M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1875 — Press ~~Mis.~~

255. 256

Dated 27. 9. 1861.

Not to be folded or roughly handled

No. 255. Read the following Proceedings of the Board of Revenue, dated 5th July 1861, No. 3,528:—

Read the following letter from G. S. FORBES, Esq., Collector of Ganjam, to J. D. SIM, Esq., Secretary to the Board of Revenue, Fort Saint George, dated Chetterpúr, 15th March 1861, No. 71.

SIR,

1. With reference to the late Order of Government, No. 2,460, dated the 20th December last, declining to allow their servants to administer the Will of the late Poobacondah Tahsíldár, but authorizing me to recommend to the widow a trustworthy person to assist her in administering the Will, I have the honor to request that the Board will be pleased to submit, for the consideration of Government, that the circumstances of the case are such as to make their decision productive of some embarrassment to myself as Collector, and that the intention of the testator, an old servant of Government, who died in the belief that they would cause his Will to be duly executed, will probably fail to be carried out.

2. I have already mentioned in reporting this matter to the Board in letter, dated the 22nd November last, No. 307, that when the late Tahsíldár died leaving a good deal of property in money and jewels in his house, with no one but his mother-in-law and his widow to take care of it, I considered it right, as the Government was named as sole Executor, to place the property for safe keeping in this Treasury.

3. When, however, the orders of Government reached me declining the trust, I sent for the two women and recommended to them a merchant of respectability to assist them in carrying out the provisions of the Will, an arrangement to which they acceded, and, as the whole of the property lying in the Treasury and the proceeds of all the rest were, under the Will, to be invested in Government Securities, the best course seem to be to hand over the money to this merchant as soon as he had arranged for the purchase of Government paper. In the meanwhile, however, the women request me to make a disposition of the property different to the provisions of the Will, and I am consequently in the dilemma of either consenting to set aside the Will or of enforcing its provisions without due authority to do so.

4. If the Government will consent formally to delegate the duty of administering the Will to the merchant to whom I have alluded, and who is now in the anomalous position of an "adviser recommended by Government" without any real authority to act for them, I think the matter will be easily settled. If this proposal has the approval of Government I will, as their Agent, execute a Vakalutnamah to the person I have mentioned.

---

1. The Board resolve to submit the above case for the further orders of Government, with reference to Government Order, dated 20th December last, Revenue Department, No. 2,460.

2. They apprehend that there is no alternative between accepting or declining administration of the Will. Of the property of the deceased 8,000 Rupees is to be immediately applied to the support of a Choultry. A similar sum is to be invested in Government Securities for the maintenance of the widow and mother-in-law of the deceased, and after their death to be appropriated to the support of another Choultry.

3. The balance, estimated at about 4,000 Rupees by deceased, seems to be left absolutely to his family, and for funeral ceremonies, &c.

4. Thus the bulk of the property is or will be devoted to purposes coming under Regulation VII of 1817, and as the deceased did not anticipate or provide for the possible refusal of the trust by Government, and there is apparently no relative or friend of the family to care for the interests of his widow and mother-in-law, Government may be disposed to allow the Collector to give effect to the Will in the present instance, although no doubt the interposition of their Officers in such matters is undesirable.

Proceedings of the Madras Government, Revenue Department,
27th September 1861.

5. The Board conclude that under any circumstances it will be the duty of the Collector as local Agent of the Board of Revenue, under Regulation VII of 1817, to take care of the public endowments of the deceased.

(A true Copy and Extract.)

(Signed) W. HUDLESTON, *Secretary.*

No. 256. ORDER THEREON, 27th September 1861, No. 1,875.

Under the circumstances represented by the Board, and as the bulk of the property is or will be devoted to purposes coming under Regulation VII of 1817, the Government consent on this occasion to the Collector executing the Will, but they retain their objections to such an arrangement and desire that this case may be considered an exceptional one.

(Signed) C. G. MASTER,

Deputy Secretary to Government.

at about 4,000 Rupees by deceased
seems to be left absolutely to his
family - and for funeral ceremonies
&c

4. Thus the bulk of the pro-
perty is or will be devoted to pur-
poses coming under Regulation VII
of 1817 - and as the deceased did not
anticipate or provide for the pos-
sible refusal of the Trust by Go-
vernment and there is apparently
no relative or friend of the family
to care for the interests of his Widow
and Brother in law Government
may be disposed to allow the Col-
lector to give effect to the Will in
the present instance although no
doubt the interposition of their offi-
cers in such matters is undesirable.

5. The Board conclude
that under any circumstances it
will be the duty of the Collector
as local Agent of the Board of
Revenue under Regulation VII of
1817 to take care of the public
endowments

endowments of the deceased -

(A true Copy and Extract)

J. Richardson

Secretary.

To

J. D. Sim Esq.

Secretary to Government

Revenue Department.

No. 1875 -

- Under the circumstances represented by the Board, & as the bulk of the property is or will be devoted to purposes coming under Reg VII of 1817, the Govt consent in this instance to the Collector executing the Will, but they retain their objections to such an arrangement & desire that this case may be considered an exceptional one -

Fort St George
27th September

I do so

Copies Board of Rev. Circ. 30
" Collectors of Ganjam

Rd Copies to do 27
Coll of Ganjam

Ent Regd.
Corr. by C. Govt

Rec: Pro 20th Dec: 1860 No 3487
3489

Read 1861 Despatch from
Secy: of Govt for Secl Department
No 1606.

Proceedings of the
Board of Revenue

Dated 5th
Resd 5th } July 1861
Recd 6th

Canara
No 3528.

Submitting with
remarks a letter from
the Collector of Ganjam
reporting on the admi:
=nistration of the will
of the late Poobacondah
Tahsildar.

No 255 & 256.

No 1875. 27: Sept 1861