

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	1205	Press ~~Mis.~~
Dated	2 — 5 — 1868.	

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
2nd May 1868.*

Read the following:—

No. 46. Proceedings of the Board of Revenue, dated 14th February 1868,
No. 1,114.

Read the following letter from Major W. S. MITCHELL, Retired List, Madras Army, to the Secretary to the Board of Revenue, dated Madura, 8th February 1868.

1. I do myself the honor most respectfully to submit, for the information of the Board, the following particulars relative to the sale of certain land, at a place called Shembaganoor, on the Pulney Hills, of which I have been wrongfully deprived by the present Collector of Madura, and most earnestly solicit the interference of the Board on my behalf.

2. So long ago as on the 21st July 1864, I applied to Mr. Levinge, the then Collector of Madura, for an allotment of 100 acres of land, at the *deserted old village* of Shembaganoor. But as it was assessed land, an application was made by Mr. Levinge, at my requisition, recommending that it might be sold under the rules which regulate the sale of waste lands; and the Board having authorized its sale, I was informed that it would be surveyed without loss of time, and duly advertised for sale. After the lapse of a year, as no attempt at a survey had been made, and as I had long before made the deposit for such survey, Mr. Levinge, at my request, sanctioned my taking *fifteen acres* of the allotment on *puttah* to enable me to make a beginning. But as the land still continued *unsurveyed* at the end of the second year, Mr. Levinge then proposed to me that I should pay down at once, the full value of the land, including the large sum of *one hundred and fifty Rupees*, that is, at the rate of $1\frac{1}{2}$ Rupee per acre for the expense of survey, and that he would then apply to the Board for the allotment to be at once transferred to me. But as I had just then suffered a serious loss, and was, moreover, shackled with certain suits in the Courts at Madura against the Zemindar of Gundamanaiknoor, who had ill-treated some of my ryots, and forcibly seized upon a portion of my lands near to the village of Allynagrur, (a circumstance which never ought to have occurred had the local authorities done their duty,) I was unable to comply with his offer. Since then the Honorable Mr. Arbuthnott, without any survey or knowledge of the locality, and although my land-marks had been removed by mischievous parties, advertised it and some adjoining lands for sale. But as I was then at Dindigul, and disabled by sickness to attend the sale, and as Mr. Arbuthnott told me there were *no bidders*, there was no sale effected; I then, at a personal interview with Mr. Arbuthnott, explained that as I had for a *very long period* been deprived of the land for which I had *so long before* applied, and that too, when there was no chance of competition; and as I understood there were other parties now prepared to bid for the allotment, I considered that my interests had been treated with very great indifference, though they were so often pressed upon the notice of the Collector, and that to suit my *altered means* I would modify my application from 100 to 30, or 35 acres. Mr. Arbuthnott at once accorded his consent, and, moreover, promised his assistance to enable me to effect some other objects, and also authorized my *withdrawing* my deposit money. I accordingly withdrew 105 Rupees, leaving in deposit *forty-five Rupees* for the cost of survey of the 30 acres. But *some time after this*, Mr. Arbuthnott, to the *astonishment of every person*, returned me my deposit and rejected my application for

it was his *duty first* of all to have submitted my protest for the information and decision of the Board before he offers it for sale with such precipitate haste. I have served the State with diligence and zeal in some most responsible offices. I went to the Pulney Hills on the suggestion of Sir Charles Trevelyan, to pass there the remainder of my days, and to form a home for my large family. But if the same amount of indifference is extended to the interests and requirements of others as I have experienced, very few indeed would venture to the Pulney Hills; and as I, in common with a great many others, have the welfare of this country at heart, it is our opinion that the very important duties of a district cannot be satisfactorily administered by any official who does not understand the local dialect. I have much more to narrate; but as I have been allowed so very short an interval to be enabled to make my several protests, I cannot, for the present, add more; and apologizing to the Board for the particulars of which I most respectfully and most earnestly call

serious attention of the Board, I have the honour, &c.

Resolved that the foregoing letter be forwarded to the Collector of Madura for early report. Mr. Arbuthnott should explain his proceedings in the case, and should quote any previous correspondence which may have taken place between his predecessor and the Board on the matter.

(A true Copy and Extract.)

(Signed) R. A. DALYELL,

Secretary

To the Collector of Madura.

Copy to Major W. S. Mitchell, Retired List, Madras Army.

Exd. J. Wright.

land can be purchased; but the sale of a *large allotment* is naturally restricted to him alone who is able to pay for it. I do not possess a copy of the Governor-General's original Minute, and I, therefore, am open to correction if I express my belief that there is *special provision* made to obviate the factious clashing of interests, and having special regard to those who have priority of claim.

N. B.—Nine documents accompany, which be pleased kindly to return.

ENCLOSURES Nos. 1 to 9.—Correspondence.

1. Recorded, with reference to the Board's Proceedings on the letter from the Collector of Madura, dated 2nd March 1868, No. 45.

2. The nine enclosures received from Major Mitchell will be returned to him.

(A true Copy and Extract.)

Secretary

Copy to the Collector of Madura.

to the Secretary to Government, Revenue Department, with copy of Board's Procs., dated 14th February 1868, No. 1,114, and 20th March 1868, No. 1,991.

Exd. T. Cartledge.

No. 1,991.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 20th March 1868.

Read the following letter from the Honourable D. ARBUTHNOTT, Collector of Madura, to the Secretary to the Board of Revenue, dated 2nd March 1868, No. 45:—

1. With reference to the Proceedings of the Board, dated 14th February, I have the honour to submit the following report:—

2. Major Mitchell, under date the 20th August 1864, applied to Mr. Levinge, late Collector, for permission to take up 15 Acres of land at Shembaganore, on the Pulnis on puttah, which was accorded to him, but the order issued to the Tahsildar mentions only 15 Goolies, which extent is entered in the puttah granted to him.

3. In the same application, Mr. Mitchell, however, expressed a "wish to take up a very much larger extent of land in the same locality."

4. Mr. Levinge addressed the Board of Revenue and obtained the sanction of Government for disposing of the waste lands of Shembaganore under the Unassessed Waste Land Rules.—Vide Order of Government, dated the 18th February 1865, No. 359, Revenue Department, conveyed in the Board's Proceedings of the 24th idem, No. 1,148. This circumstance was on the 28th communicated to Mr. Mitchell, with an intimation that the land required by him would be advertised for sale as soon as it was surveyed. But as he deposited 50 Rupees only for the cost of survey, on the 17th February 1866, Mr. Levinge wrote to him that the above sum was insufficient for the cost of survey and demarcation, and asked for a further deposit of Rupees 100.

5. This requisition was not complied with until the 18th March 1867, when I sent a reminder, and it was not until two more calls were made upon him that the sum was remitted to the Treasury on the 27th May.

6. In the meantime, I received another application, dated 16th March, for the same land from Mr. Hickey, who also made a deposit for the cost of survey.

7. I advertised the sale of the land for the 10th July last. I went up to the limits to sell the land at auction, and Major Mitchell having failed to attend, either personally or through his agent, I deferred the sale and again notified the sale for the 8th October. This time, also, both Major Mitchell and Mr. Hickey neglected to attend.

8th October 1867. 8. Major Mitchell withdrew a portion of the sum deposited for the cost of survey, and wrote to me to restrict his application to about 30 Acres, while his original application was for upwards of 100 Acres. I have, therefore, under date the 18th November returned the unpaid balance of his deposit money, intimating to him that I have cancelled his application, as I would not consent to divide the land originally applied for by him, while an application still stood for the whole lot.

Vide Rule IX. for the sale of waste lands. 9. I issued a notice under date the 4th instant, advertising the sale of the land on the 18th, and in order to allow him an opportunity of bidding for the premises, sent him a copy of the notice for information. It is upon this that Mr. Mitchell seems to have appealed to the Board, soliciting their intervention apparently to cut the plot of ground into pieces. I do not think that his prayer can be granted without prejudice to the claim of Mr. Hickey, who applied for the same land before Mr. Mitchell paid up the full amount of the cost of survey.

10. Before declining to accede to Major Mitchell's modified application for 30 Acres, I asked Mr. Hickey if he had any objections to the land being so divided, but he persisted in his application for the 100 Acres, and as his money was, and still is, in deposit, I considered that his claim was the best.

30 acres. I then, on the 19th November last, addressed him to express my astonishment at his capricious conduct towards me, and begged of him to re-consider his decision. To this letter, I obtained his reply *only three days ago*, and in which he declines to revise his former decision, and *announces to me that the land (100 acres) is to be sold on the 12th instant!!* I trust, therefore, that the Board will, at once, discover the injustice of this procedure towards me, and most kindly, at once and without delay cancel the sale. I have made a large outlay on the 15 acres I have on puttah, without as yet having received one fraction of profit; and I have at my own expense constructed a road through it; and if the adjoining land is sold, my property will be shut in, and completely isolated; so that its value will be considerably deteriorated, and my own interests seriously jeopardized. I most respectfully beg to submit, that the Collector is not invested with any discretionary power to reject any application whatever, if in conformity with the rules; and the Government regulations by the very tenor of their provisions give consideration to the advantage and convenience of the applicant, rather than to the caprice of a Collector; and as I have already submitted my solemn protest to Mr. Arbuthnott, and informed him of my having done the same to his Lordship the Governor, and to the Revenue Board, I consider that in conformity with the regulations, and in justice to me, it was his duty first of all to have submitted my protest for the information and decision of the Board before he offers it for sale with such precipitate haste. I have served the State with diligence and zeal in some most responsible offices. I went to the Pulney Hills on the suggestion of Sir Charles Trevelyan, to pass there the remainder of my days, and to form a home for my large family. But if the same amount of indifference is extended to the interests and requirements of others as I have experienced, very few indeed would venture to the Pulney Hills; and as I, in common with a great many others, have the welfare of this country at heart, it is our opinion that the very important duties of a district cannot be satisfactorily administered by any official who does not understand the local dialect. I have much more to narrate; but as I have been allowed so very short an interval to be enabled to make my several protests, I cannot, for the present, add more; and apologizing for this already long letter, to the particulars of which, I most respectfully and most earnestly call the serious attention of the Board, I have the honor, &c.

Resolved that the foregoing letter be forwarded to the Collector of Madura for early report. Mr. Arbuthnott should explain his proceedings in the case, and should quote any previous correspondence which may have taken place between his predecessor and the Board on the matter.

No. 47. Proceedings of the Board of Revenue, dated 20th March 1868, No. 1,991.

Read the following letter from the Collector of Madura, to the Secretary to the Board of Revenue, dated 2nd March 1868, No. 45.

1. With reference to the Proceedings of the Board, dated 14th February, I have the honor to submit the following report:—

2. Major Mitchell, under date the 20th August 1864, applied to Mr. Levinge, late Collector, for permission to take up 15 acres of land at Shembaganoor, on the Pulnis on puttah, which was accorded to him, but the order issued to the Tahsildar mentions only 15 Goolies, which extent is entered in the puttah granted to him.

3. In the same application, Mr. Mitchell, however, expressed a "wish to take up a very much larger extent of land in the same locality."

4. Mr. Levinge addressed the Board of Revenue and obtained the sanction of Government for disposing of the waste lands of Shembaganoor under the Unassessed Waste Land Rules.—*Vide* Order of Government, dated the 18th February 1865, No. 359, Revenue Department, conveyed in the Board's Proceedings of the 24th idem, No. 1,148.—This circumstance was on the 28th communicated to Mr. Mitchell, with an intimation that the land required by him would be advertised for sale as soon as it was surveyed. But as he deposited 50 Rupees only for the cost of survey, on the 17th February 1866, Mr. Levinge wrote to him that the above sum was insufficient for the cost of survey and demarcation, and asked for a further deposit of Rupees 100.

5. This requisition was not complied with until the 18th March 1867, when I sent a reminder, and it was not until two more calls were made upon him that the sum was remitted to the Treasury on the 27th May.

6. In the meantime, I received another application, dated 16th March, for the same land from Mr. Hickey, who also made a deposit for the cost of survey.

7. I advertised the sale of the land for the 10th July last. I went up to the Hills to sell the land at auction, and Major Mitchell having failed to attend, either personally or through his agent, I deferred the sale and again notified the sale for the 8th October. This time also, both Major Mitchell and Mr. Hickey neglected to attend.

8. Major Mitchell withdrew a portion of the sum deposited for the cost of survey, and wrote to me to restrict his application to about 30 acres, while his original application was for upwards of 100 acres. I have, therefore, under date the 18th November, returned the unpaid balance of his deposit money intimating to him that I have cancelled his application, as I would not consent to divide the land originally applied for by him, while an application still stood for the whole lot.

9. I issued a notice under date the 4th instant, advertising the sale of the land on the 18th, and in order to allow him an opportunity of bidding for the premises, sent him a copy of the notice for information. It is upon this that Mr. Mitchell seems to have appealed to the Board, soliciting their intervention apparently to cut the plot of ground into pieces. I do not think that his prayer can be granted without prejudice to the claim of Mr. Hickey, who applied for the same land before Mr. Mitchell paid up the full amount of the cost of survey.

10. Before declining to accede to Major Mitchell's modified application for 30 acres, I asked Mr. Hickey if he had any objections to the land being so divided, but he persisted in his application for the 100 acres, and as his money was, and still is in deposit, I considered that his claim was the best.

11. The land, however, was not sold in consequence of a mistake in the dates entered in the Notices of sale, and Mr. Mitchell can still bid for the land which I am going to advertise shortly.

* In the notice sent to Major Mitchell and that placed on the land at Shembaganoor, the 12th instead of the 18th was entered by mistake.

*Proceedings of the Madras Government, Revenue Department,
2nd May 1868.*

12. In connection with the subject, I beg to submit the following remarks on certain of the statements made by Mr. Mitchell. He states that 15 acres were granted to him on puttah after the lapse of a year from the date of the Board's Proceedings quoted in paragraph 4, but it will be seen that it was made over to him under an order of Mr. Levinge, dated August 1864, and it is altogether a separate piece, and the occupation of the adjacent land by other parties could not shut in his land as stated, but still the remedy is in his own hands. He can bid for the adjoining land also when sold.

13. I never consented to his modifying his original application to 30 or 35 acres.

14. If, however, the Board think that his second application for 30 or 35 acres out of the 100 acres should be admitted, I will at once do so.

Under all the circumstances of the case, the Board are of opinion that the fairest way of disposing of the 100 acres, is to put them up for sale on the same day in two lots of 70 and 30 acres respectively, after advertising the sales for fully three months, as required by Rule IX of the Rules for the sale of unassessed waste lands.

No. 48. Proceedings of the Board of Revenue, dated 7th April 1868, No. 2,595. Read the following letter from Major W. S. MITCHELL, Retired List, Madras Army, to the Secretary to the Board of Revenue, dated Madura. 1st March 1868.

In doing myself the honor of acknowledging receipt of copy of the Proceedings of the Board, of 14th February 1868, relative to my complaint about the land at Shembaganoor, I now respectfully beg to submit some letters connected therewith from the Collector's department. Two other letters, which were received by me at the commencement, are not forthcoming, as they were *enclosed, as reminders*, in some communications of mine with the Collector, and were never returned to me; but it is not my object to urge any complaint on any subject, beyond the *extraordinary and unjust rejection of my modified application for the 30 acres* after Mr. Arbuthnott had accorded his *cordial assent* to my *proposal*, and on the *strength of which alone*, and with his consent, I was induced to withdraw the surplus deposit from the treasury, leaving at my credit that which alone was required for the said 30 acres. But the *return* of that money *some time after*, along with the rejection of my application, *vide* letter No. 1,835, dated 18th November, seemed extraordinary in the extreme, and to indicate a capriciousness unsuitable in a public servant, to whom is delegated the conduct of the best interests of so large a number of Her Majesty's subjects, and such as to engender distrust, vexation, and uncertainty in the minds of all who are compelled to communicate with him; and I most respectfully submit that the Regulations have not made it discretionary with a Collector to reject any application which is made in conformity with those Regulations. Not till *months after* I had paid my deposit money, did I ask to modify my application from 100 to 30 acres, and then a cordial assent was given. But at the *last moment*, and whilst there was no reason whatever to apprehend any diversity of opinion, my money is returned and my application rejected. I demanded no favor from Mr.

*Proceedings of the Madras Government, Revenue Department,
2nd May 1868.*

Arbuthnott, and I now again beg that the Board will be pleased to rescue me from an act of gross and wanton injustice, which I feel to be a serious obstacle to my interests as connected with the land at Shembaganoor. If there was any injury to result from the sale of a *small, instead of a larger allotment*, that injury must fall on myself, as the sale is open to competition, and there is an *abundance of land in the same locality*, so any amount of land can be purchased; but the sale of a *large allotment* is naturally restricted to him alone who is able to pay for it. I do not possess a copy of the Governor General's original Minute, and I, therefore, am open to correction if I express my belief that there is *special provision* made to obviate the factious clashing of interests, and having special regard to those who have priority of claim.

N. B.—Nine documents accompany, which be pleased kindly to return.

ENCLOSURES Nos. 1 to 9.—Correspondence.

1. Recorded, with reference to the Board's Proceedings on the letter from the Collector of Madura, dated 2nd March 1868, No. 45.
2. The nine enclosures received from Major Mitchell will be returned to him.

No. 49. ORDER THEREON, 2nd May 1868, No. 1,205.

Miscellaneous.

Ordered to be recorded.

(True Extract.)

(Signed) W. HUDLESTON,
Secretary to Government.

To the Board of Revenue.

Exd. S. T. Augustin.

18th February / 5th No 367
362

Per 1868. Department
Pro of Court for May
No. 1244.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 7th April 1868.

Recd 16. 2
Recd 17.
C.2.

No. 2,595.

Recording letter from Major Mitchell, Re-
tired List, Madras Army containing further in-
formation regarding his complaint about land
at Shembaganoor in Salem District, of which he
states he has been deprived, and returning en-
closures in his letter.

No. 46049

cc. 4/5/88. 27

14 Copies of this Order of Revenue Department

27-12-05
RECORDED
W.M. 22 May 1868