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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Revenue DEPARTMENT

G.O. No. 116	Press.
B.P. No:	Mis.
Dated 12.1.1878	197 .

Not to be folded or roughly handled

Archives 1—10,006—19-4-79.

No. 9,047.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 22nd December 1868.

Read the following letter from J. W. BREEKS, Esq., Commissioner of the Neilgherries, to the Acting Secretary to the Board of Revenue, dated Ootacamund, 19th November 1868, No. 70:—

MR. GRIMES, now Superintendent of Jail, Coimbatore, purchased under the Waste Land Rules two blocks of land in the Orange Valley, on 11th January 1864, for Rupees 7,500, of which he paid Rupees 1,350 and agreed to pay the balance by annual instalments.

2. Mr. Grimes, in letter enclosed marked A, says he purchased the blocks on account of his father, who about that time met with losses and was unable to open out the Estates, and that consequently, on 29th April 1864, the blocks were sold to Mr. Newill who paid down the Rupees 1,350, executed a Deed of Transfer, and relieved Mr. Grimes of all responsibility regarding the balance of purchase money and assessment. Mr. Grimes adds that he wrote to the Collector of Coimbatore and informed him of the transfer, and desired him to make out the Title-deeds in Mr. Newill's name (and that with the exception of a letter from the Superintendent of the Estate in 1865, requesting him (Mr. Grimes) to expedite the preparation of the Title-deeds,) he heard nothing more of the matter till April last.

3. I find on record two letters to Mr. Grant from Mr. Grimes, dated 29th and 30th April 1864, informing him of the sale of the property to Mr. Newill, and asking him to hurry on the Survey. Mr. Grant replied on 10th June 1864 that the Survey had been completed and the plans were in the Executive Engineer's Office, making the extent of the two lots as follows:—

No. 1.....	44	0	1,760
,, 2.....	109	1	32

Mr. Grant further added that the Title-deeds must be made out in the name of Mr. Grimes, who could then make them over to Mr. Newill. In the Sale Register the two blocks bought by Mr. Grimes are entered in his name, and are estimated to measure 500 acres each. The discrepancy between the estimated and the actual area is so remarkable as to make it desirable to see the plans. The plans are however not forthcoming. Mr. Wedderburn, in a letter to the Special Assistant, dated 7th April 1868, reported that the original plans were sent to Government in 1864, and were never returned; that there were, however, imperfect copies in his office, which on 29th June 1867 were sent to the Executive Engineer, (Major Farewell, under whose orders Mr. Howard was conducting the Survey,) with a request to complete them and return them with duplicate copies. Major Farewell reports that he received the imperfect copies, duplicates of which were forwarded to the Collector of Coimbatore, on the 16th July 1867, and that he has no office copies of the same.

4. Mr. Grimes in his letter A. goes on to say that he has no copy of the Deed of Transfer which was drawn up by Mr. R. O. Campbell of Binny and Co., who in their letters B. likewise say that they kept no copy. I find, however, a letter from Mr. Grant to Mr. Newill, dated 10th June 1864, in reply to letters, dated 29th April and 25th May, reporting the purchase of the land by the latter. With his reply Mr. Grant returned the Deed of Sale to Mr. Newill, and informed him that the Title-deeds would have to be made out in Mr. Grimes's name. No note however of the transfer seems to have been made in the Sale Register, and Mr. Grimes is still the registered holder in our books.

5. Mr. Grimes further adds that Mr. Newill died soon after he purchased the land, and that subsequently a Company was formed by some officers of the Peninsula and Oriental Company's service, to work the Estate. Of this Company a Mr. Beardmere and a Mr. Newill (brother of

deceased purchaser) seem to have been the Managers or Secretary, according to letter C. written to Mr. Grimes by a Mr. Hayne, who for a time Superintended the Estate for the Company.

6. I have written to Messrs. Beardmere and Newill about the Estate and the Deed of Transfer. I have received a reply from Mr. Newill, who says he is in no way connected with the Estate of which his late brother was a partner and manager, and that his brother's affairs are at present in the hands of the Administrator General of Madras.

7. I will go out and see the land by and bye; but Mr. Roupell tells me that the Estate has been abandoned for some time past, and the Todanaud Kunakun reports to the like effect.

8. In the meantime the object of this letter is to decide the question of Mr. Grimes's liability. Legally perhaps Mr. Grimes may be responsible to Government for the balance of the purchase money, and for assessment up to date, amounting in all to Rupees 908-9-9 as per Memorandum D. There seems to me, however, circumstances in his case which should go in equity to relieve him of part of the responsibility.

1st.—As regards the assessment* in Memorandums E. and F. When a transfer takes place, and a Deed is presented, and the transferrer and transferree acknowledge the same to be *bonâ fide*, and desire a note thereof to be made in our office books, the usual course has been to make a note accordingly and thereafter to hold the transferred responsible for the assessment. It is evident that in this instance Mr. Grant some time prior to 10th June 1864, received letters from both parties acknowledging the sale, together with the Deed of Transfer which he returned to Mr. Newill on the 10th June 1864. Strictly speaking the parties should have appeared in person or by authorized Agents, and attested the entry of the transfer in our books. But it nowhere appears that they were informed that that was the proper course; and what they did do in the matter in my opinion equitably absolves Mr. Grimes from any responsibility as far as the assessment is concerned.

* Amounting to Rupees 688-12-10.

2ndly.—As regards the balance of the purchase money, Rupees 221-12-11, as per Memorandum D. The Government can only look to the original purchaser, and cannot recover from Mr. Newill. Mr. Grimes however may fairly say that had he been informed that he was still responsible, either at the time of the transfer or when the first yearly instalment became due, he could then have recovered from the Vendee as the Estate was in working order up to 1866; whereas now that he is for the first time informed of his liability, he finds the Estate abandoned, and the parties beyond his reach. Still it was Mr. Grimes's duty to make himself acquainted with the nature and extent of the obligations he had voluntarily entered into; he was informed by Mr. Grant that the Title-deeds would have to be made out in his name, and I think therefore that he should pay the balance of the purchase money (Rupees 221-12-11) and strive to recover the same from the Vendee whose Estate is in the hands of the Administrator General of Madras.

ENCLOSURE No. 1.—A.

From H. R. GRIMES, Esq., to the Commissioner of the Neilgherry Hills, dated Coimbatore, 22nd September 1868.

I BEG to acknowledge the receipt of your letter, No. 51, dated 27th ultimo, calling upon me to furnish a report regarding the two lots of land situated in the Orange Valley near Kotagherry, purchased by me at public auction in January 1864. I beg to submit the following statement, from which you will see that I have no interest whatever in the land at present.

2. On the 11th of January 1864, I attended a public auction at Ootacamund of lands to be sold under the conditions of the Waste Land Rules, and purchased two blocks of land in the Orange Valley, near Kotagherry, for the sum of Rupees seven thousand and five hundred, (Rupees 7,500.) I paid at the time of sale a deposit of Rupees (1,350) one thousand three hundred and fifty, and agreed to pay the remainder according to the terms laid down in the rules, namely, by annual instalments, but I cannot recollect now the exact amount of these instalments or in how many years the purchase money was to be paid up.

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3. The land was not purchased on my own account, but for my father Colonel John Grimes, late of the Madras Army, for whom I was to open it out partly as a Coffee Estate, and partly as a Farm for breeding cattle. I was eventually to have a share in the Estate. I had at this time no property of my own, and was dependant upon my father for my income.

4. On the 17th of January 1864 I received a letter from my father, from which I learnt that owing to some speculations, in which he was concerned, having failed, he was unable to find capital to open out an Estate on the Neilgherries or even to continue my allowance. I was thus left without any means to live upon. I had to leave the Hills, and go to Madras in the hopes of getting some employment.

5. On my arrival at Madras, Messrs. Binny and Co., my father's Agents, who had advanced me the Rupees 1,350 to pay the deposit for the land, having heard of the state of my father's affairs, were anxious to recover the amount advanced. I was therefore obliged to find a purchaser for the land, and on the 22nd of February 1864, I wrote to Mr. Grant, the Collector of Coimbatore, informing him that I should be unable to carry out my arrangements with regard to the land I had purchased, and that I should be obliged to sell it.

6. On the 29th of April 1864, I entered into an arrangement with a Mr. Newill, an officer of the Peninsula and Oriental Steam Company, to give up all interest and title I had in the Orange Valley land near Kotagherry, on condition of his paying me the sum I had already paid as a deposit, namely, Rupees 1,350, and that he was to relieve me from all further responsibility regarding the remainder of the purchase money or the assessment; Mr. Newill agreed to these terms, and proceeded to Kotagherry, as far as I can recollect, to inspect the land.

7. On the 12th of May a Deed of Transfer was drawn up for me by Mr. R. O. Campbell, of Messrs. Binny and Co.'s House, according to the terms mentioned above; it was signed by me, and given over to Mr. Newill. On the following day I received a Cheque from Mr. Alexander McIver, Agent to the Peninsula and Oriental Company, for Rupees 1,370, being the amount I had paid in deposit for the land, and the price of the stamp for the Deed of Transfer. I was therefore absolved from any further responsibility in regard to the land. I wrote to Mr. Grant, the Collector of Coimbatore, informing him of the arrangement I had made with Mr. Newill, and requested that the Title-deeds might be made out in Mr. Newill's name.

8. These are the circumstances as far as I can recollect them; I have unfortunately no copy of the Deed of Transfer, neither can I obtain one from Messrs. Binny and Co., to whom I have applied, as you will see from their letters to me which I forward.

9. Mr. Newill died a few months after he had purchased the land, and I heard casually that a Company had been formed by some Officers of the Peninsula and Oriental Company to carry on the Estate he had commenced. Some time during the year 1865, I received a letter from Mr. Hayne, the Superintendent of the Estate, begging that I would expedite the Title-deeds being made over. I referred Mr. Hayne, as far as I can recollect, to Mr. Grant, and from that date until my visit to the Hills in April last I never heard any more regarding the land.

10. Mr. Roupell, the Acting Special Assistant, spoke to me in April about the land, and informed me that it was still registered in my name, and that there were large arrears of purchase money and assessment due on it. I informed Mr. Roupell of the circumstances regarding my purchase and of my transfer of the land to Mr. Newill, nearly as I have related them now.

11. No demands have ever been made against me from the day I purchased the land, although I have annually received a bill for the assessment of another piece of land purchased previously, and situated near the Sentinel rock; and until I was informed by Mr. Roupell, I was not aware that I was still liable for the demands on the Orange Valley land.

12. I forward a letter from Mr. Hayne, the late Superintendent of the Estate, called the Kookool Estate, opened out by Mr. Newill, from which you will see that a Mr. Beardmere and a brother of the late Mr. Newill, both officers in the Peninsula and Oriental Company's service, appear to be the present owners of the property. I trust the above statement will satisfy the

Board of Revenue that I have no further interest or title to the land, and that I may not be called upon to make good the arrears due on it, as it is completely out of my power to do so. I regret I have no copies of any of the correspondence which took place at the time I transferred the land to Mr. Newill, but I have no doubt my letters to Mr. Grant will be on record in the office of the Collector of Coimbatore.

ENCLOSURE No. 2.—B.

From Messrs. BINNY AND Co., to H. R. GRIMES, Esq, Coimbatore, dated Madras, 16th May 1868.

WE are favored with your letter of the 11th instant, and in reply beg to state that it does not appear that we ever received from you any agreement signed by Mr. Newill for the land you sold to him. We find however that on the 14th May 1864 we forwarded to you a Deed of Transfer of the land engrossed on a stamped paper of 20 Rupees value, to be executed by you and delivered to Mr. Newill.

B.

From Messrs BINNY AND Co., to H. R. GRIMES, Esq, Coimbatore, dated Madras, 5th September 1868.

WE have to acknowledge receipt of your letter of the 28th ultimo, and in reply beg to state that the Deed of Transfer executed by you in favor of Mr. Newill is not with us, nor have we a copy of it.

ENCLOSURE No. 3.—C.

From W. C. HAYNE, Esq., to H. R. GRIMES, Esq., Coimbatore, dated Madras, 11th September 1868.

When last I heard from the Secretary of the Shareholders of the Kookool property, Mr. J. R. Beardmore, about two years ago, his address was Rampart Row, Bombay; but I think J. R. Beardmere, P. and O. Steam Navigation Company, Fort Office, Bombay, will be sure to find him.

2. Mr. W. Newill, of the P. and O. Company, brother of the deceased, came down from Bombay and settled his affairs and gave me the management of the Estate by authority of the Shareholders.

3. The same address as that for Mr. Beardmere would, I have no doubt, reach Mr. Newill should you require to write to him.

ENCLOSURE No. 4.—D.

MEMORANDUM.

H. R. GRIMES, Esq.....*Dr.*

	RS.	A.	P.
Purchase money for 44·11 Acres in the Orange Valley	308	12	4
Purchase money for 109·45 Acres in the Orange Valley...	875	9	7
Total...	1,184	5	11
Expended on Demarcation and Survey	345	7	0
	1,529	12	11
Amount already paid (deduct)	1,308	0	0
Balance of purchase money due	221	12	11
Add assessment as per Bills E. and F.	686	12	10
Total...	908	9	9

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ENCLOSURE No. 5.—E.

H. R. GRIMES, Esq.....*Dr.*

			RS.	A.	P.
To Assessment on 44·11 Acres of grass land in the Orange Valley in Todanaud—					
11th January	1864 to 30th June 1864, or Fusly 1273	... .	20	13	6
1st July	1864 to 30th June 1865, or do. 1274	... .	44	1	9
1st July	1865 to 30th June 1866, or do. 1275	... ...	44	1	9
1st July	1866 to 30th June 1867, or do. 1276	... ...	44	1	9
1st July	1867 to 30th June 1868, or do. 1277	... ...	44	1	9
		Total...	197	4	6

(Signed) J. W. BREEKS,
Commissioner.

OOTACAMUND,
19th November 1868.

ENCLOSURE No. 6.—F.

H. R. GRIMES, Esq.....*Dr.*

			RS.	A.	P.
To Assessment on 109·45 Acres of grass land in the Orange Valley in Todanaud—					
11th January	1864 to 30th June 1864, or Fusly 1273	... ...	51	11	8
1st July	1864 to 30th June 1865, or do. 1274	... ...	109	7	2
1st July	1865 to 30th June 1866, or do. 1275	... ...	109	7	2
1st July	1866 to 30th June 1867, or do. 1276	... ...	109	7	2
1st July	1867 to 30th June 1868, or do. 1277	... ...	109	7	2
		Total...	489	8	4

(Signed) J. W. BREEKS,
Commissioner.

OOTACAMUND,
19th November 1868.

THE case as stated in these papers is that in January 1864 Mr. Grimes purchased two blocks of land supposed to contain 1,000 acres for Rupees 7,500, and paid down Rupees 1,350.

2. The survey showed an area of only 153 acres, and the proportional price payable thereon calculated according to the Rules is, as stated by the Commissioner, Rupees 1,184-5-11, but as calculated in this office Rupees 1,151-7-0.

3. On this land a demand has accrued of Rupees 686-12-10, and the Survey and Demarcation expenses amount to Rupees 345-7-0, total Rupees 1,032-3-0, against which has to be set off Rupees 198-8 purchase money overpaid.

4. In April 1864 Mr. Grimes informed the Collector that he had sold the land to a Mr. Newill, and the latter addressed the Collector to a similar purport forwarding the Deed of Transfer. No note however was made by the Collector in the Sale Register, and Mr. Grimes is therefore still the registered holder.

5. The question therefore arises as to the liability for the assessment as well as of the cost of Survey and Demarcation. Mr. Brecks says that "when a transfer takes place and a deed is "presented and both parties acknowledge the same to be *bonâ fide*, and desire a note thereof to be "made in the office books, the usual course has been to make a note accordingly, and thereafter to "hold the transferree responsible for the assessment."

6. The Board consider the Estate of Mr. Newill to be responsible for the balance of cost of Demarcation and Survey (Rupees 345-7-0), as well as for the arrears of assessment (Rupees 686-12-10) which have accrued on it, and accordingly desire the Commissioner to notify the claim of Government to the Administrator General, and to proceed at once to attach the property with a view to its sale.

No. 6,013.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 13th August 1869.

Read the following letter from J. W. BREEKS, Esq., Commissioner of the Neilgherry Hills, to the Acting Secretary to the Board of Revenue, dated Ootacamund, 8th July 1869, No. 101:—

WITH reference to Proceedings of the Board of 3rd February 1869, No. 737, regarding Mr. Grimes' land in the Orange valley, I have the honor to report that I wrote to Mr. Beardmore in January last, and have since sent him a reminder, but as yet have got no reply.

THE Board consider that Mr. Grimes is responsible to Government for Rupees 221-12-11, the balance still due for demarcation expenses, and the price of the land. It must be collected from him, and he can take what measures he pleases for recovering it from other parties.

2. As Mr. Beardmore persists in taking no notice of the Commissioner's letters, the land should be sold and the arrears wiped off. If no fair price is offered the land should be bought in [illegible] present.

(A true Copy and Extract.)

(Signed) J. GROSE,
Acting Secretary.

To the Commissioner of the Neilgherry Hills.

Exd. J. Wright.

7. The purchase money according to the calculation in this office should, as already observed, be Rupees 1,151-11-2, * whereas it is taken at Rupees 1,184-5-11 in Memorandum D.

	Acres.
* 1st block =	44·11
2nd " =	109·45
Total...	153·56 × 7 5 = 1,151·70.

8. There would also appear to be another discrepancy between the statement in paragraph 1, that Mr. Grimes paid Rupees 1,350, and the entry in the Memorandum of Rupees 1,393 as the sum actually received from him.

9. Mr. Brecks will explain this.

(True Copies and Extract.)

(Signed) A. MACGREGOR,
Acting Secretary.

To the Commissioner of the Neilgherries,
with original enclosures returned.

Exd. T. Cartledge.

1868. Department.

No.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 22nd December 1868.

Received

Rev 75/78.

No. 9,047.

Land on the Neilgherries purchased by Mr. Newill from Mr. Grimes.—Attachment of—, authorized on account of arrears of assessment and balance of cost of Demarcation and Survey due. Commissioner to inform Administrator General of claim of Government on land.

1869.

Board of Revenue,

MADRAS.

PROCEEDINGS, 13TH AUGUST 1869, No. 6,013.

Encl.

Received

AUGUST.

No. 6,013.

Land—in Orange Valley, Neilgherries, purchased from Government by Mr. Grimes, and now in possession of Mr. Beardwere,—Price of and balance due on account of demarcation expenses, to be recovered from former, and land to be sold for arrears of revenue due on it.

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No. 737.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 3rd February 1869.

Read the following letter from J. W. BREEKS, Esq., Commissioner of the Neilgherries, to the Acting Secretary to the Board of Revenue, dated Ootacamund, 6th January 1869, No. 1:—

I BEG to acknowledge receipt of Board's Proceedings No. 9,047, of the 22nd ultimo, directing me to proceed to attachment and sale of Mr. Grimes's land, in the Orange Valley, for arrears of revenue and cost of demarcation and survey, and to hold the estate of the late Mr. Newell responsible for the same.

2. I have received a letter from the Administrator General, (to whom I wrote for the Deed of Transfer by Mr. Grimes in favor of the late Mr. Newell,) informing me, that the land in the Orange Valley does not form any portion of the estate of the late Mr. Newell, and referring me to Mr. J. R. Beardmere, of Bombay, the Secretary and Treasurer of the real proprietors of the estate, whose names, however, I have not yet been able to ascertain. After local inquiry, I am of opinion that the land, if attached and sold under Act II. of 1864, will not realise anything like the arrears that have accrued; I question there being a bid of any kind for the land; and I therefore thought that the Government ought to look to Mr. Grimes for the cost of demarcation and survey, should the land not be saleable; and it was under this impression that I wrote the last paragraph of my letter of 19th November 1868, No. 70.

3. I shall endeavor, if possible, to recover the whole* from the present proprietors, before proceeding under the Act and selling the land, and with this view, I have addressed Mr. Beard-more. Should this fail, I shall [illegible] however, that the present proprietors may reasonably object to pay the cost of demarcation and survey which seems to me a matter between the Government and the original purchaser.

	RS.	A.	P.
* Balance due on cost of demarcation and survey	221	12	11
Total	908	9	8

4. With reference to the discrepancies noted by the Board, and which I am called upon to explain, I beg to observe that the amount, Rupees 1,350, in paragraph 1 of my letter to the Board is incorrect; the actual amount paid by Mr. Grimes being only Rupees 1,308, as shown in Statement D.

5. With regard to the discrepancy between the value of land, as calculated in my Office and in that of the Board, I beg to state that the Board have proceeded upon an erroneous calculation; the land having been purchased in two lots at different prices—namely, at Rupees 3,500 and 4,000, respectively.

THE Board await the Commissioner's further report on the result of his application to the representatives of Mr. Newell's estate.

(A true Copy and Extract.)

(Signed) A. MACGREGOR,
Acting Secretary.

To the Commissioner of the Neilgherries.

Exd. F. R. Bantleman.

BOARD OF REVENUE, MADRAS.
1869.

PROCEEDINGS, 3RD FEBRUARY 1869, No. 737.

Received

Encl.

FEBRUARY.
No. 737.

Rs 75/70.

Arrears of Revenue—and cost of demarcation and Survey due on certain land on Neilgherries, transferred by Mr Grimes to late Mr Newill.—Commissioner's further report awaited, on result of his application to representatives of Estate of latter for payment of,

Mis. by Cir. "Jany 1878 No. 116.

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Revenue Department.

Miscellaneous No. 100

Proceedings of the Board of Revenue
Dated 5th January 1878.

Read the foll. [illegible]

No. 121.

From
The Ag. Commissioner
Nilgiris

To
The Secretary to the Board of Revenue
Madras.

With reference to the Proceedings of the Board of Revenue Miscellaneous No. 11340 directing me to furnish whatever information is forthcoming regarding the Kookul Estate in the Orange valley, I have the honor to report that the History of this property from the date of purchase up to the end of 1868 is fully narrated in Proceedings of the Board of Revenue No. 9047 dated 22nd December 1868

(a spare copy of which is attached).

Under the sanction conveyed in para 6 of those Proceedings the late Commissioner proceeded to attachment and sale, but [illegible] preliminary addressed several letters to Mr J. R. Beardmere P and C. Steam Navigation Company, Bombay in 1869, 1870, 1871 and 1872. On the 20th December 1872 the last letter was addressed to this Gentleman but like previous communications elicited no reply. Accordingly my predecessor on the 17th January 1873 issued a notice of Demand under Act II of 1864 which was published in the District Gazette. On the 12th February following a notice of attachment was similarly published and on the 7th April 1873 a notice of sale. Pursuant to the last notice, the land was put up to

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to Public Auction on the 7th May and was bought jointly by 15 Burghers for the sum of Rupees 2,205 or Rupees 1233-7-1 in excess of the arrears that had accrued and for which the land was sold. The sale was proclaimed in due form on the 28th May 1873.

The land at present is partly waste and partly under native cultivation.

Commissioner's Office,
Ootacamund,
30th November 1877.

I have &ca
(Signed) W. McC Webster
Ag Commissioner

Submitted to Government, with copies of Board's Proceedings dated 22nd December 1868, No 9047, 3rd February 1869 No 737, and 13th August 1869 No 6013, with reference to G.O. dated 11th August 1877 No 2490.

The

2. The Commissioner should have explained the delay of more than 3 months in furnishing the information called for.

True Copy & Extract

Sub-Secretary

Do

The Secretary to Government,
Revenue Department
with Copies of Board's Proceedings, dated 22nd Dec. 1868 No. 9047, 3rd Feb. 1869 No. 737, and 13th Aug. 1869 No. 6013.

Revenue 1848 Dept.
No 2/53

Copy of the
Enclosure of the
Despatch of Revenue

No 116 - 12th January 1848

Dated 5th
Dep.d 6th January 1848.
Rec.d 12th

Submitting to Lord [illegible]
from the Commissioners of Inquiry
reporting that the Rev.d Peter Augustus
the Parish Priest
is entitled to a Pension
of £40 stg.r per Ann.m

Misc.

No 116.

Communicated to Mr Thomas
Jones. with reference to his letter
of 18 July last.

CM

1 to J. Jones Esqr. dec 16 Jany

Office note

Enclosures not to be read
2 pars 2 of the Bd's Lr: to be omitted in copying -

12th Jany 1848.

L.G. 11 August 1877
No 157-158