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MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 119

Press
Mis.

Dated

18-1-1871.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
18th January 1871.*

No. 246. Read the following Proceedings of the Court of Wards, dated 18th October 1870, No. 6,212:—

Read the following letter from the Collector of Salem, to the Acting Secretary to the Court of Wards, dated 4th August 1870, No. 143.

I HAVE the honour to submit my report on the management of estates belonging to Minors for Fasli 1279.

2. The enclosed Statement shows the receipts and charges of each estate.

3. Thirteen estates were under management during Fasli 1278. In the year under report, one more estate was succeeded to by a Minor, and thus fourteen were under the management of guardians constituted by the Civil Courts, under Section 20 of Regulation V. of 1804.

4. Three of the Minors have come of age. These are the joint proprietors of Alagapurum and the proprietor of Sendamangalum. In the case of the first, the Civil Court has already been moved for the removal of the guardian. In regard to the remaining two, steps will be taken for placing the Minors in possession of their estates. They appear to be equal to the management of their own property. I will speak of the joint proprietor of Pottnam and Pavethrum, who, it will be seen from the Statement, has come of age, in another part of this report.

5. Ramasawmy Naick, the joint proprietor of the Karakalavady Mootah, having died during the year, his estate devolved, according to a Will executed by him, on his grandson and three nephews. One of the latter being a Minor, an application has been made to the Civil Court for the appointment of a guardian. There being, in the meanwhile, arrears of Peishcush due against the estate, it has been placed under the management of Government.

6. The receipts of the several estates, including the balance at the beginning of the year, amount to Rs. 1,16,627, and the charges to Rs. 83,736. The balance, which is in favour of nine out of the fourteen estates, amounts to Rs. 32,891. Of this latter sum, Rs. 8,888 are in Government Securities and appertain to the Yelagiri estate.

7. I shall now proceed to notice the manner in which each guardian has administered the affairs of his ward.

8. ALAGAPURUM.—This Mootah stands registered in the names of Gopalasawmy Moodelly, one of the Minors, who has just attained his majority, and also in the names of Mootosawmy Odian and Periathumby Odian, who are still Minors, and in the name of one Sambasiva Reddy. The Mootah consists of three villages, Alagapurum, Pudur, and Husthumpatty. According to a mutual understanding among the several proprietors, the three villages had always been separately enjoyed by each of the three shareholders. As Husthumpatty belongs to Sambasiva Reddy, it is only necessary to notice the remaining two villages. Alagapurum belongs to Gopalasawmy Moodelly, but this village was, during the lifetime of his father, mortgaged to one Appoo Chetty of Salem for a debt contracted by him. The village is in the possession of the mortgagee, and its management by him cannot be said to be satisfactory. As regards Pudur, I find that a large balance remains uncollected, and the guardian's attention will be called to the same immediately.

9. KARAKALAVADY.—This estate is, as I have already mentioned, under Government management, on account of arrears of Peishcush. The appointment of a guardian to the Minor is pending before the Civil Court.

10. MINNAMPALLY.—This Mootah is held by a girl of eight years old. Her mother is her guardian. I cannot speak favourably of the way in which Chellayammal, the guardian, has managed the estate. There is a large amount of arrears due still uncollected, and the Peishcush to Government is also outstanding. It was only the other day, I applied to the Board for sanction to place this Mootah under Government management, till the arrears of Peishcush due were satisfied. There seems to be some improvement under the head of expenditure. I still consider one or two items entered in the accounts as unnecessary. This will be pointed out to the guardian.

11. SENDAMANGALUM AND THOLUR.—The uncle of the Minor is his guardian. One of these estates, Sendamangalum, has throughout the year been under attachment and Government management on account of arrears of Peishcush. There is a large balance still due to Government, and now that the Minor has attained his majority, I shall at once adopt measures for removing the guardian and for bringing the estate to sale.

12. In regard to Tholur, it has been under the guardian's management, and as unsatisfactory as ever. This estate is also in arrears of Peishcush to Government, and steps will at once be taken under Act II. of 1864 for realizing the same.

13. POTTNAM AND PAVETHRUM.—Of these two estates, Pavethrum is under Government management on account of arrears of Peishcush; Pottnam has been under the guardian's supervision, but as it has fallen into arrears, I applied to Board, in my letter, No. 136, of the 29th ultimo, for taking the estate under Government management.

14. These estates are held by three persons, the eldest of whom, it will be seen from the Statement, is now nineteen years old. There seems to be a misunderstanding between the guardian, his wards, and the mothers of three boys. The consequence is, that the affairs of the estates are not at all conducted as they should be. The age of Papu Reddy, the eldest of the three, according to the Returns rendered by the guardian up to Fasli 1277, is now nineteen, but the guardian, in his Return for Fasli 1278, entered it at sixteen, and stated that what was entered in his former Returns was wrong. Papu Reddy appeared before me and produced his horoscope, which showed that he was past eighteen. His appearance also corroborates the same, and from what I saw of him, I considered that he was quite capable of managing his own affairs. Seeing that the estates were not satisfactorily managed by the guardian, in consequence of his being at variance with the Minors and their mothers, I thought it would be better to allow Papu Reddy to undertake the management of the estates, and, accordingly, applied to the Civil Court for the removal of the guardian, so far at least as Papu Reddy was concerned. This the Civil Court declined to do, as the mothers of the Minors had stated in 1865 that the age of the eldest was at that time 12. Thus the estates have to be under the guardian's management for a year more.

15. MOOTTANJETTY AND KERAMBUR.—The first of these estates (Moottanjetty) was taken under Government management, in accordance with Board's sanction

of the 14th December 1868, No. 8,747, on account of arrears of Peishcush. The estate is still under attachment, the arrears not having been as yet paid.

16. Nullapa Reddy, the guardian, had therefore only one estate to manage, and that is Kerambur. The guardian is the Minor's own uncle (father's brother) but he is so much involved in debt that he can scarcely be expected to look to the affairs of the estate with any satisfactory result. The estate has fallen into arrears, and I have, in the letter, No. 136, dated 29th ultimo, above referred to, applied to the Board for permission to take it under Government management. The Mootah is burdened with a very large debt, amounting to 53,500 Rs. 340 Rs. are stated by the guardian to have been paid during the year on account of interest to the creditors.

17. YELAGIRI.—The Minor proprietor of this estate is now sixteen years old. His maternal uncle, Narayanasawmy Reddy, is his guardian. As usual, this guardian has looked after his ward's affairs satisfactorily. The 20,000 Rs. debt entered in the Statement is due to the guardian himself, and becomes payable only after the Minor comes of age. Besides a debt of 1,000 Rs. due to the estate, there are 8,888 Rs. in Government Securities and 6,103 Rs. in cash in favour of the estate. The guardian will be advised to place this amount also in Government Securities.

18. BOMMAYCOOPAM.—The Minor's interest in this Mootah is one-third, but it having been mortgaged on account of a debt contracted by the Minor's father, the property is in the mortgagee's possession, and the guardian has, therefore, virtually nothing to manage. The Minor is only six years old.

19. PAPINAYAKENHULLY.—This estate is held by three persons. Two of them are Minors. The affairs of the Mootah are fairly managed, and there are assets in favour of the estate. The guardians will be advised to place the surplus (Rs. 4,453,) in Government Securities.

20. NOOLHULLY.—This estate is held jointly by the Minor and a Mussulman. The friends of the Minor and the Mussulman are said to be constantly squabbling, and the consequence has been that the Mootah was allowed to fall into arrears, and it has therefore been under Government management nearly all the year. The arrears having just been paid up, it has, however, been released from attachment. The guardian has had little or nothing to attend to during the year under report.

21. KADATHUR.—This estate is held by several parties, and the Minor's share is but little. The guardian appears, on the whole, to have fairly managed the affairs entrusted to him, though the estate is burdened with a large debt. The property fell to the Minor's lot last year, and it has to be under management for two years more.

22. It is now left to me to notice the progress made by the Minors during the year in their educational attainments.

23. The Yelagiri Minor attends as usual the Government Anglo-Vernacular School at Tripatore, but the progress made by him is not well spoken of. Of the two Minors of the Papinayakenhully Estate, one is being educated in the Zillah School at Salem, and the other is reading in the Government Taluq School at Dharampoory. The Noolhully Minors are also reading in the Taluq School.

The education of the remaining Minors does not appear to have been so well cared for as it ought to be. I shall communicate with the guardians on this subject, and endeavour to produce an improvement in this important branch of the guardian's duties.

24. With reference to paragraph 1 of the Proceedings of the Court of Wards, under date the 11th October last, No. 7,532, I beg to state that, as directed by the Court, I laid the matter as to the unsatisfactory manner in which the several guardians had managed their ward's affairs before the Civil Court of Salem. The Court appears to have had up all the guardians and warned them to be more careful in the conduct of the duties entrusted to them. It has to be seen what effect this warning is likely to produce.

25. According to the Board's Circular Order, dated the 5th March 1869, No. IX., I have to enter in this report all Minors who have inherited property paying revenue direct to Government whether under a permanently settled or Ryotwari tenure. Hitherto, as the Court of Wards are aware, only permanently settled estates were entered. There are at present 158 cases of this kind; but as guardians have not as yet been appointed, no estates can be said to have been under management. I have not therefore noticed them in this report. I would, however, remark that for the Revenue authorities to attend to these estates is quite out of the question. Many of what are called estates consist of much less than an acre, and instead of the Collector having to attend to some ten or twenty estates, the Board will observe that these now can be counted by thousands.

ENCLOSURE No. 1.—Statement showing the particulars of estates in charge of the guardians or relatives of the minor proprietors as well as of those in charge of the Collector under orders of Civil Court.

In this letter, the Collector furnishes the usual report on the management of estates belonging to Minors for Fasli 1279.

2. There were fourteen estates in all—none of them under the management of the Court of Wards. All are administered by guardians appointed by the Civil Court under Section 20 of Regulation V. of 1804.

3. Judging from financial results alone, only three out of the whole number appear to have been successfully managed. Nearly all the rest have been unable to discharge their Peishcush, and have been or are in course of being, attached by the Collector of arrears for revenue.

				RS.	
Alagapuram	...	...	...	12,000	are deeply involved in debt. Though
Pottnam	...	...	...	18,888	Yelagiri appears among them, it had a
Kerambur	...	...	...	53,500	cash balance at the close of the Fasli of
Yelagiri	...	...	...	20,000	Rs. 14,991. The liability of the Keram-
Kadathur	...	...	...	6,250	bur estate is out of all proportion to its
					income.

5. From the Statement accompanying the Collector's letter, the proprietors of Alagapuram, Sendamangalum, and Pottnam appear to have come of age, and

will in due course enter into possession. The second of these estates has heavy arrears of Peishcush to discharge, and is still under the Collector's attachment with but a very poor chance of clearing itself. The Collector will report the amount of the arrears, and how much has accrued during the period of attachment.

6. The age of the Pottnam proprietor was disputed by the guardian, and the Collector judging from his horoscope and general appearance was of opinion that he had attained his majority. The Civil Court, however, have decided that he is still under age, so that the estate will remain under the guardian for a year more.

7. Very little attention appears to have been paid by the guardians to the education of the Minors generally. Those of Yelagiri, Papinayakenhully, and Noolhully, are attending the public schools at Salem, Tripatore, and Dharampoory. The rest have not been well cared for, and the Court approve of the Collector's proposal to communicate with the guardians on the subject. He should consider himself responsible that their education is not entirely neglected.

8. With reference to paragraph 24 of his letter, the Collector is requested to forward every year to the Civil Court a copy of his Annual Report to the Court of Wards. It will serve as a check on the proceedings of the guardians who are directly answerable to the Civil Court.

9. With reference to paragraph 25, the Board observe that the Collector is evidently mistaken in supposing that, under the Circular No. IX. of 1869, his Annual Report should embrace all petty Ryotwary estates inherited by Minors. That Circular calls for a report to be made to Government, through the Board of Revenue, on each occasion of an estate, permanently settled or Ryotwary, devolving on a Minor, with a view to enable the Government to decide as to the propriety of placing it under the charge of the Court of Wards.

10. No reply has been received from the Collector to Proceedings, No. 7,532, of the 11th October 1869, requesting him to submit a full report on the subject of the Minnampally estate to which the Collector evidently alludes in paragraph 10 of his present report as having been submitted. A copy of these Proceedings will be submitted to Government, and their attention will be requested to the very unsatisfactory character of the management of estates by the Civil Courts.

No. 247. ORDER THEREON, 18th January 1871, No. 119.

Miscellaneous.

THE Government regret to receive so unsatisfactory an account of the management of the estates in question,

but in the case of those which belong to joint proprietors, some of whom are legally competent to administer the affairs of the estates, it does not appear that Government can intervene. If the guardians are neglectful of the interests of their wards, the remedy must be sought at the hands of the Courts which appointed them.

2. But in several of the cases under report, it appears that the estates are the property of single minor proprietors, and when this is the case, or where all the joint proprietors are minors, there is nothing to prevent the intervention of the Court of Wards for the management of the estates, under Clause 2, Section 2,

*Proceedings of the Madras Government, Revenue Department,
18th January 1871.*

Regulation X. of 1831, even though they may originally have withheld from interference.

3. The provisions of Section 20, Regulation V. of 1804, appear to contemplate either the cases only of Minors among joint proprietors, some of whom were of competent age, or else an *interim* arrangement for protecting the Minors' interests, pending the action of the Court of Wards, although in this latter case it is not clear why the provision was originally limited to cases of joint proprietorship beyond which it is extended by Section 3, Regulation X. of 1831.

4. It is, however, clear that the appointment of a *guardian* to a Minor proprietor by the Zillah Court, in no way militates with the powers of the Court of Wards as regards the *management* of the estate of a Minor.

(True Extract.)

(Signed)

W. HUDLESTON,

Secretary to Government.

To the Court of Wards.

2 These are fourteen in number, and most of them are joint properties: guardians having been appointed under Section XX, Regulation V of 1804, to guard the interests of the minors. Some, however, appear to be the property of individuals and to have been dealt with under the provisions of Section III, Regulation X of 1831.

3 The Govt. observe that both these sections are designed to prevent "injury arising to the property and person of the heirs by reason of delay." There is nothing to preclude the intervention

I am not very clear on this point. The proper course in respect to joint property is I think to urge the Court to ask - point to a more

efficient guardian of minor's property. I don't think this is a very easy thing to do. I have drafted another one. The Court would experience

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intervention of the Court of Wards at any period during the minority and subsequently to the appointment of guardians by the Civil Court. This right is distinctly affirmed in clause 2, Section II, Regulation X of 1831.

4 The Govt. are therefore of opinion that the Court of Wards should take into their early consideration the propriety of assuming the management of the minor's share in all the estates, the affairs of which although in an unsatisfactory condition have not as yet necessitated the attachment or sale of the

experience no difficulty in
guarding the minor's interests
in cases, as in that of *Alagon*
puram, where the minor's
share of the property is
separately enjoyed by him.
In other cases it would
probably be advisable to seek
legal advice.

OK

Y. H.
Munro's Estates
in Salem District

Revenue Dept. 15th
No. 119.
Pros. of the Madras Government
Under date the 18th Decr. 1870

Read the following
Pros. of the Bd. of Revenue

Subm. copy of Pros. reviewing
Colln report on estates belonging to
Munro in Salem D. administered
by guardians appointed by civil
court, for July 12/79

A.E. 18th Oct. 1870. No. 6212

The Govt regret to receive
so unsatisfactory an account
of the management of the
estates in question, but in
the case of those which belong
to joint proprietors some of
whom are legally competent
to administer the affairs

A. A. J.
J. O. S.

Another draft H.
It is proposed to
submit to Govt this
is circulated
— L. H.

of the Estates, it does not appear that Govt can intervene. If the guardians are neglectful of the interests of their wards, the remedy must be sought at the hands of the Courts which appointed them.

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17K
of Wards for the management of the Estates under clause 2, section 2, Regulation 10 of 1831, even though they may originally have withheld from interference.

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4. It is, however, clear
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by the Zillah Court in no
way militates with the powers
of the Court of Wards, as
regards the management
of the Estate of a minor.

L.R.

14 Little Court of Wards William Ruels
13th Decr 47

By A.C.H.

ns/4

G. R.
 Manager of
 Niagara Extension
 Cable Co.

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[Handwritten signature]