Revenue Department.

Minutes of Consultation

2nd March 1858.

Book No 6 of 70

Order No 274 92nd March 1858

12 Sheets

செப்பனிடுபவர் பெயர்

செப்பனிடுவதற்காக எடுத்துக் கொள்ளப்பட்ட நாள் 4/08

செப்பனிட்டு முடித்த நாள் 6/08

சரிபார்க்கும் ஆராய்ச்சி உதவியாளர்

மு. நி. பா. கையொப்பம்

கையொப்பம்

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Fort Saint George, Revenue Consultation of 2d March 1858.

No. 69. Read the following Extract from the Proceedings of the Board of Revenue; dated 19th January 1858, No. 255.

Read letter from the Collector of Coimbatore dated 8th December 1857.*

* *In Consultation* 19*th January* 1858.

(Here enter No. 212.)

† 8*th June in Cons.* 11*th July* 1857.

In June† last the Board received a communication from Mr. J. McIvor complaining of the manner in which he had on sundry occasions been treated by the Collector of Coimbatore.

No. 2375.

2. Of the circumstances mentioned by Mr. McIvor two only called for notice from the Board, and are discussed in their Proceedings dated 11th July 1857.

‡ *In Consultation* 1*st October* 1857.
§ *In Consultation* 19*th January* 1858.

3. Mr. Thomas' letters dated‡ 7th September and 8th§ December last refer to these complaints.

From Mr. McIvor 8*th June in Consultation* 11*th July* 1857, *para.* 1.
From Collector 8*th December* 1857 *in Cons.* 19*th January* 1858, *para.* 6.

4. Mr. Thomas distinctly states that no land has ever been given to any one out of Mr. McIvor's grant. One or two small patches he adds were previously held on puttah and Mr. McIvor promised to purchase the interests of the occupants, but instead of doing this he endeavoured forcibly to eject them and seized their crops. The puttadars are represented to be still "complaining" of the matter, but the Board presume the complaints have not been formally and officially preferred. It is not absolutely certain that these holdings are what Mr. McIvor alludes to, but if they are not it is for him to specify the lands he refers to, and give the dates and details of the alleged transfers.

5. The second ground of complaint is the one which more immediately concerns Government.

6. Mr. McIvor's lease was given on favorable terms for an express object and he objects to the mode in which Mr. Thomas has endeavoured to ascertain how far this object has been attained.

7. Mr. Thomas, it will be seen, has misapprehended the Board's meaning and imagined that they were censuring him when they were merely expressing their doubts of the legality of any such proceedings. They in fact expressly noted that he had been ordered to report on Mr. McIvor's operations.

Board's Pro. 11*th July* 1857, *para.* 6.

Enclosure 1 *in Collector's letter dated* 10*th July in Cons.* 18*th Nov.* 1857.
Mr. McIvor 8*th June in Consultation* 11*th July* 1857, *para.* 5.

8. Mr. McIvor however takes exception to any "interference or surveillance" on the part of the Collector, and it is necessary to ascertain how far the latter officer can exercise any supervision without his consent. The Board would recommend that the opinion of the Government Pleader should be taken on this point for while the Board would advocate all reasonable liberality and consideration towards Mr. McIvor, they think he ought to be obliged to adhere to the terms on which his liberal lease was conceded. If as the Board apprehend Mr. McIvor has absolute control over his land for the first ten years it is but fair to the Collector to relieve him from the responsibility and invidiousness of his present duty.

9. The Board in their Proceedings dated 29th January 1856 submitted the Collector's report on Mr. McIvor's operations up to 1855. That report was not satisfactory but allowance was made for the difficulties attending an experiment of the kind.

In Consultation 18*th November* 1857.

10. In his letter dated 10th July 1857 Mr. Thomas reports the continued non-fulfilment of the expectations of Government in granting the favorable lease Mr. McIvor holds for 2,116 acres.

11. Mr. Thomas' reports leave no room to doubt that Mr. McIvor is not fulfilling the purpose for which Government granted the land, and his own letter to the Board confirms this con-

clusion. In this communication Mr. McIvor dwells at length on the difficulties he has had to contend with but making every allowance for these, the Board think he might by this time have been able to specify some distinct and decided commencement of the agricultural operations which Government had in view.

12. It is unnecessary however to discuss this point until it is decided how far Government can now interfere under the lease held by Mr. McIvor.

13. Resolved that a copy of these Proceedings and the correspondence referred to be submitted for the orders of Government and communicated to the Collector for his information.

14. The Board will defer their reply to Mr. McIvor's communications until they are in receipt of the views of Government.

(A true Extract.)

(Signed) J. D. SIM, *Acting Secretary.*

No. 70. ORDER THEREON, No. 274; dated 2d March 1858.

From the correspondence submitted with the above proceedings, it would seem that the Government are not likely to realize the anticipations of the establishment of a farm on an English model, and the introduction of grasses and cereals from England, which they found on granting to Mr. McIvor the very favorable terms under which he holds his land; but as his lease contains no clause which would warrant the Collector's inspection against the tenants wishes, the Government consider it needless to refer the matter for the opinion of the Advocate General.

2. Ordered that the above correspondence be reported for the information of the Honorable the Court of Directors, in continuation of Extract Minutes Consultation 26th February 1856, No. 213.

(Signed) H. FORBES,
Acting Secretary to Government.

Revenue Department.

C3

No. 253

Extract from the Proceedings of the Board of Revenue, dated 19th January 1858.

Read letter from the Collector of Coimbatore dated 8th December 1857.

In Cons 19th January 1858.

(Here enter No. 272.)

8th June in Cons 11th July 1857.

In June last the Board received a communication from Mr. J. McIvor complaining of the manner in which he had on sundry occasions been treated by the Collector of Coimbatore.

2. Of the circumstances mentioned by Mr. McIvor two only called for notice from the Board, and are discussed in their Proceedings dated 11th July 1857.

No 2378.

3 Mr. Thomas' letter dated 7th Septr.

* In Cons 1st October 1857.

* In Cons 19th January 1858 - tember and 8th. December last refer to these complaints.

From Mr. McIvor 8th June In Cons 11th July 1857 Para 1. From Coll.r 8th December 1857 In Cons 19th January 1858 &c.

4 Mr. Thomas distinctly states that no land has ever been given to any one out of Mr. McIvor's grant. Two or two small patches he adds were previously held on pottah and Mr. McIvor promised to purchase the interests

7

of the occupants, but instead of doing this he endeavoured forcibly to eject them and seized their crops. The puttadars are represented to be still "complaining" of the matter, but the Board presume the complaints have not been formally and officially preferred. It is not absolutely certain that these holdings are what Mr. McIvor alludes to, but if they are not it is for him to specify the lands he refers to, and give the dates and details of the alleged transfers.

The second ground of complaint is the one which more immediately concerns Government.

Mr. McIvor's lease was given on favourable terms for an express object and objects to the mode in which Mr. Thomas has endavoured to ascertain how far this object has been attained.

Mr. Thomas, it will be seen, has misapprehended the Board's meaning and imagined that they were censuring him when they were merely expressing their doubts of the legality of any such proceedings. They in fact expressly noted that he had been ordered

B.R. Proc. 11th July 1857

ordered to report on Mr. McIvor's operations (4)

Encl. in Collector's letter dated 10th July 1857 Cons 13th Nov 1857
Mr. McIvor's Lease Cons 13th Nov 1857 11th July 1857 Para 5.

8. Mr. McIvor however takes exception to any "interference or Surveillance" on the part of the Collector, and it is necessary to ascertain how far the latter officer can exercise any supervision without his consent. The Board would recommend that the opinion of the Government Pleader should be taken on this point for while the Board would advocate all reasonable liberality and consideration towards Mr. McIvor, they think he ought to be obliged to adhere to the terms on which his liberal lease was conceded. If as the Board apprehend Mr. McIvor has absolute control over his land for the first ten years it is but fair to the Collector to relieve him from the responsibility and invidiousness of his present duty.

9. The Board in their Proceedings dated 29th January 1856 submitted the Collector's report on Mr. McIvor's operations up to 1855. That report was not satisfactory but allowance was made for the difficulties attending an experiment of the kind.

Cons 13th November 1857 - 10. In his letter dated 10th July 1857 Mr.

Mr. Thomas reports the continued non-fulfil-
-ment of the expectations of Government in
granting the favorable lease Mr. McIvor
holds for 200 Acres.

11 Mr. Thomas' reports leave no
room to doubt that Mr. McIvor is not fulfil-
-ling the purpose for which Government granted
the land, and his own letter to the Board con-
-firms this conclusion. In this communica-
-tion Mr. McIvor dwells at length on the dif-
-ficulties he has had to contend with but
making every allowance for these, the Board
think he might by this time have been
able to specify some distinct and decided
commencement of the agricultural operations
which Government had in view.

It is unnecessary however to
12. discuss this point until it is decided how
far Government can now interfere under
the lease held by Mr. McIvor.

Resolved that a copy of these
13. Proceedings and the correspondence referred
to be submitted for the orders of Government
and communicated to the Collector for his
information.

The Board will defer their reply
11. to Mr. McIvor's communications until they
are in receipt of the views of Government.

(A true Extract)

J. D. Sullivan
Ag. Secretary.

To,
A. Forbes. Esq:
Ag. Secretary to Government
Revenue Department.

Revenue Department.

A

N.

Extract from the Proceedings of the Board of Revenue
dated 11th July 1857.

Read letter from Mr McIvor dated
In Cons 11th July 1857. 8th June 1857.
(Recd enter No)

In this letter Mr McIvor who has obtained leases for land on the Neilgherry Hills, on favorable terms complains of the manner in which he has on sundry occasions been treated by the Collector.

2. Four circumstances are mentioned but of these two only appear to the Board to require notice.

These relate to the land held on lease.

3. He states in the first place that soon after taking possession in 1854 he found that portions had been given to different individuals. Mr Thomas is requested to explain the state of the case. The Board are aware that some Burghers held patches in one of the tracts which it was proposed to rent to Mr McIvor but there is nothing in Mr Ivor's letter to shew whether it is to this occupation that he alludes.

4. In the 5th place Mr McIvor takes exception to Mr Thomas having deputed his

forester

Rec'd 25th July 1857
Cons 31st July 1857
No 80

Extract from the Proceedings of the Board of Revenue
dated 11th July 1857.

Read letter from Mr McIvor dated 8th June 1857.

Ordered that the Collector of the Nilgherries be requested to report on the allegations contained in the 2nd 3rd & 4th paragraphs of the letter from Mr McIvor.

Copy sent to Collector of Nilgherries with Letter No 220 dated 14th July 1857.

C 2069.

C23 July 1857

forester (Serjeant O'Brien) to inspect and re-
-port on his farms; and he encloses a Memo.
dated 27th June 1856, in which that Gentleman
remarks on the Crops cultivated and requires
information on various points connected
with the Farm.

5. On reference to the lease sanction-
-ed by Government on the 25th September 1851 No 967 R. D.
the Board find no stipulation whatever
that Mr McIvor shall introduce any par-
-ticular descriptions of grains or Grasses,
or pursue any stated mode of culture. The
only condition bearing on this point is
-appropriated or unimproved by the said
John McIvor his heirs &c at the expira-
-tion of 10 years from the date of his arrival
in India, shall be liable to be resumed
by Government. With whatever expectations
therefore the leave may have been granted
by Government, the Collector can claim no
right to interfere with, or to address observa-
-tions to Mr McIvor in regard to, the mode
of farming pursued. Mr McIvor professes
absolute control over his land till the ex-
-piration of 10 years from his arrival
in

in the Country. When that period arrives the
Collector or any one else appointed by Go-
-vernment will be entitled to enter upon
the land for the purpose of ascertaining
how far it has been reclaimed and improved
with a view to making a report for the in-
-formation of Government.

6. The Board however do not forget that
on the 29th January 1856 they desired Mr Thomas
to report again on Mr McIvor's proceedings
at the close of another year. To obtain the
means of making this report, the most un-
-objectionable mode of proceeding will be to
request Mr McIvor to afford such informa-
-tion as he possesses on the
-ward his letters with such remarks as the
-knowledge possessed by Mr Thomas from
other sources enables him to add.

(True Extract)
Sigd J. D. Sim
Agsty

A

Extract from the Proceedings of the Board of Revenue
dated 1st October 1857.

Read letter from the Collector of Cuddapah
Mr Con. 1 Oct. 57. -tive dated the 7th September 1857, remarking
on the Proceedings of the Board dated 11th July
last No 2375, having reference to the complaint
of

of Mr. S. McIvor.

(Were enter No. 1457

Mr Thomas is altogether mistaken in supposing that it was the intention of the Board in their Proceedings of the 11th July last to impute any blame to him for his endeavours to obtain information as to the purposes to which Mr. S. McIvor had applied the large extent of land leased to him by Government in the expectation that he would establish a Farm on English principles, and would raise thereon European Grains and Green Crops and rear an improved breed of Cattle; but as Mr McIvor objected in a letter to the Board, to the means employed for procuring the information it became necessary to ascertain how far they were in accordance with the terms of Mr McIvor's lease, and finding that they were not sanctioned by that agreement the Board deemed it their duty to point out to Mr Thomas, that he could not pursue them without the consent of Mr McIvor. The character of that Individual is irrelevant to the matter, and the design of Government in granting the lease, though perfectly clear will not avail to vest the Collector with a power

not

8th June in Cons
11th July 1857.

not conferred by the lease itself, by which the Government as well as Mr McIvor is authoritatively bound.

2 The failure to transmit Mr McIvor's letter to enable the Collector to afford the explanation called for in Para 8 of the Board's Proceedings of the 11th July last was an oversight in the Board's Office. It will be forwarded herewith.

I have &c.
(Signed) J. Thomas, Colrate
for Chief Sec
Sim
Agt Secretary.

(True Copies)
J. Shaw
Agt Secretary

Revenue Dept

No 274

Extract from the Minutes of Consultation
Under date the 21st February 1858.

Read the following Extract from the Proceedings of the Board of Revenue.

Here enter 19th January 1858 No 255

From the correspondence submitted with the above proceedings it would appear that the Government are not likely to realize the anticipations of the establishment of a farm

Copy of letter to G. of I. dated April 1858. No 0.

Enclosure. in our Extract from the Proceedings of the Board of Revenue to the Secretary to Government Revenue Department dated 19th January 1858. No. 255.

Copy

Extract Proceedings of the Board of Revenue dated 19th January 1858 No 255

Read a letter from the Collector of Tinnevelly No 2 dated 4th December 1857 forwarding a copy of a letter from the Assistant Collector of Tuticorin No 1 dated 1st December 1857 reporting the result of his enquiries regarding the practicability of establishing a salt farm at Tuticorin

terms on an English
model, and the introduction of grasses
and cereals from England, which they found
on granting to Mr
McIvor the very favorable
terms under which
he holds his land.
but on his lease
contains no clauses
which would warrant
the Collectors inspection
against the tenants
wishes, the Government
consider it needless
to refer the matter for
the opinion of the
Advocate General.

Ordered that
the above correspondence
be

(4)
be reported for the
information of the
Honorable the Court
of Directors, in
continuation of
Extract Minutes
Consultation 26th
February 1856, No 213.

to the Sec[y] of State
Cipher 3 [illegible]
Rd 18 Dupl[t] Enc: 14-2-58.

Copy in a Letter to E.I. 20th April 1858 N:16-

Revenue 1858 Dispatch
Coro. 2nd March

No. 274
Extract Mins: of Cons:
Dated 2. March 1858

Ordering that the Correspondence on the Subject of a Complaint preferred by Mr. Mc Ivor rex stating the manner in which he had been frequently treated by the Collector of Coimbatore be forwarded for the information of the Honorable the Court of Directors.

Nos. 69 & 70

Feby 1859