M.R.O. 14—13,000—27-9-24.

MADRAS RECORD OFFICE.

Government of Madras.

DEPARTMENT.

G.O. No. Press / Mis.

Dated 19

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 6th December 1862.

No. 91. Read the following letter from Captain R. H. BEDDOME, Officiating Conservator of Forests, to J. D. SIM, Esq., Secretary to Government, Revenue Department, dated Camp Tunacadavoo, 25th November 1862, No. 287:—

SIR,

1. I have the honor to inform you, in reply to paragraph 4 of the Government Order No. 2,426 of the 17th of November 1862, that Mr. Ferguson's extra salary and consolidated travelling allowance can for the remainder of this official year be paid out of the working charges sanctioned for the plantation. For 1863-64 his increased salary as a Sub-Assistant Conservator has been provided for in the Budget. A Tabular Statement will be shortly submitted.

2. May I request that Mr. Ferguson's appointment, as Sub-Assistant Conservator of the Nellumbúr Teak plantations, may be gazetted to have effect from the 17th of November 1862.

No. 92. ORDER THEREON, 6th December 1862, No. 2,552.

The Government are pleased to accede to the request in paragraph 2 of this letter.

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

Office of Conservator of Forests.

Camp Tumaedavoo 25th 1862.

No. 287.

From Capt^n R. H Beddome

Officiating Conservator of Forests.

To J. D. Sim Esq^re
Sec^y to Gov^t Rev: Dep^t

SIR,

I have the honor to inform you, in reply to para 4 of the Gov^t order No 2426 of the 17^th of Nov^r 1862, that Mr Fergusson's extra salary and consolidated travelling allowance can for the remainder of this official year be paid out of the working charges sanctioned for the plantations — For 1863/64 his increased salary as a Sub Ass^t Conserv^r has been provided for in the Budget: a tabular statement will be shortly submitted —

2 May I request that Mr Fergusson's appt^n as Sub Ass^t Conservator of the Nellumbur Teak plantations, may be gazetted to have effect from the 17^th of November 1862.

I have the honor to be,
Sir,
Your most obedient Servant,

R H Beddome Capt^n

Officiating Conservator of Forests.

Rec'd 17th Nov. 62 m.e. } 193-194
" 21 " " 265-266.

Rec'd ~~Feb~~ 1862. Department
Proc. of Govt for December 3299

From Capt R H Keatinge
The Officiating Conservator of Forests.

To H.B. Sim Esqr
Secy to Govt

Dated 25th Nov. 1862

Received 1st Decr

No. 287

~~Enclosure~~
~~No~~

Subject

State that Mr Ferguson's salary can be met out of the working allowances & requests that his appt may be gazetted

No. 2552. 6th Dec.

Written Order

No. 91 & 92.

No. 2552.

The Government are pleased to accede to the request contained in your letter

Dated 1st Decr 1862

to Officiating Conservator of Forests Cuttack
" Board of Revenue
" Accountant Genl
" Civil Paymaster
" Collr of Midnapore

Proceedings of the Madras Government, Revenue Department, 6th December 1862.

Read the following papers:—

No. 95. Proceedings of the Board of Revenue, dated 14th October 1862.

Read the following letter from the Collector of Coimbatore, dated 6th October 1862, No. 208.

(In Cons. 10th October 1862, No. 6,481.)

1. Ordered that the above letter be submitted for the orders of Government with reference to their Proceedings dated 24th September 1862, R. D., No. 2,080, and in continuation of the Board's letter dated 14th October 1862, No. — submitting the Draft of Rules for the sale of waste land.

2. Mr. Grant's proposed Rules are in some respects imperfect and in others opposed to the Board's draft, while the system proposed by Government for the Neilgherries is so different from that to be introduced elsewhere that if it is to be maintained, further instructions are necessary on some minor details, among which may specially be mentioned, the mode in which payment is to be made for the land.

3. As regards the limit to be prescribed on the Neilgherries for the size of the lots, the Board consider Mr. Grant's proposal of 500 Acres for a farm or plantation allotment and 15 Acres for a building site in the Cantonment to be suitable and reasonable.

4. They understand that in the Wainád, 300 Acres are the extent which is preferred for a single Coffee plantation; as manageable without difficulty, while a larger extent would as a rule include an undue proportion of unsuitable land.

5. The Board presume that whatever rules are determined on for the Neilgherry Plateau will apply equally to the slopes towards the lower country, and here again they would point how great will be the inequality between occupiers on these hills under the Government Rules, and settlers in the close neighbourhood, in the Wainád and in Coorg on the far more advantageous terms contemplated by the Secretary of State's Despatch and the Resolution of the Supreme Government.

(A true Extract.)

(Signed.) W. HUDLESTON, *Secretary.*

No. 96. Official Memorandum from W. HUDLESTON, Esq., Secretary to the Board of Revenue, to the Honorable T. PYCROFT, Chief Secretary to Government, dated Madras, 27th October 1862, No. 821.

1. In reply to the Chief Secretary's Memorandum dated 24th October 1862, the Secretary Revenue Board has the honor to state that the inequality to which the Board referred in the position of intending settlers on the Neilgherries under the conditions proposed by Government in their Order dated 24th September 1862, No. 2,080, Revenue Department, paragraphs 8 to 14, inclusive, and of intending settlers in the Wainád and Coorg under the terms of the Governor General's Resolution and the Despatch of the Secretary of State, is in the amount which they will be required to pay for the land to obtain it free of assessment and to the resulting disadvantage to the Neilgherry settler of an annual payment should he not be able to redeem the land tax on the terms proposed.

2. The price originally proposed by the Governor General for land unencumbered with jungle was Rupees 5 per Acre, and for forest land Rupees 2-8-0 per Acre.

3. The objection of the Secretary of State to this part of the Resolution was based on the unfitness of such a rate for all lands without reference to their relative advantages, and he directed that a minimum *price* should be fixed in communication with the local authorities for the various descriptions of soil, and that the land should be sold at auction at this upset price.

4. In the Rules subsequently published for the Bengal Presidency Rupees 2-8-0 per Acre is adopted as the minimum upset price, and Rupees 10 per Acre as the maximum. This will include all the Darjeeling and Assam lands suited for Tea cultivation.

5. In the published Rules for the North-Western Provinces issued since the receipt of the Secretary of State's Despatch the upset price is fixed "at five Rupees" per Acre for *cultivated* and 2 Rupees 8 Annas for *uncultivated* land, unless for some special reason (such as proximity to a station, valuable timber being on the land, &c.) that rate be held to be inadequate, in which case the Collector is to report to the Revenue Board what upset price he thinks proper for their confirmation and the land will be sold free of assessment to the Land Revenue. These terms will apply to all the lands in the Dehra Doon and on the Hill ranges not in the immediate vicinity of the stations of Simla, Mussoorie, Almora, &c.

6. The upset price proposed by this Government for the whole of the waste lands on the Neilgherries within or without the Cantonment is Rupees 55 per Acre for jungle land and Rupees 27½ per Acre for open grass land which rates appear to the Board almost prohibitive, and certainly as contrasting most unfavorably with the terms under the other Governments above-mentioned. It is most probable that one or other of those schemes will be applied to lands in

Coorg, and the Board did not contemplate that more restrictive terms could be intended for the Wainád.

By Order,

(Signed.) W. HUDLESTON, *Secretary.*

No. 97. ORDER THEREON, 6th December 1862, No. 2,554.

1. With the first of the above letters the Board of Revenue submitted the draft of a Notification prepared by the Collector of Coimbatore regarding the sale of lands on the Neilgherry Hills, on the terms laid down in G. O. 24th September last, No. 2,080. The Board in submitting the draft drew attention to the great "inequality between occupiers on these Hills under "the Government Rules and settlers in the close neighbourhood in the Wainád and Coorg on the "far more advantageous terms contemplated by the Secretary of State's Despatch and the Resolution "of the Supreme Government." The second paper above recorded contains a fuller statement of the inequality referred to.

2. The Governor in Council observes that the Neilgherry Hills cannot be termed "unassessed waste." So far back as 1850 the Government prescribed, with the approval of the Home Governments the conditions on which land on the Neilgherries would be granted to Europeans for agricultural purposes. Under these Rules the Fee Simple property in the land was in no case to be disposed of, the utmost that could, except in special cases, be granted was a lease for thirty-three years for agricultural and 99 years for building purposes and all land was put up to auction at an upset price of from eight to ten years' assessment, subject to the yearly assessment.

3. In 1859 these Rules were revised. Land required for agricultural purposes was to be put up to auction without any upset price, but subject to an annual assessment of 1 Rupee per Acre, redeemable at twenty years' purchase. Building lots in the stations were to be put up to auction at an upset price of Rupees 20 per Acre on freehold tenure.

4. Practically, therefore, the Hills have been and are "assessed," and the Board will find in paragraph 20 of the last Despatch from the Secretary of State that the Supreme Government have themselves described the Neilgherries, Shervaroys and Wainád as "lands which *being* "*assessed* at 1 Rupee per Acre will not be purchasable for less than 20 Rupees per Acre." It is obvious that land is not the less "assessed" because the Government have prescribed an uniform rate on the principle of an average instead of, as usual, rates varying with the quality of the soil.

5. Under these circumstances the Board will perceive that their arguments are inapplicable, and that lands on the Hills cannot in fact be sold in the manner they contemplate without actually infringing the Resolution of the Supreme Government.

6. There can be no doubt that the assessment fixed in G. O., 24th September last, is extremely light, and taking into consideration the natural advantages of climate, soil and proximity to the coast which the Hills possess and the expenses which the State has incurred and must continue to incur in the general administration of the tract, the Government can see no reason for sacrificing on such easy terms, as the Board seem to contemplate, a revenue which is paid with ease, and for which the settler receives such solid benefits.

NOTE.—The Government maintain the following Establishments on the Hills :—

At Dotacamund.
- A Subordinate Court.
- A Magisterial Office presided over by an European Officer.
- Two Medical Officers.
- A Chaplain.
- A Tahsildár with Treasury.
- Police Force.
- Post Office.
- Telegraph Office.
- An Executive Engineer.

At Coonoor.
- A Medical Officer.
- A Chaplain.

7. On a careful reconsideration of the Order of September the Governor in Council resolves to abandon the upset price therein ordered, as it may reasonably be assumed that competition at the auctions will bring in whatever the land may be worth over and above the annual assessment. All land applied for if not reserved for public reasons, will be put up to auction without any upset price but subject to an annual assessment of 2 Rupees per Acre for "Shola" or wooded, and 1 Rupee per Acre for "Grass" or open land. The maximum size of each lot will be 500 Acres for agricultural, and 10 Acres for building purposes, but an applicant may apply for several contiguous lots, each not exceeding the above area.

8. The purchaser of any lot may at any time redeem the assessment on it at twenty-five years' purchase, as ordered by the Secretary of State.

9. The Collector's Draft Rules have been modified to suit the above decision. The Board will ascertain from the Government Pleader whether the form of Deed is sufficient for the objects in view, and will furnish the Collector with a form of Sale advertisement and Redemption deed.

(Signed) J. D. SIM,

Secretary to Government.

RULES FOR THE SALE OF GOVERNMENT LANDS ON THE NEILGHERRY HILLS.

1. Unoccupied land, the property of Government, and not reserved as hereinafter provided will, until further notice, be sold under the following Rules.

2. Applications for land under these Rules shall be addressed to the Collector, and shall comprise the following particulars :—

(*a*) The estimated area of the land applied for.

(*b*) The situation of the land and its boundaries as accurately as can be ascertained.

3. Within the limits of the stations no lot shall exceed 10 Acres and beyond those limits the maximum shall be 500 Acres. But any person may apply for several contiguous lots *each* not exceeding the above areas.

4. Every lot shall be compact and shall include no more than one tract of land capable of being surrounded by a ring-fence, and when the land touches a public road, the length of the road frontage shall not exceed one-half of the depth of the lot.

5. No lot shall be sold unless it has been previously surveyed and demarcated or until it shall have been surveyed and demarcated.

6. If on receipt of an application under Rule 2 the Collector has reason to believe that the land applied for is saleable under these Rules, he shall call upon the applicant to deposit with him the estimated cost of surveying the land and of marking it out with durable boundary marks, unless the land is already surveyed and demarcated. The Collector will refund to the depositor any portion of his deposit which may not be actually expended in the survey and demarcation, and similarly the depositor shall pay any deficiency.

7. If the applicant fails to deposit the sum required under Rule 6 within six weeks his application shall be considered to be withdrawn.

8. On receipt of the deposit required under Rule 6 the Collector shall as soon as possible cause the land applied for to be surveyed and marked out, and shall exclude from the lot all excess which may be found on survey beyond the limits prescribed in Rule 3, and

shall advertise the lot for sale on a given day to be fixed so as to admit of the notice required in Rule 9 being given.

9. The advertisement shall be in English and Tamil, and shall specify the extent and boundaries of the lot, the aggregate annual assessment, and the place and time of sale. It shall be posted for thirty clear days on the land itself as well as in the neighbouring villages, in the Offices of the Collector and Tahsíldár and the nearest Police Office. It shall also be inserted in the District Gazette. The Collector shall at his discretion fix the time and place of sale and may alter both if necessary, provided always that due notice be publicly given of such change.

10. The Collector shall send written notice of the place and time of sale to the applicant, but no sale shall be disturbed in consequence of the non-receipt of such notice or delayed in consequence of the non-appearance of the applicant.

11. An applicant withdrawing his application prior to the sale of the land will be entitled only to the refund of so much of his deposit under Rule 6 as may not have been expended. If after survey at the request of an applicant, it should prove that the lands are not saleable under these Rules, the applicant must still pay the expense of surveying them as well as of surveying any excess beyond the limits prescribed in Rule 3.

12. On the withdrawal of an application it shall be discretional with the Collector to proceed with the sale of the land or not, as he considers best for the public interests.

13. If before the time of sale no claim of proprietorship or exclusive occupancy be preferred, the land shall be sold to the highest bidder without any upset price, but subject to an annual assessment in perpetuity of 2 Rupees for each Acre of "Shola" or wooded land, and 1 Rupee for each Acre of "Grass" or open land.

14. The successful bidder, shall immediately on the sale being declared pay 10 per cent. of the purchase money and (unless he have already deposited or paid it) the actual expense of the survey and demarcation failing which the lot will be immediately re-sold at his risk and expense. The purchaser may at his option pay the balance of the purchase money within 30 days, in which case a Deed in the form

A annexed to these Rules will be furnished to him and possession given, or in three yearly instalments of equal amount bearing interest from the day of sale at the rate of 6 per cent. per annum. In the latter case the land will remain hypothecated to Government as security for the punctual discharge of the unpaid principal and interest as they fall due, and on default of any such payment will be re-sold at the expense and risk of the defaulter. When the purchaser elects to pay the purchase money by instalments he shall not receive possession until he has duly executed the Deed marked B annexed to these Rules.

15. If before the time of sale a claim of private proprietorship or exclusive occupancy or of any other right incompatible with the sale of the land under these Rules shall be preferred to the land or any part of it, the Collector shall proceed in accordance with the provisions of Act* of 1862. The sale of the land shall meanwhile be postponed and shall ultimately depend on the issue of the proceedings held under the said Act.

* The Waste Lands Act now before the Council of the Governor General.

16. Reserves of grazing and forest land, of land for the growth of firewood, for building sites, and the like, and of land required for other special purposes, are not to be sold under these Rules without the express sanction of the Government. A Register of such reserves will be maintained in the Collector's Office, and will be open to inspection by intending applicants at such times and under such rules as the Collector may prescribe by Notification in the District Gazette.

17. It shall be competent to any purchaser of land to redeem the annual assessment at any time by paying up a sum equal to 25 years' purchase of the said assessment, and the land so redeemed shall thenceforth be free of all land Tax payable to the State, but not of Municipal general or local Taxes which are now or may hereafter be leviable. On payment of the redemption money the proprietor will be furnished with a Deed in the form C annexed to these Rules.

18. Arrears of assessment shall be recoverable in the same manner as arrears of Ryotwary Land Revenue are, or may be recoverable by Law.

FORM OF TITLE DEED. A.

KNOW ALL MEN by these presents, that the Governor in Council of Madras has sold to his Heirs, Executors, Administrators and Assigns for the sum of Rupees — day received by me the tract of land measuring British Statute Acres situate in to be holden by him in full proprietary right, subject to the following conditions :—

I. The aforesaid lands are subject to an annual payment to the Collector for the time being of Rupees payable on or before the 30th June of each year for the twelve months preceding.

II. Arrears of Assessment shall be treated in the same manner as arrears of Ryotwary Land Revenue and be subject to the same mode of realization.

III. The proprietor is to maintain the boundary marks round his grant in good repair.

IV. This Grant conveys the plenary right to all products both above the surface and below the same.

V. The existing and customary rights of Government, of other proprietors and of the public, in existing roads and paths, and in streams running through or bounding the said lands are reserved and in no way affected by this sale.

VI. The lands included in this Deed are shown in the subjoined table :—

Number of Grant.	Táluq and Villages.	Boundaries of Grant.	Area in Acres.

VII. The proprietor shall be at liberty at any time to redeem the annual Assessment of the said land by payment of Rupees and after such payment the said land shall be free for ever from all demand for land revenue.

VIII. The liability of the lands herein specified to Municipal general or Local Taxes is not affected by this Grant.

Revenue 1862 Depart
Pros of Grant for Demesne

4-12-15
21-6-17

No 2534
Pros of the Mad-at Grants
of 6th December 62.

Draft of a Notification
submitted by the Board of
Revenue regarding the sale
of Lands of the Neilgherry
Hills, with orders thereon.

No 95 97