M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	406	Press ~~Mis.~~
81-82		
Dated	17 — 3 — 1860.	

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, for the month of March 1860.

No. 81. Read the following Proceedings of the Board of Revenue, dated 24th February 1860, No. 973 :—

Read again letter from the Collector of Coimbatore, dated 23rd December 1859, No. 229, forwarding application from Colonel Faber, to redeem the quit rent on his property at Ootakamund.

(In Con. 29th December 1859, No. 6484.)

Read also again letter from the same officer, dated 11th January 1860, No. 3, forwarding a similar application from Mr. Knop.

(In Con. 16th January 1860, No 213.)

Read also letter from the same officer, dated 27th January 1860, No. 17, furnishing two freehold title deeds for the above properties.

(In Con. 1st February 1860, No. 489.)

Resolved that the two original applications for the redemption of quit rent, and the freehold title deeds received from the Collector of Coimbatore with the foregoing letters, be submitted for the orders of Government.

2. The applicants in the present instance are Colonel Faber and Mr. Knop. Their properties are at Ootakamund and comprise respectively kanis 3 grounds 18 square feet 1,299 assessed at Rupees 8-6-10, and kanis 3 grounds 19 square feet 480, assessed at Rupees 8-7-4. No lease has ever been issued to these gentlemen, but the successive purchasers of the property, now belonging to Colonel Faber, have been duly registered in the Collector's Office. Mr. Knop's property appears, from the Collector's records, to have formed part of certain lands once held under a grant* issued by the Registrar of Government Grants to Mr. Ryan, and to have been subsequently separately sold to the present owner. The payments which the applicants have now to make under the rules for converting their property into absolute freeholds are respectively Rupees 168-8-8 and Rupees 169-2-8.

* *No.* 103, *dated 24th February* 1842, *for kanis* 13-0-254.

3. In the last letter above recorded, Mr. Thomas requests the orders of the Board as to whether the above amounts should include the quit rent due for 1859, the applicants having submitted their requests before the close of that year, but not having as yet paid the money into the treasury, and states his opinion that until the date of its payment they are liable to the quit rent independently of the 20 years' purchase money.

4. The rules do not specifically provide for cases of this kind, but it seems to the Board that the claim of Government to quit rent or assessment ceases only from the date on which the purchase money is paid or deposited with the Collector, and that when redemption takes place in the course of a year, the quit rent or assessment should be rateably distributed over the whole year and demanded for the broken period preceding redemption.

5. To obviate future references, the Board resolve to solicit instructions from Government on this point.

(A true Extract)

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

No. 82. ORDER THEREON, 17th March 1860, No. 406.

Resolved that the Deeds submitted with these Proceedings be sealed and returned to the Board of Revenue.

2. With reference to paragraphs 3 at 5 the Collector of Coimbatore and the Board are correct in the view they have taken of the question mooted by the former in his letter 27th January No. 17. The Government request that the Board will instruct all Collectors accordingly.

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

In Con. 29th December 1859, No. 6484.

From E. B. THOMAS, Esq., Collector of COIMBATORE,
dated Ootacamund, 23rd December 1859, No. 229.

Dated 2nd and 3rd December 1859.

Adverting to the Board's Circular of the 23rd September 1859, No. 3852, I have the honor to forward two original notes from Colonel C. E. Faber, to Mr. Sub-Engineer Williams, applying for a freehold conveyance for his property at Ootacamund known as "Lower Walthamstow," and to request, with reference to paragraph 5, of the Government order of the 21st idem, No. 1271, the Board of Revenue will be good enough to obtain the sanction of Government for issuing the same.

2. The land in question is occupied partly by building and partly as compound and garden, and measures cawnies 3, gds. 18, square feet 1299, paying to Government an annual quit-rent of Rupees 8-6-10, which Colonel Faber wishes to redeem by the payment of a sum equal to twenty times the annual land tax. It formerly formed a portion of the property belonging to Captain Douglas, from whom it was purchased by Major Minchin, and from him by Mr. Griffin as appears from the registry made in the books of my office. Colonel Faber bought it on the 1st October 1859, and the transfer has been duly entered in my register. None of the above parties has had a lease issued for it; but the quit-rent has been regularly paid on the presentation of a bill annually. In the absence of a lease, I have some doubt as to whether it can be considered as coming under Form E, which purports to be intended for lands *held on terminable lease*. The proper Form of conveyance which I think applicable to this and other similar cases is that marked B, and I request the orders of the Board as to whether I am right in this view, or whether Form E is alone applicable to all lands on the Nilgiris, on which the quit-rent is to be redeemed, whether they possess leases or not.

3. A specification of the land for which Colonel Faber wants a freehold conveyance, is herein enclosed, which contains all the necessary information in regard to boundaries and other particulars. On the receipt of the Board's orders as to which of the Forms is to be adopted in Colonel Faber's case, I shall submit a conveyance for the approval and sanction of Government.

4. I take this opportunity of also requesting the Board's orders on another point, viz., whether in submitting applications for freehold conveyance or permanent title deeds, it is necessary that the former deeds of assignment or other conveyances which the applicants have in their possession relating to their property, should also be forwarded to the Board for their satisfaction; these having been in most instances already examined and duly verified.

Enc. 1.

Abstract.—Specification of the land for which Colonel C. E. Faber wants a freehold conveyance.

Exd. J. Tulloch.

IN CON. 1ST FEBRUARY 1860, No. 489.

From E. B. THOMAS, Esq., Collector of COIMBATORE,
dated Coimbatore, 27th January 1860, No. 17.

With reference to your letter of the 18th instant, No. 269, I have the honor to forward at conveyance for Colonel Faber's property prepared in form B. as directed by the Board, and to request they will be good enough to obtain the sanction of Government for it.

2. The same form appears applicable to the case of Mr. Knop, whose application was forwarded to Board with my letter of the 11th instant, No. 3, and I accordingly beg to submit a conveyance for his property for the sanction of Government.

3. I take this opportunity of requesting the orders of the Board, as to whether the redemption money of 20 years' quit-rent should include the quit-rent due for 1859, the year just expired; or whether quit-rent should be recovered in addition to the redemption money, till the date of its payment into the treasury. Colonel Faber and Mr. Knop submitted their applications for redeeming the quit-rent on their properties, before the close of 1859; but have not as yet paid the redemption money into the treasury, and I am therefore of opinion that until the date of payment of the above money they are liable to pay the quit-rent. I would, however, request the Board's orders on the subject with a view to prevent any future difficulties.

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ENC. 1.

ABSTRACT.—Conveyance of Colonel Faber's property at Ootacamund.

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ENC. 2.

ABSTRACT.—Conveyance of Mr. Knop's property at Ootacamund.

Exd. J. Tulloch.

Read the following

No. 973.

PROCEEDINGS of the BOARD of REVENUE, dated 24th February 1860.

Read again letter from the Collector of Coimbatore, dated 23rd December 1859, No. 229, forwarding application from Colonel Faber, to redeem the quit rent on his property at Utakamand.

(In Con. 29th December 1859, No. 6484.)

Read also again letter from the same officer, dated 11th January 1860, No. 3, forwarding a similar application from Mr. Knop.

(In Con. 16th January 1860, No. 213.)

Read also letter from the same officer, dated 27th January 1860, No. 17, furnishing two freehold title deeds for the above properties.

(In Con. 1st February 1860, No. 489.)

Resolved that the two original applications for the redemption of quit rent, and the freehold title deeds received from the Collector of Coimbatore with the foregoing letters, be submitted for the orders of Government.

2. The applicants in the present instance are Colonel Faber and Mr. Knop. Their properties are at Utakamand and comprise respectively kanis 3 grounds 18 square feet 1,299 assessed at Rupees 8-6-10, and kanis 3 grounds 19 square feet 480, assessed at Rupees 8-7-4. No lease has ever been issued to these gentlemen, but the successive purchasers of the property, now belonging to Colonel Faber, have been duly registered in the Collector's office. Mr. Knop's property appears, from the Collector's records, to have formed part of certain lands once held under a grant* issued by the Registrar of Government Grants to Mr. Ryan, and to have been subsequently separately sold to the present owner. The payments which the applicants have now to make under the rules for converting their property into absolute freeholds are respectively Rupees 168-8-8 and Rupees 169-2-8.

* No. 103, dated 24th February 1812, for kanis 13-0-254.

3. In the last letter above recorded, Mr. Thomas requests the orders of the Board as to whether the above amounts should include the quit rent due for 1859, the applicants having submitted their requests before the close of that year, but not having as yet paid the money into the treasury, and states his opinion that until the date of its payment they are liable to the quit rent independently of the 20 years' purchase money.

4. The rules do not specifically provide for cases of this kind, but it seems to the Board that the claim of Government to quit rent or assessment ceases only from the date on which the purchase money is paid or deposited with the Collector, and that when redemption takes place in the course of a year, the quit rent or assessment should be rateably distributed over the whole year and demanded for the broken period preceding redemption.

5. To obviate future references, the Board resolve to solicit instructions from Government on this point.

(A true Extract.)

Secretary.

To T. PYCROFT, Esq., Chief Secretary to Government.
Copy to Collector of Coimbatore.

Exd. J. Wright.

Utakamund

1860 Dept. of Revenue

Enclosure 2 to Board's Proceedings of the 24th February 1860 No. 973.

Letter from the Collector of Coimbatore to the Board of Revenue dated 27th January 1860 No. 17 regarding quit rent

E. 2 - 86 Encl.

B 454/60

Pro: of Govt: 5 August 57 No: 47-
" " 23 Sept: " " 33-34

Pro: of the B: of Rev: 4 July 62 Cur: 1924

No: 81 & 82

C: Nmich R 12

Revenue 1860 Depart:
Pro: of Govt 20 March

No: 457

Proceedings of the Board of Revenue

Dated 24th January
Desp: 1 March " February 1860
Rec: 2nd Do:
E. 3 - No: 3 - Of: Letter
8 Encls

No: 973

Pro: from Do: 2/5 March /60
C: No: 500 in Cons:

Submitting for orders letters from the Collector of Coimbatore forwarding the applications of Colonel Tatler and Mr Kirkop for the redemption of quit rent and the free hold title Deeds for their properties at Utakamund -

W. St an order No: 406. 17: March

No: 406

Resolved that the deeds submitted with these Pro: be sealed and returned to the Board of Rev: -

With Ref: to Paras 3 & 5 the Coll: of Coimbatore & the Board are correct in the view they have taken of the question mooted by the former in his letter 27 Jany No: 17. The Govt request that the Board will instruct all Collectors accordingly

Fort St: Geo: 17 March 1860.

11 Copies to the Board of Rev: with 6 Rolls Desp: 19