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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No.	95	Press
B.P. No.		Mis.
Dated	21. Jan.	196/874.

Not to be folded or roughly handled

MS

Proceedings of the Madras Government, Revenue Department,
21st January 1874.

of it as funds become available; and he recommends an examination of the Zemindar's private accounts, with a view to ascertaining what actually became of each item as received.

We think that this account ought certainly to undergo the strictest scrutiny.

matters fairly connected with the interests of the Zemindar should be allowed. If a show of resistance be made, the creditor might possibly be induced to accept a favourable compromise.

CREDITORS XIV. AND XV.

These are claims by two ladies of the Zemindar's family to whom money in respect of maintenance is due under decrees of Court. They may be safely treated as chargeable on the inheritance.

(Signed) H. S. CUNNINGHAM.
(„) J. W. HANDLEY.

No. 182.

ORDER THEREON, 21st January 1874, No. 95.

Miscellaneous.

COMMUNICATED to the Court of
Wards for information and guidance.

(True Extract.)

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

To the Court of Wards.
„ the Government Pleader.
„ the Government Solicitor.

Exd. F. R. Bantleman.



95/3

No. 1

Madras

13th January 1874

To
 Mr. J. H. Handley Esq.
 Government Pleader
 Madras
 T. D. Carmichael Esq.
 Sec^y to Government
 Revenue Department.

Si

With reference to the Proceedings of
 G. O. 14th Augt 1873
 No 850 Government noted in the margin I
 have the honor to forward the Opinion
 of the Advocate General and myself on the
 Claims against the Ramnad Zemindars,
 omitted to be reported on in our former
 opinion. The delay in submitting this
 opinion has been caused by the absence
 on leave of the Advocate General and
 by the necessity for sending for various
 papers from the Government Offices.
 I have

Copy of 1874

REVENUE.

THE COURT OF WAIRS,

Madras.

Dated January 21st.

Recd.

G. O. 21st January 1874, No. 95.

JANUARY.

No. 181-182.

Ramnad Zemindars. — Commemorating to
 Court of Wards for information and guidance
 letter from Government Pleader forwarding further
 opinion of Advocate-General and himself on certain
 claims against the —

In
your most obedt Servt

J W Bentley
Government Pleader



Opinion 95/5
 Creditor R. D.

This is a claim for R. 32,000 borrowed in August 1870 for payment of peishenah, and, according to Mr. Bliss' memorandum, actually employed for this purpose. As to this, we have on a former occasion expressed our opinion that the only ^{question} ~~debates~~ to be entertained with respect to the chargeability of a debt of this character on the inheritance arises from doubts as to the bona fide necessity of the loan. The practice seems in this zamindaree to have been deliberately to devote the income of the Estate to other purposes, and to defray

1074. Disputes 103 to 104-5

[Signature]

[Signature]

Received 1874 before

James M. Hunt & Co.

To the order of Junt
 Ben Sept.

Exchequer 13th Jan 74
 Recd 15th — — —
 No 4

One hundred & 40. 1195-21 Aug 74

Forwarding opening
 all these accounts
 and Junt of these
 on certain claims against
 James M. Hunt & Co.
 ordered to be repaid on
 in former opinion

X M. H. 1874

No 95

James M. Hunt & Co.

for information & guidance - 22 Aug 74

56

21: January 1874

27 Jan 1874 R. D.

119-1811

defray the parish out of loans;
and this gives rise to the question
whether the loan was really and in
good faith, in the opinion of the
contracting parties, contracted for the
benefit of the Estate, or whether the
application of the funds to the
payment of parish may not have
been a mere contrivance to give it
a chargeability on the Estate which
it would not otherwise have enjoyed.
This question throws a shade of doubt
over the loans contracted for parish,
which we are anxious to see cleared
away by a decision of Court, such
as will necessarily be given in some
of



$\frac{2}{3}$ of the new pending suits. Of course
if the Court of Wards refuses payment
and pays at last under compulsion
of a Decree of Court, all question
about the necessity will be at an end.

Creditor No. XII. ⁹⁵/₈

This is a claim for Rs. 79,830. 4. 10.
the aggregate of numerous loans -
ranging from Rs. 15,000 to Rs. 300,
borrowed between January 1870 and
September 1871.

Mr. Bliss says that the sums
are all stated to have been borrowed
on account of household and other
necessary expenses, and that he sees
no reason to doubt the accuracy of
this statement. Some of them appear
to have ^{been} for strictly legitimate family
purposes, e.g. Rs. 15,000 borrowed
just previous to the Zamindar's
journey to Madras to assist in the
reception of the Duke of Edinburgh, a



2/2
a public duty almost forced upon him
by his position, and fairly chargeable
on the inheritance. Other portions of
the loan were incurred to meet expenses
necessarily incident to the death of
the Rance, which, again, would be
a family charge. Mr. Bliss scarcely
ventures to recommend the transfer
of this entire debt to the list of those
immediately to be paid, though he
contemplates payment of it as funds
become available; and he ^{recommends an} exami-
-nation of the Zamindar's private
accounts with a view to ascertaining
what actually became of each item
as received.

We think that this account ought
certainly



91/0
certainly to undergo the strictest scrutiny, and that every item which cannot be shown to have been incurred either for household necessities or for matters fairly connected with the interests of the Zamindaree, should be disallowed. If a show of resistance be made, the Creditor might possibly be induced to accept a favorable compromise.

95
Creditors XIV and XV.

These are claims by two ladies
of the Zamindari family to whom
money in respect of maintenance is
due under Decrees of Court. They
may be safely treated as chargeable
on the inheritance.

H. Cunningham

J. M. Smith

119-188
Dec 105/74

Rev. Mr. 109 of 174.
Pl. 721 Jan. 174.
In Be. 181.