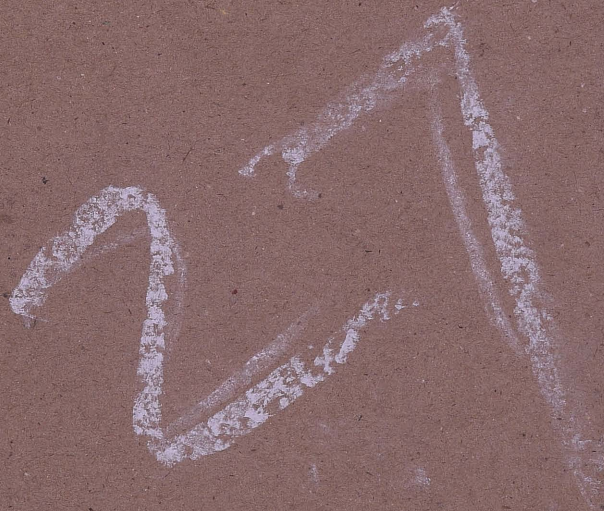


Madurai Crown Records

Vol. 27

1861



MADURAI CROWN RECORDS.

Vol no: 27 - 1861

49

13 Skut
செப்பனிருபவர் பெயர் *[Signature]*

செப்பனிருவதற்காக எடுத்தல் 8/02
கொள்ளப்பட்ட நாள்

செப்பனிரு முடிந்த நாள் 8/02

[Signature] 2/8/10
சரிபார்க்கு
மு.நி.பா.சு
கையொப்பம் *[Signature]* 8.8.2002

[Signature] 20/6/02

From Clement Dale Esquire Government Pleader ~~Sadr~~ Sadr Adalat
D. V. H. George Esquire Collector of Madura

Madras 6th September 1860

Sir
Para

With reference to the correspondence and Order

Letter from collector of Madura to Govt. Pleader
11th April 1859 N^o 39/2
M/Ls 27th April 1859 N^o 54/3
Letter from Govt. Pleader S. A. to Collector of
Madura 20th May 1859 N^o 60
Letter from collector of Madura to Govt. Pleader S. A.
6th June 1859 N^o 58 1/2

of Government noted in the
margin; I do myself the honor
of reporting for your information
that the Special Appeal Suit
N^o 140 of 1859 instituted in the

Sadr Adalat on behalf of the collector of Madura, against
the Decree in P. S. N^o 1 of 1856 on the files of the Civil
Court of your Zillah, came on for hearing on the 16th July
last when the Court of Sadr Adalat affirmed the Decree of
the Civil Court.

2. I now have the honor to enclose a printed
Copy of the Decree passed by the Court of Sadr Adalat
on the appeal Suit above referred to.

3. You will observe that at the foot of the
Decree of the Sadr the Amount due is certified to
Amount to Rupees 27803 - 5 - 2; whereas in the plan
It is stated that the sum owing was only at
Rupees 6462 - 6 - 5 and the amount brought in at Rupees 11327
making a total of Rupees 13576 - 11 - 7

4. The difference be

Rs 27803-15-
3576-4-
Rs 14227-11-

Papers 14227-11-2, I presume. It is composed
of the mesne profits that have accrued between the
filing of the ~~suit~~ ^{suit} and the Decree of the Sadr Adalat;
but I have nothing before me to shew that the
sum entered by the Sadr is the correct amount; I therefore
draw your attention to the matter.

5. If you should find that the Sadr
Adalat are in error in so estimating the amount in
dispute, and will furnish me with material, I will
apply to the Court to have the amount corrected and
which will affect the amount of costs payable by Government

6. You will observe that acting on that date,
the Sadr Adalat has assessed the fees due to the
pleaders at Papers 628-6. If Papers 27803-15-2
is correct, Government will ^{be} to pay the Pleaders
Papers 628-6 each.

7. Mr. Clarke on the 6th of June, 1859 remitted to
me Papers 421-8-4 the amount of fee assessed on the
amount mentioned in the Plaint. If you should find
that Papers 27803-15-2 is correct, I have the honor
to request that you will remit to me Papers 206-8-2
the difference of the sum remitted to me and the costs
as now assessed.

1860
to
Govt Pleader S.A.
6-9-60

Rs 628-
421
Rs 206

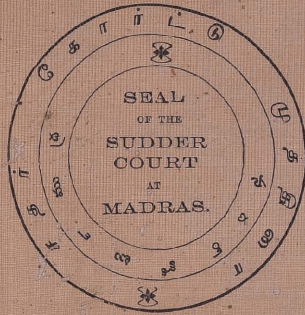
I have the honor to be
Sir
Your most Obedient Servant
Wm. B. S.
Govt Pleader S.A.

21
DECREE OF THE SUDDER COURT AT MADRAS.

R

Before the Civil Court of Madura, Original Suit No. 1 of 1838.
Before the Sudder Court at Madras, Appeal No. 140 of 1859.

Signed J. L. Strange
by H. H. Street



Appellant
The Collector of Madura.

versus

Respondent.
VIRACÁMU AMMÁL, daughter of
the late Zemindar of Erasaca Naik-
noor.

The zemindary of Erasaca Naiknoor was held by Chinna Obolla Nayak in succession to his father. On his demise in 1835, his two widows Chinnammál and Papammál were installed therein by the Board of Revenue as his lawful heirs, the claim of one Jakkama Nayak as nearest male descendant being disallowed. Papammál died leaving a daughter, the plaintiff. The whole estate then vested in Chinnammál. She died in 1853, and the Government disallowing plaintiff's title to succeed, assumed the estate as a purchaser. The suit has been brought by plaintiff to recover her rights.

The defence made by the first defendant, the collector of Madura, is, that females cannot inherit the zemindary in question.

This question the civil judge decided in favor of the plaintiff, and finding her to have been declared in certain decrees (appeals 20 of 1838 and 28 of 1847), to be the next entitled to succeed after Chinnammál, he gave decree in her favor.

Against this decision the first defendant appeals and is answered by the plaintiff.

Mr. Dale appeared for the first defendant, and Sadagopachari for the plaintiff.

Judgment.

The Court are of opinion that the first defendant is precluded from challenging the succession of females to the estate in issue by the act of the Revenue Board, representing then the Government, in installing Chinnammál and Papammál as the legitimate heirs of the previous zemindar, a condition of things that was kept up unchallenged until the death of the survivor of the said widows, eighteen years afterwards. It has not been shown that this recognition of these widows was made under any limitation or reservation, and must be taken therefore to have been absolute.

First Sheet

Signed C. J. C.
Registrar

It is urged that zemindari of the description of that in question, namely not assured by istimur sun ud, are not hereditary, but are held at the will of the Government, who on each lapse may appoint thereto whom they please. This plea the Court notices was not advanced in the court below. The plea there urged was in fact inconsistent therewith. It was then contended that the estate had fallen to the Government by escheat from lack of heirs, implying therefore clearly that had there been an heir, that person would have been entitled to the property. The plea is also inconsistent with the installation and recognition by the Government of Chinnammal and Papammal as heirs of the preceding zemindar, and with the allegation that plaintiff's pretensions are to be negatived, not because such is the will of the Government, but as she is a female, a certain rule, being a rule of descent, being cited against her. The Court decline to entertain a plea thus urged upon, not only novel in its nature, but inconsistent with the former pleadings upon which the defence has been based.

The Court do not view the decrees cited by the civil judge as declaring the plaintiff's heirship to be conclusive against the Government who were no parties to the suits in which they were given; but it being clear that on the demise of Chinnammal without personal heirs the property reverts to the line of her husband, whose daughter the plaintiff is, it is apparent to them that plaintiff is the next entitled to succession.

The Court finding no ground for interfering with the decree of the civil judge, dismiss this appeal with costs.

IN THE SUDDER COURT.

Appellant's costs.

| | | | |
|--|-------|-------|-----|
| Pleader's fee on Rs. 27,803-15-2..... | 628 | 0 | 6 |
| 1 Roll for brief appeal petition..... | 750 | 0 | 0 |
| 3 do. for the special grounds of appeal..... | 12 | 0 | 0 |
| To be borne by the appellant, first defendant..... | ————— | 1,390 | 0 6 |

Respondent's costs.

| | | | |
|--|-------|-----|-----|
| Pleader's fee as above..... | 628 | 0 | 6 |
| 1 Roll for vakalatnama..... | 2 | 0 | 0 |
| To be paid to the appellant by the respondent (first defendant, Collector of Madura)..... | ————— | 630 | 0 6 |

IN THE ORIGINAL SUIT.

Respondent's (Plaintiff's) costs.

| | | | |
|--|-------|-----|-----|
| Costs as entered in the original decree to be paid to the respondent by the appellant (first defendant)..... | ————— | 880 | 0 4 |
|--|-------|-----|-----|

Given under our hands and the seal of the Court, this sixteenth day of July, in the year of our Lord 1860.

By order of the Sudder Court.

Signed and sealed in Court,
this *fourth* day of *Sept.* 1860.

It is hereby certified that the value of the matter in dispute amounts to the sum of Company's Rs. 27,803-15-2, and the period for appealing will expire on the

(Signed) C. J. Chamier
Registrar.

(Signed) C. J. Chamier
Registrar.

Second and last Sheet.

(Signed) C. J. C.
Registrar.

Devin. 1149/578 C. 1149

R

CIRCULAR NO. 10.

TO MAKE CHARCOAL.

The best sized wood for this purpose is what is, generally understood as Billets. An ordi-

FIG. 1.



FIG. 2.

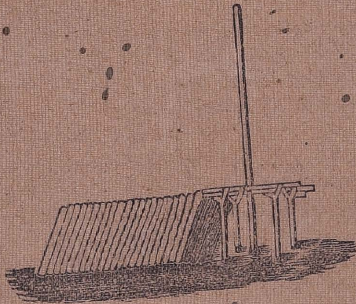


FIG. 3.



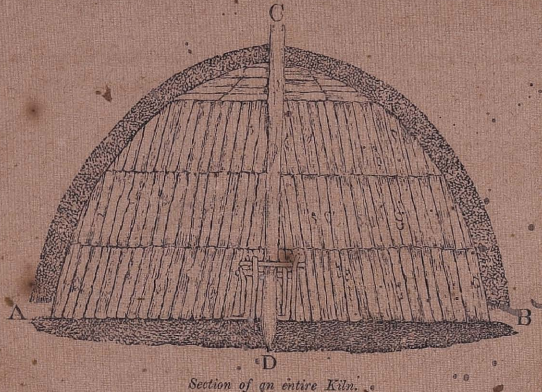
Section of one-half of the Kiln.

Completed, (as shown in fig. 3). Cover in the whole kiln with turf, turning the grass side

ary sized kiln requires about 25,000 billets cut as nearly as possible of the same length. Procure a pole about 25 feet long and 6 to 8 inches thick, straight and of uniform thickness. Provide yourself with four forked sticks of the shape of fig. 1. Erect the pole perpendicularly on the spot where the kiln is to be made and place the four forked sticks round it, arranging pieces of wood from fork to fork and across, to make a hollow space in the centre of the kiln for containing combustible matter, this forming a space of about 18 square inches as (fig. 2). Provide the person stacking the billets with a yard measure, and let him proceed to place the end of the measure against the pole, sitting at the other end of the measure, the billets are then to be placed in an almost perpendicular position against the cross pieces, and as close together as possible, each cooly stacking right and left to join his neighbour's work on either side. Thus he goes on stacking until he has come to the end of his measure; all having done the same, a perfect circle will be the result. After having filled up all interstices that may have occurred from crooked or large billets, each cooly pulls out his measure to another yard in length and proceeds as he did before. Having done this the third time, the kiln will measure 18 feet in diameter, which ought to take 25,000 billets. The coolies then mount the first layer of billets and commence stacking from the pole, until they come to the end of the first layer, and so on a third and fourth layer, until the kiln is completed.

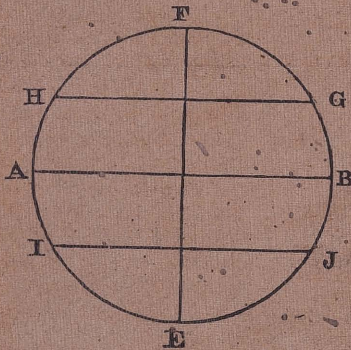
inwards, commencing from the bottom; after which throw a small quantity of loose earth over the turf, beating it down with the back of a spade.

FIG. 4.



After the whole kiln has been covered in, let one or two men ascend the kiln and pull out the pole, leaving an empty space from top to bottom of kiln. From the top, drop in a ladle full of ignited charcoal, and immediately this is done, open out one turf at the bottom of the kiln, say at A. This will cause a draft of air in the direction of A D C, and in a few minutes, flames will

FIG. 5.



be seen ascending at C. Let this continue for 5 or 10 minutes; till you have satisfied yourself the billets in the centre of the kiln are on fire, when one man must be sent up with a large turf to close the opening at C over which he should sprinkle earth to keep in all flame. From this moment no flame must be allowed to escape from any part of the kiln. When the opening at C has been closed, one at B should be made. The billets in the direction of D A and D B will then ignite faster than any other, and when smoke is seen escaping between every turf in the direction of A C. and B C. the openings at A and B must be closed and fresh ones made, say at E and F; these will be closed in their turn and others made at G H and I and J. Shortly after this is done, it will be perceived that smoke is proceeding uniformly from every

crevice, when all air holes at the bottom must be closed. The whole kiln will then fall in and assume something* of the following shape at the end of 36 hours.

FIG. 6.



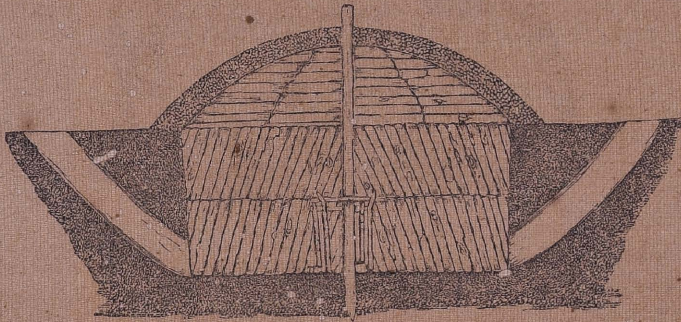
*Earth enough must then be thrown on with shovels to *extinguish all smoke*. At the end of 36 hours more, the charcoal may be raked out. A few buckets of water should be in readiness, if required to put out the sparks of fire which may remain.

* The bulk remaining should not be so much reduced.

Great care must be taken to stop every fissure in the casing, and if from bad management the heap settles, and the casing falls in at any part, the cavity must be filled up with green wood kept ready for the purpose, and sods thrown on and covered with earth. As soon as the dense smoke ceases, and the wood burns with a light transparent smoke, the whole is closed in and watched, least any fissures should open.

In burning in pits, the system is the same, but vent-holes are formed in the sides, and the covering of sods &c., being more accessible, is more easily formed and kept.

FIG. 7.



In pits, the wood is more conveniently packed, as shown above (*fig. 7*) and the logs in the middle of the lower course should be dry and have a few chips and refuse charcoal from former kilns among them; in other respects the practice is the same as with the piled kiln.

FIG. 8.



In some places, it may be convenient to form a kiln by digging out the side of a hill, as (*fig. 8*), but in all cases the system is the same. If the process is properly conducted, the bulk is but little reduced.

In this tropical climate, where vegetation is so rapid, it is not necessary to cut down trees for charcoal, but merely to lop off lower branches. On dry forest land, a crop of wood can be obtained every fifth or sixth year, and on marshy land, every third year.

H. CLEGHORN,

Conservator of Forests.

MADRAS, 6th September 1860.

Dear Sir
 I have the pleasure
 to inform you that
 the same has been
 forwarded to you
 by the same
 1861

Shreevarick
 you see
 1860
 R

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 TO MAKE CHARCOAL.

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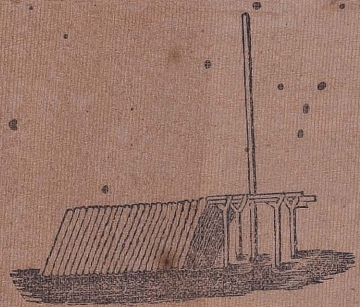


FIG. 3.



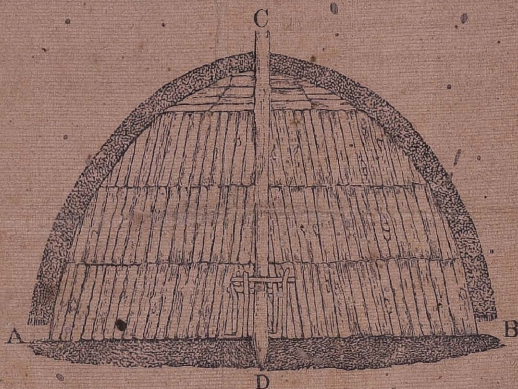
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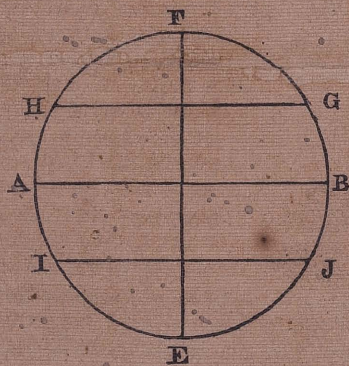
FIG. 4.



Section of an entire Kiln.

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FIG. 6.



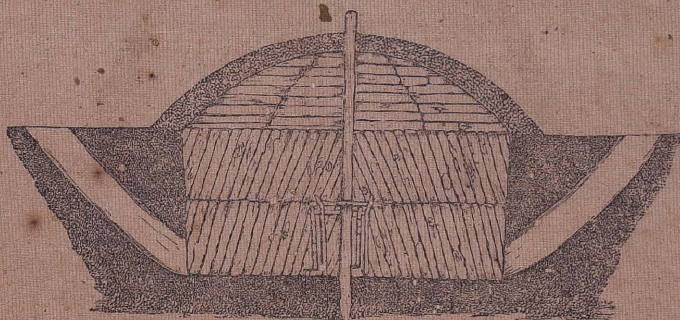
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H. CLEGHORN,

Conservator of Forests.

MADRAS, 6th September 1860.

W. H. J. D. 5097
1860

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Report on Expedition to procure Seeds and Plants of
Cinchona Succirubra, or Red Bark Tree.

(With Specimens for the Herbarium at Kew.)

TO THE UNDER SECRETARY OF STATE FOR INDIA.

Guayaquil, October 12th, 1860.

SIR,

THE troubled state of this country, and the interruption of communication between the interior and the coast, have prevented my informing you until now of what I was doing towards carrying out the project of procuring *Cinchona* plants and seeds. The same causes have interfered seriously with its successful execution; but as I trust that all obstacles have at length been overcome, I shall at present confine myself to a brief account of my operations, reserving for a future occasion a fuller Report, comprising all my observations on the site, meteorology, and accompanying vegetation of the tree producing the *Cascarilla roja*, or Red Bark.

At the beginning of the present year, I laid aside every other occupation to devote myself to the task assigned me. I had last visited (at my own expense) the *Cinchona* forests below Alansi, in order to make myself acquainted with the trees producing the barks of commerce; but as I afterwards learnt that the Red Bark collected about the foot of Chimborazo fetched nearly double the price in the market of that brought from the forests of Alansi and Cuenca, I thought it my duty to endeavour to procure seeds, &c., from trees whose bark was considered the best, although to the eyes of a botanist specimens from all these localities might present no specific difference. The forests of Chimborazo (generally called "of Guaranda," though actually from one to four days' journey from that town) cover an area of perhaps two thousand square miles. They are rented by two persons, for the purpose of getting out the bark they produce, and I immediately entered into treaty with those persons to allow me to collect as many seeds and young plants as I needed, during the present summer, or dry season. At first, they were unwilling to grant me such permission, at any price; but after a good deal of correspondence, and travelling to and fro, I finally agreed with them that, on payment of 400 dollars, I might take from the forest all I required, provided I did not touch the bark.

It cost me no small amount of inquiry to ascertain what was the best point for a centre of operations, in a range of country so extensive, and accessible with such difficulty; but I finally made out that a place called Limon, where there are a few small cane farms, at the junction of the river Limon with the larger river Chasuan (which is one of those that go to form the river of Guayaquil), was the place where the finest bark had been obtained, and that the settlers, since they found out the value of the bark, had preserved with great care such young trees as were standing on their farms.

I engaged eleven cascatilleros of Guanujo (a village adjacent to Guaranda, where most of the bark collectors reside) to enter the forest with me, as soon as the weather permitted, to search for trees and plants of *Cinchona*.

I also availed myself of your permission to secure the services of Dr. James Taylor, of Riobamba, for the purpose of procuring seeds and plants of the *Cinchona Condaminea* from Loja.

In the spring, I was unfortunately taken seriously ill of a rheumatic and nervous affection, almost amounting to paralysis, which, although it did not incapacitate me from continuing the necessary preparations, rendered it doubtful that I should be able to bear the arduous fatigues of travelling in the forest; I

therefore concluded to resign my commission to Dr. Taylor, and send him for the Red Bark in my room.

The rains did not abate until the end of May, and the 5th of June was fixed on as the day of starting for the forest; for which purpose Dr. Taylor went over to Ambato, where I was residing. Encouraged by his assurance that, if I could only get over Chimborazo, the climate of the warm forest might probably restore me, and after using for a few days such remedies as he suggested, I started in his company on the 11th of June, my idea being that if I soon get well enough to conduct the enterprise alone, I might then despatch Dr. Taylor to Loja. In the pass of Chimborazo, I was so much exhausted that I had to remain two nights and a day in a hut at a height of nearly 13,000 feet. I rallied, however, and was enabled to reach Guaranda; where I found that my cascarilleros had all been taken as soldiers or militiamen. I remained some days in the vain attempt to procure licence for them to proceed to the forest, which was promised me only when the country should be freed of its "tyrants." In their room, I thought myself fortunate in securing four Indians to work under my directions, although they were quite incapable of acting as guides to localities which had remained unsearched in previous years, and to explore which would need excursions into the forest of ten or fifteen days, under the guidance of practised cascarilleros.

At Guaranda, I learnt for the first time (by the passing of diplomatic correspondence for the Hon. C. R. Buckalew, American Minister at Quito) that Mr. Cross, the gardener destined by the India Government to take charge of the Cinchona plants, had arrived at Guayaquil, about the middle of May; and, by the passing of the Spanish Minister through Guaranda for Guayaquil, I was fortunately enabled to write to Mr. Mocatta, Her Britannic Majesty's Consul at Guayaquil, requesting him to forward Mr. Cross to Ventanas, which is the port on the river of Guayaquil where we must embark our collections made at Limon. Such rare opportunities were now my only means of communication with Guayaquil, and I had not another for above three months afterwards.

On the 17th and 18th of June, we descended from Guaranda, by a most precipitous and dangerous track, to Limon,* where we established ourselves in the rancho of one of the settlers. Having reposed a day, Dr. Taylor proceeded to Ventanas—other two days' journey—to await the arrival of Mr. Cross.

After having been a few days at Limon, I so far recovered the use of my limbs as to be able to move about—partly on foot, partly on horseback—and ascertain, by a personal examination, everything which was necessary to be known. I was well satisfied to see, standing about in the cane-fields and near the houses, several fine young trees of the *Cinchona succirubra*, from 30 to 50 feet high, and, as far as I could ascertain, from 13 to 15 years old. Many of them had flowered freely this year, and on several the capsules had attained nearly their full size. They also bore signs of having fruited last year, but no young plants existed beneath them, which was explained by their either standing among cane which had been frequently weeded during the year, or else in open places where cattle had grazed and trodden about. The seedling plants, which I had been assured at Guaranda might be had in any quantity at Limon, proved to be all either shoots from old stools of *Cinchona succirubra* or young plants and suckers of the worthless *Cinchona magnifolia*, which grows abundantly there; and had fruited during the rainy season, for the capsules were already open and empty on the day of my arrival. Seedlings of *C. succirubra* we could plainly hope to find only in the vicinity of large trees in the virgin forest, and the latter have now become so scarce that, even with the aid of cascarilleros, our finding any such would be uncertain.

When Dr. Taylor had been ten days at Ventanas, a brief note from Mr. Mocatta was left at Guaranda by the Spanish Minister (on his return from Guayaquil to Quito), informing me that Mr. Cross had been taken suddenly ill when about to start for Ventanas. I therefore sent to recall Dr. Taylor, and after his return to Limon our operations were confined to visiting daily the bark trees and watching the progress of the fruit towards maturity, and to studying the accompanying vegetation. Nearly all through the month of July the weather was cool, with a great deal of mist and fog, so that the capsules scarcely increased in size. Many

* Descent from the pass of Chimborazo to Guaranda, in round numbers 6,000 feet (15,000 — 9,000). Ascent from Guaranda to the pass of Llullundongo 3,000 feet; and descent from Llullundongo to Limon 9,000 feet (12,000 — 3,000).

fell off, and some were attacked by a maggot and curled up. On the tree which bore most capsules, the latter began to turn mouldy, the mould being not fungi, but rudimentary lichens—a striking proof of the humidity of the climate. I began to fear we should get no ripe seeds this year, and as the seeds had been especially recommended to me in my instructions from England, it may be imagined how severe was my feeling of disappointment.

About the time of Dr. Taylor's leaving Ventanas, the troops of the Provisional Government of Quito began to march down from the sierra to attack the revolutionary forces, who held Guayaquil and the low country, and, contrary to all expectation, they selected the route by Limon and Ventanas. For six weeks we were kept in continual alarm by the passage of troops, and it required all our vigilance to prevent our horses and other goods being stolen; indeed, one of my horses was carried off, though I afterwards recovered it. It was now too late to think of Dr. Taylor's going to Loja. Indeed, if I had had no companion who was independent of the political feuds of the country, I do not see how I could have got on at all; I might literally have perished of hunger. All our provisions had to be procured from Guaranda, and the barley-meal and pease-meal (which are the staple food of the Indians) soon deteriorate in a moist, warm climate; so that we could not get down at a time more than about a month's provisions. My servant, having a little white blood in him, could not stir from the place, or he would have been pressed for a soldier. The Indians could not travel alone, for they might be seized on to carry burdens or conduct laden beasts. So whenever our provisions fell short, Dr. Taylor had to take my horses and an Indian, and go all the long distance to Guaranda to purchase more.

Nearly all this time we were ignorant of Mr. Cross's fate; he might have died, or he might be on his way to join us—we knew not. I selected some fine healthy bark trees which had not flowered this year, and began seriously to think of trying to strike cuttings from them myself; when towards the end of July a vague report reached us that an Englishman, bringing with him a number of boxes, had arrived at Ventanas. On the strength of this, I immediately sent Dr. Taylor thither, with horses, and he had the great satisfaction of finding and bringing up Mr. Cross, who reached Limon on the 27th of July. Mr. Cross had had all sorts of obstacles thrown in his way by the forces that held the river, and with the greatest difficulty found men to row his canoes; so that the distance from Guayaquil to Ventanas (which appears so short on the map) had taken him thirteen days to travel.

After reposing the following day (Sunday), we had a piece of ground fenced in, and Mr. Cross made a pit and prepared the soil to receive the cuttings, of which he put in above a thousand on the 1st of August and following days. In three weeks some of them had begun to form roots; but in the meantime great difficulty was experienced in securing shade, when rendered necessary by the sudden alternations of fog and bright sunshine. At first, Mr. Cross shaded the cuttings with the fan-like points of the wild cane (*Gynerium saccharoides*) and with plantain leaves, but as these soon shrivelled up, we afterwards made of the fronds of the ivory palm a permanent fall to roof, which could be elevated and depressed at pleasure. Later on, Mr. Cross put in a great many more cuttings, subjecting them to various modes of treatment (as the whole thing was an experiment), but constant watchfulness was needed to ensure their well being, for what between caterpillars and burning suns he was sorely tasked to keep them alive.

Towards the end of July, the weather took up, and in a few sunny days the capsules made visible advances towards maturity. On the 13th of August, I noticed that the capsules on the finest trees were beginning to burst at the base, and on the following day I had all taken off that seemed ripe, gathering them in this way;—an Indian climbed the tree, and breaking the panicles gently off let them fall on sheets spread on the ground to receive them, so that the few loose seeds shaken out by the fall were not lost. The capsules were afterwards spread out to dry on the same sheets, a process which occupied from two to ten days. The first seeds were taken off at Limon on the 14th, and the last on the 29th of August. Early in September they were all dry.

After bringing up Mr. Cross, Dr. Taylor went to Guaranda to purchase provisions, and on his return I despatched him to San Antonio, Pavon's original locality for the Red Bark, and two days' journey southward of Limon, where we

had learnt that several young trees were still existing, on which flowers had been observed this year.

The climate of San Antonio proved more unhealthy than that of Limon. A hot sun is accompanied by winds out of all proportion cool and strong, so that rheumatic affections and ague prevail. This is, perhaps, the cause also of the backwardness of the seeds at San Antonio, although the bark tree extends lower down towards the Guayaquilian plain, than at Limon. Dr. Taylor fell sick almost immediately after reaching San Antonio—had to bleed himself, and finally to go out to Riobamba in quest of remedies. On his return, the capsules were still green, and, as he began to fear they would fall off without ripening, he crossed over to Limon to consult with me. The result of our consultation was, that he should remain at Limon to assist Mr. Cross, and that I should go to San Antonio, whither I accordingly proceeded on the 12th and 13th of September; having before starting ascertained from Mr. Cross that double the number of plants we should require to fill the cases were already rooted, and only required time to become strong enough to travel.

At San Antonio, a good many of the capsules had dried up while still unripe, and of those which had ripened some had burst open during the few days that intervened between Dr. Taylor's leaving San Antonio and my arriving there; but happily very few seeds were shed; and in gathering the capsules I profited by my experience at Limon that the seeds rarely fell out for two or three days after the capsules burst, and that the latter closed up again with the dews of night. So by gathering the capsules at daybreak not a seed fell out, nor was there any need for the precaution (which, however, I still observed) of extending sheets wherewith to receive the capsules as thrown down from the tree. I took off the first seeds at San Antonio on the 14th and the last on the 19th of September.

I had now gathered about 2,500 well-grown capsules, namely 2,000 from 10 trees at Limon, and 500 from five trees at San Antonio. Good capsules contain 40 seeds each—in some I have counted 42,—so that I calculate I have (in round numbers) at least a hundred thousand well-ripened and well-dried seeds. Had the month of July been as sunny as it is said usually to be, many more capsules would doubtless have ripened; as it was, only about one flower in ten produced ripe seeds.

Mr. Cross sowed at Limon, on the 16th of August, eight seeds taken at random from those I had gathered there; one of them began to germinate on the fourth day, and at the end of a fortnight four seeds had pushed their radicles. On the 6th of September one had the seed-leaves completely developed, and by the 9th of the same month, or 25 days after sowing, the last of the eight seeds pushed its radicle. He also sowed eight seeds gathered by me in 1859, and which had remained nine months in my herbarium; of these, four germinated. I have, therefore, a well-founded hope that good ripe seeds will not speedily lose their vitality, and if daily watched and tended after sowing, will very most of them grow.

I had scarcely finished drying my seeds at San Antonio, when I received the welcome intelligence that the troops of the Provisional Government had entered Guayaquil, and that, consequently, the communication with the interior was now open; I, therefore, resolved to proceed to Guayaquil, so as to be able to despatch from thence a portion of my seeds by the first opportunity, and afterwards to await there the arrival of my companions from Limon. My journey from Guayaquil occupied from September 28th to October 6th, for I was delayed some days at Bodegas awaiting the arrival of the river steamer.

I now send, by the steamer which leaves Guayaquil for Panamá on the 14th instant, a packet of seeds for Sir W. J. Hooker, at the Royal Botanic Gardens, Kew; and another to the Botanic Gardens, in Jamaica. I have not much faith of the trees succeeding at the latter place, on account of the violent winds which I understand occasionally to prevail there, and which would assuredly shatter to pieces the fragile leaves of the *Cinchona succirubra*.

The great bulk of the seeds I propose entrusting to Mr. Cross, and my own opinion is, that it will be best to send them at once to the locality in India destined for rearing the Red Bark tree. I trust that this locality may be the island of Ceylon, and that if Mr. Cross accompany the seeds and plants thither, he may be allowed to select the site where the experiment is to be tried, and of which I shall have no hopes of success if the soil and climate be not in exact conformity with those of the native forests of the *Cinchona*.

In conclusion, I feel some satisfaction in stating that, notwithstanding the length of time the task has occupied me, and including the remuneration I have agreed to give Dr. Taylor, the whole expenses have not yet reached 500L., and I trust that, up to the time when I shall despatch Mr. Cross from Guayaquil, they may very slightly exceed that sum.

I have the honour to be,

Sir,

Your very obedient Servant,

RICHARD SPRUCE.

P.S.—I have preserved specimens of every plant I found in good state in the Cinchona forests, and shall have the pleasure of presenting them to the Herbarium of the Royal Gardens, at Kew, to illustrate the rich vegetation accompanying the *Cinchona succirubra* at the base of Chimborazo. So soon as I have leisure to put my materials in order, I propose drawing up a fuller Report, along with a complete copy of my Meteorological Register. In the-meantime, I have made the following *résumé* of the latter, which may be of use in selecting the locality in India where the experiment is to be tried of rearing the Red Bark tree.

RÉSUMÉ of OBSERVATIONS on the TEMPERATURE in the Forest of Limon, on the Western Slope of Chimborazo, at about 6,000 feet in altitude.

Temperature of the earth, at a depth of 2 feet, $68\frac{1}{2}^{\circ}$

Temperature of the air, from June 19th to June 30th:—

| | |
|--------------------------------------|--|
| Mean minimum | $61\frac{1}{3}^{\circ}$ |
| Mean maximum | 74° (temp. at $6\frac{1}{2}$ p.m., $68\frac{1}{2}^{\circ}$.) |
| Lowest temperature (June 27th) | $60\frac{1}{4}^{\circ}$ |
| Highest temperature (June 29th) | 77° |
| Mean daily variation | $12\frac{1}{2}^{\circ}$ |
| Greatest daily variation (June 27th) | $15\frac{3}{4}^{\circ}$ |

For the month of July:—

| | |
|--------------------------------------|-------------------------|
| Mean minimum | 60° |
| Mean maximum | $72\frac{1}{2}^{\circ}$ |
| Lowest temperature (July 11th) | 57° |
| Highest temperature (July 27th) | $80\frac{1}{2}^{\circ}$ |
| Mean daily variation | $12\frac{1}{2}^{\circ}$ |
| Greatest daily variation (July 27th) | $21\frac{1}{2}^{\circ}$ |

For the month of August:—

| | |
|--------------------------------------|-------------------------|
| Mean minimum | $61\frac{1}{3}^{\circ}$ |
| Mean maximum | $74\frac{3}{4}^{\circ}$ |
| Lowest temperature (Aug. 12th) | $59\frac{3}{4}^{\circ}$ |
| Highest temperature (Aug. 28th) | $80\frac{1}{2}^{\circ}$ |
| Mean daily variation | $13\frac{1}{4}^{\circ}$ |
| Greatest daily variation (Aug. 28th) | $19\frac{1}{2}^{\circ}$ |

From Sept. 1st to Sept 9th:—

| | |
|---|-------------------------|
| Mean minimum | $62\frac{3}{4}^{\circ}$ |
| Mean maximum | $72\frac{1}{2}^{\circ}$ |
| Lowest temperature (Sept. 3d) | $61\frac{1}{2}^{\circ}$ |
| Highest temperature (Sept. 1st and 6th) | $76\frac{1}{2}^{\circ}$ |
| Mean daily variation | $9\frac{3}{4}^{\circ}$ |
| Greatest daily variation (Sept. 4th) | $13\frac{1}{2}^{\circ}$ |

Temperature of the air at Tabacal, near San Antonio, at an altitude of about 2,600 feet, from Sept. 15th to Sept. 27th:—

| | |
|--------------------------------------|--------------------|
| Mean minimum | 61 $\frac{3}{4}$ ° |
| Mean maximum | 72 $\frac{3}{8}$ ° |
| Lowest temperature (Sept. 15th) | 60 $\frac{1}{2}$ ° |
| Highest temperature (Sept. 26d) | 76 $\frac{1}{2}$ ° |
| Mean daily variation | 11 $\frac{1}{2}$ ° |
| Greatest daily variation (Sept. 23d) | 15 $\frac{1}{2}$ ° |

The mornings were generally clear and sunny, but mist or fog predominated in the afternoons.

The wind at Limon scarcely ever amounted to a slight breeze: At San Antonio it was rather stronger, but still never of sufficient force to break the brittle leaves of the Cinchona.

The finest trees grow in a stratum of yellow or reddish marl, of immense thickness, and in which few or no stones were intermixed. A specimen of it will be sent in charge of Mr. Cross, along with specimens of the wood, bark, leaves, flowers, and fruit of the *Cinchona succirubra*.

R. S.

William M. Adams
J. H. Jennings Esq.
Collector



St. Petersburg
13 Oct. 1860

N^o 140

From Clement Dale Esquire Government Pleader Lado Adalat
To V. H. Leringe Esquire Collector of Madras.

R.

Madras 24 September 1860

Sir,

2 August 1860 N^o 126

In continuation of the letter I had
the honor to address to you under the
date and number noted in the margin
I have now the honor to enclose for your inform-
-ation a Printed Copy of the Decree passed by
the Court of Lado Adalat in appeal suit
N^o 234 of 1859.

I have the honor to be
Your Most Obedient Servant
Clement Dale
Govt. Pleader S. A.

No. 1140
1860

Gov. Plead. C.

24-g-60

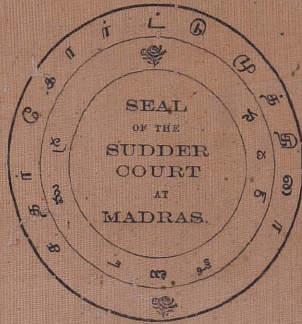
12

DECREE OF THE SUDDER COURT AT MADRAS.

R

Before the Civil Judge of Madras, Original Suit No. 2 of 1857.

Before the Sudder Court at Madras, Appeal No. 234 of 1859.



Signed J. L. Strange.

(do.) H. Freere.

Appellant.

MUTTU MADAVA NAYAKAR.

versus

Respondents.

SHANMUGA MADAVA NAYAKAR, Zemindar of Puleyankolum, and others.

The plaintiff has brought this suit to be placed in possession of the property of his father, the first defendant, the zemindar of Puleyankolum. He also sued to set aside a razinama in No. 89 of 1856, charging the zemindary with debt to the fifth defendant, affirming this to have been got up collusively. The plea on which the suit was brought is, that plaintiff is the son of the pattaba stri, or royal wife, and that first defendant is imbecile. First defendant it may be observed, has since died.

The defence is that the second defendant is the pattaba stri, and that her son named Sirata Muttu Madava Nayakar is the heir to the zemindary. The debt in question is declared to be a true one.

The civil judge excluded from adjudication in the suit the matter of the aforesaid debt. He rejected the evidence oral and documentary offered by the plaintiff to prove that at the time of the marriage of his mother and the second defendant, which was effected on the same day, his mother had been made the pattaba stri. He considered the presumption to be that the dignity was conferred upon the second defendant. He thereupon dismissed the suit, observing also that the plaintiff's claim was barred by the statute of limitation.

From this decision the plaintiff has appealed, and he has been answered by the second defendant.

Mr. Branson appeared for the plaintiff, and Mr. Arthur M. Ritchie for the second defendant.

Judgment

The Court are of opinion that this suit is not affected by the statute of limitation. In

First Sheet.

Signed J. L. Strange.
Registrar.

respect of such a claim as the present, that of heirship and succession, they consider that the statute would run only from the time when the succession might fall to the heir and the plaintiff might be opposed in entering upon his asserted right. They do not think it should run as held by the civil judge from the time when dispute arose as to the right being in the plaintiff at the time that his father held the zemindary.

The Court concur with the civil judge in rejecting the evidence offered by the plaintiff to his mother having been declared pattaba stri at the time of the marriage. The civil judge has given his reasons for discrediting the document A and the witnesses adduced to establish the said fact. These appear to the court cogent, and they have not been shaken by any thing offered in this appeal. It has been attempted at the hearing of the appeal to maintain the plaintiff's right to succeed as being the eldest son. This however was not the position taken in the court below, where the succession was allowed to depend upon another circumstance, namely the mother being the pattaba stri, and the Court therefore hold the argument to be an inadmissible one. They observe that there is no evidence that the first defendant at any time subsequent to the marriage acknowledged plaintiff's mother to be the pattaba stri, while the plaintiff has allowed, as stated in the civil judge's decree, that from the date of his birth, or the year 1844 the son of the second defendant was declared by the first defendant to be his heir. The Court concur with the civil judge that the presumption is in favor of the second defendant having been the pattaba stri, while the plaintiff, assuredly, has offered no reliable evidence to prove the contrary, and that the post was held by his mother.

The Court resolve therefore to dismiss the appeal with costs.

IN THE SUDDER COURT.

Appellant's costs.

| | | | |
|--|-----|-----|-----|
| Pleader's fee on Rs. 9,250-0-0..... | 335 | 0 | 0 |
| 1 Roll for brief appeal petition..... | 250 | 0 | 0 |
| 1 do. for special grounds of appeal..... | 4 | 0 | 0 |
| 1 do. for vakalatnama..... | 2 | 0 | 0 |
| Printing charge..... | 8 | 0 | 0 |
| To be borne by the appellant..... | | 599 | 0 0 |

Respondents' costs.

| | | | |
|---|-----|-----|-----|
| Pleader's fee as above..... | 335 | 0 | 0 |
| 1 Roll for answer..... | 4 | 0 | 0 |
| 1 do. for vakalatnama..... | 2 | 0 | 0 |
| Printing charge..... | 0 | 8 | 0 |
| To be paid to the respondents by the appellant..... | | 341 | 8 0 |

Given under our hands and the seal of the Court this twenty-second day of August, in the year of our Lord 1860.

By order of the Sudder Court.

Signed and sealed in Court, this 13th day of Sept. 1860.

(Signed) L. F. Chamier

(Signed) L. F. Chamier

Registrar.

Registrar.

Second and last Sheet.

(Signed) L. F. Chamier
Registrar.

EM

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GM

