M.R. G. 1—32,000—16-10-20.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	2 5-19	Press ~~Mis.~~
3-4 Dated	1 — 10 —	19 68

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 Deed, 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, in their Order No 2770 dated 22nd November. The portion retained by Mr Mullaly will shortly be marked out and surveyed.
1st Jan.y 1864.	Mr. H. R. Grimes	Es 15 Lots.	3500.	"	"	Plans for this property were prepared by the D.P.W. These plans were sent by the Under Secretary to Government & have been forwarded to his Excellency the Governor, during his visit to the Hills in 1864, and to have been subsequently sent 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 the Grimes' into other hands, and has for some time past, after unnecessary & vexatious delay been abandoned. I have personally conferred with Mr Grimes about this Land. After the receipt of fuller particulars shortly expected a separate report will be forwarded.
		Es 2 Lot.	500			
		2nd Lot.	500			
Do.	Mr. W. Mullaly.	Es 2	200.	2250	"	" No records in this office. The Sub-Assistant Revenue Surveyor informs me that after this Land had been privately surveyed, he was directed in a 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. A final examination of the site will be made.
Do.	Mr. J. C. Herklots.	Es 2	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 Lands 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 boundaries & extent of each kind of land in the plan, as grass, bamboo jungle, forest. Plans should be received at an early date, in this Office.
13th July 1864	Colonel C. P. Taylor	Es 2 10	45	8		Both these Lots are stated to have been surveyed, probably by the D.R.W. but only one plan received, drawn up by Mr Sub Engr. Williams - but it does not appear of which of these two Lots it is a plan. Further enquiry will be made.
July 1864	Colonel C. P. Taylor	10.	50.	8		
3rd October 1864	Mr Kelpie	47·96.	151	"	"	Plans incomplete, stream not cut & cash - preparation of deeds deferred until this is effected and a survey of the plan
5th October 1864	Dr Miller 2 Lots	11.	57			This land was sold before the Revenue Survey had anything 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 alluded to, on their receipt Deeds will be prepared.
6th March 1865	Captain Daly	Es 2 6	31	"	"	Records affecting 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	522·68	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 Copyied their seal. 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		165·38	1	4	5.	These three properties formed the subject of my letter No 83 dated 1st May 1858 forwarded to the Collector of Coimbatore, in order
Do	Mr. C. S. Brown	92·23	1	14	9	To the Orders of Government being obtained thereon.
25th August 1865		29·80	26	9	"	
7th Sept.r 1865	Mr. R. T. Phillips	Es 2 Lots. 150	201	"	"	This property consists of thirty Six Acres of land. A survey was carried out some months ago, but was disallowed as being inaccurate & a second survey is now all but completed, and plans are shortly expected.
Do.	Colonel C. A. Denison Colonel C. P. Taylor 6 Lots	Es 2 50	125	"	"	Deeds for this property were forwarded to the joint holders Colonel Denison and Colonel Taylor for Execution. A 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.
1st Nov.r 1865	Colonel Cooper	2.	300	"	"	The purchaser paid 10 per cent of purchase money, and elected to pay balance in 3 yearly instalments. Colonel Cooper is in Europe. He has no power of Attorney, authorising any person to act as his Agents. His nephew & only Executor has written for the necessary power of Attorney.
1st Dec.r 1865	Syed Aburrahman Mr. I. Pechterlang	9·48. 11·14	21 68	"	"	Plans received. Deeds may be prepared. Deeds for this property were submitted to Mr Pechterlang 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.

Date of Auction Sale	Name of Purchaser	Estimated Area in Statute Acres	Upset Price per Acre			Remarks.
2nd Dec 1865		4·31.	31.			(i) Deeds for these fractions of Lots
Do.		16·47.	2/			
19th & 22nd Dec 1865	Captain Bentley	0·91		3	3	(ii) These Deeds were received from
Do.	(ii)	10·23.	1.	3	4	above Shares.
		10·85.	1	3	3.	
22nd Dec 1865	Mr Skaren	1st Div. 10·84				Application for this Parcel was received from Mr Skaren, and [illegible] included in by Mr Walker in [illegible] clamation. The plans formerly included may be entered.
		2nd Div. 4·05	25	"	"	
		3rd Div. 8·34	3·3	"	"	
Do.	Mr Chapman	1st Div. 5·54	32	"	"	This Land was objected for by Mr [illegible] has not been accepted on the [illegible] to the Survey Office as [illegible]
		2nd Div. 10·14	26	"	"	
		3rd Div. 8·89.	26	"	"	
Do.	Krishnasawmy Tambe	43·44.	25	2	"	Have been demarcated and surveyed adjoin each other. Should the said [illegible] entire area will have to be resumed, to be resumed, which should [illegible] granting compensation, and
	Krishnasawmy Pradilly	12·78.	25	2		
15th February 1866	Mr Mackenzie	7·16	40	4	"	Requires re-demarcation.
Do.	Colonel Scott		50	6	"	No reliable accounts concerning
Do.	Ramasawmy & Co.	25·66	55	"	"	Plans ready but not drawn. Claim
		48·83.	56	"	"	necessary on account of the roads and streams.
15th May 1866.	Soundrum Pradelly	2.	205	"	"	The purchaser elected on the day of sale to pay the purchase money in 3 yearly instalments. The land was sold at 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 Pradhy	41.	202	"	"	Deed in the Form Y to be prepared, after payment of certain Sums due.
Do	Ponambalum	54	60	"	"	Similar remarks to those attached to Soundrum Pradelly's purchase. Ponambalum has repeatedly been called upon for payment of dues. has not yet paid up.
Do.	Ramasawmy & Co.	10·93	255	"	"	Similar remarks to above.
		7·36.				
Do.	Mr. W. Hodgson.	38·11.	370	"	"	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 that saleable in one lot within Chalon 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 Extent of the land is ascertained as purchaser has elected to pay the balance of purchase money in 3 yearly instalments.
9th July 1866.	Mr. Reid	367·46.	1.	"	"	This property was sold by the Collector Mr Grant in person. I learn from Mr Reid that on the day of sale the Collector Mr Grant set up a claim to nearly [illegible] of the land sold in the plan of the property sold, which is [illegible] 2 miles or more from any land possessed by Mr Reid. No record of the disposal of this claim is forthcoming in this Office.
8th October 1866	Colonel W. G. Woods Q.M.G.	68½	35	"	"	The road to Tellipalai runs through the property. Preparation of Plans delayed till the question of Compensation is settled. This compensation formed the subject of my letter to the Collector No 97. 3rd June 1868. requesting Orders of Government upon this matter.
Do.	Messrs Vethe and Tranchin	Estd 200	50	"	"	This land has been demarcated but not yet surveyed. Messrs. Vethe and Tranchin have informed me that they have under consideration the question of relinquishing the property. A separate Report will be forwarded upon receipt of Messrs Vethe and Tranchin'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 of Land sold for Arrears	Amount of Land Revenue			Remarks.
1st April 1857	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 been effected in consequence of the absence of Gungayee Rao from their station for the last four months.
		9·41	603	-	-	
		6·63	157	-	-	
Do.	Mr E. B. Thomas.	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 1857	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 1857	Mr S. Reilly & Sons.	1·19.	100	"	"	Same remarks as in the case next above mentioned.
		7·72	40	-	-	
26th August 57	Ramasagayam Pillay	..	41	13	4	Same remarks as above.
		11·36	219	"	"	
		7·93	105	"	"	
		0·90	50	"	"	
Do.	Sub. of Karaikal: Ydch.	1·571	155	"	"	Deeds for this property are ready and await Execution.
		4·18.	100	"	"	
		5·55	85	"	"	
		0·21	80	"	"	
Do.	Karaigara Pillay	1·43.	155	"	"	Deeds in Form Y ready and await Execution.

Special Assistant Collector's Office
13th June 1868

R. A. Norpell
Acting Special Assistant Land Collector.

1858 — Dec 16

Cancelled from the table of Contributors added 9th July 1858 — Fo 198

Rec. 287/68
From 1 October 68 Ld 2 3.

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

Delyd Mo 32 1/68

Extract from the Special Assistant Collector's Circular
for preparation of Title Deeds.

1	2			3	4
Date of Sale	Name of Purchaser	Estimated valuation	Amount of purchase money		Special Assistant's No
1865 July 12th	Carnatic Coffee Company	Acres 522. 68	Rds. P. 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. were made. By predecessor instructions in his letter 13th February 1867 to the the Collector and was that the Calycut could before the Board of No instructions yet

Examined
Collector's Office
Cannanore
9th July 1868

E.V.V.

	as	R	ds	
W. Rodgers Esqr	38. 11.	37	—	A plan of this property received from the Surveyor but it was returned for rectn to Rs in consequence being in excess of that in the Act within which Purchaser elected to pay instalments.
Duly for Mr Freud	367. 46			This property was sold at Sale Collector Mr Grant. I learn from Mr Freud the day of Sale the Lake 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 the

	was	Office,
	decision	of the area
	saleable	
	in limits.	
	in 3 yearly	
	by the	
	person.	
	that on	
	Mr Rae	
	half the	
	of his	
	believe	
	any land	
	be record	
	claim	
	Office.	

"and that pending their reply Messrs Arbuthnot & Co's letter "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 March 1867 and it was duly communicated to the Lt Govt 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 Lt Govt Collector to the Collector. Such was not done.

It is true that Mr Rodgers 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 Lt Govt Collector should ascertain this from the Survey accounts and on the receipt of plans called for from the Survey Department, Title Deeds should be prepared in Form X.

It appears from the records of this Office that the portion claimed by Mr Rae was excluded 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 21st 16 May 1866 Mr Rae appeared before the then Lt Govt Collector Mr Hannington, 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 Lt Govt 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

his remarks	Remarks of the Collector's office
e the for the Deeds being mention in ley required ey refused them ooked out unusual to desired the Deeds should be e-seized 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 Egypt 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 6, wherein he submitted a suggestion of Mr Money, a Barrister of long experience, that the proper date of Deeds 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 128. In his subsequent letter of the 22d Idem Mr Ramsay 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 Ramsay 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 no 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 22d May 1866 No 158. 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 Tahsildar 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.

A Smithwaite
Collector

I have written to the
Colony in Victoria concerning the
Journal which you wished
to have sent out regularly
I would like to receive
it as soon as it is published
I would call for a quarterly
instead of a monthly return.

Yours truly

W.H.

W. 2519.

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. That proceedings together with the list forwarded by the Collector with 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 a quarterly statement from the Commissioners showing the number of cases on the file, disposed of & remaining at the end of each quarter.

Rev. 1868. Department.
Bo of Govt for Acts

No. 2877.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 27th August 1868.
Recd 4th Septr
Read 5
20 Encls Ord

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.

No 2519 - 1st Advt
William Taylor.

No 3174
Ends Rec