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GOVERNMENT OF MADRAS

REVENUE DEPARTMENT

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Proceedings of the Madras Government, Revenue Department,
15th June 1874.

No. 137. Read the following despatch from the Right Honourable the Secretary of State for India:—

INDIA OFFICE, LONDON,
30th April 1874.

Judicial,

No. 8.

MY LORD,—I send herewith, a number in the packet, Her Majesty's order in Council and printed judgment, together with a perfect set of the papers printed in this country, in the appeal case noted in the margin, which I desire you will place in the hands of the law-officers of your Government.

2. Duplicates of the above mentioned documents will be forwarded by the succeeding Southampton mail.

3. This order is in original, and must be filed in the Court from which the appeal is brought, in order to give effect to the judgment.

I have, etc.,
(Signed) SALISBURY.

From Madras.

Between the Collector of Trichinopoly, as representing the interests of the Governor of Fort St. George, by order of the High Court of 21st October 1870, Appellant,
and
Lekhamani (1st widow of the late Zemindar), since deceased, and the Zemindar of Marungapuri, Respondent.

And between Pedda Amani and Chinna Amani (2nd and 3rd widows of the late Zemindar), Appellants,
and
The Zemindar of Marungapuri, Respondent.

His Excellency the Right Honourable
The Governor in Council, Fort St. George.

ENCLOSURE No. 1.

Judgment of the Lords of the Judicial Committee of the Privy Council on the Appeal of Pedda Amani and another v. the Zemindar of Marungapuri, from the High Court of Judicature at Madras; delivered 14*th January* 1874.

Present:
SIR JAMES W. COLVILE.
SIR BARNES PEACOCK.
SIR MONTAGUE E. SMITH.
SIR ROBERT P. COLLIER.

THEIR Lordships are of opinion that there is no ground for interfering with the decision of the High Court at Madras upon the issue of legitimacy. They think there is sufficient evidence that the second defendant was the legitimate brother of the deceased Poligar. There is some express evidence as to the marriage having taken place, and there is no doubt whatever that the lady, the mother of the second defendant, was taken to the palace of his father for the purpose of being married. It may be taken as a fact that the marriage was interrupted, but there is evidence from which it may be presumed that, notwithstanding that interruption, a marriage did take place between the father and mother of the second defendant prior to his birth.

In the document put in by the defendant, No. 15, at page 35, which is called a deposition, but which appears to be more in the nature of a petition or urzee, as it is called, made by the deceased Zemindar, the half-brother of the defendant, on the 15th of May 1854, shortly after the death of their father, he says: "Ere this I have reported to the taluq, as also to the Huzur, the circumstances of the death of my father, Muthu Veera Puchaya Naiker, which occurred on the 25th April of this year. Of the six wives married by my father, the first, Ahkamani, being

is useless, and I being the son of the second wife, and eldest son, my father, while alive, in the presence of all the people, invested me with the pattam, according to the right of succession in our family, and the custom prevailing among our caste, and delivered to me all the insignia of the pattam, consisting of weapons, *etc.* I pray, therefore, that the sanction of the Government may be obtained, declaring me entitled to the said Zemindari." Then he says: "From the genealogical tree now presented to the Sircar, showing the particulars of the descendants of the said Zemindars from the time of the settlement, and which bears the signature of myself and others, the names and descendants of my ancestors, and other particulars can be ascertained." In the genealogical tree which accompanied that document (page 41) the lady, the mother of the second defendant, is described as the fifth wife of his father. The first wife of his father is Ahkamani, and then comes Appamani as the fifth wife—that is, the mother of the present second defendant—and then the present second defendant himself is mentioned as her son, "Kenja Kristna Muthu Veera Puchaya Naiker, three years old." If it be taken as a fact that the boy was then three years old, that would make his birth about May or June 1851, to which date we shall have presently to allude.

In addition to the last-mentioned document there is one at page 47 (No. 44 in the printed record), which is a petition of the late Zemindar, dated the 21st January 1862. He there says: "My deceased father, who was the late Zemindar, has left but two sons, *viz.*, myself and my younger brother." Then he says in another part: "The said Ovalappanayakan is the son of the whore Kantimate, and is a tenant under me in Marungapuri." Therefore he puts the second defendant in that document as his brother and Ovalappana as a bastard. This is a document in which he requested the Court "that the statement made by the said Ovalappana to the effect that he is the son of my father may be set aside, and that the petition presented to the same effect may also be rejected." Therefore he treats the second defendant in this suit as being his brother in a petition in which he wished to have the statement of another person that he was his brother set aside. Then at page 19 of the record there is a document No. 13 made by the late Poligar, in which he says: "As I am suffering much from a boil on my back, and as I do not expect to live long, I have, according to the custom of our caste, caused my younger step-brother (meaning half brother) Runga Kristna Muthu Veera Puchaya Naiker, aged 15 years, to be invested with the pattam, there being no son to me, and appointed my cousin Meilaramain a manager, to continue till the boy shall come of age to manage the affairs of the Zemindari according to usage. I pray, therefore, that your honour will on this ground be pleased to consider my said younger brother as myself and treat him with the same amount of kindness as you have showed me hitherto." Then there is a document, No. 14, which is a petition signed by the present plaintiff in which she declares the second defendant in this suit to be the present Zemindar and the younger brother of the deceased Zemindar. Further, there is a very important document at page 21, a statement made by the three widows of the late Zemindar, in which they say that the second defendant, "whom we now wish to get invested with the pattam, is the son of Kammamani, the legally married wife of our father-in-law." The said "Kammamani is now alive; the said Ammal (lady) also lives jointly with us." Is it likely that the wives would have allowed the lady to live with them if she had not been married?

The next document, No. 16 on the record, is an official report of the Tahsildar to the acting Collector of Trichinopoly, dated the 27th July 1864. He says: "I have received the order No. 108, directing me to inquire into and report upon certain circumstances relating to the demise of Terumalai Puchaya Naiker, Zemindar of Marungapuri, attached to this taluq. In obedience to the said order I proceeded to Marungapuri immediately, and, in the presence of Kristna Row, the Sub-Magistrate of that division, caused the three widows of the deceased Zemindar to remain behind the screen, and caused also a confidential woman to see them, and took down the statement given by them, and having received their signatures and those of the witnesses therein, I have enclosed the said statement herein." So that this statement, in which they say that the lady was the legally married wife of their father-in-law, was taken in the presence, not only of the attesting witnesses, but also of the Sub-Magistrate and Tahsildar.

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Now, it is said that the document signed by the late Zemindar just before his death, and the document which was signed by the three widows, of whom one is the plaintiff, was obtained through the instrumentality of the cousin, who is said to have been appointed as the agent of the second defendant. But there is no evidence whatever given in the cause to show that the deceased Zemindar was imposed upon by the cousin, or that any undue influence was exercised over him to get him to make that statement, nor is there any evidence to show that the statement which he made was not made with the full understanding of what he was then stating.

In the second paragraph of the plaint the plaintiff, the eldest widow, says: "On the day preceding his death,"—that is, the death of the late Zemindar,—"he made an arrangement constituting me as his heir to the said Zemindari, and directing that the two junior widows, named Pedda Amani and Chinna Amani, should remain under my protection; that Terumalai Puchaya Naiker, a cousin of the deceased, should, on my behalf and under my orders, have the management; and that after my death the said widows should enjoy the estate successively." No document to that effect has been proved, nor has any evidence been given of the truth of the statement. Then, in the fifth paragraph it is stated: "On making proper inquiries I ascertained that during the time I and the others were sunk in sorrow on account of our husband's death, Terumalai Puchaya Naiker, the cousin aforesaid, who I believed was managing the affairs of the Zemindari on my behalf, according to my husband's directions had, in collusion with Kedara Moodelly Navanitha Krishnama Pillay, at a time when my other servants in the palace were under his control, concealed my husband's arrangements, and the real urzee he (husband) addressed to the Collector; that he had represented to the Collector, the Tahsildar, and others that my late husband installed as Zemindar the minor,"—that is, the second defendant—"who has no connection whatever with the Zemindari, and that he, my husband, had addressed an urzee to the Collector, appointing him, the cousin, as manager for the said minor; and that he had conducted certain proceedings by which the Zemindari has been placed under the management of the Court of Wards on behalf of the said minor." Now, there is no proof whatever of that allegation. We have, therefore, the admission of the late Zemindar that the second defendant was his brother, and we have also the admission of the plaintiff, and the other widows of the deceased Zemindar, that the second defendant was the son of the lawfully married wife of his father.

Now then, what evidence has been given to disprove that fact? It is said that the marriage was to have taken place in the month of Avani. The lady it is proved was carried to the palace for the purpose of being married, and she has given her own evidence in the case, and has sworn to the fact of a marriage having taken place. There is no evidence whatever to show that her parents ever complained that she had not been married, or that she was detained in the palace by the deceased Poligar against her will, or that he had taken her there under pretence of marrying her and had then refused to do so. No evidence of that sort has been given, and if the case were true that he had not married the lady, one would expect that some evidence would have been given to show that the father and mother of the lady had complained of the manner in which their daughter had been treated, and that they had been deceived in allowing her to go to the palace, under the pretence that she was to be married.

It is said that the defendant's evidence is disproved by the fact of some of the witnesses of the plaintiff showing that no marriage did take place, and also by the evidence of the defendant's witnesses in which they state that the marriage took place in the month of Avani. Great reliance is placed upon the witness whose evidence is at page 225, and also is stated to be the priest of the family. But although he is now the priest, and states that he is the priest he was not the priest at the time when this marriage took place. He could only have been 18 years of age at that time. He gave his evidence in the year 1871, and he then stated he was 38 years of age. That would make him about 18 at this time, and he says that the marriage was celebrated in the month of Avani of 1850. Now, their Lordships do not think that the marriage did take place at that time, but the witness was speaking merely from memory, and the fact of his stating that it was in the month of Avani does not necessarily prove that the marriage did not take place at any other time. The next witness says that the marriage took place only on the day fixed in

the first instance, but this witness, who was not the priest of the family but merely a cultivator, gives evidence that the marriage did take place, and he says it took place only on the day fixed in the first instance. If he is supposed not to have made a mistake, but to have wilfully stated that the marriage actually took place on the day originally fixed, for the purpose of making the child appear to be legitimate, and to have stated that falsely, then he may be disbelieved altogether; but you are not to take his evidence, and say that because he states that the marriage took place only on the day fixed in the first instance, when it is proved by other evidence that it did not take place on that day, that he has proved that the marriage did not take place at all in the face of the admission and conduct of the plaintiff and of the other widows and of the statement of the deceased Poligar, that the defendant was his legitimate half-brother. Their Lordships are of opinion that there is sufficient evidence of the legitimacy, and that there is no sufficient evidence on the other side to rebut it or to show that a marriage did not take place, or that a marriage having taken place, it took place after the birth of the child.

That being so, their Lordships think that the High Court came to a correct conclusion that a marriage did take place between the father and mother of the child prior to its birth; and, assuming that the High Court are correct in finding that the child, although born after marriage, was procreated or begotten before the marriage took place, their Lordships are of opinion that that Court came to a right conclusion, in point of law, that the child was legitimate.

The point of illegitimacy being established by proof that the procreation was before marriage had never suggested itself even to the learned Counsel for the Appellant at the time of the trial, nor does it appear, from the authorities cited, to have been distinctly laid down that, according to Hindoo law, in order to render a child legitimate, the procreation as well as the birth must take place after marriage. That would be a most inconvenient doctrine. If it is the law, that law must be administered. Their Lordships, however, do not think that it is the Hindoo law. They are of opinion that the Hindoo law is the same in that respect as the English law.

Under these circumstances, their Lordships are of opinion that the High Court came to a correct conclusion in finding that the defendant had made out that he was the legitimate half-brother of the deceased Poligar; and that being members of an undivided family, the Polliam descended to him.

That disposes of the Cause: for, if the defendant is the heir of the deceased Poligar, the widow can have no claim. The Decree of the High Court was correct, and her suit must be dismissed.

Their Lordships will, therefore, humbly recommend Her Majesty that the judgment of the High Court be affirmed, and the widow's Appeal dismissed with costs.

Enclosure No. 2.

Judgment of the Lords of the Judicial Committee of the Privy Council on the Appeal of the Collector of Trichinopoly v. *Lekkamani and the Zemindar of Marungapuri, from the High Court of Judicature at Madras, delivered 14th March* 1874.

Present:

Sir James W. Colvile.
Sir Barnes Peacock.
Sir Montague Smith.
Sir Robert P. Collier.

The nature and object of the suit in which these appeals were preferred are clearly stated in the judgment pronounced by the High Court at Madras (Record 190.)

To make the case intelligible it may be shortly stated that the suit was brought in the Civil Court of Trichinopoly by Lekkamani, the first widow of Terumalia Puchaya Naiker, the late Zemindar of Marungapuri, to recover, as his heiress, amongst other things, the villages attached to

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the Zemindari. The suit was brought against the Collector of Trichinopoly as the Agent of the Court of Wards in charge of the Zemindari on behalf and as the guardian of Runga Kristna Muthu Veera Puchaya Naiker, a minor, who was the half-brother of the deceased Zemindar, and who, after his death, had been recognized by the Government as the Zemindar. At the time of the late Zemindar's death he and his half-brother, the minor, were members of an undivided family, and consequently, if the estate was hereditary and the minor was legitimate, he was the heir of the deceased Zemindar (9, Moore's Indian Appeals, 66).

The principal defences set up by the Collector were—

1. That no Istimrari Sanad had been granted for the Zemindari, and that it was an unsettled Polliam; that after the death of the late Zemindar the right to nominate a successor to him was vested in the Government; that the Government had granted the Zemindari to the minor, Runga Kristna; and that this being an act of State could not be questioned by any Municipal Court.

2. That, even if an Istimrari Sanad had been granted and the Polliam had been settled, the minor, as the undivided half-brother of the deceased Zemindar, would be the rightful heir thereto.

The widow disputed the legitimacy of the minor, and the following were the principal issues laid down for trial:—

1. Whether the Court was competent to entertain the suit.
2. Whether the half-brother of the deceased Zemindar was his legal heir, or whether the plaintiff herself was entitled to succeed to the Zemindari.
3. Whether the minor was the half-brother of the deceased Zemindar.

Subsequently, the minor, having attained his full age, was admitted as a supplemental Defendant in the suit; but the first Defendant, the Collector, was also allowed to be heard in defence. Whereupon the first Defendant, the Collector, having been examined as a witness, the Judge held that it was conclusively proved that the Zemindari was an unsettled Polliam, and that the right of succession having been declared by the highest authority to be vested in Government and not in the line of lineal succession, it followed that that right could not be called in question in that Court. He, therefore, found the first issue in favour of the first Defendant, and dismissed the plaintiff's suit with costs.

The Plaintiff appealed to the High Court and made only the second or supplemental Defendant, the half-brother, Respondent. Whereupon the Collector presented a petition to the High Court stating that it was contended on the part of the Appellant that the Zemindari was not an unsettled one and consequently that the Government had no right to interfere with the succession thereto on the death of the Zemindar, and that the Government was interested in the decision of that question; he, therefore, prayed that he might be made a party to the suit and allowed, on behalf of Government, to defend the appeal.

On the 17th June 1870 the petition of the Collector was dismissed (p. 187).

Another petition to the same effect was subsequently presented by the Collector (p. 188), the Government offering to forego all claim to costs. Whereupon it was ordered that the application should be admitted on condition that, in the event of the appeal being dismissed with costs, no more than the costs of one Respondent should be allowed against the Appellant.

Thus it appears that the Collector who was originally a Defendant, merely as Agent of the Court of Wards and as guardian of the minor Zemindar Runga Kristna, became substantially a party to the suit on behalf of and as representing the interests of Government. The appeal came on to be heard before the High Court who, at the close of the arguments on the first day of the hearing, were of opinion, for the reasons specified in their judgment, that upon the case presented by the record returned to the Court the decree of the Zillah Court could not stand, and they adjourned the further hearing of the appeal (Record p. 191, l. 42); afterwards, having obtained all the evidence which the parties were able to adduce with respect to the proprietary right of the late Zemindar, and having heard the case fully argued, they delivered judgment (p. 192).

In the first place, they held that the Government proceedings admitting the minor to the succession did not amount to an act of State which debarred the cognizance of the suit by a Municipal Court.

The correctness of their decision upon that point has not been disputed in the present appeal.

They then (p. 192, l. 16) proceeded to consider the question whether the estate of the late Zemindar was hereditary or whether he had merely an estate for life. Upon that point they delivered a very able and elaborate judgment in which they held that the Polliam was an ancestral hereditary estate. (Record, p. 205, l. 10.)

They said (p. 205) :

"With respect to the proprietary right possessed by the late Zemindar, there is now before the Court the whole of the evidence which the parties have been able to adduce, and we have had the advantage of hearing the case ably argued. The question for determination is, whether he had vested in him an hereditary estate, which passed on his death to his heir in the order of legal succession, as the Plaintiff contends, or an estate for life, on the termination of which the right to dispose of the property reverted to the Government as the Defendants contend. The villages and lands mentioned in the plaint form one of the Manapuri Polliams, but the estate and the holder of it have been commonly given the designations used in the plaint of Zemindari and Zemindar; it is, however, a conceded fact that no Istimrari Sanad granting the estate under Regulation 25 of 1802 has ever existed; and the positions advanced on both sides, stated summarily, are on behalf of the Plaintiff, that there is sufficient evidence from which to draw the inference that the property had been permanently assessed; but, if not, that the tenure by which the Polliams not permanently assessed are held had not attached to it as an essential incident the limit of the life of the holder, but that, both historically and by judicial authority, the tenure is rather shown to be in its nature hereditary; that it may be either hereditary or for life, according to the nature of the grant creating it, and that in the present case the evidence proved the Polliam to have been held as an hereditary estate."

Then, after reviewing the authorities, the evidence, and the arguments of Counsel, they proceeded :

"Upon the whole, we are of opinion that it has been established, as strongly as a claim of this nature can be expected to be proved, that the Polliam in dispute is an ancestral hereditary estate which has devolved through several generations in the ordinary course of legal succession. Almost everything tending to this conclusion that could reasonably be looked for, it seems to us, exists, save the grant of a Sanad under Regulation 25 of 1802; and that is not, in our judgment, made by law indispensable, except to render the revenue assessment permanent. It follows that the right of succession contested in the present suit depends upon the question raised by the second issue in the suit, whether the second Defendant is the legitimate brother of the late Poligar, Tiramalai Puchaya Naiker. If so, he is the rightful heir to all the property claimed in the plaint, no division having taken place between him and his deceased brother. But if illegitimate, he has no right to any portion of it. No additional issue is necessary."

An issue was then directed to try whether the half-brother was legitimate or not.

It is admitted that the villages and lands mentioned in the plaint are, as pointed out by the High Court, one of the Manapuri Polliams, and that no Istimrari Sanad, granting the estate under Regulation 25 of 1802 of the Madras Code, has ever been issued.

The case has been very elaborately and ably argued on both sides, and their Lordships having carefully considered all the regulations and authorities which have been cited are clearly of opinion that the decision of the High Court is correct.

It was contended by the learned Counsel for the Collector, Appellant, that in the Presidency of Madras the Government had reserved to itself and had, by legislative enactments, asserted its right to all lands of every description, and Regulations 25 and 31 of 1802 of the Madras Code were referred to as having that effect.

It was recited in the preamble of the former of those two Regulations that the assessment of land-revenue had never been fixed, and that the Zemindars and others had no security for the continuance of a moderate land-tax; *that for the attainment of an increased revenue it had been*

usual for Government to deprive the Zemindars and to appoint persons on its own behalf to the management of the Zemindaris, thereby reserving to the ruling power the implied right and the actual exercise of the proprietary possession of all lands whatever; that it was obvious that such a mode of administration must be injurious to the permanent prosperity of the country, by obstructing the progress of agriculture, population, and wealth, and diminishing the security of personal freedom and of *private property*; and that the British Government, impressed with a deep sense of the injuries arising to the "State and to its subjects from the operation of such principles, had resolved to remove from its administration so fruitful a source of uncertainty and disquietude, to grant to Zemindars and other land-holders, their heirs, and successors, a *permanent property* in their land in all time to come, and to fix for ever a moderate assessment of public revenue on such lands, the amount of which should never be liable to be increased under any circumstances."

It was then enacted by Section 2 that, in conformity with these principles, *an assessment should be fixed on all lands liable to pay revenue to Government: and in consequence of such assessment the proprietary right of the soil should become vested in the Zemindars or other proprietors of land and in their heirs and lawful successors for ever;* and it was further enacted by Section 3, that when the conditions of the permanent settlement of the revenue should have been adjusted, a Sanad-i-milkeut Istimrar or deed of *permanent property* should be granted on the part of the British Government to all persons being or constituted to be Zemindars or proprietors of land.

Laying out of consideration for the present the words of the preamble, which form no part of the enactment of the regulation (see Dwarris on Statutes, p. 655), it is clear that the affirmative words of the 2nd Section "That, in consequence of the assessment the *proprietary right* of the soil shall become vested in the Zemindars, *etc.*," did not either give to, or take away from, the former owners of lands not permanently assessed any rights which they then had. It merely vested in all Zemindars an hereditary right at a fixed revenue upon the conclusion of the permanent assessment with them. It is a maxim that affirmative words in a statute without any negative expressed or implied do not take away an existing right (see Coke's 2 "Institute," p. 200; "Dwarris on Statutes," p. 637). There are no words declaring that no proprietary right then existed, or should thereafter be deemed to exist, except in Government in any lands not permanently settled; and in their Lordships' opinion it was not the intention of the Legislature to pass such an enactment.

The words "proprietors of land," as used both in the Bengal Code of 1793 and in the Madras Code of 1802, have a technical signification (see the definition in Bengal Regulation 8 of 1793, Sections 5, 6, and 7; and Regulation 27 of 1802, Madras Code, Section 2). They refer to "Zemindars, independent Taluqdars, and others who pay the revenue assessed upon their estates immediately to Government;" and the words "proprietary possession," as used in the recital of Regulation 25 of 1802, must also be read in a similar sense as meaning the possession and rights of a proprietor in the technical sense in which that word is used, *viz.*, the person who pays the revenue immediately to Government. (See Regulation I of the Madras Code, Sections 14 and 16).

There are frequently many valuable tenures existing between the Zemindar and the ryots, or actual cultivators of the land. If the Regulations 25 and 31 of 1802 were to be read in the sense contended for on the part of the Collector, Appellant, they would have the effect of vesting in Government not only all hereditary estates but all sub-tenures, whether for life or otherwise, and whether created by the native Governments before the territories came under the Government of the East India Company or not.

The words of the recital "the *implied* right and the *actual* exercise of the *proprietary possession* are, to say the least of them, very ambiguous. But whatever may be the real meaning of those words, the recital clearly was not intended to amount to more than a declaration that it had been usual for Government, in order to enforce an increased revenue, to deprive or dispossess the Zemindars, and to take the management of the Zemindaris into the hands of their own officers; or, in other words, that they were in the habit of taking khas possession of the Zemindaris of those Zemindars who neglected to pay any increased amount of revenue assessed upon them.

A similar course seems to have been adopted in Bengal up to the time of the permanent settlement (see Regulation 1 of 1793), and to have been continued at the time of that settlement with respect to every Zemindar who might decline to engage for the jumma proposed to be permanently settled upon his estate. (See Regulation 8 of 1793, S. 43, Bengal Code.)

Further, the usage recited was limited to the purpose of obtaining an increased revenue; and it was by means of the usage that the Government was said to have reserved to itself the implied right, *etc.*, The words are "*thereby* reserving to the ruling power the implied right, *etc.*," The preamble recognized the right of private property when it stated that the then existing mode of administration was injurious "*by diminishing the security of private property.*" It did not assert a right on the part of Government to deprive or dispossess Zemindars in their lifetime, or their heirs after their deaths, for the purpose of transferring their rights to Government, or to new holders at the will of Government, independent of any considerations connected with the realization of revenue.

The language of the recital applied as much to Zemindars in their lifetime as it did to the heirs of Zemindars upon their deaths. If the words were to have the unlimited construction and effect contended for, the Regulation would have justified Government in depriving or dispossessing the deceased Poligar in his lifetime, and in transferring the Zemindari to a new holder, to the same extent as it would have justified them in dispossessing his heirs after his death. Such a construction would go far beyond the claim set up by the Collector in the suit, *viz.*, that the deceased Zemindar had only a life-estate which reverted to Government, and was at their absolute disposal after his death; nay, it would do more; it would render every land-owner in the Presidency, except those who claimed under a permanent settlement, liable to be dispossessed or deprived of his estate, and to have it transferred to a new holder at the will of Government.

The preamble to Regulation 31 of 1802, which, as before observed, was not an enactment, is as follows:—Whereas the ruling power of the Provinces now subject to Fort St. George has, in conformity to the ancient usage of the country, reserved to itself, and has exercised *the actual proprietary right of lands* of every description, and whereas consistently with principle all alienations of land, except by the consent of the ruling power, are violations of that right; and whereas considerable portions of land have been alienated by the unauthorized encroachment of the present possessors, by the clandestine collusion of local officers, and by other fraudulent means: and whereas the permanent settlement of the land-tax has been made exclusive of alienated lands of every description, it is expedient that rules should be enacted for the better ascertainment of the titles of persons holding or claiming to hold lands exempted from the payment of revenue to Government under grants not being badshai or royal, and for fixing an assessment on such lands of that description as may become liable to pay revenue to Government; wherefore the following rules are enacted for that purpose.

The Act, Section 2, then proceeds to render valid all grants for holding lands exempt from the payment of public revenue which had been made before certain dates, and to leave to the determination of Government all doubts respecting the validity of other grants of that nature.

The words "has reserved to itself and has exercised the actual proprietary right of lands of every description" used in the above preamble are not precisely the same as those used in the preamble of Regulation 25, but they evidently have reference to the same usage, *viz.*, the custom of dispossessing Zemindars and taking their Zemindaris into the khas possession of Government for the purpose of realizing the public revenue from time to time assessed upon them. The object of the Regulation 31 of 1802 was merely the protection of the revenue from invalid lakiraj grants, and to provide for the mode of trying the validity of the titles of persons claiming to hold their lands exempt from the payment of revenue; it was not intended to confer upon Government any title which did not then exist. The words "alienations of land" referred not to mere transfers from one proprietor to another, but to grants for holding lands exempt from the payment of revenue. It is clear that the Regulation never intended to assert that *according* to the usages of the country there was no private right to lands, for in rendering valid all lakiraj grants made

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prior to a certain date, and declaring that the holders should continue to enjoy the same free from the payment of revenue, there was this proviso that the lands had not *escheated* to the State since those dates.

It was urged, in support of the Collector's appeal, that there was a long course of judicial decisions, from 1813 to the present time, showing that Poligars had merely a life-interest in their Pollams.

The first case cited was No. 13 of 1813, 1st Madras Select Decrees, p. 78. In that case the Plaintiff had never had the possession of the Zemindari. His claim had been repeatedly brought to the notice of Government, and had been rejected. The permanent settlement had been entered into with the Defendant, and a Sanad-i-milkeut-i-Istimrar granted to him by Government, under the provisions of Regulation 25 of 1802. This case was not decided upon the mere words of the recital of Regulation 25 of 1802, but upon the enactment in Section 2, and it was held that the Government having *permanently* settled with the Defendant, *and granted him a Sanad*, he had acquired a title under that Regulation, and that the Plaintiff could not recover the estate. The decision, however, whether right or wrong (probably right under the law as it then stood), was decided before the passing of Regulation 4 of 1822, by which it was enacted that Regulations 25, 28, and 30 of 1802 were not meant to define, limit, infringe, or destroy the actual rights of any description of landholders or tenants, and left them to recover in the established Courts of Justice *their rights* if infringed (an enactment similar in effect to that contained in the Bengal Regulations relating to the permanent settlement in that Presidency). See No. 8 of 1793, Bengal Code, Section 30.)

Regulation 4 of 1822 expressly recognized the fact that landholders had actual rights which they might recover if infringed.

In the case cited (No. 13 of 1813), a case was referred to (Appeal No. 9 of 1813) in which a Talukdar's rights were asserted and enforced against a Zemindar, which is quite at variance with the contention that the property in lands of every description belonged to and was vested in Government. It is true it was stated by the Court, in No. 13 of 1813, that it was plainly deducible from Regulation 25 of 1802 that, previously to the fixing of the permanent assessment, succession to Zemindari tenures was not governed *exclusively* by the law of inheritance, but that the ruling power created, tolerated, abolished, or disposed of those tenures in such manner as might be considered most expedient for the purpose of realizing the public revenue due from the lands, and that it was clear, therefore, that, in rejecting the claims of the Plaintiff, whatever might be the specific grounds of such rejection, and in granting the Zemindari to the original Defendant, the British Government exercised a right which, according to the declared usages of the country, was vested in the ruling power. It was to correct opinions such as those that Regulation 4 of 1822 was passed.

The next case was No. 11 of 1846, p. 141. In that case there had not been any permanent settlement or any Sanad granted by Government.

The Zemindari had been made over to the father of the Plaintiff and Defendant after the district came into the possession of the East India Company, and it continued in his possession to the year 1811, when, upon his death, it was made over to his eldest son. The Court said that the Respondent held under a title which the Government, in the exercise of the right vested in them by the usage of the country, had conferred upon him.

One of the Judges who decided the last case was also one of those who decided No. 13 of 1813, evidently putting the same construction upon Regulation 25 of 1802 as he had done in No. 13 of 1813.

Case No. 14 of 1817 is subject to similar remarks. The Court, of which two of the Judges were the same as those who decided the former case, acted upon similar deductions from Regulation 25 of 1802.

All those cases were decided prior to Regulation 4 of 1822, and were probably some of the decisions which induced the Legislature to pass the Regulation.

Their Lordships do not consider that the cases cited from the Madras Select Decrees are binding authorities in support of the contention that Government has a right to deal with the Polliam in the present case, or any other Polliam, according to arbitrary will independently of the rights of the parties, or in support of the position that the absolute right to every Polliam not permanently settled is vested in Government, or that the tenure is for life only, and that upon the death of the Poligar the estate reverts to Government.

Many of the cases cited in argument are of no greater weight or authority than that which is the subject of the present appeal. They are modern authorities, and there is no long uniform current of decisions sufficient to show that every Polliam not permanently settled is necessarily only a tenure for life, or at the will of Government.

In the case of Naragunty Lutchmeedavamah *v.* Vengama Naidoo (9, Moore's Indian Appeals, 67; and in that of the Collector of Madura *v.* Veeracamoo Ummal *id.* 446) the Polliams were treated as hereditary, the question in each being as to the person entitled to succeed as heir. In the latter case, the Government of Madras claimed to be entitled by escheat for want of male heirs, thereby admitting that the estate was hereditary; but it was held that females were not precluded from inheriting a Polliam, thereby deciding that it was hereditary. It did not appear in any of those cases that the Polliam had been permanently settled or that a Sanad had been granted in respect of it under Regulation 22 of 1802. They show that a Polliam may be hereditary though not permanently settled under Regulation 25 of 1802.

Their Lordships are of opinion that each case must depend upon its own particular circumstances; that a Polliam may be hereditary; and that the position laid down by the High Court (page 200, line 30) is correct. They there say:

"The existence of a proprietary estate in Polliams or other lands not permanently assessed, and the tenure by which it has been held, are, in our opinion, matters judicially determinable on legal evidence, just as the right to any other property."

Their Lordships are also of opinion that the finding of the High Court upon the evidence adduced that the Polliam in dispute is an ancestral hereditary estate is also correct.

It does not at all follow from the application made to Government for the recognition of the minor that he had not an hereditary estate. It was extremely common in Bengal before the acquisition of the Dewanny where a tenure was, in fact, hereditary from father to son to take out a new Sanad upon each descent (14, Moore's Indian Appeals, 256; Kooldeep Narain Singh *v.* the Government and others). So also it appears that upon a transfer of title to lands in Calcutta, either by alienation or descent, a fresh puttah was given to the new holder; but that was merely a fiscal regulation, and the puttah formed no part of the holder's title (Freeman *v.* Fairlie, 1, Moore's Indian Appeals, 346).

The Collector in his written statement alleged that the Polliam was unsettled, and that after the death of the late Zemindar the right to appoint a successor was vested in the Government and that accordingly the Government had granted the said Zemindari to the minor Defendant. No grant from the Government was produced. That which is called a Sanad was not a grant creating a new right but a mere recognition or acknowledgment of an existing title. See the Proceedings of the Madras Government (No. 17A, Record p. 23).

From this document it appears that, upon the death of the late Poligar, the Collector sent a report to the Court of Wards stating among other things as follows:—

"The deceased Zemindar, on the day previous to his death, addressed to me a petition, requesting me *to recognize* his brother as his successor to the estate, and to appoint his cousin to manage the affairs of his estate during the minority of his brother.

"The Tahsildar was deputed to ascertain the wishes of the widows of the deceased on this point, and to afford information regarding the property left by the Zemindar. The Tahsildar submitted a statement obtained from the widows, from which it appears that they earnestly request a compliance with the request contained in the petition addressed to me by their husband, but with this modification, that the cousin should conduct the affairs of the estate under the direct control of the first mentioned widow. The widows admit the genuineness of the petition.

Proceedings of the Madras Government, Revenue Department,
15th June 1874.

"The deceased left no Will. The estate consists of the Marungapuri Zemindari and certain mirasi lands, the assessment of which amounts to Rupees 2,528-8-10."

The above report was submitted by the Court of Wards to Government with a recommendation that the Collector *be authorized to recognize* the brother of the deceased (the Defendant in the suit) as Zemindar of Marungapuri, and to take charge of the estate. They added, assuming that the family is undivided, as is probable the case, *the brother of the deceased would be the legal heir to the Zemindari, irrespective of the petition or consent of the widows.* Upon that report the Government passed an order, dated September 17th, 1864, that the Court's proposal is approved.

It also appears that after the death of the father of the late Poligar, Terumalia, the Collector reported that the deceased left one son Teroomalia, *the heir to the estate*, and one son, the present Defendant, a little boy by his fifth wife, then three years of age, and he recommended that Teroomalia should be recognized and invested as Poligar in the room of his father (Record 32). Upon which the Government ordered that Teroomalia should be recognized and placed in charge of the estate.

In England, proof of the possession of land or of the receipt of rent from the person in possession is *primâ facie* evidence of a seisin in fee.

In India, the proof of possession or receipt of rent by a person who pays the land-revenue immediately to Government is *primâ facie* evidence of an estate of inheritance in the case of an ordinary Zemindari. The evidence is still stronger if it be proved that the estate has passed, on one or more occasions, from ancestor to heir. (See 14, Moore's Indian appeals, 256). There is no difference in this respect between a Polliam and an ordinary Zemindari. The only difference between a Polliam or Zemindari which is permanently settled and one that is not is, that in the former the Government is precluded for ever from raising the revenue; and in the latter, the Government may or may not have that power.

The history of the Polliams of Southern India is well known. It is to be found in the fifth Report from the Select Committee from the House of Commons on the affairs of the East India Company, presented in 1812, a work of great research, and in the Madura Manual, compiled by Mr. Nelson of the Madras Civil Service, by order of the Government of Madras.

The account given in the fifth Report was adopted in the judgment pronounced by Lord Kingsdown in the case above quoted, in which it was held that a Polliam was an ancestral estate in the nature of a Raj.

Looking at the evidence in the cause with reference to the tenure of the Polliam in question, their Lordships have no doubt that the High Court arrived at a correct conclusion, and that the Polliam is an ancestral hereditary estate.

The question as to the legitimacy of the minor Defendant and his right to inherit if the estate of his brother was an estate of inheritance was found by the High Court in his favour, and that decision has already been upheld by their Lordships in the widow's appeal. The legitimacy of the minor having been upheld, the suit of the widow was properly dismissed, for whether the estate was one of inheritance or one merely for the life of her deceased husband, with a right on the part of the Government, on his death, to appoint a successor, the widow could have no right to succeed. The decree of the High Court was correct, and even if the point raised by the Collector on the part of the Government were decided in his favour, the decree dismissing the widow's suit must still be upheld. Their Lordships have already stated that they will humbly recommend Her Majesty that the decree of the High Court be affirmed with costs.

As the point raised by the Collector was one of importance, and necessary to be decided with reference to the costs of the Collector's appeal, their Lordships have heard that question argued; and having fully considered the very able and elaborate arguments of the learned Counsel on both sides, they have arrived at the conclusion that beyond all doubt the decision of the High Court was correct, and they will, therefore, humbly recommend Her Majesty, with reference to the Collector's appeal, that the decree be affirmed and the appeal dismissed with costs.

ENCLOSURE No. 3.

AT THE COURT AT WINDSOR CASTLE.

The 17th day of March 1874.

PRESENT:

THE QUEEN'S MOST EXCELLENT MAJESTY

LORD CHAMBERLAIN — MR. DISRAELI
LORD JOHN MANNERS — LORD ADVOCATE GORDON
MR. SECRETARY CROSS

WHEREAS there was this day read at the Board a Report from the Judicial Committee of the Privy Council dated the 14th of March 1874 in the words following viz:

"YOUR MAJESTY having been pleased by Your General Order in Council of the 20th November 1873 to refer unto this Committee the matter of a humble Appeal from the High Court of Judicature at Madras between Pedda Amani and Chinna Amani (second and third widows of the late Zemindar of Marungapuri) Appellants and the Zemindar of Marungapuri Respondent and likewise a humble Petition of Pedda Amani and Chinna Amani second and third widows of the late Zemindar of Marungapuri in the District of Trichinopoly in the Presidency of Madras in the East Indies setting forth that on the 21st day of August 1868 Lekkamani as the pattam or royal wife of the late Zemindar of Marungapuri filed a Plaint in the Civil Court of Trichinopoly against the Collector of Trichinopoly Agent of the Court of Wards and Guardian of the above-named Respondent Strimath Runga Kristna Muthu Veera Puchaya Naiker then a minor to recover the Zemindari or Polliam of Marungapuri: on the 16th day of December 1868 the Collector put in his Answer to the said Plaint Evidence was gone into in the said Cause but before the final hearing thereof the last-named Respondent attained his majority and was made a supplemental Defendant: the Cause came on for hearing before the Acting Judge of the Civil Court of Trichinopoly on the 1st day of September 1869 and a Decree was then made by the said Acting Judge dismissing the Plaint with costs: the said Lekkamani thereupon presented an Appeal from the said Decree to the High Court of Judicature at Madras and the Collector of Trichinopoly having applied to the said High Court to be made a party to the said Appeal as representing the interests of the Government such application was granted by an Order of the said Court dated 21st October 1870 and the said Collector was made a Respondent in the said Appeal upon the terms mentioned in the said Order: by a Decree of the High Court of the 26th April 1871 it was held by the High Court that the Polliam in question was an ancestral hereditary estate but an issue was directed by the said High Court whether the said Strimath Runga Kristna Muthu Veera Puchaya Naiker was the legitimate brother of the late Zemindar: on the 30th day of October 1871 upon the application of the Collector of Trichinopoly leave was given him by the said High Court to appeal to Your Majesty in Council against the Decree of the said High Court of the 26th day of April 1871: the said issue having been tried by the Civil Court of Trichinopoly which decided in favour of the legitimacy of the said Strimath Runga Kristna Muthu Veera Puchaya Naiker the Cause came on again by way of Appeal before the High Court of Judicature at Madras on the 8th day of November 1871 when the Court by its Decree or Judgment of that date declared that 'the question of law as to the hereditary character of the said Polliam was decided by it in favour of the Plaintiff but as the question of fact upon the issue as to the legitimacy of the second Defendant' (meaning the said Strimath Runga Kristna Muthu Veera Puchaya Naiker) 'had been found against the said Plaintiff Lekkamani the Decree of the Court of First Instance dismissing the Plaintiff's Suit must be confirmed' each party to bear their own costs: the said Lekkamani died on the 16th day of March 1872: by an Order of the High Court dated the 20th day of August 1872 made upon the application of the present Appellants the above-named Pedda Amani and Chinna Amani (who are the second and third widows of the late Zemindar) leave was duly granted to appeal to Your Majesty in Council against the said Decree of the 8th day of November

1871: the copy of the Record in the Appeal of the Collector of Trichinopoly was sent to and arrived at the Privy Council Office on the 10th day of July 1872 and the copy of the Record in the Appeal of these Appellants the said Pedda Amani and Chinna Amani being supplemental to the record in the other Appeal was sent to and arrived at the Privy Council Office on the 10th day of October 1872: an Order was made for dismissing both the said Appeals for want of prosecution on the 21st day of May now last past: by an Order in Council made on the 4th day of August now last past the said Appeals were restored with leave to the Appellants in both cases to prosecute the same to a hearing upon condition that the said Appeals should be consolidated and heard upon one printed case on each side the parties dividing the expense of copying and printing the Record and that the Appellants in both Appeals should forthwith lodge in the Registry of the Privy Council the sum of 300*l.* sterling to stand and abide the award of the Lords of this Committee with reference to the costs of the said Appeals or either of them and that the parties on both sides and in both Appeals should lodge their printed cases and set down the consolidated Appeals for hearing on or before the 1st day of January 1874: the Appellants have made the required deposits and are ready in all respects to perform and obey the last-mentioned Order and humbly praying Your Majesty that the said Decree of the High Court of Judicature at Madras of the 8th day of November 1871 may be reversed or varied or for other relief in the premises.

"And YOUR MAJESTY having likewise been pleased by Your General Order in Council of the 20th November 1873 to refer unto this Committee a further Petition in the Regular Appeal No. 129 of 1869 of the Collector of Trichinopoly as representing the interests of the Governor of Fort St. George by Order of the High Court of 21st October 1870 setting forth that on the 21st day of August 1868 the above-named Lekkamani as the pattam or royal wife of the late Zemindar of Marungapuri filed a Plaint in the Civil Court of Trichinopoly against the Collector of Trichinopoly Agent of the Court of Wards and Guardian of the above-named Runga Kristna Muthu Veera Puchaya Naiker then a minor to recover the Zemindari or Polliam of Marungapuri: that on the 16th day of December 1868 the Collector put in his answer to the said Plaint: that the Cause being at issue evidence was gone into: that before the final hearing of the said Suit the said Runga Kristna Muthu Veera Puchaya Naiker attained his majority and was made a supplemental Defendant: that the Cause came on for hearing before W M Cadell Esquire Acting Judge in the Civil Court of Trichinopoly on the 1st day of September 1869 and a Decree was then made by the said Acting Judge dismissing the Plaint with costs: that the said Lekkamani thereupon presented an Appeal to the High Court of Judicature at Madras and the Collector of Trichinopoly having applied to the said High Court to be made a party to the said Appeal and allowed to defend the same as representing the interests of Government therein such application was granted by an order of the said Court dated the 21st October 1870 and the said Collector was made a Respondent in the said Appeal: that by a Decree of the 26th April 1871 the said High Court held that the Polliam in question is an ancestral hereditary estate but it directed an issue whether the said Runga Kristna Muthu Veera Puchaya Naiker was the legitimate brother of the last Zemindar: that on the 30th day of October 1871 the Collector of Trichinopoly presented to the said High Court his Petition of Appeal to Your Majesty in Council against the Decree of the 26th April 1871 stating that the Polliam in question was an unsettled Zemindari and the succession dependent on the will of the ruling power and that the British Government as such ruling power had always claimed and exercised the right to regulate the succession to Polliams of that character and had a right to nominate the successor to that Polliam: that such Petition was duly received by the said High Court and an Appeal allowed on the usual conditions which have been duly complied with: that the said issue having been tried by the Civil Court of Trichinopoly which decided in favour of the legitimacy of the said Runga Kristna Muthu Veera Puchaya Naiker the cause came on again by way of Appeal before the High Court of Judicature at Madras on the 8th day of November 1871 when the Court said 'the question of law as to the hereditary character of this Polliam was decided by us in favour of the Plaintiff, but as the question of fact upon the issue as to the legitimacy of the second Defendant (meaning the said Runga Kristna Muthu Veera Puchaya Naiker) has been found against her (meaning against the said Plaintiff Lekkamani) the Decree of the Court of First

Instance dismissing 'the Plaintiff's Suit must be confirmed' each party to bear their own costs: that the said Lekkamani died on the 16th day of March 1872: that the above-named Pedda Amani and Chinna Amani who are the junior widows of the said Zemindar presented their Petition of Appeal to Your Majesty in Council against the said Decree of the 8th day of November 1871 which Appeal was allowed by the said High Court: that the copy of the Record in the Appeal of the Collector of Trichinopoly was sent to and arrived at the Privy Council Office on the 10th day of July 1872 and the copy of the Record in the Appeal of the said Pedda Amani and Chinna Amani being supplemental to the Record in the other Appeal was sent to and arrived at the Privy Council Office on the 10th day of October 1872: that an Order was made for dismissing both the said Appeals for want of prosecution on the 21st day of May now last past: that by an Order in Council made on the 4th day of August now last past the said Appeals were restored with leave to the parties to prosecute the same to a hearing upon condition that the said Appeals should be consolidated and heard upon one printed case on each side the parties dividing the expense of copying and printing the Record and that the Appellants in both Appeals should forthwith lodge in the registry of the Privy Council the sum of 300*l.* sterling to stand and abide the award of the Lords of the Judicial Committee with reference to the costs of the said Appeals or either of them and that the parties on both sides and in both Appeals should lodge their printed cases and set down the consolidated Appeals for hearing on or before the 1st January 1874: that this Appellant has made the required deposit and is ready to perform and obey the said Order of the 4th of August in all respects and humbly praying that Your Majesty in Council will be pleased to take his said Appeal into consideration and that the said Decree of the 26th day of April 1871 may be reversed altered or varied or for other relief in the premises THE LORDS OF THE COMMITTEE in obedience to Your Majesty's said General Order of Reference have taken the said humble Petitions and these consolidated Appeals into consideration and having heard Counsel on both sides their Lordships do this day agree humbly to report to Your Majesty as their opinion that the Decree or Judgment of the High Court of Judicature at Madras of the 8th November 1871 in the First Appeal and likewise the Decree or Judgment of the said High Court of the 26th April 1871 in the Second Appeal ought to be affirmed and each or both of these Appeals dismissed with costs.

"But whereas the Agents for the Respondents in each of these consolidated Appeals have agreed to forego the payment of costs reciprocally (such costs being about equal in amount) their Lordships are hereby pleased to direct that the sum of 300*l.* deposited as security for costs by the Agent in England of the Appellants in the First Appeal and likewise the sum of 300*l.* deposited as security for costs on behalf of the Collector in the Second Appeal be repaid by the Registrar of the Privy Council to Messrs. Jones and Blaxland and to Messrs. Lawford the Agents in the two Appeals respectively."

HER MAJESTY having taken the said Report into consideration was pleased by and with the advice of Her Privy Council to approve thereof and to order as it is hereby ordered that the said Decree or Judgment of the High Court of Judicature at Madras of the 8th November 1871 in the First Appeal and likewise the Decree or Judgment of the said High Court of the 26th April 1871 in the Second Appeal be and the same are hereby affirmed and these consolidated Appeals dismissed. Whereof the Judges of the High Court of Judicature at Madras for the time being and all other persons whom it may concern are to take notice and govern themselves accordingly.

ARTHUR HELPS.

No. 138.

ORDER THEREON, 15th June 1874, No. 735.

Miscellaneous.

ORDERED that copy of the foregoing despatch, with its enclosures in original, be forwarded to the Government Pleader, and that his attention be called to paragraph 3 of the despatch.

Proceedings of the Madras Government, Revenue Department,
15th June 1874.

2. Copy of the despatch, with copies of Her Majesty's order in Council and of the judgment, will be furnished also to the Board of Revenue.

(True Extract.)

(Signed) C. G. MASTER,
Acting Secretary to Government.

To the Government Pleader.
" the Board of Revenue.

Exd F. R. Bantleman.

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Judgment of the Lords of the Judicial Committee of the Privy Council on the Appeal of Pedda Amani and another v. *the Zemindar of Marungapuri, from the High Court of Judicature at Madras; delivered 14th January,* 1874.

Present:

Sir James W. Colvile.
Sir Barnes Peacock.
Sir Montague E. Smith.
Sir Robert P. Collier.

THEIR Lordships are of opinion that there is no ground for interfering with the decision of the High Court at Madras upon the issue of legitimacy. They think there is sufficient evidence that the second defendant was the legitimate brother of the deceased Poligar. There is some express evidence as to the marriage having taken place, and there is no doubt whatever that the lady, the mother of the second defendant, was taken to the palace of his father for the purpose of being married. It may be taken as a fact that the marriage was interrupted, but there is evidence from which it may be presumed that, notwithstanding that interruption, a marriage did take place between the father and mother of the second defendant prior to his birth.

In the document put in by the defendant, No. 15, at page 35, which is called a deposition, but which appears to be more in the nature of a petition or urzee, as it is called, made by the deceased Zemindar, the half-brother of the defendant, on the 15th of May, 1854, shortly after the death of their father, he says: "Ere this I have reported to the Taluq, as also to the Huzur, the circumstances of the death of my father, Muthoovera Puchaya Naiker, which occurred on the 25th April of this year. Of the six

wives married by my father, the first, Ahkamani, being issueless, and I being the son of the second wife, and eldest son, my father, while alive, in the presence of all the people, invested me with the pattam, according to the right of succession in our family, and the custom prevailing among our caste, and delivered to me all the insignia of the pattam, consisting of weapons, &c. I pray, therefore, that the sanction of the Government may be obtained, declaring me entitled to the said Zemindary." Then he says :— "From the genealogical tree now presented to the Sircar, showing the particulars of the descendants of the said Zemindars from the time of the settlement, and which bears the signature of myself and others, the names and descendants of my ancestors, and other particulars can be ascertained." In the genealogical tree which accompanied that document (page 41) the lady, the mother of the second Defendant, is described as the fifth wife of his father. The first wife of his father is Akammani, and then comes Appammani as the fifth wife—that is the mother of the present second Defendant—and then the present second Defendant himself is mentioned as her son, "Kenja Kishna Muthu Vira Puchya Naiker, three years old." If it be taken as a fact that the boy was then three years old, that would make his birth about May or June 1851, to which date we shall have presently to allude.

In addition to the last-mentioned document there is one at page 47 (No. 44 in the printed record), which is a petition of the late zemindar, dated the 21st January, 1862. He there says: "My deceased father, who was the late zemindar, has left but two sons, viz., myself and my younger brother." Then he says in another part: "The said Ovalappanayakan is the son of the whore Kantimate, and is a tenant under me in Marungapury." Therefore he puts the second defendant in that document as his brother and Ovalapana as a bastard. This is a document in which he requested the Court "that the statement made by the said Ovalappana to the effect that he is the son of my father may be set aside, and that the petition presented to the same effect may also be rejected." Therefore he treats the second Defendant in this suit as being his brother in a petition in which he wished to have the statement of another person that he was

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his brother set aside. Then at page 19 of the Record there is a document No. 13 made by the late Poligar, in which he says: "As I am suffering much from a boil on my back, and as I do not expect to live long, I have, according to the custom of our caste, caused my younger step-brother (meaning half-brother) Runga Kristna Muttuveera Puchaya Naiker, aged fifteen years, to be invested with the pattam, there being no son to me, and appointed my cousin Meilaramain a manager, to continue till the boy shall come of age to manage the affairs of the zemindary according to usage. I pray, therefore, that your Honour will on this ground be pleased to consider my said younger brother as myself and treat him with the same amount of kindness as you have showed me hitherto." Then there is a document, No. 14, which is a Petition signed by the present Plaintiff in which she declares the second Defendant in this suit to be the present zemindar and the younger brother of the deceased zemindar. Further, there is a very important document at page 21, a statement made by the three widows of the late zemindar, in which they say that the second Defendant, "whom we now wish to get invested with the puttam, is the son of Kammamani, the legally married wife of our father-in-law." The said "Kammamani is now alive; the said Ammal (lady) also lives jointly with us." Is it likely that the wives would have allowed the lady to live with them if she had not been married?

The next document, No. 16 on the Record, is an official report of the Tehsilda to the acting Collector of Trichinopoly, dated the 27th July, 1864. He says: "I have received the Order No. 108, directing me to inquire into and report upon certain circumstances relating to the demise of Terumalai Puchaya Naiker, zemindar of Marungapuri, attached to this taluk. In obedience to the said Order I proceeded to Marungapuri immediately, and, in the presence of Kristna Row, the Sub-Magistrate of that division, caused the three widows of the deceased zemindar to remain behind the screen, and caused also a confidential woman to see them, and took down the statement given by them, and having received their signatures and those of the witnesses therein, I have inclosed the said statement herein." So that this statement, in which they say that the lady was the

legally married wife of their father-in-law, was taken in the presence, not only of the attesting witnesses, but also of the Sub-Magistrate and Tehsildar.

Now, it is said that the document signed by the late zemindar just before his death, and the document which was signed by the three widows, of whom one is the Plaintiff, was obtained through the instrumentality of the cousin, who is said to have been appointed as the agent of the second Defendant. But there is no evidence whatever given in the cause to show that the deceased zemindar was imposed upon by the cousin, or that any undue influence was exercised over him to get him to make that statement, nor is there any evidence to show that the statement which he made was not made with the full understanding of what he was then stating.

In the 2nd paragraph of the plaint the Plaintiff, the eldest widow, says:—"On the day preceding his death,"—that is, the death of the late zemindar,—"he made an arrangement constituting me as his heir to the said zemindary, and directing that the two junior widows, named Peddammani and Chinnammani, should remain under my protection; that Terumalai Puchaya Naiker, a cousin of the deceased, should, on my behalf and under my orders, have the management; and that after my death the said widows should enjoy the estate successively." No document to that effect has been proved, nor has any evidence been given of the truth of the statement. Then, in the fifth paragraph it is stated:—"On making proper inquiries I ascertained that during the time I and the others were sunk in sorrow on account of our husband's death, Terumalai Poochaya Naiker, the cousin aforesaid, who I believed was managing the affairs of the zemindary on my behalf, according to my husband's directions, had, in collusion with Kedara Moodely Navanitha Krishnama Pillay, at a time when my other servants in the Palace were under his control, concealed my husband's arrangements, and the real urzee he (husband) addressed to the Collector; that he had represented to the Collector, the Tahsildar, and others, that my late husband installed as zemindar the minor,"—that is, the second Defendant—"who has no connection whatever with the zemindary, and that he, my husband, had addressed an urzee to the

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Collector, appointing him, the cousin, as manager for the said minor; and that he had conducted certain proceedings by which the zemindary has been placed under the management of the Court of Wards on behalf of the said minor." Now, there is no proof whatever of that allegation. We have, therefore, the admission of the late zemindar that the second Defendant was his brother, and we have also the admission of the Plaintiff, and the other widows of the deceased zemindar, that the second Defendant was the son of the lawfully married wife of his father.

Now then, what evidence has been given to disprove that fact? It is said that the marriage was to have taken place in the month of Avani. The lady it is proved was carried to the Palace for the purpose of being married, and she has given her own evidence in the case, and has sworn to the fact of a marriage having taken place. There is no evidence whatever to show that her parents ever complained that she had not been married, or that she was detained in the Palace by the deceased Poligar against her will, or that he had taken her there under pretence of marrying her and had then refused to do so. No evidence of that sort has been given, and if the case were true that he had not married the lady, one would expect that some evidence would have been given to show that the father and mother of the lady had complained of the manner in which their daughter had been treated, and that they had been deceived in allowing her to go to the Palace, under the pretence that she was to be married.

It is said that the Defendant's evidence is disproved by the fact of some of the witnesses of the Plaintiff showing that no marriage did take place, and also by the evidence of the Defendant's witnesses in which they state that the marriage took place in the month of Avani. Great reliance is placed upon the witness whose evidence is at page 225, and also is stated to be the Priest of the family. But although he is now the Priest, and states that he is the Priest he was not the Priest at the time when this marriage took place. He could only have been 18 years of age at that time. He gave his evidence in the year 1871, and he then stated he was 38 years of age. That would make him about 18 at this

time, and he says that the marriage was celebrated in the month of Avani of 1850. Now, their Lordships do not think that the marriage did take place at that time, but the witness was speaking merely from memory, and the fact of his stating that it was in the month of Avani does not necessarily prove that the marriage did not take place at any other time. The next witness says that the marriage took place only on the day fixed in the first instance, but this witness, who was not the Priest of the family but merely a cultivator, gives evidence that the marriage did take place, and he says it took place only on the day fixed in the first instance. If he is supposed not to have made a mistake, but to have wilfully stated that the marriage actually took place on the day originally fixed, for the purpose of making the child appear to be legitimate, and to have stated that falsely, then he may be disbelieved altogether; but you are not to take his evidence, and say that because he states that the marriage took place only on the day fixed, in the first instance, when it is proved by other evidence that it did not take place on that day, that he has proved that the marriage did not take place at all in the face of the admission and conduct of the Plaintiff and of the other Widows and of the statement of the deceased Poligar, that the Defendant was his legitimate half-brother. Their Lordships are of opinion that there is sufficient evidence of the legitimacy, and that there is no sufficient evidence on the other side to rebut it or to show that a marriage did not take place, or that, a marriage having taken place, it took place after the birth of the child.

That being so, their Lordships think that the High Court came to a correct conclusion that a marriage did take place between the father and mother of the child prior to its birth; and, assuming that the High Court are correct in finding that the child, although born after marriage, was procreated or begotten before the marriage took place, their Lordships are of opinion that that Court came to a right conclusion, in point of law, that the child was legitimate.

The point of illegitimacy being established by proof that the pro-creation was before marriage had never suggested itself even to the learned Counsel

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for the Appellant at the time of the trial, nor does it appear, from the authorities cited, to have been distinctly laid down that, according to Hindoo law, in order to render a child legitimate, the procreation as well as the birth must take place after marriage. That would be a most inconvenient doctrine. If it is the law, that law must be administered. Their Lordships, however, do not think that it is the Hindoo law. They are of opinion that the Hindoo law is the same in that respect as the English law.

Under these circumstances, their Lordships are of opinion that the High Court came to a correct conclusion in finding that the Defendant had made out that he was the legitimate half-brother of the deceased Poligar; and that, being members of an undivided family, the polliem descended to him.

That disposes of the Cause: for, if the Defendant is the heir of the deceased Poligar, the widow can have no claim. The Decree of the High Court was correct, and her suit must be dismissed.

Their Lordships will, therefore, humbly recommend Her Majesty that the judgment of the High Court be affirmed, and the widow's Appeal dismissed with costs.

PRINTED AT THE FOREIGN OFFICE BY T. HARRISON.—25/3/74.

Judgment of the Lords of the Judicial Committee of the Privy Council on the Appeal of the Collector of Trichinopoly v. *Lekhamani and the Zemindar of Marungapuri, from the High Court of Judicature at Madras: delivered 14th March*, 1874.

Present:

Sir James W. Colvile.
Sir Barnes Peacock.
Sir Montague Smith.
Sir Robert P. Collier.

THE nature and object of the suit in which these appeals were preferred are clearly stated in the judgment pronounced by the High Court at Madras (Record 190).

To make the case intelligible it may be shortly stated that the suit was brought in the Civil Court of Trichinopoly by Lukkamani, the first widow of Terumalia Puchaya Naiker, the late zemindar of Marungapuri, to recover, as his heiress, amongst other things, the villages attached to the zemindary. The suit was brought against the Collector of Trichinopoly as the agent of the Court of Wards in charge of the Zemindary, on behalf, and as the guardian, of Rangakristna Mutha Veera Puchaya Naiker, a minor, who was the half-brother of the deceased zemindar, and who, after his death, had been recognized by the Government as the zemindar. At the time of the late zemindar's death, he and his half-brother the minor were members of an undivided family, and, consequently, if the estate was hereditary, and the

minor was legitimate, he was the heir of the deceased zemindar (9 Moore's Indian Appeals, 66).

The principal defences set up by the collector were—

1. That no istimrari sunnud had been granted for the zemindary, and that it was an unsettled polliam; that after the death of the late zemindar the right to nominate a successor to him was vested in the Government; that the Government had granted the zemindary to the minor, Rangakristna; and that this, being an Act of State, could not be questioned by any Municipal Court.

2. That, even if an istimrari sunnud had been granted, and the polliam had been settled, the minor, as the undivided half-brother of the deceased zemindar, would be the rightful heir thereto.

The widow disputed the legitimacy of the minor, and the following were the principal issues laid down for trial:—

1. Whether the Court was competent to entertain the suit.

2. Whether the half-brother of the deceased zemindar was his legal heir, or whether the plaintiff herself was entitled to succeed to the zemindary.

3. Whether the minor was the half-brother of the deceased zemindar.

Subsequently, the minor, having attained his full age, was admitted as a supplemental defendant in the suit; but the first defendant, the collector, was also allowed to be heard in defence. Whereupon the first defendant, the collector, having been examined as a witness, the Judge, held that it was conclusively proved that the zemindary was an unsettled polliam, and that the right of succession having been declared by the highest authority to be vested in Government and not in the line of lineal succession, it followed that that right could not be called in question in that Court. He, therefore, found the first issue in favour of the first defendant, and dismissed the plaintiff's suit with costs.

The Plaintiff appealed to the High Court and made only the second or supplemental Defendant, the half brother, Respondent. Whereupon the Collector presented a petition to the High Court stating that it was contended on the part of the Appellant that the zemindary was not an unsettled one and consequently that the Government had no

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right to interfere with the succession thereto on the death of he zemindar, and that the Government was interested in the decision of that question; he therefore prayed that he might be made a party to the suit and allowed on behalf of Government to defend the appeal.

On the 17th June, 1870, the petition of the Collector was dismissed (p. 187).

Another petition to the same effect was subsequently presented by the Collector (p. 188), the Government offering to forego all claim to costs. Whereupon it was ordered that the application should be admitted on condition that, in the event of the appeal being dismissed with costs, no more than the costs of one Respondent should be allowed against the Appellant.

Thus it appears that the Collector who was originally a Defendant, merely as Agent of the Court of Wards and as guardian of the minor zemindar Rangakristna, became substantially a party to the suit on behalf of and as representing the interests of Government. The appeal came on to be heard before the High Court who, at the close of the arguments on the first day of the hearing, were of opinion, for the reasons specified in their judgment, that upon the case presented by the record returned to the Court the decree of the Zillah Court could not stand, and they adjourned the further hearing of the appeal (Record p. 191, l. 42); afterwards, having obtained all the evidence which the parties were able to adduce with respect to the proprietary right of the late zemindar, and having heard the case fully argued, they delivered judgment (p. 192).

In the first place, they held that the Government proceedings admitting the minor to the succession did not amount to an act of State, which debarred the cognizance of the suit by a Municipal Court.

The correctness of their decision upon that point has not been disputed in the present appeal.

They then (p. 192, l. 16) proceeded to consider the question whether the estate of the late zemindar was hereditary or whether he had merely an estate for life. Upon that point they delivered a very able and elaborate judgment in which they held that the Polliam was an ancestral hereditary estate. (Record, p. 205, l. 10.)

They said (p. 205).

"With respect to the proprietary right possessed by the late Zemindar, there is now before the Court the whole of the evidence which the parties have been able to adduce, and we have had the advantage of hearing the case ably argued. The question for determination is, whether he had vested in him an hereditary estate, which passed on his death to his heir in the order of legal succession, as the plaintiff contends, or an estate for life, on the termination of which the right to dispose of the property reverted to the Government as the defendants contend. The villages and lands mentioned in the plaint form one of the Manapuri polliems, but the estate and the holder of it have been commonly given the designations used in the plaint, of zemindary and Zemindar; it is, however, a conceded fact that no istimrari sunnud granting the estate under Regulation 25 of 1802 has ever existed; and the positions advanced on both sides, stated summarily, are on behalf of the Plaintiff, that there is sufficient evidence from which to draw the inference that the property had been permanently assessed; but, if not, that the tenure by which the polliems not permanently assessed are held had not attached to it as an essential incident the limit of the life of the holder, but that, both historically and by judicial authority, the tenure is rather shown to be in its nature hereditary; that it may be either hereditary or for life, according to the nature of the grant creating it, and that in the present case the evidence proved the polliem to have been held as an hereditary estate."

Then, after reviewing the authorities, the evidence, and the arguments of Counsel, they proceeded—

"Upon the whole, we are of opinion that it has been established, as strongly as a claim of this nature can be expected to be proved, that the polliem in dispute is an ancestral hereditary estat which has devolved through several generations in the ordinary course of legal succession. Almost everything tending to this conclusion that could reasonably be looked for, it seems to us, exists, save the grant of a sunnud under Regulation 25 of 1802; and that is not, in our judgment, made by law indispensable, except to render the revenue assessment permanent. It follows that the right of succession contested in the present suit depends upon the question raised by the second issue in the suit, whether the second Defendant is the legitimate brother of the late Polligar, Tirumalai Puchaya Naiker. If so, he is the rightful heir to all the property claimed in the plaint, no division having taken place between him and his deceased brother. But if illegitimate, he has no right to any portion of it. No additional issue is necessary."

An issue was then directed to try whether the half-brother was legitimate or not.

It is admitted that the villages and lands mentioned in the plaint are, as pointed out by the High Court, one of the Manapuri polliems, and that no istimrari sunnud, granting the estate under regulation 25 of 1802 of the Madras Code, has ever been issued.

The case has been very elaborately and ably argued on both sides, and their Lordships having carefully considered all the regulations and authorities which have been cited, are clearly of opinion that the decision of the High Court is correct.

It was contended by the learned Counsel for the Collector Appellant that in the Presidency of Madras the Government had reserved to itself and had, by legislative enactments, asserted its right to all lands of every description and Regulations 25 and 31 of 1802 of the Madras Code were referred to as having that effect.

It was recited in the preamble of the former of those two Regulations, that the assessment of land revenue had never been fixed, and that the zemindars and others had no security for the continuance of a moderate land tax; *that for the attainment of an increased revenue it had been usual for Government to deprive the zemindars and to appoint persons on its own behalf to the management of the zemindaries, thereby reserving to the ruling power the implied right and the actual exercise of the proprietary possession of all lands whatever;* that it was obvious that such a mode of administration must be injurious to the permanent prosperity of the country, by obstructing the progress of agriculture, population, and wealth, and diminishing the security of personal freedom and of *private property*, and that the British Government, impressed with a deep sense of the injuries arising to the "State and to its subjects, from the operation of such principles, had resolved to remove from its administration so fruitful a source of uncertainty and disquietude, to grant to zemindars and other landholders, their heirs and successors, a *permanent property* in their land in all time to come, and to fix for ever a moderate assessment of public revenue on such lands, the amount of which should never be liable to be increased under any circumstances."

It was then enacted by Section 2 that, in conformity with these principles, *an assessment should be fixed on all lands liable to pay revenue to Government: and in consequence of such assessment the proprietary right of the soil should become vested in the Zemindars or other proprietors of land and in their heirs and lawful successors for ever;* and it was further

enacted by Section 3, that when the conditions of the permanent settlement of the revenue should have been adjusted, a sunnud-i-milkeut istimrar or deed of *permanent property* should be granted on the part of the British Government to all persons being or constituted to be zemindars or proprietors of land.

Laying out of consideration for the present the words of the preamble, which form no part of the enactment of the regulation (see Dwarris on Statutes, p. 655), it is clear that the affirmative words of the 2nd Section "That, in consequence of the assessment the *proprietary right* of the soil shall become vested in the zemindars, &c.," did not either give to or take away from the former owners of lands not permanently assessed any rights which they then had. It merely vested in all zemindars an hereditary right at a fixed revenue upon the conclusion of the permanent assessment with them. It is a maxim that affirmative words in a statute without any negative expressed or implied do not take away an existing right (see Coke's 2 "Institute," p. 200; "Dwarris on Statutes," p. 637). There are no words declaring that no proprietary right then existed, or should thereafter be deemed to exist, except in government in any lands not permanently settled; and in their Lordships' opinion it was not the intention of the Legislature to pass such an enactment.

The words "proprietors of land," as used both in the Bengal Code of 1793, and in the Madras Code of 1802, have a technical signification (see the definition in Bengal Regulation 8 of 1793, sections 5, 6, and 7; and Regulation 27 of 1802, Madras Code, section 2). They refer to "zemindars, independent talookdars, and others who pay the revenue assessed upon their estates immediately to Government;" and the words "proprietary possession," as used in the recital of Regulation 25 of 1802, must also be read in a similar sense as meaning the possession and rights of a proprietor in the technical sense in which that word is used, viz., the person who pays the revenue immediately to Government. (See Regulation 1 of the Madras Code, sections 14 and 16.)

There are frequently many valuable tenures existing between the zemindar and the ryots, or

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actual cultivators of the land. If the Regulations 25 and 31 of 1802 were to be read in the sense contended for on the part of the Collector Appellant they would have the effect of vesting in Government, not only all hereditary estates, but all sub-tenures, whether for life or otherwise, and whether created by the native Governments before the territories came under the Government of the East India Company or not.

The words of the recital "the *implied* right and the *actual* exercise of the *proprietary possession* are, to say the least of them, very ambiguous. But whatever may be the real meaning of those words, the recital clearly was not intended to amount to more than a declaration that it had been usual for Government, in order to enforce an increased revenue to deprive or dispossess the zemindars, and to take the management of the zemindaries into the hands of their own officers; or, in other words, that they were in the habit of taking khas possession of the zemindaries of those zemindars who neglected to pay any increased amount of revenue assessed upon them.

A similar course seems to have been adopted in Bengal up to the time of the permanent settlement (see Regulation 1 of 1793), and to have been continued at the time of that settlement, with respect to every zemindar who might decline to engage for the jumma proposed to be permanently settled upon his Estate. (See Regulation 8 of 1793, s. 43, Bengal Code.)

Further, the usage recited was limited to the purpose of obtaining an increased revenue; and it was by means of the usage that the Government was said to have reserved to itself the implied right, &c. The words are "*thereby* reserving to the ruling power the implied right, &c." The preamble recognized the right of private property when it stated that the then existing mode of administration was injurious "*by diminishing the security of private property.*" It did not assert a right on the part of Government to deprive or dispossess zemindars in their lifetime, or their heirs after their deaths, for the purpose of transferring their rights to Government, or to new holders at the will of Government, independent of any considerations connected with the realization of revenue.

The language of the recital applied as much to zemindars in their lifetime as it did to the heirs of zemindars upon their deaths. If the words were to have the unlimited construction and effect contended for, the Regulation would have justified Government in depriving or dispossessing the deceased Polygar in his lifetime, and in transferring the zemindary to a new holder, to the same extent as it would have justified them in dispossessing his heirs after his death. Such a construction would go far beyond the claim set up by the Collector in the suit, viz., that the deceased zemindar had only a life estate which reverted to Government and was at their absolute disposal after his death; nay, it would do more, it would render every land owner in the Presidency, except those who claimed under a permanent settlement, liable to be dispossessed or deprived of his estate, and to have it transferred to a new holder at the will of Government.

The preamble to Regulation 31 of 1802, which, as before observed, was not an enactment, is as follows:—Whereas the ruling power of the Provinces now subject to Fort St. George has, in conformity to the ancient usage of the country, reserved to itself and has exercised *the actual proprietary right of lands* of every description, and whereas consistently with principle all alienations of land, except by the consent of the ruling power, are violations of that right; and whereas considerable portions of land have been alienated by the unauthorized encroachment of the present possessors, by the clandestine collusion of local officers, and by other fraudulent means: and whereas the permanent settlement of the land tax has been made exclusive of alienated lands of every description, it is expedient that rules should be enacted for the better ascertainment of the titles of persons holding, or claiming to hold, lands exempted from the payment of revenue to Government under grants not being badshai or royal, and for fixing an assessment on such lands of that description as may become liable to pay revenue to Government; wherefore the following rules are enacted for that purpose.

The Act, section 2, then proceeds to render valid all grants for holding lands exempt from the payment of public revenue which had been made before certain dates, and to leave to the determi-

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nation of Government all doubts respecting the validity of other grants of that nature.

The words "has reserved to itself and has exercised the actual proprietary right of lands of every description," used in the above preamble, are not precisely the same as those used in the preamble of Regulation 25, but they evidently have reference to the same usage, viz., the custom of dispossessing zemindars, and taking their zemindaries into the khas possession of Government, for the purpose of realizing the public revenue from time to time assessed upon them. The object of the Regulation 31 of 1802 was merely the protection of the revenue from invalid lakiraj grants, and to provide for the mode of trying the validity of the titles of persons claiming to hold their lands exempt from the payment of revenue; it was not intended to confer upon Government any title which did not then exist. The words "alienations of land" referred not to mere transfers from one proprietor to another, but to grants for holding lands exempt from the payment of revenue. It is clear that the Regulation never intended to assert that, *according* to the usages of the country there was no private right to lands, for in rendering valid all lakiraj grants made prior to a certain date, and declaring that the holders should continue to enjoy the same free from the payment of revenue, there was this proviso, that the lands had not *escheated* to the State since those dates.

It was urged, in support of the Collector's appeal, that there was a long course of judicial decisions, from 1813 to the present time, showing that Polygars had merely a life interest in their polliams.

The first case cited was No. 13 of 1813, 1st Madras Select Decrees, p. 78. In that case the plaintiff had never had the possession of the zemindaree. His claim had been repeatedly brought to the notice of Government, and had been rejected. The permanent settlement had been entered into with the defendant, and a sunnud-i-molkeut-i-istimrar granted to him by Government, under the provisions of Regulation 25 of 1802. This case was not decided upon the mere words of the recital of Regulation 25 of 1802, but upon the enactment in section 2, and it was held that the Government

having *permanently* settled with the Defendant, *and granted him a sunnud*, he had acquired a title under that Regulation, and that the Plaintiff could not recover the estate. The decision, however, whether right or wrong (probably right under the law as it then stood), was decided before the passing of Regulation 4 of 1822, by which it was enacted that Regulations 25, 28, and 30 of 1802 were not meant to define, limit, infringe, or destroy the actual rights of any description of landholders or tenants, and left them to recover in the established Courts of Justice *their rights* if infringed (an enactment similar in effect to that contained in the Bengal Regulations relating to the permanent settlement in that Presidency). (See No. 8 of 1793 Bengal Code, section 30.)

Regulation 4 of 1822 expressly recognized the fact that landholders had actual rights which they might recover if infringed.

In the case cited (No. 13 of 1813), a case was referred to (Appeal No. 9 of 1813), in which a talookdar's rights were asserted and enforced against a zemindar, which is quite at variance with the contention that the property in lands of every description belonged to and was vested in Government. It is true it was stated by the Court, in No. 13 of 1813, that it was plainly deducible from Regulation 25 of 1802 that, previously to the fixing of the permanent assessment, succession to zemindary tenures was not governed *exclusively* by the law of inheritance, but that the ruling power created, tolerated, abolished, or disposed of those tenures in such manner as might be considered most expedient for the purpose of realizing the public revenue due from the lands, and that it was clear therefore that, in rejecting the claims of the Plaintiff, whatever might be the specific grounds of such rejection, and in granting the zemindary to the original Defendant, the British Government exercised a right which, according to the declared usages of the country, was vested in the ruling power. It was to correct opinions such as those that Regulation 4 of 1822 was passed .

The next case was No. 11 of 1846, p. 141. In that case there had not been any permanent settlement or any sunnud granted by Government.

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The zemindary had been made over to the father of the Plaintiff and Defendant after the district came into the possession of the East India Company, and it continued in his possession to the year 1811, when, upon his death, it was made over to his eldest son. The Court said that the Respondent held under a title which the Government, in the exercise of the right vested in them by the usage of the country, had conferred upon him.

One of the Judges who decided the last case was also one of those who decided No. 13 of 1813, evidently putting the same construction upon Regulation 25 of 1802 as he had done in No. 13 of 1813.

Case No. 14 of 1817 is subject to similar remarks. The Court, of which two of the Judges were the same as those who decided the former case, acted upon similar deductions from Regulation 25 of 1802.

All those cases were decided prior to Regulation 4 of 1822, and were probably some of the decisions which induced the Legislature to pass the Regulation.

Their Lordships do not consider that the cases cited from the Madras Select Decrees are binding authorities in support of the contention that Government has a right to deal with the polliem in the present case, or any other polliem, according to arbitrary will independently of the rights of the parties, or in support of the position that the absolute right to every polliem not permanently settled is vested in Government, or that the tenure is for life only, and that upon the death of the Polygar the estate reverts to Government.

Many of the cases cited in argument are of no greater weight or authority than that which is the subject of the present appeal. They are modern authorities, and there is no long uniform current of decisions sufficient to show that every polliem not permanently settled is necessarily only a tenure for life, or at the will of Government.

In the case of Naragunty Lutchmeedavamah *v.* Vengama Naidoo (9 Moore's Indian Appeals, 67; and in that of the Collector of Madura *v.* Veeracamoo Ummal *id.* 446) the polliems were treated as hereditary, the question in each being as to the person entitled to succeed as heir. In the latter case, the Government of Madras

claimed to be entitled by escheat for want of male heirs, thereby admitting that the estate was hereditary; but it was held that females were not precluded from inheriting a polliem, thereby deciding that it was hereditary. It did not appear in any of those cases that the polliem had been permanently settled or that a sunnud had been granted in respect of it under Regulation 22 of 1802. They show that a polliem may be hereditary though not permanently settled under Regulation 25 of 1802.

Their Lordships are of opinion that each case must depend upon its own particular circumstances; that a polliem may be hereditary, and that the position laid down by the High Court (page 200, line 30) is correct. They there say:—

"The existence of a proprietary estate in polliems or other lands not permanently assessed, and the tenure by which it has been held, are, in our opinion, matters judicially determinable on legal evidence, just as the right to any other property."

Their Lordships are also of opinion that the finding of the High Court upon the evidence adduced that the polliem in dispute is an ancestral hereditary estate is also correct.

It does not at all follow from the application made to Government for the recognition of the minor that he had not an hereditary estate. It was extremely common in Bengal before the acquisition of the Dewanny where a tenure was in fact hereditary from father to son to take out a new sunnud upon each descent (14 Moore's Indian Appeals 256; Kooldeep Narain Singh *v.* the Government and others). So also it appears that upon a transfer of title to lands in Calcutta, either by alienation or descent a fresh pottah was given to the new holder; but that was merely a fiscal regulation and the pottah formed no part of the holder's title (Freeman *v.* Fairlie, 1 Moore's Indian Appeals, 346).

The Collector in his written statement alleged that the polliem was unsettled and that after the death of the late zemindar the right to appoint a successor was vested in the Government and that accordingly the Government had granted the said zemindary to the minor Defendant. No grant from the Government was produced. That which is called a sunnud was not a grant creating a new right but a mere recognition or acknowledgment of

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an existing title. See the proceedings of the Madras Government (No. 17A, Record p. 23).

From this document it appears that, upon the death of the late Polygar, the Collector sent a report to the Court of Wards stating among other things as follows:—

"The deceased Zemindar, on the day previous to his death, addressed to me a petition, requesting me *to recognize* his brother as his successor to the estate, and to appoint his cousin to manage the affairs of his estate during the minority of his brother.

"The Tahsildar was deputed to ascertain the wishes of the widows of the deceased on this point, and to afford information regarding the property left by the Zemindar. The Tahsildar submitted a statement obtained from the widows, from which it appears that they earnestly request a compliance with the request contained in the petition addressed to me by their husband, but with this modification, that the cousin should conduct the affairs of the estate under the direct control of the first-mentioned widow. The widows admit the genuineness of the petition.

"The deceased left no Will. The estate consists of the Marungapuri zemindary and certain mirasi lands, the assessment of which amounts to rupees 2,528 : 8 : 10."

The above report was submitted by the Court of Wards to Government with a recommendation that the Collector *be authorized to recognize* the brother of the deceased (the Defendant in the suit), as zemindar of Morungapury, and to take charge of the estate. They added—assuming that the family is undivided, as is probably the case, *the brother of the deceased would be the legal heir to the zemindary, irrespective of the petition or consent of the widows.* Upon that report the Government passed an order, dated September 17, 1864, that the Court's proposal is approved.

It also appears that after the death of the father of the late Polygar, Terumalai, the Collector reported that the deceased left one son Taroomalai, *the heir to the estate*, and one son, the present defendant, a little boy by his fifth wife, then three years of age, and he recommended that Teroomalai should be recognized and invested as Polygar in the room of his father (Record 32). Upon which the Government ordered that Teroomalai should be recognized and placed in charge of the estate.

In England, proof of the possession of land or of the receipt of rent from the person in possession is *prima facie* evidence of a seisin in fee.

In India the proof of possession or receipt of

rent by a person who pays the land revenue immediately to Government is *primâ facie* evidence of an estate of inheritance in the case of an ordinary zemindary. The evidence is still stronger if it be proved that the estate has passed, on one or more occasions from ancestor to heir. (See 14 Moore's Indian Appeals, 256) .There is no difference in this respect between a polliem and an ordinary zemindary. The only difference between a polliem or zemindary which is permanently settled and one that is not is that, in the former, the Government is precluded for ever from raising the revenue; and, in the latter, the Government may or may not have that power.

The history of the polliems of southern India is well known. It is to be found in the fifth Report from the Select Committee from the House of Commons on the affairs of the East India Company, presented in 1812, a work of great research, and in the Madura Manual, compiled by Mr. Nelson of the Madras Civil Service, by order of the Government of Madras.

The account given in the fifth Report, was adopted in the judgment pronounced by Lord Kingsdown in the case above quoted in which it was held that a polliem was an ancestral estate in the nature of a Raj.

Looking at the evidence in the cause with reference to the tenure of the polliem in question, their Lordships have no doubt that the High Court arrived at a correct conclusion, and that the polliem is an ancestral hereditary estate.

The question as to the legitimacy of the minor Defendant, and his right to inherit, if the estate of his brother was an estate of inheritance, was found by the High Court in his favour, and that decision has already been upheld by their Lordships in the widow's appeal. The legitimacy of the minor having been upheld, the suit of the widow was properly dismissed, for whether the estate was one of inheritance or one merely for the life of her deceased husband, with a right on the part of the Government, on his death, to appoint a successor, the widow could have no right to succeed. The decree of the High Court was correct, and even if the point raised by the Collector on the part of the Government were decided in his favour, the decree

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dismissing the widow's suit must still be upheld. Their Lordships have already stated that they will humbly recommend Her Majesty that the decree of the High Court be affirmed with costs.

As the point raised by the Collector was one of importance, and necessary to be decided with reference to the costs of the Collector's appeal, their Lordships have heard that question argued; and having fully considered the very able and elaborate arguments of the learned Counsel on both sides, they have arrived at the conclusion that beyond all doubt the decision of the High Court was correct, and they will therefore humbly recommend Her Majesty, with reference to the Collector's appeal, that the decree be affirmed and the appeal dismissed with costs.

PRINTED AT THE FOREIGN OFFICE BY T. HARRISON.—25/3/74.

L. S.

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At the Court at Windsor Castle

The 17th day of March 1874

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY

LORD CHAMBERLAIN
LORD JOHN MANNERS
MR. SECRETARY CROSS
MR. DISRAELI
LORD ADVOCATE GORDON

WHEREAS there was this day read at the Board a Report from the Judicial Committee of the Privy Council dated the 14th of March 1874 in the words following viz:

"YOUR MAJESTY having been pleased by Your General Order in Council of the 20th November 1873 to refer unto this Committee the matter of a humble Appeal from the High Court of Judicature at Madras between Pedda Amani and Chinna Amani (second and third widows of the late Zemindar of Marungapuri) Appellants and the Zemindar of Marungapuri Respondent and likewise a humble Petition of Pedda Amani and Chinna Amani second and third widows of the late Zemindar of Marungapuri in the district of Trichinopoly in the Presidency of Madras in the East Indies setting forth that on the 21st day of August 1868 Lekkamani as the puttam or royal wife of the late Zemindar of Marungapuri filed a Plaint in the Civil Court of Trichinopoly against the Collector of Trichinopoly agent of the Court of Wards and guardian of the above-named Respondent Srinath Renga Kristna Muthu Veera Puchaya Naiker then a minor to recover the Zemindary or polliam of Marungapuri: on the 16th day of December 1868 the Collector put in his Answer to the said Plaint Evidence was gone into in the said Cause but before the final hearing thereof the last-named Respondent attained his majority and was made a supplemental Defendant: the Cause came on for hearing before the Acting Judge of the Civil Court of Trichinopoly on the

34138.

"1st day of September 1869 and a Decree was then made by the said Acting Judge dismissing the Plaint with costs: the said Lekkamani thereupon presented an Appeal from the said Decree to the High Court of Judicature at Madras and the Collector of Trichinopoly having applied to the said High Court to be made a party to the said Appeal as representing the interests of the Government such application was granted by an Order of the said Court dated 21st October 1870 and the said Collector was made a Respondent in the said Appeal upon the terms mentioned in the said Order: by a Decree of the High Court of the 26th April 1871 it was held by the High Court that the polliam in question was an ancestral hereditary estate but an issue was directed by the said High Court whether the said Strimath Runga Kristna Muthu Veera Puchaya Naiker was the legitimate brother of the late Zemindar: on the 30th day of October 1871 upon the application of the Collector of Trichinopoly leave was given him by the said High Court to appeal to Your Majesty in Council against the Decree of the said High Court of the 26th day of April 1871: the said issue having been tried by the Civil Court of Trichinopoly which decided in favour of the legitimacy of the said Strimath Runga Kristna Muthu Veera Puchaya Naiker the Cause came on again by way of Appeal before the High Court of Judicature at Madras on the 8th day of November 1871 when the Court by its Decree or Judgment of that date declared that 'the question of law as to the hereditary character of the said polliam was decided by it in favour of the Plaintiff but as the question of fact upon the issue as to the legitimacy of the second Defendant' (meaning the said Strimath Runga Kristna Muthu Veera Puchaya Naiker) 'had been found against the said Plaintiff Lekkamani the Decree of the Court of First Instance dismissing the Plaintiff's Suit must be confirmed' each party to bear their own costs: the said Lekkamani died on the 16th day of March 1872: by an Order of the High Court dated the 20th day of August 1872 made upon the application of the present Appellants the above-named Pedda Amani and Chinna Amani (who are the second and third widows of the late Zemindar) leave was duly granted to appeal to Your Majesty in Council against the said Decree of the 8th day of November 1871: the copy of the Record in the Appeal of the Collector of Trichinopoly was sent to and arrived at the Privy Council Office on the 10th day of July 1872 and the copy of the Record in the Appeal of these Appellants the said Pedda Amani and Chinna Amani being supplemental to the record in the other Appeal was sent to and arrived at the Privy Council Office on the 10th day of October 1872: an Order was made for dismissing both the said Appeals for want of prosecution on the 21st day of May now last past: by an Order in Council made on the 4th day of August now last past the said Appeals were restored with leave to the Appellants in both cases to prosecute the same to a hearing upon condition that the said Appeals should be consolidated and heard upon one printed case on each side the parties dividing the expense of copying and printing the Record and that the Appellants in both Appeals should forthwith lodge in the Registry of the Privy Council the sum of 300*l.* sterling to stand and abide the award of the Lords of this Committee with reference to the costs of the

"said Appeals or either of them and that the parties on both sides and in both Appeals should lodge their printed cases and set down the consolidated Appeals for hearing on or before the 1st day of January 1874: the Appellants have made the required deposits and are ready in all respects to perform and obey the last-mentioned Order and humbly praying Your Majesty that the said Decree of the High Court of Judicature at Madras of the 8th day of November 1871 may be reversed or varied or for other relief in the premises.

"And YOUR MAJESTY having likewise been pleased by Your General Order in Council of the 20th November 1873 to refer unto this Committee a further Petition in the Regular Appeal No. 129 of 1869 of the Collector of Trichinopoly as representing the interests of the Governor of Fort St. George by Order of the High Court of 21st October 1870 setting forth that on the 21st day of August 1868 the above-named Lecamani as the puttam or royal wife of the late Zemindar of Marungapuri filed a Plaint in the Civil Court of Trichinopoly against the Collector of Trichinopoly agent of the Court of Wards and guardian of the above-named Runga Kristna Muttu Veera Puchaya Naiker then a minor to recover the zemindary or polliem of Marungapuri: that on the 16th day of December 1868 the Collector put in his Answer to the said Plaint: that the Cause being at issue evidence was gone into: that before the final hearing of the said Suit the said Runga Kristna Muttu Veera Puchaya Naiker attained his majority and was made a supplemental Defendant: that the Cause came on for hearing before W M Cadell Esquire Acting Judge in the Civil Court of Trichinopoly on the 1st day of September 1869 and a Decree was then made by the said Acting Judge dismissing the Plaint with costs: that the said Lecamani thereupon presented an Appeal to the High Court of Judicature at Madras and the Collector of Trichinopoly having applied to the said High Court to be made a party to the said Appeal and allowed to defend the same as representing the interests of Government therein such application was granted by an Order of the said Court dated the 21st October 1870 and the said Collector was made a Respondent in the said Appeal: that by a Decree of the 26th April 1871 the said High Court held that the polliem in question is an ancestral hereditary estate but it directed an issue whether the said Runga Kristna Muttu Veera Puchaya Naicker was the legitimate brother of the last Zemindar: that on the 30th day of October 1871 the Collector of Trichinopoly presented to the said High Court his Petition of Appeal to Your Majesty in Council against the Decree of the 26th April 1871 stating that the polliem in question was an unsettled zemindary and the succession dependent on the will of the ruling power and that the British Government as such ruling power had always claimed and exercised the right to regulate the succession to polliems that character and had a right to nominate the successor to that polliem that such Petition was duly received by the said High Court and an that allowed on the usual conditions which have been duly complied with: that appeal said issue having been tried by the Civil Court of Trichinopoly which at the in favour of the legitimacy of the said Runga Kristna Muttu Veera Puchaya Naiker the Cause came on again by way of Appeal before the High Court of

udicature at Madras on the 8th day of November 1871 when the Court said the question of law as to the hereditary character of this polliem was decided by us in favour of the Plaintiff, but as the question of fact upon the issue as to the legitimacy of the second Defendant (meaning the said Runga Kristna Muttu Veera Puchaya Naiker) has been found against her (meaning against the said Plaintiff Lecamani) the Decree of the Court of First Instance dismissing the Plaintiffs Suit must be confirmed' each party to bear their own costs: that the said Lecamani died on the 16th day of March 1872: that the above-named Pedda Amanee and Chinna Amanee who are the junior widows of the said Zemindar presented their Petition of Appeal to Your Majesty in Council against the said Decree of the 8th day of November 1871 which Appeal was allowed by the said High Court: that the copy of the Record in the Appeal of the Collector of Trichinopoly was sent to and arrived at the Privy Council Office on the 10th day of July 1872 and the copy of the Record in the Appeal of the said Pedda Amanee and Chinna Amanee being supplemental to the Record in the other Appeal was sent to and arrived at the Privy Council Office on the 10th day of October 1872: that an Order was made for dismissing both the said Appeals for want of prosecution on the 21st day of May now last past: that by an Order in Council made on the 4th day of August now last past the said Appeals were restored with leave to the parties to prosecute the same to a hearing upon condition that the said Appeals should be consolidated and heard upon one printed case on each side the parties dividing the expense of copying and printing the Record and that the Appellants in both Appeals should forthwith lodge in the registry of the Privy Council the sum of 300*l.* sterling to stand and abide the award of the Lords of the Judicial Committee with reference to the costs of the said Appeals or either of them and that the parties on both sides and in both Appeals should lodge their printed cases and set down the consolidated Appeals for hearing on or before the 1st January 1874: that this Appellant has made the required deposit and is ready to perform and obey the said Order of the 4th of August in all respects and humbly praying that Your Majesty in Council will be pleased to take his said Appeal into consideration and that the said Decree of the 26th day of April 1871 may be reversed altered or varied or for other relief in the premises THE LORDS OF THE COMMITTEE in obedience to Your Majesty's said General Order of Reference have taken the said humble Petitions and these consolidated Appeals into consideration and having heard Counsel on both sides their Lordships do this day agree humbly to report to Your Majesty as their opinion that the Decree or Judgment of the High Court of Judicature at Madras of the 8th November 1871 in the First Appeal and likewise the Decree or Judgment of the said High Court of the 26th April 1871 in the Second Appeal ought to be affirmed and each or both of these Appeals dismissed with costs.

"But whereas the Agents for the Respondents in each of these consolidated Appeals have agreed to forego the payment of costs reciprocally (such costs being about equal in amount) their Lordships are hereby pleased to direct that the sum of 300*l.* deposited as security for costs by the Agent in England of the

"Appellants in the First Appeal and likewise the sum of 300*l.* deposited as security for costs on behalf of the Collector in the Second Appeal be repaid by the Registrar of the Privy Council to Messrs. Jones and Blaxland and to Messrs. Lawford the Agents in the two Appeals respectively."

HER MAJESTY having taken the said Report into consideration was pleased by and with the advice of Her Privy Council to approve thereof and to order as it is hereby ordered that the said Decree or Judgment of the High Court of Judicature at Madras of the 8th November 1871 in the First Appeal and likewise the Decree or Judgment of the said High Court of the 26th April 1871 in the Second Appeal be and the same are hereby affirmed and these consolidated Appeals dismissed. Whereof the Judges of the High Court of Judicature at Madras for the time being and all other persons whom it may concern are to take notice and govern themselves accordingly.

ARTHUR HELPS.

47/725

47/73

In the Privy Council.

IN APPEAL FROM THE HIGH COURT OF JUDICATURE AT MADRAS.

THE COLLECTOR OF TRI[illegible]POLY (as representing the interests of the G[illegible] of Fort St. George by Order of the High Court[illegible] October 1870) - *Appellant,*

LEKKAMANI (first Widow of[illegible]e Zemindar) since deceased, and the ZEMIND[illegible]MARUNGAPURI *Respondents;*

AN[illegible]EN

PEDDA AMANI and CHINN[illegible]ANI (second and third Widows of the late Ze[illegible]) - - *Appellants,*

The ZEMINDA[illegible]1 - - *Respondent.*

RECORD OF[illegible]ROCEEDINGS.

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55/725

55/725

In the Privy Council.

IN APPEAL FROM THE HIGH COURT OF JUDICATURE AT MADRAS.

BETWEEN

THE COLLECTOR OF TRICHINOPOLY (as representing the interests of the Governor of Fort St. George by Order of the High Court of 21st October 1870) - *Appellant,*

AND

LEKKAMANI (first Widow of the late Zemindar) since deceased, and the ZEMINDAR of MARUNGAPURI *Respondents;*

AND BETWEEN

PEDDA AMANI and CHINNA AMANI (second and third Widows of the late Zemindar) - - *Appellants,*

AND

The ZEMINDAR of MARUNGAPURI - - *Respondent.*

RECORD OF PROCEEDINGS.

IN THE CIVIL COURT OF TRICHINOPOLY.

LEKKAMANI, first Widow of the late Terumalia Puchaya Naiker, Zemindar of Marungapuri, residing at Marungapuri, in the Taluq Kulluttani, Zillah Trichinopoly - - - - - Plaintiff,

vs.

COLLECTOR OF TRICHINOPOLY, Agent of the Court of Wards, in charge of the Zemindary of Marungapuri and Guardian of the Minor Ranga Kristna Mutha Veera Puchaya Naiker, and of the assets of the said deceased Zemindar - - - - Defendant.

PROCEEDINGS.

RECORD.
In the Civil Court of Trichinopoly.
No. 1.
Plaint, dated 21st Aug. 1868, with schedule of property annexed.

No. 1.

In Regular Appeal, No. 129 of 1869.

To the Civil Court of Trichinopoly.

Plaintiff,—Lekkamani, first widow of the late Terumalai Puchaya Naiker, Zemindar of Marungapuri, residing at Marungapuri, in the taluq Kuluttani, zillah Trichinopoly.

Defendant,—Collector of Trichinopoly, agent of the Court of Wards, in charge of the zemindary of Marungapuri, and guardian of the minor Rungakristna Muthia Veera Puchaya Naiker, and of the assets of the said deceased Zemindar.

Plaint presented by the said Plaintiff under section 26 of Act VIII. of 1859.

1. The zemindary of Marungapuri aforesaid, paying an annual peshkush to Government of Rupees 20,576. 10. 10., is the ancestral property of my late husband, Terumalai Puchaya Naiker. He enjoyed the same till the 17th July 1864, when he deceased issueless, having fallen a prey to itch. According to Hindoo law and the custom prevailing in zemindaries, I, who am the pattain (royal) wife among the three wives of the deceased, am his chief heir.

2. On the day preceding his death he (the deceased) made an arrangement constituting me as his heir to the said zemindary, and directing that the two junior widows, named Peddiammani and Chinnammani, should remain under my protection; that Terumalai Puchaya Naiker, a cousin of the deceased, should, on my behalf and under my orders, have the management; and that after my death the said widows should enjoy (the estate) successively. He said that he accordingly wrote an arzi to the Collector, and afterwards died the next day.

3. From that time the said cousin Terumala Poochaiya Naiker professed to manage the affairs according to the said arrangement, and conducted himself as if subject to my orders, and he also lied on the 17th January 1866.

4. The Collector having caused certain acts to be done with reference to the said zemindary by the sub-magistrate of Manapparie and by one Krishna Jyengar, whom he appointed as manager, suspicion was aroused in me; and I

wrote several yadasts and arzis, from March 1866, to the Sub-magistrate, the Collector, and the Board, asking what reason there was for the Circar to interfere with the zemindary while I was the heir thereto, but I received no explicit reply from them.

5. On making proper inquiries, I ascertained that, during the time I and the others were sunk in sorrow on account of our husband's death, Terumalai Poochaya Naiker, the cousin aforesaid, who, I believed, was managing the affairs of the zemindary on my behalf, according to my husband's directions, had, in collusion with Kedara Moodely Navanitha Khrishnama Pillay, at a time when my other servants in the palace were under his control, concealed my husband's arrangements and the real arzi he (husband) addressed to the Collector; that he had represented to the Collector, the Tahsildar, and others that my late husband installed (as zemindar) the minor Runga Kristna Muthuvera Poochaya Naiker, who has no connexion whatever with the zemindary, and that he, my husband, had addressed an arzi to the Collector, appointing him (the cousin) as manager for the said minor; and that he had conducted certain proceedings by which the zemindary has been placed under the management of the Court of Wards, on behalf of the said minor.

6. The hypocritical acts of the said cousin, Terumalai Puchaya Naiker, cannot deprive me of the legal right vesting in me. My husband did not instal the minor, nor was he competent to do so.

I pray therefore for the recovery of the following, under the management of the Collector, on behalf of the Court of Wards, viz.:—The undermentioned villages, attached to the said Marungapuri zemindari, valued at Rs. 2,05,705. 12. 4.; the punnai lands (lands held under private cultivation), and the unai nanjam lands attached thereto, and the management thereof; buildings valued at Rs. 700; davastaneem villages, valued at Rs. 1,46,191. 9. 0., which are attached to the said zemindary, and the right to the adhinah (control) which has existed from generation to generation; also the management of the said devastanums; the jewels, &c., valued at Rupees 10,305. 15., which were asked for and taken from me in May 1866 by the late Collector, Mr. Pechin, for the purpose of inspection, and removed to the Huzur Treasury, and which are under the control of the Defendant and in the possession of the said minor; and, finally, for the recovery of cash, about Rupees 49,032. 14. 9., being the income of the zemindary, derived up to date, and remaining in possession of the Defendant.

I pray also that the customary rights in the said villages may be established to me, and also that the income of the said zemindary, &c. accruing from this date may be awarded to me.

(Signed) LAKHAMANI.

21st August 1868.

RECORD.
In the Civil Court of Trichinopoly.
No. 1.
Plaint, dated 21st Aug. 1868, with schedule of property annexed—*continued.*

RECORD.

In the Civil Court of Trichinopoly.

No. 1.
Plaint, dated 21st Aug. 1868, with Schedule of property annexed—*continued.*

(Schedule of Property in Regular Appeal, No. 129 of 1869.)

Particulars (of Property) to be recovered.

Villages attached to the zemindary of Marungapuri, in the Kulitalai talug, Trichinopoly zillah :—

1. Marungapuri.
2. Nallur.
3. Valayapatti.
4. Chettiapatti.
5. Mélur.
6. Kallakurrapatti.
7. Malumpatti.
8. Konnaipatti.
9. Punnampatti.
10. Venkatarayakampatti.
11. Moothoopatti.
12. Palayapalium.
13. Nadoonipatti.
14. Adikarain.
15. Adakampatti.
16. Alagapuri.
17. Karaipatti.
18. Palathoopatti.
19. Kannoogudi.
20. Poodoopatti.
21. Kudumbapatti.
22. Tennoogum Edayapatti.
23. Mannparyum patti.
24. Annaipatti.
25. Nattarpatti.
26. Lokkaya Naikanpatti.
27. Vadavannpatti.
28. Velakurchi.
29. Seekanpatti.
30. Alampatti.
31. Akkayanpatti.
32. Maruniji Edayapatti.
33. Pedarapatti.
34. Servaithampatty.
35. Servalpatti.
36. Palarpatti.
37. Akkalampatti.
38. Marudampatty.
39. Goundampatty.
40. Poolooraiyi.
41. Valamudoo.
42. Ayamperumaiyi.
43. Podukkudi.
44. Magilipatti.
45. Echayadipatti.
46. Streerunnampatti.
47. Vakuthalvarpatti.
48. Adirapurai.
49. Kiranpatti.
50. Vadaveygum Edayapatti.
51. Vellayakompatti.
52. Kottaipuluvangi.
53. Pulaikurchi.
54. Kannavadugapatti.
55. Annamchatram.
56. Thathanur.
57. Amanakampatti.
58. Kalingapatti.
59. Doddiyapatti.
60. Tirumallipatti.
61. Nanakudi.
62. Rakkampatti.
63. Vembanur.
64. Tottur.
65. Talampatti.
66. Ossilampatti.
67. Valanpatti.
68. Murukkapatti.
69. Modakarampatti.
70. Perampatti.
71. Muthiharampatti.
72. Mettoopatti.
73. Moikkiyar.
74. Ekkaraikoorurchi.
75. Tenur.
76. Kanjayanayakampatti.
77. Eroodapoli.
78. Kannathoo.

59/55 59/735

RECORD.

In the Civil Court of Trichinopoly.

No. 1.
Plaint, dated 21st Aug. 1868, with Schedule of property annexed—*continued.*

Punnai Lands, under private cultivation :—

Of the said villages, Marunginayalpannai, in the village of Alagapuri.
Talampandi Punnai, in the village of Talainpandi.
Nellinayalpannai, in the village of Tenumgam Edayapatty.
Velanakbhipannai, in the village of Valamunda.
Vembanur Punnai, in the village of Vembanur.
Nanakudi-punnai, in the village of Nanakudi.
Terrumallipannai, in the village of Terumallipatti.
Kottainayalpannai, in the said village.

	Rupees.	As.	Pie.
Valuation at 10 to 1, under Act 26 of 1867, of the aforesaid 78 villages, inclusive of the said private Punnai, and the Oaranimaniyam lands therein situated, paying a permanent peishcush of Rs. 20,576. 10. 10. to the circar - - - -	2,05,766	12	4
Approximate value of a palace, including kutcherry and treasury, &c., out of repair, situated to the east of Peru Marungadu, to the north of Lagadathoo-punja Kandu, to the west of Pattimarakalchouki, and to the south of Aryavooram, in the village of Marungapuri aforesaid - - - - -	700	0	0

Sarvamanyam villages belonging to the davastanums (pagodas) attached to the said Marungapuri zemindary :—

1. Kullupatti.
2. Karaipatti.
3. Yagapuram.
4. Mallapatti.
5. Pappa Pattai.
6. Talampatti.
7. Karimalai.
8. Torakkayipatti.
9. Podu patti.
10. Malaikattipatti.
11. Maniankurichi.
12. Uttinkulli.
13. Kadumbarai.
14. Kurumbapatti.
15. Devastanum Peruvayi.
16. Oolayur.
17. Pullakkudi.
18. Karappakkudi.
19. Vyrampatti.
20. Kovilpatti.
21. Sathampodi.
22. Tillampatti.

Valuation at 20 to 1, under the aforesaid Act, of the said 22 villages, inclusive of the private punnai lands belonging to the davastanunms in the said villages, yielding an income of Rupees 7,309. 9. 3. annually - - - - - Rs. 1,46,191. 9. 0.

RECORD.

In the Civil Court of Trichinopoly.

No. 1.
Plaint, dated 21st Aug. 1868, with Schedule of property annexed—*continued.*

JEWELS TAKEN FROM HIS BY THE LATE COLLECTOR.

	Pagoda Weight.	Rs.	As.	P.
Gold Jewels.				
One makara kanti (necklace), inclusive of podakum, set with diamonds, rubies, emeralds, &c.	67 11/12	1,100	0	0
One pancharuthna kanti (necklace), inclusive of padakam, set with diamonds	17 3/4	850	0	0
Andarundapachi, inclusive of an old padakum, set with diamonds, rubies, and emeralds, and a row of pearls	31 3/4	400	0	0
Kandumani padakam, set with diamonds, rubies, and pearls	22 1/4	850	0	0
One chondrahurum, consisting of 7 patalis or rows	16 1/4	432	8	0
One pair of gold goluzu (bracelets), set with precious stones	70	750	0	0
Two pairs of do. do. plain	100	472	4	0
One gold arunal (waist string), including mogappoo, set with diamonds and rubies	70 1/4	730	0	0
One gold pavitram (ring), set with rubies	6 1/2	26	14	0
One do. gold ring	4 1/2	20	5	0
Kondai modarum ring, set with rubies	9 1/16	90	0	0
Tirugunikondai modarum (a kind of ring), set with diamonds and rubies	5 5/8	70	0	0
A pavitram ring, set with precious stones	1 1/2	30	0	0
One nagasidandimodiram (a ring), set with diamonds and rubies	2 1/2	70	0	0
One ragoon diamond ring	1 3/4	100	0	0
3 pairs of gold sutakoma sllodarum (rings)	3 1/2	42	0	0
A plain ring	1/2	4	0	0
One pair of vandikadukan (a big ear-ring), set with emeralds	6 1/2	70	0	0
One gold snuff-box, set with diamonds and rubies	20 1/2	300	0	0
One steff kuddukai, ornamented with gold and set with precious stones	—	40	0	0
One folding iron pen, ornamented with gold and set with precious stones	28 1/2	135	0	0
Silver Utensils.				
One box, used for keeping snuff-box		47	0	0
One folding iron pen, ornamented with silver		3	0	0
An inkstand		78	0	0

	Rs.	As.	P.
2 kottoo kudays	350	0	0
1 kottoo talam	164	0	0
1 large chemboo	142	0	0
1 pidi chemboo	72	0	0
1 valdi	75	0	0
2 karikittnies (cups)	67	0	0
1 ghee cup	42	0	0
1 silver plaintain leaf	156	0	0
1 kalanji	30	0	0
1 karandam	25	0	0
1 large pannir chemboo (rose-water sprinkler)	77	0	0
2 small do.	50	0	0
1 cup used for sandal	31	0	0
1 lavangatham used for spice	53	0	0
2 kodams	658	0	0
Nayipasan, &c., 7 in number	15	0	0
2 kuthirai tandais jewels used for horse	20	0	0
1 dikkambarkili	13	0	0
Total value of gold and silver jewels, &c., taken by the Collector	8,648	2	0

RECORD.

In the Civil Court of Trichinopoly.

No. 1.
Plaint, dated 21st Aug. 1868, with Schedule of property annexed—*continued.*

JEWELS, &c. NOW UNDER THE CONTROL OF THE DEFENDANT AND IN THE POSSESSION OF THE MINOR.

	Pagoda Weight.	Rs.	As.	P.
One gold vettilai sarapali, consisting of 9 patahs (rows)	56 1/2	280	15	0
One pair of goluzu (bracelet)	25 1/4	115	14	0
Six pairs of ear-rings	"	35	0	0
One silver chemboo	"	46	0	0
One pela (cup) used for keeping sandal	"	31	0	0
One kamalam		81	0	0
Brass Vessels.				
One kopparai		72	0	0
One small kopparai		24	0	0
One tambalam (dish)		12	0	0
One kadarapunnai		21	0	0

RECORD.

In the Civil Court of Trichinopoly.

No. 1. Plaint, dated 21st Aug. 1868, with schedule of property annexed—continued.

		Rs.	As.	P.	
	One sodu tavalai	9	0	0	
	One arukkan chatti	6	0	0	
	One sannachetti	6	0	0	
	Four small sombalams (dishes)	10	0	0	
	Two copper kodams	15	0	0	
	Three large chemboos	7	8	0	
	One small ditto	1	8	0	
	One cup	3	0	0	
	One padikkam	2	8	0	10

Bronze Vessels.

One large vengallapannai	30	0	0	
Two small do.	16	0	0	
Two kottukudais and one talam,—in all, three	12	0	0	
Two chemboos	5	12	0	
Two small saroova chatties	6	0	0	
One small kottukudai	1	8	0	
One kattookinni	2	8	0	
Five bronze lamps	30	0	0	

Vessels made of Lead. 20

One tavalai made of lead	7	8	0	
One chemboo do.	2	4	0	
Two kalchatties do.	6	0	0	

Sundry Articles.

A single-barrelled gun	110	0	0	
A brass oil vessel and devatti (torch)	10	0	0	
An umbrella made of green silk	35	0	0	
Two Pegu ponies	300	0	0	
One bullock conveyance	70	0	0	
Two palanquins	150	0	0	30
A saddle, &c.	55	0	0	
One cot, including the canopy	55	0	0	
One silk carpet	20	0	0	
Total value of the gold, silver, brass, and bronze vessels, sundry articles, &c. in the said minor's possession	1,857	13	0	

63/235 63/235

RECORD.

In the Civil Court of Trichinopoly.

No. 1. Plaint, dated 21st Aug. 1868, with schedule of property annexed—continued.

Cash in possession of Defendant.

	Rs.	As.	P.
Collections made from the Ayam villages and private punnai lands	41,000	0	0
Collections made from the devastanum (villages) and from the said punnais	6,532	14	9
Collections from Urani Maniyam (lands)	1,500	0	0
Total amount in cash Rs.	49,032	14	9
Total value of the villages, punnai lands, buildings, devastanum villages, jewels, cash, &c.	4,11,997	3	1

I pray that these, and all the other rights appertaining to the said zemindary, may be recovered (for me).

Note.—As it is unnecessary to enter in this the pujah house, the palace, and other property which are in my own occupyment, I have omitted the same.

(Signed) PACHANAPAIYAN, Vakil.

Here enter verification.

22nd August 1868. (Signed) LAKKAMMANI.

No. 2. Defendant's statement, dated 16th Dec. 1868.

No. 2.

Defendant's Statement.

In Regular Appeal No. 129 of 1869.

To the Chief Court of Trichinopoly.

Written statement respectfully presented under section 120 by John Arivanandam Pillay, Acting Government Vakil, and Srinivasa Row, Court Vakil, for Mr. Geo. Banbury, Defendant in Original Suit, No. 30 of 1868.

1. No istimirar sunnad was granted for the zemindary of Marungapury, and it is unsettled pollem. After the demise of the late Zemindar the right to nominate a successor to him was vested in the Government, and accordingly the Government have granted the said zemindary to the minor Rungakristna Mutlia Veera Pooliya Naiker. This act being an act of State, cannot be questioned by any municipal court.

2. Even if an istimirar sunnad was granted for the said zemindary, and even if it be a settled pollem, the minor, as the undivided half-brother of the deceased Zemindar, would be the rightful heir thereto.

3. The late Zemindar, in his letter to the Collector, requested him to recognise the minor as his heir. The genuineness of the said letter has been admitted by the Plaintiff also.

(14 c.)

RECORD.

In the Civil Court of Trichinopoly.

No. 3. Defendant's statement, dated 16th Dec. 1868—continued.

4. The Plaintiff's assertion that th[e] January 1866 she was not aware that the zemindary was under the charge of the Court of Wards, is not true.

(Signed) John Arthanarden Pillai, B.L.
H. Secretary Row.

Here enter verification.

(Signed) Geo. Bowers, Collector.

16th December 1868.

Filed 18th D[ecember] 1868.

(Signed) W. M. Cadell,
Acting Civil Judge.

PLAINTIFF'S EXHIBITS.

No. 3.

Plaintiff's Exhibit A.

In Regular Appe[al], No. 129 of 1869.

No. 3. Exhibit A. Telegraphic message sent by the Widows of Zemindar of Marungapuri to Chief Secretary, dated 14th Aug. 1866.

Government Telegraph Department. Office Monthly, No. 524.

Received the 14th August 1866 at [ ] hours [ ] words, charged [ ] as.

From Trichinopoly to Madras, via Negapatam.

From Lockanmmani to Chief Secretary of the Board, words [ ]

The wives of late Ma[ru]ngapury, Zemindar.

Most respected Sir,

We beg to state that the Collector has deprived us of all our jewels forcibly, notwithstanding he took no notice of the petition requesting to inquire what became of zemin, and the irregularities existing since the death of Zemindar. Moreover the Collector is intending to let our lands for rent on the 15th instant against the* zemindar schemes. In doing so will be disgrace and loss. Our requests to stop these were of no avail, therefore we beg your Honour to issue orders to postpone the above matters until our requests are taken into consideration.

* Sic.

Answer solicited and prepaid.

G. T. Office Madras,
14th August 1866.

14/10/30

(Signed) John C. Douglas,
Assistant Superintendent in charge.

Transferred to the Court of Wards with voucher for prepaid reply.
14/8/66.

(Signed) J. D. Sim,
Secretary to Government.

Endorsement No.

The matters complained of by petitioners have been already disposed of by late Acting Collector, and that disposal approved of by Board in their proceedings dated 29th September last, so no other orders can be passed.

Collector's Cutcherry,
Trichinopoly, November 12th, 1868.

(Signed) G. Banbury, Collector.

65/255

65/255

RECORD.

In the Civil Court of Trichinopoly.

No. 4. Exhibit B. Petition of Plaintiff to the Collector of Trichinopoly, dated 7th Feb. 1867.

No. 4.

Plaintiff's Exhibit B.

In Regular Appeal, No. 129 of 1869.

To G. Banbury, Esquire, Collector of Trichinopoly zillah.

Sir,

With every feeling of deference I (Lack Many Ammal), the senior widow of the late Zemindar of Maroongapoory, humbly beg to lay before your favourable consideration the following grievous circumstances, with a firm hope that your Honour will be graciously pleased to bring into light the under-mentioned mischievous transactions, and render me justice,

My husband, the late Zemindar, when dangerously ill, having entertained no hope of recovery, and as he had neither issues male or female, nor any other heirs to succeed him to the zemindary, constituted us, his wives, his legal heiresses under the Hindu law, and made the following arrangements on the 10th July 1864. As I, being a female of rank and quality, cannot take the direct management of the affairs of the zemindary, he appointed his cousin, Tiroomalay Poochuy Naiker, to manage the affairs of the zemindary under my orders and in my name; and also directed that his two other wives should remain under my support, and that the charities, &c. established by him should be continued by me, and that I should be faithful to Government, and assured that he shall communicate these arrangements to the Collector's office.

2. On the following day, 17th July 1864, at about 12 a.m., my husband demised, and his funeral rites, &c. were performed in due course according to our religion; but I beg to express my regret that the irreparable loss of my husband made me and other widows to be for a length of time in a state of unconfortable grief; and the said cousin, Teroomalay Poochy Naiker, conducted the affairs of the zemindary, with my knowledge and orders, in the same manner as they were managed by my husband.

3. The said Tiroomalay Poochy Naiker died on or about 17th January 1866; and while I was about to select and appoint a competent and confidential person to manage the affairs of the zemindary, I received a yadast from the Sub-magistrate of Manapara, under date the 9th March 1866, calling upon me to send our jewels for the purpose of securing them in the Hoozoor Treasury, as he had received orders to the effect from the Collector; and being unable to trace out the cause of such a call for the jewels three years after the demise of my husband, I wrote to the Sub-magistrate stating that there is no necessity of sending the jewels, which were in our daily use, either to him or to any other place. But the said Sub-magistrate sent me another yadast, dated 21st April, again calling for the jewels. I then replied to him that I shall not do so unless the real cause be duly informed to me.

4. In May 1866, Mr. Pouchin, the Acting Collector, came over to my palace, and expressed a desire of seeing our jewels, and whereupon I produced them for his inspection. He then locked the jewels up in a box, and desired me to secure the box by a lock of my own; and soon after I locked up the box candidly he

RECORD.

In the Civil Court of Trichinopoly.

No. 4.
Exhibit B.
Petition of Plaintiff to the Collector of Trichinopoly, dated 7th Feb. 1867—continued.

did forcibly carry away the box to his tent, saying that the box will be kept safe in the Collector's treasury, notwithstanding all my remonstrance against so doing. Although I did address an urzee to him on the 27th May 1866, stating, amongst other circumstances, that the jewels should remain with us for ever use, yet he has done these unlawful proceedings to my misfortune.

5. In June 1866, one Kirshtnasamy Iyengar came over to me, and saying that he has been appointed by the Collector as the manager of my zemindary, and that certain amount of money is settled for me and other widows as allowances, and asked whether we would like to receive it in money or in kind.

6. This information given, and the inquiries made by the said individual, put me in great confusion and surprise, because ever since the demise of my husband, and till the death of the above-mentioned cousin Tirooomalay Poothy Naiker, the affairs of my zemindary were conducted by the said cousin under my orders, as my agent, and the palace expenses, &c. were defrayed in the same manner as in my husband's days. On a consideration of the subsequent changes, and at present without my knowledge or consent, I was induced to suspect some fraud and foul play on the part of the deceased cousin and some of my servants, to the prejudice of my legal right and interests, and to address an urzee on the 25th June to Mr. Pouchin on the above subjects, but received not any redress; and your Honour will not fail to observe here that I have been kept up in darkness of the above-mentioned proceedings of the Collector and others.

7. I subsequently made inquiries, and learnt for the first time that one Rangakrishna Moottoovera Poothy Naiker, who has no right whatever at all, was recognised as zemindar and successor to my husband, on the ground that he is the brother of my husband, and that, as he is a minor, the zemindary is under the management of the Court of Wards.

8. And as I now come to understand that the deceased cousin and some other servants of my zemindary have collusively fabricated certain urzees, &c. as written by my husband and myself in support of the said arrangement, and although the said proceedings, which have taken place fraudulently without my knowledge, cannot at least prejudice my legal right and interest, yet it is my wish to know every proceeding that has taken place since the demise of my husband relating to the zemindary, in order that I may establish my right before proper tribunals.

I humbly request therefore your Honour would be graciously pleased to grant me authenticated copies of all the proceedings hereunder mentioned, which I am told have passed about my zemindary.

7th February 1867. I beg to remain, Sir,

Your ever obedient servant,

LACKAMANNY.

(Signed) M. VALLIPURAM PILLAI, Vakeel.

Statement of the copies of the proceedings required.

1. Urzee alleged to have been addressed by the zemindar.
2. Urzee alleged to have been addressed by me and the minor.
3. Tasildar's urzee, with its enclosures.
4. Collector's letter to the Board.
5. Their proceedings thereupon.
6. Government order and other proceedings which have taken place.

LACKAMANNY.

(Signed) M. VALLIPURAM PILLAI, Vakeel.

RECORD.

In the Civil Court of Trichinopoly.

No. 4.
Exhibit B.
Petition of Plaintiff to the Collector of Trichinopoly, dated 7th Feb. 1867—continued.

No. 5.
Exhibit C.
Petition of Plaintiff's Vakil to Board of Revenue to furnish copies of papers, dated 19th Feb. 1867.

No. 5.

Plaintiff's Exhibit C.

In Regular Appeal, No. 129 of 1869.

To the Honorable Members of the Board of Revenue.

The humble petition of Lackammany Ammal, senior widow of the late Zemindar of Maroongapoory, at Trichinopoly zillah, by her vakil, M. Valliporam Pillay.

Sheweth,

That in enclosing the original petition presented by him to the Collector of Trichinopoly, your Petitioner begs leave to state that the Collector, without assigning any reason whatever, refused to grant copies of the documents therein mentioned. These documents are very material for the Petitioner, in order to get her right established before proper authorities.

The Honorable Board will not fail to observe from the said Petition that a great fraud has been practised in regard to the estate of the Maroongapoory zemindary.

The Petitioner requests, therefore, the Honorable Board will be graciously pleased to issue necessary instructions to the Collector to grant copies of the documents mentioned in the petition herein inclosed.

For which act of charity, as the Petitioner, in duty bound, shall ever pray.

(Signed) VELLIPURAM PILLAY, Vakil.

19th February 1867,
Trichinopoly.

Forwarded to the Collector for report.

By order,
(Signed) J. R. COCKERELL,
Sub-Secretary.

Revenue Board Office,
Chepauk,
29th April 1867.

RECORDS.
In the Civil Court of Trichinopoly.
No. 6. Exhibit D. Further petition of Plaintiff's Vakil to Board of Revenue requesting to be furnished with papers, dated 18th April 1867.

No. 6.

Plaintiff's Exhibit D.

In Regular Appeal, No. 129 of 1869.

To the Honorable Members of the Board of Revenue, Madras.

The humble Petition of M. Valliyooram Pillai, vakil for the Ranees of Maroongapoory, in the Trichinopoly district.

Most humbly sheweth,

That your Petitioner applied for copies of certain documents which have passed relating to the estate of Maroongapoory zemindary, after the death of the late Zemindar; but the Collector, Mr. Banbery, refused to grant the copies: That your Petitioner, enclosing that officer's endorsement, forwarded a petition to your Board on the 22nd February last, stating that though two months have elapsed since its despatch, your Petitioner has not been as yet favoured with any orders on the subject: That your Petitioner's clients, the ranees, are suffering much, owing to the injustice done to them by the local authorities, at the connivance of their (Ranees) ill-wishers.

That your Petitioner, therefore, most earnestly requests your Honorable Board will be graciously pleased to issue the necessary orders to the Collector to grant the copies of the papers specified in your Petitioner's petition of the 7th February 1867, by passing an endorsement thereon.

For which act of goodness, as Your Petitioner, in duty bound, shall ever

18th April 1867.

Forwarded to the Collector for report.

By order,
(Signed) J. B. COCKERELL,
Sub-Secretary.

Rev. Board Office,
Chepauk,
30th April 67.

No. 7. Exhibit E. Petition of Plaintiff's Vakil to Board of Revenue, complaining of refusal to grant copies of papers, dated 2nd July 1867.

No. 7.

Plaintiff's Exhibit E.

In Regular Appeal, No. 129 of 1869.

To the Honorable Members of the Board of Revenue, Madras.

Most Honored Gentlemen,

I, M. Valliporam, vakil for the widows of the late Maroongapoory, Zemindar of Trichinopoly district, having not as yet received any redress from your Honorable Board to my appeal petition, dated 22nd February and 6th June 1867, beg to bring to your favorable consideration again that I applied for

RECORD.
In the Civil Court of Trichinopoly.
No. 7. Exhibit E. Petition of Plaintiff's Vakil to Board of Revenue, complaining of refusal to grant copies of papers, dated 24 July 1867 —continued.

copies of certain proceedings connected with the same zemindary to the Collector, Mr. Banbery, and that he having refused to grant the same, I sent the said appeal to your Honorable Board. I now hear that, on the said appeal being referred for Collector's report, the Acting Collector has sent an unfavorable report, to say that the copies applied for, being of a confidential and privileged nature, cannot be granted to the widows.

I beg to submit that the right and title of the widows to inherit the zemindary held by their husband having been called in question, owing to the intrigues of certain servants of the late Zemindar, the widows are justly entitled to the copies of all the correspondence that has taken place in the matter subsequent to the death of the Zemindar, under the rules published by the Board, with their Circular Order, dated 16th April 1864, in order that the widows may get their legal rights established.

The copies of the documents applied for are not of a confidential nature, nor do they relate to any State secrets; they are alleged to be urzees and letters passed between the Zemindar and the Collector and your Honorable Board.

Mr. Banbery, who originally refused to grant copies, stated no reasons for his refusal, as required by Rule VI., nor did he obtain the orders of the Board, as required by Rule V., relating to English correspondences.

While Mr. Banbery assigned no cause to refuse the copies, it is inexplicable how the Acting Collector was enabled to divine his motives by stating that Mr. Banbery refused to grant copies of the documents applied for by the widows on the score that they are of a privileged nature.

In conclusion, I respectfully beg that your Honorable Board will be pleased to issue orders to the Acting Collector to grant the copies of the documents applied for by the widows relative to the zemindary of Maroongapoory.

I beg to remain,
Most honored gentlemen,
Your most obedient and humble servant,
(Signed) M. VALLIPURAM PILLAI, Vakil.

2nd July 1867,
Trichinopoly.

Petitioner is referred to the Board's endorsement on her former petitions, Nos. 628 and 1,282 of 1867.

By order,
(Signed) J. GHOSE,
Acting Sub-Secretary.

Rev. Board Office, Chepauk,
10th July 1867.

RECORD.

In the Civil Court of Trichinopoly.

No. 8. Exhibit F. Order from the Collector to the Zemindar of Marungapury, dated 8th Dec. 1851.

No. 8.

Plaintiff's Exhibit F.

In Regular Appeal, No. 129 of 1869.

Copy of a Copy extracted from the Copy Book IV. of No. XI., containing the entry of the Miscellaneous Orders issued in 1851 from the office of the Collector of Madura.

No. 447.

To the Zemindar of Marungapuri.

With reference to your report that you have appointed the Complainant Ramaiyan to succeed Ramaiyan, who died issueless, and who was enjoying the Bhattavrutti Manyam lands (lands granted for subsistence) in the four villages of Valumidu, Akkulambotti, Pudukadi, and Kiranipatti, attached to the said zemindary, on the ground that he is cousin-brother of the deceased, an order having been sent directing you to report, among other circumstances, when and by whom the said manigams had been granted, you addressed the urzees No. 33, dated 14th June 1850, No. 8, dated 13th January, and No. 74, dated 22nd November last, enclosing documents, and representing that your grandfather Tirumalai Puchaya Naiker, had granted Bhattavrutti Manyam to one Marungapoore Ramalyan, in the village of Kiranipatti, and to one Muttayan, of the said village, in the other three villages; that they, and after them the said Muttaiyan's son Krishnayan, and the said Ramaiyan's son Nattalyan, continued to enjoy the same; that the deceased Ramaiyan aforesaid and Asan Gurukal purchased the said lands from the two individuals aforesaid, and continued to enjoy them; that while so, the said Ramaiyan, whose name was entered in the accounts of the Manyam, having died, his cousin Ramaiyan, who performed his funeral rites, enjoys $52\frac{1}{2}$ cawnies of Nanjah and $141\frac{1}{2}$ cawnies of Punjah lands in the said four villages, and assessed at 17 pons and $43\frac{1}{2}$ fanams, according to the application made for permission to enjoy the same, and that an order ought to be issued to make an entry in the accounts accordingly. The contents of the said urzees have been understood. As the deceased Ramayan continued to enjoy the said Bettavrutti Manyam lands on the right of purchase, after the permanent settlement, and as such a purchase is urjeet, I am of opinion that the right of the said Ramaiyan's heirs is indefeasible, and that the lands should be attached. You should, therefore, not only attach the said Manyam lands and send an account, but also continue to remit the amount of the teriva thereof to the Huzur Treasury every year.

Madura, 4th December 1851.

True copy of a true copy.

(Signed) T. Ram Row,
Deputy Collector.

Received [illegible]
[illegible]. Cabell,
Acting Civil Judge.

RECORD.

In the Civil Court of Trichinopoly.

No. 9. Exhibit G. Petition addressed to the Collector by the Zemindar of Marungapuri, dated 24th April 1854.

No. 9.

Plaintiff's Document G.

In Regular Appeal, No 129 of 1869.

To R. D. Parker, Esquire, Collector of Madura, &c.

Urzee respectfully addressed Mutta Veera Puchaya Naiker, Zemindar of Marungapuri.

As I have become old, and been sick for the last month, owing to a boil on my back, I have given orders to invest Tirumalai Puchaya Naiker, aged 26 years, the son of my putta stree (royal wife), with the puttam, according to custom, there being no other legal heirs, and to continue to pay the peishkist of the zemindary to the sirkar, according to the prescribed instalments, and to act in obedience to the sirkar orders.

I pray that you will be pleased to protect my son, the said Tirumalia Puchaya Naiker, with full regard, in the same manner as you have been doing me.

(Sealed and signed in Tamil.)

24th April 1854, Marungapuri. (Signed) Muttuveera Puchaya Naik.
(Signed) Subbaiyan, Head Royasam.

True copy. (Signed) T. Ram Row,
Deputy Collector.

Received 16th March 1869.
(Signed) W. M. Cabell,
Acting Civil Judge.

No. 10.

Plaintiff's Exhibit H.

No. 10. Exhibit H. Petition addressed to the Collector by the Zemindar's son, dated 25th April 1854.

In Regular Appeal, No. 129 of 1869.

No. 8.

To R. D. Parker, Esquire, Collector of Zillah Madura, &c.

The humble petition of Tirumala Puchaya Naiker, son of Muttuveera Puchaya Naiker, Zemindar of Marungapoori, by his royal wife.

My father being very old and unwell, owing to a boil on his back, he has invested me with the puttam of the zemindary according to custom, and made arrangements for due payment of the sirkar peishkist, according to the prescribed instalments, and for the sirkar orders being acted up to. He has also addressed an urzee to you on the subject, under date 24th instant. I,

C

(14 c.)

RECORD.

In the Civil Court of Trichinopoly.

No. 10. Exhibit H. Petition addressed to the Collector by the Zemindar's son, dated 25th April 1854—continued.

therefore, beg to intimate to you that I have taken possession of the zemindary, and continue to transact business accordingly.

(Signed) Tirumalai Puchaya Naiker.

Marungapuri, (Signed) Sundaiyan, Head Reyarum.
25th April 1854.

True copy.
(Signed) T. Rah Row,
Deputy Collector.

Received 10th March 1860.
(Signed) W. M. Cadell,
Acting Civil Judge.

No. 11

Plaintiff's Exhibit I.

No. 11. Exhibit I. Petition to the Collector by Tirumalla Puchaya Naiker intimating his father's death, dated 25th April 1854.

No. 10.

In Regular Appeal, No. 129 of 1860.

To R. D. Parker, Esquire, Collector of Zillah Madura, &c.

The humble petition of Tirumalu Puchaya Naiker, Zemindar of Marungapuri.

My father, Mutturveera Puchaya Naiker, who was very ill, suffering from a boil on his back for about a month, breathed his last on the night of Tuesday the 25th instant. I have written this for your information.

Marungapuri, (Signed) Tirumalai Puchaya Naiker.
26th April 1854.

(Signed) Seshier, Head Reyarum.

True copy.
(Signed) T. Rah Row,
Deputy Collector.

Received 10th March 1860.
(Signed) W. M. Cadell,
Acting Civil Judge.

No. 12.

Plaintiff's Exhibit J.

No. 12. Exhibit J. Report to the Collector by the Tahsildar of Rasingiri as to death of Zemindar of Marungapuri, dated 26th April 1854.

No. 61.

In Regular Appeal, No. 129 of 1860.

To R. D. Parker, Esquire, Collector of Madura.

The answer of Ramaiyan, Tashildar of Rasingiri Taluq.

Mutturveera Puchaiya Naiker, Zemindar of Marungapuri attached to this taluq, reported to me on the 24th instant that he was badly indisposed, owing

RECORD.

In the Civil Court of Trichinopoly.

No. 12. Exhibit J. Report to the Collector by the Tahsildar of Rasingiri as to death of Zemindar of Marungapuri, dated 26th April 1854—continued.

to a boil on his back, and that, according to custom, he had invested his son by his royal wife, Terumalai Puchaiya Naiker, aged 26 years, with the pattam, and made arrangements for payment of the peishkist money according to instalments, and for the circar order being duly acted up to. I went and saw the Zemindar on the 25th, when I found him senseless, and in a precarious state. It appears that the said royal wife's son, and Vavalappa Naiker, who is said to be the son of another wife, and others, were at variance some time since, and that at present all of them live in friendly terms. The Zemindar's royal son has reported this day that the Zemindar died at one o'clock on the night of the 25th, and I have also received true information from other sources. I shall therefore make enquiries about the right to the puttam, &c., and make a report of the same hereafter to the sub-huzur. It appears that the amount of kist due on the said zemindary for the current month of April, namely, Rupees 3087, was sent up in full on the 22nd and 25th of this month. I beg therefore to bring these particulars to your notice, and have communicated them also to the Sub-Collector's huzur.

(Signed) Ramaiyan,
Tasildar.

Karapatti,
26th April 1854.

(True copy.)
(Signed) T. Rama Row,
Deputy Collector.

Received 10th March 1860.
(Signed) W. M. Cadell,
Acting Civil Judge.

DEFENDANT'S EXHIBITS.

No. 13. Defendant's Evidence. Exhibit I. Petition by the Zemindar of Marungapuri to the Acting Collector of Trichinopoly, dated 16th July 1864.

No. 13.

In Regular Appeal, No. 129 of 1860.

Defendant's Exhibit, No. I.

No. 11.

To A. E. R. McDonell, Esquire, Acting Collector of Trichinopoly, urzee, respectfully addressed by Tirumalai Puchaya Naiker, Zemindar of Marungapury.

As I am suffering much from a boil on my back, and as I do not expect to live long, I have, according to the custom of our caste, caused my younger

RECORD.

In the Civil Court of Trichinopoly.

Exhibit I. Petition by the Zemindar of Marungapuri to the Acting Collector of Trichinopoly, dated 16th July 1864—continued.

step-brother, Runga Kristna Muttuveera Puchaya Naiker, aged 15 years, to be invested with the pattam, there being no son to me, and appointed my cousin, Mellarumani Tirumalai Puchaya Naik, a manager, to continue till the boy should come of age to manage the affairs of the zemindary according to manual (usage). I pray, therefore, that your Honor will on this ground be pleased to consider my said younger brother as myself, and treat him with the same amount of kindness as you have shown me hitherto.

16th July 1864. (Signed) THURMALAI PUCHAYA NAIK.

Filed 19/7/71.

(Signed) R. DAVIDSON, Civil Judge.

No. 14.

Exhibit II. Petition of Lakkamani to Collector of Trichinopoly, dated 16th July 1864.

No. 14.

In Regular Appeal, No. 129 of 1869.

Defendant's Exhibit, No. II.

To A. E. R. McDonell Esquire, Acting Collector of Trichinopoly, urzi respectfully addressed by us, Lakkammany, "putta stree" (1st widow) of Tirumalia Puchaya Naik, Zemindar of Marungapory, and Runga Kristna Muttuveera Puchaya Naiker, the present Zemindar, and younger brother of the said Zemindar.

You might have learnt from the urzee No. 11, dated 16th instant, that the said Tirumalai Puchaya Naiker, during the time he was suffering from a boil on his back, caused the above-mentioned Runga Kristna Muttuveera Puchaya Naiker, aged 15 years, to be invested with the pattam, and appointed his cousin, Mellarumanai Tirumalai Puchaya Naiker, a manager, to continue till he (boy) should attain his proper age to manage the affairs of the zemindary.

Subsequently the said Zemindar departed this life at 12 o'clock on the noon of the 17th instant.

We pray that an order may be passed directing the said Mellarumanai Tirumalai Puchaya Naiker to do duty as manager until the present Zemindar should attain his proper age, as stated in the urzee aforesaid.

Mark of LAKKAMMANI.

(Signed) RUNGA KRISTNA MUTTAVEERA PUCHAYA NAIKER.

Filed 19/7/71.

(Signed) R. DAVIDSON, Civil Judge.

RECORD.

In the Civil Court of Trichinopoly.

No. 15. Exhibit III. Statement of three widows of the Zemindar of Marungapuri, dated 26th July 1864.

No. 15.

In Regular Appeal, No. 129 of 1869.

Defendant's Document No. III.

26th July 1864.

Before Thamboo Sami Pillay, Tahsildar of Kuttalai Taluq.

Statement given by us,—1, Lukkammani "patta stree" (1st widow),—2, Pethammani, 2nd widow,—3, Chinnammani, 3rd widow of Terumalai Puchaya Naiker, deceased, Zemindar of Marungapuri.

On the night of Saturday, the 11th day preceding this, our husband, the Zemindar Terumalia Puchaya Naiker, was so severely suffering from a boil, that he sent for and told us that as he was getting worse we should cause Runga Kristna Muttuveera Puchaya Naiker, the son of his step-mother, and consequently his brother, to be invested with the pattam of the zemindary, and bring him up as our child under our protection; and as the boy was aged only 15 years, he, our husband, gave directions to one Tirumalai Puchaya Naiker, our brother-in-law in the line of our cousins, to continue, under the orders of the putta stree of us, Lukkammani, to manage the outdoor affairs (of the zemindary) till he (boy) should attain his proper age. Subsequently the sufferings aforesaid increased, and our husband departed this life at 12 o'clock on the noon of the following day.

As it is our wish that the orders given us by our deceased husband, the Zemindar Terumala Puchaya Naiker, as stated above, should be given effect to by the Sirkar also, we are willing that it should be done so.

On the third day after the demise of our husband Lakkammani, the "putta stree" of us, and the boy, jointly addressed an urzee to the Collector of Trichinopoly, praying that our said boy might be invested with the pattam; that the said Lakkammani might be authorised to look after the affairs of the palace; that the other two widows should be directed to live together with the said Lakkammani, subject to her orders; and that Terumalai Puchaya Naiker aforesaid, as a manager, should manage the out-door affairs of the zemindary.

The said urzee was signed by the patta stree alone, and not by the others.

We have not much moveable property, save the landed estate we are possessed of, the jewels we wear on, and the things we used in the palace. Neither have we Government promissory notes or gold coin.

We were not present when our husband, during his lifetime, addressed an urzi to the Collector. Our husband sent for and told us on Saturday night that he had addressed an urzee as mentioned above.

No will, &c, were left by our husband on his death-bed, regarding the management of affairs for the future.

Runga Kristna Muttuveera Puchaya Naiker, whom we now wish to get invested with the pattam, is the son of Kammamal, the legally married wife of

RECORD.

In the Civil Court of Trichinopoly.

No. 15. Exhibit III. Statement of three widows of the Zemindar of Marungapuri, dated 26th July 1864—continued.

our father-in-law. The said Kannamanni is now alive; the said Ammal also lives jointly with us. We have not with us the horoscope of our boy.

Mark of LAKKAMMAL.
Mark of PETHAMMAL.
(Signed) CHINNAMMAL.

Witnesses—(Signed) MARUDANAYAGAM PILLAI, the village monigar of Marungapuri.
(Signed) SAMARAYUDU PILLAI, Karnom of Marungapuri village.
(Signed) THUMBOO SAMI PILLAI, Tahsildar.

Received 30th July 1864 at Perumbalore.
(Signed) A. E. R. MCDONELL, Acting Collector.

Filed 19/7/71.
(Signed) R. DAVIDSON, Civil Judge.

No. 16.

No. 16. Exhibit IV. Report of Tahsildar to the Acting Collector of Trichinopoly, dated 27th July 1864.

In Regular Appeal, No. 129 of 1869.
Defendant's Document, No. IV.

No. 124.

27th July 1864, Marungapuri.

To A. E. R. McDonell, Acting Collector of Trichinopoly.

Urzee addressed by Thiruchoomal Pillai, Tahsildar of Kultadia Taluq.

I have received the order No. 108, directing me to enquire into and report upon certain circumstances relating to the demise of Teroomalai Poochya Naiker, Zemindar of Marungapuri, attached to this taluk.

In obedience to the said order, I proceeded to Marungapuri immediately, and in the presence of Krishna Row, the Sub-magistrate of that division, caused the three widows of the deceased Zemindar to remain behind the screen, and caused also a confidential woman to see them, and took down the statement given by them; and having received their signatures, and those of the witnesses thereto, I have enclosed the said statement herein.

As stated in the said statement, there is no other legal heir to succeed to the zemindary than Ranga Krishna Muttoovera Pochaya Naik, who is younger brother of the deceased Zemindar, and son of his step-mother.

All the three widows unanimously consent to get him invested with the pottas.

It appears that the boy is aged 13 or 14 years. His horoscope is out with members of that family. It appears proper that the members of that family, and the man appointed by them for the management of the affairs of the zemindary, should look after the affairs under the orders of the Zemindar's patta sirce, Lakkammani, till the boy should come of proper age.

I have sent herewith a list of the lands under the said Zemindar's private cultivation, obtained from their gumasta. The widows of the Zemindar allege that they are not possessed of any Government promissory notes, &c., except that they are not possessed of any Government promissory notes, &c., except the said lands, the jewels they wear on, and the things they use in the pa...

It appears that the Zemindar at the time of his death left no will, &c.

They say that the Zemindar told them, that the arzi addressed to you during his life-time was written by himself.

I have ordered the Sub-Magistrate to see that no property of the Zemindar is misappropriated, and not to employ any peons to watch the same.

Your obedient servant,
(Signed) THAMBI SAMI PILLAI, Tahsildar.

Filed 19/7/71.
(Signed) R. DAVIDSON, Civil Judge.

RECORD.

In the Civil Court of Trichinopoly.

No. 16. Exhibit IV. Report of Tahsildar to the Acting Collector of Trichinopoly, dated 27th July 1864—continued.

No. 17 (a).

No. 370. In Regular Appeal, No. 129 of 1869.
Defendant's Document, No. V.

No. 17 (a). Exhibit V. Proceedings of the Madras Government, Rev. Dep., dated 17th Sept. 1864.

Proceedings of the Madras Government, Revenue Department,
17th September 1864.

No. 260.

Read the following proceedings of the Court of Wards, dated 6th September 1864, No. 5,800.

Read the following letter from A. E. R. McDonell, Esquire, Officiating Collector of Trichinopoly, to W. Hudleston, Esq., Secretary to the Court of Wards, dated 10th August 1864, No. 173.

1. I have the honour to report the demise on the 17th ultimo of Teroomalai Naiker, Zemindar of Marungapoory, in the Kultallai Taluq, in this district, paying an annual peishcush of Rupees 20,576. 10. 10. to Government. The deceased left three widows, Lakkamany Ammal, Pettamany Ammal, and Chinnammany Ammal, and a brother, Runga Kistna Mootoovecra Poochia Naiker, aged about 13 or 14 years, born of the same father, but by another wife, and a distant cousin, Terumala Poochia Naiker.

2. The Zemindar, on the day previous to his death, that is, on the 16th ultimo, addressed to me a petition by Tappae, requesting me to recognize his brother as his successor to the estate, and to appoint his cousin to manage the affairs of his estate during the minority of his brother.

3. The Tahsildar was deputed to ascertain the wishes of the widows of the deceased on this point, and to afford information regarding the property left by the Zemindar. The Tahsildar submitted a statement obtained from the widows, from which it appears that they earnestly request a compliance with the request

RECORD.

In the Civil Court of Trichinopoly.

No. 17 (a). Exhibit V. Proceedings of the Madras Government, Rev. Dep., dated 17th Sept. 1864—*continued.*

contained in the petition addressed to me by their husband, but with this modification, that the cousin should conduct the affairs of the estate under the direct control of the first-mentioned widow. The widows admit the genuineness of the petition.

4. The deceased left no will. The estate consists of the Marungapuri zemindary and certain mirasi lands, the assessment of which amounts to Rupees 2,528. 8. 10.

5. The Tahsildar reports that the deceased left no moveable property, either in money or promissory notes, merely household furniture, and jewels worn by the members of the deceased's family.

6. Under these circumstances I am of opinion that the Court's interference is uncalled for, and would suggest that the arrangement proposed by the parties themselves, and which has received their universal assent, be allowed to stand.

---

1. Ordered to be submitted to Government, with the Court's recommendation, that the Collector be authorized to recognize the brother of the deceased as Zemindar of Marungapury, and to take charge of the estate as agent of the Court of Wards. Assuming that the family is undivided, as is probably the case, the brother of the deceased would be the legal heir to the Zemindary, irrespective of the petition or consent of the widows.

2. The Collector will report more fully as to the propriety of appointing the cousin of the deceased to be manager of the estate, and will recommend a guardian for the minor, and submit his proposals for the boy's education.

No. 261. Miscellaneous.

Order thereon, 17th September 1864, No. 1,710.

1. The Court's proposal is approved.

2. The Collector's further report should be submitted, when received, for the information of Government.

(True extract.)

(Signed) C. G. Master, Deputy Secretary to Government.

Communicated to the Collector, whose further report the Board await.

By order.

(Signed) W. Hudleston, Secretary.

(True copy.)

(Signed) C. G. Master,
Acting Head Assistant Collector,
For Collector.

Revenue Board's Office,
Madras,
20th September 1864.

RECORD.

In the Civil Court of Trichinopoly.

No. 17 (b). Exhibit V. Proceedings of the Court of Wards, dated 12th Nov. 1864.

No. 17 (b).

No. 7,388.

Proceedings of the Court of Ward, dated 12th November 1864.

Read the following letter from A. E. R. McDonell, Esquire, Officiating Collector of Trichinopoly, to W. Hudleston, Esquire, Secretary to the Board of Revenue, dated 25th October 1864, No. 235.

1. With reference to Board's proceedings, dated 6th September last, No. 5800, paragraph 2, I have the honour to inform you that I sent for the minor of the Murungapuri zemindary, and his cousin Terumalay Poochi Naiker, and talked to them in person.

2. The family wish Soobiah Naik, the first cousin of the minor, (being his mother's brother's son,) to be guardian of the minor.

3. They all further desire that Terommalay Poochia Naiker, the distant cousin, be appointed manager. I see no objection to the above arrangements being made.

4. All are unwilling to allow the boy to leave Marungapuri. He now can read and write Tamil; he is intelligent, and seems by no means backward. They wish to entertain a teacher competent to instruct the minor in Tamil and English; the tutor to reside at Marungapuy.

---

1. Submitted for the information of Government, as desired in Government order, dated 17th September 1864, No. 1,710, Revenue Department.

2. The Court of Wards approve and confirm the nominations of the guardian and manager.

3. As the minor is of an age to benefit by the superior advantages afforded by the zillah school for his education, the Court are not disposed to sanction the employment of a tutor in his own house, and request the Collector to consult the district inspector of schools as to the best arrangement to be effected in the matter.

(A true copy and extract.)

(Signed) W. Hudleston, Secretary.

To J. D. Sim, Esquire,
Secretary to Government R. D.

Copy to A. E. R. McDonell, Esquire, Officiating Collector of Trichinopoly.

(True copy.)

(Signed) C. G. Master, Acting Head Assistant Collector,
For Collector.

RECORD.

In the Civil Court of Trichinopoly.

No. 17 (c). Exhibit V. Proceedings of the Court of Wards, dated 28th Sept. 1866.

No. 17 (c).

No. 6,993.

Proceedings of the Court of Wards, dated 28th September 1866.

Read the following letter from C. N. Pochin, Esquire, Acting Collector of Trichinopoly, to the Secretary to the Court of Wards, dated 4th September 1866, No. 176.

1. I have the honor to report, for the information of the Court, that, agreeably to their order, conveyed in the telegram No. 5,067, dated 11th August 1866, which was received at Marungapury, I leased out the private lands of the minor zemindar to 13 individuals, for the aggregate sum of Rupees 6831. 8., as shown in the accompanying statements A. and B. respectively. The lands were put up to public auction on the 15th instant, under my personal superintendence, for a period of three years from Fuslies 1276 to 1278.

2. It would appear from the above statements A. and B. that the amount realized on the present occasion by renting out the lands is greater as compared either with the actual production or the taram assessment of the previous Fusly (1275), though the slight decrease in the amount of the davestanum lands may be attributed to the fact that very few ryots were willing to take them up, owing to the loss which the renters of the last year sustained. I consider that the result is, on the whole, satisfactory, and have no hesitation in saying that, had the lands been retained and cultivated under our management, there would have been a loss similar to last year.

3. Some trifling spots of punna land, amounting to only a few acres in the aggregate, I ordered to be sold by the manager himself.

4. The figures marginally exhibited show the number of cattle at the end of the Fusly * 1274, the increase and decrease since then, and the number that was brought to me at the recent sale. The past season has been most unfavourable for the cattle; many have died, and those that I saw were so thin and emaciated, I ordered their sale, as retaining them would be a useless expense.

*362	Number at the end of Fusly 1874.
49	Increase since then.
183	Decrease since then.
228	Number at the recent sale.

5. I gave orders for the abolishing of the establishment sanctioned by the Board for looking after the cultivation of the punnai lands on the 16th instant.

6. Lukkammani, wife, Samathanani, sister of the late Zemindar, laid claim to the villages of Talambadi and Aucapuri. As they advanced no evidence whatever to confirm their statement, in accordance with an order dated 24th October 1865, issued by the late Collector, I consider them as part of the punnai lands of the late Zemindar.

8/225

8/225

RECORD.

In the Civil Court of Trichinopoly.

No. 17 (c). Exhibit V. Proceedings of the Court of Wards, dated 28th Sept. 1866—*continued.*

The village of Talambadi was rented by the late Zemindar in 1272 and 1273, thus showing the statements of the above women to be a mere fabrication.

7. It appears that, up to the death of the late Zemindar, various plots of land in different villages were allotted (jevidom) rent-free, instead of ready money payment, to a number of men, whose duty it was to look after the jungles, and to be ready to perform any little services required of them. I sanctioned the continuance of the custom, as this description of payment was so advantageous, being far less expensive than money payment. It was quite necessary to have some people to look after the forests, which are somewhat extensive in this zemindary. I accordingly gave over the lands to the same parties who had held them for years.

8. Mr. McDonell ordered the Sub-Magistrate of Manappari, who was then acting as manager, to forward to the Huzur the jewels belonging to the late Zemindar, according to a list which had been furnished by the deceased manager Tirumalai Poochia Naiker.

The Sub-Magistrate reported that the jewelry was not in the Treasury, but in the possession of the widows of the late Zemindar. I had a personal interview with these women, who produced the jewels, &c., claiming them as their own, as they considered themselves the successors to the estate.*

* Vide Proceedings of Court of Wards, dated 6th Sept. 1864, No. 5,800.

9. I had a list of the jewels made out, and gave a copy to the wives. The jewelry I had packed up and secured in a box, and forwarded it to the Huzur Treasury, to be kept there for safety. The three wives, Lukkammany, Pattammani, and Chinnammani, and the sister above mentioned, are, at the instigation of certain men, setting forth absurd claims, and doing all in their power to deprive the minor of any property they can lay their hands on. They owned to having obtained several thousand rupees on loan.

To prevent any trouble in future, I gave notice that the late Zemindar's wives and sisters were alone responsible for any loans they might contract, and that no part of the zemindary could be looked upon as security for any of their debts.

10. These wives further asserted that the late manager, Tirumalai Puchia Naik, took from the Treasury the sum of Rupees 30,000, and expended the same for the purpose of establishing the title of the minor. This allegation quite militates against the statements made by the same women in the depositions dated 26th July 1864 (in which they admit that the minor is the heir to the estate), and by the report received by the Collector of the money in the Treasury at the time of the demise of the late Zemindar.

11. In consequence of the bad influence under which these women are living, they have refused to receive the monthly allowance apportioned to them, thinking, no doubt, that, should they do so, it would be acknowledging they had no claim to the estate. As regards this, however, they are only the losers. I have mentioned all these minor facts for the information of the Court of Wards, and hope that the steps I have taken will meet their approval.

RECORD.

In the Civil Court of Trichinopoly.

No. 17 (c). Exhibit V. Proceedings of the Court of Wards, dated 28th Sept. 1866—*continued.*

Enclosure No. 1.

Abstract.—List showing the lands allotted for the remuneration of jungle watchers attached to Jyen Punnai for fusli 1275.

Enclosure No. 2 A.

Abstract.—List showing the jyen punnai lands attached to Marungapury minor zemindar, rented out from fusly 1276 to 1278.

Enclosure No. 3 B.

Abstract.—List showing the punnai private lands of the Davastanams belonging to Marungapury minor's estate, rented out from fuslies 1276 to 1278.

1. The Court of Wards approve the proceedings as reported for leasing out the punnai lands of the Marungapury estate in ward.

2. They trust that all due consideration is shown to the ladies of the late Zemindar's family.

3. The Collector's attention should be directed to the proper conservancy and working of the forests in the estate.

(A true copy and extract.)
(Signed) W. HUDLESTON,
Secretary.

(True copy.)
(Signed) C. G. MASTER,
Actg. Hd. Asst. Collector,
For Collector.

No. 17 (d).

No. 17 (*d*). Letter from Collector, Madura, to Collector of Trichinopoly, dated 13th May 1861.

No. 370.

Madura, 13th May 1861.

From V. H. Levinge, Esquire, Collector, Madura, to A. E. R. McDonell, Esquire, Collector of Trichinopoly.

Sir,

With reference to your letter of the 26th ultimo, No. 26, received on the 1st instant, I have the honor to inform you that the estates of Marungapury and Kadaum, alluded to therein, are unsettled palayams, for which no sunnuds were originally granted, and have in all respects been treated as such. In 1851,

RECORD.

In the Civil Court of Trichinopoly.

No. 17 (d). Exhibit V.

* To Board, 31st December 1850.
From Board, 20th February 1851.

when a sub-division of the former or Marungapury was attempted, the Government declined to sanction it; on the ground of its being an unsettled palaiyam. I beg to send herewith, for your information, copies of correspondences* that took place at that time on the subject.

I have, &c.,
(Signed) P. SASHAGERI ROW,
Dy.-Collector,
For Collector.

(True copy.)
(Signed) C. G. MASTER,
Actg. Hd. Assistant Collector,
For Collector.

No. 17 (e).

No. 17 (e). Letter from Collector of Trichinopoly to Board of Revenue, dated 17th Sept. 1866.

17th September 1866.

No. 194.

To the Secretary to the Board of Revenue, Madras.

Sir,

* Pro. Board. 4th January 1866, No. 21. Do., 22nd February 1866, No. 1,272.

From Madura Collector, No. 370, dated 13th May 1860. With two enclosures.

Adverting to the correspondence noted in the margin,* I have the honor to inform you that Mr. McDonell's statement that there are no unsettled poliams in this district was a mistake.

2. My attention has been drawn to a letter addressed by Mr. McDonell to the Board, on the 27th May 1861, enclosing the marginally noted correspondence, from which it appears that the properties usually termed zemindaries of Cullarungapury and Hadavar, transferred from Madura to this district in 1856, are unsettled polliams.

3. I shall at once publish in the District Gazette the notification prescribed by G. O., dated 10th November 1865, No. 2,730, and address the Poliagar of Kadavar with reference thereto.

4. Marungapury is at present under the management of the Court of Wards, the minor proprietor being of the age of 14. It will probably be deemed necessary to await the attainment of his majority, and then give him the option of accepting a sunnud.

I have, &c.,
(Signed) G. V. AGNEW,
Ag. Collector.

(True copy.)
(Signed) GEO. BANBURY,
Collector.

RECORD.

In the Civil Court of Trichinopoly.

No. 18. Exhibit VI. Order from the Collector of Madura to the Zemindar of Marungapuri, dated 30th June 1849.

No. 18.

In Regular Appeal, No. 129 of 1869.
Defendant's Exhibit VI.

To Mattuveera Puchaiya Naiker, Zemindar of Marungapuri.

No. 39.

If out of the widows of a deceased zemindar of your zemindary the pottam or royal widow has a minor son, and another widow has an adult son, who gets the pottam customarily? How many classes are there in Tottya caste? What is the practice generally observed by them in the matter above stated? Send a report in reply to this in detail.

(Signed) R. D. PARKER,
Acting Collector.

Tirumangalam,
30th June 1849.

Filed 19/7/71.

(Signed) R. DAVIDSON,
Civil Judge.

No. 19. Exhibit VII. Report from the Zemindar of Marungapuri to the Collector of Madura, dated 18th July 1849.

No. 19.

No. 41.

In Regular Appeal, No. 129 of 1869.
Defendant's Exhibit VII.

To R. D. Parker, Esquire, Collector of Madura, &c.

Urzee respectfully addressed by Mattuveera Poochaiya Naiker, Zemindar of Marungapuri.

I have received the Huzur order No. 39, dated 30th June, directing me to submit a report in detail in reply to the questions, namely:—If out of the widows of a deceased zemindar in our zemindary the puttam widow has a minor son, and another widow has an adut son, who gets the puttam customarily? How many classes are there in Tottya caste? What is the practice generally observed?

In Tottya caste there are several classes; namely, 1 Sillavar, 1 Palavar, 1 Kurivar, 1 Vallavar, 1 Kuddavar, 1 Kasakuvar, 1 Jannivar, 1 Kuchappavar, 1 Yeramasivar, 1 Nagavar, &c. This zemindary being of Sillavar the puttam customarily descends to the son of pattam wife, though he is a minor, and after him to the sons of the other wives in their order, and after them to cousins. I have submitted this for your information.

(Signed) MUTHUVEERA PUCHAYA NAIKER.

Marungapuri,
18th July 1849.

(Signed) W. M. CADELL,
Acting Civil Judge.

RECORD.

In the Civil Court of Trichinopoly.

No. 20. Exhibit VIII. Order from the Collector of Madura to the Zemindar of Marungapuri, dated 3rd Sept. 1849.

No. 20.

In Regular Appeal, 129 of 1869.
Defendant's Exhibit VIII.

No. 63.

To Muthuvira Puchaya Naiker, Zemindar of Marungapuri.

In reply to the order sent, directing you to inform the regular line to which your zemindary descends, and how many classes there are in Tottya caste, you have communicated that there are several classes in Tottya caste, and that if the son of a pattam wife of a zemindar in your zemindary be a minor, and the son of another wife be an adult, only the pattam wife's son succeeds to the pattam customarily. Do the said classes relate to your caste or "gotram" (family)? You should inform what the caste is and what the "gotram" is. Is it customary in your zemindary for the pattam to descend in a regular line? If so, in case the first wife has no son, the second wife has a minor son, and the third and fourth wives have adult sons, who gets the pattam? You should inform this in detail.

(Signed) R. D. PARKER,
Acting Collector.

Kumrakudi,
3rd September 1849.

Filed 19/7/71.

(Signed) R. DAVIDSON,
Civil Judge.

No. 21. Exhibit IX. Report from the Zemindar of Marungapuri to the Collector of Madura, dated 22nd Oct. 1849.

No. 21.

In Regular Appeal, No. 129 of 1869.
Defendant's Exhibit IX.

No. 65.

To R. D. Parker, Esquire, Collector of Zillah Madura, &c.

Urzee respectfully addressed by Muthuveera Puchaya Naiker, Zemindar of Marungapuri.

I received on the 6th September the order No. 63, dated 3rd idem, stating that in the urzee formerly addressed in regard to the order of descent of the pattam of our zemindary it was stated that Tottya caste comprises several classes, and that customarily the pattam of our zemindary descends to the son of the pattam wife, though he is a minor, and though the son of another wife is an adult; and directing me to inform whether the said classes relate to our caste or "gotram" (family); what the caste is, and what the gotram is; whether the pattam descends in a regular order, and, if so, in the event of the 1st wife having no son, the 2nd wife having a minor son, and the sons of the 3rd and 4th wives being adults, who is to get the pattam?

RECORD.

In the Civil Court of Trichinopoly.

All the classes mentioned in the previous urzee relate to our caste, and we belong to the class called Tillavarari. Our gotram is Suncha. If the 1st wife be sonless, the 2nd wife's son be five years old, and the sons of the 3rd and 4th wives be elder, only the 2nd wife's son, who is a minor, is entitled to inherit customarily according to the order of descent of the pattam.

(Signed) MUTTUVEERA PUCHAIYA NAIKER.

Marungapuri,
22nd October 1849.

(Signed) W. M. CADELL,
Acting Civil Judge.

No. 22. Exhibit X. Letter from the Sub-Collector to the Collector of Madura reporting death of Muthuvira Puchaya Naik, dated 29th April 1854.

No. 22.

In Regular Appeal, No. 129 of 1869.

No. 48.

Defendant's Exhibit X.

From T. Clarke, Esquire, Sub-Collector, to R. D. Parker, Esquire,
Collector of Madura.

Sir,

I have the honour to report the death, on the night of the 25th instant, of Moottooveera Poocheya Naik, late Zemindar of Maroongapoory, and that his son Teroomalai Poocheya Naik has been by the deceased recognised as his heir. On the receipt of a further communication from the Tahsildar, I will do myself the honour of submitting my opinion on the right of Terumalai Poocheya Naik to the succession.

I have the honour to be,
Sir,
Your most obedient servant,
(Signed) T. CLARKE,
Sub-Collector.

Dindigal,
29th April 1854.

No. 23. Exhibit XI. Letter from the Sub-Collector to the Collector of Madura, dated 27th May 1854

No. 23.

In Regular Appeal, No. 129 of 1869.

Defendant's Exhibit XI.

No. 53.

Colputty, 27th May 1854.

From T. Clarke, Esquire, Sub-Collector, to R. D. Parker, Esquire,
Collector of Madura.

Sir,

With reference to my letter of the 29th ultimo, reporting the demise of the late poligar of Maroongapoory, I have the honour to forward the accompanying urzee,* dated 18th instant, from the Tahsildar of Ramgherry, with six enclosures.*

RECORD.

In the Civil Court of Trichinopoly.

No. 23. Exhibit XI. Letter from the Sub-Collector to the Collector of Madura, dated 27th May 1854—*continued.*

2. From the papers, and more particularly from the deposition of Teroomalia Poochaiya Naik, a connection of the family, and from the genealogical tree furnished by the eldest son of the deceased, it will be seen that out of the six† wives married to the deceased, two,—viz., the 5th and 6th, Appammany and Ponnamany,—alone survive. By the second wife, Luckkamaney, the late Poligar had one son, Terumalia Poochaya Naik, the heir to the estate, a young man of 26 years of age, who has married two wives, but has yet no family; and, 2nd, Sivata Sinnammoney, the widow of the Nedoovayel zemindar in Shevagunga, who is also without issue. By the 5th wife he has also had issue one son, named Runga Kristna Mootooveera Poochaya Naik, a little boy of three years of age.

3. It will also be seen that, with the exception of the children of the deceased Poligar, and Sivata Sinnammaney, a married but childless daughter of the younger brother of deceased's father, there are no descendants of the Fysel Zemindar, Teromalai Poochaya Naiker, now alive.

4. The deponent Terumalai Poochaya Naik traces his connexion to the late Poligar through the Fysel Zemindar's grandfather, Veera Simma Poochaya Naik, who, he alleges, was the brother of his (Teroomalai Poochaya Naiken's) great great great grandfather.

5. I would in conclusion beg leave to recommend that Teroomalia Poochaya Naik, the eldest son of the late Poligar, be recognised and invested as Poligar in room of his father.

I have the honour to be,
Sir,
Your most obedient servant,
(Signed) T. CLARKE,
Sub-Collector.

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* To be returned.

† 1. Akammaney, dead.
2. Lukammany, do.
3. Ovalammany, do.
4. Appammany do.
5. Appammany
6. Pannammary.

RECORD.

In the Civil Court of Trichinopoly.

No. 24. Exhibit XII. Extract Order of Governor in Council recognizing heir to zemindary of Marungapury, dated 27th July 1854.

No. 24.

In Regular Appeal, No. 129 of 1869.

Defendant's Exhibit XII.

Revenue Department.

Extract from the Proceedings of the Board of Revenue, dated 27th July 1854.

Read the following:—No. 800.

Agreeably to the recommendation of the Collector of Madura, supported by the Board of Revenue, the Right Honorable the Governor in Council resolves to recognize Teroomalai Poochia Naik, the eldest son of the late Muttuveera Poochia Naik, as the Poligar of Maroongapoory, in succession to his deceased father, and to grant authority for his being placed in charge of the estate.

(Signed) T. Pycroft, Secretary to Government.

Fort Saint George,
10th July 1854.

Ordered to be communicated to the Collector of Madura, with reference to the letter dated 2nd June 1834.

(True extract and copy.)
(Signed) B. Cunliff, Sub-Secretary.

No. 25. Exhibit XIII. Report to the Collector of Madura from the Tahseldar of Ramagiri, forwarding six documents, dated 18th May 1854.

No. 25.

In Regular Appeal, No. 129 of 1869.

Defendant's Exhibit XIII.

No. 252.

To Mr. T. Clarke, Collector of Madura.

Petition of Ramien, Tahsildar of the taluq of Ramagiri.

In accordance with the orders Nos. 133 and 147, dated 3rd and 9th instant respectively, which were issued with reference to my report of the death of Mutha Veera Puchaiya Naiker, the Zemindar of Marungapuri in this taluk, the heirs and others were examined; and the five depositions taken from them, and their genealogical tree prepared as stated by them, in all six documents, are herewith submitted, together with a list thereof.

It appears from the documents that the said deceased Zemindar Mutthuveera Puchaiya Naiker had six wives; that four of them, namely, the 1st, 3rd, 4th, and 6th, have no issue; that the 2nd wife, Lakkamani, has a son, Terumala Puchaya Naiker, aged 26 years; and that the 5th wife, Appammani, has a son, Runga Kristna Muttuveera Puchaiya Naiker, aged three years. It appears just to confer the said zemindary, and the management of the pagodas, on the said Terumalai Puchaya Naiker, who is the son of the senior wife, and is the elder son.

(Signed) Ramaiyan, Tahsildar.

18th May 1854,
Karapatty.

Filed 19/7/71.
(Signed) R. Davidson, Civil Judge.

89/215

89/225

RECORD.

In the Civil Court of Trichinopoly.

No. 26. Exhibit XIV. List of Documents forwarded from Ramagiri Taluk to the Huzur of the Sub-Collector of Madura, dated 18th May 1854.

No. 26.

In Regular Appeal, No. 129 of 1869.

Defendant's Exhibit XIV.

List of Documents had at the enquiry held touching the death of the Zemindar of Marungapuri, and forwarded from Ramagiri Taluq to the Huzur of the Sub-Collector of Madura.

Year, Month, and Date of the Documents.	Particulars of the Documents.	No.
15th May 1854 -	Deposition of Terumalai Puchaiya Naiker, son of the deceased Zemindar.	1
Do. - -	Do. of the cousin, Tirumah Puchaiya Naiker - - -	2
Do. - -	Do. of the agent, Veera Pillai - - - - -	3
Do. - -	Do. of Tirumala Char, and others, the Munsiff and Nattam of Warapatty.	4
Do. - -	Do. of the Curnum and the village Munsiff and Nattam of Marungapore.	5
17th Do. - -	Genealogical tree of the said Zemindar's family - - -	6
15th Do. - -		

These six documents were forwarded to the Huzur with the arzi, No. 252.

(Signed) Ramaiyan, Tasildar.

18th May 1854.

Filed 19/7/71.
(Signed) R. Davidson, Civil Judge.

No. 27. Exhibit XV. Deposition of Tirumalia Puchaya Naiker, taken 15th May 1854.

No. 27.

In Regular Appeal, No. 129 of 1869.

Defendant's Document XV.

15th May 1854.

Before Ramier, Tahsildar of Ramaghiri Taluq.

Deposition given by Tirumalai Puchaiya Naiker, aged 26 years, son of the deceased Muthuveera Puchaiya Naiker, Zemindar of Marungapuri in the said taluq.

Ere this I have reported to the Taluq, as also to the Huzur, the circumstance of the death of my father, Muthooveera Puchaiya Naiker, which occurred on the 25th April of this year.

Of the six wives married by my fat[illegible] the 1st Ahkamani being issueless, and I being the son of the 2nd wife, and e[illegible] son, my father, while alive, in the

RECORD.

In the Civil Court of Trichinopoly.

No. 27. Exhibit XV. Deposition of Tirumalia Puchaya Naiker, taken 15th May 1854—*continued.*

presence of all the people, invested me with the pattam according to the right of succession in our family, and the custom prevailing among our caste, and delivered to me all the insignia of the pattam, consisting of weapons, &c. I pray therefore that the sanction of the Government may be obtained declaring me entitled to the said zemindary.

From the genealogical tree now presented to the Circar, showing the particulars of the descendants of the said Zemindars from the time of the "fysel" (settlement), and which bears the signature of myself and others, the names and descendants of my ancestors, and other particulars, can be ascertained.

(Signed) TIRUMALAI PUCHAIYA NAIKER.
" RAMAIER, Tahsildar.

Filed 19/7/71.
(Signed) R. DAVIDSON, Civil Judge.

No. 28.

No. 28. Exhibit XVI. Deposition of Tirumalia Puchaya Naiker, taken 15th May 1854.

In Regular Appeal, No. 129 of 1869.

Defendant's Exhibit XVI.

15th May 1854.

Before Ramaiyar, Tasildar of Ramagiri Taluk.

Examination of Tirumalai Puchaiya Naiker, son of Veera Sinna Puchaiya Naiker, residing at Marungapuri in the said taluk.

Question.—How are you related to Muttuveera Poochaiya Naiker, the Zemindar of Marungapuri, lately deceased?

Answer.—The third grandfather of the deceased and my fourth grandfather were brothers, and therefore in the line of cousins the said Muthuveera Puchaya Naiker is my uncle.

Q.—Who was the Zemindar at the settlement, and state the particulars of the descendants of that family?

A.—The Zemindar at the settlement was Tirumalai Puchaya Naiker. He had four wives; three of whom, 1st, 3rd, and 4th, had no issue; only the 2nd wife, Sinnammani, had two sons 1st, Vavala Poochaya Naiker, and, 2nd, Chendrasegara Muttuveera Poochaiya Naiker. Of them the 2nd son had no issue. The said 1st son, Vovala Puchaiya Naiker, was invested with the pattam, and had four wives. The 1st to 3rd wives had no issue. The 4th wife, Vovalammani, alone had two sons; of whom the 1st son, Moothooveera Puchaiya Naiker, now deceased, was subsequently invested with the pattam. The 2nd son, Sundara Vira Sinna Puchaiya Naiker, and his wife Aberami Ammal, died some days afterwards. They had no male issue, but only a daughter, Selatta

RECORD.

In the Civil Court of Trichinopoly.

No. 28. Exhibit XVI. Deposition of Tirumalia Puchaya Naiker, taken 15th May 1854—*continued.*

Sinnammani, who has been married to the elder stepbrother of the Zemindar of Neduvayal.

Of the six wives of the said Muthuvira Poochaya Naiker, now dead, the 1st, 3rd, 4th, and 6th have no issue. The 2nd wife, Lakkammani, has a son, Terumala Puchaiya Naiker, aged 26 years, and a widowed daughter, Selatta Sinnammani. The 5th wife, Appamanni, has a son, Runga Kristna Muthuvira Puchaya Naiker, aged three years. Only two, the 5th and 6th, of the six wives aforesaid are now alive, and the other four died some days back.

Q.—Who is to get now the pattam of the said zemindary according to the line of succession in the Zemindar's family?

A.—The said deceased Zemindar Muthuvira Puchaiya Naiker's 1st wife having no issue, the 2nd wife's son, Terumala Puchaya Naiker, who is the elder son, is entitled to the pattam of the said zemindary according to the line of succession in our family; and in consequence the said Moothoo Veera Poochaiya Naiker, while alive, gave up the insignia of royalty, &c. to the said Teroomala Poochaiya Naiker, according to the custom of his caste, and invested him with the pattam in the presence of myself and all other persons, and therefore neither I nor any other person has any objection to the Circar declaring the said Terumala Puchaya Naiker heir to the zemindary.

Q.—How old are you now?

A.—37 years. Because I am a descendant of the said Zemindar's family I have already made enquiry and ascertained (this).

I now state the true fact aforesaid.

(Signed) TERUMALA PUCHAYA NAIKER.
" RAMAIYAN, Tasildar.

No. 29.

No. 29. Exhibit XVII. Deposition of Verapillay, taken 15th May 1854.

In Regular Appeal, No. 129 of 1869.

Defendant's Exhibit XVII.

15th May 1854.

Before Ramaiyer, Tasildar of Ramagiri Taluq.

Examination of Virappillai, agent of the Zemindar of Marungapuri.

Question.—Who are the descendants of Muthoo Vira Puchaiya Naiker, the Zemindar of Marungapuri, who has lately died? State the particulars of the descendants of the said Zemindar from the time of settlement.

Answer.—The Zemindar at the settlement was Terumala Puchaiya Naiker. Three, namely, the 1st, 3rd, and 4th, of his four wives, had no issue. The 2nd wife, Sinnammani, alone had two sons,—1st, Vovala Puchaiya Naiker, and, 2nd, Chendrasegara Muthoovera Puchaiya Naiker. The 2nd of them had no

RECORD.

In the Civil Court of Trichinopoly.

No. 29. Exhibit XVII. Deposition of Verapillay, taken 15th May 1854—*continued.*

issue. The 1st son, the said Vovala Puchaiya Naiker, succeeded to the pattam, and had four wives; three of whom, the 1st, 2nd, and 3rd, had no issue. The 4th wife, Vovala Ammani, alone had two sons; of whom the 1st, Muthooveera Puchaiya Naiker, now dead, succeeded to the pattam. The 2nd son, Sundara Virasina Puchaiya Naiker, and his wife Abiram Ammal, died a few days afterwards. They had no male issue, but only a daughter, named Silatha Sinnamani, who was married to the elder step-brother of the Zemindar of Neduvayal.

The said Muthuvira Puchaiya Naiker, who died lately, had six wives; four of whom, the 1st, 3rd, 4th, and 6th, have no issue. The 2nd wife, Lakkammani, has a son, Tirumalai Puchaiya Naiker, aged 26 years years, and a widowed daughter, Sellatta Sinnamani. The 5th wife, Appammani, has a son, Renga Kristna Muthuvira Puchaiya Naiker, aged 3 years. Of the aforesaid six wives, two, namely, the 5th and 6th, alone are alive. The remaining four wives died some days back.

Q.—Who is now to get the pattam of the zemindary, according to the line of succession in the said Zemindar's family?

A.—As the 1st wife of the deceased Zemindar, Muthuvira Puchaiya Naiker aforesaid, had no issue, the 2nd wife's son, Terumala Puchaiya Naiker, who is the elder son, is entitled to the pattam of the said zemindary, according to the line of succession in the family; and therefore the said Muthoovira Puchaiya Naiker, while alive, according to the custom of caste gave up the weapons and other insignia of royalty to the said Terumalai Puchaiya Naiker, and invested him with pattam in the presence of myself and all other persons.

Q.—How old are you?

A.—About 58 years.

Q.—From the time of settlement who are the Zemindars that were invested with the pattam, and managed the affairs, and until what fusli did each hold the pattam?

A.—From the time of settlement Tirumalai Puchaiya Naiker held the pattam and managed the affairs until Fusly 20, his son Vovala Puchaiya Naiker from Fusli 21 to 23, and his son Muthoovira Puchaiya Naiker from Fusli 24 until 25th April of the current Fusli 63.

(Signed) Virappillai, Agent.

(Signed) Ramaiyan, Tasildar.

(Signed) W. M. Cadell,
Acting Civil Judge.

RECORD.

In the Civil Court of Trichinopoly.

No. 30. Exhibit XVIII. Deposition of Tirumalia Chariar and 2 others, taken 15th May 1854.

No. 30.

In Regular Appeal, No. 129 of 1869.

Defendant's Exhibit XVIII.

15th May 1854.

Before Ramaiyan, Tasildar of Ramagiri Taluk.

Examination of three persons, namely, 1, Terumala Chariar, aged 78 years, the munsiff, nattan, and mahajanum of Karapatti, attached to the zemindary of Marungapuri; 1, Sinnana Servakaren, aged 75 years, residing at Marungapuri; and, 1, Palanyandi Vattyar, aged 62 years.

Question.—Who are the descendants of Muttuvira Puchaya Naiker, Zemindar of Marungapuri, lately deceased? And state the particulars of succession in the said family from the time of settlement.

Answer.—The Zemindar at the settlement was Tirumalai Puchaya Naiker. He had four wives; three of whom, the 1st, 3rd, and 4th, had no issue. The 2nd wife, Sinnammani, alone had two sons; 1st, Vovala Puchaya Naiker, and, 2nd, Chendrasegara Muthuveera Puchaiya Naiker. Of them the 2nd son had no issue; and the 1st son, Vovala Puchaya Naiker, who succeeded to the pottam, had four wives. The three—1st, 2nd, and 3rd—wives had no issue. The 4th wife, alone, Vovalammani, had two sons; the first of whom, Muttuveera Puchaiya Naiker, who has now died, had succeeded to the puttam; and the 2nd son, Sundara Virasinna Puchaiya Naiker, and his wife, Abirami Ammal, died some days afterwards without a male issue. They had an only daughter, Silatta Sinnammani, who was married to the elder step-brother of the Zemindar of Nedunayali.

The said Muttuvira Puchaiya Naiker, who lately died, had six wives; four of whom,—the 1st, 3rd, 4th, and 6th,—had no issue.

The 2nd wife, Lakkammani, has a son, Tirumalai Puchaiya Naiker, aged 26 years, and a widowed daughter, Silatta Sinnammani.

The 5th wife, Appamani, has a son, Renga Krishna Muttuvira Puchaya Naiker, aged three years. Of the six wives above mentioned, only two,—the 5th and 6th,—are alive. The other four wives died some days back.

Question.—Who is now to get the puttam of the said zemindary, according to the line of succession in the Zemindar's family?

Answer.—The said deceased Zemindar Muttuveera Puchaiya Naiker's 1st wife having no issue, the 2nd wife's son, Tirumala Puchaiya Naiker, who is elder son, has to get the puttam of the zemindary according to the line of succession in the family; and therefore the said Muthuveera Puchaya Naiker, when alive, according to the custom of caste gave up the weapons and other insignia of royalty to the said Tirumala Puchaya Naiker, and invested him with the puttam in the presence of ourselves and all other persons. Consequently

RECORD.

In the Civil Court of Trichinopoly.

nobody has any objection to the cirkar recognizing the title of the said Tirumala Puchaya Naiker to the said zemindary.

(Signed) Karapatti Munsiff TIRUMALA CHARIYAR.
" PALAIYANDI VATTIYAR.
(Marked) SINNANEN SERVAKAREN.

(Signed) RAMAIYAN, Tahsildar. (Signed) W. M. CADELL, Acting Civil Judge.

No. 31. Exhibit XIX. Deposition of Sundaralingun Servagaren and another, taken 17th May 1854.

No. 31.

In Regular Appeal, No. 129 of 1860.
Defendant's Document XIX.
17th May 1854.
Before Ramaiyar, Tahsildar of the Taluk of Ramagiri.

Examination of two persons, namely, Sundaralingam Servagaren, the village munsiff and nattanmai (head); and Sappapathi Mudali, curnum of the village of Marungapuri in the said taluk.

Question.—Why did you not report to my taluk (office) the death of Mut uvira Puchaiya Naiker, the Zemindar of Marungapuri?

Answer.—I did not report it, as his son, Thirumalai Puchaiya Naiker, has directly reported it.

Q.—Of what disease, and when, did the said Zemindar die; and who are his heirs?

A.—He died of a sore on his back, on the night of the 25th April. He had six wives; of whom the 1st, 3rd, 4th, and 6th wives had no issue; the 2nd wife, Lukkammani, has left a son, Tirumalai Puchaiya Naiker, 26 years old, and a widowed daughter, Sivatha Chinnammani; and the 5th wife, Appammani, has a son, Runga Kristna Muttuvcera Puchaya Naiker, three years old. Of the said six wives, the 5th and 6th alone are alive, and the other four died.

Q.—When was the said Thirumalai Puchaiya Naiker installed?

A.—On the 24th, when the deceased Zemindar was alive, the said Tirumala Puchaya Naiker, the elder son, aged 26 years, was installed, and the weapons and other insignia, &c. of the Puttam (Zemindar) were given to him, according to their custom, in the presence of ourselves, and the other nattanmagars (heads), and others. He is the heir to the Puttam (Zemindar). Nobody else has claim for it.

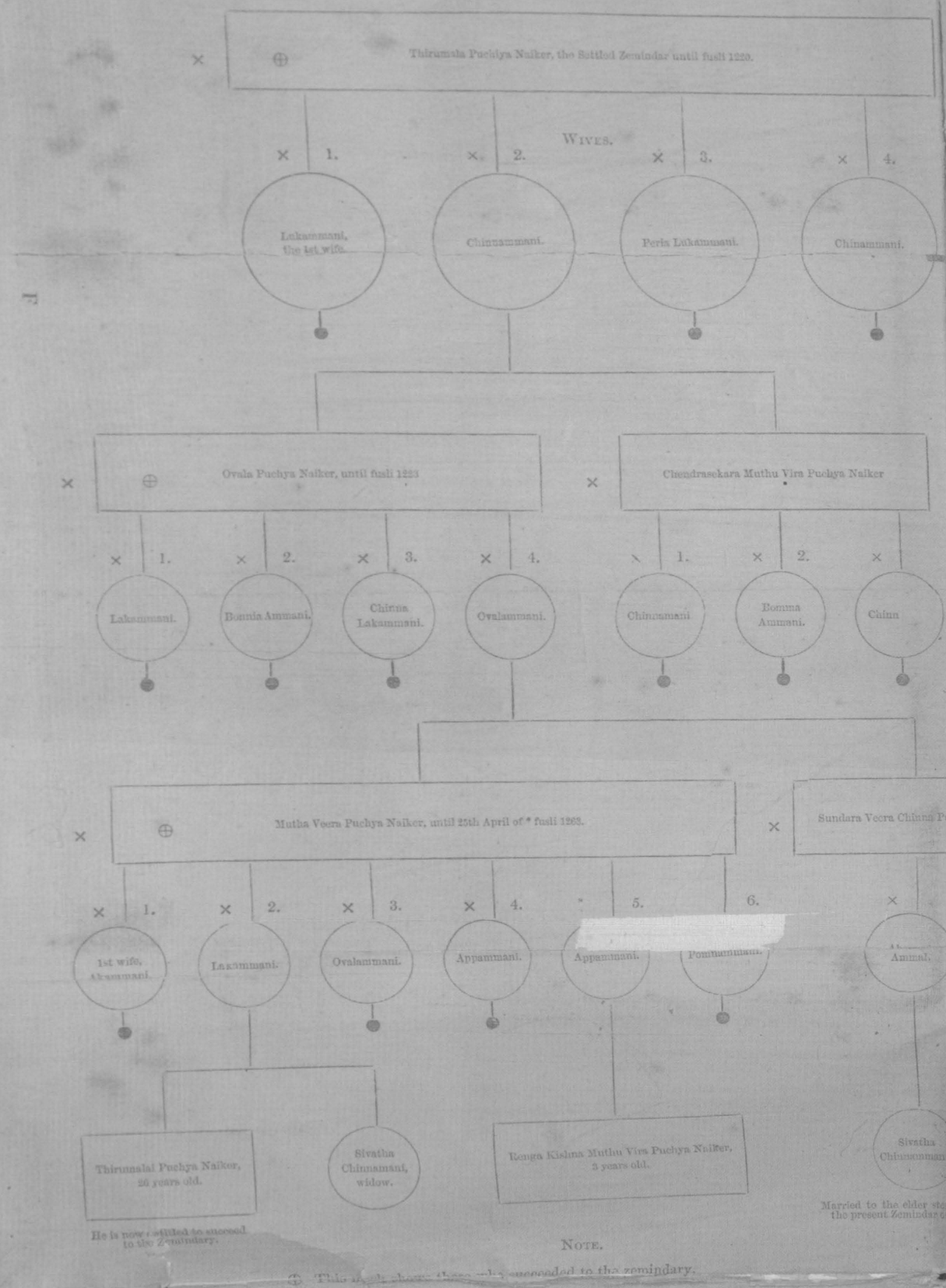
(Signed) SUNDARALINGUM SERVAGAREN, Munsiff and Nattanmai (Head).
(Signed) SABAPATHI MUDALAY, Karnum.
(Signed) RAMAIYAN, Tahsildar.
(Signed) W. M. CADELL, Acting Civil Judge.

No. 32.

TRANSLATION.

Defendant's Exhibit XX. In Regular Appeal, No. 129 of 1869.

GENEALOGICAL TREE of the Descendants of the Zemindars from the Settlement of the Zemindary of Marungapury in the Talook of Ramagiri.



NOTE.

⊕ This mark shows those who succeeded to the zemindary.

▭ This square mark represents males.

○ This round mark shows females.

This mark shows those who have no issue.

× This shows those who are not now alive.

(Signed) Thirumalai Puchiya Naiker.
" Thirumalai Puchiya Naiker, cousin.
" Virappa Pillai, manager.
" Thirumalai Aichariar.
" Palanyandi Valhiar.
Mark of (Signed) Chinnanan Servagaran,
Ramaiyan Tasildar.

Filed 19/7/71.
(Signed) R. DAVIDSON,
Civil Judge.

RECORD.
In the Civil Court of Trichinopoly.
No. 32.
Exhibit XX. Genealogical Table of the Zemindar of Marungapuri, dated 18th May 1854.

95/725

95

41

No. 33.

In Regular Appeal, No. 129 of 1869.

Defendant's Exhibit XXI.

To Tirumalai Puchaiya Naiker, son of Muttu Bala Poochaya Naiker, the late Zemindar of Marungapuri.

Regarding the matter referred to the higher authorities, through the Collector, touching the death of your father, and your right, a copy of the extract from the Board's proceedings of the 27th July of this year duly came to hand, through the Collector, on the 1st instant. In conformity therewith you will be entered as the Poligar of Marungapury, in the place of your father.

(Signed) T. Clarke.

15th August 1854.
Dindigul.

No. 34.

In Regular Appeal, No. 129 of 1869.

Defendant's Exhibit XXII.

To Rama Row, Muzumdar of Ramadugu Taluk.

A copy of the takid issued this day to Tirumalai Puchaiya Naiker, son of the late Zemindar of Marungapuri, is herewith sent for the purpose of being filed in the records of the said taluk.

(Signed) T. Clarke.

15th August 1854.

No. 35.

In Regular Appeal, No. 129 of 1869.

Defendant's Exhibit XXIII.

To Mr. A. E. R. McDonell, Collector of Trichinopoly.

Petition of Tirumalai Puchaiya Naiker, Zemindar of Marungapury.

I have received the order of the 10th ultimo, intimating, among other circumstances, that (under) the proceedings of the Government referred to in the Miscellaneous Circular of the Board of Revenue, relating to the education of minors, a house is to be engaged near the Presidency College of Madras for

RECORD.
In the Civil Court of Trichinopoly.
No. 32. Exhibit XXI. Summons from the Collector of Madura, nominating Tirumala Puchaiya Naiker Poligar, dated 15th Aug. 1854.
No. 33. Exhibit XXII. Copy of takid to be filed in records of taluk, dated 15th Aug. 1854.
No. 34. Exhibit XXIII. Petition to the Collector of Trichinopoly from the Zemindar of Marungapuri, dated 3rd Nov. 1862.

the education of the minors and the sons of proper age of the living zemindars, a professor is to be employed to attend on them and teach them; and it should be ascertained and reported whether the zemindars who are now alive are willing to send their sons of proper age to the said college, and calling upon me to report whether I am willing to send my sons and brothers of proper age, if any, to the said college, and if I have no such sons and brothers of proper age, to report the same, together with the age.

There is a child, aged 10 years, of my younger mother (or aunt), but his mother and others are not willing to send him. I am 30 years old. I have submitted the same for your information.

(Signed) Tirumalai Puchaya Naiker.

3rd November 1862.

No. 36.

In Regular Appeal, No. 129 of 1869.

Defendant's Exhibit XXIV.

No. 51. 17th July 1864, Marungapury.

To Mr. A. E. R. McDonell, acting Magistrate of Trichinopoly.

Petition of Krishna Row, the 2nd-class Subordinate Magistrate of Marungapury.

Tirumala Puchaya Naiker, the Zemindar of Marungapury, was suffering from sores on his back and other parts of his body for the last three months nearly, and died at 12 noon, this day. He has left no sons. His heiresses and heirs are his three widows, (of whom Lakkammani is the first,) and Runga Krishna Muthuveera Puchaiya Naiker, who is 12 or 13 years old, and is the deceased Zemindar's half-brother, being the son of his step-mother, and is entitled to the puttam (zemindary). The former (three) are females, and the latter is a boy. As there is the said Zemindar's cousin, Tirumalai Puchaiya Naiker, who is not entitled to the puttam (zemindary), it appears necessary for the Sirkar to adopt proper measures to prevent the Zemindar's property from being usurped by anybody until the said Runga Kristna Muttuveera Puchaiya Naiker shall attain his proper age. I have submitted the same for your information.

I am,
Your obedient servant,

(Signed) ———

G

(14 *c.*)

RECORD.
In the Civil Court of Trichinopoly.
No. 35. Exhibit XXIII. Petition to the Collector of Trichinopoly from the Zemindar of Marungapuri, dated 3rd Nov. 1862—*continued.*
No. 36. Exhibit XXIV. Petition to the acting Magistrate of Trichinopoly, dated 17th July 1864.

RECORD.

In the Civil Court of Trichinopoly.

No. 37. Exhibit XXV. Letter to the Collector of Trichinopoly from the Zemindar of Marungapury, dated 1st Oct. 1864.

No. 37.

In Regular Appeal, No. 129 of 1869.

Defendant's Exhibit XXV.

To Mr. A. E. R. McDonell, Collector of Trichinopoly, &c.

Arzi of Runga Kristna Mutthu Veera Puchaya Naiker, Zemindar of Marungapury.

We have received a letter from the Tahsildar of Kalathalai Taluk, intimating the receipt of an order from the Huzur, requiring the presence before you of ourselves and of Meilamanai Tirumalai Puchaiya Naiker, manager, appointed by our elder brother. On attempting to start forthwith, we have come to learn that you are in circuit with your Cutcherry.

As the Oonam and Masikam ceremonies have now to be performed for our elder brother, we shall, after performing the same, present ourselves there within a week.

(Signed) Runga Khrishna Muthavira Puchaiya Naiker.

1st October 1864.

No. 38. Exhibit XXVI. Report to the Collector of Trichinopoly from the Tehsildar of Kalathalai, dated 12th Oct. 1864.

No. 38.

In Regular Appeal, No. 129 of 1869.

Defendant's Exhibit XXVI.

To Mr. A. E. R. McDonell, Acting Collector of Trichinopoly.

Arzi submitted by Tumlasaurny Pillai, Tahsildar of Kalathalai.

In pursuance of the order, No. 134, dated 15th September last, I had written to Rungakrishna Muthu Vira Puchiya Naiker step-mother's son and brother of the late Zemindar of Marungapury Tirumala Puchaiya Naiker, and to one Tirumala Puchaya Naiker, a cousin of the said Zemindar, to present themselves before you. I have this day received their reply to it, mentioning their intention to start on the 10th instant for the said purpose. I beg therefore to intimate the same to you.

No. 165.

October 12, 1864.

Your servant,
(Signed) Tumbusawmy Pillay.

RECORD.

In the Civil Court of Trichinopoly.

No. 39. Exhibit XXVII. Report to the Collector of Trichinopoly from the manager of the Zemindary of Marungapuri, dated 9th July 1865.

No. 39.

In Regular Appeal, No. 129 of 1869.

Defendant's Exhibit XXVII.

To Mr. A. E. R. McDonell, Collector of Trichinopoly.

Arzi of Terumalai Puchaiya Naiker, manager of the zemindary of Marungapury.

I have received your letter, No. 22, dated 4th instant, stating that as the first year after the death of the late Zemindar elapses on the 17th of July instant, the guardian, Sabbiah Naiker, should be sent up to your place, with necessary attendants, for the purpose of sending the minor zemindar to the provincial school of Koombaconam, after the performance of the anniversary.

I have to submit in reply that, as the Zemindar died in the Thrayodasi (13th) of Suklapakshum (moonlight fortnight) or 4th of Audi, corresponding to July 1864, that Thrayadasi thiti falls on 5th August of this year, or 23rd Audi, and after the performance then of the anniversary (he) shall be sent up to you.

9th July 1865. (Signed) Terumalai Puchaya Naiker.

No. 40. Exhibit XXVIII. Petition to the Collector of Trichinopoly from the Sub-Magistrate of Mannappari, dated 2nd Feb. 1866.

No. 40.

In Regular Appeal, No. 129 of 1869.

Document No. XXVIII.

2nd February 1866, Marungapury.

To A. E. R. McDonell, Collector of the Zillah of Trichinopoly.

Petition of Krishnarow, 2nd-class Sub-Magistrate of Manapparai division, managing the affairs of the minor zemindar of Marungapury.

On my asking the said minor zemindar's guardian, Subbanayakan, in accordance with the order No. 13 of your Huzur, he said that he was not willing to manage the said business; consequently, I asked the minor's mother and the late Zemindar's widow, Lakkammani, in conformity with that order, and they gave their deposition to the effect that it was not their wish that some particular person should be appointed as guardian, but that the Sarkar should appoint a competent person, the minor being under their protection. I have not enclosed herein the aforesaid two depositions. It would be proper if one of his relations be appointed as guardian. Consequently, I have made this representation for such orders as you may think proper to issue in the matter. As the funeral ceremony of the deceased manager was being performed, and as it was necessary that representations should be made in the matter, after enquiring of the above-mentioned persons on the completion of the said ceremonies, I was not able to reply by the next tappal. I therefore forward this petition this day. You should take this into your kind consideration.

Your obedient servant,
(Signed) ———

RECORD.

In the Civil Court of Trichinopoly.

No. 41. Exhibit XXIX. Statement made before the Sub-Magistrate by the minor Zemindar's mother as to appointment of guardian, dated 2nd Feb. 1866.

No. 41.

In Regular Appeal, No. 129 of 1869.
Document No. XXIX., and Plaintiff's Exhibit S.
2nd February 1866.

Before Krishna Row, 2nd-class Sub-Magistrate of the division of Manaparai.

(*Question put to*) Kamammani, mother of Ranga Khrishna Muttu Veera Puchayanayakar, minor zemindar of Marungapury.

Q.—Subbaiyanayakar (who was appointed guardian of the said minor zemindar), being asked, in conformity with the order issued by the Huzur regarding him, stated that he was unwilling to look after the said business. Then whom do you like to have appointed as guardian?

A.—Regarding the nomination to the said guardianship, I am not disposed to say that such and such a person should be appointed, but the Sarkar may themselves appoint a proper person, inasmuch as the minor (zemindar) is under their protection.

Marked by KAMAMMANI.
(Signed) ————

No. 42. Exhibit XXX. Statement of Lakkammani, late Zemindar's widow, as to appointment of guardian, dated 2nd Feb. 1866.

No. 42.

In Regular Appeal, No. 129 of 1869.
Document No. XXX.
2nd February 1866.

Before Krishna Row, 2nd-class Sub-Magistrate of the division of Mannaparai.

(*Question put to*) Lakkammani Ammal, pattastri (royal wife) of Tirumalaipuchaiyanayaker, late zemindar of Marungapury.

Q.—Subbaiyanayaker, who was appointed as a guardian of the minor zemindar of the said estate, named Ranga Krishna Virapuchaiya Nayaker, being asked, in conformity with the order issued by the Huzur regarding him, stated that he was unwilling to look after the said business. Then whom do you like to have appointed as a guardian of the said minor?

A.—Regarding the nomination of the said guardianship, I am not disposed to point out any particular person to be appointed as such, but the Sirkar may themselves appoint some proper person, inasmuch as the said minor zemindar is under their protection.

(Signed) LAKKAMMANI.
(Signed) ————

RECORD.

In the Civil Court of Trichinopoly.

No. 43 Exhibit XXXI. Letter from Collector of Madura to Collector of Trichinopoly, dated 3rd April 1869.

No. 43.

In Regular Appeal, No. 129 of 1869.
Defendant's Exhibit XXXI.

Collector's Office, Madura,
3rd April 1869.

No. 535.

From J. R. Arbuthnott, Esq., Officiating Collector of Madura, to the Collector of Trichinopoly.

Sir,

1. Letter from Sub-Collector, dated 29th April 1854, No. 48.
2. Do. do. do. 27th May 1854, No. 53.
3. Board's Proceedings, 27th July 1854.
4. Tamil Urzi from the late Zemindar, Mootoovera Poochia Naik, dated 18th July 1849, No. 41.
5. Tamil Urzi from do., dated 22nd October 1849, No. 65.

As requested in your letter dated 11th March, No. 103, I have the honour to forward the correspondence noted in the margin. The office copy of letter to the Board, dated 2nd June 1854, No. 90, was sent to your office under date the 26th August 1856, No. 913.

2. I have requested the Sub-Collector to send to you the enclosures of Mr. Clarke's letter, dated 27th May 1854, No. 53, which had been returned to the Sub-Collector's office.

I have, &c.,
(Signed) J. R. ARBUTHNOTT, Officiating Collector.

(A true copy.)
(Signed) W. E. WRIGHT, Dy.-Collector.

No. 44. Exhibit XXXII. Petition to the Civil Court of Trichinopoly from the Zemindar of Marungapuri, dated 21st Jan. 1862.

No. 44.

In Regular Appeal, No. 129 of 1869.
Document No. XXXII.

To the Civil Court of the Zillah of Trichinopoly.

Petition of the present Zemindar, Terumalai Puchya Nayaker, residing at Marungapury.

My deceased father, Muthuvira Puchiyanayaker, who was the late Zemindar, has left but two sons, viz., myself and my younger brother, Rangakrishnamuttu Virapuchinayakar. To this effect did my father send, in 1854, a pedigree of the family to the Collector of Madura Zilla, along with a petition, and the same went up to the Revenue Board and Government also. While so, one Ovalanayakan, residing at the said Marungapury, presented a petition, No. 645 of 1861, calling himself the son of my father aforesaid, praying for a certificate declaring him the heir of his deceased younger brother. He (Ovalappanayakan) is not

RECORD.

In the Civil Court of Trichinopoly.

No. 44. Exhibit XXXII. Petition to the Civil Court of Trichinopoly from the Zemindar of Marungapuri, dated 21st Jan. 1862—*continued.*

the son of my father. He is now aged 45 years; I am aged 34. Hence it was the said Ovalanayakan, who is alleged to be the elder, that ought to have inherited my father's zemin pattam (dignity of zemindar) after his death. The single fact that such was not the case is sufficient to lay bare the gross falsity of his plea, that he is the son of my father. The said Ovalappanayakan is the son of the whore Kantimate, and is a tenant under me in Marungapury. That such a man should have easily fabricated that he is the son of my father savours of great fraud.

Consequently, I request that the statement made by the said Ovalappan, to the effect that he is the son of my father, may be set aside, and the petition presented to the same effect may also be rejected.

21st January 1862.

(Signed) KRISHNAIYANGAR, Vakil.

Read on 23rd January 1862.

Initialed. ———

Civil Judge.

No. 58.

No. 45. Proceeding fixing issues, dated 9th Jan. 1869.

In Regular Appeal, No. 129 of 1869.

Hearing for Issues, 9th January 1869.

The Defendant asserts and the Plaintiff denies that this Court is not competent to entertain this suit.

The first issue will be to prove this.

The Plaintiff asserts and the Defendant denies that the half-brother of the deceased Zemindar is not the legal heir of the latter, and that, such being the case, the Plaintiff herself is the person legally entitled to succeed to the zemindary.

The Defendant asserts and the Plaintiff denies that the party on whose account and on whose behalf the zemindary is how held under the management of the Court of Wards is the natural heir of the deceased Zemindar.

Trichinopoly,
9th January 1869.

(Signed) W. M. CADELL,
Acting Civil Judge.

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RECORD.

In the Civil Court of Trichinopoly.

No. 46. Petition on behalf of Plaintiff for copies of documents, dated 26th Jan. 1869.

No. 50.

In Regular Appeal, No. 129 of 1869.

To the Collector of the Zillah of Trichinopoly.

Petition submitted on behalf of the Plaintiff in O. S., No. 30 of 1868 in the said Court, Lakkamani, the royal widow of Terumalai Puchya Naiker, by her the late Zemindar of Marungapury, attached to Kulathalai Taluq, by her duly authorised agent, Chakrapani Row, living in Trichinopoly, and in the Tank Street in Tanjore.

"I herewith submit an extract (copy) of the order of the Civil Court, calling upon the said Plaintiff in the said suit to produce documents. I request that copies of the under-mentioned documents referred to therein will be granted me, with seal and signature on the stamps, I herewith furnish.

(Particulars of the documents required.)

1 Yadasth (letter) written to Kristna Row, Sub-Magistrate of Manapari, on 21st April 1866, by the said Plaintiff Lakkamani herself, or by Lakkamani and two other females, in reply to the yadasth (letter) written to the said Lakamani by the said Kristna Row, in respect of the jewels in the possession of the said Lakkamani.

1 Arzi, dated 27th May 1866, addressed to the Collector of this zillah by the said Lakkamani and two others, in respect of the same jewel matter.

1 Arzi, dated 29th June 1866, presented to the Collector by the said Lakammani and two others, stating that one Kristna Sawmy Jenger, calling himself the manager nominated by the cirkar, had called and asked of the said Lakkamani and two others some particulars regarding their means of livelihood and other matters, that the zemin was alleged to belong to the minor, and that they wished to know all the proceedings held in that matter.

1 Kypheat or deposition given by the Plaintiff when the late Collector, Mr. Pochin, came in 1866 and received the jewels in the possession of the said Lakkammani.

1 Memorandum, or the diary book containing it, written by the Sherisdar Vardachary or by the Collector, specifying the grounds for not believing that the arzis, which reached the Collector in June 1864, after the 17th of that month, as if written by the late Zemindar, and whose genuineness the Sherishtadar was the first to question when he had to inspect them, were not really the late Zemindar's.

5 documents.

26th January 1869. (Signed) CHAKRAPANI ROW.

RECORD.

In the Civil Court of Trichinopoly.

No. 47. Petition by Plaintiff, requesting an amendment of issue, dated 4th Feb. 1869.

No. 45.

In Regular Appeal, No. 129 of 1869.

Plaintiff's Motion.

M. P., No. 120 of 1869.

To the Civil Court of Trichinopoly.

Petition respectfully submitted by Panchanada Iyer, Vakil on behalf of Lakkammani, Plaintiff in O. S., No. 30 of 1868 on the file of the said Court.

On obtaining and perusing a copy of the issues framed in this suit, I find it stated therein that the Plaintiff asserts and the Defendant denies that the minor, Runga Kristna Muttuvira Puchya Naiker, referred to in the plaint, is a half-brother of the Plaintiff's husband (by a different mother). This is inconsistent with the proceedings, and is opposed to what both parties' vakils made known at the hearing.

I therefore pray that under section 141 of the Civil Code your Court may reconsider that issue, and order the amendment of it by inserting the following, viz., "the Plaintiff denies that the said minor is the proper half-younger-brother (by a different mother) of the Plaintiff's husband."

4th February 1869. (Signed) Panchanada Iyer, Vakil.

No. 48.

No. 48. Proceedings of the Civil Court of Trichinopoly, on Plaintiff's Petition for documents, dated 17th Feb. 1869.

In Regular Appeal, No. 129 of 1869.

Extract from the Proceedings of the Civil Court of Trichinopoly, under date the 18th December 1868.

Present :—W. M. Cadell, Esquire, Acting Civil Judge.

Miscellaneous Petition, No. 971 of 1868.

Read petition presented on the 16th December 1868 by Lakkamain, Plaintiff in Original Suit, No. 30 of 1868, through her vakil, Panjanatha Iyer, requesting that the documents mentioned below may be sent for from the Collector's office, and perused together with the records of the above suit.

(Here follows tamil.)

Order of the Court may be produced.

(Signed) W. M. Cadell, Acting Civil Judge.

(True extract.)

(Signed) W. M. Cadell, Acting Civil Judge.

RECORD.

In the Civil Court of Trichinopoly.

Proceedings of the Civil Court of Trichinopoly, on Plaintiff's Petition for documents, dated 17th Feb. 1869—*continued.*

Extract from the Proceedings of the Civil Court of Trichinopoly, under date the 17th February 1869.

Present :—W. M. Cadell, Esquire, Acting Civil Judge.

M. P., No. 151 of 1869.

Read petition presented on the 15th February 1869 by Punchanathier, vakil for Plaintiff in Original Suit, No. 30 of 1868, stating that according to the order passed on the petition, No. 971 of 1868, she applied to the Collector for copies of the documents therein mentioned, but the Collector passed an order (herewith presented) to the effect that those documents are in possession of the Government vakil, and that the Court can order them to be produced, should it think proper, that the Collector's order is contrary to rules, and that the documents are very important evidence for petitioner, and requesting therefore that the said five documents may be sent for, and copies thereof be granted, or they may be filed on her behalf as evidence.

Order of the Court.

The Court considers that petitioner is entitled to have the copies she seeks for.

(Signed) W. M. Cadell, Acting Civil Judge.

(True extract.)

(Signed) W. M. Cadell, Acting Civil Judge.

No. 47.

No. 49. Plaintiff's Exhibit, Endorsement on last-mentioned document, dated 16th March 1869.

In Regular Appeal, No. 129 of 1869.

Plaintiff's Exhibit, Endorsement on M. P., No. 636 of 1869.

No. 38.

To the Petitioner.

Not only is it clear from the vernacular record-keeper's report of the 5th instant, that all the documents referred to in your petition of the 3rd instant have been sent to the Government vakil, Arivanandam Pillay, but the Government vakil also wrote to the Collector on the 5th instant to say that the very same documents had been filed in the Civil Court. It behoves you, therefore, to petition the said Court for extracts (copies) of the said documents.

16th March 1869, Trichinopoly. (Signed) W. E. Wright, Deputy Collector.

RECORD.

In the Civil Court of Trichinopoly.

No. 50. Memo. put in by Plaintiff, requesting to be furnished with copies of five documents, dated 16th April 1869.

No. 49.

In Regular Appeal, No. 129 of 1869.

To the Civil Court of Trichinopoly.

Memorandum put in by Panchanada Iyer, Vakil for Lakkammani, widow of Terumalai Puchaya Naiker, the late Zemindar of Marungapury Kolathalai Taluq, and Plaintiff in O. S., No. 30 of 1868 on the file of the said Court.

If the documents hereunder specified have been filed on behalf of the Defendant in the said suit I pray for an order directing that copies thereof be granted on plain paper.

Particulars of the documents.

1 Yadasth (letter, written to Kristna Row, Sub-Magistrate of Manapparai, on 21st April 1866, by the said Plaintiff Lakkamani herself, or by Lakkammani and two other females, in reply to the yadasth (letter) written to the said Lakkamani by the Krisna Row in respect of the jewels in the possession of the said Lakkammani.

1 Arzi, dated 27th May 1866, addressed to the Collector of this zillah by the said Lakkamani and two others in respect of the same jewel matter.

1 Arzi, dated 29th June 1866, presented to the Collector by the said Lakkamani and two others, stating that one Kistna Sawmy Iyengar, calling himself the manager nominated by the circar, had called and asked of the said Lakkamani and two others some particulars respecting their source of livelihood and other matters, that the zemin was alleged to belong to the minor, and that therefore all the proceedings held in that matter should be made known to them.

1 Kypheat or deposition given by the Plaintiff when the late Collector, Mr. Pochin, came in 1866 and received the jewels, &c. in the possession of the said Lakkamani.

1 Memorandum, or the diary book containing it, written by the Serishtadar Vardachery or by the Collector, specifying the grounds for not believing that the arzis, which reached the Collector in June 1864, after the 17th of that month, as if written by the late Zemindar, and whose genuineness the Sheristadar was the first to question when he had to inspect them, were not really the late Zemindar's.

5. Total number of documents.

16th April 1869. (Signed) Ranchanada Iyer, Vakil.

RECORD.

In the Civil Court of Trichinopoly.

No. 51. Petition put in by Plaintiff, complaining of the difficulty in obtaining copies of certain documents, dated 12th July 1869.

No. 46.

In Regular Appeal, No. 129 of 1869.

Plaintiff's Motion.

M. P., 636 of 1869.

To the Civil Court of Trichinopoly.

Petition respectfully submitted by Panchanada Iyer, Vakil on behalf of Lakkammani, Plaintiff in O. S., No. 30 of 1868.

1. I presented the C. P. No. 971 of 1868, requesting the Court to send for the five documents material to the Plaintiff's claim from the Collector's cutcherry, and peruse them; thereon the Court ordered the Plaintiff to obtain copies thereof and file them.

2. When the Plaintiff presented, through her vakil, a petition to the Collector, enclosing an extract (copy) thereof (said order), and desired to have copies, he endorsed thereon that as those documents were with the Government vakil the Court might itself send for them, and returned it (petition).

3. I again put in the C. P. No. 151 of this year, together with the said endorsement, in this Court. On that petition also this Court passed an order to the effect that the Plaintiff was entitled to have copies of the said documents.

4. The Plaintiff having through her vakil again presented a petition, together with an extract (copy) of the said order, to the Deputy Collector, he endorsed thereon that the Government vakil said he had filed the said documents in the Court, and that therefore for copies thereof this Court must be requested.

5. Accordingly I again put in a memorandum in the Court and requested to be granted copies of the said documents. The Court endorsed thereon that those documents were not filed in the suit, and returned that memorandum.

6. I, therefore, request that the Court will be pleased to consider the difficulty the Plaintiff is under to obtain copies of the said documents, and will itself send for those five documents to the Collector's office, under section 138 of the Civil Code, and pass an order directing that copies thereof be granted to Plaintiff.

Two extracts of the Court, one petition bearing the Collector's endorsement, one endorsement of the Deputy Collector, and one memorandum returned by the Court,—in all, five documents,—are herewith submitted for perusal.

12th July 1869. (Signed) Panchanada Iyer, Vakil.

RECORD.

In the Civil Court of Trichinopoly.

No. 52. Deed of Agreement, filed by Plaintiff and 2nd Defendant, dated 13th Aug. 1869.

No. 52.

In Regular Appeal, No. 129 of 1869.

To the Civil Court of Trichinopoly.

Razinama put in by Lakammani, the Plaintiff, and Srimatha Renga Krishna Muthuvira Puchaya Naikar, the present Zemindar of Marungapuri, the supplemental 2nd Defendant in Original Suit, No. 30 of 1868 on the file of the said Court, under section 98 of the Civil Code.

With reference to the said suit, which was instituted by the said Plaintiff Lakammani against the Collector, who was the guardian of the said Zemindar during his minority, and in which she has included as 2nd Defendant Srimathu Renga Krishna Muthuveera Puchaiya Naiker, the proprietor of the zemindary of Marungapuri, who subsequently attained his majority and took possession of the said zamin, for the recovery of the zemindary of Marungapuri and the other real property, as also the buildings, jewels, ready money, &c., the Plaintiff and the 2nd Defendant have entered into an amicable settlement as follows:—

We, the Plaintiff and 2nd Defendant, have entered into an amicable settlement and filed the razinama to the effect that the 2nd Defendant should forthwith put the Plaintiff in possession of the whole of the Nellivayal pannai, naiya, punja, and other lands, inclusive of fruit trees, in the village of Themnyam Idayapatti, attached to Marungapuri zamin, in the taluk of Kuluthalai, which bear pattai in favour of the Aramanai Zemindar and are under his pannai (self-cultivation), the Maringivayal pannai, nunja, punja, and other lands, inclusive of the fruit trees, in the village of Alagapuri, attached to the said (zamin), which bear potta in favour of the Aramassai (Zemindar), and are under his pannai (self-cultivation), and the Virasamudram pannai, nunja, punja, and other lands, inclusive of the fruit trees, in the village of Kanja Naikan Patti, attached to the said (zamin), which bear patta in favour of the Aramanai (Zemindar) and are under his pannai (self-cultivation), together with all the appurtenances thereof, but exclusive of the jevitam (revenue) thereof; that the Plaintiff should enjoy them for herself, and also for her husband's other 2nd and 3rd widows, Pedda Ammani and Chinammani; that the said Plaintiff and two others should accordingly enjoy (the same) without paying any revenue to the zemindary; that though two or one of those three individuals may survive the others, yet the surviving individuals should, as above provided for, enjoy only the income of the three pannais (lots of lands under cultivation), but should not alienate the said pannai lands, &c. by sale, gift, mortgage, &c.; that after the death of the said Plaintiff and two others the lands and all other property in the possession of the Plaintiff and others should go to the 2nd Defendant, and that both the parties should bear the costs respectively.

We therefore pray that a decree may be passed accordingly.

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RECORD.

In the Civil Court of Trichinopoly.

Particulars of the said three pannais (lots of land under self-cultivation).

(Here enter particulars thereof, with their revenues.)

The said revenues (rupees 1,221. 0. 2.) are not to be paid by the Plaintiff and others.

(Signed) LAKAMMANI.
(Signed) RENGA KHRISNA MUTTUVEERA PUCHAYA NAIKER.
(Signed) PANCHANADAIYAN, Plaintiff's Vakil.
(Signed) JOHN ARUVANANDANI PILLAI, B. L., 2nd Defendant's Vakil.
(Signed) K. STRINIVASSA RAO, 2nd Defendant's Vakil.

13th August 1869.

No. 53. Statement of Collector of Trichinopoly district, dated 1st Sept. 1869.

No. 51.

In Regular Appeal, No. 129 of 1869.
In the Civil Court of Trichinopoly.
Original Suit, No. 30 of 1868.

Statement of George Banbury, Esquire, Collector, &c. of the Trichinopoly district.

I know the zemindary which is the subject of this dispute. It has been in my charge, under the orders of the Court of Wards.

I show an extract from the proceedings of the Board of Revenue, 20th September 1864, conveying to the Collector the orders of Government of the 17th September 1864, and which are signed by Mr. Hudleston, as Secretary to the Board of Revenue, vide exhibit V.

Mr. C. G. Master was then Deputy Secretary to Government.

The proceedings of Government amount to an act of State. It was in their power to continue the polleum or not. The polleum itself is an unsettled one, and has no sunnud.

I also put in the original of exhibit XII., and which conveys the sanction or resolution of the Madras Government for the recognition of the former Zemindar, Thiroomala Poochya Naick, the elder brother of the present incumbent.

T. Pycroft was then Chief Secretary to Government. The exhibit is signed in original by Mr. Cunliffe, the then Sub-Secretary to the Board of Revenue.

From this I gather that the late incumbent succeeded, also as the donee of the Government.

Plaintiff's vakeel has no cross question.

1st September 1869. (Signed) GEORGE BANBURY.

Taken before me in open Court.
(Signed) W. M. CADELL,
Acting Civil Judge.

RECORD.

In the Civil Court of Trichinopoly.

No. 54. Decree of the Civil Court, dismissing Plaintiff's claim with costs, dated 1st Sept. 1869.

No. 53.

In Regular Appeal, No. 129 of 1869.

Decree.

Original Suit, No. 30 of 1868.

In the Civil Court of Trichinopoly.

Present :—W. M. Cadell, Esquire, Acting Civil Judge.

(L. S.)

Plaintiff.

Lakkamani, widow of the late Theroomalay Poochaya Naicker, Zemindar of Maroongapury of Kuluthalai Taluq.

Vakeels.

J. D. Mayne, Esq., Barrister-at-Law, and Panchanathaiyer.

Defendants.

1. Collector of Trichinopoly, Agent of the Court of Wards, who was in charge of the zemindary of Maroongapoory.

2. Strimath Renga Kristna Moothoo Veera Poochaya Naiker, present Zemindar of Maroongapoory.

By their Vakeels.

The Honourable John Bruce Norton, Advocate-General, Government vakeel; John Areevanantham Pillay, B. L.; and Streenivassa Row.

This is an action brought by the Plaintiff, as the senior widow and legal heiress of the late Zemindar of Maroongapury, for the recovery of the zemindary and other property, valued at rupees 411,997. 3. 1.

2. The claim of the Plaintiff is dismissed; the Plaintiff to pay all costs.

Costs to be paid to Defendants by Plaintiff.

Value of stamp papers used for statement, &c. -	2	0	0	
Peon's battah - - - - - -	76	12	0	
Vakeel's fee - - - - - -	1,000	0	0	
			1,078	12 0

Costs to be borne by Plaintiff.

Value of stamp papers used for plaint, &c. -	3,418	8	0	
Peon's battah - - - - - -	62	4	0	
Vakeel's fee - - - - - -	1,000	0	0	
			4,480	12 0

Given under my hand and the seal of the Civil Court of Trichinopoly this 1st September 1869.

The period for preferring an appeal is 90 days from this date.

(Signed) W. M. Cadell,
Acting Civil Judge.

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RECORD.

In the Civil Court of Trichinopoly.

No. 55. Judgment of the Civil Court, dismissing Plaintiff's claim, with costs, dated 1st Sept. 1869.

No. 54.

In Regular Appeal, No. 129 of 1869.

Judgment.

Original Suit, No. 30 of 1868.

In the Civil Court of Trichinopoly.

Present :—W. M. Cadell, Esquire, Acting Civil Judge.

1. In the plaint it is set forth that the zemindary of Marungapury pays an annual rent or peishcush to Government of Rupees 20,576. 10. 10.; that the same was the ancestral property of the Plaintiff's husband, Terumalai Poochia Naiker; that he enjoyed the same till the 17th July 1864, when he, the said Therumalai Poochia Naiker, demised, and that, according to Hindu law and the custom prevailing in zemindaries, Plaintiff, as the royal wife of the deceased (among his three widows), is entitled to succeed to the same.

That on the day preceding his death the deceased Thirumala Poochia Naiker made an arrangement directing that the Plaintiff should be constituted his heir; that the two junior widows should remain under the Plaintiff's protection; that the affairs of the zemindary were to be carried on by the cousin of the deceased, Thirumalai Puchia Naiker, under the orders of the Plaintiff; and that the two junior widows should thereafter enjoy the estate successively.

That intimation of Plaintiff's being constituted his heir was duly made to the Collector, and that up to the 17th January 1866, when the cousin of the deceased also died, Plaintiff was under the impression that he, Therumalai Puchia Naiker, was managing the affairs of the zemindary.

That then Plaintiff began to suspect that Government had interfered with the affairs of the zemindary, and that in March 1866 she (Plaintiff) wrote several letters to the Sub-Magistrate of Marungapury, the Collector of the district, and to the Board of Revenue, but without any success; that on making further inquiries she (Plaintiff) ascertained that her deceased husband's cousin, Therumalai Poochia Naiker, had concealed her husband's real arzi, and had represented to the Collector that the deceased Zemindar had constituted the minor Ranga Kristna Muttuvira Puchia Naiker as his heir to the zemindary, and that the estate was then under the management of the Court of Wards; that the fraudulent conduct of the agent cannot affect her (Plaintiff's) right to the succession to the zemindary; that her husband did not constitute the minor his legal heir, nor indeed was he competent to do so. Hence this suit for the possession and recovery from the 1st Defendant, as agent to the Court of Wards, of all the villages belonging to the zemindary, valued at Rupees 205,766. 12. 4., also the Punnai Oorammaniam lands attached thereto, to recover buildings valued at Rupees 700.

Devastanum villages, valued at Rs. 146,191. 9. 0., and the management of the same, to recover jewels valued at Rupees 13,305. 15. 0., and finally to recover the sum of Rupees 49,032. 14. 9., being the income of the zemindary,

RECORD.

In the Civil Court of Trichinopoly.

No. 55. Judgment of the Civil Court, dismissing Plaintiff's claim, with costs, dated 1st Sept. 1869—*continued.*

together with all the rights appertaining thereto, as also the subsequent income thereof.

2. To this the Defendant (the Collector) answered, that the zemindary being an unsettled polliam the right to nominate a successor to the same was vested in the Government, that the Government in the exercise of this right had constituted the minor, Renga Kristna Muttooveera Puchaiya Naik, heir to the Zemindar, and that such act, being an act of State, cannot therefore be questioned by any municipal Court.

That even if the zemindary was not an unsettled poliam, the minor, as the undivided half-brother of the deceased Zemindar, would be the rightful heir thereto.

That the late Zemindar himself, in his letter to the Collector, recognized the right of the minor to the succession.

That the Plaintiff's assertion, that till January 1866 she was not aware that the zemindary was under the charge of the Court of Wards, is not true.

3. The following issues were directed to be tried on the 9th January 1869:—

The Defendant asserts and the Plaintiff denies that this Court is *not* competent to entertain the suit.

The first issue will be to prove this.

The Plaintiff asserts and the Defendant denies that the half-brother of the deceased Zemindar is not the legal heir of the latter, and that such being the case, the Plaintiff herself is the person legally entitled to succeed to the zemindary.

The second issue will be to prove this.

The Defendant asserts and the Plaintiff denies that the party on whose account and on whose behalf the zemindary is now held under the management of the Court of Wards is the half-brother of the deceased Zemindar.

The third issue will be to prove this.

4. The Plaintiff filed 10 documents, A. to J., and cited 47 witnesses.

5. The Defendant filed 32 documents and gave in a list of no less than 79 witnesses.

6. The suit was posted for the examination of witnesses on several occasions, but finally Mr. J. D. Mayne, barrister-at-law, appeared before the Court on the 28th July on behalf of the Plaintiff, and requested a further postponement of the case till the 16th August, or after the adjournment of the High Court.

7. The request was granted.

8. On the 30th July the vakil for the Plaintiff, Punchana Daiyer, presented a petition to the Court, No. 709 of 1869, stating that he, the vakil, had been given to understand that since the institution of the suit the minor had come of age, and that the property had been made over to him; he therefore requested that the Zemindar, Runga Kristna Muttuveera Puchia Naiker, might be admitted as a supplemental Defendant.

9. This request was also granted, and notice directed to be sent.

10. On the day appointed, the 16th August, the Honorable Mr. Norton, the Advocate-General, appeared for the 2nd Defendant, and requested the

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RECORD.

In the Civil Court of Trichinopoly.

No. 55. Judgment of the Civil Court, dismissing Plaintiff's claim, with costs, dated 1st Sept. 1869—*continued.*

further postponement of the hearing of the case till the 28th August, with the concurrence of the Plaintiff's vakil, Punchanadier. This request was also granted. On this day vakil Punchanadaiyer for the Plaintiff and vakils John Arevanunthem Pillai and Streneva Row for the 2nd Defendant put in a razinama, which purported to have been an amicable adjustment of the matter in dispute by these parties. To the filing of this document Mr. Norton, as senior counsel for the 2nd Defendant, objected, as he was altogether unaware of its nature and contents, and it was ordered that the filing of the razinamah be postponed till the case was finally heard and disposed of.

11. The case was again finally called up for hearing on the 31st August, when vakil Punchanadier appeared for the Plaintiff, and the Honorable J. B. Norton for the 1st Defendant, the Collector. Mr. Norton at the same time intimated that he no longer appeared for the 2nd Defendant, the Zemindar.

12. Mr. Norton was heard for the 1st Defendant, and urged,—

1. That although the Zemindar had since the institution of the suit come of age, the whole of the property had not been made over, and that the responsibility of the guardianship of the 1st Defendant as the agent of the Court of Wards had not therefore ceased.

2. That no application had been made by the opposite party to release the 1st Defendant from his responsibility as guardian, and that the 1st Defendant was therefore still responsible for the acts committed during his guardianship.

3. That the 1st Defendant merely acted in the matter as the agent of the Court of Wards, who, under the orders of the Local Government, had declared that the minor, Renga Kristna Muttuveera Puchia Naicker, was the successor to the zemindary.

4. That the zemindary of Marungapury is an unsettled polliam, and that therefore the Local Government have, as declared in the decision of the High Court (Madras High Court Reports, Vol. III., page 303) and other authorities, the right to nominate and declare the party entitled to succeed to such pollium.

5. That such act, as an act of State, is therefore not cognizable by any municipal Court whatever, as laid down in the Tanjore and other cases.

And 6th and lastly, that the razinamah between the Plaintiff and a third party, and which has reference to such an act, cannot be admitted or accepted by the Court.

13. Vakil Punchanadayier was also heard for the Plaintiff, and contended that the razinamah was only a private adjustment as between the Plaintiff and the Zemindar, the 2nd Defendant, and ought therefore to be admitted.

14. Mr. Norton was heard in reply.

15. The Court reserved its judgment till the following day.

16. On the 1st September the case was again called on, and the Court being of opinion that, there being no evidence of the zemindary having been made over, and the 1st Defendant having not been by any act of the

RECORD.

In the Civil Court of Trichinopoly.

No. 55. Judgment of the Civil Court, dismissing Plaintiff's claim, with costs, dated 1st Sept. 1869—*continued.*

Plaintiff relieved from his responsibility as 1st Defendant in the suit, he, the 1st Defendant, was still entitled to be heard.

17. The counsel for the 1st Defendant, Mr. Norton, then called and examined the 1st Defendant himself, who produced and swore to the proceedings of Government of the 17th September 1864, conveying the orders of Government as to the succession of this polliem. The proceedings of the Madras Government, showing their recognition of the succession of the former Zemindar, were also put in and sworn to by the 1st Defendant.

18. The vakil for the Plaintiff declined to cross-examine, and requested the further postponement of the case, or till he could communicate with Mr. Mayne.

19. The Court, however, declined to admit any further postponement, as issues were framed nearly nine months since.

20. Vakil Punchanadaïyer stated he had nothing further to say.

21. The Court is of opinion that the evidence of the 1st witness (the 1st Defendant) has conclusively shown that the Marungapury zemindary is an unsettled polliam, and that the right of succession to such polliams has, not only in the case of this polliam, been admitted and exercised in the case of the present and past succession to this polliam, but that this right has been declared by the highest authority to vest in the Local Government, and not in the line of lineal succession. Such being the case, it follows, as a matter of course, that this right cannot be called in question in this Court, and on the 1st issue the finding must therefore be for the 1st Defendant.

22. It is unnecessary therefore further to enter on the other issues, but the Court is also of opinion that in a case like the present, and in which it has been found that the Plaintiff has no right to bring such a suit, it is incompetent for the Court to entertain a document which purports in any way to be an adjustment or settlement of such claim.

23. The claim of the Plaintiff is therefore dismissed; the Plaintiff to pay all costs.

(Signed) W. M. Cadell,
Acting Civil Judge.

Trichinopoly Civil Court,
1st September 1869.

(True copy.)
(Signed) R. Davidson,
Civil Judge.

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RECORD.

In the Civil Court of Trichinopoly.

No. 56. Plaintiff's Petition for Review of Judgment, dated 26th Nov. 1869.

No. 55.

In Regular Appeal, No. 129 of 1869.

Plaintiff's Review Petition in the Lower Court.

To the Civil Court of Trichinopoly.

Petition presented by Lakkamani, Plaintiff in O. S., No. 30 of 1868 on the file of the said Court, under section 376 of the Civil Procedure Code, for a review of the decree passed in the said suit.

1. That the zemindary of Marungapury in dispute bears a permanent beriz is shown from the annexed copy of the sannad (order) issued in 1842 by the Collector of Madura. It also shows that the Collector had issued the same kind of order to the late Zemindar, as well as other Zemindars of Marungapury, which was formerly attached to Madurazillah. As it is mentioned in the said document that the proceedings of Government have come to hand to the effect that the istimerar arrears should be paid and the zemindary redeemed, and that in default of payment thereof the zemindary will be sold by auction in satisfaction of the principal and interest thereon, it is manifest that the Marungapury zemindary is a settled one. This is borne testimony to by the exhibit E. regarding the zemindary of Marungapury; it (exhibit E.) declares inadmissible the right of Ramiaker, who made the purchase after a permanent beriz had been settled. These two exhibits are sufficient to warrant a finding on the first issue in favour of the Plaintiff.

2. I now hear that the peishcush of this zemindary is entered in the accounts of the Collector's office under the head of permanent settlement. It is therefore hoped that such accounts from the year 1858 to the year 1867 will be sent for, and perused according to section 138 of the Civil Procedure Code.

3. I also hear that, immediately after this zemindary became permanently settled, the cirkar, in 1805 or subsequently to it, obtained respecting it a muchilka from the then Zemindar. I further hear that in accordance with the Board's proceedings to the Collector of Dindigul, dated 10th August 1805, requiring him to obtain muchilkas from all the Zemindars in general as aforesaid, muchilkas were obtained and sent. If an inquiry be held I shall try my best to prove it.

4. Besides, this suit has not been brought simply for the zemindary alone. It also refers to the pannai villages (villages held under the owners' own cultivation), such as the ancestral villages wherein my husband had a kudi mirasi right (mirasi right of occupancy), and to jewels, not attached to the thakt (throne), as also to temples attached thereto, and the villages appertaining thereto. These properties are sent that an inquiry can be made in respect of them without reference to the 1st issue in this suit.

5. On the C. P. Petition, No. 716 of the year, I presented for the sannad or order of the year 1842, it was ordered on 30th July of this year that I should obtain an extract (copy). With that extract I sent persons to the

RECORD.

In the Civil Court of Trichinopoly.

No. 56. Plaintiff's Petition for Review of Judgment, dated 26th Nov. 1869—*continued.*

zillah of Madura, and it was only on the 14th of August that a copy was obtained there. It having therefore become impossible to produce it before this Court at the hearing held on the 16th, as there was an interval of only a single day, my vakil produced it at the hearing subsequently held on the 1st September. On that day, when depositions were being taken down before the Collector, my vakil showed that extract to him, and requested permission to cross-examine thereon, and on an objection being taken by the opposing counsel the Court verbally ordered that as it had not been already filed it could not be accepted, nor could cross-examination be had upon it. But still, as that document had been obtained and brought in pursuance of the Court's order, it is proper that it should be accepted. I therefore pray that on the above grounds an order may be passed directing a review of the decree in this suit.

26th November 1869. (Signed) R. Subbiaker, Vakil.

(Signed) H. Wigram,
Acting Registrar, Appellate side.

No. 56.

No. 57. Copy Order, filed with Petition for Review of Judgment, dated 9th April 1842.

In Regular Appeal, No. 129 of 1869.

Document filed with Review.

Extract from the Copy Book No. 8, containing copies of the Circular Orders issued in the month of April 1842 from the Office of the Collector of Madura.

No. 388.

To Vellai Tumki Kamiah Naicker, Zemindar of Velayapatti.

This is to inform you,

That as the Government Order of the 8th March 1842 has come to hand calling upon you to pay in the Istimrar arrears due on the zemindary up to the 11th of July 1843, on fusli 1252 following, and to redeem the said zemindary you have to pay accordingly; that in default of payment of the whole arrears according to accounts within the said time the said zemindary will be sold in auction for the principal and interest due till then.

That in that case you will not even get the allowance of 10 per cent. which is now paid to you.

That therefore in acknowledgment of your having seen this notice you will please sign it in the back and return it, and that if, being unable to pay the debt, you put in a razeenamah agreeing to receive the allowance at 10 per

RECORD.

In the High Court of Judicature, Madras.

No. 57. Copy Order, filed with Petition for Review of Judgment, dated 9th April 1842—*continued.*

cent. the zemindary will not be sold by auction, but will be taken under the circar, and 10 per cent. will always be given.

Know this: Even if the arrears due until the end of this fusli be paid it will be received.

(In this manner.)

To 389, Muthuvira Puchya Naicker, Zemindar of Marungapury.
390, Ramabhadra Naicker, Zemindar of Vadagarai.
391, Moothoovira Palanya Naicker, Zemindar of Kinuaravadi.
392, Nukkal Naicker, Zemindar of Amlattarai.
393, Uddappa Naicker, Zemindar of Udroppanai Kemur.
394, Appaku Kulappa Jaunden, Zemindar of Kambai.

9th April 1842.

(True copy of copy.)

(Signed) T. Rama Row, D. C.

No. 57.

No. 58. Separate Diary of the Civil Court's Proceedings, from 14th Sept. 1868 to 29th Nov. 1869.

In Regular Appeal, No. 129 of 1869.

Separate Diary.

In O. S., No. 30 of 1868 of the Civil Court of Trichinopoly.

	1868.		
	Sept. 14th		Filed in O. S., No. 30 of 1868, the plaint presented along with Vakalatnamah by Panchanadier, vakil for the Plaintiff, Lakkammani, against the Defendant, the Collector, for the recovery of Marungapury village, Mannaicottam, Temple village, jewels, cash, &c., valued in all at Rs. 411997. 3. 1.; and order passed that a summons be issued to Defendant.
	Sept. 29th		Read the return of the summons by the Nazir, that the Defendant named in the summons dated 28th instant had been served with the same on the 29th.
	Oct. 9th		Read takeed produced in the Court by John Arivanandam Pillay, Government vakil, and which had been issued to him by the Collector, requiring him to obtain a copy of the plaint.
	Dec. 18th		Read C. M. P., No. 971 of 1868, presented by the Plaintiff's vakil, Panchanadier, requesting the Court, under section 138 of the Civil Case, to send for and perusse, in proof of Plaintiff's claim, the documents in the office of the Sub-Magistrate of Manapary, and the Collector's Cutcherry. Ordered that the petitioner's documents be produced.

RECORD.

In the Civil Court of Trichinopoly.

No. 58. Separate Diary of the Civil Court's Proceedings, from 14th Sept. 1868 to 29th Nov. 1869—*continued.*

1868. Dec. 18th		Filed a vakalat, appointing John Arivanandam Pillay, Acting Government vakil, and Srinivasa Row vakils on behalf of the Collector, Mr. George Banbury.
Dec. 18th		Filed the statement put in by the said vakils for the said person.
1869. Jan. 8th		Filed the (following) documents produced by Plaintiff's vakil, Panchanada Iyer, together with a list of the same :—
	A	Document embodying the telegraphic message sent by Plaintiff on 14th August 1866 to the Board of Revenue, and the order endorsed thereon.
	B	The Plaintiff's arzi to the Collector of this zillah, Mr. G. Banbury, dated 7th February 1867, with the endorsed order thereon.
	C	The arzi presented on 19th idem by Plaintiff through his vakil to the Revenue Board, and the endorsed order thereon.
	D	Do. order dated 18th April, do.
	E	Do. order dated 2nd July, do.
Jan. 9th		Filed the following exhibits put in by the Defendant's vakils, Arivanandam Pillay and Srinivasa Row, together with a list of the same :—
	I.	Arzee presented on 16th July 1864, by the Zemindar of Marungapury, Terumalai Puchia Naiker, to the Collector.
	II.	Arzi presented to the Collector of the Zillah on 18th July 1864 by the Plaintiff and Ranga Kristna Moottoo Veera Puchia Naiker.
	III.	Kypheat given by Plaintiff and others before the Tahsildar of Kulathalai on 26th July 1864.
	IV.	Arzee written to the Collector on 27th July 1864 by the Tahsildar of Kulathalai.
Jan. 9th		In this suit both parties, vakils, have been heard, and issues framed. Ordered that lists of witnesses be put in in three weeks.
Feb. 4th		The list given by Plaintiff's vakil, mentioning 47 witnesses, was filed, and orders passed that summons do issue.
Feb. 8.		Read C. M. Petition, No. 120 of 1869, presented by Plaintiff's vakil, Panchanandier, stating that, regarding the first issue framed in the suit, a copy of it was obtained and perused, when it was found stated therein "that the Plaintiff asserts that the minor, Runga Kristna Moottooveera Pachia Naiker, referred to in the plaint, is the half-brother of the Plaintiff's husband, while the Defendants deny it;" and praying that, as this was inconsistent with the proceedings, and was even opposed to what both parties' vakils had stated at the hearing, the Court might, under section 141 of the Civil Code, alter the said issue, by stating that the Plaintiff denies the fact of the minor, Runga Kristna Moottoo Veera Puchia Naicker, being the proper half younger brother of the Plaintiff's husband." Order.—The correction has been made as requested.
Feb. 11th	V.	Filed the following (document) produced in Court by the Defendant's vakil, John Arivanandam Pillay, together with a list of the documents, Proceedings of Government, No. 379, under date 6th September 1864. Do. of the Court of Wards, No. 7,398, dated 12th November 1864. Do. do., No. 6,993, 28th September 1866. Letter of 13th May 1861 from the Collector of Madura to the Collector of Trichinopoly. Do., No. 194, sent to Government by the Collector of Trichinopoly on 17th September 1866.

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RECORD.

In the Civil Court of Trichinopoly.

No. 58. Separate Diary of the Civil Court's Proceedings, from 14th Sept. 1868 to 29th Nov. 1869—*continued.*

1869. Jan. 17th		Read C. M. P., No. 150 of 1869, put in by the Plaintiff's vakil, Panchanandar, praying for extract (order giving permission) to obtain copies of documents in the Collector's Cutcherry of Madura, and which support the Plaintiff's claim. Ordered that the petitioner also do present her documents within the time allowed to the Defendant for producing a list of witnesses.
Jan. 17th		Read C. P., No. 151 of 1869, presented by Plaintiff's vakil, Punchanandier, stating that, on his presenting a petition in the Collector's office, praying to have copies of the five documents in support of Plaintiff's claim, and which were there, it was returned with an endorsement that the said documents would be filed by the Government vakil himself in Court, and that the Court might then peruse them; and praying, therefore, that they might be sent for from the Government vakil, and copies granted to him (Plaintiff's vakil). Order.—The Court is of opinion that the petitioner is entitled to have copies of the documents she alludes to. Returned to the Plaintiff's vakil the petition bearing the Collector's endorsement, presented along with the said petition.
March 7th		Filed the list of 79 witnesses, submitted by Defendant's vakil, John Arivanandam Pillay, and ordered that summons be issued.
March 10th		Filed the following documents, produced by Plaintiff's vakil, Punchanandier, together with a list of documents :—
	F	Copy of the registry of the takeed (order) issued to the former Zemindar of Marungapury by the Collector of Madura on 4th December 1851.
	G	Copy of the arzi presented to the Collector of Madura by Moottoo Veera Puchia Naiker, Zemindar of Marungapury, on 24th April 1854.
	H	Copy of the arzee to the said Collector from Teroomalai Puchia Naicker, on 25th April 1854.
	I	Copy of arzee to the said Collector from the said Teroomalai Puchia Naiker on 26th idem.
	J	Copy of the arzi to the said Collector from the Tahsildar of Ramagery on the said date.
May 12th		Filed the following documents, presented by Defendant's vakil, John Arivanandum Pillay, with a list.
	VI.	Order sent from the Collector of Madura to the Zemindar of Marungapury on 30th June 1849.
	VII.	Arzi from the Zemindar of Marungapury to the said Collector on 18th July 1849.
	VIII.	Order sent from the said Collector to the said Zemindar on 3rd September 1849.
	IX.	Arzi, dated 22nd October 1849, from the said Zemindar to the said Collector.
	X.	Letter of 29th April 1854 from Mr. T. Clarke, Sub-Collector of Madura, to Mr. R. D. Parker, Collector.
	XI.	Letter of 27th May 1854 from the said Mr. Clarke to the said Mr. R. D. Parker.
	XII.	The Proceedings, No. 800, of the Revenue Board, dated 27th June 1854, together with the order of Government thereon.
	XIII.	Arzi, dated 18th May 1854 from the Tahsildar of Ramagerry to the Collector of Madura.
	XIV.	Perist (list) sent with the said arzi by the said Tahsildar on the same date.

RECORD.

In the Civil Court of Trichinopoly.

No. 58.
Separate Diary of the Civil Court's Proceedings, from 14th Sept. 1868 to 29th Nov. 1869—*continued.*

1869.	XV.	Deposition of Teroomalai Puchia Naicker, given before the Tahsildar of Ramageery on 15th May 1854.
	XVI.	Deposition of another Teroomalai Puchia Naiker, given on the same date, before the same officer.
	XVII.	Deposition of Karavara Veerapilly, given on the same date, before the said Tahsildar.
	XVIII.	Deposition given on the same date, before the said Tahsildar, by the Munsiff and the headman, &c. of Karapatti.
	XIX.	Deposition given on 17th idem by Marungapury Munsiff and others.
	XX.	The genealogical tree of the Zemindar of Marungapury, prepared on the same date.
	XXI.	Order sent on 15th August 1854 by the Sub-Collector of Madura to Teroomalai Puchia Naiker, Zemindar of Marungapury.
	XXII.	Order sent on the same date by the said Sub-Collector to the Muzumdar of Ramghery Taluq.
	XXIII.	Arzi of 3rd November 1862 from Teroomalai Puchia Naicker, Zemindar of Marungapury, to the Collector of Trichinopoly.
	XXIV.	Arzi, dated 17th July 1864, from Kristna Row, Second Class Sub-Magistrate of Mannaparai, to the Collector of the zillah.
	XXV.	Arzi, dated 1st October 1864, to the Collector of this zillah, from the Zemindar of Marungapury Runga Kristna Muttu Veera Puchia Naicker.
	XXVI.	Arzi, dated 12th October 1864, to the said Collector from the Tahsildar of Kulathalai.
	XXVII.	Arzi, dated 9th July 1865, to the said Collector from the manager, Terumalai Puchia Naicker.
	XXVIII.	Arzi, dated 2nd February 1866, to the Collector of this zillah from Kristna Row, Sub-Magistrate of the Second Class, of Mannaparai.
	XXIX.	Deposition given on the said date by Kamamami, the minor Zemindar's mother, before the said Kristna Row.
	XXX.	Deposition given on the same date before the said officer by the late Zemindar's putta (royal or senior) wife, Lakkamani.
	XXXI.	Copy of the letter of the 3rd April 1869 from the Collector of Madura to the Collector of Trichinopoly.
May 22nd		Filed the document presented by the Defendant's vakil, John Arivanandam Pillay, together with the list submitted.
	XXXII.	Copy of the petition in C. P., No. 87 of 1862, presented to the Civil Court of this zillah by Teroomalai Puchia Naicker, Zemindar of Marungapury, on 21st January 1862.
July 9th		The Plaintiff's vakil, Punchananda Iyer, requesting permission to have examined on his behalf, by means of a commission, Themayi Ammani, Chinna Ammani, Servantha (read) Chinna Ammani, and Peddammani, and, for the purpose, submitted four question papers. Ordered that they be given to the Government vakil to write out questions for cross-examination thereon.
July 15th		Read C. P., No. 636 of 1869, presented by the Plaintiff's vakil, Punchanandier, enclosing the Collector's endorsement and three other papers, praying that, as it was even then very difficult for him to obtain the documents stated in C. P., Number 971 of 1868, and C. P., No. 151 of the current year (1869), this Court might itself send for the said documents, and grant him copies. Ordered that the petitioner furnish the Government vakil with a list of the documents she might want, and that the said vakil has promised to produce, within a week, the documents in his possession.

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RECORD.

In the Civil Court of Trichinopoly.

No. 58.
Separate Diary of the Civil Court's Proceedings, from 14th Sept. 1868 to 29th Nov. 1869—*continued.*

1869.		
July 15th		Read C. Petition, No. 637 of 1869, presented by Plaintiff's vakil, Punchanandier, praying that an order might be issued requiring copies of the documents in support of the Plaintiff's claim, and which are in the Collector's office at Madura and in that at this zillah, and that an extract (copy) thereof might be granted him (vakil). Order.—As six months have elapsed since the issues were framed, it is not proper that any more delay should again occur.
July 24th		Read the Nazir's return of the summonses, stating that, of the eight witnesses mentioned in a summons dated 15th of the said month, with the exception of the fifth witness, who was not present, the summons was served on the remaining persons on 19th and 20th instant; that of the 14 witnesses mentioned in another summons, it was served on all, excepting the 10th, 12th, and 14th witnesses, who were not present on the 21st instant; and that of the three mentioned in another summons, all were served on the 21st instant.
July 26th		Read the Nazir's return of the process, stating that the summons dated 15th of the said month was served on the 19th on the five witnesses mentioned therein; that of the three witnesses specified in another summons, the first and third witnesses were served therewith on the 19th instant, the second witness having gone away with his family to Coimbatore; and that another summons could not be served on the Civil Court; that the one witness mentioned in another summons was served therewith on the 20th instant; that the one witness mentioned in another summons was served on the 19th instant; that of the four witnesses mentioned in another summons, excepting the fourth witness, who went away to another zillah, the remaining three were served on the 21st instant; that all the 16 witnesses specified in another summons were served on 23rd instant; that the one witness mentioned in another summons was served on the 20th instant; and that the summons of the 15th of the said month to 15 witnesses was served on 19th instant; that another summons to 13 witnesses on the 20th instant, another to nine witnesses on the 21st instant, and two others to five and two witnesses on the 22nd instant; that the witnesses named in another summons, viz., Komaran, Ambalakaran, and Vinayagam Pillay, having gone to Puducottah, no service could be made; and that the same was the case with another summons, the witnesses wherein mentioned are gone nobody knows where. In compliance with the request of Mr. J. D. Mayne, Plaintiff's vakil, the hearing of this suit is postponed to 16th October.
July 28th		Read C. P., No. 709 of 1869, praying that, as the Collector, Defendant in this suit, did five or six days ago put Runga Kristna Moottoovira Puchia Naicker, the minor Zemindar of Marungapury, in possession of the zemindary and other landed estates, on the ground that he had come of age, the Court may be pleased to include the said Runga Kristna Moottoovira Puchia Naicker as a supplemental Defendant in this suit, according to section 73 of the Civil Code. Order.—The same be approved, and notice served
July 30th		Read C. P., No. 710, put in by Plaintiff's vakil, Panchanandier, under sections 21, 161, and 175 of the Civil Code, reciting that, citing the second and third wives of the Plaintiff's husband, the Plaintiff's husband's sister, and the wife of the deceased father-in-law of the Plaintiff's husband, as wit-

RECORD.

In the Civil Court of Trichinopoly.

No. 58. Separate Diary of the Civil Court's Proceedings, from 14th Sept. 1868 to 29th Nov. 1869—*continued.*

1869.		nesses in support of Plaintiff's claim, he has already presented to the Court question papers, requesting it to have the said females examined by means of a commission, as they are females of the Zenanah, and belong to the family of a Zemindar of rank; and praying that, as it is now necessary to examine Plaintiff also about certain important matters, the Court may be pleased to receive question papers for that purpose as well, and issue a commission to examine them all.
		Ordered that the prayer be acceded to.
July 30th		Read C. P., No. 716 of 1869, presented by Plaintiff's vakil, stating that no proper orders were passed on the petition of the Plaintiff's vakil of the 12th instant, requesting for an order to obtain copies of documents in the Collector's office of Madura and of this zillah, and which would support Plaintiff's claim, and praying that, notwithstanding the above, as the date of hearing originally fixed has been changed, the Court itself may, under section 138 of the Civil Code, send for those documents and peruse them, and may also pass an order directing that copies thereof be granted to Plaintiff.
		Order.—They can be produced if proper interval exists.
Aug. 2nd		To examine the Plaintiff, her vakil, Panchanandier, has presented a paper of questions.
Aug. 4th		Filed the following documents, presented by John Arivanandam Pillay, vakil for the Defendant, the Collector.
		Letter addressed to Kristna Row, Second Class Sub-Magistrate of Manaparai, on 21st April 1866, by Lakkammani and others, royal wives of the late zemindary of Marungapury.
		Arzi, with a memorandum, addressed to the Acting Collector of this zillah on 27th May 1866 by the said Lakkammani and other females.
Aug. 6th		Filed the vakalatnamah presented by Vakil Srinivassa Row on behalf of Runga Kristna Moottooveera Puchia Naicker, the present Zemindar of Marungapury.
Aug. 6th		Read proceedings that John Arivanandam Pillay, Defendant's vakil, returns the four question papers given on the 9th of July to him, and one question paper given him on the 2nd August, stating that no cross questions have been written, as he finds it necessary to go in person and cross-examine.
Aug. 9th		Read the Nazir's return of the process, intimating the due service of the summons of the 6th instant on the witness named therein on the 8th.
Aug. 10th		Read the Nazir's return of the process, intimating the due service of the summons of the 2nd instant on the supplemental Defendant named therein on the 9th instant.
Aug. 10th		On behalf of the second Defendant, the Advocate-General, Mr. Norton, appeared.
Aug. 14th		Read the summons accompanying the letter of the Civil Court of Tanjore, dated 13th instant, intimating that the summons of the 28th July was served on the 6th instant on Tamboo Sawmi Pillay, witness therein named, and that, of Rs. 4. 3. sent along with the summons, what was given to the witness being deducted, the remaining annas 11 are returned in labels.
Aug. 16th		Read, letter dated 13th instant, enclosing the returns of the process made on 12th August by the Nazir of the Civil Court of Madura, to the effect that, of the five summonses dated 28th July, two were served on the 9th and 10th instant on the witnesses named therein; that another summons was served on the second and third witnesses, as also on the

RECORD.

In the Civil Court of Trichinopoly.

No. 58. Separate Diary of the Civil Court's Proceedings, from 14th Sept. 1868 to 29th Nov. 1869—*continued.*

1869.		first witness, as his house is situate in Lakkudipadi, and as Marungapury is near it, though he himself was at the time in Marungapury, which is attached to the zillah of Trichinopoly; that another summons was not served on the witness named therein, as the Plaintiff declared on the 10th instant that Ponnumpady, the place of abode of that witness, was in the zillah of Trichinopoly, and that he was not therefore wanted; that, regarding another summons, the peon stated that, through ignorance, he had served it on the second witness named therein, who was in Marungapury on the 10th instant; that the first witness could not be served, as he was not present in Pudur, and that the batta of rupees 1. 8., sent for his sake, was returned therewith.
Aug. 16th		The Plaintiff's vakil, Panchanandier, and John Arivanandam Pillay and Srinivassa Row, vakils for the supplemental second Defendant, Runga Kristna Moottoovira Puchia Naicker, the present Zemindar of Marungapury, presented a razee namah; and for the second Defendant the vakil John Arivanandam Pillay presented a vakalatnamah.
Aug. 16th		Read the return of the process made by the Nazir, Rajah Gopaulu Naiker, and the Gumastah Vencata Row, stating that when, in accordance with the process of the 7th instant, they were making attempts to go to Marungapury, and to get the witnesses examined in the presence of both parties' vakils, both parties entered into a compromise, and executed a razeenamah, and handed it over to the vakil to be filed in Court; and the Plaintiff's vakil, having declared that the witnesses need not be examined, they could not, as ordered by the process, be examined.
Aug. 16th		In compliance with the request of the Advocate-General, Mr. Norton, who appeared for the second Defendant, the hearing was postponed to 28th.
Aug. 29th		Ordered that the hearing of this suit be adjourned this day.
Aug. 31st		This day vakils on both sides appeared. The Advocate-General, who appeared for the second Defendant, the Zemindar, made known that he was not a vakil for the Zemindar, but appeared for the Collector on behalf of the Court of Wards.
		The hearing was immediately held.
Sept. 1st		Read deposition taken down from the Collector, Defendant in this suit.
Sept. 1st		It is decreed that the Plaintiff's suit be dismissed with costs, and that Plaintiff bear Defendant's costs.
Nov. 29th		Read C. P., No. 1,219 of 1869, presented along with a vakalat, and one document by the Plaintiff's vakil, P. Subbu Ayyer, requesting a review of the said suit, under section 376 of the Civil Code.
		It is ordered that, as the document filed is a copy of a copy, the Court sees it not fit to interfere.
		(Signed) R. Davidson, Civil Judge.

RECORD.

In the High Court of Judicature, Madras.

No. 59. Grounds of Appeal presented to the High Court, dated 3rd Dec. 1869.

IN THE HIGH COURT OF JUDICATURE, MADRAS.

No. 59.

In Regular Appeal, No. 129 of 1869.

Memorandum of Regular Appeal.

Before the Civil Court of Trichinopoly, O. S., 30 of 1868.

Before the High Court of Madras, R. A., 129 of 1869.

Lakkammani, widow of the late Therumalay Poochaya Naicker, Zemindar of Marungapury - } Plaintiff (Appellant);
Strimath Renga Kristna Moottoo Veera Poochaya Naicker, Zemindar of Marungapury - - } 2nd Defendant (Respondent).

Plaintiff appeals to the High Court of Madras against the decree of the Civil Court of Trichinopoly dated 1st September last, on the ground—

1. That the decision is contrary to law and against the weight of evidence.

2. That there was no sufficient evidence that the zemindary claimed was unsettled pollium.

3. That the Proceedings of Government of 17th September 1864 was not admissible as evidence of the fact.

4. That the Civil Judge ought to have accepted the razeenamah and passed a decree in conformity therewith.

3rd December 1869. (Signed) J. D. Mayne.

Memorandum.

The zemindary pays a revenue to Government :—			
Under permanent settlement is Rs. 20,576. 10. 10. × 10.	=	205,766	12 4
Pagoda villages and punna lands yield an annual income is 7,309. 9. 3. × 20. - - - - -	=	146,191	9 0
The value of jewels - - - - -		10,305	15 0
Ready money belonging to its pagodas - -		6,532	14 9
Proceeds from the manyam allotted to tanks - -		1,500	0 0
Value of a palace, but yields no rent - - -		700	0 0
Ready money in the hands of the Defendant from the Iyen villages - - - - - -		41,000	0 0
Total Rupees - - -		411,997	3 1

(Signed) J. D. M.

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RECORD.

In the High Court of Judicature, Madras.

No. 60. Petition of the Collector of Trichinopoly to the High Court praying to be made a party to the suit, dated 6th June 1870.

No. 60.

In Regular Appeal, No. 129 of 1869.

Memorandum of Civil Miscellaneous Petition, No. 159 of 1870.

In the matter of R. A., No. 129 of 1869.

To the High Court of Judicature at Madras.

The humble petition of the Collector, Trichinopoly, showeth as follows:—

1. It is contended on behalf of the Appellant in the above appeal that the zemindary, the subject of the suit, is not an unsettled one, and consequently that the Government had no right to interfere with the succession thereto on the death of the late Zemindar. The Government is interested in the decision of this question.

Your petitioner therefore prays that he may be made a party to the suit, and allowed to defend the above appeal on behalf of Government.

(Signed) J. W. Handley, Government Pleader.

Presented 6th June 1870.

RESPONDENT'S EXHIBITS.

No. 61. List of Documents to be filed on behalf of Respondent, the Poliagar of Marungapury, dated 9th ... 1870.

No. 61.

In Regular Appeal, No. 129 of 1869.

List of Documents to be filed on behalf of the Respondent, the Pollyagar of Marungapury, by the Honorable John Bruce Norton, Advocate-General, his counsel.

No. 1, 24th February 1812 - -	Mr. Peter's Report on Madura.
No. 2, 23rd February 1812 - -	Mr. Peter's Enclosure F. on the above.
No. 3, 7th September 1813 - -	Mr. Peter's Report on Madura.
No. 4, 7th September 1813 - -	Mr. Peter's Enclosure in the above.

These documents show that Marungapury was one of the six polliums of "Manapoora."

No. 5. Minutes of Consultation, 9th May 1856, No. 475.	Showing the transfer of Marungapoory to Trichinopoly district.
No. 6. Proceeding of Revenue Board, 14th January 1863. No. 210.	Showing that Marungapury is an unsettled pollium.
No. 7. From Collector of Madura to Revenue Board, 18th September 1820.	Showing Marungapoory in arrears Marungapoory attached.
No. 8. From Secretary to Government to Revenue Board, 14th November 1845.	Forwarding extract from despatch of Court of Directors, ordering restoration of Marungapury, paragraphs 14, 15, 16.

RECORD.

In the High Court of Judicature, Madras.

No. 61. List of Documents to be filed on behalf of Respondent, the Poligar of Marungapury, dated 9th June 1870—*continued.*

No. 9. 8th January 1846, Revenue Board's Proceeding to Collector. Forwarding above extracts to Collector of Madura.

No. 10. Government Order, 10th February 1851, No. 135. Treating Marungapoory as an unsettled pollium.

No. 11. Government Order, 10th July 1854, No. 2,425. Recognizing last proprietor, through whom Plaintiffs claim on the ground that the pollium is unsettled.

No. 12. Proceeding of Court of Wards, 6th September 1864, No. 5,800. Recognizing present 2nd Defendant on ground that there is no sunnud.

No. 13. Government Order, 17th September 1864, No. 1,710. Order on which the above was issued.

No. 14. Mr. Van Agnew's letter to Revenue Board, 17th September 1866. States that Marungapoory is unsettled.

(Signed) JOHN BRUCE NORTON, Advocate-General.

9th June 1870.

No. 62 (1).

No. 62 (1). Exhibit XXXIII. Extract from Proceedings of the Board of Revenue recommending that the eldest son of the late Zemindar be recognized as Polyagar, dated 26th June 1854.

In Regular Appeal, No. 129 of 1869.

Respondent's Document XXXIII.

No. 276.

Extract from the Proceedings of the Board of Revenue, dated 26th June 1854.

Read letter, dated 2nd June 1854, from the Collector of Madura, recommending that Teroomala Poochea Naick, the eldest son of the late Polygar of Marungapoory, in the Ramgherry talook, be recognized and invested as Polygar in the room of his deceased father.

H. E. No. 90.

Resolved, That the letter above recorded be submitted for the consideration and orders of the Right Honorable the Governor in Council.

2. No permanent sunnud, it is stated, has been issued for this pollium, the peishcush of which is Rupees 20,576. 10. 10. After being 27 years under circar management, it was restored to the late Polygar, under the instructions contained in paragraph 17 of the Honorable Court's despatch, dated 30th July 1845, and continued in his possession till his death, which took place on the 25th April 1854.

Communicated in E. M. C., 14th November 1845. In Con. 8th January 1846.

3. The present claimant to the estate is the eldest son of the late Polygar (by his 2nd wife). He is a young man of 26 years of age, and, it is presumed, is capable of conducting the management of the pollium. The Board would

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RECORD.

In the High Court of Judicature, Madras.

No. 62 (1). Exhibit XXXIII. Extract from Proceedings of the Board of Revenue recommending that the eldest son of the late Zemindar be recognized as Polyagar, dated 26th June 1854—*continued.*

therefore support the Collector's recommendation, that he may be recognized as proprietor of the estate, in succession to his late father, and be placed in charge of it.

26th June 1854. (Signed) B. CUNLIFFE, Sub-Secretary.

No. 2,452. No. 800.

Agreeably to the recommendation of the Collector of Madura, supported by the Board of Revenue, the Right Honorable the Governor in Council resolves to recognize Teroomala Poochea Naick, the eldest son of the late Mootooveera Poochea Naick, as the Poligar of Marungapoory, in succession to his deceased father, and to grant authority for his being placed in charge of the estate.

(Signed) T. PYCROFT, Secretary to Government.

Fort St. George,
10th July 1854.

To the Board of Revenue.

Received, entered, and returned. 14th July 1854.
(Signed) B. CUNLIFFE, Sub-Secretary.

No. 1,555.

Ordered to be communicated to the Collector of Madura, with reference to his letter dated 2nd June 1854.

(Signed) B. CUNLIFFE, Sub-Secretary.

27th July 1854.

No. 62 (2).

No. 62 (2). Letter from Sub-Collector to Collector of Madura, dated 29th April 1854.

In Regular Appeal, No. 129 of 1869.

No. 48.

From T. Clarke, Esquire, Sub-Collector, to R. D. Parker, Esquire, Collector of Madura.

Sir,

I have the honor to report the death, on the night of the 25th instant, of Muttooveera Poocheya Naick, late Zemindar of Maroongapoory, and that his son, Teroomalai Poocheya Naick, has been, by the deceased, recognized as his heir. On the receipt of a further communication from the Tahsildar, I will do myself the honor of submitting my opinion on the right of Teroomalai Poocheya Naick to the succession.

I have, &c.

Dindigul, 29th April 1854. (Signed) T. CLARKE, Sub-Collector.

(True copy.)
(Signed) R. D. PARKER, Collector.

RECORD.

In the High Court of Judicature, Madras.

No. 62 (3). Exhibit XXXIII.

Letter from Sub-Collector to Collector of Madura, dated 27th May 1854.

No. 62 (3).

In Regular Appeal, No. 129 of 1869.

No. 53.

Culputty, 27th May 1854.

From T. Clarke, Esquire, Sub-Collector, to R. D. Parker, Esquire, Collector of Madura.

Sir,

1. With reference to my letter of the 29th ultimo, reporting the demise of the late Poligar of Maroongapoory, I have the honor to forward the accompanying arzee, dated 18th instant, from the Tahsildar of Ramgherry, with six enclosures.

2. From these papers, and more particularly from the deposition of Teroomalay Poochaya Naick, a connection of the family, and from the genealogical tree furnished by the eldest son of the deceased, it will be seen that, out of the *six wives married to the deceased, two,—viz., the 5th and 6th, Appammani and Ponnammani,—alone survive. By the 2nd wife, Lackkammani, the late Polygar had one son, Teroomalai Poochya Naick, the heir to the estate, a young man of 26 years of age, who has married two wives, but has yet no family; and, 2nd, Sivata Sinnammany, the widow of the Nedoovayel Zemindar in Shevaganga, who is also without issue. By the 5th wife he has also had issue one son, named Runga Kristna Mootooveera Poocheya Naick, a little boy of three years of age.

3. It will also be seen that, with the exception of the children of the deceased Poligar, and Sevata Sinnammaney, a married but childless daughter of the younger brother of deceased's father, there are no descendants of the Fysel Zemindar, Teroomalai Poocheya Naick, now alive.

4. The deponent, Teroomalai Poocheya Naick, traces his connexion to the late Poligar through the Fysel Zemindar's grandfather, Veera Simma Poocheya Naick, who, he alleges, was the brother of his (Teroomalai Poocheya Naick's) great great great grandfather.

5. I would, in conclusion, beg leave to recommend that Teroomalai Poocheya Naick, the eldest son of the late Poligar, be recognized and invested as Poligar in room of his father.

I have the honor to be,
Sir,
Your most obedient servant,
(Signed) T. Clarke, Sub-Collector.

Culputty,
27th May 1854.

(True copy.)
(Signed) R. D. Parker, Collector.

*1. Akkamaney, dead.
2. Lukammaney, do.
3. Ovalumaney, do.
4. Appummaney, do.
5. Appummaney.
6. Ponnomaney.

129/225

RECORD.

In the High Court of Judicature, Madras.

No. 62 (4). Exhibit XXXIII.

Letter from Collector of Madura to Board of Revenue, dated 2nd June 1854.

No. 62 (4).

In Regular Appeal, No. 129 of 1869.

No. 90/54.

Madura Pereacolum, 2nd June 1854.

From R. D. Parker, Esquire, Collector of Madura, to B. Cunliffe, Esquire, Secretary to the Board of Revenue.

Fort St. George.

Sir,

1. I have the honor to transmit the accompanying copies of *letters from the Sub-Collector, and to support his recommendation that Teroomalai Poochia Naick, the eldest son of the late Poligar of Marungapoory, in the Ramagherry talook, be recognized and invested as Poligar in room of his father.

2. No permanent sunnud has been issued for the polliem, the peishcush of which is Rupees 20,576. 10. 10.

I have the honor to be,
Sir,
Your most obedient servant,
(Signed) R. D. Parker, Collector.

Madura Pereacolum,
2nd June 1854.

* 29th April 1854.
27th May „

No. 63.

No. 63. Exhibit XXXIV. Proceedings of Board of Revenue, submitting Report called for in Government Order of 25th Oct. 1861, dated 14th Jan. 1863.

In Regular Appeal, No. 129 of 1869.

Respondent's Exhibit XXXIV.

No. 210.

Proceedings of the Board of Revenue, dated 14th January 1863.

Read again the following letters :—

From J. D. Robinson, Esquire, Collector of North Arcot, to W. Hudleston, Esquire, Secretary to the Board of Revenue, dated Chittoor, 13 November 1861, No. 275.

Adverting to the proceedings of the Board, dated 30th October 1861, No. 5,953, in which I am desired to report without delay on the poliem tenures of this district, I beg respectfully to solicit the attention of the Board to my letter of the 13th September 1861, in which I have endeavoured to embody all the information to be found on my records relating to the six remaining estates of this class in North Arcot, and have recorded my own opinion on the subject. If, on reperusal of that letter, the Board find that there are any points on which fuller explanation is required, I shall lose no time, on receipt of their instructions, in supplying, to the best of my means, any such omissions or deficiencies.

RECORD.

In the High Court of Judicature, Madras.

No. 63. Exhibit XXXIV. Proceedings of Board of Revenue, submitting Report called for in Government Order of 25th Oct. 1861; dated 14th Jan. 1863—*continued.*

From H. A. Brett, Esquire, Collector of Salem, to W. Hudleston, Esquire, Secretary to the Board of Revenue, dated 28th March 1862, No. 72.

1. I have the honor to acknowledge the receipt of the Board's order, dated the 30th October 1861, No. 5,953, requesting me to submit a report on paragraph 2 of the Proceedings of the Madras Government, dated the 25th October 1861, No. 2,041.

2. In the proceedings above alluded to the Government refer to paragraph 8 of the Proceedings of the Inam Commissioner, dated the 26th July 1861, No. 356, in which Mr. Taylor suggests the propriety of placing the proprietors of these three ancient poliems in the Salem district in the same position as the proprietors of permanently settled estates by giving to each a deed of permanent property.

3. In reply, I beg to state that, in my opinion, no reason exists against the Government placing these ancient estates on the same footing as the permanent settled estates.

	Gross Beriz.	Peshkush.	Percentage.
Arkusageri	21,662	7,941	37
Bagalur	15,527	6,371	41
Sulagiri	15,918	5,630	35

4. With regard to the peishcush to be paid in future by the poligars, I would propose that the peishcush now paid by them should be continued. The amount paid as peishcush by each poligar, the entire beriz of each polliem, and the per-centage which the peishcush bears to the entire beriz, is specified in the margin. The present peishcush is, no doubt, a light one; but considering that it was fixed more than 60 years ago, and that the same amount has been continued to the present time, it is not, I think, advisable to increase the Government demand.

5. A full history of these poliems is given both in Mr. Cockburn's letter to the Board, dated the 14th August 1822, and in the Inam Commissioner's Proceedings above alluded to, paragraphs 4 to 7. I do not, therefore, repeat in this letter the information already given in those communications.

From V. H. Levinge, Esq., Collector of Madura, to W. Hudleston, Esq., Secretary to the Board of Revenue, dated Pambar, 30th June 1862, No. 134.

1. With reference to the Board's Proceedings, No. 5,953, dated the 30th October 1861, I have the honour to report on the unsettled polliems in the Madura District. The delay which has occurred in submitting this report was owing to the difficulty of getting any accurate statement from the different Polligars of their revenues.

2. The accompanying statement gives the names of the different poliems, the amount of the revenue of the estates at the fysel year, the amount of peishcush declared to be payable by each estate, and the portion left for the support, &c. of the respective poligars.

3. The settlement was made at the rate of 70 per cent. to Government, and 30 per cent. to the Poligar. The manner in which the estates were

121/725

RECORD.

In the High Court of Judicature, Madras.

No. 63. Exhibit XXXIV. Proceedings of Board of Revenue, submitting Report called for in Government Order of 25th Oct. 1861; dated 14th Jan. 1863—*continued.*

settled is fully given in the Board's Proceedings, No. 495, dated the 5th November 1849, to Government.

4. No great reliance can be placed on the accounts furnished to me by the poligars. If an accurate knowledge of their resources is required, it would be necessary to have their estates held under Government management for one or two years, but I do not think that is necessary in the case of all of them.

5. The poligars whose peshcush should not be raised are, in my opinion, Nos. 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18 in the statement No. 1.

6. Nos. 6 and 9 are very poor estates; and on consideration of their soil, &c., in the year * 1839, the peshkush of No. 6 was reduced by 2,779 Rupees, and No. 9 by 775 Rupees. Vide Proceedings noted in the margin.

* Min. Cons. 14th June 1839.

7. The estate No. 7 is now under Government management, and is at present the subject of a special † appeal on the part of Government to the Privy Council. No sunnud is therefore necessary in the case of that estate.

8. The remaining estates, from 10 to 18, are not possessed of much improvable waste; but, in consideration of the Government now granting the proprietors permanent sunnuds, I beg to recommend that the peshcush of the whole of the above-mentioned estates be increased by three per cent. on their cultivation for fusli 1269, the proceeds of that per-centage to be devoted to local funds for the improvements of roads in those estates. It is to be remembered that at the time of the settlement then made was * intended to be permanent.

* Sic.

9. No. 1 estate, Kunnivadi, the proprietor, is hopelessly involved in debt. After deducting his peshcush from his proceeds, the remainder pays the interest on his debts, leaving only a slight balance for the maintenance of the Zemindar and the party into whose hands the estate has fallen. Vide Proceedings of the Board, No. 2,669, dated 28th April 1862.

10. The estate is a very fine one, and contains a great quantity of waste lands in the plains and on the Lower Paluys. If a sanud is given to the Zemindar even for the present amount of his peishcush, the result would be, I believe, that the creditors would come down on the estate for the recovery of their claims, and the zemindary would be sold in different portions in the Civil Courts. Now the Zemindar is unable to raise more money, as the defect of his title is only now fully understood. If it is made good by the grant of a permanent deed, he will only launch into greater extravagance, and become further involved; but the mismanagement of his affairs by the Zemindar cannot be allowed to bar the Government from its just claims on the estate.

11. Although there is much waste in the zemindary, still much of that is owing to the unhealthiness of the zemindary, and to its being subject to be ravaged year after year by bad fevers, which either carry off the inhabitants, or leaves them debilitated for life. Such is the dread of the climate that the renters, whose object it is to increase the cultivation by every means in their

† Proc. of the Board, No. 6,395, dated 19th Nov. 1861.

power, find it almost impossible to get settlers from other places to take up lands in the zemindary.

12. The Zemindar in his lease * has admitted his revenue for the highest year was Rupees 67,000; and if on granting him a sunnud his peshcush is fixed with reference to the above, and if calculated at the old rate of 70 per cent. to Government, the increase to be demanded from him would be Rupees 8,760, which his estate could bear with ease, if his waste lands, which are cultivable, were brought under cultivation.

13. No. 2, Ammia Naikanar, is a very fine estate. The Poligar gives his highest revenue at 41,504 Rupees. Notwithstanding the great increase of cultivation and revenue since the fysal, there are still valuable waste lands in the zemindary which could be cultivated. The oppressive management of Mr. Fonde Clair, who rented the estate, has caused the depopulation of several of the Siroomalai Hill villages and the throwing out of cultivation of much land on those hills.

14. I think the new peshcush in this zemindary might be calculated on 41,504 Rupees. The Zemindar would still have the advantage to be derived from the cultivation of his waste lands, which would be taken up at once if he gave more favourable terms to his tenants.

15. If the above is approved of, the increase of peshcush to be demanded from the Poligar would be Rupees 15,082. 12. 9. per annum.

16. No. 3, Bodi Nakanar. This estate was setfled far below its present value. The zemindary is situated at the head of one of the principal rivers in the district, which receives throughout the year an unfailing supply of water, being effected by both monsoons. Across this river the Zemindar has, a few years ago, constructed a well built and effective anicut, and has thereby greatly extended his wet cultivation, at the same time cutting off the water from the Government villages below the anicut.

17. The Zemindar has given his highest revenue at 27,627 Rupees. As I distrusted his statement, I directed the Tahsildar to make inquiries, who informed me that the Zemindar's accounts could not be at all trusted. He ascertained that a sum of 8,483 Rupees had been left out by the Zemindar from his accounts, this being as Inams which the Zemindar had granted to all sorts of people, as he was of opinion that there was a further sum of 4,705 Rupees not brought to account. Adding these sums together, the result is that the Zemindar's revenue may be taken at 40,815 Rupees, which, I believe, is pretty correct. The Tahsildar founded his report and statement on an examination of all the village accounts of the zemindary, taken unawares, before the Curnoms or Zemindar had any opportunity of tampering with them.

18. The Zemindar should be called upon to agree to have his peshcush calculated on an income of 40,815 Rupees; or the Government should, I think, take the zemindary under management for one or two years till its resources were fully ascertained. If my above suggestion is carried out, the increase to the Bodi Naicknur Zemindar's peishcush would be Rupees 13,223. 8. 0. per annum.

* Vide Board's Proceedings, dated 28th April 1862, No. 2,669.

19. No. 4, Guntana Naikanur. This is a very extensive zemindary, and though the cultivation of the highest year * has exceeded that of the fysal † by 10,816 Rupees, still there are enormous tracts of waste jungle and hill country in the limits of the zemindary, which are very feverish and unhealthy, and are infested by wild animals. The statistics of this zemindary, taken from the fysal accounts and cultivation accounts of fusli 1269, are as follows:—

	Kanis.	Tax Rupees.
Ayacut, deducting maniems - -	86,232	
Deduct perumboke - - -	19,377	
	66,855	106,308
Waste - - - - -	51,166	74,691
Cultivation - - - -	15,689	31,677
Deduct—*Vide* column 11 in Statement No. 2 - -		3,292
		28,385
Hill rent and jungle produce, &c. - - -		1,595
Total - - - -		29,980

20. The Board will observe, first of all, the immense extent of land deducted as perumboke; much of this land is covered with magnificent timber, and would be valuable for coffee lands; and next, the large proportion of waste, amounting to 51,166 kanis, assessable at 74,691 Rupees. No doubt much of this waste is owing to poverty of soil and unhealthiness of the locality; but I believe it is also owing to want of capacity on the part of the Zemindar to manage his affairs. He is now at enmity with nearly the whole of his ryots; and he informs me, which is perfectly true, I believe, that he is owed by the ryots of three of his villages 22,000 Rupees, he not having been able to collect kist from them for three years.

21. There are no land registers in the zemindary or in the Collector's office relating to this estate. The consequence is, repeated disputes between the Zemindar and ryot, and several contradictory decrees of the Civil Courts regarding the levy of the tax. The Zemindar is perfectly willing to have the zemindary taken under management to have it properly surveyed, re-assessed; and I believe that would be the best thing for both Zemindar and ryots, and beg to recommend the same; but I do not think the whole zemindary should be restored to the Zemindar on a peshcush fixed on the ascertained cultivation of the next two years, for within that time it would not be possible to bring any reasonable quantity of the waste or perumboke under cultivation, and it

	Rupees.
*	29,980
†	19,164
	10,816

RECORD.

In the High Court of Judicature, Madras.

No. 63. Exhibit XXXIV. Proceedings of Board of Revenue, submitting Report called for in Government Order of 25th Oct. 1861; dated 14th Jan. 1863—*continued.*

would be a waste of the resources of Government to give over free of tax to the Zemindar such an extent of improvable country.

22. The greater portion of the waste lies in the Varasanad part of the zemindary. A reference to the map will at once show that part of the country and its enormous extent. It lies to the east of Shepal Perumal Hill, Peshemally, Bajahbode, and Palarmalay, north of the Travancore boundary to Pulunarayen Peak, west of Edunichmalay, Thopemalay, and Shalliumpully Pass, and south of Sheracombay.

23. The Zemindar derives no revenue to speak of from this tract of country. It is almost all uninhabited waste, though many years ago there were large villages in it and extensive cultivation. At present the land revenue derived from it is not more than about 1,000 Rupees, and the Hill rent of jungle produce, &c., amounts to about 1,500 Rupees, to collect which the Hill tribes are kept in the lowest state of barbarism and slavery.

24. The reason given for its present wild state is that the whole tract is frightfully feverish, and that it is infested by wild beasts. I do not believe it is more feverish than the Nattam country in the Madura Division, and think that, if there was the same encouragement given to the ryots as they receive in the Government taluks, the lands would be speedily brought under cultivation, and, as that progressed, the wild animals would retire or be destroyed.

25. I think the whole of that part of the zemindary should be cut off from the zemindary, and added to the Government lands, and that the Zemindar's peshcush should be fixed with reference to the remaining lands. At all events, I cannot recommend that the peshcush for the whole area of the zemindary as at present constituted should be fixed on the present highest cultivation, Rupees 29,980, and am of opinion that before anything is done, that the lands should be surveyed, classified, and re-assessed.

26. No. 8, Travarum, a small poliem. The revenue at fasal was Rupees 1,573; the revenue of the highest year is 8,205; and as there is still 5,096 kanis waste, assessable at 3,151 Rupees, the peshcush might be fixed with reference to the highest year, which would give an increase of Rupees 4,642. 8. 0. per annum.

27. In fixing the peshcush to be paid by all the Poligars, I beg to recommend that a per-centage be set aside for local fund for improving the roads in the different estates, otherwise I see no prospect of any such improvement being undertaken by any of the Zemindars, the whole expenses of which is now thrown on the Government.

28. A statistical account of all the Poligars is also sent for reference.

135/225

RECORD.

In the High Court of Judicature, Madras.

No. 63. Exhibit XXXIV. Proceedings of Board of Revenue, submitting Report called for in Government Order of 25th Oct. 1861; dated 14th Jan. 1863—*continued.*

Enclosure No. 1.

No. 1.—Statement showing the Names of the different Poliems, the Amount of the Revenue at Fysal Year, the Amount of Peshcush, and the Portion left for the Support of the respective Poligars, &c., in the District of Madura.

Number.	Names of Estates.	Beriz at the Fysal Year. Amount of Beriz.	Amount allowed to Poligars.	Amount fixed as Peshkash.	Average Beriz of 10 Fuslies, from 1259 to 1268 inclusive.	Amount of Beriz for Fusly 1269.	Remarks.
1.	2.	3.	4.	5.	6.	7.	8.
	Unsettled Polliems.	Rs.	Rs.	Rs.		Rs.	
1	Kannewadi - -	54,486	16,346	38,140	59,678	65,931§	
2	Ammila Naikanur - -	19,957	5,987	13,970	35,310	41,515	
3	Bodi Naikanur - -	21,925	6,578	15,347	32,463	40,815§	
4	Guntama Naikanur - -	19,164	5,759	13,405	21,405	29,980§	
5	Ayakudi - -	25,979	7,194	16,785	21,614	26,347§	
6	Edakottai - -	14,666	4,887	9,779*	9,010	10,120	* Reduced to 7,000. Vide the sanction of Government, dated 14th June 1839.
7	Enchalka Naikanur - -	2,936	874	2,062	7,478	10,776§	
8	Tavarum - -	1,573	472	1,101	6,678	8,205§	† Reduced to 1,500. Vide do. do.
9	Mamburai - -	3,221	966	2,255†	1,812	2,042	
10	Poolimgoolom - -	2,760	828	1,932	3,438	3,462	
11	Cottapa Naikanur - -	3,691	1,107	2,584	4,854	4,507	
12	Doddapa Naikanur - -	3,113	934	2,179	3,619	4,257	
13	Jodil Naikanur - -	1,529	459	1,070	1,534	1,432	
14	Kelakottai - -	629	189	440‡	1,332	1,633	‡ Raised to 480 Rs. Vide do., 10th February 1851.
15	Melakottai - -	1,343	403	940	1,576	1,703	
16	Nadookottai - -	1,155	346	809	1,320	1,678	
17	Wallagoondum - -	3,120	936	2,184	3,587	4,161	
18	Seroomlay - -	1,291	387	904	1,542	1,456	

N.B.—The amount of beriz for fusli 1269, entered in column 7 of this Statement, includes the amount of new maniems said to have been granted by the poligars, marked thus §, subsequent to settlement of Fysal, as entered in column 15 of the Statement No. 2.

(Signed) V. H. Levinge, Collector.

Madura District, Pambar,
30th June 1862.

RECORD.

In the High Court of Judicature, Madras.

No. 63. Exhibit XXXIV. Proceedings of Board of Revenue, submitting Report called for in Government Order of 25th Oct. 1861; dated 14th Jan. 1863—*continued.*

Enclosure No. 2.

No. 2.—Statement showing the Ayakut Beriz, &c. of the Unsettled Poliems of the District of Madura for Fasli 1269, as per Account submitted by the Poligars.

	Names of Estates.	Ayakut, excluding Manieu.	Deduct Terumboke.	Remaining.		Waste.		Remaining as per Ceded Cultivation Account in Fasli 1269.		Remission.	Remaining.	Extra or Sundry Sources.	Total.	Maniems now rently granted by Poligars.	Remaining.
				Land.	Teerva.	Land.	Teerva.	Land.	Teerva.						
1.	2.	3.	4.	5.	6.	7.	8.	9.		10.	11.	12.	13.	14.	15.	16.
		Kanis.	Kanis.	Kanis.	Rs.	Kanis.	Rs.	Kanis.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1	Kanniyadi -	84,594	21,789	62,805	126,321	35,039	54,216	27,766	72,105	11,851	60,254	5,697	65,951	252	65,699
2	Ammia Naikanur -	44,014	19,686	24,328	57,095	9,186	16,353	15,142	40,742	583	40,159	1,356	41,515	—	41,515
3	Bodi Naikanur -	46,949	1,407	45,542	76,742	28,592	36,547	17,150	40,195	162	40,033	782	40,815	4,281	36,534
4	Guntuma Naikanur -	86,232	19,377	66,855	106,363	51,166	74,691	15,689	31,677	3,292	28,385	1,536	29,930	1,376	28,604
5	Ayakudi -	18,901	2,245	16,656	36,434	4,239	7,419	12,437	29,015	2,400	26,615	1,732	28,347	2,388	25,959
6	Eddicottai -	22,733	2,837	19,896	28,815	14,099	17,325	5,797	11,450	2,589	8,901	1,219	10,120	—	10,120
7	Erachacka Naikanur	12,174	143	12,031	13,029	5,491	2,846	6,540	10,683	—	10,683	93	10,776	1,072	9,704
8	Tavarum -	9,737	175	9,562	11,335	5,096	3,151	4,466	8,184	—	8,184	21	8,205	59	8,146
9	Mambarrai -	5,387	761	4,626	6,204	3,111	3,479	1,515	2,725	689	2,036	6	2,042	—	2,042
10	Pulengolum -	1,949	334	1,615	3,547	34	92	3,581	3,455	—	3,455	7	3,462	—	3,462
11	Oottapa Naikanar -	12,922	3,210	7,712	12,053	5,205	7,394	4,507	4,659	236	4,423	84	4,507	—	4,507
12	Doddappa Naikanar -	14,265	3,503	5,762	9,042	3,486	4,808	4,276	4,284	—	4,284	23	4,307	—	4,257
13	Jothil Naikanar -	4,487	3,510	977	1,838	227	349	750	1,489	57	1,432	—	1,432	—	1,432
14	Kelakottai - -	1,102	96	1,006	2,379	404	745	602	1,628	—	1,628	5	1,633	—	1,633
15	Melakottai - -	1,122	225	897	2,027	139	355	738	1,672	—	1,672	31	1,703	—	1,703
16	Nadockottai - -	1,004	178	826	1,786	101	209	725	1,577	18	1,559	19	1,578	—	1,578
17	Velliagoondam -	2,113	467	1,646	4,737	302	734	344	4,003	—	4,003	158	4,161	—	4,161
18	Seroomalay - -	1,482	334	1,148	2,302	379	538	749	1,764	317	1,447	9	1,456	—	1,456

(Signed) V. H. Levinge, Collector.

Madura District, Pambar,
30th June 1832.

RECORD.

In the High Court of Judicature, Madras.

No. 63. Exhibit XXXIV. Proceedings of Board of Revenue, submitting Report called for in Government Order of 25th Oct. 1861; dated 14th Jan. 1863—*continued.*

Read also again letter from Collector of North Arcot, dated 13th September 1861, No. 228.

(In consultation 16th September 1861, No. 5,912.)

1. Ordered that the above papers be submitted to Government, with reference to paragraph 2 of their Order, dated 25th October 1861, No. 2,041, Revenue Department, calling for a report on the subject of the proposed issue of permanent sunuds to the holders of poliems throughout the country.

2. The point on which information is more particularly needed is as to the equity or expediency of requiring any additional payments in the way of peshcush from the Poligars, in consideration of the grant of such a sunnud; and for this purpose it is necessary to consider,—

1st. The origin and past history of these Poligars:

2nd. Their actual position as regards permanency of tenure, and the effect of the non-existence of a sunnud such as is granted to Zemindars under the permanent settlement.

3rd. The effect of the issue of such a sunnud to Poligars.

The subject is one of importance and magnitude, and will need to be treated at considerable length.

See 5th Report and Appendix.

3. The Poligars were originally military chieftains, bearing a strong affinity to the ancient Zemindars of the Northern Circars. Some of them had been originally leaders of bands of freebooters, who had usurped or been entrusted with the charge of the police of the country. Others derived their descent from the ancient Rajahs, or from officers of rank under the Hindoo Government, and had obtained inams either for the support of their rank, or as the reward of past services, to which was often attached the duty of maintaining a certain force to aid the Government when required. Others again were originally renters of districts, or revenue officers, who in times of public disturbances usurped possession of lands.

4. In the territories now included in the Madras Presidency they were found principally in the Ceded Districts, and in Mysore, in Chittoor, and Salem, in Madura and Tinnevelly.

5. Permanent settlements were effected with them in the Ceded Districts and Mysore, and in Tinnevelly. In the former these Poligars were confirmed or reinstated in the possession of their lands. They were freed from the obligation of military service to the State, and no longer permitted to maintain an armed force, or to exercise any independent authority. The peshcush was regulated either with reference to the resources of the lands as ascertained by survey and estimate, or without any survey, on an examination of the village accounts, and on such general data as were procurable, or, in rare instances, at the amount which had been customarily received. The settlement was made with the villagers

See from Major Monro, Collector of Ceded Districts, dated 20th March 1802.

Board to Government, dated 1st November 1802, paragraph 15

Government to Board, dated 19th February 1803, paragraph 10.

See Appendix 26th to 5th Report.

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No. 63. Exhibit XXXIV. Proceedings of Board of Revenue, submitting Report called for in Government Order of 25th Oct. 1861; dated 14th Jan. 1863—*continued.*

by Government,—the collection of the demand thus being fixed, being left to the Poligar, a part being assigned for his maintenance, and the rest being payable to Government. The Poligar's share was left as low as could be done with safety, without following any general rule, but he was promised 10 per cent. on all future increase of revenue. His share seems to have averaged one fifth of the revenue.

The Mysore poliems were in some instances formally settled in perpetuity, and in the remaining cases the Government demand seems to have been little changed from what it had been formerly.

In Tinnevelley the peshcush was permanently settled on the poliems at rates varying in the larger estates from 54 to 57 per cent. of their computed resources, and in the smaller ones at from 41 to 49 per cent. In seven cases in which the Poligars had temporarily surrendered their estates to the management of Government, the permanent peishcush was fixed at 60 per cent. of the ascertained gross resources; and in three cases, where estates forfeited for rebellion had been conferred on others as the reward of loyalty, the proportion was reduced to 30 per cent on the gross valuation of 1802.

See Appendix 27 to 5th Report.

6. The poliems of Ramanad and Shivagunga in Madura were at the same time settled permanently on a peshcush, in the former case equally two thirds of the average gross collections in the preceding five years, which resulted in an increase of 55 per cent. on the former peshcush, and in Shevagunga at an amount exceeding the former peshcush by 50 per cent.

7. All these settlements were made prior to 1802, and in each case the Poligar's demand on the ryots was limited to the rate of assessment then charged on the land.

Mr. Stratton's Reports, dated 14th December 1800, and 14th July 1801.
Special Commissioner's Reports, dated 12th August and 24th September 1801.

8. The estates known as the Western Polliems were at the same time settled in perpetuity at the former peshcush, with the addition of an equivalent for the military service, which was no longer to be required of them. The result was an increase of Star Pagodas 172,296 in the Government demand, while the proportion left to the Poligars was far larger than in other parts of the country.

9. The origin and position of these four estates, viz., Venkatagherry, Kalastri, Kavetnugger, and Sydapur, were different from those of polliems generally, and are explained in the Board's Proceedings, dated 26th August 1861, No. 4625, as a tenure under commissions direct from the Emperors of Delhi. They were rather of the class known as Munsubdars.

10. There remain then the unsettled polliems now existing in Madura, Chittoor, Salem, Tanjore, and Coimbatore, and the few scattered cases in other districts, to which the proposed settlement would apply; and the Board will proceed to furnish the detailed information regarding them which their records supply.

11. Madura.—The following extracts from the Board's letter to Government, dated 5th November 1849, No. 2356, afford this information for the first-named district, in addition to that given by Mr. Levinge in his letter recorded

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in these Proceedings. It must be premised that the now existing polliems are 18 in number as shown below:

1. Kunnivadi.
2. Ammianaickanur.
3. Bodinaikanur.
4. Guntamanaikanur.
5. Ayakudi.
6. Ediakottai.
7. Erachanaikanur.
8. Tavarum.
9. Mambarai.
10. Poliengolum.
11. Ootapanaikanur.
12. Doddappanaikanur.
13. Jothilnaikanur.
14. Killakottai.
15. Mélakottai.
16. Nadukottai.
17. Velliagoondum.
18. Seroomalay.

* * * * *

Paragraph 4. †The land assessment in Dindigul, of which Cunnewadi forms a part, was originally made by Mr. Hurdis in fuslis 1210, 1211, and 1212. The demand fixed by that officer upon the Polliem for fusli 1213, which has continued the same to the present time, was formed, not upon the average assets or actual collections of a series of preceding years according to the usual mode of determining the permanent assessment of zemindaries, but by the application of the recent survey rates to the extent of land actually under cultivation in the estate during the single fusli 1212. Of the product thus obtained, Rupees 54,485. 8. 9., 70 per cent. was taken for the Circar, and the remainder, 30 per cent., left as the proprietor's share, the peshcush thus standing at Rupees 38,139. 14. 2. After Mr. Hurdis' rates had been for some years in force, they were found to be too high, and were in consequence reduced thoughout the Ain lands of Dindigul according to a revised scale introduced by Mr. Principal Collector Peter in fusli 1227. Cunnevadi having been attached and taken under management for arrears about this time, the revision of the assessment upon the Circar lands was extended to the lands of that estate also; and from fusli 1227 to the year in which the zemindary was restored to the proprietor, or to fusli 1252, remissions to the extent of the difference between the new and old rates were granted annually to the ryots.

* * * * *

Paragraph 16. ‡The 26 poliems of Dindigul, with the district of that name, formed a part of the territory ceded to the East India Company by Tippoo Sultan, under date 1792. For some years after the acquisition of the province the revenue was realised by means of village leases; but in fuslies 1210, 1211, and 1212, the Collector, Mr. Hurdis, introduced a detailed survey and assessment, extending not only to the Ain lands, but to those of the 12 poliems which had fallen under Circar management, three having been forfeited for rebellion, three escheated to Government on failure of heirs, and the remaining six having been attached for arrears of revenue. During the progress of the undertaking, the lands usually under cultivation were rented out to the

† Extracts from the Board's letter to Government, dated 5th November 1849, No. 2,336.
‡ Board to Government, 3rd August 1815, paras. 4 to 9. Ex. Min. Cons. 23rd February 1816; in Cons. 4th March 1816.

inhabitants on a triennial lease at progressively increasing rates of rent, the rents for the third year being equal to the full values of the several villages as determined by the survey. These proceedings were

From Mr. Hurdis, 6th April 1803. In Cons. 25th June 1804.

preparatory to the introduction of the permanent settlement, and it was proposed by Mr. Hurdis that the Government lands, together with the 12 poliems under management, should be formed into 40 estates, to be held on zemindary tenure, and that the peshcush on each should be fixed at the average of the

To Government, 3rd Sept. 1804.

russud or triennial rent already mentioned. The Board, however, suggested for consideration whether the six polliems which had been attached for arrears of revenue, and which had been formed into eight estates, might not be restored to their former holders at rates of peshcush equivalent to two thirds of Mr. Hurdis' full survey valuation; and they recommended that the permanent jumma proposed by

Paragraph 42.

Mr. Hurdis for the remaining 32 estates, which seemed to be too high, should be so modified as to leave to the parties who might purchase those properties an average profit

In Cons. 1st Nov. 1804.

of about 16 per cent. upon their full survey value. These proposals were approved. The Government, in Extract from Minutes of Consultation, 24th October 1804, confirmed the settlement of the 40 estates in perpetuity in the manner above described. The six poliems were restored to the Poligars; the remaining 32 created estates, raised in number by subdivisions to 35, were sold by auction. Permanent sunuds were issued by Government for these polliems and estates under date the 17th August 1805.*

Paragraph 17. The experiment was not successful. Owing in a great measure to the excessive rates of assessment fixed upon the land by Mr. Hurdis, 29 out of the 35 created estates reverted to Government before the end of fusli 1216. Of the remaining six estates, and six permanently settled poliems, only four now remain with their proprietors; the rest have been either sold for arrears of public revenue, or surrendered to Government by their owners on condition of receiving a malikana or allowance.

Paragraph 18. The above remarks apply to that part of the Dindigul province in which the principle of the permanent assessment was carried out. Of the 26 poliems of Dindigul 14 (Cunnevade being one) remained after the cession of the country in the hands of the Poligars. These poliems were surveyed by Mr. Hurdis in fusli 1212; and the peshcush, which before seems to have fluctuated, was settled with the proprietors for fusli 1213 at 70 per cent. of the survey out-turn of the previous year. Similar arrangements were made

* *Note.*—But were not delivered to the zemindars. See from Madura, 31st May, in cons. 14th June 1838, p. 4. "It appears that 40 istimrar sunnuds with their corresponding cabooliats, were forwarded to Mr. Collector Parish, in 1805, for distribution to the mittahdars in Dindigul; but from the constant re-sales of them, and apparent necessity for resumption, the sunnuds were consigned to the records without a single one having been given, and before any of the blanks were filled up. There is not the slightest trace of an istimrar sunnud having been forwarded for any of the 10 lesser zemindaries of Madura. They have been given for the two large ones of Ramanad and Shevagunga alone."

Fuslis 1212–1213.

by Mr. Hurdis, and his successor, Mr. Parish, in respect to the 10 poliems of Madura, and six poliems of Manapara. The public demand upon these poliems has since remained unaltered.* At the time when it was imposed, it was probably intended to extend to these poliems the permanent settlement which had been made in the six poliems of Dindigul mentioned in paragraph 16, but the intention was abandoned. These poliems have consequently always been treated by the Government authorities as temporarily settled poliems, and are still borne under that designation in the accounts of the district.

Paragraph 19.—The Board will now proceed to cite some extracts from the correspondence upon their records, in illustration of the history of the Dindigul temporarily settled poliems, and of the light in which they have hitherto been viewed by the authorities both in India and England. * *

Paragraph 20.—In paragraph 264 of his report upon the permanent settlement of the Dindigul province, dated 6th April 1803, Mr. Hurdis states, "Having thus brought before your Board the settlement as made, and as offered for permanency, I beg leave to show the present year's jumma in Dindigul, including the poliems" (*i.e.*, the 14 then held by their proprietors), "which will be treated on in my next address, but which have not any reference to the zemindaries now settled. In laying this report before Government, the Board, in their letter of 3rd September 1804, paragraph 45, remarked that, "of the 26 poliems formerly comprised within the province of Dindigul, 14† remained in the possession of the Poligars, and as no permanent assessment has been proposed for them by Mr. Hurdis, it is our intention at an early period

Paragraph 8.

to require his successor, Mr. Parish, to report on the subject." In pursuance of this intention that officer was informed in their secretary's letter of the 9th November 1804 that "the Board, being desirous of completing the introduction of a permanent assessment of the land tax of the poliems of the southern districts, desired that he would proceed to consolidate the information obtained respecting the Manapara and Madura poliems, and the remaining 14 poliems of Dindigul, on which Mr. Hurdis has not reported, and submit for their consideration the jumma which he would propose being fixed on each, with the necessary statements of the information collected." This requisition does not seem to have been complied with. Mr. Parish in his report upon the

Paragraph 16.

settlement of Dindigul, for fusli 1213, simply stated that the peshcush of the Dindigul Poligars, amounting to star pagodas 37,237 31 56, having been adjusted by the late

* Except in one instance, Mambarary, the peshcush of which was reduce under orders of Government, 14th June 1839.

† Cunnewadi.
Ayagoody.
Mambari.
Yencalapooram.
Tavasamadai.
Ammanaikanoor.
Ammattarai.
Doddiencotta.
Vadagoorai.
Gantapanaicknoor.
Bodinaicknoor.
Tavaram.
Yerachanaicknoor.
Combay.

Collector, Mr. Hurdis, upon actual survey, in fusly 1212, has been collected accordingly, agreeably to the accompanying demand, collection and balance account.

Paragraph 21.—The next mention of these poliems to which it will be necessary to draw attention occurs in the proceedings of this office, under date 3rd August 1815, upon the settlement reports of Madura and Dindigul for faslies 1220, 1221, 1222, and 1223. In paragraph 73 the Board observe, "The Right Honorable the Governor in Council will have perceived, from the former part of this address, that although the Government demand has been fixed in perpetuity upon a part only of these lands, the amount of the settlement for each of the four fuslies under notice has been the same on all, viz.:

	S. P.	F.	C.
Settled temporarily,—			
10 poliems of Madura - -	7,968	31	74
14 do. of Dindigul - -	37,237	13	56
6 do. of Manapara - -	27,726	32	15
Settled in perpetuity,—			
Ramnads - - - -	94,733	0	0
Shevagunga - - -	75,000	0	0
6 poliems of Dindigul - -	16,327	30	11
6 estates of Dindigul	17,844	25	70

From the Collector's reports on the settlement of the revenues for faslies 1211, 1212, and 1213, it appears that previously to the latter year the survey commenced by Mr. Hurdis in the district of Dindigul was extended by that gentleman and Mr. Parish, his successor, to the 10 poliems of Madura, the 14 poliems of Dindigul, and the 6 poliems of Manapara, and that the same mode of assessment was followed with respect to these lands as with respect to those of the cirkar, except that in these poliems the rates of terva were, in some instances, rather lower than in the sirkar villages. It further appears that in lieu of the inadequate and irregular peshcush formerly collected from the Poligars of these districts, a settlement was then formed with them for fasli 1213, regulated by their survey, on the principle of taking the survey valuation of the collections from Nanjah, Punjah, and Swurnadayem, at 100 per cent., and of this granting 30 per cent. to the Poligar, the remaining 70 per cent. being the revenue payable to Government.

Paragraph 74. From Mr. Hurdis, 20th July; in Cons., 16th Aug. 1802. From Mr. Parish, 8th; in Cons., 25th June 1804.

On these grounds the settlement for 1213 was fixed as follows:—

Paragraph 75.

	S. P.	F.	C.
10 poliems of Madura - -	7,969	4	74
14 do. of Dindigul - -	37,237	31	56
6 do. of Manapara - -	27,726	35	15

and with the exception of a difference of a few fanams, for which we cannot

satisfactorily account, this has continued ever since to be the annual demand against these lands.

Paragraph 76. "At the period when this arrangement originally took place, it was fully intended to extend to these poliems the permanent settlement on the zemindary tenure, but whether in consequence of the Collector having neglected to submit the previous report necessary for this purpose, or in consequence of the discussions which subsequently arose respecting the inexpediency of extending that system, it does not appear that this intention has ever been carried into effect. The result has been, that although the demand on the poliems in question has since continued invariably the same, it has not been considered regular and legal on the occurrence of arrears to enforce the regulations of 1802. The public demand upon these lands not having been fixed in perpetuity, no one will buy the lands, because the assessment on them is liable to alteration at the option of the Government, and it would manifestly be unjust to hold the Poligars responsible in their property and persons for an assessment which on due investigation may be found greater than the resources of the country will justify."

Paragraph 77. "Until we receive the orders of Government in reply to this address, it is of our intention to desire the Collector on the occurrence of an arrear in any of those poliems to *assume the lands, and retain them under amany management, allowing the Polligars a malikana of 10 per cent. on the net collections, but as it appears desirable that some definitive arrangement should be adopted with regard to the future management of these lands, we request to be favoured with the orders of the Government respecting them."

*Sic.

Paragraph 78. "The Governor in Council may perhaps be disposed to extend the principles which were adopted in settling permanently the revenue of the poliem of Ranganoor to all other poliems of which the jumah is not yet fixed."

Paragraph 79. "Besides the poliems above mentioned, there are several others in Coimbatore, in Balaghaut, and in Nellore, in a similar predicament, and the decision of the Government on the particular case now submitted will therefore involve the general question respecting the whole of these lands."

To Collector, 11th September 1815, paragraph 9. Paragraph 22.—In communicating to the Collector the proceedings from which the above extract is taken, the Board direct that "on the occurrence of arrears in any of the poliems not settled in perpetuity you will strictly adhere to the orders laid down in paragraph 77 of the enclosed paper, which are hereby prescribed for your guidance. The orders of Government respecting the final settlement of these poliems will hereafter be communicated to you. In the meantime it will be proper that you should prepare statements showing the actual value of each poliem, exclusive and inclusive of all alienations whatever, whether granted with or without due authority, and a statement of the actual collections from each poliem since it came under the Company's

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government. It will be necessary also to show what has been at different periods the peshcush, and what is now the jummah assessed on each polliem." In a subsequent paragraph (17) of the same letter the Board observe, "Madoor and Pullapannai Naicknoor are the only poliems permanently settled, which are proposed to be taken under the Court of Wards; the others have not been settled in perpetuity. It may therefore be doubted, even in the event of no arrears being due, whether the Government will consent to place any of the poliems in question under the Court of Wards, *except the two settled in perpetuity.*

In Cons., 4th March 1816.

Paragraph 23.—In the extract from Minutes of Consultation, dated 23rd February 1816, in review of the proceedings of this office of the previous 3rd of August, the Government, after recapitulating what had been stated by the Board regarding the temporarily settled poliems of Madura, Dindigul, and Manapara, remark, "It has been considered, as it certainly is, illegal to attach and sell these poliems for arrears of revenue. The Board of Revenue, on the other hand, consider that it would also be unjust to hold the Poligars answerable in their persons and property for such arrears which are due to an over assessment of the lands. The Governor in Council concurs in the view of those poliems taken by the Board of Revenue, and authorises the Collector to take under amany such of them as may hereafter fall in arrear, and to allow a malikana of 10 per cent. to the ejected Poligars. The recommendation of the Board, that those poliems and others under similar circumstances in Coimbatore, Ballaghaut, and Nellore should be settled in perpetuity on the same terms recently granted in favour of the Poonganoor Poligar, will be submitted to the favourable consideration of the Honorable the Court of Directors."

Paragraph 19–20.

Paragraph 20.

In Cons., 1st April 1816, Nos. 2 & 3.

Paragraph 24.—In his report, under date 22nd March 1816, Mr. Peter states, "With regard to the temporarily settled poliems, I have the honour to forward statements showing the value of each exclusive and inclusive of all alienations. Of the 14 in Dindigul, the peshcush pagodas 37,237. 31. 56. was adjusted by Mr. Hurdis; since which, the above sum has been considered the istimirar, and the amount collected from each is demonstrated in statement No. 4."

Paragraph 12.

"Against Cunnewadi there appears a balance of 1,451. 41. 53. This sum, which has arisen partly for charges of sibbendy while under sequestration for arrears, the Zemindar has given an agreement to discharge in the course of fuslis 1226 and 1227; and when the havoc the fever has made is considered, and the consequent loss of so many cultivators, it cannot be deemed a large balance. I would therefore recommend that if, at the end of the present fasli there is no balance outstanding for this year that the time prayed may be allowed, and that the regular sunnud-i-milkiat istimirar be granted to him."

In the following paragraph (13) the Collector recommended that the same course in regard to the conferring of permanent sunnuds should be pursued in

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the case of several of the other unsettled poliems, against which there was none or but small balance.

Paragraph 25.—In their proceedings of the 11th April 1816, in reviewing the above letter, the Board observe, "The next balance of pagodas 4,057. 13. 36, outstanding against the 10 poliems of Madura, is due from five of them only; but for the greater part (pagodas 3,116. 6. 2) is outstanding against the polieм of Vallaputty alone, and the Poligar of this, as well as those of several of the other poliems in arrears, offers to liquidate their balances by instalments in the course of three or five years. The Board, however, are of opinion that great inconvenience might arise out of a departure from the general orders already laid down by the Government respecting all lands of this description. It is accordingly resolved to refer Mr. Peter to the 20th paragraph of the Minutes of Council, under date the 23rd February last, directing that he take and continue to retain under amany management such of the unsettled poliems as may fall in arrear, granting to the ejected Poligars a malikana of 10 per cent. on the net collections from the polieм, and that he be required to carry these orders into effect in all the Madura poliems against which balances remain unliquidated."

Paragraph 11.

"Of the balances, pagodas 43,355. 13. 21, outstanding in the polliems and estates of Dindigul, pagodas 9,592. 12. 41 are outstanding in the 14 unsettled poliems of that province, pagodas 12,078. 9. 65 in the six estates of Dindigul permanently assessed, and pagodas 21,684. 35. 75 in the six poliems of Dindigul, also settled in perpetuity."

Pafagraph 12.

"The balances outstanding in the 14 poliems of Dindigul are due from eight of them only, and for the realization of the amount, Mr. Peter proposes various temporary expedients, similar to those he has recommended for the liquidation of the arrears in the Madura poliems; but the Board, for the reasons given in paragraph 11, desire that he will carry into effect the orders already issued by the Government for the realization of arrears in the unsettled poliems, by applying to the poliems in Dindigul the instructions given in the former part of these proceedings respecting the arrears in the unsettled poliems of Madura."

Paragraph 13.

"The Collectors above mentioned,* as well as Mr. Peter, in assuming the management of any of the unsettled poliems, as directed in these proceedings, will be careful to explain to the ejected Poligars that it is merely a temporary arrangement in order to ascertain the real value of the poliems preliminary to the final settlement of them, on which subject the orders of the Company will be obtained, and hereafter communicated to them."

Paragraph 34.

In Cons., 11th January 1821.

* Nellore, Salem, and Coimbatore.

RECORD.

In the High Court of Judicature, Madras.

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Paragraph 26.—Under date 5th January 1821, the Government granted authority for writing off to profit and loss the arrears, rupees 231,806. 11. 1, which had accrued upon the Madura and Dindigul poliems, then surrendered or under attachment, viz., upon four of the permanently settled poliems of Dindigul, eight of the temporarily settled poliems of the same province, five of the temporarily settled poliems of Madura, and five of those under similar tenure in Manapara. They at the same time sanctioned the grant to the ejected Poligars of an allowance of 10 per cent. upon the average collections of the five fuslies 1225 to 1229 during such time as their lands might be retained in the possession of Government.* From some cause, however, which cannot now be explained, the malikana was from the first calculated upon the net annual proceeds of each estate, year by year, in place of the above five years' fixed average, and it still continues to be regulated in the same manner.

Paragraph 27.—It has been already seen that the proposal to settle in perpetuity the unsettled poliems of Madura, Dindigul, and other districts, upon the terms granted in favour of the Poonganoor Poligar, was to be referred for the consideration of the Honorable the Court of Directors. The reply of the Court to this reference was received in the year 1822; but before adverting to it it may be proper to show what was the nature of the arrangement concluded with the Poligar of Poonganoor, and recommended to be extended to other Poligars.

Paragraph 79. This is very clearly explained in a despatch from the Home Authorities under date 22nd May 1818, paragraphs 79, 80, 81, and 82.

"It appears from these proceedings that the poliem of Poonganoor was settled in 1802 agreeably to the recommendation of Lieutenant-Colonel Maure, in the same manner as the estates of the neighbouring Poligars in the ceded districts, that is to say, that the annual settlements of revenue were made directly with the inhabitants by the Collector's servants, that an allowance of one fifth or 20 per cent. upon the gross revenue was assigned to the Poligar for his maintenance and for the trouble and expense of making the collections with which he was entrusted during his good behaviour. This arrangement was continued down to 1815, and during the whole period the Poligar is represented by the successive Collectors, who had charge of the district, to have been distinguished by uniform good conduct, and to have evidenced on all occasions a submissive deference to the authority of the Company, unusual among the class of people to which he belonged."

Paragraph 80. "In 1812 a decennial settlement of the poliem was concluded by Mr. Ross with the inhabitants, at an annual jumma of star pagodas 27,019, and in April 1815, after a good deal of correspondence with the Collector respecting the resources of the estate and the revenue derived from it in preceding years, your Board of Revenue recommended its restoration to the Poligar upon the following ground:—The country was assumed to ascertain its value, not in consequence of any misconduct on the part of the Poligar. This value has been ascertained, and as the Poligar's

* Note.—This has been corrected so far as future further increase is concerned. See G. M. C., dated 6th February 1858, No. 158 R. D.

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conduct during the assumption of his country has been exemplary, the restoration of it to his entire control is a measure of strict justice only.

That the Board did not mean the expression "entire control" to be understood without qualification, is to be inferred from the subsequent paragraphs of their proceedings, in which they observe that, "as the circar villages of the Poliem have been rented to the inhabitants for ten years, and as they have received cowles from the Collector, the Zemindar will not be at liberty, during the continuance of the lease, to exact more than the rent defined in those cowles, or even to assume the waste land which had been made over to the inhabitants who have rented the villages." Without an express stipulation to this effect, the arrangement would have been stamped with bad faith and injustice. Although we are decidedly adverse to the general doctrine laid down in the memoir written by Mr. Hodgson in 1806, that the permanent settlement ought not only to be made with Zemindars, where Zemindars exist, but that Zemindars ought to be created where none are found, "we are by no means disposed to object to the restoration of the Poligar of Poonganoor to the management of his poliem."

Paragraph 81. The average of the Poligar's allowances during the period in which the poliem was under the management of the Company is stated to have been star pagodas 7,860 per annum, out of which he had to defray the charges of collection and of tank and pagoda repairs. That allowance has been increased during the term of the decennial lease to star pagodas 9,006 per annum, or about one third of the gross jumna, so that the net revenue of Government from the lands comprised within the poliem will be reduced to star pagodas 18,000 per annum. Had the Poligar's allowance been graduated upon the scale on which it is now fixed during the ten years in which the estate was under the Company's management, it would have yielded, according to the calculation of your Revenue Board, star pagodas 1,311 per annum less than was actually derived from it. Had the Poligar's allowances during the decennial lease continued the same as he had received during the preceding ten years, the net revenue of Government from the poliem would have exceeded, according to the same calculation, what it will yield under the increased sale by star pagodas 1,146 per annum.

The arrangement cannot, therefore, be considered as favourable to Government in a fiscal point of view; on the contrary, it appears to have been attended with some pecuniary sacrifice."

Paragraph 82. "In 1802, Lieutenant-Colonel Maure expressed an opinion that the Poligars ought not to receive more than a fifth of the net revenue, and if even less than that, the better. But Mr. Ross very justly observed with reference to this opinion that it was formed and recorded at a time when the ceded districts were in a very different state, both as to revenue and quiet, from that in which they are now happily placed, and there can be little doubt that it would be willingly altered, if the officer who gave it were to see the country in its present condition, and to be made acquainted with the uniform loyalty and good conduct of the Poonganoor Poligar.

"Under all the circumstances of the case, therefore, we are disposed to sanction the engagement which has been entered into with the Poligar for the annual jumma of star pagodas 18,000 during the decennial lease. We see no

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reason, however, for making an exception in favour of this poliem, from the general instructions, which have been conveyed to you prohibiting the permanent settlement of districts where that arrangement has not been already introduced. The settlement must therefore be considered as limited to the period of the decennial lease."

Paragraph 28.—With respect to the extension to other Poligars, whose estates had not been settled in perpetuity, of the arrangement sanctioned with the Poligar of Poonganoor, the Court in their general letter of 12th December 1821, after describing the circumstances of the Madura, Manapar, and Dindigul unsettled poliems, proceed to say, "It is necessary to remind you that we have refused our sanction to the proposition of making perpetual the arrangement with that Poligar,* and by our letter dated 22nd May 1818 have declared it limited to the period of the decennial lease. In the next place, the circumstances which chiefly induced us to approve of that arrangement for a limited period are wanting on the present occasion. In the case of the Poligar of Poonganoor the settlement had at first, according to the plan pursued by Sir Thomas Munro in the case of the Poligars of the ceded districts, been annually made with the inhabitants by the Collector and his servants, while the business of collecting was committed to the Poligar during his good behaviour, and one fifth of the revenue was allotted for his maintenance and the charge of collecting. After thirteen years' exemplary behaviour on the part of the Poligar, a settlement was concluded by the Collector with the inhabitants for ten years, and it was thought that under this agreement the district might be given up to the management of the Poligar. In this case you possessed a knowledge of the resources of the country, and of the good character of the Poligar. As you do not pretend that you are in possession of such advantages on the present occasion, it appears to us to be highly preferable to follow for a time the course which was found so successful in the case of the Poligar of Poonganoor from 1802 to 1815, namely, to form a settlement with the inhabitants through the Collector's agency, from year to year, and to leave the collection, during good behaviour, to the Poligar on such terms as may appear to you adapted to the circumstances of the case."

Paragraph 18. Paragraph 82.

Paragraph 29.—These instructions were not acted upon. The unsettled poliems of Dindigul and Madura, which had not been attached for arrears, continued to be held by the Poligars upon the rates of peshcush fixed by Messrs. Hurdis and Parish in fuslies 1212 and 1213. Those which had been attached remained† under sequestration, the Poligars receiving their malikana

* *i.e.* of Poonganoor.

† *Note.*—With some few exceptions Naidoocottah and Mailconda, attached in fusli 1225, were released respectively in 1827 and 1837 on payment of the arrears by their proprietors. To Collector, 6th Sept. 1827, also 20th May 1837.

Keelacottah was released in 1824, the balance upon it having been realized under circar management. To Collector, 28th Oct. 1824.

Goontamanaicknoor was given over to the mother of the minor proprietor in 1836, on condition that the peshcush should be punctually discharged, and the arrears should lie over for adjustment on the termination of the minority.

From Government, 7th August 1837.

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of 10 per cent. upon the net annual income of their estates, but without any share in their management. This state of things lasted till the year 1840. Before adverting to the changes which then took place, it may, however, be proper to show what was the final settlement made with the Ponganoor Poligar, that already explained having, as above stated, been by the express command of the Honorable Court limited to the term of the decennial lease.

Paragraph 30.—On the expiration of the decennial lease, the reductions upon the survey rates of assessments of one third for garden, and one fourth for wet and dry lands (corresponding in some degree to the mumasib cummee remissions of Dindigul), were introduced into Poonganoor in common with the rest of the ceded district, and for some years the Poligar was allowed by Government to remain in the management of his poliem, under the general control of the Collector, and in the enjoyment of 20 per cent. upon the net revenue of the estate calculated on the original survey rates, which was about equivalent to 25 per cent of that revenue, after deduction of the established remissions.

Government to Board, 14th June 1825; in Cons., 23rd June 1825. Statement B in letter from principal Collector of Cuddipah, 7th February 1821; in Cons., 14th February 1831.

This arrangement subsisted till 1831, when it was again recommended by the Governor to the Court of Directors that the poliem should be settled in perpetuity. The present value of the property, calculated at its average revenue for the seven years, fuslies 1234 to 1240 inclusive, with additions for the income derivable from shrotrien villages, and assessment on second crops, was estimated at rupees 76,000; and it was proposed that the peshcush should at first be rupees 51,000,* and should be increased by gradual instalments until in the 20th year it should rise to rupees 63,000,† which was thenceforth to constitute the fixed jumma. The Court, however, refused to sanction this settlement in perpetuity, and would only consent to grant the Poligar a cowle upon the terms above stated for 20 years, subject to reconsideration at the

* About 67 per cent. of the then value.—Board's Proceedings, 29th December 1831.

† About 83 per cent. of the same value, but it was supposed that the gradual enhancement of peshcush would be met by proportionate extension of cultivation.

General letter, 23rd October 1833, paragraphs 8 to 12.
Do. do., 20th March 1835, paragraphs 1 to 6.
From Government, 11th, in Cons., 24th July 1834.
Do., 17th, in Cons., 17th August 1835.

Note.—The 20 years' cowle here referred to expired in 1853, when the Government sanctioned its renewal for a further period of five years on the maximum peshcush of rupees 63,000. The five years expired in 1858, when the question of a permanent lease was again mooted, but pending receipt of the orders of the Home Government, another five years' lease was granted to the Poligars on the same terms. In 1860 Her Majesty's Government,* in consideration of the Poligar's loyalty and that of his ancestors, combined with his good administration of the poliem, and considerate treatment of the people, authorised the grant of a permanent title to him, in the form and on the conditions of the perpetual lease proposed by the Board in 1858, and subject to an annual peshkush of Rs. 63,000 a year. Under the final orders of Government, conveyed in their Proceedings, 30th October 1860, No. 1,994, a permanent sunnud was accordingly granted to the Poligar.

* See despatch from Home Government, 20th February, No. 14 in Government Proceedings, 4th April 1860, No. 526.

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termination of that period. Under this cowle the Poonganoor poliem is still held. It should be observed that the average revenue for the seven fuslis 1234 to 1240, in reference to which the arrangement was made, was taken at the reduced rates of assessment, and that the Poligar was specially prohibited, as indeed he had previously been, from collecting higher rates from his ryots without the permission of Government.

Paragraph 31.—In the year 1840 the Cunnewadi Poligar tendered payment of the arrears due upon his poliem, and demanded its restoration.

From Madura, 30th Sept.; in Cons., 5th Nov. 1840.
Do., 25th Nov.; in Cons., 10th December 1840.
Board to Government, 17th Dec. 1840.
Ex. Min. Cons., 21st Jan.; in Cons., 4th Feb. 1841.

Ex. Mins. Cons., 5th in Cons., 11th Feb. 1821.

This officer drew attention to the condition of the attached poliems of Madura and Dindigul, and it was considered that as the allowance granted to the Poligars in 1821 was conferred upon them *during such time as their lands remained in the possession of Government*, and as these parties had not resigned their estates by any formal documents, such applications as those made by the Cunnewadi Poligar could not be refused. To obviate similar demands on the part of other Poligars, it was, however, determined to call upon all those whose poliems were then under attachment either to pay their arrears, or to surrender their estates on condition of continuing to receive the malikana which they had hitherto enjoyed. In those cases where neither of these alternatives was accepted the poliems were to be sold by public auction for the balances outstanding against them. On this arrangement being carried out the Poligars of 9 out of the 17 poliems then under zuft gave up their estates. Two* poliems were redeemed on payment of balances due upon them; one† was sold for arrears; one‡ was restored to the proprietor by order of the Court of Directors, with remission of all previous arrears, but at the same peshcush. In the remaining four§ poliems a claim to a reduction of peshkush has been preferred, and the question is still under consideration."

General Letter, Court of Directors, 12th November 1845, paragraph 4.
From Government, 13th Feb.; in Cons., 6th April 1846.

So far the Board's letter of 1849.

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* 1, Cunniwadi; 2, Woodipanignor.
† Tonganullay.
‡ Marungapury.
§ *Note.*—The four poliems here referred to were those of Valliaputti, Veeramalay, Vedagherry, and Comaravadi.
The first was made the subject of a special report to the Honorable Court (vide G. O., 6th December 1850).
This Government recommended that it should not be restored to the Poligar, as the estate had been 34 years under Government management, and it would be wanting in consideration to make the people over to a man who had been a pensioner for more than a third of a century, and who had neither capital nor revenue experience.
Under instructions from home, Government ordered the incorporation of Valliapatti with the Ayen lands, and observing that the principles on which the resumption of this poliem had been recommended applied equally to the other poliems, ordered them also to be finally incorporated (vide G. O., 14th January 1843, No. 54).

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12. Mr. Levinge, it will be observed, in his present letter proposes that no material increase should be made in the demand against 12 out of the 17 existing unsettled poliems for reasons stated; but observing that the existing settlement was originally intended to be permanent, he recommends that, in consideration of Government now carrying out that intention, three per cent. on the assessment on the cultivation of fusli 1269 be added to the peshkush, and the proceeds of this per-centage be formed into local funds for the improvement of the roads in the several estates.

13. On the remaining estates he proposes a very considerable addition to the Government demand as shown below:

	Present Peshcush.	Proposed Peshcush.	Increase per Cent.
	Rs.	Rs.	Rs.
Kunnivadi - - - - -	38,140	46,900	23
Amanaickanur - - - -	13,970	29,052	108
Bodinaickanur - - - -	15,347	28,570	86
Guntamanaikanur - - - -	13,415	Not determined.	—
Tevarum - - - - -	1,101	5,743	421

14. The reasons in each case for his proposals, which are based on the proportion of 70 per cent. of the present revenue for Government, and 30 for the Poligar, are that the estate is now far more valuable than it was when the former settlement was made, or that it contains large undeveloped resources, or both, and in the case of Guntamanaickanur he further proposes that a large extent of valuable waste jungle land should be resumed by Government. In all the cases he recommends that a per-centage on the peshcush be set aside to form a fund for local improvement. The Board reserve their expression of opinion for a later portion of these proceedings.

15. *Chittoor.*—The past history of the Chittoor poliems is well and clearly brought together from various records by Mr. J. D. Robinson in his letter of 13th September 1861, and in order to render the present proceedings as complete as possible the Board have extracted here the greater part of that letter.

From J. D. Robinson, Esq., Collector of North Arcot, dated Chittoor, 13th September 1861, No. 228.

Board's Proceedings, 16th Nov. 1815, paragraphs 81, 82, 83, and 84.

Paragraph 3.— * * * * "The Chittoor Poligars are originally descended from certain officers of the Hindoo Government of Telingana, who about the middle of the sixteenth century obtained various inam villages and fees in the districts situated in the neighbourhood of the poliems, on condition of maintaining a sort of military police in that part of the country, to the charge of which they were then appointed by one of the last princes of the Vidiangara dynasty, who towards the decline of their power about that period had transferred the seat of their Government from Bijanagar to Pennakonda,

and thence to Chandernaghery in the northern division of Arcot. Naturally of warlike and aspiring habits, these ambitious chieftains seized with avidity the many favourable opportunities for increasing their power and influence, which arose out of the imbecility of a declining Government, and the convulsed state of public affairs during the struggles which subsequently ensued between the last race of Hindoo princes and the Mahomedan invaders of the peninsula, and gradually usurping the rights of the Government they were bound to support, they at length threw off all disguise, and openly asserted their independence.

"It was not until the Mussulman Government had began to assume a settled form that they ventured to require these chieftains to acknowledge their authority, nor was it until after a long and desultory warfare of various success on both sides that they were at last awed into a doubtful obedience by the infliction of a cruel and ignominious death on two of the chiefs of their tribe. Reduced for the first time by this means, during the Government of Jaher Mahomed Khan,* they consented to the payment of an annual tribute, to the amount of 40,000 pullipat pagodas, which was reduced during the administration of Doast Allikhan to 19,085 pulliput pagodas; but availing themselves of the uncertain, confused, and divided authority which prevailed in the Carnatic during the wars in the peninsula to establish the succession to the Nabobship of the Carnatic, they afterwards discontinued the payment of this sum, and it was not until the Nabob Wallaja was firmly seated on the musnud that he succeeded in collecting this tribute, through his younger brother Abdul Wahob Khan, to whom it was granted as a part of his jaghire.

*"This person was the Foujdar, or Provincial Commander at Chittoor, under Sadalutta Khan, the Nabob of Arcot."

"On the cession of the Carnatic, and the assumption of the family jaghires, the collection of this peshkush devolved on the British Government. It was raised by Mr. Stratton, the Collector first appointed to this charge, from pagodas 16,828. 14. 50.† to pagodas 35,775 from the commencement of fusli 1211, and continued at this rate during the subsequent fusli 1212, but towards the conclusion of that year the Poligars began to fall heavily in arrear, and some of them evinced a conduct so extremely insubordinate and contumacious as to render necessary the contemplation of compulsory measures towards them. A force sufficient for the purpose could not be spared by the Government until the month of July 1804, when a body of troops was assembled in the poliems, and the Collector was vested with a discretionary power to take temporary possession of these lands, to such extent as circumstances might render necessary, at the same time allowing the Poligars such an allowance as might be requisite for their maintenance.

"The Collector's endeavours to bring the Poligars to a proper sense of their duty having entirely failed, recourse was had to the military force that had been assembled, upon which several of the Poligars broke out into open rebellion. A second attempt at pacific measures was made, by the appointment

†The tribute fixed by Dost Alli Khan at 19,085 pagodas was subsequently reduced to this amount by Abdul Wahob Khan mentioned in the preceding paragraph.

of a special commission to settle the affairs of the poliems; but this having likewise proved fruitless, active operations were again commenced, and towards the beginning of 1805 they terminated in the entire suppression of the rebellion. Three of the poliems, named Mogarol, Pootoor, and Pacab, were declared by the Government to be forfeited; one, viz. that of Gudipati, mentioned in paragraph 8 of these proceedings, remained as heretofore in the possession of its Poligar; and the remaining five, named Bangari Poliem, Naragunti, Poolicherla, Calloor, and Toomba, which had been temporarily assumed during the disturbances, were directed to be surveyed with a view of being eventually restored to their Poligars on the permanent zemindary system, an allowance of 18 per cent. on the beriz of fusli 1210 being in the meantime made to each of these tributaries."

Paragraph 4.—"The settlement of the affairs of these poliems is brought a stage further in the subjoined extract.

Proceedings of the Board of Revenue, 29th April 1819, paragraphs 2, 3, 4, and 5.

"The Board, in their proceedings of the 16th November 1815, from paragraphs 81 to 93 inclusive, explained very fully the origin of the Chittoor Poligars, and the various measures which have been adopted during the Nabob's government, and since the transfer of the Carnatic to the Company's authority, in regard to those tributaries, and they observed that as the Government stand in some degree pledged to restore certain of these poliems, it appears to the Board that to delay further a final decision on their claims might be construed into a breach of public faith. They accordingly required Mr. Grame to submit a full and distinct report on the precise nature of the pledge given to each Poligar, on the resources of each poliem, and on the manner in which he would recommend that each should be finally settled.

"Mr. Graeme's report of the 31st March 1818 furnishes the information required.

"The Chittoor poliems are ten in number, viz., Bimgaee, Tenuba, Narguntí, Calloor, Poohcherla, Goodipato, Mogarol, Poolloor Pakal, and Yardurconda. The four last-mentioned poliems have been declared permanently forfeited to Government, in consequence of the misconduct of their Poligars, one of whom, the Poligar of Yadurconda, suffered capital punishment. The poliem of Goodipati has, in consequence of the good conduct of its Poligar, always remained under his own management, but the five first-mentioned poliems were temporarily resumed, and, together with Goodapati, were intended to be conferred in permanency on the zemindary tenure upon their respective Poligars.

See Proclamation of November 1804, Appendix No. 2.

"Both the pledge given to the Poligars, and the terms on which the poiems are to be restored, are distinctly stated in the proclamation of Government, dated in November 1804; the four Poligars of Mogaral, Poolloor, Pakal, and Yadurconda are by the same proclamation declared to have permanently forfeited their poliems in consequence of their continued rebellion, and their not availing themselves in time of the terms held out by the proclamation. The

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basis on which the final settlement of the other poliems is to be made is that two fifths or 40 per cent. should be reserved for Government, and of the mailwaram or sircar share of the produce recoverable from the lands, three fifths or 60 per cent. thereof being retained by the Poligars, these being the same terms that were offered to the Poligars by the commissioners, Messrs. Webb, Hurdis, and Stratton, who were deputed in 1804 for the settlement of the affairs of the Chittoor poliems."

Paragraph 5.—The Board then proceed to review Mr. Graeme's proposition to assume the collections of fusli 1215 (the highest of 13 consecutive years) as the basis of final settlement, and to value the Rajabundee or Ameram and Chittera inams,* which he (Mr. Graeme) recommended should be declared resumable by the Poligars, the former at three-quarters, and the latter at two thirds of the survey assessment of the same fusli, thus fixing the peshkush of the six poliems at 11,663 star pagodas.

Paragraph 6.—"Looking, however, to the great variations in the collections during the series of 13 years, and to the fact that by taking, as Mr. Graeme proposed, the highest revenue ever realized in any one year the Government demand would be raised beyond the limitation fixed by the proclamation, and apparently an act of bad faith committed, the Board adopted as their basis the average of the collections from 1214 to 1226 inclusive, and recommended that a peshkush so commuted, and amounting to about 9,554¾ pagodas, should be fixed and become payable on the expiration of the general decennial lease, or from the close of fusli 1230.

Vide statement subjoined to paragraph 16 of Board's proceeding, 29th April 1819.

Paragraph 7.—"In their order, dated 30th October 1819, the Government sanctioned the arrangement proposed by the Board, with regard to the peshkush, but directed that the Collector should manage these estates on behalf of the Poligas until their debts should be liquidated, a suitable provision being made in the meantime for their maintenance.

* * * * *

Paragrap 9.—"As the question of the inams must necessarily be disposed of in any sunnud which may be conferred, it will be proper to explain how it was treated at the time

Paragraph 10.—"Mr. Graeme's recommendation to resume and assess the 'Rajabunda' and 'Chillara inams' (the former at three quarters, and the latter at two thirds of the survey valuation) was supported by the then Board, who suggested that a condition empowering the Poligars to assume these inams should be inserted in the sunnud.

Paragraph 11.—"Mr. Nisbet, as I have already observed, eventually submitted draft of a cowle, but purposely omitted the mention of these inams in it. On this draft, and some more recent correspondence in connexion with these inams, the Board make the following comments:—

* *Note.*—These inams were such as had been "granted by the former Poligars to their relatives, or to other persons for maintenance, service, or other purposes." See Board's proceedings, 1st August 1825.

† The relinquishment of the estates to the Poligars was ordered in Board's proceedings dated 1st August 1825, on the adjustment of the debts.

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Proceedings of the Board of Revenue, 3rd May 1827, paragraphs 3 to 5 inclusive, and paragraphs 14 and 15.

"The Board have next to consider the draft of a cowle proposed by Mr. Nisbet to be delivered to the restored Poligars. It is observed by Mr. Nisbet that he has purposely omitted to mention in the cowle the Rajabunda and Chillara inams.

"Mr. Graeme in his report dated 31st March 1818, recommended that these inams should be resumed and assessed, the former at three quarters of the survey rent of fusli 1215, the latter at two thirds. The Board supported this recommendation in their proceedings under date the 29th April 1819, and included the proposed assessment on the inams in their statement of the resources which would be available to the Poligars in the event of the poliems being restored to them. But the Government disapproved of the measure, observing that, if the resumption was allowed, it would be to little purpose, since the Poligars would need to pension their relations and dependents who then enjoyed the inams. At the same time they expressed their approbation of the manner in which the Board had estimated the produce of the poliems, including the proposed assessment on the inams, and fixed the peshkush payable to Government with reference thereto. It appears, however, that Mr. Cooke, the then Collector, misapprehended the intention of Government, and proceeding on his predecessor's (Mr. Graeme's) report, and the Board's recommendation thereon, actually resumed both the Rajabunda and Chellara inams in fusli 1232, and incorporated them with the circar lands of the poliems. Mr. Cooke himself reported this circumstance, and Mr. Nisbet again brought it particularly to the notice of the Board in his letters of the 30th and 31st May 1825, to which the Board replied that, such having been the case, there could be no doubt that the Poligars must have provided for the maintenance of such of their relations and dependents as remained alive or in their service; that it would then be a work of more difficulty than advantage for the Collector to restore the several portions of inams to the inamdars individually, and that it should therefore be left to the Poligars to assign for their future maintenance, either land or pay, as to them might appear most advisable. The Board on this occasion observed that the inams in question could never be viewed as alienations of the revenue of the estate, but as allowances out of the rents and profits of the Poligars themselves, made according to the custom of such personages in lieu of money stipends. On further consideration, and referring to the modern dates, and the present nature of the grants by which they were held, the Board adhere to this opinion; they think therefore that the peshkush of the Poligars was rightly fixed upon an estimate of produce of their poliems, including the inams in question, and for this reason they conceive that the Poligars ought not to be bound to continue the same identical inams to the same individuals, but generally to provide for their relatives according to the Hindoo law or usage. It is resolved, however, to solicit a communication of the sentiments of Government on a reconsideration of this point, before proceeding to revise the draft of cowle submitted by Mr. Nisbet.

"In the event of the resumption of these inams being approved, it appears by Mr. Nisbet's letter of the 31st May 1825 that it will be necessary to reassess them according to the original proposition of Mr. Graeme, the Rajabunda at three quarters, and the Chellara inam at two thirds of the

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survey valuation of fusli 1215, at which rates of assessment they were included in the valuation of the poliems upon which the peshkush was fixed, Mr. Cooke having assessed them on much more favourable terms, from a mistake as to the survey valuation, which he assumed to be the amount shown in the statement contained in paragraph 16 of the Board's proceedings under date the 29th April 1819.

* * * * * *

"The Chellara inams are included in these assessments, and they have also been resumed in the remaining parts of the poliems, which have been incorporated with the circar lands, which the Board entirely approve of, as there can be no doubt from the dependency of the inamdars that they must have adhered to the Poligars in their rebellion, and since the inams were in fact in lieu of money payments for personal services no longer required.

"Mr. Nisbet has proposed in favour of the Rajabunda inamdars that they shall be continued in the possession of their inams on the easy terms allowed by Mr. Cooke, that is, on payment of a quit rent of 40 per cent. on the reduced valuation shown in the statement contained in the 16th paragraph of the Board's proceedings of the 29th April 1819. The Board see no reason for this great distinction, as it must be supposed that the Rajabunda inamdars, from their close connexion with the Poligars, were to the full as deeply implicated in their rebellion as the others. Considering, however, the rank of these inamdars and the relationship of most of them to the Poligars, that they have hitherto derived their subsistence from the inams, and that the Poligars themselves have not the means of providing for them, as the restored Poligars may be expected and required to provide for their relations, it may be thought advisable to continue them in possession at a light assessment, those at least whose relationship to the Poligars is undoubted. With respect to the others, who appear to have obtained their inams from personal favour, the case is different, and it seems hardly necessary to provide for them. It appears that Mr. Graeme considered three quarters of the survey assessment of fusli 1215 as such as, were the lands resumed, they would actually provide. Taking this, therefore, as their actual value, the Board would propose that, instead of 60 per cent., as settled by Mr. Cooke, a remission of 40 per cent. be allowed to the inamdars who are related to the Poligars, 60 per cent. being reserved to Government."

Paragraph 12.—"In considering this among other points discussed in the proceedings from which I have just been giving transcripts the Government remark in extract from Minutes of Consultation, dated 4th September 1827, paragraph 3:—

"The Rajabunda and Chellara inams having been resumed by the Collector in fusli 1832, and the peshcush of the Poligars having been fixed upon an estimate of the produce of thoir poliems, including these inams, the Governor in Council does not consider it expedient now to disturb the arrangement further than to direct that the assessment on them be fixed in the manner originally proposed, namely, the Rajabunda at three quarters and the Chellera at two-thirds of the survey valuation of fusli 1215. The Poligars should be bound by the cowle* to provide for their relatives, according to the Hindoo law or usage."

* *Note.*—No further trace of any form of cowle can be found, although the Board, in paragraph 2 of their letter to the Collector, dated 18th Nov. 1827, express their intention of preparing one.

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Paragraph 13.—"The question of these inams is thus noticed for the last time in the following passage from Proceedings, Board of Revenue, dated 13th July 1829.

Paragraph 2. "The principal Collector observes that his attention is first directed to the preparation of a peshcush on the revenue of the Ein polliem lands, with the superaddition of a certain portion of the survey valuation of the Rajabunda and Chellara inam lands, supposed to have been assumed, and at present in the possession of the respective Poligars. The principal Collector is mistaken on this point. It was not meant to alter the peshkush of the poliems, which was fixed by Government under date the 30th October 1819; but it was meant to alter the assessment, which, it appeared, had been settled by Mr. Cooke on the Rajabunda and Chellera inams, at a lower rate than was contemplated by Government when the peshkush was fixed. It was intended to assess them in the manner originally proposed, namely, the Rajabunda at three-quarters and the Chellara at two thirds of the survey valuation, at which rates they were actually included in the estimate of the resources of the poliems upon which the peshkush was fixed. It was meant to abrogate the inam tenure, and to leave the lands at the disposal of the Poligars, subject to the rates of assessment above specified. It does not appear to the Board that Mr. Nisbet erred in his representation of what had been done by Mr. Cooke. In saying that the Rajabunda inams had been resumed he seems to have meant only that the inam free tenure had been abrogated and the lands subjected to assessment, and his representation respecting the rates of assessment imposed is confirmed by the report of Mr. Roberts. It does not appear that Mr. Nisbet supposed that the Government intended at all events to levy three quarters of the whole survey beriz of the Rajabunda and two thirds of the whole survey beriz of the Chellera inams, but that the lands should be assessed at those rates, to be paid or not, in the same manner as the assessment on other lands, according to the cultivation. This is plainly the intention of Government, and also that the assessment shall be levied by the Poligar himself. It appears from the report of Mr. Roberts that the persons who remain in possession of the Rajabunda inams on the terms offered to them by Mr. Cooke pay a jodu or quit-rent to the Poligars, besides the assessment of 40 per cent. of three quarters of the survey beriz settled by him. The Board are in doubt whether they pay the latter assessment directly to the Government or to the Poligar, he being allowed an equivalent remission on his peshkush. The principal Collector will be pleased to report what is the practice in this respect. Under the orders of Government it is optional with the Poligars to continue the Rajabunda inamdars in possession of the inams on the present terms or not, as they think fit, but as they are bound to provide for them they will probably be disposed to continue the arrangement as the most convenient mode of doing so. However, the principal Collector ought not to interfere between them. On the whole the Board do not consider it advisable to recommend any alteration of the orders already passed on this subject."

Paragraph 14.—The Sayer and Kaveli revenues were resumed by Government in fusli 1213, and Moturpha, which was included in the assets on which the peshkush was computed, was also resumed, under orders dated 30th July 1830,

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the peshkush of the six poliems being finally fixed at the amounts shown in the subjoined statement:—

Names of Poliems.	Decennial Settlement Beriz from Fusli 1221 to Fusli 1230.	Deduct Moturpha.	Remainder.	Add Three-quarters of the Survey Assessment of Rajabunda Inams.	Add Two-thirds of the Survey Assessment of Chellora Inams.	Total.	40 per Cent. of Column 7 or Peishkush.	Remarks.
1.	2.	3.	4.	5.	6.	7.	8.	9.
Bangari -	28,633 15 1	305 12 10	28,268 2 3	371 4 3	1,387 13 1	30,007 3 7	12,002 14 3	The amount in column 2 for Gudipati is the average beriz from Fusli 1217 to Fusli 1226.
Tumba -	4,429 8 0	78 12 0	4,341 12 0	21 5 11	78 0 0	4,441 1 11	1,776 7 1	
Narasanti -	15,860 9 0	110 12 0	15,089 13 0	398 10 9	401 10 4	15,490 2 1	6,596 0 10	
Kallur -	8,291 12 8	94 7 2	8,197 5 6	1,371 13 11	276 8 7	10,345 12 0	4,138 4 10	
Pulicherla -	12,073 3 2	122 4 6	11,950 14 8	1,489 6 11	481 13 11	13,922 3 6	5,568 14 3	
Gudipati -	5,804 1 6	56 6 7	5,747 10 11	1,686 14 5	—	7,434 9 4	2,973 13 4	

Present Peshcush:—

	Rs.	As.	P.
Bangari -	11,628	0	0
Kallur -	4,051	12	6

"The peshkush of the Bangari and Kallur poliems has since been reduced to the extent shown in the margin, on account of land taken up for public purposes."

Paragraph 15.—It now remains for me to notice the Kattubadi inams, the origin and nature of which are described in the following extract:—

"In the poliems there is also another class of persons occupying land, known by the name of kattuvadi peons, or, as the term imports, peons bound to service. These were anciently the inferior military police in all the countries, subject to the princes of Teligana. In time of peace the grama or village kattubadi were bound only to protect their own villages, and the poliem kattubadi, whose usual place of residence was in the Cusba town, close to the Poligar's house, formed the chief part of his retinue. In time of war the whole collected round the person of the Poligar, who was bound to lead them to the army of the prince, but so soon as the Government lost its power over the chiefs of these bands they entirely reversed the objects of their institution. From the protectors they were converted into the plunderers of the land, and the kuttubadi peons became the most active agents in the predatory incursions of the Poligars, and ultimately proved their most intrepid and staunch adherents during the rebellion in the poliems.

Board's proceedings, 16th Nov. 1815, paragraphs 90, 91, 92, and 93.

"In consideration of the service which they were bound to perform each of these peons originally enjoyed a certain extent of land, paying a very light and favourable quitrent. On the assumption of the poliems their payments were raised to one half of the full survey rent for grama kuttupadi and one third for the poliem kuttupadi; but Mr. Graeme explains that the survey over-valued their lands, and that the rates would be more accurately stated at one half and three quarters of the full rent.

"With the view of securing the tranquillity of the country and habituating this restless and daring class of men to the peaceful pursuits of agriculture these

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favourable terms have been continued, and a decennial settlement has been concluded with each of them individually where it could be done, and in other cases with the monargarus or head peons of the different bodies; but not to lessen the usual security of the revenue, the rheddies of mouzahs are jointly responsible for the rent so fixed. The total rent for these lands amounts to Pagodas 10,273. 18. 75. and the number of peons is 2,815.

"Mr. Graeme, though he does not recommend the measure, states that the rent on these lands might be raised to the full amount, on the conclusion of the decennial lease, by which an addition would be made to the revenue of Pagodas 4,000 per annum; but the Board prefer the arrangement proposed in the 56th paragraph of his letter, under date the 25th August 1812, namely, that the rent should be increased to its full standard, as the existing incumbents die off, for if the kattubadi peons were deprived of the particular inducements which they now possess to continue the cultivation of their lands, there is much reason to fear that they might relinquish the plough for the matchlock and the spear, and attempt at least again to renew their former depredations.

"Each kattubadi should in the meantime receive a sunnud from the Collector, as done in the poliem of Punganur."

Paragraph 16.—In paragraph 18 of their proceedings, dated 29th April 1819, the Board expressed it as their opinion that a clause should be inserted in the cowle to be granted to the Poligars, prohibiting them from resuming any of the kattubadi inams without the special sanction of the Collector in writing, to be granted on the sole condition of adding to the jama two fifths of the value thereof.

Paragraph 17.—"Speaking of these same inams, Mr. Graeme makes the following observations in paragraphs 17 and 18 of his letter dated 31st March 1818:—

"If we look to the specified revenues of fusli 1210, not including the rent of the kattubadi lands, the Poligar's share was left at only between 38 and 39 per cent.

"It is evident from the avowed principle of the settlement with the Zemindars of Bommaraz, Calastri, Vencatagheri, and Sydapur, which was to make a commutation for military service, and from the intention understood to conduct the settlement with the Chittoor Poligars on the same principle as that with the western zemindaries; from the discussions which appear in the proceedings of the Commissioners, and from the difficulty an application at first met with, which I submitted to the Right Honorable the Governor in Council, to be permitted to continue their lands to kattubadi peons, an objection founded upon the offence which such a measure might give to the Zemindars, with whom the conditions of their resumption had been insisted upon; these circumstances render it clear that it was considered that Government had a right to calculate upon the value of the kattubadi lands as an available revenue, and that so large a proportion as 60 per cent. to be relinquished to the Poligars was offered to them upon this consideration."

Paragraph 18.—'In his letter of the 10th July 1823, paragraph 34, Mr. Cooke thus cursorily notices the then position of these inams:—

"With respect to the kattubadi lands, these have been for the most part

continued. I say for the most part, as in some instances these, though ostensibly granted at favourable rates as constituting service lands, they have been so highly assessed that the parties have declined holding them, and some, where they have been abandoned by the original occupants, either by lapse or their own voluntary acts, have been assumed and added to the ain lands."

Paragraph 19.—On a report of the kattubadi inams, in the ain taluks, the Government decided that they should be continued to the present holders as personal life grants freed from the tenure of service. The inams of this description in the poliems are not specially considered in these proceedings, but being of the nature of service grants, they will, like those in Government limits, be enfranchised and adjusted under the rules of the inam commission."

Paragraph 20.—"The abkari rents of these poliems have always belonged to Government, and form portion of the general farm. Situated inland, these poliems have no salt revenue or sea-customs."

Paragraph 21.—"From the foregoing extracts it will be plain that the six poliems of Bangari, Nargunti, Pulicheva, Kallur, Tumba, and Kudipatti have been confirmed to their chiefs on a permanent peskush of two fifths of their assets, that the grant of a permanent cowle has always been contemplated, though not yet carried out, and the estates declared to be inalienable, otherwise than with the consent of Government."

So far Mr. Robinson's letter.

See also:—
From Board to Government, dated 20th March 1848, No. 659.
Board's Proceedings, dated April 1848, No. 400, R. D.
Board's Proceedings, dated 15th May 1848, No. 1,110.
Board to Government, dated 25th October 1849, No. 2,254.
Ex. Mins. Cons., dated 22nd Nov. 1849, No. 1,121, R. D.
Do. do. 5th Feb. 1850, No. 128, R. D.
Do. do. 7th Nov. 1857, No. 1,137, R. D.
See also:—
Board's Proceedings, dated 17th October 1822, No. paragraphs 14, 15.
From Government, dated 13th December 1822, No. 794, R. D., paragraph 2.
From Inam Commissioner to Government, dated 27th July 1861.
Government Proceedings, dated 25th October 1861, No. 2,041, R. D.

16. The circumstances of the Kangundy poliem, which was transferred from Salem to North Arcot, were brought recently under the consideration of Government by the Inam Commissioner, and are reviewed in their proceedings, dated 20th March 1861, No. 656, Revenue Department. The delivery of a permanent sunnud in this case was deferred solely by the refusal of the Poligar to accept the conditions inserted in it relative to the inams situated in the estate, and the Board have ascertained from the Collector that he is still not satisfied, and has not yet accepted the sunnud.

17. It may here be noted that the peshkush which in this case has been confirmed in perpetuity was that fixed by Colonel Read in 1800, and amounted to 60 per cent. of the assets at that time.

18. *Salem.*—The past history of the existing poliems in the Salem district is thus narrated in a letter from Mr. Cockburn, the then Collector, under date 14th August 1822, in reply to the circular of the Board communicating the proposals for instituting a law of entail in such estates.

From M. D. Cockburn, Esq., Collector of Salem, dated 14th August 1822.

Paragraph 2. The only ancient families of distinction in this Collectorate are those noted in the margin. To the three first the intentions of Government as contained in the papers transmitted to me have been communicated, and they have signified their assent in writing to the proposed measure. The jagheer of Laulalutcheram is in dispute; the vakils of both parties will not agree to any measure till it is finally settled to whom the estates belong."

Poligars of Bagalore, Aukoosagherry, Shoolagherry, and the heirs of Laulalutcheeram.

Paragraph 3.—"The ancestors of the Bagalore Poligar acquired the poliem of Oossoor 615 years ago, or in the year 1129 of Salivana. This they continued to possess till the year 1590 of Salivana, when it was taken from them by one of the Rajahs of Mysore, and Baugalore given instead of it, which they have enjoyed ever since, or for a period of 154 years."

Paragraph 4.—"The Aukoosagherry family acquired the poliem of Maustee 724 years ago, or in the year 1008 of Salivana, which they held for 301 years, at which time the poliems of Aukoosagherry and Shoolagherry were annexed to that of Maustee, and all three were possessed by this family for 269 years, when Maustee was taken from them. The other two remained in their possession for 88 years, when Shoolagherry was conferred by Hyder on a younger branch of the Maustee family, and the two poliems of Shoolagherry and Aukoosagherry have been held separately since that period, or for 72 years. Maustee was never restored, and is at present included in the Mysore territories."

Paragraph 5.—"The territorial possessions of the three Poligars are never divided between the heirs. The eldest son succeeds to the whole, with the obligation of maintaining the other members of the family, but the rate of maintenance is entirely at the will of the Poligar."

Paragraph 7.—"The jagheer of Laulalutcheeram was granted by the British Government in the year 1792. This family, I understand, is rich, but their affairs are in great confusion from the property being disputed, and no arrangement respecting the family can be made till these disputes are settled."

Letter dated 28th March 1862.

18. In his reply to the present reference on the subject of the proposed permanent settlement the late Collector, Mr. Brett, wrote as follows:—

"In my opinion no reason exists against the Government placing these ancient estates on the same footing as the permanently settled estates.

	Gross Beriz. Rs.	Peshcush. Rs.	Per-centage. Rs.
Aukusagiri	21,662	7,941	37
Bagalur -	15,572	6,371	41
Salagiri -	15,918	5,630	35

"With regard to the peishcush to be paid in future by the Poligars, I would propose that the peshcush now paid by them should be continued. The amount paid as peishcush by each Poligar, the entire beriz of each poliem, and the per-centage which the peishcush bears to the entire beriz are specified in the margin. The present peishcush is no doubt a very light one, but considering that it was fixed more than 60 years ago, and that the same amount has been continued to the present time, it is not, I think, advisable to increase Government demand."

19. *Tanjore.*—The Tanjore poliems are 13 in number, and of very ancient origin, dating, it is said, from the time of the Gentoo Rajahs, and long before the Mahratta dynasty. Their extent and peshcush are shown in Appendix No. 1.

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20. *Coimbatore.*—The circumstances of the Coimbatore poliems were brought before Government in the correspondence noted in the margin, relative to the recent resumption and abolition of the Moturpha tax. No special report has been called for on the present occasion on the history of these estates, and for the present purpose it may here suffice to state (as Government did not in their proceedings under reply require details regarding this district) that the existing settlement, which dates from 1808, was based on the proportion of 70 per cent. of the assets for Government, and 30 per cent. for the Poligars.

Board's proceedings dated 15th January 1862, No. 357.
Government proceedings, dated 5th February 1862, No. 408, R. D.

21. The Board believe that the foregoing include almost all the principal cases of unsettled poliems existing in this presidency, and that the remainder are few and isolated. The principle which may be adopted by Government in the cases detailed above will doubtless apply without material alteration to all existing cases.

22. The Board, before proceeding to consider the next branch of the subject, will place here in one view the proportion adopted in the former settlements for the Government demand and Poligars' share in the districts already referred to.

General Rule for the Zemindary Settlement in the Northern Circars.	To Government: Two Thirds of Net Assets = 60 per Cent. of the Gross.	To Zemindar or Poligar: One Third of the Net = 40 per Cent. of the Gross.
POLIEM SETTLEMENTS.		
Ceded districts permanently settled 1802.	80 per cent. of collections -	20 per cent. of collections and 10 per cent. of future increase.
Tinnevelly do., larger estates	54·57 per cent. of computed assets	46·43 per cent. of computed assets.
Smaller do. - - -	41·49 per cent. of do. - -	59·51 per cent. of do.
In seven cases - - -	60 per cent. of ascertained gross resources.	40 per cent. of ascertained gross resources.
Madura do., Ramnad - -	66 per cent. of average gross collections on average of six years.	34 per cent. of gross collections on average of six years.
Do., Dindigul, six poliems -	66 per cent. of survey valuation -	34 per cent. of survey valuation.
Not permanently settled, but unaltered since 1802.	70 per cent. of survey assessment on cultivation of fusli 1212.	30 per cent. of survey assets on cultivation of fusli 1212.
Chittoor poliems do., as per proclamation dated 1804.	40 per cent. of the Melwarum or Government share (calculated on the decennial settlement from fasli 1221 to fasli 1230).	60 per cent. of Melwarum.
Kungundy, permanently settled	60 per cent. of assets in 1800 -	40 per cent. of assets in 1800.
Punganur, permanently settled	83 per cent. of average revenue from fusli 1234 to fusli 1240 (sunnud granted 1860), supposed to be equal to 67 per cent. of value.	17 per cent. of average revenue at time of settlement, supposed to be equal to 33 per cent. of value.
Salem poliems, not permanently settled, and Western poliems, permanently settled.	Ancient peshcush confirmed without reference to assets.	Not calculated for the settlement.
Coimbatore poliems, not permanently settled.	70 per cent. of assets in 1808 -	30 per cent. of assets in 1808.

23. It will be observed that the demand, even when not limited by the issue of a permanent sunnud, has in every instance remained without enhance-

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ment for a period nowhere less than 50 years, and that generally the relative proportion of the shares of Government and of the Poligars in the revenue of the year in which the demand as now existing was fixed is at least as favourable to Government as was the permanent settlement in the zemindaries, while the claims of the Poligars to consideration are certainly stronger than those of any of the modern Zemindars or Moottahdars, and quite as strong as those of the ancient Zemindars.

24. It will also be observed that in some instances, although permanent sunnuds have not been issued, the Government have pledged themselves to accept the present rate of peshkush in perpetuity, and that where no such distinct pledge has been given, still in most cases the rate of peshkush is fully as high as could be demanded under a settlement designed to be permanent, while in but few instances is the present condition of the estates, such as would enable them to bear an increase without immediate prospect of ruin.

25. The existing position of the poliems prevents the sale of the lands under decrees of courts, or their alienations by the Poligar, while it leaves to Government the nomination of the successor on the occasion of a lapse by death.

The effect of the proposed issue of a sunnud in the ordinary form would be to leave the succession free to follow the ordinary course of inheritance under the Hindu law, with limitation to the individual claiming by right of *primogeniture* as ruled by the Court of Sudder Adalut in the case of ancient zemindaries, but at the same time the estate would become liable at law for the debts of the owner for the time being, and the lands might be permanently alienated by him in whole or in part from the original family. Thus it may be said that the one advantage to the Poligars would be that they would be relieved by the proposed arrangement from any anxiety on the score of the amount of peishcush to be demanded hereafter by Government, but considering how long the present amount has stood unchanged, it may reasonably be supposed that no great anxiety is felt on this point.

26. On consideration of the facts detailed in the foregoing paragraphs the Board have arrived at the following conclusions on the subject referred to them :—

1st. That in all the cases by the length of time during which Government have allowed the present state of things to continue they have in great measure precluded themselves in equity from now enhancing their demands.

2nd. That the original position of the Poligars was equal to that of any and superior to that of many of the zemindars and Poligars, with whom permanent settlements at the old rate of peshkush have been made, that their relation to the ryots was most intimate, and that these considerations, which afford ground for treating the Poligars with equal liberalty, have acquired additional strength from the lapse of time since they came under the authority of the British Government.

3rd. That in several cases the Government is distinctly pledged not to enhance its demand above the existing rate, the particular cases being those in which the peshkush is, with few exceptions, by far the lowest, in proportion to the estimated

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value at the time of the settlement, and the claims of the individuals perhaps the weakest if based on past loyal conduct.

4th. That in others the existing settlement was avowedly made with the intention of being permanent, and that in most of these cases the peishcush is at present as high in proportion to the actual value of the estates as it could now be fixed with any expectation of the arrangement being a permanent one, undeveloped resources, being no sufficient reason for enhancement in such cases, while in the few excepted cases the present improved condition of the estates is mainly due to the careful management of the proprietors, whom it would be in the highest degree impolitic to discourage by additional taxation in this course of life.

Madura poliems.

Coimbatore poliems.

Note.—The Board may quote as an instance the estate of Bodinaikanur, the particulars of which have been recently brought under the notice of Government by the Court of Wards in consequence of the recent death of the proprietor.

5th. That in the few remaining cases which are limited to Salem the claims of the families to the settlement in perpetuity of the Government demand at the existing rate of the strongest description, both as derived from their antiquity and long occupation of their present position, from their good and loyal conduct towards Government, from the expectations which have been held out to them in former years, and from the course which has been pursued towards others having far inferior claims.

Lastly, that although the grant of a sunnud of permanent settlement to the Poligars is politically and socially a highly desirable measure, it will be by no means one of unmixed advantage to the Poligars, but will bring with it liabilities and responsibilities from which they are at present exempt.

27. The Board would therefore recommend that all existing Poligars be confirmed in their tenures on the present terms as regards peishcush, and that sunnuds of permanent settlement be granted to all who are willing to accept them, and to execute a corresponding kabuliat, a limited time being fixed within which their decision must be made. The form of sunnud used in the zemindary settlements of 1802 may be used in the cases of the larger estates. In the petty poliems it would be unsuitable, and a more simple form should be used.

The Board anticipate from this measure, if adopted, results of value to the community and to the state.

28. The district of Nellore is the only one which it appears necessary to treat exceptionally, and regarding it the Board beg leave to refer Government to the letter addressed to them by Mr. W. Robinson, Inspector-General of Mofussil police.

The Poligars in this district were originally mere Kavildars, and still collect fees beyond the limits of their villages for duties belonging to the police of the country which they no longer perform. The demand assessed on their villages is believed to be high with reference to the income they derive from them, and it may be advisable to revise this demand in order to the resumption of their fees.

(True copies and extract.)

(Signed) W. HUDLESTON,
Secretary.

APPENDIX No. 1.

Statement showing the Statistics of the Unsettled Poliems in Madura, North Arcot, and Salem.

District.	No.	Estates. Names.	Area, excluding Manium.	Deduct Peishcush.	Remaining as per Cultivation Account in Fasli 1268. Land.	Remaining as per Cultivation Account in Fasli 1268. Tarrum.	Waste. Land.	Waste. Tarrum.	Average Rental of Ten Fasls, from 1329 to 1338, inclusive.	Rent at the Fysal Year. Amount fixed as Peishcush.	Rent at the Fysal Year. Amount allowed to Poligars.	Rent at the Fysal Year. Amount of Rental.	Total.	Extra or Sundry Sources.	Remitting.	Remission.	Remarks.
			Kanis.	Kanis.	Kanis.	Rs.	Kanis.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
Madura.	1	Kamivadi	99,894	21,780	62,805	125,621	85,689	54,516	59,678	38,149	10,546	54,489	85,351	5,607	60,954	11,851	The Collector states that the Zemindar in his lease admitted his revenue for the highest year to be Rs. 67,000, and that on granting him a sunnud, if his peishcush is fixed with reference to this amount, the increase to be calculated at the old rate of 70 per cent. to Government, the increase to be demanded from him will be 8,760 rupees, which his estate could bear with ease. If the waste lands therein within are cultivable were brought under cultivation.
	2	Ammandanur	44,014	19,686	24,328	67,095	9,188	10,533	35,310								The Collector thinks that the new peishcush on the present rental should be calculated, without any deduction to the proprietor, on Rs. 41,586, which he has stated to be the highest revenue. In that case the increase of perennie to be demanded from the Poligar would be Rs. 16,958.
	3	Bellagiranur	90,940	1,407	45,842	78,742	98,362	98,547	32,403							102	The Collector states that the estate was settled far below the jama to Bellur, which the jama to Bellur is fixed and if the peishcush is fixed with reference to this amount, the increase to be demanded would be Rs. 15,223. 8.
	4	Guttamanikanur	80,923	13,277	60,853	106,368	61,166	74,001	21,406		5,749	13,415		7,194	16,785	3,892	The Collector is of opinion that the waste lands in the estate, which are very extensive, should be separated from the Government lands, and that the peishcush should be fixed with reference to the remainder, after being improved and cultivated.
	5	Ayakudi	18,901	2,245	10,666	35,454	4,229	7,419	21,614							2,490	Mr. Trevinge thinks that the peishcush of the estate should not be raised.

(*Continued on next page.*)

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Statistics of Unsettled Poliems in Madura.

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Statistics of Unsettled Polliems in Madura—*continued.*

Appendix No. 1—*continued.*

District.	No.	Estates. Names.	Assessment, exclusive Manium.	Deduct Peishkush.	Remaining as per Collector's Account in Fasli 1236. Land.	Remaining as per Collector's Account in Fasli 1236. Trees.	Waste. Land.	Waste. Trees.	Remission.	Total.	Brim or Sundry Sources.	Average Rents of 1236 to 1238, Fasli from Cultivation. Amount of Rents.	Average Rents of 1236 to 1238, Fasli from Cultivation. Amount allowed to Holders.	Average Rents of 1236 to 1238, Fasli from Cultivation. Amount fixed as Peishkush.	Remarks.
			Rs.	Rs.	Kanis.	Rs.	Kanis.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
Madura.	6	Ellanotrai	Kanis. 23,738	Kanis. 2,887	Kanis. 19,896	Rs. 28,515	Kanis. 14,090	Rs. 17,325	Rs. 2,589	Rs. 10,139	Rs. 1,519	Rs. 8,061	Rs. 14,666	Rs. 4,887	The Collector reports that this estate is very poor, and its peshkush in the year 1839 was reduced to Rs. 7,000, under the sanction of Government, dated 14th June 1839.
	7	Erukkattankurur	12,174	143	12,031	13,019	5,401	2,946	—	10,776	93	10,683	5,866	574	This estate is under the management of Government, and is at present the subject of a special appeal on the part of the Government to the Privy Council.
	8	Tavarum	9,737	176	9,562	11,835	5,008	3,151	—	8,305	21	8,284	1,573	472	This is a small poliem, and its revenue of the highest year was Rs. 8,366. As there are still 6,000 kuzhis of seed land which would yield Rs. 8,151, the Collector thinks that the peshkush may be fixed with reference to the revenue of the highest year, which will give an increase of Rs. 4,648 per annum.
	9	Mamberal	5,887	781	4,626	6,954	3,111	3,479	68	2,725	6	2,049	8,221	966	2,255	1,512	This estate is very poor, and its peshkush was reduced in the year 1839 to Rs. 1,500.
	10	Poolengolam	1,949	324	1,515	3,547	34	92	—	3,455	7	3,462	2,760	826	1,932	3,458	The estates from 10 to 18 do not possess improvable waste lands; but in consideration of the Government now granting the proprietors permanent summuds, the Collector begs to recommend that the peshkush of the aforesaid estates be increased by one-fourth on their cultivation for fasli 1249, and that the proceeds of that per-centage be devoted to local funds for the improvement of roads, &c. in those estates.
	11	Ottapparaikanur	12,052	2,216	7,712	12,053	3,205	7,354	83	4,699	54	4,485	3,091	1,107	2,884	4,854	
	12	Doddapanaikanur	14,905	3,905	5,702	9,042	3,496	4,866	—	4,824	23	4,554	3,113	954	2,179	3,519	
	13	Jothilingakanur	4,867	3,310	977	1,858	827	849	—	1,439	—	1,432	1,229	459	1,070	1,334	
	14	Kelakottai	1,193	90	1,096	2,573	694	745	—	1,628	5	1,623	695	159	440	1,032*	
	15	Mekkottai	1,132	225	897	2,057	139	835	—	1,672	31	1,703	1,043	403	940	1,676	
	16	Nadookottai	1,004	175	839	1,786	101	239	—	1,277	19	1,296	1,150	946	899	1,299	
	17	Vellipoondum	2,113	407	1,646	4,737	362	734	—	1,944	158	4,102	3,139	696	2,184	3,537	
	18	Seroomaley	1,482	324	1,158	2,362	379	336	—	749	9	1,456	1,291	387	904	1,549	

* The peshkush of this estate was raised to Rs. 480.

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Statistics of Unsettled Polliems in Madura—*continued.*

District.	No.	Estates. Names.	Decennial Settlement Beriz from Faslis 1221 to 1230 inclusive.	Deduct Moturpha.	Remainder.	Add $\frac{3}{4}$ths of the Survey Assessment of Rajah Bundoo Inams.	Add $\frac{1}{3}$rds of the Survey Assessment of Chillara Inams.	Total.	40 per Cent. of Column 9 or Peshkush.	Remarks.
	1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
North Arcot.	1	Bangari -	Rs. 28,634	Rs. 366	Rs. 28,268	Rs. 351	Rs. 1,388	Rs. 30,007	Rs. 12,003	The peshkush of this poliem was lately reduced to 11,628, on account of land taken up for the Baugalore Road.
	2	Gudipati -	5,804	56	5,748	1,687	—	7,435	2,974	The amount in column 4 for this poliem is the average beriz from faslis 1217 to 1226 inclusive.
	3	Narganti -	15,800	110	15,690	399	401	16,490	6,596	
	4	Kallur -	8,292	94	8,198	1,871	277	10,346	4,138	The peshkush of this poliem has been since reduced to Rs. 4,052, on account of land taken up for the Cuddapah Road.
	5	Pulicherla -	12,073	122	11,951	1,489	482	13,922	5,569	
	6	Tumbu -	4,420	78	4,342	21	78	4,441	1,776	The Collector states that these poliems were confirmed to their chiefs in a permanent peshkush of $\frac{3}{4}$ths of their assets, which includes $\frac{3}{4}$ths of the survey assessment of Rajah bundoos, and $\frac{2}{3}$rds of the "Chelbura" inams. Besides these, the poliems contain a certain class of inams called katbaddy, which are reserved to Government by terms of the settlement, and which the Collector thinks may now be dealt with under the inam rules.

District.	No.	Estates. Names.	Gross Beriz.	Peshkush.	Per-centage.	Remarks.
	1.	2.	3.	4.	5.	6.
Salem.	1	Aukusajiri -	Rs. 21,662	Rs. 7,941	37	The Collector states that, in his opinion, no reason exists against the Government placing the poliems on the same footing as the permanently settled estates; but with regard to the peshkush he remarks that the present amount should be continued. He further states that though the present peshkush is, no doubt, a very light one, still, considering that it was fixed more than 60 years ago, and that the same amount has been continued to the present time, it is not advisable to increase the Government demand.
	2	Bagalur -	15,527	6,371	41	
	3	Salagiri -	15,918	5,630	35	

RECORD.

In the High Court of Judicature, Madras.

No. 63. Exhibit XXXIV.

Appendix 1 in preceding Report.

Statistics of Unsettled Polliems in Madura—*continued.*

District.		Name of Estate.	Whether Zemindary, Moottah, Poliem, &c.	Whether held on Sunnud.	Extent.	Peshkush.	Revenue of the Estate at the Permanent Settlement.	Remarks.
Tanjore.	1	Gundracottai -	Poliput -	—	54,685	6,577 4 11	27,356 13 7	The value of Gundracottai in the survey of fusli 1226 is thus stated by the Collector in his letter dated 18th August 1840; and of Polaivanum at the date of the assumption of the province by the British Government in the Collector's letter dated 22nd April 1856.
	2	Papanadu - -	do. -	—	23,298	4,816 6 6		
	3	Palaivanam -	do. -	—	13,860	3,767 12 0	14,742 9 7	
	4	Singavanam -	do. -	—	8,636	3,261 9 10		
	5	Madagur - -	do. -	—	13,567	2,491 7 10		
	6	Sillatur - -	do. -	—	14,338	2,165 13 9		
	7	Saindeagudi -	do. -	—	18,912	2,046 10 2		
	8	Naduvasal - -	do. -	—	9,502	2,037 6 6		
	9	Kattacottai - -	do. -	—	15,500	1,701 13 6		
	10	Padurencottai -	do. -	—	8,904	1,369 9 11		
	11	Attivetti - -	do. -	—	6,284	913 14 4		
	12	Konur - -	do. -	—	1,612	433 3 11		
	13	Punavasal - -	do. -	—	2,528	350 15 7		
				Total -	191,626	31,434 0 9		

District.	Names of Polipuls.		Whether Zemindary, Moottah, Poliem, &c.	Extent in Miles.	Extent in Acres.	Peshkush.	Remarks.
Coimbatore.	In Pulachy Taluk	Ootoogooly - -	Poliput -	12	7,599	4,393 0 8	
		Samuttcor - -	do. -	8	4,791	1,683 2 6	
		Cotamputty - -	do. -	7	4,472	1,860 15 5	
		Nagamum - -	do. -	6	4,082	2,480 12 8	
		Anvaluppunipputty -	do. -	12	7,998	4,200 0 0	
		Porevipoliem -	do. -	20	12,758	2,804 12 6	
		Ramapatam - -	do. -	9	6,227	1,436 9 3	
				74	47,928	18,859 5 0	
	In Oodumulpetah Taluk - -	Metrally - -	Poliput -	10	6,679	2,073 15 0	
		Toongavy - -	do. -	9	5,657	888 10 8	
		Jotimpatty - -	do. -	3	1,956	177 9 5	
		Vadapatty - -	do. -	2	1,267	177 9 5	
		Myvady - -	do. -	8	5,019	592 8 4	
				32	20,578	3,910 4 10	
	In Carar Taluk -	Andiputty - -	Poliput -	37	22,817	5,250 0 0	
				143	91,323	28,019 9 10	

RECORD.

In the High Court of Judicature, Madras.

No. 63. Exhibit XXXIV.

Appendix 2 in preceding Report.

Proclamation.

APPENDIX No. 2.

Proclamation.

1. Whereas the Chittoor Poligars have withdrawn from the Commissioner deputed by Government to prevent the further effusion of blood, and to adjust, by amicable arrangement, the affairs of the poliems; and whereas the Poligars, by that act of contempt, have rendered nugatory the humane and conciliatory intentions of Government, and have manifested their determination again to resist the authority of the Company by force of arms.

2. The Right Honorable Lord William Bentinck, Governor in Council of Fort Saint George and of its dependencies, has judged it necessary to order the troops to reassemble at Chittoor, and his Lordship in Council having been pleased to confide the command of the detachment to Lieutenant-Colonel Moneypenny, that officer has been empowered and directed to bring to trial by martial law, and to punish, if necessary, with death, all persons who may be found in arms against the authority of the Honorable Company.

3. The Governor in Council, in declaring this intention, deems it proper, at the same time, to make known to the Poligars and to all persons engaged in the rebellion in Chittoor the final determination of His Lordship in Council as to the future management of these poliems, which is entrusted to the Collector, Mr. Graeme, and to proclaim the means by which the punishment which now threatens the crimes of the Poligars and of their adherents may yet be avoided:—

1st. The whole of the poliems of Chittoor shall be immediately assumed, and placed under the authority of the Company's Government, with the exception of the Goodiputty poliem, which will continue, as at present, under the authority of the Poligar.

2nd. The commanding officer will be empowered to give cowle and protection to any of the Poligars or their followers who may, during the progress of the intended operations, submit to his authority, provided that such persons shall not, by acts of extraordinary violence and atrocity, exclude themselves for ever from the hope of mercy.

3rd. Such Poligars as may, by an early submission, obtain the favourable consideration of the Government, shall be restored, at a future period, to the possession of their poliems, and shall, for the present, receive 30 per cent. of three fifths of the usual share of the proprietors of the soil for their maintenance.

4th. *So soon as the restoration of order shall be effected, and a survey of the poliems shall have been completed, the amount of the assessment payable to the Government shall be fixed at two fifths of the produce of the lands.*

5th. All cabally inams and syr collections shall be for ever resumed.

6th. The amount of the land rent to be paid by the ryots of the poliems of Chittoor shall be in future defined by fixed puttahs, in order that they may be freed from the vexatious demands to which the ryots have been hitherto subject.

RECORD.

In the High Court of Judicature, Madras.

No. 63. Exhibit XXXIV.

Appendix 2 in preceding Report.

Proclamation—*continued.*

7th. So soon as the suppression of the rebellion shall render it practicable to discontinue the use of martial law in the poliems, the protection of the Courts of Civil Justice will be extended to all persons.

4. The Poligar of Nargunty having, during the continuance of the Commissioners at Chittoor, given satisfactory proof of his disposition to atone for the offences by which the conduct of that Poligar was formerly marked, the Governor in Council hereby declares his intention of extending to the Poligar of Nargunty a free pardon, and of restoring him at a future period to the possession of his poliem, on the footing which has been explained, provided that he shall continue faithful to his allegiance during the intended operations.

Fort Saint George, 24th November 1804.

By order of the Right Honorable the Governor in Council.

No. 64.

In Regular Appeal, No. 129 of 1869.

Respondent's Exhibit XXXV.

No. 64. Exhibit XXXV. Extract Proceedings of Board of Revenue, with Orders refusing subdivision of Marungapuri, dated 20th Jan. 1851.

No. 23.

Extract from Proceedings of Board under date January 21, 1851.

In Con. 20th Jan. 1851. } Read letter from Collector of Madura, dated 31st December 1850.

(Here enter No. 186.)

Ordered that the foregoing letter be submitted for the information of the Right Honorable the Governor in Council, with reference to the endorsement of Government on Petition No. 1,121 of 1850.

The Board are of opinion that the Mootah of Marangapoory not being permanently settled does not come within the provisions of Regulation XXV. of 1802, and they cannot, therefore, recommend a subdivision of the estate.

20th January 1851. (Signed) W. H. B.

No. 135. No. 377 of 1851.

The Right Honorable the Governor in Council agrees with the Board of Revenue that the subdivision of Maroongapoory, being an unsettled polliem, should not be sanctioned.

Ordered that the following endorsement be made on Petition No. 1,121 of 1850, and communicated to the petitioner.

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RECORD.

In the High Court of Judicature, Madras.

No. 64. Exhibit XXXV.

"Petitioner is informed that the Government cannot sanction the subdivision of his polliem."

Fort Saint George, 10th February 1851. (Signed) T. Pycroft, Secretary to Government.

Received, entered, and returned, 10th February 1851.

(Signed) B. Cunliffe, Sub-Secretary.

No. 370.

Ordered to be communicated to the Collector of Madura with reference to his letter dated 31st December 1870.

20th February 1851. (Signed) W. H. Baylee, Secretary.

No. 65.

Supplemental Respondent's Exhibit XXXVI.

In Regular Appeal, No. 129 of 1869.

No. 65. Exhibit XXXVI. Proceedings of Board of Revenue upon information of the death of Vengama Nayanivaru, and respecting heirship, dated 16th July and 13th Oct. 1866.

No. 4,862.

Proceedings of the Board of Revenue, dated 16th July 1866.

Read the following letter from J. D. Robinson, Esq., Collector of North Arcot, to the Acting Secretary to the Board of Revenue, dated Chittoor, 10th July 1866, No. 186:—

1. I regret to have to report the death, on the 6th instant, of Vengama Nayanivaru, Poligar of Naraganty. The intelligence was communicated to me by his first widow, Achemona Garu. I will shortly submit my report respecting the successor to the poliem.

2. A translation of the Telugu letter announcing the event is herewith enclosed for the information of the Board.

Enclosure No. 1.

Translation of an Urzi addressed by Achemma Garu, first widow of Vengama Nayanivaru, deceased, Poligar of Naraganti, to J. D. Robinson, Esq., Collector of North Arcot, dated 7th July 1866.

1. My husband, Vengana Nayanivaru, died 10 o'clock on the night of Friday, the 6th instant. For a month past he had been suffering from carbuncle. I am his first widow, and have a daughter named Latchmidevamah. I have no son. The second widow is Vencatammah. She has no issue. The Poligar, feeling it unlikely that he could recover, sent for us and our relatives

RECORD.

In the High Court of Judicature, Madras.

No. 65. Exhibit XXXVI. Proceedings of Board of Revenue upon information of the death of Vengama Nayanivaru, and respecting heirship, dated 16th July and 13th Oct. 1866—*continued.*

at 10 a.m. on the 6th instant, and desired that, as I am entitled to the poliem according to Hindoo law, I should manage its affairs, and pay the Government peshkush regularly. He, at the same time, said that I might adopt a son, and that the villages of Muttukur and Kammapalli should be given to the second widow as inam for her maintenance. He wanted to leave a will; a draft was prepared, but before it could be fair copied he expired. He swooned, and was insensible. It was therefore impossible to obtain his signature to the fair copy of the will. As I am entitled to the poliem by Hindoo law, I earnestly pray that you will be graciously pleased to recommend to the Board and Government that the poliem may be continued in my name, and thus protect me.

2. What more need I write to one who already knows all?

7th July 1866, Naragunti. (Signed) ACHEMMAGARU.

True translation.

(Signed) J. D. ROBINSON, Collector.

Submitted for the information of Government. The Board await the Collector's further report. They observe that the estate is an unsettled poliem, and that the nomination of the successor is vested in the Government.

(True copies and extract.)

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

No. 7,391.

Proceedings of the Board of Revenue, dated 13th October 1866.

Read the following letter from J. D. Robinson, Esquire, Collector of North Arcot, to the Secretary to the Board of Revenue, dated Chittoor, 23rd August 1866, No. 234:—

1. Adverting to the Board's Proceedings of the 16th July 1866, No. 4,862, and my own letter, dated the 10th idem, No. 186, I have the honour to submit my report respecting the appointment of a successor to the late Poligar of the Naraganti poliem.

2. Appended is the family genealogical tree, which will enable the Board easily to understand the position of the several claimants.

3. In original suit, No. 24 of 1850, on the file of the Civil Court of Chittoor, Kuppi Naidu, No. 14, and his son, Vengama Naidu, No. 22, were Plaintiffs, and Latchmidevammah, No. 17, Defendant. The suit between these parties terminated, after a litigation of many years, in the transfer of the poliem to the former, on the grounds set forth in the Court's decree. A transcript of this is enclosed, in case the Board or Government may desire to refer to it. This decree was confirmed in appeal by Her Majesty's Privy Council.

Vide genealogical tree.

To be returned.

4. The late Polygar Vengama Naidu, No. 22, left two widows, Achama Garu and Venkatajamma Garu, Nos. 25 and 26 respectively. Of these, the

RECORD.

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No. 65. Exhibit XXXVI. Proceedings of Board of Revenue upon information of the death of Vengama Nayanivaru, and respecting heirship, dated 16th July and 13th Oct. 1866—*continued.*

first widow only has issue a daughter, named Latchmideammah, a child of about four years of age.

5. Going back in the line of descent, the Board will find that Vendama Naidu, No. 5, the eldest son of the common ancestor, left four sons by his first wife, Nos. 11, 12, 13, and 14, and one son by the second wife, No. 15, who still survives. Of the four above-named sons by the first wife, the eldest, Kristnama Naidu, No. 11, had a son named Sethuran Nâdu, No. 18, who died, leaving a son, Venkatachellapatty Naidu, No. 23, then about six years old, and one of the present claimants. Kristnama Naidu, No 11, (his grandfather,) had, however, waived during his lifetime all claims to succeed to the poliem in favour of Kuppi Naidu, No. 14, the youngest but one of his five brothers, and executed a deed* of agreement to that effect, the validity of which was upheld by the Court Pundits as consistent with the principles of Hindoo law.†

6. During the progress of the suit through the Civil Courts, neither Kristnama Naidu, No. 11, nor his sons, Sethuram Naidu, No. 18, recorded any objection to the bonâ fide character of this deed of agreement, by which the former transferred his rights to his younger brother, Kuppi Naidu, No. 14. This issue, therefore, disappears, and there is no occasion to notice further Kristnama Naidu's claim.

Vide Document No. 71.

7. Mudukristnama Naidu, No. 12, after resigning, as his brother (No. 11) had done, his claim in favour of No. 14, died without issue.

Board's Proceedings, dated 23rd June 1866, No. 4,302, communicating Government Order, dated 16th idem, Petition Department.

Board's Proceedings, dated 31st July 1866, communicating Government Order, dated 27th July 1866, No. 1,869, Revenue Department.

8. The next senior brother, Ramasawmy Naidu, No. 13, also died, leaving two widows, Nos. 16 and 20. Of these, the former died childless, and the latter left a son named Venkatasawmy Naidu, No. 24, one of the present claimants, and petitioner in the papers noted in the margin. No mention is made in the Court's decree of his father, Ramasawmy Naidu, No. 13. It would appear that, whilst the suit was pending before the Civil Court, a copy of the family pedigree, marked No. 124, in the decree purporting to have been prepared from the records of the Huzur Cutcherry, was filed among the exhibits. In this the names of three only (Nos. 11, 12, and 14) of Vengama Naidu's (No. 5) sons are given, and all mention of Nos. 13 and 15 omitted.

9. If a reference be made to the documents Nos. 35, 36, and 37, which are abstracts of depositions then given in Court, and to the statements‡ now taken before me, it will be apparent that Kuppi Naidu, No. 14, had three brothers senior to himself, the sons of Vengama Naida No. 5. The only inference that I can draw from the omission of Ramasawmy Naidu's name in

* Dated 1st July 1831.

† Vide Documents Nos. 70 and 73 in Court's Decree. Translations enclosed.

‡ Copy enclosed.

RECORD.

In the High Court of Judicature, Madras.

No. 65. Exhibit XXXVI. Proceedings of Board of Revenue upon information of the death of Vengama Nayanivaru, and respecting heirship, dated 16th July and 13th Oct. 1866—*continued.*

the Court's proceedngs is that the Court was misled by the defect in the family tree then filed, and that Ramasawmy Naidu having already died in a distant country, leaving a son, Venkata Sawmy Naidu, No. 24, then a mere child, the opportunity was taken by the parties to the suit to ignore an existence which would have been so obstructive to the success of their own claims. The doubts expressed in paragraphs 5 and 6 of the order of the 27th July 1863, No. 1,395, thus admit of a satisfactory solution, and the papers noted in the margin will, I believe, fully show that Ramasawmy Naidu's son, Venkatasawmy Naidu, took steps to reassert his rights as soon as he could be reasonably expected to understand them.

Board's Proceedings, dated 31st July 1863, communicating Order of Government, dated 27th July 1863, No. 1,395, Revenue Department.

10. Four separate claimants now came forward: 1st, elder widow of the late Poligar, Achamma Garu, on her own behalf and that of her daughter, a child; 2nd, Vankatachellapathy, nephew of late Poligar and grandson of Kristnappa Naidu, the eldest brother of the late Poligar's father, Kuppi Naidu; 3rd, Gopal Naidu, half-brother of late Poligar's father, Kuppi Naidu, by another mother; and 4th, Venkatasawmy Naidu, son of the late Ramasawmy Naidu, paternal grand-uncle of deceased Poligar.

11. The first widow has presented numerous lengthy petitions in support of her own and her daughter's rights.

Taking her stand on the omission in the decree of Ramasawmy Naidu, she objects to the recognition of his son, Venkatasawmy Naidu, fourth in the list of claimants.

This objection falls to the ground under the explanation given in paragraphs 8 and 9 of this letter. The family, moreover, being an undivided one the succession in the female line is barred, under section 342 of Strange's Manual of Hindu Law.

12. This claim disposed of, we next come to that of Vencatachellapathy, No. 2 in my list of claimants. This claim likewise falls to the ground for the reasons given in paragraphs 8 and 9. I cannot suppose that it can be held that rights voluntarily surrendered by the grandfather can be revived in the grandson.

13. Then comes the claim of No. 3, Gopal Naidu, who does not attempt to press his own rights, but at once admits that he is only son of Vengama Naidu, the common ancestor by the second wife; whereas the fourth and remaining claimant, Venkatasawmy Naidu, is the sole surviving representative of the family by the elder wife.

14. The rights of Venkatasawmy Naidu, the fourth claimant, thus remain easily superior to all others. His father's position as third elder brother of the late Poligar's father, Kuppi Naidu, is established by all the evidence taken on the point, as are also the legality of his mother's marriage, and his (Venkatasawmy Naidu's) legitimacy. In testifying to these points the Board will observe that the witnesses Gopal Naidu and Chinnasamy Naidu speak against their own interests, and what might be supposed to be their family bias.

15. Thus, by an almost singular combination of circumstances, does the succession return to Venkatasawmy Naidu, to whom by birth-right it belonged when it passed into a junior branch of the family in the person of the late Poligar's grandfather, Kuppi Naidu.

16. With these remarks I beg to recommend that No. 24 in the family tree, Venkatasawmy Naidu, son of Ramasawmy Naidu, third elder brother of Kuppi Naidu, No. 14, be recognized as successor and appointed Poligar of Naraganti.

17. I should have mentioned, perhaps, that the poliem being an unsettled estate the appointment of a successor rests absolutely with Government without reference, if they so think fit, to dispose of it to legal and other considerations.

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No. 65 Exhibit XXXVI. Proceedings of Board of Revenue upon information of the death of Vengama Nayanivaru, and respecting heirship, dated 16th July and 13th Oct. 1866—*continued.*

Enclosure No. 1.

Abstract.—Decree of the Civil Court.

Enclosure No. 2.

Abstract.—Genealogical Tree.

Enclosure No. 3.

Abstract.—Copy of summary evidence taken in the Naraganti pollium, in North Arcot.

Enclosure No. 4.

Abstract.—Translation of a kararnamah, executed by Kristnappa Naidu to Kuppi Naidu.

Enclosure No. 5.

Abstract.—Translation of kararnamah, executed by Mudukr[illegible] Nama Naidu, son of Vengama Naidu, to Kuppu Naidu, his bu[illegible].

Enclosure No. 6.

Abstract.—Copy of question put to Pundit of the late Pro[illegible]cial Court.

1. Ordered that the foregoing report be submitted to G[illegible]vernment, with reference to Government order dated 27th July 1866, No. [illegible]869, Revenue Department.

2. In Government order dated 27th July 1863, No. [illegible]395, Revenue Department, the Government disposed of the petition of o[illegible] Venkatasawmy Naidu for leave to sue for the poliem, then in the possessi[illegible]of the Poligar, now deceased. His prayer was rejected, but the Governm[illegible] undertook to consider his claim on the next vacancy, which has now occurr[illegible].

3. The Board beg leave to refer Government to the de[illegible]e of the Privy Council, printed at page 66, Vol. IX. of Moore's Indian App[illegible]ls, for a sketch of the past history of the Naraganti pollium.

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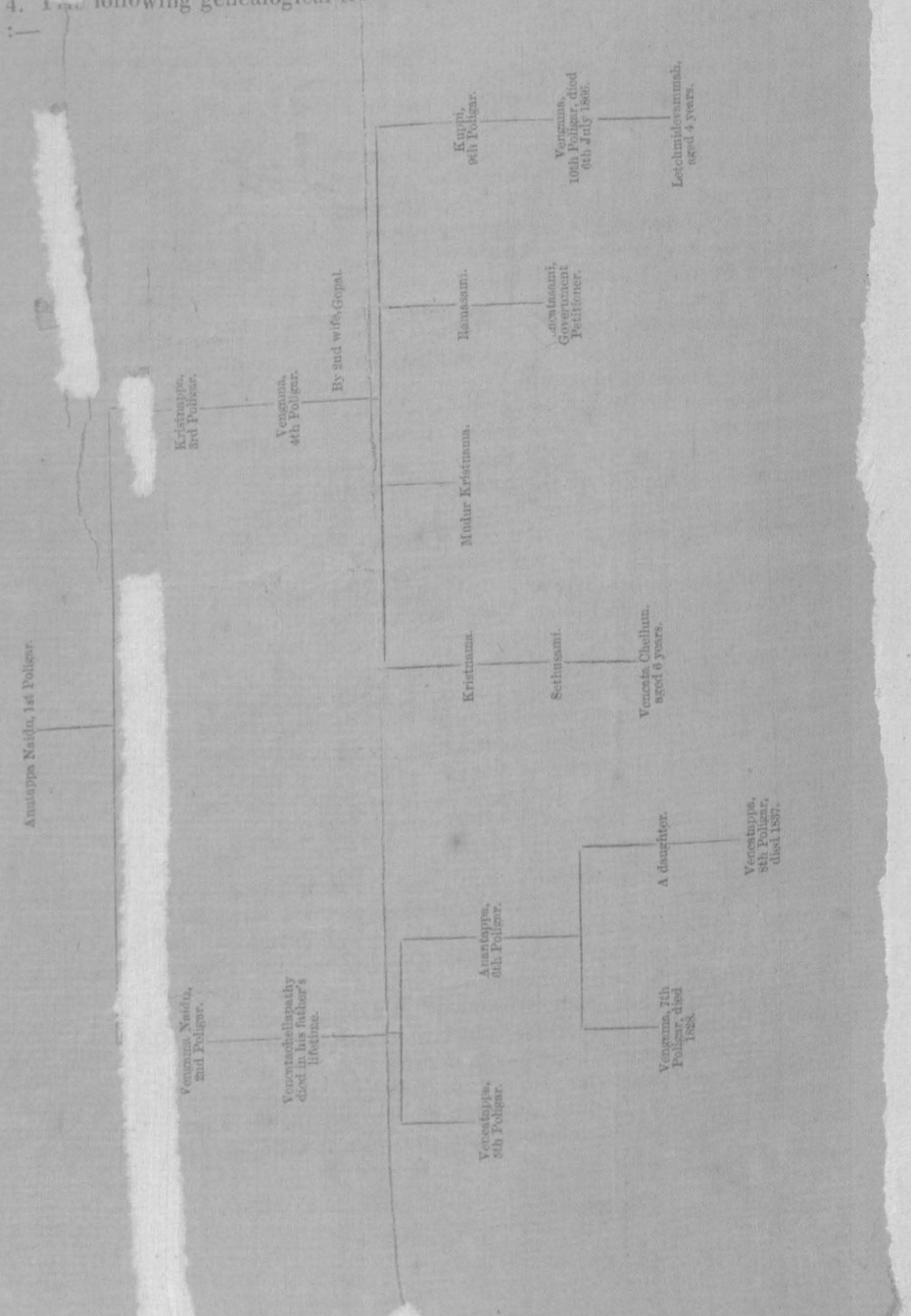
4. The following genealogical tree will facilitate the understanding of the case :—



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5. The main facts of the narrative as affecting the present case may be briefly detailed here.

6. The earliest holder of the poliem of whom any record is preserved left two sons, who succeeded one another in the management of the polliem, the son of the elder brother having died in his father's lifetime, leaving two infant sons. The son of the younger brother was the fourth poligar, and on his death the succession reverted to the elder branch, and so continued down to the eighth Poligar, Vencatappa, who was adopted by his uncle, the seventh Poligar, and who died in 1837, leaving a widow.

7. Vencatappa had succeeded to the polliem in 1828, and in 1831 the two elder sons of Vengama, the fourth Poligar, executed documents to their younger brother Kuppi, relinquishing to him their prior rights in the succession; and he thereupon brought a suit, No. 24 of 1831, in the Central Provincial Court against Vencatappa and the widow of his (Vencatappa's) uncle and adoptive father, to set aside the adoption and to obtain the estate. The suit was decided against him, and Vencatappa remained in possession till his death in 1837, when his widow took possession as his heir. Kuppi at once renewed his attempts to obtain possession of the estate, and at length obtained possession, under a decree of the Civil Court, in original suit, No. 2[illegible] of 1850, which was confirmed on appeal by the Sudder Court and by the Privy Council. Kuppi was succeeded by his son Vengama, who died on 6th July last, leaving two widows and an infant daughter by the senior wife.

8. The succession is now claimed by this widow, by the widow of the son of Kuppi's eldest brother, on behalf of her infant son, Vencatachella, and by the Government petitioner, Venkatasawmy, claiming to be son of an elder brother of Kuppi, called Ramasawmy, whose name has been inserted in the above pedigree in its alleged proper position.

9. The first claimant, the widow of the deceased, urges in support of her claim that the polliem was obtained by her late husband and by his father, Kuppi, after protracted litigation and at great expense, and that she is fairly entitled to enjoy the fruits of their labours. She objects to the claim set up on behalf of the infant grandson of Kuppi's elder brother, that his grandfather, by the document executed in 1831, had absolutely barred all claim to the succession for himself and his heirs.

10. She objects to the claim of the Government petitioner, Venkatasawmy, that his connexion with the family is a pretended one; and she adduces, n support of this objection, the fact that in the genealogical statement furnished to Government in 1802 by Anantappa Naidu, the then Poligar (No. 6 in order of succession), no mention is made of any such person as Ramasawmy, said to have been father of the Government petitioner, and third son of Vengama (fourth Poligar), and therefore older than Kuppi, although Kuppi himself and his elder brothers, Kristnama, and Mudu Kristnama are therein named as Vengama's sons; and she also argues that had such a son or grandson had any existence the fact would unquestionably have been known to Vencatappa (eighth Poligar), the defendant in the suit No. 24 of 1831, and would as

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certainly have been adduced as a sufficient argument to rebut the claim of Kuppi, a younger son, but that no mention was made of any such persons.

11. The widowed mother of the infant grandson of Kuppi's eldest brother argues, on her son's behalf, that the first claimant's claim must be rejected, as females have no claims to inherit in undivided Hindoo families so long as male heirs exist. She repeats the above-stated arguments against the claim of the Government petitioner, Vencatasawmy; and as regards the alleged relinquishment by her son's grandfather of all claim to the estate for himself and his heirs, she argues that no such relinquishment was ever made, and that the document produced is a forgery, as proved by the fact that, though it bears date 1st July 1831, it is said to be the kararnamah alluded to in the document executed by Mudukristnama on 19th January 1831, or six months previously; that it was rejected by the Provincial Court in their decree in No. 24 of 1831, and that its contents are irreconcileable with the fact that Vengama (fourth Poligar) was dead before the wife of Vengama (seventh Poligar) was born.

12. She also argues that, even if genuine, the document is not in its terms such a relinquishment of right for the writer's self and his heirs as would bar her infant son's claim; and that even if genuine, and whatever its terms, no such alienation would be valid in Hindoo law (*vide* section 149, Strange's Manual), as at the alleged date of relinquishment her husband had been born, and as the family is, even to the present day, undivided. Her petition, No. 3,269 of 1866, contains a very well drawn statement of her case.

13. The Board have received no petition from Vencatasawmy, the Government petitioner; but the Collector advocates his cause in the letter above recorded, and the Board therefore presume that it is set before them in its best light.

14. At paragraph 9 of his letter, Mr. Robinson says:—"If reference be made to the documents, Nos. 35, 36, and 37, which are abstracts of depositions then given in Court, and to the statements (copy enclosed) now taken before me, it will be apparent that Kuppi Naidu had three brothers senior to himself;" but the only paper of the kind that accompanies his report is endorsed, "Copy of Summary Evidence taken in the Naraganti Polliem, in North Arcot," which appears to be the record of the examination made by himself; and the Board are altogether at a loss to understand what "the documents Nos. 35, 36, and 37" may be, or how the Collector supposes that the Board is to get access to them. They do not find reference made to any documents bearing such numbers in the Decrees, of which copies have been submitted to them.

15. The Board see no reason whatever to doubt the authenticity and genuineness of the pedigree said to have been furnished to Government in 1802 by Anantappa, and not only quoted but relied on in the Privy Council case (see page 72 of Moore's Reports, Volume IX.), and they do not consider that the omission of Ramasami's name from that paper is capable of explanation if he was an elder brother of Kuppi, and then living, as he probably must have been, to allow of his being the father of Government petitioner. The absence

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of all mention of the Government petitioner or his father in any of the Decrees is also scarcely explicable if they occupied the position in the family ascribed to them. Ramasami is said to have died thirty or thirty-five years ago, leaving his son (the Government petitioner) a child of some ten or eleven months old.

16. But the Board deem it unnecessary to inquire further into this matter, as they consider the claim set up on behalf of the infant grandson of the eldest brother to be far preferable to any of the others.

17. The so-called deed of relinquishment by his grandfather appears to the Board to be not free from suspicious circumstances, the inconsistency of the date with that of the earlier document by Mudukristnama, which is said to refer to it, being the most glaring; and the Provincial Court certainly seem to have viewed it with suspicion; but, admitting its genuineness, there seems good ground to question its validity in Hindu law as regards others than the executor himself; and, even admitting its validity to the full extent of its terms, it amounts merely to a relinquishment, in Kuppi's favour, of all rights in connexion with the polliem and other property, and certainly did not constitute the family a divided one. Now Kuppi and his sole male descendant are both dead, and the Board therefore consider the claim advanced on behalf of the grandson of Kuppi's eldest brother, as the senior male representative of the family, to be unquestionably the best of all the claims advanced.

18. They therefore recommend that Vencatachellapathy Naidu, son of the late Sethusami Naidu, and grandson of Kristnama Naidu, the eldest son of Vengama Naidu, fourth Poligar, be recognized by Government as successor to the polliem, and that the estate be placed in the Board's charge, as Court of Wards.

(A true copy and extract.)

(Signed) W. Hudleston, Secretary.

No. 65a. Proceeding of Madras Government, nominating the Minor Vencatachella-patti as Poligar, dated 15th Jan. 1867.

Proceedings of the Madras Government, Revenue Department, 15th January 1867.

Read the following papers:—

No. 323. Proceedings of the Board of Revenue.

Submitting report from Collector of North Arcot, respecting appointment of a successor to late Poligar of Naraganti polliem, and recommending that Vencatachellapati Naidu, grandson of Kristnama Naidu, the eldest son of fourth Poligar, Vengama Naidu, be recognized as successor, and that the estate be placed in Board's charge, as Court of Wards.

(Here enter 13th October 1866, No. 7,391.)

RECORD.

In the High Court of Judicature, Madras.

No. 65a. Exhibit XXXVI.

Proceeding of Madras Government, nominating the Minor Vencatachella-patti as Poligar, dated 15th Jan. 1867—*continued.*

No. 324. From Moonerathnayah, Government pleader, Chittoor.

Forwarding a copy of the decree in Suit No. 24 of 1831, delivered by the Central Provincial Court of Chittoor. (Here enter 11th December 1866.)

No. 325. From the Collector of North Arcot.

Forwards authenticated copies of documents in the matter of Naraganti polliem. (Here enter 20th December 1866, No. 86.)

No. 326. From the Collector of North Arcot.

With reference to the official memorandum, dated 10th instant, No. 150, informs that the documents Nos. 35, 36, and 37, therein referred to, have been called for from the Civil Court of Chittoor, and will be sent when received. (Here enter 15th December 1866, No. 81.)

No. 327. From the Collector of North Arcot.

With reference to official memorandum, dated 30th ultimo, No. 145, forwards original of the Naraganti genealogical table, found among the records of this Office. (Here enter 15th December 1866, No. 62.)

No. 328. Order thereon, 15th January 1867, No. 154.

Land Revenue.

1. The Naraganti estate being an unsettled polliem, the nomination of a successor to late Poligar Vengama Naidu rests with the Government; and the Governor in Council having fully considered the representations made by all the claimants to the estate, resolves to exercise his prerogative in favour of the minor, Vencatachellapathy, who is indisputably the only surviving representative of the eldest branch of the family.

2. The Court of Wards will make the necessary arrangements for the education of the new proprietor and for the protection of the property during his minority.

(True extract.)

(Signed) J. D. Sim, Secretary to Government.

RECORD.

In the High Court of Judicature, Madras.

No. 65a. Exhibit XXXVI. Proceedings of the Court of Wards, respecting the Naraganti Polliem, dated 19th Feb. 1868—*continued.*

No. 1,212.

Proceedings of the Court of Wards, dated 19th February 1868.

Read the following letter from J. D. Robinson, Esquire, Collector of North Arcot, to the Secretary to the Court of Wards, dated Chittoor, 24th December 1867, No. 351.

1. Adverting to paragraphs 4, 5, and 6 of the Proceedings of the Court of Wards, dated 23rd ultimo, No. 6,920, I have the honour respectfully to solicit their reconsideration of the question as to how far the engagements therein noticed are binding or otherwise on the present proprietor.

2. These engagements relate to certain villages, and a tope leased out by the late Poligar to some of his creditors on regular bonds, in which it is stipulated that the lessees are gradually to repay themselves out of the rents as they fall due.

3. The Court observe that the estate is an unsettled poliem; that the minor succeeds, not as heir-at-law, but by the pleasure of the Government; that the late Poligar had thus only a life interest in it; and that all engagements into which he entered with regard to it are voidable by the present Poligar. In accordance with these views, I am directed to cancel at once all such leases, where by so doing the revenues of the particular villages concerned will be thereby improved. If these instructions are based on the supposition that the bonds held by these lessees relate exclusively to private debts, incurred by the late Poligar, and that the creditors should therefore be referred to those who have inherited his private property, they rest upon a partial misapprehension of the real state of the case.

4. Some of these liabilities, no doubt, are of the character of private debts, but the large proportion is due on loans contracted for the purpose of meeting the Government peishcush, and providing for the repair of works of irrigation and other such requirements of the estate.

5. When the late Poligar succeeded to the estate, his engagements arising out of a protracted and costly litigation between his father's predecessors were so heavy that he had to borrow largely to enable him to meet his public obligations as proprietor.

6. The money required for these and minor private purposes was lent from time to time by the persons who hold the bonds of which there is now question.

7. These bonds were executed by the then proprietor of the estate at a time when it was competent to him to enter into such engagements, and were recognized by him as regulating the mode of payment for several years. It therefore appears to me that, notwithstanding the change in the proprietorship, the estate still continues liable, and that these creditors have a valid lien on the villages and tope for as long and under such conditions as are specified in the bonds.

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No. 65 a. Exhibit XXXVI. Proceedings of the Court of Wards, respecting the Naraganti Polliem, dated 19th Feb. 1868—*continued.*

8. If this liability be now repudiated, the holders of these lease bonds would have a strong case to take to the Civil Courts, as they could show that these documents were executed by the then proprietor, and that the debt due from him to them had been in process of liquidation for several years in the mode therein stipulated.

9. Apprehensive of consequences, I have therefore abstained, pending receipt of further orders, from taking any action in respect of these rented villages and tope, and have only cancelled, under the instructions already received, the leases granted prospectively by the late Poligar in the case of the two villages alluded to in paragraph 11 of my report, which will hereafter come under "Amani" management.

10. As regards the two poliem pagodas alluded to in paragraphs 28 and 29 of my report, the orders of the Court are not quite explicit. I beg therefore to be favoured with their specific instructions as to whether the allowances hitherto made for the maintenance of these two temples shall be continued or withdrawn. I would recommend that they continue to be charged against the estate on their present scale of allowance.

11. I observe two slight errors in printing the report and the proceedings of the Court, and request that they may be corrected. They occur in the following passages :—

In paragraph 37 of my report the security to be taken from the guardian should be altered into rupees 1,000 from rupees 1,300.

In the entry "Maintenance allowance of the minor," in the margin of paragraph 13 of the Court's Proceedings, the words from 16th May should be altered into 16th January.

1. The Collector will prepare and submit as soon as possible, a schedule showing the amount of the debts, and all the particulars which he can learn with regard to their history. The Court will then issue particular instructions with regard to them.

2. In paragraph 8 of the Court's Proceedings of the 23rd October 1867, No. 6,920, they allowed the expenditure for the Konundarumsamy pagoda, but directed that if any further sum was devoted to such purposes, including the support of the pagodas now referred to by the Collector, it must be paid out of the minor's allowance. They see no reason for altering these instructions.

(A true copy and extract.)

(Signed) J. GROSE,
Sub-Secretary.

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In the High Court of Judicature Madras.

No. 66. List of Documents filed by Appellant in R. A., No. 129 of 1869, on 10th June 1870.

APPELLANT'S EXHIBITS.

No. 66.

Memorandum of Schedule filed by the Appellant in Regular Appeal No. 129 of 1869.

No.	Date, Month, and Year.	The Office in which the Document remains.	Particulars showing that the Documents sent from what Office to what Office.	Contents of the Documents.
1	7th Dec. 1803 -	Board of Revenue -	Reports of Mr. Watts, Collector of Dindigul, to the Board of Revenue.	That some of the villages of Buchy Naik, the ancestor of the Plaintiff's husband, were trespassed by the Rajah Tondaman. In this the poliem is treated as the property of the Plaintiff's family.
2	11th Jan. 1804 -	Government Office -	Report of the Board of Revenue to Government on the Collector's report.	Do.
3	21st Jan. 1804 -	Do. -	Proceedings of the Government on the Board's report.	Do.
4	1st June 1804 -	Board of Revenue -	Abstract and detail accounts of permanent settlement prepared by Mr. Parish, Collector of Dindigul, and sent to the Board of Revenue.	To prove the permanent settlement.
5	8th June 1804 -	Do. -	Report of Mr. Parish to the Board of Revenue, recommending the adoption of the settlement.	Do.
6	17th Aug. 1805	Government Office -	Government order, issuing the sunnuds to the poliems settled.	Do.
7	27th Jan. 1842 -	Do. -	Report of the Board of Revenue to Government, that Zemindar of Marungapury refused to surrender his estate for a consideration, and recommending sanction of the acceptance of the surrender of those who agree, and also to sell the estate for the arrears at the risk of the Zemindar.	To prove that the poliam was then treated as settled.
8	8th March 1842	Do. -	The Government order sanctioning the Board of Revenue's recommendations.	Do.
9	4th Jan. 1866 -	Board of Revenue -	The Government proceedings directing the Board to cause a search to be made in the Collector's office of Madura (former Dindigul) for sunnuds issued which remained undistributed, and also to issue sunnuds to every poligar who asks for on the present settled peshcush.	Do.

RECORD.

In the High Court of Judicature, Madras.

No. 66. List of Documents filed by Appellant in R. A. No. 129 of 1869, on 10th June 1870—*continued.*

Memorandum of Schedule filed by the Appellant, in Regular Appeal, No. 129 of 1869—*continued.*

No.	Date, Month, and Year.	The Office in which the Document remains.	Particulars showing that the Documents sent from what Office to what Office.	Contents of the Documents.
10	From 1804 to 1870.	Huzur Office, Madura and Dindigul.	The treasury accounts of Madura (late Dindigul), and also that of Trichinopoly, exhibiting the annual collections of peshkush of the zemindary of Marungapury up to 1868.	To prove that the peshkush was credited under the permanent settled heading.
11	" -	Trichinopoly Provincial Court.	Decree in O. S., No. 49 of 1818 or 1819 of the Beachi Naik.	It will prove that this is permanent settlement.
1	15th Dec. 1835 -	- - -	Istimirar arrears account sent by the Collector of Madura to the Zemindar. An order passed by the said Collector to the Zemindar.	These documents will show that this is the permanent settled poliam, and the collection was istimirari or permanently settled.
2	9th April 1842 -	- -	Do.	
3	24th May 1843 -	- - -	Do.	
4	8th July 1843 -	- - -	Do.	
5	25th Oct. 1844.			

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(Signed) J. D. Mayne.

No. 67.

No. 67. Exhibit K. Report to Board of Revenue by the Collector of Madura as to claim by the Poligar of Marungapuri to certain villages, dated 7th Dec. 1803; with 6 enclosures.

Appellant's Document K.

In Regular Appeal, No. 129 of 1869.

To the President and Members of the Board of Revenue.

Gentlemen,

Para. 1st. On commencing the survey of the Manapar Puttams, Boochy Naique, poligar of Marungapury, laid claim to several villages in the possession of Toudiaman, which he represented originally belonged to his poliem, and had been forcibly taken possession of by Toudiman's ancestors at various times during the life of his grandfather and father.

Vide No. 7.

2nd. The original accounts of several of the villages to the time of assumption have been produced in support of his claim; others he stated to be in the possession of the respective curnums, who, being under the control of Toudiman, were afraid to produce them, and that others were destroyed by Toudiman's party when he assumed a village named Vaulnad, and burnt his father's house, wherein they were deposited.

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In the High Court of Judicature, Madras.

No. 67. Exhibit K. Report to Board of Revenue by the Collector of Madura as to claim by the Poligar of Marungapuri to certain villages, dated 7th Dec. 1803; with 6 enclosures—*continued.*

3rd. In further substantiation of his claim, he forwarded copies of original grants of ground belonging now to the villages in dispute, made by his ancestors to the different religious institutions, the originals of which are now existing, and in the possession of the descendants of the respective individuals to whom they were originally granted.

4th. These circumstances, in conjunction with other evidence taken on the subject, left little doubt in my mind as to the justness of his claim; and although the period of assumption of most of the villages is very remote, yet, as the claim was preferred, I conceived it my duty to ascertain the extent as well as the value of the dispute, that I might be able to make a full report on the subject to your Board.

5th. The assistant surveyors, as well as the native surveyors, were then in the pollam,—an opportunity I thought ought not to escape, and therefore directed the former to take a plan of the disputed bounds, and the latter to ascertain the quantity of land and its value.

6th. My object was, however, partly defeated from the constant interruptions which the native surveyors experienced from the curnums of the villages absconding with the accounts, fearful of incurring the displeasure of Toudiman if they produced them, and in some instances, I have reason to believe, by his direct orders. Although I addressed him particularly on the subject, and stated the necessity of the step to him as well as to his vakeels, whom he despatched from time to time to me, requesting I would decide on the dispute myself, but which I told them was of too great magnitude, and desired they would produce their evidence, as they denied that the poligar of Marungapury had any right to the ground in question and that the whole should be transmitted for the consideration of Government.

7th. This they promised to do in the course of eight days, but until this time no evidence has been produced, although it is more than three months ago.

8th. Fully convinced of the impossibility of acquiring an accurate knowledge of the value of the dispute without the interference of Government, from a seeming determination on the part of Toudiman to throw every obstacle in his power in the way of it, and as the season for forming the settlement of the year was fast advancing, I ordered the native surveyors to desist for the present from the attempt, and proceed on with the survey of the adjoining pollam.

9th. I have, however, the satisfaction to forward a plan of the land taken by the assistant surveyors, from which your Board will be able to judge of its extent.

10th. It is stated to me to be nearly two-thirds of his pollam, and the land very valuable, mostly nunja land, and a great part yielding two crops annually, giving as its jumma formerly 20,000 goparly chucrums, or star pagodas 6,060, 2722, but, what from the oppression of Toudiman and his servants, nearly the whole of the inhabitants have emigrated to different parts, and scarcely one half of the land is ever brought under cultivation.

11th. It appears that complaints were preferred to the Nabob's Government at the time the assumptions were made, and promises of redress always

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No. 67. Exhibit K. Report to Board of Revenue by the Collector of Madura as to claim by the Poligar of Marungapuri to certain villages, dated 7th Dec. 1803; with 6 enclosures—*continued.*

given, but Toudaiman has frequently by bribery evaded an enquiry and consequent restoration of the land to its lawful owner.

12th. On my informing him of my determination to state this dispute to your Board, he immediately commenced collecting the whole of the revenue of this year from the respective ryots, and has, what by compulsion and other measures, completely succeeded in his endeavours. But, not content with this, he has, I am told, called upon many for an advance on the revenue of next year, being conscious, as it would appear, of the unjust manner in which the land came into his possession, and by which he has hitherto retained it, and which, when called upon by Government, I presume he will not hesitate confessing.

Vide Nos. 1, 2, 3, 4, 5, 6.

13th. The evidence now brought before your Board forms but a very trifling part of what has been given on the subject, the transmission of which would, I presume, be considered superfluous. All, however, is in corroboration of the fact.

I have the honour to be,
with the greatest respect,
Gentlemen,
Your most obedient humble servant,
(Signed) J. W. Watts,
Acting Collector.

Dindigul,
7th December 1803.

Enclosure 1. No. 3.

No. 67 A.

In Regular Appeal, No. 129 of 1869.

Declaration of Rungahpah Naiq, living in Murthapatty village, dated 30th September 1803.

Shevalur, Veerachella, Malatanium, Punnayoor, and Golamungalam, and the villages to the east of these, originally belonged to Murrungapoory Boochy Naiq.

In the time of Wejeeharangoonadah Toudaman's government, Patcha Toudamain, brother of the said Wejeeharangoonandah Toudamain, collected people, came and took possession of the said villages Shevaloor, Veerachella, Punnayoor, and Golamungalum, and garrisoned Shevaloor ten years, and he enjoyed these four villages.

After the assumption of the said four villages the said Boochy Naiq built a fort in Malatannium village, collected people and garrisoned it, and Boochy Naiq also remained there.

When the said Putcha Toudamain assumed the Shevaloor, &c. villages, I was 10 years old. After I attained the age of 20 years I entered into the said Boochy Naiq's service, and remained in the fort of Malatannium.

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RECORD.

In the High Court of Judicature, Madras.

No. 67. Exhibit K. Report to Board of Revenue by the Collector of Madura as to claim by the Poligar of Marungapuri to certain villages, dated 7th Dec. 1803; with 6 enclosures—*continued.*

In the month Wyaushe (or May) the said Putcha Toudaman besieged the said fort of Malatannum with a force consisting of 10,000 men. He commenced attacking the fort at the fourth hour before daybreak. We, amounting to 150, and Shashab Ranvoothen with his horsemen amounting to 10, was then in the Fort, and we fought against Putcha Toudaman's force three days.

Being in want of provision and ammunition, we therefore on the third day, and at the tenth hour before daybreak, evacuated the Fort with an intention of proceeding to the westward. The Toudaman's force surrounded us on our way, and we continued fighting, when about 30 or 40 of Boochy Naiq's people were wounded and killed, and I was also then wounded in the back by a musket ball.

Boochy Naiq being unable to combat any longer, he retreated with his people. The Toudaman's force pursued them as far as Seerunga Hills; there the said Shashab Rahvootten mounted his horse, and extricated Boochy Naiq and his people from the Toudiman's force.

After which Boochy Naiq and his people proceeded to Waulamando. The Toudiman stationed his force at Seerungaputty Hill, and assumed all the eastern countries. I afterwards joined Boochy Naiq at Waulanando. Boochy Naiq took care of me, and dressed my wound. After the wound was healed, I entered again into Boochy Naiq's service, and remained with him there.

Boochy Naique built batteries within the fence of Shedayamputty, and there he remained with his force.

Two months after the said Putcha Toudaman came with his force to Poochy Naiq's villages, namely Taneyoor and Wartharconeyputty, and encamped there. One night Putcha Toudaman with his force came to the said Shedayamputty and attacked us. Being unable to oppose them, we retired into the woods.

The Toudyman encamped at Taneyoor, and plundered the remaining part of Boochy Naiq's countries one month. Whilst doing so, one day the lightning put an end to several persons' existence in the Toudaman's camp; in consequence of which he withdrew his camp from thence, and marched to a place about three miles distance, called Welayoor Covil; there he threw up a fence, and garrisoned the said Covil, and continued plundering the country. Whilst doing so, we consulted with the said Covil ceremony performer, named Colantharputter, who agreed to open the south gate of the Covil for us when required of him. We watched for an opportunity. One night the said Shashab Ranvooten, with the Luckamand Goundens and some people, surrounded the Covil. When the priest (Colunthaputta) opened the gate we rushed into the Covil, and killed several people, and a principal Bramin belonging to Toudaman's camp, and drove from thence the remainder of the camp, and pursued them as far as Coodynichnahmullay.

The nunjah and poonjan land belonging to Poyaullavallapatty, one of the villages of Boochynaique which the said Boochy Naiq had mortgaged to Wooyavandanchetty, and several other chetties of Perrumboor, one of the villages of Toudaman, the chetties were enjoying this land when Woondauche Maniagar of the said Perrumboor village confined the aforesaid chetties, and

RECORD.

In the High Court of Judicature, Madras.

No. 67. Exhibit K Report to Board of Revenue by the Collector of Madura as to claim by the Poliagar of Marungapuri to certain villages, dated 7th Dec. 1803; with 6 enclosures—*continued.*

levied fines from them, and likewise took away the mortgage deed which Boochy Naique granted to the chetties, and gave it to Toudaman. Afterwards Toudaman assumed this village. Also Boochy Naiqu, hearing of this, sent word to Toudaman at Pooducottah, desiring to know for what reason he had assumed this village also. The Toudaman returned for answer, because it was mortgaged to chetties belonging to his country, therefore he would not restore it to Boochy Naiqu.

In the year Chettrabannu (or A.D. 1761) Wothacoodracauren Askin Cawn was appointed ammil of Manapara, to whom Boochie Naiqu complained of the assumption of his lands by Toudaman; and Illpayoor Caumanchee Naiqu also complained to the Cawn about the Toudaman having assumed his land also. Askin Cawn then promised them that their land should be restored; in consequence of which Askin Cawn and Boochy Naiqu proceeded to Conancahwoomaycurra, and staid there one month, when Askin Cawn sent word to Tondaman desiring him to restore to Boochy Naiqu the countries which he had assumed. Toudaman would not comply with the said Askin Cawn's command, but came with his force, and fought against the Cawn; in consequence of which Askin Cawn plundered and burnt several villages belonging to Toudaman. Whilst doing so Askin Cawn was removed from his ammil at Manaparra. Since that period no one has undertaken to get this business settled. The Toudaman has to this day in his possession the eastern countries. And this is all I know.

RANGAHPAH NAIQ —— his mark.

A true translation.
(Signed) J. W. WATTS,
Acting Collector.

No. 4.

Enclosure 2.

Declaration of Allagapananchawry of Edditoor, dated 23rd September 1803.

My father informed me that Edditoor village originally belonged to Marungapoory Boochy Naiq, and that sixty years ago, when he (my father) was sixteen years old, the Toudaman Poligar, having laid siege to the above village, took possession of it, when my father retired with his family to Callengyputty; after which Velliavillam and Nynakvellon Nattamcars of Edditoor came and desired him to go with them to Boochy Naiq, when he was prevailed upon to return to Edditoor and live there; he had an enam of Nunja land granted by Verrachinna Boochy Naiq, part of which was taken away from him after the assumption. I now enjoy the remainder. This is what I know, and accordingly give my declaration.

The mark of ALLAGAPANANCHAURY.

A true translation.
(Signed) J. W. WATTS,
Acting Collector.

RECORD.

In the High Court of Judicature, Madras.

No. 67. Exhibit K Report to Board of Revenue by the Collector of Madura as to claim by the Poliagar of Marungapuri to certain villages, dated 7th Dec. 1803; with 6 enclosures—*continued.*

No. 5.

Declaration of Nantamear Nella Cone, Nellayalagoo Cone, Mookoopoory Cone, and Stanneycannah Yellankoopundarum, all living in Namancourchee village, dated September 4th, 1803, answering to the Malabar 10th Pertanshee Maushum Roothrothecaurey Vurshum.

We heard our father say that the above-mentioned village Namancourchee originally belonged to Boochy Naiq, and that the Toudaman forcibly took possession of it. There is a stone fixed in front of the Menanchee Ammen Pagoda Sawmy, on which is engraved the grant for the said village, which Boochy Naiq gave as enam to the stullataur and staneycours (persons performing the ceremonies) of the said Menauchee Ammen Pagoda. There is to the north of Padaury Covil a choultry which the said Boochee Naiq built, and called it "Amma Mundagum," which is engraved on a stone belonging to the choultry; and there is also a stone in Pannamungalum village, on which is engraved a grant for certain gifts made by Boochee Naiq to Maddapurrum Pundarums. The foregoing is true, and we give this declaration with our consent.

When the Toudaman assumed the above-named village the said Yellankoopindarum was five years old, and he is now 69 years old.

NELLA CONE.
NELLAGALAGOO CONE.
MOOKOOPOORY CONE.
YELLANKOOPUNDARUM. } Their marks.

A true translation.
(Signed) J. W. WATTS,
Acting Collector.

No. 6.

Enclosure 4.

The Declaration of Tymann Vellaum and Collondavellavellam, of Caurioor, dated 24th September 1803.

Viz.:—

Gaurcoor Grammun originally belonged to Boochee Naiq. I was 15 years old when the Toudaman came, and having laid siege to our village drove away Marwa Pylney Shewgaur, who was stationed there, and took possession of it. It was at that time that Toudaman took possession of all the eastern country belonging to Boochee Naiq.

There are engravings on stone placed in the Namancourchey and Poovaul covils, specifying the several gifts bestowed by Boochee Naiq; and other information can be obtained therefrom.

This is what I know; and I am now 80 years old, and do remember the time that the Toudaman took possession of this Grammun.

I, Tymaun Vellaun, was 15 years old when Toudaman took possession of the country, and it is now 65 years since the assumption, and I am now 80 years old.

RECORD.

In the High Court of Judicature, Madras.

No. 67.
Exhibit K.
Report to Board of Revenue by the Collector of Madura as to claim by the Poliagar of Marungapuri to certain villages, dated 7th Dec. 1803; with 6 enclosures—*continued.*

I, Collendavellavellum, was about five years old when Toudaman took possession of the country, and I am now 70 years old.

The marks of COLLENDAVELLAVELLUM.
TYMAN VELLAUM.

A true translation.
(Signed) J. W. WATTS,
Acting Collector.

No. 7.

The Declaration of Marunganpoory Boochee Naiq, received 25th March 1803.

The following are the particulars of the land which belongs to me, and which the Toudaman unjustly took possession of in my father's time.

1st. Ninety years ago he took possession of Punnycoor Maganum.

The following is what he took possession of in the year Nallah, about 67 years ago:—

Enclosure 5.

2nd. Caircoor Maganunum and seven hamlets appertaining to it. The then nautamecar of the said eight villages was named Seeso Polney Vellam, and the present nautamecar is his son, named Ramasawmy Vellum; the then curnam's name was Ramaanada, and the present curnum is his son, named Toudavaroy Moodeley.

3rd. Edditoor Magannum and the two hamlets appertaining to it. The then nataumcar's name was Nynapah Vellaun; the name of the then curnum was Amachellam Moodeley, and the present curnum is Pyluyapah Moodeley.

The following is what he assumed in the year Pingalah, or 1735:—

1. Malilancum Grammum and seven hamlets appertaining to it. The then nautamecar's name was Shevindyapah Vellam, and the present nautamecar is his grandson, named Mootiah Vellam; the then curnum's name was Dangaudetan.

2. Kululuninno Maganum and four hamlets appertaining to it. The then nautamicar's name was Allevellum, and the present nautamicaur is named Pariaapet Vellaun and Addakacoan; the then curnam was named Pooshalapilly.

3. Mummon Courchy Maganum and nine hamlets appertaining to it; the then natammicar's name was Collanda Coan. One of the present natammicars is grandson to the foregoing one, named Allagachy Coan, and two others named Allagenambiligar and Nellaun Coan; the then curnum's name was Puller Sooben.

4. Olea Mungalum Maganum and twelve hamlets appertaining to it. The then nataumicar's name was Baswagounden, and the present is his grandson, named Poochy Gounden; the then curnum's name was Nellatamley, and the present is his son, named Pormanunudun.

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In the High Court of Judicature, Madras.

No. 67.
Exhibit K.
Report to Board of Revenue by the Collector of Madura as to claim by the Poliagar of Marungapuri to certain villages, dated 7th Dec. 1803; with 6 enclosures—*continued.*

5. Alluvial Maganunum and four hamlets belonging to it. The then nataunicar's name was Cookapissum Ambelagar, and the present nataunicar is his son.

The following is what was assumed after the Pinglah year, or 1735:—

6. Manevelly Magannum and five hamlets appertaining to it. The then nataunicar's name was Vargaput Iyen, and the present nataunicar is his son; the curnum's name is Anundum.

The following was assumed in the year Evah or 1754, about 49 years ago:—

1st. Payall Magannum and six hamlets appertaining to it. The then nautamicar Shavey Gounden, and the curnum, are now with me, and Toudaman has employed other nataunicars and curnum there.

2nd. To this period he has taken possession of eleven maganums and (65) sixty-five hamlets belonging to them, and he has assumed several other of my villages, exclusive of the foregoing.

3rd. When the Toudaman came and assumed Vaulnaud he set fire to my father's house, in which was burnt most of the accounts of my country in his possession. I have with me the Iyaent, &c. account of Payall Menevelly villages. It is also said that the grandson of Pooshelly Pillay, who was my head curnam, is still living at Neycoopy, and it is supposed that he has in his possession the original account of my land which the Toudaman has assumed.

4th. Nummer Coorchey was my capital. I worship the god in the covil, there, in which covil there are the statues of my ancestors placed, and their names engraved on stones and set up before the covil.

5th. My god (Maulady-hum) is at Mureya Madura, and I frequently make sacrifices there.

6th. There are still some men of 80 and 90 years old in Taulambody, from whom I had the following information:—

7th. That they remember when the country was assumed in the years Nellah or 1735, and Pingalah or 1736, and afterwards the assumption of Payalland Menevelly villages.

8th. The curnams, &c. of the respective villages have very likely the original accounts still in their possession, but will not produce them at my request, as they are under the Toudaman's authority. However, I have written to the different nautannicars and curnums.

I will act according to orders.

A true translation.
(Signed) J. W. WATTS,
Acting Collector.

(Signed) H. WIGRAM,
Acting Registrar,
Appellate Side.

PLAN.

Enclosure 6.
Plan.

RECORD.

In the High Court of Judicature, Madras.

No. 68. Exhibit L. Letter from Collector of Madura to Board of Revenue, with abstract Statements for Fusly 1213, dated 8th June 1804.

No. 68 (I. 1).

Appellant's Document L.

In Regular Appeal, No. 129 of 1869.

To the President and Members of the Board of Revenue.

Gentlemen,

I have the honour to lay before you:—

My jumma and kistubundy, with abstract and detailed statements of the districts under my management for fusly 1213.

2. The reports which have at various times been submitted to your Board by the late Collector, Mr. Hurdis, upon the revenues of the provinces of Madura and Dindigul, appear to render it superfluous for me to enter into that detail which I should otherwise consider it to be my duty to submit you, more especially as the principles of the system laid down by the late Collector for the administration of the revenues have been strictly adhered to.

3. On receiving charge of these districts in the month of December last I found that the province of Dindigul had been rented out by the late Collector on a progressive increase for the term of three years, of which two fuslies had expired, in the purgunnahs of Pilney and Perreacolam, and that in the division of Vadasundoer and Nuttum the Government had been released from this engagement with the close of the last year.

	Ckr.	fs.	c.
Pilney - -	6,276	2	46½
Perreacolam -	7,471	4	19¾
	13,747	7	18
Or S.Ps.	8,331	44	32

Pilney settlement for—

	S.Ps.	fs.	c.
Fusly 1210 -	41,506	41	41
Do. 1211 -	40,917	21	33
Do. 1212 -	44,003	12	13
Do. 1213 -	48,007	4	37

Increase between the Jumma of 1210 and 1213—

S.Ps. fs. c.
15 27 58 p. cent.

Perreacolam settlement for—

	S.Ps.	fs.	c.
Fusly 1210 -	34,420	1	60
Do. 1211 -	35,736	39	44
Do. 1212 -	46,112	25	45
Do. 1213 -	44,679	22	73

Increase between the Jumma of 1210 and 1213—

S.Ps. fs. c.
29 33 71 p. cent.

	Ccks.	fs.	c.
Vadasundoor -	148	2	18
Nuttum - -	3,276	2	12
	3,424	4	30
Or S.Ps. -	2,705	18	11

Vide B. No. 1.

4. Although the sanction of your Board had not been officially conveyed to me for continuing to the ryots of Pilney and Perreacolam the same terms of rent as formed by Mr. Hurdis, still I considered the arrangement to be so peculiarly applicable to the present situation and circumstances of the people that I did not hesitate to confirm it, being an augmentation of 13,747 chuckrums 7 fs. 18 cash upon the collections of the last year, agreeable to a cowal specifying the progressive increase under the signature of the late Collector. This consideration, together with the favourable terms upon which the settlement was arranged by the late Collector, having by moderate and progressive steps augmented the revenues in the short space of three years, as noted in the margin, will, I trust, prove a solid justification for confirming it to the ryots agreeable to their cowal.

5. The rent of the talooks of Vadasundoor or the first division of Dindigul, and the sequestered pollam of Nuttum, having expired with the last year, I lost no time in new modelling the settlement for the current fusly upon the principles of the last, having a just consideration for the rights of Government and a due regard for the

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RECORD.

In the High Court of Judicature, Madras.

No. 68. Exhibit L. Letter from Collector of Madura to Board of Revenue, with abstract Statements for Fusly 1213, dated 8th June 1804—*continued.*

actual condition and resources of the inhabitants; and I have much pleasure in acquainting your Board that, notwithstanding the partial failure of the periodical rains in the early season of the year, the settlement I have the honour transmitting exceeds the last in 3,424 chs. 4 fs. 30 c., as particularised in the accompanying statement, No.

Jummabundy of Madura. Vide A. No. 5.

6. In calling your attention to the jummabundy now submitted for the province of Madura I have great satisfaction in being able to point out a considerable augmentation in the present settlement upon the public collections in former years. The cause of the increase is the more gratifying, since it is drawn from the fair resources of the country by an extended cultivation, which may be considered a proof of the energy with which the ryots will exert themselves when they are confident of reaping the produce.

7th. Your Board is too intimately acquainted with the general system of oppression which prevailed throughout the countries subject to the Nabob's authority to require any additional information from me upon the subject. It may, however, be necessary to remark that perhaps no instance can be adduced where the evil consequences of an unprincipled administration have been more severely felt than in the province of Madura. For the establishment of this fact I have only to call your attention to the favourable change which the extinction of the Nabob's authority has already produced by an augmentation in the revenues of nearly 51 per cent. on a comparison with his Highness's receipts in fusly 1210, or of 44 per cent. on a comparison with the amount for which the province was usually rated.

	S.Ps.	fs.	c.
Ain jumma -	1,06,442	21	40
Deshcawel -	5,417	33	1
Devestanam -	7,272	30	43
Forms and Licences -	330	38	15
	1,19,464	0	19

B. No. 1.

8th. The total settlement for the present Pagoda lands and Deshcawel, I have much pleasure in acquainting you, amount to 1,19,464 S. Ps. 0 fs. 19 c., being an increase of 8 S. Ps. per cent. on the jumma for fusly 1212, and 24 per cent. on the public collection of fusly 1211.

9th. Agreeable to Mr. Hurdis's settlement with the ryots of Pilney and Perreacolam in Dindigul, and with the inhabitants of Mandacoolum and Sholavundan, in the district of Madura, I have stipulated to receive a part of their rent in kind. Where the produce of the land chiefly consists in paddy it becomes a matter of indispensable regard for the prosperity of the ryots to assist them in the disposal of their grain, with a view of securing them against undue exactions from speculating merchants, who, by advancing money to answer the regular demands of the circir, receive grain in return much below its estimated value. It is also to be remembered that by this arrangement the market is at the disposal of Government. No combination can be formed to undervalue the grain, and a gain rather than a loss will arise in the sale of it; for my jummabundy I have estimated its average price no higher than 15 S. Ps. 34 fs. 19 c. p. Madras Garce. In settling with the inhabitants for the present year I have also to notice that every cultivating ryot has been secured against undue exactions from village servants by receiving a puttah under my signature, specifying the amount of rent he is to pay to the circar, the proportion of money and grain, and price of the latter in which it is to be discharged.

RECORD.

In the High Court of Judicature, Madras.

No. 68. Exhibit L. Letter from Collector of Madura to Board of Revenue, with abstract Statements for Fusly 1213, dated 8th June 1804—*continued.*

Police of Madura.

10th. In closing this detail relative to the province of Madura I cannot forbear bringing to your notice that the introduction of a vigorous system of police, supported by the establishment of criminal courts for the immediate trial of all offenders, has been attended with the most salutary effect, by putting a stop to those scenes of depredation committed on the high road which so notoriously disgraced the character of the lower order of the people during the administration of his Highness the Nabob in this province. The examples which became necessary for the suppression of these disorders too fully manifested the licentious state into which the people had been betrayed by receiving false impressions of the character of our Government, whilst the sincerity with which they have returned to their duty when a different spirit was evinced, and the perfect order which now reigns throughout the country, have equally demonstrated to what causes they are to be principally attributed.

Settlement of the Manapara pollams.

11th. The favourable terms upon which the survey of the Dindigul zemindaries was accomplished by the late Collector, Mr. Hurdis, will have prepared your Board to expect the completion of a similar settlement in the six pollams of Manapara. I have accordingly great satisfaction in laying before you the accompanying statements of the revenues of each zemindary, founded upon actual measurement, the result of which has fully established the strong grounds of suspicion which existed that the peshcush hitherto paid by those poligars is totally inadequate on a comparison with the real resources of their country.

Statements C. from No. 1 to 7.

12th. The statements now submitted for your consideration show the public revenue under every different head, of Nunjah, Nunjah-Mal, Punjah, Punjah and Surna-adyum. An attentive consideration of them will, I trust, satisfy your Board that no instance can occur to render a peshcush fixed upon the zemindary principle either burthensome to the poligars or oppressive to the ryots, protected as they will be by the judicial courts in the enjoyment of those rules and rates of assessment upon which the increased peshcush has now been adjusted.

13th. The settlement which the completion of the survey has enabled me to form with the Manapara poligars for the present year amounts to 27,726 S.Ps. 35 fs. 15 c., being two-thirds of the gross revenue of their pollams, or an increase of 13,900 S. Ps. 32 f. 65 c. on their mamool peshcush. This amount, I am happy to assure your Board, the poligars have paid with regularity, being aware, no doubt, that an exception would not be made in their favour from the general rule of assessment established upon the principle of a zemindary tenure.

Settlement of the Madura pollams.

14th. The settlement of the Madura pollams having been regulated by the late Collector upon actual survey, your Board will also have the satisfaction to observe a considerable augmentation in their peshcush for the present year. The amount payable by the zemindars, and which has been realized, is

Vide B. No. 1.

7,969 S.Ps. 4 fs. 74 c., being an increase, on a comparison with their former tribute, of 2,509 S. Ps. 16 fs. 9 c., or 45 per cent.

15th. In submitting the settlement of the Manapara and Madura pollams for the consideration of your Board, I have at the same time to request that,

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In the High Court of Judicature, Madras.

No. 68. Exhibit L. Letter from Collector of Madura to Board of Revenue, with abstract Statements for Fusly 1213, dated 8th June 1804—*continued.*

should it be deemed necessary to transmit the documents upon which the present increased peshcush has been regulated in a more detailed shape, they shall be forwarded with all practicable expedition; but the delay which would inevitably arise from any endeavour to wait until they could be translated and arranged into an English form will, I hope, be a sufficient justification of the abstract in which they now appear.

16th. The peshcush of the Dindigul poligars, amounting to 37,237 S. Ps. 31 fs. 56 c., having been adjusted by the late Collector, Mr. Hurdis, upon actual survey in fusly 1212, has been collected accordingly, agreeable to the accompanying demand, collection, and balance account.

Zillah of Ramnad.

17th. The regularity which the southern zemindars have observed in the discharge of their public engagements since the adjustment of the revenue on permanent foundations will, no doubt, afford your Board a sensible gratification, inasmuch as it forms the best comment upon the efficacy and advantage of that arrangement by which these feudatories have been brought to the regular control of the Civil Government. It is indeed an act of duty and of justice which I owe to the Tinnevelly poligars to bring fully to the notice of your Board that every zemindar since I received charge of these districts has been faithful to his allegiance, uniformly peaceable and obedient, and scrupulously punctual in his public payments. Their

Vide A. No. 3.

jumma and kistbundy for the present year I have the honour to enclose, amounting to 2,68,101 S. Ps.

Land and sea customs.

18th. Having received the instructions of your Board to carry into effect the new Custom Regulations with as little delay as possible, and to collect the prescribed duties according to the rules in the tariff I had submitted, and at the stations I had recommended, I have the honour to acquaint you that they have been in full force throughout the districts under my charge since the 1st March.

19th. In my letter of the 15th January last I had the honour of stating to you that, agreeable to your orders, the sayer revenue of the Madura, Dindigul, and Manapara pollams has been assumed; but the irregularity which prevailed in the collections under the poligars, and the difficulty of ascertaining correctly the proper places for the establishment of town and frontier duties, had induced me to delay the transmission of the list of servants necessary for this department until I could submit it with confidence for the approbation of your Board.

20th. The chowkies in the circar lands of Madura and Dindigul being intersected by those pollams, and in many instances dependent upon them, I have deemed it most adviseable to consolidate the Establishment, and have now the honour to submit a moyen zabita, amounting to

Statement D. No. 1.

215 S. Ps. 0 fs. 42 c. per month, and request your orders may be conveyed to me for confirming it.

21st. Adverting to the short period which has elapsed since the introduction of the new Custom Regulations it may be considered premature to offer a decided opinion as to the ultimate effect they are likely to occasion upon the collections. To this objection may be added the confusion which a complete change of system is liable to produce during the first months, and particularly in so intricate and established a branch of revenue as the sayer of this country. But when, notwithstanding these disadvantages, the receipts in the Custom department

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In the High Court of Judicature, Madras.

No. 68. Exhibit L. Letter from Collector of Madura to Board of Revenue, with abstract Statements for Fusly 1213, dated 8th June 1804 —*continued.*

since the introduction of the new regulations exceed the former collections, it may be presumed that the object in abolishing the extraordinary contrivances by which the lunkum used to be realized has been fully attained.

Statement E. No. 1.

22nd. In the accompanying statement I have endeavoured to show the increase in the collections for three months subsequent to the establishment of the regulations, on an average of receipts for the same number of months under the former mode of assessment; but as this period is evidently too short to admit of a just comparison I have added to them the collections in the province of Ramnad for one year, and the net receipts from the Tinnevelly and Shevagunga zemindaries since the assumption of their sayer, by which it appears that the average increase per month in favour of the new system is very great, as noted in the margin.

Average increased collections per month :—

	S.Ps.	Fs.	C.
Ramnad - -	562	23	31
Shevagunga -	361	35	23½
Tinnevelly zemindaries - -	67	33	36½
Dindigul - -	959	25	69¾
Madura - -	4	6	48¼

23rd. In stating the favourable result which the introduction of these regulations has produced upon the collections, it also becomes my duty to bring to your notice the great and public benefit which a large and industrious society of men at this moment derive from the administration of the Customs upon large and enlightened principles. The difficulty which at first opposed its progress arose chiefly in the ignorance of the people with the forms; but self-interest stimulating their exertions to become acquainted with the regulations has finally overcome every obstacle; and I can have no hesitation in saying that a strict adherence to the principles of assessment now in force, whilst it affords an adequate compensation to the Government for the care and responsibility of superintending that department, combines the advantage of having conferred an incalculable blessing upon the community at large.

Vide B. No. 1.

24th. In closing my Report I have to request the attention of your Board to the accompanying abstract statement of the gross settlement for fusly 1213, including the revenue to be received from sayer and salt, which amounts to 6,78,406 S. Ps. 15 fs. 30 c., being an increase of 37,410 S. Ps. 32 fs. 74 c. upon the public collections in the last year, viz. :—

	S.Ps.	fs.	c.
In Madura, per cent. - - - -	8	13	29
In Dindigul, per cent. - - - -	7	17	50
,, Madura pollams, do. - - -	45	40	31
,, Manapara pollams, do. - - -	100	21	50

The explanations I have afforded in the foregoing sheets relative to the causes which have produced this augmentation in the revenue will, I trust, meet with your approbation, at the same that your Board may rest satisfied that the credit of contributing to augment the resources of the Company has not made me unmindful of the happiness of the people and the permanent prosperity of the public welfare.

25th. The small number of native accountants which are attached to the Madura and Dindigul cutcherries since the transfer of the conquered countries to Mr. Grame would have induced me to lose no time in applying to your Board for an additional establishment, had I not considered that a permanent increase

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RECORD.

In the High Court of Judicature, Madras.

No. 68. Exhibit L. Letter from Collector of Madura to Board of Revenue, with abstract Statements for Fusly 1213, dated 8th June 1804 —*continued.*

might probably be avoided by the temporary employment of a few gumastahs during the time the settlement was carrying on, but in this hope I have been deceived.

26th. To your Board, who are acquainted with the duties of a Collector, it appears unnecessary to remark that five gumastahs (the number at present allowed) are incompetent to superintend and arrange the voluminous accounts which require to be adjusted during the settlement of a village rent, and that any endeavour to accomplish this object through their means would have been followed by incalculable delay and injury to the revenue.

27th. To the execution of the duties required from my gomastahs in the present year I have to add the detailed arrangement of the Manapara survey accounts, and the complicated forms attending the new Custom Regulations.

28th. The augmentation in the present settlement of Madura and Dindigul, the increased revenue derived to the Government since the introduction of the new Custom Regulations, and the successful result of the Manapara survey, are circumstances which form the best comment that none of the important interests confided to my superintendence have been neglected. In this confidence I beg leave to submit to you the accompanying statement of extra gomastahs employed in my cutcherry to the 30th April, amounting to 79 star pagodas per month, and to solicit that the sanction of your Board may be conveyed to me for an increase of the establishment from that date of 50 pagodas monthly until the revenues of Dindigul have been permanently arranged. You may rest satisfied that I should not have recommended any augmentation which could with prudence be avoided, and that an economical appropriation of the public money has been with me as anxious a care as the strict realization of it.

Statement F. No. 1.

Statement G. No. 1.

29th. The accompanying testimony of proficiency which my head assistant, Mr. Harris, has acquired in the Malabar language, I have great pleasure in laying before you, in the confidence that your Board will observe a considerable improvement, since the paper I have now the honour to submit has been translated by Mr. Harris without the assistance of a moonshy.

H. No. 1.

30th. Whilst I have great pleasure in reporting to your Board the meritorious exertions of my assistant in qualifying himself for a superior situation by the study of the native language, I should be wanting in what is due to his assiduity and general application were I to pass over in silence the zealous and indefatigable assistance I have at all times received from Mr. Harris in the execution of my public duties. I have, therefore, great satisfaction in assuring you that the conduct of this gentleman has my entire approbation and confidence.

I have the honour to be,

Madura, 8th June 1804. With great respect, Gentlemen,

Your most obedient faithful servant,

Signed) G. Parish, Collector.

(Signed) H. Vigram,
Acting Registrar, Appellate Side.

In Mr. Parish's Letter 8th June 1804, No. 503. Cons. 25th June 1804.

Jummabundy and Kistbundy or Settlement and Instalments of the Ziliah of Ramnad, &c. and the Provinces of Madura and Dindigul for Fusly 1213.

—	Names of the District.	Jamabandy of Fusly 1213. In Paddy. In Specie.	Quantity.	Estimate Value of Garce.	Total Value.	Total Jummah.	Kists due in July 1803.	Do. in August 1803.	Do. in September 1803.	Do. in October 1803.
		S.Ps. F. C.	Garce Ma. Me.	S.Ps. F. C.	S.Ps. F. C.	S.Ps. F. C.	S.Ps. F. C.	S.Ps. F. C.	S.Ps. F. C.	S.Ps. F. C.
Peshcush	Ramnad	94,733 0 0	—	—	—	94,733 0 0	—	—	—	—
	Shevaganga	75,000 0 0	—	—	—	75,000 0 0	—	—	—	—
	Tinnevelly	98,868 0 0	—	—	—	98,868 0 0	—	—	—	—
	Dindigul	37,237 31 56	—	—	—	37,237 31 56	—	—	—	—
	Manaparra	27,726 35 15	—	—	—	27,726 35 15	—	—	—	—
	Madura	7,969 4 74	—	—	—	7,969 4 74	—	—	—	—
	Total	3,41,034 29 65	—	—	—	3,41,034 29 65	—	—	—	—
Land Revenue Rented	Dindigul	1,41,770 22 41	564 75 6	15 32 61	8,302 37	1,50,073 17 65	—	—	—	—
	Madura	98,842 3 45	479 136 4	15 35 78	7,600 20	1,06,442 24 40	—	—	—	—
	Total	2,40,612 26 6	1,043 206 2	*15 34 19	16,503 16	2,57,116 0 25	—	—	—	—
Deshcawel Rented	Madura	5,417 33 1	—	—	—	5,417 33 1	—	—	—	—
Toddy and Arrack License Rented	Ramnad	932 28 0	—	—	—	932 28 0	31 28 45	52 33 47	5 38 8	34 38 8
	Shivaganga	666 28 0	—	—	—	666 28 0	—	—	—	—
	Tinnevelly	315 2 31	—	—	—	315 2 31	—	—	—	—
	Dindigul	603 19 7	—	—	—	603 19 7	—	—	—	—
	Mannaparra	92 17 65	—	—	—	92 17 65	—	—	—	—
	Madura	376 15 22	—	—	—	376 15 22	—	—	—	—
	Total	2,986 26 45	—	—	—	2,986 26 45	31 28 45	52 33 47	5 38 8	34 38 8
	Grand Total	5,96,051 31 57	1,043 206 2	*15 34 19	16,503 16	6,06,555 5 56	31 28 45	52 33 47	5 38 8	34 38 8

* Sic.

Kistbundy.

Do. in November 1803.	Do. in December 1803.	Do. in January 1804.	Do. in February 1804.	Do. in March 1804.	Do. in April 1804.	In Specie.	Do. in May 1804. In Paddy. Quantity.	Value.	Total Kist.	In Specie.	Do. in June 1804. In Paddy. Quantity.	Value.	Total Kist.
S. F. C.	S.Ps. F. C.	S.Ps. F. C.	S.Ps. F. C.	S.Ps. F. C.	S.Ps. F. C.	S.Ps. F. C.	Garce Ma. Me.	S.Ps. F. C.	S.Ps. F. C.	S.Ps. F. C.	Garce Ma. Me.	S.Ps. F. C.	S.Ps. F. C.
—	10,000 0 0	10,000 0 0	15,000 0 0	20,000 0 0	20,000 0 0	10,000 0 0	—	—	10,000 0 0	8,733 0 0	—	—	8,733 0 0
—	5,000 0 0	7,000 0 0	10,000 0 0	15,000 0 0	15,000 0 0	15,000 0 0	—	—	15,000 0 0	8,000 0 0	—	—	8,000 0 0
—	9,050 0 0	11,115 8 0	17,830 0 0	18,690 0 0	17,250 0 0	13,250 0 0	—	—	13,250 0 0	11,218 0 0	—	—	11,218 0 0
—	5,455 21 63	5,455 21 63	7,273 25 19	7,273 25 23	5,455 19 26	3,636 31 2	—	—	5,636 31 2	2,687 22 29	—	—	2,687 22 29
—	2,041 3 14	6,253 38 71	5,548 28 61	5,193 28 14	4,172 12 33	2,782 12 7	—	—	2,782 12 7	1,784 37 55	—	—	1,784 37 55
—	1,183 21 51	1,183 21 51	1,578 2 45	1,578 2 45	1,183 20 79	789 1 20	—	—	789 1 20	478 18 26	—	—	478 18 26
—	32,730 4 48	41,007 40 25	57,230 14 56	67,675 14 2	63,931 1 58	45,458 2 29	—	—	45,488 2 29	33,841 33 27	—	—	33,841 3 27
—	17,640 25 20	23,244 23 5	15,702 29 3	33,409 9 5	17,324 2 28	13,717 21 61	282 97 7	4,451 18 52	18,168 40 33	14,641 37 79	282 97 7	4,451 18 52	19,093 14 61
—	8,011 37 31	7,915 31 62	10,601 37 5	26,979 15 69	22,923 0 41	16,695 31 44	289 265 1	3,860 19 37	19,896 0 1	6,916 17 20	289 265 1	3,860 19 37	16,116 37 08
—	25,652 29 54	31,158 12 67	26,304 24	388 24 74	40,247 2 69	29,813 11 25	521 363 0	8,251 29 9	38,064 40 34	20,558 13 29	521 363 2	8,251 29 10	29,210 0 39
—	—	—	—	—	2,769 0 61	1,354 15 54	—	—	1,354 15 54	1,354 15 46	—	—	1,354 15 46
70 22 21	74 24 29	75 31 21	85 10 79	108 38 2	89 29 76	105 25 21	—	—	105 25 21	190 1 29	—	—	190 1 29
76 14 54	94 22 65	24 33 20	98 4 16	142 5 62	83 14 1	94 23 65	—	—	94 23 65	117 35 64	—	—	117 35 64
—	—	—	59 15 69	12 30 44	30 12 7	197 31 27	—	—	197 31 27	14 38 58	—	—	14 38 58
—	—	148 28 0	87 8 72	40 1 22	137 6 29	90 30 44	—	—	90 30 44	90 28 0	—	—	90 28 0
—	—	—	—	18 26 29	36 40 58	18 26 29	—	—	18 20 29	18 20 29	—	—	18 20 29
—	—	94 28 0	47 11 56	56 8 58	68 27 7	54 33 1	—	—	54 33 1	54 33 20	—	—	54 33 20
155 36 55	199 5 12	343 36 31	379 9 23	387 20 37	446 4 18	361 38 22	—	—	561 38 22	486 31 26	—	—	486 31 26
155 36 55	68,521 30 34	72,519 5 53	83,995 5 07	1,34,451 17 33	106,463 9 46	77,187 25 50	521 363 0	8,251 29 9	85,439 12 30	56,641 13 48	521 363 2	8,251 29 10	64,893 0 66

dura, 1st June 1804.
E. E.
Pr.
(Signed) G. Parish, Collector.

No. 68 A. No. 2.

In Mr. Parish's Letter, 8th June 1804.
In No. 503. Cons. 25th June 1804.

In Regular Appeal, No. 129 of 1869.

No.

General Abstract, Jummabundy, or Settlement of the Districts under the Superintendence of Mr. Parish for Fusly 1213.

Names of the Districts.	Rented.						Amaunie.				Total Jummah.
	Land Revenue.				Farms and Licences.	Total Rented.	Sales of Land.	Sayer Revenue.	Salt Revenue.	Total Ammaunie.	
	Peshcush due by the Poligars.	Land Revenue in the Circar Talug.	Desh cawel.	Total Land Revenue.							
	S. Rs. F. C.	S. Rs. F. C.	S. Rs. F. C.	S. Rs. F. C.	S. Rs. F. C.	S. Rs. F. C.	S. Rs. F. C.	S. Rs. F. C.	S. Rs. F. C.	S. Rs. F. C.	S. Rs. F. C.
Ramnaad -	94,738 0 0	—	—	94,738 0 0	932 28 0	95,665 28 0	—	12,500 0 0	3,500 0 0	17,000 0 0	1,12,665 28 0
Shevagungah -	75,000 0 0	—	—	75,000 0 0	668 28	75,668 28 0	—	10,333 0 0	2,067 21 0	12,340 21 0	88,007 7 0
Tinnevelly -	98,368 0 0	—	—	98,368 0 0	315 2 31	98,683 2 31	11,460 0 0	6,380 0 0	664 28 16	7,044 28 16	1,17,187 30 47
Dindigul -	37,237 31 56	1,50,073 17 05	—	1,87,311 7 41	603 19 7	1,88,514 26 48	—	12,272 30 41	—	12,272 30 41	2,00,787 15 9
Manapaurey -	27,276 35 15	—	—	27,726 35 15	92 17 65	27,819 11 0	—	3,442 17 68	—	3,442 17 68	31,261 28 68
Madura -	7,909 4 74	1,06,442 24 40	5,417 53 1	1,19,829 20 35	376 15 22	1,20,205 35 57	—	8,290 38 14	—	8,290 38 14	1,28,496 31 71
Total -	3,41,034 29 65	2,57,116 0 25	5,417 53 1	6,03,938 21 11	2,986 26 45	6,06,535 5 56	11,460 0 0	54,219 2 43	6,172 7 16	60,391 9 59	6,78,496 15 35

Madura, 1st June 1804.
Errors excepted.
Pr.
(Signed) G. Parish,
Collector.

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RECORD.

In the High Court of Judicature, Madras.

No. 68.
Exhibit L.
Statement 2 a.
General Abstract Jummabundy for Fusly 1213.

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No. 68 A. No. 3.

In Mr. Parish's letter, 8th June 1804.
In No. 503. Cons. 25th June 1804.

In Reg. Ap. No. 129 of 1869.

Detailed Jumma and Kistbundy of the Zemindaries in the Zillah of Ramnad, &c., and Dindigul, Madura, and Manapara, for Fusly 1213.

Names of the Zemindaries.	Names of the Zemindars.	Peschush.	Kist Bundy. Kist due in December 1803.	Kist due in January 1804.	Kist due in February 1804.	Kist due in March 1804.	Kist due in April 1804.	Kist due in May 1804.	Kist due in June 1804.
		S. Ps. F. C.	S. Ps. F. C.	S. Ps. F. C.	S. Ps. F. C.	S. Ps. F. C.	S. Ps. F. C.	S. Ps. F. C.	S. Ps. F. C.
Zillah Ramnad - -	Mungie Iswara Nautchiar -	94,733 0 0	10,000 0 0	10,000 0 0	15,000 0 0	20,000 0 0	20,000 0 0	10,000 0 0	9,733 0 0
Shevagungah - -	Mooto Vizia Rooganatha Gawory Vullaba Peria Wodiya Tayer -	75,000 0 0	5,000 0 0	7,000 0 0	10,000 0 0	15,000 0 0	15,000 0 0	15,000 0 0	8,000 0 0
TINNEVELLY.									
Yettiepoor - -	Yettapanaig - - -	25,982 0 0	2,080 0 0	3,200 0 0	4,700 0 0	5,700 0 0	6,300 0 0	3,600 0 0	2,342 0 0
Shevegherry - -	Vurrsoouranmunyunnun -	16,000 0 0	1,000 0 0	2,000 0 0	3,000 0 0	3,000 0 0	3,000 0 0	2,000 0 0	2,000 0 0
Woothta Mallay -	Murrathpatayen - - -	7,777 0 0	1,000 0 0	1,000 0 0	1,500 0 0	1,500 0 0	1,000 0 0	1,000 0 0	777 0 0
Shoknonputty - -	Vellen Tayen - - -	7,500 0 0	1,000 0 0	1,000 0 0	1,300 0 0	1,000 0 0	1,000 0 0	1,000 0 0	1,000 0 0
Pareoor - - -	Toombechenaig - - -	5,500 0 0	500 0 0	500 0 0	500 0 0	500 0 0	500 0 0	500 0 0	500 0 0
Thuluvan Cottah -	Enderun Thuluvun - -	800 0 0	100 0 0	100 0 0	150 0 0	150 0 0	100 0 0	100 0 0	100 0 0
Cuddumbeor - -	Thuddavun Thuluvun - -	1,100 0 0	100 0 0	100 0 0	200 0 0	200 0 0	200 0 0	100 0 0	100 0 0
Panvulley - - -	Anvellapanaig - - -	800 0 0	100 0 0	100 0 0	150 0 0	150 0 0	100 0 0	100 0 0	100 0 0
Golsputty - - -	Gagelapanaig - - -	1,000 0 0	100 0 0	100 0 0	200 0 0	200 0 0	200 0 0	100 0 0	100 0 0
Yalemudda - - -	Herra Chinnaun Naig - -	1,000 0 0	100 0 0	100 0 0	200 0 0	200 0 0	200 0 0	150 0 0	100 0 0
Anilhanpoory - -	Shseondum Vunnean - -	200 0 0	20 0 0	20 0 0	40 0 0	40 0 0	40 0 0	20 0 0	20 0 0
Naddawa Chourchee -	Coolalan Tayen - - -	874 0 0	100 0 0	100 0 0	150 0 0	150 0 0	150 0 0	120 0 0	104 0 0
Munneanchee - -	Shoonuthu Tayen - - -	3,669 0 0	300 0 0	400 0 0	700 0 0	700 0 0	600 0 0	470 0 0	379 0 0
Shevunda - - -	Shola Tayen - - -	200 0 0	20 0 0	20 0 0	40 0 0	40 0 0	40 0 0	20 0 0	20 0 0
Thennallagoody -	Doddupanaig - - -	1,300 0 0	100 0 0	200 0 0	200 0 0	200 0 0	200 0 0	200 0 0	200 0 0
Anthen Curra - -	Pathelnaig - - -	1,000 0 0	100 0 0	100 0 0	200 0 0	200 0 0	200 0 0	100 0 0	100 0 0
Mala Manutha - -	Penjin Naig - - -	6,402 0 0	560 0 0	900 0 0	250 0 0	1,250 0 0	1,170 0 0	720 0 0	552 0 0
Shontheoor - - -	Gulappa Naig - - -	1,100 0 0	150 0 0	150 0 0	200 0 0	200 0 0	200 0 0	100 0 0	100 0 0
Hoormeand - -	Shatharoyan - - -	3,700 0 0	350 0 0	350 0 0	600 0 0	600 0 0	600 0 0	600 0 0	600 0 0
Shingumputty - -	Nullacooty Tayen - - -	2,300 0 0	200 0 0	200 0 0	400 0 0	400 0 0	400 0 0	400 0 0	300 0 0
Munnaur Cottah -	Chinnum Naig - - -	1,488 0 0	100 0 0	200 0 0	300 0 0	300 0 0	200 0 0	200 0 0	188 0 0
Auvedenupooram -	Poolley Tayen - - -	1,270 0 0	100 0 0	170 0 0	200 0 0	200 0 0	200 0 0	200 0 0	200 0 0
Shatoor - - -	Terekonnan Tayen - -	3,383 0 0	300 0 0	400 0 0	600 0 0	600 0 0	600 0 0	500 0 0	383 0 0
Samputoor - - -	Vudda Comma Naig - -	2,552 0 0	200 0 0	300 0 0	400 0 0	500 0 0	400 0 0	400 0 0	382 0 0
Shuvulputty - -	Shamny Naig - - -	1,709 0 0	160 0 0	160 0 0	350 0 0	350 0 0	350 0 0	350 0 0	179 0 0
Parevor - - -	Moothucomauren Munneyauren -	1,087 0 0	130 0 0	180 0 0	300 0 0	300 0 0	300 0 0	140 0 0	187 0 0
Goolcondum - -	Pundaur Tayen - - -	5 0 0	—	5 0 0	—	—	—	—	—
		98,508 0 0	9,090 0 0	11,116 0 0	17,830 0 0	18,630 0 0	17,250 0 0	13,250 0 0	11,213 0 0
	Total - - -	2,68,101 0 0	24,080 0 0	28,115 0 0	2,930 0 0	58,630 0 0	52,250 0 0	38,250 0 0	28,946 0 0
DINDIGUL.									
Cunnuvandy - -	Appi Naig - - - -	10,897 4 74	1,591 2 43	1,591 2 43	121 16 43	2,121 16 43	1,591 2 44	1,060 29 22	820 18 76
Ayagoody - - -	Obelacondum Naig - -	4,766 23 77	699 7 51	699 7 51	932 10 14	932 10 14	699 6 30	466 5 7	367 28 76
Maumberra - -	Perseram Naig - - -	644 4 67	95 26 58	95 26 58	127 21 51	127 21 51	95 26 58	63 31 66	38 17 45
Yemculpooram - -	Camma Lucka Naig - -	982 1 12	146 1 22	146 1 22	194 30 44	194 30 44	146 2 43	97 14 0	57 4 77
Thowshamudda - -	Jotelallegere Naig - -	471 30 63	69 3 65	69 3 65	92 5 7	92 5 7	69 3 65	46 2 44	34 6 55
Ammanaignoor - -	Kunnagn Naig - - -	3,991 13 20	588 0 0	588 0 0	784 0 0	784 0 0	588 0 0	392 0 0	267 13 20
Annuetterra - -	Maukel Naig - - -	1,153 19 23	171 21 51	171 21 51	228 28 0	228 28 0	171 21 51	114 12 58	67 11 52
Dodden Cottah - -	Dodden Naig - - -	761 35 62	111 27 42	111 27 42	148 36 47	148 36 60	111 27 42	74 18 24	54 29 46
Vuddacurra - -	Rampettra Naig - - -	2,599 29 48	369 26 59	369 26 59	492 35 51	492 35 51	369 26 58	246 17 65	218 28 25
Guntuppannaignoor -	Vaillapanaig - - -	3,832 36 31	550 20 29	550 20 29	734 0 0	734 0 0	550 20 29	366 40 58	846 18 46
Rodynaignoor - -	Peremulli Body Naig - -	4,384 46 14	653 26 58	653 26 58	871 21 51	871 21 51	653 26 58	435 31 65	245 10 73
Tavanrum - - -	Coudum Naig - - -	314 24 27	47 2 44	47 2 44	62 30 44	62 30 44	47 3 65	31 16 44	16 21 62
Yerrasickanaignoor -	Moothu allegere Naig - -	589 6 12	84 1 72	84 1 72	113 2 44	112 2 44	84 1 72	56 1 23	56 36 6
Combay - - -	Coolla gounden - - -	1,859 3 1	278 20 29	278 20 29	370 38 14	370 38 14	278 7 51	185 19 7	96 27 17
	Total - - -	37,237 31 56	5,455 21 63	5,455 21 63	7,273 25 10	7,273 25 23	5,455 10 26	3,636 31 2	2,687 22 29

(*Continued on next page.*)

No. 68 A. No. 3.—*continued.*

Names of the Zemindaries.	Names of the Zemindars.	Peschush.	Kist Bundy. Kist due in December 1803.	Kist due in January 1804.	Kist due in February 1804.	Kist due in March 1804.	Kist due in April 1804.	Kist due in May 1804.	Kist due in June 1804.
		S. Ps. F. C.	S. Ps. F. C.	S. Ps. F. C.	S. Ps. F. C.	S. Ps. F. C.	S. Ps. F. C.	S. Ps. F. C.	S. Ps. F. C.
MANAPARA.									
Comaravandy	Lucka Naig	5,075 2 51	739 25 36	739 25 36	986 5 58	986 5 58	739 25 37	493 2 44	200 38 22
Cuddalaloor	Moothu Naig	3,831 27 61	553 33 58	553 33 58	738 17 15	738 17 15	553 33 58	369 8 73	324 9 24
Vera Mallay	Cumba Naig	4,316 17 21	635 21 51	635 21 51	847 15 22	847 15 22	635 21 51	423 28 51	291 19 13
Tog Mallay	Vushapa Naig	752 24 71	112 6 29	112 6 29	149 22 73	149 22 73	112 6 29	74 32 36	42 11 42
Murrungunpoory	Boochi Naig	5,879 2 18	—	1,000 0 0	1,201 0 0	1,201 36 0	996 35 76	587 38 14	292 18 8
Ramagherry		7,872 2 33	—	2,612 55 37	1,627 9 53	1,270 15 6	1,134 15 22	833 27 29	393 25 29
	Total	27,726 35 15	2,041 3 14	6,253 38 71	5,548 28 61	5,193 28 14	4,172 12 33	2,782 12 7	1,734 37 55
MADURA.									
Vullesputty	Cumum Naig	4,242 32 60	630 17 15	630 17 15	840 23 44	840 23 44	630 17 4	420 12 7	250 6 7
Poolleen Colum	Manthanvan Naig	551 39 17	82 26 58	82 26 58	110 7 51	110 7 51	82 26 58	55 3 65	28 28 76
Velles ecoudam	Cumney canroy agounden	623 41 41	92 36 73	92 36 73	123 35 51	123 35 51	92 36 72	61 38 65	35 30 56
Shorravanley	Kutcheranmungounden	258 8 59	38 23 43	38 23 43	51 17 15	51 17 15	38 23 44	25 28 51	14 1 8
Male Cottah	Chinna Shuruppagounden	268 24 41	40 11 36	40 11 36	53 29 73	53 29 73	40 11 36	26 36 22	13 20 5
Nudda Cottah	Perea Shurappagounden	231 0 25	34 27 29	34 27 29	46 8 22	46 8 22	34 27 20	23 4 36	11 23 18
Koella Cottah	Jogy gounden	125 54 20	18 36 22	18 36 22	25 7 0	25 7 0	18 36 22	12 24 65	6 12 55
Jotel naignoor	Jotel Naig	305 35 21	45 22 22	45 22 22	60 29 22	60 29 22	45 21 51	30 14 51	17 21 71
Woottapannaignoor	Wootlapa Naig	738 12 27	107 0 0	107 0 0	142 28 0	142 28 0	107 0 0	71 14 0	60 26 27
Doddiuppensaignoor	Dadappu Naig	622 27 71	92 29 73	92 29 73	123 26 7	123 26 7	92 29 73	61 33 58	35 20 20
	Total	7,969 4 74	1,183 21 51	1,183 21 51	1,578 2 45	1,578 2 45	1,183 29 79	789 1 20	473 18 23
	Grand total	3,41,634 29 65	32,760 4 48	41,007 40 25	57,230 14 36	67,675 14 2	63,081 1 58	45,458 2 29	33,841 36 27

Madura, 1st June 1804.
Errors excepted.

Pr.
(Signed) G. Parish, Collector.

202/225

202/225

RECORD.

In the High Court of Judicature, Madras.

No. 68. Exhibit L. Statement 4 a. Jummabundy and Kistbundy of Dindigul for Fusli 1213.

No. 68 A. No 4.

In R. A., No. 129 of 1869.

In Mr. Parish's Letter, 8th June 1804.
In No. 503. Cons. 25th June 1804.

Jummabundy and Kistbundy of the District of Dindigul or Fusly 1213.

Names of the Divisions.	Names of the Talooks.	Jummabundy for Fusly 1213.					1st Kist, due on the 15th December 1803.	2nd Kist, due on the 15th January 1804.	3rd Kist, due on the 15th February 1804.	4th Kist, due on the 15th March 1804.	5th Kist, due on the 15th April 1804.	6th Kist, due on the 5th May 1804.				7th Kist, due on the 15th June 1804.			
		Settlement in Ready Money.	In Paddy.			Total.						In Ready Money.	In Paddy.	Its Value.	Total.	In Ready Money.	In Paddy.	Its Value.	Total.
			Quantity.	Value per Garce.	Its Valu.														
		S.Ps. F. C.	Garce Me. Ms.	S.Ps. F. C.	S.Ps. F C.	S.Ps. F. C.	S.Ps. F. C.	S.Ps. F.	S.Ps. F. C.	S.Ps. F. C.	S.Ps. F. C.	S.Ps. F. C.	Garce Me. Ms.	S.Ps. F. C.	S.Ps. F. C.	S.Ps. F. C.	Garce Me. Ms.	S.Ps. F. C.	S.Ps. F C.
1st Division, Vadasundoor.	Vadasundoor	16,901 33 68	—	—	—	16,901 33 68	2,045 36 35	3,582 25	—	8,512 38 31	56 33 61	277 29 0	—	—	277 29 0	1,825 38 26	—	—	1,825 38 26
	Attoor	7,901 1 61	—	—	—	7,901 1 61	883 39 71	1,172 13	—	2 816 29 57	1,286 17 28	978 1 47	—	—	978 1 47	763 25 37	—	—	763 25 37
	Gooddum	3,094 36 60	—	—	—	3,094 36 60	476 4 67	633 34	—	277 40 71	706 17 49	228 9 31	—	—	228 9 31	772 14 3	—	—	772 14 3
	Yerreyodoo	10,098 40 77	—	—	—	10,098 40 77	1,827 22 22	1,764 40	—	5,697 29 17	—	212 7 48	—	—	212 7 48	1,096 14 79	—	—	1,096 14 79
	Madoor	3,898 18 15	—	—	—	3,898 18 15	544 39 48	723 26	—	1,885 18 20	—	139 16 49	—	—	139 16 49	605 0 77	—	—	605 0 77
	Sookaumputty	2,625 17 31	—	—	—	2,625 17 31	319 10 78	422 30	—	1,515 28 25	—	70 39 36	—	—	70 39 36	296 34 47	—	—	296 34 47
	Pulleapa Naickenore	1,443 29 0	—	—	—	1,443 29 0	216 4 49	287 0	—	315 14 64	55 5 55	124 6 42	—	—	124 6 42	445 38 59	—	—	445 38 59
	Maranoor	2,163 22 28	—	—	—	2,163 22 28	320 40 7	425 39	—	1,006 26 7	—	112 19 58	—	—	112 19 58	296 22 54	—	—	296 22 54
	Nuttum	10,197 7 67	—	—	—	10,197 7 67	1,904 21 67	1,586	—	4,227 13 77	1,170 28 42	1,099 10 15	—	—	1,099 10 15	909 13 79	—	—	909 13 79
		58,324 40 7	—	—	—	58,324 40 7	7,939 10 14	10,606	—	26,255 39 49	3,275 18 75	3,242 14 6	—	—	3,242 14 6	7,011 35 61	—	—	7,011 35 61
2nd Division, Parcacolum.	Parcolum	11,815 28 16	174 372 3½	15 31 65½	2,756 2 29	14,572 6 45	1,201 32 75	1,576 21 6	2,191 8 38	1,056 21 44	2,309 10 18	1,457 3 5	87 186 1½	1,378 10 14½	2,835 13 19½	1,132 14 76	87 186 1½	1,378 10 14½	2,510 25 10½
	Woottama Pottam	3,896 37 75	142 199 4	11 34 29	1,684 1 14½	5,580 41 9½	315 31 37	421	689 33 8	674 5 42	720 6 67	568 37 12	71 99 6	842 1 47½	1,410 38 59½	437 7 36	71 99 6	842 1 47½	1,379 9 25½
	Cumbum	6,790 34 64	27 206 5½	11 34 29	325 4 34½	7,116 1 10½	669 17 46	892	1,241 32 11	1,133 0 78	1,253 30 64	911 37 12	102 25 17½	815 34 26	1,074 29 29½	706 9 58	102 25 17½	815 34 26	868 34 75½
	Buttalagoonta	5,436 21 73	92 16 8½	17 3 43⅝	1,631 3 52	7,068 6 45	588 38 27	718	977 31 48	885 15 5	1,061 38 9	706 15 38	—	—	1,522 7 64	547 28 21	—	—	1,363 29 47
	Nellacotta	6,217 7 0	—	—	—	6,217 7 0	815 35 13	1,087	1,304 11 61	971 14 13	886 13 66	699 27 11	—	—	699 27 11	551 37 8	—	—	551 37 8
	Davadaunaputty	2,023 29 35	—	—	—	2,023 29 35	229 21 44	306	380 6 19	328 6 42	331 29 60	251 30 18	—	—	251 30 18	196 18 28	—	—	196 18 28
	Sundayore	2,023 32 65	—	—	—	2,023 32 65	258 28 64	344	385 22 0	317 19 10	300 3 27	233 25 7	—	—	233 25 7	183 22 0	—	—	183 22 0
		38,204 24 8	436 335 0	14 26 71	6,397 6 50	44,601 40 58	4,029 37 66	5,347 13	7,070 19 20	6,267 40 67	6,904 18 71	4,529 7 23	218 197 4	3,198 29 25	8,027 36 48	3,755 12 7	218 197 4	3,198 29 25	6,953 41 32
3rd Division Pylney.	Pylney	26,850 29 34	108 3 6½	19 29 21½	2,127 9 33	28,978 6 67	2,946 0 69	3,990 30	4,798 7 22	4,348 8 51	4,691 13 64	3,674 1 31	54 1 7½	1,063 30 56½	4,737 32 7½	2,700 8 42	54 1 7½	1,063 30 56½	3,763 39 18½
	Rettiampandy	677 23 47	19 76 7½	19 29 21½	878 1 21	1,555 24 68	83 27 4	109	155 21 25	85 3 21	112 21 54	85 3 21	9 238 3½	189 0 50½	274 3 71½	66 14 7	9 238 3½	189 0 50½	255 14 57½
	Vercopautchey	13,227 23 58	—	—	—	13,227 23 58	1,082 10 8	1,426	2,633 9 3	1,804 33 45	1,711 18 21	1,374 36 25	—	—	1,374 36 25	1,094 29 49	—	—	1,094 29 49
	Yedeacotta	4,485 7 47	—	—	—	4,485 7 47	657 23 19	870	1,155 14 13	647 9 12	628 36 63	512 1 35	—	—	512 1 35	13 21 73	—	—	13 21 73
		45,241 0 26	127 80 6	19 29 21½	2,505 10 54	47,746 21 0	5,671 19 20	7,397	8,742 9 63	6,885 12 49	7,144 6 42	5,646 0 32	63 240 3	1,262 31 27	6,898 31 69	3,874 32 11	63 240 3	1,252 31 27	5,127 21 38
	Grand Total	1,41,770 22 41	564 75 6	15 32 61	8,902 17 24	1,50,673 17 65	17,640 25 20	23,244	19,792 29 3	39,409 9 5	17,324 2 28	13,717 21 61	282 37 7	4,451 18 52	18,168 40 33	14,641 37 79	282 37 7	4,451 18 52	19,093 14 51

Madura, 1st June 1804.
Errors excepted.
Pr.
(Signed) G. PARISH,
Collector.

U

(14 c.)

No. 68. A. No. 5.

In Mr. Parish's Letter, 8th June 1804.
In No. 503. Cons. 25th June 1804.

In Regular Appeal No. 129 of 1869.

Jumabundy and Kistbundy of the District of Madura for Fusly 1213.

—	Settlement in Ready money.	Jumabundy for Fusly 1213.				Kistbundy.			
		In Paddy.	Value per Garce.	Its Value.	Total.	1st Kist, due on the 15th December 1803.	2nd Kist, due on the 15th January 1804.	3rd Kist, due on the 15th February 1804.	4th Kist, due on the 15th March 1804.
	St. Pgs. F. C.	Cullum. Mar. Mea.	St. Pgs. F. C.	St. Pgs. F. C.	St. Pgs. F. C.	St. Pgs. F. C.	St. Pgs. F. C.	St. Pgs. F. C.	St. Pgs. F. C.
Mandacolum	18,880 34 32	272 245 0	17 3 65½	4,942 5 27	23,032 39 59	1,143 11½ 65	1,138 25 39	1,524 10 18	4,978 28 67
Sholavandan	10,580 12 57	297 285 4	14 10 14½	2,958 15 48	13,327 28 25	398 28 72	392 19 5	527 18 4	2,578 6 67
Teroomangalam	25,407 10 24	–	—	—	25,407 10 24	2,962 19 59	2,948 22 23	3,927 28 8	6,850 5 84
Tooroomboor	9,388 1 73	—	—	—	9,388 1 73	454 5 71	443 30 5	599 18 36	2,883 23 2
Maloor	17,089 25 77	—	—	—	17,089 25 77	991 6 68	947 37 31	1,292 20 35	4,891 12 33
Anneyore	18,148 2 22	—	—	—	18,148 2 22	2,092 6 19	2,042 23 49	2,730 6 64	4,785 22 79
	98,842 3 45	479 130 4	15 85 78	7,600 20 75	1,06,442 24 40	8,041 37 34	7,913 51 62	10,601 57 5	28,079 15 32

—	Kistbundy.									
	5th Kist, due on the 15th April 1804.	In Ready Money.	6th Kist, due on the 15th May 1804.			7th Kist, due on the 15th June 1804.				
			In Paddy.	Its Value.	Total.	In Ready Money.	In Paddy.	Its Value.	Total.	
	St. Pgs. F. C.	St. Pgs. F. C.	Cullum Mer. Mea.	St. Pgs. F. C.	St. Pgs. F. C.	St. Pgs. F. C.	Cullum. Me. Mea.	St. Pgs. F. C.	St. Pgs. F. C.	
Mandacolum	5,239 19 20	5,145 1 48	185 322 4	2,821 2 53	5,966 3 81	1,239 21 15	135 322 4	2,321 2 54	3,561 23 69	
Sholavandan	3,937 24 78	1,844 25 75	165 342 5	1,479 7 64	3,313 31 39	680 16 76	162 288 7	1,479 7 64	2,159 23 90	
Teroomangalam	4,274 21 67	3,127 31 30	—	—	3,127 31 30	1,335 39 14	—	—	1,335 39 14	
Tooroomboor	2,312 14 30	1,934 31 2	—	—	1,934 31 2	730 2 61	—	—	730 2 61	
Maloor	4,003 3 86	3,628 23 25	—	—	3,628 23 25	1,325 38 59	—	—	1,325 38 59	
Anneyore	3,155 20 74	2,365 4 24	—	—	2,365 4 24	1,023 24 45	—	—	1,023 24 45	
	22,923 0 41	18,095 81 44	339 265 1	4,300 10 37	19,396 0 1	6,316 17 30	239 265 8	3,800 16 83	10,115 27 68	

Madura, 1st June 1804.
Errors excepted.
Pr.
(Signed) G. PARISH, Collector.

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No. 68 A. No. 6.

In Mr. Parish's Letter, 8th June 1804.
In No. 503. Cons. 25th June 1804.

In Regular Appeal, No. 129 of 1869.

Statement of the Desha Cawul Jummabundy in the District of Madura for Fusly 1213.

Number of Talooks.	Names of the Talooks.	Punjah.				Nunjah.				Total Amount of Taxes on Punjah and Nunjah under Cultivation.	Sornadanyem or Ready Money Collection.	Total Jummabundy, including of Sornadanyem.
		Extent of Punjah Cultivation.	Deduct Tersee Lands and Lands in dispute in consequence of the Survey.	Nett Seed Land.	Amount of Fixed Taxes upon Ditto.	Extent of Nunjah Cultivation.	Deduct the Tersee Lands and Lands in dispute.	Nett Seed Land.	Amount of Fixed Taxes upon Ditto.			
		Koolies. Anah.	Koolies. Anah.	Koolies. Anah.	C. Chs. F. C.	Caws. Anah.	Caws. Anah.	Caws. Anah.	C. Chs. F. C.	C. Chs. F. C.	C. Chs. F. C.	C. Chs. F. C. Ex. S. Pag. F. C.
1.	Manda Colum	341 ¼	153 15	187 1¼	74 9 6	50 1¼	7 6¼	42 11	181 5 30½	206 4 36½	446 3 12½	652 8 1½ — 395 26 65
2.	Tholavundaun	452 11½	221 3	232 8½	88 5 33½	223 2	48 6½	174 11½	489 8 20½	578 4 16½	240 9 15½	819 3 32½ — 496 24 50
3.	Teroomungalum	4,006 10¼	1,838 ½	2,168 10	1,181 3 45	252 3½	49 7½	202 11¼	625 7 15½	1,807 1 12½	3,942 4 20½	5,749 5 33 — 3,484 24 52
4.	Thooroomboor	218 9½	89 4½	129 5	56 4 7½	22 9½	2 12½	19 12	39 6 15½	90 0 23½	122 6 ½	212 6 24 — 128 30 73
5.	Maloor	—	—	—	—	—	—	—	—	—	—	— — —
6.	Annyoor	2,379 4½	1,769 1	810 3½	366 1 29½	68 1½	12 5½	45 12	137 9 7½	504 0 36½	1,000 8 39	1,504 9 27½ — 912 4 1
	Total	7,599 5½	4,071 8½	3,527 12½	1,761 4 30	696	120 6	485 10½	1,424 7 0	3,186 1 30	5,753 1 40½	8,939 3 22½ — 5,417 33 1

Madura, 1st June 1804.
E. E.
Pr.
(Signed) G. PARISH, Collector.

(14 c.)

X

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RECORD.

In the High Court of Judicature, Madras.

No. 68.
Exhibit L.
Statement 7 a.
Jumma and Kistbundy of the Arrack Farms in Zillah of Ramnad, &c. for Fusly 1213.

No. 68 A.

In Mr. Parish's Letter, 8th June 1804.
In No. 503. Cons. 25th June 1804.

In Regular Appeal, No. 129 of 1869.

Statement of Jumma and Kistbandy of the Arrack Farms in the Zillah of Ramnad, and of Madura and Dindigul Districts, for Fusly 1213.

Name of the Districts.	Amount Rent for Fusly 1213.	Kistbundy. Kists due in July 1803.	Do. in August 1803.	Do. in September 1803.	Do. in October 1803.	Do. in November 1803.	Do. in December 1803.	Do. in January 1804.	Do. in February 1804.	Do. in March 1804.	Do. in April 1804.	Do. in May 1804.	Do. in June 1804.
	S.Ps. F. C.	S.Ps. F. C.	S.Ps. F. C.	S.Ps. F. C.	S.Ps. F. C.	S.Ps. F. C.	S.Ps. F. C.	S.Ps. F. C.	S.Ps. F. C.	S.Ps. F. C.	S.Ps. F. C.	S.Ps. F. C.	S.Ps. F. C.
RAMNAD DISTRICT.													
Cuttiah Rentad	680 0 0												
Keelakoodoo and Devapatnam	16 28 0												
Kolekharrad	16 28 0												
Vyga	8 14 0												
Alungoor	9 14 0												
Cuddandy	56 28 0												
Comery	60 28 0												
Paramagoody	29 0 0												
Gunzacondam	11 28 0												
Laujagramum	11 28 0												
Ramyasingammalum	6 28 0												
Tirooverdevy	20 0 0												
Pamban and Ramaswarum	33 14 0												
Pullymadum	25 0 0												
	992 28 0	81 28 45	53 33 47	—	—	79 22 21	74 24 39	73 31 21	83 16 79	108 88 2	89 89 76	105 25 21	100 1 30
Sheregurgah Zemindary	693 33 0	—	—	—	—	78 14 34	34 22 25	24 33 20	93 4 16	142 5 63	83 14 1	94 25 60	117 35 64
Timevelly Zemindary	315 2 31	—	—	—	—	—	—	—	39 15 69	13 30 44	20 12 7	197 51 27	14 38 33
Total Zillah of Ramnad	1,914 16 31	81 28 45	53 33 47	—	—	153 36 55	109 5 12	100 22 41	255 30 75	263 32 28	203 14 4	397 38 28	232 33 37
DINDIGUL DISTRICT.													
1st Division.													
Vedasurdeer	75 33 7												
Goodelum	3 1 23												
Veerlodoo	16 6 29												
Modoor	6 3 65												
Sookumpatty	3 3 65												
Pullilapanalekmoor	3 1 23												
Muroottoo	60 25 36												
Nuthum	181 24 39	—	—	—	—	—	—	—	—	—	—	—	—
2nd Division.													
Perriacolum													
Woottaraipollium													
Cumbum	77 24 15	—	—	—	—	—	—	—	—	—	—	—	—
Nellacottah													
Davathamupatty													
Sindalycor													
3rd Division.													
Pylecor	187 36 73												
Retnampandy	6 2 44												
Veroopatchee	49 29 29												
Yeddacottah	15 7 61												
	260 35 37	—	—	—	—	—	—	—	—	—	—	—	—
DISTRICT POLLIERS	680 0 0	—	—	—	—	—	—	—	—	—	—	—	—
Cumeswaddy	47 0 0												
Ammandekkanoor	11 13 25												
Coombay	7 11 36												
Anycooly	3 56 58												
Maundauray	1 3 66												
Enkalapurum	0 30 45												
Tavasandaly	0 22 75												
Annatarray	1 3 63												
Doddatcottay	0 26 68												
Vadakurray	1 34 52												
Gunnamalekmoor	2 20 45												
Boodeendekkanoor	1 17 34												
Taverum	3 1 72												
Ernolockanaickmoor	85 19 7	—	—	—	—	—	—	—	—	—	—	—	—
MANAPARA POLLAMS.													
Comaravandy	15 6 36												
Marrumpatty	13 26 68												
Chokwoor	13 5 7												
Ramagherry	30 12 56												
Veerumilloj	10 13 36												
Thogamallay	10 23 36												
	93 17 65	—	—	—	—	—	—	—	—	—	—	—	—
	175 36 73	—	—	—	—	—	—	—	—	—	—	—	—
Total of Dindigul District	626 50 75	—	—	—	—	—	—	—	—	—	—	—	—

207/275

RECORD.

In the High Court of Judicature, Madras.

No. 68.
Exhibit L.
Statement 7 a.
Jumma and Kistbundy of the Arrack Farms in Zillah of Ramnad, &c. for Fusly 1213—*continued.*

(*Continued on next page.*)

													25 0 0
													11 1 30
													37 6 30
													74 7 60
													16 30 29
													18 30 29
													54 40 58
													100, 6 28

No. 68 A. No. 7.—*continued.*

Names of the Districts.	Amount Rent for Fusly 1213.	Kistbundy. Kists due in July 1803.	Do. in August 1803.	Do. in September 1803.	Do. in October 1803.	Do. in November 1803.	Do. in December 1803.	Do. in January 1804.	Do. in February 1804.	Do. in March 1804.	Do. in April 1804.	Do. in May 1804.	Do. in June 1804.
1st Division—cont.	S.Ps. F. C.	S.Ps. F. C.	S.Ps. F. C.	S.Ps. F. C.	S.Ps. F. C.	S.Ps. F. C.	S.Ps. F. C.	S.Ps. F. C.	S.Ps. F. C.	S.Ps. F. C.	S.Ps. F. C.	S.Ps. F. C.	S.Ps. F. C.
MADURA DISTRICT.													
4th Division.													
Mandacolum	38 7 51	—	—	—	—	—	—	10 38 14	5 19 7	5 19 8	5 19 8	5 19 7	5 19 7
Sholavunday													
5th Division.													
Tercomungalum	48 20 29	—	—	—	—	—	—	13 39 36	6 38 14	6 38 14	6 38 14	6 38 15	6 38 16
6th Division.													
Thoorumboor	36 15 22												
Maloor	151 21 51												
	187 36 73	—	—	—	—	—	—	53 29 22	26 35 51	26 35 51	26 35 51	26 39 7	26 35 51
								16 5 8	8 2 44	8 2 44	8 2 44	8 2 44	7 41 78
Anniyoor	56 15 22	—	—	—	—	—	—	94 28 0	47 11 36	47 11 37	47 11 37	47 8 73	47 8 73
	330 38 15	—	—	—	—	—	—						
MADURA POLLAMS.													
Seeroopaulay	2 24 14												
Velliacoondum	2 24 14												
Valiaputty	12 5 7												
Doddapanaikanoor	2 5 7												
Woottapanaickanoor	1 34 29												
Nadoocottay	7 24 14												
Malacottay	8 20 29												
Keelacottay	1 15 23												
Poolamcolum	2 30 44												
Chottalanaickanoor	4 3 66												
	45 19 7	—	—	—	—	—	—	—	—	8 39 1	21 15 50	7 24 8	7 24 28
Total of Madura District	376 13 22	—	—	—	—	—	—	94 28 0	47 11 36	56 8 38	68 27 7	54 33 1	54 33 29
GRAND TOTAL	2,986 26 45	31 28 45	52 33 47	5 38 8	84 38 31	155 36 55	199 5 12	343 36 41	370 9 23	387 20 37	446 4 18	561 38 22	495 31 26

Madura, 1st June 1804.
Errors excepted.
Pr.
(Signed) G. PARISH, Collector.

No. 68 A. No. 8.

In Mr. Parish's Letter, 8th June 1804.
In No. 503. Cons. 25th June 1804.

In Regular Appeal No. 129 of 1869.

Statement of the Sale of the Lands in the Sequestered Pollams.

Names of the Pollams.	Names of the Purchasers.	Amount of Purchase Money.	Kistbundy. Kist due 15th August 1803.	Do. do. 15th September 1803.	Do. do. 15th October 1803.	Do. do. 15th November 1803.
Yelloyerumpunny Cushbah	Choka Talaven of Maneatch	1,850 0	470 0 0	460 0 0	460 0 0	460 0 0
Nully Mittah	Sawmy Naig of Shevelputty	2,400 0 0	—	2,400 0 0	—	—
Cadaly do.	Ettapa Naig of Ettiapoor	2,300 0 0	580 0 0	580 0 0	570 0 0	570 0 0
Colarputty Cushbah	Do. do.	620 0 0	160 0 0	160 0 0	150 0 0	150 0 0
Vapely putty Mittah	Do. do.	720 0 0	180 0 0	180 0 0	180 0 0	180 0 0
Vandy do.	Mottoo Comarsawmy, Monigar of Pareyore	510 0 0	—	250 0 0	260 0 0	—
Naglipoor Cushbah	Koonjah Naig of Mallmundy	1,000 0 0	250 0 0	250 0 0	250 0 0	250 0 0
Poodoor Mittah	Do. do.	520 0 0	130 0 0	130 0 0	130 0 0	130 0 0
Karsacolum	Ettapah Naig of Ettiapoor	1,540 0 0	390 0 0	390 0 0	380 0 0	380 0 0
	Total	11,460 0 0	2,160 0 0	4,800 0 0	2,380 0 0	2,120 0 0

Madura, 1st June 1804.
E. E.
Pr.,
(Signed) G. PARISH,
Collector.

RECORD.

In the High Court of Judicature, Madras.

No. 68. Exhibit L. Statement 9 a. Dowl Bariz of Sayer Chowkies of Ramnad, &c. for Fusly 1213.

No. 68 A. No. 9.

In Mr. Parish's Letter, 8th June 1804.
In No. 503. Cons. 25th June 1804.

In R. A. No. 129 of 1869.

Statement shewing the Dowel Bariz of Sayer Choukies for Fusly 1213 in the Zillah of Ramnad, &c.

		St. Ps.	F.	C.
Choukies of Ramnad Zemindary.	1. Cusbah Ramnad			
	2. Keelakadoo			
	3. Keelacurry			
	4. Cadalandy			
	5. Tirkoovattagee			
	6. Comery			
	7. Paramagoody			
	8. Gunga Goondan	13,500	0	0
	9. Teruvadanay			
	10. Ranjasingamungalum			
	11. Darveyputnam			
	12. Paumban			
	13. Ramasevarum			
	14. Pulleymaday			
Choukies of Shevagunga Zemindary.	15. Cusbah Shevagunga			
	16. Tiroopatoor			
	17. Kaurakoody			
	18. Koroondunbutto			
	19. Mungalam			
	20. Partevanoor			
	21. Thondy	10,333	0	0
	22. Tirupavanum			
	23. Nadoomaram			
	24. Nayekoppa			
	25. Valagoody			
	26. Palatoornandoo			
Choukies of Tinnevelly Zemindaries.	27. Yettiahpoorum			
	28. Pasoovandana			
	29. Wootamalay			
	30. Shevagherry	6,380	0	0
	31. Panvalay			
	32. Nangalapoorum			

		St. Ps.	F.	C.
Choukies of Dindigul District.	33. Cusbah Dindigul			
	34. Vadasundoor			
	35. Valewarcottah			
	36. Nuttum			
	37. Pariacolum			
	38. Ottumpallam			
	39. Aundiputty	12,372	30	41
	40. Battagoontah			
	41. Tirkooparlar			
	42. Pylney			
	43. Chuttrayputty			
	44. Cunnevady			
	45. Anniayah Naigpollam			
Choukies of Managurray Pollams.	46. Googiliampauray			
	47. Kuranoorculputty			
	48. Manapauray			
	49. Chintamanyputty			
	50. Thoojarencourchy	3,442	17	68
	51. Calungaputty			
	52. Vyramputty			
	53. Veeramalay			
	54. Togamalay			
Choukies of Madura District.	55. Cusbah Madura			
	56. Sholavandun			
	57. Tiroomungalom	8,290	38	14
	58. Maloor			
	59. Valiahputty			
	Total	54,219	2	43

Madura, 1st June 1804.
E. E.
Pr.
(Signed) G. PARISH, Collector.

RECORD.

In the High Court of Judicature, Madras.

No. 68. Exhibit L. Statement 10 a. Estimated Produce of Salt Pans, including the Custom, in Ramnad, for Fusly 1213.

No. 68 A. No. 10.

In Mr. Parish's Letter, 8th June 1804.
In No. 503. Cons. 25th June 1804.

In Regular Appeal, No. 129 of 1869.

Estimated Produce of the Salt Pans, including the Custom, in the Zillah of Ramnad, for Fusly 1213.

Names of the Zemindaries.	Names of the Salt Pans.	Estimated Gross Produce of Salt for Fusly 1213. S. Pag.	F.	Cash.	Land Customs on Do. S. Pag.	F.	Cash.	Total. S. Pag.	F.	Cash.
Ramnad Zemindaries.	Morecolum	359	5	48	179	23	64	538	29	32
	Vodihalum	28	33	48	7	37	64	35	29	32
	Parecaputnom	13	36	32	6	39	16	20	33	48
	Authengarie	18	21	0	9	10	40	27	31	40
	Vahleenokem	532	16	64	266	8	32	798	25	16
	Moothoragoonadsputnam	238	22	32	119	11	16	357	33	48
	Mookahoor	424	2	64	212	1	32	636	4	16
	Taracoodie	300	0	0	150	0	0	450	0	0
	Hoopoor	126	7	0	63	3	40	189	10	40
	Hoogendancoodie	100	39	16	50	19	48	151	16	64
	Viravahnadenputnam	127	37	64	63	39	72	191	35	56
	Numbeetoley	25	0	0	12	21	0	37	21	0
	Chunigeiveilsalom	25	0	0	12	21	0	37	21	0
	Codeecolum	18	1	32	9	0	56	27	2	8
	Total	2,333	14	0	1,166	28	0	3,500	0	0
Shevagunga Zemindaries.	Mauncodechalom	391	38	0	195	38	40	587	51	40
	Cholicncoodie	284	0	0	142	0	0	426	0	0
	Manamalicarie	69	0	0	34	21	0	103	21	0
	Vatahhom	252	21	0	126	10	40	378	31	40
	Caliahnagaree	94	28	0	47	14	0	142	0	0
	Soondrapandienputnom	17	0	0	8	21	0	25	21	0
	Theetandatahnom	229	14	0	114	28	0	344	0	0
	Total	1,338	14	0	669	7	0	2,007	21	0
Tinnevelly Zemindaries.	Patnamaroodoor	195	41	69	97	41	74½	293	41	63½
	Colathoor	61	12	20	30	27	10	91	39	30
	Malecmandy	78	34	57	39	17	28½	118	10	54½
	Arrasadee	37	3	61	18	22	70½	55	26	51½
	Ahgarum	69	38	17	34	40	8½	104	36	25½
	Total	443	4	64	221	23	32	664	28	16
	Grand Total	4,114	32	64	2,057	16	32	6,172	7	16

Madura, 1st June 1804.
E. E.
Pr.
(Signed) G. PARISH, Collector.

RECORD.

In the High Court of Judicature, Madras.

No. 68. Exhibit L. Statement 1 b. Jummabundy for Fusli 1213, of Ziliah of Ramnad, &c., showing the Increase in comparison with Fusli 1212.

No. 68 B. No. 1.

In Mr. Parish's Letter, 8th June 1804.
In No. 503. Cons. 25th June 1804.

In Regular Appeal, No. 129 of 1869.

Abstract Statement of the Jummabundy, for Fusly 1213, of the Districts of Madura and Dindigul, their dependent Poligars and the Zillah of Ramnad, showing the Increase in the present year on a comparison with Fusly 1212.

Names of the Districts.	Jummabundy of Fusly 1212.	Jummabundy of Fusly 1213.	Increase in this Year upon the Settlement of the last.	Do. do. Increase per Cent. on do. do.
	S.Ps. Fs. C.	S.Ps. Fs. C.	S.Ps. Fs. C.	S.Ps. Fs. C.
Madura district, including Devastanum	105,088 34 28	113,715 13 3	8,626 20 55	8 34 32
Deshcawel	5,077 37 62	5,417 33 1	339 37 19	6 29 11
Forms and licences	123 14 1	330 38 15	207 24 14	168 12 50
Total	1,10,290 2 11	119,464 0 19	9,173 40 8	8 13 29
Madura Pollams	5,459 30 65	7,969 4 74	2,509 16 9	45 40 31
Forms and licences	—	45 19 7	45 19 7	—
Total	5,459 30 65	8,014 24 1	2,554 35 16	46 33 13
Total of Madura	1,15,749 32 76	127,478 24 20	11,728 33 24	10 5 46½
Dindigul District	1,40,266 1 22	150,673 17 65	*10,407 16 43	7 17 50
Forms and licences	190 12 58	520 0 0	329 29 22	173 12 36
	1,40,456 14 0	151,193 17 65	10,737 3 65	7 27 5¼
Dindigul Polliems	36,369 21 48	37,237 31 56	868 10 8	2 16 21
Forms and licences	—	83 19 7	83 19 7	—
	36,369 21 48	37,321 8 63	951 29 15	2 25 72¼
Total of Dindigul	176,825 35 48	188,514 26 48	11,688 33 0	6 25 50½
Manapara Polliams	13,826 2 30	27,726 35 15	13,900 32 65	100 21 50
Forms and licences	—	92 17 65	92 17 65	—
Total of Manaparai	13,826 2 30	27,819 11 0	13,993 8 50	101 8 62½
Total of Madura, Dindigul, and Manaparai	306,401 28 74	343,812 19 68	37,410 32 74	12 8 73¾

* Vadasundoovor, 1st Division of Dindigul — S.Ps. Fs. C. 2,075 18 11
Pareyaculam, or 2nd do. of do. — 4,528 6 10
Pulney, or 3rd do. of do. — 3,803 34 22
10,407 16 43

213/735

RECORD.

In the High Court of Judicature, Madras.

No. 68. Exhibit L. Statement 1 b. Jummabundy for Fusli 1213, of Zillah of Ramnad, &c., showing the Increase in comparison with Fusli 1212—*continued.*

No. 68 B. No. 1.—*cont.*

Names of the Districts.	Jummabundy of Fusly 1212.	Jummabundy of Fusly 1213.	Increase in this Year upon the Settlement of the last.	Do. do. Increase per Cent. on do. do.
Zillah of Ramnad.	S.Ps. Fs. C.	S.Ps. Fs. C.	S.Ps. Fs. C.	S.Ps. Fs. C.
Ramnad	94,733 0 0	94,733 0 0	—	—
Forms and licences	—	932 28 0	932 28 0	—
	94,733 0 0	95,665 28 0	932 28 0	0 41 25½
Shevaganga	50,000 0 0	75,000 0 0	25,000 0 0	50 0 0
Forms and licences	—	666 28 0	666 28 0	—
	50,000 0 0	75,666 28 0	25,666 28 0	51 14 0
Tinnevelly	87,223 2 26	98,368 0 0	11,144 39 54	12 32 44
Forms and licences	—	315 2 31	315 2 31	—
	87,223 2 26	98,683 2 31	11,460 0 5	13 6 37¼
Sayer under Amankee.				
Sayer of Ramnad Zemindary	12,859 41 54	13,500 0 0	640 0 26	4 41 0
Do. of Shevaganga do.	—	10,333 0 0	10,333 0 0	—
Do. of Tinnevelly do.	—	6,310 0 0	6,380 0 0	—
Do. of Dindigul do.	9,308 30 43	12,272 30 41	2,963 41 78	31 35 18
Do. of Manapara do.	—	3,442 17 68	3,442 17 68	—
Do. of Madura do.	7,836 15 22	8,290 38 14	454 22 72	5 33 77
	30,005 3 39	54,219 2 43	24,213 41 4	80 0 65½
Salt under Amankee.				
Ramnad Zemindary	2,000 0 0	3,500 0 0	1,500 0 0	75 0 0
Shevaganga do.	—	2,037 21 0	2,037 21 0	—
Tinnevelly do.	—	664 28 16	664 28 16	—
	2,000 0 0	6,172 7 16	4,172 7 16	208 25 44½
Sale of the lands in the sequestered Pollams	—	11,460 0 0	11,460 0 0	— *
Grand Total	570,362 34 59	685,679 3 78	115,316 11 19	20 9 19¼

* The money has been collected and reported to the Board in the Collector's letter under date.

115,316 11 9
37,410 32 74
Zillah Ramnad — 77,905 0 0

Madura, 1st June 1804.
Errors excepted.
Pr.
(Signed) G. Parish,
Collector.

No. 68 C. No. 1.

In Mr. Parish's Letter, 8th June 1804.
In No. 503. Cons. 25th March 1804.

In Regular Appeal, No. 129 of 1869.

No.

Abstract Statement of the Revenues of the Manapara Pollams, as per actual Survey, showing the Peshcush payable to the Company.

Names of Pollams.	Extent of Poonja Seed Land under Cultivation.	Amount of Fixed Teerva on Do.	Extent of Nunja Seed Land under Cultivation.	Amount of Fixed Teerva on Do.	Total Amount of Fixed Teerva on Nunja and Poonja.	Survadayan or Ready Money Collection.	Total Jummabundy.	The Poligar's Share, or 30 per Ct. of the Revenue.	Peshcush payable to the Company. 70 per Ct. of the Revenue.	Total Peshcush in Star Pagodas at 16½ Cully Fans. Pr. Str. Pagodas.
	Koolies. Anah.	C.Chs. Fs. C.	Cwnsiees. Anah.	C.Chs. Fs. C.	C.Chs. Fs. C.	C.Chs. Fs. C.	C.Chs. Fs. C.	C.Chs. Fs. C.	C.Chs. Fs. C.	Str. Fs. C.
Comarswamy -	80,146 15½	10,734 6 16½	471 6½	887 6 42	11,622 3 16½	340 3 12	11,962 6 22½	3,588 7 45	8,378 8 25½	5,075 2 51
Cuddahoor -	24,011 12	3,174 9 37½	165 12½	527 7 23½	3,702 7 12½	329 0 24	4,031 7 36½	2,709 5 17½	6,322 2 19½	3,831 27 61
Veeramalay -	25,507 3½	9,423 7 28½	245 8½	562 9 33	9,986 7 13½	187 6 86	10,174 4 1½	3,032 3 12	7,122 0 87½	4,316 17 21
Togmallay -	4,497 12	1,615 9 22½	90 2½	146 4 19½	1,762 3 42	11 5 36	1,773 9 30	532 1 40½	1,241 7 37½	752 24 71
Murrungapoory -	31,049 3½	10,178 4 43½	1,634 8	3,041 2 24½	13,219 7 20½	638 0 9½	13,857 7 30	4,157 3 12	9,700 4 18	5,879 2 18
Ramagherry -	40,410 9½	16,355 1 19½	459 9½	1,376 2 39½	17,731 4 11½	824 1 17½	18,555 5 28½	5,566 6 50½	12,988 8 45½	7,872 2 33
Grand Total -	155,622 8	56,482 0 24	3,068 15½	6,542 3 38½	68,027 3 14½	2,330 7 39	65,356 1 5½	19,606 8 13½	45,749 2 39½	27,726 35 15

Madura, 1st June 1804.
Errors excepted.
Pr.
(Signed) G. PARISH,
Collector.

No. 68 C. No. 2.

In Mr. Parish's Letter, 8th June 1804.
In No. 503. Cons. 25th March 1804.

In Regular Appeal, No. 129 of 1869.

Statement of the Revenues of the Pollam of Marungapury of Manapara, as per actual Survey.

Number of Villages.	Name of the Villages.	Extent of Punjah Seed Land under Cultivation.	Amount of Fixed Teerva upon do.	Extent of Nunjah Seed Land under Cultivation.	Amount of Fixed Teerva upon do.	Total Amount of Fixed Teerva upon the Cultivation of Nunjah and Punjah.	Sornadayan or Ready Money Collection.	Total Jummabundy.
		Coolies. Anhs.	C. Chs. F. C.	Cawnies. Anhs.	C. Chs. F. C.	C. Chs. F. C.	C. Chs. F. C.	C. Chs. F. C.
1	Gadia Marungapuri -	14 10½	5 8 14	—	—	5 8 14	12 9 94	18 7 208
2	Nullur - - -	343 13½	116 3 84	23 10½	93 1 334	159 4 42	24 5 0	183 9 42
3	Valaputty - - -	183 12½	67 4 18	8 3½	10 1 144	77 5 324	16 4 0	93 9 324
4	Chunthoputty - - -	104 12	32 1 434	— 3½	— 4 6 0	35 1 434	4 6 0	39 7 434
5	Malloor - - -	336 10½	151 8 57½	32 3½	63 5 42	214 4 57½	21 1 24	235 6 75½
6	Cadamanoopatty - -	301 12½	100 0 04	12 3½	50 1 0	150 5 57½	40 1 0	190 6 57½
7	Mullaputty - - -	204 7½	68 7 204	— 3½	— 3 0 24	68 7 224	10 5 0	79 0 224
8	Conaputty - - -	66 14	19 0 24½	0 3½	0 3 284	19 4 34	—	19 4 34
9	Pummapatty - - -	625 9½	206 4 40½	50 12½	105 8 104	311 3 3	215 4 36½	526 7 43½
10	Venkatamangeopatty	113 15½	37 4 36½	25 6½	52 7 134	67 2 28	54 1 20½	121 3 48½
11	Rootcoputty - - -	47 14	15 7 28½	— 3½	— 4 0	15 7 28½	1 0 0	16 7 28½
12	Belenpollam - - -	158 15½	53 9 28½	4 3½	5 4 30½	64 4 22½	4 4 0	68 8 22½
13	Nedroomatty - - -	108 9½	44 4 0	14 12½	27 0 89	71 4 30	10 0 0	81 4 30
14	Adaderum - - -	203 12½	66 4 21½	4 3½	6 5 32½	72 0 16½	9 6 24	81 6 40½
15	Adakumputty - - -	219 15	79 6 24½	1 3½	1 3 10½	74 9 28½	10 6 0	87 5 28½
16	Aneycherry - - -	45 14½	19 1 27½	0 3½	0 4 0	19 5 27½	1 1 0	20 6 27½
17	Caresleputty - - -	308 7½	105 4 42½	0 3½	1 1 32½	106 5 74½	11 8 24	118 3 98½
18	Penilluttuputty - -	243 10½	80 1 24½	0 3½	0 4 0	80 5 24½	8 2 0	88 7 24½
19	Canaookoolly - - -	222 13	74 5 0	1 2½	1 3 0	75 8 0	8 2 0	83 10 0
20	Poodoopatty - - -	145 6½	49 2 24½	0 3½	0 4 0	49 6 24½	5 1 0	54 7 24½
21	Cadamputty - - -	1,013 8½	340 7 71	14 13	29 7 72	370 3 144	37 6 0	407 9 144
22	Edapatty - - -	1,075 11½	360 3 45½	25 14½	52 6 24½	412 9 70	41 3 0	453 12 70
23	Manjanaljapatty - -	604 8½	201 3 45½	25 14½	52 6 24½	253 9 70	25 3 0	278 12 70
24	Ammapatty - - -	83 8½	27 7 45	1 3½	1 3 10½	28 10 55½	2 8 0	31 2 55½
25	Nauthumpatty - - -	90 8½	30 2 24½	1 3½	1 3 10½	31 5 34½	3 1 0	34 6 34½
26	Vadoolumpatty - - -	84 10½	31 7 22½	3 3½	3 6 84	35 1 30½	3 5 0	38 6 30½
27	Lutchmangeopatty -	174 13	63 0 19½	3 3½	3 6 84	66 6 34	6 6 0	72 12 34
28	Vallacoorchy - - -	46 3½	16 3 28½	13 3½	28 1 0	44 4 28½	4 4 0	48 8 28½
29	Sreemputty - - -	196 12	68 8 18½	— 3½	— 4 0	68 8 18½	6 8 0	75 0 18½
30	Akkumputty - - -	71 6	25 7 12½	10 3½	12 6 0	38 1 12½	4 0 0	42 1 12½
31	Adekpatty - - -	225 7½	78 3 20½	5 3½	6 0 84	84 4 4½	8 4 0	92 8 4½
32	Ellapatty - - -	360 1	125 2 24½	12 3½	25 2 24	150 5 0	15 0 0	165 5 0
33	Padamyrpatty - - -	315 12	109 7 91	12 3½	25 2 24	134 9 0	13 4 0	147 13 0
34	Sevenkantypatty - -	253 3½	88 4 46½	14 3½	29 3 0	117 7 46½	11 8 0	129 15 46½
35	Swanipatty - - -	339 13	118 1 46½	10 3½	21 0 24	139 1 70½	13 9 0	153 10 70½
36	Pantaurpatty - - -	140 14	48 5 54	— 3½	— 4 0	48 5 54	4 8 0	53 1 54
37	Andakumpatty - - -	131 11½	45 6 6	9 3½	18 7 0	63 5 6	6 3 0	69 8 6
38	Muttampatty - - -	50 6	17 6 204	— 3½	— 4 0	17 6 204	1 7 0	19 3 204
39	Goondapatty - - -	824 14½	287 1 0	96 3½	200 0 0	487 1 0	48 7 0	535 8 0
40	Pulpandy - - -	185 0	64 2 4	16 3½	33 2 24	97 4 28	9 7 0	106 11 28
		225 15	82 4 15	25 11½	55 6 283	138 0 434	15 3 29	153 4 104

RECORD.

In the High Court of Judicature, Madras.

No. 68. Exhibit L. Statement 2 c. Revenues of the Polliam of Marungapari of Manapara —*continued.*

No. 68 C. No. 2.—*continued.*

Number of Villages.	Name of the Villages.	Extent of Punjah Seed Land under Cultivation.	Amount of Fixed Tirwa upon do. do.	Extent of Nunjah Seed Land under Cultivation.	Amount of Fixed Tirwa upon do. do.	Total Amount of Fixed Tirwa upon the Cultivation of Nunjah and Punjah.	Sornadayam or Ready Money Collection.	Total Jumabundy.
		Coolies. Anhs.	C. Chs. F. C.	Cawnies. Anhs.	C. Chs. F. C.	C. Chs. F. C.	C. Chs. F. C.	C. Chs. F. C.
41	Valamandoo -	233 4½	75 5 42½	73 4½	174 4 22½	250 0 17½	40 5 12	290 5 29½
42	Porsvoy - -	1,148 8½	388 2 24½	87 3½	52 5 (*torn*)	440 8 10½	32 5 0	473 3 10½
43	Poodugudy - -	67 7½	21 3 11½	—	—	21 3 11½	7 0 24	28 3 35½
44	Makelyputty - -	111 4½	38 7 40½	—	—	38 7 40½	—	38 7 40½
45	Eachandyputty -	159 9½	48 8 31½	1 4	1 0 0	49 8 31½	2 0 0	51 8 31½
46	Seerangumputty -	158 7½	50 8 15½	17 12½	33 5 39½	84 4 7½	1 9 0	86 3 7½
47	Vagulalayamputty -	209 4½	64 3 4½	9 1½	13 4 27	77 7 31½	10 4 27	88 2 10½
48	Audanapurra - -	283 14½	92 4 7½	11 7	14 9 12½	107 3 20½	8 3 40½	115 7 18½
49	Keeraneputty - -	294 0½	93 7 20½	24 11½	48 4 9½	142 1 30	9 6 0	151 7 30
50	Ediaputty - -	483 9½	159 4 40½	1 3½	1 7 27½	161 2 20½	6 8 0	168 0 20½
51	Vellialecanputty -	377 6	120 4 1½	18 5½	23 5 21½	144 9 23½	25 2 2½	170 1 25½
52	Coottapalinchy -	463 2½	151 2 27	28 10½	51 5 8½	202 5 35½	21 1 26½	223 7 15½
53	Paulacourchy - -	566 10½	188 4 25½	31 3½	60 7 11½	249 1 36½	12 4 0	261 5 36½
54	Kunnuputty - -	700 0	218 8 18	27 2	60 5 6	274 3 24	22 6 11½	296 9 35½
55	Ammachathum -	660 7	246 0 6	47 14½	96 5 36	342 5 42	55 2 0	397 7 42
56	Tandanoor - -	1,087 13½	359 4 47½	10 6½	10 7 42	379 2 41½	20 4 0	399 6 41½
57	Anmanaeumputty -	931 4½	312 5 30½	30 5½	84 2 44½	396 8 27	39 3 24	436 2 3
58	Calingiputty - -	1,066 12	353 8 12	59 15	114 5 39	468 4 3	43 0 24	511 4 27
59	Tothaputty - -	1,393 5½	501 0 35½	5 12½	10 1 18	511 2 3½	49 1 12½	560 3 16½
60	Teroonellyputty -	1,582 4½	494 7 32½	67 2	108 7 32½	603 5 10½	63 4 24	726 9 40½
61	Navagoody - -	153 12½	52 9 30½	7 0½	19 2 31½	72 2 14½	35 7 24	107 9 38½
62	Rankumputty -	144 12½	48 0 15	46 6½	105 7 28½	153 7 43½	14 8 24	168 6 19½
63	Vambatoor - -	1,178 9½	367 3 44½	156 6½	247 4 12	614 8 8½	105 3 12	720 1 20½
64	Thaytoor - -	462 14	160 8 27	12 4½	15 3 27½	176 2 0½	27 9 0	204 1 6½
65	Taulambandy - -	411 18½	153 2 10½	57 2	102 8 15½	256 0 25½	34 3 24	290 4 21
66	Woosalamputty -	302 10½	104 2 6½	—	—	104 2 6½	8 2 0	112 4 6½
67	Vanlasaputty - -	477 12½	141 4 27½	26 8½	50 2 7½	191 6 35½	16 7 0	208 3 35½
68	Moorukaumputty -	296 14½	103 6 29½	15 9½	34 3 33½	138 0 13	17 8 2½	155 8 17½
69	Manthecaurrumputty	227 12	77 5 28½	15 14½	37 0 17½	114 5 45½	9 1 47½	123 7 45
70	Paurumputty -	278 5½	94 5 17½	5 0	7 3 8½	101 8 25½	4 8 21	106 6 46½
71	Mootulawarrapputty -	479 2½	156 2 18½	2 4½	3 7 42½	160 0 8½	19 5 7½	179 5 15½
72	Matooputty - -	166 12	59 1 18	—	—	59 1 18	7 5 14½	66 6 32½
73	Meenakoor - -	898 6½	132 7 28½	76 6½	138 8 46½	271 6 27	17 8 0	289 4 27
74	Tekaracossicourchy -	560 14	196 8 28½	1 8½	1 7 33	198 6 18½	2 9 0	201 5 18½
75	Thaynoor - -	494 13½	170 0 27	89 3	164 0 27	334 1 6	81 7 1½	415 8 7½
76	Cunjamiqputty -	880 8½	274 8 46½	31 3½	66 8 29½	341 7 27½	26 8 24	368 6 3½
77	Yendapooloo -	536 7½	190 0 25½	1 13	2 6 15½	192 6 42	12 5 24	205 2 18
78	Cunnanoor - -	163 11½	31 6 30	—	—	31 6 30	5 0 0	36 6 30
		31,649 5½	10,178 4 43½	1,636 8	3,041 2 24½	13,219 7 20½	1,671 6 21½	14,891 3 42

Madura, 1st June 1804.
E. E.
Pr.
(Signed) G. Parish, Collector.

In Regular Appeal, No. 129 of 1869.

In Mr. Parish's Letter, 8th June 1804.
In No. 503. Cons. 25th June 1804.

No. 68 C. No. 3.

Statement of the Revenues of the Pollams of Comarawandy of Manapara as per actual Survey.

No. of Villages.	Names of the Villages.	Extent of Punjah Seed Land under Cultivation.	Amount of Fixed Tirwa upon do.	Total Amount of Fixed Tirwa upon the Cultivation of Punjah and Nunjah.	Sornadayam or Ready Money Collection.	Total Jumabundy.
		Coolies. Anahs.	C. Chs. F. C.	C. Chs. F. C.	C. Chs. F. C.	C. Chs. F. C.
1	Cudah Comarawandy -	2,225 8⅓	809 9 56¾	887 9 30¾	93 3 0	981 2 30¾
2	Poigaputty - -	1,425 3	520 1 20¼	556 0 38¼	39 8 0	595 8 38¼
3	Elembarum - -	1,483 10	517 8 30	519 0 9	22 2 12	541 2 21
4	Pothu Cottah -	2,021 4½	697 4 41¼	702 6 24½	53 8 24	756 5 0½
5	Puthunathum -	1,516 1½	500 9 19½	608 2 31¼	90 6 12	698 8 43½
6	Curpoor - -	3,205 14¼	1,047 8 10½	1,077 5 10½	46 1 36	1,123 6 46½
7	Chittiputty - -	2,564 15½	908 3 33¾	983 9 42¾	58 0 36	1,041 9 30¾
8	Retyputty - -	1,529 1½	533 3 46½	634 6 38¼	141 4 24	766 1 14¼
9	Vanga-courchy -	1,753 5½	621 2 21	655 3 27¾	33 2 24	698 6 3¾
10	Keel-Vallooar -	685 0	249 9 31½	266 7 6	16 5 24	813 2 30
11	Shevaloor - -	2,024 0	892 6 0¾	892 6 0¾	44 8 12	937 4 12¾
12	Cunnediamputty -	2,033 3½	775 1 30½	795 1 39	31 5 0	826 6 39
13	Peresputty - -	2,747 3¾	1,011 1 39¾	1,121 3 36	31 0 12	1,152 4 0
14	Punnaliputty - -	4,342 8	1,626 4 38¼	1,971 9 11¼	102 0 36	2,073 9 47¼
	Total -	30,146 15¼	10,784 6 16½	11,622 3 10½	805 6 12	12,427 9 22½

Madura, 1st June 1804.
Errors excepted.
Pr.
(Signed) G. Parish,
Collector.

217/736

RECORD.

In the High Court of Judicature, Madras.

No. 68. Exhibit L. Statement 3 c. Revenues of the Polliam of Comarawandy of Manapara.

No. 68 C. No. 4.

In Mr. Parish's Letter, 8th June 1804.
In No. 503. Cons. 25th June 1804.

In Regular Appeal, No. 129 of 1869.

Statement of the Revenue of the Pollam of Cuddapoor of Manapara, as per actual Survey.

Number of Villages.	Names of the Villages.	Extent of Poonjah Seed Land under Cultivation.	Amount of Fixed Teerwa upon ditto.	Extent of Nunjah Seed Land under Cultivation.	Amount of Fixed Teerwa upon ditto.	Total Amount of Fixed Teerwa upon the Cultivation of Punja and Nunja.	Sornadayem or Ready Money Collection.	Total Jummabundy.
		Koollies Anah.	Cully Chs. F. C.	Cawnies Anah.	Cully Chs. F. C.	Cully Chs. F. C.	Cully Chs. F. C.	Cully Chs. F. C.
1	Punnumputty	955 1½	389 5 25½	—	—	389 5 25½	26 5 0	366 0 25½
2	Paupoumbundy	687 13	263 3 1½	—	—	263 3 1½	90 7 0	354 0 1½
3	Vuddagambundy	844 1½	288 2 30	—	—	288 2 30	9 6 0	297 8 30
4	Keellapugather	1,070 1½	325 8 25½	20 2	63 9 30	389 8 7½	239 4 0	629 2 7½
5	Mulalapugathee	1,542 12	542 2 15½	8 4¾	10 3 33¾	552 6 1½	57 9 36	610 5 37½
6	Keermoor	2,559 0¼	821 6 32½	—	—	821 6 32½	21 2 0	842 8 32½
7	Thennelly	2,082 10¾	687 3 37½	—	—	687 3 37½	43 7 0	731 0 37½
8	Paulluvedethee	2,295 6	789 4 11¼	11 1¾	29 9 8½	819 3 19½	77 3 0	896 6 19½
9	Moolleygandy	1,812 10	578 6 33¾	30 13½	71 3 0½	649 9 34½	45 0 36	695 0 22½
10	Maunathoor	2,090 0	747 4 2½	60 2¾	274 6 36	1,022 0 38¼	59 7 24	1,081 8 14¼
11	Shumbunuthum	3,133 6	1,033 7 21	6 5¼	7 9 5½	1,041 6 26¼	94 1 0	1,135 7 26¼
12	Vurruvunna	1,516 8¾	516 3 37½	1 3¾	7 1 34½	523 5 24	104 3 24	627 9 0
13	Vrumavumungalum	397 5¾	160 5 38½	3 12	3 5 30	164 1 20½	21 6 0	185 7 20¾
14	Vaillaputty	1,985 11¼	719 9 23½	16 3	26 3 21	746 2 44½	40 0 0	786 2 44½
15	Anchanoor	1,039 4	360 5 38½	7 12	32 5 15⅝	393 1 6	66 0 0	459 1 6
	Grand Total	24,011 12	8,174 9 37½	165 12¼	527 7 23¼	8,702 7 12¾	997 2 24	9,699 9 36¾

Madura, 1st June 1804.
Errors excepted.
Pr. (Signed) G. Parish, Collector.

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No. 68 C. No. 5.

In Mr. Parish's Letter, 8th June 1804.
In No. 503. Cons. 25th June 1804.

In Regular Appeal, No. 129 of 1869.

Statement of the Revenues of the Pollam of Vera Mallay of Manapura, as per actual Survey.

Number of Villages.	Names of Villages.	Extent of Punjah Seed Land under Cultivation.	Amount of Fixed Tirwa upon do.	Extent of Nunjah Seed Land under Cultivation.	Amount of Fixed Teerwa upon do.	Total Amount of Fixed Tirwa upon the Cultivation of Punjah and Nunjah.	Sornadonyem or Ready Money Collection.	Total Jummabundy.
		Koollies Anah.	Cully Chs. F. C.	Cawnies Anah.	Cully Chs. F. C.	Cully Chs. F. C.	Cully Chs. F. C.	Cully Chs. F. C.
1	Cushbah Amyaporum	1,134 2	409 7 42	11 11	23 0 6¾	432 8 0⅝	84 5 0	517 3 0¾
2	Amyaporam	2,340 12½	889 1 18	12 2⅝	35 8 0	922 9 18	53 3 24	976 2 42
3	Toapamputty	1,756 8	673 9 5½	28 0½	65 0 7½	738 9 12¾	19 3 36	758 3 0¾
4	Toudamaun Canoor	937 15	388 9 21½	—	—	388 9 21¾	33 1 0	422 0 21¾
5	Nanganoor	812 5	292 9 39	7 5½	12 7 30¾	305 7 21½	35 4 24	341 1 45¾
6	Mathagherry	1,254 14½	473 5 0⅜	3 6½	6 7 24	480 2 24⅝	14 7 24	495 0 0¾
7	Veelamputty	1,622 3¾	635 5 19½	23 4⅓	68 5 21¾	704 0 41½	33 1 36	737 2 29½
8	Thoulaveramputty	1,988 9	768 1 34½	8 2½	12 8 5¼	780 9 39¾	22 3 0	803 2 39¾
9	Perumputty	2,770 5½	989 8 15	16 2	23 6 36	1,013 5 3	47 8 0	1,061 3 3
10	Nulaumpillah	1,584 6¼	583 0 36¾	21 0¼	56 5 33	639 6 21¾	26 3 0	665 9 21¾
11	Chukanum	793 1¾	251 2 3	0 3⅝	0 2 45	251 5 0	6 0 0	257 5 0
12	Moghanoor	5,130 0¾	1,795 8 0	18 13¼	61 8 13½	1,857 6 13½	66 7 12	1,924 3 25½
13	Polliam	8,382 0½	1,271 8 33	95 4	197 9 1½	1,469 7 34½	60 9 0	1,530 6 34½
	Total	25,507 3¼	9,423 7 28½	245 8¼	562 9 33	9,986 7 13½	523 7 12	10,510 4 25½

Madura, 1st June 1804.
Errors excepted.
Pr.
(Signed) G. Parish, Collector.

165

219
785

No. 68 C. No. 6.

In Mr. Parish's Letter, 8th June 1804.
In No. 503. Cons. 25th June 1804.

In Regular Appeal, No. 129 of 1869.

Statement of the Revenues of the Pollam of Toagmallay of Manapara, as per actual Survey.

Number of Villages.	Names of Villages.	Extent of Punjah Seed Land under Cultivation.	Amount of Fixed Teerva upon do. do.	Extent of Nunjah Seed Land under Cultivation.	Amount of Fixed Teerva upon do. do.	Total Amount of Fixed Teerva upon the Cultivation of Punjah and Nunjah.	Sornadanyem or Ready Money Collection.	Total Jummabundy.
		Koolies. Anahs.	C. Chs. F. C.	Cawnies. Anahs.	C. Chs. F. C.	C. Chs. F. C.	C. Chs. F. C.	C. Chs. F. C.
1	Cusbah Toagmallay -	1,320 14¼	489 3 22½	17 12¾	21 9 38¼	511 3 12¾	159 8 24	671 1 36¾
2	Poondaloor - -	1,373 0	459 5 33	12 1	10 2 8¼	469 7 41¼	44 0 12	513 8 5¼
3	Pandeyveputty -	1,362 14½	454 7 22½	43 15¾	91 9 29¼	546 7 3¾	10 6 24	557 3 27¾
4	Culladay - -	540 15¼	212 2 40½	16 4	22 2 39¾	234 5 32¼	3 5 0	238 0 32¼
	Total -	4,497 12	1,615 9 22½	90 1½	146 4 19½	1,762 3 42	218 0 12	1,980 4 6

Madura, 1st June 1804.
Errors excepted.
Pr.
(Signed) G. Parish, Collector.

No. 68 C. No. 7.

In Mr. Parish's Letter, 8th June 1804.
In No. 503. Cons. 25th June 1804.

In Regular Appeal, No. 129 of 1869.

No.

Statement of the Revenues of the Pollam of Ramgherry of Manapara, as per actual Survey.

No. of Villages.	Names of the Villages.	Extent of Poonjah Seed Land under Cultivation.	Amount of Fixed Teerva upon ditto.	Extent of Nunjah Seed Land under Cultivation.	Amount of Fixed Teerwa upon ditto.	Total Amount of Fixed Teerwa upon the Cultivation of Poonja and Nunja.	Sornadayem or Ready Money Collection.	Total Jummabundy.
		Koolies Anah.	C.Chs. Fs. C.	Caunies Anah.	C.Chs. Fs. C.	C.Chs. Fs. C.	C.Chs. Fs. C.	C.Chs. Fs. C.
1	Paulaum - - - -	5,943 6	2,226 2 24	79 10¾	222 6 36	2,448 9 12	204 3 32¼	2,653 2 44¼
2	Combay - - - -	1,851 13¼	727 3 20¼	1 11½	4 1 1½	731 4 21¾	108 1 2¼	839 5 24
3	Vandagumbandy - -	2,227 5½	901 3 11½	63 12½	151 0 32¼	1,052 3 43¾	126 7 36¾	1,179 1 32½
4	Nulloor - - - -	734 5½	320 5 8¾	6 15½	25 1 45¾	345 7 6	35 6 35¾	381 3 41½
5	Wemboor - - - -	1,868 10½	930 1 9	48 11½	170 3 0¾	1,100 4 9¾	92 1 21	1,192 5 30¾
6	Nangacotta - - - -	705 12½	348 5 28¾	14 4½	44 7 12¾	393 3 41¼	87 5 24¾	480 9 18
7	Poothoocotta - - - -	2,678 15¼	1,187 0 15	35 3½	105 0 12	1,292 0 27	78 0 39¾	1,370 1 18¾
8	Cadaputthoo - - - -	238 7	97 9 31¾	6 4½	10 0 15	107 9 46¾	7 5 28	115 5 27
9	Collattaputty - - - -	546 7¾	231 6 45¾	5 12¾	8 6 45¾	240 3 43¾	3 7 24	244 1 19½
10	Paulaputty - - - -	1,643 1½	739 7 18	7 12¾	19 3 6	759 0 24	39 1 30	798 2 6
11	Coomboor - - - -	2,560 12½	1,055 2 45	64 0	230 3 17½	1,285 6 14½	178 3 18	1,463 9 32½
12	Mullapooram - - - -	4,259 4½	1,903 0 15	37 9½	145 9 4½	2,048 9 19½	95 4 30¾	2,144 4 2½
13	Curreaulee - - - -	2,228 11½	802 1 29½	15 2¾	43 0 19½	845 2 0½	39 4 18	884 6 18¾
14	Olleecotta - - - -	1,350 2¾	496 3 30	14 7¼	40 6 34½	537 0 16½	46 3 5½	583 3 21¾
15	Shimmillapaputty - -	558 10¾	219 9 39¾	2 4	3 3 36	223 3 27½	24 9 0	248 2 27½
16	Vellodoo - - - -	1,731 1½	654 9 3¾	—	—	654 9 3¾	46 6 7½	701 5 11¼
17	Aulambandey - - - -	3,103 10½	1,156 6 23½	10 2¾	24 1 5½	1,180 7 28¾	54 1 33	1,234 9 13½
18	Cotalmurrum - - - -	2,145 11½	807 3 23½	18 12¾	63 9 30¾	871 3 5½	49 3 21	920 6 26½
19	Goodaloor - - - -	1,654 0½	655 4 15½	20 9¾	48 9 23½	704 3 36¾	109 7 37½	814 1 26½
20	Sunthieyentta - - - -	1,490 14¾	555 9 4¾	6 5½	14 7 45¾	570 7 2½	94 6 46½	665 4 0¾
21	Curranculloo - - - -	909 4½	337 4 12¾	—	—	337 4 12¾	27 8 12	365 2 24¾
	Total - - -	40,410 9½	16,355 1 19½	459 19	1,376 2 39¾	17,731 4 11¼	1,550 0 24	19,281 4 35¼
	Vanneecurry Showtreeum Village	—	—	—	—	—	—	94 2 41½
						Grand Total - -		19,375 7 28½

Madura, 1st June 1804.
Errors excepted.
Pr. (Signed) G. Parish, Collector.

221
725

RECORD.

In the High Court of Judicature, Madras.

No. 68. Exhibit L. Statement 1 d. Proposed Establishment of Servants employed for superintending the Junkum Chowkies of the Districts of Dindigul and Madura.

No. 68 D. No. 1.

In Mr. Parish's Letter, 8th June 1804.
In No. 503. Cons. 25th June 1804.

In Regular Appeal, No. 129 of 1869.

Proposed Establishment of Servants employed for superintending the Junkum Chowkies of the Districts of Dindigul and Madura.

Description.	Names of the Chowkies.	Nesindahs.		Gomastahs.		Shroffs.		Peons.		Total.	
		No.	S.Ps. F. C.	No.	S.Ps. F. C.	No.	S.Ps. F. C.	No.	S.Ps. F. C.	No.	S.Ps. F. C.
	TOWN CHOWKIES.										
	Dindigul District.										
Dindigul	Dindigul	1	3 0 0	2	3 21 0	1	1 0 0	4	3 0 0	8	10 21 0
	Vadasundoor	1	3 0 0	2	2 21 0	1	1 0 0	2	1 0 0	6	7 21 0
	Vallvanracoatay	1	3 0 0	2	2 21 0	1	1 0 0	2	1 0 0	6	7 21 0
	Nattum	1	3 0 0	2	2 21 0	1	1 0 0	2	1 0 0	6	7 21 0
	Conneywaddy	1	3 0 0	2	2 21 0	1	1 0 0	2	1 0 0	6	7 21 0
	Ammiaunik Pollum	1	3 0 0	2	2 21 0	1	1 0 0	2	1 0 0	6	7 21 0
	Perrieolum	1	3 0 0	2	2 21 0	1	1 0 0	2	1 0 0	6	7 21 0
	Woottamapollium	1	3 0 0	2	2 21 0	1	1 0 0	2	1 0 0	6	7 21 0
	Andy Putty	1	3 0 0	2	2 21 0	1	1 0 0	2	1 0 0	6	7 21 0
	Buffolgoontah	1	3 0 0	2	2 21 0	1	1 0 0	2	1 0 0	6	7 21 0
	Pitney	1	3 0 0	2	2 21 0	1	1 0 0	2	1 0 0	6	7 21 0
	Chetteraputty	1	3 0 0	2	2 21 0	1	1 0 0	2	1 0 0	6	7 21 0
		12	36 0 0	24	31 0 0	12	12 0 0	28	14 0 0	74	95 0 0
	Manapara.										
	Goochcelyem pauray	1	3 0 0	2	2 21 0	1	1 0 0	2	1 0 0	6	7 21 0
	Keeranoor	1	3 0 0	2	2 21 0	1	1 0 0	2	1 0 0	6	7 21 0
	Sinthamaayputty	1	3 0 0	2	2 21 0	1	1 0 0	2	1 0 0	6	7 21 0
	Tovarancoorchy	1	3 0 0	2	2 21 0	1	1 0 0	2	1 0 0	6	7 21 0
	Veeramalay	1	3 0 0	2	2 21 0	1	1 0 0	2	1 0 0	6	7 21 0
	Thogamallay	1	3 0 0	2	2 21 0	1	1 0 0	2	1 0 0	6	7 21 0
		6	18 0 0	12	15 0 0	6	6 0 0	12	6 0 0	36	45 0 0
		18	54 0 0	36	46 0 0	18	18 0 0	38	20 0 0	110	138 0 0
	FRONTIER CHOWKIES.										
	Dindigul District.										
	Terkoo Pariar	1	4 0 0	1	3 0 0	1	2 0 0	4	3 0 0	7	12 0 0
	Total	19	58 0 0	37	49 0 0	19	20 0 0	42	23 0 0	117	150 0 0
	TOWN CHOWKIES.										
	Madura District.										
Madura	Madura	1	3 0 0	3	6 21 0	1	1 0 0	4	3 0 0	9	13 21 0
	Sholavundan	1	3 0 0	2	2 21 0	1	1 0 0	2	1 0 0	6	7 21 0
	Teeroomangalam	1	3 0 0	2	2 21 0	1	1 0 0	2	1 0 0	6	7 21 0
	Maloor	1	3 0 0	2	2 21 0	1	1 0 0	2	1 0 0	6	7 21 0
	Vuliaputty	1	3 0 0	2	2 21 0	1	1 0 0	2	1 0 0	6	7 21 0
	Total	5	15 0 0	11	16 21 0	5	5 0 0	12	7 0 0	33	43 21 0
	Grand Total	24	73 0 0	48	65 21 0	24	25 0 0	54	30 0 0	150	193 21 0

This establishment of servants includes the Chowkies stationed in the Pollams of Dindigul, Madura, and Manapar.

Madura, 1st June 1804.
E. E.
(Signed) G. PARISH,
Collector.

223/725

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No. 68 E. No. 1.

In Mr. Parish's Letter, 8th June 1804.
In No. 503, Cons. 25th June 1804.

In Regular Appeal, No. 129 of 1869.

RECORD.

In the High Court of Judicature, Madras.

No. 68. Exhibit L. Statement 1 e, Comparative Statement of Sayer Receipts between the former and present System of Collection.

Comparative Statement of Sayer Receipts between the former and present System of Collection.

	Custom Collections prior to the Establishment of the Town and Frontier Duties.					Custom Collections subsequent to the Introduction of the Regulations.					Amount Collections prior to the Introduction of the Regulations.	Average of do. per Month.	Increase per Cent. since the Introduction of the new Regulations per Month.	Decrease per cent. do. do.	Increase on the Collection of former System.	Decrease on do.	Net Increase.
	December 1803.	January 1804.	February 1804.	Total.	Average per Month.	March 1804.	April 1804.	May 1804.	Total.	Average per Month.							
	S. Ps. F. C.	S. Ps. F. C.	S. Ps. F. C.	S. Ps. F. C.	S. Ps. F. C.	S. Ps. F. C.	S. Ps. F. C.	S. Ps. F. C.	S. Ps. F. C.	S. Ps. F. C.	S. Ps. F. C.	S. Ps. F. C.	S. Ps. F. C.	S. Ps. F. C.	S. Ps. F. C.	S. Ps. F. C.	S. Ps. F. C.
Ramnad Zemindary -	991 15 30	1,116 12 40	1,137 29 48	3,245 15 38	1,081 33 12¾	1,403 28 54	1,701 4 3	1,797 [illegible] 30	4,902 28 7	1,634 9 29	For 12 months. 12,859 41 54	1,071 27 78	52 20 98½	—	1,657 12 49	—	—
Shevagungah do. -	421 32 30	457 21 46	532 24 68	1,411 36 64	470 26 21¼	617 1 20	1,010 38 68	1,015 [illegible] 41	2,643 6 49	881 2 16⅓	For 7 months & 18 days. 3,946 0 40	519 8 73	69 24 20¼	—	1,231 11 65	—	—
Tinnevelly do. -	417 30 38	533 15 1	714 0 58	1,665 4 17	555 1 32¼	346 29 11	567 19 7	706 [illegible] 11	1,620 10 29	540 3 36¼	3,569 15 56	472 12 0	14 15 11¼	—	—	44 35 68	—
	1,830 36 18	2,107 7 7	2,384 13 14	6,322 14 39	2,107 18 66¼	2,367 17 5	3,279 19 78	3,519 [illegible] 2	9,166 3 5	3,055 15 1¾	—	—	48 5 7¼	—	2,888 24 34	44 35 68	2,843 30 46
Dindigul and its Zemindaries -	835 30 36	1,290 5 59	2,409 37 11	4,535 31 26	1,511 38 25¾	1,547 24 46	2,067 29 44	2,574 11 11	6,189 23 21	2,063 7 60	For 7 months & 18 days. 8,387 5 13	1,103 23 71¼	46 21 31	—	1,653 33 75	—	—
Madura - -	556 11 42	1,035 39 65	1,071 27 3	2,663 36 30	887 40 10	864 2 7	762 35 35	524 27 1	2,151 32 43	717 10 67¾	5,419 23 65	713 4 19	0 23 74	—	—	512 3 67	—
	1,391 41 78	2,326 3 44	3,481 22 14	7,199 25 56	2,399 36 45¼	2,411 26 53	2,830 22 79	3,098 38 12	8,341 13 64	2,780 18 47¾	13,806 28 7 8	1,816 28 10¼	53 2 13⅓	—	1,653 33 75	512 3 67	1,141 30 8
																Total Net Increase - -	3,985 18 54

Madura, 1st June 1804.
Errors excepted.
Pr.
(Signed) G. Parish, Collector.

(14 c.)

Z 2

RECORD.

In the High Court of Judicature, Madras.

No. 68. Exhibit L. Statement 1 f. Account of Pay of add[l] Gomastahs employed at Collector's Cutcherry.

No. 68 F. No. 1.

No.

In Mr. Parish's Letter, 8th June 1804.
In No. 503. Cons. 25th June 1804. In Regular Appeal, No. 129 of 1869.

Account of additional Gumastahs employed in the Collector's Cutcherry from the 9th December 1803 to the 30th April 1804, being 4 months and 22 days.

Description.	Names.	Pay per Month.	Total Payment.
	Nanna Row	7 0 0	33 5 48
	Barvoo Row	6 0 0	28 16 64
	Appoo Row	6 0 0	28 16 64
	Reddy Row	6 0 0	28 16 64
	Kistna Row	6 0 0	28 16 64
	Appoo Row	6 0 0	28 16 64
14 Mahrattah Gumastahs	Ragonada Row	5 0 0	23 28 0
	Sooba Row	5 0 0	23 28 0
	Streenivasa Row	5 0 0	23 28 0
	Satoo Row	4 0 0	18 39 16
	Narrain Row	4 0 0	18 39 16
	Ambanjee Row	4 0 0	18 39 16
	Annanjee Row	4 0 0	18 39 16
	Veerapilly	4 0 0	18 39 16
			340 35 48
1 Royasam		7 0 0	33 5 48
	Total Star Pagodas		373 39 16

Madura, 1st June 1804.
E. E.
Pr.
(Signed) G. Parish, Collector.

225/125

RECORD.

In the High Court of Judicature, Madras.

No. 68. Exhibit L. Statement 1 g. List of Gomastahs.

No. 68 G. No. 1.

In Regular Appeal, No. 129 of 1869.

Increased Establishment of Mahrattah Gomastahs recommended to the Board for their sanction from the 1st of May 1804.

	S. Ps.	F.	C.
Letchnumrow	6	0	0
Bhavoorow	5	0	0
Appoo row	5	0	0
Appoo row	5	0	0
Reddy row	5	0	0
Kistna row	5	0	0
Ragmandrow	5	0	0
Seenevassrow	5	0	0
Soobabrow	5	0	0
Ambajee row	4	0	0
Star Pagodas	50	0	0

Madura, 1st June 1804.
E. E.
Pr.
(Signed) G. Parish, Collector.

No. 68 H. 1.

In Mr. Parish's Letter, 8th June 1804.
In No. 503. Cons. 25th June 1804. In Regular Appeal, No. 129 of 1869.

Statement 1 h. Translation of a Malabar paper.

Extract from the 27th Madura.

Stala Pooranum.

A translation of the foregoing copy.

During the reign of Goolotoonga over the kingdom of Pandia, there came to Madura from a foreign country a man who taught the art of fencing with the saw.* This fencer was an old man. He daily prostrated himself before the Allaes of Chokalingum with great reverence, and performed sacrifices that his sins might leave him. * Sic.

Amongst the numerous disciples to whom he taught this art with so much reputation there was one named Sitthun, who, after he had acquired the whole science, was so elated with pride that he thought himself superior to his master. He erected a stage, and having (by seducing all his scholars) deprived him of his subsistence, he became renowned.

When the master heard these circumstances, he said, with the utmost composure, "The little I have left is sufficient."

But Sitthun, that great sinner, daily endeavoured to seduce his wife by the most diabolical means. The old master having gone into the country one day, he went to his house and forcibly seized his young wife. She immediately pushed him out, shut the door, and bolted it. His desires being thus baffled, the most outrageous lust tormented him.

The wife, from a false modesty, did not inform her husband of the outrage, which was her duty to have done, but only complained in silence to the god Suntharaisver, the protector of chastity and of all human creatures.

In the meanwhile, the above-mentioned deity was revolving in his mind how he should punish this abominable crime. Having transformed himself into the figure of the fencing master, he went to the sinner's house, and said, "I am an old man; you are in the prime of youth. Let us both go out of the city to-morrow, and try who has the most skill in battle."

(A translation.)
(Signed) Thomas Harris, Acting Collector, Zillah Ramnad.

RECORD.

In the High Court of Judicature, Madras.

No. 68.
Exhibit L.
List of the preceding inclosures in Collector of Madura's Letter.

No. 68 J. 1.

In Mr. Parish's Letter, 8th June 1804.
In No. 503. Cons. 25th June 1804.

In Regular Appeal, No. 129 of 1869.

List of the Packet.

No.				
A. 1.	Jummah and Kistbundy for Fusly 1213.			
2.	General Abstract Jummahbundy or Settlement of the Districts for Fusly 1213.			
3.	Detailed Statement of the Zemindaries of the Zillah of Ramnad, &c., and Dindigul, Madura, and Manapara, for Fusly 1213.			
4.	Do. of the District of Dindigul do.			
5.	Do. of Madura do.			
6.	Do. of Deshcawel Jummabundy in the District of Madura do.			
7.	Do. of the Arrack Farms in the Zillah of Ramnad, &c., and Dindigul, Madura, and Manapara do.			
8.	Do. of the Sale of the Lands.			
9.	Do. of the Dowel Bareiz of Sayer Chonkies.			
10.	Estimate Produce of the Salt Pans.			
B. 1.	Abstract Statement of the Jummabundy for Fusly 1213 of the Zillah of Ramnad, &c., and of Madura and Dindigul, and their dependent Polligars, showing the Increase in the present Year on a comparison with Fusly 1212.			
C. 1.	Abstract Statement of the Revenues of the Manapara Pollams, as per actual Survey, showing the Peshcush payable to the Company.			
2.	Detailed Statement of the Revenues of the Pollam of	Muroongopoory	of	do.
3.	Do.	do.	do.	Comaravady of do.
4.	Do.	do.	do.	Cadavoory of do.
5.	Do.	do.	do.	Veeramaly of do.
6.	Do.	do.	do.	Togamaly of do.
7.	Do.	do.	do.	Ramagherry of do.
D. 1.	Proposed Establishment of Servants employed in superintending the Junkum Chowkies of the Districts of Dindigul and Madura, including the Pollams.			
E. 1.	Comparative Statement of Sayer Receipts between the former and present System of Collection.			
F. 1.	Account of additional Gumastahs employed in the Collector's Cutcherry from the 9th December to the 30th April 1804.			
G. 1.	Increased Establishment of Marattah Gumastahs recommended to the Board for their sanction, from the 1st May 1804.			
H. 1.	Translation of a Malabar Paper, with Copy of Original, by Mr. Harris.			
I. 1.	Letter to the Board of Revenue, dated 8th June 1804.			
J. 1.	List of the Papers.			

Madura, 1st June 1804.
Errors excepted.
(Signed) G. Parish, Collector.

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RECORD.

In the High Court of Judicature, Madras.

No. 69.
Exhibit M.
Statement of Demand, Collection, and Balance of Zemindaries, Moottahs, &c., Poliputs, &c., in the District of Trichinopoly for Fuslies 1275, 76, & 77.

No. 69.

Appellant's Document M.

In Regular Appeal, No. 129 of 1869.

No. 6.

Statement of Demand, Collection, and Balance of Zemindaries, Moottahs, &c., Poliputs, &c., in the District of Trichinopoly, for Fusly 1275.

Names of the Zemindaries, &c.		Demand. Arrears.	Demand. Current.	Demand. Total.	Collections within the Fusly, including Current and Arrears.	Balance.
1.		2.	3.	4.	5.	6.
Permanently settled	Zemindaries.					
	Marungapury	—	20,576 10 10	20,576 10 10	—	—
	Kadavoor	—	13,410 10 6	13,410 10 6	—	—
	Total	—	33,987 5 4	33,987 5 4	33,987 5 4	—

(Signed) G. V. Agnew, Acting Collector.

Collector's Cutcherry,
29th September 1866.

In Regular Appeal, No. 129 of 1869.

No. 6.

Statement of Demand, Collections, and Balance of Zemindaries, Moottahs, &c., Poliputs, &c., in the District of Trichinopoly, for Fusly 1276.

Names of the Zemindaries, &c.		Demand. Arrears.	Demand. Current.	Demand. Total.	Collections within the Fusly, including Current and Arrears.	Balance.
1.		2.	3.	4.	5.	6.
Permanently settled	Zemindaries.					
	Marungapury	—	20,576 10 10	20,576 10 10	20,576 10 10	—
	Kadavoor	—	13,410 10 6	13,410 10 6	13,410 10 6	—
	Total	—	33,987 5 4	33,987 5 4	33,987 5 4	—

(Signed) G. V. Agnew, Acting Collector.

Collector's Cutcherry,
23rd September 1867.

RECORD.

In the High Court of Judicature, Madras.

No. 69. Exhibit M. Statement of Demand, Collection, and Balance of Zemindaries, Moottahs, &c. in the District of Trichinopoly for Fuslies 1275, 76, & 77—*continued.*

In Regular Appeal, No. 129 of 1869.

No. 6.

Statement of Demand, Collection, and Balance of Zemindaries, Moottahs, &c., Poliputs, &c., in the District of Trichinopoly, for Fusly 1277.

Names of the Zemindaries, &c.		Demand. Arrears.	Demand. Current.	Demand. Total.	Collections within the Fusly, including Current and Arrears.	Balance.
1.		2.	3.	4.	5.	6.
	ZEMINDARIES.					
Permanently settled -	Marungapury -	—	20,576 10 10	20,576 10 10	20,576 10 10	—
	Kadavoor -	—	13,410 10 6	13,410 10 6	13,410 10 6	—
	Total -	—	33,987 5 4	33,987 5 4	33,987 5 4	—

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

Collector's Cutcherry,
5th October 1868.

(True copy.)

(Signed) _____
Deputy Collector.

No. 70.

No. 70. Exhibit N. Statement of Demand, Collection, and Balance of Zemindaries, &c. in District of Trichinopoly for Fusly 1278.

Appellant's Document N.

In Regular Appeal, No. 129 of 1869.

No. 6.

Statement of Demand, Collection, and Balance of Zemindaries, Moottahs, &c., Poliputs, &c., in the District of Trichinopoly, for Fusly 1278.

Names of the Zemindaries, &c.		Demand. Arrears.	Demand. Current.	Demand. Total.	Collections within the Fusly, including Current and Arrears.	Balance.
1.		2.	3.	4.	5.	6.
	ZEMINDARIES.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
Permanently settled -	Marungapury -	—	20,576 10 10	20,576 10 10	20,576 10 10	—
	Kadavoor -	—	13,410 10 6	13,410 10 6	13,410 10 6	—
	Total -	—	33,987 5 4	33,987 5 4	33,987 5 4	—

(Signed) G. BANBURY, Collector.

Collector's Cutcherry,
18th August 1869.

(True copy.)
(Signed) W. E. WRIGHT, Deputy Collector.

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RECORD.

In the High Court of Judicature, Madras.

No. 71. Exhibit O. Copy Decree in Original Suit, No. 49, of the Southern Provincial Court, dated 29th March 1813.

No. 71.

Appellant's Document O.

In Regular Appeal, No. 129 of 1869.

(L.S.)

Southern Provincial Court, No. 49 in the Register of Original Suits.

Decree in No. 49 of the Register of Original Suits in the Southern Provincial Court.

Veerasinnapoochy Naicken - - - - Plaintiff,

versus

Moothooveera Poochy Naicken, the heir of the deceased Opalapoochy Naicken - - - - - Defendant.

Witnesses examined on the part of the Plaintiff, viz.:—
Soobyen.
Seetaramyen.
Ramasamy.
Bommana Naiken.
Colandavalan.
Teruman Naiken.

List of documents filed by the Plaintiff's pleader, viz.:—
None.

Witnesses examined on the part of the Defendant, viz.:—
Moothooveera Pillay.
Coonna Conan.
Coopanayengar.
Moothiyah Pillay.

List of documents filed by the Defendant's pleader, viz.:—
A sannad from the Collector, Mr. G. Bowney, dated the 11th March 1797, marked No. 17.
A sannad from the Collector, Mr. W. C. Jackson, dated 14th March 1797, marked No. 18.
A sannad from the Collector, Mr. T. B. Hurdis, dated 24th April 1801, marked No. 19.
A proclamation, dated 11th January 1811, marked No. 20.
A sannad from the Collector, dated 11th January 1811, marked No. 21.
A sannad from the Magistrate of Trichinopoly, dated 17th June 1811, marked No. 22.
A sannad from the Magistrate of Trichinopoly, dated 23rd October 1811, marked No. 23.
A sannad from the Collector, Mr. B. Peter, dated 18th February 1812, marked No. 24.
A sannad from the Magistrate of Trichinopoly, dated 4th March 1812, marked No. 25.

RECORD.

In the High Court of Judicature, Madras.

No. 71. Exhibit O. Copy Decree in Original Suit, No. 49, of the Southern Provincial Court, dated 29th March 1813—*continued.*

Plaintiff's pleader:—
Streenevassaiyengar.

Defendant's pleader:—
Coopanaiyengar.

Plaintiff Veerachinnapoochy Naik sues to recover from Moothooveerapoochy Naik, son and heir of the original defendant, Opalapoochy Naik, the zemindary of Maroongapoory, estimated to yield annually a nett produce of two thousand star pagodas, with arrears of revenue at that rate to the date on which the decree of the Court may be issued.

Plaintiff states, in support of his claims, that the original possessor of the zemindary under litigation, having no male issue, adopted two brothers, one named Veerapoochy Naik, the Plaintiff's ancestor; the other named Moothooveerapoochy Naik, Defendant's ancestor; that he divided his zemindary into two parts, one of which, called Tovaramcourchy, he gave to Veerapoochy Naik; the other, called Marungapoory, he gave to Moothooveerapoochy Naik; and that these persons were put in possession of the aforesaid zemindaries in the year Crodie (1724); that in the year Sidharty, Moothooveerapoochy Naik, having then no male issue, adopted Veerapoochy Naik, son of the zemindar of Tovarancourchy, and grandfather to the Plaintiff, thirteen years after which adoption a son was born to Moothooveerapoochy Naik, named Terumalpoochy Naik, Defendant's grandfather, but that Veerapoochy Naik enjoyed the zemindary, notwithstanding the birth of this child, and whom he afterwards charged with the management of it; that Plaintiff's grandfather, Veerapoochy Naik, died in the year Avalamby (1777), but that previously thereto he had *sworn* that his son, the Plaintiff's father, and the aforesaid Terumalpoochy Naik, should divide the zemindary, but that after the decease of Terumalpoochy Naik Plaintiff was to succeed to both shares; that in conformity to this arrangement Terumalpoochy Naik, then at the point of death, sent for the Plaintiff in the month of July 1810 to give him possession of the zemindary, but Plaintiff, being sick, could not go to him, and, Terumalpoochy Naik dying, the ceremony was never performed; and that Defendant's father, Opalapoochy Naik, taking advantage of these circumstances, obtained possession of the zemindary of Maroongapoory, and unjustly detains the same. Further, the Plaintiff states that the birth of the Defendant further incapacitates him from inheriting the zemindary.

The Defendant, in answer to the Plaintiff, states that the circumstances contained in the Plaintiff's statement are not true; that neither the Plaintiff or his ancestors ever enjoyed the zemindary of Maroongapoory; that the zemindary has been in the possession of Defendant's ancestors for three generations; and that Defendant succeeded to the same on the death of his father.

The evidence on the part of the Plaintiff goes to prove that his grandfather, Veerapoochy Naik, conducted the affairs of the zemindary of Maroongapoory; that at his death he obliged the Defendant's grandfather, Terumalpoochy Naik, to bind himself by an oath to give the investiture of the zemindary to Moothooveerapoochy Naik, his son, the Plaintiff's father, and to manage the concerns of it; that Terumalpoochy Naik did, in conformity to his agreement, invest the Plaintiff's father with possession of the zemindary, and promised to do the same to the Plaintiff; that he sent for the Plaintiff for that purpose when at the

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RECORD.

In the High Court of Judicature, Madras.

No. 71. Exhibit O. Copy Decree in Original Suit, No. 49, of the Southern Provincial Court, dated 29th March 1813—*continued.*

point of death. One witness only, Seetaramaiyen, says that he heard that Plaintiff's grandfather, Veerapoochy Naik, was adopted by Moothooveerapoochy Naik. The remaining evidence on the part of the Plaintiff proves that the affairs of the zemindary of Maroongapoory have been conducted uninterruptedly by the Defendant, his father, Opalapoochy Naik, and his grandfather, Terumalpoochy Naik; that Plaintiff has been allowed a maintenance in grain and money; and that the village of Caroomalla Colam has been granted to him for the same purpose; also that Opalapoochy Naik, Defendant's father, was the son of a third wife.

The evidence on the part of the Defendant goes to prove that the Defendant, his father, Opalapoochy Naik, and grandfather, Terumalpoochy Naik, have inherited the zemindary of Maroongapoory in regular succession, and enjoyed the same during a period exceeding fifty years; that an allowance was made to the Plaintiff and to his father by the father and grandfather of the Defendant for their subsistence; and that Defendant is the son of Opalapoochy Naik and his wife Opalamaul, daughter of the Zemindar of Mandoor.

The Court having duly considered the pleadings of the parties, the evidence of their witnesses, and the exhibits in this cause, are of opinion that there is no satisfactory evidence or good ground for presumption that Veerapoochy Naik, the grandfather of the Plaintiff, was adopted by Moothooveerapoochy Naik, Zemindar of Maroongapoory, and consequently that the ceremonies of investiture which Veerapoochy Naik might perform in his own behalf, or cause to be performed in behalf of his son or grandson, are no confirmation of the rights of any of these persons to the possession of the zemindary of Maroongapoory, as the right of all of them must originate in the pretended adoption of Veerapoochy Naik,—a fact that has not been proved. On the other hand, the evidence is quite clear as to the uninterrupted inheritance and enjoyment of the zemindary of Maroongapoory by the Defendant and his ancestors from the time of Moothooveerapoochy Naik, the Defendant's great grandfather, until the present. And in regard to the objections brought forward by the Plaintiff against the birth of the Defendant, the Court do not consider it necessary to enter further into the subject than to state that it is clearly proved that Defendant is the son of Opalapoochy Naik by one of his wives named Opalamaul. It also appears to the Court that the circumstance of an allowance in money and grain having been made for the support of the Plaintiff and his father by Opalapoochy Naik and Terumalpoochy Naik may be considered as a presumptive proof that the parties who made the allowance were the proprietors of the zemindary. Upon the whole, the Court, on consideration of the want of proof of Veerapoochy Naik's adoption, and on the other hand the long and uninterrupted enjoyment of the zemindary of Maroongapoory by the Defendant and his ancestors, do adjudge that the Plaintiff be non-suited, and he is hereby declared non-suited accordingly. And further the Court decree that the Plaintiff pay pleaders fees and costs of suit to the Defendant, agreeably to the following statement, within one calendar month from the date hereof.

Fees of the Plaintiff's pleader on rupees seven thousand are, according to Section VIII. Regulation X. A.D. 1802, as follows:

RECORD.

In the High Court of Judicature, Madras.

No. 71. Exhibit O. Copy Decree in Original Suit, No. 49, of the Southern Provincial Court, dated 29th March 1813 —*continued.*

	Rs.	F.	C.
On 1,000 rupees at 5 per cent. - - - - -	50	0	0
On 4,000 do. at 4 do. - - - - -	160	0	0
On 2,000 do. at 3 do. - - - - -	60	0	0
	270	0	0
Fees of the Defendant's pleader as above - - -	270	0	0
	540	0	0
Value of stamped paper for pleadings and exhibit Government fees used by the Defendant to be paid to him by the Plaintiff - - - - - -	40	0	0
Battah for four witnesses of the Defendant examined before the Court, and for four not examined, including their travelling charges to and from their respective villages, and at Trichinopoly for fifty-five days, at the rate of two annas per day under Section VII. Regulation III. A.D. 1802, used by the Defendant, to be paid to him by the Plaintiff -	55	0	0
Battah for one witness of the Defendant not examined before the Court, his travelling charges to and from his village, and at Trichinopoly for twenty-nine days, at the rate of two annas per day under Section VII. Regulation III. A.D. 1802, used by the Defendant, to be paid to him by the Plaintiff - - - - - -	3	8	2
Retainer used by the Defendant, to be paid to him by the Plaintiff - - - - - - - -	0	3	17
Total Arcot rupees -	638	11	19

Total Arcot rupees six hundred and thirty-eight, fanams eleven, and cash nineteen.

Given under our hands and the seal of the Court, in the Courthouse at Trichinopoly, this twenty-ninth day of March in the year of our Lord eighteen hundred and thirteen.

(Signed) JOHN READ,
Senior Judge.

(Signed) Y. H. PEILE,
Third Judge.

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RECORD.

In the High Court of Judicature, Madras.

No. 72. Exhibit P. Proceedings of the Madras Government, &c. regarding the Court of Wards, management of the Estate of Marungapary, dated 17th Sept. 1864.

No. 72.

Appellant's Document P.

In Regular Appeal, No. 129 of 1869.

Proceedings of the Madras Government, Revenue Department, 17th September 1864.

No. 260.

Read the following proceedings of the Court of Wards, dated 6th September 1864, No. 5,800 :—

Read the following letter from A. R. McDonell, Esquire, Officiating Collector of Trichinopoly, to W. Hudleston, Esquire, Secretary to the Court of Wards, dated 10th August 1864, No. 173 :—

1. I have the honor to report the demise, on the 17th ultimo, of Teroomalapoochi Naicker, Zemindar of Marungapoory, in the Kulitullay Talook in this district, paying an annual peisheush of Rs. 20,576. 10. 10. to Government. The deceased left three widows,—Lockmany Ammal, Pettummany Ammal, and Chinnammany Ammal,—and a brother, Runga Kistna Mootooveera Poochia Naicker, aged about 13 or 14 years, born of the same father, but by another wife, and a distant cousin Teeroomala Poochia Naicker.

2. The Zemindar, on the day previous to his death, that is, on the 16th ultimo, addressed to me a petition by Appal, requesting me to recognise his brother as his successor to the estate, and to appoint his cousin to manage the affairs of his estate during the minority of his brother.

3. The Tahsildar was deputed to ascertain the wishes of the widows of the deceased on this point, and to afford information regarding the property left by the Zemindar. The Tahsildar submitted a statement obtained from the widows, from which it appears that they earnestly request a compliance with the request contained in the petition addressed to me by their husband, but with this modification, that the cousin should conduct the affairs of the estate under the direct control of the first-mentioned widow. The widows admit the genuineness of the petition.

4. The deceased left no will. The estate consists of the Marungapoory zemindary and certain merassi lands, the assessment of which amounts to Rupees 2,528. 8. 10.

5. The Tahsildar reports that the deceased left no moveable property, either in money or promissory notes, merely household furniture, and jewels worn by the members of the deceased's family.

6. Under these circumstances I am of opinion that the Court's interference is uncalled for, and would suggest that the arrangement proposed by the parties themselves, and which has received their universal assent, be allowed to stand.

1. Ordered to be submitted to Government, with the Court's recommendation, that the Collector be authorized to recognize the brother of the deceased

RECORD.

In the High Court of Judicature, Madras.

No. 72. Exhibit P. Proceedings of the Madras Government, &c. regarding the Court of Wards, management of the Estate of Marungapary, dated 17th Sept. 1864—*continued.*

as Zemindar of Marungapoory, and to take charge of the estate as agent of the Court of Wards. Assuming that the family is undivided, as is probably the case, the brother of the deceased would be the legal heir to the zemindary, irrespective of the petition or consent of the widows.

2. The Collector will report more fully as to the propriety of appointing the cousin of the deceased to be manager of the estate, and will recommend a guardian for the minor, and submit his proposals for the boy's education.

No. 261. Order thereon, 17th September 1864, No. 1710.

Miscellaneous.

1. The Court's proposal is approved.
2. The Collector's further report should be submitted, when received, for the information of Government.

(True extract.)

(Signed) C. G. MASTER,
Deputy Secretary to Government.

In Regular Appeal, No. 129 of 1869.

No. 6,215.

Proceedings of the Board of Revenue, dated 20th September 1864.

Read the following proceeding of the Madras Government, dated 17th September 1864, No. 1710, Revenue Department.

Abstract.—Approving of the proposal of the Court of Wards to take charge of the estate of the Zemindar of Marungapoory in the Trichinopoly district, and stating that the further report on the subject from the Collector should be submitted to Government.

Communicated to the Collector, whose further report the Board await.

(A true extract.)

(Signed) W. HUDLESTON,
Secretary.

To A. R. McDonell, Esq.,
Officiating Collector of Trichinopoly.

No. 73.

No. 73. Exhibit Q. Report to the Governor in Council by Board of Revenue, dated 11th Jan. 1804.

Appellant's Document Q.

In Regular Appeal, No. 129 of 1869, Revenue Department.

To the Right Honorable Lord William Cavendish Bentinck, Governor in Council.

My Lord,

Para. 1. The estates composing the late first division of Vizagapatam were rented at the commencement of fusli 1212; and though the sale of them took place in November following, it was provided in the advertisement published

RECORD.

In the High Court of Judicature, Madras.

No. 73. Exhibit Q. Report to the Governor in Council by Board of Revenue, dated 11th Jan. 1804—*continued.*

on the occasion that the renters should be guaranteed in the possession of the estates until the expiration of their lease, on paying the amount of their engagements to the purchasers. The latter, however, were held responsible for the permanent jumma, and were credited for all sums that had been received from the renters prior to the day of sale.

2. Although, conformably with the orders of the Special Commission, the late Collector, Mr. Alexander, advertised the sale of the estates of the first division of the Vizagapatam district for the 1st November 1802, he stated his opinion that much difficulty would occur in disposing of them, owing to the alarming drought, which had affected nearly the whole of that division, and was likely to occasion so serious a loss of revenue as to preclude the possibility of following their instructions, without a ruinous loss to many of the persons who, previous to this calamity, had engaged to rent the estates. In a subsequent letter Mr. Alexander assigned, among other reasons for not postponing the sale as first suggested by him, and acquiesced in by the Commission, that the estates were *already rented*, whereby, the proprietor being secured against the consequences of that unfavourable season, persons wishing to purchase would be unchecked in their offers. The Collector feeling at the same time for the unfortunate situation of the renters, proposed that in the instrument investing the purchaser in the possession of the lands a provisional clause should be inserted for making to him a remission equivalent to that which might be granted by Government to the renter which was accordingly done, as will be seen on reference to the 4th article of the enclosed document.

See the Collector's letter, 4th November 1802.

3. The fusly 1212 being about to expire, the late Collector, convinced that the defalcation of revenue had been very considerable, replied to a representation on the subject from Narrain Rauze, the purchaser of the estates, informing him of his intention to recommend to Government some remission after investigating the village accounts, for which purpose he directed the duan of the young Zemindar to cause a strict enquiry into the revenue from each village to be made, of which the report should be signed and attested upon oath by the curnums and renters respectively; that meanwhile the duan might withhold the sum of Rupees 50,000 from the amount of the balance due by the Zemindar.

From Mr. Murray, dated 16th. In consultation 27th December.

4. The accounts thus called for have within these few days been transmitted to us by the present Collector, Mr. Murray, attested as above required, exhibiting a loss of revenue in the estates, owing to a failure of the crops, to the amount of Rupees 64,017. 8. 3.

5. In bringing to your Lordship's notice the subject of losses so considerable, with a view of recommending that they should in great measure, if not wholly, be borne by Government, we have felt it incumbent on us to lay before you the leading circumstances of the case. It is well known to your Lordship that under the system of revenue management which prevailed at the time the renters offered for estates, it was not unusual to grant remissions on proof of

RECORD.

In the High Court of Judicature, Madras.

No. 73. Exhibit Q. Report to the Governor in Council by Board of Revenue, dated 11th Jan. 1804—*continued.*

heavy loss sustained by unfavourable seasons; and as the estates in question would not, we confidently believe, have produced so large a premium had they not been rented previously to the sale, we feel much disposed to recommend the case of the renters to the favourable consideration of Government.

From Mr. Travers, dated 30th September. In consultation 17th October.

6. The Collector at Nellur having recommended to our acceptance an offer made by Captain Keppen to purchase the house belonging to Government, occupied by him at Nellur, for the sum of 300 pagodas, we informed the Collector that we could not recommend the sale of it unless other public buildings at that place could be rendered capable of accommodating the Revenue and Judicial Departments, on the establishment of a Zillah Court. Mr. Travers, in reply, has stated that there are buildings at Nellur adapted for these purposes, and has suggested the propriety of appropriating the amount to be paid by Captain Keppen to their repair; we beg leave, therefore, to submit the subject for your Lordship's orders.

From Mr. Travers, dated 23rd. In consultation 27th December.

7. Mr. Watts, late Acting Collector at Dindigul, has submitted to us a claim of Buchi Naic, Poligar of Marengapari Pollam, to several villages taken from his father and grandfather by the ancestors of Toudiman, and now included within the possessions of that chieftain. Mr. Watts's letter, and the documents accompanying, we have the honor to submit to your Lordship in Council.

From Mr. J. Watts, dated 7th. In consultation 27th December.

8. The assumptions complained of constitute a large proportion of the lands that were originally included in the Marungapuri Pollam, and are as follows:

The villages of Punnyur and Colamangalum, taken possession of 82 years since; Carnis, Malataniam, Murwa, Madura, Nerengi, Cudi, Kelataniam, and Eddiatur Maganam, taken 67 years, and Payal and Lenjimuda taken 37 years ago.

9. Although by the evidence procured by Mr. Watts it appears to be probable that these villages originally belonged to the Pollam of Marenga Naic, yet as Toudiman has been in uninterrupted possession of them for a series of years, the shortest period being by English law more than sufficient to constitute proprietary right, we are of opinion that the right of Buchi Naic, however indisputable previous to the assumption, has irrevocably lapsed.

From Mr. D. Cockburn, dated 22nd. In consultation 27th December.

10. We have already reported to your Lordship the death of the Calastri Zemindar. In the accompanying letter Mr. Cockburn has informed us that the heir to the zemindary is anxious to receive the kheelat of investiture usually presented on such occasions during the Mahomedan Government. To the observance of customary ceremonies, even of the most trivial kind, the prejudices of the natives annex importance; and as the expense will be very trifling, we beg leave to recommend that the request of the young Zemindar be complied with.

From Mr. Wallace, dated 14th. In consultation 27th December.

11. To enable the Collector in the district of Trichinopoly to carry into effect your Lordship's orders for dismantling the Fort of Palamcotta, he has requested to be furnished with powder and necessary implements, and that

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No. 73. Exhibit Q. Report to the Governor in Council by Board of Revenue, dated 11th Jan. 1804—*continued.*

a conductor of stores may be placed under his orders to superintend the blowing up of such parts of the works as cannot be otherwise destroyed, we request your Lordship will be pleased to issue the requisite orders on the subject.

12. In the month of February 1801 the chief engineer marked out the space of 4 grounds and 2,100 square feet at the north-east angle of the north beach for a battery, together with 80 feet to be left clear between the work and the ground sold for erecting banksalls.

From Mr. Ogilvie, dated 22nd. In consultation, 27th December.

By the accompanying letter from the Collector at Madras, your Lordship will observe that since the late fire the superintending engineer has extended the work beyond the 80 feet occupying part of the ground belonging to Panpah Braminy, the proprietor of the next spot of ground. Narrain Chetty had nearly rebuilt his banksalls, when the engineer discovered that a part of the building would interfere with the defence, and therefore wished that 1,200 square feet might be purchased. The Collector represents that Narrain Chetty will neither consent to remove the building nor to give up the ground for any compensation whatever. To elucidate the subject we beg leave to lay before your Lordship the accompanying plan.

13. We have recently brought to your Lordship's notice the irregular conduct of Mr. Disney, an attorney of the Supreme Court, and regret we should again have to report further instances of improper interference on his part. Under date the 27th January last, we stated to Government that a suit had been instituted by one Myla Comarapa Mudeli to eject from office the person appointed by the Board to be warden of the Sri Cabaliswara Pagoda at the cutcherry of the Collector. Mr. Ogilvie represents that on his requiring the production of title deeds he has been frequently threatened by Mr. Disney with prosecution for disturbing the possession of property, under the pretext that the deeds had been lodged in his office, and that, under such encourage-

From Mr. Ogilvie, dated 27th. In consultation, 29th December.

14. The cause was dismissed by the Court in September last, and your Lordship will observe by the enclosed letter from Mr. Ogilvie that he procured a certificate of it from the Prothonotary's Office. Mr. Disney has not, however, withdrawn his prohibition against the payment of the revenue from the lands in question, and the renters have consequently withheld it. We need not particularly point out to your Lordship the inconvenience and eventual loss which may result in consequence.

15. Frequent advertisements have been published by this Board under the authority of Government, directing the holders of land for which Company's grants have not been issued to produce their title deeds for examination

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In the High Court of Judicature, Madras.

No. 73. Exhibit Q. Report to the Governor in Council by Board of Revenue, dated 11th Jan. 1804—*continued.*

ment given to persons inclined to resist the Collector's endeavours to trace alienations of ground, he is not in this respect able to fulfil the object of his appointment. The conduct of Mr. Disney in these instances, abstracted from the impropriety of his interfering in matters of revenue, which we apprehend are not within the cognizance of the Court, appears to have in view the exciting complaints on the part of the inhabitants of Madras, diffusing a spirit of litigiousness, and obstructing the officers of Government in the execution of their duty.

From Mr. Richards, dated 24th October. In consultation, 7th November.

16. We request your Lordship's sanction to an addition made by Mr. Richards, since the transmission of his general moyen Zabita, to the establishment for Captain Watson of one duffadar and two kolkars, and to that for Mr. Gillis of two kolkars, amounting together to star pagados 6.36 per mensem.

17. Agreeably to your Lordship's orders under date the 12th ultimo, we called on the northern division of Canara to explain the reasons of the expenditure he proposed for an establishment of servants in the magistrate's department, and have now the honour to submit his reply. Mr. Read attributes the necessity of this expenditure to the frequent commission of crimes in the countries under his management, in Sunda especially, and to the great care required in translating and preparing the cases of the prisoners; which, he observes, is alone sufficient to occupy the attention of one set of men, and shows the expediency of entertaining a separate establishment for the purpose.

From Mr. A. Read, dated 16th. In consultation, 29th December.

From Mr. Hepburn, dated 30th December. In consultation, 3rd January.

18. The accompanying letter, just received from the Collector in the Jagir, informs us of his being summoned to appear before the Supreme Court to answer a bill filed against him in a cause between the brother and widow of the late Mundalum Vencatachellum Naic, of Pulicat. The interference of Mr. Disney in this cause was reported to your Lordship under date the 19th ultimo, and the observations we then made apply with additional force on the present occasion. If the officers under our authority in districts beyond the jurisdiction of the Supreme Court are thus liable to be obstructed in the execution of duties prescribed by the regulations, the greatest confusion must be induced, both in the administration of the revenues and of the civil government of the country.

19. We have directed the Collector not to pay any attention to the writ so issued on application from Mr. Disney.

From Mr. Ogilvie, 20th December; consultation, 22nd December 1803. From do., 31st do.; consultation, 3rd January 1804. From do, 11th January; consultation, 11th do. do.

20. We submit to your Lordship application for 22 grants of ground recommended by the Collector at Madras. Seeing no objection to the measure, we request they may be issued accordingly.

21. We have the honour to forward a letter addressed to your Lordship by Guzzapati Narain

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Raz, the Zemindar of Vizianagrum, transmitted to us by the Collector in Zillah Vizagapatam.

We have the honour to be,
My Lord,
Your most obedient humble servants,
(Signed) W. Petre.
(Signed) N. Oakes.
(Signed) N. Falconer.

Fort Saint George,
11th January 1804.

No. 74.

No. 74. Exhibit R. Minutes of Consultation of the Governor in Council, dated 20th Jan. 1804.

Appellant's Document R.
In Regular Appeal, No. 129 of 1869.
Revenue Department.

At a consultation present:
The Right Honourable Lord Wm. C. Bentinck, Gr. P.
Lieutenant-General James Stuart.
William Petrie and John Chamier, Esquires.

Friday, 20th January 1804.

Minutes of last consultation read and approved.

Read the following letter from the Board of Revenue:—

Letter from the Board of Revenue about the estates in 1st division Vizagapatam. Difficulty of disposing of them. Revenue of the villages to be attested on oath by the curnums. Loss of revenue to amount of Rupees 64,017. 8. 3. Recommend the renters' case to the Board's notice. About the purchase of a house at Nellore. Poligar of Marungapuri Pollam's claim to some villages. His claim by law is irrevocably lapsed. The young Calastri Zemindar wishes to receive the khelat of investiture during the Mahomedan Government. Collector of Stores requested at Balamcottah to dismantle that fort. Necessary to repurchase some of the North. (Here enter No. 6.) Beach; the proprietor will not agree. Submit a plan. Irregular interference of Mr. Disney. Request sanction to an addition in Mr. Rickards's moyen zebitah for Captain Watson of 1 daffadar and 2 kolkahs, and to Mr. Gillis of 2 daffadars, amounting to pagodas 6. 36 per mensem. Mr. Read's explanation of an additional expenditure. A bill filed against the Collector of the Jagheer. Mr. Disney's interference. Collector to pay no attention to the writ of Mr. Disney. Applications for grants for ground. Forward letter from Guzzapati Narrain Rauze.

Relief to be given to the renters 1st division Vizagapatam.

The papers which have been produced in support of the claim of the renters of the estates composing the late 1st division of Vizagapatam to a remission of a part of their rents, on account of the drought which prevailed in Fusly 1212, appear to establish grounds for the

extension of favourable consideration to their case; and as the responsibility for the loss which has been produced must, under the tenor of the agreement concluded with the purchaser of the estates, be ultimately charged to the renters, the Board concur with the Board of Revenue in considering it to be just that relief should be afforded to those persons to the extent of the actual failure.

Authorise the remission when their claims are examined.

It will be expedient, before the considerable loss of public revenue which has been proposed shall be incurred, that the claims of the renters shall be examined with particular care; but if it should be established that their loss from the failure of rain actually amounts to the sum of Rupees 64,017. 8. 3, the Board authorise a remission to that amount.

Will dispose of the house to Captain Kippen for 300 pagodas.

Under the assurance of the Collector of Vellore that no inconvenience will be occasioned by the sale of the house occupied by Captain Kippen to that officer, resolved to authorise the disposal of that building at the price of 300 pagodas.

Relating to the case of Marungapuri Poligar.

Although a considerable degree of hardship appears to attend the case of the Poligar of Marungapuri, the Board concur with the Board of Revenue in thinking that it will not be expedient to disturb the possessions long since usurped by the family of Toudiman.

Khelat of investiture to be given to the young Zemindar of Calastri.

Resolved to authorise the presentment of a khelat of investiture to the young Zemindar of Calastri, according to the recommendation of the Board of Revenue; and to give directions for supplying the materials which may be requisite for enabling the Collector of Trichinopoly to demolish the fortress of Palamcottah, on application being made by the Collector to the officer commanding the Southern Division of the Army.

Materials to be supplied from the officer commanding Southern Division of the Army to destroy the Fort of Palamcottah.

Opinion of the law officers to be taken.

Resolved to take the opinion of the Company's law officers on the references stated in the 13th, 14th, and 15th paragraphs of the above letter.

Additional establishment in the moyen zabite of Collector of Malabar.

Resolved to sanction the additional establishment to the moyen zabiteth of the Principal Collector in Malabar which the Board of Revenue have proposed, at the monthly expense of pagodas 6. 36.

Proceedings in the Supreme Court stopped.

Resolved to acquaint the Board of Revenue that the Board have been informed that any further proceedings in the Supreme Court in the case connected with the judicial authority of the Collector of the zillah of Chingleput have been suspended.

Grants for ground to be issued.

Resolved to issue grants of ground which have been recommended by the Board of Revenue.

Here enter extract.

Letter relative to a correspondence with Raja of Cochin.

Resolved to transmit to the Board of Revenue an original letter received from the Principal Collector in Malabar, with several enclosures, relative to a correspondence with the Rajah of Cochin, as no part of that correspondence appears to have rendered necessary a direct communication to the Governor in Council, and to desire that the Board of Revenue will issue such orders on the subject as they may judge necessary.

Necessary orders to be issued by the Board of Revenue.

Letter from Major J. G. Graham. Applies for certain papers.

Read the following letter from Major J. G. Graham.

Here enter No. 7.

Revival of the question, Major Graham's conduct, not necessary.

Resolved to acquaint Major Graham that, as a decision was passed on his conduct as Collector, Southern Division of Arcot, after a full consideration of that subject, the Board deem the further revival of that question at this period to be unnecessary and inexpedient.

No. 75.

No. 75. Order of High Court, dated 17th June 1870, dismissing Collector's Petition.

In Regular Appeal, No. 129 of 1869.

In the High Court of Judicature at Madras, Friday, the 17th day of June 1870.

Present:

The Honorable C. H. Scotland, Knight, Chief Justice.

The Honorable Mr. Justice Innes.

Civil Miscellaneous Petition, No. 159 of 1870.

The Collector of Trichinopoly - Petitioner.

Application praying that the petitioner may be made a party to R. A., No. 129 of 1869 (now pending in the High Court), and allowed to defend the same on behalf of Government.

Order.

This application coming on for hearing, upon perusing the petition, and upon hearing the arguments of Mr. Government Pleader for the petitioner, it is ordered that this application be and the same hereby is dismissed.

By the Court.

(Signed) H. WIGRAM,
Acting Registrar, Appellate side.

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In the High Court of Judicature, Madras.

No. 76. Further Petition presented by Collector of Trichinopoly, praying to be made a party in the Suit, dated 3rd Aug. 1870.

No. 76.

In Regular Appeal, No. 129 of 1869.

Civil Miscellaneous Petition, No. 219 of 1870.

In the matter of R. A., No. 129 of 1869 on the file of this Court.

To the High Court of Judicature at Madras.

The humble petition of the Collector of Trichinopoly showeth as follows:—

I. Your Petitioner applied to this Honorable Court by Civil Miscellaneous Petition, No. 159 of 1870, to be made a party to the above appeal, and to be allowed to defend the same on behalf of Government.

II. By an order, dated 17th June 1870, the last-mentioned petition was dismissed; but it was intimated by this Honorable Court that Government might be made a party to the appeal, if willing to forego all claim to costs therein.

III. The Government are desirous of being party to the appeal, with a view to the question of their rights in respect to unsettled polliems being settled, and in order that they may ensure being represented in case of a further appeal to Her Majesty in Council, and they are willing to forego all claim to costs.

Your petitioner, therefore, humbly prays to be made a party to the suit, and allowed to defend the above appeal on behalf of Government, upon the terms of paying his own costs, or upon such terms as to costs as this Honorable Court shall think fit to impose. And your petitioner will ever pray, &c.

(Signed) J. W. HANDLEY,
Government Pleader
on behalf of the Collector.

Presented on the
3rd August 1870.

No. 77. Order of High Court, granting above Petition, dated 21st Oct. 1870.

No. 77.

In Regular Appeal, No. 129 of 1869.

In the High Court of Judicature at Madras, Friday, the 21st day of October 1870.

Present:

The Honorable Sir C. H. Scotland, Knight, Chief Justice.
The Honorable Mr. Justice Innes.

Civil Miscellaneous Petition, No. 219 of 1870.

The Collector of Trichinopoly - Petitioner.

Application praying that the petitioner may be made a party to R. A., No. 129 of 1869, and allowed to defend the same on behalf of Government, upon the terms of paying his own costs, or upon such other terms as to costs as this Court shall deem fit to impose.

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In the High Court of Judicature, Madras.

Order.

This application coming on for hearing, upon perusing the petition, and upon hearing the arguments of Mr. Government Pleader for the petitioner, it is ordered that this application be and the same hereby is admitted, on condition that, in the event of the appeal being dismissed with costs, no more than amount of the costs of one Respondent be allowed against the Appellant.

By the Court.

(Signed) H. WIGRAM,
Acting Registrar, Appellate side.

No. 78. Order of High Court regarding certain issues, dated 26th April 1871.

No 78.

In Regular Appeal, No. 129 of 1869.

In the High Court of Judicature at Madras, Wednesday, the 26th day of April 1871.

Present:

The Honorable Sir C. H. Scotland, Knight, Chief Justice.
The Honorable Mr. Justice Innes.

Regular Appeal, No. 129 of 1869.

Lekkamani, widow of the late Thirumalay Puchaya Naiker, Zemindar of Marungapury - } Appellant (Plaintiff).

Srimat Renga Kristna Muttu Vira Puchaya Naiker, present Zemindar of Marungapury - } Respondent (2nd Defendant).

Regular appeal against the decree of the Civil Court of Trichinopoly, in Original Suit, No. 30 of 1868.

Order.

This regular appeal coming on for hearing on the 24th October 1870, upon perusing the grounds of appeal, the judgment and decree of the Lower Court, and the material papers in the suit, and upon hearing the arguments of Mr. Mayne, counsel, and Karunakara Meanon, vakil for the Appellant, and of the Advocate-General for the Respondent, it is ordered that the Plaintiff do state, within three weeks from the date of this order, whether she abandons or desires to have the issues tried, whether the 2nd Defendant is the legitimate brother of the late Poligar, Tirumalia Puchaya Naiker.

By the Court.

(Signed) H. WIGRAM,
Acting Registrar, Appellate side.

RECORD.

In the High Court of Judicature, Madras.

No. 79. Judgment of High Court, dated 26th April 1871.

No. 79.

In the High Court of Judicature at Madras, Wednesday, the 26th day of April 1871.

Present:

The Honorable Sir C. H. Scotland, Knight, Chief Justice.
The Honorable Mr. Justice Innes.

Regular Appeal, No. 129 of 1869.

Lekkamani, widow of the late Thirumalay Puchaya Naiker, Zemindar of Marungapury	Appellant (Plaintiff).
Srimat Renga Kristna Muthu Vira Puchaya Naiker, present Zemindar of Marungapury -	Respondent (2nd Defendant).

Regular appeal against the decree of the Civil Court of Trichinopoly in Original Suit, No. 30 of 1868.

This regular appeal coming on for hearing, the Court delivered the following

Judgment.

This is a suit by the senior widow of the late Zemindar of Marungapury to recover the zemindary estate, together with the punnai lands enjoyed therewith, and certain jewels, the whole being in the possession of the Defendant (the Collector), as the agent of the Court of Wards and guardian of the alleged minor, who is the half-brother of the late Zemindar. The material part of the defence made by the Collector's written statement is in effect that the property is not a hereditary zemindary, but an unsettled polliam, in which the late Zemindar had only a life estate, and had been granted by the Government, on the Zemindar's death, to the minor, and such grant being an act of State, could not be questioned in the suit; but that, if a hereditary zemindary or polliam, the minor, as the undivided half-brother of the late Zemindar, is the rightful heir to the whole property. Issues were framed raising those points of defence, and after several adjournments of the hearing of the suit, at the instance of both parties, for the reasons stated in the judgment of the Court below, the cause stood for trial in that Court on the 28th of August 1869. In the interval, the minor having attained his full age, he was, on the application of the Plaintiff's vakil, made a supplemental Defendant.

On the 28th of August the Advocate-General, on whose application, as counsel for the minor, as supplemental Defendant, the last adjournment had been granted, appeared to conduct the defence; but the vakils for the Plaintiff and the supplemental Defendant put in a razinamah, by which these parties agreed to an adjustment of the suit on certain terms. The Advocate-General, objecting that this was a surprise to him, and might not be received, the case was again adjourned until the 31st of August. On that day the Advocate-General stated that he appeared for the Collector, and no longer for the second Defendant; and the Court, after hearing his arguments as to the Collector's

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In the High Court of Judicature, Madras.

No. 79. Judgment of High Court, dated 26th April 1871 —*continued.*

right to insist on the several points of his defence, and those of the vakil for the Plaintiff on the point of the admission of the razinamah, the cause stood over for judgment to the next day. The Civil Court then decided that the Collector was entitled to be heard in support of the defence, and the Advocate-General immediately called and examined the Collector as a witness, and put in evidence certain proceedings of the Local Government, upon which he relied. The vakil for the Plaintiff declined to cross-examine the witness, and prayed the further adjournment of the hearing to admit of his client's obtaining the services of Mr. Mayne, who had appeared as his counsel on the occasion of the adjournment immediately before that obtained by the Advocate-General; and, on the Court's refusing to accede to this application, the vakil declined to act further in the conduct of the case. Thereupon the Civil Judge appears to have given judgment, dismissing the suit on the ground that, as the evidence of the Collector showed not only that the estate was a life polliam, and the right of succession to it was vested in and had been exercised by the Government, but also that such had been declared to be the nature of the proprietary right by the official act of the Government in making the grant to the minor, the Court had not jurisdiction to entertain the suit, and therefore could not consider the question as to the reception of the razinamah.

The objections to this determination raised by the Appellant (the Plaintiff) are that in point of evidence the case was not before the Civil Court in such a way as to warrant the finding as to the proprietary right, and that the razinamah ought to have been received and a decree passed in conformity therewith. With respect to the latter objection we think it enough to say that it is met by the altered position in which the supplemental Defendant has placed himself. He now appears as a resisting respondent in the appeal represented by the Advocate General, and altogether repudiates the acceptance of the razinamah as an adjustment of the suit. He cannot be compelled to submit to a decree in the terms of compromise which he has withdrawn from and now resists the acceptance of by the Court. Then as to the former objection, there is nothing in the record to justify a conclusion adverse to the *bona fides* of the parties in entering into the razinamah, or to indicate that it is otherwise than reasonable to believe that the Plaintiff's vakil might expect, down to the time of the judgment, that if the razinamah was not received, further time would be given for the production of evidence and a full hearing, and his application for a postponement ought, we think, in the peculiar circumstances, to have been attended to. Looking, then, at the case as it stood when judgment was given, it appears right that all the questions between the parties arising out of the claim and subject-matter of the plaint, and involved in the relief prayed, should be tried and determined, and, if necessary, that the Court's power to add issues should be exercised.

For these reasons we held at the close of the arguments on the first day of the hearing of the appeal that upon the case presented by the record returned by the Court below the decree could not stand, and we adjourned the further hearing to admit of the parties producing before this Court their evidence bearing on the question of the nature of the deceased poligar's right in the property, which appeared to be altogether documentary, reserving for

RECORD.

In the High Court of Judicature, Madras.

No. 79. Judgment of High Court, dated 26th April 1871 —*continued.*

consideration, if necessary, on the determination of that question, the issue or issues to be sent for trial by the Court below. Before proceeding to deal with this question we will dispose of the preliminary objection of the agent of the Court of Wards (upheld by the Court below, but not seriously relied upon before this Court), that the Government proceedings granting the property to the minor constituted an act of State, which debarred the cognizance of the suit by a municipal court; and we think it enough to repeat our observation at the first hearing, that, assuming the proceedings to evidence a grant of the property, the objection is quite untenable. The Government acted upon what was believed to be its right under the municipal law, and can claim no exemption from the jurisdiction of the courts to entertain a suit questioning a right of that nature.

With respect to the proprietary right possessed by the late Zemindar, there is now before the Court the whole of the evidence which the parties have been able to adduce, and we have had the advantage of hearing the case ably argued. The question for determination is, whether he had vested in him a hereditary estate, which passed on his death to his heir in the order of legal succession, as the Plaintiff contends, or an estate for his life, on the termination of which the right to dispose of the property reverted to the Government, as the Defendants contend. The villages and lands mentioned in the plaint form one of the Manapuri polliems, but the estate and the holder of it have been commonly given the designations used in the plaint, of zemindary and Zemindar; it is, however, a conceded fact that no istimirari sunnud granting the estate under Regulation 25 of 1802 has ever existed; and the positions advanced on both sides, stated summarily, are, on behalf of the Plaintiff, that there is sufficient evidence from which to draw the inference that the property had been permanently assessed; but, if not, that the tenure by which polliems not permanently assessed are held had not attached to it as an essential incident the limit of the life of the holder, but that, both historically and by judicial authority, the tenure is rather shown to be in its nature hereditary; that it may be either hereditary or for life, according to the nature of the grant creating it, and that in the present case the evidence proved the polliem to have been held as hereditary estate.

On behalf of the Defendants the opposite to each of these positions was maintained; and the arguments against the first went to the length of contending for the major proposition that there were no hereditary proprietors of land between the Government and the cultivators of the soil, except the rightful holders of estates permanently settled under Regulation 25 of 1802.

In dealing with this question of proprietary right it is important, at the outset, to ascertain how far it is affected by the authority of judicial decision. There are the decisions of this Court in the cases of Suba Chetty *v.* Masti Immadi Rani, 3 Madras H. C. Reports, 303, and Arbuthnot *v.* Polagappa Chetty, 5 Madras H. C. Reports, 303, in which polliems not permanently settled were treated as estates for life only, but in neither of them was there any question raised as to the nature of the polligar's holding. They amount to recognitions of polliems held on life tenure, but certainly not of that tenure as their peculiar and only kind of tenure. Indeed, this Court, in the case of

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In the High Court of Judicature, Madras.

No. 79. Judgment of High Court, dated 26th April 1871 —*continued.*

Chantri Gounden *v.* Vencataramanier, 5 Madras H. C. R., 211, gave an express intimation of a different impression, by the observation in the judgment, "The poligar of an unsettled polliem may, according to the generally received theory as to his rights, have only an estate for life in his polliem, but *for such an estate as he has*, his relation to the Government on the one side, and to the occupiers of lands within his polliem on the other side, resembles that of a Zemindar." And in Peddamuthu Viramuni *v.* Appa Row, 2 Madras, H. C. Reports, 117, the Court acted on the assumption of the existence of a hereditary estate in a polliem.

The other cases referred to in the course of the argument as bearing directly upon the question are, Naragunty Lutchmeedavamah *v.* Vengama Naidoo, 9 Moore's Indian Appeals, 66, and The Collector of Madura *v.* Veeracamooummal, *ib.* 446, both relating to polliems not permanently settled. In the former the question was whether the polliem was ancestral property, and as such passed to the Plaintiff, the undivided cousin of the last poligar, in preference to his widow. Their Lordships who decided the case accepted the description of a polliem given in Wilson's Dictionary and the corresponding account given in the Fifth Report of the Select Committee on the Affairs of the East India Company in 1812, to the effect that originally poligars were petty chiefs, subject to tribute and service to the paramount State, which they seldom paid, and were more or less independent; but under the rule of the East India Company they had become peaceable landholders; and they determined that the estate was ancestral and passed to the Plaintiff upon a consideration of the evidence in the case as to the descent and enjoyment of the property. In the other case it was not disputed that the evidence as to the enjoyment of the polliem proved it to be an ancestral estate. The only question raised was whether it was an ancestral estate, heritable by male heirs only, and, for default of such heirs, escheated to the Government; and their Lordships held that the evidence in the case proved the right of females to succeed.

These decisions are not decisive authorities for the position that the quality of heritage is inherent in the polliem tenure, any more than the decisions of this Court are for the counter contention, that the tenure is essentially for the life of the grantee. But the earlier of them bears forcibly against the latter contention; and the later decision is not without some effect in the same direction, seeing that the point was unsuccessfully taken on the hearing of the case in the Sudder Court, and not again attempted to be set up before the Privy Council. The combined effect of the judgments in all the cases does not, it appears to us, amount to any deliberate adjudication as to the polliem tenure being of a definite nature, but does go the length of giving the weight of judicial acceptance to its being legally either hereditary or for life, according to the express or implied grant established in each case.

The authority of judicial decision cannot therefore be held to preclude the contentions on either side as to the estate held by the late Zemindar; but we think it throws on the Defendants the burden of sustaining their contention, that his estate, from the very nature of the tenure, was limited.

It was put by their learned counsel, the Advocate-General, that all poligars have been mistaken as to their rights since 1802; that before Regulation 25

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of 1802 was passed there were no possessors of hereditary rights between the Government and the cultivating ryots, and only those holding permanently settled lands by istimirar sunnad under that regulation ever acquired such rights; and for this the declaration and provisions contained in the regulation were relied upon as conclusive. If such be their irresistible positive force, we should be bound to give it effect as a legislative exposition of the law, although the results would certainly be very startling as respects hereditary proprietary rights long enjoyed subject to the payment of kist, and repeatedly recognised judicially; those, for instance, in the lands in Malabar, Canara, and Tanjore, and in many maniem properties.

As leading up to this point, the historical view of the relative rights of poligars and other intermediate proprietors was a good deal discussed in argument, and it is no doubt important to see what their position appears to have been as respects the tenure of their rights before the passing of the Regulation 25 of 1802, as it may legitimately be used to aid in the construction of that regulation. But for this purpose it would be profitless, in the present case, to go so far back as we should be carried by a consideration of the long and much contested question which the Government pleader attempted in his argument to bring under discussion, whether absolute property in the soil was not, before the country came under British rule, vested in the cultivating tenants; and the rights of all polligars and others in a similar relation to the Government, and to such tenants limited to the receipt of a proportion of the produce of the soil, payable as a State tax. The question in controversy in this case concedes (and rightly, as we are about to decide,) the proprietary right to be in either the Government or the heir of the late polligar, and the consideration of this abstruse point would afford no material aid in determining whether the tenure of the late Zemindar was hereditary or for life.

If it were necessary to deal with the point, we should probably adhere to our present impressions. It appears to us to be too late in the day to attempt to uphold the notion said to have been first enunciated by the ancient historian Diodorus Siculus and geographer Strabo, and which has been repeated by some modern authors, that the King possessed the proprietary right in the soil, and that in India there was no such thing as private landed property. The former authors by general acknowledgment cannot be regarded as safe authorities; and as regards the latter, we are disposed to adopt the view expressed in Colonel Wilke's learned and instructive work, "The History of Mysore," that because there existed no efficient and equal protection for property, they concluded at once on its absolute extinction. The same theory, it is true, has been maintained in more recent times by able English writers, but it has also been forcibly assailed by others of not less ability; and looking at the subject from a judicial stand-point, all, it seems to us, that can be said is, that what little exists of recorded tradition and events affords some support for diverse views, but no firm ground on which to rest a positive assertion.

At the present day a judgment with respect to property in land must necessarily, we think, be formed upon what has been under British rule, the legislation relating to land, the course of usage in regard to the acts and

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dealings of the Government and individuals with landed interests, and the nature of the proprietary rights which judicial decisions have confirmed and enforced; and upon these grounds we apprehend it may be laid down as a sound conclusion that, whatever be technically the correct theory as to the person in whom the soil originally vested, and the precise nature of the rights over land formerly acquired by the ruling power or zemindars and polligars before the British rule, the Government, in respect to lands held by ryots in which private intermediary interests have never existed, or, once existing, have been completely terminated, and lands lying waste, and zemindars and polligars in respect to the lands within their zemindaries and polliems, now possess rights of property as well as the tenant cultivators of such lands. Property in land, as in any other thing, is but a qualified dominion over it. In the most extensive sense it is the dominion enjoyed, subject to the restrictions and incidents attached to all land by the general law. Such was the *plenum dominium* of the Roman law, and is the nature of the "absolute property" of the laws of European and other countries; and rights of property vary in extent with the degree of dominion. However, then, dominion over land be circumscribed by the creation of special obligations and modifying rights in others, so long as some substantial paramount dominion remains, the possessor of it has a proprietary interest in the land. He possesses (to use the phrase of modern Roman law) a *dominium minus plenum;* and the owner of the rights which lessen the paramount dominion has in him a second dominion and property, either as an occupier enjoying the usufruct of the land, or as an intermediate proprietor. And that the Government and zemindars and polligars are possessed of such a paramount dominion, and consequently a property in the several lands just specified, is a matter, we think, now put beyond question by the effect of their continual exercise of the rights of disposition and improvement and other rights of a proprietary nature from the earliest times of settled British rule, and the provisions for the maintenance and furtherance of such rights found throughout the regulations and Acts relating to both permanently and periodically settled lands, and by the numerous decisions of the tribunals of the country and the Privy Council upholding and enforcing the same. The *plenum dominium* or absolute proprietary right in land may now, no doubt, be in the person who carries on its cultivation, and be evidenced to have come from first occupancy. But, in our judgment, the pervading principle of executive government, legislation, and judicial decisions is, that where the holding of the cultivator is ryotwary or for a limited term of years, zemindars and other middlemen having similar rights, or the Government when there is no such person intervening, possess a paramount property in the soil like a seigniory, in which right they receive a rent or return for the possession and use enjoyed by the cultivating tenant, and that when absolute proprietary rights exist they must be regarded as derivative from the ruling power in the State. This principle has governed in Canara and Malabar, where the most ancient proprietary rights have been preserved. And with respect to such an absolute proprietary right, it is laid down in the judgment of the Privy Council in the recent case of Gunga Gobind Mundul v. The Collector of the 24 Pergunnahs, 11 Moore's, I. A.,

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362, that there is not the relation of landlord and tenant between the Government and the owner of the lands, who is the landlord and not a ryot. The Government has a title to the rent or jumma. By whatever name it may be called, the right and title is to the rent substantially. It does not include a right to the possession of the lands, though such a right might arise by forfeiture or extinction of the ownership.

Reverting to the question of title now before the Court, we proceed to consider the conclusion deducible, in our view, from what appears historically as to the nature of the tenure of the proprietary estate of Polligars at the time of the passing of Regulation 25 of 1802. The learned counsel on both sides rested their arguments upon the 5th Report of the Select Committee on the Affairs of the East India Company, presented to the House of Commons in 1812 (vol. 2 of the edition of reports published by Messrs. Higginbotham), as setting forth the true historical view; and certainly we could hardly have a more authentic and instructive guide in forming our conclusion, containing, as the report no doubt does, the substance of all the information derivable from the official records and reports in the possession or power of the Company's Government.

The name "polligar" appears to have been applied before the Maharatta invasion to persons holding in the southern and western portions of the Madras Presidency the position of those who had acquired the name of zemindar in the northern districts. And substantially the history of the two classes is similar. Originally the descendants of officers of police and revenue agents of Hindu sovereigns, they advanced themselves to the positions of chiefs, maintaining military forces, and possessing fortresses and strongholds. As such they were employed by Mussulman rulers in upholding subjection to their government, and managing the collection of revenue. And although (as remarked by Mr. Mountstuart Elphinstone in his History of India) it seems doubtful whether they were more than chiefs enjoying some degree of independence before the time of Aurangazih, yet in later times, by embracing the frequent opportunities for refractoriness and the extension of their power afforded by the weakness and inefficiency of the ruling power, they reached to the independence of tributory feudatories and proprietary holders of land, and that position they or their descendants were in general permitted to enjoy hereditarily down to the establishment of British government. That permission, however, cannot be pronounced to have amounted to a positive recognition establishing their assumed rights generally (except, perhaps, as respects a few who traced heirship through a long descent from rajais or officers who had received villages in Inam), because of their not unfrequently having been deprived of their rights. But it can hardly be doubted that it was decisive and retensive enough to give strong claims to such a recognition. Indeed the Company's officers appear to have at first regarded them as already possessing established titles as landed proprietors; and although that view was after a time modified, nothing was done indicating any doubts as to the strength of the claims of both zemindars and polligars to be secured in such titles, or any wish in opposition to a compliance with such claims.

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Among the first acts of the Company's government were the reinstatement of some polligars who had been driven out of their polliems, and the confirmation of the others (save a few who continued rebellious) in the enjoyment of their estates, upon the conditions of rendering to the Government their tribute and services (which were soon after converted into an increased jumma or rent adjusted according to the productive value of the lands), and of the regular letting of their lands to ryots for cultivation; and when subsequently disturbances were caused by the polligars of some districts, the Government, in the course which was deliberately decided upon and pursued, treated them as insubordinate landowners who exercised powers incompatible with the position of subjects and paid an insufficient jumma. They were coerced to surrender all their civil and military administrative powers, and had their jumma increased to a new temporary assessment to an amount which left them more of the returns from the land than was consistent with any other position than that of proprietors. When again, on the recurrence, after such assessment, of rebellious conduct on the part of some polligars in the Tinnevelly District, their polliems were taken from them; some of the lands were added to the holdings of other deserving polligars. Other polliems, too, that were given up to the Government because of the discontent of the holders with the new assessment, in order that their actual productive qualities might be known, were, upon the proper rates of jumma being fixed, returned (with the exception of one or two sequestered on special grounds) to the former holders, and in one or two instances at least to the heir of a former holder. All these occurrences appear to have taken place before the close of the last century, and the only change since made has been the bringing of some polliems under the permanent settlement, and the assessing of the others on the principle of the permanent settlement; and that all were not brought under the permanent settlement was, there can be little doubt, owing solely to the need for that cautious experience which the Board of Directors urged on the Madras Government in 1804 and subsequent years, in consequence of the reasons and objections of the Government against an irrevocable settlement founded upon grounds of state policy. On the nature and effect of these settlements we shall have to observe when we allude presently to the Proceedings of the Board of Revenue of the 14th January 1813.

This review of the salient points of the history of polliems, found in the Report of the Select Committee, confirms the impression derivable from the reported cases, in which titles of polliems have been contested; and we think that it is sufficiently apparent that polliems, before the passing of Regulation 25 of 1802, had been acknowledged to be what they have since been dealt with as,—proprietary estates held under the Government by either a hereditary tenure or a life tenure. Now, applying this result to the Regulation, we have next to consider whether, in regard to polliems not permanently settled, it has the effect of declaring positively a different view; namely, as to the past, that private proprietary estates were not existent before; and as to the future, that they would exist only when created hereditarily by a

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sunnad Milkeut-i-Istimirar upon a permanent assessment being fixed under the Regulation.

We should not have been prepared to adopt this construction if nothing more had been before the Court than appears from the Regulation itself; but, read by the light which, in our view, history affords, as to the mode in which the Company's Government had dealt with zemindaries and polliems, and together with the subsequent emphatic declaration expressed in Regulation 4 of 1822, we feel no doubt that it was intended to be affirmative of existing proprietary rights in zemindars and polligars and others. The first section, which is in the form of recitals, refers to what had been the mode of administration under Asiatic rulers, for the purpose of augmenting the revenue, and states that it involved the implication of the proprietary right of the ruling power to take possession of all lands for such purpose. It next points out serious evils caused by such a mode of administration, and, as one of them, "the diminishing the security of *private property*;" and concludes by declaring that the British Government had determined to remove "so fruitful a source of uncertainty and disquietude," and to make grants to zemindars and other *landholders* of a hereditary property *in their land*, subject to a permanently fixed assessment of revenue. Then follows, in section 2, a positive enactment requiring a fixed assessment to be made on *all* lands, and declaring that thereupon hereditary estates should become vested in zemindars or other *proprietors of land*; and in section 3. provision is made for the granting of sunnads to and obtaining of cabooleuts from "all persons *being* or constituted to be zemindars or proprietors of land." The other sections of the Regulation relate to lands when brought under permanent settlement. Without perverting the language of these sections, we do not see how the Regulation can be said to import the negative declaration contended for, or what other effect can reasonably be given to it than that of a deliberate recognition of existing private proprietorship in land, except, indeed, upon the supposition that the terms "private property," "landholders," "proprietors of land," were used in no definite sense,— a supposition quite gratuitous, for anything that appears in the Regulation, or is, we think, presented by history, as to the manner in which the Government had before dealt with zemindars and poligars. However, upon such a supposition, doubts would very likely arise from the introduction of a new system of formal hereditary grants, in regard to the certainty of private rights in those lands which were not soon brought under a permanent assessment; and very probably it was doubts of that kind which led to the passing of Regulation 4 of 1822.

But, whatever were the moving doubts, that Regulation does afford confirmation of the view we take of the declaratory effect of Regulation 25 of 1802. It recites in the first section that, because of doubts regarding the meaning of the latter Regulation and others, it had become necessary to declare that, in passing them, the Government "had no intention of authorizing the infringement or limitation of any established rights of any class of its subjects, such rights being determinable by judicial investigation only;" and in the second section declares that the provisions in those Regulations "were not meant to define, limit, infringe, or destroy the actual rights of any description of land-

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holders or tenants." This is certainly some indication in the Regulation that it was rather meant to apply, as argued for the Respondents, to the provisions in the earlier Regulations relating to the relative rights of landholders and occupying tenants. But we must give to the words just quoted their full effect, and hold that the Regulation applies to all rights in land recognized by the Government as established at the passing of Regulation 25 of 1802, or the other Regulations therein referred to. Regulation 4 of 1822, therefore, confirms, we think, in the clearest manner, the recognition of private property in land when Regulation 25 was passed, and the intention not to interfere with the maintenance of rightful claims to it. Indeed, it would have been strange to have found the contrary in effect declared by Regulation 25 of 1802, for then it would, it seems to us, have involved the inconsistency of a declaration adverse to the very intent and purpose of the legislation, or (putting the inconsistency in another form) of providing for the confirmation and effectual settlement of titles which the Government framing the Regulation did not recognise as existing.

On the part of the Respondents, three decisions of the late Sudder Court, reported in the 1st vol. of Select Decrees, pages 80, 141, and 172, were relied upon. They bear directly in support of the valid existence of proprietary estates for life in zemindaries and polliems not brought within Regulation 25 of 1802, but lay down that there can be no hereditary interest in them unless created by an istimirari sunnad granted under that Regulation. For this position, the reasons given in the Judgments, pages 80 and 172, are, that it is deducible from the Regulation, and confirmed "by information obtained from other sources," that, prior to the permanent assessment, succession to zemindars was not governed *exclusively* by the laws of inheritance, but that the ruling power disposed of them as might be considered most expedient for the realization of the public revenue. And in page 172 there is the additional reason given, that it was clear to the Court that the succession to the property in dispute, which had passed to the next heir, had always depended upon the arbitrary will of the ruling power. With the former part of the deduction our view accords, and so too with the latter part, if it was meant to refer to the mode of administration under Asiatic rulers; but if meant to refer to the period of the Company's Government down to the passing of Regulation 25 of 1802, we cannot concur in it. Further, if what is stated in the latter ground was shown by evidence it was by itself a proper ground for the decision in the case. But the strongest remarks against the weight of the decisions are, that no clue is given to the source or nature of the information by which the Court was influenced; that the cases were decided some time before the late of Regulation 4 of 1822. And in clause 3, rule 10, of the Agency Rules of Ganjam and Vizagapatam, made some years after Regulation 4 of 1822, we find the Government not denying the right of succession to Zemindars not permanently settled, but only claiming the inherent right of selection in the case of more than one claimant of the right. For the Appellant, reliance was placed on the judgment of Lord Chancellor Lyndhurst in *Freeman* v. *Facilie*, 1 *Moore, I. A.*, 342, deciding that zemindars and tahsildars of Bengal had a *permanent* pro-

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perty in the soil at the time when the English established themselves in the country. This goes further than our present judgment; but as it appears to rest upon a series of documents and opinions besides the Bengal Regulations, which are somewhat different from the Madras Regulations, we cannot consider it as a supporting authority beyond the point that a course of arbitrary dealings with the land for revenue purposes, similar to that recited in Regulation 25 of 1802, was considered consistent with the existence of the proprietary rights of zemindars and others in such land.

For these reasons we are of opinion that the zemindars and polligars, and others in a like position, and occupying tenants, possessed different proprietary rights in land, by recognition of the Government before the passing of Regulation 25 of 1802; that by it the Government declared with the force of law their acknowledgment and confirmation of such rights as they were then enjoyed; and in order to quiet all uncertainty and disquietude respecting them, and to establish general certainty of tenure in the holders of the same, provided for the permanent assessment of all lands liable to pay revenue to Government, and for the issuing thereupon of express hereditary grants to every zemindar and other intermediate proprietor, and written engagements between them and their tenants; and therefore that the Regulation does not operate to exclude or disfavor the maintenance of a claim against the Government to a hereditary or other estate in lands which has not been secured the benefits of a settled title under the Regulation, because, for political reasons, the Government has thought it inexpedient to give full effect to its enactments; but that claims of title afforded by an istimirar sunnud. It could never, we think, have been intended that the Government, by delaying to do in regard to some estates what the Regulation enacts should be done in regard to all lands, for the purpose of setting at rest all uncertainty as to titles, should secure the power to treat all such estates as held by no permanent title whatever. It follows that the existence of a proprietary estate in polliems or other lands not permanently assessed, and the tenure by which it has been held, are, in our opinion, matters judicially determinable on legal evidence, just as the right to any other propery.

We are thus brought to consider the evidence laid before the Court, and on this point the conclusion contended for on the part of the Respondents is, not that the Government have the absolute right to deprive the family of the polliem on the death of each holder of it, but that they have the right to appoint whom they please of the kindred of the deceased Polligar to be his successor. In effect, that the members of the family have taken successive life estates by express concession of the Government.

The earliest documents in evidence bear date in 1803. They are the letters of the Acting Collector, Mr. Watts, and its enclosures, and the Proceedings of the Board of Revenue, and resolution of the Government thereon (exhibits K., Q., and R.). The letter communicated that on commencing the survey of the Manapura polliems the holder of the polliem now in dispute had claimed his (the Collector's) intervention for the purpose of recovering several

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villages of which his grandfather had been forcibly dispossessed by the ancestors of the Toudiman Rajah, and enclosed the evidence brought forward to support the claim. Among the documents enclosed was the copy of a grant, inscribed on stone, of some of the villages so seized as a free and perpetual endowment for the support of a temple;—an act this of absolute ownership. The opinion of the Board, and the Government resolution, were to the effect that, although considerable hardship appeared to attend the case of the applicant, he could not recover the villages after the lapse of so long a time. These documents were used for the Appellant, partly to show that the polliem was then regarded as an ancestral estate which had come down to the applicant by right of hereditary succession. And we think they have that effect, at all events from as far back as 1691; but not the further effect, contended for, of showing that the successions had been quite independent of the control of the Government; for, consistently with what the document sets forth, each successor, although heir according to the order of legal succession, might have been nominated by the ruling power. On this point more, we think, cannot be said in connexion with these documents than that the exercise of such control is rendered improbable by the non-production of any document from the Government records tending to evidence it; and this improbability must have its due weight in considering the other evidence as to what occurred on successions since the date of the Government order.

The next document in point of date is the letter of the Collector, Mr. Parish, to the Board of Revenue, of the 8th June 1804, explaining the nature and amount of new assessments then made on the Manapura and other polliems; and it is important, as showing that those assessments were a considerable increase on the former rates, and made upon the same principle as the permanent assessments on zemindaries secured by the grant of sunnuds under Regulation 25 of 1802,—that principle having been before applied to other unsettled properties without objection on the part of the holders. But in judging of the effect of this evidence we must consider it with the information afforded by the Proceedings of the Board of Revenue, dated the 14th June 1803, (exhibit 34,) relating to such assessments. Those proceedings, it appears, were consequent upon the resolution of the Government proposing the issue of permanent sunnuds to the holders of polliems throughout the country; and they show that in 1802 permanent settlements of peshcush had been effected in regard to the polliems in the Ceded Districts and Tinnevelly, the Ramnad and Shevagunga zemindaries in Madura, and those known as the western polliems, upon the principle generally adopted in the permanent assessment of zemindaries under Regulation 35 of 1802; that about the same time assessments upon a different principle were made on the Dindigul polliems, but they were subsequently re-assessed, upon the same principle; that the Government approved such re-assessment, and confirmed the settlement of all the polliem estates in perpetuity; and thereupon sunnuds, under Regulation 25, were actually issued in 1805, but not delivered to the holders of the polliems, owing, it would seem, to some doubts as to whether forfeitures had not occurred by reason of frequent sales having taken place; and that Mr. Parish's assessments were recognized as

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the extension of a similar mode of assessment to the Manapura polliems, and had been continued in force ever since, except as regarded one polliem (Mambaray), but no sunnuds had been issued. The Board, with reference to this extension, remark that at the time the assessments were imposed "it was probably intended to extend to these polliems the permanent settlement which had been made on the polliems of Dindigul." They might have expressed this with certainty, since it appeared on record in the proceedings of their office in 1815, with reference to the Manapura assessments, that "it was fully intended to extend to those polliems the permanent settlement on the zemindary tenure; but, whether in consequence of the Collector having neglected to submit the previous report necessary for the purpose, or in consequence of the discussions which subsequently arose respecting the inexpediency of extending that system, it does not appear that this intention has ever been carried into effect. The result has been that, although the demand on the polliems has since continued invariably the same, it has not been considered regular and legal, on the occurrence of arrears, to enforce the Regulations of 1802." The Board then, after reviewing the subsequent official communications relating to the several polliem estates, conclude by recommending that "all existing polligars be confirmed in their tenures on the present terms as regards peshkush, and that sunnuds of permanent settlement be granted to all who are willing to accept them."

The legitimate conclusions deducible from all that is stated in those proceedings, and the other documents above referred to, we consider to be these:—The Government appear to have always dealt with the Manapura polliems as ancestral estates, passing by succession in the families of the holders. They have never retained any of the polliems, except on an escheat for failure of heirs, or a voluntary surrender in consideration of a Malikana allowance, or when polliems were resumed for the purpose of being kept under management temporarily, or until redeemed by the payment off of arrears of peshkush (which occurred once as respects the polliem now in dispute), instead of attempting to sell the estate, or enforcing payment against the persons of the poligars owing the arrears, or their property generally. And although these Manapury polliems have never been permanently settled under Regulation 25 of 1802, they have been continued for more than half a century before the institution of the suit, under an assessment equivalent to that fixed on zemindaries permanently settled under that Regulation, and made with the intention of its becoming permanently fixed by the grant of sunnuds:—in effect, have practically been permanently settled ancestral estates in the estimation of the Government from the time of Mr. Parish's assessments. In support of the latter conclusion we have the additional circumstance that the polliems are described as "permanently settled" in the statement of revenue account from fusly 1275 to 1278, furnished by two Collectors, (exhibits M. and N.,) and in the letter of a third Collector, addressed to the Board of Revenue. The Advocate-General argued that that description was shown to be a mistake by the letters of another Collector in exhibits 14 and 5, correcting the statement in the latter communication; and, no doubt the correction was right, if the statement was understood to mean permanently settled under Regulation 25 of 1802, which

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we may consider to have probably been the case when we find from exhibit N. that the description was continued for two years after the date of the letters of correction. This argument, therefore, does not remove the force which we give to the description. Further, we have yet stronger proof of the conclusion in the fact appearing from exhibit 14, that so recently as 1866 it was determined by the Revenue Board that a sunnud should be offered to the late poligar when he came of full age.

We have next to consider the force of the direct evidence relied upon as showing that the Government have exercised a control over the course of succession. The Revenue Board, in their Proceedings of 14th January 1863, paragraph 25, assert the right to nominate as successor on the occasion of a death a person who had no claim to it according to the general law of succession. And if that has been established the Plaintiff is not entitled to the polliem, although a family estate. The earliest succession of which there is any particular evidence took place in 1811 or 1812, and the succession of the late Poligar in 1854 was the next. The former was denied on the part of the Respondents, but nothing was suggested to cast a doubt on the fact appearing from the certified copy of the record in Original Suit, No. 49 in the register of the Southern Provincial Court (exhibit 6), that in consequence of a death in 1811 or 1812 the right to the succession was litigated in that suit, and determined in 1813 by a decree in favour of the Defendant as the heir of his father, who had inherited from his grandfather. We cannot, therefore, doubt the fact of a succession at that date, and there is not the least evidence to show that control was then exercised by the Government, but an inference to the contrary may be drawn from the fact that there was no mention of any control in the suit. Besides, it is highly probable that if any had been exercised, some evidence of it would have been forthcoming from the Government records. Consequently we must take it that the Government had exercised no further control than we have already alluded to (which does not appear to have touched the right of succession) at the date of the death of the late Zemindar's predecessor in 1854.

The evidence relating to the succession of the late Zemindar are the letters of the Sub-Collector to the Collector (exhibits 10, 11), and the Proceedings of the Board of Revenue, and the Government order thereon (exhibits 33 and 12). In his first letter the Sub-Collector reported the death of the Zemindar, and his having recognised his son as heir; and that, on receipt of further communication from the Tahsildar, he would submit his opinion on the right of the son to the succession. In his second letter he gave a statement of the family of the deceased, showing that the heir recognised by the Zemindar was his eldest son, and recommended that he should be recognised and invested as poligar. The Collector then forwarded a similar recommendation to the Board, who submitted it to the Government, recommending that, as the person named was the eldest son, and to be presumed capable of managing the property, he should be recognised as proprietor in succession to his father; and thereupon the Government passed an order recognising the eldest son as poligar in succession to his deceased father, and his right to be placed in possession of the estate.

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What took place when the late Zemindar died, on the 17th July 1864, appears from the Collector's letter to the Court of Wards reporting the death, the Proceedings of the Court, and the Government order thereon (exhibit P). The Collector's Report mentioned the surviving relations, and the receipt of a petition from the Zemindar just before his death, asking the recognition of his minor brother as his successor, and his cousin as manager during his minority; that he had enquired, and ascertained it to be the wishes of the widows that their deceased husband's desire should be complied with, subject to the first widow's having a control over the management. The Government, adopting the opinion expressed in the Proceedings of the Court, ordered that as the brother appeared to be the legal heir he should be recognised, and the estate taken charge of by the Collector as agent of the Court, and that the Collector should report further as to the management.

These are all the acts and circumstances advanced to prove that the right of succession was conditional upon the will of the Government; and had their combined effect been to show an order applied for and made on each occasion granting or confirming the right of succession, it would have been meagre evidence of such a condition in the face of the adverse improbability arising from the non-production of any evidence of Government interference with a succession before 1854. But, in our opinion, such is not their effect. We think the proceedings on the late Zemindar's succession prove nothing more than that after the principal revenue officers of the Government had ascertained on due enquiry that he was the next legal heir, the Government in a formal manner recognised him as by that right entitled to be inducted to the possession and enjoyment of the estate. We think too that no further evidence is afforded by the proceedings on the death of the late Zemindar in regard to the succession of the present Defendant. We do not see that the mention in the Collector's report of the wishes of the widows having been ascertained adds anything on this point. It had reference, no doubt, to the control to be exercised in regard to the management of the property during the Defendant's minority; and such a control, by Regulation 5 of 1804, was a duty imposed on the devolution of property by inheritance. In short, we consider the acts done on both occasions to amount simply to the render of a kind of fealty to the Government as supreme lord, and the official recognition in return of the renderer's right to be inducted to the polliem as the person ascertained by the Government to be the next heir in the line of legal succession to the deceased holder,—just such a submission and recognition as takes place commonly on the succession of heirs to permanently settled zemindaries.

In support of this conclusion we are glad to have proof of the very satisfactory kind presented by the minutes of the members of the Revenue Board (exhibit 12), which we learned, during the argument, had unwittingly been put within reach of the Appellant. They appear to have been recorded in August 1864 with reference to the Collector's letter regarding the Defendant's succession, and in distinct terms express that no legal sanction was considered to exist for the recognition of any one as proprietor in succession to the deceased Polligar, who was not the actual heir-at-law; and that on that ground, and on

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In the High Court of Judicature, Madras.

No. 79. Judgment of High Court, dated 26th April 1871 —*continued.*

the understanding that the polliem was undivided, the Defendant was entitled to the recognition of the Government as the rightful heir to his uncle, the deceased Polligar. It is evident that had he not been considered the legal heir, the senior widow (present Plaintiff) would, as the next heir, have been the recognised owner.

Upon the whole, we are of opinion that it has been established, as strongly as a claim of this nature can be expected to be proved, that the polliem in dispute is an ancestral hereditary estate which has devolved through several generations in the ordinary course of legal succession. Almost everything tending to this conclusion that could reasonably be looked for, it seems to us, exists, save the grant of a sunnud under Regulation 25 of 1802; and that is not, in our judgment, made by law indispensable, except to render the revenue assessment permanent. It follows that the right of succession contested in the present suit depends upon the question raised by the 2nd issue in the suit, whether the 2nd Defendant is the legitimate brother of the late Polligar, Tirumalai Puchaya Naiker. If so, he is the rightful heir to all the property claimed in the plaint, no division having taken place between him and his deceased brother. But if illegitimate, he has no right to any portion of it. No additional issue is necessary.

We wish it to be distinctly understood that it is not intended by anything said in this judgment to indicate any opinion as to the right of the Government to alter the assessments of peishcush on this or other polliems not held under an istimirari sunnud if they think it equitable to do so, and have not bound themselves not to do so,—an obligation which, it seems from exhibit 23, does in some instances exist. The question of the first Defendant's legitimacy we are not now in a position to determine; and if the Plaintiff persists in her denial of it, the issue must be sent for trial by the Court below. She must be required to state within three weeks whether she abandons the issue, or desires to have it tried.

(A true copy.)
(Signed) H. WIGRAM,
Acting Registrar,
Appellate Side.

No. 80.

No. 80. Order of High Court remanding Suit to Civil Court for trial of issue, dated 17th May 1871.

In Regular Appeal, No. 129 of 1869.

In the High Court of Judicature at Madras.

Wednesday, the 17th day of May 1871.

Present:

The Honorable Sir C. H. Scotland, Knight, Chief Justice.
The Honorable Mr. Justice Innes.

Regular Appeal, No. 129 of 1869.

RECORD.

In the High Court of Judicature, Madras.

No. 80. Order of High Court remanding Suit to Civil Court for trial of issue, dated 17th May 1871—*continued.*

Lekkamani, widow of the late Thirumalay Puchhya Naiker, Zemindar of Marungapoory - - - - - - Appellant—(Plaintiff).

Srimat Renga Kristna Muttu Vira Puchahya Naiker, present Zemindar of Marungapoory - - - - - - Respondent—(2d Defendant).

Regular Appeal against the Decree of the Civil Court of Trichinopoly in Original Suit, No. 30 of 1868.

Order.

It having been intimated to this Court by the Counsel for the Appellant that the Appellant is prepared to contest the legitimacy of the Zemindar, it is ordered that the following issue, appended to the judgment and order of this Court dated 26th April 1871, be and the same hereby is referred to the Lower Court for trial; and the said Court is hereby authorised to receive any additional evidence which may be produced by the parties relating to the said issue, and is directed to return its finding, together with the evidence, to this Court within one month from the date of the re-opening of the Civil Court after the adjournment.

Issue.—Whether the 2nd Defendant is the legitimate brother of the late Polligar, Tirumalai Puchaya Naiker.

By the Court.

(Signed) H. WIGRAM,
Acting Registrar,
Appellate Side.

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RECORD.

In the Civil Court of Trichinopoly (on remand).

No. 81. Exhibit T. Petition to the Collector of Madura from the Zemindar of Marungapary, dated 4th Dec. 1850.

IN THE CIVIL COURT OF TRICHINOPOLY
(ON REMAND).

No. 81.

Plaintiff's Document T.

In Regular Appeal, No. 129 of 1869.

To Mr. R. D. Parker, Collector of Madura.

The humble petition of Muthu Vira Puchaya Naiker, Zemindar of Marungapoory.

Petitions were addressed to you (by me) to the effect that my son Tirumalai Puchaya Naiker was making disturbance against the sub-division being granted to Ovalappa Naiker, who is my son by another wife. Petitions were also addressed to you in No. 47, on the 14th August of this year, and in No. 55, on the 17th September, to the effect that I, having attempted to marry one Kamammal, the said Tirumalia Puchaya Naiker and his mother objected to the same, and to the insignia, &c. being taken out from the palace. An order was thereupon issued to the Tahsildar of Ramagiri, directing him to allow the assistance of police in the matter; and he submitted to you a report in No. 48, on the 16th November, to the effect that he also could not take out the insignia, &c. without disturbance. Thereupon you issued to him an order in No. 48, on the 25th idem, directing me to institute a suit before the Zillah Court, in pursuance whereof a yadasth (memorandum) was sent to me by him. On a perusal thereof, it having appeared that a great disturbance would arise, the marriage could not be performed as usual, and was put a stop to. As you have perused the said arzis, and orders thereon, and the petitions addressed, to the effect that he (Tirumalai Puchaya Naiker), in company with some mischievous persons, had, under a pretence of hunting, cut down and destroyed the living trees of my own hunting forests, and your orders thereupon, in pursuance of which fines were imposed upon and collected from some persons who had assisted him, as well as the other reports about his character, it may be evident to you that he is not of good character.

He has now prevailed upon the ryots of the 16 villages, Melur, &c. of the said sub-division, and prevented them from paying the revenue, and has, in union with those ryots, presented to you and the Board of Revenue mahazinamahs to the effect that the said Ovallappa Naiker was the son by a concubine. Therefore I addressed petitions to you (together with the accounts according to the regulation) on the 30th May of this year, on the 24th June in No. 35, and on the 18th July in No. 41, praying that, without any regard to the above objections, the said 16 villages, Melur, &c. might be detached as a sub-division, and the sarkar peiscush settled for the same. Besides this, the petition addressed to the Board of Revenue in this matter having been sent to you with

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In the Civil Court of Trichinopoly (on remand).

their endorsement you have issued to me an order intimating that you will prepare and submit the account to the Board of Revenue. As the said order was received long ago I pray that you may be pleased to communicate the above matter to the Board of Revenue and get their order, and to issue a strict order to the said Tirumalai Puchaya Naiker, directing him to behave properly and in obedience to my orders.

4th December 1850. (Signed) Muthu Vira Puchaya Naiker.

True copy.

(Signed) T. Ram Row,
Deputy Collector.

No. 82. Exhibit XXXVII. Power of Attorney from Zemindar of Marungapury to Krishnaiyangar, Vakil of Civil Court of Trichinopoly, dated 18th January 1862.

No. 82.

In Regular Appeal, No. 129 of 1869.

Defendant's Document, No. XXXVII.

Vakalutnamah executed in favour of Krishnaiyangar, Vakil of the Civil Court of Trichinopoly zillah, by Tirumalai Puchaya Naiker, Zemindar of Marungapury.

Ovalappa Naikan, son of the whore Kantimati, residing at Marungupury aforesaid, having presented a petition in No. 645 of 1861 representing himself to be the (legitimate) son of my deceased father, the late Zemindar Muttu Vira Puchaya Naiker, I have hereby nominated you as my vakil in order to present a petition objecting to the said petition and to carry on oral proceedings; and I therefore agree to and ratify all such proceedings that you may carry on orally, and such signatures that you may affix in any document, just as if they were made by me in person.

18th January 1862. (Signed) Tirumalai Puchaya Naiker.

Witnesses—

(Signed) Sabhapathi Mudaly, Accountant of Marungapury village.
(Signed) Alagapillay, living in the said village.

Read on the 18th January 1862.

(Initialled) ———, Civil Judge.

Filed 19/7/71.

(Signed) R. Davidson, Civil Judge.

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In the Civil Court of Trichinopoly (on remand).

No. 83. Petition to the Collector of Madura from the Zemindar of Marungapury, dated 30th May 1850.

No. 83.

In Regular Appeal, No. 129 of 1869.

To R. D. Parker, Esquire, Collector of Madura.

The humble petition of Muthu Vira Puchaya Naiker,
Zemindar of Marungapuri.

Tirumalai Puchaya Naiker, the late Zemindar of Marungapuri, having married one Nalla Muthakal, of Kulla caste, and got by her a daughter, Kanthumatti Ammal, she was, after the death of the said Thirumalai Puchaya Naiker, living in my said palace. While so, the said Nalla Muttraka having resolved to give me her said daughter Kanthumatti Ammal in marriage, according to the custom of my caste, I agreed thereto, and married the said Kanthumatti Ammal at first by tying a bhottu. Then, from my own Kambala caste, I married Akammal as second wife, Lakammal as third wife, Ovalammal as fourth wife, and Appammal as fifth wife. The 2nd, 4th, and 5th wives died issueless, and the 1st and 3rd are alive. I have two sons by my said first wife, Ovalappa Naiker and Vira Chinun Naiker, and one son by my third wife, Thirumalai Puchaya Naiker. But the sons by my first wife and the son by my third wife being already at variance with each other while I am alive, it does not appear that they will all, after my death, live upon my estate jointly and in good terms. My said first wife and her son Ovalappa Naiker have been, from their infancy, greatly interested in my fortune and misfortune, as well as in my profit and loss. It is clearly laid down in the chapter on inheritance of the work called Yagannatha Tarka Panchavanam, and in other works of Hindoo law called Vignaneswariam Varadarigiam, &c., that there is no distinction of caste among the Kambalattars or Thottiars, Maravars, Kallars, Ayambadiars, and others of the Sudra class; that in the said castes, the sons by lawful wives, though they may be 100 in number, shall have equal shares in their father's property, but that a son by a concubine may have an equal share in his father's real and personal property with his sons by his legal wives, at the option of his father, and if not so, he (son by concubine) shall after the father's death have (one half) of what shall fall to the son by legal wife. Chokalinga Naiker, the son of Narasinga Thumbachi Naiker, the Zemindar of the Sub-Palayaput of Pambur in the late zillah of Ramnad, by his legal wife, and his son by a woman not legally married, Kavetti Naiker, having after their father's death instituted a suit (number not recollected) before the Zillah Court of Ramnad for their father's property, the judge proposed a question to the pundit of that Court, who gave an answer to the effect, that whatever may have been given to the said sons respectively while the husband (father) was alive, the said sons should abide thereby, and that if the father has not given so to the said sons, the father's property should after his death, be divided between them at two thirds for his son by his legal wife, and one third for the son by the woman not legally married; and in conformity thereto, a decree was passed on the 14th February 1804, and the said Palayaput continues to be enjoyed

RECORD.

In the Civil Court of Trichinopoly (on remand).

No. 83. Petition to the Collector of Madura from the Zemindar of Marungapury, dated 30th May 1850—*continued.*

accordingly. It is also declared in the Koran, and all other works of Mahomedan law, that all sons by legal wives and by women kept as concubines from among the purchased slaves shall have equal shares in the father's property. In several other zemindaries the women of Kalla Agambadia and other castes of the Sudra class, which have no distinction, have been married, and the sons by them and by the kept women have become heirs to their father's property. Therefore Ovalappa Naiker, my son by my first wife, is entitled to my landed and other property, and is not destitute of right. As my son Ovalappa Naiker, who has a right as stated above, has a large family, and lives separately, I have granted for his and his descendants' maintenance 16 villages, melayur, &c., as a subdivision under section VIII., Regulation XXV. of 1802, and paragraph seven of the Istimirari Sunnud, and executed a permanent patta for landed property on a stamp of 16 rupees value on the 30th May 1850; and I have herewith submitted the two accounts for three fuslis before this of the whole zemindary aforesaid, and of the said subdivision under paragraph eight of the Istimirari Sunnud, and section IX., Regulation XXV. of 1802. I therefore pray that you will be pleased to accept the same, to communicate the same to the Honourable Board of Revenue, and get their orders to register the said lands in the record of your office in the name of my said son, Ovalappa Naiker, under section II., Regulation XXVI. of 1802 aforesaid, to settle the permanent revenue and the instalments thereof for the subdivision villages under section VI. of the said regulation, and to make it a separate division.

30th May 1850, Marungapury.

(Signed) Muthu Vira Puchaya Naiker.

Rejected. The counsel for the Plaintiff admits that he has all along had the document in his possession, and he has not shown sufficient cause for withholding it until the case for the defence closed. Section 134, C. P. Code, 19/7/71.

(Signed) R. Davidson, Civil Judge.

Depositions of Plaintiff's Witnesses (on remand).

No. 84. Deposition of Plaintiff's 1st witness, taken 18th July 1871.

No. 84.

In Regular Appeal, No. 129 of 1869.

Deposition of the Plaintiff's 1st Witness, 18th July 1871.

Before the Civil Court of Trichinopoly.

Examination on solemn affirmation of Naranaiyangar's son, Viraragavaiyengar, the first witness for the Plaintiff, in revised O. S. No. 30 of 1868, on the

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RECORD.

In the Civil Court of Trichinopoly (on remand).

No. 84. Deposition of Plaintiff's 1st witness, taken 18th July 1871—*continued.*

file of the said Court, a zemindar's manager, of Brahmin caste and Vishnu sect, aged 75 years, and residing at Manapparai.

I am 75 years old. I know Muthu Vira Puchaya Naiker. I was a manager under him. I know Kamammani. I know the present Zemindar's mother, Kamammani. I know that Kamammani was coming to the palace; that Kamammani came to Muthu Vira Puchaya's palace in 1850. I recollect that she so came in the month of Anani. I know the commencement of her marriage; messages about the marriage were sent to the relatives, zemindars, and to ourselves. The said Kamammani had been in the palace for nine months before Muthu Vira Puchaya Naiker sent the said intimation of the marriage. When preparations were made for the marriage the late Zemindar and his mother objected to it. Muthu Vira Puchaya Naiker sent myself and two others with instructions to ask them why they objected. I went and asked Tirumalia Puchaya Naiker. He told me to ask his mother. When I asked the mother she said it was a matter relating to females, and told me to go and say that the marriage should not be performed. I did not then know what the matter was. I heard from different persons that there was a suspicion of pregnancy. I heard that it was on that ground alone that she objected to the marriage. It was customary to use the pattam sword, samaram, surulty, &c. at the time of wedding. When Muthu Vira Puchaya Naiker intended to marry Kamammani the said puttam sword was in the pagoda's house, and the other insignia were in the possession of Thirumalia Puchaya Naiker. Muthu Vira Puchaya Naiker, myself, and some other servants, went to the palace to take out the said insignia. Then Thirumalia Puchaya Naiker posted himself at the small doorway with a stick (in his hand), and said "Let aiya (master) alone go in; if any others go I shall shoot them." Muthu Vira Puchaya Naiker asked me about this. I said that we should not do anything, but would report it to the head of police, Kasim Alli Sahib. We accordingly reported it to the magistrate, Mr. R. D. Parker, and to the head of police. The magistrate issued an order to the head of police, directing him to hold an enquiry in respect thereof, and to submit his report. Afterwards I remained there for two or three months. The said marriage was not performed. Subsequently I went away to Madura. I have no direct knowledge of the said Kamammani's marriage. I do not know whether Kamammani was called by any other name. Kamammani is now alive. It was usual in that zemin to fix the date of the marriage, and to bring, in a palanquin, and keep the bride in the palace two or three months before the marriage. The bride is seen at first, and then the date of marriage is fixed. The bride is kept in a room in the palace until the marriage. The parents used to come and see the intended bride in the palace and to go back. The father used to take his food in the palace. The mother does not take her food. I do not know if Kamammani's parents stayed there. In this palace no girl brought for marriage was ever sent back without being married.

Answer to Question by 2nd Defendant's Vakeel.

I was employed for seven years under Muthu Vira Puchaya Naiker. I know the names of some of the other wives of Muthu Vira Puchaya Naiker.

RECORD.

In the Civil Court of Trichinopoly (on remand).

No. 84. Deposition of Plaintiff's 1st Witness, taken 18th July 1871—*continued.*

I know only the names of Lekammani, Ovanammani, and Kannakampatti Ammani. I heard that Muthu Vira Puchaya Naiker had five wives. I know three wives personally. The marriages of Lekammani and Ovanammani were proposed and performed either in 1817 or 1818. Three (girls) were married at one and the same time. I do not know the name of one of them. I used to go freely into every part of the palace. I used to see the wives of Muthu Vira Puchaya Naiker. I used to see them once in 10 or 15 days. I did not see any others than the said three wives of Muthu Vira Puchaya Naiker. After the girl is brought to the palace in a palanquin the parents come and see her in the palace. I never saw Kamammani. I heard that Kamammani had come to the palace, and was staying there. I never saw Appammani in the palace, nor did I hear that she was there. I do not know whether Kamammani has any other name. I did not hear that she was called by any other name. A female used to have two or three names. I do not know that when there are two wives of the same name in a zemindar's house one of them has two names. I have remained at Marungapuri and other villages for a long time. Immediately after the girl is brought to the palace the servants called pencariches are nominated. Then the zemindar's sister and maternal aunt also used to look after the girl. After the girl was brought to the palace, and before the marriage, the zemindar used to see her. The zemindar used to go and see the girl only in the presence of her guardians. I do not know the village of Kamammani's father; nor do I know whence Kamammani was brought. I do not know whether Kammamani's father or mother accompanied her when she was brought to the palace. I do not know the date, month, and year of the marriage of the other two wives of Muthu Vira Puchaya Naiker.

Answer to Question by Court.

Two months after the dispute about the insignia I went to Madura on my private business. I did not resign my employment under the zemindar and go away. I joined the palace again.

I heard it read out. It is correct.

(Signed) VIRARAGANAIYENGAR.

Solemnly affirmed before me in open Court this 18th July 1871.

(Signed) R. _____,
Civil Judge.

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RECORD.

In the Civil Court of Trichinopoly (on remand).

No. 85. Deposition of Plaintiff's 2nd Witness, taken 18th July 1871.

No. 85.

In Regular Appeal, No. 129 of 1869.

Deposition of the Plaintiff's 2nd Witness, 18th July 1871.

Before the Civil Court of Trichinopoly Zillah.

Examination on solemn affirmation of Thirumalai Muthuvira Damodara Krishnasamy Naiker, second witness for the Plaintiff in the re-trial of the original suit, No. 30 of 1868, on the file of the above Court, son of Thirumalai Muthuvira Venkatasami Naiker, of Kambala caste, of Siva sect, a cultivator by profession, aged 40 years, and residing at Madura.

Lakammani, one of my relatives, was married to Muthuvira Puchiya Naiker. Ponnammani, one of his wives, is my relation. I know the present Zemindar's mother, Kamammani. I received a letter with betel leaves and nuts, in invitation to the marriage of Kamammani. I went on account of the marriage, but the marriage was not celebrated. The marriage was stopped, owing to the objections taken by Thirumalai Puchaya Naiker and Lakammani. Thirumalai Puchaya Naiker and Lakammani said that the marriage could not be performed, because Kamammani was pregnant. I am not aware of the performance of Kamammani's marriage afterwards. It was only after this that the marriage of Ponnammani was performed.

Answers to the Questions of the 2nd Defendant's Vakil.

I live at Madura, and it is in the taluq of Dindigul in the zillah of Madura. Lakammani and Ponnammani are not related to me, either on my father's or mother's side. However, it is usual with us to address each other as mother and sons. I did not take Lakammani and Ponnammani from my house to the palace of the Zemindar. I know Muthu Vira Puchaya Naiker's three wives, named respectively Lakammani, Appammani, and Ponnammani. Appammani, spoken of by me above, had no other name than the above one. There is no other Appammani in that Zemindar's house. Kamammani bears no other name. In this zemindary, besides the case of the said Kamammani, there has occurred no other instance of girls having been sent for for marriage, and afterwards refused marriage. Such a thing did not take place even in any other zemindary. Excepting the single instance of Kamammani, I am not aware of any other instance of the above kind. It is usual for the girls who might be brought to the palace on account of marriage to remain under the care of the Zemindar himself in his own room. But there used to be no other guardians. This practice is observed only in the said zemindary. I do not know the years, months, and dates when Lakammani, Appammani, and Ponnammani were married. I was present at the celebration of Ponnammani's marriage, and I am not aware of the performance of the marriage of the other two. The marriage ceremony of Kamammani commenced in the month of Avani. I do not know the year. I went on account of the marriage, and

RECORD.

In the Civil Court of Trichinopoly (on remand).

No. 85. Deposition of Plaintiff's 2nd Witness, taken 18th July 1871—*continued.*

remained there for two days. The marriage ceremony was stopped, owing to some objections. Kamammani's parents might have been present at the time when I was there, but I did not see them. It is usual for parents to be present on such occasions. It is necessary that parents should attend at the time of marriage.

Answers to the Questions of the Plaintiff's Vakil.

It is not the custom that girls should be brought to the palace before marriage, and retained there for some days. The girl used to be sent for for marriage, and used to remain under the care of the Zemindar himself in the same room from before her marriage. But before the celebration of the marriage, the girl coming for the marriage would not sleep with the Zemindar in the same room, and I am not aware of any girl sent for on account of marriage having before marriage slept with the Zemindar. I do not know in what particular room in the palace Kamammani remained before her marriage.

Answers to the Questions by the Court.

I am now aged 40 years. I heard that Kamammani became pregnant only by the Zemindar. As it was then the rainy season, I recollected that the marriage ceremony of Kamammani began in the month of Avani. I am not aware of Kamammani's parents having done anything on account of the discontinuance of the marriage. I used to go to the said palace on marriage and other particular days. I am not aware of Kamammani having, on the occasions of my visit to the palace, been treated in any other way than the other wives were. Kamammani remains in the palace to this day.

I have listened to this when read out, and it is correct.

(Signed) TIRUMALAI MUTHU VIRA DAMODARA KRISHNASAMI NAIKER.

Solemnly affirmed before me in open Court this 18th July 1871.

(Signed) _____

Civil Judge.

No. 86. Deposition of Plaintiff's 3rd Witness, taken 18th July 1871.

No. 86.

In Regular Appeal, No. 129 of 1869.

Deposition of the Plaintiff's 3rd Witness, 18th July 1871.

Before the Civil Court of Trichinopoly.

Examination on solemn affirmation of Deva Naiker's son, Peddu Naiker, the 3rd witness for the Plaintiff, in Revised Original Suit, No. 30 of 1868, on the file of the said Court, a cultivator, of Kambala caste and Siva sect, aged 42 years, and residing at Lekiripatty.

My uterine younger sister was married to Tirumala Puchaya Naiker. I know the present Zemindar's mother, Kamammani. The Zemindar sent me

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RECORD.

In the Civil Court of Trichinopoly (on remand).

No. 86. Deposition of Plaintiff's 3rd Witness, taken 18th July 1871—*continued.*

betel and nut for Kamammani's marriage. I went for the wedding. The marriage was not performed. In consequence of a misunderstanding between Tirumala Puchaya Naiker and Muthuvira Puchaya Naiker, Tirumala Puchaya Naiker and his mother raised objections, and the marriage was not performed. They contended that Kamammani was pregnant. I do not know whether Kamammani and Muthuvira Puchaya Naiker were married subsequently.

Answer to Question by 2nd Defendant's Vakil.

Muthuvira Vira Puchaya Naiker had two wives, Lakkammani and Appammani. I do not know the years, months, and dates of the marriages of those two. I do not know the year, month, and date on which I went for the wedding of Kamammani. I carry on cultivation. I live at Lakiripatti in the taluq of Melur in the zillah of Madura.

Answer to Question by Plaintiff's Vakil.

There is a distance of ten Indian miles from Marungapuri to my village.

I heard it read out; it is correct.

(Signed) PEDDU NAIKEN.

Solemnly affirmed before me in open Court this 18th July 1871.

(Signed) _____

Civil Judge.

No. 87. Deposition of Plaintiff's 4th Witness, taken 18th July 1871.

No. 87.

In Regular Appeal, No. 129 of 1869.

Deposition of Plaintiff's 4th Witness, 18th July 1871.

Before the Civil Court of Trichinopoly.

In Revised Original Suit, No. 30 of 1868 on the file of the said Court.

Examination on solemn affirmation of the Plaintiff's 4th witness, Devu Naiken, son of Devu Naiken, of Kambala caste, Siva sect, cultivator, aged 29 years, and residing at Marungapuri.

I am the younger brother of the 3rd witness, Peddu Naiken. My elder sister was married to the late Zemindar, Terumala Puchaya Naiker. I know the present Zemindar's mother, Kamammani. I received betel and nut for the marriage of Kamammani. At the time of the commencement of the marriage, I was in the palace of Tirumala Puchaya Naiker. This palace and the palace of Muthuvira Puchaya Naiker are different. After the marriage of my elder

RECORD.

In the Civil Court of Trichinopoly (on remand).

No. 87. Deposition of Plaintiff's 4th Witness, taken 18th July 1871—*continued.*

sister Kamammani's marriage commenced. Kamammani's marriage was not performed. It was postponed, owing to the objection raised by Tirumala Puchaya Naiker and his mother Lakkammani. One objection was that Lakkammani, who was the senior wife, being alive, no other marriage could be performed. Kamammani was brought and retained for four or five months before the marriage. There was some stain. This was the (other) objection. The stain was that she was said to have been pregnant, and they therefore objected to the marriage.

Examination by 2nd Defendant's Vakil.

I heard that pregnancy was the objection raised against the marriage of Kamammani, and which put a stop to it in consequence. Tirumala Puchaya Naiker and Lakkammani personally disclosed to me their suspicion of the pregnancy. Tirumala Puchaya Naiker and Muthuvira Puchaya Naiker were then in hostile terms. They sent betel and nut for the marriage of Kamammani also to me, as they did to all the others of the village according to custom. I carry on cultivation. I do not remember the year, month, and date when I so went to the marriage. I did not go to the place where the marriage ceremony was to be performed. The people did not assemble as usual in the "manda" (open yard) for Kamammani's marriage. Neither was any pundal erected, nor any ceremony whatever performed. All those that were served with betel and nut came there for the marriage.

Examination by Plaintiff's Vakil.

They sent the marriage betel to the villages in the neighbourhood also. I do not know directly that the betel and nut were so sent. There is no enmity between me and Muthuvira Puchaya Naiker.

Examination by the Court.

I am aged about 28 or 29 years. I do not know in what year my elder sister Beddammani was married.

I have heard this read; it is correct.

(Signed) DEVU NAIKER.

Solemnly affirmed before me in open Court this 18th July 1871.

(Signed) R. DAVIDSON,
Civil Judge.

RECORD.

In the Civil Court of Trichinopoly (on remand).

No. 88. Deposition of Plaintiff's 5th Witness, taken 18th July 1871.

No. 88.

In Regular Appeal, No. 129 of 1869.

Deposition of the 5th Witness for the Plaintiff, 18th July 1871.

Before the Civil Court of Trichinopoly.

Revised Original Suit, No. 30 of 1868.

Examination on solemn affirmation of the Plaintiff's 5th witness, Viraragava Aiyangar, son of Rungaiyangar, of Brahmin caste and Vishnu sect, a putta maniyagar by profession, aged 44 years, residing at Karaippatti.

I am the munsif and nattamadar of Karaipatti village. There will be a distance of three miles between Marungapuri and my village. They served betel and nuts, saying that the marriage of Kamammani and Muthuvira Puchaya Naiker was to be performed. I went, but no ceremony of marriage took place. Muthuvira Puchaya Naiker brought and kept Kamammani by force. Tirumala Puchaya Naiker prevented it on the ground that as she (Kamammani) was brought and kept by force the marriage could not go on. I know that this objection was made by Tirumala Puchaya Naiker after betel and nuts had been sent to us. After that Kamammani was not married.

Examination by 2nd Defendant's Vakil.

I could not go just as I wished into the palace of Muthuvira Puchaya Naiker. On the occasion of marriage, betel and nuts are sent to others also besides the servants of the palace. I should not go into the palace taking advantage of the service of the betel and nuts, but on that day I went into the palace. I have heard of a woman named Appammani. I know not whether Kamammani bears another name. I have heard that Kamammani's marriage was stopped, owing to the suspicion that she was pregnant. This did not come to my memory when I was asked about it at first. When I went for the marriage I remained there for a day.

Examination by the Court.

After betel and nuts had been sent for the marriage of Kamammani, there arose an objection through suspicion that she was pregnant.

I have heard this deposition read; it is correct.

(Signed) VIRARAGAVA AIYANGAR.

Solemnly affirmed, &c. 18th July 1871.

(Signed) R. DAVIDSON,
Civil Judge.

RECORD.

In the Civil Court of Trichinopoly (on remand).

No. 89. Deposition of Plaintiff's 6th Witness, taken 18th July 1871.

No. 89.

In Regular Appeal, No. 129 of 1869.

Deposition of Plaintiff's 6th Witness, 18th July 1871.

Before the Civil Court of Trichinopoly.

In Revised Original Suit, No. 30 of 1868 on the file of the said Court.

Examination on solemn affirmation of the Plaintiff's 6th witness, Lakshmana Aiyengur, son of Varadaiyengar, a Brahmin of Vishnu sect, a village munsiff, aged 50 years, and residing at Yagapuram.

I live at a distance of one mile from Marungapuri. I know 2nd Defendant's mother Kamammani. I received betel and nuts for her marriage. I was at Yagapuram when I received the betel and nuts, and it is my village. I went to Marungapuri for the marriage. The marriage was not performed then.

Examination by 2nd Defendant's Vakil.

There was a litigation between the present Zemindar's agent and myself and other mahajanams regarding a dam. It was referred to the Head Assistant Magistrate, who decided it against the mahajanams, myself, and others. The litigation existed from September of last year. It was decided 5 or 6 months ago. I was cited as a witness on behalf of the mahajanams, but I was not examined. The decision of the Head Assistant Magistrate is prejudicial to me also. The complaint was presented against the present Zemindar's agent, Ketaru Mudeli. He is the agent of the present Zemindar.

(Signed) LAKSHMANA AIYANGAR.

Solemnly affirmed, &c. this 18th July 1871.

(Signed) R. DAVIDSON,
Civil Judge.

No. 90. Deposition of 2nd Defendant's 1st witness, taken 18th July 1871.

No. 90.

In Regular Appeal, No. 129 of 1869.

Deposition of the 1st Witness for the 2nd Defendant, 18th July 1871.

Before the Civil Court of Trichinopoly.

Revised Original Suit, No. 30 of 1868 on the file of the said Court.

Examination on solemn affirmation of the 2nd Defendant's 1st Witness, Tambusami Pillai, son of Malaya Pillai, of Vellala caste and Christian religion, aged 45 years, Tahsildar by profession, residing at Mannargudi.

I have looked into the deposition marked III. now shown before the Court. It is marked by two and signed by one of Tirumala Puchaya Naiker's wives, namely, 1st wife, Lakkammani; 2nd wife, Peddammani; and 3rd wife, Chinnammani. The Sub-Magistrate Kishna Row wrote this deposition in my presence. Chinnammani affixed her signature to the said deposition. I have

RECORD.

In the Civil Court of Trichinopoly (on remand).

No. 90. Deposition of 2nd Defendant's 1st witness, taken 18th July 1871—*continued.*

looked into the arzi marked IV. It bears my signature. After taking depositions from the said three individuals I wrote the said arzi marked IV.

Examination by Plaintiff's Vakil.

The three females who gave the deposition marked III. remained behind a cloth curtain. I did not see their faces. I, as usual, sent in two females, and, after ascertaining who they were, dictated what I heard each of those females say, and the Sub-Magistrate wrote the same. At first I sent out all but the said three females, and then by sending in two females I ascertained who they were.

Examination by the Court.

I went there according to the order of the Collector. I do not think that I might have been deceived by the females at that time. No report or complaint has been received that any person other than the said three females had given a false deposition.

I have heard this read; it is correct.

(Signed) TAMBUSAMI PILLAI.

Solemnly affirmed before me in open Court this 18th July 1871.

(Signed) R. DAVIDSON, Civil Judge.

(Signed) H. WIGRAM,
Acting Registrar,
Appellate side.

No. 91. Deposition of 2nd Defendant's 2nd witness, taken 18th and 19th July 1871.

No. 91.

In Regular Appeal, No. 129 of 1869.

Deposition of 2nd Defendant's 2nd Witness, 18th July 1871.

In the Civil Court of Trichinopoly.

In Revised O.S., No. 30 of 1868 on the file of the said Court.

Examination on solemn affirmation of the 2nd Defendant's 2nd witness, Sabapathy Moodelly, son of Subbu Moodelly, living in Tuvarangkurichi, of Moodelly, caste Sivavidi, Karnam of Marangapury village, and aged 60 years.

I am the Karnam of Marangapury village. I know the three wives of Thirumalai Puchiya Naiker. These are Lakammani, Lakniputti Ammani, and Chinna Ammani. I know Thumbusamy Pillay, the late Thasildar of Kuluthalai. I was present when the said Thasildar of Kuluthalai came to the palace of Thirumalai Puchiya Naiker and took down deposition from the three persons aforesaid. There was a curtain hung across. To the said deposition two (of them) put their marks, and Chinna Ammani affixed her

RECORD.

In the Civil Court of Trichinopoly (on remand).

No. 91. Deposition of 2nd Defendant's 2nd witness, taken 18th and 19th July 1871—*continued.*

signature. I witnessed it. I was present when the said deposition was read out (to them). I can identify that deposition if it is shown to me now. I have seen the deposition marked III. now shown to me before the Court. It bears my signature. This is what I have above referred to. I know Muthuvira Puchiya Naiker. He was the father of the present Zemindar. I have seen the document marked XIX. I also have affixed my signature to it. I know Thirumalai Puchiar Naiker's writing on a cadjan, but not that on a paper. Muthuvira Puchiyar Naiker had six wives, viz.:—(1) Lakammani, (2) Ovalammani, (3) Natham Ammani, whose name I do not remember, but whom I have (so denominated), as she belongs to Natham; these three were married on the same day,—(4) Appammani, (5) Appammani alias Kamammani, and (6) Ponnammani alias Themayi Appammani alias Kamummani, who is also called Kannuthu Ammani. The present Zemindar is the son of the said Kamammani. I was present when the marriage took place between Kamammani and Muthuvera Puchiyar Naiker. As I was invited, I went. The marriage took place in 1850. I do not know the month. I was present when the present Zemindar's brother, Thirumalai Puchiya Naiker, gave his deposition before the Thasildar of Ramagiri. Thirumalai Puchiya Naiker might have given his deposition only on the same day on which I gave mine, but I do not remember. I have seen the document No. XV. That is the deposition given by Thirumalai Puchiya Naiker. At that time Thirumalai Puchiya Naiker presented a genealogical table. I saw it. It is the document XX.

By Plaintiff's Vakil.

I do not remember in what month of the year 1850 the marriage of Kamammani took place. It was performed only in the beginning of the year 1850. I do not know if an attempt at marriage failed before the celebration of the marriage of Kamammani. In the beginning of the year 1850 the Zemindar made an attempt to perform the marriage, and the marriage took place shortly after. I never heard that the marriage was delayed either by Thirumalai Puchiyar Naiker or any other. I know not that a complaint was lodged respecting the obstruction offered when an attempt at marriage was made. I do not know that at the time of the marriage Muthuvera Puchiya Naiker and Thirumalai Puchiya Naiker were on inimical terms with each other. I am not aware whether or not Thirumalai Puchiya Naiker attended Kamammani's marriage. When the marriage was celebrated, Thirumalai Puchia Naiker was in Marangapury. I do not know whether or not Lakammani was present at that marriage. At that marriage was present Muthuramen Servakaren. He is a cultivator in Marangapury. There were present many others; I do not remember their names. At that time Muthuramen was with me. He is now alive. A pandal had been then erected for the marriage. I do not know whether or not the puttam, sword, and other insignia of royalty were there at the marriage. At the time of the marriage I saw Kamammani. Kamammani was then in a hut covered with green leaves. There is a difference between a hut and a pandal. It is not the custom to remain in the pandal at the time of marriage. According to custom she was in the hut. As

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RECORD.

In the Civil Court of Trichinopoly (on remand).

No. 91. Deposition of 2nd Defendant's 2nd witness, taken 18th and 19th July 1871—*continued.*

I was present when the Thasildar Ramaiyengar came and took down the deposition XV. I say that it is the deposition so taken down. It does not contain my attestation. Ever since it came to existence I never saw it till now. From the circumstances mentioned in the document XV., I say that it was given by Thirumalai Puchiya Naiker. I do not recollect every word of the said deposition. I saw Thirumalai Puchiya Naiker giving the genealogical tree No. XX. to the Thasildar. I never saw it either before or after that. I can depose on oath that this genealogical table is the same given by him. The Thasildar put the (document) No. XV. into my hands and desired me to look into it. He asked me if it was correct. The three wives of Thirumalai Puchiya Naiker were behind a curtain when they gave the deposition marked III. Myself, the Thasildar, the Sub-Magistrate, and some others were in front of the curtain. I could not see the faces of the three females when they gave their deposition from behind the curtain. The said deposition was taken behind the curtain and their signatures taken to it. Nuvanitha Krishna Pillay took the deposition behind the curtain. Navavitham Pillay is a Treasury Clerk under the Zemindar. He is alive now.

By the 2nd Defendant's Vakil.

I saw the said three females affixing their signatures to the deposition III.

By the Court.

When the said three females were affixing their signatures to the document III., I and the village Munsif, Maruthanayagam Pillay, just peeped in from the side of the curtain.

I have heard this read, and it is correct.

(Signed) SABAPATHY PILLAY.

Solemnly affirmed before me in open Court this 18th July 1871.

(Signed) R. DAVIDSON,
Civil Judge.

Examined again on solemn affirmation on the 19th July 1871.

By 2nd Defendant's Vakil.

I have seen the document XXXVII. shown to me before the Court. It bears my attestation. It was executed by Thirumalai Puchiya Naiker to Vakil Kristna Iyengar.

No cross-examination.

I have heard this read, and it is correct.

(Signed) SABAPATHY PILLAY.

Solemnly affirmed before me in open Court this 19th July 1871.

(Signed) R. DAVIDSON,
Civil Judge.

RECORD.

In the Civil Court of Trichinopoly (on remand).

No. 92. Deposition of 2nd Defendant's 3rd witness, taken 18th July 1871.

No. 92.

In Regular Appeal, No. 129 of 1869.

Deposition of 2nd Defendant's 3rd Witness, 18th July 1871.

Before the Civil Court of Trichinopoly.

In Revised O.S., No. 30 of 1868 on the file of the said Court.

Examination on solemn affirmation of the 2nd Defendant's 3rd Witness, Muruga Krishna Rayer, late Sub-Magistrate of Manapparai.

I have seen the deposition marked III. It is in my handwriting, and I took it down. It was marked by Lakammani and Peddammani, and signed by Chinnammani. These three are the wives of Thirumalai Puchiya Naiker. I have seen the document marked XXIV., which is the arzi. I wrote to the Collector. It bears my signature. It was written on the day of Tirumalai Puchiya Naiker's death. I went to Marungapuri that day. I have seen the document marked XXVIII. This is the arzi I addressed to the Collector. It bears my signature. I have seen the document marked XXX. It is the deposition taken before me from Tirumalai Puchaiya Naiker's wife Lakammani. There is my signature in this. The said Lakammani signed this.

Examination by Plaintiff's Vakil.

Lakammani signed before me the document marked XXX. She did not affix her signature from behind the curtain.

I have heard this read. It is correct.

(Signed) M. KRISHNA ROW.

Solemnly affirmed, &c., this 18th July 1871.

(Signed) R. DAVIDSON,
Civil Judge.

No. 93. Deposition of 2nd Defendant's 4th witness, taken 19th July 1871.

No. 93.

In Regular Appeal, No. 129 of 1869.

Deposition of the 4th Witness for the 2nd Defendant, 19th July 1871.

Before the Civil Court of Trichinopoly.

In Revised O.S., No. 30 of 1868 on the file of the said Court.

Examination on solemn affirmation of the 2nd Defendant's 4th Witness, Maruthanayagam Pillai, son of Muthukumara Pillai, of Vellala caste and Siva sect, aged 51 years, a village Munsif by profession, residing at Marangapuri.

I know Thirumalai Puchiya Naiker. I know that he addressed an arzi in respect of heirship to the zemindary. He wrote an arzi to the Collector on the day previous to his death. I was present when he wrote it. I saw him

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RECORD.

In the Civil Court of Trichinopoly (on remand).

No. 93. Deposition of 2nd Defendant's 4th witness, taken 19th July 1871—*continued.*

affix his signature to that arzi. I can say if that arzi be shown to me. I can now depose to my having witnessed Thirumalai Puchiya Naiker then affixing his signature. The signature in the arzi marked I. is of Thirumalayi Puchiya Naiker. I know that Plaintiff Lakammani wrote an arzi to the Collector on the next day after the death of Tirumalai Puchiya Naiker. I can now identify the said arzi. Lakammani Ammal fixed her mark to the arzi marked II. The present Zemindar affixed his signature to it. The mark and signature therein are theirs. I know Thamboosamy Pillay, the late Thasildar of Kuluthalai, as also Krishna Rayer, the late Sub-Magistrate of Manappurai. I know that the Thasildar Thumbusami Pillai and the Sub-Magistrate Krishna Row took deposition from Lakammani, the 1st widow of Thirumalai Puchiya Naiker. Lakammani (1), Lukkaripatti Ammani (2), and Chinnammani (3), these three persons gave the deposition. I saw them affix their signatures to the deposition. Lakammani and the Lakkaripatti Ammani had affixed their marks, and Chinnammani affixed her signature. As a village servant I also attested that deposition. I can say if I see it. It is the document marked III. to which those three affixed their signatures and which bears my attestation. I know Muthuvera Puchiya Naiker. He had six wives. I know their names. The 1st wife is Akkammani, the 2nd Lakammani, the 3rd Ovalammani, the 4th Appammani, the 5th Appammani alias Kamammani, and the 6th Ponnammani alias Themayi Ammani. I know not of Akkammani, Lukkammani, Ovalammani, and Appammani having been married. I am aware of the marriage of Appammani alias Kamammani. I attended it on receiving betel and nuts. I do not remember the year in which the marriage took place. It was 20 or 21 years ago that Kamammani was married. In this suit and in other zemindaries, if there be two females of the same name, each of them is customarily called by a second name. The marriage took place when I went.

Examination by Plaintiff's Vakil.

I do not remember in what month Kamammani's marriage took place. As 20 or 21 years have elapsed, I do not remember whether it was in the beginning, middle, or end of the year. I know of the birth of the present Zemindar. A year before his birth Kamammani's marriage took place. The mother of Thirumalai Puchiya Naiker was alive. This ammal (mother) and Thirumalai Puchiya Naiker remained in a separate palace. Muthuvera Puchiya Naiker asked for the biruthu (insignia of royalty), &c.; and a dispute arising about it, there occurred a delay of three or four months. Muthuvera Puchia Naiker having got fresh insignia, &c. prepared, the marriage was performed. The marriage was performed on the day fixed before I was served with betel and nuts, and on that day I attended. Before this no betel and nuts were served for the marriage, but arrangements were being made for the marriage. I do not know whether the date of marriage was fixed or not when arrangements for it were being made. The marriage took place four or five days after Kamammani was brought into the palace. Thirumalai Puchia Naiker and Lakammani did not attend the marriage of Kamammani. Paupannan Servakeren, Muthuramen Servakaren, and several others attended

RECORD.

In the Civil Court of Trichinopoly. (on remand).

No. 93. Deposition of 2nd Defendant's 4th Witness, taken 19th July 1871—*continued.*

the marriage. Paupannan Servakeren is an inhabitant of that village. Several of Muthuvera Puchiya Naiker's relatives attended that marriage. I know all their relatives. Kauthi Naiker was come. He is the relative of the Zemindar. They are of the same caste, and are related to one another by intermarriage. Bommarra Naiker also was come. He is the son of the junior paternal uncle of Kamammani, the mother of the present Zemindar. Also several persons who were related by blood to Muthuvira Puchiya Naiker were come. I do not remember their names. I did not see if any of the Zemindars in the neighbourhood of Marangapuri were come. I did not see if the circar and taluk officials attended the marriage. Rengaiengar wrote the document marked I. This Rengaiengar was employed under the Zemindar Thirumalai Puchiya Naiker. I saw him write. He is alive. I was not asked to affix my signature to this. I used to go frequently into the palace as if I am the son of the Zemindar. I went when the Zemindar was sick. At that time the document I. was passed. Rengiengar wrote also the document marked II. It was written at the dictation of Lakammani and Thirumalai Puchia Naiker, the manager of the present Zemindar. Lakammani gave instructions as to how the arzi should be written, and stated the purport in general terms. Rengaiengar himself wrote the contents of the said arzi. At the time when the said arzi was written Lakammani was not behind the curtain. She has no objection to come before those who frequent the palace. She would object to appear before strangers.

Examination by 2nd Defendant's Vakil.

It is not customary to have attested by witnesses the arzis similar to the one marked I. Lakammani having asked (him) to write on the subject referred to in the exhibit II., Rengaiengar wrote it in detail. The present Zemindar is married. I was present at the marriage when the Zemindar of Madavur also was come; he is a Zemindar of five or six villages. I do not know whether the Zemindar of Madavur has lands or not. Zemindars who are not friends are not invited for the marriage.

Examination by the Court.

Muthuvira Puchiya Naiker was keeping a dancing girl. He intended to subdivide and give lands to her, and therefore neglected to maintain Thirumalai Puchiya Naiker and his mother. This gave rise to ill-feeling and to the delay in the celebration of the marriage. The name of the dancing girl is Kanthimathi. Kantimati for her issues had Vanalappa Naiker and others.

I have heard this read. It is correct.

(Signed) MADARANAYAGAM PILLAI.

Solemnly affirmed, &c. this 19th July 1871.

(Signed) R. DAVIDSON, Civil Judge.

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RECORD.

In the Civil Court of Trichinopoly (on remand).

No. 94. Deposition of 2nd Defendant's 5th Witness, taken 19th July 1871.

No. 94.

In Regular Appeal, No. 129 of 1869.

Deposition of 2nd Defendant's 5th Witness, 19th July 1871.

Before the Civil Court of Trichinopoly.

In Revised Original Suit, No. 30 of 1868 on the file of the said Court.

Examination on solemn affirmation of 2nd Defendant's 5th Witness, Jannuladin Saib, son of Mahomed Pakar Saib, residing at Kulutalai, a Mohamedan of Anubi sect, a gumastah by profession, aged 50 years.

I am a gumastah of Kulutallai taluk. I was formerly a gumastah in Ramagiri taluk. I was gumastah under the Tahsildar Ramaiyar. I have seen the document XIII. I wrote it. It bears my signature as the comparer. It bears the signature of tahsildar Ramaiyar. I have seen the Document XIV. It was written by my assistant, Pichuvaiyangar. It bears the Tahsildar Ramaiyar's signature. I myself wrote the year, month, and date in it. It was written before me. I have seen the document XV. It was written by my assistant, Pichuvaiyangar, in my presence. It was signed by the present Zemindar's elder brother, Tirumala Puchaya Naiker, and Tahsildar Ramaiyer. I have seen the document XIX. My assistant, Pichuvaingar, wrote it in my presence. The deponent signed it. It was signed also by Tahsildar Ramaiyar. I have seen the document XX. It is signed by Tirumala Puchaya Naiker and Tahsildar Ramaiyar. The writing of the genealogical tree is of Ramaiyar, the Tahsildar. I was present at that time.

No cross questions.

I have heard this read. It is correct.

(Signed) JANNULAHDIN SAIB, Gumastah.

Solemnly affirmed, &c. this 19th July 1871.

(Signed) R. DAVIDSON, Civil Judge.

No. 95. Deposition of 2nd Defendant's 6th Witness, taken 19th July 1871.

No. 95.

In Regular Appeal, No. 129 of 1869.

Deposition of 2nd Defendant's 6th Witness, 19th July 1871.

Before the Civil Court of Trichinopoly.

In Revised Original Suit, No. 30 of 1868 on the file of the said Court.

Examination on solemn affirmation of the 2nd Defendant's 6th Witness, Srinivasa Narayana Thatha Charry, son of Ragunatha Thatha Chariar, living in Carpatty, of Bramin caste, Vishnu vite, a priest by profession, and aged 38 years.

I am the aucharyar (priest) of the Zemindar of Marungapuri. I am the aucharyar of the entire family of the Zemindar of Marungapuri. I know

RECORD.

In the Civil Court of Trichinopoly (on remand).

No. 95. Deposition of 2nd Defendant's 6th Witness, taken 19th July 1871—*continued.*

Muttuvira Puchaya Naiker; he has six wives. I know the names of some of them: Lakkammani Kamammani alias Appammani; that ammal (lady) is the mother of the present Zemindar. Appammani, the name of another wife. Another's name is Manar Ammani. Manar is the name of a village. I know not her own name. I do not remember the names of the others. I was present at the marriage of Muttuvira Puchaya Naiker with Kamammani alias Appammani. This marriage was celebrated in the month of Avani (August and September) of Saumiya (1850). My memory tells me that the said marriage took place in Avani (August and September) of Saumiya (1850). It was only after Appammani's death that the marriage of Kamammani alias Appammani took place. I do not remember the year of the said Appammani's death. The marriage of Kamammani alias Appammani took place a year after the death of Appammani. I remember the month and year of Kamammani alias Appammani's marriage, as mine also was celebrated in the same year. The present Zemindar is the son of Kamammani alias Appammani. I went to the palace some time after the present Zemindar's birth. The Zemindar invited my father to the palace. I went with him. Muttuvira Puchiya Naiker placed the present Zemindar in my father's hands, and desired him to give him a name. My father asked him as to what name to give. Muttuvira Puchaya Naiker answered that the name of Runga Kristna Muttuvira Puchaya Naiker would do, as his elders had borne that name. My father gave the name accordingly. My father is dead.

By the Court.

As my father was then the guru of the Zemindar's family, and as it was the custom for the gurus to give names (to children), the Zemindar placing the present Zemindar in my father's hands, asked him to bestow a name upon him (the child). It is now 15 years since the present Zemindar had his name bestowed on him.

No cross-examination.

I have heard this read. It is correct.

(Signed) Srinivasa Narayana Thatha Curryar.

Solemnly affirmed before me in open Court this 19th July 1871.

(Signed) R. Davidson, Civil Judge.

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RECORD.

In the Civil Court of Trichinopoly (on remand).

No. 96. Deposition of 2nd Defendant's 7th Witness, taken 19th July 1871.

No. 96.

In Regular Appeal, No. 129 of 1869.

Deposition of the 2nd Defendant's 7th Witness, 19th July 1871.

Before the Civil Court of Trichinopoly.

In Revised Original Suit, No. 30 of 1868 on the file of the said Court.

Examination on solemn affirmation of Boruma Naiker's son, Boruma Naiker, the 7th witness for 2nd Defendant, a cultivator, of Kumbala caste and Siva sect, aged 45 years, and residing at Selanayakampatti.

I remember Muttuvira Puchaya Naiker; he had six wives. I do not know the names of two wives. (They were) Lakammani, Appammani, Kamammani, and Themammani. Thenmammani was married lastly. Kamammani was also called by the name of Appammani. I was present at the wedding of Muttuvira Puchaya Naiker and Kamammani. I recollect that the marriage was performed 20 or 21 years ago. Kamammani's son is the present Zemindar; he was born a year after Kamammani's marriage.

Answer to question by the Plaintiff's Vakil.

I am a farmer in the zemin of Murungapuri. I cultivate five kanis of nunjah lands and 15 kanis of punja lands. The place where I live is about three miles from Marungapuri. Kamammani is the daughter of my junior uncle; therefore I received betel and nuts to attend the wedding. That was the first time I was invited to Marungapuri. Subsequently I was invited for Themmammani's marriage. There was a talk about the marriage for three months before its celebration. I do not know that Tirumala Puchaya Naiker and his mother, Lakammani, objected to the said marriage, nor did I hear of the same. I do not know that the said marriage was postponed for three months in consequence of the objections of the Zemindar's relatives. The marriage was celebrated only on the day fixed in the first instance. The day for the marriage was fixed 10 days before the day on which the marriage took place.

Answer to the question by Court.

It took three months to settle the girl. Kamammani was taken to the palace 10 days before the marriage. She remained there. Muttuvira Puchaya Naiker, Tirumala Puchaya Naiker, and his mother, Lakkammani, had a misunderstanding at the time of Kamammani's marriage. I do not know the cause of it.

I have heard it read. It is correct.

Mark of Boruma Naiker.

Solemnly affirmed before me in open Court this 19th July 1871.

(Signed) R. Davidson, Civil Judge.

RECORD.

In the Civil Court of Trichinopoly (on remand).

No. 97. Deposition of 2nd Defendant's 8th Witness, taken 19th July 1871.

No. 97.

In Regular Appeal, No. 129 of 1869.

Deposition of the 2nd Defendant's 8th Witness, 19th July 1871.

Before the Civil Court of Trichinopoly.

In Revised Original Suit, No. 30, of 1868, on the file of the said Court.

Examination on solemn affirmation of the 2nd Defendant's 8th Witness, Anantakrishnam Pillai, son of Nayanar Pillai, of Vellula caste, Vishnu sect, cultivator by profession, aged 50 years, and residing at Tuvarankurchi.

I know Muttuvira Puchaya Naiker. He had six wives: 1st, Akammani; 2nd, Lakkammani; 3rd, Ovalammani; 4th, Appammani; 5th, Appammani alias Kamammani alias Kanmittammani; and 6th, Ponnammani alias Temay Ammani. I was present when the marriage of Muttuvira Puchaya Naiker and Kamammani was performed. It took place in 1850. I do not recollect the month. Kamammani's son is the present Zemindar. I am not related to the Zemindar. I am employed under the Zemindar since 20 years. I was in the service of Muttuvira Puchaya Naiker for one or one and a half years, and I continue to perform the service ever since.

Answer to the questions of the Plaintiff's Vakil.

As a servant of the Zemindar, my business at the time of Muttuvira Puchaya Naiker was to supply provisions, &c. to gentlemen halting in the bungalow at Tuvarankurchi. I used to supply sheep, fowls, &c. for price. I have not got that business now. I looked after that business till the marriage of Kamammani. I received betels and nuts for the marriage. I used to attend all the ceremonies performed in the palace of the Zemindar. They used to invite me on some occasions, and I used to go myself on other occasions. As I am a servant under them, I used to go, though invited or not. I used to go to all the places in the palace except those where females remain. I do not recollect the month in which the marriage took place, or whether it was in the beginning, middle, or end of the year. Marungapuri is about four miles from Tuvarankurchi bungalow. Papannari Servakaren, Mutturamen Servakaren, Nullatumbi Pillai, Marudunayakum Pillai, Tiruvanambalakaren, and several others came for the marriage. The said marriage was performed for three days. Chinna Ambalakaren above remained the first day and went away, and the rest remained for three days. There was a mob of about 500 persons on the first day.

Answer to the questions by the Court.

I am aged 50 years. I have heard this read. It is correct.

(Signed) ANANTAKRISHNA PILLAI.

Solemnly affirmed before me in open Court, this 19th July 1871.

(Signed) R. DAVIDSON, Civil Judge.

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RECORD.

In the Civil Court of Trichinopoly (on remand).

No. 98. Deposition of 2nd Defendant's 9th Witness, taken 19th July 1871.

No. 98.

In Regular Appeal, No. 129 of 1869.

Deposition of the 2nd Defendant's 9th Witness, 19th July 1871.

Before the Civil Court of Trichinopoly.

In Revised Original Suit, No. 30 of 1868 on the file of the said Court.

Examination on solemn affirmation of 2nd Defendant's 9th Witness, Nallatambi Pillai, son of Ramasamipillai, Vellala caste, Siva sect, a storekeeper in the house of the Zemindar, aged 35 years, and residing at Marungapuri.

I know Muthuvira Puchaya Nayaker. He had six wives: Akkammani, Lakkammani, Ovalammani, Appammani, Kamammani, otherwise called Appammani, and Temayi Ammani, otherwise called Ponnammani. At the marriage of Appammani, otherwise called Kammammani, I was a storekeeper in the service of the Zemindar Muthuvira Puchaya Nayaker. The marriage took place in 1850. I do not recollect the month and date. Kamammani's son is the present Zemindar. In the third year, previous to this marriage, the fourth wife, Appammani, died. The marriage took place only after her death.

Answer to the question by Plaintiff's Vakil.

My pay at that time was rupees 3 a month. Even now I hold the same office. We hold this office from the time of my grandfather. I hold only the said office under the present Zemindar. My pay since 21 years is six rupees. I do not recollect the month in which the present Zemindar with a view to take the insignia, &c., took possession of the zamin. Muttuveera Puchaya Naikar sent a message. Tirumalai Puchaya Naikar and his mother raised objections. Three months before the marriage the attempt to take the insignia was made, but, as he could not get them, he got the same prepared afresh. At the time when attempt was made for getting the insignia, &c. the girl had been spoken of and designed, and the date of marriage fixed. As there was a misunderstanding between them, a message was sent with a view to know whether or not the insignia, &c. would be given. The marriage was celebrated on the very day for which it was fixed. The girl came 10 days before the marriage.

Answers to the questions by 2nd Defendant's Vakil.

I am not aware of any complaint having been preferred before the police by Muthuvira Puchaya Naikar as regards the refusal by Tirumala Puchaya Naikar to give up the insignia, &c. One day about two or three months ago the insignia, &c. were asked for, but as they were refused to be given up, new insignia, &c. were caused to be prepared. Muttuvira Puchaya Naikar addressed a complaint to the Collector as regards the refusal to give up the

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insignia, &c. The Collector sent his dalayat to cause them to be given up, but they were not given up, though he came and asked for them.

I have heard this read. It is correct.

(Signed) NALLATAMBI PILLAI.

Solemnly affirmed before me in open Court this 10th July 1871.

(Signed) R. DAVIDSON, Civil Judge.

No. 99. Deposition of 2nd Defendant's 10th Witness, taken 19th July 1871.

No. 99.

In Regular Appeal, No. 129 of 1869.

Deposition of 2nd Defendant's 10th Witness, 19th July 1871.

Before the Civil Court of Trichinopoly.

In Revised Original Suit, No. 30 of 1868 on the file of the said Court.

Examination on solemn affirmation of 2nd Defendant's 10th Witness, Sundaramaiyan, son of Lakshmana Narayana Aiyan, residing at Marungapuri, a Bramin of Siva sect, a rayasam, aged 42 years.

I know Tirumala Buchiya Naiker. I know his signature. I know that he died. He wrote an arzi the day before his death. It was written by Rangaiyangar. He is the Zemindar's head rayasam. I have seen the document I. In it is the signature of Tirumalai Puchaya Naiker. Rangaiyangar wrote it. I saw when Tirumalai Puchaya Naiker put his signature. The document II. is the arzi sent to the Collector jointly by Plaintiff Lakkammani and the present Zeminday. The day after the death of the Zemindar Lakkammani put a mark in it for her signature, and the present Zemindar signed it. I know that they marked and signed it.

Examination by Plaintiff's Vakil.

I am the Zemindar's 2nd rayasam. I am employed since the time of the late Zemindar. An account is kept in the palace at the Zemindar's own expense. The money expended on account of marriages and feasts is entered in that account. If the Zemindar purchased any valuable things, the same is usually entered in the account. The present Zemindar is married. I do not know how much was expended for that marriage. (The Zemindar) used to make* jewels, if he chose to do so, at the time of marriage. He used to take out and give also the old jewels in the palace. If the old jewels in the palace are given, the same will not be entered in the account. They will be entered if given to strangers. The present Zemindar attained his majority two years ago.

* Sic.

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In the Civil Court of Trichinopoly (on remand).

Examination by 2nd Defendant's Vakil.

Nallatambi Pillai was vugrama samprati (storekeeper) when Kamammani was married. Kannanyar was attavanai samprati (accountant) writing an account of cash receipts and disbursements.

I have heard this read. It is correct.

(Signed) SUNDARAMAIYAN.

Solemnly affirmed, &c. this 19th July 1871.

(Signed) R. DAVIDSON, Civil Judge.

No. 100. Deposition of 2nd Defendant's 11th Witness, taken 19th July 1871.

No. 100.

In Regular Appeal, No. 129 of 1869.

Deposition of 2nd Defendant's 11th Witness, 19th July 1871.

Before the Civil Court of Trichinopoly.

In Revised Original Suit, No. 30 of 1868 on the file of the said Court.

Examination on solemn affirmation of 2nd Defendant's 11th Witness, Sivagurunada Pillai, son of Muttu Sidambaram Pillai, residing at Kodumbapattu, of Vellalar caste, Siva sect, a village munsiff, and aged 47 years.

I know Muttuvira Puchaya Naiker. He had six wives. I know Lakkammani, Kannutta Ammani otherwise called Kamammani or Appammani, and Maduvur Ammani. Muttuvira Puchaya Naicker's marriage with Kamammani took place about 20 or 21 years ago. I was present at the marriage. Kamammani had by that marriage the present Zemindar for her son. I am not related to the Zemindar. I am not now employed under the Zemindar. I was employed from before the celebration of the marriage. I was in the Zemindar's service when the marriage was celebrated.

Examination by Plaintiff's Vakil.

I am now the village curnum. I am a village curnum under the Zemindar. The present Zemindar was born two or three years after the marriage of Kamammani.

Examination by 2nd Defendant's Vakil.

I do not remember how many years after the marriage of Kamammani, Muttuvira Puchaya Naiker died.

I have heard this read. It is correct.

(Signed) SIVAGURUNADA PILLAI.

Solemnly affirmed, &c. this 19th July 1871.

(Signed) R. DAVIDSON, Civil Judge.

RECORD.

In the Civil Court of Trichinopoly (on remand).

No. 101. Deposition of 2nd Defendant's 12th Witness, taken 19th July 1871.

No. 101.

In Regular Appeal, No. 129 of 1869.

Deposition of 2nd Defendant's 12th Witness, 19th July 1871.

Before the Civil Court of Trichinopoly.

In the Revised Original Suit, No. 30 of 1868.

Examination on solemn affirmation of the 2nd Defendant's 12th Witness, Subbiaber, son of Subbiaber, living in Srirungum, a Brahmin by caste, Sivavide by profession, a vakil in the Civil Court, and aged 46.

I know Krishniengar, late vakil of this Court. I can identify his signature if I see it. I have seen the document XXXII. That petition is written in his own handwriting. It also bears his signature.

No cross-examination.

I have heard this read, and it is correct.

(Signed) SRIRUNGUN K. SUBBIABER.

Solemnly affirmed before me in open Court this 19th July 1871.

(Signed) R. DAVIDSON, Civil Judge.

No. 102. Judge's Notes of Evidence on remand, taken 18th and 19th July 1871.

No. 102.

In Regular Appeal, No. 129 of 1869.

Notes of Evidence on both sides.

Notes of Evidence in Issue remanded in Original Suit, No. 30 of 1868.

1st witness for Plaintiff, Viraragava Aiyengar, sworn.—Says he is 75 years old. Knew Muttuvira Puchaya Naiker, and was employed under him as manager or karbar. He knew Kamammani, the 2nd Defendant's mother, and remembers her having come to Muttuvira Puchaya Naiker's palace in 1850; it was in Avany (July-August); and he remembers Muttuvira Puchaya Naiker having commenced to marry her, and invitations were sent to the zemindars, &c. to be present at the marriage. This was nine or ten months after her arrival at the palace. The Zemindar's 2nd wife, Lakkammani, and her son the late Zemindar, Tirumala Puchaya Naiker, objected to the marriage being proceeded with; and by Muttuvira Puchaya Naiker's orders witness enquired of the late Zemindar and his mother what the cause of objection was. The only information he could get from the mother was that it was a female matter, and

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In the Civil Court of Trichinopoly (on remand).

No. 102. Judge's Notes of Evidence on remand, taken 18th and 19th July 1871—*continued.*

that the marriage ought to be stopped. On further enquiring witness heard from others that the objection was raised because of a rumour that Appammany was in the family way. The state sword and other insignia are used on the occasion of marriages in the family; and at the time when Muttuvira Puchaya Naiker wanted to marry Appammany they were in custody of the late Zemindar and his mother, Lakkammani, and were kept in a room called "covil;" and witness and the Zemindar Muttuvira Puchaya Naiker, and others, went to the palace for the purpose of getting those insignia; but as the late Zemindar Tirumala Puchaya Naiker was standing at another door with a stick, he said that he would shoot any one but his father who entered. Witness then advised Muttuvira Puchaya Naiker to report the matter to the head of police, Cassim Ali Saib; and he did so to him and the magistrate, Mr. R. D. Parker, who directed Cassim Ali Saib to report on the matter. Witness remained there for those three months, and afterwards went to Madura, and up to the time of witness leaving for Madura the marriage had not taken place, and witness has no personal knowledge of the marriage ever having taken place. Witness is not aware of Kamammani having been called by any other name. She is alive now. The custom among the Zemindars is that when a girl has been selected a day is fixed for the marriage to take place, and one, two, or three months before the day fixed the girl is brought in a palankeen to the palace, where she remains in a room in the palace; the parents visit her, and the father may eat in the palace, not so the mother. Witness can't say whether Kamammany's parents did so come. Witness is not aware of any (other) instance of a girl having been brought to be married at the palace without the marriage having taken place. (Vide exhibit T, 4th December 1850, to show that up to that date the marriage had *not* taken place).

Cross-examined by Mr. Green.

Was for seven years in Muttuvira Puchaya Naiker's service. Mentions the names of Lakkammani, Ovalammani; one who came from Kalakampati village, name unknown; does not know the names of the other wives. Does not know how many wives Muttuvira Puchaya Naiker had. Has personal knowledge of them, and heard he had five. The two wives mentioned above, and the other whose name witness does not know, were married on the *same* day, about 1817 or 1818. Witness had free access to all parts of the palace, and witness was in the habit of seeing the wives, and used to see them once in ten or fifteen days or so; and witness never saw any other wives of Muttuvira Puchaya Naiker except those three mentioned above. It is customary for the parents of the girl to come and see her soon after her arrival at the palace. Witness never saw Kamammany in his life, only heard that a woman of that name had come to the palace. Witness never saw or heard of a person named Appammany being in the palace. Does not know of Kamammany having had any other name in the palace; never heard of her having been called by any other name. It is customary for females in the Zemindar's palace to go by two or three names (alias). Is not aware that it is usual, when two wives bear the same name, to distinguish them by an alias. (Note, the 4th and 5th wives are both named Appammany.) Has resided many years in Marungapuri and its vicinity. Some one or two of the Zemindar's near female

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In the Civil Court of Trichinooly (on remand).

No. 102. Judge's Notes of Evidence on remand, taken 18th and 19th July 1871—*continued.*

relative, sister, or aunt, takes charge of a girl when brought to the palace to be married to the Zemindar, and female attendants are appointed to serve. It is customary for the Zemindar to see his intended wife while she is resident in his palace before marriage, but only in presence of her female guardians. Witness does not know the name of Kamammany's father's village, nor where she was brought from. Can't say whether or not either Kamammani's parents accompanied her when she came to the palace. Can't say where the other two of the five wives were married.

By the Court.

Witness went to Madura on his own private business two months after the Zemindar Muttuvira Puchaya Naiker complained about his son having interfered with his intended marriage. He did not quit Muttuvira Puchaya Naiker's service, and returned to Marungapuri at the end of the two months. (Note, late Zemindar Tirumala Puchaya Naiker would be about 22 at the time when 5 exhibit was written.)

2nd Witness, Tirumala Muttuvira Dhamoodara Krishnaswami Naiker, sworn.—Lakkammany, the 2nd wife of Muttuvira Puchaya Naiker, was witness's relation, and so was Ponnammani, his 6th wife. Knows the present Zemindar's mother, Kamammany; and witness received an invitation and betel nut to go to the Zemindar's marriage with her, and he went; but the marriage did not take place, as Lakkammani and her son late Zemindar Tirumala Puchaya Naiker objected to the marriage taking place because they told witness that Kamammani was in the family way. The Zemindar Muttuvira Puchaya Naik never married Kamammani to his knowledge. It was subsequent to this that Ponnammani was married.

Cross-examination.

Witness belongs to Madavore in Dindigul taluk, Madura district. Witness is not actually related to Lakkammani and Ponnammani, but by usage they call each other brother and sister. They were not taken from witness's house to the palace to be married to Muttuvira Puchaya Naiker. Witness only knows of Muttuvira Puchaya Naiker having had three wives, Appammani, Lakkammani, and Ponnammani. Appammani went by no other name than Appammani. There was no other person of the name of Appammani in the Zemindar's house. Kamammani never went by an alias. Has not known any other instance in this zemindary of a girl brought to the palace for the purpose of being married, not having been so, nor in any other zemindary. This is the only instance. The girls brought to the palace to be married to the Zemindar Muttuvira Puchiar Naik lived with the Zemindar before marriage. He was sole guardian. They lived in same room with him. Can't mention the years or dates when Lakkammani, Appammani, and Ponnammani were married. Witness was present when Ponnammani was married to Muttuvira Puchaya Naiker; not at the marriage of the other two. The ceremonies for Kamammani's marriage commenced in Avany of a year which witness cannot remember. Witness remained two days when the ceremony stopped on account of the objection raised. Kamammani's parents might have

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In the Civil Court of Trichinopoly (on remand).

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been present, but witness did not see them. It is customary for parents to be present on such occasions.

Re-examined by Mr. Mayne.

It is not customary for a girl to live for some time in the Zemindar's palace before he marries her. (Vide discrepancy as to Zemindar being sole guardian of girl before marriage.) He says she would not sleep with him *before* marriage. Does not know any instance of a girl about to be married to a zemindar sleeping with him before marriage. Can't say in what particular room Kamammany lived during the time that elapsed between her arrival at the palace and the commencement of the marriage ceremonies which were stopped.

By the Court.

Witness is 40 years old. The report was that Kamammani was in the family way to the Zemindar. Can fix the *month* Avany (of 1850), although he cannot remember the year, as it was during the rains. Is not aware that Kamammani's parents took any exception to the marriage being stopped, or any steps in consequence. Witness has been in the habit of attending ceremonies, &c. at the palace. Is not aware that Kamammani was treated differently from the other wives of Muttuvira Puchaya Naiker. She is living in the palace still.

3rd Witness, Peddu Naiken.—Witness, relation, Sister was married to late Zemindar Tirumala Puchaya Naiker. Knows Kamammani, the present Zemindar's mother, and was invited to her marriage with the Zemindar Muttuvira Puchaya Naiker, and witness went; but the marriage did not take place, in consequence of Lakkammani and Tirumala Puchaya Naiker having objected to Muttuvira Puchaya Naiker contracting the marriage on the ground that she was pregnant. Is not aware that Zemindar Muttuvira Puchaya Naiker ever married Kamammany.

Cross-examined.

Tirumala Muttuvira Puchaya Naiker had two wives, Lakkammani and Appammani. Can't mention the month or year when they were married. Can't remember the date, month, or year in which he received an invitation to Kamammani's marriage. Witness is a cultivator, and lives in Lakkery Putty, Melur taluk, Madura district.

Re-examined.

Witness's village is twelve miles distant from Marungapuri.

4th Witness, Thavan Naik—Is the last witness Peddu Naik's brother, and brother of Pethammani, who is Tirumala Puchaya Naiker's 2nd widow. Knows Kamammani, and an invitation by betel nut sent to go to her marriage. Witness was then living in Tirumala Puchaya Naiker's palace, which is distinct from Muttuvira Puchaya Naiker's palace. This was after witness's sister Pethammani had been married to Tirumala Puchaya Naiker. Kamammani's marriage did not take place, because Lakkammani and Tirumala Puchaya Naiker objected to it, on the ground, 1st, that Lakkammani was the senior wife,

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and therefore no other marriage should take place; 2nd, that as Kamammani had lived in the palace since four months before (marriage) there was some suspicion that she was pregnant.

Cross-examined.

The whole of the above is mere hearsay. It was merely from Lakkammani and Tirumalia Puchaya Naik that witness heard there was a suspicion of Kamammani being in the family way. Moothoo Veera Puchaya Naiker and Thirumalai Puchaya Naiker were on bad terms; but, nevertheless, witness was, according to custom, asked to Muthu Vera Puchaya Naiker's wedding. Is a cultivator. Can't remember date, month or year, when he went to Kamammany's wedding (which was stopped). Witness did not go to the place where the marriage ceremony was to take place. The usual pandal at the mandi was not erected. No ceremony whatever took place, and witness added that *no one went*. He then changed his answer, and said all the people (invited went).

Re-examined by Mr. Mayne.

Witness does not know whether the neighbouring villagers got invitations to the wedding. Witness and Muthoo Veera Puchiya Naiker were not personally on bad terms.

By the Court.

Witness is 28 or 29 years of age. Therefore he has been speaking to what he says took place when he was *eight* or *nine* years old (1850).

5th. Veera Ragha Iyengar.—Village munsiff of Karaputty, three miles distant from Marangapury, and received by betel an invitation to the marriage between Muthoo Vira Puchiya Naiker and Kamammany, but no ceremonies took place because Kamammany had been forcibly brought to the palace. Is personally aware of this. Is aware that Thirumalia Puchiya Naiker started objections to the wedding after the invitations had been sent out, and the marriage did not take place.

Cross-examined.

Witness had not the right of entry into the palace, but it is customary for such as witness to get invitations to such weddings. Witness entered that day, as it was the wedding day. Has heard of Appammany, and never heard of Kamammany going by any other name. Also heard that there was a report of a suspicion of her being in the family way. Forgot to mention this circumstance in examination in chief. Witness remained only one day for the ceremony.

By the Court.

It was after all the villagers had arrived for the purpose of being present at the marriage ceremony that the objection was raised for the first time, on the score of Kamammany being pregnant.

6th Witness, Lutchman Iyengar.—Lives a mile from Marangapury. Knows Kamammany, mother of 2nd Defendant. Got a betel invitation to be present

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In the Civil Court of Trichinopoly (on remand).

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at her marriage with Muthoo Vira Poochiya Naiker. Witness was then living at his own village of Gajapuram (one mile from Marangapury). Witness went to Marangapury on the invitation, but no marriage took place.

Cross-examined.

Witness and the present Zemindar's karbar (agent) had a dispute about a dam, and the case went before the head assistant-magistrate, and a decision was given against witness and his party. The dispute originated in September last, and was decided some five or six months ago. Witness was cited as a witness for complainants, but was not examined. The decision has affected witness adversely. The complaint was lodged against the Defendant's agent Karbara Moodelliar. He is the present Zemindar's agent.

The Plaintiff dispenses with the examination of the other witnesses.

Read exhibits S., G., and T. They are the only documents on which Plaintiff relies in this suit.

Note.—Avani of 1850 run from 15th August to 15th September.

8/7/71.

Defence.

1st witness for defence, Tamboosami Pillai, late Thasildar of Kulattalai. Shown exhibit No. 3. Was present when exhibit No. 3. was written by Kristna Row, and saw the late Zemindar Tirumalai Puchiya Naiker's widows Lukkammany, Peddammany and Chinnammany mark and sign it. The two former marked, the last signed it. Shown also exhibit No. 4., and states that it bears his signature. Exhibit No. 4. was written by witness to the Collector after he had had the deposition No. 3. taken from the three widows.

Cross-examined by Mr. Mayne.

The women who gave the deposition No. 3. were behind a cloth purdah when they gave deposition No. 3.; therefore witness did not see their faces; and witness sent two females in to ascertain that they were the right women, according to custom, and the depositions were then written down by the sub-magistrate, after each deponent had stated her wishes, and after witness had caused the room to be cleared of all other women.

By the Court.

Witness had gone down by order of the Collector. Witness has no reason to suppose that any imposition was practised on witness on the occasion. No report or complaint has even been made of a fraud or deception having been practised on witness by the women in question.

Mr. Mayne objected to the admission of the exhibit No. 3., on the ground that there was no sufficient evidence of its having been marked and signed by the widows in question. He admitted that he had no reason to suppose that

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No. 102. Judge's Notes of Evidence on remand, taken 18th and 19th July 1871—*continued.*

the witness had neglected to take all the ordinary precautions for examining Gosha women. The Court overruled the objection, on the ground that there was nothing to lead the Court to suppose that they were the wrong parties. The document has been acted on throughout all proceedings.

2nd Witness, Sabapathy.—Is the village curnum of Marungapury. Knows the three widows of the late Zemindar Thirumalai Puchiya Naiker, viz., Ly., Py., and Cy. Knows first witness, Thumbusami Pillai, first Defendant's witness was present when he took a statement from the widows. Saw the widows mark and sign the deposition; two marked, and one signed. Chinnammany signed; the other two marked. Heard the deposition read over to them, and could recognise the document if shown to him. It is the exhibit No. 3. now shown to witness, and it bears witness's attesting signature. Knew Moothoo Vera Puchaya Naiker, the late Zemindar and father of the present Zemindar. The exhibit No. XIX. bears witness's signature. (Deposition given by him and village munsiff jointly.) Knows the late Thirumalai Puchiya Naiker's signature in cadjans; not on paper. Muthoo Vira Puchiya Naiker had six wives; viz., Lakammany, Ovalammany, one from Nuthum, whose name witness does not remember (Nuthalammany); those three were married in one and the same day; Appammany, Appammany *alias* Kamammany, and Ponnammany *alias* Thamai. Appammany *alias* Kamammany had also another name, of Kamoothoy Ammany. She had a son, the present Zemindar, Runga Kristna Muthoo Vira Puchiya Naiker. And witness was present when Muthoo Vira Puchiya Naiker married Appammany *alias* Kamammany, and he was invited to the wedding. It took place in 1850, but can't remember month. Was present when the deposition exhibit XV. was given by Thiroomalai Puchiya Naiker before the Thasildar. Can't remember year, or whether it was given on the same day that witness gave his deposition XVII., and Thirumalai Puchia Naiker gave in a genealogical table on that occasion, which witness saw. It is the exhibit No. 20.

Cross-examined by Mr. Mayne.

Can't remember the exact month in 1850 that Kamammany was married, but it was at the commencement of the English year. Witness is not aware of his (Moothoo Vira Puchia Naiker) having failed on a previous occasion to get married to Kamammany. When he tried, the marriage was effected on the occasion witness has mentioned. Never heard of his son Theeroomalai Puchiya Naiker, or any one else, objecting to the said marriage, or of his having complained to the Collector of Madura (exhibit T). Can't say whether Muthoo Vira Puchiar Naiker and Thirumalia Puchia Naiker his son were on good or bad terms at the time of the marriage. Can't say whether Thirumalai Puchiya Naiker attended his father's marriage or not. He was at Marungapury at the time when the marriage took place. Can't say whether Lakammany was present at the wedding or not. Remembers that Moothoo Rama Shervagaren was present at the wedding. He is a cultivator of Marungapury. There were a number of people present, but witness cannot remember now who they were. Remembers Moothoo Rama Shervagaren was with witness at the

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wedding, and so he remembers him. He is alive still. There was a marriage pandal erected. Can't say now whether the state sword and other insignia were carried or not. Saw Kamammany on the occasion of the celebration of her marriage. She was sitting in a bower or hut of green boughs; that is different from the pandal mentioned above. As is the custom, she remained in the bower without coming into the pandal. As witness was present when the thasildar took down exhibit No. XV. from Thirumalai Puchiya Naiker he can speak to its identity, although he did not attest it. Witness has not seen it from that day to this. (It is dated 1854.) Identified it from the contents of the document. Could not repeat the whole contents without refreshing memory. Never saw exhibit No. XX. until Tirumalia Puchiar Naiker gave it to the thasildar, and witness has not seen it since. But witness is prepared to swear to the identity of exhibit No. XX. The document was given to witness to read by the thasildar, and he read, and witness was desired to say whether the tree was correct or not. When the widows gave deposition No. 3 they were behind a cloth purdah; and witness, the thasildar, sub-magistrate, and some others, were in front of the purdah, and witness consequently could not see their faces when they marked and signed No. 3. The deposition was taken inside to the widows for signature. One Naranathakristnam Pillay took the deposition inside for signature. He is the palace treasury accountant. He is alive.

Re-examined.

Witness saw the three widows sign exhibit No. 3.

By the Court.

Witness and the village munsif Maruthanayagem Pillia both peeped in at the side of the cloth purdah when the widows were marking and signing No. 3, and so saw them.

3rd Witness, Kristna Row, late Sub-Magistrate of Manaparay.—Shown No. 3. exhibit; that he took down the deposition in his own handwriting. The two widows Leckamany and Pethamany marked, and the third, Chinnamany, signed it. They are the widows of Teroomala Puchia Naicker. Shown exhibit No. 24. It is an arzi addressed by witness to the Collector; it bears witness's signature. It was written on the day the Zemindar Teeroomala Puchia Naicker died. Witness was at Marungapury on the day of his death. Shown exhibit No. 28. Witness wrote it to the Collector; it bears witness's signature. Shown exhibit No. 30. It is a deposition which Leckamany, Plaintiff in this case and widow of Teeroomala Puchia Naicker, gave before witness; it bears witness's signature, and it bears Leckamany's signature.

Note.—No. 5. bears date 26th July 1864.

„ No. 30. „ 2nd February 1866.

Cross-examined by Mr. Mayne.

Leckamany signed No. 30. in witness's presence; not behind a purdah.

Adjourned to 10 a.m. to-morrow.

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Re-examined on the 19th July.

Shown exhibit No. 37, and states that he attested it. It was executed by Teroomala Puchia Naicker to vakil Kristna Iyengar, authorizing him to present petition, exhibit No. 32.

18/7/71. (Signed) R. DAVIDSON,
Civil Judge.

Hearing resumed this 19th of July 1871.

4th witness for the defence, Maruthanayagum Pillay. States that he knows Teroomala Puchia Naicker. Knows of his having written an arzi regarding his successor. It was on the day before his death (died 18th July 1864), and was written to the Collector. Witness was present when it was written, and saw Teroomala Puchia Naicker sign it. Can identify the urzee. Shown exhibit No. 1, and identifies Teroomala Puchia Naicker's signature thereto. Knows that Plaintiff Lackamany sent an arzi to the Collector on the day after Teroomala Puchia Naicker's death. Shown exhibit No. 2, and states that Lackamany, the senior widow of Teroomala Puchia Naicker, marked it, and the present Zemindar signed it. Identifies it also. Knows Tumbusawmy Pillay (1st witness for defence) and Kristna Row (3rd witness for defence), Tahsildar and Sub-Magistrate, and was present when they took a deposition from Lackamany and Teroomala Puchia Naicker's other two widows (three in all). Saw Lackamany and Pethamany mark the deposition which Chinnamany signed, and witness attested it as village officer. Shown exhibit No. 3, which he identifies as the deposition in question. Knew Mootoo Veera Puchia Naicker, father of late zemindar. He had six wives,—by name, 1, Accamany; 2, Lackamany; 3, Ovalamany; 4, Appamany; 5, Appamany *alias* Camamany; 6, Ponnamany *alias* Thaymaye. Witness knows nothing of the marriage of the first four wives. Was invited by betel to the marriage of the 5th, Appamany *alias* Kamamany, and went. It was about 20 or 21 years ago. It is customary in this and in other zemindaries for wives of the same name to have a distinguishing *alias*. The marriage of Mootoovira Puchia Naicker with Appamany *alias* Kamamany was celebrated on the occasion when witness went to it.

Cross-examined.

Can't recollect the month in which Kamamany's wedding took place; and as 20 or 21 years have elapsed, can't say whether it was in beginning, middle, or end of year. Remembers when the present Zemindar was born. He was born more than a year after Kamamany his mother's marriage. Teroomala Puchia Naicker and his mother Lackamany were living together in a palace apart from Mootoo Vera Puchia Naicker, and they refused to give up the state insignia, and so Moottoo Veera Puchia Naicker's marriage with Kamamany was delayed for three or four months. Moottoo Veera Puchia Naicker consequently had new insignia made, and his marriage with Kamamany was then celebrated, and it was for that day that witness got the invitation by betel. No betel had been sent on a former occasion, but the marriage preparations were being made, but he can't say whether a day had been fixed or not. Her (Kamamany's) marriage took place three or four days after her arrival at the palace. Teroomala Puchia Naicker and his mother did

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not attend the wedding. Remembers that Papanan Shervaygaren, a cultivator of the village, Moottoo Ramen Servaygaren, and others, were present at his wedding. Most of Moottoo Vira Puchia Naicker's relatives were present, and witness knows all her relations. Of the relatives witness remembers that Kathoo Naik, of the same caste as Zemindar, whose families can intermarry; also Pamana Naick, who is Kamaminie's cousin. Knows that a number of Moottoo Vira Puchia Naicker's relations were at the wedding, but cannot now remember their names. Did not see any of the neighbouring zemindars at the wedding, nor Government officials. Rengiengar wrote exhibit No. 1. He was employed in Teroomalai Puchia Naicker's office. Witness saw him write the document. He is alive now. Witness has* not asked to attest exhibit No. 1. As witness was in the habit of visiting the Zemindar like a son, and had gone to see him as he was sick, witness was present when No. 1 was written. Rengiengar also wrote exhibit No. 2. It was dictated by Lakkammany, elder widow of Teroomalai Puchia Naicker, the present Zemindar, and the manager Teroomalai Puchia Naicker. Lakkammany dictated the substance in a general way. Rengiengar put the substance into shape. Lakkammany was not behind a purdah when No. 2 was written. There was no objection to her appearing among the intimate frequenters of the palace, but she would not appear before the purdah in presence of strangers.

Re-examined.

It is not usual to attest such documents as exhibit No. 1. Lakkammany gave the substance of the subject-matter of exhibit No. 2 to Rengeingar,* who then wrote it. The present Zemindar is married. Witness was present at his marriage; and one zemindar, that of Muddoor, was present at it. He is a small zemindar, owning only five or six villages. Can't say whether he possesses the villages now or not. It is not the custom of the zemindary to invite zemindars on unfriendly terms to the weddings in the family.

By the Court.

Moottoovira Puchia Naiker kept a dancing girl. He wanted to subdivide the zemindary, and give one half of it to the dancing girl's family; besides which, he did not support his son Teroomalai Puchia Naicker and his mother properly. Hence the cause of the objection which they raised to his marrying Kammamany. The dancing girl's name was "Kawthemathi," and he had a family of Ovalappa Naicken and others by her.

5th Witness, Jael Abdeen Saib.—A gumastah in Kulathalai Taluq Cutcherry. Was gumastah in Ramagherry Taluq Cutcherry under Rama Iyer, the then Tahsildar. Shown exhibit No. 13. Identifies it as being in his handwriting, and bearing his signature as scribe, and the Tahsildar Rama Iyer's signature is attached to it. Shown exhibit XIV. Witness saw it written by his assistant Pitchoo Iyengar. It bears the Tahsildar Rama Iyer's signature, and witness wrote the date, month, year, &c., in his own hand. Shown exhibit No. XV. Identifies it as having been written in witness's presence by Pitchoo Iyengar, his assistant. It bears the late Zemindar Teroomalai Puchia Naicker's signature, and the Tahsildar signed it. Shown No. XIX.

* He was one of the witnesses for Plaintiff, but was dispensed with.

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Identifies it as having been written in his presence by Pitchoo Iyengar. The parties who gave the deposition signed it, as did also the Tahsildar Rama Iyer. Shown exhibit No. XX., genealogical tree. Identifies the late Zemindar Teroomala Puchia Naicker's signature thereto, also those of the Tahsildar. The names were filled in by the Tahsildar Rama Iyer in his own hand in witness's presence.

No cross-examination.

6th Witness, Streenavassa Tahtacharry.—Is the Marungapary family priest. Knew Moottoovira Puchia Naiker, former Zemindar. He had six wives. Remembers the names of some of them; viz., Lakkammany, Kamamany *alias* Appamany, another Appamany, another who was called, after her village, Malurammany, but whose proper name witness does not remember, and cannot remember the name of the other. Witness was present at Moottoovira Puchia Naicker's marriage with Kamamany *alias* Appammany. It took place in Auvany of Soumiya year, that is, August-September 1849. The marriage took place after the death of the other wife, Appammany. Can't remember in what year she died. Upwards of a year elapsed between the death of the one and marriage of the other. Remembers the year of the marriage, as witness himself was married in that year. The present Zemindar is Kamamany's son. Witness attended at the palace soon after the present Zemindar's birth. Witness's father was at the palace on the occasion. The child (present Zemindar) was placed in the arm of witness's father by Moottoovira Puchia Naicker, who (father of witness) was desired to name the child; and Moottoovira Puchia Naicker said, as the ancestors went by the name of Runga Kristna Moottoo Veera Puchia Naicker, the child ought to bear that name. And witness's father accordingly gave him that name. Witness's father is dead.

No cross-examination.

By the Court.

It was because witness's father was family priest at the time that he was called upon to name the child. It is 18 years since the present Zemindar was so named.

7th Witness, Bomma Naik.—Recollects the late Moothoo Veera Puchaya Naiker. He had six wives, Lakkamany, Appamany, Kamamany, Theymamany. The last-mentioned was the junior wife. Kamamany went also by the name of Appamany. Can't remember the names of the other two wives. Witness was present at the wedding of Kamamany with Moothoo Veera Puchaya Naiker. It took place about 20 or 21 years ago. She is the mother of the present Zemindar Renga Kristna Moottoo Puchaya Naiker. He was born upwards of a year after the marriage.

Cross-examined.

Witness is a cultivator in the Marangapoory estate, and cultivates about five cawnies wet, and 15 cawnies dry. Lives about three miles from Marangapoory. Kamamany is witness's paternal uncle's daughter, and therefore witness was invited to the wedding. This was the first occasion

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on which witness was present at a marriage at Marangapury palace. Witness was also at Thaymamany's marriage afterwards. Negotiations had been going on for some three months before the marriage of Kamamany took place, but witness had never heard that Teeroomala Puchaya Naik and his mother had opposed the marriage, and that it had been delayed in consequence. The marriage took place on the day originally fixed for it. The day had been fixed about 10 days before the marriage took place.

By the Court.

In three months the ordinary negotiations had been going on between the families regarding the intended marriage. N thing unusual. Kamamany had been received into the palace about ten days before the marriage took place. At that time Teroomala Puchaya Naik and his mother Lackamany were not on good terms with Moothoo Vera Puchaya Naiker, but witness does not know the cause of disagreement.

8th Witness, Anantha Kristna Pillai.—Knew Moothu Veera Puchaya Naiker. He had six wives; 1, Akkamany; 2, Lukamany; 3, Ovalamany; 4, Appamany; 5, Kamamany Appamany and Kamothey Amany; 6, Ponamany and Theymammany. Was present at Kamamany's wedding, which took place in 1850. Can't remember the month now. She had a son, the present Zemindar Renga Kristna Moothoo Veera Puchaya Naiker, by that marriage. Is not related to the Zemindar's family, but has been in the employ for the last twenty years, from the days of Moothoo Veera Puchaya Naiker.

Cross-examined.

Was employed in supplying travellers at the Tovarancoschy bungalow with necessaries,—sheep, poultry, and whatever else they choose to pay for, in the days of Moothoo Veera Puchaya Naiker; and when the wedding of Kamamany took place got a betel invitation to the wedding. Is in the habit of attending ceremonies at the palace, sometimes on invitation, sometimes without invitation, as in duty bound, being a servant on the estate. Can enter all parts of the palace, except the female apartments. Can't remember in what part of 1850 the marriage took place. The Tovarancorchy Bungalow is about four miles distant from Marangapoory palace. Remembers having seen Papana Shervagaren Moothoo Raman Shervagaren, Nullatumbi Pillai, Maruthanaigen Pillai, Chinna Ambalagaren, and many others, were present. The marriage was three days in celebration, and those mentioned above were there on all three days, except Chinna Ambalagaren, who went away after first day. There were some five hundred people present on the first day, Mukurlum.

By the Court.

Witness is 50 years old.

9th Witness, Nullatumbi Pillai.—Knew Moothoo Veera Puchaya Naiker, who had six wives; viz., 1, Akkamany; 2, Leckamany; 3, Ovalamany; 4, Appamany; 5, Appamany *alias* Kamamany; and Ponammany *alias* Theyamany. At the time of Kamamany's marriage with Moothoo Veera Puchaya Naiker,

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was a store-keeper under him. The marriage took place in 1850, but can't remember month and date. The present Zemindar Ranga Kristna Moottoo Veera Puchaya Naiker is the son by the said marriage. The fourth wife, Appamany, died during the third year before Kamamany's marriage.

Cross-examined.

Witness had three Rupees per mensem at that time. Holds the same appointment still; it is an hereditary appointment from witness's grandfather's days. Witness has six Rupees pay now; his pay was raised when the present Zemindar took over the estate, two years ago. Can't remember in what month he took overcharge. Witness remembers Mootthoo Veera Puchaya Naiker wishing to get the insignia for the marriage, but Teroomala Puchaya Naik and his mother objected to their being given up for the purpose. This occurred three or four months before the marriage was celebrated. Moothoo Veera Puchaya Naiker had other insignia made for the occasion. The girl had been fixed on, as well as the day for the marriage, when this occurred. As Moothoo Veera Puchaya Naik and his son, and his mother Lechamy, were on bad terms, the insignia were applied for some months beforehand (lest the insignia might not be given). The marriage took place on the day fixed. The girl had been brought to the palace the day before the marriage took place.

Re-examined.

Is not aware that Moottoo Veera Puchaya Naiker complained to the police on the subject of his son not giving up the insignia. The new insignia were made after Teroomala Puchaya Naik and his mother had refused to give up the insignia. On Moottoo Veera Puchaya Naik making a complaint (T) to the Collector on the subject, he (Collector) sent a delayet to obtain them from Teroomala Puchaya Naiker for Moothoo Veera Puchaia Naiker, but he failed to get them.

10th Witness, Soondaram Iyer.—Knew Teeroomala Puchaya Naiker and his handwriting. Knows of his death, and that he sent an arzee to the Collector the day before he died. Renga Iyengar wrote the arzee. Identifies exhibit No. 1 as the arzee in question, and it bears Teeroomala Puchaya Naiker's signature; witness saw him sign it. Shown exhibit No. 2. Speaks to its identity. It was sent on the day after Teroomala Puchaya Naik's death, by Lukammany his senior widow, and the present Zemindar saw them mark (Leckamany) sign it.

Cross-examined.

Is second writer in the present Zemindar's office, and was so in the late Zemindar's. Accounts are kept of sums spent at feasts, ceremonies, &c., and purchases would be entered. The present Zemindar has been married. Can't say how much was spent at his marriage. Witness is a writer, not an accountant. It is customary for the zemindars to give jewels to their brides at the time of marriage, if they like. If such jewels were given to strangers, entries of such would appear in the accounts, but not if they were given in the palace,

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and were taken out of the palace. The present Zemindar attained his majority about two years ago.

Re-examined.

Nullatumbi Pillai was accountant at the time of Kamamany's marriage, also Kunniar. The latter kept the account of ready money expended.

13th Witness, Sheva Gooroo Pillai.—Knew Moothoo Veera Puchaya Naiker, who had six wives,—Leckamany, Kamamany *alias* Appamany, and Kunortheyamany, Muthoommany called after her village, but can't mention her proper name. Does not know names of other wives. Moothoo Veera Puchaya Naiker married Kamamany about 20 or 21 years ago. Witness was at the wedding. The present Zemindar Renga Kristna Moothoo Veera Puchaya Naiker is the son by the said marriage. Witness is not employed under the present Zemindar, but he was so when the marriage in question took place.

Cross-examined.

Witness is a village curnum now, and landowner on the Marangapoory estate. The present Zemindar was born two or three years after his mother Kamamany's marriage with Moothoo Veera Puchaya Naiker.

Can't say how long after his said marriage it was.

Re-examined.

When Moothoo Veera Puchaya Naiker died.

14th Witness. K. Soobbier, vakil of this Court.—Knew the late vakil, Kristna Iyengar, of this Court, and can speak to his signature. The petition exhibit 32, is in the said Kristna Iyengar's own hand, and it bears his signature.

No cross-examination.

The other witnesses are dispensed with. This closes the case for the defence.

19/7/71. (Signed) R. Davidson.
Civil Judge.

Documents put in by Plaintiff, and relied on by him, are exhibits G., S., T.

19/7/71. (Signed) R. Davidson,
Civil Judge.

Documents referred to by Defendant, and relied on :—exhibits Nos. 1, 2, 3, 4, 5, 6*, 7*, 8*, 9*, 11 to 15, 19, 20, 23*, 24, 28, 32, 37. Of the above-mentioned, Mr. Mayne, counsel for the Plaintiff, objects to the reception of 6, 7, 8, 9, and 23, on the grounds of irrelevancy and want of proof.

The Court held the exhibit No. 23. to be inadmissible, it not having been proved.

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The Court held exhibits 6 and 8 to be admissible, they being the original takeeds, signed and sealed by the Collector of Madura in his official capacity, and obtained from proper custody. Exhibits 7 and 9 are rejected as irrelevant and not proved.

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(Signed) R. DAVIDSON,
Civil Judge.

No. 103. Finding on remand of the Civil Judge, dated 20th July 1871.

No. 103.

Finding.

Original Suit, No. 30 of 1868.

Regular Appeal, No. 129 of 1869.

1. On the 17th May last the High Court made an Order in Regular Appeal, No. 129 of 1869, (which was an appeal against the decree of this Court in Original Suit, No. 30 of 1868,) referring for trial the following issue,—"Whether the 2nd Defendant is the legitimate brother of the late Poligar Tirumalai Puchiya Naiker;" and directed that a finding, together with the evidence taken, should be returned within a month from the date of the re-opening of the Court after the adjournment.

2. Accordingly, on the 18th July, Mr. J. D. Mayne appeared for the Plaintiff, and Mr. A. K. Green for the Defendant, the present Zemindar of Marungapoory.

3. The Plaintiff examined six witnessess, and relied on three documents, which were exhibits G., S., and T. in the Original Suit.

The Defendant examined 12 witnesses, and relied on 20 of the documents filed on his behalf in the Original Suit; viz., 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 19, 20, 23, 24, 28, 32, and 37.

4. Of these documents, exception was taken by the Plaintiff's counsel to Nos. 6, 7, 8, 9 and 23, on the grounds of irrelevancy and want of proof; and the Court disallowed Nos. 7, 9, and 23, but admitted 6 and 8, they being the original takeeds, signed and sealed by the Collector of Madura in his official capacity, and which had come from proper custody; and the Court, under section 134 of the Civil Procedure Code, rejected an application made by Mr. Mayne, at the close of the case for the Defendant, to admit an arzee purporting to have been written by Muthu Veera Puchiya Naicker, the present Zemindar's father, under date 30th May 1850, as no sufficient cause was shown by the Plaintiff's counsel for his having withheld a document which he admitted he had all along possessed until all the witnesses for the defence had been examined.

5. The leading antecedent circumstances connected with the case are briefly these:—

The present Plaintiff, as senior widow of the late Terumalai Puchiya Naiker (who died on the 17th July 1864), sued the Collector of Trichinopoly and the present Defendant, in Original Suit, No. 30 of 1868, to obtain the

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zemindary of Marungapoory on the plea that her husband, on the day preceding his demise, had constituted her as his heiress, and had made the necessary arrangements.

6. The defence was in substance:—

1st. That the zemindary was an unsettled polliem, the right to nominate a successor to which rested with Government, who had nominated the Defendant.

2nd. That, even if unsettled, the Defendant, as the undivided half-brother of the late issueless Zemindar, was the rightful heir.

7. On the 1st September 1869, Mr. Cadell, the late acting Judge, dismissed the suit, as he found the zemindary to be an unsettled polliem, the right to nominate a successor to which vested in Government, who had exercised that right, and which act could not be questioned in a municipal court.

8. The Plaintiff appealed, and the High Court, after taking further evidence, found that the "polliem in dispute is an ancestral hereditary estate, which has devolved through several generations in the ordinary course of legal succession;" and consequently that if the Defendant, the present Zemindar, is the legitimate brother (step) of the late Tirumalai Puchaiya Naiker, he is the rightful heir to all the property claimed, as no division between him and his brother (step) had taken place.

9. The Plaintiff was therefore allowed three weeks time to state whether she abandoned or desired to have the issue of the present Zemindar's (Defendant's) legitimacy tried; and as she intimated her intention to contend the point, the High Court remanded the above-mentioned issue to this Court for trial, "Whether the 2nd Defendant is the legimate brother (step) of the late Poligar Tirumalai Puchiya Naiker."

10. Thus the onus of proving the Defendant's alleged illegitimacy devolved on Plaintiff, who in raising the issue, labours under this serious disadvantage and embarrassment; viz., that she has already deliberately and formally committed herself in writing to a statement diametrically opposed to her present contention, as is shown by certain of the unimpeachable exhibits for the defence, viz., Nos. 2 and 3, dated respectively the 18th and 26th July 1864; and in the latter of which, viz., in the keyfiyet which she and the two other widows of the late Zemindar Tirumala Puchiya Naicker gave before the Tahsildar, the 1st witness for the defence, she has distinctly stated that the Defendant is the son of Kamammal, the "*married*" wife of Muchuviera Puchiya Naiker; and as Mr. Mayne eventually conceded that the said Kamammany is the Defendant's mother, that she also went and goes by the name of Appa Many, and that the Defendant is the son of Muchu Veera Puchiya Naicker, there is no occasion to allude further to exhibits G. and S.

11. The case for the Plaintiff is based mainly on exhibit T, a letter which Muthuveera Puchiya Naicker wrote to the Collector of Madura on the 4th December 1850, and in which, among other things, he complained of his son Tirumalai Puchiya Naicker, and his (Tirumalai's) mother Lakkammany, (with both of whom he was admittedly on bad terms,) having raised obstacles in the way of the celebration of his marriage with Kamammany, the Defendants'

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In the Civil Court of Trichinopoly (on remand).

No. 103. Finding on remand of the Civil Judge, dated 20th July 1871—*continued.*

mother; and it was argued that as the Defendant was only installed as Zemindar on attaining his majority in 1869, and as the Defendant contended that his mother's marriage with Muthu Veera Puchaya Naiker took place in 1850, it was very improbable that it should have been celebrated between the 4th and 31st December 1850, and that therefore a calculation of dates, coupled with a consideration of the oral evidence let in by Plaintiff, created a strong presumption in favour of the Defendant's birth having resulted from an illicit intercourse between the Defendant's parents prior to the 4th December 1850; and an attempt was therefore made to prove, by the oral evidence of the six witnesses examined on Plaintiff's behalf, that the reason of Tirumalai Puchaya Naicker and his mother opposing the marriage between the Defendant's parents was because Kamammany was pregnant in consequence of Muthuveera Puchiya Naicker having had connection with her during the interval that elapsed between her arriving at his palace for the purpose of being married to him and the date of marriage,—assuming a marriage to have been subsequently contracted, but which is denied; and it was contended that under any circumstances therefore the Defendant could not be held to be legitimate.

12. Now of this alleged pregnancy there is no direct or reliable proof soever. The oral evidence for the Plaintiff, when sifted, reduced itself to this: that the said witnesses *heard* that there was a *rumour* of a *suspicion* of Kamammany being in the family-way, on a day when they were invited to be present at her wedding, but the celebration of which was postponed in consequence.

13. A tolerably accurate estimate of the value to be attached to such testimony may be gathered from the additional fact that the 4th witness, Deva Naiken, who is a fair average specimen of the witnesses, and who gave his age at 28 years, although he did not appear to be more than five-and-twenty, could not have been more than six or seven years old in 1850; and yet he pretended that he remembered having received an invitation to the wedding, which he was told had been put off because Kamammany was pregnant.

14. It is a circumstance worthy of consideration also that no effort has been made to rebut the overwhelming weight of documentary evidence put in by the Defendant, and which shows conclusively that Tirumalai Puchiya Naiker, on the day preceding his demise, reported to the Collector (exhibit I., dated 16th July 1864,) that he had invested his step-brother, the present Defendant, with "pattam" as his successor; that the Plaintiff most fully recognized the succession and legitimacy of the Defendant. Vide exhibits II., III., IV.; and which legitimacy has been further strengthened and confirmed by exhibits XV. and XX., which show that so far back as 1854 the late Zemindar Tirumalai Puchiya Naiker had fully recognised the legitimacy of the present Defendant, and furnished the genealogical tree, exhibit XX. All of these documents, as well as the others admitted on Defendant's behalf, have been fully and satisfactorily proved; the more important of them have been acted on by Government; and it is not disputed that the Defendant's mother has invariably been treated as Muthu Veera Puchiya Naicker's lawful wife; that as such she was living with him when he died, and that she resides in the palace still.

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RECORD.

In the Civil Court of Trichinopoly (on remand).

No. 103. Finding on remand of the Civil Judge, dated 20th July 1871—*continued.*

15. The learned counsel for the Plaintiff laid much stress on what he seemed to consider the weak nature of the oral portion of the defence, as there was no direct evidence before the Court of the exact date in 1850 on which the defence witnesses affirmed that the Defendant's parents had been married, and because the 6th witness, the family priest, affirmed that the said marriage took place in 1849. This witness appeared to be in a very highly excited state when he gave his evidence; and as he must have been merely a lad in 1850, and as he continues still to perform the duties of family priest as well to the Plaintiff as to the Defendant, it would be dangerous to attach any great degree of importance to his adverse testimony, which appeared to take the Defendant's counsel very much by surprise.

16. The Court has therefore no hesitation, in stating its opinion, that the Plaintiff has wholly failed in proving the alleged illegitimacy of the 2nd Defendant; and the finding of the Court is, that the 2nd Defendant is the legitimate brother (step) of the late Poligar Tirumalai Puchiyar Naicker.

Given under my hand, and the seal of the Civil Court of Trichinopoly, this 20th July 1871.

(Signed) R. Davidson,
Civil Judge.

RECORD.

In the High Court of Judicature, Madras.

No. 104. Memorandum of Objections to Civil Court's finding, dated 10th Aug. 1871.

IN THE HIGH COURT OF JUDICATURE, MADRAS.

No. 104.

In Regular Appeal, No. 129 of 1869.

Memorandum of Objections.

Before the High Court of Judicature at Madras.

Lakkammani, widow of the late Tirumala Puchaya Naiker, Zemindar - - - - - - Appellant,

v.

Srimath Runga Krishna Muttuvira Puchaya Naiker, Zemindar - - - - - - - Respondent.

The Appellant above named objects to the High Court of Judicature at Madras against the finding of the Civil Judge of Trichinopoly, dated 20th June 1871.

1. The finding is against the weight of evidence.
2. The Civil Judge ought to have received the exhibit U.

10th August 1871. (Signed) JOHN D. MAYNE,
Counsel for Appellant.

No. 105. Petition of Appellant for filing documents (2 enclosures), dated 31st Aug. 1871.

No. 105.

In Regular Appeal, No. 129 of 1869.

Civ. Mis. Petition, No. 280 of 1871.

Collector of Trichinopoly to the Court of Wards, 11th June 1869.

Proceedings of Court of Wards, 10th July 1869.

The Plaintiff prays that the Court will receive and take into consideration in the above case the documents described in the margin, which establish that the present Zemindar came of age at some time previous to the 11th June 1869.

2. The Plaintiff was not aware of the existence of these documents till after the last hearing of the case.

31st August 1871. (Signed) JOHN D. MAYNE,
Counsel for Appellant.

RECORD.

In the High Court of Judicature, Madras.

No. 105. Petition of Appellant for filing documents (2 enclosures), dated 31st Aug. 1871—*continued.*

Enclosure 1.

In Regular Appeal, No. 129 of 1869.

Trichinopoly Collector's Office, 11th June 1869.

No. 128.

From George Banbury, Esquire, Collector of Trichinopoly, to A. MacGregor, Esquire, Acting Secretary to the Court of Wards, Madras.

Sir,

I have the honour to bring to the notice of the Court that Rungakrishna Muttuvira Puchaya Naiker, the late minor of the Marungapuri Zemindari, has attained his majority, and he is now 18 years old.

The young Zemindar is very anxious to be put in possession of his estate, and has been applying for the delivery of the zemindari last year, but was refused because he was then under age.

He is now receiving his education in the Combaconum Provincial School, but his progress in English has been very unsatisfactory, and he knows, consequently, next to nothing of this language.

In Tamil his progress has been more satisfactory. My predecessors and I have taken much pains about his education; and if the minor had taken to his studies as zealously as those that had the superintendence of his education took to their task, the result would, no doubt, have been very satisfactory. He is, however, intelligent, and has wonderfully improved of late in his manners and demeanour. There is nothing to hinder his being put in possession of his property.

The zemindari passed into the hands of the Court of Wards on the 23rd of September 1864; and during the four years and eight months it has continued under the Court a surplus of 53,500 Rupees was realized and invested in Government loans. There is a further saving now in hand of Rupees 11,440 up to the end of May last, and there will be further collections made before 1st July next. I would propose that the sum of Rupees 1,500 be taken from the above surplus and invested, so as to make up the young Zemindar's Government funded property to the even sum of 5,500*l.* He promises me faithfully he will retain this investment intact, and spend only the interest; but pauper parasites will, doubtless, soon make him forget these good resolutions. By this arrangement there will still be ample provision for the repairs of the Sembanar tank, which both the minor and the D. P. W. undertake to carry out after the Court of Wards have relinquished their management.

As the lands, &c. of the zemindari have to be newly rented for the ensuing fusli, the most fitting time to make the zemindari over to Rungakrishna Muttuvira Puchia Naicker will be the 1st of July next.

I deem it my duty here to bring to the notice of the Court that Mr. Pochin* personally obtained from the widows of the deceased Zemindar jewels and silver utensils estimated at Rupees 8,268. 14.;

* Vide Mr. Pochin's letter, dated to September 1866, No. 176.

RECORD.

In the High Court of Judicature, Madras.

No. 105. Petition of Appellant for filing documents (2 enclosures), dated 31st Aug. 1871—*continued.*

Enclosure 1 —*continued.*

and they are now secured in my treasury. The ladies, in their suit * for the recovery of the zemindari, seek also the restoration of these jewels.

* Vide letter to Board of 24th November 1868, No. 239.

As these jewels were taken from the ladies' possession, I am of opinion that these deposits should not be made over to the young Zemindar before the result of the suit now pending in the Civil Court be known.

I request to be favoured with the Court's instructions both as to the delivery of the zemindari and as to the course to be adopted in regard to the jewels taken from the ladies.

I have the honour to be,
Sir,
Your most obedient servant,
(Signed) G. Banbury,
Collector.

(Signed) T. Appaji Row,
Ag. Deputy Collr.

Enclosure 2.

In Regular Appeal, No. 129 of 1869.

Revenue Department.

Proceedings of the Court of Wards, dated 10th July 1869.

Read letter from the Collector of Trichinopoly, dated 11th June 1869, No. 128.

The Court approve of the course which the Collector proposes to adopt.

The estate should be made over to the minor on the 1st July, and the jewels should be retained until the civil suit is decided.

(True extract.)
(Signed) J. Grove,
Sub.Secretary.

RECORD.

In the High Court of Judicature, Madras.

No. 106. Order of High Court, again remanding Suit to the Civil Court for further evidence, dated 8th Sept. 1871.

No. 106.

In Regular Appeal, No. 129 of 1869.

In the High Court of Judicature at Madras.

Friday, the eighth day of September, one thousand eight hundred and seventy-one.

Present:

The Honourable Sir C. H. Scotland, Knight, Chief Justice.
The Honourable Mr. Justice Innes.

Regular Appeal, No. 129 of 1869.

Lekkamani, widow of the late Therumalay Puchya Naiker, Zemindar - - - - -	Appellant (Plaintiff).
Srimath Renga Kristna Muthuveera Puchya Naiker, Zemindar - - - - - -	Respondent (2nd Defendant).

Regular Appeal against the Decree of the Civil Court of Trichinopoly in Original Suit, No. 30 of 1868.

Order.

This Regular Appeal coming on for re-hearing:—Upon perusing the grounds of appeal, the judgment and decree of the Lower Court, and the material papers in the suit, and upon hearing the arguments of Mr. Mayne, counsel, and Karunakara Menon, vakil for the Appellant, and of Mr. Gould, counsel, and Sanjiva Row, vakil for the Respondent, it is ordered that this appeal be remitted to the Lower Court, and that the Civil Judge (after due notice to the Plaintiff and the Defendant) do take the evidence of Kamammany, the mother of the Defendant, on the question of her marriage, and of Ranga Iyengar as to the Defendant's documents Nos. 1 and 2, of which he is alleged to have been the writer, and return the evidence to this Court before the 21st October 1871. And it is further ordered that the Defendant be allowed the opportunity of adducing evidence in proof of his document No. 23, and also of examining the parents of his mother, if still living.

By the Court.

(Signed) A. P. W. Begbie,
Acting Deputy Registrar,
Appellate side.

RECORD.

In the High Court of Judicature, Madras.

No. 107. Judgment of the High Court, dated 8th Sept. 1871.

No. 107.

In Regular Appeal, No. 129 of 1869.

In the High Court of Judicature at Madras.

Friday, the eighth day of September, one thousand eight hundred and seventy-one.

Present:

The Honourable Sir C. H. Scotland, Knight, Chief Justice.
The Honourable Mr. Justice Innes.

Regular Appeal, No. 129 of 1869.

Lakkamani, widow of the late Therumalay Puchaya Naicker, Zemindar - - - - - } Appellant (Plaintiff).

Srimathu Renga Kristna Muthuveera Puchya Naicker, Zemindar - - - - - - } Respondent (2nd Defendant).

Regular Appeal against the Decree of the Civil Court of Trichinopoly in Original Suit, No. 30 of 1868.

This Regular Appeal coming on for re-hearing, the Court delivered the following

Judgment.

We consider it important, before giving our decision on the issue as to the legitimacy of the Defendant, that we should have before us the evidence of Kamammany, the mother of the Defendant, who, for some unexplained reason, has not been examined as a witness for the Defendant on the question of her marriage. It is also important that Ranga Iyengar should be examined as to the Defendant's documents Nos. 1 and 2, of which he is alleged to have been the writer. An order, therefore, must issue to the Court below, directing the evidence of these witnesses on the points mentioned, to be taken, after due notice to the Plaintiff and Defendant, and returned before the close of the adjournment of the High Court.

We think further that the Defendant should be allowed the opportunity of adducing evidence in proof of the Defendant's document No. 23, which we think should have been received in evidence, if genuine, and also of examining the parents of his mother, if still living. The order will direct accordingly.

(A true copy.)

(Signed) A. P. W. Begbie,
Acting Deputy Registrar,
Appellate side.

RECORD.

In the Civil Court of Trichinopoly (on second remand).

No. 108. Letter from the Civil Judge of Trichinopoly to Acting Registrar of High Court, Madras, transmitting further evidence; dated 12th Oct. 1871.

IN THE CIVIL COURT OF TRICHINOPOLY

(ON SECOND REMAND).

No. 108.

In Regular Appeal, No. 129 of 1869.

Trichinopoly Civil Court, 12th October 1871.

No. 454.

From R. Davison, Esquire, Civil Judge of Trichinopoly, to T. W. Weir, Esquire, Acting Registrar of the High Court of Judicature, Madras.

Sir,

Adverting to the order of the High Court, dated 8th ultimo, directing me to take further evidence in Regular A., No. 129 of 1869, I have the honour to inform you that after due notice was given to both parties the Plaintiff appeared by her counsel, Mr. Gantz, and the 2nd Defendant by Sanjivi Row, on the 11st instant; and in their presence, Kamammani, the mother of the 2nd Defendant, was examined on the question of her marriage; Rengaiengar, as to the Defendant's documents Nos. I. and II., and both he and one Nenkataramier as to the document No. 23. The original depositions of these witnesses and notes of evidence, together with the record, are herewith sent.

I have the honour to be,
Sir,
Your most obedient servant,
(Signed) R. Davidson,
Civil Judge.

No. 109. Deposition of 2nd Defendant's 13th Witness, taken 12th Oct. 1871.

No. 109.

In Regular Appeal, No. 129 of 1869.

Deposition of the 2nd Defendant's 13th Witness, 12th October 1871.

Before the Civil Court of Trichinopoly.

Examination on solemn affirmation of Venkatramier, son of Appoovier, 2nd Defendant's 13th Witness in Original Suit, No. 30 of 1868 on the file of the said Court, of Bramin caste, Siva sect, a public servant and cultivator by profession, residing at Yagapuram, attached to Marungapuri, and aged 42 years.

My place of residence is Yagapuram. I hold an appointment, and am also a cultivator. I know the late Zemindar Tirumalai Puchaya Naikar. I held

the post of royasam (writer) under him. The Collector wrote (a letter) to Tirumalai Puchaya Naik, asking him if he was willing to send either his son or his brother to Madras to be educated; to which he (the Zemindar) sent a reply under his (own) signature, and I saw him signing. It was written by Rungiengar. That is the document No. 23.

(By Plaintiff's Vakil.) I now hold an appointment under the present Zemindar. My pay is Rupees 6. I was drawing pay of Rupees 3 at the time the exhibit XXIII. was written. When the late Zemindar Tirumalai Puchaya Naiker, affixed his signature to the exhibit XXIII., Annalhorai Jyengar and some other employés were present. He made the signature in the public Cutcherry in his palace. Immediately after the Zemindar put his signature Rungiengar attested it as "examined by him." Four or five people used always to remain in the Cutcherry.

I have heard this read out. It is correct.

(Signed) VENCATRAMIER.

Solemnly affirmed before me this 12th October 1871.

(Signed) ——— Civil Judge.

No. 110.

In Regular Appeal, No. 129 of 1869.

Deposition of the 1st witness on behalf of the Sarkar (Court).

11th October 1871.

Before the Civil Court of Trichinopoly.

Examination on solemn affirmation of Kamammani *alias* Appammani, 1st witness on behalf of the Sarcar in Revised Original Suit, No. 30 of 1868 on the file of the said Court, widow of Muthuvira Pucheya Nayakar, the late Zemindar of Marungapuri, in the zilla of Trichinopoly, of Tothya caste, professing Vishnu religion, a Ramivasam female, and aged 38 years.

My name is Appammani. I am also called Kamammani. I am the mother of the present Zemindar. Muttuvira Puchihaiya Nayakar was my husband. I am now aged 38 years. Rangakrishna Muttuvira Puchiya Nayakar, who is now alive, is my son. I do not remember the year of my marriage with Mutthuvira Puchiya Nayakar. As I am a female I do not know the year in which the present Zemindar Rangakrishna Muttuvira Puchiyanayakar was born.

Answers to the Questions put by the 2nd Defendant's vakil.

I am a married wife of Muttuvira Puchiya Nayakar. The Kalyana sedangar marriage (explained further on nuptial ceremony) was performed at

that time. I was aged 17 years at my marriage. I was not pregnant at the time when I was married. I never used to speak to my husband before my marriage. My parents are dead. My parents died before the final hearing of this suit.

Answers to the Questions of the Plaintiff's vakil.

My husband's wife Appammani died before my marriage. A palanqueen was sent from the palace to take me for marriage, and my parents were alive at that time. They and other relations took me to the palace. Two persons came from the palace along with the palanqueen. I do not remember the names of the said two persons who came along with the palanqueen, as a long time has elapsed since then. I know positively that the two persons who followed were the very persons that came with the palanqueen from the palace. As I was new to the palace I cannot say that I saw the said two persons often in the palace after I came there. As I am a female I do not know what has become of them now. When first the two persons who followed the palanqueen came to my house, they had conversation with my parents, and I was standing at a distance when they were thus conversing. There were also cousins at that time. I do not remember who those cousins were, neither do I remember the names of the others who were there. It was in the daytime that they came and spoke; but I don't remember how long. On the very day on which the palanqueen was brought, my parents, as well as the persons that came with the palanqueen, and others took me to the palace. I do not remember the time when I reached the palace. After I came to the palace my parents remained in another house in the palace at Marungapuri. My parents remained with me. My parents were not with me when my kalyana sedangu (nuptial ceremony) took place. My marriage was performed on the ninth day after I was taken to the palace. My parents remained at Mandai when my marriage was performed, and my marriage was celebrated at Mandai according to custom. My parents went away to their house after the performance of my marriage. I was taken to the palace, with the consent of my parents. According to the custom prevailing in our caste, the Zemindar asked my parents, and they consented. It is not usual in our caste to ask my consent. I did not see at my marriage Lakkammani Ammal, the second wife of Muttuvira Puchiya Nayakar, nor did I see at that time the late Zemindar Tirumalai Puchiya Nayakar. I did not see at my marriage even the other wives of Muttuvera Puchiya Nayakar, or any other Zemindar, attending the marriage. I do not recollect the names of the persons that were present at the time of my marriage. The marriage was performed for three days at Mandai, according to the custom prevailing in the caste. Jewels and other things might have come from the palace to Mandai, where the marriage was celebrated, but as I was a bride I did not see the same. I heard that the sword and umbrellas had been brought from the palace, but I did not see that, as I was a bride. Patta katti (royal sword), &c. must have been brought, but I did not see the same. I can declare on oath that the royal sword and umbrella were brought at the time of my marriage. I am not aware of my husband having preferred a complaint before the Collector to the effect that the royal

RECORD.

In the Civil Court of Trichinopoly (on second remand).

No. 110. Deposition of Kamammani, 1st Witness on behalf of the Sircar, taken 11th Oct. 1871—*continued.*

sword and umbrella were taken away by the late Zemindar Tirumalai Puchiya Nayakar. I am not aware of the late Zemindar Tirumalai Puchiyar Nayakar and his mother having objected to my marriage with the yajaman (husband). After I was brought to the palace I do not recollect that after I had been brought to the palace some day was fixed at first for the marriage, and, that having failed, another day was fixed for the same. After I was brought to the palace I remained in the southern compartment of the palace. I was told that my husband and others remained in the northern compartment. There remained with me at that time my parents and maidservants. I stated before that myself and my parents remained in the same place in the palace. I do not recollect the particular month in which my marriage was performed, nor the month in which my son, the present Zemindar, was born. As I am a female I do not know whether my son, the present Zemindar, was born at the beginning, middle, or end of the year. I do not know how old was my son, the present Zemindar, at the death of the late Zemindar Tirumalai Puchiya Nayakar. At the death of my husband, my son, the present Zemindar, was in his third year, after the completion of his second. None of the other wives of my yajaman (husband) was with (me) at the time of my delivery, but there were maidservants at that time, who are now dead.

Answers to the Questions put by the Court.

It is not customary that at the time of a zemindar marrying a wife his other wives are also present. I am not aware of the custom that at the delivery of one wife the other wives are with her. Mandai is the open ground outside the palace on the eastern side thereof. At the time of the performance of my marriage in Mandai, I remained at the place where my parents were. With due observance of the ceremonies, according to Shastras and according to the customs of the caste, a bottu (tali) was tied round my neck by my husband in Mandai. I am of the same caste with the other wives of my husband. I remained within the palace ever since the performance of my marriage up to the death of my husband. I remain still in the palace. My husband treated myself and his other wives in one and the same manner, but not differently. None of my husband's other wives can read or write; neither do I know to read or write. My husband married me only after giving me jewels, &c. at that time. The so-called sedangu is the union of husband and wife on a selected day after the performance of marriage. Considering that you questioned me before on the above point I stated that my parents had not been with me at the time when kalyana sedanga took place. It is usual with the brides to sit at their marriages with their heads bent down. I did not see that the other palegars were present at my marriage. I am not aware of the custom that the zemindars should send for the other palegars on the occasion of his marriage with each wife.

I have listened to this when read out, and it is correct.

Mark of APPAMMANI *alias* KAMAMMANI.

Solemnly affirmed before me in open Court, this 11th day of October 1871.

(Signed) _____, Civil Judge.

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RECORD.

In the Civil Court of Trichinopoly (on second remand).

No. 111. Deposition of Rungiengar, 2nd Witness on behalf of the Sircar, taken 12th Oct. 1871.

No. 111.

In Regular Appeal, No. 129 of 1869.

Deposition of the 2nd Witness for the Sirkar.

12th October 1871.

Before the Civil Court of Trichinopoly.

Examination on solemn affirmation of Rungiengar, son of Streenivasiengar, 2nd witness for the Sirkar in the Revised Original suit, No. 30 of 1868 on the file of the said Court, now residing at Streerungam, of Brahmin caste, Vishnu sect, a cultivator by profession, and aged 28 years.

My name is Rungiengar, and I live at Marungapuri. Cultivation is my profession. I now live at Streerungam. I have for the last four or five years been living at Streerungam. I used to visit Marungapuri and Karayapatta. In 1864 I was at Marungapuri. I have seen the exhibit I., shewn me before the Court; it is in my handwriting only. I have seen the Exhibit II.; and this also is in my handwriting. I have seen the exhibit XXIII.; even this is my handwriting. The signature "Tirumalai Puchaya Naiker," affixed to the exhibit I., is like his, but I did not see him sign it. The exhibit II. bears the mark of Lakkammani, and (the signature) of Rungakristna Muthuveera Puchaya Naiker, but I do not know if they are their own signatures, nor did I see them signing. The signature "Tirumala Puchaya Naikar" contained in the exhibit XXIII. is his alone; I saw him affixing his signature thereto.

By the 2nd Defendant's Vakil.

I wrote the exhibit I. as directed by "dayadi" Tirumalai Puchaya Naik, and handed it over to him. I wrote at his dictation. I did not then attest it as "compared by Royasam Rungiengar." Again the said exhibit I. came to me after it was signed by Tirumalai Puchayar Naiker; then I attested it as compared by Royasam Rungiengar. At that time it did not strike me that the signature "Tirumalai Puchaya Naiker" as contained in the exhibit I. was a false signature. Now I see that the signature "Tirumalai Puchaya Naiker" as borne by the exhibit I. differs from that which Tirumalai Puchayar Naiker has put in the exhibit XXIII. At the time the exhibit I. was written Tirumalai Puchaya Naiker was very ill. I am not acquainted with the signature of Rungakristna Muthuveera Puchaya Naiker, the present Zemindar. At the time I signed the Exhibit II. as examiner, I did not suspect the signature of the present Zemindar. I signed it as examiner, just as I usually did the other documents. At that time I entertained no suspicion as to the genuineness of what was put down in the exhibit II.:—"This mark is Lukkammani's." While the Zemindar Tirumalai Puchaya Naiker was alive, his dayadi coparcener, Tirumalai Puchaya Naiker, did enter upon sirkar business and conduct it. Several documents were written at the direction of the dayadi Tirumalai

RECORD.

In the Civil Court of Trichinopoly (on second remand).

No. 111. Deposition of Rungiengar, 2nd Witness on behalf of the Sircar, taken 12th Oct. 1871—*continued.*

Puchaya Naiker, but I cannot specify even one of them. Subsequent to the demise of the late Zemindar the estate was placed under the control of the Court of Wards, and Kristiengar was appointed manager, and it was in his time that I resigned my royasamship. I was not dismissed by the Collector. I do not know that the manager, Kristniengar, addressed an arzee to the Collector, stating that I was creating misunderstanding and disputes amongst females, and that the Collector thereupon came to Marungapuri, and held enquiry and ordered my dismissal.

By Plaintiff's Vakil.

Dayadi Tirumalai Puchaya Naiker caused also the exhibit II. to be written at his dictation. At the time I wrote the exhibits I. and II. I did not enquire if the contents thereof were true or not, nor had I any necessity to make such enquiry. I talked to Tirumalai Puchaya Naiker at the time I wrote the exhibit XXIII. The late Zemindar Tirumalai Puchaya Naik asked me to prepare the document No. XXIII. in the manner it is done. In the exhibit XXIII. it is stated that there is a son of his junior aunt, aged 10 years; but Tirumalai Puchaya Naiker did not then inform me of his name; nor did he then mention the name of the mother of the boy referred to therein, nor the particular village where the said boy of 10 years lived. When the Sub-Magistrate Kristna Row was doing duty as manager, he took down a deposition from Lakkammani. I saw Lakkammani affixing her signature to the said deposition. The dayadi Tirumalai Puchaya Naik used to look after the zemin affairs occasionally, and ask me to write out documents. I wrote the exhibit II. as dictated by Tirumalai Puchayar Naiker as usual. One day I would get one, two, or three documents (to write out) like the exhibits I., II. and III., and one day there would be nothing. Either on the very date on which the papers thus arrived, or on the next day, I would affix my signature to them. If there were any corrections in those documents which the Zemindar sent me for comparison, I would compare and forward them back to him; sometimes I would not make the comparison.

By Court.

Lukkammani Ammal affixed her signature to the deposition after (the execution of) the exhibit II. I did not see Lukkammani putting her signature in any document prior to the exhibit II., to which she has affixed her mark. At that time I knew not who the boy of 10 years was, who is talked of in the exhibit XXIII.; it was not my business to make any enquiry of it.

I have heard this read out, and it is correct.

(Signed) RUNGIENGAR.

Solemnly affirmed before me in open Court, this 12th October 1871.

(Signed) _____, Civil Judge.

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RECORD.

In the Civil Court of Trichinopoly (on second remand).

No. 112. Notes of Evidence of the Civil Judge, on second remand, dated 11th and 12th Oct. 1871.

No. 112.

In Regular Appeal, No. 129 of 1869.

Notes made at the hearing in Remanded Suit, No. 30 of 1868.

Present :—Mr. Gantz, Counsel for the Plaintiff.
Present :—Sanjivarow, for the 2nd Defendant.

Mr. Gantz moved that the 2nd Defendant be compelled to examine Runga Iyengar as a witness on his behalf, and not as a Court witness. This was objected to by the other side, on the ground that he has all along been an interested hostile witness to the 2nd Defendant, and that he ought not therefore to be treated differently to the other Court witness; and the Court ordered that he should be examined as a Court witness. The said witness, during the course of his cross-examination by the 2nd Defendant's vakil, stated on oath that he had *resigned* his post as gumastah in the zemindary establishment while the estate was under the management of the Court of Wards. The 2nd Defendant's vakil put in an original order, signed and sealed by the Collector, *dismissing* him. The genuineness of the order in question was admitted by the counsel on the other side, who raised no objection to its reception, and it is therefore marked exhibit No 38. Three witnesses in all were examined; and it appears from the statement of the 2nd Defendant's mother that both her parents are dead.

12/10/71. (Signed) R. DAVIDSON, Civil Judge.

Deposition on solemn affirmation of Appammany *alias* Kamammany, 1st witness on behalf of the Court.

She states as follows :—I am the mother of the present Zemindar, and Muthuveera Poochiar Naiker was my husband. I am now 38 years old, and the present Zemindar of Marungapury, Runga Kristna Muthuveera Poochiya Naiker, is my son. I can't remember in what year I was married, neither can I mention the year in which the present Zemindar was born. I am a female.

By the Defendant's vakil.

I am the lawfully married widow of Muthuveera Puchaiya Naiker. I was seventeen years old when I was married, and I was not pregnant at the time when my marriage ceremony was performed. I was not even in the habit of conversing with my late husband before I was married to him. Both my father and mother are dead. They had died before this suit came on for final hearing.

Cross-examined by Plaintiff's Counsel.

My late husband had a wife by name Appammany. She had died before I was married. A palanqueen came from the palace to convey me to be married.

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In the Civil Court of Trichinopoly (on second remand).

No. 112. Notes of Evidence of the Civil Judge, on second remand, dated 11th and 12th Oct. 1871—*continued.*

My parents were alive at the time, accompanied me to the palace, as did also other relatives; and two messengers from the palace accompanied the palanqueen, but it is impossible for me to recollect their names. After the lapse of so long a time, and as I was new to the palace, I cannot say that I saw the two men afterwards. I can't say what has now become of them. The messengers who came with the palanquin first spoke with my parents. I was present at the interview, a little distance off. There were also some of my cousins and others present at the interview, but I cannot now remember who they were. The interview took place during the daytime, but I cannot now remember at what time. I left in the palanqueen for the palace with my people, the same day the palanqueen came for me, but I can't remember now at what o'clock I reached the palace. My parents remained at Marungapury in a separate house within the precincts of the palace. I used to see them; they were with me, near me. They were not present when my marriage ceremony was performed (consummated) on the 9th day after my arrival at the palace. They were at the "mundy," where the marriage ceremony was performed, according to custom. They returned to their own home after the marriage had been celebrated. In my caste the parents settle everything. I had no choice in the matter, and was not consulted. The Zemindar asked my parents for me; they agreed; and I was, as is customary in the caste, married accordingly, without my wishes being consulted. I did not see Lukkammany, viz., Moothoo Veera Poochia Naiker (my husband's) second wife, at my marriage. Neither did I see the late Zemindar Teroomalai Poochaiya Naiker there. Nor were any of my late husband's other wives present at my marriage. Nor did I see any of the neighbouring zemindars. I don't remember the names of any of the people who were present at my marriage. According to the custom of my caste the marriage ceremony lasted for three days at the "mundy." As I was a bride I did not notice what things were brought from the palace on the occasion of the celebration of the marriage; but the usual articles were, no doubt, brought; and among them, I heard, were the palace state sword and umbrellas. I swear they were there on the occasion; and I do not know that my late husband complained to the Collector that his son Tirumalai Poochaiya Naiker had taken away the state sword and umbrellas; neither do I know that he and his mother objected to my being married to my late husband. Nor do I remember that my marriage day was changed in consequence of objections raised by them, and another day fixed. When I first arrived at the palace, I lived in the south side of the palace, and I was told that my late husband lived in the north side. My father, mother, and female servants were with me; and I said so before, and not that they occupied a separate house within the palace precincts. I can't remember in what month I was married; nor in what month my son, the present Zemindar, was born, nor in what quarter of the year. Neither can I say how old my son, the present Zemindar was, when the late Zemindar Terumalai Poochia Naiker died. He was between two and three years old when his father, Moothoo Veera Poochaiya Naick, my late husband, died. None of my late husband's other wives was present at the birth of the present Zemindar, my son. The female attendants were there; they are now all dead.

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In the Civil Court of Trichinopoly (on second remand).

No. 112. Notes of Evidence of the Civil Judge, on second remand, dated 11th and 12th Oct. 1871—*continued.*

By the Court.

There does not appear to be a custom for the other wives of the zemindar to be present when the zemindar marries another wife. I have not seen any of the Zemindar's (husband's) other wives present when any of his wives was being confined. To the east of the palace, and outside its walls, there is an open space, and that is called the "mundy" referred to, and it was there I was when my ceremony was performed, and the "pothoo" put round my neck. I am of the same caste as my late husband's other wives; and from the time of my marriage up to this time I have lived in the palace, and I live there now, and I have all along been treated exactly like my late husband's other wives. None of my late husband's other wives can read or write, neither can I. My late husband presented jewels, &c. to me at the time of my marriage. The word "shedangoo" mentioned in cross-examination means "nuptial consummation." My parents were not present on that occasion, but they were present at the ceremonies at the "mundy." It is usual for a bride to sit with her face bent down towards the ground when the "pottoo" is being tied on, and the marriage celebrated (which accounts for her not having noticed everything that was going on around). I can only say that the neighbouring poligars were not present at my marriage. I cannot say what the custom is every time a zemindar marries a fresh wife (as regards inviting the surrounding zemindars to be present).

11/10/71. (Signed) R. Davidson, Civil Judge.

2nd Witness for the Court, Runga Iyengar, a ryot of Marungapuri, and now resident of Strirungam.

I have lived at Strirungum for the last four or five years, and I occasionally visit Marungapuri and other places. I lived at Marungapuri in 1864. Shown exhibit No. 1, dated 16th July 1864, and also exhibit No 2, dated 18th July 1864, and states that they are both in his handwriting. Shown also exhibit No. 23, dated 3rd November 1862; states that it also is in his handwriting. The signature to No. 1 exhibit seems to be Terumalai Poochia Naik's, but I did not see him sign it. Exhibit No. 2 appears to bear the mark and signature of Lakkammany and Runga Kristna Moothoo Veera Poochya Naiker respectively, but I did not see either of them mark or sign. I saw the late Zemindar Terumalai Puchaia Naiker sign exhibit No. 23, and I identify the signature thereto.

By Vakil for 2nd Defendant.

One of Terumalai Poochaia Naiker's diadis dictated No. 1 to me, and I gave it to him. I had not affixed my signature to it as writer at that time. It was brought back to me after Terumala Poochaya Naiker had signed it, and I then affixed my signature as writer. I entertained no suspicion that the signature was not that of Terumalai Puchaiya Naiker; and he was very sick at the time, which would account for any difference there may be in the appear-

RECORD.

In the Civil Court of Trichinopoly (on second remand).

No. 112. Notes of Evidence of the Civil Judge, on second remand, dated 11th and 12th Oct. 1871—*continued.*

ance of the signatures to Nos. 1 and 23 exhibits. I do not know the present Zemindar's signature, but I had no reason to suppose that No. 2 exhibit did not bear his genuine signature; it was brought to me in the usual way. Neither had I any reason to suppose that the mark thereto purporting to be that of Lakkammani was not hers. I resigned my appointment as roysom after Terumala Poochiya Naik's death, and while the estate was under the management of the Court of Wards in Kristnasawmy Iyengar's time. I was not dismissed by the Collector that I know of.

By the Plaintiff's Counsel.

The same diadi who dictated No. 1 exhibit to me also dictated No. 2. I made no enquiry at the time as to the truth or otherwise of the contents of Nos. 1 and 2. It was no business of mine to enquire. I had conversation with Terumala Puchia Naik, at the time exhibit No. 23 was written, on the subject of its contents, and it was after such conversation that I wrote exhibit No. 23 for him. Teroomalai Puchaya Naick did not mention the *name* of the boy ten years old referred to in exhibit No. 23, but it is mentioned that he is the son of a junior mother. He did not mention the mother's name, or any other particulars. When the Sub-Magistrate Kristna Row once took down a deposition from Lakkammany, the senior widow of Terumalai Poochaya Naiker (not the present Zemindar's mother), she signed it. The diadi already referred to used now and then to do ask* for the Zemindar. I have written many orders at his direction, and I therefore entertained no suspicion when I got the order from him to write No. 2 exhibit. Sometimes I got two or three letters per diem from the palace, sometimes none at all; and I usually signed them the same day, or, if not, next day.

* Sic.

By the Court.

It was subsequent to exhibit No. 2 that Lakkammany *signed* the deposition in question. I never knew her *sign* any document prior to the time when she affixed her mark to No. 2 exhibit. I don't know what boy ten years old, the son of a junior mother, was referred to in No. 23 exhibit. It was no business of mine.

Note.—This witness was examined by the Court in regard to exhibits Nos. 1 and 2; and, by consent of counsel, he was also examined by 2nd Defendant in regard to exhibit No. 23, instead of undergoing a separate examination on the point.

13th Witness for 2nd Defendant, Venkata Ramier of Yagapooram.—I knew Terumalai Poochaiya, the late Zemindar, and was employed as a royasam under him and I remember that the Collector wrote on the subject of Terumalai Poochia Naiker's sons or brothers being sent to be educated at Madras; and I was present when Terumalai Poochaiya Naik signed the reply thereto; (the last witness) Runga Iyengar wrote it. I know exhibit No. 23. That is the document I refer to.

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In the Civil Court of Trichinopoly (on second remand).

By Mr. Gantz.

I am employed under the present Zemindar. I get Rs. 6 per mensem; at the time when exhibit No. 23 was written I got Rs. 3. Mentions the names of some others who were present when exhibit No. 23 was written. The Zemindar signed it at the cutcherry at the palace. Runga Iyengar signed it as writer after the Zemindar had affixed his signature to it. There were generally four or five people present at the said cutchurry.

12/10/71. (Signed) R. Davidson, Civil Judge.

No. 113.

No. 113. Copy of Order of the Collector of Trichinopoly to the Acting Manager of the Estates of Marungapury, dated 13th Aug. 1866.

In Regular Appeal, No. 129 of 1869.

From Mr. C. N. Pochin, Acting Collector of Trichinopoly.

Takeed to Kristnasawmy Jengar, Acting Manager of the estate of Marungapury, under the management of the Court of Wards.

On a perusal of your arzi, No. 143 of the 16th of July last, the following circumstances have been understood, viz.:—

One Rungierhengar, a gumastah of your office, instead of then and there giving away to the gumastah looking after the accounts the kararnamahs obtained from fusli 1271 for the lease of nunjah, punjah, garden, &c. lands, out of the panna lands (lands held under the owners' own cultivation) in the pannai (villages), and the Devasthanam villages of the said estate, retained them in secrecy without giving them publicly so as to give room to suspicion of fraud. He is therefore the cause of the non-collection of the amounts thereof. Being engaged in imparting evil counsel to Lakkammani, widow of the late Zemindar, and other females, that he would get them installed on the throne, and in getting up plots, he does not regularly attend the cutcherry, nor constantly do duties according to orders, nor pay the slightest regard to the duties of his office. Your rebukes on several occasions have done him no good in the way of making him mend his bad conduct, and he has rendered himself untrustworthy, though as regards the leave for three months he applied for, to enable him to proceed to Conjeveram, he was informed that in case the leave was granted it need not be intimated to the huzur; still he who applied for leave for three days to proceed to Puducottah, instead of going there whiled away his time in setting quarrels afoot, and though he returned two days after, he, still without requesting you, still made a report on the 6th July as if he was availing himself of three days' leave from 7th to the 9th of July, and went away; and you felt fully certain that he went to Madras.

On inquiring into the above matter after my arrival at Marungapury, I have learnt that the said Rungiahengar had been colluding with and entering

RECORD.

In the Civil Court of Trichinopoly (on second remand).

No. 113. Copy of Order of the Collector of Trichinopoly to the Acting Manager of the Estates of Marungapury, dated 13th Aug. 1866—*continued.*

into the affairs of Lakkammani, widow of the late Zemindar, and of other females. His departure to Madras related entirely to the affairs of the wives of the said Zemindar, and was for no other purpose. He did not obtain leave. He went away as if he was one that had not to abide by anybody's orders, but was entirely master of himself. If he is now retained in the post he will be creating quarrels, and it is also very undesirable that he should be continued in the post under the cirkar, as he takes no interest in the discharge of his duties, and as he is ill-behaved.

The said Rungiahengar is therefore dismissed from his post, and instead of him is appointed Srinivasa Row, who has been doing duty as shroff instead of Alaga Pillai, and as shroff is nominated Satagopa Charry; you are therefore to enter the names of those two, and take work from them as usual.

As a security for rupees 500 should be tendered for the said post of shroff, ascertain the name of the person whom Satagopacharry will offer as surety, and let me know immediately.

13th August 1866, Marungapury.

(Signed) C. N. Pochin,
Acting Collector.

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RECORD.

In the High Court of Judicature, Madras.

IN THE HIGH COURT OF JUDICATURE, MADRAS.

No. 114. Order of the High Court, dismissing Lakkammany's Petition; dated 8th Nov. 1871.

No. 114.

In Regular Appeal, No. 129 of 1869.

In the High Court of Judicature at Madras.

Wednesday, the eighth day of November, one thousand eight hundred and seventy-one.

Present:

The Honorable Sir C. H. Scotland, Knight, Chief Justice.
The Honorable Mr. Justice Innes.

Civil Miscellaneous Petition, No. 280 of 1871.

Lekkammany, widow of the late Terumala Puchaya Naiker, Zemindar - - } Petitioner, Appellant in R. A. 129 of 1869.

Application praying that certain documents may be received and taken into consideration in the disposal of Regular Appeal No. 129 of 1869.

Order.

This application coming on for hearing;—upon perusing the application, and upon hearing the arguments of Mr. Mayne, counsel for the Petitioner, it is ordered that this application be and the same hereby is dismissed.

By the Court.

(Signed) H. Wigram,
Acting Registrar,
Appellate side.

RECORD.

In the High Court of Judicature, Madras.

No. 115. Decree of the High Court, confirming Decree of Lower Court, dated 8th Nov. 1871.

No. 115.

In Regular Appeal, No. 129 of 1869.

In the High Court of Judicature at Madras.

Wednesday, the eighth day of November, one thousand eight hundred and seventy-one.

Present:

The Honorable Sir C. H. Scotland, Knight, Chief Justice.
The Honorable Mr. Justice Innes.

Regular Appeal, No. 129 of 1869.

L.S. Lekkammani, widow of the late Thirumalai Puchaiya Naiker, Zemindar of Marungapury - - - Appellant (Plaintiff).
Srimat Runga Kristna Muthu Vira Puchaiya Naiker, present Zemindar of Marungapury - Respondent (2nd Defendant).

Regular Appeal against the Decree of the Civil Court of Trichinopoly in Original Suit, No. 30 of 1868.

Grounds of Appeal.

1. "That the decision is contrary to law, and against the weight of evidence."

2. "That there was no sufficient evidence that the zemindary claimed was unsettled polliem."

3. "That the proceedings of Government of 17th September 1864 are not admissible as evidence of the fact."

4. "That the Civil Judge ought to have accepted the Razinamah, and passed a decree in conformity therewith.

Decree.

This Regular Appeal coming on for final hearing after the return of the Finding of the Lower Court upon the issue referred by this Court for trial;—upon perusing the Grounds of Appeal, the Judgment and Decree of the Lower Court, the Finding of the Lower Court upon the said issue, and the Memorandum of Objections to the said Finding, and upon hearing the arguments of Mr. Mayne, counsel, and Karunakara Menavan, vakil for the Appellant, and of Mr. Advocate General and Sanjiva Row, vakil for the Respondent, this Court doth order and decree that the Decree of the Lower Court be and the same hereby is confirmed, and this Appeal dismissed; and this Court doth further order and decree that the parties do bear their own costs in this Court.

(Signed) C. H. Scotland, Chief Justice.
(Signed) L. C. Innes, Judge.

A true copy.

(Signed) H. Wigram,
Ag. Reg. Ap. side.

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RECORD.

In the High Court of Judicature, Madras.

No. 116. Judgment of the High Court, confirming decree of the Lower Court; dated 8th Nov. 1871.

No. 116.

In the High Court of Judicature at Madras.

Wednesday, the eighth day of November, one thousand eight hundred and seventy-one.

Present:

The Honourable Sir C. H. Scotland, Knight, Chief Justice.
The Honourable Mr. Justice Innes.

Regular Appeal, No. 129 of 1869.

Lekkammani, widow of the late Thirumalay Puchaya Naiker, Zemindar of Marungapury - - - Appellant (Plaintiff).
Srimat Renga Kristna Muttu Vira Puchaya Naiker, present Zemindar of Marungapury - - - Respondent (2nd Defendant).

Regular Appeal against the Decree of the Civil Court of Trichinopoly in Original Suit, No. 30 of 1868.

This Regular Appeal coming on for final hearing, the Court delivered the following

Judgment.

This case now comes before us on the return of the Court below to the issue directed by this Court, finding that the 2nd Defendant is the legitimate brother of the late Zamindar Terumala Puchaya; and the question we have to determine is, whether that Finding is right upon the evidence in the record.

It is conceded that Kamamany, the mother of the 2nd Defendant, came to the Zemindar's palace for the purpose of being married to him; and that preparations were being made for the marriage, which would have taken place at once, but for the opposition of the Zamindar's senior surviving wife and her son, and the refusal of the latter to allow the usual state paraphernalia to be used. And the point in dispute is, whether a marriage did subsequently take place before the birth of the 2nd Defendant; for it is admitted, on behalf of the Appellant (the Plaintiff) that, if born in wedlock, the 2nd Defendant is legitimate.

Dealing first with the oral evidence as to the factum of marriage:—It is not on either side of a satisfactory kind. The evidence for the 2nd Defendant is, with the exception of one witness, that of persons not related to the families of either parents, and is very vague and contradictory, and the dates assigned to the marriage by some of the witnesses are at variance with each other and with the undisputed facts of the case. But therefore, for the probabilities in favour of a marriage, arising out of the fact that no distinction appears to have been made in the treatment of Kamammany and the acknowledged wives of the Zamindar, and that the 2nd Defendant was brought up in all respects as a legitimate son, we should feel it difficult to attach any credit to the statements of these witnesses that a marriage actually took place.

We have, in addition to these statements, the evidence of the 2nd Defendant's mother, taken recently under the order of this Court; but we cannot

RECORD.

In the High Court of Judicature, Madras.

No. 116. Judgment of the High Court, confirming decree of the Lower Court; dated 8th Nov. 1871—*continued.*

say that it betters the case of the 2nd Defendant, except that it gets rid of the effect of the observation that she had not been examined as a witness in support of the marriage.

The evidence for the Plaintiff is of a negative character. In effect, the witnesses depose that the marriage, which was arranged to take place and was postponed, never took place to their knowledge. If we could rely upon the evidence it would be important in support of the Plaintiff's case; for the witnesses are persons of respectable positions, likely to know of the marriage; and two of them (the 3rd and 4th) are brothers of a deceased widow of the former zamindar, the 2nd Defendant's father. But all the witnesses, except one (the sixth), assign as the cause of the postponement of the marriage, and its not subsequently taking place, the suspected pregnancy of Kamammani; and one witness gives as an additional reason, that she was brought by force to the palace; by which he, no doubt, meant that she had been procured for the Zamindar, without the proper consent of herself or her parents. This story we consider to have been invented as a ground for suggesting the improbability of the Zemindar's marrying after he had cohabited with her. There is not a single circumstance in evidence as to the manner in which Kamammani was received to give colour to such a story, and the evidence as to her treatment in the palace tends to negative it. The fourth witness too, one of the brothers of a deceased widow, could have been only seven years old, as the Civil Judge has observed, at the date of the postponement of the marriage. The circumstance of Kamammani going to the palace to be married, and 10 days before the appointed day of marriage, appears from the evidence to be in accordance with the practice on the occasions of marriages of zamindars, and affords no support for the representation that she went to the Zamindar's palace for a purpose other than that of becoming his lawful wife. These considerations, in our opinion, throw so much discredit on the evidence of these witnesses that we feel it impossible to give any effect to their denial of any knowledge of a marriage having taken place.

Looking at this portion of the oral evidence, therefore, standing alone, we are of opinion that the evidence in favour of the marriage is entitled to some credit.

Then as to the documentary evidence. The documents (exhibits U. and T.) show satisfactorily that no marriage had taken place in May 1850, nor before the 4th December of the same year; and we are satisfied, looking to the period at which the 2nd Defendant was put in possession of the polliem, as having then recently attained the age of 18, that his birth took place about the middle of the year 1851. There is one document in the case (exhibit No. 1) bearing rather against this, but all the other documents of an earlier date (exhibits 15 and 20, and 13, 14, and 19), containing statements as to his age, tend to confirm this conclusion. Undoubtedly, therefore, the 2nd Defendant appears not to have been begotten in wedlock. And this is really the strong point of the Plaintiff's case, because it is somewhat improbable that the Zamindar would have married the 2nd Defendant's mother after he had sexual intercourse with her. But, bearing in mind the admitted fact that she had been brought to the

RECORD.

In the High Court of Judicature, Madras.

No. 116. Judgment of the High Court, confirming decree of the Lower Court; dated 8th Nov. 1871—*continued.*

palace to be married, and that, as the document (exhibit T.) shows, the Zamindar was earnestly endeavouring to have the marriage celebrated as late as in December 1850, we do not consider that any serious weight can be attached to this improbability; and we are of opinion that its effect is entirely removed by other evidence in the case.

Document (No. 20) is the pedigree referred to by the last Zamindar Tirumalai on the 15th May 1854, when he made his deposition before the Tahsildar (exhibit No. 15); and in that the 2nd Defendant is entered as the son of the deponent's father's fifth wife, who is therein given her second name of Appammani; and upon that deposition and others is founded the Tahsildar's report (exhibit No. 13) stating the same relationship. We* also the petition of Tirumala of the 21st January 1862 (exhibit No. 32), addressed to the Zillah Court, in which reference is again made to the same pedigree, and the 2nd Defendant is spoken of as his brother; and what makes this acknowledgment stronger is, that he at the same time repudiates the relationship of Ovalappa, another brother, whom, as appears by the document (exhibit U), his father had acknowledged, and that upon the ground that he was the son of a concubine. Again, there is Tirumala's urzi to the Collector (exhibit No. 23), in which he speaks of a child aged 10 years as the son of his step-mother; and there is no doubt that this must refer to the 2nd Defendant, for Avalappa, the only other son of the Zemindar, was older than Tirumala, the writer of the urzi.

We come next to the still more important documents (exhibits Nos. 2 and 3 and 30). No. 2 is an arzi purporting to be signed by the Plaintiff and the 2nd Defendant, and asking that a certain person should be appointed manager of the zamindary during the minority of the 2nd Defendant. No. 3 is a deposition purporting to be signed by the Plaintiff and other widows of Tirumala, and made before the tahsildar of the taluk. It recognizes the 2nd Defendant as brother of Tirumala and the heir to the zemmuari, and it was given ten days after Tirumala's death. And No. 30 is another deposition to the like effect, purporting to be signed by the Plaintiff. These documents afford most satisfactory evidence of the legitimacy of the 2nd Defendant; and if the exhibits Nos. 2 and 3, as well as No. 30, are genuine, we think that no other conclusion can be come to in this case than that a marriage did take place between the former Zamindar and the 2nd Defendant's mother. The Plaintiff's execution of document No. 30 has not been disputed; but the genuineness of Nos. 2 and 3 has been questioned, upon the ground that, unlike No. 30, they bear the mark and not the signature of the Plaintiff; and that No. 3, contrary to what took place on other occasions, purports to have been dictated by Plaintiff from behind a screen; and further that the evidence of the writer of Nos. 1, 2, and 23, who was not called at the trial, goes to discredit those documents.

There is nothing inconsistent in a native female who would not object to appear openly on some occasions, on others standing upon her dignity, and refusing to hold communication except from behind a screen. Nor is it unusual for those whose knowledge of writing is limited to signing their names to content themselves occasionally with affixing a mark. There can be no reasonable doubt that No. 3 is a statement taken down by the tahsildar of the taluq in the belief

* Sic.

RECORD.

In the High Court of Judicature, Madras.

No. 116. Judgment of the High Court, confirming decree of the Lower Court; dated 8th Nov. 1871—*continued.*

that it was the statement of the widows of Tirumalai Puchiya. The circumstances of a public officer coming to the palace for a public purpose cannot have been unknown to the Plaintiff; and it is in the highest degree improbable that on such an occasion the Plaintiff would allow herself to be personated. We can therefore entertain no doubt whatever of the genuineness of exhibit No. 3. We called for the evidence of the writer of Nos. 1, 2, and 23. This evidence is certainly not of a satisfactory character, but it conveys the impression that he was fencing with the questions put to him, and withholding evidence which, had he given it fairly, would have been more in support of these documents. Believing No. 3 to be genuine, we are unable to doubt the genuineness of No. 2; and as to that of No. 23, which purports to proceed from the late Zemindar in reply to certain enquiries by the Government as to the education of sons of zamindars, and which forms part of the public record of that enquiry, there cannot, as now appears, be a shadow of doubt. The effect of that document we have already considered. The result is, that the evidence, in our opinion, establishes that the 2nd Defendant is the legitimate son of the late Zamindar Muttu Vira Krishnan.

The question of law as to the hereditary character of this polliem was decided by us in favour of the Plaintiff; but as the question of fact upon the issue as to the legitimacy of the 2nd Defendant has been found against him, the Decree of the Court of First Instance dismissing the Plaintiff's suit must be confirmed. There are peculiar circumstances as to the conduct of the 2nd Defendant in the progress of the case which induce us to think that the parties should bear their own costs in this Court.

(A true copy.)

(Signed) H. WIGRAM,
Acting Registrar,
Appellate Side.

No. 117. Petition of Collector of Trichinopoly for leave to appeal to Her Majesty in Council.

No. 117.

In Regular Appeal, No. 129 of 1869.

Civil Miscellaneous Petition, No. 327 of 1871.

In the matter of Regular Appeal, No. 129 of 1869 on the file of the High Court of Judicature at Madras.

To the High Court of Judicature at Madras.

The humble petition of the Collector of Trichinopoly—

Sheweth as follows:—

1. Your petitioner was made a party to the above Appeal, as representing the interests of the Governor of Fort Saint George in Council, by the Order of this Honorable Court, dated 21st October 1870, but his name does not appear as a party in the Judgment and Orders passed upon the said Appeal.

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RECORD.

In the High Court of Judicature, Madras.

No. 117. Petition of Collector of Trichinopoly for leave to appeal to Her Majesty in Council—*continued.*

2. Your petitioner, as representing such interests as aforesaid, is aggrieved at so much of the Judgment of this Honorable Court passed upon the said Appeal, dated 26th April 1871, as decides that the succession to the polliem the subject of the said suit in particular, and unsettled zemindaries or polliems in general, is a matter cognizable by the Civil Courts, and not dependent on the will of the ruling power, and that an istimirar sunnad is not necessary to constitute such zemindaries or polliems hereditary estates; and your petitioner is desirous of appealing to Her Majesty in Council against the same.

Your petitioner therefore humbly prays this Honorable Court for leave to appeal to Her Majesty in Council against so much of the said Judgment as aforesaid, for which purpose he is ready to deposit the necessary security.

(Signed) H. G. PRICHARD,
Government solicitor,
for
J. W. HANDLEY,
Government pleader.

Presented, *30th October 1871.

*Sic.

No. 118.

In Regular Appeal, No. 129 of 1869.

No. 6.

Madras, 17th January 1872.

From J. W. Handley, Esquire, Government Pleader, Madras, to H. Wigram, Esquire, Acting Registrar, High Court, Appellate side.

No. 118. Letter from Government Pleader, tendering security for costs of appeal to Privy Council; dated 17th Jan. 1872.

Sir,

With reference to the Order of the High Court on Civil Miscellaneous Petition No. 327 of 1871, dated* 11th December 1871, I have the honour to forward the under-mentioned promissory notes of the 4 per cent. loan for Rs. 4,000 duly endorsed to you as security for the costs of the Appeal to Her Majesty in Council against the judgment of the High Court in R. A. No. 129 of 1869, by the above Order sanctioned together with Rs. 400 cash for the costs of transmitting the record.

*Sic.

4 per cent. loan of 1st May 1865.

No. 009361 of 1865	Rs.	1,000
,, 009362	,,	1,000
,, 009363	,,	1,000
,, 009364	,,	1,000
		4,000

I have the honour to be,
Sir,
Your most obedient Servant,
(Signed) J. W. HANDLEY,
Government Pleader.

RECORD.

In the High Court of Judicature, Madras.

No. 119. Order of High Court, granting leave to appeal to Her Majesty in Council; dated 19th Jan. 1872.

No. 119.

In the High Court of Judicature at Madras, Friday the nineteenth day of January one thousand eight hundred and seventy-two.

Present:

The Honorable Mr. Justice Holloway and
The Honorable Mr. Justice Innes.

Civil Miscellaneous Petition, No. 327 of 1871.
In Regular Appeal, No. 129 of 1869.

The Collector of Trichinopoly, petitioner. (1st Respondent in R. A., 129 of 1869.)

Application by Mr. Government Pleader, on behalf of the Petitioner, for permission to appeal to Her Majesty in Council against the Decree of this Court in Regular Appeal, No. 129 of 1869.

Order.

This application coming on for hearing, and it appearing that the sum of Rupees 4,000 has been deposited for the eventual costs of the Respondent, and Rupees 400 for the expense of translating the Record of the said Case,—and it further appearing that the Petition of Appeal has been presented within six calendar months from the date of the Decree complained of, and that the value of the matter in dispute in the said Appeal amounts to more than the sum of 10,000 Rupees,—it is ordered that an Appeal to Her Majesty in Council be allowed, and that the Record of the said Case be forthwith translated, and certified copies of such translation transmitted to the Registrar of Her Majesty's Privy Council.

By the Court.

(Signed) H. Wigram,
Acting Registrar,
Appellate side.

No. 120. Petition of Appeal of the Collector of Trichinopoly to Her Majesty in Council.

No. 120.

In Regular Appeal, No. 129 of 1869.

To the Queen's most Excellent Majesty in Council.

The humble petition and Appeal of the Collector of Trichinopoly.—Sheweth as follows:—

1. In the year 1868, Original Suit No. 30 of 1868 was instituted in the Civil Court of Trichinopoly by Lakammani, widow of the late Zemindar of Marungapury, against your petitioner, as agent of the Court of Wards and guardian of the minor Zemindar Runga Kristna Muttuvira Puchaya Naicker, for the recovery (amongst other things) of the zemindary of Marungapury.

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RECORD.

In the High Court of Judicature, Madras.

No. 120. Petition of Appeal of the Collector of Trichinopoly to Her Majesty in Council—*continued.*

2. The Defendant, your Petitioner, filed an answer in the said suit, denying (amongst other things) the jurisdiction of the Court, and issues were settled, whereof the first was, whether the Court was competent to entertain the suit.

3. Before the final hearing of the said suit, the said Runga Kristna Muttuvira Puchaya Naicker attained his majority, and was made a supplemental Defendant.

4. On the 1st September 1869 a Decree was passed by the Civil Court in the said suit, dismissing the same, on the ground that, the zemindary or pollium in question being an unsettled one, the right to regulate the succession thereto was absolutely vested in the Government, and could not be questioned by the Court.

5. The Plaintiff appealed to the High Court, in Regular Appeal, No. 129 of 1869, against the said Decree, giving notice of such Appeal only to the said Supplemental Defendant as Respondent, and not to your Petitioner.

6. Your petitioner applied to the High Court, by Civil Miscellaneous Petition, No. 219 of 1870, to be made a party to the said Appeal, and allowed to defend the same, as representing the interests of Government therein; and by the Order of the High Court, dated 21st October 1870, such application was granted, and your Petitioner was made a Respondent in the said Appeal.

7. On the 26th April 1871 Judgment was delivered by the High Court in the said Appeal, deciding in effect (amongst other things) that the succession to the zemindary or pollium the subject of the said suit, and to unsettled zemindaries and polliems in general, is a matter cognizable by the Civil Courts, and that an istimirar sunnud is not necessary to constitute such zemidaries or polliems ancestral estates; and the suit was accordingly subsequently remanded to the Civil Court for trial on the merits.

8. Your Petitioner, as representing the interests of Government, is aggrieved at so much of the said Judgment of the High Court as decides as aforesaid, and humbly appeals therefrom to your Majesty in Council, for the following among other reasons:—

(1.) Because the same is contrary to law and to the weight of evidence.

(2.) Because, prior to Regulation XXV. of 1802, the ruling power for the time being in the territories subject to the Government of Fort Saint George and the British Government as such ruling power had always claimed and exercised the right to regulate the succession to all the zemindaries and polliems within the territory, according to its own will and pleasure, as expressly declared by that Regulation.

(3.) Because, under the above Regulation, an istimirar sunnud or deed of permanent property is necessary to divest the Government of the aforesaid right, and to constitute a zemindary or pollium an hereditary estate as against the Government, and no such sunnud has even been granted for the pollium in question in this suit.

(4.) Because, in the exercise of such right as aforesaid, the Government has always nominated the successor to the pollium in question; and the fact that, in the exercise of its discretion, the choice has generally fallen upon the heir, is no evidence of any intention to abandon or waive such right.

RECORD.

In the High Court of Judicature, Madras.

No. 120. Petition of Appeal of the Collector of Trichinopoly to Her Majesty in Council—*continued.*

(5.) Because the High Court was in error in holding that the weight of judicial decision threw upon the Defendants the onus of proving the existence of the aforesaid right of Government with respect to unsettled zemindaries and polliems: whereas the decisions of the late Court of Sudder Adalat expressly establish that right, and the former decisions of the High Court and of Your Majesty in Council do not negative it.

Your Petitioner therefore humbly prays your Majesty to reverse or vary the said Judgment of the High Court in the above suit, so far as it relates to the rights of Government in the polliem in question, and in unsettled zemindaries and polliems generally, and to pass such Order in the matter as to Your Majesty shall seem just and right.

And your Petitioner will ever pray, &c.

(Signed) J. W. HANDLEY,
Government pleader,
Counsel for Petitioner.

* Sic. *30th October 1871.

H. WIGRAM,
Acting Registrar, Appellate side.

RECORD.

List of Papers in Transcript Record.

INDEX to the material papers in Regular Appeal, 129 of 1869 on the file of the High Court of Judicature at Madras, wherein Lakkammani, widow of the late Tirumalai Puchaya Naiker, Zemindar of Marungapuri, is Appellant (Paintiff), and Srimat Runga Krishna Muttuvira Puchaya Naiker, present Zemindar of Marungapari, the Respondent (2nd Defendant).

Number of the Papers.	Date of the Paper.	Description of the Paper.	Remarks and Page.
1	21st August 1868.	Plaint presented by Plaintiff, stating that her husband had at his death constituted her his heir, and a cousin of his, Tiramala Puchaya Naiker, her Agent, to abide by her orders, and addressed an arzi to the Collector to that effect; and that the said cousin, in collusion with the Collector of the Zillah, suppressed the arzi addressed by the deceased to the Collector, and, falsely representing that the deceased had created one minor Runga Krishna Muttu Vira Puchaya Naiker Zemindar, and him (cousin) manager, acted in such a manner that the zemindari was taken under the protection of the Court of Wards, which fact came to her (Plaintiff's) knowledge only about January 1866; and praying for the establishment of her title, and for the restoration of certain villages attached to the zemindari, as also pannai lands, urani manyan lands, certain buildings, devastanam villages, &c., certain jewels and cash. Also a schedule showing the particulars of the property sued for - - - - - - -	1 to 13
2	16th December 1868.	Written statement put in by the vakil of the Defendant, denying the Plaintiff's right, setting down the zemindari of Marungapuri as an unsettled polliam, and alleging that the right to nominate a successor to the deceased vested in the Government; and that, even if it were a settled polliam, the minor, being the undivided half-brother of the deceased, must be his rightful heir; and that the deceased had addressed an arzi to the Collector (the genuineness of which is admitted by Plaintiff), requesting recognition of the minor as his heir; and that the Plaintiff's alleged ignorance up to some time in 1866 is not true -	14 & 15
		Plaintiff's Exhibit A.	
3	12th November 1866.	An endorsement by the Collector on the arzi sent by means of telegraph message to the Board by the widows of the late Zemindar of Marungapuri, and referred to him by the said Board - - -	16 & 17
		Plaintiff's Exhibit B.	
4	7th February 1867.	Petition presented to the Collector by Plaintiff, complaining of the fraud committed on her by late Agent of hers, Terumalai Pachaya Naiker, and of certain irregularities and unwarranted act of the Collector; and requesting to be furnished with authenticated copies of certain proceedings passed about the zemindari - - - - - - -	18 to 22

RECORD.

List of Papers in Transcript Record.

Number of the Papers.	Date of the Paper.	Description of the Paper.	Remarks and Page.
		Plaintiff's Exhibit C.	
5	19th February 1867.	Petition presented to the Board of Revenue by the Plaintiff's vakil, stating that the Collector, had, without any cause, refused to furnish copies of the papers mentioned in Exhibit B, and praying for an order for the Collector to grant the same without any more delay;— and	
	30th April 1867	Endorsement thereon, referring it to the Collector for report - - - - - - -	23
		Plaintiff's Exhibit D.	
6	18th April 1867	Petition presented to the Board of Revenue by the Plaintiff's vakil, soliciting orders on his former petition of the 22nd February last, requesting order to the Collector to furnish him with copies of certain documents respecting the estate of Marungapuri; —and	
	30th April 1867	Endorsement thereon, referring it to the Collector for report - - - - - - -	24 & 25
		Plaintiff's Exhibit E.	
7	2nd July 1867	Petition addressed to the Board of Revenue by the Plaintiff's vakil, meeting the objection taken by the Collector to the granting of the copies applied for, and praying that orders might be issued to the Collector, calling upon him to furnish the copies applied for;—and	
	19th July 1867	Endorsement thereon, referring the Petitioner to the Board's endorsements on her former petitions, Nos. 628 and 1282 of 1867 - - - - -	26 & 27
		Plaintiff's Exhibit F.	
8	4th December 1851.	Copy of a copy, as entered in a copybook, of a takid from the Collector to the Zemindar of Marungapuri, giving instructions as to how the latter should act in respect of the Bhalai in the Manyams in certain villages - - - - - -	28 to 30
		Plaintiff's Exhibit G.	
9	24th April 1854	Arzi addressed to the Collector by the Zemindar of Marungapuri, intimating his nomination of his son to the pattam (the dignity of Rajah), and requesting the Circar to extend their protection to him -	31
		Plaintiff's Exhibit H.	
10	25th April 1854	Arzi addressed to the Collector by the late Zemindar's son, Tirumalia Puchaya Naiker, intimating his taking possession of the zemindari, as per Plaintiff's Exhibit G. - - - - - -	32
		Plaintiff's Exhibit I.	
11	26th April 1854	Petition addressed to the Collector by Tirumalia Puchaya Naiker, Zemindar of Marungapuri, intimating his father's death - - - - - -	33

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List of Papers in Transcript Record.

Number of the Papers.	Date of the Paper.	Description of the Paper.	Remarks and Page.
		Plaintiff's Exhibit J.	
12	26th April 1854	Arzi addressed to the Collector by the Tahsildar of Ramagiri, intimating his receipt of information of the illness and the subsequent death of the late Zemindar of Marungapuri, and promising to report upon the claims to the Pattam, &c. to the Sub-Collector's huzar - - - - - -	34 & 35
		Defendant's Exhibit I.	
13	16th July 1864	Arzi addressed to the Acting Collector of Trichinopoly by the Zemindar of Marungapuri, intimating the state of his health, and his nomination of his half-brother as his successor, and a cousin of his (Zemindar's) as manager, and requesting recognition by Circar of the minor's title - - - -	36
		Defendant's Exhibit II.	
14	18th July 1864	Arzi addressed to the Collector by Plaintiff and the present Zemindar, referring to the arzi of the 16th July 1864, and requesting for orders directing the cousin of the deceased Zemindar to do duty as manager during the minority of the present Zemindar - - - - - - -	37 & 38
		Defendant's Exhibit III.	
15	26th July 1864	Statement made before the Tahsildar of Kuluttalai by the three widows of the late Zemindar of Marungapuri as to the arrangements made by the latter on his death-bed about the succession to the Pattam, &c.	39 to 41
		Defendant's Exhibit IV.	
16	27th July 1864	Arzi addressed to the Acting Collector of Trichinopoly by the Tahsildar of Kuluttalia, forwarding the statement given by the three widows of the late Zemindar (Defendant's Exhibit III.), and a list of the Zemindar's punnai (private) villages - - - -	42 to 44
		Defendant's Exhibit V.	
17 (*a*)	17th September 1864.	Proceedings of the Madras Government, No. 260, approving of the proposal made by the Court of Wards in their proceedings dated 6th September 1864, No. 5,800, as to the recognition of the brother of the deceased as Zemindar of Marungapuri, &c., and awaiting the Collector's further report - -	45 to 47
(*b*)	12th November 1864.	Proceedings of the Court of Wards, submitting the Collector's further report for the information of Government, and objecting to the minor being educated in his own house by a specially appointed tutor, and calling upon the Collector to consult the District Inspector of Schools as to the best arrangement to be effected for sending the minor to the Zillah School -	48 to 49
(*c*)	28th September 1866.	Proceedings of the Court of Wards on the Collector's report dated 4th September 1866, No. 176, approving of the proceedings as reported for leasing out the	

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List of Papers in Transcript Record.

Number of the Papers.	Date of the Paper.	Description of the Paper.	Remarks and Page.
		punnai (private) lands of the Marungapuri estate in ward, and trusting that due consideration would be paid to the ladies of the late Zemindar's family, and the Collector's attention drawn to the proper conservancy, &c. of the forests in the estate - -	
(*d*)	13th May 1861	Letter from the Collector of Madura to the Collector of Trichinopoly, stating that the estates of Marungapuri and Kuduvar are unsettled palliams, and forwarding copies of correspondence that took place on the subject - - - - - -	50 to 55
(*e*)	17th September 1866.	Letter from the Collector of Trichinopoly to the Board of Revenue, stating that Mr. McDonell's statement that there are no unsettled polliams in Trichinopoly District was a mistake, and proposing to await the attainment by the minor of his majority, and then to give him the option of accepting a sunnad - -	56
		Defendant's Exhibit VI.	57 & 58
18	30th June 1849	Sunnud from the Collector of Madura to the Zemindar of Marungapuri, wanting to know who will succeed to the puttam if the senior widow of the deceased Zemindar has a minor son, and a junior widow an adult, and how many classes are there in Tottiya caste, and what practice generally obtains among them - - - - - -	59
		Defendant's Exhibit VII.	
19	18th July 1849	Arzi from the Zemindar of Marungapuri to the Collector of Madura, answering the questions proposed by him in his letter of 30th June 1849 - -	60
		Defendant's Exhibit VIII.	
20	3rd September 1849.	Sunnad from the Collector of Madura to the Zemindar of Marungapuri, proposing, among other questions, the following for solution, viz. :—If first wife has no son, the second a minor son, and the third and fourth wives adult sons, who gets the puttam? - -	61
		Defendant's Exhibit IX.	
21	22nd October 1849.	Arzi from the Zemindar of Marungapuri to the Collector of Madura, answering the questions proposed in the latter sunnud of the 6th September 1849 -	62 & 63
		Defendant's Exhibit X.	
22	29th April 1854	Letter from the Sub-Collector to the Collector of Madura, intimating the death of Muthuvira Puchaya Naiker, and promising to write again on his right to the succession on receipt of the Tahseldar's report -	64
		Defendant's Exhibit XI.	
23	27th May 1854	Letter from the Sub-Collector to the Collector of Madura, forwarding an arzi, dated 18th May 1832, from the Tahseldar of Ramagari, and recommending the	50

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List of Papers in Transcript Record.

Number of the Papers.	Date of the Paper.	Description of the Paper.	Remarks and Page.
		recognition of Tirumala Puchaya Naiker as Zemindar in the room of his father deceased - -	65 & 66
		Defendant's Exhibit XII.	
24	27th July 1854	Proceedings of the Board of Revenue, conveying to the Collector of Madura the Government Order No. 800, dated 10th July 1854, containing a formal recognition of Terumaala Puchaya Naiker as the Zemindar of Marangapuri - - - - -	67
		Defendant's Exhibit XIII.	
25	18th May 1854	An arzi to the Collector of Madura from the Tahseldar of Ramaghiri, forwarding five depositions taken from heirs, &c. of the deceased Zemindar, and a genealogical tree, and recommending a recognition of the title of Terumala Puchaya Naiker, son of the deceased Zemindar by his second wife - - -	68 & 69
		Defendant's Exhibit XIV.	
26	18th May 1854	A list of documents forwarded from Ranaghiry Taluk to the Hurzur of the Sub-Collector of Madura along with the Tahsildar's arzi of the 18th of May 1854	70
		Defendant's Exhibit XV.	
27	15th May 1854	Deposition given before the Tahsildar of Ramghiery by Tirumalia Puchaya Naiker, son of the deceased Zemindar, stating that he had been invested with the puttam by his father just before his death, and requesting a formal recognition of his title by the Government - - - - -	71 & 72
		Defendant's Exhibit XVI.	
28	15th May 1854	Deposition given by the Tehsildar of Ramgliery by Tirumalia Puchaya Naiker, son of Sinna Puchaya Naiker, explaining his relationship with the deceased Zemindar, and stating that Tirumalia Puchaya Naiker, son of the late Zemindar by his second wife, should succeed to the puttam - - -	73 to 75
		Defendant's Exhibit XVII.	
29	15th May 1854	Deposition given before the Tahsildar of Rangliery by Verapillay, agent of the Zemindar of Marungapuri, giving a list of the zemindars from the time of settlement, and stating that Tirumalia Puchaya Naiker, son of the late Zemindar by his second wife, should be recognized as the true heir of the deceased Zemindar	76 to 78
		Defendant's Exhibit XVIII.	
30	15th May 1854	Deposition given before the Tahsildar of Rangliery by three persons; viz., (1.) Tirumalia Chariyar Karaput Munsif; (2.) Sinnana Servakaren; and, (3.)	

RECORD.

List of Papers in Transcript Record.

Number of the Papers.	Date of the Paper.	Description of the Paper.	Remarks and Page.
		Palinandi Vattyar,—stating, among others, that Tirumalia Puchaya Naiker, son of the late Zemindar by second wife, was the proper heir - - -	79 to 81
		Defendant's Exhibit XIX.	
31	17th May 1854	Deposition given before the Tahsildar of Rangliery by two persons, viz., Sundaralingun Servagerea, village munsif, and Sabapathe Mudali, kurnam of the village Marungapuri, stating that Tirumalia Puchaya Naiker, son of the late Zemindar by his second wife, was duly invested with the Puttam by his father just before his death - - - - - - -	82 to 83
		Defendant's Exhibit XX.	
32	18th May 1854	Genealogical table of the Zemindar of Marungapuri from the time of settlement of the said zemindari - -	84
		Defendant's Exhibit XXI.	
33	15th August 1854.	Sannad from the Collector of Madura to Tirumalia Puchaya Naiker, son of the late Zemindar of Marungapuri, intimating that he will be entered as the Poliagar of Marungapuri in the place of his father -	85
		Defendant's Exhibit XXII.	
34	15th August 1854.	Sannad from the Collector of Madura to the Muzumdar of Ramadrug Taluk, enclosing a copy of the takid, which is Defendant's Exhibit No. XXI. - -	86
		Defendant's Exhibit No. XXIII.	
35	3rd November 1862.	Arzi to the Collector of Trinchinopoly from the Zemindar of Marungapuri, reporting that the only relative he has to educate is a child of 10 years of age, son of his junior aunt, but that his mother and others are not willing to send him to the college to be established for zemindars' relatives, near the Presidency College -	87 & 88
		Defendant's Exhibit No. XXIV.	
36	17th July 1864.	Arzi to the Acting Magistrate of Trichinopoly from the 2nd class Sub-Magistrate of Manapparia, reporting the demise of Tirumalia Puchaya Naiker, and recommending certain measures to be adopted to prevent the property, &c. from being usurped by anybody until the minor Runga Krishna Muttuveera Puchaya Naiker shall come of age - - - -	89 & 90
		Defendant's Exhibit No. XXV.	
37	1st October 1864.	Arzi to the Collector of Trichinopoly from the minor Zemindar, promising to present himself, with the manager, before the Collector within a week after performing certain ceremonies for his elder brother -	

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List of Papers in Transcript Record.

Number of the Papers.	Date of the Paper.	Description of the Paper.	Remarks and Page.
		Defendant's Exhibit No. XXVI.	
38	12th October 1864.	Arzi to the Collector of Trichinopoly from the Tehsildar of Kuluthala, intimating the intention of the minor zemindar and the manager to start on the 11th instant to present themselves before the Collector - -	92
		Defendant's Exhibit No. XXVII.	
39	9th July 1865	Arzi to the Collector of Trichinopoly from the Manager of the Zemindary of Marungapuri, promising to send the guardian, with necessary attendants, after the performance of the anniversary of the late Zemindar - - - - - - -	93
		Defendant's Exhibit XXVIII.	
40	2nd February 1866.	Arzi to the Collector of Trichinopoly from the 2nd-class Sub-Magistrate of Mannapparri, submitting the statements of the minor's mother and the late Zemindar's widow Lakkammani as to the appointment of a manager in the place of Subba Naiker - -	94 & 95
		Defendant's Exhibit No. XXIX., and Plaintiff's Exhibit S.	
41	2nd February 1866.	Statement made before the 2nd-class Sub-Magistrate of Manapparai by the minor's mother, leaving the appointment of a guardian to the Circar - -	96
		Defendant's Exhibit No. XXX.	
42	2nd February 1866.	Deposition of the late Zemindar's widow Lakkammal, leaving the appointment of a guardian in the hands of the Cirkar - - - - - -	97
		Defendant's Exhibit XXXI.	
43	3rd April 1869	Letter from the officiating Collector of Madura to the Collector of Trichinopoly, enclosing copies of certain correspondence - - - - - -	98
		Defendant's Exhibit XXXII.	
44	21st January 1862.	Arzi to the Civil Court of Trichinopoly from the Zemindar of Marungapuri, laying bare the falsity of the plea advanced by one Ovaluppa Naiker that he is the son of the late Zemindar; and praying that such a statement may be set aside, and his petition rejected -	99 & 100
45	4th February 1869.	Miscellaneous Petition, No. 120 of 1869, put in by the Plaintiff in Original Suit, No. 30 of 1868 on the file of the Civil Court of Trichinopoly, requesting an amendment of an issue framed in the said suit - -	101
46	12th July 1869	Miscellaneous Petition, No. 636 of 1869, put in by the Plaintiff in Original Suit, No. 30 of 1868 on the file of the Civil Court of Trichinopoly, complaining of the difficulty she is under to obtain copies of certain documents, by being referred from one place to another for the same, and requesting that the Court will itself send to the Collector's office for them - -	102 & 013

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List of Papers in Transcript Record.

Number of the Papers.	Date of the Paper.	Description of the Paper.	Remarks and Page.
47	16th March 1869.	Endorsement of the Deputy Collector on Plaintiff's petition, referring her to the Civil Court for copies of certain documents which the Government vakil has filed in the said Court - - - -	104
48	18th December 1868.	Proceedings of the Civil Court of Trichinopoly held on the Plaintiff's petition, requesting the Civil Court to send for certain documents from the Collector's office and perused, together with the records of suit No. 30 of 1868, wherein the Civil Court ordered that the said documents be produced - - - -	105
	17th February 1869.	Proceedings of the Civil Court of Trichinopoly held on Miscellaneous Petition, No. 151 of 1869, wherein the Court ordered that the Plaintiff was entitled to have copies of the documents she applied for - - -	106
49	16th April 1869	Memorandum put in by the Plaintiff in Original Suit, No. 30 of 1868, requesting the Civil Court of Trichinopoly to furnish her with copies of the five documents specified therein, if they had already been filed in the Court - - - - - -	107 & 108
50	26th January 1869.	Petition presented to the Collector of Trichinopoly by the Plaintiff in Original Suit, No. 30 of 1868, on the file of the Civil Court of Trichinopoly, requesting copies on stamped papers of certain documents -	109 & 110
51	1st September 1869.	Statement made by George Banbury, Esquire, Collector of Trichinopoly, before the Civil Court of Trichinopoly - - - - - -	111
52	13th August 1869.	Razinamah filed by Plaintiff and the 2nd Defendant in Original Suit, No. 30 of 1868 on the file of the Civil Court of Trichinopoly, under the terms of which the Plaintiff and the two other widows should enjoy for their lives certain property, and the second Defendant the remaining property, and after the death of the said Plaintiff and the other two widows, their property should go to the 2nd Defendant - - -	112 to 114
53	1st September 1869.	Copy of the Decree passed in Original Suit, No. 30 of 1868 in the Civil Court, dismissing the Plaintiff's claim, with costs - - - - - -	115 & 116
54	1st September 1869.	Copy of the Judgment of the Civil Court in Original Suit, No. 30 of 1868, dismissing the Plaintiff's claim, with costs - - - - - -	117 to125
55	26th November 1869.	Miscellaneous Petition, No. 1219 of 1869, put in by Plaintiff in Original Suit, No. 30 of 1868 on the file of the Civil Court of Trichinopoly, requesting a review of the Decree passed in that suit - - - -	126 to 128
56	9th April 1842	Copy of the Circular Order filed with Miscellaneous Petition No. 1219 of 1869, for the payment of the istimirar arrears - - - - -	129 & 130
57	From 14th September 1868 to 29th November 1869.	Separate Diary in Original Suit, No. 30 of 1868, of the Civil Court of Trichinopoly - - - -	131 to 149

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List of Papers in Transcript Record.

Number of the Papers.	Date of the Paper.	Description of the Paper.	Remarks and Page.
58	9th January 1869.	Issues framed in the same suit - - - - -	150
59	3rd December 1869.	Memorandum of Regular Appeal to the High Court of Judicature at Madras, setting forth the grounds of appeal - - - - - - -	151 & 152
60	6th June 1870	Civil Miscellaneous Petition, No. 159 of 1870, presented to the High Court by the Collector of Trichinopoly, praying to be made a party to the suit (Regular Appeal, No. 129 of 1869) - - - -	153
61	9th June 1870	List of documents to be filed on behalf of the Respondent in R. A., No. 129 of 1869, by his counsel - -	154 & 155
		Respondent's Exhibit XXXIII. - -	"
62 (1)	26th June 1854	Extract from the Proceedings of the Board of Revenue, recommending to the Government that the eldest son of the late Zemindar of Marungapuri be recognized and invested as Palayagar in the room of his deceased father - - - - - - -	"
	10th July 1854	Government Order, No. 800, formally recognizing the said eldest son by the Palayagar of Marungapuri.	
	27th July 1854	Order of the Board of Revenue to convey the said Order of Government to the Collector of Madura - -	156 & 157
(2.)	29th April 1854	Letter from the Sub-Collector to the Collector, Madura, intimating the demise of Muttuvira Puchaya Naiker, and promising to write again on his right to the succession, on receipt of the Tehsildar's report -	158
(3.)	27th May 1854	Letter from the Sub-Collector to the Collector of Madura, describing the state of the Zemindar's family, and recommending that Tirumalia Puchaya Naiker be recognised and invested as Palayagar in the room of his father - - - - - -	159 & 160
(4.)	2nd June 1854	Letter from the Collector of Madura to the Board of Revenue, forwarding copies of letters from the Sub-Collector, and supporting his recommendation that the eldest son of the late Zemindar be recognized as Palayagar, and stating that no permanent sunnud has been issued for the polliem - - - -	161
		Respondent's Exhibit No. XXXIV.	
63	14th January 1863.	Proceedings of the Board of Revenue, No. 210, submitting the report called for in para. 2 of Government Order, dated 25th October 1861, No. 2,041, on the subject of the proposed issue of permanent sunnuds to the holders of polliems throughout the country - - - - - -	162 to 241
		Respondent's Exhibit XXXV	
64	20th January 1851.	Proceedings of the Board of Revenue, submitting to the Government a letter from the Collector of Madura relative to the sub-division of the Marungapuri zemindari, and stating that as the Mootah is not a permanently settled one, the Board cannot recommend its sub-division - - - - -	245

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List of Papers in Transcript Record.

Number of the Papers.	Date of the Paper.	Description of the Paper.	Remarks and Page.
	10th February 1851.	Order of Government acquiescing in the Board's opinion, and refusing to sanction the sub-division of the said Polliem ;—and	
	20th February 1851.	The Board's order communicating the said Government Order to the Collector of Madura - - -	246
		Supplemental Respondent's Exhibit No. XXXVI.	
65	18th July 1866	Proceedings of the Board of Revenue submitting for the information of the Government a letter from the Collector of North Arcot, reporting the death of Palayagar of Naragunty, and awaiting further report from the Collector as to the succession to the Polliem	
	13th October 1866.	Proceedings of the Board of Revenue, submitting to Government a report from the Collector of North Arcot respecting the appointment of a successor to the late Polayagar of Naragunty Polliem, and recommending that the grandson of the eldest son of the fourth Palayagar Vengama Naidu be recognised as successor, and that the estate be placed in Board's charge as Court of Wards - - - -	247 & 248
	15th January 1867.	Government Order No. 154, reserving to themselves the right to nominate a successor to the late Palayagar of Naragunty estate, which is an unsettled polliem, and exercising that prerogative in favour of the minor Vankatachellapati	249 to 261
	19th February	Proceedings of the Court of Wards requesting the Collector of North Arcot to prepare and submit a schedule showing the amount of debts against Naragunty Polliem, and all particulars with regard to their history, and stating that the Board see no reason to alter their orders directing that any further sum devoted to the support of Pagodas be paid out of minor's allowance - - - - - -	262 to 264
66	10th June 1870	List of documents filed by the Appellant (Plaintiff) in Regular Appeal, No. 129 of 1869 - - -	265 to 268 Statement 269
		Appellant's Document K.	
67	7th December 1803.	A report to the Board of Revenue of the enquiry by the Acting Collector of Madura into the claim advanced by Buchi Naiker, Palayagar of Murungapuri, to several villages in the possession of Toudiman - - - - - - - -	
67 A.	—	An enclosure in exhibit K., containing declarations made by some persons relative to the said claim of the Zemindar of Marungapuri - - - - -	270 to 273
		Another Enclosure in Exhibit K.	
67 B	—	A plan of the land in dispute taken by Assistant Surveyors under the orders of the Collector - -	274 to 285 Plan 286
68	6th June 1804	Appellant's Document L. Letter to the Board of Revenue from the Collector of Madura, laying before the Board his jumma and	

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List of Papers in Transcript Record.

Number of the Papers.	Date of the Paper.	Description of the Paper.	Remarks and Page.
		kistbundy, with abstract and detailed statement of the district under his management for Fusli 1213 -	287 to 301
28 A. 1	1st June 1804	Jamma and Kistbundy of the zillah of Ramnad, &c., and provinces of Dindigal of Madura, for Fusli 1213	Statement 302
68 A. 2	1st June 1804	General abstract, jummabundy, or settlement of the districts under the superintendence of Mr. Parish, for Fusli 1213 - - - - - - -	Statement 303
68 A. 3	1st June 1804	Detailed jumma and kistbundy of the zemindaries in the zillah of Ramnad, &c., Dindigal, Madura, Manapara, for Fusli 1213 - - - - -	Statement 304
68 A. 4	1st June 1804	Jummabundy and kistbundy of the district of Dindigal for Fusli 1213 - - - - - -	Statement 305
68 A. 5	1st June 1804	Jummabundy and kistbundy of the district of Madura for Fusli 1213 - - - - - -	Statement 306
68 A. 6	1st June 1804	Statement of the Desha Cowal jummabundy in the district of Madura for Fusli 1213 - - -	Statement 307
68 A. 7	1st June 1804	State of jumma and kistbundy of the Arrack farms in the zillah of Ramnad and of Madura and Dindigal districts for Fusli 1213 - - - -	Statement 308
68 A. 8	1st June 1804	Statement of the sale of the lands in the sequestered Polliems - - - - - - - -	Statement 309
68 A. 9	1st June 1804	Statement of the Dowl Bariz of Sayer Choukies for Fusli 1213, in the zillah of Ramnad, &c. - -	Statement 310
68 A. 10	1st June 1804	Estimated produce of the Salt Pans, including the Custom, in the zillah of Ramnad, for Fusli 1213 -	Statement 311
68 B. 1	1st June 1804	Abstract statement of the jummabundy for Fusli 1213 Dindigal and their dependent poliagars, showing the increase in the present year on a comparison with Fusli 1212 - - - - - - - -	Statement 312
68 C. 1	1st June 1804	Abstract of the revenue of the Manapara Polliems, as per actual survey, showing the peisheush payable to the Company - - - - - - -	Statement 313
68 C. 2	1st June 1804	Statement of the revenues of the polliam of Marungapari of Manapara as per actual survey - -	Statement 314
68 C. 3	1st June 1804	Statement of the revenues of the polliam of Comaravandy of Manapara as per actual survey - - -	Statement 315.
68 C. 4	1st June 1804	Statement of the revenues of the Polliam of Cuddahoor of Manapara, as per actual survey - - -	Statement 316.
68 C. 5	1st June 1804	Statement of the revenues of the polliams of Veeramalay of Manapara, as per actual survey - - -	Statement 317.
68 C. 6	1st June 1804	Statement of the revenues of the polliam of Tongnally of Manapara, as per actual survey - - - -	Statement 318.
68 C. 7	1st June 1804	Statement of the revenues of the polliam of Ramghiri of Manapara, as per actual survey - - - -	Statement 319.
68 D. 1	1st June 1804	Proposed establishment of servants employed for superintending the junkum chowkies of the districts of Dindigal and Madura - - - - -	Statement 320.
68 E. 1	1st June 1804	Comparative statement of Sayer receipts between the former and present system of collection - -	Statement 321.
68 F. 1	1st June 1804	Account of additional gumastas employed in the Collector's cutcherry from 9th December 1803 to the 30th April 1804, being four months and 22 days -	Statement 322.

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List of Papers in Transcript Record.

Number of the Papers.	Date of the Paper.	Description of the Paper.	Remarks and Page.
68 G. 1	1st June 1804	Increased establishment of Maratta gomastas recommended to the Board for sanction from 1st May 1804	Statement 323
68 H. 1	1st June 1804	Extract from the 27th Madura stala puranum -	324 & 325
68 I.	8th June 1804	Vide the principal document L.	
68 J.	1st June 1804	List of the above documents - - - - -	326
69	—	Appellant's document M.	
	29th Sept. 1866, 23rd Sept. 1867, 5th Oct. 1868, respectively,	Statement of Demand, collection, and balance of zemindaries, mootahs &c., poliputs, &c., in the district of Trichinopoly, for Fuslies 1275, 76, and 77 - -	327 to 329
70	18th August 1869.	Appellant's Document N. Statement of demand, collection and balance of zemindaries, mootahs &c.. poliputs, &c., in the district of Trichinopoly for Fuslies 1278 - - -	330
71	29th March 1813	Appellant's Document O. Decree passed in O. Suit, No. 49 on the files of the Southern Provincial Court, non-suiting the Plaintiff, and saddling him with all costs and fees - -	331 to 332
72	6th September 1864.	Appellant's Document P. Proceedings of the Madras Government, approving of the proposal of the Court of Wards to take charge of the estate of the Zemindar of Marungapary in the Trichinopoly district, and stating that the further report on the subject from the Collector should be submitted to Government - - - - -	339 to 341
	20th September 1864.	Proceedings of the Board of Revenue, communicating the said Government Order No. 1710 to the Collector, and stating that they await his further report -	342
73	11th January 1804.	Appellant's Document Q. A report on the several zemindaries submitted to Lord William Cavendish Bentinck, Governor in Council, by the Board of Revenue, who state that the right of the Zemindar of Marungapary to the villages forcibly taken by Toudiman's family, however indisputable previous to the assumption, has irrecoverably elapsed	343 to 352
74	20th January 1804.	Appellant's Document R. Minutes of consultation, wherein the Board concur with the Board of Revenue in thinking that it will not be fit to disturb the possession long since usurped by the family of Toudeman - - - - - -	
75	17th June 1870	The Order of the High Court, dismissing the C. M. Petition, No. 159 of 1870 - - - - -	353 to 357
76	3rd August 1870	Civil Miscellaneous Petition, No. 219 of 1870, presented by the Collector of Trinchinopoly, again praying to be made a party to the R. A., No. 129 of 1869, subject to any such conditions as to costs as the High Court may deem proper to impose - - - - -	358
77	21st October 1870.	The order of the High Court on the said C. M. Petition, No. 219 of 1870, admitting the application on con-	359 and 360

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Number of the Papers.	Date of the Paper.	Description of the Paper.	Remarks and Page.
		dition that, in the event of the appeal being dismissed with costs, no more than the amount of the costs of one Respondent be allowed against the Appellant -	361
78	26th April 1871	The Order of the High Court requiring the Plaintiff to state, within three weeks from the date of the order, whether she abandons or desires to have the issue tried, whether the 2nd Defendant is the legitimate brother of the late Poligar - - - - -	362 & 363
79	26th April 1871	Judgment of the High Court, passing Orders as above -	364 to 402
80	17th May 1871	Order of the High Court, remanding the suit to the Lower Court with the said issue for finding - -	403 & 404
81	4th December 1850.	Plaintiff's Exhibit T. Arzee to the Collector of Madura from the Zemindar of Marungapury, complaining of the opposition offered by his son Terumalai Puchaya Naiker to a sub-division being granted to one Ovalappa Naiker, son by another wife, and to his (Zemindar's) marriage with Kamammal, notwithstanding the aid of the police, which was procured to put down opposition; and praying that a sub-division may be formed, that an account be sent to the Board as promised in a previous order, and that the said rebel son be strictly enjoined to behave properly - - - -	405 to 407
82	18th January 1862.	Defendant's Exhibit XXXVII. Vakalutnamah executed to a vakil of the Civil Court of Trichinopoly by the Zemindar of Marungapury to object to the petition No. 645 of 1861, presented by Ovalappa Naiken, calling himself the son of the late Zemindar - - - - - -	408
83	30th May 1850	Arzee to the Collector of Madura from the Zemindar of Marungapury, citing quotations from works on Hindu law, and a decision of the Ramanad Zillah Court in a similar case that happened there, in support of the right to inheritance, among Sudras, of a child begotten on a kept woman, or on one lawfully married but of a different class of Sudras; and praying that Ovalappa Naiken's right may be recognised, a sub-division granted him, and the permanent revenue thereof settled - - - - - -	409 to 412
84	18th July 1871	Deposition of the Plaintiff's 1st witness, who speaks to the contemplated marriage of Muttu Veera Puchaya Naiker with Kamammani having been stopped, owing to the objection taken to it by the late Zemindar and his mother - - - - - -	413 to 417
85	18th July 1871	Deposition of the Plaintiff's 2nd witness, who says that the said marriage was intended but not performed, as Tirumalai Puchaya Naiker and Lakammani objected to it on the ground that Kamammani was pregnant, and that he was ignorant if the marriage was subsequently performed - - - - -	418 to 421

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Number of the Papers.	Date of the Paper.	Description of the Paper.	Remarks and Page.
86	18th July 1871	Deposition of the Plaintiff's 3rd witness, who deposes to the interruption of Kamammani's marriage, and to his ignorance of its performance subsequently -	422 to 423
87	18th July 1871	Deposition of the Plaintiff's 4th witness, speaking to the interruption of Kamammanie's marriage on a suspicion of pregnancy - - - - - - -	424 to 426
88	18th July 1871	Deposition of the Plaintiff's 5th witness, who at first deposes that the objection taken to the marriage was that Kamammani had been brought and kept by force, but, in the cross-examination, remembers that the marriage was put a stop to, owing to a suspicion of pregnancy - - - - - - -	427 & 428
89	18th July 1871	Deposition of the Plaintiff's 6th witness, who speaks to the non-performance of Kamammanie's marriage, and to the existence of a feud between himself and others and the Zemindar's agent about a dam, which the Head Assistant-Magistrate decided against him (deponent) - - - - - - -	429 & 430
90	18th July 1871	Deposition of 2nd Defendant's 1st witness, who speaks to the genuineness of the exhibits III. and IV., and to his firm conviction that he was not deceived as to the three females who gave their evidence standing behind the screen being Thecroomalai Puchaya Naiker's widows - - - - - - - -	431 & 432
91	18th July 1871	Deposition of 2nd Defendant's 2nd witness, who speaks to his having witnessed the execution of exhibit III., and attested exhibits XIX. and XXXVII., and to the genuineness of exhibits XV. and XX., and to his having been an eye-witness to the marriage of Moottoo Veera Puchaya Naiker with Kamammani - -	433 to 437
92	18th July 1871	Deposition of 2nd Defendant's 3rd witness, who speaks to his having written the exhibits III. and XXIV., and having attested the exhibits XXVIII. and XXX.	438 & 439
93	19th July 1871	Deposition of 2nd Defendant's 4th witness, who speaks to his having witnessed the drawing-up of the arzees I. and II., and attested III., and to his having been an eye-witness to the marriage of Kamammani, as also to Ovalappa Naiker being the son of Moottoo Veera Puchaya Naiker by a dancing girl, and to Kamammani having given birth to the present Zemindar a year after her marriage - - - - -	440 to 444
94	19th July 1871	Deposition of 2nd Defendant's 5th witness, who speaks to the genuineness of exhibits XIII., XIV., XV., XIX., and XX. - - - - - -	445 & 446
95	19th July 1871	Deposition of 2nd Defendant's 6th witness, who deposes to his having witnessed the marriage of Kamammani, and to his having bestowed the name of Runga Kristna Moottoo Veera Puchaya Naiker on the present Zemindar some time after his birth - - - -	447 to 449
96	19th July 1871	Deposition of 2nd Defendant's 7th witness, who says that he witnessed the marriage of Kamammani, and never	

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Number of the Papers.	Date of the Paper.	Description of the Paper.	Remarks and Page.
		heard of any objections having been raised to it; and that between Moottoo Veera Puchaya Naiker Teroomalai Puchaya Naiker and his mother there was some misunderstanding, the cause of which he (deponent) did not know - - - - - -	450 & 451
97	19th July 1871	Deposition of 2nd Defendant's 8th witness, who speaks to the performance of the marriage of Kamammani -	452 & 453
98	19th July 1871	Deposition of the 2nd Defendant's 9th witness, who speaks to the performance of the marriage of Kamammani - - - - - - -	454 & 456
99	19th July 1871	Deposition of 2nd Defendant's 10th witness, who speaks to the genuineness of the exhibits I. and II. - -	457 & 458
100	19th July 1871	Deposition of 2nd Defendant's 11th witness, who speaks to his having witnessed the marriage of Kamammani, and to the present Zemindar's birth having taken place two or three years after Kamammani's marriage -	459 & 460
101	19th July 1871	Deposition of 2nd Defendant's 12th witness, speaking to the genuineness of exhibit XXXII. - - - -	461
102	18th & 19th July 1871.	Notes of evidence of the Civil Judge - - -	462 to 493
103	20th July 1871	The finding of the Civil Judge on the issue referred for trial to the Civil Court by the High Court, to the effect that the 2nd Defendant is the legitimate brother (step) of the late Poligar Teroomalai Puchaya Naiker	494 to 501
104	10th August 1871.	Memorandum of objection by Appellant against the finding of the Lower Court, dated 20th July 1871 -	502
105	31st August 1871.	Civil Mis. Petition, No. 280 of 1871, presented by Plaintiff, praying that the following two documents may be received in evidence on her behalf - -	503
	11th June 1869	Enclosure 1. Letter from the Collector of Trichinopoly to the Court of Wards, stating that the minor Zemindar had just come of age, and recommending that he be put in possession of his zemindary, but that the jewels be retained until the suit be decided - -	504 to 506
	10th July 1869	Enclosure 2. Proceedings of the Court of Wards, approving of the course recommended by the Collector -	507
106	8th September 1871.	Order of the High Court, remitting the Appeal to the Lower Court, and directing the latter to take further evidence - - - - - - -	508 & 509
			510 & 511
107	8th September 1871.	Judgment of the High Court, passing orders as above -	512
108	12th October 1871.	Letter of the Civil Court to the High Court, transmitting the further evidence ordered - - -	
109	12th October 1871.	Deposition of the 2nd Defendant's 13th witness, who speaks to his having seen Teroomalai Puchaya Naiker signing the exhibit XXIII. - - - - -	513 & 514
110	11th October 1871.	Deposition of the Sircar (Court's) 1st witness, who firmly denies having been pregnant at the time of her marriage, nor having even spoken to her husband before her marriage - - - - - -	515 to 520
111	12th October 1871.	Deposition of the Court's 2nd witness, who admits having written the exhibits I., II., and XXIII. -	521 to 525

RECORD. List of Papers in Transcript Record	Number of the Papers.	Date of the Paper.	Description of the Paper.	Remarks and Page.
	112	11th and 12th October 1871.	Notes of evidence of the Civil Judge - - - -	526 to 533
	113	13th August 1866.	Order of the Collector of Trichinopoly to the acting manager of the estates of Marungapury, dismissing Rangiangar from his post of gomastah for misconduct, and making arrangements for his post - -	534 to 536
	114	8th November 1871.	Order of the High Court, dismissing the Civil Mis. Petition No. 280 of 1871 - - - - -	537
	115	8th November 1871.	Decree of the High Court, confirming the Lower Court's Decree, and dismissing the Regular Appeal No. 129 of 1869 - - - - - - -	538 & 539
	116	8th November 1871.	Judgment of the High Court in Regular Appeal No. 129 of 1869 - - - - - - - -	540 to 547
* Sic.	117	* 30th October 1871.	Civil Mis. Petition No. 327 of 1871, presented to the High Court by the Collector of Trichinopoly, for permission to appeal to Her Majesty in Council -	548 & 549
	118	17th January 1872.	Letter from the Government pleader, tendering security	550
	119	19th January 1872.	Order of the High Court, granting permission to appeal to Her Majesty in Council - - - - -	551 & 552
* Sic.	120	*30th October 1871.	Appeal Memorandum to Her Majesty in Council -	553 to 556

High Court of Judicature, Madras,
18th May 1872.

H. WIGRAM,
Acting Registrar, Appellate Side.

Exm. E. TANDLANEN.

SUPPLEMENTAL RECORD.

SUPPLEMENTAL RECORD.

In the High Court of Judicature, Madras.

No. 1.
Petition of Appeal of Pedda Ammanee and Chinna Ammanee to Her Majesty in Council, dated 6th May 1872.

CROSS APPEAL.

IN THE HIGH COURT OF JUDICATURE, MADRAS.

Regular Appeal, No. 129 of 1869.

LECAMANI - - - - - Appellant,

v.

STRIMATH RENGA KRISTNA MUTHOO VEERA PUCHAYA NAIKER - - - } Respondent.

To the Queen's most Excellent Majesty in Privy Council assembled.

May it please Your Majesty, the humble Petition of Appeal of Pedda Ammanee and China Ammanee, the widows of the late Teroomala Poochia Naicker, Zemindar of Marangapoory, in the district of Trichinopoly, in the presidency of Madras, in the East Indies,—

Most respectfully sheweth:

1. That your petitioners and one Lekka Ammanee were the widows of the late Teroomala Poochia Naicker, the Zemindar of Marangopory.

2. That O. S. No. 30 of 1868 on the file of the Civil Court of Trichinopoly, was instituted by the said Lekka Ammanee against one Renga Kristna Moothoo Veera Naiker, then a minor, and the Collector of the Trichinopoly district, guardian and agent of the said minor, appointed by the Court of Wards.

3. That after the said minor arrived at the age of his majority he was admitted 2nd Defendant to the said suit No. 30 of 1868 on the file of the said Civil Court of Trichinopoly; and the said Civil Court of Trichinopoly passed a decree against the Plaintiff Lekka Ammanee, but the said Lekka Ammanee appealed to the High Court of Judicature at Madras against the decree; whereupon the said Original Decree was reversed by the High Court, and certain issues were framed and referred for trial to the Lower Court, which said issues related chiefly to the legitimacy of the 2nd Defendant.

4. That on the evidence produced at the trial of the said issues the said High Court came to the conclusion that the 2nd Defendant's mother was not married before he was conceived; but the High Court decided that the Defendant, though so born, was the legitimate son to his father, consequently was the proper heir to the Zemindar, being a legitimate half undivided brother by the same father in supercession to his widows under the Hindoo law.

5. That after the said Decree was passed by the said High Court on the 8th November 1871 the said Plaintiff Lakka Ammanee departed this life on or about the 16th day of March 1872; and your petitioners, who are the junior widows to the Zemindar, and who are co-heirs with her to their late husband,

SUPPLEMENTAL RECORD.

In the High Court of Judicature, Madras.

No. I. Petiton of Appeal of Pedda Ammanee and Chinna Ammanee to H.M. in Council, dated 6th May 1872—*continued.*

now beg to put in their appeals to Your Majesty in Council for the following reasons:—

1. That the said decree of the said High Court of Judicature at Madras is against the well-known principle of the Hindoo law, inasmuch as it declares the child conceived before and born after marriage to be legitimate.
2. It is true, under the obsolete Hindoo law, in addition to begotten in lawful wedlock and adopted, there existed ten classes of sons, and the son conceived before and born after marriage was one of the ten, but under the Hindoo law of the present or Cali age no such thing is allowed. The fact of being the illegitimate son, even of the alleged father, is neither proved nor conceded.
3. The property in dispute not being divisible, and being in each case of succession, is treated as self-acquired property of the holder. The brothers, who are the collaterals, are not entitled to succeed to the property in preference to the widows, who are the personal heirs of the deceased.
4. The fact of the marriage at any time was not established, and its negative proved by the Defendant's own witnesses and other evidence, as well as the evidence adduced by the Plaintiff.
5. No decision was passed by the High Court about the Plaintiff's private property or streedanum.

It is therefore humbly prayed that Your Gracious Majesty will take this case into the consideration of her great wisdom, and reverse the decree complained against.

And you petitioner will ever pray, &c.

(Signed) C. R. Caroonagra Manaven, Vakil.

Madras, 6th May 1872.

(Signed) H. Wigram,
Acting Registrar, Appellate Side.

No. II. Memorandum of Appeal, dated 10th May 1872.

Memorandum of Mis. Petition, No. 184 of 1872.

Before the High Court of Judicature at Madras.

Regular Appeal, No. 129 of 1869.

Lecamani - - - - - - - Appellant.
Strimath Renga Kristna Muthoo Veera Puchaya Naiker Respondent.

Pedda Ammanee and Chinna Ammanee, the heirs and successors of the above-named Appellant, herewith submit an Appeal, addressed to Her Majesty's Privy Council, appealing against the Decree of this Honorable Court made in this matter, and dated the 8th November 1871, and request that this Honourable Court will be pleased to admit and transmit the said Appeal in the usual manner.

The property in litigation is much above the value of Rupees 10,000; and the said Appellants are prepared to deposit Rs. 4,000 for the eventual costs of the Respondent, and Rs. 400 for the preparation of records in the case.

(Signed) C. R. Caroonagra Manaven, Vakeel.

Madras, 10th May 1872.

SUPPLEMENTAL RECORD.

In the High Court of Judicature, Madras.

No. III. Memorandum of Objection, dated 9th July 1872.

Memorandum of Civil Petition for Objection.

Before the High Court of Judicature at Madras, in Civil Miscellaneous Petition No. 184 of 1872.

Before the High Court of Judicature at Madras, in Petition No. 261 of 1872.

Runga Krishna Muthuveera Poochia Naiker, the respondent in Regular Appeal, No. 129 of 1869, prays that the above petition may be rejected, with costs against petitioners, for the following reasons:—

1. Because the Appellant Lukkamani in the above Regular Appeal having died since the judgment of this Honourable Court, and before instituting any appeal therefrom, the suit is completely ended and no further appeal lies.
2nd. Because the said Lukkamani sued for only a life interest in the property in the plaint mentioned, and consequently her suit has abated by her death.
3rd. Because in no case could the names of the petitioners be substituted for that of Lukkamani in this suit, under section 102 of the Civil Procedure Code, neither of them being the "legal representative" of the said Lukkamani.

(Signed) Michael Gould,
Counsel for Counter Petitioner.

9th July 1872.

In the High Court of Judicature at Madras.

No. IV. Order of High Court, Madras, granting leave to appeal to H.M. in Council, dated 20th Aug. 1872.

Tuesday, the twentieth day of August one thousand eight hundred and seventy-two.

Present:

The Honourable Sir Walter Morgan, Knight, Chief Justice.
The Honourable Mr. Justice Innes.

Civil Miscellaneous Petition, No. 184 of 1872.

Pedda Ammanee and another - - - Petitioners
(Heirs of Lakkamani Appellant in Regular Appeal, No. 129 of 1869),

Strimath Renga Kristna Muthuveera Puchaya Naiker - - - - - } Counter Petitioner
(Respondent in Regular Appeal, No. 129 of 1869).

SUPPLEMENTAL RECORD.

In the High Court of Judicature, Madras.

No. IV. Order of High Court Madras, granting leave to appeal to H.M. in Council, dated 20th Aug. 1872—*continued.*

Application praying for permission to appeal to Her Majesty in Council against the Decree of this Court in Regular Appeal, No. 129 of 1869.

Civil Miscellaneous Petition, No. 261 of 1872.

Strimath Renga Kristna Muthuveera Puchaya Naiker - - Petitioner.

Application praying the High Court to reject the above Civil Miscellaneous Petition, No. 184 of 1872.

Order.

These applications coming on for hearing, and it appearing that the sum of Rupees 4,000 has been deposited for the eventual costs of the Respondent, and Rupees 400 for the expense of translating the record of the said case; and it further appearing that the petition of appeal has been presented within six calendar months from the date of the decree complained of, and that the value of the matter in dispute in the said appeal amounts to more than the sum of ten thousand rupees:—upon perusing the applications and upon hearing the arguments of Karunakara Menou, vakil for the Petitioners in No. 184, and of Mr. Gould, counsel for the Counter Petitioner in No. 184* and Petitioner in No. 261, it is ordered, that an Appeal to Her Majesty in Council be allowed, and that the record of the said case be forthwith translated, and certified copies of such translation transmitted to the Registrar of Her Majesty's Privy Council; and it is further ordered, that Civil Miscellaneous Petition No. 261 of 1872 be and the same hereby is dismissed.

* Sic.

By the Court.

(Signed) H. WIGRAM,
Acting Registrar, Appellate Side.

IN THE PRIVY COUNCIL.

ON APPEAL FROM THE HIGH COURT OF JUDICATURE, MADRAS.

BETWEEN

THE COLLECTOR OF TRICHINOPOLY (as representing the interests of the Governor of Fort St. George by Order of the High Court of 21st October 1870) - *Appellant,*

AND

LEKKAMANI (first Widow of the late Zemindar) since deceased, and the ZEMINDAR of MARUNGAPURI - *Respondents;*

AND BETWEEN

PEDDA AMANI and CHINNA AMANI (second and third Widows of the late Zemindar) - - - - *Appellants,*

AND

THE ZEMINDAR OF MARUNGAPURI - - - - - *Respondent.*

RECORD OF PROCEEDINGS.

LAWFORD & WATERHOUSE,
for Collector of Trichinopoly and the Zemindar of Marungapuri - *Appellant, Respondent.*

JONES, BLAXLAND, & SON,
for Pedda Amani and Chinna Amani - - - - *Appellants.*

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In the Privy Council.

On Appeal from the High Court of Judicature at Madras.

BETWEEN The Collector of Trichinopoly, (as representing the interests of the Governor of Fort St. George, by Order of the High Court of 21st October, 1870) - - - - - - - Appellant,

AND

LEKKAMANI (first Widow of the late Zemindar) since deceased, and the ZEMINDAR of Marungapuri - - - Respondents,

AND BETWEEN PEDDA AMANI and CHINNA AMANI, (second and third Widows of the late Zemindar) - - - - - Appellants.

AND

The ZEMINDAR of Marungapuri - - - Respondent.

Case of PEDDA AMANI and CHINNA AMANI, Appellants in the second above-mentioned Appeal, and Respondents in the first above-mentioned Appeal,

1. The present Case is the result of a consolidation by order, of two appeals, such appeals respectively being an appeal by the Collector of Trichinopoly, from a decree of the High Court of Madras, dated the 26th day of April 1871, deciding, in effect, that the succession to the Zemindary, or Polliam of Marungapuri is hereditary, and does not depend simply upon the will of the Government, but is a right cognizable in the Civil Courts; and A an appeal by the above-named Pedda Amani, and Chinna Amani, who are the junior widows of the late Zemindar, from a decree of the said High Court, dated the 8th day of November, 1871, whereby the said High Court decided that the Respondent, Runga Kristna Muthu Vera Puchara Naiker, (above referred to as "the Zemindar of Marungapuri"), was the legitimate half-brother and proper heir to the late Zemindar, in priority to his widows. B

2. On the 21st day of August 1868 the Plaint in the said suit was filed in the Court of Trichinopoly by Lekkamani the 1st widow of the
Rec. p. 2. late Zemindar, Terumalai Puchaya Naiker, as Plaintiff against the collector of Trichinopoly therein described as agent of the Court of Wards, in charge of the Zemindary of Marungapuri and guardian of the minor Rungakristna Muthu Veera Puchaya Naiker, and of the assets of the said Zemindar, C which Plaint stated, amongst other things, that the Zemindary of Marungapuri was the ancestral property of the Plaintiff's late husband Terumalai Puchaya Naiker who died without issue on the 17th day of July 1864, and that according to the Hindoo law and the custom prevailing in Zemindaries the Plaintiff who was the puttam, (royal) D wife among the three wives of the deceased, was his chief heir. That after the death of the said Zemindar, one Terumalai Poochaiyai Naiker, a cousin of the deceased, professed to manage the affairs of the Zemindary on behalf of the Plaintiff, and conducted himself as if subject to her orders, until he died on the 17th January, 1866; and that the Plaintiff had lately ascertained that during the time the Plaintiff and the other E widows were in the midst of their distress at the loss of their husband, the last-mentioned Terumalai Poochaiya Naiker had represented to the collector, the Tahsildar and others, that her late husband had installed (as Zemindar) the minor Runga Kristna Muthuvera Poochaya Naiker, who had no connection whatever with the Zemindary, and that the Plaintiff's said husband had

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addressed an arzi to the Collector, appointing him (the cousin) as manager for the said minor; and that he had conducted certain proceedings by which the Zemindary has been placed under the management of the Court of Wards on behalf of the said minor; and the Petitioner prayed for the recovery of the following property then under the management of the Collector, on behalf of the Court of Wards, namely—the several villages A attached to the said Marungapuri Zemindary therein mentioned; and the other lands and villages and appurtenances of the Zemindary; and also the jewels and other effects therein described; and also the income of the Zemindary received by the Defendant.

Rec. p. 9 3. On the 16th day of December, 1868 the said Defendant the B Collector presented a written statement in the said suit, whereby he stated that no istimirar sunnud had been granted for the said Zemindary, and that it was an unsettled polliam; that after the demise of the late Zemindar the right to nominate a successor to him was vested in the Government, and accordingly the Government had granted the said Zemindary to the minor Rungakristna Muthu Veera Puchaya Naiker, and that this Act being an Act C of State could not be questioned by any municipal Court; and further that even if an istimirar sunnud had been granted for the said Zemindary, and even if it were a settled polliam, the said minor as the undivided half-brother of the deceased Zemindar would be the rightful heir thereto, and lastly, that the said Zemindar, in a letter to the Collector, had requested D him to recognise the minor as his heir, and that the genuineness of the said letter had been admitted by the Plaintiff also.

Rec. p. 58. 4. On the 9th January 1869 the following issues were directed to be tried.

The Defendant asserts and the Plaintiff denies that this Court E is not competent to entertain the suit.

The first issue will be to prove this.

The Plaintiff asserts, and the Defendant denies that the half-brother of the deceased Zemindar is not the legal heir of the latter, and that such being the case, the Plaintiff herself is the person legally entitled to succeed to the Zemindary.

The second issue will be to prove this.

The Defendant asserts, and the Plaintiff denies that the party on whose account, and on whose behalf the Zemindary is now held under the management of the Court of Wards is the half-brother of the deceased Zemindar.

The third issue will be to prove this."

5. The Plaintiff and the Defendant respectively accordingly filed certain documents, and gave lists of witnesses as evidence in the cause.

Rec. p. 58. 6. On the 30th day of July the Vakeel for the Plaintiff presented a petition to the Court, stating that he had been given to understand that since the institution of the suit the minor had come of age, and that the property had been made over to him, and, therefore, requested that the Zemindar Runga Kristna Muthu Veera Puchaya Naiker, being the above-named Respondent, might be admitted as a second Defendant, which was done accordingly.

Rec. p. 54. 7. In the meantime, an agreement or razinamah, dated the 13th day of August, 1869, had been entered into and signed by the Plaintiff and the said second Defendant, acting under the advice of their respective Vakils, who also signed the same, having for its object the compromise of the said suit.

Rec. p. 59. 8. The said Defendant, the Collector, however, on the cause coming on for hearing on the 31st day of August insisted upon his right to be heard, notwithstanding the second Defendant had attained his majority, and further contended, that although the said Zemindar (meaning the second Defendant), had, since the institution of the suit, come of age, the whole of the property had not been made over, and that the responsibility of the guardianship of the Collector, as the agent of the Court of Wards, had not ceased, and that the said Zemindary was an unsettled polliam, and that, therefore, the Local Government had the right to nominate and declare the party entitled to succeed to such polliam, and that such act, as an

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Act of State, was not cognizable by any Municipal Court, and, lastly, that the said razinamah being made between the Plaintiff and a third party, and, having reference to such an Act as aforesaid, could not be admitted or accepted by the Court.

9. The Plaintiff's Vakil was also heard and contended, that the razinamah was only a private arrangement as between the Plaintiff and the second Defendant, and ought therefore to be admitted. This point stood over for judgment to the next day.

10. On the 1st day of September, 1869, the case was again called on, and the Court declared its opinion to be that there being no evidence of the Zemindary having been made over, and the first Defendant not having been by any act of the Plaintiff relieved from his responsibility as first Defendant in the suit, the first Defendant, the said Collector, was still entitled to be heard.

11. The Counsel for the Collector then called and examined the Collector himself as a witness, and put in evidence certain proceedings of
Rec. p. 191. the Local Government, on which he relied. The Vakil for the Plaintiff declined to cross-examine the witness and prayed the further adjournment of the hearing to admit of his clients obtaining the services of the Counsel, who had appeared on the Plaintiffs behalf previously to certain adjournments, which had been made at the instance of the Advocate-General, who appeared first for the second Defendant, and then for the Collector; and on the Court's refusing to accede to this application, the Vakil declined to act further in the conduct of the case.

12. Thereupon on the said 1st day of September 1869, the Civil Judge gave judgment to the effect that the Court was of opinion that the
Rec. p. 60. evidence of the first witness (the first Defendant) had conclusively shown that the said Zemindary was an unsettled polliam and that the right of succession to such polliams had not only in the case of this polliam been admitted and exercised in the case of the present and past succession thereto, but that this right had been declared by the highest authority

vest in the Local Government and not in the line of lineal succession, and that such being the case it followed as a matter of course that this right could not be called in question in that Court, and that on the first issue, the finding must therefore be for the first Defendant, and that it was unnecessary further to enter on the other issues; but that with regard to the razinamah tendered by the Plaintiff and the second Defendant, the Court was of A opinion that in a case like the present, and in which it had been found that the Plaintiff had no right to bring such a suit, it was incompetent for the Court to entertain a document which purported in any way to be an adjustment or settlement of such claim, and that the claim of the Plaintiff was therefore dismissed, the Plaintiff to pay all costs.

13. The Plaintiff thereupon appealed from the said decree of the B
Rec. p. 71. Civil Court of Trichinopoly, to the High Court of Judicature at Madras, and on the 6th day of June, 1870, the said Collector of Trichinopoly, presented a petition to the High Court, stating, that the Government was interested in the decision of the question in the suit, and praying that he might be made a party to the suit, and allowed to defend the above appeal
Rec. p. 187. on behalf of the Government. By an order dated the 17th day of June C 1870, the last-mentioned petition was dismissed.

14. On the 3rd day of August, 1870, the said Collector again presented a petition to the said High Court, stating that the Government were desirous of being made party to the appeal, with a view to the question of their rights in respect to unsettled polliams being settled, and in order D that they might ensure being represented in case of a further appeal to Her Majesty in Council, and that they were willing to forego all claim to costs and praying to be made a party to the suit, and allowed to defend the above appeal on behalf of the Government, upon the terms of paying his own costs, or upon such terms as to costs as the court should think fit to impose.

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15. By an order of the said High Court, dated the 21st day of October, 1870, it was ordered that the said application should be admitted on condition that in the event of the appeal being dismissed with costs, no

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more than the amount of the costs of one Respondent be allowed against the Appellant.

Rec. p. 191. 16. The said Appeal came on for hearing in due course before the said High Court of Madras, who, at the close of the arguments on the first day, held that upon the case presented by the Record, the decree of the Court A below could not stand, and adjourned the further hearing to admit of the production of evidence bearing on the question of the nature of the deceased Zemindar's right to the property, reserving for consideration, if necessary, on the determination of that question the issue or issues to be sent for trial by the Court below.

17. Documentary evidence was accordingly produced, and the said B High Court by its decree or judgment, dated the 26th day of April, 1871, after stating that the supplemental Defendant could not be compelled to submit to a decree in the terms of a compromise which he had withdrawn from and resisted the acceptance of by the Court, but that there was nothing in the record to justify a conclusion adverse to the bona fides of the parties in entering into the said razinamah, or to indicate that it was otherwise C than reasonable to believe that the Plaintiff's Vakil might expect down to the time of the judgment in the Court below, that if the razinamah was not received, further time would be given for the production of evidence, and a full hearing; and that his application for a postponement ought, in the peculiar circumstances of the case to have been attended to,
Rec. p. 192 proceeded to dispose of the preliminary objection of the agent of the Court D of Wards (upheld by the Court below, but not seriously relied upon on the appeal before this Court) namely that the Government proceedings granting the property to the minor constituted an act of state which debarred the cognizance of the suit by a municipal Court, and stated that, assuming the proceedings to evidence a grant of the property, the objection was quite untenable and that the Government acted upon what was believed to be its E right under the municipal law, and could claim no exemption from the jurisdiction of the Courts to entertain a suit questioning a right of that nature.

Rec. p. 192.

18. The judgment then proceeded as follows:

"With respect to the proprietary right possessed by the late Zemindar there is now before the Court the whole of the evidence which the parties have been able to adduce and we have had the advantage of hearing the case ably argued. The question for determination is whether he has vested in him an hereditary estate A which passed on his death to his heir in the order of legal succession, as the Plaintiff contends, or an estate for his life, on the termination of which the right to dispose of the property reverted to the Government as the Defendants contend. The villages and lands mentioned in the plaints form one of the Manapuri polliams but the estate and the holder of it have been commonly given B the designations used in the plaint of Zemindary and Zemindar. It is, however, a conceded fact, that no istimirari sunnud, granting the estate under regulation 25, of 1802, has ever existed, and the positions advanced on both sides stated summarily are on behalf of the Plaintiff, that there is sufficient evidence from which to draw the inference, that the property had been permanently assessed, but if not that the tenure C by which polliams, not permanently assessed are held, had not attached to it as an essential incident the limit of the life of the holder, but that both historically, and by judicial authority the tenure is rather shown to be in its nature hereditary, that it may be either hereditary or for life, according to the nature of the grant creating it, and that in the present case the evidence proved the polliam to have been held as D hereditary estate.

"On behalf of the Defendants the opposite to each of these positions was maintained, and the arguments against the first, went to the length of contending for the major proposition, that there were no hereditary proprietors of land between the Government and the E cultivators of the soil except the rightful holders of estates permanently settled under Regulation 25 of 1802."

19. The judgment then dealt with and commented on certain decided cases and came to the conclusion that the authority of judicial

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Rec. p. 193. decision could not be held to preclude the contentions on either side as to the estate held by the late Zemindar, but that it threw on the Defendants the burden of sustaining their contention that his estate from the very nature of the tenure was limited.

After some further remarks of a more general kind the judgment A continued thus:—

Rec. p. 196. "The name 'Polligar' appears to have been applied before the Mahratta invasion, to persons holding in the southern and western portions of the Madras Presidency, the position of those who had acquired the name of Zemindar in the northern districts: And substantially the history of the two classes is similar. Originally the descendants of officers of police and revenue agents of Hindu Sover- B eigns, they advanced themselves to the positions of chiefs, maintaining military forces and possessing fortresses and strongholds. As such they were employed by Mussulman rulers, in upholding subjection to their government and managing the collection of revenue. And although (as remarked by Mr. Mountstuart Elphinstone, in his History of India) it seems doubtful whether they were more than chiefs C enjoying some degree of independence, before the time of Aurangazib, yet in later times by embracing the frequent opportunities for refractoriness, and the extension of their power afforded by the weakness and inefficiency of the ruling power, they reached to the independence of tributory feudatories and proprietary holders of land, and that position they or their descendants were in general permitted D to enjoy hereditarily, down to the establishment of British Government. That permission however cannot be pronounced to have amounted to a positive recognition, establishing their assumed rights generally (except perhaps as respects a few who traced heirship through a long descent from Rajahs or Officers who had received villages in Inam) because of their not unfrequently having E been deprived of their rights. But it can hardly be doubted that it was decisive and extensive enough to give strong claims to such a recognition. Indeed, the Company's officers appear to have at first regarded them as already possessing established titles as landed proprietors, and although that view was after a time modified,

nothing was done indicating any doubts as to the strength of the claims of both Zemindars and Polligars to be secured in such titles or any wish in opposition to a compliance with such claims.

"Among the first acts of the Company's Government were the reinstatement of some polligars who had been driven out of their polliams, and the confirmation of the others, (save a few who continued rebellious) in the enjoyment of their estates upon the conditions of rendering to the Government their tribute and services, (which were soon after converted into an increased jumma or rent adjusted according to the productive value of the lands) and of the regular letting of their lands, to ryots for cultivation, and when subsequently disturbances were caused by the polligars of some districts, the Government in the course which was deliberately decided upon and pursued treated them as insubordinate landowners who exercised powers incompatible with the position of subjects, and paid an insufficient jumma, they were coerced to surrender all their civil and military administrative powers and had their jumma increased to a new temporary assessment to an amount which left them more of the returns from the land than was consistent with any other position than that of proprietors. When again on the recurrence, after such assessment, of rebellious conduct on the part of some polligars in the Tinnevelly district, their polliams were taken from them, some of the lands were added to the holdings of other deserving polligars. Other polliams, too, that were given up to the Government because of the discontent of the holders with the new assessment, in order that their actual productive qualities might be known were, upon the proper rates of jumma being fixed, returned (with the exception of one or two sequestered on special grounds) to the former holders, and in one or two instances at least to the heir of a former holder. All these occurrences appear to have taken place before the close of the last century, and the only change since made has been the bringing of some polliams under the permanent settlement, and the assessing of the others on the principle of the permanent settlement, and that all were not brought under the permanent settlement was, there can be little doubt, owing solely to the need for

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that cautious experience which the Board of Directors urged on the Madras Government in 1804 and subsequent years, in consequence of the reasons and objections of the Government against an irrevocable settlement founded upon grounds of State policy."

"This review of the salient points of the history of polliams found in the Report of the Select Committee, confirms the impression derivable from the reported cases in which titles of polliams have been contested, and we think that it is sufficiently apparent that polliams, before the passing of regulation 25 of 1802, had been acknowledged to be, what they have since been dealt with as being, proprietary estates held under the Government by either a hereditary tenure, or a life tenure. Now applying this result to the regulation we have next to consider whether, in regard to polliams not permanently settled, it has the effect of declaring positively a different view, namely, as to the past that private proprietary estates were not existent before, and as to the future that they would exist only when created hereditarily by a sunnud Milkeut-i-Istimirar upon a permanent assessment being fixed under the regulation."

Rec. p. 198.

20. The judgment then referred to regulation 25 of 1802, and regulation 4 of 1822 as confirming the recognition of private property in land, and the intention not to interfere with the maintenance of rightful claims to it, and the judgement then proceeded as follows:—

Rec. p. 200.

"For these reasons we are of opinion that the Zemindars and polligars and others in a like position, and occupying tenants, possessed different proprietary rights in land by recognition of the Government, before the passing of regulation 25 of 1802, that by it the Government declared with the force of law their acknowledgement and confirmation of such rights as were then enjoyed, and in order to quiet all uncertainty and disquietude respecting them, and to establish general certainty of tenure in the holders of the same, provided for the permanent assessment of all lands liable to pay revenue to Government, and for the issuing thereupon of express hereditary

grants to every Zemindar, and other intermediate proprietor, and written engagements between them and their tenants, and therefore that the regulation does not operate to exclude or disfavour the maintenance of a claim against the Government to a hereditary or other estate in lands, to which has not been secured the benefits of a settled title under the regulation, because for political reasons the Government A has thought it inexpedient to give full effect to its enactments, but that claims of title to such estates are merely left without the conclusive proof of hereditary title afforded by an istimirar sunnud. It could never, we think, have been intended that the Government, by delaying to do in regard to some estates, what the regulation enacts should be done in regard to all lands for the purpose of setting at rest all B uncertainty as to titles, should secure the power to treat all such estates as held by no permanent title whatever. It follows that the existence of a proprietary estate in polliams or other lands not permanently assessed, and the tenure by which it has been held, are, in our opinion matters judicially determinable on legal evidence just as the right to any other property. C

We are thus brought to consider the evidence laid before the Court, and on this point the conclusion contended for on the part of
Rec. p. 200. Respondents is, not that the Government have the absolute right to deprive the family of the polliam on the death of each holder of it, but that they have the right to appoint whom they please of the kindred of D the deceased Polligar to be his successor. In effect, that the members of the family have taken successive life estates by express concession of the Government."

20. The judgment then proceeded to comment on the documents in evidence upon the point in question and stated that the legitimate conclusion E was as follows :—

"The Government appear to have always dealt with the Manapura polliams as ancestral estates passing by succession in the the families of the holders. They have never retained any of the polliams except on

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an escheat for failure of heirs, or a voluntary surrender in consideration of a Malikana allowance, or when polliams were resumed for the purpose of being kept under management temporarily, or until redeemed by the payment off of arrears of peshkush (which occurred once as respects the polliam now in dispute) instead of attempting to sell the estate or enforcing payment against the persons of the polligars owing the A arrears generally, or their property generally. And although these Manapara polliams have never been permanently settled under Regulation 25 of 1802, they have been continued for more than half a century before the institution of the suit under an assessment equivalent to that fixed on Zemindaries permanently settled under that regulation, and made with the intention of its becoming permanently fixed by the B grant of sunnuds, in effect have practically been permanently settled ancestral estates in the estimation of the Government from the time of Mr. Parish's assesments. In support of the latter conclusion we have the additional circumstance that the polliams are described as permanently settled in the statement of revenue account from Fusly
Rec. p. 173. 174. 1275 to 1278, furnished by two Collectors (exhibits M and N) and in C the letter of a third Collector addressed to the Board of Revenue. The Advocate-General argued that that description was shown to be
Rec. pp. 28. & 29. a mistake by the letters of another Collector, in exhibits 14 and 5, correcting the statements in the latter communication, and no doubt the correction was right if the statement was understood to mean permanently settled under Regulation 25 of 1802, which we D may consider to have probably been the case, when we find from exhibit N, that the description continued for two years after the date of the letters of correction. This argument therefore does not remove the force which we give to the description. Further we have yet stronger proof of the conclusion, in the fact appearing from exhibit 14, that so recently as 1866, it was determined by the Revenue Board E that a sunnud should be offered to the late Polligar, when he came of full age."

The judgment then referred amongst other things, to
Rec. p. 175. the fact appearing from the certified copy of the record in

original suit No. 49, in the register of the Southern Provincial Court, (exhibit 6) that in consequence of a death in 1811 or 1812, the right to the succession was litigated in that suit and determined in 1813 by a decree in favour of the Defendant as the heir of his father, who had inherited from his grandfather. That the fact of a succession at that date could not be doubted and that there A was not the least evidence to show that control was then exercised by the Government, but that an inference to the contrary might be drawn from the fact that there was no mention of any control in the suit. The judgment then referred to the evidence in the present suit relating to the succession of the late Zemindar, namely, the letters of the Sub-Collector to the Collector (exhibits 10 and 11) and the proceedings of B the Board of Revenue and the Government order thereon (exhibits 33 and 12), and to the proceedings which took place when the late Zemindar died on the 17th day of July, 1864, as shewing that the object of the Government apparently was to recognize the title of the legal heir whoever that might be.

Rec. p. 203.

Rec. p.p. 32, 33

Rec. pp. 72, 34
Rec. p. 179.

"In support of this conclusion we are glad to have proof of the C very satisfactory kind presented by the minutes of the members of the Revenue Board (exhibit 12). They appear to have been recorded in August, 1864, with reference to the Collector's letter regarding the Defendant's succession, and in distinct terms express that no legal sanction was considered to exist for the recognition of any one as proprietor in succession to the deceased Polligar, who was not the D actual heir at law, and that on that ground, and on the understanding that the polliam was undivided, the Defendant was entitled to the recognition of the Government as the rightful heir to his uncle the deceased Polligar. It is evident that had he not been considered the legal heir, the senior widow (present Plaintiff) would as the next heir have been the recognized owner. E

Rec. p. 34.

"Upon the whole we are of opinion that it has been established as strongly as a claim of this nature can be expected to be proved that the polliam in dispute is an ancestral hereditary estate which has

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devolved through several generations in the ordinary course of legal succession. Almost everything tending to this conclusion that could reasonably be looked for, it seems to us, exists save the grant of a sunnud under Regulation 25, of 1802, and that is not in our judgment made by law indispensable except to render the revenue assessment permanent. It follows that the right of succession contested in the present A suit, depends upon the question raised by the second issue in the suit, whether the second Defendant is the legitimate brother of the late Polligar Tirumalai Puchaya Naiker. If so, he is the rightful heir to all the property claimed in the plaint, no division having taken place between him and his deceased brother. But if illegitimate, he has no right to any portion of it. No additional issue is necessary. B

"We wish it to be distinctly understood that it is not intended by anything said in this judgment to indicate any opinion as to the right of the Government to alter the assessments of peishcush on this or other polliams, not held under any istimirari sunnud, if they think it equitable to do so, and have not bound themselves not to do so, an obligation which, it seems, from exhibit 23 does in some instances C exist."

Rec. pp 42 (?) 109.

The judgment ended by stating that the question of the first Defendant's legitimacy was not yet in a position to be determined, and if the Plaintiff persisted in her denial of it, the issue must be sent for trial by the Court D below.

Rec. p. 205.

21. By an order of the said High Court at Madras, dated the 17th day of May, 1871, it was accordingly ordered, on the application of the Plaintiff, that the following issue should be referred to the Lower Court for trial, namely—"whether the second Defendant is the legitimate brother of E the late Polligar Tirumalai Puchaya Naiker."

22. Evidence was accordingly gone into before the Civil Judge of Trichinopoly both by the Plaintiff, and the second Defendant, Renga Kristna Muthu Veera Puchaya Naiker, claiming to be such Zemindar as aforesaid on the said issue.

Rec. p. 267. 23. The principal evidence on the Plaintiff's behalf was as follows :—

Rec. pp. 210—218. Six witnesses whose depositions at length will be found in the record, deposed that Kamammani, the alleged Mother of the second Defendant, came to the Palace of Muthu Vira Puchaya, the then Zemindar, in 1850, that a marriage was proposed between her and A the said Zemindar, and that the invitations for the wedding were actually sent out, but that his wife Lakamani and her son Tirumali Puchaya Naiker objected to the marriage taking place on the ground that Kamammani was already pregnant, and they deposed positively to the fact that they themselves came as invited guests to the contemplated marriage, and that the marriage B was "put a stop to," and was not in fact performed. These witnesses Rec. p. 270. are described by the High Court as being persons of respectable position, likely to know of the marriage if it occurred. Their evidence was Rec. p. 267. confirmed (amongst other things) by a petition (adduced as evidence by the Plaintiff, and known in the cause as Document T) by the said Muthu Vira Puchaya Naiker to the Collector, dated the 4th day of C December, 1850, in which he mentions that he having attempted to marry Kamammani, his son Tirumalai Puchaya Naikir and his mother had objected to the same, and that the marriage could not be performed, and was put a stop to.

24. It appears from the evidence that in all probability the birth took D place early in the year 1851.

Rec. p. 251. 25. By an official letter of the Collector of Trichinopoly to the Court of Wards, dated the 11th June, 1869, under which the said Defendant was put into possession of the said Zemindary, it is expressly stated that he had attained his majority, and was then 18 years old, and certain documents E Rec. p. 34. Rec. p. 37. Rec. p. 40. adduced as evidence by the said Defendant in the cause, and dated in May, 1854, refer to the said Defendant as being then three years old.

26. The Defendants' evidence consisted of the oral evidence of certain persons who deposed that they were present at the marriage of Kamammani

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Rec. p. 220. Of these one witness stated that it took place in the beginning of the year 1850.

Rec. p. 223. Another, that he did not know the year in which the marriage took place, and did not remember whether it was in the beginning, middle, or end of the year.

Rec. p. 226. Another witness, being as alleged the family priest stated that the A marriage was celebrated in the month of Avani (August and September) 1850.

Rep. p. 228. Another witness stated, that it took place in 1850, but that he did not remember whether it was in the beginning, middle, or end of the year.

Rec p. 231. Another witness stated, that the said Defendant was born two or three B years after the marriage of his mother Kamammani.

Rec. pp. 20. 21. 27. The Defendant also relied upon two documents, dated respectively the 18th and the 20th July, 1864, the former alleged to have been executed by the Plaintiff, and the latter by Plaintiff, and the other widows, and in which, within a few days after his death, a desire is expressed to give effect to the wish of the deceased that as he was getting worse the widows should C cause the Defendant, the son of his step-mother, and consequently his brother, to be invested with the Pattam of the Zemindary and brought up as their child under their protection, and in which Kamammani is referred to as the legally married wife of their father-in-law. Certain other documents were put in by the said Defendant with the view of shewing that he had been Rec. pp. 34. 41. recognised by the late Zemindar in his lifetime as his son. D

28. The said Kamammani, although alive and resident on the spot, was not called as a witness by her son, the said Defendant.

29. On the 20th day of July, 1871, the Civil Judge of the Court of Rec. p. 246. Trichinopoly stated the finding of the Court to be that the said Defendant E was the legitimate brother (step) of the late Polligar Tirumalai Puchaya Naiker. The judgment is set out at length in the record.

Rec. p. 249. 30. The Plaintiff appealed to the High Court at Madras against the Rec. p. 250. finding of the said Civil Judge, and shortly afterwards, namely on the

31st day of August, 1871, presented a petition praying that the Court would receive and take into consideration in the above case the documents
Rec. p. 351. therein referred to, and establishing that the Respondent came of age previous to the 11th June, 1869, and which documents consisted of an official letter from the Collector of Trichinopoly to the Court of Wards, of the last-mentioned date, stating that the Respondent had attained his A majority, and was then 18 years old, which is the document referred to in paragraph 25 of this case, and the instructions of the said Court thereon.
Rec. p. 267. The last-named petition was dismissed by order of the High Court, dated 8 Nov., 1871.

31. Upon the said Appeal coming on for re-hearing before the High B
Rec. p. 253. Court at Madras, on the 8th day of September, 1871, it was ordered that the Appeal be remitted to the Lower Court, and that the Civil Judge, after due notice to the Plaintiff and the Defendant, should take the evidence of
Rec. p. Kamammani, the mother of the Defendant, on the question of her marriage, and of Ranga Iyengar, as to the Defendant's documents Nos. 1 and 2, of which he was alleged to have been the writer, and return the evidence to C
Rec. p. the High Court before the 20th October, 1871, and it was further ordered that the Defendant should be allowed the opportunity of adducing evidence in support of his document, No. 23, and also of examining the parents of his mother, if still living.

Rec. p. 256. 32. Kamammani was accordingly examined before the Civil Court D of Trichinopoly, on the 11th October, 1871, and asserted that she was the mother of the present Zemindar, and a married wife of Mutha Vira Puchya Naiker, and that she was not pregnant at the time when she was married,
Rec. p. 257, 262, 256. and that her parents died before the hearing of the suit. She further stated that she did not remember the names of any of the persons who were present at her marrriage, nor the year of her marriage, nor the year E
Rec. p. 258. when her son was born, nor the month when her marriage was performed, nor the month when her son was born, nor whether her son was born at the beginning, middle, or end of the year. She also stated that none of the other wives of her husband were with her at the time of her delivery, but there were maid-servants at that time, who were since deceased.

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33. The witness Rungiengar called to prove the signatures to the Defendant's documents 1 and 2, stated that he did not in fact see the parties sign them, as to document 23, he stated that the signature thereto was the signature of Tirumalai Puchaya Naiker.

34. The appeal came on for final hearing before the High Court of A Madras in due course. By its decree or judgment, dated the 8th day of
Rec. p. 269. November, 1871, the Court commented upon the evidence as follows:—

Rec. p. 269. "Dealing first with the oral evidence, as to the factum of marriages, it is not on either side of a satisfactory kind. The evidence for the second Defendant is, with the exception of one B witness, that of persons not related to the families of either parents and is very vague and contradictory, and the dates assigned to the marriage by some of the witnesses are at variance with each other, and with the undisputed facts of the case. But, therefore, for the probabilities in favour of a marriage arising out of the fact that no distinction appears to have been made in the treatment of Kamammani C and the acknowledged wives of the Zemindar, and that the second Defendant was brought up in all respects as a legitimate son, we should feel it difficult to attach any credit to the statements of these witnesses that a marriage actually took place.

"We have in addition to these statements the evidence of the D second Defendant's mother, taken recently under the order of this Court; but we cannot say it betters the case of the second Defendant, except that it gets rid of the effect of the observation that she had not been examined as a witness in support of the marriage.

The evidence for the Plaintiff is of a negative character. In effect the witnesses depose that the marriage, which was arranged to E take place and was postponed, never took place to their knowledge. If we could rely upon the evidence, it would be important in support of the Plaintiffs' case, for the witnesses are persons of respectable positions, likely to know of the marriage, and two of them (the third and fourth) are brothers of a deceased widow of the former Zemindar, the second Defendant's father. But all the witnesses, except one, (the

sixth) assign as a cause of the postponement of the marriage and its not subsequently taking place, the suspected pregnancy of Kamammani, and one witness gives as an additional reason that she was brought by force to the palace, by which he no doubt meant that she had been procured for the Zemindar without the proper consent of herself or her parents. This story we consider to have been invented as a ground A for suggesting the improbability of the Zemindar's marrying after he had cohabited with her. There is not a single circumstance in evidence as to the manner in which Kamammani was received to give colour to such a story, and the evidence as to her treatment in the palace tends to negative it. The fourth witness, too, one of the brothers of a deceased widow, could have been only seven years old, B as the Civil Judge has observed at the date of the postponement of the marriage. The circumstance of Kamammani going to the palace to be married, and ten days before the appointed day of marriage, appears, from the evidence, to be in accordance with the practice on the occasions of marriages of Zemindars, and affords no support for the representation that she went to the Zemindar's palace for a purpose C other than that of becoming his lawful wife. These considerations in our opinion throw so much discredit on the evidence of these witnesses that we feel it impossible to give any effect to their denial of any knowledge of marriage having taken place.

"Looking at this portion of the oral evidence, therefore, standing alone we are of opinion that the evidence in favour of the marriage is D entitled to some credit.

Rec. p. 207 "Then as to the documentary evidence. The documents (exhibits U and T) show satisfactorily that no marriage had taken place in May, 1850, nor before the 4th December of the same year, and we are satisfied, looking to the period at which the second Defendant was put in possession of the polliam as having then recently attained the E age of 18, that his birth took place about the middle of the year Rec. p. 29. 1851. There is one document in the case (exhibit No. 1) bearing rather against this, but all the other documents of an earlier date Rec. pp. 34. 40. and 41. (exhibits 15, and 20, and 13, 14, and 19) containing statements as to

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his age tend to confirm this conclusion. Undoubtedly, therefore, the second Defendant appears not to have been begotten in wedlock, and this is really the strong point of the Plaintiff's case, because it is somewhat improbable that the Zemindar would have married the second Defendant's mother after he had sexual intercourse with her. But bearing in mind the admitted fact that she had been brought to the A palace to be married, and that as the document (exhibit T) shows the Rec. p. Zemindar was earnestly endeavouring to have the marriage celebrated as late as in December, 1850, we do not consider that any serious weight can be attached to this improbability, and we are of opinion that its effect is entirely removed by other evidence in the case."

The decree then refers to a pedigree of the family and other documents B put in by the second Defendant, in which he is described by or on behalf of Tirumalai as his brother, and also to documents 2, 3, and 30, which are thus described:—

Rec p. 271. "No. 2 is an arzi, purporting to be signed by the Plaintiff and the second Defendant, and asking that a certain person should be appointed manager of the Zemindary during the minority of the second Defen- C dant. No. 3 is a deposition purporting to be signed by the Plaintiff and other widows of Tirumalai, and made before the Tahsildar of the Taluk. It recognizes the second Defendant as brother of Tirumalai, and the heir to the Zemindari, and it was given ten days after Tirumalai's death. And No. 30 is another deposition to the like effect purporting to be signed by the Plaintiff. These documents afford D most satisfactory evidence of the legitimacy of the second Defendant, and if the exhibits, Nos. 2 and 3 as well as No. 30, are genuine, we think that no other conclusion can be come to in this case than that a marriage did take place between the former Zemindar and the second Defendant's mother. We can, therefore, entertain no doubt whatever of the genuineness of exhibit No. 3. We called for the evidence of the E writer of Nos. 1, 2 and 23. This evidence is certainly not of a satisfactory character, but it conveys the impression that he was fencing with the questions put to him and withholding evidence which, had he given it fairly, would have been more in support of these documents

Believing No. 3 to be genuine, we are unable to doubt the genuineness of No. 2; and as to that of No. 23, which purports to proceed from the late Zemindar, in reply to certain enquiries by the Government as to the education of sons of Zemindars, and which forms part of the public record of that enquiry, there cannot as now appears be a shadow of doubt. The effect of that document we have already considered. The result is, that the evidence in our opinion establishes that the second Defendant is the legitimate son of the late Zemindar Muthu Vira Krishnan.

The question of law as to the hereditary character of this Polliam was decided by us in favour of the Plaintiff; but as the question of fact upon the issue as to the legitimacy of the second Defendant has been found against him, the Decree of the Court of First Instance, dismissing the Plaintiff's suit, must be confirmed. There are peculiar circumstances as to the conduct of the second Defendant in the progress of the case which induces us to think that the parties should bear their own costs in this Court."

Rec. p. 272

35. On or about the 30th day of October, 1871, the collector of Trichinopoly as representing the interests of the Government applied for and obtained leave to appeal to her Majesty in Council against so much of the judgment of the High Court dated the 26th day of April, 1871, as decides that the succession to the polliam, the subject of the said suit in particular, and unsettled Zemindaries or polliams in general, was a matter cognizable by the Civil Courts, and not dependent on the will of the ruling power and that an istimirar sunnud is not necessary to constitute such Zemindaries or polliams hereditary estates.

Rec. p. 273. 190.

36. The said Plaintiff, Lakka Ammani, departed this life on or about the 16th day of March, 1872, and the present Appellants, who are the junior widows to the late Zemindar, and who are co-heirs with her to their deceased husband obtained leave to appeal to, and now appeal to Her Majesty in Council against the said Decree of the High Court at Madras, of the 8th day of November 1871.

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37. Under an Order in Council, dated the 4th day of August, 1873, the Appeal of the said Collector and the appeal of the present Appellants have been consolidated, and are to be heard upon one printed case.

38. *As against the Collector of Trichinopoly* as representing the Government, the present Appellants submit that it is conclusively shown by the documents refered to in the judgment of the High Court of the 26th day of April, 1871, that the Zemindary in question has always been treated as being and in fact an ancestral hereditary estate devolving as of right upon the next heir. Nothing appears to have been done which could give any colour to the present claim of the Government in the case of the present Zemindary upon the death of any Zemindar, other than commonly occurs in the like cases elsewhere, namely an official recognition by the Government of the heir as the person entitled to succeed.

39. *As against the Respondent Runga Krishna Muthu Verai Pucha Naiker the present Zemindar*, the present Appellants submit that the balance of evidence is strongly in favour of the illegitimacy of the said Respondent. It is to be remarked that the Respondent's witnesses do not assert that the marriage of Kamammani was first postponed and afterwards celebrated, but what they assert is that it was celebrated at the place and time originally fixed, and for which invitations had been issued, for example the Respondent's fourth witness deposed that he attended the marriage on receiving an invitation. "The marriage took place when I went." The Respondent's seventh witness asserted that "the marriage was celebrated only on the day fixed in the first instance."

Rec. p. 223.
Rec. p. 227.

40. All the Respondent's witnesses who could be brought to give even the year when the alleged marriage took place, assign 1850 as the date thereof. The only witness who committed himself to a date more precise, was the Respondent's sixth witness, who described himself as the priest of the Zemindar of Marungapuri, and stated that the marriage was celebrated in the month of Avani (August and September), of Saumiya, 1850, and that he remembered the month and year of Kamammani's marriage, because his (deponent's) also was celebrated in the same year.

Rec. p. 225.

41. It may therefore be assumed on the evidence for the Respondent himself, that whatever took place in the nature of marriage, or proposed marriage between Kamammani, and the said Zemindar, Muthu Vira Puchaya Naiker took place in the year 1850, and in the month of August—

Rec, p. 214. September of that year. The fact that this was actually the month in question is remarkably confirmed by Plaintiff's second witness, who, on the day before the priest gave his deposition on behalf of the Respondent, stated that he recollected that the marriage ceremony of Kamammani (which was stopped) began in the month of Avani, as it was then the rainy season.

42. The issue therefore really is whether on this occasion, for which admittedly, numerous invitations were issued, the marriage was in fact celebrated. On this point the evidence of the Plaintiffs' witnesses who are

Rec. p. 290. referred to even in the judgment appealed from as "persons of respectable position likely to know of the marriage," is positive and clear that the marriage did not in fact take place.

Rec. p. 207. 43. The evidence of the Plaintiffs' witnesses is confirmed by the exhibit T being a petition presented by Muthu Vira Puchaya Naiker, on the 4th day of December, 1850, and which while referring to the fact that he had attempted to marry Kamammani, states that the marriage "could not be performed and had been put a stop to."

44. This document is as the appellants submit conclusive as showing that Muthu Vira Puchaya Naiker had at all events not then married her and the Appellants submit (contrary to the view stated by the High Court in their judgment) that there is nothing whatever in it to show that he had then any desire or intention of going through the ceremony of marriage with her the prayer of the petition being directed to an entirely different subject matter.

45. Against this has to be set the evidence on the other side of the Respondent's witnesses which is as the Appellants of a most unsatisfactory character and which elicited from the High Court in its judgment, and as the Appellants submit warranted, unfavourable comment, and

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certain documents alleged to be signed by the late Zemindar, and one alleged to be signed by his three widows, including the Appellants, within a few days of his decease. The proof of the execution at all of these documents is by no means satisfactory, and as to any after recognition appearing in these documents by the late Zemindar of the Respondent, as his brother, or his heir, the Appellants submit that this (at the most) can only prove the desire and feeling of the writer at the date of the document, and cannot supply evidence of the fact of the marriage having been ever actually and formally celebrated, in the face of the evidence to the contrary in this cause. As to the document alleged to be signed by the widows, it

Rec. p 21. purports upon the face of it to be simply given in obedience to the orders of their deceased husband within a few days of his death, and even if executed by the Appellants, was executed without legal advice, and without any knowledge as to their legal rights, or of the facts of the case as they now appear.

46. The Appellants therefore submit that the fact of any marriage having taken place is not proved, and is in fact disproved. It is however to be remembered that the High Court in the judgment now under appeal came to the conclusion that, "undoubtedly the second Defendant appeared not to have been born in wedlock," and the present Appellants contend that on this ground also, regard being had to the Hindoo Law of the present, or Cali age, the said Respondent, even if born after marriage, would be illegitimate.

47. The present Appellants, therefore, submit that the said decree or judgment of the High Court of Madras, dated the 26th day of April, 1871, ought to be confirmed so far as the said Zemindary is thereby declared to be an ancestral hereditary estate, and that the decree and order of the High Court, dated severally the 8th day of November, 1871, ought to be reversed, and that a decree ought to be made in favour of the present Appellants for the following (amongst other)

REASONS.

1. Because it is established that the Zemindary in question is an hereditary estate, devolving as of right upon the next legal heir.

2. Because the fact of a marriage at any time having taken place between the said Muthu Vera Puchaya Naiker, and the said Kamammani, being the alleged parents of the Respondent, Runga Kristna Muthu Vera Puchaya Naiker, (who is now in possession as Zemindar,) is not proved and is in fact disproved.

3. Because it is clearly proved, as appears by the judgment of the High Court, that the said Respondent was at all events not begotten in wedlock, by which fact he is by Hindoo Law rendered illegitimate, irrespective of the question whether his parents did or did not afterwards intermarry.

4. Because the present Appellants, as the next heirs in succession, are entitled to succeed to the said Zemindary, and its property upon the death of their husband the late Zemindar, and the death of the late Plaintiff his first widow.

JOHN D. MAYNE.
FREDK. C. J. MILLAR.

In the Privy Council.

ON APPEAL

From the High Court of Judicature, Madras.

The COLLECTOR of TRICHINOPOLY, (as representing the interests of the Governor of Fort St. George, by order of the High Court of 21st October, 1870),

AND

LEKKAMANI (first widow of the late Zemindar) since deceased, and the ZEMINDAR OF MARUNGAPURI,

AND BETWEEN

PEDDA AMANI, and CHINNA AMANI, (2nd and 3rd widows of the late Zemindar,)

AND

The ZEMINDAR OF MARUNGAPURI.

Case of Pedda Amani and Chinna Amani, Appellants, in the 2nd above-mentioned Appeal, and Respondents in the 2nd above-mentioned Appeal.

JONES BLAXLAND & SON.

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In the Privy Council.

ON APPEAL FROM THE HIGH COURT OF JUDICATURE AT MADRAS.

BETWEEN

THE COLLECTOR OF TRICHINOPOLY (as representing the interests of the Governor of Fort St. George by Order of the High Court of 21st October, 1870) . . . . . *Appellant,*

AND

LEKKAMMANI (first Widow of the late Zemindar) since deceased, and the Zemindar of Marungapuri . . . . . *Respondents;*

AND BETWEEN

PEDDA AMANEE AND CHINNA AMANEE (second and third Widows of the late Zemindar) . *Appellants,*

AND

THE ZEMINDAR OF MARUNGAPURI . . *Respondent.*

CASE

FOR THE APPELLANT IN THE FIRST APPEAL,

AND

FOR THE RESPONDENT IN THE SECOND APPEAL.

The first Appeal in this case is from a Judgment or Decree of the High Court of Judicature at Madras, dated the 26th of April, 1870, virtually overruling, upon one point, a Decree of the Acting Judge of the Civil Court of Trichinopoly, dated the 1st September, 1869.

The second Appeal is from a Decree of the said High Court, dated the 8th November, 1871, confirming the said Decree of the Acting Judge of the Civil Court of Trichinopoly.

Record, p. 23. On the 17th July, 1864, the above-named Tirumalia Puchaya Naiker, Zemindar of Marungapuri, "a Polliem," the rent of which has not been permanently settled by the Government, situate in the District of Trichinopoly, and Presidency of Madras, died intestate and without issue, leaving three widows, Lekkamani, and the above-named Pedda Amanee and Chinna Amanee, and a brother, the above-named Ranga Kristna Mutha Veera Puchaya Naiker, then a minor, the Respondent in the second Appeal, hereinafter called the second Respondent, who was son of the same father (the previous Zemindar, Mutha Veera Puchaya Naiker) but by another wife.

P. 19. The Zemindar on the day previous to his death addressed to the Collector of Trichinopoly, a Petition in which he stated that he had caused his said minor brother to be invested with the Pattam, and had appointed a cousin (who bore the same name as himself) to be Manager of the Zemindary, and he asked for the recognition of his said brother as his successor.

R., pp. 21, 23. The Collector after ascertaining that it was the wish of the widows that their deceased husbands desire should be complied with, subject to the first widow's having a control over the management, reported the facts of the case to the Court of Wards which submitted his report to the Government of Madras with the recommendation that the Collector should be authorised to recognise the second Respondent as Zemindar of Marungapuri, and to take charge of the estate as Agent of the Court of Wards. The Court of Wards remarked that, assuming the family to be undivided, as was probably the case, the brother of the deceased would be the legal heir to the Zemindary, irrespective of the Petition or the consent of the widows; and they desired the Collector to report further as to the management. The proposal was approved by the Government of Madras on the 17th September, 1864, and the said cousin was afterwards appointed Manager of the estate during the minority of the Zemindar.

R., p. 24.

R., p. 27, p. 3. Terumalia Puchaya Naiker, the cousin and Manager died in January, 1866, and a few months afterwards the Collector took possession of the jewelry of the late Zemindar, and caused it to be taken for safe custody to the Huzur (or Collector's) treasury.

R., p. 2. On the 21st August, 1868, Lekkammani, the first widow of the deceased Zemindar, filed her Plaint in the Court of the Civil Judge of Trichinopoly against the Collector of Trichinopoly, as Agent of the Court of Wards and Guardian of the minor, the second Respondent, claiming all the villages belonging to the Zemindary valued at Rs. 2,05,766 : 12 : 4, the Punnai lands (lands held under private cultivation), and the Urani Maniyam lands attached thereto, and the management thereof; buildings valued at Rs. 700; devastanum villages valued at Rs. 1,46,191 : 9 : 0, and the right to the Adhinam or control; also the management of the devastanums; the jewels above mentioned valued at Rs. 10,305 : 15; and cash amounting to about Rs. 49,032 : 14 : 9, being the income of the Zemindary up to the date of suit.

The material statements of the Plaint were in effect as follows:—

That the Zemindary of Marungapuri paying an annual Peishcush or rent to Government of Rs. 20,576 : 10, was the ancestral property of the Plaintiff's late husband, who died without issue, and that according to the Hindu law and the custom prevailing in Zemindaries, the Plaintiff, who was the Puttam (royal) wife among the three wives of the deceased was his chief heir.

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That on the day preceding his death the late Zemindar made an arrangement constituting the Plaintiff his heir to the Zemindary and directing that the two junior widows, the above-named Pedda Amanee and Chinna Amanee, should remain under her direction; that Terumalia Puchaya Naiker, the cousin, should have the management on behalf and under the orders of the Plaintiff and that after her death the other widows should enjoy the estate successively. The Plaint further alleged that the late Zemindar had stated that he had written an Urzee or Petition to the Collector in accordance with this arrangement. The Plaint also stated that the said cousin had professed to manage the affairs according to such arrangement and had conducted himself as if subject to the orders of the Plaintiff; but that since his death she had ascertained that he had concealed her husband's arrangements and the real Urzee addressed by him to the Collector and had represented to the Collector that her husband had installed as Zemindar the second Respondent, who had no connection with the Zemindary, and that the said cousin had also represented that her husband had addressed an Urzee to the Collector appointing him (the cousin) as Manager for the minor. The Plaint moreover alleged that the said cousin had caused the Zemindary to be placed under the management of the Court of Wards on behalf of the minor. It urged that the act of the cousin could not deprive the Plaintiff of the legal right vesting in her, and it insisted that her late husband did not instal the minor and was not competent to do so.

Record, p. 9. The Collector of Trichinopoly, on the 16th December, 1868, filed his written statement in the suit stating (among other things) that no Istimirari Sunnud had been granted for the Zemindary of Marungapuri and that it was an unsettled Polliem; that upon the demise of the late Zemindar the right to nominate a successor to him was vested in the Government and accordingly the Government had granted the Zemindary to the minor, the second Respondent, and that such grant being an act of State could not be questioned in any Municipal Court. That even if an Istimirari Sunnud had been granted for the said Zemindary, and even if it were a settled Polliem, the minor, as the undivided half-brother of the deceased Zemindar, would be the rightful heir thereto.

R., pp. 48, 58. On the 9th January, 1869, the Court fixed the following issues:—

"The Defendant asserts and the Plaintiff denies that this Court is not competent to entertain this suit.

The first issue will be to prove this.

The Plaintiff asserts and the Defendant denies that the half-brother of the deceased Zemindar is not the legal heir of the latter, and, that such being the case, the Plaintiff herself is the person legally entitled to succeed to the Zemindary.

The Defendant asserts and the Plaintiff denies that the party on whose account and on whose behalf the Zemindary is now held under the management of the Court of Wards is the natural heir of the deceased Zemindar."

The Plaintiff filed 10 exhibits (which will be found in pages 10, 18, of the Record), and she cited 47 witnesses.

The Defendant filed 32 exhibits (which will be found in pages 19, 71, of the Record), and he gave in a list of 79 witnesses.

On the 30th July, 1869, the second Respondent, on the representation of the Plaintiff that he had come of age, was added to the suit as a second Defendant.

The cause came on to be heard before Mr. Cadell, the Acting Civil Judge of Trichinopoly.

Record, p. 59. An attempt was made at the hearing by the Vakils for the Plaintiff and for the second Defendant to induce the Court to receive and file a Razi-namah, which purported to be an amicable adjustment of the points in difference between the parties, but this was objected to by the Senior Counsel for the second Defendant, and an adjournment took place, after which the second Defendant was examined R., p. 23. as a witness and produced and verified the proceedings of the Madras Government of the 17th September, 1864, conveying the orders of the Government as to the succession of the minor to this Poliem, and also produced and verified the proceedings of the Madras Government, showing their recognition of the succession of the former Zemindar. The Plaintiff's Vakil applied for a further postponement to enable his client to obtain the services of a gentleman who had previously appeared as Counsel for the Plaintiff, and this being refused, he declined to act further in the conduct of the case.

R., p. 60. The Judge then, on the 1st September, 1869, pronounced his judgment, the material part of which is as follows:—

"The Court is of opinion that the evidence of the first witness (the first "Defendant) has conclusively shown that the Marungapuri Zemindary is an "unsettled Poliem, and the right of succession to such Poliems has not only, in the "case of this Poliem been admitted and exercised in the case of the past and "present succession to the Poliem, but that this right has been declared by the "highest authority to rest in the local government and not in the line of lineal "succession. Such being the case it follows, as a matter of course, that this right "must not be called in question in this Court, and on the first issue the finding "must therefore be for the first Defendant.

"It is unnecessary, therefore, further to enter on the other issues; but with "regard to the Razinamah tendered by the Plaintiff and the second Defendant, the "Court is also of opinion that in a case like the present, and in which it has been "found that the Plaintiff has no right to bring such a suit, it is incompetent for "the Court to entertain a document which purports in any way to be an adjust-"ment or settlement of such claim.

"The claim of the Plaintiff is therefore dismissed, the Plaintiff to pay all costs."

R., p. 191. From this decision the Plaintiff appealed to the High Court of Madras, urging that in point of evidence the case was not before the Civil Court in such a way as to warrant the finding as to the proprietary right, and that the Razinamah ought to have been received and a Decree passed in conformity therewith. The late minor, the second Respondent, however, appeared as Respondent in the Appeal, and resisted the reception of the Razinamah. On the Appeal coming on for hearing, the High Court was of opinion that the second Respondent could not be compelled to submit to the terms of the Razinamah, but that under the circumstances the application to the Lower Court for a postponement ought to have been attended to. The further hearing was accordingly adjourned, to admit of the parties producing before the High Court their evidence bearing on the question of the nature of the deceased Poligar's right to the property, which evidence appeared to be altogether documentary, the Court reserving, on the

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determination of that question, the issue or issues to be sent for trial to the Court below. In the meantime the Court declared its opinion to be, that the Government, in respect of its proceedings granting the property to the second Respondent, could claim no exemption from the jurisdiction of the Court.

The parties then went fully into evidence under the first issue.

The evidence adduced by the Appellant is set forth at pp. 129-185 of the Record; that of the first Respondent at pp. 71-117; that of the second Respondent at pp. 117-128.

The evidence throws much light upon the history of Polliems in general, and of the Marungapuri Pollium in particular; and it is submitted that its effect is fully to establish the positions contended for by the Collector of Trichinopoly in his written statement above referred to, and that the High Court ought to have decided in favour of the Defendants on the first issue, to have confirmed the Judgment of the Lower Court, and to have at once dismissed the suit, without going into the questions raised by the second issue.

The Judgment of the High Court (which is set out in the Record pp. 190-205) discusses at great length the history and nature of Polliems, and the various decided cases bearing on the subject, as well as the effect of the evidence which had been adduced. It contains the following passages:— Record, pp. 190-205.

"The question for determination is, whether the late Zemindar had vested R. p. 192.
"in him a hereditary estate, which passed, on his death, to his heir in the order
"of legal succession, as the Plaintiff contends; or an estate for his life, on the
"termination of which the right to dispose of the property reverted to the
"Government, as the Defendants contend. The villages and lands mentioned in
"the Plaint form one of the Manapuri Polliems, but the estate and the holder of
"it have been commonly given the designations used in the Plaint of Zemindary
"and Zemindar; it is, however, a conceded fact that no Istimirari Sunnud,
"granting the estate under Regulation XXV. of 1802, has ever existed, and the
"positions advanced on both sides, stated summarily, are, on behalf of the
"Plaintiff, that there is sufficient evidence from which to draw the inference that
"the property had been permanently assessed, but if not, that the tenure by
"which Polliems not permanently assessed are held had not attached to it as an
"essential incident the limit of the life of the holder; but that both historically
"and by judicial authority, the tenure is rather shown to be in its nature heredi-
"tary, that it may be either hereditary or for life according to the nature of the
"grant creating it, and that in the present case the evidence proved the Pollium
"to have been held as hereditary estate." * * R., p. 193.

* * "The combined effect of the Judgments in all the cases does not, it appears
"to us, amount to any deliberate adjudication as to the Pollium tenure being of a
"definite nature, but does go the length of giving the weight of judicial acceptance
"to its being legally either hereditary or for life, according to the express or
"implied grant established in each case.

"The authority of judicial decision cannot therefore be held to preclude the
"contentions on either side as to the estate held by the late Zemindar; but we think
"it throws on the Defendants the burden of sustaining their contention that his
"estate, from the nature of the tenure, was limited." * * R., p. 203.

"Upon the whole we are of opinion that it has been established as strongly

" as a claim of this nature can be expected to be proved that the Polliem in dispute
" is an ancestral hereditary estate which has devolved through several generations
" in the ordinary course of legal succession. Almost everything tending to this
" conclusion that could reasonably be looked for, it seems to us exists save the
" grant of a Sunnud under Regulation XXV. of 1802, and that is not in our
" Judgment made by law indispensable, except to render the revenue assessment
" permanent. It follows that the right of succession contested in the present suit
" depends upon the question raised by the 2nd issue in the suit, whether the second
" Defendant is the legitimate brother of the late Polligar Tirumalai Puchaya Naiker.
" If so he is the rightful heir to all the property claimed in the Plaint, no division
" having taken place between him and his deceased brother. But if illegitimate
" he has no right to any portion of it. No additional issue is necessary." * *

" The question of the first Defendants' legitimacy we are not now in a position
" to determine, and if the Plaintiff persists in her denial of it the issue must be
" sent for trial by the Court below. She must be required to state within three
" weeks whether she abandons the issue or desires to have it tried."

Record, p. 189. A formal Order in accordance with this Judgment was drawn up bearing even date with the Judgment, and upon an intimation that the Appellant was prepared to contest the legitimacy of the young Zemindar, the High Court passed an Order, R., p. 206. dated the 17th May, 1871, by which it directed that the following issue, appended to the Judgment and Order of the 26th April, 1871, should be referred to the lower Court for trial, viz., "Whether the second Defendant is the legitimate brother of " the late Polligar Tirumalai Puchaya Naiker."

The Collector of Trichinopoly had been made a party to the above-mentioned Appeal as representing the interests of the Governor of Fort St. George in Council by the Order of the High Court, dated 21st October, 1870; but his name does not appear as a party in the Judgment and Orders passed on the said Appeal. Representing such interest he felt aggrieved by so much of the Judgment of the High Court, dated 26th April, 1871, as decides that the succession to the Polliem the subject of the suit in particular, and to unsettled Zemindaries or Polliems in R., p. 272. general, is a matter cognizable by the Civil Courts and not dependent on the will of the ruling power and that an Istimirar Sunnud is not necessary to constitute such Zemindaries or Polliems hereditary estates. The Collector, therefore on the 30th October, 1871, applied to the High Court of Madras for leave to appeal to Her Majesty in Council against so much of the said Judgment as aforesaid, and the said Court was pleased to grant such leave upon the usual conditions, which were duly complied with.

The issue directed as aforesaid regarding the legitimacy of the second Defendant was tried before Mr. Davidson, the Civil Judge of Trichinopoly.

The Plaintiff examined six witnesses, whose depositions will be found in pp. 210-218 of the Record.

The second Defendant examined twelve witnesses, whose depositions are set forth at pp. 219-232 of the Record. Both parties relied in part on documentary evidence, which is specified at p. 246 of the Record.

On the 20th July, 1871, the Civil Judge decided in favour of the legitimacy of the second Defendant. His Judgment contains the following passages:— R., p. 247.

* * " The onus of proving the Defendants alleged illegitimacy devolved on

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Plaintiff, who, in raising the issue, labours under this serious disadvantage and embarrassment viz: that she has already deliberately and formally committed herself in writing to a statement diametrically opposed to her present contention, as is shown by certain of the unimpeachable exhibits for the defence, viz.:—Nos. 2 and 3, dated respectively, the 18th and 26th July, 1864; and in the latter of which, viz.: in the Keyfiyet, which she and the two other widows of the late Zemindar Tirumalia Puchiya Naicker gave before the Tahsildar, the first witness for the defence, she has distinctly stated that the Defendant is the son of Kamammany the " married " wife of Muthuveera Puchiya Naiker, and as Mr. Mayne eventually conceded that the said Kamammany is the Defendant's mother, that she also went and goes by the name of Appa Many, and Defendant is the son of Muchu Veera Puchiya Naiker there is no occasion to allude further to Exhibits G. and S.

" The case for the Plaintiff is based mainly on Exhibit T., a Letter which Muthuveera Puchiya Naicker wrote to the Collector of Madhura, on the 4th December, 1850, and in which, among other things, he complained of his son, Turumalai Puchiya Naiker, and his (Tirumalai's) mother, Lackhammany (with both of whom he was admittedly on bad terms), having raised obstacles in the way of the celebration of his marriage with Kammammany the Defendant's mother and it was argued that as the Defendant was only installed as Zemindar on attaining his majority in 1869, and as the Defendant contended that his mother's marriage with Muthu Veera Puchaya Naiker took place in 1850, it was very improbable that it should have been celebrated between the 4th and 31st December, 1850, and that therefore a calculation of dates, coupled with a consideration of the oral evidence let in by Plaintiff, created a strong presumption in favour of Defendant's birth having resulted from an illicit intercourse between the Defendant's parents prior to the 4th December, 1850, and an attempt was therefore made to prove, by the oral evidence of the six witnesses examined on Plaintiff's behalf, that the reason of Tirumali Puchaya Naicker and his mother opposing the marriage between the Defendant's parents was because Kamammany was pregnant in consequence of Muthuveera Puchiya Naicker having had connection with her during the interval that elapsed between her arriving at his palace for the purpose of being married to him and the date of the marriage, assuming a marriage to have been subsequently contracted, but which is denied; and it was contended that under any circumstances, therefore, the Defendant could not be held to be legitimate.

" Now of this alleged pregnancy there is no direct or reliable proof soever. The oral evidence for the Plaintiff, when sifted, reduced itself to this that the said witnesses heard that there was a rumour of a suspicion of Kamammany being in the family-way on a day when they were invited to be present at her wedding, but the celebration of which was postponed in consequence."

" A tolerably accurate estimate of the value to be attached to such testimony may be gathered from the additional fact that the 4th witness, Deva Naiker, who is a fair average specimen of the witnesses, and who gave his age at 28 years, although he did not appear to be more than five and twenty, could not have been more than 6 or 7 years old in 1850, and yet he pretended that he remembered having received an invitation to the wedding, which he was told had been put off because Kamammany was pregnant."

"It is a circumstance worthy of consideration also that no effort has been made to rebut the overwhelming weight of documentary evidence put in by the Defendant and which shows conclusively that Tirumalai Puchiya Naicker, on the
Record, p. 19. day preceding his demise, reported to the Collector (Exhibit, dated 16th July, 1864) that he had invested his step-brother, the present Defendant, with "Pattam," as
R., pp. 20, 21, 22. his successor that the Plaintiff most fully recognised the succession and legitimacy of the Defendant.—Vide Exhibits II., III., IV. and which legitimacy has been further strengthened and confirmed by Exhibits XV. and XX., which show that
R., pp. 35-41. so far back as 1854 the late Zemindar, Tirumalai Puchiya Naicker, had fully recognised the legitimacy of the present Defendant and furnished the genealogical tree, Exhibit XX. All of these documents, as well as the others admitted on Defendants behalf, have been fully and satisfactorily proved, the more important of them have been acted on by Government, and it is not disputed that the Defendant's mother has been invariably treated as Muthu Veera Puchiya Naicker's lawful wife, that as such she was living with him when he died, and that she resides in the palace still."

"The learned Counsel for the Plaintiff laid much stress on what he seemed to consider the weak nature of the oral portion of the defence, as there was no direct evidence before the Court of the exact date in 1850 on which the defence witnesses affirmed the Defendant's parents had been married, and because the sixth witness, the family priest, affirmed that the said marriage took place in 1849. This witness appeared to be in a very highly excited state when he gave his evidence, and as he must have been merely a lad in 1850, and as he still continues to perform the duties of family priest as well to the Plaintiff as to the Defendant, it would be dangerous to attach any great degree of importance to his adverse testimony, which appeared to take the Defendant's Counsel very much by surprise.

The Court has therefore no hesitation in stating its opinion that the Plaintiff has wholly failed in proving the alleged illegitimacy of the second Defendant,
R., p. 250. and the finding of the Court is that the second Defendant is the legitimate brother (step) of the late Poligar Tirumalai Puchiya Naicker.

The Plaintiff appealed against this decision, on the two grounds that the finding was against evidence, and that the judge had rejected a certain Exhibit.

The High Court, on the 8th September, 1871, made an Order that the Appeal should be remitted to the Lower Court, for the purpose of taking the evidence
R., p. 253. of Kamammany, the mother of the second Respondent, on the subject of her marriage, and of examining one Ranga Jengar, as to certain documents put in by the second Defendant, and the second Defendant was allowed to adduce further evidence upon certain points.

Evidence was taken accordingly, and the depositions were returned to the High Court.

It is submitted that the evidence taken in the cause established, that the second Respondent was born in lawful wedlock, and did not show that he was born in consequence of ante-nuptial intercourse between his parents.

The High Court, in its final Judgment pronounced, on the 8th November, 1871, expressed the opinion, which it is submitted was erroneous, and not warranted by the evidence, that the second Respondent appeared not to have been begotten

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in wedlock, but it stated the points in dispute to be whether a marriage took place between his parents before his birth, and that it had been admitted, on behalf of the Appellant (the Plaintiff), that if born in wedlock the second Respondent was legitimate.

The Judgment (which will be found at p. 269 of the Record) declared the second Respondent to be the legitimate son of the former Zemindar Muttu Veera Kristna, and it confirmed the Decree of the Zillah Court, dated 1st September, 1869, and dismissed the Appeal, but owing to the view which it had of the conduct of the second Respondent, in the course of the proceedings, it ordered that the parties should bear their own costs in the Appeal.

The said Lekkamani died on the 16th day of March, 1872.

The above-named Pedda Ammanee and China Ammanee, who are the junior widows of the said Zemindar, presented their Petition of Appeal to Her Majesty in Council, against the said Decree of the 8th day of November, 1871, which Appeal was allowed by the said High Court.

The Copy of the Record in the Appeal of the Collector of Trichinopoly was sent to and arrived at the Privy Council Office on the 10th day of October, 1872.

An Order was made for dismissing both the said Appeals for want of prosecution on the 21st day of May now last past.

By an Order in Council, made on the 4th day of August now last past, the said Appeals were restored, with leave to the parties to prosecute the same to a hearing, upon condition that the said Appeals should be consolidated and heard upon one printed case on each Side, the parties dividing the expense of copying and printing the Record, and that the Appellants in both Appeals should forthwith lodge in the registry of the Privy Council the sum of £300 sterling, to stand and abide the award of the Lords of the Judicial Committee with regard to the costs of the said Appeals or either of them, and that the parties on both sides, and in both Appeals, should lodge their printed cases and set down the consolidated Appeals for hearing on or before the 1st January, 1874.

The first Appellant humbly submits that the Judgment of the 26th April, 1870, is erroneous, and that the same ought to be reversed or varied, so far as it relates to the rights of Government in the Polliem in question, and in unsettled Zemindaries and Polliems generally, for the following among other

REASONS.

1. Because the same is contrary to law and to the weight of evidence.
2. Because the High Court was wrong in holding that the weight of judicial decision threw upon the Defendants the onus of proving the existence of the aforesaid right of Government with respect to unsettled Zemindaries and Polliems; whereas the decisions of the late Court of Sudder Adalat expressly establish that right and the former decisions of the High Court and of your Majesty in Council do not negative it.
3. Because, under the above Regulation, an Istimirar Sunnud or Deed of permanent property is necessary to divest the Government of the

aforesaid right and to constitute a Zemindary or Polliem an hereditary estate as against the Government, and no such Sunnud has even been granted for the Polliem in question in this suit.

4. Because, prior to Regulation XXV. of 1802, the ruling power for the time being in the territories subject to the Government of Fort St. George and the British Government, as such ruling power had always claimed and exercised the right to regulate the succession to all the Zemindaries and Polliems within the territory according to its own will and pleasure as expressly declared by that Regulation.
5. Because, in the exercise of such right as aforesaid, the Government has always nominated the successor to the Polliem in question; and the fact that, in the exercise of its discretion the choice has generally fallen upon the heir, is no evidence of any intention to abandon or waive such right.

The Respondent in the second Appeal humbly submits that the said Decree of the 8th November, 1872, is correct, except so far as it directs that each party shall bear their own costs in the High Court, and ought (with such exception) to be confirmed and the Appeal of the said Pedda Amanee and Chinna Amanee dismissed with costs for the following among other

REASONS.

1. Because the evidence taken in the cause shows that the Respondent in the second Appeal was born in lawful wedlock.
2. Because such evidence does not show that he was not begotten in lawful wedlock.
3. Because, where birth in lawful wedlock is proved, the circumstance that a person has not been begotten in lawful wedlock does not invalidate his claim to succeed as heir.
4. Because, except as aforesaid, the Decree appealed against was right and proper.

WILLIAM FORSYTH.
WILLIAM MACPHERSON.
JOHN BRUCE NORTON.

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In the Privy Council.

On Appeal from the High Court of Judicature at Madras.

BETWEEN

The COLLECTOR of TRICHINOPOLY (as representing the interests of the Governor of Fort St. George, by Order of the High Court of 21st Oct., 1870) . *Appellant,*

AND

LEKKAMMANI (first Widow of the late Zemindar), since deceased, and the ZEMINDAR of MARUNGAPURI *Respondents;*

AND BETWEEN

PEDDA AMANEE and CHINNA AMANEE (second and third Widows of the late Zemindar) . . . *Appellants,*

AND

The ZEMINDAR of MARUNGAPURI. *Respondent.*

CASE ON BEHALF OF THE APPELLANT IN THE FIRST APPEAL, AND OF THE RESPONDENT IN THE SECOND APPEAL.

LAWFORD & WATERHOUSE,
Drapers' Hall.

No 11

391/735

Appeal from the High Court of Judicature at Madras.

The Collector of Trichinopoly . Appellant

—— and ——

Lekkamani and The Zemindar of Marungapuri Respondents

Pedda Amani & Chinna Amani Appellants

and

The Zemindar of Marungapuri. Respondent.

Consolidated Appeals.

Copy Her Majesty's Order in Council, Printed Judgments and a Perfect Set of the Printed Papers referred to in Judicial Letter to Madras No 8 — Dated 30th April — 1874.

Lawford

Solicitor to the Secretary of State for India in Council.

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No 17.

Madras
Judicial

393/735

Appeal from the High Court of Judicature at Madras.

The Collector of Trichinopoly . Appellant

— and —

Sekkamani and *The Zemindar of Marungapuri* Respondents

Pedda Amani & *Chinna Amani* . Appellants

— and —

The Zemindar of Marungapuri. Respondent.

Consolidated Appeals.

393/735

Her Majesty's Order in Council, Printed Judgments and a Perfect Set of the Printed Papers referred to in Judicial Letter to Madras No 8, — Dated 30th April 1874.

H. S. Lumsden

393/735

Solicitor to the Secretary of State for India in Council. —

Revd G.O. 18 June 1874

235/735.

India Office

London, 30th April 1874.

Judicial
No 8.

My Lord,

1. I send herewith a No in the Packet, Her Majesty's Order in Council, and Printed Judgment together with a perfect set of the papers printed in this Country in the Appeal Case noted in the Margin, which I desire you will place in the hands of the Law Officers of your Government.

2. Duplicates of the above mentioned documents will

From Madras

Between the Collector of Trichinopoly as Representing the interests of the Governor of Fort St George by order of the High Court of 2nd Oct 1870 Appellant

and

Lekhamani (1st Widow of the late Zemindar) Since deceased and the Zemindar of Marungapuri - Respondent.

And between - Pethda Amani & Chinna Amani 2d & 3d Widows of the late Zemindar Appellants

and

The Zemindar of Marungapuri Respondent

His Excellency
The Right Honble
Her Majesty's Principal
Secretary of State
for

will be forwarded by
the succeeding Southampton
Mail.

3. This Order is in original
and must be filed in
the Court from which the
Appeal is brought in
order to give effect to
the Judgment.

I have the honor to be,
My Lord,
Your Lordship's most-
obedient, humble Servant
Salisbury

No. 16.

Judicial
30th April 1874.

The
Letter to Fort St. George
No. 8.

Recd. 24th May 1874.

Forwarding Her Majesty's Order in Council & printed Judgment together with a complete set of papers in the Marungapuri Appeal Case

SO 15 June 74 No 735

Revenue Department.

No. 735.

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PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 15th June 1874. 735

READ the following Despatch from the Right Honble the Secretary of State for India

Forwarding Her Majesty's Order in Council and printed Judgment, together with a complete set of papers, in the Marungapuri Appeal Case ——— } H. E. 30th April 1874 No. 8.

1 Brought up Decree Books.
2-3 Judgment 7/14 June & 12 March 74
4 Case of Col 89 & Annexes 1 & 4
Chum Annexes —
5 Copy of the Order in Council with Case (Appeal No. 89 of the Register) & Annexes 1 & 4
6 Petition of the Rajah, ——— & Petition of the Ranee, ———

Ordered that copy of the foregoing Despatch, with its enclosures in original, be forwarded to the Govt Pleader, and that his attention be called to para 3 of the Despatch.

2. Copies of the Despatch, with copies of Her Majesty's Order in Council and of the Judgment, will be furnished also to the Board of Revenue.

Govt Pleader with 6 Encl 7/29 June
Bd of Revenue 7/9 July 74
Ex Bk No 18

1102

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