M.R. O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No.	2519	Press ~~Mis.~~
3-4 Dated	1—10—	19. 1868

Not to be folded or roughly handled

No. 3. Read the following Proceedings of the Board of Revenue, dated 27th August 1868, No. 6,166:—

Read the following letter from the Collector of Coimbatore, to the Acting Secretary to the Board of Revenue, dated 9th July 1868, No. 198.

With reference to the correspondence noted in the margin, I have the honor to forward a Tabular Statement, received from the Acting Special Assistant Collector of Ootacamund, shewing the cases in which the conveyance of land purchased by private parties still remains incomplete, together with an extract from that Statement so far as the three cases marginally indicated are concerned, with my own remarks on the points referred to by Mr. Roupell. I have sent a copy of my remarks to him for his guidance.

G. O., R. D., 28th February 1868, No 545.
Letter from Collector to Board, 30th March 1868.

	Acres.
Mr. Frend	367·46
Carnatic Coffee Company	522·68
W. Hodson, Esq.	38·11

Enclosure No. 1.

Abstract.—Tabular Statement of cases in which delay has occurred in the preparation of Deeds.

Enclosure No. 2.

Abstract.—Extract from the Special Assistant Collector's Tabular Statement, of cases in which delay has occurred in the preparation of Title-deeds.

Submitted for the information of Government, with reference to their Order, dated 28th February 1868, No. 545. The delay in issuing titles has in many cases been inordinate, and is not satisfactorily accounted for.

No. 4. Order thereon, 1st October 1868, No. 2,519.

Land Revenue.

1. The Government agree with the Board of Revenue in considering that the delay in issuing Title-deeds has been inordinate.

2. Until these arrears are disposed of, the Board of Revenue will be requested to obtain a Quarterly Statement from the Commissioner shewing the number of cases on the file, disposed of and remaining.

(True Extract.)

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

To the Board of Revenue.

Exd. S. T. Augustin.

Tabular Statement of cases in which delay has occurred in the preparation of Deeds, with Remarks.

Date of Auction sale.	Name of Purchaser	Estimated or actual area	Amount of purchase money			Remarks.
25th June 1863.	Mr. W. Mullaly	188·32.	7905	10	7	This property formed the subject of reference by the Collector to the Board of Revenue: vide their Proceedings dated 11th November 1867. No 7857. Government sanctioned the assumption alluded to, vide their Order No 2770 dated 22 November 1867. The portion retained by Mr Mullaly will shortly be marked out and Surveyed.
1st Jan.y 1864.	Mr. H. R. Grimes 1st Lot.	Est.d 500.	3500	"	"	Plans for this property were prepared by the D.P.W. These plans were sent by the Under Secretary to Government to have been forwarded to his Excellency the Governor, during his visit to the Hills in 1864, and to have been subsequently lost. Application was made to Major Farewell to furnish copies of the original plans in June 1867. These copies have not as yet been received. The property itself has passed from Mr Grimes' into other hands, and has for some time past after unsuccessful cultivation been abandoned. I have personally conferred with Mr Grimes about this Land. After the receipt of further particulars should be required a separate report will be forwarded.
	2nd Lot.	500	4000	"	"	
Do.	Mr. W. Mullaly.	Est.d 200.	2250	"	"	No records in this office. The Sub Assistant Revenue Survey informs me that after this Land had been privately surveyed, he was directed vide demi-Official communication from the late Collector to make a full Survey and include therein 70 additional adjacent acres after re-demarcation of the entire area by the Special Assistant. Local enquiry after inspection of the site will be made.
Do.	Mr. J. C. Herklots.	Est.d 200	2250	"	"	This purchase consists of dense jungle. It is stated to have been surveyed but no plans exist. Mr Herklots has expressed a wish to exchange it for an equal portion of grass Land in Coonoor. A separate report on the matter will be forwarded.
4th March 1864	Mr. H. R. Dawson	209·51	150	"	"	Plans incomplete, returned to the Survey Office for accurate specification of Land & extent of cost paid & land shown in the plan, as grass, bamboo jungle, forest. Plans should be received at an early date. vide this Office.
13th July 1864	Colonel C. P. Taylor	Est.d 10	45	8		Both these lots are stated to have been surveyed, probably by the D.R.W. both roads and plans exist, drawn up by Mr Sub Engineer Williams - but it does not appear by which of these two lots it is a plan. Further enquiry will be made.
13th July 1864	Colonel C. P. Taylor	10	50	8		
3rd October 1864	Mr Hayne	47·96.	151	"	"	Plans incomplete, streams & cart road - preparation of deeds deferred until this is effected and shown on the plan
5th October 1864	Mr Miller 2 Lots	11.	57			This Land was sold before the Revenue Survey had any thing to do with the Hills. The ground has now been surveyed in the course of the general Survey of the Hill settlement. Application has been made to the Survey department for plans of the Survey alone already made & on their receipt Deeds will be prepared.
6th March 1865	Captain Daly	Est.d 6	31	"	"	Records affording this Land contain little or no information. The land has not been demarcated by the Revenue Survey. It may have been done by the D.P.W. but no plans appear ever to have been furnished. Further enquiry necessary.
12th July 1865	Carnatic Coffee Company	522·60	251	"	"	Messrs Arbuthnot & Co are the Secretaries and Treasurers for the Company. On the Deeds being forwarded to them for Execution in the latter part of 1866, they refused to execute until Government first Explained their send. On this being pointed out as an irregular and unusual course Messrs A & Co desired that they might retain the Deeds until a reference to Government should be made. My predecessor referred for instructions in his letter No 12 dated 13th February 1867 to the address of the Collector and was informed that the subject would be brought before the Board of Revenue. No instructions yet received.
11th Jan.y 1864		163·60	1	4	5.	
Do	Mr. C. L. Brown	92·23	1	14	9	These three properties formed the subject of my letter No 83 dated 1st May 1858 forwarded to the Collector of Coimbatore, in reply to the Orders of Government being obtained thereon.
25th August 1865		29·80	25	9	"	
7th Sept.r 1865	Mr. R. J. Phillips	Est.d 150	201	"	"	This property consists of thick jungle land. A survey was carried out some months ago, but was disallowed as being inaccurate. A second Survey is now all but complete, and plans are shortly expected.
Do.	Colonel C. A. Denison Colonel C. P. Taylor 6 Lots	Est.d 50	125	"	"	Deeds for this property were forwarded to the joint holders Colonel Denison and Colonel Taylor for Execution & letter has been received from the former gentleman stating that the Execution of the Deeds is delayed pending an enquiry by them relative to the advisability of relinquishing the land. A letter has been addressed to Colonel Denison pointing out the necessity for the Execution of the Deeds notwithstanding the relinquishment proposed.
2nd Nov.r 1865	Colonel Cooper	60	300	"	"	The purchaser paid 10 per cent of purchase money and elected to pay balance in 3 yearly instalments. Colonel Cooper is in Europe. Left no power of Attorney, authorising any person to act as his Agent. His nephew at my request has written for the necessary power of Attorney.
1st Dec.r 1865	Kyanaburnum	9·48.	21	"	"	Plans received. Deeds may be prepared.
	Mr. J. Pachterlony	11·14	68	"	"	Deeds for this property were submitted to Mr Pachterlony in June 1867 for Execution. They have not yet been returned by that Gentleman

Govt. of {1868} Madras.

REVENUE.

To

THE BOARD OF REVENUE.

Dated October, 1st.

Recd. *Encl.*

G. O., 1st October 1868, No. 2,519.

OCTOBER.

Nos. 3-4.

Lands purchased by private parties on the Neilgherries.—Delay in issuing Title-deeds noticed. Commissioner to forward Quarterly Statements of the number awaiting disposal.

Tabular Statement (continued).

Date of Auction Sale	Name of Purchaser	Estimated or actual area	Conditional Purchase number			Remarks.
2nd Dec. 1865		4·31.	31.			(i) Deeds for these properties delayed preparation at Captain Berkeley's request till his return from Europe.
Do.	(i)	16·47.	21			
19th Jan.y 1866	Captain Berkeley	4·91		3	3	(ii) These Deeds were received from Government in the month of June 1867. Still retained in Rec. Office for the reasons
22nd Dec. 1865	(ii)	10·23.	1.	3	4	shown.
Do.		10·85.	1	3	3	
	1st Lot.	10·94				Applied for by Mr Blaney and part included in it by Lt. Wilkinson's demarcation. The plans formerly received have been returned to the Survey Office, in order that the portion erroneously included may be cut out.
22nd Dec.r 1865	Mr Blaney	2nd Lot. 4·64	26	"	"	
		3rd Lot. 8·34	310	"	"	
		1st Lot. 5·54	32	"	"	This land was applied for by Lt. Anderson and purchased by Mr Aspinwall. A public road which runs through the property has not been marked out on the plans, and its extent deducted from the total area. The plans have therefore been returned to the Survey Office in order that they may be rectified. Fresh plans promised by Major Hessey at an early date.
Do.	Mr Aspinwall	2nd Lot. 10·14	26	"	"	
		3rd Lot. 8·89.	26	"	"	
	Krishnasawmy Vadiar	43·44.	25	2	"	The first piece being within Station limits should be divided into 2 acre blocks. These two lots have been demarcated and surveyed adjoin each other. Since the sale Government roads have been taken through the land, under the ordinances nearly half the Vadiri area will have to be resumed by Government. The Survey Department have been requested to cut out the portion to be resumed, which shall be pointed out to them, and as soon as the extent thereof is ascertained, steps will be taken for granting compensation, and a report submitted in due course.
Do.	Krishnasawmy Modelly	12·78.	25	2		
5th February 66	Mr Mackenzie	200	40	4	"	Requires re-demarcation.
Do.	Colonel Scott		50	6	"	No reliable accounts concerning this property for licensing - no plan. Local enquiry necessary, Colonels Scott & Lethbridge has been addressed by Mr
Do.	Ramasawmy & Co.	25·66	55	"	"	Plans ready but incorrect. Streams and roads within these properties have not been properly cut out as reserved. Re-demarcation
		48·83.	56	"	"	necessary on account of the roads and streams
15th May 1866.	Soondrum Modelly	Est. 2.	205	"	"	The purchaser elected on the day of sale to pay the purchase money in 3 yearly instalments. The land was sold as an estimated area and before Survey. On the actual area being ascertained and a consequent proportionate reduction being made in the price, purchaser desires that he may be allowed to pay up the balance and obtain a Deed in Form X. has been called upon for payment of balance. money not yet paid.
Do	Ringasawmy Mailvy	41.	202	"	"	Deed in the Form X to be prepared, after payment of certain sums due.
Do	Ponambulum	54	60	"	"	Similar remarks to those attached to Soondrum Modelly's purchase. Ponambulum has repeatedly been called upon for payment of dues. Has not yet paid up.
Do.	Ramasawmy & Co.	10·93	253	"	"	Similar remarks to above.
		7·36.				
Do.	Mr. W. Hodgson.	38·11.	470	"	"	A plan for this property was received from the Survey Office, but was returned for division into lots in consequence of the area being in excess of the saleable in one lot within Station limits. Purchaser elected to pay in 3 yearly instalments.
Do.	Edulgee Framjee	.	441	"	"	This land was demarcated early in 1866, but has not as yet been surveyed by the Survey Department. Accounts cannot be adjusted until the actual extents of the land is not fixed as purchaser has elected to pay the balance of purchase money in 3 yearly instalments
9th July 1866.	Mr. Freud	367·46.	1.	"	"	This property was sold by the late Collector Mr Grant in person. I learn from Mr Freud that on the buying of sale the late Mr Rae set up a claim to nearly half of the extent shown in the Plan of his purchase, which is I believe 2 miles or more from any land possessed by Mr Rae. No record of the disposal of this claim is forthcoming in this Office.
5th October 1866	Colonel W. G. Woods & Co	68½	35	"	"	The new road to Mellir runs through the property. Preparation of Plans delayed till the question of compensation is settled. This compensation formed the subject of my letters to the Collector No 97. 3rd June 1868. requesting Orders of Government upon this matter.
Do.	Messrs Virtue and Tinnichin	Est. 200	50	"	"	This land has been demarcated but not yet surveyed. Messrs. Virtue and Tinnichin have informed me that they have under consideration the question of relinquishing the property. A separate report will be forwarded upon receipt of Messrs Virtue and Tinnichin's application.
Do.	Major Morgan	122.	21	"	"	Demarcated. Rough sketch forwarded to the Survey Department. Plans not yet received in this Office

Tabular Statement (Continued)

Date of Auction Sale	Name of Purchaser	Extent sold for as stated in area	Amount of Purchase Money			Remarks.
1st April 1867.	Gungayee Rao	10·30	717	-	-	Deeds for these properties were executed and sent up for the seal of Government on the 8th November last. They were returned by the Collector on the 18th December 1867 for reasons stated in the Proceedings of the Board No 622 dated 27th January 1868, with a request to prepare fresh deeds. Fresh deeds prepared accordingly. Their execution has hitherto not been effected in consequence of the absence of Gungayee Rao from this Station for the last four months.
		9·41	650	-	-	
		5·63	157	-	-	
Do.	Mr E. B. Thames.	1·33.	13	-	-	This case has already been brought to the notice of Government. vide their Proceedings dated 15th May 1868. Revenue Department.
Do.	Lt Colonel Scott.		5	-	-	Requires demarcation and Survey.
29th July 1867.	Lt Colonel Scott	2·57	11	13	4	Demarcation and Survey completed before the day of sale. No plans yet furnished by the Survey Office.
29th July 1867.	Mr S. Reilly 2 Lots.	1·19	100	-	-	Same remarks as in the case next above mentioned.
		7·72	40	-	-	
26th August 1867	Dasadagayam Pillay		41	13	4	Same remarks as above.
		11·36	210	-	-	
		7·93	105	-	-	
		0·90	50	-	-	
Do.	Mr J. Marden 7 Lots.	1·51	155	-	-	Deeds for this property are ready and await Execution.
		4·18.	100	-	-	
		5·55	85	-	-	
		0·21	90	-	-	
Do.	Karagana Pillay	1·43.	155	-	-	Deeds in form ready and await Execution.

Special Assistant Collector's Office
13th June 1868

R. A. Roupell
Acting Special Assistant Land Collector.

1868

Dept

Enclosed from the Collector of Coimbatore dated 9th July 1868 No 198.

Rec. 28/7/68

Pros. 1st October 68 Ls. Ds. 3.

Tabular Statement of Cases in which delay has occurred in the preparation of Deeds.

Judl Dept No 3211/68

Collector's memorandum

Effected after petitioner's Talookdar's departure

Cases in which delay occurred in the preparation of Title Deeds.

Inclosure 2.

(1)

Extract from the Special Assistant Collectors Tabular preparation of Title Deeds.

Date of Auction Sale	Name of Purchaser	Estimated market area	Amount of purchase money	Special Assistant Col[r]
		Acres	Rds	
1865 July 12th	Carnatic Coffee Company	522. 68	261 .. .	Messrs Arbuthnot & Co Secretaries and Treasurers Company. On this forwarded to them for the latter part of 1866, to execute under Govt. seal. On this being as an irregular and course, Messrs Arbuthnot that they might retain until a reference to Govt. made. By predecessors instructions in his letter 13th February 1867 to the the Collector, and was that the subject would before the Board of No instructions yet

Comb[a]tore
Collectors Office
Comb[a]tore
9th July 1868

E. T. V.

2	3 a	4 R	a P	5	
W. Rodgson Esqr	38. 11.	370	—	A plan of this property received from the Survey but it was returned for visits to Ts in consequence being in excess of that in no lot within the Purchaser elected to pay instalments.	was Office, decision of the area saleable within limits. in 3 yearly
July 4th Mrs Freud	367. 46			This property was sold at Sale Collector Mr Grant. I learn from Mr Freud the day of sale the late set up a claim to nearly extent shown in the plan purchase, which is 2 miles or more from possessed by Mr Rae. of the disposal of this is forthcoming in M	by the person. that on Mr Rae half the of his belief any land to record claim Office.

"and that pendency their reply, Messrs Arbuthnot & Co's letters "may be kept in abeyance." The decision of Govt on Mr Surveyor's suggestion dated 2d April 1867 No 762 was received with the Board's Proceedings of the 29th December 26th and it was duly communicated to the Spl Asst Collector in Collector's letter of 28th May 1867 No 191. If this decision did not meet the question raised by Messrs Arbuthnot & Co, a further reference ought to have been made by the Spl Asst Collector to the Collector. Such was not done.

It is true that Mr Rodgson first elected to pay by 3 yearly instalments, but subsequently he paid the full amount in June 1866 as appears from the Talbot's account. The Spl Asst Collector should ascertain this from the Treasury Accounts and on the receipt of plans called for from the Survey Department, Title Deeds should be prepared in in Form X.

It appears from the records of this Office that the portion claimed by Mr Rae was included from the sale. The estimated area of this land as applied for and notified for sale, was 200 acres. On survey previous to sale it was found to contain an area of 367. 46 acres. On the day intended for sale viz 16 May 1866 Mr Rae appeared before the then Spl Asst Collector Mr Hannyngton, and requested that the sale should be deferred as he had applied for it to Government and it had been reserved for him for the previous 5 years. The Spl Asst Collector accordingly postponed the sale pending a conference on the subject with the Collector, and reported the matter to this Office in his letter of the 16th May 18

Statement of cases in which delay has occurred in the

	Remarks of the Collector's office
...e the ...for the ...Deeds being ...mention in ...they required ...t affixed their ...counted at ...unusual ...to desired ...the Deeds ...should be ...referred for ...12 dated ...address of ...informed ...be brought ...evenue. ...ceived.	No special reference was made to the Board of Revenue on this particular case. One of the points which formed the subject of correspondence between the Spl. Asst. Collector and Messrs. Arbuthnot & Co was whether the Deed should be dated when it is executed by the Grantee or when the seal of Govt is affixed. At the time when the Special Asst. Collector's letter of the 13th February 1867 No 12 was received, there was another letter from him dated 16th idem No 16, wherein he submitted a suggestion of Mr Money, a Barrister of long experience, that the proper date of delivery in Title Deeds which are not signed on the same date by Grantee and Grantor, is the date of delivery, as such a procedure would besides being legally correct put an end to all probability of inconvenience to Grantees in the matter of Registration of Deeds. This suggestion Mr Grant submitted to Board of Revenue on the 27th February 1867, letter No 60, and he thought that the decision of this subject by the Board would equally decide the question raised in the correspondence between the Special Asst Collector and Messrs Arbuthnot & Co. He accordingly wrote to the Spl Asst Collector on the 27th February 1867 as follows. "In returning the original "papers received with your letter of the 13th inst No 12, "I have the honor to inform you that I have made a "reference to Board on your communication of the 16th inst.

No 28. In his subsequent letter of the 22d idem Mr Kennyngton reported that Mr Freud called upon him that day, and stated that Mr Rae objected to the sale of only the large Sholah lying to the western extremity, and that he (Mr Freud) requested that the land with the exception of this Sholah may be put up for sale at once. Mr Kennyngton accordingly recommended that Mr Freud's request may be complied with as it was a matter of much moment to him to obtain the ground at an early date in order to save the season. He also stated that this mode of proceeding would make an alteration in the plan of the land, but that this alteration could be easily made; the land being marked out previous to the sale, and that the Sholah could be put up for sale separately on the determination of Mr Rae's claim. Mr Grant sanctioned this course in his letter of the 2d May 1866 No 58. The land was accordingly put up to auction on the 9th July 1866, exclusive of the Sholah referred to, and the portion sold to Mr Freud according to a rough computation made on the plan was estimated to contain 190 acres. This is the area reported by the Talookdar in the Sale Register. These facts can be gathered from the records of the Spl Asst Collector's office itself. All that is now required to be done, is to get a revised plan made, exclusive of the Sholah and prepare the Title Deed in Mr Freud's name.

Asst Collector

I have written out the
Library in Books cases due as
a general rule the cannot
be in Rooms during Office
I would like to see the work
in addition to the Office
I would call for a general
instead of a monthly return.

W. 2519.

WOL

The Government agree with the Board of Revenue in considering that the delay in issuing Title Deeds has been inordinate.

The fault in most cases appears to lie with the Survey Department. These proceedings together with the list forwarded by the Collector will be communicated to the Superintendent of Revenue Survey for any explanation he may have to offer.

2. Until these arrears are disposed of the Board of Revenue will be requested to obtain quarterly statement from the Commissioners showing the number of cases on the file, disposed of & remaining pot- Dec. 1868

1/1 Copies of Letter Bd of Revenue to Govt dated 5th Dec. 1868

Rev. 1868. Department.

No. 2877.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 27th August 1868.

No. 6,166.

Submitting for information of Government letter from Collector of Coimbatore, forwarding Tabular statement of cases in which delay has occurred in preparation of Title Deeds.