Who could have been the legal claimants but the Widow and Daughter ?

Extract Minutes of Consultation 10th July 1811.

33. This second decision of Government is also based on the laws and practices prevalent in Southern India. In the list of Sapindas given in Strange's Manual para 309, the Widow is placed first, next the daughter &c., but the sister is entirely omitted. According to the law laid down in Mitaschara the principal Law Work "on Inheritance" in this part of India the sister and her son are entirely excluded from inheriting. To the same effect is the rule of succession given by Sir T. Strange, Volume I, page 167, line 22." But the sister herself, being on account of her sex, no giver of oblations at personal obsequies is excluded."

34. Mungaleswari Natchiar's claim having been rejected, it follows that any heir or heirs of hers could have no claim to the personal property of Muttu Ramalinga Setupati. But she had no legitimate heirs. She died without issue of her own body. From malicious design and from bitter

enmity to her Niece and her brother the deposed Zemindar she effected the adoption of Annasawmi which she was not legally competent to do, and the adoption effected by the Widow of Annasawmi was doubly illegal, inasmuch as Ramasawmy the party alleged to have been adopted was her own brother, and this is contary to Hindu Law, since she could not legally marry the father of her brother, that is her own father.

"She must not select generally one with whose father she could not have legally married. Sutherland on Adoption page 223 lines 26-27."

35. As already stated the Widow Raja Rajeswari Natchiar performed the funeral ceremonies of her deceased lord and inherited all the private property held at Ramnaad, and applied to Sir Barlows' Government on the 8th February 1809 for delivery of the jewels in deposit to her; but to her great misfortune no notice was taken of her application. On her death, her daughter Shevagami Natchiar inherited all the personal property of her father and mother. Her succession is also in accordance with Hindu Law. Mitaschara Chapter II, Section II, Verse 2, Page 341. "The "wife is pronounced successor to the wealth of her husband, "and in her default the daughter, as a son, so does the daugh-"ter of a man proceed from his several limbs. How then "should any other person take her father's wealth?"

Do. do. Chapter II, Section, XI, Verse 12, Page 368. "If a woman leaves progeny, that is if she have issue "her property devolves on her daughter."

36. On the death of Shevagami Natchiar, the whole of the private property of Muttu Ramalinga Setupati descended to Kaungiasawmy Setupati, Petitioner's father, the adopted son of Shevagami Natchiar accordingly to law. Sir T. Strange, vol. 1. page 145, line 5. "Between issue of the body, and "an adopted son, the law as it respects inheritance, makes no "difference." After the death of Kaungiasawmy Setupati, his elder son Periasawmy Setupati inherited the said property, and in succession to him Petitioner himself. Such being the case, it is hard to conceive, why the jewels in deposit, should not be made over to him, since he enjoys all the other portions of the personal property of Muttu Ramalinga Setupati, and since these jewels are but a part of that property.

37. The only objections which have been latterly urged against Petitioner's claim to the jewels are that the 2nd marriage of Shevagami Natchiar was illegal and that her adoption of Kaungiasawmy Setupati was invalid. For either of these objections to be in any way worthy of credence, or in any degree plausible, they should have been urged, not with regard to these jewels alone, but with respect to the whole of the private property of Muttu Ramalinga Setupati, and *that* when it at first descended to Sevagami Natchiar, and was successively and hitherto, uninterruptedly, inherited and enjoyed by the adopted son and grandsons.

38. However, to meetthe objections now maliciously raised, Petitioner would submit, that the 2nd marriage of Shevagami Natchiar was in strict unison with the laws and customs of the Maraver caste, and was publicly celebrated with all due solemnities. Without a single dissentient voice it was approved of and recognized by all her kindred and neighbouring Zemindars, among whom ranked foremost the Zemindar of Shevagunga, who bestowed on her and her 2nd husband a village out of his Estate for their maintenance and the support of their dignity. The Southern Provincial Court in their Decree of the 13th December 1813 recognized the legality of the 2nd marriage—(V. Appendix IX.) by directing her and her *husband* to be placed in possession of the Zemindary. Moreover, if the 2nd marriage had been illegal it would have been set up by her opponents as an unanswerable plea as effectually barring the right of Shevagami Natchiar to the Zemindary and it would have been noticed by the Sudr Court with the same view in their Decree No. 18 of 1814. Lastly, she was held in the highest estimation and respect by her kindred and her equals in rank and had the most unrestricted intercourse with them up to the time of her death.

Sudr Court's Select Decrees page 101.

39. The legality of the 2nd marriage of Shevagami Natchiar being proved, it follows that the adoption by her of Kaungiasawmy Setupati was equally valid. A single objection, however, to the validity of the adoption has been urged which requires to be disproved, viz. that Kaungiasawmy Setupati was a married man and the father of two children at the time of his adoption. Nothing could be so utterly false than this gratuitous assertion as will be seen from the following documentary evidence.

40. He was adopted in the year 1814, with the full concurrence of his natural father (the brother-in-law of Shevagami Natchiar) in the presence of a numerous concourse of friends and relations and by the performance of the usual religious rites by prohitas.

41. Five years after, i. e., on the 16th January 1819, the two sisters of his adoptive father executed a Kararnamah agreeing to give their daughters in marriage to the adopted son whenever required to do so. Were he already married, why should such a document be executed ?

Appendix XIX.

42. On the 7th August 1824, 11 Brahmins of Perungaruney executed a bond on 8 Rupees stamped paper in the names of Shevagami Natchiar and her adopted son Kaungiasawmy Setupati. If he was not adopted and not their heir what necessity would there have been to mention his name ?

Appendix XX.

43. Mr. Collector Peters also in a Rahadari dated 30th November 1827, given to Kaungiasawmy Setupati to proceed to Madras, recognized him as the adopted son of Shevagami Natchiar and directed that every attention should be paid to him, by the Government officials.

Appendix XXI.

44. On the 7th January 1828, the adoptive parents addressed the Collector Mr. Peters, as also a few days subsequently, soliciting that as the marriage of their adopted son was fixed to take place on the 16th of the month Tye, an allowance of 1,000 Pagodas either in kind or cash, might be allowed them to defray the expences, from the Mahama Fund. To these applications the Collector replied under date the 11th March 1828, stating that orders had been issued to the Taluq Authorities complying with their request.

Appendix XXII.

Appendix XXIII.

45. In 1830, Kaungiasawmy Setupati begot his eldest son, and in 1832, Petitioner, his 2nd son.

46. Shevagami Natchiar and her husband also executed a Muktiyar on the 14th* and registered it on the 18th March 1830, authorizing their adopted son to take charge of all their affairs, and on the 26th May of the same year they executed a Will bequeathing all their property to him. Both the Muktiyar and Will were registered in the Courts.

Appendix XXIV.

Appendix XXV.

47. The Collector Mr. Viveish granted a Rahadari dated 21st April 1832 to proceed to Tinnevelly, to the adopted son of Shevagami Natchiar and her husband on their two applications for the same on the 29th March and 14th April 1832 respectively.

Appendix XXVI.

48. Vijia Gopala Setupati, the adoptive father addressed the Collector Mr. Blackburne, on the 20th November 1836, from his sick bed, requesting that his adopted son might be allowed to inherit all the rights and property belonging to him.

Appendix XXVII.

49. Rani Shevagami Natchiar addressed the Collector Mr. Blackburne and the Zillah Court on the 23rd November 1836 stating that her adopted son had performed the funeral ceremonies of her deceased husband. The Court acknowledged the letter on the *24th* November 1836.

Appendix XXVIII.

50. In the Mufiti Sudr Amin's Decree in Original Suit, No. 13 of 1844, and in the receipt given by the said Court to Kaungiasawmy Setupati on account of fees paid to the Court Vakil on the 20th February 1844, the adoption of Kaungiasawmy Setupati was acknowledged.

Appendix XXIX.

51. Lastly, Shevagami Natchiar addressed the local Authorities, the Board of Revenue and Government under various dates affirming the adoption of Kaungiasawmy Setupati :—more especially on the 13th February 1849, when, on her sick bed, she solicited from Government the confirmation of the whole of her rights and property in his enjoyment. To the same effect she addressed the Collector and the Board of Revenue on the same date.

Appendix XXX. To Collector 31st December 1837.

Appendix XXXI. To Board 1844.

Appendix XXXII. To Government Petition No. 410 of 1849.

52. On the death of Shevagami Natchiar, the Collector issued an order on the 22nd March 1849 to the Salt Amildar of Ramnaad, Nursinga Row, directing him to make the collections of the arrears due on the lands belonging to Shevagami Natchiar, from

Appendix XXXIII.

Kaungiasawmy Setupati who is her heir and which are in his possession and enjoyment.

53. In his report of the 4th June 1849, the Ramnaad Head of Police stated that Kaungiasawmy Setupati had performed the funeral ceremonies of Shevagami Natchiar and her husband and that beyond all question he was their adopted son and heir—and the Collector after instituting a rigid enquiry and after being satisfied of the genuineness of the Muktiyar, Will, Petitions, &c., in a Takid of the 2nd* July 1849 directed that all the property of the deceased Shevagami Natchiar should be delivered over to him. All other fictitious and false claims were unhesitatingly rejected.

Appendix XXXIV.

54. Further, the Collector Mr. R. D. Parker in his report to the Board of Revenue dated 31st July 1849, paras 6 and 7 stated that there was prima faciae evidence of the reality and validity of his adoption and delivered all the property of Shevagami Natchiar to Kaungiasawmy Satupati.

Appendix XXXV.

55. The foregoing statements, borne out by public correspondence, conclusively show; that Kaungiasawmy Setupati was adopted in 1814, that he was not married in 1819 as it was in that year the two Sisters of his adoptive father executed an agreement to give their daughters in marriage to him, and that it was only in March 1828 he was first married.

56. They further utterly disprove the false assertion put forth by interested parties who wish to usurp the jewels in dispute, that Petitioner's father was married and had two children at the time of his adoption.

57. As already stated the widow Raja Rajeswari Natchiar inherited all the private property of her deceased husband,—these jewels alone excepted,—on her death, her daughter Shevagami Natchiar succeeded to it, all of which were placed in possession of her adopted son Kaungiasawmy Setupati. He died in 1850, and the Punnay or farm lands having been sequestrated by mistake they were released and directed to be made over to Periasamy Setupati on an order of the Collector* of the 26th March 1853.

Appendix XXXVI.

58. The Board* of Revenue with reference to the Collector's Report on Petitions of Periasawmy Setupati, in their proceedings of the 15th January 1855 recommended that the Samibhogum which accrued on the Punnay lands whilst under Circar management together with certain Kavil and Ambalam Mirassies should be deliver-

Appendix XXXVII.

35

ed over to him, which was accordingly done on the sanction given by Government in E. M. C. dated the 30th January of the same year. This shows that the right of Periasamy Setupati, the elder son of Kaungiasawmy Setupati, the adopted son of Shevagmi Natchiar and her husband, was acknowledged by the Board and Government.

59. On the death of Petitioner's elder brother, he himself fell into the possession of the above said property together with all other property.

60. Thus it will be seen that the private personal property of the deceased Poligar Muttu Ramlinga Setupati descended in regular succession under the orders of Government based on the opinions of their highest legal Officers, the Pundits of the Sudr Court and the Advocate General, in conformity with Hindu Law and the usages of the Country, 1st to the Widow, 2nd to the daughter, 3rd to the adopted son, 4th to the latter's elder son and 5th and lastly to Petitioner who is at present in enjoyment of them. It is to be observed that if these jewels had been made over to Raja Rajeswari Natchiar they would have descended to Petitioner in regular and uninterrupted succession and there would have been no question of right regarding them now. Or, if even now Government would make the proceeds over to him no one would dare dispute the correctness of their decision.

61. Petitioner would here propound two questions viz :—

1st. How was it that the right to the personal property of Muttu Ramalinga Setupati or his Widow down to Petitioner was never questioned or objected to ?

And 2ndly How comes it to pass that a claim should be set up for these jewels alone which are but a portion of said property and not for the whole ? It is evident that if any one have a right to these jewels, they also must have a right to the whole of the private property of Muttu Ramalinga Setupati which is in Petitioner's possession; but the question is only with regard to the jewels, to claim which, Government have unjustly instigated the present Zemindarni to come forward. That her claims are untenable she is fully conscious of, but from the animosity she entertains against Petitioner and his ancestors because they all along disputed the right of herself and her predecessors to the Zemindary she has induced others to set forth false claims by petitioning Government rather to see him lose, than enjoy the remnant of his hereditary rights.

62. It is humbly presumed that a consideration of all the foregoing statements, strongly supported as they are by facts and authentic documentary evidence, will convince your Excellency in Council that Petitioner has fully and clearly established his sole claim to the proceeds of the jewels in question.

63. It has been clearly and indisputably shown.

I. That Mungaleswari Natchiar was never acknowledged to be the heir to the personal property of her deceased brother.

II. That her adoption of Annasawmi was illegal.

III. That the adoption of Ramasawmy by Annasawmi's Widow was also illegal.

IV. That as both the above alleged adopted sons, had no legal right to the Zemindary, it follows that the present so called Zemindarni, the Widow of Ramasawmy, has no rightful title to the Zemindary.

V. That whilst the Zemindarni has no legal title to the Estate itself, she cannot possibly have any right or title to these jewels to which even the claim of Mungaleswari Natchiar was disallowed by Government.

VI. That on the contrary, Raja Rajeswari Natchiar was acknowledged the heiress of her deceased husband, whose funeral obsequies she performed, and whose private property she inherited and enjoyed.

VII. That on her demise, her daughter, Shevagami Natchiar succeeded to the property.

VIII. That on her death, her adopted Son Kaungiasawmi Setupati succeeded as heir to her property, and after him Pariasawmy Setupati, his elder Son and lastly Petitioner himself being the younger Son. It was by the order of Government that this property was made over to the Widow and her heirs down to Petitioner himself What objection then can there be to restore the remaining portion to him?

64. Let it be particularly noticed that whilst the private property of Muttu Ramalinga Setupati has been uninterruptedly enjoyed by the Widow, the daughter, the adopted Son and Grandsons in regular succession, not an iota of it has ever been possessed by the present Zemindarni or any of her predecessors. This is conclusive proof that none of them were considered in any way entitled to inherit said property.

65. Such being the facts of the case, it is hard that Government should in a manner incite the Zemindarni to set up a claim and contest it to property to which she has not the least right or title. Her illegal enjoyment of the Zemindary can give her no claim to these jewels.

66. It is to be here remarked that the Collector, Mr. Clarke, in his Report above referred to, of the 19th November 1859, totally disallows the right of the Zemindarni, to the proceeds. After stating his objections in paras 18, 19 and 20 to the false claims of the Zemin-

darni, he uses in para 21 the following plain language. "The title "of the Zemindar to this property, most questionable at the first, "cannot, I conceive, at this distance of time be recognized at all" He further states in para 22 that "the sons of Kaungiasawmy Setupati "the alleged adopted son of Shevagami Natchiar if they could show "that the adoption of their father was real and legal, appear to me to "have the best title to the property." This point Petitioner presumes, he has now fully and distinctly placed beyond question; and he feels confident that if the documents submitted in the Appendix with regard to the adoption had been placed before thatGentleman at the time of writing his Report, he would not have hesitated to have expressed himself decidedly in Petitioner's favor. As it is, if that Gentleman were now to peruse the documents herein submitted he would not entertain any doubts whatever as respects the rightfulness of Petitioner's claim to the jewels. Petitioner therefore humbly solicits that his petition may be referred to Mr. Clarke for his opinion as he is thoroughly acquainted with the subject as also with all matters connected with the Ramnaad Zemindary, he having been Collector of the District for a long period.

67. Petitioner has clearly and indisputably proved that he, and he alone, has a rightful claim to the proceeds of these jewels; but if there be a lingering doubt on the question, the simple method to clear the doubt would be to call for a statement setting forth the grounds of her alleged claims from the Zemindarni; and by comparing both her's and Petitioner's, decide on the claims of the respective parties according to their merits.

68. This has been done by Government in innumerable cases which the value of the property disputed has been far higher and greater importance than the jewels claimed by Petitioner. To refer to a single instance.—For half a century, the Shrotriem of Muncoody in Tanjore, bringing in an income of about 3000 Rupees per annum, had been in the possession of parties, who had usurped and were in prosperous circumstances. The real heir, Manally Apparow Mudelli was unable to carry on litigation, he represented his case to Government (in 1850) who were pleased to call for the statement of his opponent, and by comparing both, passed a decision in his favor.

69. But if this were too tedious a process for Government to attend to, then, both statements might be submitted to any one of their Law Officers, and after obtaining their opinion, Government could pass a decision which would be equivalent to a judicial decision. Nothing could be more simple, just and equitable than this. But to direct Petitioner to assert his rights in a Court of Law is virtually to preclude him from ever inheriting them, as from his impoverished state, he is totally unable to compete with such po

werful opponents as Government and the Zemindarni. On the other hand the Zemindarni, from the immense resources she possesses will be able to command, in an eminent degree, the full recognition of her false and unjust claims, because she would obtain it without being disputed. But the profound trust and confidence which Petitioner reposes in the justice of your benign and paternal Government leads him to hope that his appeal to your Excellency in Council will not prove fruitless, but that as solicited by him, your Excellency in Council will condescend to take each and all of the foregoing facts, and circumstances into deliberate and impartial consideration and with reference to the numerous documents on the records of Government, pass an order, cancelling that of the 4th February last, and directing him to be placed in possession of the proceeds of the jewels which formed a part of the private property of Muttu Ramalinga Setupati, the father of Shevagami Natchiar, Petitioner's adoptive Grandmother.

For which Act of Justice and goodness,

Petitioner as in duty bound

Shall ever Pray.

APPENDIX I.

Treaty of 4th March, 1795.

Articles of Agreement entered into between the Right Honorable Lord Hobart, Governor of Fort St. George and its dependencies, on the part of the East India Company, and His Highness the Nabob Wallajah &c. &c. for the better Government of the districts called the Great Maraver or Ramnadporam.

1st. That a succession to Muduramalinga Setupati the deposed Poligar shall be appointed, as soon as the person entitled to succeed to him can be satisfactorly ascertained.

* * * *

4th. That at the expiration of the three years the amount of Peshcush to be paid to the Company on account of his Highness shall be permanently settled.

* * * *

12th. That the situation of the person who may succeed to the deposed Poligar shall not be effected by the expiration of this agreement.

APPENDIX II.

To EDWARD SAUNDERS, Esq.,

President &c. Revenue Board,

Fort St. George.

Gentlemen,—In my letter under date the 25th Ultimo I did myself the honor to report to the Board, that I should put to the Brahmins and Pundarums of Ramisseram and some old Inhabitants of Ramnaad certain questions respecting the right of succession to the Ramnaad Government, to be resolved by them according to the established laws and customs of this Province. Their answers have been given in and I do myself the Honor to enclose Translations of them. The Originals are in my possession, signed by the Informants, which shall be transmitted to the Board, if you think proper.

I have the honor to be &c.

(Signed) GEORGE POWNEY, Collector.

Ramnaad, 2nd March, 1795.

Answer of the Ramnaad Inhabitants.

1st The Hereditary right to succession to the Government of the Ramnaad Country is valid in a male line.

2nd. Although the legitimate son is but ten days old, yet he has the right to be vested with the Government and it is not at all valid in the female line which has no right to succeed to the Government.

3rd. Should the Rajah of the Ramnaad die without a legitimate son for the Government, in that case it devolves to the Sister's son who has the right to succession, but if the Sister has no son, then the deceased Rajah's son-in-law that is married to his legitimate daughter has the

right to succeed him. In the event that there is no such son-in-law then the custom is to prefer one unanimously in the male line that is nearly related to the deceased Rajah and to give him the Government.

4th When Mootoo Ramalingum Setupati was invested with the Government he only had the right and there were no other at the time more entitled to it.

5th During the existence of Mootoo Ramalingum Setupati the Government is his and none can lay any claim for it. His Sisters have no right to the Government.

6th. In the event that Mootoo Ramalingum Setupati dies without a legitimate son for the Government, as he has a legitimate daughter married, his son-in-law can only have the right to succeed to the Government.

(Signed) MUNGALESWARI, Priest of Ramnaad.
,, ELYAPERMAUL SAERVAGAR.
,, MOOTOOYROO PILLAH SON TO MAURIDOM.
,, PERMALL PILLA, Head Conicoply.

(A true Translation)

(Signed) GEORGE POWNEY, Collector.

(A true Copy.)

(Signed) S. R. LUSHINGTON,
Acting Deputy Secretary.

The answers of the 3 principal Brahmins and 3 Head Pundarums, of Ramisseran gave their opinion to the same effect. Their replies also were enclosed by the Collector. In fine, the whole 9 individuals explicitly declared that the daughter and her husband alone and not the Sister, was entitled to the Zemindary.

APPENDIX III.

From GEORGE POWNEY Esq. Collector of Ramnaad

To the Right Honorable Lord HOBART Governor &c.

My Lord,—The answers of the Pundarums Brahmins and head Inhabitants already transmitted to your Lordship on the subject of the succession having been disputed by what has been advanced in the Memorial by Natchiaroo, and she having asserted that their answers were obtained by undue influence, I thought it a duty owing to myself to investigate this point with the greatest circumspection. I summoned the persons who gave the answers, interrogated them upon the subject, and they most solemnly declared, and the truth of which they were ready to take their oaths, that the answers given by them were never dictated to them by any person, nor did they consult any one person on the subject, but they were delivered from full conviction that their opinions to the best of their knowledge were consonant to the laws and customs of the maraver Province, and that they continue still to entertain the same opinion that the succession was in the male line.

* * *

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Amongst the record of one of the Pagodas which I could not obtain till very lately. It bears every appearance of antiquity and from its having been read at certain festivals to the setupati it has the appearance of Historical evidence. I have extracted from it all matter foreign to the subject of the succession, and I do myself the honor to enclose a literal translation of it. From which it evidently appears that the succession is in the male line.

* * * * *

From the best attainable data I have ventured to give my opinion on the succession, at the same time I hope your Lordship will forgive me for offering my sentiments on it, which from motives of policy and expediency ought in my humble opinion to be declared in favor of the Poligar's Sister for it has been an immemorial Custom here that the Sister should have been consulted and her consent obtained previous to the marriage of the Poligar's Daughter. This was not done and the Maravers I have learnt, would feel much repugnance, in consequence to acknowledge the child's husband as setupati.

The Sister from her age will not probably have issue, the Daughter and her husband are minors, according to the custom of the Country the daughter ought to have been placed under the care of her Aunt, and if this were now done there would be no further dispute upon the point.

I have the honor to be &c.

(Signed) GEORGE POWNEY, Collector of Ramnaad.

Ramnaad, 30th May 1795.

APPENDIX IV.

To Mr. GEORGE POWNEY, Collector at Ramnaad.

Sir,—I am directed by the Right Honorable the President in Council to transmit for your information and guidance the enclosed Extract from the Minutes of Consultation upon which the Board had resolved to name Mungaleswari Natchiar to succeed her deposed brother in the Poligarship of Ramnaad.

This arrangement has been communicated to the Sister who has in consequence been directed to address herself to you upon all future occasions; you will therefore take the necessary measures for putting the Daughter of the deposed Poligar under the charge of her Aunt and as this measure is adopted chiefly upon your assurance that it will give satisfaction to all parties and is calculated to secure the tranquillity of the Country, you will be vigilant to prevent the abuse of the confidence which is thus placed in her and in case of your apprehending danger or ill usage to the Child from her Aunt you will lose no time in taking the most effectual means for securing her from the power of her Aunt.

I am &c.

(Signed) JOSIAH WEBBE, Secretary.

Fort St. George, 4th July 1795.

APPENDIX V.

To MUNGALESWARI NATCHIAR.

I am directed to inform you that the Right Honorable the President in Council has determined the succession to the Poligarship of Ramnaad in your favor. His Lordship has also resolved in compliance with the usage of Ramnaad to place the Daughter of the late Poligar under your charge and protection. The tenderness of her age has no less claim upon your humanity than her nearness of kindred has upon your natural affection, and as you enjoy the confidence which is now solemnly placed in you to the preservation of her person and the improvement of her mind so you will merit the approbation of Government or be liable to their severest displeasure. In all other respects instructions have been sent to Mr. Powney the Collector at Ramnaad, the President in Council therefore desires you will proceed thither without delay and address yourself upon all future occasions to that Gentleman immediately.

Fort St. George, 4th July 1795.

By order of the Right Honorable the Governor in Council.

(Signed) JOSIAH WEBBE, Secretary.

APPENDIX VI.

From RANI MUNGALESWARI NATCHIAR, of Ramnaadpooram.

To the Right Hon'ble Lord HOBART, Govr. in Council, Fort St. George.

My Lord,—With reference to Mr. Secy. Webbe's letter of the 4th July 1795. * * * *

Para. 8. I shall take charge of my niece (the daughter of my brother who was the late Poligar of Ramnaad) as if she has been surrendered up by your Lordship and hope to treat her in such manner as I may not appear unworthy of the trust that shall be reposd in me by your Lordship and endeavour to introduce into her tender mind an improvement so as her prudence as well as cordiality may be increased by degrees with a view of giving proofs of my respect and attachment to your Lordship, I shall consider her as my own child and use her with an infinite love.

(Signed) MUNGALESWARI NATCHIAR.

Ramanadapooram, Friday 23rd October 1795.

APPENDIX VII.

Special Commission.

To the Right Honorable EDWARD LORD CLIVE, Governor in Council.

Para I. From Mr. Lushington 4th Feb. 1803.

My Lord,—We have received a letter from the Collector of the Southern Poligar Peshcush, which we deem it to be our duty to submit to your Lordship in Council without delay.

2. On this occasion, it is necessary to inform your Lordship in Council, that we have received the material papers and have ascertained the more important facts relative to the permanent settlement of Ramnaad, on a Zemindary tenure, in conformity to the agreement concluded with the late Nabob of Arcot and to the subsequent orders of the Honorable Court of Directors. The Minute arrangement however of the Subordinate points, will involve a degree of delay injurious to the revenue of the current year, unless relieved by the determination of your Lordship in Council to instate the Zemindar conditionally; in order that the necessary arrangements may be adjusted between the cultivators, and the Officers of the Zemindar.

3rd. We accordingly recommend to your Lordship in Council that the Collector may be authorized to transfer the lands of Ramnaad to the Zemindar, on condition of agreeing to the terms which your Lordship in Council may ultimately resolve to establish for the assessment of the permanent revenue of that Zemindary. Of the acceptance of those terms by the Zemindar, no doubt exists in our minds, and we believe that no inconvenience can arise to the revenue of Government from an immediate transfer of the Zemindary subject to the condition we have stated.

Your most obedient servants,

(Signed) C. W. PETRE,

Office of the special Commission, „ J. WEBBE.

Fort St. George, 10th Feby. 1803.

APPENDIX VIII.

From the Board of Revenue, to the Right Honorable Sir G. H. BARLOW, Bart, K. C. B., Governor in Council.

Honored Sir.

* * * * * * *

Para 7. The deposition of the late Poligar for rebellion it appears was not accompanied with any declaration tending to set aside the claims of his family. On the contrary, in the agreement concluded upon that occasion with his Highness the Nabob of Arcot for the Administration of the affairs of Ramnaad by means of the Company's Officers, it was stipulated by the first Article that a successor to the deposed Poligar should be appointed as soon as the person intitled to succeed to him could be satisfactorily ascertained.

8. These are the words of the first article of the agreement, bearing date the 2nd March 1795, and it appears that the Poligar's Sister (the deceased Rani) soon afterwards presented a memorial in which she urged her right to the succession.

9. The report of the Collector (Mr. Powney to whom this memorial was referred by the Government) is dated the 30th May 1795 and the decision of the Government upon the case is contained in a Minute of the superior Board dated 3rd July 1795.

10. In that Minute it is stated that the "Board are desirous of "observing a due regard to the claims of those persons whose pretensions are the most prominent without divesting themselves entirely "of motives of Political expediency, and though, from the general tenor of the minute it is apparent that the Board was not convinced of the

preferable legal right of the Sister over that of the Daughter of the deposed Poligar, they deemed it expedient to decide infavor of the former. Their resolution is expressed in the following words.

11. Under the impression of all these circumstances the Board have come to the determination of nominating the Sister of the deposed Poligar to the succession and have also resolved to place his Daughter under her charge without touching upon the question of the future expectations of the Child to succeed to the Government, expectations however which may reasonably be entertained from the little probability of her Aunt's pregnancy.

* * * *

17. On more than one occasion this arrangement has been the subject of representation and remonstrances on the part of the Niece. In the Month of April 1807 about the time of the execution of the Will now submitted it appears that she addressed a Petition to the Board of Revenue on the subject, though the Petition is not forthcoming it having been returned with an endorsement (as appears from the Register of Petitions) "that the subject did not appear to demand the attention of the Board "of Revenue for that whatever might be the pretensions of the Petitioner to succeed to the Puttum of Rani on the demise of the present Rani those pretensions would doubtless be ascertained and she would be supported in them by the Judicial authorities.

(Signed) WILLIAM OLIVER, Secretary.

Fort St. George, 30th March 1812.

APPENDIX IX.

DECREE.

SOUTHERN DIVISION.

Provincial Court, Original Suit, No. 3 of 1813.

Plaintiff,		Defendant,
Rani Shevagami Natchiar,	versus	Streemathoo Heraniah Garbah Ravecoola Mootoo Vigia Ragoonada Satoopati the Zemindar of Ramnaad.

* * *

JUDGEMENT.

* * *

For the reasons aforesaid therefore it is considered by the Provincial Court that the Plaintiff Rani Shevagami Natchiar is the lawful Heiress of the late Rajah

of the late Mungaleswari Natchiar; and further that Pratapa Simah Vigia Gopala Satoopati the Husband of the aforesaid Plaintiff shall be competent in right of his Marriage with the Plaintiff aforesaid, to hold and enjoy all property, rights, and immunities appertaining to that connection in the same manner and liable to the same condition as they have hitherto been held and enjoyed by the Husband of any former Rani so circumstanced. The Provincial Court do further Decree under the provisions contained in Section VI. and XII. Regulation XII. A. D. 1809 that the Plaintiff Rani Shevagami Natchiar shall be put in immediate and entire possession of the Zemindary of Ramnaad and of all the property appertaining thereto.

13th December, 1813.

APPENDIX X.

2ND DECREE.

SOUTHERN DIVISION.

Provincial Court Original Suit No. 3 of 1813.

Plaintiff		Defendant.
Rani Shevagami Natchiar,	versus	Strimattoo Heraniah Garbah Ravecoola Mootoo Vigia Ragoonada Satoopati.

* * *

JUDGEMENT.

* * *

The Court observe also that the Exhibit No. 177 conveys no authority to the late Rani Mungaleswari Natchiar to adopt the son of Vulliamay after the death of her Husband as maintained by Defendant.

Upon due consideration of the Exhibits A and B No. 177, and the relative situation of the late Rani Mungaleswari Natchiar and her Niece the Plaintiff Rani Shevagami Natchiar at the time of the pretended execution of these Documents, the Court are of opinion that the transfer of the Zemindary of Ramnaad by the late Rani Mungaleswari Natchiar, however made by will or otherwise, to the prejudice of the pre-existing right of the Plaintiff, Daughter and sole heiress of the late Rajah of Ramnaad Mootoo Ramalinga Vizia Ragoonada Setupati, is, and was null and void, because it has neither been proved, nor in any manner made out, that the late Rajah Mootoo Ramalinga Vezia Ragoonada satupati had forfeited his right of possession to the Zemindary of Ramnaad, by any public act of the Government.

The Court have already declared their opinion in the Decree passed in this case, that the Rani Mungaleswari Natchair was placed in charge of the Zemindary of Ramnaad on grounds of political

convenience only, and the Court cannot consider the mere grant of a sunnad Milkeut Istimrar subsequently obtained by her, to have annulled or effected in any manner the right of inheritance by blood existing in the person of the Plaintiff Shevagami Natchiar to all the rights, privileges and possessions of her late father Mootoo Ramalinga Vezia Ragoonada Setupati Rajah of Ramnaad, who as well as the plaintiff were both living at the time the aforesaid sunnad was granted, whose right to the possession of the Zemindary of Ramnaad was unimpeached by any public Declaration of the Government expressly invalidating the same.

On these grounds therefore the Provincial Court do confirm the Decree passed by them in the case bearing date the 13th December 1813 and do hereby certify the confirmation thereof, and adjudge that costs be paid by the Defendant.

13th August, 1815.

APPENDIX XI.

REPORT OF PROCEEDINGS AT A GENERAL MEETING OF THE COURT OF DIRECTORS.

Mr. Rigby said he felt, as he had before observed, deeply interested for the property of that Company, and, for that which was essentially, necessary to its property, he meant, of course, its character, within these few days there appeared in the Times the Justice of the Company, and he wished some enquiry to be made on the subject. The latter stated that a Rajah of Ramnaad had without any just cause been imprisoned by the Company. He subsequently died leaving an only daughter. This daughter was at the time an infant. Her Aunt was appointed as her guardian; but that guardian was soon placed in the situation of Sovereign, which her niece ought to have possessed. It was further set forth in the letter, that the Aunt after some years had adopted as her heir the Son of a Slave, and that this slave had been put in possession of the territorial dominions as well as of the private property of the Rajah although he had left an infant daughter. The Aunt died in 1812 and a claim was made to the property of the deceased Rajah by his infant daughter. The Company however, had supported the cause of the individual who had been adopted.

The Chairman.—Perhaps he might save the time of the Court if he briefly stated how this matter stood. The case now alluded to had gone before all the Courts in India. It had also been heard in this Country before the highest authority—that of his Majesty in Council and the decisions had constantly been adverse to the claimant.

Mr. Rigby said he was aware of that fact, but the circumstances of the case were of a very peculiar nature, and he understood that there were at that moment reports in circulation in England, deeply affecting not only the interest, but the character of the Company, with reference to this subject. He had been informed that the tribunal here decidedly from mis-apprehension, and without having the proper documents before it. *He had seen a letter from an honorable Gentleman a Judge in India in which it was stated that if certain other Documents were produced, they would unquestionably tend to show that great injustice had been practised,* and that some parties who were implicated in the transaction ought to be called to account by the Company. An honorable Director, much to his honor, one who had filled the situation which the honorable Chairman then held hearing of the distress of the Rajah's Daughter, had ordered her subsistence out of a certain fund that existed in India. That order was not complied with, and she remained in very great distress. The other Rajah's still protested against the person who was imposed on them as ruler in the place of the deceased Rajah's Daughter. He here would call the attention of the Court to the 23rd of George III. Chapter 25, Section 39, an Act which did immortal honor to the legislature and the provisions of which it would be well if the Company always adopted, if they did they would effectually guard their honor from every charge of despotism or oppression. The Section to which he alluded (and he requested attention whilst he read it) setforth.

"And whereas complaints have prevailed, that divers Rajas, Zemindars, Polygars, Talookdars, and other native Landholders, within the British territories in India, have been unjustly deprived of or compelled to abandon and relinquish their respective lands, jurisdictions, rights, and privileges, or that the tributes, rent and services required to be by them paid or performed for their respective possessions to the said united Company, are become grievous and oppressive; and whereas the principles of justice, and the honor of this country, require that such complaints should be forthwith inquired into and fully investigated, and if founded in truth effectually redressed; be it therefore enacted, that the Court of Directors of the said united Company shall, and they are hereby accordingly required, forthwith to take the said matters into their serions consideration and to adopt, take, and pursue such methods for enquiring into the causes, foundation, and truth of the said complaints, and for obtaining a full and perfect knowledge of the same, and of all circumstances relating thereto as the said Court of Directors shall think best adopted for that purpose. And thereupon, according to the circumstances of the respective cases of the said Rajahs, Zemindars &c., to give orders and instructions to the several Governments and Presidencies in India, for effectually redressing in such manner as

shall be consistent with justice and the laws and customs of the Country all injuries and wrongs which the said Rajah's &c., may have sustained unjustly and for setting and establishing upon principles of moderation and justice according to the laws and constitution of justice, the permanent rules by which their respective tributes, rent, and services shall be in future rendered and paid to the Company by the said Rajahs, Zemindars, Polygars, Talookdars, and other native Landholders."

The Section further directed that there should be established a permanent land revenue instead of a varying one, as was the case before. In pursuance of this enactment, Lord Cornwallis drew up a Deed of Regulation, directing a species of land tax to be paid during the period, in which this Princes's Aunt should be in possession and the master of the rolls, upon this case coming before the King in Council, mis-took the meaning of that Deed, and fancied that it vested the right of Sovereignity and of the property in the Aunt, instead of in the Princess. It was upon that supposition that the learned Judge made his decision. He understood that there were Gentlemen present connected with India, and better acquainted with the circumstances of the case than himself, and all he asked was, that the Court of Directors would make some inquiry on the subject.

On the motion of the Chairman, the Court then Adjoined.

APPENDIX XII.

In the Privy Council.

Between Ranee Sevagawmy Natchiar Appellant.

and

Streemathoo Heraneya Garbha Ravacoola Moothoo Vizia Raghoonadah Setupati, } Respondent

I hereby give you notice that the above named appellant intends applying by Petition to his Majesty's most Honorable Privy Council for a rehearing of this appeal and I hereby require you forthwith to give notice of such intention to the Respondent or whom else it may concern and that you will be pleased to inform me when you shall have received an acknowledgement from India of this Notice having reached the Respondent and I hereby give you further notice that in default of your not so doing within a reasonable time application will be made that such Petition be received exparte.

Dated this 3rd day of January 1831.

Yours &c.

(Signed) CHARLES P. BARTLEY,

Attorney for Appellant.

erroneously stated in the Decree of this court and further, that Moottoo Vizia Ragunadah Setupati, by virtue of his adoption even supposing it to have been valid, could only by law be entitled to inherit her personal property, and not the heriditary family estate.

Upon these plain, intelligible, and legal grounds, after the fullest and most mature consideration, the Southern Provincial Court gave an unanimous Judgement in favor of the Right of Shevagami Natchiar to inherit the Zemindary of Ramnaad: but in the appeal from that decision the former Judges of this Court, by a strange legal anomaly were of opinion that the *Title* of the *Sister* of the late *Poligar*, was preferable to the *title* of his own *lawfully begotten child* and then, by a still, more strange perversions of the natural, and legal order of lineage it was further declared by this Court, that any right which the Daughter of the late Poligar might have to inherit the Zemindary could only be derivable from her relationship to her Aunt. And finally this Court adjudged the Zemindary to the adopted son of the Aunt, although the adoptive mother had never possessed, at any period, even a shadow of *legal heridstary right* to the property, and consequently could never have possessed the power of conveying any such right. These then are substantially the grounds coupled with the supposed authority of the provisions of Regulation XXV. of 1802 upon which the former Judges of this Court reversed the Judgement of the Southern Povincial Court and certainly a more *singular specimen of sophistry*, in the *legal dress of a Judicial Decision*, was perhaps never before exhibit, or heard of in any Court of Justice. I most particularly solicit the attention of my Colleagues to the facts here stated, and especially to the erroneous construction and mistaken application, by this court, of provisions of Regulation XXV. of 1802 because it is from the supposed authority of that enactment, that the very pith, and essence, of its anomalous decree have been chiefly derived! There can be no doubt, indeed, that we are solemnly bound to be most scrupulously guided in all our decisions by a strict regard to the tenor of the Regulations, upon this point there can be no difference of opinion. But I am equally certain and confident that we are not allowed at our discretion (as ruled by this Court in the present case) to give retrospective effect to a Regulation in order to infringe and destroy the actual rights of any description of land holders, more especially those of an ancient heriditary description I apprehend that the exercise of such a discretion, could never have been intended by the Legislature, and I cite Regulation IV. of 1822 (Sir Thomas Munro's declaratory enactment) to show at once the correctness of the inferrence of the Southern Provincial Court and the fallacy and illegality of the conclusion adopted by this Court.

As to the proceedings held, in appeal, before the Privy Council, from all that we have been permitted to know of them that

tribunal would seem to have taken for granted that the *Judgement* of this *Court* was, in all respects, *legally correct* and just and to have affirmed the same without *having heard*, and *fully* examined the *whole*, and real merits of the case, as it appears, by the notes of its proceedings that the Counsel for the Appellant were actually restrained in their endeavours to bring them to the notice and consideration of their Lordships. It is absolutely impossible, in any other manner, to account for the affirmation, by their Lordships, of such a *hotchpotch of error, sophistry* and *injustice*, as is contained in the Decree of this Court and as a consummation of such an *unheard of series of injustice*, and hardship, I have now before me an order, which I regret to observe has been passed by one of my collegues, the obvious tendency which is to consign the unfortunate, hapless and deeply injured *Shevagami Natchiar, though the undoubted Heiress at Law*, to a state of unmerited degradation and of utter destitution and want. It is clear however to my mind, and I imagine, on reflection, will be equally so to others, that Shevagami Natchiar suffers in her rights through mistake, and that her title to inherit the Zemindary of Ramnaad is still in abeyance and that, supported as it undoubtedly is, by the overpowering force of truth and justice. It must ultimately prevail against every impediment and obstacle which may yet be opposed to her lawful claim; most fortunately indeed I might even say providentially, with reference to the case of Shevagami Natchiar and to the triumph of right over wrong; I have recently become possessed of proof the most irrefragable that the grounds of the Judgement of the Southern Provincial Court are, after all, admitted, and declared by the highest Law Authority in England, to be good law and sound Justice. I cite the late important decision in the Court of Chancery relative to the tenure of landed property in India. Freeman V—Fairly, reported in the Government and Madras Gazettees, of the 14th and 16th May 1829) and which decision by analogy, most conclusively establishes the right of Shevagami Natchiar to inherit the Zemindary of Ramnaad, as it completely removes the very keystone, and indeed the only prop, by which the artificial fabrick raised upon the fallacious arguments of this Court could be in any manner sustainable. That important decision desavows the right in the soil erroneously claimed by Government in the preamble to Regulation XXV. of 1802 and annuls the supposed force and Legal efficacy of the Sunnud-i-Milkeut-i-Istimrar, or the Pemanent Puttah, so far as private heriditary rights are concerned restricting it to the tribute which alone it was intended to regulate. It has declared and "determined that Zemindars, Poligars, or other landed Proprietors are the absolute owners of the soil, subject only to the payment of the tribute to the Government." It has also declared and determined that a Puttah "(and the Ramnaad deed is nothing more than a Permanent Pattah) is merely a docu-
" ment issued to settle the amount of the tribute and did not imply

APPENDIX XIII.

Minute of the 1st Puine Judge,

FRANCIS ALEXANDER GRANT,

I regret that any difference of opinion should exist upon the question before the Court, relative to the affairs of Ramnaad: but retaining, as I do, the opinion which I noted on the back of the Petition presented by Yakeel Streenevasacharry on the behalf of Mootoo Vizia Raghoonadah Ramasawmy Setupati to the effect "that "Shevagami Natchiar is clearly entitled to a maintenance suitable "to her high birth and just pretensions; and that instead of calling "upon her to refund what she has received on that account, the al-"lowance ought to be continued to her." I now proceed to record more particulary the grounds upon which I have founded that opinion; together with such further observations, and conclusions connected therewith as have recently occured to my mind on a full and mature consideration of the nature, and urgency of the claim of Shevagami Natchiar upon the Equity, and Justice of this Court. I am quite satisfied from having reflected much, and deeply on the subject of her claim; and from having minutely examined, and attentively considered the several points and arguments, involved in the lengthened discussion of its merits, that I shall be able to shew in the clearest and most conclusive manner, that the *Appellate Proceedings in this suit have throughout been grounded in fallacy and error;* and that the Decrees or Judgements, *founded upon them, are essentially erroneous and contrary to Law and Justice.* If then, in the matter I have to bring forward, I should succeed in establishing those facts to the conviction of my colleagues, which to my mind is indubitable, it will necessarily become the obvious, and Imperative duty of this Court, as well from motives of Justice to the unfortunate woman as for the sake of its own credit and reputation, to take immediate measures for causing its proceedings to be revised and corrected, in order that Shevagami Natchiar may regain her proper place in society, and be ultimately restored to her just and lawful inheritance.

I must premise however, what I have to offer, and to propose to the Court, by reminding my colleagues that Shevagami Natchiar is beyond all dispute the only child, and sole heiress of Moottoo Ramalinga Vizia Ragoonadah Setupati, the late Poligar of Ramnaad: and that both her natural, and legal title to inherit the Zemindary, had their origin at a period long anterior to the promulgation of Regulation XXV of 1802, or even to the Institution of this Court. That it will be seen, and satisfactorily established, on a reference to the Minutes of Council, and to the correspondence that passed between the Public Authorities at that period of time, that the Government did always consider that Shevagami Natchiar was entitled to inherit

the Zemindary ; and that the management of its affairs was given over to her Aunt (the sister of her father) from motives of Political expediency only ; and further that she (being then a child) was placed under the guardianship of her Aunt, with strong injunctions to educate, and bring her up, in a manner, suitable to her birth, and future expectations. Hence the intention of Government, in favor of the right of Shevagami Natchiar to the succession, is most clearly indicated by the care and anxiety which it manifested, even in the midst of political difficulties, to have her properly brought up, and duly qualified to fill with credit the high station, which she was thereafter destined to occupy. It must be quite obvious therefore, from these and other expressions of a similar tendency, that Government never meant that an Act of adoption should be, in any way, prejudicial, to the right, and interest of Shevagami Natchiar and which act of adoption (though I deny its validity) evidently had its origin in the circumstance, and in that only, of the accidental omission of her name in the Sunnud-i-milkeut-i-Istimrar an omission however, whether by *mistake or design*, that was plainly contrary to the previously implied intention of Government, and consequently it could, in no degree invalidate her right to the succession, and, lastly, that it can now here be shewn, by any act of the Government prior to the enactment of Regulation XXV of 1802, that the right of succession in the person of Shevagami Natchiar, had been, in any manner, formally declared to be null and void ! ! !

The obvious conclusion to be deduced from the evidence of all the foregoing well authenticated facts, upon every principle of law and justice, as well as of common sense, is that Shevagami Natchiar still preserves her title to inherit the Zemindary of Ramnaad in all its pristine legitimacy, purity, and validity : nor is it within the reach even of possibility that a title so ancient and so unquestionably genuine, and lawful, can be, in any manner, legally affected, much less set aside, by any Decree or Judgment, founded upon an erroneous construction, as well as a mistaken application of the tenor, and authority of a modern or recent enactment. The very circumstance, indeed, of the sister of the late Poligar being put into the management of the Zemindary is a fact which, of itself carries with it sufficient evidence to show that no cause of attaint or forfeit could have existed as assumed by this court, to operate as a bar to the regular succession in the family of the late Poligar, and I imagine it would *puzzle* even the ingenuity of the most experienced *lawyer* to prove that the *title* of a *sister* to inherit the estate of her *brother, is better than the title of his own lawfully begotten child.* As to the Sunnud-i-milkeut-i-Istimrar, I shall presently show (as ruled by the Southern Provincial Court,) that such a deed (though the affirmative has been assumed and ruled by this court) could not "confer and confirm all "right to the Zemindary to late Ranee Mungaleswari Natchiar" as

that the land was held of the sovereign." It is clear then (as ruled by the Southern Provincial Court) that the Sunnud-i-Milkeiut i. Istimrar is of no avail, in a legal point of view, except so far as regards the tribute and consequently that such an instrument could confer no right in the soil (as assumed and ruled by this Court,) because the Government itself never possessed any such right ! and finally it has declared and determined "that such land is freehold inheritance descendible to the heir at law." If any right then is to be attached to this most important decision and I see not in what way it can be gain said, it must of necessity follow that the decrees or Judgements which have been passed against Shevagami Natchiar as well in the *Privy Council* as by this *Court*, have proceeded altogether upon a *wrongful construction* of the intent and meaning of the Sunnud-i-Milkeut-i-Istimarar, and of the provisions of Regulations XXV. of 1802 and consequently as both those decrees or Judgements are in those Respects essentially erroneously, they must be liable to revision. It is indeed; distinctly declared and determined by the Lord Chancellor, that principle of the above cited decision in Chancery must be extended to other cases and as it will correct erroneous Judgements in the King's Supreme Courts, there is no reason why the Company's Court should not equally benefit by it.

I trust that I have now shewn and established in the clearest and most conclusive manner "and I hope to the conviction of my colleagues" the following most important facts namely, that *Shevagami Natchiar is the only child, and in linear discent, the sole heiress of Mootoo Ramaliga Vizia Rajoonadah Satoopati the late Poligar of Ramnaad.* That it was always the intention of the Government that Shevagami Natchiar in the regular course of events, should succeed to the possession of the Zemindary. That the management of the affairs of the Zemindary was given to her Aunt, as a temporary arrangements from motives of political expediency only, that the Government never could have contemplated, or meant, that an act of adoption should be, in any way prejudicial to the right and interest of Sevagami Natchiar that no cause or act of attaint or forfeit was ever declared by Government, that could bar the right of regular succession in the family of the late Poligar Mootoo Ramalinga Vizia Raghnada Satoopati. That the Sunnud-i-Milkeut-i-Istimrar could neither confer nor confirm to Rani Mungaleswari Natchiar any right to possess the Zemindary of Ramnaad and that she never possessed any legal hereditary right to that property. That Mootoo Vizia Raghoonadah Satoopati by virtue of his alleged adoption, by Rani Mungaleswari Natchiar could not, therefore be entitled to inherit the family estate, that the same ground operates, in like manner, to exclude Ramasawmy Satoopaty, the present Petitioner, and the alleged adopted son of the deceased Mootoo Vizia Raghoolah Satoopati from all right and title to the succession and conse-

quently, that the appellate proceedings in this suit, have throughout been grounded in fallacy and error and judgements founded upon them being necessarily, and essentially erroneous are contrary to Law and Justice.

Upon these grounds I think the Vakeel of Shevagami Natchiar is amply justified in stating that his client is still the lawful Poligar of Ramnaad; and so far from being liable to the imputation either of stupidity or insolence, I for one consider him deserving, not only of Praise, and of the encreased confidence of his client but even of the approbation of this Court, for having exerted himself with such becoming firmness and devotion, in support of her just and lawful rights.

Upon these grounds, I feel that I am also justfied in considering that Shevagami Natchiar is clearly entitled to a maintenance suitable to her high birth and just pretensions, and that instead of calling upon her to refund what she has received on that account, the allowance ought to be continued to her " and that to until she is put into the possession of the Zemindary of Ramnaad, as the rightful heiress at law an act of retribution which the ends of substantial justice most imperiously demand; and in which, as the mother now stands the honor of Government, equally with credit and reputation of this Court, is most materially, and deeply implicated.

Upon these grounds instead of giving sanction to the order which prematurely calls upon Shevagami Natchiar to account for the profits while she held possession of the Zemindary and to refund the amount of the allowance she has received for maintenance. I now consider it to be my duty to propose to the Court that, as no power of revision exists in India, an immediate reference should be made through the Government to the proper authorities in England for the purpose of bringing to their particular notice the errors fallacies and injustice, which through mistake have marked the proceedings in appeal before this Court, as constituting strong, just and urgent causes for the revision of the case and eventually for the correction of Judgement that has been passed upon it in the Privy Council. As a precedent for the measure I cite the case of Khaleemoola Khaun, a similar reference was made to England in that case and the consequence of such reference has been the reversal of the previous Judgement in the Privy Council. In the present instance, a similar result may be reasonably, and justly expected from the same course of proceeding.

And lastly, upon these grounds I move the Court to revoke the order issued to the Southern Provincial Court under date the 22nd of January last; and, the Zemindary of Ramnaad has been given over to Ramasawmy Satpooti that the Collector of Madura be instructed to re-attach the same, and to retain under his authority

As heretofore, the management of its affairs, as well as the custody of the surplus profits deposited in his Treasury, pending the reference to England, and until he shall receive the further command of this Court upon the subject, and likewise, that he be further instructed to continue to the litigants, respectively, the same monthly allowance heretofore paid to them and to be receivable by them, in arrears from the date of the last payment on that account.

It now only remains for me to entreat my coleagues to give their deliberate consideration to all the facts and circumstances herein set forth, as well as to the propositions I have founded upon them, and not merely for the sake of consistency to follow up previous Acts and Resolutions of this Court, when it is shown by undoubted facts, and the opinion of the highest Law Authorities in England, that such Acts and Resolutions have been the result of misconception and error.

(Signed) FRS. ALEX GRANT.

12th June 1820.

APPENDIX XIV.

COURT OF CHANCERY, NOVEMBER 20, 1823.

IMPORTANT DECISION,

FREEMAN V FAIRLY.

This case involved no less a question than the Nature, of the tenure, by which the territorial possessions of the East India Company, in India, are holden. The case, upon which the Lord Chancellor now gave judgement, was heard at immense length by his Lordship, when Master of the Rolls, and upon his promotion from that situation, the parties agreed to receive his judgement in the superior office, with which he has been invested. In 1823, the Master made his report in the suit, finding that the land and houses in question in the case and situated in the territories of the East India Company in British Hindostan, " were freehold inheritance descendible to the heir at law." In this report twenty-five exceptions were taken by the Plaintiffs, but it was ultimately agreed, that the whole case should depend on the 25th exception which stated throughout to have found, that the landed estate in question was in the nature of a Chattel real.

In April 1825, John Eborall went before the Master and shewed his title as heir at law, which title was allowed by the Master and confirmed by the Court. The question, now, therefore, simply was whether the Estate, he claimed, was descendible to heirs at law? His Lordship went into a most elaborate detail of the Charters and laws governing the possession of lands in the East. It appeared that the law of England was established in this settlement by the Articles of 1793, and that the Zemindars, Taluqdars, or landed proprietors, were the absolute owners of the soil, subject only to the payment of the tribute to the Government. The Tenant received what was called a " Pattur" from the Collector of the tribute, but this was demanded as a matter of right and did not imply that the land was held of the Sovereign, being merely a Document issued to settle the Amount of the tribute. These Lands

were originally granted to the East India Company, and were conveyed by Deeds of lease and release. It was therefore, to be considered as real property descendible to the Heir. It had been objected by the East India Company that they had only a temporary interest in the Government, but it was provided by the Act of Parliament that if their Monopoly in the trade of the Country ceased, their corporate powers should continue, under which they were capable of conveying and taking titles to land. His Lordship therefore agreed with the Master that this was freehold Inheritance. It was real property in the meaning of the term in the laws of England, and the report must be confirmed.

The heir at law, who will, by this decision, be entitled to about £ 60,000, is John Eborall, who, at present, fills the situation of Coachman to theEarl Cornwallis. The manner in which he obtained legal assistance is a little curious. A Physician, intimately acquainted with Mr. Passmore, the Solicitor, was in attendance upon a pauper patient. The poor patient frequently alleged that, if all the world had their rights, the Doctor need not give his services without fees. The Doctor at last directed the Patient to call on Mr. Passmore and the result of the inquiries and communications led to the introduction of Mr. John Eborall into the Court of Chancery, where he was long since declared to be the heir at law. By the death of some parties and the retirement of others (as the East India Company and the corporotion) the only person left to contest the £ 60,000, with Mr. Eborall is Mr. Wiliiam Butt, who bears the mace before the Lord Chancellor. It is said, that Mr. Butt means to appeal to the house of Lords.

Caledonian Mercury.

14th May,1829. Government Gazette Fort St. George.

APPENDIX XV.

Extract of a letter to T. HYDE VILLIERS, Esq.,

Secretary, &c. &c. &c.,

India Board.

Having mentioned the Ramnaad Zemindary in which I resided thirteen years and a half, I hope I may be pardoned in bringing to the notice of the India Board how cruelly the descendant of the deposed Rajah of Ramnaad has been treated in being kept out of her inheritance the Ramnaad Zemindary, the Government which deposed the Father never intended to injure her rights, and in order that the utmost care should be taken of her person, placed her under the care of her Aunt and under the Guardianship of the Collector of the Province, considering her as the lawful heir of her Father, and intending that she should be placed in possession of her Country at the latest period on the death of her Aunt. But to the daughter's great surprise and disappointment the Collector for reasons best known to himself omitted, when he made the Settlement of the country in 1802 to mention his Ward, and the Government (then composed of different Gentlemen to what it consisted of in 1795) in ignorance that a Daughter existed of the deposed Rajah and who had been promised the Zemindary, gave a Deed or Sunnad to the Aunt omitting the name of the Child. This Deed has not been understood. If the Suddur Adaulut at Madras had consulted the

Revenue selections which they had access to, they would have seen that Deeds of this kind referred to lands only, and did not interfere with hereditary rights, that it conferred no right in any person to keep possession of landed property when it was found they were not not entitled to possess it. By the decision of the Sudder Adaulut misinterpreting the Deed and decreeing that the Aunt had the power to alienate the land by adoption, the daughter has been deprived of her Inheritance which had been in possession of her ancestors for many generations. The daughter is now reduced to poverty totally dependant for subsistance upon a neighbouring Zemindar.

If therefore it be of any importance to England that its rule over this part of India should be viewed by the Natives as considerate and Paternal, no time should be lost in restoring the Lawful Heiress of Ramnaad to her hereditory possessions and rights by some immediate and decisive measures.

A true Extract (Signed) J. S. SULLIVAN,

India Board, February 24th 1832.

TO J. S. SULLIVAN, Esq.,

Sir.—In a memorandum transmitted by you to Mr. Villiers, on the Ramnaad case, you observe " no time should be lost in restoring the lawful heiress to the throne by some immediate and dscisive measure."

May I be permitted to request information as to the kind of of measure you would recommend on this occasion.

I have the honor to be &c,

(Signed) C. GRANT.

23 Devonshire Place, 27th February 1832.

TO THE RIGHT HONORABLE CHARLES GRANT.

Sir,—I have the honor to acknowledge, the receipt of your letter of the 24th Instant and in reply beg to state that in my opinion and according to the best information I can obtain upon the subject the measure I should humbly recommend to be adopted for restoring the lawful Heiress of Ramnaad to the throne of her ancestors would be that the Board of Control should issue an order or mandamus to the East India Directors to direct the Government of Madras to pass a Regulation, or Legislative Act for her immediate restoration. Or that it should be done by an Act of Parliament here, as I consider all the measures that have been pursued in this hard case to be entirely unjust and illegal as the Raja was deposed and a successor named to the throne of Ramnaad when the Company were not Sovereigns of the Southern Provinces, in which it is situated and in opposition to the Treaty with the Nabob of Arcot, the Sovereign of the country fixing the succession in the nearest heir.

I understand the Petitions presented to the Government of Madras by the Daughter have been neglected, and I am further decidedly of opinion that to seek a remedy there, and in that way would be both endless and useless and as nearly a life time has been expended in petitioning for redress and as I conceive that the early settlement

of this queston is of importance to the character of the East India Company for Justice, and of the British Nation, I beg both to repeat and recommend that some decisive measure should be adopted for restoring the lawful Heiress to her throne.

I have the honor to be &c.

(Signed) JOHN STUART SULLIVAN.

APPENDIX XVI.

EXTRACT from a letter from the Collector in Madura and Dindigul, dated the 23rd April 1820.

Para 2. In the accompanying translations, every information which I have been enabled to obtain, on the subject, is contained from the Urzi of the Tahsildar of Ramnaad. It is evident, that considerable doubt must exist, as to the legality of the Will, and indeed of the whole proceedings. It must moreover occur to your Board, as being extraordinary, that the Zemindar should not, earlier, have hinted to me, his desire of adopting a child. Until the morning on which I received accounts of his death, no intimation whatever was expressed of such an intention—I then received a letter said to be from the Zemindar, stating, that as he was unwell he had adopted his father-in-law's son, named, Ramasawmy, and at the same time one from the person calling himself the adopted son giving the news of the death of the Zemindar. On comparing the signature of Annasawmy's letter with that of former letters, no resemblance whatever, can be traced. I therefore fear, the proceedings must be considered of a very doubtful nature.

(A true Extract)

(Signed) D. ELLIOT,

Secretary.

APPENDIX XVII.

Revenue Department.

EXTRACT from the Minutes of Consultation dated 1st June 1840.

Read the following letter from the Secretary to the Board of Revenue.

(Here enter 16th April 1840, No. 160.)

Read also the following Minute by the Honorable Mr. Sullivan.

(Here enter 15th May 1840.)

1. In reporting the death of the Minor Ranee of Ramnaad, the Board of Revenue in the letter recorded above, have recommended that the mother of her Sister and successor, should be appointed guardian instead of her grand mother whose animosity to the Manager of the territory has been the cause of great inconvenience. The Right Honorable the Governor in Council approves of this arrangement for the future management of the Ramnaad Estate and accordingly sanctions it.

2. The case of the daughter of the last Rajah of Ramnaad having on this occasion been brought to the notice of Government, His Lordship in Council has been induced to take a review of the circumstances by which the succession to the Estate has been diverted from her.

3. It accordingly appears that in the year 1795 the then Rajah of Ramnaad was set aside by the British Government in conjunction with

the Nabob of the Carnatic (whose tributary the Rajah was, for a political offence). The Rajah had an only child, a daughter, but as she was a *Minor*, it was thought expedient that the Government of the territory should devolve upon his Sister, who it was remarked from her advanced age was not likely to have children. This lady died without issue, but just before her death she *adopted* a son, who became her heir. His claim however to the Zemindary was contested by the daughter of the last Rajah, who obtained a decree in her favor from the Provincial Court for the Southern Division, but that Decree was reversed by the Court of Sudr Udalut, upon the ground that the Government had by giving the "Sunnud-i-Milkeut-Istemerar" or Deed of permanent settlement to the Aunt, conferred the Zemindary of Ramnaad, upon her and her heirs for ever, and that her adopted son was her heir, and this judgement of the Sudr Udalut having afterwards been confirmed by the King in Council, the adopted son in conformity with it was placed in possession of the Ramnaad Zemindary.

4. On his death bed this *adopted son*, having no children of his own authorized his wife to *adopt* her *youngest* brother, who became Zemindar. This man died within a year after his adoption, viz. in April 1830, leaving two infant daughters, the elder, whose death has just been reported and her successor who is a dumb minor. This ancient and valuable inheritance has thus passed away by adoption upon adoption from the lineial heir, the daughter of the last Rajah, to one who is believed not to be in the remotest degree connected by blood with her family, and as it is plain from the language used upon the occasion, that it was the young Ranee's minority *alone* that prevented her from succeeding her father, and that it was the intention of the parties who made the political arrangement by which the Government of the territory devolved upon her Aunt, that she should be reinstated in her rights in the event of the Aunt's dying without children. His Lordship in Council considers hers to be a very hard case and requests the Board of Revenue will take the same into their consideration and state their opinion whether any and what assistance should be afforded to the daughter, who is understood to be now living at an advanced age in a state of beggary.

5. Ordered that Petitions Nos. 393,539 and 540 of 1840, be forwarded to the Board of Revenue, who will cause them to be returned to the Petitioner with an intimation of the arrangements now sanctioned for the future management of the Ramnaad Zemindary.

APPENDIX XVIII.

To the Town Major,

Sir,—I am directed to transmit to you the enclosed copies of the replies of the Pundits of the Sudr Court relative to the disposal of the body of the late Rajah of Ramnaad which you will accordingly permit to be transported to that place in order that the usual ceremonies may be performed by the widow.

From the Register to the Court of Sudr Udalut dated 12th May 1809, with enclosures.

I am &c.,

(Signed) E. C. GREENWAY,

Fort St. George, 10th June 1809. Acting Secretary to Govt.

PUNDIT'S OPINION.

The answer of Sashadry Sastry, Senior Pundit of the Sudr Udalut, to the question given on the 14th March 1809.

As a great man of Thaver caste of the Maraver's country, died in a distant country leaving a wife, a daughter and a sister; his bones should, according to Hindu Law, be delivered to his wife for the purpose of having his ceremonies properly performed. In Jagunnadah Thurka Punchanana in the Chapter of the distribution of property under the head of the right of women it is said thus. "In Scripture, in Law and in Popular usage, a wife is declared to be half the body of her husband, therefore, while that half body is alive, another can neither perform any ceremonies to the deceased nor take his property, although the deceased's father, mother, uterine brothers, &c., be alive yet his wife shall take his estate and perform his ceremonies by defraying the charges thereof from his Estate. "The deceased's daughter sister, &c., are at liberty to give their support to any religious acts or institutions which the deceased may in his life time have done or established by payinganythingfor the same if they have a mindsoto do."

In Vignaneeswarum, &c., books it is said that this law extends to all classes.

Therefore in the present case the bones of the deceased should be delivered to his wife, for the purpose of having his ceremonies performed.

(Signed) SASHADRY SASTRY.

The answer of Venkatasa Sastry, Junior Pundit of the Sudr Udalut.

In order to have the ceremonies properly performed, the bones of the deceased should be delivered to his wife according to the ordinances contained in Vydianadeyam, &c., books, which say that if a man dies without leaving sons, &c., his ceremonies should be performed by his wife, daughter, daughter's son, &c.

* * *

(Signed) VENKATASA SASTRY.

APPENDIX XIX.

On the 16th January 1819, this Kararnamah was executed to the Zemindar of Ramnaad Streemattoo Heraniya Gurba Yajee Ravecoolla Moothoo Vijaya Ragoonatha Ranee Sathupati Sevagami Natchiar and her husband Streemattoo Vijaya Gopala Satupati Maharajah, by Moothathaul and Vellayathaul, the Sisters of the said Vijaya Gopala Satupati Maharajah.

Whereas, although, I Vellayathaul agreed to bestow in Marriage my own daughter Vulleekunnoo Natchiar to Kangiasawmy your adopted Son, and I Moothathaul agreed to bestow in marriage my own daughter Woonamalaycunnoo Natchiar to Iyasawmy Thaver, the younger brother of the above Kaungiasawmy; contrary to this settlement and contrary to family connections in consequence of some family dispute, we intended to bestow our daughters on aliens to the family. The same coming to your notice, you sent for us and in the presence of our relations you requested of us to grant you a Deed of Dissolvency stating that there is no family tie between you and us. This grieved us much and on our asking you in various ways to forgive us our fault this time, you agreed to it and requested us to grant a Kararnamah agreement, to the effect that we will not in future thus misbehave ourselves, consequently we have executed this Kararnamah to you.

Therefore, whenever you wish, you are not only, as above stated, to marry the said Vulleecunnoo Natchiar to the said Kaungiasawmy and the said Woonamalaycunnoo Natchiar to the said Iyasawmy Thaver, but also, whatever daughters may in future be borne by us, we will bestow them in marriage according to your own pleasure.

Should we at any time act contrary to this, and you exclude us from the family, then we are to grant you a Deed of Dissolvency and be excluded. In this manner this Kararnamah agreement was executed by our free will

(Signed) The Mark ÷ of MOOTHATHAUL,
(„) The Mark + of VELLAYATHAUL.

Written by Rajah Gopaul Pillay Son of Veerapermaul Pillay.

WITNESSES.

(Signed) Thanacotee Ramadaver,
„ Kooty Iyah Daver,
„ Sobaroya Daver,
„ Iyasawmy Daver,
„ Nagalinga Daver,
„ Thorasawmy Daver.

APPENDIX XX.

(ON 8 RUPEES STAMP.)

The Bond executed on the 7th August 1824 to to Sri Muth Heraneya Gurba Yajee Ravecoola Muthoo Vizia Raghunada Rani Setupati Shevagami Natchiar, and Sri Muth Pratapa Simha Vizia Gopala Setupati, Zemindars of Ramnaad, and to their Son M. R. R. Kaungiasawmy, by 1 Alwar Iyengar, 2 Srinevassa Iyengar, 3 Raghunada Iyengar, 4 Ananta Kishnien Iyengar, 5 Ponna Iyengar, 6 Muth Iyengar, 7 Devachella Iyengar, 8 Saundraraz Iyengar, 9 Muttu Iyengar, 10 Vardaraz Iyengar and 11 Allaga Iyengar, Shareholders in Parungaruney a Darmasanum Village, in the Taluq of Abiramum of Ramnaad to the following effect.

That on account of the arrears of Khist of the above said Village and from being pressed by the Sirkar, we, the above mentioned parties, with the consent of the other learned Mahajuns of the Village obtained a loan from you to the amount of 700 Pagodas at Madura. From our having received the 700 Pagodas in ready cash, we agree to pay interest at the rate of 1 Pagoda per cent and to liquidate this principal and interest within the 30th May 1825 and recover this Bond. In the event of our not paying within the specified date, we will mortgage the said Village to you until the principal and interest be recovered from the Nunjah, Punjah and Soranadayem proceeds, and then receive the Village and this Bond from you.

This Bond is executed by us with our free will and consent, and with the concurrence of the Mahajuns.

This Bond was written by Rajahgopal Pillay Son of Veera Permal Pillay in the presence of Allagasamy Iyengar of Pogalur Periasami Pillay of Munnalur and Natchiappa Chetty of Ramnaad.

APPENDIX XXI.

From ROSE PETERS, Esq., Magistrate of Madura.

A Rahadaree issued for the information of all Police Officers Muzoomdars, Mettoo Peons and Village Natamigars.

Whereas, as Kaungiasawmy, the Son of Rani Satupati Shevagami Natchiar, Zemindar of Ramnaad, is about to proceed to Madras from Shevagunga accompanied by 20 Men, 10 Coolies, 6 Firelocks, 20 Spears, 10 Swords, 2 Carts, 4 horses, 2 Palanquins and 2 Bullock Coaches, you are to see that they are not obstructed by any one on their way.

(Signed) R. PETERS,
Magistrate.

30th November 1827.

APPENDIX XXII.

To R. PETERS, Esq., Principal Collector of Mudura.

The humble petition of Sri Muth Heraneya Gurba Yajee Raviculla Moottoo Vizia Raghunada Rani Shevagami Natchiar, and Sri Muth Pratapa Simha Vizia Gopala Setupati Rajah, Zemindars of Ramnaad.

Sheweth,—That of our sons it is proposed to celebrate a marriage between Kaungiasawmy, our eldest son, and his younger brother Iyasawmy and the daughters of our husband, Pratapa Simha Vizia Gopala Setupati's sisters, viz. Vullikunoo Natchiar and Wonnamullykunoo Natchiar, and the lowest amount which will be required with the greatest economy would be not less than Pagodas 10,000, if the Zemindary were in our possession. From the allowances granted to

ittanunthul &c. 4½ Villages, mortgaged to Bickajee Bow and to ll our other property and to our funeral rites and ceremonies. As ich you and your heirs alone after our death, as stated above, are o enjoy the whole of the above enumerated Estate in perpetuity. ou are further duly to perform all our funeral rites and maintain he charities performed by us and our forefathers; besides you are lso to perform some charities on your own account and become onorable in the eyes of the Government and the public at large.

In this manner this Will we have executed of our own free rill in a sound and healthy state of body and mind.

This will was written by Moothoosawmy Rani Sathoopati Shevagami Natchiar. (Signed) STREEMUTTOO,

STREEMATTOO PRATAPA SIMHA VIJAYA.
GOPALA SATHOOPATHY RAJAH.

Witnesses.

(Signed) CHINNASAWMY RAJAH.
" THANACOTEE RAMOO DAVER.
" IYSAWMY DAVER.
" SOOBROYA DAVER.
" PARANJOTHEE DAVER.
" VIDEAM RUNGA RAJAH.
" SAMOOGUM MOOTHOOSAWMY RAJAH.
" SHAIK DAVOOD, COMMANDANT.
" PRIEST RAMASAWMY IYER.

This stamp was sold by the Madura Zillah Court and purchased by Pitchay Moottopillay, Vakeel of Streemuth Heranya Gurba Yaje, Ravecoola Moottoo Vijia Rani Satoopati Shevagami Natchiar and Pratapa Simha Vijia Gopala Sathoopati Rajah, in order to execute a Will by them in favor of Rajah Rajestri Kaungiasamy.

25th February 1830. (Signed) APPASAWMY Moodelly.

Stamp Vender's Gomastah.

APPENDIX XXVI.

The Rahadari issued by H. Viveish Esq., Principal Collector of Madura to the Thasildars, Head Peons and Nattamigars and others who are stationed on the road leading from Keelakaray to Tinnevelly.

You are hereby informed that as Kaungiasawmy whom Shevagami Natchiar, late Zemindar of Ramnaad states to be her adopted Son, is

about proceeding to Tinnevelly on private affairs attended with the undermentioned instruments he is to be allowed to pass unmolested.

(Signed) H. VIVEISH,

Principal Collector.

21st April 1832. 4 Swords, 1 State Umbrella, 1 Dagger, 1 Palanquin, 1 Horse, 1 Cart, 20 Men. 6 Spears, and 4 Muskets,

APPENDIX XXVII.

To JOHN BLACKBURNE, Esq., Collector of Madura

The humble petition of Pratapa Simha Vizia Gopala Setupati, the husband of Heraneya Gurba Yajee Ravicoola Muttu Vizia Raghunada Rani Shevagami Natchiar, Zemindar of Ramnaad.

Sheweth,—That from the inefficient enquiry instituted by the officials of the Honorable Company, and from their not representing, justly, and impartially the merits of our case to the higher Authorities, it has unjustly fallen to the lot of said Natchiar and myself to be dispossessed of our heriditary property and to be dependant on strangers, having left our native place and home. We have been lately ill, and there is no ground to believe that we will recover. It has not occurred to the Honorable Company or the legal Authorities to render us justice in placing us in possession of the Zemindary of Ramnaad, our heriditary rights, though we contested our rights during our whole life time.

I humbly request that your honor will bring this petition to the notice of the Revenue Board, Government, Supreme Government and Queen's Council and Parliament, in view that the Natchiar and our adopted son Kungiasawmy, should hereafter be placed in possession of the Zemindary and its appendages.

(Signed) SRI MUTH SIMHA VIZIA GOPAL

20th November 1836. SETUPATI.

APPENDIX XXVIII.

To JOHN BLACKBURNE Esq., Principal Collector of Madura.

The humble petition of Sri Muth Heraneya Gurba, Yajee Ravecoolla Muttoo Vigia Raghunadah Rani Satupati, Shevagami Natchiar, Zemindar of Ramnaad.

Sheweth,

Our husband, Rajah Sri Muth Pratapa Simha Vigia Gopala Setupati was indisposed for a short time, and though proper medicines were administered to him, he did not recover, but died on the 21st

us and the appellant to the Sudr Court, a number of our family have from a long time been depending on us, and therefore the amount granted is insufficient for our daily expenses and we have conducted our expenses with the utmost difficulty. Under present circumstances it is necessary that the marriage ceremony between the above mentioned sons and the girls should take place within the 16th of the month of Tye. However economical the expenses may be conducted, it will at least cost 1,000 Pagodas, and even then it will be difficult. Therefore, we request that from the Mahama Funds of the Ramnaad Zemindary, 1,000 Pagodas may be ordered and that permission may be granted for the performance of the marriages.

Out of the above said Mahama Funds, your honor has performed marriages and charities innumerable. That of all those charitable performances, your honor is fully aware that it is your province to render assistance; and any assistance rendered to these marriages will be of far greater importance than those, and that you will protect and and cherish us and our family.

As we are under your protection, and Kungiasawmy is 33 years of age and Iyasawmy is 31, and as Vullikunoo Natchiar is 16 and her sister Wonamallaykhunoo Natchiar is 14—and as their ages have become mature, it is necessary to perform their marriages on the above appointed date. We therefore request that you will be pleased to grant us the above mentioned amount for the performance of the marriages.

(Signed) RANI SHEVAGAMI NATCHIAR

" PRATAPA SIMHA VIZIAGOPALA SETUPATI,

Shevaganga, 7th January 1828,

☞ A second letter to the same effect was addressed to the Collector in the same month to send an immediate reply.

APPENDIX XXIII.

No. 288.

To Rani SHEVAGMI NATCHIAR.

former Zemindar of Ramnaad.

As in the quantity of paddy received by you from the Aberamum Taluq, was only 651 Cullums, 13 mercals and 1⅞ measures on account of the marriages of your sons, there remained 148 cullums, mercal and 4 measures which was ordered to be paid by the Amin of Sali Gramum Taluq; but in consequence of the whole of the grain having been expended the said Amin reported to that effect. An order has been issued to Streenivassa Iyengar, Amin of Vendhoney Taluq to give you the balance of 148 cullums, 1 mercal and 4 measures out of the grain of Fusli 1236. Send a receipt and receive the grain by one of your own persons.

11th March, 1828 (Signed) R. PETERS,

Collector.

APPENDIX XXIV.

On the 14th March 1830, agreeing with the 3rd of Pungoonee, of the year Verothe, this Mookthiyarnamah was executed by Ramnadapoorum Streemathoo M. R. Ry. Heraneya Gurba Yajee Ravecoola Moothoo Vejaya Ragoonada Rance Sathoopatti Sevagami Natchiar and her husband Streemathoo Pratappa Simah Vijia Gopala Sethoopatti Rajah, to our adopted son Kaungiasawmy.

Whereas as you are the heir to all our Estate, debts and all other property &c. &c. whatever you may transact or execute in Madras or elsewhere in our name, we will consider the same as transacted and executed by us in person.

In this manner this Mookthiyarnamah was executed by our free will.

This was written by Lutchmy Narayana Pillay, Samoogum Royasum.

(Signed) STREEMATHOO RANEE SATUPATI SHEVAGAMI NATCHIAR,
" STREEMATTOO PRATAPPA SIMHA VIJIA GOPALA SATHOOPATTI RAJAH.

WITNESSES

(Signed) Natcheeuppa Chetty, Merchant of Ramnaad,
" Sunkaryah, Samoogum Peshcar,
" Rajahgopaul Pillay, Samoogum Head Royasum.

This document was registered in the Book Marked C. No. 61, in the Zillah Court of Madura dated 18th March 1830, Corresponding with the 7th Pungoonee, in the year Verothe.

APPENDIX XXV.

On the 26th May 1830, corresponding with the 15th Viasee of the year Vikroothee this Will was executed by Streemattoo Heraneya Gurba Yajee Ravecoola Mootoo Vejaya Ragoonatha Rani Sathoopatti Shevagami Natchiar and her husband Streematoo Prathapa Simah Vijia Gopala Sathoopatti Rajah, to our adopted son Kangiasawny.

Whereas, as we are become beyond the age of bearing Children, according to Hindu law and the usages of caste and country we have publicly adopted you as our adopted son and as you are heir to our Estate and property, you alone are the heir to the Zemindary of Ramnaad and to every thing appertaining to it which we have hereditarily enjoyed, for which we paid an annual kist of 94.733 Pagodas to the Honorable Company and which is now under litigation. Should the litigation be decided and either revert to us during our life time or subsequent to it, to our own Siruthatoo (Private

instant at midday. Our adopted Son, Kaungiasamy performed all the funeral rites and ceremonies, according to the Dhurma Shastras, the practice of of our Caste and the usage of the Samastanum. As it is necessary that the bones should be taken to Dhunnicoty at Ramisseram we request that your honor will pass an order to the Devestanum oofficials that according to the usage of the Samastanum, the Stanikars and Stullatars should meet the procession and take it with respect.

As the bones cannot be retained much longer, I request that your honor will be pleased to send me an Enayatnamah within 2 days.

23rd November 1836.

(A similar letter was addressed to the Civil Judge on the same date.)

APPENDIX XXIX.

SUBORDINATE COURT OF THE ZILLAH OF MADURA.

2nd February, 1844.

The Receipt granted for Rs. 1-3-3 being the amount of fees paid into the Court's Treasury on account of Arunachellum Pillay, Vakil to defend the 1st defendant Kaungiasamy Setupati, adopted son of Shevagami Natchiar, late Zemindar of Ramnaad, and others regarding a suit instituted in this Court for the recovery of Rs. 24-8-7 in O. S. No. 13 of 1844.

(Signed) A. PAIKINADA PILLAY, Sheristadar,
(Signed) JUNGAMESWARI CHETTY Shroff,
(Signed) COOPASAMY NAICK, Cash Gumashtah.

APPENDIX XXX.

To J. BLACKBURNE, Esq., Magistrate of Madura.

The humble petition of Sri Mutto Heraniya Gurba Yajee Ravecoolla Muttoo Vijia Ragoonnadha Rani Setupati Shevagami Natchiar, Zemindar of Ramnaad.

Sheweth.

* * *

From our husband having deceased and our adopted son having taken his position we wrote in our Urzis to your honor agreeably to the usual practice, regarding him as Rajah Kaungiasamy Setapati. I far more in preference to our deceased husband to the succession to the Zemindary title and property. Moreover, the said adopted son, according to the Hindu Shastras has a greater right to succeed to the title and propery of our father, than ourselves, being his grand-son.

Consequently we wrote according to our hereditary title designating the Shevagunga Zemindar as Thaver not to disgrace him and honor ourselves.

31st December, 1837

APPENDIX XXXI.

To THE HONORABLE THE PRESIDENT AND MEMBERS OF THE BOARD OF REVENUE.

The humble petition of Sri Muth Heraneya Gurba Yajee Ravecoolla Muttu Vijia Raghunadha Rani Setupati Shevagami Natchiar, Zemindar of Ramnaad.

Sheweth,

That Iyasamy the younger brother of our adopted son Kaungiasamy Setupati, being our brother-in-law's son was brought up and suckled by us from his infancy together with our adopted son as a child. He died a short time ago. His daughter, our grand daughter Mungier Kursi Natchiar became flowered on Monday, hour of 22, the 1st of Karthekay. God having removed our father whilst we were yet young and inexperienced, and Govt. took upon themselves to be our father and mother, we bring this joyful circumstance to your honor's notice. 15th Karthekay of the year Krodhi.

APPENDIX XXXII.

No, 410 of 1849.

To the Right Honorable the Governor in Council Fort St. George.

The humble Petition of S. H. M. R. Ranee Sathoopathy Shevagami Natchiar, Zemindar of Ramnaad.

Sheweth,

I humbly beg to state that I am labouring under dysentry for the last 10 days, but with every prospect of being cured, it not being a desease of an incurable nature. But in anticipation of any accident, I beg to state that entitled as I am to the inheritance of the Ramnaad Zemindary, yet I was unjustly obliged to see that it is inherited by persons who have no right whatever to it. I however continued to hope that my inherent right to the Estate will never slip from me, or my descendants, and that when justice may be granted, my adopted son Kaungayasawmy Sathoopathy will be recognized as the rightful heir to inherit the Zemindary, its wealth &c., and to enjoy the same to posterities, and that in the meantime he will be maintained, after my death, in possessing 4¼ Villages which he now continues to enjoy in conjunction with me. In this expectation I commit the above named Kaungayasawmy Sathoopathy, his wife, sons, daughter, relations and dependants who

Sithanendul	
Chathoorvatha mangalum	
Pereanendul	
Kakanendul	
Oopulgoody	

form the members of a large family to the kind care and protection of Her Majesty the Queen in England, the Honorable Company and the Government respectively. As I am legally entitled to the allowance formerly granted to my late father, my husband, my mother and to the other widows of my father, I beg of your Lordship to order the same to be bestowed upon my said adopted son Kaungiasawmy Sathoopathy together with the Villages now in my possession, to enable him to defray his domestic charges without putting himself to the trouble of seeking his bread in other Foreign States as was the case with me, granting him redress at the same time that he may succeed to the inheritance of the Zemindary. My late husband had clandestinely married a woman without my knowledge of whom was borne a daughter by name Sathookarasi now living in a Village. I now hear that at the instigation of some of my enemies she is about to enter my palace. This woman with intent to kill me, my adopted son &c., had not only had recourse to witchcraft against us but caused poison to be mixed with our meals thro' our servants, a circumstance well known to the whole world, she must not therefore be allowed to enter my palace. My enemies are now divided into two different factions and some of the Concubines of my late father who kept themselves Gosha are now friendly with one another, all frequently shewing themselves to their friends and deriving some benefit thereby and at variance with me as are the watchmen of the different entrances of the palace and the sons of the Concubines, with the exception of one Moottayee and her son named Kallayana Ramasawmy Taver who are faithful to me. I therefore request your Lordship to protect me and my family from any injustice or injury of my said enemies.

I beg to add that I had never passed any document nor addressed Urzees to any authorities regarding the above named Saithookarasoo Natchiar or her mother, but I addressed one regarding the celebration of her marriage, she having lost her mother and been destitute of protection, tho' born to my father. I now submit the above to your Lordship's notice for I am informed that she had forged some documennts and got them to be placed in the public records and that some bad consequences will ensue. I therefore entreat your Lordship will be pleased to protect my adopted son and family under your kind care. I have communicated the above particulars to the Board of Revenue and to the Collector of Madura.

(Signed) C. STREEMATHOO RANEE SATHOOPATHY.
SEVACAWMY NACHEYAR.

13th February 1849.

COLLECTORS ENDORSEMENT.

The matter of the Petition will be made the subject of a report to the Board of of Revenue.

(Signed) R. D. PARKER, Collector.

Madura, 29th March 1849.

APPENDIX XXXIII.

COLLECTOR'S TAKID. No. 67.

To Nursing Row, Salt Amildar of Ramnaad and Shevagunga.

In your Urzi, dated 19th instant, No. 66, you represent that the Kamuncottay Amin wrote to you stating that the porupu or cess on the Chitnanendal &c. 4¼ Villages given to Rani Shevagami Natchiar for her maintenance is due from Fusly 1256 to 1258, at the rate of Rs. 118-9-10 per annum, making in all Rs. 355-14-6 together with the interest up to the present 4th Instalment amounting to Rs. 46-5-6 the total sum being Rs. 402-4-0-and that said sum should be forwarded from the proceeds of said villages; that instead of recovering the cess for each Fusly from the party who held possession of the villages it is not right to demand the arrears now after the villages have come under sirkar management; that it should be recovered from Kaungiasamy Thaver, the heir of Shevagami Natchiar and who enjoyed the proceeds and that the current Fusly's cess should be recovered from the proceeds of the villages. An order accordingly has been issued to the Rani of the Ramnaad Zemindary to obtain the present year's cess from the proceeds of the villages and the arrears from Kaungiasamy Thaver.

(Signed) R. D. PARKER, Collector.

22nd March 1849.

APPENDIX XXXIV.

COLLECTORS TAKID NO. 30.

To Nursing Row, Salt Amildar of Ramnaad and Shevagunga.

You have forwarded an Urzi with documents to the Assistant Magistrate representing that with respect to the complaints preferred by Kaungiasamy Taver, stating that he is the adopted Son of the deceased Shevagami Natchiar, daughter of Muttoo Ramalinga Setupati, Zemindar of Ramnaad, and that he is the heir to all her property, and by Setu Kursi Natchiar alleging that she is the heir of said Shevagami Natchiar, you instituted an enquiry and found that said Kaungiasawmy Taver was adopted by Shevagami Natchiar and her husband Vigia Gopaul Setupati, that they had executed a Muktiyar and a Will in his favor, that he all along managed all their affairs, and maintained them and performed their funeral ceremonies; that Setu Kursi Natchiar is the daughter of the 2nd Wife of Vigia Gopaul Setupati; that she is not the heiress of Shevagami Natchiar, and that she did not maintain them. The above said Urzi and enclosures, together with the Urzi addressed to the Magistrate, dated 20th February, No. 12, as also the Urzi addressed by the late manager on the 24th July 1843, No 565, to the Revenue Department, have been

taken into consideration, and as it is seen that Shevagami Natchiar and her husband executed a Muktiyar and Deed of adoption in 1830 in favor of Kaungiasamy Taver on Stamped paper; that he looked after their affairs and maintained them, and performed their funeral obsequies; that the property of Shevagami Natchiar was on her demise in the possession of Kaungiasawmy Taver; that Setu Kursi Natchiar the daughter of the rival wife, lived separately in the house of her husband. This appears from your Urzi and Enclosures; consequently, you are to place Kaungiasamy Taver in possession of Shevagami Natchiar's property, and to inform Setu Kursi Natchiar that if she has any claim, to file a Suit in the Civil Courts.

(Signed) R. D. PARKER, Collector.

2nd July 1849.

APPENDIX XXXV.

No. 87.

Madura, Dindgul, 31st July, 1849.

From R. D. PARKER, Esq. Collector of Madura.

To T. PYCROFT, Esq. Secretary to the Board of Revenue, Fort St George.

* * *

Para 6.—On the other hand, Kangaya Thaver's claim to be considered the adopted son of the deceased is supported, not only by a Petition to the Government and a similar one to myself, but also by a Will and Mooktyarnamah, executed in 1830, and a number of letters and documents which at least, clearly prove, that Shevagamy Natchiar for many years of her life wished him to be considered her adopted son. Moreover he lived with her at the time of her death, and performed her funeral ceremonies, as she had previously done those of her husband who was his Father's Brother.

7. These facts constitute sufficient prima faciae evidence of adoption to enable me as Magistrate to permit Kangaya Thaver to take possession of the general property of the deceased and to refer the other party to the Civil Court.

I have the honor to be &c.

(Signed) R. D. PARKER, Collector.

APPENDIX XXXVI.

No. 67.

To NARASING ROW, Salt Amildar of Shevagunga and Ramnaad.

The report submitted with regard to the petition presented at the Huzzoor by the Vakeel of Pariasawmy Thaver Son of Kaungia

sawmy Thaver, adopted Son of Shevagami Natchiar on the 28th of last month, in No. 22, has been perused.

The Ayen punnay or farm lands, Thissakavil and Katambalum lands in Sittanendul &c. Villages which were in the enjoyment of Shevagami Natchiar should be put in possession of Periasawmy Thaver and after paying the Melwarum due to the Cirkar, the Cudevarum should be enjoyed by him and Tax paid. You are to adopt measures for the same.

With respect to the Ambalum Merassi together with the privileges of the Ryots said to have been purchased by the said Shevagami Natchiar, you should make enquiries as to the existence of documentary proofs in support thereof and submit a report.

(Signed) COLLECTOR,

26th March 1853.

APPENDIX XXXVII.

Revenue Board Office, Fort St. George, 15th January 1855.

No. 129.

From B. Cunliffe Esqr., Ag. Secy. to the Board of Revenue.

To Sir H. C. Montgomery Bt. Chief Secy. to Government.

Sir,—I am directed by the Board of Revenue to submit, for the consideration and Orders of the Right Honorable the Governor in Council, the accompanying correspondence with the Collector of Madura, having reference to certain claims preferred by Petitioner in Nos. 675-867: and 1265 of 1853.

From Collector 4th in con 24th July 1854 Proceedings 24th Do
From Collector 29th September in con 23rd October 1854 Proceedings 23rd Do
From Collector 31st October in con 15th January 1855.

2. The Petitioner Streemathu Moottoo Vigia Ragoonada Pariasawmy Saithoopathy of Ramnad, is the alleged adopted son of Sevagami Natchiar, daughter of the deposed Zemindar of Ramnad, upon whose death the Villages of Sittanendal &c., enjoyed by her in Enam were assumed under the Orders of Government, dated 17th May 1850, on the ground that she had left no legal heirs.

3. In these Villages the deceased held some lands in her own property, termed "Punnay" The Government share of the Produce was assumed with the Enam, but the right of Cultivation was made over to Petitioner as her adopted son.

4. On assuming the Villages in 1851 the Punnay lands were erroneously Zufted and the Swamy Bhogum carried to account. They were afterwards on the 26th March 1853 released by the Collector, but in the interim the sum of Rs. 54—9—7 was collected

on account of these lands, and credited to Government. For there fund of this the Board now solicit sanction.

5. Petitioner further claims certain Cavelly and Ambalum Meerassees enjoyed by Shevagamy Natchiar, which the Board have desired to be made * over to him. They did not however direct payment of arrears, as he did not perform the duty of the Office during the time the income was received by Government.

Proceedings 24th July 1854

6. With respect to the varry from which Petitioner wishes to be relieved the Board observe from a reference to the Report of the Sub. Collector Mr. Roberts of 11th October 1823 on the settlement of the Ramnaad Zemindary, adverted to by Mr. Parker, that this varry or extra cess, is clearly one of those petty but vexatious exactions which though common under Native Governments, are not adapted to the principles on which our settlements are conducted, they therefore, recommend that this tax should be abolished in all those villages which have come under the management of the Collector.

From Madura 10th in con. 20th November 1823.

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

(Signed) C. B. CUNLIFFE.

Revenue Board office,
Fort St. George 15th January, 1855.

STAR PRESS.

Fort St. George
17th July No. 14
of 1863

To

The Right Honorable the Secretary of State for India,

East India House,

London.

THE HUMBLE PETITION OF SRI MUTH PRATAPA SIMHA PARSUPANI SETUPATI, ADOPTED GRANDSON OF RANI SHEVAGAMI NATCHIAR, DAUGHTER OF MUTTU RAMALINGA SETUPATI, LATE ZEMINDAR OF RAMNAAD.

MOST RESPECTFULLY SHEWETH,

In appealing from the unjustifiable decision of the local Government to your august authority, permit your Excellency's humble Memorialist to submit, with the utmost submission and deference, that he,—the last of an ancient, noble and once powerful family, through the tenacious adhesion of the Honorable the Governor in Council to an illegal and cruel Order which was originally passed on a mere superficial view of the merits of the case,—has been reduced to the lowest depths of poverty and utter destitution.

2. That such are substantially the real facts of the case your Excellency may readily judge by condescendingly perusing the accompanying printed petition, in which memorialist fully and distinctly set forth his indisputable claims, supported by undeniable documentary evidences.

3. The injustice,—gross and unparalled as it is in the annals of British administration in India,—which is rightly and universally acknowledged to be just and equitable,—the injustice of which Memorialist complains is, that whilst the large landed Estates, the Zemindari of Ramnaad, the Peshcush alone of which is about Rupees 3,30,000, and yields an annual revenue of several Lacs of Rupees to the incumbent, has been alienated in favor of individuals who have no right or title thereto, to the total exclusion of the legitimate heirs, yet a comparatively insignificant item amounting to about, at most, Rupees 12,000, the proceeds of certain jewels which are in the hands of Government, belonging to Muttu Ramalinga Setupati, former Zemindar of Ramnaad, and the father of Sevagami Natchiar, Memorialist's adoptive grandmother, is withheld from him, though he has proved beyond doubt his irrefutable claim to the said proceeds.

4. In 1795, Muttu Ramalinga Setupati was, through the malice and intriguing conduct of his sister, Mungaleswari Natchiar, without the slightest ground or the smallest show of reason, taken as a prisoner and confined as such in Fort St. George, where he died on the 24th January 1809. At the time of his demise, he had a large quantity of his personal property in his possession, much of which was stolen by the Sepoy Guard placed over it; and the remainder was taken into the custody of Government, in whose hands the jewels have hitherto unaccountably remained. Unaccountably, because, on the decease of Muttu Ramalinga Setupati, all his other personal effects, together with the bones of the deceased Rajah, were delivered over to Rani Raja Rajeswari Natchiar, his widow, as his immediate heiress, under the Orders of Government dated 10th June 1809, they having previously taken the opinion of the Pundits of the Sudr Court and that of the Advocate General—(Vide Appendix XVIII.) The Rani, Raja Rajeswari Natchiar, duly performed the funeral obsequies of her deceased husband, and inherited all his personal property,—the jewels in question alone excepted,—which from some unknown reason or other, were withheld from her, though she frequently applied for their restoration.

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* Note. All the Appendices herein referred to are given in the Printed Petition to Government.

5. After her death, her daughter, the Rani Sevagami Natchiar, the only legitimate heiress to the Zemindari, having been fully absorbed in contesting her hereditary right to it, the withholding of which caused her the most bitter anguish and uncontrollable grief, did not deem it of sufficient importance to solicit the restoration of the jewels, as she was under the impression, that they would at any time be delivered over to her.

6. On the death of Rani Sevagami Natchiar, all the personal property of her father which she possessed, was inherited by her adoptive son Kaungiasami Setupati —Memorialist's father—and after his decease, by his elder son Periasami Setupati, and lastly by Memorialist himself.

7. Here memorialist would respectfully submit that if the said jewels were delivered over as they should have been done, in common with the rest of all the private property of the Rajah in the first instance to Rani Raja Rajeswari Natchiar, they would have descended to her daughter and necessarily to Memorialist's father, elder brother and himself, and there would be no question now as regards the rightful claimant to the jewels or their proceeds.

8. That these jewels are unjustly withheld from your Excellency's humble Memorialist will be deduced from a single consideration, viz. that his adoptive grandmother Sevagami Natchiar—the only daughter and heiress of the Rajah Muttu Ramalinga Setupati—had every right, title and claim to the Zemindari, which was duly acknowledged by Government, yet on account of her minority, as well as to secure the tranquility of the Country and prevent all future misunderstanding as regards her right of succession, the Zemindari was placed in the possession of her Aunt as her Gaurdian. This arrangement was not abided by Government subsequently, and not only was the Rani Shevagami Natchiar most unjustly dispossessed of her hereditary Estate, but her heirs are kept out of the enjoyment of this paltry portion of her father's personal property. (Vide Appendices from II to VI.)

9. Another consideration is this: that if it be allowed as it is by the highest Judicial and Revenue Authorities that she has been unfairly and unjustly dealt with in regard to her succession to the Zemindari, then it follows that she and her heirs have also been unjustly dealt with in respect to all the personal property of her father.

10. The Revenue and Judicial Authorities candidly acknowledge the right and title of Rani Sevagami Natchiar to the Zemindari itself.

11. The Collector, Mr. Powney, in his letter of the 25th February 1795, proposed to the Board of Revenue that the opinion of nine of the oldest, most learned, and most respectable inhabitants should be taken as respects the right of succession to the Setupati, or the Government of the Ramnaad Province. Such opinion was accordingly taken, and they, one and all declared in favor of the daughter, the Rani Sevagami Natchiar.

12. The report of the Collector together with the answers of the nine principal inhabitants are given in Appendix II.

13. This conclusion was disputed by Mungaleswari Natchiar, the sister of the deceased Zemindar, on the ground that the opinions of the three principal Brahmins, three Head Pundarums of Ramisseram and three of the oldest inhabitants were given under undue influence.

14. The subject was again referred to the Collector, who again instituted an enquiry, and after personally inspecting certain ancient records kept in careful deposit in one of the Ramisseram Temples, confirmed his first statement that Sevagami Natchiar was the only direct heiress to the deceased Zemindar.

Appendix III.

15. Whilst however giving expression to the above conclusion, that Gentleman unaccountably recommended that from "motives of policy and expediency" the succession should devolve on the Sister, who from her old age was not expected to live long or beget any children. In proposing this measure the Collector further recommended that the daughter Sevagami Natchiar should be placed under the protection of her Aunt.

Appendix Do.

16. The reasons assigned were plausible, and Government adopted the views of the Collector without reference to its immorality or illegality. But it is to be remembered that Government in coinciding with the "motive of expediency" as urged by the Collector, had it all along in view that the daughter should, on her arriving at her majority, attain to the possession of the Zemindari. These views are expressly and distinctly expressed by them, as will be perceived from Appendices IV. and V.

17. Further, Mungaleswari Natchiar on attaining at the summit of her wishes betrayed her trust, notwithstanding her most faithful promises, to cherish and pro-

her Niece, the minor daughter of her brother. Her letter to the Governor in Council is given in Appendix VI. The manner in which she sought to defeat the intentions of Government were twofold, by poisoning her niece and her sister-in-law, and failing in this, she pleaded the non-insertion of the name of Sevagami Natchiar, her Niece, in the Sunnud or Deed of Permanent Settlement.

18. Your Excellency will be pleased to note that it was through the intrigues of Mungaleswari Natchiar, the name of the actual heiress, that of Sevagami Natchiar, was altogether omitted in the Permanent Deed of Settlement issued on the 22nd April 1803. Nor would such an important omission have been made, were it not that the higher Authorities—the Governor, Members of Council, Board of Revenue, and the Collector of Pesheush—were all different from those Gentlemen who constituted the Government in 1795.

19. This single omission, this most important error, has caused all the evils, all the distresses, and all the unheard of miseries which overwhelmed Memorialist's grandmother, Sevagami Natchiar, his father, brother, and himself.

20. When the Sunnud was issued Sevagami Natchiar was very young, and of course was too inexperienced to remonstrate against the omission of her name in the Sunnud.

21. Another method reverted to by Mungaleswari Natchiar to preclude her niece from succession was her adoption of one Annasami, who was universally known as the *illegitimate offspring of a slave concubine.*

22. Your Excellency will perceive that the first act of injustice perpetrated by Government was the unjust admission of Mungaleswari Natchiar's claim to the Zemindari; second, by the omission of Sevagami Natchiar's name in the Sunnud; and third, by the recognition of the illegally adopted son, Annasami, the illegitimate offspring of a concubine.

23. The last act was altogether indefensible:—

I. Because Mungaleswari Natchiar was a widow, and according to Hindu law, could not make any adoption, and

II. Because the alleged adopted son belonged to a very insignificant tribe, and of a very low and disreputable caste and family.

24. His mean extraction was urged against him by 35 of the Chiefs of the Maravers, on the ground that all pilgrims of every description, including Princes and Nobles, had to make their obeisance to the Setupati or Guardian of the sacred shrine of Ramisseram.

25. Subsequently, the Rani Sevagami Natchiar disputed the right of her aunt to alienate the Zemindari and to so wickedly alienate the estate. At the same time, the Board of Revenue gave her an Endorsement to the effect that on the death of her aunt, her claims would be taken into consideration. This was never done: for in their Proceedings of the 30th March 1812,* though they acknowledged that it never was the intention of Government to set aside the ancient family; that the Zemindari was transferred to Mungaleswari Natchiar from "motives of political expediency," yet they most unjustly thought proper to recommend to Government that the illegally adopted son of a low born female should be recognized as the Zemindar!! and, such recommendation was accepted and recognized!!!

* Appendix VIII.

26. The Rani Sevagami Natchiar, the only true and rightful heiress of the Zemindari was directed to establish her claims in the Civil Courts. Could there have been any injustice equal to this?

27. In the midst of her misery and despondency she *did* appeal in No. 3 of 1813 to the Southern Provincial Court. That Court thoroughly investigated the case and passed a Decree on the 13th December 1813, (vide Appendix IX.) declaring her to be the rightful claimant, and rejected and ousted the then incumbent, consequent on his illegal and invalid adoption.

28. Annasami appealed against this Decree to the Sudr Court, who remanded the case to the Southern Provincial Court for reconsideration. Said Court, on a re-enquiry of the case, and after fully entering into the grounds of its former decision deliberately affirmed it. Their second decision is given in Appendix X.

29. The Appellate Court unjustly reversed that decision on the ground that the Sunnud given to Mungaleswari Natchiar gave her the proprietary right to the Zemindari and to alienate it.

30. Thereupon, Sevagami Natchiar appealed to the Privy Council, who were pleased, without enquiry or consideration, to affirm the decision of the Sudr Court.

31. That the affirmation of the Decree of the Local Court by them was from a misapprehension of the entire merits of the case may be clearly seen from Appendices XI. and XII., consisting of the judgment of Mr. Rigby, then a Member of the Court of Directors and of Parliament, as also that of the most eminent Law Officers of England.

32. The *main objection* then urged was that the "Deed of Permanent Settlement did not confer any right on Mungaleswari Natchiar either of possession or of alienation.

33. Notwithstanding all this, the 1st Puisne Judge Mr. Grant recorded a Minute, (Appendix XIII.), in which he utterly condemned the Appellate Proceedings (Sudr Court) "as having in "this suit been throughout grounded in fallacy and error," and that a more "singular specimen of sophistry in the legal dress of a Judicial decision was perhaps never "before exhibited or heard of in a Court of Justice, * * * * as in the erroneous con- "structions and mistaken application by this Court of the provisions of Reg. XXV. of 1802." In fine that Gentleman describes the Decree as a very "hodge podge of error, sophistry and injustice." In recording this Minute the Judge recommended that the Court should rectify their error and procure a rehearing of the cause before the Privy Council. Minute is given in full in Appendix XIII, to which Memorialist solicits your Excellency's attention and kind perusal.

34. The like views were entertained in England by Members of the Board of Control, Court of Directors, and of the House of Commons, as also by retired Civil Servants of this Presidency. Among others I. S. Sullivan Esq., who had been in Ramnaad for thirteen years and a half, stated* that the Deed of Permanent Settlement was misunder- Appendix XV. stood, and that the judgment of the Sudr Udalut, which reversed the original finding of the Provincial Court was erroneous. This point was still more strongly urged with reference to a decision of the High Court of Chancery of the 20th November 1828 in the case of Freeman vrs Fairly in which it was declared that the Deed of Permanent Settlement was nothing more than to settle the amount of tribute. (Vide Appendix XIV.

35. Notwithstanding the undoubted right of Rani Sevagami Natchiar to succeed to the Zemindari, in virtue of her hereditary claim, and though Government themselves acknowledged such right, still she was not placed in possession of the Zemindari. On the contrary she was allowed to pine and die in wretchedness and poverty.

36. Meanwhile, whilst every effort was being made in England on behalf of the daughter, Annasami, the illegally adopted illegitimate son of a *slave concubine*, died without issue, and one Ramasami falsely claimed the succession on the ground of his adoption by the widow of the said Annasami. This claim was rejected* by the Collector, he being Appendix XVI. convinced that the alleged Will of Annasami was a forgery, and the adoption more than doubtful

37. The Sudr Court however issued a precept directing Ramasami to be placed in possession of the Zemindari on his proving his adoption, which he easily did, from the large resources he had at his command.

38. Government were convinced that Ramasami's claim was doubly illegal, from the Will being forged, and from his being the brother of his adoptive mother. He could not be her son since she could not marry his father, i. e. her own father.

39. The foregoing statement proves that Mungaleswari Natchiar was placed in possession of the Zemindari as the Guardian of the minor Sevagami Natchiar; that her adoption of Annasami was illegal; that the adoption of Ramasami by the widow of Annasami was doubly illegal, and that therefore the widow of Ramasami, the present Zemindarni, has no right to the estate. With reference to this triple illegal alienation, Government themselves could not help deploring the injustice they had done to Sevagami Natchiar. In Extract Minutes of Consultation of the 1st June 1840, they say: "This ancient and valuable inheritance has thus "passed away by adoption upon adoption from the lineal heir, the daugh- * Appendix XVII. "ter of the last Rajah, to one who is believed not to be in the remotest "degree connected by blood with her family."*

40. The Pieshcush is comparatively small, and after the deduction of all charges there remains a balance of about Rupees 300,000 and more per annum. During the last 50 years there must have accrued a surplus of at least 18 millions of Rupees, which have been expended by the successive illegal incumbents in making themselves secure in the possession of the Zemindari, to the utter exclusion of the rightful heirs.

41. The first great error was in Government granting an illegal Sunnud, and the second was in the Sudr Court misinterpreting the said Sunnud or Deed of Permanent Settlement, and passing an erroneous decision regarding it, which was unjustly affirmed by the Privy Council. These errors might even now be rectified by the cancelment of the Sunnud and the ejection of the present Zemindarni, who is making strenuous efforts still more to estrange the Estate, in favor of a party who is no nearly allied to the ancient family than herself. The various unwarrantable, unjustifiable measures resorted to by her are fully detailed in para. 27 of Memorialist's printed petition to Government.

42. Memorialist has above shown that the Zemindarni has no right or title to the Zemindari. What right then can she have to these jewels, a remnant of the personal property of Muttu Ramalinga Setupati, to which not even his sister had any claim.

43. On the 24th January 1809, Muttu Ramalinga Setupati died at Fort St. George. His widow applied for his body and all his personal property, when Vide Appendix XVIII. and para. 30 of Petition. Government, on the opinion of the Pundits of the Sudr Court and the Advocate General, directed the Town Major to transmit the remains of the deceased Poligar to the Widow.

44. A year after the demise of the Poligar, his sister Mungaleswari Natchiar applied for the jewels, and Mr. Collector Parish backed her demand by making two statements which had no foundation in truth, viz. that Government had declared her to be the sole heir to the real and personal property of her brother and that the jewels were Regalia. Vide para. 31 of Petition. The late Collector Mr. Clarke in his report of the 19th December 1859 unhesitatingly declares that these assertions of Mr. Parish are not borne out by the Records.

45. The nature of the jewels show that they are not Regalia and the correspondence which transpired between the years 1795 and 1809 equally prove that the Sister was never declared to be the sole heir to the personal property of her brother. Her claim was on a second reference to the Pundits of the Sudr Court rejected by Government and the jewels were retained in deposit to be delivered to the rightful heirs.

46. Raja Rajeswari Natchiar the Widow of the deceased Poligar, who performed his funeral ceremonies, and inherited all his private property which were at Ramnaad applied to Sir Barlow's Government on the 8th February 1809, for the delivery of the jewels to her; but no notice was taken of her application. On her death, her daughter Shevagami Natchiar inherited all the personal property of her father and mother, and on the demise of Shevagami Natchiar it descended to Kaungiasami Setupati Memorialist's father and after him to his brother Pereasami Setupati, and lastly to himself. Such being the case, it is difficult to conceive why these jewels are withheld from Memorialist as they are but a small portion of the personal property of Muttu Ramalinga Setupati.

47. Mr. Collector Clarke latterly enquired into the claims of all parties to these jewels, and though he had not before him at the time all the documents which Memorialist subsequently submitted to Government yet he could not but come to the conclusion that Memorialist had the best right to them, but for two objections raised by Memorialist's opponents, who seek thereby to deprive him of even this insignificant portion of his adoptive Grandmother's property.

48. The objections are; the illegality of the 2nd marriage of Memorialist's adoptive Grandmother, and the invalidity of the adoption made by her of Memorialist's father.

49. That these objections are false, unfounded and malicious, your Excellency will perceive from a perusal of paras, from 38 to 59 of the printed petition, and the appendices from XIX to XXXVII, referred to therein.

50. The 2nd marriage of Rani Shevagami Natchiar with Pratapa Simah Vigia Gopala Setupati was every way legal, it having been in strict unison with the laws and customs of the Maravers publicly solemnized and approved of and acknowledged by all her friends, relations and neighbouring Zemindars, among whom ranked foremost the Zemindar of Shevagunga, who conferred on her and her husband a Village out of his Estate for their support. The marriage was also recognized by the Southern Provincial Court, and they directed, in their Appendix IX. Decree of the 13th December 1813, the Zemindary to be placed in her and her husband's possession. Further if the marriage had been illegal, it would have been put forth as a plea to have Shevagami Natchiar's right to the Zemindari, and adverted to by the Sudr Court in their Appeal Decree No. 18 of 1814. Lastly, up to the time of her death, the Rani was held in the highest respect by her kindred and equals in rank, and had free and open intercourse with them.

51. The marriage being legal, it follows that the adoption by her of Memorialist's father was valid. One assertion however with regard to the adoption, false as it is, requires to be met: and that is that Kaungiasami Setupati was, at his adoption, married and the father of two children. Nothing could be more untrue, and there are abundance of documentary evidences to prove. He was publicly adopted in 1814, and the usual religious ceremonies were performed by prohitas. On the 16th January* 1819, the two sisters * Appendix XIX. of his adopted father promised, under a written agreement, to give their daughter in marriage to him. On the 7th August† 1824, 11 Brahmins † Do. XX. executed a Bond on stamped paper in the joint names of Sevagami Natchiar and her adopted son Kaungiasami Setupati. In a Rahadari issued by Mr. ‡ Do. XXI. Collector Peters, dated 30th November‡ 1827, Kaungiasami Setupati is described as the adoped son of Sevagami Natchiar. On the 7th January§ 1828, § Do. XXII. the adoptive parents solicited the same Collector to grant them a special

allowance of 1000 Pagodas either in kind or money, to celebrate the marriage of their adopted son, with which request that authority complied, as given in his reply of the 11th‖ March 1828. In 1830 Kaungiasami Setupati's elder son was born, and in 1832 Memorialist. On the 14th March* 1830, the adoptive parents executed a Muktiyar or Power of Attorney authorizing their adopted son to take charge of all their affairs, and on the 18th idem it was duly registered. On the 26th May† following they executed a Will, which was also registered bequeathing all their property to him. To two applications of the adoptive parents dated 29th March‡ and 14th April 1832, Mr. Collector Parish granted a Rahadari to the adopted son dated 21st April‡ 1832. During the last sickness of Vijia Gopala Setupati, he in an Urzi of the 20th November§ 1836, requested the Collector Mr. Blackburne to allow his adopted son to inherit all his rights and property, and after his death the widowed Rani informed the Collector and the Court on the 23rd‖ of the same month that her adopted son had performed the obsequies of her deceased husband. In the Mufti Sudr Amin's Decree in O. S. No. 13* of 1844; as also in a receipt given by said Court for fees paid, the adoption of Kaungiasami Setupati was acknowledged. Under various dates,† the adoptive mother addressed the Collector, Board of Revenue and Government affirming the adoption of Kaungiasami Setupati. Particularly on the 13th February‡ 1849, she from her dying bed addressed all the above Authorities soliciting the confirmation of all her rights and properties to her adopted Son. After her death, the Collector in an Order of the 22nd March 1849* directed the arrears due on the lands belonging to Shevagami Natchiar to be collected from Kaungiasami Setupati, her adopted Son and heir. The Ramnaad Head of Police, reported, under date the 4th June 1849, that Kaungiasami Setupati had performed the funeral ceremonies of his adoptive parents and that he was unquestionably their adopted Son, and the Collector in a Takid of the 2nd July 1849, after thoroughly satisfying himself as regards the genuineness of the Muktiyar, Will, Petitions &c., passed an order that all the property of the deceased Rani should be delivered over to him. Mr. Collector Parker, in his report to the Board of Revenue dated 31st July, stated that there was prima facia evidence of the reality of his adoption and delivered all the "general property of his adoptive mother to him."

‖ Appendix XXIII.
* Do. XXIV.
† Do. XXV.
‡ Do. XXVI.
§ Do. XXVII.
‖ Do. XXVIII.
* Do. XXIX.
† Do. XXX & XXXI.
‡ Do. XXXII.
Do. XXXIII.
Appendix XXXIV.
Appendix XXXV.

52. The foregoing brief recapitulation of documentary evidence, will, it is presumed, clearly prove to your Excellency that the Rani Shevagami Natchiar was legally married and that the adoption of Kaungiasami Setupati was valid.

53. As already stated, the Widow Raja Rajeswari Natchiar inherited all the private property of her deceased husband, these jewels alone excepted. On her death, her daughter Shevagami Natchiar succeeded to it, all of which were placed in possession of her adopted Son Kaungiasami Setupati. He died in 1850, and the private farm lands having been sequestrated by mistake, they were ordered to be made over to Periasami Setupati under an order of the 26th March 1853, Appendix XXXVI.

54 Periasami Setupati presented petitions, and the Board of Revenue in their proceedings Appendix XXXVII of the 15th January, 1855, on the Collector's Report, requested and obtained the Sanction of Government, Extract Minutes of Consultation 30th January that the landlord's share which accrued on the private Farm-lands should be made over to him, thereby distinctly recognizing the right of Pariasami Setupati as the adopted Son of the Rani Shevagami Natchiar.

55. On the death of his elder brother, Memorialist fell into the possession of all the property which was enjoyed by his father, brother, and adoptive grandmother.

56. The above being the real facts of the case, it is for your Excellency to judge what right the present Zemindarni has to the private property of Muttu Ramalinga Setupati, the more especially to these jewels, since she nor her predecessors never laid any claim to any of all his other property.

57. In brief recapitulation of the foregoing statement, Memorialist would humbly submit that it has been irrefutably proved.

I. That Mungaleswari Natchiar was never acknowledged to be the heiress to the personal property of her brother.

II. That her adoption of Annasami was illegal and done with the malicious motive to exclude the rightful heiress her Niece.

III. That the adoption of Ramasami by Annasami's Widow was also illegal.

IV. That as neither of the above alleged Sons, had no proper title or legal right to the Zemindari, it follows that the present so-called Zemindarni has no right or title to the Zemindari itself.

V. That whilst she has no legal title to the Estate itself she cannot possibly have any right or title to these jewels, to which even the claim of Mungaleswari Natchiar was disallowed by Government.

VI. That on the contrary Rajah Rageswari Natchiar, the Widow, was acknowledged the heiress of her deceased husband, whose funeral obsequies she performed, and whose private property she inherited and enjoyed.

VII. That on her demise, her daughter Shevagami Natchiar succeeded to the property

VIII. That on her death, her adopted Son; after him her elder grandson, and now Memorialist himself succeeded to the personal property of Muttu Ramalinga Setupati.

58. It is on these conclusive grounds that Memorialist preferred his rightful claim to this small remnant of the personal property of Muttu Ramalinga Setupati, the father of his adoptive Grandmother.

59. Your Excellency will be pleased to observe, that the Collector Mr. Clarke, in his report, dated 19th November 1859, totally disallows the right of the Zemindarni to the proceeds of these jewels. After stating his objections in paras 18, 19 and 20 to the false claims of the Zemindarni he uses in para 21 the following plain language, "The title of the Zemindarni to "this property, most questionable at the first, cannot, I conceive, at this distance of time be "recognized at all." That Authority further states in para 22, that "the Sons of Kaungiasami "Setupati the alleged adopted son of Shevagami Natchiar, if they could show that the adop-"tion of their father was real and legal, appear to me to have the best title to the property." This point Memorialist presumes he has herein fully and distinctly placed beyond question; and he feels confident that if the documents submitted in the Appendix were before that Gentleman at the time of writing his report, he would not have hesitated to have expressed himself decidedly in Memorialist's favor. As it was, that Authority overlooked one important fact, viz. that Kaungiasami Setupati and his Sons have in virtue of their adoption, enjoyed all the other property of the Rani Shevagami Natchiar, under the sanction of the Board and Government.

60. Such were the indisputable grounds on which Memorialist solicited Government to deliver to him the proceeds of the jewels, which were sold under their Orders of the 16th December 1859 for Rupees 12,851-2-6.

61. In their order, 21st July 1862, No. 533, Government entirely misapprehending the actual merits of the case, directed Memorialist "to file a suit against the Rani of Ramnaad for "the property he claims, and that unless the Petitioner prefers this claim within 6 months "from the date of this Order, the property will be delivered by the Government to the Rani of "Ramnaad, as the proper owner thereof."

62. Against this most unjustifiable order, Memorialist appealed representing that as the Zemindarni had no right to the Zemindari itself, she had no right to these proceeds, and that since she was not in possession of the property, Memorialist could not with any degree of propriety or justice prosecute her. In fact the Suit would not hold good.

63. After repeated representations of this kind, the local Government in their Proceedings of the 4th February 1863, No. 70, para 3, were pleased to pass the following order. "The "Petitioner preferred several petitions urging particularly that he was not competent to sue "the Zemindarni for property which was not in her possession, and never had been, and on this "and other grounds the Government saw reason to doubt the propriety of the previous decision. "They accordingly resolved to refer the matter to the Advocate General. para 4. * * * "In accord-"ance with his advice, the Governor in Council resolves to recall the order of the 21st July, "1862, and to intimate to the Petitioner his wish that they should file Suits against the Go-"vernment. The Court will then be moved to make them interplead and settle their re-"spective claims."

64. From this decision your Excellency will perceive that though the local Government have, in some small measure rectified their first mistake, yet that they persist in their adherence to their original decision, in withholding from Memorialist the proceeds of the jewels in question. Subsequently, Memorialist requested that his printed petition, containing many fresh and irrefutable evidences, may be referred to Mr. Collector Clarke, who was long a Ruler of the District, and to the Advocate General, who at the time of giving his opinion (previously stated) was not in possession of any of the most important documents which Memorialist did submit. Had those documents been submitted to Mr. Collector Clarke and the Advocate General, without a question they would have arrived at the conclusion, that Memorialist was the rightful heir. But the matter was not referred to Mr. Clarke, who is at present a Member of the Board of Revenue, nor to the Advocate General.

65. The Advocate General's opinion was, in the first instance, given exparte, inasmuch as the documentary evidence, which Memorialist possessed and submitted were not before him at the time, and it was the revocation of that opinion that Memorialist sought and solicited.

66. This request to have his printed Petition forwarded to that Officer not having been complied with, and being unjustly kept out of the enjoyment of the proceeds of the jewels in question, Memorialist most humbly and respectfully solicits your Excellency to take his hard and hapless case into just and gracious consideration, and render him justice.

67. Memorialist has clearly and distinctly proved that the present so-called Zemindarni has no right or title to the Zemindari, and that her claim to the proceeds of the jewels is still less valid, the more especially, as Memorialist's father, elder brother and himself have enjoyed all the other personal property of the Rajah Muttu Ramalinga Setupati, under the orders of the Authorities. If these proceeds were at once delivered over to me, there would not be the slightest difficulty or trouble as regards the rightful claimant, as then there will be none to contest or dispute my claim to the jewels. Should any such come forward, Memorialist will, and is prepared to defend his rights.

68. A great and gross act of injustice was done to the Rani Shevagami Natchiar by the late Honorable East India Company, by excluding her from her rightful inheritance, and by permitting so large and valuable an Estate as the Ramnaad Zemindary to be alienated. From the persistence of Government in an unjust illegal and indefensible course of conduct, towards the rightful heirs, an ancient and honorable family has been ruined, disgraced and made to experience all the bitter pangs of want and utter destitution. Notwithstanding the admitted illegality of the alienation of the Estate, and though as pointedly shown that the Zemindarni is making the most strenuous efforts fraudulently to convey the Estate to an individual who has not the most distant claim to it, Government instead of checking the fraud and escheating the Estate, still futher encourage the Zemindarni who is already bloated with enormous wealth to prosecute her claim, though she has none, in the Courts to the proceeds of these jewels. Government have futher directed Memorialist in an order dated 28th April 1863 to contest his claim with her, both parties—Memorialist who has every claim, and the Zemindarni who has none whatever—to sue the Authorities. It is for your Excellency to judge whether this is a fair and equitable Order. Is it right and just in Government to invite the Zemindarni to contest Memorialist's right to the proceeds when they are fully aware that she has not the smallest claim to them, and that without taking into consideration the various incontestible proofs adduced by him in support of his undoubted right. The subject is exceedingly simple, and can be decided on its actual merits, and there is not the slightest necessity for any one to go to Law against Government, least of all, Memorialist. Already he is overwhelmed with misery, and subjected to want and privation. Beggary stares him in the face, and unless your Excellency graciously condescends to render him justice, he will become a thoroughly ruined man and doomed to irremediable, inevitable misery. Memorialist however has the fullest, firmest, surest belief that his appeal to your Excellency will not prove unavailing, that justice, though latent will be shown him. that he, the august Authority, to whose honor the welfare of millions of Her Most Gracious Majesty, the Queen's subjects is entrusted will deliver him from the ruin impending over him ; and in this hope and trust he feels the greater assurance, since it is not to be supposed, that the wrongs inflicted on him, his brother, father and adoptive Grandmother will be perpetuated by a just upright and generous Administration, such as that of your Excellency under the direct auspices of the Sovereign.

Memorialist, in consideration of all the foregoing statements, solicits, with all due deference and submission, your Excellency to be graciously pleased to peruse the accompanying printed petition especially the documents given in the Appendix, and pass an order that the proceeds of these jewels may be delivered to him.

And Memorialist as in duty bound

Will ever pray

27 JUNE 1863.

No. 87

Final Dep.t

Read the following Memorial from Shrimath Pratapa Simha Perapani Setapati of Bamarad dated 27th Jan. 1863

forwarding for transmission to the Secretary of State appealing from the decision of this Govt. on his claim to be put in possession of certain jewels belonging to a former Zemindar of Bamarad.

Order thereon 15th July 1863 No. 463.

Final Dep.t
" "

686 Dec.r 16 - 1853
187 Janry 4th 1860
533 July 21. 1862
54. January 24th 1863
66 Janry 30th 1863
79 February 4th 1863
No 301 April 28. 1863

Re memorial received with this Petition & copies of the Govt. noted in the margin will be proceeded on the consideration after H.M. the Secs. of State.

2.

5 C.L.S. 40

Ind. Dep.t No. 14 of 1863

Intimation of this appl

Finl Ltr to Engr 17th July 63
of 1863.

List of Bs. Rec.

Finl 1863 Depart

No 463

Proceedings of Govt

H/Q 4th Div 1st Corps

Dd 15th July 1863.

40441

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