

MADRAS RECORD OFFICE.

Government of Madras.

Indian DEPARTMENT.

G.O. No.	823	Press <u>Mis.</u>
Dated	18-5-1867	

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,

18th May 1867.

Read the following papers :—

No. 210. From Major R. HUNTER, Planter, Shervaroys, to the Chief Secretary to Government, Fort Saint George; dated Shervaroys, 13th April 1867.

Titles bearing date the 7th May 1866 were delivered to me about 25th December 1866; but under the rules for Registration (and further confirmed by an appeal to the District and General Registry offices) these titles should have been presented for registry by an Officer of Government before 7th September 1866; failing this, four months extra time is given with a heavy fine, making a final expiry for registration, 7th January 1867. I applied for copy maps. I wrote to have authority given to Tahsildar to present these titles for registry; all has been of no avail. The following facts arise :—Unless the Government Officer presents a title for registry within four months of 7th May, the Registrar rejects it after 7th September. But Government might desire to pay a penalty, or have power to order registry after four months without a penalty. For myself, I only claim that any title given me by Government be within the scope of registering; all that I have received being thrown out as beyond time. Having applied several times to the Survey Office for copy maps for deposit under the Registration Act, that want again throws out the Government official in his registry. On the whole, I am of opinion that it is the duty of Government to correct this matter, as I am not and cannot be the presenter of titles for registration; and I have now the honor to request information, how I am to get copy maps; and, secondly, on their receipt how the Collector is to have these titles registered, their having been undelivered to me from 7th May to 25th December 1866.

Referred to the Registrar General of Assurances for his remarks.

FORT SAINT GEORGE,
24th April 1867.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

No. 211. From the Registrar General of Assurances, to the Chief Secretary to Government, Fort Saint George; dated Madras, 26th April 1867, No. 64.

I have the honor to submit the following remarks with reference to Major Hunter's letter of the 13th instant, herewith returned.

2. Major Hunter is in error when he states that he is not, and "cannot be the presenter of titles for registration." Under Section 34 of Act XX of 1866 any person claiming under a document can present it for registration. Major Hunter has, therefore, a perfect right to present any such instrument as those referred to in his letter. I was not aware that he had proposed that the Tahsildar should be authorized to present title deeds for registration. As the Tahsildar is neither an executing party, nor a party claiming under the instrument, he could not present a title deed for registration without a power of attorney, and as he is himself the Sub-Registrar, he could hardly be employed as an agent.

3. Section 89 provides that Government Officers shall not be required to appear in person or by agent in any proceeding connected with the registration of any instrument executed by them in their official capacity, and all such instruments are usually presented by the persons in whose favor they are executed.

4. Instruments executed by Government Officers must be presented like all other instruments within the time prescribed in Sections 22 and 23, or if a penalty is paid within the further time allowed in Section 24. I am not aware whether the

*Proceedings of the Madras Government, Judicial Department,
18th May 1867.*

title deeds referred to by Major Hunter were of the classes named in Section 17, of which the registration is compulsory, or Section 18, of which the registration is optional. If they fell under the latter Section, the time for registration was past before they were delivered to him. If they fell under the former Section registration was still possible, but only on payment of the highest penalty, viz., one of twenty times the ordinary registration fee, and on condition that Major Hunter succeeded in producing certain copies of maps which are required by Section 21, but which, it appears, he could not procure within the short time allowed, viz., between the 25th December and the 7th January.

5. It seems, therefore, clear from Major Hunter's letter that he has been placed in a position which rendered it impossible for him to comply with the provisions of the Indian Registration Act, and that any title deeds with which he has been furnished, of the classes described in Section 17, are useless.

No. 212. ORDER THEREON, 18th May 1867, No. 823.

The Governor in Council concurs in the views expressed by the Registrar General of Assurances.

2. Orders will be issued in the Revenue Department, directing the Collector to furnish Major Hunter with fresh title deeds, in order that he may effect the necessary registration.

(True Extract.)

Chief Secretary.

To Major R. Hunter.
To the Registrar General of Assurances.
" Revenue Department.

Ed. J. Tulloch.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following papers:-

*Major R. Hunter
Hunter. Shewaroy } 8/13 April 1867*

*Registrar General of
Assurances - } - 26 - - 1867.*

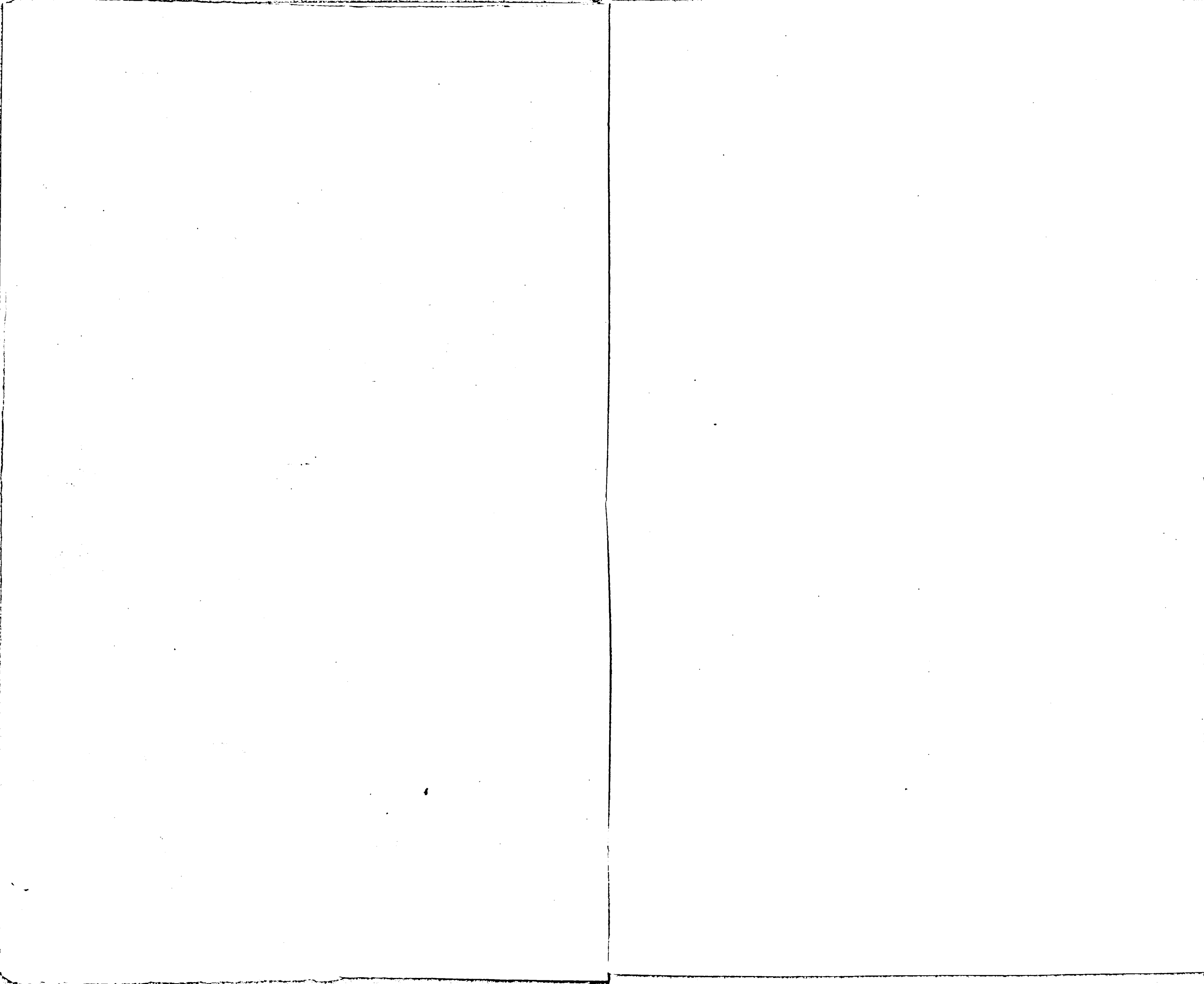
Order thereon 18 May 1867 No. 823.

The Governor in Council concurs in the views expressed by the Registrar General of Assurances

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March 1867. Department.

No. 223.

PROCEEDINGS OF GOVERNMENT.

Feb 1867

Dated 12th May 1867



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*C. H. May
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