M.R.O. 1—60,000—10-10-57.

MADRAS RECORD OFFICE.

Government of Madras.

Political DEPARTMENT

G.O. No. 273 Press Mls

Dated 23 / 1-30-1838

Not to be folded or roughly handled

No. 17. From H. D. PHILLIPS, Esq., Commissioner of Tanjore; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 12th April 1858, No. 287.

SIR,

24th March 1858, *No.* 210.
7th April „ *No.* 239.

1. I have the honor to reply to the orders of Government communicated to me in the Minutes of Consultation marginally noted.

2. In the former of these, the Government, in conformity with a request of the Honorable Company's Solicitor, directed the transmission to Madras, for deposit in the Supreme Court Master's Office, of the Title Deeds of the late Raja's real property, accompanied by an explanatory Schedule as previously had been required. In the latter, those directions are reiterated on a further representation from the Solicitor that unless two contingencies be provided against, measures would be adopted for enforcing compliance with the Master's order, by process of contempt.

Minutes of Consultation, 24th February 1858, *No.* 134.

3. In my late address, I briefly adverted to the difficulties necessarily involved in a search for particular papers among the Dufters of a Mahratta Durbar, and I had hoped that, bringing to bear on my general reference to them, their own possible experience of Eastern Records, the Master and the Honorable Company's Solicitor would have been in a position to appreciate those difficulties.

10th March 1858, *No.* 281.

4. The reverse being the case, the Honorable Company's Solicitor now wishes to know what has been done in the matter. When the orders of Government reached me, no time whatever was lost in directing the Sirkele, the Mahratta Officer, who is regarded as being now in immediate charge of the Raj Records, to examine and bring to light the Title Deeds required, but which, I would beg to state, have never yet been under the observation or in the hands of any Officer of the British Government.

5. The Sirkele's Establishment is at present composed of men who, on their employment by the Sirkele, had little or no knowledge of the Dufter arrangements; but it was necessary to take advantage of their aid, meagre as it was likely to be, because the Pensioned members of the Dufter branch of the Raj declined to serve and make themselves useful.

6. Since then everything done, has been done in a sort of make-shift manner, and I apprehend a continuance of a system so much to be deprecated will be unavoidable, until a final adjustment of Tanjore affairs.

7. The search for Title Deeds, then, has been made with tools and means of the above description. Had the Dufter arrangements which prevailed some twenty-five years ago, been still observed, there might perhaps have been somewhat less difficulty in discovering particular Documents, for at that time attention and regularity were ordered to be enforced. But at a more recent period the late Raja, as is notorious and as Mr. Kindersley, I believe, once, reported to the Government, made a point, for purposes of his own, of disturbing such slight rules and forms as prevailed, and the custody of papers has since then been a confused charge, much if not every thing depending on the personal knowledge and experience of certain members of a certain set of servants.

8. This state of affairs may not have extended to such Documents as Rocca or Sicca Sunnuds, Sunnuds, and Deeds relating to important land alienations by even former Princes, because it was felt in the Durbar that at any time their production might be demanded by the Government representatives and that compliance was unavoidable.

9. But no similar condition has prevailed among the mountain like heaps of papers tied up in square pieces of common cloth which fill the rooms of the Raja's Record Halls, one visit to which would suffice, I hope, to convince the Honorable Company's Solicitor and the Court's Master that between search for a paper in the well arranged shelves of a Lawyer's Office

and the dusty, mouldy, confused mounds of bundles of Mahratta and Tamil Documents, there is a very vast and sensible difference.

10. Great, however, as these embarrasssments have been, the high degree of respect due to Her Majesty's Court on its Master's call, has compelled me to cause the utmost exertions to be used and the discovery of almost all the Title Deeds which the Master desires to have under his own judicial custody, has, I am enabled to state, been effected.

11. But with this success, the difficulty has not ended. There is another apparently of the Honorable Company's Solicitor's own creation. This Officer desires to receive from me, not only the Title Deeds, but a detailed English Schedule of them. Now, when I state that the bundle of Cadjan Title Deeds now before me can be embraced by nothing short of a 34 inch tape, the Government, at the least, will be able to understand that the Solicitor's requisition involves no trifling labor. That labor, too, is not mere hand work. The Cadjans in very many instances are ancient antiquated Documents, legible or illegible, clear or effaced, as the case may be, broken in parts, and drawn up in language to which the present generation are partial strangers. Several relate to houses and plots of land recognized as such when the Deeds were prepared, but which from subsequent decay, changes and absorption into other plots, cannot at present be traced. Their value and bearing on the piece of real property which they are supposed now to affect, would perhaps be appreciated by a proprietor himself; but to analize and describe these Deeds will be a work of time, the end of which, with all respect for the urgency of the Solicitor's requisition, I cannot satisfactorily determine. Should it please the Government to authorize me to transmit these Title Deeds to Madras, separately in packets, with Binders showing to which numbers in the several Schedules they respectively belong, no time will be lost in so despatching them: and I submit that an arrangement of the kind is more just and proper than that a Government Officer should be saddled with so tame and useless a duty as Scheduling Title Deeds of the class in question which relate, not, be it remembered, to property that the Government have any interest in; but to part of the estate of a litigant lady to whom I believe it would have been made over without her being at the trouble and expense of instituting a Suit.

12. In explanation of this remark, I would mention that Title Deeds are forthcoming only in respect of such real property as the late Raja acquired subsequent to A. D. 1799. All those Mocassa Villages and Lands which are found to have been in his enjoyment and that of his predecessors, owing to their non-inclusion in the lists of Villages made over to the British Government at the Cessions of the Tanjore Province, would necessarily be held on a right not now demonstrable by paper or Cadjan Documents. Therefore in regard of the Schedule marginally noted, I am not in a position to lay anything before the Master of Her Majesty's Court.

A.

13. Such alienations as now form the recognized endowments of the religious and charitable institutions which His Highness the late Raja personally managed and controlled, are supported by Sunnuds and Grants that are not liable to interference by any authority which the Master of the Supreme Court may be justified in exercising. In their respect, also, I apprehend, I am not expected to transmit Title Deeds, for these would, as a matter of course, remain in the hands of the person under whose superintendance those establishments are now placed, whether they be the Punchayets of Pagodas or the Board of Revenue acting under Regulation VII of 1817.

Schedule D.

Schedules B and C. 14. In regard to the property entered in Schedules B and C, I am similarly unable to forward Title Deeds, as the land they embrace was the subject of a mere correspondence in the Political Department, when a former Raja received certain Villages from the Honorable Company for which he gave others in exchange, all which had belonged to him and his predecessors prior to A. D. 1799, under their regal Title.

E. 15. Schedule E relates to a house at Combaconum now occupied as a Government Provincial School under an arrangement which had the personal approval and consent of the late Rajah. The buildings were constructed at the cost of a former Prince on some Moccassa land in the hereditary occupancy of himself and preceding Rulers of the Province. For such land, Deeds are not likely to be found; neither have they ever been deemed to be necessary.

F. As respects the numerous houses, plots of ground and gardens entered in Schedule F, the case is different. Deeds, supposed to be Title Deeds, have been drawn from the Dufters in regard of most of the items of property here classified, and if the Government deem it advisable to adhere to the demand for a detailed Schedule in English which the Company's Solicitor has preferred, it is in relation to these that it will become my duty now to prepare one: but I beg respectfully to express a hope that the Master of Her Majesty's Court may be allowed an opportunity of personally conducting such analysis of Deeds called for by himself, as may be thought requisite for the purposes of that party in the Suit, who, I infer, has applied for their production.

17. Should the Government be averse to the adoption of my suggestion, I shall engage a Translator and when the old papers have by him been transferred into English, I will from time to time use the material thus available and draw up, however useless it promises to be, the Schedule required by the legal department.

18. The expenditure of time will be great and I apprehend I cannot undertake to complete such a task in less than six or eight months, for *sitting to hear* a reader flounder through papers of this class and thereon myself write an abstract, would be as futile, as it would be unjust to the Government who employ and pay me.

19. The documents which are held as the Title Deeds of the house designated "the Residency" at Tanjore, were transmitted by me to the late Acting Chief Secretary on the marginal date.

24th September 1857, *No.* 230.

No. 18. ORDER THEREON, No. 273; dated 23rd April 1858.

Ordered to be commuicated to the Honorable Company's Solicitor in reference to the requisitious contained in his letters of the 23rd Ultimo, No. 153, and 7th Instant, No. 169.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. J. A. Wilson.

April 23. 1850

My dear Mr. Lyon

I return the Quilts which Mr Forbes sent me under cover the other day. Kindly let me have a copy of it officially as soon as you conveniently can do so.

Yours truly
S. A. Douglas

S.A.D.

No 275.

Ordered to be communicated to the Konkola Company's Solicitor in reference to the requisitions contained in his letters of the 29th ultimo No 153 and 4th instant No 169.

For the Secretary
23rd April 1858.

Letter in file 4/5/58
Port Rx & Engd No. 21
13/9/58

To the Konkola Company's Solicitor. Dispd 30th