

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1310	Press
318-319	~~Mis.~~
Dated 16-7-49	1863.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
16th July 1863.*

No. 318. Read the following letter from W. HUDLESTON, Esq., Secretary to the Board of Revenue, to J. D. SIM, Esq., Secretary to Government, Revenue Department, Fort Saint George, dated Chepauk, 20th June 1863, No. 3,666:—

SIR,

1. The Rules for the sale of Waste Land in freehold having now been circulated, I am directed by the Board, with reference to Government Order dated 26th February 1863, No. 413, Revenue Department, to submit the revised Rules for the redemption of assessment on lands already in occupation, and thereby converting them into freehold.

2. The Rules have been re-arranged and modified to meet the views expressed by Government. The form of Title Deed has been revised by the Government Pleader.

3. The early publication of these Rules will enable the Board to prohibit absolutely the further operation of the Rules of 1859.

4. They, however, direct me to submit for the consideration of Government, whether the privilege of redeeming the assessment on lands under ordinary cultivation within the limits of the High Court's original jurisdiction round Madras, a privilege which is provided in the old Rules, shall be reserved; and also whether the issue of *permanent Title Deeds reserving the usual annual tax or quit-rent* (also provided for in the old Rules), for lands of which the assessment is capable of being redeemed at option, shall be maintained.

5. The retention of the last provision appears desirable, but the Board doubt whether the forms will be practically of any use. They believe that in no single instance has advantage been taken of it in the four years that have elapsed since its original publication, though the rate of redemption was only twenty times the annual assessment. Now also that the Madras and the Chingleput Districts are amalgamated, there seems no reason for treating lands in the immediate vicinity of Madras, but under ordinary tillage, in a different manner from those in other parts of the District.

6. If converted into building sites or gardens, the general rules would become applicable to these lands; but until so converted, there appears no great cause for dealing with them specially, when the effect will no longer be that contemplated by the original rule, of freeing the Collector from duties connected with ordinary Land Revenue.

RULES FOR THE REDEMPTION OF THE LAND REVENUE.

I. Proprietors of lands occupied for Dwelling Houses or Factories, of Coffee lands in the Wynad, of lands on the Neilgherry, Pulney, or Shervaroy Hills, and of lands occupied or intended for Gardens or Plantations properly so called, such lands being subject to assessment, quit-rent or other public Land tax, if desirous of redeeming such assessment, &c., must apply by letter to the Collector of the District in which the lands are situated. This rule is applicable to the kinds of land above designated situated in Zemindaries, as well as to lands in Government Talooks; but does not necessarily include lands classed as Baghayet or Totacal. Applications relating to these last kinds of lands must be referred by the Collector with full particulars, for the decision of the Board of Revenue.

II. In Estates held under the Regulations of 1802, the registered Zemindar shall alone be held to have the right to redeem the Land Revenue under these Rules, a corresponding reduction being made in the annual Peshcush. In the case of Ryotwary lands, the registered proprietor holding directly from Government shall alone have the right to redeem. In other cases the person entitled to pay the assessment shall be held as a general rule to possess the right, but all doubtful cases shall be referred to the Board of Revenue for decision.

III. Inam lands will be dealt with under the special rules for their enfranchisement, and will not be affected by these Rules. Grama Nattam land is also excluded from their operation.

IV. Grants of unassessed waste land already made for terms of years under previous rules, and in which no right of occupancy or proprietorship exists except that of the grantees or such as has been derived from them, may at the option of the grantees or of their representatives be brought within the operation of these rules, and the grantees or their representatives may redeem

the future Land tax on such grants, or on any compact part of them, by payment down of the aggregate amount of tax with which the land in question is liable under the grant, to be charged for the whole of the twenty-five years next ensuing after the date of application, provided the said amount is not less than the prescribed minimum upset price for the sale of unassessed waste land of a similar class in the locality.

If the aggregate tax assessable on the land for the twenty-five years next ensuing shall be less than the said minimum upset price, the latter shall be the amount payable in redemption of future Land tax.

V. The redemption of the assessment on lands held in shares, on Cowles or on leases, and, generally, of lands held on peculiar tenures shall not be allowed without the sanction of the Board of Revenue, and the above restriction, as to the minimum of redemption money, will apply also to the cases of assessed lands occupied on Cowles.

VI. the rate of redemption in other cases shall be twenty-five times the existing annual assessment, except where the Government title on which the land may be already held shall contain an express provision for redemption at a lower rate.

VII. The assessment on which the redemption shall be calculated, shall in the case of lands settled under Regulation XXV of 1802, be the permanent assessment. In the case of other lands it shall be the survey or recognized standard assessment. Where lands are held in perpetuity at specified rates, such rates shall form the basis of the calculation.

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

IX. Lands of which the assessment is redeemed under these rules shall continue liable to general, Local, and Municipal taxes, in common with other lands.

X. It is to be understood that the freedom of tenure conferred by redemption is absolute only as against 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.

XI. 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.

XII. Immediately on receipt of an application for permission to redeem the assessment, the Collector if he admits the application, 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 of it prepared 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.

XIII. When the land concerned has been already scientifically surveyed, and the particulars are on record, 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 the land.

XIV. 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.

XV. On payment of the redemption money in full, with all cost of survey and demarcation, the party permitted to redeem the assessment shall be furnished by the Collector with a Title Deed in the following form.

It is to be understood that the current demand will continue up to the date on which the redemption money is proffered in full, together with the cost, actual or estimated, of demarcation and survey, or of demarcation only, as the case may be.

FORM OF TITLE FOR OCCUPIED LANDS CONVERTED INTO FREEHOLD.

This Indenture made the _____ day of _____ one thousand eight hundred and sixty _____ between The Right Honorable The Secretary of State for India in Council of the one part and _____ A. B. _____ of the village of _____ in the Collectorate of _____ of the other part. Whereas the said (A. B.) registered Proprietor of the land described in the Schedule hereunder written and delineated in the Map or Plan hereunto annexed under the provisions contained in the Rules for the redemption of Land Revenue passed by the Honorable the Governor of Fort Saint George in Council under date the _____ day of _____ 18 _____ No. _____ has paid into the Treasury at _____ the sum of _____ Rupees (the receipt whereof is hereby acknowledged) in redemption of the annual assessment or quit-rent at the present payable on the said land, Now this Indenture witnesseth that in consideration of the sum of _____ Rupees so paid as aforesaid (the receipt whereof is

herely acknowledged the said Secretary of State in Council doth hereby declare That the said land is henceforward free from all demand on the part of Her Majesty for or on account of quit-rent, assessment, Land-tax or other Land Revenue, Provided however that these Presents in no way affect the liability of the said land to the payment of all general taxes and local rates now existing or which at any time hereafter may be imposed by Law and of the Owners thereof to the observance of the several conditions in the said Rules contained. Nor do they in any way affect any rights or interests which other parties than the above said (A. B.) may have in the said land. And this Indenture further witnesseth that for and in consideration of the declaration hereinbefore contained and in consideration of the Premises, He the said (A. B.) for himself, his heirs, personal Representatives and Assigns doth hereby covenant with the said Secretary of State in Council his Successors and Assigns, that he the said (A. B.) his heirs personal Representatives and Assigns will at his and their own costs and charges forthwith erect and at all times hereafter maintain and keep in good repair permanent boundary marks round the said land and Premises. In witness whereof The Honorable The Governor of Fort Saint George in Council on behalf of the said Secretary of State in Council hath hereunto affixed the Seal of the said Governor in Council and the said (A. B.) hath set his hand and seal the day and year first above written.

The Schedule above referred to.

[illegible]

The Seal of the Honorable the Governor of Fort Saint George in Council was hereunto affixed in the presence of

L. S.

Secretary to Government.

L. S.

Signed, sealed and delivered by the
abovenamed (A. B.) of in the
East Indies in the presence of

L. S.

Signature of A. B.

Received from the abovenamed (A. B.) the sum
of Rupees being the consideration Money } Rupees
abovementioned to be by him paid.

Collector of

*Proceedings of the Madras Government, Revenue Department,
16th July 1863.*

No. 319. ORDER THEREON, 16th July 1863, No. 1,310.

1. With the above letter the Board submit a draft of revised Rules for the redemption of assessment on lands occupied by buildings, &c.
2. The only modifications the Government consider necessary are the following:—
3. In Rule 3 they would include lands brought under the new Rules subject to assessment as the Deeds on which they are held provide for enfranchisement. The Rule might run thus: "Inam lands and lands purchased under the Rules, dated respectively 6th, 7th and 9th March 1863, Nos. 478A, 482A and 488A, for the sale of waste lands on the Neilgherries and Shervaroys and in the Wynad Talook of Malabar, will be dealt with according to the Deeds under which they are held and will not be affected by these Rules. Gramma Nattam land is also excluded from their operation."
4. On further consideration the Government consider that the rate of redemption under Rule IV should be twenty-five times the *full* assessment. The favorable terms temporarily granted in Cowles, &c., are for a specific purpose, such as the experimental growth of a special product or the expense of clearing, and that they are sufficient for that purpose, is shown by their being accepted. There is no good reason, therefore, for their being taken into calculation in redeeming the assessment or placing the holders of such temporary advantages permanently in a better position than those who from the outset pay full assessment. As the Rule stands a person holding lands free of assessment for seven years, would be entitled to redeem the assessment at eighteen years' purchase only.
5. The Board's proposal to continue the issue of permanent Title Deeds reserving the usual annual tax or quit-rent (as provided in the old Rules) for lands of which the assessment is capable of being redeemed at option, is approved.
6. The similar privilege in respect of cultivated lands in the Town of Madras need not be continued, no advantage having been taken of it by the people.

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

No. 3,666.

From W. HUDLESTON, Esq., Secretary to the Board of Revenue,
To J. D. SIM, Esq., Secretary to Government, R. D.

SIR,

1. The Rules for the sale of Waste Land in freehold having now been circulated, I am directed by the Board, with reference to Government Order dated 26th February 1863, No. 413, Revenue Department, to submit the revised Rules for the redemption of assessment on lands already in occupation, and thereby converting them into freehold.
2. The Rules have been re-arranged and modified to meet the views expressed by Government. The form of Title Deed has been revised by the Government Pleader.
3. The early publication of these Rules will enable the Board to prohibit absolutely the further operation of the Rules of 1859.
4. They, however, direct me to submit for the consideration of Government, whether the privilege of redeeming the assessment on lands under ordinary cultivation within the limits of the High Court's original jurisdiction round Madras, a privilege which is provided in the old Rules, shall be reserved; and also whether the issue of *permanent Title Deeds reserving the usual annual tax or quit-rent* (also provided for in the old Rules), for lands of which the assessment is capable of being redeemed at option, shall be maintained.
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6. If converted into building sites or gardens, the general rules would become applicable to these lands; but until so converted, there appears no great cause for dealing with them specially, when the effect will no longer be that contemplated by the original rule, of freeing the Collector from duties connected with ordinary Land Revenue.

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

REVENUE BOARD OFFICE,
Chepauk
20th June 1863.

W. Hudleston
Secretary.

Exd. J. Wright.

RULES FOR THE REDEMPTION OF THE LAND REVENUE.

I. Proprietors of lands occupied for Dwelling Houses or Factories, of Coffee lands in the Wynad, of lands on the Neilgherry, Pulny, or Shervaroy Hills, and of lands occupied or intended for Gardens or Plantations properly so called, such lands being subject to assessment, quit-rent or other public Land tax, if desirous of redeeming such assessment, &c., must apply by letter to the Collector of the District in which the lands are situated. This rule is applicable to the kinds of land above designated situated in Zemindaries, as well as to lands in Government Taluks; but does not necessarily include lands classed as Baghayet or Totacal. Applications relating to these last kinds of lands must be referred by the Collector with full particulars, for the decision of the Board of Revenue.

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If the aggregate tax assessable on the land for the 25 years next ensuing shall be less than the said minimum upset price, the latter shall be the amount payable in redemption of future Land tax.

V. The redemption of the assessment on lands held in shares, on Cowles or on leases, and, generally, of lands held on peculiar tenures shall not be allowed without the sanction of the Board of Revenue, and the above restriction, as to the minimum of redemption money, will apply also to the cases of assessed lands occupied on Cowles.

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The Schedule above referred to.

District.	Taluk.	Village.	Name if any.	Boundaries.	Extent.

The Seal of the Honorable the Governor of Fort Saint George in Council was hereunto affixed in the presence of

L. S.

Secretary to Government.

L. S.

Signed, sealed and delivered by the above named A. B. of in the East-Indies in the presence of

L. S.

Signature of A. B.

Received from the above named (A. B.) the sum of Rupees being the Consideration Money above-mentioned to be by him paid. Rupees

Collector of

The only remarks
 I have to make
 in the revised rule
 are the following
 I. In Rule 3. I
 say
 "I am lands
 lands purchase
 under the rules
 of respectively 6/9/1863, 1/4/78, 1/4/82, 1/4/88 &c
 for the sale of Wall
 Lands on the Neilgh
 & Shervary & in the
 Wynad Talook of
 Malabar with his
 dealt with accord-
 ing to the deeds un-
 which they are held
 & will not be (as
 the rule). I propose
 this because the
 deeds are under

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From The Secretary to the Board of Revenue
 To The Secretary to Government R. D.
 No 1196-
 16/7/15

Dated 20th June 1863.
 Despatched 23rd June 1863.
 Received 27th June 1863.
 J. S. & Co. 16/16/1863

12/18:
 Submitting the revised Rules for the redemp-
 tion of assessment on lands already in occupation,
 and thereby converting them into freehold.

for enfranchisement already.

Rule IV. I have already
said, had doubt
on this - Mr. Roe
pays his land free
for 7 years - so he
will redeem at half
on 18 years purchase.
viz 7 free = 18 full
ass^d = 25 years.

The free tenure in
his case and the
favorable tenure in
other cases constitutes
the return for the
risk of the experi-
ment - the expense
of clearing land - they
should do it in.

putted into the cal-
-culation for redemption
to be paid.
to also in Rule V as

do JP.

to putted. I want to take
25 times the proper
assessment in all
cases and I feel
sure the Home for
hire should be
paying full ass^d
at initial pay less
than a man has
a favorable rate.
Let the Covenants ex-
pire - as it was
they understand
they would do - as
then redeem -

In the report
paras 4 & 5 the
Bds recommendation
seems very de-
sirable.

J. D. 27.

Revenue Department

W-1310.

Proceedings of the Masoos Court
under date the 18th July 1863.

Read the follow-
ing letter from the Secy.
to the Board of Revenue

Submitting the
revised Rules for the
redemption of assess-
ment on lands already
in occupation, and their
conversion into
freehold.

(Here dated 20th June
1863, No. 3686/-

With the above
letter the Board submit
a draft of revised
Rules for the redemp-
tion of assessment on
lands occupied by
buildings &c. -

2. The only modifi-
cations the Court con-
sider necessary are
the following -

3. In rule 3 they would
include lands brought
under the new rules sub-
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the

The decision which they are held provide for enfranchisement. The rule might run thus "Ivann lands, and lands purchased, under the rules dated respectively 6th, 7th, and 9th March 1863 Nos 478A, 482A, and 488A for the sale of Waste Lands on the Nilgheries, and Shervaroy and in the Wynad Taluk of Malabar, will be dealt with according to the decision under which they are held, and will not be affected by these Rules. Gramma Pattam land is also excluded from their operation -

4. On further consideration the Govt considers that the rate of redemption under rule IV should be 25 times the full assessment. The favorable terms temporarily granted in
Cowles

Cowles are for a specific purpose - such as the experimentation of growth of a special product, or the expense of clearing - and that they are sufficient for that purpose is shown by their being accepted. There is no good reason therefore for their being taken into calculation in redeeming the assessment or placing the holders of such temporary advantages permanently in a better position than those who from the outset pay full assessment. No person holding land free of assessment for 7 years would be entitled to redeem the assessment at 18 years purchase only -

5. The Board's proposal to continue the issue of permanent title

little piece reserving
the usual annual tax
or Quit Rent (as pro-
vided in the old rules)
for lands of which the
assessment is capable
of being redeemed at op-
tion is approved -

6. The similar privi-
lege in respect of culti-
vated lands in the co-
town of Madras need
not be continued - no
advantage having
been taken of it by the
people -

177

14 Copies Collected by Rev. Mr. [unclear]

Copy in a letter to Congress
of 9th September 1863

Received 15th Sept 1863
Pro: of Govt for July.

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24-11-20
15. 6. 93
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To 1870.
Pro: of the London Post
27th 16th July 1863.

16-6-60

From Board of Rec
27th 29 July 1863 no 1821

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No 318539

Draft of revised
rules for the redemption
of Government on lands
occupied by building
+ 200 renewed -