

PROCEEDINGS OF THE MADRAS GOVERNMENT.

UNDER date the

READ the following

From the Secy P. W. Dept. No. 1562 of 30.5.88.

I hardly think this necessary
at all events wait for
Major D. B. who will doubtless
confirm his agent's act &
give us a title.

If the fact is to be
consulted at all it seems
more reasonable to refer
to him before than after
the completion of the transaction.

H.H.

6/11/88

The Govt. consider
that, in order to secure
an indefeasible title
to the property at
Dowlaiswaram recently
purchased from Major
Drake Brockman R.E.,
it will be advisable
to formally acquire
it under Act X of
1870 - The Supl. Secy
will accordingly take
the necessary steps,
in communication
with the Collector,
to put the provisions

of the Act into force.

2. The compensation to be awarded under Sec 14 of the Act may be fixed as much as sum as will, with the 15 per cent to be allowed under Sec 42, amount to the price already agreed on, viz Rs 2,500.

Wm

1.6.88

For June. J. H. 1/6/88

Always Major Brockman's

For 7/6/88

To the S. E. I. under with 2 encs

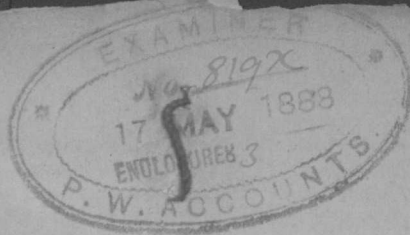
" East India

" Govt. Solicitor

" Rev. Dept.

2/6.

On 16/6/88



No 254

Madras 16th May 1888

From,

Ernest Barclay,

Government Solicitor,

Madras.

To,

The Examiner of Public Works Accounts.

Sir,

1 I have to acknowledge receipt of your letter of the 5th instant No 841 X with its enclosures.

2 It would certainly have been more regular if the conveyance enclosed in your letter had been from Major Drake Brockman, instead of from his Attorney; but, if Mr Harris had, under the Power of Attorney from Major Drake Brockman, - authority to convey the property, and this could be ascertained by inspection of the Power of Attorney, it is immaterial whether Major Drake Brockman or Mr Harris conveyed. If the former had done so the conveyance would have been executed by Major Drake Brockman by his Attorney, Robert Shenton Harris.

3 The Registrar was not bound to satisfy himself as to Mr Harris' powers to execute the conveyance. Under Section 32 of the Registration Act a document to be registered must be presented at the proper registration office by some person executing or claiming under the same, by the representative or assign of such person, or, by the agent of such person, representative or assign, duly authorized by power of Attorney. In the present case Mr Harris was the executant of the conveyance and the proper person to present it for registration.

4 The conveyance should have been in favor of the -
Secretary of State for India in Council his successors and
assigns instead of to the Superintending Engineer 1st Circle
as representative of the Secretary of State; but, this can
be got over by the Superintending Engineer now conveying the
property to the Secretary of State.

5 I return the Conveyance and

I am, Sir,

Your Obedient Servant,

Ernest Barclay

Government Solicitor.

E. 1
PH 5101/8

KEEP-WITH

Genl. No.

dated

188 .

x to be kindly returned.

1,000-7-2-88.

GOVT.
OF MADRAS. }

1888.

{ P.W.
DEPT.

EXAMINER, P. W. ACCOUNTS.

Madras, 30 May

1888.

OFFICE NOTE No. 1562

To

W.

Encs: 3

With reference to Code para
1032, I beg to forward for safe
custody in the Government office
Fort Saint George a conveyance and
Drake-
plan relating to Major Brockmans
land and bungalow at Dowlaishwaram,
purchased in accordance with the
sanction conveyed in G.O. No. 2786 W.
dated 19th. October 1887, and also an
original letter from the Government
Solicitor regarding the same.

2. From para 4 of Mr. Barclay's
letter it appears that, in his
opinion, it is advisable that the
property in question should now be
conveyed by the Supg. Engineer to the
Secretary of State.

3. I beg to point out, with
reference to para 2 of Mr. Barclay's
letter, that there is at present no
evidence of the competence of Mr.

Harris

Harris to convey the property. Had
Drake-
Major Brockman figured as executant
of the conveyance, signing by his
attorney, the Registrar would I
understand have been bound to
satisfy himself in accordance with
section 33 of the Registration Act,
of the existence of a duly authenticat-
ed power of attorney; and his
admission of the document to registra-
tion would I presume have been
sufficient evidence of the competence
of Mr. Harris; but, as it is, there is
no such evidence.

4. I would further call atten-
tion to the penultimate clause or
section of the conveyance, from
which it appears that Major Drake-
Brockman
has still to produce his title, in
the absence of which the title now
acquired by the Supg. Engineer on
behalf of Government can hardly be
considered satisfactory.

4. It seems to be a question
whether, when the seller is unable to
produce a satisfactory title, it would
not be better to acquire the property
under Act X of 1870, as a matter of
form, and so secure an indefeasible
title. I presume that, when the seller
and the purchaser are agreed as to

the price, there is no necessity for
adding the 15 per cent allowed by
the Act for compulsory purchase; but
if this is necessary the parties
might apparently agree to assess
the value at a sum which, with the
percentage, would amount to the
agreed price.

5. It is for Government to say
whether the conveyance may be
accepted; or whether any further
action is necessary.

Conf
30/5
C.
M. 30
39.
30/5

no 2786 W of 19. 10. 87
2538 W of 24. 9. 87
2539

OTC No 51.01

B No 2162 W of 17 July 1888

Communicated to
Major Drake Brockman
Rt who is requested to
convey the property to
Government with a valid
title.

10/7/88

R 31.5.88

E. 4

No 2162 W of 17 July 1888 (+1 plan)

Major Drake Brockman Rt
Major Drake Brockman Rt
with 2nd plan (3 enclosed)
with 2nd plan

18/7/87
18/7

27/6/88 15.6
Prof 9-7
27/6/88 15.6

Northcote