

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1885

Press
~~Mis~~

147-148

Dated

13-10-1864.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
13th October 1864.*

No. 147. Read the following Proceedings of the Court of Wards, dated 13th September 1864, No. 5,992.

Read again letter from Collector of Tinnevely, dated 15th June 1864, in Board's Proceedings 26th July 1864, No. 4,700.

Read also the following letter from J. SILVER, Esq., Collector of Tinnevely, to W. HUDLESTON, Esq., Secretary to the Court of Wards, dated Tenkasy, 1st September, 1864 No. 314:—

1. With reference to the Proceedings of the Court of Wards, dated the 26th July 1864, No. 4,700, calling for certain information in regard to succession to the Munnarcottah Estate, I have the honor to state, that the rule of succession observed in the family of the said Zemindar, is reported to be that the eldest surviving male issue of the senior wife, should be heir to his father, and in failure of such heir, the cousins in order are entitled to succeed.

2. The estate in question was in the uninterrupted enjoyment of the Zemindar's family a long time previous to the assumption of the country by the British Government. Sangaravelupandia Chinnia Naiker, the uncle of the Minor Zemindar, is an undivided member of the family, although he lives separately receiving his share of the maintenance allowance out of the proceeds of the estate direct from Government, in the same manner as the minor did.

1. The Court of Wards infer from the Collector's letter that according to the custom of the family, the next heir to the Estate is Sangaravelupandia Chinnia Naiker, the only brother of deceased's father. They therefore resolve to submit the papers to Government with their recommendation that the Collector be authorized to register the Zemindary in the name of S. Chinnia Naiker, and to deliver to him all property in the Collector's possession belonging to the Estate.

2. It seems obvious that the succession of *cousins* in failure of male issue pre-supposes the extinction of the previous generation; but in this instance a paternal uncle to deceased is living, and he it seems from every point of view is the proper heir to the family estate.

No. 148.

ORDER THEREON, 13th October 1864, No. 1,885.

Miscellaneous.

The Collector is authorized to register the Munnarcottah Estate in the name of S. Chinna Naiker.

(True Extract.)

(Signed) J. D. SIM,

Secretary to Government.

To the Board of Revenue:

Ehd. S. T. Augustin.

No. 4,700.

PROCEEDINGS OF THE COURT OF WARDS, dated 26th July 1864.

Read the following letter from the Collector of Tinnevely, dated Tenkasy, 15th June 1864,
No. 229 :—

1. Adverting to my letter of the 5th April last, No. 137, and to the Proceedings of the Court of Wards of the 12th idem, I have the honor to report as follows.
 2. Sankaralinga Chinnia Naiker, the late Minor Zemindar of the Estate of Mannarcottah in this District, paying an annual Peshcush of Rupees 5,071-10-0 to Government, and capable of yielding a revenue of Rupees 12,758-4-7 per annum, died on the 31st March last, or twenty-four days previous to his attaining his majority, leaving two widows, a mother, a step-mother, and a paternal uncle, &c., as will be seen from the accompanying genealogical tree.
 3. The deceased Minor was recognized as successor to the estate on the demise of his father, under sanction of the Government dated 8th May 1848.
 4. On the death of the Minor Sankaravelupandia Chinnia Naiker marked D in the accompanying genealogical tree, addressed an Arzi to me under date the 3rd April 1864, stating that he is the paternal uncle of the deceased, and as the late Minor died without issue, he is the next lineal male heir to the estate, and praying that he may be recognized as successor to the estate, according to the custom of his caste and Zemindary.
 5. On the 4th April 1864, the mother of the deceased Minor addressed an Arzi to me, stating that the two surviving widows of the deceased Minor being the legal representatives, they should first inherit the estate, and after them one Chendragiri Chinnia Naiker, who is a remote cousin of the deceased, and who performed the funeral obsequies of the Minor, and that Sankaravelupandia Chinnia Naiker, the paternal uncle of the deceased, is not entitled to the estate, and soliciting that her daughters-in-law may be acknowledged as legal representatives to the estate.
 6. Copammal and Chinna Errummam, the widows of the deceased, jointly addressed a Petition to me on the 4th April 1864, conveying the same prayer as above.
 7. The above Petitions were referred to the Tahsildar of Sattoor, with instructions to institute a careful inquiry into the titles of the above individuals, and to report the result. The following are the facts elicited by the Tahsildar's inquiry.
 8. Krishnammal, the mother of the deceased Minor, has deposed before the Tahsildar, that the Minor having died without leaving issue, and as his two widows are secluded females, and as Sankaravelupandia Chinnia Naiker, the paternal uncle of the deceased, and who is the next lineal male heir to the estate, has executed two agreements on stamp paper, binding himself to grant them, and Nagammal, the step-mother of the Minor, some landed property and money, besides an annual allowance for their maintenance, as particularized below, he should be recognized as successor to the estate. The mother of the deceased has further stated, that as the second widow of the deceased seemed to be pregnant, she first requested that the two widows might be recognized as the legal representatives to the estate, and that it is now certain that she is not pregnant. The two widows, and the step-mother of the deceased, have supported the above statement, in their statements given by them and forwarded by the Tahsildar.
- | | | |
|---|---|--|
| Krishnammal, the mother, and Copammal and Chinna Errummam, the widows of the Minor. | { | 1. 3 Cottahs of Nunjah land.
2. 15 Chains of Punjab land.
3. Some cattle.
4. 12,000 Rupees from the amount in deposit in favor of the estate.
5. Annual allowance of Rupees 1,345-4-0 for maintenance. |
| Nagammal, step-mother of the Minor Zemindar. | { | Annual allowance of Rupees 250 for maintenance. |

9. Sankaravelupandia Chinnia Naiker, the paternal uncle of the deceased, has given a deposition before the Tahsildar, stating that he has executed agreements to the mother, step-mother, and the two widows of the deceased, binding himself to give them some landed property and money, irrespective of an annual grant of Rupees 1,595-4-0, as particularized above, for their maintenance, and requesting that he may be recognized as successor to the estate.

10. I have sent for and inspected the two agreements above referred to; one appears to have been executed by the paternal uncle of the deceased to the mother and widows of the deceased, and the other to the step-mother of the Minor. In the former it is stated that, in addition to the landed property, money, &c., referred to in paragraph 8 of this letter, the debt of Rupees 10,000, stated to have been incurred by the mother of the deceased on account of the Minor while he was alive, will be paid by him; but there is no reason why such a large sum should have been borrowed, while the estate was under Circar management.

11. According to the Hindoo Law, the first widow of the deceased, who is sixteen years of age, is the legal heir to the estate, the second widow having been married without permission of the Collector as Agent to the Court of Wards. As the first widow and the mother and step-mother of the deceased appear to have mutually waived their claims in favor of Sankaravelupandia Chinnia Naiker, the paternal uncle of the deceased, and there being no next lineal male heir to the estate except the said uncle, I beg to be favored with the orders of the Board on the subject. I am informed that the widows of the Minor will not at present appear before me, or I should have preferred questioning them myself.

12. I have further to add here, that the manager in the charge of the estate reported, that when the niece of the Zemindar of Attangary was married to the late Minor on the 11th September 1863, under the sanction of the Court of Wards, dated 5th September 1862, the half sister of the approved bride, was also married to the Minor at the same time, as his second wife, without obtaining permission. On an application for maintenance for the two wives, the manager was called upon for explanation on this point, when the mother of the Minor stated that the mother of the bride having earnestly requested her, at the time of the marriage, that the half sister of the bride might also be married to the Minor, and as there was no time left to obtain the sanction of the Collector for the same, she was necessitated to give her consent to the marriage. The report of the manager forwarding the above explanation reached me on the 29th February, or a month before the death of the Minor.

13. The marriage of the second wife by the Minor was omitted to be reported to the Court of Wards through an oversight, and no allowance was recommended to be granted to the second wife of the Minor, as her marriage was performed without permission.

14. Although this marriage was celebrated without obtaining the permission of the Collector as Agent to the Court of Wards, yet as there is no reason to believe that any foul play was practised in the matter, the marriage having been performed at the request and with the consent of the relations on both sides, and the two girls being half sisters, and as the Minor died after a very short interval, I do not think that the provisions of Section 9, Act XXI of 1855, should be enforced in this case.

P. S.—The paternal uncle of the deceased Minor paid me a visit to-day, and on asking him whether I can see the widows of the deceased, he told me that they can appear before me after six months from the date of the death of the Minor, according to the custom of his caste; and as now nearly three months have elapsed, if the Board approve, the question of succession can be settled after I have personally seen and questioned the widows, and I request the instructions of the Board on the subject.

16th June 1864.

(Signed) J. SILVER, Collector.

The Court have some hesitation in giving an opinion on the succession in this case. The Collector asserts that the widow is the legal heir; but if, as the Court presume, the family is an undivided one, and the property ancestral property, the question would arise whether the paternal uncle, who seems to have hitherto resided in the household, should not succeed as heir male of the family. The Collector will accordingly be requested to retain the management of the Estate until the Court have obtained the advice of the Government Law Officers; and, in order to make the case submitted to them as complete as possible, Mr. Silver will be good enough to report at once what is the practice of the family as regards succession; how long the estate has been in the family; and whether the late Minor's paternal uncle always resided with him as undivided member of the family.

(True Copies and Extract.)

(Signed) R. A. DALYELL,
Sub-Secretary.

To J. Silver, Esq., Collector of Tinnevely.

Exd. J. Wright.

Requesting to retain the management of
Munnacottah Estate until the advice of the
Government Law Officers has been obtained
question of succession, and calling for
information on the subject.

No. 4,700.

Dated 26th July 1864.

PROCEEDINGS OF THE BOARD OF REVENUE.

No.

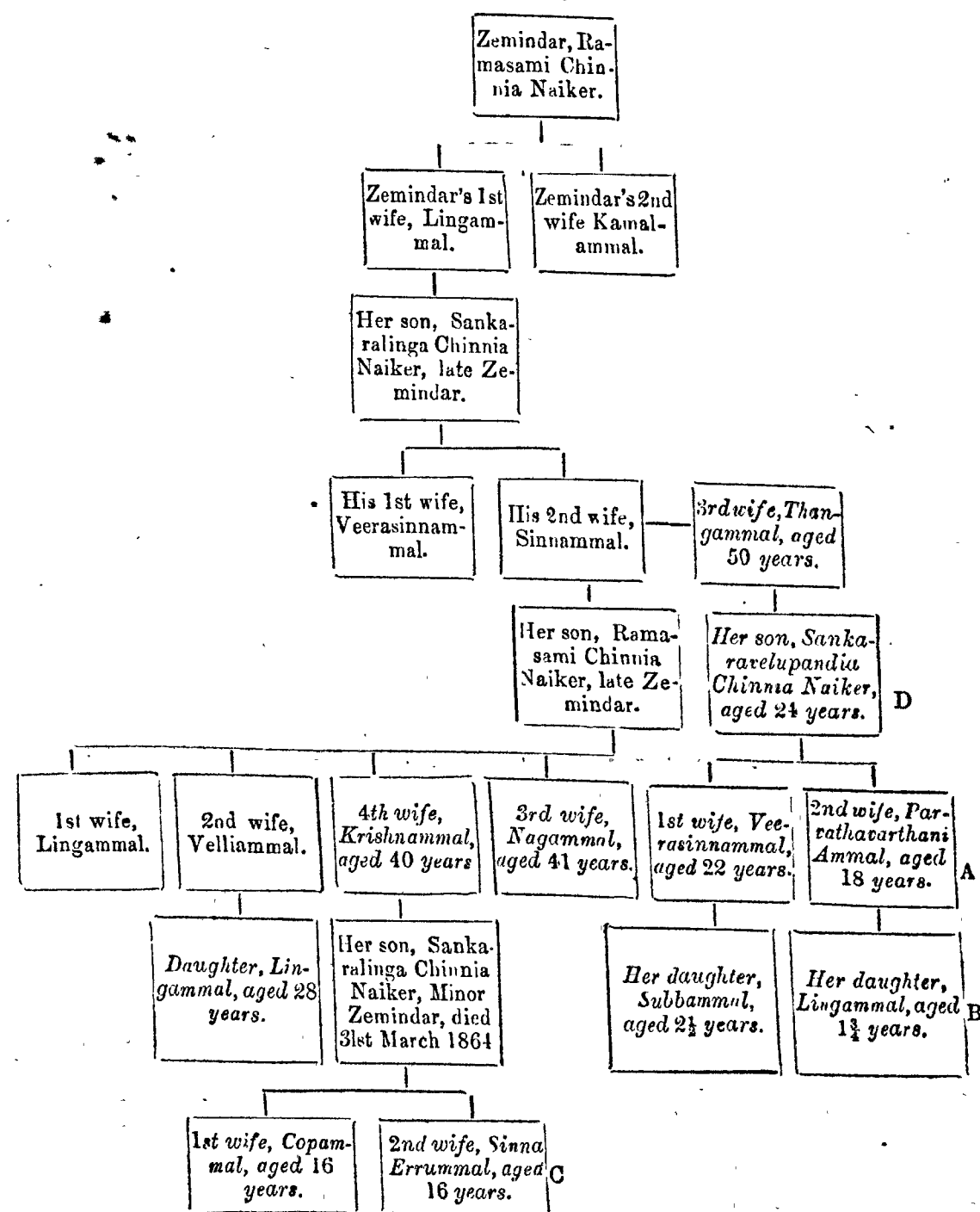
1864.

Department

Recd-2455/64

Examined by the Collector
of Tinnevely on 17th Aug
A.D. 1864

ENCLOSURE No. 1.
Genealogical Tree.



Those written in red ink (printed in italics) are alive, of whom those marked A, B, C, have no maintenance allowance granted them, as is the case with the remaining eight persons.

The person marked D now claims the estate.

(Signed) J. SILVER, Collector,

TENKASY, 15th June 1864.

No. 5,992.

PROCEEDINGS OF THE COURT OF WARDS, dated 13th September 1864.

Read again letter from Collector of Tinnevely, dated 15th June 1864, in Board's Proceedings, 26th July 1864, No. 4,700.

Read also the following letter from J. SILVER, Esq., Collector of Tinnevely, to W. HUDLESTON, Esq., Secretary to the Court of Wards, dated Tenkasy, 1st September 1864, No. 34:--

1. With reference to the Proceedings of the Court of Wards, dated the 26th July 1864, No. 4,700, calling for certain information in regard to succession to the Munnarottah Estate, I have the honor to state, that the rule of succession observed in the family of the said Zemindar, is reported to be that the eldest surviving male issue of the senior wife, should be heir to his father, and in failure of such heir, the cousins in order are entitled to succeed.

2. The estate in question was in the uninterrupted enjoyment of the Zemindar's family a long time previous to the assumption of the country by the British Government. Sangaravelupandia Chinnia Naiker, the uncle of the Minor Zemindar, is an undivided member of the family, although he lives separately receiving his share of the maintenance allowance out of the proceeds of the estate direct from Government, in the same manner as the minor did.

1. The Court of Wards infer from the Collector's letter that according to the custom of the family, the next heir to the Estate is Sangaravelupandia Chinnia Naiker, the only brother of deceased's father. They therefore resolve to submit the papers to Government with their recommendation that the Collector be authorized to register the Zemindary in the name of S. Chinnia Naiker, and to deliver to him all property in the Collector's possession belonging to the Estate.

2. It seems obvious that the succession of cousins in failure of male issue pre-supposes the extinction of the previous generation; but in this instance a paternal uncle to deceased is living, and he it seems from every point of view is the proper heir to the family estate.

(A true Copy and Extract.)

Secretary.

To J. D. Sim, Esq., Secretary to Government, R. D., with copy of Board's Proceedings, 26th July 1864, No. 4,700.

Copy to J. Silver, Esq., Collector of Tinnevely.

Exd. J. Wright.

1848
D. S. Hay 1848. 21. 22.

Rev. 1864. Department.
S. J. Hay for Collector.

No. 2455.
PROCEEDINGS OF THE BOARD OF REVENUE.

Dated 13th September 1864.
S. J. Hay
22/16
21

No. 5,092.

Submitting letter from the Collector of the
newly and recommending that he be autho-
rized to register the Munnarotah Zemindary
in the name of S. Chinn, Naiker.

1848. 13. 22.
Munnarotah

ON SEP 21 1864

1848. 13. 22.

1848.

The Collector is authorized
to register the Munnarotah
Zemindary in the
name of S. Chinn
Naiker.

1848. 13. 22.
13. 22. 1848.

14. 22. 1848. 13. 22.