

Revenue Department
minutes of Consultation
2nd March 1858

Back Nos 58-60.

or No 269 7/1st March 1858

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Fort Saint George, Revenue Consultation of 2d March 1858.

No. 58. Read the following Extract from the Proceedings of the Board of Revenue; dated 13th November 1857, No. 3949.

Read again the following papers.

In Cons. 16th Dec. 1856.	From the Collector of Chingleput, dated 19th November 1856.
In Cons. 4th June 1857.	From do. do. 27th February 1857.
In Cons. 4th do. "	From do. do. 13th March "
In Cons. 12th Nov. "	From do. do. 15th July "
In Cons. 12th Nov. "	From do. do. 29th July "

Resolved that the above correspondence be submitted for the consideration and orders of Government.

These papers relate to the succession to the Shrotriums of Eroongodocottah and Luttoor in Chingleput, and as the subject is one of considerable intricacy the Board will enter into it in detail.

N. B.—The numbers attached to the names of individuals refer to the genealogical tree in the Collector's letter dated 5th January 1854, No. 102, submitted to Government with Board's letter dated 16th March 1854.

By first wife.

- 1 S. Singama Naick (4.)
- 2 S. Royel Naick (6.)
- 3 Basheacarla Naick (8.)
- By 2d wife.
- 4 S. Virdarazooloo Naick (7.)

2. The common ancestor of the family referred to in this correspondence was S. Bheema Naick (1) who was Poligar of the Tripasore division. This person at his death left 3 sons by his first and 1 by his second wife, and was succeeded as Poligar by the eldest son (4) who was dismissed for misconduct in 1796. The second son S. Royel Naick (6) was then nominated to the office by the Collector.

3. In 1802 the Poligar system was abolished and the village of Luttoor was then granted on Shrotrium tenure to S. Royel Naick (6) the second son, and that of Eroongodocottah to S. Singama Naick (4) the eldest son of S. Bheema Naick (1) the original Poligar.

4. Both these villages were granted on the condition that they should be inalienable by gift sale or otherwise, and in default of legal heirs should revert to Government.

5. S. Singama Naick (4) died without issue and his village Eroongodocottah was conferred by the Collector by a sunnud dated 11th October 1808 on S. Royel Naick (6) who thus acquired possession of both estates. Neither the lapse nor the registry appear to have been reported to the Board but S. Royel Naick (6) as the 2d son of Bheema Naick (1) was clearly the next legal heir within the terms of the purwanah of his deceased issueless elder brother (4).

6. S. Royel Naick (6) mortgaged Eroongodocottah to one P. Aroonachellum Moodelly and in 1809, S. Virdarajooloo Naick, (7) (the son of Bheema Naick (1) by his 2d wife and half brother of Royel Naick) (6) sued for the recovery of Eroongodocottah on the ground of an alleged adoption by S. Singama Naick (4) the grantee, but the adoption was declared illegal.

7. The widow of S. Singama Naick (4) also sued for the village as his heir but her claim was rejected on the ground that the brothers though they had lived apart for more than 20 years had never formally divided and therefore still constituted an undivided family.

8. S. Royel Naick (6) died in 1814, and his son S. Moodoo Vancatapah Naick (9) was registered as Proprietor of both Shrotriums.

9. This person with a view it is believed of defrauding his creditors placed the villages under the control of his uncle S. Vurdarajooloo Naick (7) on condition of his rendering him account of the profits and restoring the villages when required. This arrangement was recognized and registered by the Collector Mr. Smalley in 1822, and it appears from the entry in the Registry book that S. Moodoo Vancatapah Naick (9) declared that he and his uncle (7) enjoyed the Shrotriums in equal shares. Shortly afterwards S. M. Vencatapah Naick (9) renewed his

செப்பனூபவர் பெயர்
செப்பனூபவர்க்காக எடுத்தக்
கொள்ளப்பட்ட நாள் 4/08
செப்பனூ முடித்த நாள் 6/08
சரிபார்க்கும் கிராமத்து உதவி
முயற்சிப்பா. கையொப்பம்
கையொப்பம் கையொப்பம்

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father's mortgage of Eroongodocottah to the son of Aroonachella Moodelly on condition that he should pay certain sums as maintenance to other members of the family.

10. In 1825, S. Singama Naick (11) a cousin of Moodoo Vencatapah Naicks, son of the 3d son of the original Poligar sued for $\frac{1}{4}$ of both estates, (Bheema Naick (1) having left 4 sons of whom his father (8) was one) and this claim was declared valid by the Provincial Court of Chittoor in (No. 23 of 1827), but as Luttoo was under attachment by the Court for former debts and Eroongodocottah was mortgaged the decree was partially carried into operation only in 1842, when Luttoo was released from attachment and $\frac{1}{4}$ placed in Singama Naick's (11) possession.

11. S. Moodoo Vencatapah Naick (9) died in 1844, and his widow addressed the Collector stating that her husband had adopted a child, (the 2d son of his uncle Vurdarajooloo Naick (7) named Nulla Streerama Naick (13) and praying that $\frac{3}{4}$ of both Estates might be registered in his name but left in her management. The Collector submitted for consideration whether an adopted son is a "legal heir" within the meaning of the Purwanah and in regard to the $\frac{1}{4}$ share of both Shrotriums partitioned by the Courts, recommended that the decree as one of long standing and supported by precedents should not be disturbed for the present although its correctness seemed to him doubtful so far as Luttoo which he considered the self acquired property of Royel Naick (6) was affected.

To Govt. 23d January 1845.

12. The Board laid the matter before Government, giving it as their opinion that an adopted son was a legal heir and recommending that the decision of the Court, the justice of which was not impugned by the other members of the family whose interest it was to seek its reversal, should be acquiesced in and $\frac{1}{4}$ of both Estates registered in the name of the decree holder S. Singama Naick (11).

Ex. Mins of Cons. 22d Feb. 1845, No. 238, R. D.

13. The Government concurred in the views of the Board in both points acknowledging the adoption and the Courts partition of the property.

14. The registry was effected in 1845, and Nulla Streerama Naick (13) died unmarried in 1853.

15. On his death there remained of the family his adoptive (10) mother Tayummal his natural brother S. Bheema Naick (12) and uncle S. Singamah Naick (11) the holder of $\frac{1}{4}$ of the property.

16. The Collector was of opinion that neither of the two latter were "legal heirs" of the deceased, the Pundits of the Sudr Udalut having declared that that term on failure of lineal paternal grand-father, the uncles and their sons. Mr. Cochrane recommended that the lapsed shares should go to the adoptive mother for life, or that she should receive a pension. He also remarked that the natural brother S. Bheema Naick (12) had as good a right to a $\frac{1}{4}$ share of Eroongodocottah as S. Singama Naick (11) (though not to Luttoo as self acquired by another branch) and recommended the admission of his claim.

17. The Board concurred with the Collector that neither of the surviving male members were legal heirs of the deceased and recommended continuance of the lapsed share to the adoptive (10) mother for life. The Board however differed from the Collector as to the claims of S. Bheema Naick (12) which they rejected.

Ex. Min. Cons. 27th April 1854, No. 501, R. D.

18. In reply Government pointed out that the Pundits had ruled in continuation of the preceding opinion that "on failure of the paternal grand-father's line, the paternal great grand-father his sons and their issue inherit." They remarked therefore that S. Bheema Naick's (12) claim as grandson of the Poligar, the great grand-father of the last Shrotri-umdar, seemed valid and referred the matter for further consideration with reference to this view as well as in connection with the ruling of the Sudr that property conferred by a Sunnud-i-milket Istimrar was "self acquired" not "ancestral," and with the circumstance that Luttoo had been granted to Royel Naick personally and was not part of the Poligars ancestral property. The Board replied that the property was not held under a Sunnud Istimrar and therefore the Sudr ruling was irrelevant.

Pro. to Govt. 29th June 1854.

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19. The claim of Bheema Naick (12) they admitted to be valid under the further opinion of the Pundits but pointed out that S. Singama Naick (11) (already holder of $\frac{1}{4}$) was equally a grandson but descended from the 1st wife and so seemed to have a prior claim.

20. In regard to Luttoo the Board considered that the succession was materially affected by the fact that it was conferred on S. Royel Naick (6) and formed no part of the ancestral property of his family. They considered therefore that the lapsed $\frac{3}{4}$ of that Estate were now liable to resumption in default of legal heirs, but recommended their being left to the adoptive (10) mother of the late Shrotri-umdar (13) for life, the remaining $\frac{1}{4}$ in the possession of S. Singama Naick (11) under the decree already mentioned being also resumed on his death.

21. The Government concurred in these views, *Dated 22nd July 1854, No. 854, R. D.* ordered the $\frac{3}{4}$ of Eroongodocottah to be made over to S. Singama Naick (11) (who thus acquired possession of the whole of that village) and $\frac{1}{4}$ of Luttoo to be left to the adoptive mother (10) for life and the remaining $\frac{1}{4}$ of Luttoo to be left to S. Singama Naick (11) for life subject to consideration on his death.

22. S. Singama Naick (11) has now died, previous to his death he informed the Collector that he had adopted the son of a distant cousin. Permission to adopt was not sought and the adoption is alleged to have taken place only a month before his death. His widow however declared herself pregnant which would void the adoption, and S. Bheema Naick (12) whose claim was considered second best on the last occasion is still alive.

23. The Collector assumed management of the village of Eroongodocottah under Amany until the truth of the widow's statement of her pregnancy should be established, and in accordance with the previous orders already referred to in para. 20 attached the $\frac{1}{4}$ share of the Luttoo village held by the deceased.

24. The Collector has since reported that the widow has given birth to a son who succeeds as a matter of course to the Eroongodocottah Shrotri-um. The Board recommend that the Estate may be placed under their charge as Court of Wards. The mother will be constituted the guardian of the child and a suitable allowance made to her. The Collector does not give details of the property but estimates that in a fair average year the net profits will be about 700 Rupees per annum. These matters however will be adjusted by the Board if Government approve of their taking charge of the Minor at all events for the present.

25. The difficulty to which the Board adverted at the commencement of these proceedings is in regard to the disposal of Luttoo.

26. The Collector Mr. Freese in his letter dated 5th December 1844, seems to have been the first to declare that this Shrotri-um was "self acquired" by Royal Naick and therefore not divisible among the family like ancestral property. The same view was maintained by Government in Extract Minutes consultation 27th April 1854, and acquiesced in by the Board in their Proceedings dated 29th June 1854.

27. But now that the facts relative to the tenure of these villages have come to be examined more in detail, the Board think it their duty to mention that they entertain considerable doubt as to the correctness of the view taken by Government and adopted by themselves in 1854.

28. They beg to point out that both villages were granted on the same date and on the same terms, the Purwanahs are identically similar and the grants purport to have been made in compensation for losses sustained by resumption of Cavil fees. In both cases the villages are said in the Purwanahs to have been previously held on Mocassah.

29. There is consequently no difference between the grants and the previous possession of the villages would in fact seem to imply that they were originally ancestral property.

30. The decision of the Provincial Court already mentioned seems to show that the latter view was also entertained by that tribunal and that decision was admitted by Government in Extract Minutes Consultation 22nd February 1845.

31. So far as is apparent, therefore there is no ground to draw any distinction between Luttoo and Eroongodocottah and as the latter was not considered an escheat on the death of the first Shrotri-umdar without issue but passed to his brother's son (9) Luttoo must the Board presume he treated in the same manner, and cannot escheat while a "legal heir" is forthcoming.

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32. Besides the minor son of S. Singama Naik and the person alleged to have been adopted by him, Beema Naik (12) is still alive and he is an undoubted legal heir (within the ruling of the Sudr Court Pundits) to the original grantees of both villages as a grand-son of their common ancestor, and through him legal heir to every one of their descendants who has successively held possession of the villages either wholly or partially.

33. If these views be correct and they seem to be supported by the Parwanahs, the decree of the Provincial Court and the course pursued in Extract Minutes Consultation 22d February 1845 it would follow that the intended resumption of Luttoor and the grant of $\frac{2}{3}$ of it for life to the adoptive (10) mother of N. Streeramah Naick (13) are erroneous and that so long as a legal heir survives Luttoor can no more be resumed than Eroongodocottah. The question in fact is not whether either was "self acquired" or "family" property; but whether in the terms of the grants there is yet a default of "legal heirs." The family of the original Shrotriundar is reported by the Collector to be an undivided one.

34. The Board have instructed the Collector to advise the mother of the minor in the conduct of the suit preferred by the widow of the mortgagee of the village, whose claim is clearly untenable as the mortgagee had only a life interest in the village by the terms of its grant is inalienable "by gift, sale or otherwise."

35. Tayummal (10) adoptive mother of N. Streeramah Naick and now in possession of $\frac{2}{3}$ of Luttoor for life claims the remainder but if the conclusion at which the Board have arrived after a very careful consideration of the case be correct, her title even to what she has is questionable.

(A true Extract.)

(Signed) J. D. SIM, Acting Secretary.

No. 59. ORDER THEREON, No. 269; dated 1st March 1858.

Para. 1. In 1802, the two villages of Eroongodocottah and Luttoor in the Chingleput District, were granted by the Madras Government, the former to Singama Naick, the eldest son and the latter to Rayaloo Naick, the second son, of the Tripassore Poligar. The conditions of tenure were, that the lands should be held by the grantee and his heirs as long as the rent was paid; that they should be inalienable by sale, gift, or otherwise, and that, in default of legal heirs, they should revert to the Government.

Board, para. 5. 2. In 1808, Singama Naick died, and Rayaloo Naick became possessor of both the villages. He died in 1814, and his son Venkatappa Naick succeeded him as Proprietor of both villages.

Para. 10. 3. In 1825, Singama Naick, a cousin of Venkatappa Naick, son of the 3d son of the original Poligar, sued for a quarter of both the Estates and gained his suit; accordingly in 1842, a quarter of

Luttoor was placed in his possession; the other village was then mortgaged, but his share was subsequently made over to him.

Para. 11. 4. In 1844 Venkatappa Naick died, having, according to his widow's statement, adopted his cousin N. Shreerama Naick. This adoption was recognized by Government, and in 1845, three quarters of each village was registered in the name of the adopted son Nulla Shreerama Naick. He died, unmarried, in 1853.

Para. 15. 5. The claimants then existing were;

1. Singama Naick, already in possession of a quarter of each village.
2. Deceased's adoptive mother; and
3. His own or natural brother Bheema Naick.

6. The Government decided, in Extract Minutes Consultation No 834, dated 22d July 1854, that the remaining three quarters of Eroongodocottah should be made over to Singama Naick, and that a quarter of Luttoor should be left to him for life, subject to reconsideration on his death. The remaining three quarters of Luttoor were given to the adoptive mother Tayummal for life.

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Para. 22.

" 24.

7. Singama Naick has now died, having previously informed the Collector that he had adopted the son of a distant cousin. Subsequently, however, his widow has given birth to a son, and the Board of Revenue recommend that the village of Eroongodocottah, which has been held under Amany since the death of the last holder, should be held in trust for the Minor by the Court of Wards, as they consider that the adoption is voided by the fact of the subsequent birth of a son. The Board recommend that, during the minority of the son, his mother should be constituted his guardian, and that a suitable allowance should be made to her.

8. As regards the disposal of the other village, Luttoor, the Board remark that there is a difficulty.

9. Mr. Freese, Collector of Chingleput, in the letter discussing the claims possessed by different members of the family on the death of Venkatappa Naick in 1844, held the opinion that Luttoor was self acquired property, and therefore (Strange on "Partition" Sec. 232) indivisible among the family like ancestral property. On the strength of this assertion (which was adopted by the Board of Revenue in their Proceedings to Government) the Government decided that the three quarters share of Luttoor which had been made over to the adoptive mother of Streerama Naick for life in the order dated 29th July 1844, should remain with her, and that the remaining quarter should be left for his life to Singama Naick to whom it had been given in the same order, thus ignoring any claims which Bheema Naick brother of Nulla Streeramah Naick might be supposed to possess as co-heir of the members of the family then existing and grandson of the common ancestor the Poligar.

Ex. M. C. 22d July 1854, No. 854.

10. The Board of Revenue think that the assumption that Luttoor was "self acquired" property was erroneous, for the following reasons:

I. The two villages were granted to two brothers on the same date and on exactly the same terms, and the villages are stated, in the sunnuds, to have been previously held on Mocahsa tenure; so that there is no ground for any distinction between the two and as Eroongodocottah, on the demise of the first Shrotriundar without issue, passed from him to his brother, and then to the brother's son, Luttoor must be treated in the same manner.

II. The Provincial Court, before whom a member of a collateral branch sued in 1825, the then possessor of the two villages for a share of both, held that they were divisible as ancestral property, and decreed accordingly.

11. The Board are consequently of opinion that the former exclusion of Bheema Naick from inheriting Luttoor, and making three quarters of it a life grant to the adoptive mother of Streerama Naick, together with the similar limitation as regards the remaining quarter, was in violation of the terms of the sunnud. They think that Luttoor cannot be resumed as long as there is no default of legal heirs; the original family is reported to be an undivided one.

12. The case then stands as follows. The adoptive mother is in possession of three quarters of the village, and the deceased Singama Naick possessed one quarter. But in the opinion of the Board the mother has no right to what she enjoys, and the whole village thus remains to be disposed of.

13. The Government, on a perusal of the attested copies of the Parwanahs of Lord Clive granting the villages, have no difficulty in coming to a conclusion regarding the right of the family to succeed. The villages were given to the grantees and their legal heirs. The question when a lapse occurs is simply who is the heir, and it is difficult to understand why the discussion respecting ancestral property ever arose. The two villages originally belonged to two brothers, on the death of one the other inherited and became possessed of both, both villages passed to his son, and three quarters of each to his son's adopted son, the remainder going by a decree of Court to his nephew, who is now dead, but who previously to his decease had obtained the whole of one village in addition to the quarter he already held of the other, the remaining three quarters having been then, as it is now discovered erroneously, given by Government to the childless widow of the cousin from whom by a Civil suit the father of the present claimant had already obtained a quarter share of each village, and, when he died, was also in actual possession of the remaining three quarters of one of the villages in virtue of his being the

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nephew and legal heir of the grantees, who were undivided brothers, the Government are therefore of opinion that the son now born to the nephew of the grantees is clearly the heir to both villages, and they direct that the villages be assumed by the Court of Wards and managed on his behalf during his minority. The widow, who according to Hindoo law, is only entitled to maintenance, but who has hitherto, by an erroneous view of the question, been in possession of three quarters of one village, will be entitled to great consideration at the hands of the Court of Wards in determining the maintenance allowance to be now allotted to her.

(Signed) H. FORBES,
Acting Secretary to Government.

The following Minute by the Honorable WALTER ELLIOT, is ordered to be recorded.

No. 60. MINUTE.

I dissent from the decision of Government in this case for the following reasons:

The grant of the two villages of Eroongodocottah and Luttoor was in compensation for the resumption of a Des Cavil Maniem, a description of Enams which as having been acquired by violence and terminated by the introduction of a regular police, has been abolished throughout the Madras territories.

The two villages in question were bestowed by new grants on the two eldest sons of the then Poligar and purposely restricted to their legal heirs.

The eldest son died without heirs of his body.

I am of opinion that his village should have lapsed then.

It was continued by the local officers to the surviving brother.

This appears to me to have been an act on their part "ultra vires."

I believe that an enam conferred by Government cannot be inherited by a collateral heir.

In this case the possession was held on a new title commencing with the deceased Singama Naik, and whatever may have been the rights of his brother under the former tenure, I conceive that he had none under the new one, and that consequently the village which has been erroneously continued to him and his heirs, should now escheat to the State.

18th February 1858.

(Signed) WALTER ELLIOT.

N.B. The numbers attached to the names of individuals refer to the genealogical tree in the Collector's letter dated 5 January 1858 No 107, submitted to Government with Revenue letter dated 16 March 1858.

By first wife.
1. Singama Naik.
2. Nagel Naik
3. Radhakrishna Naik
By 2nd wife
4. J. Vardanayal Naik

Revenue Department.
No 3949-
Extract from the Proceedings of the Board of Revenue, dated 13th November 1857.

Read again the following Papers.

From the Collector of Chingleput dated 19 November 1856.

From do do do 24 February 1857.

From do do do 13 March 1857.

From do do do 15 July 1857.

From do do do 29 July 1857.

Resolved that the above correspondence be submitted for the consideration and orders of Government.

These papers relate to the succession to the hereditary rights of Eroongodocottah and Luttoor in Chingleput, and as the subject is one of considerable intricacy the Board will enter into it in detail.

The common ancestor of the family referred to in this correspondence was J. Rameswara Naik who was Poligar of the Triplicore Division. This person at his death left 3 sons by his first wife and 1 by his second wife, and was succeeded as

as Poligar by the eldest son who was dis-
missed for misconduct in 1796. The second
son, S. Royel Naich was then nominated
to the Office by the Collector.

3. In 1802 the Poligar system ^{from Chingleput Dist}
was abolished and the Village of Bhattem ^{23 Dec 1802}
was then granted on Abstratum Tenure to
S. Royel Naich the second son, and that
of Eroogodocottah to S. Singama Naich
the eldest son of S. Bheema Naich the
original Poligar.

Both these villages were
granted on the condition that they should
be inalienable by gift, sale or otherwise,
and in default of legal heirs should
revert to Government.

4. S. Singama Naich
died without issue and his Village
Eroogodocottah was conferred by the
Collector by a Sanad dated 11 October
1808 on S. Royel Naich who thus acquired
possession of both Estates. Neither
the Sanad nor the registry appear to have
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Naich as the 2^d son of Bheema Naich
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5. S. Royel Naich mortgaged
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formally divided and therefore still
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7. S. Royel Naich died in
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Naich was registered as Proprietor
of both the Villages.

8. This person with a view
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placed the villages under the control
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Venkataiah Naick declared that he
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S. M. Venkataiah Naick renewed
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on condition that he should pay certain
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In 1825 S. Singamiah
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Pl. 11

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S. Mendoor Venkataiah Naick
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to

23rd Jan'y 1845.

such its reversal should be acquiesced in and the of both Estates registered in the name of the decedent holder S. Lingama Naick.

The Government concurred with the views of the Board in both points acknowledging the adoption and the partition of the property.

The registry was effected in 1855 and Kulla, Sreenama Naick died unmarried in 1853.

On his death there remained to the family his adoptive mother Teyammal & natural brother S. Pheema Naick & uncle S. Lingamala Naick, the holder of the property.

The Collector was of opinion that neither of the two latter were "legal heirs" of the deceased, the Pundits of the Sudr Udalut having declared that that term "heir" of lineal heirs embraced only the father, descendants as far as grandsons, the paternal grandmother, and paternal grandfather, the uncles and their sons. Mr. Crehan recommended that the lapsed share should go to the adoptive mother for

The title of both villages was in the name of the same person.

17. Talpott 16 March 1856.

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Ex. allon Jan 24 April 1857. No 501 A. B.

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for life or that she should receive a pension. He also remarked that the natural brother S. Pheema Naick had as good a right to a share of Crongodocottah as S. Lingama Naick (though not to Suttan as self acquired by another branch) and recommended the admission of his share.

17. The Board concurred with the Collector that neither of the surviving male members were legal heirs of the deceased and recommended continuance of the lapsed share to the adoptive mother for life. The Board however differed from the Collector as to the claims of S. Pheema Naick which they rejected.

18. In reply Government pointed out that the Pundits had ruled in continuation of the preceding opinion that in failure of the paternal grandfather's line, the paternal great grandfather, his sons and their issue inherit. They remarked therefore that S. Pheema Naick's claim as grandson of the Poligar - the great grandfather of the last Shrotriundar - seemed valid and referred the matter for further consideration with reference to this view as well as in connection with the ruling of the Sudr that property conferred by a Surnud. i. Milhent Istimiar was "self acquired" not "ancestral" and with the circumstance that Suttan had been granted to Naick personally and was not part of the Poligar's

Religious ancestral property. The Board replied *Note sent 29 June*
that the property was not held under a
Sunnud Settlement and therefore the said ruling
was irrelevant.

The claim of Bheema Naich they
admitted to be valid under the further opinion
of the Pundits but pointed out that S. Singama
Naich (already holder of $\frac{1}{4}$) was equally
a grandson but descended from the 1st wife
and so seemed to have a prior claim.

In regard to Luttor the Board
considered that the succession was materially
affected by the fact that it was conferred
on S. Royal Naich and formed no part of
the ancestral property of his family.
They considered therefore that the lapse
of that Estate were now liable to re-
sumption in default of legal heirs.
but recommended their being left to the
adoptive mother of the late Shrotraman
for life. the remaining $\frac{1}{4}$ in the possession
of S. Singama Naich under the decree
already mentioned being also resumed
on his death.

The Government concurred *Dated 22 July 1888*
in these views. ordered the $\frac{1}{4}$ of Eroogodoo
cotta to be made over to S. Lin.
Singama Naich (who thus acquired possession
of the whole of that Village) and $\frac{3}{4}$ of Luttor
to be left to the adoptive mother and the
remaining $\frac{1}{4}$ of Luttor to be left to S. Singama
Naich for life subject to consideration on
his death.

22. S. Singama Naich has
now died. previous to his death he informed
the Collector that he had adopted the son
of a distant cousin. Permission to adopt
was not sought and the adoption is al-
leged to have taken place only a month
before his death. His widow however de-
clared herself pregnant which would
void the adoption and S. Bheema Naich
whose claim was considered second best on
the last occasion is still alive.

23. The Collector assumed man-
agement of the Village of Eroogodoo
under Amany until the truth of the widow's
statement of her pregnancy should be
established, and in accordance with the
previous orders already referred to in Para
20 attached the $\frac{1}{4}$ share of the Luttor
Village

Village held by the deceased.

The Collector has since reported that the widow has given birth to a son who succeeds as a matter of course to the *Shrotrium*. The Board recommend that the Estate may be placed under their charge as Court of Wards. The mother will be constituted the Guardian of the child and a suitable allowance made to her.

The Collector does not give details of the property but estimates that in a fair average year the net profits will be about 700 Rupees per annum. These matters however will be adjusted by the Board if Government approve of their taking charge of the minor in all events for the present.

The difficulty to which the Board adverted at the commencement of these proceedings is in regard to the disposal of *Suttor*.

The Collector Mr. Trevelyan in his letter dated 5th December 1854 seems to have been the first to declare that the *Shrotrium* was "self acquired" by Royal Warrant and therefore not divisible among

the family like ancestral property. The same view was maintained by Government in Extract Minutes Consultations

27th April 1854 and acquiesced in by the Board in their Proceedings dated 29th June 1854.

27. But now that the facts relating to the tenure of these Villages have come to be examined more in detail, the Board think it their duty to mention that they entertain considerable doubt as to the correctness of the view taken by Government and adopted by themselves in 1854.

28. They beg to point out that both Villages were granted on the same date and on the same terms. The *Purwanahs* are identically similar and the grants purport to have been made in compensation for losses sustained by resumption of *Canal* fees. In both cases the Villages are said in the *Purwanahs* to have been previously held on *Mocassah*.

29. There is consequently no difference between the grants and the previous possession of the Villages would in fact seem to imply that they were originally ancestral property.

property.

30. The decision of the Provincial Court already mentioned seems to show that the latter view was also entertained by that tribunal and that decision was admitted by Government in Extract Minutes Consultation 22^d February 1845.

31. So far as is apparent there fore there is no ground to draw any distinction between Sultoor and Emongodocottah and as the latter was not considered an escheat on the death of the first Shrotriumdar without issue but passed to his brother's son (9) Sultoor must the Board presume he be treated in the same manner, and cannot escheat while a "legal heir" is forthcoming.

32. Besides the minor son of S. Singharma Naick and the person alleged to have been adopted by him, ⁽¹²⁾ Beema Naick is still alive and he is an undoubted legal heir (within the ruling of the Sadr Court ^{Prindale}) to the original grantees of these Villages as a grandson of their common ancestor, and through him legal heir to every

9-10-11-13.

one of their descendants who has successively held possession of the Villages either wholly or partially.

33. If these views be correct and they seem to be supported by the Purwana, the decree of the Provincial Court and the course pursued in Extract Minutes Consultation 22^d February 1845 it would follow that the intended resumption of Sultoor and the grant of $\frac{3}{4}$ of it for life to the adoptive Mother of N. Singharma Naick are erroneous and that so long as a legal heir survives Sultoor can no more be resumed than Emongodocottah. The question in fact is not whether either was "self acquired" or "family" property, but whether in the terms of the grants there is yet a default of "legal heirs." The Family of the original Shrotriumdar is reported by the Collector to be an undivided one.

34. The Board have instructed the Collector to advise the mother of the minor in the conduct of the Suit preferred by the widow of the Mortgagee of the Village, whose claim is clearly untenable as the

Mortgager

Mortgager had only a life interest in the Village by the terms of its grant is inalienable by gift, sale or otherwise.

35. Jayummal (10) adoptive Brother of N. Thevaranah Naick and now in possession of $\frac{3}{4}$ of Luttoor for life claims the remainder but of the conclusion at which the Board have arrived after a very careful consideration of the case he concedes, her title even to what she has is questionable.

(True Extract)

J. L. S. S.
By Secretary.

To
N. Forbes Esq.
By Secretary to Government
Revenue Department.

Cons. 2^d May/54 hi 32-33
-- 25 Feb/45 -- 11-12
-- 25 July/54 -- 21-22

ac 12

Revenue 1837 Sept.
D^{to} Cons 2^d March.

No 1383

Extract from the
Proceedings of the
Board of Revenue.

Dated 13th
Dec 16th November 1837.
G. Encl. Returned

N 3949

S. S. No 269. 1st March 1838.

No 58.

Reporting on the
question of the right to suc-
cession to the Therothines
of Eroogedroccottah and Sallan
in the District of Shingleput
and submitting letters from the
Collector on the subject.

e 15 Dec 2^d Feb/54 hi 32-33

Rev 6th Mar/58
L.H. 60

Heirs to the following brother

The affairs have been
been an act ^{in the hands} ultra vires.

I believe that an exam conferred
by Gov cannot be herited
a collateral heir.

In this case the govt profession
was held on a revokable commencing
with the deceased lingam & with
whatever may have been the
rights of his brother under the former
law, I conceive that he had no
under the new one. It that consequently
the deceased now reheat to the
State.

Walter Elliot

18/2/58

~~Receipt taken at the office of the
revenue department of the
Government of India.~~

Rev

Revenue 1858 Dept.
D^o 10 Cons 2^d March.

N^o 354.

Minute by the Honble Mr.
Walter Elliot.
D^o 18th February/58.

7/1/65

N^o 60.

Disputing for reasons
stated, from the decision of
Government in the case of
the right to succession to the
Shrotriums of Eroongodoo
collah and Luttor in the
District of Chingleput.

ac 17

ac 15

Ken Dep.

No 1383.

Recirculated with the
Print. Mr. P. Elliot &
have been asked.

The grants are sent
to with the papers origi-
nally circulated.
but the papers came
back to the office in two
bundles, and it is
supposed that Mr. Elliot

Ben. W. P.
No. 1383.

~~the~~
book from the box
but much in which
the facts are not
that appear to be
much the same
but the postman
son of Singam
naich (11.) is now
both will be - one
fifth being supported

22/10/15
given to the box adopted
by the father -

of the other members
of Gov. office at this
time I would ask that
should be done as to

of the disposal of
Jagunna (10/10) the adoption
mother of Kulla Lee-
- manna naich (13/10) do

for the purpose of the

claim in the

the

Some provisions must be
made for her however
the great question may be
settled

I do not discover from a
perusal of the provisions
that we would be justified
in accepting the narrow
provisions of the donor
in question contained in
the will

18
It appears to me that as
long as "legal heirs" exist
that is persons having an
accordance with the
provisions of the will
"succession to the village"
in question cannot be
devised to that effect
until such a contingency
occurs. The village of
San Juan does not consist
of the "honorable persons"
that were once here but
exist with a few

totality of the matter
to point to the fact is that
It appears to me from the
16th that the President was
misled. They were asked
in respect to a failure of
"lineal heirs" - now the question
is the term used in the
act - will it be

I do not think the Court
has anything to do with
the adoption. The estate
should be given to the
heir - leaving the adoption
to fight his own
battle - and as

3 The widow (No 10) who is ¹⁹
only entitled to maintain
Naua & Keat who
must get from the head
of the family -

As the estate will be
under the control of W. &
I should imagine they
will see to her interests
being properly dealt with
but I do not see how
Gov. can order any pay-
ment to be made
to her -

6th

N. de

It appears to me that the settlement
of the point at issue depends on
the nature of the original grant.
But none of the papers are put ^{forth}
in draught.

8 If the two villages granted in 1604
were in commutation of Polegar rights
then, they are liable to be inherited ^{by any}
descendant of the common ancestor, ^{such as the descendants}
is ~~they~~ we have succeeded to a participa-
tion in the Polegar privileges had there
been allowed to continue.

But if the two Villages were absolutely
new grants ~~granted~~ ^{conferred on} ~~the~~ ^{the} Tongue & Rock & ~~the~~
200 Acre respectively & if there direct heir
then Vincent & if the river been allowed
to claim in 1844 & the whole shd have for
cheated.

Chestel. But his claim was admitted. He succeeded first to $\frac{1}{4}$ of ~~the~~ ^{the} ~~land~~ ^{land} then to $\frac{3}{4}$ & ultimately to the whole of ~~the~~ ^{the} ~~land~~ ^{land} so that no ever destructive hostile may arise have been it is now established by a judicial decree viz

does not appear whether the
prescription says more. It ~~is~~ ^{is} ~~not~~ ^{not} ~~clear~~ ^{clear}
to the Court whether the rights of the State are injured in consequence
It does not follow
however that because an oversight
was committed in this case, it should be
repeated. His son & adopted son will
succed to Saanu Rattao according to the
provisions of Hindu Law. But the
disposal of Sattao should be regulated
strictly in conformity with the terms &
conditions of the original Sumud
whatever they may be. H.

~~any other person is entitled to succeed to the~~
~~estate of Sattao as he is the legal heir~~
~~to the estate of Sattao.~~

~~any other person is entitled to succeed to the~~
~~estate of Sattao as he is the legal heir~~
~~to the estate of Sattao.~~

I think it is now too late for Sattao to
attempt to separate the two villages. The right of No 6 to occupy
the two villages. The right of No 6 to occupy
holds on the demise of his brother was
not disputed - & when No 6 - son No 6 was
in possession the property was treated
as one estate by a decree of Court and
which decree has been fully admitted
by Court in 1845.

The subsequent case in reference to
the testament of Sattao as No 6's
acquired property cannot affect the
question now raised as to who is the
legal heir to the estates conferred on
the sons of the late Potigai in their
own right vested in them as their
father's heirs.

They were undivided brothers & of the

estate was to pass to them & their
 heirs as provided by the H. G. & from
 the two estates having in fact become one
 years ago - in virtue of the bequest
 of No 6 to his deceased brother - the will
 of No 6 now pronounced to be the
 will of the family according to the
 law - that I should take the
 family estate as in the two villages -
 the revenue to be paid by
 the Mahomedan & the

I concur with this view

to be divided at a suitable time & any
 objection of the Mahomedan to be
 referred to the court of the village

As a mere question of inheritance I have
 no objection to recognizing Singam as heir to
 the whole estate, but my objections are
 to the recognition of the heirs of other members of the
 family from whom the grant was made to Singam
 The original grant to Singam was made to him & his
 all former rights were annulled when the grant was made
 and abolished. A compensation was given to the
 Mahomedans on terms expressly provided to be paid by the
 Government. Therefore the estate

Rev. Dept

AC 22

Extract from the Minutes of Consultation
 Under date the December 1857

Read the following
 Extract from the Pro-
 ceedings of the Board
 of Revenue

Under date 13th Nov/57 at 3rd 1/2

In 1802, the
 two villages of Iroondattoocotta
 & Sattor in the

Singapur District
 were granted by the
 Madras Government
 the former to Singam
 Naick the eldest son
 and the latter to

Trayaloo

Rajuloo Naik the second son,
of the Tripassoor Poligar.

The conditions of Tenure
were, that they ^{lands} should
be held by the Grantee
and his heirs as long
as the rent was paid;
but they should be liable
by sale, gift, or otherwise,
and that, in default
of legal heirs, they
should revert to the
Government.

In 1808, Singa-
ma Naik died, and
Rajuloo Naik became
proprietor of both the
villages. He died in
1814, and his son Venkatasappa
Naik succeeded him
as proprietor of both
villages.

Board para 3

" para 8.

para 10.

para 11.

Villages.

23

3. In 1825, Singa-
ma Naik, a cousin
of Venkatasappa Naik,
son of the 3^d Son of
the original Poligar,
sued for a quarter of
both the Estates and
gained his suit, accord-
ingly in 1842 a quarter
of ~~Sittur~~ ~~or~~ was
placed in his possession,
the other Village was
then
mortgaged, but his share was
subsequently made over to him.

4. In 1844 Ven-
katasappa Naik died,
leaving, according to
his widow's statement,
adopted his Cousin
N. Neeramma Naik.
This adoption was
recognized

recognized by Government,
and in 1845, ^{three quarters} ~~1/4~~ of each
Village was registered
in the name of the
adopted Son Nalla
Shreevarma Naik. He
died, unmarried, in
1853.

5. The claimants
then existing were.

para 16.

1. Singanna Naik,
already in possession
of a quarter of
each Village.

2. Deceased's adoptive

Mother; and (3) his

^{own or}
~~own~~ Natural Brother Bheema Naik.

6. The Government
decided, in Extract Minute
Consultation No. 854 dated
the remaining three quarters,
22nd July 1854, that ~~1/4~~ ^{3/4} of

Troonkattoocotta

22nd ^{should}
Troonkattoocotta, be
made over to Singanna
Naik, and that ^{a quarter} ~~1/4~~ of
Sattoor should be left
to him for life, subject
to reconsideration on
his death. The remain-
ing ^{three quarters} ~~1/4~~ of Sattoor were
given to the adoptive
mother Jayamma Naik.

para 22.

7. Singanna Naik
has now died, having
previously informed
the Collector that he
had adopted the son
of a distant Cousin.
Subsequently however
his widow has
given birth to a ^{son} ~~male~~
child and the Board
of Revenue recommend
that

para 24

that the Village of
Goonkattascotta, which
has been held under
Assam since the death
of the last holder, should
be held in trust for
the minor by the Court
of Munsifs, as they
consider that the
adoption is voided by
the fact of the subse-
quent birth of a
~~natural~~ son to the
~~adopted~~. But it ap-
pears that the Board
have taken a wrong
view of the claims
of an adopted son,
subsequent to whose
adoption a ~~natural~~
son is born. He is
entitled

Elberling
p. 71.
Strange, "Manual"
Ch III p. 122.

ac 25
share equal to a
entitled to a fourth
of the share of the
begotten son; i.e. the
~~property~~ is to be divided
into five parts, of
which the adopted
son takes one; and
as regards this vil-
(Goonkattascotta)
lage, the Government
are of opinion that
the Collector should
be instructed to make
careful enquiry as
to whether the adoption
really took place;
and
the Board will re-
port the result for
the information of
Government. Mean-
while, the Court of
wards are authorized
to

to take charge of the
Estate on behalf of the
heir to the deceased
holder. On the result
of the enquiry respect-
ing the adoption being
communicated to
them, the Government
will pass orders res-
pecting the registry
of the Shrotrium. The
Board's ^{recommendation} ~~proposition~~
that during the mi-
nority of the son, his
Mother should be
constituted his guar-
dian, and that a
suitable allowance should
be made ^{to} her, is ~~in~~
~~approved~~

As regards
the

2C24
the disposal of the other
Village, Lattor, the
Board remarks that
there is a difficulty
10 Mr. Trease, Collec-
tor of Chingleput, in
the letter discussing
the claims possessed
by different Members
of the family on the
death of Venkataswami
Swami in 1844, held
the opinion that Lattor
was self acquired pro-
perty, and therefore
(Strangers on Partition
§ 252) indivisible
among the family like
ancestral property. On
the strength of this
assertion (which was
adopted by the Board
of Revenue in their pro-
ceedings to Government)
the

the Government decided Ex Min^r Cons. 22^d July 1844

that the three quarters share No 854 —

of Luttoor which had been

made over to the adoptive

mother of Shreeanna

Naik for life in the

order dated 29th July

1844 should remain

with her and that

the remaining quarter

should be left for his

life to Linganna Naik

to whom it had been

given in the same order,

thus ignoring any claims

which of Shreeanna Naik's brother of Lutta

Shuramiah Naik ~~and grand son~~

~~of the common ancestor~~

the ~~Boys~~ might be supposed

to possess as coheirs of the

members of the family then

existing and grandson of

the common ancestor the Poligar.

11. The Board of Revenue

think that the assumption that

para 28.

227
Luttoor was "self ac-
quired" property was
erroneous, for the
following reasons.

i. The two Villages
were granted to two
Brothers on the same
date and on exactly
the same terms, and
the Villages are stated
in the churnud, to
have been previously
held on Mocahy
tenure, so that
there is no ground
for any distinction
between the two
and as Iroonkattoo.

on the demise of the cottah ^{passed to the} ~~first Shrothumidai~~ ^{first Shrothumidai}
issue, passed from him ~~to his son~~ ^{to his son}
to his brother, and then ~~to his son~~ ^{to his son}
to the brother's son

without

without issue, Luttoor
must be treated in
the same manner.

ii The provincial
Court, before
whom a member
of a collateral branch
sued in 1825 the then
possessors of the two
villages for a share
of both, held that
they were divisible
as ancestral property,
and decreed accord-
ingly.

12. The Board
are consequently of
opinion that the former
exclusion of Bheema
Nank from inheriting
Luttoor, and making

3/4

three quarters. 2/3
of it a life grant
to the adoptive mother
of Shreerama Nank
together with the
similar limitation
as regards the re-
maining quarter,
was in violation
of the terms of the
Sunnud. They
think that Luttoor
cannot be resumed
as long as there is
no default of
legal heirs; the
original Family is
reported to be an
undivided one.

13. The case
then stands as follows.
The adoptive mother
is

three quarters
is in possession of $\frac{3}{4}$ of
the Village, and the
Sungama Naik
deceased, possessed
one quarter. But
in the opinion of the
Board the Mother
has no right to
what she enjoys, and
the whole Village
has remain to be
disposed of; Sheema
Naik the claimant
being as above said
a grandson of the
original Pottigar, & a legal co-heir.

14. The Government
on a perusal of the
attested copies of the
Sanvats of Lord
Gowd granting the
villages, have no
difficulty

The two villages originally
belonged to two brothers, one
of whom died in the
lifetime of the other, and became possessed
of both - both villages passed
to him, and he was succeeded
by each of his sons, and then
by the remainder of the
family, and his nephew
who is now dead, and who
subsequently obtained
the right of one village in
addition to the practice he
& already held of the
other, the other remaining
the practice having been
divided by the widow
of the deceased from whom
she derived her land
she subsequently obtained a
share of each.

There is no descendant of either of the original
partners, and the widow
of the deceased, being childless, has a
claim only to maintenance.
The all therefore of
the deceased has been
divided between the nephew
and both the grantee

AL 29
difficulty in coming
regarding the right of the family deceased
to a conclusion. The

Villages were given
to the grantee and
legal heirs. The

question when a
lapse occurs is simi-

ply who is the
heir, and it is

difficult to under-
stand why the

discussion respecting
ancestral property

ever arose. The
family being, by

the decision of the
Provincial Court

above quoted, an
undivided one, it

is presumed that
no division has

subsequently

subsequently taken place, nam-

-bers of all the colla-

-teral branches are

entitled to succeed;

and the ~~being~~ already

in possession of one

of the Villages can

be no disqualification

to inheriting the

other. It remains

therefore for Govern-

ment to remedy,

what now appears

to them to be their

wrongous decision

in 1854; but before

passing final orders,

they will await

the receipt of the

information now

called for respecting

the

in clearly the title

with village, and

the direct that title

be obtained by the

Court & void &

unavoided on his

behalf during his

minority. The

widow No Lorki.

Beetle with the

an erroneous view

of the position, he

is possessed of the

franchise of one

village with the

title to great

consideration at

the time of the Court

& Court in delin-

quency, the main

name allowed

18. para 34.

to prosecute any

claim, which he may

be led to believe that

he holds, ^{to} the

perfect of an

declared to belong

to the son of his

adoptive father

7

at 38 29
the adoption and also
concerning a suit
said to have been
brought by the Widow
of the Mortgagee
of Luttur.

15. Adverting
however to the fact,
that the Widow of
Venkatasappa Naik
and adoptive mother
of Shreeanna Naik,
is in possession of three
quarters of Luttur, and is
a claimant for the
remaining quarter;
and that her right
to possess any portion
is doubtful, the
Government deem
it right to guard
against

against the misap-
propriation of the
proceeds to the prej-
udice of Bhanna Naik
and the other mem-
bers of the family, &
they desire that the
Collector of Chingleput
may be directed
to keep the profits
of the Village in
deposit until
Government have
come to a final
decision on the
subject.

W. H.
B. S.

AC 31

Exemption of
the
Chingleput

15 Dec 1822

1

2

7

9

1

5

2

100

2

Rev. Dept.

No. 269
Extract from the Minutes of Consultation
Under date the 1st ~~February~~ March, 1858

Read the
following Extract from
the Proceedings of the
Board of Revenue.

Here enter 13th Nov. 57 1894

A

with a minute
of dissent.

Indl.

Para 1. In 1802, the
two Villages of Koon-
kattocotta and Luttort
in the Chingleput
District, were granted
by the Madras
Government, the
former to Singama
Naick the eldest
son

son, and the latter to
Rajaloo Naick, the
second son, of the
Tripasore Poligar. The
conditions of tenure
were, that the lands
should be held by the
Grantee and his heirs
as long as the rent was
paid; that they should
be inalienable by sale,
gift, or otherwise, and
that, in default of
legal heirs, they
should revert to the
Government.

2. In 1808, Singa-
ra Naick died, and
Rajaloo Naick became
possessor of both the
villages. He died in
1814

Board para 5

" para 8

para 10

ac² 33
1814, and his son
Venkatasappa Naick
succeeded him as
proprietor of both
villages.

3. In 1825,
Singama Naick, a
cousin of Venkatasappa
Naick, son of the 3^d
son of the original
Poligar, sued for
a quarter of both
the Estates and
gained his suit,
accordingly in
1842 a quarter of
Luttoo was placed
in his possession. The
other village was
then mortgaged, but
his share was
subsequently

subsequently made
over to him.

4. In 1844 Venka-
tappa Naik died,
leaving, according to
his widow's statement,
adopted his Cousin
N. Shreerama Naik.

This adoption was
recognized by Govern-
ment, and in 1845,
three quarters of each
Village was registered
in the name of the
adopted son Nalla
Shreerama Naik.

He died, unmarried,
in 1853.

3. The claimants
then existing were

1. Linganna Naik,
already

para 11.

para 15.

25 34 3

already in possession
of a quarter of
each Village.

2. Deceased's
adoptive Mother;

and 3. ~~and his~~ his own
or natural Brother
Shreema Naik.

6. The Government

decided, in Extract
Min. Consultation
No. 854, dated 22nd July
1854, that the remaining

three quarters of
Iroorkattocotta -

should be made
over to Linganna

Naik, and that a
quarter of Suttur

should be left to
him for life, subject

to

to reconsideration on his death. The remaining three quarters of Luttoor were given to the adoptive Mother Tayummal for life.

7. Siriyamma
Naik has now died, having previously informed the Collector that he had adopted the son of a distant Cousin. Subsequently however his widow has given birth to a son, and the Board of Revenue recommend that the Village of Iroorkattocattak, which has been held under Amam since the death

para 22.

24

ac 30 35
death of the last holder, should be held in trust for the minor by the Court of wards, as they consider that the adoption is voided by the fact of the subsequent birth of a son. The Board recommend that, during the minority of the son, his mother should be constituted his guardian, and that a suitable allowance should be made to her.

8. As regards the disposal of the other Village, Luttoor, they

the Board remarks that
there is a difficulty.

Mr. Freese,

Collector of Chingleput,

in the letter discussing

the claims possessed

by different Members

of the family on the

death of Venkataswami

Naidu in 1844, held

the opinion that Luttoo

was self acquired

property, and therefore

strange in "Partitions"

& 232/ indivisible

among the family

like ancestral property.

On the strength of

this assertion (which

was adopted by the

Board of Revenue

in

in their proceedings

to Government) that

Ex. Min. Cons. 22nd July 1854 Government decided

No 854

that the three quarters share

of Luttoo which had been

made over to the adoptive

mother of Shrirama Naidu

for life in the order dated

29th July 1844 should remain

with her and that the re-

maining quarter should

be left for his life to Sri-

rama Naidu to whom it had

been given in the same order,

thus ignoring any claims

which Bhrama Naidu

brother of Nalla Shrirama

Naidu might be supposed

to possess as co-heir of the

Members of the family then

existing and grandsons of

the common ancestor the

Polgar.

The

The Board of Revenue think that the assumption that Suttoor was "self acquired" property was erroneous, for the following reasons:-

The two Villages were granted to two Brothers on the same date and on exactly the same terms, and the Villages are stated, in the Summuds, to have been previously held on Mocation Tenure, so that there is no ground for any distinction between the two, and as Iroonkuttocottak, on the demise of the first Shrotrimdar without issue, passed from him to his Brother, and then to the Brother's son, Suttoor must be treated in the same manner.

The

para 28.

The Provincial Court, before whom a member of a collateral branch sued in 1825, the then pro-^{or}cessor of the two Villages for a share of both, held that they were divisible as ancestral property and decreed accordingly.

The Board are consequently of opinion that the former exclusion of Bhema Naik from inheriting Suttoor, and making three quarters of it a life grant to the adoptive mother of Shreesama Naik, together with the similar limitation as regards the remaining quarters, was in violation of the terms of the Sumud. They think that Suttoor cannot be resumed.

as long as there is no de-
fault of legal heirs, the
original Family is reported
to be an undivided one.

12. The case then
stands as follows. The
adoptive Mother is in pos-
session of three quarters of
the Village, and the deceased
Suyama Naik possessed
one quarter. But in the
opinion of the Board the
Mother has no right to
what she enjoys, and the
whole Village thus remains
to be disposed of.

13. The Government,
on a perusal of the attested
Copies of the Parwanahs
of Lord Clive granting the
Villages, have no difficulty
in coming to a conclusion
regarding the right of the
family

family to succeed. The Vil-
lages were given to the gran-
tees and their legal heirs.
The question when a lapse
occurs is simply who is the
heir and it is difficult to
understand why the dis-
cussion respecting suc-
cessional property ever arose.
The two Villages originally
belonged to two brothers,
on the death of one the
other inherited and became
possessed of both. Both vil-
lages passed to his son, and
three quarters of each to his
son's adopted son the re-
mainder going by a decree
of Court to his nephew who
is now dead, ^{but} ^{pre-}
viously to his ^{decease} ^{had}
frequently obtained the
whole of one village in
addition to the quarter

he already held of the other
the remaining three quarters
then, as it is now discovered erroneously,
having been given by Govt.
childless of the
to the widow, ^{conveyed} from
whom by a civil suit the father of the present
claimant
had already obtained a

quarter share of each ^{village} share
is now no descendant
of either of the original
grantees, and the widow
of the son of the second,
being childless, has a
claim only to maintenance.
The Govt. are therefore
of opinion that the son
now born to the nephew
of ~~both~~ the grantees is
clearly the heir to both
villages, and they direct
that ~~both~~ ^{the villages} be assumed
by the Court of Wards
and managed on his
behalf during his minority.

The

I, Jean Le Sueur, or also
in actual possession
of the remaining three quar-
ters of the villages in
possession of his heirs, the
nephew of the son of the
grantee, do hereby
undivided bequest

aided, who according to
himself is only entitled
to a small allowance, but
the widow who has his
share by an enormous

2000

view of the question be-
in possession of three quar-
ters of our village will be
entitled to great consider-
ation at the hands of the
Court of Wards in deter-
mining the maintenance
allowance to be ^{paid} allotted to him.

The adopted son of the
late Sanyama Chack will
be left to prosecute any
claims which he may be
entitled to believe that he pro-
cesses to the property now
declared to belong to the
son of his adopted father.

Dr

The following Minute
by the Hon. Mr. Walter
Moff, is ordered to be
recorded.
Here enter 18 Feb 1881

Copies to Mr. & Mrs. J. P. C. P.

March 1859 No. 1

1-11-51
15-11-52
19-11-52
23-11-52
27-11-52
31-11-52
1-12-52
5-12-52
9-12-52
13-12-52
17-12-52
21-12-52
25-12-52
29-12-52
31-12-52

Revenue 1858 Dept.

To Cons 2^d March

N. 269.

6

Retractions of Cons.

1st March 58.

1000000

For the reasons stated
we are of opinion that the law
now borne to the deceased
Lingamiah Naik is clearly
the heir to succeed to the
share of Broom and Lallan
and Lallan in the District of
Chingleput and direct that
the villages be affirmed and
managed by the Court of
wards in trust for the minor.

1858 & 59 60

16. July 1860