

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1400	Press
500-501	Mis.
Dated 28-7-1918	

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
28th July 1863.*

No. 500. Read the following Proceedings of the Board of Revenue, dated 9th July 1863:—
Read the following letter from CLEMENT DALE, Esq., Government Pleader, Madras, to
W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Madras,
27th June 1863, No. 73.

Sir,

1. I have the honor to acknowledge the receipt of the
Proceedings of the Board of Revenue, 24th June 1863. Proceedings noted in the margin, and as the term "Title
Deed" conveys no definite meaning, I have to request that

I may be favored with some more specific instructions, to enable me to prepare the desired Deed
to Mr. James McIvor.

2. I shall require to see the rules under which the Deed is to be granted, and if to those
rules no forms are attached, it would be desirable that I should be furnished with copies of
Deeds heretofore adopted by Government for similar cases, when I would endeavour to prepare
the proposed Deed as closely in conformity with such forms as I found practicable.

3. I was under the impression that one of the forms prepared by me for appending to the
rules recently passed by the Governor in Council would, with slight modifications, have answered
the purpose, but I conclude I am in error as I am requested to prepare a special form.

4. If the new Deed is to contain any of the conditions inserted in the instrument under
which Mr. James McIvor at present holds, I should be furnished with a copy of that instrument.

5. I should have before me a *summary* of the terms, conditions, provisions, &c., &c., to be
inserted in the proposed Deed.

1. The Board regret that by a clerical error the date of the Government order containing
the terms on which they consented to allow Mr. McIvor to retain the Kartairy property was
given as 26th February 1863 instead of 1862 in their Proceedings dated 24th June 1863.
Paragraph 7 of the Government Order expresses those terms, and in the Board's Proceedings of
16th April 1862, No. 2,531, Mr. Dale was informed that the end of April 1854 was the date
from which the four years of free tenure were to count. Mr. McIvor or his representatives
being liable to pay a quit-rent of one Rupee per Cawny on the whole extent of the land from
the end of the fourth year, and on that condition being at "liberty to make what use he pleases of
the land and timber on it."

2. The Board observe that the terms of the original lease for the Ootacamund portion of
the grant to Messrs. McIvor were that the land was leased for twenty-five years, of which the
first ten years were to be free, with the exception of the "Goodoo" of one Anna per Cawny to be
paid to the Collector for distribution to the Todas, and that after ten years one Rupee per Cawny
of land broken up was to be paid annually in addition to the Goodoo. The lease was renewable
after twenty-five years, on condition that the whole extent of the land and not merely that under
the plough should become subject to the ordinary rates of assessment in addition to the
"Goodoo" improvements not being taxed.

3. The lessees were incompetent to sell, mortgage, or alienate the land, and the terms of
the lease were generally in accordance with the rules laid down in the Manual of Rules for
grants of land on the Neilgherries, published in the Appendix to the 1st Volume of the Board's
Circular Orders.

4. From the letter from the Collector of Coimbatore, dated 7th January 1853, the Board
presume that a lease on these terms was actually issued to Mr. McIvor for the Kartairy land, and
that a plan of the ground was annexed to it, but whether the Todas had any right to receive
"Goodoo" for this land does not appear.

5. The Board understand from the Government Order of 26th February 1862 that the
restriction against alienation is abandoned under the new arrangement, but it is not expressed
whether the Goodoo of one Anna per Cawny of the whole grant is to be levied for the Todas in
addition to the quit-rent of Rupees 934 (the extent of the Kartairy grant being 934 Cawnies,

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4 Grounds and 1,789 Square feet), nor is there anything in the correspondence to which the Board have referred to show whether this condition of the original lease has ever been enforced. The point will be referred to the Government for decision and to the Collector for report, and Mr. Grant will at the same time state whether this reservation of one Anna per Cawny, fixed by Government in their Order dated 7th May 1852 as the Goodoo payable to Todas for all lands taken up by settlers on which the former can make out a clear title from prior use and occupation for pasture and which was in all cases to be collected by the Collector from the lessees and distributed by him to the Todas, has been subsequently and duly maintained in all cases, or whether any payments on this account are made to the Todas out of the sums received by Government for lands taken up by settlers on which the Todas can establish a priority of claim.

6. The Board have not Mr. McIvor's Memorial before them, but from paragraph 5 of the Government Order of 26th February 1862, it may be inferred that his proffer of an "uniform assessment of 1 Rupee per Cawny," which expression was adopted by Government was intended to express a quit-rent in full of all demands.

7. The above points need to be decided authoritatively and an exact description of the Kartairy land is required for insertion in the lease which the Collector will be required to furnish, but the Draft of the form need not to be deferred till this last information is received.

8. It appears to the Board that if they rightly infer that the new grant is intended to be absolute, one of the forms attached to the Rules for the sale of waste land on the Neilgherries, dated 6th March 1863, Government Order No. 478A, may be modified so as to suit this case, but the question as to the "Goodoo" must be decided by Government before the amount of annual quit-rent can be inserted.

No. 501.

ORDRE THUKON, 28th July 1863, No. 1,400.

1. The Government assessment of 1 Rupee per Acre is altogether irrespective of the "Goodoo" if any such be payable on the land.
2. The form of Title Deed mentioned by the Board will answer with some slight modifications as they propose.

(True Extract.)

(Signed) J. D. SIM,

Secretary to Government.

To the Board of Revenue.

Exd. S. T. Augustin.

No. 1400. 3

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The form of Title deed mentioned by the Bd. will answer with some slight modifications as they propose

JDS

*From Mr. George
28th July 1863.*

14 Copies to the Bd. Rev. 29th July

Pro 25 Sept/57 no. 3-4 -
 7 May/52 n-3-4 -
 26 July/62 n-528-529 -
 7 June - 107-108 -
 16 March/63 - 668 -
 5 May - " - 25-26 -

Revenue 1863
 Pro: of Gouty
 Proceedings of the Board of
 Revenue.

8-3-71

Dated 9th
 Sept-9 } July 1863.
 No 100.5

Noting the several
 points on which an authori-
 tative decision is needed
 regarding the East India pro-
 perty on the Nilgeries
 leased to Mr. McSiv, and
 for which a new lease is
 now to be granted.

N. No. 28 July
 With an order

N. 3. 5. 11

c 25 July/63. R. 0. 5