

*Proceedings of the Madras Government, Revenue Department,
19th July 1871.*

No. 231. Read the following letter from the Government Solicitor, Madras, to the Acting Secretary to Government, Revenue Department, Fort Saint George, dated Madras, 5th July 1871, No. 266:—

I HAVE the honour to acknowledge the receipt of the Order of Government, dated 30th June 1871, No. 1,133, Revenue Department, requesting the Acting Advocate-General's opinion relative to the claim of Narrainsawmy Chetty and two others for the restoration of the Samoodrum Mootah in the Trichengode Talook in the Salem District.

2. I submitted the matter for the consideration of the Acting Advocate-General, and,

3. I now forward herewith a copy of his opinion.

—
OPINION.

REGULATION X. of 1831, Section 2, Clause 1, clearly applies only to cases where the Court of Wards might have taken the management of the estate. This is put beyond doubt by Clause 2, which provides that "it shall be competent to the Court of Wards to assume charge of such estates at any time during the minority of the proprietor, notwithstanding they may have originally refrained from interfering." The estates referred to in Clause 1 are plainly estates to which Clause 2 might be applied, that is, estates, the management of which might have been originally assumed by the Court. The principle of the Regulation I conceive to be, that if the Court refrain from extending to the estate of a minor that protection which the law enables them to afford, he is not to be punished by the loss of his estate for any mismanagement that may have occurred during his minority.

2. In reply, therefore, to the two questions which have been put to me, I am of opinion that a sale during the minority of the eldest son of Gopala Chetty would not have been illegal, and that the sale which actually took place after he attained majority, but during the minority of his brothers, was perfectly legal.

(Signed) JOHN D. MAYNE,

Acting Advocate-General.

4th July 1871.

No. 232.

ORDER THEREON, 19th July 1871, No. 1,252.

Miscellaneous.

COMMUNICATED to the Board of Revenue with reference to the G. O. quoted.

2. Ordered that the following despatch be addressed to the Secretary of State with reference to G. O., 16th December 1869, No. 3,187:—

(Here enter 19th July 1871, No. 30.)

(True Extract.)

(Signed) D. F. CARMICHAEL,

Acting Secretary to Government.

To the Board of Revenue.

Ed. F. R. Bantleman.

N^o 266

Madras, 5th July 1871.

From

M. G. Prichard

Government Solicitor

Madras.

To

D. F. Carmichael Esq^r

Atty. Secretary to Government
Revenue Department

Fort St. George,

Sir

1. I have the honor to acknowledge the receipt of the
Order of Government dated 30th June 1871, N^o 1133,
Revenue Department, requesting the Acting Advocate
General's opinion relative to the claims of Narayana
Chetty and 2 others for the restoration of the Tanjore
Mothah in the Tiruchengode Taluk in the Salem
District.

2. I submitted the matter for the consideration
of the Acting Advocate General, and

3. I have forwarded herewith a copy of his
opinion.

I have the honor to be,

Sir,

Your most Obedient Servant
M. G. Prichard
Government Solicitor

Signed / John D. Mayne
Attest. Geo. L. [unclear]
July 4th 1791

W. Richardson
Government Solicitor

Dr. J. H. George

43066.

Oct 10 - 1952 - by Jack & Mary

N^o 252 14 July 1871
Prand Akem

from Govt Station No. 266
D/5th July 71

Communicated to the Vd of the
with reference to the G. O. quoted.

2. Ordered that the following
despatch be addressed to the
Secy of State with reference to G.O.

14 Feb 1871 of the Secy of State
16th Dec 1869 No 3187.

By the Secy of State
The Secy of State



We have now the honor
to reply to the Grace's despatch No 45
of the 28th Oct 1869, on the Memorial
from the sons of the late Gopala Cheloy,

with two others,
undried

who was (late) proprietor of the
the (late) zamindary or 'mootah'
of Samudram in the Salem district,
praying for the restoration of the
estate which in the year 1862, on
the death of the late Gopala Cheloy, was
put up to sale & bought by Govt for
means of revenue.

Now Gopala Cheloy died, the
estate was solvent, and his sons
were minors. In these circumstances

Enclosed in letter from
the Secy of State of the 14th July 1871
to the Secy of State of the 14th July 1871
from the Secy of State of the 14th July 1871
to the Secy of State of the 14th July 1871

14 July 1871

14 July 1871

your Grace has inquired, why
 on the death of the father, no steps
 were taken by the Collector for placing
 the Estate under the C.E. of Wards.
 If that had been done, your Grace
 apprehended that the sale of the
 Moolah, for arrears which had accumu-
 lated under Govt. management
 during the minority of the proprietor,
 who have been contrary to law, & that
 the Estate must have been restored
 to him, on their attaining their
 majority, discharged of all such
 demands.

I. I reply we try to explain that
 when Gopala Chetty died in 1846,
 leaving sons under age, the interference
 of the C.E. of Wards was barred by the
 existence of certain "joint prop-
 ertors" of the Estate who were of
 competent age. (Section XX,
 Reg. L. of 1804.) The interests of
 minors in such cases are entrusted
 by the law to the Civil Judge, to
 whose notice accordingly the
 Collector brought the matter.
 The Regulation (S. of 1831), it is true,

* 1st add
 "although, as an Ad-
 visor, it being
 known that
 during his minority

The Collector...
 27th June/71

forbids (during the proprietor's
 minority) the sale for arrears of
 revenue of a minor's estate not
taken under the management of the
 C.E. of Wards, where such arrears
 have accumulated subsequently to
 the minor's accession. But in
 our judgment, which is confirmed
 by the opinion of the Advocate Genl.,
 "not taken" here means "not
 taken where it might have been
 taken"; and, as already observed,
 the law not only did not permit
 but prohibited the intervention
 of the C.E. of Wards in the matters
 of the late Gopala Chetty's estate.

4. We have only to point out in
 conclusion that the action of the
 Revenue authorities was, nevertheless,
 marked by extreme indulgence.
 The arrears began to accrue immedi-
 ately on the father's death in 1846,
 but the Estate was not put up to
 sale till six years after, in 1852,
 of which time the eldest of the
 three minor sons left by the deceased
 joint proprietor had attained
 his majority; *
 5. The Enclosures consist of two
 proceedings marginally sub-
 signed by the Collector of 1852.

27th June/71

Ms. A. 9. 2. 2. 2. 2. 2.

[Faint, mostly illegible handwritten text in a cursive script, likely from a 17th-century manuscript. The text is written in dark ink on aged, slightly discolored paper. There are several large, dark ink blotches or corrections in the middle section of the page.]

Espl. R. H. R. C. I. S. A. M.

