890

Proceedings of the Madras Gover , Revenue Department,
22nd Augu 73.

No. 179. Read the following Proceedin he Board of Revenue, dated 23rd July 1873, No. 2 :—

Read the following Proceedings of the Ma. Government, dated 13th June 1873, No. 599, Revenu partment :—

ABSTRACT.—*Escheat-lands in Malabar Cochin.*—Deeds received from the Government Solicitor in connection with m, forwarded to the Board of Revenue for report; and Accountant-Gen requested to state how their sale proceeds appear from the records in his Offi o have been disposed of.

THE Board are of opinion that no clau the deed could make the executor liable to arrest or imprisonment under Act. of 1864.

2. Whether it would legalize a seizu property, in the manner laid down in Act II. of 1864, which would otherwise illegal and punishable is a question for the law officers to decide. The Board nk *not.*

No. 180. ORDER THEREON, 22 igust 1873, No. 890.

Miscellaneous.

MR. LOGAN'S forms of deed will be warded to the Advocate-General through the Government Solicitor, and he will be requested to state whether he siders them or his own to be preferable; and further whether he is of opi that any form of deed can, without a special legal enactment, conclusively b d its executor to submit to summary process for the recovery of the sums nam d in the deed.

2. His attention will also be calle to the Indenture (Form "Y") executed when land is sold under the Waste Lan ules to a purchaser who agrees to pay a portion of the purchase-money in thr yarly instalments, with interest at 6 per cent. per annum, and in default of such ments to admit of re-entry and re-sale on behalf of the Government.

(True ract.)

gned) R. A. DALYELL,
Acting Secretary to Government.

To the Board of Revenue.
,, the Government Solicitor.

Exd. F. R. Bantleman.

Ver 3894/7

3

A

I Nan Deed made

~~by~~ A. MacGregor Esq., Collector

of Malabar ~~on behalf of the~~ between

~~Right Honorable~~ the Secretary

of State ~~for India~~ in Council

& ——— of ——— Desham

——— amsham ——— Talook

in the District of Malabar.

~~The~~ ——— has

Whereas ~~he~~ ——— agreed

to purchase the ~~undermentioned~~

lands, the Jenm property of Govern-

ment, and ~~has~~ the ~~mortgaged~~ for security

of payment of the purchase

money due thereon, the proprietory

right of Government in the said

lands is hereby transferred to you

your heirs and assigns for the sum

of Rupees ———

The Jenmabhogam

hitherto levied by Government on

the said lands is hereby remitted

subject to the mortgage to be

entered into in a deed to be

executed

order of H.E. the Governor in Council

mentioned in the Schedule annexed hereto

said lands by way of security for

executed simultaneously with this deed.

The land remains liable to such annual assessment as is now or may be from time to time hereafter fixed by Government.

The boundaries of the said land must be duly maintained by ~~you~~

All existing and customary rights of Government or others in roads, paths or running waters on the said lands are reserved.

Situation of the lands. Taluk	Situation of the lands. Amsom	Situation of the lands. Desom	Description of lands whether Kanyai, Manja or Poyalum.	Name of the lands.	Settlement Pattee.	Deductions made on account of unfruitfulness &c.	Net amount of rent payable to Government	Amount of Survey Fees.	Balance.	Amount of interest payable in future years.	Number of Boundary Marks. East & West	Number of Boundary Marks. North & South	Boundaries. East.	Boundaries. South.	Boundaries. North.	Boundaries. West.

Dated

Alwarbegu
Collector.

Copies sent

B.

Mortgage Deed executed to the Right Honorable the Secretary of State for India in Council by ——— an inhabitant of ——— Deshom ——— Amshom ——— Taluk.

Whereas the Collector of Malabar on behalf of the said Secretary of state for India in Council has this day ~~assigned~~ issued to me a Jenm Deed for the undermentioned lands, the Jenm property of Government on condition of my paying to Government every year, interest at 5 per cent on Rupees ——— now outstanding against me out of Rs ——— ~~fs~~, which I hereby admit as a valid debt — I, my heirs and assigns do hereby agree to pay to Govern- ment interest at 5 per cent per

per

Ent: 4

Regd: 4

Draft deed A.

per annum on the said sum of Rs——, and until the same is paid in full agree to mortgage the lands herein referred to as security for its due discharge - I do further agree and consent with my heirs and assigns to the said rate of interest being apportioned among the several lands as mentioned in the Schedule below, and recovered with reference to the provisions of the Rules and Regulations appertaining to Land Revenue. It is further agreed that upon payment at any time any portion of the above mentioned Rupees——, (not less than Rupees 20 at a time) upon which interest is now

now charged the payment to be received and a proportionate reduction made in the amount of interest.

Situation of the lands. Taluk	Amshom	Desom.	Description of Lands whether Kanam, Panja or Jenmam	Name of the Lands.	Settlement value.	Deductions made on account of infirmities &c.	Net amount for value bargained & Encumbered.	Amount already paid.	Balance.	Amount of interest from this time in future years	Assessment according to Land Tax. South & North.	Boundaries. East.	South.	North.	West.

Dated.

Alexander
Collector.

No. 1,372.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 23rd July 1873.

Read the following Proceedings of the Madras Government, dated 13th June 1873, No. 599, Revenue Department:—

ABSTRACT.—*Escheat-lands in Malabar and Cochin.*—Deeds received from the Government Solicitor in connection with them, forwarded to the Board of Revenue for report; and Accountant-General requested to state how their sale proceeds appear from the records in his Office to have been disposed of.

THE Board are of opinion that no clause in the deed could make the executor liable to arrest or imprisonment under Act II. of 1864.

2. Whether it would legalize a seizure of property, in the manner laid down in Act II. of 1864, which would otherwise be illegal and punishable is a question for the law officers to decide. The Board think *not*.

(A true Extract.)

J Grote

Secretary.

To the Acting Secretary to Government, Revenue Department,
with four enclosures.

Copy to the Acting Collector of Malabar.

Revenue Department.

13

Proceedings of the Board of Revenue.

Dated 23rd July 1873 - 1372

Read Government Order, dated 13th June 1873 No. 1099, Revenue Department, forwarding to the Board, for their report, the draft proposed from the Government Solicitor in connection with the Sale Conveyance of Escheat-lands in Malabar and Canara.

The Board are of opinion that no clause in the deed could render the executor liable to arrest or imprisonment under Act II of 1864.

Whether it would legalize a seizure of property in case of non-payment of the revenue said down in Section 7 of Act II of 1864, which would otherwise be illegal and punishable, is a question for the Law Officers to decide. The Board think it should be referred.

1 Inclosure Extract

To the Secretary to Government Revenue Department with 4 Enclosures.

H. Rose
Secretary.

2227

1873.

Board of Revenue,

MADRAS.

PROCEEDINGS, 23RD JULY 1873, No. 1,372.

Dept. 23 July 73.

Encl.

Received

JULY.

No. 1,372.

Deed—to be executed in case of Escheat land in Malabar District, when Jenmom is not purchased out-right.—Opinion expressed to Government with reference to form of — prepared by Advocate-General, that no clause in the deed can make the executor liable to arrest or imprisonment under Act II. of 1864; when required payment is withheld, and that question whether it would legalize a seizure of property should be decided by law officers.

Ms Copy already sent

No 2227 for Orders

Pro. Board of Revenue

Opinion regarding certain deeds of beat Lands in Malabar & Cochin

23 July 1873

The circumstances under which it becomes necessary to prepare these forms of deed are explained in the Memo attached to the G.O. dated 18 June 1873 No 549.

The Board of Revenue appear to consider that whether the forms of deed proposed by Mr Logan, which they consider appropriate to District usage, or those prepared by the Advocate General should be adopted, it will be necessary to reserve any portion of the five per cent payable on the purchase

Revenue 1873 August
Proceedings of the
Board of Revenue
No 2227

Dated 23 July 1873
Despd 23 July 1873.
Rec'd 28
Encl 4.

No 1372

Subject

Submitting the Board's opinion regarding certain deeds of Settlement Lands in Malabar & Cochin; receive with Government Order, No 549 of 18th June 1873
B.O.

G.O. 22 Aug 1873 No 590

Rev. Aug 1873 Nos 82 & 83

money of the Seven right, which may fall into arrear by civil Suit - If this view be correct it will probably be necessary to adopt the expedient suggested by the Secretary of State and to legislate through the members of Port who are opposed to this course.

Perhaps, in the first place, it will be advisable to forward Mr Logan's form of Deed to the Advocate General, and to ask him whether he considers them, in his own, to be unobjectionable; and further whether he is of opinion that the

Yes Sd

form of Deed can really bind the Executor of the Deed to submit to summary process for the recovery of the sums named in the Deed although that process is not participated by any legal enactment

HHB.

attended at ...
to the Neighbourhood ...
Contagion
the pulse ...

Sd

I agree -
he has not yet
(received) answered
from 3 States
of Water
20 Jan
why has not the
Seed Grant applied to the
Seed Grant for 1853 paid to?

Memo for Orders

Opinion of the Bd of Revenue regarding certain deeds of Escheat Lands in Malabar & Cochin

890

Circ

Under date

Intimating

&

Revenue Department.

No 890

PROCEEDINGS of the MADRAS GOVERNMENT.

P. 22 Aug. 93

Read the following Proceedings of the Board of Revenue

Submitting the Board's opinion regarding certain deeds of Escheat Lands in Malabar and Cochin — } M. E. 23rd July 1873, No 1372

Mr Logan's forms of Deed will be forwarded to the Advocate General through the Government Solicitor and he will be requested to state whether he considers them, or his own, to be preferable, and further whether he is of opinion that any form of Deed can, without a special legal enactment conclusively bind its Executor to submit to summary process for the recovery of the sums named in the Deed.

His

2. His attention will also be called to the indenture (Form "G") executed when land is sold under the waste land rules to a purchaser who agrees to pay a portion of the purchase money in three yearly instalments with interest at 6 per cent. per annum and in default of such payments to admit of re-entry and re-sale on behalf of the Government.

Let

Lieut. Governor

To R. J. Turner
Govt. Solicitor
with a Con & Indenture &c.

Oct. 29/6

3

k. 179-180