12

# Revenue Department

## Minutes of Consultations

1st September 1857

Book No 25-26

Order no 876 to 31st Aug 1857

Madras

பாதுகாப்பு பிரிவு-1

செலுத்துபவர் பெயர்

செலுத்துவதற்காக
எடுத்துக்கொள்ளப்பட்ட நாள்

செலுத்திட்டு முடித்த நாள்

சரிபார்க்கும்
முதல் மு.நி.பா.எ.
கையொப்பம்

சரிபார்க்கும்
2ம். நி.பா.எ.
கையொப்பம்

ஆரீர்ப்பாட்சி
உதவியாளர்
கையொப்பம்



No. 25. Read the following letter from J. D. SIM, Esq., Acting Secretary to the Board of Revenue; to H. FORBES, Esq., Acting Secretary to Government, Revenue Department; dated Fort St. George, 28th August 1857, No. 2881.

SIR,

* *In Cons. 28th August* 1857.

I am directed by the Board of Revenue to request that you will lay before the Right Honorable the Governor in Council the accompanying letter from the Government Pleader dated the 26th Instant,* with enclosure, together with the correspondence noted in the margin, which relates to their subject and procure for the Board instructions whether the Government Pleader should be requested to appear before the Sudr Udalut and take such steps as may be in his power to protect the reversionary interest of Government in the Ramnad estate, which is endangered by the appeal Suit to the Sudr Udalut, copy of which is forwarded with his letter.

From Collr. of Madura 18th Oct. in Cons. 10th Nov. 1853.
Board's Proceedings 10th November 1853.
From Collector 12th in Consultation 30th January 1854.
Board's Proceedings 30th January 1854.
From Government Pleader 7th in Cons. 13th Febry. 1854.
From Collector 29th June in Consultation 13th July 1854.
From do. 9th May in Consultation 11th June 1857.
From do. 23d July in Consultation 21st August 1857.
Board's Proceedings 21st August 1857.
From Government Pleader 26th in Cons. 28th August 1857.

2. It may be necessary, in the first place, to remind the Government that the late Government Vakeel Mr. Norton expressed a decided opinion founded on papers submitted to him that on the death of the present Zemindar, a childless female, the Government would primâ facie have a strong claim on the estate as an escheat. It follows that it is deeply interested in any Suit brought against the present possessor; and only a few days back sanctioned payment of a fee of 500 Rupees to the Government Vakeel of the Civil Court at Madura for his exertions in watching the Proceedings in the very original Suit in which the appeal which has given occasion to this letter has been brought.

3. The original Suit, No. 3 of 1853, was preferred by the Plaintiff Sevasawmy Taven, against the Zemindar of Ramnad to recover from her that Estate and its appurtenances. His claim is briefly and vaguely set forth as grounded on his title from coparcenership with Ramasawmy Saitooputty who married Munguleswara Nachear, on whom the Government conferred the Estate by a sunnud Milkeut Istimrar after the deposition of her brother Mootooramalinga Taven, present Zemindar being incompetent as he asserts to hold as a childless widow.

4. The Board are not aware how far the Plaintiff is correct in asserting the incompetency of a childless widow to hold an Estate against a male coparcener; but the Civil Court at Madura seems in its decree to assume this as a settled point.

5. The plea of coparcenership was traversed by the Defendant the Zemindar; and most unadvisedly as it appears to the Board, she entered into details to shew that it was unfounded although the Plaintiff, as before observed, had omitted to give any particulars whatever. Manifestly he thus obtained an advantage of great magnitude in regard to facts of a remote date, in a country where many people bear the same name, few correct records of private transactions exist, and evidence is easily manufactured. Seeing the probability of a badly conducted or collusive defence, the Collector applied to be made a supplemental Defendant on behalf of Government, but though the right of the heir in reversion to defend was supported by the strong opinion of the Government Pleader Mr. Norton, it was negatived both by the Civil and Sudr Courts.

6. The circumstance however proved unimportant as regards the decree in the original Suit, which under date the 4th April last was given in favor of the Plaintiff. The appeal Petition against it is dated the 10th August, and was received by the Board with the letter from the Government Pleader on the 27th idem. As it is stated that the time for filing an answer will expire on the 10th September, the Board submit the case at once with less detail than they would otherwise be disposed to adduce.

7. Taking into consideration the value of the Estate, that its mismanagement by the Agents of its proprietress has been repeatedly brought to notice by the Collector, and the strong reasons which have been shewn for supposing that it would escheat to Government on the decease of the present childless owner, the Board are of opinion that it is very desirable that Government

should adopt all proper means to prevent injury to its reversionary claims by a want of skill and judgment in the defence of this Suit, and would therefore recommend that Mr. Dale may be instructed to take such measures as he considers necessary to protect the interests of Government. This course appears to them the more necessary as the decree does not seem to be so drawn up as to be independent of further support.

---

No. 26. ORDER THEREON, No. 876, dated 31st August 1857.

The Right Honorable the Governor in Council authorizes the Government Pleader to take such steps in the Court of Sudder Udalut as may be in his power, to protect the reversionary interest of Government in the Ramnad Estate, which is endangered by the Appeal Suit instituted in that Court.

(Signed) H. FORBES,
*Acting Secretary to Government.*

Revenue Board's Office,
Fort St. George,
28th August 1857.

No. 2881

From
J. D. Sim Esqre
Actg Secretary to the Board of Revenue

To
H. Forbes Esqre
Actg Secretary to Government
Revenue Department.

Sir,

I am directed by the Board of Revenue to request that you will lay before the Right Honorable the Governor in Council the accompanying Letter from the Govt Pleader dated the 26th instant with its enclosure, together with the Correspondence noted in the margin relative to the Appeal Suit instituted in the Court of Sudder Udalut by the Government Pleader

From Collr of Madura 18 Octr to Govt 10 Novr 1853
Board's Proceedings 10 November 1853
From Collector 12 to Govt 30 January 1854
Board's Proceedings 30 January 1854
From Government Pleader 3 to Govt 15 May 1854
From Collector 29 June to Govt 13 July 1854
From Collector 9 May to Govt 14 June 1854
From — do — 23 July to Govt 21 August 1854
Board's Proceedings 21 August 1854
From Government Pleader 26 to Govt 28 Augt 1854

to appear before the Sudder Udalut on the

take such steps as may be in his
power to protect the reversionary interest
of Government in the Ramnad Estate
which is endangered by the appeal suit
to the Sudr Adalat, Copy of which
is forwarded with his letter.

7 It may be necessary, in
the first place to remind the Government
that the late Government Pleader Mr.
Norton expressed a decided opinion
founded on papers submitted to him
that on the death of the present Zemindar,
a childless female, the Government would
from have a strong claim on the
Estate as an Escheat. It follows that it
is deeply interested in any suit brought
against the present possessor, and only a
few days before the threatened payment of a
fee of 500 £ to the Government Pleader
of the Civil Court at Madras for his
services in watching the Proceedings in
the original suit in which the appeal
was preferred by the Plaintiff Secretary
Tavoo, against the Zemindar of Ramnad
to recover from her that Estate and its
appurtenances. Her claim is briefly and
vaguely set forth as grounded on her title
from Coparcenership with Ramasawmy
Sacrepatty who married Mungaleswara
Nachear, in whose the Government vested
the Estate by a Sunnud Pelchut Ishwar
after the deposition of her brother
Muttoramalinga Tavoo-present Zemindar
being incompetent as he was to be held
as a childless widow.

4 The Board are not aware
how far the Plaintiff is correct in asserting
the incompetency of a childless widow to hold
an Estate against a male Coparcener, but the
Civil Court at Madura seems to be clear
to assume this as a settled point.

5 The plea of Coparcenership was
answered by the Defendant the Zemindar
and must evidently at least appear to the
Board, to be entered into the details to show
that it was unfounded although the
Plaintiff

4L 3 2

Plaintiff or before observed had omitted to give any particulars whatever manifestly to be thus obtained an advantage of great magnitude in regard to proofs of a remote date, in a County where many people bear the same name, for correct records of private transactions exist and evidence is easily manufactured - Seeing the probability of a badly conducted or collusive defence the Collector applied to be made a supplemental Defendant on behalf of Government but though the right of the heir in reversion to defend was supported by the strong opinions of the Government Pleader Mr Norton it was negatived both by the Court and Sub Commissioner

The circumstance however is immaterial as regards the decree passed in the original suit, which under date the 6th April last was given in favor of the Plaintiff - The appeal before the Plaintiff against it is dated the 10 August and was received by the Board with the letter from the Government Pleader on the 14th - It is stated that the time for filing an appeal will expire on the 10 September, the Board submit the



the case at once with less detail than they would otherwise be disposed to adduce.

7. Taking into consideration the value of the Estate - that its mismanagement by the Agents of its Proprietress has been repeatedly brought to notice by the Collector and the strong reasons which have been shewn for supposing that it would escheat to Government on the decease of the present childless owner, the Board are of opinion that it is very desirable that Government should adopt all proper means to prevent injury to its reversionary claims by a want of skill and judgement in the defence of this suit, and under these circumstances recommend that Mr Cole may be instructed to take such measures as he considers necessary to protect the interests of Government. This course appears to them the more necessary as the decree does not seem to be so drawn up as to be independent of further support.

I have the honor to be,
Sir,
Your most obedt Servt,
J. D. Lewis
Ag Secretary

Rev Board's Office,
Fort St George,
28th August 1857

To
H. Forbes Esqr
Ag Secretary to Government
Revenue Department

Compd
F.G. Boyd

Revenue 1857 Depart
D.to Cons: 1st September.

No 998

From
The Secretary to the
Board of Revenue
To The Secretary
to Government
Revenue Department

Dated 28th August 1857
Rec'd 29th ditto

15 Encls. Returned No 2881

No 876. 21st August.
Submitting a letter from
the Government Master Attendant
together with Correspondence
relative to a suit instituted
against the Nakoda Captain
in Madras and recommending
that the Sale may be in-
structed to take such mea-
sures as he may consider
necessary to protect the
interests of Government.

72 Rec'd Sept 6

N° 876

Extract from the Minutes of Consultation
Under date the 31st August 1857

Read the following
letter from the Acting
Secy to the Board
of Revenue

Here enter 28 Aug/57
No 2881

The Lord Court
of Directors and the
Board of Revenue Mad-
ras having declared
to admit the Collector
of that Province as
supplemental Depend-
ants on behalf of
Govt in the Original
suit, The Right Hon.
the Governor in Council
does

does not see how it
can be possible for
Mr Dale
Law to represent the
Government appearing
as interested in the
on the appeal directly × No 68 of 1859.
as a Respondents
He N. Kar the Govt
Do have cause in Chancy.
Hon Gov.t Should Order to
be two such steps on
the Court of Sudder
Adawlut as may be
in his power, to pro
tect the reversionary
interest of Govt in
the Rammad Estate,
which is endangered
by the appeal suit
mentioned in that
Letter

× Appeal to the Queen in Council
Govt Pleaders
2 — —

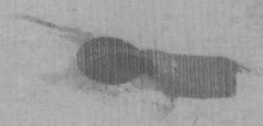
Copy in a G.L. to E.
D. 15th Octr 1858 No 44
Para 8.

30 D - 20

24 = 1st 6 / 91 11

78

No 25 & 26.



Revenue 1857 Septr. 9
Do to Bus: 1st Septr.

No. 876.

Extract Mins: of Cons:

Dy 31st Augt 57.

On throwing the Govt
Pleader to take such Steps
in the Court of Sudder
Udalut, as may be in his
power to protect the re=
=versionary interest of
Govt in the Rammad Es.
tate which is endanger=
ed by the Appeal Suit
instituted in that Court.