

ORDINARY, MS.

Public DEPARTMENT.	
G.O., DATED	26-2-91
No.	157

INDEXED.

When given for copying

[Despatch Abstract.]

Explain the term
 "landholder" used
 in India resolution
 No. 150 N-2 R. 27-103
 para 2-.

14/11/88
 13-7-07
 25-3-08

1/20 No 60 Pub Prod
 3/8/90 No 575/6 - No
 20/12/90 No 899 Prod
 30/10/90 No 726 No

C 394-

Judicial { 189 / } Department.

No.

Order. 26 Feb 91 No 157

The Honorable the Judges of the
 High Court will be informed that,
 in the opinion of Govt., the term
 "landholder" in para 2 of Home
 Dept. Resolutions of 16 Jan 1890
 No. 2. R. 87-103. includes all
 persons having a possessory
 interest in land and does not
 include joint stock companies
 or corporations

FROM

THE REGISTRAR OF THE HIGH COURT
 OF JUDICATURE AT MADRAS,
 APPELLATE SIDE.

Dated 9th February 1891
 Received

GOVERNMENT OF INDIA
 10 FEB 91
 No. 383.
 Enc

(From Order)

The Hon'ble the Judges
 of the High Ct. (with C.L.)

RECEIVED
 4 MAR 91
 IN P.S.

C.S.
 24/2

Copied 2/3

Requesting an author-
 itative interpretation
 of the word "landholder"
 which occurs in para. 2
 of the Resolution of the
 Government of India
 communicated with G.O.
 of 30th January 1890, No 60 Prod

Refused
 Put off till next month

dealings between certain classes of Government servants and all persons interested in land, the wider interpretation may possibly be the true one, but I am to point out that in that case the term may include many Banks, Trading Companies, Benefit Societies and the like with which dealings by Government servants can be open to no objection.

3. The High Court agrees with the District Judge who refers the question that it is desirable to fix the point from all ambiguity and I am therefore directed to request an authoritative interpretation.

I have the honor to be,
Sir,
Your most obedient servant,

W. A. S. W.

Registrar.

C. 394.

High Court of Judicature,
Madras, 9 February 1891.

No. 333.

From H. W. Foster Esquire,
Registrar of the
High Court of Judicature,
Appellate Side,
Madras.

To
The Honorable J. F. Price,
Chief Secretary to Government,
Fort St. George.

Sir,
The District Judge of Tirunelveli has suggested to the High Court the desirability of having a clear definition given of the word 'landholders' used in para. 2 of the Resolution of the Government of India in the Home Department (Public) dated 16th January 1890, No. 2 R. 87-103, communicated with G.O. dated the 30th idem, No. 60, Public. Some doubt has been expressed as to whether the term includes persons having a qualified interest in land, under mortgage or hypothecation or whether it is intended to imply only holders in proprietary right.

2. As the object of the rule appears to be to prohibit ~~land~~ dealings

Count seems to come under these regarding investments and as such to be governed by the rules contained in G.O. 248 16th June 1380

1885 No. 4680 which were in G.O. 248 Public 7. 31. 3. 90 extended to all Govt. servants. The point might be referred to the G. of J.

C. The word 'land' in the best way 19/2 holding further argument 27/2

Should inform the High Court that the word 'landholders' includes all persons who have a proprietary interest in land, it does not include joint stock companies or corporations if they still argue, we can refer, but we must not trouble India at present.

Wco

23 Feb

C. 21/2

C. N. 394.

High Court of Judicature
Madras, 9 February 1891.

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2. As the object of the rule
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dealings

Count securities, come under there
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contained in G.O. 248 16th June
1880

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G.O. 248 Public 9. 31. 3. 90 extended
to all sort servants. The point
might be referred to the G. of J.

C.S. This would probably be the best way
19/2 of settling further argument
27/2

I should inform the High Court
~~that the word landholders includes all~~
~~persons who have a proprietary interest~~
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stock companies or corporations
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WCO
23 Feb

C. 21/2
2. 2. 1891

* G.O. 60
30. 1. 90

* * G.O. 899
20. 12. 90

C. No. 394
Home Dept. Resolution
No. 2R of 16 January 1890 prohibited
all uncorroborated officers in the
subordinate executive and judicial
services from lending money at interest,
whether directly or through relatives or
other agents, to landholders, with or
without security, within the province
in which they are employed, and
in Mr. Lyall's letter No. 2407 of
6th December 1890 it was stated that
the prohibition covered all loans,
whether the security given is lands
or houses. In the present current
the point is raised whether the term
"landholder" includes persons having
a qualified interest in land under
mortgage or hypothecation or whether
it is intended to imply only holders
in proprietary right. If the former, the
High Ct. holds that Banks and
Trading Associations (apparently as
coming under the head of "agents") will
be brought under the rules.

The question raised by the High

BACK PAPER, No.

OF 18

FURTHER PAPER, No.

OF 18

READ AGAIN ORDER OF GOVERNMENT, DATED
18, No. MISCELLANEOUS.

ENCLOSURE.

CURRENT No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT.

STATEMENT WITH DITTO.

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