M.R.O. 1—39,000—16-10-20.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue. DEPARTMENT.

G.O. No.	3058.	Press ~~Mis.~~
332 - 333.		
Dated	26th November.	1869..

Not to be folded or roughly handled

3058

M

No. 332. Read the following Proceedings of the Court of Wards, dated 26th October 1869, No. 7,945 :—

Read again Board's Proceedings, 18th November 1867, No. 7,515.
Do. do. 18th February 1868, ,, 1,178.
Do. do. 15th ,, 1869, ,, 989.
Do. do. 17th April ,, ,, 2,613.

Read also the following letter from the Acting Collector of Tinnevelly, to the Acting Secretary to the Court of Wards, dated Courtallum, 15th September 1869, No. 356 :—

I HAVE the honour to reply to the Proceedings of the Court of Wards, dated 15th February and 17th April last, Nos. 989 and 2,613.

2. It is not necessary here to detail the circumstance which induced the Collector to hold the partible property belonging to the five sons of the late Zemindar of Urkad under management, Mr. Puckle having already set forth his reasons for so doing in his letter, dated 14th September 1867, No. 508.

3. The enclosed Statement A. shows the annual value or income of the partible lands, topes, and palmirahs, and the gross value of the other partible property, consisting of buildings, 4 and 5 per cent. Government Securities, also the surplus money held in deposit out of the annual income derived from the partible lands since the Urkad Estate was taken under wardship, namely, from Fusly 1272 (1862-63) to 1278 (1868-69), and the value of the two-fifth share of these properties due to the two surviving step-brothers of the Urkad Zemindar.

4. From paragraphs 7 and 8 of the Collector's letter quoted above, the Court will observe that a great portion of the partible property, such as cattle, jewels, and household furniture has, with the concurrence of the parties interested, already been divided into five shares, two shares having been assigned to the Zemindar and his brother, and one held in deposit as being the share of the Zemindar's deceased step-brother, and the remaining two (the value of which is exhibited in the above statement, viz., Rupees 4,136-1-3) assigned to Ramalatchmi Ammal on behalf of the two minors, her sons, thus making in all Rupees 25,858-3-3.

14th September 1867.

5. I have now the honour, under Regulation V. of 1804, to request the sanction of the Court of Wards to hold under management the two-fifth share of the net profits of the property due to the minors. On the receipt of the Court's instructions I shall apply to the Civil Courts for a decision as to the disposal of the remaining three-fifth share of the partible property, as suggested by the Court of Wards in the third paragraph of their Proceedings, dated 17th April last, No. 2,613.

6. A genealogical tree of the family is herewith forwarded. The Zemindar's second widow, Ramalatchmi Ammal, has two sons and two daughters, (her eldest

son having died in 1864). Ramalatchmi Ammal has a widowed sister living with her. The maintenance allowance proposed in the enclosed Statement B. amounts to Rupees 871-12-0, and is, I think, fair and ample for the minors and their family.

7. The minors are aged 15 and 12 years respectively. They are intelligent lads, especially the eldest: they are making good progress in English, and are also learning Tamil and Telugu under private tuition. I have advised their mother to send them to the Anglo-Vernacular School at Ambasamudram, which is a mile from Urkad, as this arrangement will save the family the additional expense of a private teacher.

8. I beg to propose the nomination of Kotilinga Tevar, the maternal uncle of the boys, as their guardian. He takes an interest in them, and is quite fitted for the post.

9. The annual value of the partible lands and the interest on Government Securities due as the two-fifth share of the minors amount, as shown in Statement A., to Rupees 1,922-14-9 per annum. From this sum must be deducted Rupees 871-12-0, the cost of maintenance above alluded to, and Rupees 172-12-9, being the minors' share of the cost of a small increased establishment I propose to entertain as shown in Statement B., (the very small establishment proposed by the late Collector in paragraph 8 of his letter, 14th September 1867, for the management of the partible property of the five sons being insufficient,) leaving a balance of Rupees 878-6-0 in the minors' favour.

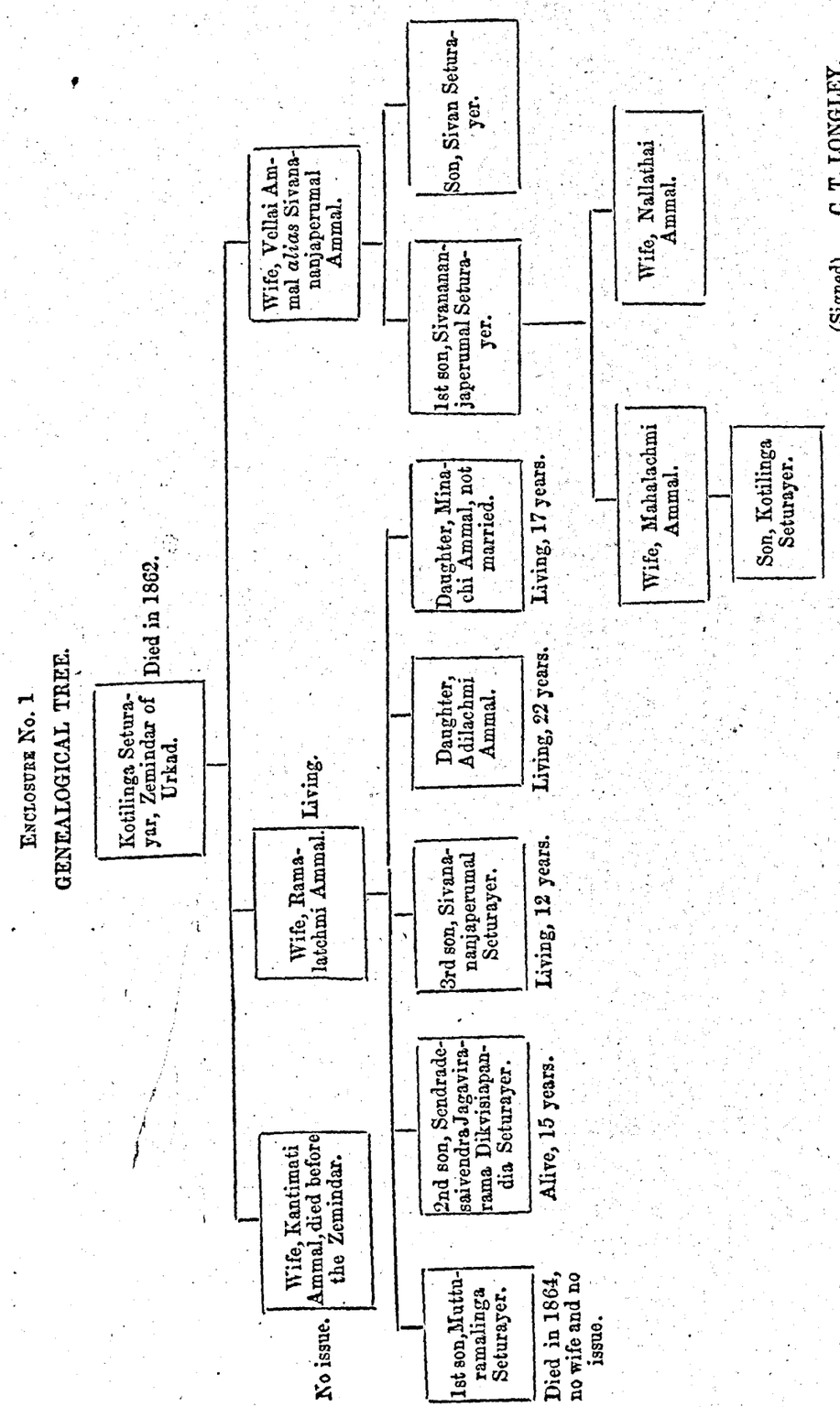
10. I have not been able to ascertain the debts owing by, and due to, the minors, their mother having reported that the accounts have been sent to the Civil Courts at the instance of one of her creditors. I shall, however, address the Court of Wards separately on this subject.

11. The Zemindar and his brother have at last come forward to receive their two-fifth share of the divisible property; but a division of the property is a very difficult matter unless the parties interested mutually agree to divide it themselves, and this arrangement, I regret to say, is not likely, owing to family dissensions. Should the Court of Wards, however, be of opinion that a division might be effected through a Punchayet, I shall be prepared to appoint one.

Proceedings of the Madras Government, Revenue Department,
26th November 1869.

ENCLOSURE No. 1

GENEALOGICAL TREE.



(Signed) C. T. LONGLEY,
Acting Collector.

COURTALLUM,
15th September 1869.

ENCLOSURES Nos. 2 and 3.—Statements.

THE Court of Wards resolve to request the Governor in Council to authorize them to take charge of the estate of the minor step-brothers of the Zemindar of Urkad.

2. Government will remember that, when the late Zemindar died in August 1862, he left three sons by Ramalatchmi, his chief wife, namely, Mutturamalinga Seturayer, Sendradesaivendra Jagavirarama Seturayer, and Sivanananjaperumal Seturayer, and two sons by another wife, Vellai Ammal, namely, Sivanananjaperumal Seturayer (2) and Sivan Seturayer.

3. Of these, Mutturamalinga Seturayer was recognized as successor, being the eldest son of the chief wife; but in February 1866 the High Court decided that Sivanananjaperumal Seturayer (2), as eldest son of the Zemindar, was heir to the estate and to one-fifth of the partible property.

4. The Court of Wards then relinquished the estate and their position as guardians, but a difficulty occurred when they came to surrender the partible property. The decree of the High Court that one-fifth of it should go with the estate was based on information before them that there were five brothers; but this was not the case, Mutturamalinga Seturayer having died a short time previously. When the Collector proceeded to divide the property, the Zemindar claimed one-fourth for himself and one-fourth for his brother, whilst Ramalatchmi claimed three-fifths on behalf of her two surviving sons. The Civil Court refused to interfere in any way.

5. The Court of Wards, after consulting the Government Pleader, directed that one-fifth of the property should be given over to the Zemindar, and that the other four-fifths should be kept till the parties came to an arrangement. Until lately, however, the Zemindar has refused to receive his fifth, and, though he has now consented to do so, the difficulty of dividing the immoveable property is insuperable. When Mr. Puckle attempted it, the parties insisted on their shares in every field and building.

6. In the meantime the interests of the minor sons of Ramalatchmi are suffering. The best way out of the difficulty seems to be for the Court to take them into wardship and get the legal question settled at once in a regular manner.

7. The partible property consists, according to the Collector's report, of the following items:—

	RS.
Lands paying assessment to Government	45,058
Bonds	51,100
Buildings	1,925
Accumulation from Fusly 1272 to Fusly 1278	4,174
Moveables already divided	10,340
Total...	1,12,597

8. Of this two-fifths indisputably belongs to the minor sons of Ramalatchmi and two-fifths to the Zemindar and his brother. The doubt as to the remaining

Proceedings of the Madras Government, Revenue Department,
26th November 1869.

one-fifth must be solved by the Courts, and, till that is done, the whole being under the Collector's management, the separation of the part due to his wards will be a mere matter of account.

No. 333. ORDER THEREON, 26th November 1869, No. 3,053.

Miscellaneous.

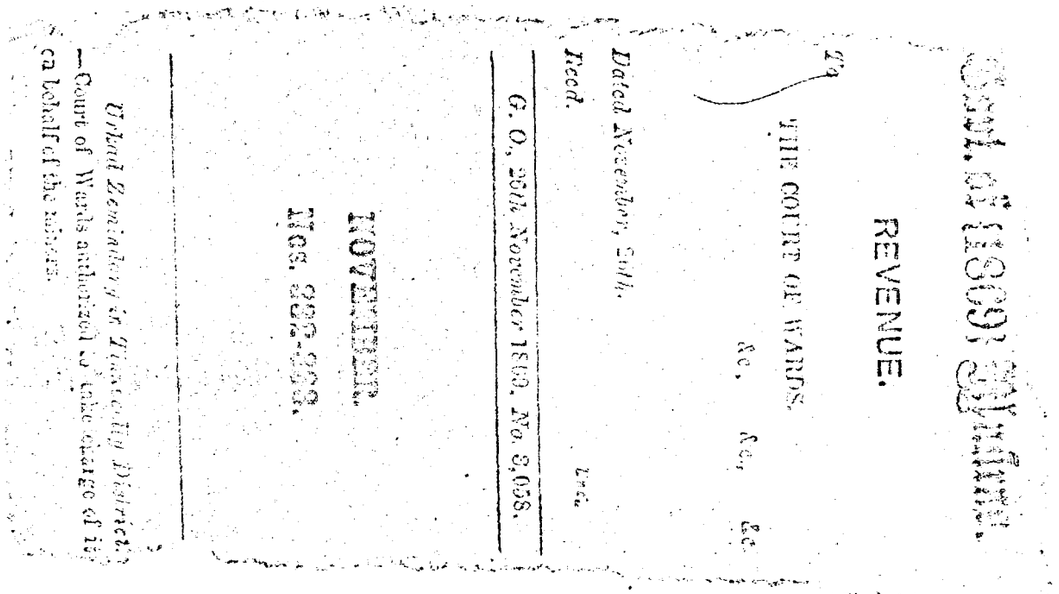
THE Government accordingly authorize the Court of Wards to take charge of the estate of the minor step-brothers of the Zemindar of Urkad. The requisite judicial authority for the allotment to the minors of their legal share in the late Zemindar's partible property should be obtained without delay.

(True Extract.)

(Signed) R. A. DALYELL,
Acting Secretary to Government.

To the Court of Wards.
,, the Accountant-General.

Exd: A. S. Rodgers.



No. 989.

PROCEEDINGS OF THE COURT OF WARDS, dated 15th February 1869.

Read the following letter from C. T. LONGLEY, Esq., Acting Collector of Tinnevelly, to the Acting Secretary to the Court of Wards, dated Shermadevi, 21st December 1868, No. 537:—

THE Vakeel on behalf of the two surviving step-brothers of the Urkad Zemindar having addressed a petition enclosing the Proceedings of the Civil Court, dated 1st October 1868, (a translate of which accompanies,) representing that his clients have already sustained a loss of Rupees 15,000 from the non-execution of the decree of the High Court by the Collector, respecting the division of the partible property of the family into five shares (as decreed by the Court), I requested the instructions of the Civil Court as to whether the one-fifth share of the Zemindar, which he refused to receive (as already intimated to the Court of Wards in Mr. Puckle's letter of the 7th July last, No. 316, and to which the Court of Wards gave no definite reply,) is to be continued under the management of the Collector, as are the remaining four shares, in accordance with the instructions conveyed in the Proceedings of the Court of Wards, dated 18th February 1863, No. 1,173, "*until the parties concerned are agreed or have obtained a decision of the Court as to the shares* into which the entire property is to be divided." A copy of the Proceedings received from the Civil Court in reply is herewith submitted, from which it will be observed that the Civil Court leaves the disposal of this one-fifth share *entirely to the Collector*: I have now therefore the honor to request the Court of Wards' definite instructions on the subject.

ENCLOSURE No. 1.

Proceedings of the Civil Court of Tinnevelly, dated 3rd December 1868.

Read letter from the Acting Collector, dated 12th November 1868, No. 2,659, requesting instructions as to whether the one-fifth share of the Urkad Zemindar is to be continued under the Collector's management.

THE Court has no further instructions to give. The decree is for one-fifth; if decree-holder will not take it, the Court cannot make him, and that he refused is repeated by his Vakeel in Court.

The Collector of course will act as he thinks right with regard to this one-fifth; if the decree-holder suffers loss, it is entirely his fault and no one's else.

(True Extract.)

(Signed) C. S. CHILD,
Civil Judge.

To the Collector of Tinnevelly.

(True Copy.)

(Signed) C. T. LONGLEY,
Acting Collector.

ENCLOSURE No. 2.

No. 728.

EXTRACT from the Proceedings held in the Civil Court on the 1st October 1868, corresponding with 17th Pirattasi of Andu 1044, before F. S. CHILD, Esq., Civil Judge of Tinnevelly.

Petition No. 538 *of* 1868 *of the Zillah Court of Tinnevelly.*

Read again petition presented in person, on the 31st July last, (filed on the 5th,) by Krishnasami Aiyar, Pleader, in behalf of the plaintiff in Suit No. 15 of 1863 on the file of this Court, stating that the Court passed orders that out of the five shares in the suit, first defendant having died, the plaintiff is entitled to one-fourth of the amount realised from the debts due to the estate deposited in the Court instead of one-fifth, and praying that the Collector, who executes the decree as per Court's precept, may be instructed also to divide and make over to plaintiff one-fourth of the landed property as he has sent orders that the Board object to such division.

The Court will not pass any order to the Collector who is to execute the decree. If he do not execute the decree properly, the Court will receive complaint upon his report.

(True Translation.)

(Signed) C. SUBRAMANIA PILLAI,
Acting Nazir, for Sheristadar.

(True Copy.)

(Signed) C. T. LONGLEY,
Acting Collector.

Under the circumstances the Collector must retain the Zemindar's share.

2. The continuance of this state of affairs, however, is inexpedient, and it is to be apprehended that, as alleged, the interests of the Minors, the surviving step-brothers of the Zemindar are being injured. It seems to the Board that the best and simplest course is for them to interfere, as Court of Wards, in the interests of the Minors.

3. In that capacity they would in the first instance assume charge of two-fifths of the partible property to which the Minors are unquestionably entitled, and then apply to the Courts for a decision as to the disposal of the remainder. If the Acting Collector sees any objections to this arrangement, he will state them; otherwise, he will, as soon as possible, report his concurrence in it, and recommend suitable persons as guardian and manager. He will at the same time report the annual value of the partible lands and the gross value of the other partible property, and state whether the Minors are being properly educated and cared for.

(True Copies and Extract.)

(Signed) A. MACGREGOR,
Acting Secretary.

To the Acting Collector of Tinnevelly.

Exd. T. Cartledge.

No. 2,613.

Proceedings of the Court of Wards, dated 17th April 1869.

Read the following letter from C. T. LONGLEY, Esq., Acting Collector of Tinnevelly, to the Acting Secretary to the Court of Wards, dated 16th March 1869, No. 119:—

In reply to the Proceedings of the Court of Wards, No. 989, dated 15th ultimo, I have the honor to draw your attention to the 8th paragraph of Mr. Puckle's letter, No. 508, dated 14th September 1867, from which the Court will perceive that no progress was made in the division of the immoveable property into five shares, owing to the opposition of the parties interested. The whole of the property is in consequence now under the charge of the Collector, in accordance with the instructions of the Court, contained in paragraph 2 of their Proceedings, No. 1,178, dated 18th February 1868.

2. The surviving step-brothers of the Zemindar are unquestionably entitled to the two-fifths share of the partible property; but as no division has yet been made, I beg the instructions of the Court as to whether I am to assume charge of the two-fifths share of the *net profits* of the property till the Civil Court pass a declaratory order in the matter, reserving the remaining three-fifths share in deposit. On the receipt of the Court's instructions, I shall be prepared, if necessary, to arrange for placing the Minors under the Court of Wards, and to furnish the information required by the Court in the 3rd paragraph of [illegible] under reply.

The whole of the immoveable property being in the management of the Collector, the appropriation of two-fifths of it for the Minors will be a mere matter of account if they are made wards.

2. The Collector does not seem to see any objection to this course, and he should lose no time in submitting the report on which the case may be laid before Government, under Regulation V. of 1804.

(A true Copy and Extract.)

(Signed) J. GROSE,
Sub-Secretary.

To the Acting Collector of Tinnevelly.

Exd. G. A. Turton.

Proceedings, 15th February 1869, No. 989

No. 384/169

Encl.

Received

BOARD OF REVENUE, MADRAS.

1869.

FEBRUARY.

No. 989.

Court Estate—in Tinnevelly District,—Collector to retain present Zemindar's share of property left by deceased Zemindar of, and to report on propriety of estate of surviving step-brothers of Zemindar being taken charge of by Court of Wards.

Board of Revenue Letter

Cause in the Court of the Board of Revenue dated 26 October 1869 No. 7945

1869.

Board of Revenue,
MADRAS.

Rec'd 28th Oct

PROCEEDINGS, 17TH APRIL 1869, No. 2,613.

Encl.

Received

APRIL
No. 2,613.

Urkad Estate—in Tinnevelly District,—Collector requested to submit application for placing step-brothers of Zemindar of, under charge of Court of Wards.

Rec'd 28th Nov 1869 No 1332

No. 7,515.

PROCEEDINGS OF THE COURT OF WARDS, dated 18th November 1867.

Read the following letter from R. K. PUCKLE, Esq., Collector of Tinnevelly, to the Secretary to the Court of Wards, dated Tenkasi, 14th September 1867, No. 508:—

1. I have the honour to submit the information called for in Proceedings of the Court of Wards, No. 7,709, dated 25th October 1866.

2. The Urkad estate was held under wardship from Fusly 1272 to May in Fusly 1275, and was then made over to the present Zemindar agreeably to the High Court's decree. This decree was passed on 12th February 1866, and the Court's late ward, Muturamalinga Seturayar, died a short time previously; had this then been known to the Judges of the High Court, their decree ordering an equal partition of the property among the five sons of the late Zemindar, would, no doubt, have ordered an equal partition of the property among the four surviving sons agreeably to Hindu Law; but as the death of one of the brothers appears not to have been known, the decree was passed, and advantage has since been taken of it to stir up dissension and trouble in the family.

Vide Mr. Wedderburn's letter to the Court of Wards, No. 152, dated 18th April 1866.

Vide Section 339 of Strange's Hindu Law and Decision of the Sudder Adalut in Appeal No. 66 of 1855.

3. The mother of the Court's late ward has two surviving sons, both minors, and not content with the two shares of one-fourth each or half of the partible property, she claims three-fifths as per decree of the High Court. She has fallen into the hands of persons who will allow of no compromise, and obstinately insist on what seems an utterly untenable claim; hence the delay in furnishing the information now given.

4. In their Proceedings, No. 3,000, dated 28th April 1866, the Court of Wards ordered the Collector to instruct the decree-holder (the present Zemindar) to apply to the Civil Court for execution of the decree in due course, and to act on the Court's precept according to law. The decree-holder had, however, already moved the Civil Court, as in Proceedings,* No. 252, dated 26th April 1866, the Collector was instructed to make over to the decree-holder, the Zemindary of Urkad, with the property mentioned below, together with the balance of the income of the Zemindary since accrued, also one-fifth share of the partible property *in accordance with the decree.*

* Copy enclosed.

Zemin property.

Schedule.

Item No. 2.—Zemindar's palace and bungalows.
Item No. 3.—Income of the Zemin for Fusly 1272, with the income of subsequent Fuslies.
Item No. 4.—Moveable property of several religious institutions and chuttrums.

Partible property.

Items Nos. 5 to 13.—Lands held by the late Zemindar in Government villages.
Item No. 14.—Income derived from the said lands.
Item No. 15.—Income of certain lands made over by the late Zemindar to his daughter upon her marriage as dowry.
Items Nos. 17 to 33.—Gold and silver jewels, brass utensils, iron and wooden articles and cloths, &c.
Item No. 34.—Debts due to the estate.
Item No. 35.—Cattle, &c.
Item No. 36.—A Chavady and building site at Urkad.
Item No. 37.—A house and well at Tinnevelly.

5. That the mother of the deceased minor did not then contemplate claiming a three-fifths share is evident, as the Proceedings go on to mention that "*her Vakeel represents that she (fourth "defendant) is the proprietor of half of the Ayen lands, &c., in the possession of the Collec-"tor,* and should this be true, the Collector is requested to pay to the Court out of this, Rupee "3,981-13-6, being costs she (fourth defendant) has to pay in the suit to the decree-holder." The Rupees 3,981-13-6 applied for, were remitted to the Court from the income of the Zemin, and the Zemindar has to be re-imbursed.

6. The Sub-Collector then in charge of the District next informed the Court, that one of the parties had died, while the appeal to the High Court was pending, and requested instructions as to

whether the property should be divided into four or five shares. In reply, the Civil Court ordered that the property should be divided into five shares, unless the parties concerned agreed that it should be divided into four shares.

7. The mother of the deceased minor then first put forward her claim to a three-fifths share, and refused to accept half. The Sub-Collector accordingly proceeded to divide the moveable property into five shares, and actually distributed the cattle, ornaments, household utensils, &c., four-fifths to the surviving brothers, retaining a one-fifth share in deposit.

8. The opposition to all amicable arrangement was, however, so violent on the part of certain advisers of the fourth defendant, that no progress was made in the division of the immoveable property, as they insisted on their shares in every field and building, so this portion of the property still remains undivided, and is held under management. A small establishment, costing 13 Rupees per mensem, was entertained for its management from July 1866.

9. In the meantime, the Civil Court having recovered an instalment of debt due to the late Zemindar, divided it equally among the four surviving sons of the Zemindar.

10. On hearing this, I applied to the Court to know whether the remaining property should be divided into four or five shares, but I received no definite reply, the Court informing me that certain money had been paid by the Court in four shares, and that I must do what I thought right in dividing the rest of the property.

11. On this, I sought an interview with the fourth defendant, and though I have ascertained that she was herself willing to see me, (as women of the Maraver caste have no seclusion,) she was prevented by those into whose hands she had fallen, and an absurd telegram was sent to the Board to the effect that this lady was being forced from her retirement.

12. Finding that nothing could be gained by further delay or attempt at compromise, I have prepared two Statements, one showing the division of the property into five, and the other into four shares, and will at once carry out whichever partition the Court of Wards think most desirable.

13. In their Proceedings, No. 7,709, dated 25th October 1866, the Court of Wards observe that the bonds in deposit, amounting to 79,500 Rupees, may properly be transferred to the holder of the High Court's decree. Since then, or on the 1st December 1866, the value of the bonds in deposit has been increased to 85,300 Rupees.

Vide the Court's letter to the Secretary and Treasurer of the Bank of Madras, dated 1st December 1866.

14. The Civil Judge of this District has, however, at the instance of the decree-holder, (the present Zemindar,) already directed* the Collector to make over the Zemin with the income derived during the period that it was held in wardship to the Zemindar, with the other property exhibited in the list attached to paragraph 4 of this letter.

*Vide the Civil Court's Proceedings, 26th April 1866.

15. The net income that accrued during this period was Rupees 41,059-13-1; of this sum, Rupees 40,867 have already been invested in bonds, leaving a balance of Rupees 192-13-1 now in deposit. These bonds and ready money now go to the Zemindar's share.

16. The debt due to the estate amounted to Rupees 64,826, of which Rupees 42,741-4-10 were realized while the estate was under management. This sum, *plus* Rupees 4,006-0-9, (a portion of the collection of the Zemin in arrears for Fusly 1271,) gives a total of Rupees 46,747-5-7, from which bonds to the value of Rupees 44,433 were bought at a cost of Rupees 43,685, leaving a balance of Rupees 3,062-5-7 spent on the estate, three-fourths or four-fifths of which have now to be divided.

Item No. 34 of Schedule mentioned in Civil Court's Proceedings, No. 252, dated 26th April 1866.

17. The Civil Court decreed that the debt due to the estate, and the outstanding arrears collected prior to the assumption of the estate by the present Zemindar, form a part of the partible property. Hence these bonds and ready money are now divisible into either four or five shares.

Rupees 46,747-5-7.

18. Should the partible bonds be divided into four shares, the Zemindar's share will be Rupees 11,108-4-0; should they be divided into five shares, his share will be Rupees 8,886-9-7, and these sums, with the 40,867 Rupees that represent the income of the Zemindary, amount to Rupees 51,975-4-0, or Rupees 49,753-9-7 respectively, as shown in the accompanying statement.

19. To divide the four and five per cent. bonds fairly, I have allotted to each share 2 annas 6·16 pies in the rupee of four per cent. bonds, and 13 annas 5·84 pies in the rupee of five per cent. bonds; the total sum to be allotted being Rupees 13,800 of four per cent., and Rupees 71,500 of five per cent. bonds; the result gives the share of each person at one-fourth or one-fifth, as shown below:—

Names.	AMOUNT DUE TO EACH SHAREHOLDER.						BONDS PROPOSED TO BE GIVEN TO EACH SHAREHOLDER.					
	If at one-fourth.			If at one-fifth.			If at one-fourth.			If at one-fifth.		
	Four per cent.	Five per cent.	Total.	Four per cent.	Five per cent.	Total.	Four per cent.	Five per cent.	Total.	Four per cent.	Five per cent.	Total.
	Rs.	Rs. A. P.	Rs. A. P.	Rs.	Rs.	Rs. A. P.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Sivananjaperumal Seturayar.....	8,250	43,725 4 0	51,975 4 0	8,000	41,753 9 7	49,753 9 7	9,000	43,200	52,200	8,000	41,500	49,500
Sivan Seturayar... ...	1,850	9,258 4 0	11,108 4 0	1,450	7,436 9 7	8,886 9 7	1,000	10,000	11,000	1,000	7,500	9,300
Jagaviraraama Seturayar, and Sivananjaperumal Seturayar ...	3,700	18,516 8 0	22,216 8 0	2,900	14,873 3 3	17,773 3 3	3,800	18,300	22,100	3,000	12,500	15,500
Muturamalinga Seturayar.	...	... ...	... ...	1,450	7,436 9 7	8,886 9 7	...	...	...	1,000	10,000	11,000
Total...	13,800	71,500 0 0	85,300 0 0	13,800	71,500 0 0	85,300 0 0	13,800	71,500	85,300	13,800	71,500	85,300

20. The bonds are all for round figures, and the payment of each man's share in bonds will involve an adjustment of portions, as shown in the accompanying Statement.

21. From the foregoing, the Court will see that the High Court's decision that the partible property should be divided into five shares was opposed to Hindu Law, there being but four brothers alive at the time the decision was passed, and that the Civil Court of this District has practicably set aside the decision of the High Court by dividing certain partible property into four shares. A division of immoveable property is always a difficult matter, and a division of the property first into five shares and then a one-fifth share again into four shares, will involve more labour than a division of the property into four shares at once.

ENCLOSURE No. 1.

No. 252.

Proceedings of the Civil Court of Tinnevelly, dated the 26th April 1866.

1. Read again Miscellaneous Petition No. 198 of 1866, presented by Kristnasamy Iyer, Vakeel on behalf of Sivanananjaperumal Seturayer, the plaintiff in Original Suit No. 15 of 1863, on the file of the Civil Court, praying that, with reference to the decree of the High Court, the Collector, who is in charge of the estate of the late Zemindar of Urkad, may be required to make over to him the Zemindary and the moveable and immoveable property appertaining thereto, and included in items 2, 3 and 4 of the Schedule appended to the plaint, and that Rupees 3,981-13-6, the costs decreed to him, may be recovered from the fourth defendant.

2. Read also Miscellaneous Petition No. 250 of 1866, presented by Kristnasamy Iyer, Vakeel on behalf of the above plaintiff, requesting that the one-fifth share of the partible property decreed to him in items 5 to 15 and 17 to 37 of the Schedule annexed to the plaint, may be made over to him through the Collector, who has charge of the estate, and that Rupees 1,502-10-8, being the mesne profits on the Zemindary lands held by sixth defendant for four years, from Fuslies 1272 to 1275, may be recovered from the said defendant.

3. The Collector will make over to the petitioner the Zemindary of Urkad with the property mentioned in Schedule items 2, 3 and 4, together with the balance of the income of the Zemindary since accrued. He will also place him in possession of the one-fifth share of the property mentioned in Schedule items 5 to 15 and 17 to 37 in accordance with the decree.

4. As fourth defendant's Vakeel represents that she is the proprietor of half of the Ayen lands, &c., in the possession of Collector, as described in Schedule items 5 to 15 and 17 to 37, should this be true, the Collector is requested to pay to this Court out of this Rupees 3,981-13-6, being costs fourth defendant has to pay in the suit to petitioner.

5. Notice to go to sixth defendant regarding mesne profits taken by him.

6. Plaint* and plaintiff's statement* and decree* to be forwarded to Collector.

* To be returned.

(True Extract.)

(Signed) F. S. CHILD,
Civil Judge.

(True Copy.)

(Signed) R. K. PUCKLE,
Collector.

ENCLOSURE No. 2.

ABSTRACT.—Statement showing the number, date and amount of the four and five per cent. bonds divisible into four shares.

ENCLOSURE No. 3.

ABSTRACT.—Statement showing the number, date and amount of the four and five per cent. bonds divisible into five shares.

The Court of Wards resolve to request the Government Pleader to favour them with his advice as to whether the Collector should distribute the property referred to in four shares or five shares. If the question is doubtful it would, perhaps, be better for the Collector to retain the money in deposit until the Courts pronounce distinctly upon it.

(True Copies and Extract.)

(Signed) J. GROSE,
Sub-Secretary.

To the Government Pleader,
with two enclosures to be returned.
,, the Collector of Tinnevelly.

Exd. J. Wright.

Enclosure to the Proceedings of the Board of Revenue dated 18th November 1867 No 7945

1867. Department.

No 3 Rev. 69

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 18th November 1867.

No 7,515.

Requesting Government Pleader's advice as to whether Collector of Tinnevelly should distribute the property of late Zemindar of Urkad in four shares or five shares.

Rec'd 21st Nov 1867 & Ans'd

No. 1,178.

PROCEEDINGS OF THE COURT OF WARDS, dated 18th February 1868.

Read the following letter from H. J. BROCKMAN, Esq., Officiating Government Pleader, to the Secretary to the Court of Wards, dated High Court-house, Madras, 21st December 1867, No. 163:—

1. I have the honour to acknowledge the receipt of the Proceedings of the Court of Wards, noted in the margin, requesting me to advise whether the Collector of Tinnevelly should distribute the property therein referred to, being the partible property of the late Zemindar of Urkadu, into fourths, or fifths.

Dated 18th Nov. 1867, No. 7,515.

2. In reply, I have the honour to advise that the division of the property, until the Civil Court should otherwise direct, should be into fifths. The division by the Civil Court of certain money into fourths, referred to in the 9th paragraph of the letter,* is not, in my opinion, of itself sufficient to warrant a similar division of other property, not the subject of the Civil Court's order. I cannot quite understand the circumstances under which the Civil Court made the division into fourths mentioned in the Collector's letter, nor whether such division was made in the Original Suit No. 15 of 1863, in the Civil Court of Tinnevelly, or in some other suit.

* From the Collector of Tinnevelly to the Board, dated 14th September 1867, No. 503, and embodied in the Proceedings above noted.

3. I would observe that the decree of the High Court in Regular Appeal No. 70 of 1864, (High Court Reports, Volume III., page 75,) only declared the right of the plaintiff to the whole Zemindary, and one-fifth of the partible family property. Nothing appears to have been decreed as to the shares of the other parties entitled. I cannot gather from the Proceedings before me under what orders the distribution of the remaining four-fifths, mentioned in the seventh paragraph of the Collector's letter, took place. It may be that the plaintiff, in Original Suit No. 15 of 1863, may assert a claim to a share of the one-fifth portion to which the deceased minor, Mootooramalinga Seturayar, might have become entitled of the partible property, had he lived. Without the concurrence, therefore, of all the parties interested, it would not, in my opinion, be safe to divide the partible property in any other shares than those indicated by the High Court in its decree on Regular Appeal No. 70 of 1864.

4. The two enclosures, which accompanied the Proceedings above noted, are herewith returned.

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1. Communicated to the Collector of Tinnevelly.

2. The Board consider that the only safe course is for the Collector to make over the fifth of the partible property which has been awarded to the Zemindar by decree of Court, and to keep the rest in deposit until the claimants are agreed or have obtained a decision of the Courts as to the shares into which it is to be divided.

(A true Copy and Extract.)

(Signed) J. GROSE,
Sub-Secretary.

To the Collector of Tinnevelly.
Copy to the Officiating Government Pleader.

Rec'd J Wright.

Rev. & Despatch

No. 2058

Proceedings of the Madras Government
Under date the 26th November 1869.

Read the following
Proceedings of the Board

Requesting to authorize
Court of Wards to take charge of
estate of minor stepbrother of
Zemindar of Urkad estate in
Tinnevelly District.

W.P. 26th October/69 No. 7945

The Government
accordingly authorize the
Court of Wards to take
charge of the estate of
the minor stepbrother

Enclosure in the Proc. of the Bd of
Revenue to the Secy to Govt R.D.
dated 26 Oct 1869 No. 7945

1868. Department.

Rev. 2 3844/69

No.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 18*th February* 1868.

No. 1,178.

Communicating to Collector of Tinnevelly letter from Government Pleader, advising as to distribution of property left by late Zemindar of Oorkad estate, between his sons.

From 26 Nov/69 Ld 532

legal
of their share in the
late Zemindar's partible
property, should be ob-
tained without delay.

Otr.

14 Fatta Court of Wards with 2 Rupees
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6 Abeel Gaee Deaft 8

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the intervention of the
Courts is necessary. The
Court of Wards will [illegible]
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interests

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Costs.