MILITARY POLICE AND JUDICIAL ADMINISTRATION

The army of the Mahrathas was divided into 2 divisions namely, Infantry and Cavalry. Elephantry which formed an important corps under the Cholas and the Nayaks, now seems to have become obsolete in warfare. Unlike the Cholas, the Mahrathas had no navy. Though the Thanjavur Mahratha kings possessed artillery, they depended mainly on European settlements for the supply of men and machines. The soldiers were practically new to the handling of big guns and artillery.

CAVALRY

The Mahratha cavalry formed an important division of the army. Though South India was not the home of horses (as the climatic conditions was not conducive for horse breeding) the kings imported them from Persia, Arabia and Sind. The Mahrathas carefully trained the imported horses and made them fit for war service. King Serfoji-II maintained an efficient cavalry in the palace to serve him with lancers called Lalrisala. The trained Mahratha cavalry was famous for its swiftness and efficiency. The Mahrathas of Thanjavur maintained two kinds of cavalry, namely the regular and the irregular. The state provided horses for the regular and met the expenditure and did not provide the same to the mercenaries. The subedar selected the best horses and branded them and handed over them to the horse keepers. The grass cutter who was attached with each horse-keeper had to feed and saddle the horses and keep them fit for war service. The dalavoy was the head of the army organisation, a sardar, subedar and jamedar served under him,
commanding thousand five hundred and one hundred horses respectively. A havildar commanded twenty five horses. Thus the cavalry was efficiently organised and maintained by a group of people appointed by the king.

**THE INFANTRY**

The infantry formed the largest unit in the army organisation. The rulers kept two kinds of armies that is standing army and an irregular army. The standing army was composed of the kallars, muslims and the maravas. The irregular soldiers were supplied by the Poligars who rendered war service at short notice. The regular soldiers who were recruited directly, received their pay annually. The government entered into an agreement with these soldiers while appointing them, to prevent the soldiers from deserting the government and joining the enemy's camp. As per the agreement, the government issued a *paper sody*. In the event of their dismissal, the soldiers surrendered the *paper sody* and received the full payment for the whole year. The officials of the military departments had no fixed pay scale. The rate of their remuneration varied from rank to rank and officer to officer and depended upon the good will of the king and merit of the soldiers. The troops were paid partly in cash and partly by assignments of land revenue. When they were paid by cash, the soldiers received their pay in Tanjore *panam*.

Maintaining a large standing army caused financial strain to the Mahratha kingdom. Therefore, the Mahratha kings wanted to reduce the size of the army and so they relied upon the mercenary soldiers. The subedars and killedars were expected to maintain
certain number of soldiers always in a state of readiness. Thus the kallars joined the military service under the poligars and helped the kings at times of war. These mercenaries received their remuneration from the state directly in times of war. Once the war was over the kings disbanded them and they joined their local chieftains. During normal times, they worked on daily wages.

Recruitment for the standing army was made with great care. The subedars recruited young and energetic soldiers. Soldiers from other military camps were also permitted to join as sibbandis. While recruiting men to the army, a thorough enquiry was made. The havildar's trained the new recruits with many words of command. Soldiers were promoted on the basis of their skill and they were dismissed if they were not loyal to the king.

On declaration of war, all the officials accompanied the king's army. Infrantry, cavalry and war elephants marched along with them. The purohit also joined their march. While marching on, the soldiers shouted har-har-mahadev by beating their war drums and blowing their horns.

When the army was on its march to the field, it was accompanied by their family and they remained with them any number of days. This made the army unwieldy and affected the mobility. It also incurred heavy expenditure and affected the normal life of the villagers, as they had to meet the needs of the army where it was encamped.

The military department maintained 1) muster rolls or list of names of persons in service 2) daily register of duties 3) reports of
day officer 4) daily cash balance and accounts 5) acquittance register 
showing salary particulars.

The army of the Mahratha kings resorted to a strange 
practice called 'dharna'. The discontented troops assembled in the 
capital, paraded through the streets, pitched a tent near the king's 
palace and remained there for 3 days. If they were not paid their 
arrears within these days, they committed some acts of desperation 
against the king.12

METHODS OF WAR FARE

The Mahratha kings of Thanjavur gave due importance to 
the tactics of war. After encampment, the commanders ascertained 
the position and strength of the enemy. After making a careful study 
about the situation of the enemy, they moved into the battlefield by 
beating war drums and killed the enemy.13 The troops shot arrows, 
threw spears or daggers, swords, knives and poniards on the enemy. 
At times the soldiers disguised as the ally's forces created 
confusion.14 At times they coolly kept themselves hidden behind the 
hills and took the enemy by surprise.15 The important aspect on the 
meritorious side of the army was that, they never disturbed temples, 
women and standing crops which boosted the morale of the Mahratha 
army.16

WEAPONS USED

During Mahratha rule, the principal weapons used were 
swords, knives, lances, spears and daggers.17 The indigenous arms 
and weapons were made in the armoury called sankirama-bandar.18 
Many of the broad swords contained long inscriptions in Marathi
letters with beautifully carved handles. The arrows used by the archers were of immense variety and were made of reeds, bones, spike heads and many of them were flat-tipped.

Gun-powder took a very long time indeed to make its headway in native Indian warfare. During the period of king Serfoji-II, his artillery consisted of canons of several sizes. The persons manning the canons were called *thof daruga* and their assistants were called *thof khalasis*. For the use of canons, king Serfoji-II imported gun-powder and maintained a *darakhana* for preparing gun powder in his palace, *thof khana* was the canon department which maintained accounts of arms.

**TITLES AND HONOURS**

To celebrate the victory, the Mahratha kings arranged grand feasts and as a mark of reward they adorned the soldiers with *pathak*. *Srimant* was the highest title of honour to the officials, for it brought high status. Another title, awarded to honour the soldiers was *senadurandhar*. The other titles of honours awarded to soldiers were *hasam-junjor*, *prathana*, and *hasam-junjor samaradhri*.

**FOREIGN POLICY**

The Mahratha kingdom had to pursue a vigorous and vigilant foreign policy. The Mahratha kings maintained friendly relations with foreign powers to renew and strengthen the old friendship.
MILITARY ORGANISATION AFTER 1800

King Serfoji - II had a limited extent of territory to govern around the Fort area. Even though, he had a limited extent of territory to govern, he took pains to maintain a small army but equipped fully\textsuperscript{26} to be used in times of war and peace. He had also sent his forces to help the British government at times of their needs. His infantry consisted of 10 battalions of about 2400 regular troops. He adopted all rules and codes of the British army and the methods of warfare but he gave Maratha and Sanskrit names and equivalents for the ranks and cadres of the company forces.

He abolished English, Arabic and Persian equivalent words of command\textsuperscript{27}.

The army organisation was not free from defects. The absence of naval force, improper training to the artillery men and employment of mercenary soldiers affected the strength of the army. The mercenary soldiers did not fight with real love for freedom, but they fought for money and when the forces were sent for the help of an ally, they absconded on the way and the Mahratha kings received frequent complaints from their allies\textsuperscript{28}.

POLICE ADMINISTRATION

The policing of the country was placed in the hands of the rural constables known as the kavalgars, (watchman) who were commonly recruited from the kallars and padaiyachi caste. These kavalgars had to protect the life and property of the inhabitants, to prevent the depredations of the plundering tribes and to produce all stolen property to compensate its value in money. Under the strong
rulers, the rural constables worked with vigour as the kings exercised an effective check over them by means of the sibbendi or para military. But, in the later period, due to weak successors like Tulaja and corrupt ministers like Shiva Rao, these kavalgars took advantage and became tyrants. They joined hands with the pattackdars and inflicted untold misery on the people. This compelled the Mahratha government to set up a special committee for the establishment of a regular system of police.

THE POLICE ORGANISATION

The police organisation of the Thanjavur Mahrathas consisted of various officials. Kotwal was an important person who maintained peace in the capital, hicaras who gathered information, visarippukaran (investigators) who made enquiries and talaiyari (watchman) who performed the duties of a rural constable.

The kotwal, the supervising authority patrolled the city and made enquiries, inspected the bazaars, checked weights and measures, supervised the cleanliness of the city, punished the culprits and fined them, arrested the gamblers and punished the choukidars who indulged in unlawful activities. Thus, the kotwal exercised the judicial authority too. He received his remuneration in the form of cash and rent free land from the sircar as manyam. Besides these, he collected a fee called the magama from the people.

The hirkara or the spies assisted the kotwal in discharging his duties. The talayaris and kanakkapillai and an interpreter were the other officers who helped the kotwal.
THE KAVAL SYSTEM

The *kaval* system of the Thanjavur Mahratha rulers, was based upon the principle of "set a thief to catch a thief". The *kavalkar*, who held this office, had the *kaval poruppu* and performed the *kaval* duty\(^3\). The *kavalkars* (watchmen) were commonly recruited from the *kallars* and the *padaiyachis* the emigrants from the south. There were three kinds of *kavalkars* under the Mahratha rule in Thajavur namely\(^4\),

1. *arasu kavalkars*,

2. *kudi kavalkars* or *sthalam kavalkars* and

3. *menkavalkars*

There were nine *kaval* divisions and 451 circuits in Thanjavur\(^5\). The Mahratha kings employed 3 types of spies with distinct duties. They were *hircaras*, *doleyats* and *arkars* to carry news and convey messages\(^6\). The *darogha* was the head of the *hircaras* who was also the head of the intelligence department. Sometimes, the *darogha* personally visited the places to collect news.

The *kavalkaras* were entrusted with certain duties to be performed to the people and the state. They were responsible for the peoples' belongings and they should restore the stolen property to its owners. Failure to do so, caused the forfeiture of a part of their remuneration\(^7\). This is a clear proof that the protection of private property was based upon the individual responsibility of the *kavalkars* and collective responsibility of village communities.
DETECTION OF CRIME

In the villages, the kavalkars adopted a peculiar procedure in the detection of crimes. If the people suspected a robbery or theft, they should report the matter to the patel and karnam. In turn, they directed the kavalkaras of the particular village to find out the offenders. The talaiyari of the area accompanied the kavalkaras who had thorough knowledge of the inhabitants. On finding the foot prints of the robbers, the talaiyaris pursued the search. The kavalkaras seized the person, whose foot prints coincided with the original foot prints. The kavalkar, in whose limit the robber was last found had to produce the robber.

The salary of these kavalkars was not uniform and it depended upon the fertility and produce of the land. The kaval allowance was given for providing means of livelihood of kavalkars. When this allowance was reduced, they joined hands with the robbers, which degraded the kaval system. Due to corruption, this system fell into decay which affected the peace of the Mahratha country. Owing to the oppressive system, the people suffered and when they appealed to the government, there was no response due to weak rulers. In the later Mahratha period, the kavalkars became tyrants and terrorised the country. The sibbendis colluded with pathakdars and inflicted untold misery on the people. Charles Harris - the collector of Thanjavur, took over the administration of Thanjavur in 1802. He introduced some changes by altering the mode of payments to the kavalkars. Thus, the institution which had been associated with preservation of peace and order, came to be associated with the British administration. The British government
finally abolished the kaval system in 1814, which was substituted by regular police system in its place.

LAW AND JUSTICE

The Mahratha kings initially followed the judicial system of the Nayaks. The administration of justice must have been largely localised. They did not set-up any graded system of courts at the beginning of their rule. The subedars, amuldaars and the karbar exercised judicial authority. In the villages, the village panchayats settled the disputes. In the capital, the king decided and settled the cases with the assistance of pandits, well versed in srithies and legal lore. We have meagre information about the administration of justice before the accession of Pratapsing. The credit of establishing a regular court goes to the time of king Pratapsingh. He appointed a judge at the capital on a salary of 30 pagodas per month alongwith a kanakku pillai or accountant for the purpose of registering the decrees. This court decided the cases, referred to them and permitted appeals to be taken to the king. The king also often referred the cases to his sirkhel for report. King Tulaja established four graded courts at the capital namely:

1. Nyaya sabha or criminal court
2. Mudirtha sabha or civil court
3. Dharma sabha or religious court. and
4. Nyaya dhisa Sabha or Prathistha sabha or the supreme court.
The supreme court received petitions from the other 3 courts. The adyaksha or chief justice presided over this court. After the death of Tulaja in 1787 A.D. the law and justice under the Mahratha rule became worse. During Amarsingh's reign the judiciary was totally neglected. Bribery and corruption prevailed among the judges. The palace officials and public servants frequently interfered in the court affairs to get favourable judgements from the judges. King Amar Singh built a cross wall and prevented the people from observing the court proceedings. Shiva Rao the sirkhel of the king dug the grave for the king by his tyrannical judiciary. The judgements were openly sold to the parties and it fell a prey to shameful corruption. King Amarsingh in his last days revived the judicial system that was introduced by king Tulaja. According to it the regular court of justice called ninus mahal was constituted which consisted of a President and four judges. This court sat everyday and took up all the civil cases and gave judgements according to the sastras. This court was entirely supported by fees and fines that it levied.

The adyaksha or chief justice presided over the supreme court. Persons with integrity and ability were selected as the judges. As a criterion for the appointment of judges, King Amarsingh appointed people from Brahman community, as he believed that they were well known for integrity and ability and were well versed in sastras. In the criminal justice, the king had the sole authority and he had the power to veto any decision given by the judges.

King Serfoji-II who ascended the throne in 1799 A.D. with the help of the British ceded his country to them, excepting the Fort of Thanjavur. But he was permitted to exercise his sovereign authority and allowed to administer justice. After 1800 A.D.
different courts with separate establishments came into existence. There were 6 courts at the time of king Serfoji II. Out of 6, four of them were regular ones and 2 were quasi-judicial. All the courts dealt with both civil and criminal cases based on the directions of the judicial court.

The names of the courts are:

1. The nyaya sabha - dealt with criminal cases or nyaya diasa sabha.
2. The mudirtha sabha - civil cases.
3. The dharma sabha with religious litigation and temple cases.
4. karbar prasang sabha - It was a court of appeal from the other 3 courts. It dealt with cases involving the members of Royal household.

In addition to the above mentioned four courts, there were two more courts; the prathistha sabha and the other was the rajah’s niyayarishai sabha. All appeals from the lower courts were referred to the King’s court which was similar to the present supreme court.

THE MUDIRTHA SABHA

It disposed cases of theft, false weights and measures, adulterations of food stuffs and cases of bribery. Accurate statements were prepared everyday regarding the number of cases disposed off, number of cases in arrears with all details of the plaintiffs and defendants. As regards the hearing of cases, the
plaintiff and defendants appeared in person before the judges and presented the cases substantiated with all documentary evidences. In the cases of the parties residing outside Thanjavur, the execution of the Court's decree seems to have been entrusted to the subdivisional officer called madyastha\textsuperscript{51}.

**DHARMA SABHA**

Cases arising out of violation of Hindu dharma were referred to dharma sabha. The dharma athikari of the dharma sabha cleared the doubts by referring to the Hindu sastras and granthas. This sabha had a smaller bench in which persons well-versed in vedic sastras, dharms and nyaya codes were the members. These vedic pandits and scholars were not only the members, but also acted as judges. They delivered the judgements according to Hindu smrithi after verifying the documents. The judgements as a rule, were not delivered on the days when the vedas should not be chanted\textsuperscript{52}.

**KARBARPRASANG SABHA**

This Sabha dealt with papers of in-subordination of the king and members of Royal house-hold. The chief of this court was the ‘huzurnavis’ the king’s chief secretary\textsuperscript{53}.

**PRATISTHA SABHA**

It disposed of cases emanating from outside the Fort area and regions under the control and jurisdiction of king Serfoji-II’s rule. This court disposed of both civil and criminal cases.
The 6th court was the Raja's Court or nyayanishi court which was the most important court of appeal. The judgements given by the king were final. In criminal cases, the king was the sole authority. He also dealt with such cases as murder, big theft, offences against the state etc., and gave capital punishments which were carried-out by the kotwal who was the commander and custodian of the Fort. The litigants enjoyed the right to employ interpreters called the dubashes for the explanation of the court proceedings. Evidence was admitted in criminal proceedings by the well-known system of ordeals. In order to enquire the cases, the court collected court fees which was graded according to the amount of the suit. There was no refund of this court fee\textsuperscript{54}. The table given in the annexure shows the scale of court fee collected from the people during the days of the Mahratha rule at Thanjavur. Thus the available evidence reveals the fact that the system of judicial organisation at Thanjavur was not uniform throughout the Mahratha rule and many changes had crept in course of time.

The fees and fines collected were utilised for the payment of the stamps and copies of the proceedings were obtained by payment of mudirthakagaj. The stamp fee was uniformly fixed as 1 ana. All the suits which did not bear the court stamp fees were, dismissed as anomatheya (admission of the case not granted). All the stamp papers should bear the seal of the king\textsuperscript{55}. The proceedings of the court were also to some extent similar to these of the present day. The defendant should pronounce oath before the judge (nyayadeshe) keeping in hand salt and tulasi leaves while presenting affidavit before the judicial officers. The mode of addressing the judges in those days was as follows: sriyovyvikaphipathi\textsuperscript{56} which is similar to the modern term 'my lord'.
Separate seals for each court was used. The seal of the Raja's court was inscribed as pratapa vesa kara vasini. The list of unclaimed properties should be listed-out every month and the same should be published in public places by notice and beating of tom tom, so that people may get a chance to get back their properties after furnishing proof of ownership. The kotwal was in-charge of this duty. Complaint boxes were kept at important centres for the use of the public which were periodically sent to the king for disposal. King Serfoji-II composed a code of conduct to the judicial officers. The attendance registers were maintained in the courts separately for the judges and the staff. The late-comers were marked as late and when the judge was absent, it was marked as lyre hajar.

THE OFFICIALS

The number of officials who worked in various courts were noted down in the modi records. They were 34 in number in the mudirtha sabha, 15 in dharma sabha, 17 in nyaya dhisa sabha and 17 in nyaya sabha. The larger number of officials in the mudirtha sabha indicate the existence of comparatively large number of civil cases than criminal cases.

PUNISHMENTS

The punishments which these courts could mete-out included, rigorous imprisonment, corporal punishments and deportation from the capital. Yet another punishment was, to take the accused in a mock procession through the four main streets of the city with beat of tom tom, public flogging. Corporal punishment was inflicted on the criminals, so that they should not repeat the
same. Sometimes, the criminals were tortured. A few offences were punished with fines.\textsuperscript{60}

The crimes and offences were of 2 kinds.

1. The offences against the state and the king.

2. The offences against the individuals.

Crimes such as revealing the political secrets, giving false witness, preparing false documents and seals, stealing the state property were some of the cases considered as offences against the state. For such kinds of offences, they executed the offenders, confiscated their property and declared them as a state property.\textsuperscript{61} Sometimes, the offender's body was smeared with black and white dots, adorned with a garland made of \textit{Erukku} flowers (morning glory) and was seated on an Ass's back facing the tail and led in a mock procession through the 4 main streets in the capital to be seen by the people as an act of warning.\textsuperscript{62} Sometimes, fine was collected either in cash or in kind for stealing the state property. Whipping below the knee was another kind of punishment to the accused in the case of kidnapping and making false seals and weights.\textsuperscript{63} Hurting a Brahman was severely dealt with.\textsuperscript{64} Handcuffs were to be used only in the cases of grave offence and decoits. The Mahratha government treated the women criminals on par with men criminals. The hands of women offenders were tied with ropes and they were sent on an ass's back in a mock procession, but later on this practice was dropped.\textsuperscript{65} Women were fined 4 1/2 \textit{chakrams} for washing their pots and polluting the drinking water in the Sivaganga tank. The real intention of these punishments was to make the criminals feel ashamed of their offences. Capital punishments were also given.\textsuperscript{66}
Due to the British influence, the administration of justice after 1800 A.D. received some notable changes. The supreme court was established in Madras in 1800. The Mahratha high officials went to this court for their appeal during the reign of king Serfoji-II. In addition to the supreme court, a court called sadar adalat (chief civil court) sadar amin, faujdar adalat (chief criminal court) were established to dispose of the cases and for hearing appeals from the circuit courts.

To sum up, the administration of justice under the Mahratha rule was indeed haphazard. There was no recognised court of law in force and no court in existence to interpret it. Sometimes, the administration of justice was clubbed with revenue. No judicial training was provided. Though the judges were well-versed in legal lore, the amaldars with no judicial knowledge decided the cases. There was bribery. Even if the judges administered justice faithfully, the evil ministers like Shiva Rao influenced the judicial decisions. There was no cordial relationship between the revenue officers and the judges and so, a situation of dual jurisdiction arose.

Petty cases were disposed off by village head man who often took the law into his own hands. A native committing an offence in the Mahratha territory was punished by the British courts but not vice-versa. Thus the improper establishment, inadequate training, intervention from the palace and favouritism were the glaring defects found in the judicial administration of the Mahrathas. When the British took over the judicial administration of the Thanjavur region, changes came. Though the Mahratha rulers set-up courts guided by the Nayaks system, rules were mostly introduced by the English. ‘All were equal before law’ became a popular dictum only after the British supremacy.
Footnotes


4. *Paper Sody* - An identification card used by the state to the soldiers.


5. There were troopers who received grants of lands called ‘Mokasa’ for their service.

6. To exchange ‘Tanjore’ panam in local currency, the soldiers stationed outside Thanjavur, had to face much difficulties as the exchange value of the ‘Tanjore’ panam was less in other states.


9. Words of Command - ‘Vamparat’- left turn; ‘Sthira’- halt; ‘Uthistha’-stand; ‘yathasthitha’ - as you were; ‘Samvira’ - sit.

   These were obviously Sanskrit translations of corresponding English words of command.


12. During king Tulaja's time the soldiers, worked for 12 months but were paid only for 3 months. The 9 months pay fell into arrears. So the soldiers performed 'dharna' for their arrears.

   R.S. Shelvankar, 'Military Organisation of Tanjore Mahrathas'
   *South Indian Maharastrains Silver Jubilee Souvenir.*
   (Thanjavur, 1937), p.129.


21. The king purchased large number of muskets from MS/Krit company of London.


22. 'Pathak' - a pendant.


26. The small number of force was due to the fact that, after the treaty of 1799, by which the kingdom with exception of the fort was ceded to the British. The forces were kept not for defence, but only for show and personal services.

27. Some names of the ranks are given here under:

<table>
<thead>
<tr>
<th>Old name</th>
<th>New names given by Serfoji II</th>
</tr>
</thead>
<tbody>
<tr>
<td>Company</td>
<td>Prathak</td>
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<tr>
<td>Sentry sepoy</td>
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<tr>
<td>Subedar</td>
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<td>Havildar</td>
<td>Prathikwan</td>
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<tr>
<td>Naik</td>
<td>Darvashi</td>
</tr>
<tr>
<td>Store</td>
<td>Bhandar</td>
</tr>
</tbody>
</table>


32. 'Magamai' - The fee of the 'kotwal' collected from the people. The rate varied from place to place.

Ibid., Vol.3201, p.5.


36. Ibid., p.91.

37. Ibid., p.40.


41. Ibid., p.84.

42. F.R. Hemingway, op.cit., p.208.

43. The Report of Tanjore Commissioner, (T.N.A.) 1799.


48. The court fee was 5% on all money claims. Fines were levied upto 120 chakrams.

K.R. Subramanian, op.cit., p.82.


H. Pearson op.cit., p.95.


51. *Ibid.*, Bundle No.105C


54. R.S. Shelvankar, op.cit., p.4.
55. SCALE OF COURT FEES

<table>
<thead>
<tr>
<th>Claims under</th>
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</table>

Report of Tanjore Commissioner of 1799.

Modi records, Bundle 181/C.

The stamps and seals were kept in ‘surmahal’. ‘Surnavis’ was the keeper of seal and stamps.

Ibid., Bundle No. 197.

56. Ibid., Bundle 115/C.

57. Ibid., Bundle 105/C.

58. Ibid., Bundle 184/C.

59. Ibid., Bundle 11.

60. Ibid. Bundle 15.


Ibid., Vo. No.5. Bundle.No.76. Sub-Bundle 1.


