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MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1114. Press Mis.

61-62

Dated 6-7- 1860.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 6th July 1860.

No. 61. Read the following letter from Mr. JAMES OUCHTERLONY, to J. D. BOURDILLON, Esq., Secretary to Government, Fort St. George, dated Ootacamund, 21st June 1860:—

1. My attention has been drawn to certain "Official" Papers published in the Madras Journals on the subject of Coffee Land Taxation in Wainád, amongst which there appears a Memorandum from yourself containing remarks upon me personally and upon my acts, which are so invidious in their character, and withal in their assertions so unfounded in fact, that, although I should not otherwise presume to offer comment upon the Proceedings of Government, I consider myself justified under present circumstances in claiming to be heard by it in the matter.

2. I am alluding to paragraph 11 of your Memorandum of the 29th February, which runs thus:—

"11. One word on another point. In reply to the objections urged by Messrs. Lascelles "and Barnes, that under the plan of taxing cultivation only, European speculators would buy "up large tracts of forest, and keep the land out of the hands of real Planters for many years, "the President said "*so much the better*" and that such transactions would advance the settle- "ment of the country. This answer surprised me. Whenever I have heard the President "speak of land-jobbing it has been to condemn it; but, as it seems to me, the speculations "referred to would be pure land-jobbing. This is just what Mr. Ouchterlony has done for "years, and is doing. He has held 20,000 acres for ten or twelve years, and has only 900 planted. "The remaining 19,000 acres of the *finest Coffee land in the country* (so Dr. Cleghorn describes "it) is kept in forest because he will not sell. He might get a large price for it; but he "prefers to keep it as forest, not even that the price may rise still higher, but because he does "not want to have competition for labor."

3. I must confess that these confident assertions of fact have somewhat astonished me. It is not that even if substantially correct, they could make out more than that, under the laws which govern the rights of property—as enunciated by His Excellency Sir C. Trevelyan at the conference alluded to—I was dealing with property as I was perfectly justified in doing, viz., according to my own views of expediency; but that the drift of your remarks so obviously takes an offensive interpretation, and that, in one of your high and known character, I ought equally to have felt myself safe from such random assertions, and have found a guarantee that personal remarks would have been preceded by a verification of the ground on which they were made to rest.

4. Before coming to questions of fact I may be permitted to ask, what is the real meaning of this "pure land-jobbing," which is so freely laid to my charge, and which you apparently deem so open to condemnation. In its ordinary sense "jobbing" applies to "buying *and* selling" as a continued and successive operation, according to the familiar term used for such dealings in the public funds, viz., "Stock Jobbing." But you apply it, in respect of land, to a purchase and no sale, and yet this is what, in the infancy of all British Colonies, has been absolutely encouraged by Her Majesty's Government. For what is and has been the course there pursued?

5. In the early settlement of a Colony, land is disposed of unlimitedly to the first comers at a minimum price. It is from their exertions and enterprise that the adjacent and other land of the Colony acquires an added value and that the place grows into importance. Does any one, more especially the Government, ever grudge the early settler the advantage he derives from the enhanced value of the waste land he had secured at the outset? Most assuredly not: it is looked upon as but an integral part of the reward due to his early enterprize, his labor and his perseverance.

6. Now to measure my case even by this standard. *I* was equally a pioneer in the experiment of Coffee planting on the Nílgiri slope near the Gudalúr Pass, where I first commenced the cultivation. In a limited degree many of the features of a new Colony were there presented; there was no resident population within any accessible distance—no articles of food to be had near the spot—we had no roads (properly so called), no Police, and no Law save at Courts too distant to be reached. Labor and food had, in fact, to be imported from a remote district; the first being only obtained with difficulty, and then often scared away by the solitariness of the

spot and an undefined dread of evil in the minds of the coolies. Doubts of success were even engendered in the minds of most of those who had embarked with me in the enterprise, and who successively withdrew from it. But at length a bright issue attended the efforts; and I will only say, let the changed aspect of the country around in respect of cultivation tell what the effect has been upon the general interests. If I then had been the acquirer at the commencement of *any* extent of waste land, on what principle could it be said that I was not entitled to the added value given to this by my own exertions, as one part of their legitimate reward?

7. Leaving, however, aside this view of the question, I may still be permitted to ask what there is in the mere acquisition of *land*, which makes such a transaction different from any other character of investment? If A. B. is willing to dispose of land to C. D., who purchases under the idea that it may acquire an increased value; what distinction, especially of a moral character, can possibly be drawn between such a speculation and that of a purchaser in the public funds, in shares of a public company, or of any article or articles of produce?

8. I have taken the liberty on this occasion to intrude the above brief remarks upon the use of this term "land-jobbing," not only because of your application of it to myself, but also because of my having observed it employed, and always in an offensive sense, in other official papers. Jobbing, in this country as elsewhere, is usually associated with some crooked transaction, and especially designates an abuse of official opportunity. Were such an agency employed, or an improper use made of private interest to further the acquisition of land, a stigmatizing epithet might well be applied; but where is the faintest analogy between this and a purchase freely and openly conducted?

9. I now proceed to the most unpleasant part of the duty forced upon me; but I shall not hesitate, ere entering upon it, to state my full assurance, that unless you had been led to believe you were correctly stating questions of fact, I should not have the present pain of giving a contradiction to your assertions regarding myself and my proceedings.

10. You first say then, that I have "held 20,000 acres for ten or twelve years, and have "only 900 planted." The first part of this is contrary to fact, and the second conveys an incorrect view.

11. The land I at present possess is held under two Deeds. The earliest, of the date you mention, embraces about 7,000 acres only. Of this no inconsiderable proportion is of too great elevation for Coffee, besides what is embraced in slopes too steep, in grass land, and in other ordinary deductions from similar land. Of the balance, 2,800 acres are appropriated in Coffee estates, out of which about 1,000 acres are under cultivation; and, but for the accidental failure of arrangements with two other parties, there would now remain very little available Coffee land undisposed of in this first tract. The land held under my second Deed is of comparatively recent acquisition. I have held it for only three years.

12. You next say that I have remaining "19,000 acres of the finest Coffee land in the "country." Well pleased, indeed, should I be to know this was the case; but the above explanation rather interferes with it, and you must excuse my saying, that, however justly my esteemed friend, Dr. Cleghorn, may estimate the quality of the *cultivable* land, I cannot think, remembering that he has *seen* the country and knows the deductions to be made from such a tract, that he will *at all* endorse your computation of quantity.

13. But you proceed, that this 19,000 acres is "kept in forest" because I "will not sell." Incorrect again. I may not have responded to the wish of one or perhaps two parties to sell land to *them*; but, it is contrary to fact—as what is stated above abundantly shows—that I keep land in forest *because I will not sell.*

14. You next state that I "might get a large price" for the waste land, but that I prefer "to keep it as forest." Now to this I might answer, as His Excellency Sir C. Trevelyan did to a somewhat similar remark made at the conference, "*and why not?* If its his own, why should he not do what he thinks best with it." But I shall only observe, that while I trust this promise of a "large price" may be substantially realized, it so happens that in the negociations I have now pending about land, as well as in former instances, no price has, as far as I recollect, been ever on any occasion mentioned by the parties wishing to obtain it.

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6th July 1860.

15. Lastly, you observe that I thus act, not even to get a higher price for my land, but because I "do not want to have competition for labor." If you had said that I purposely took an interest myself in every estate opened in my first tract of land, in order to guard the general interests embarked in the early plantations from the injurious consequences of a clashing and rivalry with those who must be their bordering neighbors, it would have been correct; but I have not the less parted freely with the land. This condition, moreover, has not formed an element in negociations for the disposal of my other land, and, therefore, it is simply in opposition to fact to say that I refuse to part with any of my waste land in order to prevent competition in labor, as if this indeed were possible in Wainád!

16. I have been compelled in the foregoing to enter into details and particulars that can have little interest for Government; but, under what I may be permitted to call the extraordinary circumstances of an official paper submitted to Government containing reflections upon an individual's private affairs, and the subsequent publication of this under the sanction of authority, I trust I may be deemed entitled to ask that the Honorable the Governor in Council will allow the same measure of publicity for this denial as has been given to the assertions which have necessitated its being submitted.

No. 62. ORDER THEREON, 6th July 1860, No. 1,114.

1. The Governor in Council much regrets that there should have been any cause of offence to Mr. Ouchterlony in any official paper.

2. The passage referred to in his letter occurs, not as substantive assertion, but in illustration of what precedes it. The present letter clearly shows that sufficient care was not taken to verify the facts; but in explanation of the term "land-jobbing" on which Mr. Ouchterlony specially comments, it is to be observed that it was only used as indicating an objectionable line of policy on the part of Government, not as imputing any moral or even social offence to him.

3. The passage was not written for publication; but as it has inadvertently been made public and has given pain to Mr. Ouchterlony, the Government gladly make all the reparation in their power, by publishing also, as requested, that gentleman's letter and this reply to it.

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

Revd Depts

No 1114

Proceedings of the Madras Govt
Under date the 8th July 1860.
Read the following
Letter from Mr James
Cruickshank:—

Remonstrates against
the use of certain terms in
Official Papers on the subject
of Coffee Land Taxation in
Wynaad which he states
are reflecting upon his
private affairs.—

Rec'd and
referred to
Collectors of Sea Customs

Will

Rec'd 21st June 1860
No

The Govt in common
with regrets that there
should have been any
cause of offence to
Mr Cruickshank in any
Official papers.—

2. The passage to
which his letter refers
seems, not as substan-
tive assertion, but in
illustration of what
precedes it. The
present

present letter clearly
shows that sufficient
care was not taken
to verify the facts; but
in explanation of the
term "land-jobbing"
on which Mr. Buchterlony
specially comments,
it is to be observed
that it was only used
as indicating an objec-
tionable line of policy
on the part of Govt.
not as imputing any
moral or even social
offence to him. —
3. — The passage
was not written for
publication, but as
it has inadvertently
~~and unfortunately~~
been made public

and has given pain to
Mr. Buchterlony, the
Govt. will gladly make
all the reparation in
their power, by pub-
lishing also, as re-
quested, that Gentle-
man's letter and this
~~reply to~~
~~letter on~~ it. —

Copy. Mr. J. Buchterlony
Dispatch

Note - I am very sorry for the
necessity of this - the ~~words~~ was
& at first intended merely as a confi-
dential letter, & it was inadvertently
that the letter in question was published
or even brought on record - Of course
comments ~~statements~~ even in confidential
letters are objectionable; but at least no
harm will have been done & the O-

Revenue 1860 Sept.
Pro: of Govt for July.

No 1114.

Pro: of the Madras Govt
Dt 6th July 1860.

Further Pro: 18th Sept. 60
300 @ 302.-

On the remonstration of Mr Chichester long against the use of certain terms in the Official papers published in the Madras Journal relating to the Coffee Land Taxation in Wynad.