

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 2460

Press
~~Mis.~~

185. 186

Dated

11/10. 1865.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
11th October 1865.*

No. 185. Read the following Proceedings of the Board of Revenue, dated 23rd September 1865, No. 5,953.

Read the following letter from D. F. CARMICHAEL, Esq., Collector of Vizagapatam, to R. A. DALYELL, Esq., Acting Secretary to the Board of Revenue, dated 31st August 1865, No. 653 :—

SIR,

1. I have the honor to forward copy of a letter from the Principal Assistant, submitting an Arzi from Sri Sagi Subhadraya, Proprietrix of the Wurutla estate. This lady desires formally to notify the adoption of a son; her brother's child. It is stated that one of my predecessors, Mr. Smollett, was made acquainted with the adoption at the time, but this was by word of mouth only; there is no written communication on the records.

2. However, it will be apparent, from the following statement, that it is useless to discuss (much more to contest) the adoption. The lady's husband had numerous brothers and nephews, and if there is any contention at her death, it will be between those parties on the one side, and the adopted son on the other. The present is no case for the doctrine of *ultimus hæres*.

3. The Wurutla estate was purchased at the permanent settlement by the late Rajah of Vizianagram.

II. He transferred it by private sale to one Ramachandra Raz, on the 5th February 1810, as appears by our register.

III. This vendee fell behind with his payments to Government, and the estate was sold by public auction, and bought by a lady named Dautaluri Aççhaya—*Vide* Board's Proceedings 17th September 1832.

IV. Dautaluri Aççhaya, as appears again by our register, transferred the estate by gift to her daughter, the present proprietrix, on the 10th February 1843.

4. The estate, therefore, will go by the descent prescribed by Hindu Law for Stridhanam, or woman's peculiar property; and in the absence of nearer heirs of the present proprietrix, it would go to her husband's kinsmen. Whether the adoption is *bonâ fide* and valid, or whether it is set up to aggrandize a member of her own family at the cost of the better claims of her late husband's family, are questions which a Court of Law is alone competent to decide. It does not appear to me that the Government has any concern with them, and I suggest that I may be authorized to notify the same to the petitioner. I would use the following terms, "It appears that your late husband left numerous kinsmen. The recognition or otherwise by Government of the alleged adoption is not called for under such circumstances."

5. As Mr. Bowell's letter correctly summarizes the contents of the proprietrix's Telugu petition, it has not been thought necessary to submit a translation of the latter document.

ENCLOSURE No. 1.

From J. A. C. BOSWELL, Esq., Acting Principal Assistant Collector, to D. F. CARMICHAEL, Esq., Collector of Vizagapatam, dated Nursipatam, 29th August 1865, No. 115.

1. I have the honor to forward, for your consideration, an Arzi* addressed to me by Sri Sagi Subhadraya Garu, Proprietrix of Wurutal, with its enclosures.

* Return requested.

Proceedings of the Madras Government, Revenue Department,
11th October 1865.

2. It appears that her late husband during his life, adopted a son; that both he and the adopted son successively died; that the widow has since adopted as son, one Raja Venkata Suryanarayana Jaganadharaz in conformity with Section 74, page 20 of Sir Thomas Strange's (English) Manual of Hindu Law, and that the boy adopted is her brother's son, which is agreeable to Section 91, page 22 of the said Manual. The proprietrix states that she has been led to seek sanction for the said adoption, in order to answer a call made by the Inam Commissioner through the Tahsildar of Golgondah, with reference to a settlement made by the Deputy Collector, Inam Commission, of certain Inams in the name of the said Raja Venkata Suryanarayana Jaganadharaz as her adopted son. The proprietrix's brother-in-law, Raja Jaganadharaz Bahadur, stated to me that he personally reported the adoption at the time to Mr. Smollett, the then Collector, but that the family having proceeded to Benares, they heard nothing more at the time of the matter.

(True Copy.)

(Signed) D. F. CARMICHAEL, Collector.

Submitted for the information of Government, with the Board's recommendation that the Collector be authorized to inform the proprietrix that Government have no concern in the matter.

No. 186.

ORDER THEREON, 11th October 1865, No. 2,460.

Miscellaneous.

The Government approve and sanction the adoption of the proposed course.

(True Extract.)

(Signed) W. HUDLESTON,
Acting Secretary to Government.

To the Board of Revenue.

Exd. S. T. Augustin.

No. 5,953.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 23rd September 1865.
Read the following letter from D. F. CARMICHAEL, Esq., Collector of Vizagapatam, to R. A. DALYELL, Esq., Acting Secretary to the Board of Revenue, dated 31st August 1865, No. 653:—

1. I have the honor to forward copy of a letter from the Principal Assistant, submitting an Arzi from Sri Sagi Subhadraya, Proprietrix of the Wurutla estate. This lady desires formally to notify the adoption of a son, her brother's child. It is stated that one of my predecessors, Mr. Smollett, was made acquainted with the adoption at the time, but this was by word of mouth only; there is no written communication on the records.

2. However, it will be apparent, from the following statement, that it is useless to discuss (much more to contest) the adoption. The lady's husband had numerous brothers and nephews, and if there is any contention at her death, it will be between those parties on the one side, and the adopted son on the other. The present is no case for the doctrine of *ultimus heres*.

3. The Wurutla estate was purchased at the permanent settlement by the late Rajah of Vizianagram.

ii. He transferred it by private sale to one Ramachandra Raz, on the 5th February 1810, as appears by our register.

iii. This vendee fell behind with his payments to Government, and the estate was sold by public auction, and bought by a lady named Dautaluri Agghaya—Vide Board's Proceedings 17th September 1832.

iv. Dautaluri Agghaya, as appears again by our register, transferred the estate by gift to her daughter, the present proprietrix, on the 10th February 1843.

4. The estate, therefore, will go by the descent prescribed by Hindu Law for Stridhanam, or woman's peculiar property; and in the absence of nearer heirs of the present proprietrix, it would go to her husband's kinsmen. Whether the adoption is *bonâ-fide* and valid, or whether it is set up to aggrandize a member of her own family at the cost of the better claims of her late husband's family, are questions which a Court of Law is alone competent to decide. It does not appear to me that the Government has any concern with them, and I suggest that I may be authorized to notify the same to the petitioner. I would use the following terms, "It appears that your late husband left numerous kinsmen. The recognition or otherwise by Government of the alleged adoption is not called for under such circumstances."

5. As Mr. Boswell's letter correctly summarizes the contents of the proprietrix's Telugu petition, it has not been thought necessary to submit a translation of the latter document.

ENCLOSURE No. 1.

From J. A. C. BOSWELL, Esq., Acting Principal Assistant Collector, to D. F. CARMICHAEL, Esq., Collector of Vizagapatam, dated Nursipatam, 29th August 1865, No. 115.

1. I have the honor to forward, for your consideration, an Arzi* addressed to me by Sri Sagi Subhadraya Garu, Proprietrix of Wurutla, with its enclosures.

* Return requested.

2. It appears that her late husband during his life, adopted a son; that both he and the adopted son successively died; that the widow has since adopted as son, one Raja Venkata Suryanarayana Jaganadharaz in conformity with Section 74, page 20 of Sir Thomas Strange's (English) Manual of Hindu Law, and that the boy adopted is her brother's son, which is agreeable to Section 91, page 22 of the said Manual. The proprietrix states that she has been led to seek sanction for the said adoption, in order to answer a call made by the Inam Commissioner

through the Tahsildar of Golgondah, with reference to a settlement made by the Deputy Collector, Inam Commission, of certain Inams in the name of the said Raja Venkata Suryanarayana Jaganadharaz as her adopted son. The proprietrix's brother-in-law, Raja Jaganadharaz Bahadur, stated to me that he personally reported the adoption at the time to Mr. Sinollett, the then Collector, but that the family having proceeded to Benares, they heard nothing more at the time of the matter.

(True Copy.)

(Signed) D. F. CARMICHAEL,
Collector.

Submitted for the information of Government, with the Board's recommendation that the Collector be authorized to inform the proprietrix that Government have no concern in the matter.

(True Copies and Extract.)

R. B. Salun
Acting Secretary.

To W. Hudleston, Esq., Acting Secretary to Government, R. D.
,, D. F. Carmichael, Esq., Collector of Vizagapatam.

No. 2460.
The Govt approve & sanction
the adoption of the proposed course

14. Decr Board of Revs 12 Oct 1865

11. Octr 1865.

24. 2. 11

Recd. 1865.
Pro: of Govt for Collr
Department.

PROCEEDINGS OF THE BOARD OF REVENUE,
No. 2741

Dated 23rd September 1865.

Sept 23-80
22. 11. 58

No. 5,953.
For the Proprietrix 4th 1865
22. 11. 58.

Submitting letter from the Collector of Vizagapatam regarding the adoption of a son by the Proprietrix of the Wurula estate, and recommending that the Collector be authorized to inform her that Government have no concern in the matter.

Exd. J. Wright.

24/10/1865 29 Oct 65

24/10/1865 29 Oct 65

No. 2460 - 11. Oct 1865

With order