

(1) Number of Pages 42(2) Date of repair 18-11-68(3) Initials of the Referencer S. G. S.

MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No.

138

Press

B.P. No.

Mis.

Dated

1-2-1876 196Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department.

1st February 1876.

Read the following papers:—

8. Proceedings of the Board of Revenue, dated 26th January 1876, No. 231.

Read the following papers:—

From M. Sr. A. GOODRICH, Esq., Acting Collector of Vizagapatam.
H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated
Madgole, 6th January 1876, No. 36.

I have the honor to make the following report for the information of the Board of Revenue and of Government.

2. The Zemindar of Madgole, Kristna Bhupati, died at Madgole on the 25th ultimo. The occurrence only became known to me on the 29th. I was then at Nursipatam, about to start through Golconda for a tour in the Gudum Hills. I marched northwards instead, and reached Madgole on the 1st instant.

3. The estate of Madgole situate partly in the civil jurisdiction of my Court as Agent to the Governor, partly in that of the District Judge of Vizagapatam, is held on a Sanad-i-Milkiat Istimrar.

4. I enclose a genealogical tree of the family since the time of the permanent settlement (enclosure 1). I also enclose extract (enclosure 2) from the register of permanently-settled estates kept in the Collector's Office, under Regulation XXV. of 1802, referring to Madgole.

5. The estate is described at pp. 293--295 of the Manual of the Vizagapatam District. The Zemindar at the time of the permanent settlement was Madgole Juganadha Bhupati, and the peshcush fixed on the estate was Rupees 32,000, the number of villages being seventy-seven janyats and twenty-six shrotrams. The peshcush is now reduced to Rupees 30,098.

6. The late Zemindar Kristna Bhupati was recommended by the Collector in his report (copy enclosed, enclosure 3) as the successor to Harihara Bhupati who died in 1832. Orders on this letter are not forthcoming, and Kristna's name was not registered as successor to the estate which was in the following year, 1833, put up to auction in satisfaction of the heavy arrears outstanding and bought by Government. Kristna Bhupati soon afterwards offered to pay the sum due on account of arrears. The Collector and the Board of Revenue recommended and the Government ordered that the Zemindari should be restored, which was done (enclosures 4 and 5).

7. The transactions most affecting the Zemindari since that date have been the alienation of the villages of Choodi-cada and Jugannadhaparam,* which now form a separate estate, and the transference in 1870 (see enclosure 2) of the whole Zemindari on usufructuary mortgage for eleven years to the Maharajah of Jeypore. Referring to this transfer I enclose translations of the letters received at the time from the Zemindars (enclosure 6).

8. On the 28th ultimo a letter (enclosure 7) was received at my Head-quarter Office from the late Zemindar advising the Agent to the Governor that he had made a will and authorized his elder wife to adopt a son.

*Proceedings of the Madras Government, Revenue Department,
1st February 1876.*

9. On the 28th instant, with the report of the Zemindar's death, I received from the Sub-Magistrate of Chodavaram a document purporting to be the original will of the late Zemindar which the elder widow had requested him to forward to me.

10. On the 2nd instant I had an interview in the fort with the lady who claims to be the senior widow. She claimed possession of the estate as heir to the deceased, and named Gopal Bhupala (an illegitimate kinsman of her husband's) and Veluppragada Narayana as persons who had authority to represent her at the inquiry which I then was about to conduct.

11. The two ladies are sisters, daughters of Bahubalandram Venkatakrishnam-raz, and of equal caste with their deceased husband. Seta Mahadevi was with the late Zemindar at his death, and is childless. She is the elder of the two. Nela-mani Mahadevi is the mother of the late Zemindar's only daughter who is married to Visvambhara Rao, brother of the Maharajah of Mysore. The two last-mentioned ladies were in Mysore at the time of the late Zemindar's death, but have now come down to Madgole. The younger lady confesses that she is the junior wife. The marriage ceremony, though performed on the same day by the late Zemindar, was performed with the elder sister Seta Mahadevi first according to the witnesses. The elder lady has been always looked on as the senior wife, and is so referred to in the letter. No such letter is forthcoming in the records. By her husband in his letter* to the Agent, of which I enclose an extract (enclosure 8).

12. The Mukhtiar and Agent of the Maharajah of Mysore is now in charge of the management of the Zemindari under engagements made by him with that Maharajah. The right to succeed to the possession of the estate being disputed, I have this day assumed charge of the Zemindari until the authority of a competent Court to receive possession be produced by some person or persons.

13. In so doing I have been guided by the facts of the case as ascertained on inquiry and my view of the law governing the case which precludes me, as I believe, from leaving the rival candidates in partial possession. The elder widow is in possession of the fort, the personal property, and the devi lands. To her father all the ancestral possessions and I see reason to apprehend a serious breach of the peace should the management of the estate be left with Lingam Lakshman before the rights of the claimants have been decided. Such danger was imminent before I arrived, and would arise again were Lingam Lakshman's possession to be respected.

I find that neither party is in complete possession of the Zemindari which is the subject matter of the dispute, and which the same as Magistrate of the District under Section 241, Criminal Procedure Code.

14. I have not, as Magistrate, the power to manage the estate, but believe that, as Collector, I have this power vested in me by Circular Order of the Board of Revenue dated 12th August 1862, and that precedents exist for my action (See Circular of the Sdco. Advmt. No. 4 of 1863).

15. I have now to recommend that the senior widow Seta Mahadevi be recognized as successor to the late Zemindar of Madgole, the junior widow's maintenance being secured to her. Madgole is an ancient Zemindari as distinguished

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1st February 1876.*

from a proprietary estate. The heirship thereto is by right of primogeniture. It is in the nature of a principality and impartible. This arises from the effect of a custom of such long duration that the general law is superseded by the custom. The estate is such that it can only be held by one member of the family at a time whilst it remains in the original family. The deceased Zemindar had no male issue, but two widows and one daughter (married).

16. It is alleged that the Madgole Zemindari has been divided. This may be, but a residue (viz., the estate as held by the Zemindar deceased and mortgaged to Jaypore) was left undivided. Their residue devolves in the old line to the heir of the ancestral property.

17. It is alleged that the late Zemindar transferred in 1870 his proprietary rights in the estate for a term of eleven years unexpired. The late Zemindar could not have transferred rights more extensive than he possessed, and his interest in the estate was strictly a life-interest.

18. It is alleged that the grant of the estate made by the Madras Government in 1834 to the late Zemindar was of a proprietary nature, and that he held the Zemindari as self-acquired.

This view would be worthy of consideration had the representative of the family at that time been passed over in the grantee's favor. This was not so; the late Zemindar, who was the grantee, was the representative of the family, and regarding him in that capacity "an ancient family was restored to its hereditary possessions and privileges." I quote the language of the Board of Revenue advocating the restoration which was sanctioned by Government explicitly on the grounds advanced by them.

19. I remark that authority to adopt a son is given to the elder widow (whom I hold to be the heir-at-law) in the document propounded as the late Zemindar's will. I do not feel called upon to express an opinion regarding the validity of this instrument, nor will I (acting under Section 239, Act X. of 1864) appoint an officer to take and keep possession of the property situate within my civil jurisdiction as Agent to the Governor until probate of the will be granted.

20. I find that the testator had no fixed abode in the agency tracts, and consider that the application for probate can be more conveniently disposed of in the Court of the District Judge of Vizagapatam (Section 241, Act X. of 1863).

21. I must apologize for the length of the above remarks, but the somewhat complicated nature of the case, and the necessity for my considering the grounds of action which I might take as Agent to the Governor, Collector or Magistrate severally, have prevented my view of the case from being more concisely stated.

P.S.—I have the honor to add that before leaving Madgole I had an interview with the younger widow of the late Zemindar. She brought her daughter (wife of Visvambhara Rao) down with her from Mysore.

2. She from terms of affection with her sister and disclaimed any intention of disputing the fact of her sister's seniority as wife of the deceased Zemindar to herself. She gave me to understand that she objected to her sister's adopting on the very reasonable ground that her own children are the only descendants of the late Zemindar, and that the family should, if possible, be continued in the male line.

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1st February 1876.*

which can claim blood relationship. I told her that, and as my report would leave the rights of all claimants to be decided before Civil Courts, and explained the necessity which had arisen for my assuming the management. She expressed herself in writing her distrust of Lingam Lakshmi and her unwillingness that any matter should be left in his hands.

3. Before leaving Madgole I assured myself that Gode Venkatappa Row is acting strictly within his commission, i.e., doing what is needful to prevent loss to the estate and strictly avoiding the appearance or reality of being a partisan of either side.

4. There was some inclination to mob Lingam Lakshmi on the night of the 7th when he left the place, but arrangements had been made, and no tumult took place.

5. Gopal Bhagat, an illegitimate—but the only near—kinsman of the late Zemindar, is with me in the hills.

(Signed) N. A. ROUBELL,
Ag. Prinl. Asst. for Collector.

Enclosure No. 1.—Genealogical Tree.

Enclosure No. 2.—Statement.

Enclosures Nos. 3 to 5.—Copies and translation of letters, &c.

From H. ST. A. GOODRICH, Esq., Acting Collector of Vizagapatam, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Madgole, 6th January 1876, No. 37.

In continuation of my report on the Madgole succession, this day forwarded, I have the honor to inform you that I have passed orders as stated in paragraphs 12 and 13 of that report, and that, in pursuance of the intention expressed in paragraph 14 thereof, I have appointed Gode Venkatappa Row to manage the estate of Madgole until the authority of a competent Court is produced by some person or persons. I can provide for the temporary performance of his duties as Manager of the Agent's Court without extra expense to Government.

Telegram from LINGAM LAKSHMAJI PANDIT, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated 21st January 1876.

SUBJECT.—Stating that the Collector has done injustice in attaching the Madgole Zemindari on the Zemindar's death while he was in actual possession of the property, and requesting early orders to withdraw the attachment.

SUBJECT FOR THE USES OF GOVERNMENT.

2. In his letters above recorded the Collector reports the death of the Zemindar of Madgole. His attachment of his estate situated partly in the Agency areas and partly within the jurisdiction of the District Judge of Vizagapatam, under Section 531 of the Code of Criminal Procedure, and the appointment of Gode Venkatappa Row to manage the estate as a temporary arrangement.

*Proceedings of the Madras Government, Revenue Department,
1st February 1876.*

3. It appears that the late Zemindar left no male issue, but two widows and a daughter by the junior widow married to a brother of the Maharajah of Jeypore. From a letter received by the Collector on the 23rd December purporting to have been written four days before the late Zemindar's death, it appears that he has made a will and authorized his elder widow to adopt a son.

4. The estate was mortgaged by the late Zemindar to the Maharajah of Jeypore in consideration of a loan of two lakhs of rupees for a term of twelve years from 1869-70 to 1879-80, and it appears that it, or the main portion of it, was duly transferred to the latter and registered by the Collector in his name.

5. The Collector apparently on the ground that the succession was disputed (by whom does not appear, as no rival claimant is mentioned) and that a serious breach of the peace was to be apprehended, if the management of the estate was left in the hands of the Agent of the Maharajah of Jeypore, attached the estate under Section 531 of the Code of Criminal Procedure. This section only applies to cases where the Magistrate is unable to satisfy himself as to the person who is in possession of the subject of dispute, and in the present case it does not appear that there was any doubt in the matter, as the estate appears to have been regularly transferred on usufructuary mortgage to the Maharajah of Jeypore, and to have been in his possession since 1869-70. The Collector states that the elder widow is in possession of the fort, personal property, and Serai lands; but, if these were excluded at the time of mortgage, as was probably the case, this fact would not throw any doubt on the question of possession. On these grounds the Board are of opinion that the Collector was not justified in attaching the estate, but they have no power to interfere, and they resolve, therefore, to submit the papers for the orders of Government and to inform the Collector by telegram that they consider the attachment illegal, if possession has been interfered with, and that the papers will be submitted to Government.

6. As regards Mr. Goodrich's power to manage the estate in his capacity of Collector, the Board observe that the cases referred to in the Circular Order and the decree of the Sadr Adawlat quoted are not analogous, as in those cases the property was already under attachment and the Collector was legally in possession.

(A true Extract.)

(Signed) C. A. GALTON,
Acting Secretary.

No. 8A. Telegram from LINGAM LAKSHMAJI PANDIT, Vizagapatam, to the Hon. D. F. CARMICHAEL, Secretary to Government, Revenue Department, Madras, dated 21st January 1876.

THE Zemindar of Madgole dying. Mr. Goodrich has done me and my paternal great injustice by dispossessing me as Mukhtar of Maharaja Jeypore for large advances, possessory mortgage of Madgole Zemindari and as registered lessee under him. Collector has taken away all my account books and records. Collector knows the Zemindari, registered in March 1870 in Jeypore's name, has been since in his possession, managed by me as his Mukhtar, holding as lessee, and paying all Government demands. Collector watered the idea that the late Zemindar's death gave the Zemindari to his widow.

INDIAN TELEGRAPH

Local No.
3804

To Station

Madras

From Station

Vizagapatnam

No.

Words

Time required for transmission

Official Instructions

105 31 7 45

By (Person)

Forble D. F. Carmichael
Secretary Govt

From (Person)

Lingam Lakshmi
- mapi Pandit

In continuation of
my twenty first
telegram I humbly
inform you that
Collector disposing me
all my grain
contracts are gone.
My arrangements for
meeting government and
other demands I have

RECD FROM

(L. L.)

SENT TO

(L. L.)

At

H.

M. on the

At

H.

M. on the

By

MADRAS 31-75

By

Date

Telegraphic Message

(P. 1) - Govt. Tel. Press. - 500000 - 4.1.75.

INDIAN TELEGRAPH.

Local No.

To Station

FROM Station

No. *Madras*Time required for transmission.
Morse time.

OFFICIAL INSTRUCTIONS—

Day. H. M.

To (Person)

FROM (Person)

Ind

fallen into confusion.
 Money is collected
 by collectors nominee
 my enemy. I
 am thus already
 subjected to great
 loss. The little
 madugola fort is
 the late raja's
 private dwelling. According
 to documentary terms
 only three pere

RECD. FROM

(L. L.)

SENT TO

(L. L.)

At

H.

M., on the

At

H.

M., on the

By

By

Date

MADRAS 31-1-76

Telegraph Route

INDIAN TELEGRAPH

To Station

From Station

No.

Work

The telegraph is to be used for the purpose of

Message

Official Instructions

Day

Month

Year

To Person

From Person

land were left
in possession
All of the zamindar
has been in
my sole possession
This does not
give collector jurisdiction
Address mutkhar and
agent jaypur and
lessee madugola zamindar

RECD FROM

(L. L.)

SENT TO

At

H.

M. on the

At

H.

M. on the

By

By

Date

MADRAS

(P. 1) - Govt. Tel. Press - 600000 - 5-1-76

Class.

P

INDIAN TELEGRAPH.

Local No.

2679

To (Station)

Madras

FROM (Station)

Vizagapatam

No.

Words

Time tendered for transmission
(Madras time.)

Official Instructions

226

188

Day.

H.

M.

TO (Person)

Honble D. F. Carmichael
Secretary Govt Revenue De-
partment

FROM (Person)

Lingam
Sethuramaji
Pandit

The Zamindar of madugula dying. Mr
Goodrich has done me and my principles
great injustice by dispossessing me as muk
of maharaja jayapur for large advances
possessory mortgages of madugula zaminda
and as registered lessee under him - Collec
has taken away all my account books and
records - Collector knows the zamindari regist
ed in march 1870 in jayapur name has bee
since in his possession, managed by me as his

RECD. FROM

(L. L.)

SENT TO

(L. L.)

At

H.

M., on the

At

H.

M., on the

By

MADRAS 21-1-76

By

Telegraph Master.

Date

21-1-76

(P. 1) - Govt. Tel. Post, - 500000, - 5-1-75.

Handwritten notes on the left margin, including dates and names, mostly illegible due to fading and bleed-through.

Class

INDIAN TELEGRAPH.

Local No.

To (Station)

From (Station)

No.

Words

Date of transmission

Day

H.

M.

Official Instructions

To (Person)

From (Person)

II

mukhtear, holding as lessee and paying all government demands - Collector entertains the idea that the late Zamindar's death frees the Zamindar from all liabilities. I also hold a long regular lease from the late Zamindar to commence immediately after Jayapur's demands are satisfied. No body has complained against Jayapur or my or disputed my possession - No breach of the peace - Collector has reported the matter to board and government - to save me and my principle from further loss I pray for orders by telegram to Collector to withdraw attachment - Address:

RECD. FROM

(L. L.)

SENT TO

(L. L.)

At

H.

M., on the

At

H.

M., on the

By

By

Date

MADRAS 21-1-76

Telegraph Master.

Class		INDIAN TELEGRAPH.		Local No.	
To (Station)		FROM (Station)			
No.	Words.	• This station is connected with Madrass (India).		Special Instructions—	
To (Person)		FROM (Person)			
<i>mulkar and agent for the maharaja of Jajapur and lessee of the madugula Zamindari</i>					
10		11		12	
13		14		15	
16		17		18	
19		20		21	
22		23		24	
25		26		27	
28		29		30	
31		32		33	
34		35		36	
READ FROM		(L. L.)		SENT TO (L. L.)	
AT H. M., on the				AT H. M., on the	
BY				BY	
Date		MADRAS 21-1-76		<i>[Signature]</i> Telegraph Master	

Telegram from Lingamdas
maji Pandit Vijayaram to
the Secretary Board of Revenue
Madras dated 31st January
1876

The Zamindar of Madras
gola dying Mr Goodrich has
died and my principal
great injustice by disposing
me as Mukhtar of Maharaja
Jayapur for large advances
the mortgage of
Madigola Zamindari and
as registered under
him. Collector has taken
away all my account books
and records. Collector
knows the Zamindari re-
gistered in March 1870 in
Jayapur name has been
since in his possession
managed by me as his
Mukhtar holding a bill

1876 24th

24th 24th

24th 24th

24th 24th

24th 24th

24th 24th

24th 24th

24th 24th

24th 24th

24th 24th

24th 24th

and paying all Government
demands. Collector notes.
Saves the idea that the late
Gumindari death frees the
Gumindari from all li-
abilities. Also holds a long
registered lease from the
late Gumindari to commence
immediately after pay-
ment of demands are satis-
fied. It is to be hady has been
planned against the
or myself or disputed
any possession. It is to be
of the peace. Collector
has reported the matter
to Board and Governor.
Sends to same for use
my principles for and
furtherance of law for
order by telegram to
Collector to withdraw attachment

Address Muktar and agent
for the Maharaja of Jayapuri
and lease of the Madigola
Gumindari.

/True Copy/

Chaitan
by Secretary

Harbinder
C. D. Miller

Vengalpetam Collector's Office

Camp Madgole

12 January 1876.

(1237)

From,

W. S. L. Goodrich Esq.,

Sy Collector.

To, Mr. C. Stokes Esq.,

Secretary to the Board of Revenue
Madras

Sir,

In continuation of my Report
on the Madgole succession this day
forwarded I have the honour to
inform you that I have passed
orders as stated in paras 12 and 13
of that Report, and that in pursu-
ance of the intention expressed in
para 14 thereof, I have appointed
Gode Venkattappa Row to manage
the estate of Madgole until the
authority of a competent court
is produced by some person or
persons

Handwritten text on a separate piece of paper, likely a receipt or acknowledgment, mentioning "Received" and "Madgole".

persons. I can provide for the
temporary performance of his
duties as manager of the Agents
Court without extra expenses
to Government.

I have &c

(Signed) St. Goodrich
Agent Collector

(True Copy)

W. C. C. C.
Secretary

W. C. C. C.
copy

Proceedings of the Board of Revenue
date 26th January 1876, No 2342

Read letter from the Collector
of Vizagapatam dated 6th January 1876 No 236
reporting death of the zemindar and assumption
of the management of the Madgole
zemindari.

Read again letter from D. dated 6th Janu-
ary 1876 No 237 reporting having appointed a
temporary Manager of Madgole zemindari
Gud Venkatalappa Row Agency Manager.

Read also Telegram from Lingam
Lakshminjee Pundit Agent of the Maha-
rajah of Mysore dated 21st January 1876
stating that the Collector has done injustice
in attaching the Madgole zemindari on the
zemindar's death, while he was in actual
possession of it under a lease, and requesting
early order to withdraw the attachment.

Submitted for the orders of
Government.

In his letter above recorded the
Collector reports the death of the zemindar
of

Enclosed in the
proceedings of the Board
of Revenue to the Secretary
to Government (D.P.)
dated 26th January 1876

12
Jan 31/76

Received a letter from
the Collector of Vizagapa-
tam reporting having
appointed as tempo-
rary Manager of
Madgole Zemindari
Gud Venkatalappa
Row Agency Manager
No 127
26th January 1876

of Madgole, the attachment of his
Estate, situated partly in the Agency
tracts and partly within the jurisdiction of
the District Judge of Vizagapatnam, under
Section 531 of the Code of Criminal Pro-
cedure and the appointment of Gode
Venkatasappa Rao to manage the Estate as
a temporary arrangement.

3. It appears that the late Zemindar
left no male issue, but two widows
and a daughter by the junior widow
married to a brother of the Maharajah
of Mysore. From a letter received by the
Collector on the 28th December purporting to
have been written four days before the
late Zemindar's death it appears that he has
made a will and authorized his elder widow to
adopt a son.

4. The Estate was mortgaged by the late
Zemindar to the Maharajah of Mysore in
consideration of a loan of two lakhs of rupees
for a term of 11 years from 1867-70 to 1877-80 and it
appears that before the mortgage deed was duly transferred

to the latter and registered by
the Collector in his name.

5. The Collector apparently on
the ground that the succession
was disputed (by whom does not
appear as no rival claimant
is mentioned) and that a

serious breach of the peace was
likely apprehended if the ma-

management of the Estate
was left in the hands of the
agent of the Maharajah

of Mysore, attached to the
Estate under Section 531
of the Code of Criminal

Procedure. This section
only applies to cases where
the Magistrate is unable
to satisfy himself as to
the person who is in possession
of the subject of dispute.
and in the present case
it does not appear that
there was any doubt
in the matter, as the
estate appears to have
been regularly trans-
ferred in usufructuary
mortgage to the Maha-

rajah of Jaipur and to
have been in his possession
- in since 1869-70. The
Collector states that the
elder widow is in possession
of the Govt. personal
property and civil land
but if these were
included at the time
of mortgage, as was
probably the case, this
fact would not throw
any doubt on the

question of possession.

On these grounds, the Board are of opinion that the collector was not justified in act.

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the orders of Government and to inform the collector by telegram that they consider the attachment illegal, if possession has been interfered with, and that the papers will be submitted to Government.

6. As regards Mr. Goodrich's power to manage the Estate in his capacity of collector the Board observe that the cases referred to in the Circular Order and the decree of the Sadar Court but go to are not analogous, as in those cases the property was already under attachment and the Collector was legally in possession.
(True Extract)

Calcutta
24th January
To The Secretary to Government Revenue Dept.
with original letter & enclosures to him
referred & copies of a & c letter & telegram

G. M. S.

Rev. Sept 29

Prop. Bd. Rev. d/26-1-76

...the case is urgent & the facts clear. This is the report for which it was agreed to wait, last formal. I presume an order like the following will be prepared.

No 105 d/1 February 1876

The Group, suitably agreed with the Bd of Rev that the collector's procedure in attaching the estate & placing in a manager is illegal. He will be denied by telegram to withdraw the attachment & to place the estate in statu quo. He states that he is then one of the representatives of the Mysore Maharaja, he was formerly manager, is wholly to be absolved into some disbursements in the estate. It will be the duty of the Bd to present his ownership, he appears to have done so & it is never different from the fact that his management has been going on peaceably for several years.

[The interest of the estate, the

14th November 1874 No 105

...the case is urgent & the facts clear. This is the report for which it was agreed to wait, last formal. I presume an order like the following will be prepared.

No 105 d/1 February 1876

No 105 d/1 February 1876

No 105 d/1 February 1876

No 105 d/1 February 1876

No 105 d/1 February 1876

No 105 d/1 February 1876

No 105 d/1 February 1876

late Zammale's
interest was not a life interest
only, as supposed by the collector.
There is no question, however, of his
having sold the property; he raised
a mortgage on it and placed the
mortgage in possession for a term of
years which expires in 1880. The
transaction was publicly registered,
and must prevail - even if there
had been male heirs & these were
promised to suppose collusion and
fraud - which is not the case
course of law. But it is quite clear
from the correspondence which is
submitted that the affair was brought

to the registration of the estate in
the public books. There being no male
heirs, the two widows were the only
one alone as determined by the collector -
as he gave receipts to both the
widows. Neither of which is the usual
way. Thus the will is registered accordingly
unless such registration is prohibited by any
competing law. The contention between
the widows as to the estate is a matter
for judicial decision, unless they

can dispose of it unconditionally
The registration, which is not a mortgage
to say, will not affect the mortgage's
possession. The widows are the proprietors
of the estate, as it stands; but subject to
the liabilities created by the late
Zammale's mortgage and until they
can successfully impeach the mortgage
in the established tribunals.

29/1/80

Received of the Collector of the District of
the Revenue of the District of
the Revenue of the District of

Mr. J. H. Smith

Indy. Ind. 10/1/1905
to Prof. 3/1/05

Mr. J. H. Smith

from order
deducted - 10/1/1905
also following balance to
Col. A. J. Smith of 10/1/1905
Heads - proceeds of sale
of land - place in hands of
State - duty Police
check at time

J. H. Smith
Indy. Ind.