

- (1) Number of Pages 14
(2) Date of repair 22.5.1969
(3) Initials of the Referencer S.B.

MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No.
B.P. No.

1182

Press
Mis.

Dated 29.8.1876 196 ..

Not to be folded or roughly handled

No. 303. Read the following Proceedings of the Court of Wards, dated 19th July 1876, No. 1,859 :—

Read the following letter from J. H. GARSTIN, Esq., Collector of South Arcot, to C. A. GALTON, Esq., Acting Secretary to the Court of Wards, dated Cuddalore, 16th June 1876, No. 255 :—

HAVING communicated to Thayammal the purport of the Court's Proceedings, dated 2nd instant, No. —, I have the honor to submit, for the information of the Court her reply to it in original, together with a translation thereof, from which the Court will observe that the Mittahdarni is not satisfied with her position as a ward, and is desirous of resuming the management of the estate herself. I therefore request orders to restore it to her.

—

ENCLOSURE No. 1.—Petition from Thayammal.

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ENCLOSURE No. 2.—Translation of Petition from Thayammal.

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ABOUT two years ago the Board received a petition from Thayammal, the widowed proprietrix of the Mittah of Chinnama Naiken Polliem in South Arcot, in which she requested that her estate might be resumed by Government conditionally upon an allowance being made to her from its revenues for maintenance during her life-time and continued to her nominee after her death. After receiving a report from the Collector, the Board recommended that Thayammal should be made a Ward of Court, and the proposal was sanctioned by Government in G.O., dated 1st September 1874, No. 1,121. Since that time the Collector, as the Court's Agent, has managed the estate, but has met with considerable opposition on the part of the proprietrix and her friends, who object to furnish information regarding property other than that comprised in the Mittah. In their Proceedings, dated 2nd June 1876, No. 1,464, the Court instructed Mr. Garstin to inform the lady that, as a ward, she must be prepared to submit the whole of her property to the Court's keeping, and, in the event of her being unwilling to do so, she must apply for the restoration of the Mittah. The letter read at the head of these Proceedings is the Collector's reply, in which he recommends that he may be authorized to withdraw from the management, as Thayammal refuses to accept the conditions proposed by the Court.

2. Except that it was her desire that her property should be managed for her, the Court had no ground for taking charge of the estate in the first instance, and accordingly resolve under Clause 2, Section 3, Regulation V of 1804 to direct the restoration of the property to Thayammal, who will henceforth cease to be a ward of the Court.

3. The Board are willing nevertheless to do what is in their power to ensure the proper management of the Mittah, and suggest, for the consideration of the Collector, whether it would not be well for him to assume the management of it upon similar terms to those originally proposed by Thayammal, *viz.*, that she receive an allowance of Rupees 100 a-month. The question regarding the disposal of the estate after her

*Proceedings of the Madras Government, Revenue Department,
29th August 1876.*

death must, of course, remain open. Should this course be followed, it would be necessary for the Collector to take from the proprietrix a general power of attorney as was done in the case of the Uratla Estate* in Vizagapatam.

* Bd's. Procs., dated 16th Aug. 1875, No. 2,306.
2nd Feb. 1876, " 312.
G.O., dated 13th March 1876, No. 367.

(A true Copy and Extract.)

(Signed) E. GIBSON,
Acting Sub-Secretary.

No. 304.

ORDER THEREON, 29th August 1876, No. 1,182.

Miscellaneous.

It does not appear that the proprietrix is now, any more than in 1874, when her small zemindari estate was taken under the Court of Wards, possessed of the ability to manage it. Even in her last petition she dwells on the turbulent character of her tenants, and the "trouble" they have always given her, against which, as a widow without any near male relatives, she is unable to make head.

2. On the other hand she claims to be quite competent to manage her small personal property and to collect the rents of her houses and of her own putta lands.

3. There seems no occasion to declare that the Collector, as Agent to the Court

of her property. So far as she can "regulate her own affairs" the Regulation seems to contemplate her being permitted to do so; and the Government wish this view of the case to be followed. A contrary procedure would result in the speedy ruin of the small zemindari, which is on every ground to be deprecated.

(True Extract.)

(Signed) D. F. CARMICHAEL,
Secretary to Government.

To the Court of Wards.

Exd. W. J. Fischer.

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No. 1,464.

PROCEEDINGS OF THE COURT OF WARDS, dated 2nd June 1876.

Read the following letter from J. H. GARSTIN, Esq., Collector of South Arcot, to C. A. GALTON, Esq., Acting Secretary to the Court of Wards, dated Trikalore, 17th May 1876, No. 203:—

I HAVE the honor to reply to the several points noticed in the Proceedings of the Court, dated 15th March last, No. 741.

2. With reference to paragraph 6, the Tahsildar had a personal interview with Thayammal when she told him that about Rupees 300 was due to her and that her liabilities amounted to about Rupees 7,000. On being questioned as to particulars, she declared that in connection with payment of her peishcush to Government and certain charity expenses, she had from time to time borrowed certain amounts from different persons without any security, and that she had also raised some money by the mortgage of some of her own puttah and inam lands in the Mittah, and some other items of property situated elsewhere, to one Govinda Naik of Pondicherry. She added that she could not furnish details in the absence of some of her papers which were not then in her possession, and that she was unwilling to render an account of her debts.

3. As it is thus clear that the proprietrix will not furnish this information, I propose, should the Court still wish it, to obtain it from her creditors by publishing a notice in the Gazette to the effect that no claims on the estate will be recognized which are not made known to me within a month from the date of the notice.

4. As the Board appointed the Tahsildar to manage the estate, I directed him to take possession of all the property, real and personal, belonging to the proprietrix, as required by Regulation V of 1804. A detailed list of each is herewith submitted. They are drawn up from information furnished by her, and from them it seems that her personal property is of trifling value, but that she possesses other lands, ryotwari and inam, which are estimated to yield an income of about Rupees 500 per annum, besides some buildings, a list of which also accompanies this letter. Of all these items of property, however, she desires to retain the exclusive management in her own hands.

5. With reference to paragraph 9 of the Proceedings, the Tahsildar reports that in 1866, when Thayammal took over charge of the estate, the ryots grew mutinous, refused to exchange puttahs and muchilikas with her, and compelled her to include in their puttahs lands left waste, and to grant remissions for them; that their object in doing this was simply to prevent others from taking up these lands for cultivation, which they would be if relinquished. Under these circumstances and in the interests of the Mittah, I recommended that the alterations in the terms of the puttah proposed in paragraph 6 of my letter embodied in the Proceedings under reply might be sanctioned.

6. As regards the kistbundi to be introduced in the Mittah villages, I have already in my letter, No. 167 dated 25th ultimo, proposed that the number of kists should be reduced to four, and the Tahsildar also recommends the same number as convenient and suitable.

11-9-77 ✓

Bobt. of 1876 31 JORDEN.

REVENUE. 1872

THE COURT OF WARDS.

Dated August, 20th.

Recd.

Encl.

G.O., 20th August 1876, No. 1,182.

AUGUST.
Nos. 303-304.

Chinnamma Naiken Poltham in South Arcot District.—Considering the withdrawal of the Court of Wards from the management of—inheritment, and desiring that the given view of the case may be followed.

7. With reference to paragraph 11, estimates and plans of the irrigation works which need repair have been called for from the District Engineer, and will be submitted as soon as they are received.

8. The Carnams of the Mittah villages are not men of sufficient intelligence to be entrusted with the work of azmaishing them and of preparing an accurate pymash account, and the Tahsildar, therefore, proposes to detail a Revenue Inspector and a Gumastah from his taluq for this duty without any additional expense being incurred on their account, and I have authorized him to do so.

9. In the Proceedings under reply sanction was accorded by the Court for writing off as irrecoverable the sum of Rupees 1,633-11-6, which was reported as the total amount of the arrear due from Fasli 1275 to 1281. But from the individual accounts now submitted by the Village Officers, the correct amount of arrears due for that period is found to be Rupees 1,641-14-1, or Rupees 8-2-7 in excess of that already reported. I therefore request the Court's sanction for writing off this amount as irrecoverable.

10. No steps have been taken for the realization of by far the larger portion of the arrears due for Faslis 1282 and 1283, under the provisions of the Rent Recovery Act, within the statutory period, and these have, therefore, now to be realized by suits in the Civil Court. The amount to be thus recovered is Rupees 1,824-10-0, as particularized below:—

	RS.	A.	P.
Arrears due by the ryots of Naduviraput...	1,381	7	7
Do. do. of Chinnama Naiken Polliem...	443	2	5
Total ...	1,824	10	0

As the time within which suits have to be filed on account of arrears of Fasli 1282 expires on the 30th June next, I have instructed the Tahsildar to file the suits at once in anticipation of the Court's sanction. I have also authorized the advance of the necessary funds for this purpose out of the income of the estate, and I trust that this will meet with the Court's approval.

11. In conclusion, I have the honor to request the Court's perusal of the enclosed translation of a petition addressed to me by Thayammal, in which she says that when she asked Government to take over her Mittah, she did so not from any want of capacity on her part to manage it, but merely to get rid of the trouble and loss caused by the Mittah ryots not accepting puttahs, and she strongly objects to her monthly allowance of Rupees 100 not being paid to her punctually every month. The Court will thus see that the petitioner scouts the idea of her being "an incapacitated proprietrix," in which case it is doubtful if she can be placed under the Court of Wards at all.

* Board's No. 529 of 1874.
Referring to her original petition,* the court will see that she therein asked that the Government should be requested by the Revenue Board, in their capacity as Court of Wards, to "resume her proprietary right" in the Mittah, and to grant her an allowance. I interpreted this to mean a surrender of the proprietary right granted to her ancestor Appu Mudali, and, with a view to see how far there was any such proprietary right to be resumed, I examined her status as a Mittahdarni, and I recommended that her request should be complied with. The Board, however under the impression, I presume that

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she was an "incapacitated" proprietrix, advised Government to accede to her request, and to place the Mittah under the Court of Wards, and this was done, but I think it is very doubtful if this state of affairs should continue, or if it is legal in the absence of "incapacity" on the part of the proprietrix. The proprietrix admits she only wanted to make a convenience of Government, and I now learn that her mode of life, past and present, was, and is, such as not to entitle her to any special favor or consideration at the hands of Government, or to make the Court proud of their ward.

She says that she has certain charitable institutions to maintain and festivals to celebrate, and that the annual charge on account of them is Rupees 3,352; but as the whole of her income, inclusive of the Rupees 1,200 now allowed her, apparently only comes to Rupees 2,126, it seems that she must be running into debt if her statements are correct. I therefore request the Board's orders as to taking action under Regulation V of 1804 in respect of any part of the property other than the Mittah villages. The petitioner, the Board will perceive, asks that all her other property may be exempted from the management of the Court of Wards. If, out of regard to her sex, the Government wish me to manage the two villages through the Tahsildar and to pay her Rupees 100 a-month, this can very easily be done without her being a ward of the Court, and a separate paragraph in the Jammabandi Report for each fasli will contain all that is necessary to be reported regarding the progress of the estate.

ENCLOSURE No. 1.—Translation of Petition.

ENCLOSURES Nos. 2 and 3.—Lists of Property.

THE foregoing letter is the Collector's reply to the Court's Proceedings, dated 15th March 1876, reviewing the administration report of the Chinnama Naiken Polliem for Fasli 1284.

2. The Court will postpone for the present the consideration of the several details contained in this letter and merely instruct the Collector at once to inform the lady that the estate was taken under the management of the Court of Wards at her own request, and that, as the Court can only act according to law, she must be prepared to place herself in the position of a ward of the Court under Regulation V of 1804, resigning all her property into the Court's keeping. The Court cannot continue to administer only the Polliem, and, if Thayammal is not satisfied with her position as a ward, she should petition for the restoration of the property, whereupon the Court will consider her application.

(A true Copy and Extract.)

(Signed) E. GIBSON,
Acting Sub-Secretary.

To the Collector of South Arcot.

Exd. A. Grubert.

No. 1,859.

PROCEEDINGS OF THE COURT OF WARDS, dated 19th July 1876.

Read the following letter from J. H. GARSTIN, Esq., Collector of South Arcot, to C. A. GALTON, Esq., Acting Secretary to the Court of Wards, dated Cuddalore, 16th June 1876, No. 255:—

HAVING communicated to Thayammal the purport of the Court's Proceedings, dated 2nd instant, No. —, I have the honor to submit, for the information of the Court, her reply to it in original, together with a translation thereof, from which the Court will observe that the Mittahdarni is not satisfied with her position as a ward, and is desirous of resuming the management of the estate herself. I therefore request orders to restore it to her.

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2nd Feb. 1876, " 312.

G.O., dated 13th March 1876, No. 367.

necessary for the Collector to take from the proprietrix a general power of attorney as was done in the case of the Uratla estate* in Vizagapatam.

(A true Copy and Extract.)

Acting Sub-Secretary.

To the Collector of South Arcot, with copies of Board's Proceedings,

dated 16th August 1875, No. 2,306, and 2nd February 1876,

No. 312, and Petition from Thayammal, returned.

Copy to the Secretary to Government, Revenue Department,

with copy of Board's Proceedings, dated 2nd June 1876, No. 1,464.

Exd. W. J. Lewis.

1876,
Court of Wards,
MADRAS.

PROCEEDINGS, 2ND JUNE 1876, No. 1,464.

Received

JUNE.
No. 1,464.

Chinnama Naiken Polliem—in South Arcot District.—Requesting Collector to inform proprietrix of — that, as the estate was taken under management of Court of Wards at her own request, she must place herself in the position of a ward of the Court and resign all her property to their keeping, and that if not she should petition for the restoration of her property.

2027-2-464/1172

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- Claims denied. Sect III
Ref V of 1204

In Capt. F. O. Bouslog's Ward
on morning
14 Bordered capes on & Sepn

Aug. 25/8/6-

11-8-97

Ms. A. 9.2. 4

August 1776

Encl. 1

Encl. 1

Encl. 1

JULY.
No. 1,859

✓ 14.303

1895-1896 R25114

Small Estate of a Widow
under Ct of Wards.

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Widow's drawal considered
mespulent.

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