M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1965 Press
Mis.

146-147

Dated 10 10 1861.

Not to be folded or roughly handled

No. 146. Read the following Proceedings of the Board of Revenue, dated 1st June 1861, No. 2,814 :—

Read again letter from the Collector of Coimbatore, dated 4th March 1861, No. 47.
(In Cons., 8th March 1861, No. 1,469.)

Read also the following letters from the same Officer on the same subject :—

No. 73, dated 13th, in Cons., 17th April 1861, No. 2,326.
,, 89, ,, 30th April, in Cons., 4th May 1861, No. 2,761.
,, 100, ,, 8th, in Cons., 11th May 1861, No. 2,882.
,, 105, ,, 14th, in Cons., 20th May 1861, No. 3,061.

1. Ordered that the above letters be submitted to Government with reference to the previous correspondence relative to the grant of land on the Neilgherries to Mr. Rae, and specially to the Proceedings of Government, dated 12th April 1861, No. 819, Revenue Department.

In Cons., 13th April 1861, No. 2,265.

2. In those Proceedings Government were pleased to record their opinion that the Burghers had failed to make out a title to any part of the land selected by Mr. Rae, but as the evidence on this point supplied by the two first letters above recorded was not then before Government, and is, in the Board's opinion, entitled to great weight if not to be deemed conclusive on the point at issue, they consider it their duty to bring the matter again under the notice of Government.

Collector's letters, dated 4th March and 13th April 1861.

3. The evidence in support of the Burghers' claim is afforded by the testimony of the Curnum and neighbouring villagers, by the existence of an old rude anicut and portion of a channel, and by the entry in the Burghers' Pattas of the 14 Bullahs, or about 40 Cawnies of grass land, which it is asserted is included in the particular land occupied by Mr. Rae.

4. Against this evidence has to be weighed Mr. Rae's unsupported assertion that the claimants' land is not included in his occupation.

5. It is scarcely necessary for the Board to remark that independently of the fact that Mr. Rae cannot possibly be in a position to give evidence on this point from his own knowledge, his denial of the truth of the evidence adduced on the opposite side is altogether insufficient to upset it.

6. In an unenclosed country like the Hills, it is necessarily the case that the evidence as to the occupation of grass land in a particular spot must be to some extent imperfect, and in the present instance the Board would balance probabilities.

7. There is unquestionable evidence of former occupation ; there is the narrative of the reason for the change in the nature of that occupation which is perfectly compatible with the probabilities of the case ; there is the inclusion in the Pattas, for a long series of years, of the extent of grass land claimed and described by name ; and there is the evidence of a considerable number of witnesses to the asserted fact that the land so described is included in that occupied by Mr. Rae.

8. There is also the inherent improbability of so favorably situated a locality in the vicinity of their village being left unoccupied by the Burghers ; its advantages being sufficiently evidenced by Mr. Rae's selection of it for his experiment.

9. The Board consider that the cumulative evidence cannot be set aside by Mr. Rae's unsupported assertion that the Burghers' grass lands are not included in his occupation.

10. The Board will leave the point in the hands of Government for decision, and will merely remark that should they on re-consideration see fit to admit the Burghers' claim to the land, and right to compensation if the land is retained, Mr. Rae is also entitled to consideration

from the fact that his taking "immediate possession" was sanctioned by Government in their Proceedings of 21st September 1860, No. 1,685, Revenue Department, without reference to the Collector; that Mr. Rae on the strength of that permission has incurred considerable expense in the formation of seed beds, cooly lines, manager's bungalow, &c., which must be a serious loss to him were he now to be required to abandon the spot; and that the complication having mainly resulted from the Telegram despatched to him by Government, it may fairly be required that Government should bear the chief portion of any expense to be now incurred in compensating the Burghers for the relinquishment of their right. To refer them to an action at Law for the establishment of their claims, is simply equivalent to a denial of justice with a people of their rude habits and imperfect civilization.

In Cons, 24th September 1860, No. 4,791.

11. The only other point that the Board will mention is that the right of way claimed, through the land selected by Mr. Rae, is altogether unquestionable, but the Board understand that Mr. Rae does not desire to oppose the passage of men or laden cattle in charge of drivers, but objects to the passage of herds of grazing cattle. The objection is, in the Board's opinion, reasonable, and may be allowed when compensation for the occupation of the land has been settled.

12. On the objections raised by Mr. Rae to the terms of the draft lease, the Board do not feel called on at present to make any remark, as those objections are not before them in detail, and Mr. Rae it appears intended to address Government direct on the subject.

Collector's letter, dated 30th April 1861.

The difficulty regarding the wood on the land, has been removed by the Government Order of 12th April 1861, No. 819, Revenue Department.

In Cons., 13th April 1861, No. 2,265.

13. As to the allotment in another locality of the balance of the land granted by Government beyond what has been taken up in the Sholoor valley, the Collector already possesses ample authority, in the Board's opinion, to dispose of any unobjectionable application on the subject which Mr. Rae may make to him. Government having already in the case of Colonel Woodfall declined to make any further grants on the terms allowed to Mr. Rae, the Board cannot support Mr. Rae's application that his grant of grass land be increased from 200 to 600 acres.

Collector's letter, dated 8th May 1861.

14. The letter of latest date above recorded does not require any remarks from the Board beyond the reiteration of their opinion that the Collector *has* authority to assign the balance of the land granted by Government in any unobjectionable locality other than the Sholoor valley, and an expression of their regret that Mr. Rae should have adopted so discourteous a tone of correspondence towards the local representative of Government.

Collector's letter of 14th May 1861,

15. Mr. Rae is in error in stating the extent of the Burghers' claim as 40 Bullahs. It is but little over 14 Bullahs, or 40 Cawnies.

(A true Extract.)

(Signed) W. HUDLESTON, *Secretary.*

No. 147. ORDER THEREON, 10th October 1861, No. 1,965.

1. With reference to the Proceedings of Government, dated 12th April 1861, No. 819, declaring the opinion that the Burghers had failed to make out a title to any part of the land selected by Mr. H. D. Rae on the Neilgherries for Tea culture, the Board of Revenue submit several letters from the Collector of Coimbatore, bringing under notice again, the claim of the Burghers to compensation for their patta land now granted to Mr. Rae.

Proceedings of the Madras Government, Revenue Department,
10th October 1861.

2. The correspondence touches on various points, but the only questions on which the orders of Government seem necessary are the claim of the Burghers to compensation, and the right of way claimed through the land selected by Mr. Rae. The papers show that the Burghers *once* held the land in dispute, which fact has never been questioned; but it is impossible to decide from the pattas whether they have kept up their right by paying assessment regularly up to the date of Mr. Rae's application. It is so easy on the Hills to bring forward claims to land, that this point must be clearly proved. If it is, the Government will grant equitable compensation. Mr. Rae has no longer any concern in the matter. Government have given him the land, and the question is now between them and the Burghers.

3. The right of way is matter for Civil action. Mr. Rae only objects, and reasonably, to herds of loose cattle going through his estate; and Government therefore need not interfere in the matter.

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

No. 1,782.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 6th April 1861.

Read the following letter from E. B. THOMAS, Esq., Collector of Coimbatore, to J. D. SIM, Esq., Secretary to the Board of Revenue, Fort Saint George, dated 4th March 1861, No. 47 :—

1. I have already replied to the Board on the grass Puttahs of the Hills, and with reference to paragraph 4 of Captain Morgan's letter, now sent to me with Board's Proceedings of 12th February 1861, No. 803, I have only to observe that Captain Morgan's remarks, are in error, and too indefinite and general to be susceptible of particular answer.

2. If Captain Morgan will *specify* and instance the "personal experience" he refers to, it would be satisfactory. Any difficulty experienced by his brother-in-law Mr. Rae, cannot certainly be adduced; it arises entirely from Mr. Rae having selected and appropriated, without delay, land on which the Burghers had a real and fair, and not a "more than dubious" claim; they had paid for it from 12 to 15 years, under the rules, and on the terms laid down by the Board for the whole District. Captain Morgan's general statement that "nearly the whole of the Hills is held "by the Burghers on a more than dubious title of a grazing Puttah," and the statements following, are at variance with the real facts.

3. The Burgher Puttahs are and ought to be as valid and sacred to *them* as any other leases, and no *claims* of their's are admitted, but such as after due inquiry are found to be fair and just. I request Captain Morgan to *specify* any *one instance* of any "preposterous sum" being ever paid to the Burghers; though, where fairly their own, they have a fair right to fix their own terms, or hold their own. If speculators like Mr. Rae select the most fertile valleys in the neighbourhood of populous Burgher villages, they cannot fairly suppose the Burghers (200 years cultivators of the Hill,) have not had the common sense and observation *also* and long *before* to choose the same desirable localities; if their land is now coveted, they should be fairly bought out, not ousted and ignored. The Burghers' legal and fair right to the best part of the valley (originally selected, Mr. Rae himself informed me, by Captain Morgan) now occupied by Mr. Rae, is as legal and indefeasible as any European lease on the Hills.

4. As to "colonization being impossible," and land unobtainable, it is not easy to answer such vague and broad assertion, unless Captain Morgan will explain *how*. I know of no single *instance* in which Burgher claims, unless *real*, have stood in the way of any European enterprize. I beg Captain Morgan may be called on to state any one instance he knows, and on which he founds so sweeping and general an assertion. Doubtless, intelligent Europeans select the best lands on the Hills, and Burghers (who are at least practical agriculturists) the same; and the Burghers having been here before the Europeans, it is natural and likely that both parties should occasionally meet on the same spots; often *temporarily* left by the Burghers (the old occupants). Such is not the case in Mr. Rae's land, and to satisfy the Board (who may be misled by Mr. Rae's and Captain Morgan's statements), I beg to enclose translation of a report from the Tahsildar containing 24 in number. the purport of the depositions taken by him, verified and corroborated by my own careful and personal inquiry.

5. As to Government giving *Tea manipulators*, if ever advisable, it is at present quite premature. There is no tea to manipulate. Captain Mann's plantation of only a few acres, about seven years old, is at present unworked, his time and capital being expended in extensive Coffee lands, in Coorg; and Mr. Rae has only just begun to put in young plants. He *has* a *few* old plants (collected from various private gardens on the Hills, and transferred to his plantation), but if such, when stripped, gave a basket full of leaves, and a few tea cups of infusion, they will not, for five or seven years, be a real experiment, or need an imported manipulator. In fact, Dr. Cleghorn's recommendation seems to me at present quite premature.

P. S.—I send the *original* Tamil depositions (24) in *case* the Board like to refer to them. I did not translate them, as my English Translator's Office is really so hard pressed as to be hardly able to get through the work. I request their return for record at the Board's convenience.

ENCLOSURE No. 1.—Translation.

ENCLOSURES Nos. 2 to 25.—Tamil documents.

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1. The Collector will shortly receive a copy of the Board's Proceedings on the Grass Puttahs, &c, of the Hills, and the Board will readily receive any remarks he may wish to make on their views.

2. Mr. Rae's case will be separately disposed of on receipt of the Collector's reply to the Board's Proceedings, dated 18th January 1861, No. 329.

(A true Copy and Extract.)

(Signed) J. D. SIM,
Secretary.

To E. B. Thomas, Esq., Collector of Coimbatore.

Exd. J. Wright.

Enclosure No 1 in the Proceedings of the Board of Revenue to the Secretary to Government Revenue &c &c dated 7th June 1861 No 2814

Read 25 Oct 1862

Letter from the Coll^r of Coimbatore to the Secretary to the Board of Revenue dated 4th March 1861 No 49 on the grass puttahs of the Hills

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IN CONS. 17TH APRIL 1861, No. 2,326.

From E. B. THOMAS, Esq., Collector of COIMBATORE,
dated Ootacamund, 13th April 1861, No. 73.

In reply to Board's Proceedings, No. 1,010 of the 25th February, I beg to observe several of the points noticed by the Board have been already explained in my subsequent letter of 4th March 1861, No. 47.

2. The grass puttahs of the Burghers are not "merely shifting Puttahs," though *some* may be so, they are usually sufficiently defined; and in all cases (like the present) of valuable and good land, in a watered valley and near their villages, they are permanently adhered to and paid for, according to the Board's own rules, and the practice allowed throughout the district. The land here* held by the Burghers was originally cultivated, and is still cultivable and good (as proved by Mr. Rae choosing it), and has only been continued at *grass*, because it was a sheltered valley, *well watered* and most valuable for grazing their cattle, and they have *cultivated* an equal area elsewhere.

* At Sholoor.

3. The six Puttahs translated are forwarded.

4. The evidence in the 24 depositions taken by the Tahsildar, and before stated personally to myself on the spot, are already before the Board.

5. The "value" of land on the hills, and "compensation" payable, depends (on the hills as elsewhere) of course on the relative value of the soil, locality, water and other such points. Perhaps in all *fairness* a Burgher as well as any one else, should be allowed to put his own value on his own land (as much as on his cattle, house or grain), which he has held and paid for, openly and under recognised rules, for 12 or 15 years and more.

6. And such has usually been the course. I have refrained from interfering in any way between purchasers, unless when *appealed* to either by Europeans or Burghers. For instance, General Dyce, eight years back, wishing for a particular spot of building land near Coonoor, held by Burghers, paid 1,000 Rupees for 37* cawnies. Sir W. Burton offered the Todars at Coonoor for the site of an old mund grass land only, of about two cawnies, 500 Rupees. Lord Elphinstone when Governor offered 500 Rupees (the bag of Rupees were carried down to the Todars and declined) for a similar quantity at "Fairlawns," near Ootacamund. The same sum was offered many years ago for an open space (of the Todars), a good building site, in a wood above Mr. Dawson's, with other instances. In fact, both Todars and Burghers have obtained from Europeans desiring coveted and desirable* sites (long occupied by the hill tribes, though of little *intrinsic* value), various and large prices from 10, 20, 30 up to 70 and 100 Rupees per cawny,† and even more.

* Much of it waste.

About 2 Cawnies.

* For view, &c.

† For most of the land on which the Wellington Barracks now stand, from 35 to 70 were paid to the Burghers.

Some of the Puttahs are dated as far back as 16 and 17 years.

7. No *European* would submit to be ousted without compensation, from land he had held and paid for, for 15 years; and I do not see why the Burgher rights, where fairly proved (and I neither admit nor support any *fictitious* claims), should be less considered. They would not have been so under Sir Charles Trevelyan. As the Board call on me to state "what the compensation, if allowed on Mr. Rae's land, should be," I think 20 Rupees per cawny the very lowest that could be fairly allowed. The Burghers would undoubtedly ask more. Mr. Rae should have agreed with the Burghers *before* he settled down on and *used* their land, and *ought* now either to pay them fairly, or exclude their land from his grant. These are the fair and simple facts of the case; but as Mr. Rae *has* built and planted on the Burgher land (though in violation of existing rights), it is hardly practicable for him now to remove. I see no other fair solution, but compensation to the Burghers.

8. The old rough stone annicut and channel made by the Burghers are still clear and obvious, and which Mr. Rae has now appropriated. The old cattle path and right of way are equally apparent at the present moment, and I doubt if Government had either the right or the intention, as Mr. Boyson's draft implies, to give away *either* without the Burghers' consent. I would allow Mr. Rae full *use* of the water, not abusing or wasting it, but the old right of way (along any cut path, Mr. Rae will leave fairly open) should undoubtedly be left—all the villages and "munds" earnestly demand it—and it is the only, usual, long used and natural out-let of the valley, to shut up which would be an injustice and a hardship. I would, however, in concession to Mr. Rae accede to the Burghers only frequenting it by men and laden cattle coming to Ootacamund market, though it *has* been, without doubt, always used by their grazing herds. I would restrict *them*, in consideration to Mr. Rae, though I do not think he has had equal consideration for his poorer and weaker neighbours, the Burghers.

Steep hils on either side.

9. While there is ample room for European enterprise and capital on the hills, it can never be the wish or intention of Government that any Europeans should settle down upon, and summarily take possession of, any lands or waters long held and paid for by the hill tribes, whose prior rights and fair claims are as much entitled to the consideration and protection of Government as the recent European settler.

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Enc. 1.

Abstract.—Puttah No. 151. Thonen, son of Thaden.

—

Enc. 2.

Abstract.—Puttah No. 152. Tooten.

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Enc. 3.

Abstract.—Puttah No. 153. Matha Shevana, Belly and Poothoomah.

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Enc. 4.

Abstract.—Puttah No. 154. Belly, Carooma.

—

Enc. 5.

Abstract.—Puttah No. 155. Joghy, son of Poshun.

—

Enc. 6.

Abstract.—Puttah No. 157. Poodoocoody Aundy.

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Enc. 7.

Abstract.—Explanatory statement of the grass lands belonging to the Burghers at Sholoor, and taken possession of by Mr. Rae.

Exd. J. Tulloch.

In Cons. 4th May 1861, No. 2,761.

From E. B. THOMAS, Esq., Collector of COIMBATORE,

dated Ootacamund, 30th April 1861, No. 89.

I beg to acknowledge the Board's Proceedings of 25th February, No. 1,010, and the Government "Order thereon," dated 12th April 1861, No. 819.

2. I much regret that the Government should deem it necessary to censure* me for what I can truly say has been an unpleasant, though an obvious duty, from which I have not shrunk, though it would have saved me much trouble to have acquiesced in all Mr. Rae's demands, and what appeared to be the Government view of the case; but I am persuaded that Government had been led to that view, without full information and knowledge of the facts; and I should have failed in a duty I have always endeavored to perform (of protecting the weaker party, the native, in his *just* rights) had I not, as local officer here, with full knowledge of the real case and facts, pleaded the fair claims of the Burghers who strongly appealed to me to do so.

* Paragraph 4.

3. I shall of course obey whatever orders Government please at any time to issue on Mr. Rae's or any other case, but with all deference, I must *once* more repeat that the Burgher rights and claims in this case, are just and undeniable; that they would stand good in any Court of Law, and that they cannot be fairly or justly ignored. When the order of Government of 12th April 1861 was penned by Mr. Secretary Bourdillon, my report to the Board of 13th idem, No. 73, with the old puttahs and other evidence on the Burghers' side could not have been received; the Government had not the whole case before them, it was still before the Board when the Order of 12th April 1861 was issued.

I beg also to refer to paragraphs 3 and 4 of my letter to the Board of Revenue of 4th March, No. 47.

4. In fair justice to the hill tribes, I respectfully request a re-consideration, on a full reference to the *whole facts* of the case. I would rather risk the censure of Government, than of my own conscience in not defending the fair rights of those who officially look to me.

It is also indispensable and fair that the old and undoubted *right* of *way*, the only one through the valleys, should not be stopped up by Mr. Rae: and the Burghers will agree to use the one he has or will mark out, as most convenient to himself.

E. T.

5. To refer the simple and unlettered hill tribes to a "Court of Law" to regain possession of their *own* long occupied land, from which they have now been ousted, would be to refer them to a remedy they would neither understand nor resort to; they will rather succumb and submit to their loss, and I as their official protector, am the more bound to support their just rights, and I beg the Government will excuse me for so doing.

6. I stake my long official revenue service and character, my knowledge of these hills, their tribes, and their language and habits, on the truth and justice of the Burghers' claim to compensation, now too hastily ignored. The hill tribes no doubt must gradually retire before European energy and enterprize, but they have an undoubted claim to compensation, either from Mr. Rae or from Government, on so retiring. Encouragement to the European, involving injustice to the native, is not, I am sure, a course Government would knowingly adopt.

Copy enclosed.

7. Mr. Rae has himself proposed, in a subsequent letter taking other land, as if admitting the Burgher claims. I would rather, for the sake of the experiment, see the Burghers compensated and Mr. Rae be allowed to *remain* though *that* is, by *no* means, what the *Burghers* desire.

8. To put the Board in full possession of what has passed, I beg to send copies of Mr. Rae's and my own further letters. On Mr. Rae's letter of 12th April 1861, No. 7, I need only make a few remarks. In reference to his remark, paragraph 2, that "*no* cultivator would assent to the

terms laid down" (for Mr. Rae): I am authorized (by a gentleman who has applied for tea land, like Mr. Rae) to say, that he would *gladly* take Mr. Rae's terms and land. On paragraph 3 of Mr. Rae's, whether the Burghers have a claim or no, the Board will judge. I am clearly and conscientiously of opinion that they *have*. On Mr. Rae's 4th paragraph, I can only say I must deny and demur to all the points Mr. Rae asserts, they being erroneous. The Burghers grazed constantly over the land; they all appealed to me the moment they *knew* Mr. Rae's intentions, with one unvarying plea—" their former cultivation and 12 years later grass puttahs." To oust them summarily and then refer them to a law suit to regain their own, is a hard measure to a poor hill tribe long occupying the locality and will give them but a poor idea of English justice.

9. The " survey" I have requested Captain Farewell to have made, having now no surveyor at command. Any inspection of other new land asked by Mr. Rae, was immediately offered by me. I would submit that Mr. Rae should have returned the lease, and made any further reference he desired, through my office, from which he received them.

—

ENC. 1.

ABSTRACT.—Copies of letters to Mr. Rae.

—

ENC. 2.

ABSTRACT.—Remarking on the stringent restrictions in the lease of the land granted to him at Sholoor.

Exd. J. Tulloch.

IN CONS. 11TH MAY 1861, No. 2,882.

From E. B. THOMAS, Esq., Collector of COIMBATORE,

dated Ootacamund, 8th May 1861, No. 100.

I beg to forward at Mr. Rae's request a further application for 400 acres *more* of grass land, " on same tenure and stipulations" as he now holds.

2. Being of opinion that Mr. Rae has already ample latitude given him, both in terms and area, and far beyond any other applicant, I cannot conscientiously recommend his fresh application; it will be, I think, sufficient to entertain it when he has fully cultivated the 240 already given to him. But the Board and Government will order what they deem right in the matter.

3. I have seen the land at Mr. Rae's request; there are no claims upon it but a small one which he (here) proposes to omit. The plot of ground *adjoins* 100 cawnies applied for by Reverend Mr. Laseron; and if conceded to Mr. Rae, will involve the inequality and anomaly of 100 held by Mr. Laseron at *full* payment at once, and 400 by Mr. Rae at seven years entire freedom of rent, being part of the *same* valley and divided only by a fence.

Away four miles from Sooloor, and nearer Ootacamund.

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ENC. 1.

ABSTRACT.—Application for 400 acres more of grass land.

—

ENC. 2.

ABSTRACT.—Requests that he may be put in immediate possession of the 400 acres of grass land applied for by him.

Exd. J. Tulloch.

In Cons. 20th May 1861, No. 3,061.

From E. B. THOMAS, Esq., Collector of COIMBATORE,
dated Ootacamund, 14th May 1861, No. 105.

I deem it right to send a further letter of Mr. Rae's, in *original*, lest the Board should think I had forwarded an erroneous copy; I think the Board will hardly approve of its tone and tenor, especially the 3rd and 4th paragraphs. The main point needing the Board's notice, is the 2nd paragraph, in which Mr. Rae withdraws his former request. Copy of my own letter is appended.

Enc. 1.

Abstract.—Withdraws his request for the immediate possession of the balance of his grant.

Enc. 2.

Abstract.—States that he is not aware of any land applied for, or granted by Government out of the Sholoor valley.

Exd. J. Tulloch.

5

1861 Register No.

Enclosure 3 in Ro's covering letter of the Board of Revenue to the Secretary to Government, No. dated 1st June 1861 No 2814.

Encl 2. 92 sheets.

Rs 1385/61

Letter from the Collector & Principal to the Secretary to the Board of Revenue dated 6th May 1861 No 105 forwarding the Rs Pass with additional papers connected therewith.

Memo.

Ro: Bd: of Rev: 1st June/61, No 2814, resubmitting the claims of the Burghers to compensation for certain land taken up by Mr. Rae on the Nilgherries for tea planting.

#

1. This is a case for the orders of Govt.

2. Mr. R. D. Rae applied for and

Ro: of Govt: 23rd Aug/60, No 1422. obtained a grant of land on the Nilgherries on special terms for a tea plantation, viz: 200 acres of grass land, and 25 acres of forest for raising seedlings. The terms approved by Govt were those recommended by the Board of Revenue, and they were a permanent title, with exemption from all taxation for 7 years, and thereafter a tax of 1 R an acre for the whole extent, except such parts as were absolutely uncultivable, i.e. rocks. The Govt also expressed their willingness to concede to Mr. Rae the power to extend his holding hereafter, on the same terms if successful in his experiment.

× subsequently raised to 40 forest.

3. On a direct application from Mr.

Ro: 21st Sept/60, No 1685. Rae, the Govt subsequently modified their

orders so far as to give him 40 acres of forest instead of 25; immediate possession instead of waiting till the Govt clear the land; and limitation of the condition by which he was bound to devote the land to tea planting, to the seven years of exemption from ~~taxation~~ taxation. A telegram was also immediately dispatched to Mr. Rae, announcing to him that the Govt had agreed to his terms, which were the above.

4. Upon this the Colr of Penang has since submitted a long letter, in which he, after commenting on Mr. Rae's taking immediate and independent possession of the lands required by him without reference to himself, ~~undertaken~~ raised two points for consideration; 1, the claims of the Burghers to part of the lands which Mr. Rae had fixed upon; and 2, his right to the timber on the forest allotment. On this occasion, the Govt declared that having carefully considered the present and former papers on the subject, they were of opinion the Burghers had failed to make out a title

Penang Colr, 8 Oct/61, no 31 in Bd's Pro: 25 idem, no 1010.

* Mr. Thomas (Penang) directed to Mr. Rae's forestalling the usual & necessary sanction of the Bd, this the constituted local Revenue Authorities, & taking actual possession, and commencing his operations, before claims had been exd, limits fixed, & grant for possession given by Govt.

Pro: 12 April/61, no 819.

to any part of the land selected by Mr. Rae; that further investigations by the Revenue Officers was unnecessary; & that the Colr was to be informed that no further enquiry or report was required from him. As to the wood on the land, the Govt said the whole spit was to be at Mr. Rae's disposal, so far as it might be wanted for use on the premises, and that he was at full liberty to clear and destroy it, except trees useful as shading a spring; but all wood sent to Dotacamund or elsewhere for sale was to be charged 1 Rupee a cart load by the Conservancy Dept as the Govt ~~Guinea~~. In these orders also, the Govt censured Mr. Thomas for speaking of their decision, which had been deliberately made, as if it were not final but about to be reversed.

5. With reference to these orders, the Board now submit a correspondence from Mr. Thomas, bringing under notice again the Burghers' claims to compensation. There are 5 letters from Mr. Thomas to the Board, Nos 47/73, 89, 100 and 105

No 47. In this letter, Mr. Thomas encloses a report from the Tahsildar containing the purport of the depositions taken by him, verified & corroborated by his own (Mr. T's) careful and personal enquiry, to prove the right of the Burghers to part of the land selected by Mr. Rae. — 4th March /61.

No. 73. With this, Mr. T. sends up 6 Puttahs in proof of the land in Sholoor (in which Mr. Rae had selected his plantation) having been held and cultivated by the Burghers for 12, or 15 years, and more. — 13 April /61.

No 89. In this letter Mr. T. expresses regret for the censure passed on himself by Govt in their orders of the 12 April; but he believes they were led into that view, without full information & knowledge of the facts. He says when the order of 12 April was penned, the Govt had not before them his letter of the 13th, giving Covers to the old Puttahs & other evidence on the Burghers side. "In fair justice to the hill tribes," he therefore asks re-consideration, "on a full reference to the whole facts of the case," adding, "I would rather risk the censure of Govt than of my own con- — 30th April /61.

science" in not depending the fair rights of those who officially look to me." He states his "long official revenue service and character," his "knowledge of these hills, their tribes, and their language and habits" on the truth and justice of the Burghers' claim to compensation."

No 100. In this Mr T. submits Mr. Rae's application for a further allotment of 400 acres, which however he does not recommend. He also points out that the plot of ground adjoins 100 Cawnies applied for by the Revd. Mr Lapenu, and if conceded to Mr. Rae, would involve the inequality and anomaly of 100 held by Mr. L at full payment at once, and 400 by Mr. R at 7 years entire freedom of Rent, being part of the same valley and divided only by a fence.

No 105. With this letter an original letter is furnished from Mr. Rae, withdrawing his request for further land. Mr. T. sends the letter in original, lest the Board should think he had forwarded an erroneous copy. He says this, because the tone of Mr. Rae's letter is very objectionable.

As to the Board, they attach

great weight to the evidence in favor of the Burghers, which consists in the testimony of the Kurrumm & neighbouring villagers, the existence of an old rude ancient portion of a channel, and the entry in the Burghers' Pattahs of the 14 Bullahs (about 40 Cawnies) of grass land occupied by Mr. Rae. Leaving this point to be determined by Govt, the Board remark that if the Burghers' claim to the land + their right to compensation is admitted, Mr. Rae also is entitled to consideration from the fact of that his taking "immediate possession" was sanctioned by Govt in their Rs: of the 21st Sept; and because Mr. Rae in consequence of this permission & the telegram, has incurred considerable expense in the formation of seed beds, cooly lines, managers bungalow &c., which would be a loss to him were he required to abandon the spot, the Board think the Govt should bear the chief portion of the compensation to be made to the Burghers. They say that to refer the Burghers to an action at Law would be simply a denial of justice to a rude people with imperfect civilization.

7. The other points for notice are,

1. Mr. Rae's objection to a right of way thro' his plantation. As he does not seem to oppose the passage of men & laden cattle, but that of herds of grazing cattle, the Board think his objection reasonable when the question of compensation has been settled.

2. The Board do not support Mr. Rae's application for raising his grant of forest land from 200 to 500 acres; his request he himself has withdrawn.

3. Referring to Mr. Rae's last letter to the Colr, the Board reiterate their opinion that the Colr has authority to reject the balance of land granted by Govt in any undesirable locality other than the Shoteru valley, and they express their regret that Mr. Rae should have adopted so discourteous a tone of correspondence towards the local representative of Govt.

10th May 61.

22/6/61.

Rev Depart

№ 1963

Proceedings of the Madras Government
Under date the 16th October 1861
Read the following
Proceedings of the Board
of Revenue.

Submitting certain letters from the Collector of Coimbatore relative to the grant of land on the Neilgherries to Mr. Rae, and recommending that compensation be given to the Burghers who formerly held that land.

(Here enter 1st June /61 № 2814)

With reference to the Pro. of Govt. dated 12 April 1861, № 819, declaring the opinion that the Burghers had failed to make out a title to any part of the land selected by Mr H. D. Rae on the Neilgherries for tea culture, the Board of Revenue submit several

These papers shew that the Burghers once held the land which fact has never been questioned - but it is impossible to decide from the Puttahs whether they have kept up their right by having assessment regularly up to the date of the Mr. Rae's application - It is for Govt on the Hills to bring forward claims to land, that this point must be clearly proved. If it is, I presume Govt will still grant equitable compensation. Mr. Rae has no longer any concern in the question - Govt have given him the land

Memo:
Claim of Burghers to compensation for certain lands taken up by Mr. Rae on the Neilgherries for tea planting.

and if it proves that they have given what does not belong to them, they must take the consequences. The question is now between Govt & the Burghers.

The right of way is a matter for civil action - Mr Rae only objects to unlawfully herds of horned cattle going through his Estate and Govt need not interfere - These herds might in a day cause him most serious injury.

I do so. I concur in these remarks

several letters from the Collector of Coimbatore, bringing under notice again, the claims of the Burghers to compensation for their puttah land now granted to Mr Rae.—

2 The correspondence touches on various points, but the only questions on which the orders of Govt seem necessary are the claims of the Burghers to compensation and the right of way claimed thro the land selected by Mr Rae. The papers show that the Burghers once held the land in dispute, which fact has never been questioned, but it is impossible to

to decide from the Petitions whether they have kept up their right by paying assessment regularly up to the date of Mr Rae's application. It is so easy on the Hills to bring forward claims to land, that this point must be clearly proved. If it the Govt is Government will grant equitable compensation. Mr Rae has no longer any concern in the matter. Government have given him the land and the question is now between them and the Burghers.—

3 The right of way is matter for Civil Action. Mr Rae only

only objects, and reasonably, to herds of loose cattle going through his Estate, and therefore the Govt. need not interfere in the Matter.

L. R. S

11 Copies

To
The Board of Rev: with 38 Rolls Copy 11
1 " Mr H. D. Rae for information

To
The Board of Revenue
Mr H. D. Rae for information?

Respecting the claims of Burghers to compensation for certain lands taken up by Mr. Rae on the Neilgherries.

406-405
21-9-60

195-96
12-4-61

Revenue 1861 Department.
Pro: of Govt for October.

No. 1965

Pro: of the Madras Govt.
Dy 10th October 1861.

From Board's Letter 19 Sept 1861 C. No 583.

Boards Proceedings relative to the claims of the Burghers for compensation on account of land given to Mr Rae, with orders thereon.

No 146 & 147