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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

REVENUE DEPARTMENT

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Dated 6th December 1878 197 .

Not to be folded or roughly handled.

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1966
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GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

6th December 1878, No. 1,966.

Read the following paper :—

No. 72. Proceedings of the Court of Wards, dated 1st November 1878, No. 2,914.

Read the following letter from H. J. STOKES, Esq., Acting Collector of Madura, to C. A. GALTON, Esq., Acting Secretary to the Court of Wards, dated 30th September 1878, No. 367 :—

With reference to Board's Proceedings, No. 5,076, dated 26th November 1877, I have the honor to report that no special custom seems to exist in the Doddappanaickanur Zemindar's family regulating the succession. The succession has all along descended to sons, the Faisal Zemindar Doddappa Náyakkar having been succeeded by his son Tambi Sámi Doddappa Náyak, who in his turn was succeeded by his son Doddappa Náyak now dead. In the Kambala Tóttiya caste, to which Doddappa Náyak's family belongs, there appears to have been a custom prohibiting the succession of females to a Pâleiyam. But in this district in two instances this custom has been departed from (*vide* Collector's letter embodied in Board's Proceedings, No. 6,280, dated 4th September 1866).

2. In pursuance of her intention mentioned in paragraph 4 of Mr. McQuhae's letter embodied in the Board's Proceedings under reference, Kámalammal, the senior widow of the late Zemindar, has on the 19th April 1878 adopted a *dayadi* of her husband, a child of two years of age named Nulldadu Svámi Nayak. The adoption is reported to have been duly made and in the presence of relatives and with the sanction of the deceased as mentioned in paragraph 4 of the Collector's letter embodied in the Board's Proceedings, No. 9,892, dated 12th July 1877. The child adopted is the only son of its parents, who however have given him in adoption in expectation of further issue.

3. Kadiriyasvami Náyak, the brother of the late Zemindar, bases his title to the estate on an alleged will left by the deceased which on inquiry turns out to be an agreement by the Zemindar making over to his widows the pannai lands and other movable property. This gives him no right to the estate. Kadiriyasvami questions the validity of the adoption by the senior widow, on the grounds (1) that no necessity existed for adoption as he was a rightful heir, (2) that the adoption of an only son is against Hindu Law. I do not consider his title sustainable nor his grounds of disqualification valid. He appears also to have messed and lived separately from the deceased.

4. The only other rival claimant is Kandayyi, daughter of the late Minákshiyammal, second widow of the deceased. Her claim is defeated by the adoption.

2. In G.O., dated 27th June 1877, No. 2,124, the Government stated that they saw no occasion for interfering at present.

5. Under these circumstances I think that the adopted child is the legal heir, and that the estate should be registered in his name and placed under the management of the Court of Wards. Should Board and Government approve of this, I shall submit proposals for necessary arrangements.

6. Board's petitions Nos. 802, 803, and 819 of 1878 are returned herewith.

ENCLOSURES Nos. 1 to 3.—Petitions.

THE late Zemindar of Doddapanaickanur having left an undivided younger brother and two widows, the younger of whom was pregnant, it was agreed between them that if a male child was born it would succeed to the estate, and if not, the younger brother would become the Zemindar; and in their Proceedings, dated 25th May 1877, No. 2,376, the Court of Wards recommended that the estate should be taken under management, the younger brother being appointed Manager till the issue of the pregnancy was known.

3. In a letter recorded with Board's Proceedings, dated 26th November 1877, No. 5,076, the Collector reported the birth of a female child and recommended the registry of the estate in the name of the younger brother; but as he added that the elder widow had intimated her intention of adopting a son, the Board called for a report on the custom regulating succession in the family and drew attention to the fact that, although the late Zemindar had just before his death formally recorded his wish that his widows should be allowed to adopt a child, they themselves had consented to the succession of the younger brother in the event of the younger widow not giving birth to a male child.

4. From the Collector's letter of the 30th September it appears that there is no special custom regulating the succession in the family. The widows do not seem to have got on as amicably as they anticipated with the younger brother of their late husband, and the elder widow having adopted a son in accordance with the expressed wish of the deceased, the Court concur with the Collector in considering that the adopted child is the *primâ facie* heir to the estate, and sanction is solicited accordingly for the assumption of management.

(A true Copy and Extract.)

(Signed) J. STURROCK,
Acting Sub-Secretary.

No. 73. ORDER THEREON, 6th December 1878, No. 1,966.

Miscellaneous.

THE Government agree with the Board as regards the son adopted by the elder widow, but before any action is taken by the Board as Court of Wards on behalf of the minor, they will ascertain and report who is in possession of the property.

(True Extract.)

(Signed) L. A. CAMPBELL,
Under Secretary to Government.

To the Court of Wards.

Exd. A. F. Goodall.

1966
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REVENUE DEPARTMENT.

No. 5029.

From Board of Revenue

Dated 1st Nov — 1878.

FOR ORDERS.

Reports as to whether
persons were not
very close - Since
a person appears
during attempt to
the person entitled

The first question is who is in possession? If the widow is, we must sue on behalf of the minor, for a petition for summary possession (Act XII of 41 is hardly suitable - Rather unless Govt be cert stand. L.A.C. 29/11/78

1986
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No. 2,014.

PROCEEDINGS OF THE COURT OF WARDS, dated 1st November 1878.

Read the following letter from H. J. STOKES, Esq., Acting Collector of Madura, to C. A. GALTON, Esq., Acting Secretary to the Court of Wards, dated 30th September 1878, No. 867 :—

WITH reference to Board's Proceedings, No. 5,076, dated 26th November 1877, I have the honor to report that no special custom seems to exist in the Doddappanaickanur Zemindar's family regulating the succession. The succession has all along descended to sons, the Faisal Zemindar Doddappa Náyakkar having been succeeded by his son Tambi Sámi Doddappa Náyak, who in his turn was succeeded by his son Doddappa Náyak now dead. In the Kambala Tóttiya caste, to which Doddappa Náyak's family belongs, there appears to have been a custom prohibiting the succession of females to a Pálayam. But in this district in two instances this custom has been departed from (*vide* Collector's letter embodied in Board's Proceedings, No. 6,289, dated 4th September 1866).

2. In pursuance of her intention mentioned in paragraph 4 of Mr. McQuhae's letter embodied in the Board's Proceedings under reference, Kámulammal, the senior widow of the late Zemindar, has on the 10th April 1878 adopted a *dyadi* of her husband, a child of two years of age named Sulidada Swámi Náyak. The adoption is reported to have been duly made and in the presence of relatives and with the sanction of the deceased as mentioned in paragraph 4 of the Collector's letter embodied in the Board's Proceedings, No. 9,892, dated 12th July 1877. The child adopted is the only son of its parents, who however have given him in adoption in expectation of further issue.

3. Kadiriyasvami Náyak, the brother of the late Zemindar, bases his title to the estate on an alleged will left by the deceased which on inquiry turns out to be an agreement by the Zemindar making over to his widows the pannai lands and other movable property. This gives him no right to the estate. Kadiriyasvami questions the validity of the adoption by the senior widow, on the grounds (1) that no necessity existed for adoption as he was a rightful heir, (2) that the adoption of an only son is against Hindu Law. I do not consider his title sustainable nor his grounds of disqualification valid. He appears also to have messed and lived separately from the deceased.

4. The only other rival claimant is Kandayyi, daughter of the late Minákshiyammal, second widow of the deceased. Her claim is defeated by the adoption.

5. Under these circumstances I think that the adopted child is the legal heir, and that the estate should be registered in his name and placed under the management of the Court of Wards. Should Board and Government approve of this, I shall submit proposals for necessary arrangements.

6. Board's petitions Nos. 802, 803, and 819 of 1878 are returned herewith.

ENCLOSURES Nos. 1 to 3.—Petitions.

THE late Zemindar of Doddapanaickanur having left an undivided younger brother and two widows, the younger of whom was pregnant, it was agreed between them that if a male child was born it would succeed to the estate, and if not, the younger brother would become the Zemindar; and in their Proceedings, dated 25th May 1877, No. 2,376, the Court of Wards recommended that the estate should be taken under management, the younger brother being appointed Manager till the issue of the pregnancy was known.

FOR ORDERS.

C-28: Proofs R. 3rd Dec 78

2. In G.O., dated 27th June 187 , No. 2,124, the Government stated that they saw no occasion for interfering at prese t.

3. In a letter recorded with Boar 's Proceedings, dated 26th November 1877, No. 5,076, the Collector reported the birth of a female child and recommended the registry of the estate in the name of the younger brother; but as he added that the elder widow had intimated her intention of adopting a son, the Board called for a report on the custom regulating succession in the family and drew attention to the fact that, although the late Zemindar had just before his death formally recorded his wish that his widows should be allowed to adopt a child, they themselves had consented to the succession of the younger brother in the event of the younger widow not giving birth to a male child.

4. From the Collector's letter of the 30th September it appears that there is no special custom regulating the succession in the family. The widows do not seem to have got on as amicably as they anticipated with the younger brother of their late husband, and the elder widow having adopted a son in accordance with the expressed wish of the deceased, the Court concur with the Collector in considering that the adopted child is the *prima facie* heir to the estate, and sanction is solicited accordingly for the assumption of management.

(A true Copy and Extract.)

Acting Sub-Secretary.

To the Secretary to Government, Revenue Department,
with three petitions, to be returned; and copy of Board's
Proceedings, dated 26th November 1877, No. 5,076.

Copy to the Acting Collector of Madura.

Rd. G. Freeman.

Court of Wards,
MADRAS.
1878.

To
The SECRETARY to GOVT.
REVENUE DEPARTMENT.

Dated November 1st.
Printed 9th.
Received 18 Novembr.

PROCEEDINGS, 1st NOVEMBER 1878, No. 2,914.

NOVEMBER.
No. 2,914.

Doddapaikanur Zemindari—in Madura District.—Concurring with Collector in considering that the child adopted by the elder widow of the late proprietor of—is the *prima facie* heir to the estate, and soliciting sanction of Government for the assumption of management by the Court of Wards.

1946
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No. 5,076.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 26th November 1877.

Read the following letter from W. MCCRAE, Esq., Collector of Madura, to H. E. STOKES, Esq., Secretary to the Board of Revenue, dated 9th November 1877, No. 709:—

WITH reference to Board's Proceedings, dated 12th July 1877, Miscellaneous No. 9,892, communicating G.O., dated 27th June 1877, No. 2,124, I have the honor to report that Meenachi Ammal, the younger widow of the late Zemindar of Doddappanaikenur, gave birth to a female child on the 17th October 1877. I would therefore recommend that Kuthiriasamy Naick, the younger brother of the deceased Zemindar, be recognized as the proprietor and the estate accordingly registered in his name.

2. I beg also to state that the above Meenachi Ammal died on the 25th October.

3. As directed in the Board's Proceedings, dated 16th November 1871, No. 4,739, I have ordered the publication of a notice in three successive issues of the District Gazette.

4. Since writing the above a petition (translation enclosed) has been received from *Kamala Ammal*, the late Zemindar's senior wife, in which she claims to succeed to the Zemindari to the exclusion of her late husband's brother; and states her intention of adopting a son in accordance with the sanction given by the late Zemindar as mentioned in paragraph 4 of the Collector's letter embodied in the Proceedings of the Board of Revenue referred to above.

THE Collector is requested to report whether there is any special custom in the family regulating the succession. It appears from paragraph 4 of the Collector's letter of the 8th May last that the late Zemindar just before his decease formally recorded his wish that his two widows should succeed to the estate, and that they should be allowed to adopt, but in paragraph 5 it is stated that the widows consented to the succession of the younger brother of the deceased in the event of the younger widow not giving birth to a male child. The Collector should express an opinion with reference to the rival claims.

(A true Copy and Extract.)

(Signed) C. A. GALTON,
Sub-Secretary.

To the Collector of Madura.

Rd. W. J. Lewis.

1966/C

1877.

Board of Revenue,

MADRAS.

PROCEEDINGS, 26TH NOVEMBER 1877, No. 5,076.

Encl.

Received No 5029/78

NOVEMBER.

No. 5,076.

Daddapanaikenur Zemindari — in Madura District.—Requesting further report with reference to Collector's recommendation that — be registered in the name of Kethiriasamy Naick, younger brother of the deceased Zemindar.

Govt. of 1878: Madras.

REVENUE.

To

THE COURT OF WARDS.

Dated December 6th.

Printed 9th.

Read. 8th.

Sec ent 13-6-79.

DECEMBER.

Nos. 72-73.

Doddapanichenur Zemindari in Madura District.—Agreeing with the Board of Revenue as regards the son adopted by the elder widow of the late proprietor of the —, but before any action is taken by them as Court of Wards on behalf of the minor, requesting to ascertain and report who is in possession of the property.