

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 177

Press
Mis.

Dated 22-1-18 68

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
22nd January 1868.*

Read the following papers:—

No. 353. Proceedings of the Board of Revenue, dated 4th January 1868, No. 31.
Read the following letter from the Collector of Coimbatore, to the Secretary to the Board of Revenue, dated 26th November 1867, No. 326.

1. On the 18th May 1863, one Nunjappa Row purchased, for Rupees 2,746-3-3, a piece of land at Coonoor measuring Acres 91.54, which he transferred to Major H. B. Sweet before a Title Deed was granted for it. On receipt of the plans from the Survey Department, a Deed was prepared and submitted to the Board for the Seal of Government with my letter of the 19th December 1865, No. 290. The instrument was returned to me, duly sealed, with the Board's Proceedings, dated 5th March 1866, No. 1,523, and on receipt was transmitted to the Special Assistant Collector of Ootacamund, for delivery to Major Sweet, as previously requested by the original purchaser, which was accordingly done; but no suggestion was made regarding registration, as the Board's Proceedings, dated 19th March 1866, No. 1,923, conveying the opinion of the Advocate General, declaring the necessity of registering titles granted for lands sold by Government, had not been received at that time.

2. Major Sweet now informs me that the Deed in question was rejected as evidence in a suit filed in the Civil Court at Ootacamund, in consequence of its not having been registered under the provisions of the Indian Registration Act, and requests me to have the Deed registered so as to render it a valid instrument at law, and admissible as evidence. The time allowed for registration has long since expired, as the Deed is dated 12th December 1865; but the difficulty of registration may be overcome, by re-conveying the land to Government, and then making it over to the purchaser by a renewed Title Deed, under sanction of Government conveyed in the Board's Proceedings of the 17th April 1867, No. 2,459. Major Sweet, however, states that "no copy can be substituted for this one, as it is referred to by *number and date* in the Deed of Sale of this land to me by Nunjappa Row." Hence, I am at a loss to determine what steps to adopt to effect the registration of the Deed, and therefore submit the matter to the Board for their orders.

1. Submitted to Government, with the Board's recommendation that the opinion of the Advocate General be taken as to the course to be adopted under the circumstances stated by the Collector.

2. If Major Sweet is not in a position, under the general rule sanctioned by Government in their Order, dated 20th March 1867, No. 674, Revenue Department, to re-convey the property to Government without prejudice to his own interests, and without involving Government in any litigation, the Board apprehend that the defect he complains of in his Title Deed is irremediable.

Referred, through the Government Solicitor, for the opinion of the Advocate General.

(Signed) W. HUDLESTON,
Secretary to Government.

9th January 1868.

Proceedings of the Madras Government, Revenue Department,
22nd January 1868.

No. 354. From the Government Solicitor, to the Secretary to Government,
Revenue Department, Fort St. George, dated Madras, 16th January 1868,
No. 25.

1. I have the honor to acknowledge the Order of Government noted in the margin, requesting the Advocate General's opinion as to the course to be pursued for completing Major H. B. Sweet's title to a piece of land at Coonoor, purchased by Nunjappa Row from Government, and by him subsequently transferred to Major Sweet.
2. I have submitted the matter for the consideration of the Advocate General, and I now forward a copy of his opinion.
3. I likewise return the Order above noted.

OPINION.

I see no difficulty in the way of having this defect in Major Sweet's title rectified. But it appears to me, that it is not a matter in which the Government Law Officers should be called on to give their time and labor. The question in no way affects the Government. The blot has arisen solely through Major Sweet's neglect to take the proper steps at the proper time to perfect his own title. It is he, and not the Government, whose duty it was to see that the grant was registered. It was not the Advocate General's opinion that made the law. It was the act of the Legislative Council. Major Sweet's course is to consult his professional adviser, who will, doubtless, put him in the way of rectifying what he complains of. The Government will no doubt have ultimately to be a consenting party to the steps taken by Major Sweet; and should any application be made by him to the Government to aid him, I shall be happy to advise the Government as to the propriety of any measure of relief they may be asked to give.

15th January 1868.

(Signed) J. B. NORTON,
Advocate General.

No. 355. ORDER THEREON, 22nd January 1868, No. 177.

Land Revenue.

1. Ordered that the Advocate General's opinion be communicated to the Revenue Board, who will instruct the Collector of Coimbatore to inform Major Sweet that the Government will be prepared to give consideration to any proposals which, under professional advice, he may submit to them, in view to rectifying the defect in his title.
2. The Government concur in opinion with the Honorable Mr. Norton, that it is not for them to take the initiative in removing the difficulty in which Major Sweet's neglect of the requirements of the law has placed him.

(True Extract.)

(Signed) W. HUDLESTON,
Secretary to Government.

To the Board of Revenue.
,, the Government Solicitor.

Exd. F. B. Bantleman.

Revenue Department.

87-177.
Proceedings of the Madras Government.
Under date the 22nd January 1868.

Recd the following
Papers. —

Proceedings of the Board of Revenue
Recommending to Government
that opinion of Advocate General
be taken as to the course to be adopted
for the registration of the Title Deed
for a piece of land belonging to Major
H. B. Sweet at Coonoor in Coimbatore
district. —

(Here enter 4th January 1868 No. 31.)

From Government Solicitor.
Forwarding Copy Advocate
General's opinion as to the course to
be pursued in completing Major H. B.
Sweet's title to a piece of land at
Coonoor, purchased by Nunjappa
Row from Government, and by
him subsequently transferred to Major
Sweet. —

(Here enter 16th Jan^y 1868 No. 25.)

Ordered that the
Advocate General's opinion
be communicated to the
Revenue Board, who will
instruct the Collector of
Coimbatore to inform Major
Sweet that the Government
will be prepared to give
consideration

consideration to my proposals
which, under professional
advice, he may submit to,
them in view to rectifying
the defect in his title.

The Government
concurs in opinion with
the Honble Mr. Norton,
that it is not for them
to take the initiative in
removing the difficulty in
which Major Sweet's neglect
of the requirements of the
law has placed him. -

L.R.

4. Copies of the Order of the 23rd
4. - - - - - Govt. Solicitor

Ed. Ball

Handwritten text at the top of the page, possibly a title or address, including "M.B. Smith's Little Book".

Ms
3539555

Revenue 1868 Sept
No of Geo for January
No 1177
No of the Madras Pres
of 1868 January 1868

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