M.R.O. 14—13,000—27-9-21.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1195-1196 Press ~~Mis.~~

Go-52

Dated 4-7- =19 1863

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 4th July 1863.

No. 90. Read the following Proceedings of the Board of Revenue, dated 1st April 1863, No. 1,979:—

Read the following letter from A. P. HODGSON, Esq., Acting Collector of South Canara, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Cundapoor, 23rd March 1863, No. 40.

SIR,

1. In reply to the Board's Miscellaneous Circular dated 26th September 1862, No. 6,507, I have the honor to furnish the information called for in paragraphs 3 and 4 of the Order of Government dated 24th idem, No. 2,080. I beg to state that only two applications for waste lands in view to their purchase, have been received, and these were made after the 9th of July last, the date of the Despatch from the Secretary of State one by a Mr. Grant of Mercara, for forest land on the ghâts in the neighbourhood of Subramannya, in the Uppinangadi Talook, which however has not been followed up; the other by Captain Taylor, Superintendent of Coorg, for a tract of land in the same Talook, of about 300 Acres; but under the prohibition contained in the Notification of the Government of India, dated 16th January 1863, I doubt whether the latter gentleman may be permitted to hold land in this District. No arrangements were made for the redemption of Land Revenue under the Resolution of the Government of India of October last.

2. The minimum upset prices, which it appears to me are suited to the circumstances of the various descriptions of land that are at the disposal of Government in this District, are specified in the margin.

1st Class land,	8 Rupees	per	Acre
2nd do.	5 do.	do.	
3rd do.	2½ do.	do.	

3. The first mentioned class comprises those lands for which a supply of water sufficient to bring two rice crops to maturity is obtainable. The second, those on which one crop of rice can be cultivated merely by means of the falling rain. The third, those which are to be found on the low hills that abound in this District, and which are generally useful for pasturage only, but on which also where the surface is moderately level, dry grain crops can be raised.

4. There is a very large area of forest land in the District, principally on, and at the foot of, the slopes of the mountain range to the east, and the clusters of hills in the south, but extending in some localities far into the interior. The heavy forests and those which contain valuable trees should be reserved for the operations of the Forest Department, as timber is becoming scarce. The high lands will, there is every reason to believe, be in great request at no remote period of time, judging from the increasing demand for land in the Munjerabad and Coorg Divisions, and the great difficulty which is even now experienced in procuring such as is suitable for Coffee cultivation. I therefore suggest, should the Government consider the sale of lands on the hills on freehold tenure may be allowed, that 8 Rupees and 4 Rupees per Acre be fixed as the rates for forest and open land respectively.

5. There is no apparent disposition on the part of the people in this District to purchase unassessed waste land. Durkhasts for lands to be held on Puttah are as numerous as ever, and there is frequently great competition for them, even as many as four and five persons applying for one piece, and thereby making it difficult to decide to whom it shall be granted. When this is the case, I propose that the land applied for be put up to auction at the upset price of its class, and sold to the highest bidder, free of assessment.

6 I beg to append a Tabular Statement giving certain information in regard to cultivated land in this District, as also one showing the number of Durkhasts for waste lands registered and disposed of during the three previous Faslis.

ENCLOSURE No. 1.

Statement showing the rate of assessment on cultivated land in South Canara.

Description of land.	Whether on the Coast or Inland.	Assessment per Acre.
		RS. A. P.
Byle, 1st sort	Coast	6 0 0
	Inland...	4 0 0
Majal, 2nd sort	Coast	4 0 0
	Inland...	3 0 0
Bettu, 3rd sort	Coast	2 0 0
	Inland...	1 0 0
Huckle	Both Coast and Inland...	0 8 0
Grass land	Do.	0 4 0
Garden, 1st sort	Do.	12 0 0
Do. 2nd do....	Do.	8 0 0

CUNDAPOOR,
23rd *March* 1863.

(Signed) A. P. HODGSON,
Acting Collector.

ENCLOSURE No. 2.

ABSTRACT.—Memorandum showing the number of Durkhasts for waste lands, filed and disposed of in South Canara District, during Faslis 1269, 1270 and 1271.

1. Ordered to be submitted for the decision of Government in continuation of the Board's Proceedings dated 29th January and 13th March 1863, Nos. 512 and 1,511 in Government Proceedings dated 21st February and 18th [illegible] 1863, Nos. 375 and 511, Revenue Department.

2. Mr. Hodgson proposes an upset price of Rupees 8 and 4 per Acre for forest and open land respectively on *the Hills* in his District. In other localities he proposes Rupees 8, Rupees 5, and Rupees 2½ per Acre accordingly to the quality and circumstances of the land in each case. All valuable forest is to be reserved for the operations of the Conservancy Department.

3. The Board approve the proposed rate for lands on the Ghâts, but in the other localities they see no reason to adopt the higher upset price of Rupees 8, for the best class of available waste.

4. If the land really possesses superior advantages these will doubtless have their due effect in inducing competition at the sale.

5. The Board would adopt Rupees 5 and Rupees 2½ here as elsewhere for the upset prices.

6. The Board approve the proposal in paragraph 5 on the understanding that it is intended to apply to lands not bearing a registered assessment.

7. The point regarding Captain Taylor's application will be left for the decision of Government.

(True Copies and Extract.)

(Signed) W. HUDLESTON, *Secretary.*

No. 91. ORDER THEREON, 4th July 1863, No. 1,195.

1. The Government consider the rates fixed for hill lands in Madura and Tinnevelly, viz, 10 Rupees per Acre for forest and 5 Rupees per Acre for open land, would be more appropriate for the South Canara hills than those proposed by the Acting Collector. The former are therefore sanctioned. Such lands will be sold free of assessment, but great care must be taken to reserve tracts of valuable timber, as ordered by the Home Government.

2. In the plains 5 Rupees, and 2½ for forest and open land, being *unassessed* waste, are sanctioned.

3. In the cases mentioned in paragraph 5, where several persons apply for the same plot of land and none have any preferential right or claim to it, there can be no objection to the land

being sold by auction subject to assessment whether it be already assessed or not, if the parties desire it, but *assessed* land cannot be sold in freehold. There is no necessity to compel persons to buy unassessed land solely on freehold tenure, if they consider it more to their interests to hold it subject to assessment. The experience of the Inám Commission shows that the mass of the people do not yet appreciate freehold tenure, and it is impolitic to endeavour to force it onthem.

4. As to Captain Taylor's application the Government apprehend that the orders of the Home Government bar him from holding land in a Madras District, but the question is one which they think it safest to refer to the Supreme Government, and this will accordingly be done.

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

Ordered that the following letter be despatched.

No. 92. From J. D. SIM, Esq., Secretary to the Government of Fort Saint George, to the Secretary to the Government of India, dated 4th July 1863, No. 1,196:—

SIR,

1. Captain Taylor, of the Madras Staff Corps, Deputy Commissioner of Coorg, having applied for 500 Acres of unassessed land in the adjoining Madras District of South Canara, I am directed to enquire whether his application may be complied with.

2. In Mr. Chief Secretary Pycroft's letter, dated 11th March 1862, No. 537, the question was put "whether a Covenanted Madras Civilian may hold land in Mysore, *Coorg*, Cochin and Travancore." The Secretary of State, to whom the Supreme Government referred the question, replied that he disapproved of Covenanted Civil Servants holding lands in *Native* States, and considered that the same objection applied "to the holding of *such* lands by Military Officers in the actual service of the Crown in India." Coorg, however, is not a Native State, but a portion of the Madras Presidency administered by Officers appointed by the Supreme Government.

Dated 10th August 1861, No. 22.

3. In a previous Despatch the Secretary of State decided that Regimental Military Officers might hold lands in any part of India, but would be disqualified thereby for temporary Civil employment in the District in which their lands were situated, and that Military Officers in permanent Civil employ must be prevented from holding land in the Presidency to any part of which they may be sent. Captain Taylor is a Madras Officer, and is employed in a Civil capacity in a part of the Madras Presidency; but cannot, in virtue of his present appointment be employed in the Districts under the direct administration of the Madras Government.

4. Under the above circumstances I am directed to enquire whether, in the opinion of the Supreme Government, Captain Taylor is precluded from holding land in the Madras Presidency, and if he is not so precluded, whether the Supreme Government have objection on other grounds to his holding lands in South Canara which adjoins the province of Coorg.

5. I am to request the favor of an early reply.

the upset prices.

6. The Board approve the proposal in para 5 on the understanding that it is not intended to apply to lands not bearing a revised assessment.

7. The point regarding Captain Taylor's application will be left for the decision of Government.

(A true Copy & Extract)

Secretary

To,

J. D. Sim Esqre.
Secretary to Government.
Revenue Department.
with 2 Enclosures.

Exd. Attended
Asstt to Secretary

Rec'd 1863 March 4th
Read in Council 5th Feby
(Proceedings of the Board of Runnr.

Dated 1st
Rec'd 2nd } April 1863
Read 3rd
L.2-0 Cur. Returned

No 4

Submitting an Order of the Governor in Council of the 27th ult. for the appointment of Commissioners to make an investigation into the claims of persons who have settled on the Public Lands in the District of Algoma, previous to the Survey thereof, and to report thereon.

(Mr. Cockburn
April 1863

To His Excellency the Right Honorable Sir Edmund Walker Head Baronet Governor General of British North America &c &c &c

May it please your Excellency

In obedience to the Order in Council of the 27th ult. referred to the undersigned by the Board of Crown Lands, for the purpose of making such investigation into the claims of persons who have settled on the Public Lands in the District of Algoma, previous to the Survey thereof, as may be necessary to enable the Commissioners appointed by the said Order in Council to report thereon, the undersigned has the honor to submit the following Statement of the number of persons who have settled on the Public Lands in the said District, previous to the Survey thereof, and the number of Locations made to such persons, and the number of Applications for Locations which have been refused, and the reasons for such refusal, so far as the same can be ascertained from the Records of this Department.

The earliest Settlement in the District of Algoma, of which any Record exists in this Department, was made in the year 1848, when Locations were granted to 5 persons, who had settled on the Public Lands prior to the Survey thereof.

Since that year Locations have been granted to 108 persons who had settled on the Public Lands prior to the Survey thereof, making in all 113 Locations granted to persons who had settled on the Public Lands prior to the Survey thereof.

Applications for Locations have been refused in 5 cases, in which the Lands applied for were found to be reserved for Public purposes.

Applications for Locations have been refused in 3 cases, in which the Lands applied for were found to be reserved for Mining purposes.

Applications for Locations have been refused in 2 cases, in which the Lands applied for were found to be reserved for Indian purposes.

All which is respectfully submitted.

Toronto 1st April 1863

J. W. Cockburn
Commissioner of Crown Lands

Copy sent to England
3rd Despatch 14th of 1863

No 4

Submitting a Letter from the Hon. the Clerk of the Executive Council, containing information in regard to the minimum upset price to be fixed on the waste Lands in the District of Algoma, and forwarding a Statement shewing the value of Improvements on the said Lands, and another shewing the number of Locations granted and disposed of during the three former years, with Reports thereon.

Rec'd 2nd April 1863
Read 3rd April 1863
Ordered 1st April 1863

Rec'd 12 Feby 63 — " — 195-1663
21 — " — " 302-303
18 March " — " 190-191
Cur. 891 — "

Copy sent to England
3rd Despatch 14th of 1863

No 4

890.

waste lands will be sold free of assessment but great care must be taken to reserve bamboos & valuable timber, as ordered by the Home Govt.

In the plains 5 Rs and 2½ for forest and open land - being waste lands are sanctioned -

In the cases mentioned in para 5, where several persons apply for the same plot of land and none have any forfeited right or claim to it, there can be no objection to the land being sold by auction subject to assessment whether it be already assessed or not, if the parties desire it - but assessed lands cannot be sold in freehold - There is no necessity to compel persons to buy unassessed land solely on freehold tenure, if they consider it more to their interests to hold it subject to assessment the experience of the Commissioner shows that the mass of the people do not appreciate freehold tenure and it is impolitic to endeavour to force it on them - I, Captain Taylor agree in opinion that the Govt of the Home Govt is not bar him from holding land in a Madras district but precludes him from holding any permanent appointment permanently in any part of the Madras Presidency, or temporarily in the district in which his lands may be situated.

A Native Civil Service prohibited from holding land in a Native States doubtless to guard against lands being improperly acquired through

I and the Commissioner consider it equally advisable that Europeans should be allowed to hold land in the Province

through his official co-
-dition, which might
seem an undue weight with
native authorities - but
this objection does not
hold in the case of a
British officer employ-
-ed in a native State
acquiring land in a
British territory whether
the Supreme Govt give
approval of Captain Taylor
as Superintendent of Coorg
acquiring land in a
contiguous Talook of
South Canara is a ques-
-tion which Captain
Taylor should submit
for their orders before
he takes any further
steps in the matter -

6

Revenue Department-

To,

The Secretary to the
Govt of India

Sir,

I am directed
to submit for the de-
-cision of the Supreme
Govt the question whether Mi-
-litary officers employ-
-ed in either a Military
or Civil capacity in Coorg
can hold lands in any
district of the Madras
Presidency-

2- In Mr. Chief
Secretary Lycroft's letter
dated 11th March 1862
No 537 the question was
put "whether a Covenant-
-ed Madras Civilian
may hold land in My-
-sore, Coorg, Cochin
and Travancore"- The
Secretary of State to whom
the Supreme Govt
referred

referred the question
replied that he disap-
proved of Covenanted
Civil Servants holding
lands in Native States
and considered that the
same objection applied
" to the holding of such
lands by Military officers
in the actual service of
the Crown in India" Coorg
is not however a Native
State but a portion of
the Madras Presidency
administered under
officers appointed by the
Supreme Govt.—

3. Thus it is doubt-
-ful whether a Military
officer employed in a
Civil capacity in Coorg
can hold lands in the
Madras Presidency of
which it is really a part.—

4. The question is
submitted in consequence
of Captain Taylor Com-
-missioner of Coorg ha-
-ving applied for Lands
under

under the Waste Lan
rules in the adjoining
District of South Kanara

Revenue Department

No. 1195

Proceedings of the Madras Government under date the 4th July 1863.

Read the following Proceedings of Board of Revenue

Submitting a letter from the Collector of South Canara furnishing information, in regard to the minimum upset price to be fixed on the waste lands in the district, and forwarding a statement showing the rate of assessment on the cultivated lands and another showing the number of waste lands registered and disposed of during the three previous fasslies with Remarks thereon.

Here enter 1st April 1863, Ref

The Govt consider the rates fixed for Hill lands in Madura and Tinnevelly viz 10 Rupees per acre for Forest and 5 Rupees per acre for open land would be more appropriate for the South Canara Hills

Hills than those pro-
posed by the Acting
Collector. The former
are therefore sanction-
ed. Such lands will
be sold free of assess-
ment, but great care
must be taken to re-
serve tracts of valu-
able timber, as order-
ed by the Home Govt.

2. In the plains
6 Rd and 2½ for forest
and open land, in being
uncultivated waste, are
sanctioned.

3. In the cases
mentioned in para 5,
where several persons
apply for the same plot
of land and none have
any preferential right
or claim to it, there can
be no objection
to the land being sold
by auction subject to
assessment whether it
be already assessed
or not, if the parties
desire it, but assessed
land cannot be sold
in

per freehold. There is
no necessity to compel pe-
sons to buy unassessed
land solely on freehold
tenure, if they consider
it more to their interest
to hold it subject to as-
sessment. The experi-
ence of the Salem Com-
mission shows that
the needs of the people
do not yet appreciate
freehold tenure and
it is impolitic to make
any to force it on them.

4. As to captain
Taylor's application the
Govt of India approve
that the orders of
the Home Govt bar him
from holding land in
Malabar District
they certainly preclude
him (if he should ac-
quire any) from filling
any civil appointment
permanent or in any
part of the Madras Pre-
sidency, or temporary
in the district in which

~~the Laws as may be adapted~~
~~to that~~

5. A covenanted ~~Madras~~ Civilian is expressly prohibited from holding land in Native States and the Home Govt consider it equally objectionable that Military officers in the actual service of the Crown in India should hold such lands - the question which elicited the latter ~~&~~ mentioned Coorg as well as Mysore, Cochin and Travancore - but Coorg is a British possession and part of the Madras Presidency though managed by officers under the orders of the Supreme Govt -

6. Whether under such circumstances an officer in Captain Taylor's position can hold lands in the Madras Presidency - Even though willing to subject himself to the penalties mentioned in the

~~contained in~~ ~~but~~ but the question which I think it safest to refer to the Supreme Govt and this will accordingly be done -

none

H. Copies to Mr. Dickson

Govt.

Captain Taylor's
Case

Revenue 1863 Deptt.
Pro: of Govt for July.

No 1195.

of the Madras Govt.
24 July 1863.

Rec'd Govt of India
Sept 1863 Encl 2037 in

Letter Dtd 17th Aug 1863
No 1523

Captain Taylor's
application for being per-
-mitted to purchase 500
acres of unassessed land
in South Canara District
to be referred for
decision of the Govt of

No 90 & 92.

Revenue Department

No. 1196.

To,
The Secretary to the
Govt of India

Sir,

Captain Taylor,
of the Madras Staff
Corps, Deputy Commis-
-sioner of Coorg having
applied for 500 acres
of the unassessed Land
in the adjoining District
of South Canara
I am directed to en-
-quire whether his ap-
-plication may be
complied with.

2 In Mr Chief
Secretary Cycroft's letter
dated 11th March 1862
No 537 the question was
put whether a Covenanted
Madras Civilian may
hold land in Mysore,
Coorg, Cochin and Tra-
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of

of State to whom the Supreme Govt referred the question replied that he disapproved of Covenanted Civil Servants holding lands in Native states and considered that the same objection applied to the holding of such lands by Military officers in the actual service of the Crown in India.

Coorg however, is not a Native state but a portion of the Madras Presidency administered by officers appointed by the Supreme Govt.

3. In a previous despatch the Secretary of State decided that Regimental Military officers might hold lands in any part of India but would be disqualified thereby for temporary Civil employment in the district in which their lands were situated

Dy No 1 Legislative 1861 No 22

situated and that Military officers in permanent Civil employ must be prevented from holding land in the Presidency to any part of which they may be sent. Captain Taylor is a Madras officer and is employed in a Civil capacity in a part of the Madras Presidency but cannot, in virtue of his present appointment be employed in the districts under the direct administration of the Madras Govt.

4 Under the above circumstances I am directed to enquire whether in the opinion of the Supreme Govt Captain Taylor is precluded ~~by the orders~~ prohibited from holding land in the Madras Presidency, and if he is not so precluded, whether the Supreme Govt can

have objection on other
grounds to his holding
lands in South Canara
which adjoins the pro-
-vince of Coorg -
5. I am to request
the favor of an early
reply -

Fort St George
16th July 1803

Copy in a Letter to England
dated 24th July 1863.

Revenue 1863 Deptt
Pros. of Govt for July
No. 1196.

To
The Secretary
to the Govt. of India.
dated 4th July 1863.

(Forwarding) for
decision an application
received from Captain
Taylor Deputy Commis-
sioner of Coorg for per-
mission to purchase
land in South Canara
District.

No 92.