M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 338 — Press ~~Mis.~~

352 353

Dated 17 2 1862.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 17th February 1862.

No. 352. Read the following Proceedings of the Board of Revenue, dated 19th November 1861, No. 6,391:—

Read again letters from the Collector of Cuddapah, No. 75, dated 31st May 1861, requesting permission to return to Mr. Higgins the half purchase money paid by him for a certain piece of land sold under the Freehold Rules.

No. 110, dated 6th September 1861, submitting a corrected Statement of the land actually applied for by Mr. Higgins.

(In Cons. 4th June and 9th September 1861, Nos. 3,424 and 5,782.)

Read also the following letter from the same Officer, No. 123, dated 26th October 1861, submitting the further information called for by the Board:—

1. In reply to Proceedings Board of Revenue, 30th September 1861, No. 5,265, I have the honor to state that the amount of purchase money due by Mr. Higgins was Rupees 50, of which Rupees 25 was paid on the land being knocked down to him, and credited to Government. It is the difference between the half purchase money, already paid, viz., Rupees 25, and the 20 years' purchase, *i. e.*, Rupees 10-15-0, or Rupees 14-1-0 which was proposed to be returned to him.

2. The delay in the sale of the land after receipt of the Government Order* authorizing its sale, was caused by Mr. Higgins' absence at the Neilgherries; who replied to my letter of 19th July 1860, on the 17th January 1861. Previous to the first-named date several references had been made by the Tahsíldár. My order for the sale of the ground was issued on the 26th March 1860. Three Coontahs occupied by a path were found short, and the Tahsíldár referred for instructions on 2nd April; I replied on 3rd May. Another reference was made regarding trees for which explanation was required and given on 6th July; and on my writing to Mr. Clay on account of Mr. Higgins' absence on 19th July, Mr. Higgins replied to me on the 17th January 1861, requesting the land to be put up to sale in the middle of February 1861.

* Dated 15th March 1860, No. 385, communicated by the Board under date the 17th of the same month, No. 1,383

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1. Resolved that the above communications be submitted for the consideration and orders of Government with the following remarks.

In Cons. 16th March 1860, No. 1,218.

2. In the Order of Government, dated 15th March 1860, No. 385, Revenue Department the Collector of Cuddapah was authorized to sell under the Freehold Rules a piece of waste land described in the Statement accompanying his application to be survey No. 34, measuring A. 1, C. 0, A. 5, and assessed at Annas 14 Pie 1, the upset price of which was accordingly fixed at Rupees 17-9-8.

3. The land was put up at auction but not until last February, or eleven months after the Government sanction in consequence of Mr. Higgins, the applicant's, absence from the District, and was knocked down to him for 50 Rupees, half of which having been paid at the time was credited to Government.

4. When, however, the Title Deed was about to be prepared, it was discovered that the land in question was wrongly described as to number, extent, and assessment, which were respectively as shown in the margin, and that the upset price should accordingly have been Rupees 10-15-0 instead of Rupees 17-9-8. Mr. Higgins has requested to be allowed to withdraw his bid, and the Collector recommends that either the 25 Rupees already paid be refunded, or that Mr. Higgins should be allowed to have the land at the upset price of Rupees 10-15-0, for which sum he might have obtained it by simply taking the land on Patta in the first instance, and then applying for the commutation of the tenure by the payment of the fixed rate of 20 years' purchase.

No.	Extent. A.	C.	V.	Assessment. Rs.	A.	P.
47	1	24	0	0	8	9

5. Under the above circumstances, and as Mr. Higgins appears to be still desirous of possessing the land, the Board recommend that it be granted to him for Rupees 10-15-0 the difference of

Rupees 14-1-0 being refunded to him. Seeing that the misdescription of the land originated with the Curnum Chintsu Ramana, who also alone opposed Mr. Higgins at the sale, the Board cannot doubt that his act was wilful and malicious, and request the Collector to take suitable notice of it.

(A true Copy and Extract.)

(Signed) W. HUDLESTON, *Secretary.*

No. 353. ORDER THEREON, 17th February 1862, No. 338.

The Government accede to the recommendation of the Board, and sanction the refund to Mr. Higgins of Rupees (14-1-0) fourteen and Anna one.

(Signed) C. G. MASTER,

Deputy Secretary to Government.

No. 3,281.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 24th June 1861.

Read the following letter from A. WEDDERBURN, Esq., Collector of Cuddapah, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Chepauk, dated Muddenpully, 31st May 1861, No. 75:—

With reference to the correspondence as per margin, relating to the application of Mr. Higgins for a Freehold Title Deed for certain land in Budwail Taluk, submitted by my predecessor Mr. Fraser, and sanctioned by Government, I have since learned that the description of the land was incorrect. A wrong number of the field was given by the Curnums of Kalsapaud, and the calculation of the upset price from the assessment of the same was consequently incorrect. I cannot say whether the Curnums acted with fraudulent intent, but at least they showed great remissness in this matter. Mr. Higgins has consequently requested permission to withdraw his bid, and under the circumstance of mis-description of the land and of its assessment, I think he has a good claim to do so. Should the Board of Revenue concur in this view, I request their permission to return the half amount of purchase money already paid by Mr. Higgins, viz., Rupees 25, which has been carried to Government account.

Government Order, 15th March 1860, No. 385.

The Board understand that the price at which the land in question was sold to Mr. Higgins was Rupees 50-0-0, but that the Collector considers that half of this should be returned to him, as the upset price fixed on the land was calculated at too high a figure in consequence of a mistake on the part of the Government Officers. The Collector is requested to submit a revised statement of the land, and to state the upset price which ought to have been fixed, as well as whether there were any other bidders to a higher amount than Rupees 25; and if so, what the highest bid was independently of that made by Mr. Higgins. The Board also wish to know whether 25 Rupees is as much as the land is likely to have fetched if no mistake had occurred in its description; and why a report of its sale (the date of which should be stated) which was authorized about 14* months ago was not made, and a Title Deed forwarded for the property as required by the rules.

* *Vide* Proceedings of Government, 15th, in Cons. 16th March 1860, No. 1,218.

(A true Copy and Extract.)

(Signed) W. HUDLESTON,

Secretary.

To A. Wedderburn, Esq., Collector of Cuddapah.

Exd. J. Wright.

No. 5,265.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 30th September 1861.

Read the following letter from A. WEDDERBURN, Esq., Collector of Cuddapah, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Chepauk, dated 6th September 1861, No. 110:—

1. In reply to Proceedings Board of Revenue, dated 24th June 1861, No. 3,281, I have the honor to state that the number of the field, being the land applied for by my predecessor to be sold to Mr. Higgins, was 47 instead of 34, its extent was Acre 1-24 instead of Acre 1-0-5. Description the same. Assessment 8 Annas 9 Pice, instead of 14 Annas 1 Pie, as hereafter stated.

Taluq.	Village.	Description and extent of the land.				Name of the applicant.
		Survey number.	Extent.	Description.	Assessment.	
Budwail.....	Kalasapaud.....	47	A. C. V. 1 24 0	Dry.	RS. A. P. 0 8 9	Joseph Higgins, S. P. G.

2. The upset price should have been Rupees 10-15, instead of Rupees 17-9. The last bidder next to Mr. Higgins, was Curnum Chintsu Ramanna; his bid Rupees 49-8, and his object, to prevent Mr. Higgins getting the land, which he, the Curnum, had misdescribed. Had Mr. Higgins taken a Putta for the land which was lying waste, he might afterwards have obtained it free of assessment at the upset price of Rupees 10-15. Mr. Higgins has established a school in connection with the Gospel Propagation Society at Kalasapaud, and the village Officers are against his settling there. No one wanted to buy the land until Mr. Higgins applied for it, and consequently no price could have been obtained for it. Independently of Mr. Higgins' application, when requiring the boundaries, &c., for preparation of the Title Deed, the misdescription of number and assessment of the land came to light, which is the reason for the delay in forwarding the Title Deed. The date of sale was 19th February 1861. Under the above circumstances, I think that Mr. Higgins might be allowed to obtain the land which he requires, at 20 years' purchase, or for Rupees 10-15, and that the balance, Rupees 14-1, might be returned to him as he could have had it at that price, if he had first taken a Putta for it.

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1. The Collector is requested to state distinctly the amount of purchase money paid by Mr. Higgins and carried to the credit of Government, and that proposed by him to be returned to that gentleman as the concluding remarks in the above letter appears to lead to the inference that the former amount was 25 Rupees instead of 50, and that the amount proposed to be returned was Rupees 14-1 instead of Rupees 39-1, which the Board believe to be the correct amount of the refund sought.

2. Mr. Wedderburn will also explain why eleven months were allowed to elapse between the date of the Government Order authorizing the sale in question and the actual sale itself.

(A true Copy and Extract.)

(Signed) W. HUDLESTON,
Secretary.

To A. Wedderburn, Esq., Collector of Cuddapah.

Exd. J. Wright.

Enclosure No. 2 in Proceedings of the Board of Revenue dated 19th November 1861.

Letter from the Collr. of Cuddapah to the Secretary to the Board of Revenue dated 31st May 1861. Requesting permission to return to Mr. Higgins half the purchase money paid by him for a certain piece of land sold under the Freehold Rules.

No. 6,391.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 19th November 1861.

Read again letters from the Collector of Cuddapah, No. 75, dated 31st May 1861, requesting permission to return to Mr. Higgins the half purchase money paid by him for a certain piece of land sold under the Freehold Rules.

No. 110, dated 6th September 1861, submitting a corrected Statement of the land actually applied for by Mr. Higgins.

(In Cons. 4th June and 9th September 1861, Nos. 3,424 and 5,782.)

Read also the following letter from the same Officer, No. 123, dated 26th October 1861, submitting the further information called for by the Board :—

1. In reply to Proceedings Board of Revenue, 30th September 1861, No. 5,265, I have the honor to state that the amount of purchase money due by Mr. Higgins was Rupees 50, of which Rupees 25 was paid on the land being knocked down to him, and credited to Government. It is the difference between the half purchase money, already paid, viz., Rupees 25, and the 20 years' purchase, *i. e.*, Rupees 10-15-0, or Rupees 14-1-0 which was proposed to be returned to him.

2. The delay in the sale of the land after receipt of the Government Order* authorizing its sale, was caused by Mr. Higgins' absence at the Neilgherries; who replied to my letter of 19th July 1860, on the 17th January 1861. Previous to the first-named date several references had been made by the Tahsildar. My order for the sale of the ground was issued on the 26th March 1860. Three Coontahs occupied by a path were found short, and the Tahsildar referred for instructions on 2nd April; I replied on 3rd May. Another reference was made regarding trees for which explanation was required and given on 6th July; and on my writing to Mr. Clay on account of Mr. Higgins' absence on 19th July, Mr. Higgins replied to me on the 17th January 1861, requesting the land to be put up to sale in the middle of February 1861.

* Dated 15th March 1860, No. 385, communicated by the Board under date the 17th of the same month, No. 1,383.

1. Resolved that the above communications be submitted for the consideration and orders of Government with the following remarks.

In Cons. 16th March 1860, No. 1,218.

2. In the Order of Government, dated 15th March 1860, No. 385, R. D., the Collector of Cuddapah was authorized to sell under the Freehold Rules a piece of waste land described in the Statement accompanying his application to be survey No. 34, measuring A. 1, C. 0, A. 5, and assessed at Annas 14 Pie 1, the upset price of which was accordingly fixed at Rupees 17-9-8.

3. The land was put up at auction but not until last February, or eleven months after the Government sanction in consequence of Mr. Higgins, the applicant's, absence from the District, and was knocked down to him for 50 Rupees, half of which having been paid at the time was credited to Government.

4. When, however, the Title deed was about to be prepared, it was discovered that the land in question was wrongly described as to number, extent, and assessment, which were respectively as shown in the margin,* and that the upset price should accordingly have been Rupees 10-15-0 instead of Rupees 17-9-8. Mr. Higgins has requested to be allowed to withdraw his bid, and the Collector recommends that either the 25 Rupees already paid be refunded, or that Mr. Higgins should be allowed to have the land at the upset price of Rupees 10-15-0, for which sum he might have obtained it by simply taking the land on Puttah in the first instance, and then applying for the commutation of the tenure by the payment of the fixed rate of 20 years' purchase.

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5th Under the above circumstances, and as Mr. Higgins appears to be still desirous of possessing the land, the Board recommend that it be granted to him for Rupees 10-15-0 the difference of Rupees 14-1-0 being refunded to him. Seeing that the misdescription of the land originated with the Curnum Chintsu Ramana, who also alone opposed Mr. Higgins at the sale, the Board cannot doubt that his act was wilful and malicious, and request the Collector to take suitable notice of it.

(A true Copy and Extract,)

Secretary.

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

Copy to A. Wedderburn, Esq., Collector of Cuddapah.

Exd. J. Wright.

1861 Department.

No. 6391.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 19th *November* 1861.
Despatched.
Received.

No. 6391.

Submitting with remarks for consideration and orders a letter from the Collector of Cuddapah forwarding a corrected statement of land applied for by Mr Higgins.