M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 665 Press / ~~Mis.~~

394-395

Dated 21-3-1861.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
21st March 1861.

No. 394. Read the following letter from CLEMENT DALE, Esq., the Receiver of the Carnatic Property, to J. D. BOURDILLON, Esq., Secretary to Government, dated Madras, 8th February 1861, No. 38:—

SIR,

Proceedings of Government dated 29th January 1861, No. 218, Revenue Department.

1. I have the honor to acknowledge the receipt of the Proceedings of Government of the date and number noted in the margin, and to state for the information of the Honorable the Governor in Council, that I have forwarded to the Collector of Madras translations of the nine documents noted at foot, they constituting the title to the village of Muhfazpettah of Abdoul Alli, the party making the assignment to me; and have offered to send him the originals should he desire to see them.

2. I would however submit for the consideration of His Excellency in Council, that no inquiry in the locality can ever afford satisfactory evidence of title.

3. It is true that in the absence of all deeds, and where no documentary evidence is obtainable, consequent on an estate having been in one family for many generations, and thus the title in a holder is by descent, sometimes questions arise as to the identity of land proposed to be sold, or certain portions of it, or as to the boundaries of the lands; in such cases, *in England*, recourse is frequently had to the evidence ON OATHS of aged inhabitants, who can speak to the particular land, regarding which question has arisen, having formed part of the estate to which it is alleged to belong; but that is a very different matter from endeavoring to "ascertain by local inquiry" whether THE TITLE of the holder of the estate is good or otherwise; in other words inviting strictures, indiscriminately from all the gossips of a locality, whether the ostensible owner of an estate is really entitled or not; it is a matter of History, that in the case of the Monmouthshire Riots, Frost the Chartest considered he had a better title to the Tredegar estates than Sir Charles Morgan; and if local inquiry had been instituted, it is more than probable that a number of the neighboring inhabitants would have assured the parties making the inquiry that Frost's title was preferable to Sir Charles Morgan's, in spite of the latter holding Title Deeds tracing the title for probably some centuries. I put the case thus, to show the danger which is likely to ensue if Government were once to countenance that "local inquiry" is to supersede a title evidenced by Deeds.

4. In the present case, as stated in my letter to your address, dated the 15th of January 1861, No. 12, thetitle is traced from 1763 (I now find it is from 1761) to Karim Oonissa, and that Lady in consideration of Rupees 7,000 sold the estate to the late Nabob, who mortgaged it to Abdul Alli, showing title for 100 years; and such title, if complete in all its links, which I believe this to be, is good as against all the world.

5. I might have stated that Abdul Alli preferred his claim under Act No. 30 of 1858, (as I did in my letter of the 4th ultimo but I did not consider it necessary), and might have added, that on Abdul Alli assigning to me all the property mortgaged to him by the Nabob, and including the village of Muhfazpettah, Mr. Advocate General had consented to an order for payment to Abdul Alli of the sum be claimed.

Letter from Receiver to Government, 4th January 1861, *No.* 5.

6. I would however submit for the consideration of His Excellency in Council, that the course proposed to be pursued may be fraught with much mischief; I have already traced to Government a clear title for 100 years; and upon this, by the proposed course, a doubt is thrown by Government, and as a substitution for written documents clearly tracing the title, the Collector is ordered to make inquiry in the locality; in other words to collect a detail of any oral statements, and not on oath, which people in the neighborhood may be disposed to retail to him, and whether they have means of knowledge or not and probably having interests to serve; for instance I have no doubt but that encroachments have been made, it is the interest of [illegible] persons [illegible] theft, to throw doubt on my [illegible] willing, Volunteers to assert that the Nabob and Abdul Alli had no title whatever

more especially as such assertions will be made without the sanction of an oath, and therefore such parties will not have the fear of an indictment for perjury to keep them within the limits of truth; then again Salar Ul Moolk has intimated to me that the late Nabob had promised to give the village to him, and he laid before me several papers, which I perused and informed Salar Ul Moolk that in my opinion they conferred no title on him; I have reason to believe he was advised to a similar effect by other parties, and I was given to understand that on receiving my opinion he had abandoned his claim, but intended to purchase the village. He resides in the neighborhood, and if the proposed inquiries are proceeded with, use may be made of it by him or his partisans to raise doubts on the validity of my title, and thus any real and *Bonâ fide* competition damped, if not crushed.

7. Titles will not bear to be blown upon in this manner; in England certainly such a course would most prejudicially affect a sale, and it is likely to have an injurious effect here, although perhaps not to a similar extent.

8. It has just recurred to my recollection that several of the documents were handed to me by the Collector of Chingleput, the same having been lodged in his office for some purpose with which I am not acquainted.

9. In all applications made by me for title deeds, under the provisions of the Proceedings of Government of the 5th August and 21st of September 1859, Nos. 1,053 and 1,271, Revenue Department, I have considered it my duty to place before Government a Breviate of the title under which the Nabob held, but my doing so, would not preclude Government from requiring me to forward for inspection any documents or other data from which my Breviate was taken, and if now wished I will do myself the honor of forwarding to you the original documents, or copies if preferred, relating to the Nabob's title to the village of Muhfazpettah.

1761, October 12.—Translation conveyance by the Villagers to Nabob Mummuth Muckfoos Khan Shake Amuth Jung Bahadoor.
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" " 13.—Translation of Mortgage by the Nabob to Abdul Alli.

No. 395.

ORDER THEREON, 21st March 1861, No. 665.

On consideration of the circumstances stated in this letter, and of the further detail given of the title of Abdul Alli to Muhfazpettah, the Governor in Council resolves, in supersession of the order of January 29th, No. 218, to issue a Title Deed for the property to the Receiver at once, on being furnished by him with the correct boundaries, without waiting for the Collector's report as to the title, which will now be unnecessary.

(Signed) J. D. BOURDILLON,
Secretary to Government.

No. 272. Read the following letter from the Receiver of the Carnatic Property, to the Acting Chief Secretary to Government, dated Madras, 30th October 1866, No. 138:—

Letter from Receiver to Government, 15th January 1861, No. 12.
Order of Government, 29th January 1861, No. 218, Revenue Department.
Letter from Receiver to Government, 8th February 1861, No. 38.
Order of Government, 21st March 1861, No. 665, Revenue Department.

1. With reference to the correspondence and Proceedings of Government, under the dates and numbers noted in the margin, I do myself the honor of returning the form of Title Deed which was prepared in your Office, and furnishing to Government the northern and western boundaries, and of fo me with the view of my obtai an original plan sent to me by the Collector of Madras shewing the whole boundaries of the village, and of requesting that a Title Deed may be issu it may be returned to me with the Title Deed.

2. If the plan is not attached to the Title Deed, I have the hon

ORDER THEREON, 13th November 1866, No. 3,0

Ordered that a Title Deed be in question, the boundaries as giv with this letter being inserted the

(True Extract.)

(Signed) J. D.
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To the Receiver of the C.

Exd. S. T. Augustin.

Miscellaneous.

Letter from the Receiver of the Carnatic Property requesting the issue of a Title Deed for the village of Muhfazpettah for Pagoda in Exchange. Forwarded with orders thereon.

Proceedings of Government, Revenue Department, 21st March 1861. No. 394.

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I have the honorable
Sir
Your Most Obed't Servant
[illegible]
The Receiver of the
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