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Revenue Department

Minutes of Consultations

6th October 1857

Back No 1 - 12

Order no 101 of 14 Oct 1857

This state of matters continued until December 1854, when at the instance of Mr. Brice, the senior partner in the firm of which I am a member, Mr. McCulloch executed a power of

Port Saint George, Revenue Consultation of 8th October 1857.

attorney in my favor to enable me to recover the property from the Government, this power was dated 27th December 1854.

After making enquiries relative to the existence or not of any title deeds, and finding that the property was to be again put up to public sale, I addressed the Administrator General on the 19th June 1855, stating the grounds of Mr. McCulloch's claim and after some correspondence, the Administrator General appeared to be satisfied and offered to give up the Gin House to Mr. McCulloch upon his renouncing all claims on the estate of Mr. Campbell, and paying the expenses incurred by the Administrator General, viz. the sum of Rupees 407. 2 Qrs. 29 Rs., this I agreed to on behalf of Mr. McCulloch and the property was duly delivered over to my agent in October 1855.

As soon as the property was given up by the Administrator General, the Collector of Coimbatore offered Mr. McCulloch Rs. 5000 for the building only, and after some negotiation it was agreed to be sold to the Government for Rupees 6000.

On the 24th October 1855, I applied to the Collector to have the title deeds made out in the name of Mr. McCulloch, and was referred to the Principal Sudr Ameen, but as the negotiation for the sale to the Collector was still undecided, the application for the title deeds was left in abeyance, meanwhile arrangements were made for removing the Machinery and delivering the building to the Government.

The arrangements thus made was ultimately upset in the way best shown by the following correspondence.

From E. B. THOMAS, Esq., Collector of Coimbatore; to D. M. McCULLOCH, Esq., Agent, Cochin, dated Coimbatore 14th February 1856, No. 75.

Sir,

With reference to your letter of the 28th December last, accepting my offer of Rs. 6000 for the Coimbatore Gin House, I think it right to inform you, that there is now said to be some dispute to the title, before requesting Government sanction to pay you the amount, I beg to know if you will guarantee the Gin House, against any other claims to this Government?

From H. BROOKE, Esq., Attorney to DAVID McCULLOCH, Esq.; to E. B. THOMAS, Esq., Collector of Coimbatore; dated Cochin 23rd February 1856.

Sir,

I am in receipt of your letter of the 14th February, and in reply beg to state that the property being at present in the name of the Government the simplest mode will probably be to have the title deeds made out in the name of Mr. McCulloch who can then endorse them or make over the building by a separate deed.

I have not heard of any other claimant to the property, since the Administrator General has relinquished all claim to it.

From E. B. THOMAS, Esq., Collector of Coimbatore; to H. BROOKE, Esq., Attorney to DAVID McCULLOCH, dated Coimbatore 12th March 1856, No. 115.

Sir,

In reply to your letter of the 25th Ultimo, I beg to state that I do not feel justified in closing for the Gin House, unless Mr. McCulloch or yourself can assure me that there are no claims on it, or that Mr. McCulloch will guarantee the purchase against all such. I have heard that the late Mr. Campbell's brother, Mr. Oughterson, and others, lay a claim on the property and Government would not buy it if under litigation.

From H. BROOKE, Esq., Attorney to DAVID McCULLOCH; to E. B. THOMAS, Esq., Collector of Coimbatore; dated Cochin 29th April 1856.

Sir,

I have the honor to acknowledge receipt of your letter of 12th Ultimo, in which you mention that you have heard that there are claims upon the Gin House which it was arranged should

Port Saint George, Revenue Consultation of 8th October 1857.

be purchased by you for Government for Rupees 6000; unless such claims are preferred in a proper legal form it appears to me that as Mr. McCulloch is now in possession of the property they should be ignored.

I am at a loss to understand why the title deeds should be withheld, and beg therefore to request that you will be kind enough to cause them to be made out without further delay in the name of Mr. David McCulloch of Bombay.

The Administrator General having relinquished his claim upon the Gin House, it appears to me that no other person whatever can have any right to interfere with the property. Mr. McCulloch paid the whole of the purchase money, is in possession of the property and is precluded from making any use of it by the non-delivery of the title deeds; this appears to me an anomalous state of things that should forthwith be put an end to, and I therefore again request that you will give the requisite instructions to have the title deeds made out.

From E. B. THOMAS, Esq., Collector of Coimbatore; to H. BROOKE, Esq., Attorney to DAVID McCULLOCH, dated Cochin 23rd May 1856, No. 239.

Sir,

1. With reference to your letter of the 24th ultimo, I beg to inform you, that no title deeds appear to have been given originally in the name of Mr. Campbell, by Dr. White (the cotton Superintendent) who sold the property on behalf of Government.

2. As Mr. Campbell's death, the Gin House passed into the charge of the Session Court of Coimbatore, from which office (the Judges,) and not mine, you should seek title deeds; the building not having been in my charge, so long as there are contested claims on it, I am not at liberty to purchase it.

From H. BROOKE, Esq., Attorney to DAVID McCULLOCH; to the Judge of the Sessions Court, Coimbatore; dated Cochin 5th June 1856.

Sir,

I have the honor to apply to you to cause the title deeds of the Gin House and its appurtenances at Coimbatore to be made out in the name of Mr. David McCulloch, of Bombay; the grounds of my application are as follows:

"That on the 15th August 1851 Mr. McCulloch, paid to the Government Treasury the sum of Rupees 12,286-10-7 being (as stated in the drafts of Mr. Campbell) the cost of the Gin House at Coimbatore.

"That in default of any application on the part of Mr. McCulloch, the Gin House passed into the hands of the Administrator General.

"That on the 25th September 1855, the sum of Rupees 407-2-29 being cheque on Oriental Bank Madras was remitted to the Administrator General at Madras, being the amount of expenses incurred by that officer and upon the receipt of this amount by him, the Gin House, &c., was delivered over to Mr. McCulloch who is now in possession.

"That it was agreed that Mr. McCulloch should, to facilitate the closing of the Estate of Mr. Campbell, waive his claim to any of the profits realized by Mr. Campbell, by the use of the Gin House.

"That a dividend has since been paid on the Estate of the said Mr. Campbell.

"That the building has been sold to the Government for Rupees 6,000 and a legal delivery cannot be completed without the title deeds.

From E. W. ROUFELT, Esq., to H. BROOKE, Esq., dated 9th June 1856.

Sir,

I have the honor to acknowledge the receipt of your letter dated the 6th Instant, and in reply beg to state that I have handed the same to the Principal Sudr Ameen of this Station, who will doubtless give the subject due attention.

I would desire to add that the property in question is in no way under my control.

John S. G. Jones, Jr., *President, American Society of International Law*

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540 EAST 57TH STREET, CHICAGO, ILL. 60637

I have the honor to acknowledge your letter of the 14th instant and am much obliged by your letter, should my letter be delayed at the 14th instant. I am, Sir, very respectfully,
Yours, Sir, very respectfully,
J. M. Smith

From E. SHAPIRO, Ed., *Abstracts of Papers and Clinical Reports Presented to the American Rheumatism Society Meeting, 1968*, New York, 1968, pp. 100-101.

I thank the Board for their past attention to my application and for their role in the Judge of the District Court, and for their interest and to you as an elected Judge, regarding the life cycle of the District Court at Klamath Falls.

I have enclosed three hundred of the circulars I prepared waiting to print sent to you the great loss
which we have sustained by Mr. W. C. Cady's death the great delay in forwarding them to the title books.

3. Source of Funds _____

John Jones 1846	Letter of credit for	Rs. 10,000 10 0
John Jones 1846	Order by Mr. Thomas of	Rs. 5,000 0 0
John Jones 1846	Receipts of Mr. J. J.	Rs. 1,000 0 0
John Jones 1846	Application to Mr. Thomas for	Rs. 1,000 0 0
John Jones 1846	Received application	Rs. 1,000 0 0
John Jones 1846	Received by Mr. J. J. of	Rs. 1,000 0 0
John Jones 1846	Application to	Rs. 1,000 0 0
John Jones 1846	Received by Principal State Agent	Rs. 1,000 0 0

Mr. McArthur has been appointed as the agent of the Rs. 10,000 for the year 1846-47.

From the Promised Bank Account to Mr. H. BROOKER, Attorney to DAVID McCULLOCH,
dated 13th September 1867.

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I have the honor to acknowledge the receipt of your letter dated 9th instant, and in reply to state that at the Gin House, Am., is delivered over to Mr. T. W. DeCruz and M. P. Abraham Mechem, Agents of Mr. McCulloch, on the 30th December 1865, as per copy of letter herein enclosed. I am unable to make the title deed and send it to you as therein requested, because I have no any control over the property alluded to therein.

附录

MADRAS ADMINISTRATION
GENERAL'S OFFICE,
14 October 1863.

Respectfully,
D. Cassman, Esq.

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I have the honor to request you will have the goodness to deliver over charge of the Gun House at Combaroto, " with all its appurtenances to Mr. H. Brooke of Cochin, the Attorney " of David McCulloch, Esq., or to any person authorized by him and obtain and forward to me " a receipt for the same.

(Signed) T. M. TEED.

Administrator General.

To the Principal, Sair Amra, Colabatore.

It appears therefore that the Collector refers me to the Sessions Court, the Sessions Court to the Principal Sudr Ameen, who knows nothing about it.

Fort Snell, George, Revenue Circulation of 6th October 1857.

It appears further that the title deeds which the Administrator General was so particularly anxious should be sent to him by Mr. McCulloch had in reality never existed and there is every reason to believe that he must have been fully aware of the fact.

Since my application to the Principal, Sack Amoen for the title deeds nearly twelve months have elapsed, no claim has been made by any person whatever, and the Gin House is quietly falling to pieces in the possession of Mr. McCulloch.

There is no reason to conclude from the letters of either Mr. Thomas or Mr. Roupell that any official or legal claim has ever been made by Mr. Oughterson or any other person on this property, but as Mr. Roupell is privately acquainted with Mr. Oughterson it is not improbable that he may have heard at Mr. Oughterson's table that he considered that he had a claim to the property. I respectfully submit, however, that whatever he may have heard privately should not have influenced his official acts, and that the gossip of Cackin is not a sufficient reason to deprive a legal owner of all value in his property.

The present position of Mr. McCulloch is an eminently unjust one. He has paid Rogers \$3,285 for a property he has been induced to pay expenses incurred on that property to the extent of Rogers' 40%, he has renounced all claim on the estate of Mrs. Duncan Campbell, which has been finally wound up; and the only satisfaction he receives is to be entitled to keep watchmen on the premises to prevent the Machinery being destroyed or stolen.

I therefore respectfully submit that this is a case calling for the interference of the Government. I need not point out the heavy loss that has been directly sustained by Mr. McCulloch by loss of interest and indirectly by his being precluded from working the Cms, particularly during a period when all who have been interested in cotton have realised large sums of money, and when cotton of superior character has been in unusually active demand for the factories, and when cotton of the American crop. While all classes at home are striving every nerve to render England independent, or at least partially so, of the American crop. One of the most valuable cotton prospects in India is allowed to fall into ruin. I trust, however, that justice will at length be done to Mr. McCulloch, and that the deprivation of his land for six years will be deemed sufficient punishment for his not having taken the precaution to have the title deeds delivered to him previously to his paying over the purchase money.

No. 19. ORDRE NUMBER, No. 1011, dated 1st October 1857.

Para. 1. It appears from the version of the matter given by Mr. Brooks in this letter, that Mr. Duncan Campbell purchased the Gin House at Calcutta, formerly the property of this Government, for the purpose of working it jointly on account of Mr. David McCulloch of Bombay and himself; and that the purchase money Rupees 13,256-10-7, was paid by Mr. McCulloch, in whose name, it was, arranged between the parties, that the title deeds should be drawn out. Mr. Campbell it would seem had already received possession of the Gin House without being furnished with the title deeds, and dying soon after, on the 13th January 1852, the property was taken charge of by the Administrator General as a part of Mr. Campbell's Estate. The Administrator General repeatedly called on Mr. McCulloch for the title deeds, believing them to have been made over to him by the deceased previous to his death, but those calls were never answered. At this stage Mr. Brooks engaged to recover the property on behalf of Mr. McCulloch, and obtained from that gentleman a power of attorney, to enable him to act in the matter. His correspondence with the Administrator General ended in the latter giving up the Gin House to Mr. McCulloch, upon the condition, that he, Mr. McCulloch, released all claims on the Estate of Mr. Campbell.

2. Mr. Brooke having thus recovered the *Gin House*, now seeks to obtain the title deeds, as without them, he is not enabled to effect a sale of the property, and a recent negotiation with the Collector of Coimbatore towards that object, it is stated, failed in consequence of the absence of such title deeds, or as urged by Mr. Thomas, from there being some dispute in regard to the title.

3. It appears from Mr. Thomas' letter to Mr. Brooke dated 23d May 1856, that no title deeds were originally given on the sale of the Gun House to Mr. Campbell, and that Mr. Brooke was desired to seek them from the Courts, as the parties who had charge of the property after

Fort Saint George, Return Comptroler of the Customs 1871

Mr. Campbell's death. Mr. Beards Bell said the corrections suggested in Item 1 had been made, as the Court showed that they were Agents to Mr. Administrator General, and had no concern in the matter after the delivery of the property to Mr. McCulloch's Agent, under instructions from the Administrator General.

Dec. 17th December	1850, Nos. 37-38,	certs. of Government about that at the time the 1850
11th Feb.	1851, " 11 to 13,	House and reading of were being presented, that Mr.
18th March	" " 54-55,	Mr. Campbell, the Government reported that as the
15th April	" " 55-57,	Yankee and Mr. McDuffie, who were, a position
23rd "	" " 58-59,	which is even adopted by Mr. Campbell in his letter to
29th May	" " 6 to 8,	Dr. Wright, dated 2d May 1851. There is nothing
15th July	" " 8,	beyond the statements contained in Mr. Brown's letter
5th Aug.	" " 58-59,	to show the relative positions occupied by Mr. Campbell
16th Sep.	" " 5 to 6,	and Mr. McDuffie in the transaction. Under these
		circumstances, the Right Hon. Mr. Campbell's

Council resolves to forward Mr. Brodie's communication and the correspondence to which reference has just been made, to the Honorable Company's Solicitor, and to request that he will, after giving his consideration to the subject, advise the Government as the proper course to be pursued by them.

(Signed) H. C. MILLER
Acting Secretary to Comptroller

Wm. H. B. B. B.

Acting Chief Secretary to the
Government of
British Guiana

[illegible]

The whole kind of the product it was arranged should have been removed out of the frame of the Grand Old Church and on the 1st Dec 1851 all completed with the the list as follows: "I have, therefore, in the most respectful manner, the whole of the property of the Church of St. John, which I have now in my possession, and in my name, and of the whole of the property."

Handwritten signature: *James M. Smith*

I have the honor to acknowledge the receipt of your letter
dated the 10th inst. and in reply to inform you that I have
forwarded the same to the Principal Clerk of the Court
who will doubtless give the proper consideration to the same
I should be glad to hear that the proceedings in regard to
the same are going on as rapidly as possible.
Very respectfully,
J. M. McKim

To Wm. McKim Esq.
New York
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I should be glad to hear that the proceedings in regard to
the same are going on as rapidly as possible.
Very respectfully,
J. M. McKim

[Faint handwritten text, possibly a signature or address]

[illegible]

There is reason to conclude from all the facts
the Thomas at New Bedford that any official or legal
claim has not been made by Mr. Brightman or any
other person on the property. But as Mr. Russell is
privately acquainted with Mr. Brightman it is not
improbable that he may have heard of Mr. Brightman
claim that he was interested that he had a claim to the
property. Respectfully submit however, that a letter
he may have heard of privately should not have infor-
med him of official matters and that the goods of Col.
all value on the property it defines a legal claim of

Therefore respectfully request that this may
be calling for the information of the Government, & be
not paid out the heavy tax that I wish should be
by the abolition of the 4 per cent. interest on the
being deducted from paying the same for the same
improved, & the rest will have been paid to the
United States, & the same of money, & the same of money
character has been in some way, & the same of money
in the American crop. While all these things are
moving very much to render England independent, & so
best partially one of the American crop. One of the
most valuable cotton productions in America is all used
fall and winter, at least, however, that it will all be
be done to the abolition, and the the separation of
his funds for six years will be deemed sufficient pro-
vision for the not having to the government to have the
little funds returned to him personally to be paying over
the same money.

I have the honor to be
 Sir,
 Dear and valued Sir,
 At Service
 Yours truly
 Wm. H. H. H.

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Extract from the Minutes of the Committee
dated the 1st of October 1857

Read the following
letter from Mr. A. Brooke
relative to the purchase of
a building.

(See enclosure No. 100)

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It appears from the
version of the matter given
by Mr. Brooke in this letter
that the Indian Council
purchased the Gun House
at Calcutta, formerly the
property of the Government
for the purpose of working
it partly on account of the
East India Company of Bombay
and finally sent the
muzzle down to the
muzzle down to the

that the same were originally in
 the hands of the original owner
 on the date of the first
 survey to St. Campbell, and
 that St. Campbell was desired to
 keep them from the public as
 the parties were land change
 of the Publicly owned land
 and that St. Campbell was
 the owner then suggested they
 had not ~~any~~ ^{any} interest in the land
 claimed that they were
 aware of the administration
 General, and had now
 business in the matter
 after the delivery of the
 property to St. Campbell
 and under instruction
 from the Administrator
 General.

2. Reference to the
 correspondence in the records
 of Governmental Affairs that

1st January 1850 37-38
 1st February 1851 " 11-12
 1st March " " 56-58
 1st April " " 38-39
 1st May " " 53-54
 1st June " " 6-8
 1st July " " 3
 1st August " " 55-57
 1st September " " 5-6

the time that the
 and ~~the~~ ^{were} ~~any~~ ^{any}
 suggested for the ~~the~~ ^{the}
 the Government reported
 the the purchase and
 St. Campbell as his agent
~~positions~~ ^{positions} which were
 adopted by St. Campbell
 in his letter to St. Campbell
 dated 2nd June 1850. There is
 nothing beyond the State
 in its relations in the
 British letter to show the
 relative positions occupied
 by St. Campbell and St.
 Campbell in the transac-
 tion. Under these circum-
 stances the Right Hon.
 the Governor in Council
 resolved to forward all
 further communications
 and the correspondence
 to which reference has just
 been

1894 to the present
 and the present
 present to the
 present to the

June 17 th	June 15 th	4131	433
" 14 th	June 14 th	4151	13
" 13 th	June 13 th	53	100
" 12 th	June 12 th	38	30
" 24 th	" "	53	56
" 20 th	July 1 st	0	5
" 10 th	July 1 st	3.	
" 5 th	Aug 1 st	584	59
" 16 th	Sept 1 st	5	0.

[illegible]

at 1000 ft.
6'
Schistelline of Ohio
20/100 October 1897
San Francisco, Cal. U.S. Nat. Mus.
and 100 ft. per

Forwarding a list
of books for publication
to the corresponding
authorities, to the
American Company's Editors
and requesting them to con-
sider on the subject and
advise the Government
to the proper course to be
pursued by them.

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