M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 394-395	Press Mis.
460-468	
Dated 25 — 2 — 18 62.	

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 25th February 1862.

Read the following papers:—

60. From W. GREY, 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, 19th October 1861, No. 2,092A.

SIR,

Madras, No. 1,132, dated 25th ust 1859, and enclosure.
Madras, No. 1,490, dated 2nd mber 1859, and enclosure:

1. With reference to the correspondence noted on the margin, I am directed by the Governor General in Council to forward for the information and guidance of the Government of Madras the accompanying printed copy of a Resolution, dated the 17th instant, relative to

I. The sale of Waste Lands in perpetuity, discharged from all prospective demand on unt of Land Revenue.

II. Permission to redeem the existing Land Revenue by the immediate payment of one equal in value to the Revenue redeemed.

2. With reference to paragraph 57 of the Resolution, I am directed to request that Excellency the Governor in Council will cause the Draft of a Law to be prepared and itted for the consideration of the Governor General in Council for giving legal effect to the ires laid down in this Resolution.

Fort William, Home Department, Revenue, 17th October 1861, *No.* 3,264.

Read the following papers regarding the sale of Waste Lands in fee simple, and regarding the mption of the existing Land Revenue by the immediate payment of one equivalent sum:—

Despatch from the Right Honorable the Secretary of State for India, in the Revenue artment, No. 2, dated the 31st December 1858.

Ditto Ditto, No. 1 of 1859, dated the 16th March.

Circular letter, dated the 27th April 1859.

Ditto Ditto, dated the 1st August 1859.

Letter from the Government of Fort Saint George, No. 1,132, dated the 25th August 8.9, and Enclosure.

Ditto Ditto, No. 1,490, dated the 2nd November 1859, and Enclosure.

Ditto from the Government of Bombay, No. 353, dated the 26th January 1860, and nclosure.

Ditto Ditto, No. 847, dated 2nd March 1860, and Enclosure.

Ditto from the Government of the North-Western Provinces, No. 215A, dated 22nd December 1859, and Enclosure.

Ditto Ditto, No. 642A, dated 20th June 1860, and Enclosure.

Ditto from the Government of Bengal, No. 404, dated 6th March 1860, and Enclosure.

Ditto Ditto, No. 438, dated 9th March 1860, and Enclosure.

Ditto Ditto, No. 653, dated 31st March 1860, and Enclosure.

Endorsement from the Government of the Punjab, No. 1,538, dated 7th December 1859, nd Enclosure.

Letter from the Government of the Punjab, No. 365, dated 11th June 1860.

Ditto from the Chief Commissioner of Oude, No. 2,150, dated 29th September 1859.

Ditto Ditto, No. 516, dated 10th February 1860, and Enclosure.

Letter from the Commissioner of the Tenasserim and Martaban Provinces, No. 121, dated 24th June 1859, and Enclosure.

Ditto Ditto, No. 195, dated 29th September 1859.

Ditto from the Commissioner of Pegu, No. 38, dated 31st January 1860, and Enclosure.

Ditto from the Agent to the Governor General for the States of Rajpootana, No. 122, dated 20th May 1859.

Ditto from the Agent to the Governor General, North-East Frontier, No. 54, dated 30th June 1859, and Enclosure.

Ditto Ditto, No. 66, dated 18th July 1859, and Enclosure.

Ditto from the Commissioner of Mysore, No. 233, dated 28th November 1859, and Enclosure.

Ditto from the Resident at Hyderabad, No. 174, dated the 13th September 1859, and Enclosure.

Ditto from the Commissioner of Nagpoor, No. 44, dated 16th April 1860, and Enclosure.

Ditto from the Government of Bengal, No. 2,020, dated the 12th August 1859, and Enclosure.

Ditto to Ditto, No. 1,899, dated 23rd September 1859.

Ditto from Ditto, No. 1,998, dated the 4th August 1860, and Enclosures.

Endorsement from Ditto, No. 3,780A, dated 4th December 1860, forwarding letter from the Secretary to the Indigo Planters' Association, dated 20th November 1860.

Letter from the Honorary Secretaries to the Soorsipoore Tea Company Limited, dated 6th February 1861, and enclosed Memorial of the Directors of that Company.

Ditto from the Secretary to the Landholder's and Commercial Association of British India, dated 31st May 1861, and enclosed Memorial from that Association, the Bengal Chamber of Commerce, and the Calcutta Trades Association.

Ditto to Ditto, No. 1,109, dated 6th June 1861.

Ditto from Ditto, dated 15th July 1861, and Enclosure.

Minute by the Honorable Cecil Beadon, dated 18th February 1861.

RESOLUTION.—1. His Excellency the Governor General in Council has had under his consideration the subject of the Despatches from the Right Hon'ble the Secretary of State noted in the margin, with the opinions of the several Local Governments, and of most of their principal Officers' on two important subjects:—

No. 2 of 31st December 1858.
No. 1 of 16th March 1859.

I. The sale of Waste Lands in perpetuity, discharged from all prospective demand on account of Land Revenue; and

II. Permission to redeem the existing Land Revenue, by the immediate payment of one sum equal in value to the Revenue redeemed.

2. His Excellency in Council finds that the ablest and most experienced public Officers very generally concur with private parties interested in land in the expectation that substantial advantages will follow the adoption of both these measures.

3. There is, however, much diversity of opinion as to the extent to which either measure is likely to operate, and as to the rules under which the acquisition of Waste Land in perpetuity and the redemption of the Land Revenue should be allowed. Some experience may be required to test fully the comparative soundness of the several opinions on these points; but His Excellency in Council sees no reason to doubt that so far as either measure may take effect it will be in every way beneficial.

4. As regards the sale of Waste Lands, there can be no question of the substantial benefits, both to India and to England, which must follow the establishment of Settlers who will introduce profitable and judicious cultivation into districts hitherto unreclaimed. His Excellency in Council looks for the best results to the people of India, wherever in such districts European settlers may find a climate in which they can live and occupy themselves without detriment to their health, and whence they may direct such improvements as European capital, skill, and enterprize can effect, in the agriculture, communications, and commerce of the surrounding country. He confidently expects that harmony of interests between permanent European settlers and the half-civilized tribes, by whom most of these waste districts or 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.

5. His Excellency in Council has still less doubt as to the beneficial results of permitting a redemption of the Land Revenue. He believes that increased security of fixed property, and comparative freedom from the interference of the fiscal Officers of the Government will tend to create a class which, although composed of various races and creeds, will be peculiarly bound to the British Rule; whilst, under proper regulations, the measure will conduce materially to the improvement of the general resources of the Empire.

6. But it is the firm conviction of the Governor General in Council that, in order to obtain permanently good results from such 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 rights of its own.

7. With these views His Excellency in Council proceeds to state the rules under which he desires that the Governments and Administrations of India should give effect to these two measures:—

8. I.—As to the sale of unassessed Waste Lands, in which no right of proprietorship or of exclusive occupancy are known to exist at present, or to have existed in former times, and to be capable of revial.

9. In any case of application for such lands they shall be granted in perpetuity, under the rules which will be presently laid down, as a heritable and transferable property, subject to no enhancement of Land Revenue Assessment.

10. All prospective Land Revenue will be redeemable, at the grantee's option, by a payment in full when the grant is made, and the land granted will thenceforward be permanently free of all demand on account of Land Revenue.

Or, 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 hypothecation till the price is paid in full.

11. The Deed of grant shall be drawn up in English with a Vernacular translation attached; the meaning in all doubtful cases being settled by the English text.

12. Except under peculiar circumstances which may require special reservation, the Deed shall convey all rights of forest, pasturage, mines, fisheries, and all other property of the Government soil; but it will reserve to the Government, to proprietors of other lands, and to the Public, all existing and customary rights of freely using any stream for purposes of navigation or irrigation, and for the transport of timber or other property, and for other purposes of general utility.

13. There shall be no reservation to the Government of any right to take land or material for roads, tanks, canals, works of irrigation or other public improvements other than may be marked out or designated at the time of the grant, or otherwise specifically excepted in the grant. But the absence of such reservation will not affect the power of the Government to purchase land under Act VI of 1857, or under any other general law for the acquisition of land, &c., required for public purposes.

14. There shall be no condition obliging the grantee to cultivate or clear any specific portion of the grant within any specific time.

Conditions of this kind are considered by many experienced Officers as useful, if not necessary, provisions; but the Governor General in Council is convinced that every reasonable object of such restrictions,—such as the guarding against attempts to monopolize advantages of situation with a view to a re-sale rather than to immediate use,—will be sufficiently secured by a limitation of the area of grants, and by the necessity for immediate payments, and that the latter kinds of security will be the more advantageous to purchasers.

15. And if the area be limited His Excellency in Council does not attach importance to any provision for clearing and cultivating any specified proportion of it. The price to be paid will generally serve as a security that the grantee will clear as much as he can, unless he finds it more profitable to keep land as forest or pasturage; and there is no ground of public policy upon which to require him to do more. It is rarely that the clearance of trees, beyond what is needed for cultivation, is an object of public importance. In many parts of the country the contrary is the case. And as a general rule, and whatever may be the nature of the growth which covers the soil, His Excellency in Council would wish, in this as in other matters, to leave it entirely to the owner's judgment and self-interest to make the best of a grant for which he has once for all paid a fair price to Government.

16. The Land Registers of the Collector of land Revenue, or of any other local Officer exercising Collector's powers, when properly kept and perfect, will often enable him to state at once whether there is any other prior claim of property or occupancy on the land applied for.

17. When there is no such claim apparent from the Government records, and the Collector knows no other objection to the grant, he will advertize the application in the most customary and effectual manner for a term which probably need rarely exceed thirty days.

18. When after the expiration of the term fixed no such claim is preferred, or when, if preferred, it shall have been disposed of, the Collector will give to the applicant a document testifying that the land, as described in his application, has been allotted to him, subject to the terms hereinafter specified.

19. If after the allotment of the Land under the preceding rule, any person shall establish a right of property in the land so allotted, the possession of the party to whom the land has been granted *bonâ fide*, shall not be disturbed. But provided the claim be made within one year from the allotment the claimant, on proof of his right and on showing good reason why his claim was not advanced before the allotment took place, shall be entitled to receive from the Government full compensation for the actual value of his interest in such land. After the expiration of a year all rights of third persons which have not been already claimed will be altogether barred, as well in regard to compensation as against the land, subject in regard to compensation to the same exceptions in case of persons under disability from infancy, lunacy, or other like causes as are admitted by the existing law of limitation.

20. No reference to Revenue Boards or other distant Authorities should be necessary, except in special cases of doubt. Rules of Procedure must be laid down by the Local Governments with sufficient clearness of detail to obviate in all ordinary cases any necessity for reference or sanction.

Grants will, of course, be immediately reported to the Local Government, and any departure from the Rules of Procedure should be promptly noticed by the Board of Revenue, or other controlling authority. But no confirmation should be required to complete grants made in accordance with the published Rules of Procedure; and such grants should not be liable to be disturbed on account of any informality not attributable to any act or default of the grantee.

21. A maximum limit must be fixed to the size of all grants. Probably three thousand acres would be a suitable limit in Eastern Bengal, Cachar, Assam, and similar districts. In localities where land is more valuable and in great demand,—as for instance, in the neighbourhood of Towns, Hill Stations, and Sanataria, a lower limit may be fixed. It will generally be safe to consult the wishes of intended applicants on this subject, when they are in numbers sufficient to give weight to their opinions as to what general limitation is likely to be best for the general interests: but regarding such consultation each Local Government will exercise its own descretion.

22. In districts like Sylhet, Cachar, and Assam, where a considerable portion of the ground is swamp or unculturable land, a due proportion may be deducted as valueless. Probably this need never exceed one-fourth of the whole area.

23. Wherever it is necessary for the public interests to reserve for future disposal any special tracts of land of which no immediate grant will be made, due notice should be given, so that applicants for land may not loose their time in examining such tracts.

24. It is to be understood that reserves of grazing land, or of land for the growth of forest trees, or of fire-wood near Towns and Stations, or for other special purposes, such as sites for Sanataria, Building lots, &c., &c., are not to be sold without the special sanction of Government.

25. When the land applied for is unsurveyed immediate possession may be given on payment of the Collector's estimate of the cost of survey; and this may generally be calculated at a fixed rate, according to estimated acreage. But no time must be lost in having a survey made, and for this purpose one or more competent Surveyors should be attached to every unsurveyed District were such applications are likely to be frequent. The survey need not embrace more details, nor be made with greater accuracy than is necessary clearly to define rights, and to ensure the ready identification of boundaries.

26. In surveyed Districts a tracing from the official plans, and extracts from the field books and other registers will generally suffice.

27. Ten per cent. of the purchase money, and the actual cost of survey (allowing of course for the sum previously deposited upon the Collector's estimate of the survey) will be paid by the grantee on delivery of the deeds and plan, and the name of the grantee will be provisionally entered in the Collector's records as proprietor of that grant.

28. If the balance of the purchase money be not paid within three months, interest at ten per cent. per annum will, as has been already prescribed in paragraph 10, be charged on the unpaid balance; and the land will be held liable to re-sale in default of the regular payment of such interest, should there be no crop or other movable property on the land from which the claim of Government can be satisfied.

29. The price to be paid for unassessed land should not exceed Rupees 2½ per acre for uncleared land, or Rupees 5 per acre for land unencumbered with jungle, subject to deduction of area for swamps or unculturable land, as above stated. This limitation of rates shall remain in force for five years from the 1st January 1862, subject to revision in the case of land which may be sold after that period.

30. In the event of more purchasers than one offering to buy the same tract, neither having any previous right to the land, it may be put up to auction, at the upset price of an ordinary grant. But except in such cases, or in the case of suburban lots, recourse will not be had to sale by auction; the applicant will receive his land at a price fixed.

31. Provision will be made for a further grant to the same grantee, to the following extent;—As soon as the Grantee's name shall have been provisionally entered in the Collector's records as proprietor of a grant (as prescribed in paragraph 27) any one adjoining plot, not exceeding the previous grant in area, if not previously applied for, and if available for disposal by Government, may at the Grantee's request be surveyed at his expense, marked off, and reserved as a future grant to him: but subject to the obligations that within five years from the date of his previous grant he shall fulfil the conditions necessary to his being recorded as proprietor of this further grant, and that two-thirds of the previous grant shall within the same time have been brought under cultivation. If he should fail in either obligation the reservation of the plot will cease.

32. There need be no limit to the number of further grants which may be successively taken up on fulfilment of these obligations.

33. Holders of grants under any existing rules, who have not yet completed the purchase of their grants, will be allowed to commute them under the new rules, but without being subject to the limitation of the new rules as to area. The area which, in such cases, the grantee will be at liberty to purchase absolutely will be determined by the provisions of the original grant; and he will be free to purchase absolutely as much or as little of that area as may suit him, retaining, if he pleases, the remainder upon the terms of the original grant.

34. Where there are exclusive rights of occupancy, pasturage, wood-cutting, turf-cutting, or other like rights in unassessed Waste Land, such Waste land may be sold under the above rules, but only to those who shall satisfy the Collector that they possess such rights by prescription, or have obtained them by purchase. It will be an important part of the Collector's duty to make certain that any transfer of such rights shall have been made with a complete and fair understanding on the part of all concerned.

35. In a Ryotwarry District lands, for which an Assessment has been fixed but 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 lands, excepting that the price shall be twenty years' purchase of the assessment.

36. The right of purchase on these terms should, in the first instance, be tendered to the inhabitants of the Village within whose bounds the land may be situated, or who may have been in the habit of using it.

37. The tenure of all Waste Lands granted under this Resolution will be that of an heritable and transferable property held in perpetuity free from all claims either of the Government or of third persons prior to or inconsistent with the grant.

II.—As to the redemption of the land Revenue.

38. Great caution is necessary in dealing with what has always formed so large a part of Revenues of the Government of India. The Governor General in Council proposes, therefore, in the first instance, to limit the permission of redemption in any one district to such a number of estates as shall, in their aggregate assessment, not exceed ten per cent. of the total land tax of the Collectorate, or corresponding fiscal division of the country.

39. This restriction will enable Government to ascertain in each province without undue risk to its permanent fiscal resources, the practical effect of permitting the redemption, both in completely populated and well cultivated districts, and in those where there is much uncultivated land and a thin population. It will afford an opportunity of hereafter re-considering the effects of the measure with the light of ample experience; while the limit which it prescribes is large enough to allow of a considerable number of those who may be able and desirous of redeeming the land Revenue of their estates to do so, partially or wholly.

40. In any case, when redemption shall have reached the limit of ten per cent. of the total Land Revenue of the Collectorate, the result is to be reported to the Governor General in Council, with a view, if expedient, to the enlargement of the limit in that Collectorate, and to the permission of further redemption.

41. The price to be paid is fixed at twenty years' purchase of the existing assessment.

42. Doubts are expressed by experienced Officers whether many purchasers will come forward at such a rate, so long as the current rates of interest for money lent on security, or employed in trade, continue as high as at present. But justice to the public creditor, and a due care for the resources of the Government, require that, as long as the public Revenue is no more than sufficient to meet the current charges of the empire and the interest of its debt, no lower terms of redemption of a permanent tax forming the security for that debt should be accepted than will, when the price is invested in the public securities, afford a corresponding relief in the payment of interest.

43. The Tenure obtained will, as in the case of Waste Lands, be that of an heritable and transferable property held in perpetuity free of all demand on account of Land Revenue, or of the Government. But such tenure will not carry with it, as that of Waste Lands will, immunity from any legal claims, other than those of Government to which the lands may be subject, and which may date prior to the grant under this Resolution.

44. Also the same steps will be taken to define the exact extent and limits of the property, by means of plans and survey records.

45. In districts in which the Land Revenue is permanently settled permission to redeem will be confined to the person who has the right to pay the Government Land Revenue, Rent, Assessment, or Jumma; and its effect will be strictly limited to such Government claims, reserving all existing sub-tenures or subordinate rights of occupancy.

46. In districts in which the Land Revenue is not permanently settled the party who has the right to pay the Government land Revenue, Rent, or Jumma, will be permitted to redeem it only when he also possesses the right of occupany of the land.

47. The freedom of tenure conferred by redemption of Land Revenue will be absolute only as against the Government. It will be given on *primâ facie* evidence of the rights above-mentioned, and other parties contesting those rights and claiming the land will be as free as before to sue the holder in the Civil Courts.

48. The assessment on which the purchase money will be calculated will, in permanently settled districts, be the permanent Assessment.

In temporarily settled districts it will be the Assessment of the last settlement.

49. It has been apprehended that the Government will suffer loss by such a rule where a temporary Assessment has been fixed so low as to render it certain that a considerable enhancement may be expected at the next settlement.

In such cases the enhancement of the direct revenue from the Land will of course be foregone; but in many parts of the country where this would happen there exist, in a peculiar degree, that amount of general intelligence, and of confidence in the measures of the Government, and that sufficiency of Capital, which would encourage Landholders to redeem their land; and where this is the case His Excellency in Council considers it a wise policy that those who may come forward to redeem should not be shut out from the full advantage of the measure by reason of their actual assessment being low.

The price fixed precludes any sacrifice of immediate revenue; and His Excellency in Council is convinced that even a few Estates on which the Land Revenue has been redeemed, scattered through the country, would have in many indirect ways a beneficial effect on the unredeemed Land Revenue itself, as well as on other sources of Government income.

50. Grants which have already been given for a term of years, at progressively increasing rents, such as those in the Sunderbunds, 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 it shall not exceed the rate fixed in paragraph 29 of this Resolution,—and if there is no right of occupancy other than that of the Lesse, or that derived from him.

51. Where no right of proprietorship or of occupancy exists in any party, and the Land is simply held from year to year or by tenants at will, the actual tenant should be allowed to redeem ; unless there be competition, when the redemption should take place by auction.

52. Where Estates are assessed in shares (such as co-parcenary Estates, held on Byachara, Pattadaree, Nirwa, or Baghdar tenures) it will be necessary to define that nothing more is sold than the right of the Government to levy an assessment, and that this is sold only to those who are under liability to pay that assessment. Moreover, that the purchasers will remain subject to all other customary liabilities, whether to individuals or to communities.

These conditions are indispensable to insuring that no other sharers' rights shall be injuriously affected.

53. Such tenures will require peculiar care in dealing with them ; but, provided that suitable and sufficient precautions be taken, there is no reason why those who hold them should be excluded from the benefits of the measure.

54. As in the cases of sale of Waste Lands, so in those of redemption of Land Revenue, no conditions will be imposed as to the expenditure of a given amount of Capital, the growth of particular staples, or the like. The party redeeming the Land Revenue will be left entirely free to follow the course which he may deem most profitable to himself.

55. Provision will be made in any legal enactment which may be passed to give effect to this Resolution, that the party named in the grant, whether of Waste Land, or of Land on which the assessment has been redeemed, or his legal heir or representative, shall be regarded as the sole legal owner of the land, subject only in the latter case to claims other than those of Government and to subtenures and subordinate rights of occupancy existing at the time of redemption, and that no transfer of property in it shall be recognized by our Courts or fiscal Officers, unless duly registered.

56. 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. The Commissioners will report annually to Government the total amount they have received and invested, and the Districts from which it has been received, and their reports will be published.

57. The Local Governments will be called on to prepare the draft of a Law to give legal effect to these measures within their several jurisdictions, so as to secure for all grantees a Legislative title to their property.

But it is not necessary to await the enactment of such a Law, before making known and as far as practicable acting upon the rules which have been here laid down.

No. 461. Extract of a letter from the Secretary to the Government of India, to the Secretary to the Landholders' and Commercial Association, No. 2,150, dated the 29th November 1861 :—

1. I am directed to acknowledge the receipt of your letter, dated the 25th instant, and in reply to inform you that holders of grants who may desire to commute under the terms of paragraph 33 of the Resolution of the Government of India, dated the 17th October last, will be required to pay for cleared and uncleared land respectively, as existing at the time at which application is made for commutation, at rates not exceeding those specified in paragraph 29.

2. In like manner holders of grants who may be desirous of redeeming the future Land Revenue under paragraph 50 of the Resolution, will not have to pay more than the maximum rates specified in paragraph 29, that is to say 2½ Rupees an acre for uncleared and 5 Rupees an acre for cleared land, as existing at the time at which application is made for redemption.

No. 2,338.

Ordered that the above paragraphs, be forwarded to the Government of Fort Saint George, for information in continuation of letter No. 2,092, dated the 19th ultimo.

HOME DEPARTMENT,
29th November 1861.

(Signed) A. M. MONTEATH,
Under Secretary to the Government of India.

No. 462. MINUTE BY THE HONORABLE THE PRESIDENT.

1. In the letter from the Secretary to the Government of India, dated 19th October 1861, this Government is requested to cause the draft of a Law to be prepared and submitted for the consideration of the Governor General in Council for giving legal effect to the following measures :—

(1.) The sale of waste land, in perpetuity discharged from all prospective demand on account of Land Revenue.

(2.) Permission to redeem the existing Land Revenue by the immediate payment of one sum equal in value to the revenue redeemed.

2. While I do not admit the validity of the reasons adduced in support of the first of these measures in paragraph 4 of the Resolutions of the Governor General in Council, and while I cannot anticipate that harmony of interests between permanent European settlers and the half-civilized tribes by whom most of the waste Districts are thinly peopled, will conduce to the material and moral improvement of these people, the existence of such harmony of interest being directly opposed to the universal experience of every Colony, I am yet in favor of the scheme of selling the lands which may fairly be termed waste, and I do not object to discharge these from all prospective demands on account of Land Revenue, my reason being a desire to see the Natives placed in a position to try the effect which the possession of land in fee simple might make in their habits, modes of cultivation, &c.

3. There is but little land which could be with any advantage occupied by Europeans, and the experience of the effect produced by the working of the Indigo system is not such as to make me wish to see any great increase of European settlement in India. While however the land may be discharged from all demands in the shape of rent, it should be distinctly understood that it is and will be liable to be assessed for local and municipal purposes. With regard however to the redemption of the existing or prospective Land Assessment, by the payment of one sum equal in value to the revenue redeemed, I am decidedly opposed to it. The Government of Madras in August 1859, when considering a Despatch on this subject from the Secretary of State, dated 31st December 1858, expressed an opinion that the objection, based upon the fact that the Land Revenue is the main constituent of the income of the Government, was decisive as regarded the Land Revenue generally. In this opinion I fully concur, not only for the reason there given, but for others which I have stated in a former Minute. I cannot therefore see how it will be possible for this Government to introduce a measure into the Legislative Council of the Presidency, to the principle of which it is altogether adverse ; and it would therefore be as well that the Governor General should be made acquainted with the views entertained by the local Government, in order that if this is to be a general measure, steps may be taken to pass it by the Council of India and not by that of this Presidency

4. I have not thought it necessary to enter upon the discussion of the detailed arrangements proposed ; to some of these I trust objection may be taken. I think the price of land is put at too low a figure ; there should not be any deduction made on account of uncultivable land, &c. These however may be discussed hereafter.

(Signed) W. T. DENISON.

No. 463. MINUTE BY THE HONORABLE E. MALTBY.

1. It seems to me our duty to make early arrangements for carrying out the two measures decided upon by the Government of India :—

1st.—For the sale of waste lands.

2nd.—For the redemption of the land tax.

To do so Legislative enactments will be necessary, and these should, in my opinion, be prepared here ; for whether this Government approve of the measures or not, the supreme authority has decided on trying them, and this Government alone could satisfactorily deal with many local influences and interests which will be affected on the occasion.

2. Without entering on this occasion into any elaborate expression of opinion I consider the sale of waste lands, under proper provisions for protecting local rights and the dues of Government a wise measure.

3. *The preferential right of the resident villagers, for instance, must be respected; but this right might with advantage I think be limited and defined. This right should, in my opinion, include all lands subject to the influence of existing village irrigation works, all the village Ayacut, or assessed area, and any pieces of waste land intervening between assessed fields or plots of land. But I would not extend it to tracts of immemorial waste and jungle. I consider that the resident land-owners in our ordinary Ryotwary Districts have no claim to these tracts, which are remote from the village sites, and seem to me rightfully at the absolute disposal of Government, except in places like Malabar, &c., where the Government may own no part of the soil.

* Paragraph 35.

4. Again, the terms on which the waste lands are to be given in this Presidency require careful consideration and adaptation to different localities. If the terms laid down in paragraph 29 of Supreme Government's Order are to be universally followed, then many private individuals would suffer, and the State lose a legitimate source of revenue. According to paragraph 29, lands are to be given outright and free from assessment for ever, at sums varying from 2½ to 5 Rupees per acre. Now, our Coffee lands have been bought at auction for a considerable price in some instances, and pay afterwards a yearly assessment of Rupees 1 per acre on the total area or 2 per acre on the cultivated portion. Existing Estates could not, therefore, compete against new ones taken up under the present order. I should be inclined to put waste lands up to auction, carrying the proceeds to account as a new head of Revenue, thus opening out the resources of the country and raising a prospect of the extinction of some of the heavy new taxes. It must be remembered that the Export duty on Coffee has been removed, so that Coffee lands contribute nothing to the State in that way.

5. As respects the redemption of the land tax, I look on the measure with doubt, except when applied for special purposes, as in the instances specified in the order of this Government of 5th August 1859. But as the policy of trying it to the extent of 10 per cent. of the land Revenue has been determined on, it is our part to frame rules for carrying out the measure. The terms are 20 years' purchase, and experience shows that the permissive order is likely to be in reality a dead letter, for the redemptions effected under our Inám rules and the order of 5th August 1859 have been most trifling, land-owners being able to get a larger return for their money than 5 per cent.

9th January 1862. (Signed) E. MALTBY.

No. 464. MINUTE BY THE HONORABLE W. A. MOREHEAD.

1. I concur with Mr. Maltby in the Minute he has recorded. The Legislative enactment must be prepared or drafted here. We are not called upon to pass it in our own Council. It is to be passed by the Supreme Government.

2. The resolution sent by the Supreme Government should be published in our Gazette; and at the same time, in accordance with paragraph 23, notice should be given, that no part of our forest lands were to be disposed of under its conditions. There may perhaps also be other tracts of land calling for a similar reservation being observed in regard to them.

13*th January* 1862. (Signed) W. MOREHEAD.

No. 465. From W. GREY, 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, 2nd January 1862, No. 5.

SIR,

† See paragraph 20 of Resolution.

1. I am directed to request that a copy of the Rules† under which it is proposed to give practical effect in the Madras Presidency to the provisions for the disposal of Waste Lands contained in the Resolution of the Governor General in Council, dated the 17th of October, may be furnished for the information of His Excellency in Council.

2. I am also desired to ask attention to the 2nd paragraph of my letter of the 19th October, and to say that the Governor General in Council will be glad to receive the Draft Law therein referred to if possible, before the expiration of the present month.

No. 466. From A. M. MONTEATH, Esq., Under Secretary to the Government of India (Home Department), to J. D. SIM, Esq., Secretary to the Government of Fort Saint George, dated Fort William, 8th February 1862, No. 750.

SIR,

I am directed to call attention to my letter No. 5, dated the 2nd ultimo, and to state that the Governor General in Council trusts he may receive at a very early date the documents therein called for.

No. 467. ORDER THEREON, 25th February 1862, No. 394.

Ordered that the following letter be despatched.

(Signed) C. G. MASTER,
Deputy Secretary to Government.

Ordered that the following letter be despatched.

No. 468. From J. D. SIM, Esq., Secretary to the Government of Fort Saint George, to the Secretary to the Government of India, dated 25th February 1862, No. 395.

SIR,

1. I am directed to acknowledge the receipt of your letter No. 2092 A regarding—

I. "The sale of waste lands in perpetuity discharged from all prospective demand on account of Land Revenue, and

II. "Permission to redeem the existing land revenue by the immediate payment of one sum in value equal to the revenue redeemed."

2. On the first question I am instructed to forward a draft set of Rules and to submit the following observations on the subject.

3. Under the "Freehold Rules" introduced in this Presidency in 1859, lands required for agricultural purposes on the Neilgherries, Shervaroys, Pulneys and other similar localities, are sold by auction to the highest bidder without any upset price, but subject to an annual assessment of one Rupee per acre. The purchaser has further the right of redeeming this annual charge by the payment once for all of a sum equal to twenty years' purchase of it. On the completion of the sales permanent Title Deeds under the seal of Government are granted to the purchasers. Similar Title Deeds were also offered to holders of lands acquired prior to these rules. Thus in those localities which are alone suited for the settlement of Europeans, secure titles on freehold or permanent lease-hold tenure at the option of the settlers have already been conceded in this Presidency. To the extension of the system as proposed in the Resolution of the Governor General in Council there is consequently no objection. In some respects, however, the rules proposed in that Resolution seem to this Government to need careful consideration.

4. These are—

I. The proposed price, viz., 2½ Rupees for uncleared and 5 Rupees for cleared land. These rates appear to this Government much too low. At 5 per cent. the rate adopted for redemption of assessment, they represent an annual payment of three pence and six pence per acre respectively. It is well known that Coffee plantations after three years yield a net annual return of from 10 to 20£ per acre. Tea is believed to be still more profitable, and even if the lands be left unimproved as pasturage or firewood preserves they are worth far more than the prices proposed. The Government are fully sensible of the advantages attending the introduction of European capital and skill, but they are satisfied that the price of land is not the obstacle to its introduction.

The Government have received no remonstrances against the existing price of land, but they constantly receive complaints of the want of good roads, of inadequate provision for the settlement of disputes, of inefficient Police arrangements and of similar administrative defects, and they are satisfied that these are the real impediments in the path of the European settler.

They know, as a fact, that in the Wainád Táluq of Malabar, only ninety miles from the coast, the Coffee Planters are at the mercy of wandering Brinjarries for the conveyance of their produce to the port of shipment, as pack bullocks can alone traverse the passes, and that one gentleman lost the bulk of a year's crop owing to a dispute with the tribe. They have not, however, the means, even with the present assessment, of remedying this serious evil, the roads are being steadily and energetically improved, but the expense is so great that it will be some years before Wainád has the roads which it needs for the full and proper development of its resources. The same may be said generally of the Hill tracts, where alone European settlers will find a climate in which they can live and occupy themselves without detriment to their health. The sale prices proposed by the Government of India would, however, place it absolutely beyond the power of this Government to fulfill its obligations towards its subjects. The result would be that while land itself would be cheap, every thing necessary to give it a real value would be wanting, progress would be retarded instead of expedited, and complaints against the Government would be endless. The Government do not advocate any immoderate price on land, but one bearing a fair proportion to

the profits derivable from it, and sufficient to enable them to perform their obligations. In the plains the rates proposed may answer, but if they are adhered to in other localities, the European capitalist ought to be warned that he will be taxed, and that somewhat heavily for all else that will render the investment of his capital profitable. In tracts suited for Coffee, Tea and similar valuable products, the Government would charge no lower annual rent or assessment than 1 Rupee for Forest, and 8 Annas for other land per acre, commutable at twenty years' purchase. It must be borne in mind that the export duty on Coffee has recently been given up, and the Government cannot therefore afford to sacrifice the land tax. The rates proposed by them would leave the proprietors of Coffee Estates an ample profit and one proportionate to the actual value of the lands sold, Forest being much more valuable than cleared land.

II. This Government would strongly urge the advisability of selling lots by auction at an upset price or subject to the yearly assessment, at the option of the applicant. Wherever the land is worth having, the result of the Collectors' advertisement under paragraph 17 of the Resolution will be an offer to purchase from others, and the lot will then have to be sold by auction under paragraph 30. In those cases where the land is not worth having, the sale by auction will not affect the applicant, because there will be none to bid against him. The sale by auction removes all possibility of favoritism, it is fair to all concerned, and the Government would make it the rule in all cases.

III. The Government are altogether opposed to the reservation of lots for future purchase under paragraph 31. The immediate effect of such a rule would be that an extent of land equal to that taken up in the first instance would be reserved, and placed beyond the reach of other capitalists for five years. In paragraph 14 the Government of India have justly abandoned all conditions obliging a grantee to cultivate any specific portion of his grant within any specific time, yet the main condition of a reserved grant is the cultivation of two-thirds of the previous grant within five years. This Government would strongly deprecate this concession, on the broad ground that by it for every acre of land taken up under the new rules, another acre may without the expenditure of an Anna be withheld from all other applicants for five years. Such a concession is neither just to the State nor to individuals.

IV. Holders of grants under existing rules are allowed, under paragraph 33, to commute their grants under the new rules. This may be only fair in order to place them on an equal footing with new grantees, but the effect of the concession needs consideration. A land-holder now possessing 500 acres on the Neilgherries pays 500 Rupees annually; by this rule he may pay down 250 Rupees, and annually pay Rupees 225 thereafter for ever, the State thus losing Rupees 250 annually. This supposes the land to be all cleared, if it be Forest, which is really the most valuable, he need only pay Rupees 125 down and 113 annually, the State losing 375 yearly.

5. As regards the second subject, viz., the option of redeeming the land assessment, I am to submit for consideration whether the existing rules do not meet the object in view as far as is consistent with safety. Under these rules building sites are sold on freehold tenure—land occupied wholly or in part by buildings, Coffee lands in Wainád and all land on the Neilgherry, Shervaroy and Pulney Hills may be enfranchised at the option of the owner—the rate of enfranchisement being 20 years' purchase of the yearly quit-rent or assessment, and title deeds under the seal of Government being granted in all cases. Thus Europeans and Natives have already the means of converting the most valuable descriptions of landed property into freeholds. To the proposed extension of this power of redeeming the Land Revenue, which constitues about three-fifths of the resources of the State, there are the following objections:—

I. The general principle that no Government and least of all a Government which like that of India is practically autocratic, ought to be entrusted with the power of forestalling its income and expending its capital. There would be no check upon or limit to extravagance, if a Government were at liberty to raise money by the sale of perpetuities.

II. The fact that the capital required for redemption is needed for the extension of cultivation, and will be far more productive if left in the hands of private individuals. Applied to the reduction of the public debt it will yield but $5\frac{1}{2}$ per cent., in private hands it will produce from 10 to 20 per cent.

III. The established fact that while the market rate of interest is so high as it is known to be, very few will redeem their assessment at twenty years' purchase. The Inám Commission of this Presidency has confirmed 1,68,000 titles for $1\frac{3}{4}$ million acres, and though redemption is open to all and the assessment to be redeemed is always light, half assessment being the maximum, the Inámdárs have availed themselves of the concession in only 257 instances, for an aggregate assessment of Rupees 469.

6. The Government have thought it right to state their views on the two important subjects mentioned in your letter, but in accordance with the wishes of the Supreme Government they submit the necessary rules for giving effect to the measures.

RULES FOR THE SALE OF WASTE LANDS IN THE MADRAS PRESIDENCY.

1. Under the Resolution of the Governor General of India in Council, dated 17th October 1861, No. 3,264, the following Rules for the sale of Unassessed Waste Lands in the Presidency of Madras, in perpetuity, discharged from all prospective demand on account of Land Revenue, are hereby published for general information.

2. Collectors will proceed at once to prepare statements of tracts reserved from the operation of these Rules as being required for Forest purposes, for grazing or firewood preserves, for building sites, or for any other public object. Copies of such statements shall be forwarded to the Board of Revenue. These statements shall be available for reference by intending purchasers of waste land, on application at the Offices of the Collector or the Board of Revenue. The Conservator of Forests will be consulted by Collectors in regard to Forest tracts which it may be necessary to reserve.

3. Applications under these rules for Unassessed Waste Lands shall be addressed to the Collector of the District in which they are situated.

4. Applications must be specific, stating with reasonable precision the situation and extent of the lands desired. General applications will not be noticed.

5. Immediately on the receipt of an application for Unassessed Waste Land, the Collector shall ascertain whether there is any objection to the sale or whether any special limitation is necessary by reason of the land being required for public purposes, and whether the land is encumbered by any prior claim of property or occupancy.

6. Where no prior claims or objections are known to exist, the Collector shall advertise the application for thirty days in his District Gazette and by Notifications to be affixed in some conspicuous place in his Office, and in the village to which the lands appertain. It shall be the duty of the village officers to promulgate the notice in their villages. The notice shall specify the land applied for, and shall require all claimants or persons interested in it to prefer their claims and state their objections to the Collector within 30 days of the date of the Notification.

7. Claims and objections preferred under the above rule shall be promptly investigated,

and decided, notice of them being given to the applicant, in order that he may be present the investigation if so disposed.

8. Where no claims or objections ha been preferred or where they have been decid to be invalid, the Collector shall forthwi furnish the applicant with a document in t form A, intimating that the land specified the in has been allotted to him subject to the f filment of the conditions therein stated. F in special cases of doubt reference is first made to the Revenue Board.

9. The Collector shall forthwith ca durable boundary pillars or marks to be erected clearly defining the limits of the land, and shall have it surveyed and a plan prepared of it, as soon as possible. The boundary Pillars are to be erected and maintained at the expense of the Grantee.

10. Possession of the land shall not ordinarily be granted to the applicant, until the boundary marks have been placed, and the Survey is completed and paid for. If, however, the applicant desires to obtain possession before the Survey is finished, he may obtain it immediately after the boundaries are placed, by paying the expense incurred in placing them and the estimated cost of surveying the land.

11. As soon as the land is surveyed and its area known, the Collector shall calculate its value at the rates stated in Rule 19, and shall intimate the same to the applicant, and call upon him to state whether he will pay the full amount at once, or if not, what portion, not being less than one-tenth, he will immediately pay.

12. The Collector shall then, according to the election made by the applicant, prepare a Title Deed in the Form B, and shall deliver the same to the applicant or his agent on payment of any portion of the purchase money, not being less than one-tenth of its full amount and the cost of Survey. One-tenth must be paid at once to warrant the applicant obtaining or remaining in possession. The applicant shall, on such payment being made, be registered provisionally in the Collector's books as proprietor of the land. The applicant shall be furnished with a record of the Survey and a plan of his Estate.

13. Where the land applied for has already been surveyed and its area is known, its resurvey shall not be necessary. The applicant

shall in such case be charged only with the cost of putting up durable boundary marks, and of preparing a plan of his Estate.

14. Where claims or objections are known to exist or are preferred within the period prescribed in Rule 5 and are admitted by the Collector, the applicant shall be informed that his application cannot be complied with, in consequence of such claims or objections. Should he still persist in his demand the case is to be reported to the Revenue Board.

15. Where there are exclusive rights of occupancy, pasturage, wood-cutting, or other like rights in Unassessed Waste Land, such waste land can be sold under these Rules only to those who shall satisfy the Collector that they possess such rights by prescription or otherwise or have obtained them by purchase. The Collector shall assure himself that any transfer of such rights has been made with a complete and fair understanding on the part of all concerned.

16. In any case in which prior to the delivery of the Memorandum of assignment (Form A) more than one application has been received for the same land, the Collector will, after the necessary Survey, advertise the land for sale at an upset price calculated according to the rates prescribed in Rule 19. The sale shall be duly advertised for one month as prescribed in Rule 5, and the highest bidder above the upset price shall be declared the purchaser, on his paying down one-tenth of the purchase money and the cost of Survey. A Deed of Grant in the Form B will then be given to the purchaser, who will receive immediate possession.

17. A purchaser of an Estate under the above Rules may, as soon as his name is provisionally entered in the Collector's records as proprietor of a grant, require that any adjoining lands, not exceeding his previous grant in area, (if not previously applied for, and if available for disposal by Government), be surveyed at his expense, marked off and reserved as a future grant to him, but subject to the obligations that within five years from the date of his previous grant, he shall fulfil the conditions necessary to his being recorded as proprietor of this further grant, and that two-thirds of the cultivable area of the previous grant shall within the same time have been brought under cultivation. If he should fail in either obligation, the reservation of the land

will cease. Any number of further grants may be successively taken upon fulfilment of these obligations. In order to ascertain whether further grants thus applied for can be reserved, the Collector shall proceed as prescribed in Rules 4, 5, &c.

18. Holders of grants under existing rules, who have not yet completed the purchase of their grants, may commute the whole or any portion of such grants under these rules, retaining the portion, if any, not commuted on the terms of his original grant.

19. Unassessed cultivable Waste Land granted under these rules shall be sold at the following rates, viz.:—

Land unencumbered with jungle, 5 Rupees per acre.

Uncleared land, 2½ Rupees per acre.

20. It shall be optional with a purchaser to pay the full amount of purchase money at once, or to pay not less than one-tenth of it at once and on the balance to pay interest annually at the rate of 10 per cent. In the latter case the land will be under hypothecation until the price is paid in full.

21. The interest payable under the preceding Rule shall be paid half yearly, on the 30th June and 31st December of each year. If not paid within fourteen days of the said dates the Collector shall proceed for its recovery by the distraint and sale of the crop or other movable property on the land, or by the sale of the land itself in accordance with the Ryotwary Arrear Laws.

22. No grant shall be made under these rules in excess of the following limits:—

In the immediate neighbourhood of the Hill stations and Sanitaria, 500 acres.

Within Towns, Hill stations and Sanitaria, 10 acres.

In other localities 3,000 acres.

23. The Government reserve the power of making larger grants to public Companies.

24. It is to be understood that 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 Sanitaria, Building lots, &c., &c., are not to be sold without the special sanction of Government. Building sites at Hill stations and Sanitaria shall be sold by public auction in all cases at the upset price of 2½ or 5 Rupees

per acre, according as the land is encumbered with or free from Forest.

25. The rates of purchase specified in Rule 19 shall remain in force for five years, from the 1st January 1862. After the date they are subject to revision in the case of land sold after that period.

26. Assessed Waste Land which has remained uncultivated for five years or upwards, may be sold under these Rules, on the same conditions as Unassessed Waste, but the price shall be twenty years' purchase of the assessment.

27. The right of purchase on these terms shall, in the first instance, be tendered to the inhabitants of the village within whose bounds the lands may be situated or who may have been in the habit of using it. In the event of more than one of the inhabitants of the village wishing to have the land, it shall be sold by auction after due notice at the upset price of twenty times the assessment. No person other than an inhabitant of the village shall be allowed to bid at such sale.

28. In the event of the villagers declining to purchase the land and of its sale being considered unobjectionable by the Collector, it shall be made over to any applicant at twenty years' purchase of the assessment.

29. The tenure of all waste lands granted under these Rules shall be that of an heritable and transferable property held in perpetuity, free from all claims either of the Government or of third persons prior to or inconsistent with the grant. There shall be no condition obliging the Grantee to cultivate or clear any specific portion of the grant within any specific time.

30. Except under peculiar circumstances which may require special reservation, the Deed shall convey all rights of forests, pasturage, mines, fisheries, and all other property of the Government in the soil; but it will reserve to the Government, to proprietors of other lands, and to the Public, all existing and customary rights of freely using any stream for purposes of navigation or irrigation, and for the transport of timber or other property, and for other purposes of general utility.

There shall be no reservation to the Government of any right to take land or materials for roads, tanks, canals, works of irrigation or other public improvements other than may be marked out or designated at the time of the grant,

or otherwise specifically excepted in the grant. But the absence of such reservation will not affect the power of the Government to purchase land under Act VI of 1857, or under any other general law for the acquisition of land, &c., required for public purposes.

31. If after the allotment of unassessed WasteLand under the preceding Rules, any person shall establish a right of property in the land so allotted, the possession of the party to whom the land has been granted *bonâ fide*, shall not be disturbed. But provided the claim be made within one year from the allotment the claimant, on proof of his right and on showing good reason why his claim was not advanced before the allotment took place, shall be entitled to receive from the Government full compensation for the actual value of his interest in such land. After the expiration of a year all rights of third persons which have not been already claimed will be altogether barred, as well in regard to compensation as against the land, subject in regard to compensation to the same exceptions in case of persons under disability from infancy, lunacy, or other like causes as are admitted by the existing law of limitation.

32. No transfer of rights in lands grant under these rules shall be recognized by Courts, or Revenue Officers unless duly registered in the Collector's books within six months of such transfer.

33. The grants made under these ru are subject to Local and Municipal Taxes common with other lands.

34. A separate Register of all grants under these rules shall be kept in the Collector's Office in English in the following form :—

Number of Grant.	Name of Grantee.	Táluq and Village in which Grant is situated.	Name and boundaries of Grant.	Area of Grant.	Price of Grant.	Date of Deed of Grant.	Special reservations if any.	Subsequent registered transfers or successions.

The original maps or plans and survey records of all such grants shall be kept in a series corresponding with the number in this register.

35. Every Grant will be reported through the Board of Revenue to Government immediately on the Deed of Grant being delivered to the Grantee.

36. Every six months a report will be furnished by Collectors to Government, through the Board of Revenue, of any sums that may have been realized within the previous six months as purchase money and interest.

37. The Deed of Grant will be drawn up in English with a vernacular translation attached, the meaning in all doubtful cases being settled by the English text.

FORM A.—(*Rule* 8).

I hereby Certify that the undermentioned lands have been allotted to
subject to the conditions set forth in the rules for the Sale of Waste Land under the Resolution of the Governor General of India in Council, dated 17th October 1861. Failing fulfilment of the said conditions by the said
this Certificate shall be null and void.

No. of Grant.	Village and Táluq	Boundaries of Grants.	Area of Grant.

Dated Collector of

FORM B.—(*Rule* 12).

FORM OF GRANT.

KNOW all men by these presents, that the Governor in Council of Madras has conferred on his Heirs, Executors, Administrators, and Assigns, the grant of a 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 purchase money for this grant is Rupees of which Rupees have been already paid. On the* if the entire purchase money has not been paid up, interest at 10 per cent. per annum will be charged on the balance and thereafter until the entire purchase money be paid up, such interest will be chargeable on all unpaid arrears of the purchase money

* Enter the date calculated three months from date of this Deed

and all payments by the Grantee shall be first carried to the credit of any outstanding arrear of interest due on such purchase money.

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

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 Grantee is to maintain permanent boundary marks round his Grant and keep them in a state of repair.

V. The Grant conveys the plenary right to all products both above the surface and below the same. (Here any exceptions which may have been approved by superior authority are to be noted.)

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 or navigation, and for the transport of timber or other property and for other purposes of general utility. 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 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 Grant are shown in the subjoined table:—

No. of Grant.	Táluq and Village.	Boundaries of Grant.	Area in Acres.

VIII. On the payment of the purchase money in full with all arrears of interest the Grant will belong to the Grantee free for ever from all demand for Land Revenue.

IX. The liability of the lands herein specified to Municipal or Local Taxes is no affected by this Grant.

RULES FOR THE REDEMPTION OF THE LAND REVENUE.

I. Proprietors of lands subject to Assessment, Quit-rent or other land tax payable to Government if desirous of redeeming such payment, must apply by letter to the Collector of the District in which their lands are situated.

II. The application must state the situation of the lands, their extent so far as known, their Assessment and the applicant's title to be recognized as their proprietor.

III. The rate of redemption shall be twenty times the existing annual Assessment.

IV. Immediately on receipt of an application for permission to redeem the Assessment the Collector shall cause durable boundary pillars or marks to be erected, clearly defining the limits of the land, and shall have it surveyed and a plan prepared of it as soon as possible. The boundary pillars are to be erected and maintained at the expense of the applicant, who shall also bear the cost of the survey and plan of the land.

V. Where the land applied for has already been surveyed and its area is known, its re-survey shall not be necessary. The applicant shall in such cases be charged only with the cost of putting up durable boundary marks, and of preparing a plan of his Estate.

VI. It is to be understood that the freedom of tenure conferred by redemption under these Rules is absolute only as against the Government. It will be given on *prima facie* evidence of the right of the applicant to be recognized as proprietor, and other persons contesting that right and claiming the land will be as free as before to sue the holder in the Civil Courts.

VII. In Estates held under the provisions of Regulation XXV of 1802 of the Madras Code, the registered proprietor shall alone be held to have the right of redeeming the Land Revenue under these Rules. In the case of Ryotwary lands the Jenmakar, Merassidar, or registered proprietor holding directly from the Government shall alone have the right. In other cases the person entitled to pay the Assessment shall be held, as a general rule, to possess this right, but all doubtful cases shall be referred to the Board of Revenue for decision.

VIII. The redemption of the Land Revenue under these Rules shall in no way affect sub-tenures, rights of occupancy or other subordinate rights whatever.

IX. The Assessment on which the redemption shall be calculated shall in the case of lands held under Regulation XXV of 1802, be the Permanent Assessment. In the case of Ryotwary lands it will be the survey or recognized standard Assessment, and in the case of Ináms it will be the Quit-rent finally fixed thereon.

X. Lands of which the Assessment is redeemed under these Rules, shall continue liable to Local and Municipal Taxes in common with other lands.

XI. No transfer of lands of which the Assessment has been redeemed under these Rules shall be recognized by the Courts or Fiscal Officers of Government unless duly registered.

XII. In all cases where a Collector refuses to permit an applicant to redeem his Assessment, it shall be open to the applicant to appeal to the Board of Revenue.

XIII. The redemption of the Assessment on lands held in shares on Cowles or Leases and generally of lands held on peculiar tenures shall not be allowed without the sanction of the Board of Revenue.

XIV. Whenever redemption shall have reached the limit of 10 per cent. of the total Land Revenue of a Collectorate, the Collector shall report the fact to Government through the Board of Revenue and suspend all further redemption until he receives orders from Government.

XV. On payment of the redemption money in full the proprietor shall be furnished by the Collector with a Title Deed in the following :—

FORM.

Whereas A B, registered proprietor of the land hereunder specified, has, under Clause 2 of paragraph 4 of the Order of Government, dated August 5th, 1859, No. 1,053, paid into the Treasury at the sum of Rupees , in redemption of the quit-rent or land tax now payable on the said land, I hereby declare, under the authority of the Governor in Council of Madras, that the said land is henceward free of all demand on account of Quit-rent, Assessment, or other land tax.

Provided, however, that this Certificate in no way affects the liability of the said land to payments for municipal or other local purposes, nor does it in any way affect any rights or interests which other parties than the abovesaid A B may have in the said land.

Specification of the land.

Táluq and Village.	Name, if any.	Boundaries.	Extent.	Sum paid.	Date of payment.

Collector of

Immediate

In the letter from the Secretary to the Govt of India dated 14th Oct. 61 the Govr in Council requested the early preparation and submission for the consideration of the Govr General in Council proposals for giving effect to the following measures.

1st The sale of waste land in perpetuity discharged from all prospective demand on account of land Revenue

2nd permission to redeem the existing land Revenue by the immediate payment of one sum equal in value to the Revenue redeemed.

While I do not admit the validity of the reasons adduced in support of the first of these measures in paragraph 4 of the Resolutions of the Govr General in Council, and while I cannot anticipate that harmony of interests between permanent European settlers and the half civilized tribes by whom many of the wastes districts are thinly peopled will conduce to the material & moral improvement of them people, I admit the existence of harmony of interest being difficulty opposed to the unrestricted

Experience of every Colony -
Law yet in favour of the
scheme of selling these lands
which may fairly be termed
waste. and I do not desire
to discharge them from
prospective demands on
account of Land Revenue
my reason being a desire
to see the Natives placed
in a position to try the
effect what the prospective
value of land in perhaps
might make in their
habits, modes of cultivation
&c. &c.
Then is but little land
which could be with any
advantage occupied by
Europeans, and this experi-
-ence of the effect produ-
-ced by the working
of the Ryotwar system is
not such as to make me
wish to see any great
increase of European
settlement in India -
While however this land
may be discharged from
all demands in the shape
of Rent it should be dis-
-tinctly understood that
it is not to be liable to
be assessed for local and
municipal purposes -

with regard however to the
redemption of the quitting
of prospective land assessment
by the payment of one sum
equal in value to the Revenue
redeemed I am decidedly opposed
to it - The Govt of Madras in
August 1859, when considering
a Despatch on this subject
from the Secy of State dated 31
Dec 1858 expressed an
opinion that the objection,
based upon the fact that the
Land Revenue is the main
constituent of the Income of the
Govt, was decisive as regarded
the Land Revenue generally.
In this opinion I fully concur
not only for the reason then
given but for others which
I have stated in a former
minute - I cannot therefore
see how it will be possible for
the Govt to introduce a measure
into the Legislative Council of
the Presidency to the prin-
-ciple of which all together
adverse - and it would
therefore be as well that the
Govr Genl should be made
acquainted with the views
entertained by the local Govt
in order that if this is to be
a general measure steps
may be taken to report by
the Council of India and not by

that of this Presidency.
I have not thought it necessary
to enter upon the discussion
of the detailed arrangements
proposed by some of them.
Such questions may be taken
up when the principle is
settled. In fixing the
rate there should not be any
deduction made on account
of Cemeteries which Land &c
there however may be dis-
cussed hereafter.

J. Deveon

1811

Circ

L. defined = This right should in my

15-6-93
10-10-95
27/11/95

Revenue 1861 Dept 4
Pro: of Govt for Feby/62.
No. 2715

Minute by the Hon'ble
the President.

Dated
Received } 18th November/61

Stating his objections
to the Sale of Waste
Land as proposed by
the Govt of India.

No 462-3

No 394- 25 Feb.

R 16 Jan 20 & R 21 & R 23.
C. 19. Ann Rett 15 Jan

It seems to me our duty to make early
arrangements for carrying out the two
measures decided upon by the Govt
of India. —
1st For the sale of Waste Lands
2nd For the redemption of the Land tax
To do so Legislative enactments will be
necessary, and these should in my opinion
be prepared here
for whether this Govt approve of the measure
or not, the Supreme Authority has decided
on trying them, and this Govt alone will
satisfactorily deal with many local
influences & interests which will be affected
on the occasion —
Without entering on this occasion into
any elaborate expression of opinion
I consider the sale of Waste lands under
proper provisions for protecting local rights
& the duties of Govt, a wise measure —
** The prescriptive rights of the resident
Villagers for instance must be respected —
Para 35 —
but this right might, I think be limited
with advantage.
& defined — This right should in my

openers include all lands subject to the influence of existing Village Irrigation Works, all the Village Iyacut or assessed area, and any pieces of waste land intervening between assessed fields or plots of land. But I would not extend it to tracts of immemorial Waste & jungle - I consider that the Resident Landowners in our ordinary Bystrong Districts have no claim to these tracts, which are remote from the Village sites, & allow to be lightfully at the absolute disposal of Govt. except in places like the Malabar & where the Govt. may own no part of the soil.

Again the terms in which Waste lands are to be given in this Presidency require careful consideration & adaptation to different localities - If the terms laid down in G.O. 29 of the Supreme Govt. 1861 are to be universally followed then private individuals would suffer and the State lose a legitimate source of Revenue - According to G.O. 29 lands are to be given outright & free from assessment for terms of years varying from 2½ to 5 Rs. per acre - Now in Coffee lands have been brought at a considerable cost in many instances & pay after jowards a yearly assessment of Rs 0-12-2 per acre on the cultivated portion — Existing estates could not therefore compete against new ones taken up under the present order - I should be inclined to put waste lands up to cultivation, carrying on proceeds to account as a new head of Revenue - Thus opening out the resources of the country, & securing a prospect of the extinction of some of the heavy new taxes - It must be remembered that the export duty on Coffee has been removed, so that Coffee does not contribute nothing to the State in that way as respects the redemption of the land tax - I look on the Income tax as no doubt except when applied for special purposes as in the instances specified in the order of the Govt. of India of 1859.

But as the policy of levying it to the extent of 10% of the land revenue has been determined on, it is our part to frame rules for carrying out the measure - The terms are 20 years purchase, and experience shows that the Permanent order

is likely that no actually a dead letter
for the redemptions effected under
our Lease Rules & the Order of
5 Augt 1859 have been most
trifling - Landowners being able
to get a larger return for their money
than 5 per Cent.

9 Jany 1862

Elle

Stonsen will Personally in the
Minute he has seconded - The
Legislature must Meet Immediately
He can be called upon to pass
it in our own Council - It is
to be passed by the Supreme Court
The Resolution sent by the Supreme
Court - Should be published in our
Gazette - and at the same time,
in accordance with para 23 - Notice
should Given - that no part of our Forest
Lands - were to be disposed of under

15-6-93. 460-68
10-10-95
11-3-98
22/11/98

Revenue 1862 Depart.

Proc: of Govt for February

No. 200.

Minute by the Hon:

E. Maltby Esqre.

Dated 9th } 13th January
Received } 1862.

Regarding the sale of Waste Lands and the redemption of Land tax.

No. 201.

Minute by the Hon:

W. Morehead Esqre.

Dated 13th } January/62
Received }

Regarding the sale of Waste Land and the redemption of Land tax.

No 463 & 464.

No 294 - 25 Feb.

13

I suppose that a spies w/these minutes should be sent to Calcutta at once - there has been great delay, in replying to similar reference

15 Jan 62

Rec'd 20/1/62

J R S

23

yes

Under the supposition that
this measure which is
to be prepared at Madras
is merely for the information
of the Govt of India & for
the purpose of enabling
it to draft such an
Enactment as may
suit the general Interests
of India - directions ought
to be given for the
preparation of this draft -
this indeed ought to have
been done long ago for this
Papers have been in the
hands of the Govt now
some six months &

Remember. –
The disp. can be sent up
with the minutes when
members go out explaining
the different opinions
as to advantages &
disadvantages

W

10 Jan '62

20/1/62.

No. 39

To The Secreta
Governm
Sir,
-ed to
the
letter
-gar
I.
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pe
-el
pl
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subject to an annual assessment of one pice per acre. The purchaser has further the right of redeeming this annual charge by the payment once for all of a sum equal to 20 years purchase of it. On the completion of the sales permanent Title deeds under the Seal of Govt. are granted to the purchasers. Similar title deeds were also offered to holders of lands acquired prior to these rules. Thus in those localities which are alone suited for the settlt. of Europeans, secure titles on freehold or permanent leasehold tenure at the option of the settlers have already been conceded in this Presidency. To the extension of the system as proposed in the Resolution of the Govr. Genl. in C. there consequently is no objection. In some respects however the rules proposed in that Resolution seem to this Government to need careful consideration. —

These

These are:

I. The proposed price viz 2/2 for uncleared and 5/ for cleared land. These rates appear to ~~this Government~~ much too low. At 5 per cent - the rate adopted for redemption of assessment - they represent an annual payment of 3 pence and 6 pence per acre respectively - It is well known

that

that coffee plantations after 3 years yield a net annual returns of from 10 to 20£ per acre. Tea is believed to be still more profitable - and even if the lands be left unimproved as pasturage or forest they are worth far more than

the

the prices proposed.
The Government are
fully sensible
of the advantages
attending the intro-
-duction of Euro-
-pean Capital and
Skill but they
are satisfied
that the price of
land is not the
obstacle to its
introduction. —

The

The Government have
received no remonstrances
against the existing
price of land but they
constantly receive
complaints of the
want of good roads & of
inadequate provision
for the settlement of
disputes & of efficient
police arrangements
and of similar admi-
-nistrative defects and
they are satisfied that
these are the real
impediments in the
path of the European
settler —

They know, as a
fact that in the Wynaad
Taluk of Cattalabar,
only 90 miles from
the coast, the Coffee
planters are at the
mercy

mercy of wandering
Bunjarries for the
conveyance of their
produce to the port
of shipment as packs
bullocks can alone
traverse the passes.
and that one gentle-
man lost the profits
of a years crop
owing to a dispute
with the tribe. They
have not, however,
the means of even
with the present ex-
pensive mode of remedying
this serious evil. The
roads are being steadily
and energetically im-
proved but the expence
is so great that it will
be years before Wynaad
has the roads which
it needs for the full and
proper development of
its resources. The same
may be said generally
of the hill tracts where
alone European settlers
will find a climate in
which they can live and
occupy themselves with-
out detriment to their health.
The sale prices proposed
by the Govt of India would
however place it absolute-
ly beyond the power of
the Government to ful-
fil its obligations towards
its subjects. The result
would be that while
land itself would be
cheap every thing ne-
cessary to give it a real
value would be wanting
and progress would be
retarded instead of ex-
pedited. The Government
do not advocate any im-
moderate price on land
but one bearing a fair
proportion to the profits
derivable

and complaints against the Govt would be endless.

dernable from it and sufficient to enable them to perform their obligations - In the plains the rates proposed may answer but if they are adhered to in other localities, the European Capitalist ought in justice, to be warned that he will be taxed and that somewhat heavily for all else that will render the investment of his Capital profitable. In tracts suited for

5 April

for orders. The rates & the years purchase. or would a lump sum be preferable.

Offer Sea and seminarvaluable products the Govt would charge annual Rent in appayment no lower than ~~Rs~~ 1 Rupee for Forest and 8 annas for other land per acre - commutable at years purchase - The freehold sale price would then be Rs for Forest and ½ for other land - and would have purchasers an ample profit while it would afford Govt the means of performing its duties towards them -

II This Govt would strongly urge the advisability of selling lots by Auction at an upset price or subject to the yearly assessment at the option of the applicant - wherever the land is worth having, the result of the Collectors advertisement and

under para 17 of the resolution would be an offer to purchase from others and the lot would then have to be sold by auction under para 30. In those cases where the land is not worth having, the sale by auction would not affect the applicant because there would be none to bid against him - The sale by auction removes all possibility of favoritism and jobbery it is fair to all concerned - and the Govt would make it the rule in all cases.

III. The Govt are altogether opposed to the reservation of lots for future purchase under para 31. The immediate effect of such a rule would be that an extent of land equal to that taken up in the first instance would be

be reserved and blank beyond the reach of other capitalists for 6 years. In para 14 the Govt of India have justly abandoned all conditions obliging a grantee to cultivate any specific portion of his grant within any specific time - yet the main condition of a reserved grant is the cultivation of 2/3rds of the previous grant within 6 years - This Govt would strongly deprecate this concession on the broad ground that by it large areas of land taken up under the new rules under another area may without the expenditure of an anna be withheld from all other applicants for 6 years. Such a concession is neither just to the State

State nor to individuals -

IV. The arrangement proposed in para 19 seems highly unjust. If as there supposed the Govt should wrongly sell what does not belong to them, the sale should be declared invalid and the purchaser be compensated by Govt for all loss sustained by him - The ryot however legalises the sale and ousts the lawful proprietor - who is moreover required to show first good reason for not having brought forward his claim before he can be compensated for the invasion of his rights by the Govt.

V Holders of pauts under existing rules are allowed under para

para 33 to commute their grants under the new rules - This would be only fair, to place them on an equal footing with new grants but the effect of the concession needs consideration - A landholder now possessing 500 acres on the register pays 500 Rs annually, by this rule he may pay down 250 Rs and annually pay Rs 225 there after for ever - the State thus losing Rs 250 annually This supposes the land to be all shared - if it be Trust, which is really the most valuable, he need only pay Rs 125 down and 113 annually, the State losing 375 yearly -

C.F. 73.

It responds the
Second subject
viz the system of re-
ducing the Land
assessment, I
am to state that
this fort. are unanimously
opposed to the measure.

I. They consider
that no fort. ought
to be entrusted with
the power of forestalling
its income and ex-
pending it as capital.
There would be no
check upon or limit
to extravagance, if
a fort. were at liberty
to raise moneys by
the sale of perpetuities.
This danger will
best be obviated by the
responsible & legislative
& the investment of

and least of all
a fort. like that
of India is practi-
cally an autocratic

of funds thus
derived by the
redemption of the
annual income
of the State, for
the pst. which makes
such a law can
at any time alter
it and can con-
tinue to borrow as
rapidly as its ex-
isting debts are re-
duced -

II. They consider that
the capital required
for redemption is
required for the ex-
tension of cultivation
and wide spread
prosperity if left in the hands
of private citizens -
Loans applied to
the redemption of the
public debt at rate

yield but 5 per cent
in private hands.
it will produce from
10 to 20 per cent.

III. The conclusion
is fallacious - While
the market rate of interest is
so high as it is
however the
funds will be decreased
their attractiveness
at 20 years purchase.
The true
rate -
Conv. of this Pre-
sidency exclusive
financed 165,000
letters for 17½ L
13/4 millions Acres -
L through redemption
then is spread over
the whole
to be redeemed is
about 8 lakhs per
ann. leaving the mar.
the loans does not
availed therein de-

of the concessions
in only 257 instances
for an appropriate
amount of Rs 469 -
It is scarcely
consistent with
the dignity of Govt
& hold forth as
a boon, a concession
which, it is clear
the people cannot
accept without
loss and are in-
different about.

The Govt. there-
fore ought to
be prepared to
see their views
on the two important
subjects mentioned
in your letter, kept
their opinion
& to stop Draft
Regulations, as de-
sired, accompany
your letter.

J. D. S.

Fort St. Geo.
25 Feb 1862.

30-11-92
16.6-98
16-10-98
22-11-98
16-2-05

14/10/12

24-10-13

31-8-18

16-6-16

9-5-17

24-9-17

24-12-17

8/2/18

3/7/18

Sale of Waste L

Revenue 1862. Despar
Pro: of Govt for Februa

3947

No. 395.

To the Secretary to
Government of Ri
Dy 25th February 186

Leases
iews of this Gove
subject of the Sa
lands and rede
existing land

No. 460-468

No. 468.