Revenue (1898) Department.

PRESS SERIES.

G.O., No. 349

Dated 18th June 1898

[Despatch Abstract.]

Sivaganga Zamindari

Approving and sanctioning the recommendation
of the Bd. of Rev. that the — be placed under
management of the Court of Wards.

BACK PAPERS.

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

FURTHER PAPERS.

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

Revenue (1898) Department.

CURRENT No. 3756

full

From The Board of Revenue
Land Revenue

Rf No. 557

Dated 18-5-98

Received 23 "

Registered 25 "

Enclosures 24.

Spare copies

SUBJECT.

Submitting for the orders of Govt. Certain papers relating to the Sivaganga Estate in the Madura Dt. and supporting the Collector's recommendation that it be placed under the management of the Court of Wards.

BACK PAPERS.

G.O.	No.	Department.	
	4665/98		

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Reference on *No.* *of* 1897.

In replying the above should be quoted.

(LAND REVENUE)

REVENUE BOARD OFFICE MADRAS

Full Board

Read the following papers :-

(1)- Again Board's Proceedings No.607 Misc.,dated 1st March 1898.

(2) Also petition from Sasivarna, younger brothers of Srimat Muthu Vijiya Raghunatha Periyasami alias Sethupathi Thevan,late Zamindar of Sivaganga,Madura, by M.R.M.V.T. Rama Rau Avergal,High Court Vakil,Madras,dated 7th March '98.

And the following Reference thereon dated 11th March 1898.

Referred to the Collector of Madura with reference to his letter dealt with in Board's Proceedings No. 607,dated 1st instant.

(3) Also petition from Dalliabatcha Thevar,natural father and guardian of the adopted son of the late Zemindar of Sivaganga,Madura District,dated 14th March 1898.

And the following Reference thereon No.40,dated 17th March 1898.

Referred to the Collector of Madura in continuation of Board's Reference Order of the 11th instant.

The following deferred telegram will be despatched to the petitioner.

" Your telegram 14th.Board awaits Collector's report.Court of Wards not yet authorized to take cognizance".

(4) Also Endorsement of the Collector of Madura,Ref.on Current No.589-Genl.,dated 25th March 1898.

And the following Reference thereon dated 5th April 1898, No.408.

The Collector is requested to report whether

the minor zemindar of Sivaganga inherits any property which is "charged with the direct payment of rents or revenue to Government". (Vide S.3 Regulation V of 1804). If the answer is in the negative, the Court's right to intervene is barred by the above Regulation.

2. The reply to this reference should be submitted with the least possible practicable delay.

(5) Also Letter from the Collector of Madura, R. on C.No.589-Gl., dated 28th April 1898.

(6) Also petition from Dilli Batcha Thevar, Sivaganga, Madura, dated 15th April 1898.

(7) Also petition from Kulandaisamy Tevar, alias Alagarsami Tevar, paternal grandfather of minor zemindar of Sivaganga, Madura, dated 26th April 1898.

(8) Also telegram from the Sivaganga Zemindari, Madura, dated 31st March 1898.

9-(a) also petition from Ranee Vellia Nachiar, widow of the late Zemindar of Sivaganga dated 31-3-98

(9) Also Endorsement of the Ag. Under Secretary to Government, L. D. No.675, dated 5th April 1898, transferring to the Board of Revenue telegram from the Zemindari, Madura, dated 31st March 1898.

(10) Also telegram from Vellay Nachyar, Late Zemindar's wife, Sivaganga, Madura, dated 14th April 1898.

(11) Also telegram from Sivaganga Zemindari, Madura, dated 1st May 1898.

(12) Also petition from Ranee Vellay Nachyar, Zemindarni of Sivaganga, Madura, dated 29th April 1898.

(13) Also petition from the same petitioner, dated 29th April 1898.

(14) Also Endorsement of the Collector of Madura, R. on C.No. 589-Gl., dated 13th May 1898.

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Reference dated 18th May 1898, No.551.

The papers read above relate to the question of the Court's intervention in regard to the management of the Sivaganga Zemindari (in the Madura District) the last owner of which died on the 26th February last, leaving a widow and a minor adopted son, nearly 10 years old.

2. The estate, which was the subject of protracted litigation, has been declared by the Privy Council to be impartible. To clear off the debts amounting to 30 lakhs of Rupees the deceased Zemindar gave a usufructuary mortgage of the estate (proper) to Mr. B. G. Orr & two others for period of 32 years from 1st July 1886 on condition that it should be restored free of encumbrances at the end of that term. The estate is now in the lessees' possession.

3. Apart from the Zemindari, the minor has inherited certain inam villages which pay quit rent direct to Government.

4. Having regard mainly to the facts that the education of the future administrator of an ancient and impartible Zemindari would otherwise suffer and that the property to be administered on the minor's behalf amounts in annual value to nearly Rs.60,000, excluding the vast income from endowments in respect of which the late Zemindar exercised the functions of trustee, the Head Assistant Collector and the Collector of Madura recommend the Court's intervention in the case.

5. The wishes of the principal members of the family are indicated below:-

(a) Sasivarna Thevar, a brother of the deceased Zemindar, prays that the Court of Wards should charge of the properties until the disposal of an appeal which he has filed in the High Court against the decision of the Sub-Court of Madura (East) declaring the validity of the minor's adoption.

(b) (1) the widow of the deceased Zemindar contends that there is no necessity for the Court's intervention inasmuch as the estate proper has been leased out and must remain in the possession of the lessees beyond the period of the boy's minority; that she is able and willing to administer the trust properties through paid agents as has hitherto been the custom; and that as the minor has inherited no property charged with the direct payment of rent or revenue to Government, the Court of Wards has no jurisdiction in the case. From the Collector's report it is clear that the minor has inherited property charged with the direct payment of revenue to Government and that the petitioner would not make a suitable guardian or manager.

(b) (2) Kulandaisami Thevan (the father of the minor's natural father) urges that the late Zemindar had much confidence in him, and entrusted him with various responsible duties; that he is prepared to look after the minor's interests; and that the Court's intervention, even if permissible, is not called for.

The Head Assistant Collector's report shows that the petitioner is deeply in debt and not likely to make a reliable guardian or manager.

(c) Dilli Batcha Thevan, the minor's natural father, who originally deprecated the Court's intervention has finally stated that having conferred with his legal adviser (Mr. P. Ramasubbayyar) he has come to the conclusion that the best course in the minor's interest would be to commit him and his property to the care of the Court of Wards.

6. The Board of Revenue has, after careful consideration, come to the conclusion that for the reasons assigned by the Collector the intervention of the Court of Wards is expedient, and requests the sanction of Government therefor.

7. If the lessees regularly pay the allowance secured under the lease, the financial position of the minor will be satisfactory: the annual income is estimated at Rs.60,000, while the charges will probably not exceed Rs.10,000 for the present. The outstanding liabilities of the estate, amounting to Rs.1,35,950, could thus easily be discharged from the available annual surplus.

8. The Collector has asked for very early orders in the matter, as the former Manager who still continues in charge of the trust properties has no legal status after the death of the late Zemindar.

Lionel Dawkins.
Asst. Secretary.

To

The Secretary to Government, Revenue Department, with enclosures (to be returned).

M.R.H.

Revenue (1898) Department.

CURRENT No. 3743

12 Aug

From

Ranee Vellai Nachiar
the Zamindarni of
Sivaganga
Madura Dist.

No.

Order

Dated 19 May

Received 23 "

Registered 25 "

Enclosures 2

Spare copies.

SUBJECT.

Appealing against the recommendation of the Bd of Rev. to take his deceased husband's property under the Court of Wards.

BACK PAPERS.

G.O.	No.	Department.	Date

FURTHER PAPERS.

G.O.	No.	Department.	Date.

PETITION

0340

REVENUE DEPT

To

His Excellency the Governor-in-Council,

Fort Saint George,

MADRAS.

Through the Collector of Madura.

The humble petition of Rajee Vellai Nachiar the Zemindarni of Sivaganga, Madura District.

MOST RESPECTFULLY SHOWETH:—

1. That, the petitioner begs to appeal against the recommendation of the Board of Revenue to take my deceased husband's property under the Court of Wards and to annex true copies of my applications to the Collector of Madura and the Board of Revenue on the matter. (annexures A & B)

2. That, it may be seen very clearly from the strong grounds enunciated in the above applications that *the views of the Collector and the Board solely depend upon the report of the Deputy Tahsildar of Sivaganga, a careful perusal of which, will clearly show that, in fact, there is no private property left by my deceased husband paying rent or revenue direct to Government*, as required by the last proviso to Section 2 of the Court of Wards Act.

3. That the Board regards the fact that there are claimants, more than one, for the said property as one of its reasons justifying its interference. This, His Excellency may observe, will not stand for a moment as it is very common that claimants, false and malicious, rise up in such instances simply to defeat the true claimant and to try to cut money as far as possible to fill in their pockets. In the present case, Mappillasami who is my anti-claimant cannot claim any right, simply because he happens to be the brother-in-law of my deceased husband and grand-father of the minor. His claim has in fact no *locus standi*. As regards Delhi Bacha, the natural father of the minor, I beg to refer to the first page of annexure B which will clearly show that he is a man adapting his views to the whims and fancies of others and thus incapable of any independent opinion, and that his right is no better than that of the former as he has ceased to have any concern or connection with his son once given away in adoption under the existing laws and customs.

4. That the Court of Wards Act and the intention with which it was framed have from the beginning been misconstrued and the real facts over-looked,

and the petitioner is astounded to see that so much fuss is made while there is no present property paying rent or revenue direct to Government to justify any interference by the Court of Wards.

5. That it is simply unfortunate that the Collector and the Board of Revenue should have over-looked these facts and the petitioner ventures with some trepidation to say that they have not taken the trouble of diving into the merits of the case and she begs to add that if this should escape also His Excellency's attention, she will be relunctantly driven to the absolute necessity of establishing her right in a Court of Law at a great cost which, in other words, means a fatfeeding to lawyers.

6. That, in conclusion, petitioner most respectfully beseeches His Excellency's benign Government to decide in what manner the position, dignity, and right of the petitioner may most effectively be vindicated and her legal status settled and declared, and to order the estate to be placed in her hands on behalf of the minor, and thus promote the interests and welfare of the petitioner and her minor.

For which act of kindness the petitioner and her minor shall, as in duty bound, ever pray.

With profound respect,

She begs to remain,

His Excellency's most obedient servant,

Sivaganga,
19th May 1898.

வெள்ளாச்சியார்

P.S. The original of this petition is sent through the Collector of Madura.

Revenue (1898) Department.

CURRENT No. 4049.

DEPARTMENT OF REVENUE
18 JUN 98
REVENUE DEPARTMENT

From 13 Abstract
The Board of Revenue
Land Revenue
Madras.

Order

Ref. **No.** 610

Dated 14th June 1898.

Received 6

Registered 7

Enclosures 4

Spare copies

SUBJECT.

Submitting to Govt. with remarks a petition addressed to Govern-ment by Rance Vellai Nachiar, wife of the late Zemindar of Sivaganga in regard to the assumption of Charge of the Estate by the Court of Wards.

BACK PAP

G.O.	No.	Department.	

FURTHER PAPERS.

G.O.	No.	Department.	Date.

OFFICE OF THE BOARD OF REVENUE
(LAND REVENUE),

Madras, 4th June 1898.

READ— Endorsement of J. G. D. Partridge Esquire
Asst Collector of Madura, dated 28th May 1898
Rep. on C. No. 589/H of 98.

Reference No. 610 dated 4th June 1898.

Submitted to Government in
continuation of Board's Reference No.
551 dated the 18th ultimo.

2. The Board adheres to the recommend
-ation already made.

Lionel Davidson
Ag. Secretary.

To
The Secy to Govt R.D. ✓
with Colr's Endt & its
three Enclosures.

A Cr

Read Board's Reference No.551, dated 18th May 1898 (C.No.3756 of 98).

Read also petn. from Ranee Vellai Nachiar Zamindarni of Sivaganga, dated 19th May 1898 (C.No.3773 of 98).

Read also Board's Ref.No.610, dated 4th June 1898 (C.No.4049 of 98).

F O R O R D E R S .-

The papers read above relate to the question whether the Court of Wards should assume the management of the Si-vaganga Zamindari (Madura Dt.), the last owner of which died on the 20th Feby. 1898.

2. The late Zamindar, Srimath Muthuvijia Raghunatha Periaswami alias Udayana Thewar, has left (1) a widow named Vellai Nachiar (his 2nd wife) - aged about 16 or 17 years who has no issue, (2) a minor adopted son named Dorasingam alias Gourivallabah Thewar nearly 10 years old and (3) 4 daugh-ters by his 1st. wife (Rackoo Nachiar -

who

Para. 2 of Med. Asstt. Collr's: report.

C 14/6/98.
R 17/6/98.

who died in 1890. He had by his 1st wife 2 sons both of whom predeceased him, one of them leaving a widow who is reported to have obtained a decree for a maintenance allowance of Rs.100 per mensem and 2 villages yielding an annual income of Rs.352. He had 4 brothers of whom 2 died several years ago; their widows and children and the two surviving brothers are living separately out of the mansion house enjoying the -- villages granted for their maintenance. At present they have no right to the estate which has been declared by the Privy Council to be impartible.

Para 11 of Dy. Tasdr's report. D

Para 13 of -Do.

Para 10 of -Do.

The Minor's natural father is Dellibacha alias Udayana Thewar who has married the 1st and 3rd daughters of the deceased Zamindar, and the minor is the son of the eldest daughter. It would appear that the adoption of the minor by the late Zamindar is disputed by one of his brothers (Sasivarna The--war)

Para 11 of the Dy.Tasdr's report. D

Para ~~do~~ ~~do~~

Para 12 of Dy.Tasdr's report. D

5 Vide Zamindar's list (3)

Para 7 of Dy.Tasdr's report D

and that an appeal is now pending in the High Court against the decree of - the Sub-Court Madura, declining the adop -tion to be valid.

3. The Zamindari consists of 8 -- ayan taluks, and 15 Devastanam and Chut- tram divisions. The peshkash due on the estate is about Rs.2,88,000. Owing to the protracted litigation about the succes- sion to the Zamindari for over 59 years the Zamindari was involved in heavy -- debts. To liquidate the debts amounting to over 17 lakhs of rupees the deceased Zamindar executed a lease on the 23rd May 1887 in favor of Messrs.R.G.Orr, T.Ryan &c. making over his right, title and inte- rest in the ayan portion of the Zamin- dari to the lessees for a period of 22 years commencing from 1st July 1886 on condition of their undertaking to pay to the lessor Rs.53,000 per annum - Rs.4000 per mensem for maintenance and Rs.5000 per annum for Navarathri festi- val - and to deliver back the Zamindari

to the lessor free from all its liabilities and unencumbered with any of the debts then specified. Two years after the date of the above lease, the deceased seems to have been in need of a further loan to pay some more decrees and debts, and the lessees paid him a further sum of 3 lakhs of rupees and got the original lease of 1887 extended to a further period of 10 years. The lease will therefore terminate on 1st July 1918 when the adopted son will be about 30 years old.

Besides the ayan portion of the Zamindari, the landed estate of the late Zamindar consists of 14 villages of which six were granted to his 1st wife Rakku Nachiar, two have been as stated above, decreed to his deceased's son's widow for maintenance and two villages have been bestowed, one each to his 1st and 4th daughters. The late Zamindar has been, however, in possession

Para 3 of the Hd. Asst. Collector's report.

Para 14 of Dy.Tasdr's report

Para. 20 - do.

and enjoyment of all the villages notwithstanding that they stand in the names of his wife and daughters. Five of the villages standing in the name of his 1st wife appear to have been leased for an annual rental of Rs.10000 and the amount due under the lease is said to have been received in advance up to fasli 1310. Leaving out the villages which lie waste and the villages made over for the maintenance of the deceased's son's widow, the net annual income from the remaining villages is for the present Rs.5675, and from fasli 1311 (1901-02) Rs.15675.

Lists of valuable jewels, furniture, carriages &c. belonging to the late Zamindar have been made out, but they have not yet been valued.

No ready money appears to have been left by the Zamindar except Rs.243 and odd and 68 Moulmien rupees.

4. The estimated receipts and -- charges of the estate per annum are

as follows:-

Receipts.

i. Monthly allowance of Rs.4000 under the lease.	Rs.48,000
ii. Allowance on account of Navarathri festival under the lease.	5,000
iii. Rent from bazaar build -ings	135
iv. Rent likely to be de- rived from the Madura Bun -galow.	600
v. Net income from the vil- lages.for.the present .	5675
Total.	Rs.59410

Charges.

i. On account of maintenance of the minor including es- tablishment &c. at Rs.250p.m.	Rs.3000
ii. . . do . . of Zamindar's widow at Rs.150 p.m.	1800
iii. . .do . . of the widow of the Zamindar's son at Rs.100 p.m.	1200
iv. Road cess &c. due on pri- vate villages	1245
Total.	Rs.7245

Excluding the Navarathri allowance which it is presumed would be spent, the surplus would be Rs.47,000 for the present and Rs.57,000 from fasli 1311 (1901-02).

5. Debts. The deceased has left debts outstanding against him to the extent of Rs.125,930 of which Rs.106,768 are supported by bonds and pro-notes executed during 1896 and 1897. The remaining items are reported to require careful scrutiny. The debts due to the deceased cover a few Court decrees to the extent of Rs.3500.

6. The late Zamindar was also, by hereditary right, the trustee of the Devastanams, Chuttrums and other charitable institutions and endowments situated within the Zamindari. The annual receipts from these institutions are reported to amount approximately to Rs.238,222; and the expenditure is also shown to be the same, which seems very unlikely. It is stated that the accounts have not been closed for a number of years and that it is

impossible to form a correct idea of the expenditure and balance without - thoroughly overhauling the accounts.

There are also 127 minor institutions which are under the direct management not of the Zamindar but of different trustees, but over which the Zamindar has a general control.

7. The wishes of the principal members of the family are indicated below:-

(1) Sasivarna Thewar, one of the two surviving brothers of the deceased, disputed before the Subordinate Judge's Court, Madura, during the life-time of the late Zamindar, the validity of the adoption of the minor made by him. The adoption was held by the Sub-Court to be quite valid. He prays that the Court of Wards should hold charge of the properties until the disposal of an appeal - which he has filed in the High Court against the decision of the Sub-Court.

(2) Dellibatcha Thewar, the minor's natural father, first gave a statement

Para 12 of Dy.Tahsdr's report D

Para 2 of the Hd.Asst.Collr's report. C

vide his petn. d/15-4-98. G

Please see letters & Pets. + Govt. C.No. 377 & 404 of '98. H

before the Dy.Tahsildar to the effect that he had no objection to the -- Court of Wards administering the minor's affairs but subsequently deprecated the Court's intervention. He now states that having conferred with the legal adviser (Mr.R.Ramasubba Aiyar) of the Zamindar's family, he has come to the conclusion that the best course in the minor's interest would be to commit him and his property to the care of the Court of Wards.

(3) Vellai Nachiar the younger widow of - the deceased Zamindar contends (a) that there is no necessity for the Court's intervention inasmuch as the estate proper has been leased out and must re-main in the possession of the lessees beyond the period of the boy's minority, (b) that she is 27 years old and is able and willing to administer the trust properties through paid -- agents as has hitherto been the custom and (c) that as the minor has inherit-ed

no property charged with the direct payment of rent or revenue to Government the Court of Wards has no jurisdiction in the case. The Head Assistant Collr. reports that her age is about 16 or 17 or at the utmost 20, that she is moreover the person likely to be interested in the death of the minor and that she would not in any case make a suitable guardian or manager. It would appear from para 10 of her petn. dated 29-4-98 that she has been made a guardian of her adopted son by the High Court.

Para 5 of the Hd.Asst.Collr's report C

As regards the widow's last contention the Collector states that the Zamindari itself which the minor has inherited, though leased out is charged with the direct payment of Govt. revenue, that it is registered in the name of the late Zamindar and that though under the terms of the lease the lessees are paying the peshkash to Govt. for the Zamindar, they cannot be recognized as the registered holders. It also appears

Vide Collr's letter d/27-4-98

that quit-rent is paid to Government on account of some inam villages which the minor has inherited and also for some villages belonging to the Chuttrums and Devastanams the management of which vests in the minor. It is thus clear that the minor has inherited property charged with the direct payment of revenue to Government within the meaning of section 2 of Regulation V of 1804.

(4) Kulandaiswami Thewar (the father of the minor's natural father and brother-in-law of the deceased) urges that the late Zamindar had much confidence in him and entrusted him with various responsible duties, that he is prepared to look after the minor's interests and that the Court's intervention, even if permissible, is not called for. Vide- his petn. to the Board of Revenue dated 26-4-98. He appears to be deeply involved in debts and is not therefore likely to make a reliable guardian or manager.

Para 5 of the Hd.Asst.Collr's report C

8. Having regard mainly to the facts that the education of the future administrator of an ancient and impartible Zamindari would otherwise suffer & that the property to be administered on the minor's behalf amounts in annual value to nearly Rs.60,000 excluding the vast income from endowments in respect of which the late Zamindar exercised the functions of a trustee, the Head Asst. Collector and the Collector of Madura recommend the Court's intervention in the case. The Board of Revenue (Full Board) has after careful consideration come to the conclusion that for the reasons assigned by the Collector the intervention of the Court of Wards is expedient and requests the sanction of Government therefor.

9. The late Zamindar is reported to have left no will declaring who should manage his property after his death. The estate is an ancient Zamindari declared by the Privy Council to be impartible and an important one yielding an annual revenue of about 10 lakhs of rupees. If the estate is committed to the charge of the Court of Wards, the minor will receive a thorough education and culture which will be of incalculable benefit not only to the minor himself but to the tenants of the Zamindari likewise. The financial position of the minor is also likely to be satisfactory as the annual income is estimated for the present at about Rs.60,000 while the charges including Navarathri expenses amount to Rs.12,000 and the outstanding liabilities of the estate aggregating Rs.125930 could easily be discharged from the available annual surplus. It is submitted that in the above circumstances the Board's proposal to place the estate in charge of the Court of Wards may be sanctioned.

10. The Collector has now asked for early orders in the matter as the

former manager who still continues in charge of the trust properties has no legal status after the death of the late Zamindar. The orders of Government may be communicated to the Collector by wire.

Sey
11/6/98.

The intervention of the Court of Wards seems desirable to expedient.

MK
13/6/98

H.H.

In accordance with the recommendation of the Mr & the Board, the Ct. of Wards may be authorized to intervene

S.R. 14/6/98

Entirely agree with the Coll. & the Bd of Rev. that the Court of Wards should intervene

K.A. 16.6.98.

Draft G.O. submitted below

G.A.I. 15/6/98

Sey
16.6.98

MK
16/6/98

* in full.
⊗ in abstract.

Read B.P. Ref No. 551 dt 18-5-98 (CR No. 3756 of 98) — also petition from Rani Vellai Nachia dt 19-5-98 (CR No. 3773 of 98) — also B.P. Ref No. 610 dt 4-6-98 (CR No. 4049 of 98)

Order No. 349 of 18th June 1898

The proposal of the Collector to place the Sivaganga Zamindari under the management of the Court of Wards which is supported by the Board of Revenue is approved and sanctioned.

2. The following telegram will be despatched to the Collector of Madura.

Management Sivaganga Zamind by Court of Wards sanctioned.

MK
18.6.98

From order.

S.R. 18/6/98

Refer

Note the Collr of Madura — Board of Rev & R. with Encls.

Draft 1.7.98

H.H.

Received 21/6/98

C.W. 21/6/98

Government {1898} of Madras.

REVENUE.

Recd.	1898.	*Enclosures*
Regd.		*Spare copies*

G.O., No. 349, 18th June 1898.

JUNE.

Sivaganga Zamindari

Approving and sanctioning the recommendation of the Board of Revenue that the — be placed under the management of the Court of Wards.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

Read—the following Reference from the Board of Revenue, Land Revenue, dated 18th May 1898, No. 551:—

Read—again Board's Proceedings, Mis. No. 607, dated 1st March 1898.

Read—also petition from SASIVARNA THEVAR, younger brother of Srimat Muthu Vijiya Raghunatha Periyasami *alias* Oothayana Thevar, late zamindar of Sivaganga, Madura, by M.R.Ry. T. Rama Rao Avargal, High Court Vakil, Madras, dated 7th March 1898; and the following Reference on the above, dated 11th March 1898:—

Referred to the Collector of Madura, with reference to his letter dealt with in Board's Proceedings, No. 607, dated 1st instant.

Read—also petition from DILLI BATCHA THEVAR, natural father and guardian of the adopted son of the late zamindar of Sivaganga, Madura, dated 14th March 1898; and the following Reference on the above, dated 17th March 1898, No. 40:—

Referred to the Collector of Madura, in continuation of Board's Reference Order of the 11th instant.

The following deferred telegram will be despatched to the petitioner:—

"Your telegram, 14th. Board awaits Collector's report. Court of Wards not yet authorized to take cognizance."

Read—the following letter from P. K. DADACHANJI, Esq., Acting Head Assistant Collector, Ramnad, to the Collector of Madura, dated 16th March 1898, Dis. No. 336:—

With reference to your letter R.O.C. No. 589-Genl., dated 26th February 1898, and in continuation of my Ref. on Cur. No. 475-Rev. Gl., dated 8th March 1898, I have the honour to submit herewith, in original, the Sivaganga Deputy Tahsildar's report, Disposal No. 114, dated 12th March 1898, together with the statements which accompanied it.

2. The zamindar of Sivaganga, by name Srimat Muthu Vijiya Raghunatha Periyasami *alias* Oothayana Thevar, died in his palace at Sivaganga at about 7 A.M. on the 26th February 1898, leaving a widow called Vallai Nachiar aged about 16 or 17 years and an adopted minor son named Dorasingam *alias* Gourivallaba Thevar aged 9 years and 10 months, besides a number of other relations who have, however, no claim on the zamindar's property except the widow of the deceased zamindar's son, who is in enjoyment of a monthly allowance and two villages decreed to her for her maintenance. The names and relationship of the several members of the late zamindar's family are given in the Deputy Tahsildar's report. The adopted minor son is the son of the eldest daughter of the deceased zamindar and the natural father of the minor is alive. He is known by the name of Dilli Batcha *alias* Oothayana Thevar and is aged about 25. Besides the deceased zamindar's eldest daughter, the third daughter of the zamindar is also married to him. The deceased was not merely the zamindar of Sivaganga, but he was also the trustee of the devastanams, chattrams and other

charitable institutions and endowments situated within the zamindari by hereditary right. The ayan portion of the zamindari has been leased out by him for a period of 32 years, commencing from fasli 1296 (1st July 1886). The lease would therefore subsist several years after the adopted son has attained his majority. The immediate management on behalf of the minor would therefore be confined only to the deceased's private property and the trusteeship of the devastanams and other charitable institutions. The adoption of the minor son by the deceased zamindar formed the subject of a civil suit in the Subordinate Judge's Court, Madura East. The suit was instituted by one of the brothers of the deceased zamindar during his lifetime and the adoption was held by the Court to be quite valid.

3. Leaving out the ayan portion of the zamindari, which has been leased out, the landed estate of the late zamindar consists of the following villages:—

(1) Oravathi.	(8) Komberiyendal.
(2) Thiruvethiyur.	(9) Sivaganga Thayillapullain.
(3) Pandugudi.	(10) Ettiseri.
(4) Kulathur.	(11) Kurichi.
(5) Pilar.	(12) Maruthanganallur, three-fourths portion.
(6) Vaniyangudi.	(13) Kiranur.
(7) Puliyancolam.	(14) Pillangarai.

Of these villages, Nos. 1, 2, 3, 4, 5 and 6 had been granted by the deceased zamindar to his wife Racku Nachiar, who predeceased him. The possession and enjoyment of these villages remained with the late zamindar, who has leased out the villages Nos. 1, 3, 4, 5 and 6 for an annual rental of Rs. 10,000 in the name of the deceased lady herself, and the amount due under the lease is said to have been received in advance up to fasli 1310. Villages Nos. 8 and 9 are said to lie waste and no revenue is derived from them. Villages Nos. 10 and 11 have been bestowed by the late zamindar on his deceased son's widow who has a life interest in it by way of her maintenance, besides a monthly allowance in cash. Villages Nos. 7, 10, 11 and 13 were purchased by the late zamindar subsequently to the lease of the zamindari. Village No. 2 is said to stand in the name of the deceased Racku Nachiar, wife of the late zamindar, Village No. 12 in the name of Sundara Nachiar, fourth daughter of the late zamindar, and village No. 13 in the name of Vengu Nachiar, the first daughter of the late zamindar. The late zamindar was, however, in possession and enjoyment of all the above villages, notwithstanding that they stand in the name of his wife and daughters as above. Leaving out the villages which are waste and the villages made over for the maintenance of the late zamindar's son's widow, the annual beriz of the remaining villages (excluding the villages leased out for an annual rental of Rs. 10,000) amounts to approximately Rs. 6,886-1-4.* From this will have to be deducted a charge of Rs. 1,211-2-4 † (this is gathered from Deputy Tahsildar's statement No. I excluding the amount due on the two villages given over for maintenance), on account of poruppu and road-cess due thereon, leaving a net balance of Rs. 5,674-15-0. To this sum may be added the sum of Rs. 10,000, the annual rental due on the five villages leased out, as already stated, and which will become a source of revenue to the zamindar from fasli 1311, the amount due till that period having been already received in advance. For the present, we will have a revenue of Rupees 15,674-15-0 net and from fasli 1311, a revenue of Rs. 15,675, besides the following items of receipts:—

* Incorrectly entered as Rs. 6,896 in the Deputy Tahsildar's report.

† It is not understood how the Deputy Tahsildar arrived at the figure Rs. 1,245.

	Rs.
(i) A monthly allowance of Rs. 4,000 due to the zamindar under the terms of the lease-deed	48,000
(ii) Due on account of Navarathiri festival according to the above deed	5,000
(iii) Rent from bazaar buildings	135
(iv) Rent likely to be derived from the Madura bungalow ...	600
Total ...	53,735

15675

From this and the income derivable from lands, as explained above, will have to be met the charges on account of the maintenance of the minor and the deceased zamindar's widow, and a monthly allowance of Rs. 100 said to have been decreed to the widow of the deceased zamindar's son for her maintenance. The Deputy Tahsildar estimates the probable charges on the above items at Rs. 600 per mensem—*vide* paragraph 25 of his report. I think the estimate fair. The deceased has left debts outstanding against him to the extent of Rs. 1,25,930, but Rs. 1,06,768 alone are said to have been supported by bonds and promissory notes. These consist of six items (statement marked 4) and appear to have been contracted during 1896 and 1897. The rate of interest ranges from 12 to 14 annas per mensem per hundred. All the remaining items of debt require careful scrutiny which it is not possible to carry out at present. The debts due to the deceased cover a few court decrees to the extent of Rs. 3,500.

4. As regards the devastanam, chattram and other charitable institutions, of which the deceased zamindar was trustee, the figures as to receipts and disbursements cannot be got at even with anything approaching approximations. It is said that accounts for a number of years have not been closed and that it is impossible to form a correct idea of the expenditure and balance without thoroughly overhauling the accounts of several years. There are 15 divisions of devastanams and chattrams comprising 116 institutions to be controlled and managed by the trustee (Deputy Tahsildar's statement I), leaving 127 other similar institutions which are under the management of different trustees, but over which the Sivaganga zamindar trustee has a general control (Deputy Tahsildar's statement II). The total receipts according to the accounts of fasli 1305 are said to be Rs. 2,38,222–1–2 and the very same amount is also shown under expenditure (Deputy Tahsildar's statement No. I). It is absurd to suppose that expenditure would exactly balance the receipts.

5. The grounds on which I recommend that the Court of Wards should take over charge of the zamindari in spite of the expressed wishes of the minor's relations to the contrary are the following:—

The zamin is an ancient zamindari in its origin and a very important one, yielding at present an annual revenue of 10 lakhs of rupees roundly speaking. The current lease has to run 20 years more but after that the minor will have to undertake the onerous responsibilities of his position. In order that he may discharge them satisfactorily he should be trained and educated for the purpose. I doubt the capacity of the minor's father to impart a good education to him and even suspect he has no faculty to appreciate the blessings of a sound education. He makes no pretensions to education of a high order, rather it is defective and, such a person cannot be trusted to take any keen interest in the education of his son. The minor receives a handsome allowance and, further, I have no hesitation in saying that the revenue of the villages in his possession can be augmented by good management. The prediction that there will be a surplus every month after paying all the expenses, and that the late zamindar's debts can be wiped off from the minor's income within few years is amply justified by figures before us. The Court of Wards will be in a position to employ a highly paid tutor, and hence one of considerable attainments, if they choose with the funds at their disposal, and a thorough education and culture will be of incalculable benefit, not only to the minor himself, but to the tenants of the zamindari likewise. Further, from what little I have seen of the minor's father, I cannot say he has much intelligence. A certain episode has made it clear to my mind that he is completely under the thumb of his father. The minor's father gave a statement before the Deputy Tahsildar in the beginning to the effect that he had no objection to the Court of Wards administering the minor's affairs, and he now seems to have turned round at the instigation of others. Such a weak and vacillating man is not fit to look after the minor's affairs and hold the trustee's post. Further, he is himself a young man of 25 already burdened with debts—a fact which goes greatly against him and does not speak in favour of his good sense. The minor's grandfather is deeply involved in debts, and I cannot help suspecting that his object in advising his son not to consent to the Court of Wards taking charge is to work the whole business—devastanams, &c., to his own advantage. At any rate it is difficult to give the minor's own relations credit for disinterested motives or pure intentions. The minor's father can, however, be allowed the guardianship of the minor. The only other person whose

wish in respect of the management deserves consideration appears to me to be the deceased zamindar's widow. She is admittedly aged only about 16 or 17 or, say, possibly, 20, as they tried to make out before me personally and is, moreover, the person likely to be most interested in the death of the minor. She is obviously on any consideration utterly unfit to be charged with management. The deceased zamindar is said to have left no will declaring who should manage his properties after his death and the Court of Wards may as well step in and undertake the management to the untold good of the minor and in his present and future interests.

6. Information on several of the points mentioned in paragraph 4 of Standing Order No. 221 has been given, as far as possible, in the Deputy Tahsildar's report and the statements accompanying it. But in the circumstances of the case, the information is necessarily meagre and the figures unreliable. After the question of taking the management under the Court of Wards has been decided, and also after the appointment of a proper manager to manage the business, the records in the devastanam, &c. offices may be caused to be thoroughly overhauled by some one specially appointed for the purpose and correct information obtained, but till then I should conceive it will not be possible for the Deputy Tahsildar to collect more reliable information while he is pressed at the same time by the burden of his ordinary duties.

Endorsement thereon of the Collector of Madura, dated 25th March 1898, Ref. on Cur. No. 589-Genl.:—

Submitted to the Secretary to the Commissioners of Land Revenue, Madras, with copy of the Deputy Tahsildar's report, with reference to the Board's Proceedings, Mis. No. 607, dated 1st March 1898, and in continuation of this office R.O.C. No. 589-Genl., dated 26th February 1898.

2. The deceased has left a widow aged 17 and an adopted minor son aged 9 years. The deceased was not merely the zamindar of Sivaganga, but also the trustee of the devastanams, chattrams and charitable institutions, with an annual income of Rs. 2,38,222. Leaving out the ayan portions of the zamindari which have been leased out, the property left by the zamindar consists of a few villages yielding an annual income of Rs. 5,674–15–0, which, together with the allowances due from the lessees, amount to Rs. 59,410 per annum.

3. The Head Assistant Collector thinks that, in the interests of the minor's education and of the zamin, which is an ancient and important one, the Court of Wards should take over charge of the estate.

4. The estate stands registered in the name of the late zamindar, and the lessees cannot be legally held liable for the payment of peshkash so long as the zamindari is not registered in their names.

5. Considering all the circumstances, I think the estate must be taken under the management of the Court of Wards.

6. Pending receipt of final orders from Government, I have ordered that the management of the devastanams, &c., by the manager, appointed by the late zamindar, should not be interfered with. As it would not be possible for the Deputy Tahsildar to undertake the management in addition to his own work, and the only person competent appears to be the former manager, M.R.Ry. P. S. Anantanarayana Aiyar Avargal, who has been in charge for two or three years. But since he has not been legally appointed by any one after the zamindar's death, it is advisable that very early orders should be passed with regard to assuming the management of the property.

(Signed) J. G. D. PARTRIDGE,
Acting Collector.

Reference on the above, dated 5th April 1898, No. 402.

The Collector is requested to report whether the minor zamindar of Sivaganga inherits any property which is "charged with the direct payment of rents or revenue to Government" (*vide* section 3, Regulation V of 1804). If the answer is in the negative, the Court's right to intervene is barred by the above Regulation.

2. The reply to this reference should be submitted with the least possible delay.

Read—the following letter from J. G. D. PARTRIDGE, Esq., Acting Collector of Madura, to the Secretary to the Commissioners of Land Revenue, dated Camp, Andipatti, 27th April 1898, R. on C. No. 589-Genl.:—

In reply to the Board's Reference No. 402, dated the 5th instant, on General Register No. 1254, I have the honour to state that the minor has inherited property charged with the direct payment of revenue to Government, within the meaning of section 3 of Regulation V of 1804. The zamindari itself which the minor has inherited, though leased out, is charged with the direct payment of Government revenue, and it is registered in the name of the late zamindar. Though, under the terms of the lease, the lessees are paying the peshkash to Government for the zamindar, they cannot be recognized as the registered holders.

2. Apart from this there are two inam villages named Ettiseri and Komberiendal, the quit-rent of which is paid direct to Government. Of these, the former is one of the villages given to the late zamindar's widowed daughter-in-law and the other village has been inherited by the minor. The lessees have hitherto paid the quit-rent on the latter. There are eleven villages belonging to the chattrams and devastanams the management of which vests in the minor and which pay quit-rent direct to Government (*vide* list enclosed). In these circumstances, the right of the Court of Wards to intervene is not barred.

Read—also petition from DILLI BATCHA THEVAR, Sivaganga, Madura, dated 15th April 1898.

Read—also petition from KULANDAISAMI THEVAR, *alias* ALAGARSAMI THEVAR, paternal grandfather of minor zamindar of Sivaganga, Madura, dated 26th April 1898.

Read—also telegram from the Sivaganga zamindarni, Madura, dated 31st March 1898.

Read—also petition from Ranee VELLAI NACHIAR, widow of the late zamindar of Sivaganga, dated 31st March 1898.

Secretary to Government, Revenue
il 1898, transferring to the Board of
ai, Madura, dated 31st March 1898.

Read—also telegram from Ranee VELLAI NACHIAR, late zamindar's wife, Sivaganga, Madura, dated 14th April 1898.

Read—also telegram from Sivaganga zamindarni, Madura, dated 1st May 1898.

Read—also petition from Ranee VELLAI NACHIAR, zamindarni of Sivaganga, Madura, dated 29th April 1898.

Read—also endorsement of the Collector of Madura, R. on C. No. 589-Gl., dated 12th May 1898, forwarding with remarks petition from Ranee VELLAI NACHIAR, zamindarni of Sivaganga, Madura, dated 29th April 1898.

Reference—No. 551, dated 18th May 1898.

The papers read above relate to the question of the Court's intervention in regard to the management of the Sivaganga zamindari (in the Madura district) the last owner of which died on the 26th February last, leaving a widow and a minor adopted son, nearly ten years old.

2. The estate, which was the subject of protracted litigation, has been declared by the Privy Council to be impartible. To clear off the debts amounting to 20 lakhs of rupees the deceased zamindar gave a usufructuary mortgage of the estate (proper) to Mr. R. G. Orr and two others for a period of 32 years from 1st July 1886 on condition that it should be restored free of encumbrances at the end of that term. The estate is now in the lessees' possession.

3. Apart from the zamindari, the minor has inherited certain inam villages which pay quit-rent direct to Government.

4. Having regard mainly to the facts that the education of the future administrator of an ancient and impartible zamindari would otherwise suffer and that the property to be administered on the minor's behalf amounts in annual value to nearly Rs. 60,000, excluding the vast income from endowments in respect of which the late zamindar exercised the functions of trustee, the Head Assistant Collector and the Collector of Madura recommend the Court's intervention in the case.

5. The wishes of the principal members of the family are indicated below:—

(*a*) Sasivarna Thevan, a brother of the deceased zamindar, prays that the Court of Wards should hold charge of the properties until the disposal of an appeal which he has filed in the High Court against the decision of the Sub-Court of Madura (East) declaring the validity of the minor's adoption.

(*b*) (1) The widow of the deceased zamindar contends that there is no necessity for the Court's intervention inasmuch as the estate proper has been leased out and must remain in the possession of the lessees beyond the period of the boy's minority; that she is able and willing to administer the trust properties through paid agents as has hitherto been the custom; and that as the minor has inherited no property charged with the direct payment of rent or revenue to Government, the Court of Wards has no jurisdiction in the case. From the Collector's report it is clear that the minor has inherited property charged with the direct payment of revenue to Government and that the petitioner would not make a suitable guardian or manager.

(2) Kulandaisami Thevan (the father of the minor's natural father) urges that the late zamindar had much confidence in him, and entrusted him with various responsible duties; that he is prepared to look after the minor's interests; and that the Court's intervention, even if permissible, is not called for.

The Head Assistant Collector's report shows that the petitioner is deeply in debt and not likely to make a reliable guardian or manager.

(*c*) Dilli Batcha Thevan, the minor's natural father, who originally deprecated the Court's intervention, has finally stated that having conferred with his legal adviser (Mr. R. Ramasubbayyar) he has come to the conclusion that the best course in the minor's interest would be to commit him and his property to the care of the Court of Wards.

6. The Board of Revenue has, after careful consideration, come to the conclusion that, for the reasons assigned by the Collector, the intervention of the Court of Wards is expedient, and requests the sanction of Government therefor.

7. If the lessees regularly pay the allowance secured under the lease, the financial position of the minor will be satisfactory: the annual income is estimated at Rs. 60,000, while the charges will probably not exceed Rs. 10,000 for the present. The outstanding liabilities of the estate, amounting to Rs. 1,25,950, could thus easily be discharged from the available annual surplus.

8. The Collector has asked for very early orders in the matter as the former manager who still continues in charge of the trust properties has no legal status after the death of the late zamindar.

(Signed) LIONEL DAVIDSON,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with enclosures (to be returned).

Read—also petition from Ranee VELLAI NACHIAR, the zamindarni of Sivaganga, Madura district, dated 19th May 1898.

Abstract.—Appealing against the recommendation of the Board of Revenue to place her deceased husband's property under the Court of Wards.

Read—also Reference from the Board of Revenue (Land Revenue), No. 610, dated 4th June 1898.

Abstract.—Submitting to Government, with remarks, a petition addressed to Government by Ranee Vellai Nachiar, wife of the late zamindar of Sivaganga, in regard to the assumption of charge of the estate by the Court of Wards.

Order—No. 349, Revenue, dated 18th June 1898.

Miscellaneous.

The Collector's proposal to place the Sivaganga zamindari under the management of the Court of Wards, which is supported by the Board of Revenue, is approved and sanctioned.

2. The following telegram will be despatched to the Collector of Madura :—
Management Sivaganga zamindari by Court of Wards sanctioned.

(True Extract.)

(Signed) G. S. FORBES,
Secretary to Government.

To the Collector of Madura.
„ the Board of Revenue (Land Revenue), with enclosures.

Exd. Shaik Karim.

40 Copies.