M.R.O. 14—13,000—27-9-24.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 2150 Press ~~Mis.~~

386. 381

Dated 27—11—~~19~~ 1863

Not to be folded or roughly handled

Read the following papers:—

No. 380. From P. GRANT, Esq., Collector of Coimbatore, to J. D. SIM, Esq., Secretary to Government, Revenue Department, Fort Saint George, dated Coimbatore, 17th November 1863, No. 77.

SIR,

1. I have received Proceedings of Government, Revenue Department, and their Order thereon, dated 5th November 1863 No. 1,990, and as directed in paragraph 5 thereof, have enquired into the claims of the Burghers.

2. The Sholas in which Mr. McIvor has been working and the land claimed by the Burghers lie immediately behind the Government Gardens, on the north-east face of the hills, which there form a horse-shoe shaped valley, admirably protected from the south-west monsoon. The Sholas lie in the deepest part of the valley, and extend from the top of the hills on one part to about four-fifths of the way down the valley, the other fifth forming the bottom of the valley which is claimed by the Burghers, whose lands extend from that point to their villages distant nearly, if not quite, 2 miles. I have enquired into the Burgher's claims, and believe them to be good, the land is and has been held on Ain Grass Tax, and sooner than forego their claims the Burghers are prepared to pay full tax on the lands. In the villages adjacent to the Doddabetta range there are several hundred Buffaloes, and the great value of the land in question arises from its sheltered position, and the fact that being good soil it yields pasturage when other parts of the hills are burnt up. A swamp also which lies in another part of the land enclosed is valuable in the hot season when water becomes a *sine qua non* for Buffaloes. I have been over the land carefully, and think that that portion of it in which the swamp lies and the land in the bottom of the valley below the Sholas must be excluded from all Government operations as being the property of Burghers. It would have made the plantation more complete could these lands have been included, but after all their extent as compared with what is available for Government purposes is limited, and the natural boundary of the plantations is very good, they will be embraced by and extend to the crest of the hills. Mr. McIvor has carried out extensive operations in the Sholas, and I solicit the sanction of Government to hand them over to him. The boundary on their lower side, separating them from the Burgher lands, I can point out to him when I next visit the hills. On personal communication with Mr. McIvor I learn that the steps taken by him with regard to these Sholas and lands, were so taken with the best intentions as regards Government interests, and under the misapprehension, that as he was carrying out a Government work, all Government lands on the hills were at his disposal without any previous sanction of Government obtained through the Collector being necessary. Having acted under this impression he is most anxious that Government should be disabused of any idea that he acted intentionally in an arbitrary manner, which from the conversation I have had with him I believe not to have been the case. Mr. McIvor's letter in reply to mine of the 27th ultimo, No. 516, was, as he has told me, written just after he had returned from Nedivuttum, where the Chinchona plantations had been damaged by the late heavy storm, and when on his way home he had at considerable risk to his life to swim several nullahs. Under these circumstances it was despatched without that consideration which it would otherwise naturally have received, he being at the time tired in body and distressed in mind at what had taken place at Nedivuttum.

No. 380A. From W. G. McIVOR, Esq., Superintendent Government Chinchona Plantations, to J. D. SIM, Esq., Secretary to Government, Revenue Department, Fort Saint George, dated Ootacamund, 16th November 1863, No. 105.

SIR,

1. With reference to the Order of Government No. 1,990, under date 5th November 1863, I have the honor to observe that, at the time of forwarding my letter of the 30th ultimo, I was not quite aware of the nature of the charges preferred against me, and in consequence my letter did not convey an explanation sufficient to satisfy Government, which otherwise the facts of the case would have enabled me to do.

2. I have not had the honor to receive copies of the communications numbered in the Order of Government above noted, but gather from the endorsements, and the Minute itself that it has been impressed upon Government that I have taken up this land without the knowledge or sanction of Government, in disregard of standing rules, and also without the permission of the Collector. These charges I respectfully proceed to meet in detail.

3. In my report to Government on the Chinchona Plantations for 1861-62, paragraph 19, I had the honor to bring to the notice of Government that "the site at Doddabetta is limited, being "originally but a little above 60 Acres; however since the receipt of the Chinchona Crespilla, "we have included in this site about 25 Acres more, as being likely to suit the habits of this "species; and I trust that this arrangement will meet with the approval of Government." Again

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at paragraph 44 of the same report I had [illegible] to observe, with reference to the Dodabetta Plantation, "that the whole of this site will be prepared by the end of May, when with the "approval of Government, we will proceed to pit and trench the 25 additional Acres on this site "intended for the cultivation of Chinchona Crespilla." The propositions submitted in this report met with the approval of Government in their Order No. 2,259, dated 22nd October 1862.

4. In my report for 1862-63, paragraph 14, I again had the honor to bring to the notice of Government, that "on the Doddabetta Plantation the 55 Acres originally prepared have been "planted, and about 30 Acres on the second Doddabetta site is also in course of preparation," and thus I considered, that the extension of the Doddabetta Plantation, and the object for extending it was definitely brought to the notice of Government, this extension being also estimated for and sanctioned in our Budget Estimates. The term "the second Doddabetta site," refers to the land the subject of the present reference, but from what has now happened I suspect that the Government understood it to refer to the land adjoining or forming part of the upper portion of the Government Gardens, Chinchona Plantations, and that holding this opinion, they now imagine that I am extending the Plantations without any previous notice being given to them of the proposed extension.

5. The operations have still been progressing on this land, and may at the present time extended over 90 Acres more or less prepared for cultivation, but, beyond this nothing has been done, farther than making roads, and marking off by "a trench" the land intended to be reserved, in the manner suggested in the letter of the Revenue Secretary to Government, forwarded for my information by Mr. Grant. This trench includes an extent of land (intended at a future date for the growth of Chinchona Lancifolia) as yet unmeasured, and untouched, of perhaps 400 Acres, and it is on a small portion of grass land included in this extent that the Burghers advanced claims; but no claim has ever been advanced to the two Sholas in question.

6. It is true that I have brought into cultivation a portion of the land above referred to, without the specific permission of the Collector, but if I am justly liable to censure for having done this, it is not applicable to this site alone, but to all that we have done from the commencement to the present moment, as not one inch of land has been transferred to us by the Collector on account of the Chinchona Plantations, neither has it ever been intimated to me that such was necessary until the receipt of the Order of Government under reply, and I naturally concluded that the Chinchona Plantations being Government property was, in a Revenue point of view, as much under the Collector as any Government lands in the District.

7. I respectfully beg to apologize to the Government and Mr. Grant for any expression in my letter which may have been considered intemperate. The letter of the Collector to which mine was a reply, reached me at a moment when I was much harrassed in repairing damage sustained by the Plantations during a heavy storm, and in taking precautions to secure it against farther injury, and consequently my letter did not receive that consideration which under other circumstances it would have done. Erroneous it may may have been, but at the moment of perusing the Collector's letter, three points were forcibly impressed on my mind, viz., that the communication was calculated to convey to Government an erroneous idea with reference to the position of facts, while directing me to suspend all operations at a moment's notice conveyed a principle of interference which might lead to consequences highly injurious to the undertaking; and I especially felt that the fact of the Tahsildar informing Mr. Grant prior to investigation, that the Burghers had good claims on the land, placed me in a wrong position, inasmuch as the Tahsildar, being the highest local Revenue Officer, would have to investigate the said claims, and the tendency which must necessarily exist in the investigation for the Tahsildar to make good his first assertion.

8. I am unwilling to trouble the Government with extended observations on this subject, and trust these brief remarks will prove satisfactory, and remove the impression that I have acted without the knowledge of Government and in disregard of standing rules.

No. 381. ORDER THEREON, 27th November 1863, No. 2,150.

1. These letters refer to the land lately annexed to the Dodabetta plantation by the Superintendent of the Chinchona Plantations, and regarding which explanation was called for in G. O. dated 5th November 1863, No. 1,990.

2. As directed, the Collector has enquired into the claims of the Burghers to part of this land, and he considers them valid. The extent of land so claimed seems to be about one-fifth of the tract selected, but does not include the Sholas, which will therefore be at once made over to Mr. McIvor. Judging from Mr. Grant's description of the land claimed by the Burghers, its purchase seems unnecessary for Government purposes.

3. Mr. McIvor in his letter explains the circumstances which led him to suppose that he was at liberty to take up the land in question. The papers to which he refers are his Administration Reports. In the first he mentioned having included 25 Acres of fresh land, but the Order of Government* on the Report expressly mentions only the original extent of 60 Acres. In the second Report† he alludes to the "second Dodabetta site" of which 30 Acres were in course of preparation. It is obvious that statements of this nature in a general Administration Report are not sufficient, an express application should have been made for permission to extend the plantation. To prevent any misunderstanding on this point in future, the Government resolve to intimate to Mr. McIvor that he is not to take up land for his operations under any circumstances without their express sanction conveyed through the Collector.

* G. O. 22nd Oct. 1862, No. 2,259, Para. 3.
† G. O. 30th July 1862, No. 1,419.

4. The Government accept Mr. McIvor's explanation as to the tone of his letter to his Collector, noticed in paragraph 4 of their Order of 5th November last, No. 1,990.

(True Extract.)

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

To the Superintendent Government Chinchona Plantations.
" Collector of Coimbatore.
" Board of Revenue.
" Conservator of Forests,

Exd. S. T. Augustin.

Revenue Department

A. L. P. 9582 - 23/25

These letters re-
fer to the Land Valuation
annexed to the Sodabella
plantation by Wm. McIvor
and regarding which
explanation was called
for in G.O. 5th Nov. 1863
No. 1990.

Wm. Grant has
enquired into the claims
of the Burghers to part
of this land, and con-
siders them valid. The
extent of land so claimed
seems to be about 1/5 of
the tract selected, but
does not include the
sholas which can there-
fore be at once made
over to Wm. McIvor re
Judging

Judging from Mr. Lau's description of the land claimed by the Purchaser, its purchase seems unnecessary for Govt purposes.—

Mr. McIvor, in his letter explains the circumstances which led him to suppose that he was at liberty to divide up the land in question. The letters to which he refers are his administration reports. In the first he mentions having included 25 acres of fresh land but the order of Govt on the report expressly mentions only the original extent of 60 acres. In the second report he alludes to the "second subdivision" of which 30 acres were in course of preparation. It is obvious that statements of this nature, in a general administration report are not sufficient. an express application should have been made for permission to exclud the plantation — and this course should be followed in future.—

Mr. McIvor's explanation as to the tone of his letter may, I presume, be accepted. There is no room to suppose that Mr. McIvor has not acted with good intentions & Govt have already said that they give him "full credit for wishing to do the best for their interests."

I concur in the Memo.

Do. [illegible] Mr. McIvor's explanations [illegible] dictated from [illegible] Land for this Depn. Orders requested [illegible] circumstances without [illegible] this application [illegible] Govt. [illegible] Colln. [illegible]

Revenue Department

No. 2150

Proceedings of the Madras Govt. under date the 27th November 1863

Read the following papers

From the Collr. of Coimbatore

Reporting on the Claims of the Burghers on a portion of the land upon which Mr. Mc Ivor has lately commenced operations for a cinchona plantation, at Ootacamund. (Here enter 17th Novr. 1863, No. 1771)

From the Supdt. Govt. Cinchona Plantations

Submitting further explanations with reference to the land resorted and brought into cultivation on the 2nd Sodaletta Site. (Here enter 16th Novr. 1863, No. 1764)

Draft according Immediately

1 These letters refer to the land lately annexed to the Sodaletta plantation by the Superintendent of the Cinchona

plantations, and regarding which explanation was called for in L.D.'s 5th November 1863 No 1990.-

2. As directed, the Collector has enquired into the claims of the Burghers to part of this land, and he considers them valid. The extent of land so claimed seems to be about one-fifth of the tract selected, but does not include the kholas - which will therefore be at once made over to Mr Mc Ivor - pursuing from Mr Grant's description of the land claimed by the Burghers its purchase seems unnecessary for Govt purposes.-

3. Mr Mc Ivor in his letter explains the circumstances which led him to suppose that he was at liberty to take up the land in question - the papers to which he refers are his administration reports. In the first he mentioned having included 25 acres of fresh land, but the order of Govt on the report expressly mentions only the original extent of 50 acres. In the second report he alludes to the second 50 adjoining which 30 acres were in course of preparation. It is obvious that statements of this nature in a general administration report are not sufficient - an express application should have been made for permission to enclose the plantation - Be-

L.D. 22nd October 1863
No 2,209 para 3.-

L.D. 30th July 1863
No 1419.-

prevent any misun-
-derstanding on their
point in future the
Govt to intimate to Govt that his not to take
Govt resolve pursuant
-to it interdict the Govt
the Govt from taking
up land for his opera-
-tions under any cir-
-cumstances without
their express sanction
Govt conveyed through
the Collector.-

4. The Govt accept
Wm the Govt's explanation
as to the tone of his letter
to the Collector noticed in
para 4 of their Order
of 5th November last
No 1990.-

Ltr

1 Copy to the Supdt Govt Chirs Plantations
1 " Collr of Combatore Dept Supdt & Revr
1 " Bd of Revr
3 " Govt of Travancore

Revenue 1863 Jan.ry
Pro:s of Govt for a Year

No 2150.

Pro:s of the Madras Govt.
Dt 27th Nov.r 1863.

From the Coll.r of Coimbatore.
15 Aug.t 1863 - A2267.

Rd No. 50 655
5-11-63
~ 537-538
30-7-63

Rd No. 274-276
22-10-62
~ 165-166
11-7-62

Reports of the Collector of Pindalore and Mr. Mc Ivor on the Claims of the Govt thereon a portion of certain land annexed to the Dodabetta Plantation, with Orders thereon.

No 380-380A & 381.