No. 529.

PROCEEDINGS OF THE COURT OF WARDS, dated 4th April 1873.

Read the following papers:—

Proceedings of the Madras Government, dated 15th March 1873, No. 319, Revenue Department.

ABSTRACT.—*Ramnad Zemindari in Madura District.*—Its management by the Court of Wards sanctioned. Further report from the Court on the various points discussed by the Collector awaited.

From W. McQUHAE, Esq., Acting Collector of Madura, to the Secretary to the Court of Wards, dated 14th March 1873, No. 76.

I HAVE the honour to submit a list of the maintenance allowances I would recommend for the widows of the late Zemindar of Ramnad, and detailed information regarding the establishment to be kept up in the palace outside the zenana. It is not desirable that the widows should have larger sums at their disposal, and, in the present state of the estate, great economy is a necessity.

2. I also enclose a list of villages leased out to the widows and daughters of the late Zemindar at low rates, and I propose that all of them be resumed. These villages remained in the possession of the Zemindar, and the leases were merely intended to secure an additional provision for the Zemindar in anticipation of assignment of the estate to Government or to the creditors. Copy of a letter from the Special Assistant, dated 9th March 1873, No. 32, on this subject is enclosed.

ENCLOSURE No. 1.

From J. LEE WARNER, Esq., Special Assistant Collector, Ramnad, to the Acting Collector of Madura, dated 9th March 1873, No. 32.

I HAVE the honour to acknowledge the receipt of your letter, No. 413, dated the 3rd of March 1873.

2. As the estate is now placed, I do not contemplate the allotment of so large a sum as the sum equal to ten per cent. of the permanent assessment for the support of the minor and his relations as either just or necessary; nor need I take into consideration the various leases of Ain villages now standing in the names of any of these persons as part of their private property, since believing as I do the grant of them to have been tainted with fraudulent intention at the commencement, while their continuance is not only now prejudicial to the minor's interests, but is also likely to prove hereafter the absolute ruin of their holders. I have not hesitated to recommend that they be instantly cancelled. A money-allowance paid through a responsible guardian monthly must reach the hands of the widows, while the income of any villages or lands managed by themselves would be regularly diverted to feed the expenses of litigation, or squandered by their relations for them. Besides the villages, so called their's, were never separated in the accounts of the late Zemindar from his general income; and it is quite certain, from the inquiries that I have made, not only that the widows never claimed one rupee of this property, but that if they had done so they would never have got it. The sole reason that the leases were drawn in the names of them and their daughters as streedanam, instead of in the Zemindar's own, appears to have been his hoping that, in the event of the assignment of the estate to the Government taking place, he might have secured for his private use a handsome income independent of his allowances, Government being likely to overlook with indulgence the apparently separate streedanam of helpless women.

3. As for the private property in money, jewels, lands, utensils, etc., the zenana ladies have been listening to evil-advisers, and have unanimously declined to take the slightest notice of my demand to be supplied with correct lists of it. It is currently reported that, in one of the innermost rooms, a large sum of money in ready cash will be found; but, as no credible witnesses are yet forthcoming to give evidence about it, I have set the rumour aside, and framed the allowances, quite irrespective of the separate wealth, of each widow or other person entitled to allowance, real or reputed.

4. I have seen the Moyeen Zabitah of the allowances paid to Muttu Veerayee Natchiar, etc., when the estate was under management of Court of Wards in 1842, but I am not aware that the estate was then so lamentably involved in debt, or that the female members of the family would have received such handsome allowances if there had been a minor boy. Times are altered in many respects for the better since 1842, and there can be no object in maintaining so many useless offices of mere distinction and pomp as were then considered the necessary appendage of a man of rank. The minor boy will live in his mother's charge for at least two years more, when arrangements can be made to treat him quite separately. At present his feeding-charges are included in his mother's allowance.

5. I have ascertained that, during the Zemindar's life-time, all the wives were kept very strictly in the palace; it was even stated in their allowance how many measures of rice, how many seers of mutton or leaves of betel would be given to each. The eldest widow had by the accounts a sum of Rupees 72-10-9 which included the pay of four servants for herself, and an allowance of Rupees 15-7-6 for her son. Dorarаja Natchiar was receiving Rupees 119-10-1, which included the pay of twelve servants and larger shares of all supplies than the other wives. Ranee Natchiar had only two servants and an allowance of Rupees 40-12-10 which was increased by Rupees 7-8-4 for the maintenance of the daughter of Kunjara Natchiar, deceased wife of the Zemindar, living with her. Vizia Latchmy Natchiar had Rupees 71-0-10, which included the pay of five servants. Kanammal had Rupees 47-6-9 including the pay of two servants, and the support of her sister's children. The eldest daughter of the first widow being grown up is separately attended and has been allowed monthly Rupees 91-1-6. The zenana was always kept supplied liberally with milk and vegetables from the cow-farm and gardens of the Zemindar in Ramnad. In my proposals for an establishment, which forms a necessary part of the scheme of maintenance, I have carefully included the charges of these.

6. You are fully aware, I am sure, of the difficulty of ever pleasing these sorts of people; but with this information before you (and I have no reason to doubt its genuineness), I believe that you will find the allowances proposed by me ample to enable the wives and children of the late Zemindar to live comfortably, if quietly. The very nature of the loss which they have sustained, and the position which they held, forbids them to assume any pomp or to issue from seclusion; and absolute justice to the creditors demands the retrenchment of superfluities and rigid economy, as far as is consistent with their rank and comfort.

7. For most of the posts proposed, I have already old servants of the estate in my mind. I am told that the retention of one elephant is absolutely necessary for the dignity of the palace, and that no further reduction in the number of horses and carriages is possible.

8. With reference to some of my remarks in paragraph 4 of this letter, I have not attempted to point out on what articles of luxury or necessity the ladies may choose to spend their allowance; but the appointment of an Ugranan Supervisor, who is an old and trusted servant of the palace, will give them the necessary assistance. All the establishment that I have provided will be outside the zenana. They must make their own arrangements about servants and cooks, etc., within those closed walls. They have the means to do so on their allowances.

(True Copy.)

(Signed) W. McQUHAE,
Acting Collector.

Enclosures Nos. 2 and 3.—Lists.

The Zemindari of Ramnad was placed under the charge of the Court of Wards by G. O., 15th March 1873, No. 319, and the Court proceed to furnish the report on the subjects adverted to in the Collector's letter therein disposed of, called for in paragraph 2 of the G. O. The Collector has made a further report, dated 14th March, specifying the allowances to be granted to the family and the establishment to be kept up, which will be disposed of at the same time.

2. As proposed by the Collector in paragraph 2 of his first letter, the Zemindari should be registered in the name of the eldest son, Bhaskaraswami. The Court attach no importance to the yadast said to have been written by the late Zemindar.

3. The Collector should endeavour to procure without delay the services of a suitable person as paid guardian. The selection of a thoroughly competent man for this office is of great importance. Such a man would be able to discover the truth as regards the treasure said to be hoarded in the zenana. The production of a properly verified list of the jewels and other valuable property in the zenana must be insisted on. These are matters which will require great tact and firmness; and success will depend mainly on the personal qualifications of the guardian.

4. As regards the management of the estate, the Court are of opinion that Mr. LeeWarner should be appointed Manager, continuing to be Special Assistant to the Collector. His appointment in the latter capacity will enable the Collector to place the guardian under his orders, and to enable him to act under the Court of Wards under the regulation, he must be formally nominated to be Manager. The establishment which was retained when the Special Assistant was placed in charge may be continued for the present; but the Collector should consider whether the taluqs now eight in number could not be reduced. Fewer men, well paid, would probably be more efficient and less expensive than the present establishment.

5. The Court sanction the Collector's proposal to entrust to the Special Assistant Collector a sum of Rupees 10,000 for immediate expenditure on irrigation repairs. This sanction will be communicated by telegraph.

6. Enclosure No. 3 to the Collector's letter of 4th March, shows the private debts chargeable to the estate ... ... Rupees 9,38,130 9 9
and not so chargeable ... ... „ 2,58,674 9 5
Rupees 11,96,805 3 3

The new debts Nos. XVI., XVII., and XVIII., contracted since January 1872, amount to Rupees 41,572-8-4, of which the Collector has claimed Rs. 11,889-9-4 as chargeable to the estate. The Court are of opinion that, in a matter of such magnitude, nothing should be done without professional advice, and they think that the schedule should be handed over to the Government Solicitor with instructions to proceed again to Madura for the purpose of investigation and settlement, his former journey having been rendered useless by the late Zemindar's death. The Collector should lose no time in inquiring into the claim by Sami Pannoo Tevar, as delay in such matters is favourable to fabrication of evidence. The sum due to Government on 31st January last was Rupees 7,62,259.

The Court presume that the estate having now been placed under their charge, the [illegible] for the payment of the private debts will be advanced by Government to the Court.

7. They desire to have further information from the Collector regarding the Kolkriam, Sirootettoo, and Pannay village tenures, and the method in which the proceeds have been brought to account. As regards the chuttrums and devastanums of which the late Zemindar was hereditary trustee, and of which the income was misappropriated by him, the Special Assistant should at once take charge of every such endowment, and, after investigating carefully the state of the accounts as between the institution and the late trustee, should report for the orders of the Court. He need not at present further interfere with the administration of the religious endowments.

8. The lands and villages specified in the enclosure No. 2, to the letter of 14th March, as alienated *pro formâ* by the late Zemindar, should be at once resumed and placed under the charge of the Special Assistant as Manager. The maintenance allowances and scale of palace establishment proposed by Mr. Lee Warner are sanctioned subject to revision, if necessary, at the end of six months.

(True Copies and Extract.)

H Stokes

Acting Sub-Secretary.

To the Secretary to Government, Revenue Department, with two original enclosures.
,, the Collector of Madura, with G. O., 15th March 1873, No. 319.

15th March 73 No. 157-160

Rev. 1873. Sept.

Court of Wards,

MADRAS. 4/10/73.

PROCEEDINGS, 4TH APRIL 1873, No. 529.

Duplicate 73.
Encl. 2
x Mr. Lee Warner
8 Sept 1873

Received 12/4

APRIL.

No. 529.

Remnad Zemindari—in Madura District, now under charge of Court of Wards.—Orders passed and recommendations made regarding management of—appointment of a guardian for minor, debts due to the estate, establishment to be employed in it, repair of irrigation works, etc.

Exd. J. Wright.

150

4/4/73

C. P. Mad. Rev. 29 Oct. 1879

Copied 29 Oct 1879

Revenue Department

Proceedings of the Court of Wards

Dated 7th May 1873.

Read the following

No. 113

From W. McLuhae Esqre.
Acting Collector of Madura

To J. Grose Esquire
Secretary to the Court of Wards
Madras

Sir,

With reference to para 3 of the
Proceedings of the Court of Wards dated
4th April 1873 No. 529, I have the honor to
recommend the appointment of Bowan
Sreenivasa Mudaliyar, the Tahsil-
-dar of Dindigul, as guardian of the
Minor Zemindar of Kannad. If he
will not accept the office on a lower
salary than Rupees 250, but he must
resign all claims to allowance from
Government during leave and this must
red

reduced his contribution to Govern-
-ment taxes by 5 per cent of his salary, &
Rupees 30.-.- a month, making the total
cost to the Estate Rupees 280. I regret
that I cannot name any one not in
the service of Government, who is likely
to give satisfaction to the Court of
Wards in this important post.

2. Srinivasa Murti Iyengar has
been a Tahsildar for about six years
and has the reputation of being an
honest, careful and obedient man. These
qualities are essential and if he be
placed in charge of the religious
endowments under such supervision
from Mr. Lee Warner as may not be
unlawful, he will have quite enough
to do in return for the salary he
will receive from the Estate. The Court
of Wards must make some arrange-
-ment for the administration of these
endowments at an early date, as para-

of their Order leaves the matter unsettled, pending the submission of a report which is likely to take some time.

3. Para 8 of the Court's order requires correction. The maintenance allowances and establishment sanctioned by the Court were proposed by me after much discussion with those competent to advise me and differ considerably from the proposals originally made by Mr Lee Warner.

I have the
Collector's Office } Signed W. McAuliffe
Madura } Acting Collector
21st April 1873

The Board sanction the appointment of P. Srinivassa Murti Ayyar Tahsildar of Dindigul, to be Guardian of the Minor Zemindar of Ramnad: his salary is fixed at 250 Rupees per mensem (exclusive of Rupees 30 per mensem which will be the amount required

as a Contribution to Government under the Rules).

2. He will be placed in charge of the religious endowments at once.

3. In Proceedings Court of Wards, No. 529, dated 4th April 1873, in the last clause of Para 8, for "proposed by Mr. Lee Warner", the words "proposed by the Collector" must be substituted.

4. These Proceedings will be submitted to Government to confirmation of the Proceedings of the Court dated 4th April 1873.

True copy & Extract

A Govindu
Acting Sub Secretary

To,

The Acting Secretary to Government,
Revenue Department

W. Lee-Locker

M. Narasimha Charry

27-2-90

Revenue 1873 Dept
8. No. 1343

Proceedings of the
Court of Wards

Dated 8th May 1873
Desp:- 9th "
Received 12th "

No. 182

Ld. 182 - 183

C. 16 May R. 22nd May

No. 185

Sd. No. 529 - 23rd May 1873

Sanctioning appoint-
ment of Srinivasa
Murti Iyengar, Talk. of
Sidigul, as Guardian
of minor Zemindar
of Rammad, & submit-
ting Board's Pro. to Govt.

Where are the
papers from
Madura?

REVENUE DEPARTMENT.

MISCELLANEOUS No. 2817

PROCEEDINGS OF THE COURT OF WARDS

Dated 9th May 1873.

Read the following

No. 97

From

W. McLuhan Esquire
Ag Collector of Madura

To

J. Grose Esquire
Secretary to the Court of Wards
Madras.

SIR,

I have the honor to submit translation of a will dated 26th April 1868 and in the hand-writing of the late Zamindar of Ramnad. It was found among his papers by Mr. Lee Warner and shews what the Zamindar's wishes then were regarding the maintenance to be allowed to his wives. The person therein appointed Executor is dead.

I have &c.
W. McLuhan
Ag Collector

(Sgd)

Madura Collector's Office on Circuit Camp Vindigul via Vindigul Railway 3d April 1873.

Submitted

Submitted to Government in continuation
of the Proceedings of the Board of Revenue
dated 4th April 1876 — No. 529.

(True Copy and Extract)

H Goodrich
By Sub Secretary

To

The Acting Secretary to
Government, Revenue
Department
with Translation of will
to be returned

W. Locker
Syed Khader Badshah
M. Narasimma

Rec'd 1873 Sept.

PROCEEDINGS OF THE COURT
OF WARDS

No. 1328.

Dated 9th
Recd. 13th } May 1873.

Encl: 1.

No. 2817

encl.
+ Rets to Board of Rev
8 Sept 1873.

SO do 529 - 23rd May 1873

Submitting Govt.
letter from Coll.r of Ma-
=dura forwarding trans-
=lation of a Will exe-
=cuted by late Zemin-
=dar of Ramnad re-
=garding maint=
=nance allowance
for his wives.

Ent'd with other papers

No. 180 183

181.

C. 16th May R. 22nd May

Papers read in F.O. No. 529, 23d May/73, and Copies of which sent to Govt Solicitor are as follows —

Share Copy of F.O 4th Feby/73 No. 141.
" —— 25th Feby/73 No. 221
" —— 15th March/73 No. 319.
" — Bo: County Wards } 4th April/73 No. 529
" —— " 9th May/73 No. 2817
" —— 8th May/73 No. 750 —

Particulars of the 3 original enclosures sent to Govt Solicitor with the above F.O, and asked to be returned, when no longer required.

No.	Subject.
Enclosure in Letter from the Agent for Madura to the Secy to the Court of Wards, dated 14th March/73 No. 76	List showing the maintenance allowances proposed for the support of the minor Zemindar of Ramnad & the members of his family and the Establishment to be kept up in the Palace including guardian —

No 2 Subject

Enclosure in letter from the Agent of the Madras Board of Revenue to the Court of Wards dated 14th March 1873 No 76 } List of villages leased to widows and daughters of the late Zemindar of Ramnad

No 3.

Enclosure in do do & Do do do 3 April 1873 No 97 } Translation of Will &

Dudgeal
17th April 1873

17

My dear Dalyell

On arrival here this
morning I found the Court
of Wards Proceedings of 4th
April No 529 regarding the
Rammad Estate - With
regard to Para 6 I wish
to urge very strongly that the
Govt Solicitor can do nothing
whatever by proceeding against
the Madras Govt for purposes of
"investigation & settlement"
The Solicitor was originally ordered

to come here to draw
up the Mortgage deed
for that purpose he had to
meet the late Jennings as
his Agent. All that has been
now altered.

You have the opinion of the
late Advocat General Clarke
regarding these debts numbered
with ordinary numerals in my
list and Roods Rev. of Govt.
15th March 1873 No 319
Full information regarding the
other debts numbered with Roman
numerals can be given by me
at once to the Lawyers if they

ask for any thing they want
and. You have already paid the
Solicitor more than 700 R. for
nothing & I object to the expense
& delay of another visit. He will
only act as a vehicle to convey
the fact already recorded to the
Advocate General & of his opinion
more facts I can give them
much more quickly & correctly
than he can & get them here if
he be here. It is also difficult
to get the Creditors to meet him
on any fixed date. They
are now going to accept the
opinions of your Lawyers

19

Some have already sued & all will sue for any portion of the debts they refuse to pay.

Therefore what is the use of going to extra expense for a legal opinion when the Courts decision will be the only criterion to settlement of the questions in each case—

Pay off those debts which the Lawyers can say on the facts now recorded are clearly chargeable & dispute the balance in Court if you can I think I am safe in venturing on these lines clearly on what that amount is opinion always liable according to circumstances. At any rate. I would see whether the Govt. Solicitor wishes to make any enquiries here before going to the expense of sending him down. My impression was when he came here last that he could get no information which I have not in my Office now & I fancy he knows this as well as I do. Is it not rather an expensive proceeding to pay Rs 100 a day travelling & other expenses for the purpose of transferring a few facts from my Office to the Advocate General?

They have all the information
they want already & if they
want more I have it & can
send it for the sum of
2 annas by post.
When we send 6 economic
every paper belonging to the
insolvent Estate then useless
expenses annoy me extremely
Take professional advice by all
means but don't pay a man
for simply for pretending to make
the enquiries which will really
me I send by me while I be
a here a post. I am ready to
give any information by attending
post
Jos. Cumfort
Bombay

Revenue Dept.

Memo: for Orders on Nos 1073, 1328 + 1343.

1. Early in 1869 the Collector of Madura proposed that the Govt should assume the charge of the Ramnad Estate and assist the proprietor (Zemindar) with a loan at a moderate interest, with which to pay off his rapidly increasing liabilities. These were then stated to be about 12½ lacs, of which 9¼ were private debts and 2¾ due to Govt. - The income of the property was reported to be a little over 6¼ lacs of which 3¼ was payable to Govt as peshcush, or tribute.

Of

of the remainder it was thought that two lacs would be required for the maintenance of the Zemindar and his relatives, the management of the property and the payment of interest on the loan at 5 per cent, leaving something over one lac to go towards a sinking fund for the payment of the principal of the debt.

2. The Govt in an order dated 3d June 1869 No. 1562 forwarded this proposal to the Advocate General and Govt Pleader for their joint opinion as to whether it was in the power of the Zemindar to secure his property to the Govt as security for a loan.

3. Messrs. Norton and Handley gave a doubtful reply and pointed out that the question whether or not the property could be pledged for the proposed loan would depend, in a great measure, on the nature of the original debts, i.e. whether or not they were of such a description as to be chargable upon the inheritance. In an order dated 22d Oct. 1869, the Govt thereupon directed the Sub Collector of Madura, Mr. Bliss, to make a general report upon the present condition, resources and requirements of the property, and a particular report upon the nature of the private debts.

4. In March 1870 Mr. Bliss submitted an elaborate report

report on these points. It appeared that up to 1st Janry: 1870 the Zemindar's liabilities were upwards of 13½ lacs with a tendency to increase. Of this sum 10¾ lacs were due to private Creditors, and the balance to Govt. The income of the Estate was estimated at 7 lacs, with a probable increase in future years. On a scrutiny of Mr Bliss' figures and report the Law officers stated (16th Novr 1870) that in their opinion 7½ lacs of the private debts would form a proper charge upon the inheritance, and they added that if the Govt paid off the whole debts and took a mortgage of the

Estate

Estate, their position would be, that for the lifetime of the Zemindar, they would hold security for the whole amount, and that after his death they would have a valid charge against his successors for ½ lacs of the amount of the loan.

5. The Govt then addressed a letter to the Govt of India (13 June 1871) requesting permission to make a loan of 14 lacs to the Zemindar (to cover all debts with interest to date) for which they proposed to charge 5 per cent, and to extinguish by annual instalments of Rs 70,000, to be increased as the income of the Estate improved.

6. In their letter dated

18th

10th August 1871. No. 2618 the Govt of India sanctioned the proposed arrangement to the extent of an advance of 7½ lacs to the Zemindar, and directed that until the payment of the remaining debts the Govt demand upon the Estate might be suspended, but that after all the debts were paid, at least Rs. 1.40.000 must be paid annually to Govt for debt and interest.

This Govt thereupon in an order dated 11th Sept. 1871 offered to the Zemindar to take an assignment of his estate for their advances and to assume the management. The Zemindar was to

fresh debts. The sum of 7½ lacs of Rupees to be paid to the creditors at once, and the balance of his debts as funds were available - Rupees 60,000 per annum to be allowed for his own maintenance and Rs. 18,400 for his relatives - Rs. 1,40,000 to be credited to Govt annually on account of interest and repayment of advances - On the Zemindar's acceptance of these terms the Board of Revenue were to take steps to obtain from the law officers the necessary form of bond or assignment, and the Collector was to procure from the Zemindar an amended

Schedule

schedule of his existing debts.

8. The Zemindar accepted those terms, and his private debts appear to have amounted, according to the new schedule prepared by Mr. Bliss, to about 11/2 lacs, of which Mr. Bliss considered 9 lacs + odd to be chargeable on the inheritance. It was proposed to pay off this 9 lacs at once and to take assignments from the mortgagees as well as a general assignment of the Estate, and to pay the balance of the debts as collections were available, but a suit claiming the property was, in the meantime, filed in the Madura Court (Nov: 1871)

9. Further negociations were

were, accordingly, at once put a stop to as the Law Officers advised that no money should be advanced to the Zemindar whilst his title was under dispute, but it was determined in the interests of the property as well as to secure the balance due to Govt for prosecution, to attach the property for arrears. The Estate was accordingly taken under the management of Govt in Decr. 1871, and Mr. Asst Warner (a Covenanted Civilian) was appointed Agent in charge under the Collector. The Zemindar was given a maintenance allowance of Rs. 3,000 monthly.

10. The Law Officers advised that there was every prospect of the suit (which in the mean

meantime was carried on by the adopted son of the Original Plaintiff also deceased) being determined in the Zemindar's favor, but the Govt held that it would not be prudent to advance funds under the existing circumstances of the property, and reported the state of affairs to the Govt of India on the 21st Feby: 1872 and to the Home Govt on the 29th of the same month.

11. On the 16 of January 1873 the Collector reported that the Suit had been decided in favor of the Zemindar and expressed a hope that the Govt would feel itself in a position, at once, to advance the funds necessary for

for the payment of the Zemindar's debts, as some of the creditors had obtained decrees against him. The Govt again referred the matter to the law officers for opinion as to whether the advance of funds originally proposed might now be made with safety.

12. Messrs. Cunningham and Handley reported favorably. They expressed themselves as feeling no doubt that the decision in the Zemindar's favor was substantially sound, and that a chance of reversal on appeal was so remote that, if the Govt thought fit to run any risk in the matter, it might properly be encountered,

and

and that it was difficult to imagine a case in which the risk would be smaller.

13. Under these circumstances the Govt in their order dated 4 February 1873 No. 140 determined to proceed with the original arrangement, and directed the Govt Solicitor to proceed to Madura to give effect to their intentions in communication with the Collector. The debts chargeable upon the inheritance were to be at once paid off, and endeavours were to be made to compromise the remainder, the Govt demand for the Zemindar's peshcush being suspended until the whole were paid. This resolution

was communicated to the Govt of India, and in anticipation of final arrangements the Collector was demi-officially authorized to pay off two debts to judgment creditors amounting to Rupees 1.37.065, which he reported having done on the 22 January 1873.

14. On the 21 of February the Zemindar died leaving two minor sons, and several daughters. The Collector reported the fact on the 22d and on the 25th the Govt indicated that the Estate must be taken charge of by the Court of Wards on behalf of the minor sons, after which the opinion of

of Counsel would be taken as to the party competent to negociate with Govt in lieu of the late Zemindar. It was also observed that the intended loan would now be diminished as some portion of the late Zemindars debts were not binding on the Zemindary, and that upon this point also the opinion of Counsel would be taken. These Proceedings were duly reported to Govt of India and to the Home Govt

15. On the 22d of Jetmary the Board of Revenue forwarded a proposal for the entertainment of an establishment for the repairs of the irrigation works

works of the Zemindary, and asked incidentally that the Govt would declare whether under the peculiar circumstances of the Estate, there would be limits, under the assignment, to the expenditure of money on improvements to the Estate. The Government sanctioned the Establishment but deferred replying to the Boards query, apparently with the intention of referring this point also to the Law Officers.

16. On the 8th of March the Board of Revenue submitted a definite proposal

proposal from the Collector that the Estate should be taken under the charge of the Court of Wards, on behalf of the elder son, who was stated to be four years and four months old. In this letter the Collector requested instructions as to the Devastanum trust amounting to Rs. 1.39.869 per annum, which had been managed by the late Zemindar, assumed that the private lands, which produced Rs. 50,000 per annum, would be placed under the charge of the manager (for which

which position he suggested Mr. Lee Warner), and suggested that a guardian should be appointed who was not a relative of the minor. He also recommended that Rs. 10.000 should at once be advanced for irrigation repairs, and in submitting a revised list of the late Zemindar's debts brought up to date, he observed that it would be necessary to have advice regarding the proper mode of proving that any part of a debt paid was that part which was charged

on

Minor.

18. On the 12th March the Collector submitted for the approval of the Court of Wards the maintenance allow-ances which he pro-posed for the widows, and suggested that all the villages which had been leased to the widows and daughters should be resumed, as it appeared that these transactions were merely nominal and

W

on the inheritance, and
also as to whether any
creditors who might
not have a claim on
the Zemindary, would
have a claim on the
personal property and
private lands.

17. Interim orders
were passed on this
letter by the Board
and Government as
the Court of Wards
were directed to take
charge of the Estate
on behalf of the
Minor

of the minor, as they attach no importance to a gradual from the Zamindar produced by the minor widow, which the Collector considers to be a forgery. They approve of the appointment of a paid guardian and in subsequent Proceedings (8th May 1873) they sanction the nomination of the Sheristadar of Vizagpt to the post on the Collectors recommendation. They consider that Mr Lee Warner should be appointed manager but should also continue to be special assistant to the Collector as in that capacity he will be able to control the guardian They sanction the expenditure of Rs 10000, in irrigation repairs. They direct the special Assistant to take charge of the Devastanum trust and to ascertain by enquiry its financial position with

in view to securing the late Zemindar a better income in the event of the Estate being transferred to Govt. or the Zemindar's creditors.

19. In their Proceed-
-ings on this letter which are now before Govern-
-ment, the Court of
wards dispose of
them as well as the
recommendations made
in the Collector's former
letter. They direct
him to register the
Estate in the name
of

with preference to the late Trustee and also to presume the alienated villages. They sanction the proposed maintenance allowances and palace establishment subject to revision if necessary after six months, and they consider that the new schedule of debts should be handed over to the Government Solicitor with instructions to proceed to Madura for the purpose of investigation and settlement as they presume that as the estate is now in their charge money for the payment of the private debts will be advanced by Government.

20. In their further Proceedings dated 9th May, the Board submit a letter from the Collector forwarding translation of a Will executed by the late Zamindar Periya Servai maintenance allowances and dowries for his widows and daughters which are considerably in excess of those proposed by the Collector which have been sanctioned by the Court. Neither the Board nor Collector remark on this document beyond observing that the Executor named is dead.

21. From one of the enclosures to the Collector's first letter referred to in para 15 above, it appears that the collections from the estate during the year 1872, while it was under management were Rs 7,41,280 and that a balance of Rs 44,470 remained in hand on 31st Decr. 1871. Of these sums over Rs 5,10,000 were paid to Govt. for arrears of peshcush and Road

Road Cess, Rs 33,000 were paid to the Zemindar as allowance, Rs 39,850 were paid as law expenses, about Rs 75,000 as expenses of management and there remained about one lac at credit at the end of the year. (Dec 31/12.)

22. From another enclosure of the same letter, it appears that the private debts of the late Zemindar, made up to the end of February last, amount to Rs 11,96,805-3-2. excluding the two judgment debts referred to in para: 13 above (Rs 1,37,065) which have already been paid by Government. Of this gross sum the Collector considers that Rs 9,30,130, are debts properly chargeable on the inheritance.

It seems that of this amount about 8½ lacs represent sums with interest which were considered chargeable on the inheritance by the Law officers in 1870 (there reaching to much smaller amounts) the balance being made up of about one lac of new debts deemed by Mr Bliss, in 1871, to be chargeable on the inheritance and two comparatively small sums now newly placed in the same category by the Collector Mr. W. Duke. Of the remaining debts not chargeable on the inheritance Rs 2,58,674- about Rs 2,20,000, represent sums with interest to date declared by the Law Officers not to be chargeable

chargeable on the estate in 1870, and Rs 34,000 of debts incurred during the past year now added to this list under the Collectors opinion.

23. It would thus appear that so far as the debts are concerned, we have already had legal opinions upon all except about Rs 1,10,000 considered by the Local Revenue officers to be chargeable upon the estate, and Rs 30,000, deemed by them to be not so chargeable. Mr. McLuhan has written demi-officially strongly deprecating the Board's proposal that the Govt: Solicitor should proceed to Madura for the purpose of investigation and without and he points out that no opinion of our Lawyers advance to

to any creditor will be accepted by him and that a Courts decision must be the ultimate decision in the case of each disputed debt.

24 The position of the property would then appear to be as follows - There is a balance of peshcush due to Govt: amounting to 6 1/4 lacs, a sum of a little over 9 1/2 lacs of the late proprietors debts chargeable against the estate, and a sum of Rs 1,37,065 due to Govt: for the liquidation of debts of similar character, in all say about 17 lacs. In addition to this there are the doubtful debts of about 2 1/2 lacs most of which will be disputed at law unless paid. Probably therefore the gross debt will reach

20 lacs before it can be
dealt with by Govt. The
assets of the estate are however
well over 7 lacs per annum
and say 5 lacs were required
for pechcush and expenses
of maintenance and manage-
ment there would still be
2 lacs per annum available
for interest and sinking
fund.

25. It is submitted then that
(1) the Proceedings of the
Court of Wards in the several
matters referred to in para: 18
above may be approved
and sanctioned except in
regard to the deputation
of the Government Solicitor
to Madura. (2) That all
the papers may be referred
to the Advocate General
and

Yes. L. D.S.

Yes SDS

See Reg V of 1804.
In which I think provides. adequate
Events the Court of
Wards might put some
can borrow for it
fund of the Estate to
Ld.

and Govt Pleader for advice
(a) as whether it is competent
to any party to negociate with
Govt in lieu of the late
Zemindar and if not whether
it would now be safe for
the Govt to advance funds
to the extent of 9½ lacs for
the payment of the amounts
now considered chargeable
on the property (b) as to
what course should now
be adopted in regard to the
other 2½ lacs (c) as to whether
any and what limits should
be placed upon the Court of
Wards in regard to expenditure
for the improvement of the
estate (d) as to the proper
course to be adopted in
order to prove that the portion
of a debt paid is that

particular

Yes
I Ot

this is not a question
for him - The Court
of Wards Supt must
determine -

Yes
I Ot.

particular portion which was chargeable on the inheritance (e) as to the claims upon the private property possessed by creditors who have no claims upon the inheritance (f) as to the effect of the will found among the Zemindar's papers referred to in para: 19 above (g) as to the position of Govt: in regard to the payments made in January last to the two judgment creditors.

26. On receipt of the reply of the Law Officers, the Government will be in a position to address the Govt: of India in view to a slight modification of the terms on which the advance is to be made with reference to

Yr Os.

Yr Ds.

Yr Ds.

This is not affected by the Zemindar's death, or supposing it as the debt paid was paid against the inheritance

L. D. S.

I agree in the recommendations as preliminary to laying the case before the Govt of India - BH

HP

to the altered circumstances
of the property, but it is sub-
mitted that in the meantime
the Collector may be instruc-
ted to retain all collections
to the credit of the estate
except such as may be re-
quired for expenditure -
all demand for Government
purposes being suspended
for the present.

Before we
have answer
to the letter

Memo. for Cabinet

Colonial Secretary

Ly 2m 75

fo. 5220
2m-6-74

Appeals Cases

R. Dept

Go. 23rd May 73

No 160/181

Rec'd 23rd May 1873 de d 57f

23/5/73

Revenue Department.

No. 529

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 23 May 1873

Read ~~the following~~ again

Proc: of Govt: dated 4th Feby/73 No. 141
do " 25th Feby/73 No. 221
do " 15th March/73 No. 319

Read also the following Proceedings of Court of Wards.

R.S.C.

Regarding management of Ramnad Zemindari, appointment of a guardian for minor, debts due to the estate, establishment to be employed in it, repair of irrigation works &c.a	A.R. 4th April 1873 No. 529
Forwarding translation of a Will executed by the late Zemindar of Ramnad regarding maintenance allowance for his wives.	A.R. 9th May 1873 No. 2817
Sanctioning appointment of Shrinivassa Iyengar, Tahsildar of Sivaganga as guardian of minor Zemindar of Ramnad.	A.R. 8 May 1873. No. 750.

J. D. S.

The Right Honorable the

the Governor in Council resolves to refer the papers above recorded to the Advocate General and to the Government Pleader with the request that they will advise (a) as to whether it is competent to the Court of Wards, the minor son, or any other party to negociate with Government in lieu of the late Zemindar of Ramnad and if not whether it would now be safe for the Government to advance funds for the payment of all debts now considered to be chargeable on the property without any formal assignment of the estate to them (b) as to the correctness of classification of the debts by the Collector as shown in the enclosures to his letter recorded in Govt. Proceedings

Proceedings dated 15th March 1873 No. 319 above recorded (c) as to the course to be followed in regard to the debts which may be deemed not to be chargeable on the inheritance in the event of its being determined to liquidate those which are so chargeable (d) as to the claims upon the private property which may be possessed by creditors having no claims on the inheritance (e) as to the proper course to be adopted in order to prove that the portion of a debt paid is that particular portion which was chargeable on the inheritance. (f) as to the legal effect of the Will found among the late Zemindar's papers copy of which forms an enclosure to the Proceedings

of the Court of Wards
dated 9th May 1873 No. 2817
above recorded (g) as to the
position of Govt: in regard to
the sum of Rs 139,065 advanced
by Govt: in January last in
the life-time of the late Zemin-
dar for the payment of the
debts due to two judgment
creditors as reported in the
Irish Proceedings above recorded:

2. The Proceedings of the
Court of Wards as reported in
these papers are approved
and sanctioned, but the
Govt: do not deem it necessary
that the Government Solicitor
should proceed to Madura
as proposed by the Court
for any information which
the Advocate General and
the

the Government Pleader may
desire can be more readily
obtained from the Collector
by letter and it is to be observed
that by far the largest portion
of the claims on the estate
have been already classified
by the Law Officers as
chargeable on the inheritance,
or not so chargeable, though
the sums so determined in 1870
have now been largely
increased by accumulated
interest.

3. In view to facilitating
any future arrangements which
may be determined upon for
the liquidation of the debts
due by the estate, the Collector
will be instructed through
the Board of Revenue to
hold the entire receipts
the credit of the pro

except such as may be required
for expenditure, all demand
for Govt: Peshcush being
suspended for the present

Desp.d in M.S.
to Gov.t Solicitor. 28th May.
to Bd of Revenue. 26th

4 To the Govt Solicitor Dec 4th June/73
14 " Court of Wards "
3 " Govt Reader "

20

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