

1. Number of pages. 2.
2. Date of repair. 22-7-66
3. Initials of Reference

M.R.O. 1-30,000-16-10-22.

MADRAS RECORD OFFICE.

Government of Madras.

Public **DEPARTMENT.**

G.O. No.	487	Press Mis.
Dated	14-5-1966.	

Not to be folded or roughly handled

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Proceedings of the Madras Government, Public Department,
14th May 1866.

No. 66. Read the following letter from the Government Solicitor, Madras, to the Chief Secretary to Government, Fort Saint George; dated Madras, 8th May 1866, No. 261.

Referring to the Proceedings of Government noted in the margin, I have the honor to report that I have furnished the Collector of Malabar with a Form of mortgage, to be taken for monies forming part of the Trust Funds of the Calicut Civil Dispensary, which are advanced upon the security of land and buildings.

Dated 13th February 1866, No. 154, Public Department.

2. I annex a copy of my letter to the Collector of Malabar, which accompanied such Form.

From the Government Solicitor, Madras, to the Collector of Malabar; dated Madras, 7th May 1866, No. 259.

Referring to the Proceedings of Government noted in the margin, I have now the honor to send you a Sketch Form of Mortgage, to be taken as security for monies, forming part of the Trust Funds of the Calicut Civil Dispensary, which are advanced upon land and buildings.

Dated 13th February 1866, No. 154, Public Department.

2. Before making any such advance, you will, of course, carefully and critically investigate the title of the intended mortgagor to the property which he proposes to mortgage, and you will satisfy yourself that his title is a good and marketable one, and altogether free from exception.

3. The Collector of Malabar not being a Corporation Sole, the mortgage cannot legally or properly be taken "to the Collector of Malabar *for the time being*," for and on behalf of the Calicut Civil Dispensary.

4. I recommend that, at least, three Trustees of the Dispensary Funds be nominated, of whom you (by name) should be one; and that the proposed mortgage should then be taken in the names of yourself and your co-trustees (by name).

5. I would suggest, for your consideration, whether it will not be inexpedient to tie up the Trust Funds, and put them beyond reach and re-call for so long a period as 10 years. A portion of the corpus of the sum advanced may possibly be required for some most legitimate purpose, tending to benefit the Dispensary, before the 10 years have elapsed, or a mortgagor may permit the buildings upon mortgage, whereof the Trust Funds may have been advanced, to become dilapidated and go to decay, whereby the sufficiency of the security (which may have been good originally) is seriously reduced and prejudiced; and yet, unless the 10 years had elapsed, or the mortgagor had made default in payment of interest, you could do nothing effectual for protecting the interests of the Trust. Other cases, which might render it very desirable to call the Trust Funds, might be suggested.

6. I propose that you should reserve power in the mortgage to call in the Trust Funds upon giving six Calendar months' notice, and if you concur in this view, and you will return the accompanying draft, I will alter it accordingly.

7. It is not necessary that the mortgagor should be entitled to pay off and redeem upon giving like notice, if he will waive such a stipulation.

No. 67.

ORDER THEREON, 14th May 1866, No. 487.

To be recorded.
(True Extract).

A. J. ARBUTHNOT,

Chief Secretary.

Exd. J. H. Burns.

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N^o 261.

Madras May 8th 1866.

From John Robert Boyson
Government Solicitor - Madras.

To The Hon^{ble} F. J. Arbutnot
Chief Secretary to Government
Madras.

Sir,

- Dated 13th February 1866. N^o 154. Public Department. } 1. Referring to the Proceedings of Government noted in the margin, I have the honor to report that I have furnished the Collector of Malabar with a Form of Mortgage to be taken for monies forming part of the Trust funds of the Calicut Civil Dispensary, which are advanced upon the security of Land and Buildings.
2. I annex a copy of my letter to the Collector of Malabar which accompanied such Form. -

I have the honor to be,

Sir,
Your most obedient servant,

J. R. Boyson
Gov^t Sol^r.

No 26: April 1866 No 106 May
13 Febry — 138 Feb

into 1000

Public 1866. Defd.
From the Govt Secy, Madras
To the Chief Secy. to Govt

Dated 8th May.

Recd. 9 } No 261.

one enclosure

No 532

Forwards copy of his letter
to the Collector of Malabar
relative to the Form of Mortgage
to be taken for monies forming
part of the Trust funds of the
Civil Dispensary at Calicut.

14 May 1866 No 487.

Record