Archives I - 10,006—16-8 77.

(1) Number of pages 24

(2) Date of repair 7-2-85

(3) Initials of the Referencer

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Revenue DEPARTMENT

G.O. No. / B.P. No.	2064	Press. / Mis.
Dated	27-12-1878	197 .

Not to be folded or roughly handled

2054/1

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

27th December 1878, No. 2,064.

Read the following paper :—

No. 265. Proceedings of the Board of Revenue, dated 17th December 1878, No. 3,388.

Read the following letters :—

From J. B. PENNINGTON, Esq., Collector of Tinnevelly, to C. A. GALTON, Esq., Acting Secretary to the Board of Revenue, dated Virudupati, 26th November 1878, No. 871.

With reference to the Board's Miscellaneous Proceedings, No. 9,003, dated 30th August 1878, communicating G.O., No. 1,347, of the 22nd idem, I have the honor to state that since the receipt of the above Proceedings some more creditors have come forward and produced evidence of simple debts to the amount of Rupees 5,500 and of debts on mortgage (with possession) to the amount of Rupees 16,000; including these two items therefore the liabilities of the Zemindari amount to Rupees 86,000* besides the sum of Rupees 6,000 required for the repair of irrigation works.

* *Vide* statement enclosed.

2. The Zemindar however takes exception to the 16,000 Rupees due on mortgages as not binding on him, because the mortgages were made by the late Manager, Velayudam Pillay, who had agreed in writing before Mr. Puckle to free the estate from its debts, including the amount in question. He also objects to the amount of Rupees 7,000 referred to in paragraph 3 of the Government Pleader's letter embodied in the Proceedings under reference.

3. How far the objections of the Zemindar will hold good is a point for determination by the Courts. The parties (17 out of 18) are in possession of the mortgaged home-farm lands under registered deeds executed by the Zemindar's mother, Gomathimuthu Talavachiyar, the then guardian, and the manager Velayudam Pillai, jointly from the dates of the documents, and their debts thus secured amount to Rupees 12,800, while the remaining creditor holds a bond for Rupees 3,200 and claims that amount, though not in actual possession of any land.

4. The creditor, No. 2 in the list, who claims Rupees 12,000 (in which the 7,000 referred to above† is included) has also obtained a registered deed of hypothecation against a portion of the Zemindari from the present Zemindar.

† Paragraph 2.

5. Apparently the only satisfactory way of disposing of the question is by paying off *all* charges on the estate which are secured in any way, in spite of the Zemindar's objections.

6. Even the 7,000 Rupees which he borrowed to pay the late manager is due to a third party who is secured by a mortgage on the property, and I do not quite understand how payment can be avoided or how a suit could be defended. This is, however, a question for the Government Pleader, as well as that which relates to the mortgages of the home-farm land by the Zemindar's mother and the late manager.

7. Taking the very outside amount that will be required (with interest) up to the end of the year we have a sum of, say, Rupees 97,000 instead of Rupees 70,000 as reported before, and it is for the Government to decide if they are prepared to advance this amount.

8. If all goes well and the seasons are moderately favorable the mortgage might be redeemed in 22 or 23 years as shown in the enclosed statement; and if credit is taken for Rupees 25,000 to be raised by sale of trees, home-farm land, &c., as estimated by the Tahsildar, the estate might be cleared in about 15 years as shown before.

9. I have no reason to suppose that there are any more claims on the estate at present.

10. I take the liberty of sending copy of this letter to the Goverment Pleader for his information to save time.

ENCLOSURES Nos. 1 and 2.—Statements.

From the same Officer, dated Sivakasi, 29th November 1878, No. 874.

IN reply to Board's Proceedings, Miscellaneous No. 11,869, dated 21st November 1878, I have the honor to refer the Board to my letter, No. 871, dated 26th November 1878, from which it will be seen that there is absolutely no prospect of the loan being repaid within ten years.

G.O., 22nd Aug. 1878, No. 1,347.
„ 23rd Sep. „ „ 2,318.
„ 8th Nov. „ „ 1,799.
„ 29th „ „ „ 2,915.

SUBMITTED for the orders of Government with reference to the orders marginally noted.

2. The liabilities of the Zemindar of Avudaiyapuram were at first estimated at about Rupees 60,000, and it was calculated that a sum of Rupees 70,000 would suffice to extricate him from embarrassment besides putting the irrigation works of the estate into repair. A loan of Rupees 70,000 at 4½ per cent. was accordingly sanctioned by the Government of India to be repaid by twenty equal half-yearly instalments. Further claims have now been brought forward, and it seems that the liabilities amount to Rupees 86,000, and that a sum of Rupees 97,000, including interest, instead of Rupees 70,000 will be required to free the estate from debt. It will take at least fifteen years under the most favorable circumstances to repay the loan, and the period may be extended to twenty-two or twenty-three years. The rules, however, require that it should be paid off in ten years. Fresh claims will probably arise as soon as it is known that there is a chance of a speedy settlement, and the Board are therefore of opinion that the assistance which was contemplated should be withdrawn.

(True Copies and Extract.)

(Signed) C. A. GALTON,
Acting Secretary.

No. 266. ORDER THEREON, 27th December 1878, No. 2,064.

Land Revenue, No. 7.

IN paragraph 3 of G.O., 22nd August 1878, No. 1,347, the Collector was directed to act in close consultation with the Government Pleader, but he submits merely his own view of the liabilities without apparently any such previous consultation. A schedule of all claims should be placed by him before the Government Pleader for his opinion, and an approved statement of legal liabilities

2064
2

chargeable on the estate should be submitt h the Board of Revenue. The Government will then be in a position to j e action to be taken.

2. In the interim no disbursement of of Rs. 70,000 should be made.

(True Ex

H. S. THOMAS,
ng Secretary to Government.

To the Board of Revenue.
„ the Government Pleader.
„ the Accountant-General.
„ the Financial Department.

Exd. J. W. Fischer.

Anadaiyapuram Estate in Tinnevelly District—Observing, with reference to G.O., 22nd August 1878, No. 1,347, that a schedule of all claims against the — should be placed by the Collector before the Government Pleader for his opinion, and an approved statement of legal liabilities chargeable on the estate should be submitted through the Board to enable Government to judge of the action to be taken.

Govt. of [1878] Madras.

REVENUE.

THE BOARD OF REVENUE,

&c., &c., &c.

Dated December 27th.

Received January 8th, 1879.

Encl.

G.O. 274 Revenue

To

The Private Secretary

to His Grace The Governor

Madras

Sir

I beg to acknowledge the receipt of your letter dated 2nd January 1879 informing me that my application of 31st December 1878 has been referred to the Collector for report.

As the Collector has already reported upon the

the subject to Government I addressed the application referred to above to be taken into consideration along with the Collector's report submitted to Government by the Board some time before Christmas Holidays.

I now beg to enclose a copy of the above application and humbly beg to request you will be kindly pleased to place it on the record so that it may also be taken into consideration

in the disposal of the matter by Government.

I shall esteem this as a mark of favor.

I beg to remain

Sir

Your most Obedt Servt

8th January 1879

Sdl/ Pooly Swaminada Jaya
Zemindar of Sivagiri
Puram in Tinnevelly
now at Mylapore

To

2054/5

His Grace the most Noble the
Duke of Buckingham and Chandos
Governor in Council
Madras

The humble Memorial of Poody
Sevagana Savr Ezmundar of Madras
in Tunnelly

Respectfully Sheweth

That your Memorialist respectfully begs to submit that the Collector pursuant to the sanction of Government summoned all creditors to lay before him within a certain time for a settlement of their claims. They all came before him and along with them certain men who are mortgagees with pros appeared and began to claim their alleged debts which has no interest

2 These lands have been mortgaged in possession by the late managers of the estate during the minority of your Memorialist and are not liable to bind your Memorialist nor the income of the lands and the alleged amount of debt will be cleared on the redemption of the land

3 That of the debts contracted by the late Managers are included with debts now to be discharged your Memorialist will not be in a position to contest the unjust calculation made by the late Managers If these debts which bear no interest are to be excluded the amount may become large and may take some time longer to clear the debt

4 These lands have been hypothecated by your Memorialists father to one Arasappa Chetty and they have been twice mortgaged to the Managers. These lands were attached in satisfaction of a Rayeramah presented by your Memorialist and the mortgagees thereof

presented Petition of objections that the auction should include their lien on the land, the Court rejected their application and declined to comply with their request. As the Government now deem this hypothecation by the liquidators and the debt they became the legal possessors of all title at the time of hypothecation.

That these mortgagees pay in Small assessment of Rs 5 per cottah of said land although the lands have been transferred to the possession of the mortgagees by the manager he has no right to make a produced rate of Malwarum. It is just and reasonable to collect the Malwarum in kind from the mortgagees just in the same way as other ryots

That total extent of land under mortgage is 34-19-6 and the malwarum is 245 cottahs and the Sammabogum 49 cottahs making a total of 294 cottahs which at the current selling price of Rs 7 a cottah amounts to Rs 2058 but they pay only Rs 1175 and the balance Rs 1883 is an annual dead loss to the estate occasioned by the Manager. The Manager requested the permission of the Collector to mortgage these lands and the Collector declined to sanction the measure and it is against his orders that this mortgage has been given. This requires the serious consideration and orders of your Grace in Council.

That another point also requires the serious consideration of your Grace in Council. There is a debt bond executed for the sum of Rs 10000 to Kavarayah Soundra Moorthia pillay and in which Rs 7000 is a transfer debt of Valayuthum pillay the late Manager. As your Memorialist has not received a cash of this amount and as there are no documents to establish the debt and as they were simply executed without consideration the debt is not a valid one according to the agreement executed by the said Valayuthum pillay on the 5 January 1871 he has failed to fulfill the terms of the agreement and is not entitled to any amount from your Memorialist. He therefore submits that this amount should not be included in the discharge Rs 54.

That your Memorialist therefore most respectfully begs to state that both the items above referred to should be excluded from the settlement and then the amount already sanctioned would be quite sufficient to meet all demands. Your Memorialist humbly requests that your Grace in Council would kindly adopt such measures as would result in beneficial consequences to the prosperity and well being of the estate and your Memorialist

8th January 1879

Shall ever pray

Address

Poothy Srivagana Iyer
Dy Tahsildar of Tuticorin
Ignatius Thevavanna
Malay Muttum next
to Gabalesvarien
Coil Mylapore

Revenue Department

No 3388

20

Proceedings of the Board of Revenue.

Dated 17th December 1878.

Read the following

No 871

From

J. B. Pennington Esqre,
Collector of Tinnevelly

To,

C. A. Galton Esqre,
Ag Secretary to the Board of Revenue
Madras

Sir,

With reference to the Board's Miscella-neous Proceedings No 9003 dated 30th August 1878 communicating G. O. No 1347 of the 22d idem, I have the honor to state that since the receipt of the above Proceedings some more Creditors have come forward and produced evidence of simple debts to the amount of Rs 3500 and of debts on mortgages (with possession) to the amount of Rs 15,000, including these two items therefore the liabilities of the Zemindare amount to Rs 87,000 besides the sum of Rs 6000 required for the repair of Irrigation works Rs.

vide Statement enclosed.

2. The Zemindar however takes exception to

to the 16000 Rs due on mortgages as not binding on him, because the mortgages were made by the late manager Velayudam Pillai, who had agreed in writing before Mr Puckle to free the estate from its debts including the amount in question. He also objects to the amount of Rs 7000 referred to in para 3 of the Government Pleader's letter embodied in the Proceedings under reference.

3. How far the objections of the Zemindar will hold good is a point for determination by the Courts. The parties (17 out of 18) are in possession of the mortgaged home farm lands under registered deeds executed by the Zemindars mother Gomathimuthu Talavachigar, the then guardian, and the manager Velayudam Pillai jointly from the dates of the documents; and their debts, thus secured, amount to Rs 12,800, while the remaining creditor holds a bond for Rs 3200 and claims that amount, though not in actual possession of any land.

4. The Creditor No 2 in the list who claims Rs 12,000, (in which the 7000 referred to above* is included) has also obtained a registered deed of Hypothecation against a portion of the

* para 2

2nd Sr/c

the Zemindari from the present Zemindar.

5. Apparently the only satisfactory way of disposing of the question is by paying off all charges on the Estate which are secured, in any way, in spite of the Zemindar's objections.

6. Even the 7,000 Rs which he borrowed to pay the late Manager is due to a third party who is secured by a mortgage on the property, and I do not quite understand how payment can be avoided, or how a suit could be defended. This is however a question for the Government Pleader, as well as that which relates to the mortgages of the home farmland by the Zemindars mother and the late manager.

7. Taking the very outside amount that will be required, (with interest) upto the end of the year we have a sum of say Rs 97,000 instead of 70,000 as reported before, and it is for the Government to decide if they are prepared to advance this amount.

8. If all goes well and the seasons

are

are moderately favorable the mortgage might be redeemed in 22 or 23 years as shewn in the enclosed Statment; and if credit is taken for Rs 25,000 to be raised by sale of trees home farm land &ca as estimated by the Tahsildar, the estate might be cleared in about 15 years as shewn before.

9. I have no reason to suppose that there are any more claims on the estate at present.

10. I take the liberty of sending copy of this letter to the Government-Pleader for his information, to save time.

Tinnevelly Collector's
Circuit Cutcherry
Virudupatti, 26th Novr
1878

I have &ca
(Signed) J. B. Pennington
Collector -

Tinnevelly

Tinnevelly Collector's Circuit Cutchery
Sivakasi, 29th November 1878

No 874

9054
9

From,
J. B. Pennington Esqre,
Collector of Tinnevelly

To, C. A. Galton Esqre,
Ag Secretary to the Board of Revenue
Madras

Sir,

In reply to Board's Proceedings * Miscellaneous No 11869 dated 21st November 1878, I have the honor to refer the Board to my letter No 871 dated 26th November 1878 from which it will be seen that there is absolutely no prospect of the loan being repaid within 10 years.

* Not enclosed to Govt

I have &ca
(Signed) J. B. Pennington
Collector -

Submitted

Submitted for the orders of Government with reference to the orders marginally noted.

G.O. 3/22nd Jany/78 No 124.
" 23rd Septr/78 No 2318
" 8th Novr/78 No 2799
" 29th Novr/78 No 2945

The liabilities of the Zemindar of Avudaiya puram were at first estimated at about Rs 60000 and it was calculated that a sum of Rs 7,000 would suffice to extricate him from embarrassment besides putting the Irrigation works of the Estate into repair. A loan of Rs 7,000 at 4½ per cent was accordingly sanctioned by the Government of India to be repaid by 20 equal half yearly instalments. — Further claims have now been brought forward and it seems that the liabilities amount to Rs 80,000 and that a sum of Rs 97,000 including interest instead of Rs 70000 will be required to free the Estate from debt. It will take at least 15 years under the most favorable circumstances to repay the loan and the period may be extended to 22 or 23 years, the Rules, however, require that it should be paid off in 10 years. Fresh claims will probably arise as soon as it is known that there is a chance of a speedy settlement, and the Board are, therefore, of opinion that the assistance which was contemplated should be withdrawn.

(True Copies & Extract)

A Walter
Ag Secretary

To The Secretary to Government
Revenue Department
with 2 original Statements to be returned.

No 2064 Rev. Dept

Proceedings of the Madras Government
under date the 27th Decr 78
Read the following

Proceedings of the Board
of Revenue dated 17th
December 1878, No 3388.

In para 3 G.O. 22d
August 1878 No 1347
the Collector was
directed to act in
close consultation
with the Govt Pleader
but He has however
humbly
submitted his own
view of the supposed
liabilities apparently
debts without any
such previous con-
-sultation. A
Schedule

Revenue Dept
Proceedings of the
Board of Revenue

Dated 17th December 1878
No 3388

Encl 2 Orders

Order 2064 dated 27th December 1878
Madura Collectorate
in Finally District
submitting to Government
letter from Collector explaining
further on the liabilities of
the Zemindar — and
requesting opinion that
the assistance which was
Contemplated should be
withdrawn -

Nos 28-11-78 with 2 papers
" 8-11-78. 104-105
" 23-9-78. 2318-19
" 22-8-78. 270-76

C.J. dated 28 Dec 78

No 265

Schedule of arc. ch-
claims should be
placed by him or
before the Government
Pleader for his
opinion and on
approved Statement
~~correct accounts~~
of ~~approved~~ legal
chargable
liabilities ~~of~~ the
~~Estate~~
~~Lessadar~~ should
~~then~~ be submitted
~~him~~ to
the Board of
Revenue. The Govt
will then be in
a ~~better~~ position
to judge of the
action

action to be taken.

2 Oct 12.

In the interim
~~to distribute~~ ~~any~~ part of
the ~~grant~~ of Rs 70000
should be ~~stayed~~
made.

To the Board of Rev
The Govt Pleader
The Revenue Agent
The Finance Secy

E. D.

Re. Loan to Ann
Hopkinson Estate
in Tennessee Dr.

Hon. W. Gibbs.

Dec. 15 1842

Copy Due 58. 0 27: