

Read the following papers :—

No. 125. Proceedings of the Board of Revenue, dated 17th June 1871, No. 2,450.

Read again Board's Proceedings dated 17th November 1870, No. 6,735.

Read also the following letter from the Commissioner of the Nilgiris, to the Acting Secretary to the Board of Revenue, dated Ootacamund, 27th April 1871, No. 41.

In reply to Proceedings of the Board, 17th November 1870, No. 6,735, I have

the honour to state that Mrs. S. Melvor holds letters of administration,* and says she assents to the arrangements proposed in my letter of the 16th July 1870, No. 94, with the exception of the resumption by Government of encroachments Nos. III. and V. I enclose her letter which refers also to other matters connected with the Kartairy estate. I enclose also a map of the Kartairy estate (which please return) showing the encroachments coloured yellow :—

No. I.	Encroachment is A.	on map.
„ II.	do.	is B. do.
„ III.	do.	is C. do.
„ IV.	do.	is D. do.
„ V.	do.	is E. do.
„ VI.	do.	is F. do.

Mrs. Melvor says she wishes to retain possession of encroachments No. III. (39.25 cawnies) and No. V. (179.31 cawnies), and expresses her willingness to pay quit-rent thereon from the date of demarcation. I have already informed you that the encroachments (Nos. III. and V.) have not been cultivated either by the grantee or his widow. I am aware that a hut and cattle-kraal have been built on No. V., and that a stream rising in a Government Sholah has been diverted from its course and carried through a portion of No. V. to Woodlands, Mrs. Melvor's property. I have marked the cattle-kraal, hut, and stream by a red cross on the map forwarded.

3. It is well understood that grazing on Government waste land is free in this district, and cattle-kraals, for the sake of the manure, are erected in many places on Government land by owners of herds. It would be inconvenient if such acts were admitted as affording claims to occupancy or proprietary rights.

4. You are aware that six encroachments, comprising 277.86† cawnies, have

taken place. Of these six, two (Nos. I. and II.) were included on land sold by the grantee to Major Hodgson; and four,

Nos. III., IV., V., and VI., are connected with the land still in possession of the grantee's widow. Of these four I recommended that Nos. IV. and VI. (cawnies 11.08 and 29.87, respectively) should be surrendered to Mrs. Melvor, and that Government should not sanction the retention by Mrs. Melvor of Nos. III. and V. (cawnies 39.25 and 179.31, respectively). Under the circumstances of the case, and considering that eight years' arrears are due, I thought, in making this recommendation, that I was suggesting a liberal "proceeding," but the Board call it

* See Board's Procs., 12th September 1870, No. 5,688.

*Proceedings of the Madras Government, Revenue Department,
12th July 1871.*

summary, and want to know if Mrs. McIvor "assents to the arrangements which have been proposed."

5. I confess to being somewhat at a loss at first to know what was meant by "the arrangements proposed," but I conclude that they refer solely to the one point of Mrs. McIvor's relinquishment of the difference between 732 cawnies and 934 cawnies, the area of the original grant.

6. It is very natural that Mrs. McIvor should wish to retain the possession of encroachments Nos. III. and V., but I cannot support her request. By allowing her to keep Nos. IV. and VI. she will find herself in possession of a large tract of land (733.92 cawnies) nearly double the area allowed to any purchaser under the Waste

Land Rules. It is not desirable, in my opinion, to add some 200 cawnies more to the estate by surrendering encroachments Nos. III. and V., *firstly*, because I can see no reason for such exceptional liberality, but rather an awkward precedent; and, *secondly*, because it is evident from some late proceedings* of

* Mr. Hodgson applied for 150 acres of forest on the other side of Woodlands. After seeing the forest I sanctioned its sale. Subsequently, on the 10th ultimo, Mr. Hodgson wrote me that he withdrew the application, as Mrs. McIvor refused him a right of way, and claimed rights to water out of her boundary which might inconvenience him.

Mrs. McIvor that a reasonable limitation to the size of estate is necessary.

7. In paragraph 4 of her letter Mrs. McIvor requests permission to pay assessment on No. IV. encroachment *from 1867 only*, the year when the land was first sub-let to Badagas and on No. VI. encroachment *from 1866 only*, the year when the forest was felled. I readily accept Mrs. McIvor's word that the years mentioned were the first years that the land alluded to was put to any profitable use, and Government might accede to her request as a matter of favour on the ground, as the Board point out that her position entitles her to consideration. For the same reason I think the Government might allow her six years to pay her arrears in instead of four as I originally recommended.

ENCLOSURE No. 1.

From Mrs. S. C. McIVOR, to the Commissioner of the Nilgiris, dated Woodlands Estate, 20th April 1871.

In reply to your letter of 14th instant, enclosing Proceedings of the Board of Revenue, asking if I have taken out Letters of Administration, and whether I consent to arrangements mentioned in your letter to Board of Revenue, I beg to say that I have Letters of Administration and that I consent to all the arrangements mentioned, with the exception of Government resuming Nos. III and V. encroachments.

2. I am willing to pay quit-rent on No. III. encroachments since date of demarcation, as I have never put the land to any use before; cost of demarcation I have already paid, namely, labour and stones.

3. No. V. encroachment immediately adjoins Woodlands; my water runs through it. I have built on it, and have used it as my own, really believing it to be so for the last three years. If Government will allow me to retain it, I am willing to pay quit-rent on it for that time, and defray cost of demarcation, etc.

4. I also beg to bring to your notice the fact that No. VI. encroachment was not felled till the year 1866, and has not been put to use since that time; I therefore request that Govern-

*Proceedings of the Madras Government, Revenue Department,
12th July 1871.*

ment will not hold me liable for any arrears of quit-rent due on No. VI. encroachment previous to the year 1866.

No. IV. encroachment was only sub-let to Badagas since the year 1867, and was never used previous to that date. I have paid cost of demarcation on this, and request that I may only be held liable for quit-rent since that date (1867).

5. Seeing that the amount of quit-rent has accumulated to so large a sum, and would cripple me considerably, if I were obliged to pay it in four instalments, I request that Government will allow me a further time of four years to pay up arrears, *i.e.*, one year's back quit-rent, and the current year's quit-rent yearly, the whole of arrears to be paid in that time (eight years).

ENCLOSURE No. 2.—Map.

THESE papers will be submitted to Government with reference to Government Order dated 14th November 1870, No. 1,785.

2. It appears that Mrs. McIvor can legally relinquish the portions of the Kartairy Estate which have been purchased and are held by others, and permanent puttalis should therefore be issued to the possessors as proposed by the Commissioner.

3. In their Proceedings of the 12th September 1870, No. 5,688, the Board gave a list of the seven encroachments, amounting altogether to 277.86 cawnies, which have been added to the Kartairy property.

4. Of these Nos. III. and V. are claimed by Mrs. McIvor as being in her

possession. She states that she is willing to pay quit-rent on them from the date of demarcation; that No. V. immediately

adjoins Woodlands is traversed by the stream which supplies her with water, and has been built on and otherwise used for three years.

5. On the other hand the Commissioner thinks these encroachments should be resumed, because Mrs. McIvor has no right to them whatever, because the building of a hut and cattle-kraal on No. V. and the using the land for grazing cannot even be considered as proof of possession, and because the estate is already too large and any extension of it might cause inconvenience.

6. The majority of the Board accept the Commissioner's view of the case. The land belongs to Government, and should not be disposed of except under the rules for the sale of waste lands. Mrs. McIvor has been treated with great liberality, and there is no sufficient reason for making her a present of this large area, simply because she wishes it. The Second Member dissents from this opinion, and has recorded a Minute on the subject.

7. The Commissioner and the Board have recommended that encroachments No. IV. and VI. should be surrendered to Mrs. McIvor, subject to quit-rent leviable in arrears for eight years. Mrs. McIvor now states that she only began to use encroachment No. IV. in 1867 and No. VI. in 1866, and asks that she may be required to pay quit-rent only for those years. She also requests that she may be allowed to pay her arrears in six annual instalments instead of four. The Board agree with the Commissioner in thinking that these requests may be granted.

Printley Colver
Superintendent Police

C12.302.

Official Memorandum

With reference to his Memorandum, dated 16th February 1871, No. 27, the undersigned has the honor to forward to the Under Secretary to Government, Revenue Department, copy of the Board's Proceedings of 17th November 1870, No. 6735, in which is recorded the letter from the Government Pleader on the subject of Mr. J. Mc. Ivo's Estate.

As the copy has not yet been received from the Commissioner, Nilgeries, to the reference.

Revenue Board Office
Madras 4th March 1871

(By Order)
J. Cunningham
Under Secretary

For
The Under Secretary to Government
Revenue Department
with Board's Proceedings, No. 6735,
of 1870.

328518

Copy to Mr. J. Mc. Ivo

16/2/71

The Under Secretary to Government
Revenue Department
Madras 3rd January 1871
No. 10. Government
Board 25 February
No. 1. Under Secretary to Government
Copy to Mr. J. Mc. Ivo 25/2
1871
Caldwell
Forwarding a detail
copy of the Secretary
Colonial Secretary 14/11
See in 1870-71 No. 17

N^o 337/70

Revenue 1871-72

N^o 722

Off Memo

From,

The As. Sub Secretary

to the Board of Revenue

For,

The As. Under Secretary
to Government

Revenue Department

Dated 4th March 1871

Recd 6th " "

Received 6th " "

Govt No. 302

Date 12th July 71

Forwarding to Government

Copy of Board's Proceedings

of 17th November 1870, in-

bodying a letter from Govt

pleading on the subject of

the late Mrs. McIvor's estate on

the Neilgherries.

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(True Copies and Extract.)

Acting Secretary.

To the Acting Secretary to Government, Revenue Department,
with Board's Proceedings, dated 17th November 1870, No. 6,735.

Copy to the Commissioner of the Neilgherries.

Exd. G. A. Taiton.

Nov - 1871. 18/11/71

BOARD of Revenue,

MADRAS. 472035

PROCEEDINGS, 17TH JUNE 1871, No. 2,450.

Copy to be given to
Ind. 1

Received 27th

JUNE.

No. 2,450

14 To Mr. W. of C. of C. of C. of C.

Adm.—of late Mr. Malvor, on Nellcherries
— Letter from Commissioner stating that Mrs.
S. Malvor holds letters of administration to her
deceased husband's estate, and that she assents
to relinquishment of portion of it with exception
of resumption by Government of encroachments
Nos III and V, submitted to Government with
remarks.

The power of heretofore

of Malvor, regarding

to a statement of her

of Malvor, regarding

1871-128

1871-128

Govt. of 1871: Adams.

REVENUE.

To
THE BOARD OF REVENUE.

Dated 12th July.

Recd. * Recd.

G. O., 12th July 1871. No. 1,200.

JULY.

Nov. 125-128.

Entered into the Board of Revenue.
— Approving the views of the Board of Revenue
regarding the settlement of the questions relating
to it.