M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1474 Press Mis.

339.340

Dated 24 . 7 . 1861.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 24th July 1861.

No. 339. Read the following Proceedings of the Board of Revenue, dated 23rd July 1861, No. 3,934:—

Read the following letter from the Collector of Madura, dated 18th July 1861, No. 178.

(In Cons. 22nd July 1861, No. 4,505.)

1. Ordered that the above letter be submitted to Government with the Board's recommendation that the defence of the suit at the public expense be authorized, and that the papers be referred to the Government Pleader; that an answer may be prepared by him for filing in the Court, the date for doing which is fixed for 12th August next.

2. The object of the suit is to compel the Collector to recognize an assignment made to the Plaintiff in 1858 by the present Zamíndárni of Ramnad, of certain villages included in the Estate, and to apportion the share of the Peshkash due on them.

3. The Board in their Proceedings of 9th March 1861, No. 1,330, submitted their views on the question for the consideration of Government.

4. The Board are of opinion that the present plaint can be amply defended by pleading.

That the Revenue Officers cannot be compelled to register an assignment contrary to law;

That Section 8 Regulation XXV. of 1832, provides that assignment shall be respected by the Officers of Government only when made in accordance with laws and regulations;

That under the Hindu Law a childless widow is not competent to assign away any portion of her deceased husband's hereditary landed property;

That the Government as *ultimus hæroes* have an interest in this Estate, which is without legal heirs, apparent or presumptive;

That should this plea be overruled, and the finding of the Civil Judge of Madura in Original Suit No. 1 of 1860 be upheld, then by that decree it has been declared that the Proprietress has heirs, and without their consent any alienation of the property is illegal.

Board's Proceedings, No. 2,096, dated 23rd April 1861.
Government Proceedings, No 1,006, Revenue Department, dated 6th May 1861.
Board's Proceedings, No. 3,119, dated 14th June 1861.

5. Again, by the Decree above quoted, No. 1 of 1860, it has been declared by the Civil Judge that the whole of the Ramnad Estate was alienated by the Proprietress in 1847, to Mutu Vijya Ragunada Muturamalingum, who is alleged to have been adopted by her.

6. If then this adoption be valid, the adopted son was of age when the assignment claimed by the present Plaintiff was made, and it was not competent to the widow to alienate any portion of her son's property, and the alienation being therefore illegal the Government are at liberty to refuse to recognize the act of the Proprietress.

7. The time for putting in the answer being so short, the Board request early instructions.

(A true Extract.)

(Signed) W. HUDLESTON, *Secretary.*

No. 340. ORDER THEREON, 24th July 1861, No. 1,474.

The paper will be forwarded, as the Board suggest, to the Government Pleader, who is requested to prepare the answer and furnish the Collector with such instructions as may be necessary for the conduct of the defence.

(Signed) J. D. SIM,

Secretary to Government.

competent to assign away any portion of her de-
-ceased husbands hereditary landed property.

that the Government as ultimus hæres
have an interest in this estate which is with-
-out legal heirs apparent or presumptive.

that should this plea be overruled, and the
finding of the Civil Judge of Madura in C.S.
No 1 of 1860 be upheld, then by that decree it has
been declared that the Proprietress has heirs, and
without their consent any alienation of the pro-
-perty is illegal.

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1860 it has been declared by the Civil Judge
that the whole of the Ramnad Estate was aliena-
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Ragunadha Muturamalingum, who is alleged
to have been adopted by her.

6 If then this adoption be valid, the
adopted son was of age when the assign-
-ment claimed by the present Plaintiff was
made, and it was not competent to the widow
to alienate any portion of her sons property, and
the alienation being therefore illegal the Govern-
-ment are at liberty to refuse to recognise the
act of the Proprietress.

7 The time for putting in the answer being
so short, the Board request early instructions.

I/ A true Extract/

I. Anderson

Secretary.

Board's Progs No 2096
of 25th April 1861
Govt Progs No 1106 R.T.
of 6th May 1861
Board's Progs No 3119
of 14th June 1861.

To J. D. Sim Esqr
Secretary to Government
Revr Deptt

Ex Kindly file. M Balakistnah.

N-6 May 62 Nos 57-58
N 26 June — 262-262
Copy in a Letter to E.
of 13th September 61
N-110

Rec'd 1861 Despatch
Sec. of Govt — No 1769.

Proceedings of the Bd. of Revenue.

Dated 23d
Dep. 23
Rec'd 24th July 1861
Encs 1 - 2 Encs.

Enclosure No 3934

From Govt Pleader 20th in Rec of Govt 27th July 1861 No 3997 & 3998

Submitting a letter from the Collector of Nadiad reporting on O.S. No 6 of 1861 and recommending that its defence at the public expense be sanctioned.

Forms 30 Pend 23 July 61
No 2347 in Pos II Dis No 197

No 1171 - 24 July
Write an order

Encl 4774.

"The papers will be forwarded as the Board suggest to the Govt Pleader who is requested to prepare the answer and furnish the Coll with such instructions as may be necessary for the conduct of the defence.

Entered
24th July 1861.

4 Copies to the Govt Pleader Dis 25
3 — to the Govt Pleader with 3 Encls

No 3997 & 3998.

Encl 25 Dis 25.