M.R.O. 1—89,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 3039 Press Mis.

295. 296

Dated 25th November 1867..

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 25th November 1869.

No. 295. Read the following Proceedings of the Board of Revenue, dated 2nd October 1869, No. 7,337:—

Read the following Proceedings of the Madras Government, dated 24th August 1869, No. 2,404, Revenue Department.

ABSTRACT.—*Sunnud applied for by Poligar of Shulagherry in Salem District.*—Opinion of the Advocate-General regarding the form, communicated to Board of Revenue for remarks.

THE reference to paragraph 6 of the Sunnud, made in paragraph 3 of Board's Proceedings, 25th June 1869, No. 4,597, applied to the old form given at page 443 of Board's Standing Orders (Dalyell's Edition) Mr. Dalyell's Sunnud.

The paragraph runs thus:—

"In this event your personal property will be liable to attachment in the "first instance, and your lands will ultimately be liable to be sold and transferred "from you for the payment of the public revenue."

The same phrase is used in paragraph 4 of the new form.

The following are the points on which it seems to be desirable for the Board to record an opinion:—

1. Is it desirable to legalize the sale of personal property in the first instance, or in other words to put the Sunnud-holders in the same terms as ryotwary defaulters under Section 6, Regulation II. of 1864? The Board are of opinion that it is not desirable to do so, because an examination of old records proves that Zemindars have strongly objected to a seizure of their personal effects, and have always looked upon it as a great indignity. The Board would, however, give the defaulter the option of surrendering his movable property if he wishes to do so, rather than let a part of his estate be sold. The Collector of Salem advises that the Sunnud-holder should be placed in the same position as a ryotwary defaulter, on the ground that this would be a more convenient arrangement.

2. Is it desirable to introduce a stipulation authorizing the Government to attach and manage an estate, if they choose to do so, when the proprietor is in arrears? The expediency of such a measure in certain cases is undisputed. The only doubt is, as to whether it is legal as the Sunnud stands at present. The question is discussed in Government Order, 18th June 1868, No. 1,715, a copy of which will be forwarded to the Government Solicitor with these Proceedings. The Board are of opinion that the Sunnud should be worded so as to give Government the power to attach and manage the estate until the arrears are liquidated, or until they deem it necessary to recover the arrears in some other manner.

The Board think that the words from "but" to the end of the clause under discussion should be omitted as unnecessary.

No. 296. ORDER THEREON, 25th November 1869, No. 3,039.

Miscellaneous.

THE Right Honourable the Governor in Council is disposed to concur with the Advocate-General in considering it

advisable that the new form of Sunnud, to be issued to proprietors of estates, should provide for the same course of procedure for the recovery of arrears, as the Arrears Act (No. II. of 1864, Madras.)

2. This enactment leaves it optional with the collecting officer to proceed to realize the arrear by the sale of either the movable or immovable property of the defaulter, or both. A departmental order however directing Collectors, in the case of large properties, to attach the land of a defaulter in preference to selling his personal property, would be sufficient to prevent such persons suffering the indignity to which the Board refer.

3. The Government have no doubt that, under the existing law, the Collector has full power to attach and manage an estate. Any provision to this effect in the new Sunnuds is therefore unnecessary, and would moreover fail to affect the ancient Zemindaries held under the old form of Sunnud.

4. The Government trust that the draft of the new form, as finally determined by the Board of Revenue and the Advocate-General, will be submitted with as little delay as possible.

(True Extract.)

(Signed) R. A. DALYELL,

Acting Secretary to Government.

To the Board of Revenue.
,, the Government Solicitor.

Exd. E. C. Shunker.

Rev. Dept.

No-3039

Proceedings of the Madras Government.

Under date the 25th November 1869.

Read the following Min.

Proceedings of the Board of Revenue.

Forwarding to Govt. Solicitor's Office Govt. Notification, with copy of G.O. of 8th June 1869, No. 918, suggesting certain alterations in new forms of Summons & Settlement.

} Rt. 2nd Oct. 1869. No. 1334.

The Right Honble the Governor in Council is disposed to concur with the Advocate General in considering it advisable that the new forms of Summons, &c be reduced to Proprietors of Estates, should provide for the same course of procedure for the recovery of arrears as the Arrears Act (VIII of 1865) Madras.

Min.

20-10-69 ✓
23.11.69 ✓
13.5.68

From Bd of Revenue 4/70
Cir 9 3/70

1/4 - 5 - [illegible]
24.7.25 II ✓
19.5.27 II

Govt. of {1869} Madras.

REVENUE.

To

THE BOARD OF REVENUE,

&c., &c., &c.

Dated November, 25th.

Recd. Encl.

G. O., 25th November 1869, No. 3,039.

NOVEMBER.
Nos. 295-296.

Sanad of permanent settlement.—Proceedings Board of Revenue on the new forms, with orders thereon.

2. This enactment leaves it optional with the Collecting officer to proceed to realize the arrear by the sale of either the moveable or immoveable property of the defaulter, or both. A departmental order, however directing Collectors, in the case of large properties, to attach the land of a defaulter in preference to selling his personal property, would be sufficient to prevent such persons suffering the indignity to which the Board refer.

3. The Govt have no doubt, that under the existing law the Collector has full power to attach and manage

manage, an Estate. Any provision to this effect in the new Summuds is therefore unnecessary, and would moreover fail to affect the ancient Hereditaries held under the old form of Summud, though it is often especially necessary in the case of such estates to adopt this somewhat exceptional course.

4. The Govt trust that the draft of the new form, as finally determined by the Board of Revenue, and the Advocate General, will be submitted with as little delay as possible, (as it has now been nearly

Eighteen

eighteen months under
discussion, and the final
documents are, doubtless,
eagerly looked for by the
parties interested.