M.R.O. 14—13,000—27-9-24.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 76 Press ~~Mis.~~

168.169

Dated 16-1- ~~19~~ 1864

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 14th January 1864.

No. 148. Read the following letter from P. GRANT, Esq., Collector of Coimbatore, to J. D. SIM, Esq., Secretary to Government, Revenue Department, Fort Saint George, dated Coimbatore, 19th December 1863 :—

SIR,

1. I have received the Proceedings of Government and their Order thereon, dated 4th July 1863, No. 1,193, forwarding the lease and counterpart to be executed by Mr. H. D. Rae for the 240 Acres of land granted to him at Sholúr for Tea cultivation.

2. In reply, I beg to report that I am in daily expectation of receiving the plan of the land from Major Farewell. I saw it on the 12th instant, when a slight alteration remained to be made ere it could be transmitted to my Office, meantime I deem it right to bring to the notice of Government for their consideration and orders the following point.

3. In page 6 of the lease it is stated " and further that he the said Secretary of State in " Council of India, his successors or assigns will at any time after the expiration of the said " first seven years of the said term hereby created at the request, costs and charges of the said " Rae, his Executors or Administrators, he and they well and truly observing " and performing the covenants, conditions and agreements hereinbefore contained, and on his " or their part to be observed and performed, and paying the said rent hereby reserved and " made payable, demise and lease unto the said Rae, his Executors or Adminis- " trators such further and other pieces or parcels of land and premises at Sholúr aforesaid not " exceeding on the whole Acres of grass or meadow land and Acres of wood or forest land," &c., &c." This passage implies that no further grants besides the original 240 Acres should be made until after the expiration of the first seven years, but from the Orders of Government noted in the margin,* I presume that Mr. Rae may be allowed to extend his holding when the success of his experiment has been established, be it before or after the expiration of the first seven years. If this view is correct, the lease† and counterpart† will require revision. I would also point out that a right of way (of old standing) through the land now held by Mr. Rae exists, and should be provided for in the lease. It runs through the entire extent of the Sholúr valley, and is and has been used by both man and cattle from time immemorial, in fact it is the only way of getting from the Pycara road leading to Ootacamund to the Burgher village of Sholúr to the north of Mr. Rae's Estate. The Proceedings‡ of Government under reply were received so long ago, that I think it right to offer some explanation regarding the delay, and in view to this end, I beg to forward copies of a letter addressed to me by Mr. Rae, dated October 2nd, and of my reply, dated 6th idem, from which you will learn that the subject of his land engaged my attention in August ; since July I have been obliged to visit the land no less than three times in view to the settlement of the boundaries generally and of the land (52 Acres) to be taken up by Mr. Rae to make up the 240 Acres originally granted to him by Government. On going out to the land (in August or September) I settled with Mr. Rae that a certain portion of land lying between the road leading to his plantation and the nullah passing through the plantation and forming a compact block should be measured in such a manner as to give him the 52 Acres required to make up the total sanction of 240 Acres, but instead of having the survey carried out in the above manner, to my surprise I learnt that a narrow strip extending up the valley and embracing the Sholah had been surveyed. The orders of Government being to the effect that lands on the hills taken up by Europeans, &c., are to be in a compact form, I was unable to admit the survey. Mr. Oakes was to have altered it, but unfortunately before he did so, he met with his untimely end. However, I have pointed out to Major Farewell the alterations required, and he is having them made on the original survey, which I expected would have reached me ere this, but as it has not yet been received, I will not delay the transmission of this letter any longer. On receipt of the survey it shall be forwarded with a letter explanatory of the alterations.

* Government Order, 23rd August 1860, Revenue Department, No. 1,422, paragraph 7.
Do. 23rd October 1862, No. 2,266, paragraph 3.
Do. 5th February 1863, No. 245, paragraph 3.

† Enclosed.

‡ Dated 4th July 1863.

Proceedings of the Madras Government, Revenue Department,
14th January 1864.

No. 149. ORDER THEREON, 14th January 1864, No. 76.

1. The Government do not see that the Deeds in any way preclude Government from granting additional land at any time, if they think fit to do so. The specification of a maximum extent should however be omitted, as it rests entirely with Government to decide what extent shall be allowed, and the maximum extent now entered may not be available when the success of Mr. Rae's experiment is fairly established.

2. As to the second point, the entry of the reserved right of way on the Plan will perhaps be sufficient; but Mr. Boyson's opinion will be taken on this subject.

(True Extract.)

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

To the Collector of Coimbatore.
„ Board of Revenue.
„ Government Solicitor.

Exd. S. T. Augustin

To.
P. Grant Esqr
Collector of Coimbatore.

Sir
Ootacamund 2d October 1863

With reference to para 3 of G.O. No. 2465 of the 5th February last I beg how to ask for the "any (land) adjoining his my present lot which he I wishes to have in consequence of a portion of the latter flowing as alleged by him me unfit for Tea Cultivation."

2. What portion is unfit is fully entered into my letter which is embodied in these Proceedings of Government which result in the above G.O.

3 The para: alluded states that this land can be granted at once by Govt, but that the other promised extensions must be awaited for till "the my Experiment proves successful", and you state now that the subject of these last named extensions cannot be entered into till the case of my grant has been signed. But it appears from the accompanying letter from the Government Solicitor that the Lease (issued from his office four months ago) has not yet been returned to him for correction.

may I therefore beg that the 90 acres I now write for be kindly solicited from Government as soon as Conveniently practicable, that I may extend my operations ere close this monsoon and that my arrangements may not be interfered with by the delay which now appears imminent ere I can get the extensions that have been alluded to and long since applied for?

1, These 90 acres adjoin the land. Lately pointed out to you at the head of the valley, and is to the South East, & the fast was also pointed out to you (which you may remember) as land that would also be wanted - I mean the little valley immediately to the South East & adjoining the Spot where I wished you "Good Bye"

5 It has been demarcated and its area has been kindly roughly computed by Mr Baker at 90 acres, and he states that he could survey it Easily in a day.

6 I have been careful to avoid Soda claims and confine myself strictly to Government waste. This land could be Amalgamated with the 1240 Acres grant, and come under one Lease - as a grant of 330 Acres 90 Acres being rocks &c unfit for Tea.

I have the honor &c.

Signed H. D. Rae.

True Copy

Rae
Collector

Enclosure

Coimbatore Collectors Office
6th October 1863

From

P. Grant Esqr.
Collector of Coimbatore

To

W. D. Rae Esqr.
Cotacamund

Sir

I have received your letter of the 2d Instant.

When I saw you last at Shoolur it was agreed between us that your Northern boundary was to run up a Nullah to the foot of the hill on the East, that about 12 acres (I speak from memory) of land on the South west boundary were to be excluded from the plan made by Mr Williams and included with the 140 acres of land required to complete the 240 acres, the amount of your original grant, thus leaving 52 acres to be added to your Estate - These

I have received a letter from the Collector of Cuddalore 21st Dec. 1863 Cl. No 88

From
W. D. Rae Esqr
Ootacamund.

To, The Collector of Cuddalore
Rec = 8/12/63.

Applying for permission for an extension of his plantation at Ootacamund.

D. 11/12/63

52 Acres it was settled you were
to have on the South boundary
of your Estate, the nullah on the
West and the road on the East
were to form its boundaries - the
Southern boundary was to run
between the road and the nullah.
These boundaries are stated generally,
but I believe you will admit their
correctness well, I now thought
that nothing remained but to
send the Surveyor to Survey the
land within the above boundaries,
and that on receipt of his Survey,
I should have been able to write
to the Government Solicitor -

I am led to understand that
the land has not been Surveyed
as indicated above - The Surveys
I expect daily, and it is only after
their receipt that I shall be able
to address the Government Solicitor,
who will require them in view to
informing himself as to the
necessity or otherwise for certain

changes which I have to propose in
the Conveyance Deed -

If the Surveys are incorrect, the
whole work will again be thrown
back, and I shall be really sorry
if such be the case both on your
and my own account, for I thought
the matter had been definitely settled.

Your request for 90 Acres of
land in lieu of the same Extent in
your present grant found to be unfit
for Tea Cultivation, interposes another
difficulty.

The Government order in virtue
of which the claim is now made
is dated 5th February 1863 and is
9 months old - I can hardly think
that Government ever intended that
such a claim should be admitted
at this distance of time, however
this point will be referred to them
for decision - as well as the question
whether in the event of the 90 Acres
being granted, a like quantity of
land will have to be excluded
from the land you now hold,
I believe that all these points

will have to be decided and a Survey of the land actually held made, ere the Conveyance Deed can be Signed - The draft of my letter to accompany the Survey and Conveyance Deed to Chadras has been ready since the beginning of August - I mention this to show that it is no fault of mine that your business has been delayed.

I have the honr to be
Sir
Your most Obt Servt
Lovell P Grant
Collector

/True Copy/
P Grant
Collector

In a letter from the
Collector of Coimbatore
of 19th Decr 1863 No 88

From
The Collector of
Coimbatore
To
F. D. Rae Esqre
Cotacamund.
Rev: 3128/63.

States that the
subject of Mr Rae's land
engages the attention
of the Collector in
August 1863 but the
delay has been owing
to the land not having
been surveyed as
before agreed—

No 11 Revenue Dept
Oct 5
Nos 1118-1119

Pro 23 August /60 No 284-285
23 Octr — /62 — " 289-294
5 Feby — /63 — " 45-46
4 July — " — " 86-87 —

Decr 63 Rev: Department
Pro: of Govt for 14 Jany /64. No 78.
From The Collector
To The Secretary to Government
Coimbatore
Dated 19th December 1863
Recd 22nd
No 88
With 4 Enclosures
Brings to the notice of Government certain points connected with the land granted to Mr. H. D. Rae for Tea cultivation at Sholoor—

S.O No 76. 14 Jany

From Colly of Coimbatore
7/9 March/64 No 257

Copy with the Regr Recd sent to the Cl Solicitor 14 Sept/65

No 148.

Revenue Department

No 76.

Proceedings of the Madras Government under date the 14th January 1864—

Read the following letter from the Collr of Coimbatore—

Bringing to the notice of Govt certain points connected with the land granted to Mr H. D. Rae for Tea cultivation at Sholoor—	(Here enter 19th Decr 1863, No 88)

The Govt do not see that the deeds in any way preclude Govt from granting additional land at any time, if they think fit to do so— The specification of a maximum extent should however be omitted as it rests entirely with Govt to decide what extent shall be allowed and ~~any ex-~~ the maximum extent ~~teut~~ now entered may not

not be available, when the success of Mr. Reed's experiment is fairly established -

As to the second point the entry of the reserved right of way on the plan will perhaps be sufficient - but Mr. Boyton's opinion will be taken on this subject -

14 Chyste the Bd of Rev. Disp. 15
1 — Coln of Coimbatore vs
3 — Govt Solicitor with Paid Hunterpasha vs

Revenue 1864 Dept.

Pro: of Govt for Jany:

No 76.

Pro: of the Madras Govt

Dft 4 January 1864.

Rec'd Mar 16

Letter from the Collr of Coimbatore with Petn subject of granting Lands to Mr Rae for Cultivation, with orders thereon.

No 148 & 149.