Revenue Department.

Minutes of Consultations

14th September 1858

Back No 51 and 52

Order No. 1244 of 13th September 1858

No. 51. Read the following letter from H. BROOK, Esq., Attorney for Mr. McCULLOCH of Bombay; to E. MALTBY, Esq., Chief Secretary to the Government of Fort Saint George; dated Bombay 21st August 1858.

Sir,

Having removed to Bombay from Cochin for the Monsoon months I have the honor to acknowledge the receipt, prior to my departure from Cochin, of copy of Extract from Minutes of Consultation under date 26th November 1857, and also of copy of the resolution "that I should "be informed in reply to my letter of 27th August last to your address, that upon my submitting "a draft of such a conveyance of the Gin House at Coimbatore, formerly the property of Go- "vernment and sold by Government to the late Mr. D. Campbell in 1851, as I considered Mr. "D. McCulloch entitled to, it would be submitted for the consideration of the Law Officers of "Government, and if approved would be executed by Government; and further that the Admi- "nistrator of the Estate of the late Mr. D. Campbell must be a party to such conveyance."

In reply, I beg that reference may be made to the letter of E. B. Thomas, Esq., the Collector of Coimbatore dated Ootacamund 23d May 1856, copy of which I forwarded with my letter to your address dated Cochin 27th August last, from which it will be observed that the Gin House at Coimbatore was not sold by Government to the late Mr. D. Campbell, but that it was "sold by Dr. Wight (the Cotton Superintendent) on behalf of Government" to the late Mr. D. Campbell, I quote the words of the letter of Mr. E. B. Thomas; and what I have endeavoured to show, and I submit have clearly proved from the Extracts of the late Mr. D. Campbell's letters, which I forwarded along with my letter of 27th August last, is, that the late Mr. D. Campbell was the party through whom the property was purchased, that Mr. David McCulloch of Bombay was the party who paid for the same to the Treasurer of the Bombay Government so long ago as the 15th August 1851, and from the Extract forwarded of Mr. Campbell's letter of 19th December 1851, that the title deeds were to be made out in Mr. D. McCulloch's name.

Along with my letter of 27th August last to your address, I forwarded copy of a letter No. 2065 from the Administrator General, Madras, and dated 4th October 1855, to the Principal Sudder Ameen at Coimbatore directing him to deliver over charge of the Gin house at Coimbatore with all its appurtenances to myself, as the Attorney of Mr. David McCulloch (the Administrator General, Madras, having administered to the estate of the late Mr. D. Campbell) so satisfied was he that the title to the property lay with Mr. D. McCulloch, that he gave up all claim to it.

I beg to forward herewith a copy of such a conveyance, as it appears to me Mr. D. McCulloch is entitled to receive from the Government; and I have further to remark that the Administrator General, Madras, who administered to the estate of the late Mr. D. Campbell, having so long since as nearly three years ago, namely on the 4th October 1855, handed over the property, through myself, to Mr. D. McCulloch, and thereby acknowledged that, as Administrator to the Estate of the late Mr. D. Campbell, he had not any claim to the property; it is not very apparent to me how he can with propriety be a party to the conveyance of the property to Mr. D. McCulloch, seeing he has acknowledged that the property had not belonged to the Estate of the late Mr. D. Campbell.

This property has not been made any use of since January 1852, being about six years and a half, greatly to the pecuniary loss of Mr. D. McCulloch, who has been obliged to employ people during all that time to watch the Gin House and to look after the machinery, and also to the trade of that part of the Madras Presidency; as had the ginning of cotton been carried on, such would have been in all probability of considerable benefit to the parties engaged in the cotton trade of the district.

I therefore beg to request that not any unnecessary delay may take place in the conveyance of the property to Mr. D. McCulloch being completed, and in the Title Deed being forwarded to my address, Messrs. Campbell, Mitchell and Co., Medows Street, Bombay; and thus Mr. D. McCulloch be enabled to put the property to some use.

This Indenture made this
in the year of Christ
Between the Honorable East India Company of the one part and David McCulloch of Bombay merchant of the other part witnesseth that in consideration of the sum of Rupees thirteen thou-

sand two hundred and eighty six, annas ten and pice seven of lawful money current in Bombay by the said David McCulloch to the said Honorable East India Company through the General Treasury of the said Honorable East India Company at Bombay on the fifteenth day of August in the year of Christ one thousand eight hundred and fifty one well and truly paid the receipt whereof is hereby acknowledged and that the same is in full for the purchase money of the premises, machinery, and agricultural implements hereinafter mentioned they the said Honorable East India Company have granted, bargained, sold, released, and assigned and by these presents do grant, bargain, sell, release, and assign unto the said David McCulloch his heirs, executors, administrators and assigns all that piece or parcel of ground attached to and on a portion of which is erected the Cotton Gin house at Coimbatore in the Presidency of Madras together with the said Gin House and the machinery for ginning cotton contained therein consisting of saw gins cotton press cotton thrasher turning lathe and various machinery together with agricultural implements consisting of American ploughs, plough chains, plough shares, harrows, carts, iron bars, and the various articles in use at the said Gin house by Surgeon R. Wight the late Superintendent of cotton experiments carried on by the Honorable East India Company at Coimbatore the due delivery to the said David McCulloch of the aforesaid Gin house, machinery and agricultural implements has been acknowledged by him and the same being now in his possession Together with all and singular walls, wells, ways, paths, passages, waters, water courses, easements profits, liberties and appurtenances whatsoever to the said piece or parcel of ground and premises with the appurtenances mentioned to be hereby granted, sold, and assigned or intended so to be belonging or in any wise appertaining therewith or with any part thereof letten used occupied or enjoyed or accepted, reputed, deemed, taken, or known as part parcel or member thereof and the reversion and reversions remainder and remainders yearly and other rents issues and profits thereof and all the estate, right, title, interest, use, trust, possession, property, claim and demand, whatsoever both at law and in equity of them the said Honorable East India Company of into or out of the same premises or any part thereof and all deeds, writings, and muniments of title whatsoever relating to the said piece or parcel of ground and premises with their appurtenances belonging or appertaining To have and to hold the said piece or parcel of ground and premises Gin house and machinery for ginning cotton intended to be hereby granted bargained and released with their appurtenances unto the said David McCulloch his heirs, Executors, Administrators, and assigns for ever and that the said premises shall and lawfully may from time to time and at all times, hereafter be peaceably and quietly held and enjoyed and the rents, issues, and profits, thereof be received and taken by the said David McCulloch his heirs, Executors, Administrators, and assigns, without the lawful molestation, interruption, disturbance of them the Honorable East India Company. In Witness whereof the said party to these presents have hereunto set their hand and seal in the day and year first above written.

No. 52.

ORDER THEREON, No. 1244; dated 13th September 1858.

Ordered that the above letter and its enclosure be forwarded to the Honorable Company's Solicitor with reference to his letter dated 10th November 1857, No. 657, and that he be requested to advise the Government as to the further steps to be taken in the matter of the Coimbatore Gin house.

(Signed) T. PYCROFT,
Chief Secretary.

Cons: 1st Dec.r 57 No. 17 & 18
" 6th Oct.r " " " 11 & 12

From the Solicitor @ 18th Oct.r 1858 C. No. 1889

No. 51 & 52.

Revenue 1858 Depart.t
Dd to Cons: 14th Sept.r

No. 1379

From the Attorney for
Mr. D. McCulloch of
Bombay

Dated 21st } aug.t 57/58
Received 30th }

Encls=1. No.

From John Fleming Esq.r
Executor to the Estate of Lt.t Col.l
late D. Jno. Culloch
Cha 987 - 25 - Aug.t 57.

Respecting the Gin
House at Coimbatore for-
merly the property of Govern-
ment and sold to the late
Mr. D. Campbell.

with an Order
No. 1244 - 13th Sept.r 1858

No. 1244.

Ordered that the
above letter and its enclosure
be forwarded to the Honorable
Company's Solicitor with re-
-ference to his letter dated 10
November 1857 No. 857 and
that he be requested to ad-
-vise the Govt. as to the further
steps to be taken in the matter
of the Coimbatore Gin House

Fort St. George
13th September 1858

Copy to the Hon.ble Comp.y Solicitor Desp.d 14th