M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1135	Press / Mis.
17-18	
Dated 3 6 1861.	

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 3rd June 1861.

No. 17. Read the following Proceedings of the Board of Revenue, dated 18th May 1861, No. 2,557 :—

Read the following letters from the Collector of Coimbatore, dated 2nd May 1861, Nos. 91 and 92.

(In Cons. 7th May 1861, Nos. 2,812 and 2,813.)

1. Ordered that the above letters with their original enclosures, being in each case the four signed copies of the notice of revocation of the lease to the Messrs. McIvor of land at Kartairy and Ootacamund, intended for transmission to the Secretary of State, be submitted to Government, with reference to their Proceedings dated 28th March 1861, No. 717, Revenue Department.

In Cons. 3rd April 1861, No. 1,980.

2. Mr. Thomas reports that the service of the notices on the two Messrs. McIvor who are on the Hills was made with due attention to all the forms advised by Mr. Dale.

3. With reference to paragraph 5 of the Government Proceedings above quoted, the Board observe that the forms of lease in question after being somewhat modified in communication with Government, were furnished to the Collectors of Coimbatore, Salem, Madura and Malabar, with the Board's Proceedings dated 1st April 1852.

Vide Extract Minutes Consultation, No. 204, Revenue Department, dated 2nd March, in Cons. 1st April 1852, No. 564.

4. The Collector will now be requested to explain why they were not used in the Messrs. McIvor's case.

(A true Extract.)

(Signed) W. HUDLESTON, *Secretary.*

No. 18. ORDER THEREON, 3rd June 1861, No. 1,135.

1. Adverting to paragraph 3 of the Proceedings of Government, dated 28th March 1861, No. 717, the four signed copies of the notices herewith received will be forwarded to the Right Honorable the Secretary of State for India, in the manner suggested by the Government Pleader in paragraph 12 of his letter, 7th March last, No. 48, viz., two copies of each notice by the first opportunity, and the remaining two by the mail succeeding.

2. In advising the Secretary of State of the matter herein reported, the suggestions offered by Mr. Dale in paragraphs 11 to 16 of his letter above quoted will be kept in view.

3. The Government will await the explanation of the Collector of Coimbatore, which the Board have called for in paragraph 4 of their Proceedings.

(Signed) J. D. SIM,

Secretary to Government.

To Mr. WILLIAM GRAHAM McIVOR,
Superintendnent of the Horticultural Gardens at Ootacamund,

Mr. JOHN McIVOR, now or late of Dollar in Scotland ; and

Mr. JAMES McIVOR of Ootacamund and Kartairi in the East Indies.

Whereas the above named William Graham McIvor, as the Agent for and acting on behalf of the above named John McIvor, on or about the 19th day of December 1848, by letter addressed to Captain John Ouchterlony, then an Officer in the service of the East India Company and holding the office of Superintendent of the Neilgherry Survey, did inform the Government of Madras that the above named John McIvor, was a Farmer engaged in the active working of a Farm in Stirlingshire, and was desirous of proceeding to the East Indies, for the purpose of establishing a farm on the Neilgherry Hills, to be conducted by him upon English principles ; as also that the said John McIvor, proposed to bring with him European stock, consisting of horned cattle, sheep, pigs, and poultry, wherewith to stock his farm, as likewise to introduce in the cultivation of his farm, European implements and labourers ; adding that since his (the said William Graham McIvor's) arrival at Ootacamund, he had been enabled to make experiments in the cultivation of almost all kinds of English grain, green crops, and pasture grasses, which had succeeded so well as to warrant him (the said William Graham McIvor) in recommending most strongly the scheme of European farming on the Neilgherry Hills, both for agricultural purposes, and for the breeding of Cattle of all kinds. And the said William Graham McIvor requested the assistance of Captain Ouchterlony in submitting a proper application to the Government, on behalf of the said John McIvor, for the necessary land, with the view of its being submitted to the Court of Directors of the said East India Company. And whereas the East India Company being desirous of promoting the objects referred to by the said William Graham McIvor, certain proceedings were taken, and certain letters and correspondence passed between the said William Graham McIvor, as such Agent for and acting on behalf of the said John McIvor, and the Government of Madras or their Servants and Agents respectively acting for and on the behalf of the said East India Company ; as likewise certain correspondence between the said John McIvor and the said Court of Directors, whereby or by some part thereof the plans of the said John McIvor were more fully developed ; and in consideration of the promises in the letters of the said William Graham McIvor and John McIvor made, the said East India Company consented that land measuring 1,600 Cawnies or thereabouts, should be leased to the said John McIvor for the purpose of enabling him to establish such proposed farm, and to conduct the same on the principles and in the manner in such letters and correspondence mentioned or referred to. And whereas subsequently the said William Graham McIvor, as such Agent for and acting on behalf of the said John McIvor, proposed that the said James McIvor should be associated with the said John McIvor in the said undertaking, and that his name should be introduced into the proposed leases jointly with that of the said John McIvor, to which request the Government of Madras, acting for and on behalf of the said East India Company, acceded. And whereas in part fulfilment of such proposed arrangements, and in consideration of the promises in such correspondence so made by or on behalf of the said John McIvor, the Collector of Coimbatore by a certain instrument in writing bearing date on or about the 14th day of July 1853, purported to lease to the said William Graham McIvor, on behalf of the above named John and James McIvor, a certain tract of land at Kartairi in the Táluq of the Neilgherries and Collectorate of Coimbatore in the said instrument in writing particularly mentioned and described, rent free for the first Ten years, and which said Instrument was delivered by the said Collector to the said William Graham McIvor, as the Agent for and on behalf of the said John and James McIvor. And whereas by a certain other instrument in writing bearing date the 18th day of July 1853, signed by the said William Graham McIvor, as such Agent for and on the behalf of the said John and James McIvor, it is recited that the said tract of land had been leased to him, the said William Graham McIvor, on behalf of his brothers the said John and James McIvor, and that the same was to be held by them, the said John and James McIvor, subject (among others) to a condition that the said lease should be revocable in the event of the said John and James McIvor not reaching India within two years from its date, unless prevented by shipwreck or other unavoidable

accident, duly proved to the satisfaction of the Government of Fort Saint George. And whereas the said William Graham McIvor, John McIvor and James McIvor have failed to carry out and fulfil the promises contained in the said letters and correspondence, and which were to be performed and fulfilled by or on behalf of the said John McIvor and James McIvor. And whereas the said John McIvor did not reach India within two years from the 14th day of July 1853, nor has he at any time since that date reached or arrived in India, and it has not been duly, or in fact, proved to the Government of Fort Saint George, that the said John McIvor has been prevented from so reaching India by shipwreck or other unavoidable accident. Now this is to give you the said William Graham McIvor, John McIvor and James McIvor, and each of you, notice that unless the said John McIvor shall reach India within six Calendar months from the date hereof, it is the intention of the Government of Madras, acting for and on behalf of the Right Honorable the Secretary of State for India in Council, to revoke the said instrument in writing bearing date the 14th day of July 1853. And further take notice, that you are hereby required, in the event of the said John McIvor not reaching India within such space of six months, to quit and deliver up on the 14th day of July 1862, to the Collector of Coimbatore, for and on behalf of the said Secretary of State for India in Council, the possession of the said tract of land at Kartairi aforesaid in the said instrument in writing dated the 14th day of July 1853 particularly mentioned and described. Dated this twenty-eighth day of March 1861.

Collector of Coimbatore.

I John McIvor of Dollar in North Britain one of the persons named and referred to in the above Notice Hereby acknowledge that I was of this date served by James Wallace of Alloa in North Britain aforesaid Solicitor with a duplicate or true Copy of the said Notice which he left on my hands. As witness my hand this ninth day of August in the Year of our Lord One Thousand eight hundred and sixty one

John McIvor

Alloa 9 August 1861. Delivered to the within John McIvor personally a duplicate of the above Notice

James Wallace
Solicitor Alloa

Exd. S. T. Augustin.

3

I James Wallace of Alloa in North Britain Solicitor make oath and say that I did on Friday the ninth day of August one Thousand eight hundred and sixty one personally serve Mr John McIvor of Dollar in North Britain aforesaid with a Notice of which the document hereunto annexed is a Duplicate or true Copy by delivering to and leaving such Notice with John the said John McIvor who is one of the persons named and referred to therein.

James Wallace

Sworn at Alloa
this ninth day of
August in the Year of
our Lord One Thousand
eight hundred and sixty
one before me James Thoms
Registrar One of Her Majesty's
Justices of the Peace for the
County of Clackmannan

James Thoms J.P.

No. 19

Duplicate

Notice which has been duly served on Mr. John McIvor

Kartairi

Rs 1236/61-

Referred to in Revenue Letter to Madras. No. 60. dated 30 Augt 1861

Duplicate

To MR. WILLIAM GRAHAM McIVOR,
Superintendent of the Horticultural Gardens at Ootacamund,

MR. JOHN McIVOR, now or late of Dollar in Scotland; and

MR. JAMES McIVOR of Ootacamund and Kartairi in the East Indies.

Whereas the above named William Graham McIvor, as the Agent for and acting on behalf of the above named John McIvor, on or about the 19th day of December 1848, by letter addressed to Captain John Ouchterlony, then an Officer in the service of the East India Company and holding the office of Superintendent of the Neilgherry Survey, did inform the Government of Madras that the above named John McIvor was a Farmer engaged in the active working of a farm in Stirlingshire, and was desirous of proceeding to the East Indies for the purpose of establishing a farm on the Neilgherry Hills, to be conducted by him upon English principles, as also that the said John McIvor proposed to bring with him European stock, consisting of horned cattle, sheep, pigs, and poultry, wherewith to stock his farm; as likewise to introduce in the cultivation of his farm European implements and labourers, adding that since his (the said William Graham McIvor's) arrival at Ootacamund, he had been enabled to make experiments in the cultivation of almost all kinds of English grain, green crops, and pasture grasses, which had succeeded so well as to warrant him (the said William Graham McIvor) in recommending most strongly the scheme of European farming on the Neilgherry Hills, both for agricultural purposes, and for the breeding of cattle of all kinds. And the said William Graham McIvor requested the assistance of Captain Ouchterlony in submitting a proper application to the Government, on behalf of the said John McIvor, for the necessary land, with the view of its being submitted to the Court of Directors of the said East India Company. And whereas the East India Company being desirous of promoting the objects referred to by the said William Graham McIvor, certain proceedings were taken, and certain letters and correspondence passed between the said William Graham McIvor, as such Agent for and acting on behalf of the said John McIvor, and the Government of Madras or their Servants and Agents respectively acting for and on the behalf of the said East India Company, as likewise certain correspodnence between the said John McIvor and the said Court of Directors, whereby or by some part thereof the plans of the said John McIvor were more fully developed, and in consideration of the promises in the letters of the said William Graham McIvor and John McIvor made, the said East India Company consented that land measuring 1,600 cawnies or thereabouts should be leased to the said John McIvor, for the purpose of enabling him to establish such proposed farm, and to conduct the same on the principles and in the manner in such letters and correspondence mentioned or referred to. And whereas subsequently the said William Graham McIvor, as such Agent for and acting on behalf of the said John McIvor, proposed that the said James McIvor should be associated with the said John McIvor in the said undertaking, and that his name should be introduced into the proposed leases, jointly with that of the said John McIvor, to which request the Government of Madras, acting for and on behalf of the said East India Company, acceded. And whereas in part fulfilment of such proposed arrangements, and in consideration of the promises in such correspondence so made, by or on behalf of the said John McIvor, the Collector of Coimbatore by a certain instrument in writing, bearing date on or about the 29th day of December 1852, purported to lease to the said William Graham McIvor, on behalf of the above named John and James McIvor, a certain tract of land at Ootacamund aforesaid in the said instrument in writing particularly mentioned and described, rent free for the first Ten years, but subject (amongst other things) to the payment of Goodoo as therein mentioned, and which said instrument was delivered by the said Collector to the said William Graham McIvor, as the Agent for and on behalf of the said John and James McIvor. And whereas by a certain other instrument in writing, bearing date the 4th day of January 1853, signed by the said William Graham McIvor, as such Agent for and on the behalf of the said John and James McIvor, it is recited that the said tract of land had been leased to him the said William Graham McIvor, on behalf of his brothers the said John and James McIvor, and that the same was to be held by them the said John and James McIvor subject (among others) to a condition that the said lease should be revocable in the event

of the said John and James McIvor not reaching India within two years from its date, unless prevented by shipwreck or other unavoidable accident duly proved to the satisfaction of the Government of Fort Saint George. And whereas the said William Graham McIvor, John McIvor and James McIvor have failed to carry out and fulfil the promises contained in the said letters and correspondence, and which were to be performed and fulfilled by or on behalf of the said John McIvor and James McIvor. And whereas the said John McIvor did not reach India within two years from the 29th day of December 1852, nor has he at any time since that date reached or arrived in India, and it has not been duly, or in fact, proved to the Government of Fort Saint George, that the said John McIvor has been prevented from so reaching India by shipwreck or other unavoidable accident. Now this is to give you the said William Graham McIvor, John McIvor and James McIvor, and each of you, notice that unless the said John McIvor shall reach India within six calendar months from the date hereof, it is the intention of the Government of Madras, acting for and on behalf of the Right Honorable the Secretary of State for India in Council, to revoke the said instrument in writing bearing date the 29th day of December 1852. And further take notice that you are hereby required, in the event of the said John McIvor not reaching India within such space of six months, to quit and deliver up on the 29th day of December 1861 to the Collector of Coimbatore, for and on behalf of the said Secretary of State for India in Council, the possession of the said tract of land at Ootacamund aforesaid in the said instrument in writing dated the 29th day of December 1852 particularly mentioned and described. Dated, this twenty-eighth day of March 1861.

E. B. [illegible]

Collector of Coimbatore.

I John McIvor of Dollar in North Britain one of the persons named and referred to in the above Notice hereby acknowledge that I was of this date served by James Wallace of Alloa in North Britain aforesaid Solicitor with a duplicate or true Copy of the said Notice which he left in my hands; As witness my hand this ninth day of August in the year of our Lord One thousand eight hundred and sixty one. John McIvor

Alloa 9th August 1861 - Delivered to Mr John McIvor personally a duplicate of the above Notice -
James Wallace
Solicitor Alloa

Exd. S. T. Augustin.

I James Wallace of Alloa in North Britain Solicitor make oath and say that I did on Friday the ninth day of August one thousand eight hundred and sixty one personally serve Mr John McIvor of Dollar in North Britain aforesaid with a Notice of which the document hereunto annexed is a Duplicate or true Copy by delivering to and leaving such Notice with him the said John McIvor who is one of the persons named and referred to therein.

James Wallace

Sworn at Alloa
this ninth day of
August in the year of
our Lord one thousand
eight hundred and sixty
one before me James Weir
Esquire One of Her Majesties
Justices of the Peace for the
County of Clackmannan

James Weir J.P.

Duplicate
Notice which has been duly served on
Mr. John McIvor.

Rs 1236/61

Referred to in Revenue Letter to
Madras No. dated 30th August 1861.

No. 2,557.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 18th May 1861.

Read the following letters from the Collector of Coimbatore, dated 2nd May 1861, Nos. 91 and 92.

(In Cons. 7th May 1861, Nos. 2,812 and 2,813.)

1. Ordered that the above letters with their original enclosures, being in each case the four signed copies of the notice of revocation of the lease to the Messrs. McIvor of land at Kartairy and Ootacamund, intended for transmission to the Secretary of State, be submitted to Government, with reference to their Proceedings dated 28th March 1861, No. 717, Revenue Department.

In Cons. 3rd April 1861, No. 1,980.

2. Mr. Thomas reports that the service of the notices on the two Messrs. McIvor who are on the Hills was made with due attention to all the forms advised by Mr. Dale.

3. With reference to paragraph 5 of the Government Proceedings above quoted, the Board observe that the forms of lease in question after being somewhat modified in communication with Government, were furnished to the Collectors of Coimbatore, Salem, Madura and Malabar, with the Board's Proceedings dated 1st April 1852.

Vide Extract Minutes Consultation, No. 204, R. D., dated 2nd March, in Cons. 1st April 1852, No. 564.

4. The Collector will now be requested to explain why they were not used in the Messrs. McIvor's case.

(A true Extract.)

L. Stroker

Secretary.

To J. D. Sim, Esq., Secretary to Government, R. D.

Copy to E. B. Thomas, Esq., Collector of Coimbatore.

Exd. J. Wright.

N. 2 March/52 Nos 39-40
N 28th March/61 — 496-497

C.S.J. in S. Ind. L. E. of 3 June 1861. N: 78.

N: 47 +18.

Revenue 1861 Department
Pro: of Govt for June
No. 1236.

PROCEEDINGS of the BOARD of REVENUE

Dated 18th May 1861.

Despatched. 23 5 —
Received. 23 5 —
Encr 2 -

Forwd Bd of Revn 22 June/61
No 1563 in pro 25 July No 1463

No. 2,557.

Submitting certain letters from the Collector of Coimbatore, containing copies of the notice of revocation of the lease to the Messrs McIvor of land at Kartairy and Ootacamund

No: 1135. 3 June.

N: 1135

Adverting to para 3 of the Proceedings of Govt dated 28th March/61 No 497, the four signed copies of the notice hereunto received will be forwarded to the Right Honble the Secretary of State for India in the manner suggested by the Govt Pleader in para 2 of his letter 4th March last No 48, viz two copies of each notice by the first opportunity & the remaining two by the mail succeeding.

2.— In advising the Secretary of State of the matter herein reported, the suggestion offered by Mr Dale in para 11 to 16 of his letter above quoted will be kept in view.

3.— The Govt will await the explanation of the Collr of Coimbatore, which the Board have called for in para 4 of their Proceedings

Fort St George
3rd July 1861

To The Board of Revenue
Govt Pleader