M.R.O. 1—32,000—16-10-20.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1674 Press ~~Mis.~~

356-55 Dated 31-10-1870 19

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
31st October 1870.

No. 354. Read the following Proceedings of the Board of Revenue, dated 3rd September 1870, No. 5,578:—

Read the following letter from the Collector of Malabar, to the Acting Secretary to the Board of Revenue, dated Calicut, 6th August 1870, No. 282.

I HAVE the honour to submit the following case for the orders of the Board of Revenue, as it appears to me to come under the provisions of Section 6 of Regulation VII. of 1817.

2. One Chakavalapil Chandoo of Payenjanur Amshom, Ernad Taluq, died in August 1868, leaving property of the value of about Rupees 2,000. He and his elder brother had a common wife by whom they had a son named Choyee, who was born an idiot. Makathayam, *i.e.*, descent from father to son being the rule of succession followed in this family, which is of the Thier caste, Choyee was the legitimate heir; but as he could not look after his own affairs, some of his relatives petitioned the Civil Court for a certificate under Section 4 of Act XXVII. of 1860, to enable them to take upon themselves the management of the property and the care of the idiot. Of the several claimants for this office the Court granted the certificate to the maternal uncle of Choyee by name Naraparambath Thoomben on the ground that he had already the care of the idiot, and that it was not necessary to disturb the then existing state of matters by a mere certificate. I annex copy of the Court's Order and of the Certificate.

3. Choyee died leaving no legal heirs to succeed him, and Thoomben, who holds the Court's Certificate, claims the property on the ground that in the event of the male line failing, the female line should be followed; and that as maternal uncle of Choyee, he (Thoomben) is the nearest relation on the mother's side. This reason, however, cannot be accepted, as the principle of adopting the Marumakathayam (from maternal uncle to nephew) mode of succession on the family becoming extinct according to the Makathayam rules has never been recognized.

4. Two others came forward before the Tahsildar and claimed the property. One was a woman who declared herself to be the wife of Choyee; and the other called himself the nephew of Choyee's father. It has been found on careful inquiry that these relationships never existed.

5. The property therefore has virtually escheated to Government; and I request orders to deal with it as such.

6. It is now partly in the possession of Thoomben, and partly in that of the old tenants of Choyee's father who have given Kychits to the Tahsildar pledging themselves to make over the property whenever called upon to do so.

ENCLOSURE No. 1.

CERTIFICATE No. 63 of 1868.

CIVIL COURT—ZILLAH CALICUT.

To Oopath Naraparambath Thoomben.

WHEREAS in pursuance of the Order of this Court, dated the 10th November 1868, in the matter of the Miscellaneous Petition No. 1,636 of 1868, this certificate is granted to you agreeably to the provisions of Section 4, Act XXVII. of 1860. You are hereby authorized and empowered to

collect all debts due to the deceased Chakavalapil Chandoo whose representative you are, giving acquittances for all sums so recovered by you.

2. You are required after the expiration of twelve months from the aforesaid date, and thereafter whenever the Court shall order you so to do, to file a statement of all moneys recovered or realized by you under this Certificate. In default of furnishing such statement within the time allowed, the Court may cancel this Certificate.

3. You shall further adhere strictly to such laws as have been or may be passed by the Governor-General in Council for the guidance of persons holding Certificates under the aforesaid Act.

(Signed) J. C. HANNYNGTON,
Acting Civil Judge.

3rd December 1863.

ENCLOSURE No. 2.

"IT is evident from the appearance of first petitioner in No. 1,636 that he is, as stated in both petitions, an idiot; at the same time I deem it inadvisable to alter the present state of things by a mere order of Certificate. I therefore direct that Certificate shall issue to petitioner in No. 1,636 as prayed for, on deposit of security to the amount of Rupees 400 and refer petitioner No. 1,327 to a Civil Suit."

(Signed) J. C. HANNYNGTON,
Acting Civil Judge.

SUBMITTED for the orders of Government under Section 6, Regulation VII. of 1817.

2. Under the circumstances reported in the Collector's letter, the Board recommend that the Collector be authorized to deal with the property as an escheat on behalf of Government.

No. 355. ORDER THEREON, 31st October 1870, No. 1,674.

Miscellaneous.

AGREEABLY to the Board's recommendation, the Government authorize the Collector to deal with the property in question as an escheat. He should state the nature of the property and the mode in which he proposes to dispose of it on behalf of Government.

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

To the Board of Revenue.
,, the Accountant-General.

Exd. F. R. Bantleman.

Revenue Department.

No. 1674.

Proceedings of the Madras Government.

Under date the 31st October 1870.

Read the following Report
of the Board of Revenue.

(M.E. 3rd Nov. 1870. No. 1553.)

Agreeably to the Board's
recommendation, the Govt.
authorize the Collector to deal
with the property in question
as an escheat. He should
state the nature of the
property and the mode
in which he proposes to
dispose of it.

By Order,

(Sd.) [illegible]
Secy.

To the Collr. of Malabar.

Copy to the Board of Revenue.

Govt. of {1870} Madras.

REVENUE.

To

THE BOARD OF REVENUE,

&c., &c., &c.

Dated October, 31st.

Recd. Encl.

G. O., 31st October 1870, No. 1,674.

OCTOBER.
Nos. 354-355.

Property left by one Choyee in Malabar District.—Collector authorized to deal with it as an escheat, and to state the nature of the property and the mode in which he proposes to dispose of it.

From the Bd of Rev
G.O. Dated 31st Oct 1870.