

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	<i>892</i>	Press Mis.
Dated	<i>8th July</i>	18 <i>59</i>

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
from 2d to 8th July 1859.*

No. 39. Read the following letter from W. HUDLESTON, Esq., Sub-Secretary of the Board of Revenue; to J. D. BOURDILLON, Esq., Secretary to Government, R. D.; dated 26th May 1859, No. 1915.

With reference to para. 10 E. M. C. dated 30th March 1859, R. D., No. 437, transmitting to the Board of Revenue for report copy of the remarks of the Home Government on a Memorial from Ingoova Chengul Row, praying for restoration of half share of the Ramanjairy Moottah in Chingleput on the ground that its sale took place for arrears that had accumulated during the management of his elder brother to whom the Court of Wards had made it over notwithstanding the protest of Memorialist's guardian, I am directed by the Board to submit the following brief account of the circumstances of the case, for the consideration of Government.

From Govt, 13th June 1836, R. D. No. 728.

To " 25th July 1836.

From " 4th Augt. 1836, R. D. No. 1003.

To " 1st September 1836.

From " 9th Idem, R. D. No. 1293.

To " 3rd April 1837.

From " 15th Idem, R. D., No. 516.

To " 21st September 1837.

From " 20th October 1837, R. D., No. 1481.

2. The correspondence noted in the margin took place about the time of the sale.

3. The father of the present Memorialist died on 20th November 1829, Fusly 1239, but it was not until the close of that Fusly, or 17th June 1830, that the Moottah was placed actually under the Collector's management, its charge being then assumed by the Court of Wards at the request of the minors.

4. On 7th December 1835, the Collector addressed the Board stating that the minority of the eldest son of the deceased Proprietor would terminate on 2d January following, and suggesting that in conformity with the practise of our own and former Governments, the estate should be made over to his charge.

5. He at the same time stated that the minor himself, and the guardians of the brothers objected to receive charge until the youngest brother attained his majority, but he remarked that this event would not take place till 17th November 1838, that Regulation V. of 1804 did not contemplate any such prolonged custody of Estates by the Court of Wards, which might often prove not only seriously inconvenient to Government, but injurious to the interests of the family, and of all those who had claims on the estate, and he expressed his belief that the disinclination of the family to receive charge of the Moottah, arose from a desire to evade for a longer time the demands of lawful creditors, they being notoriously involved in debt.

6. The Board of Revenue concurring in this view, directed the Collector to intimate to the family that his custody of the estate would cease on the elder minor attaining his majority, but recourse was had by the proprietor to numerous frivolous objections regarding the adjustment of the accounts, and to every possible pretence to avoid taking charge, and it was not until the estate was advertised for sale for arrears due for Fusly 1239, before it had been assumed by the Court of Wards, that he agreed to liquidate this demand and receive possession of the estate.

7. Its release from the attachment which had unavoidably been put in, and delivery to the Moottahdar were reported by the Collector to the Board on 3rd May 1836, as having been that day ordered by him.

8. The estate was now cleared of demand up to the date of the Moottahdar's majority, the mode of adjustment of accounts having been that all arrears of Peishcush that had accrued during the management of the Court of Wards were remitted, and the estate was held liable for the arrear due when it was taken into ward, which amount was, as above stated, paid by the Moottahdar.

9. Meanwhile, however, the instalments of Peishcush for February and April 1836 had fallen due, and the Moottahdar's next step was to delay taking charge of the Moottah, and to claim that *this* demand also should be remitted, on the ground that the order for making over the estate to him was dated 3d May, and that the kists due for any previous period were really an arrear that had accrued under the management of the Court of Wards.

10. Further correspondence passed on this point, and eventually the Board recommended to Government that the arrears due at the close of Fusly 1245 should be remitted, on the ground of the unfavorable character of the season and of the late period of the year at which the Moottah-

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dar had come into possession; but the Government in their proceedings of 4th August 1836, R. D., No. 1003, above quoted, declined to concede this further indulgence, and directed that unless the Mootahdar took immediate steps by payment of the arrears due to release the Mootah from the renewed attachment under which it had been necessarily placed, the Collector should proceed to realize the amount by sale of the estate.

11. On 30th of the same month the Collector reported that the Mootahdar having agreed to discharge the arrears of Fusly 1245 in four instalments together with the current demand for Fusly 1246, he had on these conditions released the Mootah, and made it over to the proprietor's charge.
In Con. 1st September 1836, No. 2350.

12. A subsequent request on the part of the Mootahdar that the surplus collections in the early part of Fusly 1245 beyond the current kists of those months, made while the estates was still under the Court of Wards, which surplus according to usual wont and the provisions of the Regulations had been credited to former arrears of Peishcush, should be credited in liquidation of the balance that he had engaged to pay by instalments, was refused by Government on 15th April 1837.
In Con. 29th May 1837, No. 968.
In Con. 29th June 1837, No. 1642.

13. On 26th June 1837 the Collector reported the attachment of this estate among several others for arrears, and applied for authority to sell them in default of payment.

14. From the Statements submitted with his letter it appeared that in the Ramanjairy Mootah only one out of the four instalments of the arrears of Fusly 1245 had been paid, and that almost the entire Peishcush of Fusly 1246 was still due at this late period of the year.

15. The estate was finally sold, and purchased by the Collector on behalf of Government, whose confirmation of his proceedings was conveyed in Extract Minutes Consultation dated 20th October 1837, R. D., No. 1481.
In Con. 2d November 1837, No. 2910.

16. The foregoing details will serve to show to Government how manifestly the family's objection to receive the estate was prompted by the inability to retain it from their embarrassed circumstances.

17. The admission of their objections would merely have served to obstruct the legal claims of their creditors and was in no way required by the provisions of Regulation V. of 1804, and the Board are of opinion that the course recommended by the Collector, approved by the Board, and finally sanctioned by Government more than 20 years ago, was the correct one to pursue, and that the present Petitioner's claim is inadmissible.

No. 40. ORDER THEREON, 6th July 1859, No. 892.

Ordered to be forwarded to the Home Government, with reference to para. 12 of their Despatch of the 15th December 1858, No. 6.

(Signed) W. C. SIM,
Acting Deputy Secretary to Government.

Nov. 23.
1836 Th. 19.

June 1836 in 19.

Copy in a letter to E
of July 1859. A-23

19-12-906

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Chas. J. & Co.

25th June 1871

Receivd 1859 Net
Pro: of Govt 8th March
N^o 962

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The Secretary to the
Board of Navy

26 The Secretary to

Government
Prussian Dept. 4

From Superior to Georgetown
date 16th Sept 1859. E. A.
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1720

Patented May 1857.

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1815
Oct 29 - 6 Aug 1867

Permeating through the
circumstances connected
with the past history of the
Norman, paving the way for
the establishment of a party
which in which England
during the Norman invasion
and clearing the ground
for the claim of
memorialized to avoid mis-
take.

With our wishes &c

Ms. 892.

Ordered to be forwarded
to the Home Government with
reference to para 13 of their
Despatch of the 15th December
1858. A. G. 6.

Adrian

John W. Greaves

6 July 1899

Adm. & Secy. Gen.
Jan 12/75