

Minute by Second Member

Rent - Rs. 3742
Remission 1871

by O 28th Feb/63
N: 1136

I regret that I am unable to concur with my colleagues in the proposal to remit one half of the Quit Rent due by Mr A. J. Phillips on his Mulgerry Estate for the years 1865/66 by.

The Land was purchased under the Waste Land Rules which expressly provide that no lot shall be sold until it has been surveyed and durable boundary marks have been erected. In order however to obviate the delay which at the outset a strict adherence to the rule necessarily entails the Government temporarily allows lots to be sold prior to survey. The boundaries however being marked and the purchase agreeing to abide by the results of the survey.

Mr Phillips availed himself of the latter concession thereby obtaining immediate possession of the lands. Per contra he has had to wait a considerable time for the formal deed of assignment which of course could not be prepared till the completion of the survey. Had he chosen to abide by the rules this delay would not have occurred, but then he would not have obtained immediate possession. I do not think he is entitled now to turn

resound on Government and Complain of the delay. When that was caused by precipitate action to meet his own wishes and was counter-balanced by the substantial boon of immediate possession.

Mr. Phillips cannot have supposed that because payment of the Quit Rent was not demanded year by year therefore it was to be forgiven. The Condition of Sale and the Rules under which he bought the Land could leave no doubt on his mind, for payment of the annual Quit Rent or assessment on or before a stated day in each year is expressly set forth therein.

I cannot find that Mr. Phillips ever complained to the Board that the non issue of the title deeds was preventing him from selling his land or borrowing on the security of it. Had he done so he might at all events have been furnished with a certificate setting forth that he was the owner of the Land. I cannot help thinking that his non payment of the Quit Rent would have acted as a far more effectual bar to either a Sale or Mortgage.

Most people I think would consider themselves fortunate if they are allowed to

escape payment of rent for 5 years, a private land lord would be rather surprised if his tenant manufactured a grievance out of this.

I am quite willing to support the Collector's recommendation that Mr. Phillips be allowed to pay the arrears in 3 annual instalments without interest. More than this is in my judgment not called for by the circumstances of the case. The instances in which owing to some cause there has been delay in issuing the title deeds while however immediate possession of the Land has been given are numerous. And as in all these instances the same may be advanced as Mr. Phillips urges, the Proceeds will be embarrassing and entail considerable loss of Revenue.

I also earnestly deprecate a return to the Cattle System. I have always been opposed to it and am so still. This is not the place for a discussion of it but they may call your attention to the striking illustration of some of the evils and a curious incident to this System afforded by a case now before us. I allude to Mr. Schumacher's Land on the Hills.

This gentleman obtained 116 acres on Cattle, paying no rent for 5 years $\frac{1}{2}$ in the 6th $\frac{1}{2}$ or $\frac{1}{2}$ on the 7th $\frac{3}{4}$ on the 8th and full

full assessment in and from the 9th year.
He held the land for the five years free
of charge and the 1/4 assessment viz Rs.
240 in the last year and then sold 886
acres on which he appears never to have assessed.
He also gave to other parties for 12500 Rs.
as a claim to this we are now in a measure
compelled to relieve the purchaser of a consider-
able portion of the land. I attach for your
further remarks on this question till we
come to the regular consideration.

Signed J. De Linc

/ True copy /

Brant
S. J. De Linc

No 1031

Official Memorandum

With reference to Memorandum from the Under Secretary to Government, Revenue Department, dated 25 September 1868, the undersigned has the honor to forward for the perusal of Government the Minutes of a dissent recorded by the 2nd Member of the Board of Revenue.

(By Order)

Revenue B Office
Madras
30th September 1868.

F. Brandt
Ag. Secy to Govt

The Ag. Under Secretary to Government
Revenue Department
with 2nd Member's Minute

C. P. J. P.
C. P. J. P.

Rev. 3122/68

Enclosure in an Official Memo. from the Under Secretary to the Board of Revenue, to the Under Secretary to Govt. (Revenue) dated 25th September 1868.

Minute of 2nd Member on subject of remission of quit-rent & land by the District -

Rev. 3122/68

N^o 324.

North Street

W^h 3035/18

Rev. 1868: 21/4/75

Offl. Alon.

From H^h 3124

Off. of Duke Lovelock's
The Board of Revenue

To H^h of Duke Lovelock's
General and A. S.

At a meeting
of the 30th April
H^h 3124 1868.
C. S.

H^h 1031

Forwarding
for General, H^h 3124
of Duke Lovelock's
by 2nd H^h 3124
and just of H^h 3124
to Duke Lovelock's
by H^h 3124

H^h 3124

10/10/1868

2.5.46

His new charge I will myself -