

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1644	Press
		~~Mis.~~
Dated	18-10-	~~18~~ 1866

258-229

11/12

Not to be folded or roughly handled

1644
66

Proceedings of the Madras Government, Judicial Department,

18th October 1866.

Read again letters from the Civil Judge of Calicut, dated 14th March and 5th June, and recorded in the Proceedings of 9th April and 21st June 1866, Nos. 514 and 971, respectively.

Read also the following papers:—

No. 208. From the Civil and Session Judge of Guntour, to the Acting Chief Secretary to Government, Fort Saint George; dated Guntour, 29th June 1866, No. 80.

I have the honor to acknowledge the receipt of the Order of Government, No. 971, conveyed in their Proceedings, Judicial Department, dated 21st June 1866, calling upon the several Civil and Session Judges to report what the practice in their Districts is, in regard to the disposal of intestate property, under Clause 7, Section 16, Regulation III of 1802.

2. The course pursued at present in this District, is the following:—The Sub-Magistrate will transmit the property of intestates to this Court. When the property may consist of articles of a perishable nature, the Sub-Magistrate sells it at once, and remits the sale proceeds to the Court. On the receipt of the property by the Court, advertisements are issued, under Clause 7, Section 16, Regulation III of 1802, calling upon the heirs of the deceased to attend and substantiate their claims within 12 months, reckoning from the date of the receipt of the property by the Court from the Subordinate Magistrate. The advertisements are issued once in every quarter, or four times in a year. For all property received into Court during January, February, and March, the advertisement is issued in April, and so on for the remaining three quarters of the year. One advertisement is pasted on the Court wall, containing the details of the intestate property of the whole District, and separate advertisements are sent to the several Subordinate Magistrates, for such property as has been found in their respective limits, in view to their being affixed on some wall of his Cutcherry.

3. If the heirs appear before the Court within 12 months, and substantiate their claims, the property is made over to them. If no heirs appear within that period, an Inventory of the property is submitted to Government, and orders are obtained for its disposal. This is the only course pursued in this Zillah.

4. No notice requiring all parties having claims against, and being indebted to, an intestate estate, to make the same known to the Court on or before such a date, is ever issued, either simultaneously with the issue of the advertisement, or after the expiration of the prescribed period of 12 months, because the one advertisement is sufficient to bring the claimants of all kinds.

No. 209. From the Civil and Session Judge of Coimbatore, to the Acting Chief Secretary to Government, Fort Saint George; dated Coimbatore, 30th June 1866, No. 6.

I have the honor to acknowledge the receipt of the Order of Government, dated 21st June 1866, No. 971, communicating a letter of the Civil Judge of Calicut to Government, and the Order thereon, dated 9th April 1866, No. 514, to the Civil and Session Judges, with a request that they will report what the practice in their several Districts is, in regard to the course pursued for the disposal of intestate property, under Clause 7, Section 16, Regulation III of 1802.

2. In reply, I beg to state that the course pursued in this Court is, on receipt of intestate property, to issue the advertisement required by Clause 7, Section 16, Regulation III of 1802, and, on the expiration of twelve months, should no claim be preferred, to submit an Inventory of the estate to Government, and request their orders for its sale.

No. 210. From the Civil and Session Judge of Chittoor, to the Acting Chief Secretary to Government, Fort Saint George; dated Chittoor, 30th June 1866, No. 8.

With reference to the Order of Government, dated the 21st instant, No. 971, directing me to report on the course pursued for the disposal of intestate property, under Clause 7, Section 16, Regulation III of 1802, I have the honor to state that, at the end of each year, a list of all such property, received during that year, is sent, in diglot, for publication in the *District Gazette*, with an advertisement calling upon the heir or heirs of the deceased, or other persons entitled to receive charge of the effects, to attend and substantiate their claims within 12 months from that date. After the expiration of this period, a list of the said property is submitted to Government, and, on receipt of their authority to dispose of the same, a Notification of sale, allowing a fortnight's time, is affixed in some conspicuous part of the Town of Chittoor, for the information of the public, and the sale is carried out at the appointed time.

No. 211. From the Civil and Session Judge of Trichinopoly, to the Acting Chief Secretary to Government, Fort Saint George; dated Trichinopoly, 30th June 1866, No. 168.

With reference to the Order of Government, No. 971, dated 21st June 1866, Judicial Department, directing the Civil and Session Judges to report what the practice in their several Districts is, in regard to the course pursued for the disposal of intestate property, under Clause 7, Section 16, Regulation III of 1802, I have the honor to state that, as soon as intestate property is taken charge of by this Court, an advertisement, under the above enactment, is issued, calling upon the heir of the deceased, if any, to appear before the Court within 12 months, and receive the effects, upon substantiating his heirship. This advertisement is published, through the Magistrate of the District, on the spot where the property was found. If, within the prescribed period, any heir appear and satisfy the Court of his title, the property is made over to him, and if none appear, an Inventory for the same is submitted to Government, under the said Section, and under instructions contained in their Proceedings, No. 242, dated 15th February 1862, Judicial Department. On the receipt of sanction from Government, the property is sold at auction, and the sale proceeds carried to the credit of Government.

No. 212. From the Civil and Session Judge of Salem, to the Chief Secretary to Government, Fort Saint George; dated Salem, 3rd July 1866, No. 5.

Adverting to the Proceedings of Government, dated 21st June last, No. 971, I have the honor to enclose copy of a letter from the Principal Sudder Ameen, reporting on the practice observed in his Court, in regard to the disposal of intestate property, under Clause 7, Section 16, Regulation III of 1802. A similar practice pre-

vails in this Court, in respect of the estates of European British subjects dying intestate, in cases in which the Administrator will not interfere.

From the Principal Sudder Ameen, Salem, to the Civil Judge of Salem; dated Salem, 30th June 1866, No. 46.

With reference to the Proceedings of the Madras Government, dated 21st instant, No. 971, which accompanied the Proceedings of your Court of the 28th idem, calling for a report of the practice in regard to the course pursued for the disposal of intestate property, under Clause 7, Section 16, Regulation III of 1802, I have the honor to state that the practice of this Court is to issue an advertisement, under the said Clause, requiring the heir of the deceased, or any person entitled to receive charge of his effects, to attend for the purpose; and should no claim be preferred within twelve months next ensuing, an Inventory of the property, and a report of the circumstance of the case, are submitted, through the Civil Judge, in February of every year, to the Governor in Council, for his orders; but no notice of the kind mentioned in the letter of the Calicut Civil Judge, alluded to in the Government Proceedings, has ever been issued by this Court, subsequent to the advertisement.

No. 213. From the Civil and Session Judge of Tellicherry, to the Acting Chief Secretary to Government, Fort Saint George; dated Tellicherry, 6th July 1866, No. 121.

I have the honor to acknowledge receipt of the Proceedings of the Madras Government, Judicial Department, dated 21st ultimo, No. 971, calling upon me to report what the practice is in this District, in regard to the course pursued for the disposal of intestate property, under Clause 7, Section 16, Regulation III of 1802.

2. The practice that obtains in this District is, for the Principal Sudder Ameen of Tellicherry, upon receiving charge of an intestate's property, to issue an advertisement, under the above enactment, calling upon the heirs of the deceased, or other persons entitled thereto, to attend in person, or by Vakeel, and substantiate their claims within 12 months from the date of such advertisement.

3. Should no one come forward within the aforesaid period, either as heir or creditor of the intestate, an Inventory of the effects is submitted to the Government, by the Principal Sudder Ameen, through this Court, and, upon receipt of the Order of the Government, the effects are sold by public auction, and the proceeds carried to the credit of Government.

4. All perishable articles are sold at once, and the proceeds are held in deposit, to be disposed of, according to circumstances, on the expiry of the period fixed in the advertisement.

No. 214. From the Civil and Session Judge of Mangalore, to the Acting Chief Secretary to Government, Fort Saint George; dated Mangalore, 7th July 1866, No. A. W.

With reference to the Proceedings of the Madras Government, dated 21st June 1866, No. 971, I have the honor to state that the Principal Sudder Ameen, appointed in lieu of Subordinate Judge, is the Officer who takes charge of the property left by deceased Natives or Europeans, other than British-born subjects, and sent to him by the Magistrate through the District Moonsiffs. According to the practice obtaining in his Court, there is but one advertisement issued, calling upon heirs of deceased persons entitled to receive charge of their effects, to attend and substantiate their claims within 12 months. After the expiration of the said 12

months, the Principal Sudder Ameen applies, through the Civil Judge, for the orders of Government in regard to the disposal of such portion of the property as may remain unclaimed. No notice is issued inviting parties, other than heirs, to prefer their claims, if any, to the estate of the deceased, either contemporaneously with the advertisement, or on the expiration of the 12 months, or after the receipt of the orders of Government for its disposal.

No. 215. From the Civil and Session Judge of Rajahmundry, to the Acting Chief Secretary to Government, Fort Saint George; dated Rajahmundry, 9th July 1866, No. 142.

With reference to the Order of Government, No. 971, dated the 21st ultimo, Judicial Department, I have the honor to inform you that the practice in this District is to issue only one advertisement, under Clause 7, Section 16, Regulation III of 1802, and no subsequent notice.

No. 216. From the Acting Civil and Session Judge of Cuddapah, to the Acting Chief Secretary Government, Fort Saint George; dated Cuddapah, 10th July 1866, No. 224.

In compliance with the Order of Government, 21st June 1866, No. 971, I have the honor to state that the practice of this Court has been, in the case of European British subjects, to act up to the directions contained in the Rules of Practice, under the head of "Estates."

2. The effects of those other than British subjects are taken charge of by the Principal Sudder Ameen, and dealt with as shown in his letter of the 3rd instant, No. 69, copy of which I enclose.

From the Principal Sudder Ameen, Cuddapah, to the Acting Civil Judge of Cuddapah; dated Cuddapah, 3rd July 1866, No. 69.

In acknowledging the receipt of the Proceedings of Government in the Judicial Department, dated 21st June 1866, No. 971, calling for a report as to what the practice is, in regard to the course pursued for the disposal of intestate property, under Clause 7, Section 16, Regulation III of 1802, I have the honor to state that, as soon as any intestate property is received by the Court, it is entered in the Register kept for that purpose, and an Inventory of property, so received, is published quarterly in the *District Gazette*, inviting "all parties having claims against the estate of the deceased" to make the same known within 12 months, after which no claims will be attended to.

2. After the expiration of the 12 months, an Inventory is made of all the property, and submitted to Government, through the Civil Court, for orders to dispose of the same, as unclaimed, by public auction; and, on receipt of instructions, it is disposed of, and the proceeds carried to the credit of Government.

No. 217. From Civil and Session Judge of Nellore, to the Acting Chief Secretary to Government, Fort Saint George; dated Nellore, 11th July 1866, No. 32.

In acknowledging receipt of a copy of the Order of Government, Judicial Department, dated 21st June 1866, No. 971, directing the Civil and Session Judges to report "what the practice in their several Districts is, in regard to the course pursued for the disposal of intestate property, under Clause 7, Section 16, Regulation III of 1802," I have the honor to state that the practice in this District is as follows:—On receipt of intestate property, an advertisement—requiring the heir of

the deceased, or any person entitled to receive charge of his effects, to attend for the purpose, and substantiate the claim, within 12 months—is published in the manner prescribed in the above Clause, but no further notice is issued.

No. 218. From the Acting Civil and Session Judge of Nundial, to the Acting Chief Secretary to Government, Fort Saint George; dated Kurnool, 11th July 1866, No. 3.

With reference to the Order of Government, No. 971, of the 21st ultimo, I have the honor to submit the following report on the practice obtaining in this District, regarding the disposal of intestate and unclaimed property.

2. When a person dies intestate, leaving property, or when any property is found within the jurisdiction of the Court, such property is primarily taken charge of by the Local Sub-Magistrate, and forwarded by him to this Court. All stock and all articles of a perishable nature are at once sold, and the proceeds kept in deposit, together with any cash that may have been received with the property.

3. Under Government Order, No. 703, dated 19th May 1859, the Court, at the end of each quarter, forwards to the Local Sub-Magistrate advertisements regarding such estates, as provided in Clause 7, Section 16, of Regulation III of 1802, calling upon the heirs, if any, of the deceased, to appear and substantiate their claims within a period of twelve months. Copies of these advertisements are posted up in a conspicuous part of the village wherein the property was found, or where the owner died, and are also affixed to the notice-board of the Court-house.

4. Should any person appear within the term prescribed, and his claim be considered good, the property in question is given up to him, minus any charges incurred by Court in respect to it.

5. In the month of February of the following year, an Inventory of all such effects as remain unclaimed is prepared, containing all the particulars required by Government Order, No. 242, dated 15th February 1862, and submitted to Government. On receipt of sanction, the effects are sold by public auction by the Nazir of the Court, and the proceeds carried to the credit of Government.

No. 219. From the Civil and Session Judge of Bellary, to the Acting Chief Secretary to Government, Fort Saint George; dated Bellary, 16th July 1866, No. 14.

I have the honor to acknowledge the receipt of Proceedings of Government of the 21st June, desiring Civil and Session Judges to report what is the practice of their Courts, in the disposal of intestate property, under Clause 7, Section 16, Regulation III of 1802.

2. In reply, I have the honor to state that I have always followed the words of the Section, with regard to the issue of the advertisement therein mentioned, and that I never heard of any second notice being issued, as appears to have been the practice of the Courts at Calicut.

No. 220. From the Civil and Session Judge of Madura, to the Acting Chief Secretary to Government, Fort Saint George; dated Madura, 20th July 1866, No. 181.

With reference to the Proceedings of the Government, dated 21st June 1866, No. 971, requiring me to report what the practice in this District is, in regard to the

course pursued for the disposal of the intestate property, under Clause 7, Section 16, Regulation III of 1802, I have the honor to state that a practice obtains here of issuing but one advertisement, calling upon the heirs of the deceased, or other persons entitled to receive *charge of his effects*, to attend and substantiate their claim within 12 months, and of publishing it at the Court-house. If the said persons make their appearance and establish their claims within the prescribed time, the effects are made over to them. If not, the property is disposed of, under the express sanction of the Government, and, if sold, the sale proceeds or realization are carried to its credit.

Judicial Department Order, 15th February 1862, No. 242.

No. 221. From the Civil and Session Judge of Tinnevely, to the Chief Secretary to Government, Fort Saint George; dated Tinnevely, 24th July 1866, No. 333.

With reference to the Proceedings of Government, dated 21st June 1866, No. 971, I have the honor to forward, herewith, copy of a report, received from the Principal Sudder Ameen, as to the practice prevailing in his Court regarding the disposal of intestate property.

2. The Civil Court has not had occasion to take charge of estates, under Clause 7, Section 16, Regulation III of 1802.

From the Principal Sudder Ameen of Tinnevely, to the Civil Judge of Tinnevely; dated Tinnevely, 23rd July 1866, No. 175.

With reference to the Order of Government, dated 21st June 1866, No. 971, I have the honor to inform you that it has been the practice of this Court to issue only one advertisement under Clause 7, Section 16, Regulation III of 1802, and that, after the expiration of 12 months from the date of such advertisement, an Inventory of the intestate property is transmitted to Government, for sanction to dispose of them.

No. 222. From the Civil and Session Judge of Berhampore, to the Acting Chief Secretary to Government, Fort Saint George; dated Berhampore, 27th July 1866, No. 189.

With reference to the Order of Government, dated 21st ultimo, No. 971, I have the honor to report that the course pursued in this Court for the disposal of intestate property, under Clause 7, Section 16, Regulation III of 1802, is to issue but one advertisement, calling upon the heirs of the deceased, or other persons entitled to receive charge of his effects, to attend and substantiate their claims within 12 months, and no further notice is issued.

No. 223. From the Acting Civil and Session Judge of Chingleput, to the Chief Secretary to Government, Fort Saint George; dated Chingleput, 31st July 1866, No. 253.

With reference to the Proceedings of the Madras Government, dated 21st ultimo, and the Order thereon, No. 971, requesting the several Civil and Session Judges to report what the practice in their Districts is, in regard to the course pursued for the disposal of intestate property, under Clause 7, Section 16, Regulation III of 1802, I have the honor to submit that, as soon as the property of the persons dying intestate is received with the report of the case, an advertisement, in the current language of the country, issues, requiring the heir of the deceased, or

any person entitled to receive charge of his effects, to attend for this purpose within a year. The advertisement is published, both at the Court-house, and on the spot where the property was found. Should no claim be preferred within the 12 months next ensuing, an Inventory of the property is transmitted to His Excellency the Governor in Council, for his orders. No other notice, as alluded to in the 3rd paragraph of the letter of the Civil Judge at Calicut, has ever been issued in this District.

No. 224. From the Civil and Session Judge of Tranquebar, to the Chief Secretary to Government, Fort Saint George; dated Tranquebar, 3rd August 1866, No. 350.

I have the honor to acknowledge receipt of the Proceedings of Government, dated 21st June 1866, No. 971, and to report that the course pursued in this District, in regard to the disposal of intestate property, has been to issue an advertisement, calling upon the heirs of the deceased to appear and substantiate their claims within 12 months, as directed in Clause 7, Section 16, Regulation III of 1802, and in the event of any heir appearing and substantiating his claim, the property is made over to him at the expiration of the said period. If, however, no claimant appear, or if a claimant appear, but fail to substantiate his claim, an Inventory of the property is submitted to Government, at the expiration of 12 months, for their final orders.

2. I beg to add that it has not been the practice in this District to issue any other notice than the prescribed advertisement.

No. 225. From the Civil and Session Judge of Cuddalore, to the Chief Secretary to Government, Fort Saint George; dated Cuddalore, 27th August 1866, No. 4.

With reference to the Proceedings of Government, dated 21st June 1866, No. 971, I have the honor to report that as I have had no cases before me calling for proceedings under Clause 7, Section 16, Regulation III of 1802, I caused a reference to be made to the records of the late Principal Sudder Ameen's Court, to ascertain the practice obtained in that Court in the disposal of intestate property, and I beg to observe that it has not been the custom to issue notices to parties having claims against, or being indebted to, the estate of the deceased, on the expiration of the time given in the advertisement prescribed in the above enactment, or before the submission of a report of the circumstances of the case to Government.

No. 226. From the Acting Civil and Session Judge of Tanjore, to the Chief Secretary to Government, Fort Saint George; dated Tanjore, 29th August 1866, No. 426.

With reference to the Proceedings of Government, No. 971, of the 21st June last, I have the honor to inform you that the practice obtaining in this District, regarding the disposal of the property of persons dying intestate, under Clause 7, Section 16, Regulation III of 1802, is to issue but one advertisement, requiring the heirs of the deceased, or other persons entitled to receive charge of his effects, to attend and substantiate their claims within 12 months. It is not usual to send any subsequent notice, calling upon parties having claims against, or being indebted to, the estate of the deceased, to make the same known to the Court within a given time.

No. 227. From the Civil and Session Judge of Vizagapatam, to the Chief Secretary to Government, Fort Saint George; dated Vizagapatam, 1st September 1866, No. 202.

With reference to the Order of the Government, dated 21st June 1866, No. 971, Judicial Department, I have the honor to report that the practice of this Court, with regard to the disposal of intestate property, under Clause 7, Section 16, Regulation III of 1802, is to publish an advertisement *only once*, requiring claimants to appear before the Court, either in person or by a Vakeel of the Court, within one year from date of the advertisement, to prove their claims and receive the property, with a warning that, in the event of the property remaining unclaimed after the expiration of the time given, it will be sold, and the proceeds credited to Government. It is not usual to publish another notice, either simultaneously or afterwards, requiring creditors to appear.

No. 228. From the Civil and Session Judge of Ootacamund, to the Chief Secretary to Government, Fort Saint George; dated Ootacamund, 5th September 1866, No. 202.

With reference to Government Order, in the Judicial Department, dated 21st June 1866, No. 971, I have the honor to report that the practice in regard to the course pursued in the disposal of intestate property, under Clause 7, Section 16 Regulation III of 1802, is, in the case of Natives, to give a notice, calling upon the claimants to such estate to appear before the Court, within 12 months, to establish their rights. In default of any such parties appearing, a general Inventory of the intestate property is sent to Government, under the provisions of their Order, dated 15th February 1862, No. 242, for an order to sell such property, and credit the proceeds to Government.

2. In case of the death of a European British subject, not being a Military Officer or Soldier, the Civil Judge immediately takes charge of his effects, unless there be a Will, and an Executor willing to act under it. He then sends an Inventory of the whole of the effects to the Administrator General, for his orders as to how the said effects are to be disposed of. A copy of the Will, if any, together with any information which the Judge might obtain regarding the surviving relations, is also submitted to the Administrator General.

3. In cases where the deceased leaves a Will, a copy of the Will and of the Inventory of the effects is sent to the Executors, if residing within the Madras Presidency.

4. Should the Administrator General decline to administer the estate, the Civil Judge proceeds under the provisions of Section 16, Regulation III of 1802.

5. In the case of a Military Officer or Soldier, or any other Military person, dying intestate at a station where there is no Military Officer, the Civil Judge takes care of the effects of the deceased, and forwards them to the nearest Military Authority, reporting his proceedings to the Military Secretary to Government.

6. In the case of a European pensioner, he forwards to the Adjutant General, for transmission to the Secretary of State for India, any Will which may have been left by the deceased.

7. If an Eurasian dies intestate, and his heirs be unwilling to administer his estate, the Civil Judge proceeds, under Clauses 5 and 7, Section 16, Regulation III of 1802.

8. The delay in answering the Proceedings under reply arose from the adjournment of the Court for two months.

No. 229. ORDER THEREON, 18th October 1866, No. 1644.

On the 22nd February last, the Civil Judge of Calicut submitted an Inventory

G. O., 5th March 1866, No. 333.

of all unclaimed property, including the sale proceeds of perishable articles, which had been in deposit for the prescribed time in the Civil Court of Calicut, and in the Principal Sudder Amcens' Courts of Calicut and Cochin, for the year ending 31st January 1866. As, in reviewing the Return, it appeared that the advertisement prescribed by Clause 7, Section 16, Regulation III of 1802, had not been published in some cases, Government directed this to be done, and the usual Inventory to be submitted at the end of

G. O., 9th April 1866, No. 514.

the appointed time. The Civil Judge explained, in reply, that the advertisement required by Law had been duly published in the cases referred to, but that no notices requiring creditors, if any, to appear, had been published, under the impression that such notices could issue only on the expiration of the period specified in the said advertisement, and under the orders of Government. The Judge added that the rule observed in the Courts of his District was to issue the notice, either simultaneously with, or on the expiry of, the period of the advertisement, and that this rule appears, in no case, to have been objected to by Government; and he applied for definite instructions as to the course to be pursued in future. The Government observed that Clause 7, Section 16, Regulation III of 1802 required the issue of but one advertisement, calling upon the heirs of the deceased, or other persons entitled to receive charge of his effects, to attend and substantiate their claims within 12 months, and that it was therefore not clear what the Judge meant by an advertisement and a subsequent notice. He was requested to explain himself more fully, and to state what was the

G. O., 21st June 1866, No. 970.

purport of the advertisements issued in the cases referred to. The Judge replied that, on taking charge of an intestate estate, under Regulation III of 1802, the Court first issued the advertisement required by that enactment, calling upon the heir or heirs of the deceased, or other persons entitled to receive charge of his effects, to attend and substantiate their claims; that after the expiration of the said 12 months, it was the rule to issue a notice, requiring all parties having claims against, and being indebted to, the estate of the deceased, to make the same known to the Court on or before a certain date, after which no claims were to be attended to, and that such notice had always been issued on the authority of the Court in charge of the estate. The question to be decided, the Judge added, was whether such notice was to follow the prescribed advertisement, and, if so, whether the previous sanction of Government was necessary for issuing it.

2. Upon this, Government called upon the other Civil and Session Judges to report the practice of their several Districts in regard to the course pursued for the disposal of intestate property, under Clause 7, Section 16, Regulation III of 1802.

*Proceedings of the Madras Government, Judicial Department,
18th October 1866.*

3. It appears, from the replies received, that in no other District is it the practice to issue a notice such as that mentioned by the Civil Judge of Calicut, and that the procedure followed is in strict conformity with that laid down in the Regulation already quoted.

4. Under these circumstances, it is not necessary that the practice of issuing a notice distinct from the advertisement required by the Regulation should be kept up in Calicut. It will be sufficient to publish the advertisement in the manner prescribed by law, and, at the end of the appointed time, to report the circumstances of the case, with an Inventory of the property, for the orders of Government, with whom it will rest to pass such orders in each case as may be called for.

(True Extract).

Chief Secretary.

To the Civil and Session Judge of

Exd. J. H. Burns.

Handwritten note:
with reference to the
provisions of the
Succession Act (Act
10 of 1865) it seems
to be that the cir-
cular referred to
in Gov. Pro. Volume
last, No. 971, is
not necessary.
That all heretofore
a new course of
procedure for all
cases of intestacy
cases will be the law
of the current year.

20 Aug. 66
Act 7. 1865. done

True - I had overlooked 33/1 section.
W.D.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read again letters from the Lord Judge of Cashcot, dated 14 Mar. & 15 June 88, recorded in the Proc
of 9 April & 21 June 66 N^o. 514 & 97, respectively. Read the following letters:

From the Civil & Chancery Judges of London. (Here enter 29th June 1886 A. 80)

Order thereon 18th Oct^r 1866 No 1644.

On the 22nd February last

last the Civil Judge of Calicut
submitted an inventory of
all unclaimed property
including the sale proceeds
of perishable articles which
had been in deposit for the
prescribed time in the Civil
Court of Calicut and in
the Principal Sudder
Muziris Courts of Calicut
and Cochin for the year
ending 31st January 1866.

As in reviewing the return
it appeared that the ad-
vertisement prescribed by
clause 7 Section 16 Regulation
3 of 1802 had not been
published in some cases.
Government directed this
to be done and the usual
inventory to be submitted
at the end of the ap-
pointed time. The Civil
Judge explained in reply
that the advertisement
required by Law had
been

G.O. 5th March 1866 A-323.

G.O. 9th April 1866 A-514.

been duly published in the
cases referred to, but that
no notices requiring creditors
if any to appear had been
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that such notices could
issue only on the expiration
of the period specified in
the said advertisement and
under the orders of Government.
The Judge added that
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the advertisement and that
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to have been objected to by
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for definite instructions
as to the course to be
pursued in future. The
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7 Section 16 Regulation 3 of
1802 required the issue of but
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receive charge of his effects
to attend and substantiate
their claims within 12 months
and that it was therefore
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referred to. The Judge replied
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lation 3 of 1802, the Court
first issued the advertise-
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enactment calling upon the
heir or heirs of the deceased
or other persons entitled to
receive charge of his effects
to attend and substantiate
their claims; that after
the

G. O. 21st June 1861 A. 971.

935
the expiration of the said 12
months it was the rule to
issue a Notice requiring
all parties having claims
against, and being indebted
to, the estate of the deceased
to make the same known
to the Court on or before
a certain date, after which
no claims were to be attend-
ed to, and that such notices
had always been issued
on the authority of the Court
in charge of the estate. The
question to be decided, the
Judge added, was whether
such notice was to follow
the prescribed advertisement,
and, if so, whether the pre-
vious sanction of Govern-
ment was necessary for
issuing it.

2 Upon the Government
called upon the other Civil
and Session Judges to
report the practice of their
several Districts in regard
to

to the course provided for
the disposal of intestate
property under clause 7
Section 16 Regulation 3 of
1802.

3. It appears from the
reply received that in no
other district is it the prac-
tice to issue a notice such
as that mentioned by the
Civil Judge of Calicut
and that the procedure
followed is in strict con-
formity with that laid
down in the Regulation
already quoted.

4. Under these circum-
stances it is not necessary
that the practice of issuing
a notice distinct from
the advertisement required
by the Regulation should
be kept up in Calicut.
It will be sufficient to
publish the advertisement
in the manner prescribed
by Law, and at the end
of

10-32
of the appointed time to
report the circumstances of
the case with an inventory
of the property for the
orders of Government, with
whom it will not to pass
such orders in each case as
may be called for.

EP

MS

86-500
To the Civil & Session Judge of all India dated 23/10

200-229

Industrial 1864. Department.

No. 1344.

PROCEEDINGS OF GOVERNMENT.

Dated. 18th October 1866.

[Handwritten signature]

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