

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1785

Press
~~Mis~~

219-220

Dated 14. 11. 1870 19.

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Revenue Department,
14th November 1870.*

No. 219. Read the following Proceedings of the Board of Revenue, dated 12th September 1870, No. 5,688:—

Read the following letter from the Commissioner of the Neilgherries, to the Acting Secretary to the Board of Revenue, dated Ootacamund, 16th July 1870, No. 94.

In Government Order, 16th July 1869, No. 2,066, Revenue Department, I was requested to ascertain, as nearly as possible, the dates of the several sales and of the alleged encroachments connected with the late James McIvor's Kartairy estate, which formed the subject of my letter to the Board, dated 14th April 1869, No. 46.

2. The demarcation and survey of the estate have proved a tedious job, and I was only furnished with a sketch map (A.) of the estate and encroachments in the beginning of June.

3. There are encroachments in six directions, two in connection with the "Craigmore" portion of the estate, one in connection with the "Sutton" portion of the estate, and three in connection with the "Woodland" portion of the estate. I have numbered the encroachments consecutively in the sketch map enclosed.

No. I. ENCROACHMENT.—The area of this is 2·74 Cawnies. It is scrub grass land.

No. II. ENCROACHMENT.—The area of this is 15·61 Cawnies. It also is scrub grass land.

Both Nos. I. and II. were purchased by Major Hodgson as part of the Craigmore estate from Mr. McIvor (the grantee) in September 1863.

4. As stated in paragraph 6 of my letter to the Board, 14th April 1869, No. 46, the "Craigmore" block was sold to Major Hodgson on 2nd September 1863 and was found to be Cawnies 123½ as per documents, H. Conveyance Deed and K. Survey Plan, forwarded to the Board with my letter above-mentioned.

Including the Encroachments Nos. I. and II. and the Cawnies 9½ sold in 1865 by Major Sweet to Major Hodgson as per Deed L. sent to the Board with my letter of the 14th April 1869, the Craigmore estate measures Cawnies 126·15 according to recent survey.

5. No. III. ENCROACHMENT.—The area of this is 39·25 Cawnies. It is also scrub grass land.

It lies in connection with that part of the original estate called "Sutton" which still remains in the possession of the widow of the original grantee, Mr. McIvor.

By the recent survey Sutton minus No. III. Encroachment is found to be Cawnies 191·75.

The Encroachment No. III. has not been cultivated, and I propose therefore to resume it.

6. No. IV. ENCROACHMENT.—The area of this is Cawnies 11·08. This is also scrub grass land.

It lies in connection with that part of the original estate called "Woodland" which still remains in the possession of the widow of the original grantee, Mr. McIvor.

It has been and is now sublet to Badagas, and therefore had better be thrown in with Woodland.

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7. Nos. V. and VI. ENCROACHMENTS.—The areas of these are Cawnies 179·31 and 29·87, respectively.

They both stand in connection with Woodland. No. V. is scrub grass land and has not been cultivated, and therefore may be resumed. No. VI. is forest land on which the trees have been felled and must therefore be attached to Woodland.

Woodland measures, Cawnies	...	...	...	501·97
Add No. IV. Encroachment	...	...	...	11·08
And No. VI. do.	...	...	...	29·87
				542·92

8. As stated in my letter to the Board of 14th April 1869, No. 46, the portions of the original estate, called in the enclosed sketch Halashana and Colacombe measuring Cawnies 322½ or thereabouts, were sold on 26th July 1862 by McIvor to Begbie as per Conveyance E. forwarded to the Board with my letter above-mentioned.

On the 13th April 1863, by Conveyance F. already forwarded to the Board, Begbie sold the Cawnies 322½ or thereabouts to Major Sweet.

Major Sweet, in March 1864, sold 313 Cawnies or thereabouts of the 322½ to Mr. T. Stanes, and on 28th February 1865 he sold to Major Hodgson Cawnies 9½, the remainder of the 322½ Cawnies.

In June 1864, Mr. Stanes sold Halashana, described as 92 Cawnies or thereabouts, to Mr. Streeton.

Halashana is found by recent survey to be Cawnies 96·34.

9. Those portions of the estate called Sutton and Woodland on the sketch are still in the possession of Mrs. McIvor, the widow.

10. The late Mr. McIvor paid all assessment due on the land up to 30th April 1862, since when nothing has been paid. The rate of assessment is 1 Rupee per Cawny.

11. Taking the measurements of the recent survey and tacking on to the grant Encroachments Nos. I. and II. improperly sold by the grantee to Major Hodgson, and Encroachments Nos. IV. and VI., the former because it is sublet to Badagas, and the latter because the forest has been felled, we get the following areas (omitting decimals) on which arrears are due for eight years, viz., from 30th April 1862 up to 30th April 1870:—

Present owner.	Name of Estate.	Cawnies.
Major Hodgson	Craigmore, including Encroachments Nos. I. and II., and 9½ Cawnies bought in 1865	126
Mrs. McIvor	Sutton	191
Mr. T. Stanes	Colacombe	229
Mr. Streeton	Halashana	96
Mrs. McIvor	Woodland, including Encroachments Nos. IV. and VI.	541
		1,183

$1,183 \times 8 \text{ years} = 9,464 \text{ Rupees, arrears of assessment due up to 30th April 1870.}$

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The only legal course for Government is to serve Mrs. McIvor with Notice of Demand for the whole amount, and in case of non-payment to sell under the Rent Recovery Act, because Mr. McIvor having no title to give the purchasers. Their names do not appear in our books.

12. I have, however, been in communication with Messrs. Hodgson, Stanes, and Streeton, and they are willing (as per letters X., Y., and Z., to pay up the arrears on their respective portions as follows:—

Craigmore estate in possession of Major	Rs.
Hodgson, 126 Cawnies. Assessment for seven years from 30th April 1870,	
Cawnies 126×7	= 882 due by Major Hodgson.
Colacombe, in possession of Mr. Stanes,	
Cawnies 229×8	= 1,832 do. Mr. Stanes.
Halashana, in possession of Mr. Streeton,	
Cawnies 96×8	= 768 do. Mr. Streeton.
	3,482

Mrs. McIvor will have to pay as follows:—

Assessment on Craigmore for one year ending 30th April 1863	126
Sutton, 191 Cawnies, arrears for eight years, 191×8	= 1,528
Woodland, 541 Cawnies, arrears for eight years, 541×8	= 4,328
	5,982

Rupces $3,482 + 5,982 = 9,464$.

13. The Board will observe that Messrs. Hodgson, Streeton, and Stanes, in their letters X., Y., and Z., appeal for time to pay up, and I would accordingly strongly recommend their being allowed four years, beginning with the first instalment on the 1st September next. I would extend the same indulgence to Mrs. McIvor.

Major Hodgson especially brings to notice that in 1865-66 he leased his estate on the express condition that the lessee was to pay the assessment. The lessee is now a bankrupt, and unable to satisfy his creditors; but had he in 1865-66 been called upon to pay the assessment, it may reasonably be presumed that he would have done so.

14. The payment of the cost of the recent demarcation and survey is another question which has to be settled.

I am informed by Captain Sargeant that the cost *irrespective* of labour and demarcation stones will not be short of 2,500 Rupees.

I propose that all expenses, irrespective of labour and demarcation stones, should be paid by Government.

15. Mr. Stanes in his letter Y. suggests that the Government should also pay for the labour because he and Mr. Streeton have already paid for a previous Government Survey. Major Hodgson has also paid for a previous survey.

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My proposal however is that Government should pay for the *survey* and owners for the *demarcation*, which was never formerly carried out, and which in all old estates whereof a new survey is ordered is always charged to the owners.

16. Lastly, as to the title-deeds.

It seems to me that it would save a great deal of trouble if permanent puttahs in the form enclosed could be given to Major Hodgson, Mr. Stanes, and Mr. Streeton, for the respective areas in their possession.

A title-deed in the form furnished by the Board to the Collector of Coimbatore in their Proceedings, 20th July 1864, No. 4,553, could then be given to Mrs. McIvor for

Sutton ... 191 Cawnies.

Woodland... 541 "

732 "

the title-deed reciting and explaining why the grant has been reduced from 934 Cawnies, 4 Grounds, 1,789 square-feet to 732 Cawnies as above.

17. The Board will take notice that the sketch map A. is but an eye-sketch to accompany this letter for reference. The apparent relative size of the different parts into which the estate is divided in the sketch bear little or no relation to their real relative size.

ENCLOSURE No. 1.—X.

From Major F. G. HODGSON, to the Commissioner of the Neilgherries, dated Ootacamund, 8th July 1870.

With reference to our conversation and the sketch map of the Kartairy estate shown me, I have the honour to say that I should like to keep the two blocks Nos. I. and II., measuring respectively Cawnies 2-77 and Cawnies 15-61, which were sold to me by the late Mr. James McIvor, and which now are found to be encroachments and not within the limits of the land granted to him.

2. As regards the arrears due on the land since the 30th April 1862, I beg to state that had the assessment been duly collected year by year by the Collector of the Coimbatore District, the present occupants and possessors of the land would not now be in the awkward and unpleasant position in which they now find themselves to be; for in my case I would mention, which I hope you will be good enough to bring to the favourable notice of the Government, that on the 1st of January 1865 I leased the Craigmere estate to Mr. W. H. Stainbank, who held the same on lease until the 1st April 1866, and who according to the terms of the lease made and concluded between us, held himself liable to the assessment during the term of his occupancy, which, as I have already stated, would doubtless have been paid by him had the Collector performed his duty and collected the quit-rent due. The land was sold to me as per my deed in your possession on the 2nd September 1863, so that for the year ending 30th April 1864, and for the subsequent, viz., to the 30th April 1870, the land in possession during that time is responsible for the assessment at the rate of one Rupee per cawny, and to save my interest in the same I of course must pay.

3. The area of the whole property with the Encroachments Nos. I. and II. is 126 Cawnies; I have therefore to pay 7×126 or Rupees 882, which I trust the Government, if they determine to enforce the payment of the arrears, will allow me to discharge in four yearly instalments.

ENCLOSURE No. 2.—Y.

From T. STANES, Esq., to the Commissioner of the Neilgherries, dated Coonoor, 10th July 1870.

In reply to your letter of 6th instant, I have the honour to inform you :—
First.—That I have also received the letter of Major Sweet, addressed to you and dated 7th instant, and have since had an interview with that gentleman. In giving you the dates of transfer

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of the Colacombe estate, I named the *date of the deeds* and not the day of which the private arrangement was made between Major Sweet and myself; this will account for the dates Major Sweet mentioned and the dates I gave you not corroborating.

Secondly.—That the sale of the portion called Halashana was only nominal, from me it had already been made over to a Mr. Cox, and from him to Mr. Streeton; but to save documents (as none had been executed between Major S. and Mr. C.) the whole land was made over to me. Mr. Streeton will, therefore, have to pay up quit-rent from 1863, as well as myself. I have had a satisfactory interview with him on the subject to-day.

Fourthly.—I desire to bring to your notice that in person I requested His Excellency Sir William Denison that the matter might be settled in regard to Mr. McIvor's land, as it would be hard upon us hereafter to have to pay up accumulated quit-rent; and he kindly promised it should be immediately adjusted. The demand now comes upon us at a most trying time when we have suffered much in that locality from short crops, and the destroying ravages of the Coffee Bug; also increased taxation, and have expended the very utmost of our capital! I am willing to pay up the arrears due by me, but trust that Government will take into consideration the circumstances above-named and allow me to pay it in four or five yearly instalments.

Fifthly.—In regard to the recent survey of the Calacombe and Halashana estates, I beg to request that the whole of the *cost of labour* may be returned to us, and in making this request I would inform you that the sum of Rupees 340 (for which Mr. Streeton and myself paid Major Sweet) was paid for a survey made by Order of Government in 1863. I do not suppose that they would charge us over *again* for a survey, or even expect us to pay for the *labour of another*! as we were perfectly satisfied with the old plan, which was very correct. Trusting you will take these matters into consideration, I am, etc.

ENCLOSURE No. 3.—Z.

From A. H. STREETON, Esq., to the Commissioner of the Neilgherries, dated Coonoor, 14th July 1870.

I HAVE received your letter of 6th instant, and in reply have the honour to inform you that I am prepared to pay the amount due to Government for back quit-rent (on 96 Cawnies of land) since the year 1862; and beg to thank you for your promise to use your influence to procure us four or five years in which to pay up our long accumulated back "quit-rent." I take the present opportunity of bringing to your notice that the present is a time of great depression to coffee interests, on account of the late bad seasons, bug, and sundry other local causes, which makes it very hard on us to have to pay up such large sums, caused by the neglect of Government in not yearly forwarding us our "quit-rent" bills. With regard to the clause in your's of 6th instant concerning the new survey, I beg to bring to your notice that, in the year 1863, the sum of 340 Rupees was paid to the Government for a survey and plan. Part of this sum was paid by me, and as I was quite contented with the old survey, I consider it very hard to have a new one forced upon me. I have already paid for and fixed survey stones, and cleared the boundaries for the new survey at considerable inconvenience to myself, as I had to supply coolies just at crop time. Mr. Fraser gave me distinctly to understand that if I supplied these, I should incur no further expenses, and even this amount I shall be glad if you can get refunded to me.

ENCLOSURE No. 4.—One Sketch.

ENCLOSURE No. 5.—Form of puttahs.

SUBMITTED to Government, with reference to Government Order, 16th July 1869, No. 2,066.

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2. Mr. Breeks submits an eye-sketch of the Kartairy property, together with full information relative to the encroachments made on Government land adjoining it.

3. The original grant appears to be formed into five estates; in connection with three of which encroachments on adjacent Government land, six in number, and comprising Cawnies 277-86, have taken place, as follows:—

	Portion of original grant.		Encroachment.	
	Cs.	Cs.		
<i>Craigmore.</i>				
Proprietor, Major Hodgson...	97-89	No. I.—2-74	scrub grass land.	
	(including 91½	No. II.—15-61	do. do. do.	
	Cawnies purchased from Major Sweet.)			
<i>Sutton.</i>				
Proprietrix, widow of James McIvor ...	191-75	No. III.—39-25	do. do. (uncultivated.)	
Wood lands ...	501-97	No. IV.—11-08	scrub grass, sublet to Burghers.	
Do. do. ...		No. V.—179-31	scrub grass land (uncultivated.)	
		No. VI.—29-87	do. do. (felled forest land.)	

4. The Commissioner proposes to resume Encroachments Nos. III and V. Both are in the *quasi* possession of Mr. James McIvor's widow and are uncultivated. This seems reasonable, but the widow's wishes should have been ascertained, so that it might be known whether any valid objections to this summary proceeding are to be anticipated.

5. Nos. I. and II. have passed by sale to Major Hodgson and must be confirmed to him subject of course to the usual quit-rent.

6. No. IV. has likewise passed into other hands and the transfer should likewise stand good subject to quit-rent; but the wishes of the Burghers who now occupy it should have been ascertained.

7. No. VI. consists of forest land felled by the grantee or his widow, and the Commissioner does not propose to disturb existing possession.

8. Two other estates named Ilalashana and Colacombie, measuring about Cawnies 322½, have passed through several hands since 1862. Major Hodgson now holds Cawnies 91½, Mr. Streeton Cawnies 96-34, and the rest is apparently in the possession of Mr. J. Stanes.

9. No quit-rent has been paid since 30th April 1862, and the arrears of eight years on the whole five holdings of Cawnies 1,183 at one Rupee per Cawny amount to Rupees 9,464.

10. The Board do not think that the course proposed by the Commissioner in paragraph 11 will hold good under the *Rent Recovery Act* for an arrear of eight years standing. But probably Mr. Breeks means the *Revenue Recovery Act*. The occupants have, however, assented to pay up all arrears by four annual instalments, and this should be allowed and extended to the widow of the late Mr. McIvor. Her position entitles her to consideration, and the irregularities brought to light were committed by the deceased.

11. The Board are of opinion that it is fair that the owners should pay the cost of demarcation, but Government must accept the charge for re-survey.

12. They also think that permanent puttahs as proposed by Mr. Breeks should be issued to each present possessor for his holding if it can be legally done;

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in which case Mrs. McIvor's assent to the arrangement should be obtained in due legal form of relinquishment.

13. But they entertain great doubts whether this can be safely done, and resolve to ask the Government Pleader, whether she as a widow with children (the deceased having died intestate) could make such a valid relinquishment of the whole property as would enable Government to re-distribute it under puttah grants such as are proposed by the Commissioner.

No. 220.

ORDER THEREON, 14th November 1870, No. 1,785.

Miscellaneous.

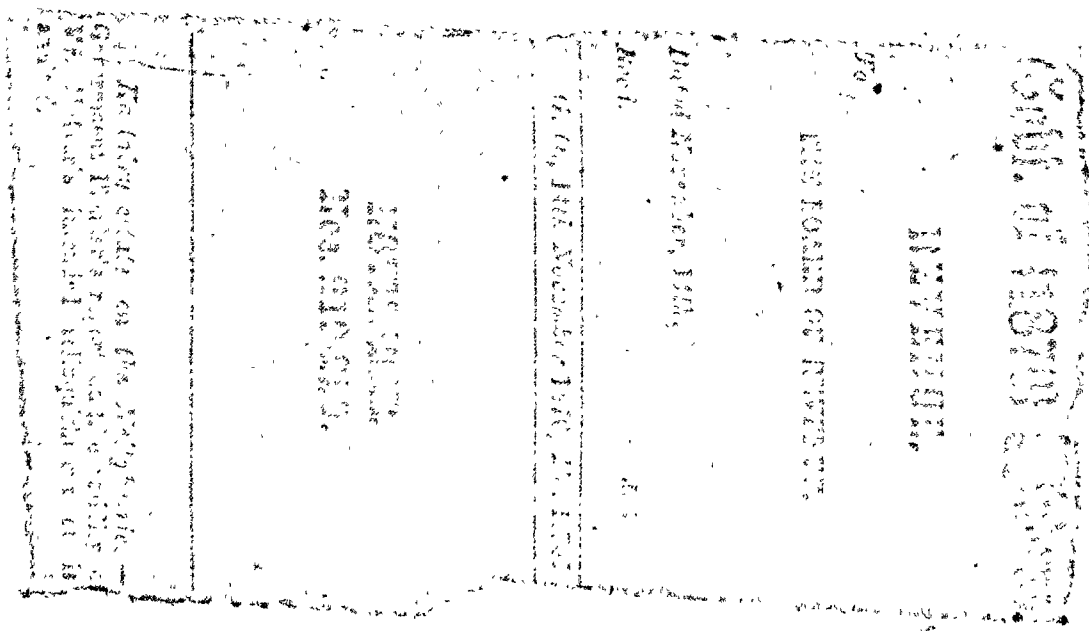
THE Government will await the Government Pleader's report called for in paragraph 13 of the foregoing Proceedings.

(True Extract.)

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

To the Board of Revenue.

Eod. F. R. Bantleman.



N^o.

Whereas

Registered holder of the land specified in the Schedule hereunder Map or Plan hereunto annexed, has made application that the permanent holding, and has paid the actual cost of the Survey,

I

Commissioner of the Neilgherry Hills, acting under the authority of the Government of Madras, do hereby confirm the said land to the said

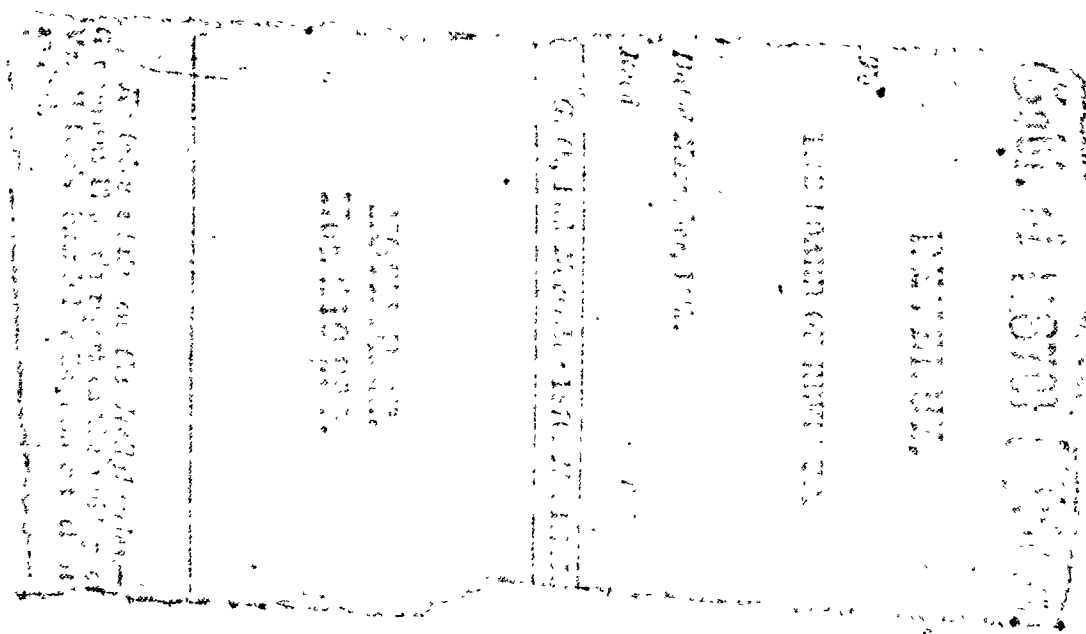
and his heirs in permanent possession

payment of the sum of Rupees

now payable thereon to Government.

Provided that this quit-rent shall be paid for each revenue year on or before the 31st March in that year, failing which it will be

No.



Whereas

Registered holder of the land specified in the Schedule hereunder written, and delineated in the Map or Plan hereunto annexed, has made application that the said tenure may be changed into a permanent holding, and has paid the actual cost of the Survey, and durable demarcation of the land

I

Commissioner of the Neilgherry Hills, acting under the authority of the Governor-in-Council of Madras, do hereby confirm the said land to the said

and his heirs in permanent property, subject to the regular yearly payment of the sum of Rupees now payable thereon to Government.

Provided that this quit-rent shall be paid for each revenue year to the proper receiving Officer on or before the 31st March in that year, failing which it will be recoverable by the ordinary process for recovering arrears of Land Revenue by the Madras Code.

Provided also that the said

or other lawful owner of the said land shall be at liberty at any time to redeem the aforesaid annual payment, by paying to Government the sum of Rupees being equal to twenty-five times the amount of the said yearly quit-rent; and that on such payment, a Certificate shall be given to him declaring the land to be thenceforward free from all payment of revenue or quit-rent.

Provided also that the said

or other lawful owner of the said land shall at all times hereafter at his own expense repair and maintain in good order the boundary marks erected round the said land.

Provided also that this Certificate in no way affects the liability of the abovesaid land to payments for General, Municipal or other local purposes, nor does it in any way affect any rights or interests which other parties may have in the said land, or any of the other conditions on which it is now held.

SPECIFICATION OF THE LAND.

District and Registration District.	Talook.	Village.	Name if any.	Boundaries.	Extent.

By order of the Government of Madras.

NEILGHERRY HILLS,
18 }

Commissioner Neilgherry Hills.

deemed under the Rules in the village of
District of
in the

Demarcation Sketch
of
KARTAIRY ESTATES

Dated

18

THE RIGHT HONOURABLE THE
SECRETARY OF STATE FOR INDIA
IN COUNCIL.

with

Permanent Puttah for Land of which the Assessment is capable of being re-deemed under the Rules in the village of District of in the

22

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Revenue Survey Office
Ootacamund

Captain

Anteperimenter Revenue Survey

Revenue Department
No 1785

Proceedings of the Madras Government
Under date the 11th Novr 1870

Read the following
Proc: of the B^d of Rev:-

Submitting with remarks &
letter from Commr. submitting an
eye sketch of Kartavy estate on Kil-
gherries belonging to late Mr. J. &
Mr. J. together with information
relative to encroachments made on
Govt. land adjoining estate.-

H. E. 12th Sept 70 No 5688

The Govt. will await
the Govt. Pleader's report called
for in para 13 of the foregoing
Proceedings.-

[Signature]

115

14th Feb 1871

[Signature]

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2854/70
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