I am under the
impression that both
of these statements
are inaccurate & er-
roneous - The
Rajah always abhorred
a monopoly for the
villagers. For many
years past on one
Mullar Rao - a kins-
-saway, the head
of the Rajahs Diwans,
a Revenue Depart-
-ment, and the estate
was administered by him
precisely as were the
Rajahs lands, the net
proceeds of the former
being paid to the Priest,
and of the latter to the

Papers Pleasing - Mr
Driller Rao took
part with Ramalinga
Baggee in the suit and
pleading in the Supreme
Court; and he opposed
opposed the Commis-
-sioners proceedings
from the day the com-
-mission issued - but
he was so pleased to
have coming under
Government a Railway
in order that the lands
on which they were sold
might be examined,
he placed them in the
hands of the widow of
the late Priest, and
instructed her to claim
them as private proper-
-ties with which

M.R.O. 1—89,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Political DEPARTMENT.

G.O. No. 962 Press ~~Misc~~

Dated 5-11-~~10~~1857

Not to be folded or roughly handled

No. 5. From H. D. PHILLIPS, Esq., Commissioner of Tanjore; to E. MALTBY, Esq., Acting Chief Secretary to Government, Fort St. George, dated 9th September 1857, No. 224.

SIR,

Para: 1. I have the honor to submit a report on the Villages and lands possessed by Saith-bava-swamy in this District and now under attachment by order of the late Commissioner Mr. Forbes.

29th October 1856.

2. Saith-bava, a Mahratta Bramin, was the much valued and highly venerated domestic Priest of the late Rajahs of Tanjore. He was first appointed to the Priestly Office by Pertaup Sing, who, as well as his Successor Toljajee, bestowed on the Priest, large grants of land in rent free tenure. Saith-bava is stated to have died about 80 years ago and to have been succeeded in his Office by his Son Ramaswamy Bava. The latter was followed by his adopted Son Saith Ramaswamy Bava, who was the last incumbent and died in 1855 without Male issue; but leaving a Widow named Jaunakee Bhoyee. The deceased, however, while on his death bed, was persuaded by the late Rajah Seevajee to adopt his own Nephew. The measure was displeasing to Jaunakee Bhoyee, who desired, it would seem, that the adoption of a member of her own Family should have been made. This lady appears to have held possession of the lands from the date of her Husband's decease till they were brought under attachment in October 1856 by order of the late Commissioner, Mr. Forbes, addressed to the then Collector Mr. Cherry.

29th October 1856.

3. Jaunakee Bhoyee remonstrated against the attachment in a communication directed to Mr. Cherry, which that Officer submitted to Government, throwing the onus of responsibility in the matter on the Commissioner at whose requisition, he said, he had given orders for the attachment. The Commissioner, Mr. Forbes, however, on a reference made to him by the Government, fully explained his reasons for the step he had ordered to be taken, and Saith-bava-swamy's lands have remained, under management since October last up to the present time in common with the landed possessions of the Raj already reported on.

25th November 1856.

To Government, 11*th July* 1857, *No.* 194.

9 *Entire Villages.*
20 *Poguls.*
10 *Hamlets.*
3 *Pieces of house ground.*
16 *Shrotriums.*

4. From the Accounts produced by Jaunakee Bhoyee's Goomastahs, the lands in question are found to consist of 39 entire or Pogul Survamanium Villages and Hamlets; 3 detached pieces of house ground and 16 Shrotriums, of which the Jodie, or quit rent, is collected by the Saith-bava Family.

5. The lands were mostly given by the reigning Rajahs, but some were acquired by purchase. They may be said to resolve themselves into two Classes, *viz.*,

1stly. Personal grants including the purchased lands, for the support of the Priest and his Family.

2ndly. Those for the maintenance of Chuttrums founded by Saith-bava-swamy.

6. Their particulars are shown in the subjoined table.

Talooks.	Village in the enjoyment of the Family of Saithoo Bava.			Village assigned for the support of the Chuttrums.			Total.		
	Granted by the Rajahs.	Purchased by Saithoo Bava.	Total.	Granted by the Rajahs.	Purchased by Saithoo Bava.	Total.	Granted by the Rajahs.	Purchased by Saithoo Bava.	Total.
Trivady	3	1	4	0	0	0	3	1	4
Koottalum	3	1	4	1	0	1	4	1	5
Myaveram	2	1	3	0	0	0	2	1	3
Sheally	1	1	2	0	0	0	1	1	2
Munnargoody	4	0	4	1	0	1	5	0	5
Puttoocottah	14	1	15	19	1	20	33	2	35
Combaconum	0	3	3	0	0	0	0	3	3
Tritorapoondy	0	0	0	1	0	1	1	0	1
Total	27	8	35	22	1	23	49	9	58

7. Though the Villages were thus originally assigned for distinct objects, the proceeds of each class of lands have never been kept distinct, all the lands have been under the general control and management of the family and the revenue derived from them has been applied indiscriminately to the support of the Chuttrums and the maintenance of the family and other objects, according to their convenience; bnt this mixture of proceeds seems immaterial, so long as the Charity in the Chuttrums is duly kept up. Of these Charitable Institutions there are two, both founded by Saith-bava-swamy, one in his own name on the high road to Rameswarum, and the other called the Brindavenum Chuttrum in honor of his Priest Maroosawmy. Besides these Choultries there is a far less important one attached to Saith-bava-swamy's Tomb at Coottalom, for which an annual Allowance of 120 Rupees is assigned by the family out of the Revenues of the Survamanium Lands.

8. According to the Accounts produced, the entire landed estate yielded in Fusly 1265, a Revenue of Rupees 25,619-8-4, from which deducting Rupees 1,430-1-4 paid to Government as Cavul Fees, and house and loom taxes, there remained Rupees 24,189-7-0, as shown below.

	Rs.	As.	P.
To the credit of Saith-bava's Chuttrum.....	4,576	13	0
To do. Brindavanum do.	2,645	5	9
To do. Family of Saith-bava.....	16,947	4	3

Fort Saint George, Political Consultation, 10th November 1857.

9. Beside the income of the Brindavanum Choultry thus exhibited, that Institution receives an annual money payment of Rupees 262-8-0 direct from the Government Treasury.

10. In connection with the question of the future disposal of lands at present under attachment, it seems necessary to refer back to the history of the Villages, the nature of the grants under which they are held and the right of the parties now claiming to have them continued. A Tabular Statement is herewith submitted showing the names of the Villages, the dates and terms of the grants and the names of the grantors.

11. It will be observed from it that out of the 27 personal grants, 24 were made by the former Rajahs Pertaup Sing and Toljajee; 1 by a Sirkele of the former, and 1 by the Subadar of Sheally, whilst no authority is forthcoming in support of the remaining Enam, and that all the grants are of ancient date and long anterior to the Cession of the Country to the British Government. In 8 more cases, the lands were acquired by purchase.

12. Of the Chuttrum Endowments also, 5 were given by Pertaup Sing and Toljajee, 1 by the British Government in the exchange referred to in the correspondence of the marginal date, whilst the remaining one was obtained as a gift from the former owners of the land. The alienation of the Shrotrium Jodie is also shown by the Enam Registers in the Collector's Office to have been made in 12 out of 16 cases by the same Rajahs.

29th July 1806.

13. The right of succession to the landed property under report is contested on the one hand by the Widow of the late incumbent, and on the other by his alleged adopted Son. The late Commissioner Mr. Forbes was of opinion that the claim of the former was wholly inadmissible, inasmuch as whatever lands were given by the Rajah to Saith-bava-swamy, were given to him as Priest, and that it was to his Successors in the Priestly Office and not to their Widows, who as females are incapacitated, that the lands must be considered to belong. Mr. Forbes likewise stated that the adopted Son was 18 years old when he was taken into Saith-bava's family and that the adoption was consequently of very questionable legality.

To Government, 6th December 1856, *No.* 63.

14. These opinions must, I apprehend, be deemed to apply only to the personal or rather the official Enams of the Priest. With the Chuttrum Endowments, I presume, it will not be the intention of the Government to interfere so long as the charitable objects of the grants be fulfilled. In my opinion, therefore, they should be restored to the Managers of the Charity Institutions who had charge of them when they were attached.

15. The lands acquired by purchase should, I consider, also be relieved from attachment and now be restored to the Members of the family in whose enjoyment they were prior to the attachment.

16. In regard to the other lands, I find it difficult to adopt the view taken by the late Commissioner Mr. Forbes. They were, it is true, usually entered in the Statements and Accounts of the late Rajah's Mocassa and other holdings, which since the Treaty of 1799, have, from time to time, been laid before the Collectors of Tanjore ; but I see no reason to doubt the fact of their having been as much *bonâ fide* grants to Saith-bava-swamy as any made to other individuals that have come under my observation. The circumstance of the domestic Priest being notoriously on terms of the most friendly intimacy with the Rajah and much esteemed and beloved by him may partly explain their inclusion in the Rajah's Statements ; but whether or not, nothing shows that the proceeds of the lands were not enjoyed by the Priest. The date of the grants made to him are anterior to that which in the Regulation marginally noted is declared to stamp the validity of an alienation and there are no conditions to be traced which tend to show that the lands so long in his uninterrupted enjoyment were bestowed on Saith-bava-swamy as a Donation for the performance by him of any Priestly or other domestic duty. During the period of his possession of them, he has, at his discretion, given away and sold parts of lands which he had obtained from the Rajahs and very many of the Enams of persons now enjoying them as such, are derived from him. Under all the circumstances therefore, I am of opinion that the possession of Jaunakee Ammal, the Widow of the last incumbent, should not be disturbed, but that an intimation be conveyed to her that under the operation of the rules now in force respecting rent free lands, the Government will bring under consideration the propriety of exercising, and in all probability will exercise their right to resume the lands of her deceased husband whenever her demise shall occur, as an escheat.

Section II, Regulation XXXI of 1802.

17. As respects the alleged adoption of a Son by Jaunakee Ammal's husband and the claim which is founded on it by the young man in whose favor the ceremony was performed, I consider that the Government have no immediate concern. They are not bound to recognize him as the rightful occupant of the Enams, even if, by a Suit in a competent Court, he should prove the alleged adoption to be valid in Hindoo Law; besides which, without the consent of the Government given under Regulation IV of 1831, he cannot be admitted to sue his adoptive Mother for any part of the lands. In the absence of a Successor to the late Rajah, he has no Priestly duties to perform and if he can establish his adoption, he may fairly look to Jaunakee Ammal for such portion of the large income she will derive from the Enams as will suffice for his maintenance.

(Signed) H. D. PHILLIPS,

Commissioner.

A Tabular Statement of Saithoobavasawmy's Enams in the District of Tanjore.

Name of the Talooks.	Names of the Villages.	Whether entire Village or only a part.	Extent of Land granted according to the Fymush of Fusly 1238. Personal Grants. Nunjah. V	M	G	Poonjah. V	M	G	Total. V	M	G	Documents in support of the Grant.	Duties of the Documents.	Nature of the Grants.	Names of the Granters.	Remarks.
1	2	3	4			5			6			7	8	9	10	11
Trivady.	1 Gayatripooram	Part.	1	8	0	0	11	0	1	19	0	3 Sicca sunnuds.	A. D. 1743	Survamanium.	Pretapsing Rajah.	By the first of these grants 8¼ valies with a 14 feet rod were alienated to the Bramins of Gayatripooram Agraharum founded by Saithoobavasamy; by the second the above mentioned 8¾ valies were ordered to be measured with a rod of 18 feet; and the third gives the name of each grantee with the extent granted to him. Saithoobavasamy was one of the grantees and was allowed the extent entered in column 6. These grants are registered in the Collector's Office in No. 248.
	2 Trivady tottum	do.	0	6	0	1	11	0	1	17	0		1746			
	3 Sooregum tavilton.....	do.	0	17	0	0	3	0	1	0	0	None.	1746			
Cottalum.	4 Cadermungalum.....	Entire.	124	9	0	59	1	0	183	10	0	1 Sicca sunnud.	,,	do.	Not known.	This extent is entered in the Survey Accounts of Fusly 1238, as Survamanium but there is no Document in support of its having been granted to Saithoobavaswamy.
	5 Conathalapady	do.	13	7	0	10	7	0	24	4	0	1 Sicca sunnud.	1758	do.	Pretapsing Rajah.	This is registered in the Collector's Office in No. 520, out of this extent some Enams have been granted by Saithoobavaswamy and his Son to certain Bramins, and which have been released from attachment on the owners substantiating their claims. By the first of these grants, 37¾ valies with a 14 feet rod were alienated to the Bramins of Oomambapoor Agraharum being one of whom Saithoo-

Name of the Talooks.	Names of the Villages.	Whether entire Village or only a part.	Extent of Land granted according to the Pymush of Fusly 1238. Nunjah. V	M	G	Poonjah. V	M	G	Total. V	M	G	Documents in support of the Grant.	Duties of the Documents.	Nature of the Grants.	Names of the Granters.	Remarks.
1	2	3	4			5			6			7	8	9	10	11
	6 Cottalum	Part.	9	9	0	2	4	0	11	13	0	1 Sicca sunnud 1 do. 1 do.	1743 1746 1745	Survamanium.	Pretapsing.	bavasamy obtained 6¼ valies for his share. The second grant orders the above mentioned 37¾ valies to be measured out with an 18 feet rod. The third confirms the grant of 1 vally in the same Agraharum to Saithoobavasawmy by Ramakistna Guzur, one of the same Agraharumdars.
Myaveram.	7 Madoockaray Mailpady	Entire.	4	12	0	5	8	0	10	0	0	1 Sicca sunnud 1 do.	1758 1770	do.	Mullarjee Gadarow & Tooljajee Maharajah.	The original grant of the land was made by Mullarjee Gadarow, Soobadar of Sheally. It was confirmed by a royal grant from Tooljajee.
	8 Madoockaray Keelpady	do.	27	10	0	12	1	0	39	11	0	do.	1773	do.	Narasinga Row, Gaday Soobahdar of Sheally.	6/7ths of this Enam have been alienated by Saithoobava to others, on whose application the Maniems with one exception have been released from attachment.
Sheally.	9 Seroogoody	do.	3	10	0	0	0	0	3	10	0	do.	1746	do.	Pretapsing Rajah.	Seroogoody was a Mocussa village of Mullarjee Gadarow who granted therefrom 2¾ valies of land as Survamaniem to Saithoobava and procured for him a sunnud from Pretaupsing Maharajah.
Munnargoody.	10 Annavassel Terapadi.	do.	4	3	0	0	5	0	4	8	0					Tooljajee granted to the Bramins of Meroopooram Agraharum, the first three villages divided into 18 shares, of which 5 were given to Saithoobavaswamy, and 2½ to certain Pagodas. These 7½ shares together with 9/16 purchased, total 7 1/16 are in the emjoyment of Saithoobava's family.
	11 Vettuthidul	do.	2	5	0	0	2	0	2	7	0					
	12 Keela Sattamungalum	do.	1	10	0	0	0	0	1	10	0	do.	1772	do.	Tooljajee.	
	13 Brindavanum Tottum	do.	1	10	0	1	8	0	2	18	0					

Name of the Talooks.	Names of the Villages.	Whether entire Village or only a part.	Extent of Land granted according to the Pymush of Fusly 1238. Nunjah. V	M	G	Poonjah. V	M	G	Total. V	M	G	Documents in support of the Grant.	Duties of the Documents.	Nature of the Grants.	Names of the Granters.	Remarks.
1	2	3	4			5			6			7	8	9	10	11
Puttoocottah.	14 Oomuttanaud Odianaud	Entire.	160	17	0	46	16	0	207	13	0					The Royal grant alienated the villages of Oomuttanaud, Oodianaud and Kooroovikarumbay. On a doubt arising as to the extent of land comprehended under each village the second Document, *viz.*, "Poorany" or Memorandum was issued to the Talook authorities stating that the grant included the hamlets, jungles and salt pans comprised in the villages.
	15 Cooroovikurumbay	do.	79	1	0	140	3	0	216	4	0	Sicca Sunnud.	1758	Survamanium.	Pretaping Rajah.	
	16 Cullengaud	A hamlet.	13	17	0	60	0	0	73	17	0					
	17 Valavalaviel	do.	38	6	0	8	2	0	46	8	0				Manojee Row Sirkele.	
	18 Cunjavunaveil	do.	0	18	0	8	15	0	9	13	0					
	19 Poongoodickana	do.	10	16	0	13	10	0	24	6	0	Poorany or Memo:	"			
	20 Cullockoolum	do.	14	8	0	18	4	0	33	2	0					
	21 Pombodiviel	do.	2	19	0	0	0	0	2	19	0					
	22 Corackaud	do.	5	0	0	15	1	0	20	1	0					
	23 Valadicaud alias Aludickaud	Part.	0	16	0	0	12	0	1	8	0	do.	1759	do.	do.	The first 2 villages were originally Shrotrium villages. They were converted into four Survamaniem Agraharums and granted to several Bramins of whom Saithoobavaswamy was one.
	24 Toriyoor 25 Pullottore 26 Collackorumbay 27 Tamarapullam	do.	28	8	0	13	10	0	41	18	0	Sicca Sunnud.	1770	do.	Tooljajee.	
	Purchased by Saithoobavaswamy.															
Tdy.	28 Modalipuram Tottum	do.	0	5	0	0	7	0	0	12	0	Deed of Sale.	1759	do.		Purchased from Vencunna Sastry.
Cot.	29 Cusbah garden	do.	0	0	0	1	0	0	1	0	0	do.	1784	do.		Do. do. Sivarama Pillay and others.
Put.	30 Maroongapullum	do.	0	0	0	1	9	0	1	9	0	do.	1778	Shrotrium.		Do. do. Ummamajee Pundither.
My.	31 Anjorvoitalay	do.	3	1	0	0	13	0	3	14	0	do.	1784	Survamanium.		Purchased from Vencutrama Reddy. The Bill of sale states only ¼ valy of land as having been sold while the Survey of Fusly 1238, gives the extent at 4*V*. 18*M*. 84*G*. The excess is owing probably to encroachment on surrounding waste.
Sheally.	32 Cazerypatam	do.	0	0	0	0	15	0	0	15	0	do.	1773	do.		Purchased from Vythelingum.
Combaconum.	33 Combaconum Muntapa Tottum	do.	0	6	0	0	10	0	0	10	0	do.	1758	do.		Do. Niloramayasoy.
	34 Valiapettah	do.	0	14	0	0	7	0	1	1	0	do.	1773	do.		Do. Venculramiengar and others.
	35 Congimapettah	do.	1	3	0	0	6	0	1	9	0	do.	1778	do.		Do. Bala Ditchatur.
	Chuttrum Villages given by the Rajah.															
Tpy.	36 Settia Mooli	Entire.	54	0	0	9	13	0	63	13	0	Sicca Sunnud.	1772	do.	Tooljajee.	Granted for the support of the Bindavanum Chuttrum.
Mgy	37 Chuttrum Tottum	Part.	0	0	0	0	8	0	0	8	0	do.	1772	do.	do.	This village was given by Government in exchange.
Cot.	38 Tittachary	Entire.	31	13	0	30	17	0	62	10	0	do.	1806	do.	The British Govt.	
	39 Andicaud	do.	22	8	0	37	11	0	59	19	0				Pretapsing Rajah.	These were granted for the support of the Saithoobava Chuttrum.
	40 Maratungaviel	A hamlet.	44	8	0	0	14	0	45	2	0	do.	1746	do.		
	41 Calumaviel	do.	7	8	0	0	0	0	7	8	0					
	42 Saithoobava Chuttrum Tottum	Part.	0	0	0	0	10	0	0	10	0	Deed of gift.	1779	do.	The Ryots of Oomuttanaud.	The Ryots made over their Meerassi right in this piece of ground to Saithoobavaswamy and it now forms the back-yard of the Chuttrum.
			172	17	0	502	9	0	1215	6	0					

A Tabular Statement of Saithoobavasawmy's Enams in the District of Tanjore.—Continued.

Name of the Taloocks.	Names of the Villages.	Whether entire Village or only a part.	Extent of Land granted according to the Fymush of Fusly 1238. Nunjah.	Poonjah.	Total.	Documents in support of the Grant.	Duties of the Documents.	Nature of the Grants.	Names of the Granters.	Remarks.
					Jodia. Rs. A. P.					
1	2	3	4	5	6	7	8	9	10	11
Puttocottah.	43 to 48 Abhirupoorum including 5 hamlets.	Shrotrium			146 0 4	Pooranny.	1758	Shrotrum.	Manojirdee.	The Poorany or Memorandum authorizes Saithoobavaswamy simply to realize the shrotrium jodi and pay it into the Rajah's Treasury, but it has always been collected and devoted to the use of Saithoobava Chuttrum and the Enam Registry in the Collector's Office shows indeed that the jodi of the first 6 villages registered in Nos. 21, 22 and 23, was assigned by Pretaupsing and Tooljajee Rajahs for the support of the Choultry. In the case of Marungapullum the entire Revenues of the village are understood to have been applied to the Chuttrum, but the net proceeds after deducting the jodi are claimed on behalf of a Pagoda. The case is under enquiry. The Chuttrum seems entitled to the jodi only.
	49 Codiviel ... } 50 Palaviel ... }				135 7 4					
	51 Kivalaviel Yadienviel.				69 1 5					
	52 Marungapullum.				203 6 6					
	53 Aroonachellapooram.				83 0 0					
	54 Olagy Naikpooram.				65 3 7					
	55 Gungatharapooram.				50 5 5					
	56 Sundapettah.				29 4 0	None.		"	Not known.	These are not supported by any Document, but the jodi of these villages is understood to have always been collected and applied to the support of the Chuttrums.
	57 Lutchmi Narasimhapooram.				11 7 9					
	58 Roodracotiswarapoorum *alias* Eralaviel.				37 7 10	Sicca Sunnud.	1758	Shrotrium.	Pretapsing Rajah.	The jodi of this endowment was allotted by the Sicca Sunnud for the support of a Pagoda but the Registry in the Collector's Office, No. 10, states it to have been assigned by Pretapsing Rajah for the support of Saithoobava Chuttrum and for which it appears accordingly to have always been collected.
					830 12 2					

TANJORE, *9th September* 1857.

(Signed) H. D. PHILLIPS, *Commissioner.*

No. 6. ORDER THEREON, No. 942; dated 5th November 1857.

Mr. Phillips submits his Report on the Enam Lands of the late Purohits or Family Priests of the Tanjore Rajahs, known in the Districts as "Saith Bhava Swamy's Lands."

* Alias *Chettoo Bhava.*

2. These Lands, it is observed, were attached with the other Lands entered in the District Accounts as pertaining to the Raj, by the late Commissioner, Mr. Forbes, under the operation of the General Orders of Government in this Department, No. 373, dated 21st October last. They were specially alluded to in the correspondence marginally noted.* The letter from the Acting Collector reported the defiant attitude assumed by the Manager of a portion of these particular Lands, when called upon to appear before the Commissioner to prove and produce his Titles; and the letter from the Commissioner explained that a temporary attachment was imperatively required, if the real *status* of the landed property of the Raj was to be correctly known.

* *From Acting Collector to Government, 25th November* 1856.

From Commissioner to Government, 6th December 1856.

3. No orders were passed on the subject of the two foregoing communications at the time. Shortly after the receipt of the Commissioner's letter, indeed, the Injunction of the Supreme Court in the matter of Kamatchee Bhoyee, *versus* the East India Company was granted, and orders were issued by Government that there should be no further interference with the Lands in dispute, beyond retaining those already under attachment.

Extract Minutes Consultation, No. 72, dated 20th January 1857.

4. It would appear, however, that the Lands which form the subject of the present Report had been resumed by the Commissioner (of course temporarily) before the Injunction issued. The enquiry into their tenures, their extent and other such points, has now been completed, and the subject awaits the decision of Government.

5. The original "Saith Bhava Swamy" who departed this life eighty years ago, was the valued friend and spiritual instructor of Rajah Pertaup Singh, who, (and his example was followed by his successor, Rajah Toljagee) was pleased to endow the Brahmin very richly in land; these donations in fact make up the greater portion of the Estate. At the demise of "Saith Bhava" he was succeeded in his Office and possessions by his Son "Ramsawmy Bhava," who, again, was succeeded by *his* adopted Son "Saith Bhava." The second "Saith Bhava" died the year before last. He was without male issue and on his death bed is said to have adopted a young Nephew or Brother's Son, a selection which gave great dissatisfaction to his Wife who had hopes that his choice would alight on one of the members of her own family.

Vide Mr. Forbes' letter, dated 6th December 1856.

6. By the Hindoo Law the right of adoption as between husband and wife, rests absolutely in the former, and at the death of the adoptive Father, the adopted Son succeeds at once as heir to the exclusion of the widow. It is therefore of the first importance to ascertain whether a formal adoption was made by the deceased priest, and the Government learn from Mr. H. Forbes, that his letter of 6th December 1856 was written on imperfect information, it appearing that a Son was adopted by deceased, not on his death bed, but three and a half years before his death on 11th April 1851, when Mr. Bishop was Resident, and that the adopted Son was inducted into the priestly Office by other Gooroos with due formality, the Rajah expending a large sum on the Ceremonies of the occasion. Mr. Phillips is therefore requested to enquire into and report upon these points.

Strange, Vol. I. Page 79, &c.

7. From the details given by Mr. Phillips, it appears, that the grants held by the deceased and now under attachment may be divided, generally, into two Classes.

(A.) Personal Grants, in which are included certain Lands *purchased* by the "Saith Bhava" family.

(B.) Grants from the maintenance of *Chuttrums* constructed by the family.

In the first Class there are 35 holdings, *viz.*, 27 Grants and 8 purchased properties. In the second there are 23 only, *viz.*, 22 Grants and one purchased holding. Total 58 properties, of which 49 have been granted to the family and 9 purchased by them.

Out of these 58 properties, 39 are either entire Villages or Hamlets, or portions of the same (*Pogul*). Three (3) consist merely of "House Grounds," and in the remaining 16 cases, the sole property consists in the right to levy and appropriate the *Jodie*, or Quit Rent, paid by certain *Shrotriemdars*, or owners of Villages, free from the payment of the share of the Sirkar, but liable to that of *Jodie* or favourable annual fine.

8. The annual value of the whole, deducting the receipts of the Mohturpha Tax and Covil Fees which go to Government, was at the last Jummabundy, Rupees 24,189-7-0 as under:

From Lands assigned for the maintenance of the Chuttrums, Rupees 7,222-2-9.

From Lands assigned to the support of the family, Rupees 16,947-4-3.

But it has not been the custom of the family to keep these two funds distinct. At the same time it must in justice be said that the Chuttrums have always been suitably provided for.

Nos. 3, 56 and 57.

9. Turning to the Tabular Statement submitted by Mr. Phillips, the Government find that of the 58 holdings all, but three, (the like antiquity of which may fairly be presumed) are shown to be acquisitions of very ancient date. The Title Deeds of some of them go back upwards of one hundred years, while those of the rest, and the actual possession of all, date back to a period anterior to the Cession of the province to the Honorable Company, which, for purposes of the present kind, is calculated to have taken place on the 12th of July, A. D. 1792.

Section II. of Regulation XXXI. of 1802.

10. Adverting to the question of the final disposal of these Enams, the Commissioner recommends that the Lands devoted to the Chuttrums, and those purchased at any time by the "Saith Bhava" family be at once made over without limitation, the first to the Wardens of the Institutions, and the second to Saith Bhava's widow.

11. In regard to those Lands which have at different times been assigned to the Head of the family by the former Rajahs of the country and others, Mr. Phillips differs from the late Commissioner in his judgment that the gifts were to the *Purohit* and not to the family. He submits that there is nothing whatever to prove that the Grants were assigned as payment of the *Purohit's* priestly functions. They were, he considers, personal favours showered on an intimate and venerated friend, as provision for himself and his family; the evidence for which view of the case is to be found, *inter alia*, in the fact that the *Sawmy* in possession has exercised complete proprietary right over them, alienating portions of them by sale or gift at pleasure. But on the other hand if, as represented by Mr. Forbes, these Lands were under the management of the Servant or Agent who had charge of the Rajah's Estates, and their income was handed over to the parties holding the Office of family Purohit, a contrary impression would result, and this point requires more elucidation.

12. Acting on his own views Mr. Phillips accordingly proposed that these personal grants also be made over again to the widow, not in the same unreserved manner as the rest, but with the intimation that the Government will in all probability see fit to resume them at her death.

Board of Revenue, Circular Order, dated 21st July 1848.

13. To this course there is the following objection. According to the general rules regarding succession to Enams, personal Grants in Tanjore, of a date anterior to the year 1792, known to have been in the family of the original Donee at the passing of Regulation XXXI of 1802, and transmitted lineally ever since—would pass as a matter of course to the next heir. Now there is one who claims that appellation, *viz.*, the alleged adopted Son of the late Sawmy, and the Government await the information called for in Paras: 6 and 11 before proceeding to pass orders on his claims.

Exd. J. A. Wilson.

Memo

The order is to be put in force as the Sawmy or head of the family would escape for the management of the Chuttrums & they could therefore be dispensed of when orders are passed about the Sawmy

JAW

Memorandum &c
re Mallery.

Note 2.

Note
As I thought that Govt would wish to know Mr Forbes' views of this case, he prepared this Memo at my request — He explains that the impression on it about the adoption was acquired from the Residency servants who came to Kadaya as interpreters in the Enquiries and that his letter of 6 Dec last (Q) was incorrect in mentioning that the adoption took place just before the death of the deceased Priest —

The

In his report the Commissioner says that the late priest of the Rajah Seemalee adopted the young man Shore claim to the Priesthood office is now in question on his death bed — This is I believe an error, — the adoption took place Shortly before Mr Baldwin's Resident, on the 11 of April 1851, Seeva, the adoptive father died not die until the 10 of October 1854, or three & half years afterwards

The adopted son
was unacquainted with

the Priestly Office
by Mr Goodwin, a
Priest, in due form,
and cannot any lay
aside his Office.

In the last paragraph
of his report Dr Philips
says, that we had Decr
in our Rajah, the Priest
has no duty to perform,
but it must be re-
membered that
the Priest is and Priest
to the individual head
of the family alone,
but performs the
functions of his Office
to all the family as
well, and that the
Rajah widow, Lad-

and children Love,
and acts customs
to Love, as long as
they like, a Declaration
on the Priestly Office.

..... In paragraph 7. Dr
Philips says, that the
widows and Lascars
granted to the Priest
Love "all been under
"the general custom
"and usage of
"of the family" - and
in proof of the says
that the widow "always
"to have had to perform
"of the Lands from the
"date of the husband
"decease" - but in
Lands October 1554.

the Communications had no right to interfere. I think that Mr Phillips will find on enquiry, that it was only subsequent to my going to Paris, in October 1886, & at all events a very little prior to that date, that the widow Lee Josephine, and that at no earlier period, had she, or any member of the family, any knowledge of the existence of the publication. The question of the legitimacy of the adoption has been raised - Upon the ceremony attended the adoption of the Rajah and all his Officers & Highness attended about a lac of rupees on the occasion

It is opposed by many that the adoption of the eldest by the late Prince on legitimate in Hindoo law & the adopted son on 16th years of age & since, but he was immediately established, and that is said to be the test of a legitimate adoption, as far as it is concerned - the adoptive father was also an adopted son, and was adopted when he was from up. On this point I offer no opinion, but it should be found that the management of the lands was with the family, but was entrusted to a minor appointed

by the Rajah, I think it will be safer altogether but the circumstances are strong against the Rajah as official, and called by the Priest as Officiate, & act as tributary, first — & it should be found that the widow had no control under the Muhammedan Company of enquiry should, upon first check to them, the claim to retain a possession which the Mohammedan, unofficially, & only with the assistance of the Rajah, will fall to the ground, — 2nd: if it be found that I am right in attaching that a Family Priest, is really for the Family, and not only for the individual head of it; I think that

the Rajah unmarried Family has come right to claim that Priest & have he had in possession of the Muhammedan which were granted to his predecessor in office, and in that which he cannot be objected to before the Commissioner of his Office.

G.L.

8th Oct: 57.

explained that a temporary attachment was indispensably required, if the real status of the landed property of the Raj was to be correctly known.

3. No orders were passed on the petition of the two foregoing communications at the time. Shortly after the receipt of the Commissioner's letter, indeed, the Injunction of the Supreme Courts in the matter of Ramatelee Bhogel versus the E. I. Company was granted, and orders were issued by Govt. that there should be no further interference with the lands in dispute, beyond retaining those already under attachment.

4. It would appear, however, that the lands which form the subject of the present Report had been released by the Commissioners (pleasure temporarily) before the Injunction issued. The enquiry into their tenure, their assets and other such points, has now been completed, and the subject

E.R.C. No. 72
Dy 20th Jan/57.

which awaits the decision of Govt.

5. The original "Saint Bhawa Swamy" who departed this life eighty years ago, was the valued friend and spiritual instructor of Rajah Pertaup Singh, who, (and his example was followed by his successor, Rajah Tokajee) was pleased to endow the Brahmin very richly in land; these donations in fact make up the greater portion of the Estate. At the demise of "Saint Bhawa" he was succeeded in his office & possessions by his son "Ramswamy Bhawa", who, again, was succeeded by his adopted son "Saint Bhawa". This second "Saint Bhawa" died the year before last. He was without male issue and on his death-bed is said to have adopted a young nephew or sister's son, a selection which gave great dissatisfaction to his wife who had hopes that his choice would alight on one of the members of her own family.

vide Mr Forbes' Letter dy 8/12/56.

Strange's Vol I. p. 79 &c.

6. By the Hindoo Law the right of

of Lands have been granted to the family and of purchased by them.
Out of these 88 properties, 89 are either entire villages or hamlets, or portions of the same (Pogal).
Three (3) consist mainly of "house-grounds", and in the remaining 15 cases, the sole property consists in the right to levy a certain Jodie or quit rent paid by certain Shottucinders, or owners of Villages, free from the payment of the share of the Sarkar, but liable to that of Jodie or fixed annual fine.

The annual value of the whole, deducting the receipts of the Mokhtarpha Jeer & Cawl fees which go to Govt, was at the last Jummabundy, Rs 24,189 " 7 " 0. as under:

From Lands assigned for the maintenance of the Chattrums	Rs 7222 " 2 " 9
From Lands assigned to the support of the family	16,967 " 4 "

But it has not been the custom of the family to keep these two funds distinct As the same thing is meant in this for this & that the Chattrums have always been suitably provided for.

As Pertains to the Tabular Statement

Bd of Rev.
C.O.
D/21 Feby/48

Letter — 10th Nov.

of Election according to the general rules regarding succession to Imams, personal grants in Zanzibar, of a date anterior to the year 1792, known to have been in the family of the original Donee at the passing of Regn XXXI of 1802, and transmitted lineally ever since — wd pass as a matter of course to the next heir. But here is one who claims that appellation, viz, the alleged adopted son of the late Saoony. The question is, are the Govt, ex parte, to decide that he was not so adopted, or are they to listen to his statements before determining the point. The Commissioners have observed that without the sanction of Govt the young man cannot sue Zanzibar Government for the Imam's estate. But this sanction, the Govt remark, is only withheld where a diversion of the lands from the ecclesiastical incumbent wd be at variance with the purposes for which they have been granted. It cannot be said in the present case that the transfer, if the Courts decreed any, wd be attended with any such results, while to peremptorily refuse such claimant a hearing wd savour of injustice.

It is open, therefore, with the Govt to permit the alleged son to sue Zanzibar for the Imam's estate, but a statement affirming his adoption wd suffice. A prima facie case must be made out. If this is not done to the satisfaction, the Govt following the tenderness of the Hindoo Laws towards women, will feel it incumbent on them to save the widow of the late Purohit from the toils of Contentious litigation. D.F. 24/9/57.

& and the Govt await the information called for in P.O. before proceeding to pass orders on his claim.

Regn IX of 1831 was added (to the Laws added) by Act XXX of 1836.

Copy to the Court of Zanzibar. Disp 12th

5 — 6

C 29 Oct
Rd Nov

Pol. L. to Eng. 22 April No 5
of 1858 Paras 3 & 7.

Replied to 30 August No 9
of 58

9-8-M
12-4-06

Dn. Ft. to Cons. 10 Nov. 57

Pol. 1857 Dispatch
No. 942

Ext. Mins. of Cons.
D/6 November 1857

546

Regarding the Disposal
of the Saltabara Swamps Lands.