No. 189. Read the following Proceedings of the Board of Revenue, dated 4th November 1871 :—

Read the following letter from W. McQUHAE, Esq., Acting Collector of Madura, to the Acting Secretary to the Board of Revenue, Madras, dated 21st October 1871, No. 311.

With reference to the Order* of Government, dated 11th September 1871, No. 1,580, I have the honour to submit a memorandum on the Ramnad Zemindar's affairs prepared by Mr. Bliss, with fourteen enclosures marked A. to N.

* Board's Proceedings, dated 25th September 1871, Miscellaneous No. 3,375.

2. The Huzur establishment at Ramnad may be re-modelled at once, and the scale proposed by Mr. Bliss seems suitable for the present, and can be modified after further experience of its working. The Zemindar's Sheristadar must be retained, for the reasons stated by Mr. Bliss. I think also that one Accountant at Rs. 15, and two Shroffs at Rs. 10 each, will be necessary to assist the Branch Treasury Shroff at Ramnad in business connected with the talook remittances. The existing establishment at this Branch Treasury consists of—

		Rs.
1	Head Shroff	35
1	Deputy do.	15
1	Gollah	7
1	Massalji	5
	Total...	62

3. The Huzur establishment will thus cost Rs. 810-8-0 a month in place of Rs. 2,060-8-0, the present cost exclusive of Saderward. A considerable portion of this saving, however, arises from the dismissal of law agents, and some cost must still be incurred on that account.

4. With regard to Talook establishments, I think that the necessary reforms must be introduced gradually, and no immediate alteration can be safely made beyond dismissing a few useless servants, such as the Karyastans of certain creditors. It will be one of the first duties of the officer placed in charge of the estate to consider and report upon Talook establishments, and I see no reason why the number of talooks should not be ultimately reduced to five.

5. The chief difficulties we shall have to contend against in the management of this estate are, first, the want of money to repair irrigation works, and second, the complicated system under which the land revenue is collected.

6. Punjah land is classified and assessed as in Government villages; but there is an additional tax called "Padar Kanike," amounting to a little over 2 Annas an acre. In addition to cowles and several other favourable tenures there are four especially troublesome descriptions of land tenure, namely :—

1. Varam or sharing system, applicable to ordinary crops on nunjah land.

2. Nunjah Van pire, applicable to special products, such as betel, sugar-cane, plantains, etc., grown on nunjah land.

3. Nunjah Mel Punjah, or land which is assessed like punjah but is capable of irrigation in some years. When it is irrigated it pays double the punjah rate.

4. Punjah Van pire, applicable to special products, such as tobacco, chillies, brinjals, etc., grown on punjah lands.

7. To illustrate the sharing system for paddy, if we take the village of Pallimadan Cusbah of the largest talook and suppose the yield of a calam of seed-land to be 100, the division will be as follows :—

Ryot's share of half the gross produce ...	= 50 per cent.
Special allowance to the cultivator	= 2 do.
Magamai allowance to certain Devastanams...	= $2\frac{1}{2}$ do.
Fees to Village Artificers	= $1\frac{3}{4}$ do.
Zemindar's share	= $43\frac{3}{4}$ do.
	100

8. The allowances and fees vary in different villages, and all productive nunjah land pays an additional rate called "Nela Vari" amounting to $3\frac{41}{16}$ Fanams per calam of seed-land. This is equal to about Rs. 0-9-4 an acre, and is not paid for shavi or other unproductive land.

9. Special products, such as raggy, vali, varagu, chillies, brinjals, tobacco, etc., grown in nunjah land pay the value of the average melvaram of paddy in the village according to the price fixed for the sale of paddy. Second-crop cultivation in nunjah pays the same varam and money rate as the first crop.

10. Nunjah Van pire.—Betel gardens in nunjah pay Rs. 55-10-11 per calam of seed-land as three years' rent, one-third being collected each year. Plantains pay in the same way Rs. 14-13-7 as the rent of three years, but sugarcane pays Rs. 14-13-7 each year.

11. Punjah Van pire.—Tobacco cultivated in Punjah or Nunjah Mel Punjah and not irrigated from a tank pays special rates, which vary from Rs. 12-10-8 an acre to Rs. 5-8-7 an acre. Chillies, brinjals, etc., cultivated in similar land without irrigation pay special rates varying from Rs. 5-8-7 to Rs. 2-12-4 an acre. If the above crops be irrigated, double the assessment is charged.

12. This incomplete account of the revenue system of a village is merely meant to show how great room there is for fraud. The Curnums' accounts are kept on cadjans which can scarcely be read by any one but themselves, and for many years the operation which passes for a jammabandy has been done at the Ramnad Cutcherry about the month of October, or more than three months after the close of the fusly.

13. It is evident, therefore, that some improvement in the revenue can be effected by an improved system and the careful supervision of the officer appointed to look after the estate. But, after making due allowance for increase from improved management, I doubt whether we can pay Rs. 1,40,000 in addition to peishcush without money to repair the irrigation works. With money to repair the tanks the revenue of the estate can be raised to ten lacs in two or three years.

14. I have made a rapid tour through the zemindary, and I need only say that I found the tanks in a worse state than they were when Mr. Bliss reported last about them. In many places the tanks have been abandoned for storing water,

and a little wet cultivation is carried on by means of a channel cut through what once was a bund. Mr. Bliss estimated that $4\frac{1}{2}$ lacs would be necessary to repair existing works, and every year that the repairs are delayed their cost when ultimately executed will be greater.

15. I think that Mr. Bliss has said in his memorandum all that requires to be noticed at present. With regard to compromising the debts which are not chargeable to the estate, I beg to point out that we could not defend a suit instituted against the Zemindar by any of those creditors, and that their position is not such as causes them any anxiety regarding their money at present. Any reduction that may be effected will, therefore, be small, and cannot be considered in a general view of the Zemindar's affairs.

16. I shall pay seven lacs and a half to the creditors in the order recommended by Mr. Bliss in paragraph 18 of his memorandum as soon as the Zemindar signs the necessary bond, the mode of payment having been already settled by the Acting Accountant-General; and I trust that Government may be able to increase their loan. I hope that an officer may be appointed at once to take charge of the estate, in order that he may be here with as little delay as possible. An officer of some experience is required, and I have no doubt that he can save his pay to the estate.

The Board resolve to submit this letter (to be returned) with its enclosures (in original) for the *early* orders of Government.

2. They have had a consultation with the Government Solicitor, and recommend that he should go down to Ramnad as soon as possible and make arrangements in communication with Mr. Bliss (through the Collector) and the creditors holding mortgages for the transfer of their mortgages to Government, so that the estate may be handed over free of all incumbrances.

3. The nine and odd lacs might then be advanced at once for the liquidation of all debts chargeable on the inheritance, and the remaining two lacs and fourteen thousand Rs. (2,13,969) could either be paid off at once, or out of the assets and the income as it accrues.

4. The mortgages on the estate being once transferred to Government there seems to be no risk in advancing money to clear it, because even in the event of the Zemindar's death the property would come under the management of the Court of Wards, his sons being young infants.

5. The Board defer entering into the details of the management of the estate now as it is of the utmost importance that no time should be lost in getting the estate into the possession of Government as mortgagee, so as to prevent further alienations. Meantime Mr. McQuhae has been instructed demi-officially to warn the Zemindar that if he is found to have alienated any more of the assets of his estate since accepting the terms offered by Government the loan will in all probability be withheld.

6. The Board merely note here that the amount of some of the alienations described by Mr. Bliss is probably susceptible of reduction.

7. Such of the debts as are not chargeable on the inheritance and not secured by mortgages may also be reduced considerably; and it is not unlikely that many

of the mortgagees might prefer to let the principal stand over for a time, taking Government security for the payment of a reasonable rate of interest out of the revenues of the estate and the gradual liquidation of the principal.

No. 190. Petition of MUTHU VIJAYA REGUNADA SATHUPATHI, of Sevvoor village, attached to the Zemindary of Ramnad, Madura District, to the Right Honourable the Governor in Council of Fort St. George.

HUMBLY SHOWETH AS FOLLOWS.—Petitioner has been given to understand that the Madras Government is about to advance to the present holder of the Zemindary of Ramnad a sum of 14 lacs of Rs. on the security of the estate, and to take its management themselves till the amount is satisfied from its revenues.

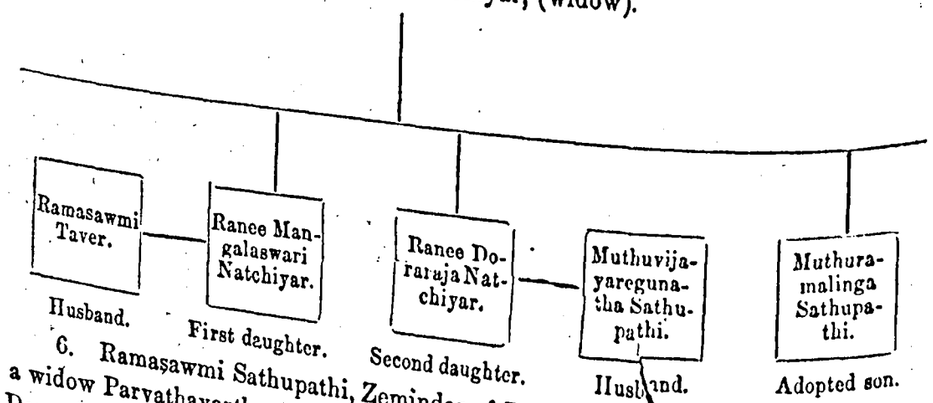
2. Petitioner takes this opportunity of bringing to the notice of your Lordship in Council his claims to the said Zemindary of Ramnad, and he does so from the belief that the proposal now intended to be carried out by the Madras Government in connection with the said Zemindary is likely to affect his rights and be prejudicial to his interests in case he should succeed in establishing his title to the Zemindary by means of a Court of Justice.

3. The present liabilities amount to an enormous sum, and they, your petitioner believes, are not *bona fide*, creating a valid charge upon the estate, and therefore the sum now proposed to be advanced by the Madras Government to satisfy these debts cannot be a valid charge also upon the estate.

4. These are the considerations which induced your petitioner to address this Memorial to your Lordship in Council, and he begs leave to detail the nature of his claims briefly as possible.

5. The following is the Geneological Tree showing the relationship of the parties claiming the Zemindary :—

Ramasawmi Sathupathi and
Ranee Sathupathi Parvathavarthani Natchiyar, (widow).



6. Ramasawmi Sathupathi, Zemindar of Ramnad, died in April 1830, leaving a widow Parvathavarthani Natchiyar and two minor daughters, Mangalaswari and Doraraja Natchiyar, and at his death he constituted the aforesaid two daughters heiresses of his estate in supersession of his widow. Mangalaswari Natchiyar died as a minor without any issue, and the whole estate rested exclusively on the second daughter Doraraja Natchiyar. Her guardianship was undertaken by the

Madras Government, and the management of the estate was taken by the Court of Wards during her minority. She died in 1845, leaving a Will to the effect *that her mother was first to enjoy the Zemindary and other estates belonging to her during her mother's lifetime, and that her (Doraraja Natchiyar's) husband should succeed to the estate after the mother's death, etc.* Parvathavarthani Natchiyar succeeded to the estate, and in 1847 she adopted Muthuramalinga Taver, the present holder of the Zemindary. His adoption was questioned by the Madras Government and several other parties, and it was ultimately decided by the Privy Council in favour of the adoption.

7. Petitioner is the lawful husband of Doraraja Natchiyar, and as such is entitled, under her Will above-mentioned, to succeed to the Zemindary of Ramnad after the death of Parvathavarthani Natchiyar.

8. Petitioner, in April last, filed a suit in the Civil Court of Madura to establish his reversionary right to the Zemindary; but the said Parvathavarthani Natchiyar having died since, the suit was withdrawn.

9. Petitioner is about to file a regular suit for the possession of the Zemindary shortly, and hopes, by the grace of God, he will succeed in establishing his title.

10. Petitioner herein submits a copy of the will above-mentioned.

COPY OF WILL.

I, Hiranea Garbayagi Ravikula Ranee Doraraja Natchiyar, the heiress of Zemindary of Ramnad in the Madura District of the Madras Government, do hereby give a Will to you (my adopted son Annasawmi alias Sivasawmi).

My father Ramasawmi Sathupathi was the Zemindar of the said Ramnad Zemindary. When he was enjoying the Zemindary he died having no male child. Before the time of his death, my sister Mangalaswari Natchiyar, my mother Parvathavarthani Natchiyar, who is the Pattama Stree of my father, were alive. As we, first my mother and after her death my sister and myself, were heiresses to the Zemindary and other estates and debts after his (father's) death and according to the Hindu law; so my father and my mother, by more affection which they had on me and my sister, made heiresses to the Zemindary of Ramnad and other estates and debts, and sent an arzi to the Collector of Madura on the 19th April 1830, stating that at first my sister should enjoy all the estate and debts, and after her death I should enjoy the whole of the Zemindary and other estates, etc. Accordingly the Government accepting this proposal treating in the same manner. As I am suffering from severe sickness, called Vishapaudoo since three months, and I am doubting that I will be recovered from the said sickness, and I am fearing whether or not God will keep me with life, so having all of my relatives and servants and Poorahithas, and getting permission from my relatives I and my husband with one heart, according to the Sastra, adopt you (Annasawmi alias Sivasawmi, who is aged four, and who is the son of my husband's brother). Although you (my adopted son) are heir of whole of the Zemindary and other estates and debts and funeral ceremonies, yet my mother is not only first

heir to enjoy the whole of the Zemindary and other estates and debts according to the Hindu law and to the rulings of the Government, but also my husband should manage the Zemindary of Ramnad and other estates according to my mother's order. *After my mother's death the whole of the Zemindary should be enjoyed by my husband, and then* (after his death) you my adopted son should enjoy the Zemindary and other estates and debts. If I be alive and bring forth child I will protect the child as elder and you as younger.

So I did make this Will with my sense and with my clear conscience and with my will.

This Will has been written by Rayasam Veerapathra Pillai before presence of undersigned witnesses.

(Signed) RANEE SATHUPATHI DORARAJA NATCHIYAR.
(„) MUTHU VIJAYA REGUNATHA SATHUPATHI.

WITNESSES.

Mennandi Kadambavana Taver.
Do. Aiyasâwmi Taver.
Do. Ponniya Taver.
Pudumadan Sivagnana Taver.
Manovirthi Vicharanai Muttaya Pillai.
Ramnad Vippathu Ponnappa Pillai.
Pushpavana Mahuthava Kurukkal.
Poorahithum Sami Aiengar.
Do. Streenivassa Aiengar.

Signed in this way in the fresh copy.

No. 191. Petition of MOODOOVIJIA REGUNADA SAITOOPATI, residing in Sevoor Canmancottah Talook, attached to the Ramnad Zemindary, Madura District, to His Excellency the Governor in Council of Fort St. George.

HUMBLY SHOWETH,

That the petitioner is the lawful husband of Dooraraja Nachiar (deceased), the late Zemindar of Ramnad.

2. That, under the death-bed arrangements made by the said Dooraraja Nachiar, her mother Rani Saitoopati Parvadavardani Nachiar was enjoying the zemindary of Ramnad, and from the date of the death of the said Parvadavardani Nachiar, which occurred in June last, the petitioner is, under the said arrangements of his wife, the rightful owner of the zemindary and justly entitled to get possession of the same.

3. That in opposition to the petitioner's rights, one Moodoramalinga Taver is now in possession of the zemindary and pretending that his claim is preferable to that of the petitioner.

4. That before the death of the said Rani Parvadavardani Nachiar, the petitioner, acting under the best legal advice, filed a suit in the Civil Court of Madura

against her and the said Moodoramalinga Taver praying for a declaratory decree to establish his claim to succeed to the zemindary of Ramnad after the death of the said Parvadavardani Nachiar; but as the said Ranee died before the suit was registered, petitioner was obliged to withdraw that suit.

5. That the petitioner, in consequence of the death of the said Ranee, which placed him in a position of seeking for immediate possession of the zemindary, has instituted another suit on the 31st October in full stamp to that effect in the Civil Court of Madura against the said Moodoramalinga Taver.

6. That petitioner trusts that the Government may be aware that the assumption of the estate by them will be held invalid and the debts incurred by the present holder considered as not chargeable upon the estate in the event of the petitioner being decreed as its rightful owner by Courts of law.

7. That the petitioner respectfully submits that in the event of the Government assuming the estate, which is unquestionably prejudicial to his interests, he will be under the very painful but unavoidable necessity of including Government also as defendant in the suit.

8. That petitioner had not only presented a petition already to Government upon the subject; he also addressed the Collector on the 10th October, which was returned to petitioner with an endorsement. The original is herewith submitted.

9. That in the meantime, in order to avoid all sorts of difficulties which may eventually arise, petitioner requests that the zemindary of Ramnad is to be left in its present state, and that the Government to relieve themselves from any sort of interference whatever in respect of it until the final determination of the suit.

10. Petitioner shall, as in duty bound, ever pray.

No. 192. ORDER THEREON, 20th November 1871, No. 1,970.

Miscellaneous.

BEFORE disposing of the Board's Proceedings, the Government resolve to refer the above petitions for the opinions of the Acting Advocate-General and the Government Pleader in conference, with the following statement of the case, and with the papers relating to it:—

2. The Zemindar of Ramnad (Ramasami), who died in 1830, left a widow, Parvata Nachiar, and two infant daughters, Mangaleswara and Dorarajah. Two days before his death he addressed an Arzi to the Collector, dated 19th April 1830, in which he stated as follows:—"I have made an arrangement that my mother, Rani Moottoo Viraye, who is my guardian in every respect, and who holds chief right to this Zemindary, should enjoy this Zemindary and all other things, pay Peishcush to the Circar, maintain my royal wife, my daughter, Mangaleswara, of five years old, and her younger sister, a small child, and when these children shall attain their proper age, to make an arrangement with regard to their right to the Zemindary and continue the same."

3. In 1840 the daughter, Mangaleswara died, having previously been married, but leaving no surviving issue; and about the same time the Court of Wards intervened, appointed the widow, Parvata Nachiar, as guardian of her surviving

infant daughter Dorarajah, and assumed the management of the estate, "treating "apparently Dorarajah as *de facto* Zemindar, either by virtue of the Arzi [illegible] "by Ramasami, or by reason of Rani Parvata Nachiar's waiver of her rights in "favour of her infant daughter." Dorarajah died (a minor) on 24th September 1845, being then apparently between fifteen and sixteen years of age. She had previously been married to Muthuvijaya Ragunadha (the present petitioner), but had no issue; and on the day of her death addressed an Arzi to the Collector, stating that on the previous day she had adopted as her son Sivasami *alias* Anasami, the son of her aunt, Sivabagya Nachiar (the sister of her mother) and of her husband's elder brother, "thereby constituting him my legal heir and successor to the estate, etc." Copy of the deed of adoption, dated 23rd September 1845, reached the Collector from the Manager of the estate on 27th idem. In it Dorarajah recites the death of her father without male issue, bequeathing the estate to her sister, and herself "more out of affection for us than in preference to the right of my mother and his lawful widow Parvata Vurdani Nachiar, who was then and is still alive;" that her sister and herself had been recognized by Government as proprietor of the estate; that, being childless and hopelessly ill, she adopted "Sivasami *alias* Anasami," "a boy of four years old," and proceeds, "and though in virtue of this adoption you are entitled to perform my funeral rites and to succeed to my possession, etc., yet under the Hindoo law and the rules in force of the Government my mother's right being superior, I do hereby declare her as competent to enjoy the estate in her own exclusive right, having the revenue management of the estate conducted under her orders through my husband. I do hereby further affirm that my said mother should be succeeded by my husband and after him by you my adopted son."

4. The document was signed by Dorarajah and her husband, the present petitioner.

5. On 27th September 1845 Parvata Nachiar addressed the Collector, claiming to be put in possession of the estate "according to Hindoo law and practice and rules of the Government" * * * "though from maternal affection for my daughter, I before waived my inherent right in her favour;" and the husband of the deceased (present petitioner) addressed him to the same effect, on the same date, referring to the Deed of adoption or Testament, stating that "Parvata Vurdani Nachiar, my mother-in-law and lawful widow of my father-in-law," was "heir to succeed to the estate, agreeably to the provisions recorded, and to Hindoo law and custom of the world;" and praying for surrender of the estate to her, and "for her maintenance in possession of it for her life and subsequent transfer to me and my adopted son."

6. Parvata Nachiar appears to have been aware of the contents of this last address, for she refers to it in her own *Arzi*.

7. Muttu Viraye Nachiar, widow herself of an ex-Zemindar and adoptive mother of Ramasami, the father of Dorarajah, impeached the genuineness and validity of the deed and adoption as being forged, and, if true, the act of an incompetent agent "who had not attained her majority;" and owing to her representation to the Civil Court in which she had a suit, pending the surrender of the estate to Parvata Nachiar was delayed by an injunction till the latter part of 1846.

8. In a supplemental rejoinder to the above-mentioned suit Parvata Nachiar, on 6th March 1846, asserted, apparently for the first time, her right to which, being withdrawn on her d[illegible] has now filed a suit against the Zer in possession to obtain immediate transfer of the estate.

9. The Government have lately obtained permission from the Supreme Government to receive a temporary assignment of the estate from the Zemindar and to make large advances on its security, in order to free the property from its ruinous burden of debt.

10. Petitioner has notified his claim and the institution of his suit to Government, stating that he disputes the liability of the estate for the debts, and that he must include Government in the suit if they receive any such assignment as is proposed, and which he declares the holder in possession to be incompetent to make.

11. The Government desire to know whether, in the opinion of their Law Officers, they can safely proceed to accept the assignment of the estate as temporary security, and to make the large disbursement of funds necessary to free the property from debt.

12. In giving their opinion the Law Officers will not fail to notice the questions—

Of the power of the Zemindar Ramasami to bequeath the succession to his daughters to the supersession of his widow.

Of the effect of this his manifest intention on the adoption made by his widow, so far as regards succession to the estate.

Of the effect of the act of his minor daughter in making an adoption and a disposition of the estate.

Of the effect of the tacit waiver of her right by the widow during her daughter's lifetime.

13. It may safely be assumed that the Government will have to defend the suit if they accept the assignment.

14. They desire to know whether they can guard themselves from loss by charging their expenses in so doing on the estate in the event of a successful defence.

15. In the event of failure it is presumed that the Government would have no means of recovering their expenses.

(True Extract.)

(Signed) W. HUDLESTON,
Secretary to Government.

To the Board of Revenue.
,, the Government Solicitor.
,, the Government Pleader.

Exd. F. R. Bantleman.

No 2097

Collectors Office
Madura
20th November 1871

From

W. McOnhae Esquire
Acting Collector of Madura

To

W. Huddleston Esquire
Secretary to Government
Revenue Department
Fort St George

Sir,

I have the honor to submit translation of the Plaint filed in the Civil Court by Vejia Regunatha Tevar claimant of the Ramnad Zemindari. The translation of the Plaint has only been received this day and I submit it direct as Government may wish to see it at once. If Government decide to undertake the management of the Zemindari the necessary report will be made regarding this suit to the Board of Revenue with detailed information.

I have the honor to be
Sir
Your most obedt Servt

W. McOnhae
Acting Collector

Translation of a Plaint to the Civil Court of Madura.

Plaintiff	Defendant
Mootoo Vejia Regoonatha Saitoopathy son of Mootoosamy Taver of Sevir in the Canien cottay Taluq in the Zemindary of Ramnad.	Mootoorama: linga Saitopaty son of Sevagnana Tevar of Ramnad.

Vakeel
Nilakanta Sastry.

I. The relief sought for by this plaint is as follows.

That a Decree should be passed by this Court for immediate recovery to the Plaintiff as heir thereto, the above Zemindary of Ramnad and its appurtenances from the Defendant.

II. That a Decree should be passed adjudging to the Plaintiff the intermediate loss from the period he became an heir to the Estate under the following circumstances to the period it would be made over to him.

III. That a Decree should be passed awarding the superintendence of the Devastanums and Chattrums in the Zemindari to Plaintiff.

IV That a Decree should be passed directing the Defendant to pay the costs of this suit to the Plaintiff and

No. 673/
1891 Rec'd 23 Nov.
From The Collector of Madura
To The Secretary to Government Revenue Department Madras
Dated 20th November 1891
Rec'd 23rd November 1891
No. 2097
Encl 1 Pay

Submits translation of Vakeel for Plaintiff in the Civil Court by Vejia Regoonatha Toomaka Tavendar against Zemindar

Appeal

23-Nov-91. [illegible]

20. November 1891 [illegible]

V. That other reliefs should be awarded to the Plaintiff according to the nature of the suit.

2. The Ramnad Zemindari was made over by Government to Rani Mangaleswara Nachiar in 1803 under an Ettimar Sunnud. Under a Will of the above Mungaleswara Nachiar dated the 11th April 1807 Mootoo Vejia Ragoonatha Annasamy Saitoopathy obtained the Estate and by whose Will dated the 20th January 1820 his adopted son Ramaswamy Saitoo: pathy succeeded to the Estate & enjoyed the same. This Ramaswamy Saitoopathy had 2 daughters named Mungaleswara Nachiar and Dorayaja Nachiar. The latter Saitoopathy transferred the Estate by a Will to the 2 daughters in April 1830 & wrote an Arzi to the Collector of Madura under date the 19th Idem to the above effect.

3. With reference to the arrangement alluded to in the above Arzi the Zemindari was kept by Govern: ment in charge of a Manager named Mootoochella Taver. Whilst so the 1st daughter Mangaleswara Nachiar died without issue and

and the surviving 2d daughter Dorayaja Nachiar became the sole heir to the Zemindary. For reason of the above Mootoo Chella Taver having been subsequently removed from the Office of Manager and for reason of the above Dorayaja Nachiar having been a Minor the Government placed the Estate under the management of the Court of Wards on her behalf. The arrangement made by the above Ramasamy Saitoopathy and the subsequent proceedings held with reference thereto, were not only upheld by his widow and mother of the Minor the Rance Parvatha Varthamy Nachiar but she had also acted for some time as guardian on receipt of pay as arranged by the Court of Wards after removing the former Guardian Mootoo Veerayee Nachiar.

4. The Plaintiff is the husband of the above Dorayaja Nachiar. She attained puberty & lived with her husband and fell sick. She and the Plaintiff adopted one Annasamy alias Sevasamy Taver. Under date the 23d September 1845 she executed a Will to the above effect & to the effect that on her demise her Zemindary and all other property should be

be enjoyed by her mother the above Parvatha Vartham Nachiar during life and upon her decease, by her husband, the Plaintiff, and died on the 24th Idem. The above arrangement Parvatha Varthamy Nachiar approved and with reference to her request and that of the Plaintiff submitted to the Government through the Collector under date the 27th Idem the Estate was made over to Parvatha Varthamy Nachiar.

5. The abovementioned Parvatha Varthani Nachiar died on the 14th June 1871 & from the date of her demise the Plaintiff became heir to the Zemindary. By the ack of the above Parvatha Vartham Nachiar the Plaintiff took possession of the Zemindari and has been holding the same forher from 1867.

The cause of action arose from the decease of the above Parvatha Varthamy Nachiar which took place on the 14th June 1871. The Zemindari is a permanently settled one. The Peishkush payable to Government is Rs 324444-3-10 and tenfold thereof Rs 3244442-2-4

31st October 1871

(signed) Nilakanta Sastry
Pleader
" Mootoo Vejia Regunatha Sastry

I, the Plaintiff affirm to the best of my knowledge that the above is true & I believe it to be such

(signed) Mootoo Vejia Ragoonatha Saitopathy.

Filed Novr 9th 1871.

(signed) T. D. Goldingham
Civil Judge

(True Translation)

V. Ramsay

Deputy Collector

Revenue Department

Proceedings of the Board of Revenue
dated 4th November 1871

Read letter from the Collector of Madura dated
21st October 1871 No 311

The Board resolve to submit
* to be returned this letter with its enclosures (an original) for
the early orders of Government

2. They have had a consultation
with the Government Solicitor, and recommend
that he should go down to Ramnad as soon
as possible and make arrangements in
Communication with Mr Bliss and through
the Collector) the creditors holding mortgages
for the transfer of their mortgages to Govern-
ment so that the estate may be handed over
free of all incumbrances

3. The 9 odd lacs might then be
advanced at once for the liquidation of all
debts chargeable on the inheritance and the
remaining

Rev: 3761/1871
Enclosure in letter
From
The Collector
Madura
& Board of Revenue
Dated 20th October
No 2097

Examination
of Plaint

Rendering 2 lacs and 14 thousand Rupees (2,13,969) could either be paid off at once or out of the assets and the income as it accrues.

4. The mortgages on the estate being once transferred to Government there seems to be no risk in advancing money to clear it, because even in the event of the zemindar's death the property would come under the Management of the Court of Wards, his sons being young infants.

5. The Board defer entering into the details of the management of the Estate now as it is of the utmost importance that no time should be lost in getting the Estate into the possession of Government as Mortgagee, so as to prevent further alienations. Meantime Mr. McLuhae has been instructed demi-officially to warn the zemindar that if he is found to have alienated any more of the assets of his Estate since accepting the terms offered by Government, the loan will in all probability be withheld.

6. The Board merely note here that the amount of some of the alienations described by Mr. Bliss is probably susceptible of reduction.

7. Such of the debts as are not chargeable on the inheritance and not secured by mortgages may also be reduced considerably, and it is not unlikely that many of the mortgagees might prefer to let the principal stand over for a time taking Government security for the payment of a reasonable rate of interest out of the revenues of the Estate and the gradual liquidation of the principal

/True Extract/

J. W. Pennington
Acting Secretary

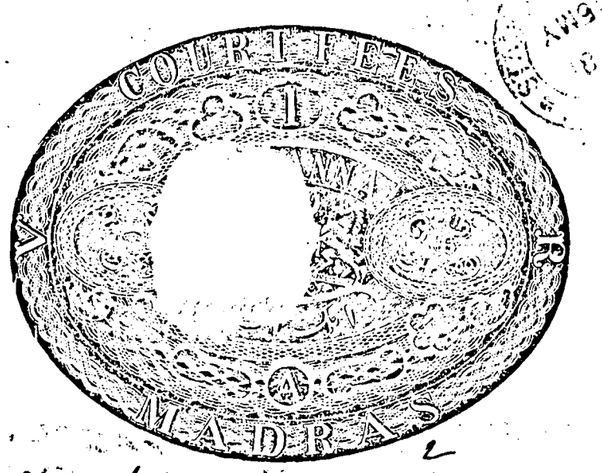
To,
The Secretary to Government
Revenue Department
with letter and 15 enclosures
in original to be returned

Recd 18th Sept
No: 3558.
Proceedings of the
Board of Revenue

Postal ✓ "2 Annas"
Registered ✓ Chow-Ch
Received ✓
on 16 Dec

Ord. 7970 20th Novr 1871

Pleasure during
the Hon. Collector
and Agent to Govt
Nilgiris to proceed to Ramnad
= nad to furnish a report
= on my arrangements for
Govt taking charge of
Ramnad Estate &
Ramnad Estate &
will debtor & Estate
are liquidated





trate into, cannot be said, to have justly accrued from urgent necessity on the part of the estate. There are large sums in the account which are put down as Aramanai pravasem, of which no account has been made. In the absence of strict enquiry into all the particular heads of income & expenditure, it will be unjust to hold the estate responsible for its so called liabilities, which in fact, were the results of there carelessness squandering & self appropriations. I feel need not go at length to prove this to be in accordance to the fact. What must one think of the conduct of Mutturamalinga Tavers in granting Cowle & other contracts upon favorable terms, in the names of his sons, daughters & wives, & other persons. Is this dismemberment of villages attached to an estate consistent with the principle of perpetuating a Principality? Again considering the receipt & the expenditure from the year 70, up to the present, not a pie has been paid for Peshcush & all the money appropriated for private use, furnishing the Govt, of course, with frivolous accounts. Your honor might find, perhaps, large sums on the head of funeral ceremony of his natural & adoptive

against her and the said Muttoramalinga Tauer praying for a declaratory decree to establish his claim to succeed to the Zemindari of Ramnad after the death of the said Bavata Ruvathaia Nachiar that as the said Rani died before the suit was instituted, Petr was obliged to withdraw that suit.

That the Petr in consequence of the death of the said Rani which placed him in a position of seeking for immediate possession of the Zemindari, has instituted another suit on the 31st October in full stamps to that effect in the Civil Court of Madura against the said Muttoramalinga Tauer.

That Petr trusts that the Govt may be aware that the assumption of the Estate by them will be held invalid and the debts incurred by the present holder considered as not chargable upon the Estate in the event of the Petr being decreed as to rightful owner by Courts of Law.

That the Petr respectfully submits that in the event of the Govt assuming the Estate which is unquestionably prejudicial to his interests he will be under the very painful but unavoidable necessity of including Govt also as Defts in the suit.

That Petr, had not only presented a petition already to Govt upon the subject, he also addressed the Collr on the 10th October which was re-

turned to Petr with an Endorsement. The original is herewith submitted.

That in the mean time in order to avoid all sorts of difficulties which may eventually arise, Petr requests that the Zemindary of Kamrud is to be left in its present state and that the Govt to refrain themselves from any sort of interference whatever in respect of it until the final determination of the suit

Petr shall as in duty bound ever pray.

(Sd) D. Brown Sheristadar 29

Sevvoor.

Revenue 1871 - Dept.

No. 3655

From

Muthuvijaya Regunada
Vaithespathy
Residing at Sevvirin
Ramnaad Madura
Dist.

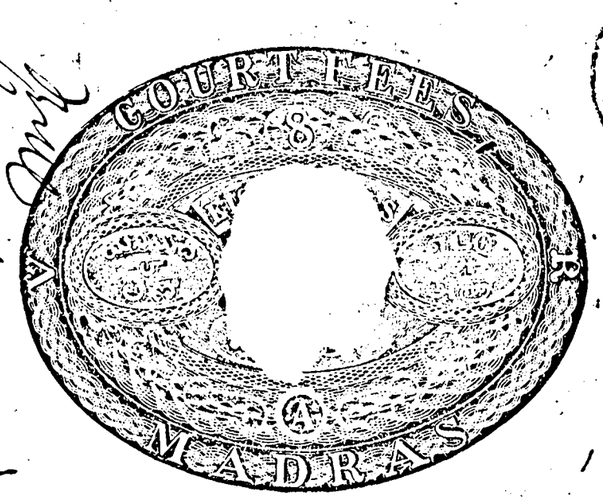
Dated
Received 15th November 1871
& Cd. 1970 20th November 1871

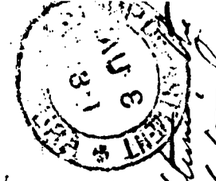
Under the circumstances represented, submitting his claim to the Ramnaad Zemindary.

190

C-17 Nov/71-

10. Mark







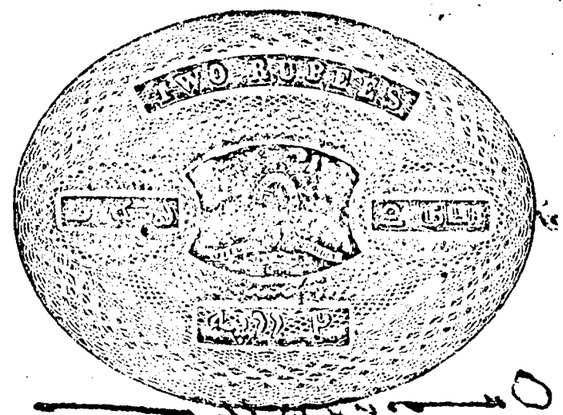
Returned to Petitioner
Comm. Vide adoption
Law
Govt. Vide
dated
12-10-71

To.

J. McDuhac Esqr. Collector of Madura
Ramnad

The humble application of Muthuvijaya Regunada Vaithyathy, the husband of late Doorarajadatchiar, the acknowledged owner of the Ramnad Zemindary.

That the late Ramasawmy Vaithyathy, for the purpose of this application, and Applicant's claims to the Zemindary, can be averred as the indisputable owner of this Zemindary. He had no male issue but had two daughters; the youngest of whom was married to the Appl. Before his death he transferred the Estate to his two daughters & expired, informing it to the then Collector, in the year 1830. The eldest daughter also died leaving no issue. The youngest, that is, Appl's wife, Doorarajadatchiar, became entitled to the estate. She made an adoption & dying after her marriage without any issue of her own, prescribed the order of succession, by a Will, to her Stridhana property, allowing her mother to enjoy it to life & then



To

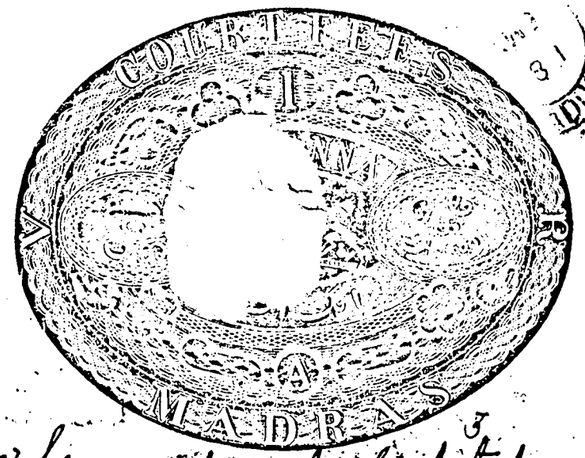
His Excellency Governor in Council
of Fort St. George
Madras

The humble petition of Moodoorijia Regunada Sadeo-pati residing in Sevoor Cammancottai Zaluq, attached to Ramanad Zemindary, Madura District.

Humbly Sheweth

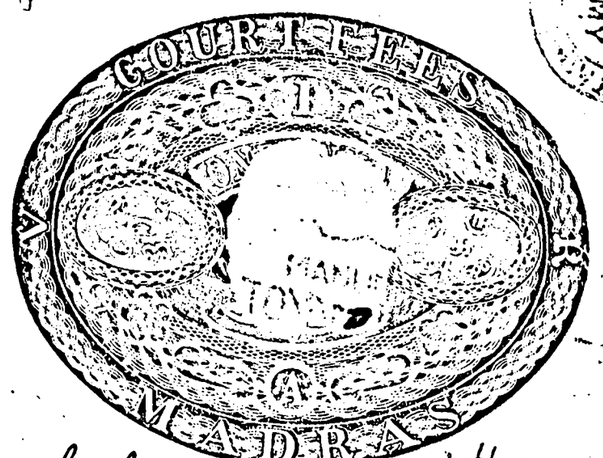
That the petitioner is the lawful husband of Dorarayar Nachiar (deceased) the late zemindar of Ramanad.

That under the deathbed arrangement made by the said Dorarayar Nachiar, her mother Rani Sadeo-pati Parvadavardani Nachiar was enjoying the zemindary of Ramanad, and from the date of the death of the said Parvada vardani Nachiar which occurred in June last the petitioner is, under the said arrangement of his wife





profession he now tries his best to provide for himself & family & to avoid himself & his property from seizure, he requests Govt to supply his place. Here the man does not seem to help himself & if he do not choose to care for himself it is quite improper on the part of the Govt to do that for him. This is exactly the case of a man who volenteers his assistance from motives of humanity to one at the point of drowning, who, instead of embracing the assistance, with all care & gratefulness, pulls the man that renders assistance & tries to make him share his fate. Another consideration, of much weight, in which all are concerned, should never be overlooked here. By the opinion of the law officers the Govt perfectly knows that there are items of debts to a great extent which the successors will object to pay. If the Govt were to pay off the debt & take the estate & it so happens that another steps in & placed in possession of the estate who do not choose to pay the debts the ... to bear the loss? If I ... coun[illegible] rich ... of [illegible] ...

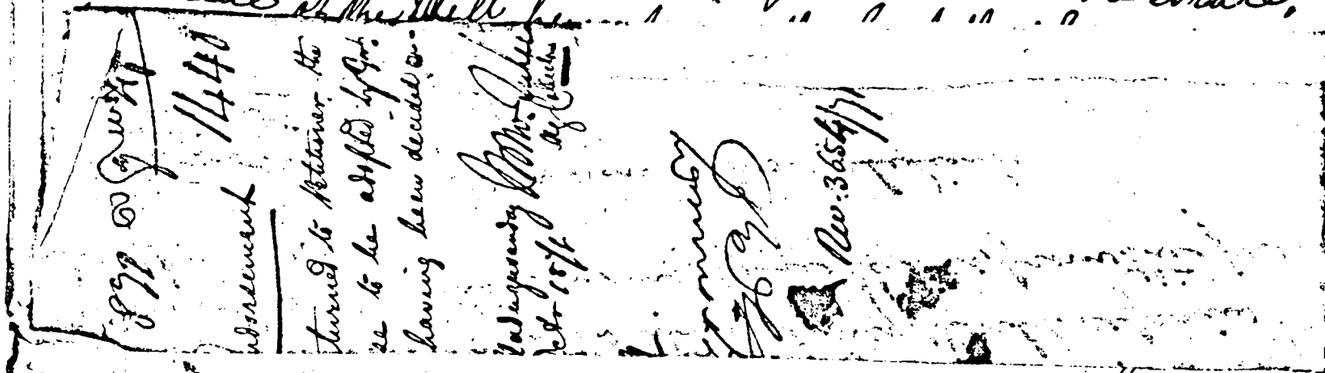






as one who does not value the kindness of Govt towards this ancient royal family. No doubt the intention of Govt is a benevolent one; but the course is equally detrimental to the interests of the succeeding claimants, making them responsible of a thing which they cannot take upon themselves. Under these circumstances, if the intention of the Govt be simply to perpetuate this ancient royal family, he would suggest, that the proper course would be to take the estate under Court of Wards, since the present possessor displayed, such an amount of indifference & recklessness, making himself thereby incapacitated & unqualified, to control & manage, this extensive property. But if the Chetys should insist upon immediate payment & sue for the amount & endeavour to dismember the estate by auction, then that will be subject to Appt's claims upon the Zemindary; but as regards the arrears of Peishcush the Govt can sell the personal property of the present possessor according to law. Then nobody will ever have a chance of losing a penny.

In conclusion, as the Appt lays his claim to the estate, in virtue of the Will [illegible]



Copy of Will

Ins. No 1830/71

I, Sivanea Ganba Ayagi Ravikula Ranee Doraiya Natchiyar, the heiress of Zemindary of Ramnad in the Madura District of the Likdno Government, do hereby give a Will to you (my adopted Son Annasawmi alias Sivasawmi)

My father Ramasawmi Sathupathi was the Zemindar of the said Ramnad Zemindary. When he was enjoying the Zemindary, he died having no male child. Before the time of his death, my Sister Meangalas wari Natchiyar, my mother Parvatha Varthani Natchiyar, who is the Dattama Stree of my father, were alive. As we, first my mother, and after her death, my Sister & myself, were heiresses to the Zemmindary and other estates & debts after his (father's) death & according to the Hindu Law, so my father & my mother, by more affection which they had on me & my Sister, made heiresses to the Zemindary of Ramnad & other estates and debts and sent an Urgi to the Collector of Madura on the 19th April 1830, stating that at first my Sister should enjoy all the estate & debts, and after her death I should enjoy the whole of the Zemmindary and other estates &c. Accordingly the Government, accepting this proposal acting in the same manner. As I am suffering from severe sickness, called Visha Kandoo, since 3 Months, and I am doubting that I will be recovered from the said sickness, and I am fearing whether or not God will keep me with life, I am leaving all of my relatives & servants & Poorahi thar & getting permission from my relatives, I and my husband with one heart, according to the Sastra, adopt you (Annasawmi alias Sivasawmi who is aged 4 & who is the son of my husband's brother). Although you

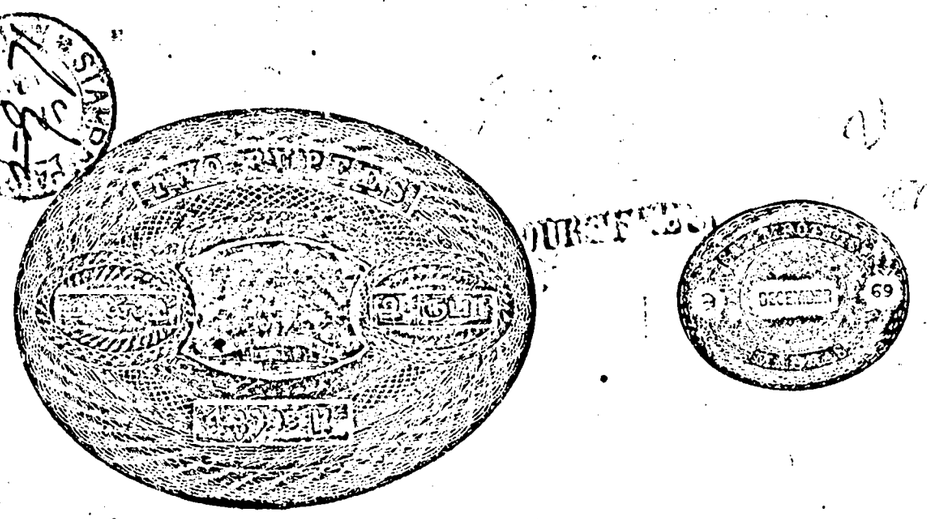
you (my adopted Son) are heir of whole of the Zemin-
dary & other estates & debts & funeral ceremonies,
yet my mother is not only first heir to enjoy the whole
of the Zemindary & other estates & debts according
to the Hindu Law & to the Rulings of the Government,
but also my husband should manage the Zemindary
of Ramnad and other estates according to my mothers
order. After my mother's death the whole of the Zem-
-indary should be enjoyed by my husband, and then
(after his death) you (my adopted Son) should en-
-joy the Zemindary & other estates & debts. If I
a live & bring forth child I will protect the child
as elder & you as younger.

So I did make this Will with my Sense
& with my clear Conscience & with my will.

This Will has been written by Mayasam
Veerasathra Pillai, before presence of under-
-signed witnesses.

(Signed) Rance Sathupathi
Dorayja Setchiyan
(Signed) Muthu Vijaya Regunatha
Sathupathi

Witnesses
Mennandi Kadambavanathaven
do Arjavandri Tauer
do Ponniya Tauer
Pudumadam Sivagnana Tauer
Manoor the Vicharanai Muttaya Pillai
Ramnad Vissathu Ponnappa Pillai
Pudkavana Mahatthava Kurukkal
Poorohitham Sami Aingar
do Streenivassa Aingar
Signed in this way in the Presd Cty



To

The Right Honorable the Governor
in Council at Madras

The humble petition of Muthuvijaya Regunada
Sathupathi of Pevoor Village attached to the
Zemindary of Ramnad Madura District.

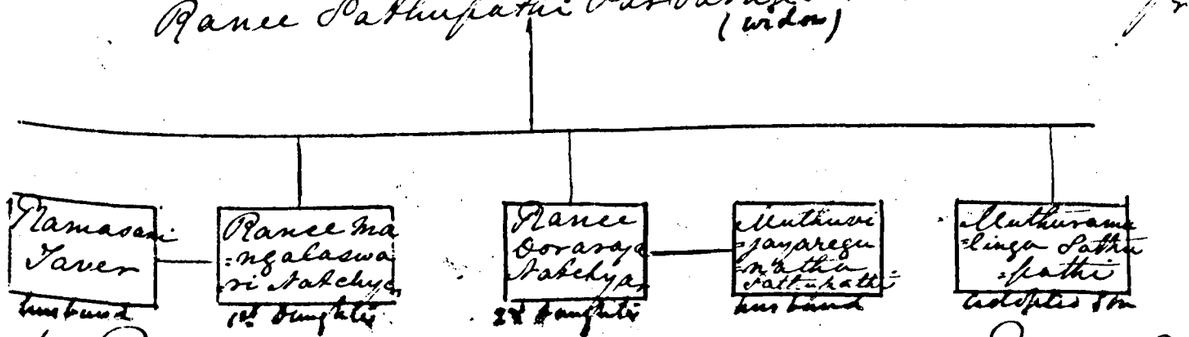
Humbly Sheweth as follows:—

1st Petitioner has been given to understand that
the Madras Government is about to advance to the
present holder of the Zemindary of Ramnad a sum
of 14 Lacs of rupees on the security of the estate and to
take its Management themselves till the amount
is satisfied from its revenues.

2nd Petitioner takes this opportunity of bringing to the notice of Your Lordship in Council his claims to the said Zem-
-indary of Ramnad and the Lacs to from the belief

in Council and he begs leave to detail the nature of his claims briefly as possible.

5 The following is the genealogical tree showing the relationship of the parties claiming the Zemindary



6 Ramasami Pathupathi Zemindar of Ramnad died in April 1830, leaving a widow Parvathavarthani Natchiyar and two minor daughters Mangalaswari and Dorayar Natchiyar, and at his death he constituted the aforesaid two daughters heiresses of his estate in Supercession of his widow. Mangalaswari Natchiyar died as a minor without any issue, and the whole estate reseted exclusively on the second daughter Dorayar Natchiyar. Her guardianship was undertaken by the Madras Government and the management of the estate was taken by the Court of Wards during her Minority. She died in 1845 leaving a Will to the effect that her Mother was first to enjoy the Zemindary and other estates belonging to her during her Mother's Lifetime, and that her (Dorayar Natchiyar's) Husband should succeed to the estate after the Mother's death viz. Parvathavarthani Natchiyar succeeded to the estate and in 1847 she adopted Muthuramalinga Tavery the present holder of the Zemindary. His adoption was questioned by the Madras Government and

and several other parties, and it was ultimately decided by the Privy Council in favor of the adoption

7th Petitioner is the lawful husband of Dorasya Satchiyar and as such is entitled under her will abovementioned to succeed to the Zemindary of Ramnad after the death of Parvathavarthani Satchiyar.

8th Petitioner in April last filed a Suit in the Civil Court of Madura to establish his reversionary right to the Zemindary. But the said Parvathavar having died since, the Suit was withdrawn

9 Petitioner is about to file a regular Suit for the possession of the Zemindary shortly and hopes by the grace of God he will succeed in establishing his title

10 Petitioner herein submits a copy of the will abovementioned.

30th August 1871

Revenue Department.

No. 1970

Revenue

Government of Madras. 1871

Revenue DEPARTMENT.

No. 3654

Petition No. 1970 of 1871.

From Sivagunga Zamindar

Occupation

Village.

Talook.

District. Madura

Dated 30th August 1871

Received 14th September 1871

Enclosures 1

Col. 1970 20th November 1871

Abstract.

Petitioner stating that the Madras Government is about to advance to the present Zemindar of Ramnad a sum of 14 lacs of Rs on the security of the estate & to take upon its management themselves till the amount is satisfied from its revenues brings to notice his claim to the Zemindary believing that the proposal above alluded to be carried out his rights to the Zemindary be affected in case he should succeed in establishing his title to the Zemindary by means of a court of justice that the present liabilities amount to an enormous sum & they are not bona fide creating a valid charge upon the estate & therefore the sums now proposed to be [illegible] 1871.

Date

losing of

proceedings.

the Government resolve to refer the above Petition for the opinions of the Acting

and several other parties, and it was ultimately decided by the Privy Council in favor of the adoption

7th Petitioner is the Lawful husband of Dorasya

Natch

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advanced by the Govt to satisfy these debts cannot be a valid charge on the estate

Giving in detail the nature of his claim & submitting herewith a copy of a will showing his right to the Zemindary and stating that he is about to file a suit to establish his right to the estate prays for consideration of the same.

Collectorate Office
25th September 1871

Commencement to the Board of Revenue
No. 1030 of 1871.

Dated 3rd October 1871.

By order,

Asst. Secretary

Collr & DC
Coimbatore
Supdt & Govt. Asst. DC.

Revenue Department

No. 1970-

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 20th Novr 1871.

Read the following Papers:-

Recommending that Govt Solicitor should proceed to Ramnad to make necessary arrangements for Govt taking charge of Ramnad Zemindary, till debts of Zemindar are liquidated -	H. E. 4th November 1871.
Petn from Muthuvijaya Rangenada Sathupathy of Ramnad Submitting claim to the Ramnad Zemindary	H. E. 30 Aug 1871.
Do. — Do —	H. E. (without date)

Before disposing of the Board's Proceedings the Government resolve to refer the above Petitions for the opinions of the Acting

Acting Advocate General and the Govt. Pleader in conference, with the following statement of the case, and with the papers relating to it.

The Zemindar of Ramnad (Ramasami) who died in 1830 left a widow Parvata Nachiar and 2 infant daughters Mangaleswara and Dorarajah. Two days before his death he addressed an Arzi to the Collector dated 19th April 1830 in which he stated as follows.

"I have made an arrangement that my mother Rani Mootoo Virayi who is my guardian in every respect and who holds chief right to the Zemindary, should enjoy this Zemindary and all other things, pay peishcush to the Circar, maintain my two royal wifes, my daughter Mangaleswara of 5 years old, and her younger sister, a small child, and when these children shall

shall attain their proper age to make an arrangement with regard to their right to the Zemindari and continue the same.

In 1840 the daughter Mangalaswera died, having previously been married, but leaving no surviving issue, and about the same time the Court of Wards interfered, appointed the widow Pavata Nachiar, as guardian of her surviving infant daughter Dorarajah, and approved the marriage of the relate "treating appa-
"-rently Dorarajah as de facto "Zemindar, either by virtue "of the Arzi executed by Rama-
"-sami, or by reason of Rani "Pavatia Nachiar waiver "of her rights in favor of her "infant daughter."

Dorarajah

Nonaraja died (an minor) on 24th Septr 1845, being then apparently between 15 & 16 years of age. She had previously been married to Muthuvijaya Raguna[illegible] (the present petitioner) but had no issue, and on the day of her death addressed an urzi to the Collr stating that on the previous day she had adopted as her son, Swasami alias Anasami, the son of her aunt Swaminaya Nachiar (the sister of her mother) and wife of her husband's elder brother thereby constituting him my legal heir and successor to the Estate &c. — Copy of the deed

of

of adoption dated 23d Sept.r 1845 reached the Collector from the Manager of the Estate on 27th Idem - In it Nonanajek recites the death of her father without = out male issue, bequeath= = ing the Estate to her= = sister - and herself more out of affection for us than in preference to the right of my mother and his lawful widow Parvatu Wadaiu Rachaiu who survives and is still alive - that her sister and herself had been recognised by Govt as = Proprietor of the Estate that being

being childless and hope= =lessly ill she adopted Eswasamy alias Ammasamy - a boy of 4 years old - and proceeds = "and that in virtue of this = adoption you are entitled to perform my funeral rites and to succeed to my possession &c. yet under the Hindoo Law and the rules in force of the Govt. my mother right being superior, I do hereby declare her as competent to enjoy the estate in her own ex= =clusive right, having the = superintendence management of the estate conducted under her orders = through my husband. I do hereby

hereby further affirms that my said mother should be succeeded by my husband and after him by you my adopted son.

The document was signed by Dhanarajah and her husband the present Petitioners.

On 27th September 1845 Parvati Nachiar addressed the Collector stating to be put in possession of the estate according to Hindu law and practice and rules of the Govt. "though from maternal affection for my daughter, I before weaned my inherent right in her favor" and the husband of the deceased (present Petr) addressed him to the same effect on the same date referring to the deed of adoption or testament stating that "Parvata Vardani Nachiar my mother-in-law and lawful widow of my father-in-law" was "heir to succeed to the estate agreeably to the provisions recorded and to Hindu law and custom of the world" and praying for surrender of the estate to her and "for her maintenance in possession of it for her life and subsequent transfer to me and my adopted son."

Parvata Nachiar appears to have been aware of the contents

contents of this last
address for the Respt Pit
in Interm Appl

Muttu Virayi Nachiar
widow herself of an
Ex-Zemindar and an
adoptive mother of
Ramasami the father
of Dorairaja impeaches
the genuineness and
validity of the deed
and adoption as being
forged, and if true, the
act of an incompetent agent
"who had not attained
her majority" and owing
to her representative to
the Civil Court in which
she had a Suit pending,

the

the surrender of the
Estate to Parvata Nachiar
was delayed by an
injunction till the
latter part of 1846.

In a supplemental
rejoinder to the above
mentioned writ, Parvata
Nachiar on 6 March 1846
asserted apparently for the
first time her right to adopt a
son to her husband, and in May
1847 she adopted the Zemindar
now in possession - In June last
she died. It appears that
prior to her death the present
Petitioner had filed a suit for a
declaration of his right to
succeed

succeed on her decease
which being withdrawn on
her death, he Rajah now
filed a Suit against
the Zemindar in possession
to obtain immediate
transfer of the estate.

The Government have
lately obtained permission
from the Supreme Government
to receive a temporary assign-
ment of the estate from the
Zemindar and to make
large advances on its
security in order to free
the property from its ruinous
burden of debts.

Petitioner has notified
his claim and the institution
of his Suit to Govt stating
that he disputes the liability of
the estate for the debts and that he
must

must include Government
in the suit if they receive
any such assignment as
is proposed and which he
declares the holder in pos-
session to be incompetent
to make.

The Government desire
to know whether in the opi-
nion of their Law Officers
they can safely proceed to
accept the assignment of
the Estate as temporary
security and to make the
large disbursement of funds
necessary to free the property
from debt.

In giving their opinion
the Law Officers will not
fail to notice the questions
of the power of the Zemindar
Ramasamee to bequeath
the succession to his daugh-
ters to the supersession of
his widow—

of the effect of this
manifest intention, on the

adoption

adoption made by his wi-
dow so far as regards suc-
cession to the estate

of the effect of the act
of his minor daughter in
making an adoption and
a disposition of the estate.

of the effect of the
tacit waiver of her right
by the widow during her
daughter's lifetime.

It may safely be as-
sumed that the Government
will have to defend the suit
if they accept the assignment.
They desire to know
whether they can guard
themselves from loss by
charging their expenses in
so doing on the Estate in
the event of a successful
defence:

In the event of failure it
is presumed that the Go-
vernment would have no
means of recovering the
expenses.

14 Feb. Board of Revenue with remarks
4 . The Govt Solicitor with Statement & Original Petitioner
3 . The Govt Pleaders

Ap 1869-82

G.P.

Rainier Beer

Assy.

C. 17 Jan 71 R 18 Nov 71