

# MADRAS RECORD OFFICE.

Government of Madras.

*Political* DEPARTMENT.

|          |        |                          |
|----------|--------|--------------------------|
| G.O. No. | 160    | Press<br><del>Mis.</del> |
| Dated    | 23. 2. | <del>19</del> 1887       |

Not to be folded or roughly handled

N<sup>o</sup> 108.

Tanjore

Commissioner's Office

5<sup>th</sup> February 1857.

From M. D. Phillips Esq

Commissioner of Tanjore

To J. Dyer Esq

Chief Secretary to Government

Sir,

Fork St. George

Dear Sir

I have the honor to submit the  
information called for by the Government  
in a Minute of Consultation dated the

N<sup>o</sup> 29 of 1856.

Pamathina S. S. S.

Versus.

M. S. W. Cherry  
and three others.

27<sup>th</sup> ultimo, 1856, relative to a

Suit against the Revenue

authorities of this District,

of which the late

Acting Collector, Mr. Cherry, reported

the institution in the Subordinate

Court of Combaconum.

2.

The object of the Suit is

Rs 22-11-0 apparently to recover the alleged value

J

of certain grain states to have been  
forcibly taken away from the thrashing  
floor, by parties acting under orders  
from the Collector.

3. In the Plaint, the land on  
which the grain in question was grown,  
is styled "Suramanium", but no ques-  
tion is directly raised as to the right  
of holding it as such: therefore, the  
Subordinate Court was not barred  
by the Regulations from bringing  
the action on its File.

4. The Village in which the  
land lies was attached under 30. Oct/56.  
recent instruction from the late  
Commissioner, Mr. H. Forbes, by  
the Collector, in view to its title,  
as "Suramanium" being examined  
into

into. Its attachment as notified  
in the Commissioner's proclamation,  
was to be only temporary, and  
there can be no doubt that the  
parties interested in it would  
willingly have come forward  
with their Sumudra title deeds,  
as they did on a former occasion  
when Mr. Rindesley was Princi-  
pal Collector, if they had not  
of late been advised that the  
Government rights of interference  
are not such as have hitherto  
been exercised.

From Com-  
missioner  
to Government  
26. Oct/1842  
Para 3.

5. I find that on receipt of  
the Commissioner's orders, issued  
tho' the Acting Collector, the local  
tahsildar notified the attachment  
of the Village and thereupon directed  
the

the Cadapoo Car crop to be thrashed out in the presence of the Manager of the Village, its Curmums, the Government Peshear, the Moncagar, Poom and others. This was done accordingly, on the 2<sup>d</sup> December last.

6. Plaintiff is entitled in this Village to one share, consisting of ten maws of land, which he rents from Kirta row. Of these ten maws during the present season, he cultivated three maws with the Cadapoo Car crop. They yielded a net produce of  $30\frac{1}{2}$  Cullums of grain. of which, as a poracooey share, 7 Cullums & 11 Mercal would be payable to him. the difference 22 Cullums & 4 Mercals being the Melwarum

Melwarum and Mercasswarum portions, but, as the Village is a Suroamanium holding, it was not possible, at the time, to fix precisely what portions these latter two shares amounted to; and the difficulty has not been overcome as yet, tho' doubtless enquiry would lead to its being ascertained on sufficiently good data.

7. The entire Village is held by 23 Mercassdars, of whom at the time the crop was thrashed, as above stated, 21 agreed to abide by any decision in regard to the grain, at which the Government might eventually arrive, executed a document to that effect and carried away the entire produce to which they were entitled including the

Melwarum

Melwarum & Meerasswarum share.

There were two dissentients from this adjustment, the Plaintiff and one Hurrayrow, a person of considerable wealth, and in a good social position at Combaconum. They exerted themselves to the utmost to prevent the other Meerassdars from coming to the terms above stated, but failed, and declared their intention of trying the question of their rights in the Courts.

8. Deducting from the gross quantity of grain due to Plaintiff, his share of the portion paid as Cooly hire for the thrashers, the difference, valued at Rs. 22-11- is the matter

|       |            |           |
|-------|------------|-----------|
|       | Paisa      | Ana       |
| Gross | 31.        | 0         |
| Cooly | 1.         | 3.        |
|       | <u>30.</u> | <u>3.</u> |

of the present action, the said grain having, on his refusal to accept it, been left in charge of the Villase Monca: gar. So far as the suit is concerned I have in the above remarks condensed the particulars which the Government appear to require. It remains to be known whether the Subordinate Court will find that its decision regarding the Crop is embarrassed by the Character of the Land on which the grain was produced.

9. There is nothing doubtful as to the designation of tenure on which the Villase has long been held, but nothing has been done up to the present time to test the validity of the Mannum grant. From the Account available in the

rewards of the late Raj, it appears to have been granted as Suroamamium

by Rajah Toljajee in A. D. 1770 to one Shetobarahswamy,

in whose name a large extent of rent free holdings in the Tanjore district is entered, but

no registry is found. The enquiry into these holdings of the Swamy has, as yet, been opposed in every instance by the present holders and the lands are also now under attachment.

10. A very peculiar state of feeling has undoubtedly been caused in the District of late, by an opinion as to the right of holding these lands founded on long possession; and referring to

|            |             |
|------------|-------------|
| Entire     | Calicut     |
| .....      | 1913.       |
| Registered |             |
| only       | ..... 364   |
| Difference | <u>1549</u> |

3/  
Reg: XXXI of  
1802.

to the mode for enquiry into Encum that the Regulations prescribe, the present holder of the Village where this suit has arisen, may perhaps contest his rights with the Government, on advantageous grounds.

11. Shetobarahswamy died 300 days before the late Rajah. He was the Rajah's Priest and a dispute has arisen relative to the person who should succeed to the Priestly Office.

Tanjore  
5<sup>th</sup> February 1857.

I have the honor to be  
Sir,

Your most obedient Servant

W. D. Smith

Commissioner

To  
The Chief Secretary  
to Government.

Mem.

The Commissioner should have submitted draft of his answer when he was proposed to put in -

He may be told to do so now or the opinion of the first Pleader may be taken with the view of defence to be adopted - or he may be directed to draft an answer -

I submit the ground taken should be it would be assumed by the Commissioner Mr. Forbes in his letter of 10th July that the fact of having on the escape of the Raj of Tanjore succeeded, as the purchase of power, to it, rights, has adopted the ordinary & only feasible mode of testing the validity of alleged statements.

1857 Sept

From the Commissioner of Tanjore to the Chief Secretary to Government

Letter 5th February 1857

No 105

1857

1857

Substantive information regarding a

draft filed against

the Revenue authorities

of the District -

1857 13 of 1057 dated 11/2/57

Copy to Mr. Forbes 13th July 1857 No 105

114 Feb  
1857  
114  
1224

pending the production of this title  
by the Claimant - as was done by  
Mr Kindersley in 1842 - and  
that they are not obnoxious to the  
judgment of the Courts, for their  
proceedings in such behalf -

Mr Forbes view, it will be seen.  
- uncerberus was approved by  
Mr Ritchie in opposition to  
the declaration of Mr Norton -

The Plaintiff in this position.  
- La. case is only a Poracody or  
cultivation - entitled only to the code.  
- warren or cultivation's share -  
Mr. Jnr. who under no circumstances  
claim - this claim and being explicit.  
- in the Melwara or provisions  
share - he depends upon  
therefore it might be said that

him his share & satisfaction but  
was prevented from so doing by  
the injunction of the Supreme Court  
which prohibits the intermeddling  
with the land at all -

J.P.

I think - that the substance to  
the Rev. C<sup>y</sup> Solicitor - & he should  
communicate. if he says any more to  
Forbes on the subject.

All the communications to the Mysore  
affairs should return from the Rev.  
Solicitor or from the Gov<sup>t</sup> India who  
is known to Mr Forbes, or which he  
should communicate if he says any more  
to the Rev. C<sup>y</sup> Solicitor

I have seen the original  
the two who taken in the name of  
the Gov<sup>t</sup> of Mysore. I have the original  
the Gov<sup>t</sup> of Mysore. I have the original  
the Gov<sup>t</sup> of Mysore. I have the original

J.P.

Reply

N<sup>o</sup> 100

Extract from the Minutes of Consultation  
Dated 23<sup>d</sup> February 1857  
From Commission of Enquiry 5 Feb  
N<sup>o</sup> 108 57

At  
Co  
M  
M  
M

Resolved that copy of  
the above letter and  
of that from the late  
acting collector under  
date the 14<sup>th</sup> ult. be for-  
-warded to the Govt.  
Pleaser and that he  
be requested to advise  
Govt as to the time of  
reference to be taken  
in the said institution  
by Ramanathrao  
to the Judicial Court of  
Bombay and  
to submit draft of  
his answer which he  
would submit to the

The Duke will con-  
-sist of necessary  
-with the Com. min.  
-from the Duke and the  
-in fact —

2 The first Pleader  
will continue with  
the defence should not  
be made to rest on the  
principles in question  
by the Duke in a pre-  
-vious letter - 5 Dec. 1856 -  
regarding the ~~entire~~  
and lands attached  
as connected with  
the Duke of Tanjore -  
viz that the British  
Govt. as the paramount  
power had on the occasion  
of the Tanjore Duke in  
consequence of the demise  
of the late Prince with out

male heir, succeeded  
to the rights of the de-  
-ceased Rajah & had  
adopted the usual  
and only, legal  
mode of testing the  
validity of <sup>alleged</sup> aliena-  
-tions from his <sup>dying</sup>  
by temporarily at-  
-taching the lands  
alienated pending  
the production by the  
parties claiming the  
of their titles - and  
that their proceedings  
in that behalf were  
not matter of inquiry  
by a Court of Adwala.  
It is observed that  
as shown by the Duke,  
a similar course  
was adopted by the  
Kingdom in 1842,

and the construction of  
the principle is affirmed.  
-ed by Mr Ritchie in  
his opinion 5 Dec/56

3. In respect to the  
particular matter at  
issue in the suit lately  
intituled, it may be  
remarked that the  
plainiff as a man  
cultivator or Pora.  
-coody is entitled  
simply to the Coode.  
-wara or cultiva.  
-tion share which  
the Govt would be  
quite ready to give  
him were they not  
prevented from so  
doing by the injunc-  
-tion of the Supreme  
Court which restrains

them from any inter-  
-meddling with the  
land.

Appl. for Pleader.

with copy of letter of 23<sup>rd</sup>

of 5 Feb<sup>y</sup> 14 Jan<sup>y</sup> 1857  
6 Dec<sup>r</sup> 1856.

" - Com<sup>r</sup> of Tanjore - Dec<sup>r</sup> 23<sup>rd</sup>

Delivered to Capt. H. H. H. H.  
Dec 13. 1857  
Dated Nov 21

By the same date Feb 13 1857

Received 1857 Depts

*[Signature]*

Edward M. M. M.

*[Signature]*  
Dated 1857  
4 N. 202

Received the same. M. M. M.  
with copy of the same. M. M. M.  
of that from the M. M. M.  
of the M. M. M. M. M. M. M.  
in order as to the line of the  
line to be taken in the M. M. M.  
M. M. M. M. M. M. M. M. M.  
in the M. M. M. M. M. M. M.  
to M. M. M. M. M. M. M. M.  
which he would propose to file