

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. *2533*

Press
~~Mis~~

138-140

Dated *8th September 1918*

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
8th September 1869.*

Read the following:—

No. 133. Proceedings of the Board of Revenue, dated 19th July 1869,
No. 5,130:—

Read the following letter from the Commissioner of the Neilgherries, to the
Acting Secretary to the Board of Revenue, dated Ootacamund, 7th
December 1868, No. 81.

I am to forward a letter from Mr. Phillips, in reply to my demand for an
instalment of his arrears, in accordance with Government Order, dated 7th Nov-
ember 1868, No. 2,807.

2. In furtherance of his claim for remission, he submits a second appeal,
which I regret that I am unable to support.

3. His case does not seem to me to differ from that of all others who pur-
chased land previous to survey, under Government Order, dated 28th February
1863, No. 430, relaxing Clause V. of the Waste Land Rules.

4. The Clause was relaxed, it seems to me entirely in the interest of *bona-fide*
planters and expressly to allow of their getting into possession without the loss of
a single season. That an annual assessment was to be charged at certain rates
from date of sale subject to revision when the survey furnished the true areas, was
advertised and publicly notified at the time of sale. All purchasers must have
known that a title-deed could not be given without a survey, and that a survey
under the circumstances would take a considerable time. That the delay has been
greater than Mr. Phillips anticipated, however much to be regretted, does not seem
to me to alter the case. No period was fixed for the completion of the survey, the
necessity for relaxing Clause V. arose out of the want of Surveyors: this being so
if any body bought to sell again in a year or two, he did so at his own risk.

5. Mr. Phillips does not appear to me to have incurred pecuniary loss. All
that he can say is, that for want of title deeds he lost an opportunity of selling
(perhaps favorably) certain lands of which he would not have had possession at all,
had the Government not relaxed a rule in order to give him possession without the
least delay.

6. Considering the amount to which the arrears have been allowed to accu-
mulate, I think Mr. Phillips is quite entitled to the time given him, but I regret
that I cannot see that he has made out any case for remission.

Encl. No. 1.

From L. F. PHILLIPS, Esq., to the Commissioner of the Neilgherries, dated Warbrickan, near
Kotaghatti, 3rd December 1868.

1. I have the honor to acknowledge your letter of the 10th of November, enclosing answers from
the Revenue Board and Government, in reference to the remission of arrears of quit rent, about
which I wrote in May last.

2. I observed the Government do not concur in the view taken by the Board of Revenue, and
decline to assent to their recommendation, that a moiety of the arrears of quit rent should be
remitted. And that they do not find from the papers that Mr. Phillips has established the fact
of having sustained pecuniary loss by the delay in the issue of his title deeds, as stated by
him in his letter of the 1st of August last.

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3. In reply to the above statement, I beg for the privilege of placing a few *additional* facts before the Revenue Board and the Government, to show that I *have* sustained both pecuniary loss and great inconvenience, through non-receipt of the title-deeds and plans of my land.

For instance:—

4. About eighteen months ago, (after my return to India) I authorised an Agent in England to effect a sale of my estates. I gave an *order* at that time to obtain the deeds and plans of my property, as I felt sure that no sale would be effected without the title-deeds. I had, however, to content myself with merely giving my Agent a description of the land. My estates were then advertised for sale in the *Times* and *Advertiser*, and two applicants at once replied, saying if they could see the title-deeds and plans of the property.

5. To these inquiries my Agent gave what information he could, but was obliged to tell them that he had no title-deeds or plans of mine to show, in fact, that though I had *paid* in full for these properties some years before I had nothing to show my right and title in them. These applicants, through appointed agents to purchase, ultimately agreed to buy on these terms, and consequently no sale was effected. Moreover, neither my Agent nor I could tell these applicants the exact acreage of my land, for it was only at the commencement of the present year 1868, that I received these title-deeds and plans, and found from them how much land I possessed.

6. Again, through not being in possession of my title-deeds, I have been debarred from Government grants upon my properties. Moreover, owing to the frequent change of officers in charge of the surveys of Ootacamund I have suffered considerably. To quote an instance:—

7. When Mr. Phillips, late Commissioner, visited my Kodanad property, prior to survey, he included a *very* small portion of the land which I had wished to reserve, (my intention being for forest land only) and which he has since sold. He says that his name was put in the list of persons to whom the land was to be sold, and that he was the only one to whom it was sold. He also states that he was the only one to whom it was sold, and that he was the only one to whom it was sold. He also states that he was the only one to whom it was sold, and that he was the only one to whom it was sold.

8. Regarding my land at Ootacamund, paragraph 6 of Mr. Roupell's letter, dated 10th of June 1868, states that in 1867 I gave up to *this date* December 3rd 1868, received no title-deeds of the property, although I purchased and *paid* for it in full in September 1867. I had, however, written to the Government, and promised to hand over the title-deeds within a month, and had done so, as the statement of the then Government officers, that the deeds were in the hands of the surveyors.

9. I have, however, been unable to make good my property, which was not an *easy* matter, as the land was not in the hands of the surveyors, and I have consequently been unable to sell the property. I have, however, been unable to make good my property, which was not an *easy* matter, as the land was not in the hands of the surveyors, and I have consequently been unable to sell the property. I have, however, been unable to make good my property, which was not an *easy* matter, as the land was not in the hands of the surveyors, and I have consequently been unable to sell the property.

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*Proceedings of the Madras Government, Revenue Department,
8th September 1869.*

12. In conclusion, I wish to state that I have no reason to complain of the way in which these matters are managed at *present* on these hills, as I am aware that Mr. Roupell has done his best to procure these deeds for me; the delay, however, (as I am told) is *obvious* at the *Survey* office, and *not* at Ootacamund.

13. Requesting that you will kindly send on my letter to the Board of Revenue, with your favorable recommendation.

Read also letter from the Commissioner of the Neilgherries, to the Acting Secretary to the Board of Revenue, dated Ootacamund, 10th April 1869, No. 47.

I beg to draw your attention to my letter, dated 7th December 1868, No. 84, forwarding a further appeal from Mr. Phillips regarding the arrears due by him.

2. The amount is large and swells the arrear list of my office. I should like to be informed if I am to suspend collection until his further appeal has been disposed of.

In this letter the Commissioner of the Neilgherries submits, with reference to Government Order, dated 7th November 1868, No. 2807, a letter from Mr. R. F. Phillips, Tea and Chinchona Planter in Kodanad District, in which he prays for reconsideration of that order, and submits additional facts to show that he has sustained both pecuniary loss and great inconvenience from not having received the title-deeds and plans of his land; and he gives two instances in which his agents in England were deterred from entering into negotiations, because there were no title-deeds, and because he could not state the exact acreage. He also states that "now the great depreciation in the value of all property on these hills, thereby prevents my effecting a sale."

3. In submitting this letter, the Commissioner does not support the plea for entire remission. He considers that the relaxation of the Rule V. of the *Forest Land Rules*, was in the interest of planters, and that the conditions were understood on both sides, and that, however much the delay is to be regretted, it does not alter the case for remission, which was for the completion of the survey, and that all Mr. Phillips can urge is, that he lost an opportunity of selling land of which he would not have had possession had the title-deeds been received, so as to give him possession before survey. The Commissioner considers that having regard to the time which the demand has been allowed to accumulate, the remission shown by Government is equitable.

4. The Board will consider that there are reasons for commutation of the arrears, and that the delay is to be regretted, but that it does not alter the case for remission, which was for the completion of the survey, and that all Mr. Phillips can urge is, that he lost an opportunity of selling land of which he would not have had possession had the title-deeds been received, so as to give him possession before survey. The Commissioner considers that having regard to the time which the demand has been allowed to accumulate, the remission shown by Government is equitable.

that Negligent Ten Plantations have been ruined by an ill-timed and sudden run on capital and credit under such circumstances; and great care and consideration are required in dealing with such a debtor, or ruin is inevitable; although in a year or two the investment may yield a fair return and pay a reasonable quit-rent with

[illegible]

The 1990s saw a significant increase in the number of people living in poverty in the United States. This was due to a combination of factors, including the end of the Cold War, the Asian financial crisis, and the Russian financial crisis. The end of the Cold War led to a decrease in the number of people living in poverty in the Soviet Union and Eastern Europe. The Asian financial crisis led to a decrease in the number of people living in poverty in Asia. The Russian financial crisis led to a decrease in the number of people living in poverty in Russia.

No. 139. Proceedings of the Board of Revenue, dated 28th July 1869, No. 5,515.
Read the following letter from J. W. BREEKS, Esq., Commissioner of the
 Neilgherry Hills, to the Acting Secretary to the Board of Revenue, dated
 Ootacamund, 16th June 1869, No. 82.

I HAVE the honour to forward a petition from Captain Richardson, complaining of the publicity given to an attachment of his Coffee Estate at Scegoor in the recovery of arrears of revenue due upon it, and praying that the demand for assessment, current and arrears, on the property may be remitted by Government.

2. The circumstances of the land concerned, and remissions granted thereupon, are set forth in the correspondence embodied in Government Proceedings of 27th October last, No. 448. According to instructions therein conveyed, I adjusted Captain Richardson's accounts, and in a letter, dated 12th November last, called upon him for payment of the balance due, amounting to Rupees 91-8-0. Captain Richardson did not respond to this nor to two letters on the same subject subsequently addressed to him. On the 16th March 1869, I issued a Notice of Demand and delayed following it up with attachment until 10th May, or nearly two months later, to allow Captain Richardson every opportunity of effecting a sale of the estate which he stated he was then negotiating.

3. The Notice of Attachment must now be followed by one of sale according to Act II. of 1864, which will be held in abeyance pending the result of this reference.

4. The publication of the Attachment Notice in the *District Gazette* is in accordance with Section 27 of the ~~Proclamatory Act~~ *Proclamatory Act*. The interval between issuing the necessary processes will indicate that every appearance of hardship has been scrupulously avoided in this case.

3. As regards Captain Richardson's statement that other persons arrears for longer periods and larger sums have not been proceeded against, I have only to refer the Board to the Proceedings noted in the margin, the cases therein disposed of having been named by Captain Richardson, in a personal interview, as the ones referred to by him.

6. As the petition now sent does not profess to set forth any fresh matter from that already advanced in Proceedings quoted in paragraph 2 of this letter, I have no proposals to advance or support.

Enclosure No. 1 Filed on

Submitted for the consideration and orders of Government.

3. In the petition forwarded with Mr. Brooks' letter, Captain Richardson prays for remission of an arrear of quit-rent due on his Coffee Estate amounting to Rs. 531.0.0. and also for remission of the demand of amount not sent for the master crop.

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3. The petitioner pleads that the produce of 100 acres has been entirely destroyed by the "Borer," and that he finds himself completely ruined.

4. He also states that the public announcement in the *Gazette* of the attachment of his property (for the arrear) has brought down upon him creditors whose claims he cannot meet.

5. The Commissioner has deferred the sale of the property pending the result of this reference.

6. The Board observe that there is no doubt, many of these estates are at present in a most dilapidated condition, and that to force them now into the market when land is unsaleable, will be to precipitate ruin.

7. They would therefore, in view of all the circumstances of the case, strongly recommend that Government grant the remission prayed for by Captain Richardson.

No. 140.

ORDER THEREON, 8th September 1869, No. 2,533.

Land Revenue.

THE Government sanction the suspension of the collection of the arrears of quit-rent due by Captain

Richardson and Mr. Phillips, pending the Board's reply to the G. O., under date the 7th instant, No. 2,526.

(True Extract.)

(Signed) R. A. DALYELL.

Acting Secretary to Government.

To the Board of Revenue.

By E. C. S. S. S.

No 2455 & 2509 for order

The Board of Revenue
 do submit the case of
 Mr Phillips of the Redding
 Hotel again, recommending
 a remission of the amount
 of quit rent due by him.

They also recommended
 that the amount due
 by Captain Richardson
 on his Lepora estate, as
 adjudicated in the G. O.
 under date 27 Oct 68 10074
 should be remitted.

The Board make
 these recommendations
 on the ground of the
 severe depression

I think: they seem to
 reason of the collection of
 the para 5 Pds. pros.
 and

I accept the
 report of the Board
 reference to Mr.
 in fact referring
 the case of arrears
 with reference to
 Richardson's case
 and remit
 together

Oct. 31 1869

REVENUE.

THE BOARD OF REVENUE.

Printed September 8/68

G. O. No. 808 September 1869 No. 2508

SEPTEMBER

NO. 138-140

As Phillips and Captain Richardson's
 case in the Hyderabad Collection of quit
 rent is now ordered to be suspended, pending the
 Board's reply to the G. O. relating to assessment
 on lands liable under Waste Land Rules in Hyderabad.

which the Planting interests
have maintained during
the past few years.

In the first proceedings,
they apparently question
the policy of the waste
land rules and
exciting discussion
a re-consideration of
the whole question.

The rules which passed
in these papers will
doubtless much depend
upon the views taken
by each of the proposals.
Now before them is
regard to the waste
land rules,

+ there have been kept
me + shown what that
new way be.
W.C.

assuming that the 40, 12 or 15
of 12 or 15 is very bad a return
after all.
W.C.

But there is little doubt
that the depressed con-
dition of all land
speculations all over
the Presidency is owing
to the "mania" for coffee
planting which was very
general some six years
back, and which induced
a large number of persons
without sufficient capital
to embark on speculation
of this description. The
returns after the 5th year
were confidently believed
to be 30, 40 & 50 percent
whereas in fact few coffee
plantations yield an average
of more than 12 or 15 per-
cent and for this it is
necessary to wait some
years.

W.C.

No. 2589

From

Board of Revenue

Dated 28th July

1869.

FOR ORDERS.

The subject of Mr. Phillips' arrears was disposed of by Govt in an indulgent liberal manner, on the 7th Nov last -

In submitting it to the Govt, the 18th of Dec were not unanimous, Mr. Linn having voted a minute of dissent w^{ch} the Govt received in consideration.

Mr. Linn's views were to allow Mr. Phillips time to pay up arrears. The Board (Messrs Clarke & Robinson) advised the remission of half the sum due. The Govt, adopting Mr. Linn and the Commissioner's view, generally declined to remit, but spread the liquidation of the arrears over five years, three of three, as suggested by the Commissioner.

In the course of present calling for consideration, the Board of Rev., as now constituted, propose the suspension of the payment by Mr. Phillips, of the revenue arrears in question and a review by the Commissioner of the Department of the whole subject of the tenure of lands held by Europeans & others.

This will be a very wide subject and will not be disposed of by the Govt for long to come. Still I see no reason why it should not be treated disposed of in the

manner suggested by the Court -

But it seems to me that this
question is quite apart from that of
the propriety of Mr. Phillips' personal
debt to the local revenue being or
not being regarded in the ordinary course
of the Court's duties. - I would therefore
be as well depart from our order of this
7th Nov. which Mr. Phillips satisfies
by affirming that he is adducing new facts,
whereas only the old ones appear. - The
Court must be satisfied. It is notorious
that on the hills and in the valleys there
is a great deal of planting as a rule before
payment of their tax, beyond all reasonable
limits and the suspension of this system
was one of the results expected from the
abolition of the Millenary of a
Court. - Mr. Phillips seems to have made
no sign of intended payment. - I would let the
revenue law take its course against him.
If the result of the Court's proposed course of
the land rules on the plateau be such as to
show that any time Mr. P. may ultimately
have paid, upon the whole, it will be
easy enough to make a refund. -
I would let Captain Richardson answer
in the same way.

Presented by

W. J.

FOR ORDERS.

Revenue Department

17-2003

Proceedings of the Madras Government
Under date the 5th ^{Sept} August 1869

Read the following
Proceedings of the Board
of Revenue.

Recommending to
Govt to suspend collection
of arrears of quit rent
due on land on which Thomas
Gillingham to Mr Phillips
and on other lands since
early situated, &c. &c.

17 & 19th July 1869

Recommending to
Govt to suspend collection of quit
rent current and arrears
on coffee estates on which
Phillips to Gillingham &c. &c.

17 & 19th July 1869

W. H. M.

The Government
directing the suspension
of the collection
of the arrears of quit

rent due by Captain
Richardson and Mr
Phillips paying the
Board's reply to the
G. O. and in date the
7th instant. \$2526.

In full for the within sum of \$2526

[Signature]