

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT

G.O. No.

2096

Press

~~Mis.~~

433-35

Dated 21-12-1870. *M*Not to be folded or roughly handled

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*Proceedings of the Madras Government, Revenue Department,
21st December 1870.*

Read the following:—

No. 433. Proceedings of the Board of Revenue, dated 1st October 1870,
No. 5,937.

Read the following papers:—

Proceedings of the Madras Government, dated 29th August 1870, No. 1,333,
Revenue Department.

ABSTRACT.—*Late Mr. Brown's land on the Neilgherries.*—Further opinion of the Government Pleader awaited as to the manner in which the Title-deeds of the property are to be prepared.

Letter from the Government Pleader, to the Acting Secretary to the Board of Revenue, dated Madras, 19th August 1870, No. 120.

I HAVE the honour to acknowledge receipt of the Board's Proceedings, noted
Dated 27th July 1870, No. 5,057. in the margin, communicating to me a
letter from the Assistant Commissioner
of the Neilgherries on the subject of the Title-deeds to be issued for the land
purchased by the late Mr. Brown at Kodanaud.

2. In proposing the arrangement for the conveyance of the land to the purchaser from Mr. Brown's executors direct by one deed instead of going through the circuitous process of conveying to the executor for immediate transfer to the purchaser, I certainly did not think of the loss of Stamp-duty to Government, which such an arrangement would entail. I believe the amount of purchase-money in these sales of lands subject to fixed assessment is very small, and, therefore, the question of stamp does not seem very important. Under the present Stamp Act, the Conveyance to Mr. Phillips, though executed on behalf of Government, would have to be stamped. Thus Government would get the Stamp-duty in respect of the conveyance to Mr. Phillips in any case. True the present Stamp Act would also require a stamp for the conveyance by Government to Mr. Brown's executor, and this would be lost by the proposed arrangement. But bearing in mind that if Mr. Brown had received his Title-deed in the usual course, the transaction would have come under the old Stamp Act, and no duty would have been payable, Government could hardly perhaps with justice insist on the cost of this stamp being defrayed by Mr. Brown's estate.

3. With regard to the objection raised by the Assistant Commissioner to the proposal for carrying out the arrangement by one deed on the ground of the supposed difficulty in adopting the prescribed form of Title-deed, I do not see much force in it. The printed form (herewith returned), copy of which is sent to me, must be altered considerably to suit the present case, in whatever way the arrangements are carried out. The form assumes the party to the deed and the purchaser to be one and the same person which would not be the case here. Then the recital of the sale by auction and the purchase would be wholly inaccurate as it stands in the present case, where the land conveyed is not the whole of that which was purchased. In fact, some recital of the relinquishment of part of the land seems absolutely necessary in any case to make the deed intelligible, the only alternative would be to dispense with recitals altogether.

4. I enclose draft of the recitals in the deed, as it appears to me they must be altered in the two cases and the Board will be able to decide, taking into consideration the question of stamp, which form of conveyance should be adopted.

5. Mr. Brown appears to have made two separate purchases on the 11th January 1864 of Blocks Nos. 3 and 4, and on 28th August 1865 of Block No. 9. The latter block, according to the arrangement now proposed, is to be relinquished altogether, and the purchase of this need not therefore be mentioned in the deeds, but it would be as well to obtain a short agreement for the cancellation of the sale from Mr. Brown's executor, especially as the original arrangement between Mr. Brown and the Assistant Commissioner was made verbally, and there appears to be no writing in existence expressing the wish of the former to give up the land. I enclose draft of such a document as I think would be required for this purpose. If executed on behalf of Government, it would not, I think, require a stamp under the present Act.

ENCLOSURES Nos. 1 to 3.—Forms of deeds.

ENCLOSURE No. 4.—Printed form of deed.

SUBMITTED for the orders of Government, with reference to Government Order, 29th August 1870, No. 1,338.

2. The Board are of opinion that the transactions with regard to Mr. Phillips's land should be expressed by a single deed beginning with a recital in the form of Enclosure No. 2. A separate deed of relinquishment with regard to Block 29 (Enclosure No. 3) should be taken from Mr. Jones.

3. The enclosures have been altered in the Board's Office to correspond with facts which had been overlooked. Whatever form is adopted, they should be carefully examined by the local officers.

No. 434. Proceedings of the Board of Revenue, dated 2nd November 1870, No. 6,431.

Read the following letter from the Commissioner of the Neilgherries, to the Acting Secretary to the Board of Revenue, dated Ooracmand, 30th September 1870, 141.

GOVERNMENT in their Order, dated 2nd May 1870, No. 623, permitted the late Mr. Brown to relinquish certain portion of his Kodanand Estate purchased in 1864 and 1865, and remitted the arrears of assessment on the relinquished portion.

2. The whole estate contained acres 388-61. Acres 138-80 were to be relinquished, and 100 acres were to be retained, on which arrears from date of sale were to be collected when Plan and Title-deed of the estate in its diminished form were furnished. The estate consisted of three blocks, numbered 3, 4, and 9, as per margin, Nos 3 and 4, adjoining each other as per original Plans A. enclosed. No. 9 is a separate block consisting of 29-80 acres, of which 26-74 are unfelled forest and 3-06 grass.

	Acres
No. 3	186-68
" 4	92-33
" 9	29-80

No. 9 has been relinquished in its entirety.

3. Mr. Roupell (*vide* his letter dated 1st May 1868, No. 83) saw Mr. Brown and roughly arranged with him the shape which the 100 acres (more or less) he was to retain, was to take, and he drew some red pencil lines on the plan enclosing the portion Mr. Brown desired to retain, as well as he could make it out, for the ground is extremely difficult, being situated on the very abrupt and broken slopes of the hills facing the Gazulhutti Pass.

4. After Mr. Brown's death, Messrs. Parry & Co. were corresponded with as his representatives.

I went long ago to see the land, and found it impossible to fix the demarcation. Messrs. Parry & Co.'s Agents here, Messrs. Vertue and Minchin, were, therefore, requested to point out the 100 acres they wished to retain.

They referred me to Mr. R. F. Phillips, a Planter in the neighbourhood, to whom it appears the 100 acres more or less had been sold.

5. The Survey Officer was furnished with the old plans, and was requested to see Mr. Phillips, who would point out to him the 102 acres more or less which were to be demarcated, surveyed, and retained.

6. In due course the Survey Sketch was furnished (marked B. enclosed) showing a most irregular figure (as coloured in the sketch), amounting to acres 112-94.

I asked Mr. Phillips to come to me, and pointed out to him that although the case was somewhat exceptional, and that under the circumstances of Mr. Brown's decease, the Government would very likely meet the wishes of Mr. Brown's representatives as far as possible, in respect of the land to be relinquished, yet I thought it unlikely that they would allow the land retained to assume the irregular figure of sketch B., and I suggested to him the desirability of at least taking in the blocks A. and C.

7. Mr. Phillips went over the ground again with the Surveyor, and sent me the enclosed letter C., pointing out that the blocks A., B., and C., are perfectly useless to him for cultivation or grazing.

No doubt the blocks A., B., and C., are somewhat of the nature represented by Mr. Phillips, although I am assured by the Survey Officer that they are not "Rock," such as he would be justified in excluding from an estate purchased under the Waste Land Rules.

8. If it were a simple waste land block now put up for the first time for purchase, it would be impossible to pass it in the form of the coloured sketch B. as it in no sense represents a compact block, as required by Section 4 of the Waste Land Rules.

But under the circumstances of the case, and considering the arrears due on the property, and that the original purchaser is dead, perhaps the Government will see fit to relax the rules in this instance, and allow the estate to pass to the heirs in the form of the coloured part of the sketch or with the addition of A. and C. which would make the portion retained amount to 123-07 acres.

*Proceedings of the Madras Government, Revenue Department,
21st December 1870.*

ENCLOSURE No. 1.

From R. F. PHILLIPS, Esq., to the Commissioner of the Neilgherries, dated Warheccau, 7th September 1870.

I HAVE the honour to inform you that I have accompanied the Surveyor (Mr. Russell) down to Madanaad, and carefully examined the blocks marked A., B., and C. on the plan.

A.—Block A. represents the rocky top of an exposed saddle, partially covered with tufts of thatch grass, which grows between the clumps of rock of which this hill is composed. This ground is of course *useless for all purposes of cultivation* as well as for *grazing*; there is no grass upon it that even an Ibex would eat, and, if the Survey Department insist upon my taking this portion, it will prove an *utter loss*, for I can *never* utilize it in any way.

B.—Block B. contains several acres of country similar to block A., excepting only that it consists chiefly of "Sheet-rock," and is, in fact, the summit of a rocky hill, exposed to the full force of the winds, and producing *no* grass that even buffaloes could live upon.

C.—Block C. contains several acres of scrub, and *abrupt precipices, utterly useless for grazing purposes*, and simply *impracticable to plant upon*.

I wish to call your attention to these *facts*, and beg that you will kindly represent them.

If the blocks A., B., and C. contained *even* grass upon which I could graze my cattle, I would not trouble you on this matter; for I feel sure that though the Survey Office may desire, for the sake of appearance, that their plants should be regular, and in a good shape, that the Government do not wish to hamper a Planter, who is attempting (under many difficulties) to cultivate some inferior land on the very edge of the Neilgherries, and about 30 miles from Ooty, and for the sake of appearances, (that the plan may be regular,) to burden me for ever with a yearly tax of from Rs. 10 to Rs. 20 for the privilege of possessing from 10 to 20 acres of "sheet rock" and precipices.

I may mention that I have at different times purchased and paid for nearly 1,000 acres of land upon these hills, *every acre of which* (though held and worked at a *dead loss*) are nevertheless paying quit-rents annually to Government.

All I looked for in return is fair and liberal treatment, which I trust may yet be accorded to me.

In order not to cause any delay in Mr. Russell's work, I made *no* objection to his carrying out his instructions and including blocks (A. and C.), feeling assured that on representing the *real* nature of this *falsely* called grass land, that the original survey by Mr. Arklie would be allowed to remain as it is.

In the event of your being unable to accede to my request, I beg you will kindly send on my letter and the plan to be laid before the Government, acquainting them with the fact, that portions of this Madanaad Estate were formerly cultivated by Kodanaad Badagas, and *abandoned* by them seventeen years ago, on account of its *many drawbacks*. Surely, if it did not repay these Badagas their labour, when they held it on "pattah" it will prove *doubly ruinous* to me, when loaded with rocks, sheet rock, and precipices.

ENCLOSURES Nos. 2 and 3.—Plans.

Submitted for the orders of Government. Under all the circumstances, the Board think the proposal in paragraph 8 may be acquiesced in. Mr. Phillips should not be saddled with acres of sheet rock and exposed hill summit.

2. The Board have already (with their Proceedings dated 1st October, No. 5,937) submitted to Government the form of Deed which it is proposed should be issued for Mr. Phillips's land.

*Proceedings of the Madras Government, Revenue Department,
21st December 1870.*

No. 435.

ORDER THEREON, 21st December 1870, No. 2,096.

Land Revenue.

THE Government approve of the course proposed for adoption by the Government Pleader, and recommended

by the Board in paragraph 2 of their Proceedings, dated 1st October 1870, No. 5,937.

2. The Government also authorize the Commissioner, Neilgherries, to include Plots A., B., and C., (referred to in his letter of 30th September 1870, No. 141,) in Mr. Phillips's holding, free of assessment.

(True Extract.)

(Signed)

W. HUDLESTON,
Secretary to Government.

To the Board of Revenue.

.. the Commissioner of the Neilgherries.

.. the Accountant-General.

Exd. F. R. Bantleman.

2096

Procs of the Madras Govt

Under date the 21 December 1870

Read the following

Procs of the Bd of Rev.

Submg. Govt Pleader's further
opinion as to manner in which
deeds are to be prepared for certain
land on Neilgherries purchased
by late Mr. A. L. Brown

H.E. 1st Oct 1870, No 5,934

Submg. letter from Council of
Neilgherries submg. proposals in
regard to portion of Kodanood
estate on Neilgherries, property of
Mr. A. L. Brown to be given to
Mr. Phillips

H.E. 2nd Nov 1870, No 6,431

Approved
20 Dec 1870
L.H.

The Govt approve of
the course proposed for
adoption by the Government
Pleader and recommended
by the Board in para 2
of their Proceedings dated

Govt of 1870
REVENUE
THE BOARD OF REVENUE
H.E. 1st Oct 1870, No 5,934
H.E. 2nd Nov 1870, No 6,431
Approved
20 Dec 1870
L.H.

Madras Revenue
Department
Proceedings of the
Board of Revenue

4/6
Revenue Department

Proceedings of the Madras Government
Under date the

Read the following Proceedings
of the Board of Revenue

Submitting Government Pleader's
further opinion as to manner in which
deeds are to be prepared for certain lands
on Neelgherries purchased by late Mr.
A. L. Brown. (M. G. 1st October 1870 No. 5937.)

Submitting letter from commis-
sioner of Neelgherries submitting pro-
posal in regard to purchase of certain
estate on Neelgherries property of
late Mr. A. L. Brown to be given to
Mr. Phillips

The Government approve
of the ~~arrangement~~ course for adoption
of the ~~arrangement~~ proposed by
the Government Pleader and re-
commended by the Board in
para 2 of their Proceedings dated
1st October 1870 No. 5937.

The Govt. also authorize
the Commr. Neelgherries to purchase
the A. B. & Co. (supra) in his
letter of 30 Sept. 1870 No. 161) authorized the arrangement proposed
in Mr. Phillips' wording. per
Secretary. L. H.

by Mr. Brecks in para 8 of his
letter dated 30th September 1870 N. 141,
and recommended by the Board
by virtue of which Mr. Phillips'
holding will be identical with
the coloured portion of the plan
marked B, and will not include
the blocks A, B, and C.

The Deeds (Enclosures
2 and 3) will be returned through
the Board to the Commissioner
for insertion of the requisite
details.

W. H.

L. H.

W. H.

I do not think
he should allow
this. Mr. Phillips
has largely excepted
in land - but
Chas. & Rivers
the Enlar. thoroughly.
Some rectification
of boundary lines
was for the public
benefit.

L. H.

Do not approve of
the plan B. & C.
Wm. H. & C. W. H.
H. H. & C. W. H.
H. H. & C. W. H.
H. H. & C. W. H.
H. H. & C. W. H.
H. H. & C. W. H.
H. H. & C. W. H.

my work on can
detour it in front
H. H.

I would give him A, B
& C. They are not
valuable land, no
one else will buy them
surrounded as they are
by the property of another
person. The Block
will thus be more
compact, the man
will be pleased
and the gov. will
lose nothing.

I have no objection
A. H.

Widow's Estate
in Nulphur, the
property of late
Mr. A. A. Brown

Committee

Report
on the
Estate of
the late
Mr. A. A. Brown