Proceedings of the Madras Government, Revenue Department, 22nd May 1871.

No. 289. Read the following Proceedings of the Court of Wards, dated 24th April 1871, No. 1,693:—

Read the following letter from the Collector of Salem, to the Acting Secretary to the Court of Wards, dated Tripatur, 6th March 1871, No. 757.

'I HAVE the honour to enclose two statements showing the property which has devolved on persons incapacitated by minority, and to request the Court will be pleased to let me know whether they are disposed to undertake the management of any of the estates. I consider that the intervention of the Court is unnecessary.

2. 'Of the two statements one shows the property held by single proprietors and the other by joint proprietors.

ENCLOSURES Nos. 1 and 2.—Statements.

SUBMITTED for the orders of Government.

2. The Board concur with the Collector, and suggest that some discretion should be allowed to Collectors in reporting cases of property devolving on incapacitated proprietors. It is true that the Regulation apparently allows of no such discretion, but the framers of it can hardly have realized the condition of affairs at the present day; and it is clear that in most of these cases, the estates could not be placed under the Court of Wards, because their revenues are inadequate to defray the cost of management; so that the practice of reporting such very petty cases has, it is believed, been generally abandoned.

No. 290. ORDER THEREON, 22nd May 1871, No. 900.

Miscellaneous.

IT is provided by Regulation V. of 1804 that Collectors are to report to the Board, and the Board to Government for their orders, all cases of property devolving, by inheritance, to incapacitated heirs, when such property "shall be charged with the direct payment of rents or revenues to the State."

2. At that time nobody paid directly to the State, except Zemindars and farmers of the revenue; and although there exists now a very altered state of things, still, in point of fact, the operation of the Regulation has been practically restricted to the Zemindari families. Some few large ryotwary tenements in the southern districts are, however, at present managed by the Court of Wards.

Ryots 2,294,593 as per last Return.

3. The Collector of Salem, adverting to the strict letter of the law, has now submitted two voluminous returns to the Board of property which has devolved as aforesaid for their orders. These lists comprise not only those cases where the devolution is tolerably recent, but include everything, from one month to fifty years back.

4. Of these two returns the Government fail to see the necessity for that headed "*Joint* Puttahdars;" because, where estates are held by joint possessors, and are subject to an undivided assessment of the public revenue, it is the Zillah

Section 20 Regulation V. of 1804.

Proceedings of the Madras Government, Revenue Department, 22nd May 1871.

Judge on the Collector's report—not the Court of Wards—who appoints a guardian for the administration of the property.

5. But putting aside this objection, and the matter of the ancient entries, it is obvious that, with registered ryots in this Presidency numbering nearly two millions and three hundred thousand, great numbers of whom must die every year leaving heirs incapacitated by minority or otherwise, it is only reasonable to adopt the Board's suggestions, and give some discretion to Collectors in reporting such cases.

6. The Governor in Council observes that the smallest property now under the Court of Wards—certain ryotwary lands in Tanjore—pays Government about 1,000 Rs. He would be reluctant to fix 1,000 Rs. or any other definite limit in reference to the Government demand. He prefers giving all Collectors a general discretional authority to abstain from report in the case of small estates, other than those held on Zemindari tenure, except where they have reason to believe that the interests of minors will suffer in consequence.

(True Extract.)

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

22d May/71.

W-900.

For Evidence.

Pergs. C & R Wards-
24th April/71

No 1,698.

This provided by Reg V of 1804
I would give Collectors discretion to report to the Board, & the Board to Govt for their orders, all cases of property devolving by inheritance to incapacitated heirs, when such property shall be charged with the direct payment of Rents or Revenue to the State.

The interests of the 2 at that time, notably paid directly to the State, except Zamindars and Farmers of the Revenue; and although [we have] now a very altered state of things, still, in point of fact, the operation of the Regulation has been practically restricted to the Zamindary families. Some few large Ryotwary tenements in the Southern districts are however, at present, managed by the Court of Wards.

Ryots 2,294,593-
as per last Returns.

Even fixing a money limit

I do not

I would by discretion fix a money limit otherwise in which

May/71 1115

have upwards in all sorts of cases.

3. The Collectors of Salems, adhering to the strict letter of the Law, has now submitted two voluminous returns to the Bd, of property which has devolved as aforesaid, for their orders. [It wd have been enough if the Law ordered those cases [only] where the devolution is tolerably recent: but (he has included) everything — from one month to 50 years back. [I know not why; I suppose he found them in some old list.]

+ Of these two Returns, (I fail to see the necessity for both headed "joint Puttahdars" — because, where estates are held by joint proprietors & are subject to an undivided assessment of the Public Revenue, it is the Zillah Judge, on the Coll's report, not the Court of Wards, who appoints a Guardian for the administration of the property.

But, putting aside this objection, & the matter of the ancient entries; it is [submitted] that, with Registered Ryots (in this Pendency) numbering nearly two millions three hundred thousand, great numbers of whom must die every year leaving heirs incapable of minority or otherwise, it is only reasonable to adopt the Bd's suggestion & give some discretion to Collectors in reporting such cases.

[I foresee that the smallest property from under the Court of Wards — certain Ryotwary lands in Tanjore — pays Govt [Rs 1072] per annum. If the Govt laid down a rule that, where the property paid direct to the State is under Rs 1000 a year, they wd not take up the management, & that Collrs need not therefore report such cases — a fair limit wd, I think, be created. The Ct of Chancery — & the Irish Court — has boundless powers in similar cases but on the principle of "de minimis &c" holds its hand where the property is trifling.

The Govt in Council

about 1000 Rs. He wd be reluctant to fix 1000 Rs or any other definite limit in reference to Govt demand. He prefers giving all Collrs a general discretionary authority to abstain from Report in the case of small Estates, other than have held on Zemindary tenure, except where they have reason to believe that the

Note - by last Returns there are 384 Ryots in the Pres[y], paying 1000 Rs & upwards. 187 of them in Tanjore.

interests of Minors will suffer in consequence.

Let XV.
Reg[d] V/04

Govt. of Madras

REVENUE.

To

THE BOARD OF REVENUE.

Date May 22nd.

Read.

Encl.

G. O., 22nd May 1871, No. 360.

To MAY.

Nos. 289-290.

Estates in Salem District.—Proceedings Board of Revenue, suggesting that discretion should be allowed to Collectors in reporting cases of property devolving on incapacitated proprietors, with orders thereon.