

(1) Number of Pages 16
(2) Date of repair 28/11/67
(3) Initials of the Referencer 23.6.68

MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No.
B.P. No.

1230

Press
Mis.

Dated

14/8/1875 196 .

Not to be folded or roughly handled

No. 148. Read the following Proceedings of the Court of Wards, dated 5th August 1875, No. 2,185 :—

Read the following :—

Letter from A. McC. WEBSTER, Esq., Collector of South Canara, to H. E. STOKES, Esq., Acting Secretary to the Court of Wards, dated Mangalore, 23rd July 1875, No. 1,393.

I HAVE the honor to report, for the orders of the Court of Wards, the case of a minor by name Sarvottam Rau of Brahmawar in Udipy Taluq.

2. The age of the minor is now four years, seven months, and twenty-three days, and he will attain his majority on 1st December 1891.

3. The minor is the son of one Rama Rau by Shita Bye. Rama Rau was the adopted son of one Sarvottam Rau, deceased.

4. Rama Rau died about eighteen months ago, and his widow Shita Bye, who had obtained from the Court a certificate under Act XXVII. of 1860 to collect debts due to the deceased, died in February last. The deceased Rama Rau's property is situated in three taluqs; but neither his death nor that of his widow was reported to me, and the first intimation I had that the minor was left an orphan was by a petition from his maternal uncle at the end of last May.

5. On my instituting inquiries, I find that the only relations the minor has on his father's side are his paternal grandmother by name Bhagirati Bye, the widow of Sarvottam Rau, and her widowed daughter Rama Byo. Koti Krishna Rau, the minor's maternal uncle, and his mother are the minor's relations on his mother's side.

6. The minor is a Deshastha Brahmin in which caste property descends from father to son.

7. Bhagirati Bye and Rama Bye live in the family house at Brahmawar. The minor's mother two months after the death of her husband came to Mangalore, and until her own death used to live with her mother at that place. For some time the minor lived with his paternal grandmother in the family house at Brahmawar, and for some time with his mother at Mangalore. He was living with his mother at Mangalore when she died, and since then has been taken care of by his maternal uncle K. Krishna Rau.

8. Shita Bye before her death appears to have executed a will by which she appointed her brother Koti Krishna Rau as the future guardian of the minor.

9. After Shita Bye's death, Bhagirati Bye claimed the boy from his uncle K. Krishna Rau; but, meeting with a refusal, applied to the District Court. Her application for the custody and guardianship of the minor under Act IX. of 1861 was rejected, the Judge being of opinion that the will of the deceased Shita Bye enabled Krishna Rau to retain possession of the child.

10. From this order Bhagirati Bye has appealed to the High Court, but the case has not yet been disposed of.

11. Both K. Krishna Rau and Bhagirati Bye have applied to the District Court for certificates of heirship under Act XXVII. of 1860, and their applications are pending; but the scope of this Act being simply to protect debtors of the minor's estate, the jurisdiction of the Court of Wards will not be ousted thereby.

*Proceedings of the Madras Government, Revenue Department,
14th August 1875.*

12. The Tahsildar was not able to procure any reliable information from Bhagirati Bye, who is now in possession of the real and most of the personal property of the minor, and of the accounts showing the value of the estate. It appears, however, that the lands belonging to the estate pay an assessment of Rupees 1,560 a-year, and that the family has personal property, including jewels, &c., to a considerable amount, the value of the entire property being estimated at about a lakh of Rupees. I am unable to give any definite information as to the nature and extent of the property left by the minor's father, as my powers of interference are restricted, pending the decision of the Court as to whether the minor shall be made a ward of the Court, a course that I beg to recommend.

Telegram from the same Officer, dated Mangalore, 3rd August 1875.

My letter No. 1,393. If estate put under Court, telegraph. Limitation under section fourteen, Act nineteen of forty-one, expires fifteenth instant.

THE Board concur with the Collector in thinking that the estate should be taken under management by the Court of Wards, and they resolve to request the sanction of Government to this course.

2. With reference to the telegram read above, the Court request that, in the event of sanction being accorded, instructions may be issued to the Collector direct by telegram. It seems doubtful, however, whether the period of limitation for putting in force the provisions of Act XIX. of 1841 has not already expired, as the property claimed on behalf of the minor appears to be that which belonged to his father, who deceased eighteen months ago.

(True Copies and Extract.)

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

No. 149.

ORDER THEREON, 14th August 1875, No. 1,230.

Miscellaneous.

THE Government authorize the Court of Wards to take charge of the estate.

(True Extract.)

(Signed) A. MACGREGOR,
Acting Secretary to Government.

To the Court of Wards.

Exd. A. Grubert.

710/10

Revenue Department

Proceedings of the Court of Wards

dated 5th August 1875

Read the following

N^o 1393.

From

A. Res. C. Webster Esq

To

Collector of S. Canara

H. E. Stokes Esq

By Secretary to the
Court of Wards & Escheat.

Sir,

I have the honor to
report for the orders of the Court
of Wards the case of a minor
by name Sarvottam Rao of
Brahmanavar in Udipi Taluk.

2. The age of the minor
is now 4 years, 7 months and
23 days old, and he will attain
his

27/2/75

Govt. of 11875

REVENUE.

COURT OF WARDS

Dated August, 1875

1875

1875

G. O. 11th August 1875, No. 1230.

AUGUST

No. 148-149.

Proclamation of the Court of Wards to take charge of
the

his majority on 1st December 1891.

3. The minor is the son of one Rama Rau by Shita Bai.

Rama Rau was the adopted son of one Sarvottam Rau deceased.

4. Rama Rau died about eighteen months ago, and his widow Shita Bai, who had obtained from the Court a certificate under Act 27 of 1860

to collect debts due to the deceased, died in February last. The deceased Rama Rau's property is situated in three Taluqs; but neither his death nor that of his widow, was reported to me, and the first intimation I had that the minor

was

was left an Orphan, was by a petition from his maternal uncle at the end of last May.

5. On my instituting enquiries, I find that the only relations the minor has on his father's side are his paternal grandmother by name Bhagwati Bai, the widow of Sarvottam Rau, and her widowed daughter Rama Bai. Koti Krishna Rau, the minor's maternal uncle and his mother are the minor's relations on his mother's side.

6. The minor is a Desha-kta Brahmin in which caste property descends from father to Son.

7. Bhagirathi Boy and his
Rama Boy live in the family
house at Brahmanavar. The
minor's mother, two months after
the death of her husband,
came to Bangalore, and until
her own death used to live with
her mother at that place. For
some time the minor lived
with his paternal grand. mother
in the family house at Brah-
manavar, and for some time
with his mother at Bangalore.
He was living with his mother
at Bangalore when she died,
and since then has been taken
care of by his maternal uncle

H

H. Krishna Rao.

8. Shita Boy before her
death appeared to have executed
a will by which she appointed
her brother Koti Krishna Rao
as the future guardian of
the minor.

9. After Shita Boy's death,
Bhagirathi Boy claimed the
boy from his uncle H. Krishna
Rao, but meeting with a refusal
applied to the District Court.
His application for the custody
and guardianship of the minor
under Act II of 1861 was re-
jected, the Judge being of
opinion that the will of the de-
ceased Shita Boy enabled

Krishna Rao to retain possession
of the child.

10. From this order Bhagwati Bage has appealed to the High Court, but the case has not yet been disposed of.

11. Both H. Krishna Rao and Bhagwati Bage have applied to the District Court for certificates of heirship under Act XXVII of 1860 and their applications are pending; but the scope of this Act being simply to protect debtors of the minor's estate, the jurisdiction of the Court of Wards will not be ousted thereby.

12. The Tahsildar was not able

1230
able to procure any reliable information from Bhagwati Bage, who is now in possession of the real and most of the personal property of the minor, and of the accounts showing the value of the estate. It appears, however, that the lands belonging to the estate pay an assessment of Rs. 1560 a year, and that the family has personal property including jewels &c. to a considerable amount; the value of the entire property being estimated at about a lac of Rs. I am unable to give any definite information as to the

the nature and extent of the pro-
-perty left by the minor father,
as my powers of interference
are restricted, pending the deci-
-sion of the Court as to whether
the minor shall be made a ward
of the Court - a course that I
beg to recommend.

South Canara } I have &c
Collector's Office }
Mangalore } H. J. A. M. Webster
23rd July 1895 } Collector.

Read also the following
Telegram from the Collector
of South Canara to the Sec-
-etary, Court of Wards, dated 3rd
August 1895

" My letter number 1393 of

" If Estate put under Court
" Telegraph. Limitation under
" Section fourteen act nineteen
" of forty-one expires fifteenth
" Instant."

The Board concurs with
the Collector in thinking that
the Estate should be taken
under management by the
Court of Wards and they re-
-solve to request the sanction
of Government to this course.
2.

With reference to the
Telegram read above the
Court request that in the
event of sanction being ac-
-corded instructions may be

issued to the collector direct
by Telegram. It seems doubt-
-ful, however, whether the period
of Limitation for putting in
force the provision of Act
IX of 1841 has not already
expired as the property claim-
-ed on behalf of the minor
appears to be that which be-
-longed to his father who de-
-ceased eighteen months ago.

/ True Copy & Extract /

W. L. Allen
Sg. Sub Secretary

The Secretary to
Government R. D.

E. M. Wright
C. B.

Act XIX (19)

of 1841 is not yet

in force - xxviii

was repealed

by Act 27 of 1860

despatch from order in force

No 1230

The Government authorizing
the Court of Wards to take charge
of the Estate

Alu

Telegram 5 per.

And Copy to the Comptroller of the Treasury
14 Breasted Copy Dec 24 1895

14 Aug 1895

Per: 1895: 2442
Proceedings of the
Court of Wards.

Dated 5th August 1895
Recd 9th do
Dated 5th do

Submitting to the Court
the case of S. Savana
deputing for the action
of the Court of Wards
the case of a minor
by name S. Savana
son of S. Savana
in writing stating
the case of the minor
and the order