Revenue Department

No 383

Santa Fe 22 - 3 - 1859

No. 89. Read the following letter from J. D. SIM, Esq., Secretary to the Board of Revenue; to J. D. BOURDILLON, Esq., Secretary to Government, Revenue Department; dated Fort Saint George, 8th February 1859, No. 462.

SIR,

In Consultation 18*th September* 1858. In para. 6 of Extract from Minutes of Consultation dated 30th July 1858, R. D., No. 1065, the Board of Revenue were requested to report the result of the Appeal of Sevasawmy Taver to the Sudder Udalut for the recovery of the Ramnad Estate, and to furnish any further information they are able to afford on the question.

In Cons. 28*th December* 1858, *No.* 4913. 2. In reply I am directed to forward herewith a letter from the Collector of Madura, dated 27th October 1858, No. 243, furnishing copy of the decree passed by the Sudder Udalut in Suit (A. S. 66 of 1857,) brought by Sevasawmy Taver, and from which it will be seen that the higher Court has affirmed so much of the decree of the Acting Civil Judge of Madura as dismisses the claim of the Plaintiff with costs, and has further ordered that Appellant pay all costs in appeal.

In Consultation 27*th February* 1856. 3. I am also desired to state that the papers received with Extract from Minutes of Consultation, dated 23d February 1856, R. D., No. 203, (which appears to be the order of this Government referred to in the margin of the Honorable Court's Despatch forwarded with Extract from Minutes of Consultation

In Consultation 18*th September* 1858. of 30th July 1858, now under reply) were transmitted by the Board to Mr. J. B. Norton the then Government Pleader, with their Proceedings* of 27th February 1858, but that that gentleman did not furnish them with any further report on the subject up to the time of his relinquishing the Government Pleadership.

* *Copy in M. S.*

No. 90. ORDER THEREON, No. 383; dated 22d March 1859.

Para. 1. With this letter the Board of Revenue submit the Decree of the Court of Sudder Udawlut on the Appeal preferred by Sevasawmy Taver from the decision passed by the Civil Court of Madura disallowing his claim to succeed to the Ramnad Zemindary.

To Court of Directors 16*th April* 1857, *No.* 13, *paras.* 6 *to* 13.
To do. do. 15*th October* 1858, *No.* 44, *para.* 8.
Ex. Mins. Cons. 23*d, February* 1856, *No.* 203.

2. The circumstances of this Estate have formed the subject of a lengthened correspondence, which was reported to the late Court of Directors in letters of the dates noted in the margin. Mr. Norton, the late Government Pleader, in his letter dated 16th November 1855, expressed the opinion that Sevasawmy Taver's claim to the estate was untenable, and the Decrees of the two Courts bear out that view. The decision of the Sudder Adawlut will now be brought to the notice of the Home Government with reference to the correspondence referred to above.

3. In their Proceedings of the 21st June 1847, No. 289, the Board of Revenue laid before Government a letter from the then Acting Principal Collector of Madura, reporting the adoption by the Ranee of Ramnad of the younger son of her younger sister Moottooveeroyee Nauchear, under the name of Mooddoo Ramalinga Taver; but the Government of the day declined to express any opinion on the proceeding, observing that it was matter for the decision of the Courts of Adawlut.

Compd. [illegible]

Secretary

Fort Saint George, Revenue Consultation of 22d March 1859.

Pro. Bd. Rev. 18*th July* 1855, *No.* 1809, *Para.* 5
Ex. Mins. Cons. 23*d July* 1855, ,, 892 *do.* 3
Pro. Bd. Rev. 12*th* ,, ,, 2660
Ex. Mins. Cons. 29*th* ,, ,, 1191
Ex. Mins. Cons. 30*th* ,, ,, 1201
Fro. Bd. of Rev. 12*th Jany.* 1856, *No.* 97 *Para.* 3
Ex. Mins. Cons. 23*rd Feb.* 1856, ,, 203 *do.* 1
Pro. Bd. of Rev. 13*th Nov.* 1857, ,, 3920 *do* 6

4. The question of this adoption has since led to much discussion in the correspondence noted in the margin, which ended in the opinion expressed by Mr. Norton on the 16th November 1855, "that the adoption was invalid and unsustainable in any Court of Justice." The Ranee however in 1857, filed an action in the Civil Court of Madura against the Collector to compel the recognition of the validity of the adoption, and the matter it is believed is still pending; but on this point the Board will be pleased to report after communicating with the Collector.

(Signed) J. D. BOURDILLON,
Secretary to Government.

2x

N° 597

Extract from the Proceedings of the Board of Revenue dated 27th February 1856.

Read letter from the Collector of Madura dated 20th February 1856, furnishing the information required by the Board, relative to the claim of Vellia Taven to the Ramnad Zemindary.

(Here enter N° 33)

Read also Extract Mins Consultation dated 23d February 1856. forwarding documents bearing on the question of the right of succession to the Ram=nad Zemindary.

(Here enter N° 203)

Resolved that the foregoing papers, and the documents which accompanied them, be forwarded to the Government Pleader, Suddr Udalut, for whose information they were obtained.

2. The Board will also forward to Mr Norton a Copy of the papers applied for in para 20 of his letter dated 22d December 1855, and a copy of their letter to Government dated 12th January 1856. N° 97.

From Govt Vakeel 29th April 1851.

3. The decree of the Privy Council of 28th April 1828, not being forthcoming in the Records of Government the Board will forward to Mr Norton a Copy of it recently received at their Office from the Zemindar of Ramnad on Petition N° 3 of 1856.

(A true Extract)
(sign) G. S. Forbes
Secretary

(True Copy)
[signature]
Secretary

Compd

Copy in a Letter to E. of 24th March 1859 No. 11.

Enclosure in a letter from the Secretary to the Board of Revenue to the Secretary to Government Revenue Department Dated 8th February 1859 No. 462.

Copy.

Board's Proceedings dated 27th February 1856. No. 597.

P 227/59.

R. D.

No. 383

Extract from the Minutes of Consultation Under date the 22d March 1859.

Read the following letter from the Secretary to the Board of Revenue.

(Here enter 8th February 1859 No. 462)

H. With this letter the Board of Revenue submit the Decree of the Court of Sudder Udawlut on the appeal preferred by Seva=sawmy Tawer from the decision passed by the Civil Court of Madura dis=allowing his claim to suc=ceed to the Ramnad Zemin=dary.

2. The circumstances of this Estate have formed the subject

subject of a lengthened correspondence, which was reported to the late Court of Directors in letters of the dates noted in the margin. Mr Norton the late Government pleader, in his letter dated 16th November 1855, expressed the opinion that Sevasawmy Lavers claim to the Estate was untenable, and the Decrees of the two Courts bear out that view. The decision of the Sudder Adawlut will now be brought to the notice of the Home Government with reference to the correspondence referred to above.

To Court of Directors 16th April 1857 No. 13 paras 6 to 13
To — do — do — 15th Octr 1858 No. 44 para 8.

Ex: M. C: 23d February 1856 No. 203.

3. In their Proceedings of the 21st June 1847 No. 289 the Board of Revenue laid before Government a letter from the then acting Principal Collector of Madura, reporting the adoption by the Ranee of Ramnad of the Younger Son of her Younger Sister Moottooveeroyee Nanchear, under the name of Mooddoo Ramalinga Laver; but the Government of the day declined to express any opinion on the proceeding, observing that it was matter for the decision of the Courts of Adawlut.

Pro: Bd of Revn 18th July 1855 No. 1809 p. 5.
Ex: M: C: 23d July 1855 " 892 p: 3.
Pro: Bd of Revn 12th ~~[illegible]~~ " 2660.
Ex: M: C: 29th — " — " 1191
Ex: M: C: 30th — " — " 1201
From Bd of Revn 12th Jany 1856 No. 97 p: 3.
Ex: M: C: 23d Feby 1856 " 203 p: 1.
Pro: Bd of Revn 13th Novr 1857 " 3920 p: 6.

4 The question of this adoption has since led to much discussion in the correspondence noted in the margin, which ended in the opinion expressed by Mr Norton on the 16th November 1855, "that the adoption was invalid and unsustainable in any Court of Justice." The Ranee however in 1857 filed an action

action in the Civil Court of Madura against the Collector to compel the recog=nition of the validity of the adoption, and the matter it is believed is still pending; but on this point the Board will be pleased to report after communicating with the Collector.

[signature]

C 12th Mch R 16th

Memo

Revl. No. 227 of 59

Sevasawmy Taver Plain[illegible] in A. S. No 66 of 1857 is the third[illegible] the claimants of the Ramnad Z[illegible]-mindary, and his claim is grounded on his being the dayad[illegible] (Cousin) of Ramasawmy Tave[illegible] husband of Mungalawwara Natchiar, on whom the Hon[illegible] Company conferred the es[illegible] under an Istumrar Summ[illegible] in 1803, after her brother the reb[illegible] deposed.

The Zillah Court of Madura dismissed the Plaint[illegible] claim on the grounds that th[illegible] alleged relationship of dayad[illegible] was not proved, that the Plain-tiff's paternal grandfather's clai[illegible] to the Zemindary on the ground of hereditary right having been dismissed

Pro: of the Rev Bd. 12 Octr/55 No 2660 p 3 in Ex Mins Cons 29 Octr/55 No 1191

dismissed, that of Plaintiff for the same property and on the same ground would be liable to dismissal under Section 10 of Reg 2 of 1802; and that had Plaintiff's father been looked upon as an undivided dayadee of the said Ramasawmy Taver, he would, when the latter died, have brought an action in support of his claim which he never did.

The Sudr Court on appeal negatived the grounds on which the Zillah Court based its Judgment; and pointed out that the question of relationship, now mooted, had never before been put forward by the Plaintiff's grandfather, and therefore received no judicial decision in 1804; they have, however, confirmed so much of the Zillah Court's Decree as has rejected the Plaintiff's claim on the ground of its being barred by the

the statute of Limitation, which having commenced to run, at least in 1814 (the year in which the Sudr Court decided that the Ranee Mangalaiswara Natchiar's adoption of Ramasawmy was legal), if not in 1807 (the year in which the Ranee died), against any claim derivable from Ramasawmy Taver ran out in 1827, about 30 years prior to the commencement of the present action; that, if this bar did not exist, the Plaintiff is estopped from coming into Court as the sons of his grandfather's elder brother are living and stand in his way.

In their Despatch of 23 March/58 No 2 para 13 the late Honorable Court of Directors, in reviewing the correspondence reported* by this Govt respecting the Ramnad Zemindary, remarked that they awaited further

* To the late Hon. Court 16 Apl/57 No 13 Paragraphs 6 to 13

further information as to the question* raised whether the zemindar, a childless widow, could alienate the estate or adopt an heir. In passing orders on the above Despatch the Govt. requested the Board of Revenue to report to them the result of the appeal suit brought by Senasawmy Tavar the Plaintiff abovementioned. With reference to this requisition the Board now submit copy of the Decree in the suit.

* This does not appear to have been finally settled.

Ex. M. C. 30 July/58 No 1065 p 6

3 Copies to the Bd. of Revn. Dispd 23

Copy in a Letter to E
dd 24th March 1859 No. 11

Revenue 1859 Departt.
Cons 22d March.

No. 383.

59-60
26-2-56
32
3-8-58

Extract Mins of Cons:
Dd 22d March /59.

From the secty to the Bd of Rev. Dd
20th May 1859 Cno 921 in Cons. 10th
June 1868-69

Resolving to report to the Home Government the decision of the Sudr Court on the Claim preferred by Sevasawmy Tawer to the Ramnad Zemindary in Madura, and desiring the Board to report on the Subject of the Suit filed by the Ranee of Ramnad against the Collr. to compel the recognition of the validity of the adoption by her, of the Younger Son of her Younger Sister.

No. 89 & 90

C 12th March 1816