

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 937-38 Press
Mis.

Dated 21-4-1866.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
21st April 1866.*

Read the following papers:—

No. 324. From the Chief Secretary to the Government of Bombay, to the Chief Secretary to the Government of Fort Saint George, Revenue Department, dated Bombay Castle, 29th January 1866, No. 362.

I am directed by His Excellency the Governor in Council to forward, for submission to the Government of Madras, the accompanying copy of the papers noted in the margin, regarding a proposal made by the Talookdar Settlement Officer, Mr. Peile, to amend, in the case of young Talookdars, the Bombay Act XX. of 1864, providing for the care of the persons and property of minors, and to request that you will, with the permission of His Excellency the Governor in Council, be pleased to inform this Government how far the system in force in your Presidency is supposed to be successful, and whether the Government of Madras apprehend that any and what inconvenience would result if the care of the persons and properties of landholders (being minors) as of all other minors be left to the Civil Courts in preference to the Collectors.

Letter from the Revenue Commissioner, N. D., No. 4,083, dated 22nd November 1865, with accompaniments.

From the Revenue Commissioner, N. D., to the Chief Secretary to the Government of Bombay, Revenue Department, dated Camp, Dhundooka, 22nd November 1865, No. 4,683.

1. I have the honor to forward, for the orders of Government, copy of a letter from Mr. Peile, Talookdar Settlement Officer, submitting, for approval, the draft of an Act which he thinks it desirable to have enacted to provide for the care of the persons and estates of young Talookdars being entrusted to the Collector of Land Revenue, or one of his Assistants. He objects to Bombay Act XX. of 1864 for the reasons enumerated in the 6th and 7th paragraphs of his letter, and points out (paragraph 5) that by it the Civil Court only has the power of superintending the minor's education, while it has also the option of placing the management of his estate in the hands of the Collector, or some other person. This other person may, and probably would, be one of the young Talookdar's own relatives, who would naturally be nominated with the idea that he would be less likely than a stranger to misabuse his trust. But among the peculiar class of people to whom the proposal refers relatives, above all others, are, Mr. Peile urges, unfit both to administer to the property and to care for the proper bringing up and education of the minor.

2. There is no doubt that in the majority of instances this is actually the case. The Rajpoot Talookdars, and to an almost equal extent the Coolie Thakuras of Ahmedabad, are through want of education so much the slaves of custom that the relatives of a young Talookdar would not think they were doing their duty by him, but were in fact lowering his dignity in the eyes of the world if they did not encourage him in the abominable vice of opium eating and other habits of youthful debauchery, the results of which are so painfully manifest in the bleared eye, the trembling gait, and the attenuated form of almost every young owner of a few villages, and the constant occurrence of attempts at the introduction into their families of supposititious children in the place of those whom failing nature denies them frequently before they have attained their own full growth. The remedy proposed by Mr. Peile is to place the education of the minor and the care of his person in the hands of the Collector until he shall have reached the age of 25, at which he may be expected "to have developed any character he may have in him, and be as ready to keep bad advisers at arm's length as he ever will be."

3. It will be seen that Mr. Peile's draft Act is framed on the models of Act XXVI. of 1854, and Act XXI. of 1855, by which provision is made in Bengal and Madras for the education and general control of male minors under the Court of Wards similar to that he now proposes with regard to young Talookdars, the Government of Bombay being substituted for the Court of Wards

the well-wishers of such orphans instinctively look to Government as the protector of person and property. There is still among the Talookdars a strong sense of personal relations and sympathies between the Zemindar and Government, which are now not much encouraged, except by Political Officers. And these naturally attach rather to the Revenue Officer, whom they see frequently among them, than to the Judicial, whose court they hold in considerable awe.

8. The main point, however, is whether the relation of Government to the heir of a hereditary landed estate does not differ considerably from their relation, say, to the heir of a rich and intelligent fund holder. This seems to have been admitted in the other Presidencies, and not only may many strong arguments be brought to prove it, but there is unquestionably in the class immediately concerned a feeling that it naturally should be so, and, so to speak, an expectation that the duty implied will not be neglected by Government.

9. And I can hardly be mistaken in supposing that the other Legislatures were of opinion that the most important part of the education of a landholder is his special training for the duties he will have to perform to his tenants, and therefore provided that he should not be kept in ignorance of his future responsibilities by vesting the administration of his estate in the same Officer who is to choose the manner and place of his education.

10. In the hope that a discussion of this question may lead to the adoption of a special enactment, similar to those in force in the other Presidencies, I venture to submit a sketch of an Act based on Acts XXVI. of 1854 and XXI. of 1825, and calculated according to my experience to provide the most efficient and healthy control over the minds and estates of the younger members of the proprietary body under my charge.

[Sketch of Act referred to in paragraph 10 of the above letter.]

WHEREAS it is expedient to make special provision for the proper education during minority of Zemindars, Talookdars, and other hereditary landholders, and for the superintendence of their estates, it is hereby enacted as follows:—

1. The minority of any Zemindar, Talookdar, or other hereditary landholder, shall be held to be such a reason as shall authorize the Governor in Council to attach and manage the estates of such landholder according to the provisions of Chapter II., Regulation XXV. of 1827.

2. The general superintendence and control of the education of any such minor whose estate shall, under the previous Section, be brought under the provisions of Regulation XXV. of 1827, Chapter II., is hereby vested in the Collector of Revenue in the Zillah or District wherein such minor's estate is situate; or if such minor is possessed of immoveable property in different Zillahs, in such one of the Collectors of Revenue of such Zillahs as the Governor in Council shall select.

3. It shall be lawful for the Collector, with the sanction of the Governor in Council, to depute the duty of superintending and controlling the education of such minor to any of his Assistants.

4. It shall be lawful for the Collector to direct that such minor shall reside either with or without his guardian at the Sudder Station of the Zillah, or at any other place within the said Presidency, and shall attend for the purposes of education such school or college as to the Collector may seem expedient.

5. The Collector shall furnish out of the proceeds of such minor's estate which he shall collect under Section I. of this Act such funds as he shall deem necessary for the suitable maintenance of the said minor, and shall make provision for the proper care of the said minor while attending such school or college.

6. If it shall appear to the Collector inexpedient to place any such minor at a school or college, he shall, if the proceeds of the estate are sufficient for that purpose, cause such minor to be educated by a private tutor, properly qualified, either at the family residence of such minor or at the Sudder Station or elsewhere in the Presidency; and in that case also the Collector shall have power to determine from time to time the place of residence of such minor, and to make such provision as may be necessary for his proper tuition and maintenance as enacted in the fifth Section of this Act.

7. It shall be lawful for the Governor in Council, on the application of the Collector, to remove from office any guardian or manager, however appointed, who shall refuse or neglect to obey or shall evade compliance with any orders passed or directions given by the Collector under this Act, and to cause a new guardian to be appointed in his place.

8. The right to the custody of the person of any male minor whose estate is under the management of Government under Section I. of this Act is hereby vested in the person appointed, with the sanction of the Governor in Council, to be the guardian of such minor, or, in the absence of any such person, in the Collector of Revenue having the superintendence of the education of such minor under the provisions of this Act.

9. All orders and proceedings of a Collector under the provisions of this Act shall be subject on appeal to revision by the Governor in Council.

10. The period of minority for the purposes of this Act shall not extend beyond the period when the minor shall have completed his twenty-fourth year, and it may be terminated on application by the Collector, with the sanction of the Governor in Council, at any time after the minor shall have attained the age of twenty years.

11. Section XXXIV. of Act I. of 1865 of the Bombay Legislature shall be applicable to the management of estates of minors under Section I. of this Act, notwithstanding any thing to the contrary in Chapter II. of Regulation XXV. of 1827.

Referred to the Court of Wards for their remarks.

(Signed) J. D. SIM,

Secretary to Government.

13th February 1866.

To the Court of Wards.

Received 13th

Entered and returned 16th

} February 1866.

(Signed) W. HUDLESTON,

Secretary.

No. 325. From the Secretary to the Court of Wards, to the Secretary to Government, Revenue Department, dated Madras, 24th March 1866, No. 2,082.

1. With reference to the Order of Government, dated 13th February 1866, forwarding for the remarks of the Court of Wards, a communication from the Bombay Government on the subject of the care of the persons and property of Minor landholders, I am directed to report that the Court's experience is entirely in favor of retaining such care in the hands of the Collector of the District acting under the orders of the Revenue Board in their capacity of Court of Wards, rather than to entrust it to the Courts.

2. Results in this Presidency have unquestionably established the superior advantages of the former system, and it is only reasonable to expect that work so foreign to the ordinary duties of Judicial Officers and their Establishments, and so congenial with those of Revenue Officers, will be best performed by the latter.

3. As the Government are aware, the Collectors in this Presidency work in these cases under the orders and supervision of the Board of Revenue as Court of Wards, as provided in Regulation V. of 1804 and Act XXI. of 1855, and it appears to the Court that the possible objections anticipated in Bombay would best be met by placing the Revenue Commissioners there in the position here occupied by the Board of Revenue in regard to Minors.

6 *Proceedings of the Madras Government, Revenue Department,*
21st April 1866.

4. The Director of Public Instruction is consulted freely on all questions relating to the education of the Minor Wards; and the inspectors of Schools take the opportunity on their tours of examining and reporting to the Collector on their progress in their studies and general conduct.

5. The Court consider that on the whole the system in this Presidency works very fairly, and that as good results are obtainable under it as would be possible under any other system of Wardship.

No. 326. ORDER THEREON, 21st April 1866, No. 937.

Miscellaneous.

Ordered to be communicated to the Government of Bombay, with the intimation that so far as the Madras Presidency is concerned, the Government consider it preferable to entrust the care of the persons and property of Minors to the Collectors of Districts and the Board of Revenue.

(True Extract.)

(Signed) J. D. SIM,

Secretary to Government.

To the Board of Revenue.

Exd. S. T. Augustin.

REVENUE DEPARTMENT.
FORT SAINT GEORGE,
21st April 1866.

No. 938.

No. 327.
To

THE CHIEF SECRETARY TO THE GOVERNMENT OF BOMBAY.

SIR,

Miscellaneous.

* Dated 24th March 1863, No. 2,082.

With reference to your letter, dated 29th January 1866, No. 362, I am directed to forward the accompanying letter* from the Court of Wards, and to state for the information of your Government, that so far as the Madras Presidency is concerned, this Government consider it preferable to entrust the care of the persons and property of Minors to the Collectors of Districts and the Board of Revenue.

I have the honor to be,

Sir,

Your most obedient servant,

(Signed) J. D. SIM,

Secretary to Government.

Exd. S. T. Augustin.

22-937-

Ordered the commu-
-nicated to the Govt of
Bombay with the in-
-struction that the so
far as the Madras Presi-
dency is concerned, the
Govt consider it preferable
to entrust the care of
the persons & property
of minors to the Commr of
Districts & the Vcl of
Rest.

W
J

To the Secy of the Govt of Madras

L. D. S.
21st April 1868.

Copy to the
Chief Secretary

W-938

The Chief Secretary to the Govt of
Bombay

Sir,

17/24 March 1866
No 2082

With reference to your
letter dated 24 January 1866
No 362, I am directed to
forward the accompanying
letter from the Court of
Munsif, and to state for
the information of your
Govt, that so far as the
Madras Presidency is
concerned, this Govt consider
it preferable to entrust
the care of the person
and property of minors
to the Collectors of Districts
and the Board of Revenue.

J. D. S.
21st. April 1866.

Revenue/866 Drift
No of 4 out for April

N:938.

To the Chief Secretary
Government of
Bombay
27 21 April 1866.

Informing Government
of Bombay that it
is desirable to begin
the case of Howard
to the Collector of
District & the Board
of Revenue.

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N:9324

2