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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

FOR ORDERS.

1st June 1874 R4th

Willam 5/6/74
5 June 1874 R4th
Willam 5/6/74

Willam 5/6/74

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 Nankul 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

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.

Ed. W. H. French.

Revenue Department.

Memo. for Orders.

694
/9

Pro. Court of Wards, submitting re-
commendation of follo. Salem, that
Court of Wards should take charge
of the Muttahs of Yerrumapatty and
Palayapalayam, Nankul talug.
(M. C. 20 May 1874)
Petition from the Muttadar of
Yerrumapatty and Palayapalayam
protesting against proposal of the
follo. 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
Nankul talug should be
taken under management on
account of the alleged incapacity
of the proprietrix, Namakshi
ammal, to conduct her own
affairs.

2. The Ag. collector bases

Govt. of 1874

70

REVENUE.

THE COURT OF WARDS.

Justices of the Peace

and

JUN 11
NOV 53-74

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

52

his proposal on the opinion of his Apothecary that the Mutta-dam is of weak intellect; and the Tahsildar 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 the 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 Dr Van Bomer 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. 641

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 1804, 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.

1. Hamakshuamimal 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 provisions of Act XXXV of 1858, which prescribes rules for ascertaining the state of mind of persons who are alleged to be lunatic. Under this Act, application must be made to the civil Court to institute an enquiry.

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 it is necessary to call on the doctors and the collector to examine the person and to report on the state of his mind. The Court of Wards is not a Court of law but a Court of equity. The Court of Wards is not a Court of law but a Court of equity. The Court of Wards is not a Court of law but a Court of equity.

I would follow the Court leaving the Court to decide the case as prescribed in Reg. V of 1804 to establish her competency to manage her own affairs. I think the Court should be satisfied with the evidence.

as given in Section 23 Act XXXV of 1858 means a person found by due course of law to be of unsound mind and incapable of managing his affairs.

The Court of Wards do not suggest that Hamakshuamimal is a lunatic, but merely as a female, deficient in the requisite ability.

Orders are requested.

Yours truly
J. L. L.
in the case of the woman who is in the state of mind which is not a man's mind in a legal sense. The Court should be satisfied with the evidence.

CONFIDENTIAL

formerly stood in the name
of one Pothayamial who adopted
Gemmam Reddi Reddi the hus-
band of Kammakshiamal.

On her death he succeeded
to the Estate and subsequently
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heirs excepting his widow,

who was then registered as
Muttadarmi. He had however

two natural brothers named
Perumal Reddi and Annamalai
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Whispered to me
for adoption

3. Kammakshiammal has so
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and influential Muttadar.

Mr. Lingley & he have not
thought it interfere
for Polamah Reddi

called
him over

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the property which she owing
to mental incapacity, is un-
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the Tahildar has held an
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ammal to be of weak intellect
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reports that the Muttadari
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of mind and that there is
no one who looks after the
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4. I therefore beg to recom-
mend that the two Muttahs
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 guardians and managers, and as soon as this is received, will add to the Board on the subject.

Salem Collector's office }
Camp Officer }
23rd April 1874 }
High J. Price
Jy. C. Mithar

In the above letter the Collector recommends that the two Muttahs of Gurusputty and Palayapokkur, paying an annual peshchuk of Rs 143-2-11 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 Muttah-dari's husband the property has been managed by her uncle

of uncle Mr. Limmer has recently deceased and it appears that there is now 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 inability 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 the means of conducting her affairs satisfactorily and she does not possess the necessary qualities herself.
3. It is by the proprietors present by the proprietors interference on the

to part of the Court and two
Medical Certificates have
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certificates are not sufficient
to warrant them in rejecting
the Collector's recommend-
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petence to manage her estate.
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under Act XXX of 1858 and
it is sufficient to warrant
their Proceeding under Regu-
lation I of 1854 and the
proprietary should be
satisfied with the require-

9 4. The Court would further
observe that if the statement
that the deceased Muttadar
left no direct heirs excepting
his minor son, the estate, failing
a valid adoption, would lapse
to the Crown and therefore it
is the duty of the Court to
themselves to protect the property
from dissipation.

5. On these grounds the Court
resolved 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 1874
re Medical Certificates.

C. H. B. B. B.

C. H. B. B. B.

12 Cont'd of Mass Exp 12/1/1900
29/5/51

10/632

Tennesson 1874 Defect

Proceedings of the Board
of Wardens

March 20. Monday 1874.

March 20 -

each - from the Old

Admission to Court

Advanced Recommendations

Collection of Wilson

that I wish to be

Should be made as follows:

no present pathology

Deanna Hartley, owner

Chlorophyllum

Harvard College

Q10 no 0947-3 June 11

Mr. Ode