M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1470 — Press / ~~Mis.~~

302. 333

Dated 23. 7. 1861.

Not to be folded or roughly handled

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following letter from H. D. RAE, Esq., to J. D. SIM, Esq., Secretary to Government, Revenue Department, Fort Saint George, dated Ootacamund, 29th May 1861, No. 14:—

SIR,

1. I have had the honor to receive the Order of Government (No. 993) of the 4th instant, to which I would have replied immediately, but for indisposition.

2. I have many apologies to offer for not having earlier communicated with Government in succession to my letter of the 20th ultimo, No. 9, but the Proceedings of Government of the 12th ultimo, No. 819, conveyed to me by the Collector of Coimbatore on the 26th idem, seemed so fully to concede to me, alike in letter and spirit, all that I had been soliciting as necessary to enable me to carry out, with a fair prospect of success, my experiment of Tea cultivation, that I had hardly felt called upon to trouble the Government further on the subject.

3. I now beg leave to forward herewith the draft Lease that was sent to me, through the Collector, accompanied by a few running notes on its provisions, and would here only remark that Government will see how entirely inconsistent these terms are with the liberal consideration which is so largely evinced in the Order of Government of the 12th ultimo, No. 819, as well as with the simple and unfettered concession of the terms proposed in my letter of the 11th September last. But perhaps His Excellency in Council may deem that by one provision, which I now beg to submit for approval, the tenor of the Grant or Lease to be given to me may be reduced to the simplest form, and at the same time follow the views enunciated by the Government.

4. I would then propose that, should it at any time be found, within, say a period of seven years from the expiration of the seven years of exemption from quit-rent, that the land is devoted to any other cultivation than that of *Tea*, I shall *ipso facto* become liable for arrears of quit-rent from the date of my Lease. I name seven years, because, in the first place, if I shall have carried on the cultivation of Tea alone for above seven years and it result in failure my loss must necessarily be a heavy one; and, secondly, because after fourteen years I may reasonably be left to turn the land to any promising account if I have failed to make Tea cultivation answer.

5. Of course in being precluded from all other cultivation I take it for granted that the growth of fodder, firewood, &c., for the purposes of the estate, and of vegetables and such like cultivation for the local use of parties living on the spot, will not be regarded as an infringement of the condition.

6. With a view to see that these conditions were adhered to, the Collector, or other Officer, would have the right of entry into the estate, as already agreed on; but with no power of control whatever in the method of cultivation, as the accompanying Lease proposes. On this subject, having repeatedly had occasion to complain of the outrageous proceedings on the part of local Revenue authority, both European and *Native*, I trust Government will oblige me by naming an Officer in the Conservator's or any other Department than the Collector's, for the above visitations.

7. To the foregoing I would only take leave to add that, with the power of purchasing the fee simple at any time, I take for granted that I should then enter upon all the privileges of land so held, and all present conditions be thereby annulled.

ORDER THEREON, 23rd July 1861, No. 1,470.

1. Ordered that this letter and its enclosure, being draft of a Lease for certain land granted to Mr. H. D. Rae on the Neilgherries, be forwarded to the Government Solicitor for his opinion, and report on the points raised by that gentleman.

2. The Board of Revenue will supply Mr. Miller with all the papers he may require for his report.

(True Extract.)

(Signed) J. D. SIM,

Secretary to Government.

To the Board of Revenue.

„ Government Solicitor with draft Lease.

Exd. S. T. Augustin.

404-5

21-9-60

2267

2

Rec No 1309.

In 1860 Govt granted Mr Rae 200 acres of pass land & 40 of forest, near Otacamund for Tea Culture - His present letter is on the subject of the revised Title deed to which he raised certain objections - proposing in lieu an agreement whereby if the land is deserted & any other culture than Tea (food for his people & forage for his cattle Excepted) for the 7 years of free tenure & for the next 7 years after that - or 14 years in all, then he shall be

We had letter of March from Govt Secretary Commissioners Office Ootacamund Mr Rae's proposals - Still

454-5
21-9-60
2262

he shall be liable to full assessment (1R per acre) in arrears abinitio.

The deed, as above stated, is are revised by order of Govt. — to go through its details and Mr. Rae's objections and concurrence the time of Govt. to little purpose — and instantly leave the matter open for further correspondence. Mr. Rae seems perfectly satisfied with the terms offered by Govt. in their orders — & in fact volunteers harder terms — the Govt. on the other hand are anxious to encourage him — so that all this correspondence is really about the phraseology & form of the deed. I beg to suggest that in lieu of continuing the discussion the terms of Govt. should be simply recounted in a G.O. and Mr. Rae be called upon to name his legal Agent who can be left to all about the deed with the Govt Law Officers — or to do it himself with them — in their own time — say 4 or 6 weeks hence. This I believe is the usual course in such matters in all private

406-S
21-9-60

transactions of this nature.
The terms of ~~lease~~ are.

I. That the land shall be devoted to Tea Culture exclusively for the first 7 years of the lease.

II. That in consideration of this it shall be held rent free for the first seven years.

III. That after the first 7 years Mr Rae may do what he pleases with the land but shall pay 1 R per acre on the whole extent - save that to clearly uncultivated

NB. A certain portion say 25 acres might be allowed for food & forage.

III. That he may at any time ~~after the first seven years~~ enfranchise the land by paying up 20 times the annual assessment & be then free to do as he pleases.

IV. That all the wood on the land (excepting trees shading springs) may be felled & used by Mr Rae without charge but if sold by him ~~or~~ it is to be charged a Seignorage of 1 R per Cart load -

V. That Officers authorized by Govt shall have power to enter the lands during the first seven years to see that the first con-

404-S

21-9-60

3267

19-10-60

-dition is fulfilled-

III. The penalty for breach of Con-
dition is re-entry or confiscation.

The last condition should
I think be limited to the first 7
years - the first give the land for
an express purpose (for that period), & there should
be a heavy penalty for its breach.
of faith - But after the 7 years first
leave Mr Rae free to turn the land
to any use - so heavy a penalty here is
out of place for mere non-pay-
ment of assessment - and the
ordinary course of distraint & sale
seems sufficient. This change
is in Mr Rae's favor - so he is not
likely to object.

S. H. L.

Copy in a Letter to Engd
of 18th February No 12 of 1863

52/R 15/5/63

15 do No

No 332 & 333

C. 18 July R 20th

Revenue 1861 Dist 4
Pro: of Govt for July.
No 1509

From

H. D. Rae Esq
Ostacamund

Dated 29th May 1861
Received 3rd June No 14

Enclosure one Solicitor
From Govt Pleased
26 August 61 No 2064.

Requesting certain alterations may be made in the Draft Lease to be given to him for land on account of his experiment of Sea cultivation

No 1470. 23 July.

With an Order

No 1470

Ordered that this Letter and its enclosure, being draft of a lease for certain land granted to Mr H D. Rae on the Neilgherries, be forwarded to the Govt Solicitor for his opinion and report on the points raised by that gentleman

2 The Board of Revenue will supply Mr. Miller with all the papers he may require for his report

Sect 1 Leo: 23 July 61

11 Copies

To the Board of Revenue Dist. 23

3 " " Govt Solicitor with Draft of a Lease