MADRAS RECORD OFFICE.

Government of Madras.

Revenue—**DEPARTMENT.**

G.O. No. 25087-2509 Press / Mis.

362-364

Dated 29-0-1862

Not to be folded or roughly handled

Read again letter from the Secretary to the Board of Revenue dated 2nd and recorded in Proceedings 13th October 1862, No. 2,203.

No. 362. Read also the following Minute by His Excellency the President.

1. With reference to the Bill to provide for the adjudication of land claims, &c., but few remarks appear to me to be necessary. A doubt may exist whether it is necessary or desirable to withdraw the adjudication upon claims for land from the ordinary Courts, and to place the important questions which may arise in the hands of a Court of whose constitution but little is said.

2. Clause XV says, that if a claimant, after the land has been sold, establishes his claim to it he is not to get the land back, but only the sum for which the land was purchased and the costs of Suit.

3. This may and certainly would be but a scanty redress for the injury sustained. The price paid for the land being by no means the measure of its value.

4. Clause XVI seems to me to give the Government an undue amount of power which may be open to abuse.

5. Clause XVII is the most important enactment in the Bill; it provides that land shall be sold in fee simple, should be subject to no *assessment* for the future.

6. To this Clause I very much object, the effect will probably be either to induce jobbing in land to a very great extent should the price be fixed too low, or to put a stop to the sale of land should the minimum price approximate at all to the value of the land in this Presidency, but little land will be sold but such as is adapted to the cultivation of crops such as Coffee and Tea, the assessment upon which bears but a very small proportion to the value of the gross produce, not in fact more than one to two hundred, the average value of such gross produce being 400 Rupees per Acre.

7. If then a minimum price of 2½ or 5 Rupees be placed on this land it is evident that most of it would fall into the hands of speculative capitalists, who would not attempt to cultivate it but would derive their profit from the enhanced price at which they would be able to retail the land to *bonâ fide* cultivators; that this would be the case we may infer from what takes place elsewhere; but we have also positive direct evidence to the same effect from what took place here on the proclamation of the Governor General's Regulations.

8. Land of this quality has been sold lately on the Neilgherries by private parties, subject to an assessment of 2 Rupees per Acre, for 30 Rupees per Acre; and were the Government to put a minimum value of 5 Rupees on it, it would lose not only the difference between this amount and the market value of the land, but also the twenty-five years' purchase of the assessment.

9. It may be said that the sale by auction would be sure to run the price up to its full market value, but my experience of the result of the system of auction sales of which I have had a good deal, tends to confirm the opinion that in nine cases out of ten the land would be sold at the upset price.

10. If again the minimum price be made to approximate to twenty-five years' purchase of the assessment few or no persons would be found to invest money at 4 per cent. or thereabouts for which the ordinary interest is 10 or 12.

11. I think, therefore, that it would be advisable to leave to the different Governments the power of selling the land either subject or not to the land assessment, as may seem to them, under the special circumstances of each case, to be advisable.

12. Clauses XVIII, XIX, XX, it seems to me that the local and general Government are mixed up in these clauses in an objectionable manner.

13. Clause XIX provides for the investment of the money arising from the sale of land in public securities and for the receipt of interest upon such securities. Would it not be better to

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&
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Claims 15 days that if
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This may certainly
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relief for the injury
sustained — The price
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of the value —
Claim 16 seems to me
for the Govr an undue
amount of power

shall may be opened to
abuse -
Clause 17 is the most
important & exact Mistake
in the Bill - it provides
that Land shall be
sold in fee simple -
should be subject to
forfeiture -
2d. This clause I very
much dread - the effects
will probably be either
to induce Jobbing in Land
to a very great extent
should the price be fixed
too low - or to put a
stop to the sales - Land
should the price be fixed
too high - The average value of Land
with produce being
£100 P. Section -
if then a minimum

price of £2 per Ac. & the
Salaries in this Land of
is evident - that money
it would fall into the
hands of Speculators -
Capitalists - who would
not attempt to cultivate
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Gen. Regulations -
Land of this quality has
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Acc. for 30 P. Section
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market value of the
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20 year purchase
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& thereabouts provided
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is 10 or 12. —
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Clause 18. 19. 20. —
seem to me that the
local & general Govts
are misled upon these
clauses in an objection-
-able manner.
Clause 19 provides for
the investment of the
money arising from
the sale of land in
public securities &
for the receiving interest
upon such securities —
would it not be better
to relieve the country
from the payment of
interest by cancelling
the corresponding
when purchased ?
Leaving out this
part with reference
to the Debentures &

~~Undeal with~~ this
Matter subscribed by
the Revenue Board

Rule 2. Places the maximum
price high - in Australia
80 acres or $\frac{1}{8}$ of a Square
Mile is the standard
quantity - here 400
would be amply sufficient
- even instead of 3000

Rule 3. If any excess
Land should be found
within the Established
Boundaries it should
be paid for at the price
per acre paid for the lot.

Rule 5. Price of Land
the remarks on Rule

Rule 10.
Subject to the practice of
partial payment - It
has been found in Victoria
badly in Australia
unless the whole of the
purchase money be paid
Parliament should insist
upon, and the man
should be considered
merely as Lessee of the Land
at a rent of 10 per cent
upon the unpaid portion
of the cost -

Rule 13 - The Lands
be marked out by the
and the cost paid by
purchaser before he can
upon the Land -
Clause 14 to be omitted

Rule 15
Clause 16 - do
Clause 17 - altered - the
manner pay Alcohol
of the purchase money - &
he should pay at certain
one month

Clause 18. - The upset
Price must be determined
by Govt with reference to
the particular district
especially of soil & would
depend to some extent upon
the decision of the Govt
as to the value work or
without assessment.
in fact would be as
which have the two prices
and to leave the choice
of the purchaser whether he will buy with
or without assessment.

23 Omit

JD

362 — 2764

Revenue 1862 Depart.
Pros: of Govt. for November

No. 3548

Minute by His Excellency
the Governor.
29th November 1862.

C.P. 2508 A 29 Nov.

C.P. 362.

Suggesting certain
modifications of Section XII
of the Waste Land Bill.

7

In circulating the
accompanying
Minute of the 22nd
the President sh[ould]
be informed whether
the Members of Govt
have any further
remarks to make on
the Waste Lands Bill
beyond those contained
in the letter & the Su-
preme Govt Dy 13 inst.

I cannot make
out the drift of Sections
1. 2 & 3.

A man sells
Govt a Sell some Waste
land which prima
facie seems to belong
to them — And then pre-
tends up & says the
land is his — The
Jurors are to find

ork the real owner.
Under the Act the
Collr commences
operations by calling
upon the claimant
to prove his title - Now
as the Collr is to be the
Plaintiff, the claimant
if prudent will do
so far as the Act pres
he may, decline to
expose his title, whether
good or bad, & so enable
the Collr to frame his
plaint.

Suppose he does shew
his title, the first are
no nearer their mark
for all the Collrs en-
quiry - for
whether the Collrs en-
quiry be favorable or
adverse, they must
bring a suit before
they can do any thing.
Where then?

the use of the Collr
interposition?

Why.

I do not know that it
would be of any use to
say any thing more
than we have already
said: the Considera-
tions into I presume
to enter to Calcutta -

I cannot suppose,
as the object of this
special Court of Ap-
peal - It may not
be easy to convince
a Court of Equity -
but I don't pro-
claim that it will
not have the ordinary
Civil Court of Bikaner,
precedence being pre-
ferred before any other
suit -

What however I
would particularly
draw attention to is
that the judgment
of the Court S XII is to
be without appeal -

Revenue Department

No 2508 A.

Proceedings of the Madras Government under date the 7th November 1862

Read again the letter from the Secy to the Bd of Revenue dated 2d. ult. recorded in Bo: 13 th October 1862 No. 2208.

Read also the following Minute by His Excellency the President -

Ordered that the following letter be dispatched -

To, The Secy to the Govt of India Home Dept.

Sir,

I have the honor to forward herewith for the information of the Government of India in the Home Department a Petition addressed to the Governor in Council by Mr. Thomas Sadleir Cameron, praying that he may be allowed to purchase 28 Acres of Waste Land in the Coimbatore District.

2. Mr. Cameron has applied for a piece of waste land in the Coimbatore District, but as the Collector has reported that the land is required for the Railway, Mr. Cameron has been informed that he cannot be allowed to purchase it.

3. Mr. Cameron has appealed to the Board of Revenue against the decision of the Collector, and the Board have recommended that the application be granted.

4. The Governor in Council is of opinion that the land should not be sold, because it is required for the Railway, but that Mr. Cameron should be allowed to lease it for a term of years not exceeding 21 years, at the rent which may be fixed by the Board of Revenue.

5. It is desirable that the Collector should be instructed to grant a lease for 21 years, at a rent to be fixed by the Board of Revenue, of the land applied for by Mr. Cameron, provided that the land is required for the Railway.

I have &c.

(Signed) W. S. Thackeray

Chief Secy to Govt

Land Revenue &c

Forwarded for information

Madras Govt. Gen. Dept. 28 Nov.

Waste Lands

Sale

how in M would often
Chenglpet or in any other
so distant Menassie.
Dist. Mr Collector
has applied to
piece of waste Lands
Upon which Mr Binns.
- to demand upon
M sale; because M.
Land is his Menassum
Land - Mr Collector
goes to M Special Court -
on 9th Nov Judge being
not impossibly a relation
and a Menassumdar -
M is said M Menassie
right optional - Thus is
no appeal and the whole
Menassum question is thus
summarily decided -
The only remedy for this
would be provided that
a special appeal should
lie to M Supt Court or
any person might in nothing
M name of Land and
M right of M State in waste
Land -

Waste Lands bill.

Revenue 1862 Dept.
Pro: of Govt for 1 Nov.

No 2508A

Pro: of the Madras Govt
Dt 29th Nov. 1862.

Resolving that the President's Minute regarding the adjudication of claims to waste lands be forwarded to the Government of India -

No 362 & 363.

~~Memorandum recorded~~
~~By Mr. Scott the first~~
~~and~~ respecting
the provisions
allen hereof the Supreme
first & last Sect XII of
the Bill

2 By this Section
the decisions & orders
of the Special Court
as final & Conclusive
upon & Revision -
I think the Section
at once is merely one
of fact, this provision is
inoperative in the
several parts of
this Presidency, the
Framers of the new Law
will take these provisions &
~~first consultance~~,
avoiding important
points of the first and of
individuals - for instance
in the Madras District
the Zemindars claim
all Waste Land, the
Ryots have consistently
denied this claim & have
for years exercised the

2 proprietorship over
such land - have
used it for public
purposes & granted
it to private indi-
viduals -

4 The Meerasdars
question however
is one that has given
long engaged
attention,
~~public~~
and which ~~requires~~
differ greatly. It
is to happen
that the Appeal of
the Special Court
already held never
adverse to the rights
of Ryots and the impor-
tant questions
ought to be finally
decided in favour
that full & unbiassed
Consideration which
~~selections~~ important
interests & Rights
require
& which the decision

Lt. Governor & Council
& advise & direct the
Collector of Customs
& Port and Deputy
Collectors, also
all the Justices of the
Peace in & for Kaua
& Oahu in the
Hawaiian Islands
& the Harbor Masters
& Pilots at Honolulu
& Lahaina that conflicting
decisions may be
given by different
Special Courts & thus
[illegible] confusion
& uncertainty
may be prevented
& for the further reasons
that such decisions
are not open even to
revision.

4. For the foregoing reasons
this Govt. would earn-
estly recommend

Lt. Governor & Council
to the Supreme Court
& advise & direct the
appeal in cases where the
question at issue
involves a general
principle of im-
portance, such
as the tenure of
land and the
rights of the State
in Waste-

L. A. T.

6. Advantage is taken of the
present opportunity to
forward the accompanying
Extract from a Memo-
randum by H. E. the Govr
who was absent on a tour
when the Draft Bill for
the Adjustment of claims
to waste land came up
for the consideration of the
Govt. -

L. A. T.

Govt. Secy's Office
Dec. 1862.

Copy to Mr Ellis — Circular &c

15-6-93
16-6-16

Revenue 1862 Dep^tt.
Pro: of Govt for Nov:

No 2509.

To
The Secretary to the
Govt of India.
Home Dep^tt.
dated 29th November 1862.

Soliciting certain
modifications of Section XII of
the Waste land Bill.

3624
No 364.