850

Proceedings of the Madras Government, Revenue Department,
14th August 1873.

No. 104. Read the following letter from E. BARCLAY, Esq., Acting Government Solicitor, Madras, to the Hon. R. A. DALYELL, Acting Secretary to Government, Revenue Department, Ootacamund, dated Madras, 25th July 1873, No. 463 :—

I HAVE the honour to acknowledge the receipt of the Order of Government, dated 23rd May 1873, No. 529, Revenue Department, together with its enclosures, requesting the Advocate-General's and the Government Pleader's joint opinion on certain points in connection with the Ramnad Zemindari.

2. I submitted the matter for the consideration of the Advocate-General and the Government Pleader, and I now forward herewith a copy of their joint opinion.

3. I return the enclosures which accompanied the above order of Government.

4. I have marked on the Advocate-General's Brief a fee of Pagodas 40 or Rs. 140, being the usual fee payable to him in such cases, and request the sanction of Government for disbursement to him of that sum.

OPINION.

(*a.*)—As to the question whether the Court of Wards, the minor, or other person can negotiate with Government in lieu of the late Zemindar, and, if not, whether it would be safe for Government to advance money for debts now considered to be chargeable on the estate without a formal assignment of the estate, we have to observe as follows :—

Jurisdiction over the estates and persons of minors is conferred by Regulation V. of 1804. By Section 15 of that enactment the manager may not grant a lease for more than a year without leave of the Collector, nor dispose of any part of the property without the permission of the Court of Wards ; from this we infer that, with the consent of the Board in writing, an alienation necessary for the purposes of the estate might be legally effected by the manager. We think, therefore, that the manager, armed with written authority from the Board, is competent to deal with the estate in connection with the proposed transactions with Government, and that a charge upon or alienation of the estate effected legally by the manager would be binding on the estate under all contingencies. We may point out that the liquidation of debts due by the estates of minors to private creditors is one of the duties expressly imposed on the Collector by Regulation V. of 1804, Section 17, subject only to the proviso that the regular and complete collection of the land-revenue be not interfered with, and that the consent of the Court of Wards in writing in every instance be first obtained. The arrangements, therefore, now contemplated for liquidating the debts of the estate appear to be entirely in accordance with the policy of the law on this subject.

2. (*b.*)—We next come to the question of the correctness of the classification of the debts.

As regards Debt No. XVI., the Statement No. 4, contained in Mr. McQuhae's letter, No. 62, of 4th March 1873, to the Court of Wards, shows that it consists of sums ranging in amount from Rs. 500 to 4,500, borrowed between January 1872

and February 1873, and the interest accrued thereupon. The loans are stated to be on account of "Manoverty expenses;" but there is nothing to show that such expenditure was in any way necessary or advantageous to the family at large; in fact, under the late Zemindar's circumstances, it is clear that such expenditure was prejudicial to the family interests. We concur, therefore, with Mr. McQuhae in considering that this debt, which, on the 25th March 1873, stood at Rs. 25,560-4-4, is not chargeable against the estate.

Debt XVII. amounted, on 2nd March 1873, to Rs. 6,012-4-0. Of this, Rs. 4,000 is entered as due to Alagar Iyengar as fees for conducting the Zemindari suit. Mr. McQuhae disallows this item on the grounds that (1) more than the necessary fees to Vakils in the Ramnad case have already been paid; and (2) that he does not know that this particular Vakil was ever employed. Assuming the correctness of these grounds, there can be no doubt that the item is properly disallowed. Before, however, ultimately rejecting the claim, Mr. McQuhae will no doubt thoroughly satisfy himself that Alagar Iyengar was not engaged, and that he did not earn the fees in question. As, supposing them really to have been earned, they would be chargeable on the estate. The other items appear unobjectionable, and are properly shown as chargeable on the estate. We assume that the suit against the "Chowk-renters" was for the benefit of the estate. If it were not, the Rs. 750 debited on account of it would not be chargeable.

Debt XVIII. is a rough estimate of the debts due to shop keepers and arrears of pay due to household servants; these are put roundly at Rs. 10,000. No objection, it appears to us, could be taken to a sum so comparatively moderate being made chargeable for such a purpose on the estate.

With regard to this part of the case we ought to observe that we understand our opinion to be desired only as to the Debts XVI., XVII., and XVIII., to which Mr. McQuhae refers, the others having been already reported on.

3. As to (*c*) the right course to be followed as to debts not chargeable on the estate is, in our opinion, to refuse to pay them. Neither the Government nor the Court of Wards have any right to defray such debts, nor could they, supposing the debts to be defrayed, recover the amount against the estate. Generally as to all the debts, we would strongly advise that, whenever any reasonable doubt exists as to whether a debt is chargeable, payment of it should be refused, and the creditor be driven to assert his claim in Court. No doubt, if this were done in a few instances and creditors made to feel the extreme difficulty of proving their debts to be chargeable (a difficulty which the tendency of recent decision is to enhance, see Madras High Court Report, page 371), the effect would be to render compromises in many cases possible, and to tend ultimately to a speedier and more satisfactory settlement of claims against the estate.

4. (*d.*)—As regards claims to the private property by creditors who have no claim on the inheritance, it is, of course, open to such creditors to enforce such claims against any private assets of the late Zemindar, which have not been attached on account of the Zemindar's liabilities to Government or by other creditors. We think that, if there is any such property now under attachment by Government, it should at once be sold, and the proceeds devoted to reducing the arrears of revenue.

5. (*e.*)—There will be no difficulty in identifying any payment, which Government may choose to make with the particular debt or portion of a debt to which it is intended to be appropriated. In several instances, *e.g.*, Debts Nos. I., II., IV., IX., the debts are secured by mortgages, and in these cases it would be well to have either endorsed on the Mortgage Deed or embodied in a separate instrument an assignment to Government of the security, and of so much of the mortgage debt as is paid off, and the recital should distinctly state what the precise debt is, in respect of which the assignment is made.

In other cases it will be well to take a formal discharge from the creditor of the sum paid, stating precisely what the debt is, for what it is believed to have been incurred, and setting forth such circumstances as will bring the debt within the principles set out in the opinion of the law-officers, 16th November 1870, as to the circumstances which will render debts a proper charge on the estate, and justify a lender in advancing money to defray them.

6. (*f.*)—As to the Will found among the late Zemindar's papers and enclosed in the Court of Wards' Proceedings, 9th May 1873, it is to be observed that the Executor appointed in it is dead, and that, upon the occurrence of that event, the provision of the Will is that the estate should be administered by Government; so far, therefore, the Will appears to provide precisely that which, in the absence of any provision, would have followed in the ordinary legal course. The same remark applies to the bequest of the Zemindari to the child of Mootal Natchiar, *i.e.*, to the heir Baskraswami. The bequests to the several wives of the properties acquired through them is so vague that we are unable, in the absence of any details as to the properties in question, to offer an opinion on the validity of the gift. It is clear, however, that the bequest can have no operation on any part of the Zemindari, and, if the properties which form the subject of the bequest, ever formed part of the Zemindar's personal estate, any bequest of them could take effect only when prior claims of the creditors were satisfied. As to the money-gifts to the daughters and the maintenance appointed for the mother, wives, and daughters, these are not binding on the successor to the Zemindari, except in so far as they would be realized out of the late Zemindar's private estate. The Zemindari cannot be made chargeable in the hands of the present Zemindar for anything more than the maintenance which by law he is bound to give to his female relatives, and the amount of this would be governed by the condition of the estate.

7. (*g.*)—We now proceed to remark on the position of Government in respect of the sum of Rs. 1,37,065 paid by Government to judgment-creditors (Debts Nos. III., V. C, and V. D on the list), plaintiffs in Suits Nos. 1 and 3 of 1872 of the Civil Court. Of Debt No. III., originally Rs. 92,000 (see paragraph 17 of Mr. Bliss's letter of 3rd March 1870) Rs. 50,000 was for a loan to defray the Zemindar's peishcush for fasli 1277 and Rs. 42,000 appear to have been advanced for satisfying creditor No. 1. For the reasons stated in paragraph 10 of the former opinion of the Government law-officers, 16th November 1870, we think that this debt was one which the creditor would have been able to enforce against the estate, and consequently that Government having discharged it will be safe in recouping itself to that amount from the estate.

As to Debts V. C and V. D no particulars appear to be supplied in the papers submitted to us, and we are unable to offer an opinion. The same principle, however, would govern these cases as all the rest, viz., that if the debts were such as to be chargeable on the inheritance, the payment of them is clearly for the good of the estate, and a charge which may consequently be enforced against the estate in the hands of the heir. It would be well, however, in any case that the Court of Wards, as representing the minor, should formally acknowledge the payment, and they should, of course, form part of the entire sum for which we understand it to be intended that the estate should be mortgaged to Government.

8. In conclusion, we think it right to point out that, whatever arrangement is made as to postponing realization of revenue, care should be taken that all *current* revenue, becoming due during the minority, should be realized before the minor comes of age, as the estate cannot be held liable for arrears of revenue accruing while it is under the administration of the Court of Wards, see letter of Sadr Adálat to Government of Fort St. George, 7th December 1831; Circular Order of Board of Revenue I., 129. The arrear which accrued during the late Zemindar's lifetime, and for which the estate is under attachment, might, therefore, with propriety, be postponed till current arrears of peishcush had been met.

22*nd July* 1873. (Signed) H. S. CUNNINGHAM.
(„) J. W. HANDLEY.

No. 105.

ORDER THEREON, 14th August 1873, No. 850.

Miscellaneous.

THE foregoing opinion will be communicated to the Board of Revenue. On the return of Mr. Lee-Warner from leave, the Board will be good enough, in their capacity of "Court of Wards," to authorize him as "Manager of estate" to mortgage the Ramnad property to Government as security for the loan to be advanced. They will, in the meantime, decide upon the form of deed in communication with the Government Pleader and the Advocate-General.

2. As the law-officers are of opinion that there will be no risk to Government in making the proposed arrangements for the liquidation of the debts due by the estate, the Government of India will be addressed in view to the advance of a sum of, say, Rupees 10,00,000 for this purpose, and the mortgage deed will be for this amount, *plus* the sum due to Government by the late Zemindar at the date of his decease. This must be carefully arrived at by the Collector; the full amount of peishcush and road-cess being calculated with interest up to the date of the Zemindar's death, and the amount already advanced by Government for payment of judgment-debts, Rupees 1,37,065, being added. Against this, however, the full amount in the manager's hands on account of the estate on that date must be set off, as well as the value of all the private property left by the late Zemindar, as these two items must be credited to Government in liquidation of their claim for peishcush.

3. As advised in paragraph 4 of the opinion, the whole of the Zemindar's private property will now be sold such portions of it as the manager may deem desirable being purchased on behalf of the minor Zemindar; but the law-officers will be requested to report whether the so-called private lands can be held to have been the private property of the late Zemindar, or whether this term will be properly applied only to his goods and chattels. In the latter case, the lands will, of course, not be put up for sale.

4. With advertence to paragraph 2 of the opinion, the Collector will follow the recommendations of the law-officers in regard to a further inquiry into the claim No. XVII. before finally rejecting it, and with reference to the concluding sentence of this paragraph, Messrs. Cunningham and Handley will be referred to paragraph 13 of Mr. McQuhae's letter, printed in the G. O., dated 15th March 1873, from which they will perceive that no legal advice has yet been obtained upon claims Nos. X., XII., XIV., and XV, though Mr. Bliss has reported upon them in his Memorandum, dated 17th October 1871, which was submitted with Mr. McQuhae's letter, recorded in the Proceedings of Government, dated 20th November 1871, No. 1,970. Messrs. Cunningham and Handley will accordingly be requested now to report opinion upon these claims.

5. When funds are available for the liquidation of the debts due by the estate, the Collector will be careful to follow the advice given in paragraphs 3 and 5 of the opinion, obtaining the necessary forms of deed from the Government Solicitor.

6. In supersession of the instructions given in paragraph 3 of the G. O., dated 23rd May 1873, No. 529, the Collector will see that all claims for peishcush since the date of the Zemindar's decease are liquidated from the estate funds as they arise, and that no arrears are allowed to accrue.

(True Extract.)

(Signed) R. A. DALYELL,
Acting Secretary to Government.

To the Board of Revenue.
„ the Government Pleader.
„ the Government Solicitor.

Exd. F. R. Bantleman.

Govt. of [illegible] 1873. Ramnad.

REVENUE.

THE BOARD OF REVENUE.

&c., &c.,

Dated August 14th

G. O., 14th August 1873. No. 850.

AUGUST.

Nos. 104-105.

Ramnad Zemindari.—Communicating to the Board of Revenue opinion of the Advocate-General and Government Pleader on certain points relating to the—instructing the Court of Wards to authorise Mr. Lee-Warner, as Manager of the estate, to mortgage it to Government as security for the loan to be advanced; resolving to address the Government of India on the subject, and requesting the opinion of the law-officers on certain claims.

REVENUE DEPARTMENT,
OOTACAMUND,
14th August 1873.

No.

No. 106.

To

THE SECRETARY TO [illegible] OF INDIA,

FINANCIAL DEPARTMENT.

SIR,—In continuation of the correspondence* which has passed regarding the state of affairs in the Ramnad Zemindari in this Presidency, I am directed to forward the enclosed copies† of the Proceedings of this Government, by themselves in a position to complete a mortgage of the property, the money

are decidedly of opinion that, under the Regulations,‡ a charge upon, or alienation of, the estate may, under a written Court of Wards, be legally effected by its estate under all contingencies; and they contemplated for liquidating the debts of the estate in accordance with the policy of the law on this

Council, having every reason to believe expressed, has directed the Court of Wards alienating it to Government as security to the Government of India Resolution, request that sanction may be accorded for lakhs of rupees, so that it may be freed increased by the delay that has occurred.

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

(Signed) R. A. DALYELL,
Acting Secretary to Government.

Miscellaneous.

* Letter, No. 248, dated 3rd March 1873.

† G. O., No. 529, dated 23rd May 1873.
,, ,, 850, ,, 14th Aug. ,,

from which it will be seen that they now [illegible] the arrangements for advancing, on [illegible] necessary to free the estate from debt.

2. The legal advisers of Governm[illegible]

‡ XV. of 1804.

authority from the Board of Revenue a[illegible] manager, and would be binding on th[illegible] add that the arrangements "now con[illegible] estate appear to be entirely in accor[illegible] subject."

3. His Excellency the Governor [illegible] in the soundness of the opinions thus [illegible] to arrange for the manager of the est[illegible] for a loan to be advanced, and referri[illegible] dated 10th August 1871, I am desired [illegible] the advance to the estate of a sum of [illegible] from its legal liabilities now necessari[illegible]

Exd. F. R. Bantleman.

No. 463.

Madras, 25th July 1873.

From

Ernest Barclay
Actg. Government Solicitor,
Madras,

To

R. A. Dalyell Esqre.
Secretary to Government,
Revenue Department,
Ootacamund.

Sir,

1. I have the honor to acknowledge the receipt of the Order of Government dated 23rd May 1873, No. 529, Revenue Department, together with its enclosures, requesting the Advocate General's and the Government Pleader's Joint opinion on certain points in connection with the Ramnad Zemindari.-

2. I submitted the matter for the considera-tion of the Advocate General and the Govern-ment Pleader and I now forward herewith a copy of their Joint opinion.

3. I return the enclosures which accom-panied the above Order of Government.-

J

4. I have marked on the Advocate General's Brief a fee of Pagodas 40 or Rupees 140, being the usual fee payable to him in such Cases and request the sanction of Government for disbursement to him of that sum.-

I have the honor to be,
Sir,
Your most Obedient Servant,

Ernest Bardoz
Actg. Government Solicitor.-

Revenue 1873. Dept.
From No. 2247
The Govt. Solicitor
Madras.
To
The Secy. to Govt.
Revenue Department
Octacamund.

Dated 25th July
Recd 28th "

No. 463.

Enclosures 1/.

Forwards a copy of the Joint opinion of the Advocate General and the Government Pleader on certain points in connection with the Ramnad Zemindari; also returns the papers relating thereto and requests the sanction of Government for disbursement to the Advocate General the sum of Rs. 140.

Rs. 104-105

GO-14 August 1873
No 850

C. 1 Augt. 12 13 Augts

Opinion.-

(a) As to the question whether the Court of Wards, the minor or other person can negotiate with Government in lieu of the late Zemindar, and, if not, whether it would be safe for Government to advance money for debts now considered to be chargeable on the Estate, without a formal assignment of the Estate - We have to observe as follows.

Jurisdiction over the Estates and persons of minors is conferred by Regulation V of 1804. By Section 15 of that Enactment the Manager may not grant a lease for more than a year without leave of the Collector, nor dispose of any part of the property without the permission of the Court of Wards; from this we infer that with the consent of the Board in writing, an alienation, necessary for the purposes of the Estate, might be legally effected by the Manager. We think, therefore, that the Manager, armed with written authority from the Board, is competent to deal with the Estate in connection with the proposed transactions with Government and that a charge upon, or alienation of the Estate, effected legally by the Manager would be binding on the Estate under all contingencies. We may point out that the liquidation of debts due by the Estates of Minors to Private Creditors is one of the duties expressly imposed on the Collector by Regulation V of 1804. -

Section

Section 17, subject only to the proviso that the regular and complete collection of the Land Revenue be not interfered with, and that the consent of the Court of Wards in writing in every instance be first obtained. The arrangements therefore, now contemplated for liquidating the debts of the Estate appear to be entirely in accordance with the policy of the Law on this subject.

(b.) We next come to the question of the correctness of the classification of the debts.

As regards debt No. XVI the Statement, No. 4, contained in Mr. Mc. Quae's letter No. 62 of 4th March 1873 to the Court of Wards, shows that it consists of sums, ranging in amount from Rs. 500 to 4,500, borrowed between January 1872 and February 1873, and the interest accrued thereupon. The loans are stated to be on account of "Manoverty expenses"; but there is nothing to show that such expenditure was in any way necessary or advantageous to the family at large, in fact, under the late Zemindar's circumstances, it is clear that such expenditure was prejudicial to the family interests - We concur, therefore with Mr. Mc. Duhae in considering that this debt, which on the 25th March 1873 stood at 25,560-4-4 is not chargeable against the Estate.

Debt XVII amounted on 2nd March 1873 to Rupees 6012-4. Of this, 4000 is entered as due to Alagar Iyengar as fees for conducting the Zemindaree Suit. Mr. Mc. Duhae disallows this item on the grounds that (1.) more than the necessary fees to

Vakils in the Ramnad Case have already been paid, and (2). that he does not know that this particular Vakil was ever employed. Assuming the correctness of these grounds, there can be no doubt that the item is properly disallowed: Before, however, ultimately rejecting the claim Mr. Mc. Duhae will no doubt thoroughly satisfy himself that Alagar Iyengar was not engaged and that he did not earn the fees in question. As, supposing them really to have been earned, they would be chargeable on the Estate. The other items appear unobjectionable and are properly shown as chargeable on the Estate. We assume that the Suit against the "Chowk renters" was for the benefit of the Estate. If it were not, the Rs. 750 debited on account of it would not be chargeable.

Debt XVIII is a rough estimate of the debts due to Shop-keepers, and arrears of pay due to household servants, these are put roundly at Rs. 10,000. No objection it appears to us could be taken to a sum, so comparatively moderate being made chargeable for such a purpose on the Estate.

With regard to this part of the Case we ought to observe that we understand our opinion to be desired only as to the debts XVI, XVII and XVIII to which Mr. Mc. Duhae refers, the others having been already reported on.

4. As to (c.) the right course to be followed as to debts not chargeable on the Estate is in our opinion, to refuse to pay them. Neither the Government nor the Court of Wards have any

right

right to defray such debts, nor could they, supposing the debts to be defrayed, recover the amount against the Estate. Generally as to all the debts, we would strongly advise that, whenever any reasonable doubt exists as to whether a debt is chargeable, payment of it should be refused, and the Creditor be driven to assert his claim in Court. No doubt, if this were done in a few instances and Creditors made to feel the extreme difficulty of proving their debts to be chargeable (a difficulty which the tendency of recent decision is to enhance - See Madras High Court Rep: p. 371), the effect would be to render compromises in many cases possible, and to tend ultimately to a speedier and more satisfactory settlement of claims against the Estate.

(d.) As regards claims to the private property by Creditors who have no claim on the inheritance, it is, of course, open to such Creditors to enforce such claims against any private assets of the late Zemindar, which have not been attached on account of the Zemindar's liabilities to Government or by other Creditors. We think that, if there is any such property now under attachment by Government, it should at once be sold, and the proceeds devoted to reducing the arrears of Revenue.

(e.) There will be no difficulty in identifying any payment which Government may choose to make, with the particular debt, or portion of a debt, to which it is intended to be appropriated. In several

several instances e.g. Debts No. 1, 2, 4, 9, the debts are secured by mortgages, and in these cases it would be well to have either indorsed on the Mortgage Deed, or embodied in a separate instrument, an assignment to Government of the security, and of so much of the mortgage debt as is paid off, and the recital should distinctly state what the precise debt is, in respect of which the assignment is made.

In other cases it will be well to take a formal discharge from the Creditor of the sum paid, stating precisely what the debt is for what it is believed to have been incurred, and setting forth such circumstances as will bring the debt within the principles set out in the opinion of the Law Officers of 16th November 1870, as to the circumstances which will render debts a proper charge on the Estate, and justify a lender in advancing money to defray them.

6. (f.) As to the Will, found among the late Zemindar's papers and enclosed in the Court of Wards Proceedings, 9th May 1873, it is to be observed that the Executor, appointed in it, is dead, and that, upon the occurrence of that event, the provision of the Will is that the Estate should be administered by Government. So far, therefore, the Will appears to provide precisely that which in the absence of any provision, would have followed in the ordinary legal course. The same remark applies to the bequest of the Zemindari to the child of Moodal Natchiar, i.e. to the heir Baskraswami. The bequests

bequests to the several Wives, of the properties acquired through them, is so vague that we are unable, in the absence of any details as to the properties in question, to offer an opinion on the validity of the gift. It is clear however that the bequest can have no operation on any part of the Zemindari, and, if the properties which form the subject of the bequest ever formed part of the Zemindar's personal Estate, any bequest of them could take effect only when prior claims of the Creditors were satisfied. As to the money gifts to the daughters, and the maintenance appointed for the mother Wives and daughters, these are not binding on the successor to the Zemindari except in so far as they would be realized out of the late Zemindar's private Estate. The Zemindari cannot be made chargeable in the hands of the present Zemindar for any thing more than the maintenance which by Law he is bound to give to his female relatives: and the amount of this would be governed by the condition of the Estate.

(7.) We now proceed to remark on the position of Government in respect of the sum of Rs. 137065 paid by Government to judgment creditors (Debt Nos 3, 5C and 5D on the list) plaintiffs in Suit Nos 1 and 3 of 1872 of the Civil Court - Of debt No. 3, originally 92,000 (See para: 17 of Mr. Bliss' Letter of 3rd March 1870) 50,000 was for a loan to defray the Zemindar's Peishcush for Fusly 1277, and Rs. 42,000 appear to have been advanced

G.O. 13 June 1871 Do 1012

advanced for satisfying Creditor No. 1. For the reasons stated in Para: 10 of the former opinion of the Government Law Officers, 16th November 1870 we think that this debt was one which the Creditor would have been able to enforce against the Estate, and consequently, that Government, having discharged it, will be safe in recouping itself to that amount from the Estate.

G.O. 13 June 1871 Do 1012

As to debts 5C and 5D. no particulars appear to be supplied in the papers submitted to us, and we are unable to offer an opinion. The same principle however would govern these Cases as all the rest, viz: that if the debts were such as to be chargeable on the inheritance, the payment of them is clearly for the good of the Estate and a charge which may, consequently be enforced against the Estate in the hands of the heir. It would be well, however, in any case, that the Court of Wards as representing the Minor should formally acknowledge the payment, and they should of course form part of the entire sum for which we understand it to be intended that the Estate should be mortgaged to Government.

8. In conclusion we think it right to point out that, whatever arrangement is made as to postponing realization of Revenue, care should be taken that all current Revenue, becoming due during the minority, should be realized before the Minor comes of age, as the Estate cannot be held

liable

liable for arrears of revenue accruing while it is under the administration of the Court of Wards. See Letter of Sudder Adawlut to Government of Fort St. George 4th December 1831. Circular Order of Board of Revenue I. 129. "The arrear which accrued during the late Zemindar's lifetime and for which the Estate is under attachment, might, therefore with propriety be postponed till current arrears of Peishcush had been met."

/Signed/ H. S. Cunningham,

/ " / J. W. Handley.

22nd July 1873.

/True copy/

Ernest Barclay

Actg. Government Solicitor.

R 1/2247/73

Copy:
of the Joint Opinion of
the Advocate General &
the Government Pleader
dated 22nd July 1873.-

Rect. 11th Aug.t/73 No 850.-

16 Encs
receipt from
Secy Govt
Registers on the
Rec'd 73.

Memorandum 21

The 16 original enclosures relating to the Rommad La = = misdary not having been returned with Government Proceedings 23d May 1873 No 529 Revenue Department, the undersigned requests that the 1st Lieutenant Assistant Government Office Revenue Department will be good enough to cause the return of the documents as soon as possible.

Revenue Board Office
Madras
3d September 1873

Registrar

To The 1st Lieutenant &c
Assistant Government
Office Revenue
Department

C. A. Murphy
Lt & Asst Sec. to Board

Revenue Department.

No. 858

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 14 August 1873

Read the following letter from the Adv: Gen.l Solicitor, Madras

Forwarding copy of joint opinion of the Adv: Gen.l & Gov.t Pleader on certain points in connection with the Ramnad Zemindari, &c.a } H. C. 25 July 1873, No 263.

1. The foregoing opinions will be communicated to the Board of Revenue. On the return of Mr. Lee Warner from leave, the Board will be good enough in their capacity of 'Court of Wards', to authorize him as 'Manager of Estate' to mortgage the Ramnad property to Gov.t as security for the loan to be advanced. They will in the

the meantime decide upon the form of deed in communication with the Govt Pleader and the Advocate General.

2. As the law officers are of opinion that there will be no risk to Govt in making the proposed arrangements for the liquidation of the debts due by the Estate, the Govt of India will be addressed in view to the advance of a sum of say Rs 10,00,000 for this purpose, and the mortgage deed will be for this amount, plus the sum due to Govt by the late Zemindar at the date of his decease.

This

This must be carefully arrived at by the Collector. The full amount of peshcush and Road cess being calculated with interest up to the date of the Zemindar's death, and the amount already advanced by Govt for payment of judgment debts, Rs 1,37,065, being added. Against this however, the full amount in the Manager's hands, on account of the Estate on that date, must be ~~credited~~ set off credited, as well as the value of all the private property left by the late Zemindar, as these two items must be credited

to

to Govt. in liquidation of.
their claim for peshcush

3. As advised in
para 4 of the opinion
the whole of the Zemindar's
private property will now
be sold, such portions of
it as the Manager may
deem desirable being
purchased on behalf of
the Main Zemindar, but
the Law Officers will be
requested to report whether
the so called private lands
can be held to have been
the private property of the
late Zemindar, or whether
this term will be properly
applied only to his goods
and chattels. In the latter

case

case the lands will of course
not be put up for sale.

4. With advertence to
para 2 of the opinion the
Collecta will follow the recom-
mendations of the Law
officers in regard to a further
enquiry into the claim
No XVII, before finally
rejecting it, and with reference
to the concluding sentence
of this para, Messrs. Cun-
ningham and Handley
will be referred to para 13
of Mr. McDaha's letter
printed in the G.O. dated
15 March 1873, from which
they will perceive that no
legal advice has yet
been obtained upon claims
Nos X, XII, XIV and XV,

though

though Mr. Bliss has reported upon them in his Memo: dated 17 Octr. 1871 which was submitted with Mr. McDuhae's letter record-ed in the Proceedings of Govt. dated 20 November 1871. No. 1970. Messrs. Cunningham & Handley will accordingly be requested now to report opinion upon these claims.

5. When funds are available for the liquida-tion of the debts due by the Estate the Collector will be careful to follow the advice given in paras 3 & 5 of the opinion, obtaining the

necessary forms of Deed from the Govt. Solicitor.

6. In supersession of the instructions given in para 3 of the G.O. dated 23rd May 1873, No. 529, the Collector will see that all claims for peshcush since the date of the Zemindar's decease are liquidated from the estate funds, as they arise, and that no arrears are allowed to accrue.

To Bd. of Rev.
Govt. Pleader
Govt. Solicitor
} Cpy 20/5

4/45

Gov.

Ramnad Zemindari

Special Case

C. 1 Augt. 73 R 13 Augt.

Copy sent 19/8/73 to the Secretary

Revenue Dept.

No. 851.

14 Augt. 1873.

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To

The Secretary to the Govt. of India

Financial Dept.

Sir,

In continuation of the correspondence which has passed regarding the state of affairs in the Ramnad Zemindary in this Presidency, resulting from the death of the Zemindar and the assumption of the Estate by the Court of Wards, I am directed to forward the enclosed copies of the Proceedings of this Govt. from which it will be seen

× Letter No. 248 dt 3 March 73.

* G.O. No. 529 dt 23 May 73
" " 850 " 14 Augt. 73.

with the Parliament on the 6th -

to the Govt of India resolution dated 10 Augt 1871, I am desired to request that sanction may be accorded for the advance to the Estate of a sum of ten lacs of rupees, so that it may be freed from its legal liabilities now necessarily increased by the delay that has occurred