

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.C. No.	2080	Press
		Mis.
	412-63	
Dated	Aug. 9.	1862

Not to be folded or roughly handled

27-1-28
Proceedings of the Madras Government, Revenue Department,
24th September 1862.

MA

Read the following papers:—

162. Despatch from the Right Honorable Sir C. WOOD, Bart., Secretary of State for India (Revenue), to His Excellency the Honorable the Governor in Council, Fort Saint George, dated India Office, London, 9th July 1862, No. 17:—
SIR,

Forward herewith, for the information and guidance of your Excellency in Council, copy of Despatch (No. 14) which I have this day addressed to the Governor General of India in Council, on the subject of the Resolution of that Government, dated the 17th October 1861, regarding the sale of waste lands and the Redemption of the Land Revenue.

Letter from E. C. BAYLEY, Esq., Secretary to the Government of India (Home Department, Revenue), to J. D. SIM, Esq., Secretary to the Government of Fort Saint George, dated Fort William, the 15th August 1862, No. 4,214:—
SIR,

With reference to the Despatch of the Secretary of State to the Government of Fort Saint George, in the Revenue Department, No. 17, dated the 9th July last, communicating a copy of his Despatch to this Government No. 14, of the same date, regarding the sale of waste lands and the redemption of the Land Revenue, I am directed by the Governor General in Council to forward, for the information of His Excellency the Governor in Council, the accompanying copy of a Circular letter this day addressed on the subject to the Governments of Madras, the North-Western Provinces, and the Punjab.

The Governor General in Council requests that a copy of the Rules which the Government of Fort Saint George may adopt for regulating the sale of waste lands in that Presidency, in conformity with the modified provisions now prescribed by Her Majesty's Government, be communicated to this Government as soon as possible.

His Excellency in Council further requests to be favored at an early date with the views of the Government of Fort Saint George as to the extent to which the important measure of permanent settlement of the land revenue, subject to the conditions prescribed by Her Majesty's Government, is applicable to the Territories under the Madras Presidency.

E. C. BAYLEY, Esq., Secretary to the Government of India (Home Department, Revenue), to the Secretaries to the Governments of Bengal, the North Western Provinces, and the Punjab and its Dependencies, dated Fort William, the 15th August 1862, No. 4,206.

SIR,

Not

1. With reference to the correspondence noted on the margin, I am desired to transmit, for the information and guidance of the Lieutenant-Governor, copy of a Despatch* received from the Secretary of State, regarding the sale of waste lands and the redemption of the existing land revenue.

2. It is desirable that Rules for regulating the sale of waste lands should be prepared, with as little delay as possible, in conformity with the modified provisions now prescribed by Her Majesty's Government; but it will be observed that all arrangements which have been already completed under the terms of the Resolution promulgated by the Government of India last October, in regard either to the purchase of waste lands or the redemption of the land revenue, are to be maintained, the present Despatch not being intended to have retrospective effect. Referring to the concluding words of the 76th paragraph of the Secretary of State's Despatch, I am desired to request that a Report showing the extent to which any such arrangements have been made may be furnished as soon as possible.

3. As regards the sale of waste lands, the principal points upon which the provisions of the Resolution of October last must be modified, in conformity with the instructions now received, are as follows:—

1862 20th Sept
Under the Council
25.10.62
The Governor in Council

*Proceedings of the Madras Government, Revenue Department,
24th September 1862.*

MA

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Letter from E. C. BAYLEY, Esq., Secretary to the Government of India (Home Department, Revenue), to J. D. SIM, Esq., Secretary to the Government of Fort Saint George, dated Fort William, the 15th August 1862, No. 4,211:—

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With reference to the Despatch of the Secretary of State to the Government of Fort Saint George, in the Revenue Department, No. 17, dated the 9th July last, communicating a copy of his Despatch to this Government No. 14, of the same date, regarding the sale of waste lands and the redemption of the Land Revenue, I am directed by the Governor General in Council to forward, for the information of His Excellency the Governor in Council, the accompanying copy of a Circular letter this day addressed on the subject to the Governments of Madras, the North-Western Provinces, and the Punjab.

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His Excellency in Council further requests to be favored at an early date with the views of the Government of Fort Saint George as to the extent to which the important measure of permanent settlement of the land revenue, subject to the conditions prescribed by Her Majesty's Government, is applicable to the Territories under the Madras Presidency.

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2. It is desirable that Rules for regulating the sale of waste lands should be prepared, with as little delay as possible, in conformity with the modified provisions now prescribed by Her Majesty's Government; but it will be observed that all arrangements which have been already completed under the terms of the Resolution promulgated by the Government of India last October, in regard either to the purchase of waste lands or the redemption of the land revenue, are to be maintained, the present Despatch not being intended to have retrospective effect. Referring to the concluding words of the 76th paragraph of the Secretary of State's Despatch, I am desired to request that a Report showing the extent to which any such arrangements have been made may be furnished as soon as possible.

3. As regards the sale of waste lands, the principal points upon which the provisions of the Resolution of October last must be modified, in conformity with the instructions now received, are as follows:—

Not

Revenue, No. 14, dated 9th July 1862.

*1862 09/11
Under the Council
No 2029*

4. Paragraph 29 of the Resolution, which fixed a uniform price throughout India of 2½ Rupees per acre for uncleared land, and of 5 Rupees per acre for land unencumbered with jungle, is cancelled; and it is ordered that the several Governments and Lieutenant-Governors shall fix, after communication with the Chief Local Authorities, a minimum price suited to the circumstances of the various descriptions of land which they may find to be at their disposal in each district of their Presidency or Province.

5. In modification of paragraph 30 of the Resolution, which prescribed the sale of the land by auction in the event of more purchasers than one being desirous to buy the same tract, it is ordered that in every case the land shall be put up to auction at an upset price and sold to the highest bidder.

6. The provision contained in paragraph 25 of the Resolution, admitting of possession being given to an applicant for land in anticipation of survey, will be modified as directed in paragraph 11 of the accompanying Despatch. In conformity with these directions the land applied for must, in every instance, be surveyed, and the boundaries marked out before it is advertised for sale. The applicant for the grant, it will be observed, is to be required to deposit the estimated cost of the survey, which will, of course, be restored to him if he should be eventually outbid for the land. It is of great importance that a ready agency should be provided for effecting the preliminary survey and marking out of boundaries, so that applicants for land may be subjected to no unnecessary delay.

7. The provision which is made in paragraph 31 of the Resolution for reserving adjoining lands at the requisition of those who take grants must be regarded as withdrawn, it being inconsistent with the general injunction for resort to sale by auction.

8. In the 21st paragraph of the Despatch, herewith enclosed, it is ordered that the provision in paragraph 50 of the Resolution, which limits the price to be paid on the commutation of a grant under the terms of that paragraph to 5 Rupees an acre, shall be withdrawn. It is also observed by the Secretary of State that the provisions generally which relate to the commutation of existing grants under the new Rules contained in paragraphs 33 and 50 of the Resolution require revision.

9. As it has already been found that some misunderstanding prevails in regard to the intention and scope of these paragraphs, it seems desirable that the present opportunity should be taken of stating what the Governor General in Council understands to have been their purpose. It appears to the Governor General in Council that it cannot reasonably be maintained that paragraph 33 of the Resolution was intended to include land the absolute sale of which has already been effected, but for which the purchase money has not been wholly paid up, being by the terms of sale, payable by instalments. It is obvious that in such a case there could be no question of the applicability or the inapplicability of the limitation of the new Rules as to area, inasmuch as the owner has already purchased absolutely the whole area in his possession whatever it may be; and, therefore, though he may not have paid the whole of the purchase money, it is manifest that the permission accorded by the concluding words of the paragraph to purchase absolutely as much or as little of the area as may suit him, has no application to, and could not possibly have contemplated, any such case. The 33rd paragraph of the Resolution can, therefore, in the opinion of the Governor General in Council, be held applicable only to the case of those Grantees who hold their lands on terms which do not comprise the right of acquiring an absolute ownership in fee simple. Such Grantees, it is the object of the 33rd paragraph to declare, may obtain that right by commuting their grants under the Rules for the sale of land in fee simple.

Grants which have already been given for a term of years at progressively increasing rents, such as those in the Sunderbuns, will be treated as if the land were permanently settled, if the holder wishes to redeem the future land revenue at the highest rate fixed for any year during the currency of the grant, provided there is no right of occupancy other than that of the Lessee, or that derived from him.

10. Paragraph 50 of the Resolution declares the terms upon which commutation may be made in the case of one, and that a very large class of existing grants. This paragraph, when modified according to the instructions of Her Majesty's Government, will stand as in the margin.

11. In the case of existing grants, which do not fall under the terms of paragraph 50, the conditions on which commutation under the new Rules will be allowed may be settled with reference to the average value obtainable for waste lands of the same description in the district when sold by auction.

12. As it is highly desirable that persons who wish to avail themselves of the Resolution come to by the Government to dispose of waste lands by sale in fee simple should be enabled to carry their intentions into effect with the least avoidable delay, and as the directions now received from Her Majesty's Government are on most points clear and specific, the Governor General in Council will not require that the detailed Rules to be framed by the several Local Governments should be submitted for the sanction of the Government of India before they are acted on. A copy of the Rules should, however, be forwarded as soon as they are finally approved by the Lieutenant-Governor, and if on any point the intention of Her Majesty's Government should seem to the Lieutenant-Governor to be doubtful, the question should be referred to the Governor General in Council for determination. As legislation will be necessary to give legal effect to the provisions of paragraph 19 of the Resolution, a Bill for that object will be introduced, on the meeting of the Governor General's Council for legislative purposes.

13. With respect to that part of the Secretary of State's Despatch which discusses the important questions of a redemption of the land revenue and of a permanent settlement, the Governor General in Council thinks it unnecessary at present to do more than point special attention to the conclusion which is announced in the 26th and the 63rd paragraphs as to the extent to which redemption of the existing land revenue is to be permitted, and to the 72nd paragraph, in which the conditions are finally stated, which, in the opinion of Her Majesty's Government, should be attained before a permanent settlement is conceded. It will be observed that this paragraph contemplates that the previous sanction of Her Majesty's Government should be obtained to the introduction of a permanent settlement in any District. Early steps should, therefore, be taken to obtain the information which will be required to enable the Local Government to submit the Report referred to in the 73rd paragraph, as to the extent to which it may now be expedient to give effect to this important measure.

(Signed) E. C. BAYLEY,
Secy. to the Govt. of India.

Ordered that, with reference to the communication made to the Foreign Department, under date the 19th October last, No. 3,275, a copy of the foregoing Circular letter, together with twenty copies of the Despatch from the Secretary of State, be sent to that Department, whence corresponding instructions on the subject will be issued to the several Administrative Authorities under the control of that Department.

(Signed) E. C. BAYLEY,
Secy. to the Govt. of India.

No. 463. ORDER THEREON, 24th September 1862, No. 2,080.

1. Resolved that a copy of the papers above recorded be forwarded to the Board of Revenue, in reference to the correspondence noted in the margin.

Proceedings of Government	4th November 1861, No. 2,107.	
Do. do.	25th February 1862, " 394.	
Letter to Govt. of India	25th do. " 395.	
Proceedings of Government	27th do. " 433.	
Do. Board of Revenue	10th April " 2,377.	
Letter to Govt. of India	24th May " 1,155.	
From do.	20th June " 3,933.	
To do.	22nd July " 1,572.	

2. Resolved that a copy of the Rules for the sale of waste lands in the Madras Presidency, which were submitted to the Government of India under date the 26th February last, be furnished to the Board, and that they be requested to revise these Rules so as to adapt them to the modified provisions now prescribed by Her Majesty's Government, and to submit at the same time a draft Notification suited to the peculiar requirements of this Presidency.

3. Resolved that the Board be requested to submit a report showing to what extent in this Presidency arrangements have been already completed, under the Resolution of the Government of India of October last, for the purchase of waste lands or the redemption of land revenue.

It is observed that all such arrangements are to be maintained, the Despatch of 9th July last not having retrospective effect.

4. Resolved also that the Board after communication with the Collectors of the several Districts will suggest the minimum price, suited to the circumstances of the various descriptions of land which may be at the disposal of Government in those Districts.

5. The Board will likewise report to what extent in this Presidency the important measure of a permanent settlement of the land revenue subject to the conditions prescribed by Her Majesty's Government, is applicable to the territories under the Madras Presidency, but this subject will demand careful and deliberate consideration, and the views of the Board upon it should not be laid before Government until they have had time fully to study the question. The submission of the reports called for in the two preceding paragraphs will not be delayed on this account.

6. In paragraph 12 of the Circular transmitted with Mr. Bayley's letter of the 15th ultimo, it is stated that "as it is highly desirable that persons who wish to avail themselves of the Resolution come to by the Government to dispose of waste lands by sale in fee simple should be enabled to carry their intentions into effect, with the least avoidable delay, and as the directions now received from Her Majesty's Government are on most points clear and specific, the Governor General in Council will not require that the detailed Rules to be framed by the several Local Governments should be submitted for the sanction of the Government of India before they are acted on." Further, the Government of India in a letter dated 20th June last No. 297, had already permitted this Government to except the Neilgherries from the operation of the Rules of the Supreme Government of October last.

7. Under these circumstances, and in anticipation of any measure that may be adopted relative to the disposal of waste lands in other parts of the Presidency, the Governor in Council resolves at once to settle the terms upon which waste lands may be obtained on the Neilgherry Hills. Many applications, it is understood, have already been made for lands on the Hills, and much expectation excited, and a settlement of the question should no longer be delayed.

8. The Secretary of State in paragraph 10 of his Despatch has directed that the lands applied for should be put up to auction at a minimum of upset price and sold to the highest bidder. Such public sale by competition is clearly desirable to prevent jobbing. As regards the upset price the Government resolve that until further orders it be fixed at Rupees 5 per acre on wooded or shola land, and 2½ on open land.

9. The assessment to be fixed annually on future grants of land on the Neilgherries has to be considered. The rate of 1 Rupee per acre all round which has of late years obtained, is clearly too low. The Government resolve to fix Rupees 2 per acre on all wooded and 1 Rupee per acre on open or grass land. This of course is distinct from and in addition to the price at which the land may be bought at auction.

10. The course to be pursued in regard to the sale of any land on the Neilgherry Hills that may be applied for will be that specified by the Secretary of State in his Despatch dated 9th July 1862, No. 14, paragraph 11: "If the land should be unsurveyed the first step will be to survey it, the applicant, of course, depositing the estimated cost of that proceeding. On the completion of the survey, and at once in the case of surveyed land, the boundaries of the plot should be marked out, and an Advertisement should be issued, describing the land to be sold by auction, stating the upset price, and specifying the place and date of sale. At the sale the land will be assigned to the person offering the highest price, or in the event of no competition, to the applicant at the upset price, the cost of survey (if made) being added in both cases. The Advertisement should be posted on the land itself, as well as in the neighbouring villages, and in all other usual places." The Collector will take measures

NOTE.—It is observed that a Survey Establishment for the Neilgherries has recently been sanctioned.

to have the requisite surveys executed promptly so that no delay may occur; and he will be careful that such publicity be given to the Advertisements, and such time allowed for the attendance of bidders as will ensure full and fair competition.

11. It is to be understood that all lots that may be applied for will not of necessity be disposed of. The Collector will exercise his discretion in regard to such lands as, in his opinion, should be retained in the hands of Government either for providing fuel, protecting streams from regard to the rights, comfort or even religious prejudices of the Native inhabitants of the Hills, on considerations of public convenience, health, recreation or other cause, reporting to Government in what cases he may have refused applications and for what reasons.

12. The above instructions will be in supersession of all previous orders on the subject, and will apply to all lands on the Neilgherry Hills within or without the Cantonment, and to those for which application has been already made as well as to those which may be applied for hereafter.

13. All lands will be put up to auction bearing assessment, but it will be open to purchasers to buy the Freehold at twenty-five years' purchase of the assessment. This redemption price will, in all cases, be in addition to the price which the land may have fetched at auction, as well as to any assessment that may have become payable on the land between the date of sale and redemption.

14. Were the fee simple to be put up to auction originally the upset price, which in case of timbered land would be Rupees 55 per acre, would be so high as to circumscribe competition, whereas any one who may have bought land bearing assessment can at any time convert it into Freehold by the payment of twenty-five years' land tax.

(Signed) T. PYCROFT,
Chief Secretary.

India Office,
London, 9 July 1862.

Revenue.

No. 14

To His Excellency The Right Honourable The Governor
General of India in Council.

MY LORD,

* Dated 17th
October
1861.

Para. 1. The Letter from your Excellency's predecessor in Council, dated 21st October last (No. 18), with which was forwarded a resolution* which "had been made public regarding the sale of waste lands in fee simple, and the redemption of existing land revenue," has been under my consideration in Council.

2. Her Majesty's Government have considered with the greatest care and deliberation the important questions which form the subject of that resolution, and the still more important question, which is necessarily raised by the consideration of them, namely that of a permanent settlement of the land revenue of India, and I now proceed to communicate to you the conclusions at which they have arrived.

3. The first section of the resolution (paras. 8 to 37), relates to the grant or sale of waste lands not under assessment.

4. I have perused with the greatest satisfaction the observations contained in para. 6 of the resolution, in which the Government state it to be their "firm conviction that, in order to obtain permanently good results from these measures, it is indispensable not only that no violence be done to the long existing rights which, sometimes in a rude, sometimes in a complicated form, are possessed by many of the humblest occupants of the soil in India, but that these rights be nowhere slighted or even overlooked. Scrupulous respect for them is one of the most solemn duties of the Government of India, as well as its soundest policy, whatever may be the mode in which that Government may think fit to deal with the rights of its own." Her Majesty's Government cordially participate in these sentiments, and I trust that you will carefully enforce their observance in all parts of India. The mode in which dormant claims on lands now uncultivated and apparently deserted are proposed to be dealt with, will be referred to in a subsequent part of this despatch.

5. The waste lands in different parts of India are found under such varying conditions, that it would be difficult, if not impracticable, to deal with all in the same manner. In the greater part of the country no material objection to the proposed plan may perhaps be anticipated; but in distant and wild tracts the case will be widely different. In para. 4 of the resolution, it is confidently "anticipated that harmony of interests between permanent European settlers and the half-civilized tribes by whom most of the waste districts and the country adjoining them are thinly peopled will conduce to the material and moral improvement

"of large classes of the Queen's Indian subjects, which, for any such purposes, have long been felt by the Government to be almost out of the reach of its ordinary agencies." I cannot but fear that such anticipations are little likely to be realized in frontier districts, such as the Huzara mountains, the hilly tracts on our north-eastern boundary, and other similar localities, which are inhabited by warlike and predatory clans. It is assumed that half-civilized tribes will be ready to appreciate a community of interests between the European settlers and themselves. I apprehend, on the contrary, that, passionately attached as they are known to be to their ancestral lands, they might rather regard the intrusion of European strangers as an encroachment on themselves. Differences and quarrels, ending in affrays and bloodshed, might arise, which would lead to the necessity of employing an armed force for their suppression. Such has been the result of our experience in many of our colonial possessions, of which a signal example may be found in the recent unhappy occurrences in New Zealand. It is unfortunately the case that situations such as those referred to are, from their climate, the best adapted to European constitutions, and therefore not unlikely to attract British settlers; but, placed as they are, to use the words of the resolution, beyond the reach of the ordinary agencies of Government, the necessity of affording protection to such scattered Europeans as might settle on them would render their occupation by British subjects a source, in a political sense, rather of weakness than of strength to the Indian Government, and would certainly involve an amount of expenditure far outweighing any advantages which could be expected from it. I must therefore desire that the greatest caution be exercised in allowing grants of land in outlying districts, where the arrangements for the protection of life and property are still imperfectly organized.

6. It is proposed (para. 29) that the price should not exceed rs. 2½ [five shillings] per acre for uncleared land, or rs. 5 [ten shillings] per acre for land unencumbered with jungle, subject to deduction of area for swamps or uncultivable land."

7. It is apparently intended to apply this rule to all lands throughout India, now unassessed and without immediate claimants, with the sole exception (paras. 23 and 24) of "special tracts" which, for the public interests, it may be necessary to reserve for future disposal, and of "reserves of grazing land, or of land for the growth of forest trees, or of firewood near towns and stations, or for other special purposes, such as sites for sanatoria, building lots, &c., &c., which "are not to be sold without the special sanction of Government."

8. The proposal to divide all the unassessed and unclaimed lands throughout India into two classes, those which are encumbered with jungle" and those which are not, and to sell the lands of each class at an uniform price per acre, without any regard to their presumed fertility, appears to me to be untenable. A tract enjoying every advantage of soil, climate, and situation, placed perhaps close to a navigable river, or in the immediate vicinity of a projected railway station, is to be dealt with as if of no more value than a tract of sandy desert, far removed from all means of irrigation, and even from communication with other districts. It cannot be supposed that land, although now uncultivated and unclaimed, on the banks, for instance, of the Baree Doab Canal, is worth no more than land situated at five or ten miles beyond its fertilizing influence. Even in the Sunderbans, to which especial reference is made in the resolution, I have reason to believe that the proposed rule of an uniform price would be inapplicable. On the side bordering the Twenty-four Pergunnahs and Jessore, the land is represented to lie low, and to be constantly liable to inundation by salt water, rendering expensive embankments absolutely necessary; whereas on the Backer-

comparatively high, requiring less protection from gunge side the land is covered, and, in addition, is much more fertile. It is not surprising that lands differing so entirely in their intrinsic value ought to be sold at the same price.

9. For these reasons, the Government cannot approve of the proposal to fix detail, Her Majesty's Government assessed and unclaimed land throughout India, an uniform price for all land, or situation; and I have accordingly to request that your Excellency in Council will immediately take measures for withdrawing the offer made in para. 29 of the resolution. The several Governments and Lieutenant-Governors should be instructed to fix, after communication with the local authorities, a minimum price suited to the various descriptions of land which they may find in each district of their presidency or province, to be at their disposal in any case should be made.

10. In regard to the mode of sale, I am of opinion that the course adopted in many of our colonies should be pursued; and that the lands should be put up to auction at a minimum or upset price, and applied for should be put up to the highest bidder. This plan has been followed in the Madras Presidency, under the rules promulgated in August 1859. It is true that, in para. 30 of the resolution, provision is made for the sale by auction of one intending purchaser may apply; but the any lot for which more than one intending purchaser may apply, to be exceptional, and the grant is, in all ordinary cases, to be made to the applicant at a fixed price.

11. I observe that, under paragraph 25, "when the land is unsurveyed, it may be given on payment of the collector's immediate possession survey." I am of opinion that this provision "estimate of the cost of survey" should be modified, and that the first step will be to survey it, the applicant of course depositing the estimated cost of that proceeding. On the completion of the survey, the boundaries of the plot should be marked out, and an advertisement should be issued, describing the place and date of sale. At the sale the upset price, and specifying the person offering the highest price, or, in the event of no competition, to the applicant at the upset price, the cost of survey (if made) being added, as well as in the neighbouring villages, and be posted on the land itself. I consider the previous marking out of the boundaries of the land applicable to the attention of the residents in the neighbourhood, by whom the mere issue of an advertisement might probably pass unnoticed. Thirty days after the publication of that advertisement, and subject to the consideration of the claims of third persons subsequently preferred, possession might be given to the purchaser.

12. I have also to point out to you that some alteration is required in the language used in the second clause of para. 10. It is there stated that, "at the grantee's option, a fixed annual sum may be paid, at the rate of ten per cent., on any unpaid portion of the price of the grant, which will then be under mortgage until the price is paid in full." This provision is explained in para. 28 to mean, that interest at the rate of ten per cent. per annum on any balance of the purchase money which may remain unpaid; but as it stands, it is open to the interpretation that the purchase money may be paid off by ten yearly instalments, without interest.

13. In order to carry out the provisions contained in paras. 17 to 19 of the resolution, legislative action is indispensably necessary. It is therein

declared that if, within 30 days of the date of the resolution directed in para. 11, from the issue of the resolution, any person claiming a right of property or occupancy in the land to which the resolution applies, should be preferred, such claim is to be "disposed of," and, if not preferred, the land is to be allotted to the Government. If, however, after the expiration of 30 days, when the formal allotment of the land will have taken place, any persons shall establish a right of property in the land, the possession of the party to whom the land has been allotted, *bona fide* shall not be disturbed. But, provided the claim be made within one year from the date of the allotment, the claimant, on proof of his right, and on showing good reason why his claim was not advanced earlier, shall be entitled to receive from the Government the actual value of his interest in such land, not being already claimed. After the expiration of a year, all rights of third persons which may be claimed to compensation as against the land, subject, however, to such exceptions as are admitted by the existing law of limitation.

14. It appears to me impossible that, in any country possessing regular tribunals, a resolution of the Executive Government would be held to override the existing law. Suppose that a resolution is passed which "establishes a right of property" in land which has been "allotted" by the Government to another. He is not, however, to be put in possession of the land, because the land has been granted to another person. He may decline the compensation, and the Government may succeed in establishing it ten years later. He may also fail to establish his claim, but may succeed in establishing it ten years later. The courts must uphold the resolution of the Government, by which the time of limitation which that law lays down is extended.

15. It may be argued that such claims will be made in respect to lands in such tracts of waste and uncultivated country as were mainly in view when the resolution was passed. This supposition is very doubtful. Through the Sunderbuns, as soon as the Government manifested its intention to grant the land to grantees, every acre of the forest was claimed by the Zemindars of the adjoining districts, as included in their permanent settlements. A legislative enactment was required to deal with these pretensions. In other parts of India, much land that is waste and unclaimed, was formerly, and is now, and has long been, in the hands of the people, and is fully cultivated. The descendants of the original proprietors know their rights, although they may have allowed the land to lie dormant while no object was to be gained by asserting them. They may have emigrated to distant villages, and may not even hear of the land. The period prescribed in your resolution, whatever may be the strict letter of the law of limitation, and feelings of the people as defined by the Act of 1859, the habits of the people, and the recovery of land after a long time may be during which the rights have remained unclaimed. Even admitting that a suit for recovery of land after 12 years' adverse possession would be allowed, the cause of action would be held to lie only from the date of the allotment, and that the possession of the land would be at any time liable to disturbance until after that period had expired.

16. But the objection to the measure is in ryotwarry districts, in which, it is declared, which an assessment has been fixed, but which are at the absolute disposal of the Government, may be sold under the same conditions as unassessed waste land, excepting that the price shall be twenty years' purchase of the assessment. If this provision be acted on, there can be little question that claimants without number will spring up, possessing rights hitherto held to be indefeasible under *meerassee* and other similar tenures in Madras and Bombay, or the *jenmi* tenure in Malabar, causing a most serious amount of embarrassment to the local Governments.

any application (or, as the case may be, any prior claim), any prior claim should be preferred, such claim is to be "disposed of," and, if not preferred, the land is to be allotted to the Government. If, however, after the expiration of 30 days, when the formal allotment of the land will have taken place, any persons shall establish a right of property in the land, the possession of the party to whom the land has been allotted, *bona fide* shall not be disturbed. But, provided the claim be made within one year from the date of the allotment, the claimant, on proof of his right, and on showing good reason why his claim was not advanced earlier, shall be entitled to receive from the Government the actual value of his interest in such land, not being already claimed. After the expiration of a year, all rights of third persons which may be claimed to compensation as against the land, subject, however, to such exceptions as are admitted by the existing law of limitation.

any country possessing regular tribunals, a resolution of the Executive Government would be held to override the existing law. Suppose that a resolution is passed which "establishes a right of property" in land which has been "allotted" by the Government to another. He is not, however, to be put in possession of the land, because the land has been granted to another person. He may decline the compensation, and the Government may succeed in establishing it ten years later. He may also fail to establish his claim, but may succeed in establishing it ten years later. The courts must uphold the resolution of the Government, by which the time of limitation which that law lays down is extended.

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much stronger when applied to paragraph 35, "lands for which have been uncultivated

for five years or upwards, and which are at the absolute disposal of the Government, may be sold under the same conditions as unassessed waste land, excepting that the price shall be twenty years' purchase of the assessment. If this provision be acted on, there can be little question that claimants without number will spring up, possessing rights hitherto held to be indefeasible under *meerassee* and other similar tenures in Madras and Bombay, or the *jenmi* tenure in Malabar, causing a most serious amount of embarrassment to the local Governments.

17. The whole question requires deliberate and mature consideration. Under any circumstances, I am of opinion that the greatest caution will be required in making grants of land, irrespective of claims which may subsequently be advanced by third parties, except within tracts of country in which there may be a reasonable approach to certainty that valid claims will not be put forward, or, at any rate, to no considerable extent. If it should be deemed expedient to bar by law the right of re-entry on the land after so short a period as thirty days, the right to compensation should, at all events, remain in force for a longer period. The necessary provision in both cases can obviously be effected only through the means of a legislative enactment. The mode of assessing the compensation to be awarded in such cases should of course be clearly laid down by law, and the amount should have reference only to the value of the interest at the date of allotment, irrespective of any increased value which might subsequently be given to the land by the labour or expenditure of the grantee.

18. The rules contained in paras. 31 and 32, for reserving adjoining lands for grantees under certain conditions, must, it appears to me, be abrogated, as inconsistent with the plan of auction sales now ordered. The actual possessor of any grant will be able to become the purchaser of any additional land which he may require, simply by offering a higher price than anyone else is willing to give.

19. The provisions for the commutation of existing grants into grants under the new rules, and for the redemption of the rent on unassessed lands already granted, contained in paragraphs 33 and 50, obviously require revision. In the latter of these paragraphs it is stated, that "grants which have already been given for a term of years at progressively increasing rents, such as those in the Sunderbuns, will be treated as if the land were permanently settled, if the holder wishes to redeem the future land revenue, at the highest rate fixed for any year during the current term of the grant, provided it shall not exceed the rate fixed in para. 29 of this resolution, and if there is no right of occupancy other than that of the lessee or that derived from him."

20. It is evident from the letter under reply that this provision was not intended to include grants on the Neilgherry or Shervaroy Hills, or in Wynaad, as they are specifically referred to as "lands which, being assessed at one rupee per acre, will not be purchaseable for less than twenty rupees an acre." The words, however, of the rule are, as it appears to me, wide enough to include not only the holders of such grants, but also such cases as that of the land granted to Mr. Atherton at Kangra, which forms the subject of the second of Lord Stanley's despatches referred to. He was permitted to purchase the proprietary right over 1,000 acres of land for the sum of rs. 1,500, subject to an assessment of four annas an acre, which, at the expiration of the existing settlement, was liable to be raised to one rupee per acre. In both cases it would seem that the grantees might claim to hold their lands discharged of all future payments, by tendering the maximum price of rs. 5 per acre, after deducting, in the latter case, the balance already paid.

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on, has a much wider scope, and larger and
the consideration of it than would appear at

Land Revenue is authorized, both on lands temporarily settled; and "the price to be paid for the purchase of the existing assessment," in every district the permission of redemption is restricted to such a number of estates as shall not exceed ten per cent. of the total land

r, viz., the permanently settled estates, no redemption is to be allowed at all as a general hereafter be considered. The only matter demanded for it.

resolution that "justice to the public creditor resources of the Government require that, as no more than sufficient to meet the current the interest of its debt, no lower terms of tax forming the security for that debt should the price is invested in the public securities, in the payment of interest."

appear to refer to the instructions in Lord v December (No. 2) 1858. But it is clear view would not be attained by pursuing the ion. So long as the notes of the 5 per cent. the extinction of a perpetual annuity may be payment of twenty times its amount. If, at despatch, a reduction of interest on the —such, for example, as would arise from the eable at par,—it is clear that the same pur- ed by requiring a sum equivalent to twenty- rpetual annuity, or, in other words, of the tled estate. In this country, the redemption isting Acts of Parliament, permitted on the ing according to the actual price at the time this purpose the 3 per cent. consolidated far the largest portion of the public debt rest, are taken as the basis of calculation.

proposed to apply the measure to lands under more serious questions arise, involving the tenure of land throughout the greater part

Stanley's Despatch of December 1858, that assessment must necessarily operate as a charge on the lands to which it was applied in assessment, and it is obvious, on the slightest reflection, that this is the case.

then, to deal with the measure as effecting, to be carried, a permanent settlement of the question becomes necessary to consider in all its relation which has for so many years been discussed and has been viewed in such opposite lights that it has given their attention to the most important political and social interest affecting that empire.

Whatever advantages or disadvantages are anticipated from a direct permanent settlement will be equally caused by the indirect mode of the land assessment.

36. Before entering, however, on the general considerations affecting such a measure, I will advert to those which are peculiar to the proposal of redeeming the assessment. Even if the measure be limited to the redemption of one tenth of the assessment in any district, it appears to me that a very serious difficulty presents itself at the outset. Unless the fair and equal bearing of the assessment on the estates or classes of land is almost inevitable that loss will be incurred by the State. In all revisions of settlement, even where no increase of the aggregate revenue is obtained, or even expected, it is generally found that, while some estates are subjected to an increased assessment, others are relieved. It is obvious that if a right of redeeming their assessment, by the payment of a capital sum, be given to the landholders to the extent of one tenth of the aggregate revenue of every district, the owners of those estates will be most anxious to avail themselves of the land. On estates where the assessment is so redeemed, the State will necessarily be precluded from raising it at any future period. On the other hand, the redemption being optional, the owners of land on which the assessment may now press unduly would of course decline to avail themselves of the permission, and they could not fairly be deprived of the relief for which they might reasonably look at the next revision of settlement. By this arrangement taken advantage of it and redeemed their assessment, therefore, the Government is clearly subjected to a prospective loss. In any district it is indispensable, therefore, to ascertain that the assessment bears equally on all the estates or classes of land within it.

37. It is of course impossible to foresee to what extent the owners of land would be disposed to avail themselves of permission to redeem the assessment, but we must be prepared to meet the consequences of the disposition becoming general.

38. If the disposition to redeem should exist to any great extent, and if the power of so doing is to be held out as a boon to the landowners, it is difficult to see on what principle the permission could generally be restricted to such proportion of them as pay one tenth of the assessment in each district. The whole benefit of such a limited measure might be appropriated by a few wealthy landowners, and no advantage whatever would be derived from it by the great mass of the occupiers of the land. I think with good reason, however, whose land. The latter body would complain, and the Government to raise, being unfairly and unjustly treated. It is so manifestly the interest of the landowners to secure. It seems to me, and whose attachment to the land is so desirable, that if we go so far as to give a right to redeem to the extent of one tenth of the assessment, it is impossible to stop at that point. We must go further and contemplate a general right to redeem the land assessment.

39. Now, even as regards redemption to the extent of one tenth, there is a consequence which does not seem to have been foreseen, and which, if the redemption were to become general, would produce great difficulty. The amount of capital which would be required for the redemption of the landowners. Nor, indeed, if it can be supposed to be in the hands of the landowners, would it be desirable to place such a sum, which would be the disposal of the Government, in a condition to provide such a sum, which would find itself in the embarrassing position of having its

treasury overflowing with money arising from the capitalization of its annual income, which it would have no adequate means of employing or investing.

40. The objection arising from capitalizing the income of the State, and depriving it in future years of the steady and stable resource of the land revenue, on which it can under all circumstances confidently rely, is most serious. It is not a consideration of slight importance that, of all sources of revenue, none is so easily collected, and none more willingly paid. Her Majesty's Government would be sorry to deprive the Government of India in future years of this large and most unobjectionable portion of their income, which the people have been immemorially accustomed to contribute, and which consequently has all the authority of prescription and tradition in its favour. These considerations seem to me to be fatal to a scheme of general, or even of a very extensive, redemption of the land revenue.

41. A direct permanent settlement of the land revenue is free from this objection, and it remains, therefore, to discuss this most important question, and to weigh with the greatest care all the considerations by which it ought to be determined.

42. The land revenue of India, as of all eastern countries, is less to be regarded as a tax on the land owners than as the result of a kind of joint ownership in the soil or its produce, under which the latter is divided, in unequal and generally undefined proportions, between the ostensible proprietors and the State. It is not only just, but necessary for the security of the landowner that the respective shares in the produce should, at any given period, or for specified terms, be strictly limited and defined. The increase of population, the improvement of communications, and the accumulation of wealth have a tendency to increase the extent of cultivation and the value of the net produce or rent, and the Government may rightly claim to participate in those advantages which accrue from the general progress of society. This has hitherto been effected by means of periodical adjustments of the share, or at least of its value in money, which belongs to the State.

43. By many persons great advantages have been anticipated from what is usually called a permanent settlement; that is, by the State fixing, once and for ever, the demand on the produce of the land, and foregoing all prospect of any future increase from that source. It has been urged that not only would a general feeling of contentment be diffused among the landholders, but that they would thereby become attached, by the strongest ties of personal interest, to the Government by which that permanency is guaranteed. It is further alleged that by this means only can sufficient inducement be afforded to the proprietors to lay out capital on the land, and to introduce improvements by which the wealth and prosperity of the country would be increased.

44. In this country these views have been put forward mainly in reference to the settlement of Europeans in India, but they are clearly applicable to the occupiers of land generally throughout India. They have been entertained by many of our ablest officers, and they have recently been advocated by the late lamented Colonel Baird Smith, in relation to their probable effect on the agricultural population of the North-West Provinces. In his report on the remedial measures required in those districts which had suffered most severely in the late famine, he strongly recommends that a permanent settlement should be accorded wherever the land revenue now assessed may reasonably be assumed to have reached its probable limit. That recommendation was based both on social and financial grounds, and was founded on his conviction of the great benefits which had accrued to the country from the demand of

the Government having been declared unalterable for a period of thirty years. He desired to confirm and accelerate the improvement which he had witnessed by strengthening the motives which, in his opinion, had produced it. It was his belief that this object could be most effectually attained by the concession of a demand fixed in perpetuity, instead of only for a limited term.

45. On the other hand, it has been urged that the consequence of a permanent settlement of the land revenue is to preclude the Government from ever obtaining any future augmentation of income from this source; and, considering that the experience of many countries advancing in civilization demonstrates that the cost of administration is constantly tending to increase, it follows that the additional charge which will fall on the Government must of necessity be met by taxation in some shape, such as customs, excise, salt, stamp, or income duties. Colonel Baird Smith, in the able paper already referred to, admits that this result will take place, but he argues (par. 54) that any sacrifice of public revenue involved in the concession of a demand fixed in perpetuity would be more than compensated by the increased ability of the people generally to bear taxation direct or indirect, which would necessarily follow on the improvement in their social condition. An "intelligent and powerful Government," he says, "could not fail to participate in these advantages." "Its intelligence would direct it to the least offensive and most effective means of sharing in the general prosperity, and its power would ensure the fair trial and ultimate success of those means."

46. It is a serious and difficult question to determine by which course the interests of India will be best promoted. Before deciding on any step by which the prospect of any future increase of land revenue is given up, it must be very carefully considered how far, on the whole, it is likely that the possible sacrifice of increased revenue from this source will be made up by the greater ability of the people to contribute in other ways to the public income, and whether it will be for the general interest to purchase at this price the social and political advantages which have been adverted to.

47. Her Majesty's Government entertain no doubt of the political advantages which would attend a permanent settlement. The security, and, it may almost be said, the absolute creation of property in the soil which will flow from limitation in perpetuity of the demands of the State on the owners of land, cannot fail to stimulate and confirm their sentiments of attachment and loyalty to the Government by whom so great a boon has been conceded, and on whose existence its permanency will depend.

48. It is also most desirable that facilities should be given for the gradual growth of a middle class connected with the land, without dispossessing the peasant proprietors and occupiers. It is believed that among the latter may be found many men of great intelligence, public spirit, and social influence, although individually in comparative poverty. To give to the intelligent, the thrifty, and the enterprising the means of improving their condition, by opening to them the opportunity of exercising these qualities, can be best accomplished by limiting the public demand on their lands. When such men acquire property, and find themselves in a thriving condition, they are certain to be well affected towards the Government under which they live. It is on the contentment of the agricultural classes, who form the great bulk of the population, that the security of the Government mainly depends. If they are prosperous, any casual outbreak on the part of other classes or bodies of men is much less likely to become an element of danger, and the military force, and its consequent expense, may be regulated accordingly.

49. The strongest opponents of a permanent settlement would probably admit the political and social advantages of such a measure. Their main argument against it is based on the financial consideration that, by means of temporary settlements, the land revenue might be raised from time to time, according to the expected rise in the value of land, and that, by this means also, the loss might be avoided which, in all cases of fixed money payments, must ensue if a depreciation of the value of the precious metals should take place.

50. It is indispensable, of course, that, whether with a view to redemption, even to the extent of one tenth of the revenue, or to a permanent settlement, the preliminary step of a revision of the present assessment must be taken. In the first instance, whichever course may be finally adopted, a full, fair, and equitable rent must be imposed on all lands now under temporary settlement, and, when that has been accomplished, Her Majesty's Government are of opinion that a permanent settlement may be safely applied. This was the course recommended by one of the ablest and most distinguished men who ever was called on to bear a part in the administration of British India. In his celebrated Minute of the 31st December 1824, Sir Thomas Munro, then Governor of the Presidency of Madras, several times refers to this subject, and particularly in the following passage: "No survey or assessment of a great province," he says, "can ever at once be made so correct as not to require future alteration; when, therefore, it has been completed with as much care as possible, a trial should always be made of it for six or seven years. This period will be sufficient to discover defects in the assessment. A general revision of it should then be made, and wherever it might be found too high it should be reduced, and it may then, with safety to the revenue and benefit to the people, be made permanent."

51. When once the rent has been properly fixed, any increase consequent on the natural progress of society will in all probability take place but slowly, and reach no great amount until after a considerable interval. It must be remembered that, in all the revisions of settlement which have taken place of late years, the tendency has been towards a reduction in the rates of assessment. Wherever the settlements have been carefully made, and the capabilities of the country have been well ascertained, the probability of any considerable increase of land revenue appears to be but slight.

52. The necessity for the reduction above noticed seems to have been caused mainly by the depreciation in the value of the crops from the increased production consequent on the greater tranquillity of the country under British rule. There are at present symptoms of a rise in the price of agricultural produce, caused probably, to a great extent, by the increased employment of labour in the construction of railways and other public works. But the railways when completed, while they will contribute largely to the development of the resources of India, may, in some degree, counteract this tendency. The great differences in the price of food in districts at no great distance from each other, so that while one was in a condition bordering on famine, others enjoyed comparative plenty, will cease to exist, at least to the same extent, when ready and cheap means of transport shall have been provided. Produce from the interior will be more readily brought to the centres of consumption or of exportation, and the value of land in the interior will be thereby increased; but on the other hand, the value of the produce of land near large towns and the coast will be reduced by the competition of the produce of the interior. The probable effect of the railroads would seem to be towards the equalization of the prices of produce in different parts of India, and a general improvement in the wealth of all classes of the country, rather than to give any peculiar advantage to the landholders.

53. That this general improvement will be accelerated by a permanent settlement Her Majesty's Government cannot entertain any doubt. A ready and popular mode of investment for the increasing wealth of the country will be provided by the creation of property in land, and all classes will benefit by the measure. On the agricultural population the effect will be, as pointed out by Colonel Baird Smith in the able paper already referred to, the elevation of the social condition of the people, and their consequent ability, not only to meet successfully the pressure occasioned by seasons of distress, but, in ordinary times, to bear increased taxation in other forms without difficulty; the feeling of ownership, or, in other words, the absolute certainty of the full enjoyment of the reward for all the labour and capital which they may invest in the land, will be sure to call out all their energies for its improvement. Her Majesty's Government confidently expect that a people in a state of contentment and progressive improvement will be able without difficulty to contribute to the revenue in other ways to such an extent as more than to compensate for the disadvantage of foregoing some prospective increase of that from land.

54. The example of Tanjore may be cited in confirmation of this view. It has been for many years so moderately assessed, that a feeling of private property in the soil has continued to exist among the people to such an extent that land sells, on an average, for twenty years' purchase. This district is eminently one in which a permanent settlement might properly be established; and that such a measure would lead to no loss of public income may be inferred from the fact that in it the receipts from salt, abkarry, and stamps have in ten years risen from rs. 6,54,500 to rs. 9,50,500 or nearly 48 per cent.

55. It must also be remembered that all revisions of assessment, although occurring only at intervals of 30 years, nevertheless demand, for a considerable time previous to their expiration, much of the attention of the most experienced civil officers, whose services can be ill spared from their regular administrative duties. Under the best arrangements, the operation cannot fail to be harassing, vexatious, and, perhaps, even oppressive to the people affected by it. The work can only be accomplished by the aid of large establishments of native ministerial officers, who must, of necessity, have great opportunities for peculation, extortion, and abuse of power. Moreover, as the period for resettlement approaches, the agricultural classes, with the view of evading a true estimate of the actual value of their lands, contract their cultivation, cease to grow the most profitable crops, and allow wells and watercourses to fall into decay. These practices are certainly more detrimental to themselves than to the Government, but there can be no question that they prevail extensively. The remedy for these evils, the needless occupation of the valuable time of the public officers employed in the revision, the extortion of the subordinate officials, and the loss of wealth to the community from the deterioration of cultivation, lies in a permanent settlement of the land revenue.

56. The course of events which has been anticipated is, indeed, only that which has taken place in every civilized country. Experience shows that in their early stages nations derived almost the whole of their public resources in a direct manner from the produce of the soil, but that, as they grew in wealth and civilization, the basis of taxation has been changed, and the revenue has been in a great degree derived indirectly by means of imposts on articles which the increasing means of the people, consequent on a state of security and prosperity, have enabled them to consume in greater abundance. I am aware that it has been stated as an objection to promoting such a course of things in India, that, in most European countries, the advantages of this change have been mainly appropriated by the large landowners; but it must be remembered that in India, and especially in the districts under ryotwarry settlement, the great

Minutes by Sir
C. E. Trevelyan,
dated 18th and
28th January 1860.

bulk of the agricultural population are the proprietors, subject only to the payment of the assessment, of the lands which they till; and that, consequently, the benefit of a permanent settlement would be enjoyed, not by a narrow and limited class, but by the majority of the people.

57. The apprehension of a possible fall in the relative value of money, which has been previously noticed, though deserving consideration, does not seem to Her Majesty's Government to be of sufficient moment to influence their judgment to any material extent in disposing of this important question.

58. After the most careful review of all these considerations, Her Majesty's Government are of opinion that the advantages which may reasonably be expected to accrue not only to those immediately connected with the land, but to the community generally, are sufficiently great to justify them in incurring the risk of some prospective loss of land revenue in order to attain them, and that a settlement in perpetuity in all districts in which the conditions absolutely required as preliminary to such a measure are, or may hereafter be, fulfilled, is a measure dictated by sound policy, and calculated to accelerate the development of the resources of India, and to ensure, in the highest degree, the welfare and contentment of all classes of Her Majesty's subjects in that country.

59. They consider that the direct mode of making a permanent settlement is preferable to the indirect one of obtaining a similar result by conceding to the landholders the right to redeem their assessment. They do not believe that the power to redeem the land revenue is necessary to induce the landholders to incur expenditure in the improvement of their property. What is really required, in order to call into effective action their enterprise and capital, is not an exemption from all payments to the Government on account of their estates, but the fixing those payments in perpetuity, at a moderate and certain amount. In Bengal, where a permanent settlement was made with the Zemindars seventy years ago, the general progress of the country in wealth and prosperity, notwithstanding the depressed condition of the peasantry, caused by errors and omissions in the mode of making the settlement, has been most remarkable. Such errors in the existing state of our knowledge regarding the rights and interests of the subordinate occupants of the soil would not be permitted to recur.

60. It must be remembered that, with a view to attaining the objects aimed at, of improving the condition of the people and enabling them to contribute in other ways to the public revenue, it is essential that the measure should be generally brought into operation. The improved condition of a limited number and of an exceptional class would add little to the contentment of the population, or to the resources of the public treasury. No measure can be really effective for such purposes unless it can be brought to bear on the general mass of the population.

61. Although, therefore, the acquisition of a permanent tenure free from rent might be more acceptable to the European capitalist, it is certain that, to the native agricultural population of India, who do not possess capital, permanency of tenure and fixity of rent will afford all that they require, or from which they could derive any benefit. To hold out to them as a boon the offer of redemption, of which hardly anyone could avail himself, would be merely illusory, nor would the object be attained which is prescribed in Lord Stanley's Despatch, that in any recommendation which might be submitted the proposed benefits should be participated in by the agricultural community generally. By the Madras freehold rules it was at first directed that the sales should be made without any reservation of rent, but the planters complained that the capital required for clearing

the forest would be exhausted in paying the purchase money. The capital which would be absorbed in purchasing the forest simple and redeeming the land tax would be more profitably expended in improving the land.

62. In either case, whether the land revenue were redeemed, or its amount fixed in perpetuity, the benefit of all improvements would equally go into the pocket of the landholder, nor could he have any difficulty in paying the moderate rent which is now universally fixed on revising the assessments.

63. Her Majesty's Government have therefore, determined to limit the power of redeeming the land revenue to such cases as are referred to above in paragraph 26; but they have resolved to sanction a permanent settlement of the land revenue throughout India. It will, however, still remain to be determined how far any particular district is in a condition to warrant the practical application of the measure at the present time.

64. There are doubtless parts of the North-western Provinces, and probably of the Punjab, where so large a proportion of the soil was already under cultivation when the existing settlements were made, that, assuming the rates of assessment to have been fairly adjusted to the capabilities of the land, little or no increase can be expected in the revenue, on the revision which will take place on the expiration of those settlements. Such districts, provided that the assessment is not only adequate in amount, but also equally distributed, may be considered to be in a condition in which the introduction of a permanent settlement might properly be permitted.

65. In other parts of these provinces, a large proportion of the land is still uncultivated, and does not consequently yield to the public treasury a return commensurate with its prospective capabilities; while in recently acquired territories, such as Oudh and Nagpore which are still unsurveyed, no means exist for determining either the adequacy of the amount, or the equality of the pressure, of the present assessment.

66. In the ryotwarry districts of Madras and Bombay, the difficulties in the way of a permanent settlement appear to Her Majesty's Government to be the greatest.

67. In the former presidency the revision of the assessment, for the purpose of bringing it into accordance with the present circumstances of the people and the country, has only recently been commenced. The existing settlement records, which determine the supposed extent of each holding, and, by consequence, the actual rate of assessment, are in many cases untrustworthy. It is true that by the increase of cultivation, which has ensued on the reduction of the assessment on the higher classes of land, a greater aggregate revenue has been obtained; and although some increase may be found practicable in the rates on the lower classes, it is probable that the general result will be a reduction in the average rates. At all events, there is ample evidence that the actual incidence of the assessment, as regards particular fields or estates, requires careful readjustment. It was with the view of equalizing the pressure of the assessment, and with no desire or expectation of increasing its amount, that the arrangements now in progress, estimated to cost at least three quarters of a million sterling, were sanctioned by the Home authorities.

68. In Bombay, the revised assessment, though still in progress, has been, throughout a large portion of the presidency, for many years in operation. It is well understood that the existing rates were adapted rather to the depressed circumstances of the agricultural population at the time when they were imposed, than to the prospective capabilities of the soil. The measure has been in all respects successful, and it is believed that the

condition of the people has advanced so rapidly that, on its revision, a very considerable increase may be effected in the rates, without any undue pressure on the resources of the people.

69. Her Majesty's Government consider, therefore, that, although for different reasons, these two presidencies are not at present generally in a condition which would warrant them in authorizing a permanent settlement of the land revenue on the assessed lands at the existing rates. In both presidencies, however, as districts are gradually brought under the revised assessment, and when there is reason to believe that the land revenue has not only reached its probable limit, but that it is equitably distributed over the lands affected by it, this restriction will no longer be needed.

70. It is obvious that the process of introducing a permanent settlement must be very gradual, and this circumstance is not without its advantages. It would be impossible at one time to provide establishments large enough for a general revision of the assessment throughout the whole of India, and the effect of the measure may be watched in its progress. If any unforeseen difficulties occur, there will be time to take measures for obviating them. If the anticipations of a rise in the value of land, or of a depreciation in that of the precious metals, should be realized, any loss from these sources could be avoided in subsequent settlements, and the principal objections to the measure would be in great measure disposed of.

71. It is to be hoped that the greater interest which the influential classes would acquire in the preservation of peace and order might enable the Government to reduce its military establishments, at any rate to such an extent as to provide for the increased charge of civil administration, which improvements in civilization always render necessary.

72. I have therefore to announce to your Excellency in Council, as the result of the foregoing considerations, that, as regards all districts or parts of districts in which no considerable increase is to be expected in the land revenue, and where its equitable apportionment has already been, or may hereafter be, ascertained to your satisfaction, Her Majesty's Government will be ready to sanction, on your recommendation, or that of the local Government supported by you, the settlement in perpetuity of the assessment at the present or the revised rates.

73. I have accordingly to request that you will place yourselves in communication with the several local Governments, in order to ascertain from them the extent to which, in their judgment, it may be expedient to apply this important measure to the territories under their immediate administration. In the North-west Provinces, where the revision of the thirty years' settlement has already commenced, it is possible that several districts are now in a condition to justify immediate action. In the Presidency of Madras, the result of the survey and settlement operations which have been recently commenced will show how far the districts have yet attained the condition contemplated by Sir Thomas Munro, in the extract already quoted, as warranting the establishment of a settlement in perpetuity; while, in the revised portions of the Bombay Presidency, it will probably be deemed prudent to await the expiration of the thirty years' leases, which will begin to expire in three or four years, before taking any steps for giving permanency to existing arrangements.

74. I must remind you that, wherever a permanent settlement is made directly with individuals or communities for estates, in which other persons possess subordinate rights and interests, those rights and interests should be guarded with the greatest care, so as to avoid the errors which are

now acknowledged to have been committed in respect to the permanent settlement of Bengal.

75. With regard to the investment of the amount which may be received by the Government from the sale of waste lands, or in commutation of land revenue, I observe that it is declared, in paragraph 56 of the resolution, that, "with a view to secure the Government and the public creditor against any loss of existing sources of Government income, provision will be made by law that all sums paid in purchase of waste lands, or in redemption of land revenue, or in otherwise forestalling the land revenue, shall be paid to Commissioners, and periodically invested in such manner as the law may direct;" and that the reports of the Commissioners shall be regularly published. In reference to this arrangement, I have to desire that all moneys received on these accounts should be invested, not periodically, but as soon as practicable, and, as a rule, in the 4 per cent. loan. The price of redemption should be variable according to the actual value at the time of that stock, so that the amount paid, when so invested, may produce a dividend equivalent to the annual revenue which will thereon cease to be received.

76. Your Excellency in Council will understand that the instructions contained in this despatch supersede at once the provisions of the resolution of the 17th October 1861, so far as they are inconsistent with them, and that fresh regulations must be prepared and submitted for the approval of Her Majesty's Government. It is not, however, intended that these orders should have retrospective effect, and if any arrangements, in regard either to the purchase of waste lands or the redemption of land revenue, have been actually completed under the provisions of the resolution, they must, so far as is compatible with the law, be scrupulously carried into effect. You will, however, furnish me with a special report showing the extent to which any such arrangements may have been made.

77. Copies of this despatch will be forwarded for the information and guidance of the Governments of Madras and Bombay.

I have the honour to be,

My Lord,

Your Lordship's most obedient, humble Servant,

(Sd) C. Wood

19-6-99
19. 6. 15

No 9 Revenue
7 July 1862
Copy sent to the Court of Directors
No 14, dated 9 July 1862

Referred to Revenue Letter to
Madras, No 17, dated 9 July 1862

9/11/62

12
Memorandum
I circulated the
drafted by Mr. Sine, and noted
on it by the Governor, just received
on the subject of the disposal
of land on the Hill Tracts of the
Presidency.

2 Mr. Sine considers that the
late Dispatch from the
Secretary of State, taken in con-
junction with the letter of 20th June
last from the Government of
India, affords the means of at
once dealing with the applica-
tions already received from dif-
ferent persons for land on the
Neilgheries.

3 He thinks that Govt
may safely offer every applicant
the option of having his lot put
up

up to auction, subject only to the annual assessment, and with-

out any ~~expressed~~ ^{in accord} ^{x N.B.} The late Decree para 10 requires that the lands should be put up at a minimum or upset price -
ing to the existing rules - or of law.
ing it put up on freehold tenure at the minimum upset price of
at the minimum upset price of
20 years purchase of the annual assessment.

4. The assessment fixed by Ser G. Trevelyan on the Hill Tracts was one Rupee per acre all round. This Mr. Sim regards as manifestly too low. He proposes that the Hill rate for rich Shola land suited for coffee and other valuable products be fixed at Rupees 2 per acre; and that for mere grass land, very little of which is now taken up, owing to Rupees per acre being too high a rate, at $\frac{1}{2}$ Rupee per acre.

5. He doubts however whether

whether it would be advisable to make any change of assessment on lands already applied for. Then these would be put up to auction bearing an assessment of 1 Rupee per acre - or their freehold would be put up at 20 years purchase of that assessment.

6. The present rates on the Anamallies, Shervaroy and Pulney, i.e. ~~as proposed~~ 1 Rupee per acre. Mr. Sim thinks sufficient for the present at all events.

7. The upshot of this ^{that} then seems to be land on the Anamallies, Shervaroy and Pulney as well as land on the Nilgherries for which application has already been made be put up to auction without an upset price at an assessment of Rupee 1 per acre - or its freehold put up at 20 years

years purchase of that rate...
but that the rate according to
which lands hereafter applied
for on the Neily herries are to be
put up shall be Rupies 2 per
acre for Sholuk, and Rupies 1 per
acre for grass land.

8th This Excellency the Governor
would take action at once at

least on the Neily herries to which ^{Not clear whether 18 & means}
the bulk of applications already ^{in respect only to}
made probably ^{land on the hill}
apertain. He ^{herries for which}
would fix the assessment of the ^{applications have}
coffee land at 2 ^{already been made}
Rupies an acre. ^{or generally as}
and 1/2 ^{to include future}
Rupies for grass lands. But ^{applications - but}
this last rate should only be for ^{I see not why}
the present as it is possible that ^{the same course}
tea and Cinchona may be found ^{should not be}
to flourish there, in which case ^{taken in respect}
its value would be equal to that ^{to future appli-}
of Sholuk lands. ^{cations as well as}
^{to past}

9th Sir William would
fix the period of redemption
at

in 25 years purchase or at 5
see the para 7th

Rupies per acre on the 2 Rupies
land. All land should be sold
at public auction to prevent
jobbing.

10. Orders are requested
on the above suggestion. The
sale of the land bearing assess-
ment would it seems to me be
better than the sale of the free-
hold tenure - as likely to ensure
greater competition. Few appli-
cants would be prepared to
compete for land at an upset
price of Rupies 50 per acre.
while a man who bought land
bearing assessment might at
any time redeem the land tax
by paying 25 years assessment
if it suited him to do so.

August 21/62
I agree with Mr. Vane that it is advisable

to deal at once with applications for
land on the hilleries under the sanction
given by the Govt of India under date 20 June.

- All land applied for is to be disposed of by
auction & the Sict of State has ordered an
open price to be placed upon it - This might
be considered Rs 5 per acre for Shola land
& Rs 2 1/2 for untimbered land.

- An agreement has been declared on the
old land then ~~down~~ & I agree that it should
be Rs 2 per acre on Shola land - But
I am not in favor of making it less than
Rs 1 on other land - as sites for building
& raising garden produce such an open
price seems to me moderate - the value of such
land on the hills for general purposes
is increasing yearly, and the prospect of
cinchona & tea plantings is the best in
mind.

in which can be made 25 years
then further wish to secure the land tax

~~Regarding the redemption of the land tax
I would leave things as at present - a
proprietor can now redeem at 20 years per
cent - this is taken little advantage of, &
to raise the term to 25 years would be
tantamount to taking away the privilege
altogether~~

Wm

~~Do not say that~~

There is no reason why we
should be in a hurry at the
sale of the grass lands - Doubtless
in time, when we can be
made of them - they will be
purchased - ^{and} ~~at~~ that price
as well must be paid -

I presume it is not meant
to disturb the present rule by
which ~~the~~ building lots - at the
Porters on the hilleries ^{are}
are sold out right at ^{an}
set price of 10 rupees an
acre - at least I am under
the impression that such is
the case - if it is not - the
demand now to be made of
10 rupees as well must - ^{as}
purchase is only just -
I agree with the chief
in the remarks made
yesterday - *Wm*

1000

[Faint, mostly illegible handwritten text, likely bleed-through from the reverse side of the page.]

[Faint handwritten text at the bottom left corner.]

[Faint handwritten text at the top right.]

Madison Sep 6. 1862

I think it will be better
the disposition of your lands on the
Kedgum - the same disposition
disposition of the usual order of the
land of Madison on the Wood's
patch as far as land is
concerned at present -
You will see that as respects
Kedgum - to which the present
draft now is immediately applied
the same course is to be followed &

The assessment charged
 on land is slightly applied for,
 as in the first & second application.
 - Now I do not really wish to
 any different deal for me -

[illegible]

Smithy has proposed a
modification of the latter part

of price & ¹⁰⁰but I am not at all
satisfied & I do not know the price
of the other shall I send it for you
my own? - Concerning the time to
be made at by the time the
of road will not be enough - We
want to protect the franchise, and
such like provisions to protect
ally from further tampering -
Resolving to take on east side the
the condition would not effect
this - But I am for the Co. on
that, the first beautiful for
hopes of all the future to R. H. H.
and that the whole completion
of the Navigation in New York will

that the first beautiful
pages of all the papers to R. H. G.,
and that with the completion
of R. H. G. in the library will

placed of the alter-
tion. His planations
revised.

I return you also
the Draft & papers
regarding the Sale of
Waste Lands &c &c
See para 8 a mini-
mum up set price is
fixed - I think this is
a mistake - where
land is sold subject
to annual assessment

49
no up set price is re-
quired - para 10 of the
Dispatch incidently re-
fers to unassessed
waste - If you look at
Rules 29 & 35 you will see
this distinction clearly
maintained. The reason
in chains - where unass-
essed waste is sold
out right in free hold
an up set price is ne-
cessary to be sure - for from
lost - where timber as-

desired length in the
subject. The amount of
discussion, the interests
of the audience, the
men time to the other
with the holder that he
can tell a story of the
the proposed subject
+ the amount of work
the draft must stand
with the note he can
cry!

The part of the
disposal the correct
voice but as they are

20
line of the
matters of it. I should
ask the Wt. to prepare
a draft. It need not
be in technical phre-
nology & will not pre-
sume much on the
Chase and he has a few
lines in pencil for
from 2 up the draft.
The part as you will
see would leave out
part 5 - I don't print

see how that can
be done - now why
it should be done.
but the subject will
need careful con-
sideration from the
18th & I should add
therefore add a para
saying that they may
take their time &
are not to delay the
other reports for this one.

21
at one present rates
a permanent settle-
ment is out of the
question - we must
be prepared to give
a liberal re-imburse-
ment or his court or no
man will engage on
permanency -

Para 10 second
to me too general - as
the Inst only deals
with present requirements
✓ W. H. M.

I would alter as in
pencil.

Para 12 ditto I wd
omit - The "rules" are
not yet in existence.

Para 13. v. para 75
of Sir C. Woods despatch.

I see in Morehead's
minutes that he would
except Town Lots. The
new rule, however will
supercede all existing
Rules. But then he shall

3/ of course place re-
strictions as to size be
on Town Lots - vide
Rules 22 & of those
he sent to the Govt
of India - The mini-
mum upset price
is 20 Rs not 10 as he
supposes. v. Co. 0 30
April 1861 - N^o 971 -
The price under pro-
draft will = 55 - but

✓ verum

price matters little
for there is scarcely
a bit of land left -
all taken up

The ^{1st} speech
to any thing being said
about the Comover plant.
He has the power of
ordering any land
and he does not see
how we can profess
to keep any land

merely ^{for} beauty, if
it can be turned to
really useful purposes -
he cannot argue that
it is better to keep
land in a state of
nature than that a few
people may look at
it than turn it into
tea or coffee plantations
giving employment to
hundreds - for ever
9/9. J. H. Williams

Please send me a
space copy of the letter
of the Govt of India 15
Augt. 62 I of the enclosed
Circ. -

I think it would be advisable
to take action at once at all
events on this Neilgherry as
many men have applied for
land & are waiting for the
decision of the Govt. as to the
terms to be given upon which
the operation - - The price of the
land is low. That is of the
price be measured by the
amount of land as shown
on the map is concerned
and it might perhaps be
as well to raise the price to
2 Rs. which at 25 paces
purchase would be 50 Rs.
per acre. The Govt. land
might be put for the present
at 1/2 of that that is 1/4 of a
paise per acre. But this is not
that Sir & Curichana writes
found to grow on the land
which case its value would
be equal to that of the coffee
land - - all land should
be sold by auction. Had not
of a preference land to nothing
but every kind of property

MP

note.

This despatch taken
in conjunction with
the letter from the Govt
of India of 22nd Augt.
seems to me to afford
to Govt. the means of
at once dealing with
the applications already
received from different
persons for land on
the Neilgherries -

The Govt. of India
state that - he may
except the Hills. I hope
from Lord Curzon's
views & Sir C. Wood
leaves it to the local
Govt. to fix the mini-
mum upset price of
unassessed waste.

It is a matter
of great importance
that the applications

already received that
he should be paid of,
for much more delay
will involve the loss
of a season.

Now that we know the news of the home pt. and these accord so closely with the report of the pt. I should think he might safely offer every applicant the option of having his lot put up to auction subject only to the annual ad. Let's meet in that way upon price - i. e. under the existing rules - or of having it ^{put} up on free hold tenure at the minimum upland price of 20 years purchase of the annual assessment.

The above named
Edward M. H. C. French

Note. Is my own private
knowledge, a Shola has
been sold by its pro-
prietor for 30 Rs per
acre - subject to the
govt. ass't. - I being finite
in a state of nature -
In fact he got it from
govt. for nothing - did
nothing to it & sold
it for that sum.

In Wye and the
Nature printers sell
them coffee land for
10 & 12 Rs - subject to
the 2 Rs. post. add.

for the Hill Tracts is
7 R per acre - all round.
This is a ridiculously
low rate for Coffee land
while it is heavy for
past land - The farmer
is grown on rich Sholas -
as far as I can as-
-ertain the cost of a
Coffee estate with roads
& buildings is from 300 Rs
upwards per acre ac-
-cording to the character
of the supervision &c &c.
The ^{net} returns range from
100 Rs upwards per acre.
Again comparing such
land with Dry land
in the plains, the pre-
sent rent is very low.
The average poor soil
rate exceeds 1 R per
acre & certainly no
poor soil land yields
100 Rs per acre. In Mysore
Coffee land pays nothing
the first two years but in

Let the 3^d year
pay 2 1/2 Rs per acre - if,
as is the case on the hills,
it is not property - It
seems true that the
hill rate for rich Shola
land suited for Coffee,
Let the valuable products
might very well be ^{fixed at} ~~charged~~
2 Rs per acre.

Very little grass
land has been taken
up at 1 Rs per acre - This
is no doubt owing to the
fact that it is naturally
poor & therefore will not
be taken up until the
richer soils are occupied.
As long as 2 Rs are
charged the same. I
think it would be fair
while raising the assess-
ment of Shola land
to reduce that of grass
land to 1/2 Rs per acre.
At this rate - before they
it would be taken up
for plantations &

perhaps -
It would perhaps
be inadvisable to
make any change of
assessment on lands
already applied for.
Many of these applications
which I think he dropped
when it is discovered that
fine forest land is not
to be had for 2 1/2 Rs per
acre - It may however
a change just now
would create dissatis-
faction & might be
viewed by the Supreme
govt. as an indirect
way of upsetting their
policy.

On the Anna-
malla 1 Rs would
for some time be a
fair enough rate for
Coffee land - They are
quite unopened & the
pioneers of cultivation
may reasonably claim
to pay less - On the

Shewarps & Putneys also
the present rate is also
high enough - the land
is poorer & distance from
ports greater -

There is one point
in connection with the
present rules which
I know, excites much
dissatisfaction - it is
the necessity of putting
up every lot to auction.
It is very hard that
when a man has been
at the trouble & expense
of finding a good lot
it should be put up
to auction - to fetch a
price proportionate to
the finders knowledge or
supposed knowledge of
good land. This feeling
is perfectly intelligible, but
the auction principle has
so many advantages -
especially when the basis
of assessment is

*This is no valid argument
against Auctions - The purchaser
ought to give a good price to
receive the value of the land.*

Y^{rs}

considered - that I do not
feel justified in doing
more than mentioning
what I have heard - This
post I am always strongly
opposed in favor of selling
by auction and Sir C.
Wood / para 10 / expresses
this mode of procedure.
The other parts of
the despatch must, as
usual, await the reference
of the Supreme Govt. I add
only remark here that
in the part referring
to the redemption of
adversely there seems to
be the customary com-
parison between the "per-
manent" settlements
of Bengal & a settle-
ment in perpetuity -

L.S. 12/8.

W-2080
2080

78

Proceedings of the Madras Government
under date the 24th September 1862

Read despatch
from the Right Honorable
the Secretary of State for
India of the 9th July 1862 Revenue
Department No 17 commu-
nicating a copy of his despatch
to the Supreme Govt regarding
the state of waste lands and
the redemption of the land
revenue -

Read letter from the Secretary
to the Govt of India 10th Au-
gust 1862 forwarding a copy
of a circular on the above
subject addressed to the Govt
of Bengal, the North Western
Provinces and the Punjab.

Here enter

Proc. of Court in the Nov. 1861 No. 2107.
do do 25th July 1862 No. 2894.
Letter to Court of India 25th July 1862 No. 395.
Proc. of Court 27th July 1862 No. 433.
do Proc. of Court, 10th April 1862 No. 2377.
Letter to Court of India 24th Aug 1862.
do do 20th June 1862 No. 3058.
do do 22nd July 1862 No. 372.

1. Resolved that a copy of the papers above recorded be forwarded to the Board of Revenue for reference to the correspondence noted in the margin.

2. Resolved that a copy of

of the Rules for the sale of
waste lands in the Madras
Presidency, which were sub-
mitted to the Govt of India
under date the 26th February
last, be furnished to the
Board, and that they be
requested to revise these rules
so as to adapt them to the
modified provisions now
prescribed by Her Majesty's
Government: and to submit at the same time

3. Resolved that the Board be requested to submit a report showing to what extent in this Presidency arrangements have been already completed, under the Resolution of the Govt of India of October last, for the purchase of waste lands or the redemption of land revenue. ^{Such} ~~the~~ observed that all arrangements ~~are~~ are to be maintained, the despatch of 9 July Inst not having retrospective effect.

4. Resolved also that the Board, after communication with the collectors of the several districts, will suggest the minimum price, suited

+ but this subject will demand careful and deliberate consideration - and the views of the Board upon it should not be laid before Govt until they have had time fully to study the question. The submission of the reports called for in the two preceding paras will not be delayed on this point.

29
suited to the circumstances of the various descriptions of land which may be at the disposal of Govt in those districts.

5. The Board will likewise report to what extent in this Presidency the important measure of a permanent settlement of the land revenue subject to the conditions prescribed by Her Majesty's Govt, is applicable to the Territories under the Madras Presidency.

6. In para 12 of the circular transmitted with Mr. Bayley's letter of the 16th March it is stated that as it is highly desirable that persons who wish to avail themselves of the Resolution come to by the Govt to dispose of waste lands by sale in fee simple should be enabled to carry their intentions into effect with the least avoidable delay, and as the directions now received from Her Majesty's Govt are on most points clear and specific, the Governor-General in Council will not require that the detailed Rules to be framed by the several Local Govts should

"should be submitted for
the sanction of the Govt of
India before they are acted
on". Further the Govt of India
in a letter dated 20th June
last No 297 had already per-
mitted this Govt to except
the Neilgherries from the opera-
tion of the rules of the Supreme
Govt of October last:-

Under these circum-
stances, and in anticipation
of any measure that may be
adopted relative to the dis-
posal of waste lands in
other parts of the Presidency,
the Governor in Council re-
solves at once to settle the
terms upon which waste
lands may be obtained on
the Neilgherry Hills. Many
applications it is understood
have already been made for
lands on the Hills, and much
expectation excited, and
a settlement of the question
should no longer be delayed:-

8. The Secretary of State
in para 10 of his despatch
has directed that the lands
applied for should be put
up to auction at a minimum

public the highest bidder. Such
further sale by competition
is clearly desirable to prevent
jobbing. As regards the price
the Govt resolve that
until further orders it be
fixed at Rs 5 per acre
on wooded or shola land,
and 2½ on open land:-

9. The assessment to be
fixed annually on future
grants of land on the Neil-
gherries has to be considered.
The rate of 1 Rupee per acre
all round, which has of late
years obtained is clearly too
low. The Govt resolve to fix
Rs 2 per acre on all wood-
ed and 1 per acre on open
or grass land. This of course
is distinct from and in
addition to the price at which
the land may be bought at
auction:-

+
on the Neilgherry
Hills

10. The course to be
pursued in regard to the
sale of any land that may
be applied for will be that
specified by the Secretary of
State in his despatch dated 9th
July 1862 No 14 para 11. "If the
land should be unsurveyed
the first step will be to survey
it, the applicant, of course
depositing

"depositing the estimated
 "cost of that proceeding. On
 "the completion of the survey,
 "and at once in the case of
 "surveyed land, the bounda-
 "ries of the plot should be
 "marked out, and an Advertis-
 "ment should be issued, de-
 "scribing the land to be sold
 "by auction, stating the upset
 "price, and specifying the place
 "and date of sale. At the sale
 "the land will be assigned
 "to the person offering the high-
 "est price, or in the event
 "of no competition, to the ap-
 "plicant at the upset price,
 "the cost of survey (if made)
 "being added in both cases.
 "The Advertisement should
 "be posted on the land itself,
 "as well as in the neighbour-
 "ing villages, and in all other
 "usual places." The collector
 "will take measures to have
 "the requisite surveys exe-
 "cuted promptly so that no
 "delay may occur; and he
 "will be careful that such
 "publicity be given to the Ad-
 "vertisements, and such
 "time allowed for the atten-
 "dance of bidders, as will en-
 "sure for a fair competition."

It is observed that a
 Survey Establishment
 for the Kelgherries has
 recently been sanction-
 ed.

from regard
 to the rights,

must be taken for the
 maintenance of the
 - The land holder
 - The collector
 - The Government
 - The people
 - The land holder
 - The collector
 - The Government
 - The people

11. It will be understood
 that all lots that may be
 applied for will not, of ne-
 cessity be disposed of - The
 collector will exercise his
 discretion, in regard to such
 lands, as in his opinion should be
 retained in the hands of
 Govt, either for providing
 fuel - protecting streams -
 or such as if granted would
 be likely to interfere with the
 comfort or even religious
 prejudices of the native inhabitants of
 the Hills, on considerations
 of public convenience, health,
 recreation or other cause -
 reporting to Govt in what cases
 he may have refused ap-
 plications and for what re-
 reasons. The Governor in
 Council has observed with
 much concern the manner
 in which the beauty of the
 picturesque Coonoor Shant
 has been destroyed by the
 indiscriminate and unau-
 thorised grants of land
 upon its sides. No more
 grants will be made of lands
 in that or similar localities
 instructions
 12. The above rules will
 be in supersession of all
 previous

previous orders on the sub-
ject - and will apply to all
lands on the Hills within
or without the cantonment -
and to those for which ap-
plication has been already
made as well as to those
which may be applied for
hereafter -

13. All lands will be
put up to auction bearing
assessment but it will
be open to purchasers to buy
the freehold at 25 years
purchase of the assessment -
This redemption price will
in all cases be in addition
to the price which the land
may have fetched at the auc-
tion - as well as to any assess-
ment that may have become
payable on the land between
the date of sale & redemption -

14. Were the fee simple
to be put up to auction on
originally the upset price -
which in case of timbered
land would be Rs 500
per acre would be so high
as to circumscribe competition -
whereas anyone who may have
bought land bearing assess-
ment can at any time convert it
into

35
into freehold by the pay-
ment of 25 years land
tax -

Revenue Board Sept 25th
with the Papers ref'd to -

JP

value of the land
at the time of
redemption

? 500 including
the value of
the land

22/1200
19-6-99

Regarding the sale
waste lands and the
redemption of land revenue

11-7-09
21/4/05
5-6-19 BC II
26-6-23 II ✓

Revenue 1862 Departt.
Pro. of Govt for Sept 62

N^o 2080.

Secy of the Madras Govt.
24th September 1862.

From the Secretary General of
India 29th September 1862
C^o 2741.

From the Secy of the Govt of India
15th Oct 62 C^o 2858
(Ref to P. 2 of the O. No.)
P. B. 14th August 1867 N^o 1894.
--- 11th Sept 1870 --- 1759.

Forwarding to Revd
Board papers relating
to the sale of waste
lands and the redemption
of the land revenue.

15-7-91
15-6-73
25/11/08
14/10/21
23-10-13
9/5/14
7-5-17

5 Copies to the Secy of
India 13 Oct 62
R. 2203

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