

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	319	Press
		~~Mis.~~
<u>116-119</u>		
Dated	5 th February	1986.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
5th February 1869.*

Read the following :—

No. 116. Proceedings of the Board of Revenue, dated 9th October 1868,
No. 7,200.

Read the following letter from the Collector of Vizagapatam, to the Acting Secretary to the Board of Revenue, dated 5th September 1868, No. 707.

1. I regret to have to report the demise, on the 21st ultimo, of Kasipatiraj Ranasimhulu Bahadur, Zemindar of Chemudu Estate.

2. The Board will remember, this small hill Zemindary was for a period of eleven years under the Court of Wards, and that it was in July 1866 that the Minor was put in possession, having attained his majority in April previous.

3. The late Zemindar has left two childless widows, a mother, a brother, and a maternal uncle.

4. The elder widow has addressed me an Arzi, translation of which I herein enclose, soliciting that the estate be conferred on her, and that her father Medini Row Appala Narsimha Raz be appointed as her guardian for its management, until the brother of the deceased Zemindar be old enough to be intrusted therewith.

5. This application, I beg to support. Medini Row Appala Narsimha Raz, the father of the widow, is the natural guardian of the family, and has all along assisted the late Zemindar, his nephew, in his management, which I am glad to say has been satisfactory.

6. There are no other claimants to the Zemindary.

ENCLOSURE No. 1.—Translation of an Arzi.

THE Board cannot concur with the Collector in the advisability of conferring the Estate on the elder widow of the deceased Zemindar.

2. It appears that he has left a brother aged seventeen, and though the widow proposes to resign in his favor when he is old enough to be intrusted with the management, the grant is likely to be a source of future embarrassment, and the Board advocate the course of conferring the Zemindary directly on the Minor.

3. In paragraph 6 of his letter to the Court of Wards, dated 4th March 1867, the late Collector reported that the Zemindary was made over to the late Zemindar, on the 1st July 1866, free from all incumbrances, but the widow now states that there are many debts due.

4. Under these circumstances, the Board think it desirable that the management of the Estate should be assumed by the Court of Wards.

No. 117. Proceedings of the Board of Revenue, dated 19th December 1868,
No. 8,910.

Read again letter from the Collector of Vizagapatam, dated 5th September 1868, No. 707, recorded in Board's Proceedings of the 9th October 1868, No. 7,200.

Read also the following letter from the Collector of Vizagapatam, to the Acting Secretary to the Board of Revenue, dated Camp at Vizianagram, 27th October 1868, No. 804.

1. I have the honor to acknowledge receipt of the Board's Proceedings, dated 9th October 1868, No. 7,200, regarding the Chemudu Estate in this district, which

minor

*Proceedings of the Madras Government, Revenue Department,
5th February 1869.*

the Board consider should be conferred directly on the minor brother of the deceased Zemindar, and that the assumption of management by the Court of Wards is desirable.

2. I think that the Board have omitted to take into consideration the fact, that the law of Primogeniture is in force in the Hill Zemindaries of this district, and that in consequence, under the Hindoo Law, (Section 315 of Strange's Manual,) the widow inherits before the brothers.

3. Although the widow may, as stated in her petition, be willing to appoint the next heir, her husband's brother, as Manager, when he is old enough for the duties of that position, I doubt whether she would be willing to waive her own rights in his favor, and she has certainly not informed me of any such intention.

4. With this explanation, I beg that the Board will be good enough to reconsider their orders, as the arrangement proposed by me appears to be the most suitable to the circumstances and law of the case.

In the first of the foregoing letters, the Collector reported that the Zemindar of Chemudu died on the 21st of August, leaving a mother, two childless widows, aged 19 and 17 respectively, and a younger brother, 17 years old.

2. It appears that, on the 27th of August, the elder widow applied to be put in possession of the property, under the management of her father, pending the majority of the deceased Zemindar's younger brother.

3. This application was supported by the Collector, who also approved of the nomination of the guardian proposed.

4. In their Proceedings, dated 9th October, No. 7,200, the Board expressed their non-concurrence in the proposed arrangement, and advocated the course of conferring the Estate directly on the late Zemindar's brother. They further gave an opinion that, as the family had already fallen into debt in the interval between the relinquishment of the Zemindary by the Court of Wards in 1866, and the death of the late Zemindar, it was desirable that the Court should again assume the management of the Estate.

5. In the second letter, recorded above, the Collector adheres to his first recommendation, namely, that the elder widow should succeed, in accordance with Hindoo Law, as laid down in Section 315 of Strange's Manual. (Note.—It is presumed Sections 309 and 314 are referred to.)

6. The Board resolve to submit the case for the consideration and orders of Government.

7. The Zemindary of Chemudu is under a Sunnud, and is entered as No. 4 amongst the Hill Zemindaries of Vizagapatam, (Section 2 of Act XXIV. of 1839,) and is subject to the operation of Rule X., Clause 3 of the Agency Rules.

8. The Board are of opinion that the claim of the widow to succeed is untenable, and that the Estate passes to the undivided brother in accordance with the Privy Council ruling of December 3 and 4, 1861, on the Naraguntty Polliem Case—See Moore's Report of Appeal Cases, Volume IX., page 66, and Section 353 of Strange's Manual; and they, therefore, recommend that the Estate be registered in the name of the brother, and that the management be assumed by the Court of Wards.

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5th February 1869.*

No. 118. Proceedings of the Board of Revenue, dated 16th January 1869.
Read the following letter from the Collector of Vizagapatam, to the Acting Secretary to the Board of Revenue, dated Camp Nandapur, Jeypore, 3rd January 1869, No. 9.

1. Referring to Board's Proceedings, No. 8,910, dated 19th December 1867, paragraph 7, I have the honor to draw your attention to the Notification of Government, dated 6th December 1864, published at page 903 of the *Fort St. George Gazette* of that month, by which you will observe, that the Hill Zemindary of Chemudu was withdrawn from the operation of Act XXIV. of 1839, (Agency,) and incorporated with the Zillah of Vizagapatam from the 1st January 1865. The Agency Rules therefore do not apply in the case of this Zemindary.

2. Having been recently in the neighbourhood of Chemudu, the father of the widow paid me a visit, and denied that any debts had been incurred since the Estate was made over to the management of the deceased Zemindar.

3. Should the brother of the late Zemindar be placed by Government in possession of the Estate, in consideration of this fact, and that he will be of age in the course of the current year: I would again suggest that the interference of the Court of Wards for so short a period is unnecessary.

SUBMITTED for the information of Government, in continuation of Proceedings of 19th December 1868, No. 8,910.

2. The circumstance of the transfer of this tract to the jurisdiction of the Civil Court escaped the notice of the Board.

3. It does not, however, affect their recommendation, which is based on the general law of the country.

4. If the brother is recognized as heir, the Board would not advocate the assumption of management by the Court of Wards, seeing that the minority will terminate within the current year.

No. 119. ORDER THEREON, 5th February 1869, No. 319.

Miscellaneous.

1. Assuming that the family of the late Zemindar was an undivided family at the time of his death, the Govern-

ment have no doubt that in accordance with Hindu Law, the Estate passes to the undivided minor brother, and not to the widow.

2. The Government therefore authorize the Board to have the Estate registered in the name of the deceased Zemindar's minor brother. Under the circumstances stated in the Board's Proceedings of 16th January 1869, there appears to be no necessity for the Court of Wards assuming charge of the Estate.

(True Extract.)

(Signed) R. A. DALYELL,

Acting Secretary to Government.

To the Board of Revenue.

Exd. G. A. Turton.

minor

No. 319.

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 5th ~~January~~ ^{July} 1869.

Read the following
Proceedings of the Board of
Revenue.

Recommending to Government to
sanction registry of Chemudu Estate
in Vizagapatam District in name of
brother of late Zemindar, and to
authorize Board of Wards to assume
management of it.

Here enter 19th December 1868 to 1870

Intimating that if the brother
is recognized as the heir, it would
not advocate the management of the
Estate by the Board of Wards.

Here enter 16th January 1869

Assuming that
the family of the late
Zemindar was an undivided
family at the time of his
death, the Government have
no doubt that in accordance
with Hindu law, the Estate
passes to the undivided

minor

DOCT. OF 1869

REVENUE.

THE BOARD OF REVENUE.

And

DOCT. FEBRUARY 1869 No. 319.

MEMORANDUM.

NO. 116-119.

Zemindar of Chemudu Estate in Vizagapatam District.—Report of his death recorded. Board of Revenue authorized to register the Estate in the name of the Zemindar's minor brother.

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the widow.

2. The Government
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to have the Estate registered
in the name of the deceased
Zemindar's minor brother.
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On the circumstances
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ceedings of 16 January 1869,
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of the Estate.

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