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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No.	694	Press
B.P. No.		Mis.
Dated 5-6-1874 196.		

Not to be folded or roughly handled

No. 53. Read the following Proceedings of the Board of Revenue, dated 20th May 1874, No. 1,185:—

Read the following letter from F. PRICE, Esq., Acting Collector of Salem, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Oosoor 23rd April 1874, No. 130:—

I HAVE the honour to report that, from information received, I have caused an inquiry to be made concerning the state of mind of Kamakshiammal Muttahdarni of Yerumaputty and Palayapalayam in the Namkul Taluq.

2. These muttals, which pay an annual peishcush of Rupees 7,473-2-11 to Government, formerly stood in the name of one Pethayamal, who adopted Yerumma Peddi Reddi, the husband of Kamakshiammal. On her death he succeeded to the estate, and subsequently deceased, leaving no direct heirs excepting his widow, who was then registered as Muttahdarni. He had, however, two natural brothers, named Perumal Reddi and Annamalai Reddi, who are now living.

3. Kamakshiammal has, so I learn, been for a considerable period of unsound mind; but her affairs being looked after by her uncle, one Polamah Reddi, a respectable and influential Muttahdar, Mr. Longley, I believe, did not think interference called for. Polamah Reddi has, however, very recently died, and the adopted son of Kamakshiammal's sister and others are said to be making away with the property, which she, owing to mental incapacity, is unable to manage. I sent my Apothecary to see her, and the Tahsildar has held an inquiry on the spot. The former considers Kamakshiammal to be of "weak intellect and incapable of managing her affairs," and the latter reports that the Muttahdarni has been for a considerable time in an unsound state of mind, and that there is no one who looks after the estates on her behalf.

4. I therefore beg to recommend that the two muttals alluded to above be taken under the management of the Court of Wards.

5. I have called for information as to fit persons to be nominated as guardian and manager, and, as soon as this is received, will address the Board on the subject.

In the above letter the Collector recommends that the two muttals of Yerumaputty and Palayapalayam, paying an annual peishcush of Rupees 7,473-2-11 to Government, should be taken under the management of the Court of Wards on the ground that she is incapable of managing her own affairs. Since the death of the Muttahdarni's husband, the property has been managed by her uncle who, however, has recently deceased, and it appears that there is reason to fear that the property is being dissipated by certain members of the family.

2. It is competent to the Court of Wards on proof of means, ability, and discretion, to refrain from interference in the case of a female, but it seems that in the present case these requisites are wanting. The death of the relative who has hitherto managed the property has deprived the Muttahdarni of the means of conducting her affairs satisfactorily, and she does not possess the necessary qualities herself.

3. Two petitions have been presented by the proprietrix, deprecating interference on the part of the Court, and two medical certificates have been put in to

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*Proceedings of the Madras Government, Revenue Department,
5th June 1874.*

establish petitioner's perfect sanity and competence to manage her own affairs. The Court are of opinion that these certificates are not sufficient to warrant them in rejecting the Collector's recommendation; it is not necessary that the petitioner should be a lunatic to disqualify her, and the fact that she speaks rationally on ordinary topics is no proof of her competence to manage an estate. The Court are not taking action under Act XXXV. of 1858, and it is sufficient to warrant their proceeding under Regulation V. of 1804, that the proprietrix should be deficient in the requisite ability.

4. The Court would further observe, that if the statement that the deceased Muttahdar left no direct heirs excepting his widow be correct, the estate, failing a valid adoption, would lapse to the State, and therefore it is the more incumbent on them to protect the property from spoliation.

5. On these grounds the Court resolve to submit the Collector's recommendation for the favourable consideration of Government, and to request that, in the event of sanction being accorded, it may be communicated to the Collector direct by telegram.

No. 54.

ORDER THEREON, 5th June 1874, No. 694.

Miscellaneous.

HIS EXCELLENCY the Governor in Council is pleased to authorize the Court of Wards to take under manage-

ment the muttals of Yerumaputty and Palayapalayam in the Namkul Taluq, Salem District.

(True Extract.)

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

To the Court of Wards.

Exd. W. H. French,

Revenue Department.

Memo. for Orders.

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Pro. Court of Wards, submitting re-
commendation of Collo. Salem, that
Court of Wards should take charge
of the Muttahs of Yerrumapatty and
Palayapalayam, Nammkul talug.

(H. C. 20 Aug 1874)

Petition from the Muttadars of
Yerrumapatty and Palayapalayam
protesting against proposal of the
Collo. Salem, regarding management
of the Muttahs.

The Court of Wards, on
the report of the Ag. collector of
Salem recommend that the
two muttahs of Yerrumapatty
and Palayapalayam in the
Nammkul talug should be
taken under management on
account of the alleged incapacity
of the proprietrix, Kamaleshi-
ammal, to conduct her own
affairs.

2. The Ag. collector bases
his



Govt. of 1874 Madras.

REVENUE.

THE COURT OF WARDS.

70

1874 June 21

and

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Muttahs of Yerrumapatty and Palaya-
palayam, Salem District.—Authorizes Court of
Wards to take charge of the —.



his proposal on the opinion of his Apothecary that the Mutter-dari is of weak intellect, and the Tahildar of Namkul, who assisted in the local enquiry, agrees in considering that she is in an unsound state of mind and reports that she has been in this condition for a considerable time.

3. Kamakshamma has protested against this proposed action and has submitted to the Court of Wards, certificates obtained from two Medical Officers to obtain which, she visited Madras and underwent examination by Drs. Van Lomeren and Stanbrough. The former gentleman considers her to be "certainly a woman of sound mind" and adds "I have during a careful examination discovered nothing to justify my declaring her incompetent to manage her own affairs". The latter certifies that he thinks her "perfectly of sound mind and capable of conducting her

her affairs". These certificates are dated respectively 12th and 8th May 1874. 694

4. The Court however do not think these opinions sufficient to warrant their rejecting the Solicitors recommendation, because it is not necessary that Kamakshamma should be a lunatic to disqualify her, and the fact that she speaks rationally on ordinary topics is no proof of her competence to manage an estate.

5. Regulation V of 1864, with reference to the provisions of which the Court's recommendation is made, provides that a female, as such, is to be considered incapable of regulating her own affairs unless due and sufficient proof of her means, ability, and discretion is shown, when the Court may put her in the possession of her property. Sec. VII of this Regulation describes the procedure which is to be followed when a person of this description sees reason to dispute

dispute the grounds on which
the report of the collector may
have been framed, i.e. she must
lay her case before the Zillah
Court.

6. Hamakshammal in
her petition to the Court of Wards
and in her appeal to Government
contends that the action of the
Court is in opposition to the pro-
visions of Act XXX of 1858,
which prescribes rules for ascer-
-taining the state of mind of
persons who are alleged to be
lunatic. Under this Act appli-
-cation must be made to the
Civil Court to institute an enquiry.

7. It is to be noted
that Act XXXV of 1858 repeals
so much of Sec. VII, Reg. V of 1804
(and some other sections) as
relates to lunatics and idiots
but it does not touch the
cases of females and minors
incapacitated as such.

8. The definition of lunatic
as

for the purpose of the Act
of 1858 is a person found by
due course of law to be of unsound
mind and incapable of man-
aging his affairs. 694
The Court of Wards
do not suggest that Hamak-
shammal is a lunatic, but
merely as a female, deficient
in the requisite ability.
Orders are requested.
J. M.
I would follow
the Act leaving
P.C. to admit
the case be-
scribed in Reg. V of
1804 to est. whether
her competence to
manage her own
affairs. & the
Dr. Van Buren &
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Sec. VII, Reg. V of
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and minors incapaci-
tated as such.

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tated as such.

By L. V. L.
Gerrard, the
Palayapalayam
in Salween R.

Council
Gerrard

Revenue Department

1874
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Proceedings of the Court of Wards
dated 20th May 1874, 1185
Read the following:-

No. 10.

From the Ag Collector of
Salween
To the Secretary to the
Board of Revenue
Madras

Sir,

I have the honor to report
that from information re-
ceived I have caused an in-
quiry to be made concerning
the state of mind of Kaniak:
- Shiammal, Muthadari of
Eumrapatti and Palayapalayam
in the Kaniak Salween.

2. These Muthads, which pay
an annual pension of
Rs 40-2-11 to Government,
are

formerly stood in the name
of one Pathayamal who adopted
Gemmamma Peddi Reddi the hus-
band of Kammakshiammal.

On her death he succeeded
to the Estate and subsequently
deceased leaving no direct
heirs excepting his widow,
who was then registered as
Muttadarin. He had, however,
two natural brothers named
Perumal Reddi and Annamalai
Reddi, who are now living.

Heptemati bro?
an adopter

3. Kammakshiammal has, so
I learn, been for a consider-
able period of unimpaired
mind, but her affairs being
looked after by her uncle, one
Polamah Reddi, a respectable
and influential Muttadar.
Mr. Longley & he have not
not think interference called
for. Polamah Reddi

very recently died and the
adopter's son of Kammakshiam-
mal's sister and others are
said to be making away with
the property, which she owing
to mental incapacity, is un-
able to manage. I sent my
Apothecary to see her and
the Tahildar has held an
inquiry on the spot. She
formerly considers Kammakshi-
ammal to be of "weak intellect
and incapable of managing
her affairs" and the latter
reports that the Muttadari
has been for a considerable
time in an unreasoned state
of mind and that there is
no one who looks after the
Estate on her behalf.

4. I therefore beg to recom-
mend that the two Muttahs
alluded to above be taken
under the management of the

Court of Wars.

5. I have called for information as to fit persons to be nominated as guardians and managers, and as soon as this is received, will address the Board on the subject.

Salem Collector's office } High / J. S. Price
Camp officers } by Collector
23rd April 1874

In the above letter the Collector recommends that the two Muttahs of Gernuapilly and Palayapilly paying an annual peshchuk of Rs 73-2-11 to Government, should be taken under the management of the Court of Wars on the ground that she is incapable of managing her own affairs. Since the death of the Muttah-dari's husband the property has been managed by her uncle

& uncle who however, has recently deceased and it appears that there is reason to fear that the property is being dissipated by certain members of the family.
2. She is incompetent to the Court of Wars on proof of means, ability, and discretion to refrain from interference in the case of a female, but it seems that in the present case the requisites are wanting. The death of the relative who has hitherto managed the property has deprived her of conducting her affairs satisfactorily and she does not possess the necessary qualities herself.
3. Several petitions have been presented by the proprietors de facto interference on the

to part of the Court and two
Medical Certificates have
been put in to establish
Petitioner's perfect sanity
and competence to manage
her own affairs. The Court
are of opinion that these
certificates are not sufficient
to warrant them in rejecting
the Collector's recommend-
ations; it is not necessary
that the Petitioner should
be a lunatic to disqualify
her and the fact that she
speaks rationally on ordinary
topics is no proof of her com-
petence to manage her estate.
The Court are not taking action
under Act XXX of 1858, and
it is sufficient to warrant
their Proceeding under Regu-
lation V of 1874 that the
propriatrix should be in-
competent in the require-

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4. The Court would further
observe that if the statement
that the deceased Muttaday
left no direct heirs excepting
his minor son, the estate, failing
a valid adoption, would lapse
to the State, and therefore it
is the duty incumbent on
them to protect the property
from dissipation.

5. On these grounds the Court
resolve to submit the Collec-
tor's recommendations for the
favourable consideration of
Government and to request
that, in the event of sanction
being accorded, it may be
communicated to the Collector
direct by Telegram.

(True Copy & Extract)

By Sub-Secretary

To

Secretary to Government
Revenue Department
Petitions Nos. 1131 & 1279 of 1876
re Medical Certificates.

C. H. M. S. S.

Copd Med. Secy. Secy.

13 Contd of No 29/5/32

172/1632

Treasury 1874 Dept

Proceedings of the Court
of Wards

Dated 20 May 1874

Regd to - - -
Case 21 - - -
in 14 - - -

with reference to Court

action recommendations
of College of Education
that Court of Wards
should take into
consideration
University and
College of Education
University of
G.D. No 29/5/32
Main Order

in Council 5/6/74

Mr. E. W. P.
authorizes the
under named
to sign

Mr. E. W. P.
authorizes the
under named
to sign