

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1295	<u>Press</u> ~~Mis.~~
334-335	
Dated 29-6-1864	

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
29th June 1861.*

No. 334. Read the following Proceedings of the Court of Wards, dated 21st May 1861,
No. 2,587 :—

Read letter from the Collector of Madura, dated April 20th 1861, No. 117.

(In Cons. 25th April 1861, No. 2,590.)

1. Ordered to be submitted to Government, with Court's Proceedings under date 28th February 1861, No. 1,107, with their recommendation that the Estate of the late Kallapa Naik in the Palni Taluq of the District of Madura be taken under their management for the benefit of his son, now the Minor Proprietor.

2. It appears that when the late proprietor died in 1856, the Collector was under the impression that it was not competent to him to take the Estate under management, and the widow was left in possession and permitted to appoint her brother Venkataswami Naik as her Gumáshta or agent.

3. This arrangement continued till 1859, when the mother and sister appear to have disagreed, and the matter was again brought to the notice of the Collector, who addressed the Civil Judge on the subject, giving his opinion as to the necessity that existed for the interference of the Court for the due preservation of the Minor's interests in the large property left by his deceased father.

4. The Court seems to have been occupied upwards of a year in endeavouring to effect a compromise between the parties, and eventually succeeded in inducing the widow to agree to the appointment of a Manager by the Court who would manage the Estate under her superintendence, and to promise at the same time to discard from her councils certain advisers objected to by her brother, who on his part agreed to refrain from any interference with the concerns of the Estate.

5. The Civil Judge then applied to the Sudder Adálat for their sanction to his proceedings, but they considered his proposals open to serious objections, and pointed out that the Court of Wards was the proper authority to assume charge of the Estate. The matter was accordingly brought before the Court by the Collector, and considered by them in their Proceedings noted above.

6. In his letter now under consideration, the Collector proposes that the management of the Estate and the guardianship of the Minor be now vested in the widow, but the Court cannot concur in the propriety of such a course, for they have reason to believe that the late proprietor died possessed of very considerable property in ready money, and from the Collector's letter it appears that none of this is now forthcoming, so that it must have all been dissipated during the few years the Estate was under the widow's control.

7. The Collector is, therefore, requested to reply more distinctly to the conclusion of paragraph 2 of the Board's Proceedings on his former letter on the subject, and to give his opinion on the advisability of appointing the widow's brother to the post of Manager.

8. The Court cannot authorize the widow's retaining the guardianship of her son, as such a course would not be in accordance with the regulation, as the Minor is now in his seventh year, the Collector will, therefore, report the name of some respectable person, if possible a relative, willing to act as guardian. The estimate of expenses does not seem to be in excess of that necessary for a family possessed of the means which appear to be at the disposal of the Minor, and is approved of by the Court.

(A true Extract.)

(Signed) R. A. DALYELL, *Sub-Secretary.*

No. 335. ORDER THEREON, 29th June 1861, No. 1,295.

1. The Government sanction the proposal made by the Court of Wards for taking the Estate of the late Kallapa Naik under their management.

2. The Court will make all necessary arrangements for the proper management of the property and the education of the Minor.

(Signed) C. G. MASTER,
Deputy Secretary to Government.

N^o 1104

Madras 31st Oct 1859

From J. Clarke Esq^r
Collector

To P. P. Cotton Esq^r
Civil Judge of Madras

Sir

I have the honor to bring to the notice of the Court with reference to the provisions of Section XX Regulation V of 1854 and Section III Regulation I of 1831 explained in the Sudder Courts' Circular no 1266 that in 1856 a large landholder named Kullappa Naig of Nekarapattu died intestate leaving a son of nearly 2 years old and a widow.

2. Kullappa Naig rented from the Zamindar of Angagudi, several Villages of the Mootah of Pettiambadu on an annual rent of Rs 15,055.12.10. He also held lands under Gov^t paying annually about 1000 Rs. Revenue:

3. On his death an application was made, by the Uncle & Guardian of the Angagudi Estate, to have the Estate taken under the Court of Wards. Mr. P. R. S. S. S.

to have considered it inadvisable to apply to the Court of Wards, on the ground that the Belliam lady property did not pay rent directly to Govt. at the same time the Sub Collector submitted, on the opinion of the Collector a draft of an order, he intended issuing to the widow. This draft, the Collector modified & returned. On the receipt of the Collector's reply, the Sub Collector informed the widow, he had no objection to her appointing her brother Venkata-sawmy as her agent to conduct her affairs and transact her duties with the Government.

4. Latey funds have been furnished between the widow & her agent & both parties it appears have appealed to the Sub Collector, the widow for the dismissal of her agent, the other for his support; on the grounds that his appointment was annulled not from the widow, but from the deceased Kullappa's heirs. It appears to me the Court should on the death of Kullappa's heirs have been applied to, to take the property.

party under its care.

5. The widow applied to the Sub Collector thro' one of her Vahees in Madras, to be allowed to appoint one Ranga-sawmy as her agent. The Sub Collector was unable to dispose of the matter & the papers have now been transferred to me.

6. I am afraid the widow is acting under bad advice & that the party she desires to select will not discharge his trust, solely for the benefit of the heir. It is therefore highly necessary that "Efficient means should be established under the sanction of public authority and of legal provisions for the due preservation of the property of the child"

7. The Court I am sure will therefore interpose its authority for the protection of the Estate of one whose character & conduct secured him the esteem of all the public Officers of Government.

8. The records on which the order of the Sub Collector above referred to is based

issued, are submitted for the con-
sideration of the Court together with
the Petitions &c now submitted to
the Subcollector & me with a list.

I have &c

(Signed) J Clarke
Collector

(True Copy)

A. L. L. L.
Collector

18

Madras Civil Court.

17th January 1861.

From

R. R. Cotton Esquire.

Civil Judge of.

Madras.

To

C. F. Channier Esquire.

Registrar of the

Sudder Court

Port of George.

Sir,

I have the honor to submit for
the consideration and orders of the judges
of the Court of Sudder Adalat, the following
circumstances, with reference to the provisions
of section XX Regulation V of 1804, and
section III Regulation X of 1831, explained
in Circular Order Sudder Adalat No 126
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No large landholder, named
Goolappa Naik of Nekarpetty, died in the
state in 1856, leaving a widow Venkat:
ammal, and a son nearly 2 years old,

3. Coolappa Naik rented from the Zemindar of Ayacudi, several Villages of the Rettiambadi Mootah, for Ruper. 15,055-12-10 per annum, he also held lands paying a yearly revenue to Government of 1000 Rs.

4. Mr. Parker the late Collector, considered it inadvisable to apply to the Court of Wards to take charge of the estate, on the ground that the Rettiambadi estate, did not pay rent directly to Government; and permitted the Sub Collector to allow the widow Veneatammal to appoint her brother, Veneatasamy Naik, as her agent to conduct her affairs.

5. Subsequently misunderstanding arose, and the widow requested her brother might be dismissed, from the management of the Minor's estate, on the plea, that he had given no accounts and had misappropriated the income.

Veneatasamy Naik objected, on the ground that he was appointed the Minor's guardian, and manager of the estate, by the Minor's deceased Father Coolappa Naik.

6. Under these circumstances the Collector on the 31st October 1854, referred the matter to me, being of opinion that the Civil Court should take charge of the estate, and appoint a manager.

7. The widow brought charges of embezzlement or misappropriating the Minor's income, and was desirous that one Rengaswamy Naik should be appointed, her agent, but the Collector in his letter states, that he cannot recommend such an appointment, and expresses a fear, that the widow is acting under bad advice - and his opinion that it is highly necessary, that efficient means, should be established, under the sanction of public authority, and legal

provisions for the due preservation of the property left by the deceased (whose conduct and character had while living secured him the esteem of all the public officers of Government) on account of his minor son and heir.

8- On receiving all the papers and accounts, connected with the case before the Collector, I heard the request for "Vementammanal", and her brother, and as I hoped that things might be amicably settled, I deferred going into the matter, and merely appointed, at the request and with the consent of both parties, a manager on 25 Rs a month to look after the cultivation, accounts, and took measures for securing the jewels and other valuables of the deceased by placing a seal on the room, under the floor of which the widow said they were buried.

9- Notwithstanding my endeavour to have the matter amicably arranged

arranged at once, from various causes, there has been delay; the temporary management, however, has I have reason to believe, been carried on to the satisfaction of both parties, and with benefit to the minor.

10- The arrangement has at length so far been come to, that the brother Vementammanal Noike, has relinquished all claim to interference with the estate, leaving it to the Court, to protect the Minor's interests, and the widow has withdrawn her charges (which were of a general character only) of misappropriation of the income.

11- I have had the parties before me, the widow Vementammanal is anxious to have the sole guardianship of her son, and the management of the estate against this Vementammanal protests, on the plea that the minor interests will not be attended to, his mother being surrounded by individuals who exercise an improper influence over her.

I have made it my business to enquire into the truth of these allegations, and believe them to be well founded, and that it would be unsafe to entrust the deceased's estate to the widow Venkatamma. She has consented to the following arrangement, which as the best, I can devise under the circumstances. I beg to submit for the sanction of the Judges -

That on her engagement to act up to the orders of the Court, to disengage Vallappa Naik and others, and not permit their interfering, with her management of the minor, she be allowed the guardianship of the minor, and general superintendence of the estate, for which she should be allowed 300 Rs per mensem, and a suitable allowance of grain for her own and the minor's use - and that a further sum or sums, be at the discretion of the Court allowed, from time to time, for extra expenses as they arise, the minor's education for instance - that the Court appoint or

appoint a land agent on 35 Rupees a month to superintend the cultivation and keep the accounts and make collections, which shall be remitted from time to time, invariably on every 2 months, to the Collector's Treasury with his accounts - that all the jewels and ready cash belonging to the deceased estate, be given up for safe custody and investment in Government paper, for the benefit of the minor, until he come of age.

Should this arrangement meet with the approval of the Judges, I would recommend, as the land agent on Government one "Aparanna Moodiy," who has consented to take the post, and who I have every reason to believe, is a strictly upright individual and from experience, particularly well qualified to manage cultivation affairs - though under the widow, he should not be liable to dismissal by her, and should be responsible to the Court or Collector, for the correctness of his accounts, and the manner in which

he conducted his duties.

15-

As above stated, the widow has consented before me to this arrangement, which I repeat is the best I can devise under all the circumstances of the case, as I know of no one, who I could recommend as sole manager and guardian and, who could give the required security, and I cannot with reference to the widow connection with those about her, advise, she should be entrusted with more than the guardianship of her son and the general superintendence of the estate, under the checks and conditions above mentioned.

I have the honor to be

Sir

Your most obedient Servant

(Signed) R. R. Cotton

Civil Judge

Copied by
M. G. R. R. R.

Proceedings of the Madras Court.

26th January 1861.

Recd letter dated 17th instant, from the Civil Judge of Madras, requesting to appoint a guardian for the minor son of the deceased Large Landholder, Calappa Aik, who died intestate.

The Court, observe, that the estate pays Rs. 1000 revenue, direct to Government, a circumstance which would justify the Collector in recommending the Court of Wards to take charge of the estate and minor, an arrangement, which it appears to the Court the most proper that could be made.

2. If, however, this arrangement cannot be carried out, the Court are of opinion, that the Civil Judge should himself appoint as manager, the most fitting person he can meet with, as also take such steps as may be requisite for the guardianship, and education.

tion of the minor.

3. The Court consider the arrangements proposed by the Civil Judge liable to serious objections -

(True Extract)

(Signed) C. F. Chandra,
Registrar.

(True Copies)

To The Collector of Madras
with reference to his letter
of 31st Oct. 1859. No 1184.

R. C. H. (C. F. Chandra)

Civil Judge

copies to

Mr. Registrar

Mr. Registrar

No. 2,587.

PROCEEDINGS OF THE COURT OF WARDS, dated 21st May 1861.

Read letter from the Collector of Madura, dated April 20th 1861, No. 117.

(In Cons. 25th April 1861, No. 2,590.)

1. Ordered to be submitted to Government, with Court's Proceedings under date 28th February 1861, No. 1,107, with their recommendation that the Estate of the late Kallapa Naik in the Palni Taluq of the District of Madura be taken under their management for the benefit of his son, now the Minor Proprietor.

2. It appears that when the late proprietor died in 1856, the Collector was under the impression that it was not competent to him to take the Estate under management, and the widow was left in possession and permitted to appoint her brother Venkatsawmy Naik as her Gumastah or agent.

3. This arrangement continued till 1859 when the mother and sister appear to have disagreed, and the matter was again brought to the notice of the Collector, who addressed the Civil Judge on the subject, giving his opinion as to the necessity that existed for the interference of the Court for the due preservation of the Minor's interests in the large property left by his deceased father.

4. The Court seems to have been occupied upwards of a year in endeavouring to effect a compromise between the parties, and eventually succeeded in inducing the widow to agree to the appointment of a Manager by the Court who would manage the Estate under her superintendence, and to promise at the same time to discard from her councils certain advisers objected to by her mother, who on his part agreed to refrain from any interference with the concerns of the Estate.

5. The Civil Judge then applied to the Sudder Adawlut for their sanction to his proceedings, but they considered his proposals open to serious objections, and pointed out that the Court of Wards was the proper authority to assume charge of the Estate. The matter was accordingly brought before the Court by the Collector, and considered Dated 28th February 1861, No. 1,107. by them in their Proceedings noted above.

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(A true Extract.)

P. Dalzell

Sub-Secretary.

To J. D. Sim, Esq., Secretary to Government, R. D.

Copy to V. H. Levinge, Esq., Collector of Madura.

Exd. J. Wright.

*Copy in a letter to the
Collector of Madura dated 19-6-77 -*

*Encl. in letter
from the Collector to
the Secretary
to the Court of Wards
dated 26-4-77*

Encl.

*Since relating the
management of the
estate of the late
Kallapa Naik.*

(8)

Copy in a letter to *Lang*
1811 July 16th 1861 *Qui*
18-77.

Albion 1861 Department
Sho of Post for *Quine*

No. 13214

PROCEEDINGS OF THE BOARD OF REVENUE.

Dated 21st May 1861.

Despatched, 3rd June -

Received, 4th June -

Copy No. 2 - with *Lang* 3 with
1 with 2.

C-8.

No. 2,587.

Submitting a letter from the Collector of
Madura, and recommending that the Estate
of the late Kallapa Naik be taken under the
management of the Court of Wards for the
benefit of his son now the minor proprietor.

No 1295.

The Secy. in relation to the
trust made by the Court of Wards
for taking the estate of the
late Kallapa Naik under
their management.
The Court will make all
necessary arrangements for
the proper management of
the property and the edu-
cation of the minor.

W. H. H. H.
29th June 1861

W. H.

To the Secy
To the Com of Wards with 4 B. & C. *Copy No 154*

No 1295. 29. June

W. H. H. H.

C-18: June 20 24: C-23
R 25

2334 + 2335