

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 693

Press
~~Mis.~~

182 183

Dated 20 - 4 - 19 1883

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
20th April 1863.*

No. 182. Read again Petition from VENKAT AMMAL, widow of the late KULLAMMA NAIKAR, of Neekarapatty Village in Palny Talook, Madura, dated 25th May and recorded in Proceedings of Government, 22nd July 1862, No. 1,573 :—

Read also the following Proceedings of the Court of Wards, dated 4th March 1863. ^{72, 1326}
Read the following letter from V. H. LEVINGE, Esq., Collector of Madura, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Madras, dated Madura, 23rd December 1862, No. 283.

SIR,

1. With reference to the Board's Proceedings dated the 14th August last, No. 5,328, calling for a report on the Government Petition* No. 1,862 of 1862, presented by Venkat Ammal widow of the late Kullama Naik of Neekarapatty in the Palny Talook, I have the honor to submit herewith the report made to me by the Sub-Collector on the subject together with translations of the Arzi from the Tahsildar of the late Ammapatti Talook, and of those addressed by the Petitioner and her brother Vencatasawmi Naik respecting the death of Kullama Naik as well as the recommendation of the Sub-Collector and the Collector's answer thereto as per the enclosed list.
2. No Arzi appears to have been written by Kullama Naik at the time of his decease.
3. I also beg to enclose translations of certain Petitions presented by the Petitioner and her brother mutually impugning each other's conduct during the time that the Estate left by the deceased Kullama Naik was under the management of the latter.
4. The Petition under report reflects on the conduct and proceedings, of the Managers of the Estate, with a prayer for giving up its management to the Petitioner, representing herself to be competent to undertake the charge.
5. The report of the Sub-Collector so fully enters into all the allegations contained in the Petition that anything more hardly remains for me to add than to express my regret at the reported careless and inefficient management of the late Managers of the Estate while under the Civil Court's management, but it is to be observed those Managers have had no opportunity of defending themselves.
6. The Board are aware that the Estate was transferred to the management of the Court of Wards so lately as in September 1861 from the control of the Civil Court of Madura under which it was for two years, during which period two persons were appointed one after another to manage the Estate, viz., Kistnasami Naik and Gopalakristna Row.
7. It would appear from the report of the Sub-Collector that they kept no regular accounts to show the settlement and financial result of the Estate; however, I know that Mr. Cotton, the Civil Judge, thought very highly of the first mentioned Manager.
8. The present Manager Sundrasawmi Iyer was appointed in reference to the sanction of the Court of Wards dated the 3rd July† 1861, who took charge of the Estate only in October, with whose proceedings the Sub-Collector seems to be satisfied.
9. Some remarks are required on paragraph 16 of the Sub-Collector's report, where he states that an extent of forty-eight Gulies of land encroached upon and cultivated by one Guruvappa Naik, the professed foe of Minor's family, was entered in the accounts from Fasli 1269 in his name contrary to the long practice under which it ought to have been made in the name of the Minor, its proprietor, entering the cultivator only as the Minor's tenant and at last recommends a civil action for recovery of the land. I do not think it necessary to undertake the tedious task of a law suit for getting possession of the land, the proprietary right of which is unquestionably possessed by the Minor. I would change this year the entry of the lands in the accounts to the name of the Minor without at the same time disturbing the cultivation of it by Guruvappa Naik as tenant. If he objects to this arrangement, he should be prevented from entering upon the land.
10. I think the last proposition contained in the Sub-Collector's letter should be complied with, viz., that the management of the Estate be made over to the widow.

Proceedings of the Madras Government, Revenue Department
20th April 1863.

1. Ordered to be submitted to Government, with reference to their Order dated 22nd July 1862, No. 1,573.

2. The Government will observe from the Sub-Collector's report that the mis-management complained of by Petitioner took place previous to the Court of Ward's assuming charge of the Estate, and that the disastrous consequences which are alluded to in the Order of Government, were apparently the result of the careless administration of the Managers appointed by the Civil Court.

3. The Government are already aware of the circumstances which induced the Court of wards to take charge of this Estate, and that the legality of such a course was not only approved,

but the course itself was suggested by the late Court of Sudder Adawlut.*

4. There is nothing in the Petition under report which would lead the Court of Wards to the supposition that the Judges of the Sudder Court were in error in the opinion which they expressed in their Proceedings under date 26th January 1861, that the fact of the Estate of the Minor paying revenue direct to Government was a sufficient reason for the Estate being recommended to the charge of the Court of Wards.

5. It seems to the Court that by Sections 2 and 3 of Regulation V of 1804 they have cognizance in all cases of property of Minors which is chargeable with direct payment of rent or revenue to Government, and in the present case, at least, they have the sanction of the highest Court of Judicature in the country for the course adopted. They would, therefore, beg a reconsideration of the opinion expressed by Government "that their was reason to doubt the "legality" of the Court's proceedings in this matter.

6. The Collector has recommended that the management of the Estate should be made over to the widow, and the Acting Sub-Collector is also in favor of this arrangement, considering that "no paid Manager can be expected to take such an interest in the cultivation of the Minor's Estate, and the care of his affairs, as one related to the family.

7. The Court of Wards would most strongly deprecate such a proceeding. The Collector has already on more than one occasion made a similar recommendation. The Civil Judge of Madura when addressing the Sudder Adawlut on the case writes as follows:—

8. "I have made it my business to inquire into the truth of these allegations (that the "widow was surrounded by individuals who exercised an improper influence over her) and "believe them to be well founded, and that it would be unsafe to entrust the deceased's Estate "to the widow Venkat Ammal" as the Court have already reported to Government in their Proceedings noted above, they had also reason to believe that very considerable sums of ready money belonging to the Estate had been squandered during the period which it was under the joint control of the widow and her brother. The Court, therefore, persistently declined to comply with the Collector's recommendation. According to the Petitioner's own showing too, nothing could have been worse than the management of her first nominee, her own brother, and the uncle of her child and confidential friend of her late husband, and the Court have no guarantee that the Estate would now be more successfully managed either by Petitioner herself or by any other person she may nominate.

9. The Acting Sub-Collector expresses himself to be satisfied, in general, with the administration of the present Manager, but the Court consider that there are several points on which explanation is needed. The Manager should be called upon to explain why such a small portion of the dry land in Ammapatti, alluded to in paragraph 4 of the Acting Sub-Collector's report, was brought under cultivation in the past Fasli, and also why no account of the live stock belonging to the Minor was taken until the close of last year though the Manager was appointed in September 1861. The Collector will be good enough to submit the list furnished by the Manager in accordance with Clause 2, Section XII of Regulation V of 1804, when he assumed charge of the Estate, and will explain why the live stock was not included in it.

Proceedings of the Madras Government, Revenue Department,
20th April 1863.

10. Regarding the land which has been illegally obtained possession of by Guruvappa Naick, and regarding the debts due to the Estate the Court desire a more complete report.

11. The Court are decidedly of opinion that it would be to the Minor's disadvantage were he withdrawn from their Wardship, and if on further inquiry, it is found that the Manager has neglected the charge entrusted to him early steps will be taken for his removal and the appointment of a more competent person, but the Court would earnestly deprecate the transfer of the Estate from their control.

(A true Copy and Extract.)

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

No. 183.

ORDER THEREON, 20th April 1863, No. 693.

1. The Government have given their careful consideration to the Petition from Vencat Ammal and the report of the Court of Wards above recorded, and are of opinion that the Estate, the management of which in behalf of her Minor son is claimed by the Petitioner, should continue under the charge of the Court. The Civil Court of Madura considered it improper to make over the Estate to the widow (the Petitioner) and it was her brother and nominee who first mis-managed its affairs. Under such circumstances the interests of the Minor will be best guarded by the Court of Wards. The Court will instruct the Revenue Officers of the District to look carefully after the Estate and see that the present Manager performs his duties properly.

2. The explanation given in paragraphs 4 and 5 of the Proceedings of the Court of Wards has satisfied Government as to the legality of their interference in the management of the Estate in question.

3. Ordered that the following Endorsement be given to the Petitioner:—

"The Government, having carefully considered the report of the Court of Wards on this Petition, deem it inexpedient to disturb the arrangement made by them for the management of her Minor son's Estate."

(Signed.) J. D. SIM,

Secretary to Government.

To

HIS EXCELLENCY THE GOVERNOR IN COUNCIL,
FORT SAINT GEORGE.
&c. &c. &c.

*The humble Petition of VENCUT UMMALL,
Widow of COOLLAMA Naicker, Inhabitant
of Neckaraputty Village in Palany Talook,
Zillah of Madura.*

RESPECTFULLY SHEWETH,

That your Petitioner on the 1st of October 1861, presented a Petition to your Lordship in Council, representing the great injustice done to your Petitioner in placing her minor son's property which is not a Zemindary but the property of a private Merassidar, under the management of the Court of Wards, and praying that the villages, &c., may not be taken away from her management, but the Government without considering the arbitrary injustice of such a measure, and the losses she would thereby entail, endorsed on the said Petition that "Petitioner should address the Court of Wards on the subject," whilst the said Petition was strictly an appeal *against* the said Court of Ward's interference in the Estate of her minor son.

Your Petitioner finding no alternative, but in re-appealing to the mercy and justice of Government for redress of her grievance, is therefore compelled to present this Petition in order to represent that your Petitioner, the landlord of the said property, is quite competent to manage the whole of the affairs appertaining to her minor son's property, and as the first Petition fully sets forth her rights and claims as well as all the merit of her claims, and it being needless to reiterate those claims, she therefore only states succinctly all the losses she has experienced in the Circar's management of her son's estate, and if no orders were passed on this appeal to place the Estate forthwith under the management of your Petitioner, these losses will eventually result in her son's (the minor's) irremediable ruin.

That in the first place it should be remembered by your Lordship in Council that the villages and other lands of the Estate were taken first of all by the Civil Court, and then by the Court of Wards. Managers were appointed to superintend the affairs of the estate, during Fuslies 1269, 1270 and 1271. Your Petitioner thereby became a heavy loser of the profits which otherwise she would have unquestionably derived.

These losses your Petitioner begs to particularize hereunder:—

- 1st. The breach in the tank called Coomalumpara Colum formed by your Petitioner's late husband Coolama Naicker in the village of Ummanputty instead of at a cost of Rupees 1,500, which could have been repaired at a trifling expense was not done as it should have been by the Superintendent or Manager.
- 2nd. The supplying Canal or Reservoir which forms a connexion with the Coomalumpara Colum should have been excavated at a trifling expense and the Annay or Dam, said to be raised by an outlay of Rupees 2,000 fell soon out of repair, consequently about 400 Goolies or Cawnies of Nunjah land, irrigated by the said Tank and also by the water of the Tank called Alamurthu Colum, which is in good order and which was neglected to be done, were laid waste, and the loss sustained by the minor for two Fuslies is Rupees 6,000 being the value of 1,200 Selagays of Grain, each Selagay containing 120 measures at the rate of Rupees 5 per Selagay.
- 3rd. In the said Village there is about 90 or 100 Goolies or Cawnies of dry land belonging to the minor, which had hitherto been cultivated and the profits derived therefrom amounted to per annum Rupees 450 at the rate of 20 Fanams per Gooly. This land before the management of the estate fell into the hands of the Circar servants, yielded as above stated Rupees 450, but through the neglect of the Manager or Superintendent the

Royalhyeal Channel wherefrom the said land was irrigated, not having been repaired as usual on emergent estimate by the Circar at a slight expense, the supply of water fell short, thus only 40 out of the said 90 or 100 Goolies were cultivated and the rest lay waste for the whole 3 years, whereby the minor sustained a loss of 250 Rupees per annum or Rupees 750 for three years.

4th. Out of 7,000 Goolies or Cawnies of Poonjah land for which a Puttah is issued in the name of the minor 4,000 or 5,000 Goolies were usually cultivated every year, and the profits derived therefrom amounted to Rupees 1,500 per annum, but during the years of the Circar management, the Manager interested by Bribes for his own benefit, purposely neglected to engage cultivators at a proper and a seasonable time, so that in consequence only 1,500 or 1,600 Goolies fell under cultivation, and the remainder 2,500 or 3,000 Goolies lay waste, hence the minor became a loser of Rupees 1,000 per annum or 3,000 Rupees for 3 years.

5th. Your Petitioner's husband held about 140 Goolies of Wet land termed "Punjam-tangee," "Coomara Samoodram" and "Oonopacooly" which the Manager Krisnasawmy Naick appointed by the Civil Court, most flagrantly made away with by receiving bribes and most corruptly allowing your Petitioner's adversary Poosary Gooroovah Naicken to join or attach to his own lands as maniem to Otta Gooroovoo Boyen, and others, whilst your Petitioner's husband never made such alienations. As your Petitioner has accounts in her possession to prove, and the loss by this false alienation amounts to Rupees 3,150. A complaint was preferred to the Collector, and the case is now being investigated by that authority.

6th. Another Manager one Gopalookristna Royer contrived craftily to get his son appointed by the Civil Court his Sumprathy and his son-in-law Royasum under him, and embezzled produce to the amount of Rupees 1,500 as will be seen by his own accounts. This case is also under investigation before the Collector.

7. The vast extent of Cocoonut and Plantain Gardens or Topes, and the Fishery not having been as they should be, leased out in Fuslies 1269 and 1270, the produce was carelessly allowed to be plundered by strangers, whereby the minor sustained a loss in the said two Fuslies of Rs. 150 and the wages of the Servants said to be employed on those Topes and Fishery were liquidated from other incomes of the Minor.

Upon your Petitioner's appealing to the Sadder Court against the Civil Judge's interference, as illegal, that Court upon a series of correspondence with the Civil Judge, washed their hands of the matter, declaring, that as the Villages were the private property of the owner the Civil Judge was not authorized to place them under his control and directed him to make over the said Estate to the Collector, in order that the affair might be treated in the Revenue Department, and upon being transferred to the Collector, that authority, Mr. Levinge, twice reported to the Board of Revenue that your Petitioner was quite competent to undertake the management of the property on behalf of her minor son, and that the taking the estate under his management was quite unnecessary and uncalled for, as the property was not a Zemindary, but purely a private Merassidar's. The Board of Revenue without a proper consideration of the intrinsic merits of the correspondence on the subject, at once, and regardless of justice and equity, ordered that the property be placed under the control of the Court of Wards. Thus, the estate came into the hands of the Court of Wards and the Manager Soondrasawmy Iyer was appointed, and thus the following abuses occurred under his supervision, for the Manager Soondrasawmy Iyer failed at proper times and seasons for agriculture to supply the field servants with money to furnish themselves with agricultural implements, but wilfully retarded their labours; he also neglected to see whether the lands were regularly irrigated, as the neighbouring fields, and his culpability is enormous for when brought to his notice by the subordinates, he failed to adopt the necessary and simple means of seeing it done, and thus the lands, through the wilful neglect of a hireling, were suffered to run waste and thus entailed upon the estate heavy losses.

Again, the Manager delayed the due reaping of the harvest and took no precautionary mea-

asures with the produce, and wantonly allowed the grain to remain exposed for 2 or 3 months to the vicissitudes of the weather, and thus caused a great sacrifice of property to the detriment of the Minor.

He the Manager also neglected to collect the money from the Ryots to whom the lands were leased out, and for reasons best known to himself wantonly allowed a remission of 20 Goolies, thereby entailing a loss to the Minor in grain amounting to upwards of Rs. 400.

Again, the Manager for reasons unknown and unexplained, caused the produce to be reaped during the absence of the Sumprathy and other servants who are held, or should be held responsible for the correctness of the accounts, only entering into the accounts a certain quantity of the produce and omitting the remainder—and as that officer personally and without any assigned reason, himself superintended the reaping, it is impossible for your Petitioner to ascertain and prove the loss entailed upon the minor.

It is customary to realize the full amount of Revenue from the cultivators of the Mittah Villages and lands belonging to the Minor, but large amounts of arrears of rent are allowed to stand against them for Fuslies 1269 and 1270, and what is more flagrant is, that the amount payable to the Zemindar is paid from out of the minor's own funds.

Moreover, the existence of a great number of Bullocks lately enabled the cultivation to progress to a great extent of the Nunjah and Poonjah lands—but no attention being paid to the care of the live stock, as the owner would very naturally exercise, their numbers are greatly diminished. Hence, and also in consequence of the young Calves produced from the Cows belonging to the estate not being accounted for and want of care reducing the number of the Cows, the cultivation fell short to the detriment of the minor, and the Estate sustains an immense loss by letting out the lands to others for cultivation.

About 50 or 60 Goolies of Poonjah land which was under the Minor's own cultivation was unlawfully usurped by your Petitioner's adversary Gooroovapah and with the most gross impunity attached to his own Garden from Fusly 1269 at the time the management of the Court commenced, and thus the minor is made a loser by the barefaced usurpation of this land.

The amount of wages &c., of servants entertained for the management of the landed Estate of the minor from 1859 is Rupees 1,000 or Rupees 3,000 for 3 years. This wanton expenditure of money is quite unnecessary, and quite uncalled for, inasmuch as the minor loses this enormous sum from the income derived from the other portion of his lands.

About Rs. 5,000 due to the minor on account of monies lent to individuals by his late father on bonds. This money the Manager to secure a corrupt benefit from the debtors on those Bonds—actually instigated those parties, and encouraged them to plead as if they had already paid up their respective liabilities, and advised them to suborn false witnesses to prove their allegations, and thus he purposes to cancel these bonds to the detriment of the minor.

A Garden belonging to the minor called "Ilamtopoo" was leased out to Ryots for Fusly 1270, and the lessee enjoyed the produce thereof for that Fusly, but the amount of the lease still due by him has not been recovered from the lessee although two years have since elapsed.

Thus, your Lordship in Council is now clearly made aware by your Petitioner of the corruption and fraud practised by a set of hirelings who, from time to time, have been placed in power and control over the Estate, by the authority of the Circar, and that there is not one single individual who is worthy of trust and confidence, and the result has been that the minor has been wickedly robbed to the extent of 19,000 Rupees, and yet your Lordship refers her to the Court of Wards for redress. Now, your Petitioner begs leave to ask, can she hope to obtain redress from the Court of Wards, when they have unjustly and most illegally deprived her of her rights who is the only deeply interested Guardian in the welfare of her only son the minor.

While the Collector who is on the spot unhesitatingly gives his opinion that your Petitioner is quite competent to undertake the management of her minor son's Estate, and the late Collector Mr. Parker submits his opinion that the property being that of a private Merassidar cannot be placed under the Circar management—still the Board of Revenue in the face of justice and

equity have thought proper to order it to be placed most arbitrarily under the Court of Wards, and the result has been to your Petitioner and the Minor, that they have been made to suffer a loss amounting to 19,000 Rupees. At this rate the estate will in 3 or 4 years more, become a total ruin and the minor when he grows up to man's estate will be a ruined beggar.

Under these unhappy circumstances your Petitioner implores your Lordship in Council to grant her case, and that of her minor son, a just consideration and after deliberating on the illegality of the order of the Board of Revenue in placing her minor son's estate under the controlling power of the Court of Wards when that property is not a Zemindary, but a private Merassidar. Your Petitioner prays your Lordship in Council will graciously grant her that amends which the merits of her case deserves by ordering the Board of Revenue to withdraw the estate from the Court and with true British justice and integrity, kindly ordering your Petitioner to be placed in control over the estate of her minor son, and your Petitioner as in duty bound,

WILL EVER PRAY.

25th May
1865

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live stock was not included in it.
 " Regarding the land which has been illegally obtained possession of by Gurusappa Naick, and regarding the debts due to the estate the Court desire a more complete report.

" The Court are decidedly of opinion that it would be to the minors disadvantage were he withdrawn from their wardship and if on further inquiry it is found that the manager has neglected the charge entrusted to him early steps will be taken for his removal and the appointment of a competent person, but the Court would earnestly deprecate the transfer of the Estate from their control.

(True Copy and Extract)

W. A. S. S. S.
 Sub Secretary.

To J. D. S. S. Esq.
 Secretary to Government
 Revenue Department
 with 16 enclosures & 1 Petition.

[Signature]

*Copy in letter to Govt
 of 11 July 1862 - Dis.*

No 1862 of

1862 Department. 1862.

To THE HONORABLE THE GOVERNOR
 IN COUNCIL.

From VENKUT UMMAI, Widow of the late
 Goolama Naicker, of Neekripur Village,
 in Taluk Talook, in the Zillah of Madras.

Dated, 25th Nov. 1862

14th July 1862

[Handwritten notes and signatures]

[Handwritten notes]

212 of 1862 - 22 July

N^o 693 -

Under date the 20th April 1863

Read also the follg.
Pro: of the Board of Revs.

(Here enter 4 "March 1863)

Copy in letter to Lang. 7-16-1934
29th June/37 No 334-335^{1st}
22 July/52-299-300

Rev = 1863 Oct 20
No 907 N. 335.
Sounding of the Gun at
Marble.

Received of
 Cash for
 No 1500
 March 1863
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22nd 693-20 April

Submitting a letter

I. as the legality of the Court of

II. As to fortune in an age much of this

his party - The mismanagement

can be proved of a threat & how or
came before the Court of Wards
received charge of the Estate - The
pretend Monage seems to be doing
badly though in some matters his
conduct is under investigation
his charge is in favor of Leary
the estate of the family - The first
acting on the Clarke's person at
Harrowale of the parties, viz. Mr. B. &
strongly objects to this - Leary has

and are of opinion that
the Estate, the Manage-
ment of which in behalf
of her Minor son is claimed
by the Petitioner, should
continue under the charge
of the Court. The Civil
Court of Madras con-
sidered it improper to
make over the Estate
to the widow (the Peti-
tioner) and it was her
brother and nominee
who first mismanaged
its affairs. Under such
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of the Minor will be
best guarded by the
Court of Wards. The
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Revenue Officers of the
District to look ^{carefully} after
the Estate, ~~and see that~~ the present Manager
~~fully performs his duties~~ properly.

2 The explanation
given

8
given in paras 4 and 5
of the Report of the Court
of Wards has patently
shown as to the legal

of their interference
in the management of
the Estate in question.

3.— Ordered that the
following endorsement
be given to the Petitioner.

"The Court having
carefully considered the
report of the Court of
Wards on this Petition,
deem it inexpedient to
disturb the arrange-
ment made by them
for the management
of her Minor son's Estate."

J.P.S.

4 To The Court of Wards. Dated 21st

1.— Endorsement to the Court of Wards. J.P.S.

Copy in letter to Eng^d
of 11 Aug 1864
The

Revenue 1862 Sept 1st
Geo: of Govt for Ohio

N: 693.

Geo: of the Madison Govt:
of 20th April 1863.

From the Feb Sept 16 the 1st
of Revs of 29 April 1864
of 1136 in 180 items
given to 21 1863.

From General and Geo:
June 1862 C 182/1829.

The continuance of
the stationary state
in the nature under the
management of the Govt
of Ohio, ordered.

1862 1863.