M.R.O. 1—20,002—12-8-65.

(1) Number of Pages 12

(2) Date of repair

(3) Initials of the Referencer M.N.

MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No. / B.P. No.	1494	Press / Mis.
Dated	3 . 12 . 1874 ~~1896~~	

Not to be folded or roughly handled

No. 41. Read the following Proceedings of the Board of Revenue, dated 2nd November 1874, No. 3,144 :—

Read the following letter from the Hon. D. ARBUTHNOTT, Collector of Tanjore, to J. GROSE, Esq., Secretary to the Board of Revenue, dated 22nd September 1874, No. 301 :—

With reference to the Proceedings of the Board of Revenue, dated 22nd May 1871, No. 2,112, I have the honor to report that enquiries have been made as to the existence of dayadis, however distant, of the late Amba Bayi Ammal. The eleven persons, marginally noted, lay claim to the property. They allege that they and the deceased husband of Amba Bayi Ammal are descended from a common ancestor, one Sethu Pandit. Among these claimants, T. Venkasami Row is the Sheristadar of my Office, T. Kristna Row, the Deputy-Collector, Cuddappah, and T. Gopal Row, Acting Principal, College, Combaconum.

Kristna Row.	Soobboo Pundit.
Venkasami Row.	Bavoo Pundit.
Gopal Row.	Dadasami Row.
Jeevanna Pundit.	Kristnasami Row.
Devaji Row.	Ramachendra Row.
Ranganatha Row.	

2. I beg to forward, herewith, a copy of a genealogical table handed over to me by my Sheristadar, which shows the descent of the claimants from the common ancestor. The names of these persons are entered in red ink in the table.

3. They state that the table has been made out from a genealogical tree in the possession of one of the members of the family to which they belong, and from other family papers in their possession. These papers, it is alleged to show the descent down to their great grand-father of T. Venkasami Row, and that the rest is easily provable by the evidence of living witnesses.

4. I see no reason to distrust these statements. It is of course a question for the Courts to decide whether or not the descent of the claimants and the husband of Amba Bayi Ammal from a common ancestor has been established by sufficient evidence, but I certainly think that the relationship which they claim is very probable.

5. All these persons, I understand, intend to prosecute their claims to the Estate. The principal reason for their not having as yet instituted a regular suit to recover the property appears to be that the several sharers are living in different places and have found it difficult to come to a definite arrangement among themselves regarding it; and that most of them being poor, the more substantial among them will have to bear, or at all events to advance, the whole cost of the litigation. I beg to forward a statement given by my Sheristadar on the subject. I believe that they are earnest in their intention to prosecute their claims to the Estate.

6. I must here mention that an application was made by the claimants to the Civil Court for possession of the Estate under Act XIX. of 1841, but it was *rejected on the ground that the relationship set up was not of such a clear and unequivocal nature as to justify summary proceedings under that enactment, and the parties have been directed to establish their claim by instituting a regular suit.

*. Copy of Order enclosed.

7. Adverting to G.O., dated 6th July 1871, No. 1,163, I beg to state that Subbusami Panditor, the man who was in possession of the Estate, has died and the Estate has passed to his son. A formal notice was served upon Subbusami Pundit, calling upon him to surrender possession of the property, but he did not comply with the requisition. In a petition presented to Mr. Burrows, the late Acting Head-Assistant Collector (a translation of which I enclose), he stated that he and his heirs have been appointed by the late Amba Bayi Ammal to manage her Estates applying the profits to the maintenance of the several charities set on foot by her during her lifetime, and to the performance of daily, monthly, and annual acts of worship at various temples; that he performed the funeral rites of the late Amba Bayi and continued to perform her periodical ceremonies as well as those of her deceased husband, and that he could not without sin surrender the trust which had been imposed upon him. In the same petition he also alluded to a written will, and when questioned regarding it by Mr. Burrows, explained it to refer to a document which purports to be a general power of attorney. I enclose a translation of this document. Power is given thereby to Subbusami Pundit *in particular*, to register six deeds of gift of immovable property made in favor of several persons by Amba Bayi and to do all that was necessary in the Tahsildar's office for getting the Merassi register altered in accordance with those deeds, and *in general* that Subbusami Panditor and his heirs for ever should manage all her affairs and should faithfully conduct all the charities already existing and should hereafter be instituted by her, and should transact all business connected with [illegible] in Civil Courts or connected with the execution of bonds and the taking of bonds from others, and should in fact do every thing in connection with the Estate that might be proper and necessary. This document has been registered, and is regular in all respects.

8. It is, however, clear that this document can in no way help the party in possession, the late Amba Bayi having had no power whatever to make the alienations or to devote the property to charitable or other uses to the prejudice of the right of the dayadis to succeed to the inheritance, and failing them, to that of Government to claim the Estate as an escheat.

9. This being so, it seems to me that supposing that the relationship to the late Amba Bayi, which the claimants allege, is established, it follows that they are entitled to the Estate, there being no nearer relatives* and that they intercept the rights of Government to claim the property as an escheat; and, as they appear to have apparently a good title and intend to assert it, I do not think that any immediate action on the part of Government is necessary or can lead to any useful results. To prevent, however, the matter being lost sight of, the Collector might be called upon to report each year whether the aspect which the case has in the meantime assumed, has rendered any action on the part of Government necessary, and if the claimants should give up their claims or if the Courts should decide against them, a suit may be filed on behalf of Government. The period of limitation for the suit does not expire till February 1883.

* *Vide* Rayaningaru, V. Venkata Gopala Narasimha Row, M. H. C. R., Vol. VI., Part III, pp 282.

10. I beg to be favored with the Board's instructions on the subject.

ENCLOSURE No. 1.—Translation of a Muktiarnamah executed by Amba Bayi Ammal.

ENCLOSURE No. 2.—Memo put in by Venkasami Row, Sheristadar.

ENCLOSURE No. 3.—Copy of the Proceedings of the Civil Court of Tranquebar, dated 29th November 1871.

ENCLOSURE No. 4.—Translation of a petition presented to Mr. Burrows, Acting Head-Assistant Collector of Tanjore, by Soobboo Pundit.

ENCLOSURE No. 5.—Genealogical table.

SUBMITTED for the information of Government, with reference to G.O., 6th July 1871, No. 1,163.

2. The Board support the proposals made by the Collector in paragraph 9.

(A true Copy and Extract.)

(Signed) J. GROSE,
for Ag. Sub-Secy.

No. 42. ORDER THEREON, 3rd December 1874, No. 1,494.

[illegible] Council resolves to adopt the Board's suggestion.

(True Extract.)

(Signed) C. G. MASTER,
Acting Secretary to Government.

To the Board of Revenue.

Exd. G. A. Turton.

No. 3,144.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 2nd November 1874.

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Enclosure No. 5.—Genealogical table.

Submitted for the information of Government, with reference to G.O., 6th July 1871, No. 1,163.

2. The Board support the proposals made by the Collector in paragraph 9.

(A true Copy and Extract.)

J Grote

for Acting Sub-Secretary.

To the Acting Secretary to Government, Revenue Department,
with five original enclosures.

Copy to the Collector of Tanjore.

Exd. G. A. Turton.

REVENUE DEPARTMENT.

No. 3935

From Board of Rev. Dated 2nd November 1874.
No. 3144.

FOR ORDERS.

I would submit that the Board
do Govt. Tanjore Dist.
2nd. inst.

Dep. 23/11

Board of Revenue,
MADRAS.

PROCEEDINGS, 2ND NOVEMBER 1874, No. 3,144.

Desp. 11 Nov. 1874
Encl. 5 Ords

Received 12 November 1874.

NOVEMBER.

No. 3,144.

Estate of late Amba Bayi Ammal of Tanjore District who died without heirs.—Letter from Collector reporting on certain claims preferred in regard to—and stating that any immediate action on the part of Government is unnecessary, but that Government might be informed annually of the aspect of the case, and submitted to Government with Board's concurrence in Collector's proposals.

In 1494 3rd December 1874

By Order

C. Ellis

No 3935
No 1756
Rev 1874. Despatch

Ds 6 July/71 hs 53-57

Ex. 1494

R. P. to Collector
Report to Board, suggesting
Ord Proc
Ords
14 Nov Ord Proc
3rd Dec 74

C 23/11/74. R 26/11/74.

FOR ORDERS.

c 28/11/74. R 25/11/74.