

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	1144	Press Mis.
17-19 Dated	2-8-1870	10

Not to be folded or roughly handled*mis*

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7

*Proceedings of the Madras Government, Revenue Department,
2nd August 1870.*

Read the following:—

No. 17. Proceedings of the Court of Wards, dated 19th May 1870, No. 3,405.

Read again Proceedings of the Court of Wards, dated 3rd August 1868, No. 5,613, and No. 6,675, of 19th September 1868.

Read also the following letter from C. T. LONGLEY, Esq., Acting Collector of Tinnevely, to the Acting Secretary to the Court of Wards, dated Trichendur, 16th April 1870, No. 156.

In continuation of my report* on Maniachi I have the honour to state, that having given my best consideration to the five schemes proposed by Mr. Puckle

* 29th December 1869, No. 490.

for extricating the Maniachi estate from its load of debt, the conclusion I have arrived at is, that of the five proposals, the third alone, (viz., to sell the home-farm or pannei lands, as contained in paragraph 8, Proceedings of Court of Wards, 7th July 1868, No. 4,976,) is feasible. The first proposal is to sell Mullicheval and Ramanadhapuram of Yelairampannei Division, instead of Perurani and Kara-kurichi, overlooking the fact that the villages it is proposed to sell in Yelairampannei form part of the divisible property of the estate, and for which there are five existing claimants, as shown in the accompanying genealogical tree. Since the assumption of the estate by the Court of Wards, one Bhulokapandia Talavar and others laid claim to three-fourths of one-fifth in the lands of Yelairampannei

Division, etc., and obtained a decree in their favour in Original Suit No. 88 of 1866; and Subramania Talavar, a

nephew of the late Zemindar, subsequently urged his claim to one-fifth share in the same lands (Yelairampannei). This

Vide Proceedings of 4th August 1869, No. 5,728. claim was thrown out in Original Suit No. 8 of 1868, but he has appealed to the High Court; the result remains to be seen.

2. It is probable that the four sons of the late Zemindar now under age will claim their shares in these Yelairampannei lands; at any rate, it would be most unsafe to sell any *but the minor Zemindar's share* in these lands, and this would only give one-fifth of Rupees 40,000 = Rupees 8,000.

3. The same difficulty arises in dealing with the second proposal, viz., the sale of the puttah lands in Government villages, (paragraph 7, letter No. 217, dated 7th May 1868). These lands *are divisible*, and the Courts have already decreed them to be such, (*vide* Board's Proceedings, dated 30th January 1868, No. 749, and 4th August 1869, No. 5,728).

4. The third proposal I have already said is feasible, but will revert to this hereafter.

5. As to the fourth proposal of converting the grain-rent into a fixed money-payment there are no accounts giving any data as to the produce and price of grain previous to the estate coming under management; and, in the absence of such data

*Proceedings of the Madras Government, Revenue Department,
2nd August 1870.*

as well as of any funds to meet the expenses of survey, demarcation, etc., as suggested in paragraph 11 of Mr. Puckle's letter, No. 217, dated 6th May 1868, I think this proposal quite impracticable, and an assessment based upon the reputed extent of lands would give rise to future difficulties and the *modus operandi* be questionable in point of law.

6. The fifth and last proposal is the sale of palmyrahs; the difficulty here arises from the ryots' refusal to redeem the trees on any terms. They assert the trees to be "Podu Sottu," i.e., sown by themselves or their ancestors, and to interfere with existing and, in many cases, immemorial rights would involve us in endless Suits.

7. It now remains to see what amount would be realized by carrying out the third proposal—the sale of the Zemindar's pannei lands and *his share* in the lands mentioned in the first and second proposals. The present liability of the estate is Rupees 1,41,257, (*vide* accompanying Schedule A). The home-farm will fetch Rupees 30,000; the sale of the Zemindar's share in Yelairampannei Division Rupees 8,000; and his share in the puttah lands Rupees 1,500, making a total of Rupees 39,500.

8. It is to be regretted that Mr. Puckle's scheme, which appears so feasible on paper, cannot be carried out in its entirety. But, as I have shown, 39,500 Rupees is all I can see my way to realize, and to accomplish this will necessitate the sale of the Zemindar's pannei lands. Considering the store set on these by all the Zemindars, it seems to me that they should be the last to go, as they may serve (when everything else is sold, as in the case of Chockampatti) to save the Zemindar himself from utter ruin. I presume the Court of Wards will not

Vide paragraph 3 of Proceedings of Court of Wards, 19th September 1868, No. 6,675.

press the sale of these lands, as they only sanctioned the carrying out of Mr. Puckle's proposals conditionally "should he be of opinion that the amount realized by the five items would free the estate from immediate pressure and ultimately from debt," and the sum to be realized by them of such lands will accomplish neither of those objects.

9. Having shown the impracticability of my predecessor's schemes, it will be expected that I should bring forward some more feasible proposition to attain the object in view.

10. The only plan I can hit upon is to seek the necessary relief from Government by a loan on the mortgage of the Zemindary. This was the course pursued to liquidate the debts of the Vizianagram Zemindary in 1816 and 1848, and is the one now, I believe, contemplated in the case of the Ramnad Zemindary.

11. If the Government will consent to lend Rupees 1,41,000, I propose the estate should pay six per cent. per annum interest, and the debt could then be discharged within ten years. The estate will remain under wardship till 1876, when the loan would be reduced to Rupees 70,000, supposing payment at the rate of Rupees 17,000 annually, (*vide* Statement B). I would propose a clause being

*Proceedings of the Madras Government, Revenue Department,
2nd August 1870.*

inserted in the Loan Bond by which the Zemindar should bind himself to allow the estate to remain under the Court of Wards until 1881, by which time the whole of the Government loan would be repaid with interest and the estate free.

12. Two questions present themselves with regard to this proposition—

(1.) Whether there are any debts against the estate besides those that appear in the Schedule A. annexed.

(2.) Whether we can expect the present average net savings of 17,000 Rupees per annum will continue *undiminished*.

13. As to the first point I have made most careful inquiries, and can find no other debts known to exist against the estate, all creditors having come forward and obtained decrees.

14. As to the second I think Rupees 17,000 may safely be taken as the net yearly saving; for, in estimating this amount, I calculated only the estate *and the Zemindar's own share* in the property declared by the Courts to be divisible. I have indeed little doubt that, as observed by Mr. Puckle, the revenue of Maniachi will

be considerably increased* on the completion of the northern (Strivycuntum) channel to Tuticorin. It is now almost completed, and runs through the Karakurichi Division, by which 1,000 acres of land at present waste will be brought under wet cultivation. The value of land will also rise on account of the railway now about to be commenced running right through the estate.

* *Vide* paragraph 13 of Collector's letter, No. 217, of 7th May 1868.

15. Before concluding I may mention that the guardian, Sivarama Talavar, was anxious for me to submit a proposal to borrow the sum required from the Nattukottai Chetties; but on making inquiries, the rate of interest, twelve per cent., and the discount (26,000 Rupees) demanded was so exorbitant that the idea of borrowing from them was abandoned. My present proposal has the cordial support of the guardian and the minor's mother, Shanmugavadivu Talavachi, who are both most anxious to see the estate saved from ruin. My proposition will certainly effect this, and it has the further merit of not calling in question existing rights, the great blot of former proposals.

16. In reference to the accompanying Proceedings of the Civil Court I have shown cause against the sale being made absolute pending the Proceedings of the Court of Wards on this letter. I request the Court's early orders.

Proceedings of the Madras Government, Revenue Department,
2nd August 1870.

A.
Schedule of Liabilities against Maniachi estate.

AMOUNT OF DEBTS.				Paid during the current Fusly.	Balance.	Interest payable according to decreed rates for a year.	Interest at six per cent. on the amount exhibited in column 6.
As reported in the Collector's Report of 20th December 1869.	Since decreed.	Interest of the current Fusly.	Total.				
1	2	3	4	5	6	7	8
ES. A. P.	ES. A. P.	ES. A. P.	ES. A. P.	ES. A. P.	ES. A. P.	ES. A. P.	ES. A. P.
1,38,257 5 8	4,000 0 0	10,000 0 0	1,52,257 5 8	11,000 0 0	1,41,257 5 8	9,137 15 4	8,460 0 0

TRICHENDUR,
16th April 1870.

(Signed) C. T. LONGLEY,
Acting Collector.

B.
ENCLOSURE No. 2.
Schedule of Assets, etc., of Maniachi estate.

REVENUE DERIVED FROM ESTATE.		Total.	DEDUCT		Net average balance per annum.
Number of villages.	Revenue.		Peishench to Government.	Maintenance allowance to members of family and management charges.	
30	ES. A. P. 25,413 0 0	ES. A. P. 28,682 11 11	ES. A. P. 7,727 0 2	ES. A. P. 3,955 11 9	ES. A. P. 17,000 0 0

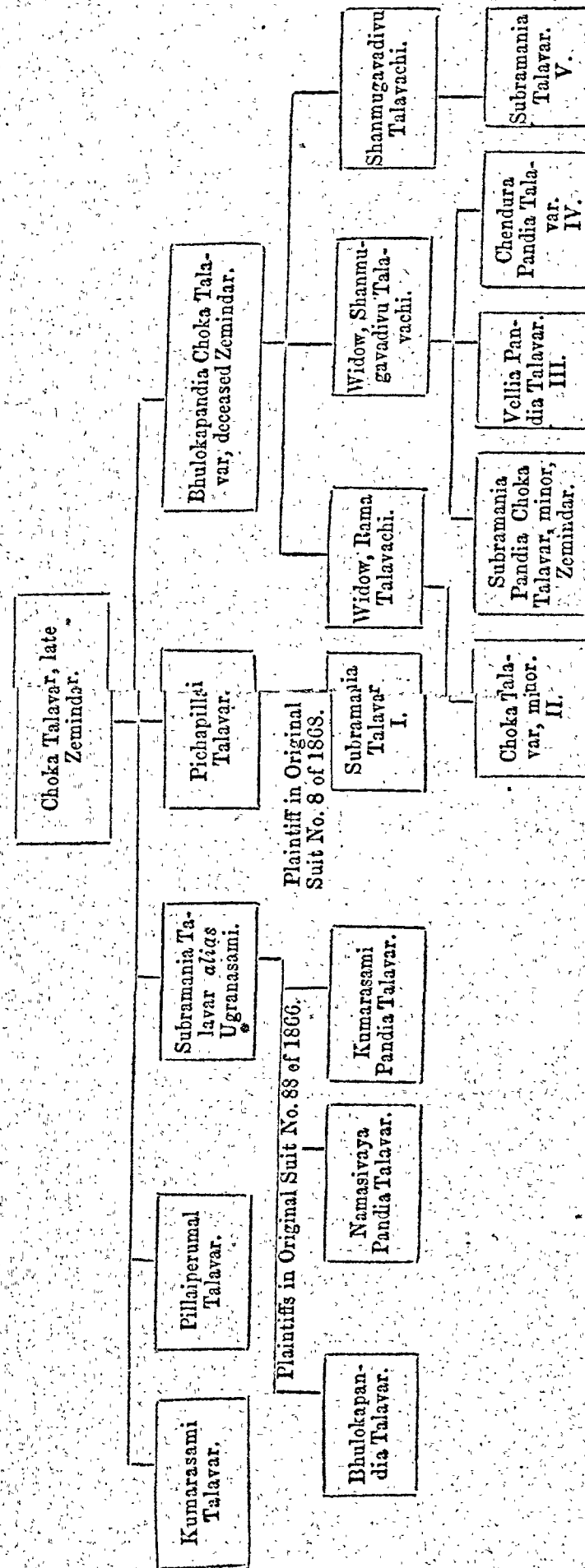
TRICHENDUR,
16th April 1870.

(Signed) C. T. LONGLEY,
Acting Collector.

Proceedings of the Madras Government, Revenue Department,
2nd August 1870.

ENCLOSURE No. 3.

Genealogical Tree.



TRICHENDUR,
16th April 1870.

(Signed) C. T. LONGLEY,
Acting Collector.

NOTE.—Roman figures denote the existing claimants to divisible property.

*Proceedings of the Madras Government, Revenue Department,
2nd August 1870.*

ENCLOSURE No. 4.

No. 230.

Proceedings of the Civil Court of Tinnevely, under date 25th March 1870.

Read Miscellaneous Petition No. 304 of 1870, presented by Nellanayagum Pillay, Pleader for plaintiff in Original Suit No. 14 of 1866 on the file of this Court, praying that the Court will order the sale of the villages of Perurani and Karakurichi Vanithum, attached to the Zemindary of Maniachi, which is under attachment in satisfaction of the decree passed in the above Suit.

ORDER.—A sale of this estate was ordered twenty months ago, and staid by Mr. Child on the representation of the Collector Mr. Puckle, (see letter No. 1,708, dated 7th May 1868.) The sale now will be carried out as the plaintiff has as yet been paid nothing. The amount of the decree in this Suit is 80,000 Rupees. The Court learns that the Peishcush payable on the villages of Karakurichi and Perurani Vanithum has been ascertained, and there is therefore no reason why the plaintiff should be kept out of his money.

Ordered that the Collector be requested to show cause against the sale in ten days, and, on failure to show cause, the order for sale to be made absolute.

(True Extract.)

(Signed) E. F. WEBSTER,
Acting Civil Judge.

SUBMITTED for the orders of Government.

2. In their last Proceedings quoted above, the Court authorized the Collector to carry out certain proposals made by the late Collector Mr. Puckle, to free the Maniachi est. from debt without dismembering it by the sale of two of its more important ests.

3. Mr. I. now reports that the proposals are in his opinion impracticable, as the only practicable means of relieving the estate, that a Government loan should be raised bearing interest at six per cent. for the whole amount of the advances (spec. 1,411,000).

4. The Court concur with the Acting Collector in thinking that most of the late Collector's proposals are either impracticable or at any rate unadvisable, and see no chance of raising more than Rupees 9,500 by the sale of the *minor's share* in the twelve outlying villages and the puttah lands in Government villages.

5. As to this sale, however, there appears to be no objection, and it should be carried out at once.

6. The Court are unable to support the Collector's suggestion to raise a loan. As a matter of finance the measure does not commend itself, and the debt could not be worked off for ten or twelve years. This, however, is a point for the consideration of Government. The fact of the minor's having brothers junior to himself makes it improbable that the estate will pass out of the guardianship of the Court even in the event of the present minor's death; but he comes of age in 1876.

7. The Court very much doubt the expediency of interfering in this unusual manner to save these bankrupt estates, and are of opinion that the Collector should be directed to let things take their course, merely observing, so far as he can, the course of events so as to avert damage to the estate as much as possible. He might perhaps induce the Tirukkurangudi Talayar or other relative of the minor to become a purchaser.

*Proceedings of the Madras Government, Revenue Department,
2nd August 1870.*

No. 18. Proceedings of the Court of Wards, dated 18th June 1870, No. 4,239.
Read the following letter from C. T. LONGLEY, Esq., Acting Collector of
Tinnevely, to the Acting Secretary to the Court of Wards, dated
Trichendur, 7th May 1870, No. 195.

REFERRING to the Proceedings of the Court of Wards, No. 2,803, dated 26th April 1869, sanctioning payment of Rupees 1,877-8-0, being the debt due to one Nattukottai Patchappen Chetty from the funds of the Maniachi estate, I have the honour to state that on applying to the Civil Judge who had attached the surplus proceeds of the estate for the benefit of the Judgment creditors, for leave to pay the amount due to Nattukottai Patchappen Chetty, the Court refused to comply with my request, observing that "the Court of Wards has no power to spend any income of the Zemin in payment of debts or otherwise, while the income of the estate is under attachment." This was duly reported to the Court of Wards, *vide* paragraph 14 of the Collector's report on the Settlement of estate, dated 29th December 1869, No. 490.

2. Patchappen Chetty then filed a Suit in the Principal Sudder Ameen's Court, and the Collector filed an answer admitting the validity of the claim (on the strength of the sanction of the Court of Wards already accorded) the Sudder

* 15 February 1870.		RS.	A.	P.	Wards already accorded) the Sudder
Principal and interest as per					Amcen decreed* in favour of the plain-
decree	3,265	7	7		tiff, directing the Collector, at the same
Plaintiff's costs to, before the					time, as the local representative of the
the estate	220	11	7		estate, to pay to the plaintiff Rupees
					3 486-3-2. as per margin, together with
Total ...	3,486	3	2		

interest up to date of payment and also to bear his own costs.

3. Copy of decree is herein enclosed.

4. The order alluded to in paragraph 5 of the decree is the proceedings of the Civil Court, mentioned in the 1st paragraph.

5. The present debt forms part of the whole amount of debt referred to in my letter No. 156 of 16th April, wherein I have submitted my proposal for the liquidation of this and other debts to the best advantage of the estate, and on which I request the early orders of the Court.

Enclosure No. 1.

ENCLOSURE No. 1.
In the Court of the Principal Sudder Ameen at Tinnevely, Tuesday the 15th day of
February 1870.

PRESENT.—A. P. SHRINIVASSA, Principal Sudder Ameen.

Plaintiff *versus.* *Defendants.*
 Natchayyan Chettiar. Kattana Talavachiar and 10 others.

Suit for Rupees 2,189-15-7, being the principal and interest of the instruments A. and D. The defendants 1 to 10 are sued as the sons and wives of the deceased obligor, the late Zemindar of Maniachi, and the 11th defendant, who is the Collector of the district, as the local Agent of the Court of Wards, under whose management the Zemindary was.

2. The 11th defendant, who alone has appeared, admits the plaintiff's claim, but pleads that it has been satisfied in consequence of an order of the Civil Judge.

*Proceedings of the Madras Government, Revenue Department,
2nd August 1870.*

3. *Krishnasawmy Aiyar* appears for the plaintiff, and the Government Vakeel for the 11th defendant, the other defendants not appearing in person or by Vakeel.

Plaintiff's documents.

A.—Bond executed by the late Zemindar of Maniachi to the plaintiff for Rupees 1,000 on the 26th October 1863.

B.—Petition presented to the Collector of Tinnevely, requesting payment of the above debt from the proceeds of Maniachi estate.

C.—Do. do. do. with the order of the Collector thereon.

D.—Account of cloth dealings between the plaintiff and the late Zemindar of Maniachi.

E.—Petition presented to the Collector of Tinnevely, requesting payment of the debt mentioned in D., from the Maniachi estate.

4. *Judgment.*—The 11th defendant, who is in charge of the deceased obligor's estate, admits the debt, but pleads in justification of non-payment an order of the Civil Judge. This order has not been produced, and I am therefore unable to say what that order was, and whether it was legal or otherwise. I must therefore give judgment for the plaintiff upon the 11th defendant's admission.

5. There will accordingly be a decree directing the 11th defendant to pay to the plaintiff, out of the deceased obligor's estate, the debt sued for and costs. The interest on the principal, since the Suit, and that upon the costs will be at six per cent. per annum.

(Signed) A. P. SHIRINIVASSA,
Principal Sudder Ameen.

ENCLOSURE No. 2.—Copy of Decree.

Submitted for the information of Government.

2. The payment of Rupees 3,486-3-2 is sanctioned.

3. The Collector's proposals for freeing the estate from debt have already been laid before Government with Proceedings No. 3,405 of the 19th ultimo.

4. The Court observe from the *District Gazette* that two villages belonging to the estate are to be sold on the 11th and 13th July.

No. 19.

ORDER THEREON, 2nd August 1870, No. 1,144.

Miscellaneous.

The Government concur in the opinion expressed by the Court of Wards in the foregoing Proceedings to the effect that the only feasible proposal of the Collector is that involving the sale of the minor's share in the puttah lands and the two outlying villages. The Court should certainly endeavour to retain intact the minor's interest in the home-farm or panner lands. Any alienation of such land situated close to the Zemindar's residence might eventually be repugnant to his dignity and interest.

(True Extract.)

(Signed) H. E. STOKES,
Under-Secretary to Government.

To the Court of Wards.

Exd. F. R. Bantleman.

Revenue Departⁿ

Memo. for Orders on 16/11

Question - What steps are to be taken with a view to free the Mamiachi Estate in Tinnevely from debt.

The Mamiachi estate in Tinnevely now under the Court of Wards is Rs. 1,44,000 in debt. The minor Zemindar is Subramania Pandia Shokkatalavar who, in 1886, was declared legal Zemindar by the Civil Court of Tinnevely in preference to his brother Shokkatalavar.

In reporting this fact to the ^{Collector} Court of Wards, the brought forward certain schemes

for

[†]Proceedings of Govt. Rev. Dept., dated 24 July 1880, No 2032.

Reported to England
18/8/1880
18/8/1880

Govt. of 1870

REVENUE.

To

THE COURT OF WARDS.

Dated August, 2nd.

Recd.

File.

G. O., 2nd August 1870, No. 1,144.

AUGUST.

Nos. 17-19.

Mamiachi estate in Tinnevely. - Proceedings of Court of Wards regarding proposals to free the estate from debt, with orders thereon.

for freeing the estate from
the debts at that time
aggregating Rs. 1,12,576, in
which it was involved.

3. He proposed (1)
that the two ^{villages} outlying, named
Mullaisoval and Ramanad-
apuram, 30 miles from Ma-
niachi should be sold, which
would raise Rs. 40,000; (2)
that the Zemiudais puttah
lands in Govt. villages, which
would fetch Rs. 7,000 should
be sold; (3) that the right
of farming 627 acres of
home-farm, dry land should
be sold for Rs. 30,000;
(4) That a similar sum
should

9
should be raised by the
conversion of the grain
rent on certain wet land
to money rent, and de-
claring the occupancy
of the tenants permanent;
15) that the assessment
on certain palmyra trees
scattered about the estate
should be sold for Rs. 30,000.

and 16) that the dry
land assessment of the
estate should be lowered,
in return for 10 years'
purchase of the reduction
by the ryots, an arrange-
ment which would raise
Rs. 30,000.

4. Mr. Longley now
thinks

thinks that with the exception of No. 3, all these proposals are impracticable, because in the first and second cases the lands are divisible. Three of the minor Zemindars' consents have already gained a suit for three-fourths of the division in which the two out-lying villages are situated and a claim to another fifth of the same lands is now pending before the High Court. In the fourth case the plan could not be carried

out

4
out, owing to the absence of data, funds &c, and the ryots would not consent to the fifth proposal.

5. Mr. Longley has overlooked Mr. Puckle's sixth proposal, but as submitted by Mr. Puckle it is very crude, and simply amounts to making the ryots advance a portion of their assessment for the succeeding ten years. A similar plan may be practicable enough with Zemindars, but with ryots, who as Mr. Puckle admits, are already overtaxed, it

it probably could not be carried into effect.

6. Mr. Longley disapproves of Mr. Puckle's fourth proposal, because he thinks that the Zemindar's Pannet lands should be the last to go, as they may serve to save him from utter ruin.

7. Mr. Longley's proposal is that Govt. should lend the estate Rs. 1,41,000 to be repaid in ten years by instalments of Rs. 17,000 per annum, with interest at the rate of 6 per cent. He believes that Rs. 17,000 may be taken as the net yearly saving of the
estate

estate.

8. The Pt. of Hards recommends that Nos 1 and 2 of Mr. Puckle's proposals be carried out to the extent of selling the minor Zemindar's fifth share in the two outlying villages of the estate, and in the puttah lands in Govt. villages. According to Mr. Puckle's estimate, the sale of these properties would fetch Rs. 47,000 - one-fifth of which would be Rs. 9,400. But this property although divisible is ancestral, immovable property and cannot
be

be alienated by the Zemindar, or on his behalf by the Court of Wards. It is only his life interest in it which can be sold, and this would probably fetch a very small sum.

G. H. presumed that the present state of the exchequer will prevent the procurement of Mr. Longley's proposition that the Government should make the Zemindar a loan, and under the circumstances, it is submitted that that portion of the Proceedings of the Court of Wards, in which they declare themselves opposed to interfering in

The Just. Pleader says the sale is legal.

in an unusual manner to save bankrupt estates, may be approved.

10
J. H. S.

A loan seems borne out of the question. The minority Express in 1876 - and the existing fact were in a position to lend the Estate the sum of Rs 141,000 at 5% interest more than 80,000 Rs would, I calculate, remain unpaid when the minority & the Court's Wardship Express - Under these circumstances I see no alternative but to adopt the Mr. H. S. plan. The best plan I think would be for the Court to leave the Court to sell the Minor's share in the outlying villages - & keep rights in the four villages first - and then the other two villages - in the order which seems advisable.

to the Court of Wards
 but for the minor's
 interests - in the
 nature of this project -
 and for the full
 benefit in the
 other ~~Colo~~ Cre.
 Sions.

L.S.

A.A.

See in form of selling the
 two villages under
 the right of the State
 and the minor's interest
 in pottah lands is -
 villages which are
 complicated interest &
 worth little to him. See
 against giving up the home
 farm of 827 acres to right
 with perpetual rights. But
 an alienation of land near the
 Zemindar's Residence might
 certainly be repugnant to
 his dignified interests. M
 C. 9th July 1900 R. B.

Mano
 Proposal Office
 Chanderah Estate
 in Tamiraparani District
 from Chittoor

Council

1/11

should not be done in his
 minority. He might do it if
 he likes when he comes of age.
 I am also against the removal
 of grain sent to my rent
 against the sale of the
rental Palangas here and
 the timing of the dry land
 as before.

I would strongly sanction the
 sale of the Zemindar's interest
 in the outlying villages & the
 Pottah lands. If these
 measures were raised R. 4000.
 it would reduce the debt to
 a lakh. The farm to be sold
 would still be able to pay
 about R. 15000 for 6
 years. That would clear
 R. 90,000. and leave the
 minor's land & estate
 nearly unincumbered.
 A loan is not the
 question. It is the
 question of the
 question in Council.

118

nos 1611 & 1929

G. O. No. 1144

N.

M. H. C.

M. A.

The first concern
 is the opinion expressed
 by the Bd of Rev in
 the foregoing Proceedings
 to the effect that the
 only feasible proposal
 of the Colo. is that under
 the sale of the minor
 there is the Pottah lands
 and the two outlying
 villages. The Council
^{certainly}
 should endeavour
 to retain intact the

minus interest in
the Home farm on
Pawnee lands. To
any alienation of such
land situated near
to the Union's residence
might eventually be
injurious to his dignity
and interest.

JMS
JMS

2^d Augt 90

114 F. H. Board of Ward 0290