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Not to be folded or roughly handled

Proceedings of the Madras Government, Financial Department,
30th January 1863.

Read the following Petitions:—

No. 88. From STREEMATU PRATAPA SIMHA PARSUPANI SETUPATI, Ramnaad; to A. J. ARBUTHNOT, Esq., Chief Secretary to Government, Fort Saint George, dated 19th December 1862.

In soliciting the transmission of the accompanying triplicate copies of my Memorial to the Right Honorable the Secretary of State, in respect to my just and lawful claim to certain jewels which belonged to my great grandfather Muttu Ramalinga Setupati, and which is in the custody of Government, permit me, honored Sir, to ask your attention to the subjoined analysis of the case, trusting that from your honor's just and impartial consideration of it, you will relieve me from the dilemma in which I am placed, either of prosecuting the authorities or of foregoing my acknowledged rights.

So far back as 1840, Government in Extract Minutes Consultation, 20th June of that year, fully admitted that the alienation of the Zemindary itself in favor of the present Rani, who is the widow of the adopted son of the adopted son of Mungaleswari Natchiar was illegal.

What claim has she then to these jewels?

Mr. Collector Clarke in his report to Government under date 19th November 1859, paragraphs 18 to 21, distinctly states that neither Mungaleswari Natchiar nor her successors were entitled to the jewels, and that (paragraph 22) I alone am entitled to the jewels contingent on two conditions:—

I. Proof of the legality of my grandmother's second marriage.

II. Proof of the validity of my father's adoption.

From a perusal of the enclosed printed petition your honor will perceive that the most indubitable proofs are in existence with regard to these two points.

It follows therefore that I alone am the heir to the jewels; inasmuch as I also enjoy all the property of my great grandfather.

If through the favor of Government, the present Zemindarni enjoys the Estate, *that* can give her no right to these jewels, since she is not the heir of the deceased Zemindar, his widow or daughter. Her claim, besides, was all along rejected by the authorities.

I therefore most respectfully request your honor to take my case into kind consideration and through your honor's favorable recommendation, be graciously pleased to procure an order directing the immediate restoration of the proceeds of the sale of the jewels to me, or to grant me a further extension of six months, pending the decision of His Excellency the Right Honorable the Secretary of State.

Your honor will be pleased to observe that the jewels have been in the possession of Government for more than half a century, and it can make no difference *now* if they be retained in deposit for six months longer.

With reference to the order of Government to sue the Rani of Ramnaad, I consulted my Solicitor, and his advice is that I can sue none but Government, which I am unwilling to do, and will not unless *compelled* to adopt that course.

But I humbly and fervently trust that on a candid perusal of my Memorial and its enclosures, your honor will see the justice of immediately placing me in possession of the jewels or their proceeds.

(Signed) ஸ்ரீமத் பிரதாப சிம்ஹ பரசுபாணி சேதுபதி யெழுதினது.

19*th December* 1862.

To His Excellency the Right Honorable the Secretary of State for India,

India House, London.

The humble Memorial of STREEMATU PRATAPA SIMHA PARSUPANI SETUPATI, adopted grand-son of Rani Sevagami Natchiar, daughter of Muttu Ramalinga Setupati, the late Zemindar of Ramnaad.

Most Humbly Sheweth,

That being deeply aggrieved with the orders passed by the Local Government under date the 21st July and 1st December 1862, directing Memorialist "to file a suit against the Rani of Ramnaad," in reference to certain jewels which belonged to his adoptive great grandfather, Muttu Ramalinga Setupati, the former Zemindar of Ramnaad, and to which Memorialist alone has a rightful claim, he most humbly and respectfully presumes to prefer this appeal, in the firm and unwavering assurance that your Excellency will render him justice.

2. That whilst the enclosed printed petition to the Honorable the Governor in Council contains a full detail of the case, Memorialist would humbly solicit your Excellency's attention to the following brief recapitulation of the main grounds on which his claims are founded.

3. Memorialist's adoptive great grandfather, Muttu Ramalinga Setupati, died at Fort Saint George in 1809, and on his demise, Government asked the opinion of the Sudr Court as to who was the heir of the deceased Zemindar, and in the reply of the Pundits* accompanied by the Registrar's letter, under date the 12th May 1809, they distinctly stated that the widow was the heir. The Advocate General also gave it as his opinion, through the late Honorable Company's Solicitor, under date the 1st March 1809, that she was the heir. Accordingly, Government caused the body of the deceased Zemindar to be transmitted to Raja Rajeswari Natchiar, his widow, at Ramnaad, in view to her performing the funeral ceremonies, and consequently she succeeded to all the deceased's personal property. This procedure of Government is strictly in accordance with the law† and usage prevailing throughout Southern India.

* Vide paragraph 5 of enclosed petition.

† Vide paragraph 7.

4. Whilst all the private property of the deceased Zemindar, consisting of houses, lands, cattle, manniems, mirasses, &c., &c., which were at Ramnaad, were immediately inherited by the widow Raja Rajeswari Natchiar, and indisputably enjoyed by her, the jewels now claimed by Memorialist were retained in Government deposit.

5. The foregoing statements show that Raja Rajeswari Natchiar was the only acknowledged heir of her deceased husband, and that Mungaleswari Natchiar, his sister, was never recognized as the heir to the personal property of her brother.

6. The latter individual claimed the jewels as her brother's heir, and of said jewels being Regalia. In these false assertions, she was sought to be borne out by the then Collector Mr. Parish; but the records‡ of Government from 1795 to 1812 bearing on the subject clearly show that Mr. Parish's statement as to Mungaleswari Natchiar having been the acknowledged heir of her brother was utterly without foundation; and a consideration of the description of the jewels in question will convince your Excellency that they were not Regalia.

‡ Vide paragraph 8.

7. Such is the exact view taken by Mr. Collector Clarke, who states, in his letter of the 19th November 1859, paragraph 5, to Government, that there is nothing on the records "to "justify the statement of the Collector Mr. Parish that the Government in their public Orders "acknowledged the Rani [Mungaleswari Natchiar] to be the sole heir to the personal property "of her deceased brother." Further, on the requisition of Government on the 24th February 1810, with reference to Mr. Parish's letter, the Pundits of the Sudr Court adhered to their previously given opinion.§

§ Vide paragraph 9.

8. It is to be noted that all the facts were fresh in the recollection of the then members of Government, and they therefore, fully concurring with the views put forth by their highest Law Officers, once and for ever, rejected the preposterous claims of Mungaleswari Natchiar, notwithstanding the injudicious and improper support afforded it by Mr. Parish.

Proceedings of the Madras Government, Financial Department,
30th January 1863.

9. Government having disallowed the claim of Mungaleswari Natchiar to the personal property of her brother, it follows that her heirs (if any) could have had no right thereto. But she had no heirs.* In her old and decripit age she adopted a son, which adoption, from her being a widow was illegal, and the adoption made by the widow of the adopted son of Mungaleswari Natchiar's adopted son was doubly illegal; and it is the widow of the second doubly illegally adopted son, who is now accounted to be the "Rani of Ramnaad" and whom Memorialist is directed to sue.

* Vide paragraph 10.

10. The widow Raja Rajeswari Natchiar having inherited the personal property (with the exception of the above jewels) of her deceased husband, on her demise, her daughter Sevagami Natchiar, Memorialist's adoptive grandmother, succeeded to it, and this, also, is in accordance with Hindu† Law and immemorial usage.

† Vide paragraph 11.

11. It may be enquired, why the jewels in deposit were not claimed either by the widow or the daughter of the deceased. The reason is obvious; they being fully engaged in the more important affair of recovering the Zemindary,‡ they thought that these jewels would be delivered over to them on their simply applying for it.

‡ Vide paragraph 12.

12. After the death of Rani Sevagami Natchiar her adopted son Kaunagiasawmy Setupati succeeded to all the property, under the recommendation of the Collector, and concurrence of the Board of Revenue and Government. This shows that he was acknowledged as the adopted son and rightful heir to the property of the daughter of Muttu Ramalinga Setupati. On the death of Memorialist's father, his elder brother, Periasawmy Taver, succeeded to the property, and on his decease, it fell into the possession of your Excellency's humble Memorialist.

13. Thus it will be seen that Memorialist, and he alone, is the only living heir to the personal property of Muttu Ramalinga Setupati, the father of Memorialist's grandmother Sevagami Natchiar.

14. In urging his claim, Memorialist would humbly represent the following important facts, viz:—

I. In Extract Minutes Consultation of the 1st June 1840, paragraph 4, Government fairly admit the injustice done to Sevagami Natchiar, (Memorialist's grandmother) and her heirs, in alienating the Zemindary in favor of parties who are in no ways allied to the family.

II. Mr. Collector Clarke, in his aforementioned report to Government of the 19th November 1859, from paragraphs 18 to 21, distinctly declares, that after a close and vigorous research of the whole of the records in any way connected with the matter at issue, he could not but come to the conclusion, that neither Mungaleswari Natchiar nor any of her successors were in the least entitled to the jewels in deposit.

III. That of all the claimants, Memorialist alone had the clearest right. This he states in paragraph 22 of his letter.

15. But notwithstanding this admission by Government, and notwithstanding the expressed conviction of the Collector Mr. Clarke, Government in consideration of the wealthy and prosperous condition of the present Zemindarni, a position which she occupies only through their grace and beneficence, now seeks to follow up one acknowledged illegal act by another, by making over the jewels to her.

16. The above are important and tangible facts, and yet, it is strange, unaccountably strange, that Memorialist should be unjustly kept out of his rights, and he desired to sue a party, who has been acknowledged by Government to have no right to the Zemindary itself, and who, in sequence, has not and cannot have any right or title to the jewels.

17. It will be apparent to your Excellency that to direct Memorialist to sue the present Zemindarni, who has not possession of the property, and who having no right or title, does not claim it, is, in tantamount terms, to direct him to sue a myth or phantom.

18. From malicious and interested motives the enemies of the Memorialist seek to cast a slur and a stigma on the 2nd marriage of his adoptive grandmother, Sevagami Natchiar, and on the adoption of Memorialist's father, Kaungiasawmy Setupati, by calling them in question.

19. Innumerable proofs exist sufficient to obviate the doubts of the most incredulous, that both the 2nd marriage of Rani Sevagami Natchiar, and the adoption by her of Memorialist's father was perfectly legal and valid—justifiable in the eyes of God and man. A perusal of from paragraphs 15 to 17, of the enclosed printed petition, will convince your Excellency that it is only as a forlorn hope that this subject has been latterly brought forward by parties who seek, right or wrong, by fair or unfair means, to defraud Memorialist of the jewels in question.

20. From the foregoing your Excellency will perceive that gross and palpable injustice has been perpetrated towards him in being directed to recover property from a party who has not possession of, and has no claim or title to the jewels.

21. As shown above.

I. Mungaleswari Natchiar, the sister of the Memorialist's great grandfather, was not the heir to his personal property.

II. Memorialist's grandmother, Raja Rajeswari Natchiar, the widow, was recognized as his heir by Government, and she, her daughter, the daughter's adopted son (Memorialist's father,) and elder brother and now, Memorialist himself (as the only living heir) uninterruptedly enjoyed all his personal propetty.

* Vide paragraph 4 of Extract Minutes Consultation, 20th June 1840.

III. That the present so called Zemindarni enjoys the Estate itself through favor of Government* and not from any inherent claim of her own.

† Vide, from Collector, 19th November 1859, paragraphs 18 to 21.
‡ Do. do. paragraph 22.

IV. That, besides, the late Collector Mr. Clarke, set aside her claim,† and denied that she had no right or title to the said jewels, whilst he at the same time recognized‡ that of Memorialist.

V. That it is clear, that if these jewels were delivered over to Memorialist's grandmother Sevagami Natchiar, he would, as her heir, have fallen into its possession, in the same manner as he enjoys all her other property.

VI. With reference to the order of Government he consulted with his Solicitor, and he has been advised by him that there were no substantial grounds to sue any one but Government; but this course Memorialist is unwilling to adopt, since it is far from his thoughts to become involved with the authorities.

He therefore most humbly and respectfully solicits your Excellency to take the subject into mature and deliberate consideration, and graciously condescend to pass an order directing the proceeds of the sale of the jewels to be given over to him as the only living heir to it.

For which act of justice and mercy, Petitioner as in duty bound will ever pray.

19th December 1862. (Signed) ஸ்ரீமதுபிரதாபசிம்மபரசுபாணிசேதுபதியழுதினது.

To His Excellency the Honorable Sir W. DENISON, K. C. B.,

Governor of Fort Saint George, Madras.

The humble petition of SRI MUTTU PRATAPA SIMHA PARSUPANI SETUPATI, adoptive grandson of RANI SEVAGAMI NATCHIAR, daughter of MUTTU RAMALINGA SETUPATI, late Zemindar of Ramnaad.

Most Humbly Sheweth,

That having felt assured that on the presentation of his petition* to your Excellency in Council, regarding his just, legal and exclusive claims to the jewels which were taken into Government deposit, belonging to Muttu Ramalinga Setupati, his grandfather, your Excellency would render him justice, Petitioner found, to his great misfortune, that your Excellency was absent from the Presidency, and that consequently an order was passed directing Petitioner to file a suit against the so called "Rani of Ramnaad."

* Herewith enclosed.

That said order was passed without the slightest consideration of the merits of the case, your Excellency will at once declare after a perusal of the enclosed printed petition which was subsequently presented. Had your Excellency been present, Petitioner feels confidently assured that no bias, no partiality, would have been allowed to rule the decision adverse to him. Petitioner seeks nothing more than that which hereditarily belongs to him. To obtain that, he was directed to sue the "Rani." Why, Petitioner humbly submits, should he prosecute a party who has no possession of the property, and who has no right to, and does not claim it? as might as well direct Petitioner to sue any other passing stranger. If Petitioner has to sue any one, it must be Government, as he has been advised on asking the opinion of his Solicitor, and *that* Petitioner is loathe and reluctant to do. On the presentation of his 2nd petition giving a full detail of the matter; but because Government had once passed an unjust order, again without consideration they confirmed their former decision. Is he then to be compelled to proceed against Government? he is not desirous to become involved with the authorities the more especially as the rectification of the evil wholly lies in your Excellency's hands.

And to which Mr. Clarke in his letter of the 19th November 1859, after thoroughly examining the records, acknowledged his undoubted right, and totally rejects the right of the Zemindarni of the jewels.

Petitioner now humbly presumes to approch your Excellency and to solicit with reference to the enclosed petition and the indisputable facts therein contained that your Excellency will be pleased to pass an order causing the proceeds of the sale of the jewels to be immediately made over to him.

And Petitioner as in duty bound shall ever pray.

(Signed) ஸ்ரீமத் பிரதாப சிம்ஹ பரசுபாணி சேதுபதி யெழுதினது.

19th December 1862.

Forwarded to the Chief Secretary for papers and former orders with reference to His Excellency the Governor's Minute herein.

(By order.)

(Signed) J. W. BREEKS,
Private Secretary.

Guindy Park,
22nd December 1862.

To His Excellency the Honorable the Governor in Council,

Fort Saint George, Madras.

The humble Petition of SRI MUTH PRATAPA SIMHA PARSUPANI SETUPATI, adoptive grandson of RANI SEVAGAMI NATCHIAR, daughter of MUTTU RAMALINGA SETUPATI, the late Zemindar of Ramnaad.

Respectfully Sheweth,

That in reference to the Order of Government, under date the 21st July 1862, No. 533, informing Petitioner that his proper course for the recovery of certain jewels, the property of the deceased Zemindar, Muttu Ramalinga Setupati, would be "to file a suit against the Rani of Ramnaad," he most humbly and respectfully solicits a reconsideration of his claim, just, lawful and exclusive as it is, and fervently trusts that his right to be placed in the possession of the property in question will be recognized by your Excellency in Council.

2. Petitioner, with the highest deference would submit that he does not perceive the necessity of instituting proceedings against the present Zemindarni, inasmuch as she does not claim to be the heir of the deceased Zemindar Muttu Ramalinga Setupati, and inasmuch, also, as she is not in possession of the said property. It is in the hands of Government, and Government alone have the sole power and authority to decide and deliver it up to Petitioner, he having an unquestionable right thereto agreeably to the law obtaining throughout Southern India. Petitioner does

not claim the Zemindari, and it is just as feasible for Petitioner to be directed by Government to proceed against any other passing stranger as it is to direct him to file a suit against the Zemindarni, who is as much a stranger to the property as any other party.

3. She merely laid a claim to the said property on the sole ground of her being the representative, by adoption, of Mungaleswari Natchiar, the sister of the deceased Zemindar. Setting aside the validity of her husband's adoption, it having been effected by a party who himself was illegally and irregularly adopted by Mungaleswari Natchiar, during her widowhood, and immediately before her death, Petitioner would humbly ask, what right had the said Mungaleswari Natchiar herself to be considered the heir to the personal property of her brother? Neither Hindu Law nor popular immemorial usage sanctions such heirship. It is true that Government for the sake of "expediency"* bestowed the Zemindary on her, on account of the minority of the deceased Zemindar's daughter Sevagami Natchiar, but that gave her no right or title to the private property of her brother. The language used by the then Collector, Mr. George Powney, with respect to the object of placing the Zemindary in her possession is clear and definite. "The sister from her age "will not probably have issue, the daughter and her husband are minors; according to the custom "of this 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." In accordance with these views of the Collector, Government addressed Mungaleswari Natchiar, under date 4th July 1795, No. 118, (when they directed her to be placed in possession of the Zemindary) advising her to take Sevagami Natchiar, the daughter of the deceased Zemindar under her especial protection. This is the language used on the occasion. "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."

* From Collector, 30th May 1795, last paragraph.

4. Even the point of expediency gave way to one of necessity, and the Zemindary was made over *conditionally*, in order that the Revenue of the Estate might be secured. "We accordingly recommend," say the Special† Commissioners, "to your Lordship in Council that the "Collector may be authorized to transfer the "lands of Ramnaad to the Zemindar, on condition of her agreeing to the terms which your Lord"ship in Council may ultimately resolve to establish for the assessment of the permanent Reve"nue of that Zemindary."

† To Government from Special Commissioners, 10th February 1803, paragraph 3.

The above quotations show that the Zemindary was not bestowed on Mungaleswari Natchiar as the heir to the property, but was given to her on account of the minority of the daughter and for the sake of expediency, and that conditionally, and as Mr. Collector Clarke, in his letter of the 19th November 1859, paragraph 5, after a careful perusal of the whole of the records, justly remarks, there is nothing "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." The extracts given by this authority are to the point.

5. Still further, Government themselves, after due and thorough investigation, disallowed her right to the property in deposit, and it was therefore not made over to her. The grounds on which they passed their decision were, to the following effect: that on the demise, in January 1809, Muttu Ramalinga Setupati, they asked the opinion of the Pundits of the Sudr Court, as to who was the heir among three parties, viz., his widow, daughter or sister, and who should perform his funeral obsequies, and inherit his property. The reply of the Pundits, accompanied by the Registrar's letter, under date the 12th May 1809, was to the effect 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 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."

6. The Advocate General also communicated his opinion through the late Honorable Company's Solicitor, Mr. Orme, on the 1st March 1809, stating that "the son if any, if not the "widow or other next of kin, of the deceased are the proper claimants of the property." Government accordingly directed the Town Major, under date the 10th June 1809, to transmit to Raja Rajeswari Natchiar, the widow, the body of the deceased Zemindar, in view that she might perform the usual ceremonies, which she did, and became inheritor of his property.

7. This is in accordance with the law and usage prevailing throughout Southern India. Mitaschara, Chap. II, Section I, page 326, line 3. "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 dying without leaving male issue. This obtains univer"sally."

8. It is to be observed that the widow Raja Rajeswari Natchiar was placed in possession of all her husband's personal property, with the exception of the jewelry which he had with him whilst in confinement in Fort Saint George, and which Government retained in deposit. The year after the Zemindar's death, his sister Mungaleswari Natchiar claimed the said property, and the Collector Mr. Parish, committed, intentionally or inconsiderately, two glaring errors, in his letter of the 14th February 1810, No. 46, one in stating that Government had declared her as the sole heir of the real and personal property of her deceased brother, and the other by confirming her assertion that the property in deposit was Regalia. No where, among all the records of Government can it be discovered that she was recognized as the heir to the private property of her brother. Those very documents are on the records now, and no interpretation can put a wrong construction on the language then used. A reference to all the correspondence which transpired from 1795 to 1809 will show that Mr. Parish's statement was entirely a misrepresentation. Also, the list of the property will clearly show that it is not Regalia.

9. The Pundits of the Sudr Court had already declared that the widow was the heir, and on the requisition of Government again on the 24th February 1810, No. 88, with reference to Mr. Parish's aforementioned letter, the Pundits of the Sudr Court confirmed their previously given opinion.

Besides, all the facts of the case were fresh in the memory of the then members of Government, and they therefore, notwithstanding the misrepresentations of the Collector Mr. Parish, rejected the false claims put forward by Mungaleswari Natchair, and retained the property in deposit to be delivered to the legal representatives of the deceased Zemindar's widow and daughter. This decision of Government and the opinion of the Pundits and Advocate General, are fully borne out by the law and usages obtaining in Southern India. In the list of Sapindas, or heirs, given in paragraph 309 of Strange's Manual of Hindu Law, the widow is placed first, next the daughter, then the daughter's son, &c., while the sister is entirely omitted. The law laid down in Mitaschara, the principal standard work "On Inheritance" in this part of India, entirely excludes the sister, and sister's son from inheriting. To the same effect, Sir T. Strange, Vol. I, page 167, line 22, gives this as an universal principle:—"But the sister herself, being on "account of her sex no giver of oblations at periodical obsequies is excluded."

10. Such being the law, such being the decision of Government passed on the opinions of their highest Law Officers, the Advocate General and the Pundits of the Sudr Court, how can Mungaleswari Natchiar or any legitimate heirs of her's (of whom she had none) be the heir to the property in question? In Sir T. Strange, Vol. I, page 168, line 16, it is stated that the "sister's son—in the provinces which follow Mitaschara," *i. e.*, Southern India "do not inherit." But she had no blood connexion; she had no lineal heir. The adoption* made by her in the first instance was illegal, she having been a widow; and the adoption by the widow of this adopted son, under pretence of her husband having given

* Vide Strange's Manual, paragraph 73.

her sanction to adopt her own brother was doubly illegal. Sutherland on adoption, page 223, lines 26, 27. "She must not select generally, one with whose father she could not have legally married." As she could not marry her own father, the adoption made by her was invalid.

11. The widow of the deceased Zemindar, Rajah Rajeswari Natchiar performed the funeral ceremonies to her lord, and was placed in possession of his private Estate, with the above exception. After her death, her daughter Sevagami Natchiar succeeded to it, in virtue of her undoubted right to it she having been the heir to her mother. 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 daughter 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."

12. The reason why the property in deposit was not claimed both by the mother and daughter was in consequence of their having been engaged in prosecuting their claim to the Zemindary itself which was unjustly made over to Mungaleswari Natchiar's illegally adopted son. They had every confidence that since the jewels were in the custody of Government and they had an undoubted right to them, they would be given to them at any time. On the demise of Sevagami Natchiar, her adopted son, Kaungiasamy Setupati, Petitioner's father, succeeded to her property according to the law. Sir T. Strange, Volume I, page 145, line 5. "Between issue of the body, and an adopted son, the law "as it respects inheritance, makes no difference."

13. On all these grounds:—

I. As Mungaleswari Natchiar was not the heir of her brother's property,

II. As she had no lineal heir in existence; and

III. As the present Zemindarni is not the heir of Muttu Ramalinga Setupati, his widow or daughter, she can have no claim to the jewels in deposit.

Under these circumstances, it is hard Petitioner should be kept out of his rights, and be told to file a suit against the Rani of Ramnaad, who has been improperly vested with a fictitious right to the Zemindary, and has not the smallest right to this property. Petitioner's claim to the jewels in deposit as the heir of Muttu Ramalinga Setupati is capable of the most irrefutable proof, and it is only from interested motives in view to usurp this property that Petitioner's opponents seek to question the legality of Sevagami Natchiar's second marriage, and the validity of the adoption of Petitioner's father by her and her husband. The objections raised as to the legality of Rani Sevagami Natchiar's marriage, and the validity of the adoption by her of Kaungiasamy Satupati have been very recent. Not a syllable was uttered regarding these two points till 1859, and that by the authorities only, as none of their opponents ever said a word about it, when it was found convenient to broach them newly in order to wave the question of Petitioner's right to the property.

14. As fully hereinunder represented the legality of the second marriage of Sevagami Natchiar is beyond all doubt.

15. The marriage was publicly celebrated by the performance of the most solemn rites and ceremonies; it was acknowledged by all her relations, friends and neighbouring Zemindars, especially by the Sevagunga Zemindar, her relation, who bestowed a village on her and her husband for their maintenance; it was further recognized by the Provincial Court in their Decree of the 13th December 1813, by which Sevagami Natchiar and her husband Vijiagopala Setupati were directed to be placed in possession of the Zemindary; and last not least, had there been the slightest flaw in the marriage, it would have been noticed by the Sudr Court in their Decree No. 18 of 1814, as a plea to invalidate her claim to the Zemindary, when it was contested before them; the only objection given by them was that a Sunnud had been already granted by Government to the opposite party,* Mungaleswari Natchiar. And no reference whatever was made to the illegality of the marriage. A perusal of the Decree will convince your Excellency in Council of this fact. The fact is that the marriage was effected according to the approved practice obtaining among the Maravars. As long as Sevagami Natchiar lived, she was held in the greatest respect by all her friends and connections.

* Select Decrees, Vol. 1, page 101.

16. The second marriage of Sevagami Natchiar being legal, it follows that the adoption by her and her husband of Petitioner's father is valid. The objection to this adoption is that he was married and had two children at the time. The following facts borne out by documents written at the time and subsequently will disprove this assertion.

17. He was publicly adopted in 1814, in the presence of friends, relations and Bramins in his infancy with the consent of his natural father, his adoptive mother's brother-in-law. Five years after his adoption, *i. e.*, on the 16th January 1819, the two sisters of his adoptive father agreed, under a written document, on stamped papers to give their daughter in marriage to him, and 14 years after the adoption, *i. e.*, in 1828, he was married. In 1829 he begot his eldest son, and in 1832 Petitioner his 2nd son. How can it then be stated that he was married and had two children at the time of his adoption? On the 7th August 1824, eleven Brahmins of Perungaruney, in executing a Bond, acknowledged the adoption. Mr. Collector Peters also recognized it in his reply of the 30th November 1827, to an application from Sevagami Natchiar and her husband to grant their adopted son a Rahadari to Madras. They executed a Muktiyar* on the 14th March 1830, empowering him to superintend all their affairs, and on the 26th May of the same year they made a Will* in his favor as their adopted son. Both these documents are on stamped paper. In two Urzees presented by Sevagami Natchiar and her husband on the 29th March and 14th April 1832, to Mr. Collector Viveish, they acknowledged him as their adopted son. In two Urzees addressed by Sevagami Natchiar on the 20th and 23rd November 1836, to Mr. Collector Blackburne, she informed him that her adopted son had performed the funeral ceremonies of her deceased husband. To the same effect she addressed the Zillah Court of Madura, who, in their reply of the 24th November 1836, recognized the adoption. It was further acknowledged in the Mufti Sudr Ameen's Decree in O. S. No. 13 of 1844, as also in the receipt given by the said Court to her Vakil on the 24th February 1844. Moreover, under various dates Sevagami Natchiar addressed the local authorities, the Board of Revenue and Government† on the subject of her adoption of Kaungiasamy Setupati, more especially in 1849, whilst she was on her sick-bed, soliciting the confirmation of the whole of her property in his enjoyment. After her death, the Head of Police of Ramnaad reported on the 14th June 1849, that Kaungiasamy Setupati was the adopted son of Sevagami Natchiar and her husband, that he had performed their obsequies, and that consequently he was their heir. Accordingly, the Collector instituted a rigid enquiry in reference to their Will, Muktiyar, and Petitions, &c., and issued an order on the 22nd March 1849, directing the collection of the cess of the lands enjoyed by his adopted mother. On the 2nd July 1849, he directed all her property to be made over to him, and in his report of the 31st July 1849 to the Board of Revenue, fully and distinctly admitted that there was *prima facie* evidence of the reality and validity of the adoption. And on the 10th October of the same year, ordered all the Pannay or farm lands to be placed in his possession.

* Both these documents were registered in the Zillah Court, as its records will show, being the positive proofs of their undoubted genuinness.

† To Government, 18th December 1837, and in No. 410 of 1849.

18. The legality of Sevagami Natchiar's second marriage and the validity of Kaungiasamy Setupati's adoption being unquestionable, and the present Zemindarni not being the heir of Muttu Ramalinga Setupati, the deceased Zemindar, his widow or his daughter, there can be no reasonable objection to the delivery of the jewels or their proceeds to Petitioner, who is their legitimate heir.

19. Rani Raja Rajeswari Natchiar, on the demise of her husband, inherited, (with the exception of these jewels,) all his property, and on her death, her daughter Sevagami Natchiar succeeded to it, all of which were placed in possession of her adopted son Kaungiasawmy Setupati as her rightful heir. He died in 1850, and the Pannay or farm lands having been sequestrated by mistake, they were directed to be made over in common with all the other property to

Periasawmy Taver Petitioner's elder brother, under an order of the Collector, dated 26th March *1853, together with the Samibhogum which accrued thereon whilst under Circar management, as also Kavil and Ambalum Mirassis, as recommended by the Board of Revenue in their Proceedings, dated 15th January 1853,* and concurred in by Government, on the 30th January of the same year, thereby recognizing the right of the adopted son's son to them. Subsequent to the death of Petitioner's elder brother, the property fell into the enjoyment of Petitioner.

20. Thus it will be seen that the property of Muttu Ramalinga Setupati descended in regular succession from his widow to his daughter, from her to Petitioner's father, from him to Petitioner's elder brother, and from him to Petitioner himself, who is the only living legal heir of the deceased Zemindar, and he consequently has an indisputable right to the jewels in question. Had these jewels been made over to the widow or daughter, Petitioner's father, elder brother and himself would have enjoyed them without any question, as they enjoy the rest of all their property.

21. On all the foregoing considerations, viz :—

I. As Mungaleswari Natchiar was not the heir of Muttu Ramalinga Setupati ;

II. As she has no lineal heir in existence ;

III. As the present Zemindarni is not the heir of Muttu Ramalinga Setupati, as her claims were long ago rejected by former Collectors and Government, and as she has not the jewels in her possession, there can be no necessity to sue her. Why then should Petitioner institute proceedings against her, and where is the justice of making over the property to her if he does not do so within 6 months ?

IV. As Raja Rajeswari Natchiar was the heir of her deceased husband's property according to the opinion of the highest Law Officers ; the Advocate General and the Sudder Court ;

V. As Sevagami Natchiar was the heir of her mother Raja Rajeswari Natchiar ;

VI. As Sevagami Natchiar's second marriage was legal ;

VII. As her adoption of Kaungiasawmy Setupati was valid, therefore Petitioner is the only heir to Sevagami Natchiar ;

VIII. As Petitioner is in the enjoyment of all the property with the exception of these jewels of Muttu Ramalinga Setupati ;

IX. As the property or proceeds of its sale are in the custody of Government ;

X. As it is evident that Petitioner will have to proceed against Government only, which he is loathe and reluctant to do, and as he feels confident that undoubted justice will be dispensed him by your paternal Government on a fair representation and an impartial consideration of his case :—and

XI. As Mr. Parish's representations that the deceased Zemindar's sister was acknowledged by Government as his sole heir, and that the property was Regalia, was palpably incorrect, Petitioner most humbly and respectfully solicits your Honor in Council to take his just and lawful claim, as heir direct of Muttu Ramalinga Setupati into kind and impartial consideration, and pass an order directing the jewels or their proceeds to be delivered over to him.

Your Honor in Council will perceive that this can be easily done by Government, since he has proved clearly both from law, usage and documents that he is the undoubted heir to the property ; since he has no one to proceed against, the Zemindarni not having the slightest title to nor possession of it, and since, also, it is in the custody of Government themselves. Government are the highest tribunal in the land, and your decision being final, the restoration of the property to Petitioner will relieve him from all unnecessary litigation and expense.

And Petitioner as in duty bound shall ever pray.

(Signed) ஸ்ரீமத் பிறதாப சிம்ஹ பறசபானி சேதுபதி யெழுதினது.

29th October 1862.

Proceedings of the Madras Government, Financial Department,
30th January 1863.

No. 89. To His Excellency the Honorable the Governor in Council,
Fort Saint George, Madras.

The humble petition of SRI MUTH PRATAPA SIMHA PARSUPANI SETUPATI, adopted grandson of RANI SEVAGAMI NATCHIAR, late Zemindarni of Ramnaad.

Humbly Sheweth,

That with reference to the Orders of Government, on his former petitions, dated 21st July and 1st December 1862, directing Petitioner to sue the present "Rani of Ramnaad" for the proceeds of certain jewels, which formed a part and parcel of the private personal property of Petitioner's grandfather Muttu Ramalinga Setupati former Zemindar of Ramnaad, he would most humbly submit that as the time limited, 6 months, will speedily expire, *i. e.* on the 21st January 1863, and as he has been fully and unintermittingly engaged in urging his claims during, and more than, the time above specified, and as the jewels have already been in deposit for more than 50 years, there can be no objection to retaining the proceeds for a longer time, he respectfully solicits that they may be still kept in deposit, pending the final decision of the Right Honorable the Secretary of State for India. This further extension Petitioner solicits in the earnest and fervent hope that on a reconsideration of the subject your Government will recognize his claims and place him in possession of the proceeds of the jewels and thereby prevent him from becoming involved and ruined by unnecessary litigation, which otherwise he would be compelled to undertake though much against his will and inclination, and in the event of his instituting a suit, he would have to do it against Government as advised by his Solicitor, who declared that as the authorities who have possession of the proceeds refused to deliver them up and are inclined to give them up to the wrong party, they alone are responsible and should be made parties to the suit.

2. Petitioner has so fully, fairly and truely set forth the grounds of his claim to the proceeds in question in his petitions to Government, that if they were but impartially taken into consideration, without the smallest doubt, the said proceeds would be at once delivered over to him. But because Petitioner would humbly yet unhesitatingly submit in all the correspondence from the year 1795 to 1809 Mungaleswari Natchiar is no where acknowledged as the heir of Muttu Ramalinga Setupati, and the subsequent correspondence, from 1809 to 1859, which transpired on the subject together with the printed address submitted by Petitioner, will show that the present Zemindarni or her predecessors were never recognized as the heir.

3. These have not been taken into comprehensive view, Government have been pleased to acknowledge the fictitious right of a non-claimant in preference to the established right and title of Petitioner, thereby unjustly keeping him out of his hereditary claim.

4. That Petitioner has established his claim, and that the so called Rani of Ramnaad has no right or title whatever to the jewels or their proceeds is clearly deducible from the points hereinunder given.

I. On the death of Muttu Ramalinga Setupati in 1809 it was decided by Government, 1st on the opinion of the Advocate General communicated through the Honorable Company's Solicitor, under date the 1st March 1809, and 2nd, that of the decision of the Pundits of the Sudr Court accompanied by their Registrar's letter of the 12th May of the same year, that Raja Rajeswari Natchiar, the widow of the deceased Zemindar was his only, sole and rightful heir to all his private personal property, and accordingly she enjoyed the whole of it with the exception of the jewels in dispute.

II. On her death the whole of said, property descended to Rani Sevagami Natchiar, the daughter of the deceased Zemindar.

III. Next, all the said property was inherited by Petitioner's father, Sevagami Natchiar's legally adopted son Kaungiasamy* Setupati.

* From Collector to Board of Revenue, 31st July 1849, paragraph 7.

IV. After him Petitioner's elder brother Periasamy Taver enjoyed the property, and lastly Petitioner himself.

5. Thus it will be seen that the private property of the deceased Zemindar Muttu Ramalinga Setupati has been all along in the uninterrupted possession and enjoyment of the widow, the daughter, the adopted son, and the sons of the adopted son including Petitioner himself.

6. In addition to the above incontrovertible facts, there are others as cogent to show that Petitioner alone as the adoptive grandson is entitled to the proceeds of the jewels in question.

I. Government decided as above shown that the widow Raja Rajeswari Natchiar was the heir of the deceased Zemindar, thereby disallowing the claim of Mungaleswari Natchiar, the sister to the private property of her brother.

II. On her attempting to obtain these particular jewels, the private property of the deceased Zemindar they were refused her and kept in deposit on the ground that they were not Regalia, and that therefore she had no right to them, not being the heir. Be it remembered that Sevagami Natchiar, nor her heirs, for reasons set forth in the printed petition, did not apply for it at all.

III, Further, she having no right to them, her successors could have no right to them. In Extract Minutes of Consultation of the 1st June 1840, Government then expressed themselves as regards the Zemindary itself. "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."

7. Such being the case it is clearly evident that if the present Zemindarni has no right or title to the Estate itself, she can have no right or title to the proceeds of the jewels, nor indeed does she lay any claim to them.

8. Mr. Collector Clarke in his Report to Government under date 19th November 1859, states in paragraph 5 that Mr. Parish's representations that Mungaleswari Natchiar was acknowledged heir, was radically incorrect, and from paragraphs 17 to 21 that authority rejects the right of the present Zemindarni to the proceeds, and in paragraph 22 acknowledges Petitioner as the only claimant to them on one proviso. This report was made by the Collector, an official of extensive experience, one who strove to dive to the bottom of the matter by personal inquiry and by a careful perusal of the whole of the correspondence from first to last.

9. The only objection which Mr. Collector Clarke raises to Petitioner being put in possession is from a doubt of the validity of the adoption by Sevagami Natchiar of his father Kaungiasamy Setupati, and which his enemies alone brought up to usurp these proceeds.

10. As regards the validity of the adoption, Petitioner has submitted the most indisputable proofs in his printed petition in paragraph 17. As a further proof he would humbly state that as above shown the whole of the private property of Muttu Ramalinga Setupati were placed in the possession of Petitioner's father, on the death of his adoptive mother Sevagam Natchiar, and thereafter enjoyed by Petitioner's brother and himself. Now if the adoptioni were actually illegal, is it to be supposed that the opposite party would remain quiescent without contesting the right to the property? Up to the present moment no such claim has been put forth, and if Sevagami Natchiar had thought proper to claim the jewels at the time, they would have unquestionably been given over to her, and then they must have necessarily fallen into the possession of her adopted son and Petitioner. Moreover, it is to be observed, in conclusion that Government from the very commencement rejected the claim of Mungaleswari Natchiar, and that the Collector Mr. Clarke totally rejected the claims of the present Zemindarni. She not being the heir of Muttu Ramalinga Satupati or his daughter directly or indirectly, and not having any right or title to the property by the law prevalent and obtaining throughout Southern India. Notwithstanding which the present Government misconceiving the whole facts of the case and taking for granted the misrepresentations of Mr. Parish's to be true, are now determined to give the proceeds over to a party who has no right to them.

From the foregoing grounds your Excellency in Council will perceive the petitioner has every claim to the proceeds, and he therefore most respectfully solicits that Government will be graciously pleased to place him in possession of them or grant him an extension of time pending the decision of the Secretary of State for India.

For which act of justice and mercy, Petitioner as in duty bound shall ever pray.

(Signed) ஸ்ரீமதுபரதாபசிம்மபரசுபாணிசேதுபதியெழுதினது.

5th January 1863.

Proceedings of the Madras Government, Financial Department,
30th January 1863.

No. 90. To J. W. BREEKS, Esq,
Private Secretary to His Excellency the Honorable the Governor, Guindy.

Honored Sir,

In humbly presuming to address your honor, permit me most respectfully to state that I have submitted two separate petitions, dated 17th and 27th December 1862, to His Excellency the Governor complaining of the injustice done me in keeping me out of the possession of certain jewels belonging to my late grandfather, Rajah Muttu Ramalinga Setupati, Zemindar of Ramnaad, which is still in the custody of Government.

The Order of Government disallowing my legitimate rights, and directing me to prosecute the present Zemindarni of Ramnad for the recovery of the said jewels was passed without the smallest consideration of my hereditary rights, and no such order would have been passed, but for the absence of His Excellency from the Presidency. Had His Excellency been present, without the slightest question, the fullest justice would have been rendered me, and my clear and undoubted title to the jewels in question would have been at once recognized.

In all the annals of the British Administration in India, none such unparelled injustice, as has been done to me can be discovered. I am directed to sue the Zemindarni, a party who has no right or title to the property, and who moreover has not possession of it. But still worse, I have been directed to institute proceedings within the 21st instant according to the advice of my legal advisers I may not sue the Zemindarni, but Government themselves, which I am reluctant and unwilling to do from reasons of loyalty and the inevitable ruin in which it will involve me.

I have therefore to request that you will condescend to bring the enclosed petition to the special notice of His Excellency, and procure me an order without transferring it in the usual manner to the Petition Department inasmuch as from the multiplicity of business. My case was disposed of without any consideration in common with other cases of small importance.

Having memorialized the Right Honorable the Secretary of State, I have further to solicit that in the event of His Excellency, to my great misfortune, not placing me in possession of the said jewels or their proceeds, an extension of six months may be granted me, pending the final decision of the Home Authorities. In complying with this prayer, no injury will be done to the interests of any, inasmuch as the jewels have been in the custody of Government for more than half a century.

In conclusion, the justice and equity of the British Rule is universally acknowledged throughout the civilized world, and it has proved a real blessing to India. English justice is a household word with us, and on that justice, administered by high-born and high minded English gentlemen, I entirely throw myself.

With sentiments of the most profound respect and submission, I beg to subscribe myself.

Honored Sir,

Your most obedient and humble servant,

(Signed) ஸ்ரீமத்பரதாபசிம்மபரசுபாணிசேதுபதியெழுதினது.

9th January 1863.

To His Excellency the Honorable Sir W. DENISON, Kt., k. c. b.,
Governor of Fort Saint George, Madras.

The humble petition of SRI MUTH PRATAPA SIMHA PARASUPANI SETUPATI, adopted grandson of Rani SEVAGAMI NATCHIAR, late Zemindarni of Ramnaad.

Humbly Sheweth,

That from a consideration of Petitioner's case, as represented in his petition of the 17th instant, your Excellency will have perceived that if ever injustice has been perpetrated against an unfortunate individual, it has been done against him, in his being directed by Government to sue a party who has no right or title to the proceeds of the sale of the private personal property of his adoptive grandfather, Muttu Ramalinga Setupati, Zemindar of Ramnaad, lays no claim to it and has it not in possesion. From your Excellency's absence, an absence most destructive of Peti-

tioner's strong hopes and expectations, this injustice has been committed by the merits of his case not having been taken into thorough consideration.

2. *That with reference to the* Orders of Government on his former petitions, dated 21st July and 1st December 1862, directing Petitioner to sue the present "Rani of Ramnaad" for the proceeds of certain jewels, which formed a part and parcel of the private personal property of Petitioner's grandfather, Muttu Ramalinga Setaputi, former Zemindar of Ramnaad, he would most humbly submit that as the time limited, 6 months, will speedily expire, *i. e.* on the 21st January 1863, and as he has been fully and unintermittingly engaged in urging his claims during, and more than, the time above specified, and as the jewels have already been in deposit for more than 50 years, there can be no objection to retaining the proceeds for a longer time, he respectfully solicits that they may be still kept in deposit, pending the final decision of the Right Honorable the Secretary of State for India. This further extension Petitioner solicits in the earnest and fervent hope that on a reconsideration of the subject, your Excellency will recognize his claims and place him in possession of the proceeds of the jewels and thereby prevent him from becoming involved and ruined by unnecessary litigation, which otherwise he would be compelled to undertake, though much against his will and inclination; and in the event of his instituting a suit, he would have to do it against Government as advised by his Solicitor who declared that as the authorities who have possession of the proceeds refused to deliver them up and are inclined to give them up to the wrong party, they alone are responsible and should be made parties to the suit.

3. Petitioner has so fully, fairly and truly set forth the grounds of his claim to the proceeds in question in his petitions to Government, that if they were but impartially taken into consideration, without the smallest doubt, the said proceeds would be at once delivered over to him. But because, Petitioner would humbly yet unhesitatingly submit, in all the correspondence from the year 1795 to 1809 Mungaleswari Natchiar *is no where acknowledged as the heir of Muttu Ramalinga Setupati, and the subsequent correspondence from 1809 to 1859, which transpired on the subject together with the* printed address submitted by Petitioner will show that the present Zemindarni or her predecessors was never recognized as the heir. These having not been taken into a comprehensive view, Government have been pleased to acknowledge the fictitious right of a non-claimant in preference to the established right and title of Petitioner thereby unjustly keeping him out of his hereditary claim.

4. That Petitioner has established his claim, and that the so called Rani of Ramnaad has no right or title whatever to the jewels or their proceeds is clearly deducible from the points herein under given.

I. On the death of Muttu Ramalinga Setupati in 1809, it was decided by Government, 1st, on the opinion of the Advocate General communicated through the Honorable Company's Solicitor, under date the 1st March 1809, and 2nd, that of the decision of the Pundits of the Sudr Court accompanied by their Registrar's letter of the 12th May of the same year that Rajah Rajeswari Natchiar, the widow of the deceased Zemindar was his only, sole and rightful heir to all his private personal property and accordingly she enjoyed the whole of it with the exception of the jewels in dispute.

II. On her death the whole of said property descended to Rani Sevagami Natchiar, the daughter of the deceased Zemindar.

III. Next all the said property was inherited by Petitioner's father, Sevagami Natchiar's legally adopted son Kaungiasawmy* Setupati.

* From Collector to Board of Revenue, 31st July 1849, paragraph 7.

IV. After him Petitioner's elder brother Periasawmy Taver enjoyed the property and lastly Petitioner himself.

5. Thus it will be seen that the private property of the deceased Zemindar Muttu Ramalinga Setupati has been all along in the uninterrupted possession and enjoyment of the widow, the daughter, the adopted son, and the sons of the adopted son including Petitioner himself.

Proceedings of the Madras Government, Financial Department,
30th January 1863.

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6. In addition to the above incontrovertible facts, there are others as cogent to show that Petitioner alone as the adoptive grandson is entitled to the proceeds of the jewels in question.

I. Government decided as above shown that widow Raja Rajeswari Natchiar was the heir of the deceased Zemindar thereby disallowing the claim of Mungaleswari Natchiar, the sister, to the private property of her brother.

II. On her attempting to obtain these particular jewels, the private property of the deceased Zemindar, they were refused her and kept in deposit on the ground that they were not Regalia, and that therefore she had no right to them, not being the heir. Be it remembered that Sevagami Natchiar, nor her heirs, for reasons set forth in the printed petition, did not apply for it at all.

III. Further, she having no right to them, her successors could have no right to them. In Extract Minutes of Cousultation of the 1st June 1840, Government then expressed themselves as regards the Zemindary itself. "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."

7. Such being the case it is clearly evident that if the present Zemindarni has no right or title to the Estate itself, she can have no right or title to the proceeds of the jewels, nor indeed does she lay any claim to them.

8. Mr. Collector Clarke in his report to Government, under date 19th November 1859, states in paragraph 5 that Mr. Parish's representations that Mungaleswari Natchiar was acknowledged heir was radically incorrect, and from paragraphs 17 to 21 that authority rejects the right of the present Zemindarni to the proceeds, and in paragraph 22 acknowledges Petitioner as the only claimant to them on one proviso. This report was made by the Collector, an official of extensive experience, one who strove to dive to the bottom of the matter by personal inquiry and by a careful perusal of the whole of the correspondence from first to last.

9. The only objection which Mr. Collector Clarke raises to Petitioner being put in possession is, from a doubt of the validity of the adoption by Sevagami Natchiar of his father Kaungiasawmy Setupati, and which his enemies alone brought up to usurp these proceeeds.

10. As regards the validity of the adoption, Petitioner has submitted the most indisputable proofs in his printed petition in paragraph 17. As a further proof he would humbly state that as above shown the whole of the private property of Muttu Ramalinga Setupati were placed in the possession of Petitioner's father, on the death of his adoptive mother Sevagami Natchiar, and thereafter enjoyed by Petitioner's brother and himself; now if the adoption were actually illegal, is it to be supposed that the opposite party would remain quiescent, without contesting the right to the property? Up to the present moment no such claim has been put forth, and if Sevagami Natchiar had thought proper to claim the jewels at the time they would have unquestionably been given over to her, and then they must have necessarily fallen into the possession of her adopted son and Petitioner. Moreover it is to be observed in conclusion that Government from the very commencement rejected the claim of Mungaleswari Natchiar, and that the Collector Mr. Clarke totally rejected the claims of the present Zemindarni. She not being the heir of Muttu Ramalinga Setupati or his daughter directly or indirectly and not having any right or title to the property by the law prevalent and obtaining throughout Southern India. Notwithstanding which the present Government misconceiving the whole facts of the case and taking for granted the misrepresentations of Mr. Parish to be true are now determined to give the proceeds over to a party who has no right to them.

11. From the foregoing grounds your Excellency will perceive that Petitioner has every claim to the proceeds, and he therefore most respectfully solicits that your Excellency will be graciously pleased to place him in possession of them or grant him an extension of time pending the decision of the Secretary of State for India.

For which act of justice and mercy, Petitioner as in duty bound shall ever pray.

(Signed) ஸ்ரீமத்பறதாபசிம்மபரசபாணிசேதுபதிகையெழுத்து.

9th January 1863.

Proceedings of the Madras Government, Financial Department,
30th January 1863.

No. 91. ORDER THEREON, 30th January 1863, No. 66.

Before forwarding to the Secretary of State the Memorial presented with the first of the petitions above recorded, His Excellency the Governor in Council resolves to refer the Petitioner's applications and the papers bearing on the case to the Advocate General, and to request that Mr. Smyth will favor the Government with his opinion as to the course which should be pursued with reference to the property in question.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

Exd. T. McMootry.

Proceedings of the Madras Government, Financial Department,
30th January 1863.

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Read the following Petitions:—

No. 88. From STREEMATU PRATAPA SIMHA PARSUPANI SETUPATI, Ramnaad; to A. J. ARBUTHNOT, Esq., Chief Secretary to Government, Fort Saint George, dated 19th December 1862.

In soliciting the transmission of the accompanying triplicate copies of my Memorial to the Right Honorable the Secretary of State, in respect to my just and lawful claim to certain jewels which belonged to my great grandfather Muttu Ramalinga Setupati, and which is in the custody of Government, permit me, honored Sir, to ask your attention to the subjoined analysis of the case, trusting that from your honor's just and impartial consideration of it, you will relieve me from the dilemma in which I am placed, either of prosecuting the authorities or of foregoing my acknowledged rights.

So far back as 1840, Government in Extract Minutes Consultation, 20th June of that year, fully admitted that the alienation of the Zemindary itself in favor of the present Rani, who is the widow of the adopted son of the adopted son of Mungaleswari Natchiar was illegal.

What claim has she then to these jewels?

Mr. Collector Clarke in his report to Government under date 19th November 1859, paragraphs 18 to 21, distinctly states that neither Mungaleswari Natchiar nor her successors were entitled to the jewels, and that (paragraph 22) I alone am entitled to the jewels contingent on two conditions:—

I. Proof of the legality of my grandmother's second marriage.

II. Proof of the validity of my father's adoption.

From a perusal of the enclosed printed petition your honor will perceive that the most indubitable proofs are in existence with regard to these two points.

It follows therefore that I alone am the heir to the jewels; inasmuch as I also enjoy all the property of my great grandfather.

If through the favor of Government, the present Zemindarni enjoys the Estate, *that* can give her no right to these jewels, since she is not the heir of the deceased Zemindar, his widow or daughter. Her claim, besides, was all along rejected by the authorities.

I therefore most respectfully request your honor to take my case into kind consideration and through your honor's favorable recommendation, be graciously pleased to procure an order directing the immediate restoration of the proceeds of the sale of the jewels to me, or to grant me a further extension of six months, pending the decision of His Excellency the Right Honorable the Secretary of State.

Your honor will be pleased to observe that the jewels have been in the possession of Government for more than half a century, and it can make no difference *now* if they be retained in deposit for six months longer.

With reference to the order of Government to sue the Rani of Ramnaad, I consulted my Solicitor, and his advice is that I can sue none but Government, which I am unwilling to do, and will not unless *compelled* to adopt that course.

But I humbly and fervently trust that on a candid perusal of my Memorial and its enclosures, your honor will see the justice of immediately placing me in possession of the jewels or their proceeds.

(Signed) ஸ்ரீமத் பிரதாப சிம்ஹ பரசுபாணி சேதுபதி யெழுதினது.

19*th December* 1862.

A

To His Excellency the Right Honorable the Secretary of State for India,
India House, London.

The humble Memorial of STREEMATU PRATAPA SIMHA PARSUPANI SETUPATI, adopted grand-son of Rani Sevagami Natchiar, daughter of Muttu Ramalinga Setupati, the late Zemindar of Ramnaad.

Most Humbly Sheweth,

That being deeply aggrieved with the orders passed by the Local Government under date the 21st July and 1st December 1862, directing Memorialist "to file a suit against the Rani of Ramnaad," in reference to certain jewels which belonged to his adoptive great grandfather, Muttu Ramalinga Setupati, the former Zemindar of Ramnaad, and to which Memorialist alone has a rightful claim, he most humbly and respectfully presumes to prefer this appeal, in the firm and unwavering assurance that your Excellency will render him justice.

2. That whilst the enclosed printed petition to the Honorable the Governor in Council contains a full detail of the case, Memorialist would humbly solicit your Excellency's attention to the following brief recapitulation of the main grounds on which his claims are founded.

3. Memorialist's adoptive great grandfather, Muttu Ramalinga Setupati, died at Fort Saint George in 1809, and on his demise, Government asked the opinion of the Sudr Court as to who was the heir of the deceased Zemindar, and in the reply of the Pundits* accompanied by the Registrar's letter, under date the 12th May 1809, they distinctly stated that the widow was the heir. The Advocate General also gave it as his opinion, through the late Honorable Company's Solicitor, under date the 1st March 1809, that she was the heir. Accordingly, Government caused the body of the deceased Zemindar to be transmitted to Raja Rajeswari Natchiar, his widow, at Ramnaad, in view to her performing the funeral ceremonies, and consequently she succeeded to all the deceased's personal property. This procedure of Government is strictly in accordance with the law† and usage prevailing throughout Southern India.

* Vide paragraph 5 of enclosed petition.

† Vide paragraph 7.

4. Whilst all the private property of the deceased Zemindar, consisting of houses, lands, cattle, manniems, mirasses, &c., &c., which were at Ramnaad, were immediately inherited by the widow Raja Rajeswari Natchiar, and indisputably enjoyed by her, the jewels now claimed by Memorialist were retained in Government deposit.

5. The foregoing statements show that Raja Rajeswari Natchiar was the only acknowledged heir of her deceased husband, and that *Mungaleswari Natchiar, his sister, was never recognized as the heir to the personal property of her brother.*

6. The latter individual claimed the jewels as her brother's heir, and of said jewels being Regalia. In these false assertions, she was sought to be borne out by the then Collector Mr. Parish; but the records‡ of Government from 1795 to 1812 bearing on the subject clearly show that Mr. Parish's statement as to Mungaleswari Natchiar having been the acknowledged heir of her brother was utterly without foundation; and a consideration of the description of the jewels in question will convince your Excellency that they were not Regalia.

‡ Vide paragraph 8.

7. Such is the exact view taken by Mr. Collector Clarke, who states, in his letter of the 19th November 1859, paragraph 5, to Government, that there is nothing on the records "to "justify the statement of the Collector Mr. Parish that the Government in their public Orders "acknowledged the Rani [Mungaleswari Natchiar] to be the sole heir to the personal property "of her deceased brother." Further, on the requisition of Government on the 24th February 1810, with reference to Mr. Parish's letter, the Pundits of the Sudr Court adhered to their previously given opinion.§

§ Vide paragraph 9.

8. It is to be noted that all the facts were fresh in the recollection of the then members of Government, and they therefore, fully concurring with the views put forth by their highest Law

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Officers, once and for ever, rejected the preposterous claims of Mungaleswari Natchiar, notwithstanding the injudicious and improper support afforded it by Mr. Parish.

9. Government having disallowed the claim of Mungaleswari Natchiar to the personal property of her brother, it follows that her heirs (if any) could have had no right thereto. But she had no heirs.* In her old and decripit age she adopted a son, which adoption, from her being a widow was illegal, and the adoption made by the widow of the adopted son of Mungaleswari Natchiar's adopted son was doubly illegal; and it is the widow of the second doubly illegally adopted son, who is now accounted to be the "Rani of Ramnaad" and whom Memorialist is directed to sue.

* Vide paragraph 10.

10. The widow Raja Rajeswari Natchiar having inherited the personal property (with the exception of the above jewels) of her deceased husband, on her demise, her daughter Sevagami Natchiar, Memorialist's adoptive grandmother, succeeded to it, and this, also, is in accordance with Hindu† Law and immemorial usage.

† Vide paragraph 11.

11. It may be enquired, why the jewels in deposit were not claimed either by the widow or the daughter of the deceased. The reason is obvious; they being fully engaged in the more important affair of recovering the Zemindary,‡ they thought that these jewels would be delivered over to them on their simply applying for it.

‡ Vide paragraph 12.

12. After the death of Rani Sevagami Natchiar her adopted son Kaunagiasawmy Setupati succeeded to all the property, under the recommendation of the Collector, and concurrence of the Board of Revenue and Government. This shows that he was acknowledged as the adopted son and rightful heir to the property of the daughter of Muttu Ramalinga Setupati. On the death of Memorialist's father, his elder brother, Periasawmy Taver, succeeded to the property, and on his decease, it fell into the possession of your Excellency's humble Memorialist.

13. Thus it will be seen that Memorialist, and he alone, is the only living heir to the personal property of Muttu Ramalinga Setupati, the father of Memorialist's grandmother Sevagami Natchiar.

14. In urging his claim, Memorialist would humbly represent the following important facts, viz:—

I. In Extract Minutes Consultation of the 1st June 1840, paragraph 4, Government fairly admit the injustice done to Sevagami Natchiar, (Memorialist's grandmother) and her heirs, in alienating the Zemindary in favor of parties who are in no ways allied to the family.

II. Mr. Collector Clarke, in his aforementioned report to Government of the 19th November 1859, from paragraphs 18 to 21, distinctly declares, that after a close and vigorous research of the whole of the records in any way connected with the matter at issue, he could not but come to the conclusion, that neither Mungaleswari Natchiar nor any of her successors were in the least entitled to the jewels in deposit.

III. That of all the claimants, Memorialist alone had the clearest right. This he states in paragraph 22 of his letter.

15. But notwithstanding this admission by Government, and notwithstanding the expressed conviction of the Collector Mr. Clarke, Government in consideration of the wealthy and prosperous condition of the present Zemindarni, a position which she occupies only through their grace and beneficence, now seeks to follow up one acknowledged illegal act by another, by making over the jewels to her.

16. The above are important and tangible facts, and yet, it is strange, unaccountably strange, that Memorialist should be unjustly kept out of his rights, and he desired to sue a party, who has been acknowledged by Government to have no right to the Zemindary itself, and who, in sequence, has not and cannot have any right or title to the jewels.

17. It will be apparent to your Excellency that to direct Memorialist to sue the present Zemindarni, who has not possession of the property, and who having no right or title, does not claim it, is, in tantamount terms, to direct him to sue a myth or phantom.

18. From malicious and interested motives the enemies of the Memorialist seek to cast a slur and a stigma on the 2nd marriage of his adoptive grandmother, Sevagami Natchiar, and on the adoption of Memorialist's father, Kaungiasawmy Setupati, by calling them in question.

19. Innumerable proofs exist sufficient to obviate the doubts of the most incredulous, that both the 2nd marriage of Rani Sevagami Natchiar, and the adoption by her of Memorialist's father was perfectly legal and valid—justifiable in the eyes of God and man. A perusal of from paragraphs 15 to 17, of the enclosed printed petition, will convince your Excellency that it is only as a forlorn hope that this subject has been latterly brought forward by parties who seek, right or wrong, by fair or unfair means, to defraud Memorialist of the jewels in question.

20. From the foregoing your Excellency will perceive that gross and palpable injustice has been perpetrated towards him in being directed to recover property from a party who has not possession of, and has no claim or title to the jewels.

21. As shown above.

I. Mungaleswari Natchiar, the sister of the Memorialist's great grandfather, was not the heir to his personal property.

II. Memorialist's grandmother, *Raja Rajeswari Natchiar, the widow, was recognized as his heir by Government, and she, her daughter, the daughter's adopted son (Memorialist's father,) and elder brother and now, Memorialist himself (as the only living heir) uninterruptedly enjoyed all his personal propetty.*

III. That the present so called Zemindarni enjoys the Estate itself through favor of Government* and not from any inherent claim of her own.

IV. That, besides, the late Collector Mr. Clarke, set aside her claim,† and denied that she had no right or title to the said jewels, whilst he at the same time recognized‡ that of Memorialist.

V. That it is clear, that if these jewels were delivered over to Memorialist's grandmother Sevagami Natchiar, he would, as her heir, have fallen into its possession, in the same manner as he enjoys all her other property.

VI. With reference to the order of Government he consulted with his Solicitor, and he has been advised by him that there were no substantial grounds to sue any one but Government; but this course Memorialist is unwilling to adopt, since it is far from his thoughts to become involved with the authorities.

He therefore most humbly and respectfully solicits your Excellency to take the subject into mature and deliberate consideration, and graciously condescend to pass an order directing the proceeds of the sale of the jewels to be given over to him as the only living heir to it.

For which act of justice and mercy, Petitioner as in duty bound will ever pray.

19*th December* 1862. (Signed) ஸ்ரீமதுபிரதாபசிம்மபரசுபாணிசேதுபதியெழுதினது.

* Vide paragraph 4 of Extract Minutes Consultation, 20th June 1840.

† Vide, from Collector, 19th November 1859, paragraphs 18 to 21.

‡ Do. do. paragraph 22.

To His Excellency the Honorable Sir W. DENISON, K. C. B.,
Governor of Fort Saint George, Madras.

The humble petition of SRI MUTTU PRATAPA SIMHA PARSUPANI SETUPATI, adoptive grandson of RANI SEVAGAMI NATCHIAR, daughter of MUTTU RAMALINGA SETUPATI, late Zemindar of Ramnaad.

Most Humbly Sheweth,

That having felt assured that on the presentation of his petition* to your Excellency in Council, regarding his just, legal and exclusive claims to the jewels which were taken into Government deposit, belonging to Muttu Ramalinga Setupati, his grandfather, your Excellency would render him justice, Petitioner found, to his great misfortune, that your Excellency was absent from the Presidency, and that consequently an order was passed directing Petitioner to file a suit against the so called "Rani of Ramnaad."

* Herewith enclosed.

That said order was passed without the slightest consideration of the merits of the case, your Excellency will at once declare after a perusal of the enclosed printed petition which was subsequently presented. Had your Excellency been present, Petitioner feels confidently assured that no bias, no partiality, would have been allowed to rule the decision adverse to him. Petitioner seeks nothing more than that which hereditarily belongs to him. To obtain that, he was directed to sue the "Rani." Why, Petitioner humbly submits, should he prosecute a party who has no possession of the property, and who has no right to, and does not claim it? as might as well direct Petitioner to sue any other passing stranger. If Petitioner has to sue any one, it must be Government, as he has been advised on asking the opinion of his Solicitor, and *that* Petitioner is loathe and reluctant to do. On the presentation of his 2nd petition giving a full detail of the matter; but because Government had once passed an unjust order, again without consideration they confirmed their former decision. Is he then to be compelled to proceed against Government? he is not desirous to become involved with the authorities the more especially as the rectification of the evil wholly lies in your Excellency's hands.

And to which Mr. Clarke in his letter of the 19th November 1859, after thoroughly examining the records, acknowledged his undoubted right, and totally rejects the right of the Zemindarni of the jewels.

Petitioner now humbly presumes to approch your Excellency and to solicit with reference to the enclosed petition and the indisputable facts therein contained that your Excellency will be pleased to pass an order causing the proceeds of the sale of the jewels to be immediately made over to him.

And Petitioner as in duty bound shall ever pray.

(Signed) ஸ்ரீமத் பிரதாப சிம்ம பரசுபாணி சேதுபதி யெழுதினது.

19*th December* 1862.

Forwarded to the Chief Secretary for papers and former orders with reference to His Excellency the Governor's Minute herein.

(By order.)

(Signed) J. W. BREEKS,
Private Secretary.

Guindy Park,
22nd December 1862.

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

The humble Petition of SRI MUTH PRATAPA SIMHA PARSUPANI SETUPATI, adoptive grandson of RANI SEVAGAMI NATCHIAR, daughter of MUTTU RAMALINGA SETUPATI, the late Zemindar of Ramnaad.

Respectfully Sheweth,

That in reference to the Order of Government, under date the 21st July 1862, No. 533, informing Petitioner that his proper course for the recovery of certain jewels, the property of the deceased Zemindar, Muttu Ramalinga Setupati, would be "to file a suit against the Rani of Ramnaad," he most humbly and respectfully solicits a reconsideration of his claim, just, lawful and exclusive as it is, and fervently trusts that his right to be placed in the possession of the property in question will be recognized by your Excellency in Council.

2. Petitioner, with the highest deference would submit that he does not perceive the necessity of instituting proceedings against the present Zemindarni, inasmuch as she does not claim to be the heir of the deceased Zemindar Muttu Ramalinga Setupati, and inasmuch, also, as she is not in possession of the said property. It is in the hands of Government, and Government alone have the sole power and authority to decide and deliver it up to Petitioner, he having an unquestionable right thereto agreeably to the law obtaining throughout Southern India. Petitioner does

not claim the Zemindari, and it is just as feasible for Petitioner to be directed by Government to proceed against any other passing stranger as it is to direct him to file a suit against the Zemindarni, who is as much a stranger to the property as any other party.

3. She merely laid a claim to the said property on the sole ground of her being the representative, by adoption, of Mungaleswari Natchiar, the sister of the deceased Zemindar. Setting aside the validity of her husband's adoption, it having been effected by a party who himself was illegally and irregularly adopted by Mungaleswari Natchiar, during her widowhood, and immediately before her death, Petitioner would humbly ask, what right had the said Mungaleswari Natchiar herself to be considered the heir to the personal property of her brother? Neither Hindu Law nor popular immemorial usage sanctions such heirship. It is true that Government for the sake of "expediency"* bestowed the Zemindary on her, on account of the minority of the deceased Zemindar's daughter Sevagami Natchiar, but that gave her no right or title to the private property of her brother. The language used by the then Collector, Mr. George Powney, with respect to the object of placing the Zemindary in her possession is clear and definite. "The sister from her age "will not probably have issue, the daughter and her husband are minors; according to the custom "of this 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." In accordance with these views of the Collector, Government addressed Mungaleswari Natchiar, under date 4th July 1795, No. 118, (when they directed her to be placed in possession of the Zemindary) advising her to take Sevagami Natchiar, the daughter of the deceased Zemindar under her especial protection. This is the language used on the occasion. "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."

* From Collector, 30th May 1795, last paragraph.

4. Even the point of expediency gave way to one of necessity, and the Zemindary was made over *conditionally*, in order that the Revenue of the Estate might be secured. "We accordingly recommend," say the Special† Commissioners, "to your Lordship in Council that the "Collector may be authorized to transfer the "lands of Ramnaad to the Zemindar, on condition of her agreeing to the terms which your Lord"ship in Council may ultimately resolve to establish for the assessment of the permanent Reve"nue of that Zemindary."

† To Government from Special Commissioners, 10th February 1803, paragraph 3.

The above quotations show that the Zemindary was not bestowed on Mungaleswari Natchiar as the heir to the property, but was given to her on account of the minority of the daughter and for the sake of expediency, and that conditionally, and as Mr. Collector Clarke, in his letter of the 19th November 1859, paragraph 5, after a careful perusal of the whole of the records, justly remarks, there is nothing "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." The extracts given by this authority are to the point.

5. Still further, Government themselves, after due and thorough investigation, disallowed her right to the property in deposit, and it was therefore not made over to her. The grounds on which they passed their decision were, to the following effect: that on the demise, in January 1809, Muttu Ramalinga Setupati, they asked the opinion of the Pundits of the Sudr Court, as to who was the heir among three parties, viz., his widow, daughter or sister, and who should perform his funeral obsequies, and inherit his property. The reply of the Pundits, accompanied by the Registrar's letter, under date the 12th May 1809, was to the effect 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 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."

Proceedings of the Madras Government, Financial Department,
30th January 1863.

6. The Advocate General also communicated his opinion through the late Honorable Company's Solicitor, Mr. Orme, on the 1st March 1809, stating that "the son if any, if not the "widow or other next of kin, of the deceased are the proper claimants of the property." Government accordingly directed the Town Major, under date the 10th June 1809, to transmit to Raja Rajeswari Natchiar, the widow, the body of the deceased Zemindar, in view that she might perform the usual ceremonies, which she did, and became inheritor of his property.

7. This is in accordance with the law and usage prevailing throughout Southern India. Mitaschara, Chap. II, Section I, page 326, line 3. "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 dying without leaving male issue. This obtains univer"sally."

8. It is to be observed that the widow Raja Rajeswari Natchiar was placed in possession of all her husband's personal property, with the exception of the jewelry which he had with him whilst in confinement in Fort Saint George, and which Government retained in deposit. The year after the Zemindar's death, his sister Mungaleswari Natchiar claimed the said property, and the Collector Mr. Parish, committed, intentionally or inconsiderately, two glaring errors, in his letter of the 14th February 1810, No. 46, one in stating that Government had declared her as the sole heir of the real and personal property of her deceased brother, and the other by confirming her assertion that the property in deposit was Regalia. No where, among all the records of Government can it be discovered that she was recognized as the heir to the private property of her brother. Those very documents are on the records now, and no interpretation can put a wrong construction on the language then used. A reference to all the correspondence which transpired from 1795 to 1809 will show that Mr. Parish's statement was entirely a misrepresentation. Also, the list of the property will clearly show that it is not Regalia.

9. The Pundits of the Sudr Court had already declared that the widow was the heir, and on the requisition of Government again on the 24th February 1810, No. 88, with reference to Mr. Parish's aforementioned letter, the Pundits of the Sudr Court confirmed their previously given opinion.

Besides, all the facts of the case were fresh in the memory of the then members of Government, and they therefore, notwithstanding the misrepresentations of the Collector Mr. Parish, rejected the false claims put forward by Mungaleswari Natchair, and retained the property in deposit to be delivered to the legal representatives of the deceased Zemindar's widow and daughter. This decision of Government and the opinion of the Pundits and Advocate General, are fully borne out by the law and usages obtaining in Southern India. In the list of Sapindas, or heirs, given in paragraph 309 of Strange's Manual of Hindu Law, the widow is placed first, next the daughter, then the daughter's son, &c., while the sister is entirely omitted. The law laid down in Mitaschara, the principal standard work "On Inheritance" in this part of India, entirely excludes the sister, and sister's son from inheriting. To the same effect, Sir T. Strange, Vol. I, page 167, line 22, gives this as an universal principle:—"But the sister herself, being on "account of her sex no giver of oblations at periodical obsequies is excluded."

10. Such being the law, such being the decision of Government passed on the opinions of their highest Law Officers, the Advocate General and the Pundits of the Sudr Court, how can Mungaleswari Natchiar or any legitimate heirs of her's (of whom she had none) be the heir to the property in question? In Sir T. Strange, Vol. I, page 168, line 16, it is stated that the "sister's son—in the provinces which follow Mitaschara," *i. e.*, Southern India "do not inherit." But she had no blood connexion; she had no lineal heir. The adoption* made by her in the first instance was illegal, she having been a widow; and the adoption by the widow of this adopted son, under pretence of her husband having given

* Vide Strange's Manual, paragraph 73.

her sanction to adopt her own brother was doubly illegal. Sutherland on adoption, page 223, lines 26, 27. "She must not select generally, one with whose father she could not have legally married." As she could not marry her own father, the adoption made by her was invalid.

11. The widow of the deceased Zemindar, Rajah Rajeswari Natchiar performed the funeral ceremonies to her lord, and was placed in possession of his private Estate, with the above exception. After her death, her daughter Sevagami Natchiar succeeded to it, in virtue of her undoubted right to it she having been the heir to her mother. 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 daughter 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."

12. The reason why the property in deposit was not claimed both by the mother and daughter was in consequence of their having been engaged in prosecuting their claim to the Zemindary itself which was unjustly made over to Mungaleswari Natchiar's illegally adopted son. They had every confidence that since the jewels were in the custody of Government and they had an undoubted right to them, they would be given to them at any time. On the demise of Sevagami Natchiar, her adopted son, Kaungiasamy Setupati, Petitioner's father, succeeded to her property according to the law. Sir T. Strange, Volume I, page 145, line 5. "Between issue of the body, and an adopted son, the law "as it respects inheritance, makes no difference."

13. On all these grounds:—

I. As Mungaleswari Natchiar was not the heir of her brother's property,

II. As she had no lineal heir in existence; and

III. As the present Zemindarni is not the heir of Muttu Ramalinga Setupati, his widow or daughter, she can have no claim to the jewels in deposit.

Under these circumstances, it is hard Petitioner should be kept out of his rights, and be told to file a suit against the Rani of Ramnaad, who has been improperly vested with a fictitious right to the Zemindary, and has not the smallest right to this property. Petitioner's claim to the jewels in deposit as the heir of Muttu Ramalinga Setupati is capable of the most irrefutable proof, and it is only from interested motives in view to usurp this property that Petitioner's opponents seek to question the legality of Sevagami Natchiar's second marriage, and the validity of the adoption of Petitioner's father by her and her husband. The objections raised as to the legality of Rani Sevagami Natchiar's marriage, and the validity of the adoption by her of Kaungiasamy Satupati have been very recent. Not a syllable was uttered regarding these two points till 1859, and that by the authorities only, as none of their opponents ever said a word about it, when it was found convenient to broach them newly in order to wave the question of Petitioner's right to the property.

14. As fully hereinunder represented the legality of the second marriage of Sevagami Natchiar is beyond all doubt.

15. The marriage was publicly celebrated by the performance of the most solemn rites and ceremonies; it was acknowledged by all her relations, friends and neighbouring Zemindars, especially by the Sevagunga Zemindar, her relation, who bestowed a village on her and her husband for their maintenance; it was further recognized by the Provincial Court in their Decree of the 13th December 1813, by which Sevagami Natchiar and her husband Vijiagopala Setupati were directed to be placed in possession of the Zemindary; and last not least, had there been the slightest flaw in the marriage, it would have been noticed by the Sudr Court in their Decree No. 18 of 1814, as a plea to invalidate her claim to the Zemindary, when it was contested before them; the only objection given by them was that a Sunnud had been already granted by Government to the opposite party,* Mungaleswari Natchiar. And no reference whatever was made to the illegality of the marriage. A perusal of the Decree will convince your Excellency in Council of this fact. The fact is that the marriage was effected according to the approved practice obtaining among the Maravars. As long as Sevagami Natchiar lived, she was held in the greatest respect by all her friends and

* Select Decrees, Vol. 1, page 101.

16. The second marriage of Sevagami Natchiar being legal, it follows that the adoption by her and her husband of Petitioner's father is valid. The objection to this adoption is that he was married and had two children at the time. The following facts borne out by documents written at the time and subsequently will disprove this assertion.

17. He was publicly adopted in 1814, in the presence of friends, relations and Bramins in his infancy with the consent of his natural father, his adoptive mother's brother-in-law. Five years after his adoption, *i. e.*, on the 16th January 1819, the two sisters of his adoptive father agreed, under a written document, on stamped papers to give their daughter in marriage to him, and 14 years after the adoption, *i. e.*, in 1828, he was married. In 1829 he begot his eldest son, and in 1832 Petitioner his 2nd son. How can it then be stated that he was married and had two children at the time of his adoption? On the 7th August 1824, eleven Brahmins of Perungaruney, in executing a Bond, acknowledged the adoption. Mr. Collector Peters also recognized it in his reply of the 30th November 1827, to an application from Sevagami Natchiar and her husband to grant their adopted son a Rahadari to Madras. They executed a Muktiyar* on the 14th March 1830, empowering him to superintend all their affairs, and on the 26th May of the same year they made a Will* in his favor as their adopted son. Both these documents are on stamped paper. In two Urzees presented by Sevagami Natchiar and her husband on the 29th March and 14th April 1832, to Mr. Collector Viveish, they acknowledged him as their adopted son. In two Urzees addressed by Sevagami Natchiar on the 20th and 23rd November 1836, to Mr. Collector Blackburne, she informed him that her adopted son had performed the funeral ceremonies of her deceased husband. To the same effect she addressed the Zillah Court of Madura, who, in their reply of the 24th November 1836, recognized the adoption. It was further acknowledged in the Mufti Sudr Ameen's Decree in O. S. No. 13 of 1844, as also in the receipt given by the said Court to her Vakil on the 24th February 1844. Moreover, under various dates Sevagami Natchiar addressed the local authorities, the Board of Revenue and Government† on the subject of her adoption of Kaungiasamy Setupati, more especially in 1849, whilst she was on her sick-bed, soliciting the confirmation of the whole of her property in his enjoyment. After her death, the Head of Police of Ramnaad reported on the 14th June 1849, that Kaungiasamy Setupati was the adopted son of Sevagami Natchiar and her husband, that he had performed their obsequies, and that consequently he was their heir. Accordingly, the Collector instituted a rigid enquiry in reference to their Will, Muktiyar, and Petitions, &c., and issued an order on the 22nd March 1849, directing the collection of the cess of the lands enjoyed by his adopted mother. On the 2nd July 1849, he directed all her property to be made over to him, and in his report of the 31st July 1849 to the Board of Revenue, fully and distinctly admitted that there was *prima facie* evidence of the reality and validity of the adoption. And on the 10th October of the same year, ordered all the Pannay or farm lands to be placed in his possession.

*Both these documents were registered in the Zillah Court, as its records will show, being the positive proofs of their undoubted genuinness.

†To Government, 18th December 1837, and in No. 410 of 1849.

18. The legality of Sevagami Natchiar's second marriage and the validity of Kaungiasamy Setupati's adoption being unquestionable, and the present Zemindarni not being the heir of Muttu Ramalinga Setupati, the deceased Zemindar, his widow or his daughter, there can be no reasonable objection to the delivery of the jewels or their proceeds to Petitioner, who is their legitimate heir.

19. Rani Raja Rajeswari Natchiar, on the demise of her husband, inherited, (with the exception of these jewels,) all his property, and on her death, her daughter Sevagami Natchiar succeeded to it, all of which were placed in possession of her adopted son Kaungiasawmy Setupati as her rightful heir. He died in 1850, and the Pannay or farm lands having been sequestrated by mistake, they were directed to be made over in common with all the other property to

Periasawmy Taver Petitioner's elder brother, under an order of the Collector, dated 26th March 1853, together with the Samibhogum which accrued thereon whilst under Circar management, as also Kavil and Ambalum Mirassis, as recommended by the Board of Revenue in their Proceedings, dated 15th January 1855, and concurred in by Government, on the 30th January of the same year, thereby recognizing the right of the adopted son's son to them. Subsequent to the death of Petitioner's elder brother, the property fell into the enjoyment of Petitioner.

20. Thus it will be seen that the property of Muttu Ramalinga Setupati descended in regular succession from his widow to his daughter, from her to Petitioner's father, from him to Petitioner's elder brother, and from him to Petitioner himself, who is the only living legal heir of the deceased Zemindar, and he consequently has an indisputable right to the jewels in question. Had these jewels been made over to the widow or daughter, Petitioner's father, elder brother and himself would have enjoyed them without any question, as they enjoy the rest of all their property.

21. On all the foregoing considerations, viz :—

I. As Mungaleswari Natchiar was not the heir of Muttu Ramalinga Setupati ;

II. As she has no lineal heir in existence ;

III. As the present Zemindarni is not the heir of Muttu Ramalinga Setupati, as her claims were long ago rejected by former Collectors and Government, and as she has not the jewels in her possession, there can be no necessity to sue her. Why then should Petitioner institute proceedings against her, and where is the justice of making over the property to her if he does not do so within 6 months ?

IV. As Raja Rajeswari Natchiar was the heir of her deceased husband's property according to the opinion of the highest Law Officers ; the Advocate General and the Sudder Court ;

V. As Sevagami Natchiar was the heir of her mother Raja Rajeswari Natchiar ;

VI. As Sevagami Natchiar's second marriage was legal ;

VII. As her adoption of Kaungiasawmy Setupati was valid, therefore Petitioner is the only heir to Sevagami Natchiar ;

VIII. As Petitioner is in the enjoyment of all the property with the exception of these jewels of Muttu Ramalinga Setupati ;

IX. As the property or proceeds of its sale are in the custody of Government ;

X. As it is evident that Petitioner will have to proceed against Government only, which he is loathe and reluctant to do, and as he feels confident that undoubted justice will be dispensed him by your paternal Government on a fair representation and an impartial consideration of his case :—and

XI. As Mr. Parish's representations that the deceased Zemindar's sister was acknowledged by Government as his sole heir, and that the property was Regalia, was palpably incorrect, Petitioner most humbly and respectfully solicits your Honor in Council to take his just and lawful claim, as heir direct of Muttu Ramalinga Setupati into kind and impartial consideration, and pass an order directing the jewels or their proceeds to be delivered over to him.

Your Honor in Council will perceive that this can be easily done by Government, since he has proved clearly both from law, usage and documents that he is the undoubted heir to the property ; since he has no one to proceed against, the Zemindarni not having the slightest title to nor possession of it, and since, also, it is in the custody of Government themselves. Government are the highest tribunal in the land, and your decision being final, the restoration of the property to Petitioner will relieve him from all unnecessary litigation and expense.

And Petitioner as in duty bound shall ever pray.

(Signed) ஸ்ரீமத் பிரதாப சிம்ஹ பரசுபாணி சேதுபதி வெருதினது.

29th October 1862.

Proceedings of the Madras Government, Financial Department,
30th January 1863.

No. 89. To His Excellency the Honorable the Governor in Council,
Fort Saint George, Madras.

The humble petition of SRI MUTH PRATAPA SIMHA PARSUPANI SETUPATI, adopted grandson of RANI SEVAGAMI NATCHIAR, late Zemindarni of Ramnaad.

Humbly Sheweth,

That with reference to the Orders of Government, on his former petitions, dated 21st July and 1st December 1862, directing Petitioner to sue the present "Rani of Ramnaad" for the proceeds of certain jewels, which formed a part and parcel of the private personal property of Petitioner's grandfather Muttu Ramalinga Setupati former Zemindar of Ramnaad, he would most humbly submit that as the time limited, 6 months, will speedily expire, *i. e.* on the 21st January 1863, and as he has been fully and unintermittingly engaged in urging his claims during, and more than, the time above specified, and as the jewels have already been in deposit for more than 50 years, there can be no objection to retaining the proceeds for a longer time, he respectfully solicits that they may be still kept in deposit, pending the final decision of the Right Honorable the Secretary of State for India. This further extension Petitioner solicits in the earnest and fervent hope that on a reconsideration of the subject your Government will recognize his claims and place him in possession of the proceeds of the jewels and thereby prevent him from becoming involved and ruined by unnecessary litigation, which otherwise he would be compelled to undertake though much against his will and inclination, and in the event of his instituting a suit, he would have to do it against Government as advised by his Solicitor, who declared that as the authorities who have possession of the proceeds refused to deliver them up and are inclined to give them up to the wrong party, they alone are responsible and should be made parties to the suit.

2. Petitioner has so fully, fairly and truely set forth the grounds of his claim to the proceeds in question in his petitions to Government, that if they were but impartially taken into consideration, without the smallest doubt, the said proceeds would be at once delivered over to him. But because Petitioner would humbly yet unhesitatingly submit in all the correspondence from the year 1795 to 1809 Mungaleswari Natchiar is no where acknowledged as the heir of Muttu Ramalinga Setupati, and the subsequent correspondence, from 1809 to 1859, which transpired on the subject together with the printed address submitted by Petitioner, will show that the present Zemindarni or her predecessors were never recognized as the heir.

3. These have not been taken into comprehensive view, Government have been pleased to acknowledge the fictitious right of a non-claimant in preference to the established right and title of Petitioner, thereby unjustly keeping him out of his hereditary claim.

4. That Petitioner has established his claim, and that the so called Rani of Ramnaad has no right or title whatever to the jewels or their proceeds is clearly deducible from the points hereinunder given.

I. On the death of Muttu Ramalinga Setupati in 1809 it was decided by Government, 1st on the opinion of the Advocate General communicated through the Honorable Company's Solicitor, under date the 1st March 1809, and 2nd, that of the decision of the Pundits of the Sudr Court accompanied by their Registrar's letter of the 12th May of the same year, that Raja Rajeswari Natchiar, the widow of the deceased Zemindar was his only, sole and rightful heir to all his private personal property, and accordingly she enjoyed the whole of it with the exception of the jewels in dispute.

II. On her death the whole of said, property descended to Rani Sevagami Natchiar, the daughter of the deceased Zemindar.

III. Next, all the said property was inherited by Petitioner's father, Sevagami Natchiar's legally adopted son Kaungiasamy* Setupati.

* From Collector to Board of Revenue, 31st July 1849, paragraph 7.

IV. After him Petitioner's elder brother Periasamy Taver enjoyed the property, and lastly Petitioner himself.

5. Thus it will be seen that the private property of the deceased Zemindar Muttu Ramalinga Setupati has been all along in the uninterrupted possession and enjoyment of the widow, the daughter, the adopted son, and the sons of the adopted son including Petitioner himself.

6. In addition to the above incontrovertible facts, there are others as cogent to show that Petitioner alone as the adoptive grandson is entitled to the proceeds of the jewels in question.

I. Government decided as above shown that the widow Raja Rajeswari Natchiar was the heir of the deceased Zemindar, thereby disallowing the claim of Mungaleswari Natchiar, the sister to the private property of her brother.

II. On her attempting to obtain these particular jewels, the private property of the deceased Zemindar they were refused her and kept in deposit on the ground that they were not Regalia, and that therefore she had no right to them, not being the heir. Be it remembered that Sevagami Natchiar, nor her heirs, for reasons set forth in the printed petition, did not apply for it at all.

III, Further, she having no right to them, her successors could have no right to them. In Extract Minutes of Consultation of the 1st June 1840, Government then expressed themselves as regards the Zemindary itself. " 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."

7. Such being the case it is clearly evident that if the present Zemindarni has no right or title to the Estate itself, she can have no right or title to the proceeds of the jewels, nor indeed does she lay any claim to them.

8. Mr. Collector Clarke in his Report to Government under date 19th November 1859, states in paragraph 5 that Mr. Parish's representations that Mungaleswari Natchiar was acknowledged heir, was radically incorrect, and from paragraphs 17 to 21 that authority rejects the right of the present Zemindarni to the proceeds, and in paragraph 22 acknowledges Petitioner as the only claimant to them on one proviso. This report was made by the Collector, an official of extensive experience, one who strove to dive to the bottom of the matter by personal inquiry and by a careful perusal of the whole of the correspondence from first to last.

9. The only objection which Mr. Collector Clarke raises to Petitioner being put in possession is from a doubt of the validity of the adoption by Sevagami Natchiar of his father Kaungiasamy Setupati, and which his enemies alone brought up to usurp these proceeds.

10. As regards the validity of the adoption, Petitioner has submitted the most indisputable proofs in his printed petition in paragraph 17. As a further proof he would humbly state that as above shown the whole of the private property of Muttu Ramalinga Setupati were placed in the possession of Petitioner's father, on the death of his adoptive mother Sevagam Natchiar, and thereafter enjoyed by Petitioner's brother and himself. Now if the adoptioni were actually illegal, is it to be supposed that the opposite party would remain quiescent without contesting the right to the property? Up to the present moment no such claim has been put forth, and if Sevagami Natchiar had thought proper to claim the jewels at the time, they would have unquestionably been given over to her, and then they must have necessarily fallen into the possession of her adopted son and Petitioner. Moreover, it is to be observed, in conclusion that Government from the very commencement rejected the claim of Mungaleswari Natchiar, and that the Collector Mr. Clarke totally rejected the claims of the present Zemindarni. She not being the heir of Muttu Ramalinga Satupati or his daughter directly or indirectly, and not having any right or title to the property by the law prevalent and obtaining throughout Southern India. Notwithstanding which the present Government misconceiving the whole facts of the case and taking for granted the misrepresentations of Mr. Parish's to be true, are now determined to give the proceeds over to a party who has no right to them.

From the foregoing grounds your Excellency in Council will perceive the petitioner has every claim to the proceeds, and he therefore most respectfully solicits that Government will be graciously pleased to place him in possession of them or grant him an extension of time pending the decision of the Secretary of State for India.

For which act of justice and mercy, Petitioner as in duty bound shall ever pray.

(Signed) ஸ்ரீமதுபரதாபசிம்மபரசுபாணிசேதுபதியெழுதினது.

5th January 1863.

Proceedings of the Madras Government, Financial Department,
30th January 1863.

No. 90. To J. W. BREEKS, Esq.,
Private Secretary to His Excellency the Honorable the Governor, Guindy.

Honored Sir,

In humbly presuming to address your honor, permit me most respectfully to state that I have submitted two separate petitions, dated 17th and 27th December 1862, to His Excellency the Governor complaining of the injustice done me in keeping me out of the possession of certain jewels belonging to my late grandfather, Rajah Muttu Ramalinga Setupati, Zemindar of Ramnaad, which is still in the custody of Government.

The Order of Government disallowing my legitimate rights, and directing me to prosecute the present Zemindarni of Ramnad for the recovery of the said jewels was passed without the smallest consideration of my hereditary rights, and no such order would have been passed, but for the absence of His Excellency from the Presidency. Had His Excellency been present, without the slightest question, the fullest justice would have been rendered me, and my clear and undoubted title to the jewels in question would have been at once recognized.

In all the annals of the British Administration in India, none such unparelled injustice, as has been done to me can be discovered. I am directed to sue the Zemindarni, a party who has no right or title to the property, and who moreover has not possession of it. But still worse, I have been directed to institute proceedings within the 21st instant according to the advice of my legal advisers I may not sue the Zemindarni, but Government themselves, which I am reluctant and unwilling to do from reasons of loyalty and the inevitable ruin in which it will involve me.

I have therefore to request that you will condescend to bring the enclosed petition to the special notice of His Excellency, and procure me an order without transferring it in the usual manner to the Petition Department inasmuch as from the multiplicity of business. My case was disposed of without any consideration in common with other cases of small importance.

Having memorialized the Right Honorable the Secretary of State, I have further to solicit that in the event of His Excellency, to my great misfortune, not placing me in possession of the said jewels or their proceeds, an extension of six months may be granted me, pending the final decision of the Home Authorities. In complying with this prayer, no injury will be done to the interests of any, inasmuch as the jewels have been in the custody of Government for more than half a century.

In conclusion, the justice and equity of the British Rule is universally acknowledged throughout the civilized world, and it has proved a real blessing to India. English justice is a household word with us, and on that justice, administered by high-born and high minded English gentlemen, I entirely throw myself.

With sentiments of the most profound respect and submission, I beg to subscribe myself.

Honored Sir,

Your most obedient and humble servant,

(Signed) ஸ்ரீமத்பரதாபசிம்மபரசுபாணிசேதுபதியெழுதினது.

9th January 1863.

To His Excellency the Honorable Sir W. DENISON, Kt., K. C. B.,
Governor of Fort Saint George, Madras.

The humble petition of SRI MUTH PRATAPA SIMHA PARASUPANI SETUPATI, adopted grandson of Rani SEVAGAMI NATCHIAR, late Zemindarni of Ramnaad.

Humbly Sheweth,

That from a consideration of Petitioner's case, as represented in his petition of the 17th instant, your Excellency will have perceived that if ever injustice has been perpetrated against an unfortunate individual, it has been done against him, in his being directed by Government to sue a party who has no right or title to the proceeds of the sale of the private personal property of his adoptive grandfather, Muttu Ramalinga Setupati, Zemindar of Ramnaad, lays no claim to it and has it not in possesion. From your Excellency's absence, an absence most destructive of Peti-

tioner's strong hopes and expectations, this injustice has been committed by the merits of his case not having been taken into thorough consideration.

2. That with reference to the Orders of Government on his former petitions, dated 21st July and 1st December 1862, directing Petitioner to sue the present "Rani of Ramnaad" for the proceeds of certain jewels, which formed a part and parcel of the private personal property of Petitioner's grandfather, Muttu Ramalinga Setaputi, former Zemindar of Ramnaad, he would most humbly submit that as the time limited, 6 months, will speedily expire, *i. e.* on the 21st January 1863, and as he has been fully and unintermittingly engaged in urging his claims during, and more than, the time above specified, and as the jewels have already been in deposit for more than 50 years, there can be no objection to retaining the proceeds for a longer time, he respectfully solicits that they may be still kept in deposit, pending the final decision of the Right Honorable the Secretary of State for India. This further extension Petitioner solicits in the earnest and fervent hope that on a reconsideration of the subject, your Excellency will recognize his claims and place him in possession of the proceeds of the jewels and thereby prevent him from becoming involved and ruined by unnecessary litigation, which otherwise he would be compelled to undertake, though much against his will and inclination; and in the event of his instituting a suit, he would have to do it against Government as advised by his Solicitor who declared that as the authorities who have possession of the proceeds refused to deliver them up and are inclined to give them up to the wrong party, they alone are responsible and should be made parties to the suit.

3. Petitioner has so fully, fairly and truly set forth the grounds of his claim to the proceeds in question in his petitions to Government, that if they were but impartially taken into consideration, without the smallest doubt, the said proceeds would be at once delivered over to him. But because, Petitioner would humbly yet unhesitatingly submit, in all the correspondence from the year 1795 to 1809 Mungaleswari Natchiar is no where acknowledged as the heir of Muttu Ramalinga Setupati, and the subsequent correspondence from 1809 to 1859, which transpired on the subject together with the printed address submitted by Petitioner will show that the present Zemindarni or her predecessors was never recognized as the heir. These having not been taken into a comprehensive view, Government have been pleased to acknowledge the fictitious right of a non-claimant in preference to the established right and title of Petitioner thereby unjustly keeping him out of his hereditary claim.

4. That Petitioner has established his claim, and that the so called Rani of Ramnaad has no right or title whatever to the jewels or their proceeds is clearly deducible from the points herein under given.

I. On the death of Muttu Ramalinga Setupati in 1809, it was decided by Government, 1st, on the opinion of the Advocate General communicated through the Honorable Company's Solicitor, under date the 1st March 1809, and 2nd, that of the decision of the Pundits of the Sudr Court accompanied by their Registrar's letter of the 12th May of the same year that Rajah Rajeswari Natchiar, the widow of the deceased Zemindar was his only, sole and rightful heir to all his private personal property and accordingly she enjoyed the whole of it with the exception of the jewels in dispute.

II. On her death the whole of said property descended to Rani Sevagami Natchiar, the daughter of the deceased Zemindar.

III. Next all the said property was inherited by Petitioner's father, Sevagami Natchiar's legally adopted son Kaungiasawmy* Setupati.

* From Collector to Board of Revenue, 31st July 1849, paragraph 7.

IV. After him Petitioner's elder brother Periasawmy Taver enjoyed the property and lastly Petitioner himself.

5. Thus it will be seen that the private property of the deceased Zemindar Muttu Ramalinga Setupati has been all along in the uninterrupted possession and enjoyment of the widow, the daughter, the adopted son, and the sons of the adopted son including Petitioner himself.

Proceedings of the Madras Government, Financial Department,
30th January 1863.

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6. In addition to the above incontrovertible facts, there are others as cogent to show that Petitioner alone as the adoptive grandson is entitled to the proceeds of the jewels in question.

I. Government decided as above shown that widow Raja Rajeswari Natchiar was the heir of the deceased Zemindar thereby disallowing the claim of Mungaleswari Natchiar, the sister, to the private property of her brother.

II. On her attempting to obtain these particular jewels, the private property of the deceased Zemindar, they were refused her and kept in deposit on the ground that they were not Regalia, and that therefore she had no right to them, not being the heir. Be it remembered that Sevagami Natchiar, nor her heirs, for reasons set forth in the printed petition, did not apply for it at all.

III. Further, she having no right to them, her successors could have no right to them. In Extract Minutes of Cousultation of the 1st June 1840, Government then expressed themselves as regards the Zemindary itself. "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."

7. Such being the case it is clearly evident that if the present Zemindarni has no right or title to the Estate itself, she can have no right or title to the proceeds of the jewels, nor indeed does she lay any claim to them.

8. Mr. Collector Clarke in his report to Government, under date 19th November 1859, states in paragraph 5 that Mr. Parish's representations that Mungaleswari Natchiar was acknowledged heir was radically incorrect, and from paragraphs 17 to 21 that authority rejects the right of the present Zemindarni to the proceeds, and in paragraph 22 acknowledges Petitioner as the only claimant to them on one proviso. This report was made by the Collector, an official of extensive experience, one who strove to dive to the bottom of the matter by personal inquiry and by a careful perusal of the whole of the correspondence from first to last.

9. The only objection which Mr. Collector Clarke raises to Petitioner being put in possession is, from a doubt of the validity of the adoption by Sevagami Natchiar of his father Kaungiasawmy Setupati, and which his enemies alone brought up to usurp these proceeeds.

10. As regards the validity of the adoption, Petitioner has submitted the most indisputable proofs in his printed petition in paragraph 17. As a further proof he would humbly state that as above shown the whole of the private property of Muttu Ramalinga Setupati were placed in the possession of Petitioner's father, on the death of his adoptive mother Sevagami Natchiar, and thereafter enjoyed by Petitioner's brother and himself; now if the adoption were actually illegal, is it to be supposed that the opposite party would remain quiescent, without contesting the right to the property? Up to the present moment no such claim has been put forth, and if Sevagami Natchiar had thought proper to claim the jewels at the time they would have unquestionably been given over to her, and then they must have necessarily fallen into the possession of her adopted son and Petitioner. Moreover it is to be observed in conclusion that Government from the very commencement rejected the claim of Mungaleswari Natchiar, and that the Collector Mr. Clarke totally rejected the claims of the present Zemindarni. She not being the heir of Muttu Ramalinga Setupati or his daughter directly or indirectly and not having any right or title to the property by the law prevalent and obtaining throughout Southern India. Notwithstanding which the present Government misconceiving the whole facts of the case and taking for granted the misrepresentations of Mr. Parish to be true are now determined to give the proceeds over to a party who has no right to them.

11. From the foregoing grounds your Excellency will perceive that Petitioner has every claim to the proceeds, and he therefore most respectfully solicits that your Excellency will be graciously pleased to place him in possession of them or grant him an extension of time pending the decision of the Secretary of State for India.

For which act of justice and mercy, Petitioner as in duty bound shall ever pray.

(Signed) ஸ்ரீமத்பறதாபசிம்மபராசுபானிசேதுபதிகையெழுத்து.

9th January 1863.

Proceedings of the Madras Government, Financial Department,
30th January 1863.

No. 91. ORDER THEREON, 30th January 1863, No. 66.

Before forwarding to the Secretary of State the Memorial presented with the first of the petitions above recorded, His Excellency the Governor in Council resolves to refer the Petitioner's applications and the papers bearing on the case to the Advocate General, and to request that Mr. Smyth will favor the Government with his opinion as to the course which should be pursued with reference to the property in question.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

Exd. T. McMootry.

and

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Rect. 1863 Explan
No 68
Proceedings of Govt
Dated 30th January 63

To,

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

The humble petition of Sri Muttu Pratapa Sunha Parkupani Setupati adopted Grandson of Rani Sevagami Natchiar late Zemindarni of Ramnaad.

Humbly Sheweth,

That with reference to the orders of Government on his former petitions dated 21st July and 1st December 1862 directing Petitioner to sue the present "Rani of Ramnaad" for the proceeds of certain jewels, which formed a part and parcel of the private personal property of Petitioners paternal ~~grandfather~~ Muttu Ramalinga Setupati former Zemindar of Ramnaad, he would most humbly submit that as the time limited,- 6 Months,- will speedily expire, i.e. on the 21st January 1863, and as he has been fully and unintermittingly engaged in urging his claims during, and more than, the time above specified and as the jewels have already been in deposit for more than 50 years there can be no objection to retaining the proceeds for a longer time, he respectfully solicits that they may be still kept in deposit, pending the final decision of the Right Honorable the Secretary of State for India.- This further extension Petitioner solicits in the earnest and fervent hope that on a reconsideration of the subject your Government will recognize his claims

and

and place him in posession of the proceeds of the jewels and thereby prevent him from becoming involved and ruined by unnecessary litigation, which otherwise he would be compelled to undertake though much against his will and inclination and in the event of his instituting a suit, he would have to do it against Government as advised by his Solicitor who declared that as the Authorities who have posession of the proceeds refused to deliver them up and are inclined to give them up to the wrong party, they alone are responsible and should be made parties to the suit.—

2 Petitioner has so fully, fairly and truly set forth the grounds of his claim to the proceeds in question in his petitions to Government that if they were but impartially taken into consideration, ~~the smallest doubt the said proceeds would~~ be at once delivered over to him. But because,— (Petitioner would humbly yet unhesitatingly submit) because in all the correspondence from the year 1795 to 1809 Mungaleswari Natchiar, is no where acknowledged as the heir of Muttu Ramalinga Setupati, and the subsequent correspondence, from 1809 to 1859 which transpired on the subject together with the printed address submitted by Petitioner will show that the present Zemindarni or her predeceasors were never recognized as the heir.—

3 These have not been taken in into a comprehensive view, Government have been pleased to acknowledge the fictitious right of a non

now claimant in preference to the established right and title of Petitioner thereby unjustly keeping him out of his hereditary claim.—

4 That Petitioner has established his claim and that the so called Rani of Ramnaad has no right or title whatever to the jewels or their proceeds is clearly deducible from from the points herein under given.—

I On the death of Muttu Ramalinga Setupati in 1809 it was decided by Government 1st on the opinion of the Advocate General communicated through the Honorable Company's Solicitor under date the 1st March 1809 and 2nd that of the decision of the Pundits of the Sudr Court accompanied by their Registrars letter of the 12th May of the same year that Raja Rajeswari was his only, sole and rightful heir to all his private personal property and accordingly she enjoyed the whole of it with the exception of the jewels in dispute.—

II On her death the whole of said property descended to Rani Sevagami Natchiar, the daughter of the deceased Zemindar.—

III Next all the said property was inherited by Petitioner's father Sevagami Natchiar legally adopted Son Kaungiasamy Setupati.—

From Collector to Board of Revenue 31st July 1849 - para 4. IV After him Petitioner's elder brother Periasamy Tauer enjoyed the property and lastly Petitioner himself.—

5 Thus it will be seen that the private property of the deceased Zemindar Muttu Ramalinga Setupati has been all along in the uninterrupted

uninterrupted possession and enjoyment of the Widow, the daughter, the adopted son, and the sons of the adopted son including Petitioner himself.—

6 In addition to the above incontrovertible facts, there are others as cogent to show that Petitioner alone as the adoptive grandson is entitled to the proceeds of the jewels in question.—

i Government decided as above shown that the Widow Raja Rajeswari Natchiar was the heir of the deceased Zemindar thereby disallowing the claim of Mungaleswari Natchiar, the sister to the private property of her brother.—

ii On her attempting to obtain these particular jewels the private property of the deceased Zemindar they were refused her and kept in deposit on the ground that they were not Regalia, and that therefore she had no right to them not being the heir.— Be it remembered that Sevagami Natchiar nor her heirs for reasons set forth in the printed petition did not apply for it at all.—

iii Further, she having no right to them her successors could have no right to them. In Extract Minutes of Consultation of the 1st June 1840 Government then expressed themselves as regards the Zemindary itself. "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".—

3 7 Such being the case it is clearly evident that if the present Zemindarni has no right or title to the estate itself, she can have no right or title to the proceeds of the jewels, nor indeed does she lay any claim to them.—

Mr.

8 Mr. Collector Clarke in his Report to Government under date 19th November 1869 states in para 6 that Mr. Parish's representations that Mungaleswari Natchiar was acknowledged heir was radically incorrect and from paras 17 to 21 that authority rejects the right of the present Zemindarni to the proceeds and in para 22 acknowledges Petitioner as the only claimant to them on one proviso.— This report was made by the Collector an official of extensive experience, one who strove to dive to the bottom of the matter by personal enquiry and by a careful perusal of the whole of the correspondence from first to last.—

9 The only objection which Mr. Collector Clarke raises to Petitioner being put in possession is from a doubt of the validity of the adoption by Sevagami Natchiar of his father Rangiasamy Setupate, and which his enemies alone brought up to usurp these proceeds.—

10 As regards the validity of the adoption Petitioner has submitted the most indisputable proofs in his printed petition in para 17. As a further proof he would humbly state that as above shown the whole of the private property of Muthu Ramalinga Setupate were placed in the possession of Petitioner's father, on the death of his adoptive Mother Sevagami Natchiar and thereafter enjoyed by Petitioner's brother and himself. Now if the adoption were actually illegal is it to be supposed that the opposite party would remain quiescent without contesting the right to the property. Up to the present moment no such claim has been put forth, and if Sevagami Natchiar had thought proper to claim the jewels at

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the time, they would have unquestionably been given over to her, and then they must have neceparily fallen into the popepion of her adopted son and Petitioner.— Moreover, it is to be observed, in conclusion that Government from the very commencement rejected the claim of Mungaleswari Natchiar and that the Collector Mr. Clarke totally rejected the claims of the precient Izemindarni,— She not being the heir of Muttu Ramalinga Satupati or his daughter directly or indirectly, and not having any right or title to the property by the law prevalent and obtaining throughout Southern India,— Notwithstanding which the present Government misconceiving the whole facts of the case and taking for granted the misrepresentations of Mr. Parish's to be true are now determined to give the proceeds over to a party who has no right to them.—

From the foregoing grounds your Excellency in Council will perceive that Petitioner has every claim to the proceeds and he therefore most respectfully solicits that Government will be graciously pleased to place him in popepion of them or grant him an extension of time pending the decision of the Secretary of State for India.—

For which act of justice and mercy, Petitioner as in duty bound.—

Shall ever Pray

5th January 1863.

To

His Excellency the Honorable the Governor in Council,

Fort St. George,

MADRAS.

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

RESPECTFULLY SHEWETH,

That in reference to the order of Government, under date the 21st July 1862, No. 533, informing Petitioner that his proper course for the recovery of certain jewels, the property of the deceased Zemindar, Muttu Ramalinga Setupati, would be "to file a suit against the Rani of Ramnaad," he most humbly and respectfully solicits a reconsideration of his claim, just, lawful and exclusive as it is, and fervently trusts that his right to be placed in the possession of the property in question will be recognized by your Excellency in Council.

2. Petitioner, with the highest deference would submit that he does not perceive the necessity of instituting proceedings against the present Zemindarni, inasmuch as she does not claim to be the heir of the deceased Zemindar Muttu Ramalinga Setupati, and inasmuch, also, as she is not in possession of the said property. It is in the hands of Government, and Government alone have the sole power and authority to decide and deliver it up to Petitioner, he having an unquestionable right thereto agreeably to the law obtaining throughout Southern India. Petitioner does proceed against any other passing stranger as it is to direct him to file a suit against the Zemindarni, who is as much a stranger to the property as any other party.

3. She merely laid a claim to the said property on the sole ground of her being the representative, by adoption, of Mungaleswari Natchiar, the sister of the deceased Zemindar. Setting aside the validity of her husband's adoption, it having been effected by a party who himself was illegally and irregularly adopted by Mungaleswari Natchiar, during her widowhood, and immediately before her death, Petitioner would humbly ask, what right had the said Mungaleswari Natchiar herself to be considered the heir to the personal property of her brother? Neither Hindu law nor popular immemorial usage sanctions such heirship. It is true that Government for the sake of "expediency"* bestowed the Zemindari on her, on account of the minority of the deceased Zemindar's daughter Sevagami Natchiar, but that gave her no right or title to the private property of her brother. The language used by the then Collector, Mr. George Powney, with respect to the object of placing the Zemindari in her possession is clear and definite. "The sister from her age will not probably have "issue, the daughter and her husband are minors; according to the custom of this 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." In accordance with these views of the Collector, Government addressed Mungaleswari Natchiar, under date 4th July 1795, No. 118, (when they directed her to be placed in possession of the Zemindari) advising her to take Sevagami Natchiar, the daughter of the deceased Zemindar under her especial protection. This is the language used on the occasion. "As you enjoy the confidence which is now solemnly placed in you to the preserva- "tion of her person and the improvement of her mind, so you will merit the approbation of Govern- "ment or be liable to their severest displeasure."

* From Collector, 30th May 1795, last para.

4. Even the point of expediency gave way to one of necessity, and the Zemindari was made over *conditionally*, in order that the Revenue of the Estate might be secured. "We accordingly

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Rec'd 17th July 23rd of 1863.

Fwd 1863 dept

To
The Right Honble Sir Bartle Frere K.C.B. &c. &c. &c.
Bombay Castle.

Sir

I have the honor to forward herewith a petition addressed to the Governor in Council by Sri Muth Pratapa Simha Parsupani Setupati Zemindar of Ramnad.

2. The Rani of Ramnad has been requested to report on the petitioner's claim to the jewels which belonged to the late Zemindar Muttu Ramalinga Setupati or to the property in question, and the petitioner has been informed that no decision can be passed on his petition until the Rani's report is received.

I have &c.
(Signed) H. Ellis
Secretary to Government

Fort St. George
The 9th July 1863.

Encl. returned to Secretary to Government

C 15 Sept

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recommend," say the Special* Commissioners, "to your Lordship in Council that the Collector may be "authorized to transfer the lands of Ramnaad to the Zemindar, on "condition of her agreeing to the terms which your Lordship in Council may ultimately resolve to "establish for the assessmentof the permanent Revenue of that Zemindari."

* To Government from Special Commissioners, 10th February 1803, para 3.

The above quotations show that the Zemindari was not bestowed on Mungaleswari Natchiar as the heir to the property, but was given to her on account of the minority of the daughter and for the sake of expediency, and that conditionally, and as Mr. Collector Clarke, in his letter of the 19th November 1859, para. 5, after a careful perusal of the whole of the records, justly remarks, there is nothing "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." The extracts given by this Authority are to the point.

5. Still further, Government themselves, after due and thorough investigation, disallowed her right to the property in deposit, and it was therefore not made over to her. The grounds on which they passed their decision were, to the following effect, that on the demise, in January 1809, of Muttu Ramalinga Setupati, they asked the opinion of the Pundits of the Sudr Court, as to who was the heir among three parties viz. his widow, daughter or sister, and who should perform his funeral obsequies, and inherit his property. The reply of the Pundits, accompanied by the Registrar's letter, under date the 12th May 1809, was to the effect that "in Scripture, in law and in popular usage, a wife is de- "clared 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 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."

6. The Advocate General also communicated his opinion through the late Honorable Company's Solicitor, Mr. Orme, on the 1st March 1809, stating that "the son if any, if not the widow or other "next of kin, of the deceased are the proper Claimants of the property." Government accordingly directed the Town Major, under date the 10th June 1809, to transmit to Raja Rajeswari Natchiar, the widow, the body of the deceased Zemindar, in view that she might perform the usual ceremonies, which she did, and became inheritor of his property.

7. This is in accordance with the law and usage prevailing throughout Southern India. Mitaschara, Chap. II., Section I., page 326, line 3. "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 in- "heritance 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 dying without leaving male issue. This obtains universally."

8. It is to be observed that the widow Raja Rajeswari Natchiar was placed in possession of all her husband's personal property, with the exception of the jewelry which he had with him whilst in confinement in Fort St. George, and which Government retained in deposit. The year after the Zemindar's death, his Sister Mungaleswari Natchiar claimed the said property, and the Collector Mr. Parish, committed, intentionally or inconsiderately, two glaring errors, in his letter of the 14th February 1810, No. 46, one in stating that Government had declared her as the sole heir of the real and personal property of her deceased brother, and the other by confirming her assertion that the property in deposit was Regalia. No where, among all the records of Government can it be discovered that she was recognized as the heir to the private property of her brother. Those very documents are on the records now, and no interpretation can put a wrong construction on the language then used. A reference to all the correspondence which transpired from 1795 to 1809 will show that Mr. Parish's statement was entirely a misrepresentation. Also, the list of the property will clearly show that it is not Regalia.

9. The Pundits of the Sudr Court had already declared that the widow was the heir and on the requisition of Government again on the 24th February 1810, No. 88, with reference to Mr. Paris's aforementioned letter, the Pundits of the Sudr Court confirmed their previously given opinion.

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Besides, all the facts of the case were fresh in the memory of the then members of Government, and they therefore, notwithstanding the misrepresentations of the Collector Mr. Parish rejected the false claims put forward by Mungaleswari Natchiar, and retained the property in deposit to be delivered to the legal representatives of the deceased Zemindar's widow and daughter. This decision of Government and the opinion of the Pundits and Advocate General, are fully borne out by the law and usages obtaining in Southern India. In the list of Sapindas, or heirs, given in para 309, of Strange's Manual of Hindu Law, the Widow is placed first, next the daughter, then the daughter's son, &c., while the sister is entirely omitted. The law laid down in Mitaschara, the principal standard work "On Inheritance" in this part of India, entirely excludes the sister, and sister's son from inheriting. To the same effect, Sir T. Strange, Vol. I. Page 167, Line 22, gives this as an universal principle:—"But the sister herself, being on account "of her sex no giver of oblations at periodical obsequies is excluded."

10. Such being the law, such being the decision of Government passed on the opinions of their highest Law Officers, the Advocate General and the Pundits of the Sudr Court, how can Mungaleswari Natchiar or any legitimate heirs of hers (of whom she had none) be the heir to the property in question? In Sir T. Strange, Vol. I. page 168, line 16, it is stated that the "sister's son—in the provinces which follow Mitaschara," i. e., Southern India "do not inherit." But she had no blood connexion; she had no lineal heir. The adoption* made by her in the first instance was illegal, she having been a widow; and the adoption by the widow of this adopted son, under pretence of her husband having given her sanction to adopt her own brother was doubly illegal. Sutherland on adoption, page 223, lines 26-27. "She must not select generally, one with whose father she could not have legally married." As she could not marry her own father, the adoption made by her was invalid.

* Vide Strange's Manual, para 73.

11. The widow of the deceased Zemindar, Rajah Rajeswari Natchiar performed the funeral ceremonies to her lord, and was placed in possession of his private Estate, with the above exception. After her death, her daughter Sevagami Natchiar succeeded to it, in virtue of her undoubted right to it she having been the heir to her mother. 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 daughter 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."

12. The reason why the property in deposit was not claimed both by the mother and daughter was in consequence of their having been engaged in prosecuting their claim to the Zemindari itself which was unjustly made over to Mungaleswari Natchiar's illegally adopted son. They had every confidence that since the jewels were in the custody of Government and they had an undoubted right to them, they would be given to them at any time. On the demise of Sevagami Natchiar, her adopted son, Kaungiasamy Setupati, Petitioner's father, succeeded to her property according to the law. Sir T. Strange, Volume I. page 145, line 5. "Between issue of the body, and an adopted son, the law "as it respects inheritance, makes no difference."

13. On all these grounds:—

I. As Mungaleswari Natchiar was not the heir of her brother's property:

II. As she had no lineal heir in existence, and

III. As the present Zemindarni is not the heir of Muttu Ramalinga Setupati, his widow or daughter, she can have no claim to the jewels in deposit.

Under these circumstances, it is hard Petitioner should be kept out of his rights, and be told to file a suit against the Rani of Ramnaad, who has been improperly vested with a fictitious right, to the Zemindari and has not the smallest right to this property. Petitioner's claim to the jewels in deposit as the heir of Muttu Ramalinga Setupati is capable of the most irrefutable proof, and it is only from interested motives in view to usurp this property that Petitioner's opponents seek to question the legality of Sevagami Natchiar's second marriage, and the validity of the adoption of Petitioner's father by her and her husband. The objections raised as to the legality of Rani Sevagami Natchiars Marriage and the validity of the adoption by her of Kaungiasawmy Setupati have been very recent. Not a Syllable was uttered regarding these two point till 1859. and that by the authorities only, as none of their opponents ever said a word about it, when it was found convenient to broach them newly in order to wave the question of Petitioners right to the property.—

14. As fully hereinunder represented the legality of the second marriage of Sevagami Natchiar is beyond all doubt.

15. The marriage was publicly celebrated by the performance of the most solemn rites and ceremonies ; it was acknowledged by all her relations, friends and neighbouring Zemindars, especially by the Sevagunga Zemindar, her relation, who bestowed a village on her and her husband for their maintenance ; it was further recognized by the Provincial Court in their Decree of the 13th December 1813, by which Sevagami Natchiar and her husband Vijiagopala Setupati were directed to be placed in possession of the Zemindari ; and last not least, had there been the slightest flaw in the marriage, it would have been noticed by the Sudr Court in their Decree No. 18 of 1814, as a plea to invalidate her claim to the Zemindari, when it was contested before them ; the only objection given by them was that a Sunnud had been already granted by Government to the opposite party* Mungaleswari Natchiar. And no reference whatever was made to the illegality of the marriage. A perusal of the Decree will convince your Excellency in Council of this fact. The fact is that the marriage was effected according to the approved practice obtaining among the Maravars. As long as Sevagami Natchiar lived, she was held in the greatest respect by all her friends and connections.

* Select Decrees, Vol. I. Page 101.

16. The second marriage of Sevagami Natchiar being legal, it follows that the adoption by her and her husband of Petitioner's father is valid. The objection to this adoption is that he was married and had 2 children at the time. The following facts borne out by documents written at the time and subsequently will disprove this assertion.

17. He was publicly adopted in 1814, in the presence of friends, relations and Bramins in his infancy with the consent of his natural father, his adoptive mother's brother-in-law. Five years after his adoption, *i. e.* on the 16th January 1819, the two sisters of his adoptive father, agreed, under a written document, on stamped paper to give their daughter in marriage to him, and 14 years after the adoption, *i. e.* in 1828, he was married. In 1829 he begot his eldest son, and in 1832 Petitioner his 2nd son. How can it then be stated that he was married and had two children at the time of his adoption ? On the 7th August 1824, eleven brahmins of Pérungarnnéy, in executing a Bond, acknowledged the adoption. Mr. Collector Peters also recognized it in his reply of the 30th November 1827, to an application from Sevagami Natchiar and her husband to grant their adopted son a Rahadari to Madras. They executed a Muktiyar on the 14th March, 1830 empowering him to superintend all their affairs, and on the 26th May of the same year they made a Will in his favor as their adopted son. Both these documents are on Stamped paper. In two Urzees presented by Sevagami Natchiar and her husband on the 29th March and 14th April 1832, to Mr. Collector Viveish they acknowledged him as their adopted son. In two Urzees addressed by Sevagami Natchiar on the 20th and 23rd November 1836, to Mr. Collector Blackburne, she informed him that her adopted son had performed the funeral ceremonies of her deceased husband. To the same effect she addressed the Zillah Court of Madura, who, in their reply of the 24th November 1836, recognized the adoption. It was further acknowledged in the Mufti Sudr Ameen's Decree in O. S. No. 13 of 1844, as also in the receipt given by the said Court to her Vakil on the 24th February 1844. Moreover, under various dates, Sevagami Natchiar addressed the local authorities, the Board of Revenue and Government* on the subject of her adoption of Kaungiasamy Setupati : more especially in 1849, whilst she was on her sick-bed, soliciting the confirmation of the whole of her property in his enjoyment. After her death, the Head of Police of Ramnaad reported on the 14th June 1849, that Kaungiasamy Setupati was the adopted son of Sevagami Natchiar and her husband, that he had performed their obsequies, and that consequently he was their heir. Accordingly, the Collector instituted a rigid enquiry in reference to their Will, Muktiyar, and Petitions &c. and issued an order on the 22nd March 1849, directing the collection of the cess of the lands enjoyed by his adoptive mother. On the 2nd July 1849, he directed all her property to be made over to him and in his report of the 31st July 1849 to the Board of Revenue, fully and distinctly admitted that there was prima faciæ evidence of the reality and validity of the adoption. And on the 10th October of the same year, ordered all the Pannay or farm lands to be placed in his possession.

* both these documents were registered in the Zillah Court, as the records will show being positive proofs of their undoubted genuineness.

To Government, 18th December 1837 and in No. 410 of 1849.

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18. The legality of Sevagami Natchiar's second marriage and the validity of Kaungiasamy Setupati's adoption being unquestionable, and the present Zemindarni not being the heir of Muttu Ramalinga Setupati, the deceased Zemindar, his widow or his daughter, there can be no reasonable objection to the delivery of the jewels or their proceeds to Petitioner, who is their legitimate heir.

19. Rani Raja Rajeswari Natchiar, on the demise of her husband, inherited, (with the exception of these jewels,) all his property, and on her death, her daughter Sevagami Natchiar succeeded to it, all of which were placed in possession of her adopted son Kaungiasawmy Setupati as her rightful heir. He died in 1850, and the Pannay or farm lands having been sequestrated by mistake, they were directed to be made over in common with all the other property to Periasamy Taver Petitioner's elder brother, under an order of the Collector dated 26th March 1853, together with the Samibhogum which accrued thereon whilst under Circar management, as also Kavil and Ambalum Mirassis, as recommended by the Board of Revenue in their Proceedings dated 15th January 1855, and concurred in by Government, on the 30th January of the same year, thereby recognizing the right of the adopted son's son to them. Subsequent to the death of Petitioner's elder brother, the property fell into the enjoyment of Petitioner.

20. Thus it will be seen that the property of Muttu Ramalinga Setupati descended in regular succession from his widow to his daughter, from her to Petitioner's father, from him to Petitioner's elder brother, and from him to Petitioner himself, who is the only living legal heir of the deceased Zemindar, and he consequently has an indisputable right to the jewels in question. Had these jewels been made over to the widow or daughter, Petitioner's father, elder brother and himself would have enjoyed them without any question, as they enjoy the rest of all their property.

21. On all the foregoing considerations :—viz.

I. As Mungaleswari Natchiar was not the heir of Muttu Ramalinga Setupati :

II. As she has no lineal heir in existence :

III. As the present Zemindarni is not the heir of Muttu Ramalinga Setupati, as her claims were long ago rejected by former Collectors and Government, and as she has not the jewels in her possession, there can be no necessity to sue her : Why then should Petitioner institute proceedings against her, and where is the justice of making over the property to her if he does not do so within 6 months ?

IV. As Raja Rajeswari Natchiar was the heir of her deceased husband's property according to the opinion of the highest Law Officers ; the Advocate General and the Sudr Court :

V. As Sevagami Natchiar was the heir of her mother Raja Rajeswari Natchiar :

VI. As Sevagami Natchiar's second marriage was legal :

VII. As her adoption of Kaungiasawmy Setupati was valid, therefore Petitioner is the only heir to Sevagami Natchiar :

VIII. As Petitioner is in the enjoyment of all the property with the exception of these jewels of Muttu Ramalinga Setupati :

IX. As the property or proceeds of its sale are in the custody of Government :

X. As it is evident that Petitioner will have to proceed against Government only, which he is loathe and reluctant to do, and as he feels confident that undoubted justice will be dispensed him by your paternal Government on a fair representation and an impartial consideration of his case :—and

XI. As Mr. Parish's representations that the deceased Zemindar's sister was acknowledged by Government as his sole heir, and that the property was Regalia, was palpably incorrect, Petitioner most humbly and respectfully solicits your honor in Council to take his just and lawful claim, as heir direct of Muttu Ramalinga Setupati into kind and impartial consideration, and pass an order directing the jewels or their proceeds to be delivered over to him.

Your Honor in Council will perceive that this can be easily done by Government, since he has proved clearly both from law, usage and documents that he is the undoubted heir to the property ; since he has no one to proceed against, the Zemindarni not having the slightest title to nor possession of it and since, also, it is in the custody of Government themselves. Government are the highest tribunal in the land, and your decision being final, the restoration of the property to Petitioner will relieve him for all unnecessary litigation and expense.

And Petitioner as in duty bound shall ever pray.

29th October 1862.

Petition
1 Feb 1913
Received
No 1013

Petition
Rec'd 3 Feb 13

Petitioner has not been heard in support of his petition. Has not been allowed to file any documents in support of his claim &c.
WD

To,

His Excellency the Honorable
Sir W. Denison Kt. K.C.B.
Governor of Fort St. George
Madras.

The humble petition of Sri Muttu Pratapa Sinha Parsupani Setupati, adoptive grandson of Rani Sevagami Natchiar, daughter of Muttu Ramalinga Setupati, late Zemindar of Ramnaad.-

Most humbly Sheweth,

That having felt assured that on the presentation of his petition to your Excellency in Council, regarding his just legal and exclusive claims to the jewels which were taken into Government deposit belonging to Muttu Ramalinga Setupati, his grand-father, your Excellency would render him justice, Petitioner found, to his great misfortune, that your Excellency was absent from the Presidency, and that consequently an order was passed directing Petitioner to file a Suit against the so called "Rani of Ramnaad."-

That said order was passed without the slightest consideration of the merits of the case, your Excellency will at once declare after a perusal of the enclosed printed petition which was subsequently presented.- Had your Excellency been present, petitioner feels confidently assured that no bias, no partiality, would have been allowed to rule the decision adverse to him.- Petitioner seeks

* herewith enclosed

nothing

nothing more than that which hereditarily belongs to him. To obtain that, he was directed to sue the "Rani". Why, Petitioner humbly submits, why should he prosecute a party who has no popepion of the property, and who has no right to, and does not claim it? As might as well direct Petitioner to sue any other paping stranger. If Petitioner has to sue any one, it must be Government, as he has been advised on asking the opinion of his Solicitor, and that Petitioner is loathe and reluctant to do. On the presentation of his 2nd petition giving a full detail of the matter; but because Government had once paped an unjust order, again without consideration they confirmed their former decision. Is he then to be compelled to proceed against Government? he is not desirous to become involved with the authorities the more especially as the rectification of the evil wholly lies in your Excellency's hands. —

And to which Mr. Clarke in his letter of the 19th November 1859 after thoroughly examining the records. acknowledged his undoubted right and totally rejects the right of the Zemmundars of the jewels. —

Petitioner now humbly presumes to approach your Excellency and to solicit with reference to the enclosed petition and the undisputable facts therein contained that your Excellency will be pleased to pass an order causing the proceeds of the sale of the jewels to be immediately made over to him.

And Petitioner as in duty bound.

Shall Ever Pray.

19th December 1862.

To,

A. J. Arbuthnot Esqr.

Chief Secretary to Government

Honored Sir,

In soliciting the transmission of the accompanying Triplicate Copies of my Memorial to the Right Honorable the Secretary of State, in respect to my just and lawful claim to certain jewels which belonged to my great grandfather Muttu Ramalinga Setupati and which is in the Custody of Government permit me, honored Sir, to ask your attention to the subjoined Analasis of the Case - trusting that from your honor's just and impartial consideration of it you will relieve me from the dilemma in which I am placed, either of prosecuting the authorities or of foregoing my acknowledged rights.

So far back as 1840 - Government in Extract Minutes Consultation 20th June of that year, fully admitted that the alienation of the Zemindary itself in favor of the present Ranee who is the Widow of the adopted son of the adopted son of Mungaleswari Natchiar was illegal.

What claim has she then to these jewels?

Mr. Collector Clarke in his report to Government under date 19th November 1859 paras 18 to 21 distinctly states that neither Mungaleswari Natchiar nor her Successors were entitled to the jewels and that (para 22.) I alone am entitled to the jewels contingent on two conditions.-

I Proof of the legality of my grand mother's 2nd Marriage

II Proof of the validity of my father's adoption.-

From a perusal of the enclosed printed petition

Your

Rec'd 1862 Dec'br 15th
Financial No. 3535.

From
Sri Brittia Kattaya
Sinha Bauru Pandi
Vettirali adoptive
Grandson of Rani
Sevagami Natchiar
Daughter of Muttu
Ramalinga Setupati
late Zemindar of
Ramnaud

Dated 19th November 1862
Recd 22nd "

No 1013

Soliciting that an order may be issued to make over to him the Jewels of the late Zemindar taken into Govt's custody belonging to his grandfather Muttu Bauru Pandia Vettirali.

Pros: 29th Dec'r 1862 No 66.

Chief Secretary

Forwarded with reference to H. E. Mr Govr's Minute dated 22. Dec'r 1862

Encl: Petn

Brandreth

Dec'r 1863

Ent'd

your honor will perceive that the most indubitable proofs are in existence with regard to these 2 points.—

It follows therefore that I alone am the heir to the jewels, in-as-much as I also enjoy all the property of my great grandfather.—

If through the favor of Government, the present Zemindarni enjoys the Estate, that can give her no right to these jewels,— since she is not the heir of the deceased Zemindar, his Widow or daughter.— Her claim, besides, was all along rejected by the authorities.—

I therefore most respectfully request your honor to take my case into kind consideration and through your honor's favorable recommendation, be graciously pleased to procure an order directing the immediate restoration of the proceeds of the sale of the jewels to me, or to grant me a further extension of 6 Months, pending the decision of his Excellency the Right Honorable the Secretary of State.—

Your honor will be pleased to observe that the jewels have been in the possession of Government for more than half a Century, and it can make no difference now if they be retained in deposit for 6 Months longer.—

With reference to the order of Government to sue the Rani of Ramnad, I consulted my solicitor and his advice is that I can sue none but Government which I am unwilling to do, and will not unless compelled to adopt that course.—

But I humbly and fervently trust that on a candid perusal of my Memorial and its enclosures, your honor will see the justice of immediately placing me in possession of the jewels or their proceeds.—

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I beg to remain,
Honored Sir
Your most obedient & humble Servant.

19th December 1862.

J. H. Breeks Esqre
Private Secretary to
His Excellency the Honorable the Governor
Guernsey.

Honored Sir,

I am humbly presuming to address your honor, permit me most respectfully to state that I have submitted two seperate petitions, dated 17th and 27th December 1862, to His Excellency the Governor complaining of the injustice done me in keeping me out of the possession of certain Jewels belonging to my late grandfather, Rajah Muttu Ramalinga Setupati Zemindar of Ramnaad which it still in the custody of Government.—

The Order of Government disallowing my legitimate rights and directing me to prosecute the present Zemindarni of Ramnaad for the recovery of the said jewels was passed without the smallest consideration of my hereditary rights and no such order would have been passed but for the absence of His Excellency from the Presidency. Had His Excellency been present, without the slightest question, the fullest justice would have been rendered me and my clear and undoubted title to the jewels in question would have been at once recognized.—

In all the annals of the British Administration in India, none such unparrelled injustice, as has been done to me, can be discovered. I am directed to sue the Zemindarni, a party who has no right or title to the property, and who moreover has not possession of it. But still worse, I have been directed to institute proceedings within the 21st instant according to the advice my legal advisers I may not sue the

Zemindarni

Rec. 27th July 62. 69-71

Fwd. to Secretary 17th July 29th of 1863.

Final
Rec. 30 July 63.

To

The Secretary to Government
Fort St. George

Sir

I have the honor to request that you will be pleased to solicit the Commissioner of Revenue to favour us with a Statement of the Jewels to which the claim of Certain Persons noticed in the Margin of the Petition of Muttu Ramalinga Setupati Zemindar of Ramnaad, relating to the Jewels of the late Rajah Muttu Ramalinga Setupati Zemindar of Ramnaad, and to report his opinion thereon.

I have the honor to be
Sir
Your most obedient
Humble Servant
[illegible]

Public Department
Fort St. George
22nd Dec. 1862.

No 1081

Solicit the Commissioner of Revenue to favour us with a Statement of the Jewels to which the claim of Certain Persons noticed in the Margin of the Petition of Muttu Ramalinga Setupati Zemindar of Ramnaad, relating to the Jewels of the late Rajah Muttu Ramalinga Setupati Zemindar of Ramnaad, and to report his opinion thereon.

Received in Public Department Fort St. George 30th Dec. 1862

No 1081

Public Department
Fort St. George
30th Dec. 1862.

Sir

I am directed to transmit to you the accompanying Petition of Muttu Vijaya Raghunada Tevar Zemindarni of Ramnaad, praying that the Jewels belonging to the late Rajah Muttu Ramalinga Setupati Zemindar of Ramnaad may be delivered to her, and to request that you will be pleased to report your opinion thereon.

I have the honor to be
Sir
Your most obedient
Humble Servant
[illegible]
Secretary

To
The Commissioner of Revenue
Fort St. George

Rec. 31st Dec. 62. 88

Transmitted in original with the petition of the Zemindarni of Ramnaad

Secretary

Transmitted in
Jewelry -

c/52 Jewy

Jemindarni, but Government themselves, which I am
reluctant and unwilling to do from reasons of loyalty and
the inevitable pain in which it will involve me

I have therefore to request that you will
condescend to bring the enclosed petition to the special
notice of His Excellency, and procure me an order without
transferring it in the usual manner to the Petition
Department inasmuch as from the multiplicity of
business, My case was disposed of without any consideration
in common with other cases of small importance.

Having Memorialized the Right Honorable
the Secretary of State, I have further to solicit that in the
event of His Excellency to my great misfortune not
placing me in poppion of the said jewels or their proceeds,
an extension of 6 Months may be granted me pending
the final decision of the Home Authorities - In complying
with this prayer - no injury will be done to the interests
of any inasmuch as the jewels have been in the Custody
of Government for more than half a Century.

In conclusion, the justice and equity of the
British Rule, is universally acknowledged throughout
the Civilised world, and it has proved a real blessing
to India. English justice is a household word with us,
and on that justice, administered by high-born and
high minded English Gentlemen, I fearlessly throw myself.

With sentiments of the most profound respect
and submission, I beg to subject myself

Honored Sir,
Your most obedient and
humble Servant.

9th January 1863.

Financial Department.

18

67

PROCEEDINGS of the **MADRAS GOVERNMENT.**

Read Petitions presented by Streemuth Ratnapa Simha Varsupani Setupati-Ramnad, dated 19th December 1862 and 5th January 1863

Order thereon, 30th January 1863. No. 66.

Before forwarding to the Secretary of State the Memorial presented with the first of the Petitions above recorded, His Excellency the Governor in Council resolves to refer the Petitioners' applications and the papers bearing on the case to the Advocate General, and to request that Mr. Forsyth will favor the Government with his opinion as

Has this money been paid over to the present Zemindar? If so the petitioner may perhaps be told to file his suit against her - but if she has not got the money her defence would be simple & plain that she could not be sued for what was not in her possession - this comes perhaps more in the province of a suit

Fin. Dep. 30 Jany 1863 No 66.

as to the course which should be pursued with reference to the property in question -

Wm Ks

To
The Government Solicitor
with the Papers returned &
Dec 31st

Financial Dept. to Engd 17th July
No. 11 of 1863

Financial 1863. Department.

No. 66

PROCEEDINGS OF GOVERNMENT,

F. No. 321

Dated 30 January 63

Read Petition of Sreemuth Prataba Sinha Patsu-pani setupati Ramnads application relative to his claim to certain Jewels which belonged to his great Grand father and the papers bearing on the case to the Advocate Genl

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Consd

85 C 91

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