M.R.O. 14—10,000—21-4-22.

# MADRAS RECORD OFFICE.

---

## Government of Madras.

Revenue DEPARTMENT.

G.O. No. 2232 Press
Mis.

429-430

Dated 24-11- 1860

**Not to be folded or roughly handled**

## *Proceedings of the Madras Government, Revenue Department, 24th November* 1860.

No. 429. Read the following Proceedings of the Board of Revenue, dated 9th November 1860, No. 5,199 :—

Read letter from the Government Pleader Sudder Adálat, dated 30th October 1860, No. 162.

(In Cons., 31st October 1860, No. 5,562.)

*In Cons., 21st July* 1860, *No.* 3,540.
*Civil Court of Madura.*
*Original Suit No.* 1 *of* 1856.
*Sudder Court at Madras.*
*Appeal Suit No.* 140 *of* 1859.
*Appellant.*
*Collector of Madura.*
*Versus Virakáma Ammal, daughterof the late Zamíndár of Errachanaikúr.*

1. In his letter dated 19th July last, Mr. Dale reported that the Appeal Suit regarding the Errachanaiknúr Pollium in Madura had been decided by the Sudder Court adversely to Government, and for reasons stated he advised that Government should acquiesce in this decision. In this view both the Board and Government concurred.

*Board's Proceedings* 21*st September* 1860, *No.* 4,292.
*G. O.* 11*th October* 1860, *No.* 1,845, *Revenue Department.*
*In Consultation* 12*th October* 1860, *No.* 5,176.

2. Mr. Dale now reports that after conference with Mr. Clarke and consideration of the appeal decree (which he had not perused when his former communication was prepared), he has come to a somewhat different conclusion, and sees reason to believe that an appeal to the Privy Council may be successful on the ground that the decisions of the Madura and Sudder Courts adjudge Government to pay mesne profits which never came into their possession, and which Plaintiff herself sought to recover from the other Defendants in the suit. Mr. Dale, therefore, now advises that an appeal should be preferred, and he hopes that in the course of it, the Lords of the Judicial Committee may be induced to set aside the order of the Civil Judge of Madura, refusing to admit the evidence tendered by Mr. Clarke in order to show that by the custom of Plaintiff's caste and the peculiar tenure of the Pollium a female could not succeed to it ; or to allow the Collector to amend his plea.

*Enclosure in No.* 3,540,1860.

3. The mesne profits sued for by Plaintiff, as set forth in her original plaint, are the full "Jamábandi amount" of the Estate for Faslis 1263 and 1264, which is entered as amounting for those years to Rupees 12,067. The profits of the subsequent years are probably calculated on the same basis. But the property was leased by Chinnammál, *de facto*, co-proprietor with Plaintiff's mother, to the predecessors of the other Defendants at Rupees 3,461-15-8 per annum, for 9 years from Fasli 1258 A. D. 1848-49 to Fasli 1266 A. D. 1856-57. The competency of Chinnammál to grant the lease cannot be questioned under the present decrees, and until 1857 no portion of the mesne profits over and above that rent comes into the possession of Government. It is only for what they *did* receive that Government can be held answerable, at all events in the first instance, and the inclusion of the lessees in the suit shows of itself that it was from them that Plaintiff sued to recover the profits.

4. The Board think it of consequence that the course now recommended by Mr. Dale should be adopted, as the effect of the decree of the Sudder is to establish female succession in this Pollium in all time to come, and this owing solely to a mistake of the then authorities as to the real rights of Government and the true merits of the case.

5. The time for appeal will expire on the 16th proximo.

(A true Extract.)

(Signed) J. D. SIM, *Secretary.*

*Proceedings of the Madras Government, Revenue Department,*
**24th** *November* 1860.

No. 430. ORDER THEREON, 24th November 1860, No. 2,232.

1. The Governor in Council has carefully considered the recommendation of the Board of Revenue in these Proceedings and the grounds upon which it is based, but sees no reason to alter the opinion Government have already expressed* that it is inexpedient to appeal to the Privy Council from the decree of the Sudder Adálat in S. A. S. No. 140 of 1859.

* *Order* 11*th October* 1860, *No.* 845.

2. The case has been decided fairly on its merits as originally defended, and this the Government Pleader himself has admitted. Mr. Dale is now of opinion that the Sudder Court has overcharged the Collector for mesne profits, and on this plea seeks permission to appeal, hoping to lead the Privy Council to remand the case, and have the grounds, not before admitted by the Sudder Adálat to be argued, referred by the Privy Council to them for decision.

3. The Governor in Council is of opinion that it is not right for the Government thus to keep up litigation. If the Sudder Adálat have committed an error in the matter of mesne profits, the proper course is to apply on this ground for a review of judgment. And His Honor in Council desires that this be now done.

(Signed) J. D. SIM,

*Acting Secretary to Government.*

*Original Suit No.* 1 *of* 1856, *before the Civil Court of Madura.*

*Appeal Suit No.* 240 *of* 1859, *in the Sudder Court.*

| *Appellant (1st Defendant).* | *versus* | *Respondent.* |
|---|---|---|
| The Collector of Madura. | | Veeracaumoo Ummal, daughter of the late zemindar of Erasaca Naiknoor. |
| *Government Pleader.* C. Dale, Esquire. | | |

| *Plaintiff.* | *versus* | *Defendants.* |
|---|---|---|
| Veeracamoo Ummal. | | R. D. Parker, Esquire, Collector of Madura, and others. |

Plaint, dated 2nd January 1856.

Bill of plaint respectfully presented by court vakeel, Sama Row, on behalf of the said plaintiff, to recover from the defendants, under the decrees passed with reference to the rules of Hindoo law and right of succession, the said zemindary of Erasaca Naiknoor, annually producing rupees 6,462-6-5, and paying therefrom an annual peishcush of rupees 2,061-15-8 to the circar, and the loss of produce thereof for two years, valued at rupees 7,113-13-7, or total value of rupees 13,576-4.

1. The said zemindar of Erasaca Naiknoor, after the birth of the plaintiff, died in 1835, without any male issue, and the said zemindary was put in possession of his two widows, Papammal, the plaintiff's mother, and Chinnammal, under the order of the board of revenue, dated 28th January 1836. While they continued to enjoy it, the plaintiff's mother having sued for recovery, in No. 265 of 1846, on the file of the pundit sudder ameen of the late zillah court, a decree was passed in her favor.

2. From the said decree, the said Chinnammal preferred an appeal in No. 20 of 1838; and the plaintiff's mother, who put in her appeal answer, died on 19th Pungoony (30th March 1839). Her annual ceremonies are performed by plaintiff. The plaintiff being then a minor, her guardian and paternal grandmother, Ackammal, presented a petition in the said appeal, representing the plaintiff's claims. Whereupon a futwah was sent for, from the pundits of the Court of Sudder Udalut, and an appeal decree was passed, to the effect that the said Chinnammal should, until her death, enjoy the said zemindary, which afterwards should come into this plaintiff's possession. The said appeal decree, which has become final, is still held in force.

3. While so, one Jaggappa Naiken brought the suit No. 55 of 1843, on the file of the sub-court, as if he was a dayadee or cousin, against the said, 1, Chinnammal, and the plaintiff's guardian, 2, Ackammal, and a decree having been passed, the said Chinnammal preferred against it, the appeal suit No. 18 of 1847, wherein this court passed a decision, with reference to the decree in the said appeal No. 20. And the said decision was confirmed by the Sudder Udalut in special appeal suit No. 78 of 1849.

4. The said Chinnammal, who held the said zemindary according to the said decrees, having died at the end of fusly 1262 (12th July 1853), the plaintiff performed her obsequies, &c., and immediately applied to the collector of this zillah to grant her possession of the said zemindary, &c. But the collector putting in her possession only the punnay lands, &c., attached to the said zemindary, and which she continued to enjoy, permitted the 2nd defendant's father to hold the zemindary, as if it had been rented by him, from the said Chinnammal, and 3rd defendant and 4th defendant's father to enjoy a part as sub-renters; and ever since their death, the defendants 2 to 4, continue to enjoy it.

decree

5. The civil and sub-courts having ordered a receipt to be issued upon the plaintiff's application for the execution of the decree in the said appeal No. 20, the 1st defendant preferred a special appeal to the Sudder Udalut, who, by an order dated 26th February 1855, ruled, that as the zemindary in question is under the charge of the collector, who is not a party to the said suit, it could not be separated from him, unless a regular suit is brought against him. Hence, this suit against the said four defendants, for the recovery of the said zemindary, with mesne profits thereof, for fuslies 1263 (1853-54), and 1264 (1854-55), or since the date of the said Chinnammal's death.

I, therefore, pray that a decree may be passed, awarding to plaintiff the said zemindary of Erasaca Naiknoor, yielding produce and paying peishcush as aforesaid, together with its mesne profits, rupees 7,113-13-7, for the said fuslies 1263 (1853-54), and 1264 (1854-55), namely:—

| | Rs. | A. | P. | | |
|---|---|---|---|---|---|
| The jamabundy amount for fusly 1263 (1853-54), is ... ... | 6,462 | 6 | 5 | | |
| Do. do. for fusly 1264 (1854-55), is ... ... | 5,605 | 6 | 6 | | |
| Total jamabundy amount.. ... ... ... | | | | 12,067 | 12 11 |
| *Deduct.* | | | | | |
| The peiscush paid to the circar for the said two fuslies. ... | 4,123 | 15 | 4 | | |
| The teerva of the punnay lands in plaintiff's possession. ... | 184 | 0 | 0 | | |
| Servant's wages.... ... ... ... ... ... ... | 646 | 0 | 0 | | |
| Total... | | | | 4,953 | 15 4 |
| Balance... | | | | 7,113 | 13 7 |

(Signed) SAMA ROW,
*Pleader.*

*2nd January* 1856.

---

Answer of the 1st Defendant, dated 14th March 1856.

1. The claim is groundless.

2. According to the custom of the Cumbala Totiar caste, to which the plaintiff belongs, females cannot succeed to a pollum. Consequently, on the death of the late zemindar, Chinnammal, there being no male heirs, the estate of Erasaca Naiknoor was taken possession by Government as an escheat, as was done formerly in the cases of the Nuttum and Ramgherry pollums.

3. It is true that Papammal and Chinnammal were suffered to enjoy this estate, without opposition by Government; but this was owing to the custom of the caste and the precedents of the Nuttum and Ramgherry zemindaries not having been properly brought to their notice.

4. Ample proof will be adduced of the rule of the caste stated above.

5. To any former suits and appeals, the Government was not a party. Any expression, therefore, in favor of the plaintiff, which they may contain, is of no avail in support of her claim.

(True Translation).

J. D. PARKER,
*Collector.*



TRANSLATION.

To

A. W. PHILLIPS, Esquire,

*Acting Civil Judge of Madura.*

Answer of the 2nd Defendant, dated 26th March 1856.

1. Ranee Chinnammal, the proprietress of the zemindary of Erasaca Naiknoor mentioned in the plaint, rented the said zemindary to this defendant's father, Chockalingum Pillay, for nine years, from fusly 1258 (1848-49), to 1266 (1856-57), for an annual amount of rupees 3,461-15-8, including kist, by an agreement executed on a stamped cadjan, of 8 rupees value, under date 6th Margaly of Keelaka (18th December 1848). And, accordingly, this defendant's father continued to enjoy it since fusly 1258 (1848-49). The fact of this transaction is admitted by the said Chinnammal, in her urzee to the Hoozoor, and in her answer and rejoinder in No. 151 of 1849, on the moofty ameen's file,—and the decree therein passed establishing the said lease, has been confirmed in both the appeal and special appeal suits.

2. The said Chinnammal died on the 12th July 1853, and an urzee was presented to the Hoozoor, representing, among other circumstances, the fact of the zemindary having been rented by this defendant's father, and his claims to enjoy until fusly 1266 (1856-57), when the 1st defendant, after obtaining an order from the board, put the zemindary in possession of this defendant's father, confirming the said contract, and receiving from him a kararnamah. He having died while enjoying it, in Arpasi of Rakshasa (October and November 1855), this defendant holds it ever since as his adopted son under circar orders.

3. While the said Chinnammal was alive, she received from this defendant's father, in fusly 1263 (1853-54), rupees 2,582-10-0 in excess, to the amount of the said contract, for which she sent him orders that she would deduct the same from the amount payable by him for an extended period of contract which she intended to allow, and this amount and interest are to be recovered from her successors to the estate.

4. The plaintiff is not justified to object to the said contract thus established by several circar documents, &c. This very plaintiff having applied for the enforcement of the decree in No. 20 of 1838, on the file of the late zillah court, this court passed a diary order, that the lessee himself should enjoy the said estate until the term of the said lease expires, and the said order was confirmed in appeal.

5. The income of the said zemindary being scarcely sufficient to pay the servants wages after deducting the peishcush and the amount of lease, this defendant's father has sustained loss. The fact of the mesne profit being very little after deducting the kist and other charges, is sufficiently proved by the plaint, &c., filed by this plaintiff's mother in original suit No. 265 of 1836, on the file of the late zillah court. Moreover, the funeral rites of the said Chinnammal were performed by her (dayadee) cousin, Chellamoottoo Naiker, and not by plaintiff.

I, therefore, pray that a just decree may be passed.

(Signed) RAMASAWMY SASTRY,
*Court Vakeel.*

*26th March* 1856.

## TRANSLATION.

Reply, dated 26th April 1856.

The answers of the 1st and 2nd defendants are not correct.

1. Reply to 1st defendant's answer.

The fact of the plaintiff being entitled to the zemindary in question, according to Hindoo law, and the local usage and of the people of "Thadiya" caste being bound by Hindoo law, are established by the decrees mentioned in the plaint. The circumstances stated in the 1st defendant's answer have no foundation.

2. The very statement in the 3rd para. of the said answer, that plaintiff's mother, Papammal, and Chinnammal had enjoyed the zemindary without any objections on the part of Government, proves that it is customary for a female of "Thodiya" caste to enjoy a pollum; and this statement itself is the reply to the 2nd para. of the said answer. Had the practice followed by people of plaintiff's caste, and the proceedings held in the matter of Nuttam Ramagherry pollum been such as are represented by the 1st defendant, the former collectors would never have failed to bring them to the notice of the revenue board. As there were no proper claimants to Nuttam Davadanapputty pollum, &c., before the settlement, and no peishcush was fixed upon them, and as Ramagherry pollum was taken possession by the circar in satisfaction of the arrears of peishcush, and for the violation of the circar orders after the settlement, the said pollums could not be shown as an example in regard to the zemindary in dispute.

3. Reply to the 1st, 2nd, and 4th paras. of the 2nd defendant's answer.

Although the 2nd defendant could prove by documents that the said Chinnammal had leased the said zemindary to his father, yet, the diary order passed by the late civil judge Mr. Baynes, under date 24th March 1854, would sufficiently prove the fact that the said lease was valid only until the death of the said Chinnammal, and has since been invalidated.

4. Reply to para. 3 of the said answer.

The 2nd defendant's allegation that his father had lent some money to Chinnammal on condition of deducting the same from the amount of a subsequent lease, is utterly false. He never paid a single cash. As the plaintiff is about to bring a separate suit against the 2nd defendant for the amount due by his father to Chinnammal, it is needless to state the particulars of the same in this suit.

5. Reply to para. 5 of the said answer.

The jamabundy amount of any zemindary, could not be the same in every year. The mene profit claimed in the plaint, is according to the jamabundy amount for fuslies 1262 (1852-53), and 1263 (1853-54). Instead of objecting to the amount of the said fuslies, it is erroneous to refer as a proof, to the amount of a fusly long past. It is unnecessary to answer to the other vain circumstances.

The plaintiff prays, therefore, that your court will be pleased to examine her documents, &c., to the circumstances hereof, and of the plaint, and render her justice.

26*th April* 1856.

(Signed) SAMA ROW,
*Pleader.*

---

1st Defendant's Rejoinder, dated 12th June 1856.

The reply contains nothing which requires answer. As regards the poliputs which have escheated, the grounds of escheat can be shown by documents at the time of trial.

(True Translation).

R. D. PARKER,
*Collector.*



The whole of the said reply is wrong:—

2nd Defendant's Rejoinder, dated 12th June 1856.

1st. Because, the lease granted by Ranee Chinnammal, the sole proprietress of the zemindary in question, to the 2nd defendant's father for the benefit of the zemindary, is valid, according to Hindoo law. The objections raised against it by the plaintiff, who is the daughter of the co-wife of the said Chinnammal's husband, and who claims the estate as her successor, are invalid. Although the late judge had passed a diary order without holding a full investigation, or putting any Hindoo law question, yet, the said order cannot apply to this suit, as it is not based upon a full enquiry.

2nd. Because, the 2nd defendant is prepared to prove, by proper documents, the fact that the said Chinnammal had received in advance the amount mentioned in the answer, out of the amount of lease,—and thus, the statement in para. 4 of the reply, would be falsified.

3rd. Because, the profit claimed in No. 265, mentioned in the answer, is the average income of the zemindary for ten years, after deducting expenses. Even, in the same manner, if the expenses, &c., were deducted from the jamabundy amount of the years, the income of which is claimed, it could not exceed the amount of the said lease. The 5th para. also of the reply is not, therefore, correct.

For the above reasons, it is prayed that a just decree may be passed.

(Signed) RAMASAWMY SASTRY,
12*th June* 1856. *Vakeel.*

---

*Decree passed by R. R. Cotton, Esq.*

*Original suit No.* 1 *of* 1856.

| *Plaintiff.* | *versus* | *Defendants.* |
|---|---|---|
| Veeracaumoo Ummaul, daughter of the late zemindar of Erasaca Naicknoor. | | The Collector of Madras, and others. |

1. This suit is instituted by the plaintiff, as lawful heiress to her late father, the zemindar, to obtain possession of the zemindary of Erasaca Naicknoor, and for the mesne profits of the estate for fuslies 1263 and 1264, amounting to rupees 7,113-13-7.

2. The 1st defendant in answer pleads, that on the death of the plaintiff's father, the zemindary in question was escheated to Government, as it was contrary to custom for females to succeed to a pollum, which the estate in question is, and that though, on the death of the late zemindar in 1835, his widows were permitted to take and hold it, till the death of the last one, in 1853, yet the claim of the Government holds good, and has been rightly enforced.

3. The 2nd defendant states, he is in possession, as a lessee from the late widow, till the close of fusly 1266 (30th June 1857), at 1,500 rupees per annum.

4. The 3rd and 4th defendants *ex parte.*

5. In reply, the plaintiff denies the custom alleged to exist, which she avers is disproved by the fact, that the widows of the zemindar, held the zemindary for years, and traverses the right of the late widow, as a mere life tenant, to give a lease beyond the period of her life.

6. In rejoinder, 1st defendant states he will prove his answer, and 2nd defendant asserts the validity of his lease, but demurs to the rate at which the mesne profits are laid, as excessive.

*Points.*

1st. Plaintiff to prove her right to succeed, the alleged custom notwithstanding.

2nd. That being so entitled, the lease to 2nd defendant expired with the lessor, so that the defendants either, or both, are accountable to her for the mesne profits.

decree

3rd. That her claims on that account are properly assessed at 3,500 rupees per annum.

1st defendant to prove the existence and validity of the custom on which he grounds, and that the plaintiff under existing circumstances, is obnoxious thereto.

2nd defendant to prove, that he paid to Government since the death of Chinnammaul, the sum stipulated by his lease, and ought not to be called on in any case to pay at a higher rate, or for the difference, or if he be, that the claim as laid by plaintiff, is excessive.

*Plaintiff's Exhibits.*

*A.* Copy of the late zillah court's decree in appeal suit No. 20 of 1838, declaring Chinnammaul shall remain in possession of the disputed zemindary, to which, after her death, the plaintiff is to be sole heiress.

*B.* Copy of decree in appeal suit No. 18 of 1847, acknowledging the right decreed to plaintiff in the decree *A.*

*C.* Copy of an order passed by the civil court on miscellaneous petition No. 68 of 1853, that under the aforesaid decree *B.* the plaintiff had an apparent right to [illegible] defendant's

*D.* Copy of an order passed on miscellaneous petition No. 153 of 1854, observing that it rests with plaintiff to confirm the lease given by Chinnammal, or to commence a regular action to oust 2nd defendant; that the decrees *A* and *B*, are considered to be sufficiently executed, by declaring that the decision of the Government authorities in their own favor, as to plaintiff's title is of no force, or effect. } To prove plaintiff's 1st point.

*E.* Copy of an order, under date 27th June 1823, issued by the collector of Tinnevelly, to Yettacamaul and Kristnamaul, widows of the late zemindar of Sundyoor, (of Tottia caste) putting them in possession of the said zemindary and other property.

*F.* Copy of a decree in original suit No. 10 of 1824, on the file of the late southern provincial court, declaring Yettacamaul and Kristnamaul, widows of the late zemindar of Sundyoor (Tottia caste), to be entitled to the zemindary.

*G.* Copy of an order issued under date 31st October 1844, by the collector of Tinnevelly, to Lingammaul and four others of Tottia caste, informing them that the tahsildar has been directed to put them in possession of the zemindary of Sennalagoody.



*H.* Copy of jummabundy account showing that a sum of 6,427 rupees was collected for fusly 1263, and 5,756 rupees, 3 annas, and 11 pice, for fusly 1264, on the disputed zemindary. } To prove plaintiff's 2nd point.

*I.* Copy of an order, dated 19th May 1827, from the Hoozoor Cutcherry to Moottalagherry, the late zemindar, plaintiff's grandfather.

*J.* Ditto, dated 21st February 1828, from do. to do.

*K.* Ditto, dated 15th February 1829, from do. to do. } To disprove 1st defendant's document No. *I.*

*L.* Copy of the late Hindoo sudder ameen's decree, in original suit No. 265 of 1836. } To disprove 1st defendant's document No. *II.*

*1st Defendant's Exhibits.*

No. *I.* Attested copy of an attachee, dated 4th July 1826, given by plaintiff's father, stating the zemindary had descended in the male line to him from generation to generation.

No. *II.* Attested copy of an urzee addressed to the collector, by plaintiff's mother, 4th April 1836, stating that the zemindary descends only to male heirs. } To prove 1st defendant's 1st point.

*2nd Defendant's Exhibits.*

No. *I, a.* A zaree takeed, dated 4th October 1853, to 2nd defendant's father, as lessee, by the tahsildar of Thenkurrai. } To prove 2nd defendant's 1st point.

No. *II, a.* A precept, dated 19th January 1856, for 1,000 rupees, in part-payment of 2,502-8-10, due for fuslies 1263 and 1264.

No. *III, a.* Ditto, dated 11th February 1856, for 300 rupees.

No. *IV, a.* Ditto, dated 24th March 1856, for 300 rupees.

No. *V, a.* Ditto, dated 26th April 1856, for 300 rupees. } To prove 2nd defendant's point.

No. *VI, a.* Ditto, dated 24th May 1856, for 300 rupees.

No. *VII, a.* Ditto, dated 6th June 1856, for 550 rupees.

No. *VIII, a.* Ditto, dated 28th June 1856, for 300 rupees.

The plaintiff cited five witnesses, but dispensed with the examination of two witnesses examined.

1. Vencatakistnama Naick.
2. Moottoosawmy Pillay.
3. Kalimoottoo Pillay. } To prove plaintiff's 1st point.

The 1st and 2nd defendants cited no witnesses for examination.

At the final hearing, 1st defendant produced the following exhibits, which were filed.

No. *III.* A copy of questions and answers, dated 21st January 1822, signed by Chinna Obala Naick.

No. *IV.* Ditto, dated 29th December 1821, signed by Conda Boma Naick.

No. *V.* Ditto, dated 2nd Thy of Vishoo (23rd December 1821), signed by Coomara Chinnama Naick.

No. *VI.* A copy of questions and answers, dated 10th January 1822, signed by Caroonagherry Moottiah Naick.

No. *VII.* Ditto, dated 23rd December 1821, signed by Paroosarama Naick.

No. *VIII.* Ditto, dated 25th January 1822, signed by Dadapa Naick.

No. *IX.* Ditto, dated 17th February 1822, signed by Pala Mootiah Naick.

No. *X.* Ditto, dated 25th January 1822, signed by Iotalla Naick.

No. *XI.* Ditto, dated 5th Thy of Vishoo, signed by Jummala Bodinaick Rajah Naick.

No. *XII.* Ditto, dated 19th January 1822, signed by Coomara Condapa Naick.

No. *XIII.* Copy of a letter from the late collector, Mr. Parish, to the president and members, board of revenue, dated 31st January 1804, relating to the succession to the Ramagherry pollum.

No. *XIV.* Extract from a letter from the collector of Madura, to the secretary board of revenue, dated 17th August 1848, relative to the Nuttum estate.

No. *XV.* Copy of letter from 1st defendant, to secretary, revenue board, dated 6th September 1853, reporting the attachment of the zemindary in dispute as escheated to Government.

No. *XVI.* Copy of letter from secretary to board of revenue, to 1st defendant, acknowledging No. *XV*, and calling for further information, dated 2nd November 1853.

No. *XVII.* Copy of extract from minutes of consultation, under date 15th September 1855, declaring the zemindary in dispute to have been escheated to Government, in failure of legal heirs.

No. *XVIII.* Extract from proceedings of the board of revenue, dated 31st March 1856, containing copies of an extract minutes of consultation, dated 5th January 1856, with reference to extract from a letter from the honorable court of directors, dated 19th September 1855.

To prove 1st defendant's 1st point.



No. *XIX.* Copy of an urzee addressed to the late collector, reporting the death of the late zemindar, Mootalagherry Naick, on the 9th December 1814.

No. *XX.* Copy of an urzee from Yellappa Moodelly, karbar of the zemindary, reporting the death of the zemindar, Mootalagherry Naick, on the 9th December 1814.

To prove 1st defendant's 1st point.

No. *XXI.* Copy of an erasalanamah, dated 27th January 1827, signed by Chinna Oballa Naick.

No. *XXII.* Ditto, dated 9th May 1827.

No. *XXIII.* Ditto, dated 20th March 1827.

To disprove plaintiff's documents Nos. *I*, *J*, and *K*.

No. *XXIV.* Copy of an urzee from Chinnammaul to the 1st defendant, dated 27th September 1849, supplying to the best of her ability, certain information called for.

To prove 1st defendant's 1st point.

*Judgment.*

The officiating civil judge has given the pleadings, oral and documentary, his best consideration. It appears, the estate in question was enjoyed by the ancestors of the plaintiff, previous to the British rule, and was renewed to her grandfather; that it descended

Juckama Naick having claimed the estate, as next *male* heir, a reference was made to the board of revenue, who, on the 4th February 1836, threw out his claim, and directed that the estate should be registered in the names of the widows of the late zemindar, who were his lawful heirs, and they were installed accordingly; subsequently, the widows, evidently put up by their respective partizans, quarrelled, the widow, Papammaul, claiming the estate, as having a daughter, while Chinnammaul, who was childless, claimed it as the first widow, though it would seem both widows were married to deceased the same day. Papammaul then instituted the suit No. 265 of 1836, before the pundit sudder ameen, who decreed in accordance with the orders of the revenue board, and dhurma shastras, that *both* the widows, were entitled to inherit the estate. Chinnammaul, dissatisfied, appealed in appeal No. 20 of 1838, claiming to be sole heiress as the elder widow; after Papammaul, as respondent, had put in her answer, she died, and her daughter, the present plaintiff, was left under the protection of Chinnammaul, who was in possession of the entire zemindary. The pundit sudder ameen having, in deference to the opinion of the board of revenue, and the dhurma shastras, awarded half the zemindary to each of the widows, while the Smriti Chandrika, which is of great and paramount authority in the South of India, appeared to give it to the younger widow (with offspring) only; the zillah judge, referred the question for the opinion of the pundit of the Sudder Udalut, who replied, "that *as it appeared* from the above "question, that the 2nd widow of the deceased zemindar had died before the suit "brought by her, for the recovery of a share in the zemindary, was disproved of, and as "the daughter, *who is next in succession to the surviving widow*, who is the *first* successor, "has no right to the estate, the whole zemindary should devolve on the 1st widow; "that the paternal grandmother should receive from the said widow, so much money as is "required for the support of the daughter of the 2nd widow, and be her guardian;" the zillah judge remarks on this, "that from the first part of the pundit's reply, it may be

"inferred, that had the 2nd widow not died, the whole zemindary would *not* have de-
"volved upon the 1st, or elder widow; and, moreover, that as the widows were both mar-
"ried the same day, and hour, it would be difficult, except from their ages, which do not ap-
"pear from the record, to determine which was the 1st, and which the 2nd *widow*. He,
"therefore, decreed, as appearing most satisfactory to all parties, that in accordance with
"the pundit's reply, Chinnammal, the sole surviving widow of the late zemindar, should
"*remain* in full possession of all her husband's zemindary and immoveable property, to
"which, after her death, the other deceased widow's only daughter, Veeracaumoo Ummal
"(plaintiff) *is to be sole heiress*." He further decreed, that the "widow Chinnammal,
"should, from the estate, pay the child two hundred rupees annually, for her support, till she
"was married, and on her marriage, one thousand rupees, with as much more as out of
"affection she may be induced to bestow, if she was then in possession of the zemindary."
Subsequently, in 1843, one Timmaraska Naik brought a suit, No. 55 of 1843, against the
widow, Chinnammal, for the estate, as the nearest male heir, which was dismissed in
appeal No. 18 of 1847, the appellate court observing that by the appeal decree "above
"quoted, the widow was declared to have acquired a *vested* title, to the sole enjoyment of
"the estate *during her life*, subject to the payment of certain allowances for the mainte-
"nance of deceased, Papammal's daughter (plaintiff), *who was at the same time declared*
"*to be the heir apparent*." On the death of Chinnammal, the plaintiff moved the court to
put her in possession of the estate, under the appeal decree No. 20 of 1838, and precept
was issued accordingly; the 1st defendant, however, objected, on the ground, that the
estate had escheated to Government, this excuse was not admitted by the court, and it
was then urged, that as the property was in the possession of the lessee, (2nd defend-
ant) of the late widow, the 1st defendant could not act up to the court's orders. On a
reference, the 1st defendant was declared by the Sudder Udalut, to be *in pos-*
*session* with mesne profits, zemindar, after the death of
her step-mother, and disputing the right of Chinnammal, who only had a life interest in
the estate, to let it to the 2nd defendant for a period extending beyond her lifetime.

The 1st defendant avers that it is not the custom of the Tottia caste, to which
plaintiff belongs, for females to succeed to a pollum; that Chinnammal having succeeded,
was owing to oversight; that the decrees quoted above, cannot affect his claim, as he was
not a party to the suits. At the final hearing, he pleaded further, that plaintiff should
show, and prove her title to the estate, and urges, that she cannot, by Hindoo law, *succeed*
*to her step mother, Chinnammaul*; that her father admitted (No. *I*), that no female could
succeed to the estate, and that, in accordance with the above custom, pollums have es-
cheated to Government, on the failure of *male heirs*; and in support of this, refers the
court to the answers* of polligars on this point, and the report of
Mr. Parish†, and other collectors, and to the proceedings of the Sudder
Udalut, dated 24th June 1830 (not produced), as showing that family
usage must be observed, and other proceedings, dated 20th May 1819, and 14th Decem-
ber 1820, that previous to Regulation XXV of 1802, successors to zemindary tenures, were
not hereditary; that the decree in appeal No. 20 *(B)* of 1838, cannot affect plaintiff, who
was no party to it; that that decree was irregular, inasmuch as the suit was brought
only for moveable property, it decided regarding real property; and that the points on
which alone plaintiff could establish her claim to succeed to the estate, were never brought
into litigation, nor considered by the court propounding the judgment; that with regard
to the statute of limitations, it cannot be that, because a former collector, an agent of the
Government, allowed Chinnammaul to succeed, and enjoy the land eighteen years, his
(1st defendant's) right to the estate is barred, or that any right is conferred on plaintiff, to
succeed to it; and that the Sudder Udalut, in appeal suit No. 660 of 1844, have ruled, that
an oversight of an officer of Government, does not create a title, which, but for such over-
sight, could not have been pleaded, and did not exist.

* Nos. *III* to *XII* inclusive.
† No. *XIII*.



That, further, the pollum of Erasaca Naicknoor, is an unsettled one, and to which,
istimarar sunnud has been granted; and, that herefore, under the decrees of the Sudr
Udalut, in No. 11 of 1816, and 14 of 1817, it is not hereditary; that the moochillikah
given by the plaintiff's grandfather, to the first collector of Madura, shows that the Go-
vernment could at any time exercise its right, and deprive him of it; and that it vested
with the ruling power, according to declared usages of the country, to determine to whom
possession of the zemindary of Erasaca Naicknoor should be given, and that, in accordance
with this vested right, the widow, Chinnammaul, had the zemindary conferred on her, in
ignorance of local law and usage; that should it be urged, that since the assumption of
the country, the estate has descended regularly to the male heirs, yet, it is clear such
succession depended on the arbitrary will of the ruling power; that the Government have
given plaintiff's claims all consideration, but finding them unsustainable, according to
the laws governing her own people, and declared to be inadmissible by her own father,
have rejected them. That it has been ruled by the Privy Council, vide page 243
*Moore's Indian Appeals*, volume IV, part II, that it is incumbent on a party claiming land
in possession of an adverse party to prove *their right* (some title) to the lands claimed,
before they can put the opposite party to proof of his title. That the plaintiff has failed
to prove her right, or that the estate is hereditary, or that presuming it is she, being a
female, can succeed to it.

Plaintiff replies, that her claim is not based on a right to succeed Chinnammal, but
to succeed her father, after Chinnammal, as his daughter, by his other widow, Papammaul,
who, had she survived, would have succeeded, if not to the entire estate, at least to an
equal share with Chinnammal, who, though given the estate by the pundits, it was
declared she (plaintiff) was the next to succeed to it after her; that the Government did not
come into possession properly, having taken possession *forcibly*; she objects to the at-
given [illegible] documents, that [illegible] the said father not having
two years subsequent; that the exhibits Nos. *III* to *XII*, are fictitiou
and of no weight, not bearing the signature of any authority; that it is not disputed tha
plaintiff is a Hindoo, and, consequently has a right to have her rights determined by
Hindoo law; that caste and customs can only be admitted on points wherein the law is
silent; that with regard to the documents Nos. *III* to *XII*, independent to the objection
above mooted, it does not appear that any question was put to them, what would become
of the pollums in the event of failure of male heirs, nor is any information on this point
given, that she, as heir to her mother, was a party to the suit, appeal 20, and that the
1st defendant's objections to the decree, are invalid. That the 1st defendant has merely
pleaded forgetfulness, but has not asserted any thing he can prove; that the correspon-
dence between himself and the board of revenue is no evidence whatever, and merely
equivalent to his answer; that she having proved her right to succeed, she has a right to
challenge the 1st defendant to prove his title; that the revenue board, who *now* object
to her succeeding to the estate as a *female, themselves declared* her mother and Chinnam-
mal to be the heirs to the estate, as her father's widows; that from the records produced
by 1st defendant, it is evident, that the objection now advanced against her succeeding
to the zemindary, has been before the 1st defendant and Government, since 1804, and
that the females inherited the "Sundayoor" zemindary, which was decreed then by
the late provincial court, in opposition to a male heir's claims, and that the "Sennala-
goody" zemindary is likewise held by a female, thus showing that the assertion, that
females of the Tottia caste cannot succeed, is erroneous.

The status of the plaintiff having been established by the pundits, and acknow-
ledged by the civil court in its decrees in appeal suits Nos. 20 *(A)* of 1838, and 18
*(B)* of 1847, the officiating civil judge is of opinion, that it cannot now be ob-
jected to, and that *he* has no authority to question the correctness, or otherwise,
of the decisions, recorded on *this* point by competent authority; he considers it de-

* *I*, *J*, and *K*.

finitely settled, that the plaintiff "is next in succession to the surviving widow (the "late zemindar, Chinnammaul), who is the first successor," and that Chinnammaul having died "she is sole heiress *to her father's estate*," whether, as such, she can claim the pollum is the only question to be decided, and which, as 1st defendant was not a party to the former suit, is one that the court *is* empowered to determine. The 1st defendant pleads that she cannot succed to the pollum, as it is opposed to the custom in the Tottia caste, for females to succeed. In support of this, he has filed a quantity of papers. Regarding No. *I*, the officiating civil judge considers it valueless,—the point at issue, whether "*in the event of a failure of male heirs*" females *can* succed, is not determined. No. *II* is said to bear the *mark* of Papammaul, the plaintiff's mother, and is dated 1836. It appears to have been the production of "Timmaraska Naick," *alias* "Juckama Naick," who was desirous of succeeding to the pollum, (vide *B*). The opinions expressed are in opposition to those of the revenue board, and have been nullified by plaintiff's document *B*; it, however, shows, that so late as 1836, the question of inheritance by females, was brought prominently to the 1st defendant's notice, and, as heretofore, not considered worthy of notice; the documents *III* to *XII* inclusive, also show that the 1st defendant had, in his possession, since 1804, the same grounds for opposing Chinnammaul's succeeding Chinna Oballa Naick, which he now brings forward to oppose his daughter (plaintiff) doing so. These documents, however, the officiating civil judge considers valueless as evidence; they are not shown to have been given before any authority, nor is there any thing beyond their production (it is said from the 1st defendant's cutcherry), to show that they were ever received by any one; they are simple answers to five questions, the 5th being—Do females enjoy your estate? The replies generally given, being, that "it is not usual for them to do so, but only jewels and such like and a maintenance sufficient to keep them from ...ch replies are utterly insufficient to prove the plea set up, that females *cannot* ...llums; first, because, as ...ated above, they are u...authenticated, and again, ... point was not put to them, nor does the question appear to have been understood, as ...plying to cases in which there was a failure of male heirs. On the contrary, it would seem that the escheating of the pollum was never contemplated by the parties, who all declare, the females are entitled to *simple* maintenance, which, it can only be presumed, was to be given by the male heir, who succeeded to the estate; this view of the case, the officiating civil judge is further confirmed in, by the following fact. When the 1st defendant, on the first occasion of his appearance for final hearing came before the court, he produced *all* the answers received from polligars, some twenty-five in number, and although the officiating civil judge did not read through *them all*, desiring the 1st defendant to file such as he thought fit, yet, it was apparent that some of the zemindar's taking an enlarged view of the 5th question, and the possibility of a failure of male heirs, *replied that females could succeed*, these replies have not been filed, but having been produced before the officiating civil judge for his consideration, he does not hesitate to make use of the information obtained; the replies alluded to, are those of the zemindar of "Vailoor" and "Kulli Munthay Meetah," dated 19th January 1822, and that of the zemindar of "Pooliencoolom" of the 29th January of the same year, and as these were the replies of two out of seven perused, it is reasonable to suppose that others of the twenty-five zemindars held the same opinions, namely, that females were not *debarred* succeeding to pollums, but, "on the failure of male heirs" and "at the discretion of the zemindar," widows and females could hold their estates. Some stress has been laid on the document No. *III*, as having been the opinion of the late zemindar, Chinna Oballa Naick, on the point, but independent of its not fairly meeting it, it appears to have been written when he was only fifteen years old, and, consequently, cannot be accepted as of much weight. As regards the exhibits *XIII* to *XVIII*, as explanatory of the 1st defendant's views and opinion of the Government, they show the grounds on which the 1st defendant's plea and acts have been based, but they do not prove the *legality* of the escheating the estate. Nos. *XIX* and *XX*, though objected to by the plaintiff, as not authenticated, seem to fix the date of the old zemindar's death in 1814, and show that the entry of his name in the plaintiff's documents *(I, J,* and *K)* of a later date, are clerical errors, a fact, further illustrated by the documents *XXI* to *XXIII*. No. *XXIV* is an urzee said to have been addressed to the late collector and 1st defendant, on the 27th September 1849, by Chinnammal, the deceased widow and late zemindar, but appears rather the views of others, on certain points than her own, nor indeed, as a woman, could she be expected to reply to questions, that could only be satisfactorily answered by the pundits. As urged by plaintiff, custom can only be admitted as a guide, on points in which the law is silent, and by Clause 1st, Section XVI, Regulation III of 1802, it is expressly declared, that in suits regarding succession, inheritance, marriage, caste, &c, the Hindoo law, with regard to Hindoos, shall be considered as the rule on which judges are to form their decisions; and under Section XV, Regulation II of 1802, it is further declared, that suits in which the Government shall be concerned, are to be tried *under the same rules and regulations as are prescribed for the trial of suits between individuals*; independent, therefore, of the 1st defendant's objection to plaintiff succeeding to the estate, not having been proved valid, it appears to the officiating civil judge, that the objection is unsustainable, being barred by the statute of limitations, the 1st defendant admitting, that the custom pleaded, has not only not been acted up to, but been infringed for at least eighteen years, in the case of Chinnammal and plaintiff's mother, who, in direct opposition to it, were declared by the *board of revenue* to be the rightful heirs of the estate, and as such, were put in possession by the 1st defendant. It would further appear, that though the 1st defendant was no party to the suit between the widows, and thus unable to plead this custom, yet, that in original suit No. 10 of 1824 *(F)* it was so, notwithstanding which, the pundits declared, the widows of the late zemindar of Sundayoor heirs to his estate in ...ref...ce to "...Coolava Naick," ...accordingly. These widows it appears, are still in the possession of the "Sundayoor" estate, and from the evidence shown to be of the like caste with plaintiff, the plaintiff's documents *E* and *G*, are likewise directly opposed to the 1st defendant's plea, that females do not succeed to pollums, and clearly establish the fact that they do. The officiating civil judge does not consider himself called upon to go into the question of the "power of the ruling Government, to "act in accordance with its arbitrary will." In the present case, it appears clear to the officiating civil judge, that the plaintiff has been declared the heir and successor to her father's estate, after the death of her step-mother, Chinnammaul, and that, though the 1st defendant, on the plea that it was not usual for females to succeed to estates, has prevented her being put in possession of the Erasaca Naicknoor zemindary, he has entirely failed to show that such custom has either the force of law, or is acted up to; on the contrary, he admits, that in opposition to it, females have been, by order of the revenue board, and with his sanction, for the last eighteen years, in enjoyment of this very estate, while plaintiff has shown a like enjoyment by females of the Sundayoor estate, since 1824. With regard to the 1st defendant's arguments, that the decree in appeal No. 20 of 1838, cannot affect the present suit, inasmuch as the plaintiff was not a party to it or the estate the property litigated for, the officiating civil judge considers them erroneous; it is evident that the plaintiff, on the death of her mother, became a party to the suit, as appears from the questions put to the pundits, and their answer in that case. And that, although the suit was brought for a sum of money, the proprietary right to the estate was the basis on which the suit was brought; as regards the claim made against the 2nd defendant, as the lease was continued, and endorsed by the 1st defendant, he must be considered the responsible party. 2nd defendant pleaded, that the profits were too highly calculated, and was directed to show this, he filed eight exhibits, receipts for money, which, however, do not disprove the claim of the plaintiff, whose document *H* supports it. It is difficult to

reconcile the fact of 1st defendant ignoring the late Chinnammaul's right to the estate, and his acknowledging and endorsing an agreement made by her, (though at most a life tenant) extending over seven years, and four beyond her decease.

Under the above circumstances, the officiating civil judge considers the plaintiff is entitled to a verdict, and he, therefore, decrees that the 1st defendant do make over to her, as sole surviving heiress of her deceased father, the estate of Erasaca Naicknoor, and do also pay her the mesne profits sued for, and all her costs in this suit. The 1st and 2nd defendants will each pay their own costs.

R. R. COTTON.
*Officiating Civil Judge.*

---

To

THE HONORABLE JUDGES OF THE COURT OF SUDDER UDALUT.

*The humble appeal petition of the collector of Madura, residing in the zillah of Madura, the first defendant in original suit No.* 1 *of* 1856, *on the file of the civil court of Madura, and appellant in appeal suit No.* 140 *of* 1859, *on the file of the Sudder Udalut, presented on his behalf, by Clement Dale, Esquire, Government Pleader.*

Sheweth,

Appeal Petition, dated 21st September 1859.

1. That the original suit was instituted against your petitioner and three others, to obtain possession of the zemindary of Erasaca Naiknoor, valued at rupees 6,462-6-5, and to recover mesne profits, valued at rupees 7,113-13-7, making a total of rupees 13,576-4-0.

2. By the decree made in that suit, bearing date the 30th March 1859, it was decreed that the plaintiff, as sole surviving heiress of her deceased father, the estate of Erasaca Naiknoor, and should also pay her the mesne profits sued for, and her costs in the suit.

3. The said decree has not been executed.

4. Your petitioner is dissatisfied with, and feels himself aggrieved by, the said decree, and conceives that the same is errroneous, and submits to your honorable court that the same should be reversed, for the following (among other) reasons —

1st. Because it is generally opposed to law and rulings of the highest court.

2nd. Because the zemindary of Erasaca Naiknoor is an unsettled zemindary, in respect of which, no milkeat istimarar sunnud has been granted, and the rules judicially laid down by your honorable court, by which the succession to zemindaries so circumstanced, have been disregarded by the officiating civil judge.

3rd. Because the poligars of Erasaca Naiknoor are of the Cumbalater Totiar caste, and in that caste it has from time immemorial been a rule inviolable among them, that no female should succeed to a pollum.

4th. Because the pollum of Erasaca Naiknoor had escheated to Government in 1835, in default of male heirs of Chinna Obalah Naick, the last male possessor, and the enjoyment thereof by Chinnammal, his widow, was not founded on any right vested in her, but by permission of the Government, and on her death, the Government resumed possession of their estate.

5th. Because, even if Chinnammal had been entitled to inherit the zemindary. the plaintiff could not, according to Hindoo law, have succeded to the estate of Chinnammal, who was a step-mother, and because she (the plaintiff) previously, and at the death of Chinnammal, was a married woman, and the decrees quoted by the officiating civil judge in support of his finding on that point, are not applicable to this suit.

6th. Because, if the plaintiff claims as heiress to Chinna Obala Naik, her claim is barred under the regulation of limitation.



7th. Because the officiating judge of Madura refused to admit further evidence on the part of your petitioner, although the same was tendered to him before the hearing of the suit.

8th. Because the mesne profits have not been received by the collector of Madura.

Your petitioner, therefore, most humbly prays that your honorable court will be pleased to admit this petition, and will also be pleased to reverse or rescind the decree made in the said original suit, dated the 30th day of March 1859, and that the said Veeracaumoo Ummal may be ordered to pay to your petitioner his costs incurred in the said original suit and of this appeal and incident thereto, and that your honorable court will be pleased to grant to your petitioner such further or other relief in the premises, as the nature and circumstances of this case may require, and to your honorable court shall seem meet.

And your petitioner will ever pray, &c.

CLEMENT DALE,
*Government Pleader.*

Printed. H. Morgan.

Rev.e Dep.tt

No. 2232

Proceedings of the Madras Government
Under date the 24th Nov.r 1860

Read the following Pro-
ceedings of the Board of
Revenue

Submitting with the
Board's recommendation a letter
from the Govt Pleader Sudr
Adálat who now advises an
appeal to the Privy Council from
the Decree of the Sudr Court
in s.a.S. No. 140 of 1859.

Here entered 7th Nov.r 1860 No. 5199

Sudder

*Order 11th Oct.r 1860 No. 8453

The Governor in
Council has carefully
considered the recommend-
ation of the Board of Rev.e in these Proceedings
and the grounds upon which
it is based, but sees no reason
to alter the opinion Govt have
already expressed that it is
inexpedient to appeal to the
Privy Council from the
decree

P 2557/60.

SUDDER UDALUT.

*SPECIAL GROUNDS OF APPEAL*
*IN APPEAL*

No. 140 of 1859.

*Presented 21st September 1859, with*
*Instruction.*

*Filed 24th September 1859.*

C. Dale, Esq., *Government Pleader.*

Sir,

I am directed by the Court to inform you that the Judges have considered the grounds of appeal in the case of Vencatachellum Pillay and others, Appellants, versus Vencatachellum Pillay and others, Respondents, and are of opinion that there is no sufficient ground for appealing to the Queen in Council.

I am, Sir,
Your most obedient Servant,
[illegible]
Register.

decree of the Sudr Adalat
in S. A. S. No. 140 of 1859.

2. He case has been
decided fairly on its merits
as originally defended. And
this the Govt. Pleader himself has
admitted. Mr. Dale is now of
opinion that the Sudr Court
has overcharged the Collector
for mesne profits, and on this
plea seeks permission to
appeal, hoping to lead the
Privy Council to remand the
case, and the grounds, not before
admitted by the Sudr Adalat
to be argued, ~~may be~~ referred
by the Privy Council to them
for decision.

3. He Governor in
Council is of opinion that it is
not right for the Govt. thus to
~~encourage and~~ keep up ex-
tigation. If the Sudr
Adalat have committed an
error ~~noticed by Govt.~~ in
the matter of mesne profits.

the

the proper course is to apply
on this ground for a review of
judgment. And His Honor
in Council desires that this
be now done.

J. D. S.

12 Copies
To
The Board of Revenue with 3 Enclr. Dis. 3-26.
1 " Govt. Pleader
in duplicate

Respecting Appeal to
the Privy Council from
Decree of the S. Court in
S.A.A. No 140 of 1859.—

Revenue 1860 Despatch
Rec'd from Govt for Nam.
No 2232.
Rec'd at the Madras Govt
Dec 24 1860.

Observing that if the
Madras Advocate General
will write a letter to Revenue
Board in my name
Regarding the Proceedings
I can dispose of the Appeal
to Privy Council in Madras
for a review of Judgment.

Copy in a Letter to Govt
Dt 4th February 1861 No 28

No 229 of 1860