M.R.O. 1—38,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 2819 Press Mis.
244-251

Dated 22 October 1869

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 22nd October 1869.

Read again Proceedings of Government, Revenue Department, dated 3rd June 1869, No. 1,562.

Read also the following papers :—

No. 244. From the Acting Government Solicitor, Madras, to the Acting Secretary to Government, Revenue Department, Fort Saint George, dated Madras, 9th June 1869, No. 302.

I HAVE the honour to acknowledge the Order of Government, noted in the margin, and its enclosure, requesting the opinion of the Advocate-General and the Government Pleader, relative to the application to Government by the Zemindar of Ramnad for a loan to pay off his debts, and such loan to be advanced upon the security of his Zemindary.

Dated 3rd June 1869, No. 1,562, Revenue Department.

2. I submitted the matter for the consideration of the Advocate-General and the Government Pleader, and have also conferred with them thereon.

3. I now forward a copy of their opinion, and likewise return the enclosure above noted.

4. I have, in anticipation of the sanction of Government, marked on the Advocate-General's papers a fee of Pagodas 40, or Rupees 140, being the usual fee payable to him in cases of this description, and shall feel obliged by your obtaining the authority of Government for me to pay him the above amount.

OPINION.

WE have considered, in consultation, the papers submitted herewith.

2. As to the first question submitted to us by Government, we are of opinion that the Zemindar can effectually mortgage his Estate to Government for the term of his own life, as a security for the repayment of any loan that the Government may be pleased to make him.

3. As to the second question, we think that no mortgage of his Estate by the Zemindar to Government can have the effect of excluding either present or subsequent creditors from pursuing their legal rights for the recovery of their debts, It will always be open to them to sue the Zemindar at law in respect of such debts to recover Judgment, and sue out execution against his Estate and Effects, subject of course to the Government's prior mortgage-claim. All that could be sold in execution would be the Zemindar's right, title, and interest in the Estate, or, in other words, his equity of redemption.

4. As to the last question, we have not before us at present sufficient information on which to express any satisfactory opinion. By the construction which the Courts of this Presidency have put upon the Istimrar Sunnuds under which Zemindaries are held, the Zemindar is a mere tenant for life, and, ordinarily speaking, can only charge or alienate his Estate for the period of his own life—see Appeal No. 6 of 1821; 1, Madras Select Decrees, page 284; Special Appeal No. 5 of 1862; 1, Madras High Court Reports, page 148; Regular Appeal No. 42 of 1863; 2, Madras High Court Reports, page 128; Regular Appeal No. 23 of 1865; 3, Madras High Courts Report, page 5.

5. At the same time, Zemindary, like all other Estates, will be liable, in whosoever hands it comes, for all such debts as are justly charges on the inheritance by virtue of the Hindu Law—see Special Appeal No. 93 of 1855; Madras Sudder Reports for 1855, page 232; Regular Appeal No. 407 of 1857; Madras Sudder Reports for 1858, page 94.

6. It is therefore manifest that the character of the Zemindar's present debts should be carefully scrutinized, with the view of determining whether the whole or any, and what part of them, can fairly be regarded as charges on the inheritance. Debts incurred for the payment of Peishcush, which cannot be collected on account of unfavourable seasons; money fairly spent in asserting at law the Zemindar's title to his Estate, or in other litigation connected with the Zemindary; money taken up for the performance of family and other ceremonies and the like; would, we conceive, clearly come within the description of debts chargeable upon the inheritance. But the schedule at present before us affords little or no information as to objects or purposes for which the several debts were contracted. It does not show when the debts were contracted, what portion is for principle, and what for interest; or indeed any of those matters on which alone we can form any opinion as to the question now before us. In Hunoomanpersaud Panday *versus* Mussumat Babooee Munraj Koonwerce reported in the 6th volume of Moore's Privy Council Appeals, page 393, it is distinctly laid down that a lender is bound to inquire into the necessity of the loan; and thus the Government will see that further inquiry into the nature of the debts is absolutely indispensable.

7. Two courses suggest themselves: either that the Collector should be directed to make fuller inquiries, or that the Zemindar should be requested to send up some person, practically acquainted with his affairs, who can give us the information we require, supported by vouchers, accounts, etc. Of these two courses, we think the latter the best.

8. With the view to save time, we would suggest that the Government might at once depute an experienced officer to inspect and report upon the condition of the Zemindary; and perhaps also the probable outlay on Maramut works, necessary at least to put them in a state of ordinary efficiency.

(Signed) J. B. NORTON,
Advocate-General.
(„) J. W. HANDLEY,
Government Pleader.

MADRAS,
9th June 1869.

No. 245. MINUTE BY HIS EXCELLENCY THE PRESIDENT.

THE accompanying opinion of the Advocate-General and of the Government Pleader lays down that the Zemindar of Ramnad has only a life-interest in his Estate, and that he can consequently only alienate it, or charge it for the period of his own life for ordinary debts contracted by him; but that there are other categories of debt which might be legitimately charged, not against the life-interest in the Estate, but against the Estate itself, conformably to Hindu Law. Under these circumstances, it is suggested that the Zemindar of Ramnad should despatch a person to Madras fully

Proceedings of the Madras Government, Revenue Department, 22nd October 1869.

informed of the character of the debts referred to; so that the Government Pleader may be able, after conference with him, to determine what debts can, and what debts cannot, be laid upon the Estate. In this suggestion I agree. It is also proposed to charge a Special Officer with the duty of making a report upon the condition and resources of the Zemindary, and on the expenditure which would be involved in placing the irrigation-works and roads in a good state of repair. This duty might be committed to an experienced Native Officer, and I think that Vencata Row would be capable of performing it. This shows that, if Government is to undertake the duty of assisting the Zemindar out of his difficulties, it is expedient that we should have as exact a knowledge as possible of the value of the Estate which is to constitute our security.

2. I have put up, with these papers, some documents of an old date, illustrative of the means taken, in the year 1816, to extricate the Zemindar of Vizianagram from his embarrassments with excellent effect. It would appear from the letter of the Board of Revenue of 3rd May 1816, that the Government became the sole creditor of the Zemindar for the amount of twelve lacs, adopting all his responsibilities towards his miscellaneous creditors, and that the Zemindary was mortgaged, as a security, to Government. The money, for the payment of the creditors, was raised by Government by the issue of Transferable Bonds bearing interest, and in about six years the Estate was cleared and restored to the proprietor. The details of the transaction cannot, however, be made out from the papers now before me, but could no doubt be recovered from the Accountant-General's Office. I suggest that the Board of Revenue be directed, in conjunction with the Accountant-General's Office, to furnish the Government with an explanatory statement.

July 1869. (Signed) NAPIER.

No. 246. MINUTE BY THE HONOURABLE H. D. PHILLIPS.

THE proposal originally made for the relief of the Zemindar is, to advance to him, from the Imperial treasury, a sum of money sufficient to pay off some twelve lacs of rupees of debt. Steps are then to be taken for the protection of the lender (the Government), whether by an assignment or a mortgage of the Zemindary. I have stated the objections to these measures which I entertain, and the opinions of our learned Counsel, Messrs. Norton and Handley, are far from removing the difficulties of kinds which have presented themselves to me.

2. Before noticing these, I would remark that, prior to entering upon an inquiry into the debts of the Zemindar, and leading him to believe that the proposed relief is at hand, we ought, I submit, to ascertain from the Government of India whether an outlay, unexpected by them, of twelve lacs would suit their present financial arrangements. It may be that, after doing all that it is apparently the intention of this Government to do, we shall be told that our efforts to put to rights the money-affairs of a spendthrift Zemindar, are highly commendable, but that money cannot be spared for such an object. A communication of the above-stated nature should therefore, in my humble opinion, be our first step in this novel and important undertaking. It might be accompanied by a brief narration of the circumstances under which the present Zemindar has obtained possession of the Estate, and of the

grounds on which he is regarded as having a special, peculiar claim on the indulgence of the Government, instead of being made responsible for frequent defaults in discharging the sums due to the State according to its Code of Revenue Law.

3. To revert to the joint opinions of Messrs. Norton and Handley:—It is advised that the Zemindar be desired to send up to Madras some person competent to set forth an analysis of the Zemindar's debts, so that their origin and character may be seen, with a view to determining which of these, or what part of any of them, shall be regarded as legitimate charges on the inheritance. I must say I should seriously mistrust results gained by communication of the kind proposed with an Agent from Ramnad, such as the Zemindar is likely to send. Necessarily, it should be the Zemindar's interest to prove that all his liabilities are of that character; for proof of the kind would satisfy the Government here, that under those circumstances the death of the Zemindar, who has only a life-interest in the Zemindary, as explained by Messrs. Norton and Handley, would be unattended with risk or detriment to the lender (the Government). The people of Ramnad, of Shevagunga, and of Madura, whether of the upper or lower classes, are adepts at concocting a case; and here there would be the strongest inducement on the part of debtor and creditors to give to each item of debt such a character as would render it chargeable against the Zemindary if the present man died, and to create the strongest inducement for the Government readily to advance its money.

If, however, there be any successful deception in showing an untrue origin of these debts, they are sure to be contested by the successor of the present borrower, should he die before Government had recouped itself; and except by special litigation, in which the Government would be plaintiff, they could not recover their advance from the new Zemindar.

I do not therefore consider that the Government should fall in with Messrs. Norton and Handley's proposal to have up from Madura a man from the Zemindar to enlighten them as to how and why each debt was contracted. A duty of the kind, which is of the highest importance, should be confided to an experienced Revenue Officer on the spot, aided by a Native Revenue Official well acquainted with Madura or the South of India.

4. As regards the supposed similarity between what it is proposed to do for the Zemindar of Ramnad in 1869, and what was done for the late Zemindar of Vizianagram in 1816, I would note that in the case of the latter there was no advance of money made from the Imperial treasury.

5. When the Government of Madras, at that time uncontrolled by a superior Government, undertook the settlement of the Vizianagram liabilities, amounting to Rupees 16,89,828, nothing of a positive kind was done until the Collector had procured from the Zemindar and from his creditors a full consent to the Collector's undertaking the management of the Estate. It was further stipulated that re-payment was to be made from only the surplus collections, the annual allowance to the Zemindar being Rupees 72,000. The interest on the several debts calculated at eight per cent. per annum was to be paid half yearly, but it was left optional with the Government to pay off the principle at its discretion. Thus settled, the Zemindary was clear of debt in seven years.

Proceedings of the Madras Government, Revenue Department,
22nd October 1869.

6. In the present instance, we are going far beyond the limits which the former Government of Madras—a quasi-independent Government compared with what we are in 1869—carefully prescribed for itself, and we are acting without that sanction which ultimately we are bound to secure.

7. Holding the above views, I am averse to the appointment of any Officer to enter on an examination of the present condition of the irrigation, reservoirs, etc., of the Zemindary. Such a step seems to me to be premature, because, after a large or small expenditure for such an object, we may learn that the Government of India decline to advance twelve lacs for the convenience of a large landholder whose arrears of revenue have already been most liberally left outstanding, and against whom it may seem to that Government that the Revenue Laws should have been enforced.

2nd August 1869. (Signed) H. D. PHILLIPS.

No. 247 MINUTE BY THE RIGHT HONOURABLE THE PRESIDENT.

After reading the Minute of my colleague, I remain of the same opinion as before—that this Government would do wisely to make a strenuous effort to extricate the Zemindar of Ramnad from his difficulties, and, with that view, to adopt the suggestions made by Mr. Norton and Mr. Handley. Above all, I think it would be inexpedient to bring the question prematurely before the Government of India, for that would ensure the rejection of the project. I learn from Mr. Arbuthnot that the Zemindar has a son, a young child who is his father's heir; so that in case of the death of the Zemindar in the minority of the heir, the Estate would go into the Court of Wards—a great security to Government—while, if the Zemindar lived until the period of his son's majority, the son would probably unite with the father in adopting the engagements made with Government.

2. I have never said that the debts of the Zemindar are to be cleared off with funds taken from the Imperial treasury as a definitive or absolute proposal. I would raise the money as best I could, and the course followed in 1816—viz., the issue of Transferable Bonds—seems a feasible expedient.

3. I would call for a full explanation from the Board of Revenue, in conjunction with the Account Department, on this subject.

5th August 1869. (Signed) NAPIER.

No. 248. MINUTE BY THE HONOURABLE A. J. ARBUTHNOT.

I agree with His Excellency the Governor, in thinking it inexpedient that we should address the Government of India on the subject of relieving the Zemindar of Ramnad from his embarrassments, until we are able to furnish more positive information than we at present possess as to the nature of the Zemindar's private debts, the present condition, and the resources and requirements of the Zemindary.

2. I adhere to the opinion expressed in my former Minute, that it is very desirable that the Government should render to the young Zemindar all the aid

which it can, with propriety, afford to him in freeing his Estate from debt; and adverting to the two precedents furnished in the case of the Vizianagram Zemindary, I see no reason why some practical method of effecting the desired object should not be devised. The Board of Revenue and the Accountant-General should, as Lord Napier suggests, be instructed to submit, without delay, an explanatory statement of the measures taken for paying off the creditors of the Vizianagram Zemindar in 1816 and the following years.

3. In the meantime I would depute an officer to obtain, on the spot, full and detailed information in regard to the liabilities of the Zemindar of Ramnad, for communication to the Advocate-General and Government Pleader; and also to report to Government on the present material condition and requirements of the Zemindary. Both these duties, I think, should be entrusted to a European officer (probably the Head Assistant stationed at Ramnad would, on account of his local knowledge, be the person best qualified for the task), aided by an intelligent Native official of the grade of Deputy-Collector.

4. For the reasons advanced by my colleague, Mr. Phillips, I consider this course preferable to that suggested by the Government Law officers, of calling upon the Zemindar to send a confidential agent to Madras. A European officer conducting his inquiries on the spot will be better able to baffle any attempts that may be made by the Zemindar or his agents to mislead the Government as to the real nature of the several debts; and if the inquiry be conducted in a careful and proper manner, the information laid before the Law officers will be far more reliable than what they would be likely to obtain from an agent deputed by the Zemindar to Madras for the purpose.

19th August 1869.

(Signed) A. J. ARBUTHNOT.

No. 249. MINUTE BY THE RIGHT HONOURABLE THE PRESIDENT.

I AGREE with the suggestion of Mr. Arbuthnot.

15th September 1869.

(Signed) NAPIER.

No. 250. MINUTE BY THE HONOURABLE H. D. PHILLIPS.

THE proposal to assign the duty of ascertaining the particulars of the Zemindar's financial condition to a European officer has my cordial assent, as being in conformity with a suggestion made in the notes on this matter which I wrote some time ago.

2. But I would press on the Government a re-consideration of their apparent intention to charge the Head Assistant Collector with that duty. Mr. McWatters is at present Head Assistant in Madura, and it is only in the Madura District that he has acquired such experience as he may possess after five years and eight months service. Further, he has been almost all that time, I believe, or a large portion of it, at Ramnad itself, in rather intimate communication, as I believe, with the people of the palace. I think that an officer of somewhat longer service than

Mr. McWatters, and one who, entirely unconnected with the district and its parties, would come to the work fresh, and ignorant of the Zemindar's hangers-on, would be a preferable nomination to Mr. McWatters.

3. [illegible] further opinion in regard to the other steps that must hereafter be taken, as I have already recorded on two occasions my belief that the measure in contemplation is not justified by the circumstances of the Zemindar and the Zemindary.

23rd September 1869. (Signed) H. D. PHILLIPS.

No. 251. ORDER THEREON, 22nd October 1869, No. 2,819.

Land Revenue.

THE Government are unable to come to a decision on the question under discussion in the foregoing papers, until they have before them more positive and reliable information as to the present condition, resources, and requirements of the Zemindary of Ramnad. They are also of opinion that the essential information required by the Advocate-General and Government Pleader, as to the nature of the Zemindar's private debts, as stated in their opinion above recorded, is more likely to be obtained by a Government officer on the spot, than from an agent of the Zemindar deputed to Madras for the sole purpose of stating particulars to the Advocate-General. His Excellency in Council accordingly resolves to direct that Mr. Bliss, the Acting Sub-Collector of the Madura District, shall proceed to the Zemindary, and, after making a careful inquiry, shall furnish in a complete form the requisite particulars on the several points indicated. Mr. Bliss will be assisted in this duty by Deputy-Collector T. Venkat Row, whose services will be temporarily placed at his disposal for the purpose by the Acting Collector of Tinnevelly, and by a good Accountant from the Collector's Cutcherry at Madura. Mr. Bliss, while so employed, will be relieved of the Sub-Collector's duties, but will be required to conduct the current work of the Head Assistant's Office; the Acting Head Assistant being placed temporarily in charge of the Sub-division.

2. In the meantime, the Board of Revenue and the Accountant-General will be requested to submit to Government, without delay, an explanatory statement of the measures taken for paying off the creditors of the Vizianagram Zemindar in 1816 and the following years, and again in 1848.

3. The proceedings of the Government Solicitor, as reported in paragraph 4 of his letter, are sanctioned.

(Signed) R. A. DALYELL,
Acting Secretary to Government.

the Collector, dated 25th January last, indicate clearly enough a desire to impede any thorough improvement of the property, and, if complied with, would, *in limine*, create insuperable difficulties in the discharge of his duties by a conscientious Revenue Officer bent on benefiting the Zemindar and doing justice to the ryots.

5. I would not permit the young man to impose any conditions whatever, save and except that he shall have a sufficient monthly allowance. I say this in the belief that the Collector and the Board's proposals, as to receiving charge of the Zemindary, may be approved by the Government; but my own opinion is, that these permanently assessed Estates should stand or fall by themselves, and that it is not the proper duty of the Government to step in and act as Estate Agent and Steward, in order to retrieve any damage to the property which may have arisen from one cause or many causes. It seems to me that if Government concede what is here demanded, they establish the precedent of taking into a sort of nursing any Estate of which the proprietor has fallen into embarrassments. It will be difficult to fix the limit of compliance with future similar applications. We may have them coming in from the Poligars and Moottadars of Salem, from the Zemindars of Tinnevelly, and from Zemindars in the Northern Circars. It will be awkward to refuse a similar indulgence; so that in the sequel, we may be using up, for private interests and concern, our best Covenanted Revenue Officers of the middle rank in restoring, to prosperity and paying capacity, Estates in connection with which our only duty ought to have been simply to receive instalments at fixed periods of their unvarying Peishcush.

6. On less favourable terms than the Zemindar desires to get from the Government, he would have no difficulty in securing honest energetic agents among the non-official European residents in this Presidency; and I have no doubt that there are also many able Native officers of the Government who, if left to themselves and not interfered with by persons about the Zemindar, would soon relieve the property from its present embarrassments.

7. I would draw the attention of the Government to a remark, recorded in Proceedings of the 26th August 1848, by the then Governor, that "the charge of an "Estate by Government had not hitherto proved a check on extravagance, but, on "the contrary, would seem rather to have facilitated the borrowing of money." This remark rests on a Minute by Sir Henry Pottinger, and was concurred in by Mr. (now Sir) Daniel Elliott.

18*th March* 1869.

(Signed) H. D. PHILLIPS.

Revenue 1869 April

No 3243

Minute by the
Hon'ble A. J. Arbuthnot

Dated 16th March 1869

Re the Claim made
by the Zemindar
of Ramnad.

MINUTE BY THE HONOURABLE A. J. ARBUTHNOT.

It appears to me very desirable that the Government should, if possible, aid the young Zemindar of Ramnaad in extricating his Estate from the embarrassments in which it is at present involved, and that, if any arrangement can be made for securing the Government against loss, and the Zemindar is willing to place his Estate under the management of an officer of Government, such management being unfettered by any conditions beyond the settlement of the annual sum to be allowed to the Zemindar for his own personal expenses and those of his family, we should be justified in applying to the Government of India for permission to advance, from the public treasury, a sum sufficient to pay the Zemindar's private debts, recovering the same, with interest at a moderate rate, say, six per cent., from the rents of the Zemindary.

2. As I observed in my Minute of the 16th July last, I consider that this young Zemindar has a strong claim on the consideration and generosity of the Government.

3. We have before us an excellent precedent in the case of the Vizianagram Zemindary, which, from a condition of embarrassment very similar to that in which the Ramnaad Zemindary is now involved, has been converted into one of the most prosperous Estates in India by the adoption of measures almost identical, except in an important particular, with those which it is now proposed by the Collector and the Board of Revenue to apply to Ramnaad.

4. The point in which the two cases differ is with reference to the means taken in the one case, and those proposed to be taken in the other, for satisfying the private creditors of the Zemindar. In the present case, it is proposed that the Government should at once advance the sum required to liquidate the private debts. In the case of Vizianagram, as I understand it, there was no advance from the public treasury—certainly none of any magnitude; but the debts were paid gradually, by the Special Agent, out of the rents.

5. In the case of Vizianagram, the aggregate amount of debt was about the same as that in which the Ramnaad Zemindary is now encumbered, *viz.*, in round numbers twelve lacs; but the rental of Vizianagram, available for the payment of this sum, was eight lacs, or a lac and a half per annum in excess of the present rental of Ramnaad.

6. It is, therefore, of greater importance in the one case than it was in the other, that a reduction should be effected in the rate of interest payable to the private creditors.

7. I would direct the Board of Revenue, after communication with the Government Law Officers and the Collector of the district, to report,

1*st.*—As to the terms upon which the transfer of the Zemindary to the management of the Government, until it is cleared of debt, should be effected, and whether such transfer would have legal validity beyond the lifetime of the present Zemindar.

2*nd.*—The details and cost of the establishment which would be required for the efficient management of the Zemindary, including the salary of the Special Agent in charge.

3*rd*.—The probable cost of placing the irrigation works of the Zemindary in proper order.

4*th*.—Whether, in the event of the Government advancing nine lacs for the payment of the Zemindar's debts, the Zemindar would be prepared to surrender the management of the Estate into the hands of the Government until the debts are paid, fettered by no condition save in regard to the amount of the allowance to be made for his maintenance.

5*th*.—What arrangements should be made for ensuring that the Zemindar shall be trained up to business habits, so that he may become fit to manage his Estate with economy and discretion, on its management being restored to him.

8. The Collector should also be instructed to satisfy himself that the statement furnished by him, under date the 26th January last, contains a full and accurate statement of the Zemindar's private debts.

9. I do not think that we could act on the suggestion made in the Acting Secretary's memorandum, that the Government, in order to obtain the temporary management of the Estate, should attach it for arrears of Peishcush under Madras Act II. of 1864: such an attachment would have no legal validity after such a sum had been recovered from the rental as sufficed to liquidate the arrears of Peishcush.

10. It remains to be considered what measures can be taken for the relief of the Zemindary, in the event of the Law Officers pronouncing any transfer of its management not to be binding on the Zemindar's successors. In this event it will clearly be impossible to make any considerable advance from the public treasury for the payment of the debts; but it may still be a question whether, by reducing the allowance payable to the Zemindar and by greater economy of management, arrangements might not be made for paying off the debts gradually, as was done in the case of Vizianagram, without any loan from the treasury. In this case the arrangement would be liable to terminate at any moment on the death of the present Zemindar; but as far as I can see, no practical inconvenience would result from such liability, which, I may observe, was incurred by the Government of Sir Henry Pottinger, when the Vizianagram Zemindary was placed under Mr. Crozier's management.

23rd April 1869.

(Signed) A. J. ARBUTHNOT.

Revenue 1869 April
No 8244
Minute by the
Hon'ble Mr Maltby

Read 23rd April 1869

Ordered that the
Hon'ble Mr Maltby be requested
to lay the Minute on the
Table of the Council

MINUTE BY HIS EXCELLENCY THE PRESIDENT.

THE Zemindar of Ramnaad desires to place his estate under the control of Government, with a view to procure the liquidation of the heavy public and personal debts with which he is encumbered, and to secure his restoration to an improved and unincumbered property hereafter.

In order to carry out this project in a satisfactory manner, it would be desirable that the Government should make a loan to the Zemindar of more than nine lacs, at a moderate rate of interest, for the extinction of private debts now held at 12 per cent; that they should waive the immediate payment of arrears of Peishcush; and that they should appoint a European officer, in the rank of Sub-Collector, to superintend the administration of the Zemindary.

Such an intervention of Government, as I have indicated, would be an unusual measure. It could only be justified on grounds of a very special character. In my humble judgment such grounds exist in the present case. I would justify these concessions on two motives (1): On the peculiar and exceptional causes which have produced the embarrassments of the Zemindar; (2) on the interest of the people.

The family of Ramnaad have twice within the last fifty years experienced the evil of a disputed succession. Twice in this period has there been a prolonged and costly litigation running through all the Courts of the Presidency, and terminating before the Privy Council. The second of these suits was between the family and the Government. What proportion of the debts which have now accumulated may be distinctly traced to the last suit, only determined last year, I cannot affirm. It is certain, however, that the proceedings must have been a grievous charge on the family, both in respect to the actual outlay for law expenses and by the diminution of receipts incidental to a doubtful proprietorship. The Government was conscientiously but, as it proved, erroneously the adversary of the Zemindar; it would be alike generous and politic on the part of Government now to come to the relief of their antagonist.

See for an account of the first law suit the "Gazateer of Southern India," page 396.

The Zemindary of Ramnaad comprises an area of 2,351 square miles, and contains 425,000 inhabitants. It is nearly as large as the Madras District, but the population bears no proportion to the extent. From all the sources of information which are open to me, I have heard but one account of this extensive, half deserted tract. It is the poorest, driest, most neglected region in the Presidency. It is constantly on the verge of famine. The people abandon it in crowds for Ceylon and for the more favoured districts of the Presidency. The *Gazateer for Southern India* says that ten years ago 150,000 persons were believed to have emigrated, about half the population of the Zemindary. This may be exaggerated, but the Missionaries assure me that the emigration is in assent and caused by the exhaustion and mismanagement of the estate. I derive these impressions not only from the Revenue outhorities but from the Roman Catholic Missionaries who are intimately acquainted, with the condition of the Marava country. In the absence of Government interference, I anticipate a long period of native management powerless for good, but fruitful in mischief, concluding with the ruin of the Zemindar, and the complete exhaustion of the cultivators. With Government assistance, an ancient family can easily be restored to a useful and flourishing position, while the country would be benefited by the repair of its ruined irrigation works and the creation of roads.

00. I would not be deterred by the apprehension of making a dangerous innovation or precedent, I would deal with the case on its own a merits. Should a similar case present itself, a case of a Zemindar oppressed by a law suit against Government, and of a people impoverished by chronic scarcity and neglect, I would deal with it in the same spirit.

00. The following simple statement, borrowed approximatively from the information furnished by the Acting Collector, will show how easily the Zemindar and his tenants might now be extricated from their distresses. A few years later the case might be desperate.

00. The gross rental of the Zemindary may be safely set down under a more energetic management at Rupees 6,50,000. The Acting Collector gives the average at Rupees 6,37,921; but the recent years have been most unfavourable, and the existence of the law suit must have acted most prejudicially on the conduct of the cultivators and the authority of the proprietor. I heard it assumed on all sides that with tolerable seasons and an undisputed title the rent would soon rise to eight lacs.

00. From the gross rental we must deduct Rupees 3,24,000 for Government tribute, and Rupees 65,000 (10 per cent.) for the expense of administration. The Acting Collector says Rupees 55,000, but I have always heard it stated that the management of a Zemindary estate may be fairly set down at 10 per cent. on the gross rental. I prefer, therefore, to set down Rupees 65,000.

The net rental would thus be Rupees 2,61,000.

Out of the net rental of Rupees 2,61,000, the Government would have to provide for three principal objects—

(1.) The interest of debt, and a sinking fund for its extinction.
(2.) The improvement of the estate.
(3.) The support of the Zemindar.

The private debts amount to Rupees 9,76,832.

The public debt, or arrear of Peishcush, amounts to Rupees 2,38,082.

We have thus a total debt of Rupees 12,14,914. The schedule of debts states the amount of Peishcush arrear to be Rupees 2,38,082, and the Acting Collector states in his letter the amount of private debt to be Rupees 9,76,832, which would be an aggregate of Rupees 12,41,914; but in his letter the Acting Collector sets down the aggregate at Rupees 12,49,914. The difference is immaterial, but let us say, with any small addition that may since have accumulated for interest or otherwise, a total debt of Rupees 12,50,000, in round numbers.

This amount should be consolidated as a single debt due to Government, paying 12 per cent. annually; 6 per cent. for interest and 6 per cent. for a sinking fund. This charge would at the outset amount to Rupees 1,50,000.

I would next appropriate an annual sum of Rupees 50,000 to improvements on the estate.

There would remain for the support of the Zemindar in the beginning Rupees 61,000.

As the annual sum appropriated to the payment of interest diminished, the amount of revenue thus liberated should be equally divided between the fund for the improvement of the setate and the fund for the support of the Zemindar.

The same rule should be applied to the recoverable arrears which are estimated by the Acting Collector at Ruppees 2,50,000. Supposing these arrears

Revenue 1869 Sept.

No. 3245.

Minute by the
Hon. the Governor

Dated 4th May 1869.

On the loan
asked for by the
Zemindar of Ramnad.

Estate itself originally & Hindu Law. Under these circumstances it is suggested that the Zemindary Ramnad should dispatch a person to Madras fully informed of the character of the Debt required to so that the Govt. Pleader may be able after conference with him to determine what debts can & what debts cannot be laid upon the Estate. In this suggestion I agree. A Vakeel proposed to Sangiah should officiate with the duty of

a representative of the Zemindary at the sales which will be instituted during the minority & for the purpose of realizing the assets. The Zemindar is in debt & it is expedient that he should have as creditor a pledge or public of the value of Estate which is to constitute her security.

I have put up with these papers some documents for update illustration of the means taken in the Year 1816. to extricate the Treasury of Bengal from its embarrassments with excellent effect: It would appear by the letter of the Board of Revenue of the 1816. that the Govt. treasury was the sole creditor of the Zemindars for the amount of 12 Lacks of Sicca Rupees whilst it stands his miscellaneous creditors that the Zemindary was mortgaged as a security to Govt. The money for the payment of the creditors was raised by Govt. by the issue of bonds bearing interest and in about 6 years the State was cleared & restored to its prosperity. The details of the transaction cannot, however, be made out by the papers now before me, but could no doubt be recovered in the Accountant generals office. I suggest that the Boards Revenue be directed to communicate with the Accountant generals office to furnish the Govt with an explanatory Statement &c.

Revenue 1869 Sept

No 3583.

Minute by the
Lt Governor

Dated 3rd Sept
Recd

Regarding the
loan to the Agriculturist
Association.

From 22nd October 69 No 245

No 215

Minute

I agree with the Secretary, the Governor in Council is competent but no Board ought to be established for such purposes. The object of lending the Revenue of Rs aid to Agriculturists is not to make profits for Government but to assist the Agriculturists in improving their property, and the Collector should be instructed to advertise the terms on which he proposes to lend the money, and to receive applications from individuals. I see no reason why some practical method of effecting the desired object should not be devised. The Board

of Revenue and the Accountant General [illegible] as Land [illegible] reports, I intended to submit without delay an explanatory statement of the measures taken for paying off the creditors of the Vizianagram Zemindar in 1816 and the following years.

3. In the mean time I would depute an officer to obtain on the spot full & detailed information in regard to the liabilities of the Zemindar of Ramnad for communication to the Advocate General & Govt. Pleader, and also to report to Government on the present material condition and requirements of the Zemindary. Both these duties, I think, should be entrusted to a European officer (probably the Head Assistant stationed at Ramnad would on account of his local knowledge be the person best qualified for the task), aided by an intelligent Native Official of the grade of Deputy Collector.

4. For the reasons advanced by my colleague Mr Phillips, I consider the course preferable to that suggested by the Govt. Law officers, of calling upon the Zemindar to send a confidential Agent to Madras. A European officer, conducting his enquiries on the spot, will be better able to baffle any attempts that may be made by the Zemindar or his Agents to mislead the Govt. as to the real nature of the several debts, and if the enquiry be conducted in a careful & proper manner, the information laid before the Law officers will be far more reliable than what they would be likely to obtain from an Agent deputed by the Zemindar to Madras for the purpose.

A. J. Arbuthnot

19th August 1859

3/ I agree with the suggestion of Mr Arbuthnot.

58

P. T. Ower

No.

The proposal to appoint the duty of ascertaining the parentage of the Tyeummadan Judicial candidate, to an Enclosed officer, has my cordial assent as being in conformity with a suggestion made in the order on the matter. Such course I think also.—

But, I would press on the Govt a reconsideration of their opinion & intention to charge the Head assistant Collector with that duty.—

Mr. McWatters is at present Ist assistant in Madura. & through in the Madura District that he has assumed such experience as he may hope after 5 years & 8 months service.

Further, he has been almost all that time Shekeiny, or Head Native officer at Ramnad itself, in other intimate communication as Shekeiny with the people of the Palace. I think, I should suppose that an officer somewhat longer service than Mr Wallen, and one who, retired unconnected with the Dist. and Mr Parker, would come to the work fresh and ignorant of the Tyeummadan language, would be a preferable nomination to Mr Mc Wallen.—

I offer no further opinion in regard to the other steps that must hereafter be taken in shape already recorded in how occasion in my belief that the measure in contemplation and sanctioned by the Orders of the Tyeummadan Thesawalamy

23 Sept 1863 [illegible]

No. MINUTE BY THE RIGHT HONOURABLE THE PRESIDENT.

I AGREE with the suggestion of Mr. Arbuthnot.

15*th September* 1869. (Signed) NAPIER.

Revenue 1869 August
No. 3586.
Minute by the
Hon'ble A. J. Arbuthnot

Dated 19th August 1869

Regarding the law
to the Zemindars of
Ramnad.

No. 3819.—22nd October 1869.

V° 248

No. MINUTE BY THE HONOURABLE H. D. PHILLIPS.

THE proposal to assign the duty of ascertaining the particulars of the Zemindar's financial condition to a European officer has my cordial assent, as being in conformity with a suggestion made in the notes on this matter which I wrote some time ago.

2. But I would press on the Government a re-consideration of their apparent intention to charge the Head Assistant Collector with that duty. Mr. McWatters is at present Head Assistant in Madura, and it is only in the Madura District that he has acquired such experience as he may possess after five years and eight months service. Further, he has been almost all that time, I believe, or a large portion of it, at Ramnad itself, in rather intimate communication, as I believe, with the people of the palace. I would suggest that an officer of somewhat longer service than Mr. McWatters, and one who, entirely unconnected with the district and its parties, would come to the work fresh, and ignorant of the Zemindar's hangers-on, would be a preferable nomination to Mr. McWatters.

3. I offer no further opinion in regard to the other steps that must hereafter be taken, as I have already recorded on two occasions my belief that the measure in contemplation is not justified by the circumstances of the Zemindar and the Zemindary.

(Signed) H. D. PHILLIPS.

23rd September 1869.

Revenue 1869 Sept.

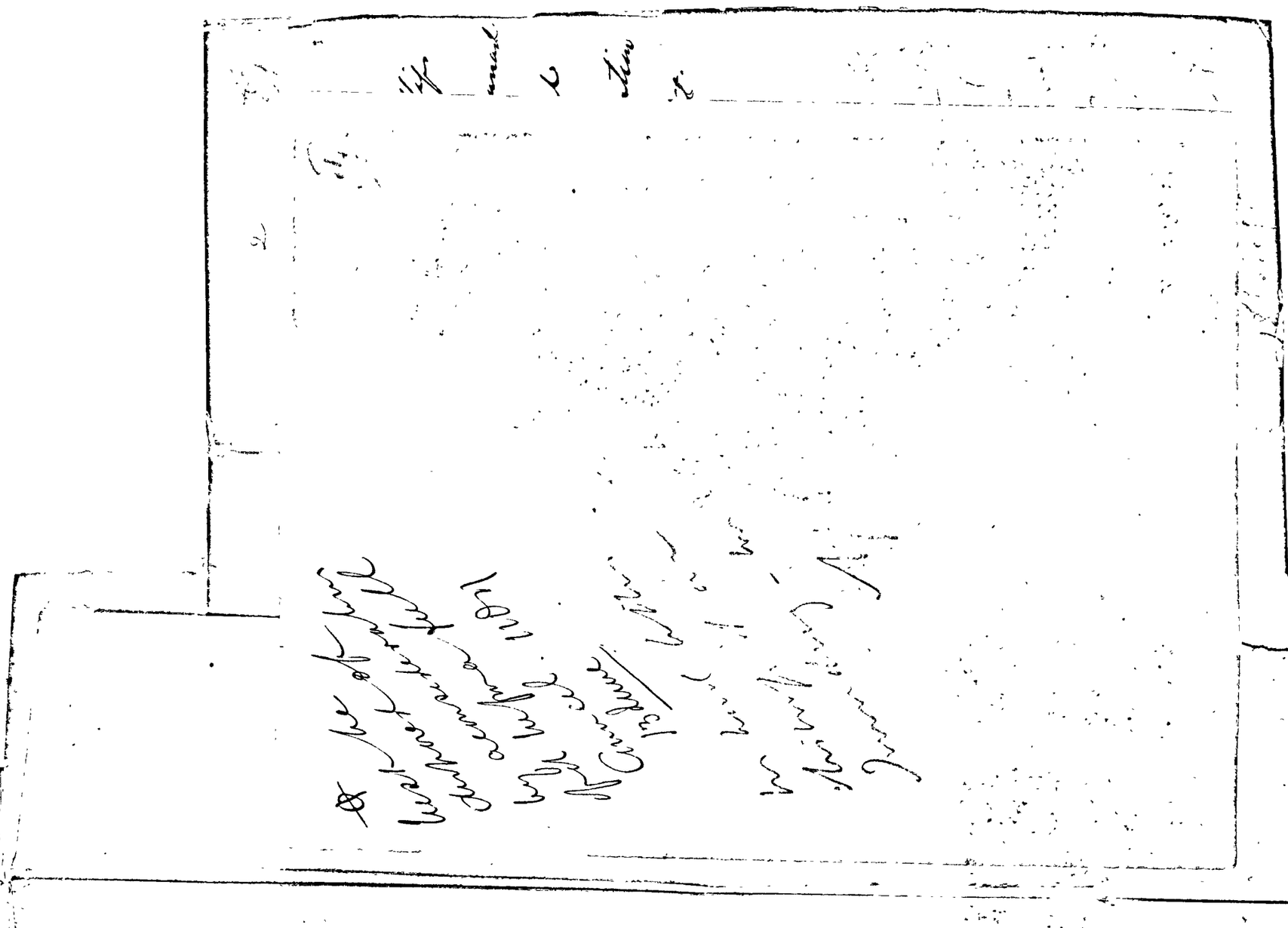
№ 3588.

Minute by the
Hon: H. D. Phillips

Dated 23rd Sept.

Regarding the
Loan to the Bermudas
Railroad.

№ 2819. - 23rd October 1869
B.R. 250.



Nr. 2819. – 23 October 1869
B. Nr. 250.

The Hon.ble Sir Phillip
Bunnte &c &c &c
Case, Commander
for the Circumstances
of H.M.S.te Resistance.

No. 2819. — 22nd October 1819
B No. 250.

Statement showing the Debts of Ramnad Zemindar as stood on 31st December 1868.—

Particulars of debts.	Amount of debt	Rate of Interest	Interest up to December 1868	Total	Amount paid in liquidation of the debt.	Balance.
Arrears of Peshcush of Fusly 1277 due to Government	2,24,404 3 10	1/2 per cent	13,677 15 4	2,38,082 3 2		2,38,082 3 2
Amount due to V. R. Chidumberam Chetty of Devakottay	2,17,006 9 10	1 per Do	10,364 4 4	2,27,970 14 2	18,012 9 2	209,958 5
Do Do to M. Arunachellam Chetty of Do	95,700 5 8	1 per Do	4,466 - 3	1,00,166 5 11		1,00,166 5 11
Do Do to V. Ramanaden Chetty of Do	9,354 5 4	1 per Do	374 2 9	9,728 8 1		9,728 8 1
Do Do to V. R. L. Chidemberam Chetty of Do	92,000 - -	1 per Do	3,680 - -	95,680 - -		95,680 - -
Do Do to Petha Peroomal Chetty the son of the younger brother of A. L. Arunachellam Chetty of Do	2,98,976 9 -	1 per Do	11,468 15 4	3,10,445 8 4		3,10,445 8 4
Amount due to Moothoocamppen Chetty son of V. M. Ramanaden Chetty of Royapuram in the Province of Poodoocottay, out of the amount decreed by Privy Council in favor of Soonjama Nachiar of Ramnad and others, as they made over the amount to him.	1,95,298 12 -	1 per Do	3,254 15 9	1,98,553 11 9		1,98,553 11 9

Statement showing the Debts of Ramnad Zemindar as stood on 31st December 1868.—

Particulars of debts.	Amount of debt	Rate of Interest	Interest up to December 1868	Total	Amount paid in liquidation of the debt.	Balance.
A [illegible]						
Amount due to Sethoo ramaraja Tevar of Ramnad	30,000	1 per Cent.	2,300	32,300		32,300
Amount due to Mr. Norton Barrister at Madras	30,000	No interest.		30,000	10,000	20,000
Total	11,93,340 13 8		49,586 5 9	12,42,927 3 5	28,012 9 2	12,14,914 10 3

Dated 29th January 1869.

/Signed/ V. Sethoo ramaraja Tevar
Agent.

/True Extract Translation/

/Signed/ J. R. Arbuthnott
Offg. Collector

/True Copy/
A. Wellesley
Actg. Under Secy. to Govt.

Revenue Department.

No 2819

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 22 October 1869.

Read again Pro. of Govt Rev. Dept. of 3rd June 1869. No 1362

Read also the following letter from the Advocate General & Solicitor.

Forwarding copy of opinion of the Advocate Genl & the Govt Pleader, relative to the application to Govt by the Vyrmundar of Ramnad for a loan to pay off his debts upon the security of his Zemindarry		9th June 1869. No 302.
Directed by the Rt Honble the Governor		July 1869
Do by the Hon. H. D. Phillips		2nd Aug.
do by the Rt Hon. the Governor		3 Aug.
do by the Hon. A. J. Arbuthnot		9 to
do by the Rt Hon. the Governor		13 Sept.
do by the Hon. H. D. Phillips		23 "

The Government are unable to come to a decision on the question under discussion on the foregoing papers, until they have before them more positive and reliable information as to the present condition, resources and requirements

of

of the Zemindary of Ramnad. They are also of opinion that the essential information required by the Advocate General and Port Trader as to the nature of the Zemindar's private debts, and as stated in their opinion above recorded is more likely to be obtained by a Port officer on the spot than from an agent of the Zemindar deputed to Madras for the purpose of explaining particulars.

His Excellency in Council according resolves to direct that Mr Bliss the Asst Sub Collector of the Madura District shall proceed to the Zemindary, and after making a careful enquiry shall furnish in a complete form the statistical

to the Board.

by Dy Coll[r] T. Venkat Rau, whose services will be temporarily dispensed with in the interim, by the A[s] Coll[r] of Tinnevelly and by a good Accountant from the Collectors cutcheries at Madura.

Mr Bliss shall so employed will be relieved of the Sub Collectorship but will be required to conduct the General duties of the Head Asst's Office, the A[s] Head Asst being placed temporarily in charge of the Sub Division.

I have &c
Secret[y] Rau
Sam[l] M[r] Arbuthnot Esq[r]
&c &c &c
Fort

I must
and Venkatrow

Dy C.

Who assumes
Collector
Collectorship
to the Board which
Statistical returns
Zemindary
Zemindary
Zemindary
Zemindary

Will this include this
summary of 1848?

be relieved on the grounds. Mr Bliss will be assisted in this duty by the Dy Coll[r] in charge of the Treasury and while so employed he will be relieved from the charge of the Sub Collectorship, another officer being appointed to officiate for him.

2. In the meantime the Board of Revenue and the Accountant Gen[l] will be requested to submit to Govt without delay, an explanatory Statement of the measures taken for paying off the creditors of the Vizianagram Zemindary in 1818 and the following years, and of the year 1848.

3. The provisions of the Govt Letter as reported in Fort St George Gazette Letter are sanctioned.

In Public Dept Rec[d] 23 Dec[r] 1848
1 — Mr Bliss Resident at Dindigul & Madura
1 — Mr Cadell Tinnevelly
1 — Madura
6 — Board of Revenue
4 — Govt Collector

G. A. Cadell

Revenue 1869 Departt

No 2819. —

Proceedings of the

Madras Government

Dated 22d October 1869. —

No 244 & 257. —

Received