

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1132

Press

Mis.

494-495

Dated

29-5-1863.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
29th May 1865.*

No. 494. Read the following Proceedings of the Board of Revenue, dated 5th April 1865, No. 1,857.

Read again letter from General CLEVELAND, dated 24th February, 1865, in Board's Proceedings, 7th March 1865, No. 1,302.

Read also the following letter from P. GRANT, Esq., Collector of Coimbatore, to R. A. DALYELL, Esq., Acting Secretary to the Board of Revenue, dated Suttimungalum, 17th March 1865, No. 44 :—

1. I have received Board's Proceedings of the 7th instant, No. 1,302, and in reply, beg to report that the land alluded to by General Cleveland comprises three different blocks purchased by public auction several years ago under the Manual of Instructions for the disposal of applications for lands upon the Neilgherry Hills, sanctioned by Government, 19th December 1849, in Consultation 7th January 1850, Revenue Department, No. 1,213,—*vide* Board's Circular Orders Book, Volume I., page 583. The particulars of the blocks sold are as follows :—

				CS.	GS.	S.	FT.
One	block	containing	an estimated area of...	10	9	35	
One	do	do.	...	4	0	0	
One	do	do.	...	5	0	0	
				19	9	35	

The first block was purchased by General Cleveland in November 1851, and the second in February 1855, while the third block was first purchased by a Mr. Lowry in January 1856, and subsequently transferred by him to Mr. Rohde, and by him to General Cleveland. These three blocks now constitute the property under notice. A great portion of the land was not officially surveyed until lately, and consequently the purchasers were not furnished with the leases prescribed in the Manual immediately after the sale; the quit-rent has been paid ever since to Government. General Cleveland having occasion to transfer the property to Captain Fuller, applied to me for an official survey of the land and a lease. The survey was accordingly made, and a Deed of Lease was issued in the name of General Cleveland in October 1864, according to the printed form furnished by the Board of Revenue in 1850, with reference to Rule 19 of the Manual above quoted. This form was adopted because the Board lately ruled, in a similar case, that the Deed of Title must be drawn in the

See Board's Proceedings, 1st July 1864, No. 4,068.

form that was in force when the land was leased by Government. General Cleveland raised no objection to the stipulations and conditions contained in the Deed, and signed the counterpart, (to be returned,) which is herewith submitted for the Board's inspection. Some days ago Captain Fuller, the present proprietor, raised objection to that part of Clause 9th of the Lease, wherein it is laid down that when the full term of ninety-nine years shall have expired, the land leased with any buildings on it will revert to Government, and requested that it might be struck out. I replied that it was impossible for me to alter in any way an original Deed conveying property to General Cleveland, and that he must look to him for any thing to be done. The latter gentleman has now petitioned the Board on the subject, and it is for the Board to decide whether the clause objected to in the Lease should stand, or be struck out. So far as my office is concerned, no deviation has been made from the form sanctioned by Government.

2. I take this opportunity of bringing to the notice of the Board that there are several blocks of land sold under the old Rules, for which no Title Deeds have ever been issued, and I request the Board's orders as to whether, in the event of their owners now wishing to obtain Deeds of Conveyance from Government, the old form of lease should be adopted, or whether a permanent Certificate, subject to the payment of annual assessment in the form which accompanied the Board's Standing Circular of 12th September 1863, No. CXXII., (Board No. 5,749,) may be given.

*Proceedings of the Madras Government, Revenue Department,
29th May 1885.*

ENCLOSURE No. 1.—Counterpart of a Title Deed.

1. Resolved that the letters recorded above be submitted for the consideration and orders of the Governor in Council.

2. It will be observed that the Title Deeds of several properties on the Neilgherry Hills, among others those of General Cleveland, who has now addressed the Board, were not made over to the purchasers of the properties at the time of purchase. The Board ruled in their Proceedings noted in the margin, a copy of which will now be submitted to Government, that, in a similar case, the form of Title Deed, which was in force at the time of purchase, should be adopted, and Mr. Grant followed the same course in General Cleveland's case. The General, or rather the person who has purchased the land from him, now objects to one of the provisions of the Deed, under which the land and the buildings upon it will revert to Government in ninety-nine years.

3. The Board consider that neither General Cleveland, nor Captain Fuller who obtained the land from him, has any good grounds of complaint. The land was purchased under certain rules, and, in the opinion of the Board, the purchaser or the present proprietor, whose title is derived from him, cannot expect to receive a Title Deed except in the terms of those rules.

4. At the same time, Government have apparently intended to forego their right of reversion in such cases, by the publication of the rules for the redemption of Land Revenue, under which the holders of all lands on the Hills under old grants may perhaps be permitted to obtain permanent titles.

No. 495.

ORDER THEREON, 29th May 1865, No. 1,132.

Miscellaneous.

1. The Government observe that the case referred for orders in the above Proceedings is already fully provided for by the Rules for the Redemption of the Land Revenue, and the grant of permanent Puttahs, passed in G. O. dated 27th August 1863, No. 1,575.

2. Sections IV. and V. of the Rules, as well as the terms of the form of permanent Puttah annexed to them, expressly contemplate the conversion of terminable gherries, as stated in Rule I.

3. General Cleveland has no ground for complaint at the terms of his lease which agree with the rules in force at the time he bought his land, but every facility that he can desire for improving his position in this respect is afforded by the later Rules above quoted.

(True Extract.)

(Signed) W. HUDLESTON,
Acting Secretary to Government.

To the Board of Revenue.

Exd. S. T. Augustin.

No. 4,068.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 1st July 1864.

Read the following letter from the Collector of Coimbatore, dated 22nd June 1864, No. 131:—

1. With reference to the accompanying copy of letter from J. R. Boyson, Esq., dated 3rd instant, I have the honor to request the Board of Revenue will be good enough to return to my office the two plans forwarded to them with my predecessor's letter of the 26th April 1854, No. 39, and which were not returned with the Extract from the Proceedings of the Board of Revenue, dated 29th May 1854.

2. The two pieces of land to which the plans in question refer, measuring five and four cawnies, were put up to public auction in 1854, and Mr. Lascelles became the purchaser thereof. They were put up to public auction in 1854, and Mr. Lascelles became the purchaser thereof. They passed into other hands subsequently. Mr. Boyson is the present owner of the same, and it is to enable him to identify the land that the plans are now required.

3. Adverting to Mr. Boyson's application for two separate leases for the above two sites, I beg to observe that a reference to the records of this office does not show that any leases were issued in the name of the purchaser, as enjoined in the Manual of Instructions for the disposal of lands on the Neilgherry Hills sanctioned by Government on the 19th December 1848—see Board's Circular Order Book, Volume I, page 533. In issuing the leases now applied for by Mr. Boyson, I request to be favored with the Board's orders as to whether the form prescribed in the order

Ex Mins. Cons. 14th October 1850, No. 956.

noted in the margin, and which was in use at the time the two sites alluded to were sold, is to be adopted, or the form of permanent Title Deed now in use? I think the present form is the one that should be adopted.

ENCLOSURE No. 1.

From J. R. BOYSON, Esq., to P. GRANT, Esq., Collector of Coimbatore, dated Madras, 3rd June 1864.

1. On the 15th April 1856, Mr. Arthur Rowley William Lascelles purchased from Government two pieces of land described as building sites at Coonoor. One of such sites was estimated to contain five cawnies or thereabouts, and the other site four cawnies or thereabouts.

2. Mr. Lascelles paid for these purchases, but never received from your office any grant, conveyance, or other document evidencing his title to them. In a letter to myself Mr. Lascelles said, "The nine cawnies were purchased from Government at public auction, and I have or had a receipt for the purchase money, but the papers have been in so many hands, that I cannot just now lay my hands on it. I can get a duplicate and plan from the Collector and will write for it."

3. These two pieces of land, together with the lands and buildings known as "Woodcote House" and "Woodcote Cottage" were afterwards conveyed by Mr. Lascelles to the Reverend Mr. Lascron of Ootacamund, by whom they were subsequently mortgaged to me.

4. The whole of the properties (viz., "Woodcote House," "Woodcote Cottage," and the two building sites) were afterwards put up for sale at public auction by Messrs. Frank and Co. on the 28th of February 1863. I then became the purchaser of the whole of these properties, and they have since been duly registered in my name in your books, as stated in your letter to me of the 2nd of October last, No. 511.

5. My object in now addressing you is to obtain from you two separate grants for the two building sites above referred to, and for which I have at present no evidence of title as against Government.

6. One of these sites is the hill immediately behind Mr. James Hunter's recent purchase, and upon which he is now building a house.

7. But I am by no means certain as to the locality of the other site, whether it is the site immediately behind that last mentioned nearer to Ootacamund, and which I think very likely to be the case, or whether it is on the other side of the Ootacamund road or elsewhere. The records of your office will of course show this, and I shall feel especially obliged by your having the matter looked into at your earliest convenience, and by your then issuing two separate grants to me for the two pieces of land in question.

8. The "Woodcote property" was surveyed by Mr. Starr on the 2nd of February 1861, and I have a plan of it bearing Mr. Starr's signature and that of Captain Priestley also; the original of which plan, is, doubtless, amongst your records.

(True Copy.)

(Signed) P. GRANT, Collector.

1. Ordered that the Sketch Plans in question be returned to the Collector as requested.
2. The Board consider that the deed of title must be drawn in the form that was in force when the land was leased by Government. The conditions of the lease were not similar to those on which land is now sold under the recent rules.

(True Copies and Extract.)

(Signed) W. HUDLESTON,
Secretary.

To P. Grant, Esq., Collector of Coimbatore, with two Sketch Plans.
Exd. J. Wright.

No. 1,302.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 7th March 1865.

Read the following letter from Lieutenant-General J. W. CLEVELAND, Madras Army, to R. A. DALYELL, Esq., Atting Secretary to the Board of Revenue, dated Somerset House, Bangalore, 24th February 1865:—

I have the honor to request you will bring to the notice of the Board, that paragraph 9 of the Conveyance Deed, executed by Mr. Grant, Collector of Coimbatore, on the behalf of Government, giving Captain Fuller legal title to the property, known as "Inkerman," "Alma," and "Balaklava," three houses built by me, on land called "the Crimea" at Coonoor, Neilgherry Hills. The present deed states, that after ninety-nine years, the land, with all buildings thereon, revert to Government: now, I beg most respectfully to observe, that although the conveyance of this property, has only within the last few months, been made over, by me, to Captain Fuller; the land originally was waste Government property, applied for by me, and purchased by me, at Government public auction seven or eight years ago, under then existing Government rules; so that, I maintain the land and buildings cannot revert to Government on expiry of ninety-nine years; except by non-payment of quit-rent; I should hope quit-rent being regularly paid, the land and buildings remain in perpetuity with the possessor, or the property considerably deteriorates every year. If my views are correct in such an important case, I confidently trust, the Revenue Board will be pleased to cancel so much of paragraph 9 as may tend to deteriorate the value of this property as time progresses; under the circumstance of the land having been bought from Government, prior to the new rules now in force.

Forwarded to the Collector of Coimbatore for report.

(A true Copy and Extract.)

(Signed) R. A. DALYELL,
Acting Secretary.

To P. Grant, Esq., Collector of Coimbatore.

Copy to Lieutenant General J. W. Cleveland.

Exd. J. Wright.

PROCEEDINGS OF THE BOARD OF REVENUE.

No.

1864.

Department.

Rev-975/65.

Received this 1st July 1864.

Dated 1st July 1864.

Despatched

Received

No. 4,068.

Returning Sketch Plans of certain pieces of land in the Coimbatore District, and stating that their Title Deed must be drawn in the form that was in force when the land was leased by Government.

1. The first step is to identify the problem or goal. This involves understanding the current situation and what needs to be achieved.

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the *29 May* 1865.

Read the following
Proceedings of the Board
of Revenue.

Submitting, with remarks,
correspondence relative to cer-
tain houses and land at Foo-
noor belonging to General
Cleveland.

(Received 5th April 1865
No 1857)

The Government observe that the case referred for orders in the above Proceedings is already fully ^{by} provided for the Rules for the redemption of the Land Revenue, and the grant of permanent Puttaho passed in G. O. dated 27th August 1863 No. 1575.

1865.

Department

No.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 7th March 1865.

No 1,302.

Forwarding for report letter from Lieutenant General Cleveland, stating that the property on the Neigheerry Hills purchased by Captain Fuller cannot revert to Government at the end of 99 years.

Engraving. No. 70 of the
D.D. of 1803 to the Army
of 1803. R. D. Butler &
Co. 1803. 1803.

Rev = 975/85.

Section V of the Rules as well as the terms of the form of Permanent Pattah annexed to them, expressly contemplate the conversion of terminable leases into permanent holdings. and the rules are applicable to all lands on the Neilgherries as stated in Rule I.

General Cleveland has no ground for complaint at the terms of his lease, which agree with the rules in force at the time he bought his land. but every facility that he can desire for improving his position in this respect is afforded by the later rules above quoted.

I will be very happy to and to show to him and his agent the evidence of the title for



Case No. 3 - 4
 13-12-49
 10-11
 15-10 - 1850

Revenue 1865 Oct 11
 Dr. of Quota May

An. 1132.

Dr. of the Madras Govt.
 of 29th May 185

1894-1895

Ordering that the
 Quarter's Revenue for
 the Madras Govt. be
 paid to the Madras Govt.
 for the Madras Govt.
 and Revenue and the
 Madras Govt. for the
 Madras Govt.