

Legislative (1899) Department.

ORDINARY PRINTED.

G.O., No. 60

DATED 10-5-99

INDEXED.

[Despatch Abstract.]

Bill to amend the
Court of wards Bill Regulation V of 1804

communicating to

the Select Committee on the — Memorial
from the Madras Landholders' Association
regarding the Bill.

T 10-5-99

BACK PAPERS.

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Government {1899} of Madras. LEGISLATIVE.

Recd. } *Enclosures*
Regd. } 1899. *Spare copies*

G.O., No. 60, 10th May 1899.

MAY.

Bill to Ammend the Court of Wards Regulation V of 1804.

Communicating to the Select Committee on the — memorial from the Madras Landholders' Association regarding the Bill.

GOVERNMENT OF MADRAS.

LEGISLATIVE DEPARTMENT.

READ—the following paper :—

Memorial from the President of the Madras Landholders' Association, on behalf of the Association, to His Excellency the Governor in Council, dated Venkatagiri Town, 26th April 1899.

MOST RESPECTFULLY SHEWETH,—The Association begs to offer its loyal thanks to the Government for its benevolence in its endeavour to relieve the estates that have become encumbered, and it earnestly prays that its laudable efforts should be crowned with success in protecting the ancient zamindaries from ruin and extinction.

2. The memorialists beg to suggest that the relief proposed to be granted would be of a more efficient character if provisions be made in this Bill similar to those contained in Sindh Encumbered Estates' Act and Chota Nagpoor Encumbered Estates' Act which have been working with great success in other parts of India.

3. If the Government be not in a position now to modify and amend the Court of Wards Regulation on the lines of the Encumbered Estates' Act given to the other parts of India, the Association begs to suggest the following points for your Excellency's favourable consideration :—

(a) There is no provision in the Bill for application for placing the estate under the Court of Wards being made by any person other than the proprietor. Proprietors in consideration of their dignity or under the influence over which they have no control may not be very ready and willing to apply for the benefit of the relief given under the legislation, or when they apply it may be too late to be of any benefit to the estate. A provision might be inserted that application might be made by or on behalf of the heirs or successors or any other member of the family legally entitled to maintenance;

(b) It is desirable to fix the stage at which the estate could be brought under the management of the Court of Wards. When the liability exceeds one year's gross rental which can be easily ascertained by the Road Cess account, application can be made to bring the estate under the management of the Court of Wards;

(c) On application, on behalf of the minor or successor, &c., other than the holder, the Collector should issue a notice to the proprietor and give him an opportunity of being heard as to the causes of the debt and, unless the Collector finds that the debts have been contracted for the benefit of the estate or in consequence of bad seasons or any other reasonable cause, he may take up the management;

(d) Encumbered estates taken under the management of the Court of Wards under the provisions of this Act may be returned to the proprietor after the clearance of the debt provided that the greater portion of the debt had not been incurred by him nor due to his improvidence; otherwise, it may be given to his heir, if he has attained majority by the time the debt is cleared or to the proprietor himself on the Collector certifying as to his fitness to manage the estate;

(e) The Collector may be authorised to adjudicate suits subject to appeal to Civil Courts;

(f) A section might be inserted empowering the Court of Wards with the consent of the Local Government to raise loans for the benefit of the estate to be relieved if the present law is insufficient for the purpose; and

(g) A section might be inserted for the adjustment of the amount of maintenance for the members of the family entitled to it in proportion to the income and liabilities of the estate.

In addition to the above suggestions, the Association begs to suggest the following amendments :—

(1) In section 34 of the Bill insert "and section 33" after the words "as required by section 31."

(2) At the end of section 41 of the Bill add "provided that all actions of the incapacitated proprietor that may be found to be not in the interests of the estate with regard to the property, whether moveable or immoveable, are held to be invalid from the date of application."

The memorialists as in duty bound shall ever pray.

ORDER—No. 60, Legislative, dated 10th May 1899.

Communicated to the Select Committee on the Bill to amend Madras Regulation V of 1804.

(True Extract.)

M. HAMMICK,
Ag. Secretary to Government.

To the Select Committee on the Bill
to amend Madras Regulation V of 1804.

Legislative (189) Department.

CURRENT No. /24.

E

From
The Landholders' Assocⁿ.

In Orders

The memorial has not been signed
by the President of the Landholders' association.
Should he be asked to send a signed copy?

No.

Dated 26.4.99.

order
P.S.

W^m 60 d/10.5.99

Communicated to the Select Committee
on the Bill to amend Madras Regulation V of 1804.

Received

Registered

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1-5-99

SUBJECT.

Submitting a memorial re the
Court of Ward Bill.

To

The Select Committee on the Bill to amend
Madras Regulation V of 1804.

Desk 19/5/99

BACK PAPERS.

G.O.	No.	Department.	Date.

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READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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