

1. Number of pages 12  
2. Date of repair 10-11-36  
3. Initials of Repairer  
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M.R.O. 1-30,000-10-10-30.

# MADRAS RECORD OFFICE.

Government of Madras.

*Rudra* DEPARTMENT.

|          |       |                          |
|----------|-------|--------------------------|
| G.O. No. | 577   | Press<br><del>Mis.</del> |
| Dated    | 27-4- | 1968.                    |

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Department.*  
*27th April 1868.*

No. 168. Read the following letter from the Government Solicitor, Madras, to the Chief Secretary to Government, Fort Saint George; dated Madras, 9th April 1868, No. 216.

I have the honor to state, for the information of Government, that since the date of my letter to Government of the 11th ultimo, No. 139, embodied in the Proceedings of Government noted in the margin, I have ascertained from Messrs.

Dated 18th March 1868, No. 349, Public Department.  
Arbuthnot & Co. that Mr. J. M. Strachan, the surviving Trustee, in whom the title to the Church Missionary Society's property in Popham's Broadway, proposed to be purchased by Government, is still outstanding is dead; that he left a Will which has been proved in London by Mrs. Emily Strachan, his widow, and Mr. George Arbuthnot Strachan, his son, as the Executrix and Executor therein respectively named, both of whom are said to be now in some part of England; and that Mr. J. M. Strachan's estate has not, in any way, been represented in this Presidency.

2. I have communicated these facts to the Reverend Mr. Royston, the Society's Secretary at Madras, with a view to his taking the necessary steps on behalf of the Society, as the vendors, through its London Board or Solicitors, for perfecting the title to the property by procuring the concurrence of the representative or representatives of the late Mr. J. M. Strachan, deceased, in the conveyance of it to Government.

3. I now send you a copy of the Secretary's reply received two days ago, from which the Government will observe that the Society's Parent Committee in England has, upon my suggestion, been written to on the subject. From the Secretary's letter, however, it will be seen that, pending the result of the Secretary's communication, the Committee of the Society here apply for payment of the amount of the purchase money for the property, upon an indemnity from the Society.

4. The ordinary and safest course in such a case as this is not to enter into possession of the premises, or pay the purchase money *until* the title has been completed, and the conveyance is ready to be executed by or on behalf of the vendor or vendors.

5. In the present instance, I have satisfied myself as to the state of the title; and the Government have entered into possession without a proper conveyance having been first obtained. It now depends upon the concurrence of the representative or representatives of the late Mr. J. M. Strachan, deceased, whether a proper conveyance of the premises to the Government ever will be obtained, without ulterior proceedings.

6. With regard to the Reverend Mr. Royston's proposal, that the Society should give an indemnity, I am of opinion that the Church Missionary Society, not being a corporation, and having no recognized legal existence as a body, is not capable of giving such an indemnity as can bind its assets or any of its members, or as can be of the least value to the Government. It may, however, be that some gentlemen connected with the Society may proffer themselves as sureties and enter into an indemnity, and this I can suggest to the Secretary, should the Government so direct.

7. Under these circumstances, therefore, I have the honor to request the further orders of Government as to whether I should pay to the Committee here the purchase money of the premises before the conveyance of them to the Government has been executed.

*Proceedings of the Madras Government, Public Department,*  
27th April 1868.

8. The Executive Engineer, No. 1 or Northern Range, has sent me the sum of Rupees 25,000 to meet the purchase money, and the same now remains at my official credit with the Bank of Madras.

From the Reverend P. S. ROYSTON, M. A., Secretary of the Madras Corresponding Committee, Church Missionary Society, to the Solicitor to Government, Madras; dated Madras, 7th April 1868, No. 12.

With reference to your letter noted in the margin, requesting that the necessary authority to transfer the Church Missionary Society's premises in Popham's Broadway may be obtained from the representatives of the late J. M.

No. 189, March 28th, 1868.

Strachan, Esq., the surviving Trustee, in whose name they are vested, I have the honor to inform you that I have duly applied for the same to our Parent Committee in England.

2. Considering, however, that this course has only now been suggested by you, when the Government has confessedly entered upon the possession of the premises by the execution of the necessary repairs, for the commencement of

\* Order of Government, 18th March 1868, No. 349.

which I may mention no sanction was asked of the Society (permission of *exemption* only having been applied for), and considering that a prescription of fifty years unquestioned occupation presents an indisputable security to the validity of our title, I beg to submit the question whether guarantee of indemnification from the Society, in the case of a disputed claim, will not be sufficient to authorise you to make the immediate payment of the value of the premises as already sanctioned.

3. I will merely add, in conclusion, that the present negotiation has already deprived us, for a period of at least nine months, of the opportunity of renting the premises.

No. 169.

ORDER THEREON, 27th April 1868, No. 517.

It appears from the letter above recorded that there is no person in this country who can execute a valid conveyance to the Government of the premises in Popham's Broadway which the Government have agreed to purchase from the Church Missionary Society, and that the concurrence in the sale of the parties in England, in whom the legal estate of the premises is vested, will be attended with delay. The Secretary of the Church Missionary Society, however, requests that payment of the purchase money may be made in anticipation of the execution of a proper conveyance to the Government.

2. As it appears from the letter addressed to the Government Solicitor by the Secretary to the Church Missionary Society that the necessary steps have been taken by the Society to obtain from England a valid conveyance to Government of the property in question, the Governor in Council authorizes the Government Solicitor to make the payment of the purchase money.  
(True Extract).

R. S. ELLIS,  
Chief Secretary.

To the Government Solicitor.

„ Public Works Department.

„ Inspector General, Medical Department.

Ed. J. Talloch.

216.

Madras. 9th April 1868.

From,

H. A. Brockman.

Government Solicitor, Madras.

To,

The Honourable R. S. Ellis, C. B.

Chief Secretary to Govt. Madras.

By,

1. I have the honor to state for the information of Government that, since the date of my letter to Government of the 11th ultimo 1867, embodied in the Proceedings of Government noted in the margin, I have ascertained from Messrs Arbutnot & Co. that Mr J. M. Strachan, the surviving Trustee, in whom the title to the Church Missionary Society's property in Popham's Broadway, proposed to be purchased by Government, is still outstanding, is dead; that he left a will, which has been proved in London by Mrs Emily Strachan, his widow, and Mr George Arbutnot Strachan, his son, as the Executors and Executors therein respectively named, both of whom are said to be now in some part of England,

Added 10th March 1868  
p. 247  
Public Department

and that Mr J. M. Strachan's estate has not, in any way, been represented in this Presidency.

2. I have communicated these facts to the Reverend Mr. Royston, the Society's Secretary at Madras, with a view to his taking the necessary steps on behalf of the Society, as the Vendors, through its London Board or Solicitors, for perfecting the title to the property by procuring the concurrence of the representative or representatives of the late Mr J. M. Strachan deceased in the conveyance of it to Government.

3. I now send you a copy of the Secretary's reply received two days ago, from which the Government will observe that the Society's Parent Committee in England has, upon my suggestion, been written to on the subject. From the Secretary's letter, however, it will be seen that, pending the result of the Secretary's communication, the Committee of the Society have applied for payment of the amount of the purchase money

money for the property, upon an Indemnity from the Society.

4. The ordinary and safest course in such a case as this is not to enter into possession of the premises, or pay the purchase money until the title has been completed and the Conveyance is ready to be executed by or on behalf of the Vendor or Vendors.

5. In the present instance, I have satisfied myself as to the state of the title, and the Government have entered into possession without a proper conveyance having been first obtained. It now depends upon the concurrence of the representative or representatives of the late Mr J. M. Strachan deceased, whether a proper conveyance of the premises to the Government ever will be obtained, without ulterior proceedings.

6. With regard to the Reverend Mr. Royston's proposal that the Society should give an Indemnity, I am of opinion that the Church Missionary Society, not being a corporation and having no recognised legal existence as a body, is not

capable of giving such an indemnity  
as can bind its assets or any of its  
members, or as can be of the least  
value to the Government. It may, however,  
be that some Gentlemen connected with  
the Society may proffer themselves as  
sureties and enter into an indemnity;  
and this I can suggest to the Secretary  
should the Government so direct.

7. Under these circumstances, therefore,  
I have the honor to request the further  
orders of Government as to who they  
should pay to the Committee here  
the purchase money of the premises  
before the conveyance of them to the  
Government has been executed.

8. The Executive Engineer of  
or Northern Range, has sent me  
the sum of Rupees 20,000 to  
meet the purchase money; and the  
same now remains at my official  
credit with the Bank of Madras.

I have the honor to be

Sir,

Your Obedient Servant

A. J. Brockman,

Government Solicitor

Public  
Ordinary Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from the

Government Solicitor.

Here entered 9<sup>th</sup> April 1868 No. 216.

Order thereon 27 April 1868 No. 517.

It appears from the letter above recorded that there is no person in this country who can execute a valid conveyance to the Government of the premises in Popham's Broadway which the Government have agreed to purchase from the Church Mission.

I think we may safely trust an English Society, and that the concurrence in the sale as has been already taken possession of the parties in England and we should not do so.

1868 March 18/19/20/21/22/23/24  
27 Feb - 113-114  
27 Dec - 127-128  
29 Nov - 129-130

Public Office to Aug 19 - 131-132-133-134  
of 1868.

Public Office No. 517  
The Church Mission Society  
No. 517

Public Office No. 517  
The Church Mission Society  
No. 517

Requests further Order of 1868 upon the Church Mission Society's application for payment of the purchase money for their property in Popham's Broadway upon an understanding pending the result of their reference to the Parent Committee in England.

18-19-20-21-22-23-24  
168

in whom the legal estate  
of the premises is vested  
will be attended with delay.  
The Secretary of the Church  
Missionary Society, however,  
<sup>requests that</sup>  
~~proper~~ <sup>may be made</sup> for payment of the  
purchase money in an-  
ticipation of the execution  
of a proper conveyance  
to the Government.

2. As it appears from  
the letter addressed to the  
Government Solicitor by the  
Secretary to the Church Mis-  
sionary Society, that the  
necessary steps have been  
taken by the Society to  
obtain from England  
a valid conveyance to  
Government of the property  
in question, the Governor  
in Council authorizes  
the

We ought I think  
to pay the money  
to the representatives  
of the Parent Society  
there -

the Government Solicitor  
to make the payment  
of the purchase money

To the Govt Solicitor  
Public Works Depart  
Ind. Genl Med Dept

} Dep't 1/5

*Published by 19 Sept. 1862*  
1862

*Published by* Department.

No. 577

PROCEEDINGS OF GOVERNMENT T.

Dated 27<sup>th</sup> June 1862.

742.847.

168. 149

C 18. 149  
R 24. \*

No. 12

3

Church Mission Society  
Madras April 7 1868

From Rev. J. J. Lupton M. A.  
Secretary Mission Board & C. M. Society  
To J. J. Brockman Esq.  
Solicitor to Government: Madras

Sir,  
\* No. 109. March 20. 1868  
With reference to your letter noted in the margin  
requesting that the necessary authority to transfer  
the C. M. Society's Premises in Sopham's Broadway  
may be obtained from the Representatives of the late  
J. M. Abraham Esq., the surviving Trustees in whose  
name they are vested I have the honor to inform you  
that I have duly applied for the same to our Parent  
Committee in England.

2 Considering however that this conveyance has  
only now been suggested by you when the Government  
\* Order of Government  
18 March 1868 No. 349  
has conferred upon the possession of the  
Premises by the execution of the necessary repairs,  
for the commencement of which I may mention  
no sanction was asked of the Society (permission  
of Examination only having been applied for)  
and considering that a prescription of fifty  
years unquestioned occupation presents an  
indisputable security to the validity of our  
title, I beg to submit the question whether a

Guarantee of indemnification from the Society  
in the case of a disputed claim will not be  
sufficient to authorize you to make the immediate  
payment of the value of the premises as already  
mentioned.

3 I will merely add in conclusion that  
the present negotiation has already deprived us,  
for a period of at least nine months, of the  
~~use of the premises.~~  
I have the honor to be

Sir  
Your most obedient servant  
Edw. J. Clayton  
Secretary

(True copy)

A. T. Brockman  
(Sgt. Sol.)

Public Letter to Aug 19<sup>th</sup> April 1858

1858

From  
Messrs. Messrs. Messrs.  
To  
Government & others

dated 7 April

No. 12

From 24 April 1858  
L. H. 1858

Enclosure  
L. H. 216 From 24 April  
To 24 April 1858  
From 24 April 1858  
L. H. 1858