701

M.R.O. 1—20,002—12-8-65.

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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No. B.P. No.	718	Press ~~Mis.~~
Dated	11- 6-	1874 ~~196~~ .

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
11th June 1874.

No. 102. Read the following Proceedings of the Court of Wards, dated 9th May 1874, No. 1,083 :—

Read again Proceedings of the Court of Wards, dated 1st and 21st August 1873, Miscellaneous Nos. 4,842 and 5,317.

Read also the following letter from A. MACGREGOR, Esq., Collector of Malabar and Agent to the Court of Wards, to J. GROSE, Esq., Secretary to the Court of Wards, dated Calicut, 23rd March 1874, No. 85.

ADVERTING to the Court's Proceedings, dated 21st August last, Miscellaneous No. 5,317, I have the honour to state that no course is open to me by which the debts of the Kavalapara minor can be liquidated by one single loan raised at a reduced rate of interest. As before stated, the debts amount about Rupees 58,000, due to thirteen individuals. The interest thereon up to June last has been paid almost all of them; but the majority of the creditors are anxious to have their capital paid back. If it should be decided that these debts should be liquidated out of the annual surplus of the income, it will take several years before the sums are paid, and the creditors would hardly abide by such a settlement of the matter. I also learn that some of the creditors being unwilling to continue under the present reduced rate of interest contemplate the recovery of their capital. As the debts against the estate must at any rate be paid, I beg to suggest the following measure by which our object can be gained.

2. This is simply done by collecting from the tenants of the estate, who hold property on mortgage, such a sum as the purapad paid by them to the estate shall be equal to the interest on the amount advanced.

3. I give the following illustration of the measure :—

Supposing a tenant pays to the estate a purapad of 125 parahs of paddy, which is valued at Rupees 35-11-5, at 0-4-7 a-parah, a sum of Rupees 571-6-10 can be collected from him, allowing him to enjoy the *purapad*, which would give him exactly an interest of 6¼ per cent. on the capital advanced by him; a document for the amount paid by him would be executed in his favour. The greater part of the capital thus borrowed can be held as a set off for the amounts which the tenants have to pay once at the end of twelve years, when all the titles are renewed, and, by raising the loan in this manner, all the existing debts can be paid off at once.

4. The interest, at 7 per cent. on an average, now paid on the 58,000 Rupees amounts to Rupees 4,060, whereas, under the measure now suggested, the interest, being at 6¼ per cent., gives a saving of Rupees 435 on the whole.

5. Although this scheme may not be agreeable to all, it is hoped that all the wealthy tenants can be induced to accept it.

6. With regard to the rate at which paddy is valued, it is possible that there might be some fluctuation in subsequent years, but the amount named may be

considered a fair average, and any slight alteration that may have to be made to secure the consent of the tenants is not likely to alter our calculation to any material degree. I may also observe that the same rate is employed in calculating the value of paddy in the budget-estimate lately submitted.

7. Under these circumstances, I request the orders of the Court on the subject.

THE above papers relate to proposals as to a settlement of the debts of the Kavalapara minor's estate.

2. In July 1872, the property devolved upon the present proprietrix, then aged six years and three months, and on the 9th August the Government, by their Order No. 1,187, sanctioned the intervention of the Court of Wards and an advance of Rupees 5,000, to be adjusted from the income of the estate.

3. The Collector, in reporting upon the property left by the deceased Nair Chief, mentioned the existence of a considerable amount of debts, now ascertained to aggregate Rupees 65,322 as appears from the Administration Report for fasli 1282. This sum is exclusive of the Government loan of Rupees 5,000 already advanced.

4. It being highly desirable that the debts should be liquidated as speedily as possible, application was made to the Bank for a loan but without success.

5. The Collector now suggests an arrangement under which the tenants of the estate are to be invited to advance the money; the sums furnished by each being such that, if invested, the interest thereon, at 6¼ per cent., would be equivalent to their "purapad" or net rent payable to the estate.

6. The arrangement suggested seems to the Court, however, a very complicated one, and it does not appear that the tenants have signified their consent, whilst the difference between the rate of interest now payable and the rate which the Collector proposes to offer the tenants would only effect a saving of Rs. 435, and would be liable to fluctuation with the price of grain; moreover, the probable increase in the number of creditors would be a disadvantage.

7. Under these circumstances, the Court resolve to apply to Government for a loan of Rupees 65,000 to enable them to relieve the estate from its encumbrances, interest, at the usual rate, being paid until the loan is liquidated, which, the Court think, may be readily accomplished in ten years at the outside. From the Administration Report for fasli 1282, it will be seen that the receipts were Rupees 28,335 and the charges Rupees 18,752, leaving a surplus of Rs. 9,583, whilst the budget-estimate for the current fasli anticipates a surplus of Rupees 8,000; and the Collector is sanguine that he will be able to pay off the whole of the loan already granted before the expiration of the fasli.

Vide paragraph 12, Court's Proceedings, dated 28th March 1874, No. 706.

8. As the minor is only eight years old, and, in the event of her death, the whole property will escheat to Government, the loan will be attended with the minimum of risk, and the Court trust that their application will meet with favourable consideration.

Paragraph 2, Head Assistant Collector's letter, recorded in Court's Proceedings, dated 3rd August 1872, No. 1,493.

718

No. 103. ORDER THEREON, 11th June 1874, No. 718.

Miscellaneous.

PRESUMING that the debts referred to are all valid against the estate, the Government resolve to apply to the Government of India for sanction for the required loan.

(True Extract.)

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

To the Court of Wards.

xd. F. R. Bantleman.

V Bd. Pro 29 July/75 No 2129

Govt. of {1874} Madras.

REVENUE.

To

THE COURT OF WARDS.

Dated June 11th.

Recd. Encl.

G. O., 11th June 1874, No. 718.

JUNE.

Nos. 102-103.

Kavalapara Estate, Malabar District.—Resolves to apply to Government of India for a loan of Rs. 65,000 for liquidation of debts of —.

718/3

No. 1,083.

PROCEEDINGS OF THE COURT OF WARDS, dated 9th May 1874.

Read again Proceedings of the Court of Wards, dated 1st and 21st August 1873, Miscellaneous Nos. 4,842 and 5,317 :—

Read also the following letter from A. MACGREGOR, Esq., Collector of Malabar and Agent to the Court of Wards, to J. GROSE, Esq., Secretary to the Court of Wards, dated Calicut, 23rd March 1874, No. 85.

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4. The interest, at 7 per cent., on an average now paid on the 58,000 Rupees amounts to Rupees 4,060, whereas, under the measure now suggested, the interest, being at 6¼ per cent., gives a saving of Rupees 435 on the whole.

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6. With regard to the rate at which paddy is valued, it is possible that there might be some fluctuation in subsequent years, but the amount named may be considered a fair average, and any slight alteration that may have to be made to secure the consent of the tenants is not likely to alter our calculation to any material degree. I may also observe that the same rate is employed in calculating the value of paddy in the budget-estimate lately submitted.

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Vide paragraph 12, Court's Proceedings, dated 28th March 1874, No. 706.

Paragraph 2, Head Assistant Collector's letter, recorded in Court's Proceedings, dated 3rd August 1872, No. 1,493.

8. As the minor is only eight years old, and, in the event of her death, the whole property will escheat to Government, the loan will be attended with the minimum of risk, and the Court trust that their application will meet with favourable consideration.

(A true Copy and Extract.)

Acting Sub-Secretary.

To the Acting Secretary to Government, Revenue Department,
with Board's Proceedings, dated 1st and 21st August 1873,
Miscellaneous Nos. 4,842 and 5,317, and 28th March 1874, No. 706.
,, the Collector of Malabar.

Exd. F. R. Bantleman.

102.

No. 1625

Rev. 1874. [illegible]

Court of Wards,

MADRAS.

PROCEEDINGS, 9TH MAY 1874, No. 1,083.

Desp 10 May 74.

Encl. 1

Received 14 May

MAY.

No. 1,083.

Kavalapara Estate—in Malabar District, now under charge of Court of Wards.—Government requested to grant a loan of Rupees 65,000 for payment of debts of —;

For orders. with ref. to financial order [illegible]

No. 1,246.

PROCEEDINGS OF THE COURT OF WARDS, dated 26th May 1874.

Read the following letter from A. MACGREGOR, Esq., Collector of Malabar, to J. GROSE, Esq., Secretary to the Court of Wards, dated Calicut, 19th March 1874, No. 79:—

I HAVE the honour to forward copy of a Decree of the Subordinate Judge of Calicut in Suit No. 39 of 1873 dismissing the suit.

2. In that case a money lender sued the Collector as Agent of the Court of Wards for a debt contracted during the life time of the Minor's Karnavan by younger members of the family.

3. The defence was that these younger members had no power to burden the property, and that the estate was therefore not liable. The Subordinate Judge has rejected the suit on the ground that the guardian should, under Section 23, have been a party, and further states his opinion that Section 19, Clause 4, prohibits the appointment of a male guardian to a female minor, and therefore that the appointment of the Minor's father as guardian is invalid, and that there is, in fact, no guardian.

4. What Section 23 says is that minors *in the custody of guardians* shall not be liable to be sued except in the joint name of their guardians.

5. If then there is no guardian, the section would not have applied, even if the party had sued the Minor. But he did not sue the Minor, he sued the Collector, who, under Section 17, is the party bound to pay debts on due substantiation, and therefore presumably the party to be sued for non-payment.

6. So far as the present case is concerned, there is nothing more to be said, unless the plaintiff successfully appeals.

7. It has to be considered, however, whether any thing must be done in regard to the question of guardian. Clause 4 of Section 19 appears to be by no means explicit, and might bear the interpretation that if a female guardian is appointed, it must be to a female and not to a male, the object being to discourage the effeminate bringing up of male wards.

8. It is difficult to see on what ground a father or uncle not personally interested in the death of the Minor should have been excluded from the list of possible guardians. A more serious difficulty still is suggested by the decree. If only the guardian can be sued, can the Collector as Manager sue? We have numerous suits, and as yet the objection has not been taken; but it seems desirable that the Advocate General's opinion on the question should be obtained. Although the decree in question is in the Subordinate Court, I am given to understand that a doubt as to the legality of suits to which the guardian was not a party, had some time before been let fall by the District Judge during an argument in Court. The question, however, has not actually been brought to an issue there.

9. The sections relating to guardians have the appearance of having been pieced on to the Act, and may have been originally framed with reference to some other condition of things than that established by the preceding sections relating to the powers of Collectors and Managers. It seems unreasonable to suppose that guardians were to undertake the litigation connected with estates with whose management they had nothing to do, their duties being confined to the personal expenses and custody of the Minor.

10. I have already referred to the great difficulty with which the management of a Nair female minor is attended. Her father is a Brahmin who could enter into no legitimate union with her mother. She cannot therefore be handed over to the care of his elder brother's wife, who is, of course, a Brahmin; and the Nambudiri Brahmin females are so strictly secluded, not being allowed to speak to any man but their husbands after the age of sixteen; that they are unfit for the office of guardian. Among the Nambudiri Brahmins the eldest son alone can legally marry, and must marry a Nambudiri Brahmin. The younger sons form illicit but not clandestine connections with Nair women, generally selecting those of position who can support them. Thus it has come to pass that among all the Nair families of high rank, such as that to which the Minor belongs, the females consort exclusively with Nambudiri Brahmins.

11. The question of sending the Minor to Trevandrum has been held in abeyance, owing to the doubt as to whether she should be allowed to leave the jurisdiction of the Court.

12. There is no Caste girl school in Malabar, and the only alternative seems to be to secure for the girl a home in Tanjore, and let her attend the school there. This would have the advantage of removing her entirely from the pernicious influences of Malabar customs.

ENCLOSURE No. 1.—Copy of Decree.

THE Court doubt whether the Subordinate Judge's interpretation of the law is correct.

2. The fourth Clause of Section 19, Regulation V. of 1804, regarding the appointment of females as guardians to female Minors appears to be permissive and not compulsory, otherwise its operation in the case of the appointment of guardians to Malabar female Minors would, as pointed out by the Collector, be almost prohibitory.

3. With regard to the Subordinate Judge's reading of Clause 1, Section 23, the Court remark that the Collector is responsible for all payments from the estate, and that neither the Minor nor the guardian is competent to order payment of a single rupee.

4. The Court accordingly resolve to refer the Collector's letter to the Advocate-General for consideration when passing the "Court of Wards Bill," as it may be advisable to make special provision for the case of Malabar women.

5. The Collector's proposal to send the Minor to Tanjore seems a good one, and the Court desire a further report on the subject.

(A true Copy and Extract.)

Acting Sub-Secretary.

To the Advocate-General, with one original enclosure, to be returned.
,, the Collector of Malabar.
Copy to the Government Pleader.

Exd. T. O'Connor.

1874.
Court of Wards,
MADRAS.

PROCEEDINGS, 26TH MAY 1874, No. 1,246.

Encl.

Received

MAY.
No. 1,246.

Kavalaparra Estate—in Malabar District, now under charge of Court of Wards.—Collector's letter forwarding copy of Decree passed in Sub-Court of Calicut dismissing a suit filed against—for debt, referred to Advocate-General, in order that Judge's remark regarding appointment of guardians for female Minors, may be considered in connection with Court of Wards Bill. Collector to report further on proposal to send Minor to Tanjore.

No. 706.

PROCEEDINGS OF THE COURT OF WARDS, dated 28th March 1874.

Read the following letter from A. MACGREGOR, Esq., Collector and Agent to the Court of Wards, Calicut, to J. GROSE, Esq., Secretary to the Court of Wards, dated 12th November 1873, No. 257:—

I HAVE the honour to report upon the administration of the Nelialam and Kavalpara Minors' Estates in this district, during Fasli 1282, (1872-73) and to submit the Accounts connected, therewith, in the prescribed forms.

2. The charge of the Nelialam Estate was retained after the Minor attained his majority, owing to his intellectual backwardness and at his own express desire.

3. He has now been residing for nearly a year on the Estate, managing the home farm. The Tahsildar has gone over the business of the Estate with him, and I think he may now be safely entrusted with its management. Though slow and dull, he has a very good idea of the value of money, and is not likely to dissipate the property.

4. The Adighary of the Amshom has been managing the property, and the Rajah should be allowed to retain him as Agent, without prejudice to his appointment. I request permission to make over the Estate.

5. The property was taken charge of by the Court of Wards in 1858, on the recommendation of Mr. Robinson, then Collector.

Vide his letter, dated 8th January 1858, No. 7.

6. The Estate was estimated as bearing a value of 20,000 Rupees, but was described as being in such a condition that, if not taken charge of, it would soon become utterly involved.

7. The Minor was a sickly child of four years old.

8. The result of the management may, I think, be regarded as very satisfactory, and as having quite borne out Mr. Robinson's opinion that the property was improvable, and had a considerable prospective value.

9. Briefly, during the management, the annual income has been raised from an average of Rupees 380 during the first four years of management to an annual rental of Rupees 3,690, after deducting Government assessment during the last four years, and a sum of Rupees 20,000 has been accumulated in Government securities and cash. Thus we hand over to the proprietor his Estate, with its income increased tenfold, in addition to a sum of money representing the whole estimated value of the property when its charge was assumed by the Court.

10. The family have meanwhile had a comfortable maintenance, and the Minor's education has been attended to. At first he had a tutor at home; subsequently he was sent to the Calicut Provincial School, and latterly while there, a private tutor was paid to read with him out of school hours. He shows a good disposition, and though, as already stated, not very bright, he is probably the only native landlord in Wynaad able to carry on a conversation in English.

11. I now proceed to give a detailed account of the year's transaction.

—	Fasli 1282.			Fasli 1281.		
	RS.	A.	P.	RS.	A.	P.
1. Rent on leased lands	3,258	15	8	3,263	6	1
2. Assessment on do.	2,116	8	3	2,841	7	1
3. Income from lands under direct cultivation	...	...	...	212	7	0
4. Realization of debt	20	0	0	...	...	...
5. Interest on arrears of rent	...	...	...		0	0
6. Miscellaneous receipts	579	2	11	37	1	9
7. Interest on Government securities ...	468	8	0	861	8	10
Total...	6,443	2	10	7,222	14	9

12. The aggregate receipts of the Estate amounted to Rupees 6,443-2-10 and the charges to Rupees 3,510-13-1. The several items of receipts, with the amount under each, as compared with that of the previous year are noted in the margin.

13. The decrease under Item No. 2 is attributable to the general difficulty experienced in the collection of Coffee assessment in Wynaad during the year under report, as well as to the collection having been suspended with reference to the Board's Proceedings, noted (25th April 1873, Miscellaneous No. 2,511). The falling off under Item No. 3 is owing to the land having been made over to the Minor, as stated in my letter, dated 9th October 1872, No. 242.

14. The increase which Item No. 6 shows is due to an advance of Rs. 453, received during the year on account of a land newly leased.

15. The decrease under Item No. 7 is ascribable to the collections of the previous year having included the arrears of the preceding years as well as to the non-collection of the whole amount of interest due on Government Securities for Fasli 1282.

16. The annexed Statement shows the demand, collection, and balance of the year, as compared with those of the previous year :—

—	DEMAND.									COLLECTIONS.									BALANCE.								
	Arrears.			Current.			Total.			Arrears.			Current.			Total.			Arrears.			Current.			Relinquished.		
	RS.	A.	P.	RS.	A.	P.	RS.	A.	P.	RS.	A.	P.	RS.	A.	P.	RS.	A.	P.	RS.	A.	P.	RS.	A.	P.	RS.	A.	P.
Fasli 1282...	6,576	3	3	6,999	8	6	13,575	11	9	3,780	6	2	1,595	1	9	5,375	7	11	2,795	13	1	5,404	6	9	...	...	...
Fasli 1281...	9,241	14	8	7,145	3	11	16,387	2	7	3,264	6	1	2,840	7	1	6,104	13	2	2,271	6	5	4,304	12	10	3,706	2	2
Increase...	...	...	...	...	...	...	...	...	...	516	0	1	...	...	...	...	...	...	524	6	8	1,099	9	11	...	...	...
Decrease...	2,665	11	5	145	11	5	2,811	6	10	...	...	...	1,245	5	4	729	5	3	...	...	...	...	...	...	...	...	...

17. It will be seen from the above figures that the aggregate balance which outstood at the close of the fasli amounted to Rupees 8,200-3-10, consisting of

Rupees 5,404-6-9, the demand of that year, and of Rupees 2,795-13-1 the arrears of the previous year. Of these balances, Rupees 3,725-9-9 are assessment payable by lessees direct to Government, and the causes which led to this balance have been already explained. As to the remaining balance of Rupees 4,474-10-1 which is the arrear of rent due to the Minor, Rupees 1,683 is due by Alfred Wright, an insolvent, (*vide* paragraph 10 of the last year's report). The sum is not likely to be recovered.

18. The financial position of the Estate during the year stood as noted below:—

	RS.	A.	P.
The balance at the credit of the Estate at the end of Fasli 1281.	17,620	14	8
Add receipts of Fasli 1282	6,443	2	10
Total ...	24,064	1	6
Deduct charges of Fasli 1282	3,510	13	1
Net balance at the end of do.	20,553	4	5
Add arrears recoverable...	2,791	10	1
Total ...	23,344	14	6
Particulars of the sum at the credit of the Estate	...	...	...
Invested in Government Securities	16,300	0	0
In my Treasury	4,253	4	5
Total ...	20,553	4	5

19. I shall now refer to the Kavalpara Estate.

20. This Estate was taken under the charge of the Court of Wards in the middle of August 1872, under the Orders of Government, dated 9th idem, No. 1,187. As the circumstances of the Estate and the action taken in connection with it have been fully reported in my letter to the Court, embodied in their Proceedings noted, I will confine my remarks to the receipts and charges of the Estate for the period of ten and a half months embraced in the fasli under report. The receipts during the period aggregated Rupees 22,335-7-1 and the charges Rupees 18,752-4-11, the former, it must be observed, includes Rupees 1,000, being the amount appropriated from the advance of Rupees 5,000, sanctioned in the G. O. quoted above.

3rd August 1872, No. 1,493.
26th do. do. „ 1,698.
5th April 1873, „ 537.

21. In the margin is noted an Abstract of Receipts and Disbursements, and the details appear also in Statement No. 4. This does not, it will be remembered, comprise the receipts nor the charges of the property within the Native State of Cochin (*vide* G. O., dated 1st May 1873, No. 443, Revenue Department, and the correspondence incorporated therewith, as also G. O., in the Political Department, dated 29th May 1873, No. 220).

Receipts.

	RS.	A.	P.
1. Rent on lands	16,335	5	0
2. Receipts from lands under direct cultivation	772	14	6
3. Sundry receipts...	802	1	11
4. Malikhana...	3,425	1	8
5. Loan from Government ...	1,000	0	0
Total ...	22,335	7	1

22. These are, it will be observed, charges continued as incurred by the late Nair during hislife time. It was, however, proposed in paragraphs 2 and 3 of my letter, dated 21st February 1873, and printed with the Court's Proceedings, dated 5th April 1873, No. 537, to reduce the retinue and followers of the late Nair, and to effect such other reductions as experience might dictate. All practicable reductions have accordingly been made,as will appear from the Budget Estimate, and the Memorandum which accompanied my letter, dated 14th July last, No. 174.

Charges.

1. Establishment and Sader-warid charges	3,725	12	7
2. Maramut	617	9	5
3. Government assessment ...	3,618	10	10
4. Minor's maintenance and education	2,094	7	7
5. Share to proprietors... ...	90	8	10
6. Religious charges	4,472	8	2
7. Endowment	1,557	6	11
8. Law Suits...	939	13	9
9. Pensions	376	9	4
10. Charges incidental to direct cultivation	476	7	0
11. Payment for improvement, etc.	580	1	2
12. Miscellaneous charges ...	202	5	4
Total	18,752	4	11

23. A Statement of demand, collection and balance for the year under report is subjoined:—

DEMAND.			COLLECTION.			BALANCE.		
Arrears.	Current.	Total.	Arrears.	Current.	Total.	Arrears.	Current.	Total.
RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.
2,683 6 6	27,443 14 7	30,127 5 1	695 0 0	19,065 6 8	19,760 6 8	1,988 6 6	8,378 7 11	10,366 14 5

24. Of the above balance, about 6,000 Rupees is the value of paddy in hand, which cannot under the instructions of the Court, conveyed in their Proceedings noted, (Dated 14th December 1864, No. 8,019.) be credited to collections unless converted into money by sale or otherwise disposed of, and hence it is included in the balance; as to the remaining balance, a good portion has already been collected, and the balance is expected to be realized before the close of the current fasli.

25. The balance of arrears still outstanding is in some cases barred by limitation, but it is hoped that the parties being still tenants of the Estate, the arrears may be gradually realized by small annual collections along with their rents.

26. The Court are aware that when the Estate was taken under management there was no surplus whatever, either in the shape of money or grain, which necessitated a loan from Government. But it is satisfactory to find that the management during ten and a half months of Fasli 1282, has resulted in a net surplus of Rupees 3,583 to which may be added Rupees 6,000, the value of unsold paddy, referred to in paragraph 24, thus aggregating Rupees 9,583.

27. It will be observed that in addition to Rupees 1,000 appropriated during Fasli 1282 from the advance of Rupees 5,000 sanctioned by Government, the balance of Rupees 4,000 has also been drawn in Fasli 1283. But notwithstanding that Fasli 1282 closed with a surplus, a heavy special charge had to be incurred in the celebration of the late Nair's Anniversary ceremony at the beginning of Fasli 1283. This combined with the fact that the demand of certain creditors of the late Nair, as reported in my communication dated 21st May 1873, No. 130, had

to be met in order to prevent further legal expenses, operated to put off the liquidation of the loan from Government which will, however, be discharged within the current fasli.

28. The affairs of the Estate may now be said to have been brought to a greatly improved footing. Two important questions connected with it have still to be disposed of viz., (1) that of discharging the debts referred to in my letter quoted above; (2) that of transferring the maintenance of the Uttupura (Feeding-house) on the Cochin Frontier, which now costs us nearly 1,000 Rupees annually to that Government, to be kept up with the proceeds of the property lying in their territory.

29. As to the first question, I shall shortly address the Court with reference to their Proceedings, dated 21st August 1873, Miscellaneous No. 5,317; and with regard to the second, I shall submit a separate Report called for in the Court's Proceedings, dated 22nd September 1873, No. 1,902.

ENCLOSURES Nos. 1 to 4.—Statements.

THE Estates under the Court's charge in Malabar during Fasli 1282 were Nelialam and Kavalpara. The charge of the latter Estate was assumed in the early part of the year on behalf of a female minor, Parvaty, aged seven years, under Orders of Government, dated 9th August 1872, No. 1,187.

2. *Nelialam.*—The proprietor of Nelialam attained his majority so far back as October 1871. Nevertheless, the charge of his Estate was retained by the Court owing to his intellectual backwardness and his own desire for the continuance of their management. The Collector now reports an improvement in his capacity for managing his own affairs and recommends the transfer of the Estate to him. This has been sanctioned in separate Proceedings, dated 10th February 1874, No. 278.

3. The land revenue demand of the Estate for the year was settled at Rupees 7,000 a sum very little less than that of Fasli 1281. The arrears amounted to Rupees 6,576, and the total demand including arrears was Rupees 13,576.

	RS.
Fasli 1281	7,145
,, 1282	7,000
Decrease ...	145

4. The demand above given includes the assessment payable by the Coffee planters direct to Government, which is both credited and debited in the Estate Accounts to preserve a complete record of the Estate transactions.

5. The collections were unsatisfactory and amounted only to Rupees 5,375, leaving a balance of Rupees 8,201. It is explained that Rupees 3,725 of this amount is the assessment payable by lessees direct to Government, the collection of which has been postponed owing to the losses sustained by the cultivators.

Board's Proceedings, dated 25th April 1873, No. 2,511.

6. Deducting this, the balance of rent due to the Estate was Rupees 4,476, of which Rupees 700 were collected up to the date of the Collector's report, and Rupees 1,683 are stated not likely to be recovered being the amount due by one Mr. Alfred Wright who has become an insolvent.

7. According to the financial return, the total receipts were Rupees 6,443 and the charges Rupees 3,511. The corresponding figures for Fasli 1281 were Rupees 7,223 and 4,059 respectively. The decrease in the receipts as well as charges is nominal, being due to the respite allowed to Coffee planters in paying up Government assessment, which, as already observed, though payable direct to Government is included in the Accounts of the Estate, excluding Government assessment from the Accounts, the transactions show an increase in the charges, and a slight decrease under receipts. The former is due to the payment of premium, etc., on Government Promissory notes purchased and the latter to the exclusion from the Accounts in Fasli 1282 of the income from the home-farm lands, which under the Court's orders had been made over to the Ward, and to the fact that no arrears of interest were drawn in Fasli 1282 as was done in Fasli 1281. It must be observed that the decrease in the receipts would have been much larger were it not for an advance (Rupees 453) received during the year on account of land newly leased out.

	Receipts RS.	Charges. RS.
Fasli 1281...	4,382	1,193
,, 1282...	4,327	1,394
Increase	—	201
Decrease	55	—

8. According to Enclosures A and B of Statement No. 3, the Estate has no debts to pay, nor are any due to it. In the margin of paragraph 12 of his letter however, the Collector enters under the head Receipts, Rupees 20 as realization of debt. The Collector will explain how this occurred.

9. The proprietor though dull and slow is reported to be a well-behaved and careful young man.

10. When the Estate was taken under management the annual Revenue was only Rupees 380, and it is satisfactory to observe that it is now restored to the Proprietor with an annual revenue of no less than Rupees 3,690, and with an accumulation of Rupees 20,000 in cash and securities.

11. *Kavalpara.*—The settled demand of this Estate was Rupees 27,444, or, including arrears, Rupees 30,127. The collections were very fair and amounted in all to Rupees 25,760. Of this sum, however, Rupees 6,000 being the estimated value of paddy on hand is still shown in the Accounts under balance, the Court having ruled in their Proceedings, dated 14th December 1864, No. 8,019, that realizations in grain are not to be carried to account unless converted into money. This practice of showing grain collections under balance does not appear to prevail in other districts and it is hardly necessary. The Collector is therefore requested in future to credit the estimated value of grain collections under receipts, any variation caused by the subsequent sale of the grain being adjusted by a debit or credit in the Accounts as the case may require.

12. When the Estate came under management, there was nothing to its credit and business had to be started with a loan from Government who sanctioned an advance of Rupees 5,000. Of this, Rupees 1,000 were drawn during the Fasli under notice and the remainder after its close. The Collector hopes to be able to return the whole amount before the expiration of Fasli 1283.

13. During the ten and a half months the Estate has been under the management of the Court, the receipts of the Estate including Land Revenue collections, the *Malikana** allowance granted by Government and other sundry items, amounted to Rupees 22,335, and the charges to Rupees 18,752. The surplus in cash was thus Rupees 3,583. Adding the estimated value of paddy on hand, the total assets were Rupeess 9,583. This result is gratifying, considering the very impoverished state in which the property came under the Court's charge.

14. The receipts given in the foregoing paragraph do not include those derived from the property of the minor proprietor situated within the Cochin territory. The promised report of the Collector on the subject of transferring to the Cochin Government the charge of maintaining the small establishment where food is distributed as charity on the Cochin frontier is awaited.

15. The debts due by the Estate are entered at Rupees 66,322. No payments towards their liquidation were made during the year. The report of the Collector on the subject of discharging these debts should be submitted as early as practicable.

16. The minor was placed under a Native tutor, there being no Girls' schools in Malabar suitable to her birth and position.

(A true Copy and Extract.)

(Signed) C. A. GALTON,
Acting Sub-Secretary.

To the Collector of Malabar.

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*An allowance given by Government in lieu of the assumed rent of the country formerly assigned to the parties who had regal claims over it. Collector's letter, dated 27th June 1848, No. 64.

Exd. G. A. Turton.

1874.
Court of Wards,
MADRAS.

PROCEEDINGS, 28TH MARCH 1874, No. 706.

Re 3 / 16.5/74

Encl.

P.G. 7/11 June /74

Received in B. L. 102.

MARCH.
No. 706.

Nelialam and Kavalpara Estates—in Malabar District, under charge of Court of Wards during Fasli 1282.—Collector's report on administration of—reviewed.

Original Suit No. 39 of 1873

In the Subordinate judge's court of South Malabar Calicut.

Present. I. K. Raman Nair, Subordinate judge.

Dated 9th March 1874

Tennilapuram Graman Taracha Patter
son Krishna Patter —— Plaintiff

A. Macgregor Esquire collector of Malabar,
agent to the court of wards on behalf of
the minor Parvathy the heiress of the deceased
Kavalapara Nair styled Karakat Komaran Raman
} Defendant

Suit to recover from Defendant out of the Kavalapara Tarvad Estate the sum of Rupees 8418-1-2 being principal and interest due on 3 bonds executed on 21st Makaram 1042 / 1st February 1867 with future interest on the principal at the rate of 12 per cent per annum.

This cause coming on to be heard in the presence of Sheshen Patter, vakil for the Plaintiff and Gopala Menon, vakil for the Defendant, the oral and documentary evidence produced by both parties having been heard and due consideration having been given to the arguments of the said vakils the court dismisses the suit and orders that Plaintiff do pay to Defendant his costs with interest at 12 per cent per annum from this date up to the final execution of the decree. The court further orders that Plaintiff bear his own costs.

Costs
Plaintiff to bear

Stamp for plaint —————— 500 – " –

Pleader's Fee	318 - 5 - 9
Stamps for Vakalatnamah &c	3 - 1 - „
Peons batta	18 - 12 - 0
Commissioners expense	20 - „ - „
Expenses for witnesses	56 - „ - „
Stamp for Exhibit	„ - 8 - „
Rupees	916 - 14 - 1

Plaintiff to pay Defendant

Stamps for vakalatnamah &c	4 - 10 - „
Pleader's Fee	318 - 5 - 9
Peon's Batta	14 - „ - „
Expenses for witnesses	49 - 4 - „
Stamp for Exhibits	10 - „ - „
Rupees	396 - 3 - 9

The term of appeal expires on the 6th day of June 1874. No process of execution will be issued to enforce this Decree unless some proceeding shall have been taken to keep the same in force within 3 years next preceding the application for such execution.

(L. S)

Given under my hand and the seal
of the Court this 9th March 1874

On 2 Pages

(Signed) T. K. Raman Nair
Subordinate Judge.

(True copy)
On 3 Rolls
(Signed) P. John
Sheristadar.

Copy applied for 14th March 1874
Copy ready 19th Do Do

(Signed) P. John.
Sheristadar

Judgment

1. Plaintiff sues the Collector of the District as agent of the Court of Wards who superintend the Kavalapara Estate which belongs to the minor called Parvati for the recovery of Rupees 8418 - 1 - 2 due on 3 bonds alleged to have been executed on the 21st Magarom 1042 / 1st February 1867 by the late 2d & 3d Kavalapara Nairs during the lifetime of the late 1st Nair the Karnavan.

2. Defendant the Collector denies that Plaintiff has any cause of action against him as agent to the Court of Wards. He then, however, contends that the Kavalapara Estate now under the charge of the Court of Wards is not answerable for the above debts which if true, were contracted by the deceased 2d & 3d Nairs for their private use and that no property of theirs was inherited by the Tarwad.

3. The following issues were settled in this case.

I. Whether the bonds sued upon were executed by the deceased Kavalapara Second and third Nairs for an adequate consideration.

II. Whether the money obtained on the bonds was utilized on the Kavalapara Nairs Tarwad.

III. Whether the deceased Muppil Nair took possession of property of whatever value which belonged to the deceased 2d & 3d Nairs.

IV. Whether the deceased Muppil Nair acknowledged the debt.

V. Whether the Plaintiff has sufficient cause of action for the institution of this suit against the Collector.

4. The 1st point to be determined in this case is whether

whether Plaintiff has any cause of action against the Defendants and the solution of this question entirely depends upon the construction we can possibly put upon a few of the sections of Regulation V of 1804 under which the court of wards was constituted. Clause I Section XIX of this Regulation provides that "the Court of wards shall proceed according to the mode hereinbefore provided for the nomination of managers, to choose and appoint guardians for disqualified persons". The fourth clause of the same section enjoins that "guardians of the female sex shall be appointed to female minors; and not otherwise". Then section XXIII enacts that "disqualified persons being in the custody of guardians, shall not be liable to be sued in any action in Courts of judicature otherwise than as under the protection, and in the joint name, of their guardians". These provisions of the Regulation are very explicit and definite and they admit of no other construction than that a suit of this description is not maintainable against the Collector as agent of the Court of wards. Plaintiff's suit being therefore, one not sanctioned by the law, I decline entering into the merits of his claim and dismiss the suit with all costs against him. It is also well to remark here that I am informed that no guardian has been appointed to the minor in question under the above regulation.

regulation.

9th March 1874.

(Signed) T. K. Raman Nair
Subordinate Judge

(True copy)
(Sigd) P. John
Sheristedar.

(True copy)

A Macgregor
Collector

See a letter from the
Collector of Malabar
to the Secretary to the
Court of Wards -
d 19 March 1874
No. 79.

[illegible] 1803/74

Revenue Department

Miscellaneous No. 5317.

Proceedings of the Court of Wards.
Dated 21st August 1873.

Read the following:-

O/R 422.

To
The Secretary
Court of Wards
Madras.

Sir,

I have the honor by desire of the Directors to acknowledge the receipt of your letter No. 4841 of 1st instant, and in reply, to inform you, that the Bank is forbidden to lend money on the mortgage of landed property, which, the Directors presume, is the nature of the loan applied for; but if any security such as the Bank can accept, such as the guarantee of the Government, or of the Court of Wards, to pay the

the amount in case of need can be offered, the Directors will be glad to have particulars when they will consider the matter.

Bank of Madras
Madras
11th August 1873 —

I have &c
(Signed) J. McIver
Secretary & Treasurer

Communicated to the Collector of Malabar with reference to his letter dated 17th July 1873 No. 176.

(True Copy & Extract)
(Signed) H. J. Stokes
Ag. Sub Secretary.

To
The Collector of Malabar
Copy to the Secretary to the Bank of Madras.

(True copy)

Ag. Sub Secretary.

Copd S. Vadivelu

Enclosure in Proceedings of the Court of Wards to the Secy. Secretary to Govern-ment Revenue Depart-ment dated 9 Aug 1874 No. 1083 Rev. Rec. $\frac{2}{1625/74}$

Rec. D. 11 June 74 No. 13 M. 102.

Copy of Court's Procgs: Coll. to Collr. of Malabar letter from Secretary to Bank of Madras stating that the Bank of[illegible] ... in mortgage of land pro-perty.

Revenue Department

Miscellaneous No. 4842.

Proceedings of the Court of Wards.
Dated 1st August 1873.

Read the following:—

No. 176.

From
A. MacGregor Esquire
Collector & Agent to the
Court of Wards
Malabar

To
J. Grose Esquire
Secretary to the Court of Wards
Madras.

Sir,

I have the honor to annex a Statement of the debts due by the Kavalapara minor's Estate so far as they have as yet been established. It is not probable that any important addition will be made to the list.

2. It

2. It will be observed that the rate of interest varies from 5 per cent to 10 per cent and that the average is 7 per cent.

3. It appears likely that by negociating a loan with the bank, a considerable reduction may be effected in the annual payments on this account and it will be more convenient to have one creditor.

4 I therefore request authority to negociate the loan on the best terms I can obtain.

I have the honor to be
Sir
Your most obedient Servant
(Signed,) A. MacGregor
Collector & Agent to the
Court of Wards.

Malabar
Collector's Office
Calicut
17th July 1873.

Statement

Statement Shewing particulars of debts due by the Kavalapara Minor.

	Name of Creditors	Date of the Bond	Amount borrowed according to the Bond	Rate of Interest	Annual Interest
			Rs a p		Rs a p
1	Muriyath Raghava Uariar	15th Talam 1043	8000 . .	5 p. Cent	400 . .
	Do Do	Do	2000 . .	6 p. C.	120 . .
2	Panangat Kottayil Krishna Menon	3rd Chingam 1046	1000 . .	9 p. C	90 . .
3	Krishnath Naranu Mangalath Manakal Raman Nambudiri	20th Do Do	2000 . .	7½ p. C.	150 . .
4	Puthukot Gramam Shama Pattar Sheshan Pattar	14th Minam Do	9000 . .	10 p. C	900 . .
5	Kuthur Para of Kunnankalangara town	"	242 3 4		
6	Kiyake Madathil Narayana Pattar's son Iswara Pattar	1st Karkatakam 1047	1498 12 2	9 p. C.	135 . .
7	Ramasubbayan's son Kylassayan of Tinnevelly	15th Methunam 1047	10,000 . .	5 p. C.	500 . .
8	E. Subban Pattar's son Maniyan Pattar	5th Edavam 1047	1000 . .	9 p. C.	90 . .
	Do Do	"	124 5 7		
9	Karuvath Kuppandi Tharavanar				
	Do Do	9th Karkatakam 1043	5000 . .	6 p. C.	300 . .
10	A. Raman Menon	22nd Dhanu 1048	5000 . .	6 p. C.	300 . .
	Do Do	9th Medam 1049	5000 . .	8 p. C.	400 . .
	Do Do	"	226 2 2		
11	A. Virupakshan Nambudiri	"	1000 . .		
12	M. Sheshan Pattar	9th Methunam 1049	2000 . .	7½ p. C.	150 . .
13	E. Vythinathan's son Ramayyan	"	1700 . .		
		5th Karkatakam 1048	2000 . .	[illegible]	[illegible]
	Total		[illegible]		[illegible]

(Signed,) A. MacGregor
Collector.

The Court believes that
Bank's Charter forbids
loan being

at any rate require the special sanction of the Directors. They resolve therefore to address the Directors at once. A large portion of the debts, it is observed, stands at what must be regarded as moderate interest.

(True copy & Extract)
(Signed) H. E. Stokes
Ag. Sub Secretary

To
The Collector of
Malabar

(True copy)

C. G. [illegible]
Ag. Sub Secretary

Ex. [illegible]

Copd [illegible]

718

Enclosure in Proceedings of the Court of Wards to the Ag. Secretary to Government Revenue Deptt, dated 9th May 1874 No. 1083.

Rev: 1/1625/74.

Rev 300/74

P.G. d/11 June/74
Sr. B No. 162.
Copy of Court's Proceeding passing orders regarding the debts due by the Kavalapara Minor, and ~~certain~~ the suggestion of Collector of Malabar to ~~negole~~ negociate a loan with Bank.

REVENUE DEPARTMENT.

718

C. No. 1625

From Board of Revenue
Dated 9th May 1874.

FOR ORDERS.

I think it was very right to apply to the Sinking Fund for a loan in this case — if the debts are all valid against the Estate. J.D.S.

2645

FOR ORDERS.

718

2nd Asst for Draft

C 23d May/74 R 29th

718/LP

Revenue Department.

No. 718.

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 11 June 1874.

Read the following Proceedings of the Court of Wards.

Requesting to grant a loan of Rs. 65,000 for payment of debts of Kavalapara Estate, in Malabar District, now under charge of Court of Wards. } H. E. 9 May 1874 No. 1083.

Presuming that the debts referred to are all valid against the Estate, the Government resolve to apply to the Government of India, for sanction for the required loan.

List
[illegible]

3/45

To
The Court of Wards. Dt/ 20 June/74

Ex W. Abs

G-O

Loan for liquidation of debts of Kavalapuram Estate – Malabar Dt.

Dis