M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1229 Press Mis.

Dated 18th September 1859.

Not to be folded or roughly handled

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Proceedings of the Madras Government, Revenue Department, from 10th to 16th September 1859.

No. 25. Read the following letter from J. D. SIM, Esq., Secretary to the Board of Revenue, to J. D. BOURDILLON, Esq., Secretary to Government Revenue Department, Fort Saint George, 3d September 1859, No. 3486.

With reference to the order of Government dated 19th instant R. D., No. 1111 I am directed by the Board of Revenue to report that the statements contained in the Memorial of the Planters and Land holders on the Shevaroy Hills regarding the tenure on which their estates are held of Government, are quite correct.

2. The Memorialists' request, which the Board deem perfectly reasonable will be met by the order of Government dated 5th ultimo, No. 1053. Under the operation of the rules there prescribed (which will take effect immediately) the memorialists will have the option of redeeming the tax on their lands and converting their estates into absolute freeholds, by paying a sum equal to 20 years assessment at present rates, or of receiving permanent title deeds, confirming their estates to them in perpetuity on the present assessments with liberty, notwithstanding, at any time to convert them, as above stated, into absolute freeholds.

Memorial paras. 12 and 19.

3. The present rate of assessment for Coffee lands on the Shevaroy, is 1 Rupee per acre, the first 5 years' occupancy being rent-free, in accordance with the "Cowle" rules of the district.

4. This rate was fixed in 1842 when the Hills reverted from the renting to the ordinary Amuny system, and was so determined mainly in consequence of a grant having been made to Mr. Cockburn, on similar terms. It was, however, specially stipulated that the rate should be liable to revision, whenever the hills were regularly surveyed.

Board to Collr. of Salem, 8th Sep. 1842, No. 1633.

5. The average unirrigated assessment of the district in Fusly 1267, was Rupee 1-6-8 per acre; but the assessment of one Rupee on the Shevaroys, is on the *entire* holding and is payable in all seasons. The Board, therefore, regard the latter rate as a fair demand, and would not advocate any enhancement.

Statement II. Settlement report of Fusly 1267.

No. 26. ORDER THEREON, 13th September 1859, No. 1229.

The Government fully agree with the Board that the assessment of the coffee estates on the Shevaroy Hills is as high as it can properly be; and there is therefore no reason for refusing to make it permanent. The Board justly remark that the order of August 5th (paras. 8 and 9) enables the owners to do this, in like manner as it gives them also the power to redeem the land tax in perpetuity if they please; but, in the opinion of Government, that is no good reason for refusing to accede to this petition, and so to do by a single order what otherwise will require the separate action of many individual applicants and numerous orders.

2. The Governor in Council accordingly resolves to declare that for the reasons stated by the Board the assessment of the lands of settlers on the Shevaroys, viz., one rupee an acre, on the entire holding, is made permanent, and not liable to increase.

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

To

The Right Honorable

Sir Charles Edward Jerningham

K.C.B.

The Governor and Commander

in Chief in Canada

The Honorable Petition

of the undersigned Planters

and Land holders in the

Province of Nova Scotia in the

Province of Canada

Respectfully Sheweth,

That your Petitioners being

the aggrieved persons of large grants

of Land from the Government of Canada

in Lunenburg when the terms of holding

the same should cease and pay for the fresh

Grant Land, after which, they have a

right in lieu of the Rights the Lands shall

be resumed of the term of 20 Years

for which Lands shall have been granted and

to be abandoned, the Petitioners Contrary

to Settled Claims that the Lands granted

Lunenburg according to the Rights and Claims

the Lands to be at the option of the

Grantees

2 That though the recital, not to be inserted according to the ordinary case of landlord and tenant, and the old remedy that my landlord has a perfect right on the removal of an attached table, or any fixed thing to remain part of the freehold, to remove the person and put the petitioner perfectly claimed that the relation of landlord towards his tenant in any different from that of a landlord towards his tenant in the language included of the statute of Gloucester which gives a remedy in Consideration of the Consideration date of the Lay 1855 The petitioner and of a County to and the Landlord of a Municipal Facility and to take the whole benefit of the Act, all that of any other remedy the petitioner to remain the object of Government, &c, to execute leases and policy, and to execute leases of perfect, to Lay, the Corporation of Leeds, or their Corporate, or to be to the Corporation &c" &c &c Landlord Corporation and Landlord Petitioner

Lay would state the petitioner in a claim which depending, subject of such of the Franchise the Corporation that has established of Capital and outgoing in agricultural operations, the Lay of Landlord is one of the best Elements of the Son the rise of the Corporation Landlord

3 That Jean Petitioner do not freedom the remediable right of Government to create additional resources of revenue, of either the Reservation of Real Government, or the Regulation of Corporation, or Corporation, such as the Corporation of Leeds, or Corporation, or Municipal Regulation, Corporation Corporation, Corporation &c Corporation Landlord, for Corporation Corporation to the Corporation Corporation to the Corporation which they should to be the Corporation of Lease upon Such Corporation, Corporation Corporation the Corporation of Lease the Corporation County of Leeds Corporation subject to Lease Corporation Corporation

...ve deservedly increased upon them.

4. That from Petitioners have long been accustomed to the principles of the Indian Government, have not been obstructed, by such duties being imposed on Coffee planting, because they have read the Government ever would raise the rent of Estates, once for each conference, exceptional, and temporary objects as from Petitioners have alluded to. They have however been with some alarm the declaration, for this Year, in Parliament, with reference to the degree of foreign Vegetable Colonies that duties increased should not be levied with a view to protection, but solely for Revenue, and Coffee must be exempted from the operation of any measure with a view to carrying it into effect.

That of all the most the Government could raise the rent of Estates, once for each conference, exceptional, and temporary objects as from Petitioners have alluded to. They have however been with some alarm the declaration, for this Year, in Parliament, with reference to the degree of foreign Vegetable Colonies that duties increased should not be levied with a view to protection, but solely for Revenue, and Coffee must be exempted from the operation of any measure with a view to carrying it into effect.

...confined upon the County of Isabella is either by reason of poor soil, although it appears to contain considerable quantity and to be of good property. If on the other hand, any deficiency is to be on account of the increased value of the property. Other estates have been found to be by the labor and money devoted on it, not by the Government, but by the cultivators.

6. That Coffee planting is a pleasant business, as a rural Pursuit and the cultivation of Vegetables, Potatoes, Cotton, Coffee, and the most favorable Climate, it yields a returns, and it is therefore one of the most desirable to which persons of small means could resort to a useful Country to the Emigrant as object of pursuit, and

7. That agreed to other Petitioners and pray to have such duties Coffee, Potatoes, &c.

and authorizes, have of long Late
Years brought acquainted, a Reason-
able and just Satisfaction should
have been made unto the Claimants
here called, but hath not been
complained, with Great and Unkind-
ness (Contrary to Equity and Good
Conscience) Wherefore We Will and
Ordain that the Governor and
the Council of Virginia for the time
being Do Cause Speedy and Effectual
Order to be given, That Full and
Ample Satisfaction be made unto
the Said Claimants for their Said
Lands, Goods, and Chattels, Soe
taken from them, and Detained
from them as aforesaid, And that
Publique Notice hereof be given
in the Several Counties of Virginia
by Proclamation, and that they
Cause Diligent Search to be made
for the Said Claimants, and Cause
Payment to be made unto them
of the Said Satisfaction, Soe
Ordered as aforesaid.

8. And Whereas Wee have
Cause to Conceive, That Some
Persons have Entered upon, and
Seated Themselves upon Some
Parts of the Lands Granted unto
the Said Governor and Company
of Virginia by the Said Recited
Charter, Wee do hereby Will and
Require the Governor and Council
of Virginia for the time being
to Cause Diligent Search to be made
for all Such Persons, and to Cause
Them to be Removed from and
out of Such Lands, and to Cause
Them to Seate Themselves upon
Such Lands as Shall be Assigned
unto Them by the Said Governor
and

9. And We do Hereby Declare,
That We do Reserve Unto Us
Our Heires and Successors, All
Mines Royall of Gold and Silver,
and the Fifteenth part of Ore
Reserved unto Us by the Said
Charter, Wee Will and Require
the Governor and Council of Vir-
ginia for the time being to Cause
Diligent Search to be made for
the Same, and to Cause Our Part
thereof to be Reserved unto Us,
as Wee Shall Direct and Appoint.

10. And Whereas Wee are
Informed by Our Learned Counsell
in the Lawes of this Our Realme,
That the Antient Bounds and Limits
Granted unto the Governor and
Company of Virginia by the Said
Recited Charter of King James
the First, extending Two Hundred
Miles along the Sea Coast, Northward
and Southward from Point Comfort,
and Up into the Land from Sea to Sea
Westward and Northwestward, doe
Include Part of Our Province of Mary-
land, Wee have Thought fit, and
Doe hereby Declare Our Will and
Pleasure to be, That the Said Limits
and Bounds Shall not Extend or be
Construed to Extend to Any Lands
Granted by Us unto the Lord Baltimore
Proprietary of Maryland, Nor to Any
Rivers or Waters within Two Leagues
of the Shore of the Said Lands, But
that the Said Lord Baltimore Shall
Enjoy the Same Accordingly, Saving
Always to Our Governor and Company
of Virginia, and Their Successors,
the Full Benefit of Navigation
upon the Rivers of Potomack and
Pattowmack, and of All Ports
and Places Thereupon, and of
Fishing in the Waters of the Said
Rivers, and Bounded upon the
Shores thereof, Soe far as the
Same Doe Extend within the Limits
of Maryland, Any Thing in the
Fourth Clause of Our Said Letters
Patents to the Contrary Notwith-
standing.

11. And

grants, leases, &c. the other than fourths acres for 15 years to pay 3 pence per acre for 10 years, and thereafter 6 pence per acre. the whole term being for twenty seven years

the free grants of Land, called the Bounty of Government lately recommended should be forfeited, and vacated for twenty four by the Madras Government, on the plea that this would render the tenure precarious to them on the plantations. Even this tenure is better by 10 years than that granted to your Petitioners, and this in conformity with the orders of the late Court of Directors.

11. Your Petitioners would also submit that there can be no reason why the same species of tenure, except as to certainty, should necessarily obtain in all parts of India. That as a encouragement for a settler may be encouragement for another. That as land for the sake may be procured for the planter, the terms favourable, may therefore be regulated for each particular locality according to the circumstances and of the country.

12. That your Petitioners do not object to the payment of the rent at present fixed, the Rupee one acre; though in cases in which land has been forsaken by a planter from the adversities, called for at a nominal rent, the fixed rate has been lowered by the Collector, under the instructions of Government, and a uniform rate of one Rupee three on all Coffee land.

13. That rate is good to be at present, since it is reckoned that for every acre under Coffee cultivation, four acres are required for pasturage of the cattle attached to the plantation, and the one Rupee is levied on the whole extent of land taken up, whether cultivated or not. They are led to believe that they are not in the same case as that in which the Proprietors / under Ryotwar

the Tax / represent themselves - Your
Petitioners would here respectfully
intreat upon his Excellency, that for
all the Local Restrictions they have
received no Assistance whatever from
Government, and have had to build
the Church, and do the Clergyman and Schoolmaster
as well as to make such Roads
the roads out of their own Contri-
butions. They are most earnestly hope
that they may hereby be permitted
to draw their proportion of the proposed
Increase of a Thousand Pounds
Sterling; and on that case they
would thankfully acknowledge
the benevolence of a Government
Restored to the duties it can to better
the Condition of its Subjects.

14. That your Petitioners labor under
Petitioners labor as thereby the ne-
-ces-

-certainty of their income on account
of the Locality of their Estates situa-
-tion. The effect of this upon the
value of their property would be
at once apparent, if the case be
supposed of a Planter forced or
desirous to sell, when those two
or four Years of his lease
have been out. It is not too much
to say that no one in the Leeward
Market would look at such an
Estate, and hence English Capital
never can be freely introduced to
our shores, so long as the pre-
-sent form of holding continues.

15. It has been suggested
that the necessity for the Officers of
a Postmaster to Collect to Remunerate
outweighed the interest we pay
in their salaries to Collectors

16. But through this often
steep & dangerous and over Coast of

in some instances, your Petitioners would respectfully submit whether the same end could not be more safely attained by granting on its present terms lands in perpetuity, or for such a long term of Years, say 99, as is practically equivalent to a freehold. And they would respectfully call to Your Excellency's recollections a passage in one of your writings published many Years since and re-published on the 3^d May last in the Athenaeum, wherein Your Excellency calls upon the Indian Government to declare "that though the land tax has been fixed for only 20 Years yet there is no intention of raising it after the expiration of that period, unless War or other great consequences of the State call for an additional expenditure which cannot conveniently be supplied from any other Source". Even such declarations would go far to re-assure Your Petitioners and relieve them of much of their present anxiety touching the uncertainty of their tenure and Assessment.

17. Thus the Government rent will always be secure, and it is to be feared that if land is put up to Auction, or for sale outright, men will be induced to expend in the purchase of it, those funds which ought to be devoted to the cultivation of the soil. This evil has arisen in the Colonies, and the same spirit of speculation or want of providence might be anticipated here.

18. To fix the rent or tax and

read them pass the Council in Respect-
-fully subject to their Law, in
the fundamental Theory and
Principle of the Byelaw Sys-
-tem. This was proclaimed by
Read read a Memo in Salem
in what the Byelaw in his Re-
-sidable Work in Salem calls the
Byeli Charter. On the 18th of July
1797, Memo then wrote to Colonel
Read. "Memo having received
the Council Report of Depredation, and,
after most Deliberate to pass
regularly and conformably, the
Byelaw having charged the every Fidel
that they could to get Rid of Rent
having Clerks such as they Like,
and Constables then Sworn as are
agreeable to Byelaw, Read under
Signature and Consent to enforce the
with their whole Power, Resolved
that the Proclamation, Resolution
and Memorandum be published
in

will consist chiefly in adding the
Accounts of the new Laws thereto
-ed by the Byelaws to the Roll of the
former Year, read in Town for
-tinued, in keeping a Register
of Fields left unoccupied or
account of Death or Forfeiture; and
the Byelaws may have Power
vested over to them in perpetuity,
from time to time, in Proportion
as they observe them." That the
Book proposed to be kept by
Assessors to the Charge of Con-
-duction, in the enforcement of
by the Royal Mandate, the Orders
of the Byelaws to be in perfectly
has been drawn & observed by
the Justices of Quarter Sessions
Petition, it has never the less been
effected, according to the Com-
-mon

-Government of Madras, and
Confirmed by the Government of
India, for the Madras Records
for 1855-7. There remain the following
Passages:- Under the Notwithstanding
Section, every Registered Holder
of Land or Occupancy Right or other
Proprietor, shall have Power to
Surrender, Relinquish or Abandon
his or their Holding, or
Occupancy Right, to the Collector, or
of Land by Abandonment of the
same, provided Arrears of Rent
or Revenue Due upon such Holding
at the Time of such Surrender
Relinquishment or Abandonment
shall be Paid or Tendered to the
Collector, and Notice in Writing
of such Surrender Relinquishment or
Abandonment are Given to the
Patta or Pattah Holder of such
Land. The Government or Ryot or any Person
Agent

Agent does not Pay from Year to
Year, except in those Cases where
Water is drawn from a Government
Source of Irrigation, to Cultivate
any Land into Wet, or one Crop
into two Crop Land under any Extra
Rent or Fixed to Government
for the Water so Appropriated, or
in any Addition made to the Assess-
-ment for Improvements effected
at the Ryots own Expence. The
Ryot under this System is entitled
a Proprietor or a Simple Annuitant
Title, and has all the Benefits of
Ryotwah Lands, Settlement &c &c
-Pensionholders, Inamdars &c &c
&c &c The Government has
Power to Purchase the Zemindaris
and Pay their Owners, the Assessment
Assessments or Deficiencies &c Lands

&c &c

Read in connexion with the foregoing Report of his Majesty's Judges.

19. Your Petitioners, Right of the Wells, ask for nothing more than to be left upon the same footing as the Rights of the Riparian Proprietors according to the Theory of Natural Law: that is to say, that the reasonable rate of rent or tax known under whatever name, that shall be ascertained to be just and equitable by impartial Judges, shall be paid to the Crown as Paramount Lord of such Riparian Rights.

20. They feel that their Parental Power over Corporations cannot be better exercised than by the Crown's Representative in Council, and that Natural Justice requires that the Crown should not be Judge in its own cause.

21. They pray that their Petition may receive Your Lordships' best consideration, and that if the Power of Your Lordships shall appear to them to be sufficient, Your Petitioners, that Your Lordships will be pleased to take such steps as may be necessary to give effect to your Report.

And Your Petitioners shall ever Pray.

Lordships' obedient servants

Henry Wells
24th May 1859

W. Lee
W. Green
Edward Wells
Frederick Wells
J. Wells
Benjamin Wells

W. Lee
W. Green
G. Lord
W. Stone
R. Mayer
J. Brown
J. Jones
Jno. Cooke

W. Watts
Geo. Cooke
J. Mansbridge

Copy in a letter Page
11 Sept. 1839 N° 66

Fort Leavenworth
Sept. 1st 1839

Sir

I have the honor to enclose herewith a Return of Ordnance & Ordnance Stores for the Quarter ending 30th ult. and to be

Your Obt. Servt.

Cons 19 August 59 fo. 53-54

Revenue 1859 Aug 16

Sec. of Govt 16th Septr

fo. 1616

From

The Secretary to the

Board of Revenue

To The Secretary to

Govt N.W.P.

Dated 3d Sept. 1859.

Desp. 3 — " —

Rec'd 5 — " —

E. 2 — 11

No 3486.

Reporting with reference to the order of Government No 1111 dated 19 Augt 1859, that the statements contained in the Memorial of the Planters &c on the Sherwany Hills regarding the terms on which their Estates are held, are quite correct. —

No. 1229 - 13 Sept. 1859.

Copy to the Secretary

13 Sept 59

No 1229

Fo No 25

The Board jointly re-
-mark that the orders
of August 5th (paras 8 & 9)
enables the owners to
do this in both manners
as it gives them also
the power to redeem
the land tax on her
property if they proceed
that on the expiration of
Government, that is no
good reason for re-
fusing to proceed to
their petitions, and do
so do by a single order
without alternatives could
be given the explanation
reasons of many owners
would be explained
and unnecessary delays
& Government
the Board could proceed by
resolution to abolish
the

that for the reasons
stated by the Board
the assessment of the
bounds of settlers on the
Shenandoah, may have
respect can were on the
entire holdings, as a
measure permanent, &
not liable to increase

6 Copies to Mess Boards of Rev. Dispt 44
1 — to the Secretary
with Red Letter

Copy in a Cellar Book
of Nov 1857 vol 05

Revenue 1859 Dept.

Pro. of Govt 6th Sept.

No 1229

Pro. of the Madras Govt

Dated 18th Sept 1859

From the Director of Revenue
Settlement & Land Records &c &c &c

No 5 to 20

Abstracts of the
Lands of Villages on the
Shevaroy Hills Yercaud
Periyur and Kadayam the
entire Portions made for
Assessment.