

# MADRAS. RECORD OFFICE.

Government of Madras.

*Revenue* DEPARTMENT.

|               |               |
|---------------|---------------|
| G.O. No. 2557 | Press<br>Mis. |
| 95-97         |               |
| Dated         | 6-12-1918     |

Not to be folded or roughly handled

*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. 203.  
(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 Coimbatore.  
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 Tahsildár 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 discretionary 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.

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.

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

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. | Taluq 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.

Proceedings of the Board of Revenue dated 14th October 1862.

Read the following letter from the Collector of Coimbatore dated 6th October 1862 N<sup>o</sup> 208.

(Encls 10th October 1862 N<sup>o</sup> 6481)

Ordered that the above letter be submitted for the orders of Government with reference to their Proceedings dated 24th September 1862 P. O. N<sup>o</sup> 2080 and in continuation of the Board's letter dated 14th October 1862 N<sup>o</sup> — Submitting the Draft of Rules for the Sale of Waste Land.

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.

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.

They understand that in the  
Wynad, 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.

The Board presume that what  
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will be the inequality between occupiers  
on these hills under the Government  
rules, and settlers in the close neighbour-  
hood, in the Wynad and in Coorg on  
the far more advantageous terms con-  
templated by the Secretary of States des-  
patch and the resolutions of the Supreme  
Government.

(True Extract.)

*W. A. D. A. S.*  
Secretary.

To  
The Honble J. Pycroft  
Chief Secretary to Government.

*J. A. D. A. S.*  
J. A. D. A. S.

No. 208

Coimbatore Collect Office

From Coimbatore 6<sup>th</sup> October 1862

P. Grant Esq<sup>r</sup>

Collector of Coimbatore

To, W. Huddleston Esq<sup>r</sup>

Secretary to the Board

of Revenue

Sir,

1 With reference to the Board's Memo Circular dated 26<sup>th</sup> September 1862 No. 6507, I have the honor to forward a notification which with their approval I purpose publishing in my District Gazette. Pending the Board's reply which I hope to receive soon, I will arrange with the District Engineer for the survey of such lands as may be applied for.

2 In framing the enclosed notification I have been chiefly

No. 27 of 1862 July 1862 No. 543.  
24<sup>th</sup> Sept 1862 No. 462-463  
@ No. 2668 in No. 463

Copy in a letter to (England)  
of 22<sup>nd</sup> May 1862 of 1863  
15.6.93

Recd 1862 District  
of 13<sup>th</sup> for December  
1862 1

Proceedings of the  
Board of Revenue

Dated 14<sup>th</sup>  
Sept 14  
1862 15<sup>th</sup>  
21.02.1862

Enclosed

of No. 2552. 6<sup>th</sup> Dec

Submitting for order  
a letter from the Collector  
of Coimbatore forwarding  
a notification regarding  
the sale of waste lands  
with the Board's sanction  
thereon.

Yrs

21 Oct 1862 For Recd

guided by the draft rules for-  
warded with the Proceedings of  
Government dated 27<sup>th</sup> February  
1862 No. 433.

3 The points to which I  
beg Special attention.

I Whether any time is to  
be allowed for payment.

II Whether there is to be  
any limit to the size of the lots.

4 As to the first I think  
payment should precede possession  
and that a heavy penalty should  
attach to the failure of a purchaser  
to conclude his bargain, as a  
security to the other bidders.

5 As to the second I  
think that if the Government deem  
it an object to secure competition,  
there should be some limit. Say

7  
say 500 acres for agricultural  
allotments, and 15 acres for building  
sites at the different hill stations  
6 I propose notifying all  
future sales in the District Gazette  
as well as by notice at Cochin, Coim-  
bator, Bellington, Kotaghar,  
and in the villages adjoining the  
-lands themselves. I would submit  
for consideration whether they  
should also be advertised in the  
local paper viz. the Mail  
Star.

7 I beg to be particularly  
informed whether I am right in  
considering that the area of  
Government applies to all Govern-  
ment lands on the slopes as well  
as the plateaus of the hills. The  
question I ask as several applications  
are made for land at the stations.

for lands on the slopes have been made and the applicants are anxious to obtain early possession of them.

I have the honor to be  
Sir,  
Yours Most Obedt Servant.

*R. Hunt*  
Collector.

Exp. P. H.

Copy made to the Collector  
of the 22nd May 1862

1862 Oct 10  
From the Collector of the  
S. of the Secretary to the  
Board of Revenue  
Dated 6th Oct 1862  
Recd 10th Oct 1862

Copy to the 20th  
of the 10th Oct 1862  
with the enclosure

Submit to the  
for a Notification  
regarding the sale of  
State lands on the hills  
- granted.

Recd 28th 1862

From the 1st Oct 1862

Original to the  
about 1st Oct 1862  
14 Oct 1862

# Notification.

Under instructions from Government the Collector of Coimbatore gives notice that Government lands on the Stirlingbury Hills will from this date be disposed of under the following rules only.

I Applicants for land must apply in writing to the Collector stating the situation and extent of the land sought.

II If there be no objection to the sale of the lands, intimation to that effect will be given to the applicant who must thereupon deposit with the Collector a sum sufficient to cover the probable cost of survey and boundary marks which is generally estimated at — annas per acre —

paid annually on or before the 30<sup>th</sup>  
June of each year, for the preced-  
ing 12 months.

VIII 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 thence forth  
be free of all land tax payable  
to the State but it is provided that  
if an assessment is made on the land  
within 12 months of the redemption.

IX All transfers of land  
bought under this notification  
must be registered in the Collector's  
Books within six months of such  
transfer.

X In the event of the  
purchase money of any lot not  
being paid within 6 months of  
the

the day of sale such lot shall be  
resold at the risk of the first  
purchaser who shall forfeit all  
gain and make good all loss con-  
sequent on such resale, as well  
as the assessment due on the land.

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

XII On the completion of the  
purchase of land, the purchaser  
shall be furnished with a title  
deed in the following form, and  
shall be bound by its terms as  
well as by the conditions stated  
in this notification.

Form of Title Deed.

Know all men by these presents,  
that

that the Governor in Council of  
Madras has sold to — his heirs,  
Executors, Administrators and  
assigns for the sum of Rupees —  
I have received by me the track of  
land measuring British Statute  
Acres — Situate in — to be held  
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 Rs. — payable on or before the  
30<sup>th</sup> June of each year for the twelve  
months preceding.

II Areas of assessment  
shall be treated in the same manner  
as areas of Ryotwary Land Revenue  
and be subject to the same <sup>mode</sup> measures  
of realization.

to

III No transfer of proprietary  
right will be recognized by the  
Civil Courts or by the Revenue  
Officers of Government unless  
duly registered.

IV The proprietor is to —  
maintain <sup>the</sup> permanent boundary  
marks found his Grant ~~and~~ <sup>in part</sup>  
~~therein~~ a ~~stake~~ of repair.

V The Grant conveys the  
plenary right to all products both  
above the surface and <sup>below</sup> the same.

VI The existing and customary  
rights of Government, of  
other proprietors and of the public,  
in existing roads and paths in  
streams running through or  
bounding the estate will be  
maintained for purposes of irrigation  
and navigation and for the transport  
of goods.

of timber, or other property, and for other purposes of general utility.

The Government reserves to itself the right which it may where it possesses over all such streams, whether for purposes of irrigation or navigation, and whenever it sees fit can assume the control of the waters and distribute them in such manner and on such conditions as may seem most conducive to the public good.

VII The lands included in this deed are shown in the subjoined table.

| Number of Grant | Talooka and Village | Boundaries of Grant | Area in acres |  |
|-----------------|---------------------|---------------------|---------------|--|
|                 |                     |                     |               |  |
|                 |                     |                     |               |  |

VIII The proprietor shall be at

12  
at liberty at any time to redeem the annual assessment of the said land by payment of Rs. — and after such payment the said land shall be free for ever from all demand for land Revenue.

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

Coimbatore  
Collector's Office.  
6<sup>th</sup> October 1862

R. Nair  
Collector.

Memorandum

The Board of Revenue submit a draft notification by the collector of Coimbatore embodying the proposed rules for the sale of waste lands on the Nilgherries.

2. They say Mr. Brink's rules are in some respects imperfect and in others opposed to the Board's draft, while the system proposed by Govt for the Nilgherries 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. The Board approve the

+ i.e. on the general question

Copy made & letter to Govt  
of 22nd May 1863

As a letter from  
the Collector of Coimbatore  
to the Secretary to  
the Board of Revenue  
dated 6th Oct 1862  
No 208  
P.O. 2871/62

Notification  
regarding the sale  
of waste lands on  
the Nilgherries

On No 8461 of 1862  
On 10th Oct 1862

For the Board

Wm. J. Hall, Secy.

the limit to the size of the lots proposed by the collector - vizt 500 acres for a farm and 15 acres for building sites at the different Hill Stations.

Yes Mr

4. They presume that the same rules which govern the sale of land on the plateau of the Hills will also apply to the sale of land on the slopes.

Yes Mr

5. The collector asks whether any time should be allowed for payment. His rules as drafted provide P. 5 - that the purchase money must be paid to the collector before possession can be given. Doubtless this would be the more convenient course, but I fear that it could not be enforced in all cases - some law must be given.

We might also follow, where the purchase money is paid in advance, the rule of P. 10 that the money of the survey is to be paid at once - & the remainder would be charged at 5% p. a.

Interest to be charged at 5% p. a. on the land to be hypothecated to Govt in security.

Yes

Would it be possible to have the money given for the collector's use?

Yes Mr

6. For the Rules - these seem to me in accordance with the views of Govt of 24 Sept 02 at 2080

Rule

22. 20. 02

Rule II. Registry of transfer could hardly be made compulsory under the present law. The collector would of course recognize no transfer that was not registered in his office.

7. The form of title deed seems to provide for all the necessary conditions.

JP

What is proposed is clearly what is required by the Board. It is advised to the Board that the Board should be kept informed of the progress of the work.

I have read the Board's reply to the Official Memo. & think that no rules can be published till we hear from the Board. In reply to P. 5 of our letter of 13 Oct 02, whether the lands are to be sold or leased, the question of leasing the lands is a matter of course. All round can be recommended in reference to Board's remarks. Mr

# Neilgherry Waste Lands

## 15. Sale of Unassessed Land Waste on the Neilgherry Hills

1. In G.O. of 26 Sept last pt. issued con-  
tain general in-  
structions regarding  
the sale of land  
on the Neilgherries -
2. The Comm thereupon  
sent up to the Resd  
Wt a Draft of Rules  
for publication in  
his District.
3. The Wt in handing  
these up to pt. re-  
marked that the  
draft rules were  
"in some respects  
imperfect" and  
that some further  
orders were necessary  
as to the mode in

1. The Comm  
thereupon  
sent up to the  
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draft rules were  
"in some respects  
imperfect" and  
that some further  
orders were  
necessary as to  
the mode in

which payment  
should be made  
I other minor details.  
They approved of  
the grant made  
- Rs 500 per  
for agricultural  
Rs 15 for Building  
etc.

Lastly, they pointed  
out that settlers  
on the hill would  
by the J.O. in question  
be placed in a  
far less favorable  
position than settlers  
in Wynad & Coorg.

The Govt here  
called & explain  
this inequality more  
fully & they do so  
in their letter Mem<sup>o</sup>  
of the 27 ult<sup>o</sup>.

The Govt state

that in Beigal<sup>16</sup>  
2 1/2 Rs will be the  
minimum & 10 Rs  
the maximum price  
of land & the dar-  
jeeling & Assam  
lands will go at  
these rates - that  
in the N. W. Provinces  
5 Rs for cultivated  
& 2 1/2 Rs for uncult-  
ivated land are  
the rates - except in  
special cases when  
higher rates will be  
imposed. and that  
these rates will apply  
to the Dehra Doon  
& the Hill ranges  
not in the imme-  
-diate vicinity of  
Simla & the other  
Sanatoria - while  
per Contra the Neil-  
gherry rates will be

Rs 55 for Shala &  
27½ for pass land.

The Govt. do not  
apparently know  
what the Compt. rates  
are with the pass-  
surre they will be  
on the Bengal model  
and they contem-  
plated some what  
similar rates for  
the Mynah.

The Govt. seem  
to be to over look  
the fact that Govt.  
have determined  
on excepting the  
Neilgherries from  
Lord Canning's rules.

The Govt. Agents  
have told us that  
we may apply No. 23 of  
Lord Canning's rules  
to the Neilgherries.

and in para 20 of  
his last despatch  
Sir C. Wood put the  
words of the ~~Compt.~~<sup>Govt.</sup> who de-  
~~pt~~ <sup>write</sup> Supreme ~~in it~~  
~~part~~ & the Neilgherries.  
Sheriff's army & Mynah  
as "lands which,  
being assessed at  
one Rupee per acre,  
will not be purcha-  
-seable for less than  
20 Rs per acre" i.e.  
with only the redeemed  
assessed lands, not  
unassessed & waste.

It is not fair to  
to speak of the Neil-  
lands as only passing  
at the rate of 55 & 27½  
Rs, because the Govt.  
really are indifferent  
to the sale of such lands.  
There can be no question

that 2 Rs per acre for  
Coffee land is a  
nice triple - what  
then are you to do,  
they this annually  
which they can do  
without the slightest  
pressure on the paper  
or follow the heads  
of Receipt and put  
up an annual in-  
come of 2 Rs for 5  
or at the utmost 10  
to be paid within the  
next 10 years? The  
govt of India have  
them selves woke up  
to the impolicy of  
throwing away our  
fine fresh lands  
for in a letter of  
28 Sept last they  
"Express a hope that  
great Caution will  
be exercised in re-  
gard to the disposal

of Forest land" and  
state their opinion  
that "as a rule, such  
lands should be  
reserved, until it  
can be more clearly  
seen that it is at  
present, what may  
be required from  
them in the interests  
of the general public."  
The argument as it  
seems to me is that  
the Hill Forests can  
with the utmost ease  
pay 2 Rs per acre  
annually & therefore  
that it would be  
the height of folly to  
part with them in-  
come for any sum  
which will not pro-  
duce as much laid  
out at interest.

Instead of fol-  
lowing the Bengal lead

I think he should  
ascertain from Mr  
Kearns at what  
rates he is selling  
Cong. lands & if  
they are very low  
address the Supreme  
Court on the subject.  
Cong. H. H. a Ministry  
by the my one Com.  
Mission is, Madras  
territory so that we  
may fairly inter-  
fere if they are really  
undereelling us.  
A person who  
has lately been in  
Cong. told me that  
the land there was  
being given away  
almost & that large  
tracts were being  
"snapped up & held  
as a speculation".  
This is the expected

As to Wynad, the  
govt. I presume will  
never sell their land,  
or their assessment  
at the Bengal rates.  
Most Wynad land  
is private property, &  
will not come under  
the rule at all. Private  
proprietors are now  
paying 10 & 12 Rs per  
acre for Coffee land  
subject to the  
govt. ass't of 2 Rs per  
acre in the 3<sup>rd</sup> year.  
The <sup>Coffee</sup> lands which  
belong to govt. are by  
the ass't of the Govt.  
as if Malabar privately  
subject first to the  
Jum fee, & annas  
per acre on the whole  
area whether culti-  
vated or not - & to  
an annual govt.

of 2 Rs. per acre for  
Coffee & of the Am.  
Shon rate for other  
crops - on the culti-  
vated area - know  
the farm fee alone  
at 25 years purchase  
is worth a present  
payment of  $12\frac{1}{2}$  Rs!  
The Mysore planters  
are not backward  
in complaining  
when they have any-  
thing which skilful  
manipulation can  
turn into a pierceance  
but none have yet said  
or hinted that  $2\frac{1}{2}$  Rs.  
annually is too much  
for Coffee land - Mr  
Ballard wants to  
sell cheap to but  
in a long conversation  
which I had with  
him, his only argument  
really was that with

a low price he could  
sell the whole taluk.  
This will come up  
separately; meanwhile  
I presume that with  
the bill which Mysore  
yearly sends in for  
shants, Roads & a  
post mile not sacrifice  
the rest they know  
with ease - come -  
presently the healthy  
settlers will not be  
wore hardly dealt  
with than those of  
Mysore.

But while dis-  
-fering from the Govt.  
on these points, I beg  
to point out one aspect  
in which I think the  
Govt. is open to  
question - This is the  
upset price fixed.

By our long &  
-talked, tenure land

may be taken up  
subject to the annual  
assessment - with the  
exception in certain  
special cases, any  
payment beyond this,  
for the right of oc-  
cupancy.

By the new system  
unassessed lands  
may be sold outright  
free of assessment.

Lord Cairns's rules  
were drawn up in  
accordance with  
this direction.

Assessed lands can  
only be redeemed  
at 20 times the an-  
nual assessment.  
But no upset price  
was contemplated  
for them as the redemp-  
tion money at 5 per cent  
would bring in the  
same annual income.

The unassessed lands

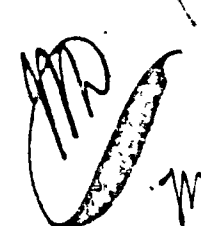
on the other hand, are  
to be sold free of assess-  
ment and to secure  
the State some return  
an upset price is  
ordered -

Thus the receipt.  
C.O. of Sept: requires  
that an upset price  
is an annual assess-  
ment.

On the hills, all  
lands have of late  
years been sold by  
auction to the  
highest bidder but  
no upset price has  
ever been imposed  
because it was sup-  
posed that the auc-  
tion sale would pro-  
duce <sup>whatever</sup> the  
value of the  
land possessed  
over & above what  
the annual assess-  
ment represented.

The Govt have lately  
 settled the Shola  
 assessment, so that  
 there is less ground -  
 now than before -  
 I have an upset  
 price - It may be  
 said that there is  
 timber on the land  
 but except in the  
 immediate neighbour-  
 hood of the Stations  
 timber is really of  
 little value - and  
 Govt can reserve every  
 word of real value.

What I venture  
 now to propose is  
 that Govt should  
 simply order the  
 Neilyheries to be  
 excepted from Govt  
 Canning's <sup>rules</sup> & to remain  
 under Sir C. Trevelyan's  
 rules, except that  
 the assessment shall

I agree to this  
  
 So do I. This is in  
 fact to treat the Neily-  
 heries as private land  
 assessed in the same  
 way as the other  
 land.

practically as - the  
 rates on all lands  
 available for  
 Europeans (all that  
 are not held by the Govt -  
 - Govt / being uniform -  
 - by R 2 per acre for  
 Shola & R 1 for private  
 land -

The Wynad lands  
 will I conclude be  
 disposed of on the  
 same principle - viz  
 sold by auction, but  
 not at an upset price,  
 comparable with the  
 present assessment (2 1/2  
 R per acre - 1/2 R on the  
 Shola & R on the cultivated  
 portion) redeemable  
 at 25 years purchase -

J. D. M.

Li 2 Roper acres on  
 Shola land and  
 that the maximum  
 area of each lot put  
 up to auction shall  
 be 500 acres - Except  
 in the Stations where  
 it shall be 10 acres.  
 The purchasers will  
 of course have the  
 option of redemption  
 but - as Sir C. Wood  
 directs - at 25 instead  
 of 20 years purchase.  
 The Wynad land  
 would still pay 8 annas  
 per acre more - but  
 then the soil is finer  
 and the holders pay  
 only on the Cultivation  
 & that in the 3<sup>rd</sup> year  
 while on the Hills  
 they pay at 10 annas  
 & on the Shola area.  
 By this plan  
 he shall get over  
 all the difficulties

incident to taking  
 parts of two different  
 schemes. However  
 the answer to the  
 Supreme pt. will  
 be that the hills  
 having been addressed  
 formerly at 7 R  
 & now at 2 R, per  
 acre are, ipso facto,  
 beyond the scope of  
 the rules.

The pt. in the  
 letter of 13 Oct 62  
 asked the Supreme  
 pt. whether the  
 selling rules were to  
 apply to the hills. If  
 he are to wait for  
 a reply, I fear there  
 will be much dis-  
 satisfaction as the  
 Chautung. Section will  
 be lost. It is on this  
 account that I bring

Neilycherry Cauts

I would not wait - but  
 would take action at once  
 on the principle above  
 recommended. J.P.

I would not wait - but  
 would take action at once  
 on the principle above  
 recommended. J.P.

the matter forward again.

Mr 2554

Proceedings of the Madras Government  
 under date the 6<sup>th</sup> December 1862  
 Read the following  
 papers:-

Proc of the Bd of Revue  
 Submitting letter from  
 Coll. of Comhatore forwarding  
 a notification regarding the sale  
 of waste lands with Bds re-  
 marks thereon. — (Here enter 14<sup>th</sup> Oct/62)

Offl. Memo. from Secy Bd of Revue  
 Submitting Board's remarks  
 regarding the sale of waste  
 lands in Wynad. — (2<sup>nd</sup> Oct/62)

With the first  
 of the above letters the  
 Board of Revenue sub-  
 -mitted the draft of a  
 notification prepared  
 by the collector of Com-  
 -batore regarding the  
 sale of lands on the  
 Neilycherry Hills on the  
 terms

terms laid down in L.O.  
24<sup>th</sup> September last No 2050.  
The Board in submitting  
the draft, drew attention  
of the great inequality in  
between occupiers on  
these hills, under the Scott  
rules and settlers in the  
close neighbourhood in the  
Wynd and so on on the  
far more advantageous  
terms contemplated by  
the Secretary of State's des-  
patch and the resolution  
of the Supreme Court. The  
second paper, above record-  
ed, contains a fuller  
statement of the inequality  
referred to.

~~Reference is made~~  
~~to the Board's report to the~~  
Governor in Council, ob-  
serves that the Milgherry  
Hills cannot be termed  
"Unassessed Waste." So  
far back as 1830 the Scott  
prescribed, with the ap-  
proval of the Home Scott

the conditions on which  
land on the Milgherry  
would be granted to law-  
-peans for agricultural  
~~and building~~ purposes.  
Under these rules the fee  
simple property in the  
land was in no case to  
be disposed of - the ut-  
-most that could except  
- in special cases  
be granted was a lease  
for 33 years - and all land  
was put up to auction  
at an upset price of  
from 8 to 10 years assess-  
-ment - subject to the  
yearly assessment -

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 redem-  
-able at 20 years purchase.  
Building lots in the sta-  
-tions were to be put up

to auction at an upset  
price of Rupees 20 per  
acre on freehold tenure.

Practically, therefore  
the Hills have been and  
are "assessed" and the  
Board will find in para  
20 of the last despatch  
from the Secretary of State  
that the Supreme Court  
have themselves described  
the Nilgherries, the Vannys  
and Wynad, as "lands  
which being assessed  
at one 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  
Court have prescribed an  
uniform rate on the prin-  
ciple of an average in-  
stead of as usual rates  
varying with the quality  
of the soil.

Under these cir-  
cumstances the Board  
will perceive that their

Matters

arguments are inappli-  
cable and that lands  
on the Hills cannot in  
fact be sold in the man-  
ner they contemplate, with-  
out actually infringing  
the resolution of the Su-  
preme Court.

There can be no  
doubt that the assess-  
ment <sup>fixed</sup> in S. O. 24<sup>th</sup> Septem-  
ber last is extremely co-  
nlight and taking into  
consideration the natural  
advantages of climate,  
soil and proximity to  
the Coast which the  
Hills possess and the  
expences which the State  
has incurred and must  
continue to incur <sup>in</sup> for  
~~road~~ and the general  
administration of the  
tract the Court can see  
no reason for sacrificing  
on such easy terms as  
the Board seem to con-  
template a revenue which  
is paid with ease and  
for

for which the settlers  
receive such solid be-  
nefits -

On a careful re-  
consideration of the order  
of September the Governor  
in Council resolves to aban-  
don the upset price  
therein ordered, as it may  
reasonably be assumed  
that competition <sup>at the auctions</sup> will  
bring in whatever the  
land may be worth over  
and above the annual  
assessment. All lands  
applied <sup>for</sup> if not reserved  
for public reasons, will  
be put up to auction  
without any upset price  
but subject to an annual  
assessment of 2 Rs.  
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 buildings  
purpose.

### Note

The Govt maintain  
the following Estab-  
lishments on the Hills

At the command.

- A Subordinate Court
- A Magisterial Office
- Presided over by an Eu-  
ropean Officer
- Two Medical Officers
- A Chaplain.
- A Khildar with  
Treasury
- Police Force
- Post Office
- Telegraph Office
- An Executive Officer
- At the command { A Medical Officer
- A Chaplain

purposes, but  
scant may apply for  
several contiguous lots,  
each not exceeding the  
above area -

The purchaser  
of any lot may at any time  
redeem the assessment  
on it at 25 years purchase  
as ordered by the Leg.  
of State -

The collector's  
draft rules have been  
modified to suit the  
above decision. The  
Board will ascertain  
from the Govt. Engineer  
whether the form of  
deed is sufficient for  
the objects in view. -  
He will furnish the Com.  
with a form of Sale  
Advertisement.

J. H. S.

14 Copies to the Govt. Secy. Secy. Secy.

Copy in a Letter to England  
of 22<sup>nd</sup> May No. 46 of 1863

Sale of waste lands  
on Neilgherry Hills -

Revenue 1862 Departt.  
Pro: of Govt for December

No. 2534.

Pro: of the Madras Govt.  
D<sup>d</sup> 6<sup>th</sup> December 1862.

Pro of the Board of Rev.  
5/13 June 1863 C no 1400 in

Draft of a notifi-  
cation submitted by the  
Board of Revenue regarding  
the sale of lands on the  
Neilgherry Hills, with  
orders thereon.

No 95 at 97.

Rules for the sale of Govt lands on  
the Neilgherry Hills -

1. Unoccupied lands,  
the property of Govt, and  
not reserved, as herein  
until further notice <sup>after provided</sup> will from  
~~this date~~ be sold under  
the following rules -

2. Applications for land under these rules shall be addressed to the Collector ~~of the District~~  
~~in which the lands are situated~~ 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 maxi-  
-mum shall be 500 acres.  
But any person may ap-  
-ply for several conti-  
-guous lots each not ex-  
-ceeding the above area.

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 VI 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 IX being given ~~at the minimum price prescribed for the locality or for the peculiar descriptions of land selected, as the case may be, together with the actual cost of survey and demarcation.~~

9. The advertisement shall be in English and in the Vernacular of the District, and shall specify the extent and boundaries of the lot, ~~the exact price~~, 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 Tahsildar of the Taluk, the Moonsiff's Court (if there be one) 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 the survey ~~made at his instance.~~

12. On the withdrawal of an application it shall be discretionary 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 is 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.

15. The successful bidder shall immediately on the sale being declared pay down 10 per cent. of the price, ~~among which the lot shall be forthwith resold at his risk and expense.~~ The balance of the purchase money may at the option of the purchaser be paid in full within thirty days (in which case on payment 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 resold 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.

16. 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.

18. Reserves of grazing and forest land, of land for the growth of firewood, of building sites, parks, recreation grounds, 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.

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.

and demarcation and 10 per cent of the purchase money failing which the lot will be immediately resold at his risk and expense. The balance of the purchase money if not exceeding 100 Rs. shall be paid within one month - if it exceeds that sum the purchaser may at his option pay it within 30 days in which case a deed -

purchase of the said or  
assessment and the land  
so redeemed shall there-  
-forth be free of all land  
tax payable to the State  
but not of municipal  
or local taxes which  
are now or may hereafter  
be leviable. On payment

of arrears of assess-  
-ment shall be recovers-  
-able in the same manner  
as arrears of Ryotwary  
Land Revenue are, or may  
be recoverable by Law.

if the redemption  
money the purchaser  
proprietor into he  
furnished with  
a Deed. & in the  
form annexed  
to these rules.

Form of Deed

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

received by me the

trust of land measuring

British Statute Acres

situate in

to be holden by him, in

full proprietary right,

subject to the follow-

ing conditions -

I. The aforesaid

lands, are subject to

an annual payment to

the Collector for the time

being, of Rupees - pay-  
-able on or before the

30<sup>th</sup> June of each year for the twelve months preceding -

II. Officers of assessment shall be treated in the same manner as officers of Ryotwary Land Revenue, and be subject to the same mode of realization -

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

IV. The grant conveys the plenary right to all products both above the surface and below the same -

V. The existing, and customary rights of part, of other proprietors and of the public, in existing roads and paths in streams running through or bounding lands sold under these rules are reserved and in no way affected by their sale - or by these rules - No

The Government reserves to itself the right which it every where possesses over all such streams, whether for purposes of irrigation or navigation, and whenever it sees fit, can assume the control of the water and distribute them in such manner and on such conditions as may seem most conducive to the public good

VI. The lands included in this deed are shown in the subjoined table.

| Number of Grant | Salut and Village | 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.

payment of Rs— and  
after such payments  
the said land shall be  
free for ever from all  
demand for land Revenue.

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