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MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 998 Press ~~Mis.~~

137-138

Dated 7 5 1862

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 7th May 1862.

No. 137. Read the following Proceedings of the Board of Revenue, dated 2nd April 1862, No. 2,139 :—

Read the following letter from E. B. THOMAS, Esq., Collector of Coimbatore, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Madras, dated Ootacamund, 20th March 1862, No. 62.

SIR,

1. With reference to Section 8, Governor General's Rules for waste, in which I am directed to refer doubtful points to the Board, I request the Board's orders on the following points.

2. Dr. Anderson's and General Dowker's applications are for land much above the limit which the Conservator of Forests, Dr. Cleghorn, fixed (4,500 feet, I think most judiciously) for felling : am I to supersede and abrogate Dr. Cleghorn's *Conservancy* Rules as regards wood? open land, though *near* a wood (such as Mr. Ouchterlony applies for 18 Acres*), is of course unobjectionable. The "Deva Sholah" is the finest and highest Forest on the Neilgherries, and should, I am of opinion, be undoubtedly preserved, even if only for a future supply of firewood (as before intended), independent of its value as preserving springs and moisture.

And Mr. *Morgan's* not Major Morgan but his brother.

* At Coonoor.

3. Another point is, who am I to look to, for plans and surveys, both here and elsewhere? (*Ex. Gr.* the Animalies, Segoor, &c.) I have no surveyor, and there are now more than 30 plans and surveys (some three years due) lying over in the Hill Engineer Captain Farewell's Office, from Mr. Fraser's time downwards.

4. In Section 6, it is ordered to *advertise* in the *District* Gazette ; this would be often quite insufficient ; it has a limited circulation ; but few natives see it ; and scarcely any Europeans : applications would not be known. In European cases especially, and in *all* important ones, I would request leave to advertise in other local Gazettes, also, such as the *Times* the *Neilgherry Star, Bangalore Herald*, &c., the cost (slight) to be eventually borne by the grantee of the land.

5. Other parties (Section 16) not hearing of an application, may appear and apply, just at the end of the 30 days, and desire to bid ; are such to be refused ? I conclude not, but a *fresh* notice of sale is intended to be issued from the date of such second application ?

6. Section 24. I conclude, though it is not *said* so, that all former Rules of sale, Sir Charles Trevelyan's or others, on the Neilgherries, for land, are now abrogated ?

7. Section 33. I do not quite understand what is meant by liability to "local" taxes ; all future land tax being excused by Section 1.

8. Another point needing decision, is, whether parties choosing of course their own lands, are at liberty to point out most irregular and inconvenient boundaries ; *including* choice bits, and *excluding* inferior, &c., or whether the limits should not be, as far as possible, in a fair regular block, of some defined shape ; both for sake of survey, and for others who may take land hereafter next to them. Mr. Rae's boundaries at Soloor, are a case in point.

9. A gentleman asks 100 acres close to Ootacamund, near his own house. I propose to deal with this under Section 22 of the Rules, restricting such localities to 10 acres, and as the term "within Hill stations" is indefinite, I propose to define it by 3 miles from the centre as regards Ootacamund (as formerly fixed by the Board and Government) ; and one and half in the case of Coonoor and Kotegherry, with the Board's approval ; as similar applications are probable, *some defined* limit is necessary.

Mr. Lascelles.

10. Many are wishing to see the Board's rules. I request a few spare copies if possible ; more being required here than anywhere else.

11. I am not sure what points are left to the Collector's discretion as to "reservation," &c., while the new sale rules, are carried out in all their integrity in the plains and on all slopes *below* 4,500, it is of importance to maintain, for many reasons, the *Forest Conservancy* Rules ; which I

think; could never have been meant to be abrogated (by the sale of waste *lands*), in peculiar localities, like the Neilgherries; to give up the few remaining Forests of the Neilgherries, to the axe, will be an irremediable error; and all within 10 miles of Ootacamund would be cut down for *fuel*, rather than any valuable agricultural experiment; the fuel on an acre of Forest sold in fee-simple or 2½ Rupees, would literally sell for 1,000 Rupees.

12. As regards plans and survey, I would suggest, if a Government one cannot be spared, that a trustworthy private Surveyor if available, should be employed; at so much per survey, according to any scale the Board think right; perhaps the following might be fair:—

1 Rupee per acre up to 10 acres.

½ Rupee per acre from 10 to 50 acres.

¼ Rupee from 50 as upwards.

13. All applicants press for immediate possession; to erect permanent (brick or stone) boundaries, in the Forest (Seegoor for instance) will be very difficult, and will take some time. I would propose (where no natural boundaries present themselves, as streams, rocks, &c.) to bark prominent trees, to 20 feet height, every ¼ of a mile; as a ready and obvious mark, to be re-placed by more permanent marks, at leisure, these details, though trifling, affect early settlement, and need the Board's decision. I have suggested what seemed most easy and practicable.

14. As regards the Deva Sholah, it is the finest Forest on the Hills and nearest to Ootacamund; the most accessible, and indeed only available large wood (to supply fuel for many years) to Ootacamund. How necessary and valuable to an increasing sanatarium like this, I need scarcely point out. If the axe be once admitted into it, its destruction is sure (*Vide* the once fine Forest near Coonoor, now totally destroyed) though *proposed* to be only "judiciously thinned:" and Mr. J. McIvor's late fellings, both at Ootacamund and Hoolicul, with other examples). A good road, at public* cost, is now under construction to Deva Sholah; with such facility, each acre of forest, for firewood and charcoal only, would be certainly worth 1,000 Rupees. If Government choose to give it up to the axe, at 2½ Rupees per acre, let them at least see that applicants *carry out* the purposes (be they Tea or Cinchona), for which they *professedly* ask for it. Dr. Anderson† of Calcutta, reported it *unfit for Cinchona*. Dr. Cleghorn reports it too high for Coffee; and whether it is fit for *Tea*, is yet unknown and dubious. I think it will be found *too high*; and that Tea is not grown with advantage, anywhere so high.

* 3,600 Rupees.

† With whom I officially visited it.

At Darjeeling, official satistics show "3,200 acres under Tea; and it is "stated that high plantations do "not answer; the best elevations "for Tea being from 2,000 to 4,500 "feet."

15. I beg to request a copy of Dr. Cleghorn's new Book on Forest, desirable for this Office.

16. I have consulted as desired the present Acting Conservator of Forests, and forward his letter, though I cannot say I concur in it. If a fringe be advisable at the top of the Forest, I think it would be better to preserve the whole.

From J. H. MORGAN, Esq., to E. B. THOMAS, Esq., Collector of Coimbatore, dated 17th March 1862.

SIR,

1. I have the honor to request that I may be allowed 500 cawnies of land in the Deva Sholah according to the Act of the Governor General on waste lands.

2. The ground I require faces the east, and extends for several hundred yards on both sides of the principal stream. I do not require any ground more than 150 feet higher than the present road.

3. The elevation of the road is 6,600 feet above the sea, and the highest elevation required by me would be 6,750 feet, thus leaving a heavy fringe of Forest above to attract the rain-fall.

4. I purpose cultivating Cinchonas in the ravines, and Tea between them. An early answer to this application is requested.

Proceedings of the Madras Government, Revenue Department, 7th May 1862.

P. S.—This application would have been forwarded earlier, but I was under the impression that the Act for the sale of waste lands did not apply to this Presidency.

(True Copy.)

(Signed) E. B. THOMAS, *Collector.*

From Major H. R. MORGAN, Officiating Conservator of Forests, to E. B. THOMAS, Esq., Collector of Coimbatore, dated Ootacamund, 17th March 1862, No. 859.

SIR,

1. With reference your letter, No. 8 of 10th March 1862, I have the honor to inform you that I consider the ground in the Deva Sholah may be granted on the following conditions.

2. That a seigniorage of one Rupee a cart load be paid on all wood sold out of the Sholah.

3. That an Aneroid line representing 6,800 feet above the sea level be drawn, and all trees at and above that elevation be reserved; the Sholah runs up to 7,200 feet by the Aneroid, in this manner no harm can be done, as a large forest on the crest of the hill will still remain to attract the clouds.

4. Dr. Cleghorn observed with regard to coffee planting that coffee did not grow well above 4,500 feet, further that all wood on *crests* of hills should be reserved.

5. Of course, the land will be put up to auction as there is more than one applicant; the purchase money goes to this Department I presume, otherwise we cannot plant to supply the loss of wood.

6. You will observe that unless we encourage the cultivation of Tea and Cinchona, the resources of these hills can never be properly developed.

(True Copy.)

(Signed) E. B. THOMAS, *Collector.*

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1. Submitted for the consideration and orders of Government.

2. The Board presume there can be no doubt that all pre-existing rules for the grant of waste lands are superseded by the Governor General's Resolution.

3. The conditions proposed by the Acting Conservator of Forests for payment of a seigniorage on the timber are scarcely consistent with the terms of the Resolution, and the Board would decidedly recommend that the Deva Sholah be reserved, and worked as hitherto for timber and fuel, and that the Collector should carefully retain other similar spots on account of Government.

4. Major Morgan's supposition that the purchase money of the jungle lots will be credited to his Department, is evidently erroneous.

(True Copies and Extract.)

(Signed) R. A. DALYELL, *Sub-Secretary.*

No. 138. ORDER THEREON, 7th May 1862, No. 998.

1. The Board of Revenue submit for orders a reference made to them by the Collector of Coimbatore respecting certain points in connection with the Draft Rules for the sale of waste lands.

2. In reference to paragraph 2 of the Collector's letter, the Government have to observe that no general rule can be fixed as to the height above which felling should be prohibited.

3. In paragraph 3, the Collector enquires to whom he is to look for plans and surveys. Mr. Thomas will be directed to apply at once to the Superintendent of Revenue Survey for one or more Surveyors, as a temporary arrangement. Hereafter the Survey establishment proposed for Wainád will be available during several months of each year for work on the Hills.

4. The proposal in paragraph 4 to advertize applications in newspapers, and to charge the grantee of the land with the cost, is inadmissible. The Government consider the arrangements as prescribed in Rule 6 for ensuring publicity to the applications to be sufficient; nor could they justly charge a purchaser with expenses incurred in procuring competition with him.

5. It will be intimated to the Collector, in reply to paragraph 5, that when there is more than one applicant for the same lot, it should be put up to auction; and that any person can bid at the auction without previous application for the land, or the issue of a fresh notice.

6. He will also be informed in reference to paragraph 6 that all other Rules for the grant of waste lands are to be considered as cancelled when the new system comes into operation.

7. The "local" taxes referred to in paragraph 7, mean taxes which may be levied for local and municipal purposes, and are not included in the revenues of the State. A road fund or education cess for instance would be a "local" tax.

8. As to paragraph 8, the Government have to observe that applicants must propose reasonably regular and convenient boundaries for the lands required by them; otherwise their applications will not be complied with.

9. Section 22 of the Rules enjoins that no grant in excess of 10 acres shall be made "within Hill stations;" which term being indefinite the Collector proposes (paragraph 9) to define it by three miles from the centre as regards Ootacamund, and one and half in the case of Coonoor and Kotegherry. This proposal is approved.

10. With reference to paragraph 11, the Collector will be informed that he can reserve tracts required for *public* objects, and that in all doubtful cases reference should be made by him to the Board of Revenue. The Government cannot lay down any more definite rule as the circumstances of different localities vary so greatly.

11. As regards plans and surveys, the Collector suggests (paragraph 12) that if a Government Surveyor is not available, a private one should be employed at certain specified rates. He will be instructed to consult the Superintendent of Revenue Survey as to these rates which seem to the Government too high.

12. Such boundaries as the Collector proposes in paragraph 13 for land made over to applicants will suffice in the first instance; but durable marks as required by the rules must be set up before the Title Deeds are delivered.

13. As regards the Deva Sholah, in which 500 Cawnies have been applied for for Cinchona and Tea cultivation, the Collector states (paragraph 14) that this is the finest Forest on the Hills and the nearest to Ootacamund; and both that officer and the Board recommend that the Sholah should be reserved for a future supply of firewood. The Officiating Conservator of Forests on the other hand, considers that the land may be given on certain conditions specified by him.

14. The Government concur with the Board of Revenue and the Collector that the Deva Sholah should be reserved. When the timber on it has been cut, the land may then be sold.

15. The Board are correct in stating that the sale proceeds of jungle lots are not to be credited to the Forest Department, and that seigniorage cannot be levied on timber in estates sold under the Governor General's Resolution.

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

No. 998 - Revenue Depart.
No 1139

Proceedings of the Madras Govt
under date the 7th April 1862.

Read the following

Ltr: of the Bd of Rev

Submitting for orders letter from the Collector of Coimbatore referring for orders of the Board certain doubtful points regarding waste lands, with the Bd's observations thereon.

(Recorded 2nd April/62
No 2139)

P. The Board of Rev submit for orders a reference made to them by the Collector of Coimbatore respecting certain points in connection with the Draft Rules for the sale of waste lands.

2. In reference to para 2 of the Collector's letter, the Govt have to observe that no general rule can be fixed as to the height above which felling

should be prohibited. A good fringe of wood along the crests of every hill of any considerable altitude should be reserved, on account of the rain fall.

3. In para 3, the Collector enquires to whom he is to look for plans and surveys. Mr Thomas will be directed to apply at once to the Superintendent of Revenue Survey for one or more Surveyors, as a temporary arrangement. Hereafter the Survey establishments proposed for Wynaad will be available during Several months of each year for work on the Hills.

4. The proposal in para 4 to advertize applications in Newspapers and to charge the grantee of the land with the cost is inadmissible. The Govt.

Consider

consider the arrangements as prescribed in Rule 6 for ensuring publicity to the applications to be sufficient; nor could they justly charge a purchaser with expenses incurred in procuring competition with him.

5. It will be intimated to the Collector, in reply to para 5, that when there is more than one applicant for the same lot, it should be put up to auction; and that any person can bid at the auction without previous application for the lands, or the issue of a fresh notice.

6. He will also be informed in reference to para 6 that all other Rules for the grant of waste land are to be considered as cancelled when the new system comes into operation.

The

7. The "local" taxes referred to in para 7 mean taxes which may be levied for local and municipal purposes, and are not included in the revenues of the State. A road fund or education cess for instance would be a "local" tax.

8. As to para 8, the Govt have to observe that applicants for land must reasonably propose regular and convenient boundaries for the lands required by them; otherwise their applications will not be complied with.

9. Section 22 of the Rules enjoins that no grant in excess of 10 acres shall be made "within hill stations"; which term being indefinite the Collector proposes (para 9) to define it by three miles from the centre as regards Ootacamund, and one and half

in

I think with the Collector - that the Forest portion of the Rules should be drawn tighter & not left as provided for under Sec 24 of the Governor General's Notification

will

in the case of Coonoor and Kotagherry. This proposal is approved.

10. With reference to para 11, the Collector will be informed that he can reserve tracts required for public objects, and that in all doubtful cases reference should be made by him to the Bd of Revs. The Govt cannot lay down any more definite rule as the circumstances of different localities vary so greatly.

11. As regards plans and surveys, the Collector suggests (para 12) that if a Govt surveyor is not available, a private one should be employed at certain specified rates. He will be instructed to consult the Superintendent of Revenue Survey as to ~~the~~ which ~~point. The rates proposed~~ seem to the Govt too high.

12. Such boundaries as the Collector proposes in para 13 for land made over to applicants will suffice in the first instance; but proper marks as required by the Rules must be set up before the title deeds are delivered.

13. As regards the Deva Sholah, in which 500 Cawnies have been applied for for Cinchona and Tea cultivation, the Collector states (para 11) that this is the finest forest on the hills and the nearest to Ootacamund; and both that Officer and the Board recommend that the Sholah should be reserved for a future supply of firewood. The Off.g Conservator of Forests on the other hand, considers that the land may be given on certain conditions specified by him.

14. Forests which from their proximity to large stations are especially valuable, as supplying timber and firewood can be reserved under the Rules; but there is no reason why the Govt should adopt this measure generally in the Hills, more than elsewhere. These Forests are sure to realize their value when put up to auction; for it cannot be supposed that land worth stated to be worth 1000 Rupees per acre will really fetch only 2½ Rs, though to the latter be the official price. The Australian Acacias grow with such rapidity in the Hills that there can be little doubt of ample firewood being raised, when

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the public are thrown on their own resources, and have not the Govt. Forests to rely upon. If these pro Govt. preserve a good fringe on each Bill for the rain fall, & Teak forests such as those of the Annamallay Hills, they do as much as they can and right. It is no doubt well to have such tracts of timbers as the Deva Sholah, but it would be better to see them covered with plantations of Coffee, Tea and other valuable products, bringing wealth into the country, and affording profitable employment to numbers. The Govt. are not disposed to charge seignorage on timber cut on private properties; the rules enable Govt.

to reserve tracts at their discretion, and where they do not exercise this power, the rights of a purchaser over his property should be respected.

15. The Govt see no objection to the sale of the Deva Sholah under the line drawn by the Off. Conservator, viz 6,800 feet.

16 & 15 The Board are correct in stating that the sale proceeds of single lots are not to be credited to the Forest Department.

I. D. S.

Seignorage cannot be levied on timber in estate held under the Govt. pulp. regulations.

I. D. S.

6. The Govt concur with the Govt of Bed & the Collr that the Deva Sholah should be reserved. When the Timber on it has been cut the Land may then be sold.

Subject to the
16 & 15 of this Rd
to Board of Revenue Pro 28
" Offg Conr of Forests "
" Dy Dr of Rev Settt "
" Supt of Rev Survey "

Sale of waste lands
in Coimbatore.

Revenue 1862 Dept.
Pro: of Govt. for May.

No 998.

Pro: of the Madras Govt.
Dated 7th May 162.

Passing orders on Bd
Pro: submitting a reference
made to them by Coimbatore
Collector respecting certain
points in connection with the
Draft Rules for the sale
of Waste lands.

No 137 & 138.

C17 Appeal Dept