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MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 819 — Press / ~~Mis.~~

195-196

Dated 12 - 4 - 1861.

Not to be folded or roughly handled

No. 195. Read the following Proceedings of the Board of Revenue, dated 25th February 1861 No 1,010:—

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 Neilgherries, 8th February 1861, No. 31.

SIR,

1. With reference to Proceedings of the Board, No 5,286, dated 13th November 1860, I have the honor to report that I made early arrangements on my visiting the Hills lately, for inspecting Mr. Rae's land; and invited him to meet me. I summoned the Tahsíldár, the Curnum, the Burghers, Todars, and Kotars of that immediate locality, about 35 persons; and with Mr. Rae present (who partially knows Tamil and Canarese), we fully and fairly discussed the land and examined its boundaries, as pointed out and desired by Mr. Rae. The valley is a fine one, and in the immediate neighborhood of 5 Toder munds, 1 Kotar village of 30 houses, and one large Burgher village, "Sooloor," with 5 hamlets, some within quarter of a mile, and all within 1½ miles of Mr. Rae's buildings.

2. The parties allege, and full inquiry convinced me that all have been in the habit of grazing their herds there, though the Burghers alone held 40 acres in the centre of the valley on grass Patta paid for during 20 years; the valley is well watered, and the Burghers and Tahsíldár pointed out an old rude annicut and water-course made formerly by the Burghers, and now repaired and appropriated by Mr. Rae; the main road from most of these villages into Ootacamund runs through this valley, along the land Mr. Rae has settled on; it is an old immemorial way.

3. Some of the woods have been partially burnt and cut by Mr. Rae; and his sheds (several) built from their timber: we walked down the valley all together, saw all Mr. Rae's proposed boundaries, and were there for several hours, till Mr. Rae said he had "nothing more he wished to say."

4. The above are the facts. This same valley has several times been applied for by Native Coffee planters through the Tahsíldár and refused, as encroaching unfairly on the Hill villages and rights: it is undoubtedly a much coveted and valuable valley, whether to Mr. Rae or the Hill tribes.

5. As the result of the whole inquiry, I should say, Mr. Rae has settled down rather independently wherever *he* thought best; cut, built, and planted without waiting for the *usual* and necessary inquiry and leave from any local authority, European or Native; fixing his *own* limits without inquiring if they included Burgher lands and rights or no; and closing to cattle (the Burgher's chief use) the old "*right of way*" from Sooloor to Ootacamund: all this has been done in writing direct to Government, precluding and forestalling inquiry by the Collector or any local authority.

6. It is clear from careful inquiry, that 40 of the 200 acres chosen by Mr. Rae have been long held and *paid* for on grass Patta, and *belong* by fair prescriptive and old right of occupation to the *Burghers*; their Pattas and the Government accounts, with other good evidence, show this sufficiently beyond any doubt; that he also used Government wood for his buildings before any lease had been granted to him; and that the land from which in his letter to the Tahsíldár, dated 18th October 1860, he "warns off the Burghers," is part of *that* long occupied and held by the Burghers themselves.

7. If the land Mr. Rae has thus appropriated be essential to a tea experiment, the Burghers should be bought out and induced to migrate; but it must be a voluntary recession, and not a compulsory or arbitrary expulsion; and the 40 acres of "Sholah" (or forest) to be appropriated by Mr. Rae (if Government so finally decide) will include that, where Mr. Rae has already been cutting.

8. I have every wish to encourage, as I have always done (in Captain Mann's and every other case) every *real* and feasible *agricultural* experiment; while I protect, as my *duty requires*

the fair and undoubted *rights* of the weaker party, the Natives, *appealing* to me; and which I think the Board and Government would not wish to see unjustly infringed: and I have only, objected throughout to Mr. Rae's *forestalling* the usual and necessary sanction of the Board, through the constituted local Revenue authorities, and taking actual *possession*, and commencing his operations, *before* claims have been examined, limits fixed, or any grant for possession given by Government.

9. Mr. Rae has already spent some funds and pains undoubtedly on the spot; but prematurely and unfairly, as regards Native rights, which have been entirely ignored. The valley, if put up to auction at this moment, would undoubtedly realize a large sum. If Government had not already pledged themselves (perhaps through Dr. Cleghorn's recommendation, which Mr. Rae quoted to me and seemed to rely on), I should have said the fairest way would have been "to put "up the valley to auction; buy out or omit the 40 acres of Burgher holding; and make over the "valley (*for tea*) to the highest bidder, on whatever terms of tenure and tax the Board and "Government thought fit." It would be perhaps hard on Mr. Rae to do so *now*, though I have no doubt either Colonel Woodfall or Mr. Lascelles, also applicants for tea land, would give a good sum for it.

10. There are two points on which the Board's orders are still necessary. *First*, Government say that *if* Mr. Rae has settled on Burgher land, he should take other Government land, to prevent such invasion of private rights; this is impracticable. Mr. Rae has built his sheds, and planted, in the centre and best part of the valley, though on land held and paid for by the Burghers; he will not now willingly relinquish it; it should never have been granted nor occupied without previous inquiry and report. I see now no alternative but Mr. Rae *buying* out the Burgher right of occupation, *or* taking other land, to which he will object.

11. *Second.*—Dr. Cleghorn and Government seem to decide that Mr. Rae's expression "freedom of action" (which he construes into absolute possession and use) means liberty to use the *land* but *not* the *timber*, which is to belong to Government. Mr. Rae does not recognize this, but asserted to me his full intention to *keep* the whole of the timber* in the 40 acres. To this I can only suggest that if Mr. Rae requires the land *and* the timber, he should pay for the *latter* at a fair valuation, which can be valued by Major Babington the present Hill Conservator.

* "Ringing" it to kill it gradually.

12. These two points settled, there is no further legal impediment to Mr. Rae's holding the land, though on terms to which the Government has hastily pledged themselves, and which seem likely to be *refused* to *other bonâ fide* capitalists and tea planters: Captain Mann having eight years ago already *tested* the experiment successfully at Conoor, myself and others† having *tasted* very fair black tea manipulated there.

† Colonel F. Cotton, &c.

13. Had Government desired to induce further "tea cultivation," the best way would have been to publish the terms (10 years free, and 40 acres of forest) to all *bonâ fide* tea speculators, and then have sold it, land and forest, at auction; it would have fetched a large sum, and called forth at least the two present applicants, Colonel Woodfall and Mr. Lascelles, if not others.

14. Mr. Rae has no where, either in writing or verbally, *pledged* himself to "tea" only for which these liberal terms are, as I understand them, given. I would recommend that his legal indentures be to that effect. I am sorry to have to say so much on the subject; but I see so much needless loss of Government land and forest, and injustice to others, in the indulgence to Mr. Rae, that I should fail in my duties if I did not bring the whole case fully to the notice of the Board.

It is my strong belief (time will show if I am right or no) that Mr. Rae has not the means, if he has the intention, to carry‡ *out* the *tea* experiment, to which *alone* such terms are due in opposition to Sir Charles Trevelyan's late orders regarding all Hill land.

‡ 7 years is but the beginning of it; a Tea plantation cannot be in full bearing under 6 or 7 years.

P. S.—I drafted the above on the Hills; I since received the Government Order of 29th January 1861.§ I am still of opinion that the timber should be carried to the credit of Government; that the Burgher old occupants should be remunerated and not

§ No. 226.

summarily ousted, as Mr. Rae has practically done; and that Mr. Rae should be held to a *tea experiment* (no where pledged) for which *alone* such terms were recommended by Dr. Cleghorn and conceded by Government.

(Signed) E. B. THOMAS, *Collector.*

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1. The only two points which are raised in the Collector's letter are:—
First.—The claims of the Burghers to part of the lands which Mr. Rae has fixed upon.
Second.—Mr. Rae's right to the timber on his forest allotment.

2. As regards the first point, the Government, in their Order, dated 29th ultimo, No. 226, Revenue Department, clearly contemplate a full inquiry into the Burghers' claim.

In Cons. 30th January 1861, No. 583.

3. From the report now submitted, the Board are unable to make out even the nature of the Pattas held by the Burghers; whether these were permanently for the land in dispute, or merely shifting grass Pattas; nor is the value even of the land stated. The Board are consequently quite unable to found any recommendation on the Collector's letter. The Collector is requested to forward the Pattas of the Burghers with translations, and any evidence forthcoming in their title. He will also state whether payment in full has been yearly made for these lands; and if not, why remission was allowed. The compensation payable, if the claim be admitted, should also be stated, and the mode of calculation adopted.

4. As regards the second point, the timber belongs to Government who will decide the question when they pass orders on the Title deed prepared by the Government Solicitor for execution by Mr. Rae.

5. The Board have only further to remark that the terms of the grant to Mr. Rae are no longer open to discussion. All that the Collector has to decide is the claim of the Burghers.

(A true Copy and Extract.)

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

No. 196. ORDER THEREON, 12th April 1861, No. 819.

1. The Board lay before Government a long letter from the Collector of Coimbatore on the subject of the land lately granted to Mr. Rae for the purpose of planting tea, and of the claims of certain Burghers to part of that land, together with their own order thereon.

2. The Government have carefully considered the present and former papers on the subject; and they are of opinion that the Burghers have failed to make out a title to any part of the land selected by Mr. Rae. Further investigation by the Revenue Officers is unnecessary; and the Collector will be informed that no further inquiry or report is necessary from him.

3. As respects the wood on the land, the whole of it is to be at Mr. Rae's disposal, so far as it may be wanted for use on the premises; and he has full liberty also to clear and destroy it, except that trees useful as shading a spring are not to be felled. If, however, wood should be sent to Ootacamund or elsewhere for sale, it will be charged one Rupee a cart load by the Conservancy Department, as Government seignorage.*

* *Order February 5th* 1860, *No.* 270.

4. Before concluding these remarks the Government resolve to point out to Mr. Thomas that their decision on Mr. Rae's application for land was carefully and deliberately made, and has been affirmed on re-consideration;† and that it is improper for him to speak of it, as he does repeatedly in the course of the correspondence as if it were not final but were about to be reversed.

† *October 19th* 1860, *No.* 1,911.

5. In their Order of January 29th the Government called for a report on the grass patta system on the Neilgherries, but on this subject Mr. Thomas' letter is wholly silent.

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

Revenue Dept

No. 819

Proceedings of the Madras Government

Under date the 12th April 1861

Read the following

Proceedings of the Board of

Revenue.

Submitting Copy of the Board's

Proceedings passed on a letter

from the Collector of Coimbatore

requesting him to furnish certain

information in regard to the land,

appropriated by Mr Rae and

claimed by the Burghers.

(Here enter 25th February 1861

No 1010)

The Board lay

before Government a long

letter from the Collector of

Coimbatore on the subject

of the land lately granted

to Mr Rae for the purpose

of planting tea, and of the

claims of certain Burghers

to

to part of that land, together
with their own order thereon.

2 The Government
have carefully considered
the ~~present & former~~ papers on the subject; & they
~~the report and~~ are of opinion
that the Burghers have
failed to make out a
title to any part of the
land selected by Mr. Rae.
Further investigation by the
Revenue Officers is unne-
-cessary; and the Collector
will be informed that no
further enquiry or Report
is necessary from him.

3 As respects the
wood on the land, the whole
of it is to be at Mr. Raes
disposal, so far as it may
be wanted for use on the
premises; and he has full
liberty

liberty also to clear and destroy
it, except that trees useful
as shading a spring are
not to be felled. If, however,
~~he should be desirous~~ wood should be
sent to
Colaccamund or elsewhere
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one Rupee a cart load
by the Conservancy De-
-partment, as Government
seignorage.

4 Before concluding
these remarks the Govt
resolve to point out to
Mr. Thomas that their
decision on Mr. Raes
application for land was
carefully and deliberately
made, and has been
affirmed on reconsideration,
and that it is improper
for

x Order Feby 5th/60 No. 270.

x Octr 19:/60 No 1911.

for him to speak of it, as he does repeatedly in the course of the correspondence as if it were not final but were about to be reversed.

5. In their Order of January 29th the Govt called for a Report on the grass puttah system on the Neilgherries; but on this subject Mr. Thomas' letter is wholly silent.

3 Copies to the Board of Revenue Cir. 12.
~~with Encls.~~

Revenue Depart.

Cancelled vide Nº ~~819~~

Proceedings of the Madras Government
Under date the ~~12~~ April 1861

Read the following Proceed-
-ings of the Board of Revenue.

(Here enter 25th Feb. 61 No. 1010)

...ulting copy of the Board's
...ings passed on a letter from
...r of Coimbatore requesting
...furnish certain information
...d to the lands appropriated
... Rao and claimed by the
...ers.

...heard to me that this
...y all the circumstances
...on is unnecessary all
... required is a statement
... the Govt having carefully
...dered all the facts brought
... it is of opinion that
...ir ~~that~~ have established
...um to the land pur-
...in reference from the
...ptions. The conditions
...ption would be wrong
...ind.

The Board say in
before Govt a long letter from the
Collector of Coimbatore on the
subject of the land lately grant-
-ed to Mr. Rao for the purpose of
planting tea, and of the claims
of certain Burghers to part of
that land, together with their
own order thereon.

2. The Board say that
they are unable to make out
from Mr. Thomas's letter
what is the nature of the puttah
held by the Burghers, or what
rights these puttahs confer.
The Govt find themselves in
the same predicament as
they regret to have to say
that

that throughout the whole correspondence Mr. Thomas has manifested so strong a bias against Mr. Rae, as to make it necessary to receive anything coming from him on the subject with much caution.

Enclosed in Thomas's letter dated 11th Dec. 1860

3. He has therefore preferred to consult Mr. Nesbitt's detailed & methodical Report dated Dec. 3/60 addressed to the Collector, and recorded in their Proceedings of 29th Jan. 61. Mr. Nesbitt visited the spot in company with Mr. Rae, the Tahsildar, and a large number of Burghers. He carefully investigated the Burgher claims, and the particulars are given in Paras 3 to 6. It is admitted that the Burghers have no cultivation within the land desired by Mr. Rae; but they produce grazing puttahs which they say refer to a small part of this land. Mr. Nesbitt however states that there is nothing to shew that the Puttahs relate even to the valley in which the land is situated, and the Karnum admits that he cannot shew by any entry in his accounts that the land referred to is really held for grazing or that it is that signified in the Puttahs.

4. Taking the facts stated by Mr. Nesbitt, with the very vague assertions made by the Collector the Govt. are decidedly of opinion that there is quite enough before them to enable them to confirm Mr. Rae in the land, and to reject the Burghers' claim. Further investigation by the Revenue Officers could do no good; and Mr. Thomas the Govt. do not desire to have Mr. Rae's and impede and hamper his operations by any further proceedings such as those of

Mr. Thomas's

~~Mr Thomas~~ That gentleman will be informed therefore that no further enquiry or Report is necessary from him. The Burghers' claims would probably never have been brought forward at all without prompting from some quarter, and it is evident that those grasspattahs might be made equally available to support a claim to any piece of land in the neighbourhood.—

5. As respects the wood on Mr Rae's land, the whole of it is to be at his disposal so far as it may be wanted for use on the premises; and he has full liberty also to clear and destroy it, except that trees useful as shading a spring are not to be felled. If however he should send the wood to Ootacamund or elsewhere for sale, he will be charged one Rupee a Cart-load by the

x Order Feb: 5/60. No: 270.

x Oct: 19/60 No: 1911

Feb: 25. Para 12.

by the Conservancy Depart as Govt. seignorage.

6. The Govt. cannot conclude these remarks without noticing the tone throughout this correspondence assumed by Mr Thomas, as once arrogant on his part and disrespectful to the Govt. The decision on Mr Rae's application for land was carefully and deliberately made, and has been affirmed on reconsideration, yet as it is contrary to his opinion Mr Thomas uniformly treats it as no final decision at all, alluding to it's probable reversal. He speaks of the Govt. having "hastily pledged themselves" to Rae. He also volunteers to inform Govt. as to "the best way" of proceeding if they desired to encourage tea cultivation.

7. In the order

of January 29, the Govt. called for a Report on the grass-puttah system on the Neilgherries; but on this subject Mr. Thomas's letter is wholly silent.

13 Copies to the Boards of Revenue.

(3)

Relating to the land grant
to Mr Rae for tea planting

Copy in a Letter to England
D/ 18th February № 12 of 1863

284 - 288
23-8-60

326-327
19-10-60

404-408
21-9-60

445-450
29-1-61

35-39
21-9-8-9

30-31
10-4-60

Relating to the land
granted to Mr Rae
for tea planting.

Revenue 1861 Departt.
Pro: of Govt for April

№819.

Pro: of the Madras Govt
D/ 12th April 1861.

From Mr J. R. April / to Cr. 926 (explains to p.5)
22d April 1861 Encl 911

From H. D. Rae Esqr D/ 29 May 1861
Cr 1809 of Cr.
From Bd Rev. 1 June / 61 Cr № 1368
(Computation Mr Burghers)

Regarding the claims of
certain Burghers to part of
the land granted to Mr Rae
for tea plantation.

From Do D/ 2d Sept / 61 Cr № 2234
Cr 31st October 61

№ 195 & 196.

To be printed for despatch
immediately or with
[illegible]