M.R.O. 14—10,000—31-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 213 — Press / ~~Mis.~~

423-24

Dated 28-1- 1861.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 28th January 1861.

No. 423. Read the following Proceedings of the Madras Government in the Political Department, dated 19th January 1861, No. 43:—

Direct that the necessary orders be issued in the Revenue Department for the grant of Certificates for certain properties in Ungapah Naick's Street in the Black Town, which belonged to His late Highness the Nawáb of the Carnatic.

(Vide Political Proceedings 19th January 1861, Nos. 81, 82.)

No. 424. ORDER THEREON, 28th January 1861, No. 213.

Ordered accordingly that three Certificates be issued to the Receiver of the Carnatic Property for the Premises belonging to the Estate of his late Highness the Nawáb of the Carnatic situated in the Black Town of Madras.

(Signed) J. D. BOURDILLON,
Secretary to Government.

All that Piece and Parcel of land or ground
Situate lying and being in Moor Street and Unga-
=pah Naicks Street in the Black Town of Madras
bounded on the East by Moor Street aforesaid on
the North in part by Premises now or lately belonging
to Messrs Griffiths & Co and in other part by Premises
now or lately belonging to Cuttee Tholasinga Chetty
on the West by Ungapah Naicks Street and on
the South in part by Premises now or lately belonging
to one Auzee Syed Cossa Auergul and in other part
by Premises now or lately belonging to Soondra Moodelly
and which said Piece or Parcel of land or ground with
the several admeasurments thereof is more particularly
delineated and described in the Plan or ground Plot
thereof drawn in the margin of these presents. Together
with the Capital Messuage or Tenement and dwell-
=ing House and the several out Houses Offices Stables
Stables Coach houses erections and Buildings erected
and built and now standing and being thereon and
which said Hereditaments and Premises or commonly
called or Known by the name of "The Ameer Mahl

Enc. A

All that piece and parcel of land or ground situate lying and being in Ungapah Naicks Street in the Black Town of Madras bounded on the East by Ungapah Naicks Street aforesaid on the North by a House and Premises now or lately belonging to Lingee Chetty on the west by Premises now or lately belonging to Lachala Chetty and on the South by a House and Premises now or lately belonging to Vencatachella Moodelly and which said Piece or Parcel of land or Ground with the Several admeasurements thereof is more particularly delineated and described in the Plan or Granted Plot thereof drawn in the Margin of these presents and Contains in the whole 1837 Squarefeet and one Sixteenth of a Squarefoot be the Same Little more or less Together with the warehouse or Godown and the Several Erections and buildings Erected and built and now standing and being thereon

Exc. B

All that Piece and parcel of land or Ground Situate lying and being in Ungapah Naicks Street in the black Town of Madras bounded on the West by Ungapah Naicks Street aforesaid on the north by a lane called Narayana Sarang Lane on the East by Premises lately belonging to Wellcam Grant deceased and now to Cunniah Chetty and at present occupied by "The Chartered Mercantile Bank of India London and China" and on the South by a Godown and Premises now or lately belonging to Chengalroya Chetty and which said Piece or Parcel of land or Ground with the several admeasurments thereof is more particularly delineated and discribed in the Plain or Ground Plot thereof drawn in the margin of these presents and contains in the whole 7 31 Square feet and one quarter of a Square foot be the same little more or less together with the several erections and Buildings erected and built and now standing and being thereon

Enc. C

POLITICAL DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following letter from CLEMENT DALE, Esquire, Receiver of the Carnatic Property, to J. D. SIM, Esquire, Acting Secretary to Government, dated Madras, 21st December 1860, No. 256.

Paragraph 1. I do myself the honor of stating for the information of the Honorable the Governor in Council, that I have lately procured from Ajee Syed Ghouse, 3 Deeds of Conveyance of properties in Ungapah Naick's Street in the Black Town, which belonged to His late Highness the Nabob of the Carnatic, but were mortgaged by his directions to Ajee Syed Ghouse.

2. Ajee Syed Ghouse preferred a claim to the Supreme Court under Act No. 30 of 1858, and to enable me to prepare conveyances of those properties to myself, Ajee Syed Ghouse's Solicitor forwarded to me copy of a Collector's Certificate, dated the 26th of July 1842, No. 2,806, in His Highness' favor; this Certificate however referred only to one of the 3 properties, which was called "the Ameer Mahal," but it was the only Muniment of Title filed by Ajee Syed Ghouse in the Supreme Court with his claim.

3. From the circumstance of no Title Deeds relating to these properties having been delivered to me by the Dewan of the Carnatic Durbar, I placed myself in communication with the then Assistant Government Agent at Chepauk, and the Collector of Madras, when I learnt

A. That for the Ameer Mahal a Certificate, dated the 1st of May 1803, No. 1,464, had been issued by the Board of Revenue in favor of Mr. John Batley his Heirs and Assigns for ever.

B. That for a piece of ground, behind a portion of the Ameer Mahal, another Certificate, dated the 1st of September 1803, No. 1,700, had been issued by the Board in favor of John Batley his Heirs and Assigns for ever.

C. That for another piece of ground also behind the Ameer Mahal (the 3 now form one area) another Certificate, dated the 2nd of March 1808, No. 3,773, had been issued by the Collector of Madras in favor of John Batley.

D. That for the piece of ground on the west side of Ungapah Naick Street (whereon the Stables belonging to the Ameer Mahal had formerly stood) another Certificate, dated the 1st of May 1803, No. 1,463, had been issued by the Board of Revenue in favor of John Batley his Heirs and Assigns for ever.

E. That John Batley by Deed, dated the 31st of July 1813, (in addition to an endorsement on each Certificate) conveyed the whole of the premises to the Nabob Azeem Ud Dowlah in fee. And

F. That an entry of the purchase is made in the Sircar records.

4. Major Snow forwarded to me with his letter of the 8th February 1860, No. 164, copies of the documents I have referred to above, which he described as "5 copies of Title Deeds found "*to exist in the Sircar records*," whereupon I requested the Deeds might be forwarded to me; but on the 2nd of March Major Snow informed me the original Deeds could not be found amongst the Nabob's records; some further correspondence took place, but which did not afford a satisfactory result.

5. I then addressed the Solicitors for Ajee Syed Ghouse, and the Collector of Madras, to inquire if those Deeds were in their possession; by the former I was assured their client had not received the 4 Certificates and Deed of Sale mentioned in paragraph 3; but had only received the Collector's Certificate of the 26th of July 1842, No. 2,806, mentioned in paragraph 2; while from the Collector I learnt that the originals of the 5 Deeds were returned by the Collector of Madras to the Government Agent at Chepauk on the 27th of July 1842.

6. On the 22nd of March I forwarded to the Assistant Government Agent a copy of the Collector's letter, suggesting it was possible the 5 Deeds had been retained by some oversight in the Office of the Government Agent, instead of being returned to the Nabob's Officers with the Certificate granted by the Collector of Madras, dated the 26th of July 1842, No. 2,806, (referred to in paragraph 2,) and requesting that a careful search might be made amongst the Government Agent's records, with the view of ascertaining whether the Deeds were so retained, or if not, what had been done with them, and at what time.

7. To this application I have not to the present time received any satisfactory reply, the Government Agent having merely stated at different times, that up to date "the search had no been successful" and that "the Deeds had not been found," &c.

8. Ajee Syed Ghouse having become very urgent for the adjustment of his claim, and his Solicitor (Mr. Shaw) having urged that his client should not be kept out of his money, because the Government Agent did not furnish me with the required information, I forwarded to Mr. Shaw for his perusal drafts of 3 Deeds of Conveyance to myself, which had been long prepared, but were held back pending my obtaining the information sought from the Government Agent.

9. I communicated to the Government Solicitor my having forwarded the drafts to Mr. Shaw, stating I agreed with the view enunciated by that gentleman.

10. The Government Solicitor thereupon communicated with the Government Agent on the subject, and I had further correspondence with the Collector of Madras, who showed me the correspondence between his Office and the Government Agent in 1842, on the occasion of the Deeds being returned to the latter by the Collector; but still "nothing has been discovered" in the Office of the Government Agent.

11. At the request of the Government Solicitor I expedited the completion of the conveyances; and the claim of Ajee Syed Ghouse has since been settled under an Order made by the Supreme Court on the consent of Mr. Advocate General; from which I conclude that the Government Solicitor feels satisfied that the missing Deeds were not delivered to Ajee Syed Ghouse; and that in all probability they are still in the records under charge of the Government Agent.

12. I hope such may be the case, for then no mischief will, I trust, be likely to ensue; for although a purchaser has a right to the custody of all Title Deeds, yet on offering these properties for sale, I shall frame the conditions of sale so as to preclude any after objection.

13. The object of my seeking the information, was primarily to obtain possession of the Deeds, without which the Title is not satisfactory, indeed I may say not marketable; but secondly, (and which was of more importance) to ascertain that no improper use had been made of the Deeds. It may not be prudent here to refer with more particularity to the use that might have been made of them; I feel however perfectly satisfied, that if the Deeds were returned in 1842, or subsequently by the Government Agent to the Nabob's Officers, and they have not been surruptitiously abstracted from His Highness' records, an EARNEST search, made by Officers who understood the duty, would have easily discovered the Deeds, or traced any dealings with them. I cannot speak with the same confidence of the records of the Government Agency, as I have not had similar experience as to the manner in which they were accustomed to be kept.

14. I have deemed it my duty to bring the whole of the above circumstances to the notice of Government previously to His Excellency in Council forming a judgment on my application for Certificates.

Order of Government, 2nd May 1860, *No.* 704, *Revenue Department.*
Do. 28th May 1860, *No.* 863, *Revenue Department.*

15. Having done so, I now with reference to the Order of Government noted in the margin, do myself the honor of soliciting that 3 Certificates may be issued to me for the land, &c., comprised in the 3 Deeds of Conveyances before referred to; I enclose copies of the description of the premises conveyed to me, as contained in those 3 Deeds, they are marked A, B & C, and I do myself the honor of soliciting that the Certificates may be issued in similar terms so far as the forms of Certificates will admit.

16. In making this application for Certificates, I do myself the honor of submitting for the consideration of His Excellency in Council,

1st.—That no doubt can exist that the four Certificates and the one Deed of Sale mentioned in paragraph 3 were issued and executed.

2ndly.—That the premises vested in the Nabob Azeem Ud Dowlah as freehold.

3rdly.—That those properties became vested in His late Highness the Nabob Mahomed Ghouse.

4thly.—That the 4 Certificates and Deed of Sale were in the proper custody on the 27th July 1842. And

5thly.—That so far as I am concerned, every step that could be taken to trace any subsequent dealing with those Certificates and Deed has been adopted by me, from which it is true no information has been elicited from the Government Agent, yet I submit such failure on the Agent's part need not interfere with the granting to me the Certificates I solicit.

ORDER THEREON, 19th January 1861, No. 43.

The Government are of opinion that good and sufficient grounds have been shown in the foregoing letter for the issue of the Certificates applied for by the Receiver of the Carnatic Property for the three properties referred to, and they resolve accordingly to direct that the necessary orders be issued in the Revenue Department for the grant of Certificates in the terms solicited in paragraph 15, so far as the forms will admit.

2. The Government Agent at Chepauk will be requested to make what further search he can for the missing documents relating to these properties.

(True Extract.)

Chief Secretary.

To the Receiver of the Carnatic Property.
" Revenue Department. with copies of the descriptions of the Premises—
" Government Agent at Chepauk.

Exd. T. O'Connor.

Rec^d 10^th May 1860 N^o 36-37
" 28^th Jan^y 1861 " 99-100

Revenue 1861 Depart^t
Cor^p of Govt for January

N^o 189

Proceedings of the
Madras Govt in the
Political Department

Dated 19 January 1861
Rec^d 21^st

3 Encls

Direct that the
necessary orders be issued
in the Revenue Dep^t
for the grant of certi-
ficates for certain
properties in Ungapah
Rack's Street in the
Black Town which
belonged to His late
Highness the Nabob
of the Carnatic -

N^o 213. 28^th January.
With an Order -

N^o 213.

Ordered accordingly,
that three Certificates be issued to
the Receiver of the Carnatic Property,
for the Premises belonging to the Es-
tate of his late Highness the Na-
bob of the Carnatic, situated in
the Black Town of Madras. —

Fort St. Geo. —
28^th January 1861.

Copy to the Receiver of the Carnatic
Property with 3 Certificates. Dis^d N^o 28
" to the Collector of Madras. "
4 Copies to Bd Dis^d 30
Lett -

N^o 423 & 424