

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 765	Press ~~Mis.~~
25.26	
Dated	5. 5. 19 1863

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
5th May 1863.*

No. 25. Read the following Proceedings of the Board of Revenue, dated 25th February 1863:—
Read the following letter from P. GRANT, Esq., Collector of Coimbatore, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Ootacamund, 16th February 1863, No. 34.

SIR,

1. With reference to the Proceedings of the Board of Revenue dated 6th October 1862, No. 6,704, I have the honor to return the Deed of Surrender of Mr. J. W. G. McIvor's land at Ootacamund, duly executed by himself and Mr. W. McIvor, in accordance with the instructions contained in paragraphs 2, 3 and 4 of Mr. Dale's letter to Board, dated 3rd idem, No. 150.

2. The original lease of the land in question is also returned to be preserved and kept with the Deed of Surrender, as stated in Mr. Dale's letter of 10th October 1862, No. 154.

3. Mr. McIvor having now conformed to the orders of Government by the payment of Rupees 3,736, the arrears of assessment on his Kartairy land for four years up to 30th April 1862, and by executing the Deed of Surrender of his land at Ootacamund, it becomes necessary that a Title Deed should be granted for his Kartairy property on the terms set forth in paragraph 7 of the Government Order of 26th February 1862, No. 425, and I request to be favored with the Board's orders as to whether a permanent Title Deed, subject to the payment of annual rent, in form C, sanctioned in Government Order of 21st September 1859, No. 1,271, would be sufficient, or whether the Board would wish to have any special form of Title Deed drawn out by the Government Pleader, embracing the circumstances under which the terms of original lease were revoked, and detailing the terms on which the land is now allowed to be held. In the former case, I will prepare one and submit it to Board for the Seal of Government, and in the latter case, I request that the necessary requisition may be made to the Government Pleader. It strikes me that when the new Title Deed is granted, the old one which was formerly issued for the Kartairy land on the same terms as for the Ootacamund land should be cancelled, and I request the Board's orders on this point.

4. Mr. McIvor has already transferred a portion of his Kartairy land to certain parties, and they have applied to me for Title Deeds, but before complying with their request, it is necessary that Mr. McIvor should have one for the whole extent of his Estate, and which he now applies for.

1. Ordered that the above be submitted to Government with copy of Mr. Dale's letters, dated 3rd and 10th October 1862, in Board's Proceedings, dated 6th and 13th idem, Nos. 6,704 and 6,863. The Deed of Surrender needs to be executed by His Excellency the Governor in Council on behalf of the Secretary of State, and is then to be retained in safe custody with the original Memorandum of the terms of lease. The Board presume that the Collector's records will be the proper place of deposit for these papers, but they must be preserved with special care.

2. The Board request the decision of Government as to the kind of Title Deed to be now granted for the Kartairy property. It seems necessary that the Messrs. McIvor should settle among themselves in whose name or names the new Title Deed shall run, if, as the Board are under the impression is the case, the original lease for that land also runs in the name of Mr. William Graham McIvor on behalf of his brothers John and James McIvor, as is the case in the lease for the Ootacamund land now surrendered.

(A true Copy and Extract.)

(Signed) W. HUDLESTON, Secretary.

No. 26.

ORDER THEREON, 5th May 1863, No. 765.

1. Resolved accordingly that the Deed of Surrender be executed by His Excellency the Governor in Council in the manner pointed out in paragraph 5 of the letter from the Government Pleader to the Board of Revenue, dated 3rd October 1862, No. 150. This Deed and the original Memorandum of the terms of the lease will be lodged in the Iron chest in the Government Office, copies of both being furnished to the Board of Revenue.

2. The Board will, in communication with the Government Pleader, prepare a Title Deed to be given for the Kartairy property, and submit it for the approval of Government.

(Signed.) J. D. SIM,

Secretary to Government.

No. 6,704:

PROCEEDINGS OF THE BOARD OF REVENUE, dated 6th October 1862.

Read the following letter from C. DALE, Esq., Government Pleader, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Madras, dated 3rd October 1862, No. 150 :—

1. I have the honor to acknowledge the receipt of the Proceedings of the Board of Revenue under the date and number noted in the margin, and to forward herewith a form of surrender of the Ootacamund property there referred to.

2. The document issued by Mr. E. B. Thomas was in the name of Mr. William McIvor; it is therefore necessary that he should join in the surrender. I doubt not he will not offer any objection to do so, and especially if Mr. Grant had an opportunity of speaking to him, and showed him that the surrender is carefully prepared, so that each party conveys only according to his "Estate and interest and as far as he lawfully can or may, but not further or otherwise." As also that each party covenants only for himself and his own acts.

3. Mr. John McIvor is also a necessary party, and properly he ought to execute the deed personally, or by an attorney duly authorized by power of attorney, but as he has stated that he had sometime since transferred to his brother James, all his interest in the leases, I advise that if Mr. James McIvor opposite the second seal signs his brother John's name adding "by J. W. G. McIvor his attorney," Government need not inquire into the sufficiency of the power held by Mr. James McIvor from his brother John.

4. The execution of the deed should be attested by two gentlemen in the service whose signatures could be readily proved.

5. The deed should be executed by the Secretary of State for India. The Act passed in 1859 (22nd and 23rd Vict., Chapter 41) is neither clear nor satisfactory; it does not in my opinion meet the exigency of the present case; and I am not aware of any other having been passed. I believe however it has been customary since the passing of that Act for the Honorable the Governor in Council to affix the seal of the Secretary of State to all documents requiring to be executed by the Secretary of State; I have therefore framed the Testimonium and added an attestation on such assumption.

6. I return and forward the several papers enumerated at foot.

1852, December 29.—The original Memorandum signed by the then Collector of Coimbatore, leasing to Messrs. McIvor the lands at Ootacamund.

1862, August 6, No. 298.—A copy of letter from Collector of Coimbatore to Government Pleader.

1862, August 14, No. 122.—A letter from Government Pleader to Collector of Coimbatore with enclosures.

Ordered to be communicated to the Collector of Coimbatore, who will take the necessary steps for the execution of the deed of surrender in accordance with the instructions given in paragraphs 2, 3, and 4 of Mr. Dale's letter, and will return it to Madras for execution by Government. The original Memorandum of lease forwarded by the Government Pleader has apparently been surrendered by Messrs. McIvor. Mr. Dale will be requested to inform the Board how he proposes that it should be treated, and where kept, if not destroyed.

(A true Copy and Extract.)

(Signed) W. HUDLESTON,
Secretary.

To P. Grant, Esq., Collector of Coimbatore, with a Lease and
5 enclosures returned with the Collector's letter dated 27th August 1862.

Copy to C. Dale, Esq., Government Pleader,

Exd. J. Wright.

167- 11-11-11
629-71

Concurrence of the Board of Revenue
to the Secretary to Govt. P. O.
dated 23rd February 1863.

1862 Department:

No.

Pen-1, 92, 163.

PROCEEDINGS OF THE BOARD OF REVENUE.

Dated 6th October 1862.

Despatched

Received

No. 6,704.

Requesting the Collector to take the necessary
steps for the execution of the Deed of surrender
of Mr. Melvor's property at Ootacamund accord-
ing to the enclosed form, and to return it to
Madras for execution by Government.

No. 6,863.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 13th October 1862.

Read the following letter from C. DALE, Esq., Government Pleader, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Madras, 10th October 1862, No. 154:—

I do myself the honor of acknowledging the receipt of the Proceedings of the Board of the date and number noted in the margin, and of advising that the original Memorandum there referred to should not be destroyed or cancelled, but should be

Proceedings of the Board of Revenue dated 6th October 1862, No. 6,704.

preserved, and kept with the Deed of Surrender when duly executed.

Ordered to be communicated to the Collector of Coimbatore for information and guidance.

(A true Copy and Extract.)

(Signed) W. HUDLESTON,
Secretary.

To P. Grant, Esq., Collector of Coimbatore.

Copy to C. Dale, Esq., Government Pleader.

Exd. J. Wright.

W-765
 Resolved accordingly that the
 Deed of Surrender ~~be~~ executed by His
 Excellency the Governor in Council in the
 manner pointed out in par. 5 of the letter from
 the Gov^t Pleader to the B^d of Rev. of 3^d ca
 October 1862 h^o 150. This deed & the original
 memo of the terms of the lease will be lodged
 in the Iron Chest in the Gov^t Office, copies of
 both being furnished to the Board of Revenue.

2 The Board will in communication
 with the Gov^t Pleader prepare a title deed
 to be given for the Kantary property and
 submit it for the approval of Gov^r.

Wm. H. George
 Secy. May 1863
 Board of Rev^y with 2 Ind^s J. D. S.
 3. Gov^t Pleader
 Recd. Dep. with Orig^l Deed & Memo. J. D. S.

167-11-112
 1823-11

Enclosure 1st in the Pro-
 ceedings of the Board of
 Revenue to the Secretary to
 Government W.P. dated 25th
 February 1863.1st

1862 Department

No.

Proc-1,92 113.

PROCEEDINGS OF THE BOARD OF REVENUE.

Dated 13th October 1862.

Despatched

Received

No. 6,863.

Communicating copy of a letter from the Go-
 vernment Pleader, advising that the original Me-
 morandum referred to in Board's Proceedings 6th
 October 1862, No. 6,704, should be preserved
 and kept with the Deed of Surrender.

Pro. 21 Sept 1859 No. 33-34
26 Feb 1862 - " - 528-529
7 May 1862 - " - 3-A-

1861-71

1863-71

Rev- 1863 Depart.
Pro: of Govt for May.
No. 492.

Proceedings of the
Board of Revenue

Dated 25th
Desp. 25th February 1863.
Recd 27th
C. 4-

N.

J. C.

Submitting a letter from
the Collector of Coimbatore,
returning duly executed the
deed of Surrender of M. M. S. S.
Land at Colacand and re-
questing instructions as to the
form of Title to be issued for
M. M. S. S. Land at Har-
tany.

No. 765-5 May
With an order.

No. 25426.