M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 270 Press ~~Mis.~~

28-29

Dated 4-2- 1861.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 4th February 1861.

No. 28. Read the following letter from J. R. BOYSON, Esq., Government Solicitor, Madras, to J. D. SIM, Esq., Secretary to Government, Revenue Department, dated Madras, 12th December 1860, No. 2,075 :—

SIR,

Proceedings of Government, Revenue Department, 23rd August 1860, *No.* 1,422.

1. With reference to the Proceedings noted in the margin, I have the honor to forward for the consideration of Government a draft of the proposed Lease from Government to Mr. H. D. Rae of the land at Sholoor on the Neilgherries, which is to be devoted to the cultivation of Tea.

2. I likewise send a copy of my letter to the Board of Revenue of the 6th ultimo, No. 1,053, and of the Board's reply under date the 20th ultimo, No. 5,408.

3. I have thought it desireable to submit to Government the *same draft* that I forwarded to the Board, in order that Government may see how it was originally framed and what alterations I have made in it (in red ink) to meet the Board's views and determine how far these alterations shall be adopted.

4. It will then be necessary to send the draft Lease for Mr. Rae's approval.

No. 29. ORDER THEREON, 4th February 1861, No. 270.

Orders, 23rd Aug. & 21st Sept. 1860, *Nos.* 1,422 & 1,685.

1. With this letter the Government Solicitor submits a draft of a Lease to be given to Mr. Rae for the land lately granted to him for Tea cultivation at Sholoor on the Neilgherries.

2. Mr. Rae has 200 acres of grass land and 40 acres of forest.

He is to pay no rent for the first seven years and for that period he is bound to devote the land to Tea cultivation.

After the seventh year he is to pay 1 Rupee per acre for the whole area, excepting only absolutely unculturable portions.

He has the privilege of redeeming the rent at any period by paying up twenty times its annual amount.

Lastly, there is a reservation of timber on behalf of Government.

3. Regarding this last point, a point now in doubt has to be decided; viz., whether it is only the *fallen* timber which is reserved, or all the timber *as felled*. The former was evidently Dr. Cleghorn's* intention, the latter is the Board's view. The Government† approved‡ Dr. Cleghorn's suggestion that "fallen timber "and underwood on the forest land should be removed by "the Forester on account of Government before the land is "made over to Mr. Rae." This is the reservation then intended to be made; Mr. Rae will be allowed to fell all the timber or brushwood on his land which interferes with his cultivation except any trees which may be specially reserved to shade a spring, and to use on the premises all felled and fallen timber; but the seignorage fixed by the local rules will be payable on any which is removed for sale or other purposes. The Government Solicitor will be requested to modify the draft Lease accordingly.

* *Letter to Board of Revenue, 26th May* 1860, *No.* 24, *paragraph* 6.

† *Procs., 31st July* 1860, *No.* 3,503, *paragraph* 14.

‡ *23rd Aug.* 1860, *No.* 1,422, *paragraph* 5.

4. The draft has already been submitted to the Board who made various alterations, and remarked on its length and technicality. Mr. Boyson has made no change in the latter respect.

The principal points in the draft are the following :—

I. A nominal rent of 1 Anna per annum for the first seven years. This, it appears, is necessary according to English forms and may remain.

submitted for the approval of

II. The draft reserves "all ways, waters, water-courses, rights, easements, privileges, &c." The Board pointed out that Government have long since abandoned such rights, but Mr. Boyson adheres to his draft, the Government think that it will be safest to let Mr. Boyson's draft stand.

III. The conditions regarding the cultivation of Tea seem unnecessarily minute. All that Government contemplate is the *bonâ fide* application of the land to this experiment. Mr. Boyson will be requested to abridge and simplify this part of the draft.

IV. The conditions about draining the lands being quite inapplicable to such a grant as this should be omitted.

V. The draft does not allow any timber to be felled during the first seven years. This must be altered so as to correspond with the permission to fell accorded in paragraph 3 of the present Order.

VI. The remedy provided for non-payment of rent or breach of covenant is re-entry. The Board proposed the ordinary ryotwar process for recovery of arrears; but Mr. Boyson states that Government may at their option adopt this course. The provision in the draft may therefore stand.

5. Mr. Boyson will revise the draft agreeably to the foregoing instructions and then transmit it to the Board of Revenue who will send it to Mr. Rae through the Collector for execution.

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

No 1053

Madras 6th November 1860

From A R Boyson
Government Solicitor Madras

To
J D Sim Esqre
Secretary to the Board of Revenue
Madras

Sir

Proceedings of Govt 23d Augt 1860 No 1422 Revenue Departt. Proceedings of the Board of Revenue 27 Sept 1860 No 4413

1 With reference to the proceedings noted in the margin I have the honor to forward for the consideration of your Board a draft of the proposed Lease from Government to Mr. H. D. Rae of the land at Sholoor on the Neilgherries which is to be devoted to the cultivation of Tea.

2 I think this draft provides for the interests as well as for the views of Government; there may possibly be some stipulations which you may consider too stringent. I shall be obliged however by your Board's going through the draft and favoring me with any suggestions that may occur to them involving either modifications or additions

3 The draft when finally settled by your Board and myself must be submitted for the approval of Mr Rae before

before it is engrossed and executed

I have the honor to be
Sir
Your most Obedient Servant

(Sigd) J R V Boyson
Govt Solr

Revenue Board Office
Fort St George
20th November 1860

No 5408

From
W. Huddleston Esqr
Ag: Secretary to the Board of Revenue

To
J R. Boyson Esqre
Government Solicitor

Sir

I am directed to acknowledge the receipt of your letter dated 6th Instant No 1053, forwarding for the Board's perusal the draft of the Lease proposed to be granted to Mr. H. D. Rae for the land which he wishes to take up for Tea cultivation at Sholoor on the Neilgherries.

2 The Board have carefully perused the draft and have entered their remarks in the margin for your further consideration

3 on the form and phraseology of the draft the Board give no opinion, but they would urge on you the necessity of making the deed as brief and simple in form and phrase as is compatible with the requirements of the law.

3 The Board are of opinion that the draft should be submitted to Government before execution, with reference to para 6 of their order dated 23d August 1860 No 1422.

I have the honor to be
Sir
Your most Obt Servt
(Sigd) W. Huddleston
Ag Secretary

Board Office
St George
November 1860

To
J R. Boyson Esqr
Government Solicitor Madras

(Three Copies)

J R Boyson
Govt Solr

Rate.

With this letter the
Jnt. Solicitor submits
a draft of the proposed
lease to Mr Rae for
the land lately granted
to him for Tea Cultivation
at Sholoor in the Neil.
Sherries.

Mr Rae has 200 Acres
of grass land & 160 Acres
of Forest.

He pays no rent for
the first seven years
and for that period
he is bound to de-
vote the land to Tea
Cultivation.

After the seventh year
he is to pay 1 Rs per Acre
for the whole area, Ex-
cepting only absolutely
uncultivable Interns.

He has the privilege of
redeeming the fee Rent at

Copy of a Letter to Capt Cann
Jnt Asst Kalaan dated 12th Feb 1863

1 Copy (Correspondence)

Rajah &c.

Col 4 Feb 1863 270

20 Feb

any period by paying up twenty times its annual amount.
Lastly there is a reservation of Timber on behalf of Pst.

Respecting this last point the ~~instructions~~ orders of Pst are necessary & clear up a doubtful point - viz whether it is only the fallen timber which Pst reserves - or all the timber as felled - The Farmer has evidently Dr Clephanes interpretation - the latter the Pks view - The Pst if in their order approved of Dr Clephanes suggestion that "fallen timber & underwood in the Forest land should be reserved by the Purchaser on account of Pst before the land is made over to Mr Rae" no doubt

the Timber on the tract has is of value - but it cannot be felled & removed for its thing and it would not be just to make Mr Rae bear the Expence of the felling - I am not aware of any case in which Pst have reserved trees in this fashion on coffee plants Kept Belt of wood fringing streams are often to be reserved - It would be very inconvenient and vexatious for Pst to maintain a right in this way to every tree as felled - The wording of the Pst order seems clearly to restrict the right to the fallen timber - the standing trees are vested in the Pltf of the Stocks for 7 years on the faith of Mr

Roe's assurances & the thought that the Experiment of Success will be more advantageous to the country - The Draft deed follows the Bts Sketch - and unless Pt. concur in that, must be modified.

The Draft has already been submitted to the Pt. who made various alterations - and remarked on its long & technical - Colby - Mr Boyce has made no change in the latter respect -

The principal points in the Draft are the following -

1. A nominal rent of One anna per Annum for the first seven years - This is necessary according to English

7 former and is not restr. disputing about -

II. The Draft reserves "all Ways - waters - Water Courses - Rights - Easements, privileges &c - The Pt. pointed out that Pt. Kneeling since a - Farmed such rights but Mr Boyce addresses to this draft - It seems to me that Right of way is the only one of those mentioned that need be kept for the public good - Water privileges were left for private settlement in the Contr. & the G. O. Marginally noted.

III. The conditions regarding the ~~pasture~~ cultivation of Tea seem unnecessarily minute - All that Govt can contemplate is bona fide application to the Land & thus Experiment -

IV. The conditions about draining the lands ~~&c~~ &c is inapplicable to such a part as this -

V. Mr Rae may fell every tree if he pleases in fact he must fell a good many for his new series - But the draft does not allow him to fell one during the first 7 years.

VI. The condition that he shall quietly vacate at the end of his term must be attended to as dating from the ~~date~~ [i.e. A.D 2860] term of 999 years - not the first 7 only -

VII The remedy for non payment of rent or breach of covenant is re entry - The Bd. proposed two modes of recovery by action for recovery of arrears but Mr Boyson states that Govt. may at their option adopt this course - The provision may therefore stand -

VIII Mr Rae asked & allowed to take up more land adjacent to this plot hereafter if he wishes - and not contemplated - It is stipulated that this land shall not be given rent free and that the grant will depend on Govt. then being willing to give the land he selects and basing it on their power to do - I think the willing need not be omitted as Govt. now grants & do so - the

only Stipulation necessary is that the Land shall then be as it is. Otherwise Mr Rae may claim that it be kept more cupied on the chance of his repricing it.

Mr Rae is in possession & the deed must be sent to him for consideration & Execution.

L. D. L.

I have put the Memorandum in pencil on the Draft corresponding with the Memorandum & the date 2 Feb.

12 Jany 18 - C 30 1131

(1)

The draft with the letter on back marked A will do as the first draft

WH

Draft Lease for Mr Rae's Tea plants.

Draft amended

Tea Depart

No 270.

Proceedings of the Madras Government.

Under date the 4 February 1861.

Read the following letter from the Govt Solicitor -

Submits for consideration Draft of the proposed Lease from Govt to Mr Rae of Land at Sholoor for the cultivation of Tea, altered to meet the views of the Board of Rev, together with a copy of the correspondence with the Board's Secretary. (Herewith 12 Dec Post No 2076)

1 With this letter the Government Solicitor submits a draft of a lease to be given to Mr Rae for the land lately granted to him for Tea Cultivation at Sholoor on the Nilgherries.

2 Mr Rae has 200 acres of grass land and 40 acres of Forest -

The Lease may run for

order 23 Augt & 21 Septr 60
No 1432 & 1685.

for the first seven years and for that period he is bound to devote the land to Tea cultivation.

After the seventh year he is to pay 1 Rupee per acre for the whole area, excepting only absolutely uncultivable portions.

He has the privilege of redeeming the rent at any period by paying up twenty times its annual amount.

Lastly there is a reservation of Timber on behalf of Government.

3 Regarding this last point a point now in doubt has to be decided; ~~You are necessary to clear up a doubtful point~~ - viz whether it is only the fallen timber which is reserved, or all the timber felled. The former was evidently Dr Cleghorn's intention. The latter is the Board's view. The Government approved Dr Cleghorn's suggestion that "fallen timber only, under the Rules to be in force at the letting of the Govt forests, should be removed by the forester on account of Govt before the land is made over to Mr Pare." ~~No doubt the timber on the land is of value, but it cannot be felled and removed for nothing and it would not be just to make Mr Pare bear the expense of the felling of the Govt trees to leave the timber.~~ If possible further

*Letter to Board of Rev. 26 May 1860 N° 24 p 6

*Proc. 31 July 1860 N° 3503 p 14

*23 Aug 1860 N° 4422 p 5.

~~further be any succession~~
~~reserved and restrictions~~
~~for Sanitation &~~
~~replot on this map to~~
~~every tree as felled. The~~
~~Hon'ble Council, unless~~
~~they agree to allow Mr Rao~~ This is reservation then intended to be made; Mr Rao will be allowed
to fell all the timber
or brushwood on his land
~~which interferes~~ with his cultivation except
~~Kumry, unless~~ any trees
~~which may be~~
~~as~~ specially reserved
to shade a spring, and to
use on the premises
all felled and fallen
timber; but the seignorage
fixed by the local rules
will be payable on any
which is removed for
sale or other purposes.
The Government Solicitor
will be requested to
modify the draft lease
accordingly.

The

4 The draft lease
already been submitted
to the Board who made
various alterations and
remarked on its length
and technicality. Mr
Boyson has made no
change in the latter res-
pect.

The principal
points in the draft
are the following.

I A nominal rent
of one anna per annum
for the first seven years.
This appears
to be necessary, ac-
cording to English
former and may remain

II The draft reserves
"all ways, waters, wate
courses, rights, ease
ments, privileges "yo
The Board pointed
out

out that Government have long since abandoned such rights but Mr Boyson adheres to his draft. the Govt think that it will be safest to let Mr Boysons draft stand.

III The conditions regarding the cultivation of Tea seem unnecessarily minute. all that Govt contemplate is the bona fide application of the land to this experiment. Mr Boyson will be requested to abridge and simplify this part of the draft.

IV The conditions about draining the lands being quite inapplicable to such a grant as this should be omitted.

V The draft does not allow any timber to be felled during the first two years. This must be altered so as to correspond with the permission to fell accorded in para 3 of the present order.

VI The penalty for non payment of rent or breach of covenant is re-entry. The Board proposed the ordinary mode of process for recovery of arrears; but Mr Boyson states that Govt may at their option adopt this course. The provision in the draft may therefore stand.

5 Mr Boyson will revise

revise the draft agreeably to the foregoing instructions and then transmit it to the Board of Revenue who will send it to Mr. Rae thro' the Collector for execution -

Draft of Leave for W. Rae Esq. Smt

Note I send this out for reconsideration or one part for the reservation of R.3. or marked in pencil -

In the first place it has already been enacted in Mr Rae's patta, & he has not kept cleared a large part of it already, without reference to cultivation

that supposing the restriction to remain, who is to determine what trees are R. 6 & who is Mr R. to do when new ones will take their place

again who is to determine what trees interfere with Mr Rae's cultivation, & if he objects to any how far is he to be allowed

To
The Govt Solicitor
3 Copies. Board of Revenue

C24 1 Jan P. 25: C. 30: 931.

25th August 1860 in 284-85.
21st September 1860 in 404-405.

Copy in a Letter to England
of 16th February No 12 of 1863

70 · 31

10-4-60

284-85

23-8-60

404-405

21-9-60

Revenue 1861 Departt.
Pro: of Govt. for February.

No 270.

Pro: of the Madras Govt.
Dated February 1861.

From H. D. Rae Esqre dated 9th/61
No 956 in Pro:
From the Dy Collr Septr/60 in 284

Government Solicitor to
revise the draft of a Lease to
be given to Mr H. D. Rae for
Tea Cultivation at Sholoor
on the Pulney hervies, and trans-
mit it to the Bd of Revenue.

No 28 & 29