

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.

986

Press
Mis.

Dated

29th July 18*89*

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
from 23d to 29th July 1859.*

No. 7. Read the following letter from J. D. SIM, Esq., Secretary to the Board of Revenue ;
to J. D. BOURDILLON, Esq., Secretary to Government, R. D., dated 15th July
1859, No. 2781.

I am directed by the Board of Revenue to submit, for the orders of Government, the ac-
companying letter from Mr. Dale, Government Pleader
In Con. 15th July 1869, No. 3474. Sudder Udalt, dated 14th instant, enclosing one from the
Collector of Madura, dated 29th June 1859, having re-
ference to certain suits now pending in the Civil Court at that place, connected with the Ramnad
and Shevagunga Zemindaries.

2. The particular suits alluded to are not mentioned in Mr. Clarke's letter, but the Board
have ascertained from him by Telegraph that they are Nos. 10 of 1856, and 4 and 9 of 1857.

3. The two first mentioned suits
No. 10 of 1856.—Plaintiff Coolandapoory Natchyar, daughter of Mooton Vigia Ragoonathu Gavoory Vul-
lura Perea Oodia Taver, a late Zemindar of Sheva-
gunga. were instituted by the parties named
in the margin for the recovery of the
Shevagunga Zemindary, now under
management, in consequence of the
minority of the Zemindar. The draft
answers in both cases were prepared
by Mr. Dale, under instructions from
the Court of Wards.

4. The other suit is the one brought by the Zemindar of Ramnad, to obtain recognition
of the validity of her adoption of a youth named Moodoo Ramalingum, with a view to his suc-
ceeding to the Zemindary on her demise. The particulars of this case, with a resumé of past
events, were laid before Government with the Board's Proceedings, dated 13th November 1857,
No. 3920, and the draft answer, copy of which was submitted to Government with the Board's
Proceedings of 2d February 1858, No. 584, was prepared by Mr. Dale under the orders conveyed
to him in Extract Minutes Consultation, dated 17th November 1857, R. D., No. 1172. If the
Zemindar's right to make the adoption be affirmed, the reversionary claim of Government to
the estate, as an escheat for want of legal heirs, will of course lapse.

5. In his present letter to Mr. Dale, the Col-
In Con 18th November 1857, No. 4527. lector states that it is understood to be the intention
of the Civil Judge, shortly after the opening of the
Court, on the 1st instant, to take up the abovementioned suits, with a view to declare points
thereon, and requests to be furnished with any instructions which Mr. Dale may have to convey
in regard to the matters to be submitted to the Court in the hearing it may afford to the parties.

6. Mr. Clarke also states that it is rumoured that the Vakeel employed in the three suits
intends to engage the services of a Barrister and thinks that if this be true, the defence should
not, by being left in the hands of a Native Pleader, suffer from weakness of advocacy; he,
therefore, suggests that if the Government Pleader cannot leave his duties at the Presidency to
visit Madura, some other gentleman should be engaged to proceed thither to plead and watch
the interests of the Defendants.

O. S. 10 of 1856.

198 From Madura 5th in Con. 14th January 1857.

1737 To do. 23d May "

1746 To do. 25th " "

O. S. No. 4 of 1857.

2965 From Madura 23d July in Con. 4th August 1857.

3437 " do. 22d August in Con. 5th Sept. "

3818 " Govt. Pleader 30th in Con. 30th Sept. "

7. Mr. Dale states, it will be ob-
served, that not having the pleadings
nor any instructions before him, he is
unable to offer any suggestions regard-
ing the cases. The papers connected
with these suits will be sent to Mr.
Dale as soon as those which accompany
this letter are returned, to enable him
to meet the Collector's application in
this respect.

*Proceedings of the Madras Government, Revenue Department,
from 23d to 29th July 1859.*

8. With respect to the employment of Counsel Mr. Dale offers no opinion, but the Board concur with the Collector that in the event of the Plaintiffs engaging an European Barrister, it is highly desirable, for the interests of Government and the Minor Zemindar of Shevagunga, that Counsel should also be secured for conducting the defence. Should Government concur in this opinion, the Board propose to engage the services of Mr. Dale (who is already conversant with the cases) for this purpose, and will arrange for his proceeding to Madura, on receipt of certain information (for which they have called) from the Collector, as to the measures adopted by the Plaintiffs. As time is an object they have thought it better at once to enquire whether Government are disposed to sanction this arrangement, than to await the Collector's reply, which cannot reach them for some days.

9. The Board have not come to any terms with Mr. Dale regarding his costs, but they propose to address him on the subject on receipt of the order of Government. The Court of Wards will, of course, defray that portion of them chargeable to the Minor, and the Government will have to pay the amount incurred on the suit in which their interests are affected. The Collector has been informed that he should have addressed the Board direct with full particulars.

No. 8. ORDER THEREON, 25th July 1859, No. 986.

The Government agree with the Board of Revenue that if a Barrister be engaged for the Plaintiffs in the suits mentioned in this letter, one should also be provided on behalf of the Defendants. It is not necessary at present to pass any definite orders on the subject; but the Government will be prepared to do so on receiving the further information which has been called for from the Collector of Madura, as well as a more specific recommendation from the Board. If a Barrister is to be employed for the defence, the best man available should be sent. The Government Pleader cannot be spared to go.

2. It is presumed that the attention of the Collector has been called to the course of proceeding sketched by Mr. Dale in para. 3 of his letter.

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

Revenue B^d Office,
Fort St. George,
25th May 1857.

N^o 1740.

From

J. D. Sim Esq.

Secretary to the Board of Revenue

The Acting Collector of
Madura.

Sir,

I am directed by the Board of Revenue to forward the answer referred to in para 2 of my letter of the 23rd Instant, N^o 1737.

Revenue B^d Office,
Fort St. George,
25th May 1857.

I have &c.

(Signed) J. D. Sim
Acting Secretary.

(True Copy)

J. D. Sim
Sub Secretary.

C. Hurst

Rev. 1319.

The Govt. agree with the Board of Revenue that if a Bar-
-rister be engaged for the Plain-
-tiffs in the suits mentioned in
this letter, one should also be
provided on behalf of the de-
-fendants. ^{It is not necessary} They are not how-
^{seems} ever prepared at present to pass
any definite orders on the
subject, but they ^{for} will ^{be prepared to} do so
hereafter on receiving the fur-
ther information which
has been called for from
the Collector of Madurai, as
well

Copy in 2 letters to B
of 1837 & August 1859. No 46

Copy of
No 1746

To the Collector of
Madurai.

Dated 25th May 1857

Recd 25th June

E. L. Graft answer-

Rev 1319/59

Forwarding an-
-swer referred to in
para 2 of the Board's
letter of the 23 instant
No 1737.

Memo:

From the Board of Revenue, 15th July 1859, No 2781, regarding three suits against the Colr of Madura in connection with the Shervagunga and Ramnad estates.

1. The three suits referred to in the Board's letter are brought against the Acting Colr of Madura; two being for the recovery of the Shervagunga Zeminidary from its present minor holder, and ^{the} third is to compel recognition of an adoption ^{made} ~~by~~ ^{by} the present female Zeminidar of Ramnad. The Shervagunga suits are instituted by two female claimants against the guardian of the minor, the Acting Colr being made 2^d defendant in his capacity of Agent to the Court of Wards; and the Ramnad suit is by the female Zeminidar against the Acting Colr as such, to establish the validity of an alleged adoption. The Shervagunga suits are No 10 of 1856 and No 4 of 1857 on the file of the Madura Civil Court, and the Ramnad suit is No 9 of 1857.

Her estate is under the Ct of Wards

Copy of Lett. J. E. at Aug. 1859. No 46

Copy of No 1737

To the M^r. Collector of Madura

Dated 23 May 1857
Recd 23 88

Enclos 1 Draft Answer

13/19/59

Forwarding Draft of an Answer prepared by the Government Pleader to G. O. No 10 of 1856. per quoting him to acknowledge its receipt. and informing him that an answer on his behalf is nearly completed.

N. 10 of 1856. (Shevazunga Estate).

2. The claimant in this case is the daughter of Mooto Vizia Ragoonatha ^{Valluvar} Gavoory Peria Bodin Taver, Istimirar Zemindar of Shevazunga, by his 5th wife. As above stated, she sues ~~against~~ the guardian of the minor ^{for} whom the estate is now held, and ~~against~~ the Acting Colr as agent to the Court of Wards. Her claims are, the estate itself, which she says produces a yearly income of 4,37,500 Rs, while it pays a per cent. cash to Govt of 2,62,500 Rs; the net profits for 6 years amounting to 6 lacs; & the palace and other buildings valued by her at 1,66,500 Rs.

The grounds of her claim as gathered from the plaint are briefly, these. Previously to 1801, the Zemindary was apportioned by Govt for rebellion; but it was afterwards bestowed on Mooto Vizia Ragoonatha ^A & ^{divided} the younger of two brothers. He died in 1829 without male issue, but leaving wives and daughters. On this event, one of the sons of the elder brother, according to the plaint, entered the palace by force, forged a will in his ^{own} favor,

* Bodoo Georussawmy, grandson of B.

B. Mooto Vadooganada Taver, son of the elder brother Woyu Taver.

C. Aruga Mootoo Nachiar, 5th wife of A.

D. Cootandapoory Nachiar, daughter of A and C.

and got himself recognized by the Authorities as Zemindar. He died in 1831. Among other ^C the 5th wife of the person on whom the Govt had bestowed the Zemindary in 1801, instituted a suit against the son of the ~~person who had seized the estate~~ ^B. Her suit was dismissed by the Provincial Court, but the Sudr Adalat on appeal decreed that she was the lawful heir. The Privy Council however cancelled the decree on the ground that proper measures had not been taken to ascertain whether a division had, or had not, taken place originally between the two brothers. ^C the 5th wife, then instituted a fresh suit, which was dismissed by the lower but entertained ^C by the Sudr Court. At this stage ^D the 5th wife died, and the present plaintiff (her daughter) applied to continue the appeal suit; but the Sudr ordered her to sue de novo in the lower Court, which she has now done. Her claim to succeed is that she is the married daughter with issue of the ^C 5th wife, who was recognized by the Sudr as the proper heir, & that the property

is self acquired, inasmuch as it was a
free gift from Govt to ^{plaintiff's} father. In short
she endeavours to set aside the will & the rights of the elder branch of the family.

No. 4 of 1857. (Sherugunga Estate).

3. The claimant in this suit is
the daughter of the ^AEstimivan Zemindar by
his ^E5th wife. The dependants are the acting
guardians of the minor and the Agent of the
Court of Wards. The estate is given at the
same value as in the other plaint; but a
sum of 24,22,392 Rs is sued for as loss of pro-
duce, besides ~~the~~ real and personal property
valued at 2,32,864 Rupees.

This plaintiff rests her claim
on the ground that her mother, of all the
Zemindars surviving wives, was pregnant at
the time of his death; that this circumstance
was felt by the ^Bson of the elder brother who
~~seized the estate~~, for in the false will made
out by him he declared that the Zemindary
was his provided the child to be born should
prove a female; and that Govt themselves
delivered the estate to this ^Bson as the guar-
dian until the birth of the child. On
the death of ^{her} mother who legitimated her
claim, the plaintiff moved the Sadr, & they

Sett 3rd inst?
E, Saroomaya Nachiar.

*What Govt has
done in reference
to her claim
concerned to
the estate.
She states in her plaint
that she presented*

*a motion to the Sadr Munsif
setting aside her claim,
which was refused & the
Sadr gave for consideration
and that the officers in
their petition of the 25 March
1852 declared that this plain-
tiff alone is the lawful
heir to the Zemindary and
its appurtenances.
It must appear from the
plaint that she was ordered
by the Sadr to institute a
fresh suit.*

referred the case for the opinion of their law
officers; and on their declaring in 1852 that
the plaintiff was the lawful heir to the
estate, she instituted the present suit.

4. In both cases, the answers
have been drafted by Mr. Dale the Govt
Pleader, as well for the minor's guardian
as for the Agent of the Court of Wards; and
it does not appear that in either case, the
previous consent of Govt has been obtained to
the conduct of the defence. The Board must
have communicated with the Govt Pleader
direct, and in their present letter they say
that the costs will be defrayed by them as
Court of Wards.

No. 9 of 1857. (Rammad Estate).

The circumstances under which
the present female Zemindar came into
possession, and a resume of the correspondence
regarding the adoption, ^{are} given by the Rev-
Board in their Proceedings of the 13th Novr,
No 3920. When the adoption was first reported
Govt declined to express any opinion. In 1853
they admitted its prima facie validity. Mr.
Parker then pointed out his objections, viz. that

Per 13 July 1847, No 797.

the Zemindarnee had neither the consent
of her husband nor her relations. Mr. J.
B. Norton, as Joint Pleader, afterwards gave
his opinion that the adoption was invalid,
that the estate should be opened by Joint
in the Rance's death. In consequence of
these views, the Zemindarnee has insti-
tuted the present suit to compel recognition
of the adoption. The Rannad Estate pays a peshkar
of Rs. 3,21,565 & 1/2 p. annuo 7,164 & 1/2 p. annuo on account of mohur p. annuo.
Joint sanctioned the defence of
the suit on the 6th March/58. The answer
has been ^{prepared} ~~drafted~~ by Mr. Dale.

5. The Board now report that
the Court is about to take up all these
suits, & declare points thereon, and that a
Barrister is to be engaged by the plaintiffs.
The Board wish to send Mr. Dale down to
conduct the defence in all the three cases.

31st May/47 and 9th Augst
and 29 Sept/55. in Rev.
B's Pro. 12 Oct/55, in 2000.

7/6 Nov/55.

Order, No. 300

7/5 19/7/59.

Memo.
3 Suits against the Cbr
of Madras in connection
with the Shewagunga &
Ramanad Zemindaries.

For Govt House.

For Govt House
when one or two
are present -
attended to. Please
see within.
Council

Revenue Dept

No 986
Proceedings of the Madras Government
Under date the 25th July 1859.

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

Submitting for orders a letter from
the Government Pleaders, Solicitor
General enclosing one from the
Collector of Madras on the subject
of certain suits now pending in the
Civil Court of Madras connected
with the Ramanad and Shewagun-
ga Zemindaries.

Here enter 15th July 1859 No 986

The Government
agree with the Board of
Revenue that if a Barrister
be engaged for the Plaintiffs
in the suits mentioned in
this letter, one should also
be provided on behalf of the
Defendants. It is not ne-
cessary at present to pass
any

2 It is presumed
that the attention of the
Collector has been called
to the course of proceeding
sketched by Mr. Dale
in Paragraph of his letter.



6 Copies to the Bd of An & with Encl^{rs}
Disp³ 25

Collyer & D. H. & Co.
231 August 1859. No 46

Q 14th August 59. No 50-51.
- 23rd July 58 - 47-48 -

Revenue 1859 & 1860
No 1 of Court 29th July.

240 980.

No 1 of the Chancery Court.

29th 25th July 1859.

From 18th 4th June 1859 to 1859

CR 1858-26. No 9-10

From 20th 21st October 1859.

CR 1859. No 10-21. No 234

Deputy orders on
with now pending in the
Civil Court of all the same
- needed with the Command
and the same as the same
- done.

No 48.

See

See