

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1431

Press
Mis.

28-2/-

Dated 5-10-1865 19

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
5th October 1865.*

Read the following papers:—

- No. 28. Abstract of Petition from ALIMOON NISSA Begum, Grand-daughter of the late CANJAH ASSIM KHAN, Bahadoor, Chief Minister to the late VALAJAH of the Carnatic, residing in Pudupauk, Taha Saib Street, Madras; dated 12th August 1865, No. 1811.

Complains of the District Registrar of Madras having refused to register document being the Bill of Sale of her house and ground, which she sent for that purpose through her constituted Agent, unless after personal examination of herself. Prays that the Registrar may be directed to register her document after taking the statement of her Agent.

- No. 28A. Abstract of Petition from ALIMOON NISSA Begum, Grand-daughter of the late CANJAH ASSIM KHAN, Bahadoor, Chief Minister to the late VALAJAH of the Carnatic, residing in Pudupauk, Taha Saib Street, Madras; dated 14th August 1865, No. 1824.

Referring to her former Petition of 12th instant; encloses the two original replies of the District Registrar, by mistake omitted from her former Petition.

Referred to the District Registrar of Madras, who is directed to submit a detailed report on the subject, shewing the circumstances which induced him to refuse to register the Deed in question, and the measures which he adopted for the purpose of satisfying himself whether the Deed was the free and voluntary act of the person by whom it purported to have been executed.

(Signed) C. G. WALKER,
Under Secretary to Government.

- No. 29. From Mr. J. G. FERRAND, District Registrar of Madras, to the Under Secretary to Government, Fort Saint George; dated Madras 15th September 1865.

I have the honor to acknowledge the receipt on the 13th, of the endorsement, dated 9th instant, No. 1811, on the Petition of Alimoon Nissa Begum, and, in accordance with the Order therein conveyed, to submit the following report.

2. A conveyance of a house in Poodoopaukum, executed by the Begum, was brought to me some day in June last for registration, with a Power of Attorney from her appointing an Agent. Agreeably to the course pointed out in Section 28 of Act XVI of 1864, I proceeded, by appointment on the 20th of that month, to the residence of the Begum, to take her examination for the purpose of satisfying myself that the Power of Attorney was her free and voluntary act. I met there Ghazuffer Sahib, uncle, and Ghoolam Hoossain Haffiz, nephew, of the Begum. I told them for what purpose I had come. These gentlemen at first hesitated to ask the Begum to allow me to make any enquiries of her, even with a purdah between us. At length, they agreed to take my message to her, but returned with a reply that the Begum would not herself answer the questions I might put to her, but that her Vakeel would speak for her. If she had agreed to answer my questions, I should have ascertained from the uncle and nephew of the Begum or other near relatives to whom she is ba-gosha, that is, those whom she allows to see her, that the person answering my questions was Alimoon Nissa Begum. These relatives of hers would

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have been responsible for any declarations thus made to me, under Section 70 of the Registration Act. I should then have interrogated the Begum, and, if satisfied that the Power of Attorney was her free and voluntary act should have attested it. Her Agent might then have easily obtained the registration of the conveyance, by appearing before me and admitting her execution of the Deed, agreeably to Section 29 of the same Act. But as the Begum would not answer my questions herself, I did not attest the Power of Attorney, and, without this preliminary step, the Agent is not authorized to appear and obtain the registration of the conveyance.

3. The Begum subsequently, in two letters dated 21st and 24th July last, requested that I would send a confidential female to make the needful enquiries, and on my stating that there was no such female on my establishment, she suggested that I should apply to the Government Agent for a female retained in his office for such purposes. I did not know how far I might rely on the female retained in the Government Agent's Office to make the required examination. Other gosha ladies have not refused to answer my questions. I thought that if I deputed a female from the Government Agent's Office to take the examination of Alimoon Nissa Begum, I should probably have to do the same in the case of every gosha lady having an Instrument to register, and that this would not be convenient. I therefore informed the Begum that I was not prepared to apply to the Government Agent for the services of a female.

4. On further consideration, however, I shall now put myself in communication with the Government Agent, for the purpose of ascertaining whether I can obtain a competent and trustworthy female to make the examination referred to, and, if the result is satisfactory, I shall without delay inform Alimoon Nissa Begum

* The former Power of Attorney was incorrectly stamped on 8 Annas instead of 4 Rupees. The rule not being clearly understood before, Powers bearing a stamp of 8 Annas were formerly erroneously accepted.

that if she sends me a Power of Attorney adequately stamped*, appointing an Agent for the purpose of having the conveyance registered, I shall depute a female to make the needful enquiries.

5. Adverting to the concluding portion of the endorsement now replied to, I beg to notice that the Registration Act does not require me to ascertain that a Deed presented for registration is the free and voluntary act of the person by whom it purports to have been executed. Such an enquiry has to be made only as regards the Powers of Attorney of women of rank exempted from attending at the Register Office. In respect to the Deed to be registered, I have only to enquire whether it has been executed or not by the parties by whom it purports to have been executed.

No. 30. From Mr. J. G. FERRAND, District Registrar of Madras, to the Under Secretary to Government, Fort Saint George; dated Madras, 26th September 1865.

In continuation of my letter, dated 15th instant, I beg to intimate that the Government Agent having placed the services of a female at my disposal, I deputed a clerk of my office and the female to take the examination of Alimoon Nissa Begum. On their report, I attested the Power of Attorney produced by the Agent of the Begum, and the Deed which she desired to have registered has now been duly registered.

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No. 31. ORDER THEREON, 5th October 1865, No. 1431.

The Government approve of the proposal of the District Registrar to obtain, if possible, when needed, the services of a respectable and competent female from the office of the Government Agent at Chepauk, for the purpose of conducting enquiries of the nature now in question, in cases when the Registrar may not himself attend for the purpose.

2. They consider that the rendering of this service may properly be remunerated by a fee, and that the amount to be charged should be Rupees (5) five for every attendance at the residence of a gosha female, out of which such distribution to meet expenses, shall be made as the Government may think fit. This fee will be entered in the Schedule on its next revision, and recommended for the sanction of the Governor General in Council.

3. It will be pointed out to the Deputy Registrar that if the Power of Attorney be for the performance of one act only, as for example, the registration of a specified Deed, and if the value of the property concerned be expressed in the Power and do not exceed Rupees 500, a stamp of one Rupee value is sufficient.

(True Extract).

Acting Secretary to Government.

To the Registrar General of Assurances.
" Government Agent at Chepauk.

Exd. R. H. Lee.

7 or 8 Council Men.

But

Next week. The reading of this order struck me, when reaching it, by Mr. Anderson introducing a novelty stones into the disposal of feet-
Report It appears to carry the idea that the feet should be sent to for the females house for authentication & then power of attorney are to be carried wholly to feet credit and that the Negotiation should be carried as follows. I mention to remark that the Hon. Mr. Phillips original note did not strike me as conveying that intention, but merely

as providing that it should
be, subject to the usual per-
centage for ^{Registrar's} fees, to the
General Fund.

C.H.W.

The other letter from Mr.
Fennell shows that the
case in which the point was
raised has been settled.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following papers:

Petition from Alimoon Nissa Begum
From the District Registrar of
Assurances, Madras

Recd. letter 12 Aug. 1865

Recd. letter 15 Sep. 1865

Order thereon 5th October 1865 No. 1431

The Government are
in favor of the proposal
of the District Registrar
to obtain, if possible,
when needed, the services
of a respectable and
competent female from
the office of the Govern-
ment Agent at Chepauk
for the purpose of con-
ducting enquiries of
the nature now in
question, in cases when

Wm

It was suggested at the Council
table & the Ex. Com. Res. that the fee
should be 5 Rs. plus mileage at 1/2 Rupee
a mile - this one to go to the credit of the
the other to be taken of the visiting Dist.
or Deputy Registrar - H.D.R. I will also draft accordingly

Wm

The

the Registrar may not
himself attend for the
purpose.

They consider that
the rendering of this
service may properly
be remunerated by a
fee, and that the amount
fee to be charged should
be Rs. 5 for every at-
tendance at the resi-
-dence of a Gosha per

~~with mileage at the rate of~~
Rs. 5. This fee will
be entered in the
Schedule on its next
revision - and recommended
to the sanction of the Gov. Gen.
in Council.

It will be pointed out
to the Registrar that if
the Gov. of Attorney be for the performance of
one act only - as Eg. the registration
of a specified deed - viz the value of
the property concerned be expressed
in the Gov. of document
Rs. 500. a stamp of
Rs. 100 value is
sufficient.

The Registrar General of
Assurances
Govt. Agent, Chapank

on 22.12.1824. of Rs. 500
to be made in the Govt. of
3-10-1824

and 1824. of Rs. 500
to be made in accordance
with these orders.
L.D.

Religious is informed that
the Law prescribes the mode
for verifying Powers of
Attorney granted by Gosha
ladies, but that the Deputy
Registrar is arranging for
conducting the enquiry by
means of a woman
of a ~~high~~ rank.

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For the pt. of the
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1865 - Department.

No. 1431

PROCEEDINGS OF GOVERNMENT.

Oct 29 1866.

Dated 5th October 1866

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