

Public (1899) Department.

ORDINARY MS.

G.O., No. 1341

Dated 2-12-88

INDEXED.

[Despatch Abstract.]

Requesting the Comr. of Finances to
submit a full report relative to
the Pennington Market Fund Committee,
at Srivilliputtur.

BACK PAPERS.

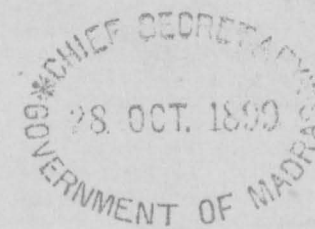
G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Chs	~~134194~~ 339	779		80	35		
Rs.	106	700					
Cus.	1483700	(Dm. Tinnuvelly)					
		reher					

Public (1897) Department.

CURRENT No. 3027



From

The Ag Collector of
Tinnuvelly.

Order

Ref on Cur No. $\frac{210}{209}$ d 25-10-11.

Dated 25. 10. 11.

Received 28th } Oct-99

Registered 30th

Enclosures 2.

Spare copies

SUBJECT.

Soliciting the approval of
Government for severing
his connection and that of
the Divisional officer &
the Tahsildar with the
Pannington Market Committee
Srinivasanther

Rel-
Ref-
No papers
on the point
1886-1887
the new BL office as President
vice President of the House

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Enclosure A

Proceedings of the Pennington Market Committee, Srivilliputur in a meeting held on the 20th. January 1887. at 7-A.M.

-----:00:-----

Present.

J. Lee Warner Esquire.

M.R.Ry. Anantarama Aiyar Avergal.

x

x

Rules.

x

x

2. The Collector of Tinnevely, the Revenue Officer in charge of the Division including Srivilliputur and the Tahsildar of Srivilliputur for the time being shall be ex-officio members of the Committee.

3. The Collector shall be the ex-officio President and the Divisional Officer the Vice-President of the Committee.

x

x

(Signed) J. Lee Warner,
President.

True Copy)

over
Acting Collector.

S.T.T. *over*



00
00

P r e s e n t .

I. Read the Committee's resolution No.1,dated 13th.--
September 1899 on letter No.1026,dated 27-8-99 from the --
Collector of Tinnevelly and President of Pennington Market
Committee Srivilliputur,recommending that the funds of the
Market be handed over to the Municipality of Srivilliputur.

Resolved by a majority of six members against one --
(S.M.V. Woosman Sahib Bahadur) that the funds of the % Market
will not be handed over to the Municipality as it cannot
be legally done.

M.R.Ry.P.Narasimha Sastriar Avergal did not vote.

(Signed) S.M.V. Woosman Sahib,
Vide-President.
2-10-99.

(True Copy)

Acting Collector.

S. T. T.

25-100

Ref on lar No. 210 d 25.10.16
299 299

Tinnevely Collector's Office,

Dated 25th. October 1899,
Despatched 26.10.99.

From

J.P. Bedford Esquire,

Ag. Collector of

Tinnevely.

To

The Secretary to Government,

Public Department,

M A D R A S .

Sir,

At Srivilliputur there is a quasi-public fund-- known as the Pennington Market Fund, administered by a local Committee. During the time of Mr. Pennington, public subscriptions were raised and a market was built and named after him. The market stalls are annually rented out to the highest bidder and the rents so realized constitute the fund. At the meeting held on the 20th. January 87 presided ^{over} by Mr. J. Lee Warner, the Collector, a resolution was passed appointing the Collector and the Divisional Officer for the time being ex-officio Presidents and Vice-Presidents respectively. A copy of the resolution is enclosed. It is not known whether Mr. Lee Warner had any orders from Government to allow of such a resolution being passed: nor is it clear how the resolution of a private Committee can in any way bind the successors in office of the particular gentlemen who then held the offices of Collector and Divisional Officer and who were themselves no doubt willing to accept the position conferred on them. The control of the Collector and the Divisional Officer over the above fund is necessarily imperfect and their personal and official responsibility indefinite, and the natural and satisfactory course would seem to be to hand over the management of the fund to the Municipality at Srivilliputur. I advised the Committee accordingly, but they were not willing to do so as will appear from a copy of their resolution dated 2nd. October 1899 enclosed with this report. Up to re-

-cently

Enclosure A.

Enclosure B.

enclosure not
to Pub. C. 2027 799

recently the Tahsildar was also elected as a member of the Com-
-mittee, and some charges made against him with reference to the
fund formed the subject of a lengthy trial and judgment by the -
local District Munsiff. I have already directed the Tahsildar to
sever his connection with the fund and now propose to sever my --
own connection with it and to direct the Divisional Officer to --
do the same. I solicit the approval of Government in the matter.

I have the honour to be,

Sir,

Your most obedient servant,

Acting Collector.

S.T.T.

G.
75
1,000-21-11-98.

C No 3027

(Ref says there is none)

NOTE FOR THE

S.H.R.
Librarian

Please say in what years Mr.
Pennington officiated in Sim-
reilly -

2 What ^{year} post Mr. ^{R.R. Anantaram} ~~Pennington~~

Anyas Awarzal held, if any,
in 1887.

3 Whether it is quite certain
that the resolution in Enclosure
A was not supported by any au-
thority rec^d from Govt.

4 Whether there is any record any-
all of the Pennington Market
Fund since Mr. P first went to
Simreilly.

W.S.
7/11/99

Locy
Pub Ref
G.R.
7/11/99

1. Mr. P. Pennington was.

Sale coll ^r & post Magle.	
Simreilly - from	1-11-66 to 22-9-6
- do -	22-12-67 to 6-10-6
Aq. coll ^r & post	7-6-68 to 20-6-68
Sub. coll ^r	21-10-68 to 24-1-69
- do -	11-3-69 to 14-6-69
- do -	17-11-69 to 19-4-70
Coll ^r & Magle	30-7-75 to 17-3-76
"	18-1-80

2. Mr. Anantarama Aijar ad
was Ag Deputy Collr + Magr, General
Duties, Inimovelly from 5-7-86 to
17-1-88.

3. I ~~can~~ am not able to find any
authority for this in the years '86-'88

4. No papers req. in Pennington
Market fund are traceable
from '66-'83 - there is no
mention of this in the L.F. Reports for '87 + '88.

Submitted

8/14/99

[G]
[24]
500-17-10

c. 29. 11. 98.
R. 20. 11. 98.

Public — DEPARTMENT.

The Pennington Market Fund.

C. No. 3027 From the Collr of Inimovelly, No. ²¹⁰/_{Enf}, dated 25/10/1899.

"	"	"	"	"	189
"	"	"	"	"	189
"	"	"	"	"	189

Note

The Current sets out the
question at issue very clearly.
It is subm^d that the action of
the Collector may be approved
as there appears to be nothing
on record by Govt acknowledg-
ing, in any way, the "Penning-
ton Market Fund". At the
mtg of 20th Jan'y/87 at which
Mr. Lee Warner & Mr. Aijar
Ananterama Aijar, alone,
were present ~~in~~ the Collector
of the District & his Deputy Collr
alone appear to have ~~been~~
~~not~~ legislated ultra vires if
their resolution was intended
to bind, in any way, their
successors in office. Before

4
the issue of orders on the sub-
ject, however, it might be
appropriate to refer the Colli's
letter a-o to L & M for
remarks.

For 8/11/99
No. 2928, of 13-11-99
To Superintendent L & M
Dept. (no) for favour
of remarks.

Mr. 10/11/99
11/11/99

I think it will be for the
benefit of the public if
the market were transferred
to the Municipality, following the
Bellary precedent (Page E).
With that view I shall like
to see the D.O. & the taking
members, as they will probably
decide the voting in favour
of transference.

H.T.

23 11 99

To Public no. 1287
23/11/99

Pub.
26
100-17-10-99.

9
PUBLIC DEPARTMENT.

NOTE FOR THE C.S.

H. M. C. S.

Except ~~proposed~~ as regards
exchange (Sec. VI), Reg. VII of 1817
seems to me to relate throughout
— in accordance with the clear
intention of the preamble —
to endowments in existence
at the time the Reg. was
passed.
M.A.

The information in the file
about the formation &
administration of the
Pennington Market fund
is very meagre. Before
forming an opinion as to
whether it is desirable that
the Com. should remain a

It is not quite clear what
steps should be taken to
get the market handed
over to the Municipality.
However, the matter only came
to D. H. because it was a
question of the personal
conduct of the district officer
with the institution. Any
steps in regard to the transfer
of the market must, it is
submitted, be taken in 20th.
As regards the current loss
caused seen for other (1)
the paper may be over till
Lott has taken action, or
(2) the Com. may be informed
that for the present he should
leave the existing arrangements
undisturbed. 11/11/99

We are not now concerned with handing over the market to the Municipality. The question is whether Mr. D. S. P. is the institution. What funds were allowed to dissociate himself originally raised & how were the Rev. P. office & the Rev. P. Committee with the Fund because he is in a bit as the Committee will not hand over the Fund as he wants them to do. I think he should not be allowed to leave his connection with the Fund but that he tries to use his influence to keep the Fund affairs straight. Ultimately action may be necessary taken under Sec 539 of the Civ. Pro. Code of 18 under the Charitable Endow. Act. I see no reason why the Municipality should be allowed to put the market income which is what they want to do. It is not now being applied.

18/11/99
 Dr. P. P. P.

member of the Committee I should like to see a full report ^{on} the funds were allowed to dissociate himself originally raised & how were they expended. What have been the receipts ^{from the market} & how have been disposed of during the last two or three years. Who formed the original committee, & who are the present Committee. What are the present Committee. Is there any trust deed - if so a copy should be ~~sent~~ obtained. If not what legal status has the Committee & is the market their personal property. What was the action of the Judge & what the St. Miff's decision that led the Com. to order the P. to resign membership. Mr. P. I question whether a market fund is "property held in trust for a charitable purpose" within the meaning of Sec. 4(1) of Act VI of 1890.

Order should issue in Public as L. & M. is not concerned at present.
 MT 29. 11. 99.

NOTE FOR THE Secretary.

In 1895 the Municipal Council of Srivilliputtur requested the Pennington Market Committee to either hand over the market to the Municipality or to contribute a decent sum towards the educational & medical expenditure incurred by the Council. The Committee refused to transfer the market to the Municipality, but promised to pay an annual contribution of Rs 500 for the purposes specified. It will no doubt be a satisfactory arrangement if the market can be transferred to the Municipality, but as the Committee is strongly opposed to this measure, nothing can be done in the matter. The Council has no control whatever over the Committee, which is a purely private one, and the contribution of Rs 500 now paid may be discontinued by the Committee at any time. The Committee's resolution of the 20th January 1887 appointing the

Vide para. 16. of the Chairman's report in 80. 169. M. 5. 2. 95. P

Vide its Resolution in 80. 774. M. 6. 5. 95. R

on the score of legality. Please look up the Bellary precedent, when P. of 10's Choultry was transferred from trustees to Municipality.

Please see note below 21. 11. 99.

2

The Collector of Tinnevely, the Revenue Divisional Officer of Srivilliputhur and the Tahsildar of Srivilliputhur as Ex-officio members of the Committee and the former two as President and Vice-President, respectively, is of course not binding on the present incumbents of those offices; but if these officers should sever their connection with the Committee, the fund may not be managed properly.

13
20/1/99

[L. & M.
500-20-2-99.]

NOTE FOR THE Secretary.

Under Section 26 of Act IV of 1884, as amended by Act III of 1897, the Board of Revenue may, with the written consent of the Governor in Council and of the Municipal Council, make over to the Municipal Council the management of any charitable endowment, the superintendence of which is vested in the Board of Revenue under Regulation VII of 1817. Section II of Regulation VI of 1817 runs as follows:-

"The general superintendence of all endowments of land or money granted for the support of Hindoo temples or Colleges, or for other pious and beneficial purposes and of all public buildings, such as bridges, Choultries or Chuttrams and other edifices in the several provinces dependent on the Presidency of Fort St. George is hereby vested in the Board of Revenue."

The Pennington market which has been constructed from funds raised by public subscriptions is evidently a "public building", and the fund attached

attached to it as "endowment for beneficial purposes" within the meaning of the above section. The Superintendence of the market and its funds is therefore vested in the Board of Revenue, which can transfer the management of these to the Municipal Council under section 26 of the District Municipalities Act, if the market Committee consents to the arrangement. The Committee is not in favour of this course, (vide its resolution I, dated 6th March 1895 (Flagged R) and as there does not appear to be any ground for the interference of the Board of Revenue under Regulation III of 1817, it is submitted that nothing can be done in the matter. The papers relating to the transfer of the management of the Prince of Wales' Choultry & Bellary to the Municipality of Bellary are put up. Vide Gos. N^o. 1272 m, dated 6th August 1895; N^o. 2175 m. of 6th October 1897, and N^o. 2772 m, dated 11th December 1897. But in that case there was no Committee to manage the choultry and the two persons who had anything to do with the choultry had no objection to its transfer to the Municipal Council.

E

vide the Collier's letter in § 0 $\frac{1272 \text{ m}}{6-8-95}$.

$\left[\frac{G}{24} \right]$
500-14-11-09.

Pennington Market.

C. No. 3027 From the Collr - Inniswally, No. $\frac{210}{\text{Eng}}$, dated 25. X. 1897.

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20	20	189

ORDER
Mis.

No. 1341 of 2.12.58

Before forming an opinion as to whether it is desirable that the Collector should ^{or should} not sever his connection with the Pennington Market Fund Committee, Govt. desires to be put in possession of more complete information concerning the fund. The Collector of Tinnevely will, accordingly, be requested to submit a full report to Government on the following points, together with any further information that may be available.

1. What funds were originally raised, and how they were expended.
2. What have been the receipts from the market, and how they have been disposed of during the last two or three years.
3. Who formed the original Committee *are the members of the* and ~~on~~ *what* ~~the~~ present Com-

~~mitted consists.~~

4. Whether there is any trust deed.
If so, a copy should be obtained and
forwarded with the report.

5. If there is no trust deed, what is
the legal status of the Committee ~~is~~,
and whether the market is their
personal property?

6. What ~~was~~ ^{were} the charges made against
the Tahsildar, and what the judgment
of the District Munsiff which led the
Collector to order the Tahsildar to
resign his membership of the Committee.

3/12/99

1/12/99

By null.

*To the Collector, Linnawelly
(9 to)
5/12/99*

When given for copying

When copied *4/12/99*

When examined *4/12/99*

When signed

189

9/12
Cu.

READ AGAIN G.O., No.
189

, DATED

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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IN ORIGINAL.

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