M.R.O. 14—5,450—22-10-25.

MADRAS RECORD OFFICE.

Government of Madras.

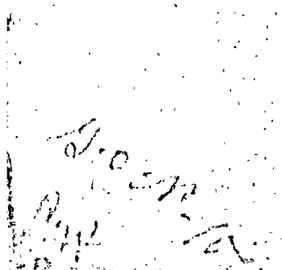
Revenue **DEPARTMENT.**

G.O. No. 1010 Press Mis.

5761

Dated 3 — 5 — 1867.

Not to be folded or roughly handled



Proceedings of the Madras Government, Revenue Department, 3rd May 1867.

No. 59. Read the following papers :—

Proceedings of the Board of Revenue, dated 17th April 1867.

Read Proceedings of the Madras Government, Revenue Department, dated 2nd April 1867, No. 762.

The Board observe that the attestation clause, at the end of the form of Title Deed, evidently contemplates that the date of execution both by the Government and the grantee should be the same, and should be entered at the commencement of the Deed. The Board would suggest that the Advocate General be requested to decide what date is to be entered as the date of the Indenture in the first line of the form of Deed, and whether registration must not be made with reference to *this* date.

Referred, as requested, for the opinion of the Advocate General, with copy of the form of Deed of sale for waste lands.

(Signed) W. HUDLESTON,
Secretary to Government.

17*th April* 1867.

No. 60. From the Acting Government Solicitor, to the Secretary to Government, Revenue Department, Fort Saint George, dated Madras, 25th April 1867, No. 255.

1. I have the honour to acknowledge the Order of Government noted in the margin with its enclosure, requesting the Advocate General's opinion as to the date to be inserted in a conveyance of land sold under the Waste Land Rules as the date of such conveyance, and as to the date from which the time for the registration thereof should be computed.

Dated 17th April 1867, and made on Proceedings of the Board of Revenue of same date.

2. I have submitted them, together with a copy of the Proceedings of Government in its Revenue Department, No. 762, under date the 2nd instant, for the consideration of the Acting Advocate General.

3. And I now forward a copy of his opinion, and return the order and enclosure above acknowledged.

OPINION.

1. If the Deed is in fact executed by Government and by the grantee on the same day, then that date would be the proper one to enter both in the top of the Deed and in the attestation clause. But where the parties reside at different places, the grantee perhaps being in England, this cannot be done. Only for the Registration Act no difficulty would arise. The date of the Deed is wholly immaterial, since it takes effect from delivery, and not from execution, and the insertion of a false or even an impossible date is harmless. Where different persons execute at different dates, the practice of conveyancers is to date the document on the day of the first execution, the party who executes first being in general the vendor. But the Registration Act (XX. of 1866, Section 22), makes the date of execution be the period from which the time for registration counts ; and where there are several persons executing at different times, a fresh period of registration starts from each execution. I presume that the practice is not to seal the grant until the signature of the grantee has been affixed. Where this course is adopted, the date at the top should be the date of his signature ; and then the attestation clause by him would agree. The date at which the seal of

Government is affixed should also be mentioned, which will enable the grantee to have his full period of four months for re-registration. If, however, the seal of Government is affixed first, then the Indenture should be dated from that day; and the attestation clause by the grantee should be altered so as to accord with the true date of his signature.

2. In advising upon this question before, I said nothing as to the necessity for registration within four months of the first signature. It is quite clear that, if the grantee (for instance) execute first, the Government must register the document within four months, if they want to prevent him from backing out of his agreement. But supposing no registration took place upon his signature, and then the Government executed the document, and the grantee presented the Indenture for registration for the first time, within four months after the last execution, but more than four months after this first execution, a question would arise whether the document could then be accepted. It will be observed that the Act speaks of registration and re-registration, not of registration simply. It is not necessary to offer a positive opinion upon the point; but as a matter of precaution it would be well to register the first signature at once, if there is any chance that the four months may expire before the second signature is obtained.

20th April 1867.

(Signed) J. D. MAYNE,
Acting Advocate General.

(True Copy.)

(Signed) H. J. BROCKMAN,
Acting Government Solicitor.

No. 61.

ORDER THEREON, 3rd May 1867, No. 1,010.

Miscellaneous.

1. The Advocate General's opinion will be communicated to the Revenue Board, for the information of all Collectors.

2. To obviate risk and doubt in the matter, the Government would be prepared to direct that all such deeds of sale shall be registered by the Collectors on behalf of Government immediately after execution by the purchaser, were it not that they are so often incorrectly drawn up in the districts.

3. There seems, however, to be no reason whatever why four months should elapse between execution by the purchaser and by Government respectively, and the Board will instruct the Collectors to register the Deeds on behalf of Government immediately after they are received back with the Government seal and before they are delivered to the purchaser.

(True Extract.)

(Signed) W. HUDLESTON,
Secretary to Government.

To the Board of Revenue.
,, the Accountant General.
,, the Registrar General of Assurances.
,, the Government Solicitor.

Exd S. T. Augustin.

Rev Depart

No 1010.

Proceedings of the Madras Government

Under date the 3d May 67.

Read the following papers.

ings of the Board of Rev.

questing that Advocate

requested to decide what

be entered as the date of the

in subscription of Form of Title

Conveyance of Land purchased

ste Land Rules, and whether

one must not be made with

to this date -

Here enter 17th April 67 No

By Govt. Solicitor

Forwards Acting Advocate

ion as to the date to be in

Conveyance of Land sold

Waste Land Rules as the

ch Conveyance and as to the

which the time for the

thereof should be computed.

Here enter 25 April 67 No 255

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opinion will be communicated

to the Revenue Board for

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to

3

to the purchaser.

" 2 Bs. of Lin. Deeds 4to
6 — Ditto Gen.
6 — Regr. Gen.
4 — Lett. & Invt.

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Revenue 1867 Departt
Pro: of Govt for May

A: 1010

19-5-701

Pro: of the Madras Govt
Dy 3d May 1867

Rom Board of Rev 4 May 67
No. 1182.

Opinion of the Advocate General on the subject of Dating of Title Deeds, communicated to Board of Revenue for the information of Collectors.

Pro. No. 19-21
2-4-67

Bd. Rs. of Rs dy 19 Sept 67
No 2534

A. 59 @ 61