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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No.	1293.	Press
B.P. No.		Mis.

Dated 27-8-1875. 196 .

Not to be folded or roughly handled

No. 275. Read the following Proceedings of the Court of Wards, dated 29th July 1875, No. 2,129:—

Read the following letter from W. LOGAN, Esq., Acting Collector of Malabar and Agent to the Court of Wards, to H. E. STOKES, Esq., Acting Secretary to the Court of Wards, dated Calicut, 1st July 1875, No. 219:—

REFERRING to paragraph 8 of the Court's Proceedings, No. 1,351, dated 18th May last, I have the honor to inform you that the final answer of the Cochin Sirkar regarding contributions from the surplus of the receipts of the Kavalapara minor's estate in Cochin towards the minor's expenses has been received. The Sirkar undertakes to pay Rupees 515 annually, beginning from the current Malayalam year, towards the personal expenses of the minor. The Sirkar refuses to maintain the Ootupura (Chuttrum) near Lakadi on the ground that the expenses of

this house, although it lies in Cochin territory, have *never previously** been a charge on the Cochin portion of the estate.

2. To enable the Board fully to realize the effect of these propositions, I desire to point out, first of all, that the estate is very heavily in debt (G. O., Revenue Department, No. 918, dated 23rd July 1874), and in the second place, that a very considerable surplus of receipts over charges is annually realized on the Cochin portion of the estate. I have not been supplied with details from the Sirkar, but the minor's accounts show an annual balance of Rupees 2,040 in favor of the Cochin portion of the estate, and the Diwan in his letter, No. 812, dated 7th October 1874, paragraph 3, admits that in 1048 M. E. there was a surplus of Rupees 1,791. What the Cochin Sirkar, therefore, proposes to do is to pay from one-third to one-fourth of the net surplus of the Cochin estate towards the minor's personal expenses and to save the balance, while the British portion of the estate is to bear the whole of the burden of liquidating the large debt.

3. I am unable to see any principle of justice in these propositions. I consider that the question whether the Sirkar or the Court of Wards should pay the charges of the Ootupura at Lakadi is quite a secondary one, so long as the fact remains that the minor is largely in debt, and that the whole of the proceeds of her estate, wherever situated, will be required for some years to come to pay off what is due by her.

4. I fancy that some confusion has arisen from the view of the law taken by the Sirkar. In the Diwan's letter above quoted he says, "although ordinarily a minor possessing estates in different countries is maintained from the profits of the estate situated in the country in which he or she resides, yet in the involved state of the Kavalapara minor's property, &c., &c.," he promises to pay a portion of the personal expenses. If the above is the practical interpretation which the Sirkar authorities put on the extracts from law books quoted at length in a previous letter (G. O., Revenue Department, No. 443, dated 1st May 1873), I submit they have altogether mistaken the proper legal view of the case. The guardian appointed by the British authorities has, *as such*, no right to interfere with the estate of his ward lying in foreign territory. On that point I am quite at one

*Proceedings of the Madras Government, Revenue Department,
27th August 1875.*

with the Sirkar, but what I maintain is that a foreign state, which in good faith wishes to do justice to the interests of a minor holding property within its limits, should not refuse to contribute the whole, if necessary, of the minor's surplus revenue towards liquidating the minor's debts. The interests of the minor seem to me to have been overlooked in the final propositions of the Sirkar.

5. What I would, therefore, propose to the Court is that Government should be asked to address the Cochin Sirkar, and suggest that an annual statement of income and charges should be made out and submitted through the Resident to Government, the surplus revenue of the minor's estate being at the same time paid into the Resident's Treasury towards the reduction of the Government loan of Rupees 65,000. When this loan is discharged by contributions from both of the estates, the Sirkar could probably find other means of profitably employing the surplus in reduction of incumbrances on the property, &c., &c.

1. Letter to Resident, Travancore and Cochin, 17th July 1873, No. 1,810.
2. Letter from Resident, Travancore and Cochin, 21st Nov. 1873, No. 790, and one enclosure.
3. Letter to Resident, Travancore and Cochin, 26th Dec. 1873, No. 3,158.
4. Letter from Resident, Travancore and Cochin, 16th Oct. 1874, No. 633, and one enclosure.
5. Letter to Resident, Travancore and Cochin, 13th Mar. 1875, No. 688.
6. Letter from Resident, Travancore and Cochin, 21st June 1875, No. 385, and one enclosure.

6. If this proposal is accepted, I see no use in pressing the Sirkar to take the management of the Lakadi Ootupura, which can be easily looked after by the estate agent across the river on our side.

7. Copies of correspondence with the Resident are herewith submitted for information.

ENCLOSURE No. 1.—Copies of Correspondence.

SUBMITTED to Government, with reference to G. Os., dated 1st May 1873, No. 443, Revenue Department, and 29th May 1873, No. 220, Political Department.

2. The minor proprietrix of the Kavalapara estate being possessed of certain property situated within Cochin territory, the Collector of Malabar addressed the Resident in Travancore and Cochin as regards a contribution towards the maintenance of the minor from the surplus proceeds of the estate, and as regards transfer to the Sirkar of the management of the feeding house near Lakadi. The Diwan declines to undertake the maintenance of the feeding house on the ground that the expenses connected therewith have not hitherto been a charge on the Cochin portion of the estate, but has agreed to contribute towards the personal expenses of the minor the sum of Rupees 515 annually, which the Collector estimates as between one-third and one-fourth of the surplus proceeds of the Cochin estate.

3. The Collector urges that, considering the indebtedness of the minor's estate, the Cochin Sirkar should not refuse to contribute the whole of the surplus revenue towards the liquidation of the Government loan of Rupees 65,000, and the Court of Wards concur in this view. They accordingly request that Government will cause the Cochin Sirkar to be addressed with a view to its being explained that it is for the minor's interests that the heavy debt should be liquidated more speedily than is possible, if the revenues of that portion of the estate

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only which is situated in British territory are available for the purpose. The Court have every confidence that if the matter is represented in this light the objections will be withdrawn.

(A true Copy and Extract.)

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

No. 276.

ORDER THEREON, 27th August 1875, No. 1,293.

Miscellaneous.

THE Resident in Travancore and Cochin will be addressed in the Political Department on the subject of paragraph 3 of these Proceedings.

(True Extract.)

(Signed) A. MACGREGOR,
Acting Secretary to Government.

To the Political Department.
„ the Court of Wards.

Ed. W. J. Lewis.

Read the following letter from W. LOGAN, Esq., Acting Collector of Malabar and Agent to the Court of Wards, to H. E. STOKES, Esq., Acting Secretary to the Court of Wards, dated Calicut, 1st July 1875, No. 219 :—

*N.B.—The house was established only very shortly before the late Nayer died

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estate of his ward lying in foreign territory. On that point I am quite at one with the Sirkar, but what I maintain is that a foreign state, which in good faith wishes to do justice to the interests of a minor holding property within its limits, should not refuse to contribute the whole, if necessary, of the minor's surplus revenue towards liquidating the minor's debts. The interests of the minor seem to me to have been overlooked in the final propositions of the Sirkar.

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(A true Copy and Extract.)

W. C. S.
Acting Sub-Secretary.

To the Acting Secretary to Government, Revenue Department,
with one enclosure, to be returned.

Copy to the Collector of Malabar.

On 10th Nov 75

N. 1293

The Resident in Travancore & Cochin

be addressed in the Political Department on the subject of para. 3 of these proceedings.

Ind. Copy to the Political Dept. 27 Aug

5. Revenue & Civil Dept.

14. To the Secy of the Board of Works

27 Aug 75

Note the proposal to pay for maintenance well made in that for making new all sur- plus receipts within Cochin to be British

the transfer of the surplus must cease & be main- tained as it is at present.

Court of Wards,

MADRAS.

PROCEEDINGS, 29th JULY 1875, No. 2,129.

29-100-975

Encl. 1
No. 1293. 29th July 1875

JULY.
No. 2,129.

Kavalapara Estate—under charge of Court of Wards in Malabar District.—Letter from Collector submitting correspondence on subject of contributions from surplus proceeds of the property in Cochin Sirkar belonging to minor proprietors of — towards her maintenance, and transfer of management of certain chutrum at Lakadi, submitted to Government with certain suggestions.

1875.

No. 1895-245

10967 A. 3/13

10967 A. 3/13
10967 A. 3/13
10967 A. 3/13

10967 A. 3/13

10967 A. 3/13