M.R.O. 1—38,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 2801. Press ~~Misc~~

205-206.

Dated 15th October 1869..

Not to be folded or roughly handled

No. 205. Read the following Proceedings of the Board of Revenue, dated 11th September 1869, No. 6,831 :—

Read the following letter from the Commissioner of the Neilgherries, to the Acting Secretary to the Board of Revenue, dated Ootacamund, 9th August 1869, No. 114 :—

I HAVE the honour to forward my Report (Y) upon the arrears due by Mr. Dawson on his Seegoor property, and Mr. Dawson's comments (Z) on my report.

2. In Section III. of his comments, Mr. Dawson says he found that, " with " the exception of about 15 cawnies, all the land fit or available for coffee " cultivation, within the boundaries of the original puttiums, was claimed by Badagas, " in different patches, leaving me nothing but barren waste." All that I can say is that the Tahsildar, on the 19th November 1866, examined into the question, and reported (see enclosure C) that only 16 bullahs (64 acres) were held by the Badagas. Still Mr. Dawson says they *claimed* all the land (except 15 cawnies) *fit* or *available* for coffee cultivation. This is rather a vague mode of expression, and there is nothing in the original puttium (D) recognizing any distinction between land fit for coffee cultivation and land unfit for the same. The Collector of Coimbatore, in his letter* forwarding the papers to my Assistant, says, " Mr. Schnarre applied for 300 bullahs of land one mile north-east of the Segoor river." I presume Mr. Schnarre made no written application, as there is no letter from him to that effect among the papers sent me.

* Dated 3rd June 1868.

3. Further on, in the same section, Mr. Dawson says, " Hence my objections " * * * and my request for a refund of " what had been paid in excess by myself " and predecessors." I enclose all Mr. Dawson's letters, marked E. F. G. H. I. In letter F. Mr. Dawson says, " On three " different occasions I have paid quit-rent on the whole quantity of land named " in the puttiums, etc." As pointed out in paragraph 4 of my Report, Mr. Dawson paid only on one occasion, *viz.*, for Fusly 1274, and no mention is made in his former letters of any claim on account of his predecessors.

E. 28th January 1866.
F. 31st July ,,
G. 5th October ,,
H. 20th November ,,
I. 5th July 1867.

4. In Section IV. of his comments, Mr. Dawson says that Mr. Perrie *did* complain to the Collector about the Badagas, and he mentions witnesses who can attest to the fact. There is nothing on record in the nature of a complaint from Mr. Perrie The matter, however, is not of much importance. The main question is, what were the Badagas in possession of, and this, I take it, is settled by the Tahsildar's Report C. and by the sketch B., showing in blue the patches that the Badagas are still in possession of, amounting to about 64 acres.

5. In Section VI., Mr. Dawson says the remarks in his letter† I., to the effect that " the dispute between him and the " Badagas * * was settled," referred only to a particular dispute between him and the Badagas, which was settled by his purchasing 6 cawnies of land, etc. This does not accord with the Tahsildar's Report C., wherein it is said—

† Dated 5th July 1867.

"Mr. Dawson now states that he has no complaint whatever with regard to "the other Burgher holdings."

6. In Section VII., Mr. Dawson alludes to his heavy losses and disappointments, and the unhealthy locality in which the estate is situated. I enclose further papers.

J.—Conveyance from Mr. Schnarre to Mr. Perrie and Mr. McIvor for Rupees 400.

K.—Conveyance from Mr. Perrie of his share of the Seegoor estate and of the Billikul property to Mr. Dawson for Rupees 30,000.

I, with pleasure, refer Mr. Dawson's appeal for further consideration than I felt myself able to recommend in my report, on the ground of his losses in opening out the estate in such a locality. The estate is at the foot of the Seegoor Ghaut, and is well known to be a most feverish place. On this ground alone the Government, if they thought proper might, as a matter of grace, make a further remittance of Rupees 400, on the condition that the balance Rupees 451-8-8 was paid up at once without further demur.

ENCLOSURE No. 1.

REPORT.

From the same Officer, dated Ootacamund, 9th August 1869, No. 113.

In Fusly 1267, (1857-58,) the late Mr. Schnarre applied for 867 cawnies of land north-east of the Seegoor river. The Collector Mr. Thomas, on 18th January 1858, granted him the land on Cowle puttah, as follows :—

1857-58	Fusly	1267	Rent free.
1858-59	,,	1268	
1859-60	,,	1269	
1860-61	,,	1270	
1861-62	,,	1271	
1862-63	,,	1272	Quarter-rent.
1863-64	,,	1273	Half-rent.
1864-65	,,	1274	Three-quarters-rent.
1865-66	,,	1275	Full-rent namely, Rupees 975-6-0.

2. The land was neither demarcated nor surveyed. Mr. Schnarre held the land up to March 1859, (Fusly 1268,) when he sold to Mr. Perrie, in whose name the property was entered in the Collector's Register. Mr. Perrie paid the quarter-rent in Fusly 1272, (1862-63,) and the half-rent in Fusly 1273, (1863-64.) Neither Mr. Schnarre nor Mr. Perrie ever complained that the land was short of the registered area, or that Badagas had encroached.

3. On the 9th November 1863, (Fusly 1273,) Mr. Perrie sold to Mr. G. A. R. Dawson the present owner, and the land was registered in Mr. Dawson's name on the receipt of Mr. Dawson's letter of 2nd September 1864, (Fusly 1274,) up to which time Mr. Perrie was held responsible for the assessment. Mr. Dawson paid the three-quarters-rent for Fusly 1274.

4. In January 1866, (Fusly 1275,) Mr. Dawson, it would seem, for the first time, complained that the greater portion of the land was held by Badagas on grass puttiums said to have been recently issued to them, and that a portion had also been cultivated by them. He accordingly requested a survey and a refund of excess rent paid by him. On the 31st July 1866, Mr. Dawson reiterated his complaint, and added that the area he was actually in possession of did not amount to 200 cawnies,—in this letter also Mr. Dawson says :—"On three different occasions I have paid "quit-rent on the whole quantity of land."—This does not accord with my accounts which show that Mr. Perrie paid for Fuslies 1272 and 1273, and Mr. Dawson for Fusly 1274 only.

5. The Collector ordered the Tahsildar to report upon the Badaga holdings The Tahsildar on 19th November 1866, (Fusly 1276,) reported that within the boundaries pointed out by Mr. Dawson, four pieces of land measuring 64 acres (16 bullahs) in the aggregate were held by Badagas : that from one of these pieces Mr. Dawson obtained 6 cawnies by giving to the Badaga in exchange 10 cawnies from his own land ; that Mr. Dawson said he had no further dispute, and intended giving up a large portion of his estate on Razeenamah.

6. On 5th October 1866, (Fusly 1276,) Mr. Dawson again wrote to the Collector referring to his two previous letters and stating his desire to retain two blocks of about 150 cawnies each and to give up the rest.

7. On 20th November 1866, (Fusly 1276,) Mr. Dawson wrote again referring to his three previous letters, and stating that he had not been favoured with a reply.

8. On the 25th June 1867, (Fusly 1276,) the Collector replied and requested Mr. Dawson to give in a Razeenamah, stating what he wished to retain and what to relinquish.

9. On the 26th June 1867, (Fusly 1276,) Mr. Dawson filed his Razeenamah, copy of which marked A. I enclose. From this, it appears that Mr. Dawson decided to retain 150 cawnies west of the Chinna Coonoor river, and a block of 150 cawnies to the east of the Seegoor river, and to relinquish the part between the two blocks. The enclosed sketch B. from the survey map will show the position of the two blocks, shaded black, and their area in proportion to the total extent of land between the two rivers.

10. On the 5th July 1867, (Fusly 1277,) Mr. Dawson informed the Collector of the execution of the Razeenamah, and added "with reference to the dispute between me and the Badagas, I beg "to state it was settled after much time and trouble by my purchasing from them a portion of the "land in my puttium for Rupees 180, as well as giving them a plot of equivalent value and size in "another place."

11. On the 3rd June 1868, (Fusly 1277,) the Collector sent the correspondence for report to the Special Assistant-Collector who handed the papers over to me when I took charge in August of that year.

12. I have had interviews with Mr. Dawson and his father regarding the arrears due by the former on the property, and Mr. Dawson agreed to pay for the demarcation and survey of the estate, while I agreed, with the permission of the Board*, to stay recovery of arrears. It was understood that Mr. Dawson was to point out to the Surveyor the boundaries of the property which he considered himself to be in possession of, and which he wished to retain.

* Proceedings of the Board, 22nd May 1869, No. 3,629.

13. The survey has now been completed and is with Major Hessey. The area of the property, according to the boundaries pointed out by Mr. Dawson, is 47·12 acres. I have shown its position and size in red, on the sketch map B.

14. According to my accounts, Mr. Dawson owes arrears as follows :—

		RS.	A.	P.		RS.	A.	P.	
In Fusly	1275	975	6	0					
,,	1276	337	8	0	+	19	7	4	Road Cess.
,,	1277	337	8	0					
,,	1278	337	8	0	+	10	8	9	,,
		1,987	14	0	+	30	0	1	= Rs. 2,017 14 1

15. Out of this, however, I think it but fair that certain deductions should be made.

(1.) The assessment on the acreage which was found to be held by the Badagas should be deducted for each Fusly, up to the date of his first application to the Collector, namely, up to end of Fusly 1274, (30th June 1865). The assessment on the 64 acres* is Rupees 54-13-8.

* See paragraph 5, ante.

(2.) He should be given credit for the 180 Rupees which he says, (in his letter of 5th July 1867,) he paid to buy out these Badagas.

(3.) In January 1866, (Fusly 1275,) Mr. Dawson first complained that the greater portion of his land was held by Badagas, and although this did not turn out to be strictly true, inasmuch as it was found that the Badagas were in possession of a very small portion comparatively speaking, still they were in possession of 64 acres in the centre of his property, and I think, therefore, that the Razeenamah which he eventually executed in June 1867 (1276,) may take effect from the date of his first complaint, namely, January 1866, (Fusly 1275). This would reduce the arrears for Fusly 1275 from Rupees 975-6-0 to Rupees 337-8-0.

(4.) *The tenor of his viva voce complaints to me since August last year, have been that* the trouble and vexation caused him by the Badaga holdings have prevented his attempts to extend his cultivation, and that he now wishes his estate to be confined to the 47·12 acres according to the boundaries which he pointed out to the Survey Department. I would recommend that his wishes be complied with, and that the arrears for Fusly 1278 be held to be Rupees 40-13-3, the assessment on the 47·12 acres, instead of Rupees 337-8-0, as stated in my books.

16. Should the Board see reason to support my proposals, the result to Mr. Dawson will be as follows :—

(1.) That he will have a permanent puttah given to him for the 47·12 acres, and be henceforth charged on that area only at the rate of the original grant.

(2.) That his arrears account will stand as follows :—

		Fs. A.	P.		Rs. A.	P.	
Fusly 1275 (1865-66)	... ...	337	8	0			
,, 1276 (1866-67)	... ...	337	8	0	9	11	8 Road Cess.
,, 1277 (1867-68)	... ...	337	8	0	9	11	8 ,,
,, 1278 (1868-69)	... ...	40	13	3	1	4	4 ,,
		1,051	15	3 +	20	11	8 = Rs. 1,072 10 11
Deduct amount paid by Mr. Dawson as per his letter of 5th July 1867							180 0 0
							892 10 11
Deduct the excess paid by Mr. Dawson in Fusly 1274, (1864-65,) 64 acres, having been in possession, of the Badagas, ¾ of assessment on 64 acres is ¾ of Rupees 54-13-8							41 2 3
							851 8 8

17. The estate of 47·12 acres which Mr. Dawson now wishes to retain is coloured red according to scale in survey sketch B. which shows how very small a portion it forms of all the land applied for by the original grantee, which land is still available. The two blocks of 150 cawnies each which Mr. Dawson in his Razeenamah desired to retain are shaded with black ink in the sketch which, in like manner, shows the small area they take up of all the land applied for by the original grantee. The three small patches in blue show the position and size of the 64 acres held by the Badagas.

18. I myself have visited the locality, and find that under the terms of the original puttah from which Mr. Dawson derives his title, there is abundance of land available, far in excess of the original grant, namely, 867 cawnies, excluding the blue patches held by the Badagas. In strict justice, therefore, Mr. Dawson is not entitled to any reduction from the arrears account, as stated in paragraph 14, ante. The original grantee applied for 867 cawnies in a particular locality in which there are thousands of cawnies, and took possession and sold to Mr. Perrie who sold to Mr. Dawson ; that neither the original grantee nor Mr. Perrie complained of the Badaga holdings is sufficient evidence that they were satisfied that there were 867 cawnies available without touching the Badaga holdings. That Mr. Dawson, who derives his title from Messrs. Schnarre and Perrie, should elect to make the 867 cawnies include the Badaga holdings is a matter for which the Government are not responsible. Moreover, in his letter of the 5th July 1867, Mr. Dawson expressly admits that all the trouble and vexation on which he now lays so much stress, was settled by a payment of Rupees 180, and by an exchange of a few cawnies. Nevertheless, as

s to retain only that part of the estate which he has been able to bring into Government no doubt desire to meet the wishes of Planters who, as Pioneers, at difficulty in opening out an unhealthy country like Seegoor, I have tain reductions should be made (see paragraphs 15 and 16) in Mr. Dawson's count from Rupees 2,017-14-1 to Rupees 851-8-8.

at the Board may have before them Mr. Dawson's view of his own position, er to him for his comments, and requested him to forward to me the original Mr. Schnarre, and the transfer deeds from Mr. Schnarre to Mr. Perrie and from himself..

ENCLOSURE No. 5.

From G. A. R. DAWSON, Esq, to the Commissioner of the Neilgherries, dated Octacamund, August 1869.

I HAVE the honour to acknowledge the receipt of the draft of your report to the Board of Revenue, in reference to the land held by me at Seegoor.

2. There are some most important facts, in connection with this land, which I now here bring to your notice.

3. As before represented, I found that, with the exception of about 15 cawnies, all the land fit or available for coffee cultivation, within the boundaries of the original puttium, was claimed by Badagas, in different patches, leaving me nothing but barren waste. Hence my objections to pay the quit-rent, and my requests for a refund of what had been paid in excess by myself and predecessors.

4. In paragraph 2 of your Report, it is stated that "neither Mr. Schnarre, nor Mr. Perrie ever complained that the land was short of the registered area, or that the Badagas had encroached." Mr. Schnarre had scarcely time to commence planting operations when he sold the land to Mr. Perrie who, not doubting what was stated in the Government puttium, paid the quarter and half-rent as due. Subsequently Mr. Perrie did complain to Mr. Grant the Collector, about the Badagas being in possession, but got no redress. This is a fact which can be attested by respectable witnesses, namely, Mr. Jones of Parry and Co., Mr. Nicholas of Nicholas Brothers, and many others. When the land was sold to me by Mr. Perrie, I was then a resident of Coonoor, and took for granted the accuracy of the puttium and paid the rent as it fell due ; but, as soon as time permitted, I examined the land, and discovering how matters stood, I addressed the Collector, *vide* my letters dated January 28th 1866, 31st July 1866, 5th October 1866, and November 1866.

5. It will thus be seen that I never "elected to make the 867 cawnies include the Badaga holdings" and, therefore, I submit that this is a matter which deserves the consideration of the Board of Revenue and Government.

6. What I meant, in my letter of the 5th July 1867 quoted by you, was that the dispute concerning the purchase of 6 cawnies of land from the Badagas was settled, and *nothing further* ; whereas from your report it would appear that, "all the trouble and vexation I was subject to was over, by a payment of Rupees 180 and the exchange of a few cawnies."

7. I would, in conclusion, make some allusion to the very heavy losses and disappointments I have sustained during the past six years in this matter, and would sincerely trust with you that the Government will meet the wishes of Planters who, as Pioneers, mostly encounter great difficulties in opening out an unhealthy country like Seegoor.

8. Submitting the above to your careful consideration, I would hope that the same favourable concession be made to me, as in the similar cases of Captain Richardson and Mr. Short, in accordance with the ruling of Government, *vide* Proceedings of Government, dated 27th October 1868, No. 2,734, and Land Revenue No. 449 ; and that I shall be assessed at the usual rate for acres 47·12, being the whole extent of land held by me, as shown by the late survey from the date I purchased to the present time.

9. In compliance with your request, I beg to forward, herewith, the documents you require, namely, the original puttium, and three transfer deeds.

Enclosure No. 3—Tahsildar's Report.

Enclosure No. 4—Sketch.

Enclosures Nos. 5 to 7—Deeds of Conveyance.

Enclosures Nos. 8 to 16—Correspondence

Submitted for the orders of Government.

2. Mr. Dawson purchased a block of 867 cawnies north-east of the Seegoor river, held on Cowle, in November 1863, and paid the Cowle-rent which was three-quarters of the full assessment for Fusly 1274. Since then he has paid nothing, although according to the Cowle the full assessment Rupees 975-6-0 was due for and from Fusly 1275.

3. He seems to have had difficulties in securing his ownership, because some Badagas held puttahs for plots of land within the 867 cawnies.

4. At the end of Fusly 1277, Mr. Dawson resigned all the land, except two blocks of 150 cawnies each, assessed at Rupees 337-8-0.

5. The land has since been surveyed, and now Mr. Dawson only wishes to keep 47·12 acres assessed at Rupees 40-13-3, which appears to be all that he has utilized.

6. The Commissioner shows that taking the occupation to have been 300 cawnies from the first till the second relinquishment last fusly, and making all deductions that can fairly be claimed, the amount now payable, including road-cess, is Rupees 851-8-0.

7. On the other hand, Mr. Dawson, referring to Government Order, 27th October 1868, No. 2,734, disposing of the case of Captain Richardson and Mr. Short, begs that "the arrears of assessment due on the portion of the land not actually utilized be remitted, and the assessment paid on such portion be refunded." If this were done, Government would have to pay Mr. Dawson Rupees 522-9 3, but the Board are of opinion that the cases are dissimilar on a material point. Captain Richardson and Mr. Short, when told to resign the land they did not want, resigned 546 acres and kept 342 acres. Mr. Dawson at first resigned all except 300 cawnies and then a year or more afterwards all except 47·12 acres.

8. The Board have no doubt that Rupees 851-8-0 is far too heavy a demand, and they are strongly of opinion that it should not be enforced. The Commissioner recommends that Rupees 400 should be remitted, but even then the Board consider that sufficient relief would not be afforded. Under all the circumstances of the case, they recommend that the demand on account of acres 47·12 of land, be enforced

from Fusly 1275, and that the remainder of the arrears, which, admitting all reasonable deductions, are still considerable, be remitted.

9. The sum which Mr. Dawson will have to pay, if this proposal is adopted, is Rupees 167-2-0.

No. 206. Order thereon, 15th October 1869, No. 2,801.

Land Revenue.

Under the circumstances of the case, the Government are pleased to sanction the adoption of the course recommended by the Board of Revenue in paragraph 8 of the foregoing Proceedings.

(True Extract.)

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

To the Board of Revenue.
,, the Accountant-Genearal.

Exd. E. C. Shunker.

Revenue Department

No 2801.

Proceedings of the Madras Government
Under date the 15th ~~September~~ Oct 1869.

Read the following
Proceedings of the Board of
Revenue —

Recommending that payment of Arrears of assessment due on certain land at Seegoor on Neilgherries purchased by Mr G. A. R. Dawson on portion of land not relinquished by that gentleman be enforced from Fasly 1275, and that remainder be remitted.

(B. of R. 11th Sept 1869 No 6831.)

Under the circumstances of the case, the Govt are pleased to sanction the adoption of the course recommended by the Board of Revenue in para 8 of the foregoing Proceedings

To Collr & Dist Magte Nilgiris
Copy to Audr Genl

To Board of Revenue