

Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. 3791
Confidential 953

Dated 22 July 1897

[Despatch Abstract.]

Ordering that a letter be despatched to the
Right Honble the Secretary of State for India
forwarding copies of certain papers ^{connected with the Pithapur case} in view
to counsel being selected without loss of time
for the ~~Pithapur~~ Privy Council appeal

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department. <i>Date</i>	Date.	G.O.	No.	Department.	Date.
<i>P.O.</i>	<i>3792</i>	<i>22-7-97</i>					
<i>P.O.</i>	<i>2741</i>	<i>31-5-97</i>					

Confidential
Revenue (1897) Department.

CURRENT No. *5463*
Confidential No 63.



From *The Court of Wards
Madras.*

Order

No. *1051* *Imp*
Coupl no 36.

Dated *1st July 1897.*

Received *2nd July 1897*

Registered

Enclosures *vide list attached.*

Spare copies

SUBJECT.

*Submitting the records as prepared
for the hearing of the Pittapur appeal
in the local High Court, and stating
that it would be advisable to address
the Secretary of State for India again
as soon as possible in the matter of the
engagement of Comorb in England
for the Privy Council appeal.*

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

List of records accompanying Courts
Proceedings, No 1051 Mis dy 1st July 1897:—
Coul No 36

Select documents in appeal No 33 of 1895 on
the file of the High Court, pp 1 to 678
+ 695 to 703

and certain printed papers relating to
O. S. No 6 of 1891 on the
file of the District Court
of Godavari

Certain printed papers in L. M. P. No 278 of 1895
Memo: of Objections in A. S. No 33 of 1895. ✓

4. Books containing printed papers
relating to O. S. No 6 of 1891 on the
file of the District Court of Godavari ✓
- 2 Books containing certain printed Exhibits. ✓

CONFIDENTIAL.



Proceedings of the Court of Wards,

Dated 1st July 1897

No. 1051 Mis
Const. No. 36.

READ *Proceedings of the Madras Government, Revenue Department, No 2741 Mis. dt 31st May 1897.*

Resolution

With reference to the concluding sentence of the G. O. read above, the Court begs to report that on a per-
-ference to Mr. P. Subramania Iyer, the Attorney engaged in
connection with the Pittapur Suit, it appears that the records
of the Case will not be ready for transmission to the
Secretary of State for a very considerable length of time,
certainly not less than a year. The preparation of the
memorandum usually sent for the guidance of counsel
in England will also take a considerable time. In
these circumstances the Court begs to submit a copy of
the records as prepared for the hearing of the appeal
in the High Court with a view to the Secretary of
State being again addressed as soon as possible. These
records will suffice to show the magnitude of the
interests involved and the importance of the Minor's case
being adequately represented before the Privy
Council.

Council.

(True Extract)

W. Woodie
As: Secretary.

To
The Secretary to Government,
Revenue Department,
with Enclosures as per list.

W. Woodie
As: Secretary.

Note of collection
Returned - the
despatches having
been despatched

18/7/97

Read again G.O. No. 2741 d/31-5-1897.

Read G. No. 5463 of 1897.

Mis. No. 3791 d/22 July 1897.

Ordered that the following let-
ter be despatched to the Right Honour-
able the Secretary of State for India.

Letter No. 8, dated
24th July 1897.

The Right Honourable the Secretary
of State for India.

My Lord,

Adverting to the correspon-
dence ending with your Lordship's tele-
gram of the 3rd December last, in which
it was intimated that your Lordship
would select Counsel to represent the
minor and the Court of Wards in the Pit-
tapur appeal which is to come before the
Privy Council, after considering the pa-
pers in the case, we have the honour to
state that the records of the case, as
and well as the Memorandum usually prepared

Flag G

We are very numerous

for

for the guidance of Counsel in England,
are not likely to be ready for transmis-
sion to your Lordship for ^{a year at least} ~~some consider-~~
~~able time~~. Considering, however, the mag-
nitude of the interests involved and the
importance of the minor's case being --
adequately represented before the Privy
Council, we have thought it desirable --
to transmit, in the meanwhile, copies of
the marginally noted papers, in view to
Counsel being selected without further
loss of time.

2. The facts of the case are brief-
ly as follows:

The last undisputed Rajah of the
Pittapur Estate of which the annual in-
come is about 9 1/2 lakhs of Rupees and
the peishcush payable to Government --
Rs. 2,79,281, died on the 22nd July 1890,
leaving behind him a minor natural son
and a major adopted son. In the Will, ^{dated} ~~dated~~
dated 17th March 1890, left by him, the
Rajah ~~requested that~~ ^{desired} the whole of his
property--moveable and immoveable; an-
cestral and self acquired-- ~~should go to~~
his natural son, ^{and desired} that the allowance of
Rs. 2000 a month granted by him to his
adopted son should be continued to him,
and that Court of Wards should take --
charge of the minor son and his estate
during

~~Judgment in O.S. No. 6 of 1891.~~

Select documents in appeal No. 33 of
1895 on the file of the High Court --
pages 1 to 678 and 695 to 703 and cer-
tain printed papers relating to O.S.
No. 6 of 1891 on the file of the Dis-
trict Court of Godavari.

✓ Certain printed papers in C.M.P.
No. 278 of 1895.

✓ Memo of Objections in A.S. No. 33 of
1895.

✓ 4 Books containing printed papers
relating to O.S. No. 6 of 1891 on the
file of the District Court of Godava-
ri.

✓ 2 Books containing certain printed
exhibits.

Flag H (page 7 of O.S. 678d, 19-8-90)

*discharged him
and sent to Court of Wards,
as per order, & not as re-
presentative of the minor
and pay the Plaintiff the
same proper minor legal
costs*

25

*What claim this
is in the hands of*

during his minority. The late Rajah's
^{in great} ~~request~~ as regards succession being in
accordance with Hindu Law, the estate
was registered in the name of the minor
son and was taken under the management
of the Court of Wards. Thereupon, the
adopted son filed a suit (O.S. No. 6 of --
1891 on the file of the District Court
of Godavari) praying for a declaration
that the minor was not the son of the --
late Rajah and that the Will executed by
the latter was invalid. The District --
Judge decided in favour of the Plaintiff,
the adopted son, ~~and the estate was hand-~~
~~ed over to the latter in execution of~~
~~the decree~~. The Court of Wards, however,
preferred an appeal to the High Court --
with the result that the District Judge's
decision was reversed, and the case decid-
ed in favour of the Court of Wards and
of the minor. Against this decision the
adopted son has now filed a second ap-
peal before the Privy Council.

3. It will be seen from the above
that not only is ~~the~~ financial respon-
sibility of the ^{on the part of} State involved in the --
case, but the matter is one of supreme
importance to the minor, whom the Madras
High Court has now designated as the --
heir of the late Rajah and whose inte-
rests

-rests are by law committed to the ^{Care} ~~charge~~

Court

of the Court of Wards. The ~~latter~~, as the successful appellant in the Madras High Court, is bound to defend the second appeal which the unsuccessful claimant has filed before the Privy Council, and the issues are so grave, and the result of allowing the defence of this second appeal to be mismanaged would possibly be so disastrous to the future of the Court's Ward, that we consider it to be imperatively necessary that the Court of Wards and the minor on whose behalf it acts - should be adequately represented in the said appeal.

4. As regards the selection of Counsel adverted to in your Lordship's Despatch, dated 26th November 1896, No. 5, - we have to state that the names of Sir Edward Clarke and Mr. Woodroffe were suggested by this Government at the instance of the Court of Wards, - the first, not only on account of his general reputation as an able lawyer but also by reason of the fact that he has already appeared on behalf of the minor in this - every case when evidence was taken on - commission in England, and the second because it is necessary to have a first class Indian Lawyer as well on ^{the same} ~~this~~ side.

It

C.O. No 1182 d, 2-3-1897
" " 1975 d, 13-4-1897
" " 2741 d, 31-5-1897

It is understood that Mr. Woodroffe, who was till recently practising at the Calcutta bar, and who has now gone to England, is practising before the Privy Council. We have, in this connection, the honour to transmit for your Lordship's information copies of the marginally noted papers relative to the position taken up by the Court of Wards in the matter of - engaging Counsel in England for the conduct of cases in which the interests of its Wards are involved. Although we deny that ^{that body} ~~it~~ has any right to select Counsel in such cases independently of your Lordship in Council, we ^{inclined to} ~~concur in~~ the opinion of the Local Advocate-General, that the Court of Wards was strictly within its powers, when it used its previous knowledge and experience in respect of a selection from the English Bar to meet the exigencies of the Pittapur case; and ^{that} when it had reason to believe that the interests of its Ward would be benefited by the retention of any specified Counsel, its fiduciary position towards its Ward ^{was} ~~is~~ such as to justify the expectation that its wishes ^{would} ~~will~~ be complied with'.

5. We accordingly request that your Lordship will be pleased to reconsider the Despatch under reply, and that who-

-soever

-sover may be selected to appear on be-
half of the Court of Wards itself, Sir
Edward Clarke and Mr. Woodroffe may be
engaged to represent the Pittapur minor,
if they have not already been engaged -
by the opposite side.

167/17.

CP.
14/9/97

When given for copying _____
When copied _____
When examined _____
When signed _____

189 .

READ AGAIN G.O., No.
189 ,

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BRING MEANT FOR DESPATCH
IN ORIGINAL.

N.B.—

A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.