M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 460 Press/Mis.

Dated 2-4- 1857

Not to be folded or roughly handled

460. M

Fort Saint George, Revenue Consultation of 5th April 1859.

Read again letter from Vencatanarainer and others, Shrotriemdars of Vadavakham in Chingleput, dated 7th September and recorded in Diary to Consultation 12th October 1858, No. 1358.

No. 1. Read also the following letter from W. HUDLESTON, Esq., Sub-Secretary to the Board of Revenue; to J. D. BOURDILLON, Esq., Secretary to Government, Revenue Department; dated Fort Saint George 7th February 1859, No. 446.

Sir,

In Consultation 22d November 1858.

I am directed by the Board of Revenue to submit the report called for in Extract Minutes Consultation dated 8th October 1858, R. D. No. 1358, on the Memorial regarding the Vadavaukum Shrotrium in the Chingleput District, presented by Vencatanarayana and others.

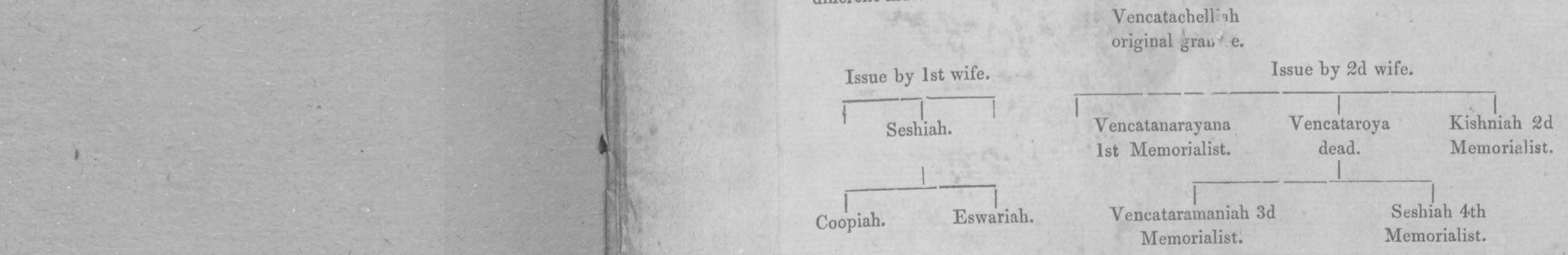
2. The Shrotrium in question is one of those which were granted in 1802, in lieu of the privileges and emoluments attached to the office of Nauttawar in the Jaghire, which was abolished about that time as no longer necessary.

3. The Board have been unable to find in their records or to obtain from the Collector of Chingleput any copy of the original Sunnud which was issued when these grants were made; but from the correspondence that was held at the time it would appear that they were in the names of the original grantee "and his heirs" during good behaviour, and provided the Jodighy rent was regularly paid. The lands were declared to be inalienable by sale, gift or otherwise, and in default of legal heirs were to revert to Government. It also appears that the lands were not newly granted at this time, but that having been previously held on the condition of service, they were now confirmed in perpetuity.

Copies of the Sunnuds are however doubtless in the records of the Government Office.

4. The circumstances of this particular Shrotrium were first brought to the Board's notice in 1848, when Mr. Freese in reporting on a Petition to the Board from the present Memorialists solicited permission to register it in the names of the different members of the family according to their respective shares as allotted by him, viz. one share to each son, or to the family of each son, of the original grantee.

5. The Genealogical table entered below will shew at a glance the relative position of these different individuals.



6. After Vencatachelliah's death the Inam was in 1815, registered in the names of Seshiah, and Vencatanarayana, his only son by his first wife, and the eldest of his children by his second wife, and until 1840, the family appear to have enjoyed the Shrotrium in common nor does it appear that at any time a regular and formal division of the family property has taken place; but in that year, in consequence of domestic disputes as stated by the Collector, a separation took place between the two

From Collector dated 20th September in Consultation 26th October 1848.

branches of the family, who have since lived apart. Seshiah retained sole possession of the Shrotrium, while Vencatanarayana and his brothers enjoyed certain other family property. The division would appear to have been an unequal one, and according to a letter from the present Collector complaints were received from the sons of the 2d wife regarding it so early as 1841, but it remained unchanged.

No. 123 from Collector 10th in Consultation 11th January 1859, No. 7.

7. In 1844 Seshiah died leaving two sons, and as above stated in 1848, the Collector applied to the Board for leave to alter the registry of the Shrotrium, and to put the several members of the family in possession of their respective shares.

From Collector 20th Sept. in Cons. 26th October 1848.
Pro. to do. 26th October 1848.
From do. 13th Decr. 1848, in Cons. 15th Jan. 1849.
Pro. to do. 15th January 1849.
Pro. to do. 22nd November 1858.
From do. 10th in Cons. 11th January 1859.

In Consultation 18th September 1848.

8. After some correspondence which is herewith submitted, the Board directed him to substitute the name of Coopiah for that of his father Seshiah, but to make no further change in the registry, nor to interfere in view to replacing Vencatanarayana and the other in possession, as proposed. They observed that the views of Government as expressed in Extract Minutes Consultation, 26th August 1848, No. 907, R. D. were opposed to such sub-divisions and directed him to inform the younger branch of the family that their claims to participate in the grant must be addressed to Government.

9. It appears that they followed this course, and that Government rejected their claim.

10. The Board see no reason whatever to question the propriety of that decision.

11. In its original position as a service manium the Shrotrium was indivisible, and inalienable as attached to an office, and there was nothing in the subsequent grant as it appears to the Board to alter its character in this respect.

12. On general grounds of good policy, and of real kindness to the families concerned, it is undoubtedly most undesirable that these grants should be frittered away to worthlessness by minute sub-division, and this view of the subject has met with frequent support, and approval from both the Local and Home Governments.

No. 2. From KRISHNIER and others Shrotriumdars of Vadavaukum in Caroongooly talook in Chingleput; to J. D. BOURDILLON, Esq., Secretary to Government, dated Madras, 19th February 1859.

HONORED SIR,

The reports of the Collector and Board of Revenue relative to our case being now before Government, we most respectfully request that you will be pleased to lay this our petition connected with the subject before the Right Honorable the Governor in Council.

From Vencatanaranier and Krishnier brothers Vencataramanier and father son of Vencatarayer Shrotriumdars of Vadavaukum in Caroongooly talook Chingleput District.

With copy of Parwanah. Represent with reference to their Memorial that, they proved before the Collector, at his late enquiry, all the points set forth therein, and that they do not seek a sub-division of the Shrotryem but simply that [according to the terms of the Purwanah, a copy of which is enclosed (the original being their possession) and the Inam Registry, and according to the rule observed by Government as instanced in the case of the Adirayam Angalam Shrotryam] the respective shares of all the members of the family should be secured to them. } (Here enter 19th February 1859.)

No. 3. ORDER THEREON, No. 460; dated 2d April 1859.

Para. 1. In an address dated 7th September 1858, one *Venkatanáránaya* and three others submitted a Memorial to the late Court of Directors, praying that certain shares in the proceeds of the Vadavakham Shrotryam in the Chingleput District may be restored to them, or that they might be permitted to sue one Cooppiah who they allege has unjustly withheld from them their rights.

2. The Memorial was referred to the Board of Revenue for report, and their reply of the 7th February 1859 recorded above, contains a clear history of the case. From this report it is seen that on the abolition of the office of Nâttáwár in Chingleput in 1802, the actual incumbents were compensated for their emoluments and privileges by the grant of villages on Shrotryam tenure; the villages so granted being the same as the grantees had previously held on condition of service, as part of their emoluments. Among these grantees was one Venkatachalaya, who married two wives. By the first wife he had one son, by his second wife three. When he died in 1815, the Shrotryam was registered jointly in the name of *Seshaya* the only son by the first wife, and of *Venkatanáráyana* the eldest son by the second wife. Up to 1840 the whole family lived in common; but in that year the two branches separated, though no formal partition of property has ever taken place. In that arrangement the elder branch of the family represented by *Seshaya* retained possession of the Shrotryam, while Vencatanáráyana and his brothers received certain other family property as their share. This division is stated by the Collector to have been unequal; and the members of the junior branch of the family petitioned the Collector against it so early as 1841.

3. In 1844 Seshaya died; and in 1848 the name of his eldest son Cooppiah was substituted for his own in the Register as holding the village jointly with Venkatanáráyana. The latter individual and the other members of the younger family prayed to be put in possession of their share of the Shrotryam, offering to give Cooppiah his share of that part of the family property which was in their possession, and the Collector strongly supported their claim. But the Board of Revenue passed no order on that question, referring the applicants to Government to whom, they observed, the power to decide on such questions is reserved by Regulation IV. of 1831.* The Petitioners did accordingly apply to Government, and their claim was rejected in 1850.

* *Board's Proceedings January 15th 1849, para. 2.*

4. Before forwarding the Memorial to the Home Government, the Honorable the Governor in Council has deemed it desirable to reconsider the case with reference to the circumstances detailed above.

The Government rejected the claim of the Memorialists in 1850, on the ground that by the arrangement made in 1840 they gave up the Shrotryam in exchange for an equivalent, of which it was argued, the fairness might be inferred from the long silence of the Petitioners. But it is now stated by the Collector that the division was not fair, and that this branch of the family complained of it shortly after it was made, viz. on the 16th January 1841; and thus the grounds of that decision of Government disappear.

5. The Board of Revenue are however in favour of upholding that order; though on different *grounds*. They say that as a service Manniem the grant was in its original state indivisible, and that the subsequent grant on new terms did not alter its nature in this respect; and they also argue that on grounds of good policy and real kindness, such grants should not be frittered away by minute sub-divisions.

6. On the first of these arguments the Government would observe that when the Shrotryam was regranted by Lord Clive it ceased to be for service; and by that very change the objection to division also ceased. The village is an hereditary Shrotryam, and the grantees were not such as would induce Government to take any interest in upholding the head of the family to the prejudice of the junior members. The Government indeed have no interest of any kind in the case except the ultimate chance of lapse, which will not be injured by division. Viewing the village therefore as strictly property as much as any piece of land in the country, and properly liable to the same rules, the Government resolve to accede to the Memorialists' prayer to be permitted to proceed in the Courts of Law against the present holder. The law of limita-

tion will be no bar, it is presumed, to such a course, inasmuch as the Memorialists have all along sought redress from Government, and it is only now that this permission has been granted.

Ordered accordingly that the following endorsement be given to the Memorialists.

"The Petitioners are informed that the Government permit Vencatanarayana and the other parties to the Memorial to prosecute their claim to a share of the Vadavakham Shrotryam in the Civil Courts. This permission is not to affect any right which Government may possess to the lands in the said Shrotryam village."

(Signed) J. D. BOURDILLON,
Secretary to Government.

No 2 3

To From Kirch &c

J. D. Bourdillion Esq
Secretary to Govt.

dated Madras 19 Feb/59.

Honored Sir,

The reports of the Collector and Board of Revenue relative to our case being now before Govt., we most respectfully request that you will be pleased to lay this our petition connected with the subject before the Right Honorable the Governor in Council.

Encls

We beg to remain
Sir
Your most obedient
& humble servants

Madras.
19th Feby 1859

The papers are
now with Mr
Bourdillon.

WM

Revenue 1859 Deptt.
Dd. to Covs: 5th April -

No. 292

From Krishnier & others
Shrotriumdars of Vada-
-vaukum in Caroongooly
Talook in Chingleput -

Dated 19th } February 1859
Recd. 21st }

2 Enclo

S. E. No. 460 - 2d Apl/59

Requesting to lay
before Govt. the annexed Petition
Connected with their Case
relative to the Shrotrium
of Vadavaukum in Caroongooly
Talook Chingleput -

Put with the
other papers -

No. 2

C24th Feby C24th March

No. 123. **From** C. J. SHUBRICK, Esq., Collector of CHINGLEPUT,
dated Sydapet, 10th January 1859, No. 7.

Referring to the Board's order, No. 4345, of the 22nd November last, on Extract Minutes of Consultation, No. 1358, of the 8th October preceding, I have the honor to state that the Petitioners therein adverted to appear to have first complained of being kept out of possession of their share of the Vadavaukum Shrotriem on the 16th January 1841,—my records do not contain a copy of the Sunnud.

Enclosure.—Duplicate copy of Memorial to Honorable Court from Vencatanaranier Kishnier brothers, and Vencataramanier Sashier sons of Vencataroyer Shrotriumdars of Vadavakum in Caroongooly Talook in the District of Chingleput.

To

The Right Honorable Governor in Council,
Fort St George.

The humble petition of Vencatanaranier
& Krishnier brothers and Vencatarama-
-nier & Sashier sons of Vencataroyer,
Shrotriumdars of Vadavaukum in
Caroongooly Talook Chingleput District

Most Humbly Sheweth.

That their Memorial dated 7th September last having been referred to the Collector, Petitioners beg, with reference to the enquiry lately held by that Authority, to submit the following points for the Consideration of your Lordship in Council

That the Shrotrium of Vadavaukum was granted to Vencatachellier in perpetuity "to him and his heirs" as may be seen from the enclosed Copy of the Original Purwanah (which is in possession of Petitioners and which they will produce if required.)

That agreeably to the terms of the Purwanah, the Shrotrium was registered in 1815 on the death of the grantee, in the names of Sashiah and Vencatana-ranah, the Eldest sons of his 2 wives. though the names of the other two sons of the 2d wife also were entered in the Enam Registery Book of Fusly 1240.

That accordingly the whole of the family Continued in the united enjoyment of the grant till 1840, when the eldest wife's son userped the 3 Shares of Petitioners. They immediately—

Complained to the Collector and subsequently to the Board and Government; but for reasons stated in their Endorsements — now proved, as — shown below, to be incorrect from the Collectors enquiry. Your Honorable Government declined to interfere with the usurped enjoyment of the sons of the 1st wife, though his son now existing is not necessarily, being young, the Head of the family at present — which — Vencatanaranaiah the 1st Petitioner is.

That even subsequent to the presentation of their Memorial, they clearly proved before the Collector during his late enquiry the following points.

1st That no division of the family property ever took place "by mutual arrangement"

2d That the portion in possession of Petitioners is quite insignificant compared with the Shrotrium retained by Coppiah.

3d That since 1840, they have all along represented the injustice done them by said Coppiah to the Collector, Board and Gov.t, but no redress was granted them.

That under these circumstances it is hard that they should be kept out of their 3/4" shares of hereditary property, their claim to which is admitted on all hands.

That Petitioners do not seek the sub division of the Grant; (though a similar shrotrium Viz.t — Parathoor in the Chingleput District is, de facto, divided into 4 equal shares and so enjoyed. —)

but simply, according to the terms of the Purwanah and the entry in the registery, that the Collector should adopt proper measures to secure to them their respective shares. This is the rule observed in all such cases by the Board and Government, and as an instance to the point, Petitioners beg to refer to the Order issued, either in 1852 or 1853 in the Case of Thadaparoompaukum. Authrayamungalum, in the same District, directing, with reference to a like dispute between brothers, that the Head of the family should be compelled by the Collector to Continue regularly to all the several members their respective shares.

Petitioners therefore most humbly solicit Your Lordship in Council to take their case into merciful Consideration, revise your previous Order and pass instructions to the Collector to adopt such measures as shall secure to them, without any subdivision, their respective shares.

For which act of mercy Petitioners as in duty bound. Shall ever pray

19th February 1859

N° V of 1859

From Vencatanaranier & Krishnier brothers Vencataramanier and Jasheer sons of Vencatarayer Shrotrium dars of Vadaviakum in Carongooly Talook Chingleput District.

R 292/59.

Dated 19th } February 1859
Recd.

[With copy of Parwanah.

Represent with reference to their Memorial that, they proved before the Collector, at his late enquiry, all the points set forth therein, and that they do not seek a subdivision of the Shrotriyam but that simply (according to the terms of the Purwanah, a copy of which is enclosed (the original being their possession) and the Inam Registry and according to the rule observed by Govt as instanced in the case of the ~~[illegible]~~ Adizayam angalam Shrotrijam) ~~that~~ the respective shares of all the members of the family should be secured to them] pray that their case may be taken into merciful consideration and orders issued directing the Collector to adopt such measures as shall secure to them, without any subdivision their respective shares.

(True Copy)

Purwannah granted by the Right Honorable Edward Lord Clive, Baron Clive of Walcot in the County of Salop, and Baron Plassy of the Kingdom of Ireland, Governor in Council of Fort Saint George, on the part of the Honorable the United Company of Merchants of England trading to the East Indies, to Vencatachaliah late a Natwar in the District of Salivauk in the Honorable Company's Jagheer.

The Settlement of a permanent land tax on the lands of the Honorable Company's Jagheer having rendered the continuance of the office of Nattawar unnecessary, the Governor in Council has abolished that office, and the immunities attached thereto; the Governor in Council has at the same time been pleased favourably to consider the claims of the present incumbents in the office of Nattawar, whose interests are affected by the abolition of that office, and has been pleased to resolve that their Shrotrium lands shall be continued to them and their Heirs.

2nd In consequence of the foregoing resolution, and of your having performed the duties of Nattawar for a period of time, the Governor in Council confers on you the Village of Vadauaukum in the Zemindary of Yaddamvochy on Shrobium tenure, chargeable with an annual rent of Pagodas 60 Sixty including Roosooms and Marahs Vizt.

Shatrium rent.	45 Pagodas
Cannoongoes Rusooms	9 7/16
Pagoda Marahs	3 33/64
Poligar Marah	2 5/8.

3d The Governor in Council having Commuted the Rusooms and Marahs assessable on the Village of Vadauaukum for a money rent, you are entitled to collect those Roosooms and Marahs at the rate entered in the Doule of Fusly 1210 and to appropriate the amount to your own use.

4 The Governor in Council Confirms on you and your Heirs the Village of Vada=Vaukum as Shotrium so long as you discharge the rent, and are obedient to the laws and regulations established, or to be established, under the authority of the Governor in Council.

5th In confirming to you and your Heirs as shotrium the Village of Vadauakum you are to understand that the said Village is not alienable by gift, Sale, or otherwise; but in default of legal Heirs that the said Village shall revert to the Honorable Company

Given in Fort St George this Thirty First day of August 1802. by and in the name of the Right Honorable the Governor in Council

(signed) Clive
" T. Stuart
Wm Petrie
M. Dun.

Entered in the Secretary's office,
By order of the Right Honorable
the Governor in Council

(signed) Jn Hodgson
Secy to Govt

Copy of Purwanah.

R 292/59

Extract from the Proceedings of the Board of Revenue dated 26th October 1848.

Read letter from the Collector of Chingleput dated 20th September last requesting authority to register the Natawar Shrotrium Village of Vadavaukum in the names of the different members of the family of the original Grantee.

(Here enter No. 139)

1. The Board of revenue observe that in their order of the 26th August last, the Government have expressed themselves averse to the minute subdivisions of Shrotriums. The proposal for the registration of the Vadavaukum Shrotrium in the names of the parties mentioned in Col. 12 of the Collector's Statement is therefore inadmissible. It would seem however from the remarks in that statement and from Petition No. 283 of 1848 that in the year 1815 or 1816 the registry was made in the names of Shashiah and Vencatanarainiah, the heads of the two branches of Vencatachelliah the original Grantee's family. The Collector is requested to state whether the Shrotrium still stands registered in the names of those parties, as also to ascertain by further inquiry, and report, under what circumstances Vencatanarainiah has for the last 7 years been deprived of any participation in the Enam when the division of family property was made, and what arrangement was concluded under it in respect to the enjoyment of the Shrotrium. He will also endeavour to bring the parties to an amicable understanding.

if

Condition

if practicable for which purpose the mediation of some of the influential residents in their own or the adjoining Villages may probably be resorted to with advantage.

2. Adverting to the remark at the commencement of the 2d Para of Mr Freese's letter the Board would observe that under the orders therein alluded to the share of a registered holder of an Enam or Shrotriem may on his death be entered in the name of his next of kin or the nearest of his representatives, if there be more than one, but that no addition should be made to the existing number of registered holders, nor should any sharers not hitherto registered be entered in the registry, without prior reference being made to the Board and their sanction obtained.

(A true Extract)
(Signed) T. Pycroft
Secretary.

Extract from the Proceedings of the Board of Revenue dated 15th January 1849.

Read the following letter from the Collector of Chingleput dated 13th December 1848.

(Here enter No. 209)

The Shrotriem of Vadavaucum granted under date 31st August 1802, in lieu of resumed Nattawar privileges and emoluments, to Vencatachilliah, was in the year 1815 registered in the names of Sashiah and Vencatanarrainiah, sons of Vencatachelliah by different wives. The two branches of the family appear to have enjoyed the Shrotrium in common until the year 1840. when in consequence of some arrangements made between them, the whole Shrotrium passed into the possession of Shashiah, and Vencatanarrainiah with the Members of his branch had in their enjoyment certain other family property. but as is stated, without any regular division of property having taken place. Shashiah died in January 1844. and his son Coopyah succeeded to the possession of the Shrotrium. but no change was made in the Registry. the Village standing as before in the names of Shashiah and his half brother Vencatanarrainiah. This latter party and his branch of the family now claim participation in the Shrotrium and offer to admit Coopiah to a share in that part of the family property of which they are in possession. but Coopiah will not accede to the arrangement.

2. Shashiah having died, the name of his son Coopyah should be substituted for his in the Registry. but no further changes should, under existing circumstances, be made in the Registration. nor can the Collector interfere to replace Vincatanarraina and the other members of his family in enjoyment of the Shrotrium. claims to participate in grants of such a description are by Clause II, Section II, Regulation IV 1831 reserved for the decision of Government after such inquiry as they may think fit to direct. The parties therefore should be referred to Government

but

Condition

but as ordered by the Board in their Proceedings of the 21st Ultimo all particulars connected with the case should be stated in full in the Endorsement upon their Petition, that the Government may at once be enabled to see whether their interference is called for.

3. The original grant which accompanied the Collector's letter of 20th September 1848 is herewith returned for delivery to the party by whom it was produced.

Ordered that the following Endorsement be passed upon Petition No. 283 of 1848.

"Petitioner is referred to the Collector, to whom instructions have been issued on the subject of his Petition"

(A true Extract)
(Sigd) T. Pycroft
Secretary.

Extract from the Proceedings of the Board of Revn.
dated 22d. November 1858.

Read Extract from the Minutes of Consultation under date the 8th. October 1858 Revenue Department. No. 1358.

Forwarded to the Collector who is requested with reference to para 2 of Mr. Freese's letter dated 20th. September 1848 No. 139 to state when Petitioners first complained of being kept out of possession of their share and to furnish a Copy of their Sunnud.

The

The Board request an early reply.

(A true Extract)
(Sigd) J. D. Sim
Secretary.

(True Copies)
J. Hudleston.
Sub Secretary.

Compd. L.

Conditions

Enclosure in a Letter from the Sub Secretary to the Board of Revenue to the Acting Secretary to Government R.D. dated 7th February 1859.

No 446.

R 219/59

Copy.

Board's Proceedings to Chingleput 26th October ~~[illegible]~~ 1848 -
Board's Proceedings to Do 15th January 1849. and
Board's Proceedings to Do 22d Novr 1858. -

Memorandum.

This is a Memorial from Venkatanáranaya and three others claiming a share in the proceeds of the Vadavakham Shrotyam in the Chingleput District.

2 The enclosed letter from the Sub Secretary to the Board of Revenue contains a clear history of the Memorialists case. It will be seen that on the abolition of the Office of Nattar or Náttáwár, in 1802, the actual incumbents were compensated for their emoluments and privileges by the Grant of Villages on Shrotryam tenure, the Villages so granted being the same as the grantees had previously held on

condition of service, as part of their emoluments. One of these grantees was a certain Venkatachalaya, who married two wives. By the first wife he had one son, by his second wife three. When he died in 1815, the Shrotriyam was registered jointly in the name of Seshaya the only son by the first wife, and Venkata-náráyana the eldest son by the second wife. Up to 1840 the whole family lived in common; but in that year the two branches separated, though no formal partition of property has ever taken place. In that arrangement the elder branch of the family represented by Seshaya, retained poſseſsion of the Shrotriyam + while Venkatanáráyana and his brothers received certain other family property as his share. This division their is stated by the Collector to have been unequal; and the Members of the junior branch of the family petitioned the Collector against it so early as 1841.

3. In 1844 Shashiah died; and in 1848 the name of his eldest son Cooppiah was substituted for his own in the Register as holding the Village jointly with Venkatanarayana. The latter individual and the other Members of the younger family had prayed to be put in poſseſsion of their share of the Shrotriyam, offering to give Cooppiah his share of that part of the family property which was in their poſseſsion, and the Collector had strongly supported their claim. But the Board paſsed no order on that question, referring the applicants to Govt to whom, they observed, the

power

to decide on such questions is reserved by Regulation IV of 1831.×

× Bd.s Pros. Jany 15th 1849. Para 2.

The Petitioners did accordingly apply to Government, and their claim was rejected in 1850.

4 Before sending home the Memorial I think it will be well to consider whether its prayer can properly be rejected.

The Government in 1850 rejected the claim of the Memorialists on the ground that by the arrangement made in 1840 they gave the Shrotryam for an equivalent; of which, they argued, the fairness might ~~may~~ be inferred from the[illegible] long silence of the Petrs ~~enjoyment without complaint~~. But it is stated now by the Collector that the division was not fair, and that this branch of the family complained of it shortly after it was made, viz on the 16th

January 1841. Thus the grounds of the Government order disappea The Board now give their opinion for upholding that order; but their grounds are different. They say that as a service Maunium the grant was in its original state indivisible; and that the subsequent grant on new terms did not alter its nature in this respect. They also argue that on grounds of good policy and real kind-ness, such grants should not be frittered away by minute Sub-divisions.

5 To the first of these arguments it is to be replied that when re-granted by Lord Clive the Shrotryams ceased to be for Servic and by that very change the objection to division ceased. The Village is an hereditary Shrotryam and the Grantees were not such

that Government would feel any interest, such as they have manifested in some cases, in upholding the head of the family, even at the cost of the junior members, ~~as in some cases~~. Government has no interest of any kind in the case except the ultimate chance of lapse, which is not injured by division. It appears to me that the village is as strictly property as any piece of land in the country; and properly liable to the same rules. I think the best course would be to let the Memorialists go into Court and sue the present holder. I do not apprehend that the law of limitation would bar their suit, because they have all along sought redress from Govt., and it would be only now that they would have permission to sue in Court.

C24th Feby R8th March C24th R29th

18

R.D.

No. 460.

Extract from the Minutes of Consultation Under date the 2nd ~~March~~ April 1859.

Read again letter from Vencatanarainer and others Shrotriemdars of Vadavankum in Chinglepat dated 7th September and recorded in Diary to Cons: 12th October 1858 No. 1358.

Read also the following Papers.

From the Sub Secretary to the Board of Revenue.

(Here enter 7th February 1859 No. 446)

From Krishnier and others Shrotriemdars of Vadavankum in Carangooly Talook in Chingt.

(Here enter 19th " ")

P1. In an address dated 7th September 1858 one Venkatanarainaya and three others submitted a Memorial to the late Court of Directors praying that certain shares in the proceeds of the Vadavakham Shrotryam in the Chingleput District may be restored to them, or that they might be permitted to sue one Coopiah who they allege has unjustly withheld from them their rights

2. The memorial was referred to the Board of Revenue for report, and their reply of the 7th February 1859 recorded above contains a clear history of the case. From this report it is seen that on the abolition of the office of Nattawárs in Chingleput in 1802, the actual incumbents were compensated for their emoluments and privileges by the grant of Villages on shrotryam tenure; the Villages so granted being the same as the grantees had previously

held on condition of service, as part of their emoluments. ~~One~~ Among ~~of~~ these grantees was one Venkatachalaya, who married two wives. By the first Wife he had one son, by his second wife three. When he died in 1815, the Shrotryam was registered jointly in the name of Seshaya the only son by the first wife, and of Venkatanáráyana the eldest son by the second wife. Up to 1840 the whole family lived in common, but in that year the two branches separated, though no formal partition of property has ever taken place. In that arrangement the elder branch of the family represented by Seshaya retained possession of the Shrotryam; while Vencatanáráyana and his brothers received certain other family property as their share. This division is stated by the Collector to have been unequal; and the Members of the junior branch of the family petitioned the Collector against it so early as 1841.

3 In 1844 Seshaya died; and in 1848 the name of his eldest son Coopiah was substituted for his own in the Register as holding the Village jointly with Venkatanarayana. The latter individual and the other Members of the younger family prayed to be put in poſseſsion of their share of the Shrotryam, offering to give Coopiah his share of that part of the family property which was in their poſseſsion, and the Collector strongly supported their claim. But the Board of Revenue paſsed no order on that question, referring the applicants to Government to whom, they observed, the

power to decide on such questions is reserved by Regulation IV of 1831. The Petitioners did accordingly apply to Government, and their claim was rejected in 1850.

Board Regr January 15th 1849
Para-2-

4 Before forwarding the Memorial to the Home Government the Right Honorable the Governor in Council has deemed it desirable to reconsider the case with reference to the circumstances detailed above ~~and to record the following observations~~

The Government rejected the claim of the Memorialists in 1850 on the ground that by the arrangement made in 1840 they gave up the Shrotryam in exchange for an equivalent, of which it was ~~they~~ argued, the fairness might be inferred from the long silence of the Petitioners. But it is now stated ~~the representation now made~~ by the Collector that the division was not fair, and that this branch of the family complained of it shortly after it was made

Viz.

izt on the 16th January 1841;
~~removes that ground of objection~~
The Board of Revenue are however
in favour
~~desirous~~ of upholding that order, though
n different grounds. They say
that as a service Manniem the
grant was in its original state
ndivisible, and that the subse-
quent grant on new terms did
not alter its nature in this
respect, and they also argue
that on grounds of good policy
nd, real kindness, such
grants should not be frittered
way by minute sub-divisions
6. On the first of these
rguments the Government
would observe that when the
hratryam was regranted by
Lord Clive it ceased to be
for service, and by that very
hange the objection to division
lso ceased. The Village is an
ereditary Shrotryam, and the
rantees were not such as would
duce Govt. to take any interest
in

and thus the grounds of
that decision of Govern-
-ment dis-appear-

in upholding the head of the family to the prejudice of the junior Members. The Government indeed have no interest ~~in~~ in of any kind in the case except the ultimate chance of lapse, which will not be injured by division. Viewing the Village therefore as strictly property, as much as any piece of land in the Country, and properly liable to the same rules, the Government resolve to accede to the Memorialists' prayer to be permitted to proceed in the Courts of Law against the present holder. The law of limitation will be no bar, it is presumed, to such a course, in as much as the Memorialists have all along sought redress from Government, and it is only now that this permission has been granted.

Ordered accordingly that the following endorsement be given to the Memorialists

The Petitioners are informed

d that the Government ~~have~~
~~had their case under conside~~
~~ration and have seen reason~~
~~to modify their previous decision.~~
~~They accordingly~~ly permit Vencata-
-naraines and the other "
parties to the Memorial to
prosecute their claims to a share ~~the present holder~~
f the Vadavakham Shrotryam
in the Civil Courts. This permission is
not to affect any right which Govt
may possess to the lands in the
said Shotryam Village.

to the prevention of
the rights of the State

3 Copies to the Bd of Revd Dated 4th
with 4 Encl 101
1 " In CDep. 80 "

Revenue 1859 Deptt.
Dd to Cons: 5th April.

No 460.

Extract Mins of Cons:
D/ 2d April 1859.

Pro: of the Bd of Revd D/ 22d May/60
C No 1116 in Cons 7th June
No 942

[illegible] 6

Permitting Vencatanaranaya and others to prosecute their claim to a share of the Vadavakcham Shrotryam in the Civil Courts.

No 1 at 3-

c 24th March R 29th