M.R.O. 14—13,000—27-9-24.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 2614 — Press Mis.

216. 218

Dated 16 — 12 — 1862

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
15th December 1862.

Read again the following papers :—

Letter from V. SADAGOPAH CHARLOO, Vakeel, dated 3rd April 1862, and recorded in Proceedings of Government 15th April 1862, No. 836.

Petition from "STREEMATU HIRANYA GARBHAYAJI RAVIKULA RAJA MUTTU RAMALINGA SETUPATY" by his Vakeel V. SADAGOPAH CHARLOO, dated 26th March 1862, and recorded in Proceedings of Government 23rd April 1862, No. 871.

Proceedings of the Board of Revenue, dated 21st March 1862, No. 1,891, and recorded in Proceedings of Government 30th April 1862, No. 932.

Petition from do. do. by do. dated 4th July 1862, and recorded in Proceedings of Government 16th July 1862, No. 1,533.

Petition from do. do. by do. do. dated — September 1862, and recorded in Proceedings of Government 21st October 1862, No. 2,252.

Read also the following papers :—

No. 216. Proceedings of the Board of Revenue, dated 5th November 1862, No. 7,305.

Read the following letter from C. DALE, Esq., Government Pleader, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated 28th October 1862, No. 165 :—

SIR,

1. With reference to the Proceedings under the dates and numbers noted in the margin, I do myself the honor of reporting that I have perused the several papers connected with the case on which the Petitions of Srimatu Hiranya Garbha Yaji Ravikula Raja Muttu Ramalinga Setupati are founded, and although the questions put to me by the Board, did not of themselves involve the necessity for any very lengthened investigation, yet other questions arise out of those put to me, which have required much careful research and consideration, in addition to a perusal of all the older papers.

Proceedings of Government, 17th March 1862, No. 603, Revenue Department.
Proceedings of the Board, 21st March 1862, No. 1,891.
Proceedings of Government, 15th April 1862, No. 836.
Proceedings of Board, 16th April 1862, No. 2,533.
Proceedings of Government, 23rd April 1862, No. 871.
Proceedings of Board, 28th April 1862, No. 2,690.
Do. 28th April 1862, No. 2,691.
Do. 27th October 1862, No —

2. Looking at the whole of the case I advise that the Government should not take any steps against the Petitioner, or the present Rani, until the Appeal Suit No. 35 of 1861 is decided, for if the alleged adoption be upheld, no steps will be requisite for the recovery of the Estate, consequent on the act of the Rani in executing to the Petitioner the Deed of gift, mentioned in the 4th paragraph of his Petition dated the 5th of March 1862. When that suit is decided, I advise that Government should consult their Law Officers on the subject, who will point out whether any, and if so, what course should be adopted.

3. I advise that the Collector do not register the Deed of gift. If the Petitioner considers, and is advised, that the Collector by such refusal acts illegally, the Petitioner can institute legal proceedings in the proper Court for trying the question.

4. In his Petitions, the Petitioner does not adhere strictly to facts, and misquotes the law. I do not however consider it necessary to enter into any detail showing in what respects, as I consider it sufficient to state as much as I have, to show Government that no reliance can be placed on the Petitioner's allegations. If the case ever comes before a Court, the then Law Officers of Government will at once see the discrepancies.

5. I advise that Government should not comply with the Petitioner's request, and institute an inquiry regarding the existence of heirs. I imagine that from the various pedigrees in possession of Government, and the information possessed by their Officers, the state of the family must be very well known. Any further inquiry that Government or their Officers may think fit to make, for their own information, may be prosecuted; but no such inquiry should be ordered by Government on the requisition of the Petitioner.

6. In my opinion the Board have taken a correct view of the effect of the Decree of the Privy Council in the Vissanapetta Suit, which upholds the position that has been put forward on behalf of Government in this Ramnad case; as also that the decision in the Sudder Udalut, quoted in the Petition, does not prejudicially affect the supposed reversionary right of Government; likewise if there be any natural relations of the late Annasawmy Taver, or of Ramasawmy *alias* Runganadhaswamy, they cannot claim through those two parties as their natural relations; and can claim in no other way than they could, if Annasawmy and Ramasawmy had been the natural sons of their adoptive fathers. The rights of a widow are decided in the Vissanapet Suit.

7. I do not think the Collector is at liberty to refuse receiving the Peshcush, if tendered in a legal manner; he should however grant the receipt as received from the Rani; he *may add* "by payment of" the party who hands him the money, but in my opinion the Collector should not give a receipt as received from the Petitioner, thereby treating him as the owner of the Zemindary. As the Collector may not have books, from which he can ascertain what constitutes a legal tender, I enclose an extract from Mr. Chitty's Work on Contracts for his guidance; from this he will observe that the tender must not be clogged by any condition; as also that it must not be made in such terms that the Collector by accepting the sum will make any admission against the Government; or compromise the rights of Government.

8. If the Peshcush be not paid, or legally tendered, the Collector will be at liberty to attach the Zemindary; but as to the policy of so doing there may be a question.

9. I return all the papers received by me with the Proceedings noted above.

10. I observe that a copy of the Proceedings of the Board, under date the 21st of March 1862, was forwarded to the Petitioner through his Vakeel; I submit for the consideration of the Board that such a course is objectionable. In proceedings of that character much is communicated to Government and their servants, of a private and confidential nature; of which, IF COMMUNICATED to an opponent, advantage may be taken in the event of litigation ensuing; I should never advocate the withholding from a party petitioning, any information which he fairly has a right to have; but that is a very different position from the *communicating* to an opponent, papers which are prepared for the information of Government or its Officers, and in which a freer and less cautious style is usually adopted, than when addressing a party putting forward adverse claims. In this country it is the practice with officials, on every paper, to give a *resumé* of the case. In matters which run over a lengthened period, these statements become frequent; they are prepared at different periods, by different hands, with reference to the particular question then under consideration, and apparently from somewhat different data; and I have frequently observed, that the supposed facts of the same case are in such various statements put somewhat differently. This is sufficiently perplexing to a professional man having to advise, but if those are supplied to an opponent, it will be apparent that a very mischievous use may be made in Court of such discrepancies. It may be said that an opponent does in some cases get information of such papers. That may be so, but if he obtains such information in a surreptitious manner, he could be restrained from making use of papers of a private and confidential character; but if *communicated* to him officially, no such restriction could be enforced.

11. In cases of this nature a carefully prepared and well digested statement of the case, in chronological order, to which reference could be made, and action taken on all references, would be most useful, and eventually would save a great deal of trouble and time.

12. In all probability this is the last occasion on which I shall have the honor to address you on the subject of this case; I have therefore had the bundle of papers looked through, and all original letters, &c., or papers belonging to your Office, I have had selected; and return herewith all that do not profess to be copies or translations of documents filed in the Civil Court on behalf of the Defendant. A list of those returned is appended.

13. When the case was first referred to me, I made out a pedigree from the information then before me, tracing the descent from Rachoory Poola Taver, taking as my guide the pedigree filed in A. Suit No. 66 of 1857. As further information was obtained by me I have added it to that pedigree. I have also from time to time made out two pedigrees of the present Rani's family. These are both incomplete, and require to be blended into one pedigree. I have also made out a pedigree, tracing from the Sunned Rani upwards through her mother. These four pedigrees I do myself the honor of enclosing. I had hoped to have been able to go through these carefully with those supplied by Mr. Parker and making complete pedigrees, but pressure of other business has hitherto prevented my doing this. They may however be found useful to Government.

14. I also enclose a Breviate made out by me from time to time as information was afforded to me, showing or rather referring in chronological order to all that has passed (so far as has come to my knowledge) since the deposition of Moottoo Ramalingum in 1795. If the Board on inspecting it, should consider it would *not* be of any use in further dealing with the matter, I request it may be returned to me. The information was obtained by me at so many different times that it became necessary to re-copy portions of my original notes; and I regret to observe the copying has not been neatly performed.

Proceedings of the Madras Government, Revenue Department,
15th December 1862.

1812, March 20th.—Copy letter from the Board of Revenue to Government,
„ May 15th.—Copy letter from Chief Secretary to Government, to the Members of the Board of Revenue.
1860, February 15th.—Translation of Plaint in Original Suit No. 1 of 1860, on the file of the Civil Court of Madura.
„ December 19th.—Copy Diary Order of the Civil Judge of Madura in Original Suit No. 1 of 1860.
1861, February 20th.—Translation of a Memorandum preferred to the Civil Court of Madura by Government Vakeel on behalf of the 2nd Defendant in Original Suit No. 1 of 1860.
„ „ 22nd.—Points given by the Civil Judge in Original Suit No. 1 of 1860.
„ „ 23rd.—Letter from Collector of Madura to the Board of Revenue, No. 62.
„ March 18th.—Copy of the Judgment in Original Suit No. 1 of 1860.
„ „ „ Copy of the Decree in Original Suit No. 1 of 1860.
„ „ 25th.—Letter from Collector of Madura to the Board of Revenue, No. 95.
1862, February 21st.—Original Yadast with a Translation.
„ „ 27th.—Copy of the Order of the Subordinate Court of Madura.
„ „ 5th.—Petition from Sreemata Hiranya Garbha Yaji Ravikula Vijaya Ragunada Rajah Muddu Ramalinga Setupati, to the President and Members of the Board of Revenue.
„ „ 25th.—List showing the names of parties who have subscribed the Deed of Donation executed by the Zemindar of Ramnad.
„ April 2nd.—Petition from Strimatu Hiranya Garbha Yaji Ravikula Rajah Muttu Ramalinga Setupati, to the Governor in Council.

Memorandum filed in the Civil Court of Madura on behalf of the Plaintiff in Original Suit No. 1 of 1860.

List of the documents to be presented in Original Suit No. 1 of 1860, with a Memorandum annexed.

List of witnesses to be presented in Original Suit No. 1 of 1860.

Five Genealogical trees of the Ramnad Zemindary family with a Memorandum.

ENCLOSURE No. 1.
ABSTRACT.—Showing what is necessary to constitute a legal Tender.

ENCLOSURE No. 2.
ABSTRACT.—Pedigree tracing the descent from Rachoory Poola Taver.

ENCLOSURE No. 3.
ABSTRACT.—Pedigree of present Rani Purvathi.

ENCLOSURE No. 4.
ABSTRACT.—Pedigree tracing from the Sunnud Rani upwards through her mother.

ENCLOSURE No. 5.
ABSTRACT.—Pedigree of present Rani Purvathi.

ENCLOSURE No. 6.
ABSTRACT.—Breviate of preceedings connected with the Ramnad Zemindary.

1. Ordered to be submitted to Government with reference to their Proceedings quoted by Mr. Dale, and that copy be communicated to the Collector of Madura with copy of enclosure No. 1 for information and guidance.

2. The Board consider the sketch, pedigrees, and breviate drawn out by Mr. Dale to be valuable documents which should be carefully preserved where they will be available on future occasions for reference, either by Mr. Dale or by any other Officers of Government for public purposes.

(A true Copy and Extract.)
(Signed.) W. HUDLESTON, *Secretary.*

Proceedings of the Madras Government, Revenue Department, 15th December 1862.

No. 217. From STREEMATU HIRANYA GARBHAYAJI RAVIKULA RAJA MUTTU RAMALINGA SETUPATY by his Vakeel V. SADAGOPAH CHARLOO, to His Excellency Sir WILLIAM DENISON, K C.B., Governor in Council of Fort Saint George, &c., &c., &c., dated 11th November 1862.

RESPECTFULLY SHEWETH,

1. That your Petitioner is informed that Mr. Dale has transmitted, or is about to do so, his legal opinion on the several matters referred to him by Government in connection with his (Petitioner's) case. Before your Excellency in Council finally dispose of it, he desires to offer such further explanations as such opinion may require, and with this view he solicits the favour of his being furnished with a copy of Mr. Dale's report and of the Proceedings of the Board thereupon, should there be no objection to complying with his request.

2. The decision of Government will rest mainly on the question of whether or not there are heirs, who under the Hindu Law would be entitled to succeed to the Zemindary after the death of the Ranee, supposing your Petitioner's adoption should fail. If there are such heirs, then unquestionably Government can have no reversionary rights at stake, it being competent to them and them alone to dispute the validity of your Petitioner's adoption and Deed of gift. Far from challenging his rights, they (heirs) have all consented to his adoption and Deed of gift. It would therefore be most inexpedient to say the least of it, to compel your Petitioner to wait the result of a protracted litigation or to drive him into fresh suits against Government.

3. That there are such heirs will be apparent to your Excellency in Council on reference to the Decree of the Sudder Court (see pages 8 to 14 of the Decrees for 1858) already adverted to by your Petitioner. In further proof of this fact he begs to submit herewith attested copies of depositions taken by the Deputy Collector of Madura in accordance with the orders of the Board of Revenue (11th March 1862) and of the table of the existing relations of the Ranee and her husband which was prepared by that Officer. A perusal of the translates of these papers which are also presented herewith, will not fail to convince your Excellency in Council that far from their being no relations of the Ranee, there is such a number of them as precludes all possibility of the Estate escheating to Government for want of heirs.

4. The question therefore for the decision of Government is simply this, viz., whether in the absence of any objection from any of these heirs it is just or expedient that your Excellency in Council should without any advantage to the State present or prospective continue objecting to your Petitioner's rights and compel him to resort to a tedious and expensive law suit when it is in the power of Government to prevent the vexatious delays and heavy expenses attending such a course.

5. In conclusion your Petitioner begs to state that before the Deed of gift was executed, the opinion of Counsel was obtained and it was in accordance with such opinion that the step was taken. He begs to submit herewith, for the consideration of Government, copies of the opinions of three members of the Sudder Bar, viz., J. D. Mayne, Esq., J. W. Barnson, Esq., and V. Sadagopah Charloo, men whose views are entitled to respect and consideration.

No. 218. ORDER THEREON, 15th December 1862, No. 2,614.

1. The Governor in Council resolves to await the decision of the High Court in Appeal Suit No. 35 of 1861. The alleged gift of the Estate by the present Zamindar cannot in any way be recognized or admitted.

2. The Board will instruct the Collector to refuse to register the alleged deed of gift, and in regard to the tendered payment of Peshcush by the Petitioner to be guided strictly by the advice given in paragraph 7 of Mr. Dale's letter above recorded.

3. The Board's attention is drawn to paragraph 10 of Mr. Dale's letter, and they are requested to abstain from giving copies of such papers as the opinions of the legal advisers of Government, which should be regarded as strictly confiden ial.

4. Ordered that the following Endorsement be furnished to Memorialist in reply to his several addresses, dated 3rd April, 26th March, 4th July, — September and 11th November 1862.

"The Government decline to recognize the present Zamindar's alleged gift of the Ramnád Zamindary to Memorialist, and resolve to await the issue of the Appeal Suit now pending in the High Court No. 35 of 1861.

"Memorialist cannot be furnished with copies of the report of the Government Law Officer or of the Proceedings of the Board of Revenue."

(Signed) C. G. MASTER,
Deputy Secretary to Government.

Ramnad Zemindary

The last holder of this
Estate before the permanent
settlement was Muttooranna =
=Iniga Setupatie who forfeited it
to Government in 1795 by his acts
of hostility and rebellion.

In 1803, Government
conferred the Zemindary on his
sister Ranee Rangalenmara
Nachyar under Cummul-i-
Inil Reah Istimiran or Deed of
Permanent Settlement.

The Ranee was
succeeded by her adopted son
Ramasamy Setupatie, on whose
demise the Zemindary descended
to his adopted son Ramasamy
Setupatie, who died in 1830 =
leaving behind him no sons, but
a widow named Parvata =
Vardhiny Nachyar, two daughters
and

and a mother by name Swoteswary

In Abedience to Ramasamy's arrangements, the Estate devolved on his daughter who dying shortly afterwards, it reverted to the mother Ranee Parvata Vardhiny Nachyar in 1843 and continues still in her possession.

In 1843 Ramasamy's mother Rootoveeragy Nachyar instituted a Suit No 3 of 1843 against Parvata Vardhiny Nachyar to recover the Estate as the successor of the deceased son. But this Suit terminated in a Razeenamah, dated in February and filed in March 1847, under which Parvata Vardhiny Nachyar was left in undisturbed possession of the Zemindary; with liberty to adopt a boy.

In May following she accordingly adopted Swoteswaralinga Satcoopaty and reported the fact to the Collector on the same day. That officer objected to it as having been made without sufficient authority. In 1855 Government at first recognized him as the lawful heir of the Zemindar, but afterwards i.e. in November following altered their opinion and issued instructions to the Collector to assume possession of the Est. on the death of the Ranee.

In 1856, the adopted son attained his age and sought possession of the Estate. The Ranee hesitated to give possession in consequence of the Order of Government dated in November 1855.

He has then brought the Suit No 10 of 1860 against the Ranee and the Collector. The Civil Judge held that the Collector had no right to object to the

the adoption and declared that the Ranee was at liberty to give possession to the Zemindar (See Decree and Judgment herewith sent).

The Collector has appealed to the Sudder Udalut in [illegible] which appeal is still pending before that Court.

To avoid however the delay and costs of litigation, she is now willing to give possession to the adopted son and also execute a Deed of Gift to prevent all contingencies.

Counsel is now asked to advise

1st Whether she can now give him possession.

2d Whether Government can object to her so doing and sequester the Estates if she persists in her giving possession.?

3d Whether she can execute a Deed of Gift and if she can whether Government can either now or at any time object to such Gift.?

I am of opinion that she can

I am of opinion that Government cannot object in any way and that they cannot sequester the Estates.

I am of opinion that she can and that Government cannot object thereto. I would suggest that the Deed of Gift should recite the adoption declaring it to have been with the sanction and Consent of the next heirs

of the Ranee and the deceased, and then proceed to give and grant the Zemindary to the adopted son his heirs and assigns. Let it be [illegible] on proper Stamp. Let it be registered and let possession be given under it. and let all the provisions of Regulation XXV of 1802 be strictly complied with. If the next heirs can be induced to join in this Deed as declaring their full consent to the alienation or to subscribe an endorsement or Declaration at foot to that effect. so much the better.

[Signed] W. Brandon

2d January 1862

To enable Counsel to advise on these points satisfactorily, it is stated that the adoption was made with the Consent of the next heirs of the Ranee and of her husband. These heirs are;

1st The Dayadees (Kinsmen) of Ramasamy Setupatie (See Decree of the Sudder Udalut at page 8 of the Reports for 1858)

2d The Bandhus of Ramasamy Setupatie being.

1st The Sons of his father's sisters.

2d The Sons of his brother's sisters.

3d The sons of his brother's brother.

3d The brother, and brother's Sons of the Ranee.

If all these parties have Consented to the adoption, is it open to Government to object to it?

The following papers are sent herewith.

1st The Judgment and Decree of the Madura Civil Court in O. S. No 1 of 1860.

2d

Opinion

1. I am clearly of opinion that under all the circumstances it is most advisable that immediate possession should be given to the adopted Son; and that the Ranee has perfect right to do so.

2. Government cannot now object to her giving possession. She only right they set up is escheat; but this cannot arise till the death of the Ranee.

3. Neither can they oppose her doing so. She has at all events a life interest and this she can give away. By giving the adopted Son possession can be no excuse for Government assuming possession. Should she doing so would be contrary to law and Equity.

4. To prevent all contingencies she can make a gift of the Estate to her adopted Son and Government cannot object to such gift beyond refusing to register the transfer. But such refusal to register cannot take away the title of the adopted Son nor affect his possession.

5. There is not the most distant pretence for the operation of the right of escheat as long as there are so many heirs of the Ranee and of her husband alive; who have consented to the adoption and to the gift. The Dayadees of the Ranee would be

be her heirs at all events. On failure of them, the Pandhon succeed if her husband's line of the approved form and her brother and brothers sons if of the disapproved species.

I would therefore advise the Ranee to make the gift and give possession to the adopted son.

31st December 1861

Signed V. Sadagopah Charlu.

I quite agree with above opinion.

The Ranee has vested according to Government a life interest by virtue of which she can put any one she wishes in possession and they cannot complain of such act. The validity of her grant for a period beyond her own life may depend upon the fact of their being heirs capable of succeeding to the Zamindaree after her death. If there are such as would appear to be undoubted, then the rights of Government vanish as they posthumously upon the prospective escheat, and if the next heirs give their Consent the deed would be binding upon the world. The heirs should all be made parties to the deed of gift, and should expressly Consent to it and renounce all claims upon the Zamindaree. On the other hand if it can be assumed that there are no heirs except the Plaintiff, then unless

4.

unless his adoption is valid the deed of gift would directly interrupt the rights of Government as heir by escheat. The decision in the Appeal now pending before the Privy Council will probably soon decide whether a Grant by a widow under such Circumstances would be valid or the reverse. My opinion is that in the Case supposed it would be valid.

I do not see that Government can take any hostile action against the Zamindaree upon the execution of such deed of gift, and delivery of possession. If they attempted to seize it in attachment they would be liable to a suit for trespass, and if they refused to register the Court would in my opinion compel them to do so.

Under these Circumstances I join in recommending the execution of a deed of gift by the Ranee in favor of the Plaintiff. Such deed should recite the previous adoption, with Consent of the families, the Order of the Collector &c, and the present suit and should go on to state that in Consequence of the doubts which have been expressed by Government and to obviate future disputes, the Ranee gives all her title and interest in the Zamindaree to the Plaintiff. I think this deed

Copy per a Letter to England
dd 2nd February Req of 1863

Rev = 3120/62
15 Dec 62-217

[illegible]

Rec = 3120/62
15 Dec 62-217

[illegible]

28th March 1862.

Before Rama Row, the Deputy Collector of the District of Madura.

Deposition given by Poolara Levan son of Chinnatamby Levan residing at Vellara attached to the Zemindary of Ramnad.

Q. How are you related to Rama Setupati Parvatavardhini Kadiyan of the Ramnad Zemindary and her husband?

A. I am the son of Muttoneraj Kadiyan, sister of Sivanaj attal, wife of Muneyande Levan, the natural father of Ramaswamy Setupati, husband of the said Ramni. I stand in the relation of elder brother to Ramaswamy Setupati.

Q. Can you give the genealogy of the relations of the said Ramni and of her husband?

A. I do not recollect it well.

I have heard the read. It is correct.

/Signed/ Poolara Levan.

Taken before me this 28th day of March 1862.

/Signed/ T. Rama Row
Deputy Collector.

/True Copy/

/Signed/ Lachapeti Row
Deputy Collector for Collector.

(True Translation)

Copy via Letter to England
2/2nd February No 9 of 1883

15th Dec 1882
No. 3120/

and the paternal grandmother of the Rajas were sisters.

Poosary Doraisamy Levai is the brother of the present Raja's father Muttusamy Levai.

Minandi Eyasamy Levai is the husband of the present Raja's younger sister.

Minandi Muttuvayira Levai is the brother of the said Eyasamy Levai.

Minandi Kadambaya Levai is the 4th brother of the said Muttuvayira Levai.

Minandi Chinnasamy Levai's relationship I do not recollect.

(Sgd.) Vanni Poolaya Levai

Sworn before me this 28th March 1862.

(Sgd.) J. Rama Row
Deputy Collector.

Examined again on the 29th March.

Q by the Manager.

Ponnusamy Levai

State the relationship wherein Ramasamy Setupati in the light of the adopted son of the Raja Muttuvayira Kachiyar.

A. As per the existing law Raja Muttuvayira Kachiyar had adopted Ramasamy Setupati he stood in the relation of son to him and had married the maternal aunts of the said Ramasamy Setupati.

I have heard this read & it is correct.

(Sgd.) Vanni Poolaya Levai

(Sgd.) J. Rama Row
Deputy Collector

True Copy (Signed) J. Rama Row
Deputy Collector for Collector.

(True Translation)

20

28th March 1862.

Before Rama Row, Deputy Collector of the District of Madura.

Deposition given by Koottoosamy Levan, son of Koottakaroppa Levan residing in the village of Konikiyanaam attached to the Zemindary of Ramnad.

In reply to the question touching the relationship between Rama Setupati Parvatavardhini Kathyar of Ramnad Zemindary, her husband Ramaswamy Setupati, and myself, I beg to state that I am the uterine brother of Ramaswamy Setupati, adoptive father of Ramaswamy Setupati who was the husband of the present Rama. In regard to the relationship of others, I have added a list to this. I have heard this read out, and it is correct. Signed Koottoosamy Levan.

Given before me, this 28th Day of March 1862. Signed P. Rama Row Deputy Collector.

Minnandy Kuttu Kyaya Rajpiramadha Levan was the husband of Durai Raja Kathiyar, the deceased younger daughter of Parvatavardhini Kathiyar, the present Rama. Besides, he is the son of the Rama's maternal uncle, and stands in the relation of brotherin-Law.

Poodary Koottoosamy Levan is the son of

Rec: 31/10/62

Witness a Letter from England
15th Dec 62-217
February 9th 1863

of Ramaswamy Ievar, younger brother of the Ranee, and is besides married to the daughter of Periya Kachiyar, the Ranee's sister.

Minnandi Ponnoosamy Ievar is the son of the Ranee's maternal aunt i.e. her mother's sister, whose name however I do not recollect.

Lamy Iya Ievar is my eldest son.

Ramaraja Ievar is my younger son.

Sambadel Ramaswamy Ievar is the son of my elder brother Moottirula Ievar.

Moottukaroppa Ievar alias Chinnasamy is the younger brother of the said Ramaswamy Ievar

Vella Poolara Ievar's mother and the mother of the present Ranee's father Moottoosamy Ievar were sisters, and he stands therefore in the relation of uncle to the Ranee, and is further related to the Ranee's husband Ramaswamy Setupati as maternal aunt's son, as regards his natural family.

Poosary Doraisamy Ievar is the junior paternal uncle of the Ranee i.e. younger brother of her father Moottoosamy Ievar, and he is not related to the Ranee's husband in any other way.

I do not know the relationship of Minnandi Lyasamy Ievar.

Vanni Poolara Ievar is the brother-in-law of the Ranee's husband Ramaswamy Setupati, i.e. his natural sister's husband.

Minnandi Moottoorayiro Ievar is the son of the Ranee's maternal uncle Moottoosamy Ievar.

Minnandi Kadamba Ievar is the elder brother of the person aforesaid, and is married to the Ranee's younger sister Sivabhagya Kachiyar.

Minnandi Chinnasamy Ievar is the son of the Ranee's maternal aunt, and the elder brother of the aforesaid Ponnoosamy Ievar.

Liquey Moottoosamy Ievar.

Examined again on the 29th March 1862.

By the Manager Ponnoosamy Ievar's questions.

Q. State the relationship existing between Ananda Setupati as the adopted son of Ranee Mangaleswari Kachiyar and her husband.

A. Ramaraja Ievar father son of Ramaswamy Ievar, husband of Ranee Mangaleswari Kachiyar, and grandfather of Ramaswamy Setupati, and Rajamuthu Ievar, my paternal grandfather, were brothers. Ramaswamy Setupati stood therefore in the relation of son to me.

Q. State the relationship between Vellara Poolara Ievar, and the present Ranee's mother-in-law Moottooreraji Kachiyar.

A. The mothers of the said Poolara Ievar and of the said Moottooreraji Kachiyar were sisters.

Q.

Q. Was Ponnusamy Doraisamy Levar related
to Moottooverayr Kathiyar?

A. The mothers of the said Doraisamy
Levar and of Moottooverayr Kathiyar were sisters.

Said heard this read out. It is correct.

/Sgd/ Moottooramy Levar

Sworn before me this 29th March 1862.

/Sgd/ J. Rama Row
Deputy Collector

/Examined by/ ——

/Transcribed/

/True Copy/

/Sgd/ Sockalingum Row
Deputy Collector for Collector

(True Copy)

Copy sent to Colombo Cutcherry
of 2nd Thursday's Dispatch 1862.

15th March 12-217

Rec. 3120/62

16

2nd March 1862.

Before Rama Row the Deputy Collector of the District of Batticaloa

Deposition given by Ponnusamy Levar, son of Loyanna
Levar, and the Manager of the Jemindary of Ramad.

Q. How is Kovere Moottooramy Levar related to
the present Rama Parvatavardhini Kathiyar and her
husband? And how are Lamy Lya Levar and
Ramaraya Levar related to them?

A. Ramaraya Levar father of Ramaswamy Levar,
husband of Rama Mangaleswari Kathiyar who adopted
Duraisamy Setupati, the adoptive father of Rama-
swamy Setupati and Rajunadha Levar the paternal
grandfather of Kovere Moottooramy Levar were brothers.
Heard Moottooramy Levar stands in the relation of
paternal uncle to Ramaswamy Setupati,
and father in law to Rama Parvatavardhini Kathiyar.
The said Lamy Lya Levar and Ramaraya Levar are the sons
of the said Moottooramy Levar.

Q. How is Lambadal Ramaswamy Levar related,
and how Chinnasamy alias Moottukaroppa Levar?

A. Ramaraya Levar the great grandfather of
Ramaswamy Setupati, and Rajunadha Levar grand-
father of the father of the said Ramaswamy Levar
and Chinnasamy alias Moottukaroppa Levar, were
brothers. Hence both of these stand in the relation
of younger brothers to Ramaswamy Setupati. The
grandfather of the said Ramaswamy Setupati was
the husband of Rama Mangaleswari Kathiyar.

Q. State the relationship between the Rama and
her husband, and the persons named in the list now
read out?

Moottoosyy Rajendra Levan is the husband of the daughter of the said Ramaswamy Setupati.

Moottoosamy Levan is the son of the present Ranee's younger brother Ramasamy Levan.

Ponnoosamy Levan is the son of the present Ranee's junior maternal aunt.

Vellara Poolara Levan is the son of the junior maternal aunt of Moottoosamy Kaliyan in-law of the present Ranee.

Poolara Doraisamy Levan is the son of the junior maternal aunt of Moottoosamy Kaliyan mother-in-law of the Ranee and the paternal uncle of the said Parvatavardhini Kaliyan.

Muniandi Dyasamy Levan's father is the brother of the present Ranee's mother.

Valli Poolara Levan is the husband of the sisters of Ranee Moottoosamy Kaliyan mother in-law of the present Ranee.

The father of Moottoosamy Levan and Kadambara Levan was brother of the present Ranee's mother.

Chinnadaiy Levan's mother and the mother of the present Ranee were sisters.

Taken before me this 29th day of March 1862.

(Signed) Ponnoosamy Levan

(Signed) S. Rama Row
Deputy Collector

True Copy
(Signed) S. Rajagopala Row
Dpty Collector for Collector

(True Translation)

Colombo 4th April 1862

Before Rama Row the Deputy Collector of the District of Mantica

Deposition given by Eturamia Levai cousin of Hendrick Levai

residing at Ramiad

In reply to the relationship existing between the

present Rama Pavatamashi Kathiyar and her husband

Ramaswamy Setupati, and the persons named in the list

referred out to me, I beg to state as follows, viz.

Casipulle Muttukistna Rasanaike Levai is the

husband of the deceased younger daughter of the present Rama.

Ramaswamy Levai is the son of the present

Rama's younger brother. His father's name is Ramaswamy Levai,

Muniandi Ponnusamy Levai is the son of the

Rama's maternal aunt, i.e the sister of the

Rama's mother Kovari Muttusamy Levai is the younger brother of

Annasamy Setupati, the adopted son of Ramaswamy

Setupati, the husband of Rama Manikkaswami Kathiyar.

Lamy Lye Levai is the son of the said Muttusamy Levai.

Ramaya Levai is the younger brother of the said

Lamy Lye Levai

Adambadai Ramaswamy Levai is the son of

Muttunila Levai, the elder brother of the said Muttusamy Levai.

Muttukaruppa Levai alias Chinnasamy is the

younger brother of the said Ramaswamy Levai.

Villaya Pulara Levai, is the son of the junior mater-

nal aunt of Muttusamy Kathiyar, motheriu law of the present Rama.

Poosay Doraisamy Levai is the paternal uncle of the present

Rama; and the son of the junior maternal aunt of Muttusamy

Muniandi Lyasamy Levai is the son of the previous

Rama's maternal uncles.

Vanni Pulara Levai is married to the sisters of

Muttusamy Kathiyar, the motheriu law of the Rama.

Muniandi Muttusamya Levai is the son of the Rama's

Colombo 4th April 1862 to Deputy Collector Mantica

15 Oct 62-27

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maternal uncle, and the younger brother of the aforesaid
Ayyasamy Tevan.

Kalimuthusamy Tevan is the elder brother of the said
Muttusamy Tevan.

Chinnasamy Tevan is the son of the Rama's paternal
maternal Aunt.

I hold no office in the Palace. I earn my
livelihood by cultivation in the village of Attipattu.
As I live all along at Ramnad, I have known all
the history of the Zemindary and I am therefore deposed
to the facts aforesaid. I am 70 years old.

State of Ramaswamy Setupati, the adopted son
of Sivagnaswamy Setupati, elder brother of the aforesaid
Muttusamy Tevan had any other relations living?

A. Ramaya Tevan father of Rajaswamy Tevan,
the grandfather of the said Ramaswamy Setupati and
Rajunatha Tevan, paternal grandfather of the said Kumar
Muttusami Tevan were brothers.

I have heard this and it is correct.

/Signed/ Setupathy Tevan

Taken before me this 4th Day of April 1862.

/Signed/ Rama Row
Deputy Collector.

/True Copy/
/Signed/ Sadasiva Row
Deputy Collector for Collector.

(True Translation)

13

4th April 1862.

Before Rama Row, the Deputy Collector of the District of Madura.

Deposition given by Sindiveloo Pelley son of Loobooneya Pelley residing at Rainad.

Sworn to the questions touching upon the relationship existing between the present Rance of Rainad and her husband, and the persons named in the list now read unto him to state as follows.

Muttoo Vejaya Raghunadha Sewaden the husband of the deceased younger of the present Rance.

Poolary Muttoo Vejaya Sewan is the son of the present Rance's brother Ramaswamy Sewan.

Shinnaddy Doraisamy Sewan is the son of the present Rance's paternal aunt.

Kooree Muttoo Vejaya Sewan's great grandfather on Raghunadha Sewan, and Ramaya Sewan, father of the adopted father of Annasamy Setupate; hence he is the younger brother of the said Annasamy Setupate who has Muttoo Vejaya Raghunadha Setupate.

Lamy Type Sewan is the son of the said Muttoosamy Sewan.

Ramaya Sewan is the younger brother of Lamy Type Sewan Sambadal Ramaswamy Sewan and Shinnaddy alias Muttoosamy Sewan are the sons of Muttoosamy Sewan the elder brother of the said Kooree Muttoosamy Sewan.

Pillare Poolare Sewan is the son of the junior maternal aunt of Muttoomeraji Kaliyen, mother-in-law of the present Rance.

Poolary Doraisamy Sewan is the son of the senior maternal aunt of the said Muttoomeraji Kaliyen; and the paternal uncle of the present Rance.

Lamy Type Sewan is the son of the maternal

15th March-27

Rev-3120/62.

Collyer's Salutis England
12nd February 1863

Rec. Nos

836. 871. 879.
1938. 2252. 3102.
3120.

The Rainnad Genni-
-dary was forfeited for
rebellion in 1795.
In 1803. it was
granted under Reg XXV
of 1802 to the deposed
proprietor's widowed
Sister Mungaleshwara
Nauchiar -
She had no issue
but adopted Anna-
Savmy who succeeded
her -
Annasawmy in
his turn had no
children & was suc-
ceeded by his adopted
Son Rainasawmy -
Rainasawmy married
Piriada Vardamy
Nachiar & had
issue 2 daughters only
On his decease the

I think this will come
for the Govt to adopt in
favour of the decision of
the Appeal & this Ladder
if in favour of the Govt
then there will be no
farther demur & any
arrangement with the
Zemindarnee - if not
in favour of the Govt in this
case is settled, without
any suspicion of par-
tiality, by Law

JM

JM

JP

Rec: 31 29/62

15 Oct 62 - 287

Copy sent a Letter to England
by 2nd Steamer Aug 9th 1863

daughter + succeeded in turn & dying childless & minors, were succeeded by their mother, Purvada Vaidanay Nachiar, the present Defendant.

The pet. maintain that this person has only a life interest in the property, and that they are next heirs - by Escheat on her death.

In 1847 she adopted Pete - the pet. maintain this to be illegal - and the question is in appeal before this Court in A.S. 35 of 1861.

She next addicted the Defendant to giving the Estate to the same person and asks pet.

+ This was a mistake. The next party entitled during the Estate - failing male heirs - was the widow now in possession -

^ failing heirs of her husband with the limited degree.

v. Minute of the Court Mr Morehead in S.C. 10 April 1860 No 552.

to recognise this pet. Mr this pet. Dale advised that pet should await the issue of the appeal now pending and that the Court should be willing to write the next to pet. deed of pet.

The pet. had offered to compromise by paying a Nuzzerana of Such reasonable accounts as pet. may give in communication with his Vakeel Sadasiva Pathar Chariar -

In his sketch pet. he requests to be furnished with a copy of Mr Dale's report to pet. This is of course inadmissible

Briefly stated the
case of Frt. stands
thus. — As regards
the present Zemin-
-dariee, on her death
the Estate goes by
Hindoo Law not
to her heirs but to
the heirs of her Hus-
band and as there
are none of these
so far as Frt can
discover, neither the
legal limits of
Consanguinity, the
Estate lapses to Frt
as Real heir of the
Husband — that
by Hindoo Law she
cannot alienate the
Estate beyond her
life, inasmuch as
none of the circum-

Y
Stances under which
a Hindoo Widow can
perpetually alienate
or Widows Females
Daughters Estates exist
in her case and
that she cannot
adopt because her
husband did not
authorise her to do
so and there are
two Widows of his
first heirs who can
supply the omission
As regards Petr
the Frt maintain
that his adoption
is illegal, because
by any law the Zem-
-indarree has no
power to adopt & so
defeat the claim
of Frt who is now
suing Frt to cancel

them the capital
his adoption of the
Pet. Mackin recom-
mends that the
issues of the Suit him-
in appeal before the
Lords be answered.

The Hindoo prin-
ciple of adoption is
based on the theory
that when a man
marries he is to a certain
son, on his death,
to a place of torment
unless he has a son
to save him - therefore
failing male issue
he may adopt. By
the same theory
unmarried men &
females - whether mar-
ried or not, are all
safe, therefore they
need not & cannot
adopt - Hence the
Zemindarree cannot

adopt on her own account.

I apprehend there
can be no reasonable
doubt that the Estate
will, on the death of
the present holder
be a lawful Escheat,
& this is the strong
opinion of the legal
advisers of Govt.

As to the "Muzzeema"
the Govt will recom-
mend that the pre-
sumption of the
Govt Emt dies with
applies to such Es-
-tates as Ramnad -
I do not think that
as the case stands
Govt can compro-
-mise without the
sanction of the
Home Govt and
any compromise

should in the present
state of the case be
with the present Pet.
-pritor. & be in fact
a commutation (on
the Lucan principle)
of the reversionary
claims of Pet. That is
to say: She would buy
so much annually
in addition to her
present & Pet. & such
sum would represent
her success or, whatever
he might be - The
question in its solution
Lesing needs no
remark from me

L. D.

Ramnad

Revenue Department

Jr 2 614

cedings of the Madras Govt
under date the 15th December 1862

Read again the
following papers-
Letter from D.
Sadagopah Charlu, Dated
dated 3d April 1862 and
recorded in Pro: of Govt
15th April 1862 No 836-
Petition from the
"=mate Shiranja Garbha
"yaji Ravikula Raja Ruka
Ramalinga Setupaty by
his Vakeel D. Sadagopah
Charlu dated 26th March
1862 and recorded in Pro: of
Govt 23d April 1862 No 871.
Pro: of the Board of
Revenue dated 21st March
1862 No 1891 and recorded
in Pro: of Govt 30th April
1862 No 932
Petition from Do Do
by Do dated 4th July 1862
and recorded in Pro: of
Govt 16th July 1862 No 1533-
Petition

on Cooper R 15th

Petition from Do. Do. by
Do. Do. dated — September
1862 and recorded in Pro:
of Govt 21st October 1862 as
No. 2252 —

Read also the following
papers —

Pro: of the Bd of Revenue
submitting to Govt
a letter from Mr. Sale,
Govt Pleader, reporting his
views on Petitions regard-
-ing the transfer and
registry of the Ramnád
Zamindary —

(Here enter 5 Pro/62
No. 7305)

Petition from "Sreemath
"Sheranya Sarbha Yaji
Ravikula Raja Muttu Ra
-malinga Setupati by his
Vakeel Vedavyapaill Pandu-
-rang Soliciting the favor
of his being furnished with
a copy of Mr. Sale's report,
and of the Bd's Pro: thereon
on the several matters
referred to Mr. Sale in
connection with the
Zamindari's case should
there be no objection to
comply with such request

(Here enter 11th Pro/62)

The Governor
in Council resolves to
await the decision
of the High Court in
Appeal Suit No. 35 of
1861. — The alleged
gift of the Estate by the
Zemindar cannot
in any way be re-
cognized or admitted
& The Bd will
instruct the Collr
& Dpty & Register
the alleged deed
of gift and to
hold & the tendered
payment of Pesh-
-cush by the Petr
to be guided strictly
by the advice given
in para 7 of Mr.
Sale's letter & above
recorded —

The Bds attention
is drawn & para

10 of Mr Dalel letter and they are requested to abstain from giving copies of such papers as the opinions of the legal advisers of govt which should be regarded as strictly confidential.

Ordered that the following list be furnished to Memorialist in reply to his several Petitions of 4th April, 2d March, 4th July — September and 11th November 1862 —

"The Govt. decline to consider the present Zemindars alleged right of the Rannad Zemindary to Memorialist and resolve to await the issue of the appeal suit now pending in the High Court, No 35 of 1861."

"Memorialist cannot be furnished with copies of the [illegible] & report of the Govt Law Officers or of the Govt: of the Board of Revenue."

Rannad Zamindar's case —

Office.

The full Govt: of Bd of Rev only — no copies to Petr or any one else.

The endorsements only to Petr & his Vakeel.

L D S

No Copies to the Board of Rev with Endorsement to the Petitioner " " Vakeel with 7 Right Electors

Copy in a Letter to England
D/2nd February No 9 of 1863.

Ramnad Zamindary case

K

Revenue 1862 Septb.
Pro: of Govt for December

No. 103-107
10-4-60

" 275-276
23-6-60

" 356-357
19-3-61

" 57-58
6-5-61

" 261-262
26-6-61

" 330
23-8-61

" 304-305
17-3-62

" 236-237
15-4-62

No. 8 in 427 of 30-4-62

No. 303-304
23-4-62

" 127-128
6-5-62

" 211-212
16-7-62

" 260-261
21-10-62

From Bd of Rev 20-4-1812
From ——— 30-3-1812
C.M.C. 600 = 15-5-1812
In Con No. 2097 of 15-5-1812

No 216 at 218

No. 2614.

Pro: of the Madras Govt
D/15th December 1862.

Further Cr: 1184/63

From Bd of Rev D/-12 June/63 Cr 1375

Papers regarding the transfer and registry of the Ramnad Zamindary, with orders thereon.

Cr: Cases/62 R 15th