Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. 2767

DATED 12th June.

[Despatch Abstract.]

Order. Ordering that a despatch be sent requesting the Right Hon'ble the Secretary of State in Council to make arrangements for opposing on behalf of the Respondents, the appeal to the Privy Council in connection with the Sulphur concession in the Madura District.

Letter. Requesting the Right Hon'ble the Secretary of State in Council to make arrangements for opposing on behalf of the Respondents, the appeal to the Privy Council in connection with the Sulphur

BACK PAPERS.

No.	Department.	Date.	G.O.	No	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Ors 152	1	11 May 97					

Revenue (1897) Department.

CURRENT No. 1351

From The Secretary to the Court of Wards

Order

GOVERNMENT OF MADRAS 24 MAY 97

No. 10 Press.

Dated 12th May 1897.

Received 24.5.97

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SUBJECT.

Requesting that arrangements may be made for the opposition of the Captain Privy Council on behalf of

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

COURT OF WARDS, No. 10, PRESS, 12TH MAY 1897.

PROCEEDINGS OF THE COURT OF WARDS.

READ—again Proceedings of the Court of Wards, dated 28th April 1897, Mis. No. 679.

RESOLUTION—No. 10, Press, dated 12th May 1897.

The Court resolves to submit the undermentioned papers to Government and to request that arrangements may be made for the opposition of the appeal in question on behalf of the Sáptúr ward, who was committed to the care of the Court under G.O., No. 61, Revenue, dated 19th January 1888.

	Copies.
Printed transcript of records	6
Rajah T. Rama Row's memorandum*	6

* In a sealed cover.

(A true Extract.)

Secretary.

To the Secretary to Government, Revenue Department, with enclosures. ✓
" Collector of Madura, with five copies of the transcript of records and five copies of the memorandum.*

[* Will follow by Book Post]

* Note
one set of 'printed records' is sent herewith: the remaining 5 are have been sent to the Mad office.

Exd. S. J. Pereira.

1897.

Court of Wards,

MADRAS.

Printed May th.

Proceedings, No. 10, Press, 12th May 1897.

MAY.

Requesting that arrangements may be made for the opposition of the Sáptúr Privy Council appeal on behalf of the Court's ward.

The Hon'ble Secretary

Jg
11/6/97

To the Ct of Wards.

Dated 9/6/97. Recd 10/6/97

Jg

* Printed Transcript of records. Rajah T. Rama Rao's memo.

C 31/5/97

Read Ct's No. 435 / of 97
& G.O. misc No. 2767 / 1st June 97.
Ordered that the following despatch be sent to the Rt Hon the Secy of State for India.

11/11/97.

To

The Rt Hon the Secy of S for India.

My Lord,

We have the honor to forward the records noted on the margin relative to an appeal to the Privy Council in connection with the Saptur Zemindari in the Madura district and to request that arrangements may be made for opposing the appeal on behalf of the Respdt who is a ward

of the court of Wards
in this Policy.

12/5/97.

CR.
28/5/97

When given for copying ____
When copied ____
When examined ____
When signed ____
} 189

READ AGAIN G.O., No. 189 , DATED

CURRENT No.

ENCLOSURES TO C. No.

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LETTER OF GOVERNMENT.								
STATEMENT WITH DITTO.								
PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.								

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A = Copy in full.
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Q = Copy heading only

In the Privy Council.

IN APPEAL FROM THE HIGH COURT OF JUDICATURE AT MADRAS.

BETWEEN

SUNDARALINGASAWMI KAMAYA NAIK, minor by his mother and next friend Nagammal ... ... *Appellant.*

versus

RAMASAMI KAMAYA NAIK, minor under the protection and guardianship of Nagayasawmi Naik and through the Collector of Madura and Agent of the Court of Wards ... *Respondent.*

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

In Appeal Suit No. 78 of 1891.

RAMASWAMI KAMAYA NAIK, minor under the protection and guardianship of Nagayasawmi Naik and through the Collector of Madura and Agent to the Court of Wards ... *Appellant.*

versus

SUNDARALINGASAWMI KAMAYA NAIK, minor by his mother and next friend Nagammal ... ... *Respondent.*

In Appeal Suit No. 95 of 1891.

SUNDARALINGASAMI KAMAYA NAIK, minor by his mother and next friend Nagammal ... ... *Appellant.*

versus

RAMASAWMI KAMAYA NAIK, minor under the protection and guardianship of Nagayasawmi Naik and through the Collector of Madura and Agent to the Court of Wards ... *Respondent.*

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IN THE SUBORDINATE JUDGE'S COURT OF MADURA (WEST).

In Original Suit No. 21 of 1889.

SUNDARALINGASAWMI KAMAYA NAIK, minor by his mother and next friend Nagammal ... ... *Plaintiff.*

versus

RAMASAWMI KAMAYA NAIK, minor under the protection and guardianship of Nagasawmi Naik and through the Collector of Madura and Agent to the Court of Wards ... *Defendant.*

Deputy Registrar.

In the Priby Council.

IN APPEAL FROM THE HIGH COURT OF JUDICATURE AT MADRAS.

BETWEEN

SUNDARALINGASAWMI KAMAYA NAIK, minor by his mother and next friend Nagammal ... ... *Appellant.*

versus

RAMASAMI KAMAYA NAIK, minor under the protection and guardianship of Nagayasami Naik and through the Collector of Madura and Agent of the Court of Wards ... *Respondent.*

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Deputy Registrar.

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189	Order on Civil Miscellaneous Petition No. 1433 of 1894 declaring the appeals to Her Majesty in Council admitted &c.	1st May 1895 ...	473
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191	Grounds of appeal against the decree in A. S. No. 95 of 1891	... ...	474

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List of material papers omitted from the printed record by consent of both parties.

Serial No.	DOCUMENTS OMITTED.	Mark.	Date.
1	Registered sale-deed executed to the late Zemindar of Saptur by Kodangi Mahalinga Naik ...	A	27th December 1852.
2	Accounts showing the receipts and disbursements on the occasion of the marriage of the late Zemindar	C	July 1875.
3	Accounts showing the receipts and disbursements on the occasion of the marriage of the late Zemindar	C1	Do.
4	Accounts showing the articles received on the occasion of the marriage of the late Zemindar...	C2	Do.
5	Manovarthi chitta showing the receipts and disbursements on account of the Establishment of Saptur Zemin	D	Do.
6	Entry in the said account	D1	1st July 1875.
7	Do. in Do.	D2	3rd July 1875.
8	Do. in Do.	D3	4th July 1875.
9	Do. in Do.	D4	5th July 1875.
10	Do. in Do.	D5	8th July 1875.
11	Do. in Do.	D6	10th July 1875.
12	Do. in Do.	D7	11th July 1875.
13	Do. in Do.	D8	12th July 1875.
14	Do. in Manovarthi Chitta	D9	13th July 1875.
15	Do. in Do.	D10	24th July 1875.
16	Do. in Do.	D11	27th July 1875.
17	Manovarthi Chitta	E	September 1875.
18	Entry in Do.	E1	2nd September 1875.

Serial No.	DOCUMENTS OMITTED.	Mark.	Date.
19	Manovarthi Chitta	F	2nd February 1876.
20	Entry in Do.	F1	21st February 1876.
21	Certified copy of the Proceedings of the Court of Wards	G	10th December 1885.
22	Certified copy of the Proceedings of the Court of Wards	H	9th February 1886.
23	Copy of the list of vessels left in the possession of Nagammal, wife of the late Zemindar of Saptur.	J	...
24	Proceedings of the Court of Wards	K	1st May 1886.
25	Takid issued to Nagammal, the 6th wife of the late Zemindar of Saptur	L	16th August 1887.
26	Certified copy of a letter from the Deputy Collector, General Duties, Madura, to the Collector of Madura	M	10th September 1887.
27	Letter from the Deputy Collector, General Duties, Madura, to the Collector of Madura	N	31st March 1831.
28	Letter from the Deputy Collector, General Duties, Madura, to the Collector of Madura	O	...
29	Letter from the Deputy Collector, General Duties, Madura, to the Collector of Madura	P	16th January 1888.
30	Certified copy of letter from the Deputy Collector, General Duties, Madura, to the Collector of Madura	Q	27th March 1888.
31	Certified copy of the Proceedings of the Court of Wards	R	29th April 1888.
32	Certified copy of letter from the Deputy Collector, General Duties, Madura, to the Collector of Madura	S	26th November 1885.
33	Certified copy of letter from the Manager of the Saptur Estate to the Deputy Collector, General Duties, Madura	T	31st October 1886.
34	Certified copy of statement showing the names of the minor Zemindars and other members of the Saptur family	T1	31st October 1886.

Deputy Registrar.

Serial No.	DOCUMENTS OMITTED.	Mark.	Date.
35	Certified copy of letter from the Manager, Saptur Estate, to the Deputy Collector, General Duties, Madura	W	November 1886.
36	Certified copy of account of the expenses incurred on the occasion of the ear-boring ceremony of the minor Zemindar	X	12th December 1886.
37	Certified copy of letter from the Manager, Saptur Estate, to the Deputy Collector, General Duties, Madura.	Y	Do.
38	Certified copy of letter from Do. to do.	Z	3rd March 1888.
39	Certified copy of letter from the Manager of Saptur Estate to the Deputy Collector, General Duties, Madura	AA	13th March 1888.
40	Yadast from the Manager of the Saptur Estate to Nagammal	BB	7th February 1888.
41	List of jewels, &c., of the Zemindar of Saptur...	CC&CC1	11th November 1885.
42	List of silver vessels and jewels of the late Zemindar of Saptur	CC2	1st April 1886.
43	List of gold jewels of the late Zemindar of Saptur.	CC3	Do.
44	Statement showing the quantity of grain in granery belonging to the late Zemindar of Saptur ...	CC4	Do.
45	Statement showing the extent of Pannai lands of the late Zemindar in the Saptur Zemin ...	CC5	Do.
46	Statement showing the extent of lands belonging to the late Zemindar in the Government villages	CC6	Do.
47	List showing the private property of the late Zemindar	CC7	Do.
48	List showing the guns, &c., belonging to the late Zemindar of Saptur	CC8	Do.
49	Do. Do. Do.	CC9	1887.
50	Register showing the particulars of Pannai lands in the Zemindari of Saptur, ...	DD	1887.

Serial No.	DOCUMENTS OMITTED.	Mark.	Date.
51	Register showing the particulars of punja lands in the Zemindari of Saptur	DD1	1887.
52	Register showing the Pannai lands purchased by the Zemindar of Saptur	EE	1887.
53	Register showing the bonds standing in the names of third persons found amongst the papers of the Saptur Zemindar	EE1	1887.
54	Puttah for Fusli 1295...	FF	
55	Puttah for Fusli 1297...	FF1	
56	Puttah for Fusli 1298...	FF2	
57	Arzi from Nagammal to the Deputy Collector, General Duties, Madura	JJ	9th August 1887.
58	Deposition given by Nagammal before the Tahsildar of Tirumangalam	KK	24th October 1885.
59	Petition presented by Nagammal to the Collector of Madura	LL	9th November 1885.
60	Petition presented by Nagammal to the Collector of Madura	MM	9th February 1886
61	Petition presented by Nagammal to the Deputy Collector of Madura	NN	7th May 1886.
62	Petition by Nagammal to the Collector of Madura.	OO	29th May 1886.
63	Petition presented by Nagammal to the Deputy Collector of Madura	PP	10th June 1886.
64	Petition presented by Nagammal to the Deputy Collector of Madura	QQ	19th June 1886.
65	Petition presented by Nagammal to the Collector of Madura	RR	27th June 1886.
66	Deposition given by Nagammal before Krishnasami Ayyar, Clerk in the Zemin Manager's Office	SS	12th August 1886.
67	Arzi from Nagammal to the Deputy Collector of Madura, ...	TT	5th September 1886

Deputy Registrar.

Serial No.	DODUMENTS OMITTED.	Mark.	Date.
68	Arzi from Nagammal to the Deputy Collector, General Duties, Madura	UU	5th September 1886.
69	Yadast written by Nagammal to the Manager of the Saptur Zemindari...	WW	November 1886.
70	Yadast written by Nagammal to the Manager of the Saptur Zemindari...	XX	13th November 1886.
71	Yadast written by Nagammal to the Manager of the Saptur Zemindari	YY	4th May 1886.
72	Arzi from Nagammal to the Collector of Madura ...	ZZ	9th August 1887.
73	Deposition given by Nagammal before the Manager of the Saptur Zemindari	AAA	30th September 1887.
74	Arzi from Nagammal to the Deputy Collector, General Duties, Madura...	BBB	29th November 1887.
75	Chitta showing receipts and expenditure... ...	JJJ	July 1880.
76	The entry in the said book of Rs. 15 spent for the funerals of Kumarammal	JJJ1	30th August 1880.
77	The entry in the said book of Re. 1 spent for the funerals of Kumarammal	JJJ2	3rd September 1880.
78	Manovarthi Chitta	KKK	August 1880.
79	Entry in the said book...	KKK1	30th August 1880.
80	Manovarthi Chitta	LLL	September 1880.
81	Entries in the said Chitta	LLL1 to LLL3	1st & 2nd September 80.
82	Pannai Chitta	MMM	1884.
83	Pannai Chitta	NNN & OOO	1885.
84	Enavali accounts of the villages in the Saptur Zemin for Fusli 1278	0001 to 00016	do.
85	Manovarthi Chitta	PPP	March 1880.
86	Entry in the said book...	PPP	20th & 21st March 1880.
87	Certified copy of deposition given by Kothanayagam Pillai, before the Deputy Collector, General Duties, Madura	QQQ	11th May 1880.

Serial No.	DOCUMENTS OMITTED.	Mark.	Date.
88	Petition by Nagammal to the Court of Wards ...	RRR	22nd July 1888.
89	Certified copy of Yadast from the manager to Muthuveerammal	VVV	10th October 1887.
90	Deposition of Subramania Pillai, before the 2nd Class Magistrate of Usilampatti	I	14th May 1888.
91	Deposition of the late senior Zemindar of Saptur, before the 2nd Class Magistrate of Usilamptti..	II	do.
92	Deposition of Muttukamakshi Ammal, before the 2nd Class Magistrate of Usilampatti ...	III	do.
93	Petition of Muthukamakshi Ammal, to the Deputy Collector, General Duties, Madura	IV	4th May 1880.
94	Deposition of Nacharammal, before the 2nd Class Magistrate, Usilampatti	V	14th May 1880.
95	Arzi from the 2nd Class Magistrate of Usilampatti to the Deputy Collector, General Duties, Madura	V*a*	17th May 1880.
96	List of papers sent with the above Exhibit ...	V*b*	do.
97	Account showing Kumarammal's funeral expenses ..	VI	do.
98	Entries in the said book	VI*a* to VI*d*	31st August 1880.
99	Entry in the said book	VI*e*	September 1880.
100	Register of papers received in the office of the Paraiyur Zemindar	XI*a*	1877.
101	Register of Arzis despatched to the Collector ..	XII	1874.
102	Puttahs issued in the name of Eswaramurthi Maniam for Fuslis 1277 to 1279 and Fuslis 1281 to 1291.	XIV XIVa to XIVn	do.
103	Puttahs issued in the name of Erulappa Maniam for Fuslis 1293, 1295 and 1299	XIVo to XIVq	do.
104	Entry in the total Chitta of receipts and disbursements	XX	21st March 1880.
105	Manovarthi chitta	XXI	September 1881.
106	Entry in the said book...	XXI*a*	23rd September 1881.
107	Do. do.	XXI*b*	24th September 1881.
108	Manovarthi Chitta of the Saptur Zemindari ...	XXII	April 1880.

Deputy Registrar.

Serial No.	DOCUMENTS OMITTED.	Mark.	Date.
109	Entry in Manovarthi chitta	XXII*a*	9th August 1880.
110	Chitta showing the receipts and disbursements, on account of household expenditure of the Saptur Zemin	XXIII	July 1881.
111	Entry in the said Chitta	XXIII*a*	10th July 1881.
112	Certified copy of depositien given by Nagayasami Naiker, Saptur Zemindar, before the 2nd Class Magistrate of Tirumangalam	XXIV	11th August 1884.
113	Total Chitta showing the daily receipt and expenditure in the Saptur Zemindari	XXVIII	September 1885.
114	Entry in the said Chitta	XXVIII*a*	2nd September 1885.
115	Chitta showing the expenditure of rice and ready cash in the Store-room, on account of the household of the Saptur Zemindar	XXIX	September 1885.
116	Entry in the said Chitta	XXIX*a*	2nd September 1885.
117	Chitta showing the receipt and expenditure on account of the household expenditure of the Saptur Zemin	XXX	November 1890.
118	Entry in the said Chitta	XXX*a*	11th November 1885.
119	Certified copy of accounts of the presents made at the marriage of the step-brother of the Zemindar of Uthappanaikkanur which took place on the 9th July 1875	XXXI	23rd August 1875.
120	Certified copy of letter from the Board of Revenue to the Collector at Dindigal...	XXXII	19th December 1799.
121	Certified copy of letter from the Collector at Dindigal to the Board of Revenue, Madras... ...	XXXII*a*	1st January 1800.
122	Deposition given by Muthuverammal ...	XXXIII*a*	26th October 1885.
123	Copy of list showing the names of the concubines of the senior Zemindar and of their children ...	XXXVIII	11th November 1885.
124	Certified copy of letter from the Collector of Tinnevelly to the Secretary to the Court of Wards, Madras	XXXIX	2nd September 1851.

Serial No.	DOCUMENTS OMITTED.	Date.
125	Deposition of Plaintiff's 3rd witness. Sankaralingam Pillai.	11th July 1890.
126	Do. do. 4th witness Annamalai Koundan..	Do.
127	Do. do. 5th witness Sivakaminatha Pillai...	Do.
128	Do. do. 7th witness Ragavendra Rao ...	12th July 1890.
129	Do. do. 8th witness Ganapathi Ayyar ...	Do.
130	Do. do. 10th witness Subramania Pillai ...	16th July 1890.
131	Do. do. 11th witness Andi Velusami Naik...	Do.
132	Do. do. 12th witness Peria Vettu Thungama Naik	17th July 1890.
133	Deposition of Plaintiff's 13th witness Sellandia Pillai ...	Do.
134	Do. do. 14th witness Seelamuthu Naik ...	18th July 1890.
135	Do. do. 20th witness Palvanna Tevan ...	24th July 1890.
136	Do. do. 22nd witness Kundasami Pillai ...	25th July 1890.
137	Do. do. 23rd witness Rama Pillai *alias* Ramalingam Pillai	Do.
138	Do. do. 24th witness Sangu Pillai ...	Do.
139	Do. do. 25th witness. Gopalakrishna Pillai.	Do.
140	Do. do. 26th witness Eswaramurthi Pillai...	Do.
141	Do. do. 27th witness Vellayammal ...	Do.
142	Do. do. 28th witness Kolandavelu Naik ...	Do.
143	Do. do. 29th witness Muthulingama Naik...	26th July 1890.
144	Do. do. 31st witnes Rathinamuthu Maniagar	Do.
145	Do. do. 32nd witness Ruthina Reddy ...	Do.
146	Do. do. 33rd witness Arunachellam Pillai...	Do.
147	Deposition of Plaintiff's 40th witness Sundra PandiaTevar...	30th July 1890.
148	Deposition of Defendant's 5th witness Sivaperumal Pillai ...	2nd August 1890.

Deputy Registrar.

Serial No.	DOCUMENTS OMITTED.	Date.
149	Deposition of Defendant's 31st witness Chennu Naik ...	7th August 1890.
150	Do. do. 34th witness Vathala Naik ...	8th August 1890.
151	Do. do. 47th witness Andiappa Naik ...	9th August 1890.
152	Do. do. 50th witness Vadanayaka Tevar ...	9th & 13th August 1890.
153	Do. do. 51st witness Vanniappa Pillai ...	13th August 1890.
154	Do. do. 53rd witness Pachayani ...	Do.
155	Do. do. 54th witness Muthialu Chetti ...	Do.
156	Do. do. 55th witness Thimmappanasari ...	Do.
157	Do. do. 56th witness Sankara Subbayyar ...	Do.
158	Do. do. 57th witness Devaji Rao	Do,
159	Do. do. 60th witness Ayyakkannu Naik ...	Do.
160	Do. do. 61st witness Visvanatha Rao ...	14th August 1890.
161	Do. do. 65th witness Muthukrishnammal, 2nd witness before the commissioner	5th August 1890.
162	Deposition of Defendant's 66th witness Muthuchinnammal, 3rd witness before the commissioner	Do.
163	Deposition of Defendant's 67th witness Sellathayu, 4th witness before the commissioner	Do.
164	Deposition of Defendant's 68th witness Thangammal, 5th witness before the commissioner	12th August 1890.

HIGH COURT OF JUDICATURE AT MADRAS,
November 1896.

Deputy Registrar,
Appellate Side.

PRINTED BY GRAVES, COOKSON & CO., SCOTTISH PRESS, MADRAS.

In the Privy Council.

IN APPEAL FROM THE HIGH COURT OF JUDICATURE AT MADRAS.

BETWEEN

SUNDARALINGASAWMI KAMAYA NAIK, minor by his mother and next friend Nagammal ... ... *Appellant.*

versus

RAMASAMI KAMAYA NAIK, minor under the protection and guardianship of Nagayasawmi Naik and through the Collector of Madura and Agent of the Court of Wards ... *Respondent.*

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

In Appeal Suit No. 78 of 1891.

RAMASWAMI KAMAYA NAIK, minor under the protection and guardianship of Nagayasawmi Naik and through the Collector of Madura and Agent to the Court of Wards ... *Appellant.*

versus

SUNDARALINGASAWMI KAMAYA NAIK, minor by his mother and next friend Nagammal ... ... *Respondent.*

In Appeal Suit No. 95 of 1891.

SUNDARALINGASAMI KAMAYA NAIK, minor by his mother and next friend Nagammal ... ... *Appellant.*

versus

RAMASAWMI KAMAYA NAIK, minor under the protection and guardianship of Nagayasawmi Naik and through the Collector of Madura and Agent to the Court of Wards ... *Respondent.*

IN THE SUBORDINATE JUDGE'S COURT OF MADURA (WEST).

In Original Suit No. 21 of 1889.

SUNDARALINGASAWMI KAMAYA NAIK, minor by his mother and next friend Nagammal ... ... *Plaintiff.*

versus

RAMASAWMI KAMAYA NAIK, minor under the protection and guardianship of Nagasawmi Naik and through the Collector of Madura and Agent to the Court of Wards ... *Defendant.*

Deputy Registrar.

RECORD OF PROCEEDINGS.

RECORD.

PART I.

In the Subordinate Judge's Court of Madura (West).

No. 1. Plaint in Original Suit No. 21 of 1889, dated 12th July 1889.

PART I.

IN THE SUBORDINATE JUDGE'S COURT OF MADURA (WEST).

No. 1.

PLAINT.

To

THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 *of* 1889.

Sundaralingasawmi Kamaya Naiker Avergal, (aged nine years), minor son of the late Zemindar, Nagayasawmi Kamaya Naiker Avergal of Saptur in the Tirumangalam Taluq, by his mother and next friend Nagammal ... ... *Plaintiff.*

versus

Ramasawmi Kamaya Naiker Avergal, (aged seven years), minor son of the said late Zemindar Nagayasawmi Kamaya Naiker Avergal, of Saptur, aforesaid, by Perayur Nagayasawmi Naiker Avergal, guardian appointed by the Court of Wards and through the Collector of Madura, the Agent of the Court of Wards, which is in charge of the properties of the said Nagayasawmi Naiker Avergal ... ... *Defendant.*

Plaint submitted under Sections 48–50 of the Civil Procedure Code.

1. The Zemindary of Saptur, which lies within the territorial jurisdiction of this Court, and which is described in Schedule A, hereunto annexed, is a permanently settled estate in the Taluq of Tirumangalam, Madura District, paying an annual peshcush of Rs. 8,885 to the Government.

2. The said Zemindary is, the Plaintiff believes, an impartible estate, devolving on a single heir according to custom and the law of primogeniture.

3. Nagayasawmi Kamaya Naiker Avergal (senior) who was the father of the Plaintiff and the Defendant was the Zemindar of the said Zemindary, and he

RECORD.

PART I.

In the Subordinate Judge's Court of Madura (West).

No. 1. Plaint in Original Suit No. 21 of 1889, dated 12th July 1889.—*continued.*

died on the 14th October 1885, leaving him surviving, three sons, Nagayasawmi Kamaya Naiker (junior) and this Defendant by his wife Muthuveerammal, and this Plaintiff by his another wife Nagammal, and six widows, *i. e.*, (1). Muthukrishnammal, (2). Muthuchinnammal, (3). Muthuveerammal aforesaid, (4). Muthukamakshiammal, (5). Nagammal aforesaid, and (6). Chinna Nagammal; and a minor daughter Nagammal by the said Muthuchinnammal.

4. On the death of the said Nagayasawmi Kamaya Naiker (senior), the said Zemindary devolved, according to the law of primogeniture and custom, upon his eldest son Nagayasawmi Kamaya Naiker (junior); but, as he was a minor, the Court of Wards assumed charge of the said Zemin under Regulation V of 1804, and recognized and registered the said Nagayasawmi Kamaya Naiker (junior) as the Zemindar of the said Zemindary. The said Nagayasawmi Kamaya Naiker Avergal (senior) possessed at the time of his death, the said Zemindary of Saptur, three Devastanams and a Chattram, of which he was the Darmakarta with their respective endowments, more particularly described in Schedule B, also pannai lands, both dry and wet, as well as topes and gardens in the Zemindary of Saptur, more particularly described in Schedule C, and also lands in the Ayan village of Vandari, Madura District, also in the villages of Watrap, Maharajapuram, and Kansapuram in the Tinnevelly District, and Ayan Periakattalay, Inam Mallapuram, Sengulam and Tambipatti in this District and many houses, more particularly described in Schedule D, as well as personal properties consisting of cash, paddy, outstanding debts due to the Zemin, Government securities, gold and silver plates, arms and ammunition, watches, clocks, musical instruments, vehicles, carriages, utensils, brass and copper vessels, cloths and dresses, cattle and horses, and other properties described in Schedule E.

5. On the demise of the said Nagayasawmi Kamaya Naiker Avergal (senior), the properties referred to in Schedules B to E were taken possession of by the Court of Wards along with the said Zemindary.

6. The said Nagayasawmi Kamaya Naiker Avergal (junior), the last Zemindar, died unmarried, while a minor, on the 31st December 1887 leaving him surviving this Plaintiff and this Defendant.

7. On the death of the said Nagayasawmi Kamaya Naiker (junior), the Plaintiff being the senior in age to the Defendant, became entitled, according to the law of primogeniture and custom, to the Zemindary of Saptur and the Trusteeship of the Devastanam and Chattram properties appertaining thereto.

8. The Court of Wards, on behalf of the Defendant, asserted his title as the lawful successor of Nagayasawmi Kamaya Naiker (minor) to the Zemindary of Saptur and the properties appertaining thereto, assumed charge of the Zemindary and continue to manage the same.

9. The Plaintiff submits that he is solely entitled to the Zemindary of Saptur described in Schedule A and the Trusteeship of the Devastanams described in Schedule B and appertaining to the said Zemindary; no preference to the

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Judge's Court of Madura (West).

No. 1. Plaint, dated 12th July 1889.—*continued.*

Defendant; and that both of them are equally entitled to the properties mentioned in Schedules C, D and E and all incomes derived therefrom since the date of the death of their father in 1885.

Reliefs sought for.

1. That Plaintiff's exclusive title to the Zemindary of Saptur and its wealth and to the Devastanams and chattram attached thereto, described in Schedules A and B be established and the same put in his possession;

2. That an account be taken of the mesne profits of the properties mentioned in Schedules A and B from 1st January 1888 until date of delivery of possession thereof to the Plaintiff and a decree passed for the amount which may be ascertained to be due to Plaintiff on taking such account;

3. That the equal right of the Plaintiff and the Defendant to the properties (*i.e.*, the properties in Schedules C, D and E) left by Nagayasawmi Kamaya Naiker (senior) other than the properties mentioned in Schedules A and B be established, that an account thereof be taken with all their accretions up to 31st December 1887, and the same put in possession of the Plaintiff on behalf of himself and the Defendant with interest and mesne profits up to date of delivery from 1st January 1888, or the same be portioned and a moiety thereof being his share put in his exclusive possession with a moiety of such subsequent mesne profits and interest;

4. That in the event of the properties mentionted in Schedules A and B being held to be partible, a partition of the same be decreed and the Plaintiff put in possession of a moiety thereof with mesne profits of such share from 14th October 1885 until date of delivery of possession.

5. That the costs of this suit with interest be ordered to be paid to him by the Defendant;

6. And to grant such other relief as the circumstances of the case may require.

The cause of action arose on the 1st January 1888 in respect of the properties mentioned in Schedules A and B and on the 14th October 1885 in respect of the properties mentioned in Schedules C to E.

(Signed) R. Ramasubbayyar,

(„) R. Strinivasa Iyengar,

Vakils.

(Signed) Nagammal.

I declare that the facts stated herein are true to the best of my knowledge and belief.

(Signed) Nagammal.

RECORD.

PART I.

In the Subordinate Judge's Court of Madura (West).

No. 1. Plaint dated 12th July 1889.—*continued.*

Particulars of valuation.

		Rs.	A.	P.
1.	The fixed Peishcush payable to Government annually on the property mentioned in Schedule A is Rs. 8,885. Ten times this is	88,850	0	0
2.	The income derived from the property, item 1 of Schedule B in the year preceding the date of suit is Rs. 2,000. Fifteen times this is	30,000	0	0
3.	The value of the property, item 2 of the said schedule, is.	5,000	0	0
4.	The value of the property, item 3 of the said schedule, is.	3,000	0	0
5.	The income derived from the property, item 4 of the said schedule, for the year preceding the date of suit is Rs. 500. Fifteen times this is	7,500	0	0
6.	Estimated value of item 5 of the said schedule is ...	1,000	0	0
7.	Estimated value of item 6 of the said schedule is ...	1,000	0	0
8.	Estimated value of item 7 of the said schedule is ...	2,000	0	0
9.	The income derived from the property, item No. 8 of the said schedule in the year preceding the date of suit is Rs. 300. Fifteen times this is	4,500	0	0
10.	Estimated value of item 9 of the said schedule is ...	600	0	0
11.	Estimated value of item 10 of the said schedule is ...	2,000	0	0
12.	Estimated value of item 11 of the said schedule is ...	3,000	0	0
13.	Estimated value of item 12 of the said schedule is ...	800	0	0
14.	Estimated value of the properties mentioned in Schedule C is Rs. 1,00,000; out of this, the value of the Plaintiff's one-half share of the properties is ...	50,000	0	0
15.	The kist payable annually to the Government on the properties, items 1 to 5 in Schedule D is Rs. 2,000. Five times this amount is Rs. 10,000—Plaintiff's one-half share is	5,000	0	0
16.	The estimated value of the properties, items 6 to 15 of the said schedule is Rs. 50,000—Plaintiff's one-half share is	25,000	0	0

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Judge's Court of Madura (West).

No. 1. Plaint dated 12th July 1889.—*continued.*

		Rs.	A.	P.
17.	Estimated approximate value of the moveable properties mentioned in Schedule E is Rs. 2,56,645; out of this, Plaintiff's one-half share is	1,28,322	8	0
18.	Probable amount of mesne profits which Plaintiff believes is due to him is	1,50,000	0	0
	Total Rs. ...	5,07,572	8	0

The Plaintiff is ready to pay the additional Court fee on any excess amount that may be found to him on accounts being taken.

(Signed) R. Ramasubbayyar,
Vakil.

(Signed) Nagammal.

I, the Plaintiff, declare that what is stated herein is true to the best of my knowledge and belief.

(Signed) Nagammal.

A Schedule.

The nunjah, punjah, garden, tope, tank, channel, river, brook, hill, purampoke, high ground as per Ayacut (measurement) forming the Saptur Zemindary consisting of Ayacut No. 1. Kusbah Saptur, No. 2. Kudicheri, No. 3. Athipatti, No. 4. Muthunayagapuram, No. 5. Nagayapuram, No. 6. Chinna Kattalai, No. 7. Avalacheri, No. 8. Vandappuli, No. 9. Veppampatti, No. 10. Vittilpatti, No. 11. Pappinayakanpatti, No. 12. Shulapuram, No. 13. Thullukuttinayakanur, No. 14. Kodikulam, No. 15. Mathur, No. 16. Ayakulam, No. 17. Marikkulamkathan; lying within the boundaries following:—East of the limits of Kandamanayakkanur Zemin, south of the limits of Elumalai Zemin, and of the Ayan villages of Thirumanikkam, Periya Kattalai, Allikundam and others in the Tirumangalam Taluq, west of the limits of the Ayan villages of Thanadarpatti, Alappacheri, Mettukarai in the said Taluq, and north of the limits of the Ayan villages of Watrap, Kansapuram, Maharajapuram, Kottur, and Elandakulam in the Srivilliputtur Taluq.

(Signed) R. Ramasubbayya.

(„) Nagammal.

I declare that what is stated herein is true to the best of my knowledge and belief.

(Signed) Nagammal.

RECORD.

PART I.

In the Subordinate Judge's Court of Madura (West).

No. 1. Plaint, dated 12th July 1889.—*continued.*

B Schedule.

1. Panayur Alagar Devastanam. East of the limits of Kusbah Saptur Village, north of the limits of the said village, west of the limits of Athiputti Village and south of the limits of the said village the Dèvastanam within these, nunjah, punjah, thottam, tope, tank, channel, puramboke, high ground &c., within the Ayakut of Panayur Village.

2. Buildings &c., of Alagarkovil Davastanam in the said Panayur Village.

3. Jewels, vessels, &c., cloths, things and vehicles &c., belonging to the said Devastanam.

4. North of Jari Kudipoth Village, Madura Devastanam, east of the limits of Veppampatti Village, south of the limits of Anuppapatty of the said Kudippatty Village, and west of the lands irrigated by the Tank of Kathuvarampatty Village, the Devastanam within these and a village consisting of nunjah, punjah, thottam, tope and puramboke &c., situate within the ayacut of Kylayapuram Village.

5. Buildings &c., of the said Kylayapuram Devastanam Kovil.

6. Jewels, vessels, &c., things, vehicles and cloths &c., belonging to the said Devastanam.

7. 1 Sathuragiri Mahalingaswami Kovil Sundram Kovil, Pelavadi Karuppannasawmi Kovil and Pechiamman Kovil attached to the Sathuragiri Mahalingasawmi Kovil Devastanam situate on Sathuragiri Hill, Saptur Zemin.

8. 15 acres of punjah lands and cash grant Rs. 25, granted to the said Temple in the Ayan Maharajapuram Village, Villiputhur Taluq, 1½ kottai of nunjah land in Ayakulam Village, Saptur Zemin, 2 kottais of nunjah land in the village of Zemin Kudikulam Village, 1 kottai of nunjah land granted in Thambuputty Village, Santhayar Zemin.

9. Probable income to the said Temple from Oondiyal per year Rs. 600.

10. Jewels and vessels &c., things belonging to the said Temple.

11. In Kusbah Saptur village, east of the street running north to south, north of the street running from east to west, south of Thappathu Thottam, and west of Peria Thottam within these, chattram buildings, thottam attached to the chattram chain 1½, well &c., and cocoanut trees on it.

12. The estimated income per year to the said choultry in the shape of Magamai fixed at the rate of 1-6-0 kotta of paddy out of the outurn from the Zemin Varapathu nanjah lands 100 kottas, value Rs. 500. Vessels &c., things belonging to the said choultry.

(Signed) R. Ramasubbayyar.
(„) Nagammal.

I declare that what is stated herein is true to the best of my knowledge and belief.

(Signed) Nagammal.

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Judge's Court of Madura (West).

No. 1. Plaint, dated 12th July 1889.—*continued.*

C Schedule.

1. Punjah, chains 410-0-0, situate in Kusbah Saptur village, and mentioned in Patta No. 1 which stands in the name of Zemin Pannai and which is in the enjoyment of Zemin Pannai; and 20 chains of garden land mentioned in the said patta.

2. East of the limits of Vandari village, south of Vadakkatham, west of Periyakulam Tank and north of Mélmanthai Thottam; within these, Kadappankulam nunjah of 55 kottas and the said tank, &c.

3. South of the limits of Athipatty village, west of the limits of Panayur village, east of Theppathottam and north of Malai Theppam, within these, 60 kottas of nunjah land irrigated by Periyakulam Tank.

4. Punjah, chains 25-0-0, situate in Gudichari village, mentioned in Patta No. 1 standing in the name of Zemin Pannai and which is in the enjoyment of Zemin Pannai and 8½ kottas of nunjah irrigated by Periyakulam Tank in the said village.

5. Punjah, chains 35-0-0, situate in Athipatty village, mentioned in Patta No. 1 which stands, in the name of and which is in the enjoyment of, Zemin Pannai, and 7 kottas of nunjah irrigated by the tank in the said village.

6. Punjah, chains 4½, and 3½ kottas of nunjah situate in the village of Muthunayagapuram village, mentioned in Patta No. 1, which stands in the name of, and in the enjoyment of, the Zemin Pannai.

7. Punjah, 4½ chains, situate in Nagayapuram village and mentioned in Patta No. 1 standing in the name of Zemin Pannai and in the enjoyment of the Pannai.

8. Punjah, chains 45, Thottam chains 5, situate in the village of Chinna Kattalai village and registered in the names of Zemin Pannai and in the enjoyment of the Pannai.

9. As described above, punjah, 15 chains, situate in the village of Avalchery.

10. Punjah, chains 15 and 10 kottas of nunjah situate in the village of Vandapuli, the patta for which stands in No. 1, in the name of Zemin Pannai and which is in the enjoyment of Zemin Pannai.

11. As described above, 8½ chains of punjah and 5½ kottas of nunjah in the Veppampatty village.

12. As described above, 25 chains of punjah and 10 kottas of nunjah in the village of Vittilpatty.

13. As described above, punjah, chains 75, garden chains 2½ and 12 kottas of nunjah in the village of Pappanaikenpatti.

RECORD.

PART I.

In the Subordinate Judge's Court of Madura (West).

No. 1. Plaint, dated 12th July 1889.—*continued.*

14. As described above, 12 chains of punjah, 4 chains of garden and 3½ kottas of nunjah in the village of Sulapuram.

15. As described above, 250 chains of punjah, 10 chains of punjah at nunjah rate and 7 chains of garden in the village of Thullukutti Naikenúr.

16. As described above, 250 chains of puramoke, 55 kottas of punja and 4 chains of garden in the village of Kodikulam.

17. As described above, 18 chains of punjah, and 15 kottas of nunjah in the village of Ayakulam.

18. In the village of Marikalam Kathan 22 kottas of nunjah.

19. In the village of Kusbah Saptur, west of Ramasami Kovil Mudanki, north of Pachamalai Iyer's well, east of Kulappa Naiker's garden and chavadi, and south of Vadakkam, within these Pannai gardens; 1. Kombai Thottam, 2. Paliam Thottam, 3. Kumbamalai Thottam, 4. Malyandipuram Thottam, 5. Kulappa Naiken's Thottam, 6. Ammamadam Tottam, 7. Melmanthai Thottam, 8. Theppathu Thottam, 9. Ramasami Kovil Thottam and Thottams on the banks and beds of Reddikulam, Kadappankulam, and Periyakulam containing fruit bearing trees such as mango, cocoanut, tamarind, eluppai, palmyra, guava, pomegranate, jack, vela and sandalwood including the buildings, &c.

20. Mango, cocoanut, tamarind, eluppai, guava, jack, palmyra, &c., fruit bearing trees in the Kannu Tope, Ooththadi Tope, Pannai Tope and Vellankolli Tope, &c., gardens, in the village of Kodikulam.

(Signed) R. Ramasubbyyer.

(Signed) Nagammal.

I declare that what is stated herein is true to the best of my knowledge and belief.

(Signed) Nagammal.

D Schedule.

1. 22 Kanis of nunjah and 250 gulis of punjah situate in Ayan Vandari village in Thirumangalam Taluq, purchased for the Saptur Zamin Pannai and which is in the enjoyment of the Pannai.

2. 8½ Kanis of nunjah and 65 gulis of punjah, as stated above, in the village of Periakattalai in the said Taluq.

3. 42 acres of punjah, as stated above, in the village of Vathirayiruppu in Strivilliputhur Taluq.

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Judge's Court of Madura (West).

No. 1. Plaint, dated 12th July 1889.—*continued.*

4. As stated above, 65 acres of punjah in the village of Maharajapuram in the said Taluq.

5. As stated above, 4 acres of nunjah in the village of Kanusapuram in the said Taluq.

6. As stated above, 5½ chains of punjah in the village of Thambipatty Santhayur Zamin, Thirumangalam Taluq.

7. As stated above, 25 gulis of punjah in the Inam village of Mallapuram of Madura Devasthanam in the said Taluq.

8. 1½ gulis of punjah in the zari singulum village attached to the said Devastanam in the said Taluq.

9. In Kusbah Saptur village, west of the street running north to south, east of Iyakannu Naiker and other's house and the lane running north to south, and south of the street running east to west and the vacant site of the small Palace, within these, Palaces, granaries, stable, garden, &c., within the Palace buildings.

10. Houses attached to the Palace, cattle sheds, stables and vacant sites, &c. in Kusbah Saptur.

11. Palace, Bungalows, Granaries and Buildings situated south of the habited place and west of village choultry in the village of Kodikulam.

12. Houses attached to the Pannai, Granaries, Cutchery Buildings and Vacant sites, &c. in the village of Kumapaty.

13. Cutchery and Vacant sites, &c. in Thambipatty village.

14. Granaries and Vacant sites, &c. in the village of Thoddampatty.

15. In Menkadu Street, Madura, south of the road running east to west, north of the vacant site attached to the English church, east of Kaluthai Agrahara lane and west of Srinivasa Iyengar's house, within these, Bungalow, Stables, Garden, Well, Cocoanut trees and Tiled house buildings, &c. in the west.

(Signed) R. Ramasubbayyer.

(„) Nagammal.

I declare that what is stated herein is true to the best of my knowledge and belief.

(Signed) Nagammal.

RECORD.

PART I.

In the Subordinate Judge's Court of Madura (West).

No. 1. Plaint, dated 12th July 1889.—*continued.*

E Schedule.

	Rs.	A.	P.
1. Gold and diamond jewels, Silver vessels, &c., and jewels &c. belonging to the Saptur Zemindary and kept in the Huzur Treasury of the Madura Collector's office	35,000	0	0
2. Kopparais, Hundas, Lamp-stand, Brass, Copper and Bell-metal vessels, &c., in the Saptur Palace and in the manager's office	4,000	0	0
3. Tables, Chairs, Cots, Sofas, Palanquins, Ivory chairs and tables and Palanquins, Pictures, Globes, Shades, Lusters, guns, &c., Arms, Big looking glasses and musical instruments, &c. things in Saptur Palace	7,000	0	0
4. Beams, windows and door frames of Venkai and teak-wood, &c., worked, Thothakathi planks and cross beams, &c. ...	4,000	0	0
5. Debt due to the Zemin	19,607	0	0
6. Government Pro-notes in the possession of the Court of Wards	1,47,500	0	0
7. Ready cash belonging to the Saptur estate Fund deposited in the Huzur Treasury	31,738	0	0
8. Jewels lent to Muthuveerammal and Muthuchinnammal, wives of the said late Zamindar for being worn and silver vessels, &c.	4,000	0	0
9. Estate carts 3 and 3 pairs of cart bulls	700	0	0
10. Benares cloths, Turbands, &c. things	2,000	0	0
11. Sastras, Puranas, Kavyams, &c., books and cadjan books.	100	0	0
12. Boxes, Bureau, Iron safe, &c., things in the Saptur palace and in the manager's office...	1,000	0	0

(Signed) R. Ramasubbayyer.

(„) R. Strinivasa Iyer,
Vakil.

(Signed) Nagammal.

I declare that what is stated herein is true to the best of my knowledge and belief.

(Signed) Nagammal.

(Initialled) R. R.

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (East).

No. 2. Written statement filed by Defendant on 18th January 1890.

No. 2.

IN THE SUBORDINATE JUDGE'S COURT OF MADURA.

Original Suit No. 21 *of* 1889.

Written statement filed on behalf of Ramasami Kamaya Naicker, the Defendant in the said suit.

1. The Defendant admits that the Zemindari of Saptur is impartible and devolves on a single heir but denies that such heir is necessarily the senior in age.

2. The Defendant admits Nagayasami Kamaya Naicker, his father, died on or about the 14th October 1885 leaving two sons namely Nagayaswami Kamaya Naicker since deceased, and Defendant by his wife Muthuvirammal and Defendant alleges that the said two sons were the only legitimate sons whom the said Nagayasami Kamaya Naicker left him surviving.

3. The Defendant denies that the Plaintiff's mother Nagammal was the wife and that the Plaintiff is the legitimate son of the said Nagayasami Kamaya Naicker deceased.

4. The said Nagammal is the daughter of one Muthuvirasami *alias* Muttayan deceased and Suppamal. The said Muttayan was the illegitimate son of Thambasami Thumbchi Naick, a former Zemindar of Peraiyur by one Vellai the illegitimate daughter of a man of the shepherd caste. The said Suppamal was the illegitimate daughter of one Mappillai Naick of Moolipatti by a woman of the Koodikkal Vellala caste.

5. The said Nagammal is not a woman of the Kambala Thottiya caste to which the said Nagayasami Kamaya Naicker belonged but of a lower or inferior caste; and Defendant charges that no legal marriage could take place between the said Nagayasami Kamaya Naicker and the Plaintiff's mother according to the custom of the Kambala Thottiya caste.

6. The said Nagammal was not married to the said Nagayasami Kamaya Naicker but was taken by him as his mistress in 1875 at which time he caused a bottu to be tied round her neck before a dagger (கட்டாரி) sent by him for that purpose. The Defendant denies that the ceremonies usual and necessary to constitute a legal marriage between Nagayasami Kamaya Naicker deceased and the Plaintiff's mother according to the custom of the Kambala Thottiya caste were performed; and the Defendant charges that the tying of the bottu on the said Nagammal before Nagayasami Kamaya Naicker's dagger did not constitute a legal marriage.

7. The Defendant admits that upon the death of the said Nagayasami Kamaya Naicker, he was succeeded as Zemindar of Saptur by his son Nagayasami Kamaya Naicker now deceased, the elder brother, of the Defendant, but the Defendant charges that such succession was not in conse-

quence of seniority in age of the Defendant's late brother but because he was the eldest son of the senior wife of the last owner and therefore entitled to succeed according to the custom prevailing in the Saptur Zemindari and in the Zemindaris held by Zemindars of the Kambala Thottiya caste in the Madura and neighbouring districts.

8. The Defendant admits that his brother the late Nagayasami Kamaya Naicker was a minor when he succeeded to the Zemindari of Saptur and that in consequence of such minority the Court of Wards managed the Estate on his behalf under the provisions of Madras Regulation V of 1804.

9. The Defendant admits that his brother the said Nagayasami Kamaya Naicker died on or about the 31st December 1887, a minor and unmarried and charges that as the second son of the senior wife of his father and as the brother of the last owner, the Defendant is entitled to succeed to the Zemindari and to the possession of all property forming part thereof or being appurtenant thereto and to all rights vested in the Zemindar of Saptur.

10. The Defendant charges that the Plaintiff as the illegitimate son of Nagayasami Kamaya Naicker deceased has no right, title or interest whatsoever in the said Zemindari or in the property appurtenant thereto or in the offices or appointments vested in or held by the Zemindars of Saptur.

11. If the Court should be of opinion that the Plaintiff's mother was legally married to the said Nagayasami Kamaya Naicker deceased, then the Defendant charges that the Plaintiff is not entitled to the said Zemindari property appurtenant thereto or offices held by the Zemindars of Saptur in preference to the Defendant who is the son of the senior wife of his father and the brother of the last owner.

12. The Defendant further charges that even if the Plaintiff is the legitimate son of the said Nagayasami Kamaya Naicker deceased, he is his son by a wife of inferior caste and rank and is for that reason also not entitled to the said Zemindari property or offices before mentioned in preference to the Defendant whose mother is of a caste and rank superior to that of the said Nagammal.

13. The Defendant charges that the properties mentioned in schedule C, D and E annexed to the plaint are appurtenant to the Zemindari and are therefore not divisible. If however the Court should be of opinion that the said properties are divisible and that the plaintiff entitled to a division thereof and a share therein, the Defendant submits that the Plaintiff is not entitled to the equal half share claimed in the plaint.

14. The schedules annexed to the plaint are erroneous and defective and are corrected in the schedule hereunto annexed which the Defendant prays may be taken to be and be read as part of this his written statement.

Deputy Registrar.

15. The Defendant charges that this is a false and vexatious suit instituted at the instigation of certain Chetties who, for their own profit, have entered into an illegal agreement with the Plaintiffs' mother to supply the funds necessary to carry on this litigation.

16. The Plaintiff is not entitled to any of the reliefs sought or claimed by him and Defendant therefore prays that the suit may be dismissed and that the Plaintiff may be decreed to pay the Defendant's costs.

(Signed) E. TURNER.
Collector and Agent to the Court of Wards.

Certified that the facts stated herein are true to the best of my knowledge and belief.

(Signed) E. TURNER.
Collector and Agent to the Court of Wards.

Schedule to Defendant's written statement.

Plaint Schedule B.

Particulars of items 3-6 and of the moveables in item 12 are not given and they are overvalued. Their approximate value is Rs. 1,000, Rs. 300 and Rs. 100 respectively.

That items 7 to 10 are now the subject of litigation between two rival claimants.

Plaint Schedule C.

The extent of items 3 to 18 is overstated. Their actual areas are as follows :—

Item	3.	37	3	5	5	Kottahs of nunjah.
Item	4.	5	4	1	6	Kottahs of nunjah.
	and	14	0	2	0	Chains of punjah.
Item	5.	14	0	0	2	Chains of punjah.
Item	6.	1	2	1	4	Kottahs of nunjah.
	and	0	8	2	0	Chains of punjah.
Item	7.	0	8	3	0	Chains of punjah.
Item	8.	9	1	0	0	Chains of punjah.
Item	9.	3	7	2	0	Chains of punjah.
Item	10.	7	4	6	3	Kottahs of nunjah.
Item	11.	3	3	6	6	Kottahs of nunjah.
	and	1	11	2	0	Chains of punjah.
Item	12.	6	12	5	0	Kottahs of nunjah.
	and	22	14	2	0	Chains of punjah.
Item	13.	9	13	4	6	Kottahs of nunjah.
	and	30	8	1	0	Chains of punjah.
Item	14.	2	2	5	0	Kottahs of nunjah.
	and	57	13	3	0	Chains of punjah.
Item	15.	229	1	0	0	Chains of punjah.
Item	16.	42	20	4	5	Kottahs of nunjah.
	and	134	9	3	0	Chains of punjah.
Item	17.	4	4	0	0	Chains of punjah.
Item	18.	16	8	0	0	Kottahs of nunjah.

Plaint Schedule D.

Areas of items 1 to 8 are overstated. Their correct areas are as follows :—

Item	1.		19	6	2	0 Cawnies of nunjah.
Item	2.		3	15	0	0 Cawnies of nunjah.
		and	40	15	0	0 Gulies of punjah.
Item	3.		29 acres 19 cents of punjah.			
Item	4.		42 acres 26 cents of punjah.			
Item	5.		2 acres 52 cents of nunjah.			
Item	6.		1	12	3	0 Chains of punjah.
Item	7.		19	1	2	0 Gulies of punjah.
Item	8.		0	10	0	0 Gulies of punjah.

Boundaries of items 10 to 14 are not given.

Plaint Schedule E.

Particulars of items 2, 3, 8 and 10 are not given and they are further overvalued and that their approximate value cannot exceed Rs. 1,000, 3,000, 3,000 and 1000 respectively. Items 5 and 9 are overvalued and their value cannot exceed 12,000 and 250 respectively. The clothes &c., mentioned in item 10 probably refer to those that were distributed under the orders of the Collector to the widows and children for daily use.

Item 12 is repeated in so far as it refers to the furniture in the palace as such furniture has already been mentioned in item 3.

The furniture in the Manager's Office at Saptur does not exceed in value Rs. 500.

Particulars of the claims.

That plaintiff is not entitled to the mesne profits from 14th October 1885. Further the amount asked for is excessive.

(Signed) E. TURNER.

Collector and Agent to the Court of Wards.

Certified that the facts stated herein are true to the best of my knowledge and belief.

(Signed) E. TURNER.

Collector and Agent to the Court of Wards.

Filed 18th January 1890.

Deputy Registrar.

No. 3.

IN THE SUBORDINATE COURT OF MADURA (WEST.)

Original Suit No. 21 *of* 1889.

Minor Sundaralingasawmi Kamaya Naick by this guardian Nagamal ... ... *Plaintiff.*

versus

Ramasami Kamaya Naick a minor, by his guardians Nagiasami Naick and the Collector of Madura as Agent of the Court of Wards. *Defendant.*

Plaintiff's Vakils don't admit that Muthuveerasami *alias* Muthiyan, the father of Nagammal, was the illegitimate son of Thumbayasami Thumbichi Naiker; also that Vellai, mother of Muthuveerasami, is the illegitimate daughter of a man of shepherd caste and further they don't admit that Suppammal, mother of Nagammal, was the illegitimate daughter of Mappilai Naick by a woman of Kodikal Vellala caste.

They further say that Plaintiff's mother was married in the same way as Defendant's mother, that the same ceremonies were performed in both instances, and that in Plaintiff's mother's marriage, the dagger was an addition.

The Plaintiff's Vakils say that Nagammal is the daughter of Muthuveerasami and Suppammal, who, they say, were lawfully married.

Issues :—

It is admitted on both sides that the Zemindari is impartible.

Whether or not the estate in question descends to the senior in age according to the law and custom of primogeniture ?

1. Whether the mother of Plaintiff was the wife of the father of Plaintiff as alleged in the plaint, or his mistress as alleged by the Defendant.?

2. Whether Plaintiff's mother was of a caste different from and inferior to that of the Plaintiff's father, and if so, whether according to custom obtaining in the caste to which the Plaintiff's father belonged, a marriage between Plaintiff's father and Plaintiff's mother would be invalid as alleged by the Defendant ?

3. Whether, even if Plaintiff's mother and father were married and such marriage was valid, the Defendant's mother, as alleged by Defendant, was a wife of a caste and rank superior to that of the Plaintiff's mother, and if so, whether as alleged by Defendant, he is entitled to succeed in preference to Plaintiff ?

4. Whether, as alleged by Defendant, he is entitled by the custom prevailing in the Saptur Zemindari and in other Zemindaries held by Zemindars of

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 3. Paper of Issues, dated 18th January 1890 and 8th July 1790. —*continued.*

the same caste in Madura and neighbouring Districts to succeed in preference to Plaintiff by reason of the Defendant's mother having been married prior to Plaintiff's mother?

Defendant's Vakil Mr. S. Subramania Ayyar admits that Plaintiff is senior in age to Defendant and that Defendant's mother was not the first wife of the Zemindar.

Plaintiff's Vakil states that Plaintiff's mother was married subsequently to Defendant's mother's marriage.

5. Whether, on the death of the last Zemindar, his full brother the Defendant is entitled to succeed to the impartible estate in preference to Plaintiff even if he is his legitimate half brother?

6. Whether the properties comprised in Schedules C, D and E, are partible as between Plaintiff and Defendant or impartible as appurtenant to the Zemindari as alleged by Defendant?

7. If the properties are not impartible, what share is Plaintiff entitled to therein?

8. What properties mentioned in Schedules C, D and E, existed at the time of the death of Plaintiff's father in 1885, and what were the accretions to such properties up to 31st December 1887?

9. Whether any and what amount of interest and mesne profits is Plaintiff entitled to?

10. Whether the schedules attached to the plaint are erroneous and defective as specified in the schedules attached to Defendant's written statement?

11. To what relief or reliefs is the Plaintiff entitled?

At the instance of Defendant's Vakil Mr. S. Subramania Ayyar, Plaintiff's Vakil, Mr. V. Bhashiyam Ayyangar, states that Nagammal belongs to Kambala caste.

Mr. S. Subramania Ayyar says that he does not admit that Muthukamatchi Ammal is widow of Defendant's father.

A month's time is allowed for producing documents F, H for examination of witnesses is fixed to 9th April 1890.

18—1—90. (Initialled) C. V.

2nd Issue, amended as suggested by the Honorable the Advocate-General and concurred in by Plaintiff's Vakil.

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 3. Paper of Issues dated 18th January 1890 and 7th July 1890. —*concluded.*

"Whether mother was of the same caste as Plaintiff's father or of a different and inferior caste, and if of a different and inferior caste, whether according to custom obtaining in the caste to which the Plaintiff's father belonged, a marriage between Plaintiff's father and mother would be invalid as alleged by Defendant?

Defendant's Counsel, the Advocate-General, admits that Muthiyan and Subbammal were married according to custom of the Parivara caste. The admission is recorded at Plaintiff's Vakil's instance.

7—7—90. (Initialled) C. V.

No. 4.

No. 4. Plaintiff's Exhibit B. Sale deed, dated 26th June 1886.

Plaintiff's Exhibit B.

Sale deed by Elinga Naiken in favor of Ramasamy Naiker.

Deed of absolute sale of punjah executed on the 29th June 1886, corresponding to 17th Auni of the Tamil year Viya to Ramasami Naiker, son of Mu. Lingama Naicker, aged about 35, of the Kumbala caste, Saiva sect, cultivator, residing at Cusba Saptur of Saptur Zemin of Thirumangalam Taluq in Madura District, by Ellinga Naiken, son of Nagama Naiker, aged about 32 years, of the Kumbala caste, Vyshnava sect, residing at Alagapuri, hamlet of the Cusba Saptur aforesaid.

The boundaries of the punjai which I am going to sell away are:—

In the said Alagapuri which is a hamlet of the said Kusbah Saptur attached to the Sub-District of Usilampatti of Madura District, to the west of Nattanmai Andiappa Naiken's punjai, to the south of the punjai belonging to the Kavalgar Mari Servaigaran, to the north of Udayar Nagappan's punjai, and to the east of Se. Subbiah Maniyam's punjai; within these our limits is situate the punjah land No. 124 of the 1st sort assessed at Re. 0-4-3 which belongs to me ancestrally and which is in my pattah. Having sold to you this day the (said) land I have received Rs. 30 as the price thereof. As you have paid and as I have received the said sum of Rs. 30 in cash, you shall enjoy the said piece of punjai for ever from generation to generation with power to alienate the same by sale, gift or otherwise. At the time of jamabandy, I shall submit a rajinamah and get the puttah for the said land transferred to your name. To this effect, this deed of absolute sale has been executed by me out of my free will and consent.

[Mark] of Elinga Naiken.

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 4: Plaintiff's Exhibit B. Sale deed, dated 26th June 1886. —*concluded.*

Witnesses:—

[Signed] Thimmappan Asary, son of Thimmappun Asari, I know.
[„] Gopala Asari, son of Ramanasari of the said place, I know.
[„] Mahalingam Pillai, Curnam of Cusba Saptur, I know and I am the writer of this sale-deed.

[Here enter stamp vendor's endorsements and registration particulars.]

The Advocate-General objects to the reception of this document as evidence against his client. Plaintiff's Vakil says it is put in to corroborate the witnesses' statement that Ramasami Naik is Kumbala. The document is received as evidence corroborating his statement.

11-7-90. [Initialled] C. V.

SUBORDINATE JUDGE'S COURT OF MADURA (WEST.)

No. 21 *of* 1889.

Produced on 11*th July* 1890.

By Plaintiff's witness Rangasami Naik and filed on 11th July 1890 as Exhibit B.

(Signed) VENKOBA CHARIAR,
Subordinate Judge.

No. 5.

Plaintiff's Exhibit W.

Arzi from the Manager Saptur Zemin to the Dy. Collector of Madura with the order thereon.

No. 5. Plaintiff's Exhibit W. Arzi from the Manager, Saptur Zemin to the Dy Collector of Madura, dated 7th September 1887 with order thereon, dated 29th September 1887.

To

M. R. Ry. Deputy Collector, Madura District.

Arzi from Manager of Saptur Zemin.

Your Honor's order of endorsement is received directing me to submit a report in detail with my opinion on Petition No. 6 of 1887, submitted on 9th of the last month, by Nagammal Avergal, (Dagger marriage), 6th wife of the late Zemindar, praying that the sanctioned sum may be divided and given to separately perform the current year's Sradha by Sundrakkannu her son, to the late Zemindar, her husband. As the Acting Manager, who was doing duty during the last year, said that it being the first the year, the Sradha should be performed along with the other minors, and that it may be considered from the next year.

It was learnt, on inquiry from the office establishment, that it is true, as stated in the petition, that the Petitioner asked the Acting Manager last year and that he gave the reply, that it was only stated that a petition would be written to the Collector, but it was not written.

Petitioner states that out of the sanctioned amount, a sum reasonably required for the expenses may be given to enable her son to separately perform Sradha. The first wife, Muttuveerammal Avergal, the minor's mother, states that according to the custom prevalent amongst them, it is not necessary to perform the Sradha separately and that when her son performs it, Petitioner's son has simply to be present.

In an undivided Hindu family till the minors attain the age of majority or till they become divided, it is customary to perform the Sradha &c. ceremonies jointly *i. e.*, the senior would perform it, while others would be present with him according to the Shastras of Brahmins and others.

Deputy Registrar,

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 5. Plaintiff's Exhibit W. Arzi from the Manager, Saptur Zemin, dated 7th September 1887, with order thereon, dated 29th September 1887. —*concluded.*

It is the custom of the Ramnad Estate that the present two minors perform Sradhas jointly in the senior minor's building; that money is paid in cash to junior minor's mother for feeding charges of that day and that they do so at Madras too and mess in one and the same place. I know that particularly well.

Considering the above mentioned customs and the nature of the marriage of the Saptur Zemindar's wives, I beg to report that it appears to me proper that the sanctioned sum of Rupees 100 should be given to Muttuveerammal Avergal, senior minor's mother; that the Sradha should be caused to be performed by the junior minor who now lives with her; that Petitioner's son, the other minor, Sundrakkannu, should be present with him and that Rupees 10 might be paid to Petitioner for the feeding charges of the minor, Sundrakkannu, and of his relations on account of the importance of the occasion. I shall thereafter abide by the order which may be issued by your honor as your honor deems proper. I have enclosed herein the Petition and the endorsement thereon.

Yours obediently,

(Signed) M. GANAPATHI,
Manager.

7—9—87, MADURA.

ORDER.

As the Collector's order No. 2680 of 28-9-87 is received stating that Nagammal's son, Sundrakkannu, will not be allowed to separately perform Sradha to his father; that he should only perform Sradha by being present with the second minor, Ramasami Naicker, and that on the said day, if Nagammal were not willing to take food with her relatives by sitting along with Muttuveerammal, minor and others, Rupees 10, out of the sanctioned amount of Rupees 100, might be paid to her separately to enable her to feed her relations. You are to make arrangements to see that Sundrakkannu performs the Sradha by being present with the second minor. In case Nagammal were unwilling to take food along with others, you are to pay her Rupees 10 separately and the balance to the minor's mother, and make arrangements for the performance of the Sradha.

(Signed) M. Tillay Nayakam Pillai,
Deputy Collector.
Madura.
Kolandavelu,

29—9—87.

Yadast to minor's mother, and to Nagammal.

(Initialled) M. G.

3—9—87.

Defendant's Vakil Mr. S. Subramanyaingar admits that this is manager's report.

(Initialled) C. V.

Filed as Exhibit W.

(Initialled) C. V.
18—7—90.

A. 78—6

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 6. Plaintiff's Exhibit GG. Sale-deed dated 1st November 1887.

No. 6.

Plaintiff's Exhibit GG.

Sale deed by Ramasamy Naiken and others in favor of Perumal Nadan.

Copy of document.

No. 1233.

Sale deed of land, dated 17th Alpesi of the year Sarvadhari, corresponding to 1st November 1887, and executed by Ramasawmi Naiken, his younger brother Muthi Naiken, his younger brother Alagiri Naiken, his younger brother Thathia Naiken, all sons of Sankaralinga Naiken, Kolla Kambala Thottiya caste, and cultivators, residing at Athipatti, attached to Saptur Zemin, Thirumangalam Taluq, in favor of Perumal Nadan, son of Pothi Nadan, trader and cultivator, residing in the said village.

The boundaries of the land, situate in the village of Athipatti, in the Registration District of Madura, Sub-District of Usilampatti, the puttah of which stands in our father's name and which is in our enjoyment are:—South of Ponnunkuda Nadan's land, east of N. Pariyanna Nadan's land, north of Pethakaranti's land and west of Kondu Reddy's land. Within these boundaries is situate Solluruthi land No. 21, 1st sort, measuring chains 0–4–1. The said punja land we have sold to you and received Rs. 84. As this sum of Rs. 84 has been paid by you and received by us, you shall enjoy the said land for ever from generation to generation with rights to alienate the same by gift, sale or otherwise and remain in peace. We shall cause a Razinamah to be put in, in the Zemindar's Cutchery for the purpose of getting the puttah of the said land which stands in our father's name transferred to your name.

Thus. (Marked) Ramasawmi Naiken.
(,,) Muttu Naiken.
(,,) Alagiri Naiken.
(,,) Thathia Naiken.

Witness. (Signed) Nattanmai Narayana Kavandan of the said village.
Witness. (Signed) Kristna Thevan, son of Renga Thevan of the said village.
Witness. (Signed) S. Muniandi Pillai of Oolkidai Annampanyadee, Puttur village.

(Here enter stamp vendor's endorsement and Sub-Registrar's endorsement and certificate.)

(True Copy.)
(Signed) Theigaraja Mudali,
Sub-Registrar.

Proved by Plaintiff's 34th witness. Filed as GG.
28–7–90. (Initialled) C. N.
Subordinate Judge's Court of Madura (West).
No. 21 of 1889.

Produced on the 28th July 1890 by Plaintiff and filed on the 28th July 1890, as Exhibit GG.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 7. Plaintiff's Exhibit HH. Mortgage deed dated 23rd May

No. 7.

Plaintiff's Exhibit HH.

Mortgage deed by Mutti Naiken in favour of Perumal Naiken.

Copy of document, No. 321 of 1881.

Deed of mortgage of punja land executed on 11th Vyasi of Vishu year, corresponding to 23rd May 1881, by Mutti Naiken, son of Sangaralinga Naiker, residing in Athipatti, attached to Saptur Zemin, Kambala caste, agriculturist, in favour of Perumal Naiken, son of Alagiri Naiker, residing in the said village, said caste, and said profession.

In the Madura District, Usilampatti Sub-District, of Thirumangalam Taluq, in the said village of Athipatti, the boundaries of the punja land, the puttah of which stands in my father's name and which is enjoyed by me are.—To the west of Alagiri Naiker's punja, to the east of Tauttia Naiken's punja, to the north of Pandaram's punja, to the south of Veerappa Tevan's punja. Mortgaging to you the 2nd class punja No. 501, chain 0-5-0, situate within these boundaries, I have received Rs. 23. As this sum of rupees twenty-three is paid by you and received by me, you shall plough and cultivate the said land for 4 years from the current year and enjoy both varams, yourself paying the tax therefor and obtaining receipts. On the 5th year, when the term is over, on repayment of the abovenamed sum, I shall redeem the land. In default, you alone shall continue to enjoy (the land) till the sum is repaid.

(Mark of) Mutti Naiken.

(Signed) Witness, I know Vaulavanda Pillai, residing in Anupatti.
(Mark of) Witness, I know Ganapatia Pillai, residing in Anupatti.
(Mark of) Ramasami Naiken, son of Sankaralinga Naiken, residing in Athipatti, witness, I know.
(Signed) Subbusami Ayyar, residing in Usilampatti, writer of this deed.

(Here enter remark for correction, and stamp vendor's endorsements) and Sub-Registrar's endorsement and certificate-seal.)

17*th January* 1890.
Usilampatti S. R. O.

(True copy.)
(Signed) Theigaraja Mudali,
Sub-Registrar.

Admitted by Plaintiff's 3rd witness. Filed as HH 28-7-90.
(Initialled) C. V.
Subordinate Judge's Court of Madura (West).
No. 21 of 1889.

Produced on the 28th July 1890 by Plaintiff and filed on the 28th July 1890 as Exhibit HH.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 8. Petition dated 22nd February 1888.

No. 8.

Plaintiff's Exhibit CCC.

Petition of Nagammal to the Collector of Madura.

To

E. TURNER, ESQUIRE,
Collector of Madura.

The humble Petition of Nagammal, the 5th widow of the deceased Nagayasami Kamaya Naiker, Zemindar of Saptur.

Most respectfully sheweth,

That your honor's Petitioner was married to the late Zemindar in the year 1875 and that she has a son Sundharam by name, who was born to her on the 19th June 1880. He is now 8 years old and is studying in the village school.

That after the death of the late Zemindar a provision was made to her and her son of rupees 45+3 under the orders of the Court of Wards while three other widows have been provided with fifty rupees per mensem in addition to minor allowances.

That the Petitioner has repeatedly applied for an increase of allowance so far as her son is concerned but without effect. Imagine your honor the sum of rupees three allowed to the son of a Zemindar and the legal heir of a proprietor, whose income is fifty thousand rupees annually.

That your honor may be pleased to consider that the allowance of the Petitioner's son, should be equal or a few Rupees more than that of the junior minor Ramasami Comia Naicker who is eighteen months younger (whose allowance is rupees ten a month).

As your honor's Petitioner is the legal widow of the late Zemindar and as he has left behind him two minors at present, the Petitioner most humbly begs that your honor will be graciously pleased to take the Petitioner's son's case into consideration and render him justice to which he is legally entitled.

The Petitioner has also submitted a similar Petition to the Court of Wards.

22*nd February* 1888. (Signed) Nagammal in Tamil.

Subordinate Judge's Court of Madura (West).
(Original Suit No. 21 of 1889.)

Produced on the 16th July 1890 by Plaintiff and filed on the 28th July 1890 as Exhibit CCC.

(Signed) C. VENCOBA CHARIAR,
Subordinate Judge.

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 9. Plaintiff's Exhibit DDD.— Lease deed dated 5th September 1887.

No. 9.

Plaintiff's Exhibit DDD.
Lease deed by Thumbayasami Naiker in favor of Mr. Turner, Collector of Madura and agent to the Court of Wards representing the minor Zemindari of Saptur.

Deed of Samibogam lease, executed on the 5th September 1887, in favor of E. Turner, Esquire, Collector of Madura and Agent to the Court of Wards representing the minor Zemindari of Saptur, by Tumbayasami Naiker, son of Muthuveerasami Naiker, cultivator by profession, Kambala by caste, living in Cusba Peraiyur in Peraiyur, Zemin Thirumangalam Taluq :—

As the right to cultivate, from the current Fusli 1297 to 30th April of Fusli 1299, the undermentioned punjai lands belonging to the said minor Zemindar, situate in the village of cusba Saptur attached to the Sub-district of Usilampatti, in the district of Madura, which have been taken in my name and on my behalf, in the names of P. Ramasami Naiker and Valaguru Maniyam, has been sold in auction by the Manager of the said Saptur Zemin; as I have agreed at the final auction to pay for Samibogam (Landlords share), Rs. 71-12-0 in addition to the assessment and road-cess of the land according to the custom of the village and as the Collector's and the Deputy Collector's orders to carry out the same have been received, I shall pay to the Nattamaikar of the village, the said Samibogam(the Landlord's share) Rs. 71-12-0 as well as the assessment and the road-cess of each Fusli in four instalments commencing from December to March of each Fusli, whether I cultive the said lands or allow them to lie uncultivated and whether they yield any produce or not, and obtain receipts; in default of payment of any one of the instalments in any of the Fuslis, irrespective of any other subsequent instalments, myself and my heirs will also consent to your entering upon my moveable and immoveable properties, wherever they might be situated, and to your realizing the said amount with interest at 1 per cent per mensem, either under Act VIII of 1865, or through Civil Courts. The Samibogam is Rupees 71-12-0 and the assessment and the road-cess is Rupees 25-2-6 for the said lands for each Fusli; so that the landlord's share including theerwa and roadcess for each Fusli is Rupees 96-14-6. So the total for the three Fuslis is Rupees 290-11-6 and deducting the deposit amount of Rupees 17-15-0, the balance is Rupees 272-12-6.

Stalavar (description according to plots) of lands taken on Samibogam in Saptur village. Nos. 326 to 329, 1st class, chains 1—11—3, the theerwa and road-cess are Rupees 7-9-4 and the landlord's share is Rupees 12-8-0; No. 45, 2nd class, chains 0-10-1, the theerwa and road-cess are Rupees 2-3-11 and the landlord's share thereof is Rupees 11-0-0; and Nos. 151, 153 and 156, 1st class, chains 1-8-1, the theerwa and road-cess are Rupees 6-10-2 and the landlord's share is Rupees 20-8-0; and Nos. 104 and 106, chains 0-14-0, the theerwa and road-cess are Rupees 3-13-3 and the landlord's share is Rupees 10-0-0 and No. 26. 1st class, chains 0-10-3, the theerwa and road-cess are Rupees 2-15-1 and the landlord's share is Rupees 8-12-0; and No. 293 1st class, chains 0-7-0, the theerwa and road-cess are Rupees 1-14-9 and

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 9. Plaintiff's Exhibit DDD.— Lease deed dated 5th September 1887. —*concluded.*

the landlord's share is Rupees 9-0-0; so, far one Fusli, the landlord's share including theerwa and road-cess is Rupees 96-14-6.

(Signed) Thumbayasami Naiker, (I know).

Witness.

(Signed) Aundiappa Naiken, Nattanmaikar of the village of Alagapury.

(Marked) This is the mark of Meerangan Ravuthan, son of Varavana Ravuthan of Saptur.

(Signed) Subbusawmi Ayyar, writer of this document and living in Usilampatti.

(Here enter stamp vendor's and Sub Registrar's endorsements.)

Admitted by Plaintiff's 37th witness. Filed as DDD. 29—7—90.

Initialled C. V.

Subordinate Judge's Court of Madura (West).

No. 21 of 1889.

Produced on 29th July 1890 by Saptur Manager and filed on the 29th July 1890 as Exhibit DDD.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

No. 10.

No. 10. Plaintiff's Exhibit EEE.— Mortgage deed dated 15th April 1887.

Plaintiff's Exhibit EEE.

Mortgaged deed by Thumbayasami Naiker in favor of Masana Pillai and Tharmar Pillai.

Mortgage deed in respect of punjai lands executed on the 15th April 1887, corresponding to 4th Chittrai of Sarvajith year, to the 2 persons, mamely, (1) Masana Pillai, son of Sellandiya Pillai of the Vellala caste, a betel-garden keeper and cultivator, residing at Cusba Peraiyur, and (2). Tharmar Pillai, son of Palani Kumara Pillai of the said caste and said living, residing in the place aforesaid, by Thumbayasami Naiker, son of Muthuveerasami Naiker of the Kambala caste, cultivator, residing at the place aforesaid:

Description of the punjai lands situate in the village of Andipatti of the said Zemin (Peraiyur) attached to the Sub-District of Thirumangalam, Madura District, and which belong to me ancestrally, the puttah standing in my name, and which is in my enjoyment:—To the west of Koppiah Maniyam's punjai, to the north of Subbiah Annavi's punjai, to the east of Me. Alagu Maniyagaran's punjai, and to the south of Thonthi Subbier's punjai; within these limits are situated punjai land, 2nd sort, No. 188, extent gulis 1-1-0; punjai land, 2nd sort, No. 189, extent gulis 0-11-1; punjai land, 2nd sort, No. 190, extent guli 0-6-0; a 2nd plot therein of the same rate, extent guli 0-13-0; and the punjai, 3rd sort, No. 227, extent guli 1-0-0, total of punjai land being gulis 3-15-1. I have this day mortgaged these lands to you and borrowed on the same Rupees 200. In lieu of interest for this sum of two hundred rupees, you shall, for 7 years from this date, plough the lands yourself and raise whatsoever crop you please thereon, enjoy

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 10. Plaintiff's Exhibit EEE.— Mortgage deed dated 15th April 1887. —*concluded.*

both the varams therein, pay the assessment for it (yourself) and obtain receipts for the same. Soon after the said term comes to a close, I shall repay the amount to you and redeem the lands. In default, you shall continue to enjoy them in the manner aforesaid, until the amount is repaid to you.

Witnesses.— (Signed) Thumbayasami Naiker.

(Mark of) Karuppana Maniyakaran, son of Karuppana Maniyagaran, of Peraiyoor.

(Signed) Muthu Nadan, son of Karuppa Nadan of Bapureddipatti.

(„) Velayutham Pillai son of Sari Sengulam Nagalingam Pillai.

(„) Kanthasami Pillai, son of Sengulam Arunachelam Pillai, writer hereof.

(Here enter stamp-vendor's endorsements and particulars of registration).

Produced by Plaintiff's witness Masanam Pillai. Admitted by Plaintiff's 37th witness. Filed as EEE.

Initialled C. V.

Subordinate Judge's Court of Madura (West).

No. 21 of 1889.

Produced on the 29th July 1890 by Plaintiff's witness Masanam Pillai and filed on the 29th July 1890 as Exhibit EEE.

(Signed) VENKOBA CHARIAR,
Subordinate Judge.

No. 11.

No. 11. Plaintiff's Exhibit FFF. Sale-deed dated 23rd May 1885.

Plaintiff's Exhibit FFF.

Sale deed by Thumbayasami Naiker in favor of Musabu Rowthan

(*Copy of Document No.* 950 *of* 1885 *in Book I.*)

Deed of absolute sale of punjai land executed on the 23rd May 1885, corresponding to the 11th Vyasi of the Tamil year Parthiva, to Musabu Ravuthar, son of Mahomed Ravuthar of the Mahomedan caste, a cultivator and shop-keeper dealing in sundry things, residing in Cusba Peraiyur of Peraiyur Zemin, by Thumbayasami Naiken, son of Muthuveerasami Naiken, of the Thottiya caste, a cultivator and residing in the place aforesaid.

The boundaries of the punjai land situate in the village of Andipatti of the aforesaid Zemin attached to the Sub-District of Thirumangalam of Thirumangalam Taluq, Madura District, which was purchased by me from Ramasami before this, on the 20th Alpesi of Dhathu year (3rd November 1876) registered in my name in puttah No. 60 and which is in my enjoyment are:—To the east of the Periyakulamkarai (the bank of the big tank), to the north of the Arunachalam Maniyam punjai, to the west of Samprithi Arunachellam Pillai's punjai, and to the south of punjai lands of Mahalingam Chettiyar. Within these boundaries is situate the punjai land, No. 227, 3rd sort, extent guli 1–0–0. I have this day sold to you the said land and received therefor Rupees 100. As this sum of rupees one

No. 11. Plaintiff's Exhibit FFF.— Sale-deed dated 23rd May 1885. —*concluded.*

hundred has been paid to me in cash by you and as I have received the same, you shall possess and enjoy happily the aforesaid punjai land for ever from generation to generation with power to alienate the same by sale, gift or otherwise. I shall present a puttah rajinamah to the Cutchery of the Zemin aforesaid and shall get the puttah registered in your name. I have handed over to you along with this, the sale deed which I had obtained in respect of the said land.

(Signed) Thmbayasami Naiken.

(*Witnesses.*)

(Signed) Musavu Ravuthar, son of Natharusa Ravuthar, residing in the place aforesaid.

(Mark of) Perumal Nadan, son of Malaikrishna Nadan of the said place.

(") Karuppana Maniyakaran, son of Karuppana Maniyakaran of the said place.

(Signed) Velayudam Pillai, son of Nagalingam Pillai of Sari Songulam, writer hereof.

(Here are entered stamp-vendor's endorsements Registration particular and seal.)

(True copy).

Thirumangalam Sub-Registrar's Office 20*th January* 1890. } (Signed) T. KRISHNA ROW, *Sub-Registrar.*

Original admitted by Plaintiff's 37th witness. Filed as FFF.
29—7—90.

(Initialled) C. V.

Subordinate Judge's Court of Madura (West).
No. 21 of 1889.

Produced on the 29th July 1890 by Plaintiff and filed on the 29th July 1890 as Exhibit FFF.

(Signed) C. VENKOBA CHARIAR, *Subordinate Judge.*

No. 12.

No. 12. Plaintiff's Exhibit GGG.— Petition dated 26th Febrnary 1889 with order thereon dated 11th April 1889.

Plaintiff's Exhibit GGG.

Petition sent by Thumbayasami Naiker to Mr. E. Turner Collector of Madura with order thereon.

C. P. No. 316 *of* 1889.

To

E. TURNER ESQUIRE,
District Collector of Madura.

The humble petition of Thumbayasami Naiker, son of Muthuveerasami Naiker, residing at Peraiyur attached to Thirumangalam Taluk.

1. I hear that the petition which I have submitted to your honor praying that the Peraiyur Zemin may be secured for me, your honor's humble servant, has now been refered for enquiry and report to the General Charge Deputy Collector.

2. The said Peraiyur Zemin was, from the year 1848 up to the year 1859, under the management of the Collector of Tinnevelly District as agent of

Deputy Registrar.

No. 12. Plaintiff's Exhibit GGG.— Petition dated 26th February 1889 with order thereon, dated 11th April 1889. —*continued.*

the Court of Wards. At that time, the father of this petitioner, your honor's humble servant, was a minor, and he was therefore given maintenance and other allowances then. There are (records of) several proceedings to show that.

3. As the records of such proceedings are now necessarily required in support of this, my present affair, I applied to the Collector of Tinnevelly District to grant me copies of those records which are mentioned in the list hereto annexed, and which are in the office of the said Collector and in the Tahsildar's cutchery in Srivilliputtur Taluq, and he thereupon directed me to get an endorsement from your honor.

4. I therefore earnestly pray that your honor will be so good as to order for a grant of an endorsement to me for the purpose of obtaining the records which are described in the list, and which are very material to me, your honor's humble servant, in the matter (of the present enquiry). The list is hereunto annexed.

26—2—89. (Signed) Thumbayasami Naiker.

Records to be obtained upon the orders of the Collector of Tinnevelly District.

No.	Year and month.	Nature of records.	In the records of which office they are.
1.	1848.	The arzi and the list showing all his family people and children &c., submitted by the Tahsildar of Srivilliputtur Taluq to the Collector of Tinnevelly District, stating that the (then) Peraiyur Zemindar Thumbayasami Thumbichi Naiker was ill, and that the said Zemin, as the peishcush thereof has not been paid, should be kept under attachment as requested by the said Zemindar.	In the records of the office of the Collector of Tinnevelly District.
2.	1849.	Arzi submitted with genealogical tables and lists &c., stating that the said Zemindar had died and that therefore the said Zemin should be registered in the name of the minor Thumbayasami Naiker, and kept under the management of the Court of Wards, and that maintenance &c., should be allowed for the children and other family members of the said Zemindar.	Do.
3.	Do.	The orders upon the arzis abovenamed sent from the Huzur to the Taluq.	Do.

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RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 12. Plaintiff's Exhibit GGG.—Petition dated 26th February 1889 with order thereon, dated 11th April 1889. —*continued.*

4.	1849	Letter with its enclosures, namely the genealogical table and the list of the members of the said (Zemindar's) family submitted to the Revenue Board, stating that Peraiyur Zemin should be placed under the management of the Court of Wards, and that maintenance should be granted to the children and other members of the said Zemindar's family.	In the records of the Office of the Collector of Tinnevelly District.
5.	Do.	The order together with the list forwarded to the Tahsildar stating that the said Zemin was registered in the name of the minor Thumbayasami Naiker and the same was placed under the management of the Court of Wards, and that maintenance allowance be granted to the children and other members of the Zemindar's family as shown in the table.	Do.
6.	Do.	Arzi submitted by the Tahsildar requesting to know in whose hands the maintenance amount should be given, inasmuch as there was faction and misunderstanding among the members of the said Zemindar's family.	Do.
7.	Do.	The order thereon sent to the Tahsildar together with a list, stating that the maintenance amount should be divided and distributed among the members as shewn in the said list submitted therewith.	Do.
8.	1851.	Report submitted by the Tahsildar upon his enquiry with regard to the complaints lodged by the Zemindar's widows in the matter of their performing the obsequies for their deceased Zemindar.	Do.
9.	1853. 1854. 1856.	The arzi together with its enclosure—a deposition—submitted by the Tahsildar in the matter of registering the said Zemin in the name of another minor Muthukumarasami Naiker, as the minor Zemindar of the place, the said Thumbayasami Naiker, was dead.	In the records of the Office of the Collector of Tinnevelly District.

Deputy Registrar.

10.	1853. 1854. 1856.	Letter submitted to the Board (of Revenue) touching the aforesaid matter.	In the records of the Office of the Collector of Tinnevelly District.
11.	From 1853 to 1857.	Letters with enclosures stating that the maintenance allowance for the minor Muthukumarasami Naiker and for another minor Muthuveerasami Naiker should be increased.	Do.
12.	Do.	Letters praying for sanction of money for the ear-boring and Vithyarambham (commencing to read) ceremonies in the case of the said minors.	Do.
13.	From 1852 to 1859.	Arzis submitted either by the Tahsildar or by the Zemin Managers with special reference to the said Muthuveerasami Naiker in regard to his protection question and also the orders passed on those Arzis.	Do.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 12. Plaintiff's Exhibit GGG.—Petition dated 26th February 1889 with order thereon dated, 11th April 1889. —*concluded.*

Remarks:—This Zemin remained attached to Tinnevelly District from the year 1848 to the year 1859, and was then in the management of the Court of Wards, when the estate was, for some time, under the direct management of the Collector and for some time, under the management of the Sub-Collector also. If the original Arzis have been destroyed, the entries of the same may be on the records of the Taluq Office of Srivilliputhur. I therefore pray that orders may be given for granting copies of such entries (also).

26—2—89. (Signed) Thumbayasami Naiker.

Petitioner is informed that, as the Peraiyur estate has been registered in the name of Nagayasami Naiker and no further enquiry will be held in the Revenue Department, the Collector has no reason to grant the certificate applied for.

11—4—89. (Initialled) H. K.

(Signed) E. TURNER,
Collector.

Subordinate Judge's Court of Madura (West.)
No. 21 of 1889.

Produced on the 29th July 1890 by Plaintiff's 37th witness and filed on the 29th July 1890 as Exhibit GGG.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

No. 13.

Plaintiff's Exhibit HHH.

Petition by Thumbayasami Naiker to His Excellency the Governor with the endorsement thereon.

No. 13. Plaintiff's Exhibit HHH.— Petition by Thumbayasami Naiker dated 14th March 1889.

To His Excellency, The Right Honourable &c.

The humble petition of Thumbayasami Naiker, son of Muthuvirasami Naiker, residing at Peraiyur, Tirumangalam Taluq, Madura District:—

Most respectfully showeth:—

1. That Muttu Vijiya Ragunatha Thumbayasami Thumbichi Naiker, the last Zemindar of Peraiyur, died without issue on the 10th November 1888.

2. That petitioner is the eldest son of the undivided paternal uncle of the said deceased Zemindar and, as such, is the nearest heir, next entitled to succeed to the Zemindari.

3. That, while he is the rightful heir to the said Zemindari, the petitioner hears that the mother of the late Zemindar, with a view of defeating the claim of the petitioner, and getting the Zemindari for one Peraiyur Nagayasami Naiker, is working in collusion with him against the interests of the petitioner.

4. That the said Peraiyur Nagayasami Naiker was long before divided from the family of the petitioner and the late Zemindar of Peraiyur and has no sort of title or claim to the said Zemindari.

It is, therefore, prayed that the petitioner be declared the rightful heir to the Zemindari of Peraiyur and registered as the Zemindar.

For which act of kindness and justice, your petitioner will ever as in duty bound pray.

Seal.

Proceedings of the Board of Revenue.
(Land Revenue).

Dated 14th March 1889. No. 905 Routine.

Read petition from Thumbayasami Naiker, son of Muthuvirasami Naiker, residing at Peraiyur, Thirumangalam Taluq, Madura District, requesting that he may be declared as the proper heir of the deceased Zemindar of Peraiyur.

Endorsement.

Petitioner should address the Collector in the first instance.

(True extract).

(Signed) W. HAMMICK,
Secretary.

To Petitioner through the Collector of Madura.

Subordinate Judge's Court of Madura (West).

Original Suit No. 21 *of* 1889.

Produced on the 29th July 1890 by Plaintiff's 37th witness and filed as Exhibit HHH.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

Deputy Registrar.

No. 14.

Plaintiff's Exhibit SSS.

Sunnud-i-Milkeat Istimrar deed to Vara Camia Naiker, Zemindar, Saptur, granted by the Governor in Council of Fort Saint George.

No. 41. Plaintiff's Exhibit SSS.— Sunnud-i-Milkeat Istimrar deed, dated 22nd April 1803.

Sunnud-i-Milkeat Istimrar or deed of permanent property granted by the Right Honorable Edward Lord Clive Baron Clive of Walcot in the County of Salop and Baron Plassy of the Kingdom of Ireland, Governor in Council of Fort St. George, on the part of the Honorable the United Company of Merchants of England, trading to the East Indies, to Vara Camia Naik, Zemindar of Saptur.

Names of the villages composing the Zemindari of Saptur.

Cusba Saptur.
Nagalapuram.
Pullamadattooputty.
Puchayandyputty.
Maulaputty.
Ramasawmyporum.
Meanatchyporum.
Teckooputty.
Coody Sarey.
Semputty.
Saloopaputty.
Cottaputty.
Tottanumputty.
Mangalaporum.
Cullooputty.
Soolapahporum.
Coonnoovarputty.
Aulyputty.
Sembarany Naikenputty.
Toolloocootynaikenoor.
Kistnahporum.
Poodoopettah.
Paupoonaikenputty.
Chunkeralingaporum.
Cuttaryputty.
Veppunputty.
Sillaurputty.
Vundapully.
Aundyputty.
Naughiahporum.
Vittilputty.
Iyemputty.

It is known to the Zemindars, Talookdars, Merassidars, Ryots and all cultivators of land in the territories subject to the Government of Fort St. George, that from the earliest until the present period of time, the public assessment of the land revenue has never been fixed; but that according to the established practice of Asiatic Governments, the assessment of the land revenue has fluctuated without any fixed principles for the determination of the amount; and without any security to the Zemindars or other persons for the continuance of a moderate land tax. On the contrary, frequent enquiries have been instituted by the ruling Power, whether Hindoo or Mahomedan, for the purpose of augmenting the assessment of the land revenue; and it has been customary to regulate such augmentations by the enquiries and opinions of the local officers appointed by the ruling power for the time being. In the attainment of an increased revenue on such foundations, it has been usual for the Government to deprive the Zemindars, and to appoint persons on its own account 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. It is 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 destructive to the comfort of individual persons by diminishing the security of personal freedom and of private property.

2*nd*.—The British Government, impressed with a deep sense of the injuries arising to the

Chinnakuttaly.
Auvalachary.
Mootoonaigaporum.
Soghyputty.
Naughyaporum.
Codeycolum.
Melaputty.
Alaghapoori.
Nadoomcolum.
Ramanaikenputty.
Commoyputty.
Mauttoor.
Marikalum Cauttaun.
Uttyputty.
Auyakolum.

state and to its subjects from the operation of such principles, has 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; to fix for ever a moderate assessment of public revenue on such lands which shall never be liable to change under any circumstances; to institute Courts of Judicature for the protection of these valuable rights; and to secure to every description of its native subjects under the operation of fixed and defined laws, the free exercise of the religious institutions and domestic usages of their ancestors.

3*rd*.—In conformity to these principles the assessment of your Zemindari has been fixed from the commencement of Fasly 1212 at the annual sum of Star Pagodas (2,582) two thousand five hundred and eighty-two, which said sum of Star Pagodas (2,582) two thousand five hundred and eighty-two shall be fixed, and is hereby accordingly declared by this Sunnud to be the permanent annual jummah of your Zemindari payable in the current coin of the province, in fixed monthly instalments agreebly to the separate Kistbundy signed by you.

4*th*.—This permanent assessment of the land tax on your Zemindari is exclusive of the revenue derived from the manufacture and sale of salt and saltpetre, exclusive of the Sayer or duties of every description, whether by sea or land the entire administration of which the Government reserves to itself; exclusive of the Abkary or tax on the sale of spirituous liquors and intoxicating drugs; exclusive of the excise which is or may be levied on commodities or articles of consumption; exclusive of all taxes, personal and professional, as well as of those from Markets, Fairs, and Bazaars; exclusive of Lakheraj lands (lands exempt from the payment of public revenue) and of all other alienated lands paying a small quit-rent (which quit-rent unchangeable by you, is included in the assets of your Zemindari); and exclusive of all lands and Russooms heretofore appropriated to the support of Police Establishments. The Government reserves to itself the entire exercise of its discretion in continuing, or abolishing temporarily or permanently, the articles of revenue included, according to the custom and practice of the country under the several heads above stated.

5*th*.—You shall regularly pay in all seasons the amount of the permanent assessment above fixed. The remissions which have occasionally been granted according to the custom of the country on account of drought, inundation or other calamity of the season, shall now cease and never be revived; and if (which God forbid) you should fail to discharge your engagements, your Zemindari and your personal property shall be answerable for the consequence of such failure.

6*th*—In this event your personal property will be liable to attachment in the first instance; and your lands will ultimately be liable to be sold and transferred from you for ever, for the payment of the public revenue. But under the moderate terms of the assessment on your Zemindari, this event can never happen except in consequence of your own default; for the Court of Judicature will protect you against such an injury, unless warranted by your failure.

Deputy Registrar.

7*th*.—You shall be at free liberty to transfer, without the previous consent of Government, or of any other authority, to whomever you may think proper either by sale, gift or otherwise, your proprietary right in the whole or in any part of your Zemindari; such transfers of your land shall be valid and recognized by the Courts and Officers of Government, provided they shall not be repugnant to the Mahomedan or the Hindu laws, or the Regulations of the British Government; but unless such sale, gift or transfer shall have been regularly registered at the Office of the Collector and unless the public assessment shall have been previously determined, and fixed on such separated portions of your estate by the Collector, such sale, gift or transfer shall be of no legal force or effect; nor shall such transaction exonerate you from the payment of any part of the public land tax assessed on your entire Zemindari previously to such transfer; but your whole Zemindari shall continue to be answerable for the total land tax, in the same manner as if no such transaction had occured.

8*th*.—In the event of the sale of any part of your Zemindari for the liquidation of arrears of the assessment, or in satisfaction of the decree of a Court of Judicature, or in the event of the transfer of any part of your Zemindari by gift, sale or otherwise, you shall furnish the Collector with true and correct accounts of your entire Zemindari and of the portion of your Zemindari to be so separated, for a period not less than the three years preceding such sale or transfer in order that the due proportion of the public revenue may be fixed thereon. The assessment to be settled on the separated parts of your lands shall always bear the same proportion to the actual produce of the separated portion, as the total permanent Jummah on your Zemindari bears to the actual produce of the whole Zemindari. So that if the accounts to be furnished by you should be correct, no partial assessment can happen nor any increase of the fixed Jummah be ever made, under whatever changes or improvements, your interests or your pleasure may lead you to introduce into the Zemindari.

9*th*.—Although you shall have free right and liberty to transfer by sale, gift or otherwise, any part of your Zemindari not repugnant to the Regulations of Government, yet it shall not be competent for you nor for any Zemindar to form any part of your lands, into a separate estate paying its Jummah directly to Government, unless the public assessment on such separate estate shall amount to the annual sum of five hundred Star Pagodas (500) and upwards.

10*th*.—In order that you may at all times be enabled to comply with the conditions of the 8th Article of this Sunnud by which you are bound to furnish true and correct accounts of your Zemindari when required by the Collector, you shall support the regular and established number of Curnams in the several villages of your Zemindari. The Curnums shall be appointed from time to time by you, and shall obey all regular order issued by your authority; but they shall not be liable to be removed from their offices, except by the sentence of a

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 14. Plaintiff's Exhibit SSS.— Sunnud-i-Milkeat-Istimrar deed, dated 22nd April 1803. —*continued.*

Court of Judicature. In the event of your having, or of your under-farmers, tenants, or ryots, having cause of complaint against the Curnum of any village for a breach of duty, you shall be at liberty to institute at your own peril a suit in the Adaulut of the Zillah for the purpose of bringing such Curnum to trial and punishment, but in the event of your dispossessing a Curnum of his office without such previous regular process, you shall be liable to make such satisfaction for the injury as the Adaulut of the Zillah may decree. Where a Curnum may be dismissed from his office by the sentence of a Court of Judicature, you shall, in the first instance, select a successor from the family of the last incumbent provided any member of that family shall be capable of the duty of Curnum, but if no member of it shall be capable of discharging that duty, you shall exercise your discretion in the appointment of a proper person. The name of the person appointed to succeed shall be reported to the Collector.

11*th*.—The Government having charged itself with the maintenance of the Police of the country will defray the entire expense of that establishment; you shall neverthless aid and assist its officers in apprehending and securing offenders of all description, and you shall enquire and give notice to the Magistrates, of all robbers or disturbers of the public peace who may be found or who may seek refuge in your Zemindari.

12*th*.—You shall enter into engagements with your ryots either for a rent in money or in kind and shall, within a reasonable time, grant to each ryot a Puttah or Cowle clearly defining the amount to be paid by him and explaining every condition of the engagement: and you shall grant or cause to be granted regular receipts to the ryots for all discharges in money or in kind made by them to you or for your account. If after the expiration of a reasonable period of time from the execution of your Cabooleat, you shall neglect or shall refuse to comply with the demand of your under-farmers or ryots for the Puttah and receipts above mentioned, you shall be liable to be sued in the Adaulut of the Zillah; and you shall also be liable to such damages as may be decreed by the Adaulut to the complainant.

13*th*.—The foreging conditions contain an abstract of the obligations and duties which you shall incur and of the rights which you have acquired under the new constitution erected for the security, protection and prosperity of the subjects of the British Government. But for the enlargement of that constitution and for the improvement of the condition of the people, the Governor in Council will continue, from time to time to enact such regulations as experience may suggest or the progress of human affairs render necessary. Such regulations will be administered by independent Judges in constituted Courts of Judicature, governing their decisions by the laws only. The decrees of those Courts will be founded on the regulations of Government, printed, published, and translated for information and security of its subjects; and on the institutes of the Hindoo or Mahomedan laws which are also open to the enquiry of all persons, the proceedings of the Adaulut will be held in open Courts accessible to persons of every description; all parties will be at liberty to attend to their own interest by their presence in the Courts during such proceedings; or to employ their Vakeels with

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 14. Plaintiff's Exhibit SSS.— Sunnud-i-Milkeat Istimrar deed, dated 22nd April 1803. —*concluded.*

such instruction regarding the mode of prosecution or defence, as may appear to be most eligible to themselves; the sentences of the Courts will be pronounced in the same public manner and executed by Civil authority without the interposition of Military force; the Collectors and other public servants of the Government will be compelled to appeal to the Courts of Judicature for the adjudication of all cases, in which by virtue of their offices they may be parties; and finally the greatest practicable decree of security has been extended to the native subjects of the British Government by the establishment of a gradation of appeals from the Zillah Court to the Provincial Court; and from the Provincial Court to the Court of Sudder Adaulut at the Presidency; and in the last resort from the Court of Sudder Adaulut to the Governor General in Council of Bengal.

14*th*.—Being, therefore, sensible of the benefits conferred on you by these institutions and confident of enjoying the fruits of your industry, you shall be punctual in your engagements with Government; you shall conduct yourself with good faith towards your ryots, whose prosperity is inseparably connected with your own; you shall treat them with tenderness, encourage them to improve and extend the cultivation of the land, and lay the foundations of your own happiness in the permanent prosperity of your Zemindari.

15*th*.—Continuing to perform the above stipulations, and to perform the duties of allegiance to the British Government, its Laws, and Regulations, you are hereby authorized and empowered to hold in perpetuity to your heirs, successors, and assigns at the permanent assessment herein named, the Zemindari of Saptur.

Given in Fort Saint George this twenty-second day of April 1803 by and in the name of the Right Honorable the Governor in Council.

(Signed) CLIVE.

Entered in the Secretary's Office.

By order of the Right Honorable the Governor in Council.

(Signed) EDWARD GREENWAY,
Secretary to Government.

(Signed) W. Patric.

(Signed) JOHN CHAMER.

(Signed) G. PARISH,
Collector.

(True copy).

(Signed) T. RENGA ROW,
Try. Deputy Collector.

Seal.

No objection. Filed SSS.

14—8—1890. (Initialled C. V.)

Subordinate Judge's Court of Madura (West).

No. 21 of 1889.

Produced on the 14th August 1890 by Plaintiff and filed on the 14th August 1890 as Exhibit SSS.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

No. 15.

Plaintiff's Exhibit TTT.

Report made by the Collector of Tinnevelly District, to the Board of Revenue, Madras, about the death of Sankaralingam Camiah Naiker, the Poligar of Saptur.

To

THE PRESIDENT AND MEMBERS OF THE BOARD OF REVENUE, FORT SAINT GEORGE.

GENTLEMEN,

I have the honor to report the demise of Sankaralingam Camiah Naiker, the Poligar of Saptur in this District. He died on the 26th April 1831 leaving four wives and two children—males. The eldest is the son of the third Kistna Ammal and is reported to be nineteen years of age; his name is Nagasami Naiken, and as on a personal enquiry, he seems qualified and is entitled to succeed Sankaralingam Camiah Naiken deceased. I request to be informed I may be authorized to grant receipts to him for the payment of the Peishkush. The estate has been under attachment since 4th August 1829, Fusli 1239, for arrears of revenue.

TINNEVELLY PUDUCOODY,
8th June 1831.

I have,
(Signed) G. D. DRURY,
Collector.

(A true copy).

(Signed) M. B. Bagavantha Row,
Amin, Sub-Court (West.)

Received 19th April 1890.

10—4—90.

True copy.
(Signed) CHOKALINGAM,
Superintendent.

14—8—1890.

Filed as Exhibit TTT.

To support succession right in the senior by age.

Initialled C. V.

Initialled C. V.

Subordinate Judge's Court of Madura (West).
No. 21 of 1889.

Produced on the 14th August 1890 by Plaintiff and filed on the 14th August 1890 as Exhibit TTT.

(Signed) VENKOBA CHARIAR,
Subordinate Judge.

Deputy Registrar.

No. 16.

Plaintiff's Exhibit UUU.

Yadast by Muthuveerammal, mother of the minor Zemindar of Saptur to the manager of the same Estate.

To

The Manager of Saptur Estate.

Yadast of Muthuveerammal, mother of the said minor Zemindar.

I came to understand that you have received an order from the Huzur, to be informed about the details, as to what particular jewels are worn by widows after the death of their husbands according to the custom of our caste. Besides your knowing about it on enquiry, you should also know that, according to our caste custom, a woman who has given birth either to a male or a female child, whether the said child is alive or not, has no right to get absolutely as her own, the Jewels, whether they were brought as dowry from her mothers' house, or whether they were given to her by her husband after her coming to his house. The jewels &c. properties should belong to the family of the husband. As Muthukamakshi Ammal, the dagger wife of my husband, gave birth to a child and as it died, her jewels that were brought as Stridhanam by her as well as those given her by her husband, after the death Muthukamakshi Ammal, should go to my sons who are the heirs of the late Zemindar in pursuance of the said custom. This I have intimated to you.

1—10—87,
Saptur.

(Signed) Muthuveerammal.
Proved before the Commissioner.

Filed as Exhibit UUU.
(Signed) VENKOBA CHARIAR,
Subordinate Judge

No. 17.

No. 17. Plaintiff's Exhibit WWW.—Memorial of the wives of the late Zemindar, dated 6th April 1886.

Plaintiff's Exhibit WWW.

Memorial by the wives of the late Zemindar of Saptur to the Board of Revenue, Madras.

To

The Honorable Members of the
Board of Revenue,
Madras.

The humble memorial by the undersigned, the wives of the late Zemindar of Saptur, Tirumangalam Taluk, Madura District.

Most respectfully showeth:—

That the petitioners are given to understand that Rani Muthuveerammal has petitioned to the Board that they would be pleased to allow her the entire profits of nearly rupees 10,000 a year, to be derived from lands paying a kist of about rupees 4,000 a year.

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 17. Plaintiff's Exhibit WWW.—Memorial of the wives of the late Zemindar, dated 6th April 1886. —*concluded.*

2. That the term Rani does not apply to any particular wife of the Zemindar, but to all in general.

3. That should the Board be inclined to grant the prayer of Rani Muthuveerammal, the undersigned hope the Board cannot fail to see that they are also legally entitled to an equal dividend of the profits.

4. That the plea put forth by Rani Muthuveerammal, that in the case of the late Zemindar's mother, a similar concession had been made is utterly false, the fact being that the claims of one and all the Ranis had been duly considered, which will appear to the Board on a perusal of the records connected therewith.

5. As regards the reduction of allowance, prayed for by Rani Muthuveerammal, the petitioners fail to recognize the necessity therefor, when the scale of allowances fixed for Ranis of Gandamanayakkanur and other estates is considered.

6. That it is but just and proper that the petitioners do implore the Board to allow each of the undersigned, the property, jewel &c., presented to each as dowry or in any other shape whatsoever.

7. That it is, therefore, most humbly prayed that due justice be rendered to the petitioners.

(Signed) Muthu Chinnammal,
(„) Muthu Kristnammal,
(„) Muthu Kamakshammal,
(„) T. Nagammal.
} In Tamil.

(True copy).

6th April 1886.

(Signed) T. Runga Row,
Treasury Deputy Collector.

Subordinate Judge's Court of Madura (West).

No. 21 of 1889.

Produced on the 5th August 1890 by Plaintiff and filed on the 14th August 1890 as Exhibit WWW.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

Note.—The original sent for from the Board and returned shows that the signature of Muthukamakshi and Nagammal were made at the very end of the 2nd page and in different ink.

15—8—1890. (Initialled C. V.)

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 18. Defendant's Exhibit VII.—Sale deed, dated 3rd November 1866.

No. 18.

Defendant's Exhibit VII.

Sale-deed by Muthu veerasami in favor of Ponnukudan Chetti.

Deed of sale of punja land executed on the 19th Alpisi of the year Akshaya, (3rd November 1866) by Muthuveerasami, son of Vellayammal, the concubine of M. R. Ry. Thumbayasami Thumbichi Naiker Avergal of Peraiyur, in favor of Ponnukudan Chetti, son of Pulu, Karuppan Chetti, living in the said village.

The land situate in the village of Ponneyapuram, the puttah for which stands in my name, which bears Survey No. 51 and which is of 2nd sort, measures three gulis. Out of these three gulis of land, excluding the 1½ gulis belonging to Muthu Karuppan Chetti's son Pulugu Chetti, the remainder 1½ gulis. This I have sold to you and received the sum of Rs. 100-0-0. As I have received the said one hundred Rupees, you shall plough and raise any produce you like thereon, and pay the assessment due to Government and shall hold and enjoy the same hereafter from generation to generation. You shall appropriate to yourself the vargu, cotton, cholam, kambu and other produce that is raised on the abovementioned land during the current year; and I shall submit a razinamah to the Cutchery to have the puttah of the said land transferred to your name and I have nothing to do with the said land hereof. Thus I Muthuveerasami of my free will have executed (this) to Ponnukudan Chettiar.

Thus (Signed) Muthuveerasami.

Witnesses :—
(Signed) Rengan Chetti, son of Kay. Na. Karuppan Chetti; I know.
(„) Pulugu Chetti, son of Muthu Karuppan Chetti; I know.
(Marked) This *is the mark* of Kudalingam Pillai, I know.
(Signed) Muthu Karuppa Panikkan, witness, I know.
(„) Avathanjee Panikkan, witness, I know.
(„) Avudaiyar, writer of this deed.

Plaintiff's Vakil objected that the document not being registered is not evidence even for the collateral purpose of proving the description of Muthuveerasami. Subject to objection, the document is filed as Exhibit VII.

1—8—90. (Initialled) C. V.

Subordinate Judge's Court of Madura (West).

No. 21 *of* 1889.

Produced on the 1st August 1890 by Defendant's 1st witness for 55th witness and filed on the 1st August 1890 as Exhibit VII.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

No. 19.

Defendant's Exhibit VIII.

Sale deed by Ponnukudan Chetti in favor of Iswaramurthi Monigar.

Ramajayam.

Sale deed of punja land executed on the 11th Vyasi of the year Vibava, (28th May 1868) by Ponnukudan Chetti, son of Pulugu Chetti, living in Peraiyur, in favor of Iswaramurthi Monigar, son of (portion torn), living in the said village (portion torn).

The 1½ gulis of punja land, 2nd class, bearing Survey No. 51, which I have purchased from Muthaiya in Ponneyapuram pannai lands I have this day sold to you for (portion torn). As I received (portion torn), from this time forward, for ever. You alone shall plough the said land, raise any crops you please thereon, pay the Government assessment and shall happily enjoy the same for ever hereafter. I shall submit a razinamah in writing to the Cutchery for the transfer of puttah of that land to your name. Thus I have written with my own hand. I will execute this sale deed on a stamp paper after purchasing the same whenever you desire.

(Signed) Ganapathi Chetti's son Mahalinga——

(„) Koppeyan Chetti, son of Karuppan Chetti, I know.

In the Subordinate Judge's Court of Madura (West.)

No. 21 *of* 1889.

Produced on the 1st August 1890 by Defendant's 1st witness for 55th witness in the list and filed on the 1st August 1890 as Exhibit VIII.

(Signed) C. VENKOBA CHARIAR,

Subordinate Judge.

Deputy Registrar.

No. 20.

Defendant's Exhibit IX.

Sale deed by Muthuveerasami in favor of Pulugu Chetti.

Deed of sale of punja land executed on the 19th Alpasi of the year Akshaya, (11th November 1866) by Muthuveerasami, son of Vellai Ammal, concubine of M. R. Ry. Thumbayasami Thumbichi Naiker Avergal, living in Peraiyur, in favor of Pulugu Chetti, son of Muthu Karuppan Chetti of the said village.

The land situated in Ponneyapuram village the puttah of which stands in my name, bearing (Survey) No. 51, 2nd sort, consists of three gulis; out of these three gulis of land, excluding 1½ gulis for Ponnukudan Chetti, the remainder 1½ gulis is sold to you and I have received Rs. 100-0-0; as I received (the said sum), you shall hereafter plough it and cultivate any crop you please, and pay the Government assessment. You shall hold and enjoy the same from generation to generation. You shall appropriate to yourself the varagu, cotton, cholam, kambu and other produce that is cultivated in the above mentioned land during the current year; and I will submit a razinamah to the Cutchery for the transfer of puttah of the said land to your name. I will have nothing to do with the said land hereafter. Thus with all my heart and consent, I, Muthuveerasami, executed (this deed) to Pulugu Chetti.

Thus (Signed) Muthuveerasami.

Witnesses:—

(„) Key. Na. Karuppan Chetti's son Rengan Chetti, I know.
(„) Ponnukudan Chetti, I know.
(„) Muthu Karuppa Panikkan, witness, I know.
(„) Avathanjee Panikkan, witness, I know.
(„) Avadaiyyar, writer of this deed.

Plaintiff's Vakil objects that the document not being registered is not evidence even for the collateral purpose of proving the description of Muthuveerasami. Subject to objection the document is filed as Exhibit IX.

1—9—1890. (Initialled) C. V.

Subordinate Judge's Court of Madura (West).

No. 21 *of* 1889.

Produced on the 1st August 1890 by Defendant's 2nd witness and filed on the 1st August 1890, as Exhibit IX.

(Signed) C. VENKOBA CHARIAR,

Subordinate Judge.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 21. Defendant's Exhibits X and Xa.—Puttah razinamah and deposition, dated 24th July 1877.

No. 21.

Defendant's Exhibits X and Xa.

Puttah razinamah and deposition given before the agent of the Peraiyur Zemin by Thumbayasami and his mother.

Puttah razinamah given before the agent of the Peraiyur Zemindar by Thumbayasami and his mother.

(One and the same).

(Almost the whole of this is torn).

"These two Exhibits are Puttah Razinamah and deposition given before the agent of the Peraiyur Zemindar by Thumbayasami and his mother, dated 24th July 1877.

24—7—77.

To

GOPALAKRISHNA CHETTIYAR,
Agent to Peraiyur Zemindari.

Thumbayasami, son of Muthayya and living in the cusba of the said Zemindari.

* * * * * (portions all torn-cannot be made out).

* * * * *
* * * * *
* * * * *

For rupees 38, as it was conveyed by us by means of a sale deed in favor of Ponnukudan Chettiar, puttah may be made in the name of the said person from this year forward and teerwa (tax) also collected from him; and we do not want the said land at all for ever.

24th July 1877.

(Signed) Thumbayasami,
Manyam.

(Marked) This is the mark of Subbammal.

(Subsequent portions also all torn.)

* * * * *
* * * * *

Produced before me by Chinnasami Ayyar, manager under the Zemindar of Peraiyur on his behalf.

(Signed) BASHYACHARI,
Commissioner.

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 22. Defendant's Exhibit Xb.—Sale deed, dated 28th May 1877.

No. 22.

Defendant's Exhibit Xb.

Deed of sale of punja land by Subbammal and her son Thumbayasami in favor of Ponnukudan Chettiar.

Sale deed executed on the 28th May 1877, corresponding to the 17th Vyasi of the Tamil year Eswara, in favor of Ponnukudan Chettiar, son of Pulugu Chettiar, living in Cusba Peraiyur Zemin, by 1. Subbammal, wife of Muttayya and 2. her son, Thumbayasami, both living in the said village. The boundaries of our own puttah land which is now being sold to you are:—East of the punja of Kulandy Maniyagar, south of the maniyam punja of Pattathayyar, west of the punja of Mahalingam Chettiar and north of the lands irrigated by Periyakulam. As we have agreed to sell absolutely for Rs. 30 the said land and as you have paid and as we have received in cash, the said sum of Rs. 30, you shall, from this day, enjoy the said punja land, raising thereon any crop you please, from generation to generation and remain in happiness. You shall pay the assessment of the said punja. We shall submit a Razinamah to the principal Cutchery for the issue of puttah in your name. Thus we Subbammal and Thumbayasami executed this to Ponnukudan Chettiar.

(Marked) This is the mark of Subbammal.

Thus (Signed) Thumbayasami.

(Signed) M. Sankaranarayanan Chetti, I know.

(,,) Annamalai Chetti, I know.

(Marked) This *is the mark* of So. Arunachella Moniagaran, I know.

(Signed) N. Ra. Chockalinga Pillai, writer of this deed.

Subordinate Judge's Court of Madura (West).

Original Suit No. 21 *of* 1889.

Produced on the 21st July 1890 by Defendant's 13th witness and filed on the 6th August 1890 as Exhibit Xb.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 23. Defendant's Exhibit Xc.— Puttah granted for Fusli 1294, dated 2nd June 1885.

No. 23.

Defendant's Exhibit Xc.

Puttah granted by Muthu Vijaya Reghunadha Thumbayasami Thumbichi Naiker, Zemindar of Peraiyur to M. Annamalai Chetti, a ryot of the said village.

No. 1. Peraiyur Cusba village; Due by Ma. Annamalai Chetti, Rupees 13-15-8.

(Signed) Curnam Muthalagu Pillai.

Ayan Puttah No. 70.

December. January. February. March. April. May. June.

Ayan puttah executed and given by M. R. Ry. Muthu Vijaya Reghunadha Thumbayasami Thumbichi Naiker Avergal, Zemindar of Peraiyur to Ma. Annamalai Chetti, cultivating tenant, residing in the Cusba village of Peraiyur in the said Zemindari.

Description of the land which you cultivate during Fasli 1294 :—Nanja and punja; field No. 158, 1st sort, measuring $1\frac{5}{32}$ guli, assessed at $4\frac{11}{32}$ fanams; in the same number, a field in which paddy is cultivated measures $\frac{3}{16}$ of a guli, and is assessed at $3\frac{21}{32}$ fanams; in the same number, another field, punja, measures $\frac{3}{16}$ of a guli and is assessed at $2\frac{7}{16}$ fanams; and in the same number, another field of Vanpayir cultivation, 1st sort, measures $\frac{5}{16}$ of a guli and is assessed at $8\frac{1}{8}$ fanams; No. 162, 1st sort, field of Vanpayir cultivation measures $\frac{1}{32}$ of a guli and is assessed at $1\frac{9}{16}$ fanams; No. 239, 2nd sort, measuring $\frac{41}{64}$ gulis, assessed at $6\frac{13}{32}$ fanams; No. 242, 2nd sort, measuring $1\frac{4}{64}$ gulis, assessed at $7\frac{21}{32}$ fanams; No. 319, 2nd sort, measuring $\frac{37}{64}$ of a guli and assessed at $5\frac{26}{32}$ fanams; total $4\frac{15}{64}$ gulis, assessed at 6 pons and $\frac{21}{62}$ fanam equivalent to Rupees 12-13-10; and punja second crop in No. 158, 1st sort, measures $\frac{1}{2}$ guli, and assessed at $3\frac{1}{4}$ fanams equivalent to Rupee 0-11-1; the total assessment is 6 pons and $3\frac{29}{32}$ fanams equivalent to Rupees 13-8-11; the road-cess is $\frac{3}{8}$ Rupee and 9 pies, *i. e.*, 0-6-9. The total assessment is Rupees 13-15-8; you shall pay this sum of Rupees thirteen, annas fifteen and pies eight to the shroff of the Zemin Cutchery in accordance with the instalments noted in the margin and obtain receipts for the same.

2*nd June* 1885.

(Impressed) Muthu Vijaya Reghunadha Thumbayasami Thumbichi Naiker.

Original Suit No. 21 of 1889.

Produced on the 6th August 1890 by Defendant's 13th witness and filed on 6th August 1890 as Exhibit Xe.

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 24. Defendant's Exhibit Xd.— Puttah granted for Fusli 1295, dated 2nd June 1886.

No. 24.

Defendant's Exhibit Xd.

Puttah granted by Muthu Vijaya Reghunadha Thumbayasami Thumbichi Naiker Avergal, Zemindar of Peraiyur, to M. Annamalai Chetti, a ryot of the said village.

	Rs.	A.	P.
No. 1 Cusba Paraiyur village. Due by M. Annamalai Chetti	14	6	5

(Signed) Curnam Muthalagu Pillai.

Ayan Puttah No. 70.

January. February. March. April. May. June.

Ayan Puttah executed and given by M. R. Ry. Muthu Vijaya Reghunadha Thumbayasami Thumbichi Naiker Avergal, Zemindar of Peraiyur village to M. Annamalai Chetti, cultivating tenant, residing in the said Cusba village, belonging to the said Zemindari.

Description of the lands which you cultivate during the Fusli 1295 is :—Nanja, and punja; field No. 158, 1st sort, extent $\frac{11}{32}$ guli assessed at $4\frac{11}{32}$ fanams; in the same punja, portion cultivated with paddy, 1st sort, extent 1 guli assessed at 1 pon and $9\frac{1}{2}$ fanams; in the same number, nanja, 1st sort, extent $\frac{3}{16}$ guli assessed at $2\frac{7}{16}$ fanams; in the same number, Vanpayir cultivation, 1st sort, extent $\frac{5}{16}$ of a guli assessed at $8\frac{1}{8}$ fanams; No. 162, 1st sort, Vanpayir cultivation extent $\frac{11}{32}$ of a guli assessed at $1\frac{9}{16}$ pons; No. 239, 2nd sort, $\frac{21}{52}$ of a guli assessed at $6\frac{13}{32}$ fanams; No. 242, 2nd sort, extent $1\frac{45}{64}$ guli, assessed at 1 pon and $7\frac{21}{32}$ fanams; No. 319, 2nd sort, extent, $\frac{37}{64}$ gulis, assessed at $5\frac{25}{32}$ fanams. Total $4\frac{27}{32}$ gulis assessed at 6 pons and $5\frac{13}{16}$ fanams, equivalent to Rs. 13-15-5. Road-cess 0-7-0. Total Rs. 14-6-5. Rupees fourteen, annas six and pies five. You should pay the said amount to the shroff of the said Zemin Cutchery in accordance with the instalments noted in the margin and obtain receipt for the same.

2*nd June* 1886.

(Stamped) Muthu Vijaya Reghunadha Thumbayasami Thumbichi Naiker.

Original Suit No. 21 of 1889.

Filed as Exhibit Xd this 6th August 1890.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 25. Defendant's Exhibit Xe.— Puttah granted for Fusli 1296, dated.

No. 25.

Defendant's Exhibit Xe.

Puttah granted by Muthu Vijaya Reghunadha Thumbayasami Thumbichi Naiker, Zemindar of Peraiyur, to M. Annamalai Chetti, a ryot of the said village.

No. 1. Cusba Peraiyur village. Due by M. Annamalai Chetti Rs. 14-6-5.

(Signed) Curnam Muthalagu Pillai.

Ayan Puttah No. 70.

Ayan Puttah executed and given by M. R. Ry. Muthu Vijaya Reghunadha Thumbayasami Thumbichi Naiker Avergal, Zemindar of Peraiyur village, to M. Annamalai Chetti, cultivating tenant, residing in the said Cusba village, belonging to the said Zemindari.

Description of the land you cultivate during the Fusli 1296 is :—Nunja, punja; No. 158, 1st sort, extent $\frac{11}{32}$ of a guli, assessed at $4\frac{11}{32}$ fanams; in the same punja, portion cultivated with paddy, 1st sort, extent 1 guli, assessed at 1 pon and $9\frac{1}{2}$ fanams; in the same number, nanja, 1st sort, extent $\frac{3}{16}$ of a guli assessed at $2\frac{7}{16}$ fanams; in the same number, Vanpayir cultivation, 1st sort, extent $\frac{5}{16}$ of a guli assessed at $8\frac{1}{8}$ fanams; No. 162, 1st sort, Vanpayir cultivation, extent $\frac{11}{32}$ of a guli assessed at $\frac{19}{16}$ pon; No. 231, 2nd sort, extent $\frac{21}{32}$ of a guli, assessed at $6\frac{13}{32}$ fanams; No. 242, 2nd sort, extent $1\frac{45}{64}$ gulis, assessed at 1 pon and $7\frac{21}{32}$ fanams; No. 319, 2nd sort, extent $\frac{37}{64}$ of a guli assessed at $5\frac{25}{32}$ fanams. Total $4\frac{27}{32}$ gulis assessed at 6 pons and $5\frac{3}{16}$ fanams, equivalent to Rs. 13-15-5. Road-cess Rs. 0-7-0. Total Rs. 14-6-5. Rupees fourteen, annas six and pies five. You should pay this amount in the Zemin Cutchery according to the instalments and obtain receipt for the same.

Stamped Muthu Vijaya Reghunadha Thumbayasami Thumbichi Naiker.

Original Suit No. 21 of 1889.

Filed as Exhibit Xe this 6th August 1890.

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 26. Defendant's Exhibit X.— Puttah, dated 2nd June 1888.

No. 26.

Defendant's Exhibit Xf.

Puttah granted by Muthu Vijaya Reghunadha Thumbayasami Thumbichi Naiker, Zemindar of Peraiyur, to M. Annamalai Chetti, cultivating tenant of the same villages.

No. 1, Cusba Peraiyur village. Due by M. Annamalai Chetti Rs. 14-8-3.

(Signed) Curnam Muthalagu Pillai.

Ayan Puttah No. 70.

Ayan Puttah executed and given by M. R. Ry. Muthu Vijaya Reghunadha Thumbayasami Thumbichi Naiker, Zemindar of Peraiyur village, to M. Annamalai Chetti, cultivating tenant, residing in the said Cusba village, belonging to the said Zemindari.

Description of the lands which you cultivate during the Fusli 1297 is :—Nanja, punja, No. 158, 1st sort, extent $1\frac{1}{16}$ gulis assessed at 2 pons and $1\frac{15}{64}$ fanams; in the same No. Vanpayir cultivation, 1st sort, extent $\frac{5}{16}$ guli, assessed at $8\frac{1}{8}$ fanams; No. 162, 1st sort, Vanpayir, 1st sort, extent $\frac{1}{32}$ guli, assessed at $\frac{11}{16}$ fanam; No. 239, 2nd sort, extent $\frac{21}{32}$ guli assessed at $6\frac{13}{32}$ fanams; No. 242, 2nd sort, extent $1\frac{45}{64}$ guli, assessed at pon 1 and $7\frac{21}{32}$ fanams; No. 319, 2nd sort, extent $\frac{37}{64}$ guli, assessed at 5 $\frac{57}{32}$ fanams; Total $5\frac{3}{32}$ gulis assessed at pons 6 and fanams $1\frac{7}{16}$ equivalent to Rs. 13-0-8. Punja No. 158, 1st sort, extent $\frac{3}{4}$ guli, assessed at $4\frac{7}{32}$ fanams; equivalent to Rs. 1-0-6. Total 6 gulis and $6\frac{21}{32}$ fanams; equivalent to Rs. 14-1-2. Road-cess 0-7-1. Total 14-8-3. This, Rupees fourteen, annas eight and pies three, you should pay into the said Zemin Cutchery according to the instalments and obtain receipts for the same.

2nd June 1888.

(Stamped) Muthu Vijaya Reghunadha Thumbayasami Thumbichi Naiker.

Original Suit No. 21 of 1889.

Filed as Exhibit Xf this 6th August 1890.

No. 27.

Defendant's Exhibit X*g*.

Puttah granted by Nagayasami Thumbichi Naiker, Zemindar of Peraiyur village, to M. Annamalai Chetti of the same village.

No. 1, Cusba Peraiyur village. Due by M. Annamalai Chetti Rs. 16-6-8.

(Signed) Curnam Muthalagu Pillai.

Ayan Puttah No. 70.

December. January. February. March. April. May. June. — Ayan Puttah executed and given by M. R. Ry. Nagayasami Thumbichi Naicker Avergal, Zemindar of Peraiyur village, to M. Annamalai Chetti, cultivating tenant, residing in the said Cusba village belonging to the said Zemindari.

Description of the lands you cultivate during the Fusli 1298 is :—
Nanja, punja No. 158, 1st sort, extent $\frac{11}{16}$ guli, assessed at $8\frac{11}{16}$ fanams; paddy cultivation in the said land, 1st sort, extent 1 guli, assessed at 1 pon and $9\frac{1}{2}$ fanams; Vanpayir cultivation in the same field, 1st sort, extent $\frac{5}{16}$ guli, assessed at $8\frac{1}{8}$ fanams; No. 162, Vanpayir, 1st sort, extent $\frac{11}{32}$ guli, assessed at $1\frac{9}{16}$ fanam; No. 239, 2nd sort, $\frac{21}{33}$ guli, assessed at $6\frac{13}{32}$ fanams; No. 242, 2nd sort, extent $1\frac{45}{64}$ gulis, assessed at pon 1 and $7\frac{21}{33}$ fanams; No. 319, 2nd sort, extent $\frac{37}{64}$ guli, assessed at $5\frac{25}{32}$ fanams. Total gulis $5\frac{7}{8}$ assessed at 6 pons and $6\frac{15}{32}$ fanams, equivalent to Rs. 14-6-8. Punja in the said No. 158, 1st sort, extent 1 guli, assessed at $7\frac{1}{2}$ fanams; equivalent to 1-6-0. Total 7 pons and $4\frac{11}{32}$ equivalent to Rs. 15-12-8. Road-cess Rs. 0-10-0. Total Rupees (16-6-8) sixteen, annas six, and pies eight. This you should pay into the Zemin Cutchery according to the marginally noted instalments and obtain receipts for the same.

(Stamped) Nagayasami Thumbichi Naiker.

2nd June 1889.

Original Suit No. 21 of 1889.

Filed as Exhibit X*g* this 6th August 1890.

Deputy Registrar.

No. 28.

Defendant's Exhibit X*h*.

Puttah granted by Muthukumarasami Thumbichi Naiker, Zemindar of Peraiyur, to Ponnukudan Chetti, a ryot of the said village.

Peraiyur Zemin, Cusba village; Due by Ponnukudan Chetti Rs. 2-4-8.

(Signed) Parangiriya Pillai, Curnam's Clerk.

Ayan puttah No. 152.

Ayan puttah granted by M. R. Ry. Muthukumarasami Thumbichi Naiker Avergal, Zemindar of Peraiyur, to Ponnukudan Chetti, the cultivating tenant, residing in the said Cusba village attached to the said Zemin.

Description of the lands which you cultivate during Fusli 1286 is :—Punja, nunja, No. 158, 1st sort, extent $\frac{3}{4}$ of a guli assessed at $2\frac{7}{16}$ fanams, and in the said punja, Vanpayir cultivation, 1st sort, extent, $\frac{5}{16}$ of a guli, assessed at $8\frac{1}{32}$ fanams; 1 field of $\frac{1}{2}$ guli, assessed at 1 pon and $\frac{9}{16}$ fanam which correspond to Rs. 2-3-10, and the road-cess is Rs. 0-0-10; and so the total is Rs. 2-4-8. You shall pay to the shroff of the Zemin Cutchery in accordance with the kists, this sum of Rupees two, annas four and pies eight and you shall obtain receipt for the same, and you need not pay anything over and above the amount due under the puttah.

1877. — (Stamped) Muthukumarasami Thumbichi Naiker.

Original Suit No. 21 of 1889.

Filed as Exhibit X*h* this 6th August 1890.

No. 29.

No. 29. Defendant's Exhibit X*j*.— Puttah, dated June 1883.

Defendant's Exhibit X*j*.

Puttah granted by Muthukumarasami Thumbichi Naiker Avergal, Zemindar of Peraiyur, to Ponnukudan Chetti, a ryot of the same village.

No. 1, Cusba Peraiyur village; Due by Ponnukudan Chetti Rs. 2-7-10.

(Signed) Curnam Muthalagu Pillai.

Ayan Puttah No. 80.

Ayan Puttah executed and given by M. R. Ry. Muthukumarasami Thumbichi Naiker Avergal, Zemindar of Peraiyur village, to Ponnukudan Chetti, cultivating tenant, residing in the said cusba village attached to the said Zemin.

Description of the lands you cultivate during the Fusli 1292 is :—

Nunja, punja. No. 158, 1st sort, Vanpayir $\frac{7}{16}$ guli, assessed at $8\frac{1}{8}$ fanams; in the said field, punja, 1st sort, $\frac{3}{16}$ guli, assessed at $2\frac{7}{16}$ fanams. Total guli $\frac{10}{16}$ assessed at 1 pon and $\frac{1}{2}$, $\frac{1}{6}$ fanam, equivalent to Rs. 2-3-10. Road cess Rs. 0-1-1. Total Rs. 2-4-11. Rupees two, annas four and pies eleven. This you should pay to Nattamaikar of the village according to the instalments and obtain receipts for the same.

June 1883. — (Stamped) Muthukumarasami Thumbichi Naiker.

Original Suit 21 *of* 1889.

Filed as Exhibit X*j* this 6th August 1890.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 30. Defendant's Exhibit X*k*.— Puttah, dated 26th June 1884.

No. 30.

Defendant's Exhibit X*k*.

Puttah granted by Muthukumarasami Thumbichi Naiker, Zemindar of Peraiyur, to P. Meenakshisundram Chetti, a ryot of the village.

No. 1. Peraiyur cusba village; Due by Po. Meenakshisundaram Chetti Rs. 2-4-11.

(Signed) Muthalagu Pillai, Curnam.

Ayan puttah No. 78.

Ayan puttah executed and given by M. R. Ry. Muthukumarasami Thumbichi Naiker Avergal, Zemindar of Peraiyur, to Po. Meenakshisundaram Chetti, the cultivating tenant, residing in the said Cusba village attached to the said Zemin; Description of the land which you cultivate during the current Fasli 1293 is:—nanja, punja, No. 158, 1st sort, Vanpayir cultivation, extent $\frac{7}{16}$ guli, assessed at $8\frac{1}{8}$ fanams and in the said field, punja cultivation, 1st sort, extent $\frac{3}{16}$ guli, assessed at $2\frac{7}{16}$ fanams; so the total $\frac{10}{16}$ of a guli, assessed at 1 pon and $\frac{9}{16}$ fanam which corresponds to Rs. 2-3-10; and the road cess at Re. 0-1-1 Total Rs. 2-4-11; and you shall pay this sum of rupees two, annas four and pies eleven in accordance with the instalments noted in the margin, to the Shroff of our Cutchery and you shall obtain receipt for the same.

December. January. February. March. April. May. June.

26*th June* 1884. (Stamped) Muthukumarasami Thumbichi Naiker.

Subordinate Judge's Court of Madura (West).

No. 21 *of* 1890.

Produced on the 1st August 1890 by Peraiyur Manager Chinnasawmy Iyer, at Defendant's instance and filed on the 1st August 1890 as Exhibit X*k*.

(Signed) C. VENKOBA CHARIAR,

Subordinate Judge.

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 31. Defendant's Exhibits XI and XI*a*.— Register of papers received in the office of the Zemindari of Peraiyur village for the year 1877.

No. 31.

Defendant's Exhibits XI and XI*a*.

(Register of papers received in the Office of Peraiyur Zemindari 1877).

Book for entering the reports, yadasts, &c., and all other sorts of papers received in the office of the Agent to the Zemindari of Peraiyur:—

Year, month and date of the reports, &c.		From whom received.	Abstract of the paper.	How disposed of.
2nd Mark:— 24th July 1877.	24th July 1877.	Razinamah from Mu. Thumbayasami and Subbammal, his mother, living in the Cusba.	Stating that they sold away to Ponnukudan Chettiyar, living in the cusba, $\frac{1}{2}$ a guli of land bearing No. 140, 1st sort, situate in the said village which they enjoy and puttah of which stands in the name of Muthaiyah, his father and husband of his mother.	

Subordinate Judge's Court of Madura (West).

No. 21 of 1889.

Produced on the 1st August 1890 by Peraiyur Manager Chinnasawmi Ayyar at Defendant's request and filed on the 1st August 1890 as Exhibits XI and XI*a*.

(Signed) C. VENKOBA CHARIAR,

Subordinate Judge.

RECORD:

PART I.

In the Subordinate Court of Madura (West).

No. 32. Defendant's Exhibit XII*a*.—Arzi to the Collector of Madura, dated 12th August 1875.

No. 32.

Defendant's Exhibit XII*a*.

Arzi submitted by the Zemindar of Peraiyur to the Collector of Madura, stating that the son of the senior wife though junior in age to the son of the others would succeed to the Zemindari according to the custom prevailing in the Kambala Thottiya caste except in the case of Ammayanayakkanur Zemindari.

PERAIYUR, 12*th August*.

To

WILLIAM MACPHAIL, ESQUIRE,
District Collector of Madura.

Arzi submitted by Muthukumarasami Thumbichi Naiker Avergal, Zemindar of Peraiyur, of Thirumangalam Taluq.

I am in receipt of your honor's office order No. 124 of the current month. Hereunder I give my answers to the questions asked therein.

My father who was the Zemindar of this Peraiyur Zemin died in the year Keelaka (about 1848) that is about (moth eaten) years ago, leaving two sons, him surviving, namely, one son aged about 2 years by his 2nd wife, and another, that is, myself, aged about 9 years by his 8th wife. In the District of Tinnevelly, Muthu Vijaya Thumbayasami Thumbichi Naiker who was the son by the 2nd wife, was recognized as the 1st minor, and I, as the 2nd minor.

Sometime after, the said Muthu Vijaya Thumbayasami Thumbichi Naiker who was aged about 2 years at the time of our father's death, died in his 5th year. I was then about 11 years old. I was, therefore, recognized as the minor Zemindar of the place, and soon after I came to attain my proper age, the Zemindari was handed over to my possession, and that was on the 1st March of the year 1859. I do not possess with me any records touching this affair. We belong to Kumbala Thottiya caste. In the Zemindari of Ammayanayakkanur, if the Zemindar thereof dies, the eldest member of the Zemindar's family is styled as the Zemindar of the place. This is the custom in that Zemin, and that is being recognized in practice at the (moth eaten) time. These facts, I beg to state, I have laid before your honor for your honor's information.

By 39th witness. Filed as XII*a*.

(Initialled) C. V.

Subordinate Judge's Court of Madura (West).
No. 21 of 1889.

Produced on the 1st August 1890 by Peraiyur Zemin Manager Chinnasami Ayyan and filed on the 1st August 1890 as Exhibit XII*a*.

Subordinate Judge.

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West.).

No. 33. Defendant's Exhibit XII*b*.—Circular Takeed No. 41 from the Collector of Madura, dated 1st August 1875.

No. 33.

Defendant's Exhibit XII*b*.

Takeed from the Collector of Madura to Mannar Ayyar, guardian of the minor Zemindar of Uthappanaikanur, requesting him to report as to the custom prevailing in the Kambala Thottiya caste regarding the succession, to a Zemindari, of sons by different wives.

Cir. No. 41.

Takeed to Mannar Ayyar, guardian of the minor Zemindar of Uthappanaikanur from M. William McQuhae, Esquire, Collector of Madura District.

A Zemindar who belongs to the caste of Kambala Thottiya, married 6 wives of the same caste and died. By his 5th wife, he left a son of about 17 years of age, and by his 6th wife, a son of about 18 years of age, and both of them are alive. Of the two sons, who according to the custom of the said caste, should be the successor of the Zemindari which is ancient and impartible. If the said custom were to be determined with reference to the priority of the marriages of the wives, irrespective of the ages of the sons, whether that custom was ancient, and was not deviated from? Has there been any instance of such a custom being followed either in your Zemindari or in any other Zemindar's family belonging to the said caste. If so, a report should be submitted showing when such a thing occurred, and giving the names and other particulars of persons who succeeded. An early reply to this should be sent.

A reply to this should be sent after examining the elders of the said Uthappanaikanur minor's family.

(Signed) M. WILLIAM McQUHAE,
Collector.

(Signed) Ramasawmi,
Clerk.

MADURA, 1*st August* 1875.

(Signed) K. NARAYANA AYYAR,
Head Clerk.

Subordinate Judge's Court of Madura (West.)

No. 21 of 1889.

Produced on the 7th August 90, by Defendant's 29th witness, and filed on the 7th August 90, as Exhibit XII*b*.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 34. Defendant's Exhibit XIIc.—Arzi from the Manager of Uthappanaikanur, dated 10th August 1875.

No. 34.

Defendant's Exhibit XIIc.

Arzi from Mannaraya, the Manager of the Zemindari of Uthappanaikanur to the Collector of Madura, stating that the son of the senior wife though junior in age to the sons of the other wives would succeed to the Zemindari according to the custom prevailing in the Kambala Thottiya caste.

(No. 27.)

Arzi to the Collector.

I received, on the 8th instant, your honor's order No. 41, dated 1st Instant, directing me to report, after examining the elders in the palace here, as to who should succeed to the Zemindari according to the custom of his caste whether the son, aged 17 years, by the 5th wife, or the son, aged 18 years, by the 6th wife of a Zemindar of Kambala Thottiya caste who died. On making enquiries immediately, they say, as follows:—

Irrespective of the number of wives a Zemindar of Kambala caste may have, should the 1st wife or the wife who is styled Pattabastri have a son, it is the custom that that son should succeed to the Zemindari. If the said lady should have no male issue and if the other wives should have male issue, the son of the wife who is senior by marriage, however younger he (that son) might be to the sons of the other wives, would be entitled to succeed to the Zemindari. Besides, it is in accordance with the priority of the marriages of the wives, that their sons would be entitled to succeed to the estate, but not the male issue of the wives who are not in accordance with the order as stated above, however senior they, the sons, may be in age, that would be entitled to succeed to the Zemindari. When a deity is worshipped by people of this caste and when honors are done to them by the residents of the place and others, it has been the custom observed from a long time past to give the holy ashes, Prasadams (offirings) and other honors, without violating the order of seniority of the wives. When a Zemindar marries more wives than one, a dispute as to the seniority of the wives would arise and a settlement would be arrived at, and it is customary to complete the marriage only after deciding who is the first and who is the next. It is the custom to perform, in the order of wives, all the ceremonies that ought to be performed during marriage according to the caste custom without violating them in the least. It is the son of the wife senior in order that would be entitled to succeed. As for instance, the minor Zemindar of Bodinayakkanur, though younger than his step brothers, being the son of the senior wife, succeeded to the estate as is well known to all, now. Sometime ago, a similar dispute arose in Mathavalanayakkanur and the matter went up to the High Court, and the son of the senior wife, though junior in age to others, has succeeded in getting the estate. Further, such instances could be had in many Palayapets such as Koppayanaikkanur and others. Only in the case of Ammayanayakkanur, the abovementioned custom does not prevail and it has been the custom there all along, for the eldest of the cousins in the male line to succeed to the estate.

Deputy Registrar.

In this case, though the son by the 5th wife is junior in age to the son by the 6th wife, the former being the son of the senior wife would succeed to the said Zemindari according the custom of the Thottiya Kambala caste.

Therefore I submit this for your honor's information.

UTHAPPANAIKKANUR. 10*th August* 1875.

(Signed) V. Mannarayyar, *Guardian.*

Objected to by Plaintiffs' Vakil. Initialled C. V.

7—5—95.

Subordinate Judge's Court of Madura (West).

No. 21 *of* 1889.

Produced on the 7th August 1890 by Defendants' 9th witnesss and filed on the 7th August 1890, as Exhibit XIIc.

(Signed) VENKOBA CHARIAR,
Subordinate Judge.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 34. Defendant's Exhibit XIIc.—Arzi from the Manager of Uthappanaikanur, dated 10th August 1875.—*concluded.*

No. 35. Defendant's Exhibit XIId.—Takeed issued by the Collector of Madura, dated 1st August 1875.

No. 35.

Defendant's Exhibit XIId.

Takeed issued by the Collector of Madura to the guardian of Sandaiyur Zemindarni requesting him to report as to the custom prevailing in the Kambala Thottiya caste, regarding the succession to a Zemindari of sons by different wives.

No. 41.

Takeed to Narayanaayyar, guardian of Sandaiyur Zemindarni, from M. William Mc. Quhae, Esquire, Collector of Madura.

A Zemindar belonging to Kambala Thottiya caste married 6 wives of the same caste and died. He leaves a son aged 17 years by his fifth wife and a son aged 18 years by his 6th wife and both of them are alive. Which of the said two sons, should according to the custom of the caste, succeed to the Zemindari which is ancient and impartible. If the said custom were to be decided with reference to the priority of the marriages of wives irrespective of the ages of the sons, whether such a custom was ancient and has not been deviated from. Has there been any instance of such a custom being followed either in this Zemindari or in any family of any other Zemindari of the same caste. If so, a report should be submitted showing when such things took place and giving the names and particulars of the persons who got the Zemindari.

An early reply to this should be submitted.

A reply to this should be sent after examining the Zemindarni of Sandaiyur.

MADURA, 1*st August* 1875. (Signed) WILLIAM McQUHAE, *Collector.*

(Signed) Ramaswami, *Clerk.*

Subordinate Judge's Court of Madura (West).

No. 21 of 1890.

Produced on the 7th August 1890 by Defendant and filed on the 7th August 1890 as Exhibit XIId.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 36. Defendant's Exhibit XIIe.—Arzis submitted by the Manager of the Sandaiyur Zemindarni, dated 20th and 22nd August 1875.

No. 36.

Defendant's Exhibit XII*e*.

Arzi submitted to the Collector of Madura by the Manager of the Sandaiyur Zemindari reporting that the son of the senior wife, though younger in age to the sons of the other wives, would succeed to the Zemindari according to the custom prevailing in the Kambala Thottiya caste.

No. 4.

20th August Chinnapatti. Arzi to the Collector of Madura District.

(1). I received on the 16th Instant, your honor's order No. 41, dated 1st Instant, directing me to report whether, in case where a Zemindar holding an ancient and impartible Estate leaves a son by the 5th wife younger in age and another son by the 6th wife who is elder, the succession to the said Zemindari is according to the age of the sons or according to the priority of the marriage of the wives and whether there has been any such instance in this Zemindari or in any other Zemindari of the Thottiya Kambala caste.

(2). As I have to submit the report about the said matter after examining the Zemindarni Gopalakrishnammal and as the said Zemindarni is absent at Ettiyapuram, I beg to inform that I would submit the report called for after the return of the said Zemindarni.

No. 5, 22nd August Chinnapatti. Arzi to the Collector of Madura.

(1.) In reply to your honor's order No. 41, dated 1st Instant, directing me to report after examining the Sandaiyur Zemindarni Gopalakrishnammal, as to the succession to a Zemindari of Thottiya Kambala caste, which is ancient and impartible, in case where the Zemindar leaves a son of 17 years by his 5th wife and a son of 20 years by the 6th wife. I submitted Arzi No. 4, dated 20th Instant, from which it would be evident that I had promised your honor to submit the report called for, after examining Gopalakrishnammal after her return from Ettiyapuram.

(2.) Rani Gopalakrishnammal states that, in the case of a Zemindar of the said Kambala Thottiya caste dying possessed of an ancestral and impartible Zemindari and leaving many wives and sons senior in age by the junior wives, sons junior in age by the senior wives than those of the junior wives, the right of succession to the said Zemindari depends upon the priority of the marriage of the wives. The son of the senior wife though younger in age, would succeed to the Zemindari in perference to the elder sons of the junior wives; that in accordance with the said custom, as is known at present, in the Zemindari of Peraiyur, the present Zemindar is the son of the 8th wife of the late Zemindar; that, at the time of the death of the late Zemindar, the 3rd wife had a son by name Muthu Vijaya Thumbichi Naiker, who was younger in age than the present Zemindar; that the former got Peraiyur Zemindari, while he was a minor; that some time afterwards he died; and that as the senior wives had no sons, the present Zemindar got the Zemindari. She further states that in Mathavanaikanur Zemindari though the junior wives' sons were elder than the sons by the senior wives of the Zemindar, yet the son of the senior wife got the Zemindari according to the priority of the marriage of the wives and is now enjoying

Deputy Registrar.

the same and that therefore though the 5th wife's son is only 17 years of age, yet he is entitled to succeed to the Zemindari.

(3). I beg to submit that the people of this place also, when questioned, state as above.

Subordinate Judge's Court of Madura (West.)

No. 21 of 1889.

Produced on the 7th August 1890, by Defendant's 30th witness, and filed on the 7th August 1890 as Exhibit XIIe.

Subordinate Judge.

No. 37.

Defendant's Exhibit XII*f*.

Arzi submitted by the Tahsildar of Ottappidaram Taluq to the Collector of Tinnevelly reporting that the son of the senior wife, though younger in age to the sons of the other wives, would succeed to the Zemindar according to the custom prevailing in the Kambala Thottiya caste and enclosing a genealogical tree and deposition.

Arzi submitted by Singamayyangar, Tahsildar of Ottappidaram Taluq, to the Collector of Tinnevelly, is as follows:—

I received your honor's order No. 2, dated the 11th ultimo, directing me to submit a report, after enquiry, about the right, custom &c., followed regarding the succession of the Athangarai Zemindari and also your honor's order No. 8, dated 2nd instant, directing me to comply soon with the said 1st order.

For this purpose, as soon as the 1st order was received, I prepared a copy of the same and sent a Yadast to the Deputy Tahsildar of Vilattikulam, calling for a reply. The said incumbent urgently went away on leave. I received an order from the office of the Head Assistant Collector directing me to be in charge of the Revenue work of the said division also. Immediately Yadast was written to the said Zemindar and it was sent to him by Kalathiappa Pillai, the clerk of the said division, and I gave an order to Ponnaya Pillai, the Vakil of Athangarai Zemin, living in the Cusba to see to it. As directed by me, the aforesaid two persons obtained answers to the points mentioned in your honor's order and produced the following four documents, which I have submitted for your honor's perusal; *i. e.*, yadast given by Chokkalinga Pethana Naiker, the present Zemindar of Athangarai; the genealogical tree submitted along with it; the Arzi of the said Gumastah Kalathiappa Pillai and the deposition of Kundasami Pethana Naiker, the son by the 2nd wife of the father of the present Zemindar, senior in age to the present Zemindar, the son of the 1st wife, which was an enclosure to the said Arzi; in all, 4 documents. I have plainly written below the questions referred to in your order noting the answers against each.

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 36. Defendant's Exhibit XIIe.—Arzis submitted by the Manager of the Sandaiyur Zemindarni, dated 20th and 22nd August 1875. —*concluded.*

No. 37. Defendant's Exhibit XII*f*.—Arzi submitted by the Tahsildar of Ottappidaram, dated 7th February 1876.

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 37. Defendant's Exhibit XII*f*.— Arzi submitted by the Tahsildar of Ottappidaram, dated 7th February 1876. —*continued.*

(1.) Q.—When and from whom did Chokkalinga Pethana Naiker, the present Zemindar, derive his right to succeed to Athangarai Zemindari?
A.—He got it in Andu 1017 (the year 1841) from his uterine brother Kumara Pethana Naiker, No. 4 in the genealogical tree.
(2.) Q.—What is his father's name?
A.—Subrahmanya Pethana Naiker, No. 3 in the genealogical tree.
(3.) Q.—Was he Zemindar?
A.—The said Subrahmanya Pethana Naiker was the Zemindar.
(4.) Q.—If so, how many wives had he?
A.—He had two wives.
(5.) Q.—Which of them had children?
A.—Both the wives had children.
(6.) Q.—Which wife's son was the said Chokkalinga Pethana Naiker?
A.—He was the second son by the 1st wife.
(7.) Q.—Is it according to the seniority of his age, or according to the priority of the marriage of the mother that he got the right of succession to the Zemindari?
A.—It is only according to the priority of the marriage of the mother.
(8.) Q.—Were there any senior in age to him among the sons of the other wives?
A.—There were elders to him.
(9.) Q.—Which of the customs is accepted by the survivors with regard to the right of succession to the Zemindari?
A.—Among those that are now alive, it is only one named Kundasami Pethana Naiker, aged 48, being senior by two years to the present Zemindar marked C in the genealogical tree, and who is the 2nd son of the 2nd wife of the father of the present Zemindar. He has deposed to the effect that it was right and proper that the present Zemindar, who is younger than himself in age, succeeded to Zemindari according to the priority of the marriage of the mother, and that at the time of the succession, his uterine elder brother, Kumara Pethana Naiker, marked D in the genealogical tree, was alive and that he subsequently died.
(10.) Q.—How many wives had the grandfather of the present Zemindar?
A.—He had four wives.
(11.) Q.—Which wife's son was the father of the present Zemindar?
A.—He was the 3rd wife's son.
(12.) Q.—Is it according to priority of the marriage of the mothers or according to the seniority of age of the sons that he succeeded to the Zemindari?
A.—He was the son of the third wife; the 1st and 2nd wives had no male issue; the 4th wife had a son, and as the said son of the fourth wife was younger in age than the son of the said 3rd wife, it is not possible for us to say whether the succession was according to the priority of the marriage of the mother or according to the seniority of the age of the sons. Although he (3rd wife's son) was elder in both the

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 37. Defendant's Exhibit XII*f*.— Arzi submitted by the Tahsildar of Ottappidaram, dated 7th February 1876. —*concluded.*

No. 38. Defendant's Exhibit XII*g*.— Arzi submitted by Kalathia Pillai, dated 7th February 1876.

respects, and succeeded to the Zemindari; yet it appears that the custom is to follow the priority of the marriage of the wives.
(3). Q.—If the succession was according to the priority of the marriage of the wives, do the other wives' sons, who are now alive, approve of such a custom?
A.—None of the sons of the other wives are *now alive.*
Therefore I have submitted this for your honor's information.

Your honor's obedient servant,
(Signed) T. Singam Ayyangar,
Tahsildar.

OTTAPPIDARAM, 7—2—76.

No. 38.

Defendant's Exhibit XII*g*.

Arzi, submitted by Kalathiappa Pillai, Clerk, Vilattikulam Division, to the Tahsildar of Ottappidaram Taluq submitting the deposition of the Zemindar and the genealogical tree with his opinion thereon.

To

M. R. Ry. Singam Ayyangar Avergal,
Tahsildar of Ottappidaram Taluq.

Arzi written by Kalathiappa Pillai, Clerk, Vilattikulam Division.

As soon as the peon Kathamuthu Pillai delivered Order No. 22 to me at 12 o'clock, I went to Athangarai and in pursuance of the order, I got from the said Zemindar a genealogical tree and Yadast. Of the sons by the 2nd wife of the father of the present Zemindar, it appears that Kundasami Pethana Naiker is senior by two years to the present Zemindar. I have therefore taken a deposition from him, which I have herewith submitted. I have known the said Kundasami Pethana Naiker Avergal before this. I questioned others also about the right of succession to the Zemindari, who state that the succession is according to the priority of the marriage of wives. This I have reported to your honour.

I have herewith submitted the yadast of the said Zemindar and the genealogical tree, given to me at 5 o'clock in the night.

Your obedient servant.
5—2—76. (Signed) Kalathiappa Pillai,
Clerk.

Subordinate Judge's Court of Madura (West).
No. 21 of 1889.

Produced on the 18th March 1889 by Defendant and filed on the 8th August 1890, as Exhibit XII*g*.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

No. 39.

Defendant's Exhibit XII*h*.

Takeed issued by the Collector of Madura to the Zemindar of Saptur requesting him to report as to the custom in the Kambala Thottiya caste regarding the succession to a Zemindari of sons by different wives.

Cir. No. 41.

Takeed issued to Nagayasami Kamaya Naik, Zemindar of Saptur, by M. William McQuhae, Esquire, Collector of the District of Madura:—

A Zemindar belonging to your Kambala Thottiya caste marries 6 wives of the same caste and dies. He leaves a son, aged about 17 years by his 5*th* wife, and a son aged 18 years by his 6*th wife*, and they are alive. Which of the said two sons, should, according to the custom of the said caste, succeed to the said Zemindari which is ancient and impartible. If the said custom were to be decided with reference to the priority of the marriage of the wives irrespective of the age of the sons, whether that custom was ancient and was not deviated from? Has there been any instance of such a custom being followed either in your family or in the family of any other Zemindar of the same caste. If so, a report should at once be submitted showing when such things took place and giving the names and other particulars of those who succeeded to the Zemindari.

An early reply to this should be submitted.

(Signed) M. WILLIAM McQUHAE,
Collector.

MADURA, 1*st August* 1875.

(Signed) Ramaswami,
Clerk.

No objection. Filed as Exhibit XII*h*.

(Initialled) C. V.
8—8—90.

Subordinate Judge's Court of Madura (West).

No. 21 of 1889

Produced on the 18th March 1889, by Defendant and filed on the 8th August 1890, as Exhibit XII*h*.

(Signed) VENKOBA CHARIAR,
Subordinate Judge.

Deputy Registrar.

No. 40.

Defendant's Exhibit XII*j*.

Yadast submitted by the Zemindar of Saptur to the Principal Collector of Madura District reporting that the son of the senior wife though junior in age to the sons of the other wives would succeed to the Zemindari according to the custom prevailing in the Kambala Thottiya caste.

No. 8.
SAPTUR,
8th August 1875.

TO THE PRINCIPAL COLLECTOR OF THE DISTRICT.

I received at 6 P. M. the Thirumangalam Tahsildar's Yadast No. 556, dated 7th Instant enclosing order No. 41, dated 1st Instant, issued from your honor's office, wherein it is stated that a Zemindar of Kambala Thottiya caste, married 6 wifes of the same caste and that he has left a son aged 17 by the 5th wife, and a son aged 18 by the 6th wife, both of them being alive, and I am asked to report which of the said two sons should according to the custom of the said caste succeed to the Zemindari which is ancient and impartible and that if the custom were to be decided with reference to the priority of the marriage of the wives irrespective of the age of the sons, whether that custom was ancient and was not deviated from, whether there has been any such instance in which the said custom was followed in my family and if so when mentioning the name and particulars of the person who succeeded to the Zemindari. It has been the hereditary custom in our caste that the son of the senior wife of the Zemindar, whatever may be the number of the wives, should succeed to and hold the Zemindari.

Our caste custom is that the son by the senior wife should succeed to the Zemindari, though the sons of the junior wives may be elder than the son of the senior wife. There are no records to support this. I beg to submit this for your honor's information.

By Defendant's 35th witness. Filed as Exhibit XII*j*.

(Initialled) C. V.
8—8—90.

Subordinate Judge's Court of Madura (West).

No. 21 of 1889.

Produced on the 18th March 1890 by Defendant and filed on the 8th August 1890, as Exhibit XII*j*.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

No. 41.

No. 41. Defendant's Exhibit XIII*k*.—Yadast submitted by the Zemindar of Saptur, dated 8th August 1875.

Defendant's Exhibit XIII*k*.

Yadast submitted to the Tahsildar of Thirumangalam by the Zemindar of Saptur stating that he has answered the Collector's Circular No. 41 by Arzi No. 8 of the same date.

No. 11.

SAPTUR, *8th August* 1875.

To the Tahsildar of Thirumangalam.

Yadast No. 556, dated 7th instant, enclosing the Collector's Order No. 41 reached me at 6 P. M.

Referring to the questions asked regarding the details as to the succession to the Zemindari therein referred to. I beg to state it has been the hereditary custom in our caste that the son of the senior wife to succeed to the Zemindari and enjoy the same though the Zemindar might have married many wives. It has been also the caste custom that however elder the son of the junior wife may be than the son of the senior wife, the senior wife's son only should be the successor to the Zemin. I hear that that has been so followed. I write this with a view to inform you that the Collector has been informed of the said facts by means of Arzi No. 8 of this date.

Subordinate Judge's Court of Madura, (West).
No. 21 of 1889.

Produced on the 18th March 1890, by Defendant and filed on the 8th August 1890, as Exhibit XIII*k*.

(Signed) C. VENKOBA CHARIAR,
Sub-Judge.

No. 42. Defendant's Exhibit XIII.—Sale deed, dated 24th May 1883.

No. 42.

Defendant's Exhibit XIII.

Sale deed executed by the sons and wife of Muthiya conveying a house-site to the present Zemindar Muthukumarasami Thumbichi Naiker.

Deed of sale of house-site executed on the 24th May 1883 to the present Zemindar Muthukumarasami Thumbuchi Naiker Avergal, son of the late Zemindar Thumbayasami Thumbuchi Naicker, Kambala by caste, Sivite by religion and Zemindar by occupation, living in Peraiyur in Thirumangalam Taluq, by us three. Subbammal, wife of Muthaiya, and her sons Thumbayasami and his brother Thavasilingam, all of Aiyakuttam by caste, Sivites by religion and cultivators by occupation, living in the said village. The house-site is situated in the said village of Peraiyur in the Sub-District of Thirumangalam in the District of Madura and its boundaries are as follows :—East of the (main) street running north to south, north of the lane running east to

Deputy Registrar.

No. 42. Defendant's Exhibit XIII.—Sale deed, dated 24th May 1883.—*concluded.*

west, west of the house site and the house in which we live and south of the house of Mammalaya Moniagaran. Having agreed to sell the same for Rs. 80-0-0, we have sold to you the house site situate within these boundaries measuring 16 English feet, east to west and 45½ English feet north to south, formerly enjoyed by our ancestors and at present enjoyed by us. Of this sum of Rs. 80, Rs. 70 had already been received by one of us, Subbammal, and Rs. 10 was received by us this day in cash. As we have thus received the said sum of Rs. 80 in two instalments, you shall enjoy the said house site from generation to generation with right to alienate the same by sale, gift or otherwise.

(Mark of) Subbammal.

Thus. (Signed) Thumbayasami.

Thus („) Thavasilingam.

(„) Ku. Musanu Ravuthan, living in the said Peraiyur, I know.

(„) Pulugu Chetti, son of Vellai Chetti, living in Peraiyur, I know.

(„) Seshaiyengar, son of Narayana Ayyangar, who is come over to Peraiyur and who is the witness and writer of this deed.

Subordinate Judge's Court of Madura (West).

No. 21 of 1889.

Produced on the 21st July 1890, by Chinnasawmi Ayyar, Manager, Peraiyur Zemindari, and filed on the 2nd August 1890, as Exhibit XIII.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

No. 43.

Defendant's Exhibit XV.

Puttah Razinamah presented by Thumbayasami to the Zemindar of Peraiyur and the depositions of the executant, Curnam, and the purchaser consenting to the transfer.

To

M. R. Ry. Muthu Vijaya Reghunadha Thumbayasami Thumbichi Naiker Avergal Samugam, Zemindar of Peraiyur.

Razinamah for the transfer of puttah humbly submitted by Thumbayasami, ryot of the village of Andipatti attached to the said Zemin, living at Peraiyur.

The boundary limits of the punjai, the puttah of which stands in my name, in the village of Andipatti of the said Zemin are:—East of the bund, south of the punjai of Chinna Mahangan Chetti, west of the punjai of Sevagurunatha Pillai and north of the punjai of Tha. Arunachella Maniyam; The one guli of land, 1st sort, situate within these four boundaries, having been sold for Rs. 100 under a duly registered sale deed written on 1 Rupee stamp paper to Musa Ravuthan, son of Mahomed Ravuthan of the said Peraiyur village and possession of the same having been given, I request that orders may be passed for the issue of puttah for Fusli 1294 in the name of the said purchaser and the assessment collected from him. I have received the whole amount. I do not want the said land.

24th May 1885.

(Signed) Thumbayasami.

(Marked) Perumal Nadan, witness, I know.

This razinamah was written by (Signed) Su. Muthalaga Pillai.

24th May 1885.

Examination of the petitioner:—I heard this petition read out. It is the one submitted by me. I consent to the issue of puttah in the name of the purchaser as stated herein. I am willing to pay Rs. 9-2-0, the arrears for Fusli 93 in respect of the said puttah. I will pay what is due on the said 1 guli. After the issue of puttah for Fusli 1294, I will pay the balance due after deducting what is due on the said one guli.

(Signed) Thumbayasami.

(Signed) (Curnam) Muthalaga Pillai, I know.

(„) Koo. Ramaswami Ayyan, (Curnam) of the village of Vellur, I know.

Deputy Registrar.

Deposition of Curnam Muthalaga Pillai, given on the above date, is as follows:—Rupees 9-2-0 is in arrears for Fusli 93 for the said puttah as stated by the said puttahdar Thumbayasami.

(Signed) Curnam Muthalaga Pillai.

(„) Chinnasami Ayyan, Manager.

15th April 1888.

Kararnamah executed by Musavu Ravuthan:—

I am prepared to pay the assessment for the land herein mentioned if puttah is issued in my name.

(Marked) Musavu Ravuthan.

(„) Sey. Khader Batcha Ravuthan, I know.

(Signed) Chinnasawmi Ayyan,

Manager.

Deposition of Curnam Muthalaga Pillai given on the said date:—

Puttah may be issued in the name of the purchaser. There are no objections.

(Signed) Muthalaga Pillai.

Subordinate Judge's Court of Madura (West).

No. 21 of 1889.

Produced on the 30th July 1890 by Chinnasami Ayyar, Peraiyur Manager at Defendant's instance and filed on the 6th August 1890 as Exhibit XV.

(Signed) C. VENKOBA CHARIAR,

Subordinate Judge.

No. 45.

Defendants' Exhibit XVI.

Register of deaths for the village of cusba Peraiyur in Thirumangalam Taluq, Madura District, from December 1869 to 31st August 1870.

Number in register (a).	Name of deceased.	Sex. Male.	Sex. Female.	Age (b).	Caste (c).	Occupation (d).	Cause of death.	Date of death.	Whether deceased was a resident of village or stranger.	Remarks
1	2	3	4	5	6	7	8	9	10	11
	Register of deaths that occurred from the 1st up to the 31st December.									
15	Ponnammal ...	...	Female.	4	Mussalman...	Cultivation ...	Fever ...	14th of the said month.	Native of the village.	
16	Nainammal ...	...	Do.	6	Do. ...	Do. ...	Looseness of bowels.	16th of the said month.	Do.	
	1870 Deaths during January 1870.				Nil.	Nil.	Nil.	...	Nil.	
	End of February.									
1	Pulugu Chetti ..	Male.	...	30	Solaya Chetti.	Trade ...	Consumption...	20th ...	Native of the village.	
	Deaths during the month of March.					Nil.	...	Nil.	Nil.	
2	Elihiru Muthukumaran.	Male.	...	1	Parivaramaravan.	Cultivation ...	Diarrhœ ...	1st April.		
3	Sengarampoka ...	...	Female.	1	Shepherd ...	Do. ...	Delirium-tremens.	14th April.		
4	Purnka do. Porkallan Kuppammal.	Male.	...	1	...	Do. ...	Diarrhœ ..	16th April.		
5	Masan do. Karuppayee Kolla (blacksmith).	...	Female.	50	Kodikkal Vellala.	Do. ...	Consumption ..	5th May...	Native of the village.	
6	Venktramanasary..	Male.	...	60	Blacksmith...	Do. ...	Fever ..	27th May..	Do.	
	Deaths that occurred from the 1st up to the 30th June.									
7	*Potharee Yatha Manithan.*	...	...	50	*Caste not known.*	*Cooly work* ...	*Looseness of bowels.*	*6th* ...	*Native of another village.*	*Enquiry about the death took place.*
8	Periyanathan ..	1	...	50	Marava ...	Cultivation ...	Swelling ...	12th ...	Native of the village.	
9	C. Krishnammal ...	1	...	30	Thottichee...	Do. ...	Consumption..	29th ..	Do.	
						Total of deaths.				
	Deaths from the 1st up to the 31st July.				Nil.		Nil.		Nil.	
	Deaths from the 1st up to the 31st August.				Nil.	Nil.	(Signed) (Curnam) Muthalagu Pillai. Nil.			
10	Pakkia Pillai ...	Male.	...	27	Kodikkal Vellala.	Brick-mason and cooly work.	(Blood) consumption and asthma.	1st September.	Native of another village.	He was come to do work as peon &c.
11	Oppikan... ...	...	Female.	47	Vellala ...	Kanakkoo(Kurnam) work.	Chronic Diarrhœ (after delivery).	16th of the said month.	Native of the village.	
12	Mallakal ...	...	do.	80	Parivaram...	Cultivation ...	Fever ...	23rd ...	Native of the village.	
13	Sellayee... ...	...	do.	30	Do. ...	Do. ..	Consumption...	28th ..	Do.	
14	Pichammal ...	...	do.	22	Christian Parayah.	Cooly work ...	Delirium-tremens.	5th October.	Do.	
15	———	...	...	3	Cultivating tena and barber	Do. ...	Fever ...	7th ...	Do.	
16	Ramaswami Pokattan.	Male.	...	32	Shepherd ...	Cultivation ...	Do. ...	16th ...	Do.	

25th October 1870. (Signed) Curnam Muthalagu Pillai.

Subordinate Judge's Court of Madura (West).

No. 21 *of* 1889.

Produced on the 6th August 1890 by Defendant's 17th witness and filed on the 6th August 1890 as Exhibit XVI.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

A. 78—174

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RECORD.
PART I.
In the Subordinate Court of Madura (West).
No. 45, Defendants' Exhibit XVI.—Register of deaths in the cusba Peraiyur village from December 1869 to 31st August 1870.

No. 46.

Exhibit *XVIa*.

Register of deaths for the village of cusba Peraiyur in Thirumangalam Taluq, Madura District, from the first of January up to 30th of November 1869.

Population at last Census.

[Sic]. Hindus. 1033/1033. Mahomedans. 109/193. (torn.) Christians. 46/41. [Sic]. Total. 20,541.

Number in register (*a*).	Name of deceased.	Sex. Male.	Sex. Female.	Age (*b*).	Caste (*c*).	Occupation.	Cause of death (*d*).	Date of death.	Whether deceased was a resident of village or a stranger.	Remarks
1	2	3	4	5	6	7	8	9	10	11
	From the month of January.									
1	Alangaram ...	...	Female.	45	Vellala ...	Samprithee (work).	Consumption...	3rd of the said month (January).	Native of the village.	
2	Bava Meera ..	Male.	...	50	Mussalman.	Cooly work ...	Pithapandoo (a peculiar sort of dropsy causing languor).	14th of the said month.	do.	
3	Sithaiyyan ...	Do.	...	50	Pambaikkaran.	Vandamaree ...	Fever . .	7th February	do.	(Harvest).
4	Ramasawmi ...	Do.	...	25	Maravan ...	Cultivation ...	Carbuncle ...	4th March.	do.	
5	Subbaiyan ...	Do.	...	28	Ulliyakkaran.	do. ..	A kind of carbuncle.	9th do.	do.	
6	Irulayee... ...	...	Female.	22	Kodikkakarn.	Betel-leaf gardening.	Delirium tremens.	22nd do.	do.	
7	Muthukumara Pillai.	Male.	...	80	Parivaramaravan.	Cultivation ...	Pithapandoo (a peculiar kind of dropsy causing languor).	2nd April.	do.	
8	*Thoppu Ravuthan.,*	*Do.*	...	*60*	*Mahomedan.*	*do.* ...	*Fever* ...	*20th April.*	*do.*	
9	Thulasee ...	*Do.*	...	10	*Parivara Maravan.*	*do.* ...	*do.* ...	7th May...	*do.*	
10	Solayan	Do.	...	17	Shepherd ...	do. ...	do. ...	23rd May.	do.	
11	Muthukoodry ...	..	Female.	90	Shepherd ...	do. ...	By chance ...	29th June.	do.	
12	Pakkiri Ammal ...	...	Do.	4	Mussulman Saluppa.	Trade ...	Fever ...	29th July.	Stranger.	
13	Yerammal ...	...	Do.	45		do. ...	Slipped into the well by chance when drawing water from it. Enquiry held on the 21st.	20th Aug.	Native of the village.	Slipped accidentally into the well and enquiry was held on the 21st and then the burial took place.
	From the 1st up to the 30th September.					Nil.	Nil.			
14	Muthaiya ...| Male.	...	24	.../...	Parivaram...	Cultivation ..	Consumption ..	8th Octr....	do. ...	17-11-69.
	From the 1st up to the 30th November.					Nil.	Nil.	Nil.		

Subordinate Judge's Court of Madura (West.)

No. 21 *of* 1889.

Produced on the 6th August 1890 by Defendant's 17th witness and filed on the 6th August 1890 as Exhibit XVI*a*.

(Sign ed) C. VENKOBA CHARIAR,

Subordinate Judge.

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 44. Defendant's Exhibit XV*a*.—Sale deed of punja land, dated 3rd November 1876.

No. 44.

Defendant's Exhibit XV*a*.

Sale deed executed by Ramanasari in favor of Thumbayasami conveying certain lands.

Deed of sale of Punja land executed, on the 20th Alpesi of the year Dhathu, (3rd November 1876) to Thumbayasami, son of Muthayah, living in Cusba Peraiyur Zemin attached to Thirumangalam Taluq by Ramanasari, son of Gopalanasari, living in the said Cusba. The boundaries of the said land are :—East of the bank of the big tank, north of the punjai of Arunachella Maniyam, west of the punja of Samprithi Arunachallam Pillai and south of the punja of Ka. Mahalinga Chettiar; I had agreed to sell to you for Rs. 80 the land No. 227, 3rd sort, measuring one guli situate within the aforesaid four boundary limits, in the village of Andipatti, the puttah of which stands in my name and which I enjoy as my own and I have lately sold the same to you for rupees 80-0-0. As I received from you the said sum of rupees eighty, you shall hold and enjoy the same from generation to generation, paying the assessment thereon and obtaining the puttah in your name. Neither I nor my heirs shall have any claims to the said land. Should any dispute arise with regard to the said land, I myself will stand forward and have it settled. At any time you wish, I will come to the Cutchery and submit a petition for the transfer of puttah. I Ramanasari with my consent executed (this) to Thumbayasami.

(Signed) Ramanasari.

(Signed) Gopalanasari, the son of the aforesaid, I know.

(„) Sankaranarayanan Chetti, I know.

(„) Annamalai Chetti, I know.

(Marked) Muthugopalasawmi, son of Sinisiami, I know.

(Signed) Shanmugam Chettiar, son of Sivanthi Chettiar, Writer of this deed.

Subordinate Judge's Court of Madura (West).

No. 21 of 1889.

Produced on the 6th August 1890 by Defendant's 16th witness and filed on the 6th August 1890 as Exhibit XV*a*.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 47. Defendant's Exhibit XVII.—Takeed issued by the Collector of Madura, dated 14th August 1875.

No. 47.

Defendant's Exhibit XVII.

Takeed issued by the Collector of Madura to the Zemindar of Thoddayam Kottai requesting him to report as to the custom prevailing in the Kambala Thottiya caste regarding the succession, to a Zemindari, of sons by different wives.

From

M. WILLIAM McQUHAE, ESQUIRE,
Collector of the Madura District.

No. 47.

Takeed to Bommayasami Doddaya Naiker, Zemindar of Thoddayam Kottai.

A Zemindar belonging to your Kambala Thottiya caste married 6 wives of the same caste and died. He has a son about 17 years old by his fifth wife and a son 18 years old by his sixth wife, him surviving.

You are required to report as to the following particulars, *viz* :—Of the said two sons, who is entitled to the future right of the said Zemindari which is ancestral and impartible, according to the custom of the said caste? If the said custom has to be determined with regard to the priority of the marriages of wives and not with regard to the seniority of the ages of the sons, whether that custom has been ancient and not deviated from; whether such custom has been followed at any time in your family, or in any other Zemindar's family of the said caste. And, if so, you are requested to report when such events occurred and the names and other particulars of the persons that succeeded.

An early reply to this should be sent.

(Signed) M. W. McQUHAE,
Collector.

(Signed) Ramasami, Clerk.

SENBAGANUR,
14*th August* 1875.

Subordinate Judge's Court of Madura (West).

No. 21 of 1889.

Produced on the 6th August 1890 by Defendant's 19th witness and filed on the 6th August 1890 as Exhibit XVII.

(Signed) VENKOBA CHARIAR,
Subordinate Judge.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 48. Defendant's Exhibit XVII*a*.—Arzi submitted by the Zemindar of Thoddayam Kottai, dated 5th September 1875.

No. 48

Defendant's Exhibit XVII*a*.

Arzi submitted to the Collector of Madura by the Zemindar of Thoddayam Kottai reporting that the son of the senior wife, though younger in age to the sons of the other wives, would succeed to the Zemindari according to the custom of the Kambala Thottiya caste.

To

W. M. McQUHAE, ESQUIRE,
Collector of Madura District.

Arzi most respectfully submitted by Bommayasami Doddaya Naiker, Zemindar of Thoddayam Kottai.

I have learnt the contents of the order issued on the 14th August 1875. It is mentioned therein that a Zemindar married six wives of the same caste and died, and that he has a son aged about 17 years by his 5th wife, and a son aged 18 years, by his 6th wife, him surviving, and I am required to state which of the 2 sons is, according to the custom of the said caste, entitled to the future right of the said Zemindari which is ancestral and impartible. If the decision is to be arrived at with regard to the priority of the marriage of the said wives and not with regard to the ages of the sons, the custom in our Kambala caste is that the succession falls on the 2nd wife's child, should the Royal wife be issueless. The rule in our caste is that if the 3rd and 4th wives have no children, and the 5th wife has a child, (then) the succession falls on the latter though he may be young, and aged 17 years. Even if the 6th wife has a son 20 years old, yet he is not entitled to succeed in our caste. Even if the 7th wife has a son, aged 25 years, yet he is not entitled to succeed. (Such) is the custom obtaining in our Zemins. This caste custom has been followed in the Zemindaris of Andipatti attached to the Karur Taluk of the Coimbatore District, of Uttappanaikanur and of Koppeyanaikanur. This is the custom followed in the said three Zemindaris. We have followed the same custom as is stated in my Arzi.

I have reported this for your honor's information.

5th September 1875.

Subordinate Judge's Court of Madura (West.)
No. 21 of 1889.

Produced on the 6th August 1890 by Defendant's 19th witness and filed on the 6th August 1890 as Exhibit XVII*a*.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 49. Defendant's Exhibit XVIII.—Sale deed of Punjah land, dated 19th August 1885.

No. 49.

Defendant's Exhibit XVIII.

Sale deed of punjah land executed by Subba Naiken, for himself and on behalf of his minor younger brother in favor of Gopala Kudumbam.

Sale deed of punjah land executed on the 5th Avani of Partipa year corresponding to 19th August 1885 by 1. Subba Naiken, son of Lingasami Naiken, Tottiya by caste, cultivator by profession, residing in the said place, and 2. Lingasami Naiken, son of Petti Naiken, Tottiya by caste, cultivator, now living at Tumbasanayakkanur, hamlet of Andipatti, Periakulam Taluk, formerly of the said Parapatti village, for himself and on behalf of his minor younger brother, Subba Naiken, son of the said Petti Naiken, who is under his protection and guardianship, in favor of Gopala Kudumban, son of Kutta Kudumban, Pulla by caste, cultivator, residing in Parapatti village. The boundaries of the punjah which is our ancestral property, registered in puttah No. 90 in our joint names and in the name of the minor, and which is in our enjoyment situate in the village of Chittulotti attached to the Sub-District of Tirumangalam, Madura District, are:—West of Subbayya Swamiyar's punjah, south of Curnam Muttusami Pillai's punjah, west of the punjah purchased by you and north of the limits of Parapatti village and the punjah belonging to Muttukaruppa Pillai and others. Punjah No. 15, Veppal, 1st sort, guli 0-8-1; No. 16, 1st sort, punjah gulis 3-10-3 in all 2 plots, gulis 4-3-0, situated within the abovenamed limits, have been sold to you. The consideration was received as under; Rupees 60 received from me Kavettinaikenpatti Subba Reddi and paid to Velappa Reddi and Rupees 37 received this day in cash. As Rupees (97) ninety-seven in all have been received as stated above, you shall enjoy for ever the said land from generation to generation with right to alienate the same by gift, sale or otherwise, and live in happiness. We shall, in order that the puttah for the said land may be transferred to your name, submit a puttah razinamah.

(Marked) Subba Naiken.
(„) Lingasami Naiken.

Witnesses.

(Signed) Muttusami Pillai, Curnam of Chittulotti village.
(„) Vayirava Sundaram Pillai of Venkatesapuram, hamlet of Sengulam village.
(„) Kandasami Pillai, son of Arunachalam Pillai of Jari Sengulam, writer of this deed.

(Here enter stamp vendor's endorsement and the Registrar's endorsements and certificates).

Subordinate Judge's Court of Madura (West).
No. 21 of 1889.

Produced on the 6th August 1890 by Defendant's 23rd witness and filed on the 6th August 1890 as Exhibit XVIII.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 50. Defendant's Exhibit XIX.— Arzi submitted by the Zemindar of Thevaram, dated 9th October 1849.

No. 50.

Defendant's Exhibit XIX.

Arzi submitted by the Zemindar of Thevaram attached to Thenkarai Taluq to the Collector of Madura reporting that the son of the senior wife, though younger in age to the sons of the other wives, would succeed to the Zemindari according to the custom of Thottiya Kumbala caste.

To

R. D. PARKER, ESQUIRE,
Principal Collector of the Madura District.

Arzi most respectfully submitted by Konda Bomma Naiker, son of Konda Bomma Naiker *alias* Muttusami Naiker, Zemindar of Thevaram attached to the Taluq of Tenkarai, is as follows :—

In the order issued on the 3rd September current, it is required to report as to the rule of succession of the Zamindari, as to how many sub-divisions there are in the Thottiya caste, as to what caste and gotra I belong, as to whether it is the custom in my Zemindari to succeed according to seniority, and if so, who is to succeed if the first wife has no son and if the second wife's son is younger in age, and the sons of the third and fourth wives are older in age. It is said that in the said Thottiya caste, there are Vekkilia Kambalthars, Kolla Kumbalathars, Thokkalvar Kumbalathars and other castes. Of these three sub-divisions, all those that are called Vekkilia Kumbalathars are of the same sect ; of these, I belong to Vekkilia Kumbala caste. The family name generally assigned to the said caste is Chittrapalavaru gotra. It is the custom obtaining in our Zemindari to get succession according to seniority, but, if the first wife has no son, and the second wife has a son younger in age, and though the third and fourth wives have sons older in age, yet, the second wife's son succeeds according to seniority. Please therefore to consider.

25th Perattasi of Tamil Sowmiya year, corresponding to 9th October 1849.

(Signed) Konda Bomma Naiker.

(True copy).

(Signed) MIR SULTAN MOIDIN,
Treasury Dy. Collector.

Subordinate Judge's Court of Madura (West.)
No. 21 of 1889.

Produced on the 7th August 1890 by Defendant and filed on the 7th August 1890 as Exhibit XIX.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 51. Defendant's Exhibit XIX*a*.— Arzi submitted by the Zemindar of Thevaram, dated 29th August 1849.

No. 51.

Defendant's Exhibit XIX*a*.

Arzi submitted by the Zemindar of Thevaram attached to Thenkarai Taluq to the Collector of Madura, reporting that the son of the senior wife, though younger in age than the sons of the other wives, would succeed to the Zemindari according to the caste custom.

To

R. D. PARKER, ESQUIRE,
Principal Collector,
Madura District.

Arzi most respectfully submitted by Konda Bomma Naiker, son of Konda Bomma Naiker *alias* Muttusami Naiker, Zemindar of Thevaram attached to the Taluq of Tenkarai, is as follows:—

Order No. 52, issued on the 15th August current, has been received; it is mentioned therein that a report should be made as to who is entitled to succeed to the said Zemindari, if the son of the senior wife of the Zemindar is younger in age and the son of the other wife is older.

In reply to it, I beg to report, that, even if the son of the senior (Pattabastri) wife in the Zemindari is younger in age, yet, he alone succeeds to the Zemindari and looks after the business. This is submitted for your honour's information.

15th Avani of Sowmiya year, corresponding to 29th August 1849.

I beg to remain.

(Signed) Konda Bomma Naiker.

(True copy).

(Signed) MIR SULTAN MOIDIN,
Treasury Deputy Collector.

Subordinate Judge's Court of Madura (West).

No. 21 of 1889.

Produced on the 7th August 1890 by Defendant and filed on the 7th August 1890 as Exhibit XIX*a*.

C. VENKOBA CHARIAR,
Subordinate Judge.

RECORD

PART

In the Subordinate Court of Madura (West.)

No. 52. Defendant's Exhibit XIX*b*.—Arzi submitted by the Zemindar of Bodinayakkanur, dated 7th July 1849.

No. 52.

Defendant's Exhibit XIX*b*.

Arzi submitted by the Zemindar of Bodinayakkanur to the Collector of Madura reporting that the son of the senior wife, though younger in age to the sons of the other wives, would succeed to the Zemindari according to the caste custom.

No. 11.
To

R. D. PARKER, ESQUIRE,
District Collector of Madura.

Arzi respectfully submitted by Vangaru Thirumalai Bodi Naiken, Zemindar of Bodinayakkanur (Zemin) is as follows :—

With reference to the Huzur Order, dated, Madura, 30th June 1849, No. 39, calling for the submission of a report by way of answers to the following points, namely, (1) In Bodinayakkanur Zemin, if, among the wives of the deceased Zemindar of the place, the 1st wife or the Royal wife have a son and he be junior in point of years, and if the 2nd wife have also a son and he happens to be senior in age (to the son of the 1st wife), which (of the two) is to succeed to the Zemin? and (2) How many divisions there are in our Kumbala caste, and what is the practice obtaining among them in regard to the matter mentioned above :—With reference to these questions, I beg to submit for your honor's information that, in the said Bodinayakkanur Zemin, the rule of succession is that, if, among the wives of the deceased Zemindar of the place, the son born of the 1st wife or the Royal wife be junior in point of age, and if a son, born of any of the other wives [of the Zemindar] happen to be his seniors in years, the right of succession to the Zemin devolves always only on the son by the 1st wife or Royal wife and not on those by the other wives, however much senior to him they may be in point of age; that, among the Ammayanayakkanur Zemindars who also belong to our caste, the custom is that the eldest member of the family, that is, the eldest Dayadi of the deceased Zemindar, succeeds to the Zemin; and that I am not aware of this practice obtaining in the other divisions of our caste.

25th Auni of Sowmiya year, corresponding to 7th July 1849.
[Signed] Vangaru Thirumalai Bodi Naiken.
(True copy).
[Signed] MIR SULTAN MOIDIN,
Treasury Deputy Collector.
Subordinate Judge's Court of Madura (West.)
No. 21 of 1889.

Produced on the 7th August 1890 by Defendant and filed on the 7th August 1890 as Exhibit XIX*b*.

[Signed] C. VENKOBA CHARIAR,
Subordinate Judge.

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 53. Defendant's Exhibit XIX*c*.—Arzi submitted by the Zemindar of Bodinayakkanur, dated 12th September 1849.

No. 53

Defendant's Exhibit XIX*c*.

Arzi submitted by the Zemindar of Bodinayakkanur to the Collector of Madura reporting that the son of the senior wife, though younger in age to the sons of the other wives, succeeds to the Zemindari according to the caste custom.

To

R. D. PARKER ESQUIRE,
District Collector of Madura.

Arzi most respectfully submitted by Vangaru Thirumalai Bodinaiken Zemindar of Bodinayakkanur is as follows.—

In reply to the order calling for information as to the rule of succession in my Zemindari and as to the several divisions of our Thottiya caste, I had stated that, among the Thottiya caste, there are several sections, and that the rule of seccession in my Zemindari is that, though the son of the 1st wife or the Royal wife be junior in years, and the son born of another wife be his senior in point of age, the Zemin always devolves upon the son of the 1st wife. The Huzur order dated 3rd September 1849, Madura, requires to be informed whether those sub-divisions belong to our caste or to our *gotra* and what those sub-divisions and those *gotras* really are ; whether the rule of succession in my Zemindari is one in the order [of wives], and if so, who is the rightful heir to succed, in the case where there is no son by the royal wife or the 1st wife, and the 2nd wife's son is junior to the son of 3rd wife.

With reference to the above matters, I beg to submit that the rule of succession in my Zemindari is even to this day in the order [of the wives of the Zemindar]. If, therefore, the 1st wife has no son, the 2nd wife has one and be he junior to the sons of the 3rd and 4th wives, even though this be the case, the right of succession to the said Zemin rests only with the junior son of the 2nd wife, and in no case is there the practice in my Zemin for the sons of the 3rd and 4th wives, though senior to him in age, to succeed to the place. But in the case of the Ammayanayakkanur Zamindari alone, the Zemindar of which belongs to our caste, this practice is in force, namely; the Dayadis succeed to the Zemin (that is to say) the eldest member of the (Zemindars') family is always allowed to succeed to the place. As regards the question whether there are several sections in our caste, and where such exist, whether any or all of them belong to our caste or to our *gotra*, information is called for in the order aforesaid, I have to submit that the practices in our Kumbala caste and in our *gotra* are all the same, and that there exists no other sub-divisions amongst us whose practices are contrary to the mamul custom of the several sub-divisions of our caste or of our *gotra*. If, however, a woman of a different caste is married out of love and is kept in the family, and though she is regarded with the highest affection, yet the sons of such a woman would, at no time, be allowed to adopt the custom of our caste, and be entitled to

succeed to the Zemindari. These matters I have, therefore, respectfully laid before your honour for your honor's information. I remain &c.

Dated 29th Avani of Sowmya. (12th September 1849).

(Signed) Vangaru Thirumalai Bodi Naiken.

(True copy).

(Signed) MIR SULTAN MOIDIN,
Try. Dy. Collector.

Subordinate Judge's Court of Madura (west).

No. 21 of 1889.

Produced on the 7th August 1890 by Defendant and filed on the 7th August 1890 as Exhibit XIX*c*.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

No. 53. Defendant's Exhibit XIX*c*.—Arzi submitted by the Zemindar of Bodinayakkanur, dated 12th September 1849. —*concluded.*

No. 54.

Defendant's Exhibit XIX*d*.

Arzi submitted by the Zemindar of Puliyamkulam to the Collector of Madura stating that the son of the senior wife, though younger in age to the sons of the other wives would succeed to the Zemindari.

To R. D. PARKER, ESQUIRE,
Magistrate of the Madura District &c.

Arzi, respectfully submitted by Shanmuga Madava Naiker, Zemindar of Puliyamkulam, is as follows:—

With reference to the Order No. 52 issued on the 15th instant, requiring (me) to report on the custom obtaining in the said Zemindari as to who should succeed to the Zemindari, in the case of the senior wife's son being younger in age, and the son of the other wife is older. I beg to report that it is an ordinary practice among the Zemindars to marry several wives and keep several women as concubines (Bogastri). Therefore, if, among the married wives a son is born of the senior wife after sons are born of the other wives, if the son of the senior wife has not attained his proper age, and if it should happen that he should be invested with the dignity of Zemindar, it is generally the custom to invest only the son of the said senior wife with the high dignity of Zemindar and to appoint a manager and make him look after the business until he (the minor Zemindar) attains proper age, but it has never been the custom to invest the sons of the other wives with the high dignity and they are not entitled to succed through they may be majors. I have reported this for your honor's information.

PULIYAMKULAM, *26th August* 1849. (Signed) Shanmuga Madava Naiker.

(True copy).

(Signed) MIR SULTAN MOIDIN,
Treasury Dy. Collector.

Subordinate Judge's Court of Madura (West).

No. 21 of 1889.

Produced on the 7th August 1890 by Defendant and filed on the 7th August 1890 as Exhibit XIX*d*. (Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

No. 54. Defendant's Exhibit XIX*d*.—Arzi submitted by the Zemindar of Puliyamkulam, dated 26th August 1849.

Deputy Registrar.

No. 55

Defendant's Exhibit XIX*e*.

Arzi submitted by the Zemindar of Puliyamkulam to the Collector of Madura reporting that the son of the senior wife, though junior in age to the sons of the other wives, would succeed to the Zemindari according to the custom of the caste.

To R. D. PARKER, ESQUIRE,
Collector of the Madura District &c.

Arzi respectfully submitted by Shunmuga Madava Naiker, Zemindar of Puliyamkulam.

With reference to the order issued before, requiring (me) to report as to the rule of succession to the said Zemindari and as to the number of sub-divisions in the Thottiya cate, I had reported that in the said Thottiya caste there are several sub-divisions, and that even if the senior wife's son is younger in age and the son of the other wife is older in age, still it is the custom that the senior wife's son alone is entitled to succeed. I received the Order No. 63, dated 3rd September, requiring (me) to report whether the said sub-divisions belong to our caste or gotra, what those sub-divisions and gotra realy are, whether the rule of succession in my Zemindari is one in the order (of wives) and if so, who is to succeed, if the first wife has no son and the second wife has a son younger in age and the third and fourth wives have sons older in age. In the Thottiya caste, there are four sub divisions; *viz.*, (1) Kolla Kottai caste, (2) Thokkalavara Kottai caste, (3) Elavagai Kottai caste and (4) Kambalathar. Of these four sub-divisions, we belong to the Kambala caste and have among us several house names, such as, Sillavaru, Vallakvaru, Palluvaru, Moganapelivan and Nagavan and many more. It is usual to style the said names as gotra, and to have intermarriages. Between the aforesaid four sub-divisions, there are no inter-marriages. Each sub-division has district and several house names and gotras. Among the people of our Kambala caste in the said Zemindari we belong to Sillavaru gotra, and the custom obtaining (in the said Zemindari) as to succession is according to the order (of wives). If the 1st wife has no son, and if the 2nd wife has a son younger in age and the 3rd and 4th wives have sons older in age, it is for the said 2nd wife's son to succeed to the Zemindari, he being the son of the senior wife and as the said wives belong to our caste. Thus I have reported this for your honor's information.

PULIYAMKULAM, *8th October* 1849.

(Signed) Shunmuga Madava Naiker.

(True copy.)

(Signed) MIR SULTAN MOIDIN,
Treasuary Dy. Collector.

Subordinate Judge's Court of Madura (West).

No. 21 of 1889.

Produced on the 7th August 1890 by Defendant and filed on the 7th August 1890 as Exhibit XIX*e*.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

No. 55. Defendant's Exhibit XIX*e*.—Arzi submitted by the Zemindar of Puliyamkulam, dated 8th October 1849.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 56. Defendant's Exhibit XIX*f*.—Arzi submitted by Kristnammal, the royal wife of the Zemindar of Thottappanayakkanur, dated 27th September 1849.

No. 56.

Defendant's Exhibit XIX*f*.

Arzi submitted by Kristnammal, the royal wife of the Zemindar of Thottappanayakkanur, to the Collector of Madura, stating that the son of the senior wife, though junior in age to the sons of the other wives, would succeed to the Zemindari according to the caste custom.

To

R. D. PARKER, ESQUIRE,
Collector of Madura District &c.

Arzi submitted by Krishnammal, royal wife of the Zemindar of Thottappanayakkanur.

An order had been received asking for information about the rule of succession in our Zemindari and as to the several sub-divisions in the Thottiya caste. I have received the Huzur order, No. 648, dated 3rd September, requiring to be informed, as to what gotra and caste we belong, whether the order of succession in our Zemindari was according to the order (of wives), if so, who is the rightful heir to succeed in case where there is no son by the Royal wife or 1st wife and the 2nd wife's son is younger in age to the son of the 3rd and 4th wives. Although there are several sub-divisions in the Thottiya caste, such as Kolla Thottiya and Vekkiliya Thottiya, we belong to Vekkiliya Kambala Thottiya caste, and our Gotra is Kurivar Kulam. The custom generally obtaining in our Zemindari, about the order of succession, is in the order of (wives). If the royal or 1st wife had no male issue and if the 2nd wife had one, that son alone is entitled to succeed although the 3rd and 4th wives have sons older, they are not entitled to succeed.

I beg to submit this for your honour's information.

27*th September* 1849.

(Marked) Krishnammal.

(True copy).

(Signed) MIR SULTAN MOIDIN,
Treasury Dy. Collector.

Subordinate Judge's Court of Madura (West.)
No. 21 of 1889.

Produced on the 7th August 1890 by Defendant and filed on the 7th August 1890 as Exhibit XIX*f*.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 57. Defendant's Exhibit XIX*g*.—Arzis submitted by the Zemindar of Uttappanayakkanur, dated 29th August 1849.

No. 57.

Defendant's Exhibit XIX*g*.

Arzi submitted by the Zemindar of Uttappanayakkanur, to the Collector of Madura stating that the son of the senior wife, though younger in age to the sons of the other wives, would succeed to the Zemindari according to the caste custom.

To

R. D. PARKER, ESQUIRE,
Collector of Madura District, &c.

Arzi humbly submitted by Uthappa Naiker, Zemindar of Uttappanayakkanur.

In the order received on the 20th August of the current year 1849, I have been asked to report, at an early date, who would, according to custom, be entitled to succed to the Zemindari, if the son of the royal wife be younger and the other wife's son be older. The custom of marriage among all the people of the Kambala Caste is as follows:—

If two wives were married at the same time, the daughters of the elder and younger sisters and aunt (father's sister), and girls of high birth are regarded as senior wife. If the marriage were contracted in ordinary families, those wives are considered as junior wives. If the senior wife begets two male children, and though they are even 3 or 4 years old, yet the elder child is installed as Zemindar and the Zemindari belongs to him; the younger is installed as Siru Nayakker. Though the junior wife has a son of the age of 30 or 40, yet he would not be installed as Zemindar. Though the senior wife has only one son, still he is installed as Zemindar. Though the junior wife has only one male child, still it is installed as Siru Nayakker. If the senior wife has no male issue at all, and the junior wife has one, it would be installed as Zemindar. This has been the custom obtaining in our caste. I beg to report this for your honor's information.

29*th August* 1849.

(Signed) Uttappa Naiker.

(True copy.)

(Signed) MIR SULTAN MOIDIN,
Treasury Deputy Collector.

Subordinate Judge's Court of Madura (West).
No. 21 *of* 1889.

Produced on the 7th August 1890 by Defendant and filed on the 7th August 1890 as Exhibit XIX*g*.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 58. Defendant's Exhibit XIX*h*.— Arzi submitted by the Zemindar of Uttappanayakkanur, dated 7th September 1849.

No. 58.

Defendant's Exhibit XIX*h*.

Arzi submitted by the Zemindar of Uttappanayakkanur, to the Collector of Madura stating that the son of the senior wife, though junior in age to the sons of the other wives, would succeed to the Zemindari according to the caste custom.

To

R. D. PARKER, ESQUIRE.
Collector, Madura District, &c.

Arzi humbly submitted by Uttappa Naiker, Zemindar of Uttappanayakanur.

With reference to the order, dated 3rd September 1849, asking for information as to the order of succession, the sub-divisions of the caste and who should, according to custom, succeed, there being sons by the 1st, 2nd, 3rd and 4th wives, some younger and others older, I beg to state that the succession to the said Zemindari has been, from the beginning upto date, according to order of wives; that the original Zemindar of the said Zemindari belonged to the country of Chandragiri and was a Chillavar and a Kambala by caste. If the senior wife has a son, he would succeed. If she were quick with child, the succession would be kept in abeyance till delivery and in the event of the issue not being a male, the son of the 2nd wife would succeed and the sons of the 3rd and other wives, though 30 or 40 years old, would not be entitled to succeed. This has been the custom obtaining in our caste. No female succeeds. I have submitted this for your information.

7th September 1849.

(Signed) Uttappa Naiker.

(True copy.)

(Signed) MIR SULTAN MOIDIN,
Treasury Deputy Collector.

Subordinate Judge's Court of Madura (West.)

No. 21 *of* 1889.

Produced on the 7th August 1890 by Defendant and filed on the 7th August 1890 as Exhibit XIX*h*.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 59. Defendant's Exhibit XIX*j*.— Arzi submitted by the Zemindar of Kannivadi, dated 9th August 1849.

No. 59.

Defendant's Exhibit XIX*j*.

Arzi submitted by the Zemindar of Kannivadi, to the Collector of Madura stating that the son of the senior wife, though younger than the sons of the other wives, succeeds to the Zemindari in all the sections of the Thottiya caste except that of Ammayanayakkanur.

To R. D. PARKER, ESQUIRE,
Collector, Madura District.

Arzi respectfully submitted by Kumara Narasimma Appaya Naiker, Zemindar of Kannivadi.

Order No. 39, dated 30th June and Order No. 269, dated 29th July of the current year, have been received, directing to be informed as to who customarily succeeded the deceased Zemindar who had been a Zemindar of this Zemindari, whether the son by the senior wife, or the son by the junior wife in case where the Zemindar has many wives and the senior wife's son is younger and the junior wife's son elder; as to the number of sub-divisions in the Thottiya caste, and as to what the custom that was being followed among them was in respect of the aforesaid matters.

It has been the custom in all the sections of the Tottiya caste who are Zemindars, except the section of the Zemindar of Ammayanayakkanur, that the son by the senior wife of the Zemindar alone succeeds though younger. In the case of the Ammayanayakkanur Zemindari alone the succession is by co-parcenary, *i. e.*, the eldest member in the family succeeds. I beg to submit this for your honor's information.

(Signed) Kumara Narasimma Appaya Naiker.

AYYAMPALAYAM, *9th August* 1849.

(True copy.)

(Signed) MIR SULTAN MOIDIN,
Treasury Deputy Collector.

Objected to by Plaintiff's Vakil. Filed under sections 13, 32, Cl. N, and 48 Evidence Act, as Exhibit XIX*j*.

(Initialled) C. V.

No. 60.

No. 60. Defendant's Exhibit XIX*k*.— Arzi submitted by the Zemindar of Kannivadi, dated 19th September 1849.

Defendant's Exhibit XIX*k*.

Arzi submitted by the Zemindar of Kannivadi, to the Collector of Madura reporting that the son of the senior wife, though junior to the sons of the other wives, would succeed to the Zemindari according to the caste custom.

To R. D. PARKER, ESQUIRE,
Collector of Madura District,

Arzi respectfully submitted by Kumara Narasimma Appaya Naiker, Zemindar of Kannivadi.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 60. Defendant's Exhibit XIX*k*.—Arzi submitted by the Zemindar of Kannivadi, dated 19th September 1849.—*continued.*

With reference to the order sent (to me) calling for information about the order of succession in our Zemindari and the number of sub-divisions in Thottiya caste, I had reported that there were several kulams (families) in the Thottiya caste, and that it was the custom in this Zemindari for the son of the royal wife to succeed to the Zemin, even if he were younger than the son of any other wife. Thereupon the Order No. 43, dated the 3rd instant has been sent to me calling for information as to whether the said divisions belonged to our caste or gotra and if the succession be according to the order of wives, who was to succeed to the Zemindari, according to the custom, if the first wife had no son, the son of the second wife were younger and the sons of the 3rd and 4th wives were older than him. A list showing in detail the number of sub-divisions and the gotra of the Thottiya caste and the mutual relationship existing between them is herein enclosed. I beg to submit that in our Zemindari which is of the Vellakkavan Kulam (family) and Rishi Gotra, the succession is according to order of wives and that, therefore, if the royal wife had no son, and the son of the 2nd wife were younger and the sons of the 3rd and 4th wives elder than the son of the 2nd wife, it is the custom for the son of the 2nd wife to succeed.

KANNIVADI, 19*th September* 1849.

(Signed) Kumara Narasimma Appaya Naiker.

(True copy.)

(Signed) MIR SULTAN MOIDIN,

Treasury Deputy Collector.

List showing the divisions in the Thottiya otherwise called Kambala caste, its gotra and other particulars.

Persons who have been installed as Zemindars.

Number.

1. Vallakkavan. Yerakuni Vallakkavan. Kuni Vallakkavan. Savuri Vallakkavan. Total 4.
2. Palamavan. Kengishavan. Undadipalavan. Kuripalavan. Thoonakkalapalavan. Total 5.
3. Kucha Bommu. Podalavan, Sallivan. Kullivan. Pachokkavan, Nilaivan. Palaivan. Panguvan. Pambaravan. Total 9.
4. Yeramasivan. Kamavan. Total 2.
5. Seelavan. Sankittivan. Kurunivan. Koosimivan. Pasimivan. Total 5.

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 60. Defendant's Exhibit XIX*k*.—Arzi submitted by the Zemindar of Kannivadi, dated 19th September 1849.—*concluded.*

6. Sillavan. Irasillavan. Nalasillavan. Thumbisasillavan. Total 4.

Persons who were not installed as Zemindars.

7. Nalavan. Yeranalavan. Periyanalavan. Kamakshinalavan. Kattamanalavan. Bommisinalavan. Total 6.
8. Irrivan. Kannadavan. Pellavan. Yerapellavan. Nallapeelavan. Total 5.
9. Mekkalalan. Total 1.
10. Kudavan. Peravan. Total 2.
11. Kambarsu. Medirivan. Total 2.

Total number of divisions in the Kambala caste is 11. These are of Rishi gotra. Sivites and Vishnuvites intermarry and eat together.

KANNIVADI, 19*th September* 1849.

(Signed) Kumara Narasimma Appaya Naiker.

(True copy.)

(Signed) MIR SULTAN MOIDIN,

Treasury Dy. Collector.

Objected to by Plaintiff's Vakil. Filed under Sections 13, 32 ch. n, and 48, Evidence Act, as Exhibit XIX*k*.

13—8—90. (Initialled) C. V.

Subordinate Judge's Court of Madura (West).

No. 21 of 1889.

Produced on the 13th August 1890 by Defendant, and filed on the 13th August 1890, as Exhibit XIX*k*.

(Signed) C. VENKOBA CHARIAR,

Subordinate Judge.

No. 61.

No. 61. Defendant's Exhibit XIX*l*.—Arzi submitted by the Zemindarni of Yerasakkanayakkanur dated 30th August 1849.

Defendant's Exhibit XIX*l*.

Arzi submitted by the Zemindarni of Yerasakkanayakanur to the Collector of Madura, stating that the son of the senior wife, though younger in age to the sons of the other wives, would succeed to the Zemindari according to the caste custom.

To

R. D. PARKER, ESQUIRE,

Collector of Madura District, &c.

Arzi humbly submitted by Rani Chinnammal, Zemindarni of Yerasakkanayakanur.

It is asked, in the Order No. 52, dated the 15th instant, to report as to the order of succession commonly followed in this Zemindari, whether the son by

RECORD.

PART I.

In the Subordinate Court of Madura (West)

No. 61. Defendant's Exhibit XIX*l*.—Arzi submitted by the Zemindarni of Yerasakkanayakkanur, dated 30th August 1849. —*concluded.*

No. 62. Defendant's Exhibit XIX*m*.—Arzi submitted by the Zemindar of Gundamanayakkanur, dated 3rd October 1849.

the senior wife, though younger, succeeds to the Zemindari in preference to the son by another wife, though elder.

It is the custom in this Zemindari that the son by the senior wife, though younger, succeeds to the Zemindari, but not the son by the other wife though elder. I beg to submit this for your honor's information.

(Signed) Chinnammal.

YERASAKANAYAKKANUR, 30*th August* 1849.

(True copy.)
(Signed) MIR SULTAN MOIDIN,
Treasury Dy. Collector.

Subordinate Judge's Court of Madura (West).
No. 21 of 1889.

Produced on the 13th August 1890 by Defendant, and filed on the 13th August 1890, as Exhibit XIX*l*.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

No. 62.

Defendant's Exhibit XIX*m*.

Arzi submitted by the mother and guardian of the minor Zemindar of Gundamanayakkanur to the Collector of Madura, stating that the son of the senior wife, though younger in age to the sons of the other wives, would succeed to the Zemindari according to the custom of the caste.

To

R. D. PARKER, ESQUIRE,
Collector of Madura District, &c.

Arzi respectfully submitted by Vellayammal, mother and guardian of Tirumala Gundama Ramakrishnama Naiker, Zemindar of Gundamanayakkanur.

With reference to the order dated 20th August 1849, asking me to report to the Huzur as to who usually succeeded to the Zemindari, in the case of the son of the Royal wife being younger and the son of the other wife elder in the said Zemindari; as to the order of succession in our Zemindari and the number of division in the Tottiya caste. I reported that there are many sub-divisions in the Thottiya caste and that the custom in our Zemindari has been, even though the son of the Royal wife be elder and the son of another wife be younger, the Royal wife's son alone will succeed to the Zemindari. Again I have received another order from the Huzur, dated 3rd September 1849, asking me to report whether the said sub-divisions were of our caste or gotra; what their caste and gotra was; whether the succession to our Zemindari was according to order of wives; and if so, who was to succeed when the senior wife had no son, and the second wife had a son who was younger and the 3rd and 4th wives had sons elder than the former. These two orders from the Huzur have been received

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 62. Defendant's Exhibit XIX*m*.—Arzi submitted by the Zemindar of Goundamanayakkanur, dated 3rd October 1849. —*concluded.*

calling for report. I beg to submit that, of the Zemindaries belonging to our Tottiya caste, we belong to Kuri Kulam (family). In other Zemindaries there are such divisions as Palavar, Sillavar, Kamavar, Vallakkavar and Sulavar. They also belong to our Thottiya caste. The succession is according to the order (of wives). Though the son of the first (Royal) wife be younger and the son of the second wife be elder, the first wife's son alone succeeds, (to the Zemindari). If the 1st wife has no son, and the son of the 2nd wife is younger, and the sons of the 3rd and 4th wives be elder, the son of the 2nd wife alone will succeed. This is the custom obtaining in the Zemindari of our Tottiya caste. I beg to report this for your information.

19th Purattasi Sowmiya year corresponding to 3rd October 1849.

(Signed) Vellayammal.

(True copy.)
(Signed) MIR SULTAN MOIDIN,
Treasury Dy. Collector.

Subordinate Judge's Court of Madura (West).
No. 21 of 1889.

Produced on the 13th August 1890 by Defendant and filed on the 13th August 1890, as Exhibit XIX*m*.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

No. 63.

No. 63. Defendant's Exhibit XIX*n*.—Arzi submitted by the Zemindar of Kadanur, dated 18th July 1849.

Defendant's Exhibit XIX*n*.

Arzi submitted by the Zemindar of Kadanur to the Collector of Madura stating that the son of the senior wife, though younger in age to the sons of the other wives, would be entitled to succeed according to the custom of the caste.

To R. D. PARKER, ESQUIRE,
Collector, Madura District.

Arzi respectfully submitted by Muthu Mangaya Muttayya Naiker, Zemindar of Kadavur.

I received the order, dated 30th June, asking me to report, who would succeed to my Zemindari, if the deceased Zemindar had many wives and if the Royal wife's son be younger and another wife's son elder; as to how many divisions there are in Tottiya caste; and what was the custom prevailing among them. I beg to submit that among the Zemindars of the District belonging to Thottiya caste, there are many sub-divisions such as Palamavar, Kuruvar, Vallakkavar, Sulavar, Kamavar and Sillavar. Only in the case of Ammayanayakkanur Zemindari the succession is according to the seniority of age and the customary order of succession in other Zemindaries is according to the priority of the marriages of the wives. Accordingly, it is the custom also in my Zemindari that the son of the senior wife succeeds though he be younger.

18*th July* 1849. (Signed) Muthu Mungaya Muttaya Naiker.

Filed XIX*n*.
(Initialled) C. V.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 62. Defendant's Exhibit XIX*o*.—Arzi submitted by the Zemindar of Yedayakottai, dated 20th July 1849.

No. 64.

Defendant's Exhibit XIX*o*.

Arzi submitted by the Zemindar of Yedayakottai to the Collector of Madura stating that the son of the senior wife, though younger in age than the sons of the other wives, would be entitled to succeed to the Zemindari according to the caste custom.

To

R. D. PARKER, ESQUIRE,

Collector of Madura District, &c.

Arzi humbly submitted by Kumaru Chinnama Naïker, Zemindar of Yedayakottai.

In the Huzur order No. 39, dated 30th June, report is called for as to who succeeds customarily the deceased Zemindar in any Zemindari, whether the son by Royal wife who is younger or the son by the other wife who is elder; how many divisions there are in the Thottiya caste and what was the custom that obtained among them in respect of the aforesaid particulars. There are several divisions of the Thottiya caste, the succession is according to age only in the case of Ammayanayakkanur. In other places and in my Zemindari, the son of the Royal wife only is entitled to succeed though younger, but not the other children though elder. That such is the custom obtaining, I report, for your honor's information.

(Signed) Kumaru Chinnama Naiker.

20*th July* 1849.

(True copy.)

(Signed) MIR SULTAN MOIDIN,

Treasury Deputy Collector.

Subordinate Judge's Court of Madura (West).

No. 21 of 1889.

Produced on the 13th August 1890 by Defendant and filed on the 13th August 1890, as Exhibit XIX*o*.

(Signed) C. VENKOBA CHARIAR,

Subordinate Judge.

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 65. Defendant's Exhibit XIX*p*.—Arzi submitted by the Zemindar of Yedayakottai, dated 29th October 1849.

No. 65.

Defendant's Exhibit XIX*p*.

Arzi submitted by the Zemindar of Yedayakottai to the Collector of Madura reporting that the son of the senior wife, though younger in age than the sons of the other wives, would be entitled to succeed according to the caste custom to the Zemindari.

To

R. D. PARKER, ESQUIRE,

Collector of Madura District, &c.

Arzi respectfully submitted by Kumara Chinnama Naiker, Zemindar of Yedayakottai.

Received order No. 64, dated 3rd September, from the Huzur (Collector's Office) asking for information as to the order of succession obtaining in my Zemindari; as to the caste and gotra to which we belong and as to the order of succession in case where there is no son by the 1st wife, the son by the 2nd wife is younger and the sons by the 3rd and 4th wives are elder. My caste is Kambalam. My gotra is Vallakkavar. According to the order of succession, if the first wife has no son and the second wife has a son though younger, he succeeds. Though the sons by the 3rd and 4th wives were elder, they do not succeed. If the 1st and 2nd wives have no son, the son by the 3rd wife will succeed. In default, the son by the 4th wife is installed. I have reported to your honor that this is the custom obtaining in my Zemindari.

29*th October* 1849.

(Signed) Kumara Chinnama Naiker.

(True copy.)

(Signed) MIR SULTAN MOIDIN,

Treasury Deputy Collector.

Subordinate Judge's Court of Madura (West).

No. 21 of 1889.

Produced on the 13th August 1890 by Defendant and filed on the 13th August 1890, as Exhibit XIX*p*.

(Signed) C. VENKOBA CHARIAR,

Subordinate Judge.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 66. Defendant's Exhibit XIX*q*.— Arzi submitted by the Zemindar of Mambarai, dated 2nd September 1849.

No. 66.

Defendant's Exhibit XIX*q*.

Arzi submitted by the Zemindar of Mambarai to the Collector of Madura stating that the son of the senior wife, though younger in age than the sons of the other wives, would be entitled to succeed to the Zemindari according to the caste custom.

To

R. D. PARKER, ESQUIRE,
Collector of Madura District, &c.

Arzi respectfully submitted by Mallaya Bommaya Naiker, Zemindar of Mambarai,

An order, dated 22nd August, has been received, directing that a report should be sent to the Huzur as to who is, by custom, entitled to succeed to the Zemindari, in the case of a Zemindari where the son of the senior wife of the Zemindar be younger and the son of the other wife be elder. In such a Zemindari, the son of the deceased Zemindar by his senior wife, though younger is only entitled to succeed to the Zemindari; but his sons by the 2nd or 3rd wife though older are not entitled to succeed to the Zemindari. I have reported this for your honor's information.

19th Avani of Sawmiya year corresponding to 2nd September 1849.

(Signed) Mallaya Bommaya Naiker.

(True copy.)

(Signed) MIR SULTAN MOIDIN,
Treasury Deputy Collector.

Subordinate Judge's Court of Madura (West).

No. 21 *of* 1889.

Produced on the 13th August 1890 by Defendant and filed on the 13th August 1890, as Exhibit XIX*q*.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

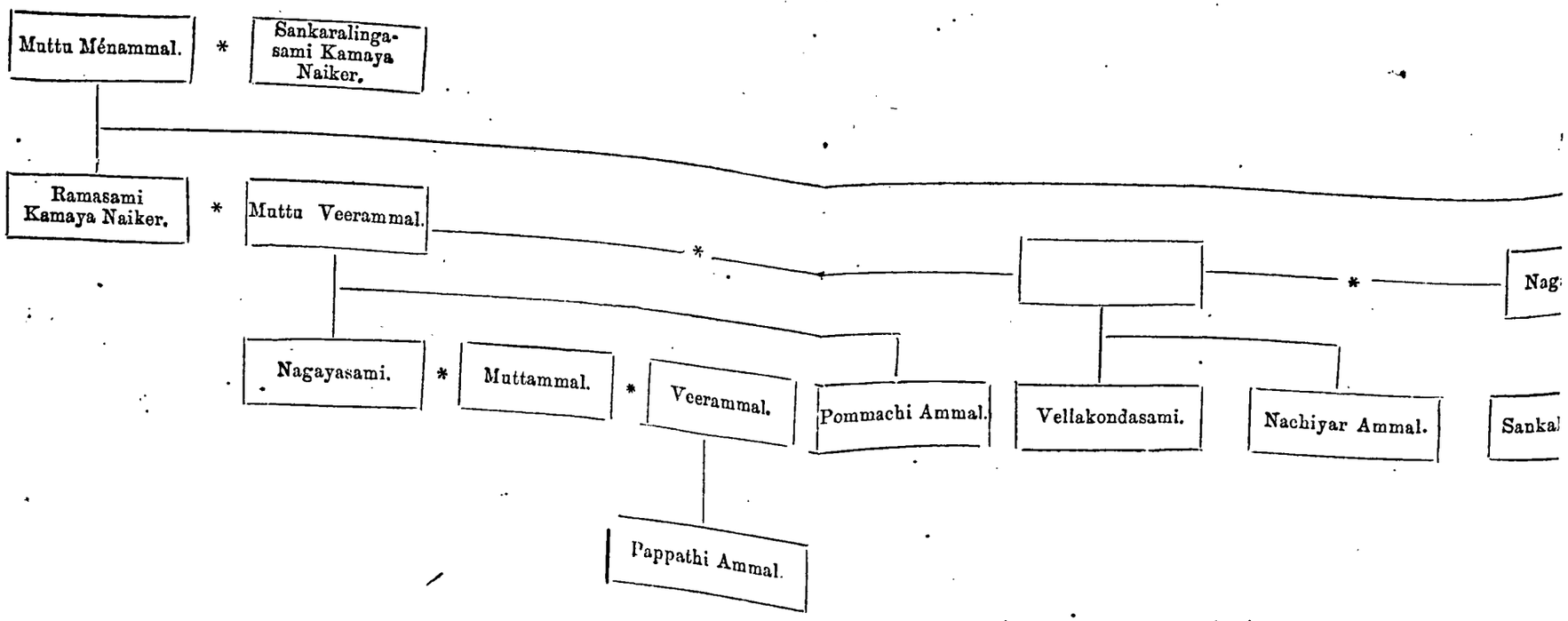
Deputy Registrar.

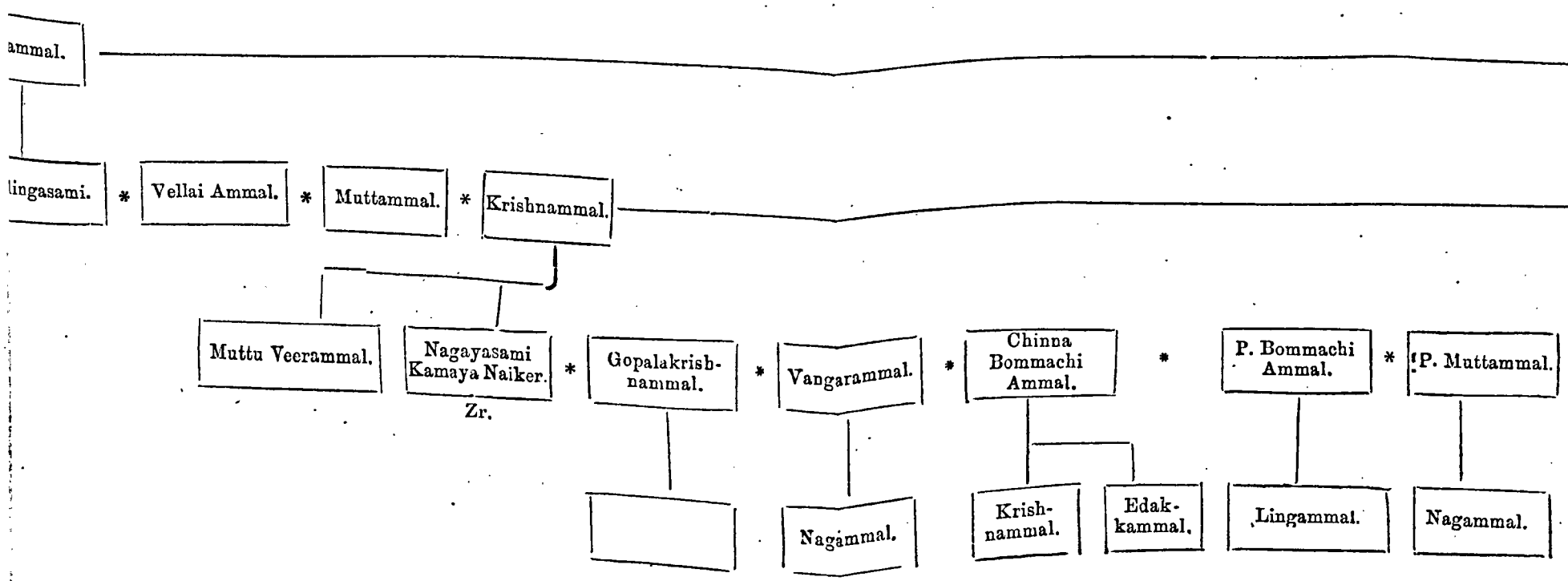
RECORD.

PART II.

In the Subordinate Court of Madura (West).

No. 68. Defendant's Exhibit XXV.—Genealogical Tree of the Sapturi Zamindar's family.




ammal.
lingasami.
Vellai Ammal.
Muttammal.
Krishnammal.
Muttu Veerammal.
Nagayasami Kamaya Naiker.
Zr.
Gopalakrishnammal.
Vangarammal.
Chinna Bommachi Ammal.
P. Bommachi Ammal.
P. Muttammal.
Nagammal.
Krishnammal.
Edakkammal.
Lingammal.
Nagammal.

RECO[illegible]ALOGICAL TREE.

PART

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1849.

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[illegible]machi
[illegible]mal.

Nagammal.

S. Muttammal.

Ramasami Kamaya Naykar.

* Kamalammal.

* Akku Bommachi Ammal

[illegible]attu
[illegible]ammal.

Nagayasami Kamaya Naiker.

* 1 Thavasi lingammal.

* 2 Krishnammal.

* 3 Muttukama Ammal.

* 4 Muttu Veerammal.

* 5 Muttu Chinnammal.

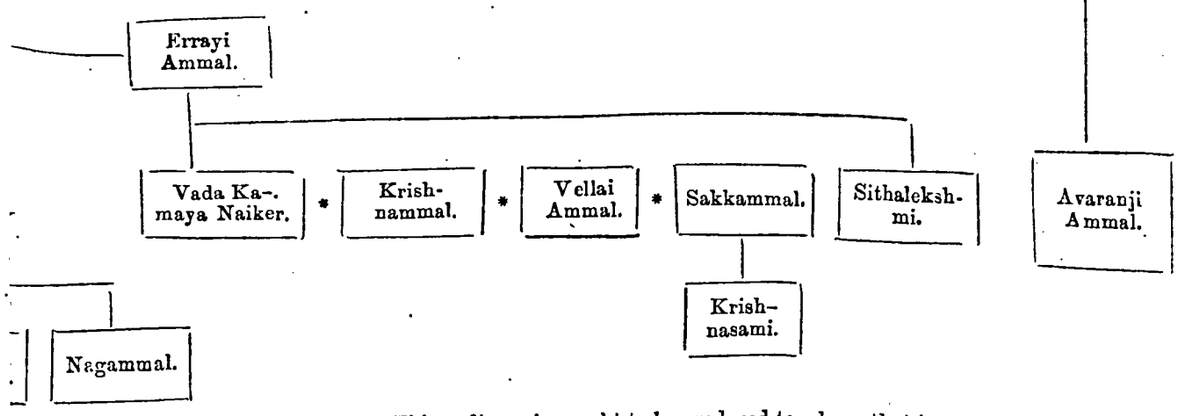
6 Sakkammal.

Nagaya Sami.

[illegible]

* Nagasami Kamaya Naykar.

* [illegible]



This pedigree is sought to be produced to show that it renders a contention of Plaintiff that Muttukamakshi was a married wife exceedingly improbable Section 11. Evidence Act Section 32 (Zemindar's statement). Plaintiff's Vakil Mr. Bashiam Ayyangar says he has no objection if it is proved that it was shown and approved by him. Filed as Exhibit XXV.

[Initialled] *C. V.*

SUBORDINATE JUDGE'S COURT OF MADURA (WEST).

No. 21 *of* 1889.

Produced on the 8th August 1890 by Defendant's 37th witness and filed on the 9th August 1890 as Exhibit XXV.

Subordinate Judge.

No. 67.

Defendant's Exhibit XIX*r*.

Arzi submitted by the Zemindar of Mambarai to the Collector of Madura stating that the son of the senior wife, though younger in age than the sons of the other wives, would be entitled to succeed to the Zemindari according to the custom of the caste.

To

R. D. PARKER, ESQUIRE,
Collector of Madura District &c.

Arzi respectfully submitted by Mallaya Bommaya Naiker, Zemindar of Mambarai.

An order No. 64, dated 3rd September, has been received asking for information as to the order of succession in my Zemindari, as to what caste and gotra I belong and who is entitled (according to custom) to succeed to the said Zemindari, the first wife having no son, the 2nd wife having a younger son and the 3rd and 4th wives having older sons. My caste is Kambala, and my gotra is Vallakavar. According to the order of succession, if the 1st wife has no son, the son of the 2nd wife, though younger, succeeds. The sons by the 3rd and 4th wives are not entitled to succeed. If the 1st and 2nd wives have no son, the son of the 3rd wife will succeed. In default of there being male issue even to the 3rd wife, the son of the 4th wife succeeds. This is the custom which obtains in my Zemindari. I have submitted this for your information. With respects.

15th Alpisi of Sowmiya year corresponding to 29th October 1849.

(Signed) Mallaya Bommaya Naiker.

(True copy.)

(Signed) MIR SULTAN MOIDIN,
Treasury Deputy Collector.

Subordinate Judge's Court of Madura (West.)

No. 21 *of* 1889.

Produced on the 13th August 1890 by Defendant and filed on the 13th August 1890 as Exhibit XIX*r*.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 70. Defendant's Exhibit XXV*b*.—Judgment in O. S. No. 76 of 1873 on the file of the Subordinate Judge's Court of Madura, dated 31st March 1875. —*continued.*

Sandaiyur and all other property belonging to the said 1st Defendant, that a debt claimed by the 5th Defendant as due to him by the 1st Defendant in Original Suit No. 23 of 1872 before the District Court, Madura, is not a *bona fide* debt really due or of such a nature as to be a charge upon the estate of Sandaiyur, and that the 1st Defendant is not entitled to alienate or encumber the said Zemindari or incur debts not required for legitimate purposes under the Hindu Law.

2. The 1st Defendant is the Plaintiff's step-mother. Her father having died sonless, his estate including the Zemindari devolved upon his widow and on her death, it passed to the 1st Defendant in 1870. She being however incapable of managing the estate, it has been taken charge of by the Court of Wards for her benefit, and the 3rd Defendant is the manager for the time being acting under order of the 2nd Defendant who is the local agent of the Court of Wards.

3. The only ground upon which the Plaintiff seeks for a declaratory decree is set forth in the 4th paragraph of the plaint which runs as follows.—"The said 1st Defendant collusively supports the 5th Defendant in a fraudulent claim for the sum of Rupees 25,000 in Original Suit No 23 of 1872 in the District Court of Madura". The ground on which the 4th Defendant is sued is that he brought Suit No. 7 of 1873 before the District Court seeking for a declaration of his title to succeed, on the death of the 1st Defendant, to the Zemindari of Sandaiyur and that this claim is prejudicial to the Plaintiff's reversionary right.

4. The 1st and 3rd Defendants have not put in an appearance, but the 2nd Defendant who apparently represents them contends that this is not a proper case for a declaratory decree, that the 1st Defendant has done no acts which have caused or are likely to cause injury to the Plaintiff's alleged title, that the 4th Defendant's suit for a declaration of his reversionary right had been dismissed, and that in the 5th Defendant's suit in which he claimed Rupees 25,000, from the 1st Defendant and which was opposed on her behalf by the 2nd Defendant, there was a decree for Rupees 19,000 and odd.

5. The 4th Defendant's contention is that he being a divided Dayadi of the 1st Defendant's father has a right to succeed to the estate after the 1st Defendant in preference to the Plaintiff.

6. The 5th Defendant asserts that his debt was both *bona fide* and really due, that in his suit, the District Court has decreed to him Rupees 19,240, and that the Plaintiff has no cause of action as against him.

7. Mr. Scott and S. Soobramania Aiyar appear for the Plaintiff; V. Soobramania Aiyar appears for 2nd and 5th Defendants, and 4th Defendant appears in person.....the other Defendants not appearing in person or by Counsel.

8. This suit coming on for hearing, the Court delivered the following :—

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 70. Defendant's Exhibit XXV*b*.—Judgment in O. S. No. 76 of 1873 on the file of the Subordinate Judge's Court of Madura, dated 31st March 1875. —*concluded.*

Judgment:—When this case came on for trial, it was agreed that the question whether this is a proper suit for a declaratory decree should be first argued and decided and then evidence gone into if necessary, at the close of the argument, I came to the conclusion that the suit is unsustainable, and my reasons are these,——the only grounds upon which the plaintiff has come into Court are that the 1st Defendant collusively supports the 5th Defendant in a fraudulent claim for the sum of Rupees 25,000 in Original Suit No. 23 of 1872 in the District Court of Madura, and that the 4th Defendant brought Suit No. 7 of 1873 before the District Court seeking for a declaration of his title to succeed on the death of the 1st Defendant to the Zemindari of Sandaiyur and that claim is prejudicial to the plaintiff's alleged reversionary right.

9. As regards the 1st ground, the facts seem to be these :—The 5th Defendant sued for a debt of Rupees 25,000 and the 1st Defendant being incapable of defending the suit, the 2nd Defendant strenuously opposed the claim and the result was a decree for Rupees 19,000 and odd. Thus there is no reason to even suspect any collusion in the matter and if there was any, the Plaintiff would be no sufferer by it. For, the debt, if of the character alleged by the Plaintiff, will not be a charge on the estate after the 1st Defendant's death, she having only a life interest in the estate.

10. As to the 2nd ground, I think that it is weaker still. Whatever might be the Plaintiff's right to restrain the 1st Defendant's acts as injurious to his doubtful reversionary title, yet he has no right to drag the 2nd Defendant into Court in order to obtain a binding declaration of his title as against him. When the 1st Defendant dies, this question might therefore be safely left for determination when that event occurs.

11. For the above reasons, I consider this to be a speculative suit and dismiss it accordingly, ordering the Plaintiff to pay the opposing Defendant's costs with interest at 6 per cent per annum.

(Signed) A. P. STRINIVASA,
Subordinate Judge.

(True copy.)

(Signed) CHOKALINGAM,
Superintendent.

Subordinate Judge's Court of Madura (West).

No. 21 of 1889.

Produced on the 15th August 1890 by Defendant and filed on the 16th August 1890 as Exhibit XXV*b*.

(Signed) VENKOBA CHARIAR,
Subordinate Judge.

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 71. Defendant's Exhibit XXVI.—Statement made before the Tahsildar of Madakkulam by the Zemindar of Valayapatti, dated 11th July 1826.

No. 71.

Defendant's Exhibit XXVI.

Statement of the Zemindar of Valayapatti given before the Tahsildar of Madakkulam stating that the son of the senior wife, though younger in age to the sons of the other wives, would succeed to the Zemindari according to the custom of the caste and that neither mother nor wife nor daughter nor daughter's son would be entitled to succeed.

To

THE COMPANY'S SIRCAR.

Attakshi given by Kamaya Naiker, Zemindar of Valayapatti, on the 11th July 1826 is as follows.

I was sent for and examined at the Taluq Cutchery, Madakkulam, in pursuance of the Huzur order asking for information as to who was the heir entitled to succeed to a Zemindari after the life-time of the present Zemindar whether it is a Zari or zufted (attached) Zemindari and as to other matters. My answer is as follows:—

I have been holding the said Zemindari till now. I have married two wives. The Royal wife has no son upto date. The junior has a son. He has not been named yet. The said child is now five years old. If the said Royal wife begets a male child during my life-time, he alone would succeed. If no children were so born, the male child now born to the junior wife would only succeed. I have neither brothers, nor brother's sons, nor paternal uncles nor their sons.

My son usually succeeds to the Zemindari after my death. After him, his son succeeds. If he has no son at all, it has been the custom for him to adopt during his life-time a son from among the Zemindars who are my Dayadis, namely, the Zemindars of Attankarai, Uttappanayakkanur, Mannarkotai, Peraiyur, Tumbichinayakanur, Nagalapuram, Varapur, Karisaipattur, Sandaiyur and Kuppanayakanur these and some other Zemindars and from many other Dayadis of my Kambala caste of Sillavar Division who are cultivators. In default of his so adopting during his life-time, whichever of the aforesaid persons that establishes his right to the Zemindari, it has been the custom for him to become the Zemindar. This is all. Neither wife nor daughter nor daughter's son is entitled to succeed.

(Signed) Kamaya Naiken, in Tamil.
Zemindar of Valayapatti.

Witnesses.
(Signed) Maria Pillai,
Gumastah of Mannadi Mangalam Kurnam.

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 71. Defendant's Exhibit XXVI.—Statement made before the Tahsildar of Madakkulam by the Zemindar of Valayapatti, dated 11th July 1826.—*concluded.*

(Signed) Sadakkadulla, son of Kuppanna Rowthar of Viradavur.

(Signed) Ramalingam Pillai,
Tahsildar.

(True copy).

(Signed) MIR SULTAN MOIDIN,
Try. Dy. Collector.

Subordinate Judge's Court of Madura (West).

No. 21 of 1889.

Produced on the 9th August 1890 by Defendant and filed on the 9th August 1890 as Exhibit XXVI.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

No. 72.

No. 72. Defendant's Exhibit XXVI*a*.—Arzi submitted by the Tahsildar of Madakkulam, dated 14th July 1826.

Defendant's Exhibit XXVI*a*.

Arzi submitted by the Tahsildar of Madakkulam to the Collector of Madura communicating the opinion of the Zemindars of Valayapatti and Sirupalai in the matter of succession to the Zemindari of sons by different wives.

To

ROSE PETER, ESQUIRE,
Principal Collector of Madura District &c.

Arzi submitted by Ramalinga Pillai, Tahsildar of Madakkulam Taluq, &c.

In obedience to the order of the 29th May, I sent for and examined Kamaya Naiken, the Zemindar of Valayapatti which is under attachment and Irumudi Achuta Rama Gounden of Sirupalai, the Zari Zemindar, living within my jurisdiction, as to who were the heirs entitled to succeed to their Zemindaris after their death, how they were entitled to them and what their names were. The Valayapatti Zemindar gave an attakshi stating that he has married two wives, that the senior wife has no son till now and that 2nd wife has a male child not yet

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 72. Defendant's Exhibit XXVI*a*.—Arzi submitted by the Tahsildar of Madakkulam, dated 14th July 1826. —*concluded.*

named; that the said child is now 5 years old; that if the senior wife should beget a male child during his life-time, such son would succeed to the Zemindari; that in the event of her having no children, the existing male child born to the 2nd wife would alone succeed; that he had no brothers or brothers' sons or senior or junior paternal uncles or their sons; that after his life-time his son would usually succeed; that in the event of his son having no son, it was usual for him to adopt, during his life-time, a son from his dayadis, of the 9 Zemindaris *viz.* Attankarai, &c, and from his dayadis of Sillavar Division who belong to his Kambala caste and who are cultivators; that should he fail so to adopt during his life-time, whichever of the aforesaid persons who establishes his right to the Zemindari would succeed; that no wife succeeded and that neither the daughters of the Zemindars nor the sons of such daughters were entitled to the succession.

On examining the Zemindar of Sirupalai, he has given an attakshi stating that he was looking after the Zemin as per order of the present Zemindar, Ramasami Gounden, as he was of unsound mind; that, if that Zemindar left no male issue, he, who was the son of the junior paternal uncle of the said Zemindar, should succeed; that if he had no son, his uterine brother would succeed; that if he had no brothers, Ramasami Gounden, son of Karuppa Gounden, his junior paternal uncle, and after him, his son, Ramasami Gounden, would succeed; but if he had no son, his younger brother Indu Rama Gounden would succeed, and if he had also no son, their Dayadi Balakrishna Gounden's son Karuppa Gounden would succeed. Thus he has stated that if there were sons the sons would succeed; and that if there were no sons, the brothers would succeed and that in default even of brothers, the Dayadis would succeed and that no sisters' son would succeed.

I have enclosed the said two Attakshis herein to the Huzur for your honor's information.

MADURA, 14*th July* 1826. (Signed) RAMALINGAM PILLAI, *Tahsildar.*

(True copy).

(Signed) MIR SULTAN MOIDIN, *Try. Dy. Collector.*

Subordinate Judge's Court of Madura (West).

No. 21 of 1889.

Produced on the 9th August 1890 by Defendant and filed on the 9th August as Exhibit XVI*a*.

(Signed) C. VENKOBA CHARIAR, *Subordinate Judge.*

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 73. Defendant's Exhibit XXVI*b*.—Declaration made by the Zemindar of Errasakkanayakkanur, dated 4th July 1826.

No. 73.

Defendant's Exhibit XXVI*b*.

Declaration made to the Collector of Madura by the Zemindar of Errasakkanayakkanur to the effect that the son of the senior wife, though junior to the sons of the other wives, would succeed to the Zemindari according to the caste custom &c.

Translation of a declaration, dated 4th July 1826, by Chinnabala Naik, Zemindar of Errasakkanayakkanur in the Tenkaray Taluq.

Ever since the Zemindari was first established, the Zemindari has descended from generation to generation through the direct male line. Being now in possession of the Zemindari, my son, by my first wife, is entitled to succeed me, and his son, after him, in like manner, inherits the estate. Should my son have no male issue, his younger full-brother will succeed to the estate should he have any. Should he have no full-brother, his half-brother by my second wife and his son would succeed. In the event of his having no sons, his brothers will succeed. Should there be an entire failure of male issue, the Zemindari will descend to the Tirumarasanayakkanur branch of the family descended from one of my grandfathers and to his successors as neither I nor my father have any brothers living.

(True extract).

(Signed) T. CLARKE, *Ag. Collector.*

(True copy).

(Signed) M. Hammick, *Secretary.*

Objected to. Filed as XXVI*b*.

(Initialled) C. V.

13—8—90.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 74. Defendant's Exhibit XXVII.—Daily Register of births and deaths for Cusba Saptur village, dated 30th June 1879.

No. 74.

Defendant's Exhibit XXVII.

Daily Register of births and deaths in the village of Cusba Saptur Zemin in the Taluq of Thirumangalam, Madura District.

A1.

Daily Register of births for the village of Cusba Saptur Zemin in the Taluq of Thirumangalam, Madura District, for the month of June 1879.

(1.) Date.	(2.) Name of person to whom son or daughter was born.	(6.) Hindu.	(9.) Male.	(11.) Total.
Torn.	Muthukaruppan.	Palla.	1	1
	Pachaiyammal.	Parivaram.	1	1
			Total...	2

The other columns are blank.

A2.

Daily Register of the deaths in the village of Cusba Saptur Zemin in the Taluq of Thirumangalam, Madura District, for the month of June 1879.

(1) Date.	(2) Name of persons died.	(8) Other classes.	(13) Male.	(14) Female.	(31) Total.
7.	Kalayyappon.	Parivaram.	1	...	1
22.	Perumalakka.	Do.	...	1	1
25.	Kalingi.	Saluppa.	...	1	1
28.	Solaimuppan.	Valaya.	1	...	1
				Total...	4

The other columns are blank.

30*th June* 1879.

19—7—79. (Initialled) L. Z.

By 45th witness. Filed as Exhibit XXVII.

(Initialled) C. V.

9—8—90.

Deputy Registrar.

No 74*a*

Defendant's Exhibit XXVII*a*.

A1.

Daily register of births in Suptur village, Tirumangalam Taluq, Madura District, for June 1880.

RECORD.

PART 1.

In the Subordinate Court of Madura. (West.)

No. 74*a*. Defendant's Exhibit XXVII*a*. Register of Births and Deaths for the month of June, dated 1st July 1880.

Date.	Names of persons to whom son or daughter was born.	Class. Europeans.	Eurasians.	Native Christians.	Hindus.	Mahomedans.	Others Cases.	Number of births registered each day. Male.	Female.	Total.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12
25	Nagammal	...	...	...	Parivara ...	...	...	1	...	1	
28	Kattamuttu	...	...	...	Semban ...	...	...	1	..	1	
10	Nagappa Naiker	...	...	...	Kambalam...	...	...	1	...	1	
	Total ...	...	...	...	...	...	...	3	...	3	

1*st July* 1880.

(Signed) Siralakarukku Moniyagar, Nattamgar.

(,,) Andiyappa Naiker, Village Munsif, Alagapuri.

(,,) Nagamuttu Naiker, Village Munsif of Malayandipuram.

RECORD.

PART I.

In the Subordinate Court of Madra (West.)

No 74a. Defendant's Exhibit XXVIIa. Register of Births and Deaths for the month of June dated 1st July 1880.

No. 74.

Defendant's Exhibit XXVII (*a*).

A2.

POPULATION AT THE LATE CENSUS.

Europeans.		Eurasians.		Native Christians.		Hindus.		Mahomedans.		Other Classes.	
Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females	Males.	Females.

Daily register of Deaths in the village of Saptur Zemin Cusbah, Tirumangalam Taluk, Madura District, for June 1880.

Date.	Names of persons died.	Class. Europeans.	Class. Eurasians.	Class. Native Christians.	Class. Hindus.	Class. Mahomedans.	Class. Other Classes.	Cause of death. Cholera. Male.	Cholera. Female.	Small-pox. Male.	Small-pox. Female.	Fevers. Male.	Fevers. Female.	Bowel complaints. Male.	Bowel complaints. Female.	Injuries. Suicide. Male.	Suicide. Female.	Wounds. Male.	Wounds. Female.	Accident. Male.	Accident. Female	Snake bite. Male.	Snake bite. Female.	Killed by wild beasts. Male.	Killed by wild beasts. Male.	All other causes. Male.	All other causes. Female.	Total deaths in unit of area. Male.	Total deaths in unit of area. Female.	Total.	Age at the time of death. Born dead. Male.	Born dead. Female	Not exceeding 1 year. Male.	Not exceeding 1 year. Female.	1 to 6. Male.	1 to 6. Female.	6 to 12. Male.	6 to 12. Female.	12 to 20. Male.	12 to 20. Female.	20 to 30. Male	20 to 30. Female.	30 to 40. Male.	30 to 40. Female	40 to 50. Male.	40 to 50. Female.	50 to 60. Male.	50 to 60. Female.	Exceeding 60. Male.	Exceeding 60. Female.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51
2	Mosa Chennayan...				Parivaram.							1																1		1					5															
16	K. Nagayan				Do.							1																1		1																	35			
27	Kalamiyan Mudali Tayyamiyan				Do.							1																1		1											20									
29	Siktari Mukkan ...				Do.							1																1		1											30									
26	Chinna Vibalattal				Maravan								1																1	1																		55		
30	Ramasami Chetti, son of Alagiri Chetti				Salupan							1																1		1					4															
	Total				...																							5	1	6																				

1st July 1880.
(Signed) Nattamgar Siralakarukku Moniyagar.
(„) Andiyappa Naiker, Village Munsif of Alagapuri.
(„) Nagamuttu Naiken, Village Munsif of Malayandipuram.

Subordinate Judge's Court of Madura (West).
No. 21 of 1889.
Produced on the 9th August 1890 by Defendant's 45th witness and filed on the 9th August 1890 as Exhibit XXVII (*a*).
(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

Deputy Registrar.

No 74*a*

Defendant's Exhibit XXVII*a*.

A1.

Daily register of births in Suptur village, Tirumangalam Taluq, Madura District, for June 1880.

Date.	Names of persons to whom son or daughter was born.	Class.						Number of births registered each day.			Remarks.
		Europeans.	Eurasians.	Native Christians.	Hindus.	Mahomedans.	Others Cases.	Male.	Female.	Total.	
1	2	3	4	5	6	7	8	9	10	11	12
25	Nagammal	...	...	...	Parivara ...	...	...	1	...	1	
28	Kattamuttu	...	...	...	Semban ...	...	...	1	..	1	
10	Nagappa Naiker ...	...	...	...	Kambalam...	...	...	1	...	1	
	Total ...	...	...	...	...	...	...	3	...	3	

1*st July* 1880.

(Signed) Siralakarukku Moniyagar, Nattamgar.

(„) Andiyappa Naiker, Village Munsif, Alagapuri.

(„) Nagamuttu Naiker, Village Munsif of Malayandipuram.

RECORD.

PART 1.

In the Subordinate Court of Madura. (West.)

No. 74*a*. Defendant's Exhibit XXVII*a*. Register of Births and Deaths for the month of June, dated 1st July 1880.

No. 75.

Defendant's Exhibit XXVII (*b*).

A1.

Daily Register of Births for the Village of Saptur, Tirumangalam Taluk, Madura District for September 1881.

Date.	Names of persons to whom son or daughter was born.	Class.						Number of births Registered each day.			Remarks.
		Europeans.	Eurasians.	Native Christians.	Hindus.	Mahomedans.	Other classes.	Male.	Female.	Total.	
1	2	3	4	5	6	7	8	9	10	11	12
	Cusbah.										
1	Alagu Bogi	...	...	...	Kannadiyam.	...	...	...	1	1	
2	T. Pettakkal	...	...	...	Parivaram ...	...	...	...	1	1	
3	N. Peddaṉan ...	...	...	...	Do. ...	...	...	1	...	1	
4	Pila Pulukan ...	...	...	...	Do. ...	...	...	1	...	1	
5	Kaval Muttukumaru	...	...	...	Do. ...	...	...	...	1	1	
18	Adappa Muttu ...	...	...	...	Do. ...	...	...	...	1	1	
do.	Peon Valaguruvan	...	...	...	Do. ...	...	...	...	1	1	
do.	Kumaru ...	...	...	...	Do. ...	...	...	1	...	1	
23	Zemindar Avergal Alagapuri	...	...	...	Kambalam ...	...	...	1	...	1	
6	M. Vellachi ... Malayandipuram.	...	...	...	Palla ...	...	...	...	1	1	
1	Venkatachalam Chetti	...	...	...	Telungan ...	...	...	...	1	1	
					Total ...	...	...	4	7	11	

30*th September* 1881.

(Signed) Andiyappa Naiker, Village of Alagapuri.
(„) Tambaiya Naiker, Village Munsif.
(„) Nagamuttu Naiker, Village Munsif of Malayandipuram.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 75. Defendant's Exhibit XXVII*b*. Register of Births and deaths for September for the village of Saptur, dated 30th September 1881.

No. 75. Defendant's Exhibit XXVIIb. Register of Births and deaths for September for the village of Saptur, dated 30th September 1881.

No. 75.

Exhibit XXVII (*b*).

A2.

Population at the late Census.	Europeans.		Eurasians.		Native Christians.		Hindus.		Mahomedans.		Other classes.	
	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.

Daily Register of Deaths for the village of Cusbah Saptur, Tirumangalam Taluk, Madura District, for September 1881.

Date.	Names of persons died.	Class.						Cause of death.																		Age at the time of death.														Deaths from small-pox.	
														Injuries.																											
		Europeans.	Eurasians.	Native Christians.	Hindus.	Mahomedans.	Other Classes.	Cholera.		Small-pox.		Fevers.		Bowel complaint.		Suicide.		Wounds.		Accident.		Snake-bite.		Killed by wild beasts.		All other causes.		Total deaths in unit of area.		Total.		Born dead.		Not exceeding 1 year.		1 to 6.		6 to 12.		12 to 20.		20 to 30.		30 to 40.		40 to 50.		50 to 60.		Exceeding 60.		Children under 1 year.	Children under 12 years.
								Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53
	Cusbah.																																																		
3	Muthu Ravuthan ...	Mahomedan ...										1																1		1																				70		
5	N. Pethakkal Malayandipuram.	Parivaram ...										1																1		1																						
20	Ayya Pilla, son of Angappa Pillai.	Kodikal Vellala ...										1																1		1																						
19	Alagapuri T. Muthupuri ...	Palla ...										1																1		1																						
	Total ...	...	...	...	...	...	...					2	2															2	2	4																						

30th September 1881.
(Signed) Andiyappa Naiker, Village Munsif of Alagapuri village.
(„) Tambaya Naiker, Village Munsif.
(„) Nagamuthu Naiker, Village Munsif of Malayandipuram.

SUBORDINATE JUDGE'S COURT OF MADURA (WEST.)
No. 21 *of* 1898.

Produced on the 9th August 1890 by Defendant's 45th witness and filed on the 9th August 1890 as Exhibit XXVII(*b*).

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

Deputy Registrar.

No. 75.

Defendant's Exhibit XXVII (*b*).

A1.

Daily Register of Births for the Village of Saptur, Tirumangalam Taluk, Madura District for September 1881.

Date.	Names of persons to whom son or daughter was born.	Class.						Number of births Registered each day.			Remarks.
		Europeans.	Eurasians.	Native Christians.	Hindus.	Mahomedans.	Other classes.	Male.	Female.	Total.	
1	2	3	4	5	6	7	8	9	10	11	12
	Cusbah.										
1	Alagu Bogi ...				Kannadiyam.			...	1	1	
2	T. Pettakkal ...				Parivaram ...			...	1	1	
3	N. Peddanan ...				Do.			1	...	1	
4	Pila Pulukan ...				Do.			1	...	1	
5	Kaval Muttukumaru				Do.			...	1	1	
18	Adappa Muttu ...				Do.			...	1	1	
do.	Peon Valaguruvan				Do.			...	1	1	
do.	Kumaru ...				Do.			1	...	1	
23	Zemindar Avergal Alagapuri				Kambalam ...			1	...	1	
6	M. Vellachi ...				Palla ...			...	1	1	
	Malayandipuram.										
1	Venkatachalam Chetti				Telungan ...			...	1	1	
					Total ...			4	7	11	

30*th September* 1881.

(Signed) Andiyappa Naiker, Village of Alagapuri.
(„) Tambaiya Naiker, Village Munsif.
(„) Nagamuttu Naiker, Village Munsif of Malayandipuram.

No. 75. Defendant's Exhibit XXVII*b*. Register of Births and deaths for September for the village of Saptur, dated 30th September 1881.

No. 76.

Defendant's Exhibit XXVII*c*.

Daily Register of Births for the village of Cusbah Saptur, Tirumangalam Taluq, Madura District, for the month of November 1882.

Date	Names of persons to whom son or daughter was born.	Class.						Number of Births registered each day.			Remarks.
		Europeans.	Eurasians.	Native Christians.	Hindus.	Mahomedans.	Other classes.	Male.	Female.	Total.	
1	2	3	4	5	6	7	8	9	10	11	12
27	Zemindar Nagayasami Kamaya Naiker Avergal ...				Kambala Caste...			...	1	1	
23	Alagapuri Krishnama Naiker				Do.			1	...	1	
26	Vayyananansari				Goldsmith ...			1	...	1	
20	Saniara Nagayan				Parivara caste...			1	...	1	
	Total ...							3	1	4	

30*th November* 1882.

(Signed) Registered Karnam Kodainayagam Pillai.
(„) Nattamai Tumbaya Naicker.
(„) Nattamai Seerangarama Pillai.

No. 76. Defendant's Exhibit XXVII*c*, Register of Births and Deaths for the month of November for the village of Saptur, dated 1st July 1880.

No. 76.

Defendant's Exhibit XXVIIc.

Register of Deaths for the village of Cusbah Saptur in Tirumangalam Taluk, Madura District, for the month of November 1882.

Population at last Census.

Europeans.		Eurasians.		Native Christians.		Hindus.		Mahomedans.		Other Classes.	
Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females	Males.	Females.

Date.	Names of persons died.	Class.						Cause of death.																						Age at the time of death.																						Death from Small-pox.	
		Europeans.	Eurasians.	Native Christians.	Hindus.	Mahomedans.	Other Classes.	Cholera.		Small-pox.		Fevers.		Bowel complaints.		Injuries. Suicide.		Injuries. Wounds.		Injuries. Accident.		Injuries. Snake-bite.		Injuries. Killed by wild beasts.		All other Classes.		Total deaths in unit of area.		Born dead.		Not exceeding 1 year.		1 to 6.		6 to 12.		12 to 20.		20 to 30.		30 to 40.		40 to 50.		50 to 60.		Exceeding 60.		Children under 1 year.	Children under 12 years.
								Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53
10	Aiyamperumal Panditar				Panicka caste.					1																		1		1																		50					
23	Angammal				Washer woman.					1																		1		1												20											
15	Malaiandipuram Ramasami ...				Salayam.					1																		1		1								7										55					
	Total				...																							2	1	3																					

30th November 1882.

(Signed) Registered Accountant Kodanayagam Pillai.
(„) Nattamai Tumbaya Naiker.
(„) Nattamai Vi-Seerangaramu Pillai.

Subordinate Judge's Court of Madura (West).
No. 21 of 1889.
Produced on the 7th August 1890 by Defendant's 47th witness and filed on the 9th August 1890 as Exhibit XXVII (*c*).
(Signed) C. VENCOBA CHARIAR,
Subordinate Judge.

Deputy Registrar.

No. 76.

Defendant's Exhibit XXVIIc.

Daily Register of Births for the village of Cusbah Saptur, Tirumangalam Taluq, Madura District, for the month of November 1882.

Date	Names of persons to whom son or daughter was born.	Class.						Number of Births registered each day.			Remarks.
		Europeans.	Eurasians.	Native Christians.	Hindus.	Mahomedans	Other classes.	Male.	Female.	Total.	
1	2	3	4	5	6	7	8	9	10	11	12
27	Zemindar Nagayasami Kamaya Naiker Avergal ...				Kambala Caste...			...	1	1	
23	Alagapuri Krishnama Naiker				Do.			1	...	1	
26	Vayyananansari				Goldsmith ...			1	...	1	
20	Saniara Nagayan				Parivara caste...			1	...	1	
	Total ...							3	1	4	

30*th November* 1882.

(Signed) Registered Karnam Kodainayagam Pillai.

(„) Nattamai Tumbaya Naicker.

(„) Nattamai Secrangarama Pillai.

A. 78—26½

RECORD.

PART I.

In the Subordinate Court of Madura. (West).

No. 76. Defendant's Exhibit XXVIIc. Register of Births and Deaths for the month of November for the village of Saptur, dated 1st July 1880.

No. 77.

Defendant's Exhibit XXVII (*d*).

A1.

Daily Register of Births for the Village of Cusbah Saptur, Tirumangalam Taluk, Madura District for the month of March 1880.

Date.	Names of persons to whom son or daughter was born.	Class.						Number of births Registered each day.			Remarks.
		Europeans.	Eurasians.	Native Christians.	Hindus.	Mahomedans.	Other classes.	Male.	Female.	Total.	
1	2	3	4	5	6	7	8	9	10	11	12
8	Vaikkam Sundaram Pillai, male child	...	...	...	Nil	...	...	1	...	1	
16	Junior Zemindar Avergal's wife Bommammal ...	...	...	...	Kambala	...	...	2	...	2	
20	Malayandi Tevan ...	...	...	...	Marava	...	...	1	...	1	
21	Mansana Nadan... ...	...	...	...	Shanar	...	...	...	1	1	
23	Kandasami Muppan ...	...	...	...	Vannia	...	...	...	1	1	
Do.	Barber Pachayandi's daughter Palchai daughter ...	...	...	...	Barber	...	...	...	1	1	
28	Alagapuri Karuppayee ...	...	...	...	Akambadiar.	...	...	...	1	1	
					Total ...	...	...	4	4	8	

30*th March* 1880.

(Signed) Accountant's Assistant Subramania Mudali.

(„) Nattamai Secrangaramu Manian.

A. 76—27

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 77. Defendant's Exhibit XXVII*d*, Register of Births and Deaths for March for the village of Saptur, dated 30th March 1880.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No 77. Defendant's Exhibit XXVII*d*, Register of Births and Deaths for the month of March for the village of Saptur, dated 30th March 1880.

77.

Defendant's Exhibit XXVII*d* (*continued*).

Daily Register of Deaths for the village of Saptur in Tirumangalam Taluk, Madura District, for the month of March 1880.

Population at last Census.

Europeans.		Eurasians.		Native Christians.		Hindus.		Mahomedans.		Other Classes.	
Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females	Males.	Females.

Date.	Names of persons died.	Class. Europeans.	Class. Eurasians.	Class. Native Christians.	Class. Hindus.	Class. Mahomedans.	Class. Other Classes.	Cause of death. Cholera. Male.	Cholera. Female.	Small-pox. Male.	Small-pox. Female.	Fevers. Male.	Fevers. Female.	Bowel complaints. Male.	Bowel complaints. Female.	Injuries. Suicide. Male.	Suicide. Female.	Wounds. Male.	Wounds. Female.	Accident. Male.	Accident. Female.	Snake-bite. Male.	Snake-bite. Female.	Killed by wild beasts. Male.	Killed by wild beasts. Female	All other Classes. Male.	All other Classes. Female.	Total deaths in unit of area. Male.	Total deaths in unit of area. Female.	Total.	Age at the time of death. Born dead. Male.	Born dead. Female	Not exceeding 1 year. Male.	Not exceeding 1 year. Female.	1 to 6. Male.	1 to 6. Female.	6 to 12. Male.	6 to 12. Female.	12 to 20. Male.	12 to 20. Female.	20 to 30. Male.	20 to 30. Female.	30 to 40. Male.	30 to 40. Female	40 to 50. Male.	40 to 50. Female.	50 to 60. Male.	50 to 60. Female.	Exceeding 60. Male.	Exceeding 60. Female.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51
11	Valani Alaga Chetti				Kavarayan							1																1		1															45					
15	Vaikkam Kesi Samayan				Pallan.							1																1		1												25							70	
18	Marudappa Pillai's daughter Tiruvambaram				Vellala.								1																1	1																				
20	Zemindar Nagayaswami Kamaya Naiker's wife Bommachi Ammal.				Kambala.								1																1	1										20										
24	Vadakkara Muthu's wife Muttammal				Parivara (Retinue caste.)								1																1	1										20										
21	Alagapuri Nallalagu Tevan's daughter Sundaram.				Akambadiar.																	1						1		1									15											
27	Kondangi Naiker's son Subbayya Naiker				Kambala.			1																				1		1																	55			
	Total				...																							4	3	7																				

30*th March* 1880.
(Signed) Assistant Accountant Subramania Mudali.
(„) Nausamai Sreerungaramu Maniam.

Subordinate Judge's Court of Madura (West).
No. 21 of 1889.
Produced on the 9th August 1890 by Defendant's 47th witness and filed on the 9th August 1890 as Exhibit XXVII (*d*).
(Signed) C. VENCOBA CHARIAR,
Subordinate Judge.

Deputy Registrar.

No. 78.

Defendant's Exhibit XXVIIe.

Daily Register of Births for the village of Saptur, Tirumangalam Taluq, Madura District, for the month of August 1880.

Date	Names of persons to whom son or daughter was born.	Class.						Number of Births registered each day.			Remarks.
		Europeans.	Eurasians.	Native Christians.	Hindus.	Mahomedans.	Other classes.	Male.	Female.	Total.	
1	2	3	4	5	6	7	8	9	10	11	12
16	Kaval Karuppannan ...	...	...	...	Parivaram ... (Retinue Caste)	...	...	1	...	1	

31*st August* 1880.

(Signed) Nattamai Seerangaramu.

(„) Alagapuri Nauttamai Aundiappa Naicken.

No. 78. Defendant's Exhibit XXVII*e*, Register of Births and Deaths for August for the village of Saptur, dated 31st August 1880.

No. 78.

Exhibit XXVII*e*.

Population at the last Census.	Europeans.		Eurasians.		Native Christians.		Hindus.		Mahomedans.		Other classes.	
	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.

Daily Register of Deaths for the village of Saptur, Tirumangalam Taluk, Madura District, in August 1880.

Date.	Names of persons died.	Class.						Cause of death.																								Age at the time of death.																						Deaths from small-pox.	
		Europeans.	Eurasians.	Native Christians.	Hindus.	Mahomedans.	Other Classes.	Cholera.		Small-pox.		Fevers.		Bowel complaint.		Injuries.						All other causes.	Total deaths in unit of area.		Total.									Born dead.		Not exceeding 1 year.		1 to 6.		6 to 12.		12 to 20.		20 to 30.		30 to 40.		40 to 50.		50 to 60.		Exceeding 60.		Children under 1 year.	Children under 12 years.
																Suicide.		Wounds.		Accident.		Snake-bite.		Killed by wild beasts.																													
								Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53
(Torn)	(Torn)	...	...	...	Smith caste.	...	...	..	...	..	...	1	...	..	...	...	...	...	...	...	...	...	...	...	...	...	1	1	..	...	...	...	...	...	...	...	...	...	...	...	...	40	...	...	...	...	...	...	...	..	...
(Torn)	(Torn) Naiker	...	...	...	Kambala.	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	1	...	...	...	...	...	...	...	...	...	...	...	...	31	...	...	...	...	...	...	...	...	...
(Torn)	Muttammal wife of (torn) ...	...	...	...	Vel-lala	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	consumption.	1	1	...	...	...	...	...	...	...	...	...	...	...	22	25	...	...	...	...	...	...	...	...	...	...
30	Kumarammal	...	...	...	Parivar-am caste.	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	1	...	...	...	...	...	...	...	...	...	...	...	...	25	...	...	...	...	...	...	...	...	...
	Total ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	3	4	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...

31*st August* 1880.

(Signed) Nauttamai——Seeranga.

(„) Nauttamai of Alagapuri Aundiappa Naiker.

SUBORDINATE JUDGE'S COURT OF MADURA (WEST).

No. 21 *of* 1889.

Produced on the 9th August 1890 by Defendant's 47th witness and filed on the 9th August 1890 as Exhibit XXVII(*e*).

(Signed) C. VENCOBA CHARIAR,
Subordinate Judge.

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 79. Report submitted by the Acting Collector of Tinnevelly to the Secretary to the Board of Revenue, Madras, dated 26th February, 1849.

No. 79.

Defendant's Exhibit XXXIII.

Report submitted by the Acting Collector of Tinnevelly to the Board of Revenue, Madras, about the death of the Paraiyur Zemindar, intimating that the Zemindari is a of it, one to be assumed charge of by the Court of Wards, and requesting the sanction of the Board for the necessary establishment and for the charges required for the maintenance of the minor, &c.

No. 44.

To

THE SECRETARY TO THE BOARD OF REVENUE,

Fort. St. George.

SIR,

1. I have the honor to report the death, on the 29th November last, of Thumbichi Naiker, the Zemindar of Paraiyur Zemindari in this District, paying peishkush annually of Rupees 12,250. There is no arrear against the Zemindari except Rs. 110-3-1 due up to 31st January last, on account of the current Fusli 1258. The Tahsildar of Srivilliputtur Taluq, in which the Estate is situated, was deputed to make the necessary enquiries, to take an inventory of the property and to arrange the affairs of the deceased Zemindar, which he accordingly did, and took charge of the Zemindari on the 30th November last.

2. The deceased Zemindar has left 2 sons, *viz.*, Thumbayasami Thumbichi Naiker, a boy of about 2 years of age by his 2nd wife, and Mutukumarasami Thumbaya Naiker, a boy of 8 years old by his 8th wife; the former, though younger than the latter, is, according to Hindu Law, the legal successor to the Estate and was born on the 10th December 1846. His minority will expire on his completing his 18th year on the 9th December 1864. It does not seem necessary with reference to what was mentioned in a letter to the Secretary to the Court of Wards of the 4th May 1844 regarding the Elumalay Estate, specially to recommend any guardian to be appointed for the minor, but his mother is his natural guardian and seems quite fit to be so with the security and benefit derived from the Estate being taken under the management of the Court of Wards.

3. The property of the Zemindar in silver and gold jewels and brass utensils—Silver and gold jewels 315-10-8; Brass utensil 132-6-0; Total Rs. 448-0-8—amounted in value to Rs. 448-0-8, which has been carefully secured in the Zemindar's use excepting the necessary cloths and brass utensils given for daily use to the Zemindar's family. The Sunnud of Istimrar is reported by the

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 79. Report submitted by the Acting Collector of Tinnevelly to the Secretary to the Board of Revenue, Madras, dated 26th February, 1849. —*continued.*

Tahsildar to have been lost in a robbery that took place long ago in the Zemindar's house. No loan bonds or other documents have been found to have been left by the Zemindar requiring to be secured in the Treasury.

4. It appears from the copy of a bond which accompanied the Tahsildar's Arzi that Rs. 400 are due by the Zemindar, out of a sum of Rs. 1,000 he had borrowed of one Kumarasami Reddy. No other creditors have come forward claiming payment of debts due on loan bonds executed by the late Zemindar. The genuineness of the bond in question will be ascertained and the result reported for Board's information and orders hereafter.

5. The net revenue of the Zemindari for Fusli 1257 amounts, as per account furnished by the Zemindar's own kurnum, to Rs. 16,505-9-11, from which deducting Rs. 14,032 on account of peishkush and other charges as shown in margin, the remainder is Rs. 2,473-9-11, which is expected to be brought to account as the annual surplus in future years in favour of the Estate.

Net Revenue for Fusli 1257 ...				16,505	9 11
Deduct peishkush per annum ...	12,250	0	0		
Amin Sibbandy per do. as per list No. 1 accompanying ...	672	0	0		
Subsistence of the Zemindar's family as per statement No. 2 accompanying	1,110	0	0		
				14,032	0 0
Remaining ...				2,473	9 11

6. The statement No. 3 herewith submitted shows the extent of private farms of the Zemindar paying an annual rent of Rupees 843-11-0. The charges for the subsistence of the younger brother and other relatives of the late Zemindar are not included in the list No. 2, provision having been already made by the late Zemindar for their support during his life-time, thereby securing to them a net yearly income of Rupees 394-4-6.

7. As it appears from the Tahsildar's Arzi that Rupees 314-8-7 were borrowed and expended by the younger brother of the late Zemindar for part of the funeral ceremonies of the latter and that the charges necessary to complete their rites would come altogether to 700 Rupees, I beg to recommend that early sanction may be granted for the repayment of the above as well as for the disbursement of the balance amounting to Rupees 385-7-5 from the ready cash on hand belonging to the Estate amounting to Rupees 516-13-9.

8. In 1848 at the earnest request of the Zemindar, an Amin establishment was entertained on the 5th April last, to assist him during his severe indisposition in collecting the dues outstanding against his ryots and to act under his orders. Subsequent to his demise, the surviving 6 out of the 8 widows of

Deputy Registrar.

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the Zemindar signified their desire to have his brother appointed manager of the Estate without taking it under Sircar management. The ryots also have supported this proposition; but from a report received from the Tahsildar who went to the spot, I am induced to think that such a measure is, by no means, desirable and is likely to be prejudicial to the minor's interests.

9. It is to be observed that the estimated charges for the Sibbandy and maintenance of the family of the deceased Zemindar does not exceed 11 per cent. upon the net revenue of the Zemindari.

10. Under these circumstances, I request you will be good enough to procure the sanction of the Board for the necessary establishment according to the accompanying list No. 1, amounting annually to Rupees 672, and also for the charges required for maintenance of the minors and other members of the family consisting of 10 persons at Rupees 1,110 per annum [carefully estimated with reference to their wants] as shown in statement No. 2, herewith forwarded. To have effect from the 30th November last, the day following the late Zemindar's decease.

I have, &c.,

(Signed) F. B. ELTON.

Ag. Collector.

TINNEVELLY,
26th February 1849.

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 79. Report submitted by the Acting Collector of Tinnevelly to the Secretary to the Board of Revenue, Madras, dated 26th February, 1849. —*continued.*

No. 1.

Proposed list of servants for the Estate belonging to the minor Zemindar of Paraiyur under Sircar management in the Province of Tinnevelly for Fusli 1258.

No.	Office or employment.	Amount of estimated charges or pay per mensem.			Amount of estimated charges or pay per annum.		
		RS.	A.	P.	RS.	A.	P.
1	Ameen	17	8	0	210	0	0
1	Sumprethy	7	0	0	84	0	0
1	Shroff	5	0	0	60	0	0
6	Peons at 3½ Rupees each ...	21	0	0	252	0	0
1	Gumastah for preparing the accounts in the Huzur ...	3	8	0	42	0	0
	Total...	54	0	0	648	0	0
	Amount of Saderward charges..	2	0	0	24	0	0
	Grand Total...	56	0	0	672	0	0

TINNEVELLY,
26th February 1849.

(Signed) F. B. ELTON,
Acting Collector.

(True copy.)

(Signed) MIR SULTAN MOHIDEEN,
Treasury Dy. Collector.

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 79. Report submitted by the Acting Collector of Tinnevelly to the Secretary to the Board of Revenue, Madras, dated 26th February, 1849. —*continued.*

No. 2.

Statement showing the household, the proposed amount of subsistence and other expenses in kind and in money monthly and annual of Thumbaysawmy Thumbiachi Naiken, minor Zemindar of Paraiyur in the Province of Tinnevelly for Fusli 1258.

No.	Household of the minor.	Total expenses per mensem. RS.	A.	P.	Total expenses per annum. RS.	A.	P.
1	Thumbayasami Thumbichi Naiken, minor Zemindar, aged on the 31st January 1849, 2 years, 1 month and 22 days... ...	...	...	...	...	...	...
1	Velliammal, the mother of the minor aged 35 years	...	...	...	...	...	...
1	Meenammal the step-mother of the minor aged 40 years	...	...	...	...	...	...
1	Palaniyammal do. do. aged 42 years ...	...	...	...	...	...	...
1	Ponnammal do. do. aged 30 do. ...	...	...	...	...	...	...
1	Meenammal do. do. aged 25 do. ...	...	...	...	...	...	...
1	Alamalammal do. do. aged 20 do. ...	...	...	...	...	...	...
1	Muthukumarasami Thumbaya Naiken, son of deceased Muthammal do. do. aged 8 do. ...	...	...	...	...	...	...
8							
1	Lakshmi, a concubine of the minor Zemindar's father aged 45 years	...	...	...	...	...	...
1	Muthuveran aged 4 years, son of Yelly, another concubine of do. deceased ...	...	...	...	...	...	...
	Expenses in kind.						
	Rice for the use of 10 persons at 1½ padee each per diem comes to merkals 2, measures 7 and amounts to candy 2, merkals 14, measures 2 per mensem which in paddy is equal to cottas 6-5-2 valued at rupees	21	14	0	262	8	0
	Expenses in money.						
2	Servants to attend the minor Zemindar at 1½ rupees each per mensem	3	0	0	36	0	0
7	Do. for the remaining members of the family at do. each per do. ...	10	8	0	126	0	0
	Total...	13	8	0	162	0	0

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PART I.

In the Subordinate Court of Madura (West.)

No. 79. Report submitted by the Acting Collector of Tinnevelly to the Secretary to the Board of Revenue, Madras, dated 26th February, 1849. —*continued.*

		Total expenses per mensem.			Total expenses per annum.			
		RS.	A.	P.	RS.	A.	P.	
	Amount of purchasing dholl ...	1	14	0	22	8	0	
	Do. do. Tamarind... ...	1	4	0	15	0	0	
	Do. do. Salt	1	4	0	15	0	0	
	Do. do. Ghee	3	12	0	45	0	0	
	Do. do. Gingely oil ...	3	2	0	45	0	0	
	Do. do. other curry stuffs ...	2	8	0	30	0	0	
	Do. do. mutton... ...	3	2	0	37	8	0	
	Do. do. lamp oil ...	4	6	0	52	8	0	
	Do. do. betel,betel-nut and tobacco... ...	6	4	0	75	0	0	
1	Cowherd	1	8	0	18	0	0	
1	Massalchee and sweeper... ...	1	0	0	12	0	0	
1	Shepherd	2	0	0	24	0	0	
	Amount for firewood	1	0	0	12	0	0	
	Amount for cotton seed for 2 bullocks	1	8	0	18	0	0	
1	Bandyman	2	0	0	24	0	0	For the education of another son of the late Zemindar by his 8th wife aged 8 years and ultimately of the minor when he is old enough.
	Gardners	3	0	0	36	0	0	
1	Tutor Tamil and Telugu... ...	3	8	0	42	0	0	
	Saderward for do.	0	8	0	6.	0	0	
1	Kurnam for the farm	3	0	0	36	0	0	
	Total...	47	2	0	565	8	0	

Deputy Registrar.

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PART I.

In the Subordinate Court of Madura (West).

No. 79. Report submitted by the Acting Collector of Tinnevelly to the Secretary to the Board of Revenue, Madras, dated 26th February, 1849. —*continued.*

	Total expenses per mensem.			Total expenses per annum.			
	RS.	A.	P.	RS.	A.	P.	
Total of expenses in kind and in money ...	82	8	0	990	0	0	
Annual expense.							
Amount of grain and money expenses for the performance of 2 ceremonies for the departed and other annual ceremonies such as Deepavali and Sankaranthy, &c.				50	0	0	
Amount for purchasing cloths for the use of the family in the year	...	...	...	70	0	0	
Total...	...	...	...	120	0	0	
Grand Total...	...	...	...	1,110	0	0	
N. B.—Amount of annual Peshcush... ...	...	...	...	12,250	0	0	
Revenue of the Estate for Fusli 1257 as per Zemindar's account	...	...	...	16,505	9	11	

(Signed) F. B. ELTON,
Acting Collector.

TINNEVELLY,
26th February 1849.

RECORD.

PART I.

In the Subordinate Court of Madura (West):

No. 79. Report submitted by the Acting Collector of Tinnevelly to the Secretary to the Board of Revenue, Madras, dated 26th February, 1849. —*continued.*

No. 3.

Statement showing the extent of land belonging to the private farm of the deceased Zemindar of Paraiyur and the Revenue realized therefrom as also the portions of land set apart for the maintenance of some of the members of his family :—

Names.	Village in which the lands are situated.	Nunja. Extent of cultivation	Nunja. Amount of Beriz.	Vanpair. Extent of cultivation.	Vanpair. Amount of Beriz.	Punja. Extent of cultivation.	Punja. Amount of Beriz.	Tope. Amount of Beriz.	Total. Amount of Beriz in C. fs.	Total converted into C. Rupees.	A.	E.
		C. MM.	Chains	Chains	C. fs.	Chains	C. fs.	C. fs.	C. fs.	C RS.	A.	P.
For deceased Zemindar's own use.	CusbahParaiyur	2 7 4	11	...	...	11 $\frac{5}{16}$	43 8$\frac{3}{64}$	19	73 8$\frac{3}{64}$	156	12	1
	Chokampatti ...	...	...	...	...	1 $\frac{43}{64}$	7 5$\frac{13}{32}$	...	7 5$\frac{13}{32}$	16	0	0
	Ponnaiahpuram	...	...	...	...	1 $\frac{27}{64}$	7 $\frac{27}{32}$	...	7$\frac{27}{32}$	15	0	5
	Pollulanthai ...	...	...	...	...	4 $\frac{11}{32}$	17 $\frac{55}{64}$	....	17$\frac{55}{64}$	36	3	9
	Ammapatti ...	...	...	...	...	$\frac{13}{16}$	3 6$\frac{15}{64}$	...	3 6$\frac{15}{64}$	7	11	6
	Sinnapulampatti ...	4 19$\frac{3}{64}$	26 7$\frac{11}{32}$	...	...	...	13 3$\frac{11}{64}$	3	43 1$\frac{11}{64}$	91	7	7
	Thaluchunatti...	0 13 4	5 1 0	...	...	2 $\frac{13}{32}$	...	...	5 1	10	13	0
	Vellur ...	3 0 0	11 3$\frac{1}{2}$	$\frac{11}{16}$	5 6$\frac{3}{8}$	6 $\frac{7}{16}$	26 5$\frac{17}{32}$	6	4 3$\frac{15}{32}$	115	6	2
		10 19$\frac{1}{64}$	54 4$\frac{7}{32}$	$\frac{11}{16}$	5 6$\frac{3}{8}$	29 $\frac{7}{64}$	12 9$\frac{13}{16}$	22 6	21 8$\frac{15}{32}$	449	6	6
Muthugopalasamy Naiker the brother of the deceased Zamindar.	Paraiyur ...	...	...	$\frac{1}{8}$	2 6$\frac{9}{16}$	1$\frac{11}{16}$	6 7$\frac{1}{2}$	...	9 4$\frac{1}{16}$	19	15	4
	Sillamaipatti ...	...	...	...	...	1$\frac{7}{16}$	10 5$\frac{17}{64}$	...	10 5$\frac{17}{64}$	22	5	11
	Sinnapulampatti ...	2 4 1$\frac{3}{4}$	12 8$\frac{15}{64}$	...	...	...	...	12	21 8$\frac{15}{64}$	52	11	0
	Pollulnnthai ...	...	...	...	...	3$\frac{13}{32}$	6 12 3	...	6 1$\frac{13}{64}$	13	1	3
		2 4 1$\frac{3}{4}$	12 8$\frac{15}{64}$	$\frac{1}{8}$	2 6$\frac{9}{16}$	6$\frac{11}{32}$	23 4$\frac{1}{8}$	12 0 0	59 9$\frac{17}{64}$	108	1	6

These lands are enjoyed free of any tax whatever.

Deputy Registrar.

Names.	Village in which the lands are situated.	Nunja. Extent of cultivation.	Nunja. Amount of Beriz.	Vanpayir. Extent of cultivation.	Vanpayir. Amount of Beriz.	Punja. Extent of cultivation.	Punja. Amount of Beriz.	Tope. Amount of Beriz.	Total. Amount of Beriz in C. fs.	Total converted into C. Rupees.	A.	E.	
Thumbayasami Naiker, the son of Ramasawmi Naiker, the brother of deceased Zemindar.	Paraiyur ...	...	...	$\frac{3}{32}$	14-3$\frac{3}{4}$	...	...	10-0-0	24-3$\frac{3}{4}$	51	11	3	
	Thoomanaikanpatti ...	...	...	...	...	3$\frac{1}{32}$	9-5$\frac{19}{64}$	...	9-5$\frac{19}{64}$	20	4	0	
	Bapureddipatti.	...	...	...	...	1-1$\frac{13}{16}$	16-2$\frac{13}{32}$	...	16-2$\frac{13}{32}$	34	7	3	
	Sinnapulampatti ...	2-3-6$\frac{1}{4}$	12-7$\frac{11}{64}$	...	...	...	...	...	2-7$\frac{11}{64}$	26	15	7	
		2-3-6$\frac{1}{4}$	12-7$\frac{11}{64}$	$\frac{3}{32}$	14-3$\frac{3}{4}$	4-1$\frac{7}{32}$	25-7$\frac{55}{64}$	10-0-0	6-8$\frac{3}{32}$	133	6	1	These lands are enjoyed free of any terva whatever.
Muthuveerammal, widow of Thambayasawmi Naik, brother of the deceased Zemindar.	Paraiyur ...	...	...	1$\frac{3}{8}$	3-7$\frac{1}{2}$	$\frac{3}{4}$	6	4	4-3$\frac{1}{2}$	9	3	7	
	Thoombayapuram ...	...	...	...	...	...	...	10-0-0	10-0-0	21	3	4	
	Thoomanaikanpati ...	...	...	...	...	$\frac{15}{16}$	3-7$\frac{1}{2}$	...	3-7$\frac{1}{2}$	7	15	3	Do.
	Ammapati ...	...	...	...	...	$\frac{53}{64}$	27-8$\frac{51}{64}$	...	27-8$\frac{51}{64}$	59	2	3	
	Sinnapulampatti ...	2-9-3$\frac{7}{8}$	14-2$\frac{1}{16}$	...	...	...	...	...	14-2$\frac{1}{16}$	30	2	1	
		2-9-3$\frac{7}{8}$	14-2$\frac{1}{16}$	$\frac{3}{128}$	3-7$\frac{1}{2}$	5-$\frac{55}{64}$	32-2$\frac{19}{64}$	10-4-0	60-1$\frac{55}{64}$	127	10	6	
Muthuveerasawmi Naiker, son of the deceased Zemindar's uncle.	Paraiyur ...	...	...	...	...	1$\frac{7}{32}$	1-9$\frac{3}{4}$	...	1-9$\frac{3}{4}$	4	3	1	
	Pollulanthai ...	...	...	...	...	1$\frac{1}{8}$	1-3$\frac{1}{2}$	...	1-3$\frac{1}{2}$	2	13	10	
	Thoomanaikanpatti ...	...	...	...	...	1$\frac{3}{16}$	4-7$\frac{15}{16}$	...	4-7$\frac{15}{16}$	10	2	3	
	Sillamalaipatti..	0-13-4	3-7$\frac{1}{2}$	...	...	...	...	...	3-7$\frac{1}{2}$	7	15	3	
		0-13-4	3-7$\frac{1}{2}$	...	...	3$\frac{17}{32}$	8-1$\frac{17}{32}$	...	11-8$\frac{9}{16}$	25	2	5	

18-8-5$\frac{7}{8}$ 97-$\frac{9}{32}$ 1$\frac{13}{32}$ 23-4$\frac{3}{16}$ 49-$\frac{11}{32}$ 218-7$\frac{31}{32}$ 54-6 397-$\frac{13}{16}$ 843 11 3 of which Zemindar's own Pannai C. Rupees 449-6-6.
Four relatives Pannai Rupees 304-4-6.

TINNEVELLY, 26*th February* 1849.

(Signed) F. B. ELTON, *Ag. Collector.*

(True copy).

(Signed) R. ANANTHARAM AIYAR, For *Collector.*

A. 78—30

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 79. Report submitted by the Acting Collector of Tinnevelly to the Secretary to the Board of Revenue, Madras, dated 26th February, 1849.

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 80. Defendant's Exhibit XXXIIIa. Letter from the Board of Revenue, Madras, to the Ag. Collector of Tinnevelly, date l 13th April 1849.

No. 80.

Defendant's Exhibit XXXIIIa.

Letter from the Board of Revenue, Madras, to the Ag. Collector of Tinnevelly intimating the opinion of the Hindu Law Officers of the Court of Sadr Adaulut that the elder of the two sons is his father's heir and requesting to inform the Board whether there is any rule or custom of inheritance among the Tinnevelly Poligars which would militate against the succession of the elder.

No. 74.

Revenue Board Office,
Fort. St. George,
13th April 1849.

From T. PYCROFT, ESQUIRE,
Secretary to the Board of Revenue.

To F. B. ELTON, ESQUIRE,
Ag. Collector of Tinnevelly.

Sir,

In your letter of 26th February 1849, on the subject of the Paraiyur Zemindari, you state that the deceased Zemindar has left two sons, *viz.*, Thumbayasami Thumbichi Naiker, a boy of about 2 years of age by his 2nd wife, and Muttukumarasami Thumbiya Naiker, a boy of 8 years old by his 8th wife; and that the former, though younger than the latter, is according to Hindu law, the legal successor to the Estate. From the accompanying transcript of correspondence between this office and the Sadr Adaulut, you will however, perceive that the Hindu law officers of the Court have given it as their opinion that the elder of the two boys is his father's heir. I am directed by the Board of Revenue to request that you will inform them, at an early date whether there be any rule or custom of inheritance among the Tinnevelly Poligars which would militate against the succession of Muttukumarasami Thumbaya, and if not, in whose charge he should be placed during his minority and whether any other arrangements reported in your letter would require revision in consequence of his being preferred to the son of the second wife.

Revenue Department.

To Sadr Adaulut 19th March 1849 F. D. 12th April 1849.

I have the honor to be,
Sir,
Your most obedient servant,
(Signed) T. PYCROFT,
Secretary.

(True copy)
(Signed) MIR SULTAN MOHIDIN,
Ag. Treasury Deputy Collector.
Subordinate Judge's Court of Madura (West).
No. 21 of 1889.

Produced on the 13th August 1890 by Defendant and filed on the 13th August 1890, as Exhibit XXXIIIa.

(Signed) C. VENCOBA CHARIAR,
Subordinate Judge.

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 81: Defendant's Exhibit XXXIIIb. —Letter from the Ag. Collector of Tinnevelly to the Board of Revenue, dated 19th May 1849.

No. 81.

Defendant's Exhibit XXXIIIb.

Letter from the Acting Collector of Tinnevelly to the Secretary to the Board of Revenue, Madras, intimating the opinion of the 3 out of 4 Poligars consulted, that the son of the senior wife, though younger in age to the sons of the other wives, is entitled to succeed to the Zemindari and that the 4th has not answered the question.

No. 98.

To

THE SECRETARY TO THE BOARD OF REVENUE,
Fort St. George.

SIR,

With reference to your letter of the 13th Ultimo, I have the honor to state for the information of the Board that, on referring the questions regarding the right of succession of the sons of several wives of deceased Zemindars to estate of their fathers, to the Zemindars of Ettiapuram and other Paliaputs mentioned in the margin, they all, with the exception of the Zemindar of Shevagherry whose answer has not been received, state that the custom prevailing is that in case a Zemindar has more wives than one and has children by all of them that the son of the first wife, though younger that those of the others, will be the heir to the estate, should this custom among the Poligars of Tinnevelly be considered by the Board as authorizing the succession of Thumbayasami Thumbichi Naiker, no alteration will be necessary in the arrangements mentioned in my letter of 26th February last.

Saptur, Attengarai, Maniachy and Shevagherry.

I have &c.
(Signed) F. B. ELION,
Acting Collector.

TINNEVELLY,
19th May 1849.

(True copy).
(Signed) MIR SULTAN MOHIDIN,
Ag. Try. Dy. Collector.
Subordinate Judge's Court of Madura (West).
No. 21 of 1889.

Produced on the 13th August 1890 and filed on the 13th August 1890 as Exhibit XXXIIIb.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 82. Defendant's Exhibit XXXIIIc. —Letter from the Ag. Collector of Tinnevelly to the Board of Revenue, Madras, dated 24th August 1849.

No. 82.

Defendant's Exhibit XXXIIIc.

Letter from the Acting Collector of Tinnevelly to the Board of Revenue, Madras, communicating the opinion of the several ancient Zemindars and Poligars as to the rule of succession amongst children of several wives in respect of a Zemindari.

No. 166.

To

THE SECRETARY TO THE BOARD OF REVENUE,
Fort St. George.

Sir,

1. In replying to your letter of 11th June last, I have the honor to enclose copies of the opinions received from the several ancient Zemindars and Poligars in this District, on the subject of the rule of succession among the children of several wives.

2. The list in the margin shows the titles of the Poligars consulted; the first seven and the fifteenth in order are of the same caste as was the deceased Poligar of Peraiyur Thumbichi Naiken.

1. Yettiapuram.
2. Santhayur.
3. Attangarai.
4. Mannarkottai.
5. Panvaley.
6. Gollapatty.
7. Yailumadai.
8. Shevagherry.
9. Maniachy.
10. Naduvakurchy.
11. Cadumbur.
12. Taluvenkottah.
13. Mailmanthay.
14. Sarunday.
15. Woctoomaly.
16. Saptur.
17. Saitbur.
18. Coll nkondan.
19. Auvudiyapuram.
20. Woorcaud.

3. Of these, the first fourteen give their opinion that the eldest surviving male issue of the wife earliest in order who survives, should be heir to his father.

4. The fifteenth agrees, but with the proviso that, if a Zemindar marries two wives at the same time, the first born son of either of these is senior for the succession.

5. The sixteenth is of opinion that the son of the woman earliest betrothed, although not first married to the Zemindar, is to be regarded as the heir in preference to the son of any other wife though he be older.

6. The seventeenth, eighteenth and nineteenth declare, in effect, that the Zemindar has the power to select his heir among all his sons by different wives.

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 82. Defendant's Exhibit XXXIIIc. —Letter from the Ag. Collector of Tinnevelly to the Board of Revenue, Madras, dated 24th August 1849. —*concluded.*

7. The twentieth states that the rule for Zemindars of his caste [Sembunathu Maravers] is that the son of the 1st wife, if he survives, is rightful heir; failing a son by the 1st wife, the 1st born among the sons by all other wives has right to succeed his father.

I have, &c.

[Signed] C. J. BIRD,
Acting Collector.

TINNEVELLY, *24th August* 1849.

[True copy.]

[Signed] MIR SULTAN MOHIDIN,
Ag. Try. Dy. Collector.

Subordinate Judge's Court of Madura (West).

No. 21 of 1889.

Produced on the 13th August 1890 by Defendant and filed on the 13th August 1890 as Exhibit XXXIIIc.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

No. 83.

Defendant's Exhibit XXXIIId.

No. 83. Defendant's Exhibit XXXIIId. —Letter from the Secretary to the Court of Wards to the Chief Secretary to Government of Madras, dated 13th September 1849.

Letter from the Secretary to the Court of Wards to the Chief Secretary to Government of Madras, requesting the sanction of the Government for the assumption of the Zemindari of Peraiyur under the charge of the Court of Wards and for the arrangements proposed by the Collector to have effect from 30th November 1848.

No. 234.

Revenue Board Office,
Fort St. George,
13th September 1849.

From

J. PYCROFT, ESQUIRE,
Secretary to the Court of Wards.

To

J. F. THOMAS, ESQUIRE,
Chief Secretary to Government.

SIR,

I am directed by the Court of Wards to forward, for the purpose of its being laid before the Right Honorable the Governor in Council, the accompany-

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 83. Defendant's Exhibit XXXIIId. —Letter from the Secretary to the Court of Wards to the Chief Secretary to Government of Madras, dated 13th September 1849.

ing letter from the late Acting Collector of Tinnevelly, under date the 26th February last, reporting the death, on the 29th November preceding, of Thumbichi Naiker, Zemindar of Peraiyur in that District; proposing that the estate be taken under the management of the Court of Wards on account of the minor heir, a boy of two years of age, son of the late Zemindar by his second wife and submitting for approval, the arrangements contemplated for the administration of the property and for the maintenance of the minor and the family. I have also to forward the further correspondence which has passed upon the same subject.

To Collector, 19th March 1849.
From do., 27th March „
To do., 13th April „
From do., 19th May „
Do do., 11th June „
From do., 24th August „

2. The measures taken by the late Acting Collector for the security of the property and those desirable to be adopted for the support of the minor and charge of the estate are explained in detail in his letter of the 26th February last. The net revenue of the Zemindari for Fusli 1257 was Rupees 16,595-9-11, leaving, after payment of the peishcush (Rupees 12,250), a surplus of Rupees 4,255-9-11. The arrears of peishcush (current) against the property up to the 31st January last, was only Rupees 110-3-1.

3. The establishment proposed to be entertained for the management of the estate is at a charge of Rupees 672 annually. The subsistence for the minor and his family is fixed at Rupees 1,110 being considerably within the limit prescribed by Clause 11, Section XIV, Regulation V of 1804. These charges seem to the Court to be moderate.

4. It will be seen that the deceased Zemindar left two sons, one, two years old by his second wife, and one, aged eight years by his eighth wife. Mr. Elton, in his letter of the 26th February last, gave it as his opinion, that the former of these, though younger, was entitled to inherit the estate. From the accompanying correspondence with Sudr Adaulut, it will be perceived that the law officers of that Court have stated that by the Hindu Law, the elder of the two boys would be considered as his father's heir. The Court, however, had reason to believe that the course of succession among the southern Poligars was not always in strict conformity with the provisions of Hindu Law and they therefore* referred to the Collectors, both of Tinnevelly and Madura, for the purpose of ascertaining what was the rule of succession as regards sons by different wives among the Poligars of these Districts and, more especially, among those of the same caste, the Sillawar class of Tottiyars as the deceased Poligar of Peraiyur. From the replies of those officers, it will be perceived that among the Sillawar Tottiyars both in Madura and Tinnevelly, the succession is regulated by the rank of the wife

To Registrar, 19th March 1849.
From do., 12th April „
To Registrar, 26th July 1849.
From do., 16th August „

* *Note.*—This reference has been the cause of the delay in submitting the original application of 25th February 1849.

To Tinnevelly. 11th June 1859.
To Madura do.
From do. 13th August 1849.
Pro. 20th August do.
From do. 27th August do.

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 83. Defendant's Exhibit XXXIIId. —Letter from the Secretary to the Court of Wards to the Chief Secretary to Government of Madras, dated 13th September 1849. —*concluded.*

and not by the age of the child, and the Court, under these circumstances, concur with Mr. Elton that Thumbayasami Thumbichi Naiker, son of the late Zemindar by his second wife, should be recognized as his successor in the Estate.

5. In reply to a reference from the Board upon the subject, the late Acting Collector has recommended that the office of manager be conferred upon the Amin who was in charge of the Estate during the illness of the late proprietor. His salary Rupees 17-8-0 per mensem has been included in the management established (Rupees 672 per annum) already mentioned as the estate is not of great extent, it does not appear necessary to appoint a guardian, but, as has already been allowed in the case of some Poliems and small Zemindaris in Tinnevelly, it is proposed to leave the minor in charge of his mother who is represented to be quite qualified for the trust.

From 27th March 18 * illegible.

To Government, 16th May 1844.
From do. 15th June „

6. The arrangements submitted by the late Acting Collector in his letter, 26th February last, appearing to be proper, the Court of Wards beg to request that they may be sanctioned, to have effect from the 30th November last or the day following the Zemindar's decease, and that the authority of Government may be granted for the assumption of the Zemindari under the charge of the Court of Wards on behalf of Thumbayasami Thumbichi Naiker.

I have, &c.

(Signed) J. PYCROFT,
Secretary.

(True copy.)

(Signed) T. RANGA ROW,
Treasury Dy. Collector.

Subordinate Judge's Court of Madura (West).

No. 21 of 1889.

Produced on the 13th August 1890 by Defendant and filed on the 13th August 1890 as Exhibit XXXIIId.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 84. Defendant's Exhibit XXXIIIe. —Extract from the Minutes of Consultation of the Madras Government, dated 29th September 1849 and the extract from the Proceedings of the Board of Revenue thereon, dated 4th October 1849.

No. 84.

Defendant's Exhibit XXXIIIe.

Extract from the Minutes of Cnosultation of the Madras Government, Revenue Department, and the Proceeding of the Court of Wards thereon authorizing the Collector to assume charge of the Peraiyur Zemindari &c.

No. 926.

Revenue Department.

Extract from the Minutes of Consultation under date the 29th September 1849.

Read the following letter from the Secretary to the Court of Wards.

(Here enter 13th September 1849, No. 407).

Under the opinions given by the several Poligars consulted by the Collectors of Tinnevelly and Madura and on the recommendation of the Board of Revenue, the Right Honorable the Governor in Council grants authority for the Peraiyur Zemindari in the Tinnevelly District being taken under charge of the Board of Revenue in their capacity of Court of Wards, on behalf of the minor Thumbayasami Thumbichi Naiker. The arrangements for the management of the affairs of the Estate and all other matters appertaining to it to have effect from the 30th November last are approved.

(A True Extract).

(Signed) H. C. MONTGOMERY,
Secretary to Government.

Extract from the Proceedings of the Court of Wards, dated 4th October 1849.

Ordered that copy of the foregoing extract from Minutes of Consultation and of the Court's letter to which it is a reply be communicated for the information and guidance of the Acting Collector of Tinnevelly with reference to his letter, dated 24th August last.

2. The Court of Wards authorize the disbursement of the amount Rupees 700 referred to in para 7 of Mr. Elton's letter, dated 26th February last, with interest if any be due upon the sum borrowed.

(A True Extract).

(Signed) J. PYCROFT,
Secretary.

(True copy.)

(Signed) T. RANGA ROW,
Treasury Deputy Collector.

Deputy Registrar.

Subordinate Judge's Court of Madura (West).

No. 21 of 1889.

Produced on the 13th August 1890 by Defendant and filed on the 13th August 1890, as Exhibit XXXIIIe.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

No. 85.

Defendant's Exhibit XXXIV.

Petition submitted to the Sub-Collector of Madura District, by the 3 widows of the late Zemindar of Virupakshi requesting that the allowance granted to their husband by the Government may be settled on Muttuvalla Kondama Naiker.

To

T. Clarke, Esquire, Sub-Collector of Madura District, &c.

Of us, the three wives of Chinnappa Naiker, the Zemindar of Virupakshi, Lekshmi Ammal, the royal wife, Sendamarai Ammal, the 2nd wife, and Bommakkammal, the 3rd wife, I, the royal wife, have a daughter but have no male issue and the said 2nd and 3rd wives have male issue. Therefore, according to the custom of our caste, he (Chinnappa Naiker) made Muttuvalla Kondama Naiker, son of the 2nd wife who is next to me in the order, the successor to his assets and liabilities, and after this, for a period of 2 or 3 months, he was suffering very much from rheumatism, when he sent for us and told us to represent to the Sircar to settle on Muttuvalla Kondama Naiker, according to custom, the salary (allowance money) received by him as per sanction of the Government, (for the Zemindari) which belonged to him hereditarily, and which is registered in his name by the Sircar, to receive the said salary and live on it. After that our husband, the said Chinnappa Naiker, died at 15 naligais in the day on 20th Margali of Parithapa year (1st January 1853). Therefore as we depend solely on the Government, we request that your honor may be graciously pleased to settle upon the said Muttuvalla Kondama Naiker the said salary (allowance money) and order payment of the same, so that we may maintain ourselves thereby and thus to protect us who are poor.

1st *January* 1853. (Marked) Lekshmi Ammal.
(,,) Sendamarai Ammal.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 84. Defendant's Exhibit XXXIIIe. —Extract from the Minutes of Consultation of the Madras Government, dated 29th September 1849, and the extract from the Proceedings of the Board of Revenue thereon, dated 4th October 1849. —*concluded.*

No. 85. Defendant's Exhibit XXXIV.—Petition of the widows of the deceased Zemindar of Virupakshi to the Sub-Collector, Madura, dated 1st January 1853.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 85. Defendant's Exhibit XXXIV.—Petition of the widows of the deceased, Zemindar of Virupakshi to the Sub-Collector, Madura, dated 1st January 1853. —*concluded.*

(Signed) Bommakammal.

(,,) Muttuvalla Kondama Naiker.

18—1—90.

(True copy).

MIR SULTAN MOIDIN,
Try. Dy. Collector.

Objected as not proved. Death of Lady is proved. Filed as Exhibit XXXIV.

(Initialled) C. V.
14—8—90.

Subordinate Judge's Court of Madura (West).

No. 21 of 1889.

Produced on the 14th August 1890 by Defendant and filed on the 14th August 1890 as Exhibit XXXIV.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

No. 86.

No. 86. Defendant's Exhibit XXXIV*a*. —Deposition of the royal wife of the Zemindar of Ramagiri before the Sub-Collector of Madura, dated 15th January 1853.

Defendant's Exhibit XXXIV*a*.

Deposition of Muttu Meenammal, the royal wife of the Zemindar of Ramagiri, given before the Sub-Collector of Madura District, stating that Muttu Vallakondama Naiker is entitled to succeed in preference to the sons by the other wife.

Examination of Muttu Meenammal, Royal wife of the Zemindar of Ramagiri, Ramagiri Taluq, before the Sub-Collector of Madura on the 15th January 1853.

Q.—Who are the heirs of Chinnappa Naiker, deceased, grandson of the late Zemindar of Virupakshi?

A.—The said Chinnappa Naiker had 3 wives. Lakshmi Ammal, the senior wife, gave birth to four sons and one daughter. All the four sons died either immediately after, or within 3 or 4 days of, their birth. Only a girl named Kupputhayi, aged 4 years, is living. The 2nd wife, Sendamarai Ammal, gave birth, first, to a son named Muttuvalla Kondama Naiker, second, Sakkaraisami,

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 86. Defendant's Exhibit XXXIV*a*. —Deposition of the royal wife of the Zemindar of Ramagiri before the Sub-Collector of Madura, dated 15th January 1853. —*concluded.*

third, a daughter named Papputhayi, fourth, a son named Narasinga Tirumala Chinnappa Naiken and fifth Chinnasami Naiken. Of these five, the second son Sakkaraisami died when he was 2 years old. Not only the other four children are now alive but the aforesaid Sendamarai Ammal is now 7 months in advanced pregnancy. The 3rd wife, Bommakkammal, has 3 sons named Subbaraya Vallakondama Naiken, Dasari Naiken, and Kuppana Naiken. As the senior widow, Lekshmi Ammal, has no male issue, Muttuvalla Kondama Naiken, the eldest son of the 2nd widow, Sendamarai Ammal, is the heir to the said Chinnappa Naiken. The other sons and the widows should be under his protection. This is the custom of our caste.

Q.—By whom were Muttuvalla Kondama Naiken and the 2 sons of the 3rd widow now before the Court sent to the Huzur?

A.—As the said Chinnappa Naiker is dead, his 3 widows should not, according to the custom of the caste, appear in public for a year. Therefore it is the said 3 widows that have sent the 3 children and the Vakil to the Huzur.

(Signed) Muttu Meenammal.

Taken before me this 15th January 1853.

(Signed) T. CLARKE,
Sub-Collector.

Remarks (statement) made by Nagammal, royal wife of Doraisami Ayya Naiken, late Zemindar of Kanuivadi.

The particulars stated above by Muttu Meenammal are all correct. I have nothing more to state.

(Signed) Nagammal.

Taken before me this 15th January 1853.

(Signed) T. CLARKE, *Sub-Collector.*

(True Copy).

(Signed) MIR SULTAN MOIDIN,
Try. Dy. Collector.

Subordinate Judge's Court of Madura (West).

No. 21 *of* 1889.

Produced on the 14th August 1890 by Defendant and filed on the 14th August 1890 as Exhibit XXXIV*a*.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 87. Defendant's Exhibit XXXIV*b*. —Deposition of the Vakil for the Virupakshi Zemindari before the Sub-Collector, Madura, dated 17th January 1853.

No. 87.

Defendant's Exhibit XXXIV*b*.

Deposition of Subbarayar, Vakil for the Zemindari of Virupakshi, before the Sub-Collector of Madura District, stating that Muttuvalla Kondama Naiker is the person entitled to succeed in preference to the sons of the other wife.

Examination of Subbarayar, son of Sitarama Ayyan, living in Mullipadi, Thadikombu Taluk, before the Sub-Collector, Madura District, on the 17th January 1853.

Q.—Who are the heirs of Chinnappa Naiken, deceased, grandson of the Zemindar of Virupakshi?

A.—The said Chinnappa Naiken left three widows. Lakshmi Ammal, the senior widow, had four sons and one daughter. But the said four sons died within three or four days of their birth. Only the girl named Kupputhayi, four years old, is living. The second widow, Sendamarai Ammal, gave birth first, to a son Muttuvalla Kondama Naiken, second, Sakkaraisami, third, a daughter named Paupputhayi, fourth, Narasinga Thirumala Chinnappa Naiken and fifth, Chinnasami Naiken. Of these, the second Sakkaraisami died in his second year, the other four are now alive. The third widow Bommakkammal has three sons, Subbaraya Vallakondama Naiken, Dasari Naiken and Kuppana Naiken. As the first widow has no male issue, it is Muttuvalla Kondama Naiken, aged seven, the eldest son of the second wife, that is, according to the custom of their caste, the heir to the said Chinnappa Naiken. The others are to be under his protection. Soon after the death of the said Chinnappa Naiken, the said three widows caused me, their Vakil, to write an arzi, stating that the said Muttuvalla Kondama Naiken was the heir and requesting that the salary formerly allowed to the said Chinnappa Naiken should be entered in his name. The said arzi has been sent to the Huzur signed with their marks. Further, the said three widows sent with me the said Muttuvalla Kondama Naiken and the two sons of the third widow and requested me to represent to the Huzur, the particulars of the abovesaid relationship. As the said Muttuvalla Kondama Naiken alone, and not the others, is entitled to the said salary, the same should be ordered to be registered in his name. Formerly, a salary of Rupees 105 was allowed by the Sircar to the said Zemindari; but, as one Subba Naiken, a person connected with the Zemindar, represented, 15 years ago, that his maintenance should be paid to him separately out of the said salary, Rupees 9 out of the said Rupees 105 were paid to him, and the remaining Rupees 96 to the Zemindar, every month. The said Subba Naiken died some four or five years ago. Petitions were submitted to the Collector and the Board that the said salary should be paid to the Zemindar according to custom; and an endorsement has been sent by the then Collector, Mr. Blackburn, to the said Zemindar, to the effect that the matter was under consideration. Eight or nine months ago, the late Zemindar again presented a petition about it to the Collector.

(Signed) Subbarayar,
Vakil for the Zemindari of Virupakshi.

Deputy Registrar.

Taken before me this 17th January 1853.

(Signed) T. CLARKE,
Sub-Collector.

(True copy.)

(Signed) MIR SULTAN MOIDIN,
Try. Dy. Collector.

Subordinate Judge's Court of Madura (West.)

No. 21 *of* 1889.

Produced on the 14th August 1890 by Defendant and filed on the 14th August 1890 as Exhibit XXXIV*b*.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 87. Defendant's Exhibit XXXIV*b*. —Deposition of the Vakil for the Virupakshi Zemindari before the Sub-Collector, Madura, dated 17th January 1853. —*concluded.*

No. 88. Defendant's Exhibit XXXIV*c*. —Letter to the Collector of Madura from the Sub-Collector of Madura, dated 19th Janaury 1853.

No. 88.

Defendant's Exhibit XXXIV*c*.

Letter from the Sub-Collector of Madura to the Collector of Madura, recommending that the pension granted to the deceased Poligar of Virupakshi may be continued in the name of his son.

No. 9.

DINDIGUL, 19*th January* 1853.

From

T. CLARKE, ESQUIRE,
Sub-Collector.

To

R. D. PARKER, ESQUIRE,
Collector of Madura.

Sir,

I have the honor to forward to you an Arzi* (dated 5th Inst. 1853) from the Tahsildar of Ayyampully reporting the death, on the 1st Instant, of Chinnappa Naik, receiving a pension of 96 rupees from the Government as the lineal descendant of the late Zemindar of Virupakshi.

* See order to Tadicombu Tahsildar direct from Principal Collector, dated 21st January 1834, No. 8.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 70. Defendant's Exhibit XXXIV*c*. Letter to the Collector of Madura to the Sub-Collector of Madura, dated 19th January 1853. —*concluded.*

2. Chinnappa Naik, as will be seen from the enclosed depositions taken before me, has left three widows and eight children who pray for the extension to them of the bounty of Government enjoyed by their husband and father.

3. My enquiries and records do not enable me to state on what conditions or for what period the pension was originally granted.

4. It would seem, however, that this pension has already been reduced. 9 Rupees, a sum which was granted to another branch of the family, and, on his demise, was discontinued.

5. The deceased Chinnappa Naik has left no property. His widows and children are entirely dependent on the bounty of Government, whom should it please to continue to these distressed parties the grant made to their father, I would respectfully beg leave to suggest that, in compliance with the request of the widows, it be paid in the name of Muttuvalla Kondama Naik, the eldest son of Sendamarai Ammal, the 2nd widow of the deceased pensioner.

I have the honor to be,

Sir,

Your most obedient servant.

(Signed) T. CLARKE,
Sub-Collector.

(True copy.)

(Signed) MIR SULTAN MOIDIN,
Ag. Treasury Dy. Collector.

Subordinate Judge's Court of Madura (West.)

No. 21 *of* 1889.

Produced on the 14th August 1890 by Defendant and filed on the 14th August 1890 as Exhibit XXXIV*c*.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 89. Defendant's Exhibit XXXIV*d*. Letter from the Collector of Madura to the Chief Secretary to Government, Madras, dated 17th February 1853.

No. 89.

Defendant's Exhibit XXXIV*d*.

Letter from the Collector of Madura, to the Chief Secretary to Government of Madras, requesting sanction for the continuance of the pension to the son of the deceased Poligar of Virupakshi.

MADURA,
17*th February* 1853.

No. 140.

To

THE CHIEF SECRETARY TO GOVERNMENT.

Sir,

I have the honor to report the death, on the 1st January last, of Chinnappa Naik, descended from the Poligar of Virupakshi and with reference to the cooree noted in the margin to request sanction for the continuance of the pension of 96 Rupees per mensem which he enjoyed, to Muttuvalla Kondama Naik, the eldest son of the 2nd widow of the deceased, for the support of himself and the family which consists of 3 widows and 8 children. The 1st widow has no male issue.

From	G. O., dated	10th July 1815.
To	do.	4th August 1815.
From	do.	7th December
To	do.	5th July 1832.
From	do.	17th do.
To	do.	4th January 1884.
From	do.	17th do.
To	do.	14th June.
From	do.	27th do.
To	do.	31st July
From	do.	8th August.
To	do.	4th August 1843.

The Sub-Collector reports that the deceased left no property and that his families are entirely dependent on the bounty of Government.

(Signed) R. D. PARKER,
Collector.

(True copy).

(Signed) MIR SULTAN MOIDIN,
Treasury Dy. Collector.

Subordinate Judge's Court of Madura (West).

No. 21 of 1889.

Produced on the 14th August 1890 by Defendant and filed on the 14th August 1890 as Exhibit XXXI*d*.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 90. Defendant's Exhibit XXXIVe. Proceedings of the Government of Madras, dated 17th March 1853.

No. 90.

Defendant's Exhibit XXXIVe.

Proceedings of the Government of Madras, sanctioning a reduced pension to be continued to be paid to the son of the deceased Poligar of Virupakshi for the support of himself and other members of the family.

Revenue Department.

No. 305.

Extract from the Minutes of Consultation, under date the 17th March 1853.

Read the following letter from the Collector of Madura.

(Here enter 17th February 1823, No. 140).

The Right Honorable the Governor in Council obsereves that the pension enjoyed by the late Chinnappa Naik, a descendant of the Poligar of Virupakshi in Madura, was not of the nature of Malikhana, or allowance granted to the proprietors of the assumed Poliams in Madura, which was to be payable during such time as their lands may be retained in the possession of Government. The pension was originally granted in 1805, as a matter of bounty to the son of a Poligar who had forfeited his Poliem for rebellion. The allowance was at first 10 pagodas, then increased to 30 pagodas and since decreased to 96 Rupees on the death of one of the members of the family, to whom a separate share of 9 rupees had been assigned out of it. There seems no reason why the pension should always be kept at the late rate or why the orders of the Honorable the Court of Directors, 18th May 1842, should not be applied to it and a gradual reduction made. The pension of the late Chinnappa Naik will, therefore, be reduced to Rupees 64 per mensem, being two-thirds of the allowance enjoyed by him, and continued at that rate from 1st January 1853 to Muttuvalla Kondama Naik for the support of himself and other members of the family.

Board to Government 11th December 1820; Government to Board, 5th January 1881.

(A true extract).

(Signed) T. PYCROFT,
Secretary to Government.

(True copy).

(Signed) MIR SULTAN MOIDIN,
Treasury Deputy Collector.

Subordinate Judge's Court of Madura (West).
No. 21 of 1889.

Produced on the 14th August 1890 by Defendant and filed on the 14th August 1890 as Exhibit XXXIVe.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West).

Defendant's Exhibit XXXV.—Proceedings of the Board of Revenue, Madras, dated 1st March 1861.

No. 91.

Defendant's Exhibit XXXV.

Proceedings of the Board of Revenue Madras, requesting the sanction of Government for assuming charge of the property of the deceased Zemindar of Andipatti Poliput of the Coimbatore District under Regulation V of 1804.

No. 1140.

Proceedings of the Board of Revenue, dated 1st March 1861.

Read the following letter from E. B. Thomas, Esquire, Collector of Coimbatore, to J. D. Sim, Esquire, Secretary, to the Court of Wards. Fort St. George, dated, Ootacamund, 5th February 1861, No. 18:—

1. I have the honor to forward for the consideration and orders of the Court, copy of a letter from my Sub-Collector, dated 9th Ultimo, No. 4, on Andipatti Poliput in Karur Taluq, in this District.

2. Seeranga Bomma Naik, the Poligar of Andipatti, died on the 27th June 1860, leaving his wife and a son named Immudi Balakrishna Landa Bomma Naik, the present minor, aged 10 years.

3. The Poliput is involved in debt to the extent of Rupees 18,769—6 as stated in paragraph 2 of the letter.

4. During my late tour into the District, I saw the late Poligar's younger wife's son, and I am of opinion that the management of the Estate cannot be entrusted to him without detriment to the interest of the minor, he being too young and far from intelligent.

5. With reference to paragraphs 4 and 5 of the above communication, I beg to recommend that the lands managed by the late Poligar, may be taken under the management of Government and a monthly sum of rupees 155-8 disbursed for the maintenance and education of the minor as well as the subsistence of the family, and management of the Estate, as proposed by Mr. Roberts. I would reduce only the two items 15 and 20 Rupees to 10 and 15 Rupees respectively.

6. I agree with the Sub-Collector of all the other points and request the sanction of the Court of Wards to take the Poliput under the management of Government until the minor attains his majority.

Enclosure No. 1.

From C. A. Roberts, Esquire, Sub-Collector of Coimbatore, to E. B. Thomas, Esquire, Collector of Coimbatore, dated Karur, 9th January 1861, No 4.

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 91. Defendant's Exhibit XXXV.—Proceedings of the Board of Revenue, Madras, dated 1st March 1861. —*continued.*

1. In reply to your letter, No. 497, of 31st ultimo, and yadast No. 97 of 4th September 1860, relative to the Poliput of Andipatti and its future management, consequent on the decease of the late Poligar, I have the honor to forward an arzi from the Tahsildar of Karur received on the 6th instant with its enclosures 63 in number, and also his former arzi of 4th August, and its 11 enclosures. I also return the petition of Mukalaygopadiyappa Naiken, uncle of the minor, and forward a deposition I have myself taken from the Poliput Gumasta Marudanayakam Pillai.

2. You will observe, by these documents, that the Estate is in debt to the extent of Rupees 18,769-6, and that there are not outstanding claims to its credit. Account A gives a list of these debts and specifies the rates of interest on which they were raised, &c., &c. In this account the principal debt of Rupees 7,000, is omitted, the amount of which, however is included in the above total. This latter debt is due to the Kannivadi Zemindar who holds a bond for Rupees 10,000. The delay in replying to your yadast has been owing to our waiting for a reply from the Zemindar which has not yet been received, relative to the statement that, though a bond for Rupees 1,000 was given, only Rupees 7,000 were ever lent; this statement is supported, you will observe, by the Kannivadi Zemindar's letters to the lately deceased Poligar and may be taken as correct.

3. Considering this very small, apparently, business capacities of the younger wife's son whom, the family request may be appointed manager, and whom you saw when lately at Karur, and the indebtedness of the Estate, I think the only prospect of its present liabilities lies in its being taken under the management of Government which I would accordingly recommend until the minor, now 10 years old, attains his majority.

4. Of the land under the direct control of the Poligar [see statement B] a portion, represented by Rupees 459-4-10 of rent is in the enjoyment of his relatives, and another portion Rupees 155-13-11 in that of his servants. The first item in this statement Rupees 693-10-3 is land under the Poligar's own management and now realizes only Rupees 273-2-9 owing to an anicut being out of repair, the last item, Rupees 459-2-3, is land in the enjoyment of ryots who, it is stated, only pay the regular tax upon it.

5. In drawing up the annexed statement, I have adopted the Tahsildar's proposed allowances to the family and would leave the lands now engaged (*sic*) by them respectively in their possession as also those held by the servants of the Poliput, undisturbed. But, in lieu of granting the minor Rupees 15 monthly and also allowing him to retain the lands lately managed by his father, it would, in my opinion, be of far more assistance to him were the Government to take all such lands into their own management and allow him Rupees 50 monthly for his maintenance and the usual expenses of presents &c., incidental to his position.

6. My calculation shows a net balance yearly of Rupees 2,093-12-5 towards the defrayment of the debts of the Estate and the interest accruing on them.

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 91. Defendant's Exhibit XXXV.—Proceedings of the Board of Revenue, Madras, dated 1st March 1861. —*continued.*

Some additional outlay will be incurred at first, doubtless, for engineering repairs, such as of the aforesaid ruined anicut, &c., but, on the other hand, it is anticipated that a careful examination would bring to light some 2,000 Rupees of concealed cultivation, so I understand from the Poliput Gumastas.

7. The personal property, jewels, cattle, cloths, &c., of the family, amonnting (see statement C) to Rupees 2,389-2-0 in value, may, I think, be left as at present under the control of the family.

8. The Tahsildar of Karur has, according to your instructions, been ordered to collect the kists for the present, and keep them in deposit.

	Rs.	A.	P.
Beriz	10,121	15	2
Peishcush	5,250	0	0
Value of land made over to relatives and servants	625	2	9
Monigar's pay	167	0	0
	6,042	2	9
Balance...	4,079	12	5

Charges on Estate if taken into management by the Government.

Allowance to Poligar	50	0	0	
,, his family, as by Tahsildar's list	60	0	0	
,, Tutor	15	0	0	
,, Manager	20	0	0	
,, * Establishment, &c... ...	20	8	0	
	165	8	0	
165-8-0 × 12=	1986	0	0	

* 1 Gumasta ...	7	0	0
3 peons at 3 Rupees each ...	9	0	0
Massaljee ...	2	0	0
Saderward ...	2	8	0
	20	8	0

Leaving a yearly balance in favor of the Estate of Rupees... ... ... 2,093 12 5

(A true copy.)

(Signed) E. B. THOMAS,
Collector.

A. 78—35

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 91. Defendant's Exhibit XXXV.—Proceedings of the Board of Revenue, Madras, dated 1st March 1861. —*concluded.*

The Collector reports the death, on the 27th June last, of the Poligar of Andipatti in Coimbatore, leaving a widow and a son who is 10 years of age.

2. The Estate produces about 10,000 Rupees annually and pays a Peishcush of Rupees 5,250.

3. The debts of the late proprietor amount to Rupees 18,770; and the estimated available surplus after providing for the maintenance of the family and other charges amounts to Rupees 2,094, which will do little more than pay the interest on the debt.

4. The minor has an uncle, but both the Colletor and Sub-Collector consider him unfit to be trusted with the management of the property, and strongly recommend that the Estate be taken into the charge of the Court of Wards, as the course most beneficial for the minor.

5. The Board resolve to request the sanction of Government for assuming charge of the property under Regulation V of 1804. If this be accorded, they will make the necessary arrangement for the management of the Estate, the appointment of a guardian and manager, and the education of the minor.

6. The death of the Poligar should have been reported long since.

(A true copy and Extract.)

(Signed) J. D. SIM,
Secretary.

(True copy.)

(Signed) A. THOMSON,
Ag. Collector.

Subordinate Judge's Court of Madura (West.)

No. 21 of 1889.

Produced on the 14th August 1890 by Defendant and filed on the 14th August 1890 as Exhibit XXXV.

(Signed) VENKOBA CHARIAR,
Subordinate Judge.

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 92. Defendant's Exhibit XXXV*a*.—Proceedings of the Government of Madras, dated 18th March 1861.

No. 92.

Defendant's Exhibit XXXV*a*.

Proceedings of the Government of Madras authorizing the Board of Revenue to assume charge of the Andipatti Poliput in the Karur Taluq, Coimbatore District under Regulation V of 1804.

REVENUE DEPARTMENT.

Proceedings of the Madras Government.

Read the following proceedings of the Board of Revenue :—

Submitting a letter from the Collector of Coimbatore, reporting the death of the Poligar of Andipatti, leaving a widow and a son who is 10 years of age with the Board's request that sanction be accorded for assuming charge of the property under Regulation V of 1804. *Here enter* 1*st Mar.* 1861, *No.* 1140.

Order thereon, 18*th March* 1861, *No.* 631.

1. Under the circumstances brought to notice in these proceedings, the Honorable the Governor in Council authorizes the Board of Revenue to assume charge of the Andipatti Poliput in the Karur Taluk of the Coimbatore District under Regulation V of 1804 on behalf of Immudi Balakristna Landa Bomma Nayak, the minor Poligar.

2. The individual styled uncle of the minor by the Sub-Collector appears to be the same person whom the Collector refers to as the late Poligar's younger wife's son. This would make him half brother to the minor heir; and it is possible that the eldest surviving son of the elder wife may be several years younger than a son of the younger wife, but it seems more likely that Mr. Thomas intended to call the young man, son of the late Poligar's father's younger wife. The Government must observe that the Collector's letter is singularly vague and that some details of information usually given in such cases are wanting.

(True extract.)

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

No. 1660.

Communicated to the Collector, who will explain the question, see para. 2, and recommend a guardian and manager as well as propose definite arrangements for the management of the property and the education of the minor.

REVENUE BOARD OFFICE, CHEPAUK,
28*th March* 1861.

By order.
(Signed) J. D. SIM,
Secretary.

(True copy.)
(Signed) A. THOMSON,
Ag. Collector.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 92. Defendant's Exhibit XXXV*a*.—Proceedings of the Government of Madras, dated 18th March 1861. —*concluded.*

No. 93. Defendant's Exhibit XXXV*b*.—Proceedings of the Court of Wards, dated 10th May 1861.

Subordinate Judge's Court of Madura (West).
No. 21 of 1889.
Produced on the 14th August 1890 by Defendant and filed on the 14th August 1890 as Exhibit XXXV*a*.
(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

No. 93.

Defendant's Exhibit XXXV*b*.

Proceedings of the Court of Wards forwarding to the Government of Madras the explanation of the Collector of Coimbatore with reference to the 2nd para. of G. O., dated 18th March 1861, No. 63.

Proceedings of the Court of Wards.
No. 2375, *dated* 10*th May* 1861.

1. Extract from the letter from E. B. Thomas, Esq., Collector of Coimbatore to J. D. Sim, Esquire, Secretary to the Court of Wards, Chepauk, dated Ootacamund, 16th April 1861, No. 74 :—

* * * *

2. The individual alluded to in the first part of paragraph 4 of my letter to Board, dated 5th February 1861, No. 18, is also the son of the deceased Poligar by his younger wife, and is the half brother of the minior heir ; he is not the same person as the individual styled "uncle" of the minor by the Sub-Collector, as supposed by Government. These two are different individuals and the name of the * uncle Mukalaygopaliyappa Naiken was incidentally quoted in the Sub-Collector's letter in returning a petition which the man wrote to me on behalf of his nephew, the minor, protesting against the management of the Estate being made over to the minor's half brother. It is true that this half brother is several years older than the minor, but I never intended to call him as the Government observe, "son of the late Poligar's father's younger wife." I had no occasion to bring the uncle's name into notice, inasmuch as he was not a member of the deceased Poligar's family, and regret that Government should have been misled by the Sub-Collector's expression. * *

Maternal uncle of the minor.

(Signed) R. A. DALYELL,
Sub-Secretary.

(True Extract.)
(Signed) E. TURNER.
Subordinate Judge's Court of Madura (West).
No. 21 of 1889.
Produced on the 14th August 1890 by Defendant and filed on the 14th August 1890 as Exhibit XXXV*b*.
(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 94. Defendant's Exhibit XXXVI.—Proceedings of the Board of Revenue, Madras, dated 11th August 1866.

No. 94.

Defendant's Exhibit XXXVI.

Proceedings of the Board of Revenue to the Government of Madras, recommending for the sanction of the Government the proposal of the Collector of Madura that the unsettled Poliam of Uthappanaikanur may not be taken under the management of the Court of Wards.

No. 5593.

Proceedings of the Board of Revenue, dated 11th August 1866.

Read the following letter from V. L. Levinge, Esquire, Collector of Madura, to the Acting Secretary to the Board of Revenue, dated 20th July 1866, No. 235.

1. I have the honor to report the death, on the 12th June last, of Muttusami Uthappa Naik, the Poligar of Uthappanaikanur, an unsettled Poliem, in the Taluk of Tirumangalam.

2. From the correspondence noted in the margin, it will be observed that the deceased Poligar succeeded to the Estate in 1860, while he was sixteen years old, on the demise of his half brother, Vellachami Uthappa Naik leaving no male issue. The Estate being but a small one, Mr. Clarke thought it unnecessary to take it under the Court of Wards, and recommended the nomination of his mother as guardian, and of his father-in-law as manager of the Estate. This arrangement was sanctioned by the Government, and Mr. Clarke was however required to exercise a general control over the Estate.

To Board, 25th December 1850, No. 253.
From Do. 11th January 1860, No. 142.
From do. 27th do. No. 488, communicating Government Order, 24th January 1860, No. 121.

3. The deceased was placed in charge of the Poliem in 1862, on his attaining his majority, as will be seen from the marginal correspondence.

To Board 28th February 1862, No. 37.
From do. 6th March, No. 1504.

4. He married two wives, both of whom survive their husband. His first or Pattam wife, Papammal, has a son of seven years, named Tirumala Muttulinga Tambia Vellachami Uthappa Naik.

5. Second wife, Sakarai Ammal, has a son by name Muttulinga Kistnasami Naik, and a daughter, called Muttukistnammal, the former being seven years, and the latter five years old.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 62. Defendant's Exhibit XXXVI.—Proceedings of the Board of Revenue, Madras, dated 11th August 1866. —*concluded.*

6. The deceased Poligar was of the Kambala Tottiya caste, and, according to the law of succession maintained in this District among these people, his son by his senior wife should succeed to his Estate. I, therefore, request that he may be recognized as the Poligar of Uthappanaikanur.

7. The annual Peishcush of the Estate is Rupees 2,583-5-4 and its revenue about 6,478 Rupees. There is no balance of Peishcush against it.

8. Considering the age of the minor, and the circumstances of the Estate, I beg to recommend that Papammal, the mother of the minor, be appointed his guardian, and his paternal uncle, Sivalingasami Naik, the younger brother of the deceased, alluded to in Mr. Clarke's letter of the 23rd December 1859, be appointed as manager of the Estate.

9. This Sivalingasami Naik is twenty-four years of age, and has experience, and is competent to manage the Estate. He also, on several occasions, managed the affairs of the Poliem during the absence of his late brother.

10. I do not think it necessary to take this petty Estate under the immediate management of the Court of Wards, but would exercise a general control over it, as was practised during the minority of the deceased.

1. The Collector's proposals will be recommended for the sanction of Government.

2. He will, however, report what arrangements are proposed for the education of the minor, to which subject his special attention must be directed.

(True copy and extract).

(Signed) W. HUDLESTON,
Secretary.

To

The Secretary to Government, Revenue Department.

Copy to the Collector of Madura.
(True copy).
(Signed) E. TURNER,
Collector.

Subordinate Judge's Court of Madura (West).
No. 21 of 1889.

Produced on the 14th August 1890 by Defendant and filed on the 14th August 1890 as Exhibit XXXVI.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 95. Defendant's Exhibit XXXVII.—Proceedings of the Board of Revenue, Madras, dated 10th December 1862.

No. 95.

Defendant's Exhibit XXXVII.

Proceedings of the Board of Revenue to the Government of Madras recommending that the minor son of the deceased Poligar of Bodinayakkanur by his first wife be recognized as Poligar in preference to the son by 2nd wife who is senior and that the Board be authorized to assume charge of the Poliem in their capacity of the Court of Wards.

Board's Proceedings of 10th December 1862.

No. 806.

Read again letter from the Collector of Madura, dated 10th November 1862, No. 243.

(In Cons., 14th November 1862, No. 7590.)

Read also the following letter from the same officer, dated 19th November 1862, No. 253:—

1. In continuation of my letter, No. 243, dated 10th instant, I have the honor to report that I visited Bodinayakkanur on the 13th of this month, and have seen the minor and relatives of the deceased Poligar, and have personally ascertained the wishes of the family regarding the guardianship of the minor and the management of the Estate.

2. The Poligar died on the 27th October, leaving a wife, named Kamalammal, who bore him a son, named Kamurazu Pandian, the present minor, aged five years.

3. There is also left by the deceased a son and daughter by his second wife deceased. This son is aged six years; it is feared he is an idiot; the daughter is nine years of age. Though this son is elder than the minor, yet, according to the custom of the caste, the son of the first wife or Patabastri succeeds, which also is the wish of the family. The annexed genealogical tree shows the state of the family, and that the deceased left a nephew and three brothers, the eldest of whom named Sundara Pandia Naiker, the family wish to be made manager of the estate. The mother of the minor, they all wish, may be his guardian.

4. On my receiving a report of the death of the Poligar, I directed the Tahsildar to proceed at once to Bodinayakkanur to secure the property of the deceased.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 95. Defendant's Exhibit XXXVII.—Proceedings of the Board of Revenue, Madras, dated 10th December 1862. —*continued.*

5. The Tahsildar, on the 3rd November, found in ready money in the treasury 31,630 Rupees, and gold ingots valued at 3,140 Rupees-34,770 Rupees, and the family asserted before me that the above was the whole of the ready money left by the deceased. No accounts of receipts and disbursements of any sort relating to the treasury were found, and the family and servants declared they know nothing of any private accounts, asserting that the Zemindar managed his own affairs, not allowing them to have any knowledge of, or access to, his treasury. The only accounts forthcoming were certain Jamabundy accounts and accounts of the expenditure of the produce of the deceased's private farm.

6. Jewels, valued at 14,337 Rupees, were found; of these, jewels valued at Rupees 4,404 were given over by me to the females of the family, as it appeared that the Tahsildar had taken them from them, and that they had been in use by the said females up to the time of the Tahsildar's taking charge.

7. The deceased had no debts, but four bonds were found in his treasury; one for a debt of 400 Rupees owing by the late Zemindar of Tavaram, dated the 30th Tye (9th February) Dhathu year (1817); this bond being more than 40 years old, the debt is irrecoverable. Three other bonds, amounting to 2,350 Rupees executed by one Virasami Naik, were found; two of these are mere promissory notes to pay 350 Rupees lent, and one is a mortgage bond; as the periods have expired, these debts should be recovered at once.

8. The Beriz of Fusli 1271 is given at Rupees 34,021, but several Maniyams were given, which will have to be resumed. They are as follows :—

	RS.	A.	P.
Lands given to relations and friends free of assessment	734	0	0
Lands given to Brahmins and other dependents	3,186	0	0
Ready money to certain village servants, not entered in the Jamabundy	502	0	0
„ „ deductions from the Jamabundy Beriz on account of three Pagodas	2,250	0	0
Total	6,672	0	0

Besides the above, lands to be assessed at Rupees 2,867 have been farmed into a private farm, which would make the total Jamabundy of the Estate for Fusli 1271 to amount to 43,950 Rupees, deducting the Peishcush 15,347, there remains to the proprietor the sum of 28,213 Rupees; but, judging from what I saw of the Estate during my residence there of four days, and from what I hear from that competent to form an opinion, there can be little doubt that the Estate, if properly managed, would yield about 60,000 Rupees yearly.

9. I beg to recommend that the mother of the minor be made guardian to the three children of the deceased, and that an allowance for her and their support, amounting to 1,200 Rupees annually, be granted as per list A annexed.

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 95. Defendant's Exhibit XXXVII. —Proceedings of the Board of Revenue, Madras, dated 10th December 1862. —*continued.*

The family are undivided, and, therefore, provision has to be made for the other members 35 in number, the particulars of which and for which I solicit sanction, are shown in the list B.

10. The family wish the elder brother, Sundara Pandian, to be made manager, which I beg to recommend; his remuneration and the cost of his establishment are given in list C.

11. The allowance to the family, now asked for, exceeds the percentage allowed under Section 14, Clause 2, Regulation V of 1804 by Rupees 1,945, but the Estate would well bear the charge, and, as the family have hitherto lived in great comfort, I recommend that they be liberally treated.

12. The accounts do not show for what purpose or service the late proprietor gave the several Inams; the only ready money allowances which recommend being continued, and that, at reduced rates, are the allowances to the three Pagodas, as they are places of family worship; 1,125 Rupees might be allowed annually amongst the three Pagodas.

13. Whether the allowances to the village servants are necessary or not will have to be ascertained hereafter; they were probably given by the proprietor, as it was found that the existing Inams were insufficient.

14. The Poligar had a large private farm, amounting to nearly 1,000 acres, regarding which there is no proper account, which he managed himself, and which seems to have occupied his whole attention; an establishment for managing it, under the orders of the manager, is provided for, in list C; the lands are mostly cultivated by a class of people called Curuvars, who are the sole inhabitants of three hamlets at the foot of the hills; they are supported by the produce of these lands, and the same support will have to be continued to them; they and their families receive supplies of grain daily from the Zemindar's stores which are situated where they reside.

15. These Curuvars are a peculiar race, small black men with woolly hair and in appearance not much above monkeys; there are no others of their race in the District, and they do not know from whence they came; or where any others of their tribe are to be found; they are slaves, they say themselves, and stoutly asked for their daily supplies which must be continued to them or they will be in a state of starvation; the place where they have their habitations at the foot of the hills, is so unhealthy that none of the other castes will reside in the same place, and, if these Curuvars are not supported, it is likely that many valuable paddy lands would go out of cultivation.

16. There are large tamarind topes, the produce of which is yearly collected by the Zemindar, for which purpose an establishment is provided in list C. Besides the above, the Zemindar had a large cardamom garden, for which a temporary establishment has to be provided when the produce is ready to be picked; the cost of this establishment cannot be given, as the number of coolies to be employed in picking will vary with the quantity of the crops.

17. I have employed a temporary guard of one first class and six Constables to guard the treasury in the Poligar's house, in which all the ready money and jewels are secured pending orders; the cost of which guard I request may be sanctioned.

18. For the funeral ceremonies of the deceased, I request sanction to disburse 100 kalams of paddy and 700 Rupees ready money; the relations urgently ask for this.

19. As regards brass utensils, cloths and grain, I have secured all, giving out sufficient for the family, with grain for about one month.

20. To carry on current work connected with the family, I have left the widow and Sundara Pandia Naiker in charge, with the old servants, with directions to keep daily accounts of all transactions. The existing number of cattle should be retained for farm purposes, &c., and the elephant as part of the State. There are eight horses; as the brothers and nephew had the use of them during the life of the deceased Zemindar, I propose five to be retained, and remaining three sold. Under these circumstances, it is requested that the minor be registered as Zemindar.

Enclosure No. 1—Genealogical Tree.

Enclosure No. 2.

Abstract.—List showing the allowance for the deceased Zemindar's widow and three children.

Enclosure No. 3.

Abstract.—List of allowances for the relatives of the deceased Zemindar.

Enclosure. No 4.

Abstract.—List showing the strength of establishment to be entertained for the management of the Estate.

---

1. Ordered that the above papers be submitted to Government with the Board's recommendation that Kamuraju Pandian, the minor son of the deceased Poligar by his first wife (Pataba Stri) be recognized and registered as successor of the Poliem, and that the Board be authorized to assume the care of the Estate in their capacity of Court of Wards.

2. The Board approve the Collector's preliminary arrangements, but will furnish him with detailed instructions on receipt of the orders of Government.

3. Meanwhile they will only observe that the mother of the minor is not competent under Clause 4, Section 19, Regulation V of 1804, to be the legal guardian of her minor children.

Deputy Registrar.

4. The Estate is reported free from debt. The Peishkush payable to Government is Rupees 15,347 per annum, and the income for Fusli 1271 is estimated to have been Rupees 53,560 The general opinion, however, is said to be that, if well managed, the Estate should be worth Rupees 60,000 per annum.

(Signed) W. HUDLESTON,
Secretary.

To

J. D. Sim, Esquire, Secretary to Government, R. D., with 4 enclosures.

Copy to V. I. Levinge, Esquire, Collector of Madura.

(True extract).

(Signed) M. SRINIVASA ROW,
Try. Dy. Collector.

Subordinate Judge's Court of Madura (West).

No. 21 of 1889.

Produced on the 14th August 1890 by Defendant and filed on the 14th August 1890 as Exhibit XXXVII.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

No. 96.

Defendant's Exhibit XXXVII*a*.

Proceedings of the Board of Revenue, Madras, to the Collector of Madura, proposing certain alterations in the Written Statement and directing him to furnish the Government Pleader with all the papers connected with O. S. No. 5 of 1875 on the file of the Subordinate Court of Madura brought on behalf of the minor son of the 2nd wife of the deceased Zemindar of Bodinayakkanur against the minor son of the senior wife, who is junior to the former &c.

Proceedings of the Board of Revenue, dated 19th July 1875.

No. 2018.

Read the following letter from W. McQuhae, Esquire, Collector of Madura, to H. E. Stokes, Esquire, Acting Secretary to the Court of Wards, dated 13th July 1875, No. 289:—

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 96. Defendant's Exhibit XXXVIIa. —Proceedings of the Board of Revenue, Madras, dated 19th July 1875. —*continued.*

I have the honor to submit translation of a plaint filed in Original Suit No. 5 of 1875, on the file of the Subordinate Court, in which I have been made Defendant as agent to the Court of Wards, together with the draft of a written statement I propose to put in, and I request the Court's sanction for defending the suit from the funds of the Bodinayakkanur Estate.

2. The suit is brought by Kulasekara Pandia Naik (third uncle of Kama Raja Pandia Naik, the minor Zemindar of Bodinayakkanur, in whose name the Estate has been registered) on behalf of Vadamalay Raja Pandia Naik, the minor's step-brother, and its object appears to be to get a declaratory decree establishing the right of the plaintiff to the Estate, and securing its registry, in his name, and the appointment of the aforesaid Kulasekara Pandia Naik as his guardian.

3. It would appear from Mr. Levinge's letter, embodied in the Board's Proceedings, No. 8061, dated 10th December 1862, that the late Zemindar of Bodinayakkanur had two wives; that he had two sons——one Kama Raja Pandia Naik by the first wife who is therein styled "Pattaba Stri", and the other (the present plaintiff) by the second wife who pre-deceased the late Zemindar; though the former was junior in age by one year, still according to the custom of the caste, he was entitled to succeed to the Estate being son of the "Pattaba Stri." In these circumstances, Mr. Levinge recommended that the Estate should be registered in the name of Kama Raja Pandia Naik, and this was approved of by the Board and Government. *Vide* G. O., dated 13th January 1863, No. 72, Revenue Department.

4. I think it necessary to state here, for the Court's information, that I have been recently informed that the late Zemindar had six wives, of whom the first four predeceased him without issue; that the mother of the Kama Raja Pandia Naik was the fifth wife, and the mother of the plaintiff the sixth, and I have directed the manager and the guardian to inquire at once into the matter and report. I shall submit to the Court the result.

5. It will be observed from the papers noted in the margin that, in 1849, an inquiry was ordered by the Board to ascertain the rule of succession prevailing in this and the Tinnevelly Districts in the families of the Zemindars of the Kambala Thottiya caste, to which the family of the Bodinayakkanur Zemindari belong regarding the succession of sons by different wives. Mr Parker, the then Collector of this District, collected the opinions of all the Zemindars, and reported that succession was determined by the seniority of the wife, and not by the age of the son as regards all the wives and not the first wife only.

1. B. P., dated 11th June 1849.
2. Letter from the Collector to Board, dated 13th August 1849, No. 89.
3. B. P., dated 20th August 1849.
4. Letter from the Collector to Board, dated 27th August 1849, No. 97.

6 In the case of Rama Lakshmi Ammal *versus* Sivanatha Perumal Sathurayar, reported at page 571 of Moore's Indian Appeals, Volume XIV, the

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PART I.

In the Subordinate Court of Madura (West).

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Privy Council admit the importance and justice of giving effect to long established usages existing in particular districts and families in India, provided such usages are proved to be ancient and invariable by clear and unambiguous evidence.

7. The custom prevailing in this district among Zemindars of the *Thottiya Kambala caste appears to be that the right of a son by a senior wife, though junior in age, is preferred to that of a son by a junior wife though* senior in age. As to the question whether any custom can be proved to be ancient and invariable among a set of people so absolutely lawless as the Poligars were in former days, I cannot offer any opinion with much confidence. It is of importance that the question should be settled, and the only way to do so is to call all the Zemindars and others acquainted with the ancient customs of that caste.

8. The second allegation in the written statement is that the Plaintiff is an idiot. He is undoubtedly incapable of managing any business, and I think on this ground he cannot succeed.

9. I also propose to raise the question whether this uncle can maintain the suit. He could scarcely persuade any Court that he sues as the friend of the Plaintiff; or that the object of the suit is to advance the interest of the Plaintiff. Supposing the suit to succeed, it would still be necessary for the Court of Wards to protect the incapacitated proprietor from his uncle.

10. The suit is posted for the first hearing on the 21st instant, and application has been made to the Court for an extension of one month from that date.

Enclosure No. 1. Translation of plaint.

Enclosure No. 2. Draft answer.

This case is so much of importance, involving, as the claim does, the right to the enjoyment of a very considerable property, that the Court of Wards deem it desirable to furnish the Government Pleader with all the papers bearing on the case and to request that he will advise as to the pleas to be urged on behalf of their Ward, and furnish a written answer to be filed in the suit. The Collector will meanwhile be instructed by telegram to apply for an adjournment of the case for two months.

2. The Court of Wards observe that, in the case of the Urkad Zemindari referred to in paragraph 6 of the Collector's letter, the Courts expressly left untouched the question as to whether a distinction exists in favor of the younger son of a *first wife* and declined to express an opinion one way or the other, that point not being directly in issue. What was decided was that, as regards the rights of sons by different wives to inherit, priority in point of time of their mothers' marriages has never been regarded when the wives were equal in caste

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No. 96, Defendant's Exhibit XXXVII*a*.—Proceedings of the Board of Revenue, Madras, dated 19th July 1875. —*concluded.*

and rank, and that the rule of primogeniture holds good, unless the existence of a special family custom to take the succession out of the ordinary Hindu Law can be proved, in which case there must be evidence that the custom is ancient and continuous. The Collector alludes to the enquiries made in 1849 for the purpose of ascertaining the rule of succession prevailing in the families of Poligars in the Madura and Tinnevelly Districts and to the then Collector's report that all the Zemindars in the former District were of opinion that succession was determined by the seniority of the wife, irrespective of the first wife, and not by the age of the son. The balance of testimony on the part of the Tinnevelly Zemindars also, eight of whom appear to have belonged to the same caste as the Bodinayakkanur Zemindar, was to the same effect—*vide* Collector's letter, dated 24th August 1849. Unless this custom can be established by satisfactory evidence, however, the question of the earlier marriages, supposed to have been contracted by the late Zemindar, will be very material with reference to the point as to whether any distinction exists in favor of a younger son by the first wife. The Collector should, therefore, lose no time in obtaining definite information on this point, and should report the result of his inquiries without delay.

3. Probably the second plea of disqualification on the score of the Plaintiff's idiocy will be a better ground of defence than the allegation of a special custom which it will be difficult to prove, as, in the words of the High Court in the Urkad case, "what the law requires before an alleged custom can receive the recognition of the Court and so require legal force, is satisfactory proof of usage so long and invariably acted upon in practice, as to show that it has by common consent, been submitted to as the established governing rule of the particular family, class, or district of country, and the course of practice on which the custom rests, must not be left in doubt, but be proved with certainty."

4. As regards the third plea, the Court observe that the Indian Majority Act came into operation on the 2nd June, and that the Plaintiff is not affected thereby, as he had attained the age of nineteen years before that date.

(Signed) C. A. GALTON,
Ag. Sub-Secretary.

(True copy.)
(Signed) T. RANGA ROW,
Deputy Collector.

Subordinate Judge's Court of Madura (West).

No. 21 of 1889.

Produced on the 14th August 1890 by Defendant and filed on the 14th August 1890 as Exhibit XXXVII*a*.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 97. Defendant's Exhibit XXXVII*b*.—Proceedings of the Board of Revenue, Madras, dated 30th July 1875.

No. 97.

Defendant's Exhibit XXXVII*b*.

Proceedings of the Board of Revenue intimating the Government Pleader that the written statement furnished by him is not affected by the information given in the letter of the Collector of Madura.

Proceedings of the Board of Revenue, dated 30th July 1875, No. 2149.

Read the following letter from W. McQuhae, Esquire, Collector of Madura, to H. E. Stokes, Esquire, Acting Secretary to the Court of Wards, dated 26th July 1875, No. 322.

Adverting to paragraph 2 of the Court's Proceedings, dated 19th July 1875, I have the honor to report that it appears from the inquiries made by the manager and guardian that the late Zemindar of Bodinayakkanur married 6 wives; that the 1st and 4th had no issue; that he had daughters by the 2nd and 3rd wives who died during his life-time; that the mother of the minor was the 5th wife, and the mother of the Plaintiff, the 6th; that all the wives, except the minor's mother, pre-deceased the late Zemindar; and that she only survived him and is now alive. All the wives appear to be of the same caste. A statement showing the names of the wives and their fathers, dates of their marriages, &c., is herein enclosed for the Court's information.

Enclosure No. 1. Statement.

Communicated to the Government Pleader, in continuation of Court's Proceedings, dated 19th July 1875, No. 2018.

2. The written statement furnished by the Government Pleader with his letter of the 28th July, just received, is not affected by the information given in the letter above recorded.

(Signed) H. E. STOKES,
Acting Secretary.

(True copy.)
T. RUNGA ROW,
Deputy Collector.

Subordinate Judge's Court of Madura (West).
No. 21 of 1889.

Produced on the 15th August 1890 by Defendant and filed on the 14th August 1890 as Exhibit XXXVII*b*.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 98. Defendant's Exhibit XXXVIII*a*: Deposition of Muttuveerammal, late Zemindar of Saptur, dated 24th October 1885.

No. 98.

Defendant's Exhibit XXXVIII*a*.

Deposition of Muttuveerammal stating the No. of married wives, dagger married wives and concubines her husband had together with the number of children he had by them and those now surviving and how much was required for their maintenance, &c. and that widow marriage is not allowed in their casts.

24th October 1885.

BEFORE THE TAHSILDAR OF TIRUMANGALAM TALUQ.

Deposition of Muttuveerammal, wife of Nagayasami Kamaya Naiker Avergal, late Zemindar of Saptur of the said Taluq.

1. Myself, 1. Chinna Nagammal, 1. Muttu Chinnammal, and 1. Muttu Krishnammal, in all 4 people, the regularly married wives of the late Zemindar, are alive. Of these, I alone have 1st son Nagayasami and 2nd son Ramasami, thus there are only two sons. Of these, the senior son, Nagayasami was born on 21st Auni of Bhava year. It is his Horoscope that is now before the Court. I do not remember the year of birth of the other son, Ramasami. I will find out his Horoscope which is lying loosely somewhere and produce it. I think he is in his 4th year. I am not now pregnant. The others, the said 3 wives, are not pregnant. Chinna Nagammal and Muthukrishnammal, these, have no issue. The other wife, Muttu Chinnammal, has a daughter, named Nagammal, aged 3 years. She has no male child. The said Muthukrishnammal was married to the late Zemindar while she was young. The said lady was here for about 4 or 5 years. Thereupon she was unwilling to remain with her husband and submitted a petition to the Collector; Krishna Royer, the then Sub-Magistrate of Usliampatti Firkha, came and made inquiries. She thereupon went out to Uttappanayakkanur and lived there in her father's house, from that time to the death of her husband, the late Zemindar. After his death, she has now come here. And when she was thus in Uttappanayakkanur, she had nothing whatever for her maintenance, &c. from the Zemindar. Our caste is not one, that would allow widows to marry. I know that when the said Muthukrishnammal thus went out in the presence of the Sub-Magistrate, leaving the husband, as mentioned above, the said lady deposed that she has no right whatever to her husband, the Zemindar, or to his property. But as she has now come into the husband's house, it is but just that she should be allowed maintenance, &c. Of those who were married by my husband on sending out Jemuthadu, there are present here two women. The name of one of them is Muttukamakshi Ammal and that of the other is Nagammal. The said two women are not of our Tottiya Kambala caste. They are born of Kambalatar's illegitimate wives, that is to say, born of other caste women. The said Muttu-

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In the Subordinate Court of Madura (West.)

No. 98. Defendant's Exhibit XXXVIII*a*. —Deposition of Muttuveerammal, wife of the late Zemindar of Saptur, dated 24th October 1885. —*continued.*

kamakshi Ammal has no issue whether male or female. Nagammal has a male child aged 5 years. The said two women do not live with us in the Palace: but they lived in a building close to the south of the palace within the compound. Neither they nor their descendants are entitled to my husband's assets or liabilities. I heard read the list prepared for the jewels produced by Muthukamakshi Ammal. Of these one big gold (head jewel) Rakkadi of them estimated at Rupees 110 and a ring set with rubies valued at rupees 15 and these two were made by my husband for her. All other jewels were given her by her parents. I heard read the list prepared for jewels produced by the other wife Nagammal. A wreath of Karugamani (necklace), one only, was given her by the said woman's parents. The rest are jewels given her by my husband. Her parents also gave her a gold Pilakka Koppu (ear ornament), a Bulakku (nose ornament). and a necklace of corals. I heard read Saptur Ramaye's petition. She was for some time my maid servant. My husband cohabited with her. By him, she had a child and it died. Either at that time, or subsequently she was not living in the palace. She lives in a house in the southern street of the village. For some time he was paid Rupees 4 a month. That was given for her maintenance. She is a woman of low status of the servant class. She may now be paid from the Zemin funds for her maintenance at Rupees 5 a month. She is of a caste in which widow marriage is allowed. I heard read the petition of another woman Pachai Ammal. She too was my maid servant. The Zemindar cohabited with her too. 2 sons are born her by the Zemindar. One is of 7 years, and the other 4 years. She at no time lived within the limits of the palace. She is living in a separate house within the village. The Zemindar was paying her too at rupees 4 a month for maintenance. For her maintenance, and for maintenance of the sons, rupees 10 a month may be paid. Her sons should not be sent for study along with my sons. 3 sons are born by my husband to a woman called Sadaiammal. Eldest of them is aged 10 years, 2nd, 5 years, and the 3rd, 10 months. The said Sadaiammal is dead. There lives a woman who is her mother or maternal grandmother of the said boys. For maintaining the said boys, Rupees 15 a month may be paid to the said woman. Dagger wife Nagammal's son too should not read with my sons. My husband has no other illegitimate wives. Whenever my husband felt amorous, he would occasionally cohabit with any woman and pay her occasionally. This is all. There were concubines. My elder son should remain here for six months. For people would be coming for condolence from different places. I consent to his being sent for study to any other place after that time. Prior to my son being sent to another place for study, a gold bangle should be made and put on his hands and he be sent there. Ramnad and Gandamanayakkanur minors were thus given bangles and sent for study, and therefore, he should be sent in the same manner.

(Signed) Muttuveera Ammal.

(„) K. Narayana Iyer,

Ag. Tahsildar.

A. 78—89

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In the Subordinate Court of Madura (West.)

No. 98. Defendant's Exhibit XXXVIIIa. —Deposition of Muttuveerammal, wife of the late Zemindar of Saptur, dated 24th October 1885. —*concluded.*

Examined on the said date.—

I have said above that myself and 3 others were married at one and the same time. My husband had 4 elder and younger sisters. They took with them 4 Tirumangaliams (Talis) and tied talis to me and other 3 females at one and the same time. Hence, we four people were tied Talis equally. I was not living with Dagger married wives in the new house, which is the Tekku Védu (southern house). Nor did the said wives live with me in the big house where myself and others have been living.

(Signed) Muttuveerammal.
(Signed) K. Narayana Ayyar,
Ag. Tahsildar.

No. 21 of 1889.

Produced before the Commissioner. Filed as Exhibit XXXVIII.

(Initialled) C. V.

14—8—90.

No. 99.

No. 99. Defendant's Exhibit XXXVIIIb. Deposition of Muttukrishnammal, widow of the Zemindar of Saptur.

Defendant's Exhibit XXXVIIIb.

Deposition of Muttukrishnammal stating that she and 3 others were married at one and the same time and that widow marriage is not allowed in their caste &c.

24th October 1885.

BEFORE THE TAHSILDAR OF TIRUMANGALAM.

Deposition of Muttukrishnammal, wife of the late Nagayasami Kamaya Naicker, Zemindar of Saptur, of the said Taluq.

I have no issue. Nor am I pregnant now. Having left my husband, the late Zemindar, in the year Bhaghudanya last, I went to my father's house in Uttappanayakkanur, and lived there from that time up to the present. After the death of my husband, I came here. Unable to bear the trouble which I underwent at the hands of my husband, I wrote a letter to my elder brother, the Zemindar of Uttappanayakkanur. He informed the matter to higher authorities, and under orders of the Deputy Collector, Krishna Royer, Sub-Magistrate of Usilampatti, came and made inquiries. Thereupon I went to Uttappanayakkanur.

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No. 99. Defendant's Exhibit XXXVIIIb. —Deposition of Muthukrishnammal, widow of the Zemindar of Saptur. —*concluded.*

When I thus went I did not give a deposition before the Sub-Magistrate, stating that I have no right to the property of my late husband, the Zemindar. When the Sub-Magistrate came and asked the Zemindar, he said that he would gladly send me the next day. He sent me accordingly—the next day, after taking all the jewels which were with me. Our caste is not one, in which widows marry. Marriage ties were not put an end to between me and the late Zemindar. I am the 2nd wife of my husband, the late Zemindar; minor's mother Muttuveerammal is the 4th wife; Muttu Chinnmmal is the 5th wife; and Chinna Nagammal is the 6th wife. Hence, of the wives that are now live, as I am the first, order should be passed for my maintenance, to be paid according to my position. Tavasilingammal was married to my husband as 1st wife. She died. Thereupon, myself, Kamakshi Ammal, Muttuveerammal, and Muttu Chinnamal thus 4 wives were married at one and the same time. But Tali was tied in the order, I have stated above.

(Signed) Muttukrishnammal.

(„) K. Narayana Ayyar,
Ag. Tahsildar.

Produced by Mr. Subramani Ayyar, Collector's Record-keeper.

5—8—90. (Initialled). C. V.

Filed as Exhibit XXXVIIIb.

(Initialled) C. V.
14—8—90.

No. 100.

No. 100. Defendant's Exhibit XXXVIIIc. —Deposition of Muttu Chinnammal, widow of the Zemindar of Saptur.

Defendant's Exhibit XXXVIIIc.

Deposition of Muttu Chinnammal stating that she has a daughter, that her husband had two dagger married wives and they and the regularly married wives were living in one and the same place, &c.

24th October 1885.

BEFORE THE TAHSILDAR OF TIRUMANGALAM TALUQ.

Deposition of Muttu Chinnammal, wife of the late Nagayaswami Kamaya Naiker, Zemindar of Saptur of the said Taluq.

I have a female child. It is 2-8-0 years old. I have no other male child; nor am I pregnant now. 1. Muttukamakshi Ammal and 2. Nagammal were

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No. 100. Defendant's Exhibit XXXVIIIc. —Deposition of Muttu Chinnammal, widow of the Zemindar of Saptur. —*concluded.*

dagger married (wives) of my husband, the late Zemindar. They were not Kambalas by caste like myself. Muttukamakshi Ammal's mother belongs to Parivara caste. Her father was the junior Zemindar of Yelumalai. The said Muttukamakshi Ammal and 2. Nagammal are living in the building south of the palace. In that building the said women who were married before the dagger, myself and the other wives of the Zemindar, lived together. We lived together for about a year. The said Muttukamakshi Ammal and Nagammal have been living together with us in the big palace building.

(Signed) Muttu Chinnammal.

Examined immediately.—I heard the list made out for the jewels produced by Muttukamakshi Ammal read out to me. The gold big Rakkadee (head ornament) estimated at Rupees 110 mentioned in the list was made here only. But a big Rakkadee was made in her mother's house and given her. The Zemindar melted it and had it made according to the new pattern of the present day. I do not know who made it and gave her the gold ring set with 13 rubies produced by the said lady. I know that all the jewels worn by Nagammal were made and given her only by my husband, the late Zemindar. When Muttukrishnammal left the palace and went out of it I was living in the southern house called the new house. I do not know what deposition Muttukrishnammal gave before Usilampatti Sub-Magistrate.

(Signed) Muttu Chinnammal.

(„) K. Narayana Ayyar,
Acting Tahsildar.

Taken from the Court records. Filed as Exhibit XXXVIIIc.

(Initialled) C. V.

14—8—90.

Deputy Registrar.

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PART I.

In the Subordinate Court of Madura (West.)

No. 101. Defendant's Exhibit XXXVIIId. —Arzi submitted by the Tahsildar of Tirumangalam to the Deputy Collector of Madura, dated 11th November 1885.

No. 101.

Defendant's Exhibit XXXVIIId.

Arzi submitted by the Acting Tahsildar of Tirumangalam to the Deputy Collector, General Duties, Madura, reporting the death of the Zemindar of Saptur, what properties were left by him and proposing the arrangements in respect of the education and maintenauce of the minors and other members of the family, &c.

No. 783.

Tahsildar's Office.
TIRUMANGALAM,
11th November 1885.

From The Acting Tahsildar,
Tirumangalam.
To The Deputy Collector,
on General Duties, *Madura.*

Sir,

In obedience to your order, dated the 21st October 1885, No. B, I beg to submit my report as follows:—

2. Nagayasami Kamaya Naiker, the Zemindar of Saptur, died on the morning of the 14th October 1885 at the age of 36. A genealogical tree marked I is annexed showing the family left by the deceased. It will be seen from it that there are left 4 widows, named 1. Muttuveerammal, Muttukrishnammal, 3. Muttu Chinnammal and 4. Chinna Nagammal who had all been legally married to him. The 1st Muttuveerammal has two sons by him named Nagayasami Kamaya Naik, the former was born on the 24th "Auni" of the year Bava (6th July 1874) and is consequently now aged 11 years and 4 months, and the latter is about 4 years old. The elder son is entitled to succeed to the Zemindari.

3. The 2nd aud 4th Muttukrishnammal and Chinna Nagammal have no issue.

4. The 3rd Muttu Chinnammal bore a daughtar Nagammal, aged 2 years to the late Zemindar.

5. There are also left two women named Muttu Kamakshiammal and Nagammal who were united to him by what is known as "Jemuthadu" or "Kattari" ceremony. These two women, however, claim to be equal to the other legally married wives, but I do not think so. In "Jemuthadu" marriage the husband does not go to the bride's house nor is he present at the marriage as he does, in a proper form of marriage, that is, when he is married to a woman of his own caste, but sends his "Jemuthadu" to which the woman is married. It appears that this is done when the bride is of inferior caste. These two women are admittedly of inferior caste. The Jemuthadu marriage appears to be a refined and recognized form of concubinage amongst the "Thottiyars", to which caste the deceased belonged. A similar custom is said to prevail amongst the "Maravars" of Ramnad and Sivaganga, but the weapon sent there is a "Valeithadi" and not a "Jemuthadu."

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PART I.

In the Subordinate Court of Madura (West.)

No. 101. Defendant's Exhibit XXXVIII*d*. —Arzi submitted by the Tahsildar of Tirumangalam to the Deputy Collector of Madura, dated 11th November 1885. —*continued.*

6. The said Muttukamakshiammal has no children. Nagammal has borne a son named Sundaram, aged 5 years to the deceased Zemindar. Whatever may be the nature of the union of these two women to the late Zemindar, there can be no doubt of their claim to maintenance. They were and are living in a building adjoining the main building of the late Zamindar and within the compound. When he went to Jail last year, these two women were sent along with 2 of his legal wives to Bodinayakkanur to be taken care of by the Zemindar of that place.

7. The Zemindar also left 5 illegitimate sons by 2 ordinary concubines. They were not united to him even by the "Jemuthadu" ceremony. One of the said concubines named Sadiammai predeceased the Zemindar. She bore him 3 sons who are all alive. The eldest is aged 9 years, the 2nd, 5 years and the youngest or the last, 9 months which is in charge of Sadiammai's mother. The other concubine named Pachaiammal bore the Zemindar 2 sons, one, aged 6 years and the other, 4 years. These illegitimate sons and the concubine Pachaiammal appear to me to be also entitled to maintenance.

8. I may mention here that 5 petitions were presented to you by 5 women (named in the margin) claiming to be concubines of the late Zemindar; they have been referred to me for report. The 2nd petitioner Muttu Mari has a daughter aged 18 months and the 5th, Letchumi has 2 sons, one, aged 4 years and the other, 6 months. They state that they bore the children to the late Zemindar. The other petitioners have no children. The Zemindar's senior widow Muttuveerammal was examined by me in reference to the said petitions. She deposes that she knew that the Zemindar kept one K. Ramoyi and used to give her a small maintenance of Rupees 4 per mensem and that she bore him a child, but it died. She adds that she does not know that he kept any of the other petitioners.

1. K. Ramayi.
2. Muttu Mari.
3. Pethammal.
4. Ramoyi &
5. Letchumi.

9. The late Zemindar's storekeeper Vellaichami Pillay was also examined. He states, that under he Zemindar's order, he used to give to the petitioners one K. Ramoyi and 5. Letchumi and also one Pachaiammal (mentioned in para. 7 above) a daily ration of $\frac{5}{8}$ measure of rice and 8 pice each and that no rations were given to the other petitioners.

10. The 2nd and 4th petitioners Muttu Mari and Ramoyi admit that they were married to other persons before but obtained divorces from them and that thereon the late Zemindar kept them as concubines.

11. It is not satisfactorily proved that the petitioners were permanently kept mistresses of the late Zemindar or that he was the father of the children born to 2 of the petitioners. The Zemindar left no documents throwing light on the subject. It would be safer, I think, to leave them to establish their claim for maintenance in a competent Court of Justice. They all belong to Parivara caste in which remarriage is allowed. They appeared to have been kept

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No. 101. Defendant's Exhibit XXXVIII*d*. —Arzi submitted by the Tahsildar of Tirumangalam to the Deputy Collector of Madura, dated 11th November 1885. —*continued.*

if they were kept by the Zemindar at all, in a very poor state getting a little more than a famine ration.

12. Statement No. 11 shews the moveable property found after the death of the Zemindar and belonging to him. A detailed list thereof marked 111 accompanies. A copy of which has been given to the minor son's mother and a receipt taken from her. Another copy has been filed in Taluq record.

13. At the Zemindar's Treasury there was a balance of Rupees 148–0–11 according to the Chittah. At his house was found in cash Rupees 310-4-7. There are Government pro-notes to the value of Rupees 65,000. Of these Rupees are of $4\frac{1}{2}$ per cent. loan and Rupees of 4 per cent loan. Interest has not been drawn on them since . The gold and silver plates and jewelry amount in value to Rupees 29,137. Of these gold jewels and silver plates worth Rupees 3,772-11-0 have, with your permission, been left in charge of the Zemindar's widows for their and the minor's personal wear and use. The remaining gold and silver plates and jewelry may be retained.

14. The balance of paddy which remained in the Zemindar's granary on the date of his death was 1,183 "Kottais' (a "Kottai" is equal to 135 measures) 9 maracals and 6 measures. This will go to meet the funeral expenses of the late Zemindar, for which Rupees 2,000 and 20 "Kottais" of paddy have been sanctioned, and the current expenses. There was a wastage of very nearly 131 "Kottais" of paddy. The total quantity of paddy stored in the granaries in January, February and March 1885 was 4,982 "Kottais". The wastage therefore amounts to 2·625 per cent.

15. Copper and brass vessels and furniture valued at Rupees 1,258-8-0 have also been left in their charge.

16. There are 64 guns including some very superior and valuable rifles, gun and revolvers. They are not likely to realize the prices that the late Zemindar paid for them, at a public auction as only a privileged few can bid at it. The valuable guns, rifles and revolvers 26 in number, a few State swords and other weapons have been recommended to be retained. *Vide* statement No. 111. The others may be sold.

17. A quantity of ammunition, enough perhaps to wage war on a small scale, was found in the late Zemindars's possession. They may be sold.

18. The quantity of arms and ammunition found shews that some rule is necessary restricting the quantity to be possessed by these Zemindars.

19. Allthe furniture may be retained as they can find no sale at Saptur and as it may cost much to remove them to Madura for sale there. I have left 2 tables (one large and one small), 6 chairs, 11 desks and some boxes for the use of the manager and his establishment.

20. The cloths and dresses found are valued at Rupees 2,916, amongst which there are a few new cloths said to have been purchased by the late Zemindar for the ceremony of piercing holes on the lobes of the ears of his 2 legitimate sons. Their mother desires that new cloths be retained as the ceremony should be performed a few months hence.

21. The old and ordinary cloths may be given to the widows. The dresses worn by the late Zemindar may be retained for use by the senior minor. They may either be re-stitched so as to fit him or reserved till he grows a little older.

22. *Watch and clocks.* The gold watch by Dent and a gold chain may be given for the use of the senior minor. The carriage clock may be sold. The ordinary clock is placed at the entrance to the Zemindar's house and the time pieces at the manager's office. They may be left there. It is reported that the Assistant Surgeon took a silver calendar watch belonging to the late Zemindar as a loan when he went to Madura from Saptur. He has not yet returned it. I have written.

23. *Musical instruments.* They are mostly native musical instruments. The widows state that they are rare instruments and desire that they be retained It may be done.

24. *Vehicles* and *carriages.* The planquins may be retained. The minor son's mother requests that the bullock coach and a cart may be given her for use. The rest may be sold.

25. *Horses.* There is a very old horse and a pony. Both may be sold. The Zemindar of Kollankondan in Tinnevelly District is said to have taken the loan of a country pony from the late Zemindar. The Tahsildar has written to him to return it.

26. *Harnesses* and *saddles* may also be sold except a saddle which may be retained for the use of the senior minor.

27. *Tratting* and *Jellikut bullocks* may be sold except a pair of the former for the use of the minor son's mother as requested by her.

28. The *cattle* and *sheep*, the *pigs*, the *cats*, the *dogs*, the *ducks* and the *geese* may all be sold.

29. *Wrought and unwrought timber, stone and brick.* The late Zemindar procured these, it appears, for raising a three storied hall in front of his house. A portion of the foundation has been built. The minor son's mother requests that the materials may not be sold but retained for building the hall.

30. As regards the remaining things, I beg to refer to my remarks in statement No. III.

31. The Zemindari of Saptur is a permanently settled Estate consisting of 17 villages. Their total area is 78,664 acres and their population according to

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the last Census is 16,361. This Zemindari was formerly attached to the Tinnevelly District. It was transferred to this District in the year 1860. It has not been demarcated and surveyed. Advantage may be taken of the present opportunity for introducing demarcation and survey as the Estate will remain under the management of the Court of Wards for ten years. A statement No. IV is sent herewith showing the ayacut holding and cultivation of the villages belonging to the Zemindari. The correct beriz is not known as it is stated that no abstracts of accounts or Jamabandi accounts were prepared for several years past.

32. The late Zemindar had a private farm consisting of 3,381 acres of punja assessed at Rupees 3,121 and 381 acres of nunjah. He also had a number of cattle and sheep to manure and cultivate the said fields. The fields have been let to ryots this year for cultivation. The cattle and sheep have been recommended to be sold.

33. There are 18 private topes belonging to the late Zemindar whose aggregate area is 363 acres. The total number of trees in them is roughly, 18,000. The chief varieties are cocoanut, Mango, Tamarind, Iluppai, Jack, Sandalwood, Palm, and other fruit trees. 10,000 of them are still young. Their age is 5 years and under. The annual income derived from the topes is estimated at Rupees 1,200 per annum. The late Zemindar had an establishment of 63 persons costing Rupees 242-15 per mensem to look after the said topes. As it is now rainy season, the establishment has been cut down to 26 persons costing Rupees 104 per mensem. They will look after the trees and repair the fences and prevent the trespass of cattle and sheep. During the hot season, a temporary establishment will have to be employed to water the young trees. The late Zemindar had a great passion for tree planting and intended, I am informed, to considerably extend the topes, for which there is ample scope.

34. He had puttah lands in the Government villages of Vandari, Vathrap &c., aggregating in extent to 299 acres assessed at Rupees 612-4-8 per annum.

35. The Zemindari contains large and valuable forests. There is a high range of mountains called Thoppu Malai about 3,300 feet in height. It appears that the late Zemindar intended to form a cardamom plantation on it for which it is said to be highly fitted. He had also formed a small coffee plantation on the slopes of Sathuragiri Hills, about 14¼ acres in extent. It was first planted 3 years ago. There is a maistry employed on it on Rupees 7 per mensem.

36. The Zemindar had 2 tracts of "Sireingadoo" or jungle preserves for games, one, near Saptur, about 4 miles in length and 1½ miles in breadth and the other, near Podickolum, about 5 miles in length and 3 miles in breadth. The jungles have been admirably conserved and abound in game. They cover the sources of various streams and should, I think, continue to be conserved. The Tahsildar has issued a notice forbidding any one to enter and hunt or shoot game in the Zemin forest without the permission of the Collector and that any person who contravened the said notice would lay himself open to a

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criminal prosecution. This notice he issued as he had reason to apprehend that people were contemplating to enter the forests and shoot and kill game there without permission.

37. The Zemindar maintained a Forest establishment of 52 persons costing Rupees 211-14-0 per mensem. He also fed and clothed gangs of hill men 146 in number to collect various hill products.

38. The Forests may, I think, be handed over to the management of the Government Forest Department. Till then an establishment of 30 persons costing Rupees 105-14-0 per mensem will be maintained to conserve the forests. The hill men will continue to receive the usual ration for collecting and delivering the hill produce. The ration per day for an adult is $\frac{5}{8}$ measure of raggy and 2 pies and for a Juvenile $\frac{5}{16}$ measure of raggy and one pie. The manager has been requested to see that the value of rations given does not exceed the value of produce delivered. These hill men live in a semibarbarous state. They are stunted black men with short and curly hair. They were entirely dependent on the late Zemindar for their food and clothing. They reside on the hills and are not accustomed to do work on the plains. They alone can gather honey from steep rocks. I think that the Paliars should be fed and clothed till the hill produce is rented out, when the renter will, of course, employ, and take care of them.

39. As already stated, there are no abstracts of accounts showing the receipts from the various sources of revenue. The annual income is roughly estimated at about Rupees 50,180, *vide* statement No. V.

40. There are no accounts to show the debts due by the Zemindar. One Savundi Chetti of P. Thottiaputti Village has presented a petition stating that Rupees 1,705-9-0 is due to him from the late Zemindar on a debt bond executed by him. He has produced a copy of the bond. He also showed the original to me and took it back. The bond is unregistered, but it appears to be genuine. The interest is chargeable at 18 per cent. per annum. If the repayment of the debt is sanctioned, it may be paid out of the revenue of the current Fusli.

41. One Narasanna Naik of Madura has presented a petition to you claiming Rupees 10,000 from the late Zemindar on account of loans received from him and his father-in-law on various dates, and interest thereon. The petition has been referred to me for report. I got it only on the 8th instant. In the petition he promises to produce evidence of the loan at the time of inquiry. The evidence on production will have to be checked and compared with the Zemin records. As you have ordered this report to be submitted at once and as it cannot be delayed pending my inquiry into the said matter I will enquire into and report on it separately at an early date.

42. The debts due to the Zemindar amount to Rupees 67,732. Of this Ruyees 55,505 were lent to the Zemindar of Kannivadi on 2 bonds on the first

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mortgage without possession of Aiampoliem and another village. The late Zemindar filed a suit for the recovery of Rupees 5,505 due on one of the said 2 bonds in the Madura West Sub-Court and obtained a decree for it. The execution of the decree should be applied for at once. A suit should also be filed, I think, as early as possible for the recovery of Rs. 50,000 due on the other bond as the Zemindar of Kannivadi is said to be heavily indebted. The remaining debts consist mostly of small sums due from various persons. They were not actual loans but rents due from tenants for which they executed bonds. A portion of it may be recovered amicably from the debtors. The manager may be directed to try and recover as much of the debt as he can and to apply for filing suits for the remainder, if the debtors are found to be solvent.

43. Statement No. XI shews that suits and appeals, 48 in number, in which the late Zemindar was a party, were pending on the date of his death. They should be attended to at an early date. There is also a dispute about Mathur village between the Zemindar and the Collector of Tinnevelly. It is now pending before the latter officer.

44. At the time of his death, the Zemindar had an establishment costing Rupees 892-7-0 per mensem. With your sanction it has been reduced to Rupees 466-12-0 for the present. When the Estate is taken under the management of the Court of Wards, the establishment should be fully revised. It may be more efficient by reducing the number of hands and giving them more pay, and I beg to submit a draft list for consideration as the nunja lands in the Zemindari pay varam in kind. Provision has been made for a temporary establishment at the time of harvest.

45. You are aware that, as it was found to be inconvenient and open to objection to grant daily allowance in rice, &c., to the wards and widows of the late Zemindar, money allowances have, with your permission, been given them from the 24th October 1885 as shown in the accompanying statement. I also beg to submit a draft list showing the rate of allowance which may be granted them, for approval.

46. Muttuveerammal desires that her brother Nagayasami Naidu be appointed guardian to her 2 minor sons. He is related to the Zemindar of Peraiyur and appears to be a respectable man. He may be appointed guardian as desired by the minor son's mother.

47. The senior minor Nagayasami, the successor to the Zemindari, is, as already stated, 11 years and 4 months old. He now reads Garthwaite's English Second Reader. His tutor is a youth still in his teens. He has passed no examination. His knowledge of English is very limited. I would suggest that a competent tutor be appointed at once and sent to the minor till he is removed to Madras which may be done in the beginning of 1886 on the expiry of Christmas vacation. His mother wishes that he should be allowed to stay at Saptur for 6 months more. I think the period is too long. It would be enough if he stays there till the middle of January next. She also requests

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that a pair of gold bangles be made for her son before he is sent away to study as the minors of Ramnad and Gandamanaikanur wear gold bangles.

48. The junior minor Ramasami is only four years old and too young to commence his studies.

49. Of the 6 illegitimate sons, 5 were reading Tamil at Saptur under the tutor mentioned above. I think it but just they should also be educated at the cost of the Estate. The Zemindar's widow Muttuveerammal wishes that they should not be allowed to read with her sons. Arrangements may be made to educate the illegitimate sons separately at Madura.

50. The gold and silver plates and jewelry, the Government Pro-notes and the tusks are secured in the Zemindar's treasury room and sealed. The cloths, furniture and other things have been secured in an adjoining room and sealed. A guard consisting of a Head Constable and 5 Constables has been placed over the 2 rooms. A guard of 3 Constables is posted at Kodickolum to watch the granary there which contains 726 Kottais of paddy valued at nearly Rupees 4,300-0-0. The cost of the guard will have to be paid from the funds of the Estate.

51. The Zemindar had the management of 3 Devastanams, Paleiyur, Kylasapuram and Mahalingasami on the Sathuragiri hills. Paleiyur village is attached to the pagoda bearing the same name. Its income for Fusli 1,294 was Rupees 1,458-14-4. Deducting the expenditure up to the end of October 1885, there remains a balance of Rupees 334-10-9. Kylasapuram has an endowment of 214 acres of punjah assessed at Rupees 398. Mahalingam has to depend mainly on the presents given by devotees on festive occasions. Its income for Fusli 1294 was Rupees 693-3-3. The balance to its credit on the 1st November 1885 was Rupees 251-8-4. These balances were not kept separately but amalgamated with the Zemin money. After verifying the balance by checking the accounts, they will have to be made good to the respective Devastanams. A statement is sent showing the financial condition of these Devastanams.

52. There was also a chuttram under the management of the Zemindar. Its endowment consists of Magamei collected on the total yield of nunja crops before the division of the waram between the landlord and the tenant at the rate of $1\frac{1}{2}$ measures per "kottai" of outturn. For Fusli 1294, it amounted to 67 and odd "kottais" of paddy valued at Rupees 400. As in the case of pagoda funds, the late Zemindar amalgamated the chuttram paddy also with his own private paddy and carried on the charity on a liberal scale, out of his general revenue. He kept no separate accounts for the expenditure. It is therefore not possible to find out what balance there is now to the credit of the chuttram. The present manager of the Estate however states that the proper expenses up to the end of October 1885 amounted to Rupees 335-5-6 and that there must therefore be a balance of Rupees 64-10-6, from which he requests that the charity may be continued. The chuttram was closed on the death of the Zemindar and may now, I think, be opened and the charity resumed. It

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appears that the chuttram was kept open when the Estate was under the management of the Court of Wards last.

53. With reference to Standing Order No. 186, I beg to forward herewith a list showing the subsequent Inams existing in the Estate and will submit a detailed report regarding them in due course. It appears that these Inams were in possession of the present occupants or of their previous holders even when the Estate was under the Court of Wards' management before.

54. Budget estimate of receipts and charges for Ayan Devastanam and chuttram for the unexpired period of Fusli 1295, that is, from 1st November 1885 to 30th June 1886, are submitted for approval.

55. There is an elephant given as present by the late Zemindar to Paleiyur Devastanam, but he was maintaining it at his own cost as that pagoda was not sufficiently well to do to afford the cost of maintaining the elephant. I request instructions as to whether it should still be maintained at the cost of the Estate or whether it may be sold. If the former course is adopted, I request that the cost of maintenance (of which a list is herewith sent) may be entered in the Budget.

56. In submitting the records of inquiry in connection with the petitions of Muttukamakshiammal and Nagammal, I beg to report that it appears that all the jewels which the former wore and delivered before you were presented to her by her mother except a gold big "Rakkadi" and a ring with an emerald stone. The jewels that Nagammal had and delivered appear to have been given her by the deceased Zemindar except a neck jewel called "Karukamoni korvai".

57. With reference to your order on 2 petitions of Muttukrishnammal, I beg to refer to my Arzi, dated the 22nd October 85, No. 773 (herewith sent). No maintenance was assigned her on the Magisterial side. When she left the deceased Zemindar's house 8 years back, he took away all the jewels that she wore and gave them to his other wives. As requested in my former Arzi, the former records in your office bearing on the subject may be consulted before a fixed allowance is granted her permanently.

58. A palanquin is reported to have been sent to Madura to convey the Assistant Surgeon to Madura with directions to leave it at the Zemindar's house at Madura after leaving the Assistant Surgeon at his house. There is no palanquin mentioned in the list received from the Madura Tahsildar. The Assistant Surgeon has to be addressed on the subject.

59. Of the existing establishment, there are a few efficient and experienced men. It will be an advantage to the Estate to retain their services in the new management.

I beg to remain,
Sir,
Your most obedient servant,
(Signed) K. NARAYANA AYYAN,
Ag. Tahsildar.

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No. 102.

IN THE SUBORDINATE COURT OF MADURA (WEST.)

Original Suit No. 21 of 1889.

Plaintiff's 1st witness solemnly affirmed.

Name	... ...	Periya Vettu Mahalinga Naik.
Father's name	... ...	Nagamuthu Naidu.
Age	... ...	38.
Caste	... ...	Kambala.
Occupation	... ...	Ryot and Periya Vettu Naik.
Residence	... ...	Saptur.

I knew the late Zemindar Nagayasami Kamaya Naiker [senior] the father of Plaintiff and Defendant. I have known him since my infancy. I hold the office of Periya Veedu in the Saptur Palace with reference to the Zemindar. I act as the chief person both in auspicious and inauspicious ceremonies that take place in the Palace. I perform the rites and sastrams. I mean marriages as auspicious ceremonies and funerals as inauspicious. Others take part in these ceremonies along with me. Kodangi Naik and the relations assembled take part in them. I know of the marriages of the late senior Zemindar Nagayasami. He first married the daughter of Mulipatti Zemindar. Her name was Thavasi Ammal. This marriage took place 20 or 22 years ago. She died 5 or 6 or 7 or 8 years ago. The late senior Zemindar Nagayasami married again 4 wives. Of these, the first was the daughter of Koppayanaikkanur Zemindar, named Krishnammal. She died about 10 years ago. Next the daughter named Muttu Krishnammal of the Zemindar of Uttappanaikkanur. She is alive; next Muttuveerammal, the elder sister of the present Zemindar of Paraiyur and the mother of the Defendant; the fourth was Muttu Chinnammal of Elumalai. She was, when a child, brought up by the Elumalai Zemindar and given in marriage to the late senior Zemindar. It is usual to call Muttuveerammal as Paraiyur Ammal because she was born there. Similarly Muttu Chinnammal was known as Elumalai Ammal. The Paraiyur Dorai gave Muttuveerammal in marriage to the late Zemindar. By Paraiyur Dorai, I mean the Zemindar of Paraiyur. His name was a long one and I am unable to give it. 4 or 5 days after the said four marriages, the late senior Zemindar married Muttukamakshi Ammal, daughter of the Chinna (junior) Zemindar of Elumalai. Next he married Kumarammal and Nagammal. These he married on the same day and at the same time. Kumarammal and Nagammal were sisters, the former being the elder. Kumarammal is dead and Plaintiff's mother, Nagammal, and Muttukamakshi are alive. Healso married Mangaleiswari, a moniyagar

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woman of Kalpothu. She was the daughter of the Moniyagar Zemindar of Kalpothu. He also married Chinna Nagammal of Bodinayakkanur. The Zemindar of Bodinayakkanur gave her in marriage. She is dead. Mangaleiswari is alive, but she left the Palace and went away. I officiated in the marriages of Kumarammal and Nagammal. That was the first occasion. I officiated as Periya Vettu Naik in the marriages. In other marriages I was present with my father. I officiated also at the marriage of Bodinayakkanur Ammal. This took place at Bodinayakkanur. I was present and officiated at the marriage of Mangaleiswari with the late senior Zemindar. I did not officiate at other marriages. My father was Periya Vettu Naik before me to the Saptur family. My father officiated as Periya Vettu Naik in the Zemindar's marriage previous to those of Nagammal and Kumarammal. I was present with my father at the marriage of Thavasiammal and the 4 marriages which took place subsequently. I was present at Muttukamakshi Ammal's marriage. I can state the ceremonials which take place generally at Kambala marriages. First Eating rice and Dholl and that is at the time of Nischaya Thambulam *i. e.*, settling bride and bridegroom and fixing the day of marriage. Then betel and nut are distributed. This may take place either in the bride's house or the bridegroom's house. The second ceremony is the pounding of paddy by females on an auspicious day. This is done in the bridegroom's house. The rice is prepared for use in the ceremonials. The third ceremony is the distribution of betel and nut to Zemindars, ryots and others inviting them for the marriage. Next betel and nut is served to certain Kumblathars for bringing poles &c., for the marriage huts. The betel and nut is served to all Kumblathars, but 4 or 5 of them would go and cut and bring the timber. It would be kept at "Mandai". Ryots such as Bommaya Naik and others of Kambala caste would cut the timber. When the materials are brought, two huts, one for the bride and the other for the bridegroom would be put up. In front of the bride's hut a pandal would be erected on 12 posts. In front of the bridegroom's hut, two posts would be fixed for tying Thoranam (festoons). After the huts are erected, those who erect them would be presented with rice and betel and nut and I and the Kambalas assembled would take them to the bridegroom's house with "*Urumi*" drum beating. There they would be fed. Next cereals "*Navadhanyam*" would be placed in a basket with a fanam or so of copper and it would be taken in pomp by a female to a shop. Then saffron, salt, betel and nut and some other provisions or articles would be purchased. The things are purchased for form's sake to show as if provisions were purchased for marriage. This ceremonial is called "Santhai Putti" "fair basket." Then the bridegroom is shaved in state. Then lac bangles are put on the bride by bangle sellers. The bridegroom bathes and he is dressed in new cloths. Then the mother-in-law or the bridegroom's sister will put on his toe a silver ring. The bride will then be dressed in a new cloth. Two toe rings are given to the bridegroom for each toe. The women present will sing. In lieu of toe ring, the mother-in-law may give money. Then the bride and bridegroom will be given cakes made of the flour of rice prepared for use in ceremonials. The rice is beaten into flour and this is called the "*Mavupaniyaram*" ceremony. The bride and bridegroom are made to sit together in the Mutham of the bridegroom's house. Then milk is brought in

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a cup, and the bridegroom will have a turban on his head. Betel leaf is put into the cup or plate, also a white stone bead *i. e.*, a chank bead and a Vanki-jewel would be put into it. Then milk taken with betel leaf would be put on the forehead of the bride and bridegroom. This would be done by the parents and relatives of the bride and bridegroom and also by those who officiate at the ceremony and respectable people present. Then the bride and bridegroom are conducted to the marriage huts. The huts are put either in front of the house, if there is vacant ground or in the village common (mandai). As soon as the bridegroom approaches the posts fixed for the Thoranam, slippers are given both to the bride and bridegroom. Each is given a pair of slippers. Then the bridegroom goes to his hut and the bride to hers. The cobbler supplies the slippers. Sheep is then slaughtered in front of the two huts and the blood mark is put on the forehead of the bride and bridegroom to avert the influence of the evil eye. Then distribution of betel and nut takes place to the relations assembled. Then a plate is brought with some rice, a new cloth, betel nut, saffron, Bottu, silver bangle and a nose ornament "*Thalukku*" placed in it and this is placed before the bridegroom, by whom and the relations assembled, it would be touched and blessed. Then the bridegroom's sister or a female standing in the relation of sister would take the plate to the bride's hut, and the female would tie the Bottu or Thali to the neck of the bride. The cloth placed in the plate is called "*Kalliyana Kandangi.*" Order is given to the weaver, advance is made and "*Kandangi*" is procured for the marriage. The "*Kandangi*" cloth is given to the bride. A portion is tied round the waist, and a portion over the he ad and back. The bride then covers her face just leaving enough to enable her to see. Then betel and nut are distributed to the relations after Bottu is tied. The bridegroom remains in his hut when the Tali is tied to the bride; after distribution of betel and nut, the bridegroom and bride meet at the Thoranam posts and bridegroom goes first, the bride following. They go to the bridegroom's house and then they separate each going to a different room. Then the relation bring 7 kalams of kambu grain to the place where the bride and her mother are, and give it to her mother as Parisam. 7 kalams are not usually brought, but a handful, and a show of measuring out 7 kalams will be made. Then the potter would bring a pot. For us, it is Bottu Panai and for these, it is Arasani Panai. In Telugu, the pot is called Bottu Kodam, while in Tamil it is called Arasani Panai.

Late. Next Court 8—7—90.

(Initialled) C. V.

(Signed) Mahalinga Naiken.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 8th July 1890.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

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Near the pot will be placed one or two measures of paddy and betel and nut will be placed on it. The potter will offer Benzoine incense to the pot. He will be given 7 measures of kambu and 7 fanams. The bride will also be given 4 or 5 measures of kambu and 2 or 3 fanams. Horsegram 4 or 5 measures would be placed before the bride and bridegroom. The drummer brings "Bhasingam" made of palm leaf. He is given 5 measures of kambu grain and horse gram. The Bottu pot and a basket containing a bow, a winnow and saffron cloth are taken to the huts of the bride and bridegroom by the relations of each. The pot and basket are carried by fanams. Then the feet of the bride and bridegroom are washed in water in a plate placed on a stool. Then the bride and bridegroom seperate and each goes to his or her hut. There will be food in the basket, and this with the bow and arrow will be taken by the bridegroom who, accompanied by the Naik officiating, will go round the hut and worship near the Thoranum post. This is called *Ambuvesai Sastram* "arrow shooting ceremony." The bridegroom then returns to his hut. He is tied Bhasingam over his forehead. He sends flowers, betel nut and cloth to the bride as "varisai" present. Then the bridegroom sends the silver bangle to the bride. This is placed in a plate and taken to her hut. Then Virakadu Sastrum is performed. This consists in rice being placed in front of the Thoranam post and worshipped by the bridegroom. Then the bridegroom remains in his hut, while the bride returns to the place in the house which she occupied. The mother-in-law then takes food to the bridegroom in his hut. Then the bride returns to her hut. Then the wife of a dayadi of the bridegroom brings a pot, and 3 boys will bring salt pots. Then the bridegroom will rise from his hut and come out. A house will be ready; betel-nut and a fanam will be offerred to the horse. The bridegroom gets on the horse and goes round the bride's hut 3 times with music. Then he comes down and he is then led on to the front of the bride's hut by his maternal uncle or relations. The bride's uncle and relations will conduct her to the bridegroom and both will then sit down. Then betel, milk and chank-bit will be placed in a plate and the hands of the bride and bridegroom would be joined. The 2 or 3 Naiks officiating will take the milk and sing in Telugu and they will touch the forehands of the bride and bridegroom and then repeat some verses exhorting them to be constant and faithful to each other. Then the Sesha ceremony would be performed. Some Kambu would be thrown behind the bride and bridegroom. Then marriage presents would be offered by uncles, brother-in-law, father-in-law and relations. The *moi* or presents will consist of cash payment of 2 and 4 As. and more according to the pleasure of each. Then the puja pot ceremony is performed. Four pots will be placed behind the bride's hut in 4 corners, round which would be passed thread. Inside this square would be placed two stools, on which the bride and bridegroom sit, and then water would be sprinkled over their heads to show as if they bathed. Then the bride and bridegroom go to the latter's hut. The puja pot ceremony will be repeated behind the bridegroom's hut. Then the Jakkamma Mokkai sastrum is done. That is, cake is placed in front of the Thoranam post and the goddess is worshipped. The thumbs of the bride and the bridegroom will be fastened by thread and this is Muttikatti Sastrum. Then the tie will be unfastened and then the bride and bridegroom will return

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to the latter's hut. Then the curd churning ceremony and the paddy pounding ceremony are performed. Then the Kambalas will blow horn and make a show of going to hunt. A dayadi's child will be brought and put into the hands of the bride. She will then present it to the bridegroom. He will take it and then return it to her. Then the bridegroom will go *Yekalichi* together *i. e.*, the bridegroom in front and the bride following to the house of the bridegroom. Then a sheep is slaughtered and the blood mark put on their forehead to avert evil influence. Alathi will also be offered by females who will be given some money besides betel and nuts. If village servants, such as washermen and others demand payment at the time of *Yekalichi*, they would be given some money and grain. After going into the house, the parents of the bride and bridegroom will be worshipped. Then "*Thoraimithikkapogirathu*" "going to the well" takes place (water drawing ceremony) and 5 or 7 pots of water would be brought. The bride will carry cowdung and then the bride and bridegroom will worship gods and elders and then 9 betel leaf ceremony is done. Then the child's cradling ceremony is done. Then the *Urumiyerakkirathu* "the bands of the drum are lossened" takes place. The drummer is presented with money. Then the relations disperse and, sometime after, the bride and bridegroom go to the bride's parent's house. These are the details generally of Kambala marriages. There may be one or two omissions in these ceremonies, but substantially many of them are performed. The bridegroom will have an upper cloth dyed in saffron. All these ceremonies were performed on the occasion of the marriage of Thavasiammal. They were also observed on the occasion of the subequent 4 (four) marriages contracted by the late senior Zemindar. The same ceremonies were observed on the occasion of the marriage of Muttukamakshi Ammal. I did not notice all the ceremonials that took place, but there was a dagger which was given into the hands of Periya Vettu Naik and then the plate containing the tali, cloth &c., which was placed near the Zemindar, was touched by him and relations and taken by a female cousin of Zemindar and the dagger was placed before the bride and the Tali was tied to the bride by the said female cousin related to the bridegroom as sister. I took the dagger *i. e.*, my father took it. My father was alive at the time of the marriage of Kumarammal and Nagammal, but, as he was very ill, he deputed me. Their marriages took place according to the custom of Kambala caste above described and, in addition, there was the dagger. The next marriage which was of the Bodinayakkanur Ammal took place at Bodinayakkanur and was done in the same fashion, but there was no dagger. The next marriage was that of Mangaleiswari. It was done without the dagger. This marriage took place at Saptur. The caste Kambalas refused to attend that marriage, though they were served with betel and invited. I and other Naiks, 2 or 3 residents of Bodinayakkanur, performed some sastras, brought the girl to the hut and tied the Tali. Two huts were erected. Some female relation of the bride tied the Tali. The Zemindar was seated on a pial at some distance from the hut. Then the Zemindar came followed by the bride and they entered the Palace. The Zemindar had the dagger with him at the time he married Thavasi Ammal and 4 other ladies subsequently. The daggar is not sent when the daughters of Zemindar are married, but when daughters of junior members of Zemindar's families and of ryots are married, the

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dagger is sent. The late senior Nagayasami Kamaya Naik had concubines. No ceremonials of the kind above mentioned took place at the time they were taken in as mistresses. Any of these ceremonials cannot be performed in their case. No ceremony of any kind is performed. I know of the death of Kumarammal. Funeral rites were performed on her death. I officiated as Pariya Vettu Naik on the occasion. New cloth was brought by the parent's of Kumarammal and then her corpse was shrouded in it. Sandal and rose water &c., were applied to the corpse. Then it was carried in a Palkee. A grinding stone was carried by a slave Pallan. That stone was given him. After the corpse is placed on the pile, rice is thrown into its mouth, and then fire is set. Then, on 3rd day sastram is done *i. e.* ashes are collected and milk &c, are sprinkled. The relations are fed. On the 7th day we go to a well and make an image, which is buried in a pit, and, on the same day, headkerchief is tied to the person who set fire to the pile. No other ceremony is done. These rites are not done in the case of concubines after their death. On the 9th day, stone is planted and rice flour, betel and incense are offered to it. This was done to Kumarammal. The fixing of stone and the carrying of grinding stone cannot be done to the corpse of a concubine. I was present at the death of Chinna Nagammal and officiated at her obsequies. There was no difference between the rites performed at her obsequies and those of Kumarammal. Her corpse was cremated at "Mala Thoppam." That was the place where the Zemindar's corpse was cremated. Chinna Nagammal's corpse was also cremated there. The corpses of others who are not members of the Zemindar's family, are not cremated there. I knew a woman named Sadayammai. She was a Marava and a concubine of the late senior Zemindar. She died 4 or 5 years ago in Saptur in the house built for her by the Zemindar. He was alive at her death. Her corpse was burnt near Vadagarapatti the common burning ground of the village. The corpse of Zamindar's concubine cannot be burnt at Mala Thoppam. The Saptur Zemindars belong to the sub-division of Kattari Palavar Kambala. I belong to the same sub-division. I and the Zamindars of Saptur are dayadis; the Paraiyur and Mulipatti Zemindars are Sillavar Kambalas. There are 10 or 15 sub-divisions of Kambalas, such as Kamavar, Sillavar, Errivar, Karrivar, Jellivar, Vallakavar, Kampuraju, Namavar and others. Members of the same sub-division or gotra cannot intermarry. A Palavar cannot marry a Palavar. I know the 3 sons of the late Zemindar. Their ear-boring ceremony took place 2 or 3 years ago, after the death of the Zemindar, at one and the same time and at the same place. I was present. The goldsmith came and bored the ears. Other marriages took place in Saptur Palace, at the same time that Kumarammal and Nagammal were married. They took place in the compound of the Palace. Thathaya Naik and Thumbayasami Naik were married. Thumbayasami Naik is the brother of Nagammal and Kumarammal. He married the daughter of Jakkama Naik, the son of Mulipatti Lingama Naik. Jaggama Naik is a Kambala of Kambaraju sub-division. Ramasami Naik is the brother of Jaggama Naik. Their sister was Suppammal, the wife of Paraiyur Muttuvirasami Naik. That Suppammal was the mother of plaintiff's mother, Nagammal. The name of Thumbayasami Naik's wife is Jakkamma.

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Thathaya Naik married Lingammal, another daughter of the said Lingama Naik. Ramasami Naik married the daughter of Sankaralinga Naik of Athipatti. Sankaralinga Naik is a Kambala of the Palavar tribe. He is my dayadi. He has 4 sons, named Ramasami, Thathaya, Muthu and Alagiri. The same Thathaya Naik is the husband of Lingammal. His sister is the wife of Ramasami Naik, brother of Jaggama Naik. I officiated as Pariya Vettu Naik at the marriages of Thathaya Naik and Thumbayasami Naik. The same ceremonies were observed then. The offspring of a concubine of a Kambala Zemidar are regarded as Kambalas and the ceremonies of Kambalas are observed in their case.

Question :— Is there any difference as regards succession and enjoyment of property between sons born of a dagger wife and the sons born of a wife married without a dagger.

The Advocate General, on behalf of the Defendant, objects to the question on the ground that the witness is not an expert and that the question is one of law.

The witness' knowledge of it must be elicited.

Because I am a Periya Vettu Naik hereditarily, I know the customs of Saptur Zemindar's family.

Q —Have you any means of knowing the course of succession and enjoyment of preperty in the Zemindari of Saptur.

A:—My ancestors have told me of it, and I also know.

Cross-examined on this point by the Advocate General.

I know of the succession of late senior Zemindar of Saptur. I was then 15 or 16. There was then no dispute regarding succession. I don't know of his father's succession. Defendant's brother studied at Madras and he became Zemindar on his father's death. Then there was no dispute regarding succession. This suit is the instance of the dispute as to succession. I have got a book showing the genealogy of Zemindars. I have got it at home. I have no book of authority shewing the course of succession in the Zemindari. I am not consulted by the members of the Saptur Zemindari family in regard to succession. My father told me of the course of succession 10 or 12 years ago when we and the Zemindar worshipped our common God. He gave me ancient history and of the history of Nagayasami who was hung. He then mentioned the rule of succession. He on many other occasion repeated the story of the man hung and the rule of succession. I questioned my father how we should worship a person hung. I asked him who succeeded him. He told me that Vadakkamasami Naik succeeded him and that Sangaralingasami succeeded him. There were two or three other men who were present but I do not recollect their names.

By Plaintiff's Vakil.—Vella Bommachi Ammal was the mother of the late senior Zemindar, *i e.*, Defendant's father. My father told me that she was the

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wife of the Defendant's grandfather. My father was 90 when he died. He died 10 years ago. My grandfather was Vella Kondama Naiker. I knew Bommachi Ammal. She was hanged when I was a child. He said that Bommachi Ammal was the daughter of the junior Zemindar of Paraiyar and was married in dagger form. The wives of the late senior Zemindar dwelt in the Palace. There is a place called Periya Aramanai where all the wives used to dwell each in a room. The concubines of the Zemindar dwelt outside the Palace. The Zemindar, Plaintiff and Defendant and his late brother resided and messed in south Palace. Chinna Nagammal also dwelt there.

Examination in chief closed.

Cross-examined.—I am Saptur Zemindar's dayadi by blood. My ancestor and his ancestor, 2 or 4 generations back were brothers. He never left Saptur. He did not go and live at Narasingapatti in Guntamanayakkanur with all his family. My brother and mother were here, *i. e.*, at Saptur. My father lived at Saptur. I lived at Narasingapatti in my youth tending sheep. My father used to come and stay at Narasingapatti occasionally for 10 or 20 days. He had house and lands both at Saptur and Narasingapatti. People might say that he lived in both places. Kumarammal and Nagammal were married about 15 years ago. My father was very ill at the time. I swear that Vandikara (driver) Ramasami Naik was not married, at the time that Thathaya and Thumbayasami Naik were married. I have not seen the chittas of Saptur Estate. I was not examined by Plaintiff's Vakils. I don't know what I was going to be examined about. I don't know that the chittas allude to 3 marriages being performed. I attended to the marriages at Saptur and other places. The Zemindar would send me with cloths both on auspicious and inauspicious ceremonies. He would pay my expenses. The most essentials of the marriage are first, fixing of the day. A day was fixed for Nagammal's marriage 4 or 5 days before the marriage. This was done in the Saptur Palace. All the relations were present. Errakamu Naik, a Kambala, now dead was present. Thiruvengada Naik was present. He is my dayadi. He is now dead. His grandfather and my grandfather were brothers. Mahalinga Naik who was present is alive. I don't know if he is come here. Thangasami Naik, a Kambala by caste, who is alive, was also present. I don't know if he has come here. This is fixing a day for marriage. A Palavar settles a day. Appu Palavar fixed the day. He is dead. The next essential thing is the tying of the Tali. It is supplied by the goldsmith at the expense of the Zemindar. I don't know, from what goldsmith he got it. The Zemindar would give the Tali to me and Sastragar Naik. Errakamu Naik was then the Sastragar; he is now dead. Bommaya Naik, Ellinga Naik, Kopanappa Naik, another Bommaya Naik and others built the huts. Except Kopanappa Naik, the others are alive. They are given rice and not money. The Tali was taken by a little girl, our relation. I don't recollect who took it. Either girls or Zemindar's sisters or cousins take the Tali. Krishammal, Zemindar's sister, took the Tali to Nagammal. Meenakshi Ammal, the wife of Zemindar's uncle, also took it. She is alive. Krishammal is dead. In Nagammal's marriage, the dagger is sent in his stead in state. This is the

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difference in this marriage and other marriages. If marriage is made of a daughter of Zemindar, he will have his honor and state and therefore no dagger is sent. It is a rule that a dagger is not sent when a Zemindar marries a Zemindar's daughter. In all other marriages where Kambala women who are not Zemindar's daughters, are married, the dagger is sent. The daughter of a Zemindar's brother if married to Zemindar is treated as a commoner's daughter. This is the rule. A Zemindar can take a woman of another caste as concubine. A Bottu or Tali is put in a Saradu or string which she herself puts on. Having put on, she has it on. The wives of Zemindars as well as concubines have Bottu; only the latter themselves put them on. I can't say whether a Zemindar can marry out of his caste. He may do so if he likes. According to his pleasure, a Kambala may marry a woman of a different caste. Some Kambalas may recognize the marriage. The Kambalas refused to attend the marriage of Mangleiswari, because she was of Moniyagar caste, and because she was not of Kambala caste. I know Defendant's mother Muttuverammal. I was present at her marriage. I did not see the particulars that took place. The dagger was not sent in her case, but the Zemindar had it in his waist. It was not a dagger marriage. Muttuverammal was the daughter of Thirupugalsami of Paraiyur. He was not Zemindar, but Paraiyur Zemindar gave her in marriage saying it was his daughter. Krishnammal, the wife of Zemindar, was bringing her up. The dagger is not used in the case of the marriage of a daughter of a Zemindar or of his foster daughter. If the Zemindar takes hold of a daughter of a commoner and gives her as his daughter, then too the dagger is not sent. I can give an instance of a foster daughter of a Zemindar married without a dagger. Muthu Chinnammal, a foster daughter of Elumalai Zemindar, brought up by Yettammal as her daughter was given in marriage by Elumalai Zemindar, to Saptur Zemindar. There was no dagger in this case. So also in the case of Chinna Nagammal of Bodinayakkanur. She was brought up by Bodinayakkanur Zemindar's mother. I don't know her parents. The Zemindar and his mother gave her in marriage. I have no personal knowledge of the instance of a girl being taken hold of and given by Zemindar in marriage as his daughter. I may have heard of it from my father. I know Ayyakkannu Naik and his wife, Thangammal. He is my dayadi. There is only one Periya Vettu Naik. I was the Periya Vettu Naik at the time of Nagammal's marriage. My father was in office and I acted for him. Ayyakkannu Naik was not Periya Vettu Naik at the time. I and Ayyakkannu Naik managed the ceremonies and performed the duties of Periya Vettu Naik. Ayyakkannu Naik assisted me in performing the duties of Periya Vettu Naik in the marriages. He used to help me and my father like our dayadies in performing the duties of Periya Vettu Naik. I don't recollect, if Ayyakkannu Naik was present at fixing of day. He should have been present on the occasion. I had not then been married. Ayyakkannu Naik had then been married to Thangammal. It is necessary that Periya Vettu Naik's wife should be present like the Periya Vettu Naik on marriage occasions. Thangammal might have been present at the marriages of Nagammal and Kumarammal. I don't recollect seeing her. I might have seen her on some occasions. I did see her once with her husband. I saw them twice or thrice. I don't recollect at what particular ceremonies I saw

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them. They were sitting with other relations. He assisted me by obeying my orders in performing Sastras. I don't recollect in what Sastra I asked him to help me. I was 16, 18 or 20 at the time. I was between 15 and 25 at the time. Ayyakkannu Naik was my elder by about 10 years. I am the elder house man *i. e.*, of the senior branch. It is necessary to have Kodangi Naik at the marriages. Bathulu Naik I know. He was not Kodangi Naik and he was not present at Nagammal's marriage. He is a Kambala. He was entitled to be invited for the marriage. As he and the Zemindar were then in bad terms, he was not invited. Seenu Naik I know. He is Sastra Naik. He would go anywhere if invited. As a Kambala he should have been present at the marriage. He was invited, but he did not attend. If present, he should have performed Sastras. Yerrakama Naik did them at Nagammal's marriage. There are 2 or 3 Shastra Naiks, and any one of them is invited for the purpose of saying the Sastras. I requested Yerrakama Naik to say them. It rested with me to invite Sastra Naik and Kodangi Naik. Bathulu Naik and Seenu Naik were not invited as Kodangi and Sastra Naik. I did not invite Seenu Naik, because he was at Mulippatti. Bathulu Naik knows the duties of Kodangi Naik. Yerrakama Naik came from Alagapuri. Mulippatt is 5 or 4 miles from Saptur. Yerrakama Naik assisted as Sastra Naik only on the occasion of Nagammal's marriage. Mahalinga Naik acted as Kodangi Naik on the said occasion. He has been in the habit of assisting me, but I cannot remember any particular marriage, in which he did so. He is now, I think, about 40. He is alive. I am quite sure of my own age. Putting on the toe ring and the turban is the next essential ceremony. Touching forehead with milk is another essential thing. These are things without which a marriage cannot be accepted. The tying of Tali, putting on toe rings and touching forehead with milk, all take place in one day. They may be gone through in 2 or 3 Indian hours. Some of those that have been invited might leave before some ceremonies are gone through. The deceased Zemindar of Paraiyur and Thiruppugalsami and Muthulingasami of Paraiyur were present. Other Zemindars did not attend the marriage. Thiruppugalsami and Muthulingasami are both dead. By Paraiyur Zemindar I mean the present Zemindar's brother. He was a minor. I don't recollect if his father came to the marriage. I sent invitations to the Zemindars of Elumalai, Paraiyur, Sandaiyur and Doddappa Naikkanur who were close by. These are Kambalas. I don't recollect if these had come on previous occasions of marriages. Many Zemindars had come but I don't recollect who all came. I saw the minor Zemindar of Paraiyur and Thiruppugalsami and Muthulingasami give presents at Nagammal's marriage. I do not recollect the others who gave them. The Tali is tied one day, and the touching with milk takes place on a different day. The first day's ceremony consists in touching forehead with milk. Toe-ring is put on before, but on the same day. On the second day the tali is tied and the second essential ceremony is going on horse back and joining hands. The bride and bridegroom's fingers are linked together. It is an important ceremony. Then Paraiyur minor and 2 others above mentioned were present. I can't say who others were present. I know men of substance and respect in my caste. I don't recollect if any such was present. I know Saptur Zemindar's male

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and female relations. Paraiyur Zemindar's wife was present. She is now dead. I don't recollect the others. Krishnammal tied the Tali to Nagammal.

On the 3rd day the "*Yekalikkirathu*" is the essential ceremony. A large crowd attended it, but I cannot name who were present. I was busy and so I could not notice who came and who went. I looked to the ceremonies and I got the necessary articles. Sastra Naik would tell me what I had to do and what articles were required and I obeyed his instructions. The worship of Thambiran God is also essential. I have mentioned the most essential things of the marriage, the omission of any one of which would invalidate the marriage. The wives of the Zemindar used to live in separate rooms in the Palace. Repairs were made to the Palace often. The ordinary wives and dagger wives may live separately or may live together as they please. I live outside the Palace. I go to the Palace if sent for. If Zemindar is with the wives, we dare not look in the direction they live in. I heard that the ordinary and dagger wives lived in the rooms of the Palace. How they lived, and how children were brought up, were heard by me. The servants used to talk about these matters. I saw the children go into Chinna Nagammal's house and come out. They used to tell me that they ate together. Other people also told me the same. I have seen the Zemindar take his food. His sons take food in his presence. I have seen the Plaintiff and Defendant and his deceased brother eat with the Zemindar out of the same plate. I had myself served food. This was not my duty. I was Zemindar's attendant in the time of famine. I would accompany him to hunt and would be with him always. I was in service of the Zemindar before his death. My crops failed and, being hard up, I took up service. I have been in the same state. I now get enough crops to feed me. I may be obliged to borrow occasionally. Last Alpisi, a Chetti lent me money. I did not borrow money from the Chetti who is financing this suit. I don't know whether my lender was his relation. Kutti Nadan of Athipatti introduced me to him. This suit had been filed at the time I borrowed money. The lender Chetti was absent and his agent, a Brahmin, got the bond from me. I got the bond registered.

9—7—90.

(Signed) Mahalinga Naik.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 9th day of July 1890.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

Cross-continued.

The tonsure ceremony of defendant's eldest brother took place, but I don't recollect whether it took place before or after Nagammal's marriage. It might have taken place within a week's time of her marriage, but I can't recollect

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As Periya Vettu Naik, I had to be present at the ceremony and take part in it. My brother and father were also present. My brother is also dead. My father officiated at the ceremony of tonsure and I was simply present on the occasion. I don't recollect if my father was well or ill at that time, and whether he became seriously ill before or after the said ceremony. I can't say whether Nagammal's marriage or the tonsure ceremony came first in order of time. The interval between the two events was about a year. I cannot say if it was only 2 or 3 days or a year. My father was given cloths at the tonsure ceremony and I don't think he got any fee in cash. Muthulingasami Naik resided at Saptur, but he had a concubine at Vittilpatti and he used to go there often and we used to style him as Vittilpattiswami. As, however, he was born and brought up at Paraiyur, I styled him as Muthulingasami of Paraiyur. He was known as one of the Chinna Zemindars of Paraiyur. He was a dayadi of Zemindar. Muthulingasami's father and that of Thumbayasami were half-brothers. Muthulingasami is my father-in-law. I know Muthulingasami Naik of Paraiyur, a dayadi of Zemindar: he is alive. I don't know his father's name. He was present on the occasion of Nagammal's marriage. Karmagham was the drummer on the said occasion. He is alive. Either Muthialu Setti or Rungan Setti was the potter who supplied pots on the occasion, but I can't remember which. Rungan Setti is dead. The man whom I call Muthialu Setti is alive and he had come there as potter. 2 or 3 potters would bring in pots. I don't know if Muthialu Setti, I refer to, is here. I don't know if he has any other name. There was only one person who had the name of Muthialu Setti at the time. 4 or 5 potters were present. Alagiri Setti who is dead, was one of them. Mahalinga Setti was another potter. He is alive. I don't know his house name. There was a washerman named Chinna Karappan who is dead, and his widow is alive, and another whose name I don't recollect. Mukkan might have been the other, but I can't be sure. Karuppan washes cloths for the Palace and so I remember his presence. The bridegrooms 3 in number were shaved on the occasion. I can't say whether one barber or more than one shaved them. Pachandi was the chief barber. Driver Ramasami Naik's marriage did not take place simultaneously with that of Nagammal. I was not present at his marriage. I cannot say where it took place and when. I only know he was married. I discovered that he was a married man 7, 8 or 10 years ago. I can't say how long after Nagammal's marriage he was married. I knew Ramasami Naik at the time. He was driver of Zemindar's carriage and was present at Nagammal's marriage. I don't remember if he was then married. I know his wife. She was present and tied the Tali to Thathaya Naik's wife: she is alive. She had not been then married. So Ramasami Naik was not then married. He was married subsequently. I did not make notes of what took place at the marriage. My memory was not in the meantime refreshed. I did not go to any Vakil's office. I was not examined. I have officiated at many marriages and I received honors. I cannot recollect particulars of all the marriages. It is the duty of Periya Vettu Naik to set fire to the funeral pile. I set fire to the late senior Zemindar's funeral pile. I swear to this. My brothers, elder and younger, and cousins assisted me. I have two brothers, Latchmaya and Ramasami. These were present on the occasion. Both

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are alive. Ramasami had come here. 3 or 4 of my cousins assisted. They are Andiyappa and Ayyakkannu Naik and these were the cousins present. With my brothers I said that 4 persons assisted. I can swear that Ayyakkannu did not set fire to the late senior Zemindar's funeral pile. My pungali Nagayasami set fire to the funeral pile of Defendant's elder brother. It is no doubt Periya Vettu Naik's duty to set fire. I can allow another to do it. As Nagayasami was anxious to set fire I permitted him to do it. I set fire to Kumarammal's pile. No body volunteered to do so. The members of Zemindar's family, young or old, male or female, would be taken in a palkee when they die. The concubines, of Zemindar, if they die, are never taken in a palkee. There is no special palkee kept for funerals. Any palanquin in the Palace will be used for the purpose. The palanquin will be lent to persons connected with the Zemindar's family. If Zemindar likes, he may lend it to any one. The taking of a corpse in a Palace palanquin is a matter of honor. Vallayan was the Pallan who took the grinding stone. He is dead. No prayers are recited. The parents of the deceased body, and her relations would throw rice in the mouth of the corpse. The husband, the late Zemindar, did attend Kumarammal's funeral and threw rice. Message of her death was sent to the Zemindars and relations. Kumarammal's brother, Thumbayasami Naick, the Chinna Zemindar of Paraiyur, came to the funeral. I don't remember any other Zemindar being present. Persons of respectability in caste came to funeral. I don't recollect their names. Rungasami Naik of Alagapuri, cultivator, had come to the funeral. I don't know his condition in life. My elder brother, a cousin who is dead, had come. I can't remember the names of the others. Kumarammal died 7, 8 or 9 years ago. I cannot say how many years ago she died. It was prior to 7 or 8 years ago. I don't remember if my father was alive or dead at the time. I had no elder brother living at that time. The caste people would attend for the 3rd, 7th and 9th day's ceremonies. Kodangi Mahalinga Naik collected the ashes and he made the image. I did not attend, *i. e.*, I never attended the funeral of the concubine of a Zemindar. I don't know what ceremonies were performed. I cannot say whether the ceremonies done in the case of wives are done in the case of concubines. Simply the stone is stuck on the ground. There are a great many stones so fixed in Mala Thoppam. Members of the family would be present at the ceremony of planting stone. Mahalinga Naik, Thumbayasami Naik, Kumarammal's mother, Suppammal, Nagamuthu Naik and his wife, and others were present. The Zemindar did not come. I don't remember if his relations had come. The stone has no inscription: a similar stone is put up for a wife, even though she be married without a dagger. All the stones are put up at the same place. I get a plate, headkerchief, and the presents offered by deceased's relations. Kumarammal's brother gave me a headkerchief and tied round to my head. The Zemindar gave me no present. He gave me cloth. I meant, by saying that he gave none, that the Zemindar does not tie the cloth round my head. I did not attend the funeral obsequies of Sadayammal. I heard that she was burnt at Vadagarapatti. I don't know if a stone was put up for Sadayammal. I heard from the late senior Zemindar that concubines should not be burnt at Mala Thoppam. After Sadayammal's death, some body came and reported her

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death to the Zemindar who was then at Kodikulum, 10 miles away from Saptur. The Zemindar said that her corpse should be burnt at Vadakarapatti. Arab Sahib and Babu Sahib were present at the time. It is a well known fact that concubines of Zemindars should not be cremated at Mala Thoppam. Some how Zemindar was asked and that was the 1st time that I heard that concubines should be cremated elsewhere. I don't keep registers of births, deaths &c. I don't keep any register for boring ceremonies. I don't recollect the year and month when the ear-boring ceremony took place. I can't say in what part of the year it took place. It took place 3 years ago. I can't say whether it took place before or after Pongal. The ceremony took place in a pandal within the Palace. The Zemindar's daughter by Muthu Chinnammal had her ears bored. The children of Nagasami, a relation of Zemindar, also had their ears bored. The concubine's sons also had thier ears bored at the same time and in the same pandal. Kutti Nadan who introduced me to the Chetty is also known as Kumarasami Gounden. He said he was in the habit of borrowing from him. One or two of the concubines' sons of the Zemindar are older than the present Plaintiff.

Re-examined.—I told in cross-examination that I did not go to Vakil's office, but I saw plaintiff's Vakils 4 or 5 days ago in a Mandapam. They questioned me as to what I knew. I stated what I knew. I was told to go to Court. I said I was not examined, meaning that I was not examined in the way I am now being examined. I said that the wife of the Periya Vettu Naik must be present at marriage. My mother was present at Nagammal's marriage. Yerrakamu died 5 or 6 years ago in famine time. The name of driver of Ramasami Naik's wife is Suppammal. The Inam endowed for Valla Kondama Naik's temple is the emolument of Periya Vettu Naik's office. I have been enjoying the Inam lands. I have besides my own Puttah lands. I pay a kist of 20 Rupees on them. I was in Zemindar's service for 2 years owing to my straitened circumstances.

(Signed) Mahalinga Naik.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 10th day of July 1890.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

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PART I.

In the Subordinate Court of Madura (West.)

No. 103. Deposition of Plaintiff's 2nd witness Kodangi Mahalinga Naik, dated 10th July 1890.

No. 103.

IN THE SUBORDINATE COURT OF MADURA (WEST.)

Original Suit No. 21 *of* 1889.

Plaintiff's 2nd witness solemnly affirmed.

Name	... ...	Kodangi Mahalinga Naik.
Father's name	... ...	Nagappa Naik.
Age	... ...	45.
Caste	... ...	Kambala.
Occupation	... ...	Ryot.
Residence	... ...	Alagapuri.

I belong to the Jellivar sub-division in the Kambala caste. I hold the office of Kodangi Naik to the Kattari Palavars. The Saptur Zemindars belong to the Kattari Palavar sub-division. I am Kodangi Naik not only to Saptur family, but to other Kattari Palavar families in the villages of Athipatti, Alagapuri and Saptur. I have been Kodangi for 5 or 6 years. Before me, my father was Kodangi Naik; he died 5 or 6 years ago. He was aged 40 at the time. He was Kodangi Naik for 65 years. I was 40 when my father died. He was 75 at his death. My functions as Kodangi Naik are to attend for auspicious and inauspicious ceremonies and soothsaying. I perform Poonyadanam ceremony, *i. e.*, purification ceremony by getting cow dung milk &c, and sprinkling water. Peria Vettu Naik will invite me. I used to help him and Sastra Naik and get through marriages. I attended the 7th day's ceremony in the case of funerals and tie headkerchief to Peria Vettu Naik and perform purification ceremony in the house of the deceased. This is all that I do. There is no other Kodangi Naik execept myself for Kattari Palavars. Kodangi Naik's office is hereditary. I knew the late Zeminder of Saptur. 22 or 23 years ago, he first married the daughter of Muliputti Zemindar. Her name was Thavasiammal. She is dead. My father officiated as Kodangi Naik on that occasion and I was also present. The Zemindar, 10 or 15 years after, married four wives namely Krishnammal, daughter of Zemindar of Koppayanaikanur, Muthu Krishnammal, the daughter of Uthappanaikanur Zemindar, Muthuchinnammal, the daughter of Elumalai Zemindar, and Muthu Verammal, the daughter of the Zemindar of Paraiyur. 10 days after the said four marriages, he married Muthukamakshi Ammal of Elumalai. She is the daughter of the Chinna Zemindar of Elumalai. Subsequently he married the two daughters Kumarammal and Nagammal of Muthuverasami Naik of Paraiyur. He then married Chinna Nagammal, daughter of the Zemindar of Bodinayakkanur. I was not present at Nakalpothu girl's marriage. My father officiated at the marriages of Krishnammal & 3 others. I was also present. So also on the occasions of the marriages of Muthukamakshi and Kumarammal and Nagammal. My father dying, I officiated as Kodangi Naik at Chinna Nagammal's marriage which took place at Bodinayakka-

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I knew to some extent the ceremonies which are generally observed on occasions of marriages in our caste. The essentials are, fixing of day, the touching of forehead with milk, the joining of hands, the tying of Tali and the "*Yekalichi*" ceremony. The other ceremonies may be omitted, but these must be done. The marriages are performed in huts put up in the village common, one hut for the bride and another for the bridegroom will be put up by the Kambala relations. The said ceremonies were observed in the marriages of Thavasiammal and 4 others ladies, *i. e* Krishnammal and others. The marriage took place with kattari worn by the Zemindar. The bridegroom will remain in his hut at the time of tying the Tali, and the bride in hers. The Tali, a nose ornament, a cloth &c., would be placed in a plate, and the bridegroom's sister, or a female so related, and 2 or 3 young girls will take it to the bride's hut accompanied by Periya Vettu Naik, and others. The bridegroom's sister or cousin then ties the Tali to the bride and then Sasha ceremony is performed. The bride will then go to the bridegroom's house, he remaining in the hut. The Tali was tied in the above manner to the first five wives of the Zemindar. The marriage of Muthukamakshi was performed in the manner usually done in our caste. A. dagger was given to and carried by the Periya Vettu Naik alone with the Tali which was taken by Zemindar's sister. Peryia Vettu Naik handed over the Kattari to the bride, and then the Tali was tied. The marriages of Kumarammal and Nagammal were also performed with dagger being placed in their hands. They were married in accordance with the rules of our caste and in addition, there was the dagger. The day for their marriage was fixed, foreheads were touched with milk, toe rings were put on them, huts were put up, the bangles were put on them, rice was pounded, basket ceremony took place, sheep were slaughtered in front of the huts of both the bride and bridegroom, the bridegroom sent them cloths; the Kadayam ceremony also took place, the dagger was taken and Tali tied to them, the ceremony of joining hands, and "*Yekalichi*" also took place. Their marriages lasted for 3 days; huts were put up in a plain east of the Palace. Periya Vettu Naik who officiated on that occasion was Mahalinga Naik. The Sastra Naik was Errakama Naik. He is dead. I don't recollect if Periya Vettu Mahalinga Naik's father (Plaintiff's 1st witness) was alive at the time. The relations who were present were Pusari Yellinga Naik, Nagamuttu Naik, Nattamai of Malayandi, Thiruvengada Naik of Saptur, Bommaya Naik of Alagapuri, Periya Thumbaya Naik and others whose names I don't recollect. Of the females, Pethakkal, daughter of Rengasami Naik, Vera Chinnammal, daughter of Sastra Naik, Vellakondammal, 1st witness' sister Kondammal, Menakshiammal, wife of Muthulingasami of Paraiyur, Suppammal, wife of Muthuvirasami Naik, Krishnammal, wife of Paraiyur Zemindar, I recollect. I dont recollect others who came for the marriage. Presents are given to the bride and bridegroom by relations when the ceremony of joining hands takes place. Presents were given on the occasions of the marriages of Nagammal and Kumarammal by Thiruppugalsami and Thumbayasami. 5 or 6 persons gave presents. Thiruppugalsami was the father of the present Zemindar of Paraiyur. Muthuveerummal is the latter's sister. The dagger is used in the marriages made by the Zemindars, of the daughters of

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ryots and of the daughters of Samis, *i. e.*, to say, of Chinna Zemindars. The dagger is sent in order to make it equal with the dignity of the Zemindar. If a Zemindar marries the daughter of a Zemindar, he keeps the dagger with him. The dagger is not sent, but is kept by the Zemindar in his waist if he should marry the daughter of a Zemindar or his adopted daughter. By adopted daughter I mean a child brought up as a daughter. I don't recollect other instances of dagger form of marriage in Saptur family. Thathaya Naik and Thumbayasami Naik were married at the same time Nagammal and Kumarammal were married. Thathaya and Thumbayasami married 2 sisters, the daughter of Jaggama Naik. I know of the death of Kumarammal. The Saptur Zemindar had 4 concubines Rami, Pachi, Sadayammai and another. When Zemindar takes concubines no ceremonies are performed. Not one of the ceremonies observed in the case of marriages takes place when concubines are taken. I know the Saptur Zemindar's Palace and its inner buildings. Nagammal and Kumarammal lived in the Palace, in the same place where the other wives of the Zemindar lived. The concubines lived outside the Palace compound. I have seen the Zemindar taking his food. His children would take meals with him. I have seen the Plaintiff, Defendant and his elder brother take meals with him. Meals would be served out on separate leaves and the minor sons would sit near him. I attended the funerals of Kumarammal. On first day *i. e.*, of cremation, rice was thrown into the corpse's mouth; on 3rd day ashes were collected; on 7th day image was made and on 9th day stone is planted. After her death, a Pallan took up the grinding stone; the corpse was then carried in a palkee and cremated at Mala Thoppam reserved for members of Zemindar's family. Krishnammal of Koppayanayaknur was also burnt in the same place. It is the burning ground for our caste people and the Zemindar's family. People of other caste have a separate burning ground. I know the death of Sadayammai. She died at Saptur in the house built for her, outside the Palace. I was then at Alagapuri, half a mile away from Saptur. I don't know where her corpse was burnt. No ceremonies which are usually done in our caste were done in her case. The huts on the occasion of the marriage of Thavasiammal were put up in fields west of the village. On the occasion of the 4 wives, Krishnammal and others, they were put up within the Palace compound. I don't recollect having executed to the late senior Zemindar any bond. I am not sure. The document is shown. Witness says that the signature on it is like his. I did not execute it. The document was then read out as well as the boundaries of the land stated in it to have been sold. The witness continues, I did execute the document, filed as Exhibit A.

Cross-examined—I cultivate my own lands. I have 4½ sangilis of my own lands, besides other lands obtained on mortgage. I have enough and no occasion to borrow. I have never borrowed. I don't know U. A. Arnachela Chetti. I have not executed to him any bond. I did not get any bond registered in his favour. I don't get any pay from the villagers. I go to the Palace only when I am sent for. The Zemindar did not send for me to come and see the Zemindar and his sons eating. I happened to see it when I went there. I have

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seen this occasionally. I have seen this 10 or 20 times. I don't know why this suit is brought. It is for "*Vivagam.*" Plaintiff's Vakil says that the witness used the word "*Vivatham.*" It is a suit between brothers. I knew the contention, that Plaintiff was not properly born. That he ate with his father is one of the facts to be proved in the case. I did not come to know this as the result of any discussion I had with anybody. I saw Plaintiff's Vakil, Rama Subbier, on Tuesday, the day before yesterday. He questioned me as to the custom. He did not question me as to eating. There was no discussion as to eating being an important piece of evidence. I don't know how Rama Subbier came to know it. I know Krishnier seated behind Rama Subbier. I had no talk with him on the subject of my evidence. Nobody else spoke to me. My memory has not been refreshed in the meanwhile. I lodge in the mutt at Tullakulam. 1st witness is my relation. He and I have been eating meals separately. He did not speak to me about the case. I have had the head cloth I have now on for 20 years. I swear that I did not get it after I was summoned in this suit. I was a school master for a year at Marikundu. Then my father looked after our cultivation. I had never any quarrel with the late senior Zemindar. I can swear that I did not leave Saptur in 1873 and was away until 1878 owing to misunderstanding between me and the Zemindar. Jakkammal was the mother of Pethakkal. Her father Rengasami was a Kambala as also Jakkammal. She was not of Parivara caste. It is no part of my duty to attend on the Zemindar as a servant. I have been going into the ladies' apartments once every year. Periya Vettu Naik will also go there if there is any occasion. I have met him there on auspicious and inauspicious ceremonies—*i. e.*, marriages and deaths. I will be called in simply to do my duties as Kodangi Naik. I find out by shells and casting figures, under my rules that a certain thing is good or bad. I have been into the Palace after my father's death, only 10 or 20 times. I am not consulted by the Zemindar as to his affairs. I have known personally the reason for dagger marriage 7 or 8 years. My father told me once 15 years ago at the time of Muthukamakshi's marriage. I questioned him, and he told me. He did not tell me how he got his knowledge. Nobody was then present. Nobody asked me before this day as to the reason for such a marriage. The fixing of the auspicious day for the wedding is the first thing. I don't recollect what day was fixed for the wedding of Nagammal. Periya Vettu Naik and relations fixed the days. I was present. I have nothing to do with it. I was present as a spectator—a day or two after Nagammal's marriage, Lingammal, the wife of Thiruppugalswami died. No ear boring ceremony then took place. 5, 7 or 8 years after the marriage, ear boring took place. The tonsure ceremony took place, but I cannot say when it took place. I don't recollect if any other person was married along with Thathaya and Thumbayasami. I know driver Ramasami Naik. He is married. So I heard since 7 or 8 years. I know he has been married. I know his wife. I don't recollect if he or his wife was present at Nagammal's marriage. Ramasami's wife is Suppammal, the daughter of Athipatti Sankaralinga Naik, a Kambala. I can eat and intermarry in his family. 5 or 6 days after date was fixed, the marriage took place. After fixing the date, huts were built, seven huts were built, 3 for 3 bridegrooms and 4 for

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—*continued.*

the brides. I don't recollect the names of those who built the huts. One of them is Bommaya Naik. He is alive. All the marriages were celebrated simultaneously. The ceremonies were first performed for the Zemindar's marriage, and then to the others. The caste people settled that the Zemindar should marry the two sisters Nagammal and Kumarammal. They did not settle the form of the marriage on that occasion. The form of marriage is never settled by the caste. On the very day the above is settled, *i. e.*, on the day the date is fixed, the forehead is touched with milk. This took place after the huts are put up. On the day the foreheads of the bride and bridegroom are touched with milk; on the same day the toe rings are put on them. This is absolutely essential for the marriage. If this is omitted, the caste would not recognize the marriage. On the same day the bangles are put on the bride. The rice is reduced to flour. These are not very essential. The touching of forehead is done in the night. The sastragar may have the rituals written or he may say it verbally. The rituals are not reduced to writing. I don't remember the names of the relations who were present at the touching ceremony. Meenakshi Ammal, wife of Muthulingasami and mother of plaintiff's 1st witness, was present. She is alive. Krishnammal, who is dead, was present. 1st witness and his father were present. I don't remember if he was present. Thiruppugalsami and Muthulingasami were also present. Errakama Naik was also present. I don't recollect if neighbouring Zemindars were present. I don't recollect the names of respectable men other than those abovesaid. I was present when Thavasiammal and 4 other ladies were married. Zemindars and many people of importance were present on those occasions. I knew the names of the Zemindars adjacent to Saptur, who were alive at Nagammal's marriage. No Zemindar came. I don't recollect which Zemindar came or not. No Zemindar came during any of the days of Nagammal's marriage. I do not recollect. I don't recollect the names of others who came there beyond those stated by me. If caste people came, that is enough and respectable. I do not know if Saptur Zemindar was treated in Nagammal's marriage in the same way as in his previous marriages. I was young at the time of his previous marriages.

Re-examined.—The Zemindars in the neighbourhood of Saptur are those of Elumalai, Paraiyur and Sandayur. A female was the Zemindarni of Sandayur at the time of Nagammal's marriage. Her name was Gopalakrishnammal. She was aged 60 at the time. She was a widow. The then Zemindar of Paraiyur was the father of the last Zemindar. His son was then a minor. The Zemindarni of Elumalai then was a widow named Nagammal. The then Zemindar of Guntamanayakkanur was a minor. I don't recollect if the then Bodinayakkanur Zemindar was a major or minor. The present Zemindar was then also Zemindar of Uthathappanayakkanur. He had just then attained majority. Both males and females resort to me for soothsaying. Old and aged ladies in the Saptur Zemindar's Palace might consult me. If females 40 or 60 years, they are regarded as old. When they want to consult me, I go to the Palace wherever they might be at the time. By caste people settling the marriage, I meant the ceremony of "*Nichayathambulam.*"

(Signed) KODANGI MAHALINGA NAIKEN.

Deputy Registrar.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 10th day of July 1890.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

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In the Subordinate Court of Madura (West).

No. 103. Deposition of Plaintiff's 2nd witness Kodangi Mahalinga Naik, dated 10th July 1890.
—*concluded.*

No. 104. Deposition of Plaintiff's 6th witness Illinga Naik, dated 11th and 12th July 1890.

No. 104.

IN THE SUBORDINATE COURT OF MADURA (WEST.)

Original Suit No. 21 *of* 1889.

Plaintiff's 6th witness solemnly affirmed.

Name	...	...	Illinga Naik.
Father's name	...	...	Nagama Naik.
Age	...	...	36.
Caste	...	...	Kambala.
Occupation	...	...	Ryot.
Residence	...	...	Alagapuri.

Alagapuri is half mile from Saptur. I am a Palavar Kambala. I am a relation of the late Saptur Zemindar. We are dayadies. I knew the late senior Zemindar. He first married the daughter of Mulipatti Zemindar. I attended it. I attended the 4 marriages which took place together in which Muttuveerammal was one of those that was married. Then I attended the marriages of Nagammal and Kumarammal. I also attended the marriage of the Zemindar with the daughter of Bodinayakkanur Zemindar. The marriages of Nagammal and Kumarammal took place in the compound of the Palace. Thathaya and Thumbayasami Naik were married at the same time. Thumbayasami Naik is a Kambala. The marriages of Nagammal and Kumarammal extended over 3 days and I was present there all the time. I know some of the ceremonies that are performed in a Kambala marriage. The ceremonies observed among Kambala castemen were observed on the occasion of Nagammal's marriage. The first ceremony is the fixing of wedding day. This took place 4 or 5 days before the actual marriage. Pethu Naik, Bommaya Naik, Kodangi Naik, plaintiff's 1st witness, another Bommaya Naik and others whom I don't recollect, were present. Next, posts were cut for the huts. I and relations 10 or 15 went and brought them. Pethu Naik, Bommaya Naik, Nagappa Naik and others, whom I don't recollect, accompanied. We then put up seven huts. We were then taken to Palace with drum. Rice was brought. Our feet were washed. We took our food in the Palace. The Zemindar, Thathayya and Thumbayasami were shaved. Toe rings were put on them. Then their foreheads were touched with milk. They then proceeded to the huts. The brides also went to their huts. The Zemindar went to his hut. I knew the brides of Thathaya and

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No. 104. Deposition of Plaintiff's 6th witness Illinga Naik, dated 11th and 12th July 1890. —*continued.*

Thumbayasami Naik. I don't know their father's name. They were of Kambala caste. Then a sheep was sacrificed for each hut. Then Tali was tied on Nagammal and Kumarammal. It is customary to slaughter sheep. I don't know much about these sastrams. A dagger was sent and Tali was tied to Nagammal and Kumarammal. The bridegroom, Zemindar, was in his hut. The brides were in theirs. The Tali was brought from Palace by Krishnammal and Meenakshiammal. The Zemindar touched it and relations also touched it. Then the same was taken in a plate to the bride's hut. Plaintiff's 1st witness carried the dagger. Meenakshiammal tied Tali to Kumarammal and Krishnammal did the same to Nagammal. Plaintiff's 1st witness had the dagger in his hand at the time the Tali was tied. After the Tali was tied the bridegroom and bride joined their hands. The Zemindar went round the bride's hut on horse back. After he got down and hands were joined, the relations made present, *i. e.*, gave Moi. I don't recollect who gave them. Other ceremonies were done, *i. e.*, 4 pots were placed behind the huts of the bride and bridegroom and then the water was sprinkled. This is called "*Meganeeluposai Sastram*" in Telugu. Then the hunt ceremony took place. That is, the relations bring a blanket-folded making a show of bringing game. Then the ceremony of sowing cotton seeds for mother-in-law takes place. Then the bride and bridegroom go home in "*Yekalichi*." The bride will take the churning stick, and carry on her head the Bottu pot. I don't know what takes place before the "*Yekalichi*" ceremony. Then *Thirushtikam*" sheep was sacrificed to ward off evil influence. The forehead of the bride and bridegroom is then touched with blood. The mother-in-law is presented with a sheep. Then follows worship of Thambiran—God—and the loosening of the drum. I don't know what is sasha ceremony. The above mentioned ceremonies were performed on the occasion of the marriage of Muttuveerammal and 3 others. In their case, the dagger was not sent. It is not usual to send dagger when Zemindar marries Zemindar's daughters, but if he marries the daughters of Samis, *i. e.*, junior members of Zemindar's families and ryots, the dagger is usually sent. The late senior Zemindar had 4 or 5 concubines. No ceremonies are performed when a Zemindar takes mistresses, and none was performed by Saptur Zemindar when he took mistresses. I know Pachayammal and Sadayammal, two mistresses. We don't tie bottu to them, but they put on bottus themselves. I saw Pachayammal had a bottu. I attended the funerals of Kumarammal. Her corpse was cremated in the "Malai". On the 3rd day her ashes were collected. The big ceremony took place on the 7th day, and turban cloth was tied to Periyavettu Mahalinga Naik, who lighted Kumarammal's funeral pyre. On the 9th day, stone was fixed. Her corpse was carried in a palkee and a Pallan carried the grinding stone. He is presented with a cloth and a plate. I know driver Ramasami Naik. He is a Kambala. I have executed a document to him. (Note-Ramasami Naik summoned—produces deed of sale-dated 29th June 1886). Witness continues. I am illiterate and cannot identify it. The document is read—witness continues. I executed this sale deed. It is filed as Exhibit B. Note.—The Advocate General objects to the reception of this document as evidence against his client. Plaintiff's Vakil says it is put in to corroborate the witness' statement that Ramasami Naik is a Kambala. The document is received as evidence corroborating his statement.

Deputy Registrar.

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Ramasami Naik is a relation of Nagammal. Ramasami Naik's elder sister Suppammal is the mother of Nagammal and Kumarammal. Ramasami Naik is a married man. He was married upwards of 15 years ago. I don't recollect if he had been married on the occasion of Nagammal's marriage.

Cross-examinations reserved.

(Initialled) C. V.

11—7—90. (Mark of) Elling Naiken.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 11th day of July 1890.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

Cross-examined.—As I and the Zemindar belong to the same Palavar subdivision and so are dayadies, There is no other relationship between us. Suppammal is the mother of Thumbayasami and sister of Ramasami Naik. I don't remember who their mother was ; their father was Lingama Naik. Thathaya Naik is the sister's son of Ramasami Naik and Suppammal. Thumbayasami is Nagammal's brother. A Kambala cannot marry outside his caste. I was 15 or 16 at the time of the Zemindar's first marriage. It took place 20 or 22 years ago. I was at Saptur before the fixing of the wedding day. The same day was fixed for the marriage of Zemindar and Thumbayasami and Thathaya. No other marriage was then talked of. The brides and bridegrooms were present at the day fixing ceremony. This took place in the Palace. The Kambalas themselves fixed the day. No astrologer is called. We choose a day of the week. The selection of a good day is previously done. I don't know who did it. The day fixing is simply the Kambalas assembling and agreeing to the day. I don't remember what day was fixed and in what month. The marriage was agreed to take place 4 or 5 days after the fixing of the day. I did not remain at Saptur during the 5 days. I did not go to the place during those days. The fixing of the day is important. Plaintiff's 1st and 2nd witnesses, Bommaya Naik, a cultivator, ryot like myself, were present at the time. He has 2 or 3 chains of land. He is a Kambala of Namavar sub-division. He has no employment. Pethu Naik, a ryot, was also present. He is a Kambala of Palavar sub-division. He is not Zemindar's relation. Nagappa Naik, another ryot, having 4 or 5 chains was also present. He is also a Palavar Kambala. I don't recollect the names of others. I don't know the Zemindar's blood relations. Plaintiff's 1st witness is a big ryot. I don't know the others. Andiappa Naik a ryot of Alagapuri and Nattamgar were also present. I forgot to mention his name. The persons mentioned by me belong to my village. It is half a mile from Saptur. I can't say which of the Saptur inhabitants were present. The persons above mentioned have not come as witnesses. I remember their presence and so I state it. I am sure the Zemindar took part in the ceremony of fixing the day. On the day fixed, I, Nagappa Naik (a Palavan), Krishnamma Naik, a ryot, having 5 or 6 chains of land and others brought materials for the hut. I

don't recollect if Krishnamma Naik was one of those present at the day fixing ceremony. It took us about 10 naligais to build the huts. We built them in a line. After they were built, the Kambala people, male and female, came with drum. I don't recollect who came. The Zemindar did not come to see the huts; nor did the other two bridegrooms come out. We were taken in state to the Palace. There were 2 or 3 drums brought. I don't recollect the names of the drummers. No other musicial instruments were used then. We then took food with all the other people in the Palace. The drummers and others remained in the Palace. I have relations at Saptur. I did not go to their house. That night the forehead touching ceremony took place in the quadrangle in the big Palace. The foreheads of Zemindar and his brides and those of the other brides and bridegrooms were touched with milk. I don't know the names of the brides of Thumbayasami and Thathaya. All the brides came from Paraiyur. I have seen them once or twice before the marriage. Long before the marriage when they were children I had seen them. I did not then know their names. I recognized the girls as the children I had seen, from looking at their faces. The names of Nagammal and Kumarammal were given out at the day fixing ceremony. The names of the other brides were also given out, but I forgot them. The respective pairs are arranged in a line. Ramasami Naik was present at the ceremony. He did assist us in building the huts. I forgot to mention his name before. Ramasami Naik was driving Zemindar's carriage. I don't recollect if he was then a married man. He has been married 7 or 8 years, but I am not sure. His forehead was not touched on the said occasion. I know Ramasami Naik's wife. She was present at the time. I don't recollect if she had been then married. She has 2 children now. The eldest is 5 or 6 years old. She was then 16 or 20 years old. She came to the marriage with her relations. Then each bridegroom got a toe-ring. Many people gave rings. If the rings are put on, and, if there are more than can be put on toes, they are put on fingers. On the right foot, 2nd toe, the ring is put on. This is a sign that the person is a bridegroom. This is something like the tali of the bride. Many people wear toe-rings as ornaments. The putting on of the toe-ring is an absolutely essential ceremony and its omission will prevent the caste people from recognizing the marriage. The toe-ring is removed after marriage according to the person's pleasure. There is no fixed rule on the point. The toe-rings to Thumbayasami and Thathaya Naik were put on at the south Palace about 10 yards distant from the place where Zemindar had his toe-ring. Kumarammal, the mother of Plaintiff's 1st witness, brought the toe-rings. 1st witness was there. I don't know if he knew the fact. He would have known it. She brought the toe-rings on a plate. Suppammal put the toe-ring on to the Zemindar's toe. I can't say who put the toe-rings on to the other bridegrooms as I did not see them and could not see them. I did not see their foreheads touched, but I assumed it to have taken place. As Zemindar was a big man, I saw what was done to the Zemindar. The bridegroom, one after another with their brides behind them went to the hut. This was 6 or 7 naligais after sunrise. The drummer went first, then Zemindar, then Kumarammal and Nagammal; then Thambayasami and his bride and then Thathaya and his bride. This was the order in which they went and then they went each

Deputy Registrar.

into his or her hut. The Zemindar entered the extreme northern hut, Kumarammal, the next, and then Nagammal, the next; then Thumbayasawmi and his bride, and then Thathaya and his bride. The huts are circular like the witness-box and small. A man must bend to get into it. The girls' huts will be bigger to accommodate another girl to attend on bride. I don't know the names of the attendant girls. The huts were 3 feet apart from each other. The space thus covered extended over 40 feet and a trifle more. People can see what took place in the Zemindar's hut. There were about 200 to 300 people. 7 sheep or rams were slaughtered in front of huts at the same time. Caste men did so. I don't recollect who did so. The throats of sheep were cut and the foreheads of Zemindar and others were touched with blood. I don't know who killed the sheep. He was a Kambala. I don't know his name. I was told that he was a Kambala. The foreheads of Kumarammal and Nagammal were touched with blood of the ram slaughtered respectively in front of the hut of each and similarly the foreheads of the others were touched. I then saw 4 Talis tied to the 4 girls—each girl had a Tali tied to her. Meenakshi tied the Tali to Kumarammal and Krishnammal to Nagammal. I don't know the name of the lady who tied Tali to Thumbayasami. I have not seen her before or since. She must have been a Kambala. She was a grown up woman equally. I don't know the name of the lady who tied the Tali to Thathaya's wife. I did not see Tali brought from Palace and I first saw it when it was tied. I saw a plate with cloths, flowers, rice &c. A plate for each lady was brought. The cloths &c. were placed on it. There was raw rice first and then cloth on it, *i. e.*, one cloth on each plate, it was an ordinary cotton Kandangi made specially for marriage. The Tali was placed on flowers. The plate was carried by the woman who tied the Tali. I never before saw a dagger taken in a marriage. I enquired why it was taken. I did not know until then why it was taken. I know of the custom of sending dagger even before, but I have not seen an instance of it, but heard of it. As I had forgotten what I had heard, I made the enquiry. I had been told of the dagger form 4 or 5 years before Nagammal's marriage, but I had forgotton the thing at the time. Periya Vettu Naik stood in front of bride's hut under a pandal. Each bride's hut had a pandal in front of it. The bride will remain in the hut. She will come to the entrance of the hut, and sit on cloth before the Tali is tied. The Periya Vettu Naik held the dagger in his hand representing the Zemindar and stood in front of the bride. The lady who took the Tali followed. The Pandal will be filled. The people stood; only the bride was seated. Her face was veiled, but the veil was removed when Tali was tied. I stood by the side of the hut and so saw the face of the bride. While Tali was tied to Kumarammal, the other girls waited their turn. Then Tali was tied to Nagammal and I also saw her face. I moved close to her hut when Periya Vettu Naik and the women went in procession. Periya Vettu Naik then brought and gave the dagger to his elder brother who kept it in front of Zemindar's hut. I followed the Periya Vettu Naik when he went to have the Talis tied to other girls. Being a caste man I went and saw these things. Plaintiff's 1st witness' elder brother was Valla Kondama Naik. He is dead. It is customary, when the Zemindar is in his hut, for a person to mount guard. The naked blade is adorned with flowers and it represents the bridegroom. The

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 104. Deposition of Plaintiff's 6th witness Illinga Naik, dated 11th and 12th July 1890. —*continued.*

Periya Vettu Naik will hold it all the time the ceremony of tying Tali is going on representing the bridegroom. The Zemindar will sit on a gunny bag. His Kattiagar was giving him betel nut. The Zemindar's titles were not cried out. After that, the Zemindar got on a white pony. That was the only pony that came. There was no house. He came to the front of Kumarammal's hut and dismounted. He was then lifted out and placed in front of Kumarammal's hut. The same pony was taken and used by the other bridegrooms. Kumarammal was lifted out by her male relations after she was led out of the huts by her attendant girl. I don't know who she was. I have no idea who it was that lifted Kumarammal. She was then let down. She had her veil even then. Then the hands of Kumarammal and the Zemindar were joined. Caste people and relations and Zemindar then came forward and made presents. Many Zemindars, 4 or 5, were present then. I have not seen them before or since the marriages. I heard that some Zemindarnis were come. There was some stir when these people came, but I did not care to enquire who they were. The ceremony was done in pomp. I did not see the retinue of the Zemindars. There were strangers also, but I don't know them. I can't mention the name of a single individual who offered presents. I did not give any present. The Zemindar mounted his pony and went round Nagammal's hut and, after joining his hands with those of Nagammal, he remained near Nagammal's hut. The pony was taken to Thumbayasami and similar ceremonies were performed there. Then a similar ceremony was performed by Thathaya. The pony was then taken back to the Palace. Then the procession was reformed in the same order as abovementioned, but each bride had a Bottu pot on her head and a churning stick on her shoulder and they all went together Yekalichi. Before the Palace entrance, a sheep was slaughtered, and a sheep was given to mother-in-law. The ceremonies above described barring the dagger are observed in all Kambala marriages, whether they were of high or low position. I don't remember the names of those who were present at the funeral of Kumarammal. She died 5 or 6 years after the marriage. She was burnt at "Mala Thoppam" which is an exclusive burning ground belonging to the Zemindar and the members of his family. Periya Vettu Naik may be cremated there. The caste Kambalas have another burning ground. Until 2 or 3 years ago, I received the emoluments of my office as Pusari of Mala Thoppam Kovil. I continue in the office, but the pay is in arrears. I have petitioned the Collector on the point. There is no land endowed for the temple. I am paid by collections made from ryots. 4 or 5 months ago, I petitioned the Collector, and no notice has been taken of it. I made the application before I got summons. I heard of suit after I got summons. I got summons 2 months ago. I went to Krishnayyar after I got summons. He took me to Plaintiff's Vakil on Sunday last. I did not speak to any one about the marriage until then. Krishnayyar was at Saptur at the marriage of Nagammal. I don't recollect if he was present. I did not complain to him of the non-payment of arrears to me. Nobody has promised to pay up the arrears due to me. The emoluments came to 20 fanams or 4-4-0 Rupees a year. I have puttah for 20 Rupees. My own is 15 Rupees puttah. I have not encumbered my lands. I am not indebted to any one. I have sold some land for 30 Rupees to enable me to buy cattle and to pay off my debts. I

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RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 104. Deposition of Plaintiff's 6th witness Illinga Naik, dated 11th and 12th July. 1890. —*concluded.*

am a poor man and not a wealthy man. I am certain that Kumarammal was burnt at Mala Thoppam. As one of the caste men I was present when her corpse was cremated. I did not dictate the recitals of Exhibit B. The writer wrote them. It was read out to me, and so I paid attention to the description of myself and Ramasami Naik. I did not mention to Krishnayyar that I executed a deed of sale to Ramasami. I don't know how Krishnayyar discovered it. Late Zemindar died 4 or 5 years ago. I was not aware of the enquiry that took place. Ramasami Naik did not ask that he should be described as Naiker. I don't remember saying yesterday that Ramasami Naik was married upwards of 15 years ago. (The portion of the deposition was read out). Witness says I forgot it. I don't know where it took place.

Re-examined.—I belong to the Kattari Palavar Division. The Saptur Zemindars belong to the same sub-division. There is no intermarriage between Kattari Palavars. As we belong to the same tribe, I say that I and the Zemindar were dayadies. Thumbayasami and Thattaya Naik were lodged in the south Palace during the 3 days of the marriage. Formerly, *i. e.*, before the famine of 76, there were 40 or 50 houses of Kambala in Alagapuri. Now, there are only about 10 houses. Nattamai Andiappa Naik is the largest Kambala land-holder in my village. He holds 10 or 12 chains of land. Next is Krishnama Naik who has 6 or 7 chains. The late Zemindar was 17–18 or 20 or more at the time of Nagammal's marriage. There was an interval, *i. e.*, space of 5 or 6 yards between the huts of Nagammal and that of Thumbayasami. There was an interval of 2 or 3 yards between the hut of Thumbayasami and that of his bride. There was the same distance or 4 yards between the hut of Thathaya and that of his bride. The Zemindar was shaved in the night. I stayed in the Palace. I was awake when 2 or 3 sastras were performed and then went to sleep. The Periya Vettu Naik's mother brought only one ring and Suppammal gave it to the Zemindar. The other toe rings which were given by the female relations were put on fingers of the Zemindar. These were put on fingers, and removed immediately after. They were brought in a plate by relations. The toe-ring was of gold. The rings that were presented were of silver. I was present when Tali was tied to the 4 ladies married to the Zemindar at one and the same time. He was in his hut and simply touched the Tali. The Tali &c, and the plate was carried from the Zemindar's hut to Thathaya Naik's hut, and, after that, Tali was tied to his bride. The Zemindar and Kumarammal and Nagammal went into the Periya or big Palace. While Thumbayasami and Thathaya and their brides went into the south Palace. The south Palace has a separate way and entrance from that of the big Palace. The Mala Thoppam Kovil is close to the Thoppam. It is about 20 or 30 yards from the ground. The burning ground belonging to Kambalas generally of Saptur is situate north of the village of Saptur.

12—7—90.

(Mark of) Ellinga Naiken.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 12th July, 1890.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

No. 105.

IN THE SUBORDINATE COURT OF MADURA, (WEST.)

Original Suit No. 21 *of* 1893.

Plaintiff's 9th witness, solemnly affirmed.

Name ... ... Venkata Subbramania Ayyar.
Father's name ... ... Annasami Ayyar.
Age ... ... 43.
Caste ... ... Brahmin.
Occupation ... ... Maramut Maistri in the State of Pudukota.
Residence ... ... Kylasapuram in the Zemindari of Saptur.

I know the late Zemindar, the father of the Defendant. I was in his service as head gumastah for about 18 months, about 15 years ago. I was head gumastah of the Zemin office. Besides the village establishment, the Zemindar had a manager for the office, a head gumastah, samprathi, royasam, and shroff in the office. When I was head gumastah, the Manager was Krishniengar, the shroff was Sellandia Pillai, the samprathi was Sankaralinga Pillai. Subramania Pillai was also samprathi for a time. He then became Royasam. He is an inhabitant of Saptur, son of Bhagavati Muthu Pillai. He had another establishment called "Samugam office". Vythialinga Pillai was samugam Royasam. There was for some time a samprathi also. His name was Kalimuthu Pillai. So I recollect. The Zemindar had a store and an accountant for it. Sankaramurthia Pillai, I recollect, was the accountant when I was head gumastah. Vellaya Naiken was the store-keeper. The Zemindar had his Pannai office. Muthirulappa Pillai was Pannai accountant. The Zemindar had a garden establishment. There was a garden accountant. I don't recollect his name. He had a Manovarthi office and a house-hold store. I don't recollect who were employed in that office. I don't recollect if the Zemindar had any other establishment except peons. The Saptur Zemindar has Forests. Subaramania Pillai was looking after them. He was called an amani accountant. Daily cash chittas were kept in the Ayan office for receipts and disbursements. Three chittas were kept for receipts, one for cash received, the second, for paddy, and the 3rd, for grains. The disbursements of paddy, *i. e.*, that sent to the store room, the sales of paddy, paddy issued to servants &c., will appear in the chittas. I have written the chittas and when I am otherwise engaged, I would get the entries made by other gumastahs. The chittas used to be signed. The cash chitta used to be signed by the shroff, by myself as head gumastah and by the manager. The same is the case in regard to the paddy and gram chittas, *i. e.*, I and the manager signed them and I am not sure if the shroff also signed them.

Deputy Registrar.

A separate set of accounts was kept for "Manovarthi". I don't recollect who wrote them, but I, the shroff, and the manager, I remember, have signed them. In 1875, the Saptur Zemindar made a marriage when I was Head Gumastah. I attended it as also the previous marriages contracted by him. In 1875, the Zemindar married Kumarammal and Nagammal of Paraiyur. Disbursements were made in the Cutcherry Office on account of that marriage. Account was kept of the expenditure incurred. Separate account was kept in connection with the marriages and the entries were not made in the current chittas. If I see the accounts, I may say whether any sum was transferred from the Ayan to the marriage chittas. The chitta shown me from 9th July 1875 is wholly in the handwriting of Sankaramurthia Pillai who is dead. The superscription on the cover seems to be also in his handwriting, each page is signed by Sankaramurthia Pillai and initialled by the Manager Kishniengar. The account is marked as Exhibit C. The chitta shown me is an account of paddy spent for Kumarammal's and Nagammal's marriage. The superscription is in the handwriting of Subramania Pillai, royasam. The heading on the 1st page is also his writing. The entries on the pages 1 to 7 are in the handwriting of Amani accountant, Subramania Pillai. The rest of it is in the handwriting of the deceased Sankaramurthia Pillai, the store accountant. The account is filed as Exhibit C1. The acccunt shewn me is an account of articles received for the marriage. From 7th page to the end, the writing in it is that of the deceased Sankaramurthia Pillai. This is filed as C2. The chitta shewn me is Manovarthi Chitta for July 1875. The entries under date 1st July 1875 are in shroff of Sellandia Pillai's handwriting. They are signed by him, and by Acting Head Gumastah, Royasam Subramania Pillai. He acted for me during my absence on leave. The entries are also signed by Krishniengar, manager. The entries under date 3rd July were made by shroff Sellandia Pillai and signed by me and Krishniengar. The entries under the 4th July were also made by Sellandia Pillai and signed by him, myself and Krishniengar. The book is marked as D, and the entries of the 1st, 3rd, and 4th July are marked as D1, D2 and D3 respectively. The entries under the 5th July 1875 were made by shroff Sellandia Pillai and signed, among others, by me. It is marked D4. The entries under the 8th July bear my signature. It is marked D5. There are no entries on the 9th July. There are entries on the 10th, and they are signed by me. This is marked D6. The entries under 11th July bear my signature. This is marked as D7. The entries on the 12th also bear my signature. This is marked D8. The entries under date the 13th July, I think, are in the handwriting of Sellandia Pillai, shroff, and bear my signature. This is marked D9. The entries under 24th July are in the said person's handwriting and bear my signature. This is D10. The entries under 27th July are similarly in his handwriting and signed by me. They are marked D11. Next Court, 12-7-90.

(Signed) Venkatasubramania Ayyar.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 12th July 1890.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

I have seen portions of marriage ceremonies performed on the occasion the marriage of Kumarammal and Nagammal. I saw the ceremony of touching head with milk, the Tali-tying and that of the bride and bridegroom going home *Yekalichi*. These only I remember to have seen. The marriage ceremonies lasted for 3 days. I attended to the business in connection with the marriage and my own business. I got articles &c. from the store-keeper and others as per orders of the Zemindar. Strangers such as Thirupugalsami, Seenusami, relations of Paraiyur Zemindar, Dora Pandiyan, son of Paraivur Zemindar, his mother, Gopala Kistnammal of Sandayur, the Zemindar of Mulipatti, and Periya Vettu Naik, and other relations of Zemindar were also present. By relations, I mean men of Kambala caste connected with Saptur Zemindar. There are, I believe, only two houses of Kambala caste in the town of Saptur, besides the Zemindar's house. I recollect (but I am not sure) that I remained in Zemindar's service for 4 or 5 months after the marriage of Nagammal and Kumarammal. I see the Manovarthi Chitta for September 1875. The entries of 2nd September bear my signature and are in the handwriting of shroff Sellandia Pillai. The book is marked E. The entry is marked E1.

Cross-examined:—I receive no salary, but I get a commission of Rupees 5 per cent on the work done. I get between 15 or 20 Rupees a month. I have been Maistri for 18 months. I left Zemindar's service 12 or 13 years ago. In the meantime, I was in service in Thanappa Mudali's Kattalai under Thiruvaduthurai. My pay was 6 Rupees a month. I got besides about 10 Rupees per mensem in the shape of cloths and cash as present. I have lands in Mulipatti worth Rupees 2,500. My father had mortgaged a portion. My father is alive. He is Nattamaigar and Village Munsif of Bandari and we have lands there. He also was present at this marriage. He used to come to Saptur now and then. Most people at Saptur knew me. Brahmins are allowed to attend Kambala marriages. I don't know if Brahmins are allowed to be present at tying of Tali. This was the only Kambala marriage I attended. I was present at tying of Tali. I don't recollect on what occasions my father was present at marriage. During the marriage, many Brahmins were present. I was the only Brahmin present at the time of marriage. Vittal Subbayyar who is dead was present. I cannot recollect the name of any living man who was present. I was in front row of the crowd. Periya Vettu Naik saw me. I might have spoken to him, but I can't say what we spoke. The father of Periya Vettu Naik, I recollect, was not present at the marriage. I don't recollect if plaintiff's 1st witness' mother was present. I don't know if 1st witness had then been married. The Kodangi Naik was Mahalinga Naik. He was present at marriage. I did not speak to him. I don't know the relationship of Seenusami Naik with Paraiyur Zemindar personally. I had known him 10 years before the marriage. Thirupugalsami told me that he was a relation of Paraiyur Zemindar. This took place 25 years ago and I remember the fact. I don't recollect where Seenusami was or stood at the time of the marriage. The ceremony of touching the head took place in the Palace quadrangle. The Periya Vettu Naik touched the Zemindar's head with milk. Some other Naiks also touched, then Mulipatti Zemindar

Deputy Registrar.

also touched. Then Thirupugalsami did the same. I cannot say how many more touched the head. Many grown up, *i. e.*, old men did so. This ceremony took place in the night. This is all that I saw that night. Next day the Tali was tied to the ladies, Nagammal and Kumarammal. I went near the huts. There were seven huts. These were put up in Palace compound. I did not see the procession to the huts. I did not see them enter the huts. I cannot say when they entered the huts. I don't know what I was doing. I might have been busy with my work. I cannot say if I was very busy. There was music, and some man told me that Tali was going bo be tied and so I went to see. Amani accountant Subramania Pillai, I think, told me that Tali was going to be tied. Because he told me, I went and saw it. This ceremony took place in the day time. What part of the day I cannot say. I went near the Zemindar's hut. These huts were in a row or line. They were from north to south. The Zemindar's hut was north of the huts of Kumarammal and Nagammal. Nagammal's hut was the southernmost one, next was Kumarammal's and the next to hers was that of the Zemindar. I did not notice the ceremonies of other marriages that took place. I have not spoken to any one, nor has any one spoken to me about the details since the time of the marriage. I was examined by Plaintiff's Vakil Bashiamiengar. Krishnayar put a few questions to me before. He did not speak to me about tying of Tali or *Yekalichi*. 5 or 6 plates were taken to the huts with Tali &c. Kambala servants and other servants took them. I don't recollect who carried the plates. I cannot say whether Periya Vettu Naik or Kodangi Naik took the plate. I cannot recollect, whether men, women or children, took the plates. The plates were brought from the store room. I was present when the plates were started. It was I that made the people start with plates. There were cloths, fruits, flowers &c., in plates and dagger. I don't recollect that dagger was sent from store room. I recollect that the plates contained Tali also. I don't recollect how many there were. I cannot say whether there was only one Tali or 12 Talis. I saw 2 plates with 1 cloth each on them. The cloths were red Kandangi. I don't know what a Kandangi cloth is. Immediately the plates were started. I went to the huts, in fact, I followed them. I don't recollect to which hut they went. They went to Zemindar's hut. The plates were taken to the brides' huts with dagger. It was a drawn blade. I cannot say where it came from. The Zemindar had it in his hut. It was placed on the ground. It was then drawn. The hut was slightly larger than the witness box I stand in. A person had to bend to enter the hut. I was 2 or 3 yards from it. I was in the front row of the crowd. I came away from the place, and went a little further from the crowd. There were 4 brides in all. One plate was first carried to Kumarammal's hut. I cannot say where the other plates were kept or whether they were taken away. I don't recollect who carried the dagger to Kumarammal's hut or how it was carried. I was 2 or 3 yards from Kumarammal's hut. I did not see the Tali tied. There was tom-tom and it was proclaimed that Tali was tied. I don't recollect what became of the dagger. I then saw a plate and dagger taken to Nagammal's hut. The dagger was placed on ground in Nagammal's hut. Whether it was stuck or not, I cannot say. I did not see Tali tied to Nagammal. It was done in pandal

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 105. Deposition of Plaintiff's 9th witness, Venkatasubbramania Ayyar, dated 16th July 1890. —*continued.*

outside the hut. The dagger was also placed on the ground. 3 or 4 people and females surrounded her and so, I did not see Tali tied. I did not see Nagammal distinctly. I cannot say whether I was within a foot or 10 feet of the place. I then went back to the Cutcherri. I did not see Tali tied to other brides as they were ordinary people. That is all that I remember having seen that day. I did not see sheep slaughtered. After the Tali was tied, the brides, Nagammal and Kumarammal, went into Palace. How long after Tali was tied, they went into Palace, I cannot say. I cannot remember when I left the Cutcherry or where I supped and slept. I don't recollect whether I attended Cutcherry next day or what I did except that I attended the marriage. What took place was that the Zemindar went round the bride's huts in the evening on horseback. Whether it was a pony or horse I cannot say. He went round first Kumarammal's hut 3 times. He then dismounted, and remained in pandal in front of her hut. They were doing *Yekalichi* something. I don't know what it means. The Zemindar sat. I don't recollect what was done. They were saying something in Telugu. I can't say that all was said in Telugu. I saw Kumarammal sitting with Zemindar. I cannot recollect whether she was there when the Zemindar arrived. I don't recollect whether she was carried about. I was within 2 yards. I did not notice particularly what took place. I don't recollect whether they joined hands "Sastram" is an expression used by Kambalas. The Zemindar again mounted and went round Nagammal's hut 3 times and then dismounted. I cannot say what all took place as I left the place as soon as the Zemindar sat in the pandal. I don't recollect where I went to. I can't say if I went to Cutcherry. I cannot recollect anything about myself or what I did that day. I did not make a note of what took place that day. I don't know what language is *Yekalichi*. That was the first occasion I heard that word used. It was not explained to me. I heard that word used again. I don't recollect when I have not heard it used since. It was because of the Zemindar's marriage and because I was in service I have remembered the word *Yekalichi*. My summons was affixed to my residence at Kylasapuram. My mother was ill and I came here and my father told me I was summoned. I came here by the purest accident. I remained for 10 or 12 days at my village. I saw none of Plaintiff's people in my village. I was not then aware of why I was cited as a witness. I was not aware of the suit when I was at Pudukotta. Summons was the first intimation of the suit. The suit is as regards title to Zemindari. I don't know if there was any contention as to Nagammal's marriage. I don't know if I was cited to prove Nagammal's marriage. After I knew I was to be a witness, I did not think of what I was to say. The Zemindar was in the habit of keeping copies of correspondence between him and the Tahsildar and Collector. I knew Vythilinga Pillai. He is now dead. I have seen him write. I know his writing A book shewn. I can't say thether it is Vythilingam's handwriting.

No re-examination.

(Signed) Venkatasubramania Ayyar.

16—7—90.

Deputy Registrar.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 16th day of July, 1890.

(Signed) VENKOBA CHARIAR,
Subordinate Judge.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 105. Deposition of Plaintiff's 9th witness Venkatasubbramania Ayyar, dated 16th July 1890. —*concluded.*

No. 106. Deposition of Plaintiff's 15th witness Pethakkammal, dated 16th and 23rd July 1890.

No. 106.

IN THE SUBORDINATE COURT OF MADURA (WEST).

O. S. No. 21 *of* 1889.

Plaintiff's 15th Witness Solemnly affirmed.

Name	...	...	Pethakkammal.
Father's name	...	...	Rangasami Naik.
Age	...	...	38—40.
Caste	...	...	Kambala.
Occupation	...	...	Ryot cultivation.
Residence	...	...	Alagapuri.

Alagapuri is half a mile from Saptur. My husband died 4 or 5 years ago. I know Nagammal and Kumarammal. Kumarammal is dead. I have known Nagammal for 15 years. I first saw her at her marriage. Her marriage took place at Saptur. I first saw Kumarammal also at her marriage. Both of them married the late Saptur Zemindar. I attended the marriage. The Saptur Zemindar was our caste relation. We belong to the Tottiya Kambala caste. Betel and nut was sent to me for the marriage and so I attended it. Others from my village attended. Kondagi Naik, Ellinga Naik, Sastra Naik, and others whose names I don't recollect went together. Females also went with us *viz*, Vallakondammal, Verachinnammal and others whose names I don't recollect. We arrived at Saptur on the Muburtham day (marriage day) and remained there for 3 days. Provisions were supplied to us and we females cooked our meals in a part of the Palace. I took part in the marriage. I pounded paddy *i. e.*, 5 or 7 females joined together and pounded paddy. We did so as soon as we arrived. Beyond taking part in the ceremony of pounding and pounding paddy I did nothing else. Thumbayasami's and Thathaya's marriages also took place along with the marriage of the Zemindar. I have seen Kambala marriages, but I don't recollect. I was veiled when I was married, so what could I say about it. I was married when I was 12 or 15. I saw the ceremony of touching forehead with milk take place in the marriage of Nagammal and Kumarammal. This took place in the quadrangle of the Palace. The brides and bridegroom were

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PART I.

In the Subordinate Court of Madura (West.)

No. 106. Deposition of Plaintiff's 15th witness Pethakkammal, dated 18th and 23rd July 1890. —*continued.*

seated on stools and the Plaintiff's 1st and 2nd witnesses and Sastra Naik touched their forehead with milk. Then toe rings were put on the Zemindar. Then Sandaiputti *i. e.*, fair basketcere mony took place. I, Plaintiff's 1st witness' mother, Kumarammal and others and 1st witness went to the market with music. Plaintiff's 1st witness and his mother purchased saffron (turmeric) betel nut, &c., and returned home. Then the males put up huts. Females carried rice to the huts and rice and betel were distributed to those who put up the huts. The bridegroom and brides then went to the hut. I saw them go. The brides took seats in their respective huts and the bridegroom in his hut. This took place the next day. I saw the Tali tied. There were 3 plates containing rice, one contained Tali, another cloth and the third Kadayam. These were with the Zemindar. The Zemindar touched the plates and worshipped them. He then handed the dagger to Plaintiff's 1st witness. The girls then took the plates and Krishnammal and Meenakshiammal accompanied them. I also went with them. Meenakshiammal tied Tali to Kumarammal. We then returned to Zemindar's hut and then 3 plates were touched and the same process was observed in regard to Nagammal. She worshipped the plates and Krishnammal tied Tali to her. Then I saw Zemindar and Kumarammal joining hands. The Zemindar rode round her hut thrice on horseback, and then joined hands. This was repeated in the case of Nagammal and then they all returned to the Palace. The brides carried each a pot. At the entrance to the Palace, a kid was slaughtered and the foreheads of the brides and bridegroom were touched with blood. The pots were put down at the Mogappu in the Palace. The brides then carried cow dung accompanied by music and threw them along with rubbish. The brides and bridegroom then went to the Thoranam post and cut asunder the Thoranam. Then the sisters carried rice and betel leaf, and distributed moistened rice to people and put betel leaf in a well. They took earth from near the well and brought it in their laps. Then a cloth cradle was set up, and the brides and bridegroom touched it. An image of a child made of earth was placed in the cradled and we cradled it with songs. This took place on the 3rd after they returned home Yekalichi. Then God was worshipped. This is all that I saw. Thathaya Naik is the son of my husband's uterine brother, Sengula Naik. I know Ramasami Naik. His father was said to be Jakkaya. I don't know his name. I don't recollect having seen him at the time of Nagammal's marriage. I know Ramasami Naik's wife. She is the daughter of Sengula Naik above said. He belonged to Athippatti. He is now dead.

Cross-examination reserved.

18—7—90.

(Mark in Tamil) Pethakkammal.

Interpreted to the witness in Tamil which she understands and admitted by her to be correct, this 18th July 90.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 106. Deposition of Plaintiff's 15th witness Pethakkammal, dated 18th and 23rd July 1890. —*continued.*

Cross-examined.—My mother's name was Jakkammal. She had no other name. I don't know Karuppayi, but I know the daughter of Mosai Monigar. She was kept by my father. She is alive. Karuppayi is her name. Through frightfulness I said I did not know her. She is not my mother. My mother is dead. I have no sister by name Muthulinga. I have had no brother or sister. I was the only child of my mother. Muthuranga is the daughter of Karuppayi by my father. I do not know if she is married to Chinnaya Monigar. Muthuranga had a sister, Seerangu. She is not my sister. I don't know if she is married. I don't recollect if she is kept by any one. I have not seen her for 2 or 3 years. I don't know if the two sisters had brothers—Seerangan and Chinnasami. They had two brothers. I last saw them 2 years ago. These brothers and sisters are not my relations. I have never seen Seerangan here about this case. I came here 10 or 15 days ago on a summons. I got summons 10 or 12 days prior to my arrival. I went to Nagammal's lodging as she cited me. I saw her. She said that I was present at her marriage and did all business and asked me whether I recollected it. I said yes. I then left her. I lodged at a choultry near Tallakulam near to the place where Nagammal lodged. Where that place is I can't say. I did not say that I lodged at a place close to the lodgings of Nagammal. I don't know any woman by the name of Pethakkal. I did not see Nagammal's mother since I came to Madura. I, Verachinnammal and Vallakondammal live in the choultry. I don't know if male witnesses also put up there. I don't know the male witness' names. Sandayur Naiker is come here. Some male witnesses have given evidence. Sandayur Naik is also known as Mahalinga Naik. I carefully avoided talking to the women or to the men come up here. I did not speak to any one about the case. The Madras Vakil questioned me as to what I knew. I know Krishnier. He will mind his business. He is the man who pays us for our food. He sent money by messengers. I did not see him. I am quite certain that I did not speak to any one before I was questioned by Madras Vakil. My husband was a servant in the Palace in the Kottaram. His name was Karuthaya. His pay was 4 or $4\frac{1}{2}$ Rupees a month. He died 3 or 4 years ago. I have $\frac{3}{4}$ chain land, I have let it on varam. I got 3 or 4 pothis of grain. I have no other means of subsistence. I know Thathaya Naik. He is my husband's nephew. He was married along with Nagammal. I was married 25 or 27 years ago. I attended Muthu Verammal's marriage. I have never seen any other marriage. I pounded paddy in Nagammal's and Kumarammal's marriage. I touched the foreheads of the brides and bridegroom because I was wife of Zamindar's dayadi. He was dayadi because he belonged to Palavar section. There was no relationship between them. Only 4 or 5 persons touched their foreheads. There was a large crowd. 4 or 5 persons were selected to touch because they were relations. Periya Vettu Naik told me to touch. Thirupugalsami, Muthulingasami, Dora Pandian, son of Paraiyur Zemindar, a young person touched. Dora Pandian was a child of 4 or 5 years old. Paraiyur Krishnammal, his mother and Meenakshi Ammal touched. Except Meenakshi, the others are dead. I don't know if Meenakshi is come and was examined. I don't remember. The touching ceremony took place a year prior to the famine year. The marriage took place 10 or 15 years ago. Though I did not take note of what took place yet I recollect

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PART I.

In the Subordinate Court of Madura (West.)

No. 106. Deposition of Plaintiff's 15th witness Pethakkammal, dated 18th and 23rd July 1890. —*continued.*

what took place. Periya Vettu Naik put on toe-ring to the Zemindar. He brought it from Suppammal. She may not look on the Zemindar as she was his mother-in-law. She was in the south Palace because she was attending her son's marriage. Suppammal could not look at Zemindar, because, he was her son in-law; because she was widow; and because she was engaged otherwise. She could be close but as a widow she could not take part in ceremonies. I did not see her give the toering to Mahalinga Naik. It is an important ceremony. The Tali tying constitutes the marriage. The other ceremonials are usually observed. I saw the huts built in the Palace compound. There were seven huts. None were constructed in the common. I did not count. Periya Vettu Naik, Yellinga Naik, Bommaya Naik and others built the huts. I have known Bommaya Naik for 15 or 16 years. I first met him on the occasion of the marriage. I did not ask him if he was building the huts well. When we took rice to them Plaintiff's 1st witness called out their names and so I came to know their names. I cannot recollect the names of others because the thing took place such a long time ago. I cannot give any reason why I remember these two names. I have seen Yellinga Naik and Bommaya Naik since. These 7 huts were built in half a naligai. These were small just enough for a person to enter and sit in. There were pandals in front of the bride's huts. Then the fair basket was taken to the market. I and Kumarammal, wife of Nagamuthu Naik, 1st witness and others went. This is customary. We usually take 3 measures of Kumbu and a fanam. We got in exchange turmeric and betel &c. The next day we all went to hut about first meal time. The Zemindar came handsomely dressed. I did not notice if he had toering but he had dagger in his waist. This is usual in a Zemindar's marriage. He went to his hut, and the brides to their huts. 1st and 2nd witnesses, Errama Naik (Sastra Naik) Krishnammal and others went to Zemindar's hut. I had known Errama Naik for 3 or 4 years prior to the marriage. He was Sastra Naik to Naiks and Zemindars. He was assisted by 1st and 2nd witnesses. This was the only marriage in which I saw him. It is usual to have 3 plates containing rice, cloth &c. This is customary in all marriages. I have seen these things and so I recollect. Both because it is usual and because I saw, I recollect what all took place. I knew what all should take place. They were all performed. The Zemindar had the dagger in his hands. He drew it from his sheath. It was then covered with flowers by the Zemindar. It had no fruit on the top. There was no lime on the top. There was no silk cloth tied round the plate. If anybody had said so, it must be a lie. Plaintiff's 1st witness handed the dagger to Kumarammal. She held it right up in her hands which were joined. It was not put on her lap. This was the only dagger marriage I had seen. This is usual with Kattari Palavars and therefore was nothing astonishing. The ordinary Palavar Kambalas use a bamboo stick to represent a dagger. While Zemindars of the Kattari Palavars use a dagger (real). The bamboo stick would be kept in a basket in the bridegroom's hut. The custom among the ryots that is the ordinary "Palavar Kambalas" is for the bride to hold the bamboo stick and in the case of Zemindars, the bride holds the real dagger. Then the Bottu was tied to Kumarammal by Meenakshi Ammal and then Bottu was tied to Nagammal, by Krishnammal. I sang some songs *Sobanai* blessings. It is the

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No 106. Deposition of Plaintiff's 15th witness Pethakkammal, dated 18th 18th and 23rd July 189.. —*concluded.*

same songs which are sung in all marriages. The bridegroom was in his hut and the brides were taken home. We returned. It is usual to do so. The Zemindar stayed that night in the hut. I say so, because it is usual with us. I saw the dagger returned to Zemindar. The next day we went at day-break to the huts. The brides came in procession. Then the Zemindar mounted a horse. I don't know whose horse it was. It was a big horse (16 or 17 hands high). I cannot say if it was a pegu horse. I don't remember the color of the horse. It had stirrups. Nobody assisted him to mount. The huts faced east. I cannot say which side the Court hall door faces. It is usual to have huts facing east. Sun then rose. He faced the hut. The Zemindar dismounted himself. He was not lifted by anybody. After joining hands with Kumarammal he went to Nagammal's hut. Kumarammal was inside the hut near the door way when Zemindar dismounted. Then Plaintiff's 1st witness lifted her up like a child, went round a post but not the hut. This is usual. The same ceremony was observed. This completed the marriage. Then the bridegroom went to his hut, and the brides were taken to his hut. Then Yekalichi took place. I did not go to the other huts. I did not see what took place there nor who was there. There was a fathom between each hut. The huts were in a line. Then everything according to custom took place. I took part in ceremonies *i. e.*, I sang songs appropriate to each ceremony. Valla Kondammal is one of those who sang. Lingammal and Suppammal who joined us were dead. We formed the chorus. We got each a cloth.

Re-examined.—I have the jewels that I wear a brass ear-ring and some coral strings—silver bangles). As Dorai Pandian was maternal uncle of Saptur Zemindar, he touched his forehead. He was told to do it by Periya Vettu Naik. She shows the height of the horse by taking her hand just to touch her head. Among ordinary Kambalas, the mother-in-law can see son-in-law.

(Marked) Pethakkammal.

Interpreted to the witness in Tamil which she understands and admitted by her to be correct, this 23rd July 1890.

(Signed) C. VENKOBA CHARIAR,

Subordinate Judge.

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 107. Deposition of Plaintiff's 16th witness Vellasami Naik, dated 23rd July 1890.

No. 107.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 *of* 1889.

Plaintiff's 16th witness solemnly affirmed:—

Name	Vellasami Naiker.
Father's name	Seenusami Naiker.
Age	37—38.
Caste	Kambala.
Occupation	Ryot.
Residence	Madavanaikkanur.

The Zemindar of Madavanaikkanur is the son of my senior uncle (cousins). The Zemindar gives me 50 Rupees yearly for my maintenance. His father gave my father lands for my maintenance, and I have puttah for them. I belong to the Sillavar Sub-Division. The Zemindar of Paraiyur belongs to the same subdivision. We are dayadies. I know Nagammal and Kumarammal. They are the daughters of Muthu Veerasami Naik and wives of Saptur Zemindar. I got betel nut for their marriage and I attended it. The betel and nut were served to me in my village 15 miles distant from Saptur. The marriage lasted for 3 days. Muttu Madava Naik, Seenusami Naik, our village Periya Vettu Naik, Chinnasami Naik and I went to the marriage. Chinnasami Naik is dead. We were lodged in the Saptur Palace. We arrived at Saptur on the day of the marriage. The marriage took place in accordance with the customary rites of our caste. Periya Vettu Mahalinga Naik, Sastra Naik, Kodangi Naik and other Kambalas got through the ceremonies of the marriage. The Zemindar of Mulipatti Dorai Pandian of Paraiyur, Thirupugalsami, and others, besides many Kambalas came for the marriage. The touching ceremony and toe-ring ceremony took place in the quadrangle of the Palace and huts were erected outside the buildings of the Palace and in front of the Harem and other ceremonies were performed near about the huts. The bridegroom and brides came to the huts and then sheep was slaughtered. Then six 3 legged stools were placed in front of Zemindar. On each was a plate containing rice, cloth, Tali &c. Then dagger was sent with plates and Tali was then tied. Then after one or two ceremonies were performed, brides were taken home. Subsequently they returned to the huts. I saw the Zemindar mount his horse and go round. Then joining of hands of brides and bride-groom took place, then, bathing ceremony, then hunting ceremony and lastly the Yekalichi were performed. I left Saptur on the 4th day after my arrival.

Cross-examined—I get between 100 or 150 Rupees from my lands. I get 200 Rupees a year. We are 4 people to be supported by it *viz.* I, my mother, my wife and my elder brother. My mother and the mother of Madavanaikkanur Zemindar are sisters. My grand-father and his grand-father were brothers. The

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 107. Deposition of Plaintiff's 16th witness Vellasami Naik, dated 23rd July 1890. —*continued.*

Zemindar's grand-father was Shunmugamuthu Madava Naiken. My grandfather was Thondisami Naik. Shunmugamuthu was the elder. They had no brothers. There was dispute between the sons of my uncle, the Zemindar, regarding succession. My uncle had 2 wives. By one wife, he had 2 sons and by the 2nd he had one son. The son of the senior wife who was a junior became the Zemindar. Two girls were married at one and same time. The maternal uncle's daughter was taken as first wife. This suit is for recovery of Zemindari and for share. Plaintiff claims it because he is elder in age. I don't know Defendant's contention. I heard of it after I came here. I got summons a month ago, about 20 days after I came to Madura. I put up at the choultry at Tallakulam. Some other witnesses also lodge there. I know the previous witness. I have seen her lodge in the same choultry. I don't know the names of other witnesses. I have seen Krishtnayyar twice or thrice. He comes to the choultry once in 2 or 3 days and looks after our provisions. He took me to Vakil Rama Subbayar's house. I was examined by him. I dont' know who else was examined. Nobody was present when I was examined. After I got the summons, and as the dispute is between the brothers, I assumed that the suit was for recovery of the Zemindari. I know that there was a question about Nagammal's marriage. Plaintiff's Vakil questioned me on the point. Krishtnier told me that there was a dispute about Nagammal's marriage, and that I should go to Vakil and tell him about what I saw of the marriage and the custom of the caste about it. He asked me to tell the Vakil what I saw. He said nothing more. I told him that I was present at the marriage. I cannot say how I happened to be cited as witness. I was 23 or 24 years old at the time of Ngammal's marriage. It took place 15 or 16 years ago. I cannot say the year, month or date. I can't say whether it was before or after Pongal or before or after rains. I had no particular interest in the girls. They were dayadies being Sillavars. I and the girls eat and drink together. We went to them. They came to us and so I knew they were Sillavars. There were 5 or 6 pairs of toerings. Only one golden pair were stuck on the Zemindar's toes by a Kamabla woman. I don't recollect her name. I have never seen her before the marriage nor since. The Kambala woman who put on the rings was not the mother-in-law. She was not present. It was said that being a widow, she could not be present. So plaintiff's 1st witness told me. I knew that she was a widow, even before the marriage. Because he said so, I thought a widow could not be present. I did not see her at any of the ceremonies. I can't say if she was visible. The next morning, the 3 bridegrooms and 4 brides went to the huts in procession. They went in distinct order *i. e.* the Zemindar and his brides went first, and then the others surrounded by people. After sheep *i. e.*, seven rams were slaughtered, the blood mark was put on their foreheads by the person who killed them. I cannot say how many men slaughtered them. After one or two ceremonies which I don't recollect were performed, the Tali was tied. The dagger was in the Zemindar's hut. It was placed leaning against the hut. It had no sheath. I can't say if the Zemindar had it when he came. The dagger was a cubit long. The dagger had flowers covered. It had no lime or flower ball attached to it. I don't recollect if a silk cloth covered it. The Zemindar handed the dagger to the Plaintiff's 1st witness. His father was there. I

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PART I.

In the Subordinate Court of Madura (West).

No. 107. Deposition of Plaintiff's 16th witness Vellasami Naik, dated 23rd July 1890. —*continued.*

don't recollect if his father was there. I have seen him at Saptur. I don't know his name. I can't say if he was alive or dead at the marriage. I knew Plaintiff's 1st witness for 2 or 3 years before the marriage. I don't know if he was then married. I don't know his wife or mother. I cannot mention the names of females who took prominent part in the ceremonies. Meenakshiammal and Krishnammal took part in them. I don't know the name of the last witness. I saw her at the marriage, and then at the choultry. I did not recognize her as having been present at the marriage, though I knew she was a woman of Saptur. She was singing songs. I came to recognize her 10 days ago. What I meant to say was that I did not recognize her the moment I saw. I recognized her in Court when pointed out in Court. I said that I recognized her by seeing her in Court. I don't know the last witness' relations. 1st witness took the dagger in his hand straight and placed it on the brides' lap The bride folded her hands. The dagger was in the lap when the Tali was tied and then it was removed. I did not see the hands folded. I believe so. Her hands were not on the dagger. It was not on the ground at the time the Tali was tied. I am sure that the girl did not hold the dagger in her hands with the point up while the Tali was tied. That same evening the Zemindar came on horse back and went round the huts. I can't say if it was a pony or horse. I don't recollect its color. The Zemindar mounted the horse without assistance. After he dismounted, a Kambala lifted him up and placed him near the bride. He then came to Nagammal's hut in the same way. She was lifted by somebody whose name I don't know. I only saw him at the marriage. I have no recollection of the man. Nagammal was conducted out of the hut by the females. She walked two fathoms, and then a Kambala lifted her and placed her by Zemindar's side. I don't recollect if he carried her round the hut. Females are not carried round the hut. She was lifted like a child. I did not see hands joined. I then left the place. I don't know what else took place. This was all that I saw on the 2nd day. On the 3rd day the Yekalichi ceremony took place. These ceremonies commonly take place in all Kambala marriage. We use *Bamboo* sticks. We Sillavars used a bambu stick covered with saffron cloth to represent dagger. This is the case with a Sillavar Zemindar or a Sillavar Ryot. There is no distinction. This bambu stick is kept by bridegroom, and is not sent to bride. I have not seen a real dagger used on any other occasion, except Nagammal's marriage. I asked Plaintiff's 1st witness why the dagger was used. He said that the daughters of Chinna Zemindars and of Kambala ryots, if married to Zemindars, are married in this fashion to elevate the girls to the position of the Zemindar's daughter. I intimated this to my father. My memory was not refreshed in the meantime. Krishnier did not tell me anything. Plaintiff's Vakil knew that I was aware of this. I told him about this. He did not ask me now on this point. I told him the custom and the reason for the dagger marriage. I have hypothecated my house and lands for 600 Rupees. The whole of my property was hypothecated 4 years ago. The property is worth 2,000 Rupees. The sum bears 9 per cent. per mensem. I have discharged a portion of the debt. 250 Rupees is due. Chokkappa Reddi obtained a decree for 125 Rupees on my hypothecation bond for 80 Rupees. I don't recollect if he took steps to execute the Decree.

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 107. Deposition of Plaintiff's 16th witness Vellasami Naiker, dated 23rd July 1890. —*concluded.*

No. 108. Deposition of Plaintiff's 17th witness Valla Kondammal, dated 23rd July 1890.

Re-examined.—My uncle's 1st wife was called Pattabasri.

Q.—Does it make any difference in your caste that the senior wife is also the (1st) Pattaba Sri and that the senior wife, who is not Pattabha Stri, as regards succession. Disallowed.

23—7—90. (Signed) Vellasami Naiker.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 23rd day of July 1890.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

No. 108.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 *of* 1889.

Plaintiff's 17th witness solemnly affirmed.

Name...	...	...	Valla Kondammal.
Father's name ...	...	...	Nagappa Naik.
Age ...	...	...	30—32.
Caste ...	...	...	Kambala-Sillavar.
Occupation	...	...	Cultivation.
Residence	...	...	Alagapuri.

My father belonged to the Palavar Sub-Division. My husband died 5 years ago I know Nagammal and Kumarammal. They were married to the late Zemindar of Saptur. Betel-nut was sent and some 20 or 30 people from our village attended the marriage. It lasted for 3 days. The marriages took place in the Saptur Palace. Thumbayasami was also married at the same time. Jakkammal was also married at the time. I don't recollect her husband's name. Jakkammal had no elder or younger sister. The marriages were performed by erecting huts and in accordance with our caste customs. I saw Tali tied to Kumarammal by Meenakshiammal. Krishnammal of Paraiyur tied the Tali to Nagammal. After the hands of the Zemindar and the two ladies were joined, I came home. I was present at Yekalichi ceremony.

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PART I.

In the Subordinate Court of Madura (West.)

No. 108. Deposition of Plaintiff's 17th witness Valla Kondammal, dated 23rd July 1890.

—*continued.*

Cross-examined.—I don't know Karuppa Thevan. It is not true that he keeps me. There is no man of that name in my village. Karuppa was pointed out. She denies having known him. Ellinga Naik is my brother. He gave evidence in the suit. I don't know if he did so. I said so through forgetfulness. I am putting up at Tallakulam choultry. I did not see Nagammal or her brother there. I, Véra chinnammal and Pethakkal lodge there. I and Pethakkal sang songs in the marriage of Nagammal. I have known Pethakkal for 10 years. I don't know her relations. My husband was present at Nagammal's marriage. Ko Sami Naik was my husband. I have attended only two marriages. I don't recollect what took place at my marriage. I was 10 years old when I was married. My marriage took place 20 years ago. I have not been to any other marriage but that of Nagammal. I was invited because I was dayadi of Zemindar. I am not a dayadi. As Sammandakar I was invited. I don't remember the year in which Nagammal was married. It took place 10 or 15 years ago. I arrived at Saptur on the day of marriage. I was present at the marriage of Mulipatti Ammal. This took place 10 years prior to that of Nagammal. I don't know what took place at Mulipatti Ammal's marriage. I did not go on the first day of the marriage because my husband and my co-wife went on the first day and I had business in the house. I had to cook meals for Pannaigars. My co-wife returned and I went on the 2nd day. I remained that day and returned. My co-wife is dead. I attended two nights of the marriage. I reached Saptur at $4\frac{1}{2}$ or 5 P. M., and remained till the next day until Yakalichi ceremony was done. I, Chinna Veerammal and others slept in the south Palace. The brides and bridegrooms went to the huts, shorly after I arrived in procession. I arrived just as they were starting. I joined the crowd and went along singing. 2 or 3 women went on singing. I was not selected. Sastra Naik told all to sing and so we sang. Mahalinga Naik told me to sing. His father was ill. I went to his house and saw him. I saw him before I went to the Palace. His name was Nagamuthu Naik, Sheep was slaughtered in front of the huts. Immediately after, Bottu was tied. The carcases of the sheep were lying there when Tali was being tied. This is customary in our caste. The blood of the sheep was put as mark on the foreheads of brides and bridegrooms. A naligai after this, the Tali was tied. I saw the blood mark put on the Zemindar and his brides. 1st witness Periya Vettu Naik put the marks. It is customary that Periya Vettu Naik should put on blood mark. The usual plates were taken with the usual things. The dagger was placed in the same plate which contained cloth and Tali. An unmarried girl carried the plate. The dagger was placed on the plate and worshipped by the Zemindar and then carried by Plaintiff's 1st witness. The dagger was half a cubit long. The Zemindar covered it with flowers taking them from a basket near. The Zemindar wore the dagger when he came to the hut. Kumarammal was given the dagger. She then touched the plate and worshipped it. Then Tali was tied. This was repeated in Naggammal's. Subsequently I witnessed the dagger marriage of Muttukamakschiammal. I am quite sure of this. I attended her marriage. I did not attend the previous marriages of 4 ladies. These are the only two dagger marriages that I witnessed. It was said at the time that it was usual in Saptur family for Zemindar to send dagger in case he married the daughter of a junior Zemindar and

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In the Subordinate Court of Madura (West.)

No. 108. Deposition of Plaintiff's 17th witness Valla Kondammal, dated 23rd July 1890.

—*concluded.*

in case he married the daughter of Zemindar to wear the dagger. 1st witness gave me this information. Sastra Naik and others were present. I knew all about this even before. Because the dagger was carried and I had not seen it being carried before, I asked him. 7 or 8 people were there. The dagger was not placed on the ground or on the bride's lap. It was held by the bride in her hand. This same ceremony was observed in Muttukamakshi Ammal's marriage. I knew of this custom then. The next day I saw joining of hands. The carcases of sheep were removed after the Tali was tied and before the girls were taken to the Palace. The next day I arrived at meal time about 10 A. M. I saw Zemindar mount horse and go round his bride's huts. It was a white horse. The witness takes her hand over her head to point out the height of the horse (about 16 hands). I have not seen the horse either before or after the marriage. I have seen many horses and among them white horses. I recollect the color and so I give the same. I had a red cloth. Nagammal wore a red silk cloth and was veiled by a Kandangi. Ellinja Naik was married 3 years ago. He mounted a red horse. It was not quite so high as that of the Zemaindar. My brother's bride wore a Kandangi cloth. Muttukamakshi also wore a red silk cloth. It is usual to have these silk cloths. I have seen the Zemindar mount the same white horse at Muttukamakshi's marriage. Nagamuthu was Periya Vettu Naik at her marriage. Ayyakannu Naik was present at Nagammal's marriage. His wife was also present. I don't recollect if Nagammal's mother came to the huts. I saw her in the Palace. She might have been among the crowd of Ammakkamars at the time of Tali tying. I did not see her near the huts or in the procession. When brides and bridegrooms were passing, she was looking on them from behind a window. She and some other ladies were peeping. Paraiyur Krishnammal, Mulipatti Ammal and Suppammal were there. The ladies of the Palace can't come out and sing like us. Suppammal can't look on Zemindar son-in-law. This I learnt at the time. It is my assumption.

Re-examination.—Next after the marriages of the Zemindar with the 4 ladies, Nagammal and Kumarammal were married. Then Muttukamakshi was married. I can't recollect if it was a week before or a week after that Muthukamakshi was married. She was married 8 days after Nagammal and Kumarammal were married. Muttukamakshi was married 7 or 8 days after Nagammal and Kumarammal were married. I knew Nagamuthu Naik's wife, Kumarammal. She was present at Nagammal's marriage.

(Mark of) Valla Kondammal.

Interpreted to the witness in Tamil which she understands and admitted by her to be correct, this 23rd July 1890.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

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PART I.

In the Subordinate Court of Madura (West.)

No. 109. Deposition of Plaintiff's 18th witness Krishniengar, dated 23rd July 1890.

No. 109.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 *of* 1889.

Plaintiff's 18th witness solemnly affirmed.

Name	...	...	Krishniengar.
Father's name	...	...	Strinivasiengar.
Age	...	...	50.
Caste	...	...	Brahmin.
Occupation	...	...	Ryot Land-holder.
Residence	...	...	Saminadapuram.

I know the late Saptur Zemindar. I pay 900 Rupees as assessment to Government. I was in the service of the late Saptur Zemindar as Manager from 1874 to 1876. I cannot say up to what period in 1876 I was in his service. When I was in his service, the Zemindar married Paraiyur Nagammal and Kumarammal. I was then at Saptur. I made preparations for the marriage and procured the necessary articles. Huts were put up for the marriage. The relations of the Zemindar and many others attended the marriage on invitation by serving of betel-nut. The marriage lasted for 3 days. Thirupugalsami of Paraiyur, Seenusami of Paraiyur, Krishammal, the Pattathammal of Paraiyur, her son, the deceased Zemindar of Paraiyur, Gopala Krishammal, the Zemindarni of Sandayur, the Zemindar of Mulipatti, Muthayasami of Vittilpatti and several others attended the marriage. I saw the Zemindar inside the hut. Nagammal and Kumarammal were in their respective huts. The 2 other brides and bridegrooms were in their huts. I saw the brides and bridegrooms return to the Palace after the marriage Yakalichi. Since the marriage, Nagammal and Kumarammal were in the Zenana apartments, *i. e.*, the place where the Zemindar's other wives lodge. We could go only up to the bedroom of the Zemindar. The Zemindar's concubines lived outside the Palace. I re-entered the Zemindar's service in 1881 or 1882. Accounts were kept for Palace expenditure. I was the head officer in charge thereof. I had signed the accounts as Manager. Exhibit C shewn. It bears my signature and initials. It is an account relating to the marriage expenses incurred on the occasion of the marriage of Nagammal and Kumarammal. The pages in Exhibit C, have all been initialled by me. The account is in the handwriting of Sankara Murthia Pillai, Amani accountant. The title page refers to the marriage of Maharaja, *i. e.*, the Zemindar with Nagammal and Kumarammal. The writing of the title page appears to be in the handwriting of Royasam Subramania Pillai. I turn to the first page of the

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PART I.

In the Subordinate Court of Madura (West.)

No. 109. Deposition of Plaintiff's 18th witness Krishniengar, dated 24th July 1890. —*continued.*

account, Exhibit C. The advance of two Rupees per Kandangi therein entered relates to the marriage of Nagammal and Kumarammal. The next entry shows that 100 Rupees were sent to Madura for buying a pair of silk cloths for them. I know of this. The next item of 114 Rupees was sent to Madura for buying provisions for the marriage. On the 9th July 1857, the entries show purchase of sheep (rams) for the marriage. I know of this. Mahomed Alli appearing in the entry of 7 Rupees for Moi or present, on account of Uthappanaikkanur Zemindar, was the Cutcherri Duffadar. Muthu Naik appearing in it is the servant of Uthappanaikkanur Zemindar. The Duffadar told me that the Zemindar had ordered payment of 7 Rupees to Muthu Naik on account of Uthappanaikkanur Moi. It was a payment to Muthu Naik to be used as a present to Nagammal and Kumarammal at their marriage on behalf of the Zemindar of Uthappanaikkanur. He was Saptur Zemindar's brother-in-law. 2 annas were paid for fair market to one Thathaya Naik for the same marriage. He was one of those who officiated at the marriage ceremonies. Maharajah referred to in the entry for "Mingipottavakaiku (for having put toe ring) was the Saptur Zemindar. Ths 3 bridegrooms referred to in the next item were the Saptur Zemindar Thumbayasami and Thathaya Naik. The entry under the 10th July referring to payment to Periya Vettu Naik for 'Arasanipanai' was on account of the said marriage. The Periya Vettu Naik is Plaintiff's 1st witness Mahalinga Naik. The "Sasha" and bangles referred to in the subsequent entries were on account of this marriage. Three slippers were purchased, one for Zemindar and two for the two ladies respectively on account of this marriage. The receipt of one Rupee as present from Thirupugalsami appearing in the entry under date the 11th July was made by him to Kumarammal. "Sister" referred to in the entry is an expression of endearment or a common form. I don't recollect who Muthulingasami, son of Muthu Verasami referred to in the next entry. Thumbayasami referred to in the entry next to it is Nagammal's brother. The next entry refers to the present made from the Saptur Palace to the said Thumbayasami. The entry as to salt pots and alathi relates to the marriage of Nagammal and Kumarammml. The "Velimappilai" outside bridegrooms referred to in the entry of payment of 8 annas for a horse were Thumbayasami and Thathaya Naik. The entry "on account of Yekalichi" appearing before that relating to salt pots, relates to the Zemindar's "Yekalichi" procession. Sankara Murthia Pillai is dead. Exhibit C1, shewn. This account bears my signature. I take the entry of 9th July 1875. There is a disbursement of 5 measures of rice to the 5 persons who put up the huts for the marriage of Nagammal and Kumarammal. Under the 10th July, there is a payment to goldsmith Thimmappa Achari for making Tali for the said marriages. Under the 11th July, there is the entry for Bottu pots purchased for the said marriage. Potti Vandi Ramasami referred to in the entry under the 13th July was the driver of the Zemindar's bullock-coach. Ramasami Naik appearing in the entry under the 9th July of payment of one measure of rice must be the driver Ramasami. Cusbah Naikmar's house, Alagapuri Naikmars, &c., referred to in the next entry are Kambala Naiks. Cusbah Ramasami Naik appearing in the entry under the 10th July is the said Ramasami Naik. The Naikmars of Thummana Naikanpatti referred

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PART I.

In the Subordinate Court of Madura (West.)

No. 109. Deposition of Plaintiff's 18th witness Krishnien-gar, dated 24th July 1890. —*continued.*

to in the entries, under the 10th July are also Kambala Naiks. Exhibit D shown. This bears my signature. The entries under each date bear my signature. This is Manovarthi Chitta for July 1875. Exhibit E also bears my signature. It is Manovarthi Chitta for September 1875. Until the 25th July, the entries have been signed by me daily. The others have not been signed by me, *i. e.*, 26-27-28-30. The Chitta is entirely in the handwriting of Sellandia Pillai. The entries under the said four dates were signed by the Head Gumastah.

Cross-examined.—I have not seen the entries made when they were so made. The entries are made and the account is brought to my signature. I examine every entry before signing. There are other entries in the account C which do not refer to the marriage of Nagammal and Kumarammal. Notwithstanding the superscription, from memory I say the entries I referred to relate to the marriages of Nagammal and Kumarammal. After looking at the account, my memory is refreshed to these items though small sums were spent; also because the account C was specially kept for the purpose and because I was also present at the marriage. Thumbayasami and Thathaya Naik bore the expenses of their marriages. Some of them were borne by the Zemindar. The Zemindar bore the expense of *Padiarici* distribution of rice—the payment to washerman and so on. I must refer to details by looking at the account. Without my memory being aided by the accounts, I can't say what expenses were borne by the Zemindar in connection with the marriages of Thumbayasami and Thathaya Naik. Shewn Exhibit C. The payment to the barber were borne by Zemindar because the payments were for shaving 3 bridegrooms. The 8 annas for horse for Yekalichi for outside bridegrooms was also paid by the Zemindar. These are the two items I see in Exhibit C and these I was able to pick up, because on the face of them they refer to outsiders. So far as Exhibit C is concerned, these are the two items which were spent by the Zemindar. For the two outside bridegrooms, 4 annas were paid. The Zemindar paid the sum on account of affection and because the Saptur barber shaved all the bridegrooms. I don't know if Mahomed Ali is alive or dead. I don't know if Muthu Naik is alive. There is 0-7-6 spent for Yekalichi. I said it was for Zemindar's Yekalichi. I swear that it is for Zemindar's Yekalichi alone, because there is further down an entry relating to the two other bridegroom's Yekalichi. I cannot say if 8 annas for horse is not a present to the horsekeeper. I did not see the Zemindar and two bridegrooms who were shaved. As I paid the barber, I say that there were 3 bridegrooms who were shaved. I don't know if Zemindar had to ride a horse during the marriage ceremony. I don't know if it is customary in Kambala marriages. Re. 0-7-6 were paid for "Sasha." I don't know if 0-2-6 was spent for each bridegroom. I don't know the fees payable at marriages for "Sasha" and so on. I can't say to whom it was paid. Because it is in connection with the marriages of Nagammal and Kumarammal, and because the entry does not shew it relates to others I said they related to that marriage. I was not present at Sasha, because the entry shews it was a payment for Sasha. I say it was on that account. Somebody told ma to pay 0-7-6 for Sasha and I paid it. I don't know what is "Sasha"—nor do I know whether "Sasha and Yekalichi take place in each marriage. I know what Yekalichi means. It means the return of the brides and bridegrooms to the

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PART I.

In the Subordinate Court of Madura (West.)

No. 109. Deposition of Plaintiff's 18th witness Krishnien-gar, dated 24th July 1890. —*continued.*

place from the marriage huts. I don't know if they go on horse-back. Shewn C1. I said "Five persons put up huts." Their names are not entered in C1. I did not pay them myself but I caused rice to be distributed. Seven huts were constructed and this payment was the hire. I don't know if this payment was made for putting up the huts of Nagammal and Kumarammal and Zemindar or for others also. I don't know if the two other bridegrooms paid their share for putting up their huts. I did not see the huts being constructed. I saw them after they were constructed. I cannot say how many were employed in constructing them. There is an entry of payment of one measure to Kopayan for bringing materials for the hut. I did not make this payment myself. 3 measures of rice appear to have been paid to goldsmith for making Tali. The entry does not state for whose Tali this payment was made. The number of Talis is also not given. It is not shown in the entry as regards Bottu pots for whose marriage they were purchased. I don't know what is Bottu pot. Because the entry is in the account and because I was present, I know the expenditure. I did not see Bottu pots. I said I did not know what Bottu pots is, thinking the question was whether I saw it. Bottu pot is one of the pots used for the marriage. I cannot swear if the entry does not include the Bottu pots purchased for marriages of Thumbayasami and Thathaya Naik. I did not make payment by my hand. Somebody paid it. The entry was made and I signed the account. There is "no driver" affixed to Ramasami Naik in the entry on the 9th July. In the 10th July Ramasami Naik is described as Cusbah. These two latter may be distinct men, there being many Ramasami Naiks. I am not sure they all relate to driver Ramasami. When I said that Ramasami Naik must be the driver Ramasami, it is only an inference of mine. I don't know if it is suggested that Bandikara Ramasami was married at the same time as Thumbayasami and Thathaya Naik. I had no motive in saying that Bandi Ramasami and Ramasami Naik were one and the same. I said that the distributing of rice to Naikmars was on account of Nagammal's and Kumarammal's marriage. The title page shows it and because I caused these disbursements to be made. Kalyanam is a general term for auspicious ceremonies. Savulakalyanam or Savulamukurtham is used for tonsure-ceremony. Kalyanam specially means wedding, but generally it refers to all auspicious ceremonies. Exhibit C2 superscription also contains Kalyanam. It has the same heading as C1. Kalyanam refers to the marriage and when it is used in reference to any other ceremony it is added to it as Savulakalyanam, Upanayana Kalyanam. I see the superscription. By simply looking at it and without looking at the entries, I can say that the account relates to the marriage of Nagammal and Kumarammal, because I was present and I had experience. The tonsure ceremony of Defendant's elder brother took place before the marriages of Nagammal and Kumarammal. As a fact, it took place, but I say the date as 5th July because the entry in the book seems to shew that date. I was 5 or 6 yards off when I saw the Zemindar in his hut; he alone was there. I saw no ceremony being done. I saw some people near him. As I passed by the hut to the Palace, I saw him there. I only saw him once. At what time I saw him I cannot say. He was inside the hut and I saw him. He was decorated like a bridegroom. This might have been the second day of the marriage. A man has to bend to

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PART I.

In the Subordinate Court of Madura (West.)

No. 109. Deposition of Plaintiff's 18th witness Krishniengar, dated 24th July 1890. —*concluded.*

get into the hut. It was not so small as the person should enter only creeping in. A man had to go into it with difficulty. It would not be dignified for the Zemindar to creep in on all fours into the hut. It was so erected probably according to the custom of the caste. I can't recollect if anybody was present when I saw the Zemindar. As I was servant, I had unavoidably to pass by. Nobody told us not to pass by. The rule generally is that no other caste people should be present at their marriages. The way to the Palace was to the east of the huts. I don't know if Defendant asserts that Zemindar did not go to the huts. The brides of Zemindar were in the huts, but I did not see them. I did not notice if they were there. I only remember having seen the Zemindar in his hut. Yekalichi took place on the 3rd day. I saw the Zemindar and his brides leave the huts and go home, and enter the Palace. I told Krishnier the particulars of my statement. When I came here on the last hearing I saw the Chittas in Court. Nobody shewed them to me before and nobody asked me to explain the entries until now. Krishnier asked me how the marriage took place and I told him what I knew. I was sued unjustly by the Collector on behalf of the Saptur Zemindar in 1889. Krishnier did not assist me with advice or money. My son came to defend it. An unjust decree was passed against me. I don't recollect if I was sued in Strivilliputtur Munsif's Court in 1885. I don't recollect if Kuppaniengar sued me. Which Kuppaniengar? A Pallen sued me in 1885 and it was decided in my favor in both the original and appeal Courts. I don't recollect if decrees were passed against me. Kuppaniengar, my summandhi, has obtained decree against me in 1885 in Strivilliputtur Munsif's Court. He brought two suits against me. Alagiri Iyengar did not sue me in Tinnevelly District Court. I know 50 Alagiri Iyengars. I can't remember if one of that name sued me in 1855 in No. 576. I am sure that no Alagiri Iyengar sued me. Chidambara Muppan has sued me and the suit is pending. My kist is not in arrears. Some of my property is mortgaged for Rupees 2,500 and some hypothecated for 2,500 Rupees. My property is worth 60,000 Rupees. I have no personal debts. I have 1,500 Rupees to recover. The mortgages were made by my ancestors and hypothecations by myself for acquiring properties.

Re-examined.—I see Exhibit D. The tonsure ceremony of Defendant's elder brother took place on the 5th July. I say so from the entry of Rs. 21-8-7 appearing in it. The next entry refers to 8 annas advanced for flowers for marriage. This has been credited in Exhibit C. The disbursement for tonsure ceremony does not find a place in Exhibit C.

(Signed) Krishiengar.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 24th day of July 1890.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 110. Deposition of Plaintiff's 19th witness Muthu Madava Naiken, dated 24th July 1890.

No. 110.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 *of* 1889.

Plaintiff's 19th witness, solemnly affirmed.

Name	...	...	Muthu Madava Naiken.
Father's name	...	...	Avala Chinnama Naiken.
Age	...	...	65-67.
Caste	...	...	Kambala.
Occupation	...	...	Ryot.
Residence	...	...	Madavanaikkanur.

I belong to Ujja *Bomma sub-division* of Kambalas. My father had only one brother. He was his elder brother. His name was Chinnama Naik. He had an only daughter named *Vellayammal*. She was married to Thumbayasami of Paraiyur. He was Zemindar of Paraiyur. He had an only son by her named Muthuveerasami. He was father of Nagammal. No. Muthuveerasami had children Nagammal, Kumarammal, Thumbyasami and Thavasilingam. He had two sons and two daughters. Muthuveerasami married none. He married Vellayammal. No, he married Suppammal. Nagammal, Kumarammal, Thumbayasami and Thavasi were the children of that marriage. Vellayammal was 12 or 13 years old at the time of her marriage. Her father was dead at the time. Her mother also was dead. My parents gave her in marriage to Thumbayasami. Vellayammal's mother died 3 or 4 years before her marriage and her father 10 years before the event. Vellayammal lived with us in our house at Madavanaikkanur before her marriage. She lived and messed with us. I have 3 sisters. I have relations at Uthappanaikkanur. My elder sister was married to the late Zemindar Valusami of Uthappanaikkanur. I have married his daughter. My elder sister's husband Valusami was the uncle of the present Zemindar of Uthappanaikkanur. He is the brother-in-law of the late Zemindar of Saptur. I know the marriage of Muthuveerasami with Suppammal. I attended the marriage. Muthukumarasami, the Zemindar, was also married at the same time. He married Tulukkappattiammal and Virudupattiammal. No. These were married to Thumbayasami. Muthukumarusami married the daughter of Saptur Zemindar. She was sister or cousin. I don't know of the late Saptur Zemindar. Muthuveerasami married Suppammal in accordance with the custom of our caste. Kumarammal and Nagammal married the late Zemindar of Saptur. I attended the marriage. It took place according to our caste custom. I saw the Periya Vettu Naik put on toe rings to the Zemindar. I

saw the forehead touching ceremony. I saw the bridegrooms and brides go to the huts. This is all that I saw. The next day I went. They went to the huts. Tali was tied. Rams were slaughtered. Yekalichi took place on the 3rd day. Betel nut was served and so I went. Many persons were so served in my village. Many went to the marriage.

Cross-examined:-1 Vellayammel was my niece. She was married to Thumbayasami of Paraiyur 45 or 50 years ago. She was his 9th wife. I don't know the names of his other wives. I heard that he married 8 wives. I don't recollect if he had all of them living at the time. I don't know if he had concubines. Thumbayasami had sons by his other wives. Muthukumarusami was his son. I heard that he had another son and that he died young. I did not hear that he had other children. I was present at Vellayammal's marriage. I was 14 or 15 years at the time. All the Sastras usual in our caste were performed. The putting on of toe-rings, touching of forehead and going to huts. I remember seeing. I don't recollect how many huts were put up. The Tali was tied. Sheep was slaughtered—how many I can't say. Yekalichi took place. I saw these and so I remember them. I do not state that they were performed because these are the usual ceremonies in our caste. If any body had said that Vellayammal was Zemindar's concubine, it is not correct. Muthuveerasami was a Kambala. I am quite sure of this. Suppammal was not known as Vellayammal at any time. Muthuveerasami did not marry any other person except Suppammal. Through defective memory I substituted Vellayammal for Suppammal. Suppammal's marriage took place 30 or 35 years ago. I have attended 5 or 6 marriages Some of those that took place in those marriages, I remember. Nagammal's marriage took place 15 or 16 years ago. Muthusami Naik, Alagiri Naik, Chinnasami Naik, Seenu Naik and others accompanied me to Saptur on that occasion. These are alive. 2 or 3 years after, I attended a marriage at Vettlerami. Chinnasami Naik and Seenu Naik accompanied me. Gold toe rings were put on the Zemindar. Wealthy men put on gold toe rings. I did not see any other toe rings put on. A ring in each toe was put on. Periya Vettu Naik got the rings from Suppammal. I saw him receive them, only two, from Suppammal. She was then inside a room. I was near the the door. There were two or three ladies in the room. I don't know their names. There were old and young ladies. There were in all 2 or 3 ladies. Suppammal produced the toe rings from her waist and handed them to Plaintiff's 1st witness. There was no plate. 1st witness brought them in his hands. Being a caste man, I could see the females. The ladies were in the room the door was ajar. I peeped into the room. I don't know if the door had venetians. I did not notice if the room had another door way or a window. There was no other passage in the room through which the ladies could peep. Suppammal did not come out of the room. She could not see the toe rings put on owing to the large crowd. The Zemindar was seated. I don't recollect if any females assisted Plaintiff's 1st witness in the putting on toe rings. Generally a mother-in-law should put on toe rings. As Suppammal was a widow, she did not put on. There were 2 widows in that room and one or two married women. I don't know why these latter did not come out. I have known Plaintiff's 1st

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witness for 35 years. I don't know his age at Nagammal's marriage. I don't know if he was then married. I don't know his parents and relations. I have heard of Ayyakannu Naik. Half a naligai or a naligai after, the forehead touching ceremony took place. After 1st and 2nd witnesses, Sastra Naik touched, other elders touched. I touched. I don't know if there was any boy who did it. I don't know the name of Sastra Naik. 1st witness told me that so and so was Sastra Naik. He was called in and so I knew that he was Sastra Naik. Kodangi Naik was Mahalinga Naik. I have known him for 10 or 12 years. I don't recollect the names of the big people that were there. I recollect that Mulipatti Zemindar came for Nagammal's marriage. I don't recollect others. I knew some Zemindars, but none of them attended marriage. I think the bridegroom and birdes went to hut immediately after the forehead was touched. This took place in the night. There were torches. They went in procession with torches to the huts. I did not go because I went to sleep. I slept in Mogappu of the Palace. I did not see them return. I got up the next morning after sunrise and, after my ablutions, I took my meals. The 1st witness took me to take food. Excepting the bridegrooms, the rest returned to the Palace. In the afternoon, the brides and Naiks went to the huts, women singing on the road, Three women sang songs. I don't know them. I have not seen them before or after. That was the first time I went to the huts. I did not count the huts. There were 6 or 7 huts. I don't recollect what then took place. I saw the Zemindar. He was sitting down in front of his hut on a piece of cloth. The Zemindar did not get shaved near the huts. Then ceremoines were performed before Tali was tied. There were three plates. Each plate had rice and betelnut. Two of the plates had Kandangis. There was a Kadayam in one. There were Talis on plates. I saw the Zemindar hand the dagger to Plaintiff's 1st witness. Two women took two plates. The dagger was a real dagger. It was a cubit long. It was placed on the lap of the bride and the Tali was tied. I did not see the sheath. The blade was visible, only the top was visible. 2 or 3 inches of the naked blade was visible. The rest was covered with flowers. The top was glittering. The dagger was not covered with cloth. There was no fruit stuck on its top. The bride sat at the entrance of the hut. The dagger was placed on her lap with the point up to her chest. She held the dagger; simply touched it. This was the peculiar feature in this marriage. I have not seen such marriage again. Volunteers that he asked Plaintiff's 1st witness the reason for this. I asked him when he had leisure. Three or four people who had come with me and whose names I mentioned were present. They were listening to what was told. I did not enquire again the reason for this sort of marriage. He told me that it is the custom of Saptur family that if Zemindar married a Zemindar's daughter, no dagger is used, but that if the Zemindar married the daughter of a junior member of Zemindar's family or that of a ryot, a dagger is used. I heard that. Meenakshi Ammal tied Tali to Kumarammal. I don't know her. This was told me at the time of marriage. I don't recollect who tied Tali to Nagammal. I had not seen her before or since. I did not hear her name mentioned then. After Tali was tied, I went away. The Plaintiff's 1st witness returned the dagger to the Zemindar. I did not know that more Sastras had to be performed that day. The next day, Yekalichi took place. The bride-

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PART I.

In the Subordinate Court of Madura (West).

No. 110. Deposition of Plaintiff's 19th witness Muthu Madava Naiken, dated 24th July 1890. —*concluded.*

No. 111. Deposition of Plaintiff's 21st witness Subba Naiken, dated 24th July 1890.

grooms and brides returned to the Palace. On the 4th day, I left the village. Shanmuga Madava Naik is dead.

(Signed) Muthu Madava Naiken.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 24th day of July 1890.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

No. 111.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 *of* 1889.

Plaintiff's 21*st witness, solemnly affirmed:*—

Name ...	...	Subba Naiken.
Father's name ...	...	Lingama Naiken.
Age ...	...	35.
Caste ...	...	Kambala.
Occupation ...	...	Ryot.
Residence ...	...	Parappatti.

My mother was Ramakkammal. My father had two wives. Ramakkammal and Kamakshiammal. (Witness added that his father had two wives to the question who was your mother). I and my sister Lingammal were born to Ramakkammal. By Kamakshiammal, my father had Jaggama Naiker, Subbammal and Ramasami Naik. All of us lived at Parappatti in the same house messing together. I know Nagammal and Kumarammal. They were married to the Zemindar of Saptur. I attended that marrriage. I and ten persons went to their marriage. I cannot recollect the names of those that accompained me. I cannot name a single soul who came with me. Nagammal's and Kumarammal's marriages took place in huts. Ceremonies appertaining to Kambala caste were performed. I went to the place where they were performed. I saw the ceremonies performed. The marriage lasted for 3 days. Many people of Kambala caste from the villages came to the marriage. From what villages they came, I can't say. My father left about 10 gulis of land *i. e.*, punja. I and my two brothers divided the land. I have married daughter of Ellinga Naik. His wife

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In the Subordinate Court of Madura (West).

No. 111. Deposition of Plaintiff's 21st witness Subba Naiken, dated 24th July 1890. —*concluded.*

was Lingammal, my elder sister. That Ellinga Naik is Periya Vettu Naik of Parappatti.

Cross-examined.—Ramakkammal was senior in age to Kamakshi Ammal. I was not present at her marriage with my father. She was not my father's concubine. If any body had said that she was a concubine, it is not true. My mother told me that Kamakshi was married wife at the time of partition about 10 years ago. I asked my mother "who is this Kamakshi Ammal." At that time I and my brothers lived together for 20 years. Kamakshi died when I was young. Up to the time of division, I was under the impression that we were all born to Ramakkammal and we were uterine brothers. Then my mother told me that these were the children of Kamakshi. I asked my mother "who these brothers and sisters were." There was some dispute between me and my brothers. I questioned my mother in view to get rid of the necessity of giving shares to them. I came to years of discretion, then I questioned my mother. It was necessary for first wife's son to enquire as to second wife's son. I did not want the whole property. The dispute related to who should get more of the land. My elder brothers wanted more on the ground that they had acquired and improved the property and not on the ground that they were senior in age or the sons of the senior wife. I wanted equal division, according to the mothers. My mother told me to demand half share and so I did and then my mother told that my brothers were the sons of Kamakshi. When my mother told me that they were Kamakshi's sons, I asked her who Kamakshi was. Until then I had not heard her name. My mother did not tell me that I was legitimate and therefore I was to get half share and that the others being illegitimate to take other half. My mother told me that Kamakshi was my father's second wife. I got one half for myself and my two brothers got the other half. The two brothers are Jaggama and Ramasami. They disputed but I gained the point. Jaggama Naiker and Ramasami Naik were my elders. We made division according to mothers. Generally among Kambalas so far as I know, division is made according to mothers—(Patnibhagum). When my mother told me that Kamakshi was my father's 2nd wife, my mother's brothers Lutchmana Naik and Ellinga Naik were present. They are dead.

No re-examination 24—7—90.

(Signed) Subba Naiken.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 24th day of July 1890.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 112. Deposition of Plaintiff's 30th witness Appasami Ayyar, dated 26th July 1890.

No. 112.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 *of* 1889.

Plaintiff's 30th witness solemnly affirmed.—

Name ...	...	... Appasami Ayyar.
Father's name ...	...	... Vythilingam Ayyar.
Age ...	...	... 70.
Caste ...	...	... Brahmin.
Occupation ...	...	... Ryot.
Residence ...	...	... Kylasapuram, attached to Saptur village.

Kylasapuram is a mile or 1½ mile from Saptur. We have received grants of lands from Saptur Zemindars. I knew the father of the late senior Zemindar. His wife was Vella Bommachi Ammal. I knew their marriage. I attended it. Two other ladies name Chinnamuthammal and Periamuthammal were also married to him at the same time. The Zemindar married then by sending a dagger. He gave the dagger to Periya Vettu Naik who handed the dagger to the brides. After which Tali was tied. I know Nagammal and Kumarammal. They were the wives of the late senior Zemindar. I attended their marriage. I went to the Palace. I went on the 2nd day of the marriage. They said that the marriage lasted for 3 days. I did not go on the 3rd day. On the second day, when I went, the Muhurthum was going on. I saw plates with cloths. Bottu was sent and I looked on from a distance and saw the tying of Tali. The brides were in their huts. The Zemindar was in his hut. The huts were in the open space in front of the Palace.

Vella Bommachi was 15 or 12 at the time of her marriage. I was then 20 years old. She was a young woman. Her marriage took place 50 years ago. The huts were then erected in the village common. Those marriages lasted for 3 days. I was invited. I went during one of the days of the marriage, but I don't recollect which day. I had then no employment in the Palace. My father was then dead. My paternal uncle was alive. I don't recollect if he or any other relations of mine attended the marriage. Vella Bommachi Ammal's relations were present. Her father Ramasami Thumbichi Naik had come to the marriage. He was brother of Peraiyur Zemindar. I don't recollect the name of any other Zemindar or any other person present at the marriage. I don't recollect the year of her marriage. I saw Periya Vettu Naik carry the dagger when she and the two other ladies were married. That Periya

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In the Subordinate Court of Madura (West.)

No. 112. Deposition of Plaintiff's 30th witness Appasami Ayyar, dated 26th July 1890. —*continued.*

Vettu Naik was Nagamuthu Naik, the father of Mahalinga Naik (Plaintiff's 1st witness). I arrived just in time or near about the time of tying the Tali. There were 4 huts then, one for the Zemindar and the 3 others for the 3 brides. The huts were 6 or 9 feet in diameter each. There was an interval of about 12 feet between each hut. They were in a line running from north to south. The huts faced east. The Zemindar was in the northernmost hut. I cannot say whose hut was next. There was a crowd. I was at some distance, *i. e.* at the pillar outside. The Zemindar was seated in front of his hut. On what I can't say. I don't know if he had toe-rings. He had turban (headkerchief) and a saffron cloth. I did not see the girls. I received invitation for the marriage of three ladies and so I say he married 3 ladies. I don't know if the Zemindar had concubines, but he had previously married Gopala Krishnammal, Bangarammal, Periya Bommachiammal and Chinna Bommachiammal. He did not marry any body else after he married Vella Bommachi and 2 others. I don't remember seeing plates and these being carried. All I know is that Nagamuthu Naik carried the dagger. I saw females carry plates with Kandangi cloths, flowers and Tali. Female children carried them. I am now talking of Vella Bommachi's marriage. These things are coming back to my memory. I don't remember how many plates there were and how many little girls took them. I can't say how they went in procession either by two or one behind the other. There was tom tom. I cannot remember if ther were women singing. I saw a cloth in each plate; three or 4 girls carried the plates. I don't remember if grown up women went with them. There was a large crowd and as I was at a distance I could not see what took place. I did not get up on a stone when Periya Vettu Naik came near the hut. The crowd dispersed a little and so I saw him. He received the dagger from the Zemindar's hands. There was a large crowd, and as it opened out a little, I saw it. I can't say how he held the dagger. I did not see him go to the bride's hut. The crowd prevented my seeing it. I did not see him hand the dagger to the bride, but I heard he did. What I said in chief-examination as to Periya Vettu Naik handing dagger to the brides and tying of Tali is what I heard. I can't recollect if the dagger had a lime or anything on it. I heard that Bottu was tied. I saw the Bottu on the plate when it was placed before the Zemindar. I would have attended other marriages. The reason why the said marriage has fixed itself on my memory is this. I questioned people why dagger was sent; the people said that it is custom that if Zemindar married a Zemindar's daughter, no dagger was given, but if he married the daughter of junior member of Zemindar's family or of a ryot, the dagger was sent. My memory was not refreshed in the meanwhile. I did not take any special interest but being that of Zemindar's marriage I noticed it. I did not tell any body that I attended Vella Bommachi's marriage. I don't know how Mr. Rama Subbier questioned me on the point. I went to see Krishnayyar at Tallakulam. I take meals in an eating house. Krishnayyar paid me batta. I went to Rama Subbier's house and he told me to speak the truth. I had no idea that I was going to be asked about Vella Bommachi Ammal's marrige. I attended the marriage of Mulipatti Ammal to the late senior Zemindar. I also attended the marriages of 4 ladies who were married subsequently. There was no dagger used in those

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No. 112. Deposition of Plaintiff's 30th witness Appasami Ayyar, dated 26th July 1890. —*concluded.*

marriages. I don't know the year in which Nagammal and Kumarammal were married. It was 15 years ago. I did not see them at all, but I heard they were in their huts. I was on this occasion a little nearer to the Zemindar's hut. The Zemindar was seated in front of his hut. There was a crowd. At times, it would open out a little. The Zemindar was decorated like bride-groom—he had headkerchief and saffron cloth and flower garlands. I don't recollect if he had ear-rings or toe-rings. When I went, there was music and drum, and I was told that the marriage was over. I did not see the plates or dagger taken. Nor did I see Tali tied. It was not suggested to me that I should not speak too much about dagger in this marriage; neither Krishnayyar nor Plaintiff's Vakil spoke to me about this marriage, nor did I speak to any one about it. I cannot explain how Plaintiff cited me as witness. I cannot conceive it. My elder brother attended Nagammal's marriage. He got summons. I don't see him here. We live in the same house. I have lands at Gudipatti and Vandari. I have mortgaged them. I cannot say if it is in 1881. I have redeemed portion. My lands are worth Rupess 5,000. I have gone on redeeming and mortgaging lands. My son is living at Puducota to read. My wife went there. I also go there. I live there and at Kylasapuram. I had mortgaged my house to Chidambara Sastri for 20 Rupees. I had to go away and so mortgaged it to prevent the house going to ruins.

Re-examined.—I have redeemed the house from mortgage.

(Signed) Appasami Ayyar.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 26th July 1890.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

No. 113. Deposition of Plaintiff's 34th witness Muthu Naik, dated 28th July 1890.

No. 113.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 *of* 1889.

Plaintiff's 34th witness solemnly affirmed.

Name	...	...	Muthu Naik.
Father's name	...	...	Sankaralinga Naik.
Age	...	...	40.
Caste	...	...	Kambala.
Occupation	...	...	Ryot.
Residence	...	...	Athipatti.

I am younger brother of Thathaya Naik. His marriage took place in Saptur Palace. Thumbayasami Naik and the late senior Zemindar were also

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No. 113. Deposition of Plaintiff's 34th witness Muthu Naik, dated 28th July 1890. —*continued.*

married at the same time. The Zemindar married Kumarammal and Nagammal. The marriages lasted for three days. Huts were put up for the marriages. Seven huts were put up. A hut was erected for the Zemindar and two huts for his two brides. The other four huts were made for Thumbayasami and Thathaya and their respective brides. The marriages of these persons were celebrated in accordance with the customs of Kambala castes. Vandikara Ramasami Naik was married at Mallipuram 6 months prior to the said marriages. I attend his marriage also. The son of Mallipuram Naik whose name I don't know was married along with Ramasawmi Naik. Thathaya and I are Kambalas. Our parents are Kambalas. Athippatti Parumal Nadan called—absent. Plaintiff's Vakil proposes to put in a copy of a registered deed of 1st November 1887 in which the witness has described himself as a Kambala.

The Advocate General objects. It appears that Plaintiff contends that Tathaya Naik is Kambala. I think the document is receivable in evidence to coroborate his statement. It is also said that the original is not produced. The copy is admissible in evidence.

Witness continuing. I executed jointly with my brothers the deed of sale, read to me, to Perumal Nadan. I am the Muthu Naik therein referred to.

This document is filed as G G.I. and Alagiri Naik executed the original of Exhibit read to me (filed as H H.) to Perumal Naik. This person is also absent.

Cross-examined:—I am not a Kolla Kambala. I swear I am not. Exhibit GG was read. In it I am described as Kolla Kambala. It is the writer's mistake. Kolla Kambalas do not intermarry with Thottiya Kambalas. My mother was Ramakkammal. I heard that she had a sister named Bommakkammal. I don't know her husband. He died when I was young. I don't know my mother's mother's name or her father's name. Thathaya is dead. Two other brothers of mine named Ramasami Naik and Alagirisami Naik are alive. Ramasami Naik is the eldest brother. Alagirisami Naik is the youngest. My elder sister was married to Vandikara Ramasami Naik. I don't recollect the month in which he was married. I fixed Nagammal's marriage as the starting point because his marriage took place 6 months before. His marriage took place 20 years ago. I cannot give correctly the names of months in a year. (He mentions the names of 10 months) I cannot say if there are 10 or 12 months in a year. I did not know I was to be questioned on Ramasami Naik's marriage. The question did not take me by surprise. I came here a month ago. I have been staying with Lingammal the widow of my brother Thathaya. I did not talk to her about this suit nor did anybody else talk to me. I know Krishnayyar. He need not speak to me about the case. Plaintiff's Vakil asked me. He did not question me about Vandikara Ramasami Naik's marriage. I don't know if it was asserted by Defendant that Vandikara Ramasami Naik was married at the time Zemindar was married. Ramasami Naick belonged to Peraiyur—no Parapatti; as his uncle's son was to be married at Mallipuram, so Ramasami Naik's marriage took place there. I have house at Saptur and

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PART I.

In the Subordinate Court of Madura (West.)

No. 113. Deposition of Plaintiff's 34th witness Muthu Naik, dated 28th July 1890. —*continued.*

also at Athipatti. I remained 3 days at Saptur on the occasion of Nagammal's marriage. I arrived at Saptur before the marriage. I had been staying at Saptur continuously for 5 or 6 months before the marriage and a month after.

Q.—What was the first thing done in your brother's marriage?

A.—All was done at the expense of the Palace.

The Zemindar's forehead touching took place first, then Thumbayasami's and then Thathaya's. My brother was the last touched. The Zemindar sat in the quadrangle on a raised dais but Thumbayasami and Thathaya Naik were in the verandah under the quadrangle. Periya Vettu Naik touched by brother's forehead. I don't recollect who touched. I was not present at the touching of forehead as I was sent to get betel from store room. It was less than quarter of a mile. I returned in half an hour and by the time the ceremony was over and I heard that it was done. My father who was present told me. He is now dead. All the world knew that the Zemindar was to be married. I don't recollect which Zemindars came. There were some grey headed men. I don't recollect their names. I can't name a single soul who was present. The forehead touching ceremony was in the evening a little before sunset. The brides and bridegrooms then went to the huts. I don't know what other ceremony took place before going to the huts. I was attending to my work in the Kottaram of Pannai and then came to the marriage ceremonies occasionally. My elder brother's head was shaved. I was not present then. I don't recollect if he was shaved before or after the forehead touching ceremony. I did not accompany the bridal party to the huts. My work did not permit me to be present at the ceremonies. My work required my constant presence at the Kottaram or granary. Pannaigars had to be paid. I had to issue plough. I can't recollect how many ploughs were issued. It was not ploughing time—grain was coming in load after load, and so I was busy. Even if I had no such work, I had to be there. My parents and my other brothers attended to my brother's marriage. I used to go to hut and come away. I saw the bridle party going in procession to the huts. I did accompany them to the huts. I said that I did not go through failure of memory. That I went with procession to the huts is true. I sat near my brother's hut. I was seated outside. The hut is about 3 feet high. His bride's hut was within 2 or 3 cubits of his own. The space between was just enough for a man to pass. The huts were in a straight line on one side. They were from north to south. The huts faced east. I can't say in what direction the Court hall door faces. The northern-most hut was my brother's. If anybody had said that the northern-most hut was Zemindar's, he was mistaken. Next to my brother's was his bride's; then Thumbayasami's and his bride's and then the Zemindar's, and next to it was Nagammal's. I don't recollect whose hut was next to Zemindar's. I saw nothing because I left the hut after a short while and then returned again in the evening. I went to Kottaram which I had left locked when I came to see the procession. It was evening time. I don't recollect what I did then. The brides and bridegrooms returned to the Palace in procession at night. There

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In the Subordinate Court of Madura (West.)

No. 113. Deposition of Plaintiff's 43th witness Muthu Naik, dated 28th July 1890. —*concluded.*

were torches and plenty of lights and I saw the Zemindar return to the Palace. If anybody had told that Zemindar remained behind in his hut that night, I don't know whether he is to be believed. I stated what I saw. I went and supped and came to Kottaram to sleep. I don't know what sastrams took place. This was the foundation of the marriage. I did not see any of the sastras performed on the 2nd day. I was busy that day. On the 3rd day I saw the Yakalichi at 6 P. M., after light. After I came to Madura, I learnt about hours. The Zemindar and his two wives went first followed by Thumbayasami and his bride and then Thathaya and his bride. These went in order one after another in single file. The brides carried pots and baskets. No, but only other ladies took them. I am quite sure that the brides carried nothing. I don't recollect if the brides took anything because there was a crowd and I did not see well. I was at some distance 320 feet or so, and so did not see what they took. I heard from my father that they all went to Yakalichi. I did not see the Zamindar and his brides and others. Having heard from my father of this I went away. Owing to the large crowd I was not able to see the Zamindar and his brother and others. I said that the marriages were performed according to the customs of Kambala caste. I only heard so. I did not witeness any ceremony. The Plaintiff's Vakil did not question me as to particulars. I said to him that I would say in Court what I know.

Re-examined.—I did not see Periya Vettu Naik. I saw him during the 3 days of the marriage. He was near the hut of Zemindar. He and females performed sastras which I did not see. I attended the Sub-Registrar's office and gave my caste as Kambala. I would not allow anybody to call me Kolla Kambala. I would object if anybody called me so. I have some conception of time.

(Did not behave properly).

I have never been in the witness box before.

(Marked) Muthu Naik.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 28th July 1890.

(Signed) C. VENKOBA CHARIAR,

Subordinate Judge.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 114. Deposition of Plaintiff's 35th witness Suppammal, dated 28th July 1890.

No. 114.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 *of* 1889.

Plaintiff's 35th Witness solemnly affirmed.

Name	...	...	...	Subbammal.
Father's name	...	...	...	Sankaralinga Naik.
Age	...	...	...	30.
Caste	...	...	...	Kambala.
Occupation	...	...	...	Cultivation of lands.
Residance	...	...	...	Athipatti.

I am the wife of Ramasami Naik. I know Nagammal and Kumarammal They married the late Saptur Zemindar. I know of that marriage because I attended it. I don't know my age then. I was then married. I had been married 6 months before. I was married at Mallipuram. My father-in-law's brother's son was also married at the same time. I was at Saptur at the time of Nagammal's marriage. It lasted for 3 days. I don't know what took place on the second day of the marriage. Thathaya Naik was my elder brother. Tali was tied to his wife by me. At that time she was in her hut and my brother in his hut. I don't know and did not see Tali tied to Nagammal and Kumarammal as I was engaged in my brother's marriage.

Cross-examined.—I don't know what month this is. I don't know how many months there are in a year or how many days in a month. I say that my marriage was 6 months before Nagammal's from mere memory. I can't say whether it was before or after Pongal or in the commencement or middle of the year. Nobody told me that it was 6 months before Nagammal's. I did not count months. My marriage took place 10 or 14 years ago—or 15 years ago. I was 10 or 13 years of age. I had attained puberty before Nagammal's marriage and the ceremonies in connection with it were then performed. I don't recollect what were performed. I don't know what were performed in my marriage. Some female relative of my father-in-law tied a Tali to me. I have not seen her before or after my marriage. My husband was named Vandikara Ramasami Naik. On the first day of the marriage I was with my brother near his hut. I don't recollect at what time I went. I remained with him all that first day. Naikmar and women came to the hut. I don't remember their names. The brides and bridegrooms came to the huts on the first day in day time. I was outside of my brother's hut and remained there all night as the brides and bridegrooms were there. Thathaya's wife remained in her hut and slept there. The hut was of the size of the witness box. She stretched

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PART I.

In the Subordinate Court of Madura (West.)

No. 114. Deposition of Plaintiff's 35th witness Subbammal, dated 28th July 1890. —*concluded.*

her legs outside. I slept in front of her hut under the pandal. Naikmars and ladies also slept there. Periya Vettu Naik and Kodangi Naik and others all slept there. Muthu Naik the previous witness is my brother. He slept near his brother's hut. I did not see but I supposed he did. We got up early morning and I don't recollect what took place. It was the second day. I don't recollect at what time Tali was tied, day or night. Periya Vettu Naik gave me the Tali. My brother's bride stretched her neck and opened out her veil and I tied Tali. I did not mind who were present. I don't recollect what took place. The only thing that I know and remember is the tying of Tali and sleeping under the pandal. If others said that nobody slept that night near the huts, it must be taken as said through ignorance. I saw Nagammal. I was taken to Vakil's house. He questioned me what I knew. I told him what I knew.

Q.—Did the Vakil ask you whether you were married 6 months before Nagammal's ?

A.—Yes: I am quite sure. He asked me where my marriage took place. How many marriages took place and this is all he aked me about. I said that my marrage took place 6 months ago. I can't say what words were used by him. He asked me "Were you married along with Nagammal or at some other time". I said that my marriage took place 6 months before that.

Q.—When you told him so why did he ask you whether your marriage took place 6 months before Nagammal's ?

Did he ask you the question whether you were married 6 months before Nagammal ?

A.—He did not. From want of memory I said that the question was put to me as above.

No re-examination.

(Marked) Subbammal.

Interpreted to the witness in Tamil which she understands and admitted by her to be correct, this 28th day of July 1890.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 115. Deposition of Plaintiff's 36th witness Kumarasami Reddi, dated 28th July 1890.

No. 115.

IN THE SUBORDINATE COURT OF MADURA (WEST.)

Original Suit No. 21 *of* 1889.

Plaintiff's 36th Witness solemnly affirmed.

Name	...	...	Kumarasami Reddi.
Father's name	...	...	Ramasami Reddi
Age	...	...	70.
Caste	...	...	Reddi.
Occupation	...	...	Ryot and Nattamaigar.
Residence	...	...	Arasapatti.

I knew Thumbayasami Naiker, the Zemindar of Paraiyur. I knew Vellayammal. She was his wife. I and my father attended that marriage. It took place at Paraiyur in the Palace. Huts were put up in the north. Other marriages also took place. Virudupatti Ammal was also married to him at the time. Vellayammal came from Madavanaikkanur. Another lady was married at the same time but I do not recollect her name. Muthuveerasami was the son of Thumbayasami and Vellayammal.

Cross-examined.—The marriage was not a dagger one but the bridegroom was in the hut and the marriage was in person. I do not know of a dagger marriage. I drew the distinction because the bride and bridegroom were present in these huts. I don't know if there are marriages in which the bridegroom is not present. Vellayammal was not the daughter of a Zemindar but she was the daughter of Mappilla Naik. There is no such thing as dagger marriage in Paraiyur. I have not seen it. Paraiyur Zemindar is a Kambala. The custom of a dagger marriage is in vogue only at Saptur and the chiefs used to be styled "Kattari Kamaya Naik". I have heard that the late senior Zemindar and his father contracted dagger marriages. Thumbayasami Naiker had nine wives. I cannot say the order. He had married girls before and after Vellayammal. I attended only Vellayammal's marriage. I saw her face. I don't know if the Zemindar had another wife of that name. I was in the habit of going to the Palace at Paraiyur and saw Muthuveerasami Naik. I heard that he was Vellayammal's son and I have seen the child. I was 10 or 15 years old when the marriage took place. I was 20 years old when the child was playing about. The child was then 2 or $2\frac{1}{2}$ years old. I was $17\frac{1}{2}$ or 18 years old when I saw the child. I was about 15 years old at the time of marriage. Nobody told me that Muthuveerasami was Vellayammal's son. I remember and so state the fact. I don't recollect the name of any other person who was present at the marriage. My son

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is Nattamaigar. I resigned the office in his favor. Deputy Collector Suriyamuthiya Pillai suspended me for 4 months because I delayed making remittances.

No re-examination.

(Signed) Kumarasami Reddi.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 28th day of July 1890.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 115. Deposition of Plaintiff's 36th witness Kumarasami Reddi, dated 28th July 1890. —*concluded.*

No. 116. Deposition of Plaintiff's 37th witness Thumbayasami Naiker, dated 29th July 1890

No. 116.

IN THE SUBORDINATE COURT OF MADURA (WEST.)

Original Suit No. 21 *of* 1889.

Plaintiff's 37th Witness solemnly affirmed.

Name	....	...	Thumbayasami Naiker.
Father's name		...	Muthu Veerasami Naiker.
Age	...	...	26—27.
Caste	...	...	Kambala.
Occupation	...	...	Ryot, land-holder.
Residence	...	...	Paraiyur.

I am (younger) brother of Nagammal. I am married. Thathaya Naik and the late senior Zemindar of Saptur were married at the same time. Kumararamal and Nagammal married the late Zemindar. The daughters of my maternal uncle Jaggama Naik became the wives of myself aad Thathaya Naik. We married two sisters. These 3 marriages took place at Saptur in the open space in front of the Palace buildings. No other marriage took place at the time. The marriages lasted for 3 days. They were performed agreeably to the customs of our caste, *i. e.*, Kambala. I was 10 or 11 years old at the time and so I can state only a few of the ceremonies that took place. I remember that some Naiks touched my forehead with milk. Toe rings were put on me. A barber shaved me. Then we went to the huts. The Zemindar, I and Thathaya Naik were shaved. On the second day all that I remember is

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In the Subordinate Court of Madura (West.)

No. 116. Deposition of Plaintiff's 37th witness Thumbayasami Naiker, dated 29th July 1890. —*continued.*

the ceremony of tying Tali. I was in my hut when Tali was tied to my wife. She was in her hut. The Zemindar was in his hut and my sisters were in their respective huts. On the 3rd day I remember the Yakalichi ceremony *i. e.*, we went Yakalichi. I, my uncle the Zemindar, and Thathaya Naik went Yakalichi. The brides also went with us. The Zemindar went first followed by his brides, then I and my bride, and lastly came Thathaya and his wife. I have executed counterpart of Swamibhogum lease to the Collector as Agent of Court of Wards. The manager of the Estate produces the original document, dated 5th September 1887. This is shown to witness. I executed this document filed as DDD. I executed to Masanam Pillai and others a deed of mortgage mortgaging my punja land, Masanam Pillai produces deed, dated 15th April 1887. Witness continues. I executed this document.

(*Note.*—The Advocate-General says that his objection to the reception in evidence of this kind to corroborate witness' statements should be noted).

This document is filed as EEE. I executed a deed of sale to Musaba Rowthen. He is called and absent. The copy shown to witness. He says he executed its original. Filed as Exhibit FFF. The last Zemindar of Paraiyur was related to me as brother. He died 3 or 4 years ago.

Q.—After his death, who were the claimants?

A.—I am the senior in age. After the last Zemindar died I put forward my claim to the Collector and Board of Revenue. I sent petitions. They were endorsed and returned to me.

Plaintiff's Vakil proposes to put the petitions in evidence to corroborate the witness' statement as to his caste, status and conduct and as to whether the facts in issue in this case are probable and improbable. The Advocate-General objects.

The question of the caste of Nagammal being in dispute, the petition may be admitted in evidence on that point alone. Petition makes no allusion to caste.

Plaintiff's Vakil next proposes to put in this petition to shew that the witness described himself as the son of Muthu Veerasami Naiker.

Admitted in evidence for this purpose alone. Filed as GGG.

Plaintiff's Vakil proposes to put in witness' petition to Revenue Board to shew his former statement as to caste, description and father's name, status and conduct.

This is admitted for the same purpose as GGG. It is filed as HHH.

Note.—Plaintiff's Vakil wanted to shew two documents I and II produced before commission in Subbammal's deposition. He however changed his mind.

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No. 116. Deposition of Plaintiff's 37th witness Thumbayasami Naiker, dated 29th July 1890. —*continued.*

Cross-examined.—I said I was 10 or 11 years old at the time of my marriage. Thathaya Naik was older by 10 years. There was a large crowd and noise and therefore I cannot say what sastrams were performed. A Saptur barber shaved me. I have not seen him before or since then. I was shaved in a thatched shed close to the well. I alone was there. The Zemindar and I did not sit in a row. Thathaya was not there when I got shaved. I don't know where he got shaved. I did not see the Zemindar get shaved. I don't recollect whether I was shaved in the morning or the night. The next thing that took place was the touching of forehead. Periya Vettu Naik touched my forehead. I don't recollect the names of others who touched. This took place in south Palace. How long after I was shaved, my forehead was touched I can't say. I can't say whether it was in daylight or night. I did not see Thathaya when my forehead was touched with milk. I saw his forehead touched with milk. He was in the same place as I was. He was brought in. The Zemindar was in the quadrangle inside the Palace. I could not see the Zemindar from where I was. We went in procession with drums &c., to the huts and the brides and bridegrooms were in the middle of the crowd. Thirupugalsami took hold of my hand and he told me to march on. He did not tell the Zemindar to take his place. The Zemindar went first followed by his brides and then I and my wife came one after another. I cannot recollect the color of the cloths worn by Nagammal and Kumarammal—nor can I say what dress was worn by the Zemindar. Periya Vettu Naik put the toe rings on me and subsequently we started in procession. After I was shaved toe rings were put on and about the same time my forehead was touched with milk. I did not see the Zemindar wear any dagger. The huts were outside the entrance to the Palace but within the enclosure. The huts were built in a straight line. They were from north to south. I know the cardinal points of the compass. I remember well that the huts were from due north to south. I did not see the huts built. When I went to the hut, I noticed the direction in which the huts were. One can see all the huts if one sits in front of a hut. My wife's hut was next to the Zemindar and my own was next to hers. Mine was in the middle. I saw Thathaya and Zemindar seated in front of the huts. Thathaya wore a saffron cloth like me. I did not notice what dress the Zemindar wore on that occasion. The brides were seated in their huts. We, bridegrooms, sat outside. There was no pandal over our huts. Naiks brought several plates. One plate was brought to my hut. The Naiks did Sastras. I did nothing. They kept it there that day. There was milk, cow's urine, betel &c., on the plate. The next day, the plate was brought with cloth, rice &c. On the first day, I don't recollect where I slept. I cannot say whether I remained at the hut or went to the Palace. I found myelf next morning before my hut. I don't recollect if people slept near the huts. I don't recollect if the brides slept in their huts. I saw Subbammal, Thathaya's sister. She remained near her brother's hut. I don't recollect where she slept. The next morning Naiks came and performed sastras. All day drums were beating, songs were sung by males and females, and I sat in front of my hut. I don't recollect if I took meals. I was a boy and the ceremony took place 15 years ago. The Tali was tied the second day. I saw the Tali. Mahalinga Naik brought the Tali. I touched it. The Naikmars went with it, and tied Tali to my wife.

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In the Subordinate Court of Madura (West).

No. 116. Deposition of Plaintiff's 37th witness Thumbayasami Naiker, dated 29th July 1890. —*continued.*

I did not see it tied owing to the fact that the Tali was tied inside the hut and owing to the crowd. I saw the Zemindar seated in front of his hut. He could be seen. In spite of the crowd between me and the Zemindar, I saw him as soon as the crowd opened out. I was looking at the fun. The Tali was tied in the evening but whether it was before sunset or by torchlight or not I cannot say. I can't say whether it was dark. When I saw the Zemindar the sun was shining. I cannot say whether I remained in the hut that night or returned to Palace; but I found myself in my hut the next morning. The other bridegrooms and all brides were in their huts the next morning. On the 3rd day we returned Yakalichi to the Palace. I rode horse and went round my wife's hut. I don't recollect if I was put on the horse or I mounted it myself. I don't recollect if I rode a horse before or after that time. After I dismounted, I and my wife returned. I don't recollect if we joined hands nor if a sheep was sacrificed. Periya Vettu Naik put on my forehead a blood mark in front of the Palace. My father died when I was 4 or 5 years old. My father and Muthukumarasami, the father of the deceased Zemindar Muthu Vijia Raghunatha Thumbayasami Thumbichi Naik were half brothers. Vellyammal was my father's mother. She had neither brothers nor sisters. I had no paternal uncles. I know Muthu Kumaru pointed out in Court. (He was in the Court hall). Krishnayyar, my agent, wrote the Exhibit GGG. He got Exhibit HHH written for me. A document is folded up and shown—only signature exposed— The witness says. It is doubtful. I must open and see it.

Q.—Is the signature like yours? The same answer is given. Another document similarly folded and shewn. The witness says that the signature in his name is doubtful. I can read and write a little. I have heard the first document shewn me read. I deny executing such a document. I swear I deny having executed any similar document. The document shown was marked as I before the Commissioner. The second document shewn, I have heard read to me. I don't remember having executed it. The signature in my name in it looks like mine. It is marked II before the Commissioner. I don't recollect if I gave a Razinamah in the Zemindar's office as recited in the said document. I never gave any Razinamah to the Zemin office nor any deposition in that office. The Razinamah and the deposition shewn. The signatures Thumbayasami Maniyam are not mine. Marked IIa and IIb before the Commissioner. I never gave a Razinamah to the Paraiyur Zemindar's office about any land and at any time. I did not give any Razinamah for the land I sold to Musabu Rowthen. Chinnasawmi Iyer, Manager of Paraiyur Zemin, produces a Razinamah dated 24th May 1885 at Defendants' instance. This Razinamah is read out to witness. I heard it read. I did not execute it. The signature Thumbayasami on it in two places is like mine. Somebody must have written it. I swear that it is a forgery. I had puttah for the land in my name and then, *i, e.*, after the sale, it was transferred to Musabu Rowthen.

Re-examined.—I saw the Zemindar and Thathaya shaved while we were proceeding to the huts. So I said that they got shaved.

(Signed) Thumbayasami Naiker.

Deputy Registrar.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 29th day of July 1890.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

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PART I.

In the Subordinate Court of Madura (West).

No. 116. Deposition of Plaintiff's 37th witness Thumbayasami Naiker, dated 29th July 1890. —*concluded.*

No. 117. Deposition of Plaintiff's 38th witness Thavasilingasami Naik, dated 30th July 1890.

No. 117.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 *of* 1889.

Plaintiff's 38th Witness, solemnly affirmed.

Name	...	...	Thavasilingasami Naik.
Father's name	...	...	Muthu Verasami Naik.
Age	...	...	22.
Caste	...	...	Kambala.
Occupation	...	...	Ryot.
Residence	...	...	Paraiyur.

I did not execute any documents to the Zemindar of Paraiyur conjointly with my mother and elder brother. Deed of sale dated 24th May 1888 shewn. I deny my signature in this document (Exhibit I before Commissioner).

Cross-examined :—I live with my mother and elder brother. I have been attending the Court and sitting in the hall since the commencement of the suit except during the last 4 or 5 days. I was sitting behind the Plaintiff's Vakil's chair. I spoke to the Duffadar to turn outside some people from Court hall. I attended the Plaintiff's Vakil's house and was present throughout the examination of witnesses before the Commissioner. I heard my mother deny the genuineness of the said document when questioned on the point. I don't know if my elder brother denied the execution of the document. I don't know if he was examined yesterday. I swear that I was not aware if he was examined yesterday. I swear that I was not aware he was to be called as a witness. I was not summoned. This morning Krishnayyar told me that I was to be examined as a witness. I did not ask him for what purpose. I had no idea that I was going to be examined in respect to this document. I did not expect to be examined in reference to other matters. I don't recollect if the document was read out to my mother in her examination or if she was questioned whether she and her 2 sons did not execute it. I went to Plaintiff's Vakil's house this

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PART I.

In the Subordinate Court of Madura (West).

No. 117. Deposition of Plaintiff's 38th witness Thavasilingasami Naik, dated 30th July 1890. —*concluded.*

No. 118. Deposition of Plaintiff's 39th witness Vuthandamayyan, dated 30th July 1890.

morning. He did not tell me he was going to examine me. I came to Court with Krishnayyar. The signature in the document in my name is quite unlike my signature. I say it is a palpable forgery. I can read and write.

(Signed) Thavasilingasami Naiker.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 30th day of July 1890.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

No. 118.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 *of* 1889.

Plaintiff's 39th witness, solemnly affirmed.

Name	... ...	Vuthandamayyan.
Father's name	... ...	Subbier.
Age	... ...	27.
Caste	... ...	Brahmin.
Occupation	... ...	Ryot.
Residence	... ...	Malakla.

I was employed in the Saptur Zemindari from 1883 to 1886, *i. e.*, till the end of 1885. I knew Subbramania Mudeli. He was doing work in the same office with me. He was clerk. I was Pannai Gumastah and Royasam. I know Chinnasami Ayyar. He was Manager in the Saptur Zemin; from what period I don't know. I can identify the writing of Subbramania Mudeli and Chinnasami Ayyar. Subbramania Mudeli is dead and Chinnasami Ayyar is Manager in the Paraiyur Zemindari. Three lines on the top of the book shewn me are in the writing of Chinnasami Ayyar. The entry is 15 Rupees paid for the expenses of Kumarammal's funerals. The entry next is a loan of 3 Rupees to Sundram. This also is in Chinnasami Ayyar's writing. I can't say in whose writing the next entry is. The signature following it is that of Subbramania Mudeli, Gumastah. The Chitta for July 1880 is filed as JJJ. The entry as to 15 Rupees is marked as JJJ1. The entry under date 3rd September 1880—payment of one Rupee to the person who carried the Ammi and Kolavi and Padungi marundu (powder) on the occasion of Kumarammal's funerals is in the handwriting of the said Chinnasami Ayyar. The

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In the Subordinate Court of Madura (West).

No. 118. Deposition of Plaintiff's 39th witness Vuthandamayyan, dated 30th July 1890. —*continued.*

powder is put in an iron tube and it is fired on occasions of funerals and other occasions. At the close of the entries under 3rd September 1880, there is the signature of the said Subbramania Mudeli. The entry is marked as JJJ2. I know the writing and signature of Vanniappa Pillai. He is alive. He is now unemployed. I have seen Vanniappa Pillai write and I know his writing. (He is said to be on Defendants' side). I see the entry of 30th August 1880. It is in the handwriting of Vanniappa Pillai. It is filed as KKK1. The book is filed as KKK. I know Periyasami Chetti. He was employed as Gumastah in Saptur Zemin office. He is alive. I know his writing. I see the rice and cash Chitta of store-room. The entry of payment of one Kota of rice for the performance of the 3rd day's sastram on the death of Kumarammal of Paraiyur is in his handwriting. The entry is dated 1st September 1880 and is filed as LLL1. The book is filed as LLL. The entry of purchase of six bundles of betel on the occasion of Kumarammal's death is also in his handwriting. This is marked as LLL2. I see the entry of 2nd September 1880. The entry of disbursement of rice of one Kota Kurini to Periya Vettu Naik for the ceremony of fixing stone for Kumarammal's funerals is also in the handwriting of Periyasami Chetti. This is marked as LLL3. The signature underneath the entries is that of Periyasami Chetti. The entries of 1st September 1880, of 3rd September, and 4th September are signed by Chinnasami Ayyar, Manager. In the Pannai department, there were other servants besides myself such as moniam, peons and tillers, and persons appointed to look after ploughing cattle.. Puttahs were issued for the pannai lands.

Q.—In whose name were the Puttahs issued?

The Advocate General objects. Plaintiff gave notice to Defendant to produce Pannai Puttahs which stood in the name of the deceased Zemindar from Fusli 1278 to 1298. Puttahs from 1295 have been produced.

In 1884 and 1885, puttahs were issued in the name of Zemindar. They came to me as Pannai Gumastah and I saw them. I remained as Pannai Gumastah until the end of 1885. I was in charge of the records of the Pannai Office. I have seen Pannai puttahs for previous years, of 5 or 6 years, in the name of the Zemindar Nagayasami Kamaya Naiker. Yenavali accounts are accounts showing details of land. From these accounts puttahs are prepared. In the Pannai Office, cash Chitta, grain Chitta, lists showing the letting out of lands, Pay bills and Maikadu or coolies Chitta. There are garden lands attached to Pannai. The two chittas shewn are cash Chittas for 1884 regarding "Pannai." I kept these Chittas. I wrote them. The two Chittas together are filed as MMM. The Chitta shewn me is a similar Chitta for 1885—Filed as NNN. The Chitta is from April 1885 to 30th June 1885. Similar Chitta was kept for subsequent months. I recollect keeping such a Chitta until the end of July 1885.

(*Note.*—Ganapati Ayyar, manager of Saptur Estate, says he has not got Pannai Pay abstracts for 1884 and 1885—nor the grain Chittas.)

I had Pay abstracts and grain Chittas for 4 years prior to 1884.

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In the Subordinate Court of Madura (West).

No. 118. Deposition of Plaintiff's 39th witness Vuthandamayyan, dated 30th July 1890. —*continued.*

Cross-examined:—I was employed from April 1884 and I ceased to be in service in December 1885. I was not Pannai Gumastah during the whole of that period. I don't recollect up to what time I was Gumastah. I became Royasam some time before the death of the Zemindar, that is to say, two months before his death. I had lists of the records in my charge. I handed over charge of the Pannai records to my successor Narayana Ayyar. I don't recollect Puttahs for how many Fuslis were handed over by me. I had puttahs for about 10 villages. There are Pannai lands in all the villages of the Zemindari. I swear I handed over the Puttahs and other records to Narayyana Ayyar. I did not take any acknowledgment from him. I don't recollect if I did. The Kurnams of the respective villages in which the lands are situate prepared the Puttahs. The Kurnams gave me the Pannai Puttahs when they came to office. Puttahs were issued for each Fusli. The Puttahs for Fuslis 1293 and 1294 were given to me. I never gave receipts to the Kurnams for Puttahs given me, but I gave Muchilikas for certain villages on behalf of Zemindar signifying acceptance of Puttah. The expenses of the Pannai are met from the incomes of the Pannai. The "Ayan Chitta" referred to in Exhibit NNN is the Chitta for the receipts and expenditure of the whole Zemindari. The rents from topes and collections of rents from tenants appear in the Ayan Chitta. If the Pannai income is insufficient to meet its expenditure, money is borrowed from the Ayan Treasury. The entry will simply shew it as receipt from Ayan and not as a debt borrowed. There are Devastanams in the Zemindari. They have their income. If money is taken from Devastanam fund for Pannai purposes the entry show receipt from the said source, or as a debt. During my time there was no adjustment between the Ayan and Pannai Chittas. Goshvara account was not settled. I don't pay terva for the Pannai lands myself. It is paid in the village. From the Irusalnamah received from villages, entries will be made in the Pannai Chittas crediting and debiting the terva paid. No terva is paid for Panni lands within the Zemindari. The topes, the rents of which are receipted in Ayan Chittas, are situated in the villages. The gardens attached to Pannai lands are those planted by the Zemindar. They are in Saptur Kodikulam and other villages. The late Zemindar planted them. Before they were converted into topes, they were Pannai punjah lands. The Malamandai tope was planted in 1883-1884 by the Zemindar. He planted mango trees, graft mango, Kumugu and other trees. I have lands $2\frac{1}{2}$ cawnis of nunja.

Re-examined.—It is usual sometimes to take receipts for records handed over. Narayana Ayyar was in Zemindar's service when he died. Subsequently he was acting Kurnam in Tullupattinaikkanur attached to Saptur Zemin. Irusalnamahs are not sent for Pannai lands. The village officials bring Irusalnamahs shewing payments of terva on account of Pannai lands. These Irusalnamahs are brought to the Ayan office; the entry as regards the terva paid for Pannai lands will be made in Ayan Chitta, and the Ayan office will give me intimation of this payment to me or send the Chitta and then I would bring the payment to the Pannai Chitta—referring the entry to Ayan Chitta. Terva is paid for Pannai lands. In cross-examination I meant to say that I did not pay terva myself. The income of Pannai topes will be entered in separate Chittas

Deputy Registrar.

kept for Pannai gardens. There are 8 or 9 topes attached to Pannais in Saptur. They are (1) Ammamadam tope, (2) Malamandai, (3) South or Terku Thottam, (4) Pallayam Thottam, (5) Malayandipuram Thottam, (6) Kullappa Naiken tope and others whose names I don't recollect. There are gardens at Kodikulam and Paleiyur which I have seen. I have not seen other gardens.

(Signed) Vuthandamayyan.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 30th July 1890.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 118. Deposition of Plaintiff's 39th witness Vuthandamayyan, dated 30th July 1890. —*concluded.*

No. 119. Deposition of Plaintiff's 41st witness Annasami Ayyar, dated 14th August 1890.

No. 119.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 *of* 1889.

Plaintiff's 41st Witness, solemnly affirmed.

Name	...	...	Annasami Ayyar.
Father's name	...	...	Venkataswarayyan.
Age	...	...	75.
Caste	...	...	Brahmin.
Occupation	...	...	Nattamaigar of Vandari and ryot.
Residence	...	...	Vandari and Kylasapuram.

Saptur is $1\frac{1}{2}$ miles from Vandari-Kylasapuram. I was manager of the Devastanams in Saptur Zemindari in the time of Defendants' grandfather for 5 or 6 years. My father was Stanapathi in Saptur Zemindari in the time of Defendant's great grandfather for 6 or 7 years. I know Defendant's great grandfather Sankaralingasami. I was 15 or 16 years old when he died. His predecessor was Vada Kamaya Naiker. These two, *i. e.*, Vada Kamaya and Sankaralinga, were sons of Ramasami Naik but by different mothers. Ramasami Naik married 4 wives. Vada Kamaya Naik's mother and my father also told me of this. I do not know the name of his first wife, but she was the mother of Thalavetti Nagayasami Naik, the Zemindar. The 2nd wife was the mother of Vallakondama who was not Zemindar. The 3rd wife was the mother of Sankaralinga Naik and fourth was Terrammal, the mother of Vada Kamaya

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 119. Deposition of Plaintiff's 14th witness Annasami Ayyar, dated 41st August 1890. —*concluded.*

Naik. Thalavetti Nagayasami was hanged for murder. Yerrayi Ammal survived Sankaralingasami by 30 years.

Cross-examined:—I am father of Plaintiff's 7th witness. I got summons twice. Sankaralinga Naik was the first member of Saptur that I saw. His wife Krishnammal and son Nagayasami were the other members of the family. Sankaralinga Naik died 50 or 60 years ago. I have not seen Vada Kamaya Naik. Yerrayi Ammal told me he was his predecessor. Sankaralingasami had two sons Nagayasami and Ramasami Naik by different mothers. I know them. I don't know their marriages. I have seen the two ladies. Which of them was first married I don't know personally, but I heard that Nagasami's mother was first married.

(Signed) Annasami Ayyan.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 14th August 1890.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

No. 120. Deposition of Plaintiff's 42d witness Nagammal dated 14th July 1890.

No. 120.

Deposition of Plaintiff's 42nd Witness.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Monday, the 14th day of July 1890.

Original Suit No. 21 *of* 1889.

Witness for Plaintiff examined before Commissioner.

Name	Nagammal.
Father's name	Muthuverasami Naik.
Village Taluq	Saptur ?
Occupation	Nil.
Caste.	Kambala.
Age	About 28 or 29.

Solemnly affirmed by Commissioner.

Examined by Plaintiff's Vakil:—Saptur Zemindar Nagayasami Kamaya Naik was my husband. He died 5 or 6 years ago. I know my father Muthu-

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 120. Deposition of Plaintiff's 42nd witness Nagammal, dated 14th July 1890. —*continued.*

veerasami Naiker. He died 20 years ago. I was married about 15 or 16 years ago. Before I was married, I was living in my father's house at Paraiyur. My father's house is situated to the east of the Palace at Paraiyur. I know the brother of my father who was the Zemindar of Paraiyur. I know Tirupugalsami. He was my father's elder brother, that is, his junior uncle's son. My father and the Zemindar were the sons of the same father. My father died first. I know the Zemindar of Paraiyur. I do not remember when he died. What I meant by saying 'I know the Zemindar' is that I have seen him. The Zemindar lived for 8 or 9 years after the death of my father. After my father's death, I used to see the Zemindar of Paraiyur once in 3 or 4 days. I will stay there for 2 days. I will stay in my father's house for 2 days. Thirupugalsami lived in his house. I used to see him. On any important occasion he used to take the children to his house. He used to bring his children. Whenever I stayed in the Palace of the Paraiyur Zemindar, I used to take meals in the Palace only. I used to mess with my step mothers. By 'step mothers' I meant the wives of the Zemindar. He had 3 wives. When I stayed there, he had 3 wives. After I left the place, I was told he had married some others. I used to speak with the Zemindar. He used to ask me to bring water. Whenever he was eating any cakes, he would ask me also to partake. I do not remember whether any marriage was performed in the Zemindar's Palace when I used to visit while at Paraiyur. I have got brothers and sisters. Kumarammal was my elder sister. Thumbayasami Naiker was younger to me. His younger brother was Thavasilinga Naiker. This is all. Thirupugalsami used to come to our house to see the children. On any important occasion, he used to take the children for meals. I remember his taking me to his house. I remember that he took me for Adi and Deepavali (feasts). I remember him taking me thus twice or thrice. In the same evening he used to take my brothers also. On any important occasions in our house, the males will be seated in one row, and the females will be seated in another row, for eating. He used to take my sister Kumarammal also. When I and my sister Kumarammal were young, we used to take meals with Thirupugalsami. He used to take meals having my brothers about him. Thirupugalsami has two children, one male and the other female. That female is the mother of the Defendant in this suit. His son is the present Zemindar of Paraiyur. After we attained our maturity, we used to take meals with our mothers. By mothers I mean Tirupugalsami's wife. We two and Tirupugalsami's wife, in all three only, used to take meals together. Tirupugalsami's wife is named Lingammal. I do not know if Lingammal has brothers or sisters. I know Krishnammal, the wife of the Zemindar of Paraiyur. This Krishnammal and Lingammal are the daughters of brothers. The Zemindar of Paraiyur has no daughter. Muthu Verammal before her marriage was living with my senior uncle, that is, the Zemindar of Paraiyur. As the Zemindar of Paraiyur had no daughter, the said Muthu Verammal was brought up by them as their child. Tirupugalsami died about 10 years ago. My mother Subbammal is now alive. Subbammal has brothers. Her elder brother was Sakkana Naiker. The next to her was my mother. The youngest was Ramaswami Naiker. The above 3 persons are the children of the same mother. The father is also the same. I have seen while young Parapatti Subba Naiker.

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 120. Deposition of Plaintiff's 42nd witness Nagammal, dated 14th July 1890. —*continued*

I was told that he was my mother's senior aunt's son. What I meant by saying (senior aunt) is my mother's father's first wife. I have seen him while I was six or seven years old. I have not seen him afterwards. Sakkana Naiker is now dead. He has left 2 daughters and a son. I know the wife of Sakkana Naiker. Her name is Vellaiammal. The said Vellaiammal is of Kambala caste. Sakkana Naiker's younger brother, Ramasami Naiker, is married. I know his wife. Her name is Subbammal. She was born at Athipatti. She is of Kambala caste. I cannot say exactly at what year I was married. I was married 15 or 16 years previous to this date. I would have been then 13 or 14 years old. My marriage was performed at Saptur. Three days before the marriage I went to Saptur. I went from Paraiyur. As far as I remember, my mother, Zemindar's wife Krishnammal, his son Tirupugalsami, Muthulingasami, and Ramasami Naiker, my two brothers, my elder sister Kumarammal, Vellaiammal, Lingammal and Sakkammal, these came with me to Saptur. Besides these, many others came. In those many others are included, the followers, &c., from that village. We went in bandy. Two bullock coaches came. Two country carts came. It would be about 5 or 6 naligais' distance between Pariayur and Saptur. On our way we halted at Alagar Kovil. The said Alagar Kovil is 2 or 3 naligais' distance from Saptur. My father detained us there, saying that people would come to receive us there and conduct us in procession, and that therefore we should stop in that temple. I do not know who came. But the sounds of music were heard. By the word father abovementioned, I meant only Tirupugalsami, and Muthulingasami. Muthulingasami is my senior cousin, that is to say, my father and he were the sons of brothers. After we heard the sounds of pipe and drum I and my elder sister travelled in the bandy which came from Saptur. The bandy we travelled in was bullock coach. The son of the Zemindar above referred to would have been 16 or 18 years old. From Alagar Kovil we travelled and alighted at the Palace in the south. The Palace in the south is close to the Palace. The Palace in the south is within the same boundaries. But as it is on the southern side, it is called the southern Palace. When we reached the Southern Palace, it would have been about 4 or 5 o'clock in the evening. On the 3rd day of our arrival, we were taken to the inner Palace for the marriage. They took me and my elder sister Kumarammal. I cannot enumerate in order the several things that took place during my marriage. We were taken to the upstairs, that is, the western portion of the Palace. Naikamar females had come there. By "Naikamar females" I meant females of the Kambala caste. Kumarammal of the big house and some Naikamar females brought betel leaves, nuts, and saffron pieces in a tray, and placed them on my lap. By Kumarammal of the big house is meant the mother of Mahalinga Naiker of the big house. The next day they pounded the paddy. Afterwards they put the *Muhurtha bangle*. This is all that I saw with my own eyes. Then the bride and the bridegroom came to the hut. I was taken and left in the female hut. The bridegroom went to bridegroom's hut. Then they tied the tali. Paraiyur Zemindar's wife Krishnammal, Menakshiammal and 3 young children brought marriage cloth (*Kandangi*), tali and flowers in one tray, Mukkuthalukku (nose-jewel) and Hastha Kadagam (wristlet) in another tray and betel-leaves and nuts in three trays.

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RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 120. Deposition of Plaintiff's 42nd witness Nagammal, dated 14th July 1890. —*continued.*

Periya Vettu Naiker brought the dagger. Those trays were placed before me by the 3 children. Periya Vettu Naiker handed over to me the Jamuthadu. I held the Jamuthadu in my hand and touched the 3 trays and bowed. Krishnammal the wife of Pariayur Zemindar, took that tali and tied it. They took the marriage Kandangi and covered my head and body completely. They then went away. Afterwards the Zemindar came to my hut and mingled hands with me. I did not see how he came into my hut. There was a pandal erected in front of my hut. In that pandal gunny bags were spread. He came and sat down there. Then I was carried and placed there. Among us there is such a ceremony as carrying the bride. I was carried by Mahalinga Naiker of the big house and placed there. The Zemindar's little finger and mine were put together and they then placed a cloth over our hands. Afterwards Periya Vettu Naikar and other elderly people there threw into my lap and the Zemindar's lap, kumbu (millet) which was named Sesha arici. Afterwards the Zemindar went in advance and I followed him to the bridegroom's hut. In the front of the bridegroom's hut some paddy was heaped. I pounded them. My husband helped me by pushing the paddy in three handfulls. From there, the bride and the bridegroom came to the backside of the bride's hut. There were 4 little mud pots there. The Zemindar sat on a three-legged stool. I sat on another 3-legged stool. Naiker of the big house and some other Naikmar females poured some water in a tray and poured it behind the back of the bridegroom. They did the same to me. I do not know what were contained in those 4 little mud pots. Afterwards we went to the bridegroom's hut. There Periya Vettu Naiker brought and gave me a child. It was a male child, one or one and a half years old. I handed over that child to the Zemindar. The cloth which was covered over my head was rolled up like a pad (*Simmadu*) and placed on my head. Upon that they placed a spotted pot on my head. Afterwards we went together; my husband walked in advance and I followed him. We went to the upstairs. When we entered the threshold there, they slaughtered a sheep. They took the blood and placed a dot on the forehead of the Zemindar as well as on my forehead. Afterwads we came to Mel Mukappu. Some paddy was heaped there. The mud pot which I carried on my head was brought down by Periya Vettu Naiker's mother and some other Naikmar females and they placed it on the paddy. Afterwards I myself put some cowdung in a tray, carried it on my head, and threw it in the rubbish heap. Afterwards Periya Vettu Naiker went to the well and brought some mud. Periya Vettu Naiker pressed that mud and placed it in a cradle made of saffron cloth. Myself and my husband caught hold of it and shook it as we were rocking a child. This is all that I remember. From the beginning to the end, it took 3 days for the marriage. That is to say, from the date the paddy was pounded. Along with my marriage the marriages of Thumbaysami Naiker and Thathaya Naiker were performed. Sakkammal was married to Thumbaysami Naiker and Lingammal to Thathaya Naiker. The said Sakkammal and Lingammal are the daughters of Sakkana Naiker above referred to by me. I do not know Thathaya Naiker. I have only heard about him. He was of Kambala caste. After my marriage, we lived at the upstairs for 6 months. Afterwards we went to the new Palace adjoining it.

it. In one square building there are 4 upstair buildings; one is called Mela Machu, one, the North Machu, one, the South Machu and in the centre a Court yard. When I stopped on the Mela Machu, for 6 months after my marriage, my husband was at the East Machu. He had then other wives. Their names were Mulipatti Thavasiyammal, Muthukrishnammal, and Kamakshiammal. The said Kamakshiammal was the daughter of the Zemindar of Koppayanaikkanur. I used to call her "*Akka*". I used to call all the wives of the Zemindar who were senior to me in age "*Akka*." The name of the other wife was Muthu Veramnal, who was taken and given by the Zemindar of Paraiyur as his daughter. Muthuchinnammal was taken and given by the Zemindar of Elumalai as his daughter. Muthu Kamakshiammal was the daughter of the junior Zemindar of Elumalai. The above said persons alone were the wives whom my husband had married at the time of my marriage. While I was at western Machu Thavasiammal was at northern Machu. Muthukrishnammal was at southern Machu. Koppayanaikkanur Kamakshiammal was at southern Machu, in a different room. Paraiyur Muthu Verammal was in the eastern room of north Machu Muthu Chinnammal also was in a room. Muthu Kamakshiammal was in the new Palace. The said new Palace was next to the square building. In the western Machu there were 4 rooms; two in the front and two in the verandah. Within the square building, to the north of western Machu, there was a big kitchen room. There meals were prepared for all. From there meals would be brought for the Zemindar and placed in the Court-yard. Thavasi Ammal would come and serve food to the Zemindar; another wife would bring water to wash the feet; another woman would bring water to wash hands; one woman would fan; another woman would cool water for drinking. After meals were over, I would bring him the plate containing betel leaf. Kumarammal would fan. The Zemindar will eat twice. On these 2 occasions all the eight of us should be present. After he finished his meals and went away the servants would bring and place all those vessels in the verandah in the western Machu. All the 8 of us will arrange ourselves in a row and spread leaves, and I would bring the leaf which my husband used when eating and thus we would all take meals. I would bring one day the said leaf and take meals in it; another wife would do the same on another day. Thus all of us would eat. He used to take his meals upon plantain leaf. We would sit in the same row and eat on separate leaves. The new Palace had been built before my marriage. Above the western Machu, another story was built. We were asked to go to the new Palace, as the building was to be razed. To the east of this Palace there is another kitchen room. There, our servant would prepare meals and serve us. When we went to the new Palace, the other wives remained only where they were. After we went to the new Palace, we used to see the Zemindar. He used to come to the place where we were. Even after we went to the new Palace, the Zemindar used to take meals only in the Court yard. But we should all go and stay there when the Zemindar takes his meals. We are staying in the new Palace up to the present day. My co-wives also stayed with me for sometime in the new Palace. When the Court yard was under repair, all my co-wives came and stayed in the new Palace and were taking meals with me for one month. After the repairs were over, they went away to their respective quarters. At that time the Zemindar would came twice to the new

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Palace and take meals. As kitchen room, well, &c. all in the new Palace were convenient, we requested to be allowed to cook meals and eat them here alone. Thereupon other maid servants were appointed and they used to prepare meals for us which we ate. In the Palace, we used to celebrate every year Sankaranthi, Adi, and Deepevali Feasts. At that time Pongal will be prepared, offered to the God, and then served to the Zemindar and then we all would eat. By *we* is meant myself and my co-wives. In my house, that is in the new Palace, one pot of *Pongal* would be prepared for Pongal feast in the month of Thai, the Zemindar would be invited; he would be served with [Pongal] and I would then eat. It seems that my co-wives would prepare their own *Pongals*. I do not go there. The new-years day also would be so celebrated. For Deepavali, cloths would be bought in a lump. The sheep will be slaughtered. Cakes will be prepared. I used to do so in my house. I do not know if my co-wives did the same separately or not. If I were sent for by my husband, I would go. They would observe the feast separately. My husband had concubines. I knew them. Their names were Sadayammai, Pachiammal and Ramayi. I know only these three. They were residing outside the fort; that is outside the compound walls of the Palace. The said concubines did never eat with us. We never ate with them. I am of Kambala ctste. Sadaiammai is of Marava caste; Pachi, of Parivara caste, and Ramayi, of Parivara caste. By Parivara caste is meant those who do menial services. Sadaiammai is dead. After the Zemindar married me and my sister Kumarammal, he married a girl of Bodinayakkanur. That girl's name is my husband's name. That marriage was celebrated 6 or 7 years after my marriage. That marriage was celebrated at Bodinayakkanur. After that we were told that he had married a girl of Kalpothu. I saw her at the Palace. I saw her there after her marriage. I had seen her thus before Bodinayakkanur girl was married. The said Kalpothu girl Mangaleswari Nachiyar was residing in a separate thatched building to the north-west of my new Palace. Mangaleswari Nachiyar never ate with me. I never ate with her. I have not seen her taking meals with my co-wives. It was about 9 or 10 years ago that my elder sister Kumarammal died. She died in the new Palace. At the time of her death I was with her. The Zemindar was then at Saptur. She died at 5 o'clock in the morning. At about 1 or 2 o'clock in the noon, her corpse was removed. When the corpse was lying my co-wives were weeping. The Zemindar was staying in the verandah. On that occasion Gopala Krishnammal, Royal wife of Sandayur Zemin came there. She remained only in the Palace. Kambala females about 30 in number had come there. All of us were weeping. When the corpse was removed, we did not follow it. It is not usual for women to follow. Before the corpse was removed, the corpse was washed, cloth was tied and flowers were strewn over it. Then a marakal was filled with paddy and it was carried round the corpse three times by the female belonging to the house of the Head man of the caste and it was then placed down. My younger brother Thumbayasami Naiker purchased a cloth on behalf of her parent's house, and it was spread over the corpse. Afterwards males came and carried the corpse away. Periya Vettu Naiker spread a cloth on behalf of the husband's house. By the phrase "Punthavettukodi" is meant, the cloth on behalf of husband's house. My husband was convicted of forgery. He was alive for 10 or 12 months

after his release from Trichinopoly Jail. (1) Myself, (2) Muthu Chinnammal,(3) Muthu Kamakshi Ammal, (4) Bodinayakkanur girl Chinna Nagammal, (5) The senior minor, (6) my son, the Plaintiff in this suit, and (7) the Defendant, all of us were at Bodinayakkanur, when my husband was convicted. Before my husband went to Trichinopoly, he sent for the mother of the Bodinayakkanur Zemindar and asked her to have all of us there. Accordingly we went there. My husband told the mother of the said Bodinayakkanur Zemindar to take care of our jewels. Muthukrishnammal went to Uthappanayakkanur. Muthu Veram-mal went away to her father's house at Paraiyur. Muthu Verammal had been to Paraiyur 10 months before my husband was convicted. During the life-time of the Zemindar the said Muthu Verammal did not return to Saptur. She returned to Saptur only after his death. We were at the upper story where the wife of the Bodinayakkanur Zemindar resided. While we were at Bodinayakkanur, we were taking meals only in the upper story. By *we* is meant myself and my co-wives. The cook would bring food and serve us, the four. We would eat in one row. We would take our bed there together. 4 or 5 months after we returned to Saptur, the Zemindar died. My son was born at Saptur in the place where the senior minor was born. The place of my confinement was a room in the northern Machu. The place were I resided then was the new Palace. I know that Muthu Chinnammal delivered of a child. She also delivered there. It was in the same place that Muthu Verammal gave birth to the Defendant in the present suit. A child was born to Muthu Kamakshi and it died. The place of her confinement was the new Palace, that is to say, in the house wherein I resided. On the day the Plaintiff was born, my husband poured lamp oil called *Senai*, in cup brought a dagger, dipped its end in the oil and placed that end in the mouth of the child. At the time of the delivery of the minor since deceased, I was not married. At the time of the birth of the Defendant I was in the Palace. I know of his birth. He was also dealt with similarly. On the 5th day after the birth of my son, the place of my child's birth was smeared with cow-dung, fowls were slaughtered, meals were prepared and offered to God and the Zemindar took from his chest and sent the bangle previously worn by the senior minor, the neck ornament made of *Sangu Pasi*, Coral, &c., and they were brought by Muthu Verammal. Then she put the bangle in my child's hand, and the Pasi in the neck. The bangle and Pasi above referred to were put similarly to the Defend-ant on the 5th day of his birth. The jewels above referred to used to be put on the children up to the 7th month. Then they are taken away and kept for the children that may be born subsequently. During my husband's life-time, he used to send for his children while going to meals. He would ask 3 leaves to be spread near him, and take his meals with his 3 children. My husband's concu-bine had 5 children. My husband, before coming to take his meals, would not send for the children of his said concubines. But if they came, he would ask leaves to be spread in a separate place for them and would ask them to take meals. I remember my husband's death. I have no Tali now on my neck. After my husband died, the corpse was washed and placed on a cot. It was usual then to break all the hand bracelets and tear the Tali near the feet of the corpse. Those bracelets are made of mud. When Kumarammal died, she had Tali on her neck. After her death, that Tali was removed by the woman belonging to

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the house of the headman of the caste and she placed it in a tray and gave it over to the Zemindar. When I cut my Tali and bracelets, my co-wives Muthu Verammal, Muthu Chinnammal, Muthu Kamakshiammal and Bodinayakkanur girl Chinna Nagammal did the same. Muthu Krishnammal was not then there. It was at one and the same time that our Talis and bracelets of myself and my co-wives' bracelets broken. After my husband's death and before his corpse was removed, his concubines also came. But they did nothing. After my husband's death and during the life-time of the senior minor, I remained only in the new Palace. 7 or 8 months after the Zemindar's death, the senior minor was taken to Madras for education. I cannot say exactly. I remember the first anniversary of my husband being performed. The deceased minor, the Defend-ant in this suit, and my son, these 3 persons remained in the courtyard and performed the anniversary. In the courtyard these 3 together performed the anniversary. After the ceremony was over, myself, Muthu Verammal, Muthu Chinnammal and others, in all 5, observed *Vratham* and took meals only with the children in the western Machu. When we dined it would be 12 or 1 o'clock. At the time of the ceremony, neither the concubines, nor their children were pre-sent there. By observing *Vratham* is meant, to be fasting until 12 o'clock, then bathe fully in water and afterwards take meals. The 2nd annual ceremony was also performed there. Then the deceased minor was at Madras. At the time of the 2nd annual ceremony, I and the Defendant's mother were not in good terms. I said that one son should perform the ceremony first. Muthu Veram-mal said that her son should do it first. I wrote to the Collector. I performed the ceremony myself separately. That woman did it herself separately. Reply from the Collector (to my letter) was received. The Manager gave me Rupees 10 for (expenses of) meals on the day of ceremony. At the time of the cere-mony, Panchankam Ayyar and some other Brahmins were in the courtyard and both the minors performed the ceremony. On the second occasion, I took meals in my new Palace. The Plaintiff and Defendant together took meals in the western *Machu*. My bandhus and servants took meals in the new Palace. By *bandhus* is meant Naikamar females of Kambala caste. I know a little of Tamil. My husband taught me. He taught me for one year. I do not know to read very well. In the petition now shown to me, there is my signature. This is the petition I sent. This is marked A.

Read over to the witness and acknowledged by her to be correct.

(Signed) Nagammal.

Taken down by me in the presence of the Plaintiff's Vakil and of the Defendant's Counsel.

14—7—90. (Signed) N. BHASHYA CHARRI,
Commissioner.

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 120. Deposition of Plaintiff's 42ndwitness Nagammal, dated 14th July 1890. —*continued.*

Examination-in-chief resumed by Plaintiff's Vakil, this the 15th day of July 1890.

Solemnly affirmed again by Commissioner.

When my husband died, I had jewels with me. These jewels were given to me by my husband. They were given at the time of marriage. I know some of them and the rest I do not know. I now remember only these:—Rakkadi, Thalaimadal, Diamond Nathu, Diamond Bullakku, Kandasari, Kasimalai, Watch chain, Manilakappu, Thanka Kothu, Vidukasu, and Javamalai of 5 strings. Besides these I was given others. My parents gave me some jewels at the time of marriage, *viz.*, ordinary Jimiki and Olai, Basiri Murugu, Koppu with pearl drops, Saradu addigai and Savukadi mani. Only these were given by them. Excepting the ornaments which I wore on my person, the rest were kept by me in a box, which box after the death of my husband, was taken by the Tahsildar, Deputy Collector and others, when they took an inventory. In the document now shown to me, I have affixed my signature. After the death of my husband, I remember having given a deposition when the Tahsildar of Tirumungalam Taluq was making enquiries. The deposition now read out to me is the one which I gave. In that deposition, I have stated that my father was a dayadi of the Zemindar of Paraiyur. He was the father of Paraiyur Zemindar, now deceased. His name was Muthukumarasami Thumbichi Naiker. The said Muthukumarasami Thumbichi Naiker was the elder brother of my father. In that deposition I have stated "similar to the others" that is, similar to my co-wives. The said deposition is marked B.

The document now shown me bears my signature. The petition now read out is the one I sent to the Collector. It is marked C. In Exhibit A, it is stated 6th wife; and in Exhibit C, 8th wife. The writer so wrote. I did not notice it. I am only the 8th wife. The wives before me were:—

(1.) Thavasi Ammal.
(2.) Muthukrishnammal.
(5.) Kamakshiammal.
(4.) Muthu Verammal.
(5.) Muthuchinnammal.
(6.) Muthu Kamakshiammal, and
(7.) Kumarammal.

The document now shown to me bears my signature. It was read out to me. It was I that sent it to the Collector. It is marked D. The document now shown to me bears my signature. It was read out to me.

It is the petition that I sent. It is marked E. The document now shown me bears my signature. I do not know who wrote the date in it. It is marked F.

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 120. Deposition of Plaintiff's 42ndwitness Nagammal, dated 14th July 1890. —*continued.*

The document now shown me bears my signature. It is marked G. As requested by me therein, they gave me 4 cows. They gave them with 4 calves.

The document now shown me bears my signature. It is marked H.

The document now shown me bears my signature. It is marked J.

The document now shown me bears my signature. There are two signatures. It was read out to me. It is the deposition that I gave. It is marked K.

The document now shown me bears my signature. My signature appears on both the sheets. One is marked L and the other M. A shed was put in front of the eastern palace where the ear-boring ceremony of my child and the other children referred to above by me were celebrated. The mention of "minor's mother and others, 3 women only" in the document M refers to (1) Muthu Verammal, (2) Muthu Chinnammal, and (3) Chinna Nagammal, these 3 persons.

The document now shown me bears my signature. It is marked N.

The document now shown me bears my signature. It is marked O.

The document now shown me bears my signature. It is marked P.

The document now shown me bears my signature. It is marked Q.

The document now shown me bears my signature. It is marked R.

The deposition now read out to me is the one that I gave before the Manager.

The document now shown me bears my signature. It is marked S.

The document now shown me bears my signature. It is marked T.

I with my co-wives Muthu Chinnammal and Muthu Krishnammal have sent a petition to the Board of Revenue. I don't remember who else joined in it.

Q.—In respect of what matter did you send the said petition?

Objected to by the Defendant's Counsel on the ground that the document itself should be produced.

A.—I sent the petition in English about the Pannai lands. To some of the petitions that I sent now and then to the Board of Revenue, Collector and others, reply has been received. To some, reply has not been received. My agent Krishna Ayyar should be asked as to whether the replies that came to me were handed over to my Vakils or not. I gave them over to him (agent).

Cross-examined by the Defendant's Counsel:—The said Krishna Ayyar is my agent from the time I came to Madura. It is 13 or 14 months since I came to

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PART I.

In the Subordinate Court of Madura (West).

No. 120. Deposition of Plaintiff's 42nd witness Nagammal, dated 14th July 1890. —*continued.*

Madura. I cannot say whether the deposition B, which I give, was before or after the misunderstanding between myself and my co-wife, the Defendant's mother. The said misunderstanding arose after the senior minor went to Madras. I do not remember if I was examined by the Tahsildar of Tirumangalam. I remember some matters and some I do not. I remember that he examined me. When I gave the deposition before the Tahsildar of Tirumangalam, there was no misunderstanding between me and the Defendant's mother. When I was examined, Muthu Verammal and Muthu Chinnammal were also examined. But I was not with them. But I learnt what they deposed before the Tahsildar. The Tahsildar told me. The said Muthu Verammal is the Defendant's mother. When the Tahsildar examined me, nobody appeared on my behalf. I was not then counselled by anybody After the Tahsildar informed me what Muthu Verammal had deposed, I and Muthu Verammal did not fall out. We remained as usual. It was in the very same month that my husband died that we three gave deposition before the Tahsildar. I requested my younger brother to have the petition marked C, which I presented Mr. Crole, written. I do not know by whom he had it drawn up. My younger brother's name is Thumburyasami Naiker. I do not know whether even my younger brother knows that I am the 8th wife or not. He must be asked about it. I knew very well that I was the 8th wife. When it was read over to me, it was read as "6th wife." I see D. I do not remember who prepared it. Many persons have prepared many petitions for me. I do not know whether at the time of the document D, I and Defendant's mother were on bad terms or not. I can't say in what month and in what year the misunderstanding arose. I see document E. I do not know who prepared it. I do not remember who gave it to me. I do not remember to whom I gave instructions to prepare the said petition. It was only at Saptur that I gave instructions for the preparation of this petition. My present agent was then at Saptur. When he was at Saptur, I did not give instructions to him to prepare either this petition marked E or any other petition. I have never talked to him, while at Saptur, about my rights. At the time I wrote the petition E, I had no misunderstanding against Muthu Verammal. I do not know whether she was offended or not at my having written this way.

I do not know who prepared the petition marked T. Nor do I remember to whom I gave instructions for preparing the petition. There was one Vanniya Pillai there who knew English. He or somebody else might have written. I cannot say. I might have asked him to write in the petition marked T that my son was the legal heir to the Zemindari, yielding Rupees 50,000. I did not ask to write. I have told my agent. It was Krishna Ayyar who was my agent then. After I told my agent, I have told Vakil Rama Subba Ayyar about this matter. I have consulted Vakils. I do not remember whether the consultation was before or after the petition marked T. I do not know the Hindu Law. The Vakils told me. It is on that account that I have used in the petition marked T the expression "legal heir." At the time of the writing of the petition marked T, I might have consulted Vakils. I did not consult before the death of the senior minor. Subbammal was my mother. I have stated that the said Subbammal had two brothers. They were the sons of one Kamakshi. The people would say that

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PART I.

In the Subordinate Court of Madura (West.)

No. 120. Deposition of Plaintiff's 42nd witness Nagammal, dated 14th July 1890. —*continued.*

the said Kamakshi belongs to Vellala caste. I do not know if she was of Kodikkal Vellala caste. I have not heard that Lingama Naiker was keeping the said Kamakshi Ammal as his concubine. I have heard that the said Lingama Naiker tied Tali to Kamakshi Ammal. I have not heard that my father had married my mother in accordance with the rites of Parivara caste marriage. People would say that my grandmother, *i. e.*, father's mother, was Vellai Ammal. The said Vellai Ammal was not a concubine of Paraiyur Zemindar. If my father had told that his mother was kept as concubine by Paraiyur Zemindar, I cannot say if that was correct or not. I do not know more than my father. I have not heard that the said Vellai Ammal had a sister by name Vethalam. I do know if the junior Zemindar of Paraiyur was keeping Vethalam as his concubine. I have not heard of it. I do not know whether the said Vethalam has left a son by name Muthu Kumaru. I do not know if he has married a Parivara caste girl I do not know the name of my father's mother's mother. I have not heard anything about her.

While I was at Paraiyur, the people would say that the name of the Zemindar of Paraiyur was Muthukumaraswami. I have told before that my father and the then Zemindar are the sons of the same father. His father also was the previous Zemindar of Paraiyur. I have not seen the mother of Paraiyur Zemindar, that is, I have not seen the mother of Muthukumaraswami. I said that my father's house was to the east of the Palace. It is only apart from the Palace. In my house, there were my parents, my brothers and sisters. I do not know whether anybody else lived in the said house excepting ourselves. I do not know whether Thirupugalsami stayed in the Palace at Paraiyur. He remained in his house. I know some of the members of his family. I know his wife Lingammal. I know his son Nagayasami. Of the wives of Paraiyur Zemindar one is now alive. She is called Sakkammal. I used to call that woman as *Amma* (mother). I do know whether I have cited her as witness or not. I must ask the agent. I used to ask the agent as to who has been summoned and what documents have been filed. I do not remember whether the said Sakkammal has been summoned or not. I do not know any of the servants at the Palace while I was at Paraiyur. I solemnly affirm that I did not go to Saptur a year before my marriage. I have taken meals with Thirupugalsami while I was at Paraiyur. I have seen the Paraiyur Zemindar fostering up Muthu Verammal. That lady would be 4 or 5 years older than myself. The Paraiyur Zemindar did not tell me that he fostered the child. I have stated before that Parapatti Subba Naiker was my mother's senior aunt's son. I do not know the name of that senior aunt. The said Subba Naiker is now alive. I have heard that he has got a sister by name Lingammal. I have not seen her. I do not remember that I have entered the said Lingammal's name in my first list of witnesses. I have stated that when I went from Paraiyur to Saptur for my marriage, one Zemindar's son came. His name is Doraiswami. He is called *Anna*. I do not know his name. The then Zemindar did not attend my marriage. I positively say that Krishnammal who went along with me was at Paraiyur when I went from Paraiyur to Saptur. I do not know whether Krishnammal had separated from the Zemindar on account of misunderstanding at the time when I left Paraiyur. Muthulingasami is only our Bandhu. People say that Muthulingasami's father's father and

Thumbayasami's father were brothers. The said Muthulingasami is now dead. The said Krishnammal is now dead. The Zemindar's son, Muthulingasami and Thirupugalsami are all dead. Ramasami Naiker who, I stated, has come, is my maternal uncle. I do not know if he is called Pottybanday Ramasami Naiker. Sakkammal and Lingammal are now alive. The said Sakkammal has been married to my younger brother Thumbayasami Naiker. The said Sakkammal and Lingammal have got a brother. His name is Lingasami Naiker. He is alive. I do not remember if he came with us or not. Many came. I cannot say positively. He is not cited as witness on our side. I do not remember which of the Paraiyur people who accompanied us are now alive. I do not remember any. It was only on the day of my leaving Paraiyur that I knew that I was going to be given in marriage to the Zemindar of Saptur. My senior aunt Krishnammal told me that we should stop at Alagar Kovil and that we would be taken from there. I do not know who came from Saptur. I was in bullock coach. The shutters were raised. When I asked Krishnammal who was in the coach, 'what are these sounds of pipes and drum', she replied that people were come from Saptur to receive and take us. Sakkammal and Lingammal came at a short distance behind us. I did not see then their coming. I was looking in front When I was inside the coach, I did not even see whether they were following us or not. I do not know anything about their coming. I said they were coming by way of guess. After we reached Saptur, we stopped at the southern Palace until we were taken to the inner Palace. Myself, my sister Kumarammal and Muthukamakshi Ammal, we three remained in the new Palace for 6 months. Only three are dagger wives. Some of the other wives remained at the southern *Machu*, and some at the northern *Machu*. The new Palace is a little apart from the old Palace buildings, within the compound. My idea is that the other wives of the Zemindar were in the *old Palace*, we three in the new Palace which is a little away from the old Palace, and the concubines outside the Palace compound. I heard that after my marriage the Zemindar had concubines. I have seen them. I have not seen on their necks either *Tali* or *Bottu*. *Before* my marriage, I have not witnessed any dagger marriage; nor have I witnessed any *after* my marriage. It was only at the time of my marriage, I know about the said marriage.

I have not seen any either before or after it.

I know Periya Vettu Kummarammal from the time of my marriage. Since my marriage I might have seen her 4 or 5 times. I saw that woman 4 or 5 times on the 14th year of my marriage. I have even talked with her; I questioned her; she told me she was Periya Vettu Mahalinga Naiker's mother and that she was Periya Vettu Kumarammal. I questioned her thus during the times of marriage, (*i. e.*,) when she had come to my marriage. Only after my asking her, she said she was Periya Vettu Kumarammal and Periya Vettu Mahalinga Naiker's mother.

When I was taken to the western *Machu*, I had not known any of the Kambala Naiker females that were there; nor could I name any of them. My husband went before me. Before him, went the pipes and drum and music. I do not

Deputy Registrar.

know whether Periya Vettu Naiker was near or where he was. My elder sister went after the Zemindar and I after my sister. I did not see the other bridegrooms or brides. I saw there 3 huts. I was directly taken to the huts erected for me in the front. The ceremony of touching the head with milk was performed before I was taken to the hut. I did not see any other ceremony of touching the head with milk. Periya Vettu Naiker and 2 women touched our heads with milk. It was only after Periya Vettu Naiker and Sasthira Naiker touched that the women touched. I stated that Periya Vettu Naiker and 2 Naikmars touched. The word Naikmars is applied to males also. It is also applied to females. I cannot say who were the Naikmars above referred to. I have heard about Ayyakannu Naiker. I do not know him. I do not know if he was there or not. When I entered the hut, there was none in it. I do not know who were in my sister's hut.

Of the 3 trays placed before me, one contained rice, and upon the rice, ring and betel and nut were placed. There were only 3 referred to above were placed. In the 2nd tray were placed betel leaves, nuts, rice and Mukkumungaram; and in the 3rd were placed marriage cloth, Tali and flowers. Little children brought them. After them followed the pipes and drum. There was only one Kandangi cloth. The dagger given by Periya Vettu Naiker was without the sheath. He gave it in my hand. After it was given to me I kept it. I did not ask him why it was given to me nor did he say any thing. I kept that dagger until *Tali* was tied. I do not know if Periya Vettu Naiker saw me saluting. But he was standing in the pandal opposite to my hut. Krishnammal told me to touch the tray. Periya Vettu Naiker gave me the dagger. I touched the tray and bowed. Krishnammal tied the *Tali*. Immediately I gave away the dagger to Periya Vettu Naiker. Till then the said dagger was in my hand. Afterwards I do not know what Periya Vettu Naiker did with the dagger. Soon after *Tali* was tied to me, women and girls left the hut. When Tali was being tied to me, Periya Vettu Naiker did not keep the dagger with him. Nobody placed the dagger on my lap. I was holding it in my hand. I do not know from where the dagger was brought. I did not see it afterwards. I had not seen it before the marriage. I have seen other ordinary marriages before I was married. I have not seen many marriages. I have seen marriages ordinarily. I have not seen marriage ceremonies. I have not seen even the tying of *Tali*. In ordinary marriage I have not seen husband mingling hands (with wife). I have never seen even before nor after. I saw it only during my marriage. The left hand of the bride and the right hand of the bridegroom are brought in contact. The little finger of the bride and the little finger of the bridegroom are joined. That is called "Mingling hands."

The Kandangi cloth was covered over me. Nobody could see my face even Eyes would be visible. When I remained at the hut I did not see what was being done outside. Even when I came out, I did not see. I felt shy. I was standing bending my head. As Periya Vettu Naiker alone entered the hut and lifted (me), I was able to identify him. I had not seen the bride lifting ceremony before I was married. It was only after my marriage that I learnt that there was such a ceremony among us as lifting the bride. I had known before this

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 120. Deposition of Plaintiff's 42nd witness Nagammal, dated 14th July 1890. —*continued.*

suit. I knew about it 6 or 7 years previous to this. After my marriage was over, our caste people used to talk about our *caste-ceremonies* in our marriages. After the suit was instituted, nobody came to me and talked. Nobody called me the dagger wife of the Zemindar. I do not know if anybody called me so. I have stated in the deposition B which I gave on the 24th October 1885 before the Tahsildar of Tirumangalam "the Zemindar married me after sending *Jamu-thadu* (dagger) according to our *caste-customs*." By 'caste' is meant Kambala caste. As my marriage was performed after the sending of the dagger I thought that it was the custom of our caste. I have inquired about this dagger affair after my marriage. After the death of my husband, I began to inquire about the dagger marriages. I did not make such inquiries with the intention of asserting my son's right. I inquired to know why the dagger was given. I inquired about the dagger marriage in order to know my status. I have asked Sandayur aunt. Her name is Gopala Krishnammal. When I asked her nobody was present. Certainly I remember that I asked her. I know that Gopala Krishnammal died 3 years before my husband died. I said I asked that woman owing to failure of memory. I asked Muthu Krishnammal and Muthu Chinnammal about the dagger affair. What they said was satisfactory to me. From the time the Tahsildar questioned me, I entertained some doubts as regards my status. Before that, I had none.

Q.—Did you say anything in regard to the preparation of plaint in this suit?

A.—To whom?

Q.—To anybody?

A.—When I presented this plaint, Ramasubbier knew (it).

Q.—Again asked. Did you give any instructions to any body in regard to the preparation of the said plaint?

A.—I never told anybody.

Q.—Was the plaint read over to you?

A.—Yes.

Q.—Did you notice that nothing has been mentioned in the plaint about the dagger marriage?

A.—I do not remember.

Q.—Did you know that in the plaint no mention was made of dagger marriage?

A.—I do not remember.

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 120. Deposition of Plaintiff's 24th witness Nagammal, dated 14th July 1890. —*continued.*

The new Palace is also called new house. When Paraiyur Zemindar gave Muthu Verammal in marriage, I had been to the marriage. That lady was married 3 or 4 years before I was married. I was then 9 or 10 or 11 years old. I saw the Zemindar of Paraiyur giving that woman as his own daughter. The name of the said Zemindar of Paraiyur was Muthukumarasami. I have not seen the Zemindar of Elumalai giving Muthu Chinnammal in marriage as his daughter. I had not known Muthu Kamakshi Ammal before I went to Saptur. I stated from hearsay that that lady was the daughter of the junior Zemindar of Elumalai. I know Muthu Kamakshi Ammal after my marriage. She knows to read and write. I have seen her writing. I have seen her signing. If I see her signature, I can identify it. The signature of Muthu Kamakshi Ammal in the * document now shown to me does not seem to me to be hers.

* Document dated 13th Chitri Vikrama purporting to be a petition by her to Sooriamurtia Pillai and initialled by me.

(Initialled) V. B.

I do not know of the marriage of Pottibandy Ramasami Naiker. He has been married. I do not know how long ago he was married. I do not know whether he was married a month or 50 years ago. I do not at all know whether he was married or not. I saw Ramasami's wife at Saptur during my marriage. I asked her who she was. She said she was the wife of Ramasami. I do not know how old she was then. She had then attained her puberty. I positively say that she was not married on the very day on which my marriage took place. Of my husband's concubines, Pachai and Ramayi were serving under Muthu Verammal. I knew that Sadayammai was of Marava caste after she told me I do not know to what caste Muthu Kamakshi Ammal belongs. I did not ask anybody abobt it. She was in the new Palace as well as in the southern *Machu*. When the ear-boring ceremony of my son and the Defendant was conducted I did not go and see. I never went to the place where the ceremony was performed.

When my co-wives stayed with me in the new Palace and the Zemindar ordered that the food need not be brought from such a distance that it should be cooked here only. Therefore we all cooked food together and ate. I know some of the servants who were employed at the house when we messed together. Some I do not know. One of them was Pethakkal. She was a maid servant She is alive. She is cited as witness. She is not now in my service. There was one Karuppi. I do not know whether she is alive or dead. I know only so much. After I removed myself to the new Palace, the persons that were working at the old Palace, came to cook. There were 4 or 5 servants. Two of them came to the new Palace. When my co-wives came to the new Palace, two servants came with them. I do not know if there is any register of births and deaths kept. I do not know whether the birth of my son has been registered

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 120. Deposition of Plaintiff's 42nd witness Nagammal, dated 14th July 1890. —*continued.*

On the very day my son was born, *Senai* oil was touched. 2 or 3 naligais after birth they touched so. It is only usual to do so.

Q.—Is it the custom of the caste?

A.—I saw it only in that place, otherwise I was not aware of it.

Q.—But don't you know that it was the caste custom?

A.—I did not know whether it was the caste custom or not.

Q.—You said you saw it only in that place. What is your meaning?

A.—I saw that the children of that Palace only were so touched.

Q.—How many children, did you see, were so touched in that Palace (*i. e.,*) in the Palace of Saptur?

A.—After my son, I saw that 2 children were dealt with in that manner.

Q.—Who are those 2 children?

A.—Muthu Verammal—I saw the 2nd child Ramasami and Muthu Chinnammal's female child were dealth with similarly.

I have stated that the Zemindar dipped the end of that dagger in the oil, and placed it on the tongues of those 2 childern. Mulipatti, Thavasi Ammal, Muthu Kamakshi Ammal, Muthu Verammal and Kumarammal were present when my child was touched by the dagger dipped in oil. I remember only names of these persons. The bracelet and pasi put on the 5th day are put to subsequent children on account of the importance of their being worn by the eldest son.

At the very time of the performance of 1st annual ceremony of my husband, I petitioned the Collector for the purpose of the ceremony being performed by my son separately. I thought in my mind that I should do it separately. I cannot say why I thought so. I do not know of the custom that the eldest son should perform the ceremony and the younger son should be present with him. At the time of the 1st annual ceremony, the senior minor was at Saptur. I cannot now give the reasons why I petitioned for the purpose of the performance of the ceremony by my son separately. The idea came to me voluntarily. Nobody told me. After the death of the husband, the widows may wear some jewels. Some jewels ought not to be worn.

The petition marked M now read to me was written at my dictation.

Q.—Did you cause it to be written in your petition marked M, "widows of our caste are prohibited only from wearing flower, sandal and bangles (valayal). All the other jewels, it is the custom to wear"?

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A.—I told (them) to write that *some* jewels were prohibited.

Q.—It is written quite contrary to what you say. What do you say to that?

A.—I wrote to the Collector briefly what I remembered.

Q.—You have stated in it "it is usual for the widows of our caste to wear all other jewels excepting flowers, sandal, &c." Is that statement true or false?

A.—There are some like that.

Q.—You have stated that widows of your caste used to wear all jewels. Do they act in accordance with the custom or not?

A.—Yes they are acting according to the custom.

Q.—What majority of the people do is called custom. Is it not so?

A.—I do not know what it means.

Q.—Do you not know the meaning of what is written down in your petition?

A.—My statement 'that my caste people used to wear' means only that those who like may wear.

Q.—You have stated only flowers, sandal, and valayal are prohibited. Is it true or false?

A.—It is true. Chiefly these should not be worn. All the other jewels may be worn if they wish.

Q.—Is it therefore that you send in the petition for the purpose of wearing those jewels?

A.—Yes.

I know Lakshmi Athal. She was the concubine of the Zemindar of Paraiyur Lakshmi Athal is said to be of Kodikkal Vellala caste. When my father's mother died, the said Ammal brought him (my father) up. She remained for some time in the house to the east of the Palace of Paraiyur and for some time in the Palace itself. The said Lakshmi Athal died in my father's house only. I do not know if Thumbayasami set fire to that woman after her death.

I have collected money for this suit. I have executed a bond. I have borrowed from Kandanur Chettiar. His name is Arunachalam Chetti. I have kept that money with another Chettiar. I have kept it with Ramasami Chettiar

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PART I.

In the Subordinate Court of Madura (West).

No. 120. Deposition of Plaintiff's 42nd witness Nagammal, dated 14th July 1890. —*continued.*

I have never heard of U. A. Arunachalam Chetti. The interest for the amount I borrowed is 10 annas per cent per mensem. I have borrowed 70,000 Rupees. If I get the Zemin, they are to be paid 3 laks of Rupees. I do not know if the Chetti men are giving instructions in this suit or not. My agent Krishnayyar should be asked about it. My memory was faulty when I said that I did not know U. A. Arunachalam Chetti.

Re-examination by Plaintiff's Vakil:—By the expression 'Parivaratars' it is meant those who do menial work. They are called Manikara caste and Parivara caste. I do not know its details. I have not seen any Parivaratar's marriage. When I went to Saptur for my marriage, the family of Paraiyur Zemindar consisted of Sakkammal, Zemindar's another wife, Thevarathammal, (by that name she was known and I do not know her name) and Krishnammal, these 3 persons, his son, Muthuverammal, his foster child, Thumbayasami, and Lakshmi Athal the concubine of the Zemindar. I remember only these. The bullock coach that went from Alagar Kovil to Saptur was the one that came from Saptur. I do not know how many shutters that coach had. All the shutters were closed.

The concubines wore other jewels on their necks. The dagger I referred to would be small. It would be 1 or 1½ spans. I held it in my hand and kept it on my lap. The hand holding the dagger was on my lap. According to our caste custom a child would be placed in a cradle and rocked. I did not ask the meaning of the ceremonies that were done in my marriage. When my co-wives came to the new Palace, the 2 cooks that came with them and my cooks all together prepared meals and served them.

Read over to the witness and acknowledged by her to be correct.

(Signed) Nagammal.

Taken down by me in the presence of the Plaintiff's Vakil and of the Defendant's Counsel.

(Signed) V. BHASHYA CHARI,
Commissioner.

15—7—90.

Deputy Registrar.

No. 121.

Deposition of Plaintiff's 43rd Witness.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Saturday, the 19th day of July 1890.

Original Suit No. 21 *of* 1889.

Name of witness	Menakshiammal.
Father's name...	Bommi Naiker.
Village	Saptur.
Occupation	Cultivator.
Caste	Kambalam.
Age	40 or 50.

Solemnly affirmed by Commissioner.

Examined by Plaintiff's Vakil:—I am Bommi Naiken's daughter. My father lives in Uthappanaikkanur. My aunt, that is my father's sister, is given in marriage to the Zemindar of the said place. My elder sister had been given in marriage to my aunt's son. My father married 3 wives. The daughter by the 1st wife had been given to my aunt's son. I had been married to Gopalasami Naiker's son. The said Gopalasami Naiker and the Paraiyur Zemindar were brothers. By brothers, I mean sons of brothers. My husband's name is Muthulingasami Naiker. He owns houses in Paraiyur and Saptur. Muthulingasami Naiker and Thiruppugalsami were sons of brothers. The said Thiruppugalsami's son's name is Nagayasami. It is the said Nagayasami who is the present Zemindar of Paraiyur. I know Muthuverasami. The said Muthuverasami had two daughters. Their names were Kumarammal and Nagammal. The said girls were the daughters of the maternal uncle and paternal aunt of the Zemindar of Saptur. They were married to the Saptur Zemindar, I know that marriage. My husband and myself were in Saptur during the time of that marriage. We resided there then. I had been to the marriage. The marriage took place within the Palace compound in Saptur. Other marriages were also celebrated. The marriage of Thumbayasami and Thathaya Naiker were celebrated along with it. Huts were put up and marriages celebrated. Seven huts were put up. Three huts for males and four huts for females were put up. One hut for the Zemindar, one for Kumarammal, one for Nagammal, one for Thumbayasami, one for his wife, one for Thathaya Naiken and another for his wife, had been put up. The bride had arrived at Alagar Kovil. Subbammal, her two male children and two female

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In the Subordinate Court of Madura (West).

No. 121. Deposition of Plaintiff's 43rd witness Menakshi-ammal, dated 19th July 1890. —*continued.*

children, the three children of Vellaiammal, Dorai Pandiyan, Krishnammal and other people of minor importance had arrived at Alagar Kovil. Dorai Pandiyan is the Zemindar's son. Krishnammal is the wife of the Paraiyur Zemindar. That is to say the mother of Dorai Pandiyan. The lady of the big house took us to Alagar Kovil. The lady of the big house is the wife of the Naiker of the big house. Her name is Kumarammal. The name of the Naiker of the big house is Nagamuthu Naiker. We went and brought the bride. The aforesaid persons, my husband and my husband's brother and myself came along with the females (brides). My husband's brother's name was Thiruppugalsami. We brought (the bride) to the Palace. My husband, husband's brother and the females lived in the south Palace. Three days after staying there the lady of the big house, and Krishnammal and ourselves, all of us brought the girls (brides) into the Palace. We brought them to eat rice with dhol. Eating dhol with rice is the first important ceremony. We brought them and ate rice with dhol. We ate in the Palace. We ate in the front portion on the western side of the Palace. All of us, that is, all the previous wives of the Zemindar ate there. The wives who had been married to the Zemindar are Mulipattiammal, Koppayanaikkanur Ammal, Uthappanaikkanur Ammal, Elumalai Ammal and Paraiyur Ammal. The name of Elumalai Ammal is Chinnammal. After eating rice with dhol, we pounded the day's paddy. After that we put on glass bangles to the bride. Afterwards we put Minji (toe-ring) to the Zemindar. After putting the Minji we touched the head with milk. Those that touched the head with milk were Sankara Naiker, Kodangi Naiker, Periya Vettu Naiker, Mullipatti Zemindar Dorai Pandiyan of Paraiyur, our masters, that is, my husband and his brother Thiruppugalsami these were the persons that touched the head with milk. Afterwards the females touched. All those that came to the marriage touched. All the caste people and relations touched—only so much took place that day; next day we went to the hut. Nagammal, the Zemindar, Kumarammal, the caste relations and the Periya Vettu Naiker all of us went to the hut. The Zemindar stayed in the Zemindar's hut. The brides stayed in the brides' huts. A small sheep was slaughtered and with the blood a dot (pottu) was put on the forehead of the bridegroom and the brides. Afterwards the Naiker ladies performed Sastrams. After performing the observances, the Naiker of the big house called out "we are going to tie the Tali, (all) come." Kumarammal of the big house called me. Mahalinga Naiker was come. Younger brother Mahalinga Naiker also called. Younger brother means junior and senior paternal uncle's son. The son-in-law used to be called younger brother. My daughter is given in marriage to Mahalinga Naiker. We went to the bridegroom's hut. Three trays were kept there. The three trays contained rice. Upon the rice, there were a cloth, the Tali, flower, saffron and betel leaves and nuts. Afterwards in another tray a Mukkumungaram and in another armlet were placed in the Zemindar's hut. We also went and touched that plate and bowed to it. The Zemindar also bowed with the dagger in his hand. The Zemindar gave that dagger into the hands of the Periya Vettu Naiker and after that, the 3 unmarried girls took the said plate. Afterwards, Krishnammal, the females that were singers and myself went to Kumarammal's hut.

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In the Subordinate Court of Madura (West).

No. 121. Deposition of Plaintiff's 43rd witness Menakshi-ammal, dated 19th July 1890. —*continued.*

The Periya Vettu Naiker gave the dagger into Kumarammal's hands. The said plate was also brought and placed down. We also bowed, that lady also touched and bowed to it. That lady held the dagger in her hands. I tied the Tali. I put on the nose the Mukkumungarams (nose ornaments). I put on her arm the armlet. The Naiker of the big house received the dagger. The Zemindar came to the hut. We too came to the Zemindar's hut carrying the plate. In the same way we went to tie Tali to Nagammal, Krishnammal tied the Tali to Nagammal. The Naiker of the big house brought the dagger. He gave the dagger into Nagammal's hands. Nagammal and Krishnammal touched the plate and bowed. Krishnammal tied the Tali. Nagammal was holding the dagger. After tying the Tali, we performed 4 or 5 ceremonies and came away to the house bringing the bride. Afterwards we gave the Mamifood. Mamifood means that all of us ate in front of the hut. The mother-in-law serving the daughter-in-law with food is Mamifood. Next day we went to the hut. The Zemindar stayed only there. Next day we brought the brides and made them sit in the brides' huts. The Zemindar came round the hut riding on a horse for joining hands. They joined hands. He joined hands in Kumarammal's hut and afterwards came for joining hands in Nagammal's hut. They put *Moi*, marriage present, while the joining of hands took place. 3 unmarried girls would be keeping Kambu (a kind of grain) in 3 places. They put that Kambu in front of and behind the bridegrooms. They put *Moi*. The putting of Kambu grain is called *Seshai*. My husband, husband's brother and all those that were fit to put a Seshai afterwards did so. Behind the hut, there would be 3 small mud pots tied round with cotton thread. The brides and bridegrooms would be made to sit on a three-legged seat and water would be poured. This was done. After water was poured, the bridegroom and bride came together. They cut a ram in front of the house and put pottu (round dot on the forehead) with its blood to the bridegroom and the bride. Washerman's cloth would be spread at the Palace gate. Kambu was poured on it and a fanam was placed upon it (Kambu). They went treading it and placed down the Pottupanai in the front portion on the western entrance. They carried the Pottupanai from the hut. After it was placed down the bride and bridegroom sat down. I do not recollect what was done afterwards. After the marriage, Kumarammal and Nagammal stayed in the Palace. The previous wives and these, all lived together in the Palace. Kumarammal, Nagammal and the other wives would eat together. The ear-boring ceremony of Durai Pandiyan of Paraiyur was performed only in Paraiyur. They performed the ear-boring ceremony on the arrival of the Saptur Zemindar. The ear-boring used to be celebrated on the arrival of the maternal uncle. They brought Jimiki, Murugu and other ornaments, as well as dhol, rice, &c., which they spent, and performed the ear-boring ceremony. A shed was erected and in that shed the Saptur Zemindar kept Durai Pandiyan in his lap and performed the ear-boring. The goldsmith bored the ear. Along with that they performed ear-boring also for Ramasami. The said Ramasami is my husband's brother. They performed the ear-boring ceremony also for Nagayasami, son of Thumbayasami. They performed ear-boring also for my daughter. I would not say the name of my daughter. They performed ear-boring for the 2 children of Subbammal. Their names are Thum-

bayasami and Thavasiyappan. I do not recollect whether it was before or after the marriage of Kumarammal and Nagammal that the ear-boring was so performed.

Cross-examined by the Defendant's Counsel:—My husband is not now alive. I now live in Saptur. I live in my house. I alone live in my house. I have been living for a long time. My father-in-law's sister had been married to the Zemindar of Saptur. I do not live in the Palace. I used to visit it. We would have also ate (there). The Zemindar of Saptur had 9 wives. Their names are Thavasi Ammal, Muthuverammal, Krishnammal, Kamakshiammal, Chinna Nagammal, Kumarammal and Nagammal. I was not present at the marriage of Muthukamakshi. I do not know whether or not her marriage was celebrated by placing a dagger. I do not know if the girls whose marriages are celebrated by placing a dagger were called dagger-wives. I have not heard of dagger-marriage. The marriages that I witnessed were the Saptur Zemindar's marriage of 4 wives, the said Kumarammal and Nagammal's marriage and the marriage of my two daughters. No dagger was sent in the marriage of the said 4 girls. I was not present at the marriage of Muthukamakshi Ammal. I had been to my father's village. No invitation was sent for Muthukamakshi's marriage. They invited for the marriage of the 4 girls. They then invited me because the girl of my village was to be married. That girl was the daughter of my husband's brother. The name of my husband's brother was Muthulingasami Dorai. Of the 4 girls, that girl went by the name of Krishnammal I did not see any other marriage celebrated after sending a dagger. I saw it sent and the marriage celebrated only in the case of Kumarammal and Nagammal. The pounding of paddy, &c., are done in all marriages. It is done in the same way in all the marriages. I have seen only the marriages of those 4 girls, after it, that of Kumarammal and Nagammal, and afterwards that of my 2 daughters. It is more than 20 years ago that I was married. It would be 20 or 30 years. I do not recollect because it took place long time ago. The 4 marriages of the Saptur Zemindar were celebrated 10 or 12 years ago. It is a marriage that was celebrated yesterday. My marriage was celebrated long time ago. Those four marriages were celebrated only in this manner. But I do not well recollect what was then done. I do not recollect the Sastrams that were then performed. I do not recollect the persons that were present. I do not recollect who tied the Tali. I do not recollect who put the Minji and who touched the head with milk. I do not recollect even the touching of the head. I do not recollect because it was a long time back that this marriage was celebrated. It is only 2 or 3 years after the celebration of the marriage of the said 4 girls that the marriage of Kumarammal and Nagammal was celebrated. I do not know the year and month of Nagammal's marriage. I do not recollect whether it was prior or subsequent to Pongul, I do not recollect whether it was before or after the rainy season. I had no great fondness for these. The marriage of Nagammal and Kumarammal was celebrated about 10 or 12 years ago. My daughter's marriage was celebrated in Uthappanayakkanur. The marriage was celebrated in my younger brother's house. My relations had come. All were of the Kambala caste. Chettis, Brahmins, &c.,

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would remain separately if they came. They would stay at a distance of about 40 feet from the hut. They should not come nearer than that. Some Monigars attended my daughters' marriage. I do not remember their names now. Many people of the Kambala caste attended my daughters' marriage. I could not give their names. I can say from what places they came. Even then I do not know their names. My daughter's marriage was celebrated about 4 or 5 years ago. My husband was not alive during that marriage. I could not give the name of any one that attended the marriage. I was very ill. They observed all the Sastrams at my daughters' marriage. Many persons had come. I saw them. But I do not now recollect the name of any one. I saw the touching of the head with milk at my daughters' marriage. All would be present at the time of touching the head with milk. How could I now recollect who were then present? Sastrakara Naiker and the Naiker of the big house, these only would have touched the head first. That was the custom. The name of the Naiker of the big house that touched the head at my daughter's marriage is Vellayya Naiker. The name of the Kodangi Naiker is Bommi Naiker. I saw them touch my daughter's head. I recollect the names of these only. Other relatives were also present then. I do not recollect their names. None of the Zemindar's had come. Big land holders had come. I do not recollect the names of such of them as touched my daughter's head. They touched only the head. It might be done always. That alone was done that night during my daughter's marriage. Next day they killed a sheep and went into the hut. I went and saw my daughter going into the hut. Two bridegroom's huts and two bride's huts had been put up. The *Nathinar* [husband's sisters] of my daughters tied them the Tali. I do not now recollect the names of those that tied then. It was usual for the husband's sisters to tie Tali. I know the names of the husband's sister. The name of the husband's sister who tied the Tali to my eldest daughter was Lingammal. I do not recollect the name of the person who tied to my younger daughter. The man of the big house referred to by me was a married man. His wife was come. It was usual for them to come. The wife's name was Jothammal. She is alive. I do not now recollect the colour of the horse on which the husband of my eldest daughter came round riding. I do not recollect the colour of the junior son-in-law's horse also. They brought 3 trays. That is also usual. 3 unmarried girls brought according to custom. I do not remember who they were. My younger brother had no dagger during my daughter's marriage. I did not see the dagger in any one's hand at the time of marriage. It was only in the case of these. Kattari-palavars that it is usual to keep the daggers. It was not so in the case of Sillavars and others like us. I heard from elders. I do not recollect who it was that said so. My eldest son-in-law is a Kattari-palavan. He belongs to the caste in which the dagger is used. He would have kept a dagger. They would have cut a bamboo at least and kept it like a dagger. They did so. I saw. My son-in-law is not a Zemindar. Of the Kattari-palavars only the Aramanayars (Zemindars) use a dagger. My son-in-law is neither Zemindar nor a Dorai (Junior Zemindar). I did not say that a dagger was kept. My son-in-law kept a bamboo stick as a dagger. As he was a Kattari-palavar, my eldest son-in-law kept a bamboo. When the tray was carried to tie the Tali to the bride's

the bamboo dagger was not taken. They were keeping it only in the marriage hut. They kept it only in my son-in-law's hut. I do not recollect anything more that occurred in my daughter's marriage. They put Mukkumungaram (ornaments for the nose). The bridegroom's sister who tied the Tali put it. I do not remember her name. All this took place on the 2nd day. The meniais would perform some Sastras. I do not recollect anything else that happened. The marriage was celebrated for 3 days. That was also usual. The bride and bridegroom came together for the 3rd day's marriage. The bridegroom slept in his hut on the night of tying the Tali. That was also usual. The bride would come away to the house. The hut put up for the bridegroom was meant for one person. It would be sufficient if the person was sitting. To go in one should walk on one's knees. If they did not sleep within that hut they would do so outside the hut. I did not see my son-in-law lying outside. On the 3rd day they come together joining hands, riding on horse back. I saw. I went near and saw. I did not join in performing any ceremony. Those who have sisters would do the Mamifood (mother-in-law's food). I did not do it as I was a widow. My husband died 12 years before my daughter's marriage. I do not know to read and write. Since the marriage of Nagammal and Kumarammal I did not converse with any on the subject of the said marriage nor did any one converse with me. Nor did I hear any conversation. All that I have now said, has been said from my own memory. No one taught me.

Q.—You have no special liking for Nagammal and Kumarammal. It is now 10 or 12 years ago that their marriages were celebrated. You give a detailed account of all that took place at their marriage. You are not able to give the details of the marriage of your daughters though it took place only 2 or 3 years ago. How do you account for it?

A.—At the marriage of Nagammal and Kumarammal I went and saw everything having the management of affairs. Therefore I recollect, neither did I go near, nor do, nor see (anything) at the marriage of my daughters.

My husband was alive at the time of Nagammal's marriage. I know Ayyakannu Naiker. He is not the Naiker of the big house. They would call the people of 2 or 3 houses as the Naikers of the big house. Of them, they would also call Ayyakannu Naiker as a Naiker of the big house. I did not see him at the time of Nagammal's marriage. He might have come. I did not see him on any of the 3 days of the marriage. Ayyakannu Naiker did not assist Mahalinga Naiker. If Ayyakannu Naiker had remained with him and assisted him during the marriage I should have been aware of the fact. He did not come. I know his wife Thangammal. Thangammal was present at the said Nagammal's marriage. Her name was not given by me together with the names of those that I have mentioned. I did not give it because I was not asked. I would have mentioned if asked particularly. I know Mahalinga Naiker of the big house from childhood. The said Mahalinga Naiker was not married at the time of Nagammal's marriage. It is 2 or 3 years since he was married. I do not know his age at that time. He was a grown-up man. The next day after touching the head with milk they went to the hut in a crowd. I also

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went. They went together in a crowd. The bridegrooms and the females also went together. The Zemindar had his dagger in his waist. He was well-dressed. The sword he had would be ¾ cubit long. It was decorated with flower. He took out the said sword only after he went to the hut. It was the Zemindar that decorated that sword with flower and bowed to it. The flower with which it was decorated was Pichi flower. They used that flower because it was the custom to do so. The Naiker of the big house took the flower out of a basket and gave it to the Zemindar. The Zemindar had it tied round the blade leaving the hilt. Some portion of the sword was visible. The point of the sword only was not decorated with a ball of flower. Nothing was placed at the point of the dagger. I do not recollect what they kept at the point of the dagger. The Zemindar gave the dagger away to the Naiker of the big house. He sent it with him for tying the Tali. I do not know whether he sent it in his place or in order to frighten the girl. That was the first time I saw the dagger sent. Previous to that, I have heard it said that they used to send the dagger. They would say that it was the custom among the Kattari palavars so to send it. If the Zemindar married he would have the dagger in his waist. People would say that if Samimars were to marry Nayakmar gilrs, they would marry by handing over the dagger. Zemindar's daughter means daughters born to the Zemindar and girls brought up by him as his daughters. I have heard even while I was young. I heard all along. I do not know why they marry by handing over the dagger.

Nagammal and Kumarammal were only at the threshold of the hut when the Tali was tied. They were sitting within the hut opposite to the gate. Washerman's cloth would have been spread for sitting. There was a pandal in front of the hut. There was a pandal in front of the hut of the bride's house. There was no pandal in front of the bridegroom's hut. When the brides had the dagger in their hands there was flower tied round it. The dagger was only in the hands of the bride until the Naiker of the big house handed it over to the bride and took it away. She kept the dagger in her lap with both her hands. She said nothing. She kept the dagger and touched the tray and bowed to it.

She held the dagger between two fingers and touched the tray and bowed to it. She did not place the dagger on the ground or in her lap. She bowed having it in her hand. If any witness should say that the said dagger was not held in the hand but was kept only in the lap, such statement is false. If any witness should say that the said dagger was kept on the ground, I cannot say whether that statement would be true or false. I say what I have seen. How could I say if what one says is true or false. I could say only what I saw. After the tying of the Tali we left the plate and went to the bride's hut. After the tying of the Tali, the Naiker of the big house carried the dagger and handed it over to the Zemindar. The Zemindar received it. I saw the Naiker of the big house giving it. I do not know whether or not the Zemindar took away the flower. I affirm that he handed it over to the Durai (Zemindar). I went away to the bride's hut. I did not see how they were keeping it. I do not know

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what ceremonies were afterwards performed by the Nayakmars. They stayed 5 or 6 Naligais after the tying of the Tali. They performed many ceremonies. I cannot say what they were. The brides went to the Palace. The bridegroom did not accompany them. He stayed only in his hut. I do not know whether he was walking or sleeping. We left him in the hut and came away. We saw him only there next day. He should not come to the Palace that night. He must bathe and do other things only there. If any one were to state that the Zemindar and all others went to the Palace that night and returned next day, I cannot say whether it is true or not. We went next day at the time of Kanji (taking liquid food). It was 5 or 6 Naligais after dawn when we went. Kumarammal and Nagammal went. The other two girls came behind. All came in a crowd. After we went the males performed some ceremonies and then we all assembled together. When we went the Zemindar was seated on a stool outside near the hut in the midst of a large crowd with marriage decorations. I did not see the dagger. I did not see whether he wore it on his waist or whether it was in the hut. I did not notice it after the Tali was tied. They mounted the horse 2 or 3 Naligais after we went. Sastram means joining hands &c. The males performed some Sastrams before the horse was mounted over. We do not go there. All the females would be sitting on the washerman cloth. The brides would be coming and going. They were sitting in front of the hut, inside the hut for 2 or 3 Naligais. I do not know whether the horse the Zemindar mounted over was the Royal horse or not. It was a horse of medium size. It would be 13 or 14 hands. It was white. I do not recollect the color of the horse. My son-in-law mounted. I do not know because I stayed separately. That is to say I was at some distance from the hut. I should not go near because I was a widow. The people of the Kambala caste may ride on any horse. It need not be a white horse in particular. He himself mounted. The horse had a saddle. I know what is meant by saddle. They came round thrice, alighted and joined hands. Kumarammal came of her own accord outside the hut and was standing there. She was expecting the arrival of the Zemindar. We saw only her standing outside. Nagammal could be seen from the pandal. Nagammal would come outside only if the Zemindar approached her hut. When the Zemindar was near Kumarammal's hut, Nagammal was inside her hut. I was sitting only in the pandal. Kumarammal was standing. When the Zemindar mounted the horse and commenced to go round, Kumarammal was sitting in the pandal. We were also sitting there. The Zemindar came round. When the Zemindar came to the pandal Kumarammal rose up on being told to do so. No one lifted her up. The bride would be standing in that position. Some dayadi of the husband would carry that girl round the Madanakambam and bring and make her stand near the bridegroom. That is the custom. Mahalinga Naiker carried the said Kumarammal and placed her. Madanakambam is one of the posts of that pandal. I affirm that that girl was not brought round the hut even once. Afterwards they joined hands. That was also customary. The Zemindar mounted the horse and went to Nagammal's hut. The Zemindar went leaving Kumarammal in her hut. Nagammal was also carried only by Mahalinga Naiker. No one helped him. The Naiker of the big house did not carry even Nagammal round her hut. They came round Madanakambam only once.

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Hands were joined in her case also only as before. After the joining of the hands, the bridegroom went to his hut alone. Afterwards we saw the (girl) going for sowing cotton seeds; churning the milk and pounding paddy in front of the bridegroom's hut. Then the bridegroom and bride went together. They killed a sheep to ward off the effects of evil eyes. That was also customary. My son Gopalasami killed the sheep. It was he that put the dot also. My son was then a grown up person. I do not know how old he was. I do not know what age means. I know that it is 12 months from one Pongal to the other. Hairs were commencing to grow on his face. It is now 4 or 5 years since he died. My husband and my son who accompanied me are dead. Kumarammal and myself were eating together.

Re-examined by Plaintiff's Vakil:—Among the Kattari Palavars, only the Zemindars marry by sending the dagger. The Naikmars are cultivators. They would keep at least a bamboo stick as dagger. I was suffering from fever during my daughter's marriage.

Read over to the witness and ackowledged by her to be correct.

(Marked) Menakshi Ammal.

Taken by me in the presence of the Plaintiff's Vakil and of the Defendant's Counsel, this 19th day of July 1890.

(Signed) BASHYA CHARI,
Commissioner.

No. 122.

No. 122. Deposition of Plantiff's 44th witness Subbammal dated 21st July 1890.

Deposition of Plaintiff's 44th witness.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Monday, the 21st day of July 1890.

Original Suit No. 21 *of* 1889.

Witness for Plaintiff before Commissioner.

Name	Subbammal.
Father's name	Lingama Naiken.
Village	Paraiyur.
Taluk	
Occupation	Independent means of living.
Caste	Kambala caste.
Age	About 40, 50.

Solemnly affirmed by myself.

Examined by Plaintiff's Vakil:—My father's name is Lingama Naiker. My mother's name is Kamakshi Ammal. My father belongs to Kambala caste. My mother also belonged to the Kambala caste.

Q.—What is your mother's caste?

A.—I don't know what my mother's caste is. My mother had died before I attained my age of discretion. While I was a child, my father and mother were living only in Mulipatti. My father had 2 wives. The name of the other wife was Ramakkammal. My age might have been 6 or 7 years at the time of my mother's death. My mother died in Mulipatti. She died in Ramalinga Naiker's house. My father too died there only. The other wife, Ramakkammal too was then living only together. Sometimes she used to go to her mother's house. Her mother's house was in Parapatti. When my mother died Ramakkammal had 2 children. Their names were Subbayya and Lingammal. At the time of my mother's death the said 2 children were living only together. We all used to take food together in Ramalinga Naiker's house only. We all used to live in that house only. We were living together as a joint family. Ramakkammal had no children afterwards. Those 2 children are now alive. The names of those born with me are Sakkana Naiker and Ramasami Naiker. They too are living with me only. I might have been 10, 11 or 12 years old when I was married. When marriage took place no ceremony was performed for me. I attained maturity one year after. My father was not present at the time of my marriage. My marriage took place in Paraiyur. It was Ramalinga Naiker's son, Thavasilinga Naiker, that got me married. He is now dead. Sakkammal, the mother of the said Thavasilinga Naiker and wife of the said Ramalinga Naiker, my senior aunt, Ramakkammal, my elder brother, Sakkana Naiker, as well as Sokkalinga Naiker and Chinna Naiker, who were also there, these took me along with them and got me married. After my marriage we were living together as a joint family in the Palace of Thumbayasami Naiker, the Zemindar of Paraiyur. Of the children born of me, the first was named Kumarammal, after that Nagammal, after that Thumbayasami, and after that Thavasilingasami, all these were born only in the Palace. They were born only in the large Palace. Subsequently our brother-in-law got a house built separately for us. By brother-in-law, I mean Thumbayasami Naiker's son. He was the Zemindar of Paraiyur. That house is now in existence. We are now living only in that house. Until we were removed to the said house we all used to mess at the Palace. My uncle's son Thumbayasami Naiker and his children would mess together. My uncle's wife and we all would take our meals together. The ear-boring marriage ceremony of my two sons was celebrated in the Palace in Paraiyur. The ear-boring ceremony was also performed then for Tirupugalsami's son Nagayasami and Dorai Pandian. Dorai Pandian is the Zemindar's son. He is the grandson of my father-in-law. Ear-boring ceremony was performed for Ramasami also. The said Ramasami, Nagammal, and Thumbayasami, these are my children. Besides this, the ear-boring ceremony was performed for Muthulingasami's son. The name of Muthulingasami's wife was Meenammal. It was she that gave evidence and went away before me. A pandal was erected in front of the Palace and ear-boring ceremony was performed in it for all those I have mentioned above. Saptur Zemindar, who is my son-in-law, was present and the ear-boring ceremony took place. At the time of the boring of the ears, the Zemindar would keep the children in his lap and the ear-boring will be performed. The

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ear-boring was performed according to the custom of boring the ears, keeping the children in the lap of the maternal uncle. All my relations have attended the ear-boring marriage. Among the relations females have also attended. We all messed together. It was after the ear-boring that my daughters, Kumarammal and Nagammal, were married. The said marriage took place about 2 years ago. Of the two daughters of my uncle, one was married to the Defendant's grandfather. Besides that girl, Ramaswami's daughters, Vella Bommachiammal and Bangarammal, these were married to the Defendant's grandfather. I did not attend Thavasiammal's marriage. I received betel nuts. My husband attended. Subsequent to that, even when the said Saptur Zemindar married four girls, I did not attend. I then became widow. I sent my children. My brother-in-law's wife Krishnammal took my children with her. My brother-in-law's name is Muthu Kumarasami son of Thumbayasami Naiker. The said Muthu Kumarasami was Zemindar. My children had been to the said marriage and returned 5 or 6 days after. My children would go to the Saptur Palace. If they had gone to Saptur they would stay in the Palace with the Royal wife of Mulipatti.

Nagamuthu Naiker, who is the Naiker of the big house, Kodangi Naiker, whose name I don't know, Nagamuthu Naiker's wife, Kumarammal, these, and some other Kumbalatars came to Paraiyur and asked that the girl be given in marriage. I don't remember at present the other persons who accompanied them. They came to the Palace and asked my brother-in-law Muthu Kumarasami. He was then the Zemindar. He negotiated and settled, and the girl was sent in 10 days. All of us, my brother-in-law's wife Krishnammal, his son Dorai Pandian, Thirupugalsami, Seenusami, Muthulingasami, Nagayasami, our elder brother Sakkana Naiker, Lingammal, daughter of the said Sakkana Naiker, these, my elder brother's wife. Vellai Ammal, my elder brother's daughter Sakkammal and some other people went to the marriage. We all went and stopped at Alagar Kovil. With musical instruments, drum &c, and two carriages, Muthulingasami's wife Meenammal, Periya vettu Naiker's son Mahalinga Naiker, Mahalinga Naiker's mother Kumarammal, all these came and took the girls with them. All of us went along with the girl. We were all taken in company with them. We went and stopped in the southern Palace at Saptur. All of us, to wit, Thirupugalsami, Krishnammal, and Nagayasami remained only in the southern Palace. Food was received from the Palace for all of us. All of us messed together in the southern Palace. It was in the Saptur Palace that marriage was performed for my two children. All of us, to wit, those that went from this Palace and those that were there took cooked rice mixed with dholl. The marriage took place in the *Choukkai* (a square platform within the Palace. Being widow, I was keeping myself separately. Krishnammal, Meenammal and others were present and celebrated the marriage. I have not seen all that was put on the square platform during the marriage. It was said that there were huts put in front of the Palace. Did not go there. We were remaining there in a house, that is, we were remaining in the southern Palace. Cooked rice mixed with dholl was taken in the northern Palace. I did not go there. I am a widow. I did not go there. I used to peep through the widow. It was only then that I saw paddy was pounded; glass bangles were put on; the heads were touched with milk; and toe-ring was put on.

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PART I.

In the Subordinate Court of Madura (West).

No. 122. Deposition of Plaintiff's 44th witness Subbammal, dated 21st July 1890. —*continued.*

Naiker of the big house called me, saying that toe-ring should be put on. I said, "I am a widow and should not come there ;" so saying I gave (it) to him, and asked him to put it on. I saw only that much. The bride and the bride-groom came to the house I saw from the widow. The marriage was for 3 days. Along with the said marriage, the marriages of my son Thumbayasami and Thathaya Naiker were celebrated. My elder brother's daughter, Lingammal, was married to Thathaya Naiker and my elder brother's daughter, Sakkammal, to Thumbayasami Naiker. It was said that the marriage of my younger brother Ramasami Naiker took place 4 or 5 months prior to it. I did not attend the marriage. It was not performed in Paraiyur. The said Ramasami Naiker was not present at my daughter's marriage. His wife attended.

I was present at the death of Kumarammal at Saptur. I went there for the death. My father's lands are enjoyed by Subbaiya and my younger brother Ramu. Sakkana Naiker is dead.

Cross-examined by the Defendant's Counsel:—My father-in-law's wives are these Elumalaiammal, Virudupattiammal, Kullakkapattiammal, Thevarathu Meenammal and Virudupatti Vellayammal. I know only this much. I don't know the numerical rank of the said Vellayammal among (his) wives. It is said that he has a son named Regunatha Thumbayasami. I have not seen. It was stated that he was a Zemindar. He had died previous to my marriage. He had died 4-5 years previous to my marriage. He died a minor. Muthukumarsami succeeded. The said Muthukumarasami was the son of Muthammal. The said Muthammal belonged to the northern country. She was one of the wives of Thumbayasami aforesaid. When Muthukumarasami succeeded he might have been 20 years old. The age of Muthukumarasami who succeeded the said minor was 20 years old at the time of his succession. After the death of the said Muthukumarasami, his son Reghunatha Dorai. *alias* Thumbayasami succeeded. My marriage and Muthukumarasami's took place simultaneously. Muthukumarasami was older than my husband. Muthukumarasami was older than my husband by 4 years. The above 2 persons were older than the deceased minor Zemindar Thumbayasami. It was the said minor Zemindar that was the predecessor of Muthukumarasami. The name of the father of these three persons, *viz.*, my husband, the said Muthukumarasami and the said minor, is Thumbayasami only. I don't know if the said Thumbayasami had a concubine. Of the women named Lakshmi and Vellai, Lakshmi was the concubine of the said Thumbayasami, but Vellai was a legally married wife. I was not present at the time. *Tali* was tied to the said Vellai. I know this only on being told. It has been said that the said Vellai was the daughter of Madavanaikkanur Naiker. I do not know if the said Vellai had a sister. I don't know if the said Vellai had a sister named Vethalam. It has been said that she was the only one that was born. I don't know Muthukumaran, son of the younger sister of the said Vellai. I don't know Muthukumaran at all. I do not know the said Vellai personally.

My mother's name is Kamakshi. My senior aunt Ramakkammal told me that the said Kamakshi was a Kodikkal Vellala woman. My mother did not tell me. The said Ramakkammal was the senior wife of my father.

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PART I.

In the Subordinate Court of Madura (West).

No. 122. Deposition of Plaintiff's 44th witness Subbammal, dated 21st July 1890. —*continued.*

The wife of my elder brother, Sakkana Naiker, was called Vellaiammal and she had no other name. I don't know if the mother of the said Vellaiammal was Errammal or not. I do not know if the said Vellaiammal had a senior aunt named Ramakkammal. My younger brother Ramasami Naiker married one Subbammal. I don't know whether the name of the said Subbammal's mother was Ramakkammal or not. I don't know if the said Subbammal had brothers or sisters.

I dont' know to write and read. I and my sons have not jointly sold any house-site to Muthukumarasami *alias* Thumbayasami Naiker. I have heard Exhibit I read out. We have not executed it. Nor have we got it registered. We have received from our brother-in-law enough of money and have spent the same. No money has been received for that house.

N. B.—The above 7 lines were given by witness in answer to the following question, *viz.* :—You have now heard Exhibit I read to you. Did you execute it? I don't know Paraiyur Musabu Rowthen. I don't know Shroff Pulugu Chetti. I don't know the person who is employed as Shroff in Paraiyur Palace. I don't know Seshiengar. I do not know Seshiengar, who is employed as a Gumastah in the Palace. I don't know any other officials employed in Paraiyur Palace. There is a house-site to the west of the house we occupy. It is in my enjoyment only; but, for the last 4 months, the Paraiyur Zemindar has been folding cattle sometimes. During my absence from this village for these 4 months, the Paraiyur Zemindar has been enjoying the said house-site as his own. As he is the Zemindar, I have not taken out any proceedings. I am thinking of representing the matter to the place where justice will be rendered.

I have heard Exhibit II read out. It is a document executed by us. I have not submitted any Razinamah as stated in the said document. I have heard Exhibit II(a) read out. I have received the amount mentioned therein. It is true that I gave away the jungle to him ; but I don't remember having presented the said petition marked II (a). I have heard Exhibit II(b) read out; but I don't remember having signed the said deposition. I don't know whether or not puttah was issued after the sale in the name of Ponnukuden Chetti for the land mentioned in Exhibit II. I don't remember if my husband sold any land to Pulugu Chetti. I don't remember if my husband possessed any land in Ponnayapuram. I don't know Pulugu Karuppen Chetti. I don't know if my husband sold any land to Ponnukuden Chetti. As I am a widow, I would keep myself aloof and take food in the store-house, during the marriages of my daughters. I might remain in the room where my daughters and other married women who wear the wedding badges would take their meals. The Zemindar's wives, Mulipatti Ammal, Uthapanaikkanur Ammal, Paraiyur Ammal, and Elumalai Ammal, all these, would mess together. I know one Angammal, wife of the *Athigare* (Superintendent) of the then servants. She is dead. Of the then maid servants Avadai Ammal is now alive. She has come now to give evidence. She would bring food and betel-nuts. Of the other servants there is none living now. Prior to Nagammal's marriage, I

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PART I.

In the Subordinate Court of Madura (West).

No. 122. Deposition of Plaintiff's 44th witness Subbammal, dated 21st July 1890. *—continued.*

had gone to Saptur on 2, 3 or 4 occasions. I don't know on which side is situated the entrance you have shown me. I don't know north and south. I don't know the name of the direction in which the sun rises. It is called the southern house. We were there. We ourselves went and remained. That is to say, myself, my daughters, my sons, Thumbayasami and all other persons, that is, all of us, who went from Paraiyur for the marriage, remained in the southern Palace. Servants are using it.

When the toe-ring was put on I was witnessing from the front of the northern terrace. I saw the toe-ring being put on the (toe). It was Naiker of the big house, *i.e.*, Mahalinga Naiker, that put the toe-ring on. Mahalinga Naiker knew that I was a widow. He asked me to put (it) on. As I am a widow I asked him to put it. I brought only one pair of toe-rings. I did not see whether it was put on one leg or not. He bent and put it on the two legs. I know only that. There was a large gathering there. There was large gathering between me and Mahalinga Naiker. I was standing. I and the crowd were standing in a place of one and the same level. The crowd I have referred to were also standing. The Zemindar was seated. There was a distance of about 20 feet from the place where I was to the place where the Zemindar was. I stopped till the toe-ring was put on, and having seen it I went away. I saw Mahalinga Naiker bend down and move his hands. We were able to see the Zemindar a little as he was seated. I don't say that the toe-ring was put on because it is the custom to do so. I handed over the toe-ring to Mahalinga Naiker. He took it and he bent down. I asked him. He said he put it on. Subsequently the Zemindar too had the toe-ring put on. I did not see any thing except the putting on of the toe-ring. Krishnammal and Meenammal caused everything to be done. I peeped through the window to see the crowd and the performance of Sastra. I saw a measure of paddy being pounded. Peria Vettu Kumarammal, Meenammal my daughter, Krishnammal, and Naik's daughters pounded the paddy. They put Muhurtha glass bangles. At that time they said that Muhurtham bangles are put. Before the Muhurtham bangles were put, Gopala Krishnammal came and invited us, saying "we are going to put Muhurtha bangles; come." Songs were sung. Kambala ladies Pethakkammal, Veera Chinnammal, Vellaiyammal, all these sang songs. All these are alive. They have come here to give evidence. I don't know well those who have came to give evidence. I don't speak to anybody about this case. Nobody has spoken to me about this case. Krishnayyar questioned me. He asked me what evidence I was going to give. I said I was going to depose to what I know. He said why I should have been cited as a witness. As I replied thus to what Krishnayyar told me I cannot speak boldly in the crowd. What am I going to say? When have I gone to any Court? What do I know? He said as I stated above. That thereupon he said "why should I be cited as a witness?" Krishnayyar quarrelled with me saying "you have no doubts as to having given your daughter in marriage? Are you going to speak with any sense? You did not know north and south. What are you going to say?"

Q.—Did Krishnayyar say "You are a widow? You have not seen anything more?"

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PART I.

In the Subordinate Court of Madura (West).

No. 122. Deposition of Plaintiff's 44th witness Subbammal, dated 21st July 1890. *—continued.*

A.—He did not say so. He said "Say what you have seen with your eyes."

I told Krishnayyar that I did not know north and south. It was only upon that that he stated as I said above. No questions were asked of me so that I might understand north and south. I told him I would forget. I told Krishnayyar "I was a widow. I was keeping out of way. I will be asked to state what I have seen with my eyes. What am I going to say?"

Q.—What did you fear that you would forget?

A.—I said, "I will be questioned about Sastras? I was a widow. I will be asked about the different Sastras? What am I going to say?"

Q.—What did he say to it?

A.—"Why should you fear? Why not you say that as you were a widow, you did not appear in public? Why should you fear?"

After Krishnayyar told (me) this I had no fear. Thereupon I consented to give evidence. There is the custom that during the time of marriage widows should not go near the hut where people are assembled. The widows should not see or go near to the place where ceremonies are performed. Krishnammal and Meenammal were present and had everything performed. I and Gopalakrishnammal remained separately in the bed-room in the house called new house in the Palace. Really I did not see any of the ceremonies that were performed in the marriage. From what I head from those that witnessed the wedding, I stated all the facts stated by me in relation to marriage ceremony. It was only this morning that I talked with Krishnayyar only when I was coming here while I was coming this morning. It was day before yesterday that I came here from Madura, *i. e.*, to Thallakulam. It was 10 days ago that I came to Madura. I received summons. When I came to Madura I stayed with my daughter Nagammal. When I came to Thallakulam, my daughter stayed away in Madura only. I came to Thallakulam thinking I would be asked to give evidence. My daughter Nagammal also had come here on the day on which I came. Myself, my daughter and Pethakkal all came here. Pethakkal is still in Thallakulam. Krishnayyar came to Thallakulam. My daughter Nagammal was examined a week ago. I was afraid to give evidence. I was afraid that I had not been to Court. I asked my daughter "How I would be questioned and about what matter?" To which she said she would not say. I asked her how the gentleman on the other side was questioning, whether he was threatening or questioning gently. To which she replied that gentleman was a very mild gentleman and a good man too. She said that she had answered all that was asked. She said that she was questioned for a long time and that she answered everything.

Q.—Is it after you were told that he was questioning for a long time that you got afraid to give evidence?

A.—No. I did not speak either with Nagammal or Pethakkal about the ceremonies performed in the marriage. It was not because I was a witness.

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PART I.

In the Subordinate Court of Madura (West).

No. 122. Deposition of Plaintiff's 44th witness Subbammal dated 21st July 1890. —*concluded.*

They too did not speak with me. Pethakkal belongs to Saptur. I don't know her. As she is their maid-servant she has come. I say she is maid-servant because she is doing work and frequenting their house. I say she is maid-servant, as she is doing work under Nagammal. It is (now) 7-8 days since Pethakkal came to Thallakulam. She came along with Nagammal when she left Madura and came to Thallakulam. When I was staying with Nagammal in Madura, Pethakkal also was with (her). She was doing work.

Re-examined by Plaintiff's Vakil :—Gopalakrishnammal of Sandayur, widow of the Saptur Zemindar, and I were in the Zemindar's bed-room. She is dead now. She was the senior Zemindar's wife. The window from which I said, I saw, was the window of the bed-room. The window was that of the bed-room in which I and Gopalakrishnammal remained.

Q.—You said you did not see Sastras. Do you mean the Sastras other than the Sastras peeped through the window, or do you mean to say that you saw none, including them ?

A.—I did not see Sastras other than those I have stated, namely, pounding paddy, putting on armlets, putting on toe-ring and eating cooked rice mixed with dholl. It was only these that I saw. I asked my brother-in-law's wife Krishnammal about the other Sastras. I learnt from Krishnammal and Meenammal. I learnt from Mahalinga Naiker and Kumarammal of the big house. If the Zemindar were to call my husband by name he would call him by his title. He would call him as Muthaya as written in the documents. That is his title. Besides that he has another name. I should not mention that. His other name is only Muthu Verasami, the one you have mentioned. I have come to state the true facts, but I have not come thinking that the gentleman on the other side is a good man, a mild man, and will let me off easily.

Read over to the witness. She wants to make the following corrections, *viz.*, that her elder brother, Sakkana Naiker, did not attend her daughter's marriage, as he was dead then, *vide* page 8. The rest is acknowledged by her to be correct.

(Mark of) Subbammal.

Witness hereof, her son Thavasilingasami Naiker.

Taken by me in the presence of the Plaintiff's Vakil and of the Defendant's Counsel and Vakil, this 21st day of July 1890. Mr. R. Ramasubbier, Vakil for Plaintiff, says that he dispenses with the examination of the other two witnesses whom he undertook to produce before the Commissioner.

(Signed) N. BHASHYA CHARIAR,
Commissioner.

Deputy Registrar.

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PART I.

In the Subordinate Court of Madura (West).

No. 123. Deposition of Defendant's 1st witness Kudalinga Manigaran, dated 1st August 1890.

No. 123.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 *of* 1889.

Defendant's 1st Witness solemnly affirmed.

Name	...	...	Kudalinga Manigaran.
Father's name		...	Gopala Manigar.
Age	...	...	65.
Caste	...	...	Manigar.
Occupation		...	Ryot.
Residence ...		...	Paraiyur.

I know Erulappa Manigar. He was my son-in-law. He had married my daughter. He belonged to Paraiyur. He was summoned to produce documents. He came here and fell ill and went away. He handed me the documents to be produced in Court. I produced two documents—one dated 9th Alpisi of Akshaya (3rd November 1866) and the other 21st Vyasi of Vibhava. I heard read the document of 19th Alpisi of Akshaya. Muthaya executed it to Ponnukudan Chetti. I was present and attested the document. I saw Muthaya sign it. I am a marksman I knew Muthaya. He was son of Vellaimmal. Muthaya was also called Muthuverasami. I knew Rangan Chetti, son of K. N. Karuppan Chetti who attested the document. He is dead. I knew Pulugu Chetti, son of Muthukaruppan Chetti, who attested it. He is also dead. Muthukaruppan Panikkan, attestor is also dead. I know the land mentioned in the sale-deed. Ponnukudan Chetti enjoyed the lands for two years after his purchase, then he sold it to Esvaramurthi Manigar. He is dead. He is the father of the said Erulappa Manigar. He is now enjoying the lands. The document of Akshaya is filed as Exhibit VII for showing the description of Muthaya (Plaintiff's Vakil objects).

Cross-examined.—Erulappa Manigar did not give me any Puttahs or Kaichats. He gave me only the documents I produced. It was executed in the shop of Ponnukudan Chetti. It was executed upwards of about 20 years ago. Avadayyar wrote the document. Avaranji Panikkan and the others abovementioned attested it. As I was passing to my house close by, Ponnukudan Chetti called me and asked me to attest it. When I went in, the document was written. After I went in, Muthuverasami signed it. It was a quarter or half Naligai after I went in, that he signed. It was written in the room, but at what time I cannot say. I was passing from my house in the direction of the shop to the tank. I was called. Two persons attested before me. I stayed there in all, half a Naligai. I don't recollect what I did after. Erulappa Manigar left Madura

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PART I.

In the Subordinate Court of Madura (West).

No. 123. Deposition of Defendant's 1st witness Kudalinga Manigaran, dated 1st August 1890. —*continued.*

5 or 6 days ago. He was here for 5 or 6 days and then left it. I was also summoned as witness. I first came here and after staying for 9 days I went away for 'Adi' to my house. I returned 10 days ago. Erulappa Manigar at first came here the next day after I arrived. I told him at Paraiyur that I was going to Madura. He told me he would follow me with others in a day or two. Erulappan handed over the documents to me 5 or 6 days ago. He did not shew me these documents at Paraiyur. When I questioned him why he was cited as a witness, he said he got summons to produce documents. He asked me why I was cited as witness. I told him that I was cited to prove the sale deed executed to Ponnukudan Chetti. I told Erulappan that I did not know why I was summoned. He told me that it was for the purpose of proving the said sale-deed Madhuvayyar and Zemindar questioned me and I told them that I attested it. This was previous to the conversation I had with Erulappan. Madhuvayyar and Zemindar questioned me at Paraiyur. They showed me the document and asked me if I had attested it. This took place previous to my getting summons. No—subsequent to my getting summons. I don't recollect. Probably I was questioned on the date I got summons or the day following. The cadjan document was also shown me at the time. The document was read to me. Madhuvayyar and Paraiyur Zemindar were present at the time. Some others were I think present. I don't recollect their names. I now recollect that Erulappan Manigar was present. He was there before. I went to the Palace. The Zemindar sent for me while I was engaged in carrying bricks. I also do mason's work when I have leisure. I get 12 annas per diem. By the time I went the documents were in Madhuvayyar's hands. He read both the documents to me. He and the Zemindar both questioned me. I heard even before I got summons that I was cited to prove a document and to produce documents. Only after I came to look at the document, I came to know why I was cited. I cannot say from whom I heard that I was cited as a witness. I did not speak to Erulappan and he did not tell me that I was going to be cited. I have attested some other documents besides Exhibit VII. I don't recollect now what documents I attested. I have attested documents both before and after the document Exhibit VII. If I see the document I may recollect when I attested it. I got recollection of having attested VII after it was read over to me by Madhuvayyar. The deed Exhibit VII was read out before it was signed and attested. I recollect this to have happened. The attestors of Exhibit VII were there when I went in. Nobody came in after I went. Madhuvayyar read out the document fully including the names of attestors. I saw Exhibit VII when Ponnukudan Chetti sold the land to Eswaramurthi and executed to him a chit—Kaikanaku. By this I mean the sale-deed on cadjan. This took place 2 or 3 years after I attested VII. As the second sale was in the interest of my brother-in-law, I happened to be present. Eswaramurthi married my sister and my daughter was given to Erulappan 15 years ago. The cadjan deed was also executed in Ponnukudan Chetti's shop. I remember that he himself wrote it. I don't recollect who attested it. I only saw Exhibit VII and the cadjan deed handed over to Eswaramurthi. I was not present at the execution of the cadjan deed of sale. Ponnukudan Chetti was a Pulavar. He would be reading. Eswaramurthi took me to his shop to obtain delivery of Exhibit VII and the cadjan deed. When he went there the two documents

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PART I.

In the Subordinate Court of Madura (West).

No. 123. Deposition of Defendant's 1st witness Kudalinga Manigaran, dated 1st August 1890. —*continued.*

were handed over to Eswaramurthi and we returned. Nothing more took place at the time. In the interval between the said event and the time when Mr. Madhuvayyar read them out to me, I had not seen the said documents. The cadjan document was not read out to me. I am not quite sure if Mr. Madhuvayyar had the cadjan document in his hands when he read out Exhibit VII to me. I don't remember having seen the cadjan document again except when I saw it delivered to my brother-in-law. I and Erulappan lodged and messed together. Erulappan had dysentery. He handed over the documents to me on the day he left Madura in the afternoon. I accompanied him to the station at about this time. He took cold rice. I messed after I saw him off by the rail. I might also have taken cold rice. We walked to the Station. Annamalai Chetti accompanied him. I left him at the gateway. I did not notice if the train had arrived. I told Mr. Madhuvayyar and Zemindar of Paraiyur that my son-in-law was sick. They told me the night previous to his departure that he might go and that I should take possession of the documents he had brought. He came to Court once or twice before he fell ill. I saw him in Court 2 or 3 days before he fell ill. I don't think Erulappan came to Paraiyur for "Adi"—but he came there subsequently and again we came here. I was in my village on the 1st of Adi. I went there 2 or 3 days before. Erulappan came there the day previous to the first of Adi and I saw him. We hold feast on that day and invite uncles, sons-in-law and others. Erulappan Manigar had kept the documents in the store-room of Saptur house. He handed them over to me the night before he left. I secured them in the same place by permission of the Zemindar. This was next morning. In the night, the documents were in my charge. I thought I might mislay the document, and so, early morning, I secured them in the store-room. I asked the Zemindar that same night to secure the decuments, as the store-room was locked and the keeper was absent, I kept the documents with me that night. Seshayyangar is the store-keeper. I kept the documents in a window in the store-room. I myself did so. I got back the documents this morning. They were in the same place and state I had left them. They were tied in a handkerchief and secured for fear rats may not take them away. The window was a small one. I shut up the shutters and placed the documents on the sill—one shutter was open and this I closed. There was no other article on the window sill. The store-room is on the ground-floor. Sugar, nut and other articles usually kept in a store-room are kept there. I did not tell the Zemindar the place where I had secured the documents. I had taken lease of Karuvalam trees in Chinnakulampatti for 2 years 4 or 5 years ago. I and 3 others obtained lease of trees in Vandakudi from Saptur Manager. The lease expired a year ago. I have no interest in the lease of Tottiapattu trees to Sundra Chetti.

Re-examined:—I take lease of trees for making bricks and selling them. I get 50 Rupees a year by this transaction. I have terraced house worth 1,500 Rupees and 9 gulis of land. The cadjan document shown is the same that was handed over to Eswaramurthi by Ponnukudan Chetti—Filed as Exhibit VIII. I brought no documents. There was a general provision in the summons to bring documents.

(Mark of) Kundalinga Manigaran.

A. 78—69

No. 123. Deposition of Defendant's 1st witness Kudalinga Manigaran dated 1st August 1890. —*concluded.*

No. 124. Deposition of Defendant's 2nd witness Muthukaruppan Chetti, dated 1st August 1890 and 13th August 1890.

Interpreted to the witness in Tamil which he understands and acknowledged by him to be correct, this 1st August 1890.

(Signed) C. VENCOBA CHARIAR,
Subordinate Judge.

No. 124.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 *of* 1889.

Defendant's 2nd Witness, solemnly affirmed.

Name	Muthukaruppan Chetti.	
Father's name	Pulugu Chetti.	
Age	20 or 21.	10
Caste	Solia Chetti.	
Occupation	Trader.	
Residence	Paraiyur.	

I produce the document dated 19th Alpisi of Akshaya (11th November 1866) according to summons. My father is dead. I had this document in my possession. I don't know the land mentioned in it. The land is not in my possession. It was sold to Erulappa's father and Erulappa Manigar is in possession. I have no personal knowledge of the sale to his father. My father died when I was 7 years old. I cannot identify my father's signature. I cannot assign any reason why the document remained in my house. The document is marked IX. 20

Cross-examined.—The land mentioned in Exhibit IX was never in my possession. I had not possession of the land when I attained years of discretion. Ponnukudan Chetti was my uncle's son (first cousin). I do not know the land mentioned in Exhibit IX. I have seen the said document along with other documents. The Zemindar of Paraiyur sent for me and asked me if I had possession of a deed of sale executed by Muthuverasami to my father. I told him I had. He asked me about a month and half previous to my getting summons in the case. I showed him the document on the day he asked me. I have seen the document on previous occasions, but I cannot say when and how often I had seen it. I had 3 other documents besides Exhibit IX. The Zemindar returned it to me after perusal. After I came to Madura, Vakil Madhuvayyar saw the document and after perusing it, returned it to me. The documents were secured in the cylinder placed in a box. The others were stamped paper documents, but I cannot recollect whether they are sale deeds or debt bonds. I don't recollect when I got summons. I got summons only once. Before the Zemindar questioned me as to the document I did not inform any one that I had this document. Nobody but myself had access to the documents. I kept the key of the box. The Zemindar also asked me if I had puttahs and kist receipts when he questioned me if I had Exhibit IX. I had neither puttahs nor receipts. I have no lands. I have house; it is not mortgaged. I have not borrowed money from Vadakuttia Pillai nor have I mortgaged house to him. 30 40

Deputy Registrar.

No. 124. Deposition of Defendant's 2nd witness Muthukaruppan Chetti, dated 1st August 1890 and 13th August 1890. —*concluded.*

I sell cakes in fairs at Paraiyur and in places within 3 or 4 miles of it. I get 5 Rupees a month.

No re-examination.
1—8—90.

(Signed) Muthukaruppan Chetti.

Interpreted to the witness in Tamil which he understands and acknowledged by him to be correct, this 1st August 1890.

(Signed) C. VENCOBA CHARIAR,
Subordinate Judge.

Defendant's 2nd witness re-called and examined by Defendant's Vakil.

I know the Zemindar of Guntamanaikkanur. Thevaram Zemindari adjoins it. I was in the service of Guntamanaikkanur Zemindar. His father Thirumala Guntama Ramakrishna Naik is dead. His mother Vellayammal died more than 30 years ago.

No cross.

(Signed) Muthukaruppan Chetti.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 13th August 1890.

(Signed) C. VENCOBA CHARIAR,
Subordinate Judge.

No. 125.

No. 125. Deposition of Defendant's 3rd witness Aparangi Panikkan dated 1st August 1890.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 *of* 1889.

Defendant's 3rd witness solemnly affirmed.

Name	Aparangi Panikkan.	
Father's name	Chokkalinga Panikkan.	
Age	60.	
Caste	Panikkan.	
Occupation	Ryot.	
Residence	Paraiyur.	30

I can sign my name. Exhibit VII shown. It is attested by me. I heard Exhibit VII read. Muthuverasami executed it to Ponnukudan Chetti. I was present at its execution. I saw Muthuverasami execute it. I know the land mentioned in it. It adjoins my punja land. Ponnukudan Chetti enjoyed the land

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PART I.

In the Subordinate Court of Madura (West).

No. 125. Deposition of Defendant's 3rd witness Aparangi Panikkan, dated 1st August 1890 —*concluded.*

after his purchase. He is dead. Eswaramurthi Manigar enjoyed the land after Ponnukudan Chetti. Now Erulappan Manigar has been in possession of the land since his father's death—shown Exhibit IX. I have attested this document also. It was executed by Muthuverasami to Pulugu Chetti. The land mentioned in this also adjoins my land. Muthuverasami owed one block of 3 gulis and he sold them in equal halves under these two documents. Pulugu Chetti enjoyed the lands after his purchase. He is dead. Erulappa Manigar is now enjoying the land. The last witness is Pulugu Chetti's son.

Cross-examined:—Exhibits VII and IX were executed at one and the same time and place *i.e.* in Ponnukudan Chetti's shop. Ponnukudan Chetti and Pulugu Chetti were both present in the shop at the time of their execution. I passed by in the direction of the shop. Ponnukudan Chetti called me. My house is close to the shop. I was going westwards. One document had been written and the other was written half when I went in. Ponnukudan Chetti told me to attest the documents. Avadayyar read both the deeds. Then Muthuverasami signed both the documents. I attested both at the same time with same pen and ink. I can't recollect who attested before and who after I had attested. Kudalinga Manigar, Defendant's 1st witness, was present and he attested. I don't recollect the names of other attestors I saw consideration paid for both the deeds. I have not seen these deeds subsequent to my attestation. The Zemindar of Paraiyur questioned me a month ago if I had attested the deed of sale by Muthuverasami to Ponnukudan Chetti. I said I had. Defendant's 1st witness was at the place of execution of Exhibits VII and IX before I went in. I went away after a stay of quarter Naligai. Defendant's 1st witness remained behind when I left the place. Muthuverasami, the two vendees and Avadayyar also remained behind. I did not communicate to any one except the Zemindar of Paraiyur that I had attested the sale-deed. I remember the fact as the land adjoins my land. I have attested other documents. How many I cannot say. I don't recollect when and where I attested them. I cannot recollect if I attested any document within 10 or 15 years. The 3 gulis covered by deeds VII and IX are cultivated by Erulappa Manigar. He hires cattle and men for the purpose. I occasionally go to the Paraiyur Palace to give medicine. I don't get presents. I may get presents from Zemindar if I treat people. I only know very little of medicine. I have built a chavady for charity on my own land. I came here about 20 days ago. I lodge in Saptur and Bodinayakkanur Palaces. Other witnesses who have come also lodge there. So we are lodged in one place and the others in the other. I pay 15 Rupees kist to the Zemindars.

Demeanour good.

(Signed) Aparangi Panikkan.

Read over to witness in Tamil which he understands and acknowledged by him to be correct, this 1st August 1890.

(Signed) C. VENCOBA CHARIAR,
Subordinate Judge.

Deputy Registrar.

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PART I.

In the Subordinate Court of Madura (West).

No. 126. Deposition of Defendant's 4th witness Avadayyar, dated 1st August 1890.

No. 126.

IN THE SUBORDINATE COURT OF MADURA (WEST.)

Original Suit No. 21 *of* 1889.

Defendant's 4th Witness solemnly affirmed.

Name	...	...	...	Avadayyar.
Father's name			...	Kuppayyan.
Age	...	...	...	60.
Caste	...	...	...	Brahmin.
Occupation	...	...	...	Ryot.
Residence	...	...	...	Paraiyur.

Exhibit VII shown. I wrote it. I know its execution by Muthuverasami. "Written by Avadayyar" is in my handwriting. I saw the attestors attest it. I know them. Defendant's 1st and 3rd witnesses are among its attestors. Exhibit IX shewn me. Muthuverasami signed it. I wrote and the attestors attested it. I read out both the documents before they were signed by Muthuverasami. He was able to read and write Tamil. He read in school with my brother. I see IIa and IIb produced before the Commissioner. I was present when the Razinamah IIa was produced in the Zemin office at Paraiyur. I was royasum for ten years. From what time to what time, I cannot say. I took deposition from Subbammal and Thumbayasami. They signed the deposition. The signature "Thumbayasami Maniyam" is that of Thumbayasami, son of Muthuverasami. I know Thumbayasami. Subbammal, his mother, made the mark by touching pen. I know Subbammal. The deposition IIb is in my handwriting. It is marked Xa, while the Razinamah itself is marked X. The note at the top of X "Registered 24-7-77" is in my handwriting. It denotes the fact of the entry of the Razinamah particulars in the register kept for the purpose. Chinnasami Ayyar, Manager of Paraiyur Zemindar, produces a register of letters, papers, &c. received for 1877.

Witness continues:—I saw the entry XIa in the book XI under date 24th July 1877. I made it. Gopala Chetti was then lessee and agent of the Zemindar of Paraiyur. He is now dead. Samprathi Subbramania Pillai and Shroff Pulugu Chetti attested Xa. They are now dead. I was employed in the Paraiyur Zemin office in 1875. Chinnasami Ayyar produces copy-book of arzis sent by the Zemindar to the Collector and Deputy Collector. I see the Arzi No. 22, dated 12ht August 1875. I copied the Arzi in the book. It is a true copy of the original. It was compared with the original before it was despatched. Defendant's Vakil says that he would account for the original. Subject to this and Plaintiff's Vakil's objection, the register is marked as Exhibit XII and the entry as XIIa.

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PART I.

In the Subordinate Court of Madura (West).

No. 126. Deposition of Defendant's 4th witness Avadayyar, dated 1st August 1890. —*continued.*

Muthukumarasami Thumbichi Naiker was then the Zemindar of Paraiyur. He is now dead.

Cross-examined:—When Exhibits VII and IX were executed, the Zemindar was Muthukumarasami Thumbichi Naiker. I was then employed under him either as Amin or Royasam. The Zemindar had no knowledge of these documents. The father of Muthukumarasami Zemindar was Muthu Vijaya Thumbayasami. He was also the father of Muthukumarasami. Muthukumarasami was installed as Zemindar about 30 years ago Muthukumarasami lived in a house outside the Palace while the Zemindar lived in the Palace. They never lived together in the Palace at Paraiyur. I don't know if they were friendly or hostile to each other. I was employed in the Palace Zemin office even before Muthukumarasami was installed. I got employment, I think, in my 30th or 32nd year. I got it after Muthukumarasami became Zemindar. Before that I was volunteer in the "Court of Wards" Manager's office and was occasionally employed as Amin. I wrote Exhibits VII and IX at the request of Muthuverasami. He and I were friends, *i. e.*, acquaintances. I don't recollect if he was in the habit of visiting the Palace. He did not pay me anything for writing Exhibits VII and IX. I may write deeds only if friends and acquaintances come to me seeking my aid. I remember writing Exhibits VII and IX in Ponnu Chetti's shop, *i. e.*, Ponnukudan Chetti's shop. don't Irecollect if I made a draft. Muthuverasami gave me the contents and I wrote the deed. I questioned him as to the description of the person executing. He said, "You konw it," and so, write it. I asked him, however, to mention it, though I knew it. He then told me to describe him as son of Vellaiammal, Bhogasri of Muthu Vijia Ragunathu Thumbayasami. Muthuverasami came to my house and asked me to write the deeds of sale. He took me to Ponnu Chetti's shop. The above conversation as to executant's description took place in the shop. Muthuverasami had the two stamps with him when he came to my house. When we went in, Ponnu Chetti and Pulugu Chetti were in the shop. I don't recollect if others were present. I read the two deeds VII and IX one after another after both had been engrossed. Muthuverasami signed the deeds one after another and the attestors also attested in the same way. Pulugu Chetti attested Ponnu Chetti's deed, and he, that of Pulugu Chetti. Rangan Chetti, Muthu Karuppa Panikkan, Aparangi Panikkan, Defendant's 1st witness and others attested them. I then attested them as writer. I can't say when Aparanji Panikkan or Defendant's 1st witness came nor how they came there. I cannot say whether they were called when passing or were sent for. The vendees and vendor asked them to attest them. I read Exhibits VII and IX once more to the attestors before they attested. There was a talk that the deeds need not be registered but that the Razinamah should be presented to the Zemin office for transfer of puttah and that that was sufficient. The vendees and vendors talked about this, and I also suggested the same course. I don't recollect who first suggested registration or non-registration. These deeds were shown to me by the Defendant's Vakil at Madura 2 or 3 days ago at Mr. Madhuvayyar's house. He asked me if I wrote them and I said "yes, I wrote them". The Manager of Paraiyur was present when I was questioned.

Deputy Registrar.

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PART I.

In the Subordinate Court of Madura (West.)

No. 126. Deposition of Defendant's 4th witness Avadayyar, dated 1st August 1890. —*continued.*

I don't recollect who else was present. I was not questioned previous to that by anybody else. The son of Pulugu Chetti, Defendant's 2nd witness, asked me if I wrote Exhibit IX. He shewed it to me. I told him I did. This took place a year or two ago. It cannot be 10 or 5 years. It took place recently. I am unable to fix the precise period when this took place. I don't recollect when and where he shewed me this document. He shewed it to me in Madura District, but what village I cannot say. He first questioned me if I had written such a document. I said I must look at it. It was then that he shewed it to me. I don't recollect if I wrote other deeds executed by Muthuverasami. I see Exhibit VII. I had not seen it except when I wrote it and when I was shown the same document in Court. I saw Exhibit VII also in Vakil Madhuvayyar's house. I have mentioned the facts of my writing them to Mr. Madhuvayyar 2 or 3 months ago at Paraiyur. He then shewed me Exhibits VII and IX and questioned me if I wrote them. I don't recollect if Paraiyur Zemindar was present on the occasion. Mr. Madhuvayyar shewed me the documents after I got summons, whether it was after first or second summons, I can't recollect.

As soon as the Razinamah is received, deposition is taken from the party presenting it, and then, it is registered. Kurnam is then instructed to transfer puttah. Subbammal and Thumbayasami came to the office from their house which is opposite to it. I remember both mother and son presenting the Razinamah Exhibit X. The land referred to in Exhibits X and X*a* is not the land referred to in Exhibits VII and IX. Thumbayasami was 10, 15 or 20 at the time he presented Razinamah Exhibit X and gave deposition Exhibit X*a*. In Exhibit X*a* the name of Thumbayasami appears without the addition of 'Maniyam.' This addition appears in his signature to the deposition and also in its body Exhibit X*a*. I did not think it necessary to add "Maniyam" in the register, because it is simply an abstract, and the original document would be on record. Mr. Madhuvayyar shewed me Exhibits X and X*a* at his house and asked me if I wrote X*a*. He shewed me this document along with Exhibits VII and IX. Exhibit X*a* was also shewn me at Paraiyur by the said Vakil. He also shewed me Exhibits XI and XI*a* both here and at Paraiyur. I do not recollect Subbammal and Thumbayasami signed Exhibit X in my presence. The writer of Exhibit X appears to be Gopala Pillai, Kurnam of Paraiyur. He is alive. He is not Samprathi. He had no employment in the Zemin Office, but he acted as Village Munsif for some time. It is usual to obtain attestation of witnesses for Razinamah deposition. I do not recollect if Subbammal brought a suit against the Zemindar in 1876 or 1877 or any time. I was stamp vendor at Paraiyur from 1871. I held office for 2 or 3 years. I was told to vacate office by order. Subsequently Senkaranaraina Pillai became vendor. I was accused along with the Zemindar of Paraiyur at the instance of Virabhadra Pillai, his manager, at the instigation of Saptur Zemindar. I was acquitted. I was removed from office of stamp vendor in connection with it.

Re-examined:—

Q.—You said Exhibits X and X*a* were shewn to you by Mr. Madhuvayyar while the Exhibits have been in Court since 21st ultimo.

No. 126. Deposition of Defendant's 4th witness Avadayyar, dated 1st August 1890. —*concluded.*

A.— Probably I made a mistake, and I acted on my recollection of having seen the document at Paraiyur.

(Signed) Avadayyar.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 1st day of August 1890.

(Signed) C. VENCOBA CHARIAR,
Subordinate Judge.

No. 127.

No. 127. Deposition of Defendant's 6th witnes Angusami Naiker, dated 1st August 1890.

IN THE SUBORDINATE COURT OF MADURA (WEST).

O. S. No. 21 *of* 1889.

Defendant's 6th witness solemnly affirmed.

Name	...	...	Angusami Naiker.
Father's name	...	...	Venkatasami Naiker.
Age	...	...	45.
Caste	...	...	Vaduga.
Occupation	...	...	Clerk in the Deputy Tahsildar's Office of Uthamapoliem.
Residence	...	...	At present Uthamapoliem.

I was stamp vendor of Thirumangalam Taluq from 1864 to 1872. I see Exhibit VII. The endorsement of sale of stamp for it was written by me in its entirety. I see Exhibit IX. The endorsement on this also is in my handwriting. Both the endorsements contain my signature. I sold them when I was stamp vendor.

No cross.

(Signed) Angusami Naiker.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 2nd August 1890.

(Signed) C. VENCOBA CHARIAR,
Subordinate Judge.

Deputy Registrar.

No. 128. Deposition of Defendant's7thwitness Gopala Pillai, dated 2nd August 1890.

No. 128.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 *of* 1889.

Defendant's 7th witness solemnly affirmed.

Name...	...	...	Gopala Pillai.
Father's name	...	...	Chokkanada Pillai.
Age ...	...	...	51.
Caste ...	...	...	Vellala.
Occupation	...	...	Kurnam of Paraiyur.
Residence	...	...	Paraiyur.

Exhibit X shown. It is a Razinamah made by Subbammal and Thumbayan. The Raziuamah was written by me. I know them at the time. The signature "Thumbayasami Maniam" is Thumbaya's signature. I saw him sign. He is the elder brother of Thavasilingam now in Court, seated behind Plaintiff's Vakil. Subbammal is his mother. "This mark of Subbammal" is in my handwriting. She touched pen and made the mark. I then wrote that this was the mark of Subbammal. This document was written at Paraiyur. Subbammal put the mark on it in her house. I am Kurnam of 13 villages in Paraiyur.

Cross-examined.—I had no employment in the Palace or the Zemin Office at Paraiyur. I would go often to the office on business. I am also Kurnam of Paraiyur. The Zemindar at the time of Exhibit X was Muthukamarasami Thumbichi Naiker. I wrote Exhibit X at the request of Subbammal and Thumbaya in their house. Thumbaya came to my house and asked me to write a Razinamah. He took me to his place. I cannot say what his age was, whether he was 5, 33 or 40. I have seen him often. He was 10 or 16 years old at the time (witness shewed his reluctance to give Thumbaya's age) I took pen and ink. I did not take paper. Probably I had no paper then with me. Thumbaya brought the paper after I arrived at his house. I don't know wherefrom he got it. Until he brought the paper, I remained in his house. He returned in quarter of an hour. When he left me he said he was going to bring paper. He brought one full sheet of paper. Until he arrived I was talking to Subbammal. She conversed with me about the Razinamah. I wrote Exhibit X on half sheet and took the other half. This is all the remuneration I had. I was not paid anything. I wrote the contents of the Razinamah from information supplied. I made no draft in the first instance. After it was written Thumbaya signed and his mother marked it. I read out the Razinamah previous to their signing it. Thumbaya also perused it before signing. This

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In the Subordinate Court of Madura (West).

No. 128. Deposition of Defendant's 7th witness Gopala Pillai, dated 2nd August 1890. —*concluded.*

is the only Razinamah I have written for Subbammal and Thumbaya. They gave me the description of the land mentioned in Exhibit X. I don't know the land mentioned in it. "Thumbayasami Maniam" was written at one and the same time. Thumbaya and Subbammal did not shew me any Puttah but gave the description of the land from memory. There is no friendship between me and Thumbaya and his mother. They are simply acquaintances. I have not been to Subbammal's house on any other occasion. I don't go unless I am called.

Re-examined.—I knew Subbammal since her marriage. I know Thumbaya from his childhood. I have gone to their house on special occasions when invited. I know the difference between a child of 5, and a man of 41.

(Signed) Gopala Pillai.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 2nd August 1890.

(Signed) C. VENCOBA CHARIAR,
Subordinate Judge.

No. 129. Deposition of Defendant's 8th witness Seshiengar, dated 2nd August 1890.

No. 129.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 *of* 1889.

Defendant's 8th witness solemnly affirmed :—

Name	... ...	Seshayyangar.
Father's name	... ...	Naraina Ayyangar.
Age	... ...	3.
Caste	... ...	Brahmin.
Occupation	... ...	Gumastah in Paraiyur Zemin.
Residence	... ...	Paraiyur.

I see the document, dated 4th May 83, marked I before Commissioner. I have written it. It was executed to the Zemindar by Subbammal, Thumbayasami and Thavasilingam. Thavasilingam is now before the Court. Subbammal marked it. Thumbayasami and Thavasilingam signed it. Filed as Exhibit XIII. This was executed at Paraiyur. I know attestors Musabu Rowthan and Pulugu Chetti. They attested the deed. I saw them attest it. Pulugu Chetti is dead.

Deputy Registrar.

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PART I.

In the Subordinate Court of Madura (West.)

No. 129. Deposition of Defendant's 8th witness Seshiengar, dated 2nd August 1890. —*continued.*

I know the land mentioned in Exhibit XIII. It is situated to the east of the Palace and west of Subbammal's house. The land is now in the possession of Paraiyur Zemindar. It is used as a pig sty. It has been in the Zemindar's possession since 1883, *i. e.*, date of sale.

Cross-examined.—I am still employed under the Paraiyur Zemindar. My pay monthly is 9 Rupees I was in the Zemindar's service in 1883. Muthukumarasami Zemindar died in 1885. Thumbayasami is a friend of mine. The Zemindar wanted to purchase the ground, if he could get it. Subbammal and Thumbayasami said they had no objection to sell it. I wrote it for the Zemindar in the Zamin Cutcherry. The officials of the Cutcherry were present. Shroff Pulugu Chetti, Gumastah Sallamiengar, the Zemindar and others were present when I wrote Exhibit XIII. Some of the other officials were not present on the occasion. It was Cutcherry time and the officials should have been present. I wrote XIII at about 2 P. M. The office hours are from 7 A. M. to 8 P. M. except the time occupied in taking meals. We leave the office whenever it is convenient for us to do so. The Zemindar was seated. He remained in the office until 5 P. M. I can't say what he was doing. He came to the office at 1 P. M. He ordered that Subbammal and her son should be sent for. Who went to bring them, I don't recollect. The Zemindar directed a person to bring Thumbayasami and Thavasilingam. He did not direct Subbammal's presence. The brothers came to office. The Zemindar told them that out of the price 80 Rupees fixed for the ground, 70 Rupees had already been paid, and that 10 Rupees were due. The brothers said "yes". The Zemindar then directed the document to be written. They received 10 Rupees and then signed it. Thumbayasami first said "yes." I recollect this well. Thumbayasami received 10 Rupees from the Zemindar. After the deed was written, and after 10 Rupees were paid to Thumbayasami, I, Pulugu Chetti, Musabu Rowthen and the brothers went to Subbammal's house. The deed was not signed or attested in the office. I don't recollect who dictated the contents of the document. I recollect somebody dictated the contents. There was no draft there. As it was being dictated, I wrote the deed. Thumbayasami paid 10 Rupees to his mother, saying that they had already received 70 Rupees and that he brought the balance and that she might sign the deed. Thavasilingam did not say anything. Subbammal received the money and put mark on the deed XIII in my presence. I took pen and ink with me. I don't know if there was no pen and ink in Subbammal's house. I don't recollect if Thumbayasami or anybody else asked me to bring pen and ink. Thumbayasami can write on paper. He is not able to write or read well. I took the pen and ink which I used in writing Exhibit XIII in order that the same pen and ink might be used in signing it. I had no other reason for taking pen and ink. I took pen and ink not because he was not able to read or write well. After the deed was marked by Subbammal, we all returned to the office where Thumbayasami and Thavasilingam signed. As Subbammal would not attend Cutcherry when the Zemindar was present, the deed was taken to her house. She might and can come to the Cutcherry, if the Zemindar retires to a separate room adjoining the Cutcherry. The Cutcherry was then held on the pial. There is

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a bungalow, somewhat far from the pial which is the big entrance. Beyond it there is open space. If the Zemindar went behind the pial wall, Subbammal can come to the Cutcherry. Thumbayasami and Thavasilingam signed in the presence of the Zemindar. The witnesses then attested the deed. I cannot say why Pulugu Chetti and Masabu Rowthen came to Subbammal's house. I don't recollect if all the officials were present when Thumbaya and Thavasilingam signed the deed XIII. They brought the stamp for the deed when they came. I don't recollect if Zemindar asked them to bring the stamp. There was no dispute as to the amount of purchase money. There was no account produced for Rupees 70 paid. The executants admitted the fact. Thumbayasami said that 70 Rupees had been paid and that 10 Rupees were due. I don't recollect if Zemindar questioned him as to how much he had received. There was no account at all for 70 Rupees paid, as it was paid by the Zemindar himself and was not a payment made in the office, and the payment does not appear in the office book. I did not see 70 Rupees paid, but I saw 10 Rupees paid. The Zemindar paid it from out of his box. His box used to accompany him when he came to the Cutcherry. I don't recollect it the Zemindar made any note or memo. of his payment anywhere. The Zemindar wanted Thumbayasami to get the deed registered. He promised to do so. I don't know if the deed was registered. I don't recollect if I reminded the Zemindar that the deed had to be registered. I don't recollect if the Zemindar referred to the subject subsequently. The Zemindar used to keep his documents in his box. He did not give his title-deeds for being secured in the office. Exhibit XIII was kept by the Zemindar in his office box. The ground has been used as a pig sty for 4 or 5 years. There are both country and English pigs in it. English pigs are white. There are about 30 or 40 pigs in the sty. There were 10 or 20 pigs at first, and now there are more. I first saw the pigs there 4 or 5 years ago. Before that, the Zemindar had no pigs. He purchased this ground for making a pig-sty. There is a wall which separates pig-sty from Subbammal's house. I don't know if the wall is her own. Subbammal and Thumbayasami did not object to the pig-sty.

Re-examination.—A street, *i. e.*, the road, separates the Cutcherry from Subbammal's house.

(Signed) Seshayyangar.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 2nd August 1890.

(Signed) C. VENCOBA CHARIAR,
Subordinate Judge.

Deputy Registrar.

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PART I.

In the Subordinate Court of Madura (West).

No. 130. Deposition of Defendant's 9th witness Manja Naiken, dated 2nd August 1890.

No. 130.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 *of* 1889.

Defendant's 9th witness solemnly affirmed.

Name	...	...	...	Manja Naiken.
Father's name		...	...	Ellinga Naik.
Age	...	...	...	50, 55.
Caste	...	...	...	Kambala.
Occupation	...	...	...	Ryot.
Residence	...	...	...	Parapatti.

My father had a senior uncle named Manja Naik. He had no daughter. Chinnama Naik was my uncle. He had three daughters Ramalinga and 2 others. I know Ramakkammal, the wife of Mulipatti Lingama Naik. She was my aunt. She was the daughter of Lingama Naik, my father's junior uncle. Mulipatti Lingama Naik had only one wife and that was Ramakkammal. They had a son and a daughter named Subba Naiken and Lingammal respectively. Mulipatti Lingama Naik had house and lands at Parapatti. Because he had been in the service of the Mulipatti Zemindar, he was known as Mulipatti Lingama Naik. He had a concubine by the name of Kamakshiyayi. She has been married to one Sabapathia Pillai. I had seen him in Parapatti. He was employed in the Mettu as peon. He was employed in planting and superintending avenue trees. Lingama Naik had, by her, two sons and a daughter, named Jaggama, Ramasami and Subbammal. I don't know whom Jaggama married. Ramasami was driver of Saptur Zemindar. These lived at Mulipatti with their mother. Kamakshi is dead. Ramakkammal and her children lived at Parapatti in her husband's house. These lived separate from Kamakshi and her sons. Lingama Naik's son and his brother's sons took his properties. Mulipatti Lingama Naik was a Kambala. Kamakshi was a Vellala woman.

Cross-examined:—Chinnama Naik and my father were uterine brothers. I have not seen Lingama Naik, the father of Ramakkammal. I have seen her and her husband. He used to live both at Mulipatti and Parapatti. The latter was his permanent place. I have known Kamakshi. I first saw her at Mulipatti. No; at Parapatti. This was about 40 years ago. I was then 10 or 12 years old. I had not seen her before that. I don't know Kamakshi's parents. It was said that she and her husband came from Thirumangalam. They were accompanied by Minakshi, Kamakshi's sister. She was also Sabapathi Pillai's wife. She was older than Kamakshiyayi. Kamakshi was 20 or 25 years old when first I

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—*concluded.*

saw her. I met Sabapathi Pillai also subsequently to my seeing the said ladies (atchees) a day or two after. He was then 30 or 35 years old. I was not present at Sabapathi Pillai's marriage. I heard the two ladies were his wives. Sabapathi Pillai remained at Parapatti as Mettu peon for 7 or 8 years. I believe that Sabapathi Pillai was a Vellala. I saw him the very next day after his arrival in the village. I met him in the street. The Village Munsif and Kurnam said that Sabapathi Pillai came as peon. I am Kavalgar. The Kurnam Ayyar said that Sabapathi Pillai had come as peon. I had gone to Sabapathi Pillai's house. I did not do any work under him. He did not give me any orders. I first met Kamakshiyayi in Parapatti. Minakshi came to fetch water and I then saw her. So also I met Kamakshi when she came to fetch water. I did not meet her before that. I met her in the street. My house is close to the well. I saw her from my house. When I questioned my village people who this new arrival was, they told me that she was Kamakshi. I asked my aunt who she was. She is dead. She said that she was the wife of Sabapathi Pillai, Mettu peon. I did not speak to Kamakshi on that occasion. A woman named Sanagathi, wife of Kutti Muppan, told me that Minakshi was the wife of Sabapathi. I asked Sanagathi who this new arrival was. Sanagathi and Minakshi came to draw water. I did not speak to Minakshi. Sanagathi is dead. I met Sabapathi on the 3rd day after. I was then ploughing lands. I had never spoken to Kamaskhi. I had not been even once to Sabapthi Pillai's house. Nor have I spoken to him even once. I heard that Lingama Naik took her to Mulipatti. I have not seen her subsequently, *i. e.*, subsequent to her leaving Parapatti. I had seen Ramasami, driver of Saptur Zemindar, only once 10 years ago. I had seen Jaggama also only once at Uthappanaiken Pudur 10 or 12 years ago. I have never seen Subbammal. I only know Lingama Naik's property at Parapatti. He died 10 or 20 years ago at Parapatti. He had house and lands. He had ¾ cawni of nunjah and 10 or 15 gulis of punja and a house. His son and his brother's sons divided their property. I was present at the division. No deed was executed. Two others were present with me. They are dead. Jaggama and Ramasami did not get any share in the said property nor did they enjoy any portion. The statement of Subba Naik, the son of Lingama Naik, that he and Jaggama and Ramasami divided the properties in two moieties and enjoyed them is not true. I had not heard that he made such a statement in Court.

Re-examined:—Jaggama Naik resided at Pudur, east of Uthappanaikkanur. He resided there for 7 or 8 years. I only went there once. I had known him and seen him at Vellakottal before that. I had seen Ramasami also there. Both were tending sheep belonging to Rangaya Naik. They were at Vellakottal for 2 or 3 years. My uncle, Mulipatti Lingama Naik, had told me that they and Subbammal were his sons and daughter.

(Mark of) Manja Naiken.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 2nd August 1890.

(Signed) C. VENCOBA CHARIAR,
Subordinate Judge.

Deputy Registrar.

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PART I.

In the Subordinate Court of Madura (West).

No. 131. Deposition of Defendant's 10th witness Lingammal, dated 2nd August 1890.

No. 131.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 *of* 1889.

Defendant's 10th witness solemnly affirmed.

Name	...	...	...	Lingammal.
Father's name	...	...	...	Lingama Naik.
Age	...	...	...	35.
Caste	...	...	...	Kambala.
Occupation	...	...	...	Cultivation. I have Inam dry land.
Residence	...	...	...	Parapatti.

My mother was Ramakkammal. I and my brother Subba Naik were the only issues of Ramakkammal. Subba Naik is my younger brother. My parents are dead. My father had only one wife Ramakkammal. Our parents lived at Parapatti and my brother also lives there. I was 5 years old when my father died. He died 30 years ago. After his death, we lived with our mother at Parapatti. My husband's house is also at Parapatti. Jaggama, Ramasami and Subbammal did not live with us or with my mother and brother. My younger brother inherited my father's property. My father had 3 brothers. My brother and 2 sons of his uncles divided my father's property and sold it away. One of my uncles had no issue. I have married my daughter to my younger brother.

Cross-examined:—My brother is, I hear, now at Saptur. He got angry with me and left me. My husband died in the famine year. I live in my husband's house. I have not seen my brother during the last 5 months. I came here 20 days ago I don't know if my brother was cited and examined as Plaintiff's witness. I was not told of it by any one. My daughter is living with me. She has not accompanied me to Madura. Until 4 or 5 months back, she lived with her husband. Since then, she has been living with me. My mother died in the last famine 1876—1877. I don't know Kamakshi. I have never seen her. I was present when my brother and his cousins divided the lands. They went to the lands and divided them. I went to the fields. The division took place 5 or 6 years ago. I don't recollect who else was present at the division. My brother and his 2 cousins Subbaya and Lingasami went to the fields. Kurnam and Nattamaigar also came to the fields at time of division. The fields were half a mile from our house. The division took place subsequent to my husband's death. The lands were measured by a rod. I don't know if they executed any documents at the time. I don't know how long we remained at the fields. I was not informed of the share each got. Would they tell it to a female ? Kavalgar

No. 141, Deposition of Defendant's 10th witness Lingammal, dated 2nd August 1890. —*concluded.*

No. 132, Deposition of Defendant's 11th witness Muthukumaru Manigar, dated 2nd August 1890.

and Kudumban would measure the lands. I did not see the lands measured. I stood at some distance, and returned home in advance of my brother. He told me that he and his cousins divided the *kadus*, *i. e.*, lands. My father was known as Mulipatti Mappila Naik in Mulipatti Palace. We used to call him as Lingama Naik.

Re-examined:—The Kavalgar who measured was Sinnama Naik. Manja Naik is also a Kavalgar.

(Mark of) Lingammal.

Interpreted to the witness in Tamil which she understands and admitted by her to be correct, this 2nd August 1890.

(Signed) C. VENCOBA CHARIAR,
Subordinate Judge.

No. 132.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 *of* 1889.

Defendant's 11*th witness solemnly affirmed.*

Name	...	...	Muthukumaru Manigar.
Father's name	...	...	Muthu Gopalasami.
Age	...	...	40—47.
Caste	...	...	Being illegitimate, I have no caste.
Occupation	...	...	Service in Paraiyur Palace.
Residence	...	...	Paraiyur (Thumbichi Naikkanur).

I am illegitimate and so I cannot say what my caste is. I have heard of Ayyakuttam. The illegitimate children of Zemindars and their brothers are through courtesy called "Ayyakuttam". The sons of Zemindar are called Maharajahs, Dora Pandiyans, and so on. My mother was Vathalam. She was known as Muthammal also, but was not so called in the Palace. My father was the brother of the Pariayur Zemindar—Thumbayasami Thumbichi Naiker. My mother was not married but was kept by my father. I don't know my mother. She died when I was 5 or 6 months old. Muthu Gopalasami's 1st wife brought me up. I have married the daughter of Arunachella Manigar. Parivara is equivalent to Manigar. Vellayammal was elder sister of Vathalam.

Deputy Registrar.

No. 132, Deposition of Defendant's 11th witness Muthukumaru Manigar, dated 2nd August 1890. —*continued.*

Muthaya was her son. I have seen him. He was the son of the Zemindar Thumbayasami. Vellayammal was kept by him. Muthaya *alias* Muthu Verasami had two daughters and two sons. The two daughters were Kumarammal and Nagammal and the two sons are Thumbayasami and Thavasilingam.

Cross-examined:—Muthu Gopalasami was the father of Thirupugalsami. Nagayasami Naik, the present Zemindar of Paraiyur is the son of Thirupugalsami. My mother was kept by the present Zemindar's grandfather. I have not seen Vellayammal. She died after I was born. She lived in a separate place. I was then a child. I heard it said subsequently that I was a year old when Vellayammal died. My name is S. Muthukumaru. After I married a Manigar girl, I was called as Manigar. We never used to be called Samis or Naiks. I don't know if my father-in-law was a legitimate son or illegitimate son. My wife was born to my father-in-law of his married wife. So I heard. I don't know if my wife was the legitimate daughter or illegitimate daughter of my father-in-law. I have children. I have a son 6 months older than Thavasilingam. My son is 20 or 22 years old. He is married. Bommachi Ammal, the senior wife of Muthu Gopalasami brought me up. She was a Palavar Kambala and married into Sillavar family. I cannot say for how many years she brought me up, but I recollect that she did so until I was about 10 years old. My father died when I was 10 years old and Muthu Kumarasami Thumbichi Naiker then took me in hand. I am still eating his bread. Now Nagayasami Naiker protects and feeds me. I have got land and its income is enjoyed by my wife and children. I am fed in the Palace itself. I am fed because I was born to Zemindar's brother. I superintend the work of gardeners. I am their Maistri. I am not Maistri of peons. I was fined for rioting. As I was a peon at the time under Muthu Kumarasami Zemindar, I was so termed in that case. Bommachi Ammal who brought me up had 2 sons and 2 daughters. These were my seniors in age. Servants of Muthu Gopalasami used to feed me until I was 10 years old. Bommachi Ammal also fed me. I recollect this. She or the servants used to feed her children. They were fed inside and I was fed outside under the Pandal and beyond the entrance. Even when I was a child, I was fed outside under a Pandal or so. I could not go where my father or his children used to eat. I could not see the food taken by my father. I have not seen Thirupugalsami or his brother take food. My father would see if I was properly served with food. He would look on when I took food. The Parivara people cook in the Palace. Parivara means the Manigar. He can prepare food for Zemindar and serve it also. How do I know if he sees food served to the Zemindar. I can prepare food and serve it to Zemindar. Besides the land I have, I get my pay. The land was given to me by Muthu Kumarasami Zemindar. I get 3 Rupees a month from the Zemindar. I have 2 or $2\frac{1}{2}$ gulis of Punjah land. I was married in Paraiyur. Neither Thirupugalsami, nor Muthulingasami, nor Dora Pandiyan came to my marriage. Muthu Kumarasami Zemindar paid the expenses of my marriage. He would not and did not attend my marriage. I was a mere ryot. Thirupugalsami was at Paraiyur. When I was married Muthulingasami was then at Vittilpatti, so I was told. Vittilpatti is 4 or 5 miles from Saptur.

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 132. Deposition of Defendant's 11th witness Muthukummaru Manigar, dated 2nd August 1890. —*concluded.*

No. 133. Deposition of Defendant's 12th witness Erulappa Manigar, dated 6th August 1890.

Re-examined:—The rioting was prior to the famine, Dhatu 1876.

(Signed) A. Muthukumaru.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 2nd August 1890.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

No. 133.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 *of* 1889.

Defendant's 12*th witness solemnly affirmed.*

Name	...	...	Erulappa Manigar.
Father's name	...	...	Eswara Murthi.
Age	...	...	30.
Caste	...	...	Manigar.
Occupation	...	...	Mason, *i. e.*, bricklayer and Ryot.
Residence	...	...	Paraiyur.

I have lands in Ponnayapuram village. I know "Karisa Kadu" land. It is 1½ guli of land. Adjoining it is another land of 1½ guli also called Karisa Kadu. The whole of the three gulis are in my possession. My father had possession of the land before me. He had puttah and after his death the puttah has been transferred to my name. I have documents to show my title to the land. My father purchased the land. I see Exhibit VII. It was in my custody. Exhibit VIII was the sale-deed executed to my father by Ponnukudan Chetti. These two documents were in my custody. My father died 10 or 12 years ago. I was summoned to produce these documents and I left them with my father-in-law Kudalinga Manigar to be produced in Court. I have brought puttahs according to summons and I produce them with a list. These puttahs include those granted to my father and myself. Puttahs were issued in my name in Fusli 1293. I have produced puttahs for Fusli 1293-95 and 98. Theso are filed as XIV series.

Cross-examined:—I did not bring the puttahs when first I came here. I brought only Exhibits VII and VIII. I saw them after my father's death—2

Deputy Registrar.

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In the Subordinate Court of Madura (West).

No. 133. Deposition of Defendant's 12th witness Erulappa Manigar, dated 6th August 1890. —*concluded.*

or 3 years after. I saw them 2 or 3 months before I got summons. I don't remember whether I had seen them before. The Zemindar of Paraiyur sent for me and asked me if I had documents connected with Ponnayapuram Kadu *i. e.*, dry land. I said I would see. I then examined my deeds and discovered Exhibits VII and VIII. I showed them to the Zemindar who returned them to me after perusal. I don't recollect who was with the Zemindar on that occasion. I secured them in the box after the Zemindar returned them to me. I produced them now according to summons. In the interval *i. e.*, a month after I showed the document to Zemindar I showed them again to Vakil Madhuvayyar. A messenger from Zemindar came to me. I went. He and the Vakil were seated together. The Vakil asked me to show him the documents VII and VIII and I handed them over to him. I don't know if he took copies of the documents. I did not then show him the puttahs. Exhibits VII and VIII were shown to the said Vakil before I got summons. I cannot say who all were present when the Vakil inspected my document. I recollect my uncle, Defendant's 1st witness, as having been present on the occasion.

Re-examined:—Through forgetfulness I did not bring the puttahs, on the first occasion.

(Signed) Erulappa Maniyam.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 6th August 1890.

(Signed) C. VENCOBA CHARIAR,
Subordinate Judge.

No. 134. Deposition of Defendant's 13th witness Annamalai Chetti, dated 6th August 1890.

No. 134.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 *of* 1889.

Defendant's 13*th witness solemnly affirmed.*

Name	...	...	Annamalai Chetti.
Father's name	...	...	Mahalinga Chetti.
Age	...	...	45.
Caste	...	...	Kasikara Chetti.
Occupation	...	...	Merchant.
Residence	...	...	Paraiyur.

I knew Ponnukudan Chetti of Paraiyur. He died 7 or 8 years ago. His son is Minakshi Sundram Chetti. He is born blind. He is about 20 years old. I

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PART I.

In the Subordinate Court of Madura (West).

No. 134. Deposition of Defendant's 13th witness Annamalai Chetty, dated 6th August 1890. —*concluded.*

purchased from him half a guli of land. It was an oral sale for 40 Rupees. He gave me his puttah and the deed of sale he had obtained for the land from Subbammal and Thumbaya. He gave me 4 or 5 puttahs. The deed of sale is marked as Exhibit X*b*. I have been in possession of the land since my purchase which took place 6 or 7 years ago. I have puttah in my name for the land. Minakshi Sundram Chetti also gave me puttahs which were in his father's name but not those which were in the name of the former owner. I have brought puttahs according to my summons. I have left them with Chinnasami Ayyar, Manager of Paraiyur, when I went home a few days before. I had left Exhibit X*b*, also with him to be produced in Court if necessary. I produce 5 puttahs from Fusli 1294 to 1298. I produce (two) 2 puttahs for Fuslis 1286 and 1292 in the name of Ponnukudan Chetti and one for Fusli 1293, in the name of Minakshi Sundram. These are marked as Exhibits *Xc, d, e, f, g, h, j and k.* I am acquainted with Ponnukudan Chetti's handwriting. Shewn Exhibit VIII. The whole of it is in the handwriting of Ponnukudan Chetti. He had had a shop and did business. My shop was opposite to his. I had also dealings with him. I have seen him write accounts.

Cross-examined.—I had seen Ponnukudan Chetti's writing when he was alive.

(Signed) Annamalai Chetti.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 6th August 1890.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

No. 135. Deposition of Defendant's 14th witness Ku. Musabu Rowthen, dated 6th August 1890.

No. 135.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 *of* 1889.

Defendant's 14th witness solemnly affirmed.

Name	...	Ku. Musabu Rowthen.
Father's name	...	Kundini Rowthen.
Age	...	50.
Caste	...	Mahomedar
Occupation	...	Merchant.
Residence	...	Paraiyur.

Exhibit XIII shown. I have attested it. It was executed by Subbammal, Thumbayasami and Thavasilingam. I know them. I saw Subbammal mark it

Deputy Registrar.

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PART I.

In the Subordinate Court of Madura (West).

No. 135. Deposition of Defendant's 14th witness Ku. Musabu Rowthen, dated 6th August 1890. —*concluded.*

and Thumbayasami and Thavasilingam sign it. This deed was executed at Paraiyur. The ground mentioned in it has been in the possession of the Zemindar of Paraiyur since sale.

Cross-examined:—I have land and trade in cotton. I am agent under a merchant Kadir Batcha who owns a cotton gin. I get Rupees 10 a month. I have been in his service for 7 or 8 years. I was in his service in 1883. The Zemindar used to purchase cotton seed from him. They had no pecuniary dealings. I have not been in the habit of frequenting the Palace. I would go to the Palace occasionally to demand price of cotton seed. If the Zemindar be in his Cutcherry and if I pass by, I would salute him, stay a while and then pass on. In one of such occasions when I happened to be present, I attested Exhibit XIII. It was being written when I went. I made my salam to the Zemindar, and when I was about to depart, the Zemindar and Thumbayasami and Thavasilingam asked me to attest the document XIII. I remained till the document was completed. I accompanied Seshayyengar to Subbammal's house to obtain her mark to it. Pulugu Chetti, Thumbayasami and his brother also accompanied us. I saw Subbammal mark the deed. Thumbayasami gave her 10 Rupees. We returned to Cutcherry and there Thumbayasami and his brother signed the deed and I attested. The deed was engrossed as if it was intended to be registered. There was a talk that the deed should be registered in 2 or 3 days. The Zemindar told Thumbayasami that the deed should be registered. He said he would do so. I can't recollect whether this conversation took place before or after I attested Exhibit XIII. I might have attested other deed or deeds. Unless I see them I can't be sure. I don't recollect having attested any other document executed by Subbammal or Thumbayasami. I don't recollect if there were many people in the Cutcherry at the time. After I got summons, Vakil Madhuvayyar shewed me the deed Exhibit XIII and asked me at Paraiyur whether I had attested it. I had not known Vakil Madhuvayyar before. I did not know why I was summoned before Mr. Madhuvayyar examined me. Nobody told me anything about it or spoke to me before I was summoned.

(Signed) Musabu Rowthen.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 6th day of August 1890.

(Signed) C. VENCOBA CHARIAR,
Subordinate Judge.

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 136. Deposition of Defendant's 15th witness Sellamuthu Pillai, dated 6th August 1890.

No. 136.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 *of* 1889.

Defendant's 15th witness solemnly affirmed.

Name	... ...	Sellamuthu Pillai.
Father's name	... ...	Arunachellam Pillai.
Age	... ...	39.
Caste	... ...	Vellala.
Occupation	... ...	Ryot and stamp vendor.
Residence	... ...	Paraiyur.

I was stamp vendor at Paraiyur. I see the stamp of Exhibit XIII. I sold it to Thumbayasami of Paraiyur. I know his mother Subbammal.

Cross-examined:—I was stamp vendor for 4 or 5 years. I would sell about 50 or 60 stamps a month. I myself sold the stamps. I never employed others to help me. By looking at the endorsement of sale, I say that I sold the stamp to M. Thumbayasami. I knew him and thus I came to recollect the fact of sale. Thumbayasami lives in the same street in which I live. I sold stamps at my house. I would sell stamps only to persons who come personally for them. If the Zemindar should send a servant for stamps, I would go and enquire of him if he wanted stamps, and on being so assured I would sell stamps. I did this to prevent fraudulent practices. I did this in the case of the Zemindar, but in the case of any other person, I would not sell stamp unless he came to me in person. In the case of a stranger or a person of a different village coming to buy stamps for another, I would sell him the stamp in the name of the person for whom it was wanted.

Re-examined:—M. Thumbayasami means Muthaya's son Thumbayasami.

(Signed) Sellamuthu Pillai.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 6th August 1890.

(Signed) C. VENCOBA CHARIAR,
Subordinate Judge.

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 137. Deposition of Defendant's 16th witness Budalur Musab Rowthen, dated 6th August 1890.

No. 137.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 *of* 1889.

Defendant's 16th Witness solemnly affirmed.

Name	... ...	Budalur Musab Rowthen.
Father's name	... ...	Mahomed Rowthen.
Age	... ...	30.
Caste	... ...	Mahomedan.
Occupation	... ...	Ryot and Trader.
Residence	... ...	Paraiyur.

I know Thumbayasami. I purchased land from him. The land is situate in Paraiyur. I have puttah in my name for the land sold to me. Thumbayasami presented a Razinamah to the Zemindar's Cutcherry requesting the transfer of the land to my name. I purchased the land 5 years ago. I am illiterate. I heard the Razinamah read. It was the same presented by Thumbayasami. As stated at the end I gave a Kararnama saying that puttah should be transferred to my name. He first objected to pay arrears and then paid it. For the last 3 years the puttah has been issued in my name. I have possession of the title-deed which Thubayasami gave me. I produce it according to summons. The Razinamah is filed as Exhibit XV and the title-deed dated 20th Alpasi Dhatu as XVa. I got summons on Plaintiff's side and appeared in Court.

Cross-examined:—I have got the sale-deed which Thumbayasami executed to me. The Razinamah was written in the Zemin Office and presented. Muthalagu Pillai's brother wrote it. Perumal Nadan was with me at the time. Thavasilingam was not present.

(Mark of) Musab Rowthen.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 6th August 1890.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 138. Deposition of Defendant's 17th witness Muthalagu Pillai, dated 6th August 1890.

No. 138.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 *of* 1889.

Defendant's 17th witness solemnly affirmed.

Name	...	...	Muthalagu Pillai.
Father's name	...	...	Sundram Pillai.
Age	...	...	42.
Caste	...	...	Vellala.
Occupation	...	...	Ryot and Kurnam of Paraiyur.
Residence	...	...	Paraiyur.

I have been Kurnam since Fusli 1274. I know Thumbayasami and Thavasilingam and their mother Subbammal and father Muthaya. I see Razinamah Exhibit XV. It bears my attestation signature. It was written by my deceased brother. I did not see Thumbayasami sign it. I was not aware of its presentation nor was I present when Thumbayasami was examined. I gave deposition subsequently in 1888. The signature "Arivan" (I know) Muthalagu Pillai below "Thumbayasami" is mine. After reading the deposition given by Thumbayasami in Exhibit XV. I recollect that Thumbayasami was examined in the office, that he signed the deposition in my presence and that I attested it immediately after. I did not see him sign the Razinamah and present it to the office. I was also subsequently examined and I have signed my deposition. I see Exhibit XIV series. Excepting the puttahs for Fuslis 1279—1293 and 1299, all the others are in my handwriting and bear my signature. The abovementioned bear that of my gumastahs Kandasami Pillai, Nagamania Pillai and Sankaralinga Pillai respectively. I know the lands mentioned in these puttahs. They are in the possession of Erulappa Manigar—Defendant's 12th witness. These lands were originally owned and enjoyed by Ponnukudan Chetti and Pulugu Chetti. Before them, Thumbayasami's father Muthaya owned and enjoyed the lands. Exhibits Xc to Xk shewn. They are in my handwriting and bear my signature, except Xh which has been written by my Gumastah Parangiria Pillai. I have seen Ponnukudan Chetti write and I know his writing. Exhibit VIII shewn. It is wholly in his handwriting. I have brought the registers of births and deaths. I produce the register of deaths for 1869 and 1870. I see the entry of 8th October 1869, No. 14. The entry is wholly in my handwriting. Muthaya mentioned in it is the father of Thumbayasami. I know his death. The entry abovesaid was made either on the date of death or the next day. I am Mirasi Kurnam. It is my duty to keep registers of births and deaths. We keep one copy and send another to the Taluq Cutcherry. What we keep is the original. Its copy is sent to the Taluq. We are supplied with printed blank books by the Taluq Tahsildar. The copy to the Taluq is sent once a month at its close. Revenue Inspectors and Tahsildars used to inspect the registers in my custody.

Deputy Registrar.

A Revenue Inspector signed opposite to the entry No. 14. I cannot identify the signature and I don't remember his name now. The book is marked as Exhibit XVI and the entry as XVIa. I have described Muthaya as belonging to Parivara caste. I know the fact.

Cross-examined:—I made the entry as to caste from my own knowledge. No body told me of it. The entry of the occurrence is noted in the book at once and what is sent to the Taluq is its copy once a month. The birth register is similarly kept. Its copy is also sent to the Taluq once a month. Ink fell on the entry made as to age and it was wiped out. There was no alteration made. It appears that 21 has been altered into 25. I now recollect that I wrote 21 first as the age of the deceased and on being informed that it was 25, I altered 21 into 25. It was not usual then to initial the alterations and so I have not initialled the alteration. I put 21 first of my own knowledge. I don't recollect who told me that the age of deceased was 25. The whole of the entry is in my handwriting including that of "Muthaya". The "Parivara" is also called "Uliyakar." Parivaras, Uliyakars, and Manigars are synonymous terms. They are not known as "Ayyakuttam". Manigaran is also called Parivara Maravan. Muthaya cannot be described as Parivara Maravan. If a Parivara intermarries with a Marava, he is described as Parivara Marava. Their issue is also described as such. When Thumbayasami signed Exhibit XV and I attested it, Vallur Kurnam Ramaswami was present and he also attested it.

Re-examined.—During the last 4 or 5 years, we have been instructed to put our initials to the corrections.

(Signed) Kurnam Muthalagu Pillai.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 6th day of August 1890.

(Signed) C. VENCOBA CHARIAR,
Subordinate Judge.

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 138. Deposition of Defendant's 17th witness Muthalagu Pillai, dated 6th August 1890. —*concluded*

No. 139.

No. 139. Deposition of Defendant's 18th witness Kundasami Pethana Naiker, dated 6th August 1890.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 *of* 1889.

Defendant's 18th witness solemnly affirmed.

Name	...	...	Kundasami Pethana Naiker.
Father's name	...	...	Subbramania Pethana Naiker.
Age	...	...	59.
Caste	...	...	Sillavar Kambala.
Occupation	...	...	Land holder.
Residence	...	...	Athangarai Poliem.

Athangarai Paliyaput is also known as Pethanaikkanur Zemindari. It is in Tinnevelly District. My father was not known as Kumaru Subbramania. He

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 139. Deposition of Defendant's 18th witness Kundasami Pethana Naiker, dated 6th August 1890. —*continued.*

is dead. He was Zemindar. He died 30 or 40 years ago. He had two wives. The first wife was named Koppammal, the second Perammal. Koppammal had two sons—Kumara Pethana Naik, the elder, and Chokkalinga Pathana Naik, the younger. Perammal had 3 sons. (1) Kumara Pethana Naik, (2) myself and (3) Ramalinga Pethana Naik. The first son of the fist wife was the eldest. The next in age to him was my elder brother, *i. e.*, the first son of the second wife. I am the next senior, the next to me in age was Chokkalinga Pethana. Our Zemindari had always been held by a single member. Kumara Pethana Naik the first son of the first wife became Zemindar after my father's death. He continnued as Zemindar for 4 years. He was succeeded by his uterine brother Chokkalinga Naik, who held the Zemindari for 35 years. The first son of the second wife, *i. e.*, my own elder brother, Kumara Pethana, was alive when Chokkalinga got the Zemindari. My elder brother and I were his seniors in age at the time. Chokkalinga got the Zemindari by reason of his being the son of the senior wife. Kumara Pethana, the first son of the first wife, died without male issue. Chokkalinga Pethana left 4 sons, of whom the first and second succeeded each other and died without leaving male issue. His third son is the present Zemindar. Kalathi Pillai, Gumastah of Velathikulam Sub-Magistrate's office, took a deposition from me upwards of 20 or 30 years ago in connection with Bodinayakkanur matter about our genealogy and nothing more. I deposed before him the same facts I stated here. Chokkalinga Pethana Naik was then alive. The custom among Sillavar Kambala Zemindars is that the sons of the eldest wife succeed one after another and in failure of them and their issue, the sons of the second wife succeed. There are 10 or 15 sub-divisions of Kambala. There is no intermarriage among Sillavar Kambalas. They intermarry with Palavars, Namavars and so on. Kambalas of our caste would not marry women of other castes according to Sastras, *i. e.*, according to the rites in vogue among the Kambalas. I don't know the custom of succession among other sub-divisions of Kambalas.

Cross-examined.—Kalathi Pillai told me that the matter in Bodinayakkanur was the dispute regarding the succession to the son of the senior wife or to that of the junior wife. We Sillavar Kambalas only intermarry with other sub-divisions appertaining to us or connected with us by "Sammandham". Kolla Kambala sub-division is one in which we cannot intermarry. We cannot intermarry with Kurivars, because they are our dayadies. We can intermarry with Verivar but not with Irrivars. It is our Kambalam, but it is not customary for us to intermarry. We can intermarry with Vujja Bommavars.

Re-examined.—We are not Thottia Kambalas. Kolla Kambalas are Thottia Kambalas. The Kambala is a general term for various sub-divisions of our caste. Some sub-divisions are dayadies of each other and some are Sammandakars, *i. e.*, where we can intermarry. Kolla Kambala is distinct from the Kambala I have been describing. We don't intermarry with the Kolla Kambalas. They are not to be found in these parts. Kolla Kambalas are neither our Dayadies nor Sammandakars but they have their own sub-division and places of connection. I don't know if Kolla Kambalas are superior or inferior to my caste; each caste thinks it is higher than the other. I don't know the Kamballa sub-division of Bodinayakkanur nor the persons who were then disputing succession.

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 139. Deposition of Defendant's 18th witness Kundasami Pethana Naiker, dated 6th August 1890. —*concluded.*

No. 140. Deposition of Defendant's 19th witnessBommayasami Doddaya Naiker, dated 6th August 1890.

(Signed) Kandasami Pethana Naiker.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 6th day of August 1890.

(Signed) C. VENCOBA CHARIAR,
Subordinate Judge.

No. 140.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 *of* 1889.

Defendant's 19*th witness solemnly affirmed.*

Name	...	...	Bommayasami Doddaya Naiker.
Father's name	...	...	Pethannasami Doddaya Naiker.
Age	...	...	42.
Caste	...	...	Kambala.
Occupation	...	...	I get Malikhana allowance. I have lands also.
Residence	...	...	Doddayan Kottai.

Doddayan Kottai is in the Dindigal Taluq. It was a Zemindari but resumed by Government. My senior uncle was the last Zemindar in possession. I get 30 Rupees a month. I know the custom among Kambalas of succession. When a Zemindar has several wives and sons by them, the sons of the eldest wife succeed him first, even if the son of the second or other junior wife is older in age. In case the first wife had no sons, but the 2nd and 3rd wives had sons, the son of the second wife even though younger in age would have the right to the succession and so on according to the order of wives. I know these customs in two Zemindaries. I know Andipatti Zemindari. It is in Karur Taluq, Coimbatore District. The present Zemindar of Andipatti is Kumara Peria Thambi Bommaya Naik. He is Kambala. His father was Lunda Bommaya Naik. His father had 3 wives. Lunda Bommaya Naik was the son of the 3rd wife. The first wife's son was Immudi Balakristna Lunda Bommaya

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 140. Deposition of Defendant's 19th witness Bommayasami DoddayaNaiker, dated 6th August 1890. —*concluded.*

Naik. The latter was the senior in age. No, but Lunda Bommaya was older. Immudi Balakrishna succeeded his father in preference to Lunda Bommaya by reason of his being the son of the "Pattaba Sri"—royal wife. Immudi Balakrishna died without male issue. Lunda Bommaya died during the lifetime of Immudi Balakrishna leaving a son behind, who is now the present Zemindar. I know Koppayanaikkanur Zemindari. It was resumed by Government, and the Zemindar's family receives allowance. Bommayasami Koppaya Naik is the present Zemindar receiving Malikhana allowance. His father had 3 wives. The present Zemindar is his first wife's son. His 2nd wife had two sons: one of whom Kamayasami Naik was older than the present Zemindar. These two persons were alive at their father's death. I know Uthappanaikkanur Zemindar. That family has married into my family. The Uthappanaikkanur family are Kambalas. The Collector sent me an order enquiring into the customs of our caste in regard to succession. I produce the order, dated the 14th August 1875 addressed to me. It is filed as Exhibit XVII. I have sent a reply. I produce its copy. The copy is in my own hand writing. It is dated 5th September 1875. It is a correct copy of the original sent to the Collector. This copy is marked as Exhibit XVII*a*.

Cross-examined:—I belong to the Vallakkavar sub-division. I know only the customs in regard to succession among Vallakkavars. I alone get the Malikhana allowance. My brother does not get it. The Bodinaikkanur family are Kambalas. They are Kambala Thottias. I am also a Kambala Thottia. I know the Defendant's 18th witness Kundasami Pethana Naiker. I have gone to Andipatti. The family of Andipatti belongs to Kurivar Kambala. We can intermarry with that family. The Koppayanaikkanur family belongs to Kamavar Kambalam.

Re-examined:—The rule of succession stated by me is applicable to all divisions of Kambalas.

Witness re-called and examined by Defendant's Vakil.

I am married. Huts are put up amongst us. One hut is built. One hut is put up for the bride and another for the bridegroom. I have not attended any other marriages but my own.

Cross-examined:—I can't say in what year I was married. I was young at the time. I was 10 or 12 years old. I don't recollect what all took place in my marriage. I remember the tying of Tali and nothing more.

(Signed) Bommayasami Doddaya Naiker.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 6th August 1890.

(Signed) C. VENCOBA CHARIAR,
Subordinate Judge.

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 141. Deposition of Defendant's 20th witness Muthu Krishnasami Uthappa Naiker, dated 6th August 1890.

No. 141.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 *of* 1889.

Defendant's 20th witness solemnly affirmed.

Name	Muthu Krishnasami Uthappa Naiker.
Father's name	Muthusami Uthappa Naiker.
Age	32.
Caste	Kambala.
Occupation	Ryot, Landholder.
Residence	Uthappanaikkanur.

My father was Zemindar of Uthappanaikkanur. It is in Thirumangalam Taluq, and 20 miles distant from Saptur. My father had two wives. The son of the first is the present Zemindar. I am the son of the 2nd wife. I am older than the present Zemindar by couple of months. We were minors at our father's death and the Court of Wards took charge of the Estate. My sister Muthu Krishnammal was married to the late Saptur Zemindar. Though I was older than my brother, yet he, as the son of the first wife, though younger than I, succeeded to the Zemindari in accordance with the custom of the Kambala caste.

Cross-examined:—My mother's mother and my brother's mother's mother were sisters. My father died 20 years ago. I don't know the custom of succession among Kambalas (ordinary) who are not Zemindars. My father left personal property which I and my brother did not divide. I was given some personal and real property for my maintenance. In my Zemin, the personal property has not hitherto been divided. My brother's mother was the Pattabha Sri.

(Signed) Muthu Krishnasami Uthappa Naiker.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 6th August 1890.

(Signed) C. VENCOBA CHARIAR,
Subordinate Judge.

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 142. Deposition of Defendant's 21st witness Thirumalai Muthulinga Thumbaya Vallayasami Uthappa Naiker, dated 6th August 1890.

No. 142.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 *of* 1889.

Defendant's 21*st witness solemnly affirmed.*

Name	Thirumalai Muthulinga Thumbaya Vallayasami Uthappa Naiker.	
Father's name	Muthusami Uthappa Naiker.	
Age	32.	
Caste	Kambala.	
Occupation	Zemindar of Uthappanaikkanur.	10
Residence	Uthappanaikkanur.	

I am the present Zemindar.

No cross.

The last witness was my elder brother.

(Signed) T. M. T. V. Uthappanaiker.

Taken down by me, this 6th August 1890.

(Signed) C. VENCOBA CHARIAR,
Subordinate Judge.

No. 143. Deposition of Defendant's 22nd witness Lingasami Naik, dated 6th August 1890.

No. 143.

IN THE SUBORDINATE COURT OF MADURA (WEST). 20

Original Suit No. 21 *of* 1889.

Defendant's 22*nd witness solemnly affirmed.*

Name	Lingasami Naik.	
Father's name	Pethi Naik.	
Age	25.	
Caste	Kambala.	
Occupation	Ryot—a single plough.	
Residence	Mallayapuram near Thunnuvarasanaikkanur.	

Note—Witness not summoned. 30

My father had two brothers Lingasami Naik and Gopalasami Naik. My father and uncles owned property at Parapatti or Uppu Parapatti. My uncle

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 143. Deposition of Defendant's 22nd witness Lingasami Naik, dated 6th August 1890. —*concluded.*

Lingasami *alias* Lingama Naik left a son named Subba Naik. My father and uncles are dead. Subba Naik had a sister. We sold the property at Parapatti. Subba Naik, I and my younger brother sold the property after division. We did not give any share to Jaggama Naik and Ramasami Naik in our property. I don't know and never saw them. I sold my share to Gopala Kudumban. We three joined and sold our shares to him. Gopala Kudumban—not summoned—produces a sale-deed, dated 19th August 1885. I heard the deed read out. I and Subba Naik executed it to Gopalan. This document is filed as Exhibit XVIII.

Cross-examined:—I and Subba Naik and my brother divided the properties 4 years ago. We divided the lands we had at Chittalapatti and Parapatti. We sold the properties in the year we divided but before division we sold the entire lands at Chittalapatti. We gave up the Parapatti lands entirely to Subba Naik. My father and Subba Naik's father were divided. Subba Naik's father predeceased my father.

Re-examined.—Though my father and Subba Naik's father were divided yet my father and Gopala Naik lived together and undivided. Gopala predeceased my father. After my father's death Subba Naik claimed his share in Gopala Naik's property. I asked him to contribute to his funeral expenses and so he did not get any share. Lingama Naik had no properties in other places except Parapatti and Chittalapatti.

(Marked) T. Lingasami Naiken.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 6th August 1890.

(Signed) C. VENCOBA CHARIAR,
Subordinate Judge.

No. 144. Deposition of Defendant's 23rd witness Gopala Kudumban, dated 7th August 1890.

No. 144.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 *of* 1889.

Defendant's 23*rd witness solemnly affirmed.*

Name	Gopala Kudumban.	
Father's name	Kuttan.	
Age	35.	
Caste	Pallan.	
Occupation	Ryot.	
Residence	Parapatti.	

Not summoned:—I produced the deed of sale Exhibit XVIII executed to me by Subba Naik, Lingasami and his younger brother. I have got puttah and am in possession of the land.

No cross examination.

(Mark of) Gopala Kudumban.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 7th August 1890.

(Signed) C. VENCOBA CHARIAR,
Subordinate Judge.

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 145. Deposition of Defendant's 24th witness Kamayasami Naiker, dated 7th August 1890.

No. 145.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 of 1889.

Defendant's 24th witness solemnly affirmed.

Name	...	...	Kamayasami Naiker.
Nather's name	...	...	Muthusami Naiker.
Age	...	...	33 years.
Caste	...	...	Kambala.
Occupation	...	...	Landholder.
Residence...	...	...	Thevaram.

I know the Thevaram Zemindari. Its present Zemindar is my nephew, elder brother's son. My elder brother was Konda Bommaya Naiker. He died 15 years ago. There are 3 divisions or classes of Thottias. The 1st is Vakili Kambalam, 2nd is Kolla Thottian, and the 3rd is Thokaluvar Kambala. The 1st class is said to be superior to the two others. There are sub-divisions even among Vakili Kambalas. They are Palavar. (It belongs to the Palavar,) Sillavar, Khurivar, Vallakkavar and others. The Vakili Kambalas do not and ought not to intermarry with the other two classes. I am married. I married two wives on different occasions. I was 9 years old when I was first married. I was married a second time. My second wife is the daughter of Chokkalingasami Naik, a Chinna Zemindar of Bodinayakkanur. The Zemindar of Bodinayakkanur and his uncles were present. My marriages were not dagger marriages. I did not rent any dagger on the occasion of marriage. There is no such custom in Kambala caste so far as I know. The succession in the case of Kambala Zemindars is regulated by the seniority of the mother irrespective of the ages of the sons. I know the handwriting of my elder brother. The original documents shewn me bear his signature. The Vakil for Plaintiff objects to the reception of the documents in evidence in regard to custom, as regards succession, under Sections 11, 13, 32, Cl 4—48 : dmitted in evidence. The authenticated copies of the documents put in by Defendants are filed as Exhibits XIX and XIX*a*.

Cross-examined:—I am Chitari Palavar and not Kattari Palavar. I never was a Zemindar. The rule of succession stated by me is applicable to all Vakilia Kambalas. I do not know the custom among Kolla Thottias and Thokuluvars. The other sub-divisions of Vakilia besides those mentioned by me are Kamavars, Irrikoppuvars, Ujja Bommu and others. The custom I speak of applies only to Zemindars in respect both of their Zemindaries, and their personal properties.

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In the Subordinate Court of Madura (West).

No. 145. Deposition of Defendant's 24th witness Kamayasami Naiker, dated 7th August 1890. —*concluded.*

Q.—If a Kambala Zemindar dies leaving only daughters by several wives who predeceased him, which daughter will succeed ?

A.—In the absence of Dayadikars I think the daughter of the wife in order of marriage will succeed. I believe the same rule of succession applicable to sons applies to daughters.

I can name some instances in which the younger son by the senior wife succeeded in preference to the older one by the junior wife. The last Zemindar of Bodinayakkanur named Kamaraja Pandia Naiker was the son by the 5th wife of his father. Vadamala Raja Pandia Naiker was the son by the 6th wife and he was older than Kumaraju Pandia Naiker. Their father died more than 26 years ago. I knew Vadamala Raja Pandian. He was insane, and looked as if he was an idiot. A suit was brought on his behalf and it was dismissed. I don't know on what ground. I know that in Uthappanaikkanur, the son by the first wife succeeded though younger than the son by the 2nd wife. There are no instances in Thevaram Zemindari in which the son of the first or senior wife though younger succeeded in preference to the son of the junior wife though older.

(Signed) Kamayasami Naiker.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 7th August 1890.

(Signed) C. VENCOBA CHARIAR,
Subordinate Judge.

No. 146.

No. 146. Deposition of Defendant's 25th witness Chockalingasami Naik, dated 7th August 1890.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 of 1889.

Defendant's 25th witness solemnly affirmed.

Name	...	...	Chockalingasami Naik.
Father's name	...	...	Rajaya Naik.
Age	...	...	56, 57.
Caste	...	...	Kambala.
Occupation	...	...	Landholder.
Residence ...	...	...	Bodinayakkanur.

The deceased Zemindar of Bodinayakkanur was my nephew, the son of my elder brother Bangaru Thirumala Bodiya Naik. He died 20 or 25 years ago. The

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In the Subordinate Court of Madura (West).

No. 146. Deposition of Defendant's 25th witness Chockalingasami Naik, dated 7th August 1890. —*concluded.*

last deceased Zemindar had an elder brother Vadamalai Raja Pandia Naik. The last Zemindar Kama Raja was the son of the fifth wife, while Vadamalai Raja was the son of the 6th wife of my elder brother. He was Zemindar. After his death Kama Raja Pandiya Naik succeeded him. He died two years ago. He enjoyed the Estate until his death. I know the hand-writing of Bangaru Thirumalai Bodiga Naik. Exhibits XIX*b* and C shewn me bear his signatures. My daughter is married to the last witness. No dagger was given to her at her marriage. The rule of succession among Kambala Zemindars is that the sons succeed according to the order in which their mothers are married. I don't know Thimmie—Nor do I know of tying of bottu in presence of dagger.

Cross-examined:—Vadamalai Raja is a born idiot. Kama Raja Pandiya Naik's instance is the only instance in which the son by the senior wife succeeded in preference to the elder son by the junior wife. I don't know of any other instance in Bodinayakkanur. I don't know of the custom of succession among ordinary Kambalas or of Chinasamis, *i. e.*, Chinna Zemindar's sons by several wives.

(Signed) Chockalingasami Naik.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 7th August 1890.

(Signed) C. VENCOBA CHARIAR,
Subordinate Judge.

No. 147. Deposition of Defendant's 26th witness Muthu Mathura Naiken, dated 7th August 1890.

No. 147.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 *of* 1889.

Defendant's 26th witness solemnly affirmed.

Name	...	...	Muthu Mathura Naiken.
Father's name	...	...	Shanmuga Mathura Naiken.
Age	...	...	65.
Caste	...	...	Kambala.
Occupation	...	...	Landholder.
Residence	...	...	Maduranaikanur.

Maduranaikanur is a Palayapat in Madura District. My father was Zemindar. He had two wives. I must be taken to be the son by the younger wife.

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In the Subordinate Court of Madura (West).

No. 147. Deposition of Defendant's 26th witness Muthu Mathura Naiken, dated 7th August 1890. —*concluded.*

My father married two wives at one and the same time. The son by the senior wife was younger than I by 10 or 15 years. He succeeded my father and is now the present Zemindar. He got the Zemindari by reason that he is the son by the Puttabha Sri. The custom of succession in Kambala Zemindaris is that sons succeed according to the order in which their mothers are married, irrespective of the ages of the sons. I have married the daughter of Shunmugavelu Naik, a ryot. I sent no dagger on the occasion of my marriage. There are many gotras or sub-divisions of Kambalas and it is not usual to give dagger to the bride at her marriage. I have not heard of marriage by means of bottu being tied in the presence of dagger. I know the female Vadugundal. She was the daughter of my grandfather by a Marava concubine. She left a daughter by name Vellayammal. I married. I caused bottu to be tied to her. She is my concubine. She can't be wife. She is alive. Vadugundal is alive. I know well my father's signature made before he was struck by paralysis. Subsequently the signature changed a little. I believe that the signatures shown me are his. The documents were filed as Exhibits XIX and XIX*e*.

Cross-examined:—I brought a suit on the basis that I was the son of my father by the Puttabha Sri. My suit was rejected even in the High Court. I then sued to recover the Zemindari on the ground that I was the senior in age to my step-brother. It was dismissed on the ground of *res-judicata*. I have only one wife. Two years after my marriage I caused bottu to be tied to Vellayammal. I have children both male and female. I have got no male children by my wife. I have only one son by Vellayammal. His name is Vellasami—not Naik. I gave bottu made of gold of the same fashion as was made to my wife to some female related to Vellayammal as her brother's wife. I don't know what took place. I sent bottu to be tied to her at her house in Madavanaikanur. Vellayammal was then 20 or 25 years old. She did not come to my house then for 4 or 5 days. She has been coming to my house subsequently but only occasionally. I go to her house. She lives with her mother. Vellayammal's brother is Chinusami Naik. I met her at her house four days after the marriage, *i. e.*, the bottu tying. The female who tied the Tali told me that she did so. I did not send anything else with the bottu.

Re-examined:—My first suit as the son of the Puttabha Sri was in 1857. I did not then set up the contention that I was older than my step-brother. I knew of the rule of succession in my caste at the time of my first suit. My second suit was in 1871. I brought it on the advice of Vakils who told me that the Urcad Division favoured my suit.

(Signed) Muthu Mathura Naiken.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 7th August 1890.

(Signed) C. VENCOBA CHARIAR,
Subordinate Judge.

No. 148.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 *of* 1889.

Defendant's 27th witness solemnly affirmed.

No. 148. Deposition of Defendant's 27th witness Subramania Pillai, dated 7th August 1890.

Name	...	...	Subramania Pillai.
Father's name	...	...	Chockalinga Pillai.
Age	...	...	62.
Caste	...	...	Vellala.
Occupation	...	...	Kurnam and ryot.
Residence	...	...	Valathur (now).

Note.— Defendant's Vakil says that he did not summon this witness, but produces him.

I was Kurnam and Stanapathi in Doddapanaikanur Zemindari. I know the present Zemindar. He belongs to Vakilia Kambalam. His elder brother was his predecessor. I was Stanapathi under him and his mother when she administered the Estate during his minority. Her name was Krishnammal. I wrote the original of Exhibit XIX*b* shown. Krishnammal marked it.

(Signed) Subramania Pillai.

No cross.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 7th August 1890.

(Signed) C. VENCOBA CHARIAR,
Subordinate Judge.

No. 149.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 *of* 1889.

Defendant's 28th witness solemnly affirmed.

No. 149. Deposition of Defendant's 28th witness Krishna Kanna Pillai, dated 7th August 1890.

Name	...	...	Krishna Kanna Pillai.
Father's name	...	...	Muthu Karuppa Pillai.
Age	...	...	60-64.
Caste	...	...	Vellala.
Occupation	...	...	Ryot, I was Pannai Maniam in Uthappanaikkanur Zemin.
Residence	...	...	Uthappanaikkanur, Thummana Natham.

I knew Siva Subramania Pillai. He was my maternal uncle. He was employed as Samprathi in the Zemin Office at Uthappanaikkanur

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and was also Kurnam of Thammana Natham. He is dead. I knew the present Zemindar's grandfather, Muthulingasami Uthappa Naiker. He was succeeded by Vellayasami Naiker. The documents shewn me are in the handwriting of Siva Subramania Pillai, whose writing I know. The signatures on both are those of Vellasami Uthappa Naik, but usually the Zemindars sign as Uthappa Naik. Their copies are marked as Exhibits XIX*g* and XIX*n*.

No cross. (Signed) Krishnakanna Pillai.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 7th August 1890.

(Signed) C. VENCOBA CHARIAR,
Subordinate Judge.

No. 149. Deposition of Defendant's 28th witness Krishna Kanna Pillai, dated 7th August 1890. —*concluded.*

No. 150.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 *of* 1889.

Defendant's 29th witness solemnly affirmed.

No. 150. Deposition of Defendant's 29th witness Mannarayyar, dated 7th August 1890.

Name	...	...	Mannarayyar.
Father's name	...	...	Varadayyar.
Age	...	...	46.
Caste	...	...	Brahmin.
Occupation	...	...	Service under the Zemindar of Uthappanaikanur.
Residence	...	...	Uthappanaikanur.

I know the present Zemindar of Uthappanaikanur and his elder brother. I was first their tutor when the Estate was in charge of the Court of Wards and during their minority I was tutor from 1868 to 1873. The Zemindari was put in possession of the Zemindar in 1879. Till then I was tutor and guardian of the Zemindar. While I was thus employed, I got the order from the Collector now produced by me according to the summons issued to the Zemindar. I am still in Zemindar's service. The order is filed as Exhibit XII*b*. I sent a reply. I was ordered to enquire from suitable persons into the customs therein referred to. I made enquiries of the late Thevaram Zemindar, Konda Bomma Naik, Sastragar Ramaswami Naik who is also dead and Ammalammal, the paternal grandmother of the present Zemindar who is alive. She is 70 years old and more. I held the enquiry at Uthappanaikanur. The persons abovementioned

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No. 150. Deposition of Defendant's 29th witness Mannarayyar, dated 7th August 1890. —*concluded.*

were Kambalas. The Thevaram Zemindar had then come to Uthappanaikanur to attend the marriages of the present Zemindar and his brother. The present Zemindar's elder sister had been married to the late Zemindar of Thevaram. I have kept a true copy of the reply sent to the Collector on 10th August 1875. I produce it. It is filed as Exhibit XIIc subject to proof of loss of the original. I was present at the marriage of the present Zemindar of Uthappanaikanur and his brother. I defrayed all the expenses. They were minors then. The Talis were tied on 9th July 1875. Muthukrishnammal, the sister of Defendant's 20th witness, was married to the Saptur Zemindar. Presents, *i.e.*, *Moi* were received when defence 20th witness and his brother were both married. I submitted an account of such presents to the Collector. 7 Rupees were received from the Saptur Zemindar as presents on the occasion of such marriage.

Cross-examined.—From the information I gathered and from the little that I myself knew, I sent the reply to the Collector's order. The Thevaram Zemindar remained at Uthappanaikanur for 20 days on the occasion of the said marriage. I got the order XIIb after he left Uthappanaikanur. I knew 10 or 12 days before I got the order that I would get such an order. It was said that in consequence of dispute in regard to a certain Zemindari as to the succession between sons by different wives, opinions would be called for. I remember that the marriage of the present Zemindar took place on 9th July 1875. Some Saptur Naik brought and paid Rupees 7 as Saptur Zemindar's present. I remember the sum as I looked into the accounts 5 or 6 days ago. There is a Dufter called "Guardian's dufter" in the Zemin Office. I sent my office peons and got it. I wrote a letter for the dufter. Defendant's Vakil Mr. Subramania told me to send for *moi* accounts if there were any, and so I sent for them. The entry of 7 Rupees is in my handwriting. The original account sent to Collector is in my handwriting. I have got the copy at my lodgings here.

Re-examined.—I obtained information from Thevaram Zemindar as to custom when he remained at Uthappanaikanur during the marriage. I will produce the copy of *moi* account.

Witness produced it subsequently.

Read and found correct.

(Signed) Mannarayyar.

Taken down by me, this 7th August 1890.

(Signed) C. VENCOBA CHARIAR,
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PART I.

In the Subordinate Court of Madura (West).

No. 150. Deposition of Defendant's 29th witness Mannarayyar, dated 7th August 1890. —*concluded.*

Defence 29th witness re-called and examined by the Defendant's Vakil.

The *moi* account shewn me is in my handwriting. I sent it along with my Arzi. The Saptur Zemindar sent a present of 7 Rupees—4 Rupees to the senior minor and 3 Rupees to the junior—Kamayanaikanur means Saptur. The account copy is filed as Exhibit XXXIj. (The original account sent by Collector and the Arzi to be returned as requested).

Cross-examined:—Sandayur Ellappa Naiken appears from the account to have given 2 Rupees to the Zemindar and one Rupee to his brother. I don't recollect who brought the 7 Rupees from Saptur. I cannot say whether or not Ellappa Naiker brought 7 Rupees. I don't know Ellappa Naiken. I must have seen him at the time he made presents.

Read and found correct.

(Signed) V. Mannarayyar.

Taken down by me this 13th August 1890.

(Signed) C. VENCOBA CHARIAR,
Subordinate Judge.

No. 151.

No. 151. Deposition of Defendant's 30th witness Sundra Rao, dated 7th August 1890.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 *of* 1889.

Defendant's 30th witness solemnly affirmed.

Name	...	...	Sundra Rao.
Father's name	...	...	Venkata Rao.
Age	...	...	29.
Caste	...	...	Brahmin.
Occupation	...	...	Manager of Sandayur Zemin.
Residence	...	...	Sandayur.

The Sandayur Zemindar was summoned to produce an order from Collector, dated 1875. I produce the order. It is filed as Exhibit XII*d*. A reply was sent. I produce its copy. The order was addressed to Naraina Iyer, Manager, Court of Wards, because the Zemindarni Gopalakrishnammal was then disqualified. Naraina Iyer is now dead. The reply is in the handwriting of Gumastah Naganatha Ayyar. He is dead. I know his writing. The reply copy

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In the Subordinate Court of Madura (West).

No. 151. Deposition of Defendant's 30th witness Sundra Rao, dated 7th August 1890. —*concluded.*

No. 152. Deposition of Defendant's 32nd witness Maharaja Pillai, dated 8th August 1890.

is filed as XII*e*. The reception of XII*e* in evidence is objected to by Plaintiff's Vakil.

Cross-examined:—Exhibit XII*e* is in the book of Arzis sent by the manager.

Re-examined:—Gopalakrishnammal is dead.

(Signed) Sundra Rao.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 7th day of August 1890.

(Signed) C. VENCOBA CHARIAR,
Subordinate Judge.

No. 152.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 *of* 1889.

Defendant's 32*nd witness solemnly affirmed.*

Name	...	...	Maharaja Pillai.
Father's name		...	Muthia Pillai.
Age	...	...	37.
Caste	...	...	Vellala.
Occupation	...	...	Record-keeper, Collector's Office.
Residence	...	...	Tinnevelly.

I am Vernacular record-keeper. I searched for the reports of the Zemindars of Athangarai, Saptur &c., and of other Zemindars in regard to the succession in their Zemindaris sent up in 1849. I did not find them and we have not been able to discover what became of them.

Cross-examined:—I and my assistant searched for the reports. The Collector of Tinnevelly was summoned to produce the reports of Tinnevelly Zemindars submitted in 1849 regarding the rule of succession prevailing in their Zemindaris. I have not seen them before searching for them according to this Court's summons.

(Signed) Maharaja Pillai.

Read over by the witness who understands English and admitted by him to be correct, this 8th day of August 1890.

(Signed) C. VENCOBA CHARIAR,
Subordinate Judge.

Deputy Registrar.

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PART I.

In the Subordinate Court of Madura (West).

No. 153. Deposition of Defendant's 33rd witness V. Singara Ayyengar, dated 8th August 1890.

No. 153.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 *of* 1889.

Defendant's 33*rd Witness solemnly affirmed.*

Name	...	...	V. Singara Ayyengar.
Father's name		...	Venkatasa Ayyengar.
Age	...	...	49.
Caste	...	...	Brahmin.
Occupation	...	...	Tahsildar of Sankaranainar Koil.
Residence	...	...	Sankaranainar Koil.

I was Tahsildar of Ottapidaram in Tinnevelly District. I don't remember if I sent any arzi in 1876 about Athankarai Zemin. The arzi shewn is the same that I wrote to the Collector. I made the enquiry under the Collector's order. It is filed as Exhibit XII*f*. The enclosure referred to in it is the same shewn me. It is filed as Exhibit XII*g*. The Gumastah Kulanthai Pillai who sent it up is dead.

No cross.

(Signed) V. Singara Ayyengar,
Tahsildar.

Read over by the witness and admitted by him to be correct, this 8th day of August 1890.

(Signed) C. VENCOBA CHARIAR,
Subordinate Judge.

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PART I.

In the Subordinate Court of Madura (West).

No. 154. Deposition of Defendant's 35th witness Chinnasami Ayyan, dated 8th August 1890.

No. 154.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 *of* 1889.

Defendant's 35th witness solemnly affirmed.

Name	...	...	...	Chinnasami Ayyan.
Father's name		...	...	Yeggam Ayyan.
Age	...	...	...	54.
Caste	...	...	...	Brahmin.
Occupation	...	...	...	Manager of Paraiyur Zemin.
Residence	...	...	...	Paraiyur.

I was in the service of the late Saptur Zemindar. I was Deputy Manager from 1878 to 1883. The late Zemindar had 6 wives. I went to his marriage at Bodinayakkanur. He married Chinna Nagammal of Bodinayakkanur. This marriage, I recollect, took place in 1881. I know Kalpothu Mangaleswari Ammal. The Zemindar caused Bottu to be tied to her in the presence of a dagger. This took place in 1882. A single hut was put up when Bottu was tied to her. No hut was put up for the Zemindar on that occasion. I know Muthu Kamakshi Ammal, Nagammal and Kumarammal. I have understood that these ladies were the "Bhoga Sris" of the late Zemindar. I know of the enquiry held by the Sub-Magistrate Visvanatha Rao in connection with Muthu Kamakshi. I was present at the time. He examined her, her mother Natchi, the Zemindar and the Village Munsif Subramania Pillai. I am the Chinnasami Ayyan referred to in Exhibit I. I know Kumarammal's death. By Bhoga Sri, I have understood that the ladies were married merely for Bhogam unlike the Zemindar's own wives. I have heard that these ladies were made Bhoga Sris by Bottu being tied to them with dagger given into their hands. Kamalammal, one of the wives of the Zemindar predeceased Kumarammal. Her corpse was burnt at Mala Thoppam. I was present at the place and saw it. I see the entry, dated 21st March 1880 in Exhibit JJJ. This shews the expense incurred for the funeral ceremonies of Kamalammal. I have signed the entries of that date. The entry was made by Maramut Gumastah Sundara Subramania Ayyar. The entry is filed as Exhibit XX. I attended the funeral ceremonies of Kumarammal and defrayed the expenses thereof. This also happened in 1880. Her corpse was burnt at Vadakarapatti. Exhibit VI shewn. I have seen this book before. It is an account of the funeral expenses of Kumarammal. It was prepared at the time of the death of Kumarammal. The Zemindar did not come to Vadakarapatti burning ground when Kumarammal's corpse was burnt. Kamalammal's corpse was carried in an ivory palanquin covered over with gold lace embroidered cloth

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PART I.

In the Subordinate Court of Madura (West).

No. 154. Deposition of Defendant's 35th witness Chinnasami Ayyan, dated 8th August 1890. —*continued.*

(Pannangu). Kumarammal's corpse was carried in a wooden palanquin. There was a Pannangu cover for it. It must have been hired for the occasion—4 annas were paid for it. Exhibit VI shews this payment. The Zemindar's marriage with Bodinayakkanur Chinna Nagammal cost 4 or 5 thousand Rupees in cash and cloths. There is account kept and I have signed it. The Bottu tying of Mangaleswari cost 300 or 400 Rupees. This was what was spent in cash and cloths besides rice &c., which are always in store. I know the birth of the Defendant. The Zemindar distributed sugar and gave Dakshanai. He gave paddy also to people for the event. I know the Manovarthi Chitta for September 1881. It was kept in the Zemindari and was signed by the late Zemindar. The book is marked as Exhibit XXI. There is an entry in it under date, 23rd September 1881, shewing the payment of 1-10-0 as Dakshanai on the occasion of Plaintiff's birth. The entries of that date are signed by the late Zemindar. The signature "Nagayasami Kamaya Naiker" in Tamil is his. Defendant is usually styled as Chinna Dorai Pandian. His elder brother was Periya Dorai Pandian. The entry in marked XXI*a*. The entry of the 24th September regarding payment of 6 annas for rose water purchased on 23rd is also signed by the said Zemindar. The entry is marked as XXI*b*. The Plaintiff is older than Defendant. I know his birth. No Dakshanai or paddy was given on that occasion. Plaintiff was not styled as Dorai Pandian. I see the Manovarthi Chitta for April 1880. There is an entry in 9th April 1880 of payment of 5 Rupees to Periya Vettu Ayyakannu Naik for worshipping the diety. The entries of that date are signed by me. The book is marked as Exhibit XXII and the entry is filed as Exhibit XXII*a*. I see the book of copies of Arzis sent to the Collector in 1875. I see Arzi No. 8, dated 8th August 1875. The writing on the top "To the big Collector" in Tamil is in the handwriting of the late Zemindar himself. The Arzi itself is in the handwriting of deceased Vythilinga Pillai, who was Pannai Supervisor in my time. I know his writing. Subject to proof of loss of original, it is filed as Exhibit XII*g*. The order from the Collector is filed as Exhibit XII*h*. The reception of XII*j* is objected to by Plaintiff's Vakil. Exhibit XII*k* shewn me is Yadast of the same date addressed to the Tahsildar of Thirumangalam. This copy is also in the handwriting of the said Vythilinga Pillai. I see the Manovarthi Chitta for July 1881. There is an entry under date 10th July 1881, showing a payment of 4 Rupees on the occasion of the death of "Palaya" (old or former) Periya Vettu Nagamuthu Naik. The entries of the said date are signed by me and the late Zemindar. The book is marked as Exhibit XXIII and the entry is marked as XXIII*a*. I see Exhibit XV. I took the depositions made thereon. They are in my handwriting. Then I had entered the service of the Paraiyur Zemindar. I knew Thumbayasami, deponent therein mentioned. He is brother of Nagammal. He signed the deposition in my presence. I see the entries under date 26th and 30th September 1881. These entries relate to Chinna Nagammal's marriage. Sums were spent on account of this marriage until March 1882. Ayyakannu was Periya Vettu Naik to the Zemindar in my time.

Cross-examined:—I have seen Mangaleswari once or twice in the Palace where she resided for some time in the south Palace. I saw her face; that was the first time I met her. The south Palace is not Pudu Vedu or new house.

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PART I.

In the Subordinate Court of Madura (West).

No. 154. Deposition of Defendant's 35th witness Chinnasami Ayyan, dated 8th August 1890. —*continued.*

When I saw her she was seated. I did not talk to her. One Gopalasami who was there and who took me to the south Palace told me that she was Mangaleswari. 2 or 3 days after, I again met her in the south Palace. On this occasion too I did not talk to her. She was seated in the Puttagasalai or hall. I have not seen her before or after the said occasions. I heard that Bottu was tied to her with dagger given. I heard this 4 or 5 months after I saw her. I saw the hut erected in front of the Palace in the Court-yard at the time of tying the Bottu. I did not see the ceremony I saw the hut and heard that Bottu was to be tied with dagger given to Mangaleswari. I heard this 7 or 8 days before the hut was erected. After I became Manager at Saptur I heard that the Zemindar had 3 Bhoga Sris to him with Bottus tied with dagger given. The hut existed for a day or two. There was "melam" and "thalam" [pipers and drums] for one day. I did not hear Urumi drum being beaten. I did not hear women singing. I did not go near the place *i. e.*, hut. I can't say, who told me that Bottu was tied to Nagammal and Kumarammal with dagger given. I came to understand this from office servants. The Zemindar had also concubines. I did not understand that Nagammal, Komarammal and Muthu Kamakshi were regarded as concubines Vypattikal. I have seen Nagammal now *i. e.*, after the death of the Zemindar. I had seen Muthu Kamakshi at the enquiry before the Sub-Magistrate. I went to Mala Thoppam when Kamalammal's corpse was taken there. I spent monies on the occasion of her funeral. I don't recollect if grinding stone was carried when her corpse was carried, nor when Kumarammal's corpse was carried. Some officials might have followed me on the occasion of the funeral of Kumarammal. Siva Perumal Pillai (Defendant's 5th witness), I recollect, accompanied me. 4 or 5 officials accompanied me. Some 30 or 40 people in all came. I cannot say if Manager Krishnasami Mudali accompanied me. I took 10 or 15 Rupees with me under orders of Zemindar. I don't recollect whether Siva Perumal came of his own accord or at my request. Nagayan, garden maistri, came. I cannot recollect if Kumbalas or Manigars came and which of them so came. I did not see Ayyakannu Naik or Mahalinga Naik at the funeral. I don't recollect. I don't know if they ought to have been present. Ayyakannu Naik came and performed sastrams at the funeral of Kamalammal. I heard that Thathaya Naik, son of Athipatti Saukaralinga Naik set fire to Kumarammal's funeral pile. I spent nearly the whole of what I took. I paid monies to Kollan, carpenter, to the flower-seller, washermen &c., Sivaperumal wrote the items of expenditure then and there with pencil on a paper. He gave me the account the next day. I told him to make a small book and note the entries in ink. He did so and shewed me the book. I asked him to retain it. I don't recollect having seen the book in the meantime until now. I saw it at Madura a month ago. The Zemindar was in the Palace when the corpse of Kumarammal was removed. The palanquin was of the kind ordinarily used by poorer classes in marriage processions. The ivory palanquin is similar to the wooden palanquin. Both the palanquins required to be covered with Pannangus. There is only one lace Pannangu in the Saptur Palace. The cousin of the Zemindar died 2 or 3 years after I joined his service, and then the Pannangu was used *i. e.*, the palanquin is covered with it. The Zemindar used the ivory palanquin both for marriages and funerals, I saw the wooden palanquin being used only on the occasion of

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PART I.

In the Subordinate Court of Madura (West).

No. 154. Deposition of Defendant's 35th witness Chinnasami Ayyan, dated 8th August 1890. —*concluded.*

Kumarammal's funerals. I remembered the fact of hiring of pannangu without my memory being refreshed by Exhibit VI I remember the payments to firewood cutter, to some Brahmin, to drummers and pipers, and so on. I don't know if the Zemindar used to lend the said palanquins for marriages of other people. Plaintiff was born, I heard, in the new house in the Palace. No distribution was made on the occasion of his birth. This I am sure of. There is a Chittah called *Veli* Ugrana, *i. e.*, Ugrana Chittah, Store-room account. There is no difference between Veli Ugranam and Ullugranam. There is only one Chittah kept. I have been in the service of Paraiyur Zemindar from August 1883. I was dufterbund in the Madura Taluq Cutcherry. I was dismissed on doubt that some documents were foisted on the record with my connivance. The entry JJJ1 is in my handwriting. The entries LLL1 and LLL2 bear my signature. The entry KKK1 is also signed by me. If any expenditure was incurred and if a separate account was kept for it, and if the entry has to find place in the Ayan Chittah, then reference would be made to the separate account in the entry. But if the entry was made immediately after disbursement, separate account of the expenditure may or may not be kept. Money may be taken out of the treasury without the entry being made in the Chittah. In which case, separate account would be kept, and the entry made afterwards. I see the Manovarthi Chittah for March 1880. The book is marked PPP. The entry of 21st March 80 bears my signature. It is marked as PPP1.

Re-examined:—Koppayanaikkanur Kamalammal died on 20th March 80. There is no entry in the Chittahs to shew that the money was taken on 20th idem. The entry was made on the next day—a separate account was kept for the expenditure incurred. From whatever source paddy is taken, the disbursement will appear in the Chittah connected with it. I see the Ugranam Chittah for 1880 June, shewing the disbursements of rice and paddy. If any disbursement is made from Ugranam it will appear in Ugranam Chittah. There is separate Chittah for grain and cash receipts and from pannais and their disbursements. The Collector gave me an endorsement that I might be re-employed. I got it in 1867. I was dismissed in 1866. I did not know that Mangaleswari lived elsewhere than south Palace. The hut was in my way to the Palace and so I saw it. "Vypatti" means kept-woman in Tamil. Bhogasri is Sanscrit. I say that I have not heard the term "Vypatti" used in reference to Nagammal or Kumarammal. I was at the tope, 70 or 80 yards off the burning ground when Kumarammal's corpse was being burnt.

(Signed) Chinnasami Ayyan.

Read to the witness in Tamil and admitted by him to be correct, this 8th August 1890.

(Signed) C. VENCOBA CHARIAR,
Subordinate Judge.

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 155. Deposition of Defendant's 36th witness Velusami Servai, dated 8th August 1890.

No. 155.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 *of* 1889.

Defendant's 36th witness solemnly affirmed.

Name	...	Velusami Servai.
Father's name	...	Erulandi Servai.
Age	...	33.
Caste	...	Agamudien.
Occupation	...	Estate Clerk, in Deputy Collector's Office.
Residence	...	Madura.

I produce under the orders of Deputy Collector a deposition given by the Zemindar of Saptur under date 11th August 1884 before the Tahsildar of Thirumangalam. I know the Zemindar's signature and I can identify it. The deposition bears his signature.

No cross.

(Signed) P. T. Velusami.

Read over by the witness and admitted by him to be correct, this 8th August 1890.

(Signed) C. VENCOBA CHARIAR,
Subordinate Judge.

No. 156. Deposition of Defendant's 37th witness Sundram Pillai, dated 9th August 1890.

No. 156.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 *of* 1889.

Defendant's 37th witness solemnly affirmed.

Name	...	Sundram Pillai.
Father's name	...	Arumugam Pillai.
Age	...	61 years.
Caste	...	Vellala.
Occupation	...	Kurnum and ryot.
Residence	...	Vandapalli.

I was in the service of the Saptur Zemindar from the time he assumed charge of Zemindari in 1867 until 1878. I was his agent. I used to do work with Sircar, *i. e.*, attend the Court's and Magistrates' Offices in connection with his business. I was known as Vakil Pillai, *i. e.*, a private Vakil. I received pay

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No. 156. Deposition of Defendant's 37th witness Sundram Pillai, dated 9th August 1890. —*continued.*

monthly, *i. e.*, 17-8-0. I knew the Saptur family even in his father's time. I am a resident of Saptur all along. I knew Gopalakrishnammal, the Zemindarni of Sandayur. She was the first wife of the late senior Zemindar's father. The Saptur Zemindar brought a suit in Original Suit No. 76 of 1873 in the Sub-Court in respect to Sandayur Zemindari. In connection with that suit, a genealogical table of Saptur family was prepared in November or December 1874 in Vakil Mr. Scott's house. I was present. Sankarappa Naik, Scott's Gumastah, wrote it from information supplied by me. I know the history of Saptur family from the time of the senior Zemindar's father. He died in 1850. The information regarding the portion of the genealogical table before his time was prepared at, and sent up from, Saptur. A gumastah sent a tree and a yadast to me. The portion regarding the last senior Zemindar's wives and sons was also prepared and sent up from Saptur, and I also knew it. The tree sent up from Saptur is not with me. It was given to Mr. Scott. The one I produce is a correct copy of it. This one was prepared to be put in Court. It was not put in as the suit was decided before it could be put in. The Saptur Zemindar married six wives. His 6th wife was Chinna Nagammal of Bodinayakkanur. She had not been married when the above pedigree was prepared. The Zemindar had only five wives at that time. The Defendant's elder brother had been born at the time. I know Muthu Kamakshi. She was the Bhoga Sri of the Zemindar. She had been Bhoga Sri 2 or 3 years previous to the said period. Her name was not included in the pedigree prepared. This pedigree table was seen by the Zemindar and approved. He said it was all right. I knew Valla Bommachi Ammal, the mother of the late senior Zemindar. She was his father's 6th wife. I knew her marriage. She was married according to customs of Kambala caste. No dagger was given to her at her marriage.

No time. Next Court 8-8-1890.

(Signed) Sundram Pillai.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 8th day of August 1890.

(Signed) C. VENCOBA CHARIAR,
Subordinate Judge.

By Defendant's Vakil:—Thavasiammal, the first wife of the Saptur Zemindar, had one son and daughter, but as they had been dead before the pedigree was prepared, their names were omitted. I produce the yadast which accompanied the pedigree. Royasam Subramania Pillai sent it to me. He is alive. Vakil Pillai referred to therein is myself.

Cross-examined:—Owing to my illness, I gave up service in 1878. I got summons day before yesterday to produce pedigree. I got summons as a witness in this case many days before. I came here a month ago. I had brought the pedigree and yadast with me from Saptur when I came here a month ago. I showed the pedigree to Defendant's Vakil Subramani Ayyar, the day before yesterday and 2 or 3 days prior to that I showed the pedigree to the Saptur Manager Ganapathi Ayyar. At Saptur I showed the pedigree and yadast to the Manager Ganapathi Ayyar, 5 or 6 days before I came to Madura, *i. e.*, a

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PART I.

In the Subordinate Court of Madura (West).

No. 156. Deposition of Defendant's 37th witness Sundram Pillai, dated 9th August 1890. —*continued.*

month ago. I did not show him other papers connected with that suit. I did not show them to any one else previously. My first summons had been served on me before I showed the pedigree to him. Ganapathi Ayyar was saying that he required a genealogy of the Saptur family; his clerks were searching for it among the records since this suit. I went to his office one day on my business and came to know that they were searching for genealogy. The Manager asked me if I had any, as I was Vakil of the late Zemindar and as he could not find one in the records. I told him I had one with me. He asked me to bring it along with any records I might have. I then showed it to him. He told me to secure it carefully as I would be summoned to produce it. I can't remember the name of any one present. I, of my own accord, brought the pedigree and yadast to Madura thinking I would be asked to produce them. I told the Manager at Saptur that the pedigree was written by Sankarappa Naiker. I went to his house day before yesterday and told him that it was likely that the pedigree which we had prepared would come to be examined in Court. He said that if examined, he would say what he knew about it. I don't recollect how long after the pedigree was prepared, that the suit was dismissed. From memory I say that the pedigree was prepared in November or December 1874. The Gumastah of Vakil Mr. Scott, *i. e.*, Sankarappa Naik, gave the pedigree to me with the record bundle on the day it was prepared. The pedigree sent up from Saptur was retained by Mr. Scott with some portion of the records. Exhibit XXV was prepared in the forenoon. As soon as it was prepared, I got it from the Muchi Naik, *i. e.*, Sankarappa Naik. I can't say what other papers I got along with this pedigree. The said Naik told me the day before yesterday that he remembered the fact of writing the pedigree. He himself gave me the pedigree and some other papers. I did not ask for them why the other pedigree was not returned to me. I can't say. Exhibit XXV was given to me in Mr. Scott's presence in view to its being produced in Court. As I was agent, the papers had been entrusted to me. Mr. Scott had many Gumastahs. I don't recollect what Mr. Scott told me when the pedigree was handed over to me. I can't say why Mr. Scott did not sign the pedigree. The suit was in progress at that time. Witnesses had been summoned. The enquiry was not commenced. I don't recollect if I returned the pedigree to Mr. Scott or that he saw it again. I cannot recollect how many days I remained at Madura on that occasion. The decision in the suit was made shortly after the pedigree Exhibit XXV was prepared and so it was not put in. If the decision had been postponed, probably it would have been produced in Court. I can't say or recollect all about this, as it took place 15 years ago. I showed it to the Zemindar before the termination of the suit. How long before I cannot say. I believe it was shewn to him at Madura 10 or 12 days after it was prepared. I showed it to him as it was his duty to see it and pronounced it to be correct. Its production in Court was not delayed for being shown to him. The Zemindar perused it for two naligais. He did not ask me for the original pedigree he sent up—why should he—he had confidence in me (volunteered). He did not ask me why it was not produced in Court. I did not ask him to sign it. I thought it proper to show the pedigree to the Zemindar though he had sent up the original of it. After the Zemindar returned it to me I kept it with the bundle. When I resigned my Vakilship, I did not deliver the records in my possession to the

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Zemindar. I was not so ordered. Whenever they wanted any record I used to supply it. The Defendant's father was 2 or 3 years old at the time when his father died. Valla Bommachi Ammal was married to him 5, 6, 7 or 8 years before he died. I was then 17 or 18 years old. My father was alive. I don't recollect if I received betel for her marriage. Three ladies including Bommachi Ammal were then married to the Zemindar. Some of his dayadies too were then married. I had not seen a dagger marriage before Bommachi Ammal's marriage. As I remember that no dagger was sent, I say so. I have seen many Kambala marriages and in none was dagger used. The marriage of Bommachi lasted for 6 or 7 days. I did not see dagger in the huts of the Zemindar and of his brides. The Zemindar had a fresh green bamboo stick in his hand when he was seated in front of his hut at the marriage. I saw it in his hand before and after the tying of Tali. The Zemindar would wear headkerchief and cloths, but no jacket. I saw Muthukamakshi in the bungalow at Madura when she accompanied the Zemindar. I had seen her when she was a child in Elumalai Zemindar's house. I don't recollect having seen her at Saptur. I remember having seen her in the Saptur Palace after her marriage *i. e.*, after the Zemindar's second marriage *i. e.*, after his marriage with four wives. How long after the said event I met her I cannot say. I first saw her at Madura. I heard that Muthukamakshi was married to Zemindar by dagger. I don't recollect when or where I heard it. I heard also that she was concubine (Volunteers). I firmly believe it, (volunteers). I know that Elumalai Zemindar Errachinnama Naik was asked by Saptur Zemindar to send her to him as his mistress. This took place in Saptur Palace. The Elumalai Zemindar said that he would consult her mother and let him know. I and the two Zemindars were alone present then. There was no allusion to dagger-marriage at the time. I did not communicate this to Defendant's Vakil or Saptur Manager. I did not know why I was cited as witness, nor did I ascertain it from any one else. The conversation between the two Zemindars took place near the well outside the Tottikuttu as it now stands. The Saptur Zemindar came from his privy to the well. Elumalai Zemindar went up to him and I followed him.

Re-examined:—Valla Bommachi's name appears in Exhibit XXV. The names of the two other ladies who were married with her also appear in it. The Kambala bridegrooms invariably have the fresh green bamboo stick in their hands at their marriage. By dagger-marriage, I don't know what is meant. I heard Bottu was tied to her. I brought copy of plaint also along with the pedigree and yadast.

(Not satisfactory).

9—8—90.

(Signed) Sundram Pillai.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 9th August 1890.

(Signed) C. VENCOBA CHARIAR,
Subordinate Judge.

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PART I.

In the Subordinate Court of Madura (West).

No. 157. Deposition of Defendant's 38th witness Sankarappa Naik, dated 9th August 1890.

No. 157.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 *of* 1889.

Defendant's 38th witness solemnly affirmed.

Name	...	Sankarappa Naik.
Father's name ...	...	Narayanasami Naik.
Age	...	48.
Caste	...	Vaduga.
Occupation	...	Ryot.
Residence	...	Madura.

I was gumastah under the late Mr. Scott, a District Court Vakil. I was in his service from 1866 until January 90. The pedigree shewn me is in my hand-writing. I recollect that it was prepared about 16 years ago in Mr. Scott's office in connection with the Sandayur suit. From the pedigree which Sundram Pillai had this pedigree was copied. The one that Sundram Pillai brought was kept by Mr. Scott himself. I don't know what became of it. His records are with Mr. Fisher who manages his affairs. This pedigree was prepared for being produced in Court and I can't say what became of it afterwards. The wives of the Saptur Zemindar are marked with hands joined. The squares indicate the females and the circles, the names of males. I don't know why the names of the daughter and son of Thavasiammal are omitted.

Cross-examined:—This is a correct copy of the pedigree brought by Sundram Pillai, but the squares and circles were made in this pedigree to shew the difference between males and females. This was in a different shape. The other one had opposite the circles, male or female marked. Mr. Scott examined this document with the copy and said it was correct. Mr. Scott then put it up with the record. I don't know what became of it afterwards. This pedigree was shewn to me by Defendant's Vakil 4 or 5 days ago and I was asked if it was in my hand-writing. I was Mr. Scott's domestic servant.—Gumastah—not Vakil's gumastah. I don't know the particulars of the Sandayur suit.

Re-examined:—I was employed by Mr. Scott to prepare plans and pedigrees and draw pictures. The pedigree is filed as Exhibit XXV.

(Signed) Sankarappa Naiker.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 9th August 1890.

(Signed) C. VENCOBA CHARIAR,
Subordinate Judge.

Deputy Registrar.

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PART I.

In the Subordinate Court of Madura (West.)

No. 158. Deposition of Defendant's 39th witness Lakshmana Sundra Mahalinga Dutchanamurti Chinnaya Kamaya Naiker, dated 9th August 1890.

No. 158.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 *of* 1889.

Defendant's 39th witness solemnly affirmed.

Name	...	Lakshmana Sundra Mahalinga Dutchanamurti Chinnaya Kamaya Naiker.
Father's name ...	...	Valla Chinna Kamaya Naiker.
Age	...	65.
Caste	...	Kambala.
Occupation	...	Zemindar.
Residence	...	Valliaputtu and Ayyur.

I get a Malikhana allowance of 174 Rupees. I know my father's hand-writing. He is dead. The document shown me bears his signature. Its copy is filed as Exhibit XXVI. Plaintiffs' Vakil objects that it is not relevant in the sense that it is an opinion in regard to his own Estate. The copy of Tahsildar's arzi is marked XXVI*a*. I know Nattam Palayaputt. It is now held by Government. The old Poligars of Nattam were Kambalas of Sillavar sub-division.

Cross-examined.—The Zemindari was taken by Government in the time of my father for arrears of Peishcush.

(Signed) Lakshmana Sundra Mahalinga Dutchanamurti Chinnaya Kamaya Naiker.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 9th day of August 1890.

(Signed) C. VENCOBA CHARIAR,
Subordinate Judge.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 159. Deposition of Defendant's 40th witness Singaravelu Pandia Chinnaya Naik, dated 9th August 1890.

No. 159.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 *of* 1891.

Defendant's 40th witness solemnly affirmed.

Name	...	Singaravelu Pandia Chinnaya Naik.
Father's name... ...	...	Senguralinga Pandia Chinnaya Naik.
Age	...	51.
Caste	...	Sillavar Kambala.
Occupation	...	Zemindar of Mannarkottai.
Residence	...	Mannarkottai in Tinnevelly District.

I am the present Zemindar of Mannarkottai. The rule of succession among Kambala Zemindars is by sons in the order of their mother's marriages. I know Manigars and Parivaras. They belong to a caste very much inferior to the Kambalas. I can state instances of the rule mentioned. I know the rule observed in the Zemindaris of Attankarai and Paraiyur.

Cross-examined:—The instance of Paraiyur was that of Muthukumarasami. On his father's death, his senior wife's son, though younger, succeeded in preference to the junior wife's son older in age. Muthukumarasami himself told me of this when he and I were reading in school. His younger brother who was preferred was the son of Virudupattinammal. I don't know his name. Muthukumarasami succeeded him after his death during minority. Muthukumarasami told me that his younger brother being senior wife's son was preferred according to custom. He did not tell me of any inquiry being made as to custom by Revenue authorities. I knew of this custom even when I was in school. I had heard of it from my elders. The instance at Attankarai took place 40 or 50 years ago. I heard of this from the present Zemindar's father. If a Zemindar or an ordinary Kambala Naik has a son by a Kambala concubine, such son belongs to the Kambala caste. So is the daughter. A Kambala Zemindar may marry such daughter if his relations agree to it.

Re-examined:—If a Kambala Naik keeps a Kambala concubine, the Kambala caste would put them out of caste, after performing ceremonies which are usually performed for funerals.

(Signed) Singaravelu Pandia Chinnaya Naik.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 9th August 1890.

(Signed) C. VENCOBA CHARIAR,
Subordinate Judge.

Deputy Registrar.

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PART I.

In the Subordinate Court of Madura (West).

No. 160. Deposition of Defendant's 41st witness Kamayasami Naiker, dated 9th August 1890.

No. 160.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 *of* 1891.

Defendant's 41st witness solemnly affirmed.

Name	...	Kamayasami Naiker.
Father's name	...	Ammatchi Koppaya Naiker.
Age	...	35.
Caste	...	Kambala.
Occupation	...	Land-holder.
Residence	...	Koppayanaikkanur.

The Zemindari of Koppayanaikkanur is under attachment. My elder brother Bommayasami Koppaya Naiker receives the allowance paid by Government. We are 3 brothers. Bommayasami Koppaya Naiker is the son of the first wife of my father. I and my elder uterine brother Kamayasami are sons by the 2nd wife. My elder uterine brother Kamayasami is older than the Dorai, *i. e.*, Bommayasami Koppaya Naiker. We, 3 brothers, were alive at the time of my father's death. Subsequently, the allowance which my father received, was made payable to Zemindar Bommayasami Koppaya Naiker. My elder uterine brother is now dead. He survived my father 10 or 15 years. I knew the late Saptur Zemindar. My sister Kamakshi *alias* Kannibe Ammal was his wife.

Cross-examined:—The mother of Bommayasami Koppaya Naiker was Pattabha Sri. I can't say what my age was when my father died. My elder uterine brother died 8 years ago. I was young when my father died.

(Signed) Kamayasami Naik.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 9th August 1890.

(Signed) C. VENCOBA CHARIAR,
Subordinate Judge.

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PART I.

In the Subordinate Court of Madura (West).

No. 161. Deposition of Defendant's 42nd witness Ramasami Pandian, dated 9th August 1890.

No. 161.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 *of* 1889.

Defendant's 42nd witness solemnly affirmed.

Name	...	Ramasami Pandian.
Father's name	...	Sundera Pandia Yettappa Kuchelappan.
Age	....	32.
Caste	...	Kambala.
Occupation	...	Zemindar
Residence	...	Kollappatti (Tinnevelly).

The rule of succession among the Kambala Zemindars is that sons succeed according to the order of their mothers irrespective of their ages. I don't know of instances.

(Signed) Ramasami Pandian.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 9th August 1890.

(Signed) C. VENCOBA CHARIAR.
Subordinate Judge.

No. 162. Deposition of Defendant's 43rd witness Thavasilinga Naiker, dated 9th August 1890.

No. 162.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 *of* 1889.

Defendant's 43rd witness solemnly affirmed.

Name	...	Thavasilinga Naiker.
Father's name ...	...	Ramalinga Naiker.
Age	...	50 or 55.
Caste	...	Kambala.
Occupation	...	Land-holder.
Residence	...	Mulipatti.

I am the Chinna Zemindar of Mulipatti. I knew Lingama Naik. He was a peon in Mulipatti Palace. He came from Parapatti. I have seen Kamakshi. She was a Vellala woman. She was his concubine. By her Lingama Naik had two sons and a daughter named Jaggama, Raman and Subbammal respectively. I have seen Raman subsequently at Saptur. He was driver of

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PART I.

In the Subordinate Court of Madura (West).

No. 162. Deposition of Defendant's 43rd witness Thavasilinga Naiker, dated 9th August 1890. —*concluded.*

Saptur Zemindar's coach. My niece was the first wife of the late Saptur Zemindar.

Cross-examined:—Lingama Naik was not known as Mulipatti Muppila Naik. There is a Muppila Naik called Rungasami Naik whose sister is married to the Mulipatti Zemindar. I first met Kamakshi at Mulipatti. I heard that she belonged to Kodikkalkara Vellala caste and would take meat. I heard that Kamakshi was his concubine. She and Lingama Naik lived together. I never went to their house. They never came to my house. Kamakshi did not come to my house. I met her in the street as she went to take water. I heard she was Kamakshi. People said so.

Re-examined:—Kamakshi was at Mulipatti for 20 years or so.

(Signed) Thavasilinga Naiker.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 9th August 1890.

(Signed) C. VENCOBA CHARIAR,
Subordinate Judge.

No. 163. Deposition of Defendant's 44th witness Pattabhirama Naidu, dated 9th August 1890.

No. 163.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 *of* 1889.

Defendant's 44th witness solemnly affirmed.

Name	...	Pattabhirama Naidu.
Father's name ...	...	Narayanasami Naidu.
Age	...	38.
Caste	...	Vaduga.
Occupation ...	...	Assistant Vernacular Record-keeper, Madura Collector's Office.
Residence	...	Madura.

The Collector received summons to produce certain Vernacular records. He was summoned to produce the replies received from Zemindars in Madura District to the Collector's Circular, dated 2nd and 14th August 1875. I have not brought them. They are not now in the record. I searched for them. They do not seem to have been received in the record-room. I have brought the register of arzis received in 1875 in the Collector's Office. This shews that the replies were received and handed over to Huzur Sheristadar. Search was

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PART I.

In the Subordinate Court of Madura (West).

No. 163. Deposition of Defendant's 44th witness Pattabhirama Naidu, dated 9th August 1890. —*concluded.*

No. 164. Deposition of Defendant's 45th witness Bodinaikum Pillai, dated 9th August 1890.

made for them in the Sheristadar's Office, but they were not found. The birth and death-registers received from Taluqs are not preserved for more than three years.

The accounts sent by the officials of the village monthly are transmitted by the Tahsildar to the Collector in original.

No cross.

Read and found correct.

(Signed) N. Pattabhirama Naidu,
Assistant Vernacular Record-keeper.

Taken down by me, this 9th August 1890.

(Signed) C. VENCOBA CHARIAR,
Subordinate Judge.

No. 164.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 *of* 1889.

Defendant's 45th witness solemnly affirmed.

Name	... ...	Bodinaikum Pillai.
Father's name	... ...	Muthusawmia Pillai.
Age	... ...	46.
Caste	... ...	Vellala.
Occupation	... ...	Kurnam of Saptur and Ryot.
Residence	... ...	Saptur.

I have been Kurnam since Fusli 1275. There are hamlets attached to Saptur. I am Mirasi Kurnam. It is my duty to keep death and birth registers. I keep them and send monthly copies of them to the Tahsildar of Thirumangalam. The printed forms are supplied. I keep one register for use and send its copy to the Taluq. I have been summoned to produce birth and death registers from 1879 to 1882. I keep accounts for Saptur and 3 of its hamlets. The Nattamaigar of Alagapuri keeps the registers for that village while the Nattamaigar of Malayandipuram keeps the registers for it. The monthly statement to Taluq is signed by the 3 persons abovesaid including myself. One side of the sheet is register of deaths and the other that of births in a particular month. This is the way the account is kept. I see the entry of a birth of a male child for Pachayammal, dated 28th June 1879. I knew her. She was Boga Sri, *i. e.*, concubine of the late Zemindar. She was of Parivara caste. I know the male child. His name is Ramasami. The entry is in the handwriting of my gumastah Subramania Mudali who is now dead. The account of deaths is initialled

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 164. Deposition of Defendant's 45th witness Bodinaikum Pillai, dated 9th August 1890. —*continued.*

either by the Sub-Magistrate or Tahsildar. The register is filed as Exhibit XXVII. I see the register for June 1880, and the entry of 25th idem. This relates to the birth of a male child to Nagammal, *i.e.*, of Plaintiff. She is described as Parivara caste. There was no other 'Nagammal' in the register of that month. The entry is in the handwriting of my gumastah Subramania Mudali who is dead. He died 4 or 5 years ago. The register is filed as Exhibit XXVII*a*. I see the entry of 23rd September 1881. It shews the birth of a male child to the Zemindar. The entry is in the handwriting of my son Gurusami Pillai who is alive. This entry relates to the birth of the Defendant. This register is filed as Exhibit XXVII*b*. I see the entry of 27th November 1882. It relates to the birth of a daughter to Zemindar. She is his daughter by Muthu Chinnammal of Elumalai. The entry is in my son's handwriting. The register is filed as Exhibit XXVII*c*. It is also signed by me and the Nattamaigars. I see the entry of 20th March 80. It relates to the death of Zemindar's wife Kamakshiammal. It is in the handwriting of late Subramania Mudali. It is filed as Exhibit XXVII*a*. I see the register of deaths for August 1880 and the entry of 30th August 1880. It relates to the death of Kumarammal of Parivara caste. It is in my son's handwriting. I know Kumarammal. She was the late Zemindar's Bhoga Sri—the witness there uses the expression Vaipatti (concubine). The entry is filed as XXVII*e*.

Cross-examined.—Subramania Mudali was my own gumastah. He died in 1885, not in 1888. I heard he died in 1885 at Tirumangalam. He was in my service until 1881. The entries are made by me as the occurrences take place in a separate memo either on loose cadjan or paper. They are either copied into the registers produced by me and the duplicates of these are sent up to the Taluq Cutcherry. The Zemindar brought suit against the junior Zemindar on a bond written by me. This occurred within 10 years. I gave evidence as to the execution and genuineness of the bond. The suit was rejected for want of sufficient proof. So I heard from Zemindar and Cutcherry officials. I did not read the judgment. The Defendant in that suit denied the truth of the bond. I knew of a forgery case against the late senior Zemindar in the Sessions Court. I gave evidence in that case for the Zemindar. He was acquitted but the High Court convicted him. I know Nattamai Sreerunga Rama Manigar who signed some of the registers produced by me. I don't recollect if he was also convicted along with the Zemindar in the forgery case. He was co-accused along with him. I don't know if I was questioned then whether I had interpolated "Pannai" in certain puttahs and Muchilkas. Sreerunga Rama Manigar has not been doing Nattamaigar's work for 2 or 3 years. I was Samugam Samprathi under the late Zemindar. I knew the Pannai lands of the Zemindar. Puttahs were issued for Pannai lands in the name of the Zemindar yearly. They were issued in his mother's name previously. The Zemindar does not pay terva for the Pannai lands. In respect of lands which stand in Zemindar's name, terva is paid in the village, included in the beriz and is paid into the Zemin Cutcherry. The Zemindar does not pay terva directly for Pannai lands. At the close of the year when remittances from the village are paid into the Treasury, entries are made in Kurippu and Irusalnamah of payments of arrears of Pannai terva as

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PART I.

In the Subordinate Court of Madura (West).

No. 164. Deposition of Defendant's 45th witness Bodinaikum Pillai, dated 9th August 1890. —*concluded.*

payments from Pannai towards Ayan and adjustments in both accounts are made accordingly. Muchilkas were prepared for Pannai lands and executed by Zemindar for one or two years. The Officials said it was not necessary. I don't recollect that any one signed such Muchilkas. It is not customary for Pannai Gumastahs to sign such Muchilkas. I do not recollect. I gave a deposition before the Deputy Collector in 1880. I see its authenticated copy. I admit it. It is filed as Exhibit QQQ. I said in it that it was customary for Pannai Gumastah to sign Muchilkas and receive Pannai puttahs, but this related to Fuslis 1275 and 1278.

Re-examined:—The memorandum of entries made are destroyed after the preparation of the registers at the close of the month.

(Signed) Bodinaikum Pillai.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 9th August 1890.

(Signed) C. VENCOBA CHARIAR,
Subordinate Judge.

No. 165.

No. 165. Deposition of Defendant's 46th witness Gurusami Pillai, dated 9th August 1890.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 *of* 1889.

Defendant's 46th witness solemnly affirmed.

Name ...	...	Gurusami Pillai.
Father's name	...	Bodanaikum Pillai.
Age ...	...	24.
Caste ...	...	Vellala.
Occupation ...	...	Kurnam and Ryot.
Residence ...	...	Saptur.

The last witness is my father. I assist him in his work as Kurnam. I see XXVII*b*. The entry of 23rd September 1831 is in my handwriting. I see XXVII*c* and the entry of 7th November 1882. The entry is in my handwriting. The entry in XXVII*e* is also in my handwriting. These were written in the respective months they are entered.

Cross-examined:—I also cultivate lands. These entires were copied from a Padu Kurippu "rough memo" made by my father on the dates of the occurrences.

(Signed) Gurusami Pillai.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 9th August 1890.

(Signed) C. VENCOBA CHARIAR,
Subordinate Judge.

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 166. Deposition of Defendant's 48th witness Rama Rao, dated 9th August 1890.

No. 166.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 *of* 1889.

Defendant's 48th witness solemnly affirmed.

Name ...	...	Rama Rao.
Father's name	...	Krishna Rao.
Age ...	...	58.
Caste ...	...	Brahmin.
Occupation ...	...	Taluq Gumastah.
Residence ...	...	Thirumangalam.

Exhibit XVI shewn. The initials "C. R.," and the date "27—7—69" are those made by C. Rama Rao, Acting Tahsildar at the time. He is now in Nellore. He left this District 10 years ago. The initials in Mahratta are those of Venkata Rao, Revenue Inspector, who is now dead. Exhibit XXVII shewn. It bears the initials of T. Krishna Rao, present Tahsildar of Thirumangalam. He was at the time Deputy Tahsildar of Usilampatti.

No cross.

(Signed) Rama Rao.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 9th August 1890.

(Signed) C. VENCOBA CHARIAR,
Subordinate Judge.

No. 167.

No. 167. Deposition of Defendant's 49th witness Periasami Chetti, dated 9th August 1890.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 *of* 1889.

Defendant's 49th witness solemnly affirmed.

Name ...	...	Periasami Chetti.
Father's name	...	Muthu Chetti.
Age ...	...	34.
Caste ...	...	Solia Chetti.
Occupation ...	...	Ryot and Nattamai.
Residence ...	...	Saptur.

I was Gumastah in Saptur Zemindar's service. I know late Sadayammai. 13 Rupees were paid to me on account of her funerals. I spent the money for the purpose. Her corpse was burnt at Vadakarapatti.

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 167. Deposition of Defendant's 49th witness Periasami Chetti, dated 9th August 1890. —*concluded.*

Cross-examined:—I was in Zemindar's service from 1876 to 1885, *i. e.*, until his death. The entry LLLI is in my handwriting. I was Gumastah when Kumarammal died. I was told that Sastram was performed on the 3rd day of her funerals. The entry LLL2 is also in my handwriting. It also relates to Kumarammal's funerals. Betel was purchased for her funerals. The entry LLL3 is also in my handwriting. The Periya Vettu Naik therein referred to is Ayyakkannu Naik. I made the disbursement as per order of Zemindar, but I don't know of the performance of Sastram, because I don't go to such ceremonies. I know the death of Kumarammal, but I cannot say what was spent and for what purpose on the occasion. I saw her corpse being carried. Sandayur Peria Puttathammal was Gopala Krishnammal, the step-mother of late Zemindar. The book LLL is mostly in my handwriting. A very small portion is in the handwriting of others.

(Signed) Periasami Chetti.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 9th August 1890.

(Signed) C. VENCOBA CHARIAR,
Subordinate Judge.

No. 168. Deposition of Defend. ant's 52nd witness Alagiri Naiken, dated 13th August 1890.

No. 168.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 *of* 1839.

Defendant's 52*nd witness solemnly affirmed.*

Name	...	...	Alagiri Naiken.
Father's name	...	...	Sankaralinga Naik.
Age	...	...	30–35.
Caste	...	...	Kolla Thottia Kambala.
Occupation	...	...	Ryot.
Residence	...	...	Saptur.

Thathaya Naik was my grandfather. He was the son of Ramasami Dorai, a former Zemindar of Saptur. My mother Ramakkammal was the daughter of a concubine of the Zemindar of Thumbarasanaikkanur. I and 3 others were brothers. The eldest was Ramasami Naik, second Thathaya Naik, third Muthu Naik, who gave evidence on Plaintiff's side and fourth myself. My younger sister is Subbammal. She is the wife of Vandikara Ramasami Naik. I was present at his marriage which took place at Saptur. Thumbayasami and Thathaya Naik, my brothers, were also married at the time. Pethakkal, Plaintiff's witness, is my aunt, being the widow of Kuruthaya Naik, the brother of my father. Pethakkal is the daughter of Rangasami Naik of Alagapuri by his concubine Kuruppayi. At the time the said 3 marriages took place Bottu was tied to Nagammal and Ku-

* *Plaintiff's* 34*th witness.*

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 168. Deposition of Defendant's 52nd witness Alagiri Naiken, dated 13th August 1890. —*continued.*

marammal by keeping dagger. There was no hut put up for the Zemindar of Saptur on that occasion. He was not present. At the time of his marriage, Thathaya Naik was at Athipatti. No, he was at Saptur. I thought I was questioned where my grandfather lived. My father was alive at my brother Thathaya's marriage. We lived with our father. Driver Ramasami Naik then lived in our house. He had been living in our house for 2 or 3 years before his marriage. He used to mess in our house, paying for his meals. Huts were erected on the first day of the marriage. The said 3 marriages lasted 3 days. The wives of Thathaya and Thumbayasami were living in the Palace of Saptur, before they were married. Thathaya and Ramasami and their wives came to our house after Yekalichi. They came Yekalichi to our house. Thumbayasami and his wife went Yekalichi to the new house south of the Palace within the Palace enclosure. The cost of the 3 marriages was defrayed by the Zemindar of Saptur. Ayyakannu Naik was then Periya Vettu Naik. Mahalinga was not Peria Vettu Naik and he did not perform any ceremony at the marriage. Ayyakannu Naik got the necessary articles for the marriage from the store-room.

Cross-examined:—The marriage of Thathaya took place within the Palace enclosure to the east of the guard room. The huts were erected in the open court yard. There were 8 huts. I am called either Kolla Kambala or Kolla Thottia. The Sastrams were performed near the huts. The shaving of bridegrooms was done—volunteers—in my house. I guess my age as 35. I have no horoscope. Ramasami Naik had an elder brother who lived at Mulipatti. He had no uncles at Mulliapuram. Seelamuthu Naik is not his uncle. He is a Kambala Naik. Ramasami Naik belongs to my caste. I know that his wife gave evidence in this case on Plaintiff's side. I was present in Court when my elder brother gave evidence for Plaintiff. I was far away and I don't recollect what evidence they gave. I heard that my brother and sister said that Seelamuthu Naik was their uncle. I don't recollect from whom I heard the above. I did not mention this matter to Defendant's Vakil or to Defendant's agent. I did not tell Defendant's Vakils that Seelamuthu Naik was either our uncle or not our uncle. I was examined by Defendant's Vakils but I was not questioned on the above point. I was not aware at that time that Seelamuthu Naik was or was not our uncle. I came to know that he was not our uncle subsequent to my brother and sister giving evidence in the case. I can't say how long after I came to know this. I was surprised that they should name a Kambala Naik, who is not our relation, as their uncle. I did not speak to my brother or sister in connection with this matter, nor did I remonstrate with them for stating a fact not true. I did not get vexed or angry with them. After that, I did not mention the matter either to Paraiyur Zemindar or Defendant's Vakils. I was examined 10 or 15 days ago last at Madura. I did not speak to my brother and sister, after I came here. They were living at Tallakulam and I did not go there. I was forest guard until the late Saptur Zemindar's death. I am not forest guard under Paraiyur Zemindar. Pethakkal's marriage took place at Alagapuri. Our caste people were present at the marriage. Karuppayi is of manigar caste. My house people, Ramasami Naik and Manigars came to

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PART I.

In the Subordinate Court of Madura (West).

No. 168. Deposition of Defendant's 52nd witness Alagiri Naiken, dated 13th August 1890. —*concluded.*

the marriage. Two huts were erected, one for bride and the other for bridegroom. Though the bride is a Parivara caste, as the bridegroom is the son of a Kambala Naik through his concubine, huts were erected. Karuthaya Naik was not concubine's son, but son born in lawful wedlock. The Zemindar performed no ceremonies at the time bottu was tied to Nagammal and Komarammal. I did not see bottu tied. I heard so. I stood close by to my brother's hut. I did not go into the Palace during the 3 days of the marriage. I do not know if Sastrams were performed in the Palace. There is no toe-ring putting on ceremony in our caste. The Saptur Zemindar would have toe-ring put on him. He would not marry a girl of my caste. No toe-ring would be put on Zemindar, if he marries any girl from a different caste. There is no Yekalichi ceremony in our caste. The return home of the bride and bridegroom is called Yekalichi. Neither Peria vettu nor Kodangi nor Sastra Naik would attend marriages in our caste. They would perform Yekalichi ceremony for Kambalas. We have got Arasani pot ceremony, but not "Seshai" ceremony. It is done among Kambalas. There is no ceremony of bride and bridegroom amongst us putting on slippers (leathern sandals). I did not see my brother Thathaya and his wife put on slippers. Thumbayasami belongs to my caste Kolla Kambala or Manigar or Parivara caste. Kolla Kambala is the same as Manigar or Parivara or Ayyakuttam. Kolla Kambala is a different caste. It is the same as Parivara and Manigar. There is neither Mupatti nor Sanda Putti Sastram with our caste people. The ceremony of going round the hut is customary in our caste. I don't know if the salt pot ceremony is done in our caste. I don't recollect if it was done in my marriage. Kambala ceremonies are not performed in our caste. In case of funerals Peria Vettu Naik would not attend them. We will plant stones for the dead Kulnattu Sathiram. No Kambala Naik came to the said 3 marriages; neither Ayyakannu Naik nor Vathulu Naik nor Somia Naik attended the said marriages. I was not punished and sentenced for theft but sentenced to simple imprisonment for 5 days for rioting. I got two summons in this case within one and half months.

Re-examined:—The Saptur Zemindar did not come to the huts when bottu was tied. My brother and sister were on Plaintiff's side. I don't know if grain is thrown over the bride and bridegroom as they go Yekalichi. I don't know what "Seshai" is. I don't know if there is a sastram for buying things from bazaar preparatory to marriage. I say I belong to Kolla Thottia caste, because my grandfather's mother, concubine of Zemindar, belonged to Kolla Thottia caste. Kolla Thottiars of that separate sub-division would not intermarry with Manigars, but as I belong to a mixed caste, I can intermarry with Manigars. A pure Manigar is the descendant of Manigar parents.

(Signed) Alagiri Naiken.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 13th August 1890.

(Signed) VENCOBA CHARIAR,
Subordinate Judge.

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 169. Deposition of Defendant's 58th witness Kolandavelusami Naiker, dated 13th August 1890.

No. 169

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 of 1891.

Defendant's 58th witness solemnly affirmed:—

Name ...	...	...	Kolandavelusami Naiker.
Father's name	...	...	Bala Mukunda Muthu Ramasami Naiker.
Age ...	...	...	35.
Caste ...	...	...	Kambala.
Occupation ...	...	...	Land-holder; Receiver of Malikhana.
Residence ...	...	...	Lakkampatti.

I know the Virupakshi Zemindar. He also gets Malikhana allowance. He had an elder brother named Dora Pandian. The present Zemindar Muthu Valu Kondama Naik gets the allowance, because he is the son by the Puttabha Sri or wife. I knew her. She is dead. I don't recollect her name. I know the former Zemindar of Kudanur, His father's name was Muthu Mangaya Muthaya Naik. He died long ago. His son also is dead. My elder brother Audevelusami Naiker gets the Malikhana allowance. I was present at his marriages. He has married two wives. There was no dagger used in his marriages.

Cross-examined:—I am not married. I am not inclined to marry. My elder brother's first marriage took place 20 years ago. I was then 10 or 15 years old. The marriage lasted 3 days. I don't recollect well what took place on the first day of marriage. I was young. I remember one or two ceremonies done on second day. I remember that going round the hut took place on third day. My father was then alive. I recollect the ceremony of touching forehead with milk and that of shaving. I don't recollect others. My elder brother was shaved on the occasion. I had necessity to enquire whether or not dagger was used on the marriage occasion. All that I mean to say is that I don't recollect seeing a dagger used on that occasion. As I was then a playful boy I might not have beeen present on many occasions of ceremonies being performed. I can't say what ceremony I saw and what I did not. I belong to Kattari Palavar.

Re-examined:—I may have been present at tali tying in my brother's first marriage along with the crowd. I cannot say whether or not a dagger was taken. I was 20 or 25 at my brother's second marriage. I may be sure that no dagger was taken at the time of his second marriage.

(Signed) Kolandavelusami Naik.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 13th August 1890.

(Signed) C. VENCOBA CHARIAR,
Subordinate Judge.

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 170. Deposition of Defendant's 59th witness Muthulingasami Naik, dated 13th August 1890.

No. 170.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 *of* 1889.

Defendant's 59*th witness solemnly affirmed:*—

Name	...	Muthulingasami Naik.
Father's name ...	...	Muthuverasami Naik.
Age	...	43.
Caste	...	Kambala.
Occupation	...	Ryot.
Residence	...	Paraiyur.

I know Nagammal and her father Muthaya. His father was Thumbayasami Thumbichi Naiker. I have so heard. Thumbayasami Thumbichi Naik's father and my grandfather were brothers. Muthaya was the son of Thumbayasami Thumbichi's concubine. I know this from his conduct and from general talk. I knew Lakshmi, the last of Thumbichi Naik's concubines. She died 12 years ago. She lived in the house to the east of Paraiyur Palace occupied by Thumbayasami and his brother and mother and with them. *A road* separates the house from the Palace. Muthaya also lived in that house. I knew the late Saptur Zemindar senior. I knew his eldest son Dora Pandian senior. I know his tonsure ceremony. I was invited and so I went. I remained at Saptur on that occasion for 4 or 5 days. Then bottu was tied to Nagammal and Kumarammal with dagger given. No hut was put up for the Zemindar on that occasion. It is not usual to erect huts for Jamuthadu marriages. The Zemindar was not then married.

Cross-examined:—I have not heard of Jamuthadu kalyanam. Bottu tying cannot be called (kalyanam) marriage. I heard that huts had been put up for Nagammal and Kumarammal. I did not go near them and did not see what took place. I heard of bottu tying with dagger given. I did not see it. I don't know what took place in the Palace. I did not go inside the Palace and can't say what took place. I can say whether sastram took place or not—because the Zemindar was with me during the 3 days. He was in his bed room and the verandah. I used to be with him in both places. No sastram was performed so far as the Zemindar was concerned. The minji sastram, toe-ring ceremony, did not take place. I swear that toe-rings were not put on him, because I was with him always. Toe-ring ceremony might have been done to Thathaya, Ramasami and Thumbayasami. Kumbla Naiks would not attend their marriages. Their caste people would attend. I would not go and would not receive betel. I would not give any presents nor would I accept any from them in their marriages. The tonsure ceremony would be over in 4 naligais. I did not make presents to Thathaya Naik or Thumbayasami at their marriage. The tonsure ceremony of Dara Pandian took place in the temple of Alagar at Palayur. For a Zemindar's marriage with a Kumbla girl, relatives would make presents, *Moi.*

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 170. Deposition of Defendant's 59th witness Muthulingasami Naik, dated 13th August 1890. —*concluded.*

I stand in such a relationship to Saptur Zemindar as to compel me to make him presents at his marriage. Thirupugalsami and Vittilpatti Muthulingasami were also in such relationship as to necessitate their making him presents. So also Uthappanaikanur Zemindar. Thirupugalsami was then in the Saptur Palace. He used to stay there occasionally. I did not see Vittilpatti Muthulingasami nor Paraiyur Dora Pandian on the bottu tying day. I don't know if his mother was there. I heard that Vellayammal was concubine of Thumbayasami Thumbichi Naik. Peria Vettu Naik would not attend or perform ceremonies at the marriages of Thathaya and Thumbayasami. Peria Vettu Naik should attend if the Zemindar is married. I don't know the ceremonies that will be done in their marriages. I have not seen or heard of Jamuthadu marriage before Nagammal and Kumarammal's—volunteers. I had heard of bottu tying. I have not seen any bottu tying. As Nagammal's was not a marriage of our caste, it will be improper for me to go. So I did not go. I did not count how many huts there were. There were 5, 6 or 7 huts. Somebody would be reading Puranas and I and the Zemindar were listening during the 3 days. The Zemindar and I conversed at times. I did not stay with the Zemindar all the time. I spent most of my time with him. The Zemindar did not go near the hut. I did not care to enquire who tied the bottu to Nagammal. I did not see any Yekalichi or bridegrooms going round the huts on horse-back. The Naikmars did not come to marriages. I did not see them in the Palace. I don't know if they came. I used to go to Lakshmi's house and she used to come to my house. I would mess in her house but our females won't. She was Kodikalkara Vellala. Thumbayasami Thumbichi's father was Muthukumarasami. His father was Thumbayasami Naiker. I am his father's brother's grandson. My grandfather was Sandanasami. He was brother of Muthukumarasami. I don't know if he had any other name. I know Vittilpatti Muthulingasami. His father was Gopalasami. I don't know his father's name. These are the descendants of a junior wife of Thumbayasami, father of Muthukumarasami. Muthukumarasami and Sandanasami were sons of his first wife. Koppayasawmi, Chokalinga and Muthulinga were sons by his 2nd wife. I have no pedigree table with me. I had heard of this relationship from elders.

Re-examined:—I saw the huts in passing to and fro. I did not make any presents to Zemindar at the time I referred to. I have made presents on the occasions of his own caste marriages. At Defendant's mother's marriage, *i. e.*, at the four wives' marriages, I gave him money. I don't recollect the amount.

With permission. By Plaintiff's Vakil.—I send presents to Nagammal and Kumarammal's marriage. I sent it by somebody. It was for bottu tying.

Cross-examined:—I did so because their father was the concubines's son of a Paraiyur Zemindar and through courtesy.

(Signed) Muthulingasami Naik.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 13th August 1890.

(Signed) C. VENCOBA CHARIAR,
Subordinate Judge.

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 171. Deposition of Defendant's 62nd witness Vadaval Sankaralinga Naiker, dated 30th May 1890.

No. 171

IN THE SUBORDINATE COURT, MADURA (WEST).

Original Suit No. 21 *of* 1889.

Defendant's 62nd witness solemnly affirmed :—

Name	...	...	Vadaval Sankaralinga Naiker.
Father's name	...	...	Vadaval Chockalinga Naiker.
Village	...	...	Mulipatti.
Livelihood	...	...	Zemindar.
Age	...	...	70.
Caste	...	...	Sillavar Kambalam.

By Defendant's Vakil :—I know the deceased Saptur Zemindar. He was of the Kambala caste. He belongs to Palavar gotra. My daughter was given in marriage to the said Zemindar as his 1st wife. It was in the year Prabhava that she was thus married. My daughter died about 7-8 years ago. My daughter left no issue whatever. During the lifetime of my daughter, I used to go to Saptur often. I know the Plaintiff in this suit and his mother Nagammal. The said Nagammal is the daughter of Subbammal. The name of Nagammal's father is Muthaya. Subbammal was born to Lingama Naiker. She belonged to this Mulipatti only. Subbammal's mother belongs to Tirumangalam and is a Kodikkal Vellala women. A Police Station peon married her. He had come on business to the village of Upparapatti about six miles to the west of this village. He had come on station business. The said Lingama Naiker has his old house in the said Upparapatti. The said Lingama Naiker was visiting his father's house in Upparapatti. He took the said Kodikkal Vellala woman to Salli Kondangipatti lying to the east of this village and kept her there. Some time after this he brought her to this village. The said Kodikkal Vellala women brought forth two sons besides the said Subbammal. Of the said sons one was called Ramen, and the other Sakkanan. The said Raman, after attaining his age, went to Saptur and was driving carriage for the Zemindar. The said Lingama Naiker was of the Kambala caste. Subbammal and her two brothers were born of one Kambala Naiker and a woman of Vellala caste. They were said to belong to the Manigar caste and were called *Parivaram*. The father of the said Nagammal is one Muthaya. He was born to Paraiyur Zemindar. Muthaya's mother's name was Vellai. I don't know her village. The Paraiyur Zemindar bought her while she was a child and was bringing her up. She was somewhat a good girl. He himself kept her. He kept her as his kept-woman. The Paraiyur Zemindar

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belongs to Sillavar Kambala caste. I don't know to what caste Vellai belonged. People would say that she was born to a shepherd. (Objected to by the Plaintiff's Vakil on the ground that this is a hearsay.

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PART I.

In the Subordinate Court of Madura (West).

No. 171. Deposition of Defendant's 62nd witness Vadaval Sankaralinga Naiker, dated 30th May 1890. —*continued.*

Q.—To what caste did the said Muthaya belong?

A.—As he was born to the Zemindar, people would say that he belonged to Ayyakuttam or Manigarkuttam or Parivaram. It is true that Plaintiff's mother was the daughter of Muthaya. This was given as an answer to the question, "To what caste did Nagammal, the Plaintiff's mother, belong?" The question was repeated, and the witness says:—If there was any caste to which Muthaya belonged, then we might say to what caste the Plaintiff's mother belonged.

Q.—You have stated before that Muthaya was Ayyakuttam, Manigarkuttam and Parivaram. If so, to what caste did the Plaintiff's mother belong?

A.—The plaintiff's mother too belongs to Muthaya's caste only.

The aforesaid 3 names are given to the persons born of the Kamala gentlemen, that is, Zemindars, and their kept women. It is the custom among our Kambala caste to marry only in the Kambala caste. There is no custom to marry in a caste different from their own caste. If girls are fair in Manigar caste, they used to be kept as kept-woman. There could be no marriage between them according to the caste shastras. If marriage should take place amongst our own caste people, hut would be erected outside the house, and the marriage would be performed in that hut. One hut would be erected for the bridegroom and one for the bride. Pandal would be erected for the bride's hut and 12 posts would be planted. It is arranged that marriages are to last for 3 or 5 days. In the marriage between the same caste, the bridegroom would come to the hut directly, 64 shastras are fixed for the marriage to be celebrated in our caste. The marriage would be called a proper one among us if all the 64 sastras and ceremonies are performed by the bride and bridegroom remaining in the hut. If marriage among us is celebrated without the bridegroom coming to the hut, it would not be called a proper one. I know the custom of tying tali keeping the Jamuthadu (dagger). Tali would be tied to the girls of Nagammal's stamp by placing the dagger. If bottu is tied by placing the dagger (she) would be considered only as kept-woman. If bottu is to be tied by placing the dagger, a hut would be erected only for the girl. One night people would stay in the hut and after performing the ceremonies which ought to be performed, they would return to the house the next day. The bridegroom does not at all go to that hut. It is in the place of the bridegroom that dagger is placed. It is called *Jamuthadu* or *Kattari*. A hut with 11 posts would be erected for the marriage of a girl to whom bottu is tied in the presence of the dagger. The reduction in the number of posts shows that the marriage is not a proper one. Some ceremonies would be performed for the tying of the bottu in the presence of the dagger. The rest of the ceremonies would not be performed. Of the 64

shastras fixed for the marriage to be celebrated between our own caste there are some ceremonies which ought to be performed by the bride and the bridegroom together. If those ceremonies which ought to be performed by them together were not performed, the marriage cannot be called a proper one. Besides the said Nagammal, there were two other women to whom bottus were tied in the presence of the dagger. One was the daughter of the kept woman of the junior Zemindar of Elumalai and another was the daughter of the Zemindar of Kalpothu Mittah, and the other was Kumarammal, uterine sister of Nagammal. The said Kumarammal is dead. The person mentioned by me as the Zemindar of Kalpothu Mittah was of the *Mara* caste—Parivara caste. Besides my daughter, there were 5 women of our own caste to the late Zemindar of Saptur. Of the above 5 persons, one was the Defendant's mother. The aforesaid 6 persons, including my daughter, were inside the Palace. The 4 women to whom bottus were tied in the presence of the dagger were remaining in a place within the Palace compound. These 4 women cannot partake their meals in one vessel with the aforesaid 6 persons. During the Zemindar's life-time he would not have allowed the Plaintiff who has brought this suit to partake meals with him in his leaf. The late Zemindar would allow the Defendant in this suit and his deceased elder brother to take his meals with him in a single leaf. Among our Kambala Zemins the right of succession is according to the order of wives. What is meant by the order of wives is this—should there be a son to the 1st wife, the right of succession goes to that son, but should there be no son to the first wife and the 2nd wife has a son, it goes to that son; it is this that I meant by order. Even if the son of the 2nd wife is older than the son of the first wife, the right of succession is only to the first wife's son. So is the case with the sons of the other wives. If the first wife has no son at all, it is only then that the second wife's son is entitled to succeed. There is a caste called Kolla Thottiar. We cannot intermarry with that caste people. The sons of the dagger-wives have no right whatever to the Zemindary. If the Zemindar pays anything for maintenance they can have it. Will the Zemindars withhold such payments? I don't know whether they would sue or not if they were not so paid. If marriage is to be performed in our own caste, betel-nuts would be placed in a tray and sent through men of the same caste. Betel-nuts would not be so sent if bottu is to be tied in the presence of the dagger.

Cross-examined by Defendant's Vakil:—I had 3 wives. Two of them are dead, and one is alive. All the three are of the same caste. I have no dagger-wives. I have not caused *Jamuthadu bottu* to be tied to anybody to live as wife. I have no kept-women. I was present at a marriage of tying *bottu* in the presence of the dagger and witnessed it. That was in Saptur. People would call the tying of the *bottu* in the presence of the dagger also a marriage Those present at the time of marriage used to say (so). It is not called dagger-marriage. People would say the tying of *bottu* in the presence of dagger as such I was present on the occasion of tying the *bottu* in the presence of the dagger to the daughter of the Zemindar who is entitled to $\frac{1}{3}$th share in Kalpothu Mittah. I was present at one of the marriages celebrated by tying bottu in the pesence of dagger out of the four spoken of above by me. It was 7 or 8 years

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ago that I so attended. The reason for my having gone then to Saptur is, my daughter was there, and therefore I used to frequent (it).

Q.—What took place then?

A.—Dagger-marriage took place at that time. I did not go to the hut. I observed the number of the posts to the hut. I looked at the hut. I looked at the hut having gone a little close to it. I witnessed (it) having remained at a distance of half a *Kurukkam*. That hut was erected inside the Palace. It was a passage to go and return. The posts would be planted like pandal outside the hut. I counted the posts. I saw how they were planted. I observed whether there were 11 posts or whether all the 12 posts were planted properly. There is no reason at all for my having so observed. They were simply in the way and I saw.

The girl to whom *bottu* was tied had come about 6 months or a year prior to it. She had come and remained in Saptur in the house of a *Parivara*. I don't know in whose house she had thus come and stayed. I don't remember. They might have thus come on account of marriage. That girl's father is one Mannarsami Manigar of Kalpothu. I do not know him; nor did I see him at all. I have not seen the mother of that girl come out. I know what caste (she) belonged to. The mother of that girl was of the Manigar caste or *Parivara* caste. As it is said that the Kalpothu Zemindar is of the Manigar caste, I say that the mother of the said girl is also of the Manigar caste. I don't know the father of Mannarsami Manigar; nor do I know his mother. I don't know whether he is a legitimate son or son of a kept-woman; nor do I know if Mannarsami Manigar's daughter is a legitimate daughter or a kept-woman's daughter. The Kalpothu Zemindar belongs to a caste which observes marriage rites; but widows among them will get themselves re-married. I have not heard that Kalpothu Zemindars are the sons of kept-women. As the relations of that Zemindar were at enmity with that girl, they did not attend the dagger-marriage above referred to by me. I don't know what enmity was there at that time. Such enmity existed between the house of that girl and the Zemindar's relations. I did not witness the ceremonies performed within the hut. I don't know what took place in the hut; nor do I know who were in the hut. Subsequent to that dagger-marriage the Zemindar has kept that girl within the Palace only. I have not seen any other celebration of dagger-marriage than this. I do not know if all the 64 Shastras are performed at a marriage in our own caste. Kodangi Naiker and Naiker of the big house know (them). I have heard from Kodangi Naiker there are 64 Shastras. I know some of the 64 Shastras. The bridegroom would come to the bride's hut on horse-back, alight, and remain in a place, and the bridegroom and bride would join hands. When both of them remain, the relations that assemble would make presents. The relations would go for a sham hunting. I don't remember the rest. My relations told me there are 64 Shastras. I don't remember which of the relations that told me so. All used to say. Those that return after attending the marriage would say. They would say that there are more than 64

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PART I.

In the Subordinate Court of Madura (West).

No. 171. Deposition of Defendant's 62nd witness Sankaralinga Naiker, dated 30th May 1890. —*continued.*

ceremonies that they are 360; that one ceremony would be performed every day; and that they will be performed for one year. I don't remember which of the persons that returned from a particular marriage said (so). It was Kambala people that told me. I cannot state the reason why they told me so, but on questioning those who attended the marriages, they used to say that such and such a thing has been done. I was about 20 or 25 years old when they first told me so. My first marriage was at the age of 30. I don't know personally what ceremonies are performed for dagger-marriage. I cannot state. I have not seen. I know personally some of the differences between the ceremonies performed for dagger-marriage and those for our caste marriage. One is that bridegroom would not personally be present. One is that when returning home from the hut, the bridegroom and bride would not go in company. That is called going yekalachi (together). Afterwards hands are not joined: Marriage presents are not made. It is not generally done. Close relations will make presents. There are some more differences. I don't remember them now. Some would attend the ceremony after being invited and some would attend without being invited. It is the bridegroom that would send the invitation. It is only through men that invitations are sent. The invitation would be something like the following :—"A dagger marriage is to be performed. Let those who are willing to come, come." It is not customary to send invitations to all the relations. Word will be sent only to the close rerations of the girl. Invitation will not be sent regularly to all people of their own caste. Invitation would be sent to those of their own caste connected with the girl. By Swaya caste I mean Kambalathars only. Invitation will be sent to the next kinsmen of the girl. That is to say, the girl's maternal uncle, elder and younger brothers, and brother-in-law would be invited. The servants of the Zemindars are called Manigars. They observe the marriage custom. They have among them legitimate sons and daughters. Even the sons of the Zemindar's kept-women are included in that caste. The caste of the Manigar means not that exclusively. It is not the sons of the Zemindar's kept-women alone that are said to form the Manigar caste. Even if the Zemindar keeps as kept-woman, a woman of any caste, the son born of that woman is said to be of the Manigar caste. The Manigar caste has not the title of "*Sami*". The aforesaid four persons are indeed the kept-women of the Saptur Zemindar. Except them, the Zemindar had no other kept-women. Three persons named Pachai, Ramaye, and Sadaiyammai were doing work in the Palace during their childhood. They were somewhat good girls. They too were kept as concubines by him. They were concubines without *bottu tied* to them. The hut, the dagger, and other ceremonies were not *performed* for them. They were also staying in the *Palace itself*. They belonged only to the *Parivara caste*. I don't know why *bottu* was not tied to them. It was the pleasure of the Zemindar. It was my daughter whom the Zemindar married *first*. Afterwards, he married *four persons* simultaneously.

This was 5 or 6 years subsequent to the marriage of my daughter. It was with the marriage of these 4 persons that *bottu* was tied in the presence of the dagger to the daughter of the junior Zemindar of Elumalai. It was after the completion of the marriage of these 4 persons that *bottu* was *tied to her*. I was

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In the Subordinate Court of Madura (West).

No. 171. Deposition of Defendant's 62nd witness Sankaralinga Naiker, dated 30th May 1890. —*continued.*

present at the marriage of our own caste-people ; but I returned to village when *bottu* was tied. Two days after I went back, I had a marriage here (in my village) at that time. I made the necessary arrangement therefor, and after that I went back. I heard that *bottu* was tied. I don't know personally what were the ceremonies that were performed for the daughter of the junior Zemindar of Elumalai. *Bottu* means a circular plate made of gold. It is the sisters of the bridegroom that (would) tie *Tali* in our caste. If there are no sisters, the step-sisters would not tie Tali. The bridegrooms do not tie Talis. It was about 6 or 7 years ago that the other marriage was celebrated by the Saptur Zemindar. The Zemindar had no other marriage than the 6 marriages I have mentioned above. If the wife of Zemindar dies, the Shastra of fixing stone is to be performed. Cooked rice will be given to crows. All the relations will be invited. I don't know if cot would be given to the washerman. The slave would carry the grinding stone. These ceremonies would not have been performed for a concubine. It would not have been the case with regard to the dagger-wives also. My daughter is perhaps called Appen out of affection. Lingama Naiker belonged to Kambaraja Kambala caste. He died previous to the marriage of his daughter Subbammal. That marriage took place about 15 or 16 years ago. He died about 4 or 3 years prior to that marriage. I suppose that his age at the time of his death would have been about 45 years. I don't know the maternal grandmother of Subbammal; nor do I know the father of her mother. I had not seen Subbammal's mother at Tirumangalam. I say that (she) belonged to Tirumangalam Kodikkal Vellala caste, because the station peon brought her and there were rumours after her coming here. I did not see the station peon bring that woman with him from Tirumangalam. I did not speak to that station peon about that woman nor did that station peon speak to me about this matter. Upparapatti is attached to the Taluq of Tirumangalam, Madura District. My Zemin is attached to the Tinnevelly District. Upparapatti is not a village within my jurisdiction. I did not go to the house of the station peon, nor did I see that peon. I have seen that Kodikkal Vellala woman, that is, the mother of Subbammal, first in this village in the house in which she and Lingama Naiken lived and in the street when she was going to fetch water. That house was built in this village by Lingama Naiken. It was built only after she had come to this place. Previous to that, Lingama Naiken had no house in this village. That house was built by the said Naiken for himself. She too was living in it. Lingama Naiken had no other house in this village than the said house. I don't go to that house. Subbammal's mother died in this village only in that house. When Subbammal's mother died, Lingama Naik was alive. Before she was brought to this village, the house had been built in this village while she was being kept in Salli Kondangipatti. He built the house and brought and kept her in it. It was under the protection of Lingama Naiker that she remained from the date of her arrival after the erection of the house, till her death. The house in which she was kept in Salli Kondangipatti was not the house of the said Naiker. I did not see that house. I had not been to Salli Kondangipatti. I had not seen her in Salli Kondangipatti. He used to go from this place to Salli Kondangipatti once in 2 days or once in 3 days. I don't know personally if he had brought and kept a Kodikkal Vellala woman in

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PART I.

In the Subordinate Court of Madura (West).

No. 171. Deposition of Defendant's 62nd witness Singaralinga Naiker, dated 30th May 1890. —*continued.*

Salli Kodangipatti. I knew as he was frequenting that place. I don't know personally. If I were to ask the said Naiken where he had been, he would say that he had gone to Salli Kodangipatti and returned. He was employed here. He was employed as a peon under me. For salary he was given 2 chains of land as Maniyam. If he was questioned why he was often going (there) and returning; he would reply "you know that I have brought such and such a woman, I had been to see her." I would say "all right." I did ask him whom he meant when he said "such and such woman." He would say that she was the wife of the station peon. I asked the said Naiker to what caste she belonged. He replied that she belonged to Kodikkal Vellala caste. I had even asked him what her age was. I remember him having said that her age was 25 or 30. Lingama Naiker's duty was to do such works as these, *viz.*, to fetch anybody that was wanted, and if ordered to go to the villages. I had then 7 or 8 peons. Their salary was only 2 Sangilis of land granted as Maniyam to each. I used to enquire about the matters relating to the concubines of my peons. They too used to tell me (about them). I did not check the said Naiker for his often visiting Salli Kodangipatti thus. Salli Kodangipatti does not belong to my Zemindari. It is in the Saptur Division. There was no other reason to suppose that she was the kept-woman of the said Lingama Naiken except that he told me so. Subbammal was born only in this village. She was married when 17—20 years old. She was married at Paraiyur. Even her brothers and sisters were born in this village. Lingama Naiken would go to Upparapatti taking my permission to go there. It was only after Lingama Naiken brought and kept her in Salli Kodangipatti that I first came to know that he was keeping her as his kept-woman. If Kambala people marry in other caste and children are born, people would say they also belong to the Parivara caste. I have not heard "Muthaya" called Muthusami Naiker. How can he be called so? He should not be called so. Muthaya might have died about 20 years ago. I have not also heard the said Muthaya called by the name of Muthuverasami. He should not be called so. As he was not the legitimate son of the Zemindar, he should not be called *Naiker*. I don't know whether he could be called as Muthuverasami or not. As he was not the legetimate son of the Zemindar he should not be called so. I don't know Vellai Muthaya's mother. I have not seen (her). She died while I was very young. I might have been then 10 or 15 years old. People would say that she died then. I don't remember now who used to say so. Persons from Paraiyur would say (so). They would say that Vellai, the concubine of the Paraiyur Zemindar, was dead. People that come and go would say so. I cannot give any reason why they said so to me. Except what I heard from them I don't know personally the origin of Vellai. I heard this from several persons. I don't now remember on what occasion it was said and who said so. The girls have 2 castes, father's caste and mother's caste. If their castes differ, the girl belongs to hybrid caste.

Q.—Are there two castes?

A.—There are two castes. Yes, the two are bad castes. It is that that is called hybrid. There is difference between the kept-women to whom bottus

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PART I.

In the Subordinate Court of Madura (West).

No. 171. Deposition of Defendant's 62nd witness Sankaralinga Naiker, dated 30th May 1890. —*continued.*

are tied and the kept-women to whom bottus are not tied. The concubines to whom bottus are tied are a little respected, sons being born to the Zemindars. The respect is a little less in the case of concubines to whom *bottus* are not tied. In the case of addressing concubines to whom *bottus* are tied, strangers would address them respectfully. The matter of tying the *bottu* is at the option of the Zemindar. In marriages hut is erected. If the house be a spacious one, it would be erected inside. If the house is not spacious, it would be erected outside. There is no fixed rules. The dagger-marriage of the two persons Nagammal and Kumarammal were performed within 20 years and over 15 or 16 years. I had not been to that marriage. I don't know personally what took place in that marriage. Some people used to call Saptur Zemindar Kattari Kamayan. They are Palavars. Kondangi Naiken and Naiker of the big house have told me that if there was reduction in the number of posts it was not a proper marriage. They are in each and every village. They are in many villages. I don't remember now Kondangi Naiker of which village that said so and on what occasion. I had occasion to ask what the reduction in the number of posts would signify. I don't remember what the occasion was. Besides Kodangi Naiker and the man of the big house others of my caste too have told me so. I don't remember now who said and on what occasion. There is no necessity for me to learn on enquiry. It is usual to learn on enquiry. I am now blind. I have been thus for about 5 or 6 years. My last visit to Saptur was 10 days prior to the death of the Zemindar. The Zemindar's wives were kept as *Goshas*. I might generally go and speak to the Zemndar's wives. It was on the occasion of my visit that I last saw the Plaintiff in this suit. He would have been then 2 or 2½ years old. It was in the Palace that I saw him then. He was a young child and would be moving about. I cannot say in what place. I did not notice what the Defendant's age was at that time. I cannot say even approximately. His age was a little below the Plaintiff's. I cannot say by how much it was less. It was an age when he could take food. He could take food scattering and slipping it. I have seen the Zemindar giving food to the Defendant. I have seen so 3 or 4 times. I have stated that in the Kambala Zemin the right of succession is according to the order of wives in the Zemindari belonging to Kambala caste. I have also seen that in some places and I have also heard about it. I know that in the following Zemins, namely, Paraiyur, Elumalai, Bodinayakkanur, Gantamanayakkanur, Thevaram, Mannarkottai and Pavali, the succession was according to the order of wives. I cannot give a similar instance in Paraiyur Zemin, where the senior wife's son only, though younger in age than the junior wife's son, succeeded to the Zemindari; nor was there any such occasion. There was no such occasions in Elumalai; nor in Bodinayakkanur; nor in Gantamanayakkanur; nor in Thevaram; nor in Mannarkottai; nor in Pavali. I have not known in any Palayapat that right of succession is according to the order of wives. If I had stated that I had known, it is only through mistake. I do not remember also who told me that right of succession was according to the order of wives. There has been no suit instituted to ascertain from others about this matter. There had also been no suit and no occasion whatever for others too to speak to me about this matter. I am not aware of any instance where the second wife's son only, though younger than the third wife's son, suc-

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PART I.

In the Subordinate Court of Madura (West).

No. 171. Deposition of Defendant's 62nd witness Sankaralinga Naiker, dated 30th May 1890. —*continued.*

ceeded to the Zemindari. Such a thing did not happen in Kambala Palayapats. I cannot give an example to support my statement that it was only after all the sons of the first wife are exhausted that the sons of the other wives would be entitled to succeed. There was no occasion whatever for me to enquire about such a matter. It does not appear that the sons of the dagger-wife have had succession till now. It is in Saptur Zemindari that there is a dagger-wife's son such as Plaintiff. I have not heard of dagger-wife's son in any other Zemin. I have not known that in Kambala Palayapats, Zemindars had dagger-wife's sons and that such sons failed to get succession. There is no writing to support the statement that the sons of a dagger-wife are not entitled to succeed. It is being said that it was so in Kannivadi. (Objected to by Plaintiff's Vakil on the ground that it is hearsay). I don't remember whether there has been or there are any dagger-wives' sons in Kannivadi Zemin. I am not aware of the fact that they failed to succeed to the Zemindari which they were entitled to succeed. There never was an occasion for me to ascertain whether or not the sons of a dagger-wife were entitled to succeed. There was no occasion whatever for others also to speak to me about it. I know not personally that, during the life-time of the Zemindars, they made arrangements for the maintenance of the dagger-wives' sons. I don't know if any suit had been brought by the dagger-wives' sons either for maintenance or for the Zemin, after the death of the Zemindar, when he failed to make such arrangements regarding them, or if any other settlement has been arrived at regarding them. I don't know whether or not the bridal *Kondangi* (marriage cloth worn by brides) is woven and given in Kambala Thottiyar's marriage. All persons would not purchase the bridal *Kondangi*. The Zemindars would purchase woman's silk cloth. The poor Kambala people amongst them would purchase the bridal *Kondangi*. I don't know if the ceremonies called "*Santhaipotti*" and "*Palaipotti*" are performed in our marriages. It is usual to put toe-ring to the bridegroom in the marriage. Toe-ring is not put to the bridegroom for the dagger-marriage. It is put only in the marriage in our own caste. In the marriage in our own caste the bridegroom is shaved on the marriage day. In the dagger-marriage the bridegroom does not get himself shaved. The bridegroom himself does not at all come out. It is Naiker of the big house and Kondangi Naiker and other persons acquainted with the ceremonies that have the marriage ceremonies among us performed. Even in dagger-marriage Naiker of the big house would be present and cause the ceremony to be conducted. There is no such ceremony as *Arasanipanai* (a kind of pot) in our marriage. But there is a different pot. I don't know the name. Among Kambalas, there is no such thing as *Arasanipanai*. If, in the marriage of our own caste, girls had not bangles on their hands, bangles would be put. It does not appear that bangles were put in dagger-marriage. In marriage in our own caste the ceremony called *Seshai* (casting rice) is performed. It can't be in a dagger-marriage. In marriage in our own caste when the bridegroom comes to the bride's house, he would come wearing slippers. There is no such ceremony in a dagger-marriage. I don't remember that in marriage in our own caste, money is given at the entrance of the house. The ceremony called *Yekalichi* (going together) is not performed in dagger-marriage. It is performed in marriage in our own caste. Salt pot is not borne.

Deputy Registrar.

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No. 171. Deposition of Defendant's 62nd witness Sankaralinga Naiker, dated 30th May 1890. —*continued.*

(I don't know) whether it is butter-milk pot or something else that is carried. The bride will carry one pot. I cannot say what the contents of that pot would be. I know Tiruppugalsami. He was the father of the present Zemindar of Paraiyur. He was my Dayadi. I know Muthu Lingasami Naiker of Vittilpatti. He is now dead. He was also a Kambala by caste. He was also my Dayadi. He was not related to the mother of the Plaintiff in this suit. Tiruppugalsami was related to the Plaintiff's mother, simply because Muthayan was born to the Zemindar of Paraiyur. There is no other relationship. I don't know Muthuverusami's son Muthulingasami. Wooden boxes are not brought when the bride comes for the marriage. Relations would bring. That won't be done in a dagger-marriage. In dagger-marriage *Oorumi* (a kind of drum that causes a murmuring sound) is beaten. It is beaten also in a marriage between our own caste people. Naikers would be fed in a marriage between our own caste people. Only a few persons will attend the dagger-marriage. In a marriage between our own caste people, sheep, &c., will be slaughtered before the hut. It does not exist in a dagger-marriage. I don't know Kulliputtur. I have relations in Thummanaikenpatti. Muthuverammal is the mother of (the defendant) Ramasami Kamaya Naiken. I used to call that lady Chinnappon. We don't call. The people in that lady's house used to call. She would come over here very rarely to see me. She might have come last, a year ago. I know the Zemindar of Paraiyur. He has been staying only in my Palace. He came here only yesterday. Previous to this, he had come here a few days ago. Even then, he stayed only in my Palace.

Re-examined by the Defendant's Vakil:—The Plaintiff's maternal uncle Thumbayan came to me 4 or 5 days ago. He brought and gave me mango fruits. He asked me what I was going to say, whether the Plaintiff's mother was a married woman or a kept-woman. I told him that I would speak the truth as the events occurred. He requested me that I should state that she was married.

Q.—In a marriage between your own caste people is it not the practice for the bridegroom to touch and give Tali for being tied?

(Objected to by the Plaintiff's Vakil as leading).

A.—The Tali should be tied only after the bridegroom in the hut has touched and given it. If the Tali is not tied after the bridegroom has so remained in the hut and touched and handed over the *Tali*, then that marriage cannot be called a proper one. The statement that Subbammal's marriage took place about 15 years ago is incorrect. It might have taken place about 30 years ago.

(The above two sentences were given in reply by the witness after the discrepancy elicited in the cross-examination was pointed out to him by the Defendants' Vakil).

If a man of our own caste were to be a servant under us he cannot be said to belong to the Parivara caste. The 360 sastras I spoke of cannot be per-

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formed at this time. The Kambala caste-people do not marry in other castes. They used to keep as concubines. The dagger-wives' sons had never succeeded to the Zemindari. The concubine's sons too had never succeeded to the Zemindari (objected to as introducing new matter in re-examination).

The Plaintiff's Vakil proposes to put a few questions relating to the answer given by the witness as regards Thumbayan's visit to him and the conversation between them. The Defendant's Vakil objects to any further questions being put now after his re-examination is over, especially when the questions in the re-examination did not introduce any new matter. The Plaintiff's Vakil replies that it is a new matter, and even if it were not a new matter he prays the permission of the Court to put the questions. I shall, however, record the questions and answers without deciding it myself one way or the other (leaving it to the Court to decide it finally).

I did not mention to any body the fact that Thumbayan had come. I did not tell this to the Defendant's Vakil or to the Paraiyur Zemindar or to any other persons belonging to Naiker's side.

Read over to the witness in the presence of the Vakils, and acknowledged by him to be correct.

(Sealed) Vadaval Sankaralinga Naiker.

(Mark of) Vadaval Sankaralinga Naiker.

Writer of this, Rengasami Naiker, residing in Mulipatti.

The witness—(torn)—could not (torn)—his hands(torn). The deposition is—(torn) marked by him and—(torn) with his seal.

(Signed) N. BASHYA CHARIAR,
Commissioner.

30—5—90.

No. 172. Deposition of Defendant's 63rd witness K. Narayana Ayyar, dated 5th August 1890.

No. 172

IN THE SUBORDINATE COURT OF MADURA (WEST).

Defendant's 63rd witness K. Narayana Ayyar, Collector's Sheristadar, North Arcot District, deposes on solemn affirmation:—

I was Acting Tahsildar of Tirumangalam in Madura District in October and November 1885. I recollect of my having acted as Tahsildar of that station between May or June 1885, and December 1885.

Saptur Zemindari is within the limits of Tirumangalam Taluq.

Deputy Registrar.

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PART I.

In the Subordinate Court of Madura (West).

No. 172. Deposition of Defendant's 63rd witness K. Narayana Ayyar, dated 5th August 1890. —*continued.*

I know about the death of the Zemindar. I went to Saptur to take possession of the Estate on behalf of the Court of Wards. While I was there I made certain enquiries about the status of the family and I submitted my report to the Divisional Officer under whose orders I went to the place. The Zemindar belonged to the caste named Kambalatta Naik.

I have just seen the report dated the 11th November 1885, No. 783. This is the report which I submitted to my Divisional Officer on the subject. This report has been founded on the enquiries I then made. The late Zemindar belonged to Tottiya caste. I read out para 5 of my report as asked for.

From the enquiries I made at the time, I was able to state what has been written in the said para 5.

The following passage occurs in para 5: "In Jamuthadu marriage the husband does not go to the bride's house, nor is he present at the marriage as he does in a proper form of marriage, that is, when he is married to a woman of his own caste, but sends his "Jamuthadu" to which the woman is married". I learned the above from the enquiries I made when I went to take possession of the Estate.

These enquiries were made at Saptur. In para 5, I have stated that Muthu Kamakshiammal and Nagammal are admittedly of inferior caste.

At this distance of time, I cannot say under what circumstances I wrote the word admittedly.

In all probability those two women must have admitted it before me. Either the said two women or some of their relatives must have admitted before me. Without which the said expression is not likely to have found its place in the said para.

Inferior means inferior to that of the Zemindar's caste.

In the commencement of para 5 it has been stated that there are also left 2 women named Muthukamakshiammal and Nagammal who were united to him by what is known as "Jamuthadu" or "Kattari ceremony."

I wrote the above on the enquiries I made at the time. I have also written in para. 5 to the effect that "the Jamuthadu marriage" appears to be a refined and recognized form of concubinage amongst "Thottiars" to which caste the deceased belonged.

I did not take Muthukamakshiammal and Nagammal on the same level as I treated the legally married widows of the late Zemindar.

What I meant was that I did not treat the abovenamed two women as I would treat a Thottia woman married to the Zemindar in proper form, *viz.*,

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In the Subordinate Court of Madura (West).

No. 172. Deposition of Defendant's 63rd witness K. Narayana Ayyar, dated 5th August 1890. —*continued.*

husband and wife being present and the *Tali* tied in the usual form of the caste. I treated the union of these two women with the Zemindar as a refined and recognized form of concubinage, and consequently remember of having recommended a lesser rate of maintenance than that is recommended in the case of Chinna Nagammal, a married widow of the late Zemindar.

Cross by the Plaintiff's Pleader:—I remember of my having taken down written statements from the widow of the late Zemindar when I had been to Saptur. I also recollect of taking statements from Muthukamakshiammal and from Nagammal also. I prepared my report to the best of my recollection after taking down the statements from the widows, etc. I do not recollect the number of reports I submitted in this matter. I examined the widows when I took down their statements and also noted down therein what they stated. I recollect of having examined some others also besides the ladies. I took down the statements correctly as to what the parties have stated before me. If anybody had admitted before me that the two women were admittedly of inferior caste, and if I had taken written statements from them at the time, those admissions would have been recorded in those statements. If the ladies had made the admission when I took down their statement, I would have recorded the same. I remember of my having stayed at Saptur for about 2 weeks on that occasion and of my having taken down written statements from these ladies on a single day. During other days also, I had conversation with these ladies, but to the best of my recollection I did not commit such conversation into writing. To the best of my recollection, the matter of these two women Muthukamakshiammal and Nagammal being united by Jamuthadu marriage as referred to in my report was so plain and well known and so also about their inferiorities in caste. I might have therefore used the word admittedly in the 5th para. of my report. In ordinary marriages among Kambala Thottia caste the bridegroom does not in all cases go to the bride's house. In cases in which the bridegroom does not go to the bride's house, the marriage may be legal, according to the rules of the said caste, provided though the bridegroom and the bride are present at the marriage. I was not present at any Kambala Thottia caste marriage. By marriage I mean at the time of Tali tying. Tali is tied generally not by the husband, but by the husband's sister. If I was aware that even in ordinary marriages in the said caste bridegroom does not go to the bride's house, I would not have stated in the 5th para of my report that in Jamuthadu marriage the bridegroom does not go to the bride's house. I have heard that in Thottia marriages a person called Woorimaikaran officiates at the marriage ceremonies, and the sister of the bridegroom ties the Tali. Without referring to the list of property, I cannot now say whether I then took possession of any Talis or not. I made no inquiries to the best of my present recollection whether Muthukamakshiammal and Nagammal ever wore Tali. They must have worn Talis as the Jamuthadu married wives of the late Zemindar.

I made no inquiries to the best of my present recollection as to who tied Tali to Muthukamakshiammal and Nagammal, or whether Woorimaikaran attended during their marriage or not or about the particulars of their marriages.

Deputy Registrar.

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In the Subordinate Court of Madura (West).

No. 172. Deposition of Defendant's 63rd witness K. Narayana Ayyer, dated 5th August 1890. —*continued.*

Jamuthadu marriage means the woman is married to the Jamuthadu sent by the husband, and I can't say whether the woman is married to the husband or not; so I left the matter in doubt in para 6 of my report. The only difference between the two marriages is the ladies are married to the Jamuthadu in the latter case. Several dayadies and relations were present at Saptur when I went to take possession of the Estate. I personally knew some of them to be the dayadies of the late Zemindar. I do not now remember the names of such dayadies or relations. Nagayasami of Paraiyur is the brother-in-law of the late Zemindar. He was present at the time at Saptur. He was a young man at the time, and so I did not receive any information from him. I don't recollect if I had taken any written statement from him at the time. I remember of my having recommended to the Divisional Officer that this Nagayasami of Paraiyur should be appointed as guardian to the minor Zemindar. From my enquiries I foundthat Muthukamakshiammal and Nagammal belonged to either Parivara caste or some inferior caste. I might not have considered them important to state in my report the particular caste to which these two ladies belonged. I did not hear that these two ladies named Muthukamakshiammal and Nagammal belonged to such particular caste. In para 11 of my report, I said that certain concubines of the late Zemindar belonged to the Parivara. When I wrote para 11, I did not think of the two ladies named Muthukamakshiammal and Nagammal. There is a difference between a marriage and concubinage. In using the expression Jamuthadu marriage in the 5th para. of my report, I used it as an equivalent of Jamuthadu kaliyanam. When I wrote in the said para the words refined and recognized form of concubinage, I did not think of its Tamil equivalent. In the concluding part of the para 6 of my report, I stated that when the Zemindar went to jail in the last year (1884) these two women (Muthukamakshiammal and Nagammal) were sent along with two of his legal wives, etc., etc. I wrote the above also on the information I gathered at the time. In several parts of my report I have referred to the widow named Muthuverammal, she being the mother of the minor Zemindar who succeeded to the Zemindari. I consulted her on several points on which I did not consult with the other ladies. I do not remember of my having enquired if Muthukamakshiammal and Nagammal could sit and eat their meals along with the other legally married wives. I never made enquiries whether the issue born of a Jamuthadu marriage ever succeeded or could succeed to the Zemindari as it was not then necessary for me to decide that point. My primary enquiry then was about the succession to the Estate. The other enquiries which I made at the time not pertaining to the question of succession were made because they related to the question of maintenance of both the ladies and their children. I thought that the marriage was the test to fix maintenance. I did not recommend any separate maintenance to the minors, except in the case of some orphans. By minors I mean the younger son of Muthuverammal and the son of Nagammal. To the best of my recollection, I believe I made a difference in recommending rates of maintenance in the case of a childless widow and that the case of a widow with childre. Muthuverammal being the guardian of the minor Zemindar who succeeded to the Estate, and as such more interested for the minor, I took her opinion about the petitions of concubines. I had a conversation with Muthuverammal about

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PART I.

In the Subordinate Court of Madura (West).

No. 172. Deposition of Defendant's 63rd witness K. Narayana Ayyer, dated 5th August 1890. —*continued.*

the status of Muthukamakshiammal and Nagammal. Probably Muthuverammal did tell me that the other two ladies (Muthukamakshiammal and Nagammal) were of inferior caste. I did not consult Muthuverammal about the maintenance to be awarded to the other ladies. I do not remember of Nagayasami of Paraiyur having talked to me, or I told him about the status of Muthukamakshiammal and Nagammal. Probably Nagayasami of Paraiyur might have talked to me on that point. From the enquiries I made and from my observations, I found that Muthuverammal was not on friendly terms with Muthukamakshiammal and Nagammal.

I also believe that Nagayasami of Paraiyur was not on friendly terms with Muthukamakshiammal and Nagammal. I did not enquire if Muthukamakshiammal and Nagammal could be re-married. Probably these ladies could not be re-married. About concubines I said in my report that they could be re-married. I left it as an open question whether the son of Nagammal is a legitimate son or an illegitimate son of the late Zemindar. In para. 20 of my report, I referred to the two legitimate sons. They are the sons of Muthuverammal. I did not mean Nagammal's sons. I cannot now say whether I did include Nagammal's sons among the 6 illegitimate sons referred to in para 40 of my report. On reading paras 7 and 49 of my report, I state that I have included Nagammal's sons among the illegitimate sons. I might not have considered it necessary to state in para 6 of my report that Sundra Kannu (son of Nagammal) was the illegitimate son of the Zemindar, though in para 7 I said speaking of the sons of ordinary concubines as illegitimate sons. From the information I received I could not say whether the late Zemindar Nagayasami Kamaya Naiker made any difference or showed any distinction between the Muthuverammal's sons and Nagammal's son. If the ear-boring ceremonies of Nagammal's son could have taken place side by side in the same place with the sons of Muthuverammal, I should consider it strange. I did not make any special enquiry as to whether Muthukamakshiammal and Nagammal could take meals together with Muthuverammal or other legally married wives. Valagadady marriage referred to in para 5 of my report is equivalent to Jamuthadu marriage according to my information. If my information was correct, Valagadady marriage also must be a refined form of concubinage. I am a native of Madura. From my birth up to 1888, I was living in that District. Before I conducted my inquiries at Saptur, I never heard of Jamuthadu or of Valagadady marriages. If the issue by the Valagadady marriage is treated as legitimate son, the issue by the Jamuthadu marriage also should be treated as a legitimate son. I am not aware that Maravars marry Vellala girls or girls of any other caste.

I did not inquire whether there could be a legal marriage between the late Zemindar and Nagammal. Without sending a Jamuthadu if the late Zemindar had married Nagammal, it would have been a legal one in my opinion.

Re-examination by Defendant's Vakil.—I did not act simply on the information given by Muthuverammal or by Nagayasami of Paraiyur, that Nagammal belonged to an inferior caste. I based my report on inquiries made from dayadies and other relations also. From the inquiries made by me, I came to the conclusion that there existed a difference between the proper marriage and a Jamuthadu marriage. That was the opinion of the people whom I had examined. As all the persons whom I enquired at the time clearly stated that Nagammal was of an inferior caste to that of the Zemindar, I used the word 'admittedly' in para 5 of my report. The Tamil word for concubinage is Vyppu. This, in that sense I used in the 5th para of my report as a refined and recognized form of concubinage. By Jamuthadu marriage, I meant married to the Jamuthadu. I heard from inquiry that Nagammal was born to a Tottiya father and a Parivara or to some low caste mother. I was therefore in doubt as to what caste this Nagammal belonged, and so I did not give in my report the exact caste to which she belonged. I believe I have recommended maintenance for some illegitimate children and a concubine also. I thought a married woman is entitled to a higher rate of maintenance than a woman who underwent Jamu- marriage. The report, dated the 11th November 1885, is numbered as Exhibit No I, at the request of the Defendant's Vakil. The age of Nagayasami in the year 1885 was about 20 or 24 years. I saw him to be young comparatively. The points on which I consulted Muthuverammal were referred to in my report. When I stated in the cross-examination "that I left it as an open question whether the son of Nagammal is a legitimate son or an illegitimate son of the late Zemindar," it was my belief so when I read para 6 of my report.

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PART I.

In the Subordinate Court of Madura (West).

No. 172. Deposition of Defendant's 63rd witness K. Narayana Ayyar, dated 5th August 1890. —*concluded.*

Read over to the witness and acknowledged by him to be correct.

5th August 1890.

(Signed) K. Narayana Ayyar.

Solemnly affirmed before me.

(Signed) S. SUBBA RAO,
District Munsif of Chittore,
South Arcot District.

Deputy Registrar.

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PART I.

In the Subordinate Court of Madura (West).

No. 173. Deposition of Defendant's 64th witness Muthuverammal, dated 4th August 1889

No. 173.

Deposition of Defendant's 64th witness.

IN THE SUBORDINATE COURT OF MADURA, (WEST).

Original Suit No. 21 *of* 1889.

Defendant's 1st witness before the Commissioner.

Name of the witness...	Muthuverammal.
Father's name	Muthukumarasami Naiker.
Caste	Kambala.
Sect	Sivite.
Occupation	Zemindarni.
Age	About 33.
Residence	Saptur.

Examined on solemn affirmation on 4—8—90.

My deceased husband Nagayasami Kamaya Naiker Avergal had 6 wives. Of them the 1st wife was Thavasi Lingammal, the 2nd was Muthukrishnammal, the 3rd was K. Kamalammal. She was called Koppayanaikanur Kamalammal I was the 4th, the 5th was Muthu Chinnammal and the 6th was Chinna Nagammal. Of these Thavasiammal, K. Kamalammal and Chinna Nagammal are dead. I belong to Kambala caste. The other 5 also belong to Kambala caste. My father was Theruppugalsami *alias* Muthukumarasami. He belonged to Paraiyur. He was not the Zemindar of Paraiyur but he was the junior Zemindar. I was married 17 or 18 years ago. At that time, I was 13 years old. My parents were then alive. They had come to my marriage. My paternal junior uncle Muthukumarasami Thumbichi Naiker was the Zemindar. I was given in marriage by my parents. Zemindar of Paraiyur had come to the marriage. My parents have been maintaining me upto to the time of my marriage. I was not adopted by the Zemindar of Paraiyur. Nor did he bring me up. I was not given in marriage by the Zemindar of Paraiyur as his foster child. I gave birth to two sons. The elder is dead. He was born 2½ years after my marriage. The 2nd son was born 8 years after that. After I was married I was living in the Saptur Palace. I was living in the northern machu of the Palace. The above said Thavasiammal was living with me in the northern machu. In my marriage 4 women including myself were married, *i. e.*, except Thavasiammal and Chinna Nagammal, the rest were then married. Muthukrishnammal was living in the western machu. The said K. Kamalammal was for sometime living with her and sometime in the sourthern machu. Muthukrishnammal was living in the southern machu. Chinna Nagammal was living in a building called the South Palace forming part of the Palace. Muthukrishnammal has a daughter. I know Muthukamakshiammal. I saw her first in the Saptur Palace *i. e.*, I saw her 5 or 6 days after my marriage. People said that she was married by my husband by sending a dagger. Tali means a small Bottu. She was living in a building called a new building. The said Muthukamakshiammal came to the said building before I gave birth to my 1st son. I know Kumarammal and Nagammal. People said that they also were tied Bottu in the presence of dagger sent by the Zemindar. I know that the ceremony of shaving the head was performed on my elder son. Their marriage was celebrated subsequent to this; *i. e.*, the shaving of the head of my son took place on Wednesday, and it was said that on the following Friday Bottu was tied to them in the presence of the dagger. After the marriage Nagammal and Kumarammal lived in the new house which was the building belonging to Muthukamakshiammal. Muthukamakshiammal, Kumarammal and Nagammal do not belong to our caste. Muthukamakshiammal gave birth to a son during the lifetime of the Zemindar and that son died. Nagammal gave birth to a son. I did not go on that occasion and conduct any ceremony. As soon as it was born the Zemindar did not go there, and put oil on the tongue of the child, nor did I go with him. The Zemindar did not, in my presence, dip the dagger into oil and touch the tongue of the child with its tip. Nor did I go there even when children were born to me. I did not see Zemindar do the same thing. On the 7th day of the birth of my children bangles were put. Bangles were put to the two children. On the 12th day the children were put in the cradle. Bangles were not put to Nagammal's child in my presence. Nor were the bangles of my child taken and put to her child. The ceremony of putting the child in the cradle was not done to that child in my presence. I went to Paraiyur 10 or 12 months before the death of my husband and remained there. During those 10 or 12 months I remained in my elder brother's house. During the lifetime of the Zemindar, myself Muthukamakshiammal, Kumarammal and Nagammal these were not cooking and messing together. We did not take our meals in the same row. As they were lower in caste to us, we did not take meals in the same row. The Zemindar and the Plaintiff were not eating together. Nagammal gave birth to the child in the new building. Nagammal did not bring forh the child in the same room in which I did. When Nagammal brought forth the child, I was living in the north machu. I gave birth to my children in a room in the north machu. That room was called the confinement room. When my husband was convicted in a criminal case and undergoing imprisonment at Madura, I did not go to Bodinayakkanur and remain there. After the death of my husband I came back to Saptur. That day including myself, three wives were present at Saptur. It is custom to cut the Tâli *i. e.* Bottu on the day of the death. On the day of the death of my husband new cloths were brought and were put on the neck of us three. Our caste people were present. We went round the corpse, cut the Tali and broke the glass bangles and throw them at the feet of the corpse. I did not notice whether on that occasion Muthukamakshi Ammal and Nagammal came there together and did so or not. I did not

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 173. Deposition of Defendant's 64th witness Muthuverammal, dated 4th August 1889. —*continued.*

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PART I.

In the Subordinate Court of Madura (West).

No. 173. Deposition of Defendant's 64th witness Muthuveraumal, dated 4th August 1889. —*continued.*

see new cloth put to Muthukamakshi Ammal and Nagammal as our caste people did with regard to us three. I remained crying. A woman of our caste was dragging me round the corpse. After my husband died, Tahsildar of Thirumangalam came to Saptur. He took down a deposition from me. I heard my depositions, one dated 24th October 1885, and the other dated 26th of the same month, given by me before the Tahsildar of Thirumangalam, read out. It is true that I gave such depositions. They are marked III and III*a*.

In our Kambala caste, widow marriage is not allowed. The expression "Sarapiranthavargul" means children born of concubines of different caste kept by men of our caste. I know Mangaleswari Ammal. People said that bottu was tied to her by the Zemindar in the presence of the dagger. Mangaleswari Ammal did not belong to Kambala caste. She remained at Saptur for 2 or 3 years. People said that Mangaleswari Ammal was married in the presence of the dagger after the marriage of Chinna Nagammal. Mangaleswari Ammal came to Saptur few days before bottu was tied to her. Then she left Saptur. She went away 5 or 6 months before the death of my husband. I was not there in the village. Then she did not at all return. When the Tahsildar took down the deposition Mangaleswari Ammal was not present. I have seen Kumarammal and Nagammal before Bottu was tied to them. Before that they were in the Palace for one year. There was no fixed place in the Palace for them. They were in several places. Sometimes in the North Palace and sometimes in the South Palace.

Cross-examination.—Muthukrishnammal was a girl of Uthappanaikkanur. My paternal senior aunt had no daughters. My father was living in Paraiyur in a building called Mel Aranmanai (West Palace). Of the wives of Muthukumarasami, the Zemindar, the 1st wife's name was Krishnammal and the 2nd was Thavarathu Lakkammal. There were 2-3-4 other wives. I used to visit the house of Muthukumarasami Thumbichi Naiker without any purpose. The said Krishnammal and my mother were step-sisters. They were born of the same father but of two mothers. The said Krishnammal is my senior aunt. The said Krishnammal and the said Zemindar were fond of me whenever I went. They were not exceedingly fond of me. I used to go to their house very often. I did not remain there for 10 or 8 days together. I would not remain even for 2 or 3 days. I used to eat there. On important occasions I would eat. On ordinary days I would not eat there. They had not made even a single jewel for me. Neither my senior aunt nor the Zemindar made any jewels for me. During my marriage they might have lent jewels and taken them back. I had obtained the jewels of this Zemindar on loan and was wearing the same during marriage. I positively state that he did not make a present of the jewels. Before the marriage my father had put on me jewels. They would be worth Rs. 2,000. He did not put any jewels during the time of the marriage. The said Paraiyur Zemindar had a son by name Durai Pandian. At the time of my marriage he would have been 10 or 12 years old. He was 2 years younger than I. I do not remember of his birth. His father had no other child than this child. When I was young the said Krishnammal used to arrange the hair of my head and twist it and put jewels on. During ordinary days no jewel of the Palace was put on me nor

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were any jewels of the Palace put on me even during important occasions. She used to put on me my own jewels. There were plenty of jewels in the Palace. I did not sleep even a single night in the house of the said Krishnammal during my childhood. In my marriage, presents were made by my parents. No present was made by the Zemindar. The said Zemindar and his two wives had come to my marriage.

My husband's house people, the junior Zemindar of Saptur and Gopalakristnammal asked my father at Paraiyur to give me in marriage. They asked in my father's Palace. The Zemindar was not present. He did not know. My father consented to give me in marriage. I do not know if my father asked the Zemindar of Paraiyur about this. A year previous to the death of my husband I had been to Paraiyur only because of the misunderstanding with him. It was my husband's nature to be harsh and wild with his wives. He was uniformly disposed towards his wives to be angry with them and to be fond of them. I went two months before my husband came to Madura for the Criminal case. I came on the date of the death after a man came. I did not come in the interim. 5 or 6 days after my marriage I saw Muthukamakshi Ammal in the new house. I had then been to the western house of the Palace. From there I saw her. When I saw her, the servants told me that it was she to whom Bottu was tied before a dagger. By western house, I mean the upstair house. From there I saw her in the verandah of the new house. I do not remember whether I saw her or not when I had been to Elumalai. When I saw her, she had put on jewels and was wearing cloth. I do not remember whether anybody was present with her or not. When I asked my servants who she was, they told me as stated above. I do not remember the name of the servant who said so. I was surprised when I heard this. I did not ask what was meant by tying a Bottu before a dagger. I thought that the Zemindar would have married her before a dagger as she was a fine looking woman, though belonging to a different and to a lower caste. As soon as I saw her this came to my memory. When I saw her I was not able to recognize who she was. As soon as I saw her I was told that she was married before a dagger. Therefore I thought she did not belong to my caste. Before this I have not heard about the dagger. It was only then that I heard about marrying before a dagger. Subsequent to that, I have seen Muthukamakshiammal visiting the Palace. She used to come to the portion where I was living. If I liked I would go to visit the portion in which she was living. I would open the secret door and would go there, have a walk and come back. Kumarammal and Nagammal were living together in the verandah and other places before they were married before a dagger. Just like guests, they were living in the common places such as the verandah and other places in our harem. After they left the harem, I asked where they were. The servant women told me that the Zemindar was going to tie Tali before a dagger. After they went out of the Palace I did not see them. The servant women told me that they were living with Muthukamakshi Ammal in the new house. When they left the harem they did not tell me that they were going. Within 5 or 6 naligais after they left the harem, the servant women told me that the Zemindar was going to tie the Tali before

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dagger. I do not now remember the name of the servant woman who told me this. I do not know whether she is dead or alive. After that, they used to visit the harem. They would come once in two or three days. I do not see what they did when they came there. They would come and carry my eldest son. I was not talking to them. Till I left for Paraiyur, I was living in the north machu. For 2 or 3 months, I lived in the west machu. No repair was ever executed to the place where I was living. Repairs would be executed to the portions of the Palace where the other wives have been living. I have seen. Repairs have been executed very often. I cannot say which portion of the harem was repaired. When I was in the Palace, I have not seen Kumarammal and Nagammal speaking with the other wives of the Zemindar. Muthukamakshiammal must be said to belong to Parivara caste. They are also called Sarappiranthagal. When I saw her from the machu I thought she belonged to Parivara caste. I thought that she was not of my caste as Bottu was tied in the presence of dagger. I thought she belonged to Parivara caste. I thought that she was the concubine of the Zemindar. I did not think that she was the married wife of the Zemindar. I thought so also of Nagammal and Kumarammal. I considered them also to belong to Parivara caste. I did not think that they were the married wives of the Zemindar. On the 3rd day after the ceremony of tonsure was performed on my eldest son, *i. e.*, on Friday, they left the Palace. I say that it was Friday as the ceremoney of tonsure was performed on Wednesday and as it was on the 3rd day that they left. I do not remember the day of the week on which the ceremony of tonsure was performed on my 2nd son. It was performed on the Alagar festival day. As the ceremony of tonsure was performed on my eldest son very grandly and as we had gone to the Alagar Temple, I remember that it was Wednesday. The ceremony of tonsure on my younger son was also performed grandly, but I do not remember the day of the week. The male child born of Muthukamakshiammal died on the 4th day. I did not go immediately to see when Nagammal brought forth a child. A month after it was born, it was brought into the Palace. I then saw. There were then no jewels on the child. There were no bangles either on the arm or the leg. In the neck, there were glass beads. The glass beads do not belong to the category of jewels. It is put on simply to keep off evil eyes. It is not put on for the sake of beauty. It is usual to put on glass beads to all children. My children were also wearing the same. It was Nagammal that brought her child into the Palace. She of her own accord brought the child and took it away, I stood at a distance and saw. I stood at a distance of 3 yards and saw. The child was red. I did not make any enquiries. After seeing I went inside. Afterwards I do not know when she left. To my children, it was on the 7th day that gold bangles were put on the arms and legs and a garland of pearls on the neck. To the eldest child, small garland of pearls was put and to the younger, a garland of precious stones was put. Bangles were separately made to each child. The jewels that were put on the daughters are now in the Treasury. The Zemindar did not appropriate them. As soon as a child is born in the Palace, it is customary to dip either the dagger or Arugu grass in the oil called sanai and touch the tongue with it. But I have not witnessed any such ceremony. My husband would take his meals in the harem. Myself and his other wives would

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then be present. We would perform such work as bringing water, giving betel-leaf and fanning, &c. When he was taking meals, Nagammal, Kumarammal and Muthukamakshi Ammal were not present even on a single occasion. Not one of them had come. When he was taking his meals, Nagammal's child was never brought. If that child were to come when he was taking his meals, it should remain quiet. It should not take meals with him. Nagammal and Kumarammal might come but if they were to come, they should stand quiet. When we were doing work, they should not join with us in the work. When the Zemindar goes to their house, they can do work. I have not heard of the Zemindar taking meals in their house. I do not know whether he took his males there or not. If they were to cook meals for him, the Zemindar can eat. Males can eat but females should not eat. Even in their house, Nagammal's child should not sit equally with him and eat. It might sit at a distance and eat. It should not sit near. My children will not go with the Zemindar to Nagammal's house. They should not go there nor should they go there and eat. When the Zemindar takes his meals in the Palace, Nagammal's children can sit at a distance and eat. That has never happened. When I was serving, it did not happen. Every day I would be with him and myself and my co-wives would serve meals to my husband twice a day. On some days the servants, and on some days, we, the wives, would cook meals for the Zemindar. By servants I mean maid servants. One of them is ailve. Her name is Yeddakkal. The rest are dead. The maid servants Alamelu and Alagammal these were alive and are now dead. There was another maid servant by name Karuppi. She is dead. Besides these, there were no other servants. These were engaged in cooking for the Palace. I do not know the maid servants employed for cooking outside. When my husband died, his 3 wives namely myself, Chinna Nagammal and Muthu Chinnammal were present. I came only after the death of my husband. The corpse was laid at the entrance of the Mel machu in the harem. I came at 7 o'clock in the morning. The corpse was removed at 3 o'clock in the evening. I remained near the corpse. Nagammal too had come to that place. Muthukamakshi Ammal had come there. I did not carefully notice whether Nagammal came, either previous to my coming there or after my coming there. I did not see how long Nagammal stayed there. I fell on the corpse and was crying. Some females dragged me away and fanned. Nagammal, and Muthukamakshi Ammal, these were standing near the corpse. I did not see whether they were crying or not. For the purpose of installation, my sons were decorated and kept in the raised platform in the middle of the yard. Only the eldest son was installed. After the installation, the corpse was removed. I did not see where Nagammal's son then was. I did not particularly notice whether Nagammal and Muthukamakshi Ammal had Talis on or not. I did not see whether Nagammal came round the corpse and pulled of her Tali. I first saw Mangaleswari Ammal in the new house in Saptur Palace. Before that, I had not seen her anywhere. When I went to the courtyard of the new house for the purpose of picking Sambangi flower, I saw Mangaleswari Ammal. Between the new house and the harem there is a secret doorway and door. The secret doorway is in the southern corner wall of the Palace. Close to the secret doorway there is the verandah and away from it the new house. The verandah belongs to the Palace. The yard of the new house is away from

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the verandah. It is in that yard that there is Sambangi creeper. We can conveniently go through the secret doorway. We need not bend down and go. Nagammal and Kumarammal used to come through the said secret doorway. I then saw Mangaleswari Ammal in the verandah of the new house. She was standing alone there. I alone went. When I saw her, she appeared to be a new woman. I did not speak with her. Nor did she speak to me. After gathering flowers I came away. After 2 or 3 days, I learnt who she was. I learnt from my husband. I did not ask anybody before that. Nor did anybody tell me. Mangaleswari came through the southern gateway. I presumed that *i. e.*, she must have come through that way. I know for certain that she did not come into the Palace and go by the secret doorway. When Nagammal and Kumarammal came to the Palace, they must have gone to the new house by the southern gateway. After the Tali was tied, they did not go by the secret doorway. Two or three days after I saw Mangaleswari Ammal, I spoke about her to my husband. I did not ask him that day. I had not seen Mangaleswari Ammal both before and after I went to gather flowers. Two or three years after, I only heard that she was gone. When she went away, I was in my elder brother's house. I did not hear from anybody else about Mangaleswari Ammal except what I heard about her from my husband. The Zemindar told me that a female belonging to Kalpothu Zemindar had come with the intention that he should keep her as his concubine, and that she belonged to Maniyagar caste. He did not even tell me her name. He did not say anything more.

Q.—Is Muthukamakshi Ammal a married wife of your husband or not?

A.—She was not a married wife but she was concubine.

Q.—Is Nagammal a married wife of your husband or not?

A.—She is not a married wife but she is only a concubine.

Q.—Are Muthukamakshi Ammal and Nagammal the married wives of your husband or not?

A.—They are not married wives.

Q.—Were Muthukamakshi Ammal and Nagammal married in the presence of the dagger sent by the Zemindar or not?

A.—The dagger is sent only out of respect. It cannot be called a marriage.

Q.—Is Nagammal the dagger married wife of your husband or not?

A.—No.

Q.—Is Muthukamakshi Ammal the dagger married wife of your husband or not?

A.—She is not a married woman.

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Q.—Is Nagammal the dagger married wife of your husband or not?

A.—She is not a married wife of my husband.

Q.—Is she the dagger married wife or not?

A.—The people would say so; but she is not the married wife.

Q.—I did not ask you whether she was married woman or not. Is she the dagger married wife of your husband or not?

A.—She is not the married wife of my husband. She might be called dagger woman, but she cannot be called the dagger married wife.

Q.—Is it correct?

A.—Yes, it is correct.

These questions and answers were taken down at the request of Mr. Bashiam Ayyengar, the Plaintiff's Vakil. Muthukamakshi Ammal would have Sridhana jewels. She has. I do not know by whom they were given. When the jewels were handed over to be taken possession she said that she brought some from her mother's house. It is true that they were brought from her mother's house. I do not know if my husband gave her jewels. My husband had a Rakkadi (head ornament) made for her. I heard that he gave a ring or some other jewel. My husband told me that he gave a ring which he was wearing on his finger to Muthukamakshi Ammal.

Q.—To whom should the jewels brought by Muthukamakshi Ammal from her mother's house and those given to her by her husband belong according to the custom?

A.—I do not know to whom they should belong.

I do not remember whether I wrote any Yadast about Muthukamakshi Ammal's jewels or not. I do not remember having written a Yadast to the manager.

The signature in the Yadast written to the manager of the Saptur Estate by Muthuverammal on the 12th October 1887 was shown to the witness.

The signature in the Yadast shown me is mine. The said Yadast was read over to me. I wrote as mentioned therein.

It was marked U.

The meaning of the expression, "Muthukamakshi Ammal the dagger-married wife of my husband" in the said Yadast is that she is not the wife of my husband but that she is the wife of his dagger. The statement therein that the jewels of Muthukamakshi Ammal, should, after her death, go to my sons is

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wrong. Somebody has written the said Yadast. I do not know who is the writer of it. I know Nagayasami of Sivagiri. He was the son of my husband's junior aunt. He did not write that Yadast. I do not know well his handwriting. I will state positively and on oath that it is not in his handwriting. He has written some Yadasts and letters for me. The writing of the said Yadast is not his handwriting. I know his handwriting so well as to boldly say that it is not his hand-writing.

Q.—What is the meaning of the expression "wives properly married" in the deposition marked III ?

A.—During the marriage time, the bride-groom and the bride should sit together and mingle hands. The meaning of the said expression is the woman who was thus married.

Q.—Is there a marriage which is not proper ?

A.—Dagger marriage is the marriage which is not a proper one.

Nagammal and Muthukamakshi Ammal can now marry any other person. In the Parivara or Manigar caste, a widow can marry another husband.

Re-examination :—I saw the said Mangaleswari Ammal only one day. I heard from the maid servants that she was married before a dagger sent by the Zemindar. The maid servants told me so subsequent to my husband told me that she belonged to the Zemindar of Kalpothu. If Nagammal and Kumarammal were to come to the Palace and take my child, I would ask them "bring it here". Besides this I have not spoken anything else. I had not spoken much to them. If they were to take my child I would get it back. At times they might take away my child. As soon as I saw Muthukamakshi Ammal in the new house from the upstair of the Palace, dagger-woman come to my memory. Before that I had not known about dagger-women. It was then that I saw her first. I have heard before this that the Zemindar had brought a girl to be married and that she was married before dagger. By the expression "outside cooking" it is meant food cooked for persons in the Palace and that served to the concubines whenever they should come. The expression "Palace cooking" means the food cooked and served to my husband, myself and my co-wives. The meaning of the statement that my sons would not take their meals in the house of Kumarammal and Nagammal, made above by me, is that I and my co-wives would not take their meals. There is a wall between the Palace of the Zemindar of Paraiyur and the Palace of my father. I was the only daughter of my father and my younger brother was the only son. If a document was given to me and if I were asked to read it, I won't be able to do so. I do not know who wrote the document marked N. As Nagayasami of Sivagiri did not write that, I said he did not write it. The writing of the Yadast marked N does not resemble his handwriting. I have seen his handwriting. The meaning of my expression 'he does not write' is that the writing of Exhibit N does not resemble his. I do not know to write anything else except writing my name.

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No. 173. Deposition of Defendant's 64th witness Muthuverammal, dated 4th August 1889. —*concluded.*

Q.—If Nagayasami were to come and say that the writing of the Yadast is in his handwriting, can you deny that?

A.—I do not know what it is.

Answer to question put by Plaintiff's Vakil.—I might have received a Yadast from the manager that Rs. 10 should be given to Nagammal for food in the 2nd year of my husband's annual ceremony, but I did not see it.

The Yadast No. 847 of 1889 sent to Muthuverammal by the manager of the Saptur Estate was read over to the witness.

A.—This is a copy of the Yadast sent to me. (It was marked W). As directed therein Rs. 10 were sent to the manager.

Answer to question put by Defendant's Vakil.—As the money was required for the food expenses of Nagammal, I sent 10 Rs. accordingly.

Q.—What was your idea about Sundarakannu performing the Srardha ?

A.—(The whole is torn).

I heard this read out. I said that I was doubtful as to the handwriting of the Yadast N. The rest is correctly recorded. Only the above fact was not written.

(Signed) Rani Muthuverammal.

Taken by me on oath, this 4th day of August 1890.

(Signed) P. S. SUBRAMANIYAM,
Commissioner.

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No. 174. Decree, dated 19th December 1890.

No. 174.

IN THE SUBORDINATE COURT OF MADURA (WEST).

The 19th day of December 1890.

PRESENT:—C. VENCOBA CHARIAR, *Subordinate Judge.*

Original Suit No. 21 *of* 1889.

Plaintiff.	*versus*	*Defendants.*
Sundralingasami Kamaya Naik, minor son (aged nine years) of the late Zemindar Nagayasami Kamaya Naik (senior) of Saptur, by his mother and guardian Nagammal.		Ramasami Kamaya Naik, a minor of the age of 7 years, under the protection of Nagayasami Naik, his guardian appointed by the Court of Wards, and the said Nagayasami Naik, and through the Collector of Madura, the Agent of the Court of Wards, who is in charge of the suit properties.

This is a suit for the Zemindari or Palayapat of Saptur in the Tirumangalam Taluq, Madura District, with its appurtenances and for partition of moveables and immoveables, described in Schedules A and E annexed to plaint. And Plaintiff claims for the following reliefs :—

1. That his exclusive title to the Zemindari of Saptur and its appurtenances described in the plaint Schedules A and B may be established and the same put in possession;

2. That an account may be taken of the mesne profits of the properties mentioned in the plaint Schedules A and B from the time of the death of the last Zemindar (junior), 1st January 1888, until date of delivery of possession thereof, and a decree be passed for the amount which may be ascertained to be due on taking such accounts;

3. That the equal right of Plaintiff and the Defendant to all the properties left by the late Zemindar Nagayasami Kamaya Naik (senior) other than the properties mentioned in the plaint Schedules A and B may be declared, and that an account thereof may be taken with all their accretions up to 31st December 1887, when the last Zemindar (junior) died and the same put in possession of the Plaintiff on behalf of himself and the Defendant, with interest and mesne profits up to date of delivery from 1st January 1888, or the same be portioned and a moiety thereof, being his share, put in his exclusive possession, with a moiety of such subsequent mesne profits and interest;

4. That, in the event of the properties in the plaint mentioned Schedules A and B being partible, a portion of the same be decreed, and the Plaintiff put

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in possession of a moiety thereof, being his share, with mesne profits of such share, from the date of the death of the late Zemindar Nagayasami Kamaya Naik (senior), 14th October 1885, until date of delivery; and

5. For costs of the suit with interest and such other reliefs as under the circumstances of the case the Plaintiff may be entitled.

The properties in suit are valued at Rupees 5,07,572-8-0, as under.

The plaint Schedule A refers to the Saptur Zemin or Estate proper consisting of 17 villages and valued at ... Rupees.	88,850	0	0
The plaint Schedule B refers to three Devastanams and a Chattram and the properties attached thereto valued at Rupees.	60,400	0	0
Schedule C refers to Pannai lands, both dry and wet, as well as topes and gardens in the Saptur Zemin valued at Rupees 100,000 and Plaintiff's half share therein is Rupees ...	50,000	0	0
Schedule D refers to lands in the Government village of Vandarai in this District and in the village of Vattura Iruppu. Maharajapuram and Kansapuram in Tinnevelly District and Periyakattalai, Inam Mallapuram, Sengulam and Thambipatti in this District and several houses &c., and they are valued at Rupees 60,000 and Plaintiff's half share therein is Rupees ...	30,000	0	0
Schedule E refers to various kinds of presonal properties, and these are valued at Rupees 2,56,645, and Plaintiff's half share therein is... ... ...Rupees.	1,28,322	8	0
Estimated value of damages claimed from 14th October 1855 is ... ...Rupees.	1,50,000	0	0
Total value of the suit properties is ... ... Rupees	5,07,572	8	0

DECREE.

This suit coming on for final hearing in September 1890, before C. Vencoba Chariar, Subordinate Judge, in the presence of Messrs. V. Bashiam Ayyengar and R. Ramasubbier, Vakils for the Plaintiff and of Messrs. S. Branson, Counsel, and S. Subbramaina Ayyar and M. Madhu Ayyar, Vakils for the Defendant, and the case having stood over for consideration till this day.—

The Court doth decree and declare Plaintiff's and Defendant's equal right to such of the Pannai lands and gardens &c., as were acquired by their father, the late Zemindar Nagayasami Kamaya Naik (senior) of Saptur since he became Zemindar in 1861 until his death on 14th October 1885, and to the lands items

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1 to 8 in Schedule D annexed to plaint, and direct that an account be taken of the former and the areas of the latter be fixed by a Commissioner appointed for the purpose, and that the lands, after taking an account and fixing the precise areas, be divided by the Commissioner into two equal shares, and that he do put in Plaintiff's possession one of such shares. The Court doth further order and declare Plaintiff's right to live in the *Pudu Vedu* or new house in Saptur, and direct that the description thereof be supplied by the Commissioner. The Court doth further order and declare Plaintiff's right to recover his half share of mesne profits on the lands above specified from 14th October 1885 till he is put in possession, or for three years from the date of this decree, whichever event first occurs, and that the amount of such profits be determined by a Commissioner to be appointed for the purpose, and that the Defendant do give Plaintiff his half share thereof. The Court doth further order and declare Plaintiff's right to half share in the jewels, moveables and Government securities, debts and ready cash mentioned in Schedule E, annexed to plaint or to such of them as exist and interest on Government securities, and other sums, if laid out for interest, and direct that their discovery, values and partition be made by a Commissioner and that he do make over to Plaintiff half a share in them or their value.

The Court doth further order and direct that the Plaintiff's claim to the exclusive possession of the Saptur Zemindari and its appurtenances described in Schedule A annexed to plaint and to the Trusteeship of the Devastanams and choultry specified in Schedule B annexed to the plaint and to the mesne profits claimed in respect of the said properties and to the properties items 9 to 15 in Schedule D, annexed to plaint be, and it hereby is, dismissed, and that the Defendant do pay Plaintiff's costs on the claim allowed and that the Plaintiff do pay the Defendant's costs on the claim disallowed.

Note :—After the parties take steps in the matters above said and after the Commissioner submits his report with a list showing the nature, extent and values of the moveable and immoveable properties awarded to Plaintiff with reference to the directions given as above, they will be appended to the decree and cost payable by one party to the other will thereupon be taxed and the final decree then drawn up.

Given under my hand and the seal of the Court, this 19th day of December 1890.

(Signed) C. VENCOBA CHARIAR,
Subordinate Judge.

Deputy Registrar.

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No. 175. Judgment, dated 19th December 1890.

No. 175.

IN THE SUBORDINATE COURT OF MADURA (WEST).

The 19th day of December,

One thousand eight hundred and ninety.

PRESENT:—C. VENCOBA CHARIAR, *Subordinate Judge.*

Original Suit No. 21 *of* 1889.

Plaintiff.	*versus*	*Defendant.*
Sundaralingasami Kamaya Naik, son of Nagayasami Kamaya Naik, a minor, of the age of nine years, by his next friend, Nagammal, his mother and guardian.		Ramasami Kamaya Naik, son of the said Nagayasami Kamaya Naik, a minor, of the age of seven years, under the protection of Nagayasami Naik, his guardian, appointed by the Court of Wards and the said Nagayasami Naik, and through the Collector of Madura, the Agent of the Court of Wards who is in charge of the suit properties.

This suit coming on for final hearing in August and September 1890, and having stood over for consideration till this day, the Court delivered the following :—

JUDGMENT:—

This is a suit for the possession of the Zemindari or Palayaput of Saptur with its appurtenances and for partition of moveables and immoveables described in the schedules annexed to plaint, which is as follows :—

1. The Zemindari of Saptur, which lies within the territorial jurisdiction of this Court and which is more particularly described in Schedule A hereunto annexed, is a permanently settled Estate in the Taluk of Tirumangalam, Madura District, paying an annual peishkush of Rupees 8,885 to the Government;

2. The said Zemindari is, as the Plaintiff believes, an impartible Estate and devolves on a single heir according to the law and custom of primogeniture;

3. The said Nagayasami Kamaya Naik (senior), who was the father of the Plaintiff and of the Defendants, was the proprietor of the said Estate, and he departed this life on or about the 14th October 1885,

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leaving him surviving three minor sons, Nagayasami Kamaya Naik (junior) and this Defendant by his wife, Muthuverammal, and this Plaintiff by his wife Nagammal, and six widows, *i. e.*, Muthukrishnammal, Muthu Chinnammal, the said Muthuveramnal, Muthukamakshiammal, the said Nagammal and Chinna Nagammal, and a minor daughter, Nagammal, by the said Muthu Chinnammal ;

4. On the death of the said Nagayasami Kamaya Naik (senior), the Zemindari devolved, according to the law of primogeniture and custom, upon his eldest son, Nagayasami Kamaya Naik (junior), but, by reason of his minority, the Court of Wards assumed charge of the said Estate under Regulation V of 1804 and recognized and registered the said Nagayasami Kamaya Naik (junior) as the Zemindar of Saptur. The said Nagayasami Kamaya Naik (senior) possessed at the time of his death, in addition to the Zemindari of Saptur, three Devastanams and a Chattram of which he was the trustee, with their respective endowments, more particularly described in Schedule B, also pannai lands, both dry and wet, as well as topes and gardens in the Zemindari of Saptur, more particularly described in Schedule C hereunto annexed, and also lands in the Government village of Vandari in this District and in the village of Vathirairuppu, Maharajapuram and Kansapuram in Tinnevelly District, and Periakattalay, Inam Mallapuram, Sengulam and Thambi Patti in this District, and many houses more particularly described in ScheduleD hereunto annexed, as well as personal properties consisting of cash, paddy, outstanding debts due to Estate, Government securities, jewellery, gold and silver plates, arms and ammunition, watches, clocks, musical instruments, vehicles and carriages, furniture, brass and copper vessels, clothes and dresses, cattle and horses, &c., more particularly described in Schedule E hereunto annexed;

5. The properties referred to in Schedules B to E were also taken possession of and managed by the Court of Wards along with the Zemindari on the death of the said Nagayasami Kamaya Naik (senior);

6. The said Nagayasami Kamaya Naik (junior), the last Zemindar, departed this life unmarried, while a minor, on or about the 31st December 1887, leaving him surviving the Plaintiff and the Defendant;

7. The Plaintiff submits that, on the death of the said Nagayasami Kamaya Naik (junior), the Plaintiff, being the senior in age to the Defendant, became entitled, according to the law and custom of primogeniture, to the Zemindari of Saptur and the trusteeship of the Devastanam and Chattram properties appertaining thereunto;

8. The Court of Wards, on behalf of the Defendant, asserted his title as the lawful successor of Nagayasami Kamaya Naik (junior) to the Zemindari of Saptur and the properties appertaining thereunto and assumed charge of the Estate on his behalf and continued to manage the same.

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9. The Plaintiff submits that he is solely entitled to the Zemindari of Saptur, described in Schedule A, and the trusteeship of the Devastanam and choultry, described in Schedule B, and appertaining to the said Zemindari in preference to the Defendant, and that both of them are equally entitled to the properties mentioned in Schedules C, D and E with all accretions thereunto, since the date of the death of their father in 1885.

10. Plaintiff therefore prays:—

(*a*). that his exclusive title to the Zemindari of Saptur and its appurtenances, described in Schedules A and B, may be established and the same put in his possession;

(*b*). that an account may be taken of the mesne profits of the properties mentioned in Schedules A and B from 1st January 1888 until date of the delivery of possession thereof and a decree be passed for the amount which may be ascertained to be due on taking such account;

(*c*). that the equal right of the Plaintiff and the Defendant to all the properties left by Nagayasami Kamaya Naik (senior), other than the properties mentioned in Schedules A and B, may be declared, and that an account thereof may be taken with all their accretions up to 31st December 1887, and the same put in possession of the Plaintiff on behalf of himself and the Defendant with interest and mesne profits up to date of delivery from 1st January 1888, or the same be portioned and a moiety thereof being his share put in his exclusive possession with a moiety of such subsequent mesne profits and interest;

(*d*). that, in the event of the properties mentioned in Schedules A and B, being partible, a portion of the same be decreed and the Plaintiff put in possession of a moiety thereof, being his share, with mesne profits of such shares from 14th October 1885 until the date of the delivery; and

(*e*). for the costs of this suit with interest, and such other relief as, under the circumstances of the case, the Plaintiff may be entitled.

11. The cause of action arose on the 1st January 1888 in respect of the properties mentioned in Schedules A and B and on the 14th October 1885 in respect of the properties mentioned in Schedules C to E.

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2. The Zemindari is a permanently settled Estate paying a peishkush of above Rupees 8,000 a year. It consists of about seventeen villages. The Estate was attached to the Tinnevelly District and was only transferred to Madura District in 1860 or 1861. This is what may be termed the Zemindari or Estate proper. The deceased Zemindar, whose sons by different wives are now competing for the Estate, left pannai lands both in and outside the Zemindari, aggregating in all to about 4,000 acres, besides eighteen topes or gardens and personal properties including jewels, Government securities, cattle, furniture, arms, &c., valued at something less than two lacs. The late Zemindar, it would be seen, left the Estate in a prosperous condition.

3. The Defendant's statement is as follows:—

1. The Defendant admits that the Zemindari of Saptur is impartible and devolves on a single heir, but denies that such heir is necessarily the senior in age.

2. The Defendant admits that Nagayasami Kamaya Naik died, on or about the 14th October 1885, leaving two sons, namely, Nagayasami Kamaya Naik, since deceased, and Defendant by his wife, Muthuverammal, and Defendant alleges the said two sons were the only legitimate sons whom the said Nagayasami Kamaya Naik left him surviving.

3. The Defendant denies that the Plaintiff's mother, Nagammal, was the wife and that the Plaintiff is the legitimate son of the said Nagayasami Kamaya Naik, deceased.

4. The said Nagammal is the daughter of one Muthuverasami *alias* Muthayan, deceased, and Subbammal. The said Muthayan was the illegitimate son of Thumbayasami Thumbichi Naik, a former Zemindar of Paraiyur by one Vellai, the illegitimate daughter of a man of the shepherd caste. The said Subbammal was the illegitimate daughter of one Mappillai Naik of Mulipatti by a woman of the Kodikkal Vellala caste.

5. The said Nagammal is not a woman of the Kambala Thottiya caste, to which the said Nagayasami Kamaya Naik belonged, but of a lower or inferior caste, and Defendant charges that no legal marriage could take place between the said Nagayasami Kamaya Naik and the Plaintiff's mother, according to the custom of the Kambala Thottiya caste.

6. The said Nagammal was not married to the said Nagayasami Kamaya Naik, but was taken by him as his mistress in 1875, at which time he caused a bottu to be tied round her neck before a dagger Kattari sent by him for that purpose. The Defendant denies that the ceremonies, usual and necessary to constitute a legal marriage

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between Nagayasami Kamaya Naik, deceased, and the Plaintiff's mother, according to the custom of the Kambala Thottiya caste, were performed, and the Defendant charges that the tying of the bottu on the said Nagammal before Nagayasami Kamaya Naik's dagger, did not constitute a legal marriage.

7. The Defendant admits that, upon the death of the said Nagayasami Kamaya Naik, he was succeeded as Zemindar of Saptur by his son, Nagayasami Kamaya Naik, now deceased, the elder-brother of the Defendant, but the Defendant charges that such succession was not in consequence of seniority in age of the Defendant's late brother but because he was the eldest son of the senior wife of the last owner, and, therefore, entitled to succeed, according to the custom prevailing in the Saptur Zemindari and in the Zemindaries held by Zemindars of the Kambala Thottiya caste in the Madura and neighbouring districts.

8. The Defendant admits that his brother, the late Nagayasami Kamaya Naik, was a minor when he succeeded to the Zemindari of Saptur and that, in consequence of such minority, the Court of Wards managed the Estate on his behalf under the provisions of Madras Regulation Act V of 1804.

9. The Defendant admits that his brother, the said Nagayasami Kamaya Naik, died, on or about the 31st December 1887, a minor and unmarried, and charges that, as the second son of the senior wife of his father and as the brother of the last owner, the Defendant is entitled to succeed to the Zemindari and to the possession of all property forming part thereof or being appurtenant thereto, and to all rights vested in the Zemindar of Saptur.

10. The Defendant charges that the Plaintiff, as the illegitimate son of Nagayasami Kamaya Naik, deceased, has no right, title or interest whatsoever in the said Zemindari or in the property appurtenant thereto, or in the offices or appointments vested in or held by the Zemindars of Saptur.

11. If the Court should be of opinion that the Plaintiff's mother was legally married to the said Nagayasami Kamaya Naik, deceased, then the Defendant charges that the Plaintiff is not entitled to the said Zemindari, property appurtenant thereto, or offices held by the Zemindar of Saptur in preference to the Defendant who is the son of the senior wife of his father and the brother of the last owner.

12. The Defendant further charges that, even if the Plaintiff is the legitimate son of the said Nagayasami Kamaya Naik, deceased, he is his son by a wife of inferior caste and rank, and is for that

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reason also not entitled to the said Zemindari, property or offices before mentioned in preference to the Defendant, whose mother is of a caste and rank superior to that of the said Nagammal.

13. The Defendant charges that the properties mentioned in Schedules C, D and E, annexed to the plaint, are appurtenant to the Zemindari and are, therefore, not divisible. If, however, the Court should be of opinion that the said properties are divisible and that the Plaintiff is entitled to a division thereof and a share therein, the Defendant submits that the Plaintiff is not entitled to the equal half share claimed in the plaint.

14. The schedules, annexed to the plaint, are erroneous and defective and are corrected in the schedule hereunto annexed, which, the Defendant prays may be taken to be and be read as part of this, his written statement.

15. The Defendant charges that this is a false and vexatious suit instituted at the instigation of certain Chettis who for their own profit, have entered into an illegal agreement with the Plaintiff's mother to supply the funds necessary to carry on this litigation.

16. The Plaintiff is not entitled to any of the reliefs sought or claimed by him, and Defendant, therefore, prays that the suit may be dismissed and that the Plaintiff may be decreed to pay the Defendant's costs.

4. Plaintiff and Defendant are the sons of the late Nagayasami Kamaya Naik (senior), the Zemindar of Saptur *alias* Kamayanaikkanur. He died in October 1885 and was succeeded by his eldest son, the Defendant's elder uterine brother, deceased, also named like his father Nagayasami Kamaya Naik (junior). As he was a minor, the Court of Wards took possession of the Estate and have been managing it since. He died a minor and unmarried in December 1887; and the Plaintiff and the Defendant now set up rival claims to the Estate.

5. It is admitted that the Estate is impartible and is descendible to a single heir. Who that heir is, is the important point for decision in this case. Plaintiff's case is that the Zemindari proper alone is impartible, but that other properties, such as the pannai lands, the jewels, cash, Government securities and others described in Schedules C to E, attached to the plaint, are all partible. Defendant controverts this case and maintains that they also are indivisible, as being appurtenant to the Zemindari.

6. The allegations, on which Plaintiff bases his right to the Zemindari, are (1) that he, like the Defendant, is a legitimate son of the late Zemindar, and (2) that, being his senior in age, he is entitled, according to the law and custom of primogeniture, to succeed to the Zemindari in question.

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7. Defendant, in his written statement, denied that Plaintiff's mother was married to the late Zemindar and asserted that she was taken as his mistress by causing a bottu to be tied round her neck before a dagger sent by him for that purpose; that the ceremonies, usual and necessary to constitute a legal marriage between Plaintiff's mother, Nagammal, and the Zemindar according to the custom of Kambala caste, were not performed, and that the mere tying of bottu before a dagger did not make it a legal and valid marriage. Assuming that Plaintiff was a legitimate son of the late Zemindar, Defendant sets up his preferential right to inherit the Estate on the grounds (1) that, as son of the senior wife, though younger in age, he is entitled to the Zemindari according to the custom governing succession in the Saptur Zemindari and other Zemindaris, held by Kambala, in other words, the succession, he says, is to be determined according to the priority of the marriages of the mothers, (2) that, inasmuch as the caste and rank of Plaintiff's mother is inferior to the caste and rank of Defendant's mother, Plaintiff is not, for that reason also, entitled to the Estate in preference to Defendant, and (3) that, inasmuch as Plaintiff is only half-brother, and Defendant, the full brother, of the deceased minor Zemindar, the latter is entitled to succeed in preference to Plaintiff. Other contentions as to the caste and pedigree of Plaintiff's mother and her parents and to the existence, extent and value of properties specified were made, and they appear from the Defendant's written statement and the schedules annexed to it.

8. Upon these contentions, the following issues were framed.

(1). Whether the mother of Plaintiff was the wife of the father of Plaintiff, as alleged in the plaint, or his mistress, as alleged by the Defendant?

(2). Whether Plaintiff's mother was of the same caste as Plaintiff's father or of a different and inferior caste, and, if of a different and inferior caste, whether, according to custom obtaining in the caste, to which Plaintiff's father belonged, a marriage between Plaintiff's father and mother would be invalid, as alleged by the Defendant?

(3). Whether, even if Plaintiff's mother and father were married and such marriage was valid, the Defendant's mother, as alleged by Defendant, was a wife of a caste and rank superior to that of the Plaintiff's mother, and if so, whether, as alleged by Defendant, he is entitled to succeed in preference to Plaintiff?

(4). Whether, as alleged by Defendant, he is entitled, by the custom prevailing in the Saptur Zemindari and in other Zemindaris held by Zemindars of the same caste in Madura and neighbouring districts, to succeed in preference to Plaintiff by reason of the Defendant's mother having been married prior to Plaintiff's mother?

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(5). Whether, on the death of the last Zemindar, his full brother, the Defendant, is entitled to succeed to the impartible Estate in preference to Plaintiff, even if he is his legitimate half-brother ?

(6). Whether the properties, comprised in Schedules C, D and E, are partible as between Plaintiff and Defendant or impartible as appurtenant to the Zemindari, as alleged by Defendant ?

(7). If the properties are not impartible, what share is Plaintiff entitled to therein ?

(8). What properties, mentioned in Schedules C, D and E, existed at the time of the death of Plaintiff's father in 1885, and what were the accretions to such properties up to 31st December 1887 ?

(9). Whether any and what amount of interest and mesne-profits is Plaintiff entitled to ?

(10). Whether the schedules attached to the plaint are erroneous and defective as specified in the schedules attached to Defendant's written statement ?

(11). To what relief or reliefs is the Plaintiff entitled ?

9. *The following documents were filed.*

By Plaintiff :—

A. Sale deed executed to the late Zemindar by Kodangi Mahalinga Naik, dated 27th December 1882.

B. Do. executed to Ramasami Naik by Ellinga Naik, dated 29th June 1886.

C & C1. Accounts shewing receipts and disbursements on the occasion of the marriage of the late Zemindar, July 1875.

C2. Do. shewing receipts of things for the marriage, July 1875.

D. Manovarthi chitta, July 1875.

D1 to D12. Entries in do., dated 1st, 3rd, 4th, 5th, 8th, 10th, 11th, 12th, 13th, 24th and 27th July 1875.

E. Manovarthi chitta, September 1875.

E1. Entry in do., dated 2nd do.

F. Manovarthi chitta, February 1876.

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F1. Entry in Manovarthi chitta, dated 21st February 1876.

G. Certified copy of the proceedings of the Court of Wards, dated 10th December 1885.

H. Do. do. do., dated 9th February 1886.

J. Do. of list of vessels given to Nagammal.

K. Proceedings of the Court of Wards, dated 1st May 1886.

L. Takid issued to Nagammal by the Deputy Collector, dated 16th August 1887.

M. Certified copy of letter from the Deputy Collector to the Collector, dated 10th September 1887.

N. Letter from do. do. do., dated 31st March 1888.

O. Do. do., dated 30th May 1888.

P. Do. do., dated 16th January 1888.

Q. Certified copy of letter from do. to do., dated 27th March 1888.

R. Do. of proceedings of the Court of Wards, dated 29th April 1888.

S. Do. of letter from Deputy Collector to Collector, dated 26th November 1885.

T. Do. from the Manager of the Saptur Estate to the Deputy Collector, dated 31st October 1886.

T1. Do. of statement shewing the names of the minor Zemindars and other members of the Saptur family, dated 31st October 1886.

U. Do. of letter from the Manager of Estate to the Deputy Collector, dated November 1886.

W. Do. do. do., dated 7th September 1887.

X. Certified copy of account of expenses incurred on the occasion of the ear-boring ceremony of the minor Zemindars, dated 12th December 1886.

Y. Do. of letter from the Manager of the Estate to the Deputy Collector.

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Z. Certified copy of letter from the Manager of the Estate to the Deputy Collector, dated 3rd March 1888.

AA. Do. do. do., dated 13th do.

BB. Yadast from do. to Nagammal, dated 7th February 1888.

CC & CC1. List of jewels &ca., of the late Zemindar, dated 11th November 1885.

CC2. Do. of silver vessels and jewels of do., dated 1st April 1886.

CC3. Do. of gold jewels of do., dated do.

CC4. Statement showing quantity of grain in granary.

CC5. Do. showing the extent of pannai lands of the late Zemindar in the Saptur Zemin.

CC6. Do. showing the extent of lands belonging to do. in Government village.

CC7. List of private property of do.

CC8 and CC9. Do. of guns &c.

DD. Book shewing particulars &c., of pannai nanja lands in the Zemin, 1887.

DD1. Do. of pannai punja lands in do.

EE. Register of purchases of pannai lands, houses &c., 1887.

EE1. Do. of bonds &c. in the names of third person found among the sale deeds &c. of the late Zemindar, 1887.

FF, FF1 & FF2. Puttahs for Fuslies 1295, 97 and 98.

GG. Copy of registered sale deed executed to Perumal Nadan by Ramasami Naik and his brothers, dated 1st November 1887.

HH. Copy of registered mortgage deed executed to Perumal Naik by Muthu Naik, dated 23rd May 1881.

JJ. Arzi from Nagammal to the Deputy Collector, dated 9th August 1887.

KK. Deposition given by do. before the Tirumanglam Tahsildar, dated 24th October 1885.

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LL & MM. Petitions presented by Nagammal to the Collector, dated 9th November 1885 and 9th February 1886.

NN. Do. by do. to the Deputy Collector, dated 7th May 1886.

OO & PP. Do. by do. to Collector, dated 29th May and 10th June 1886.

QQ. Do. by do. to the Deputy Collector, dated 19th June 1886.

RR. Do. by do. to Collector, dated 27th June 1886.

SS. Deposition given by Nagammal before Kishnasami Ayyan, clerk of the Zemin Manager's Office, dated 12th August 1886.

TT & UU. Arzis from do. to the Deputy Collector, dated 5th September 1886.

WW. Yadast from do. to the Manager, dated November 1886.

XX & YY. Do., dated 13th November 1886 and 4th May 1887.

ZZ. Arzi from do. to the Collector, dated 9th August 1887.

AAA. Deposition given by do. before the Manager, dated 30th September 1887.

BBB. Arzi from do. to the Deputy Collector, dated 29th November 1887.

CCC. Do. to Collector, dated 22nd February 1888.

DDD. Lease deed executed to Collector by Thumbayasami Naik, dated 5th September 1887.

EEE. Mortgage deed executed to Masanam Pillai and another by do., dated 15th April 1887.

FFF. Copy of registered sale-deed executed to Musabu Rowthen by do., dated 23rd May 1885.

GGG. Petition of Thumbayasami Naik to Collector, dated 26th February 1889.

HHH. Petition to Government and order thereon, dated 11th February and 14th March 1889.

JJJ. Chitta showing receipt and expenditure, July 1880.

JJJ1. Chitta containing the entry of Rupees 15 spent for the funerals of Kumarammal on the 30th August 1880.

JJJ2. Chitta containing the entry of Rupee 1 for the funerals of Kumarammal dated 3rd September 1880.

KKK. Manovarthi Chitta, August 1880.

KKK1. Entry in do., dated 30th do.

LLL. Manovarthi Chitta, September 1880.

LLL1, LLL2 & LLL 3. Entries in do., dated 1st and 2nd September 1880.

MMM. Pannai Chitta, 1884.

NNN. Do. do., 1885.

000, 0001 to 00016. Inavali accounts of the villages in the Saptur Zemin, Fuslis 1278 to 1294.

PPP. Manovarthi Chitta, March 1880.

PPP1. Entry in do., dated 20th and 21st March 1880.

QQQ. Certified copy of deposition given by Kothanayagam Pillai before the Deputy Collector, dated 11th May 1880.

RRR. Petition of Nagammal to the Court of Wards, dated 22nd February 1888.

SSS. Certified copy of Istimirar Sunnad granted to a former Zemindar of Saptur by the Madras Government, dated 2nd April 1803.

TTT. Do. of letter from the Collector of Tinnevelly to the Revenue Board, dated 8th June 1831.

UUU. Yadast from Muthuverammal to the Manager, dated 1st October 1887.

VVV. Certified copy of yadast from the Manager to Muthuverammal.

WWW. Do. of memorial from the wives of the late Zemindar to the Revenue Board.

By Defendant.—

I. Deposition of Subramania Pillai before the 2nd Class Magistrate of Usilampatti, dated 14th May 1880.

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II. Deposition of the late senior Zemindar before the 2nd Class Magistrate of Usilampatti, dated 14th May 1880.

III. Do. of Muthukamakshi Ammal before do., dated do.

IV. Petition of do. to the Deputy Collector, dated 23rd Chithirai, Vikrama.

V. Deposition of Nachiar Ammal before the 2nd Class Magistrate of Usilampatti, dated 14th May 1880.

V*a*. Arzi of the 2nd Class Magistrate of Usilampatti to the Deputy Collector, dated 17th May 1880.

V*b*. List of papers sent with V*a*.

VI. Account showing Kumarammal's funeral expenses.

VI*a*. *to* VI*d*. Entries in do., dated 30th August 1880.

VI*e*. Entry in do., dated September 1880.

VII. Sale-deed executed to Ponnukudan Chetti by Muthuverasami, dated 19th Alpisi, Akshaya.

VIII. Cadjan sale-deed executed to Eswaramurthi Maniagar by Ponnukudan Chetti, dated 11th Vyasi, Vibhava.

IX. Sale-deed executed to Pulugu Chetti by Muthuverasami, dated 19th Alpisi, Akshaya.

X and X*a*. Puttah razinama and deposition given before the agent of the Paraiyur Zemindar by Thumbayasami and his mother, dated 24th July 1877.

X*b*. Sale-deed executed to Ponnukudan Chetti by do., dated 28th May 1877.

X*c* to X*g*. Puttah issued in the name of Annamalai Chetti, for Fuslis 1294 to 1298.

X*h* and X*j*. Do. in the name of Ponnukudan Chetti, Fuslis 1286 and 1292.

X*k*. Do. in the name of Minakshi Sundaram Chetti, Fusli 1293.

XI. Register of papers received in the office of the Paraiyur Zemindar, 1877.

XI*a*. Entry in do., dated 24th July 1877.

XII. Register of arzis despatched to the Collector from do., from November 1874.

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XII*a*. Copy of Arzi in the said Register5 dated 12th August 1875.

XII*b*. Takid from Collector to the Zemindar of Uthappanaikanur, dated 1st August 1875.

XII*c*. Arzi from the Zemindar of Uthappanaikanur to the Collector, dated 10th August 1875.

XII*d*. Takid from the Collector to the guardian of the Sandayur Zemindarni, dated 1st August 1875.

XII*e*. Copy of arzi from the manager of the said Zemin to the Collector, dated 22nd August 1875.

XII*f*. Arzi from the Tahsildar of Ottapidaram Taluq in the Tinnevelly District to the Collector, dated 7th February 1876.

XII*g*. Do. from Kalathia Pillai, gumastah of Vilathikolam division, to the Tahsildar of Ottapidaram, dated 5th February 1876.

XII*h*. Takid from the Collector to the Zemindar of Saptur, dated 1st August 1875.

XII*j*. Copy of the arzi from the Saptur Zemindar to the Collector, dated 8th August 1875.

XII*k*. Do. from do. to the Tirumangalam Tahsildar, dated 8th August 1872.

XIII. Sale-deed executed to the Zemindar of Paraiyur by Subbammal and her sons, dated 24th May 1883.

XIV, XIV*a* to XIV*n*. Puttah issued in the name of Eswaramurthi Maniam, Fuslis 1277 to 1279 and 1281 to 1291.

XIV*o* to XIV*q*. Do. in the name of Erulappa Maniam, Fuslis 1293, 1295 and 1299.

XV. Puttah razinama presented to the Paraiyur Zemindar by Thumbayasami, dated 24th May 1885.

XV*a*. Sale-deed executed to Thumbayasami by Ramanasari, dated 20th Alpisi, Thathu.

XVI. Register of deaths for the Paraiyur village, 1869.

XVI*a*. Entry No. 14 in do.

XVII. Takid from the Collector to the Zemindar of Thoddayankotta, dated 14th August 1875.

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XVII*a*. Arzi from the said Zemindar to the Collector, dated 8th September 1875.

XVIII. Sale-deed executed to Gopalakudumban by Subba Naik and another, dated 19th August 1885.

XIX & XIX*a*. Certified copies of Arzis from the Tevaram Zemindar to the Collector, dated 1849.

XIX*b* & XIX*c*. Do. from the Zemindar of Bodinayakkanur to do., dated 25th Ani and 29th Avani Soumia.

XIX*d* & XIX*e*. Arzi from the Zemindar of Puliyankolam to do., dated 26th August and 8th October 1849.

XIX*f*. Do. from the Zemindar of Thoddappanayakanur to do., dated 27th September 1849.

XIX*g* & XIX*h*. Do. from the Zemindar of Utthappanayakkanur to do., dated 29th August and 7th September 1849.

XIX*j* & XIX*k*. Do. from the Kannivadi Zemindar to do., dated 9th August and 13th September 1849.

XIX*l*. Do. from the Zemindar of Yerasakanayakkanur to do., dated 30th August 1849.

XIX*m*. Do. from the guardian of the minor Zemindar of Gendamanayakanur to do., dated 19th Purattasi, Soumia.

XIX*n*. Arzi from the Kadavur Zemindar to do., dated 18th July 1849.

XIX*o* & XIX*p*. Certified copies of Arzis from the Zemindar of Edayakottai to do., dated 20th July and 26th October 1849.

XIX*p* & XIX*r*. Do. from the Zemindar of Mambarai to do., dated 19th Avani and 15th Alpisi, Soumia.

XX. Entry under date the 21st March 1880 in the total Chitta showing receipts and disbursements in the Saptur Zemin Treasury.

XXI. Manovarthi Chitta, September 1881.

XXI*a* & XXI*b*. Entries in do., dated 23rd and 24th do.

XXII. Manovarthi Chitta, April 1880.

XXII*a*. Entry in do., dated 9th April 1880.

XXIII. Manovarthi Chitta, July 1881.

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In the Subordinate Court of Madura (West).

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XXIII*a*. Entry in Manovarthi Chitta, dated 10th July 1891.

XXIV. Certified copy of deposition of the late senior Zemindar of Saptur before the 2nd Class Magistrate, Tirumangalam, dated 11th August 1884.

XXV. Copy of pedigree of the Saptur Zemindar's family.

XXV*a*. Yadast from the Zemindar's Gumastah to Sundaram Pillai enclosing XXV, dated 15th November 1874.

XXV*b*. Certified copy of judgment in Original Suit No. 76 of 1873 on the file of the late Sub-Court, Madura, dated 31st March 1875.

XXVI. Do. of Attakshi given to the Sircar by the Valayapatti Zemindar, dated 11th July 1826.

XXVI*a*. Do. of Arzi from the Tahsildar of Madakkulam to the Collector, dated 14th July 1826.

XXVI*b*. Attakshi given to the Sircar by the Zemindar of Yerasakanayakkanur, dated 4th July 1826.

XXVII, XXVII*a* to XXVII*e*. Daily register of births and deaths in Saptur, 1879, 1880, 1881 and 1882.

XXVIII. Total Chitta, September 1885.

XXVIII*a*. Entry in do., dated 2nd September 1885.

XXIX. Store-room Chitta, September 1885.

XXIX*a*. Entry in do., dated 4th do.

XXX. Manovarthi Chitta, November 1885.

XXX*a*. Entry in do., dated 11th do.

XXXI. Certified copy of account of presents made on the occasion of the marriage of minor Zemindar of Uthappanaikkanur, dated 23rd August 1875.

XXXII. Do. of letter from the Revenue Board to the Collector at Dindigul, dated 19th December 1879.

XXXII*a*. Certified copy of letter from the Collector to the Revenue Board, dated 30th January 1880.

XXXIII. Do. from the Collector of Tinnevelly to do., dated 26th February 1849.

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No. 175. Judgment, dated 19th December 1890. —*continued.*

XXXIII*a*. Certified copy of letter from the Revenue Board to the Collector of Tinnevelly, dated 13th April 1849.

XXXIII*b*. Do. from the Collector of Tinnevelly to the Revenue Board, dated 19th May 1849.

XXXIII*c*. Do. do., dated 24th August 1849.

XXXIII*d*. Do. from the Court of Wards to Government, dated 13th September 1849.

XXXIII*e*. Extract from the Minutes of Consultation, dated 29th September 1849.

XXXIV. Certified copy of petition presented to the Sub-Collector by the wives of the Zemindar of Virupakshi, dated 1st January 1853.

XXXIV*a*. Do. of statement made by Muthuverammal, the Pattabha Sri of the Zemindar of Ramagiri before do., dated 15th do.

XXXIV*b*. Do. of one Subbaiyen before do., dated 17th do.

XXXIV*c*. Do. of letter from the Sub-Collector to the Collector, dated 19th January 1853.

XXXIV*d*. Do. from the Collector to Government, dated 17th February 1853.

XXXIV*e*. Extract from the Minutes of Consultation, dated 17th March 1853.

XXXV. Certified copy of the proceedings of the Revenue Board, dated 1st March 1861.

XXXV*a*. Certified copy of the proceedings of Government, dated 18th March 1861.

XXXV*b*. Do. of the Court of Wards, dated 10th May 1861.

XXXVI. Do. of the Revenue Board, dated August 1866.

XXXVII. Do. do., dated 10th December 1862.

XXXVII*a*. Do. do, dated 19th July 1875.

XXXVII*b*. Do. do., dated 30th do.

XXXVIII. Deposition of Muthuverammal before the Tirumangalam Tahsildar, dated 24th October 1885.

XXXVIII*a*. Do. do., dated 26th October 1885.

XXXVIII*b*. Do. of Muthukrishnammal, dated 24th October 1885.

XXXVIII*c*. Do. of Muthu Chinnammal, dated do.

XXXVIII*d*. Letter from the Tirumangalam Tahsildar to the Deputy Collector, dated 11th November 1885.

XXXVIII*e*. Copy of list showing the names of the concubines of the late senior Zemindar and of their children.

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No. 175. Judgment, dated 19th December 1890. —*continued.*

XXXIX. Certified copy of letter from the Collector of Tinnevelly to the Court of Wards, dated 22nd September 1851.

10. The following witnesses were examined.

By Plaintiff.

1. P. Mahalinga Naik.
2. K. Mahalinga Naik.
3. Sankaralingam Pillai.
4. Annamalai Kavandan.
5. Sivagaminatha Pillai.
6. Ellinga Naik.
7. C. Raghavendra Rao.
8. M. Ganapathi Ayyar.
9. Venkata Subramania Ayyan.
10. Subramania Pillai.
11. Andivelusami Naik.
12. Thungama Naik.
13. Sellandia Pillai.
14. Silamuthu Naik.
15. Pethakkammal.
16. Vellasami Naik.
17. Vallakondammal.
18. Krishna Ayyengar.
19. Muthumadhava Naik.
20. Palvanna Tevar.
21. Subba Naik.
22. Kandasami Pillai.
23. Rama Pillai *alias* Ramalingam Pillai.
24. Sangu Pillai.
25. Gopalakrishna Pillai.
26. Eswaramurthia Pillai.
27. Vellayammal.
28. Kolandavelu Naik.
29. Muthulingama Naik.
30. Appasami Ayyan.
31. Rathnamuthu Maniyagar.
32. Pethanna Reddi.
33. Arunachellam Pillai.
34. Muthu Naik.
35. Subbammal.
36. Komarasami Reddi.
37. Thumbayasami Naik.
38. Thavasilingasami Naik.
39. Oothandamayyan.

By Plaintiff.

40. Sundarapadi Tevar.
41. Annasami Ayyan.

Examined before Commissioner.

42. Nagammal.
43. Minakshi Ammal.
44. Subbammal.

By Defendant.

1. Kudalinga Maniyagar.
2. Muthukaruppan Chetti.
3. Aparanjipanikkan.
4. Avadai Ayyan.
5. Sivaperumal Pillai.
6. Angusami Naik.
7. Gopal Pillai.
8. Seshayyengar.
9. Manja Naik.
10. Lingammal.
11. Muthukumaru Maniyagar.
12. Erulappa Maniyagar.
13. Annamalai Chetti.
14. K. Musabu Rawthen.
15. Sellamuthu Pillai.
16. B. Musabu Rawthen.
17. Muthalagu Pillai.
18. Kandasami Pethana Naik.
19. Bommayasami Doddaya Naik.
20. Muthukrishnasami Uthappa Naik.
21. Tirumalai Muthulinga Thumbaya Vellayasami Uthappa Naik.
22. Lingasami Naik.
23. Gopala Kudumban.
24. Kamasami Naik.
25. Chokalingasami Naik.
26. Muthumadhava Naik.

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By Defendant.

27. Subramania Pillai.
28. Krishnakama Pillai.
29. Mannar Ayyan.
30. Sundara Rao.
31. Chinnu Naik.
32. Maharaja Pillai.
33. V. Singamayyengar.
34. Vathula Naik.
35. Chinnasami Ayyan.
36. Velusami Servai.
37. Sundaram Pillai.
38. Sankarappa Naik.
39. Lakshmana Sundara Mahalinga Dakshinamurthi Chinnakamaya Naik.
40. Sankaravelu Pandia Chinnaya Naik.
41. Kamayasami Naik.
42. Ramasami Pandiyan.
43. Thavasalinga Naik.
44. Pattabhirama Naik.
45. Bodanayakam Pillai.
46. Gurusami Pillai.
47. Andiappa Naik.

By Defendant.

48. Rama Rao.
49. Periyasami Chetti.
50. Vadanayaka Tevar.
51. Vanniyappa Pillai.
52. Alagiri Naik.
53. Pachayandi.
54. Muthialu Chetti.
55. Timmappanasari.
56. Sankarasubbayyan.
57. Devaji Rao.
58. Kolandavelusami Naik.
59. Muthulingasami Naik.
60. P. Nagappa Naik.
61. C. Viswanatha Rao.

Witnesses examined by Commissioner:—

62. V. Sankaralinga Naik.
63. K. Narayana Ayyar.
64. Muthuverammal.
65. Muthukrishnammal
66. Muthuchinnammal.
67. Sellathayi Ammal.
68. Thangammal.

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11. This case which was commenced on the 7th July was closed on Defendant's side on the 15th August, on which day the learned Advocate General who appeared for the Defendant concluded his address. The Honorable Mr. Bhashiam Ayyengar who appeared for Plaintiff was unable to reply on the next day and, at his request, which was not opposed, his reply was heard on the 5th and 6th September and the suit is now ripe for judgment. I have received very great assistance from the learned Vakil for Plaintiff and his juniors and from the learned Advocate General and Mr. S. Subramaniya Ayyar for Defendant which has lightened by labors.

12. The first point for decision in this case is the status of Plaintiff. It, of course, depends on the status of his mother Nagammal. In regard to it, the extreme contention on Plaintiff's side is that she was a Kambala and was married to the late Zemindar in accordance with the rites and customs of the Kambala caste to which she belonged, the presence of the dagger being merely an addition. The extreme contention on Defendant's side is that she was a Parivara and taken as mistress and that a bottu was caused to be tied round her neck in the presence of the Zemindar's dagger without any Kambala caste ceremonies being performed. The intermediate case is that Nagammal is a dagger-wife as distinguished from the caste-wives such as Defendant's mother Muthu-

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In the Subordinate Court of Madura (West).

No. 175. Judgment, dated 19th December 1890.
—*continued.*

verammal, Muthuchinnammal and others and, as such, has a sort of position lower than the caste-wives and considerably higher than the kept concubines. The position and status of Nagammal as dagger-wife is so clearly and unequivocally made out from the evidence in the case and the conduct of the parties that the Defendant was obliged to take the above position. The question then is, does this form of marriage create the legal relation of husband and wife. If it does, then I apprehend that there can possibly be no difference between the legal status of Nagammal as wife and that of other wives in gradation of rank except perhaps in the case a Puttabha Sri or the royal wife and except also as it may affect the right of Plaintiff to succession. The dagger form of marriage seems to be a recognized institution in the Saptur Zemindari and also with many Kambala Naiks. It appears that some people like Zemindars use real daggers while others use a bamboo stick or staff as a substitute for it. In chapter IV, part II, pages 81 to 83, Mr. Nelson, in his Manual of the Madura country, published under the authority of Government, gives an interesting account of the Thottiyars of Kumblathars and describes their marriage ceremonies, the principal one being the tying of tali or as Mr. Nelson has it, "a small chain of black beads and a tiny circlet of gold" in the booth constructed in a place outside the village. The priest, *i. e.*, Kodangi Naik is stated in the Manual as the person who ties the tali, but on this point, Mr. Nelson's information seems to be incorrect since the admitted custom appearing from the evidence in the case shews that either the bridegroom's sister or one standing in relationship as sister usually ties the tali. According to all accounts, it is agreed that the bridegroom does not himself tie the tali (or bottu in Telugu) to the bride whatever may be her caste or social position. Mr. Nelson does not mention anything about the dagger in his treatise. In the Madras Manual of Administration, vol. II, 236, it is stated that, among the Maravar Zemindaris, it is customary to send a weapon along with the tali to the bride's house which is tied by the sister of the bridegroom. Punjab Customary Law shews that it is usual with Sunniyars to send a knife on the occasion of the marriage. The Crown Case in VI B. H. C. R., 60, does not apply, in my opinion, to a case of this kind. That case, where knife is put and the girl is wedded to it, is one of dedication probably not to virtue. There are other and manifold forms of marriage besides the eight forms referred to in Hindu Law regulated by the custom of the family, the caste, the tribe and country. Considering the origin of the Kambalas as given in Nelson's Manual, it appears they were originally a warlike race and used arms and probably, when Zemindars, who were chieftains originally, married women of inferior caste or social position, they sent the dagger to represent them. This symbolism, the use of dagger, my be a relic of old times as can be seen by the analogy of a Kshatria girl holding an arrow in her hand when she is married to a Brahmin as stated in Manu.

13. The parties are at issue as to the legal effect of the ceremony which was performed in the case of Plaintiff's mother and as to what ceremonies and rites were actually performed. In support of Defendant's case that the tying of a bottu indicates mere concubinage, reference is made to Exhibits XXXII

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and XXXIIa. These documents shew that, in December 1799, the Board called on the Collector "To explain particularly the ceremony of putting the bottu on the woman to distinguish her from a common concubine and the nature of the distinction and in what light she and her children are considered" as the Board observe that their offspring has occasionally succeeded as Poligars Mr. Hurdis, in his reply, dated January 1800, says "That the tying of bottu does not by itself constitute the legality of a marriage even with parties of the same caste; it simply signifies the known promise of constancy on both sides and, if all ceremonies are not gone through, the woman is considered guilty of whoredom and her children illegitimate." He adds that "The tying of this mark on a different caste woman constitutes a promise of constancy only, the woman is always regarded as a concubine, but as one to whom her keeper is faithful. Her children are doubly bastardized first from difference of caste and secondly from the impossibility of the proper ceremonies, according to the sastras, being performed". He concludes by saying that "Children of inferior caste never succeed in matter of right". A further report on the customs obtaining in each Poliam was promised, but this, if sent up, has not been produced in this suit. There is no allusion to the dagger ceremony in this communication and probably the report, while giving the prevailing custom in the caste, confined itself to the Nattam Poliam the succession to which was then in question.

14. It is true that Plaintiff made no mention in his plaint of the fact of his mother being a dagger-wife, and the presence of the dagger at the marriage was only stated at the time of the settlement of issues and after the Defendant had put in his statement. It was said that all the ceremonies of marriage according to caste rules were gone through and that the dagger was merely an addition. It is difficult to understand why the dagger was introduced at the ceremonial if it was an unessential or useless thing having no significance whatever. Plaintiff's witnesses have no distinct or clear idea why it was introduced. There is, as remarked by the learned Advocate General, an extraordinary difference of opinion between the witnesses as to why it was present on the occasion. Plaintiff's 1st witness, who says he officiated as Peria Vettu Naik on the occasion of the marriages of Plaintiff's mother and Kumarammal, who were both sisters and married at one and the same time, and also 2nd witness, who officiated as Kodangi Naik, account for the presence of the dagger in this way. They say that, if a Zemindar marries the daughter of a Zemindar or his foster daughter or any girl given by him as his daughter, then no dagger is sent, but that, if a Zemindar marries the daughter of a junior member of the Zemindar's family or an ordinary Kambala girl, the dagger is sent with a view to raise the bride to his social equality. The 6th witness says that the dagger represents the bride-groom. 17th and 19th witnesses got information on this point from Plaintiff's 1st witness, and so their evidence is of no greater value than that of the 1st witness himself. Defendant's 62nd witness, the Zemindar of Mulipatti, examined on commission, says that, in a dagger form of marriage, only a single hut or booth is put up for the bride, that the bride-groom has no hut, that he does not go in person, but sends his dagger to represent him. Plaintiff's 11th witness, the Malikhana Zemindar of Chokkampatti, and the 12th witness, his

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Peria Vettu Naik, say that dagger is sent as part of the marriage ceremony in case of the marriage of a ryot's daughter to the Zemindar. The 11th witness is a Kattari Palavar and belongs to the same sub-division as the Saptur family. His first wife is a ryot's daughter and was married to him in dagger form. His second wife, being the daughter of a person likely to become Zemindar of Ammayanayakkanur at some future time, was married without a dagger. Plaintiff's 28th and 29th witnesses belong to the Vallakkavar sub-division of Kambalas and, in their section, the custom seems to be for the bridegroom to remain at his house seated on the marriage days, the bride remaining in her hut in the village common, then the bridegroom sends the tali or bottu and a bamboo dagger and the Tali is tied by the bridegroom's sister or cousin to the bride, who is then brought to the bridegroom's house, which completed the marriage ceremony. The opinions of the Revenue officers who managed the Estate seem to shew that the dagger form of marriage prevails in the Saptur Zemindari whose proprietors are Kattari (dagger) Palavars and that Nagammal, Plaintiff's mother, was married in that form. The Deputy Collector and the manager of the Court of Wards reported that the Plaintiff's mother was a legally married wife and that Plaintiff should be brought up in the same way as Defendant and his deceased elder brother (see Exhibits S, U, T &c. These reports were approved by the Collector who, in his letters G and H, treats Nagammal as the lawfully married wife of the late Zemindar, the only difference being that she was married in dagger form. The Deputy Collector, in his letter, Exhibit S, suggests that this form of marriage is contracted when the bride is of a caste inferior to that of the bridegroom, who therefore does not appear in person and take part in the marriage, but sends the dagger to represent him. The Collector, in his reports G and H, says that legally there is no difference between the "dagger wives and regular wives" and that Plaintiff and Defendant should be brought up together and treated alike. The Tahsildar, in his report, Exhibit XXXVIII*d*, after stating that Plaintiff's mother was married in dagger form owing to the inferiority of her caste, expressed a doubt as to the legality of such a marriage and gave it as his opinion that it was a refined and recognized form of concubinage amongst the Thottiyars, to which caste the late Zemindar belonged. This opinion of the Tahsildar was not shared in either by the Deputy Collector or the Collector who treated her as a lawfully wedded wife. The other documentary evidence [Exhibits L, M, N, O, P, Q, R, W, Y ,Z, AA, BB and JJ, to ZZ and AAA to CCC] bearing on the point, namely, communications by Nagammal, to the Court of Ward's Manager and Collector, replies to her communications between the Manager and Deputy Collector, Defendant's mother's statements in reference to Nagammal's applications for jewels, vessels and so forth, show that, until a short time before the suit, she was treated as a lawful widow.

15. The Collector and Deputy Collector presumably act on representation made to them by the members of the family regarding their status. In the present case, the Zemindar died on 14th October 1885. Then the eldest son's right of succession was undisputed. The widows of the Zemindar made statements at that time which apparently were then less influenced by selfish considerations or when they were not subject to the influence of others. Exhibit

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XXXVIII is the deposition of Muthuverammal, Defendant's mother, dated 24th October 1885. She says that Plaintiff's mother and another lady by name Muthukamakshi Ammal were married by the Zemindar by sending dagger, that they (in the Tamil deposition, the expression used is Sarappiranthargal) were born to Kambalas on women of different caste, that dagger-wives and caste-wives lived separately in different apartments adjoining each other in the Palace compound, that Plaintiff has no right to inherit the Zemindar's property and that Plaintiff should not be made to read with Defendant and his elder brother. Exhibit XXXVIIIc is the statement made by Muthu Chinnammal, another widow of the Zemindar, on the same date as Exhibit XXXVIII. She also says that Nagammal, Plaintiff's mother, was married by the Zemindar by sending dagger, that she and the other dagger-wife lived in a separate building or apartment close to the place where she and others lived, that they, namely, the caste-wives of the Zemindar lived with the dagger-wives in their apartments for one year and that the dagger-wives also lived with them in their Palace at times. Another widow Muthu Kishnammal gave deposition XXXVIIIb. She was not questioned about Plaintiff's mother. She left the Zemindar in 1878, went to live with her brother, the Zemindar of Uthappanaikanur and returned to Saptur only after the death of the Saptur Zemindar in 1885. These statements were made when the succession was undisputed and when there was no motive to misrepresent facts. Plaintiff's mother's statement is KK, and in this she says she was married according to *our* caste-rites. In these circumstances, the irresistible conclusion is that Nagammal was married in dagger form. Now the ladies in their evidence try to improve their case and also explain away their former statements. Muthuverammal, Defendant's mother, would not now admit the marriage at all. Her evidence is in many respects in direct conflict with her previous statements, and she says that she did not hear the word "jamuthadu" (dagger) before now. Muthu Chinnammal also professes ignorance about the ceremonies performed, and though she professed to treat them with contempt, she deposed to one fact, namely, that Nagammal and Kumarammal prostrated before her and Kamalammal, who is not now alive, and that neither said anything nor gave them even betel nut. The substance of the testimony of these ladies comes to this ; that Nagammal and Kumarammal remained in the Saptur Palace for a year before their alleged marriage, that they were served with meals at some distance from them and after they had had theirs, that on a sudden, these 2 sisters disappeared, that they were informed by their servants that bottu was put on them, and that they, since then, lived in the new house which is a part of the zenana apartments, being an enlargement of the compartment or the addition of a new wing to that part of the Palace. The evidence of the widows throws no light whatever on the ceremonies said to have been performed and as to what really took place on the occasion. Be this as it may, the evidence on Plaintiff's side, amply corroborated by the previous and unbiased statements of Defendant's mother and other widows and the correspondence in the case, established beyond dispute that Nagammal was married in dagger form to the late Zemindar.

16. If this form of marriage is legal and valid, then the relationship of wife and husband is established. If so, this legal status cannot be effected by the

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social status of the wife. There must have been some significance or object in the use of a dagger as the representative of the bridegroom at the time of the marriage. Does it denote concubinage of a permanent character of lawful wedlock is the question for decision. According to the testimony on Plaintiff's side, it is a legal form of marriage observed in the Saptur family and some other Kambala families. In the view of the Plaintiff's case, it is resorted to in the case of the Zemindar's marriages with women of inferior social position. The Defendant's case is that it denotes concubinage or a position lower than that of a wedded wife and higher than that of a concubine. This intermediate position, no wife, no concubine or something midway does not seem to be recognized by the Hindu law. Now there can be no doubt that a form of marriage was gone through, and that in it, the dagger played an important part. Taking the official view and that of Plaintiff's witnesses, it was used either owing to inferiority of social position or to difference in caste between the married pair. There is no evidence produced in support of the official view which probably is derived from reliable information, but there is some evidence on Plaintiff's side, though very vague, to support the Plaintiff's suggestion. Plaintiff's 11th and 12th witnesses speak on the point. 11th witness says that his first wife was married in dagger form because she was the daughter of a ryot. His brother, he says, was similarly married. 12th witness, who is Peria Vettu Naik of 11th witness supports him. These prove two well attested instances of such marriages. Ordinarily, the Zemindars would marry Zemindar's daughters or ladies highly connected. They do not often marry women of inferior social position, and so, it is not likely that such marriages are frequent. The existence of the custom however is shewn by the evidence on Plaintiff's side, and all the witnesses say that the instances of such marriages are rare. Such being the case, few instances, if well established and authenticated, may prove the custom. There is some evidence appearing from the testimony of Plaintiff's 1st and 30th witnesses that the late senior Zemindar's mother Valla Bommachi was married in dagger form to her husband. Defendant's 37th witness contradicts this, but says that the Zemindar, the bridegroom, had a fresh green bamboo stick in his hand when tali was tied. He adds that the holding of a bamboo stick is common in all Kamabala marriages. Valla Bommachi was the daughter of a junior member of the Paraiyur Zemindar's family and, according to the principle relied on by Plaintiff, the sending of a dagger in her case might be justified and rendered probable. That Defendant's father was the offspring of a dagger marriage was not even hinted in the Plaintiff's Vakil's opening speech. Though there is some reason to think it possible, I cannot say that it is proved beyond suspicion. If Plaintiff was satisfied of the truth of this fact, I think it would have been very much relied on by Plaintiff who would have told Defendant that his father himself was the offspring of such a marriage. I therefore find that the use of the dagger in marriages is resorted to by the Saptur Zemindars surnamed Kattari Kamaya in cases of the unequality in the caste or the social position of the bride.

17. If the ceremony of tying bottu by dagger being sent is indicative of concubinage, then the Defendant must be in a position to prove the fact beyond all doubt. There is however not a single instance brought out in the evidence. De-

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fendant's 26th witness said that he took a concubine by causing her relation, a female, to tie bottu to her, that he went to her four days after and that she has been living separate from him. The witness first slipped the sentence. "I married her," and then immediately corrected himself. The solitary instance deposed to by this witness, assuming it to be true, is not at all similar to the case of Plaintiff's mother. Nagammal was not provided for separately nor made to live seperately from her husband as in the case of the 26th witness' wife or concubine, whatever her status is. In the case of Plaintiff's mother, the evidence even on Defendant's side shews that a hut or booth was put up in the Palace premises and that some ceremonies were performed. The Mulipatti Zemindar, 62nd witness for Defendant, says that word was sent to him inviting him for her dagger marriage, that ceremonies were performed lasting a day and night and that the bride was brought to the Palace the next morning. After making it appear that he was present on that occasion, he suddenly turns round and says that he saw these done in the case of the dagger marriage of one Mangaleswari, and he does not know what was done at the time of Nagammal's marriage. The Defendant carefully abstains from letting in any evidence as to what, according to his version, took place at the time of tying bottu to Nagmmal. Not one witness was put forward to shew what took place, who tied tali, who brought her to the Palace and how and so on. Defendant's 59th witness Muthulingasami Naik is a relation of the Paraiyur Zemindar, Defendant's uncle and his guardain appointed by the Court of Wards at his mother's request. He says he sent presents to Nagammal and Kumarammal at their marriage, which he subsequently corretted into bottu tying. This is characteristic of several of Defendant's witnesses. He was at Saptur all the days of the marriage and yet would not say what took place and would not even come in contact with any ceremony that was being performed. According to his shewing, he was practically keeping guard over the Zemindar during the three days the marriage or bottu tying was going on. He says he made presents through courtesy to Nagammal and Kumarammal as their father was the concubine's son of a former Zemindar of Paraiyur. His evidence is very extraordinary. There is no explanation why bottu tying and the ceremony, if any, for the taking of a mistress should last for three days. 60th witness says he was Peria Vattu Naik of the late Saptur Zemindar at the time the marriage of Nagammal was said to have taken place. He says he simply supplied articles from the store-room for the marriages of Thathaya Naik and Thumbayasami, and adds that there was no marriage of the Zemindar with Nagammal by means of huts being put up and that he did not know what took place at bottu tying as he did not attend that ceremony. The lady witnesses examined on commission say that they regarded the Plaintiff's mother and Muthukamakshi as concubines, that they messed separately from them, that they alone served meals to the Zemindar and that Plaintiff's mother, if she came at such times, would stand at some respectable distance, and that Plaintiff never took meals with Zemindar though he (the Zemindar) might have messed with Nagammal in her own apartments. The Tahsildar who submitted his report, Exhibit XXXVIII*d*, was examined on commission. He is numbered as 63rd witness. He says that he regarded Nagammal as dagger-wife and as belonging to a caste inferior to Kambala, but that he never regarded her as a con-

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cubine. I must therefore hold that Nagammal was not taken as his mistress by the Zemindar, but was married in a dagger form.

18. Exhibits I to V relied on by the Defendant to support the theory that Nagammal was mistress, do not, I think really prove the fact. In 1880, a complaint was sent in the name of Muthukamakshi (whether true or false, it is not now material to see, to the effect that she was treated cruelly by the Zemindar. The Sub-Magistrate Visvanatha Rao, Defendant's 61st witness, came to Saptur and held an enquiry in May 1880. Exhibit III is the deposition of Muthukamakshi Ammal, while Exhibit II is that of the Zemindar. Exhibit IV is a letter said to have been addressed by Muthukamakshi in her own hand-writing. This letter is not strictly admissible in evidence and Muthukamakshi is not examined in reference to it. In it, she styled herself as bhogasri. It was probably also the expression used in the petition sent up to the Deputy Magistrate in her name. The Sub-Magistrate put the question to the Zemindar to this effect- "Did you ill-treat Muthukamakshi, your *bhogasri*, stated in the Deputy Magistrate's order". This question is relied on by the Defendant as shewing that the Zemindar would resent the use of bhogasri to Muthukamakshi if she really was his wife. Bhogasri is a Sanscrit word and is more largely used by the Telugu speaking people than by the Tamilians. The Kambalas are a Telugu speaking class though now they are more familiar with Tamil than with Telugu. According to Hindu Law and Hindu ideas, only the first wife is married from a sense of duty, while the other wives are married for the sake of desire and pleasure. It is important to notice in what sense the question was put and in what sense it was understood and answered. The Zemindar answered denying the ill-treatment, adding that he reprimanded Muthukamakshi in the same way as a husband would reprimand wife. He went on to state that she did not conduct herself as a wife should towards her husband. Muthukamakshi's deposition, Exhibit III, is in Plaintiff's favor. When asked whether she had the "Thirumangaliem" or the marriage token, she said she had and that it had been given for repair. It would appear that she had not the *tali* on her neck at the time. In reply to the Sub-Magistrate's question—"What number or position you hold in the order of wives of the Zemindar", the answer is—"I am the first of the dagger-wives of the Zemindar". The Tamil expression Periya—"bhariyai"—and the Sanscrit term, "bhogasri" would appear to have been used as convertible terms, and apparently the questioner and the questioned in this enquiry seem to have understood that bhogasri applied to a married woman.

19. The next document relied on is Exhibit XXIV. It is a deposition given by the late Zemindar in August 1884 in reference to certain complaints made againt him by Mangaleswari Nachiar. Her case seemed to be that she was married to the Zemindar according to her caste by giving parisam and so on and not by sending dagger as falsely deposed to by Defendant's 62nd witness. The late Zemindar himself denied the fact of any such marriage and alleged that she was his "*Mohasri*" or mistress. The dagger form of marriage was not set up by the lady herself as the form in which she was married, but a different kind of marriage was alleged, and this was contradicted by the Zemin-

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dar. The Zemindar did not contradict Muthukamakshi's assertion made to his face that she was his first dagger-wife. The Plaintiff's 1st witness says that Kambalas refused to attend any ceremony that might be performed in the case of Mangaleswari, and therefore he and two or three others performed some ceremony, all in one day, and that the Zemindar went and brought her home. Plaintiff's mother does not admit that Mangaleswari was a dagger-wife, and there is nothing to show except the improbable and unreliable testimony of Mulipatti Zemindar that Muthukamakshi was married in dagger form. His (Defendant's 62nd witness') testimony in the face of her own denial of the fact cannot be acted upon, and it only shews how this old man wishes to strengthen Defendant's case even at the risk of truth. There is a striking contrast between the Zemindar's answers in the case of Muthukamakshi's complaint and between those stated in Exhibit XXIV. Defendant's 67th witness says that Mangaleswari left Saptur and has married again. She is admittedly of Manigar caste in which remarriage of wives and widows is permitted, while the same is prohibited in the Kambala caste. Her name does not appear in the official reports made in 1885 and 1886 after the late Zemindar's death and she never claimed any right as wife of the Zemindar. In these circumstances, Mangaleswari cannot be regarded as a dagger wife and she is not shewn to have been such. Whatever her position was and from the facts disclosed, there can be no doubt that she was a mistress; her case is not similar to that of Nagammal or Muthukamakshi, which two are no doubt exactly similar in all respects. It also appears from the evidence of Plaintiff's mother that Mangaleswari was lodged separately in a thatched house; The other widows of the Zemindar say that she was seen in Nagammal's lodgings. Her visiting them occasionally cannot go to shew that her position was equal to that of Nagammal, Plaintiff's mother.

20. As regards Kumarammal, the sister of Nagammal, the Defendant relies on Exhibit VI. It is a special account of a portion of the expenses incurred for the funerals of Kumarammal which took place in 1880 and is in the handwriting partly of Plaintiff's 13th witness and partly of Defendant's 5th witness. It was produced in the cross-examination of Plaintiff's 13th witness to condradict his statement that Kumarammal was *married* in accordance with the rites and ceremonies of the Kambala caste and that the Zemindar sent his dagger along with the tali. The 13th witness for Plaintiff was formerly shroff under the late Zemindar. He wrote Exhibit VI under the orders of Manager Chinnasami Ayyan, Defendant's 35th witness, and at the dictation of Defendant's 5th witness, Sivaperumal Pillai. He wrote some portion of it, while the rest was written by Defendant's 5th witness who was then garden clerk in the service of the Saptur Zemindar. In the superscription or title page of the book, Kumarammal is described as the bhogasri of the Zemindar, and this description is repeated in two other places at the top of the headings. Sellandya Pillai, the shroff, first said that he wrote the account by order of the Manager Chinnasami Ayyar, but subsequently asserted that he described Kumarammal as bhogasri by the express order of the Zemindar. He says that he requested the Zemindar to let him know how he was to describe her, and that the Zemindar, in reply, directed him to describe her as bhogasri. It is not shown why and

under what circumstances he made this curious and most unreasonable request. He was aware that she had been married to the Zemindar if his present evidence is true. This being so, he had no necessity to obtain any special permission from the Zemindar to describe her in the way he has done. In this respect, the witness' statement is hardly credible. It is extremely improbable that the witness questioned the Zemindar and that the Zemindar ordered him to write her down as bhogasri. The entries in the Ayan Manovarthi Chittas in connection with Kumarammal's cremation do not refer to her as bhogastri, but as Kumarammal Avergal (see JJJ1 and JJJ2, which are Ayan Chittas). The chitta LLL is the Manovarthi Chitta. The entries LLL1, LLL2, and LLL3 also describe her in the same honorific way. Plaintiff's 13th witness says that nobody in Saptur would venture to say that Kumarammal was bhogasri, but the Defendant's 5th and 35th witnesses say that she was well known as the Zemindar's mistress and therefore they were not surprised at her description given in Exhibit VI. If it was a matter of such notoriety, it is not easy to understand why she was not described as bhogasri or mistress in the regularly kept Chittas. The 35th witness is now in the service of the Paraiyur Zemindar who has been conducting the Defendant's case, and the 5th witness was brought by his son from a long distance to give evidence in the case. Their evidence is rendered extremely improbable by facts proved which go to shew that some Kambala ceremonies were performed in connection with her obsequies and that she was treated on the footing of a wife and not a concubine. Exhibits VI and JJJ2 shew that a grinding stone was carried along with the corpse of Kumarammal. This is a ceremony puculiar to Kambalas. Defendant's 34th witness said to be Defendant's Kodangi Naik says so. The Mulipatti Zemindar, Defendant's 62nd witness, says that it would be done even in the case of dagger-wives. Defendant's 68th witness also says so. Plaintiff's 1st, 2nd and 6th witnesses say that this ceremony was done on the occasion of the funerals of Kumarammal. The entry LLL3 shews that the ceremony of planting a stone on the seventh day's ceremony was done in the case of Kumarammal by Peria Vettu Naik. Plaintiff's 1st and 2nd witnesses say that this ceremony was done and Defendant's 62nd and 68th witnesses say that this ceremony would not be done for concubines or dagger-wives, but only to Kambalas. If so, the performance of this ceremony after Kumarammal's death goes to show that she was regarded as a Kambala. In the accounts produced, wives are described either as wives or simply by their name with the honorific addition of Avergal, while the concubines are simply mentioned by name. In Exhibit XX, Ayan Chitta for March 1890, a wife of the Zemindar is described as Koppayanaikanur Ammal with wife added. In Exhibit PPP, Manovarthi Chitta for the same month, she is described simply as Koppayanaikanur Ammal Avergal. Sadayammai, admittedly a concubine, is simply described as such. As regards the planting of stone, the learned Advocate General refers to the Manual of Administration, Madras, Vol. II, 237. The silastapanam or fixing of stone is therein stated to be common to the Sudras generally as it is to the twice-born castes. This is no doubt a ceremony observed by almost all the castes, but it is one which would not, I imagine, be performed in the case of the death of mistress or concubine. We find from Exhibit VI itself that two urimikars of Kambala drummers employed exclusively by the community of Kam-

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balas followed Kumarammal's corpse. This would not have been allowed if she was a mistress. Now, Exhibit VI could not have been written by the special order of the Zemindar and it is not so contended by the Defendant. What is contended is that the persons who wrote it and those who had anything to do with it were conscious that Kumarammal was known as bhogasri, and so nobody took any notice of her being described as such. The evidence of reputation comes from 5th and 35th witnesses, whose evidence cannot be safely acted upon. The custody of Exhibit VI is not satisfactorily proved. 5th witness says that he kept it with the garden accounts and went away and 35th witness saw it at Madura only a month ago. How it was preserved in the meantime is not shewn. After all the account is not of much importance. Even the 39th witness says that bhogasri is used to indicate a woman married from desire and he is sure that the Tamil contemptible term "concubine" or kept woman was not applied in reference either to Nagammal or Kumarammal. I therefore find that Kumarammal has not been shewn to have been mistress of the Zemindar.

21. The next point is whether the Kambala caste ceremonies were gone through and whether Nagammal was married in accordance with such rites and ceremonies. I will first take the documentary evidence on the point and then refer to the oral evidence in the case. Exhibit C produced by Defendant at Plaintiff's instance is a separate account of cash payments in connection with Zemindar's marriage. It is dated July, 1875. It does not make any special mention of Nagammal, but only mentions her elder sister, Kumarammal. It is clear on the evidence that both the sisters were married at one and the same time. This title page, if any importance can really be attached to it, shews conclusively that the disbursements made as per Exhibit C were made on account of the Maharaja's, *i. e.*, Zemindar's, *therukaliyanam*. It is impossible to misunderstand this expression which is of general use and well known to Hindus. Plaintiff's case is that Nagammal's brother, Thumbayasami, and another person named Thathaya Naik were married at the same time as the Zemindar and under his auspices. Defendant's case, on the contrary, is that the Zemindar was not married, but that the said two persons and another person Ramasami Naik, driver of the Zemindar's carriage, were married at one and the same time, and these marriages were contemporaneous with the tying of bottu on Nagammal and Kumarammal by sending of dagger. Whether driver Ramasami Naik was married at the same time or some months before the said marriage, is thus incidentally made a question in this case. If certain ceremonies usually observed among the Kambala caste were shewn to have been performed for the Zemindar at the time, then it would follow that the Zemindar was married along with Thathaya and Thumbayasami and that Ramasami Naik's marriage was not then celebrated.

22. Exhibit C contains a special entry for the Zemindar. The entry is a disbursement of 5 annas for toe-rings (minji) for the Zemindar. This putting on of toe-rings to the bridegroom is one of the preliminary rites admittedly in a Kambala marriage. Defendant's 62nd, 52nd and 68th witnesses say that it is

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peculiar to Kambalas. The 62nd witness adds that it would not be done in a dagger marriage. If so, it is preposterous to suppose that it would be done for taking a mistress. It is difficult to get over this stern fact, that the Zemindar had toe-rings put on him as a part of the marriage ceremony. Exhibit C refers to several ceremonies and I shall mention some of those which are said to be essential and peculiar to Kambalas. There is an entry of 15 annas for arasani panai or bottu pot. This money was disbursed under orders of the Peria Vettu Naik, one of the essential men to superintend and celebrate Kambala marriages. This shews that a Peria Vettu Naik was connected with the marriages. Defendant's 60th witness, the Peria Vettu Naik, put forward by Defendant, says that he merely assisted in issuing provisions and so on, but did not take part in marriage ceremonies. There is another entry of 0-7-6 for Seshai ceremony. Defendant's 52nd, 60th and 68th witnesses say that this would be done only for Kambalas. There are entries shewing the performance of Yekalichi ceremony, the carrying of santhai potti, salt pots and many other things which are usually observed among the Kambalas. It would appear, according to the evidence in this case, that, as many as sixty-four ceremonies, most of which are of a trivial character, are performed in Kambala marriages. Sheep is sacrificed on four or five occasions and with its blood the foreheads of the bride and bridegroom are marked. Exhibit C shows that Alathi ceremony was performed. This is usually performed among all castes just when the bride and bridegroom enter the house. It is absurd to suppose that this sacred and joyful ceremony would be done for a man and his mistress. This also is a strong circumstance shewing that the usual and necessary ceremonies of the caste were observed when Plaintiff's mother married the Zemindar. It appears from the evidence on both sides that, among Kambalas, a peculiar marriage female cloth called kandangi is given to the bride to be worn at the time of the tying of tali. The first entry in C relates to an advance for the manufacture of these cloths. The next is an advance of Rupees 100 sent to Madura for two silk cloths, *i. e.*, for the use of the two sisters. A silk cloth is regarded as an emblem of purity for marriage. There are other advances for bazaar things, for oil, ghee, flowers, betel leaves and so on. There is an entry which shews payment of hire of a horse for the use of the outer-bridegrooms. It is a customary ceremonial with Kambalas for the bridegroom to ride round the bride's hut, and then, after both join hands, they proceed in yekalichi or procession to the bridegroom's house. This completes the outside ceremonies. The expression outer-bridegrooms indicate that the Zemindar was the inner bride-groom.

23. The next account is CI. It is a disbursement account of grain for the marriage. This shews that a lot of people including many Kambala Naiks from the neighbouring villages of Alagapuri, Athipatti, Thammanaikenpatti &c., were fed during the three days the marriage lasted. The account also shews that rice was distributed to almost all the households in Saptur, to the Palace officials and servants. This account shews that the Peria Vettu Naik got an extra share. Plaintiff's 32nd and 33rd witnesses received batta or supplies and were present at marriage. So also Plaintiff's 3rd, 4th, 5th and 13th witnesses and others got batta, *i. e.*, supplies. The driver Ramasami also received sup-

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plies of provisions on 13th July 1875. It is improbable that he was given provisions if he was one of the bridegrooms, and this shews that he must have been married before that time. It is improbable to suppose that the Zemindar would have fed so many people if he himself was not married at the time. These circumstances shew that this was the real and prominent marriage and that the occasion was taken advantage of to help others, probably poor people, to get married. Thathaya Naik and Thumbusamy married two sisters, the daughter of Jakkanna Naik, the brother of Subbammal, Plaintiff's grandmother. These are comparatively poor persons, but, however poor and humble these might have been, yet, they, as argued on Plaintiff's side, would have to bear some portion, though small, of the marriage expenses and provide themselves with some necessary things as marriage cloths, talis, &c. It is seen that the Zemindar did not provide kandangi cloths for the other brides. He only got two as shewn in Exhibit C supported by DI. Exhibit D10 shews a present to Peria Vittu Naik for the marriage. Under this entry's date, viz., 24th July 1875, there are other entries shewing expenditure for marriage. Exhibit CI shews that certain articles were sent from Paraiyur for the marriage, *i. e.*, wooden box. Exhibit C2 is not of much use. It is account of vegetables &c., received for the marriage. Exhibit EI shews a payment of Rupees 4 and odd to Urimikar Karmegham for his services at four marriages. In this, the Zemindar marrying two sisters is counted as two marriages, though, in fact, there were only three marriages and four brides. This entry is not clearly or happily expressed, but it is admitted that only three marriages were performed and it is nobody's contention that four marriages took place at the time. Exhibit F1 entry, proved by Plaintiff's 13th witness, shows a payment of Rupees 500 for cloths purchased for distribution at the marriage.

24. In this marriage, which was the sixth marriage of the late Zemindar, it is seen that only Paraiyur people attended as they were the relations of Plaintiff's mother. Defendant's mother's father Tirupugalsami, Vittalpatti Muthulinga and Defendant's 59th witness made each a present of one Rupee to Kumarammal at the marriage. These were specially related to the two sisters. Tirupugalsami and Kumarammal's father were first cousins. Vittalpatti Muthulinga is also similarly related, and it is his wife Minakshi Ammal, Plaintiff's 43rd witness, that is said to have tied the tali to Nagammal, while the Zemindar's cousin Krishnammal did the same to Kumarammal. There is evidence on record which shows that, on the 9th July 1875, there was a grand marriage at Uthappanaikkunur to which probably many people went. At that time, most of the Zemindars were minors and some were widows as stated by Plaintiff's 2nd witness, and therefore there is nothing strange in the absence of Zemindars at Plaintiff's mother's marriage. Exhibits D5, C and XXXI taken together show that Rs. 7 were given as present by Uthappanaikkanur Zemindar rather in his name by his sister, Krishnammal, the late Zemindar's wife for the marriage in question. One Ettappa Naik, it seems, was entrusted with 10 Rupees for the return presents to be made to the Uthappanaikkanur Zemindar at his marriage. Out of this sum, Ettappa makes a present of 7 Rupees to the Uthappanaikkanur Zemindar and his brother in the name of Saptur Zemindar and presents Rupees 3

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to them in his own name. This is a mild form of misappropriation. These entries taken together shew that the Saptur Zemindar received Rupees 7 as a present from the Zemindar of Uthappanaikkanur his brother-in-law, at his marriage. The total cost of this marriage came to about Rupees 2,000 and not 300 or 400 as asserted on Defendant's side. This was probably the proper scale of marriage with girls who are not Zemindar's daughters, but of inferior social position. There is no doubt enormous difference between the cost of this marriage and that of the marriage of Defendant's mother and three other ladies who were married at one and the same time and also of the marriage of the sister of Bodinayakkanur Zemindar. This latter marriage, according to Defendant's 51st witness, cost more than Rupees 5,000, while the four marriges which took place in 1871 including the marriage of Defendant's mother cost in all about Rupees 8,000 or 9,000. This difference in cost of marriages and even difference in treatment of wives may shew difference in social rank. Whether it results in any difference in the legal aspect of the question, I shall consider in its proper place. The above documentary evidence and the admissions of the ladies, the widows of the Zemindar, before the Revenue Authorities shew beyond all doubt that Plaintiff's mother was legally married according to the ceremonies of the Kambala caste.

25. Turning to the oral evidence on Plaintiff's side on the point, much of it is, I think, open to the objections taken to it and to the criticisms made on it by the learned Advocate General. Having a general idea as to what ceremonies are usually performed, some of the witnesses went on reciting them parrot-like without being able to say what ceremonies were performed to the Zemindar. Some of the witnesses, whose memory was short in examination-in-chief, began to shew very great improvement in cross-examination. Some of the witnesses again were unable to distinguish between what they personally observed and what was customarily done, and others again confounded what they heard with what they knew. These circumstances and the discrepancies in the evidence raise some doubt that many of the witnesses on Plaintiff's side had some preparation before they gave evidence. The evidence of Defendant's witnesses equally is open to objection on many points, and I, therefore, think it proper to accept such oral evidence on either side as is supported by documentary evidence and is compatible with the general probabilities of the case. I may add that a large number of witnesses was unnecessarily examined in this case, and this is more so with Plaintiff than with the Defendant.

26. With these general remarks, I will proceed to summarise the evidence let in. Forty-four witnesses were examined on Plaintiff's side. Out of these, thirteen witnesses who are Kambalas, twelve who are Vellalas, and three who are Brahmins deposed to the marriage of Plaintiff's mother besides herself, her own mother and Minakshi Ammal, examined on commission. Out of the thirteen Kambala witnesses, four are females. These witnesses are 15, 17, 27 and 35. Plaintiff's 1st and 2nd witnesses are the Peria Vettu and Kodangi Naiks who officiated at Nagammal's marriage in conjunction with the deceased Errama Naik or Errukamu Naik who,

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they say, was the Sastragar Naik on the occasion. Defendant's case is that if the Plaintiff's mother had been married in accordance with the rites of the Kambala caste, his 60th witness should have officiated as Peria Vettu Naik, 34th witness as Kodangi Naik, and 31st witness as Sastragar Naik. Plaintiff's 1st and Defendant's 60th witnesses are admittedly members of the same family and Plaintiff's 1st witness is referred to even by Defendant's witnesses as Peria Vettu Mahalinga Naik and he belongs to the senior branch. It is in evidence that 1st witness' father was admittedly the late Zemindar's Peria Vettu Naik until he was placed in possession of the Zemindari. Owing to some disagreement between the two, the Zemindar is said to have displaced him by Ayyakannu Naik, Defendant's 60th witness. The present Peria Vettu Naik is the brother of Plaintiff's 1st witness. The 1st witness and Plaintiff's 13th witness, Shroff Sellandia Pillai, say that Ayyakannu Naik also assisted 1st witness in the marriage ceremonies. There is also evidence in the case which shews that Plaintiff's 1st witness' mother Kumarammal and Ayyakannu Naik's wife, Thangammal, Defendant's 68th witness, helped on the occasion. No doubt, there was some attempt on the part of some of Plaintiff's witnesses to exclude Ayyakannu Naik, but the better evidence in the case shews that he was present, and he himself admits that he superintended the getting of necessary articles from the storeroom, but he adds that he supplied the articles for the marriage of Thathaya and Thumbayasami. He further admits that 1st witness and his mother attended the tonsure ceremony of the Defendant's brother, deceased. I therefore think that Plaintiff's 1st witness' testimony may be accepted. The 2nd witness is admittedly a Kodangi Naik, but it is said that he is Kodangi Naik only for the shepherd class. Defendant's 34th witness himself makes this extraordinary statement. The 2nd witness was not questioned on this point and no shepherd has been called to support the 34th witness' evidence. There is no good reason shewn why a Kambala should be a Kodangi Naik for shepherds, a thing apparently improbable considering the conservatism of the class. Defendant's 34th witness says that Plaintiff's 1st witness was Peria Vettu Naik to the father of the late Zemindar, senior Nagayasami. Defendant's 31st witness is the Sastragar Naik. He seems to know the Sastrams. These are expressed in colloquial Telugu which was originally the language of these Kambalas. Sastra Naik's office is not hereditary. Any person versed in Sastrams can be called in to perform them. The 31st and 34th witnesses seem to be twins. They say they lived in Sandayur Zemindari, but also possess houses in Alagapuri close to Saptur and lived in both places. There was ill-will between the late Zemindar and 34th witness in 1875-76 owing to some dispute about land. It is therefore not likely that he was regarded and got in as Kodangi Naik in 1875. Exhibit A is a sale-deed, dated 1882, executed by Plaintiff's 2nd witness to the deceased Zemindar, and it was produced by Defendant at Plaintiff's instance. It describes 2nd witness as the Palavar Kodangi Naik (ur stands for Palavar). The testimony of 2nd witness, considered with what has been stated above, may be taken as reliable. These three witnesses on Defendant's side say that they received no invitations for the marriage of Nagammal and Kumarammal. It is difficult to believe them when we find that even the Mulipatti Zemindar was invited. Almost all the witnesses on Plaintiff's side say that he was present at Nagam-

mal's marriage, which, however, he denies. His evidence read between the lines inclines me to the opinion that he was present. The 1st and 2nd witnesses took the most prominent part in the ceremony and, as their evidence is corroborated by Defendant's accounts, I accept it as trustworthy. As to Defendant's 60th witness, I have to state that accounts XXIIa and XXX shew that he was described as Peria Vettu Ayyakkannu Naik in November 1875 and in 1880. Exhibit XXXIIIa, an account of 1881, shews an entry of Rupees 4 presented by the Zemindar through the witness on the occasion of the death of the *former* (old) Peria Vettu Naik, probably 1st witness' father Nagamuthu. The word "old" (former) does not of necessity shew that he was dismissed. Even 34th witness says that the Zemindar and Nagamuthu became reconciled four or five years after the rupture took place between them. Even if 60th witness was considered as the proper Peria Vettu Naik at the time of Nagammal's marriage, it appears that he was ill and unable to take a leading part in the ceremonies. In these circumstances, 1st witness' testimony that he officiated at the marriage, is rendered probable. Reading the entries and considering the description of 1st witness given by the witnesses, it seems to me that Peria Vettu is the prefix generally used towards the members of family and not to indicate the individual holder of the office. I think it is used more in a descriptive way.

27. The next Kambala witness is the 6th witness. He says that he and some others, whom he names, built the marriage huts, which should be built only by Kambala Naiks. He mentions some of the ceremonies which took place, and saw the Tali tying and the return of the Zemindar to the Palace, with his two brides, Nagammal and Kumarammal, after the linking together or joining of hands. I think it may not be out of place here to give a brief description of what are the usual and important ceremonies which are observed in a Kambala marriage. The first thing is fixing the day of marriage, then building of huts, one for the bride and the other for the bridegroom, then marketing or proceeding to the market for the purchase of saffron and other articles for marriage, then the bridegroom is shaved, then the foreheads of the bride and bridegroom are touched with milk by means of a betel leaf dipped in milk, and then toe-rings are put on the bridegroom. These take place on the first day. On the second day, the bride and bridegroom go to the huts, the bride will be in one hut, while the bridegroom will be in another hut or seated in front of it. These huts are of small size. There will be a pandal in front of the bride's hut. The bride and bridegroom will be given a pair of slippers to be worn. Afterwards, a sheep or ram is sacrificed and the foreheads of the bride and bridegroom are touched with blood to avert the influence of evil eyes; then a plate with rice, betel, bottu or tali, cloth, flowers &c., would be brought and placed before the bridegroom who and the assembled relatives and others would touch and worship it (this is usually done among other castes also). The bridegroom will then send the plate by his sister or one standing in such a relationship, who will tie the Tali round the neck of the bride. Then some minor ceremonies will follow and the bride and bridegroom return to the house. According to some accounts, the brides stay in their respecctive huts all the night. This however is not fully supported. On the third day, the Bottu pot is taken to the huts,

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basingam is tied to the bride and bridegroom, then they proceed to the huts after some minor ceremonies take place; then the arrow show shooting ceremony is done, which is followed by the salt-pot ceremony, after which the bridegroom will mount a horse and ride round the bride's hut and dismount in the pandal, when the bride will be conducted to his presence, after which both join hands or link together their fingers and take vows of constancy, when all the while Telugu hymns and *invocations* of Gods will be recited by the Sastragar and other Naiks. Then comes the Seshai ceremony, after which those who wish to make presents to the bride and bridegroom do so. After which, the puja-pot ceremony or the sprinkling of water over bride and bridegroom illustrative of a sacred bath takes place. This ceremony consists in four pots being placed in the form of a square filled with water and a thread is passed round them. The bride and bridegroom will sit in this square and water will be sprinkled on them. Then the paddy pounding and churning ceremony take place as if to shew that the bride had entered on house-keeping business. Then a child will be fetched, which would be handed by the bride to the bridegroom symbolising the object of marriage; then the bridegroom will make a shew of going to hunt and then they return to the bridegroom's house, which is known as the yekalichi ceremony (going together). At the entrance to the house, a sheep is slaughtered and sacrificed and blood marks put on; then alathi would be offered to the wedded pair, after which they enter the house, worship their seniors and God (Thambiran), and these are concluded by some more ceremonies illustrating the household duties to be performed by wives. The main features of the ceremonials shew that the Kambala caste people observe some remnants of their original calling of warriors and of agriculturists. The ceremonies which illustrate house-keeping and so on are common to all the castes. As in all castes and classes of people, the essentials of a marriage among the Kambalas also are the tying of Bottu and the linking of hands indicating the obligation of fidelity as wife and husband. This last ceremony is the most essential ceremony even among civilized nations.

28. It is not possible that all those who attended the marriage witnessed all or most of the ceremonies. Some may have seen a few ceremonies, some may have seen more, and those only who had business there might have seen most of the ceremonies, but many would have witnessed the Tali tying, linking of hands and such like important ceremonies. When a large mass of evidence is let in in regard, especially, to an event which took place fifteen years ago, and seeing the character and condition of many of the witnesses, it is almost inevitable that there should be exaggerations and discrepancies and so on; but, after a careful study and analysis of the evidence, I find it difficult to say that the whole mass is one piece of fabrication. It is possible that the inventive genius of some of the witnesses was given full play and it is also possible that some others may have given a false coloring to facts. On the whole, making every allowance, I think the testimony on Plaintiff's side, that Plaintiff's mother was married according to Kambala rites, may be acted upon.

29. The next Kambala witnesses are the 14th and 16th. The 14th witness is cousin of Lingama Naik, the father of Subbammal, Plaintiff's grandmother.

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He says he witnessed the marriage and his relationship renders this probable. His evidence, however, is full of contradictions and I will refer to his evidence again when I come to the question of pedigree and caste of Plaintiff's mother. The 16th witness is a relation of the Zemindar of Madavanaikkanur, and he says he was invited and that he attended the marriage. He says that the ride round the huts and the tying of Tali took place on one and the same day. He adds that he is a Sillavar Kambala and belongs to the same tribe or sub-division as that of the Paraiyur family, and that, among his tribe, the bridegroom has a bamboo stick to represent a dagger. The 19th witness is the next. He also came from Madavanaikkanur and attended the marriage of Nagammal. His evidence is also dircrepant in some respects. He also speaks to pedigree. The next is 21st witness, the step-brother of Subbammal, Plaintiff's grandmother. It is likely he attended the marriage. In his zeal to support the legitimacy of Subbammal's birth, he replied to the question— "Who was your mother", that his father had two wives and that Kamakshi was his second wife. 34th witness is a younger brother of Thathaya Naik who was also married at the time of Nagammal's marriage. This witness did not behave properly in the witness-box, and, though he was likely aware of the marriage, I am not inclined to attach any weight to his evidence. He admits that Kolla Kambalas do not intermarry with Kambala Thottiyars. The 34th witness is Thumbayasami, brother of Nagammal. His marriage admittedly took place at the same time she was married. His evidence as to her marriage may be acted upon. He describes some of the ceremonies which he recollects. He is an interested witness and he shewed this more plainly when he was questioned about his pedigree and caste. He says that he saw the Zemindar near his hut when the Tali was being tied to his sisters.

30. Of the female witnesses, the 15th and 17th are strangers and they came from the village of Alagapuri adjacent to Saptur. 15th witness pounded paddy, attended the marketing and sang songs in the marriage. 17th witness only attended on the second day and saw the Tali tying. She is sister of Plaintiff's 6th witness. She places Muthukamakshi's dagger-marriage with the late Zemindar six months after Nagammal's marriage, which, however, is contrary to the fact. Notwithstanding the efforts made in re-examination to correct her, she stuck to her statement. There are thus contradictions in the evidence of these witnesses, but I think that their evidence as to the performance of certain caste rites and marriage in accordance therewith may be acted upon. The next witness is the 27th witness named Vellayammal, the widow of Jagganna Naik, the elder brother of Subbammal. Her two daughters were married to Thumbayasami and Thathaya. Her presence therefore at Saptur on the occasion of the marriage is undoubted. She says that Nagammal and Kumarammal came from Paraiyur three days before the marriage, that she accompanied them, and that, being a widow, she did not attend the marriage ceremonies, and she only saw the Zemindar and Nagammal and Kumarammal and her sons-in-law and daughters returning to the Palace in *Yekalichi* procession. Her evidence, I think, is not open to objection and it impressed me favorably. The last female witness No. 35, examined in Court was Subbammal, wife of *vandikara* (driver)

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Ramasami Naik, maternal uncle of Plaintiff's mother. She is sister of Thathaya Naik who was married along with Nagammal. Her presence there cannot be doubted and she deposes to Nagammal's marriage. She is unable to describe the ceremonies that took place, but she says that she tied the Tali to Thathaya's bride. Her ignorance as to what all took place, it is suggested, is more consistent with Defendant's theory that she was more a bride than a spectator of the marriage. This suggestion is not supported by evidence or probabilities, and I am inclined to accept her evidence that she had been married some time before Nagammal was married in spite of her attempt to fix the interval as six months, which, no doubt, is a failure. There is no reliable evidence that Ramasami was married along with Thathaya and Thumbayasami. Even the Defendant's 60th witness does not mention that Ramasami was married at that time. Exhibit C1, as remarked elsewhere, shews disbursement of provisions to driver Ramasami Naik, and this makes it improbable that he was a bridegroom on that occasion.

31. Admittedly, some employés of the late Zemindar depose to Nagammal's marriage and to the Zemindar's presence in his hut. They are the 9th, 10th, 13th and 18th witnesses. The last witness Kristnayyengar was manager at the time. The 9th witness was acting head gumastah, the 10th witness was store-room gumastah, *i. e.*, in charge of the store-room, and the 13th witness was Shroff. Their presence on the occasion can hardly admit of doubt. Excepting that, the 9th witness went out of curiosity, to notice the Tali tying, nothing can be said against his evidence or that of the 10th and 18th witnesses. I have already noticed the evidence of the 13th witness. 9th and 10th witnesses say that they were present on the occasion. The 18th witness simply saw the Zemindar in his hut on his way to the Palace. He did not see any ceremony performed, but he got articles for the marriage and made disbursements in cash and kind on the occasion. The only ceremony he saw was the *Yekalichi* or the Zemindar and his brides and others leave the huts and return to the Palace in procession. His evidence is important and respectable. There has been some litigation between him and the Court of Wards. He has large property and only a few debts to pay. His evidence is not shaken down in cross-examination and, on the whole, I see no good and sufficient reason to refuse credit to the testimony of these witnesses. Their testimony establishes marriage in conformity with Kambala caste rites. There is one circumstance which makes the testimony of the 9th and 10th witnesses all the more probable and reliable. They say that the dagger was sent from the store-room after being decorated with cloth and flowers and a lime stuck on its point along with the plates containing the Tali, cloth, &c. If their object was to support Plaintiff's case fully, they might have given a different version and suggested that the Zemindar wore it on his person as some witnesses say? The fact, therefore, that the dagger was sent adorned along with the Tali, must have some significance; but what that significance is not satisfactorily explained on either side. That it denoted the taking of a mistress, is not established; and this part of Defendant's case may be left out of consideration. Why should it be sent without the slightest necessity when, as we find, all the ceremonies

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were, more or less, gone through, is not explained. It cannot be a mere unessential addition as suggested on the Plaintiff's side. I will touch on this point later on.

32. Plaintiff's witnesses 3, 4, 5, 22 to 26 and 33 are all Vellalas; 3rd witness is Kurnam of a neighbouring village; 4th and 5th are village heads, and the others are ryots. A few of the latter class gave absurd evidence. For instance, the 23rd witness said that a huge pandal covered the huts and the open space up to the Palace entrance. 24th witness says that he arrived just at Tali tying time, a curious coincidence. He says he got on a stone, and from that small elevation, he saw the Zemindar. This witness was made in cross-examination to contradict his statements in chief examination. 25th witness also came just in time to see Tali tying, and he says that he saw the Zemindar wearing ruby earrings and gold toe-rings as though these insignificant things impressed themselves on his mind and retained by him in his memory even after the lapse of fifteen years. 26th witness saw the Zemindar seated on a gunny in front of his hut, embracing his knees as if he was in grief. These witnesses were remarkable for their impudence, and so flippant was 33rd witness in his demeanour that I was obliged to caution him that his evidence would not be believed. The evidence of the 3rd, 4th and 5th witnesses is not open to much objection and may be acted upon. The evidence of the other witnesses, I dismiss from consideration.

33. 30th witness is a Brahmin and he deposes to marriage. I have touched upon his evidence. The 31st witness is of Manigar caste. He was pannai maniem or the superintendent of the Zemindar's pannai (home-farm) lands at the time, and he speaks to the marriage of Nagammal. His evidence may be believed. 20th witness says he supplied betel on the occasion of Nagammal's marriage. 32nd witness is a Reddi. He says that it is the peculiar privilege of his family to hold the Zemindar while he is being installed as such. He says he has Inam for his office which he designates as *Pattathu Reddi*. He refers to a tradition, which is to the effect that Naiks killed the Reddis who originally owned Saptur Estate and took possession of it, and that, not being secure in their possessions, owing to incessant broils and raids, they conferred this privilege on his ancestor who was then the chief of the Reddis. He is deprived of his Inam and hopes to recover it in case Plaintiff succeeds. He says that he bent down a little and saw Tali tied to Nagammal and Kumarammal. His evidence is not very trustworthy.

34. Of the remaining witnesses to the marriage, Plaintiff's mother's evidence has to be considered first. As she was examined by a Commissioner, I had not the benefit of noticing her demeanour. By reading her deposition, I find that she, like the Defendant's mother, is an intelligent lady. She describes some of the ceremonies that took place at her marriage and her evidence, I may say, was not shaken down in cross-examination. She admits that she lived in the Zenana apartments of the Palace with the other wives of the Zemindar for some time and then removed to different apartments called the new house, pro-

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bably an addition to the place. It was in this place that she, her sister and Muthukamakshi lived and which is even now in their possession. It is thus clear that the dagger-wives lived apart from other wives. In other respects, her evidence shows that she was treated like other wives. She says that, on the occasion of Plaintiff's birth, the Zemindar touched his tongue with dagger point dipped in oil in the same way as he did to the Defendant and his elder brother and that he had his three sons together with him occasionally when he took his meals, thus shewing that he made no difference in the treatment of his sons. The next witness to be noticed is her mother Subbammal. She was apparently tutored by Kristnayyan, Plaintiff's agent, and her evidence is open to objection. She apparently did not witness the ceremonies. I, however, believe her statement that her daughter was married. The next and the last witness on the point is Minakshi Ammal. She tied Tali to Kumarammal. Her evidence as to what took place on the occasion of her daughter's marriages is commented on by the learned Advocate-General as shewing that she was a tutored witness. She only remembers the principal events and ceremonies which took place at her daughter's marriage because she was ill and the marriage ceremonies were attended to by others. In the marriage of Nagammal and Kumarammal, she says that the management was entrusted to her and, therefore, she remembers many details in connection with it. Nothing is elicited in her cross-examination as to why she gave false evidence and I fail to see any strong reason for rejecting her testimony. I, therefore, find, on the evidence above discussed, that Nagammal was married to the late Zemindar in accordance with the Kambala caste rites and ceremonies. I accordingly find the first issue for Plaintiff.

35. The 2nd issue in the case is also important. It introduces the question of the pedigree and caste of Plaintiff's mother. There can be no doubt that Nagammal and Kumarammal were the legitimate descendants of parents who were of illegitimate origin. The father of Subbammal was admittedly Mulipatti Lingama Naik. He had a wife named Ramakkal and by her he had a son named Subba Naik and a sister named Lingammal, examined as Defendant's 10th witness. She and her brother, who has sided the Plaintiff, are not on good terms. Her daughter has been married to her brother. As already observed, the 21st witness for Plaintiff, the said Subba Naik, overshot the mark and showed great bias in Plaintiff's favor. Defendant's 10th witness does the same thing on Defendant's side. She says that her father had only one wife and that Jakkanna and Ramasami never lived with them. Defendant's 22nd witness, Lingasami Naik, a cousin of Subba Naik, attempts to support Defendant's 10th witness. Both of them endeavour to make out that Subba Naik and his cousins divided the properties to the exclusion of Jakkanna and Ramasami Naik. Defendant's 22nd

"Whether plaintiff's mother was of the same caste as plaintiff's father or of a different and inferior caste, and if of a different and inferior caste, whether, according to custom obtaining in the caste to which Plaintiff's father belonged, a marriage between Plaintiff's father and mother would be invalid as alleged by the defendant?

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witness failed miserably in cross-examination, and his evidence shows that his father and Subba Naik's father were divided and that Subba Naik joined him in selling the land covered by Exhibit XVIII, dated 1885, because the puttah stood jointly in their names. His evidence shows, beyond doubt, that he had no interest in the lands at Parapatti. Exhibit XVIII was produced by Defendant's 23rd witness to whom it was executed. Under these circumstances, the testimony of Plaintiff's 21st witness, that he and his brothers, Jakkanna Naik and Ramasami, divided the lands at Parapatti is quite probable. This fact, however, does not prove their legitimacy. Their mother was admittedly Kamakshi, a Vellala woman, and of a caste different from that of a Kambala. Ordinarily, no marriage can or will take place between a Kambala and a Vellala woman. There is not the slightest evidence of the marriage of Kamakshi and Lingama Naik. Plaintiff's 14th witness said at first that Kamakshi was kept by him, and it was only in re-examination that he corrected this statement. His real belief that she was a kept woman had a good hold on his memory. Defendant's 9th witness says that she was wife of Sabapathi Pillai, a frontier peon at Parappatti, and that Lingama Naik kept her. Defendant's 62nd witness says that Lingama Naik, who was in his service, told him that she was his concubine. His evidence in this respect is improbable. His younger brother, examined as Defendant's 43rd witness, says that Kamakshi lived with Lingama Naik and that she was known as his concubine. His evidence is not open to objections, and it impressed me favorably. The presumption of marriage and legitimacy on children from the fact of a woman and a man living together, is not, I think, irrebutable. Lingama Naik had a married wife who did not live with him always. He lived with Kamakshi at Mulipatti. Plaintiff's 21st witness admits that Jakkanna and Ramasami were his seniors in age. It therefore follows that Kamakshi was taken by him as his mistress, while his wife lived and the wife bore him children only after he had issue by Kamakshi. All these circumstances render the theory of Kamakshi being his mistress more probable.

36. Turning to Muthuverasami, Subbammal's husband and Plaintiff's maternal grandfather, we find from Exhibit XXXIII, the report of the Collector, dated 1849, of Tinnevelly, to which District the Poliems of Paraiyur and Saptur then belonged, that Muthuverasami was described in it as Muthuveran, son of Vellai, Zemindar's concubine. The Zemindar left two legitimate sons by his second and eighth wives respectively, and arrangements were made for their education and not for Muthuveran's. It is not known how Vellai was treated and from what representations the Revenue Officers made this statement, but from the exhaustive nature of the enquiry as shown by the report, it can be judged that information from proper quarter was obtained and acted upon. It appears from the testimony of Nagammal, Plaintiff's mother, and which, I think, is more reliable than that of many witnesses in this case, that her father lived in a house close to, but apart from, the Palace. This shews how he was regarded by the people there and also the consciousness of the members of the family. He being an infant when his mother died, Lakshmi, a Vellala and admittedly a concubine of the then deceased Zemindar of Paraiyur, brought him up, and Nagammal not only admits this, but also the fact that Lakshmi lived in her father's house and

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died there. If he was Zemindar's legitimate son, he would have been treated in quite a different manner. He would have been nursed and brought up in the Palace and not left to the tender mercies of a concubine who was a Vellala and not even a Kambala. Plaintiff let in evidence to prove that the mother of Muthuveran was lawfully married to the Paraiyur Zemindar. The 19th witness says that Vellayammal was his orphan niece and that his parents got her married to the Zemindar of Paraiyur. He is in hopeless confusion over the marriage and relationship, and his evidence in this respect is wholly unworthy of belief. The next witness on this point is a Reddi, a foolish old man. He said that Vellayammal married the Zemindar and that he attended the marriage. He saw Muthuverasami playing about and recognized him some two or three years after as her son. He says he was about fifteen years old at the time of the marriage. His evidence is improbable and cannot safely be acted upon. Defendant's 11th witness says that his mother was Vedalam said to be sister of Vellayammal and was kept by the Zemindar's brother, the grandfather of the present Paraiyur Zemindar Nagayasami Naik. His evidence, though hearsay, supports the fact as mentioned in Exhibit XXXIII. The conclusion I arrive at is that Muthuveran or Muthuverasami was the illegitimate son of a late Zemindar of Paraiyur born of a Vellala woman named Vellai, his mistress.

37. It is admitted on all hands that Subbammal and Muthuverasami were married. Defendant's case, however, is that they were married according to the custom of the Parivara caste. Considering the illegitimate descent of both, it is probable that they were married according to the rites of that caste. There is, however, no evidence on the point, and it is not material now to find out the same. It is sufficient for the purposes of this case to state that they were lawfully married and that Nagammal and Kumarammal were their legitimate daughters. The position of Nagammal is this. Her paternal grandfather and maternal grandfather were pure Kambalas. On the female side, owing to mixture of Vellala blood, she has to be regarded as of inferior caste. The question now is what is the proper caste of Nagammal. If the analogy of the Anuloma doctrine be applied then Nagammal would be of the same caste as her mother Subbammal. Considering that she was the illegitimate daughter of a Kambala by a Vellala woman, she could not claim to be a Kambala supposing that a Kambala is superior to Vellala in caste. There is no knowing which is superior and which is inferior. The evidence in this case shews that *the offspring of such irregular connections* or as very appropriately put by Defendant's mother and other ladies—"Sarappiranthavergal," from a mixed caste called Parivara or Ayyakuttam, Subbammal would then be a Parivara and Nagammal would also be of the same caste. The rites and dharma, &c., are prescribed only for the four recognized castes. Even in the case of mixed castes formed by Anuloma unions, the rites and duties prescribed to them were those which appertained to their mother's caste (see XII, M., 80). The doctrine of the superior efficacy of the seed can have no application to Sudras who form one grand caste with divers countless sub-divisions. It is a matter of notoriety that there are sub-divisions even among Brahmins and there is no intermarriage between some sub-divisions. For instance, Smartha Brahmins do not intermarry with Sri Vaishnavas or

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or Ayyengars. Many instances may be quoted which, however, are not necessary for this case. Under sloka 157, chap. IX, Manu, "To a Sudra is ordained a wife of his own caste and no other." This injunction, as has been held in M. H. C., I, 483, is merely directory (see also sloka 13, chap. III, Manu). In sloka 43, the ceremony of joining hands, it is said, is appointed for those who marry women of their own class, and by sloka 44, it is ordained that a Kshatria girl should hold an arrow in her marriage with a Brahmin, a Vaisya girl, a whip, and a Sudra girl, the skirt of a mantle. All this symbolism is not explained, but the reasons can be conjectured, and so the use of the dagger may be symbol used when a woman of inferior caste (from a Kambala point of view) is married by a person of a higher caste. From a Kambala point of view, the Kambalas form an exclusive caste, however loose they may be in their morals, marriages and other connections. It cannot, therefore, be said that the difference in caste is immaterial and that all Sudras are of the same caste and can contract a valid marriage. Mr. Mandlik, in his translation of Viyavahara Mayukha and Yagnavalkia Smruthi, says, at 437, that the laws of marriage for the different castes are their own usages and they can only be altered either by the castes or by the Legislature. He approves of the decision reported in I. L. R., I, Cal., page 1, and disapproves of that reported in M. H. C. R., I, 478. In Letters Patent Appeal No. 10 of 1888, Mr. Justice Muttusami Ayyer, supporting Mr. Justice Parker's decision in the Sandayur case, says that no intermarriage can take place between a Manigar woman and a Kambala Naik, and his Lordship adds that it was not necessary to decide whether a custom prohibiting intermarriage between sub-castes among Sudras is valid. In the case of Upoma Kuchain *v.* Bholaram Dhubi (XV, Cal., 708), a marriage between a washerman and a fisherwoman, though belonging to different sub-divisions of Sudras, was upheld as valid. The Judges who decided the case pointed out that the case reported in I. L. R., I, Cal., page 1, did no more than merely express an opinion, that the opinion itself was inconsistent with the rule of law enunciated by the Lords of the Privy Council in their decisions reported at pages 141, XIII, M. I. A., and 346, XIV, M. I. A. This is a strong case in support of Plaintiff's contention, while the remarks in the judgment in the Sandayur case above referred to are in favor of Defendant's theory.

38. Defendant, in this case, alleges a custom prohibiting a legal marriage between his father and Nagammal treating her as of Parivara caste. The deceased Zemindar himself stated in Exhibit XXIV, when he disowned Mangaleswari as wife, that he could not and would not marry outside his caste. Plaintiff's 1st and 6th witnesses also say that the ordinary custom is that a Kambala cannot marry outside his caste. 1st witness adds that it is left to the Zemindar's pleasure to marry outside the caste and, if he chose to do so, there would be no objection. He says that sons of Kambalas by concubines are treated as Kambalas. Defendant's 40th witness supports him and adds that a daughter of a concubine of a Kambala Zemindar or ordinary Kambala belongs to the Kambala caste like her illegitimate brother, if any, and that such daughter can marry a Zemindar if his relations approve of the match. This witness is a Zemindar of Mannarkottai in Tinnevelly District and is upwards of fifty. Defendant's 52nd

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witness, brother of Plaintiff's 34th witness, says he is a Kolla Kambala and that driver Ramasami is of his caste. If so, Nagammal is also a Kolla Kambala. He says that Kolla Kambalas would not intermarry with Kambala Thottiyars. Defendant's 18th witness, a junior member of a Zemindar's family, says that Kolla Thottiyars are Kolla Kambalas and that there is no distinction between them. He is certainly ignorant of what he is speaking and his evidence is of no value. This seems all the evidence available on the point, and it may be taken as proved that Kambalas, as a rule, marry within their caste. I find also from the evidence that there is a consensus of opinion that the Parivara caste is inferior to Kambala and that, between the two, there is a well marked distinction, though there may not be much difference in their habits of life. That the marriage customs between the two castes are widely different is also shewn by the evidence. Nagammal herself admitted that Parivara was inferior to a Kambala. The Kambalas, as I said elsewhere, were originally a Telugu speaking race and their rituals are still conducted in Telugu, while the Parivaras are Tamil speaking people. In these circumstances, though ordinarily intermarriages may not take place between Kambalas and Parivaras, the marriage of Nagammal with the deceased Zemindar having taken place, whatever the effect of the form of the marriage may be, the question is, is such a marriage valid. Instances in which such marriages took place and were held invalid by Courts or instances in which the sons of such unions were excluded from inheritance would afford the best evidence of the custom of the invalidity of such marriages. Such sort of evidence has not been adduced. In practice, such marriages are rare and are exceptions to the general rule. If such marriages are not often contracted, there can hardly be a basis for the custom coming in. The Zemindar, probably owing to his position and influence, may not consult the feelings of his caste and, when the caste asserted its right and disapproved of the marriage as was shewn to have been done in the case of Mangaleswari's marriage, she being a pure Manigar lady, the Zemindar managed to get the Peria Vettu Naik to go through certain ceremonies to quiet her scruples and took her in and treated her, no doubt, as a very inferior wife or mistress. When there was rupture between the two, he did not hesitate to say that she was his mistress, which he dared not say in the case of Muthukamakshi, who was, as the documents I to V shew, the daughter of the Chinna (junior) Zemindar of Elumalai by a Manigar wife. If so, her case shews that the marriage between a Kambala and Manigar is not invalid. Indeed, on referring to the records in the Elumalai Suit No. 34 of 1886, I find that Muthukamakshi's mother Natchiarammal, a Manigar lady, was married in dagger form. I must, on the evidence, find that the custom set up of the invalidity of a marriage between a Parivara and a Kambala is not made out. If Parivara caste is a mixed caste formed by the irregular connection of Kambalas with other classes, and if, as the evidence on Defendant's side attempts to shew, Parivara and Kolla Kambalas are one and the same class, then Nagammal belongs to a sub-caste of the grand-Kambala caste to which the Zemindar belonged, and, therefore, the marriage between the two can be valid as ruled in the case in XIII, Moore, above cited. In M. & C. R., I, 483, the Chief Justice, Sir C. Scotland, remarked that, though the law inculcated marriage with a woman of equal class as preferable, yet the marriage of a man with a woman of lower

class than himself appears not to be an invalid marriage rendering the issue illegitimate. The parties there were also Sudras. This is the decision which was affirmed by the Privy Council in XIII, Moore, 141. Their Lordships of the Privy Council referred to the Chief Justice's remarks in the case in XIV, Moore, abovementioned. This decision declared the marriage of a Hindu with the daughter of a bastard valid.

39. Nagammal and her brothers however assert that they are Kambalas and they seem to have made a vigorous effort, since of late, to create evidence that they and their relations were treated as Kambalas. The argument on Defendant's side, that if she is not a Kambala she is nothing cannot be of much use in this case. Exhibit B is dated 1886. Plaintiff's 6th witness executed this document, which is a sale-deed to driver Ramasami Naik described as a Kambala. Exhibit GG is a sale deed by the Plaintiff's 34th witness and his brothers, dated 1st November 1887, describing themselves as Kolla Kambalas. In Exhibit HH, dated May 1881, Plaintiff's 34th witness described himself first as Kolla Kambala, but subsequently Kolla seems to have been struck out. Exhibits DDD to HHH are documents executed by Thumbayasami, the brother of Nagammal, in 1887, describing himself as Kambala. Exhibit DDD is a counter-part lease executed to the Collector. This is attested by Defendant's 47th witness, Nattamaigar and a Kambala. Exhibit EEE is a mortgage deed and Exhibit FFF is a sale deed executed to Defendant's 16th witness, a Mahomedan. Exhibit XV is the razinamah which he gave in 1885 to transfer the puttah from his name to that of his vendee. Exhibit XVa is the title-deed. This document shews that Thumbayasami purchased the land in 1876 from one Ramanasari. In this, Thumbayasami is described merely as Thumbaya, son of Muthaya. Exhibits GGG and HHH are petitions by Thumbayasami advancing his claim to the Zemindari of Paraiyur. This is the documentary evidence on Plaintiff's side on the point, besides the oral evidence of interested witnesses who say that Nagammal was of Kambala caste.

40. On the other hand, the Defendant has produced documentary evidence besides oral evidence to show that Nagammal was regarded as belonging to Parivara caste. Exhibits VII and IX, both dated 3rd November, 1886, purport to have been executed by Muthuverasami, son of Vellai, Bhogasri of late Zemindar, to two different Chettis. Each is for Rupees 100, and neither is registered though the evidence shews that there was a talk about registration. Defendant's 1st, 2nd, 3rd and 4th witnesses prove their due execution. Defendant's 2nd witness produced Exhibit IX. He is the son of the vendee. The land has however passed out of his family and there is therefore no reason for his being in possession of the document. As a fact, he is in possession and produces it. If the document is not true, the custody must be viewed with suspicion. If, however, the document is true, then the custody may not be suspicious. Defendant's 4th witness wrote both the documents VII and IX. Although I believe his evidence that he wrote them, I do not believe him when he says that he wrote the description of Muthuverasami at his dictation. Defendant's 6th witness sold the stamps on which Exhibits VII and IX were engrossed. 1st and

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3rd witnesses attested both of them. The documents have a genuine appearance and I am unable to believe that they were concocted for this suit. They do no more than mention a fact which was referred to in an official document so far back as 1849. It appears that Muthuverasami owned three gulies of land and he sold a moiety under each of the said documents. Exhibit VIII is on cadjan and was executed by the vendee under Enhibit VII to the father of Defendant's 12th witness. The 12th and 13th witnesses prove the genuineness of Exhibit VIII. The 12th witness has produced puttahs, XIV series, which stand in his name. He has since acquired the whole of the three gulies and has been in their possession. Plaintiff's Vakil argues that the documents were concocted not so much for the purposes of this suit, but for the purpose of shutting out the claim of Thumbayasami, who is a claimant for the Paraiyur Zemindari, and that Defendant's guardian, the present Zemindar of Paraiyur, is therefore interested in shewing him to be illegitimate. This is a possible conjecture and I am unable to uphold it in the absence of strong grounds to suspect the genuineness of the documents. The evidence on the point cannot be rejected and, finding that the complete set of documents abovementioned and the oral evidence of Defendant's 17th witness, Kurnam, establishes title and possession of 12th witness, I consider their execution quite probable.

41. Exhibits X and X*a* and X*b*, XI and XI*a* may be taken as the next set of documents. Exhibit X*b* is the deed of sale, dated May 1877, executed by Thumbayasami and his mother for Rupees 38. This deed does not describe him as Maniam, while the Razinama and deposition, Exhibits X and XI, purport to have been signed by him as Thumbayasami Maniam. Defendant's 7th witness, Kurnam, wrote Exhibit X, and 4th witness took down the deposition, X*a*. Exhibit XI is a register of applications for transfer of puttah, and XI*a* is the entry in regard to the Razinama under Exhibit X. It does not refer to Thumbayasami as *Maniam*. At first sight, it seems to suggest that the "*Maniam*," which is curiously an addition to the signature of Thumbayasami in two places, was exactly fitted in the document to support the contention that he was not a Kambala, but a Manigar. It is in evidence, however, that Manigar is a different caste unlike the Parivara and Ayyakuttam, which are mixed castes. The signatures of Thumbayasami in Exhibits X, X*a* and X*b* are like his and they are proved genuine, and 13th witness, the present owner of the land, has been in possession. His puttahs X*c* to *k* support his possession, while his title is supported by the other documents referred to. I think "*Maniam*" is a suspicious addition. The affix to a person's signature to indicate his caste is a very novel thing and it is very strange that it should appear more particularly in an application for transfer of puttah.

42. The next document is Exhibit XIII, a sale-deed by Subbammal and her two sons in 1883 to the deceased Zemindar of Paraiyur purporting to convey a vacant site adjoining Subbammal's house for a consideration of Rs. 80. The evidence shows that there was an undertaking to register this document, but still it is not registered. Subbammal's evidence goes to show that the present Zemindar took wrongful possession of the site six months ago and as a pig sty

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there. In this document, Subbammal and her sons are described as belonging to the "Ayyakuttam" caste. This is a big jump and is indeed a very unusual description to find in a document of this kind. There is nothing to show that consideration was paid under this document. Admittedly, the cash chittas do not show payment of money. Defendant's 8th witness, the writer of Exhibit XIII and a servant of the Paraiyur Zemindar, is unable to explain how he happened to describe the caste of the executants. Defendant's 14th witness was passing by the street and made his salams to the Zemindar and was asked to attest the document. He is a very unlikely person to be asked to attest the deed. 15th witness says he sold the stamp on which Exhibit XIII is engrossed to Thumbayasami. His evidence looks as if it is the evidence of a partisan. This document is extremely suspicious and cannot safely be acted upon. This and the addition of "*Maniam*" in Exhibits X and X*a* look as if they were got up as a counter blast to an apprehended suit for the Paraiyur Zemindar. The next document to be noticed is Exhibit XVI, a copy of the register showing the death of Muthaya. The original, which appears to have been sent to the Taluk Cutcherri, is said to have been destroyed. Defendant's 17th witness, Village Kurnam, produces and proves it. This register was not apparently kept under any law or a rule or order of Government which has the force of law. No such authority has been pointed out. It may have been kept in the usual course of business under departmental rules and orders and may at best be treated only as corroborative evidence. It may possibly be evidence of the death and the date of the death of the individual concerned, but I am not sure if it can be used as evidence of the caste of the person though the heading requires that caste should be shown. 17th witness however says that Muthuverasami belenged to Parivara caste. The register describes him as Muthaya and there is nothing in it to show that he was Nagammal's father. The entry 8th October 1869, showing Muthaya's death, is initialled by a Tahsildar named Venkata Rao and Defendant's 48th witness identifies the initials. I therefore find the entry genuine. It is however not from this entry that I hold that Muthuverasami was not a Kambala. I base my opinion that he was not a pure Kambala for reasons given by me above.

43. Next come the XXVII series. Exhibit XXVII is of no use in this case. Exhibit XXVII*a* is said to be the copy of the Plaintiff's birth register. The date of his birth is given as 25th June 1880. Exhibit T1, the official account, and CCC petition, show that Plaintiff was born on 19th June 1880. The entry in XXVII*a* was not initialled by any one. It is difficult to act on this document and find that Nagammal and Plaintiff are Parivaras though their real caste may be that or something higher. Exhibit XXVII*b* shows the birth of Defendant on 23rd September 1881. XXVII*c* shows the birth of a female child to the Zemindar in 1882. Exhibit XXVII*e* is produced to shew that Kumarammal was described as a Parivara, while XXVII*d* was put in to shew that a Zemindar's wife was described as such. I do not think that any great value can be attached to these registers. The Defendant's 47th witness, who signed these registers, attested Exhibit DDD in which Thumbayasami was described as Kambala, and the witness, remarkably enough, professes to be ignorant of the

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caste of Nagammal and Kumarammal. It is in evidence that the entries in these registers are made at the end of the month and not as the events occur. They are made from slips of paper written on at the time. This is admitted by the Defendant's 45th witness himself who produced the registers. The entries were made according to his fancy and not from any enquiry made by him. The character of this witness is not above suspicion. He was concerned in an alleged forgery of a bond made by the Zemindar and gave evidence in a direct forgery case against the late Zemindar and Srirunga Manigar, a Nattamaigar, who has signed most of these registers. I think, on the whole, that those registers cannot safely be acted upon.

44. On the evidence above discussed, it seems to me that, as above found, Nagammal belongs to a sub-caste called Parivara or Kolla Kambala (probably Kolla Kambala itself denotes a mixed caste) and which is therefore a part of the Kambala caste. I find on the 2nd issue that, Nagammal belongs to the caste abovesaid, though not to the pure Kambala caste to which the Zemindar belonged, that her caste was not a totally different one from that of the Zemindar, but that it is a Sub-Division of it and is in some degree inferior to that of the Zemindar, that the marriage between them is valid, and that the custom set up against its validity is not made out.

45. The 3rd issue is again a very important issue, and on which so far as I am aware, there has been no precedent. The proposition embodied in this issue is, I believe, stated as a matter of pure law. On this point, I think the decision of the Privy Council in the Bangari Paliem case (II M., 286) is important and may be consulted with advantage. It was a case of disputed succession among sons by different wives like the Urkad case (XIV M. I. A., 570; III M. H. C., 75). The suit in the first mentioned case was brought by Bangari Seshamma against his half brother Pedda Ramappa for the possession of Bangari Paliem. Their mothers, it was found, were of the same class and, applying the principle enunciated in sloka 125, chap. IX, Manu, the Privy Council decided that the elder son, though born of the fourth wife, was entitled, by primogeniture, to succeed to the Estate in preference to the younger son born to the third wife. The seniority of birth and not the priority of the marriage of the mothers was the rule adopted. The same point was decided in the Urkad case. At page 292, II M., the following passage occurs, "It is not contended that, in the present case, the wives are not of the same class, and their Lordships do not determine what would be the proper rule of succession where the wives are of a different class or caste. The question does not arise". The question has now arisen in this case unless it is held that Nagammal is of the same caste or class as that of Defendant's mother, a pure Kambala lady, which Nagammal is not. Verse of sloka 148, chap. IX, Manu, treats of partition among sons born of one man by many wives of several castes. The case of a Brahmin having wives of four castes is treated, and, in sloka 157, the principle is enunciated that a Sudra must marry a female of his own caste and no other. Then turning to sloka 122 with the commentary of Kalluka Bhatta which has been accepted as correct by their Lord-

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ships of the Privy Council, it says that there may be a doubt how partition should be made between an younger son born of a first married wife after an elder son had been born of a wife last married but of a lower class. The answer is not clearly given in the next sloka 123 if it does attempt an answer. Let the son born of the elder wife take one most excellent bull deducted from inheritance; the next excellent bulls are for those who were born first, but are inferior on account of their mothers who were married last. Slokas 123 and 124 indicate that, in the case contemplated by sloka 122, the son of the 1st married wife would take a larger share of the property. Then comes verse 125 which says that, if sons are born by mothers of equal caste and consequently without any distinction of caste, the seniority is not according to their mothers, but according to birth. The Privy Council, at page 580, XIV Moore, say that "The effect of these sections, we think, clearly is (at least as between wives of equal caste other than the wife first married) that the first born of all the sons possessed the right of primogeniture" &c., and "that as regards the right of sons by different wives the priority in point of time of their mother's marriages has never been regarded when the wives were equal in caste and rank." It follows that, if the wives were unequal in caste and rank, the priority in point of time of their marriage will be regarded and the younger son by the prior married wife of equal caste and rank would be entitled to inherit in preference to the elder son of the after-married wife of a lower class or caste. The effect of the law as propounded by Manu Smrithi and accepted by the highest tribunal shews that equality of caste and even rank is of importance in marriage and that, in case of marriages by persons of higher class with women of the lower class, the rights of inheritance and partition are affected in their progeny. Under this state of law, Plaintiff, as son of the wife of a lower class, has no preference, though senior in age, to Defendant, son of a pure Kambala lady, though younger in age. I may here refer to Sections 83 to 87, Mayne's Hindu Law, and more particularly to Section 84 in connection with this issue. In this, the texts of Boudhayana and Goutama (foot note) are referred to as shewing that even the son born of a wife of a lower class may take the share of the eldest in case he be possessed of good qualities, when the competition is between him and the son of the wife of an equal class. It may seem that this authority qualifies the rule propounded by Manu. This text is merely directory and the question of selection which it inculcates is based on the principle that a son possessing good qualities becomes the protector of the family. I think the rule of Manu should be acted upon in preference to the rule of election which is almost absolete. It is urged that, by marriage, Nagammal became of the same caste as that of her husband. Slokas 22 and 23, chap. IX of Manu, do not bear this interpretation. Sloka 22 shews that the wife assumes the qualities of her husband "like a river united with the sea" and sloka 23 mentions two instances in which women of low birth became entitled to high honor by being united to Vasista and Mandapala. If a Kshatria or a Sudra girl be married to a Brahmin, it cannot be said that the girl became a Brahmin girl, and so, Nagammal could not have become a Kambala by her marriage unless she was a Kambala by birth. It is possible she was regarded as a Kambala from the fact of her male ancestors being Kambalas, though illegitimate, as was shewn in the evidence in this case above adverted to.

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Hence also, she was married in accordance with Kambala rites, but her caste and class must nevertheless be regarded as inferior to that of a Kambala in the construction of the said slokas 122 and 125 of Manu. In sloka 195 caste (Jathi) is not mentioned. The Sanscrit expression is "Sadrusa Strishu" or wives of the same class, and then 'Aviseshatah' (without any other distinction) is also added. In sloka or verse 122, caste or class is likewise not mentioned. What is indicated is probably the inferiority of the class of the wife more than that of the caste. This justifies the use of the expression "caste and rank" in the judgment of the Lords of the Privy Council in the Urkad case. It stands to reason that, among sons of the wives of the same class or rank or even caste, there should be no priority by reason of their mother's marriages as ruled in sloka 125, while there should be some difference between the son of a wife of the higher class first married and that of a wife of the lower class subsequently married. Slokas 123 and 124, as I said above, go to shew that the former would get a larger share. The Privy Council, at page 292 (11 M.), remark that the effect of sloka 125 would be uncertain if sloka 122 were read without the words added by the commentator. Nagammal being the daughter of the illegitimate issue of Kambala on Vellala woman is of a mixed caste, either Parivara or Kolla Kambala and probably the latter, and her rank is also inferior to that of Defendant's mother. Hence she is wife of a lower class than Defendant's mother and, as such, her son, Plaintiff, though senior in age, cannot succeed in preference to Defendant, his junior.

46. The inferiority of Nagammal's caste and rank is proved beyond all doubt. It is shewn by her marriage in dagger form, while Defendant's mother, a caste Kambala, was married without the presence of dagger. It is shewn by the way in which she and other dagger wives were treated and how they and the caste-wives associated with each other. The caste-wives, as Defendant's mother and her co-widows call themselves with justifiable pride, were lodged separately from the dagger-wives. They messed separately and, while the Defendant's mother and her co-widows swear that they messed separately, Nagammal alone says that she messed with them in a line after the Zemindar had taken his meals. Considering her statement that she for sometime messed separately, and considering the vigorous effort made by her and her friends to raise her to the position of a Kambala, I think I have to receive her testimony in these respects with some degree of caution. These and other things go to shew treatment and position of Nagammal differentiating from that of the caste-wives. There can be no doubt that she was regarded as a wife of lower class than Defendant's mother and other caste-wives. Being, therefore, wife of a lower class, her son cannot inherit in preference to Defendant. I think the 3rd issue must be found for Defendant.

47. The next issue is one of fact. Custom and not law is alleged as entitling Defendant to the succession in preference to Plaintiff by reason of Defendant's mother having been married prior to Plaintiff's mother. The custom set up is a tribal custom among Kambala Zemindars specially. It is not quite clear whether the custom is alleged as an incident to the Estate and the tenure itself

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or whether it is peculiar to Kambala Zemindars so long as they hold the Estate. The latter proposition is what seems to have been stated in the Defendant's written statement, para. 7, and I conceive the custom, if true, can only exist as such among Kambala Zemindars. It is in evidence that some Kambala Zemindars have passed out of the line of Kambala Zemindars into the hands of strangers, such as Chettis and others with whom polygamy is not a recognised or usual institution as it is with the Kambala Naiks and Zemindars. With such strangers, who have become owners by way of purchase and other means the custom can have no application. The first occasion on which enquiry was made in regard to the rule of succession among Kambala Zemindars was in 1826 (Exhibit XXVI series). These do not help the Defendant's contention. Exhibit XXVI is the opinion of the Palayapatti Zemindar and Defendant's 39th witness proves its genuineness. Exhibit XXVI*a* is the Tahsildar's arzi enclosing it and Exhibit XXVI*b* is the opinion of the Erasakkanaikanur Zemindar. They relate to the succession by first wife's son, be he elder or younger and, in his absence, by second wife's son. These opinions do not furnish any information about the general custom of the caste or of the succession among Kambala Zemindars being regulated by priority of mother's marriages.

48. The next occasion when opinions were collected, was in 1849 when the Collector and Court of Wards were not agreed as to the proper rule of succession in the Paraiyur Zemindari. The Collector Mr. Elton reported (Exhibit XXXIII) in February 1849 that the deceased Zemindar left two sons, one a boy of two years of age by his second wife and the other a boy of eight years by his eighth wife, and that the former, though younger, was, according to Hindu law, the legal successor. The Court of Wards were apparently not satisfied with the Collector's recommendation and, after ascertaining the opinion of the Hindu law officers of the Sadr Adawlat, which ran counter to that of the Collector, they requested the Collector to state whether there is any "rule or custom of inheritance among the Tinnevelly Poligars which would militate against the succession of the elder boy" (Exhibit XXXIII*a*). It was in consequence of this that the opinions of the Zemindars were asked and Exhibit XIX series are their opinions. All those that gave these opinions are now dead and they are proved by their relations able to identify their signatures. The originals of these opinions were sent for from the Collector's Office and their authenticated copies are filed and exhibited on record. Exhibit XIX and XIX*a* are proved by Defendant's 24th witness; Exhibits XIX*b* and *c* by 25th witness as bearing respectively their brothers' signatures; so also Exhibits XIX*d* and *e* are proved by 26th witness; 27th witness proves Exhibit XIX*f* and 28th witness proves Exhibits XIX*g* and XIX*h*. These exhibits extend up to XIX*r*. The opinions of the Kambala Zemindars alone are now produced and proved, all the necessary conditions of proof being fulfilled owing to an observation in the Privy Council Judgment in XIV Moore, 588, that even the "written opinions were not produced." These opinions are certainly in favour of Defendant's contention. They do not merely state the rule in their individual Zemindaris, but they all proceed on a general caste custom which, each states, is followed in his Zemindari. On these opinions, the Court of Wards and Government upheld the succession of the younger in preference to the elder brother because the younger was the son by a prior married wife.

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49. The next occasion when opinions were collected was in 1875 when the dispute was of a similar kind as the above in the Zemindari of Bodinayakkanur. In this case, the person selected was the son of the fifth wife in preference to the son of the sixth wife, though older in age (Exhibits XXXVII and XXXVII*a* and *b*). In XXXVII*a* reference is made to the opinions collected in 1849 by Mr. R. D. Parker, then Collector of Madura. Exhibits XII series are the opinions, and these, like the XIX series are duly proved. Exhibit XII*b* is the order of the Collector, Mr. Mc Quhae, to the Zemindar of Paraiyur. He was the person who was superseded in 1849, and his reply XII*a* in his arzi book XII is distinct evidence that he acquiesced in his supercession in 1849 because of the custom. Exhibit XII*h* is an order similar to XII*b* to the Saptur Zemindar and his reply is XII*j*. He also wrote to the Tahsildar on the same point and the latter is Exhibit XII*k*. The opinion of 1875 forwarded by the Zemindars have been missing from the Collector's offices both in Madura and Tinnevelly and the fact of their loss has been proved by the Record-keepers of the two Districts. One of these opinions from Tinnevelly is proved by the Tahsildar Singam Ayyengar, Defendant's 33rd witness. The Exhibits are XII*f* and XII*g* and they relate to the custom in the Zemindari of Attangarai. Defendant's 35th witness proved XII*h*, XII*j* and XII*k*. 30th witness proved XII*d* and XII*e*. These are opinions from Sandayur Zemindar. 29th witness proves XII*b* and XII*c*, opinion from Uthappanaikanur. The Court of Ward's official 29th witness made enquiries from competent persons and submitted his report on the custom. He also consulted the Thevaram Zemindar on the point. These substantially confirm the opinions of 1849 and reiterate the fact that seniority of marriage and not seniority of birth is the proper rule of succession among Kambala Zemindars. Acting on the custom stated almost unanimously by the Zemindars and on the instance of succession in the Paraiyur Zemindari in 1849, the Government recognized the right of the fifth wife's son to succeed in preference to the son of the sixth wife, though his elder. This latter individual was an idiot and he was set up to bring a suit which was dismissed probably on the ground that he was an idiot. The Court of Wards, in Exhibit XXXVII*a*, put forward the disqualification of idiotcy as the chief if not the first ground of defence and the custom as a secondary one. The admissibility of the opinions in evidence is objected to. The opinions of 1849 cannot be said to have been expressed after any controversy as to custom had arisen. The officers of Government intended probably for administrative purposes to have some positive and uniform rule for their guidance, and, accordingly, the opinions were collected, and this was repeated again in 1875. The opinions in many instances are the statements of deceased persons as to the existence of the custom of which they were aware, and therefore, under clause 4, Section 32, Evidence Act, they are, in my opinion, receivable in evidence [see also Sections 48 and 49, Evidence Act.]

50. Coming to instances of custom, that of Paraiyur is a well attested instance, while that of Bodinayakkanur is not so strong a case owing to the elder brother who was superseded being an idiot. Defendant's 18th witness gives a

curious instance. His father who was Zemindar of Attangarai had two wives and both had sons. The senior or first wife had two sons and the elder of them and the eldest of all sons succeeded. After his death, instead of the next elder in age who was the second wife's first son succeeding him according to the ruling of the Privy Council in II. M., 256, his own uterine brother, though younger in age, succeeded him by reason of his being the son of the senior wife. The first wife and the eldest son have peculiar privileges under the Hindu law, while there is no such privilege shewn in the case of other sons of first wife. So the above is also a strong instance in favor of the customary rule set up by Defendant. The 19th witness also gave his opinion in 1875. It is Exhibit XVII*a*, while the order is Exhibit XVII. He gives instances which apply to the case of the son by the Pattabha Sri or royal wife. The 41st witness for Defendant deposes to a similar instance in Koppayanaikanur. Defendant's 20th and 21st witnesses speak to the succession by the son of Pattabha Sri. Defendant's 26th witness also gives an instance of a son by Pattabha Sri, though younger, succeeding in preference to his eldest half brother. The witness himself, as the elder brother superseded, brought a suit for the Zemindari, but without any success (see VII M. H. C. R., 160). Defendant's 58th witness deposes to a Pattabha Sri's son getting a Malikhana allowance in preference to an eldest son by the second wife. The instance of sons succeeding according to priority of their mother's marriages are not many and, from the very nature of things they must be rare. The Kambala class itself is a small community and number of Zemindaris has been dwindling down. We read of many Paliems in Nelson's Manual and now most of them are not in existence. In these circumstances, numerous instances cannot be got, and the few proved, being well authenticated instances, are sufficient to establish the custom. However the consciousness of the persons likely to be aware of it is so clear and definite that the statements made by them may be taken as correct. The opinions, in stating the rule of succession as governed by seniority of marriages of Kambala Zemindars, are unanimous, and I think weight should be given to them. They do not make any particular allusion to the Pattabha Sri and the tenor of the opinions shews that the first wife's son's superior right is more the result of the customary rule than of any peculiar privilege vesting in him under Hindu law. Plaintiff's Vakil suggested that, in Saptur Zemindari itself, there was an instance in which the son by the fourth wife succeeded in preference to the son by the third wife. He says that the Istimirar Zemindar was the person who was so preferred. Reliance is placed on Exhibit XXV and the testimony of the Plaintiff's 41st witness on this point. His evidence on the point is not credible, and moreover it is wholly hearsay and that of a very indifferent kind. He has no special means of knowing the Saptur pedigree. He is a Brahmin and father of Plaintiff's 9th witness and his evidence appears to be that of a partisan. Exhibit XXV is not clear on the point. Exhibit TTT, the Collector's report in 1831, relates to Sankaralinga Naik's succession to the Zemindari, and there is nothing in it to prove the converse case of the custom set up by the Defendant. On the whole I think the custom may be said to have been made out. The late Zemindar of Saptur, in 1875, as well as the late Zemindar of Bodinayakkanur, in 1849, stated the custom to be as is now alleged by Defendant. The statement by both these

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persons were made before any dispute as to succession arose in their respective families. Nothing can be said against the Bodinayakkanur Zemindar, and his opinion, like that of his brother *Zemindars whose opinions are now on record, is entitled to weight and he had no interest in making an untrue statement. The Guntamanaikanur Zemindar says clearly that the custom obtains only among Thottia Kambala caste Zemindars. As regards the statement made by Saptur Zemindar, the father of the Plaintiff and Defendant, the Plaintiff's Vakil urges that it cannot be acted upon. It is true the late Zemindar was convicted of forgery and that his reputation and character probably was not good. He was also quarrelling with his wife and, on the whole, if he had made the statement from any motive, surely it should be rejected as was the opinion of the Zemindar in the Urkad case. But the late Saptur Zemindar had, in 1875, no motive whatever to misrepresent matters and he has nowhere contradicted his opinion of 1875. He refers to family tradition in support of his opinion and I do not see any the slight reason for disregarding it. His declaration is very good evidence, I think, in Defendant's favor, and, on the whole evidence and balance of probability, I hold the custom alleged to have been sufficiently and satisfactorily made out. The three or four instances appearing on record are, I think, sufficient to evidence the custom as well established and ancient, and the opinions submitted may be taken as shewing that the custom itself has by common consent been submitted to as the established and recognized rule of the Kambala caste Zemindar in Madura and Tinnevelly. I find the 4th issue for Defendant.

*Thevaram.
Puliyangulam.
Doddappanaikanur.
Uthappanaikanur
Kannivadi.
Erasakkanaikanur.
Gundamanaikanur.
Kadavur.
Edayacottai.
Mamparai.

51. On the 5th issue, which is purely a question of law, there was a very learned argument on both sides, and I think I will not be able to do justice to them unless I quote them in *extenso*. In this case, the family is undivided. The property *i. e.*, the Zemindari proper, is admittedly an impartible Estate and has been held by only one member at a time. It was ancestral impartible Estate. After the death of Defendant's father, his first son succeeded to the Estate, but unfortunately died while yet a minor. Defendant, as his full brother, claims to succeed to the estate, while the Plaintiff asserts his preferential right to succeed on the ground of survivorship and on the ground that he is older in age than Defendant. The question then is whether the Estate is a joint Estate or an Estate held in severalty as contended by the learned Advocate General. I think the question is concluded by authority. In the most recent case decided by the Privy Council Raja Jogendra Bhupathi Huri Chundan Mohaputra *v.* Nitayanund Mansingh (XVIII. I. A. page 128) their Lordships say "Now it may be well to dispose of a point arising out of the fact that this is an impartible Raj which it is admitted to be. According to the decision in the Sivaganga case which, as their Lordships understand, is not now disputed, the fact of the Raj being impartible does not affect the rule of succession. In considering who is to succeed on the death of

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the Raja, the rules which govern the succession to a partible Estate are to be looked at and therefore, the question in this case is, what would be the right of succession, supposing, instead of being an impartible Estate, it were a partible one?" In the arguments of this case, the case of Rani Sartaj Kuare *v.* Rani Deoraj Kuari [XV-I A. page 51] relied on by Defendant's Counsel was referred to along with others. The learned Advocate-General argued that the expression "joint property" was used by the Privy Council in various meanings that it was used to denote joint property either under the Dayabhaga or the Mitakshara as the case might be as a convenient and short expression without categorically naming the general incidents of the property they were dealing with. Whatever may be the expression used, it denoted exactly the view of their Lordships, as applied to cases under Mitakshara, its meaning was, I believe, clearly understood and no difficulty has been experienced in understanding what was actually meant and said by the Privy Council. If the learned Advocate-General's argument would hold good then the Estate would have to be treated as the separate or self-acquired property of the last holder. This assumes that ancestral property, which by custom is impartible passes by inheritance as if it were separate property and not by survivorship. No doubt, in the Tagore Law Lectures, 1885, by Kishna Kamal Bhattacharya on the law relating to joint Hindu family, it is observed, page 51, that the term "joint" was borrowed from the language of English Property Law, and that the expression right of survivorship, unknown to the writers of original texts in Sanscrit was used by early British administrators because of the points of resemblance between the joint tenants under the English law and the joint Hindu family under the Mitakshara law. It is no doubt stated that no Sanscrit equivalent exists to denote exactly what is right of survivorship, but the Hindu law conveys the idea clearly. It is however not necessary, in my opinion, to consider the nice distinctions on the point. The learned Advocate-General argued that absolute power of alienation was one of the distinguishing features of property held in severalty, and that, if the holder of it could validly alienate it, how could it be called joint property for purposes of succession, and he then referred to the passages in the decision in XV I. A., page 51, explaining "joint property" used in the several cases alluded to by the Allahabad High Court in their judgment. Their Lordships of the Privy Council say that, though an impartible Estate may be for some purposes spoken of as joint family property, the coparcenery in it, which under the Mitakshara law is created by birth, does not exist. Further, "property in ancestral Estate acquired by birth under the Mitakshara law is so connected with the right to partition that it does not exist independently of it." And again, "the reason for the restraint upon alienation under the law of Mitakshara is inconsistent with the custom of impartibility and succession according to primogeniture." And lastly, "If as their Lordships are of opinion, the eldest son, where the Mitakshara law prevails and there is the custom of primogeniture, does not become a co-sharer with his father in the Estate, the inalienability of the Estate depends upon custom which must be proved," &c. This decision practically overruled the current of authority in the Madras Presidency and the principles of the decisions on which the right of the Zemindar to alienate depended. The decision establishes the rule that the

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custom of inalienability must be proved and not to be inferred as a matter of Mitakshara law from the fact of the impartibility of the Estate. In the case of Beresford *v.* Ramasubba (Kangondi Poliem mining lease case XIII, Madras, 197), the Madras High Court considered the above decision of the Privy Council and observed that, one of the grounds of the Privy Council decision was, when there was no right to demand partition, and that when the Estate descended by custom of primogeniture to the eldest son as if the property were held in severalty, that mode of succession cannot be reconciled with joint ownership which under the general law, is the cause of restraint on alienation. The above decision of the Privy Council did not however alter the rule of law of succession and in point of fact, the former decisions of the Board were recognized as cases of succession only and not of alienation. In a measure therefore the Privy Council re-affirmed the principles of their former decisions in cases of succession. The Madras High Court in the case above mentioned seems to me to put the same interpretation and if there was any doubt on the matter, it was removed by the most emphatic declaration of the law of succession in the most recent case XVII. I. A. first mentioned by me. These decisions, in all of which Sir R. Couch took part, do not therefore either expressly or impliedly overrule the decision of the Madras High Court in the Naraganti Poliem case (IV. I. L. R. M. 266) or override the law of succession to an impartible estate. This case is strongly relied upon by the Plaintiff's Vakil Mr. Bashiam Ayyenyar (see also Mayne's Hindu Law, Sections 499 and 500). This case decided that, where impartible property passed by survivorship from one line to another, it devolved not necessarily on the co-parcener nearest in blood, but on the nearest co-parcener of the senior line. To this decision, I may add the case of the Bangari Poliem reported in II M., 286 or VIII. I. A., 1. In that case, on the death of Ramadasappa, the Poligar, there were three sons of his left. Of these, Seshamma, the son by the fourth wife was the eldest, while Chendrasekhara and Peddaramappa were sons by the third wife. Chendrasekhara was put into possession as the successor to his father, apparently on the ground of the priority of his mother's marriage. After his death, his full brother Ramappa was recognized as his successor in preference to the elder half brother Seshamma. Seshamma, who apparently acquiesced in Chendrasekhara's succession, subsequently disputed that of his younger brother Ramappa, and the Privy Council following their decision in Rama Lakshmi Ammal *v.* Sivanatha Perumal Sethurayar XIV. M. I. A., 570), declared the right of Seshamma to succeed to the property. As I remarked elsewhere, if Plaintiff had been the son of a wife of equal caste with Defendant's mother, then he would be the preferable heir to Defendant according to this ruling. This case, therefore, did not recognize, like the previous ruling it followed, the distinction of full blood and half blood, but only seniority by birth. It was argued that succession should be traced to Defendant's deceased brother and he should be considered as the last owner or holder of the property, and that Defendant, being his "perfect brother," should be preferred to Plaintiff, his imperfect brother. The succession in case of reunited brothers and the full-blood brother excluding the half brother is also relied on by Defendant. If Defendant's brother inherited the Zemindari as separate property held in severalty, Plaintiff must be out of Court. If, as I think,

the father is to be regarded as the prepositus, then the succession devolves by survivorship, and, if Plaintiff and Defendant were equal in all respects, then Plaintiff would be the successor.

52. The Defendant relies on the decision in XII. M. I. A. 541, (the Tipperah Raj case), as an authority in his favor as it no doubt is. The learned Advocate-General contends that the Tipperah case was governed by Mitakshara law, but on the other hand, Mr. Bashiam Ayyengar contends that it is governed by the law of the Dayabhaga and he points certain features in it which might go to shew that it was a decision under the Bengal Law. The decision from which the appeal was carried to the Privy Council is reported in vol. 1, Weekly Reporter, 177, and, in this, Dayabhaga, 211, was quoted to shew that, if whole brothers and half brothers be the rival claimants, the succession devolves exclusively on the whole brothers. The Privy Council must be considered to have had the Dayabhaga law in view in deciding the case. If so, the Tipperah case not being governed by Mitakshara law cannot be an authority for the decision to this case as the case of the Bangari Poliem would be. The Madras High Court did not follow the Tipperah Raj decision in IV M., 250, as being in conflict with the earlier and latter decisions of the Privy Council. The same remark is made by Mr. Mayne in his learned treatise. I hold that, being a decision under the Bengal law, as the report of the original decision shews, it does not govern the present case. In the judgment in the Tipperah Raj case itself reference was made to the judgment of the Privy Council in the Sivaganga case and the following portion was quoted—"There are in the Hindu law two leading rules of inheritance, that found on the religious duty and superior efficacy of oblation and sacrifice, and that of survivorship. Where the latter rule cannot apply, the former must be resorted to. Now, this rule of religious obligation and priority marks the brother of the whole blood as preferable heir" &c. It is added in Tipperah case that, where survivorship furnishes an exception, the whole blood is preferred. In this view also the said decision does not govern this case and there seems to be no real conflict between the Tipperah case and the latter and earlier decisions of the Privy Council. Many other authorities were referred to and arguments were addressed as to the principles of exclusion of females, obstructed heritage, the absence of the distinction of full and half blood in the case of reunion, the accrual and destruction of right by birth and partition and so forth, and I think it unnecessary to touch upon them in this case, nor has the appointment of Jubraj in the Tipperah case anything to do with this case. I accordingly find the 5th issue for Plaintiff. I hold that succession to an impartible Estate is still regulated by the law of survivorship under Mitakshara as recently declared by the Privy Council in language which is unequivocal and unmistakeable and not by the rule of inheritance which may be the case under Bengal Law.

53. Before coming to other issues, I may refer to some points of minor importance which were not noticed above. In 1885 the ladies, *i.e.*, the widows of the deceased Zemindar, namely, Defendant's mother, Muthuchinnammal and Muthukrishnammal gave statements, XXXVIII series, denying that Nagammal

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was of Kambala caste and her status as a caste-wife, and it was also asserted that her parents were the illegitimate offspring of Kambalas born of women of other castes. It was after this denunciation that Nagammal's relations made a vigorous effort to turn themselves and *afortiori* Nagammal also into a caste Kambala. She herself admits that she made enquiries of her position as dagger-wife about that time. This shews the weakness of her present claim and a consciousness at that time that she was of lower caste and class. In Exhibit RRR, dated February 1888, she claimed a larger allowance to her son equal to what was granted to Defendant. In this Exhibit, a para was first put in urging Plainitff's superior claim to the succession to the Zemindari, but it was subsequently struck out and only an increase in the allowance was claimed. Defendant's 51st witness wrote RRR which was signed by Nagammal. As a matter of fact, there was some difference between the allowance granted to her and the caste-widows. These got a little more than what was allowed to Nagammal and Muthukamakshi the two surviving dagger-widows. In respect of jewels, &c., these got their sridhanam jewels though they got less than what the other widows who are the daughters of Zemindars got, and, in other matters also, they were regarded as legally married wives. Exhibit UUU shews clearly Defendant's mother's own view of the matter. She says in it that the jewels which the first dagger-wife Muthukamakshi claimed absolutely as her own should belong to Defendant and his brother who was then alive. She says that Muthukamakshi might retain them till her life and that, on her death, her husband's heirs would get them. Now, of course, Defendant's mother tries to say that the opinion which she gave in October 1887 is inaccurate. This Exhibit was written by her husband's cousin and a person interested in her and she first admitted it and only expressed a doubt about it after her deposition was read out. I may as well refer to Exhibit WWW, dated 6th April 1886. This is a petition by four ladies Nagammal, Muthukamakshi, Muthukishnammal and Muthuchinammal to the Board of Revenue requesting to be treated in the same way as Defendant's mother in regard to grant of pannai lands. It is admitted that all the ladies did not sign it at one and the same place or at the same time. The two last ladies, the caste-widows say that they believed that they themselves signed it and not others. The person who wrote it was a reader of Puranas and known to the ladies and if the intention was that only two should sign, it might have beon so expressed, instead of the words "undersigned wives". The Kavirayer or reader of Puranas is not examined. Nagammal swears that it was brought to her and she signed it. In these circumstances, the Defendant's allegation that it was got up fraudulently is not made out. This conclusively shews that Nagammal was treated as a wife and not as mistress. The senior minor *i.e.*, Defendant's elder brother, was then alive and there was no motive, therefore, on the part of any one of the ladies to perpetrate fraud. The original of this document was sent for from the Revenue Board and returned. The difference in the ink in the signatures pointed out is not of any consequence, because, according to both sides, the ladies signed it at different times and different places, and necessarily therefore there must be difference. It was alleged on Defendant's side that, from accounts XXI series, it would appear that certain gifts were made and that certain ceremonies were performed on the occasion of the Defendant's birth in September 1881, while no

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corresponding entries appear for Plaintiff's birth. The late Saptur Zemindar kept a number of accounts for the various departments in his Estate. He kept certain accounts for revenue collections and disbursements, certain others for his household charges, an account of the store separately for grain and cash, a like separate account for pannai lands and gardens respectively and the like. In some instances, entries from general chittas were reproduced in household chittas. In some instances the expenses which should have been spent from one departmet was spent from the funds of another department. It does not follow from the mere fact that no entries shew that similar ceremonies were performed on the occasion of Plaintiff's birth that they were not done. The Plaintiff complains that Defendant has not produced all the accounts which he called upon him to produce, and probably the entries may be found in some other account. Some entries were not pointed out in the case of Defendant's deceased brother though in all probability such entries might exist. At all events, this is too slender a circumstance from which difference in treatment of sons can be inferred.

54. As connected with this question of treatment, I may refer to certain cases quoted by Mr. Bashiam Ayyengar regarding the presumption to be made as to marriage and as to how evidence in such cases should be viewed and considered. It is admitted that marriage is a sacrament under the Hindu law and, as a rule, it is irrevocable unless sanctioned by custom as is obtaining among certain castes and classes. Being a sacrament and not a contract, intention may not be very material so far, since, if two take the sacrament, one cannot say that he did so without intending it. This would be introducing a somewhat dangerous principle. The observations as to intention to marry made in XII Madras case apply to the form of Gandharva marriage set up in the case, which was applicable more or less to the Kshatria caste. In this case, the intention to marry is clearly shewn beyond all doubt. The principle which is therefore so strongly enunciated by the English decisions is to incline in favor of marriage in case of any the least doubt. In Law Reports Appeal Cases, vol. VI, page 364, there is the report of an appeal decided by the Privy Council from the Supreme Court of Ceylon. The question was whether a certain Tamil lady was lawfully married. The ceremonials which go to complete a marriage according to custom were not all performed owing to a certain disturbance, but there were Sridhanam deeds and other evidence of treatment which establish the marriage. It was held in that case that, according to the law of Ceylon as in England, the presumption that when a man and woman are proved to have lived together as man and wife is that they have been lived together as a man and wife in consequence of a valid marriage and not in a state of concubinage unless it is clearly proved that it is so. (see also Scotch and Divorce Appeal Cases, vol. I, page 182, Campbell *v.* Campbell or the Breadanhale case; also Law Reports. Appeal Cases, vol. I, 686; also XII Cal. 732, Lohez case and others).

55. The next point to be considered is that comprised in the 6th and 7th issues. The contention on Plaintiff's side is that the properties mentioned in Schedules C, D and E are partible, while that on the Defendant's side is that they

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are appurtenant to the Zemindari and are therefore impartible at least so far as acquisitions made by the Zemindar with his savings within the limit of his Zemindari are concerned. It is argued that the intention was to treat them as part of the Zemindari, and that simply because the puttahs were in his name, it could not be said that the Zemindar intended to treat the pannai lands as his separate property, and it is also contended that Plaintiff could not claim a moiety or any share because he had not chosen to make his illegitimate brothers parties to the suit. It has been decided by the Madras High Court in III M. 290 (Sivaganga case) that pannais and kolkrayams (purchases of lands) descend with the Zemindari if incorporated with it and not disposed of in the Zemindar's lifetime. The Plaintiff attempts to shew that the lands were not incorporated with the Zemindari from the facts that puttahs were issued by the Zemindar to himself as tenant of the lands, that he kept separate accounts regarding them and of their receipts and expenditure and from the fact that muchilkas were executed for them by the Kurnam or by some other servant of the Zemindar. The old puttahs issued in the name of the late senior Nagayasami, Defendant's father, were not produced though Plaintiff gave the usual notice for their production, but Defendant produced FF series which shew that Defendant's brother, during the short time he was Zemindar, issued puttahs to himself in regard to pannai lands. The evidence of Plaintiff's 39th and Defendant's 45th witnesses shews however that teerva on pannai lands is paid out of the collections of the teerva on the ayan lands and that merely adjustments are made in accounts. If money is taken from Devastanam funds and applied for Zemindari purposes, it is treated as a debt, but no such distinction is observed in transactions regarding pannai lands and gardens. The Plaintiff's 39th witness says so, and this shews that though separate accounts like MMM and NNN were kept regarding the funds of the pannai lands and gardens, yet, in point of fact, they are mixed up with the Zemindari funds and treated as one whole fund. Exhibit H, page 2, Mr. Crole's letter, relied on by Plaintiff, does not support his contention that Zemindar was treated as a debtor for the rent due on pannai lands, and all that Mr. Crole said was that necessary adjustments were not made in the accounts as was deposed to by witnesses abovementioned to have been the practice. It thus appears that beyond nominal adjustments in accounts, the fund remains as a whole. The onus is on Plaintiff to prove that the Zemindar intended to exclude them from the Zemindari. The fact that the puttahs were issued by the Zemindar to himself is, I think, not of much consequence. The puttah is issued by the Zemindar to himself as Zemindar. It may therefore not be unreasonable to suppose that he wished to enlarge the Zemindari, or it may be that he got puttahs as a private person. The fact that separate accounts and separate establishments were kept for pannai lands and gardens probably to prevent confusion in accounts is not by itself sufficient to shew that he intended to sever them from the corpus of the Estate. The treatment of the funds without any distinction shews an intention at least as regards properties which he had inherited, to join them with the corpus. Exhibit XXXIX, which is relied on by both sides, is a report by the Collector of Tinnevelly in 1851 and, from this, it appears that the Zemindari, including the pannai lands denominated there as the private farm, was leased to one Ramasami Pillai, and that the private farm was subsequently resumed

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by the Zemindar. So that, this document is no evidence of treatment, but it shews that the private farm which then existed became incorporated with the Estate, and that, with subsequent accretions, it now represents a small Estate in itself covering an area of 3,381 acres of punja and 381 acres of nanja lands besides 18 topes or gardens (see pages 41 and 42 of Exhibit S. Deputy Collector's report, dated 1885, made after the death of Defendant's father). The lands held by him in Government villages measured 299 acres, assessed at 612-4-8 (see page 45). Referring to para. 262, Mayne's Hindu Law and the decision in V. M. H. C. R., 31, and other cases quoted therein, it seems to me that, as observed in the said case, the properties that were acquired by the Zemindar either from the savings of his Zemindari income or from the savings of the pannai lands which he inherited would be regarded as divisible property, while those which had been handed down from previous Zemindars and incorporated with the Estate must be treated as indivisible unless it is clearly shewn that he intended to sever them from the Zemindari and treat it as his absolute private property. I am compelled to hold that Plaintiff cannot claim a share in properties which were not acquired by his father and which had already been incorporated with the Estate and that he is entitled to a share along with Defendant in properties which were solely acquired by his father. If the parties are unable to agree as to what were acquired by his father, an account will have to be taken of the same.

56. As regards the lands comprised in Schedule D, items 1 to 8, there is no doubt that these are distinctly the private properties of the Zemindar and are partible. Plaintiff's case in regard to these lands is much stronger than that in regard to the properties in Schedule C. The Defendant's contention as to these is that their areas were overstated and he annexes a schedule showing their proper area. This may be admitted. The acreage is given as 299 in Exhibit S. Plaintiff is entitled to his share in these lands.

57. As regards items 9 to 15 both inclusive in Schedule D, I find from their description in the plaint that they are all appurtenant to the Zemindari, being Palaces and places of residence in Saptur and Madura and granaries and offices in the villages. The Plaintiff's mother it is shewn lives in the Puduvedu or new house close to the Palace along with Muthukamakshi, a childless widow, and this house the Plaintiff may be allowed for his residence. In the rest he has no right, I think, to a share. I do not find any separate description of this house in the plaint and, if the same is given, it might be inserted in the decree.

58. Coming to Schedule E, if there is any regalia or jewels and dresses specially intended to be worn by Zemindars on occasions of state or ceremonial they cannot be divided. No contention of this kind is set up, jewels, Government securities and other properties acquired or even inherited are divisible property and would devolve on the sons of the Zemindar. No objection is taken to the 1st item in Schedule E, while it is said that items 2, 3, 8 and 10 were overvalued. Their approximate value is said not to exceed 1,000, 3,000, and 1,000 Rupees respectively. Items 5 and 9 are also stated to have been over-

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 175. Judgment, dated 19th December 1890. —*continued.*

valued, and their values are given as Rupees 12,000 and 250 respectively. Objections to items 10 and 12 are also taken. If Plaintiff accepts Defendant's figures, the sums due to Plaintiff and the properties or their values which might fall to Plaintiff may be at once fixed since Plaintiff has not let in any evidence now on the 8th issue. His Vakils said that a Commissioner may be appointed to fix the sum. I find that, in the properties mentioned in E, subject to their values &c., being ascertained and fixed, Plaintiff is entitled to his share in them.

59. On the 7th issue, I find that Plaintiff is entitled to a half share in the properties abovementioned by me as divisible. It is urged on Defendant's side that the late Zemindar left a number of illegitimate children, and the parties being Sudras, they would be entitled to their proper share on partition. The plea of non-joinder was not set up in Defendant's written statement or at the time of issues. Plaintiff does not seem to admit that all the illegitimate sons are such as are entitled to a share. Their status has to be settled and no issue was taken as to their status and rights. If they are really entitled under Hindu law to a share, this decision will certainly not affect their right, and when they do elect to assert them, then the question may be settled. I do not think that this is a sufficient ground to refuse to Plaintiff his share in the admittedly divisible properties. I find this issue for Plaintiff.

60. I think Plaintiff is entitled to mesne profits on his share of the lands decreed to him, and that, from 14th October 1885, Plaintiff claims a lakh and half, no doubt, for the whole of the Zemindari including the pannai lands. He will get the mesne profits on his share of the pannai lands and of lands specified in Schedule D according to the area to be fixed. A Commissioner will have to be appointed to take accounts. Plaintiff will get his share of interest on Government securities and other monies if laid out for interest and this question may also be left for decision by the Commissioner. The finding on the 10th issue will depend on the above observations.

61. To sum up. I find that Plaintiff's mother was married to the late Saptur Zemindar according to the rites and ceremonies of the Kambala caste, she being regarded as a Kambala though of a mixed caste and inferior in some degree to that of a Kambala; that her proper caste might be said to be Parivara or more aptly Kolla Kambala, but not Thottiya Kambala; that her marriage was not rendered invalid nor her issue bastardized by reason of the inferiority of her caste or class; that the marriage is legal and valid under the Hindu law and strong presumption favors the validity of the marriage and the legitimacy of the issue. I find that there is no proof of any custom prohibiting the late Zemindar from marrying Plaintiff's mother nor do I find of any custom rendering the marriage invalid. The Defendant's witnesses were called to prove among other things the inferiority of caste of Plaintiff's mother and her lineage, that dagger-wives were not legal wives and were not treated as such, and also the custom among Thottiya Kambalas in regard to succession according to priority of marriage of mothers. A major portion of the evideuce on Plaintiff's side was let in to prove Nagammal's marriage according to Kambala rites, while a few witnesses

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 175. Judgment, dated 19th December 1890. —*concluded.*

were examined to prove documents and a few more to prove that Nagammal was a Kambala. On the 3rd and 4th issues my finding is for Defendant. If these findings are reversed, then Plaintiff gets the succession to the Zemindari. I also find that Defendant has no preferential claim because of his being full brother to the deceased, since the Defendant's father should be regarded as the prepositus. On my finding on the 3rd and 4th issues, I disallow Plaintiff's title to succeed to the Zemindari proper.

62. This suit has been financed by some Nattukottai Chettis as admitted by Plaintiff's mother in her deposition. Had it not been for these people it may be that this litigation may not have been launched. In this sense as disturbing the peace of families and promoting litigation, it may be said that the suit is iniquitous. It cannot be said to be iniquitous in any other sense. Plaintiff's status was attacked and he, it must be said, had a right to come to Court and assert his right. He has partly succeeded, and therefore I cannot say that the suit itself is iniquitous because of the pecuniary arrangement entered into between the Chettis and Plaintiff's mother.

63. The decree accordingly is, I disallow the claim of Plaintiff to the exclusive possession of the Zemindari and its appurtenances as described in Schedule A and to the trusteeship of the Devastanams and choultry specified in Schedule B and also to the mesne profits claimed in respect to these properties. I declare the equal right of Plaintiff and Defendant to such of the pannai lands and gardens as were acquired by their father since he became Zemindar in 1861 until his death and to the lands items 1 to 8 in Schedule D and direct that an account be taken of the former, and that the areas of the latter be fixed, and that the lands, after taking account and fixing the precise areas, be divided into two equal shares, one of which, I direct, should be put into Plaintiff's possession. I declare Plaintiff's right to live in the Puduvedu or new house, the description of which should be supplied by the Commissioner who takes an account of the lands. I declare Plaintiff's right to receive his half share of mesne profits on the lands above specified from 14th October 1885 till he is put in possession or for three years from this date whichever event first occurs. I declare Plaintiff's right to a half share in the jewels, moveables and Government securities, &c., mentioned in Schedule E or to such of them as exist; their discovery, values and partition are left to a Commissioner who should be appointed for the purpose and who should make over to Plaintiff his share in them or their value. I think Plaintiff is entitled to proportionate costs on the claim allowed. Defendant should pay the same, while Plaintiff should pay the costs of Defendant on the claim disallowed.

(Signed) C. VENCOBA CHARIAR,
Subordinate Judge.

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 176. B. Diary from 17th July 1889 to 19th December 1890.

No. 176.

B. DIARY.

IN THE COURT OF THE SUBORDINATE JUDGE OF MADURA (WEST).

Original Suit No. 21 *of* 1889.

Minor Sundaralingaswami Kamaya Naik, by his next friend Nagammal... ... ... *Plaintiff.*

versus

Minor Ramaswami Kamaya Naik, by guardian Nagaiyaswami Naick and the Collector of Madura as agent of the Court of Wards. *Defendant.*

Plaint presented	... ...	17— 7—89.
Do. filed	... ...	18— 7—89.
Date of summons	... ...	27— 7—89.
When served	... ...	3— 8—89.
Date fixed for first hearing	... ...	19— 9—89.
Settlement of Issues	... ...	18— 1—90.
Date fixed for final hearing	... ...	9— 4—90.
Examination of Plaintiff's witnesses	... ...	1 to 44.
Do. of Defendant's witnesses	... ...	1 to 63.
Documents admitted in evidence for Plaintiff	... ...	A to WWW.
Do. do for Defendant	... ...	I to XXXIX.
Case closed	... ...	6— 9—90.
Judgment	... ...	19—12—90.
Draft Decree and judgment	... ...	19—12—90.

Adjournments.

18— 7—89. Vakalut and plaint filed. Posted for the settlement of issues on the 1—9—89. Ordered that summons be issued to Defendant accordingly.

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 176. B. Diary from 17th July 1889 to 19th December 1890. —*continued.*

19— 9—89. Defendant's petition (M. P. 137 of 1889) filed. Two months' time is granted to put in statement. Statement to be put in on the 19—11—89. Issues to be settled on the 21—11—89.

19—11—89. Defendant's petition (M. P. 205 of 1889) filed. Time allowed till 12th December 1889.

12—12—89. Time is granted till 9th or 10th January 1890 at the request of the parties.

9— 1—90. Plaintiff's Vakil wants time to read the written statement and prepare for the hearing. The issues will therefore be settled on the 17th or 18th instant.

18— 1—90. Defendant's written statement filed. Vakils heard. Issues settled. The further hearing is fixed for the 9th April 1890. A month's time is allowed for the production of documents.

2— 4—90. M. P. 86 of 1890 filed. Vakils heard. The suit is adjourned to 7th July 1890.

7— 7—90. 2nd issue amended at the instance of the Defendant's counsel. Honorable V. Bashyam Ayyengar opened the case and argued on the question of Law involved in the case. Next Court, being late.

8— 7—91. Plaintiff's 1st witness was partly examined in the case. Next Court, being late. Plaintiff's list of witnesses filed. Letter to be sent to the Collector of Tinnevelly on the understanding that if the record is not received in time the suit will not wait on its account.

9— 7—90. Plaintiff's 1st witness was recalled and examined. Next Court.

10— 7—90. Plaintiff's 1st witness was recalled and examined. Plaintiff's 2nd witness was examined. A filed. Next Court.

11— 7—90. M. P. 120 of 1890 filed and granted. Vakil V. Bashia Chariyar is appointed Commissioner. The Commission is to be returned on or before the 18th instant. Plaintiff's 3rd, 4th and 5th witnesses were examined. 6th witness was examined in chief. B filed. Next Court.

12— 7—90. Plaintiff's 6th witness was recalled and cross-examined 7th and 8th witnesses were examined. 9th witness was partly examined in chief. C to D series filed. To stand over till Wednesday next, as both the Vakils have to attend to the examination of the ladies before the Commissioner.

Deputy Registrar.

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 176. B. Diary from 17th July 1889 to 19th December 1890. —*continued.*

16— 7—90. Plaintiff's 9th, 10th and 11th witnesses were examined. I to V filed. E and E1 filed. Next Court.

17— 7—90. Plaintiff's 12th and 13th witnesses were examined. 14th witness was examined in chief. VI series filed. F filed. Next Court.

18— 7—90. Plaintiff's 14th witness was recalled and examined. 15th witness was examined in chief. E to FF series filed. To stand over till 23rd instant to enable the Vakils on both sides to appear before the Commissioner to attend to the examination of ladies.

23— 7—90. Plaintiff's 15th witness was recalled and examined. 16th and 17th witnesses were examined. Record-keeper of the Collector's office was examined. Next Court, being late.

24— 7—90. Plaintiff's 18th, 19th, 20th and 21st witnesses were examined. Next Court.

25— 7—90. Plaintiff's 22, 23, 24, 25, 26, 27 and 28th witnesses were examined. Next Court.

26— 7—90. Plaintiff's 28th witness was recalled and examined. His 29, 30, 31, 32nd and 33rd witnesses were examined. Next Court.

28— 7—90. Plaintiff's 34, 35 and 36th witnesses were examined. GG to CCC filed. Next Court.

29— 7—90. Plaintiff's 37th witness was examined. DDD to HHH filed. Next Court.

30— 7—90. Plaintiff's 38, 39 and 40th witnesses were examined. JJJ to NNN filed. Plaintiff closes his case as far as his oral evidence is concerned except such oral evidence which Plaintiff may adduce in rebuttal. The Advocate General says he will take objection as to Plaintiff's right to do so in his own turn.

1— 8—90. Enavali accounts from Fuslis 1278 to 94 are filed as OOO series. Defendant's witnesses 1 to 5 were examined, VII to XII and XII*a* filed. Next Court.

2— 8—90. Defendant's 5th witness was recalled and examined. His 6th, 7th, 8th, 9th, 10th and 11th witnesses were examined. XIII filed. Defendant's petition M. P. 140 of 1890 filed and granted. To stand over till next Wendesday as the Vakils on both sides have to attend to examination of witnesses before the Commissioner.

6— 8—90. Defendant's witnesses 12 to 23 were examined. Xc to *k* and XIV series *a* to *q* and XVIII filed. Next Court.

RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 176. B. Diary from 17th July 1889 to 19th December 1890. —*concluded.*

7— 8—90. Defendant's witnesses 24 to 31 were examined. XIX and XIX*a* to *b* filed; also XIII*c* to *e* filed. Next Court.

8— 8—90. Defendant's witnesses 32 to 37 were examined. XIII*f* to *h* filed. XX to XXIII*a* and XXIV filed. P and P1 filed. No time. Next Court.

9— 8—90. Defendant's 37th witness was re-called and examined 38th to 51st witnesses were examined. XXV to XXX*a* filed. QQQ filed. No time. Next sitting.

13— 8—90. Defendant's 51st witness was recalled and examined. His 52nd to 60th witness were examined. Defendant's 24th witness was recalled and examined. RRR filed. XIX*j* to *r* filed. XXV*b* filed. Next Court, being late. M. P. 148 of 1890, filed and granted.

14— 8—90. Defendant's 61st witness was examined. V*a* and V*b* filed. Plaintiff's 41st witness was examined. XXXIV to XXXVIII*e* filed. SSS to WWW filed. Witnesses examined by Defendant before the Commissioner are numbered 62 to 68. Witnesses examined by Plaintiff before the Commissioner are numbered 42 to 44. The English Record-keeper of the Collector's Office at Madura produced copies of 5 documents out of the documents called for from the office of the Board of Revenue, the rest of the originals not being forth coming. Case closed. The Advocate General for Defendant heard. Next Court, being late.

15— 8—90. The Advocate General heard again XXVI and XXXIX filed. Plaintiff's Vakil will be heard on the 27—8—90.

20— 8—90. To stand over till 5th September 1890 as requested by Plaintiff's Vakil.

5— 9—90. Plaintiff's Vakil Hon. V. Bashyam Ayyengar heard. Next Court, being late.

6— 9—90. Plaintiff's Vakil heard again. Judgment reserved.

19—12—90. Judgment for Plaintiff in part.

(Signed) VENCOBA CHARIAR,
Subordinate Judge.

Deputy Registrar.

RECORD.

PART II.

In the High Court of Judicature at Madras.

No. 177. Memorandum of Appeal in A. S. No. 78 of 1891, dated 3rd April 1891.

PART II.

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

No. 177.

MEMORANDUM OF APPEAL.

Before the Subordinate Court of Madura (West),

Original Suit No 21 *of* 1889.

Before the High Court of Judicature at Madras,

Appeal Suit No. 78 *of* 1891.

	In the Court of First Instance.	*In the High Court.*
Ramasami Kamaya Naik, minor under the protection of Nagayasami Naik his guardian appointed by the Court of Wards and the said Nagayasami Naik and through the Collector of Madura, the Agent of the Court of Wards.	*Defendant.*	*Appellant.*
versus		
Sundaralingasami Kamaya Naik, son of Nagayasami Kamaya Naik, minor by his next friend Nagammal his mother and guardian.	*Plaintiff.*	*Respondent.*

The Defendant abovenamed begs to prefer this memorandum of appeal to this Honorable Court against so much of the decree of the Subordinate Court of Madura (West) in Original Suit No. 21 of 1889, dated the 19th day of December 1890, as is against him, for the following among other grounds:—

1. The findings of the Lower Court in so far as they are against the Defendant are against the weight of evidence.

2. The Lower Court erred in finding that Nagammal was married to Nagayasami Kamaya Naik (senior), the late Zemindar, and that Plaintiff is a legitimate son.

3. The Lower Court erred in making out a new case as to Nagammal's alleged marriage. There was no issue thereon and no such case was set up by the Plaintiff in his plaint or was sought to be proved by him during the trial.

RECORD.

PART II.

In the High Court of Judicature at Madras.

No. 177. Memorandum of Appeal in A. S. No. 78 of 1891, dated 3rd April 1891. —*continued.*

4. The Lower Court erred in assuming that there is a form of legal marriage called the "dagger form." The finding with regard to this subject is not warranted by the evidence and is opposed to admitted facts and to the probabilities of the case.

5. The Lower Court erred in setting up and finding a family custom as to "dagger marriage." Such a custom was not set up by the Plaintiff, did not form the subject matter of any issue in the case and was not proved by any evidence on the record.

6. The Lower Court apparently misunderstood the argument for the Defendant in connection with Nagammal's position.

7. The Lower Court misunderstood the evidence of the late Tahsildar of Tirumangalam and his report referred to in the judgment.

8. The Lower Court failed to give due weight to the depositions taken from the members of the family in October 1885.

9. The Lower Court has overlooked the fact that Plaintiff's own evidence establishes that Mangaleswari's connection with the late Zemindar was of the same description as that of Plaintiff's mother, and that she was admittedly a concubine.

10. The Lower Court erred in the explanation it sought to give of the well known expression "Bhogasri". That word does not bear the meaning given to it by the Lower Court. The Lower Court misconstrued Exhibits I to VI.

11. The Lower Court failed to give due effect to the evidence which clearly established that Plaintiff has always been treated as the illegitimate son and his mother as the concubine of the late Zemindar.

12. The Lower Court misconstrued the documentary evidence in the case and in particular Exhibit C, C1, D5 and Exhibit 31.

13. The Lower Court should have found that Nagammal was not married according to the rites and ceremonies of the Kambala caste, but that a Bottu was tied round her neck in the presence of the Zemindar's dagger as alleged by the Defendant.

14. The evidence establishes that a Kambala man cannot contract a legal marriage with any woman who is not of that caste according to the custom of that caste.

15. The Lower Court erred in finding that the Parivara caste is a subdivision of the Kambala caste and that the Manigar caste is different from the Parivara caste. Nagammal is not a Kambala, but even if she belongs to that caste she could not have been legally married to the late Zemindar according to the custom of the Kambala caste.

Deputy Registrar.

RECORD.

PART II.

In the High Court of Judicature at Madras.

No. 177. Memorandum of Appeal in A. S. No. 78 of 1891, dated 3rd April 1891. —*concluded.*

16. Exhibits X, X*a* and XIII are genuine documents and the Lower Court's observations regarding them are unwarranted by the evidence.

17. The Lower Court failed to give due weight to the series of Exhibits marked XXVII.

18. The Lower Court erred in decreeing partition. The suit, in so far as it sought to enforce a partition, is bad for non-joinder of all the persons interested in such partition.

19. The Plaintiff is not entitled to the share awarded.

20. The evidence establishes that the lands acquired by the deceased Zemindar were treated by him as appurtenant to the impartible Estate.

21. The Lower Court erred in making the provision as to the Plaintiff's residence contained in the decree.

3—4—91.

(Signed) J. H. SPRING BRANSON,
Counsel for Appellant (Defendant).

(Signed) S. SUBRAMANIEM,
Vakil.

No. 178.

No. 178. Memorandum of Appeal in A. S. No. 95 of 1891, dated 4th April 1891.

MEMORANDUM OF APPEAL.

In the Court of the Subordinate Judge of Madura (West),

Original Suit No. 21 *of* 1889.

In the High Court of Judicature at Madras,

Appeal Suit No. 95 *of* 1891.

	In the Lower Court.	*In the High Court.*
Sundaralingasami Kamaya Naik, minor by his mother and guardian Nagammal.	*Plaintiff.*	*Appt.*
versus		
Ramasami Kamaya Naik, a minor under the protection of Nagayasami Naik, his guardian appointed by the Court of Wards and the said Nagayasami Naik and through the Collector of Madura, the Agent of the Court of Wards.	*Defendant.*	*Respt.*

Plaintiff aforesaid begs to appeal to the High Court of Judicature at Madras against so much of the decree of the Subordinate Judge of Madura (West), dated the 19th day of December 1890, as is against him for the following reasons:—

RECORD.

PART II.

In the High Court of Judicature at Madras.

No. 178. Memorandum of Appeal in A. S. No. 95 of 1891. dated 4th April 1891. —*continued.*

I. The decree of the Court below in so far as it is against the Plaintiff is contrary to law and is against the weight of evidence.

II. The Subordinate Judge ought to have found upon the first part of the 2nd issue that the Plaintiff's mother was of the same caste as that of his father and not of a different and inferior caste.

III. The Subordinate Judge having found that the caste of Plaintiff's mother is Kolla Kambala and that of the Zemindar and of Defendant's mother Thottiya Kambala and that they are sub-divisions of Kambala which itself is one of the numerous sub-divisions of the Sudra caste, he ought to have found even if Plaintiff's father and mother belonged to different sub-sections that the Defendant has no right preferential to that of the Plaintiff to succeed to the impartible Zemindari of Saptur.

IV. The texts quoted by the Subordinate Judge do not warrant the conclusion arrived at by him on the 3rd issue, and such texts so far as they go, do not apply to different sub-sections of one of the four castes, much less to different divisions of the same sub-section.

V. The Subordinate Judge ought to have found upon the 4th issue that the Defendant failed to establish the existence of a valid custom that succession to impartible Zemindaris among Kambalas is regulated by priority of mother's marriage and not by priority of birth among sons of different wives.

VI. The Subordinate Judge ought to have held that the evidence adduced by the Defendant in support of the custom relied on in the 4th issue, does not establish the existence of such a custom at any rate as among sons by different wives, other than the first married wife or Pattabha Sri.

VII. The Subordinate Judge ought to have held that Exhibits XII series, XVII, XVII*a*, XIX series, XXVI series, and XXXVII series have not been proved and that the same are inadmissible in evidence.

VIII. The Subordinate Judge ought to have held that in the Saptur Estate itself the custom alleged did not obtain and that the Istimrar Zemindar who was the son by the 4th wife succeeded by reason of seniority of age in preference to the son by the 3rd wife and this instance of succession is clearly admitted by the Defendant in the very document put forward by him as Exhibit XXV.

IX. Exhibits SSS and TTT and the evidence of Plaintiff's 1st and 41st witnesses disprove that the succession in the Saptur Estate is otherwise than by seniority of age among sons by different wives.

Deputy Registrar.

RECORD.

PART II.

In the High Court of Judicature at Madras.

No. 178. Memorandum of Appeal in Appeal Suit No. 95 of 1891, dated 4th April 1891. —*concluded.*

X. That the Subordinate Judge ought to have filed in evidence Mr. Lushington's report of 1802 produced in a sealed cover by the Collector's Record-keeper at the instance of the Plaintiff in the absence of any affidavit or other evidence to show that its contents relate to any affairs of state which will be inexpedient to publish.

XI. The Subordinate Judge ought to have held that the Plaintiff is entitled to claim a share not only in properties acquired by his father, but also in those acquired by his predecessors and not incorporated with the Zemindari nor treated as appurtenant thereto.

XII. The Subordinate Judge ought to have decreed to Plaintiff a moiety of items 9 to 15 of Schedule D.

XIII. The Subordinate Judge ought to have held that the Plaintiff was entitled exclusively to the Zemindari of Saptur and its appurtenances and decreed to him possession thereof.

4th April 1891.

V. BHASHYAM AYYANGAR,
and
V. C. DESIKA CHARRY,
Vakils for Appellant.

No. 179.

No. 179, Decree on Appeal, dated 2nd March 1894.

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

Friday, the 2nd day of March,

One thousand eight hundred and ninty-four.

PRESENT:—THE HONORABLE MR. JUSTICE SIR T. MUTTUSAMI AYYER, K.C.I.E.,
and
THE HONORABLE MR. JUSTICE DAVIES.

Appeals Nos. 78 *and* 95 *of* 1891.

Ramasami Kamaya Naik, minor by his guardian Nagayasami Naik and through the Collector of Madura, the Agent to the Court of Wards. } *Appellant in No.* 78 *and Respondent in No.* 95 *of* 91 (*Deft*).

versus

Sundaralingasami Kamaya Naik, minor by his mother and guardian Nagammal. } *Respt. in No.* 78 *and Appt. in No.* 95 *of* 91. (*Plff*).

Appeals against the decree of the Subordinate Judge's Court of Madura (West) in Original Suit No. 21 of 1889.

RECORD.

PART II.

In the High Court of Judicature at Madras.

No. 179. Decree on Appeal, dated 2nd March 1894.
—*continued.*

Grounds of Appeal in No. 78 of 1891.

1. "The findings of the Lower Court in so far as they are against the Defendant are against the weight of evidence.

2. "The Lower Court erred in finding that Nagammal was married to Nagayasami Kamaya Naik (senior) the late Zemindar and that Plaintiff is a legitimate son.

3. "The Lower Court erred in making out a new case as to Nagammal's alleged marriage. There was no issue thereon and no such case was set up by the Plaintiff in his plaint or was sought to be proved by him during the trial.

4. "The Lower Court erred in assuming that there is a form of legal marriage called the "dagger form." The finding with regard to this subject is not warranted by the evidence and is opposed to admitted facts and to the probabilities of the case.

5. "The Lower Court erred in setting up and finding a family custom as to "dagger marriage." Such a custom was not set up by the Plaintiff, did not form the subject-matter of any issue in the case and was not proved by any evidence on the record.

6. "The Lower Court apparently misunderstood the argument for the Defendant in connection with Nagammal's position.

7. "The Lower Court misunderstood the evidence of the late Tahsildar of Tirumangalam and his report referred to in the judgment.

8. "The Lower Court failed to give due weight to the depositions taken from the members of the family in October 1885.

9. "The Lower Court has overlooked the fact that Plaintiff's own evidence establishes that Mangaleswari's connection with the late Zemindar was of the same description as that of Plaintiff's mother, and that she was admittedly a concubine.

10. "The Lower Court erred in the explanation it sought to give of the well known expression "Bhogasri". The word does not bear the meaning given to it by the Lower Court. The Lower Court misconstrued Exhibits I to VI.

11. "The Lower Court failed to give due effect to the evidence which clearly established that Plaintiff has always been treated as the illegitimate son and his mother as the concubine of the late Zemindar.

12. "The Lower Court misconstrued the documentary evidence in the case and in particular Exhibits C, C1, D5 and Exhibit 31.

Deputy Registrar.

RECORD.

PART II.

In the High Court of Judicature at Madras.

No. 179. Decree on Appeal, dated 2nd March 1894.
—*continued.*

13. "The Lower Court should have found that Nagammal was not married according to the rites and ceremonies of the Kambala caste, but that a bottu was tied round her neck in the presence of the Zemindar's dagger, as alleged by the Defendant.

14. "The evidence establishes that a Kambala man cannot contract a legal marriage with any woman who is not of that caste according to the custom of that caste.

15. "The Lower Court erred in finding that the Parivara caste is a sub-division of the Kambala caste and that the Maniagar caste is different from the Parivara caste. Nagammal is not a Kambala, but even if she belongs to that caste she could not have been legally married to the late Zemindar according to the custom of the Kambala caste.

16. "Exhibits X, Xa and XIII are genuine documents and the Lower Court's observations regarding them are unwarranted by the evidence.

17. "The Lower Court failed to give due weight to the series of Exhibits marked XXVII.

18. "The Lower Court erred in decreeing partition. The suit in so far as it sought to enfore a partition, is bad for non-joinder of all the persons interested in such partition.

19. "The Plaintiff is not entitled to the share demanded.

20. "The evidence establishes that the lands acquired by the deceased Zemindar were treated by him as appurtenant to the impartible Estate.

21. "The Lower Court erred in making the provision as to the Plaintiff's residence contained in the decree.

Grounds of Appeal in No. 95 of 1891.

1. "The decree of the Court below in so far as it is against the Plaintiff is contrary to law and is against the weight of evidence.

2. "The Subordinate Judge ought to have found upon the 1st part of the 2nd issue that the Plaintiff's mother was of the same caste as that of his father and not of a different and inferior caste.

3. "The Subordinate Judge having found that the caste of Plaintiff's mother is Kolla Kambala and that of the Zemindar and of Defendant's mother Thottiya Kambala, and that they are sub-divisions of Kambala which itself is one of the numerous sub-divisions of the Sudra caste, he ought to have found even if Plaintiff's father and mother belonged to different sub-sections that the Defendant has no right preferential to that of the Plaintiff to succeed to the impartible Zemindari of Saptur.

4. "The texts quoted by the Subordinate Judge do not warrant the conclusion arrived at by him on the 3rd issue and such texts so far as they go, do not apply to different sub-sections of one of the four castes, much less to different divisions of the same caste.

5. "The Subordinate Judge ought to have found upon the 4th issue that the Defendant failed to establish the existence of a valid custom that succession to impartible Zemindaris among Kambalas is regulated by priority of mothers marriage and not by priority of birth among sons of different wives.

6. "The Subordinate Judge ought to have held that the evidence adduced by the Defendant in support of the custom relied on in the 4th issue, does not establish the existence of such a custom, at any rate, as among sons by different wives, other than the first married wife or Pattabhasri.

7. "The Subordinate Judge ought to have held that Exhibits XII series, XVII, XVII*a*, IX series, and XXXVII series have not been proved and that the same are inadmissible in evidence.

8. "The Subordinate Judge ought to have held that in the Saptur Estate itself the custom alleged did not obtain and that the Istimrar Zemindar who was the son by the 4th wife succeeded by reason of seniority of age in preference to the son by the 3rd wife, and this instance of succession is clearly admitted by the Defendant in the very document put forward by him as Exhibit XXV.

9. "Exhibits SSS and TTT, and the evidence of Plaintiff's 1st and 4th witnesses disprove the succession in the Saptur Estate is otherwise than by seniority of age among sons by different wives.

10. "That the Subordinate Judge ought to have filed in evidence Mr. Lushington's report of 1802 produced in a sealed cover by the Collector's Record-keeper at the instance of the Plaintiff in the absence of any affidavit or other evidence to show that its contents relate to any affairs of State which will be inexpedient to publish.

11. "The Subordinate Judge ought to have held that the Plaintiff is entitled to claim a share not only in properties acquired by his father but also in those acquired by his predecessors and not incorporated with the Zemindari nor treated as appurtenant thereto.

12. "The Subordinate Judge ought to have decreed to Plaintiff a moiety of items 9 to 15 of Schedule D.

13. "The Subordinate Judge ought to have held that the Plaintiff was entitled exclusively to the Zemindari of Saptur and its appurtenances and decreed to him the possession thereof."

Deputy Registrar.

These Appeals coming on for hearing (No. 78 on Monday the 31st day of July, on Tuesday the 1st, Wednesday the 2nd, Thursday the 3rd, Monday the 7th, Tuesday the 8th and Wednesday the 9th of August 1893, and No. 95 on Wednesday the 9th, and Thursday the 10th of August 1893); 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 the Advocate-General, and Mr. T. Rama Rao, Vakil for the Appellant in No. 78 and Respondent in No. 95, and of the Honorable V. Bashyam Ayyengar and Messrs. V. C. Desikachariar and T. Ranga Ramanujachariar Vakils for the Respondent in No. 78 and Appellant in No. 95, and the case having stood over for consideration till this day, this Court setting aside so much of the Decree of the Lower Court as declares Plaintiff's and Defendant's equal right to such of the Pannai lands and gardens as were acquired by their father, the late Zemindar, between the time he became Zemindar in 1861 and the date of his death on 14th October 1885, doth declare that the Pannai lands and gardens comprised in Schedule C annexed to the plaint and described in the schedule appended to the decree of the Lower Court are all appurtenent to the Zemindari of Saptur and are, as such, impartible and doth order and decree that so much of the decree of the Lower Court as directs the Defendant to deliver a half share of the said lands with mesne profits thereon to Plaintiff be, and the same hereby is, set aside, and this Court doth order and decree that the proportionate costs made payable in the said decree by the Defendant to the Plaintiff be altered in accordance with the modification hereby made in the decree and that the rest of the decree be, and the same hereby is, confirmed, and this Court doth further order and decree that each party do bear his own costs of these appeals.

(Signed) H. W. FOSTER,
Registrar, Appellate Side.

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In the High Court of Judicature at Madras.

No. 180. Judgment, on Appeal dated 2nd March 1894.

No. 180

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

Friday, the second day of March,
One thousand eight hundred and ninety-four.

PRESENT:—

THE HONOURABLE JUSTICE SIR T. MUTTUSAMI AIYAR, K. C. I. E.
and
THE HONOURABLE MR. JUSTICE DAVIES.

Appeals Nos. 78 *and* 95 *of* 1891.

Ramasami Kamaya Naik, minor, by his guardian Nagayasami Naik and through the Collector of Madura, the Agent of the Court of Wards — *Appellant in No.* 78 *and Respondent in No.* 95 *of* 1891 (*Deft.*).

Sundaralingasami Kamaya Naik, minor by his mother and guardian Nagammal. — *Respondent in No.* 78 *and Appellant in* 95 *of* 1891 (*Plaintiff*).

Appeals against the decree of the Subordinate Judge's Court of Madura (West) in Original Suit No. 21 of 1889.

These Appeals coming on for hearing on the 31st July, and the 1st, 2nd, 3rd, 7th, 8th, 9th and 10th days of August 1893, and having stood over for consideration till this day, the Court delivered the following

JUDGMENT:—

This is a suit to establish the Plaintiff's title to the Zemindari of Saptur in the Madura District together with its appurtenances and for the Plaintiff's half share of such properties belonging to the late Zemindar as are partible. The suit is valued at some five (5) lacs of Rupees, and the following facts are admitted:—namely, that the Zemindari and its appurtenances are impartible, that the Plaintiff is the son of Nagayasami Kamaya Naik who was the last Zemindar but one of Saptur, that the Defendant is another son of the same person, that, after the death of their father in October 1885, his eldest son also called Nagayasami succeeded to the Zemindari, that this Nagayasami died, while a minor under the Court of Wards, unmarried on the 31st of December 1887, the succession to whom is now the subject in dispute, and that the Plaintiff is the eldest surviving son of the previous Nagayasami, being aged 9 years at the time of suit while the Defendant was aged only 7 years at that time. The Plaintiff claims the succession by his mother Nagammal as his next friend, as the senior in age of the surviving brothers of Nagayasami Kamaya Naik, the last male holder according to the law and custom of primogeniture. The

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Defendant pleads his right to the succession in preference to Plaintiff on four (4) main grounds:—namely, first, that Plaintiff's mother Nagammal was not legally married to their father and that Plaintiff was therefore an illegitimate son; while he, Defendant, is admitted, by the legitimate son by his mother Muthuveranmal; secondly, that even if the Plaintiff's mother was legally married to the late Zemindar, she was a lady of a different and inferior caste and rank *to that of the Defendant's mother;* thirdly, that by family custom, the Defendant is entitled to succeed by reason of his mother having been married prior to the Plaintiff's mother, and fourthly, that he is a full-brother of the last holder of the Zemindari while Plaintiff is only the half-brother.

The first question then for decision is whether the Plaintiff's mother was the lawful wife of his, the Plafntiff's father; and this question has branched into two issues. One is whether the Plaintiff's mother was married in fact to the Plaintiff's father or kept as his mistress, and the other is whether she was of a different and inferior caste to that of the father of the Plaintiff, and therefore no valid marriage could be contracted between them. The Subordinate Judge has found that the Plaintiff's mother was married to the Plaintiff's father in 1875 in the dagger form, that a dagger is used by the Saptur Zemindars who are surnamed Kattari Kamaya in the case of inequality in the caste or social position of the bride, that though the customary rites of the Kambala caste were also performed, yet the use of the dagger was an essential addition, and that though according to his finding she was of a different and inferior caste to that of the Plaintiff's father, yet that did not invalidate the marriage.

In Appeal No. 78 of 1891, the Defendant, as Appellant, contends that there was no marriage in fact between the Plaintiff's mother and his father and that the Plaintiff's mother being of a different and inferior caste, could not, according to the custom of the Plaintiff's father's caste, have been legally married to him.

The Plaintiff, as Appellant, in Appeal No. 95, contests the finding of the Subordinate Judge that his mother was of a different and inferior caste to that of his father. As to the *factum* of marriage, there is voluminous evidence both oral and documentary to prove beyond a doubt that, on the 9th of July 1875, the Plaintiff's mother was united to the Plaintiff's father by a number of ceremonial rites. It is needless for us in appeal to repeat in detail what has been fully set forth on this subject in the Judgment of the Subordinate Judge, because the Defendant himself does not, and cannot, dispute that on the date named some ceremonial took place for the union between the Plaintiff's mother and his father. That evidence establishes that on the 9th of July 1875, the marriages of three men were celebrated, two of whom were persons of the name of Thumbayasami and Thathaya Naik. On that same day the Plaintiff's mother Nagammal and her sister Kumarammal admittedly went through a form of marriage with the Zemindar, the Plaintiff's father, in which form a dagger played a very prominent part. The Defendant's case is that the Zemindar did not appear in person at the ceremonial but was represented by this dagger and that the third bridegroom who was present was not the Zemindar but a bandy driver of

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his named Ramasami, and that owing to the non-presence of the Zemindar there could not have been a valid marriage between him and the two ladies with whom he was undoubtedly united on that occasion, (though as the Defendant says only in concubinage, because the mere tying of the bottu in the presence of the dagger was not sufficient to constitute a valid marriage ceremonial. Exhibits XXXII and XXXIIa show that in the year 1800 it was reported by the Collector that the mere tying of the bottu did not of itself constitute a marriage but simply signified a promise of constancy. The Plaintiff, on the other hand, asserts that the driver Ramasami was not married on this occasion but six months before and that the third bridegroom who was present was the Zemindar himself and that the dagger was used only as an addition or an ornament to the ceremony. It is the presence of this dagger which has given rise to all the uncertainty as to whether it was a form of marriage or of concubinage that was adopted on the occasion. The Defendant's argument is that the dagger was there to represent the Zemindar as he did not attend in person, and that by his non-attendance there could have been no joining of lands or other essential for constituting a valid marriage, for to constitute a valid marriage there must be, if the marriage is a sacrament, the due performance of nuptial rites (I. L. R. XII. Mad. 72) and if it is a contract, there must be an intention to marry. It is argued that the very absence of the Zemindar showed there was no intention on his part to marry if the marriage was a contract and that, if it was a sacrament, the essentials for the due performance of nuptial rites could not have been performed. The Plaintiff's argument is that the nuptial rites were duly performed, the Zemindar being present, that the dagger was there merely as an ornament and that it was customary for people of the Zemindar's caste to have a dagger paraded on the occasion of marriages. The Subordinate Judge has found that the dagger was there for the purpose of indicating that the two ladies, Nagammal and her sister Kumarammal whom the Zemindar married, were of an inferior caste and rank. We consider that the evidence on behalf of the Plaintiff as to the actual presence of the Zemindar at the ceremonial is overwhelming. Not only is there the direct evidence of many of the Plaintiff's witnesses, who were present on the occasion, to the effect that the driver Ramasami was not married at that time and that the Zemindar himself was the third bridegroom, but there is also documentary evidence showing clearly that the Zemindar, and no one but the Zemindar, was one of the three bridegrooms present on the occasion. Thus Exhibit C series which are the Zemindar's own Palace accounts showing the money received and disbursed for the marriage festival is unequivocally headed as 'for the marriage of the Zemindar,' and in those accounts there are items of expenditure which could apply only to the Zemindar, such as the receipts of Moyi or wedding presents which, from the persons who made them, could only have been made to the Zemindar. There is an entry for the cost of horses, for the procession called the "Yekalichi" for the *outside* bridegrooms with another entry for a similar procession which by inference must be taken as referring to the inside bridegroom, the Zemindar. There is an entry for the cost of a toe ring put upon the Zemindar. These accounts read with Exhibit D further show the purchase of two rich silk marriage cloths called Kandangi which could

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have been intended only for the ladies united to Zemindar; for the other two women who were married on that day were poor dependants of the Zemindar who would not have had such valuable cloths bestowed upon them These marriage accounts further show very liberal expenditure in other matters, such as the distribution of rice which was made on far too large a scale, if only persons of ordinary rank had been married. Another account, Exhibit EI, is proof that drummers were paid for four marriages. This shows that the two ladies must also have been married; for if the Defendant's account were true, there could only have been three marriages.

Against this, Defendant has adduced no evidence of any value to prove that the Zemindar was not present in person and he has carefully avoided bringing forward any evidence as to what really did take place on the occasion in question. There is, therefore, no ground whatever for the assertion that the Zemindar was not present at the time; and those witnesses who speak to his presence speak also to his going through the necessary acts which were necessary to constitute a valid marriage between people of the Kambala caste. The Defendant's contention, therefore, that there could have been no valid marriage in consequence of the absence of the Zemindar falls to the ground. Extraneous evidence, however, has been produced on the Defendant's behalf for the purpose of showing that ladies united to the Zemindar by marriage ceremonials in which the dagger was used were not deemed to be his lawful wives. For instance, it is shown that Kumarammal, the Plaintiff's mother's sister, who was united to the Zemindar at the same time as herself, and another lady Muthukamakshi Ammal, who was also on another occasion united to the Zemindar according to the dagger form, were called Bhoga Sris—a word indicating concubine. In common parlance it may be applied to a concubine as it is the ordinary Dictionary meaning of the term. But it is also used in a secondary sense. In Linga Bhattiya Kanda 2, verse 264, the term "Bhogini" is used to denote the wives of kings other than the royal wife, who is called "Mahishi" because she is annointed. The Royal wife is called Mahishi because she is adored, the other wives being called Bhogini, for, with them there is Bhoga or enjoyment. Again in Subdha Ratnacara, page 817, the term, Bhogini, is said to signify (1) a female servant, (2) a dancing girl, and (3) wives other than the one consecrated. Further, in Monier Williams' Dictionary (page 723) the term "Bhogini" is explained to mean either the concubine of a king or a wife *not* regularly consecrated with him; we find also that there is other evidence counteracting the effect of the use of the word Bhoga Sri as applied to these ladies. In the very papers, Exhibits II to IV, in which Muttukamakshi Ammal is referred to as a Bhoga Sri of the late Zemindar, she is spoken of both by herself and by the Zemindar, as his wife; and with reference to Kumarammal who, at the heading of the account Exhibit VI*a* showing her funeral expenses, is referred to as a Bhoga Sri, we find that her funeral ceremonies were conducted as only those of a wife would have been. This appears in the account VI*a* itself as well as in the accounts JJJ and LLL series, for it is in evidence that ceremonies therein mentioned such as fixing a grinding stone with the due performance of the Shastras would only have been performed for a wife. Further, we find that one Mangaleswari, who was an admitted concubine of the

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Zemindar not married to him in dagger or other form, is referred to by him as a *Moha* Sri not a Bhoga Sri. The Defendant has exhibited a document Exhibit XXV which purports to be a genealogical tree of the Saptur Zemindars and which, it was said, was approved by the late Zemindar himself. In this document his wives are named; but we do not find the names of any of the dagger-wives there appearing. This document is however one of the doubtful authenticity, and there is nothing certain to show that the Zemindar ever saw it or approved of it. Besides, at the time that it is said to have been prepared, namely, in 1874, the Plaintiff's mother and her sister had not been united to the Zemindar. Reference has further been made to two Birth Registers, the one being Exhibit XXVII*a* in which the Plaintiff's birth on the 25th June 1880, is entered with only his mother Nagammal's name, no reference being made to the Zemindar, and the other being Exhibit XXVII*b* wherein the Defendant's birth on the 23rd of September 1881, is entered with the Zemindar as his father; but as we have nothing to show upon whose or upon what information the officers concerned made those Registers, and no explanation has been taken from them for the difference in the one case for entering the mother's name and in the other for entering the father's name, the entries are conclusive of nothing. We cannot infer that the reason for the difference was the illegitimacy in the one case and the legitimacy in the other. On the other hand, it has been shown on behalf of the Plaintiff that his mother has always been treated as a wife of the Zemindar. One of the admitted wives of the Zemindar has stated in Exhibit XXXVIII*c* that for about a year the dagger-wives of the Zemindar were living together with herself and the other admitted wives. Though it appears that they afterwards lived in separate apartments in the Palace, it was in the Palace they lived and not outside it, as the concubines did. It also appears that when the late Zemindar was committed to Jail in 1884 and his wives were sent to Bodinayakkanur to be taken care of by the Zemindar of that place, the Plaintiff's mother as well as another dagger-wife accompanied them. (Exhibit XXXVIII*d*). In Exhibit VVV the Defendant's mother herself treated Muthukamakshi Ammal, a dagger-wife already alluded to, as a married wife of the Zemindar, her husband. In Exhibit WWW, the same Muthukamakshi Ammal and the Plaintiff's mother joined two of the admitted wives in a petition to the Board of Revenue against the Defendant's mother claiming equality between themselves and the Defendant's mother. Plaintiff himself performed the first annual ceremonies of his father jointly with the Defendant, as shown in Exhibit JJ, and there is nothing to show that the Defendant's mother objected to the Plaintiff's doing so; and after the death of the husband, the late Zemindar, she, the Plaintiff's mother, was treated as a wife by the Government officials concerned with the Court of Wards—(See Exhibit S among others). It is unnecesary to refer to all the evidence proving that the Plaintiff's mother was lawfully married to the Zemindar and her recognition as his lawful wife, because except for the circumstances which have been mentioned above, as urged on behalf of the Defendant and which have been explained, all the rest of the evidence is in her favor. We have therefore no hesitation in agreeing with the Subordinate Judge that the Plaintiff's mother was the lawful though a dagger-wife of his father, provided there was no impediment to their marriage. The impediment

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pleaded by the Defendant is that the lady (being of a different and inferior caste to that of the Zemindar) could not be lawfully wedded to him. It is not Contended that in the absence of a particular custom such a marriage would be invalid in the face of the Rulings of the Privy Council in XIII Moore's Indian Appeals, page 141, and XIV Moore's Indian Appeals, page 346. In the former case it was held that, by Hindu law, marriage between Sudras where the husband is of a superior caste to that of his wife, is valid, and in the latter case that a marriage between a man of one sub-division of the Sudra caste with a woman of another sub-division of the Sudra caste is valid by Hindu Law. But what the Defendant sets up is a local or caste custom among the Kambala Naiks prohibiting such unions. The learned Advocate General has referred to Mr. Mandlik's work on the Mayukha and Yagnavalkya (pp. 400, *et seq.*) to prove that usage will override the ordinary Hindu Law and contends that he has, in this case, proved the custom set up. On this point we find with the Subordinate Judge that there is no reliable evidence whatever of any such custom prevailing among the Zemindars of the Kambala caste. The evidence in respect thereto is only oral and is of a meagre description. It is true that the Plaintiff's mother has endeavoured to show by recitals in documents relating to herself or to her relatives,—Exhibits B, GG, GGG, and DDD—that she was of exactly the same caste as the Zemindar's, and it is true that the Defendant has also endeavoured by evidence, Exhibits X*a*, X*b*, and XIII equally suspicious because the documents on both sides are all of recent date and after the death of the late Zemindar, to prove that she was not so. The Subordinate Judge has, however, found that her caste was not Kambala Tottiya as the Zemindar's was but Parivara which he treats as an inferior caste. But one thing is certain and that is that they were both of the Sudra caste and that legal marriage was possible between them. The Zemindar would never have attempted to marry a woman whom he knew he could not marry, and the legal presumption is that when there is a marriage in fact there is a marriage in law (XIII Moore's Indian Appeals, p. 158). There is no proof of a special custom in this case prohibiting such marriage.

The second main point for determination in the case is whether having found that the marriage of Plaintiff's mother with his father was a valid marriage, the Plaintiff's mother was of a caste and rank inferior to the Defendant's mother's and, if so, whether that would entitle the Defendant to succeed in preference to the Plaintiff. Although they both were of the Sudra caste we have no difficulty in deciding that the status and rank of the Plaintiff's mother was inferior to that of the Defendant's mother. The Defendant's mother was the daughter of a Zemindar, while the Plaintiff's mother was the daughter of an ordinary ryot. The Defendant's mother had no strain of mixed blood while the Plaintiff's mother was of the Parivara caste or the descendant of parents of illegitimate origin—*vide* paras 35 and 36 of the Subordinate Judge's Judgment —the correctness of the conclusion in which there is no ground for disputing. The inferiority of the Plaintiff's mother's status as wife is the only reasonable explanation for the presence of the dagger at her marriage. In the case of the admitted wives of the Zemindar, there was no dagger used when they were mar-

ried. So that the only way to account for its use at the marriage of the Plaintiff's mother is that it was intended to indicate her status as an inferior description of wife or as a dagger-wife. If it was not intended to denote the inferiority of status of the Plaintiff's mother, no other satisfactory explanation is afforded by the evidence for the use of the dagger. The theory for the Defendant that it represented the Zemindar who was absent has been already exploded. There is no proof that the dagger was invariably used in the case of all marriages between people of this caste. In fact it is admitted that the use of the dagger is extremely rare, and only two or three instances of it are given in the Plaintiff's evidence. There are also other circumstances indicating that the marriage of the Plaintiff's mother was not conducted in the same way in which the marriages of the Zemindar's regular wives were celebrated. Considerably less money was spent upon it than in the case of the admitted wives, and it was combined with the marriages of two other people of inferior rank, of persons who were poor dependants of the Zemindar—one indeed of whom Thumbayasami was a brother of the Plaintiff's mother. Then the Plaintiff's mother and the other dagger-wives as a rule lodged separately and messed separately from the other wives. It is therefore clear to us that the Plaintiff's mother was in status and rank inferior to her husband and the Defendant's mother. The question then arises whether having found the Plaintiff's mother and the Defendant's mother to be of the same main caste, namely, Sudras, though not of the same division; the difference in their rank or status would make them of a different class within the meaning of Sloka 125, Chapter IX, Manu. That Sloka is to this effect:—" as between sons born of wives equal in their class and without any other distinction there can be no seniority in right of the mother; but the seniority ordained by law is according to the birth." The learned Vakil for the Plaintiff maintains that Manu alluded only to caste as he was there dealing with caste and that any other construction would be meaningless. But the ancient author seems to have been dealing with the equality of wives generally, and it is quite possible as in this case that two ladies may be of the same main caste and yet belong to different sub-divisions of that caste and therefore be unequal in class or rank. The strict literal translation of the phrase rendered as " wives equal in their class" is " like wives" which would allow of the wider interpretation that if there were any substanial inequality in the rank or status of the wives they would not be " like wives." Within each of the four main divisions of Hindu caste, it is notorious that there are many classes or ranks and these are perhaps most numerous in the Sudra caste, and it appears to us that their Lordships of the Privy Council in making use of the words " Caste and class" in their Judgment reported in XIV Moore's Indian Appeals, pp. 592 and 594 (Urkad Zemindari case) contemplated inequalities besides those in the main caste only, for otherwise the word " class" would be superfluous if it was taken to be synonymous with the main caste.

We are therefore prepared to hold with the Subordinate Judge that what is indicated in the text of Manu is inferiority of the class of the wife more than that of the main caste. In this view and finding for reasons already stated that Plaintiff's mother was of an inferior class to that of Defendant's mother, it remains to be decided whether that fact would be ground for preferring the Defendant to the Plaintiff. Sloka 122 of the same chapter in Manu is to this effect. " A younger son being born of a first married wife after an elder son had been born of a wife last married but of a lower class, it may be a doubt in that case how the division shall be made."

That is just the case we have here, but unfortunately Manu has not directly decided the doubt that he raises and as the Subordinate Judge points out, there appears to be no precedent. The point was noticed but not decided in the Privy Council Case, Pedda Ramappa *versus* Bungari Sheshamma (1. L. R. II Madras p. 286). The two slokas 123 and 124 following the sloka 122 indicate that in the case therein contemplated the younger son of the first married wife being of a higher class would take a larger share of the property, and we are of opinion that this fact taken with the implication in Sloka 125 that there would be a difference between the sons in cases where their mothers were of different classes is sufficient to show that the right of the junior son by a first married wife if she be of higher class is a superior right to that of the elder son of a wife of lower class. It follows that when the competition between them is, as in this case, to an indivisible property the right of him who has the superior right, if the property were partible, must prevail. We therefore agree with the Subordinate Judge in finding on this point in favor of the Defendant.

We consider that this view is in accordance with the analogies of general Hindu Law as applied to partible property. The decisions of the Privy Council both in Ramalakshmi Ammal *versus* Sivanantha Perumal Seturayar (XIV Moore's Indian Appeal cases 570) and in Pedda Ramappa Nayanivaru *versus* Seshamma Nayanivaru (VIII Indian Appeals 1) are authorities only for the proposition that as between sons born of *wives equal in class* and *without any other distinction*, there is no seniority in right of their mothers but that the seniority recognized by law is according to birth. In the present case, however the Plaintiff's mother and the Defendant's mother are not equal in caste or class. There is the further distinction between them *viz.*, that the former is a dagger wife whilst the latter was married by the pure Kambala caste rites without the intervention of a dagger. In the Bangari Poliam Case, their Lordships of the Privy Council expressly stated that they did not decide what would be the proper rule of succession when the wives were of a different caste or class. The text of Manu, Chapter IX, 125 as interpreted by Kallukka Bhatta on which their Lordships rest their decision premises the case of sons born of wives of equal caste and without any other distinction. This case falls therefore to be decided on the principle laid down by their Lordships in the Urkad case in the following terms.—" Now, no work of authority or decision directly relating to the descent of property, which at the present day is governed by the rule of primogeniture, was cited at the Bar nor have we found any material bearing on the question. We must therefore decide it upon principle, and by analogy to the existing general Law of inheritance and upon what we find laid down in early times when primogeniture by general Law conferred some special rights

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and privileges which no longer exist." The question then is what is the rule suggested by analogy first to the existing Hindu Law of inheritance and next to the Hindu Law as it existed in early times when primogeniture conferred by the general Law certain special rights and privileges? Under the former we may take by way of analogy, the cases in which the rival climants of an impartible Estate are a legitimate junior son and an illegitimate senior son or an after-born son and an adopted son. In the first case, among Sudras, both sons take shares in partible property, but the illegitimate son takes only half a share (Mint. Chapter. 1 Section. XII. Sloka 3).

This is the first exception to the general rule that though sons may share in partible property, the son born of a concubine is only a secondary son and son born of a wife is the primary son and preferable heir to impartible property.

Turning to the case of a disputed succession to an impartible Estate in which the rival claimants are an adopted son and the after-born legitimate son, it is stated in Dattaka Chandrika, Section V, 32 that among Sudras, they take equal shares in partible property. But the succession to impartible property nevertheless devolves on the after-born son in preference to the adopted son the reason being that the adopted son is a substitute for the *aurasa* son and that when the latter comes into existence, he excludes the substitute.

This is the second exception to the general rule under which, of two sons who may be entitled to share alike in partible property, one is the principal or primary and the other as a mere substitute is a secondary son, and such as excluded by the other, though his junior in years, from succession to impartible property. The succession of a legitimate son to an impartible Estate in preference to an illegitimate son and of an after-born son in preference to an adopted son does not rest on mere inference. In Dattaka Chandrika Section V, 26 a vedic text is referred to as ordaining that kings shall not appoint to the Empire any of the 12 descriptions of sons which included also the adopted son and the son of a female slave, when a legitimate son existed. It is hardly necessary for us to add that the Palayagars of Madura and Tinnevelly were prior to the commencement of the British rule in the nature of Petty Principalities or tributary Chieftainships.

Looking again to the ancient Hindu law, we find an analogy in '*Anuloma*' marriages. A Brahmin was in former times at liberty to marry a Brahmin wife, a Kshatriya wife, a Vaisya wife and a Sudra wife. So a Kshatriya was entitled to have a Kshatriya wife, a Vaisya wife and a Sudra wife. So it was permitted to a Vaisya to have a Vaisya wife and a Sudra wife. Hence it is stated in the Mitakshara Ch. 1 Section VIII, V. 2, that instances do occur of a Brahmin having four wives, a Kshatriya three, and a Vaisya two, the wives being of different Varnas or castes or tribes. This form of marriage with women of inferior castes was called *Anuloma* union and it was a permitted connection, while *Pratiloma* union, that is to say, of a man of an inferior class or Varna with a woman of a superior class was a prohibited connection. The au-

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thor of the Mitakshara explains in Chapter 1. Section. VIII. V. 4. how rights of sons of wives of different classes when partition was made between them were regulated and states that the sons of a Brahmin by a Brahmin woman took four shares *a piece*, his sons by a Kshatriya wife, three shares each, by a Vaisya woman, two, and by a Sudra, one. In the same manner the sons of a Kshatriya born to him by women of the several tribes had three shares, two or one, in the order of the tribes (castes). Likewise the sons of a Vaisya by women of the several tribes have two shares and one in the order of the classes. Again, in Chapter XI Section. 1. V. 47 the author of the Dayabhaga adverting to the texts of Manu, Chapter IX, 85, 86 and 87, states that the rank of wife belongs in the first place to a woman of the highest tribe and seniority is reckoned in the order of tribes. Thus, Manu says, when regenerate men take wives both of their own class and others, the precedence, honor and habitation of those wives must be settled according to the order of their classes. Therefore (since seniority is by the tribe) a woman of equal class, though youngest in respect of the date of marriage is deemed eldest. The rank of wife (Patni) belongs to her, for she alone is competent to assist in the performance of Sacrifices and other Sacred rites. This is the third exception to the general rule in which the son by the dagger wife is by analogy to *Anuloma* marriage only a secondary son who though senior in age is excluded by a son of a wife equal in caste and rank.

Thus the rule deducible by analogy from this branch of Ancient Hindu Law is one of preference in favour of the son by a wife of the same caste or rank. It follows that when a Sudra marries a woman of an inferior division of his caste as a dagger wife or as a wife of an inferior class in addition to his wife equal in caste to him, the rule of selection is in favour of his son by the latter by reason of his mother being of a higher class, or having the rank of Patni.

It is argued by the Plaintiff's pleader that the Sudras are all of one caste, though they belong to different sub-divisions. It is so for the purpose of permitting a marriage between a man of one sub-division and a woman of an inferior sub-division, but it does not follow that there are no gradations in respect of caste, status or rank. Surely, it cannot be said that there is no distinction between a man of the purest Vellala or Mudali caste and a woman of the Palli or Shanor or toddy-drawer's caste though their main caste is that of Sudras. The ancient conception of Sudras as one of the four leading classes has attained a considerable extension after the Dekkan and Southern India came within the pale of ancient Hindu Law. The ancient Brahminical theory was that all the Sudras were intended to do service for or to be the servants of the regenerate classes. But this soon vanished when the class of Sudras came to embrace in it Kings, Rajas, provincial chieftains, aristocratic classes and numerous non-Aryan tribes independent and influential with peculiar marriage customs and with peculiar notions of the incidents of a legal marriage. It is notorious that Sudra Rajas and Zemindars often imitated Kshatriya Kings in many respects, especially as regards the number and rank of wives they married and the concubines they maintained.

It is not improbable that the notion of a secondary wife or a secondary son came to prevail among some Sudra Zemindars by analogy to Anuloma marriages among Kshatriyas. The real question is whether there are traces of such consciousness in the present case. The offspring of the Anuloma form of marriage where the mother was of a caste inferior to that of his father, was not equal in caste to his father. If his father was a Kshatriya and his mother was a Vaisya, though they might legally marry, the wife did not acquire the status of a Kshatriya lady, and the son born of her, though legitimate, had not the caste, status or rank of a Kshatriya but had an intermediate caste and status. He was called 'Mahishya' and as compared with the son by a Kshatriya wife, he was only a secondary son. (See I. L. R. XII. Mad. 72). In the same way, it may be that the Plaintiff's mother Nagammal was by reason of her descent from a man of the Kambala caste and a woman of the Vellala caste, of inferior caste. In this view the Parivara caste is inferior to the Kambala Tottiya caste as found by the Sub-Judge though their main caste is that of Sudras. It is noteworthy that when a special form of marriage is adopted to denote the wife's inferior caste or class and she is since treated in the husband's family differently from a wife of equal class married by the pure caste ritual without the use of a dagger, the reasonable explanation is that she was taken and treated as a secondary wife not having the rank of Patni within the meaning of the text of Manu. (Chapter IX, 85 to 87).

The next or third point for determination (4th issue in the Lower Court) is whether there is a custom prevailing among the Kambala Zemindars, to which admittedly the parties belong, that the son by a senior wife has a prior right of succession to a son by a junior wife although the latter may be the elder son, seniority referring to the date of marriage and not to the age of the wife. It is admitted in this case that the Defendant's mother was married before the Plaintiff's mother, but the alleged custom is not in accordance with the ordinary law of succession among Hindus where primogeniture is the rule irrespective of the seniority of marriage of the mothers. The law has been so clearly declared by the Privy Council in the Urkad and Bangaripoliem cases (XIV Moore's Indian Appeals 570 and L. R. VIII Indian Appeals 1). It therefore lies on the Defendant to prove the special family custom. It must be borne in mind that the contest here is between two wives neither of which was the first married wife or "Pattabha Sri" as the first or royal wife is called. Several instances have been given in evidence where a younger son by the "Pattabha Sri" has taken precedence of an elder son by a subsequent wife, but those cases are not to the point in this case, and all the evidence in regard to them must be rejected as irrelevant. The first married wife as Mr. Mayne points out (Hindu Law para 87) has precedence over the others and her first-born son over his half-brothers, because a peculiar sanctity seems to have been attributed to the first marriage as being that which was contracted from a sense of duty and not merely for personal gratification, and it may be that among certain classes of people, the preference shown to her first-born son was extended to other sons born of her. So that it would not be fair to treat the case of her sons as on a par with the sons of subsequent wives. It is as between such wives, that the

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question of custom must be considered here. This will eliminate from the record all the evidence which was confined to the competition between a son of a "Pattabha Sri" and of a junior wife which forms the major portion of the evidence. The evidence adduced in support of the custom falls under three classes.

1st, statements giving the opinions of deceased persons who are likely to know of its existence; 2nd, similar opinions by living persons, and 3rd, particular instances in which the custom was recognized and acted on. Under the 1st class, the evidence was naturally documentary and much of it was either irrelevant for the reasons above stated or inadmissible for reasons now to be stated. Section 32 (clause 4) of the Indian Evidence Act which allows of the admission of such evidence requires that it should have been given before any controversy as to such custom had arisen; and the statement must refer to a custom or matter of public or general interest, and not to a particular case or instance. Now to take the documents exhibited under this head in their order of date we find Exhibits (XXVI*a* and *e*) the opinions of the Zemindars of Valayapatti and Erasakkanayakanur taken in 1826 inadmissible as they refer only to the line of descent in their own particular Estates, and they are irrelevent as they contemplate the case only of the first and a second wife. The next Exhibits are the XIX series (*a* to *r*), opinions taken in 1849, with reference to the succession in the Paraiyur Zemindari. These are objected to on the score that they were taken after controversy arose, but we find this not to be the case. The correspondence on the subject is to be found in Exhibit XXXIII series, and it shows that there was only a doubt whether the younger son by a senior wife should succeed before an older son by a (junior wife). The Collector held the opinion that by custom the younger son should succeed and the Court of Wards, being doubtful, directed an enquiry to be made as to the custom, and it was found that it prevailed, and it was accepted and acted on. There had been a difference of opinion by the Pundits who were at first consulted, but there was no dispute such as to render the evidence inadmissible. In order to effect this "there must be not merely facts which may lead to a dispute but a *lis mota*, or suit, or controversy preparatory to a suit actully commenced or dispute arisen and that upon the very same pedigree or subject matter which constitutes the question in litigation". (Taylor on Evidence, p 556.) The competition in this Paraiyur case was between the 2nd wife's son aged 2 and the 8th wife's son aged 8, and the opinions then taken are therefore relevant in the present case, so far as they refer to the general custom and to a contest between sons of wives other than the first married wife. All the persons who gave them are proved to be dead, and their original statements have been produced and proved in order to avoid the objection taken in the Urkad case that the originals had not been produced and proved. But some of these opinions must be rejected on other grounds. Thus the opinions of the Thevaram Zemindar in Exhibits XIX and XIX*a* is inadmissible as the opinion of a deceased person because it refers to the rule of succession in his own particular Zemindari only. The opinion of the Bodinayakakanur Zemindar in Exhibits XIX*b* and *c* is inadmissible for the same reason, so also is the opinion of the Zemindarni of Thottapanaikkanur in

Exhibit XIX*f*, and those of the Zemindar of Kannivadi in Exhibits XIX*j* and *k* and of the Zemindar of Mambarai in Exhibits XIX*q* and *r*. The opinion of the Zemindar of Erasakkanayakanur in Exhibit XIX*l* is irrelevant as it refers only to the case of the senior wife, as well as only to the particular Estate. Excluding these we have left the opinions of five Zemindars, namely, those of Pulyankulam (Exhibits XIX*d* and *e*), of Uthapanaikkanur (Exhibits XIX*g* and *h*), of Gandamanaikkanur (Exhibit XIX*m*), of Kadavur (Exhibit XIX*n*) and of Edayakottai (Exhibits XIX*o* and *p*), all speaking to the general custom among Kambala Zemindars of the son by a senior wife taking the succession in preference to an older son by a junior wife.

The next documents in time are in connection with the Virupakshi case in 1853 (Exhibits XXXIV series). The opinions therein given are irrelevant as the son by the second wife who succeeded to the allowance was the eldest of the surviving sons.

The last batch of opinions forming the second mainstay in proof of the custom were in 1875 and are to be found in Exhibits XII*a* to *k* series, but we find one and all of them inadmissible as the statements were undoubtedly made after controversy had begun. There was a dispute as to the succession in the Bodinayakkanur Estate like the dispute in the present case as to whether the younger son by the 5th wife was to be preferred to the elder son by the 6th wife. The Court of Wards recognized the right of the younger son, whereupon a suit was brought on behalf of the elder son in Orignal Suit No. 5 of 1875 on the file of the Subordinate Court of Madura. The Collector, as agent of the Court of Wards, was made Defendant in the suit, and in forwarding a copy of the plaint in the suit to the Court of Wards applied for instructions to defend the suit. This was on the 13th July 1875 (*vide* Exhibit XXXVII*a*) and it was after this the opinions were called for as appears from the Collector's letters (Exhibits XII *b*, *d*, *h*, and XVII) which are dated August 1875, and opinions given are of course all of subsequent dates. There are other grounds on which these statements that have been used in evidence are inadmissible, such as that some of them are copies, their correctness as such also not being proved, but it is suffcient to reject them all on the broad ground that they were not given *ante litem motam*. This closes the first class of evidence adduced. The second class consists of the opinions of living persons as to the general custom, and they are admissible under Section 48 of the Indian Evidence Act. There are three such opinions as are relevant in this case, those of the Defendant's 19th, 24th and 62nd witnesses. The 19th Defence witness says, "In case the first wife had no sons but the 2nd and 3rd wives had sons, the son of the second wife even though younger in age would have the right to the succession and so on according to the order of wives * * *. The rule of succession stated by me is applicable to all divisions of Kambalas—" and this follows the opinion he gave in 1875 as a Kambala Zemindar (*vide* Exhibit XVII*a*). The 24th Defence witness is a Kambala of the Thevaram Zemindari and he says that "the succession in the case of Kambala Zemindars is regulated by the seniority of the mother irrespective of the ages of the sons." The 62nd

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Defence witness is the father of the 1st wife of the late Zemindar of Saptur, the father of the parties to this suit, and he states as follows:—"Among our Kambala Zemins the right of succession is according to the order of wives. What is meant by the order of wives is that should there be a son to the first wife, the right of succession goes to that son; but if there be no son to the first wife and the second wife has a son, it goes to that son. It is this what I mean by order. Even if the son of the second wife is older than the son of the first wife, the right of succession is only to the first wife's son. Similarly in the case of the sons of the other wives." The evidence of the Defendant's 18th witness is to the effect that the sons of the eldest wife succeed one after another of which there was an instance in his own Zemindari, but this does not apply to the matter in question as it relates only to the rights of the sons by the first married wife.

The third class of evidence offered in proof of the custom consists of particular instances in which it was observed, evidence which is admissible under Section 13 of the Indian Evidence Act. The Paraiyur and Bodinayakkanur cases referred to above are instances distinctly in point. In the former case, the son of the 2nd wife being only two years of age succeeded in preference to the son of the 8th wife who was 8 years old, and in the latter case, the younger son of the 5th wife took the succession in preference to the elder son by the 6th wife. But there is this to be said with regard to the latter case, that the elder son was an idiot and might have been disqualified on that ground alone, although the correspondence, Exhibit XXXVII, shows that the right of the younger son was recognized on the strength of the custom. Besides these clear instances, evidence has been adduced to prove similar instances in other Zemindaris of the same caste, but as all of them appear to relate only to the case of the first married wife or "Pattabha Sri" they must be rejected as irrelevant for reasons already stated. Thus the case in 1861 in the Andipatti Poliem (Exhibits XXXV series) was between the son of the senior wife, and the son of the 2nd wife, there being only two wives and it was the same in the Uthappanaikkanur case in 1866 (Exhibit XXXVI) to which defence witnesses Nos. 20 and 21 speak. The instances given by the oral evidence of the witnesses Nos. 18, 19, 26 and 41 for the Defendant also all refer to the sons of the first married wife, so that under this head of particular instances we have only the two instances of Paraiyur and Bodinayakkanur as applicable to this case. But it must be remarked that cases of competition between the sons of junior wives in so small a community as the Kambala Zemindars are, must of necessity be, of rare occurrence when the son or sons of the first married wife always take precedence as much of the evidence shows they do.

The general result of the evidence as to the custom set up is that we have the opinion of five deceased persons and of three living persons *plus* two well authenticated instances of its observance in proof of it, while there is nothing whatever on the other side to disprove it. It was contended for Plaintiff that there was an instance in this Saptur Zemindari itself where the son of a fourth wife succeeded in preference to the son of a third wife in the fact that in

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1803 Vada Kamaya Naik, son of a fourth wife of his father, became Zemindar after his elder brother by the first wife was hanged, in preference to Sangaralinga Kamaya Naik, a son of the third wife.

Assuming these facts to be proved by the genealogical table (Exhibit XXV) and by the evidence of the Plaintiff's 1st and 41st witnesses, and that Sangaralinga Kamaya Naik, the son by the 3rd wife, afterwards succeeded Vada Kamaya Naik, son by the 4th wife, as shown by Exhibit TTT, they do not prove the circumstance they are used for. In the 1st place, Vada Kamaya Naik was treated by the Government as the Istimrar Zemindar by its Sannad SSS after his brother had been executed, as it may have been an act of State, and not a case of succession but one of selection; and in the second place, there is nothing to show that Sangaralinga Naik was then born. He might have been born long after his brother had been recognized as the Zemindar by the Government. The evidence, then being all one way, and extending back as far as living memory and existing records go, can the custom be found to be sufficiently established according to the standard laid down by the Privy Council in the Urkad case (XIV Moore's Indian Appeals at pages 585 and 586)? "It is of the essence of special usages modifying the ordinary law of succession that they should be ancient and invariable: and it is further essential that they should be established to be so by clear and unambiguous evidence. It is only by means of such evidence that the Courts can be assured of their existience and that they possess the conditions of antiquity and certainty on which alone their legal title to recognition depends." Now, out of the mass of evidence adduced, that which we have alone admitted as strictly applicable in this case is undoubtedly clear and unambiguous in favor of the alleged custom, and its antiquity and certainty seem to be proved as well as they can be among a set of people so absolutely lawless as these Poligars were in former days. In respect to its certainty the opinions are unanimous and are supported by two actual instances while no opinion has been adduced against it nor any instance given of a departure from it. And in respect to its antiquity, it is spoken to as an old established rule, "whereof the memory of man runneth not to the contrary" so far as is shown to us.

In these circumstances, we consider that the custom has been clearly proved to be ancient and invariable, and therefore one that our Courts must recognize. We accordingly confirm the finding of the Subordinate Judge in this matter.

The next question in the case is the fifth issue, namely, whether, on the death of the last Zemindar, his full brother, the Defendant, is entitled to succeed to the Zemindari, which is admittedly an ancestral, impartible Estate held by only one member of the family at a time, in preference to the Plaintiff, his half brother? The Subordinate Judge decides it in the negative, and in that opinion we concur. Apart from authority we are of opinion that on general principles the question should be answered in the negative. The first of them is that a rule of decision in regard to succession to impartible property is to be found in

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Mitakshara law, applicable to partible property, subject to such modifications as naturally flow from the character of the property as an impartible Estate. The second principle is that the only modification which impartibility suggests in regard to the right of succession in the existence of a special rule for the selection of a single heir when there are several heirs of the same class who would be entitled to succeed to the property if it were partible under the general Hindu law. The third principle is that in the absence of a special custom, the rule of primogeniture furnishes a ground of preference. In determining who the single heir is, according to these principles, we have first to ascertain the class of heirs who would be entitled to succeed to the property if it were partible, regard being had to its nature as co-parcenary or separate property and we have next to select the single heir by applying the special rule indicated above.

Applying the principles mentioned above the case before us, there can be no doubt that if the property in dispute had been the separate property of the last lawful Zemindar from whom succession has to be traced, the uterine brother would be preferred to the half brother. In enumerating the classes of heirs to separate property with reference to the Smriti of Yagnavalkya cited in Mitakshara, Chapter II, Section I, sloka 2, the Commentator observes in Chapter II, Section IV, sloka 5, that "among brothers, such as are of the whole blood take the inheritance in the first instance" under the text already cited. "To the nearest sapinda the inheritance next belongs, since those of the half-blood are remote through the difference of the mothers". Vignaneswara Yogi proceeds then to state in Section 6 that "if there be no uterine brothers, those by different mothers inherit the Estate," and adds in Section 8 that "in case of competition between brothers and nephews, nephews of the whole blood have no title to the succession in preference to brothers of the half-blood," for, their right of inheritance is declared to be on failure of brothers. If the Zemindari of Saptur had been the separate or self-acquired property of the last holder, his uterine brother, the Defendant, would certainly have succeeded to it in preference to the Plaintiff, who is his brother by a different mother. The principle which determines the class of kindred entitled to succeed is that, in case of disputed succession to such property, remoteness of blood furnishes a rule of exclusion. This being so, the further question arises whether the same principle applies when the property is the co-parcenary property, though impartible, belonging to a joint Hindu family consisting of the deceased Zemindar and his brothers. Looking again to the Mitakshara law of succession as applied to partible co-parcenary property, the right of survivorship is mentioned as a dominant right which controls the rule of succession applicable to separate property. In Chapter II, section I, sloka 20 of the Mitakshara, the commentator premises a case of competition between the coparceners and widows of a deceased person, refers to the text of Narada "let them allow a maintenance to his woman for life," and concludes that the widows are entitled only to maintenance, the co-parceners being entitled to the property. It follows that in case of co-parcenary property, the doctrine of survivorship furnishes an additional rule whereby the class of heirs has to be found. It is also a controlling or dominant right for the reason that, according to Hindu theory, co-parcenary property

belongs to the co-parcenary family, that though co-parceners are tenants in common, they have no specific property, but only an interest which may ripen into specific property, on partition, and that if the existing co-parceners die without male issue, they are to be treated as if they had never been born and as if the partible property actually belonged to the body of co-parceners who are alive at the time of partition. When therefore partible property belongs to a co-parcenary family and when a co-parcener dies without male issue leaving one uterine brother and one half-brother surviving him, the half-brother is entitled to share the property equally with the uterine brother at the time of partition, the deceased brother being considered as if he never had been born, and the property being treated as always vested in the family as a unit and as never absolutely vested for purposes of inheritance in any one co-parcener in preference to another, how much so ever the family may change as to the number of co-parceners from time to time during co-parcenary. To say, therefore, that nearness of blood is a ground of preference in such cases would be tantamount to ignoring the pre-existing co-parcenary interest of half-brothers. Nearness of blood being thus no ground of preference under the Mitakshara law in case of disputed succession to co-parcenary property when it is partible, it is likewise no ground of preference when such property is impartible. It is conceded that the Zemindari belongs to the co-parcenary family consisting of all the brothers of the *propositus* and the nearest class of kindred in which the single heir ought to be found is that of brothers, whether of the whole or half-blood and applying the rule of primogeniture as a subsidiary rule of selection, since there is no special custom, the brother that is entitled to the Zemindari is the eldest in years. This view is in accordance with the course of decisions to which our attention has been called at the hearing.

The first is the Sivaganga Case reported in IX. M. I. A. 539. The point decided in that case was that the Zemindari of Sivaganga was the self-acquired property of Gouri Vallabha Tevar, the prior lawful Zemindar, that the competition being between his daughter and brother's son, there was no right of survivorship as in the case of co-parcenary property, and that according to the ordinary rule of succession, the class or kindred among whom the single heir was to be found was represented by the daughter and not by co-parceners. The question now in dispute did not arise in that case, but there are observations made by the Privy Council which indicate the principles which should guide our decision in the case. Their Lordships say "there are two principles on which the rule of succession according to the Hindu law appears to depend. The first is that which determines the right to offer the funeral oblation, and the degree in which the person making the offering is supposed to minister to the spiritual benefit of the deceased; the second is the right of survivorship. * * It is perfectly illegible that upon the principle of survivorship the right of the co-parceners in an undivided Estate, should prevail." Their Lordships say further in co-parcenary property according to the principles of Hindu law, there is co-parcenership between the different members of a united family and survivorship following upon it, for there is community of interest and unity of possession between all the members of the family and upon the death of any one of them

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the others may well take by survivorship that in which they had during the deceased's life-time a common interest and a common possession. But the law of partition shows that as to the separately acquired property of one member, the other members of that family have neither the unity of interest nor unity of possession and the foundation therefore of a right to take such property by survivorship fails. It may be said that these observations are in the nature of *obiter dicta*, but if so, they are the dicta of the highest judicial tribunal for India followed in several later cases. Moreover, the two main principles of succession mentioned above are those embodied in the text of Manu "that the inheritance belongs to the nearest sapinda." and in the text of Narada to the effect that in an undivided family, the brother takes the co-parcenary property in preference to the widow.

The second case is what is known as the Tipperah case reported at XII M. I. A., 523. That was a suit in the nature of ejectment brought by a brother of the half-blood against the uterine brother on the ground that as he was the eldest of the class of heirs from whom a Jubraj should be selected according to the family custom, the appointment by the deceased Zemindar of his younger brother, the then Defendant as Jubraj, was invalid. The Privy Council held that the appointment was valid by family custom or Kulachar which imposed no restriction on the power of the reigning Raja to appoint a Jubraj from among his kindred. On the point, the Lords of the Judicial Committee remarked that "where there is evidence of power of selection, the actual observance of seniority even in a considerable series of successions cannot of itself defeat a custom which establishes the right of free choice, and had the instances been uniform and without exception, that alone would not have been sufficient to support the Appellant's case. Such uniformity of practice was however not proved; for several instances appear of infants appointed to the office of Jubraj, whilst relatives within the custom, and older in years were living." It is this finding of fact that was the *ratio decidendi*, but the decision is an authority for the proposition that in determining the right of succession to an impartible Estate we should first ascertain the class of kindred from whom a single heir is to be selected, next see whether family custom or Kulachar discloses a special rule of selection, and that in default of such custom seniority of age constitutes a title by descent to the impartible Estate by analogy to general Hindu law. The Judicial Committee say further that by general Hindu law, the uterine brother would be the heir in preference to the half-brother, were it a disputed succession to divided property.

This limitation is also in accordance with the text of Mitakshara in Chapter II, Section IV, slokas 5 and 6, and is an authority for the proposition that in case of disputed succession to impartible property which was acquired by or belonged exclusively to the deceased Zemindar, nearness of blood is a factor to be considered in determining the class of kindred from whom the single heir has to be selected. The learned Advocate-General for Defendant lays considerable stress on the passage in the Judgment of the Privy Council which deals with the contention on behalf of the Appellant in the Tipperah case, to the effect that

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No. 180. Judgment on Appeal, dated 2nd March 1894. —*continued.*

the preference of the whole to the half-blood does not extend to a Raj and that when the Estate is ancestral and undivided, brothers of the whole and half-blood are on the same footing. Their Lordships observe as follows:—

"When a Raj is enjoyed and inherited by one sole member of a family, it would be to introduce into the law, by Judicial construction, a fiction, involving also a contradiction to call this separate ownership, though coming by inheritance, at once sole and joint ownership and so to constitute a joint ownership without the common incidents of co-parcenership. The truth is, the title to the throne and to the Royal lands is in this case one and the same title; survivorship cannot obtain to an Estate in lands, and to rights in others over it, as to maintenance, for instance, are distinct and inconsistent claims. As there can be no such survivorship, title by survivorship, where it varies from the ordinary title by heirship, cannot, in the absence of custom, furnish the rule to ascertain the heir to a property which is solely owned and enjoyed, and which passes by inheritance to a sole heir". It is further argued on behalf of the Defendant that the doctrine of survivorship as a dominant right has no operation as well in the case of impartible co-parcenary as in the case of impartible separate property, and that we are not at liberty to introduce a distinction so as to vary the ordinary rule of succession which, it is contended, applies alike to both. We are unable to accede to this suggestion for several reasons. In the first place, later decisions of the Privy Council recognize survivorship as a material factor where impartible Estate is co-parcenary property. In the next place, the Tipperah Estate is situated in a part of India governed by Dayabhaga School of Hindu law, which explains away the Smriti of Narada as inapplicable to married women and denies a place to the doctrine of survivorship in its scheme of succession. It may be that when the Tipperah case was decided by the Privy Council there was an impression at Calcutta that even under the Dayabhaga law, there was survivorship as an exception to the general scheme of inheritance in the case contemplated by Jimutavahana inverse 34, Section 5, Chapter XI of the Dayabhaga. But such a notion was held to be erroneous by the Full Bench of the High Court at Calcutta in Rajkishore Lahoory *versus* Gobind Chunder Lahoory. I.L.R. 1, Cal. 27, (See L. R. 4.I. A. 147), wherein it was decided that by the Hindu law current in Bengal, a brother of the whole blood succeeds in the case of an undivided immoveable Estate in preference to a brother of a half-blood. The *ratio decidendi* is that the doctrine of survivorship has no operation under the Dayabhaga law either as part of general scheme of inheritance or as an exception to it. Again, the recognized foundation of the right of survivorship is the Smriti of Narada cited in Mit. Ch. II, Section 1, verse 7. But Jimutavahana notices this Smriti in Chap. XI, Section 1, verse 48 of the Dayabhaga, and concludes after a consideration of the other Smritis, especially the Smriti of Vrihaspati; that Narada contemplated the case of wives of an inferior rank who do not possess the status of a Patni or the lawful wife of approved rank. On the construction suggested by him in verse 54, there is no foundation in the Smriti law on which the doctrine of survivorship can rest. As the Mitakshara, however, differs from the Dayabhaga, the decision in the Tipperah case although it is in perfect accordance with the Dayabhaga law has no application in the Mitakshara country.

Deput[illegible]rar.

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PART II.

In the High Court of Judicature at Madras.

No. 180. Judgment on Appeal, dated 2nd March 1894. —*continued.*

It is further urged for Defendant that assuming that the Tipperah hills and Estate are governed by the Dayabhaga law, the reason assigned by the Privy Council for their decision suggests that the character of impartible property as one capable of sole enjoyment by the incumbent for the time being is so much in the nature of separate property, that it is inconsistent with the theory of co-parcenary of which unity of ownership and unity of possession *quoad* the property in litigation are essential incidents.

This contention is sound only in the Dayabhaga country, for, as explained by this Court in Naraganti Achamma Garu *versus* Venkatachalapathi Nayanivaru (I. L. R. IV Madras. 250) the modifications of co-parcenary which flow from impartibility consist in this:—"Where, from the nature of the property, possession is left with one co-parcener—the others are not divested of co-parcenership. Their necessary exclusion from possession imposes on the co-owner in possession two obligations to his co-parceners in virtue of their co-ownership:—the obligation to provide them with maintenance and the obligation to preserve the *corpus* of the *Estate*. The right of possession and maintenance are to this extent distinct and inconsistent: that they cannot co-exist and be enjoyed by the same person, that the one is a right to the immediate perception of the fruits of the property, the other right to an indirect benefit, but both rights have a common origin, unity of ownership ***. Separate possession but not separate ownership is the characteristic of property, which, although impartible, is *ex-hypothesi* joint co-ownership, which is the cause of survivorship, was held not to exist in the case of Tipperah Raj. We should have hesitated to express an opinion at variance with that ruling if we could find no support for our views in a ruling which is equally imperative upon us, and from which in the Tipperah case their Lordships expressed no intention to dissent. In Kattama Nachiar *versus* the Raja of Sivaganga IX. M. I. A. 539, their Lordships declared that in the absence of proof of a special custom of descent, the succession to a Zemindari impartible and capable of enjoyment by one member only of the family at a time, is governed by the 'general Hindu Law prevalent in that part of India with such qualifications only as flow from the impartible character of the subject.' The impartibility of the subject does not necessitate the denial of the right of survivorship, and there are not wanting in the admitted rules which govern the enjoyment of such property and the succession to it *indicia* of co-ownership and consequent survivorship." This case is an authority in this Presidency for the proposition that the very custom by which co-parcenary property is rendered impartible suggests survivorship as a necessary incident of impartibility, and it is not correct to say that there is no co-parcenership in regard to such property, the difference being only in the form in which co-parcenary exists in respect of partible and impartible property. In this connection our attention is drawn to the decision of the Privy Council in Rani Sartajkuari and another *versus* Rani Deorajkuari (L. R. XV. I. A. 51).

This case modifies the opinion expressed in the last preceding case to this extent and no further. "When the Estate is governed by the Mitakshara law

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PART II.

In the High Court of Judicature at Madras.

No. 180. Judgment on Appeal, dated 2nd March 1894. —*continued.*

and it is impartible by the usage and custom of family and descends according to the law of primogeniture on the male heirs of the original grantee, the Estate is not inalienable except on proof of special custom." The case is therefore an authority for the proposition that inalienability is not one of the modifications which flow necessarily from the impartibility of the subject. As regards survivorship as a cause of succession, their Lordships expressly sanctioned and say—"By the custom or usage, the eldest son succeeds to the whole Estate on the death of the father as he would if the Estate were held in severalty. It is difficult to reconcile this mode of succession with the rights of a joint family and to hold that there is joint ownership which is a restraint on alienation. It is not so difficult where the holder of the Estate has no son, and it is necessary to decide who is to succeed." Referring to the Sivaganga case, their Lordships add, "The saying in the Sivaganga case that the Zemindari though impartible was part of the family property must be understood with reference to the question which was then before their Lordships." That question was one of succession and not of alienation *inter vivos*.

Another case referred to is what is called the Totapalli case, XII M. I. A. 333 (Sri Raja Yanumula Venkayamma *versus* Sri Raja Yanumula Boochia Vankandora). In that case an impartible Estate belonging to a Hindu joint family was usurped by one of the members of the family. The Zemindar by the aid of another member of the family ousted him and afterwards entered into an agreement with him to pay the revenue. There was no division in the family. It was argued in that case by Appellant's Counsel that the Estate being impartible must from its very nature be taken to be separate Estate, and consequently, that according to the decision in the Sivaganga case, the succession was determinable by the law which regulates the succession to a separate Estate whether the family be divided or undivided. With reference to the first contention their Lordships' answer was "It is clear that the mere impartibility of the Estate is not sufficient to make the succession follow their course of succession to separate Estate. Their Lordships apprehend that if they were to hold that it did so, they would affect the title to many Estates held and enjoyed as impartible in different parts of India. Has it then been shown that, though the family was undivided, the Estate was in fact the separate property of the Appellant's husband?" After answering the question in the negative, their Lordships answered the second question in these terms. "In the Sivaganga case, the Zemindari had escheated to Government which was free to deal with it as it chose. By a new Sanad the Government granted it to Gouri Vallabha, conferring a legal title which none could dispute. But what was done in this case?" After referring to the facts of that case, their Lordships state "this account shows no legal forfeiture, no fresh grant by any person competent to grant a legal title. It only shows that on a dispute between Mallappa Dhora and his superior, another member of the family came in and with strong hand and in concert with the superior succeeded in ousting Mallappa Dhora and in assuming the position and right of the Zemindar." This case is an authority for the position that forceable dispossession produces no change in the nature and tenure of the impartible property.

Deputy Registrar.

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In the High Court of Judicature at Madras.

No. 189. Judgment on Appeal, dated 2nd March 1894. —*continued.*

Another case is that of Maharani Hiranath Koer *versus* Baboo Raw Narayan Sing, IX, B. L. R. 274, at page 324 in which the Tipperah case was dissented from. Two other cases were also referred to at the hearing, (Ranganayakamma *versus* Ramaya. (Mayne § 499) and the Padamathur case). They follow the Sivaganga case.

The latest case is that of Raja Jogendra Bhupati Harichundun Mahapatra *versus* Nityanund Mansing, L. R. XVII. I. A. 128. In that case the contest was as to the right of succession to an impartible Raj and a Zemindari, the rival claimants being the last male holder, Nandikishore's three widows and daughter on the one side and his illegitimate brother on the other side. The joint family belonged to the Sudra caste. Their Lordships of the Privy Council held that the illegitimate brother was entitled under the Mitakshara Law to succeed by survivorship and observed as follows :—"According to the decision in the Sivaganga case, which as their Lordships understood is not now disputed, the fact of the Raj being impartible does not affect the rule of succession. In considering who is to succeed on the death of the Raja, the rules which govern the succession to a partible Estate are to be looked at and therefore the question in this case is what would be the right of succession, supposing instead of being an impartible Estate, it were a partible one". After discussing the point and concluding that the right of survivorship existed as between the deceased Zemindar and illegitimate brother, their Lordships held that the latter was entitled to succeed to the Raj by virtue of survivorship. This case is the latest authority for the position that when the impartible Estate belongs to a co-parcenary family, the right of survivorship determines the heir entitled to succeed.

The last points for our determination are matters of detail in regard to what properties in Schedules C, D and E of the plaint are to be considered as partible between the Plaintiff and the Defendant.

Schedule C refers to the "Pannai" lands, and the Sub-Judge has given excellent reasons for holding that such of them as were acquired by the grandfather of the parties are not partible, but must be considered as appurtenant to the Zemindari; but he has held that those acquired by the father are partible. It would appear that the Sub-Judge has here erred in treating the father as the last holder of the Estate, because the same reasons which he gives for holding the acquisitions of the grandfather to have been incorporated in the Estate, apply with equal force to the acquisitions of the father. They all alike descended to the last holder, the brother of the parties to the suit. The principle is laid down in the judgment of the Court in Lakshmipathi *versus* Kandasami (I. L. R. XVI. Mad. 54) that it is a question of intention whether the Zemindar for the time being who acquires fresh lands means to incorporate them with the Zemindari or to treat them as separate private property. His object in acquiring them as private property could only be for the purposes of alienation and the presumption is that if he does not alienate them in his life-time or by testamentary disposition his intention was to add them to the Estate.

For this and other reasons discussed by the Sub-Judge upon the evidence in the matter, we are of opinion that all the lands comprised in Schedule C

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PART II.

In the High Court of Judicature at Madras.

No. 180. Judgment on Appeal, dated 2nd March 1894. —*concluded.*

were merged in the Estate proper and are therefore not partible. The properties in Schedule D are ryotwari lands and house properties and we see no reason to differ from the Sub-Judge's finding in respect to these, namely, that items Nos. 1 to 8 being lands not situate within the Zemindari were distinctly the private properties of the Zemindar and therefore partible, while the other items Nos. 9 to 15 were appurtenant to the Zemindari as Palaces and places of residence &c., and therefore impartible. Schedule E relates to moveables, which we agree with the Sub-Judge in finding to be partible, as the rule of impartibility applicable to Zemindaris does not extend to the personal property left by a Zemindar (IV Madras High Court Report, page 31.)

The result of our decision is that the appeal of the Plaintiff is dismissed, and the Sub-Judge's decree is confirmed in all respects excepting as regards some of the "Pannai" lands comprised in Schedule C of the plaint which are now all declared to be appurtenant to the Zemindari and Plaintiff has therefore no right to share therein. The Lower Court's decree is modified accordingly and the proportionate costs there decreed payable by the Defendant to the Plaintiff will be reduced by that extent and added to the proportionate costs payable by the Plaintiff to the Defendant.

The appeal of the Defendant is otherwise dismissed. In regard to costs in this Court, we shall leave each party to bear his own, each having failed on the main grounds of his appeal.

By the Court.
(Signed) H. W. FOSTER,
Registrar, Appellate Side.

No. 181. Civil Miscellaneous Petition No. 1067 of 1894, dated 17th August 1894, for a certificate to appeal to Her Majesty in Council against the decree in A. S. No. 95 of 1891.

No. 181.

MEMORANDUM OF CIVIL MISCELLANEOUS PETITION.
Under Section 598 *of* C. P. C.

IN THE HIGH COURT OF JUDICATURE AT MADRAS.
Appeal No. 95 *of* 1891.

IN THE HIGH COURT OF JUDICATURE AT MADRAS.
C. M. P. No. 1067 *of* 1894.

Sundaralingasami Kamaya Naik, minor by his mother and guardian Nagammal. } *Appt. Petr.*

versus

Ramasami Kamaya Naik, minor under the protection and guardianship of Nagayasami Naik, and through the Collector of Madura and Agent to the Court of Wards. } *Deft. Ctr.-Petr.*

Sundaralingasami Kamaya Naik, the Petitioner aforesaid, is desirous of preferring an appeal to Her Majesty in Council against the judgment and decree

Deputy Registrar.

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PART II.

In the High Court of Judicature at Madras.

No. 181. Civil Miscellaneous Petition No. 1067 of 1894, dated 17th August 1894, for a certificate to appeal to Her Majesty in Council against the decree in A. S. No. 95 of 1891. —*concluded.*

of this Honorable Court in Appeal Suit No. 95 of 1891, dated 2nd March 1894, as also against the judgment and decree of the Subordinate Court of Madura, West, in Original Suit No. 21 of 1889, dated 19th December 1890, on the following grounds :—

1. It having been found both by this Honorable Court, and by the Subordinate Judge that the Plaintiff's mother was legally married to the father of the parties to the suit and that there was no special custom or usage prohibiting such marriages, it ought to have been held that the Defendant has no right to succeed to the Zemindari of Saptur and its appurtenances in preference to his elder brother, *i. e.*, the Petitioner.

2. It having been found that the caste of Plaintiff's mother is Kolla Kambala and that of the Zemindar and of Defendant's mother Thottiya Kambala and that they are sub-divisions of Kambala, which itself is one of the numerous sub-divisions of the Sudra caste, it ought to have held that such difference cannot create a right in the Defendant entitling him to supersede the Petitioner who is senior in age.

3. The evidence on record is altogether insufficient to establish the special custom set up by the Defendant that amongst the Kambalas succession to an impartible Zemindari is regulated by priority of mother's marriage and not by priority of birth amongst sons of different wives.

4. The custom alleged is not only not established, but has been disproved by an instance of succession in the Zemindari of Saptur itself.

5. It ought to have been held that the Plaintiff is entitled to claim a half share not only in the properties acquired by his father, but also in those acquired by his predecessors and not incorporated with the Zemindari nor treated as appurtenant thereto.

6. Petitioner begs to state that the value of the property involved in the suit and in dispute on appeal to Her Majesty in Council is considerably more than Rs. 10,000 and that the appeal involves substantial questions of law.

7. Petitioner humbly prays for a certificate under Section 600 of the Code of Civil Procedure that as regards the value and nature of the appeal it fulfils the requirements of Section 596 or is otherwise a fit one for appeal to Her Majesty in Council.

17th August 1894, MADRAS. } (Signed) V. Bashiam Ayyengar, (") V. C. Desikacharri, (") T. Rungaramanujachari,
Vakils for Petitioner.

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PART II.

In the High Court of Judicature at Madras.

No. 182. Order dated 23rd October 1894, certifying that the decree in A. S. No. 95 of 1891 fulfils the requirements of Sec. 596 of Act XIV of 1882.

No. 182.

IN THE HIGH COURT OF JUDICATURE AT MADRAS:

Tuesday, the twenty-third day of October,

One thousand eight hundred and ninety-four.

PRESENT:—

THE HONORABLE JUSTICE SIR T. MUTHUSAMI IYER, K. C. I. E.

THE HONORABLE MR. JUSTICE SHEPHARD.

Civil Miscellaneous Petition No. 1067 *of* 1894.

Sundaralingasami Kamaya Naik, minor by his mother and guardian Nagammal. } *Petitioner (Appellant in Appeal No.* 95 *of* 1891.)

versus

Ramasami Kamaya Naik, minor by his guardian Nagayasami Naik and through the Collector of Madura, the Agent of the Court of Wards. } *Counter-Petitioner (Respondent in Appeal No.* 95 *of* 1891.)

Read petition under Section 598 of Act XIV of 1882 praying for the grant of a certificate to enable the Petitioner to appeal to Her Majesty in Council against the decree of this Court in Appeal No. 95 of 1891.

Order:—This petition coming on for hearing; upon perusing the petition and the grounds of appeal to Her Majesty in Council; and upon hearing the arguments of Mr. V. C. Desikachariar and Mr. T. Runga Ramanuja Chariar, Vakils for the Petitioner; and of the Advocate-General for the Counter-Petitioner; it is hereby certified that as regards the value of the subject-matter and the nature of the questions involved; the case fulfils the requirements of Section 596 of Act XIV of 1882.

By the Court.

A. T. FORBES,

Deputy Registrar,
Appellate Side.

Deputy Registrar.

RECORD.

PART II.

In the High Court of Judicature at Madras.

No. 183. Civil Miscellaneous Petition No. 1068 of 1894, dated 17th Augt. 1894, for a certificate to appeal to Her Majesty in Council against the decree in A. S. No. 78 of 1891.

No. 183.

MEMORANDUM OF CIVIL MISCELLANEOUS PETITION.

Under Section 598 *of C. P. C.*

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

Appeal No. 78 *of* 1891.

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

C. M. P. No. 1068 *of* 1894.

Sundaralingasami Kamaya Naik, minor by his mother and guardian Nagammal. } *Respt. Petr.*

versus

Ramasami Kamaya Naik, minor under the protection and guardianship of Nagayasami Naik and through the Collector of Madura and Agent to the Court of Wards. } *Appt. Cr. Petr.*

Sundaralingasami Kamaya Naik, the Petitioner aforesaid, is desirous of preferring an appeal to Her Majesty in Council against the judgment and decree of this Honorable Court in Appeal Suit No. 78 of 1891, dated 2nd March 1894, as also against the judgment and decree of the Subordinate Court of Madura (West) in Original Suit No. 21 of 1889, dated 19th December 1890, on the following grounds:—

1. The Pannai lands in which a half share was decreed to the Plaintiff by the Subordinate Judge having been acquired by the father of the parties to the suit and the same not having been incorporated with the Estate by him, Plaintiff was entitled to his $\frac{1}{3}$ share therein on the death of his father and to a moiety thereof on the death of the junior Nagayasami Kamaya Naik, the deceased elder brother of the Defendant.

2. Petitioner begs to state that the value of the property involved in the suit and in dispute on appeal to Her Majesty in Council is considerably more than Rs. 10,000.

3. That the decision of the Subordinate Judge was modified by this Honorable Court and that the appeal involves substantial questions of law.

4. Petitioner humbly prays for a certificate under Section 600 of the Code of Civil Procedure, that as regards the value and nature of the appeal, it fulfils the requirements of Section 596 or is otherwise a fit one for appeal to Her Majesty in Council.

17*th August* 1894, MADRAS. } (Signed) V. Bashiam Ayyengar, (,,) V. C. Desikachari, (,,) Rungaramanuja Charri,

Vakils for Petitioner.

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PART II.

In the High Court of Judicature at Madras.

No. 184. Order dated 23rd October 1894, certifying that the Decree in A. S. No. 78 of 1891 fulfils the requirements of Sec. 596 of Act XIV of 1882.

No. 184.

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

Tuesday, the twenty-third day of October,

One thousand eight hundred and ninety-four.

PRESENT:—

THE HONORABLE JUSTICE SIR T. MUTHUSAMY AIYAR, K. C. I. E.

THE HONORABLE MR. JUSTICE SHEPHARD.

Civil Miscellaneous Petition No. 1068 *of* 1894.

Sundaralingasami Kamaya Naik, minor by his mother and guardian Nagammal. } *Petitioner (Respondent in Appeal No.* 78 *of* 1891).

versus

Ramasami Kamaya Naik, minor by his guardian Nagayasami Naik and through the Collector of Madura and Agent of the Court of Wards. } *Counter-Petitioner (Appellant in Appeal No.* 78 *of* 1891).

Read Petition under Section 598 of Act XIV of 1882 praying for the grant of a certificate to enable the Petitioner to appeal to Her Majesty in Council against the decree of this Court in Appeal No. 78 of 1891.

Order :—This Petition coming on for hearing: Upon perusing the petition and the grounds of Appeal to Her Majesty in Council, and upon hearing the arguments of Mr. V. C. Desikachariar and Mr. Ranga Ramanuja Chariar, Vakils for the Petitioner; and of the Advocate-General for the Counter-Petitioner; it is hereby certified that as regards the value of the subject-matter and the nature of the questions involved, the case fulfils the requirements of Section 596 of Act XIV of 1882.

By the Court.

(Signed) A. T. FORBES,

Deputy Registrar,

Appellate Side.

Deputy Registrar.

RECORD.

PART II.

In the High Court of Madras.

No. 185. Civil Miscellaneous Petition No. 1201 of 1894 dated 23rd October 1894 praying that the Appeals against the decrees in A. S. Nos. 78 and 95 of 1891 may be consolidated together &c.

No. 185.

MEMORANDUM OF CIVIL MISCELLANEOUS PETITION.

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

Appeal Nos. 78 *and* 95 *of* 1891.

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

C. M. P. No. 1201 *of* 1894.

Sundaralingasami Kamaya Naik, minor by his mother and guardian Nagammal. } *Appt. in Appl.* 95 *& Respt. in Appl.* 78. } *Petr.*

versus

Ramasami Kamaya Naik, minor under the protection and guardianship of Nagayasami Naik and through the Collector of Madura and Agent to the Court of Wards. } *Respondent in Appeal* 95 *and Appellant in Appeal* 78. } *Ctr. Petr.*

The petitioner begs to state as follows :—

1. That he was Appellant in Appeal No. 95 of 1891 and Respondent in Appeal No. 78 of 1891 on the file of this Honorable Court.

2. That both the said appeals arose from the same decree in Original Suit No. 21 of 1889 on the file of the Subordinate Judge of Madura (West).

3. That the said Appeal No. 95 of 1891 was dismissed while in the said Appeal No. 78 of 1891 the decree of the Lower Court was modified.

4. That petitioner has applied and obtained leave to appeal to her Majesty's Privy Council in both the appeals.

5. That there is but one record for both the Appeals and they are closely connected with each other.

6. That the parties are the same in both the appeals.

7. The petitioner therefore humbly prays that this Honorable Court will be graciously pleased to consolidate the two appeals together and permit petitioner to pay one deposit for the costs of the Respondent and for printing, transcribing, &c.

23—10—94.

(Signed) V. C. DESIKA CHARI,

Vakil for Petitioner.

RECORD.

PART II.

In the High Court of Madras.

No. 186. Order dated 30th November 1894 consolidating the two Appeals Nos. 78 and 95 of 1891 and permitting to pay one deposit for printing and other charges.

No. 186.

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

Friday, the thirteenth day of November,

One thousand eight hundred and ninety-four.

PRESENT:—

THE HONORABLE JUSTICE SIR T. MUTHUSAMI AIYAR, K. C. I. E.

Civil Miscellaneous Petition No. 1201 *of* 1894.

Sundaralingasami Kamaya Naik, minor by his mother and guardian Nagammal. } *Petitioner (Appellant in Appeal No.* 95 *of* 1891 *and Respondent in Appeal No.* 78 *of* 1891 *on the file of this Court).*

versus

Ramasami Kamaya Naik, minor under the protection and guardianship of Nagayasami Naik and through the Collector of Madura and Agent to the Court of Wards. } *Counter-Petitioner (Respondent in Appeal No.* 95 *of* 1891 *and Appellant in Appeal No.* 78 *of* 1891 *on the file of this Court.)*

Application praying that, in the circumstances stated therein, the High Court will be pleased to consolidate the appeals to Her Majesty in Council preferred against the decrees of this Court in Appeal Suits Nos. 78 and 95 of 1891 and to permit the petitioner to pay the deposit for Respondent's costs and for printing and other charges in the said appeal.

This application coming on for orders, upon perusing the application and upon hearing the arguments of Mr. C. V. Desikacharry, Vakil for the Petitioner, and the Advocate-General for the Counter-Petitioner; it is ordered that the Petitioner be permitted to pay on deposit for Respondent's costs and for printing and other charges in the appeals preferred to Her Majesty in Council against the decrees of this Court in Appeals Nos. 78 and 95 of 1891.

By the Court.

(Signed) A. T. FORBES,

Deputy Registrar,

Appellate Side.

Deputy Registrar.

RECORD.

PART II.

In the High Court of Madras.

No. 187. Deputy Registrar's Certificate, dated 4th December 1894 certifying that the required amounts have been deposited in Court for the costs of Respondent and other expenses.

No. 187.

Appeal Nos. 78 *and* 95 *of* 1891.

In the appeal of

Sundaralingasami Kamaya Naik, minor by his mother and guardian Nagammal.

versus

Ramasami Kamaya Naik, minor by his guardian Nagayasami Naik and through the Collector of Madura, the Agent of the Court of Wards.

Certificate:—

I certify that Mr. V. C. Desikachariar has deposited in the office of the Registrar of the High Court, the sum of Rupees four thousand as security for the costs of the Respondent in the appeal sought to be preferred to Her Majesty in Council against the decree of the High Court in Appeal Nos. 78 and 95 of 1891 and a further sum of Rupees five hundred to defray the expenses of translating, transcribing, indexing and transmitting to Her Majesty in Council a correct copy of the whole record of the said appeals.

4th December 1894.

(Signed) A. F. FORBES,

Deputy Registrar,

Appellate Side.

RECORD.

PART II.

In the High Court of Madras.

No. 188. Civil Miscellaneous Petition No. 1433, dated 10th December 1891, praying to declare the appeal admitted give notice to Respondent.

No. 188.

MEMORANDUM OF CIVIL MISCELLANEOUS PETITION.

Under Section 603 of C. P. C.

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

C. M. P. No. 1201 *of* 1894 *in Appeal Nos.* 78 *and* 95 *of* 1891.

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

C. *M. P. No.* 1433 *of* 1894.

Sundaralingasami Kamaya Naik, minor by his mother and guardian Nagammal. } *Appellant to the Privy Council.* *Petr.*

versus

Ramasami Kamaya Naik, minor by his guardian Nagayasami Naik and through the Collector of Madura, the Agent of the Court of Wards. } *Respondent before the Privy Council.* *Ctr.* *Petr.*

The petitioner aforesaid begs to state as follows:—

That the petitioner has preferred appeals to Her Majesty in Council against the decree of this Honorable Court in Appeal Nos. 78 and 95 of 1891.

That this Honorable Court directed the said two appeals to be consolidated into one appeal (*Vide C. M. P. No.* 1201 *of* 1894).

That the petitioner has duly deposited in the office of the Registrar of this Honorable Court a sum of Rs. 4,000 as security for the costs of the Respondent and a further sum of Rs 500 to defray the expenses of translating, transcribing, indexing and transmitting to Her Majesty in Council a correct copy of the whole record.

That the Deputy Registrar of the Appellate Side of the High Court has granted a certificate for the same.

The petitioner therefore prays that this Honorable Court may be pleased to declare the appeal admitted, give notice thereof to the Respondent, and transmit to Her Majesty in Council under the seal of this Honorable Court a correct copy of the said record.

10*th December* 1894, MADRAS. } (Signed) Ranga Ramanuja Chariar.

(Signed) V. C. DESIKA CHARIAR,
Vakil for Petitioner.

Deputy Registrar.

RECORD.

PART II.

In the Subordinate Court of Madura (West).

No. 189. Order on Civil Miscellaneous Petition No. 1433 of 1894 declaring the Appeals to Her Majesty in Council admitted, &c.

No. 189.

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

Wednesday, the first day of May,

One thousand eight hundred and ninety-five.

PRESENT:—

THE HONORABLE MR. Justice SHEPHARD.

THE HONORABLE MR. JUSTICE BEST.

C. M. P. No. 1433 *of* 1894.

Sundaralingasami Kamaya Naik, minor by his mother and guardian Nagammal. ... ... } *Petitioner (Appellant in Appeals Nos.* 78 *and* 95 *of* 1891 *on the file of this Court.)*

Application stating that, in accordance with the provisions of Section 602 of Act XIV of 1882, the Petitioner has deposited a sum of Rs. 4,000 as security for the costs of the Respondent in the appeal sought to be preferred by the Petitioner to Her Majesty in Council against the decrees of this Court in Appeals Nos. 78 and 95 of 1891, dated 2nd March 1894, and that he has also deposited a further sum of Rs. 500 to defray the expenses of preparing a copy of the record of the said appeal for transmission to Her Majesty in Council, and praying that, under Section 603 of Act XIV of 1882, the High Court will be pleased to declare his appeal to Her Majesty in Council admitted, give notice thereof to the Respondent and transmit to Her Majesty in Council, under the seal of the Court, a correct copy of the said record.

This application coming on for orders: Upon hearing the arguments of Messrs. V. C. Desikachariar and T. Ranga Ramanujachariar, Vakils for the Petitioner, and it appearing from the certificate of the Deputy Registrar of this Court, dated 4th December 1894, that the Petitioner has fulfilled the requirements of Section 602 of Act XIV of 1882 in regard to giving security for the costs of the Respondent and making deposit of the amount required to defray the expenses of preparing a copy of the records for transmission to Her Majesty in Council; this Court doth hereby declare that the appeal of the Petitioner to Her Majesty in Council against the decrees of this Court in Appeals Nos. 78 and 95 of 1891 is admitted, and that this Court doth further order that notice thereof be sent to the Respondent and that a correct copy of the record of the said appeal be transmitted to Her Majesty in Council under the seal of this Court.

By the Court.

(Signed) A. T. FORBES,
Deputy Registrar,
Appellate Side.

A. 78—119

RECORD.

PART III.

In the Subordinate Court of Madura (West).

PART III.

IN THE PRIVY COUNCIL.

No. 190. Grounds of Appeal against the decree in Appeal Suit No. 78 of 1891.

No. 190.

Grounds of Appeal against the Decree in A. S. No. 78 of 1891.

1. The Pannai lands in which a half share was decreed to the Plaintiff by the Subordinate Judge having been acquired by the father of the parties to the suit and the same not having been incorporated with the Estate by him, Plaintiff was entitled to his ⅓ share therein on the death of his father and to a moiety thereof on the death of the junior Nagayasami Kamaya Naik, the deceased elder brother of the Defendant.

No. 191. Grounds of Appeal against the decree in Appeal Suit No. 95 of 1891.

No. 191.

Grounds of Appeal against the Decree in A. S. No. 95 of 1891.

1. It having been found both by this Honorable Court, and by the Subordinate Judge that the Plaintiff's mother was legally married to the father of the parties to the suit and that there was no special custom or usage prohibiting such marriages, it ought to have been held that the Defendant has no right to succeed to the Zemindari of Saptur and its appurtenances in preference to his elder brother, *i. e.*, the Petitioner.

2. It having been found that the caste of Plaintiff's mother is Kolla Kambala and that of the Zemindar and of Defendant's mother Thottiya Kambala and that they are sub-divisions of Kambala, which itself is one of the numerous sub-divisions of the Sudra caste, it ought to have held that such difference cannot create a right in the Defendant entitling him to supersede the Petitioner who is senior in age.

3. The evidence on record is altogether insufficient to establish the special custom set up by the Defendant that amongst the Kambalas succession to an impartible Zemindari is regulated by priority of mother's marriage and not by priority of birth amongst sons of different wives.

4. The custom alleged is not only not established, but has been disproved by an instance of succession in the Zemindari of Saptur itself.

5. It ought to have been held that the Plaintiff is entitled to claim a half share not only in the properties acquired by his father, but also in those acquired by his predecessors and not incorporated with the Zemindari nor treated as appurtenant thereto.

Deputy Registrar,
Appellate Side.

Deputy Registrar.

...a the Privy Council.

...N APPEAL FROM THE HIGH COURT OF JUDICATURE AT MADRAS.

BETWEEN:—

SUNDARALINGASAWMI KAMAYA NAIK, minor by his mother and next friend Nagammal ... ... *Appellant.*

versus

RAMASAMI KAMAYA NAIK, minor under the protection and guardianship of Nagayasami Naik and through the Collector of Madura and Agent of the Court of Wards ... ... *Respondent.*

RECORD OF PROCEEDINGS.

In the Privy Council.

IN APPEAL FROM THE HIGH COURT OF JUDICATURE AT MADRAS.

27 MAY 97

BETWEEN

SUNDARALINGASAWMI KAMAYA NAIK, minor by his mother and next friend Nagammal ... ... *Appellant.*

versus

RAMASAMI KAMAYA NAIK, minor under the protection and guardianship of Nagayasawmi Naik and through the Collector of Madura and Agent of the Court of Wards ... *Respondent.*

SUPPLEMENTAL RECORD OF PROCEEDINGS.

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2	KK	Deposition of Nagammal, widow of the Zemindar of Saptur given before the Tahsildar of Tirumangalam. (*Translated from Tamil.*)	24th October 1895 ...	11
3	RRR	Petition of Nagammal, one of the widows of the Zemindar of Saptur to the Court of Wards, Madras	22nd February 1888...	12

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21	XXI	Cash chitta showing the cash receipt and expenditure for the Saptur palace. (*Translated from Tamil.*)	From 1st to 3rd September 1881 ...	24 to 39
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26	Deposition of Defendant's 65th witness Muthukrishnammal examined as 2nd witness before the Commissioners. (*Translated from Tamil.*)...	4th and 5th August 1890	48 to 53
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HIGH COURT OF JUDICATURE AT MADRAS,
20th April 1897.

Deputy Registrar,
Appellate Side.

In the Privy Council.

IN APPEAL FROM THE HIGH COURT OF JUDICATURE AT MADRAS.

BETWEEN

SUNDARALINGASAWMI KAMAYA NAIK, minor by his mother and next friend Nagammal ... ... *Appellant.*

versus

RAMASAMI KAMAYA NAIK, minor under the protection and guardianship of Nagayasawmi Naik and through the Collector of Madura and Agent of the Court of Wards ... *Respondent.*

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

In Appeal Suit No. 78 of 1891.

RAMASWAMI KAMAYA NAIK, minor under the protection and guardianship of Nagayasawmi Naik and through the Collector of Madura and Agent to the Court of Wards ... *Appellant.*

versus

SUNDARALINGASAWMI KAMAYA NAIK, minor by his mother and next friend Nagammal ... ... *Respondent.*

In Appeal Suit No. 95 of 1891.

SUNDARALINGASAMI KAMAYA NAIK, minor by his mother and next friend Nagammal ... ... *Appellant.*

versus

RAMASAWMI KAMAYA NAIK, minor under the protection and guardianship of Nagayasawmi Naik and through the Collector of Madura and Agent to the Court of Wards ... *Respondent.*

IN THE SUBORDINATE JUDGE'S COURT OF MADURA (WEST).

In Original Suit No. 21 of 1889.

SUNDARALINGASAWMI KAMAYA NAIK, minor by his mother and next friend Nagammal ... ... *Plaintiff.*

versus

RAMASAWMI KAMAYA NAIK, minor under the protection and guardianship of Nagasawmi Naik and through the Collector of Madura and Agent to the Court of Wards ... *Defendant.*

Deputy Registrar.

SUPPLEMENTAL RECORD OF PROCEEDINGS.

SUPPLEMENTAL RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 1. Arzi submitted by the Deputy Collector to the Collector of Madura 26th November 1885.

PART I.

IN THE SUBORDINATE COURT OF MADURA, WEST.

No. 1.

Plaintiff's Exhibit S.

No. 650.

Madura.

26th November 1885.

10 To

THE COLLECTOR OF MADURA.

Sir,

In continuation of my letter No. 593, dated 14th ultimo, I have the honor to report as follows:—

2. Nagayasami Kamaya Naiker, Zemindar of Saptur, expired on the 14th October 1885, at the age of 36.

3. He has left 4 widows—(1) Muthuvirammal, (2) Muthukrishnammal, (3) Muthuchinnammal and (4) Chinna Nagammal, who were married according to the usual marital rites.

20 4. Muthuviranmal, the first widow, has two sons, 1. Nagayasami Kamaya Naik and Ramasami Kamaya Naik. The first was born on the 24th Avani of the Bhava Samvatsaram, Hindu year, corresponding with 6th July 1874, and is now 11 years and 6 months old. The latter is now about 4 years of age. It is the first named boy who will succeed to the Zemindari.

5. Muthuchinnammal, the third widow, has a daughter named Nagammal, 2 years old.

6. Muthukrishnammal and Chinna Nagammal, the 2nd and 4th widows, have no issue.

7. The late Zemindar has left also two other widows named Muthukamakshi Ammal and Nagammal. He married them according to the "Jamuthadu" or "Kattari" (both meaning dagger) form of marriage It appears that, during the performance of such marriage, it is not the practice for the bridegroom to put himself in evidence and, to represent him, he usually despatches a dagger to answer his presence and the bride is married to such dagger with the ceremony. Such form of marriage is said to be contracted when the bride is of inferior caste to that of bridegroom. These two widows are admittedly of inferior caste to that to which the late Zemindar belongs, *viz.*, Thottiyas. And among Thottiyas "Jamuthadu" or "Kattari" form of marriage prevails.

8. Of these two widows, Nagammal has a son named Sundram, 5 years old, while the other widow, Muthukamakshiammal, has no issue.

9. By whatever ritual these two women might have been married to the late Zemindar, there seems to be scarcely difficulty to determine whether they are entitled to maintenance. They have been and are still living in separate quarters specially provided for them by the late Zemindar, adjacent to the main building in which the Zemindar himself was living, and it is situated substantially within the precincts of the Zemindar's residence. Even concubines, when the connection is of a permanent nature, are entitled to maintenance, although the connection with them is an adulterous one. (See J. D. Mayne's Treatise on Hindu Law and Usage, page 417.) The status of a concubine is an extreme case. But the case in point possesses considerable relieving features in that, "Jamuthadu" or "Kattari" form of marriage is a recognised form of marriage among Thottiyas, the caste to which the late Zemindar belongs. If a distinctive difference has to be made between the first mentioned 4 widows and these two widows, a very slight reduction may, perhaps, be made in the measure of maintenance to be granted to the latter.

10. The late Zemindar has left also 5 illegitimate sons by 2 concubines named Sadayammai and Pachiammal. The first predeceased the Zemindar, leaving 3 sons by him, all of whom are living. The eldest, Sankaralingam is 9 years old, the 2nd Ramasami, 5 years and the 3rd, 9 months. The other concubine has two sons, one, Ramasami, 7 years old, and the other, Sankaralingam, 4 years.

11. These 5 illegitimate sons of the late Zemindar appear to me to be also entitled to be maintained at the expense of his Estate till at least they attain sufficient age to be able to shift for themselves. The Hindu Law supports such a view. It lays down that illegitimate sons, when not entitled as heirs, should be granted maintenance by the head of the family (see J. D. Mayne's Treatise on Hindu Law and usage, page 416).

12. Besides the widows and concubines mentioned, 5 women whose names are noted in the margin, have applied to be granted an allowance, on the alleged ground that they were the late Zemindar's concubines. The women Nos. 1, 3 and 4 have no issue, while No. 2 has a daughter and No. 5, 2 sons.

1. K. Ramayi.
2. Muthumari.
3. Pethammal.
4. Ramayi.
5. Lakshmi.

Deputy Registrar.

13. Muthuvirammal, mother of the Zemindar's heirs, and another were examined in regard to the application for allowance by the 5 women referred to in the preceding para—Muthuvirammal stated she knew K. Ramayi only to whom the late Zemindar was doling out 4 Rupees per mensem. The other person examined stated that the Zemindar used to bestow on K. Ramayi and Lakshmi a daily ration of $\frac{5}{8}$ measure of rice and 8 pies in cash, and that the remaining women had not even this granted them. Muthumari and Ramayi have admitted that they obtained a divorce from their respective husbands and thereafter became the late Zemindar's concubines.

14. There is nothing to show that these 5 women were the permanent mistresses of the late Zemindar. It being so, I think the women had better be left to establish their claims, if any, on the Zemindar's Estate, in the regular Courts. These women belong to the Parivara caste, in which re-marriage is permitted, so that, if they choose, they may abate the status of widowhood and be better off than be living on a pittance possibly.

Part II.

15. Statement No. 1 sets out in a brief compass the property of the late Zemindar found on his death.

16. Statement No. II deals also with the said property, but in expanded detail. One copy of this statement has been given to Muthuvirammal, mother of the Zemindar's heirs, for her to keep, and another copy filed in the Taluq record. Receipt has been obtained from the former for the statement given in her charge.

17. At the demise of the Zemindar, his treasury was found to contain only Rupees 148-0-11: a further sum of Rupees 310-4-0 was found in his house: aggregating to Rupees 458-4-11.

18. In the shape of Government securities the late Zemindar left notes worth Rupees 35,500 of the $4\frac{1}{2}$ per cents and notes worth Rupees 30,000 of the 4 per cents, aggregating to Rupees 65,500 principal value.

Statement No. III.

19. The jewellery, gold and silver plate found are to the value of Rupees 29,137, as locally estimated in Saptur.

20. A few jewels and some silver plate to the approximate value of Rupees 3,772 are lent to the Zemindar's widows for their own and the Zemindar's heirs' personal use. Formal receipts have been obtained from each of the widows for the property delivered in their charge. Statement marked (IV) shows the property thus lent.

21. All the rest of the valuables after having been carefully catalogued have been locked up in boxes and sealed and are safely stored away in a strong room at Saptur which the late Zemindar used as his treasury. The Police guard the room.

SUPPLEMENTAL RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 1. Arzi submitted by the Deputy Collector to the Collector of Madura 26th November 1885.

22. In the granaries at Saptur and at Kodikkulam were found 1,213* kotas of paddy.†

* Saptur ... 479
Kodikulam... 734
1213

† The paddy in the respective granaries are guarded by a complement of Police.

23. A portion of the paddy worth Rupees 2,000 together with 20 kotas of paddy was devoted to meet the funeral expenses of the Zemindar. The Collector, on application, sanctioned the expenditure.

24. Furniture, brass and copper vessels to the estimated value of Rupees 1,258 were entered in a list* and all have been placed in the charge of the inmates of the Zemindar's residence. They have been so made over as, without them, the inmates would be put to inconvenience and discomfort.

* Statement marked No. VI.

25. The late Zemindar has left a large quantity of weapons, fire-arms and ammunition including some superior rifles and guns. Statement marked VII shows particulars of these. I believe the superior breach loading rifles and guns may be retained without being sold as it is not likely they would fetch at least fair price in the market.† Some muzzle loading rifles and guns need to be retained to scare away wild beasts from injuring the crops.‡ There are a few lances and swords emblematic of tradition, state, pompous circumstances which may well be preserved. The remaining arms may be sold off without detriment.

† Shooting being manly sport, the Zemindar's heirs will doubtless have to be initiated in it as part of their liberal education. These superior weapons may be utilized for the purpose without incurring fresh expense to buy others.

‡ As a good deal of forest is included within the Zemindari.

26. I may be permitted to remark here that a quantity of arms and ammunition, enough probably to wage a desultory war on a miniature scale, was found in the possession of the late Zemindar. It strikes that some fair limits ought to be assigned for the possession of arms and ammunition by Zemindars. Any quantity of both for absolute necessity, pleasure and recreation may well be permitted, and it is desirable to do so. But anything exceeding such limits seems to render illegal and dangerous practices possible, should the possessor of a large quantity of arms in a foolish moment take it into his head to defy law and order. It cannot be safely affirmed that the temptation to use the arms will be always resisted so long as a large quantity of them is available ready at hand, and so long as the possessors thereof cannot, in the nature of things, realize how it will end to measure strength with the Ruling Power.§

§ The remedy lies, I think, in the Zemindars being called upon to furnish quarterly statement authenticated by them, of all arms they possess, in making it obligatory on them to inform the constituted authorities of what ever arms are desired to be imported and in the constituted authorities granting or refusing permission as the case may be to import or possess more arms with reference to the stand of arms the Zemindars may have already.

27. The late Zemindar's clothing have been valued at Rs. 2,916; among these are a few brand-new cloths said to have been specially purchased by the

Deputy Registrar.

late Zemindar for use during the ceremony of piercing holes for ear-rings in the ears of his two heirs. Their mother desires that these new cloths may be retained for the purpose intended. The request is reasonable and may be granted.

SUPPLEMENTAL RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 1. Arzi submitted by the Deputy Collector to the Collector of Madura 26th November 1885.

28. The old and used up clothing may be either put up to auction or given over to the Zemindar's widows. In the former case, the sale proceeds must be inconsiderable. Some of the valuable clothing may be made over for the use of the Zemindar's heirs.

29. The time-keepers, among which is a valuable gold one, may all be retained for the use of the Zemindar's heirs. Fresh expenses on this item may thus be avoided.

30. There are a lot of musical instruments after the native character. It would seem they are regarded as very valuable and rare, and were ordered at much cost by the late Zemindar. I think it would be a pity to filter them away at an auction sale, which, if they are retained, barring the locally replaceable parts of the instruments, they could, as a whole, be adjusted and marked at anytime.

31. The palanquins may be retained for use. The fact is that at Saptur and around there are no roads at all, and palanquins form the easiest and most speedy method of travel. The best among the bullock coaches and one or two good pairs of bullocks for the same together with a cart for luggage may be retained for the immediate use of the Zemindar's heirs and his family. The rest may be sold.

32. There are but two horses belonging to the Zemindar, one, a very old jade and the other, a pony. One other pony is said to have been lent to the Zemindar of Kollankondan, Tinnevelly District, who has been requested to return it. These may be sold off.

33. All the harness and saddlery may be sold away—as none are in order and have no pretensions to be considered even respectable.

34. The entire cattle, sheep, pigs and poultry may be sold off except a mere handful for the domestic dairy. The Zemindari possesses extensive pasture land and the cost of maintaining these few heads of cattle must be nominal.

35. The late Zemindar accumulated a quantity of building materials for making an addition to his residence. The foundations in greater part have been laid. If the additional structure is to be built, the materials may be retained and utilized; but, if not, they may be sold. Instructions on the point are awaited.

36. With respect to the remaining miscellaneous things, I beg to refer to the remarks in statement marked II.

37. In the present connexion, I went to Saptur and arrived there a few days previous to the demise of the Zemindar. I was ordered to go thither in

anticipation as the Zemindar was reported to be in critical condition. I visited the Zemindar who seemed confident of his recovery. I reported the circumstances to the Collector who ordered my return to head-quarters. While at Kallupatti on my return, I received news of the death of the Zemindar on the 14th ultimo. I hastened back to Saptur which I reached the same day in the forenoon. The melancholy bustle over, we set about attending to the foregoing.

Part III.

38. The Saptur Zemindari is a permanently settled Estate, and comprises 17 villages. The total area is 78,664 acres, and the population according to the last Census numbers 16,361 souls. Formerly, this Zemindari was included in the Tinnevelly District and was transferred to the Madura District in the year 1860.

39. The Zemindari has not been surveyed nor demarcated. The present opportunity may be availed of with advantage to carry these out as it may be calculated the Zemindari will remain under the Court of Wards for about 9 years which is sufficient time for the purpose.

40. Statement No. VIII shows the *ayacut* puttah holdings and cultivation of the villages forming the Zemindari. The exact beriz is not forthcoming, because it appears that no abstracts of accounts or Jamabandi accounts were prepared for many years past.

41. The late Zemindar owned lands measuring 3,381 acres of punjah and 381 acres of nunjah which he cultivated under his own immediate directions. The fields have, this year, been leased to the ryots. The head of cattle maintained by the late Zemindar to cultivate these lands and for manuring purposes have been suggested to be sold, in para. 34 of this report. It is, I think, only economy and rendering it manageable to do so.

42. Besides the lands mentioned in the preceding para, the Zemindar maintained 18 topes or gardens, aggregating 378 acres in extent. The trees in them number about 23,000, the chief varieties being cocoanut, mango, illupai, jack, sandalwood and palmyra. About 10,000 are young plants of the age of about 5 years and under.

43. The annual income from these topes or gardens is estimated at Rs. 1,200.

44. The late Zemindar maintained an establishment of 63 persons at a cost of Rs. 242 per mensem to attend to the topes. It being now the rainy season, the topes do not require much looking after. And, accordingly, the establishment has been reduced to 26 persons at a monthly cost of Rs. 104. With the advent of the hot season an additional temporary establishment may be employed and the season tided over.

Deputy Registrar.

45. The late Zemindar has lands also in Government villages—Vandari, Vattrap, Perakottalai, Inam Mullapuram and Sengulam villages aggregating to 299 acres in extent assessed at Rupees 612-4-8.

Statement No. X.

46. The Zemindari contains lofty hills clothed with extensive, valuable forests. It appears that the late Zemindar from a spirit of enterprise proposed to raise cardamoms on these hills, the soil being well adapted for the crops. Prompted by the same laudable spirit he opened out a small coffee Estate of about 14 acres 3 years ago. A maistry on Rs. 7 pay manages the coffee Estate.

47. I think this small coffee Estate ought to be efficiently kept up in order to judge if the industry will pay from a commercial point of view. The fact undoubtedly is that coffee cultivation, notwithstanding cheap labour available in India, has been found to yield but a very small margin of profit. From some experience on the subject I suspect that when a coffee Estate is opened, a good deal of capital is often fettered away in what is called scientific method of cultivation which is alleged to enrich the capitalist all at once. Pruning and handling the plants repeatedly over and over again, not to speak of the unmeaning practice of tapping when not even one-fourth of the normal height has been attained, literally famishes the plants. So that, if, at all, there is a bumper crop with which in 7 cases out of 10 the capitalist is not rewarded. It is owing either to mere accident or to some unknown cause which has yet to be discovered and commanded. I have personal cognizance of the circumstance that coffee allowed to grow in the plains in good rich soil consisting of leaf mould in the Malabar Coast with scant attention, yields a more constant and proportionately satisfactory crop than the fitful crop of the Estate situated on a high elevation which have cost probably a thousand times more than the former. While the owners of little plots of coffee raised with little pretensions to scientific methods of cultivation on the plains do obtain their supply regularly without resorting to buying. I have found many gentlemen who have expended lakhs upon lakhs of Rupees upon coffee Estates ultimately go chagrined to the bazaar for their domestic supply of the same. It would not, I think, be an impossibility to determine a profitable method of cultivating coffee on a large scale in India. The methods which have hitherto obtained in India whatever their merit in other latitude has been found to be a failure here, and, perhaps, the little coffee Estate which the late Zemindar of Saptur opened for the sake of experiments, which he managed also in crude self-taught way may, perhaps, if kept up as suggested, afford useful deductions.

48. The late Zemindar was a keen and enthusiastic sportsman and, accordingly, he maintained 2 large shooting preserves—one, near Saptur and the other, near Kodikkulam. The jungles have been very well conserved affording shelter to game of all kinds. Many streams are reported to have their source within this area. It would, I think, be a pity to interfere with this forest as to safeguard it during the minority of the late Zemindar's heirs must be nominal. If safeguarded, valuable timber in the forest will have sufficient time to grow to maturity to be felled with profit when the minority has ceased. Arrangements

SUPPLEMENTAL RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 1. Arzi submitted by the Deputy Collector to the Collector of Madura 26th November 1885.

have been made prohibiting entry into the forests or shooting within its limits without permission obtained beforehand on penalty.

49. The late Zemindar maintained an establishment in connexion with forests in the Zemindari, at a cost of Rupees 211-14-0 per month and also fed and clothed gangs of hillmen about 146 in number in return for an adequate collectoin and delivery of various forest produce, the rate of remuneration being $\frac{5}{8}$ measure of ragi and 2 pies for an adult person and $\frac{5}{16}$ measure of ragi and one pie for a youngster.

50. The forest in the Zemindari, including forests in the fullest sense of the word, and fruit and other trees standing in the lands which the late Zemindar tilled under his own supervision and in arable and uncultivable waste land, may, I think, be transferred to the management of the Government Forest Department with advantage. Till such transfer, an establishment of 30 persons costing Rupees 105-14-0 per mensem will need to be kept up. The hill men too are receiving their doles as usual, for their labour, pending further orders.

51. These hillmen are a destitute lot, and it earnestly is to be hoped that their services will be utilized, and that they will not be left to shift for themselves, as thereby they must dwindle away. To replace such powerful men inured to the hardships of the jungles by men from the plains cannot prove a success.

Part IV.

52. There is not much of account which has turned up showing definitely the yearly income from various sources of the Zemindari. The annual gross income as estimated on fairly good data may be taken to be between 58,000 and 60,000 Rupees.

53. So far as at present known, the late Zemindar is indebted in two amounts Rupees 1,705-9-0 and Rupees 10,000 due to two persons Sawneli Chetti inhabitant of P. Thottiaputti village and to Narasimma Naik of Madura respectively. The first named creditor has put in a copy of the debt bond executed to him by the late Zemindar; he has also the original, interest being at 18 per cent per annum. As regards the claim of the latter creditor it is being examined, and will be reported on.

54. The outstanding debts in favor of the late Zemindar amount to Rupees 67,732. Of this, Rupees 55,505 is due by the Kannivadi Zemindar and on a suit against him for the debt of 5,505 Rupees in the Sub-Court, Madura, West, judgment and decree was passed in favor of the late Saptur Zemindar. Execution of the decree has not been taken out; which should be applied for. As regards the remaining 50,000 due by the same Zemindar, the matter calls for early action as it is reported he (Kannivadi Zemindar) is recklessly running into debt. The other debts due to Saptur Zemindar consists of small sums recoverable from a number of individuals. It appears that these dues were not debts arising from money lent, but from arrears of rent due to the late Zemindar, who got the debtors (who are tenants) to execute bonds for the amount of each one's debt.

Deputy Registrar.

SUPPLEMENTAL RECORD.

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55. Statment marked XIII sets out the suits and appeals both numbering 48 in which the late Zemindar is a party and which were pending in the Courts on the date of his demise. There is also the question of the Mattur village pending before the Collector of Tinnevelly. These will be caused to be taken up and dealt with when a manager is appointed.

Part V.

56. The late Zemindar had an establishment including domestic costing Rupees 892-7-0 per mensem. Since his demise, the cost has been reduced to Rupees 466-12-0 per month in a summary manner by dispensing with the services of unnecessary people—an establishment for managing the Estate under the orders of the Court of Wards is provided in the list herewith sent for approval. With further experience gained of reduction in the establishment, modifications will suggest themselves with a view to secure efficiency and economy from time to time which will be duly submitted for approval and sanction.

57. I beg to submit a draft list showing the rate of allowance which may be granted for the benefit of the wards, *i. e.*, the late Zemindar's heirs, and for the support of his widows for your approval. Statement marked XV sets out the said allowances which the Tirumangalam Tahsildar and I in consultation provisionally fixed in a summary way to meet the immediate necessities of the situation.

Part VI.

58. In the Zemindari are 3 Devastanams—Palayur, Kylasapuram and Mahalingaswami. Palayur village is annexed to the Devastanam of the same name. The income for Fusli 1294 was Rupees 1,458. Kylasapuram has an endowment of 214 acres of punjah land and assessed at Rupees 398. Mahalinga Devastanam has scarcely anything to fall back upon and depends on the income derived from the offerings of devotees. For Fusli 1294, Rupees 693 thus accrued and there was an unspent balance of Rupees 251 on the 1st of the current month. The late Zemindar appropriated whatever of this income remained unexpended.

59. Statement marked XVII sets out the financial condition of the said Devastanams.

60. The late Zemindar maintained a Dharmshala (chatram) with endowment consisting of Magamai collections at the rate of $1\frac{5}{8}$ measures per kota of gross outturn. For Fusli 1294, 67 and odd Kotas worth Rupees 400 thus accrued. The surplus after expenditure, the late Zemindar used to credit with his other receipts. No separate account of the chatram's expenses, &c., having been kept, it is not possible to supply details thereof. The doles of food the late Zemindar used to grant to travellers halting at the chatram, may, if thought fit, be resumed, perhaps, on a modified scale. Since the Zemindar's demise, they were ordered to be stopped.

61. I beg to forward herewith a list under Revenue Board's Standing Order No. 186, showing the subsequent Inams in the Zemindari. I shall submit a separate report regarding them.

SUPPLEMENTAL RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 3. Petition of Nagammal, one of the widows of the Zemindar of Saptur to the Court of Wards, Madras, 22nd February 1888.

No. 3.

Plaintiff's Exhibit RRR.

To

THE HONORABLE THE COURT OF WARDS OF MADRAS.

The humble petition of Nagammal, the 5th widow of the deceased Nagayasami Kamaya Naiker, Zemindar of Saptur, Madura District.

Most respectfully showeth :—

That your Honors' petitioner was married to the late Zemindar in the year 1875, and that she has a son Sundram by name who was born to her on the 19th June 1880. He is now eight years old and is studying in the Village School.

That after the death of the late Zemindar a provision was made to her and her son of Rs. 45×3 under your Honors' sanction, while the other widows including the senior lady have been provided with fifty Rupees per mensem in addition to minor allowances.

That the petitioner has repeatedly applied to the District Collector for an increase of allowance so far as her son is concerned, but without effect. Imagine your Honors the sum of Rupees three allowed to the son of a Zemindar and the legal heir of a proprietor whose income is fifty-thousand Rupees annually.

That your Honors may be pleased to consider that the allowance of the That as the senior minor the immediate heir to theZemindarihaving been deceased petitioner's son should be equal or a few more than that of the junior minor on the 30th December 1887, the succession should involve on the petitioner's son Ramasami Kamaya Naiker who is eighteen months younger (whose allowance who is eighteen months older than Ramasami Kamaya Naiker the brother of the is Rupees ten per mensem).
deceased

As your Honors' petitioner is the legal widow of the late Zemindar and as he has left behind him two minors at present, one of whom is the second son of the senior lady, Muthuvirammal, the petitioner most humbly begsthat your Honors will be graciously pleased to take the petitioner's son's case into consideration and render him justice to which he is legally entitled.

22*nd February* 1888.

(Signed) Nagammal.

Subordinate Judge's Court of Madura (West).

Original Suit No. 21 of 1889.

Produced on the 13th August 1890, by Plaintiff and filed on the 13th August 1890 as Exhibit RRR.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

Deputy Registrar.

SUPPLEMENTAL RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 4. Puttah granted to Iswaramurthi Maniyam by the Zemindar of Peraiyur for Fusli 1277, year 1868.

No. 4.

Defendant's Exhibit XIV.

No. 25, Ponnayapuram village.

Due by Iswaramurthi Maniyam Rs. 3-11-0.

No. 1. (Signed) Muthalagu Pillai,
Kurnam.

Ayan puttah No. 48.

Ayan puttah issued by M. R. Ry. Muthukumarasami Thumbichi Naiker, Peraiyur Yejaman, to Iswaramurthi Maniyam, cultivating tenant, in the village of Ponnayapuram attached to the said Zemin, is as follows :—

Description of the lands which you cultivated for Fusli 1277 is No. 51. Punjah land, 2nd sort, Gulis 1½, assessed at one pon and 6⅞ fanams equivalent to Rs. 3-9-3. Road-cess Re. 0-1—3. Total Rs. 3-11-0. This sum of Rupees three and annas eleven, you must pay into the hands of Nattamaigar of the village according to Kistbundi and should obtain receipt for the same. You are not to pay more than what is entered in the puttah.

Year 1868.

(Stamped) Muthukumarasami Thumbichi Naiker.

Subordinate Judge's Court of Madura (West).

Original Suit No. 21 of 1889.

Produced on the 6th August 1890, by Defendant's 12th witness and filed on the 6th August 1890 as Exhbit XIV.

Subordinate Judge.

No. 5.

No. 5. Puttah granted to Iswaramurthi Maniyam by the Zemindar of Peraiyur for Fusli 78 July, 1869.

Defendant's Exhibit XIV*a*.

No. 25, Ponnayapuram village.

Due by Iswaramurthi Maniyam Rs. 7-6-0.

(Signed) Kurnam Muthalagu Pillai.

Ayan puttah No. 46.

Ayan puttah issued by M. R. Ry. Muthukumarasami Thumbichi Naiker, the Peraiyur Yejaman, in the name of Iswaramurthi Maniyam, cultivating tenant, in the village of Ponnayapuram attached to the said Zemin, is as follows :—

SUPPLEMENTAL RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 5. Puttah granted to Iswaramurthi Maniyam by the Zemindar of Peraiyur for Fusli 78, July 1869. —*concluded.*

Description of the lands which you cultivated for Fusli 1278 :—No. 51. Punjah land, 2nd sort, measuring Gulis 3, assessed at Fanams 33¾ equivalent to Rs. 7-2-6. Road-cess Re. 0-3-7. Total Rs. 7-6-1. This sum of Rupees seven, annas six and pie one, you should pay into the hands of Nattamanigar of the village according to the Kistbundi and obtain receipt for the same. You are not to pay more than what is entered in the puttah.

July 1869.

(Stamped) Muthukumarasami Thumbichi Naiker.

Subordinate Judge's Court of Madura (West).
O. S. No. 21 of 1889.

Produced on 6th August 1890, by Defendant's 12th witness and filed on the 6th August 1890 as Exhibit XIV*a*.

Subordinate Judge.

No. 6.

Defendant's Exhibit XIV*b*.

No. 25, Ponnayapuram village.

Due by Iswaramurthi Maniyam Rs. 7-6-1.

(Signed) Kandasami Pillai,
Kurnam's Gumastah.

Ayan puttah No. 46.

No. 6. Puttah granted to Iswaramurthi Maniyam by the Zemindar of Peraiyur for Fusli 1279, year 1870.

Ayan puttah issued by M. R. Ry. Muthukumarasami Thumbichi Naiker, the Peraiyur Yejaman, in the name of Iswaramurthi Maniyam, cultivating tenant, in the village of Ponnayapuram attached to the said Zemin, is as follows :—

Description of the lands which you cultivated for Fusli 1279 is :—

No. 51. Punjah land, 2nd sort, Gulis 3-0-0, assessed at Fanams 33¾ equivalent to Rs. 7-2-6. Road-cess Re. 0-3-7. Total Rs. 7-6-1. This sum of Rupees seven, annas six and pie one, you must pay to the Natramaigar of the village according to the Kistbundi and obtain receipt for the same. You are not to pay more than what is entered in the puttah.

30th Vyasi of the year Pramothutha corresponding to the year 1870.

(Stamped) Muthukumarasami Thumbichi Naiker.

Subordinate Judge's Court of Madura (West).
O. S. No. 21 of 1889.

Produced on the 6th August 1890, by Defendant's 12th witness and filed on the 6th August 1890 as Exhibit XIV*b*.

Subordinate Judge.

Deputy Registrar.

SUPPLEMENTAL RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 7. Puttah granted to Iswaramurthi Maniyam by the Zemindar of Paraiyur for Fusli 1281, year 1272.

No. 7.

Defendant's Exhibit XIV*c*.

No. 25, Ponnayapuram village.
Due by Iswaramurthi Maniyam Rupees 7-7-11.

(Signed) Kurnam Muthalagu Pillai.

Ayan puttah No. 46.

Ayan puttah issued by M. R. Ry. Muthukumarasami Thumbichi Naiker, the Peraiyur Yejaman, in the name of Iswaramurthi Maniyam, cultivating tenant, in the village of Ponnayapuram attached to the said Zemin, is as follows:—

Description of the lands which you cultivated for Fusli 1281 is :—

No. 51. Punjah land, 2nd sort, Gulis 3—0—0, assessed at Fanams 33¾ equivalent to Rs. 7-2-6. Road-cess Re. 0-5-5. Total Rupees 7-7-11. This sum of Rupees seven, annas seven and pies eleven, you should pay into the hands of the Nattamaigar of the village according to the Kistbundi and obtain receipt for the same. You are not to pay more than what is entered in the puttah. Year 1872.

(Stamped) Muthukumarasami Thumbichi Naiker.

Subordinate Judge's Court of Madura (West).

Original Suit No. 21 of 1889.

Produced on the 6th August 1890 by Defendant's 12th witness and filed on the 6th August 1890 as Exhibit XIV*c*.

Subordinate Judge.

No. 8.

No. 8 Puttah granted to Iswaramurthi Maniyam by the Zemindar of Peraiyur for Fusli 1282.

Defendant's Exhibit XIV*d*.

No. 25, Ponnayapuram village.
Due by Iswaramurthi Maniyam Rs. 7-5-2.

(Signed) Kurnam Muthalagu Pillai.

Ayan puttah No. 46.

Ayan puttah issued by M. R. Ry. Muthukumarasami Thumbichi Naiker, the Zemindar of Peraiyur in the name of Iswaramurthi Maniyam, the cultivating tenant in the village of Ponnayapuram attached to the said Zemin.

Description of the lands which you cultivated in Fusli 1282 is :—

No. 51. Punjah land, 2nd sort, Gulis 3—0—0, assessed at Fanams 33¾ equivalent to Rs. 7-2-6. Road-cess Re. 0-2-8. Total Rs. 7-5-2. This

No. 8. Puttah granted to Iswaramurthi Maniyam by the Zemindar of Paraiyur for Fusli 1282. —*concluded.*

sum of Rupees seven, annas fine and pies two, you must pay into the hands of the Nattamaigar of the village, and obtain receipt for the same. You are not to pay more than what is entered in the puttah.

(Signed) Muthukumarasami Thumbichi Naiker.

Subordinate Judge's Court of Madura (West).

Original Suit No. 21 of 1889.

Produced on the 6th August 1890 by Defendant's 12th witness and filed on the 6th August 1890 as Exhibit XIV*d*.

Subordinate Judge.

No. 9.

Defendant's Exhibit XIV*e*.

No. 25. Ponnayapuram village.

Due by Iswaramurthi Maniyam Rs. 7–5–2.

(Signed) Kurnam Muthalagu Pillai.

Ayan puttah No. 46.

No. 9. Puttah granted to Iswaramurthi Maniyam by the Zemindar of Paraiyur 27th June 1874.

Ayan puttah issued by M. R. Ry. Muthukumarasami Thumbichi Naiker, the Zemindar of Peraiyur, in the name of Iswaramurthi Manigar, cultivating tenant, in the village of Ponnayapuram attached to the said Zemin.

Description of the punjah land which you cultivated in Fusli 1283 :—

No. 51. Punjah land, 2nd sort, Gulis 3—0—0 assessed at Fanams 33¾ equivalent to Rs. 7—2—6. Road-cess Re. 0–2–8. Total Rs. 7–5–2. This sum of Rupees seven, annas five and pies two, you shall pay into the hands of the Nattamaigar of the village according to the Kistbundi and obtain receipt for the same. You are not to pay more than what is entered in the puttah.

27*th June* 1874.

(Stamped) Muthukumarasami Thumbichi Naiker.

Subordinate Judge's Court of Madura (West).

Original Suit No. 21 of 1889.

Produced on the 6th August 1890 by Defendant's 12th witness and filed on the 6th August 1890 as Exhibit XIV*e*.

Subordinate Judge.

Deputy Registrar.

No. 10.

No. 10. Puttah granted to Iswaramurthi Maniyam by the Zemindar of Peraiyur for Fusli 1284.

Defendant's Exhibit XIV*f*.

No. 25. Ponnayapuram village.

Due by Iswaramurthi Maniyam Rs. 7–5–2.

(Signed) Kurnam Muthalagu Pillai.

Ayan puttah No. 45.

Ayan puttah issued by M. R. Ry. Muthukumarasami Thumbichi Naiker, Zemindar of Peraiyur, in the name of Iswaramurthi Maniyam, cultivating tenant, in the village of Ponnayapuram, attached to the said Zemin.

Description of the punjah land which you cultivated in Fusli 1284 :—

No. 51, Punjah land, 2nd sort, Gulis—0—0 assessed at 33¾ Fanams equivalent to Rs. 7–2–6. Road-cess Re. 0–2–8. Total Rs. 7–5–2. This sum of Rupees seven, annas five and pies two, you shall pay into the hands of the Nattamaigar of the village according to the instalment and obtain receipt for the same. You are not to pay more than what is entered in the puttah.

(Signed) Muthukumarasami Thumbichi Naiker.

Subordinate Judge's Court of Madura (West).

Original Suit No. 21 of 1889.

Produced on the 6th August 1890 by Defendant's 12th witness and filed on the 6th August 1890 as Exhibit XIV*f*.

Subordinate Judge.

No. 11.

No. 11. Puttah granted to Iswaramurthi Maniyam by the Zemindar of Peraiyur for Fusli 1285; year 1876.

Defendant's Exhibit XIV*g*.

No. 25. Ponnayapuram village.

In the name of Iswaramurthi Maniyam Rupees 7–5–2.

Ayan puttah No. 45.

Ayan puttah granted by M. R. Ry. Muthukumarasami Thumbichi Naiker Avergal, Zemindari of Peraiyur, to Iswaramurthi Maniyam, cultivating tenant, in the village of Ponnayapuram, attached to the said Zemin.

No. 11. Puttah granted to Iswaramurthi Maniyam by the Zemindar of Peraiyur for Fusli 1285. —*concluded.*

Description of the land which you cultivated in Fusli 1285 :—

No. 51, Punjah land, 2nd sort, Gulis 3 assessed at Fanams 33¾ equivalent to Rupees 7-2-6. Road-cess Re. 0-2-8. Total Rupees 7-5-2. This sum of Rupees seven, annas five and pies two, you should pay into the hands of the Nattamaigar of the village and obtain receipts for the same. You are not to pay more than what is entered in the puttah.

Year 1876.

(Signed) Muthukumarasami Thumbichi Naiker.

Subordinate Judge's Court of Madura (West).

Original Suit No. 21 of 1889.

Produced on the 6th August 1890 by Defendant's 12th witness and filed on the 6th August 1890 as Exhibit XIV*g*.

Subordinate Judge.

No. 12.

No. 12. Puttah granted to Iswaramurthi Maniyam by the Zemindar of Peraiyur for Fusli 1286.

Defendant's Exhibit XIV*h*.

No. 25. Ponnayapuram village.

Due by Iswaramurthi Maniyam Rupees 7-5-2.

(Signed) Kurnam Muthalagu Pillai.

Ayan puttah No. 45.

Ayan puttah granted by M. R. Ry. Muthukumarsami Thumbichi Naiker Avergal, Zemindar of Peraiyur, to Iswaramurthi Maniyam, cultivating tenant, in the village of Ponnayapuram attached to the said Zemin.

Description of land which you cultivated during the Fusli 1286 :—

No. 51, Punjah land, 2nd sort, Gulis 3 assessed at Fanams 33¾ equivalent to Rupees 7-2-6. Road-cess Re. 0-2-8. Total Rupees 7-5-2. This sum of Rupees seven, annas five and pies two, you should pay into the hands of the Nattamaigar of that village according to the Kist instalments and obtain receipts for the same. You are not to pay more than what is entered in the puttah.

Year 1877.

(Stamped) Muthukumarasami Thumbichi Naiker.

Subordinate Judge's Court of Madura (West).

Original Suit No. 21 of 1889.

Produced on the 6th August 1890 by Defendant's 12th witness and filed on the 6th August 1890 as Exhibit XIV*h*.

Subordinate Judge.

Deputy Registrar.

No. 13. Puttah granted to Iswaramurthi Maniyam by the Zemindar of Peraiyur for Fusli 1287.

No. 13.

Defendant's Exhibit XIV*i*.

No. 25. Ponnayapuram village.

Due by Iswaramurthi Maniyam Rupees 7—5—2.

(Signed) Muthalagu Pillai, Kurnam.

Ayan puttah No. 45.

Ayan puttah granted by M. R. Ry. Muthukumarasami Thumbichi Naiker Avergal, Zemindar of Peraiyur, to Iswaramurthi Maniyam, cultivating tenant, in the village of Ponnayapuram attached to the said Zemin.

Description of the land which you cultivated in Fusli 1287 :—

No. 51, Punjah land, 2nd sort, Gulis 3 assessed at Fanams 33¾ equivalent to Rupees 7—2—6. Road-cess Rupee 0—2—8. Total Rupees 7—5—2. This sum of Rupees seven, annas five and pies two, you should pay into the hands of Nattamaigar of the village and obtain receipt for the same. You are not to pay more than what is entered in the puttah.

Year 1878.

(Stamped) Muthukumarasami Thumbichi Naiker.

Subordinate Judge's Court of Madura (West.)

Original Suit No. 21 of 1889.

Produced on the 6th August 1890 by Defendant's 12th witness and filed on the 6th August 1890 as Exhibit XIV*i*.

Subordinate Judge.

No. 14.

No. 14. Puttah granted to Iswaramurthi Maniyam by the Zemindar of Peraiyur for Fusli 1288.

Defendant's Exhibit XIV*k*.

No. 25. Ponnayapuram village.

Due by Iswaramurthi Maniyam Rupees 7—5—2.

(Signed) Kurnam Muthalagu Pillai.

Ayan puttah No. 45.

Ayan puttah issued by M. R. Ry. Muthukumarasami Thumbichi Naiker, Zemindar of Peraiyur, in the name of Iswaramurthi Maniyam, cultivating tenant, in the village of Ponnayapuram attached to the said Zemin.

SUPPLEMENTAL RECORD.

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In the Subordinate Court of Madura (West.)

No. 14. Puttah granted to Iswaramurthi Maniyam by the Zemindar of Peraiyur for Fusli 1288. —*concluded.*

No. 15. Puttah granted to Iswaramurthi Maniyam by the Zemindar of Peraiyur for Fusli 1289.

Description of the land which you cultivated in Fusli 1288:—

No. 51, Punjah land, 2nd sort, Gulis 3 assessed at Fanams 33¾ equivalent to Rupees 7—2—6. Road-cess Rupee 0—2—8. Total Rupees 7—5—2. This sum of Rupees seven, annas five and pies two, you should pay into the hands of the Nattamaigar of the village according to the kist instalments and obtain receipts for the same. You are not to pay more than what is entered in the puttah.

June 1879.

(Stamped) Muthukumarasami Thumbichi Naiker.

Subordinate Judge's Court of Madura (West.)

Original Suit No. 21 of 1889.

Produced on the 6th August 1890 by Defendant's 12th witness and filed on the 6th August 1890 as Exhibit XIV*k*.

Subordinate Judge.

No. 15.

Defendant's Exhibit XIV*l*.

No. 25. Ponnayapuram village.

Due by Iswaramurthi Maniyam, Rs. 7—5—2.

(Signed) Kurnam, Muthalagu Pillai.

Ayan puttah No. 45.

Ayan puttah issued by M. R. Ry. Muthukumarasami Thumbichi Naiker Avergal, Zemindar of Peraiyur, in the name of Iswaramurthi Maniyam, cultivating tenant, in the village of Ponnayapuram attached to the said Zemin.

Description of the land which you cultivated in Fusli 1289:—

No. 51, Punjah land, 2nd sort, Gulis 3 assessed at Fanams 33¾ equivalent to Rs. 7-2-6. Road-cess Re. 0-2-8. Total Rs. 7-5-2. This sum of Rupees seven, annas five, and pies two, you should pay into the hands of the Nattamaigar of the village and obtain receipt for the same. You are not to pay more than what is entered in the puttah.

Year 1880.

(Stamped) Muthukumarasami Thumbichi Naiker.

Subordinate Judge's Court of Madura (West).

O. S. No. 21 of 1889.

Produced on the 6th August 1890, by Defendant's 12th witness and filed on the 6th August 1890 as Exhibit XIV*l*.

Subordinate Judge.

Deputy Registrar.

SUPPLEMENTAL RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 16. Puttah granted to Iswaramurthi Maniyam by the Zemindar of Peraiyur for Fusli 1290.

No. 16.

Defendant's Exhibit XIV*m*.

No. 25. Ponnayapuram village.

Due by Iswaramurthi Maniyam Rs. 7-5-2.

(Signed) Kurnam Muthalagu Pillai.

Ayan puttah No. 45.

Ayan puttah issued by M. R. Ry. Muthukumarasami Thumbichi Naiker, Zemindar of Peraiyur, in the name of Iswaramurthi Maniyam, cultivating tenant, in the village of Ponnayapuram, attached to the said Zemin.

Description of the land which you cultivated in Fusli 1290:—

No. 51, Punjah land, 2nd sort, Gulis 3 assessed at Fanams 33¾ equivalent to Rs. 7-2-6. Road-cess Re. 0-2-8. Total Rs. 7-5-2. This sum of Rupees seven, annas five and pies two, you should pay into the hands of the Nattamaigar of the village according to the instalments and obtain receipts. You are not to pay more than what is entered in this puttah.

June 1881. (Stamped) Muthukumarasami Thumbichi Naiker.

Subordinate Judge's Court of Madura (West).

O. S. No. 21 of 1889.

Produced on the 6th August 1890, by Defendant's 12th witness and filed on the 6th August 1890 as Exhibit XIV*m*.

Subordinate Judge.

No. 17. Puttah granted to Iswaramurthi Maniyam by the Zemindar of Peraiyur for Fusli 1291.

No. 17.

Defendant's Exhibit XIV*n*.

No. 25. Ponnayapuram village.

Due by Iswaramurthi Maniyam Rs. 7-5-2.

(Signed) Kurnam Muthalagu Pillai.

Ayan puttah No. 44.

Ayan puttah issued by M. R. Ry. Muthukumarasami Thumbichi Naiker Avergal, Zemindar of Peraiyur in the name of Iswaramurthi Maniyam, cultivating tenant in the village of Ponnayapuram attached to the said Zemin.

Description of the land which you cultivated in Fusli 1291 :—

No. 51, Punja land, 2nd sort, Gulis 3 assessed at Fanams 33¾ equivalent to Rs. 7-2-6. Road-cess Re. 0-2-8. Total Rs. 7-5-2. This sum of Rupees seven, annas five and pies two, you should pay into the hands of Nattamaigar of the village according to the instalments and obtain receipts for the same. You are not to pay more than what is entered in the puttah.

May 1882. (Stamped) Muthukumarasami Thumbichi Naiker.

Subordinate Judge's Court of Madura (West).

O. S. No. 21 of 1889.

Produced on the 6th August 1890, by Defendant's 12th witness and filed on the 6th August 1890, as Exhibit XIV*n*.

Subordinate Judge.

No. 18.

Defendant's Exhibit XIV*o*.

No. 25. Ponnayapuram village.

Due by Irulappa Maniyam, son of Iswaramurthi Maniyam Rs. 7-5-2.

(Signed) Kurnam Nagamaniyam Pillai.

Ayan puttah No. 43.

December. January. February. March. April. May. June.

Ayan puttah issued by M. R. Ry. Muthukumarasami Thumbichi Naiker Avergal, Zemindar of Peraiyur in the name of Irulappa Maniyam, son of Iswaramurthi Maniyam, cultivating tenant, in the village of Ponnayapuram, attached to the said Zemin.

Description of the land which you cultivated in Fasli 1293 :—

No. 51, Punjah land, 2nd sort, Gulis 3 assessed at Fanams 33¾ equivalent to Rs. 7-2-6. Road-cess Re. 0-2-8. Total Rs. 7-5-2. This sum of Rupees seven, annas five and pies two, you should pay into the hands of the Nattamaigar of the village according to the instalments and obtain receipts for the same. You are not to pay more than what is entered in this puttah.

7th June 1884. (Stamped) Muthukumarasami Thumbichi Naiker.

Subordinate Judge's Court of Madura (West).

O. S. No. 21 of 1889.

Produced on the 6th August 1890, by Defendant's 12th witness and filed on the 6th August 1890, as Exhibit XIV*o*.

Subordinate Judge.

Deputy Registrar.

No. 19.

Defendant's Exhibit XIV*p*.

No. 25. Ponnayapuram village.

Due by Iswara Irulappa Maniyam Rs. 7-6-1.

(Signed) Kurnam Muthalagu Pillai.

Ayan puttah No. 43.

Ayan puttah issued by M. R. Ry. Muthukumarasami Thumbichi Naiker Avergal, Zemindar of Peraiyur, in the name of Iswara Irulappa Maniyam, cultivating tenant, in the village of Ponnayapuram attached to the said Zemin.

Description of land which you cultivated in Fusli 1295 :—

No. 51, Punja land, 2nd sort, Gulis 3 assessed at fanams 33¾ equivalent to Rs. 7-2-6. Road-cess Re. 0-3-7. Total Rs. 7-6-1. This sum of Rupees seven, annas six and pie one, you should pay into the hands of the Nattamaigar of the village and obtain receipt for the same. You are not to pay more than what is mentioned in the puttah.

Year 1886.

(Stamped) Muthukumarasami Thumbichi Naicker.

Subordinate Judge's Court of Madura (West).

O. S. No. 21 of 1889.

Produced on the 6th August 1890, by Defendant's 12th witness and filed on the 6th August 1890, as Exhibit XIV*p*.

Subordinate Judge.

No. 20

Defendant's Exhibit XIV*q*.

No. 25. Ponnayapuram village.

Due by Iswara Irulappa Maniyam Rs. 7—6—1.

(Signed) Sankaralingam Pillai, Kurnam's Gumastah.

Ayan pattah No. 43.

December. January. February. March. April. May. June.

Ayan puttah issued by M. R. Ry Nagayasami Thumbichi Naiker Avergal, Zemindar of Peraiyur, in the name of Iswara Irulappa Maniyam, cultivating tenant, in the village of Ponnayapuram attached to the said Zemin.

Description of the land which you cultivated in Fusli 1299 :—

No. 51, Punjah land, 2nd sort, Gulis 3 assessed, at 33¾ Fanams equivalent to Rupees 7—2—6. Road cess 0—3—7. Total Rupees 7—6—1. This sum of Rupees seven, annas six and pie one you should pay into the hands of Nattamaigar of the village according to the kistbundi and obtain receipt for the same.

June 1890.

(Stamped) Nagayasami Thumbichi Naiker.

Subordinate Judge's Court of Madura (West.)

O. S. No. 21 of 1889.

Produced on the 6th August 1890, by Defendant's 12th witness and filed on the 6th August 1890, as Exhibit XIV*q*.

Subordinate Judge.

No. 21.

Defendant's Exhibits XXI, XXI*a* and XXI*b*.

Chitta showing the cash receipts and expenditure relating to the household of the palace, in the Saptur Zemin for September 1881.

Date. 1	Particulars of receipts and expenditure. 2	Amount received. 3 Rs. A. P.	Amount expended. 4 Rs. A. P.
1*st Sept.* 1881.	Receipt as per Ayan Chittah ...	59 5 2	...
	Amount paid into the hands of Minakshi Sundram Pillai on account of the Provision room expenditure... ...	...	15 0 0
	Amcunt paid on account of the auction purchase made for the palace of cart &c., belonging to Malayalagu Pillai, puttahdar No. 40 in the cusbah ...	...	20 8 0
	Paid to Masana Nadan the salary of V. N. Sundram	...	0 9 4
	Paid to Masana Nadan the price of 8 *kachai kuche* bought previously for the obsequies of Alagupalli	...	0 8 0
	Paid to do. the price of 7 *kachai kuchi* bought for Gopalan who went to catch bird	...	0 9 4
	The price of 14 *kachi* of mul cloth for Chinna Appu	...	2 0 8

Deputy Registrar.

Date. 1	Particulars of receipts and expenditure. 2	Amount received. 3 Rs. A. P.	Amount expended. 4 Rs. A. P.
1*st Sept.* 1881.	Paid to Chinna Appavu the price of 19 *kuchis* of mullcloth for Arulanandasawmi.	...	2 15 6
	For 14 *kachai kuchis* for the person who brought *Vesanakuruvi*	...	1 2 8
	For 6½ *kuchis* for the person who brought Civet-cat	...	0 8 8
	For 13 *kuchis* of cloth for Kollankondansawmi and others	...	1 1 4
	For 13 *kuchis* of cloth for Virudupatti Achari	...	1 1 4
	Paid the price of palmyra leaf mats bought for tying the top of the cart.	...	0 7 6
	Price of 3 borde red cloths for the 3 boys, Dharmasagayam and others, servants of the Palace...	...	1 6 0
	Price of one female cloth bought for the maid servant of senior Rani ...	...	2 11 0
	Price of 7 *kachai kuchis* for A. Sundram Pillai	...	0 10 6
	Price of 13 *kachai kuchis* for Pala Sathan	...	1 1 4
	Paid for the salary of the wife of Mastan Saib	...	2 0 0
	Paid to Subbi, the sweeper, her salary	...	1 0 0
	Paid to Minakshi Sundram Pillai, Storekeeper, his salary	...	2 0 0
	Paid to cartman Kasi Subban his salary	...	2 0 0
	Total expenditure of this date...	...	59 5 2
	(Signed) Vanniappa Pillai, *Head Gumastah.*		
	(„) Chinnasami Ayyan, *Dy. Manager.*		
2*nd Sept.* 1881.	Receipt as per Ayan Chitta ...	6 8 0	...
	Total including the previous receipt.	65 13 2	...
	Paid to S. Pethana Maniyam for the expenses of erecting Adigari Masanan's house	...	3 0 0
	Paid to Puliampalam Chetti the salary of S. K. Subban	...	3 0 0

SUPPLEMENTAL RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 21. Exhibit XXI. Chitta showing cash receipt and expenditure of Saptur Palace from 1st to 30th September 1881.

Date. 1	Particulars of receipts and expenditure. 2	Amount received. 3 Rs. A. P.	Amount expended. 4 Rs. A. P.
2nd Sept. 1881.	Paid to Sankaralinga Achari for the purpose of buying 1½ bags of charcoal at Peraiyur and bringing the same including the cart hire	...	0 8 0
	Total expenditure of this date ...	...	6 8 0
	Total expenditure including that of the previous date	...	65 13 2
	(Signed) Vanniappa Pillai, *Head Gumastah.*		
	(„) Chinnasami Ayyan, *Dy. Manager.*		
3rd Sept. 1881.	Receipt as per Ayan Chitta ...	18 4 0	...
	Total receipt including the previous receipts	84 1 2	...
	Paid on two occasions to Muthusami Pillai for the expenses of provisions ...	...	12 0 0
	Paid to Choultry Sankaraguruvier his salary	...	4 0 0
	Price of brattis bought for melting silver to make silver jug	...	0 4 0
	Paid to old Nethari Erulappan out of Rs. 4 ordered to be given as present ...	...	2 0 0
	Total expenditure of this date ...	...	18 4 0
	Total expenditure including that of the previous date.	...	84 1 2
	(Signed) Vanniappa Pillai, *Head Gumastah.*		
	(„) Chinnasami Ayyan, *Dy. Manager.*		
4th Sept. 1881.	Receipt as per Ayan Chitta ...	6 0 0	...

Deputy Registrar.

Date. 1	Particulars of receipts and expenditure. 2	Amount received. 3 Rs. A. P.	Amount expended. 4 Rs. A. P.
4th Sept. 81.	Price of ghee, &c., bought for the provision store expenditure ...	...	6 0 0
	Total expenditure including that of the previous date	...	92 1 2 (sic)
	(Signed) Vanniappa Pillai, *Head Gumastah.*		
	(„) Chinnasami Ayyan, *Dy. Manager.*		
5th Sept. 81.	Receipt as per Ayan Chitta ...	18 0 0	...
	Total receipt including the previous receipts	110 1 2(sic)	...
	Paid to Sankaralinga Achari as cooly for making vessels for the Palace ...	...	10 0 0
	Out of Rs. 10 sanctioned as present to be paid for the marriage of Sennaya Nadan's son 8 Rs. already paid. Paid this day to his mother	...	2 0 0
	Paid to Muthusami Pillai for provision expenditure	...	3 0 0
	Paid to Sundram's son for the salary of Sundram, the gunmaker.	...	0 8 0
	Present to Madurai Nayakan ...	...	0 8 0
	Paid to Punnavanapulavar for his salary	...	2 0 0
	Total expenditure of this date ...	...	18 0 0
	Total expenditure including that of the previous date	...	110 1 2
	(Signed) Vanniappa Pillai, *Head Gumastah.*		
6th Sept. 81.	Receipt as per Ayan Chitta ...	0 12 0	...
	Total receipt including the previous receipts	110 13 2	...
	Present given to Madurai Nayakkan who came on the 2nd	...	0 4 0
	Paid to the wife of Vedi Vellakannu his salary...	...	0 8 0
	Total expenditure of this date ...	...	0 12 0
	Total expenditure including that of the previous date	...	110 13 2
	(Signed) Vanniappa Pillai, *Head Gumastah.*		
7th Sept. 81.	Receipt as per Ayan Chitta ...	1 0 0	...

SUPPLEMENTAL RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 21. Exhibit XXI. Chitta showing cash receipt and expenditure of Saptur Palace from 1st to 30th September 1881.

SUPPLEMENTAL RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 21. Exhibit XXI. Chitta showing cash receipt and expenditure of Saptur palace from 1st to 30th September 1881.

Date. 1	Particulars of receipts and expenditure. 2	Amount received. 3 Rs. A. P.	Amount expended. 4 Rs. A. P.
7th Sept. 81.	Paid to Valaguru on account of Rs. 4½ being the cart hire for going to Bodinayakkanur and returning therefrom	...	1 0 0
	Total including the previous expenditure	...	111 13 2
	(Signed) Vanniappa Pillai, *Head Gumastah.*		
8th Sept. 81.	Receipt as per Ayan Chitta ...	27 8 0	...
	Total inclusive of the previous receipts	139 5 2	...
	Paid to Muthusami Pillai, store-room gumastah for provision expenses ...	...	27 0 0
	Paid to Bodinayakanur dancing girls	...	0 8 0
	Total expenditure of this date ...	...	27 0 8
	Total including the previous expenditure	...	139 5 2
	(Signed) Vanniappa Pillai, *Head Gumastah.*		
9th Sept. 81.	Receipt as per Ayan Chitta ...	5 0 0	...
	Total including previous receipts ...	144 5 2	...
	Out of Rs. 4 sanctioned as present to old Keedari Erulappan, Rs. 2 already paid. Paid this day	...	2 0 0
	Paid to Meenakshi Sundram Pillai, store-keeper, his salary	...	2 0 0
	Paid to Punnavanapulavar for his salary	...	1 0 0
	Total expenditure of this date ...	...	5 0 0
	Total including previous expenses ...	...	144 5 2
	(Signed) Vanniappa Pillai, *Head Gumastah.*		
10th Spet. 81.	Receipt as per Ayan Chitta ...	42 3 0	...
	Total including previous receipts ...	186 8 2	...
	Paid to Muthusami Pillai, provision store-keeper, for provision expenses	...	10 0 0
	Paid to Muthusami Pillai for his salary	...	2 0 0
	Paid on account of batta, bandy hire, &c., for Appasami Servai and others of Sivagunga	...	2 14 0
	Paid to Sankaralinga Achari the price of 3½ seers of bell-metal plate purchased for the Choultry ...	...	1 5 0
	Paid to Pudukottah Krishnaiyangar for his salary	...	2 0 0

Deputy Registrar.

SUPPLEMENTAL RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 21. Exhibit XXI. Chitta showing cash receipt and expenditure of Saptur palace from 1st to 30th September 1881.

Date. 1	Particulars of receipts and expenditure. 2	Amount received. 3 Rs. A. P.	Amount expended. 4 Rs. A. P.
10th September.	Paid as present to the Vakil Narayana Raju's son's marriage	...	14 0 0
	Paid this day to Nadar Kandiya Tevar excluding 50 Rupees previously paid on account of the purchase of nanjah and punjah belonging to Mathur Nallam Pillai Tevar	...	10 0 0
	Total expenditure including this date's	...	186 8 2
	(Signed) Vanniappa Pillai, *Head Gumastah.*		
	(„) Krishnasami Mudali, *Manager.*		
11th Sept. 81.	Receipt as per Ayan Chitta ...	0 14 0	...
	Total including the previous receipts ...	187 6 2	...
	Paid to Sivagunga Appasami Servai and others as cart hire to go to Tirumangalam	...	0 8 0
	Paid for charcoal bought for repairing vessels	...	0 4 0
	Cooly for bringing the same ...	...	0 2 0
	Total expenditure of this date ...	...	0 14 0
	Total including previous expenses ...	...	187 6 2
	(Signed) Vanniappa Pillai, *Head Gumastah.*		
	(„) Krishnasami Mudali, *Manager.*		
12th Sept. 81.	Receipt as per Ayan Chitta ...	0 12 0	...
	Total including the previous receipts.	188 2 2	...
	Paid to Puliyampalam the salary of Kasi Subban country cart driver	...	0 12 0
	Total including the previous expenditure	...	188 2 2
	(Signed) Vanniappa Pillai, *Head Gumastah.*		
	(„) Krishnasami Mudali, *Manager.*		

SUPPLEMENTAL RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 21. Exhibit XXI. Chitta showing cash receipt and expenditure of Saptur palace from 1st to 30th September 1881.

Date. 1	Particulars of receipts and expenditure. 2	Amount received. 3 Rs. A. P.	Amount expended. 4 Rs. A. P.
13*th Sept.* 81.	Receipt as per Ayan Chitta ...	11 0 0	...
	Total including the previous receipts..	199 2 2	...
	Present paid to the person who brought the letter from Maharajah ...	...	1 0 0
	Paid to Muthusami Pillai for provision expenses	...	10 0 0
	Total expenditure of this date ...	...	11 0 0
	Total including the previous expenses.	...	199 2 2
	(Signed) Vanniappa Pillai, *Head Gumastah.*		
	(„) Krishnasami Mudali, *Manager.*		
15*th Sept.* 81.	Receipt as per Ayan Chitta ...	82 12 0	0 0 0
	Total including the previous receipts.	281 14 2	0 0 0
	Paid this day for hire for 2 carts of Balaguruvan and Subban who drove with the Zemindar to Bodinayakkanur ...	...	1 0 0
	Amount paid in the Deputy Tahsildar's office by Gumastah Subramania Mudaliar for the purchase at auction of the land of Kaliyuga Rama Pillai of Kodikkulam held at Oosilampatti	...	37 0 0
	Paid for Para Sankaran lands &c., No. 212, Sulapathu land in the said Oosilampatti	...	0 5 0
	Paid for S. Subbu Pillai's land &c., No. 132 in the said Oosilampatti ...	...	0 5 0
	Paid for Sandana Karuppan's land &c., No. 198 in the said Oosilampatti ...	...	0 5 0
	Paid for S. Papan's land &c., No. 234 situate in the said village	...	0 5 0
	Paid to Muthusami Pillai, the Gumastah of Provision Depot for the expenses thereof	...	40 0 0
	Present to Madura Naiken ...	...	0 8 0
	Again present	...	2 0 0
	Paid to guard Kamakshi for her salary	...	1 0 0
	Total expenses of this date ...	...	82 12 0
	Total including the previous expenses	...	281 14 0
	(Signed) Vanniappa Pillai, *Head Gumastah.*		
	(„) Krishnasami Mudali, *Manager.*		

Deputy Registrar.

SUPPLEMENTAL RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 21. Exhibit XXI. Chitta showing cash receipt and expenditure of Saptur palace from 1st to 30th September 1881.

Date. 1	Particulars of receipts and expenditure. 2	Amount received. 3 Rs. A. P.	Amount expended. 4 Rs. A. P.
16*th Sept.* 81.	Receipt as per Ayan Chitta	23 0 0	...
	Total including the previous receipts.	304 14 2	...
	Sent to the Zemindar previously through Sami Nadan, Amin	...	22 0 0
	Paid to country cartmen Ramasami Nadan and Nagaya Nadan on account of their salary	...	1 0 0
	Total expenditure of this date ...	...	23 0 0
	Total including the previous expenses	...	304 14 2
	(Signed) Vanniappa Pillai.		
	(„) Krishnasami Mudali, *Manager.*		
17*th Sept.* 81.	Receipt as per Ayan Chitta ...	12 12 0	...
	Total including the previous receipts.	317 2 2	...
	Paid to Mastan Saib's wife for her salary	...	2 0 0
	Paid to Muthukaruppan who is looking after the big horse	...	1 8 0
	Paid to Para Thasaya Nadan for his salary	...	1 0 0
	Paid to Sankaralingan who is looking after the pony	...	1 0 0
	Paid for the pay of Perhanan who is grazing the single horse	...	0 8 0
	Paid to Solachi the salary of Vedi Vellaikannu	...	1 0 0
	Paid to Veerasami Raju, the school master for his salary	...	1 0 0
	Paid to Kumara Nadan who was the former watchman for his salary ...	...	1 0 0
	Paid to Pommi Nadan as cart hire for Kodikara Pillai for coming from Tirumangalam	...	1 12 0
	Paid to Soman, Pethanan for the expenses of building Adikari Masanan's house	...	2 0 0
	Total expenditure of this date ...	...	12 12 0
	Total including the previous expenses	...	317 2 2
	(Signed) Vanniappa Pillai, *Head Gumastah.*		
	(„) Krishnasami Mudali, *Manager.*		
18*th Sept.* 81.	Receipt as per Ayan Chitta ...	11 13 0	
	Receipt including the previous receipts	328 15 2	
	Paid to Muthusami Pillai, the gumastah for provision depot for the expenses thereof		7 0 0

SUPPLEMENTAL RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 21. Exhibit XXI. Chitta showing cash receipt and expenditure of Saptur palace from 1st to 30th September 1881.

Date. 1	Particulars of receipts and expenditure. 2	Amount received. 3 Rs. A. P.	Amount expended. 4 Rs. A. P.
	Present paid to Domba player for		
10th Sept. 81.	Dora Pandian Avergal having witnessed the said play	...	1 0 0
	Paid on account of salary of country cart driver Kasi Subban to his elder sister Karuppayi	...	1 0 0
	Paid to Valaguruvan &c., balance excluding the payments already made towards the cart hire of Rs. 15 for having gone to Bodinayakkanur ...	...	2 13 0
	Total of this date's expenditure ...	...	11 13 0
	Total including the previous expenses	...	328 15 2
	(Signed) Vanniappa Pillai, *Head Gumastah.*		
	(„) Krishnasami Mudali, *Manager.*		
19th Sept. 81.	Receipt as per Ayan Chitta ...	4 0 0	...
	Total receipt including the previous ones	332 15 2	...
	Paid to Muthusami Pillai, Provision Depot gumastah for the expenses thereof	...	3 0 0
	Paid to Sonai, son of Vedi Sundram on account of the latter's salary ...	...	1 0 0
	Total expenditure of this date ...	...	4 0 0
	Total including previous expenditure..	...	332 15 2
	(Signed) Vanniappa Pillai, *Head Gumastah.*		
	(„) Krishnasami Mudali, *Manager.*		
20th Sept. 81.	Receipt as per Ayan Chitta ...	49 0 4	...
	Total including the previous receipts.	382 0 1	...
	The price of articles, as per the list, purchased by the Dy. Manager from Madura for the inner store-room		...
	Candle as per the said account		33 4 0
	The price of the Syrup bought		3 0 0
	The price of 1 bucket		1 12 0
	Sundry expenses as mentioned in the said account		1 0 0
	Total expenditure of this date ...	...	7 0 4
	Total including the previous expenses	...	49 0 4
	(Signed) Vanniappa Pillai, *Head Gumastah.*		382 0 1
	(„) Krishnasami Mudali, *Manager.*		

Deputy Registrar.

SUPPLEMENTAL RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 21. Exhibit XXI. Chitta showing cash receipt and expenditure of Saptur palace from 1st to 30th September 1881,

Date. 1	Particulars of receipts and expenditure. 2	Amount received. 3 Rs. A. P.	Amount expended. 4 Rs. A. P.
21st Sept. 81.	Receipt as per Ayan Chitta ...	2 0 0	
	Total inclusive of the former receipts	384 0 1	
	Paid to Muthusami Pillai, gumastah of the provision Depot, for the expenses thereof	...	2 0 0
	Total including the previous expenditure	...	384 0 1
	(Signed) Vanniappa Pillai, *Head Gumastah.*		
	(„) Krishnasami Mudali, *Manager.*		
22nd Sept. 81.	Receipt as per Ayan Chitta ...	66 12 0	
	Total including the previous receipts	450 12 1	
	Paid to Sandayur bandyman, hire for having come from Bodinayakkanur.	...	2 4 0
	Paid to Peraiyur bandyman, fare for coming from Bodinayakkanur ...	...	1 8 0
	Amount sent to the Maharajah through the Manager Mudaliar	...	35 0 0
	Present paid to Tharukhan and Bachakhan	...	0 8 0
	Paid to Karuppana Bogi after deducting Rs. 17 already paid out of 42-8-0 at 2-8-0 per man for 17 palanquin-bearers who went with the senior Rani when she went to Bodinayakkanur ...	...	25 8 0
	Paid to Muthusami Pillai for the expenses of provision Depot	...	2 0 0
	Total expenditure of this date ...	...	66 12 0
	Total including the previous expenditure	...	450 12 1
	(Signed) Vanniappa Pillai, *Head Gumastah.*		
	(„) Krishnasami Mudali, *Manager.*		

No. 21. Exhibit XXIa. Chitta showing cash receipt and expenditure for 23rd September 1881.

23rd Sept. 81.	Receipt as per Ayan Chitta ...	56 12 6	
	Total including the previous receipts	507 8 7	
	Paid to Nadaya Nadan his salary for having done watchman's duties ...	...	3 0 0
	Paid to Muthusami Pillai, provision Depot-keeper for the expenses thereof...	...	44 1 0
	Amount paid as Thakshanai (present) to Brahmins on the occasion of the birth of Chinna Dorai Pandian Avergal	...	1 10 0

SUPPLEMENTAL RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 21. Exhibit XXIa. Chitta showing cash receipt and expenditure for 23rd Sep. 1881. —*concluded.*

Date.	Particulars of receipts and expenditure. 2	Amount received. 3 Rs. A. P.	Amount expended. 4 Rs. A. P.
23*rd Sept.* 81.	Paid the price of 2 bundles of tobacco's bought at Peraiyur for the Missionary use	...	1 6 0
	Sent to the Maharajah Avergal ...	...	2 0 0
	Paid this day on account of the present Rs. 5, sanctioned, excluding Rs. 3 already paid for the marriage of Nachiappa's son	...	2 0 0
	Paid to Vellakannu the gunmaker for his salary	...	1 0 0
	Amount remitted to Madura with yadast for candles	...	3 0 0
	Total expenditure of this date ...	...	56 12 6
	Total including previous expenses ...	...	507 8 7

(Signed) Vanniappa Pillai, *Head Gumastah.*
(„) Krishnasami Mudali, *Manager.*
(„) Nagayasami Kamaya Naiker.
By 35th witness.
Filed as Exhibit XXI*a*.

(Initialled) C. V.
8—8—90.

No. 21. Exhibit XXI*b*. Chitta showing cash receipts and expenditure for 24th September 1881.

24*th Sept.* 81.	Receipt as per Ayan Chitta ...	12 2 0		
	Total including the previous receipts.	519 10 7		
	Paid to Ramasami Nadan, the country cart-man...	...	0 8 0	
	Paid to Ramasami Nadan, the coachman	...	0 8 0	
	Paid to Avadai, rope maker for his salary	...	0 4 0	
	Paid to Veerasamy Raju, the school master, for his pay	...	0 8 0	
	Paid for sandal and rose water bought on the 23rd	...	0 6 0	
	Paid to Parimannan as present ...	...	0 10 0	
	Total expenditure of this date ...	...	12 2 0	
	Total including previous expenses ...	...	519 10 7	

(Signed) Vanniappa Pillai, *Head Gumastah.*
(„) Krishnasami Mudali, *Manager.*
(„) Nagayasami Kamaya Naiker.
Filed as Exhibit XXI*b*.

(Initialled) C. V.
8—8—90.

Deputy Registrar.

SUPPLEMENTAL RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 21. Exhibit XXI. Chitta showing cash receipt and expenditure of Saptur Palace from 1st to 30th September 1881.

Date. 1	Particulars of receipts and expenditure. 2	Amount received. 3 Rs. A. P.	Amount expended. 4 Rs. A. P.
25*th Sept.* 81.	Receipt as per Ayan Chitta ...	8 11 0	
	Total including previous receipts ...	528 5 7	
	Paid to Muthusami Pillai, provision Depot keeper, for the expenses thereof	...	6 0 0
	Paid for the purchase of mutton at Peraiyur	...	0 5 0
	Cooy paid to Pethanan who went to buy mutton	...	0 2 0
	Cart hire paid to Pulugandi Tevan who supplied cart to Vembier Avergal, late of Vathiraeruppu	...	1 4 0
	Paid to Kasi Suppan cart man for his salary	...	1 0 0
	Total expenditure of this date ...	...	8 11 0
	Total including the previous expenditure	...	528 5 7

(Signed) Subramania Mudali, *Gumastah.*
(„) Krishnasami Mudali, *Manager.*
(„) Nagayasami Kamaya Naiker.

26*th Sept.* 81.	Received as per Ayan Chitta ...	337 6 0	
	Total including the previous receipts.	865 11 7	
	Paid to Parimanan, the peon, for the purchase of cotton seed for the palace bandy bulls	...	8 8 0
	Amount paid as present on account of Sellandiamman's *Mathu Pongal* in the village of Sulapuram	...	3 2 0
	Amount given to Oothandi Appa Pillai who goes to Bodinayakkanur for the purpose of collecting articles for the marriage	...	300 0 0
	Paid to Rajah Hussain the salary due to Mastan Saib's wife	...	2 0 0
	Paid salary of Vellakannu...	...	2 0 0
	Paid for the expenses of provision Depot through its gumastah...	...	5 0 0
	Sent through Pakkiri Rowthen to his honor	...	6 12 0
	Paid the salary of Muthukaruppan keeper of the big horse	...	1 8 0
	Paid salary for Sankaralingama who looks after the pony	...	1 0 0
	Paid salary to Karuppen who looks after the red pony...	...	1 0 0

SUPPLEMENTAL RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 21, Exhibit XXI, Chitta showing cash receipt and expenditure of Saptur Palace from 1st to 30th September 1881.

Date. 1	Particulars of receipts and expenditure. 2	Amount received. 3 Rs. A. P.	Amount expended. 4 Rs. A. P.
26*th Sept.* 81.	Paid salary to Pethan who looks after the pony without work		0 8 0
	Present paid for the marriage of Madura Diraviyam Pillai		5 0 0
	Paid salary of Yekamachi the watchman		1 0 0
	Total expenditure of this date ...		337 6 0
	Total including previous expenditure		865 11 7
	(Signed) Subramania Mudali, *Gumastah.*		
	(„) Krishnasami Mudali, *Manager.*		
	(„) Nagayasami Kamaya Naiker.		
27*th Sept.* 81.	Receipt as per Ayan Citta ...	0 1 0	
	Total including previous receipts ...	865 12 7	
	Glue bought for the palace		0 1 0
	Total including the previous expenses ...		865 12 7
	(Signed) Subramania Mudali, *Gumastah.*		
	(„) Krishnasami Mudali, *Manager.*		
	(„) Nagayasami Kamaya Naiker.		
28*th Sept.* 81.	Receipt as per Ayan Chitta ...	16 4 0	
	Total including previous receipts ...	882 0 7	
	Paid to Muthusami Pillai provision Depot keeper for the expenses thereof... ...		5 0 0
	Present paid to Authinarayana Iyer of Jothanaikanur		1 0 0
	Paid salary to Subban the country cart driver		1 0 0
	Cart hire for Nayanna Naiker to go to Thirumangalam		1 4 0
	Paid cooly to Sankaralingam Asari who is making silver cups for the palace ...		8 0 0
	Total expenditure of this date		16 4 0
	Total including previous expenditure ...		882 0 7
	(Signed) Subramania Mudali, *Gumastah.*		
	(„) Krishnasami Mudali, *Manager.*		
	(„) Nagayasami Kamaya Naiker.		
29*th Sept.* 81.	Receipt as per Ayan Chitta ...	10 1 8	
	Total including the previous receipts...	892 2 3	
	Batta paid to Ramasami Naiker who goes to Koppaya Nayakkanur		0 8 0
	Amount paid as per provision Depot account for the purchase of fowls		2 6 4
	Paid to Thotti who brought death news from Thavaram		0 3 4

Deputy Registrar.

Date. 1	Particulars of receipts and expenditure. 2	Amount received. 3 Rs. A. P.	Amount expended. 4 Rs. A. P.
29*th Sept.* 81.	Paid to Minakshisundram Pillai for provision depot expenses		7 0 0
	Total expenditure of this date		10 1 8
	Total including previous expenses		892 2 3
	(Signed) Subramania Mudali, *Gumastah.*		
	(„) Krishnasami Mudali, *Manager.*		
	(„) Nagayasami Kamaya Naiker.		
30*th Sept.* 81.	Receipt as per Ayan Chitta ...	74 1 4	
	Total including previous receipts... ...	966 3 7	
	Brass purchased for making utensils for the palace 0—10—0, lead 0—4—0, Ammonia salt 0—2—0		1 0 0
	Paid for buying charcoal for palace work		0 4 0
	Cooly paid for bringing charcoal		0 2 0
	Present paid to Kumbakonam Iyengar ...		20 0 0
	Present to Nayanna Naidu		15 0 0
	For 13 *Kachaikuchi* bought and sent to Gettinaikkanur		1 1 4
	Paid wages to the blacksmith who makes silver cup deducting Rupees 8 out of Rupees 21		13 0 0
	Paid for provision Depot expenses to Minakshisundram Pillai		15 0 0
	Present given to Sankaralinga Moniyagar for *Varusappanni*		0 8 0
	Present paid to Sivagiri Subban *Paradesi*		0 8 0
	Expenses in making presents		4 0 0
	Paid for the salary of provision Depot keeper Muthusami Pillai		0 3 0
	Paid for the salary of Minakshi Sundram Pillai		0 3 0
	Paid for salary of Avadi, rope maker		0 3 0
	Do. for do. of Iyemperumal Pandither		0 3 0
	Do. for do. of Mastan Saib's wife ...		0 3 0
	Do. for do. of Periyamuthusami Naiker ...		0 3 0
	Do. for do. of Vellai, the Washerman ...		0 3 0
	Do. for do. of Ramasami Naiker, the Coachman		0 3 0
	Do. for do. of Ramasami Naiker, Cart-driver		0 3 0
	Do. for do. of Vedivelai Vellakannu ...		0 3 0
	Do. for do. of N. Sundram		0 3 0
	Do. for do. Josien Kaliyanandipulavar ...		0 3 0

SUPPLEMENTAL RECORD.

PART I.

In the Court of the Subordinate Judge of Madura (West).

No. 21. Exhibit XXIb. Chitta showing cash receipt and expenditure of Saptur palace from 1st to 30th September 1881.

SUPPLEMENTAL RECORD.

PART I.

In the Court of the Subordinate Judge of Madura (West).

No. 21. Exhibit XXI*b*. Chitta showing cash receipt and expenditure of Saptur palace from 1st to 30th September 1881.

Date, 1	Particulars of receipts and expenditure, 2	Amount received. 3 Rs. A. P.	Amount expended. 4 Rs. A. P.
30*th Sept.* 81	Paid for salary of Subban, Cart-driver		0 3 0
	Do. for do. of Kasi Subban do.		0 3 0
	Do. to Vembier		1 0 0
	Total expenditure of this date		74 1 4
	Total including previous expenses		966 3 7
	(Signed) Subramania Mudali, *Gumastah.*		
	Receipt as per Ayan chitta ...	400 0 0	
	Total including the previous receipts.	1,366 3 7	
	Sent through Krishnasami Mudali the Manager for the purpose of buying cloth for the marriage		400 0 0
	Total including previous expenses		1,366 3 7

(Signed) Subramania Mudali, *Gumastah.*
(„) Chinnasami Iyer, *Dy. Manager.*
(„) Nagayasami Kamaya Naiker.

Abstract of the receipts and expenditure for the household expenses of Saptur Zemin for the month of September 1881.

Particulars.	Amount.
Receipts as per Ayan chitta of September	1,365 5 0
Total as per chitta of the current month	1,366 3 7
Amount to be added to make up the deficiency shown in the chitta of the 17th Instant	0 8 0
Amount to be included in *inam* expenditure which has been omitted to be entered and which is entered in the Ayan chitta of the 21st Instant	0 10 0
Total as above ...	1,367 5 7
Amount to be deducted from the total made in the chitta of the 4th Instant	2 0 0
Do. do. from the chitta of the 20th Instant	0 0 7
Total to be deducted ...	2 0 7
The balance as per Ayan chitta	1,365 5 0
Expenditure.	
Provision Depot expenses	257 11 4
Salary of household servants	57 11 4
Amount paid for the purchase of land	48 4 0
Presents made	101 13 4
Do. sundry expenses	40 14 0
Sent to the Zemindar...	65 12 0
For the marriage of the Zemindar	700 0 0
Cooly paid to Blacksmith	31 0 0

Deputy Registrar.

	Rs.	A.	P.
Cart hire for going and coming	41	11	0
Price paid for the purchase of carts &c.	20	8	0
Total expenditure ...	1,365	5	0

This is correct.
(Signed) Subramania Mudali, *Gumastah.*
(„) Chinnasami Iyer, *Dy. Manager.*
(„) Nagayasami Kamaya Naiker.

Superscription on the book. Account showing the cash receipt and expenditure for the household expenditure of the Palace of Saptur Zemin for the month of September 1881, Fusli 1291.

This chittah contains 6 papers with the exception of cover leaves.

(Signed) S. M. Vanniappa Pillai,
Head Gumastah.

SUPPLEMENTAL RECORD.

PART I.

In the Court of the Subordinate Judge of Madura (West).

No. 21. Exhibit XXI*b*. Chitta showing cash receipt and expenditure of Saptur palace from 1st to 30th September 1881. —*concluded.*

No. 22. Exhibit XXXIX. Letter from the Collector of Tinnevelly to the Secretary to the Court of Wards, Madras, 22nd September 1851.

No. 22.

Defendant's Exhibit XXXIX.

No. 210.

TINNEVELLY TENCAUSEY,
22*nd September* 1851.

From

C. F. BIRD, ESQUIRE,
Collector.

To

W. H. BAYLEY, ESQUIRE,
Secretary to the Court of Wards,
Fort St. George.

SIR,

Para 1. I have already reported the death of the Saptur Zemindar, Nagayasami Kamaya Naiker, on the 21st July 1851. The annual Peishcush of this Zemindari amounts to Rs. 9,037. Of this sum the balance outstanding on account of Fusli 1260 at its close amounted to Rs. 1,337 which having been since collected, there is no demand in this office against the estate.

2. From an arzi received from the Tahsildar of Sreevelliputtur in reply to an order issued to him on the subject, it appears that the family of the deceased consists of 14 souls, of whom 13 are females including the 7 widows left by the deceased, that the 6th widow * has a son born on 30th October 1849 and called after his father's name and that she is now again pregnant. The minor alluded to will attain his majority (or 18th year) on the 29th October 1867, A list No. 1 showing the members of the family left by the deceased (with the exception of his 1st widow) together with their names and age and the proposed amount for their maintenance is herewith forwarded.

* Vellai Bommachi Ammal.

3. The 1st widow, Gopalakrishnammal, has been omitted in this list in consequence of the deceased Zemindar having, during his lifetime in 1886, executed to her a deed whereby she should enjoy after his death half of a village named Vadnapulli paying only to the Zemindari a fixed favorable tax of 42 pons and 5 fanams per annum. The original (to be returned) and translations of the instrument are herewith submitted.

4. In accordance with the wishes of the minor's mother and the order of Government prefixed to the Board's Proceedings of 17th June 1844 respecting the Yailoomaday Zemindari, I beg to recommend the mother of the minor being appointed as the guardian of the latter.

5. The gold and silver jewels and other personal property left by the deceased Zemindar are valued by the Tahsildar at Rs. 6,550-15-3. I beg to enclose a list No. 2 containing the above particulars with remarks showing what it is considered should be put up to auction; what deposited in the Huzur Treasury and what allowed for the use of the proposed guardian. It will be seen from this list that the ready money amounts to no more than Rs. 48-13-0. The Tahsildar has been directed to send the Istimrar puttah of this Estate to the Huzur for the purpose of being deposited in the Treasury.

6. Statement No. 3 accompanying will show the debts due to the late Zemindar to be Rs. 105-5-0 for the recovery of which the necessary orders have been sent to the Tahsildar.

7. Statement No. 4 exhibits the private debts claimed from the Estate of the late Zemindar by different creditors amounting to Rs. 28,382-6-0. Of this sum Rs. 27,811-13-6 are proved on investigation to be owing to 6 persons on bonds executed by the late Zemindar and by the admission of the minor's mother. The bonds produced by 5 other creditors to the amount of Rs. 570-8-6 being disputed by the minor's mother, further enquiry will be made regarding the justice of their claims. The other debts with the Board's permission may be put in a train of liquidation.

8. The late Zemindar during his lifetime rented out the Zemindari for 10 years from Fusli 1254 to 1263 and the renter Ramasamiya Pillai has been in the enjoyment of the property upto Fusli 1260 paying to the Zemindar annually Rs. 16,130-6-0. The renter has produced 3 stamped documents executed to him by the Zemindar on the 29th and 31st July 1844 (Originals to be returned) and translations of which are herein enclosed. From these it will be seen that the whole Zemindari including the private farm was in the first instance rented out for Rs. 17,500 per annum and afterwards a reduction of Rs. 1,369-10-0 was made in the amount of rent in consequence of the Zemindar having resumed the private farm under his own management. It will also appear that the renter undertook to execute all earth works to the tanks &c. at his private charge, leaving the cost of masonry works to be borne equally by himself and the Zemindar.

9. It is ascertained by enquiry and the renter admits that he owed to the Zemindar on account of Fusli 1260 Rs. 3,137-6-8, but of this sum he has since paid to Government Rs. 1,349-9-0 in satisfaction of the kist (including interest) due by the Estate for the month of June of Fusli 1260. For the collection of the remaining sum of rent amounting to Rs. 1,787-13-8 orders have been

Deputy Registrar.

sent to the Tahsildar. Statement No. 5 explaining these particulars is herewith forwarded for the information of the Board.

10. The minor's mother has requested by an arzi that the private farm may be left in her possession on the terms of the late Zemindar's 2nd agreement with the renter, but as the Zemindar is involved in debt to a large amount and as the renter is desirous of taking the whole Estate for the remainder of his lease on the terms of the 1st agreement paying 17,500 Rs. per annum, it seems to me more advisable to make over the private farm to him than to continue the deduction of Rs. 1,369-10-0 which must be made whether those lands are under cultivation or not.

11. The gross income of the Zemindari per annum and the amount required thereform on account of Peishcush and maintenance of the minor and the family are shown in the margin, from which it will be seen that the net surplus amounts to Rs. 7,206-1-4, which may be applied for the liquidation of the debts due by the late Zemindar.

Amount of annual rent due to the Zemindar by the renter	17,500-0-0
Proceeds derivable from tope not included in the rent	31-9-4.
	17,531-9-4
Deduct.	
Deduct peishcush.	9,037-0-0
Annual allowance fort he subsistence of the minor &c., as per statement No. 1	1,288-8-0
Total deduction	10,325-8-0
Surplus per annum	7,206-1-4

12. The renter Ramasamiya Pillai has given satisfaction to all parties in his administration of the affairs of the Zemindari hitherto from the time he entered upon his lease, and there is no reason to suppose that his conduct will be different in future. I beg therefore to recommend that he may be considered as manager of the Estate without the entertainment of any other establishment during the remaining 3 years of his rent till Fusli 1263, after the termination of which it will be necessary to make other arrangements.

I have the honour to be,
Sir,
Your most obedient servant,
(Signed) C. J. BIRD, *Collector.*

TINNEVELLY,
22nd September 1857.

(True copy.)
(Signed) H. H. SIM,
Ag. Secretary,
Court of Wards.

No objection.

Filed as Exhibit XXXIX.

(Initialled) C. V.

15—8—90.

Subordinate Judge's Court of Madura (West.)
Original Suit No. 21 *of* 1839.

Produced on the 15th August 1890 by Defendant and filed on the 15th August 1890 as Exhibit XXXIX.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

No. 23.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 *of* 1889.

Plaintiff's 11th witness.

Solemnly affirmed.

Name	Andi Veluswami Naiker.
Father's name	Balamukunda Muthusami Naiker.
Age	About 40.
Caste	Kumbala.
Occupation	Zemindar of Sukkampatti.
Residence	Sukkampatti.

The Zemindari has been resumed and I get Malikhana allowance of 65 Rs. a month. I have got lands. I pay 300 Rs. assessment to Government. I belong to the Kattari Palavur a Sub-division of Kumbalas. I am married. I have two wives. My first wife is the daughter of Kamavar Kumbala. I don't know her parents' name, but know that of her brother, a simple ryot. I married her 20 or 22 years ago. I have got 4 daughters by her—one of them *i. e.*, the eldest was married 2 years ago to the son of Alagirisami Naik, the 2nd heir apparent to the Zemindari of Ammayanayakkanur. In my marriages, the ceremonies were; the girl was settled; then day was fixed; betel nut was distributed through Peria Vettu Naik to relatives and caste. When they arrived, they erected huts in the village common; then the Naiks told me to get shaved; after I got shaved, my forehead was touched with milk; then minji (toe-rings) were put on; I then went to my hut followed by the bride; when we reached the thorana (festoon) post, a kid was sacrificed; I then retired to my hut and the bride to hers. Some other ceremonies were performed. I don't recollect them. Three salvers were then placed near my hut. In one there was rice, betal nut and the Tali. In the 2nd, there was Kandangi cloth and the 3rd contained betel and nut. I was made to touch the plate which contained the Tali and worship it. Then it was taken by females. My father then told me to hand over my dagger to Peria Vettu Naik. He took the dagger followed by females with plate. He then returned and said that the Tali was tied. My father then ordered horse to be brought. I was made to mount it and go round bride's hut. After that I dismounted and my hands were then joined to the brides in front of her hut in the pundal. Then some ceremonies were performed and I and the bride were taken home. This is all that I know. This marriage of mine extended over 3 days. My first wife's brother's name is Koppaya Naik. My father died 10 or 15 year ago. I married as my second wife the daughter of Alagirisami Naik, 2nd heir presumptive, to the Ammayanayakkanur Zemindari. I married

Deputy Registrar.

her 10 or 15 years ago and the same ceremonies were gone through as in the case of my first marriage. On the occasion of my second marriage also, 3 plates were brought and in one there was Tali. The 3 females carried the plates with Tali and tied the Tali to my second wife. My sister tied the Tali. I was in my hut at the time. After Tali was tied, I rode round the bride's hut. I had the dagger, but it was not sent because my second wife was the daughter of a Zemindar. The dagger was sent to my first wife as she was the daughter of a ryot. By my second wife, I have a son and daughter. My son is 6 years old and the daughter is about 2 years. Both my wives live with me. I make no distinction in the treatment of my wives. Both are treated alike in all matters.

Cross-examined:—In my grandfather's time our Zemindari was resumed. My father had 4 wives. I don't know if they were dagger wives. My mother having been the daughter of a ryot might have been married wtih dagger. I do not know if my father was the son of a dagger wife. I have two step-brothers. They don't get Malikhana allowance. We are undivided, but we have entered into an arrangement in regard to separate possession and enjoyment of portions of family lands. My brothers were present at my marriage. My brother Kulayasami Naik has married in dagger form. I have 2 other brothers not married. They are Kolundasami Naik and Chinnasami Naik. Neither of them has come here. My first wife's father died long ago. I don't know his name. Peria Veettu Naik named Thungama Naik settled her. He has also come as witness. I did not suggest his name being mentioned. I don't know how Plaintiff's agent cited him as witness. I don't recollect my first wife's mother's name; her parents were then dead. Her brother gave her in marriage. The difference between my first and second wife's marriages is the absence of a dagger. As my 2nd wife's father is likely to become the Zemindar, so no dagger was sent in her case. I don't know the relationship between the Zemindar of Ammayanayakkanur and Alagirisami. Sevathasami Naik is the heir apparent. He and the Zemindar are cousins. He and Alagirasami are also cousins (second). The succession is by seniority of male member-so I heard. I have never seen any other dagger marriage. I heard for the first time in my first marriage that a dagger should be sent because my wife was a ryot's daughter. My father told me so. He was not alive at my second marriage. I intended to send my dagger at my second marriage, but the elders present stopped me. Until then, I was under the impression that dagger was necessary with all Kumbala caste-men *i. e.*, Zemindars. I don't know the custom in the case of marriages between Kumbala ryots. Kodangi Naik named Mulla Kodangi Naik who is alive, and Kumbli Naik, a ryot, who is dead, and others told me at my second marriage not to send dagger. I don't recollect the names of the others. My first wife's relations came to her marriage. I don't remember their names. Sevathasami Naik, Arumugasami, Alagirisami Naik and others came for my second marriage. Sevathasami Naik is come as witness. The others are not come. I did not mention to Plaintiff's side the names of the latter as having been present on the occasion of my second marriage. I did not speak to any body about this case and nobody spoke to me. I cannot say and cannot conceive why, I was cited as a witness. Krishnaiyer received me at the station. He brought me carriage. He said that there was dispute about Saptur Zemindar,

SUPPLEMENTAL RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 23. Deposition of Plaintiff's 11th witness Andi Veluswami Naiker, 16th July 1890. —*concluded.*

and being of Kumbla caste, I was wanted to speak to my marriage. He did not tell me that Plaintiff contended that dagger wife is a legitimate wife. Kishnayyar took me to Plaintiff's Vakils and they questioned me about my marriage. Being summoned I stated my private affairs to the Plaintiff's Vakil. The Plaintiff's Vakil said he wanted to find out how neighbouring Zemindars were married. He said that there was a question as to validity of marriage in this suit. He did not tell me that the question was as regards dagger marriage. Because my daughter was married to a Zemindar there was no dagger used. If a Zemindar takes a girl as his daughter and brings her up as such and gives her in marriage as such, then no dagger will be used. If a Zemindar takes hold of a ryot's daughter and bestows her in marriage, the dagger is used. Dagger is not used in the cases of Zemindar's daughters, foster daughters, and the daughters of heir apparent. I came to know of these rules from my father, at my first marriage. He is the only man from whom I learnt them. I forgot the rules at my second marriage. I have not forgotten them since then *i. e.*, for 10 years. Nobody refreshed my memory in the interval. There was no litigation between my father and uncle *i. e.*, cousin. My father had no brother or half brother.

Re-examined:—My father was 65 or 70 when he died. I have no uterine brother but 3 step-brothers, I am the eldest. My next brother is aged 25. After my second marriage I came to know that Alagirisami Naik was second heir apparent. I don't know how many questions are involved in this suit—

16-7-90.

(Signed) Zemindar, Andivelusami Naiker.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 16th July 1890.

(Signed) C. VENCOBA CHARIAR,
Subordinate Judge.

No. 24. Deposition of Plaintiff's 12th witness Thungama Naik, 17th July 1890.

No. 24.

IN THE SUBORDINATE COURT OF MADURA (WEST.)

Original Suit No. 21 *of* 1889.

Plaintiff's 12th Witness solemnly affirmed.

Name	...	...	Thungama Naik (Peria Vettu.)
Father's name	...	...	Vallaya Naiken.
Age	...	...	40.
Caste	...	...	Kumbala.
Occupation	...	...	Ryot.
Residence	...	...	Sukkampatti.

I know the Zemindar of Sukkampatti. I am younger than he. He is my elder probably in age. I know his wives. He has two. I attended both his marriages. His 1st wife is Natchiarammal of Nalacotta. My maternal uncle

Deputy Registrar.

SUPPLEMENTAL RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 24. Deposition of Plaintiff's 12th witness Thungama Naik, 17th July 1890.

was Peria Vettu Naik at the time of that marriage to the Zemindar of Sukkampatti. My uncle and myself officiated as Peria Vettu Naik at that marriage. I know not the parents of Natchiarammal. Neither her father nor mother was alive at her marriage. Her brother, Koppaya Naik, gave her in marriage. His second wife is Alagiri Ammal. I officiated as Peria Vettu Naik at her marriage. My uncle had been dead at that time. The marriages of the Sukkampatti Zemindar extended over 3 days. The ceremonies observed were identical in both marriages except that in his first marriage, the dagger was used as Natchiarammal was not Poligar's daughter while it was dispensed with in the 2nd marriage because the bride was Poligar's daughter. The Sokkampatti.Zemindar has 3 half brothers, Ponnusami Naik, Kolandasami Naik and Kulasami Naik. Kolandasami's elder brother Ponnusawmi Naik is dead. Ponnusami had been married. I don't know when he married. I did not attend his marriage. Kolandasami is not married.. Kulasami Naik has married a Kumbala woman of Pudupatti. His marriage took place in the Zemindar's palace at Sukkampatti. I officiated as Paria Vettu Naik at that marriage. It was a dagger marriage. The Sukkampati Zemindar has 4 daughters by his 1st wife. The eldest daughter has been married to the son of Alagirisami Naik of Ammayanayakkanur. He is said to be the son of a Zemindar. Kulasami Naik is about 20 years. He married 4 years ago. He has no second wife.

Cross-examined.—I know the father of the Zemindar of Sukkampatti. His name was Balamukunda Muthuramasami Naik. He had four wives. Seniammal is one. I don't know her marriage. I don't know if she was the senior wife. Another wife was Ponnammal. The third wife is Lutchmiammal, daughter of Pallappa Naiken, Zemindar. The 4th wife was Chinakkammal. I did not attend these marriages. Seniammal had no children. Ponnammal was the mother of the Zemindar, last witness. Lutchmiammal left two sons Kolandasami Naik and Ponnusami Naik. Kulasami Naik is the son of Chinakkammal. I am quite sure that last witness was the eldest of the brothers. Ponnusami Naik died 5 or 6 years ago. My uncle Naganna Naik, and other Kumbalas whose names I don't recollect were present. There was a Kodangi Naik. I don't know his name. He is dead. I have only seen two dagger marriages—*i. e.*, of the last witness and his brother. The Zemindar's first marriage which was a dagger marriage took place 10 or 15 years ago. His first wife and her brother are alive. I don't know what her father was. Three days are usual in our marriages.

17—7—90.

(Mark of) Thungama Naik of Periavedu.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 17th July 1890.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

SUPPLEMENTAL RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 25. Deposition of Defendant's 51st witness Vanniappa Pillai, 9th and 13th August 1890.

No. 25.

IN THE SUBORDINATE COURT OF MADURA (WEST).

Original Suit No. 21 of 1889.

Defendant's 51st Witness solemnly affirmed.

Name	...	...	Vanniappa Pillai.
Father's name	...	...	Marudappa Pillai.
Age	...	...	35.
Caste	...	...	Vellala.
Occupation	...	...	Ryot.
Residence	...	...	Saptur.

I was Gumasta under the Saptur Zemindar from January 1880 to August 1886. I know the Zemindar's marriage with the Bodinayakkanur Ammal. I accompanied the Zemindar to Bodinayakkanur. I wrote chittas and signed them, showing the expenditure incurred for the marriage. It cost in all 4,000 Rupees and odd in cash. I saw the accounts in connection with the bottu tying of Mangaleswari. The total sum spent in cash on that account is 364 Rupees. A separate account had been kept for the expenses incurred, on account of the Zemindar's four wives' marriages in 1871. The sum spent in cash was 7,911 Rupees including the presents received, which were also spent. Rupees 1,550 was the amount of the *moi* received. The said sum of 7,911 does not include the outlay for cloths. There is a separate chitta for cloths, and it was not possible to find their value. I know Bhagavathi Muthu Pillai. He was Gumasta in Saptur. I know his writing. I see the Manovarthi chitta for November 1875. The entry of the 11th November shewing payment of 0-2-6 to Peria Vettu Ayyakkannu Naik bears the signatures of Bhagavathi Muthu Pillai and Shroff Sellandia Pillai. The entry is in the handwriting of Ramasami Pillai who is alive. The book is marked XXX and the entry XXX*a*.

Cross-examined:—Exhibit CCC is in my handwriting. I copied it from a draft given to me. I don't know in whose handwriting it was. Nagammal asked me to make a fair copy of it. I noted the details of expenditure in connection with Mangleswari's bottu tying from the chitta of 1882.

No time.

Next Court 9—8—90.

(Initialled) C. V.

(Signed) Vanniappa Pillai.

Interpreted to the witness in Tamil which he understands and admitted by him to be correct, this 9th day of August 1890.

(Signed) VENKOBA CHARIAR,
Subordinate Judge.

Deputy Registrar.

SUPPLEMENTAL RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 25. Deposition of Defendant's 51st witness Vanniappa Pillai, 9th and 13th August 1890. —*concluded.*

At the time Exhibit CCC was written and addressed to Collector, a petition to the Board of Revenue was also written. I only copied that from a draft which had been prepared. I do not know who prepared the draft. The paper shewn me is in my handwriting. Filed as RRR. This is a fair copy first prepared and not a draft. This is signed by Nagammal. I fair copied it from a draft without any addition or subtraction. The draft contained alterations and then some parts re-written. Some lines had been struck out and were re-written in red ink, and I did the same thing in my copy. I cannot say if the alterations in the draft were made in red ink or pencil. This fair copy I made for being sent to the Board. At first the copy was made in black ink without the alterations. I remember the alterations in the draft were made in the margin or so, and as Nagammal required the petition to contain the matter noted in the margin, I added it. Nagammal suggested the alteration, after the fair copy was read and explained to her. I studied English for 2 or 3 years. I am not in service now. Before I entered the service of Saptur Zemindar, I was employed in Sivagiri as Royasam. I then studied English for 3 years and then entered the Saptur service. I don't recollect having written other petitions for Nagammal. At the time, I wrote the petitions abovesaid, I was not in Saptur service. I was for a time Gumasta under Saptur manager, Ganapathi Iyer. I was Gumasta for 7 or 8 months; from what month I cannot say: but I can say it was in the beginning of 1887, or about 2 months after Ganapathi Iyer became manager. My services were dispensed with in December 1887 or so. I was not in service in 1888. I am not now employed under the Peraiyur Zemindar. I gave no instructions for the defence in this suit. I have sat in Court Hall occasionally. I have spoken to the Peraiyur Zemindar and the Defendant's Vakil, but not in connection with this suit. I simply answered the questions put to me by them at Vakil Madhuvier's house. I was asked to prepare certain statements about the cost of the marriages which took place in 1871 and so forth. There is no friendship between me and Madhuvier. I went to him, as he is Defendant's Vakil and as he sent for me. As I was doing nothing and as I was summoned as Defendant's witness, I prepared the statements. I don't get 15 Rupees pay from Peraiyur Zemindar. I don't remember if I had done anything wrong by writing the said petitions. It did not occur to me that I was doing wrong.

Re-examined:—Nagammal did not pay me anything for writing petitions. I have been here for 40 days. Chidambara Iyer on behalf of Peraiyur Zemindar feeds me.

(Signed) C. Vanniappa Pillai.

Read over by the witness who understands English and admitted by him to be correct, this 13th August 1890.

(Signed) C. VENKOBA CHARIAR,
Subordinate Judge.

SUPPLEMENTAL RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 26. Deposition of Defendant's 65th witness Muthukrishnammal, 4th and 5th August 1890.

No. 26.

Defendant's 65th Witness.

IN THE SUBORDINATE JUDGE'S COURT ON MADURA (WEST).

Original Suit No. 21 *of* 1889.

Defendant's 2nd Witness before the Commissioner.

Name of the witness	...	...	Muthukrishnammal.
Father's name	...	...	Muthusami Uthappa Naiker.
Caste	...	...	Kumbala.
Age	...	...	About 28—29.
Occupation	...	...	Zemindarni.
Residence	...	...	Saptur.

Examined on solemn affirmation on 4th August 1890:—

My deceased husband Nagayasami Kamayam Naik had 6 wives: 1. Thavasilingammal *alias* Thavasiammal, 2. I. Muthukrishnammal. 3. Kamakshiammal *alias* Kamulammal, 4. Muthuvirammal, 5. Muthu Chinnammal, and 6. Chinna Nagammal; in all 6. persons. These 6 persons belonged to the Kumbala caste. Muthukamakshiammal, Kumarammal, and Nagammal, these I know. These are not the wives of my husband. They are concubines. They do not belong to Kumbala caste. After I was married, I remained at Saptur for 6 or 7 years. Then I went to my father's house at Uthappanayakkanur and lived therein. He was the Zemindar of Uthappanayakkanur. Because of the misunderstanding with my husband I went away. At the time of my husband's death I was not at Saptur. I came to Saptur the day after the death of my husband. At the time when my husband was alive the authorities had come to Saptur. My elder brother had preferred a complaint. In consequence, the present Tahsildar of Thirumangalam had come there. His name is Krishna Rao. He came and took down a deposition from me. He would have taken a deposition from my husband. I do not know. It was after the enquiry that I went to Uthappanayakkanur. Nagammal, Kumarammal and Muthukamakshiammal remained in a building called the new house. Muthukamakshiammal came to the new house after my marriage. She came there 15 days or a month after my marriage. My husband kept her as his concubine having tied Bottu in the presence of a dagger. Kumarammal and Nagammal remained in the palace for a year. Afterwards he had Bottu tied to them in the presence of dagger, brought and kept them in the new house. The mother of the said two persons, *viz.*, Subtammal, had brought

Deputy Registrar.

SUPPLEMENTAL RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 26. Deposition of Defendant's 65th witness Muthukrishnammal, 4th and 5th August 1890.

did not give *moi* when Bottu was tied to them in the presence of the dagger. Nor did I give money to anybody and order him to pay the *moi*. My father had 2 sons. They are alive. Of them, Muthukrishnasami is my uterine brother. The other is the son of the senior wife of my father. His name is Tirumalai Muthulinga Thumbaya Vellayasami Uthappanayakker. He is the present Zemindar of Uthappanayakkanur. Both of them are married. Their first wives were married during their minority. Afterwards their 2nd wives were married to them. Of the two mentioned above my uterine brother was the elder. Uthappanayakkanur is such a Zemindari as could be enjoyed by a single person. The abovenamed Tirumalai Muthulinga Thumbaya Vellayasami being the son of the senior wife got the Zemindari though younger in age. I know the order of succession among our caste people. In accordance therewith, the son of the senior wife should get it. I remained in the *Melmachu* of the palace at Saptur.

I heard this read out. It is correct.

(Signed) Muthukrishnammal.

Further examination is reserved for to-morrow.

4—8—90. (Signed) S. SUBRAMANIAM,
Commissioner.

The said witness was again examined on 5—8—90.

After the death of my husband, the Tahsildar Narayana Royer came and took down a deposition from me.

Cross-examination:—I went to my mother's house 6 or 7 years before the death of my husband. During that time, I did not go to Saptur. There was misunderstanding. News of the death of my husband was sent to me. The following day I came. Since then up to this I am at Saptur only. I remain in the palace with my co-widows. I now live in the *Vadakku machu* of the palace. Muthuvirammal is at the *Merku Machu*. I have no children. My elder brother's daughter is given in marriage to the brother of the wife of Nagayasami Naiker, guardian of the Defendant. His name is Ramasami Kamaya Naiker. He is the son of the junior Zemindar of Saptur. He is at Peraiyur. He is living in a building outside the palace of the Zemindar of Peraiyur. He is not under the protection of the said Zemindar. I saw Muthukamakshiammal for the first time when she used to visit Saptur palace. I saw her shortly after my marriage, *i. e.*, within 12 or 13 days. I thus saw her for the first time in the Zenana where I was living when she came there. I do not remember how long she had remained in the palace. She then appeared to me to be a new woman. All said that she was the concubine of the Zemindar. The maid-servants who were there said so, as soon as Muthukamakshiammal came there. They did not mention her name. Muthukamakshiammal asked me then what I was reading. I said what I was reading. When she saw me I was not reading anything. I do not remember what I said that I was reading. I was about 11

years old at the time of the marriage. I think Muthukamakshiammal would be senior to me. On that occasion she went away at once. I do not know where she went. I thought that she would have gone to the house. Even after this I had seen her visiting the harem once in 2 or 3 days. She had been coming to the harem in the said manner till I went to my mother's house. She was in the new house. We could see the new house through the window of our palace. I have seen her in the new house. There is a small backdoor between the harem and the new house. She used to come to the harem only through the said doorway. The maid-servants said as soon as they saw her that she was the concubine of the Zemindar. I heard that as soon as she was brought by the Zemindar, Bottu was tied to her in the presence of dagger. I heard so 4 or 5 days previous to my seeing her in the palace. I heard it publicly said by many persons. I have heard that our Zemindar had Bottu tied in the presence of dagger to the daughter of the concubine of the junior Zemindar of Yelumalai. I have not gone to the new house through the small backdoor. The small backdoor is in a wall. There are windows in the southern wall of my *Merku Machu*. The new house could be seen through them. I know Subbammal, mother of Nagammal. I know her when she brought her daughters with her. Even before that she was in the habit of visiting Saptur. Nagammal while she was young used to come with Subbammal. When they came they used to stay for 3 or 2 days. At times she would go away immediately. Kumarammal used not to come then. I had not seen. If Subbammal and Nagammal were to come they would come to the harem. Food would be brought from outside and would be served. I cannot say why they have been coming. When Subbammal brought Nagammal and Kumarammal she left them and went away 2 or 3 days after. No particular person was maintaining them. They were only under the protection of myself and the co-widows. I used to speak with Kumarammal and Nagammal during their one year's stay there. After the lapse of the said one year they went to the new house. During their one year's stay at the palace at that time I guessed that the Zemindar was going to keep them as his concubines. Nobody told me so. When they came, Kumarammal had attained puberty and Nagammal had not attained puberty. During that one year, Subbammal used to come often to see them. She used to come and see them and they were not in the habit of going to Peraiyur. I do not remember if they went. As far as I could remember, I can positively say so. When they went to the new house from the palace, they did not take my permission. I did not see them when they went. They might have gone through the small backdoor. Four or five naligais after they left, I learnt that they had gone. A maid-servant told me that they had gone to the new house. I do not remember the name of that maid-servant. I did not ask why they went. Afterwards they used to come to the palace through the small backdoor once in 2 or 3 days if they had any business. I went out of the palace before Plaintiff was born. I say on a guess that I remained in the palace for 2½ or 3 years after they went to the new house. They used to come to the palace to spend the time by conversing with us. They would speak with me, Muthuvirammal and Muthu Chinnammal. They would speak also with Thavasiammal and Kamakshiammal. After they removed to the new house, Kumarammal and Nagammal did not take food in the palace if they were

Deputy Registrar.

to come there. If they happened to come when we were taking meals, we would order meals to be given after we have finished eating. They would eat. Food was cooked for them separately in the new house. If they were to come while we were eating, we used to give food to them simply because they had come. We would say that food should be given to them after we have finished eating and then food will be given to them. They would not ask us to give them food. I cannot state even approximately how many times they took their meals in the palace during my stay in the palace after they went to the new house. They would have come to the palace nearly about the time of my husband taking his food. They have come. When our husband takes meals we would be doing services to him. Kumarammal and Nagammal did not do any service. They would remain quiet in a secluded palace. Before I went out of the palace, Dorai Pandian was born.

When I left the palace, he was 4 or 4½ years old. My husband would go to the new house through the small backdoor. He used to take meals twice a day. I have seen him taking meals on both the occasions only in the palace. I do not know if he would take his meals in the new house. He was taking his meals on both the occasions without fail in the palace. I do not know if he took his meals on any other occasion in the new house than the said two occasions. According to the custom of our caste, males of our caste can eat the food cooked in the house of Kumarammal and Nagammal. After my return to Saptur on the death of my husband the Government had sanctioned for me an allowance of Rs. 30 a month. I do not know if any objection was raised about it. I do not know whether Muthuvirammal said that allowance may be granted to me and whether the Government questioned her about it. I did not ask about my allowance either Muthuvirammal or my other co-widows. I asked the Tahsildar that allowance should be granted according to the status. For some time the allowance was Rs. 30. Then the Board fixed the allowance at Rs. 50. I knew on the very day that Bottu was tied to Nagammal and Kumarammal in the presence of dagger. I knew it shortly after. I knew it on the day on which Bottu was tied. It was said that Bottu was going to be tied. Then I saw Bottu in their neck. They prostrated before me. I do not know what they did afterwards. Thavasiammal was not with me. Kamuluammal was not with me. They paid their respects to her. I did not give them betel leaf and nut. I do not know if Kamuluammal gave. Muthukamakshiammal did not prostrate before me. I do not know if respects were paid to Thavasiammal and Kamuluammal. Kumarammal and Nagammal prostrated before me, before they went to the new house. It would be 4 or 5 days previous. I do not remember whether they went away then or 4 or 5 days after. I heard from the said servants that they went to the new house only after they made prostration before me. I heard so 2 or 3 days after they prostrated before me. I do not know where they were during those 2 or 3 days. I did not ask. They prostrated before me. I told them to get up. I did not ask them anything. Nor did they tell me anything. After spending the morning time they went away. Subbammal did not then accompany them. She had then come to Saptur. On that occasion I have seen Subbammal in the harem of the palace. I saw Subbammal before Kumarammal and Nagammal went to the new house. A

short time before prostration was made, *i. e.*, the day previous I saw Subbammal. I saw her once or twice. I have seen her 4 or 5 times. I did not see where Subbammal took her meals on that occasion. After Kumarammal removed to the new house, Subbammal used to remain in the new house only if she happened to come and then would go away. The servant women said that Bottu was going to be tied in the presence of dagger to Kumarammal and Nagammal. Nobody told me that they have to be married by sending dagger. I certainly believed from the beginning that Muthukamakshiammal, Kumarammal and Nagammal were only concubines. I entertained no doubt about it. Whenever I had occasion to speak about them, I mentioned them as concubines. I also treated them as concubines. We, the co-widows, used to speak among ourselves about them as concubines. I had not mentioned Kumarammal and Nagammal as the dagger married wives. I know to read and write. Myself and my co-widows would have written letter to one another whenever there might have been necessity. I do not remember. We would have written. Really I do not remember having written. Before my marriage I was reading under a teacher at Uthappanayakkanur up to my 10th or 11th year till I was married. After I came to the Saptur palace I myself was reading. My elder brothers's teacher was also my teacher. The teacher appointed by the Court of Wards taught me English a little. Since I attained the age of discretion I began to read. I cannot say for how many years previous to my marriage I studied. I was reading 3rd reader. I can read English a little. I do not recollect whether I was taught in English when I began to read Tamil or subsequently. I can read printed Ramayanam and Bharadam. I cannot read any given English book. I shall not be able to understand English if spoken. If the conversation was in English, I cannot make it out in Tamil. I cannot put English letters together and read. Nor am I able to talk in English. I remember I and Muthu Chinnammal together having sent in a petition to the Board of Revenue. We sent in the petition requesting to grant the Pannai lands. We wrote that they were wanted for me and Muthu Chinnammal. The allowance was insufficient. We heard that Muthuvirammal had asked for the Pannai lands. We wrote that we also wanted them. The rep'y to our petition was not sent to me. I do not know if a reply was received or not. I did not take any notice of it because Muthuvirammal received a reply that Pannai lands would not be given. I and Muthu Chinnammal asked Meenakshi Sundra *Kavirayer* to write the petition. After that I went away to Uthappanayakkanur. He prepared the petition in English; obtained Muthu Chinnammal's signature to it and brought it to Uthappanayakkanur. I asked him what it was. He said "you asked me to write a petition about the Pannai lands. Here is the petition I have written and brought." He said that petition should be sent to the Board only in English.

Copy of the petition sent to the Board of Revenue by Muthu Chinnammal, Muthukrishnammal, Muthukamakshiammal and Nagammal was read out to the witness.

Answer.—I cannot say whether this petition is the one or not written by us. The gist of what we said is in this petition. We said particularly about the Pannai lands and jewels. That is in this petition. I and Muthu Chinnammal signed a petition in English embodying the said facts.

Deputy Registrar.

The Plaintiff's Vakil desires to have the above copy filed as an exhibit. The Defendant's Vakil objects to it. It is marked as Exhibit H subject to the Defendant's Vakil's objection.

As we were acquainted with the said *Kavirayer* we asked him to write the said petition. If he came he would read Ramayanam &c. He would come for that purpose. He would nearly come into the square building of the palace. It is to that place he would come and read. He would come to the place where we were and if we ask him to read, he would read and we would be listening. I do not know if Muthukamakshiammal and Nagammal signed that petition. I returned to Saptur 20 days after I signed the petition. I had not heard up to date that Muthukamakshiammal and Nagammal had signed the said petition. I am in the Bungalow at Madura belonging to the Zemindar of Bodinayakkanur. Muthuvirammal is in Saptur palace. I have not heard that Muthukamakshiammal and Nagammal had signed this petition or that they fraudulently signed it. My elder brother is senior to me by 2 or 2½ years. The Zemindar of Uthappanayakkanur is also my senior. Both of them are seniors to me. I suppose that the said Zemindar is older than me by 2 years. I stated on a guess that my elder brother is senior to me by 2 or 2½ years. My mother and the mother of the Zemindar are daughters of senior and junior aunts, *i. e.*, my maternal grandmother and the grandmother of the Zemindar were sisters. My father had no other wives than the mother of the Zemindar and my mother. The mother of the present Zemindar was the Royal wife of my father.

Re-examination:—My elder brother's daughter's marriage was celebrated last year, *i. e.*, to the Zemindar of Peraiyur. That marriage had not been celebrated, when the Tahsildar came to make enquiries. At the time of my marriage I had not attained puberty. When I saw Muthukamakshiammal 10 or 15 days after my marriage she had attained her puberty. When Kumarammal and Nagammal remained in the palace for one year before they went to the new house, they were not eating with us in the same row. Previous to this also when Nagammal and her mother was in the habit of visiting the palace, they also did not take meals with us. If Nagammal and Kumarammal were to come to the palace when we were eating after they removed to the new house, they would take their meals after we have finished eating. I did not go to the new house and eat with them. When the Tahsildar took down a statement from Muthuvirammal after the death of the Zemindar I was not present. The name of my teacher was Mannarayyer. He is a Brahmin. I was not aware of the fact that Muthukamakshiammal and Nagammal were going to join in our petition. I do not know whether the said *Kavirayer* could go to the places where dagger married women or other women remain. I heard the deposition read out, which I gave before the Tahsildar of Tirumangalam on the 24th of October 1885. I also see that deposition. It bears my signature. It is the deposition given by me. It is marked IV.

I heard it read out. It is correct.

(Signed) Muthukrishnammal.

Taken by me on oath on the 5th of August 1890.

(Signed) S. SUBRAMANIAN,
Commissioner.

SUPPLEMENTAL RECORD.

PART I.

In the Court of the Subordinate Judge of Madura (West).

No. 27. Deposition of Defendant's 66th witness Muthu Chinnammal, 5th August 1890.

No. 27.

Defendant's 66th Witness.

IN THE SUBORDINATE JUDGE'S COURT OF MADURA (WEST.)

Original Suit No. 21 *of* 1889.

Defendant's 3rd Witnes's before the Commissioner.

Name of the witness	Muthu Chinnammal.
Father's name	Thiruvenkata Naiker.
Age	About 33.
Caste	Kumbala.
Occupation	Zemindarni.
Residence	Saptur.

Examined on solemn affirmation on 5th August 1890.

The deceased Zemindar of Saptur is my husband.. I have a daughter. She was born to him. There are 6 wives to my husband. I, Thavasilingammal, Muthukrishnammal, Kamakshiammal, Muthuvirammal, and Chinna Nagammal; these are the 6 wives. We 6 belong to Kumbala caste. Four wives including myself were married to my husband at one and the same time. I know Muthukamakshiammal. She belongs to Yelumalai. I was born in Yelumalai. I know Nagammal and Kumarammal. I have seen Muthukamakshiammal, Nagammal and Kumarammal. Now Muthukamakshiammal and Nagammal are living in the new house. Kumarammal also lived in the new house. I know Mangaleswariammal. She is not now at Saptur. She went away to Saptur 1 or 1½ years before the death of my husband. While she was here she was living in the new house. Muthukamakshiammal, Nagammal, Kumarammal and Mangaleswariammal do not belong to the Kumbala caste. While the Zemindar was alive he kept them separately in the new house. They were wearing Bottu. Bottu was tied to them by giving Jamuthadu. I lived at the Saptur palace since the time of my marriage up to the death of my husband. I lived in the Southern *Machu*. In the Southern *Machu* my co-widow Kamuluammal lived with me. I had been to the new house. The Southern *Machu* was repaired a little. At that time I went to the new house and remained there. At that time, Muthukamakshiammal and Nagammal were in that building only. Food would come from the palace. I and Muthukamakshiammal and Nagammal would not sit in the same row and eat. As a matter of fact we did not. Shortly after the death of my husband the Tahsildar came and examined me. I have then given a deposition.

I heard the deposition read out, given by me before the Tahsildar of Tirumangalam on the 24th October 1885. I also see it. It bears my signature. It is the deposition given by me.

Deputy Registrar.

SUPPLEMENTAL RECORD.

PART I.

In the Court of the Subordinate Judge of Madura (West).

No. 27. Deposition of Defendant's 66th witness Muthu Chinnammal, 5th August 1890.

It is marked V.

When my husband had gone to Madura on account of a certain criminal case, I went to Bodinayakkanur. Muthukamakshiammal and Nagammal also came then there. I remained with the royal wife in the upstairs of the Zemindar's palace at Bodinayakkanur. Nagammal and Kumarammal remained downstairs with his concubines. At that time, I and Kumarammal and Nagammal had separate meals. When I went to Bodinayakkanur Chinna Nagammal had come with me. The other wives of the Zemindar did not come.

Cross-examination:—I am now living in the southern *machu* of the Saptur palace. I am 30 or 33 years old. I remember my marriage. Four including myself were married at the same time. My husband's elder sister Lingammal tied Talis to us. She came to the hut and tied the Tali. My husband did not come to the hut when the Tali was tied. Nagammal and Kumarammal had come and remained at the palace for some-time before they went to the new house. They remained in the palace for one year. During that one year, they did not go to Peraiyur. I had known Nagammal a year previous to that. I had not known Kumarammal. Nagammal used to visit the palace. During that one year, they lived in all *machus* in common. They will take meals at the opening of the *machus*. They would not take meals inside the house. At that time I remained at the southern *machu*. Thavasilingammal and Muthuvirammal remained in the north *machu* and Muthukrishnammal and Kamuluammal in the west *machu*. During that one year Kumarammal and Nagammal were not under the protection of any one. Food will be cooked; meals would be brought and served. Zemindar used to buy and give woman's cloth. I have seen Muthukamakshiammal at Yelumalai. She is the daughter of the concubine of the junior Zemindar. I saw her at Saptur a week after my marriage. I saw her in the new house. I then went to the new house and saw her. Kumarammal and Nagammal came to the palace 5 or 6 years after my marriage. When they came Muthukamakshiammal was in the new house. Nagammal and Kumarammal remained in the palace for one year, were married in the presence of the dagger and went to the new house. At that time Muthukamakshiammal was in the new house. Since Nagammal went to the new house, she has been living in that house upto this. The mother of Kumarammal and Nagammal brought and left them with our *Dorai* and went away on the 3rd day. When the mother brought them, Kumarammal had attained her puberty. Nagammal had not attained her puberty. Before I saw Muthukamakshiammal in the new house as stated above, I had not seen her in the palace. She is remaining till now only in the new house. She might have come on some occasions to the palace to see me, and on some occasions she might have come to live in the palace. They were digging a well in the new house. At that time Muthukamakshiammal and Nagammal had come to live in the Palace for some time. Kumarammal did not come. I do not remember whether Kumarammal was alive or dead then. For a year or 6 months, Nagammal and Muthukamakshiammal came and lived in the palace. At that time they repaired also the verandah's of the new house. Their servants remained only in the new house. They only came to the Palace. The servant would bring food to them from the

new house. All their things remained in the new house. Generally they would sleep in the west *machu* and south *machu*. Nagammal and Muthukamakshiammal would eat even in our house. I do not know if they took their meals in the house of my co-wife. At that time they had taken meals on many occasions. I cannot say how many times. It was only after Bottu was tied that Nagammal and Muthukamakshiammal came to the palace as stated above. I cannot say whether they came shortly after Bottu was tied or some days after. I cannot say whether they came 3 years or 1 year after Bottu was tied. As Kumarammal did not accompany them, I think she must have been dead. When my southern *machu* was repaired, I went and lived in the new house for one year. No other *machu* was then repaired. I cannot say whether my going and remaining in the new house took place first or Muthukamakshiammal's and Nagammal's. When I went and remained in the new house for one year. Kumarammal, Nagammal and Muthukamakshiammal these three were present. Myself and a small girl who would give betel-leaf were in the new house. The maid-servants would bring food from the palace, serve it and go away. They would take their meals in the palace. Kamakshiammal of Koppayanayakkanur had come with me to the new house. It was she who remained with me in south *machu*. None of my other co-widows had come with me to the new house. In the deposition Exhibit V, it is mentioned that I and the other wives of the Zemindar lived in that building along with the women married in the presence of dagger. It was caused to be written in that way on the supposition that I and my co-wife lived in that building. I might have stated before the Tahsildar "I and the other wives of the Zemindar." There was no other place for me and Kamakshiammal to cook our food. Except the place where we were cooking our meals, there was no other place in the palace for Muthukamakshiammal and Nagammal to cook food. That which I describe as palace consists of yard, verandah all round, rooms and raised platform in the middle. In the place where we were, the co-wives had no separate cooking. There was no place to cook separately. The cooking was common. We would keep the things separately in the *machu*. All of us would use the entrance and the verandah. When I went to the new house, I do not recollect whether Thavasiammal was alive or dead. At that time Muthuvirammal was in the palace. Muthukrishnammal was not then at Saptur. It was only after she left the palace that Kamuluammal came to live with me. After Muthukrishnammal left the palace Muthuvirammal lived in the west *machu* for some time. Previous to that she was in the north *machu*. After she came to the west *machu* the north *machu* remained vacant. The Zemindar of Yelumalai brought me up as his daughter. I am the daughter of the next heir of that Zemindar, *i. e.*, daughter of the next dayadi. It was the said Zemindar that gave me in marriage. A week after my marriage, I went to the new house to see Muthukamakshiammal. I might have spoken to her. None of my co-wives came with me. A small child came with me. The Zemindar of Yelumalai, my father and the wife of the Zemindar had come to Saptur. My husband asked that Muthukamakshiammal might be given in marriage to him by tying Bottu in the presence of dagger. This took place in the raised platform. I was in the house. This took place 4 or 6 days after my marriage. Muthukamakshiammal did not

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come to my marriage. Except the 3 persons aforesaid, I do not recollect who else was present. It was evening time. I was inside the room in the south *machu*. I heard my husband asking the Zemindar of Yelumalai. My husband said that Muthukamakshi, the concubine's daughter of the junior maternal uncle, *i. e.*, the junior Zemindar of Yelumalai, should be given to him to be married in the presence of dagger. My father said in reply that it must be done after consulting her mother. This is what I heard. I heard nothing else. When Kumarammal and Nagammal went to the new house from the palace after they were married in the presence of dagger, they did not take my permission. Immediately after they went to the new house I became aware of it. I made enquiries. I enquired of the maid servants. They said, soon after they were married in the presence of dagger, they have gone to the new house. I was not aware of what was ment by dagger marriage before my husband asked my father that Muthukamakshi should be united to him by marriage in the dagger form. Previous to that I had not even known what was meant by the word "*Jamuthadu*". After that I did not hear about *Jamuthadu* marriage. After that I first saw in the new house Mangaleswariammal whom my husband had married in the dagger form. I would always go to the house of Muthukamakshiammal. When I went to see her, I saw Mangaleswariammal there. She had come to Saptur Palace when she was a child. I have seen her. I did not then speak to her any thing. Before that she had not come to the palace. I have heard that Mangaleswariammal has been living in a separate house in the southern street of Saptur before I saw her in the new house.

Question:—You have stated in the deposition marked V, "they are not caste Kumbalas as we are." "What is meant by caste Kumbalam."

Answer:—We belong to one caste. I and my co-wives belong to the same caste. As Muthukamakshiammal and Nagammal are daughters of concubines, I have stated they do not belong to Kumbala caste. I, Chinna Nagammal, Nagammal, Muthukamakshiammal, two childern of Muthuvirammal, my daughter, Nagammal's son, and our servents, these had been to Bodinayakkanur. When we had gone to Bodinayakkanur, meals were prepared downstairs for me and Chinna Nagammal. We took meals upstairs. The maid servants of Kamuluammal of Bodinayakkanur, and our maid servants would fetch us food. Muthukamakshiammal and Nagammal would come upstairs. They would come when we were taking meals. We would give them food upstairs out of the food that was brought to us. I would have sent in a petition in English to the Board about the Pannai lands and jewels. A man colled Minakshisundra Kavirayar had come from Saptur. I and my co-wife Muthukrishnammal asked the said Kavirayer to write a petition to the Board about the jewels and Pannai lands. We simply said that a petition should be written. He brought a petition written in English. We heard that Muthuvirammal had written that Pannai lands should be given to her. I and Muthukrishnammal asked him to write a petition that Pannai lands should be given to us also. I told him to write that the Sridhanam jewels of mine should be given to me. I signed the petition which he brought written. I first signed it. I signed at Peraiyur. The said Kavirayer told me that he was going to Uthappanayak-

kanur to obtain my co wife's signature. The petition was not brought to me after the signature of Muthukrishnammal was obtained at Uthappanayakkanur. I did not see her signature I do not know if any endorsement was sent to that petition I do not remember whether any order was sent either by the Dy. Collector or Tahsildar about it. I did not make enquiries about that petition. I heard that Rani Muthuvirammal received an order to the effect that Pannai lands would not be given. Therefore I did not make enquiries about my petition. I have not heard upto this date that the said petition was signed by Muthukamakshiammal and Nagammal. I have no doubt whatever that Muthukamakshiammal and Nagammal are the concubines of my husband. I do not know if my co-wives had any doubt. If any person who did not know Muthukamakshiammal and Nagammal were to ask who they were, I would say that they are the concubines who underwent the Jamuthadu form of marriage. We would call them by their names

Question :—Would you mention to your co-wives and your servants that Muthukamakshiammal and Nagammal were concubines ?

Answer :—If we were to send for them by our servants we would tell our servants to call Muthukamakshiammal and Nagammal. But if strangers were to come and ask who they were we would say that they are the concubines of the Zemindar.

Re-examination :—I do not know English. I do not know to read and write that language. I do not know that language if spoken. Minakshisundra Kavirayer did not read out that to me. I do not know who wrote that petition. I do not know if that Kavirayer knows English or not. The said Kavirayer used to visit the palace during the lifetime of my husband. He used to come to our husband during his lifetime and to us after his death. After the death of my husband that Kavirayer would go to the new house. I did not order him to include the names of Muthukamakshiammal and Nagammal in my petition. I have seen the thing called *Jamuthadu*. I have seen at the Yelumalai palace and Saptur palace. I have seen the *Jamuthadu* in the Yelumalai palace before. I was married. What I meant by the expression that I had not heard the word *Jamuthadu* referred to above, was that I did not hear this word *Jamuthadu* from my husband's lips. At the time of my marriage, I had attained puberty. I was then about 16 or 15 years old. Of the girls who were married along with me, I was the eldest. I said that my husband was not in my hut when Bottu was tied. I do not know whether he was then in his hut.

Question :—You were married. Huts had been put up for you. Were there any other huts put up ?

Answer :—5 huts including that of mine had been put up. Of them one was for my husband. When Bottu was tied to us four, my husband was in his hut. Lingammal who tied Bottu is dead. I do not recollect whether Thavasiammal was alive or dead

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at the time when Muthuvirammal came to the west *Machu*. When Thavasiammal remained at Saptur before her death, she livied in the north *Machu*. Thavasiammal died 1 or 1½ years before the death of my husband. The Zemindar of Yelumalai who brought me up is dead. His wife is alive.

I heard this read out. It is correct.
(Signed) Muthu Chinnammal.

Taken by me on oath this 5th day of August 1890.
(Signed) R. S. Subramanian,
Commissioner.

No. 28.

Defendant's 67th witness.

IN THE SUBORDINATE JUDGE'S COURT OF MADURA (WEST).

Original Suit No. 21 *of* 1889.

Defendant's 4th witness before the Commissioner.

Name of the witness	...	...	... Sellathayi Ammal.
Father's name	...	...	... Kulandasami Maniyakaren.
Caste ...	...	...	... Maniyakar caste.
Sect ...	...	...	... Sivite.
Residence	...	...	... Kalpothu.
Occupation	...	...	... Enjoying the Zemin.

Examined on solemn affirmation on 5th August 1890.

My husband's name is Muthusami Maniyakar. He is the Zemindar of the Mitta of Kalpothu. I know Mangaleswariammal. The father of Mangaleswariammal was the paternal aunt's son of my husband. Mangaleswariammal is now married. She is married to one Subbiah in Ramanadapuram. Subsequently she has given birth to a son.

Cross-examination :—Mangaleswariammal is alive. I know Subbiah of Ramanadapuram. I have seen him when he had come to my village. I saw him 2 or 3 months ago. I had not seen him before that. I saw him only once 2 or 3 months ago. After that he has come to Kalpothu and was living then with Mangaleswari. I have seen. Before that they were at Ramanadapuram. I had not seen them there. A women had been married to Subbiah before Mangaleswari. I heard that Subbiah has married Mangaleswari. It was a year before. They were married a year ago. I heard about 7-8 months ago.

Re-examination :—No questions.

I heard this read out; it is correct.
(Signed) Sellathayammal.

Taken by me on oath this 5th day of August 1890.
(Signed) R. S. SUBRAMANIAN,
Commissioner.

SUPPLEMENTAL RECORD.

PART I.

In the Subordinate Court of Madura (West.)

No. 29. Deposition of Defendant's 68th witness Thangammal, 5th and 12th August 1890.

No. 29.

Defendant's 68th witness.

IN THE SUBORDINATE JUDGE'S COURT OF MADURA (WEST).

Original Suit No. 21 *of* 1889.

Defendant's 5th witness before the Commissioner.

Name of the witness	... Thangammal.
Father's name	... Chinnayasami Naiker.
Caste	... Kumbala.
Sect	... Sivito.
Residence	... Kulappanayakkanur.
Occupation	... Cultivation.

Examined on solemn affirmation on 5th August 1890.

Ayyakannu Naiker of Saptur is my husband. The present Zemindar of Sandayur is my brother. I know that wives were married to the Zemindar of Saptur. He was first married to Thavasiammal, daughter of the Dorai of Mulippatti. I had been to the marriage. I am the *Periyavettu Ammal*. My husband is Periyavettu Naiker. We belong to Kumbala caste. I know that the Zemindar of Saptur was again married. The said Zemindar married Muthukrishnammal, Kamakshiammal of Koppayakkanur, Muthu Chinnammal of Yelumalai and Muthuvirammal of Peraiyur. I had been to that marrage. In those marrages my husband acted as Periyavettu Naiker and I as Periyavettu Ammal. I know Mahalinga Naik and his father Nagamuthu Naik. In those marriages Nagamuthu did not act as Periyavettu Naik. He is older than my husband. After the Dorai was made the Zemindar, he appointed us only a Periyavettukar. I know Muthukamakshiammal. We all were neither invited for her marriage nor did we attend it. I know Nagammal and Kumarammal. We were neither invited for their marriages or did we attend it. I know of the marriage between the Zemindar and Chinna Nagammal. That marriage took place at Bodinayakkanur. I and my husband had been to that marriage. In that marriage, my husband acted as Periyavettu Naik and I as Periyavettu Ammal. I have seem Mangaleswari Ammal. I did not go to her marriage.

Cross-examination:—Reserved.

I heard it read out. It is correct.

(Mark of) Thangammal.

Taken by me on oath this 5th day of August 1890.

(Signed) R. S. SUBRAMANIAN,
Commissioner.

Deputy Registrar.

SUPPLEMENTAL RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 29. Deposition of Defendant's 68th witness Thangammal, 5th and 12th August 1890.

The said witness was again examined on 12th August 1890.

I cannot say what my age was at the time of the marriage of Thavasilingammal. I had not then given birth to any child. Muthulinga Naiker and Pathulu Naik acted as *Sastra Naiks* in the marriage of Thavasilingammal. I do not remember if Chinna Naiker had then come or not. I had attained puberty even before that marriage. Kumarammal did not come to that marriage. I do not remember if Nagamuthu Naiker, his wife, Kumarammal, and Errakama Naik had come or not. I do not remember who else had come to the marriage except myself and my husband. I did not act as Periyaveettu Ammal in any marriage before that of Thavasilingammal. I do not remember how long that marriage was celebrated. I do not remember how long ago my marriage was celebrated. I do not remember what my husband's age was at the time of the marriage of Thavasilingammal. I do not remember if I acted as Periyaveettu Ammal in any marriage before that marriage. A woman's cloth was presented to me in Thavasilingammal's marriage. I have heard that dagger marriage was performed on Muthukamakshiammal. I have heard about it when that marriage took place. Thathaya Naiker of Athipatti is my neighbour. I heard from him. Thathaya Naik does not belong to Kumbala caste. He belongs to Kolla Thottia caste which is a different caste. So the people will say. Thottia caste and Kumbala caste are separate castes. Kumbala caste is not a sub-division of Thottia caste—Nor does the latter has any connection with the former. I cannot say whether Kolla Thottia caste belongs to Thottia caste or not. I do not remember. The said Thathaya Naik told me that Tali was going to be tied to Muthukamakshiammal by giving a dagger. I said nothing. I listened to it and remained quiet. They said that Tali is to be tied in the presence of dagger. I did not ask what it was. I have not heard about it even before that. I kept quiet thinking I need not ask Thathaya Naik about it. I do not remember whether it struck me then as a new matter or not. I did not ask why we were not invited for the marriage. I did not know whether *Naikmars* were going to the marriage of Muthukamakshiammal.

Question.—Who acted as Periyaveettu Naik in that marriage?

Answer.—All that acted as Periyaveettu Naiker were Athipathi Naiker's family.

My husband did not act as Periyaveettu Naik. He said he was going to the marriage. I do not know who went as Periyavettu Naik. I was not told that Athipathi Naik was going as Periyavettu Naik. Periyavettu Naik does not attend the dagger marriages. He should not attend. As they belong to a separate caste, he should not go. Periyavettu Naik should not go to the house if a dagger married woman should die nor should he conduct the ceremonies in relation to it. None of the Sastrams observable in our caste marriage should be observed in the dagger marriage. The ceremony of putting the toe ring is observed amongst our Kumbala caste people. The toe ring would be put by the mother-in-law. If the mother-in-law were to be a widow, the wife of the Periyavettu Naik of that village would put it. I do not know if the ceremony of putting

the toe-ring is observed in the dagger marriage. I do not recollect. The ceremony of putting the toe ring should not be observed in the dagger marriage. As no ceremony is to be performed in that marriage, I and my husband did not go to that marriage. We do not attend such marriages. Kumbala people should not go to eat the food given in that marriage. Nor should they receive the provisions in that marriage. The marriage of Nagammal and Kumarammal was dagger marriage. Kumbalas did not attend it nor did we attend. As the marriage was not that of our people, they did not attend. Even if they were to go they must with our permission. As they did not ask us for permission I say that none of them went. Our caste men did not attend Thathaya Naik's marriage also. They would not go. I knew about the marriage of Nagammal and Kumarammal only after being told by Thathaya Naik. Even then Naikmars from other villages did not come to Saptur.

Question.—On the occasion of the marriage, either before or after, no Naiks (I believe) came.

Answer.—They might have come. Relations would have come to our house. None came. I do not remember if Naikmars came to Saptur on that occasion. Naikmars of Thombayapatti, Alagapparni, Kalpothu or of Sandayur did not come on that occasion. I do not remember if Thirupugalsami of Peraiyur and Muthulingasami of Vittilpatti came. His wife Krishnammal and Dora Pandian of Peraiyur did not come. I know of the death of Kumarammal. She was not the dagger married wife of the Zemindar of Saptur. I do not know of the death of his dagger married wife, Kumarammal.

Question.—Have you never heard of that event?

Answer.—I have heard. I know it from Thathaya Naik of Athipatti. I asked what the wailing was about. He said that she died. My husband did not tell me about it. My husband did not go to the Saptur palace in connection with that death. In our caste *Kalangukira Sastram* is observed in cases of death. That ceremony is performed on the 7th day. On that occasion the *Periyavettu Naik*, relations and the people of Alagapuri would come.

Question.—Can that ceremony be performed without Periavettu Naik's presence?

Answer.—Periavettu Naik must attend if it takes place in the house of our caste people. Other caste people than our caste people observe the ceremony of *Kalangukira Sastram*. I do not know whether the ceremony of *Kalangukira Sastram* is performed in case of the death of a dagger married woman. We do not attend. I do not know if the ceremony of *Kalangukira Sastram* is observed in the case of the death of concubines.

Question.—As far as you have attended, and as far as you know, have you seen the ceremony of *Kalangukira Sastram* performed in the case of a concubine? Has there been any such thing?

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Answer.—There has been no such thing. If a concubine dies Periavettu Naik does not go. My husband did go to the death of Kumarammal. There would be a Periavettu Naik for Peraiyur there. Lingayasami Naiker is the Periavettu Naiker. Nagamuthu Naik is a dayadi of my husband. The former's *Kiyan* and the latter's *Kiyan* were the sons of brothers. By *Kiyan* is meant father's father. My husband's father and Nagamuthu Naik's father were not brothers. I have not given a deposition to that effect before. Nagamuthu Naik is a distant dayadi of ours. Nagamuthu Naik was the Periavettu Naik before my husband. He was the Periavettu Naik during the lifetime of present Dorai's father. It is not so. I have heard from my aunt that he was Periavettu Naik during the time of Defendant's grandfather. I do not know who was Periavettu Naik after the death of Defendant's grand-father and before my husband became Periavettu Naik. In Saptur there is a temple of Vallakkondammal. People say that Kannimar Kovil is on the hill. There is one on the outskirts of the village. I know the temple on the outskirts of the village. It has no maniyam. The temple which is on the hill has maniyam.

Question.—Is the maniyam attached to Kannimar Temple or Vallakondammal's Temple?

Answer.—It is attached only to the Kannimar Temple. We cultivated that maniyam land for some time. Now we do not enjoy it. It is now in the enjoyment of the Government. I do not remember if Mahalinga Naiker is enjoying it.

Question.—Is it not the Periavettu Naik that should enjoy that maniyam of Kannimar Temple?

Answer.—I do not remember all that.

Question.—Ought not the persons that should enjoy Kannimar temple maniyam land to be the Periavettu Naik?

Answer.—So long as we were Periavettu Naik, it was we who were enjoying the said maniyam. The persons who enjoy the Kannimar Kovil maniyam should be the Periavettu Naiks. There is no puttah for that maniyan either in my name or in my husband's name.

Question.—In whose name does its puttah stand?

Answer.—I do not know whether it is in my husband's name or not. The males should be asked.

Question.—You said that that land is in the Sircar enjoyment. Why do you say so?

Answer.—Whether it is so or not should be asked of the males. All that I do not recollect. We do not go to *Thottikattu*. I have seen Nagammal and Kumarammal while going to and returning from the place. I had

SUPPLEMENTAL RECORD.

PART I.

In the Subordinate Court of Madura (West).

No. 29. Deposition of Defendant's 68th witness Thangammal, 5th and 12th August 1890.

not been to the new house. I do not know what is meant by *Thottikattu*. I do not remember whether in the palace there is a court-yard in the centre and built portion all round. There is in the palace a court-yard in the centre and in the centre of the court-yard a raised platform. It is in that place where the wives of the Zemindar remain. I have seen Nagammal and Kumarammal visiting the palace. There they did not live together with them. I have seen them only when going to and returning from that place. Did I see them leave? It was only before the Tali was tied that they remained within the palace. After that they left it. I did not see them there after that. After Tali was tied, they used to come to the palace and go back. They were not living there. They did not live there even for a few days after Tali was tied. I have no doubt about it.

Question.—If one of the wives of the Zemindar should say that they were so living in the palace after the tying of the Tali, would it be correct or incorrect?

Answer.—I do not know of their living in the palace. I do not remember. I was in the palace. Thereupon I went to Bodinayakkanur for Chinna Nagammal's marriage. I was inside the big palace. The females were in the upstairs. The males remained at *Konavasal*. That *Konavasal* is in the west close by the palace. By males, I mean, the Zemindar and the servants who accompanied him. Malalinga Naik, son of Nagamuthu Naik, has brothers. His elder brother Vallakondayya is dead. His father had a son Nagappa Naik by his junior wife. During his lifetime did not do the duties of Periavettu Naik. His younger brother Ramasami has been doing the duties. After the death of the Dorai, he was doing the duties. He was doing the duties after the death of Defendant's father. Rani Muthuvirammal appointed Ramasami Naik. As my husband was ill, he told the Rani that he could not perform the duties of Periavettukar and that she might take it over. So long as the Zemindar was alive, my husband was in the habit of watching the audience hall. He had no salary. They would give paddy and we would eat. No monthly salarly of Rupees 4 was paid for remaining in the *Kottaram*. No salary was paid to my husband by the Zemindar for going to Kodikulam. They used to give paddy in a lump. They might have paid 4 Rupees salary. They did give. I did not say this at once owing to failure of memory. When my husband was employed in the *Kottaram*, they gave paddy. No money salary was fixed. My husband was doing duties at Kottaram. I do not know how long he was doing the duty. My husband was not watching the fields at Kodalam. I do not remember if my husband was an Amanipeon or not. My husband has gone to marriages of other Kumbalas as Periavettu Naik. He has gone to the marriage of our relations. I can only state generally that he went to the marriages of our relations.

Re-examination:—If Saptur Zemindar marries, betel-leaf invitation is given by the Periavettu Naik. My husband did not go and serve betel-leaf and nut when Bottu was tied to Nagammal and Kumarammal. Kumbalas will not usually attend marriages if not invited with betel-leaf and nut. I know Periya Dorai Pandian, the eldest son of the Zemindar of Saptur. I know his Tonsure ceremony. Naiks attended.

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SUPPLEMENTAL RECORD.

PART I

In the Subordinate Court of Madura (West).

No. 13. Deposition of Defendant's 68th witness Thangammal, 5th and 12th August 1890.

The witness was put the question "whether provisions were given to any."

The witness began by saying it was only on that day that "to Kumarammal and Nagammal." The Defendant's Vakil insisted upon having a direct answer to the question *i. e.* Yes or No.

The Plaintiff's Vakil wants that the witness should be allowed to continue from what she has said. The Defendant's Vakil objects to it and says that direct answer alone should be taken.

Under this circumstance, I think the question may be put again.

Question. Were any provisions given at that time to any?

Answer. Provisions were given to Naiks. Provisions were given for 3 meals.

Question. When this question was put to you before you began by saying it was on that day that "to Kumarammal and Nagammal" what is it?

Answer. There is a daughter of my elder brother by name Kumarammal. I began then to say that tonsure ceremony was also performed on her at that time. I did not mention the name Nagammal. I cannot utter that name as it is my husband's name. I do not know what ceremonies are performed at the *karmantharams* of other caste people than Kumbalas. I do not remember whether the ceremony of *Kalangukiradu* is observed or not amongst other castes. I do not know. I do not go.

Krishnammal of Peraiyur above referred to by me is the wife of the Zemindar of Peraiyur. She is not the wife of Muthulingasami.

I heard this read out. It is correct.

Taken by me on oath, this 12th day of August 1890.

(Mark of) Thungammal.

(Signed) R. S. Subramanian,
Commissioner.

HIGH COURT OF JUDICATURE AT MADRAS, *April* 1897.

Deputy Registrar, Appellate Side.

PRINTED BY GRAVES, COOKSON AND CO., SCOTTISH PRESS, MADRAS.

A. 78 & 95—16¼

In the Privy Council.

IN APPEAL FROM THE HIGH COURT OF JUDICATURE AT MADRAS.

BETWEEN

SUNDARALINGASAWMI KAMAYA NAIK, minor by his mother and next friend Nagammal ... ... *Appellant.*

versus

RAMASAMI KAMAYA NAIK, minor under the protection and guardianship of Nagayasawmi Naik and through the Collector of Madura and Agent of the Court of Wards ... *Respondent.*

SUPPLEMENTAL RECORD OF PROCEEDINGS.
