Proceedings of the Madras Government, Revenue Department, 30th June 1871.

Read the following papers :—

No. 338. From NARAYANASAMI CHETTY and two others, sons of GOPALA CHETTY, the late proprietor of Samoodrum Mootah in Salem District.

Submitting a memorial for transmission to the Secretary of State praying for restoration of their Mootah. } (Here enter 12th June 1869.)

No. 339. Proceedings of the Board of Revenue, dated 15th November 1870, No. 6,663.

Read the following letter from the Collector of Salem, to the Acting Secretary to the Board of Revenue, dated 15th October 1870, No. 197.

I HAVE the honour to reply to the Board's Proceedings of the 21st December 1869, No. 9,458, relative to the memorial from Narayanasami Chetty for the restoration of the Samoodrum Mootah in the Trichengode Talook.

2. A full report on this case will be found in a letter to the Board, under date the 3rd September 1867, No. 5,704. It will be seen from it that Gopala Chetty, the father of the memorialist, died on the 13th June 1846, and the Mootah being the joint property of the deceased and two others, a report was made to the Civil Court (27th September 1847) with a view to the appointment of a guardian. It was therefore unnecessary for the Court of Wards to interfere and take charge of a property which fell within the province of the Civil Court under Section 20, Regulation V. of 1804.

3. It also appears that the Collector did his best to obtain the appointment of a guardian who was eventually appointed in 1851, but the Board declined to allow the estate to be made over to the guardian on account of the large arrears outstanding against it. On the eldest of the minors attaining his age, he and the joint proprietors were called upon to arrange for the discharge of the arrears. This they declined to do, and the estate was, under the sanction of the Board, put up to sale and bought in by Government for Rs. 4,450. The balance still outstanding, namely, Rs. 5,108-14-0, was at the same time written off the accounts.

4. It will thus be seen that every endeavour was made to relieve the Mootah from the embarrassments with which it was surrounded, but from the impoverished condition into which the ryots had fallen it was impossible to do so.

SUBMITTED to Government with reference to their order, No. 3,187, of the 16th December 1869.

2. It will be observed that the estate was the property of three *joint* proprietors, and was therefore not subject to the jurisdiction of the Court of Wards, and so differed from the case referred to by the Secretary of State. In that case, moreover, the Court of Directors saw special cause for indulgent treatment in the fact that the memorialist's claim did not meet with the consideration it deserved at the hands of the local authorities. It does not appear that Narayanasami's claim was so neglected, and his misfortunes were simply due to the impoverished condition into which the ryots had fallen, as stated in the Board's last Proceedings on the subject (No. 5,704 of 3rd July 1867).

No. 340. ORDER THEREON, 30th June 1871, No. 1,133.

Miscellaneous.

THE papers in this case will be forwarded to the Advocate-General, who will be requested to give his opinion on the point indicated below :—

2. When Gopala Chetty died (in 1846), leaving sons under age, the intervention of the Court of Wards was barred by the existence of certain "joint possessors" of the estate who were of competent age—Section 20, Regulation V. of 1804.

3. Regulation X. of 1831 forbids (during the proprietor's minority) the sale for arrears of revenue of a minor's estate *not taken* under the management of the Court of Wards, where such arrears have accrued subsequently to the minor's accession. "Not taken" here appears to mean "not taken where it might have been taken;" but the interpretation was not so restricted at the time, and was considered to preclude the sale of the Mootah during the minority of Gopala Chetty's eldest son (1st memorialist), as the arrears had accrued subsequently to his father's death. But immediately he attained his majority the Regulation was looked upon as inoperative, although his three brothers were still minors.

4. The Advocate-General is requested to advise whether the Regulation cited would have rendered illegal a sale made during the minority of the late Gopala Chetty's eldest son, the arrears having accrued as aforesaid; secondly, whether it was illegal after his majority and during the minority of his brothers.

5. The Collector of Salem will furnish the Advocate-General with any further information which Mr. Mayne may require.

(True Extract.)
(Signed) D. F. CARMICHAEL,
Acting Secretary to Government.

To the Board of Revenue.
,, the Government Solicitor.
,, the Collector of Salem.

Exd. F. R. Bantleman.

16th June 1871 No 222/28

Rev- 1870. Oct-

Board of Revenue,

MADRAS. No 3611

PROCEEDINGS, 15TH NOVEMBER 1870, No 6,663

Received 21st Dec 1870

Encl.

G.O 30 June 1871 No 1133.

NOVEMBER.

No. 6,663.

Samcodrum Mootah—in Salem District,—Letter from Collector furnishing certain information required by Secretary of State for India, with reference to Memorial from Narayanasawmi Chetty for restoration of, submitted to Government.

No 338 339

No. 1133 Rev. Dept.

Proc. of the Madras Govt

Under date the 30th June 1871.

Read the following paper:-

From Narrainsamy Chetty & two others, sons of Gopala Chetty, the late proprietor of Mamoodpuram Mootah in Salem &c. — Submitting a Memorial for transmission to the Secy of State praying for restoration of their Mootah

Read also the following

Proc. of the Board of Revenue Submg. letter from Collr of Salem transmitting certain information required by Secy of State with reference to the Memorial mentioned above.

Rt. E. 12 June 1869.

Rt. E. 15 Nov. 1870. No. 6653

The papers in this case will be forwarded to the Advocate General who will be requested to give his opinion on the point indicated below.

2. When Gopala Chetty died (in 1846) ^ the intervention of the Court

^ leaving sons under age,

quest. Ehs according to the Estate.

the intervention of the Ct of Rs. was carried to the exclusion of co. sharers in the Estate who are of full age

but the minority of the sons of Gopal Chetty will bar the right of the Estate under the above question & Estate until the eldest of them attained his legal majority.

It is evident however that at the time of the said intervention the minority

the question therefore is whether the said was legally required therefore for the above purpose to the exclusion of the other sharers having equal rights in the Estate.

By passing the said decree the Court ...

I confess I feel some difficulty in advising that the Regulation barred the claim of Ct of Rs. co-sharers who were in existence when Govt of Rs. was in existence

I would refer the case for the consideration of the Advocate General who would not consider the question by the Govt. The case may be laid before him. I would like to have the Estate restored to the family if the Court does not see good grounds for

Court of Wards was barred
certain "joint professors"
by the existence of ~~children~~
of the estate who were of
competent age. See XX Reg V of 1804.

3. Regulation X of 1831 for bids (during the Proprietor's minority) the sale for arrears of revenue of Minors' Estate, not taken under the management of the Ct of Wards, where such arrears have accrued subsequently to the Minor's accession. 'Not taken' have appears to mean 'not taken where it might have been taken'; but the interpretation was not ~~enjoined~~ so restricted at the time, and it was considered to preclude the sale of the Moolah during the minority of Gopala Chetty's eldest son (the Memorialist), as the arrears had accrued subsequently to his ~~accession to the estate~~ father's death. But immediately he attained his majority, the Regulation was looked upon as inoperative: although his three younger brothers were still

Minors

4. The Advocate General is requested to advise whether the Reg cited we have rendered illegal a sale made during the minority of Gopal Chetty's eldest son, the arrears having accrued as aforesaid; secondly, whether after it was illegal after his majority & during the minority of his brothers.

Minors; &c

4. If those latter were entitled to be regarded as co-parceners with their elder brother, the question arises whether Regulation X of 1831 did not bar the sale of the estate until they also had attained majority.

5. The Collector of Salem will furnish the Advocate General with any further information as to the tenure of this estate which Mr Ingne may require.

14 Feb Ad Gen Rec'd 25 July
3 — Govt Collector
5 — Collr of Salem

Govt. of [1871] Madras.

REVENUE.

To

THE BOARD OF REVENUE,

&c., &c., &c.

Dated June 6th.

Read.

G. O., 2nd June 1871, No. 1,133

JUDL.

Nos. 339—343.

Samodrum Mutth in Edeen District — Opinion of the Advocate-General requested on the point indicated in connection wir it.