Revenue Department

Minutes of Consultation

13th July 1858

Back No 7 & 8

Order No 93678 13th July 1858

(Extension)

936

பாதுகாப்பு பிரிவு

செப்பனிடுவோர் பெயர் : D. Chandrasekaran

செப்பனிடுவதற்காக எடுத்துக்- 08/05 / 11/08
கொள்ளப்பட்ட நாளி.

26/11/08
சரியார்க்கும்
முதல் முறியாள
கையொப்பம்

19/11/08
சரியார்க்கும்
2ம் முறியாள
கையொப்பம்

20.11.08
ஆராய்ச்சி
உதவியாளர்
கையொப்பம்

936/V

Fort Saint George, Revenue Consultation of 13*th July* 1858.

No. 7. Read the following letter from G. S. FORBES, Esq., Secretary to the Board of Revenue; to W. H. BAYLEY, Esq., Acting Secretary to Government, Revenue Department; dated Fort Saint George, 17th May 1858, No. 1756.

SIR,

In Cons. 17*th May* 1858. Adverting to the instructions conveyed to the Board of Revenue in Extract Minutes Consultation, No. 517, Revenue Department dated 23d Ultimo, I am directed to submit the following remarks for the consideration of the Right Honorable the Governor in Council.

2. The Board are instructed in the above order to make use of a form of Indenture supplied by the Government Pleader, and intended to constitute a legal instrument for the conveyance of land to purchasers of building sites, on the ground set apart for Railway pettahs.

3. This instrument is drawn up in the form and terms usually employed for similar documents in England, and is consequently prolix in style and expressed in the phraseology peculiar to legal writings; embodying terms which are not popularly understood, and likely in this country to create perplexity.

4. In a letter which accompanies this instrument Mr. Dale points out defects in the Puttah and Moochilka which the Board had proposed to adopt, which appear to him to render these documents imperfect, and as regards the conveyance of a title, of no legal value.

5. As it is intended to convey a title in perpetuity to the purchasers of these building lots, the Board admit the justice of Mr. Dale's objections to the Puttah, but they are at the same time disposed to recommend the adoption of a more simple instrument than that which accompanies his letter, both on the grounds they have already alluded to, and because the present form of Government grant, which is in effect a lease in perpetuity, seems, as Mr. Dale observes in para. 11, to meet the requirements of the case.

6. These grants have not been confined to lands in Military Cantonments as Mr. Dale supposes, and there would be some inconsistency, the Board think, in employing two different forms of instrument for one and the same object. The Board infer that Mr. Dale would have suggested the issue of Government grants on this occasion, had he not supposed it to be the wish of Government to employ a different instrument, but as the Board apprehend no such objection on the part of Government and consider these grants a preferable mode of conveyance on account of their simplicity and the uniformity of system which would be gained by employing them in preference to the longer instrument, I am desired to suggest this course for the consideration of the Right Honorable the Governor in Council.

7. The Board would solicit the early orders of Government on this subject as they have lately received an urgent application from the Collector for the form of instrument to be used.

No. 8. ORDER THEREON, No. 936; dated 8th July 1858.

The Board of Revenue report in the above letter, that the instrument prepared by the Government Pleader, for the conveyance to purchasers, of land within Railway Pettahs, is similar in form to that employed in England, but as its terms are not popularly understood, it is likely to create perplexity in this country. They admit the insufficiency of the ordinary Puttah to convey a title in perpetuity; but at the same time, they recommend a simpler form than that proposed by Mr. Dale, viz. the present Government Grant, which is in effect a lease in perpetuity, and was apparently considered by Mr. Dale himself to be sufficient to meet the requirements of the case, though erroneously supposed by him to be confined to Military Cantonments.

2. The Board's views will be communicated to Mr. Dale, with reference to his letter of the 5th April 1858, No. 30, with the intimation that in the opinion of Government also, the form of instrument proposed by him is much too lengthy and technical for the purpose. He will at the same time be requested to state if there is any objection to the usual Government grant as to its sufficiency for the object intended, and to send an early reply.

(Signed) T. PYCROFT,
Chief Secretary.

Rev. Dept.

No 936

926/3

Extract from the Minutes of Consideration
Under date the 8th July 1858.

Read the following
letter from the Secretary
to the Board of Revenue
(Memorandum of 1 day, 58 Sept 3)

The Board of Revenue
report in the above letter, that
the instrument prepared by the
Govt Pleader, for the conveyance
to purchasers, of land within Pe-
-rung Pettahs, is similar in form
to that employed in England, and
as its terms are not popularly
understood, it is likely to create
perplexity in this Country. They
admit the insufficiency of the
ordinary Pattah to convey a
title in perpetuity; but at the
same time, they recommend
a simpler form than that pro-
-posed by Mr. Dale, in the pre-
-sent Govt Grant, which is in effect
a lease in perpetuity, and was
apparently considered by Mr Dale

himself to be sufficient to
meet the requirements of the
Case, this erroneously supposed by
him to be confined to Military
Cantonments.

The Board's views will
be communicated to Mr. Dale,
with reference to his letter of
the 5th April 1858, No: 30, with
the intimation that in the opi-
nion of Govt also, the form of
instrument proposed by him
is much too lengthy and technic-
al for the purpose. He will at
the same time be requested to state if
he agrees with
the Custom Houses to the mind
of Govt Grant, as to its sufficiency
to the objects intended. & to
send an early reply.

WHB

Copies to the Bds of Revs Dated 9th
" " Pol. Dept. B