M.R.O. 14—13,000—27-9-24

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1203 Press ~~Mis.~~

172-173

Dated 11-7- ~~18~~ 1884

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
11th July 1864.

No. 172. Read the following letter from VENKAT AMMAL, widow of the late KULLAMMA NAIKAR, a private Merassidar of Neekarapatty village, in Palny Talook, in the Zillah of Madura, to J. D. SIM, Esq., Secretary to Government, Fort Saint George, dated Madras, 1st June 1864 :—

SIR,

I beg respectfully to submit the enclosed Petition to the Honorable the Governor in Council, with my humble solicitation that it may be submitted to the Right Honorable the Secretary of State for the affairs of India as early as possible, with all the correspondence that has passed on the subject between me and the Government, with their Proceedings thereon, in order that the Right Honorable Sir Charles Wood may be able to judge of the merits of my case before the Council of India.

No. 173. ORDER THEREON, 11th July 1864, No. 1,203.

Miscellaneous.

1. Ordered that the Memorial received with this letter be forwarded to the Secretary of State, and that intimation of the same be given to the Memorialist.

2. The Government request the Court of Wards to notice specially in their future annual reports on the Estates under wardship, the mangement and condition of the Estate which is the subject of the present Memorial.

(True Extract.)

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

To the Court of Wards.

Exd. S. T. Augustin.

TO

The Right Honorable

SIR CHARLES WOOD,

Secretary of State for the affairs of India.

THE RESPECTFUL MEMORIAL OF VENCAT UMMALL, WIDOW OF THE LATE KULLAMA NAICKER, A PRIVATE MERASSIDAR OF NECKRAPUTTY VILLAGE IN PALANY TALOOK IN THE ZILLAH OF MADURA.

HUMBLY SHOWETH,

That your Memorialist's husband Kullappa Nayak died in 1856, leaving a minor son aged two years. He was on the date of his death possessed of landed property, a large portion of which was held under a lease from the Zemindar of Ayakudy. The lease was for a period of 20 years and has 9 years yet to run. The deceased also possessed certain lands held under Ryotwarry tenure, paying to Government about 1,000 Rupees a year, which together with the said lease-hold property, has according to the provisions of the Hindoo Law devolved on the minor son, on whose behalf your Memorialist, as his mother and lawful guardian is entitled under the provisions of clause 5, Section XVI of Regulation III of 1802, to manage the whole of the above property without the interference of any authority.

That immediately after the demise of your Memorialist's late husband, the event was reported by the guardian and uncle of the proprietor of the Ayakudy Estate, to Mr. Parker, who then filled the office of Collector of Madura, within whose jurisdiction the landed property is situated, in view to the same being taken charge of and placed under the management of the Court of Wards during the minority of your Memorialist's son. Mr. Parker doubted the legality and propriety of the measure, inasmuch as a large portion of the property was held under a lease, and being as such "not charged with the direct payment of rents or revenues to Government" did not fall within the province of the Court of Wards, who are prohibited by Section II, Regulation V of 1804 from interfering in any case with the property of persons not paying directly rent or revenue to Government. He therefore declined to interfere. That Mr. Clarke who succeeded the said Mr. Parker in the office of Collector of Madura differed from the view taken of the matter by his predecessor, and addressed a letter to the Civil Judge of the said District, requesting that the property might be assumed under the management of the Court, and a manager appointed to administer the affairs of the property. This was accordingly done, but such serious abuses were committed by the agents appointed by the Court; that the matter came again under the consideration of the Sudder Udalut, who were of opinion that as a portion of the property of the minor is charged with the direct payment of rent to Government amounting to 1,000 Rupees; that circumstance would justify their recommending the Court of Wards to take charge of the Estate and administer its affairs. The Sudder Court were however evidently doubtful of the soundness of this their recommendation, as in the following paragraph of their proceedings, 28th January 1861, they observe thus:- "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."

That in the meanwhile Mr. Clarke, who as above observed, in opposition to the views of his predecessor Mr. Parker suggested the arrangement under which your Memorialist

was deprived of all share in the management of her own son's property, was appointed to a seat in the Board of Revenue, the members of which, as your Excellency is aware of form the Court of Wards under Section II of Regulation V of 1804; and this Court so constituted greedily took up the said hints thrown out by the Court of Sudder Udalut, simply to divest themselves of the management of the property, and ordered the Estate to be assumed and managed under the provisions of Regulation V of 1804 above cited; though your Memorialist strongly protested against the measure as fraught with the most mischievous consequences.

That your Memorialist then appealed against this proceeding of the Court of Wards to the local Government, who simply furnished her with an endorsement directing her to address the Court of Wards on the subject.

As this endorsement appeared to have been passed by Government without taking into their consideration the great and serious objections urged against the illegal proceedings of the Court of Wards, your Memorialist again addressed the local Government dwelling at great length on the damage which the property and interests of the minor had already suffered, owing to the corrupt conduct and inefficient management of the mercenary agents appointed by the Collector to administer the affairs of the Estate in accordance with the instructions of the Court of Wards. This Petition was dated 25th May 1862 and elicited the following order from Government.

"Resolved that this Petition be referred to the Court of Wards, with a request that "they will reconsider the steps that they have taken in the case. They seem to doubt "the legality for their interference, which moreover appears to have produced disastrous "consequences. After reconsideration, the Court will submit their opinion whether under "the circumstances set forth by the Petitioner and the strong views expressed by the "Collector in her favor, it is not advisable to revert to their course originally observed by "Mr. Parker by removing the affairs of the minor from their own control, and leaving them "to the management of his mother."

That your Memorialist's Petition to Government was by the Board referred to the Collector of Madura for report, who in the usual course forwarded it to his Sub-Collector for the expression of his sentiments in the matter. The Acting Sub-Collector Mr. W. Nisbet in his letter to the Collector dated the 16th October 1862, stated (para. 18) that on the whole the Estate appeared to have been greatly mismanaged by the two managers appointed by the Civil Court, but from the length of time it was almost impossible to render them criminally liable for the losses sustained under their mismanagement; that (para. 25) from the fact of the minor's income chiefly depending on the diligent cultivation of the Perami lands, and a strict superintendence at the time of harvest, fraud was easy and little liable to detection; that no paid manager could 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 and directly interested in the minor himself, and that the Estate was by no means large to be entrusted to the management of one of the family, and he, the acting Sub-Collector therefore begged that the request of the Petitioner be complied with, viz:— that she may be allowed to manage her son's Estate with the help of her own relations and independent of any interference on the part of Government.

Mr. Levinge, the Collector of Madura, after describing the irregularities committed by the several managers appointed by the Civil Court and by the Revenue authorities submitted it as his opinion, that 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" your Memorialist.

That in submitting the foregoing reports to Government, the Court of Wards adhered to their former opinion, that the affairs of the Estate should be administered by agents appointed by the Officers of Government, and that the legality of the measure was unquestionable, inasmuch as the Highest Court of Judicature in the Presidency has declared it to be perfectly conformable to law.

That the local Government setting aside the recommendation of the District Officers, based on experience acquired on a careful investigation conducted on the spot and overlooking their own deliberate opinion above recorded on the illegality of the course pursued in this matter by the Court of Wards declined to disturb the arrangement authorized by the Court of Wards, though the active opposition of one of the Members of that body, viz., Mr. Clarke to Petitioner's request, dating from the period he was Collector of Madura was in itself a sufficient ground to have justified the Government in acting independently of the advice of the Court of Wards in the matter and complying with the recommendation of the Sub-Collector and Collector of Madura.

That your Memorialist begs to appeal from this decision of Government, which has plunged the Estate in irretrievable ruin, and to represent that the losses sustained by your Memorialist from the mismanagement of the Collector's nominees already have amounted to 20,000 Rupees; that the lands on Ryotwarry tenure yield too little to defray the cost of management by Officers paid from the annual revenue of the Estate, and that the administration by the Court of Wards of the affairs of the Estate so far as the lease-hold lands are concerned is illegal, inasmuch as the law prohibits the interference of the Court *in any case* with property not charged with the direct payment of revenue or rent to Government, and that the opinion couched in ambiguous terms of the Highest Court of Judicature in the Presidency could not render the interference of the Court of Wards legal, especially when it is considered that that opinion was delivered in order to remove the management of the Estate from the hands of the Civil Judge of Madura, whose administration of the property during the two years it was under his superintendence was attended with disastrous consequences to the minor's interests.

Your Memorialist therefore humbly requests that your Excellency in Council will take the whole circumstances of the case into your favorable consideration, and grant your Memorialist's request to be allowed to manage her son's property till he shall come of age with the assistance of her relatives.

And your Memorialist as in duty bound shall ever pray.

1st June 1864
Madras

TO

J. D. SIM, ESQ.,

Secretary to Government,

Fort St. George.

SIR,

I beg respectfully to submit the enclosed Petition to the Honorable the Governor in Council, with my humble solicitation that it may be submitted to the Right Honorable the Secretary of State for the affairs of India as early as possible, with all the correspondence that has passed on the subject between me and the Government with their proceedings thereon, in order that the Right Honorable Sir Charles Wood may be able to judge of the merits of my case before the Council of India.

I have the honor to remain,

SIR,

Your most obedient and humble servant,

Madras
1st June 1864

ஒரு கிழவன்

Pro: 29 June 1861 N°-334-335
- 22 July 1862 « 299-300
- 20 April 1863 « 182-183

Copy in a letter to Govt
of 11 July 1862 N°16- Mis

Pro Board of Revenue
of 22 July 6th Cancr 1911

N° 172 & 173.

Rec= 1864 @ Vizag
Rec'd from Govt June
Pro: of Govt for June
17th 1863.

From Venkatum-
=mal, Widow of the
late Kullama
Naicker a Private
Peon sidar of
Peekrapurthy Village
in Polany Taluk
in the Vizagapatam
District ——————

Dated 1st June.
Recvd 9th " 1862

To —

Laudemitting,
in triplicate, a peti-
=tion to the Hon'ble
Govt and requesting
that the same may
be forwarded to its
destination —

No 1202 11 July
[illegible] Collector

Copy for 12th 22nd 23rd Rs

Resolution of the Court
in Banco in the Subject
of the proposed Incorporation

Ed St George
11 July 1806

16 Copies to the Court of Banco Oct 12 1814