

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	1155	Press ~~Mis.~~
41-42 Dated	3-8-	1870.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
3rd August 1870.*

No. 41. Read the following Proceedings of the Board of Revenue, dated 7th March 1870, No. 1,596.

Read the following letters:—

From the Government Solicitor, Madras, to the Sub-Secretary to the Board of Revenue, dated 17th February 1870, No. 90.

WITH reference to the Proceedings of the Madras Government and the Order made thereon, dated 25th November 1869, No. 3,039, and the Proceedings of the Board of Revenue, dated 3rd instant, No. 793, I submitted the necessary papers having reference to the new form of Sunnud of Permanent Settlement for the consideration of the Advocate-General, and have also conferred with him thereon; and I now forward a copy of his opinion together with a copy of the new form of Sunnud as modified by him.

ENCLOSURE No. 1.

OPINION.

I HAVE carefully perused the proposed new form of Sunnud to be issued to Poligars and others not holding under a permanent Sunnud. I have also compared it with the old form, and made such alterations as appear advisable.

2. They will be found in the revised draft sent herewith.

3. By the various Proceedings of the Revenue Board and the Government, passed from time to time on this subject, the material alteration of clause only, the fourth, have struck out the final clause in accordance with a suggestion of the Revenue Board, and substituted for the first a provision to carry out the desire of Government that arrears of revenue should be recoverable under Madras Act II. of 1864.

4. In clause 7 the term "Adawlut of the Zillah" seems to be applicable only to an obsolete state of things. The old Adawlut Courts have been superseded by the Civil Courts of the districts, and as I presume it is not desired to confine the trial of the cases specified in Sections 7 and 9 to the Civil Court, I have followed the language of Madras Act II. of 1864.

5. I have altered the title and the execution clauses so as to meet the present state of things. I think the instrument should either be executed by the Secretary of State or by the Governor in Council on his behalf.

14th February 1870.

(Signed) JOHN BRUCE NORTON,
Advocate-General.

ENCLOSURE No. 2.—Copy of Sunnud.

From the Government Solicitor, Madras, to the Acting Secretary to the Board of Revenue, dated 17th February 1870, No. 89.

WITH reference to the Proceedings of the Board of Revenue, dated 29th January 1869, No. 604, and its enclosures, relative to the sufficiency of the form of permanent Sunnud proposed to be issued to Poligars, and of the existing Sunnud in favour of the Ponganoor Zemindar, I submitted the necessary papers for the consideration of the Advocate-General, and have also conferred with him thereon; and I now forward a copy of his opinion.

*Proceedings of the Madras Government, Revenue Department,
3rd August 1870.*

2. I herewith return the volume of the Standing Orders of the Board of Revenue, and the draft forms of the proposed Sunnud as requested in the Board's Proceedings above referred to.

ENCLOSURE No. 1.

OPINION.

I REGRET very much the length of time which has elapsed since this reference first came into my office. I could not, however, take the papers up until the general question of the new form of Sunnud to be issued to Poligars was in a condition to be dealt with. It was only on the 4th of February, instant, that the papers on that subject came definitely before me, and even since then there has been unavoidably a slight delay in procuring a copy of the proposed new form of Sunnud, which did not accompany the papers.

2. I have perused and settled the general form of Sunnud, which, unless there is any good reason to the contrary, I think should be issued in the Ponganoor case, *mutatis mutandis*, if any new form is to be issued at all.

3. I do not know whether there are any exceptional circumstances which render the insertion of the 12th clause in the draft on Ponganoor Sunnud necessary or expedient.

4. The Revenue Board in their Proceedings of 29th January 1869, No. 604, state, in reply to a question from myself, that there are no special circumstances rendering a revision of the old form of Sunnud granted to the Ponganoor Zemindar expedient; but it appears to me that, unless the Zemindar is a consenting party to the issue of a new Sunnud to him, and the surrender of that which he has held since 1860, the Government have no power to renew or in any way interfere with the one already granted to him.

14th February 1870.

(Signed) JOHN BRUCE NORTON,
Advocate-General.

ENCLOSURE No. 2.—Copy of Sunnud.

With the first of these letters, the Government Solicitor forwards the Advocate-General's opinion on the form of permanent Sunnud to be issued to the owners of unsettled estates. The Board assent to the modifications which he has suggested. With reference to their Proceedings of the 6th October 1869, No. 7,424, they consider the form will be still further improved, if the additions to paragraph 7, which they have made in black ink, are introduced. They recognize the possibility of a change in the law as to the position of Carniums. The Board recommend the adoption of the form of Sunnud thus amended.

2. The second letter gives cover to the Advocate-General's opinion as to (the necessity for revising the Sunnud issued to the Ponganoor Zemindar in 1860-61, G. O., 1st July 1868, No. 1,840).

3. Mr. Norton is of opinion that if any new form is to be issued at all, it should be the one now submitted, but points out that Government have no power to interfere with the Sunnud already granted, unless the Zemindar consents. The Board do not think it is necessary or desirable to revise this Sunnud.

*Proceedings of the Madras Government, Revenue Department,
3rd August 1870.*

No. 42.

ORDER THEREON, 3rd August 1870, No. 1,155.

Miscellaneous.

THE Right Honourable the Governor in Council resolves to request the Board of Revenue to confer with the Advocate-General as to whether clause 4 might not run as follows:—

“Arrears of revenue due to you shall be recoverable by the sale of either your movable or immovable property, or of both, in the manner provided by Madras Act II. of 1864, entitled ‘An Act to consolidate the laws for the recovery of arrears of revenue in the Madras Presidency,’ or any law which may hereafter be enacted for the like purpose.” Also, whether it would not be advisable to introduce the final clause of the old form of Sunnud, rendering Zemindars liable to all future laws.

2. His Lordship in Council also concurs with the Board in considering that there is no occasion to revise the Sunnud issued to the Zemindar of Ponganoor.

(True Extract.)

(Signed) H. E. STOKES,
Under-Secretary to Government.

To the Board of Revenue,
the Government Solicitor.

Exd. F. R. Bantlemas.

Recd Sept

Proceedings of the Madras Court
under date the

Read the following
Proc of the Bd of Rev

Submitting with
clauses, form of Decree
sent & intended to be issued
to the owners of unsettled
estates as modified by
the Board & the Advocate
General, and stating that
it is undesirable to revise the
sums of prices to the Govern-
or of Pungduos, in 1860/61.

(H.E. 7th March
1870, 12/15/96)

The Right Hon

Clause 4. Reads: "Whereas the Governor
has in the aforesaid Council approved of
the new form of Decree
to be treated as if the new form of Decree
be had as Decree: And as settled by the
it is the duty of the Board of Revenue in
consultation with the
Advocate General, and
has no objection to the
additions proposed by
the Board in their pro-
ceedings -
this

27.11.06
13.5.08
20.10.02
20.11.02

From the Rev. Mr. J. J. J.

9.9.70

Revenue, submitted to be issued to owners
of unsettled estates. - Proceedings Board of
Revenue, submitted the form of Decree as modi-
fied by Board and Advocate-General for adoption
with orders thereon. Submitted the Registrar
Zemindars to be referred.

AUGUST.
1860. 41-43

G.O. Ord. Board 1860, Vol. 1, 165.

THE BOARD OF REVENUE.

REVENUE.

GOVT. OF MADRAS.

2. His Lordship in Council also concurs with the Board in considering that there is no occasion to revise the *sunna* issued to the *Lemindar* of *Pingau*.

3. The Board will be good enough to submit at their early convenience, proof copies [or parchment] of the form of *sunna* with corresponding *moochilka* - When approved by Govt., the necessary number of forms may be struck off, filled in with names of the several Proprietors & submitted for execution by the Right Honorable the Governor in Council.

The proofs need not be on parchment?

enacted for the like purpose.

I am not sure that a reference to Reg. XXV of 1802 is not desirable.

I think the existing *sunna* have a clause about *jeemindar* being liable to future *sunna*. It is, I think, better to make the same *sunna* plain here - otherwise the Court may hold that the entry of this in one form & its omission in the other, meant that the former was the printed form.

J. D. P.

By

the

Revenue Department

No. 1155

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 3rd August 1870.

Read the following. Proceedings of the Board of Revenue.

Subj: with remarks form of Permanent *sunna* to be issued to the owners of unsold estates as modified by the Board the Advocate Genl., stating that it is undesirable to revise the *sunna* issued to the *jeemindar* of *Pingau* - Nov 1860/61.

J. D. P.

H. J. March 1870, No 1596.

The Right Honble the Governor in Council resolves to request the Board of Revenue to confer with the Advocate General as to whether clause 4 might not run as follows:—

Arrears of revenue due by you shall be recoverable by the sale of either your moveable or immovable

immovable property or of both,
in the manner provided by
Madras Act No 2 of 1864 entitled
'An Act to consolidate the laws
for the recovery of arrears of
revenue in the Madras Presidency,
or any law which may hereafter
be enacted for the like purpose.
Also whether it would not be
advisable to introduce the
final clause of the old form
of sunnud rendering Zemini-
dars liable to all future laws.

2. His Lordship in
Council also concurs with
the Board in considering
that there is no occasion
to revise the sunnud
issued

590
issued to the Zamindar of
Punganoor.

[Signature]

14 Jetho PP of Punt with an Incho due 1880
4-11-11 Jetho P. Soleetoro.
11/11/11

40
4