

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	959	Press Mis.
Dated	24. 4.	18 66..

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
21th April 1866.*

No. 370. Read the following Proceedings of the Board of Revenue, dated 13th April 1866, No. 2,558:—

Read again letter from the Collector of North Arcot, dated 27th February 1866, No. 45, recorded in Board's Proceedings, 17th March 1866, No. 1,867.

Read also the following letter from the Collector of North Arcot, to the Secretary to the Board of Revenue, dated Poloor, 28th March 1866, No. 74.

1. I have the honor to submit explanation on the two points noted in Proceedings of the Board, dated 17th March 1866. The Board are right in supposing that the family of the Zemindar of Kangundi is undivided.

2. This feature in the case escaped my notice, I admit, in my review of the position of the several claimants.

3. If the ordinary law of inheritance be applicable to the existing tenure of the estate, Section 330 of Strange's Manual would, if read with Section 342, constitute Venkatapathi Nayanivaru, the late Zemindar's younger and only brother, his heir and successor. Venkatapathi Nayanivaru, has from first to last, been so earnest a supporter of Muni Venkata Ramappa Nayanivaru's claim, and so reticent in regard to his own individual title, that it never occurred to me that the question lay beyond the relative claims of this lad and of the several widows of the deceased Zemindar.

4. I have submitted my draft of certain amendments in the original Milkeat Instimiar Sunnud under which this estate is held, and beg respectfully to leave it to the Board's larger resources to determine whether the Zemindary, as now circumstanced, should devolve on the brother, now temporarily appointed manager of the estate.

5. Looked at as a mode of reconciling conflicting claims, I am free to admit that the nomination of the brother would be the easiest and most generally acceptable arrangement that could be made.

6. As regards the second point, I must admit that I have expressed myself somewhat unguardedly; having satisfied myself of the administrative abilities of the first widow, I applied the principles enunciated in Clause 2nd, Section 3, Regulation V. of 1804 to her case, and have claimed the position for her in more positive terms than circumstances warranted. Admitting this, I have no doubt in my own mind, that the interests of the estate would be as safe in her keeping, as they will be in that of her brother-in-law, if the Government see fit to recognize him as her late husband's successor.

1. Ordered that the foregoing papers be submitted to Government, in continuation of Board's Proceedings, dated 10th February 1866, No. 973, and with the Board's recommendation that the Collector be authorized to recognize Venkatapathi Nayanivaru, younger brother of the deceased, as his successor in the Kungundy Estate.

2. A revised form of Istimiar Sunnud, for issue to the new holder of the estate, will be shortly submitted for the approval of Government.

*Proceedings of the Madras Government, Revenue Department,
24th April 1866.*

No. 371.

ORDER THEREON, 24th April 1866, No. 959.

Miscellaneous.

The Government concur with the Board, and authorize the Collector to recognize Venkatapathy Nayanivaru, younger brother of the late proprietor, as his successor to the Kangundy Estate.

(True Extract.)

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

To the Board of Revenue.
the Accountant General.

Exd. S. T. Augustin.

No. 1867.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 17th March 1863.

Read the following letter from J. D. ROBINSON, Esq., Collector of North Arcot, to the Secretary to the Board of Revenue, dated Kanganellur, Gudiatum Taluk, 27th February 1863, No. 45:—

1. I have the honor to report the results of my inquiry respecting a successor to the late Zemindar of Kangundi, whose demise on the 24th ultimo was announced to the Board in my letter, dated 27th ultimo, No. 18.

2. My inquiry was conducted in the Zemindar's palace at Kangundi, the head-quarters of the Zemindary. I submit translations of the depositions taken from the several members of the family, and shall first give a summary of the evidence (as set forth in these) which more particularly bears on the question at issue, viz, who is the lawful heir and successor to the deceased Zemindar.

3. The parties directly concerned in this inquiry, are the following:—

1st widow, Tippamma, who has no issue; 2nd widow, Subbamma, also childless; 3rd widow, Yerra Kandamma, who has a daughter two years old; 4th, Pillaka, the so-called fourth wife, who has a son, Muni Venkata Ramappa Nayanivaru,* nearly twelve years age; and 6th, Venkatapathy Nayanivaru, the late Zemindar's younger and only brother, temporarily appointed manager of the estate, as reported in my letter of the 30th ultimo, No. 20.

4. The validity of the marriages of the three first-named wives, is admitted on all sides. These three widows were married at intervals with the full rites and solemnities of their creed and caste, and were themselves previously connected with the Zemindar's family. The legitimacy of the daughter, the issue of the third of these marriages, is likewise not disputed.

5. Before entering on the claim of the fourth so-called wife, and the question of her son's legitimacy or illegitimacy, I should mention that, it was the late Zemindar's studious endeavour to have this boy recognised as his heir and successor, and that the Zemindar's brother, the present manager, is entirely in the same interests.

† Enclosures Nos. 1, 2 and 3.

‡ Vivahapu.

6. The Board will find, on reference to the depositions† taken from the three first-named widows, that they all answer the question, "How many (married‡) widows did the late Zemindar leave," by saying, "he left three widows," and that the brother, the present manager, gives to the same question, a similarly qualified reply. The three widows go on to state, in reply to a further question respecting Pillaka, the so-called fourth wife, that she (Pillaka) was a "Kantu bottu" wife, with rights and position equal to their own.

§ Enclosure No. 5.

7. In like manner, the *pro-tempore* Zemindar and Manager, after speaking§ to the validity of the three first marriages, and the legitimacy of the issue by the third of these, proceeds to describe how Pillaka first attracted the attention of his late brother, the Zemindar, and how, on her attaining her ninth year (the ordinary age of betrothal), she was subjected to the rite of Poochankrankitam (flower branding) and presented with the "Kantu bottu." He admits that, neither the family priest, nor any of the connection, were present at the two ceremonies which he describes as having taken place on the occasion of Pillaka's betrothal and of her coming of age.

8. On the birth of her son no announcement of the event was made (as I shall show is usual) to the State authorities, and at the ceremony of the Nama Karanam (name giving) which was celebrated ten months after the birth of her son, the only representative of the family and household were, the family priest (since dead), he (deponent), the late Zemindar himself and his mother. On this last occasion, deponent says, a second and larger "Kantu bottu" was presented.

to Pillaka. Although deponent (the manager) does not include her name, the first widow Tippamma says, she too was present at the "Nama Karanam," a fact which is further corroborated by the Purohitalu. Deponent further admits that Pillaka is the bastard daughter of one of the palace menials. He describes the subsequent marriage of Pillaka's son to the daughter of a relative and caste man, at which the three widows were present, as they themselves admit.

7
• Enclosure No. 6.

9. Soobbaroyappa Garu, family priest speaks* from hearsay to the validity of first wife's marriage which was performed by his father, when he (deponent) was a boy. Took part in the celebration of the marriages of the second and third widows, which he describes as having been performed with all the rites and rejoicings usual on such occasions. States that the two first widows have no issue, but that there is a daughter by the third marriage. Did not take part in the Puniahavachanam ceremony performed on her birth, but was represented by his Gumastah, who reported that it had been conducted with all the usual formalities. States that the deceased Zemindar had only the three above-named widows, but that he had a concubine named Pillaka. Did not witness the rite of "Chakrankitam" being performed on her, nor the presentation of the first and smaller, "Kantu bottu." Was asked on the birth of her (Pillaka's) son, to compute the nativity, but did not prepare the horoscope which was drawn up by a strange priest from Vaniembaddi. Was present at the "Nama Karanam" on the hill, ten months after the birth of her (Pillaka's) son. On that occasion, saw no "Kantu bottu" presented to the mother (Pillaka). Says, such presentations are not usual at the Nama Karanam. Was told by his father, who preceded him in the post of family priest, that on the birth of the late Zemindar, the "Putrachavan" was celebrated. No such solemnity took place when Muni Venkata Ramappa Naidu was born to Pillaka. Is of opinion that, the boy thus born would not have the rights and position of the sons, had there been any born to the three widows. States that the Zemindary family is of the Boya caste.

10. Vijia Veera Venkatapathi Nayani Varu, cousin of the deceased, files a genealogical† tree of the Kangundi family. The late Zemindar had only three lawful wives. The two first have no issue, the third has a daughter aged two years. The first marriage took place before his (deponent's) birth. Was not present at second marriage, which was celebrated at Ayakudi, in the District of Madura. Attended the third marriage, which was celebrated simultaneously with his (deponent's) own. These three wives were of the family connexion, and were married with the full rites and consent of the kith and kin. No money was paid to the parents, the marriages were "Kanika Dhanam." Describes Pillaka's menial position in the household. Knew nothing at first of the Zemindar's liaison with Pillaka. Would doubtless have heard, had there been any nuptial ceremony or the presentation of the Kantu bottu. First became aware of the liaison in consequence of the late Zemindar's openly evincing partiality for the child, the offspring of this liaison. Knows nothing of the celebration of the Nama Karanam on the hill. Received an invitation to attend the marriage of Pillaka's son to the daughter of a kinsman, which he (deponent) not only declined, but protested against at the time, in a Petition to Government, which he files. Explains that the marriage was contracted under pressure and from interested motives. Calls attention to a list filed by the late Zemindar, during the Inam inquiry in 1861-62, in which the name of Pillaka, entered as fourth wife, and of her son, are struck out with the late Zemindar's tacit consent.

† Enclosure marked A.

NOTE.—This statement has not yet been found, but will be marked and forwarded when forthcoming.

11. The evidence is thus, I think, conclusive against Pillaka's title to be recognised as the fourth lawful wife of the deceased Zemindar. She is herself the bastard daughter of a mere menial in the palace household, her father such as he was being of an entirely different (Ballaja) caste. The family priest distinctly denies that any Kantu bottu was presented to Pillaka on the

occasion of the Nama Karanam of her son, and it is plain from the evidence, that the whole affair was a mere private ceremony conducted without the cognizance and attendance of the family connexion, and devoid of any of the solemnity observed on such occasions.

12. No official intimation was given, as is usual* on the birth of a son and heir, and Pillaka's son's subsequent marriage to the daughter of a caste-man and kinsman of the family was challenged† at the time by Vijia Veera Venkatapathi Nayani Varu, cousin of the late Zemindar, as opposed to law and usage.

* Translation of Khat announcing the birth of the late Zemindar is filed and marked B.

† Original Petition filed and marked A.

It may, I think, be fairly inferred from the guarded and somewhat contradictory terms in which Pillaka's position is described by the late Zemindar's brother and his three widows that, notwithstanding their testimony (whether voluntary or compulsory) in favor of Pillaka's claims, they do not bona-fide believe that the rights which they would claim for her and her son belong to them by law or usage. The case against mother and son thus appears to me so weak and untenable, that any further evidence than what lies on the face of these proceedings, touching the precise meaning and validity of the several ceremonies said to have been performed during Pillaka's connexion with the Zemindar, and after the birth of her son, is immaterial to the question at issue.

13. Referring to Chapter XI (succession) of "Strange's" Manual of Hindu Law, and reading Sections 309 and 320 by the ruling noted in the margin, I arrive at the conclusion

Circular Order, 26th October 1837.

that the lawful heir and successor to the late Zemindar, is his first widow Tippamma, and that the succession on her demise will pass to the two other widows Subbama and Yerra Kondamma (if they survive her) in the order of marriage and eventually to Muni Ramakka, the daughter of the third widow, and to her son if she have one. The case is clearly one in which the Court of Wards could not interpose, and from all I have been able to learn, the first widow, Tippamma, is a woman of very superior ability, and having been (as may be gathered from the evidence) her late husband's confidant and adviser, is quite competent to administer the affairs of the estate with judgment and firmness.

14. It does not occur to me that the interference of Government need be exercised beyond the settlement of the question of immediate succession, as all other interests may be safely left to find their own place in law and usage to the constituted tribunals.

15. Should the Board desire to refer to the previous history of this estate, they will find it succinctly given in their Secretary's letter to Government, dated 20th March 1848.

16. The difficulties connected with the Inam tenures there adverted to, have since been disposed of in the Proceedings noted in the margin, and I hope very shortly to be able to submit the amended form of Sunnud called for in the Proceedings of the Board, dated 27th November 1865, No. 7,557.

ENCLOSURE No. 1.

ABSTRACT.—Translation of a statement of Tippamma, first widow of the deceased Zemindar.

ENCLOSURE No. 2.

ABSTRACT.—Translation of a statement of Soobama Garu, second widow of the deceased Zemindar.

ENCLOSURE No. 3.

ABSTRACT.—Statement of Eria Condama, third widow of the deceased Zemindar.

ENCLOSURE No. 4.

ABSTRACT.—Statement of Pellammah, residing at the Kangundi Zemindar's palace.

ENCLOSURE No. 5.

ABSTRACT.—Statement of Kambi Nayani Zavazi Venkutupaty Nayanin, brother of the deceased Zemindar.

ENCLOSURE No. 6.

ABSTRACT.—Statement of Soobbaroyappah Garu, priest of the Kangundi Zemindar.

ENCLOSURE No. 7.

ABSTRACT.—Statement of Vijia Veera Venkatapathi Nayani Varu, cousin of the Kangundi Zemindar, residing at Rudla Boodkoor.

ENCLOSURE No. 8.

ABSTRACT.—Genealogical table.

ENCLOSURE A, No. 9.

ABSTRACT.—Original Petition filed by Vijia Veera Venkatapathi Nayani Varu, cousin of the deceased Zemindar.

ENCLOSURE B, No. 10.

ABSTRACT.—Translation of a letter addressed to the late Principal Collector, Mr. Roberts, by Ramapa Naidoo, father of the deceased Zemindar.

1. The Board observe that this Estate is in a somewhat peculiar position as the late possessor held no permanent Sunnud, and was, therefore, merely in the position of a holder of an unsettled Poliem, the succession to which is dependant solely on the pleasure of Government.
2. The Board are not, however, disposed to press this view of the case, as the Government in fact issued a Sunnud in 1850, which, however, the Zemindar until very lately steadily refused to accept on the ground of its interfering with his alleged right in regard to Inam tenures in the Poliem. He lately proposed to accept the Sunnud, but as the terms of the Government decision in regard to the Inams had been relaxed in his favor, it was considered desirable that the Sunnud should be cast into a corresponding form before its actual issue to the Poligar, and this has led to the present position of the Estate.
3. Assuming, however, that it may be dealt with as a Zemindary, and not as a Poliem in which the Government would select the most desirable person for successor, who in the present case would certainly be the late Poligar's brother, as he has left no legitimate son, still the Board are at a loss to understand why the Collector has recommended that the widow rather than the brother of the deceased should be recognised as successor to the Estate, supposing the family to be undivided, which the Board doubt not is the case. The Collector appears to have lost all sight of this claim.
4. The Board also cannot understand how, from the Collector's point of view, the case can be "clearly one in which the Court of Wards could not interpose."
5. The Board must request further explanation on the above points.

(A true Copy and Extract.)

(Signed) W. HUDLESTON,
Secretary.

To the Collector of North Arcot.

Exd. J. Wright.

W. 259
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H. and an throne the
C. to recognise Ven.
Katapathy Nayani.
Yam - younger brother
of the late proprietor,
as his successor to
the Kangundi Estate.

W. 259
J. D.
24-4-1866
14 F. O. Board of Directors
6. 1866

Pro 23 Febry. / 66 no. 457
" 22 Nov. / 9 no. 11.12.
5 Febry. / 50 --- 59.

3.12.57

Rev. 1866. Department.
Pro of Govt. for April

No. 1102.
PROCEEDINGS OF THE BOARD OF REVENUE.

Dated 13th April 1866.

Supd by
22/18
E. L. with 1000. 1000. 1000.

No. 2,558.

Submitting letter from Collector of North
Arcot, and recommending that authority be
granted for recognizing Venkatapath Nayain-
varu, younger brother of deceased Zemindar
of Kuugundy, as successor to that estate.

1859-25 April
With Order.

2370-371

4.1.1866