

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	545	<u>Press</u> <u>Mis.</u>
⁵⁶³⁻⁵⁶⁵ Dated	28-2-1868.	

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Revenue Department,
28th February 1868.*

Read the following papers :—

No. 563. Proceedings of the Board of Revenue, dated 3rd February 1868,
No. 844.

Read the following letter from the Collector of Coimbatore, to the Secretary to the
Board of Revenue, dated 17th January 1868, No. 8.

Mr. E. B. Thomas purchased a piece of land under the Rules for the sale of
waste lands on the Neilgherry Hills, dated 6th March 1863, No. 478A, and before
the Plan and Title Deed could be prepared, he sold the land to Mr. Glasson, and
left the Hills for Europe. Mr. Glasson wants the Title Deed to be made out in his
(Mr. Glasson's) name, and the Special Assistant Collector of Ootacamund reports
that there is a letter of Mr. Thomas's on record in his Office authorizing this course.
I request the Board's orders as to whether Mr. Glasson's wishes can be complied
with. According to the tenor of the printed form of the Title Deed prescribed by
Government, the Deed should be made out in the name of Mr. Thomas alone as the
actual purchaser; but I do not see how, if so made out, it can be executed by Mr.
Thomas. It may be urged that Mr. Glasson might procure a Power of Attorney
from Mr. Thomas to execute the Deed, but this proceeding will be productive of
great delay and inconvenience to Mr. Glasson.

1. If there is proof of the sale of the land by Mr. Thomas to Mr. Glasson,
and the Collector possesses a written authority from the former to issue the Deed in
the name of the latter gentleman, there appears to be no objection to such a
proceeding; but the Board fear that the Deed would convey but an imperfect and
consequently unsafe title.

2. The Board would suggest that Mr. Glasson should obtain a Power of
Attorney from Mr. Thomas for executing the Deed, or that he should have the
present form of Deed so modified by a professional Attorney, as to shew that the
land was first sold by Government to Mr. Thomas and then re-sold by him to Mr.
Glasson, and also to admit of the Deed being executed by Mr. Glasson, which, in
its present form, it does not.

3. The draft of the modified Deed must be submitted for the approval of
Government through the Board of Revenue.

4. Ordered that a copy of these Proceedings be submitted for the informa-
tion and approval of Government.

Referred for the opinion of the Advocate General, through the Government
Solicitor.

(Signed) W. HUDLESTON,
Secretary to Government.

8th February 1868.

No. 564. From the Government Solicitor, to the Secretary to Government,
Revenue Department, Fort St. George, dated Madras, 18th February
1868, No. 99.

Dated 8th February 1868, and made on Pro-
ceedings of the Board of Revenue of 3rd
February 1868, No. 844.

1. I have the honor to acknowledge
the Order of Government noted in
the margin, requesting the Advocate
General's opinion as to the course to be pursued by Government for giving title to

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28th February 1868.*

a certain piece of land purchased from them by Mr. E. B. Thomas under the Rules for the Sale of Waste Land on the Neilgherry Hills, and by him subsequently sold to Mr. Glasson.

2. I have submitted the matter, together with the Rules for the Sale of Waste Land on the Neilgherry Hills, and the forms of conveyance used thereunder, which I obtained from your department, for the consideration of the Advocate General, and I now forward a copy of his opinion and observations.

3. I likewise return the Order above noted.

OPINION.

1. This case is one of a class in which I have always declined to advise, as the effect is to give the applicant the benefit of the gratuitous advice of the Government Law Officers in doing that which he ought to accomplish through the means of his private legal advisers. Mr. Glasson seeks to have his title perfected. There has been no default on the part of the Government, and if Mr. Thomas chose to leave India without perfecting his own title, and Mr. Glasson chose to purchase from him under such circumstances, he cannot throw upon the Government the consequences of his own laches. If Mr. Thomas had obtained his grant and then sold to Mr. Glasson, there would have been a stamp payable on the conveyance, which the course of issuing an original grant to Mr. Glasson supersedes. I have not Mr. Thomas's letter before me. I cannot, therefore, tell what it may amount to. It cannot amount to a conveyance. The forms and rules of conveyances are well considered, and I see no reason for departing from them. Mr. Glasson's course is a very simple one. Any legal adviser will point it out to him. Let him obtain a Power of Attorney from Mr. Thomas, in whose favor the original grant can be issued, and for whom the conveyance to Mr. Glasson can then be executed.

2. I advise that the Collector of Coimbatore be informed that the Government see no reason for altering the form of grant, and that Mr. Glasson must take such steps as he may be advised to perfect his title.

(Signed) J. B. NORTON,
Advocate General.

18th February 1868.

No. 565. ORDER THEREON, 28th February 1868, No. 545.

Miscellaneous.

1. Communicated to the Board of Revenue, who will instruct the Collector of Coimbatore to act in accordance with

the suggestion contained in the second paragraph of the Advocate General's opinion above recorded.

2. The Government have reason to believe that this is only one of many cases in which purchasers of land on the Neilgherries have been put to serious inconvenience by the delay attendant on the preparation of the requisite Plans and Title Deeds in the Collector's Office. The Board will call upon the Collector to submit an explanation of the great delay which has occurred in the preparation of the Plans and Title Deed in the present case, and to submit a tabular statement of

*Proceedings of the Madras Government, Revenue Department,
28th February 1868.*

the number of cases in which the conveyance of land purchased by private parties still remains incomplete by reason of like delay. This information ought to be obtainable from the Office of the Special Assistant Collector, and should be furnished without delay.

(True Extract.)

(Signed) F. BRANDT,
Under Secretary to Government.

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

Ed. S. T. Augustin.

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Communicated to the Board of Revenue
who will instruct the Collector of
Combitore to act in accordance
with the suggestion contained
in the 2nd paragraph of the
Advocate General's opinion
above referred.

The Board of Revenue

[Signature] F.B.

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I fear that this is ^{only} one of
many cases in which purchasers
of land on the public domain
have been put to serious
inconvenience by the dilatory
with which the respective
plans & title deeds have
been prepared in the Collector's
Office. Complaints as this
subject were made some 7
years ago by Mr. Mills last year.
In this case explanation
should I think be called
for in regard to the same.

Mr. Thomas for examining the deed, or that he should have the present form of deed so modified by
a professional Attorney, as to show that the land was first sold by Government to Mr. Thomas and
then resold by him to Mr. Gleason, and also to show of the deed being executed by Mr. Gleason,
which, in its present form, it does not.

2. The truth of the mounted deed was, as submitted for the approval of Government through
the Board of Revenue.

4. Ordered that a copy of the Proceedings be submitted for the information and approval
of Government.

(A. W. C. G. and L. H. W.)

Appointed
Secretary

To the Collector of Comptrolers.

Copy to the Secretary to Government, Revenue Department.

Recd. 11. 11. 1845

during upwards of four years
which occurred in the preparation
of the plan & title deed and
the Collector should be apprised
of the number of cases in which
the conveyance of land purchased
by private parties has not
been completed for want of the necessary
plans & title deeds. An information
might be obtained from the
Office of the General Agent
Collector & might be furnished
in a tabular form. I would
ask if we should a para to
the above effect. *by A.*

Revenue Department

N^o 545.

Proceedings of the Madras Government
under date the 28th February 1868.

Read the following

papers.

From the Board of Revenue.

Suggesting that Mr. Glasgow
should obtain a Power of Attorney
from Mr. Thomas for executing the
title deed for the land purchased
by former from latter, and submitting
Board's Proceedings for approval
of Government.

(Here enter 3rd Feb^y / 68
N^o 844)

From the Govt^y Solicitor.

Forwarding copy of the
Advocate General's opinion as to
the course to be pursued for
giving title to a certain piece
of land purchased by Mr. E. B.
Thomas & by him subsequently
sold to Mr. Glasgow.

(Here enter 18th Dec^r - 1869)

List under order

Communicated to
the Board of Revenue who
will instruct the Collector
of Coimbatore to act in
accordance with the suggestion
contained

contained in the 2nd para-
graph of the Advocate
General's opinion above re-
corded.

The Government have
reason to believe that this
is only one of many cases in
which purchasers of land on
the Keily hills have been put
to serious inconvenience by
the delay attendant on the
preparation of the requisite
plans and title-deeds in
the Collector's Office. The
Board will call upon the
Collector to submit an ex-
planation of the great
delay which has occurred
in the preparation of the
plans and title-deed in
the present case, and to
submit a tabular state-
ment of the number of
cases

cases in which the con-
veyance of land purchased
by private parties still re-
mains incomplete by
reason of like delay. The
information ought to be ob-
tainable from the Office of
the Special Assistant Col-
lector and should be fur-
nished without delay

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14 Board of Rev^y Dec^r 20 March
4 Gov^y Solicitor.

E. H. Bell

W. Lawrence 1868 Oct 17th
D^o: of Gov^t for ^{184th} history

No 545.

D^o: of the Windsor
Government

of 28th history 1868.

Letter No 135 - of D^o: of 1843
of 1868 No. 135 - of D^o: of 1868
with D^o: of 1868 dated 22
Aug 1868 No 2879.

Dec
1868

George J. ...
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No 545

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