

MADRAS RECORD OFFICE.

Government of Madras.

Political DEPARTMENT.

G.O. No. 43

Press
~~Mis.~~

Dated 19-1-1861

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Political Department,
19th January 1861.*

No. 81. Read the following letter from CLEMENT DALE, Esquire, Receiver of the Carnatic Property, to J. D. SIM, Esquire, Acting Secretary to Government, dated Madras, 21st December 1860, No. 256.

Paragraph 1. I do myself the honor of stating for the information of the Honorable the Governor in Council, that I have lately procured from Ajee Syed Ghouse, 3 Deeds of Conveyance of properties in Ungapah Naick's Street in the Black Town, which belonged to His late Highness the Nabob of the Carnatic, but were mortgaged by his directions to Ajee Syed Ghouse.

2. Ajee Syed Ghouse preferred a claim to the Supreme Court under Act No. 30 of 1858, and to enable me to prepare conveyances of those properties to myself, Ajee Syed Ghouse's Solicitor forwarded to me copy of a Collector's Certificate, dated the 26th of July 1842, No. 2,806, in His Highness' favor; this Certificate however referred only to one of the 3 properties, which was called "the Ameer Mahal," but it was the only Muniment of Title filed by Ajee Syed Ghouse in the Supreme Court with his claim.

3. From the circumstance of no Title Deeds relating to these properties having been delivered to me by the Dewan of the Carnatic Durbar, I placed myself in communication with the then Assistant Government Agent at Chepauk, and the Collector of Madras, when I learnt

A. That for the Ameer Mahal a Certificate, dated the 1st of May 1803, No. 1,464, had been issued by the Board of Revenue in favor of Mr. John Batley his Heirs and Assigns for ever.

B. That for a piece of ground, behind a portion of the Ameer Mahal, another Certificate, dated the 1st of September 1803, No. 1,700, had been issued by the Board in favor of John Batley his Heirs and Assigns for ever.

C. That for another piece of ground also behind the Ameer Mahal (the 3 now form one area) another Certificate, dated the 2nd of March 1808, No. 3,773, had been issued by the Collector of Madras in favor of John Batley.

D. That for the piece of ground on the west side of Ungapah Naick Street (whereon the Stables belonging to the Ameer Mahal had formerly stood) another Certificate, dated the 1st of May 1803, No. 1,463, had been issued by the Board of Revenue in favor of John Batley his Heirs and Assigns for ever.

E. That John Batley by Deed, dated the 31st of July 1813, (in addition to an endorsement on each Certificate) conveyed the whole of the premises to the Nabob Azeem Ud Dowlah in fee. And

F. That an entry of the purchase is made in the Sircar records.

4. Major Snow forwarded to me with his letter of the 8th February 1860, No. 164, copies of the documents I have referred to above, which he described as "5 copies of Title Deeds found to exist in the Sircar records," whereupon I requested the Deeds might be forwarded to me; but on the 2nd of March Major Snow informed me the original Deeds could not be found amongst the Nabob's records; some further correspondence took place, but which did not afford a satisfactory result.

5. I then addressed the Solicitors for Ajee Syed Ghouse, and the Collector of Madras, to inquire if those Deeds were in their possession; by the former I was assured their client had not received the 4 Certificates and Deed of Sale mentioned in paragraph 3; but had only received the Collector's Certificate of the 26th of July 1842, No. 2,806, mentioned in paragraph 2; while from the Collector I learnt that the originals of the 5 Deeds were returned by the Collector of Madras to the Government Agent at Chepauk on the 27th of July 1842.

6. On the 22nd of March I forwarded to the Assistant Government Agent a copy of the Collector's letter, suggesting it was possible the 5 Deeds had been retained by some oversight in the Office of the Government Agent, instead of being returned to the Nabob's Officers with the Certificate granted by the Collector of Madras, dated the 26th of July 1842, No. 2,806, (referred to in paragraph 2,) and requesting that a careful search might be made amongst the Government Agent's records, with the view of ascertaining whether the Deeds were so retained, or if not, what had been done with them, and at what time.

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19th January 1861.*

7. To this application I have not to the present time received any satisfactory reply, the Government Agent having merely stated at different times, that up to date "the search had not been successful" and that "the Deeds had not been found," &c.

8. Ajee Syed Ghouse having become very urgent for the adjustment of his claim, and his Solicitor (Mr. Shaw) having urged that his client should not be kept out of his money, because the Government Agent did not furnish me with the required information, I forwarded to Mr. Shaw for his perusal drafts of 3 Deeds of Conveyance to myself, which had been long prepared, but were held back pending my obtaining the information sought from the Government Agent.

9. I communicated to the Government Solicitor my having forwarded the drafts to Mr. Shaw, stating I agreed with the view enunciated by that gentleman.

10. The Government Solicitor thereupon communicated with the Government Agent on the subject, and I had further correspondence with the Collector of Madras, who showed me the correspondence between his Office and the Government Agent in 1842, on the occasion of the Deeds being returned to the latter by the Collector; but still "nothing has been discovered" in the Office of the Government Agent.

11. At the request of the Government Solicitor I expedited the completion of the conveyances; and the claim of Ajee Syed Ghouse has since been settled under an Order made by the Supreme Court on the consent of Mr. Advocate General; from which I conclude that the Government Solicitor feels satisfied that the missing Deeds were not delivered to Ajee Syed Ghouse; and that in all probability they are still in the records under charge of the Government Agent.

12. I hope such may be the case, for then no mischief will, I trust, be likely to ensue; for although a purchaser has a right to the custody of all Title Deeds, yet on offering these properties for sale, I shall frame the conditions of sale so as to preclude any after objection.

13. The object of my seeking the information, was primarily to obtain possession of the Deeds, without which the Title is not satisfactory, indeed I may say not marketable; but secondly, (and which was of more importance) to ascertain that no improper use had been made of the Deeds. It may not be prudent here to refer with more particularity to the use that might have been made of them; I feel however perfectly satisfied, that if the Deeds were returned in 1842, or subsequently by the Government Agent to the Nabob's Officers, and they have not been surreptitiously abstracted from His Highness' records, an EARNEST search, made by Officers who understood the duty, would have easily discovered the Deeds, or traced any dealings with them. I cannot speak with the same confidence of the records of the Government Agency, as I have not had similar experience as to the manner in which they were accustomed to be kept.

14. I have deemed it my duty to bring the whole of the above circumstances to the notice of Government previously to His Excellency in Council forming a judgment on my application for Certificates.

*Order of Government, 2nd May 1860, No. 704,
Revenue Department.*

*Do. 28th May 1860, No. 863, Revenue
Department.*

before referred to; I enclose copies of the description of the premises conveyed to me, as contained in those 3 Deeds, they are marked A, B & C, and I do myself the honor of soliciting that the Certificates may be issued in similar terms so far as the forms of Certificates will admit.

16. In making this application for Certificates, I do myself the honor of submitting for the consideration of His Excellency in Council,

1st.—That no doubt can exist that the four Certificates and the one Deed of Sale mentioned in paragraph 3 were issued and executed.

2ndly.—That the premises vested in the Nabob Azeem Ud Dowlah as freehold.

*Proceedings of the Madras Government, Political Department,
19th January 1861.*

3rdly.—That those properties became vested in His late Highness the Nabob Mahomed Ghouse.

4thly.—That the 4 Certificates and Deed of Sale were in the proper custody on the 27th July 1842. And

5thly.—That so far as I am concerned, every step that could be taken to trace any subsequent dealing with those Certificates and Deed has been adopted by me, from which it is true no information has been elicited from the Government Agent, yet I submit such failure on the Agent's part need not interfere with the granting to me the Certificates I solicit.

No. 82. ORDER THEREON, 19th January 1861, No. 43.

The Government are of opinion that good and sufficient grounds have been shown in the foregoing letter for the issue of the Certificates applied for by the Receiver of the Carnatic Property for the three properties referred to, and they resolve accordingly to direct that the necessary orders be issued in the Revenue Department for the grant of Certificates in the terms solicited in paragraph 15, so far as the forms will admit.

2. The Government Agent at Chepauk will be requested to make what further search he can for the missing documents relating to these properties.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. T. O'Connor.

January 3 1861

My dear Mr. Quost.

I returned Bates letter
as receiver of the same and
properly under date the
It will be 256 with its
envelope forwarded
to me with yours of the 22
ultimo.

I see no objection what-
ever to your issuing the
certificates for which Mr
Dale has applied. On the
contrary I think this course
a desirable one. I

I believe that D. Balfour
at my request, has caused
all possible search to be
made for the missing documents
and without success in finding
them: but your directing further
search cannot possibly do
harm and it will perhaps
be as well to do this.

Yours very truly
M. Balfour

J. P. Croft Esq

Political Depart.
Proceedings of the Madras Govt.

Read the following
letter from the Receiver
of the Carnatic Property.

(Dated 21st Dec. 1860. No 250)

Order thereon 19 January 1861. No 143.

The Govt are of
opinion that good and
sufficient grounds have
been shown in the fore-
going letter for the is-
sue of the Certificates
applied for by the Re-
ceiver of the Carnatic Pro-
perty, for the three Pro-
perties referred to, and
they resolve accordingly to
direct that the neces-
sary orders be issued in
the Revenue Department
for the grant of Certi-
ficates in the terms
submitted

Solicited in para 10, so far as the Hooper will admit.
2. The Govt Agent at Chepauk will be requested to make what further search he can for the missing documents relating to these properties.

J.P.

32/1/1900

To the Receiver of the
Carnatic Property
Revenue Department with the
Govt Agent at Chepauk

C. V. H.

desp. 219th

should not be printed

27-11-12

Prudential 1801. & part 4.

No 43.

Proceedings of Court

27-19 January 1801

Continued from
by Court of
proceedings to
the Court
12-13
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Feb 1801