M.R.O. 14—10,000—21-4-22.

# MADRAS RECORD OFFICE.

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## Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1569 Press ~~Mis.~~

290-291

Dated 22 - 7 - 1862.

***Not to be folded or roughly handled***

## *Proceedings of the Madras Government, Revenue Department, 22nd July 1862.*

No. 290. Read the following Proceedings of the Board of Revenue, dated 10th February 1862, No. 928:—

Read again letter from the Collector of Madura, dated 14th November 1861, No. 291.

(In Cons. 18th November 1861, No. 7,319.)

Read also the following letter from the same Officer, dated 21st December 1861, No. 323.

1. With reference to the Proceedings of the Revenue Board, No. 6,684, dated the 3rd December, I have the honor to report that I visited Padmatúr on the 17th instant, for the purpose of making the inquiry directed by the Board.

2. Mr. Fischer and Manikam Pillay appeared on behalf of the youth put forward by Manikam Pillay, as having been adopted by the late Padmatúr Zamíndár.

3. Messrs. Fletcher and Desika Iyengar, Agent and Manager for the Shevagunga Zamíndár, appeared on the part of the deceased's widow and the Shivagunga Zamíndár.

4. Mr. Fischer produced a list of thirty witnesses to prove the adoption; that the deceased was in a state of sound mind up to his death; and that he and the mother of the adopted boy had mutually executed deeds, agreeing to the adoption.

5. Finally Mr. Fischer was content to examine five witnesses; they all swore to the facts stated, but contradicted each other materially, as to what occurred when the mother gave the boy over to the deceased.

6. The Brámin priest who officiated was not the family priest, and not the man who should have performed the ceremony. According to these witnesses, the Zamíndár was in good health up to almost the moment of his death.

7. As to the execution of the agreements between the deceased Zamíndár and the mother of the boy, these two documents are signed one of them by eight witnesses, and the other by nine, in attestation of their execution and signature by the parties.

8. Two of the attesting witnesses swore before me that they did not see the documents, signed by the parties, but that, by pressure of Manikam Pillay, they signed them in a Covil, in which he held office.

9. The day after I closed my examination, I met two more of the attesting witnesses, and on questioning them, they told the same story, as the two witnesses mentioned in the above paragraph.

10. I examined the widow of the deceased on oath, who deposed, her husband had not made an adoption, and that for one month before his death, he was sick and delirious. The household servants were also examined, they deposed to the same effect.

11. The Native Doctor also deposed, deceased had been sick of dysentery, &c., and delirious for a month before his death.

12. The Inspector of Police, after some delay and trouble, saw the Zamíndár on the 4th November; he deposed the Zamíndár was lying on a mattress covered with a sheet; that he took no notice of him and never moved; that Manikam Pillay, who was present with him at the interview, said the Zamíndár had dysentery and rheumatism in his hands and legs; that Manikam Pillay did not say any thing to him about the adoption; and that he did not hear any thing of it, or see the boy in the Zamíndár's house; that he saw him, as he left the Zamíndár's house at Manikam Pillay's lodging 200 yards off; that he asked who the boy was, when Manikam Pillay said, "the Zamíndár has brought and kept him."

13. If this boy had been adopted on the 17th October as alleged, Manikam Pillay would undoubtedly have said he was the adopted son. On the 15th October, the Inspector was at Padmatúr, and wanted to see the Zamíndár, but though he waited a long time for an interview, he could not obtain one.

14. A Head Constable, who was at Padmatúr on the 17th October, passed the Zamíndár's house, he saw no signs of any ceremony, and heard the Zamíndár was sick.

15. Another Constable, stationed at Padmatúr, never heard any thing about the adoption, till the day the Zamíndár died.

16. The Village Curnum and Moonsiff denied any adoption was made.

17. The Agent and Manager wished to have other witnesses, relations, &c., examined, but I thought the above sufficient, to discredit the story of the adoption, which I have no doubt is a falsehood put forth by Manikam Pillay.

18. The adoption was not reported to me till after the Zamíndár's death.

19. One of Mr. Fischer's witnesses deposed, the adoption was made, in consequence of the injustice done to the Pudmatúr Zamíndár, by the Shivagunga Zamíndár; if such was the case, the act would have been done with every publicity to ensure its success.

20. The adoption is said to have taken place on the 17th October, but the agreements, passed between the deceased Zamíndár and the boy's mother, bear date the 2nd November; to be of any use and if genuine, they should have been executed, either on the 17th October or before it; they were produced in the Principal Sudder Amín's Court on the 5th November, and registered on the 6th, a non-Civil Court day, and on the 7th Zamíndár died. Manikam Pillay only produced them and the boy, when he saw the Zamíndár was about to expire.

21. In Original Suit No. 3 of 1860, on the file of the Civil Court of Madura, the Zamíndárs of Pudmatúr and Shivagunga, admit they are an undivided family.

22. The widow admitted to me, she was under the protection of the Shivagunga Zamíndár.

23. I beg to propose, that the widow be left in possession, with permission to make over the Estate to the Shivagunga Zamíndár or his brother at her pleasure, who are the heirs of the deceased, and that the alleged adopted son and his protectors, be left to recover by a Civil action. This will prevent the Government being involved in any suit.

24. I further beg to add that Mr. Fischer objected to this inquiry being made by the Revenue authorities as the case was then pending before the Sudder Court, but I did not notice his objection further than to file it. I hear now that the Sudder Court have directed the Civil Judge to hold an inquiry regarding the adoption, &c., with a view to the carrying on of the Suit now pending in that Court between the Zamíndárs of Pudmatúr and Shivagunga.

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1. Ordered that the above papers be submitted to Government with the following remarks.

2. The nature of the "Jevithan" Inám included in the Shivagunga Zamíndári, and which has come to be improperly termed the Pudmattúr Zamíndári was explained in the Board's Proceedings, dated 21st September 1861, No. 5,120, copy of which was submitted for the information of Government.

3. In the first of the letters above recorded, Mr. Levinge reported the death of the late incumbent of the grant named Oya Taver, leaving a widow, but no issue although he was stated to have adopted a boy as his heir, the truth of which statement was however denied by the widow of the deceased.

4. In the second letter Mr. Levinge reports the result of his further inquiries regarding the validity of the alleged adoption, and the facts stated leave little room for doubt that the whole story is a fabrication.

5. The adoption is said to have taken place on 17th October last, and a document referring to it was registered in the Principal Sudder Amín's Court on 6th November.

6. Oya Taver died on 7th November, and is stated by his widow and medical attendant to have been sick, and incapable of attending to any business for a month before his death.

7. On the 15th October, the Police Inspector was at Pudmatúr and sought an interview with Oya Taver, who however was unable to see him though he waited for a long time.

8. A head Constable who was at Pudmattúr on the 17th October, the day on which the adoption is said to have taken place, passed Oya Taver's house but saw no signs of any rejoicings, and heard that Oya Taver was sick.

9. The Constable stationed in the village, heard nothing of any adoption of the kind till the day the Zamíndár died.

10. The village Curnum and Moonsiff denied that any such adoption took place.

*Proceedings of the Madras Government, Revenue Department, 22nd July 1862.*

11. The alleged fact of the adoption was not reported till after the death of Oya Taver.

12. The Brámin who is said to have officiated was not the family priest, or the person who should have performed the ceremony had it taken place.

13. Some of the parties signed as witnesses the document said to have been executed between Oya Taver and the mother of the child said to have been adopted by him, depose that they did not witness the execution of the document, but signed it subsequently under pressure of the individual Manikam Pillay, who seems to have originated the story of the adoption, and seeks the position of guardian to the child.

14. Under these circumstances the Board are of opinion that the claim by adoption to succeed to this Inám is inadmissible.

15. The inheritance to deceased's estate would under Hindu law devolve on the widow if the deceased was member of a divided family, or on the Shivagunga Zamíndár if the family was undivided, and the status of the family has been declared by the local Courts to be undivided.

16. The funeral rites of the deceased seems to have been performed by the Shivagunga Zamíndár's brother.

17. The succession to the Inám depends on the pleasure of Government.

18. The Board have already, in their Proceedings of 21st September last, expressed their opinion that the grant should be continued to the Zamíndár, who is now the senior representative of the family on which it was originally conferred, and to whom it was subsequently renewed by different dynasties for good service to the State.

19. The widow of the deceased is under the protection of the Zamíndár.

20. The Inám lands are situated within the Zamíndári, and the quit-rent on them is included in the Zamíndár's assets.

21. The Board beg to renew their recommendation that the Shivagunga Zamíndár be admitted to succeed to the Padmatúr Jevithan grant, on the same terms as the deceased held it, the enfranchisement of the grant from liability to lapse to Government being left to be arranged by the Inám Commissioner.

22. The deceased made sundry alienations by sale during his life-time, which he was not competent to do, but it may be left to the Zamíndár to establish his full right, or in the event of his enfranchising the grant, then to make his own terms with those who now hold part of the lands on invalid tenures.

From Board to Government, dated 25th March 1850, No. 138.
From do. do. dated 4th April 1850, No. 146.
Extract Minutes Consultation, dated 17th May 1850, No. 504, R. D.

23. The Board deem it proper to draw the attention of Government to the correspondence noted in the margin, on a somewhat similar case that occurred in the Ramnad Zamíndári some years ago.

24. They, however, consider that the analogy between the two cases is very remote, the grant in the present instance being of a decidedly superior origin to that of the Chittanundel, &c., Inám, and the claim of the Shivagunga Zamíndár as a very near relative and direct heir, being far more deserving of recognition than any that could have been advanced in the Ramnad case.

(A true Copy and Extract.)

(Signed) W. HUDLESTON, *Secretary.*

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No. 291. ORDER THEREON, 22nd July 1862, No. 1,569.

1. In these Proceedings the Board of Revenue report the death on the 7th November 1861, of Gowaryvullabe Taver, alias Oya Taver, the owner of the Padmatúr Estate, and they submit for the consideration of Government the question of the succession to the property and the validity or otherwise of an adoption which the deceased is reported to have made to provide an heir to his Estate.

2. The widow denies the adoption, and though it is alleged that this ceremony took place on the 17th October 1861, the deeds, passed between the deceased and the mother of the adopted boy, were not executed till the 2nd, nor registered in Court till the 6th of November following.

3. The evidence of the medical attendant, moreover, shows that for nearly a month previous to his death the Zamíndár was delirious and incapable of attending to business. The

Head Constable who was at Padmatúr and passed by the house on the day on which the adoption is said to have taken place, observed no signs of rejoicings. The Constable stationed in the village heard nothing of the ceremony till after the Zamíndár's death, and the village Moonsiff and the Curnum deny that it ever occurred. The Brámin who officiated on the occasion was not the family priest, and the fact of the adoption was not reported to the Collector till after the death of the Zamíndár. Some of the witnesses, whose evidence is relied on to prove the adoption, and who attested the deeds above referred to, declare that they did so subsequent to their execution and under pressure of one Manikam Pillay.

4. Under these circumstances the Board consider the adoption inadmissible, and, being of opinion that the deceased's widow is only entitled to maintenance, they recommend that the Shivagunga Zamíndár as the senior representative of the Padmatúr family, which the local Courts have declared to be undivided, should be admitted to succeed to the estate on the same terms on which the deceased held it. The enfranchisement of the Inám will thus be left to be arranged by the Inám Commissioner. In this view the Government concur.

5. The deceased, it appears, made sundry alienations by sale during his life time, which he was not competent to do. In regard to these the Board remark that it may be left to the Zamíndár to establish his full right; or in the event of his enfranchising the grant to make his own terms with the alienees. The Government approve of this suggestion.

(Signed) P. P. HUTCHINS,
*Acting Deputy Secretary to Government.*

No. 6,684.

**Proceedings of the Board of Revenue, dated 3rd December 1861.**

Read the following letter from V. H. LEVINGE, Esq., Collector of Madura, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Chepauk, dated 14th November 1861, No. 291:—

1. I have the honor to report the death, on the night of the 7th instant, of Gowaryvallabe Taver *alias* Oya Taver, the owner of the Padamatoor Estate, leaving a widow, without any issue, male or female.

2. But the Government Vakeel at this station reports that a document registered in the Principal Sudder Amin's Court under date the 6th instant, goes to show that the deceased had adopted a boy of 13 years called Odia Taver, son of Odia Taver of Vailengalum. This adoption is said to have been objected to by the widow of the Zemindar.

To Board, dated 14th August 1861, No. 209.
From do. 21st September 1861, No. 5,120.

3. The tenure of the Padamatoor Estate has been fully discussed in the marginal correspondence. The widow is at present in possession; she by Urzee to me has denied the adoption, the Shevagungah Zemindar's brother is reported to have performed the funeral ceremonies. I beg to recommend that the widow be recognized, as proprietress of the Estate, leaving the alleged adopted son and the Shevagungah Zemindar's brother, to settle their claims in the Civil Court.

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1. The Collector will please to institute further and full inquiries as to the fact of the alleged adoption having really taken place and as to the mental competency of the deceased to act in such a matter at the time stated, and will report the result to the Board.

2. He will also ascertain and report whether the Shevagunga and Pudmatoor families were or were not divided in the eye of the Law. The claim of the widow to more than maintenance primarily depends on this point.

(A true Copy and Extract.)
(Signed) W. HUDLESTON,
Secretary.

To V. H. Levinge, Esq., Collector of Madura.

Exd. J. Wright.

left but a child
adopted

1862. Departt.

1861 Department

No.

PROCEEDINGS OF THE BOARD OF REVENUE,

*Dated 3rd December* 1861.

No. 6684.

Requesting further information in regard to the Padamatur Estate.

Enclosure in Proceedings of the Board of Revenue to the Secretary to Govt. R. D. dated 10th Feby. 1862. No. 928.

Revenue 493/62.

Letter from the Collector of Madura to the Board of Revenue dated 14th November 1861. No. 291. regarding Padamatur Estate. and Bds. Proceedings thereon.

In regard to the first question the Dy of Rev refer sort to their Prs: dated 8 Sept 61 No 5120 wherein they maintain that the villages comprised in the Estate are essentially of the nature of Inams and as such came under the provisions of Reg IV of 1831 and Act XXIII of 1830. In such part of the minute they observe that the villages in question were granted by the Rajahs for services or maintenance and light Duty Rent, and such grants confirmed and continued by the Mahomedan and the present Govt

that this grant had existed prior to the creation of the Shrotriem villages which when first formed was conferred on a member of the Padamakur family. that though the Inst Rent due from the Padamakur Estate is included in the assessment of the Shrotriem villages, the difference between it and the full assessment forms the profit of the granted villages held on perpetual tenure,

Mr Edwd. Mercer
accidentally attached
before the execution of
the Judgments of Court
on the Madras, and
thereby the proceeding
has been frequently
objected to by the
Collector as being
opposed to the pro-
visions of Regn V of
1831. Sea.

The other question
relating to the succ-
ession to the property
of the deceased - rests
on the testimony
of witnesses and the
documents. These
Deeds refer to the
adoption which
the Deceased is alleged
to have made by pro-

vide an heir to his Estate.
The widow of the deceased
denies the adoption &
tho' it is alleged that the
ceremony took place
on the 17th Oct/61, the
said deeds passed be-
tween the zemindar
and the mother of the
adopted boy were not
executed prior to the
2nd Nov. nor register-
ed in the Proudence
Ameen. Court before
the 6th Nov/62.

The evidence of the
Medical attendant
moreover shews that
for a nearly a month
previous to his death
the zemindar was de-
lirious and incapable
of attending to any
business - The Head

Constable who was at Padmanabhapuram on the day on which the adoption is alleged to have taken place and hastened by the Ghumidan house observed no signs of rejoicings in the House. The Constable stationed in the village heard nothing of the ceremony till after the Ghumidan's death. The Village Muppan & the Karnavan deny that the adoption took place. The Brahmin who officiates on the occasion & not the family priest. Nor was the fact of adoption reported to the Cutcherry till after the death of the Ghumidan.—



Counsel the witnesses who attested the deed have referred to declare that they did so subsequent to the execution and under pressure of an unfavourable delay.—

Under these circumstances the Rd considered the adoption inadmissible and being of opinion that the Deceased's widow is only entitled to maintenance from the Thevagunga Zemindari the Removable prescribing for the Padmanabhapuram Zemindary, which the Court have declared to be undivided, recommend

That he (Chenagunga Gramidan) be admitted to succeed to the Rachanadoon Jaitham granted on the same terms as the deceased held it, the Enfranchisement of the Shanbeing left to hearings thereby the Hon. Court

The deceased, it appears has made encumbrances by sale during his life time, which he was not competent to do. In regard to these the Bd remark that it may be left to the grantee to establish his full rights on the event of his enfranchising the grant to make his own terms with the alienees after the said arrangement is made.

This seems proper.

W. M.

Do. Do.

J. M.

The Bd in concluding refer to the correspondence on a somewhat similar case that occurred in the Nannad Gramidaree some years ago.—

The grant in the above case consisted of the Villages Sikkanaikadu, Periakandal, Kakkanaikadu and two half villages which were in the enjoyment of one Chinna Nachian, on whose death, the Gramidan of Nannad claimed the villages as an escheat to her Gramidaree. The Court were of opinion that these villages appeared to have been granted prior to the date of permanent settlement and at no time

to have formed part of the Naimad Zemindaree and that they should therefore be regarded as the property of both and dealt with according.—

The Bd consider that the analogy between the said case and that now under consideration is very remote; "the grant in "the present instance "being of a dependency "superior in origin to "that of the Sivaganga "Zemindaree, and the "claim of the Sheria "ganga Zemindar as "a very near relative "(and direct heir being "far more deserving "of recognition than "any that could have "been advanced in "the Naimad case.

Revenue Department

Jr-1569.

Proceedings of the Madras Government under date the 22d. July 1862

Read the following Proceedings of the Board of Revenue—

Submitting with remarks a letter from the Collector of Madura regarding the report that the late Zamindar adopted a boy as his heir.— } Collr's letter 10th July 1862 No 928/

In these proceedings the Board of Revenue report the death on the 7th November 1861 of Sowarayallabe Sauer, alias Oya Sauer, the proprietor of the Sadumatur Estate, and they submit for the consideration of Government the question of the succession to the property and the validity or otherwise of an adoption which

16 July 62

which the deceased is reported to have made to provide an heir to his Estate.-

2. The widow denies the adoption and though it is alleged that the ceremony took place on the 17th October 1867, the deeds, passed between the deceased and the mother of the adopted boy, were not executed till the 2nd, nor registered in Court till the 6th of November following.-

3. The evidence of the Medical attendant moreover shews that for nearly a months previous to his death the Zamindar was delirious and incapable of attending to business.- The Head constable

constable who was at Kaduattur and passed by the house on the day on which the adoption is said to have taken place, observed no signs of rejoicing.- The constable stationed in the village heard nothing of the ceremony till after the Zamindar's death, and the Village Moonsiff and the Karnam deny that it ever occurred.- The Brahmin who officiated on the occasion was not the family priest, and the fact of the adoption was not reported to the Collector till after the death of the Zamindar.- Some of the witnesses, whose evidence is relied on to prove the adoption, and who attested the deeds above referred to, declare that they did so subsequent to their execution and under pressure

pressure of one Ma-
-nikam Pillay-

4. Under these cir-
-cumstances the Board
2. consider the adoption
inadmissible, and, being
of opinion that the de-
-ceased's widow is only en-
-titled to maintenance
they recommend that the
Shivaganga Zamindar
as the senior representa-
-tive of the Pudiyathu
family, which the local
courts have declared
to be undivided, should
be admitted to succeed
to the estate, on the same
terms, on which the
deceased held it. The
enfranchisement of the
Inám will thus be left
to be arranged by the Inám
Commissioner. In this
view the Government
concur.—

5. The deceased, if
appears had many
alienations

alienations by sale du-
-ring his life time, which
he was not competent to
do - In regard to these
the Board remark that it
may be left to the Zamin-
-dár to establish his
full right; or in the ev-
-ent of his unsuccessfully
the grant to make his
own terms with the ali-
-enees - The last para
with the Board, in their
accept advice.

BBR

4 Copies to Mad Bd of Rev. Desp # 23
" Inam Commr

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Adoption of a boy by Pudumattúr Zamindár.-

No. 4648
21-5-1850

Revenue 1862 Departt.
Pro: of Govt. for July

No 1569.

Pro: of the Madras Govt.
Dd 22d July 1862.

Passing orders on BDs
Pro: submitting the question
of succession to the Pudumat-
tur Estate in Madura --

No 290 & 291.

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C 16 Bul. Rpt