No. 5. Read the following Proceedings of the Board of Revenue, dated 23rd October 1872, No. 2,060 :—

Read the following letter from W. McQUHAE, Esq., Acting Collector of Madura, to the Secretary to the Board of Revenue, dated 12th October 1872, No. 297 :—

I HAVE the honour to submit copy of a letter addressed to me by the Special Assistant Collector in charge of the attached Zemindari of Ramnad, requesting that a sum of Rupees 45,000 may be advanced to the Zemindar to enable him to defray the law expenses connected with the suit for possession of the estate, which is posted for hearing on the 15th instant. As Rupees 35,000 are to be paid as lawyers' fees, the sum asked for is not excessive, but the law only provides that the expenses of management shall be defrayed out of the income of an attached estate. Government have already shown that they are prepared to incur some risk in order to assist this Zemindar, and I therefore submit the application for favourable consideration in the event of the suit being decided in his favour in the Lower Court. The issue should be known in a few days after the 15th.

ENCLOSURE No. 1.

From J. LEE-WARNER, Esq., Special Assistant Collector, Ramnad, to the Acting Collector of

such sums as he may be satisfied are really required for the conduct of the defence.

3. There is some obscurity in Mr. Lee-Warner's letter. In paragraph 1 he speaks of the Zemindar having rejected the terms on which a certain Chetty offered to lend money for this purpose, while towards the end of his letter he seems to say that a loan has actually been obtained from that individual.

No. 6. ORDER THEREON, 1st November 1872, No. 1,522.

Miscellaneous.

As suggested by the Board of Revenue the Collector of Madura is authorized to advance from time to time out of the Ramnad collections remitted to his treasury by the Special Assistant in charge of the attached estate, such funds not exceeding altogether for the present Rs. 45,000 as he may be satisfied are really required for the defence of the suit, and to see that they are duly appropriated to the intended purpose.

(True Extract.)

(Signed) W. HUDLESTON,
Officiating Chief Secretary.

To the Board of Revenue.
,, the Acting Collector of Madura.
,, the Accountant-General.

Exd. F. R. Bantleman.

his word for it that he has raised no money on the security of his estate since Mr. Bliss' mission to Ramnad with the exception of the sum alluded to above now obtained from Ramasawmy Chetty; and that the whole of this money is to be applied to legal expenses and not one Rupee of it carried to private account, and, as he has said so, I believe him.

5. I do not wish to harass you with a long letter, but there is a great deal to be said in favour of showing some special consideration to this Zemindar, and you no doubt have felt this yourself.

(True Copy.)

(Signed) T. RAM ROW,
Deputy-Collector.

SUBMITTED for the orders of Government. The Law Officers of the Crown have already informed the Government that they "see no reason to suppose that the claim against the Zemindar will succeed," but they have also stated that "in the event of failure Government would have no remedy whatever for any expenses of suit."

G. O., dated 7th February 1872, No. 251.

G. O., dated 14th December 1871, No. 2,106.

2. The risk is therefore small, and it certainly is of great importance that the estate should not be plunged any deeper into debt. At the same time the Board would not recommend a large lump sum being made over to the uncontrolled disposal of the Zemindar. If he is to be assisted at all at this juncture, the Collector

I HAVE the honour to inform you that the Zemindar of Ramnad has applied to me for some money from the collections of the estate under attachment to meet the heavy expense which he is put to in the defence of the present suit. He states that these expenses will not fall short of eighty thousand Rupees, and he has no ready money. Ramasawmy Chetty has been induced to advance a sum of money for the immediate needs on being placed in possession of all the cowle villages which stand in the names of members of the Zemindar's own family, but naturally this arrangement is considered a bad one by the Zemindar, and he appeals to the Government for assistance.

2. As it appears to me that the defence of this suit is a lawful charge on the estate, and one which the prospective heirs of it cannot challenge, I think that a fair sum might be now spared to the Zemindar; and that the claimant will not be able to bring any action against the Government for letting it go, if by any chance he succeeds in establishing his claim; but, as 80,000 Rupees is a very large sum, I propose to reduce it. In naming Rupees 45,000 I would have you remember that Rupees 25,000 is the Madras lawyer's fee and not less than Rupees 5,000 each the two Madura lawyers' fees, so that only a moderate amount is left for the great expense which attends the preparation of a defence and the collection and management of witnesses in this country.

3. The sum must be taken from the five lakhs which I have paid into the Branch Treasury to the credit of the Ramnad account, as I have only a little money left with me, which I keep for the payment of salaries and current expenses.

4. I beg you will be good enough to bring the request to the notice of Government as early as convenient, as the Zemindar must know soon what aid he may expect from the Government, the period given by the Court for the satisfaction of two decrees falling in January. It would suit the Zemindar's interests better to make one great arrangement with the Chetties regarding the taking over of all his debts than to be constantly raising money in small driblets of a lakh at a time; and, of course, it is his firm belief in the promises of the Government and their ultimate acceptance of his estate that has enabled him to hold out so steadily through the last ten months, some periods of which have caused him a great deal of personal irritation and annoyance. I have

Revenue department

38

Memo for Orders —
on No 3452 of 1872

I circulate for orders, an application from the Colr of Madura, thro' the Board of Revenue, to allow a portion (Rs 45,000) of the amount collected (Rs 500,000 paid into Treasury) from the attached Ramnad Estate — to be expended by the Zemindar in defence of the suit brought against him by a claimant to the Estate.

2 When the Govt were about to accept a temporary assignment of the Estate as security for a large advance of public money to clear off the debts, notice was given to them by the claimants of the impending litigation — and reference was made

I think he may advance all necessary funds for the defence in the suit subject to safety. We are in possession for him. and his title is undeniable.

L. D. S

H

to the Law Officers for an opinion as to whether, under the circumstances, a valid assignment could be made - and

whether if accepted - and the Govt. defended the title in the suit on behalf of the Proprietor, they could recover their Expenses.

1st. in the event of success

2d. in that of failure.

The opinion was that it would not be safe to accept the assignment, altho' it was probable that the claimants' case would fail.

— that, if accepted and Govt. defended the suit successfully, they could charge their expenses against the Estate

— but that if the defence failed, the Govt. would have no remedy whatever for their expenses of suit.

3. Under these circumstances the assignment was not accepted, nor the advance made - and the Estate was attached and taken under management for the arrears of Peshkush due to Government

4 Sections 28, 30, and 34 - Act 2 of 1864 - enable a Collector to attach and manage an Estate in arrears and

— to defray "the Expenses of management" out of the income

— require his agent to keep accounts of all receipts and disbursements and to pay over the balance to the Collector

— and provide that all sums received from the property attached, after paying Expenses of attachment and management, "shall be carried to the credit of the defaulter in discharge of the arrears one-with interest"

— and that as soon as all arrears - interest - cost of attachment - and Expenses of management - shall have been liquidated, the attachment shall be withdrawn

and

and a full account rendered.

5. Supposing then the Govt to allow the Zemindar to have the use of any of the funds that they have collected under management, for any purpose other than those specified - if the suit goes against the Zemindar - the successful claimant will certainly not allow this item of charge - and so far the Govt risk a possible loss.

6. But the same is the case in regard to the maintenance allowance made to the Zemindar - and practically it seems probable that, if the Zemindar is unable to defend the suit, he will be successful

If the Govt do not allow him the use of this money - he must raise it elsewhere, and probably at an exorbitant price - thus adding to the encumbrances from which the Govt hope to relieve him

8. I am disposed to think that the Courts would probably allow not only the maintenance charge - if admitted to be reasonable - but also the cost of defending this original suit at least - seeing how good the Zemindar's case is "prima facie".

9. The Board advise, if the Govt comply at all with the application - that the Collector should be authorised to advance from time to time, and to see duly appropriated, such sums as he may be satisfied are really required for the conduct of the defence -

10. I submit that this may be done to the extent of not more than Rs 45,000 for the present -

28 Feb. 72

Memo for Orders

Defence of the Suit brought against the Ramnad Zemindar

Special Commissioner

2060

Revenue Department.

Proceedings of the Board of Revenue.

dated 23d October 1872.

Read the following:-

N° 297.

From W. Mc Quhae Esqre
Acting Collector of Madura

To J. Grose Esqre
Secretary to the Board of Revenue
Madras

Sir,

I have the honor to submit a Copy of a letter addressed to me by the Special Assistant Collector in charge of the attached Zemindary of Ramnad requesting that a sum of Rs: 45,000 may be advanced to the Zemindar to enable him to defray the law Expenses connected with the Suit for possession of the Estate which is posted for hearing on the 15th Instant. As Rs: 35,000 are to be paid as lawyers fees, the sum asked for is not excessive,

but

C-28-Oct/72 R31st Octr

but the law only provides that the Expenses of management shall be defrayed out of the income of an attached Estate. Government have already shown that they are prepared to incur some risk in order to assist this Zemindar and I therefore submit the application for favorable Consideration in the Event of the Suit being decided in his favor in the Lower Court. The issue should be known in a few days after the 15th

I have &c
(Sd) W. Mc Dakar.
Acting Collector.

Collectors Office
Madura
12th October 1872

No.

From

J. Lee Warner Esqre
Special Assistant Collector
Ramnad.

To

W. Mc Dakar Esqre.
Acting Collector of Madura.

Sir,

I have the honor to inform you that the Zemindar of Ramnad has applied to me for some money from the

the Collections of the Estate under attachment to meet the heavy Expense which he is put to in the defence of the present Suit. He states that these Expenses will not fall short of Eighty thousand Rupees and he has no ready money. Ramasamy Chetty has been induced to advance a sum of money for the immediate needs on being placed in possession of all the Cowle Villages which stand in the names of Members of the Zemindar's own family but naturally this arrangement is considered a bad one by the Zemindar; and he appeals to the Government for assistance.

2. As it appears to me that the defence of this Suit is a lawful charge on the Estate, and one which the prospective heirs of it cannot in challenge, I think that a fair sum might be now shared to the Zemindar. and that the claimant will not be able to bring any action against the

the Government for letting it go, if by any chance he succeeds in Establishing this claim; but as 50,000 Rupees is a very large sum, I propose to reduce it. In naming 45,000 I would have you remember that 25,000 is the Madras lawyer's fee and not less than 5000 Each the 2 Madura lawyers' fees; so that only a moderate amount is left for the great Expense which attends the preparation of a defence and the Collection and Management of Witnesses in this Country.

3. The sum must be taken from the five lacs which I have paid into the Branch Treasury to the credit of the Ramnad Account, as I have only a little money left with me, which I keep for the payment of Salaries and Current Expenses.

4. I beg you will be good Enough to bring the Request & the Notice of Government as Early as convenient, as the Zemindar must know soon what

aid he may Expect from the Government, the period given by the Court for the Satisfaction of two decrees falling in January. It wants to suit the Zemindar's interests better to make one great arrangement with his Chetties regarding the taking over of all his debts, than to be constantly raising money in small dribblets of a lac at a time; and of course it is his firm belief in the promises of the Government and their ultimate acceptance of his Estate, that has Enabled him to hold out so steadily through the last ten months, some periods of which have caused him a great deal of personal irritation and annoyance. I have his word for it that he has raised no money on the Security of his Estate since Mr Bliss' mission to Ramnad with the Exception of the sum alluded to above now obtained from Ramasamy Chetty

Chetty, and that the whole of this money is to be applied to legal Expenses and not one Rupee of it carried to private account, and as he has said so, I believe him.

5. I do not wish to harass you with a long letter but there is a great deal to be said in favor of showing some special Consideration to this Zamindar, and you no doubt have felt this yourself.

Special Assistant
Collector's Office
Camp Madura.
9th October 1872

I have &c.
(Signed) J. Lee Warner
Spl. Asst Collector

(True copy)
(Sd) T. Ramakrn.
Dy Collector.

Submitted for the orders of Government. The Law Officers of the Crown have already informed the Government that they "see no reason to suppose that the claim against the Zamindar will succeed", but they have also stated that "in the event of failure Government would have no remedy whatever for any Expenses or suit"

G.O. 7th February 1872 No 251.

G.O. 11th December 1871 No 2106

2. The risk is therefore small, and it certainly is of great importance that the Estate should not be plunged any deeper into debt. At the same time the Board would not recommend a large lump sum being made over to the uncontrolled disposal of the Zamindar. If he is to be assisted at all at this juncture, the Collector should be authorized to advance from time to time, and to see duly appropriated, such sums as he may be satisfied are really required for the Conduct of the defence.

3. There is some obscurity in Mr Lee Warner's letter. In para 1 he speaks of the Zamindar having rejected the terms on which a certain Chetty offered to lend money for this purpose, while towards the end of his letter he seems to say that a loan has actually been obtained

obtained from that individual.

(True copies & Extract)

J. Grote
Secretary.

To The Chief Secretary to Government
Revenue Department.

Copies d M. Vincent

Rev: 1872 Dept
No 3452.

Proceedings of the
Board of Revenue.

Dated 23d October 1872
Desp'd: 23 —
Rec'd: 26

Submitting for orders an application from the Collr of Madura for Rs 45,000 for the defence of the Ramnad Zemindary Suit.

With order
No 1522 - 1st Nov/72

No 1522

To suspend the Rs 45,000 applied for by the Collr of Madura in connection with the Ramnad Zemindary Suit. Further to call for a report from the Collr as to the probable amount required for the defence of the suit, and to state whether the Collr has any funds in hand which can be applied to the purpose, and if so, to what extent.

Dated 1st Nov/72

Mr. S. Copy to Bd of Rev dis 1st Nov/72
" " Coll of Madura " —
14 S.C. to Bd of Rev dis 7th Nov/72
1 " " Coll of Madura " —
6 " Advt General — " —

No 506
28: Oct/72

23d Oct

Govt. of {1872} Madras.

REVENUE.

To

THE BOARD OF REVENUE,

&c., &c., &c.

Dated November 1st.

Recd. Encl

G. O., 1st November 1872, No. 1,522.

NOVEMBER.

Nos. 5-6.

Ramnad Zemindari Suit, Madura District
—Collector authorized to advance funds for its defence.