

Financial 1872 Department

From Government of

Fort St. George.

Dated 29th November.

No. 1,629.

Enclosures.

R.

6 spare copies.

D. No.

Procs.

D.

L. No.

No.

REPLYING to letter inquiring what grounds exist for the opinion recently expressed, that the use of drugs prepared from Hemp and Opium is so little known in the Madras Presidency as to render inexpedient the imposition of a duty or license on retail vendors.

1630

1

*Proceedings of the Madras Government, Revenue Department,
29th November 1872.*

No. 219. Read the following Proceedings of the Board of Revenue, dated 25th November 1872, No. 2,271:—

Read the following letter from W. S. WHITESIDE, Esq., Acting Collector of North Arcot, to the Secretary to the Board of Revenue, dated Chittoor, 22nd November 1872, No. 611:—

ON the 16th instant I received a letter from Messrs. Prichard and Barclay, informing me that the Zemindar of Karvetinugger was about to execute a mortgage of the whole of his Zemindari to Mr. Richard Woolley of Madras, and asking for instructions, as they were desirous of having the deed registered in my Office in accordance with Section 8, Regulation XXV. of 1802. Messrs. Prichard and Barclay, at the same time, informed me that they were acting for both parties in the matter.

2. I thereupon wrote to Messrs. Prichard and Barclay to inform them that if Mr. Woolley come to Chittoor on the 21st instant, he could have the mortgage deed registered in this Office; but that as the Karvetinugger Zemindari is a very large and important estate, the personal appearance of both the Zemindar and mortgagee was necessary on the occasion of the registration of the transfer in my Office. I likewise told them that as a portion of the Zemindari is now under attachment of the Civil Court in liquidation of the debt due by the Zemindar to the Mahout of Tripati, I presumed, in the absence of any information to the contrary, that the remaining portion only of the estate was to be mortgaged, and that therefore, under Section 9 of Regulation XXV. of 1802, the Zemindar should furnish to me true and correct accounts for the last three years of the entire Zemindari and of that portion to be mortgaged.

3. I received no reply to my letter from Messrs. Prichard and Barclay; and yesterday their Assistant, Mr. A. S. Cowdell, appeared and informed me that he had come to Chittoor in reference to the mortgage of the Karvetinugger Zemindari; he handed to me, for perusal, the mortgage deed, which is an elaborate document extending over many closely written folios.

4. The Zemindar appears to be now very largely involved in debt, and it is with the object of relieving himself from this incumbrance that he has thought proper to resort to the step he has taken. The loan he is contracting amounts to twelve lakhs of Rupees, and the terms of the deed are so stringent that it is very likely that the Zemindari will eventually pass completely into the hands of Mr. Woolley or his heirs.

5. I have informed Mr. Cowdell that before the document is registered it will be necessary for him to file a copy of it for record in this Office. Mr. Cowdell has promised to do this, and as soon as the copy reaches my hand it will be submitted for the information of the Board. Meanwhile, as I can find no precedent or instructions in regard to the procedure to be observed in the registration of bonds of the kind now under consideration, I request the Board will be pleased to furnish me with definite instructions in the matter.

6. I have informed Mr. Cowdell that I am making this reference to the Board on the subject of the proposed registration, and that he must await their instructions.

Proceedings of the Madras Government, Revenue Department,
29th November 1872.

7. Mr. Cowdell holds a Power of Attorney executed in his favour by the Zemindar of Karvetinugger, and Mr. Woolley empowering him to act for them both in the registration of the bond in my Office.

THE Collector has no option but to register the mortgage.

2. The effect of the Court's attachment need not be considered at present.
3. These Proceedings will be submitted for the information of Government.

No. 220.

ORDER THEREON, 29th November 1872, No. 1,630.

Miscellaneous.

THE Government are unable to concur in the Board's ruling, and desire that the Collector may be instructed that the fact of land being liable to the payment of revenue does not impose on him the duty of registering in his books any mortgage which the proprietor may make. The Regulation quoted by Mr. Whiteside provides for registry by the Collector when the *proprietary right* in the whole or any part of a Zemindari changes hands; but this is not effected by a mortgage, which is a pledge for securing a debt, of lands of which the debtor and those claiming under him still retain the proprietary right, even in those cases in which the possessory right may have passed to the mortgagee. It is only where the process of foreclosure has been completed that a mortgagee becomes proprietor.

2. The Registration Offices established by Act VIII. of 1871 are open to the parties.

(True Extract.)

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

29th Nov 1872.

#1630.

Read Progs. H. L. Revenue

5/25-11-72

If collector is to register the mortgage of an entire estate he will have to register the mortgage of any mortgagee's share of it - but this is not his business - the collector's duty is to register the mortgage.

The Govt are unable to concur in the Board's Ruling, and desire that collector may be instructed that the fact of land being liable to the payment of revenue does not impose on him the duty of registering in his books any mortgage which the Proprietor may make. The Regn quoted by Mr. Whiteside provides for Registering by collector when the proprietary right in the whole or any part of a Zamindari changes hands; but this is not effected by a Mortgage, which is a pledge, for securing a debt, of lands of which the debtor and those claiming under him still retain the proprietary right, even in those cases in which the possessory right may have passed to the mortgagee. ~~It is only where~~ It is only where the process of foreclosure has been completed that a mortgagee becomes Proprietor.

2. The Registration

No 219-220

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Handwritten text:
Special
Dec 10/72
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**Gobt. of 1872 - Madras.
REVENUE.**

To
THE BOARD OF REVENUE,

Dated November 29th.

Recd.

Encl.

G. O., 29th November 1872, No. 1,630.

**NOVEMBER.
Nos. 219-220.**

Karvetinugger Zemindari Mortgage Deed.
—Board of Revenue to inform the Collector that the fact of land being liable to the payment of revenue does not impose upon him the duty of registering in his books any mortgage which the proprietor may make, but that the Registration Offices established by Act VIII. of 1871 are open to the parties.

No 219-220

Revenue 1872 Oct
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Proceedings of the
Board of Revenue

Date 25th November 1872

Despatch 26 — — —

Received 27th

S.O. No 1630-29 Nov/72

Karvettingger Zemindar

Mortgage Deed - Collector

of North Arcot informed that

he has no option but to com-

ply with application of parties

concerned for registration of

Deed executed by Karvetting-

-ger Zemindar to Mr. Richard

Woolley. - Board's Proceedings

submitted to Government

No 219

Spl C 27 Nov/72 R28