

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 843	<u>Press</u> <u>Mis.</u>
180-181	
Dated	15-5-1863

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
15th May 1863.*

No. 180. Read the following letter from CLEMENT DALE, Esq., Government Pleader, Madras, to J. D. SIM, Esq., Secretary to Government, Revenue Department, Fort Saint George, dated Madras, 29th April 1863, No. 35:—

SIR,

1. With reference to the Order of Government of the Governor in Council that the R. A. S. No. 35 of 1861, on the file of the late Court of Sudder Adalat, came on for hearing before the High Court on the 19th and 26th ultimo, when their Honors the Judges were pleased to pass an Order requiring the Civil Judge of Madura to decide issues as shown in that order, a copy whereof accompanies.

2. The Judges immediately after the argument intimated the nature of the issues they should require the Judge to decide, but it was not till sometime after, that I received the copy of the Order; so far as my memory serves me the terms of the issue are more confined than were expressed from the Bench. I think, however, they are sufficient to enable the whole question to be settled.

3. The Collector should be prepared to prove the existence at the time of the adoption of male kindred of the late Zamindar Ramasawmy Sathoopathy, whose authority for the alleged adoption was not given. It would be well to show to the Court what kindred was then in existence. The Government Vakeel at Madura should be careful to object to the admission of documents or statements which are not evidence.

IN THE HIGH COURT OF JUDICATURE AT MADRAS, 26th MARCH 1863.

Present.

The Honorable Mr. JUSTICE STRANGE.

The Honorable Mr. JUSTICE FREER.

Regular Appeal No. 35 of 1861.

Collector of Madura (2nd Defendant) Appellant, by Mr. J. R. Boyson, Attorney.

Srimatoo Muttu Vijaya Raghunadha Muttu Ramalinga Satupati, styling himself the adopted son of Ramasawmy Satupati, the late Zamindar of Ramnad, and of the 1st Defendant (Plaintiff) Respondent, by Messrs. Norton, Branson and Honorable V. Shadagopa Charlu.

1. The Plaintiff in this Suit seeks to establish his position as adopted son of the 1st Defendant, his title being called in question by the 2nd Defendant, who, on behalf of the Government, has intimated that the property will escheat on the demise of the 1st Defendant.

2. The Plaintiff sets out with the declaration that the adoption was made under the provisions of a Razeenamah in Suit No. 3 of 1843, on the file of the Civil Court of Madura, the requirements of the Hindu Law, and with the permission of the 1st Defendant's mother-in-law and her relatives.

3. We require the Civil Judge to decide the following issue:—

I. Was the adoption made with the authority of Muttuveerayee Nauchear, widow of Annasawmy, *alias* Ragoonadha Satupati, or with that of any others of the kindred of the late Zamindar Ramasawmy Sathoopathy, in whose behalf the said adoption was made?

II. The Civil Judge towards deciding the said issue is to require the Plaintiff to file copies of the Pleadings and Razeenamah in the said Suit No. 3 of 1843, and is to admit such further evidence bearing on the issue as the respective parties may offer, and in framing his Judgment on the issue is to set forth in full the facts and reasons on which he may base his Judgment.

(True Extract.)

(Signed) THOMAS WILKINS,
Acting Deputy Registrar.

To J. R. BOYSON, Esq., Government Solicitor of the High Court.

No. 181. ORDER THEREON, 15th May 1863, No. 843.

Communicated to the Board of Revenue, whose attention is called to the remarks in paragraph 3 of this letter.

(Signed) J. D. SIM,
Secretary to Government.

From Clement Dale Esquire Government Pleader Madras.
To W. D. Sim Esquire Secretary to Government.

Madras 29th April 1863.

Sir

Para 1 With reference to the Order of Government of the date and number noted in the margin, I have the honor

to report for the information of the Honorable

The Governor in Council that the R. A. S. N^o 35 of 1861 on the file of the late Court of Chudder Adalat came on for hearing before the High Court on the 19th and 26th ultimo when their honors the Judges were pleased to pass an Order requiring the Civil Judge of Madura to decide issues as shown in that Order, a copy whereof accompanies.

2 The Judges immediately after the argument intimated the nature of the issues they should require the Judge to decide, but it was not till some time after that I received the copy of the Order; so far as my memory serves me the terms of the Order are more confined than were expressed from the Bench. I think however they are sufficient to enable the whole question to be settled.

3 The collector should be prepared to prove the existence at the time of the adoption of Chale Hindred of the late Zemindar Ramasawmy Rathoopathy whose authority for the alleged adoption was not given. It would be well to show to the

I have the honor to be
Sir
Your Most Obedt. servant,
Wm. L. Atch.
Government Pleader,

(With an envelope)

Dated 29th April 1863.
Recd 10th June.

10357

Dear Mr. Webb
most cordially,
Yours ever & affectionately,
D. D. Brown

P.S. Secretary to Government

W. 843-15th Street
St. Louis, Mo.

Communicated to the Board of Revenue
whose attention is called to the remarks in
para 3 of this letter. — 84/1

Revenue
No in to
Reputed to Gaylan
262.
June 26 / 61
March 21 1865
23-1209

Fort St. George
15 May 1863
to Board of Revenue Calcutta