

REVENUE (195¹⁸⁷¹) Department.

PRESS SERIES.

G.O. No. 711

(219-221)

Dated 20-4-1871

[Despatch Abstract.]

Back Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Further Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Proceedings of the Madras Government, Revenue Department, 20th April 1871.

Read the following papers:—

No. 219. Proceedings of the Board of Revenue, dated 27th March 1871, No. 1,334.

Read the following letter from the Commissioner of the Neilgherries, to the Acting Secretary to the Board of Revenue, dated Ootacamund, 16th March 1871, No. 25.

In accordance with Government Order, Revenue Department, 21st January 1870, No. 110, I informed Mrs. Rae that she would be furnished with a Title-deed on her procuring the documentary evidence indicated in the concluding portion of the Government Solicitor's letter*, dated 22nd December 1869, No. 710.

2. Mrs. Rae, in reply, dated October 3rd, 1870, informed me that she, as Administratrix to her late husband's estate, would again put up the land to auction for any one to purchase, as the estate was insolvent, and some of the creditors might object to her purchase of the land.

3. In her letter, dated 27th ultimo, she informs me that she has had the land again put up to public auction and sold to Mr. T. Sidden.

4. I forward her letters, dated 3rd October 1870 and 27th February 1871, and shall be glad to know if I may now make over to her the Indenture Deed appertaining to the land, and alluded to in paragraph 2 of Government Order, 17th July 1869, No. 2,075.

5. If the latter proposal be acceded to, I beg the Board will instruct the Government Solicitor to return me the Draft Indenture. Mrs. Rae is anxious to have this matter settled before she leaves for England, which will be shortly.

ENCLOSURE No. 1.

From Mrs. F. RAE, to the Commissioner of the Neilgherries, dated Dunsandle, 3rd October 1870, No. 1,511.

With reference to the Proceedings of Government, January 21st, No. 224, I think the best plan will be that I should give up the land adjoining Dunsandle, and allow it to be put up to auction again, and sold to any one who will purchase it, for as there are several creditors to whom large amounts are due, and whom I can never hope to see repaid, it would be very natural that some of them should object. This land is no portion of the original estate, but that promised grant of 220 acres which Government gave after my husband's death, the original estate Messrs. Parry hold on their Mortgage Bond. I will inform you as soon as the auction is effected.

ENCLOSURE No. 2.

From Mrs. F. RAE, to the Commissioner of the Neilgherries, dated 27th February 1871.

In consequence of the objections raised by the Government Lawyers to my having purchased that grant of land belonging to my late husband's estate, I have, for the second time, had it put up to public auction and disposed of it to Mr. T. Sidden. I want now to give him a Deed of Sale and the lease, but cannot even give the former for want of the latter, enabling me to give the boundaries and extent exactly. As I am about to proceed to England very shortly, I shall feel much obliged by your procuring me the lease as soon as possible.

*Proceedings of the Madras Government, Revenue Department,
20th April 1871.*

SUBMITTED for the orders of Government.

2. In their Order of the 15th January 1867, No. 144, Government authorized the grant of certain land to the late Mr. Rae's representatives in full acquittance of all claims on Government in connection with Mr. Rae's engagements.

3. Mr. Rae's representatives are his widow, his mother, a brother, and a sister.

4. The question now under consideration is, whether the widow can give a receipt in full of all demands on Government.

5. She first sold the land by auction and bought it herself. The Government Solicitor said that this transaction, though not absolutely void in law, was voidable at the instance of any other person interested in the property.

6. Mrs. Rae, as Administratrix to the estate, has now had the estate again put up to auction and sold to a stranger Mr. Sidden. She has not, however, obtained from the other persons interested in the estate a release of all claim to be interested in the further grant of land.

7. It will probably be necessary to consult the Government Solicitor again.

REFERRED to the Government Solicitor for his opinion.

(Signed)

W. HUDLESTON,

Secretary to Government.

6th April 1871.

No. 220. From the Government Solicitor, Madras, to the Secretary to Government, Revenue Department, Fort Saint George, dated Madras, 13th April 1871, No. 145.

I HAVE the honour to acknowledge the receipt of the Order of Government, dated 6th April, instant, No. 1,133, Revenue Department, requesting me to advise whether it would not be necessary for Mrs. Rae, as the Administratrix to the estate of her late husband, to obtain from the other persons interested in the estate a release of all claim to be interested in the further grant of land promised by Government, and in reply I beg to state that, as it appears from Mrs. F. Rae's letter to the Commissioner of the Neilgherries, dated 3rd October 1870, No. 1,511, that the estate of her late husband is practically insolvent, the next-of-kin have, in my opinion, no interest of any kind in the estate, such interest only arising in the event of the estate being solvent; and consequently Mrs. Rae, as the Administratrix, has power to give a release to Government in full of all demands.

2. I think that the fresh form of lease which was prepared by me and forwarded to Government with my letter of the 3rd September 1869, No. 481, should be altered so as to show that the estate of the late Mr. Rae is insolvent, and that the right to obtain the additional 220 acres of land promised by Government has been sold by Mrs. Rae as Administratrix to Mr. Sidden, for the purpose of paying the creditors of her late husband's estate.

*Proceedings of the Madras Government, Revenue Department,
20th April 1871.*

No. 221.

ORDER THEREON, 20th April 1871, No. 711.

Miscellaneous.

THE Government Solicitor's reply will be communicated to the Board of Revenue for the information and

guidance of the Commissioner of the Nilgiris.

(True Extract.)

(Signed)

W. HUDLESTON,

Acting Chief Secretary.

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

Exd. F. R. Bantleman.

N^o 145.

58 in 1871
Madras, 13th April 1871.

From H. G. Prichard
Government Solicitor,
Madras,

To W. Studdleston Esq^{re}
Secretary to Government
Revenue Department
Fort St. George,

Sir,
I have the honor to acknowledge the receipt of the Order of Government dated 6th April instant, N^o 1133, Revenue Department, requesting me to advise whether it would not be necessary for Mrs. Rae as the Administratrix to the Estate of her late husband to obtain from the other persons interested in the Estate a Release of all claim to be interested in the further grant of land promised by Government, and in reply I beg to state that as it appears from Mrs. St. Rae's letter to the Commissioner of the Neilgherries dated 3rd October 1870, N^o 1511 that the Estate of her late husband is practically insolvent, the next of kin have in my opinion no interest of any kind in the Estate, such interest only arising in the event of the Estate being solvent and consequently Mrs. Rae as the Administratrix has power to give a Release to Government in full of all demands.

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2. I think that the fresh form of Lease which was prepared by me and forwarded to Government with my letter of the 3rd September 1869, N^o. 481, should be altered so as to shew that the Estate of the late Mr. Rae is insolvent and that the right to obtain the additional 220 Acres of land promised by Government has been sold by Mrs. Rae as Administratrix to Mr. Liddew, for the purpose of paying the Creditors of her late husband's Estate.

I have the honor to be,
 Sir,
 Your most Obedient Servant,
 H. G. Richard
 Government Solicitor.

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