M.R.O. 1—39,000—16-10-22.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 66 Press / Mis.

111-1/2

Dated 16.1. 1866

3/4

Not to be folded or roughly handled

No. 111. Read the following letter from the Collector of Tinnevelly, to the Chief Secretary to Government, Fort Saint George; dated Tinnevelly, 4th January 1866, No. 4.

I have the honor to submit, for the consideration and orders of Government, an application* from Muttusamy Jagavira Rama Ettappa Naik, the Zemindar of Ettiapuram, in Ottapedaram Taluq of this District, to be exempted, on account of his rank, services performed by his forefather during the Poligar rebellion at Panjalankurichy, wealth and dignity, as well as from inconveniences attending his moving with a large retinue, from personal appearance at the Civil Court, under Section 22, Act VIII of 1859.

* With its enclosures.

2. There is no doubt that the services rendered to our Government by the ancestor of the present Zemindar, at a critical period during the Poligar rebellion, were of very considerable importance, and as such have led to the possessions of his family having been increased, and to his having been permitted to use insignia of great dignity in Native estimation. The inconveniences attaching to such dignity, when required to move through the country, have not been over-stated in the petition, and, under the circumstances, I would recommend the grant of the indulgence solicited.

To A. WEDDERBURN, Esq.,
Collector of Tinnevelly.

The humble Petition of A. KRISTNASAMY, Vakeel on behalf of MUTTUSAMY JAGAVIRA RAMA ETTAPPA Naiker, Zemindar of Ettiapuram.

Most Respectfully Sheweth,

That petitioner's client is the Zemindar of Ettiapuram, the most important Zemindary in this District. He is the Zemindar of the 1st Class, paying to Government a Peishcush of nearly a lakh of Rupees. In consideration of the services rendered by one of his ancestors to the State, he and his descendants have been treated by Government with distinction not enjoyed by other Zemindars in the District, of which one of the marks is the possession of a flag conferred upon him by Government for the above said service, with permission to carry it before him whenever he goes abroad, not to mention other minor civilities paid him by high functionaries in his intercourse with them. On these grounds, my client respectfully begs that, in communication with F. S. Child, Esq., the Civil and Session Judge, who is thoroughly acquainted with the Zemindary and its importance, your Honor will be pleased to recommend to Government that he be exempted from personal appearance in Courts, and the exemption notified to the Principal Civil Court of the District, as required by Section 22 of the Code of Civil Procedure, and that in any case, wherein his evidence may be deemed essential, he may be examined upon Commission, as provided by Section 175 of the said Code.

2. In submitting this request, I beg to urge the following circumstances as the principal grounds on which I found this application:—

1*st*.—The State grants the exemption to persons of rank and dignity, and I respectfully submit that my client is of sufficient rank and dignity to be entitled to an indulgence so well calculated to attach the Native Gentry to a liberal Government.

2*nd*.—The distinction with which he has been treated hitherto, as the Zemindar of the highest order in the District, and as belonging to a meritorious family, will be of little value, not only in his own eyes, but in the estimation of his country-men, unless supported by the exemption now solicited.

3*rd*.—My client could not move from his head-quarters, in obedience to any Summons from Courts, &c., without incurring enormous expenses in subsisting the retinue, which, in accordance with the custom of the country, must necessarily accompany him; in making offerings to the temples in his way; in dispensing daily charities, in the shape of provisions, to Brahmins denominated in the Vernacular "Bramana Bhojanam." [illegible]

4*th*.—Hitherto the Zemindar has never been subjected to the humiliation, on such occasions as those above alluded to, of appearing before Courts, &c.; he and his predecessor having been examined upon Commission, in cases wherein their evidence was considered essential. This, however, has not been conceded as a right, and lest the courtesy should be withheld on any future occasion, my client begs to be secured by Government against the apprehended degradation, by an express order in his favor. The necessity for this request will appear further by the fact of my client having been lately obliged to solicit exemption from Courts on several occasions, a favor which he thankfully acknowledges has been readily conceded to him; but the very neccessity of such application renders it the more incumbent on him to solicit a final exemption from appearance in the Courts, &c.—(Vide Proceedings of the Civil and Principal Sudder Ameen's Courts herein enclosed).

Petitioner begs to remain, with the greatest respect, your Honor's most obedient servant,

(Signed) A. KRISTNASAMY,
Pleader.

No. 112. ORDER THEREON, 16th January 1866, No. 66.

The Governor in Council is unable to accede to this recommendation. He considers the principle, that all Her Majesty's subjects should be on an equality as regards the law, to be one of so great importance, as to render any departure from it, even in appearance, most undesirable.

2. The Collector will intimate this to the Zemindar, and inform him that the policy of Government has been uniform in this respect, no exemption having been granted to any of the Zemindars under this Presidency.

(True Extract).

Chief Secretary.

To the Collector of Tinnevelly, with original enclosures.

Exd. J. H. Burns.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from the Collector of Tinnevelly Here under 4th January 1866 No 4

Order thereon 16th January 1866 No 66.

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CWS

To the Collector of Tinnevelly [illegible]

Judicial 1866. *Department.*

No. 66.

PROCEEDINGS OF GOVERNMENT.

Dated 16 January 1866.

Press No. 2755, G. M.—14-11-65—500.

111-112