

Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. 3345

DATED 2nd July

[Despatch Abstract.]

Approving the Board's recommendations in regard to the payment of one-fourth of the income from the immovable property belonging to the deceased Houda Akai to Marjappa Shetti's widow and children and the separation of one-fourth of the immovable property to be ultimately delivered over to them.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

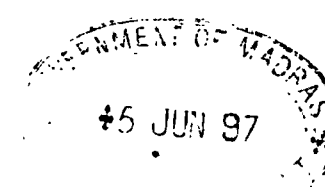
FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Revenue (1897) Department.

CURRENT No. 4755

The Hon. Mr. Grace C. E.



From

The Board of Revenue, Land Revenue, Madras.

No. 1998 Misc.

Dated 1st June 1897.

Received 5th

Registered 7th

Enclosures 2

Spare copies

SUBJECT.

Submitting for the orders of Govt. with remarks letter from the Collector of S. Canara requesting instruction on certain points in connection with (1) the payment of one-fourth of the income from the immovable property belonging to the escheated Konde Estate to Manjappa Shetti's widow & children & (2) the separation of one fourth of the immovable property to be ultimately delivered over to them.

Order No. 3345 of 2nd July 1897.

The Board's recommendations in paras 3, 4, and 5 of its Res. read above are approved.

To the B. of Rev. (R.A.) with Encl.

Note

The Board's Res. states the facts clearly.

25/6/97

29/6/97

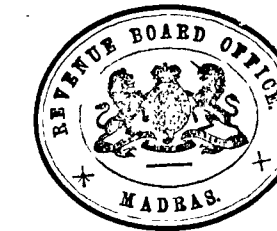
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BACK PAPERS.

G.O.	No.	Department.	Date.
	724-7	5-	15-8-93
	562	—	7-1-93

FURTHER PAPERS.

G.O.	No.	Department.	Date.



Proceedings of the Board of Revenue (Land Revenue)

No. 2112 Misc., dated 8th May 1896.

Read the following letter from W.H. Welsh, Esquire, Collector of South Canara, to the Secretary to the Commissioners of Land Revenue, Madras, Ref. on G.No. 3077/ver of 1895, dated 8th April 1896.

The Board's proposal (paragraph 14 of its Proceedings, No. 275, dated 25th May 1895) approved of by the G.O. No. 724 Rev. communicated with Madras and India Governments requires a Promissory note to be taken from Manjappa Shetti's family on the mortgage of their lands for the amounts due from them including

those accruing under the decree in O.S. No. 20 of 1885, this note being discharged should no other claimants appear in the meantime.

2. The widow and children of the above Manjappa Shetti agree to execute the note and ^{offer} certain properties as security. These properties yield the following rents :-

1. Grain rents, 433½ Muras (bundles) of rice valued at (at 2½ Rs. ^{per} Mura)-----	Rs.	As.	Ps.
	1083	12	0
2. Cash rents-----		88	8-0
Total	1172	4	0

Deduct

Government assessment and Cesses on the lands -----	194	7	9
Net rental	977	12	5

3. Capitalizing the above income at 5 per cent, the value of the properties amounts to Rs. 19,555.

4. The parties produce affidavits to show that the properties offered as security are all they possess and

an encumbrances. Their value as estimated above, is insufficient as security; but they are all that the parties can offer, and I think they should be accepted.

5. A note is drafted (by the local Government Pleader) in Canarese as the parties who are to execute it, are ignorant of English. A translation of it is herewith submitted for approval of the draft.

6. After the note is duly executed, I will submit proposals for making over a portion of the produce of the estate to the executants as directed in paragraph 14 of the Board's Proceedings quoted above.

And the following Reference thereon dated 23rd April 1896

Forwarded to the Government Solicitor with the request that he will favor the Board with his remarks as to the suitability of the draft mortgage-bond submitted by the Collector and also revise the same if necessary.

2. With the approval of the Government of India, the Local Government has decided to treat liberally the persons by whom the mortgage-bond will be executed. Rs. 45,874-8-10 with subsequent interest is due from them, but this amount will be remitted if within 12 years from the date of the death of one Pattamma, whose estate has escheated to the State, no claimants appear and establish their title thereto. Should the last-mentioned contingency happen, the amount has to be recovered by Government and paid to the successful claimants, and it is to secure such recovery that it is now proposed to obtain a mortgage-bond.

Read also the following letter from Ernest Barclay, Esquire, Government Solicitor, Madras, No. 224, dated 1st May 1896.

I beg to acknowledge receipt of the Board's Reference dated 23rd Ultimo No. 1839 with enclosure, which I return herewith.

2. I have made some alterations in red ink in the draft form of Mortgage referred to me without materially changing the form of the instrument, and I am of opinion that, as altered, the form of mortgage will be suitable to the case. The mortgage did not provide for payment of any interest. This I have now provided for and the rate of interest should be filled in in the instrument.

Resolution

Resolution

Communicated to the Collector of South Canara.

2. The draft form of mortgage as amended by the Government Solicitor is approved.

(True Copies & Extract)

/signed/ R.C.C. Carr

Secretary.

To

The Collector of South Canara, with draft mortgage ret'd.

/True Copy/

Adlwankanna

3 JUN 1897

Ap. Secretary.

MD.R.H.

MD.R.H.

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1896.
Board of Revenue
(Land Revenue),
MADRAS.

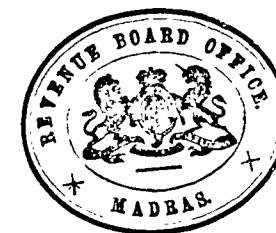
To

True Copy of Board's

Pro.No.2112 Mis.

Dated 8th May 1896.

Subject.



Proceedings of the Board of Revenue
(Land Revenue)

No.1998 Misc., dated 1st June 1897.

Read letter from W.H.Welsh, Esquire, Collector of South Canara, to the Secretary to the Commissioners of Land Revenue, Madras, Ref.No.427/ver of '97, dated 17th May 1897.

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Resolution

Submitted for the orders of Government.

2. In its letter communicated with Government Order, No. 962 Rev., 7-11-93, the Government of India sanctioned the assignment of one-fourth of the immovable property, including buildings, belonging to the escheated konde Estate to the widow and children of konde Manjappa Shetti after the expiration of 12 years from the death of the last holder, Pattammah, and also permitted the payment to them, in the meantime, of one-fourth of the income from the immovable property. The grant of this concession was, however, conditional on the abandonment of their appeal to the Privy Council which is referred to in paras 2 & 13 of Board's Proceedings No. 275 25-5-'95. Their application for leave to prefer the appeal was dismissed by the High Court in August 1894. They subsequently presented a petition to the Collector offering to mortgage certain properties for the amounts due from them to the escheated konde Estate; and the Collector, after satisfying himself by enquiry that the properties belonged to them, had a mortgage-deed drafted by the Local Government Pleader and submitted it for the Board's approval. The draft deed was then amended

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in 1042
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by the Government Solicitor and forwarded to the Collector for adoption (B.P. 2112 Misc.). The Collector now reports that the mortgage deed (8-5-96) has since been executed by the widow and children of Manjappa Shetti with the addition, mainly, of a clause reciting the concession allowed them by the Government of India in the matter of the annual payment of one-fourth of the net receipts from the lands and houses belonging to the konde Estate until the expiration of 12 years from the date of escheat. He also requests orders on the following points:-

(1) whether the payment of $\frac{1}{4}$ th of the net profits is to be made with effect from (1) the date of Pattamma's death (2nd January 1892) or (2) the date of declaration of escheat and receipt of the Government of India's sanction (August & October 1893 or Fasli 1303) or (3) from the date of execution of the mortgage deed (11th January 1897)

(2) whether interest should be paid to the widow and children of Manjappa Shetti for the interval between the date on which one-fourth of the net receipts of each year is payable and the date on which it is actually paid after the accounts of the year have been finally audited;

and (3) whether the separation of the one-fourth share of the immovable property and buildings to be made over to them after the expiration of 12 years from the date of escheat may not be deferred pending completion of the Survey or of both survey and settlement.

3. On the first question, the Board considers that the payment of the allowance may be made with effect from fasli 1303, the year in which the sanction of the Government of India was accorded.

4. On the second question referred to in para 2 above, it appears to the Board that the payment of $\frac{1}{4}$ th of the profits of any year need not be delayed pending the audit of the accounts of that year. One-fourth of the settled net income (from immovable property) of the preceding fasli may be provisionally paid in the month of March, subject to adjustment after the audit of the accounts; in any case no interest need be paid to the mortgagors either on the whole or part of the $\frac{1}{4}$ th share of the profits.

5. As the separation of the $\frac{1}{4}$ th share of immovable property to be made over to the mortgagors before the completion of Survey and Settlement will lead to inequitable results, the division may be

deferred as proposed by the Collector, but care should be taken to see that the matter is not lost sight of.

(True Extract)

W. Woodie
Ag. Secretary.

To

The Secretary to Govt. R.D., with Collector's letter in original & copy of B.P. 2112 Misc., d/8-5-96.

Mo. R.H.

When given for copying _____
 When copied _____
 When examined _____
 When signed _____

189.

READ AGAIN G.O., No
 189

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
 IN ORIGINAL.

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