

(1) Number of pages 114

(2) Date of repair 9.3.46

(3) Initials of the Referencer _____

MADRAS RECORD OFFICE.

Government of Madras.

Revenue

DEPARTMENT.

G.O. No. 1656

Press
Mis.

Original

Dated 22nd September 1871.

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—again Proceedings of Government, dated 7th September 1869, No. 2526, and 31st June 1870, No. 982.

READ—also the following Proceedings of the Board of Revenue, dated 6th September 1870, No. 5611.

Read—again Board's Proceedings, dated 18th March 1870, No. 1861.

Read—also the following letter from the Collector of Salem, to the Chief Secretary to Government, Fort St. George, dated Sunkerrydrocg, 25th September 1869, No. 38.

I beg to acknowledge the receipt of the Government Proceedings No. 2526, dated 7th September 1869. According to the request I give my opinion regarding proposed concessions to the Wynaad planters. It appears to me that the granting a cowle to parties taking up fresh land on the Shervaroy Hills for coffee-cultivation is, by no means, necessary.

2. With one or two exceptions the price of land on the Shervaroy Hills is nominally the charges of demarcation and survey only, and in many instances does not cost one rupee the acre. The enclosed list of prices and area of lands sold during the last four years will enable the Government to judge for themselves. I have had a conversation with some planters as to the expenses of clearing, trenching, planting coffee, &c., on the Shervaroys, and I am given to understand that the whole expense, up to the time an acre of coffee yields anything (which is in the third year is 100 rupees. In the fourth year a full crop is always expected on a properly worked estate. The produce of an acre on the fourth year is estimated at 48 maunds or half a ton. This is, by no means, a heavy crop. The value of 48 maunds at 5 Rs. is therefore 240 Rs. In other words, a single crop on the fourth year pays all the expenses except the purchase, which I have pointed out is on an average one rupee per acre or thereabouts. On the crop of the fifth year, therefore, there is an extremely good profit. One planter informed me on these Hills that the profits of a certain estate were not less than 100 per cent. This is certainly a good return, but I fear that the gentleman who favoured me with this statement must have been wrong in his calculations. For his sake, I hope he is not. Anyhow, all whom I have consulted on the subject are of opinion that 25 per cent. per annum on money sunk can be realized on a properly worked estate. Such being the case, I cannot see the necessity of Government returning to the old system of cowles, when such profits are to be realized as I have stated. Besides which, it is to be remembered that the rent on the Shervaroys is only half that of coffee lands in the Wynaad. In addition to which a higher price is generally given for lands purchased in Wynaad than on the Shervaroys, and labour is cheaper at the latter.

3. From the above, therefore, you will gather that I see no necessity whatever for granting cowles. Should such a system be returned to, I am well aware what would be the result. Applications for land would be received with the sole view of speculating in the sale of the same, and in the event of no purchases being obtained within the time of the cowle, a razeenamah of relinquishment would be presented; and as the Government principle is that no one should be compelled to hold more land than is wished for, I see no alternative but that the razeenamah should be accepted. Nor is this the only way in which endless trouble would be caused with no profit whatever to Government.

4. It is an admitted fact that one rupee per acre is not, by any means, a heavy tax on land taken up for coffee on the Shervaroys. On the contrary, those who enter on such cultivation and keep their estates as they ought to be, are well aware that a fair income commences to be paid from the third year and undoubtedly from the fourth.

ENCLOSURE No. 1.

Lands sold under the Waste Rules from January 1866.

Taluk.	Average.	Amount of highest bid.	Date of sale.	Name of Purchaser.
	ACS. DEC.	RS. A. P.		
Mundumbady ...	23 69	18 0 0	23rd June 1866.	Mr. Lakin.
Karadyur ...	60 31	21 6 4	30th July 1866.	Honorable J. B. Norton.
Nagalur ...	81 52	43 5 10	Do do.	Do.
Chemmadoo ...	7 63	7 0 0	Do do.	Mr. W. Beaumont.
Attur ...	5 23	9 0 0	20th Aug. 1866.	Major Hunter.
Munjacootay ...	20 47	110 0 0	15th Feb. 1867.	Do.
Chemmadoo ...	3 14	5 0 0	5th Mar. 1867.	Mr. J. P. Manuel.
Comacand ...	2 72	5 0 0	Do do.	Mr. J. Campbell.
Mundachaid ...	23 50	60 0 0	19th Aug. 1867.	Mr. C. D. Baynes.
Mundachaid ...	32 55	75 0 0	9th Oct. 1867.	Captain Short.
Yercaud ...	15 47	16 8 0	21st April 1868.	Mr. Rahm.
Mundagumbady ...	69 35	86 0 0	23rd Aug. 1869.	Mr. M. E. Bugnion.

SUNKERRYDROOG,
24th September 1869.

(Signed) C. N. POCHIN,
Collector.

Transferred to the Board of Revenue, with reference to Government Order, dated
7th September 1869, No. 2526.

FORT ST. GEORGE,
30th September 1869.

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

Read—also the following letter from J. W. BREEKS, Esq., Commissioner of the Nilgiris, to the Acting Secretary to the Board of Revenue, dated Ootacamund, 7th May 1870, No. 69.

[Proceedings of the Board, dated 18th March 1870, No. 1861].

I shall confine my remarks to the two points raised by the Board:—

- (1) Sale of land.
- (2) Taxation.

2. On the first point the Board observe that "there can be no doubt that the rule under which all land is put up for public competition after selection is thoroughly unpopular (paragraph 7); that the remedies suggested by the planters vary widely according to their individual experiences (paragraph 9); that the Board are not prepared to acquiesce in the conclusion that a continuance of the auction-system is unavoidable. If the tribes have a natural right to be consulted in the matter, it is scarcely a reasonable mode of protecting those rights to tell them that unless they pay for the land as much as a planter chooses to bid and afterwards consent to a tax

"of 2 Rs. an acre, the land will be taken from them. It should rather be the duty of the Commissioner to refuse applications for land so near to the hill villages as to interfere with their rights" (paragraph 12). Then follow paragraphs 13, 14, and 15, in which the Board suggest that land applied for should be marked out with flags, and two months' notice given, and if no counter-application be received that the land be handed over to the applicant at an upset price of Rs. 5 per acre or some other sum, and be demarcated and surveyed at cost of Government; but that if counter-applications be received from any of the hill-tribes that the land should not be alienated if it be so near their villages as to injuriously affect their convenience as regards cultivation or pasturage; should the counter-applicant be a native planter; then the principle of allowing adjoining landholders the option of pre-emption at the fixed price is to come in. Lastly, the Board say, "it might be a question whether the Commissioner should not value each lot separately, and price it accordingly, but it seems to the Board that great complication and dissatisfaction would arise therefrom."

3. First of all it seems necessary to clear away some ambiguities in the Board's Proceedings, vide paragraph 12. I do not know what is meant by the supposition that the hill-tribes may have acquired "natural rights" which, under the present Waste Land Rules, they have to protect by purchase at auction or "the land will be taken away from them." Land over which the hill-tribes have "rights" such as the Board seem to contemplate, cannot be put up to auction at all. With regard to waste lands available for sale under the Waste Land Rules, the hill-tribes, the Europeans, and Native planters, all stand in the same position, viz., they may have no interest in such sales, or they may have a special interest in certain waste tracts remaining available to them for present pasturage, for future cultivation, or for some other purpose, which interest it might be hard upon them to disregard by alienating the said tracts without giving them an opportunity of securing the land for themselves.

4. Vide paragraph 13. The Board say, "rather than allow an applicant to go to the expense and trouble of demarcating land adjacent to other planters, it would be better, etc." Under the present rules the applicant points out the land to me or my assistant, and deposits a sum of money for demarcation and survey. The Survey Department demarcates the land, and the purchaser at the time of sale, if other than the original applicant, pays down the demarcation and survey expenses, out of which the applicants' deposit is at once returned to him.

5. I have had the Sale Registers examined from the time the Waste Land Rules came into operation (1863). There have been 200 sales, out of which, judging by the prices paid, I should say certainly not more than ten show signs of active competition; and these ten occurred at the beginning of 1863-64, when a coffee-mania prevailed, and when, in three or four instances, there was what might be called "reckless competition." Since 1865 I cannot trace a sign of unreasonable competition; in fact, in the majority of cases there seems to have been no competition at all; where there has been it has usually been for small blocks handy to one of the settlements, and in cases when it would be difficult to discover who were and who were not interested in the land except by public auction. I do not know of any instances of serious "heart-burnings" and "permanent enmities" engendered by the auction-system. In paragraph 8 of Board's Proceedings a picture is drawn which seems to me rather imaginary than a study from nature.

6. I think the Board's suggestions in paragraphs 14 and 15 would work well in unsurveyed continents like Australia and America where Crown lands are practically unlimited and allotments to any extent are available. In such unoccupied countries it is equitable enough to affix a uniform value to the land and lease large areas at a shilling or so an acre, or sell the fee-simple for a pound. There are no local interests to consult; the sole consideration is the attraction of bona fide settlers. But even in such countries where leases or licenses become forfeited from any cause, recourse is had to public auction.

7. The circumstances of this district are in no way analogous to those of the Crown lands of our colonies. On the contrary, the quantity of available land suitable

for coffee, tea and cinchona cultivation is very limited. The Nilgiris proper in which the land purchased at the 200 sales above alluded to is situated are dotted * all over with plantations and villages of hill-tribes, and when fresh land is applied for under the Waste Land Rules, the capabilities of extension, the contiguity to markets and roads, the command of water, the facility of obtaining labour and manure, the accessibility of grazing grounds, the supply of timber, these and other things are important considerations, on account of some or all of which local residents as well as the applicant may have an interest in the land applied for. Taking this into consideration it seems to me hard to limit a man's right of purchase to the land immediately adjoining him. For a planter on account of manure may be more interested in a piece of waste some distance off on which he has got the Todas or Badagas to "kraal" their cattle for a time than in all the land surrounding him. Interests of this kind may exist without our being in the least aware of them. This only is certain that whatever the interest be, it will find expression at an unreserved sale by public auction.

8. Take the nine lots sold during the last year:—

Lots.	Area in acres.	Cost of Demarcation and Survey.			Highest bid for which sold.	Cost per acre deducting Demarcation and Survey charges.		
		RS.	A.	P.		RS.	A.	P.
1	4	11	15	11	240	57	0	0
2	20.88	28	5	1	29	0	0	6
3	2.69	9	6	1	191	67	8	3
4	0.38	7	4	2	40	86	2	6
5	22.36	72	8	8	75	0	1	9
6	0.38	11	9	1	130	311	10	11
7	0.29	6	3	11	7	2	9	8
8	1.48	7	7	0	8	0	6	1
9	6.18	11	0	1	25	2	4	3
	58.64	165	12	0	745			

$$\frac{745-165-12}{58.64}=9-14-1$$

Who could have foreseen or satisfactorily settled otherwise than by auction the conflicting interests which raised the price per acre of lots 1, 3, 4 and 6, to such a figure.

The original applicant was not the purchaser of lots 1 and 3. How would the fixed rate of about 5 Rs. an acre on the Durkhast system as suggested by the Board have answered with lots 2, 5, 7, 8 and 9, in all of which the original applicant was the purchaser?

9. As a rule, under the present system the larger lots go for nothing, while the smaller at times undergo considerable competition. No "general principles" or "Draft Rules" that could be framed would, in my opinion, afford a security to local interests equal to that given by public auction; and 5 Rs. an acre for a large block of two or three hundred acres would saddle the applicant with a heavy initiatory payment, whereas in 95 cases out of a hundred under the auction system, he would get the land for two or three annas an acre *plus* demarcation and survey expenses.

10. It seems to me in every respect better and more equitable under the circumstances of this district to continue the present system which is briefly this:—The land applied for in each case is first inspected by myself or my assistant accompanied by the applicant, the neighbouring village headmen and some subordinate divisional officers. If the application be for 30, 40, or 100 acres close to a village, the villagers may object; if they do so, and their objection is reasonable, the application is refused; if they do not, and the land does not come under the head of Government reserve, it is advertised for three months and sold by public auction, the purchaser paying the demarcation and survey expenses which the Board will observe by last year's sales vary much according to the situation of the land.

11. As regards the second point, taxation—The Board observe (paragraph 16) "that the facts which the Commissioner has stated show that while the principle of taxation varies widely in different parts, as a rule the charge nowhere accrues until there is a crop to pay for it. The Commissioner, however, does not notice this important point." In paragraph 12 of my letter, dated 26th October 1869, No. 149,

Especially assessments (1 or 2 Rs. an acre) which in the case of coffee lands in full bearing are between $\frac{1}{5}$ and $\frac{1}{10}$ of the annual return at the low average yield of 5 cwt. an acre.

quoting Mr. Phillips who mooted the point alluded to by the Board, I endeavoured to show that the mere fact that the produce grown on the land does not come to maturity for 3, 4, or 5 years was of itself no reason in my opinion why the

land should not bear assessment from the date of purchase.

Whether our land assessment is "Rent" or "Tax" or partly one and partly the other, at any rate it is a sum of money paid for the use of the land by the cultivator, who, when he gets into possession, grows what he likes. It may suit cultivators with capital, just as it suits manufacturers with capital, to go in for the production of an article which takes longer to produce; but in the long run gives larger profits, while it suits others to look for lesser and speedier returns. Mr. Phillips' argument which the Board seem to have adopted, viz., that where a planter pays assessment before a crop accrues, such payment is a tax on capital and vicious, seems to me to have no force in it.

12. In paragraph 13, however, of my letter above quoted, I gave what I considered general reasons why a coffee, tea or cinchona planter might justly ask for freedom from assessment for three or four years, and in paragraph 17 of my letter, I added further reasons why I thought the Nilgiri planter was especially entitled to relief in that way, and I recommended for him three years' free tenure, the Government making no claim for assessment till the end of the fourth year. The Board propose, in paragraphs 17 and 19 of their Proceedings, to increase the rates of assessment for a permanence, to give three years' free tenure, to charge half assessment for the fourth year, three-fourths for the fifth year, and full assessment for the sixth year.

13. I am not sure, however, that I understand paragraph 19 of the Proceedings. "To protect" it is said; the interests of existing planters who might complain that "their properties were depreciated by a measure which will enable fresh land to be opened on easier terms, it might be desirable to provide that lands taken up on the progressive assessment now proposed should bear an increased permanent rate of 8 annas per acre of forest land and 2 annas per acre of grass land, and all arrears beyond the demand so adjusted might be remitted. Where more had been paid than the demand so calculated would amount to credit for the payment without interest might be granted in future years, and so the necessity for cash refunds be avoided; the future demand being arranged accordingly at a higher rate."

14. To protect the interests of existing planters the Board say it might be desirable to provide that lands taken up in the progressive assessment should bear an increased permanent rate. This would appear as if the progressive assessment and increased rate were only to apply to future applicants. But the paragraph goes on "and all arrears beyond the demand so adjusted might be remitted." This can only apply to existing planters whose interests are to be protected.

(Firstly).—I cannot see how their interests will be protected by permanently increasing their rates of assessment.

If it be thought desirable to aid the future Nilgiri planters by abating all demand for the use of the land for three or four years, then the interests of existing planters under the Waste Land Rules had better be protected by putting them exactly on the same footing without increasing their rates of assessment. To the great majority of purchasers under the Waste Land Rules who have paid up to date the future years assessment should be remitted until their account with Government has been adjusted, so as in due course to give them possession of their lands on the same terms on which it is now proposed to give lands to future applicants.

To the very few who are still in arrears, their arrears and future payments may be remitted in like manner to whatever extent will put them also on the same footing.

(Secondly).—I do not understand why "the arrears beyond the demand so adjusted should be remitted."

By the latter part of the paragraph (paragraph 19 of Board's Proceedings) the planter who has paid up all dues and has paid up more than "the demand so adjusted" amounts to, is only to be credited in future years with his excess payments without interest. Why is the defaulter who has failed to comply with the terms under which he purchased his land to have "his arrears beyond the demand so adjusted" remitted?

15. Take the Deva Shola Estate, purchased 6th February 1865, 662 acres. Under the Board's proposal of Rs. 2½ for forest and Rs. 1-2-0 for grass, the assessment account would stand as follows:—

	RS.	A.	P.
6th February 1865 to 6th February 1866	...	...	...
" " 1866 " " 1867	...	...	...
" " 1867 " " 1868	...	...	...
" " 1868 " " 1869	...	...	...
" " 1869 " " 1870	...	...	...
" " 1870 " 30th June 1871	...	...	...
Total	2,370	9	10

The actual payments made have been as follows:—

	RS.	A.	P.
6th February to 30th June 1865	...	...	...
30th June 1865 " " 1866	...	...	...
" " 1866 " " 1867	...	...	...
" " 1867 " " 1868	...	...	...
" " 1868 " " 1869	...	...	...
Total	5,138	0	8

Rs. 5,138-0-8 — Rs. 2,370-9-10 = Rs. 2,767-6-10, which represents the sum overpaid by Deva Sholah, and which will have to be adjusted by excusing further payment for the year to come as follows:—

	RS.	A.	P.
30th June 1869 to 30th June 1870	...	...	...
" " 1870 " " 1871	...	...	...
Total	1,328	4	10

Under the plan proposed by me with no alteration in the assessment rates, the assessment account would stand as follows:—

	RS.	A.	P.
6th February 1865 to 6th February 1866	...	...	...
" " 1866 " " 1867	...	...	...
" " 1867 " " 1868	...	...	...
" " 1868 " " 1869	...	...	...
" " 1869 " " 1870	...	...	...
Total	2,334	0	0

The actual payments made are as above Rs. 5,138-0-8 up to 30th June 1869. Rs. 5,138-0-8 — Rs. 2,334-0-0 = Rs. 2,804-0-8, which represents the sum overpaid and which will have to be adjusted by excusing further payment for the years to come as follows:—

	RS.	A.	P.
30th June 1869 to 30th June 1870	...	...	...
" " 1870 " " 1871	...	...	...
" " 1871 " " 1872	...	...	...
Total	2,968	0	0

Take Mr. Phillips's estate, 365.53 acres. Under the Board's proposal of Rs. 2-6-0 for forest and Rs. 1-2-0 for grass, the assessment account would stand as follows:—

	RS.	A.	P.
30th June 1864 to 30th June 1865	...	...	...
" " 1865 " " 1866	...	...	...
" " 1866 " " 1867	...	...	...
" " 1867 " " 1868	...	...	...
" " 1868 " " 1869	...	...	...
" " 1869 " " 1870	...	...	...
Total	2,014	10	9

The actual payments made have been as follows:—

	RS.	A.	P.
30th June 1867 to 30th June 1868	...	...	...
" " 1868 " " 1869	...	...	...
Total	1,435	5	6

Rs. 2,014-10-9 — Rs. 1,435-5-6 = Rs. 579-5-3, which would have to be paid by Mr. Phillips in full of all demands up to 30th June 1870, whereas his account stands now in full of all demands up to 30th June 1870 as follows:—

	RS.	A.	P.
Arrears for year ending 30th June 1865	...	...	...
" " " " 1866	...	...	...
" " " " 1867	...	...	...
" " " " 1870	...	...	...
Total	2,870	11	0

From and after 30th June 1870 Mr. Phillips, under the Board's proposal, would have to pay yearly Rs. 895-6-7 instead of Rs. 717-10-9 as now.

Under the plan proposed by me Mr. Phillips's account would stand as follows:—

	RS.	A.	P.
Year ending 30th June 1865	...	...	...
" " " " 1866	...	...	...
" " " " 1867	...	...	...
" " " " 1868	...	...	...
" " " " 1869	...	...	...
" " " " 1870	...	...	...
Total	2,153	0	3

Actual payments made have been as above Rs. 1,435-5-6.

Rs. 2,153-0-3 — Rs. 1,435-5-6 = Rs. 717-10-9, which would have to be paid by Mr. Phillips in full of all demands up to 30th June 1870. From and after 30th June 1870 Mr. Phillips, under my proposal, would have to pay yearly Rs. 717-10-9.

16. The Board's terms are more favorable to a planter in the beginning than mine. Whatever amount of relief may be decided upon, it seems to me the simplest plan to give exactly the same relief to all, without altering the rates of assessment.

The only objection I have to the Board's proposal is, that it in some measure sacrifices the future for the present, and thereby tends to favour the speculator at the expense of the *bona fide* settler. What is wanted is some simple measure of relief which, on the one hand, will put the Nilgiri planters (present and future) more on a par with his neighbours in Coorg and Wynaad; and, on the other hand, will not stimulate future applicants to buy larger blocks than they can manage, trusting to resales or appeals for relief hereafter.

17. Whatever terms are granted to future applicants under the Waste Land Rules, it seems to me absolutely necessary to put existing planters in possession of their land exactly on the same terms.

18. If the rates are to be increased, I hardly see sufficient grounds for the imposition of 8 annas or one-fourth of the original assessment on forest and only 2 annas upon grass. If a planter buys grass-land for grazing purposes, the present rate of 1 rupee an acre is already too high. If he grows tea and cinchona on the grass-land, I don't think 1 rupee an acre is too high as compared with 2 Rs. for forest. The necessity of any purchases for the former purpose would be removed by the grant of grazing puttahs.

Read—also the following letter from J. W. BREEKS, Esq., Commissioner of the Nilgiris, to the Acting Secretary to the Board of Revenue, dated Ootacamund, 21st July 1870, No. 101.

I have the honor to reply to Government Order, dated 30th June 1870, No. 982, calling for opinions on the four points in the Wynaad Memorial as set forth in paragraph 2 of the Board's Proceedings, dated 9th April 1870, No. 2403.

2. I.—*That the Rule respecting frontage saddles them with much unprofitable land.*—The rule is that where there is a river or a public road the frontage thereon is not to exceed half the depth of the block. The Board think (paragraph 6 of their Proceedings) that it is desirable to modify this rule, but they do not say to what extent.

3. Exactly similar restrictions with regard to frontage are to be found in the Waste Land Rules for the Madras Presidency, for the Nilgiris and Shervaroy's, for Travancore, for Coorg, for Seinde, for the Punjab, for British Burmah, and for the Lower Provinces of Bengal. In the last two cases, however, there is a proviso to the effect that for special reasons the restrictions may be relaxed by the Chief Commissioner and the Board of Revenue respectively.

4. In Queensland in New South Wales and in Victoria restrictions of the same kind are in operation, the frontage must not exceed a certain proportion to the acreage of the allotment.

In Victoria * from 80 to 160 acres, 8 chains of water frontage is allowed.

From 160 to 240	... 12 chains.
From 240 to 360	... 16 "
From 360 and upwards	20 "

In New South Wales * for 160 acres, 20 chains and in like proportion for more than 160 acres. I enclose a sketch-map

* See page 48 Lands and Regulations relating to waste lands in New South Wales. showing the forms the blocks assume under these regulations. In comparison with Victoria and New South Wales our Frontage Rule is remarkably liberal.

5. I have not heard of any complaints against the rule in this district where, however, it seldom has any application. I cannot now recall any case in which the rule was made a point of importance except in the late firewood allotments wherein easy access to water and to the public highway was a *siné qua non*. The various allotments have been laid out as nearly as possible in accordance with the Frontage Rule. Is the rule in Wynaad enforced in every case where streams or public roads of any

kind touch the land applied for, or does it only apply to river of importance and imperial highways?

There must be some rule of the kind, or people might apply for the whole bank of a river or for a mere strip adjoining a road.

6. If it be thought advisable, a proviso might be added to our rules similar to that in the Burma and the Bengal regulations. As far as this district, however, is concerned, I do not see the necessity for any alteration, but Wynaad may be different.

7. II.—*That the demand on extensions of Plantations is arbitrarily and inequitably made.*—I do not know whether the mode of proceeding in Wynaad justifies these epithets.

From conversation with Wynaad men I am led to believe that the whole cause of complaint arises out of the practice of making annual "extension" surveys, which are felt to be a nuisance. A native Revenue-officer makes his appearance to survey the "extensions" and perhaps indents upon the planter for labour at a time when it is highly inconvenient to spare a single hand * and probably after all the planter may have made a fairly correct return of the area of his "extension."

"More careful inspection and measurement on the part of the local officers" as the Board suggest would not, I think, remove this cause of complaint.

8. Would it not be better to call upon each planter for a written return (in a form to be provided) of his annual extension to the best of his belief as now done for the Income-tax? The Collector might then assess, as a rule, on the returns except when he has substantial grounds for disputing their accuracy.

In the meantime, the Survey Department might first make a systematic and consecutive survey of all the estates on private lands. Each plan as it came in would aid the Revenue-officer in his "extension demand."

When all the estates on private lands have thus been surveyed, every fifth year or so a Surveyor might run again over each estate and add the extensions up to date.

Thus the planter would know that every fifth year his annual returns would be checked, and the Collector would periodically have accurate data to start from.

9. Under some such rule no loss to speak of could accrue to Government, and the planter would be relieved from an annual cause of irritation.

10. III.—*That the demand on the uncultivated portions of their holdings is too high.*—This I suppose refers to holdings under the Waste Land Rules.

I have so lately † reported to the Board on the working of the Waste Land Rules in this district, that I have nothing further to say than that whatever relief is given should be simple, intelligible, and not favourable to land jobbers. I would suggest a moderate term of free tenure and then full assessment for the whole block.

11. The Board in paragraph 5 of Proceedings under reply say, "holders of blocks of land containing 3,381 acres are for all practical purposes paying about 40 Rs. an acre on the cultivated area, acres 669, etc." I do not quite understand what the Board's inference is. Have the holders been saddled with the difference between acres 3,381 and 669 by the Frontage Rule? Does the uncultivated area belong to estates on their first or second year? Or have the holders bought these 3,381 acres without any intention of cultivating the whole, but to sell again and keep others out?

12. IV.—*That a systematic Survey of all cultivated land is necessary.*—I think this is very necessary, and would begin with estates on private lands first.

Resolution—dated 6th September 1870, No. 5611.

In their Proceedings of the 18th May 1869, No. 3386, the Board in reporting on a memorial from Wynaad planters, recommended that all land should be held free for the first two years, that one rupee an acre should be charged in the third year on planted land, and that the full tax of 2 Rs. an acre should be charged in the fourth and subsequent years on all land then planted out; that unfelled forest land should be charged one rupee an acre, and that grass-land included in forest blocks not planted should be held tax-free.

2. The Government recognized the depressed state of planting interests and expressed themselves as disposed at any rate to let the Wynaad planters hold their land tax-free for three years; but before sanctioning any change in the rules called for reports from the Commissioner of the Nilgiris and the Collector of Salem on the ground that any change in the Wynaad rules would necessarily be applicable also to the Nilgiri and Shervaroy Hills.

3. The Board submit, however, that the circumstances of these three localities are so different as to necessitate different treatment.

4. The Collector of Salem reports that no change whatever is required on the Shervaroys. He states that the price paid for the land is always very small, that all preliminary expenses, except the purchase-money, are paid by a crop in the fourth year, and that money sunk in well-worked coffee estates yields a profit of 25 per cent. per annum. He points out that the price of land is higher in the Wynaad, the cost of labour greater, and the land-tax twice as heavy.

5. The Board concur with the Collector in considering that no change need be made in the rules for the sale of waste lands on the Shervaroys.

6. The Commissioner of the Nilgiris sent in his report on the 26th October 1869, No. 149, and submitted the replies of 22 planters whom he had consulted; 16 out of 22 objected to the system of selling by auction land applied for by planters, but the Commissioner did not think that facts justified the complaint. He recommended that no quit-rent should be charged till the fourth year of possession, that a corresponding indulgence should be given to all who had already purchased land under the rules of 1863, that the concession should be saddled with the condition, that a third of the estate should be planted by the end of the fourth year, and that permanent grazing puttahs should be issued to planters purchasing estates from Government at the rate of 4 annas an acre for an extent of grass-land equal to half the area of their estates.

7. The Board considered it clear that the depression of planting interests on the hills was much greater than in the Wynaad, and was so serious as to require that the existing system of selling land and levying revenue thereon should be carefully considered. Planters appeared to be almost unanimous against auction sales, because they enabled others to take advantage of the care and ability of any planter who after much preliminary labour had succeeded in finding a fit site for an estate. There was reason, moreover, to think that sale by public auction did not secure the interests of Government. On the whole the Board were disposed to think that the system had not worked well, and that a modification of the durkhast rules might be introduced, a fixed price being charged per acre. With regard to the revenue to be levied on the land, they considered it best that the land should be held tax-free for three years, that half assessment should be charged in the fourth year, three-fourths in the fifth, and the whole in the sixth, without reference to the extent under cultivation. To avoid placing future estate holders on a more favourable footing than the owners of estates in existence, the Board thought it might be desirable to raise the permanent assessment slightly in cases where land is granted on these favourable terms.

8. Before submitting these views to Government, the Board called on the Commissioner to give his opinion with regard to them, and his letter of the 7th May contains his reply.

9. Mr. Breeks is strongly in favour of sale by auction. He considers that no other method could dispose fairly of the varied interests which may exist in any piece

of land which an applicant under the Waste Land Rules desires to obtain, and he cites figures showing that in the majority of cases there is no competition at all, and that it is keen only in very few cases, involving but a small extent of land.

10. The same figures show that the interests of Government are not protected by auction sales. The three largest lots comprise about 50 acres, for the greater part of which the price realized was only an anna an acre. There can be no doubt that Government would be a gainer if a fixed rate was charged per acre.

11. On the whole, though the necessity of sale by auction has not been proved, though it is unpopular with those most interested in the subject, and though it must often fail to protect either the interests of the would-be purchasers or of Government, the majority of the Board see the force of the practical difficulties stated by the Commissioner, and, regarding the system as finally determined by the orders of the Secretary of State, resolve not to pursue the discussion further.

12. With regard to the land-tax, Mr. Breeks argues against the increase of assessment with which the Board proposed to compensate for a more favourable cowle, and urges that whatever terms are granted to future applicants, it is absolutely necessary to put existing planters in the same position, giving them credit for their assessment hereafter, until they have enjoyed the same period of tenure as would be purchased under the changed rules by the amount of their past payments.

13. The Board concur with the Commissioner as to the inexpediency of raising the assessment, and as to the way in which existing proprietors should be placed on equal terms with future purchasers of land, but they prefer the cowle proposed by them to that advocated by Mr. Breeks, which, in their opinion, does not give a sufficient measure of relief.

14. The Board accordingly resolve to recommend that land purchased under the Waste Land Rules on the Nilgiris be held tax-free for three years, and that half assessment be charged in the fourth year, three-quarters in the fifth, and the whole in and from the sixth.

15. In the more favoured tracts of the Wynaad, the Board think it will be sufficient if Government allow the land to be held tax-free until the close of the fourth year, as proposed in Government Order, dated 7th September 1869, No. 2526.

16. Both on the Nilgiris and in the Wynaad owners of existing estates should be placed in the same position as future applicants, credit being given them to the requisite amount for assessment as it falls due.

17. In their order of the 30th June 1870, No. 982, Government in disposing of Proceedings relating to a Memorial from the planters of Wynaad, direct the Board to recur to the subject when submitting this reply to G.O., dated 7th September 1869, No. 2526, and to ascertain in the meantime the views of the Collector of Salem and the Commissioner of the Nilgiris.

18. No answer has yet been received from Salem, and the recent death of the Collector makes it probable that some time must yet elapse before it can be submitted. The late Mr. Pochin's account of the condition of planters on the Shervaroys, however, makes it unlikely that any change in the Waste Land Rules is necessary there.

19. The complaints of the Wynaad planters with regard to surveys, etc., are met to a certain extent by Government Order, dated 10th August 1870, No. 1225.

20. With regard to the rule relating to the frontage of blocks of land, the Board think it will be enough if the proviso which Mr. Breeks states to be in force in Burmah and the Lower Provinces of Bengal is introduced, namely, that for special reasons the restriction may be relaxed by the Board of Revenue.

21. The First Member of the Board dissents in part from these Proceedings, and has recorded a Minute on the subject.

ORDER—dated 22nd September 1871, No. 1656, Revenue.

Land Revenue.

The foregoing papers relate to the present depressed condition of the planting interests in the Wynaad and on the Nilgiris, and to the expediency of affording them some relief by a modification of the terms on which land for planting purposes is now procurable. It appears that no change in the rules for the acquisition of land on the Shervaroy Hills is needed. The late Collector reported that all the preliminary expenses connected with coffee estates, except the purchase money, are paid by the sale of the crop in the fourth year, and that capital invested in a well-worked estate will give a return of 25 per cent. per annum.

2. The interests involved on the Shervaroys are, however, comparatively insignificant, and the condition of the plantations on the Nilgiris and in the Wynaad is certainly very different; but the Government are by no means of opinion that the present depression can in any way be ascribed to the operation of the Waste Land Rules. As observed by the late Collector of Malabar and the Commissioner of the Nilgiris, it is probably owing to other causes, among which may be mentioned, the increase in the price of labour, a succession of bad seasons, the recent commercial crisis in Bombay and England, the ravages of the borer, the insufficiency of the capital possessed by the planters for their operations, the high rate of interest paid for borrowed money, etc., etc.

3. At the same time the Government fully recognize the political and other incidental advantages to be derived from an influx of Europeans and European capital into India, and they would gladly give every reasonable encouragement to this movement. It is true that the grant of land by Government entirely free of tax would not make the cultivation of coffee, tea or cinchona, a profitable speculation under certain circumstances; but any modification of the existing rules which would render them more favourable to the planter could not fail, in some degree, to assist him, and it is impossible to deny that at present the large majority of the existing estates are in a languishing condition, and that their proprietors have been brought to the verge of ruin.

4. The Right Honorable the Governor in Council having given his most careful consideration to the several proposals made in the papers above recorded, and having also personally discussed the questions under consideration with deputations representing the planting interests both of the Nilgiris and a portion of the Wynaad, has deemed it advisable to sanction the following relaxations, by which it is hoped some relief may be afforded to the planting interest.

In the Nilgiris no quit-rent will be exacted on forest land taken up for the purpose of planting until the sixth year, that is, the planter will hold his land free of assessment for five complete years, the climate being so severe that a remunerative crop is rarely obtained until after the lapse of that period.

In the Wynaad, where the coffee plant comes more rapidly to maturity, forest land will be held free of assessment for three complete years. The assessment will be

The assessment prescribed for forest land at present will not be altered. It will remain for the Nilgiris and the Wynaad alike, fixed at Rs. 2 per acre; but the Conservator of Forests will be consulted previous to the sale of any such forest land.

With the view of encouraging the multiplication of cattle, and the abundant application of manure, which has proved to be so essential to the sustained productiveness of plantations, the rent of grazing land is reduced from 1 rupee to 8 annas.

The rent of grazing land will be exacted from the date of appropriation.

5. In making the foregoing concessions to the planting interests it has been felt that, if they are to have any useful effect, they cannot be rendered simply prospective. There are estates but recently taken up and imperfectly opened, there are others on

which arrears of assessment are due, and which will undoubtedly be abandoned unless remission be made, there are others fully cultivated and on which there are no arrears, but which are worked without profit or by a yearly sacrifice of capital, all these it is proposed to admit to the same advantages. In the rare cases of estates which are in full production, which have no arrears, and which are cultivated with undoubted profit to the proprietor, it is still deemed advisable that the modified regulations should be applied. If such estates were placed in an exceptional position, there can be little doubt that disputes and dissatisfaction would arise, and that the refusal of the concession would be regarded in the obnoxious light of a special tax imposed upon superior skill, industry, and management. The benefit conceded by Government is applicable to all alike.

Land taken up previous to the introduction of the Waste Land Rules will, of course, remain unaffected by the new regulations.

6. The alteration of the Frontage Rule to the extent of permitting a relaxation of the restrictions in special cases, by the Board of Revenue, as proposed, is sanctioned.

7. These proceedings will be reported for the information of the Secretary of State as was done in the case of the original rules.

(True Extract.)

(Signed)

W. HUDLESTON,
Secretary to Government.

To the Board of Revenue.
„ the Conservator of Forests.

Exd. G. A. Lewis.

25/6/97

Govt. of Madras.

REVENUE.

Issued

Recd.

Encl.

G.O., 22nd September 1871, No. 1656.

SEPTEMBER.

Waste land on the Nilgiris and in
the Wynaad.

Board's Proceedings on the subject of modify-
ing the rules for the sale of —, and of fixing
assessment on them, with orders thereon.

ch 25/6/97

22 Sept 71
No 1656

Cobt.

Issued

Recd.

G.O., 221

Waste

Board'
ing the
assessme

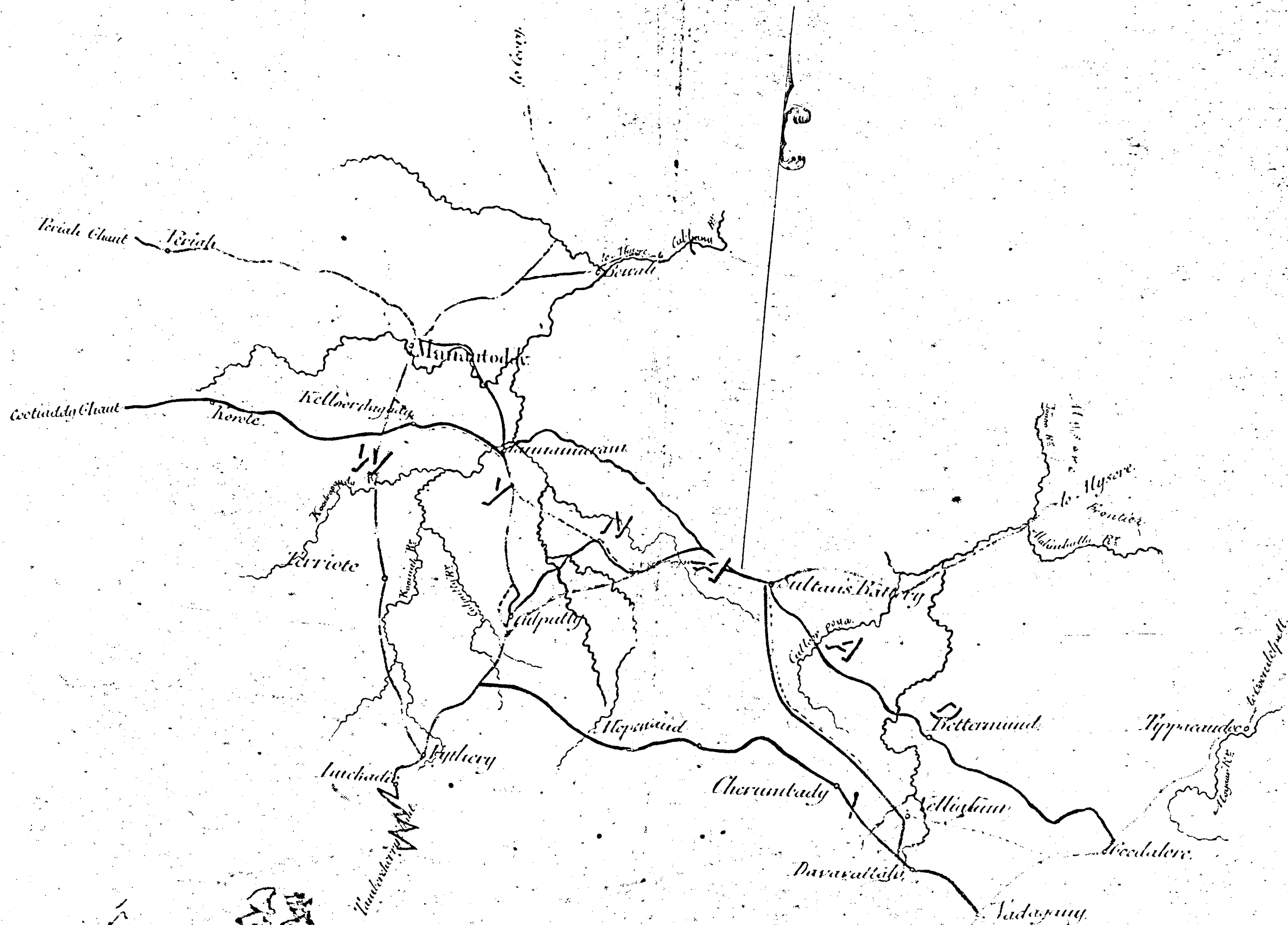


DIAGRAM
of Roads in
WYNAAD.

Kistang Imperial Roads
Proposed but not yet sanctioned
Old Imperial Lines proposed to be superseded
Present District Roads

5 Miles

22/4/71 No 1506
which is the same as the original

RULES

FOR THE SALE OF WASTE LAND ON THE NEILGHERRY HILLS.

*Passed by the Honorable the Governor in Council on the 6th March 1863,
and Numbered 478A.*

I. Waste lands in which no rights of private proprietorship or exclusive occupancy exist and which may not be reserved as hereinafter* provided, may until further notice be sold under the following Rules.

II. Applications for land under these rules shall be addressed to the Collector of the Coimbatore District and shall comprise the following particulars:—

- (a) The estimated area of the land applied for.
- (b) The situation of the land and its boundaries as accurately as can be stated.

III. No lot shall exceed 500 Acres unless otherwise specially ordered by Government. Within the limits of the Stations of Ootacamund, Coonoor and Kottergherry, the maximum extent of a lot shall be 10 Acres. But any person may apply for several contiguous lots, each not exceeding the above limits.

IV. Every lot shall be compact and ^{as nearly as possible a parallelogram:} shall include no more than one tract of land capable of being surrounded by a ring fence, and when the land touches a public Road the length of the road frontage shall not exceed one-half of the depth of the lot, and in all other cases the block shall be ^{not less than 100 feet in length and 50 feet in depth} ~~not less than 100 feet in length and 50 feet in depth~~

V. No lot shall be sold until it has been surveyed and durable boundary marks have been erected.

VI. If on receipt of an application under Rule II the Collector has reason to believe that the land applied for is saleable under these Rules, he shall call upon the applicant to deposit with him the estimated cost of surveying the land and of marking it out with durable boundary marks, unless the land is already surveyed and demarcated. The Collector will refund to the depositor any portion of his deposit which may not be actually expended in the survey and demarcation, and the depositor shall pay any deficiency.

VII. If the applicant fails to deposit the sum required under Rule VI within six weeks, from the date of demand, his application shall be null and void.

VIII. On receipt of the deposit required under Rule VI, the Collector shall as soon as possible cause the land applied for to be surveyed and marked out, and shall exclude from the lot all excess which may be found on survey beyond the limits prescribed in Rule III, and shall advertise the lot for sale on a given day, to be fixed so as to admit of the notice required in Rule IX, being given.

IX. The advertisement shall be in English and in Canarese and Tamil, and shall specify the locality, extent and boundaries of the lot, the aggregate annual assessment, and the place, time, and conditions of sale. It shall be posted for three clear months on the land itself as well as in the neighbouring villages, in the Offices of the Collector and the Tahsildar of the Talook, and the nearest Police Office. A notification of the intended sale shall also be inserted in the

District Gazette. The Collector shall at his discretion fix the time and place of sale and may alter both if necessary, provided that not less than 14 days' notice be publicly given of every such alteration and that no land be sold until it has been advertised, as aforesaid, for three full months.

X. The Collector shall send written notice of the place and time of sale, as also of any alteration under the provisions of Rule IX, to the applicant; but no sale shall be disturbed in consequence of the non-receipt of such notice or delayed in consequence of the non-appearance of the applicant.

XI. An applicant withdrawing his application prior to the sale of the land will be entitled to the refund of so much only of his deposit under Rule VI as may not be expended. If after survey at the request of an applicant, it should prove that the lands are not saleable under these Rules, the applicant must still pay the expense of surveying them; as well as of surveying any excess beyond the limits prescribed in Rule III.

XII. On the withdrawal of an application, it shall be discretionary with the Collector to proceed with the sale of the land or not, as he considers best for the public interests.

XIII. The upset price shall in all cases be merely the cost of the survey and of the erection of durable boundary marks. If the original applicant be the purchaser, he shall receive credit for his deposit or payment; otherwise the amount shall be repaid to him at once from the sale proceeds.

XIV. If before the time of sale no claim of private proprietorship or of exclusive occupancy or of any other right incompatible with the sale of the land under these Rules be preferred to the land, the lot shall as advertised be put up to auction and sold to the highest bidder above the upset price subject to an annual assessment, payable on or before the 30th June of each and every year, of 2 Rupees for each Acre of Forest land and 1 Rupee for each Acre of land other than forest contained in the lot.

XV. The successful bidder shall, immediately on the sale being declared, pay down 10 per cent. of the price. The residue of the purchase money may at the option of the purchaser be paid in full within thirty days; or in three yearly instalments of equal amount, bearing interest from the day of sale at the rate of 6 per cent. per annum. In the former case, on payment of the residue of the purchase money, a deed in the form X annexed to these Rules shall be furnished to the purchaser and possession given. In the latter case the land will remain hypothecated to Government as security for the punctual discharge of the unpaid principal and interest as they fall due, and on default of any such payment the Government may enter and repossess themselves of the land or, at their option, the land may be resold at the expense and risk of the defaulter. When the purchaser elects to pay the purchase money by instalments, he shall not receive possession until he has duly executed the Deed marked Y annexed to these Rules. When the conditions of Deed Y have been duly fulfilled, a Deed in the form X will be issued in lieu of it.

XVI. The sale shall be conducted under and subject to the following conditions of sale.

(1.) "That the highest bidder above the upset price shall be the purchaser of the premises, and if any dispute arise between two or more bidders at the same price, the premises shall be immediately put up again at the last preceding undisputed bidding and resold.

(2.) "That immediately after the lot is knocked down, the purchaser thereof shall pay to the Collector a deposit of 10 Rupees per centum, in part of his purchase money, and intimate to the Collector whether he elects to pay the residue within thirty days or by three yearly instalments, as provided by the Rules passed by the Honorable the Government in Council under date the sixth day of March 1863, No. 473 and shall at the same time make an acknowledgment in one of the Forms U. or V. (as the case may require) annexed to the Rules.

(3.) "That if the purchaser shall elect to pay the residue of his purchase money within thirty days he shall within thirty days from the day of sale pay to the said Collector the residue of his

purchase money and shall thereupon receive a conveyance of the premises in the form marked X annexed to the said Rules.

(4.) "That if the purchaser shall elect to pay the residue of his purchase money by three yearly instalments, he shall within ten days from the day of sale execute a Deed in the form marked Y annexed to the said Rules.

(5.) "That all persons desirous of becoming purchasers are to satisfy themselves as to the identity and correct description of the property, and the measurement and boundaries of the premises, previous to the sale; as by having the premises knocked down to him, the purchaser thereof shall be held to have waived all objections to any mistakes that may afterwards appear to have been made in the description of the premises as well as to any other error whatever in the particulars of the property.

(6.) That if the purchaser elects to pay within thirty days, and if, from any cause whatever, the purchase shall not be completed by the thirtieth day from the day of sale, or if the purchaser shall elect to pay by instalments and shall neglect for ten days from the day of sale to execute a Deed in the form marked Y annexed to the said Rules, then the purchaser shall pay to the Collector interest at the rate of 12 Rupees per cent. per annum, on the remainder of his purchase money from the day of sale until the purchase shall be completed in the one case; or until a Deed in the form Y be executed in the other case; without prejudice nevertheless, to the right of resale reserved by the seventh condition.

(7.) "That if the purchaser shall neglect or refuse to comply with the above conditions, or any of them, his deposit money shall be forfeited, and retained by Government, and the Government shall be at liberty to resell the premises either by public auction or private contract, without the necessity of previously tendering a conveyance to the purchaser; and the deficiency, if any, arising from such resale, together with all expenses attending it, shall be made good by the purchaser at the present sale, who shall so neglect or refuse, as and for liquidated damages."

XVII. If before the time of sale a claim of private proprietorship or of exclusive occupancy or of any other right incompatible with the sale of the land under these Rules shall be preferred to the land or any part of it, the Collector shall postpone the sale of the land until such claim shall be disposed of in due course of Law.

XVIII. Reserves of grazing and forest land, of land for the growth of firewood, for building sites, parks, recreation grounds, and the like, and of land required for other special purposes are not to be sold under these Rules without the express sanction of the Government. A Register of such reserves will be maintained in the Collector's Office, and will be open to inspection by intending applicants at such times and under such Rules as the Collector may prescribe by Notification in the District Gazette.

XIX. The annual assessment on lands sold under these Rules may at any time be redeemed by the owner by payment of a sum equal to 25 times the said annual Assessment and the lands so redeemed shall thereafter be for ever free from all demand on the part of the State on account of Land Revenue. On payment of the redemption money the owner of the land shall be furnished with a Deed in the form Z. annexed to these Rules.

XX. Arrears of annual assessment shall be recoverable in the same manner as arrears of Ryotwary Land Revenue are, or may be recoverable by the Law for the time being in force in the Madras Presidency.

XXI. Lands sold or redeemed under these Rules shall nevertheless continue subject to all general taxes and local rates payable by law or custom.

XXII. The existing and customary rights of Government, of other proprietors and of the public in and about roads and paths and in streams running through or bounding lands sold under these Rules are reserved and in no way affected by the sale of such lands under these Rules.

XXIII. Nothing contained in these Rules shall be held to debar the Government from granting waste land on Puttab, Cowle or otherwise at their discretion as heretofore.

No.

X.

THIS INDENTURE made the (a) day of One thousand eight-hundred and sixty (a) BETWEEN THE RIGHT HONORABLE THE SECRETARY OF STATE FOR INDIA IN COUNCIL of the one part and (A. B.) of in the District of (b) of the other part WHEREAS under the Rules for the sale of Waste Land passed by the Honorable the Governor of Fort Saint George in Council on the sixth day of March 1863, and numbered 478 A the Collector of Coimbatore did on the (a) day of One thousand eight hundred and sixty (a) offer for sale by public auction the land described in the Schedule hereunder written subject to an annual Assessment in perpetuity on the said land of Rupees (a) AND WHEREAS at such sale the said (A. B.) offered the sum of Rupees (a) for such land subject to such Assessment and being the highest bidder was declared to be the purchaser thereof according to the terms and conditions in such rules contained AND WHEREAS previously to the execution of these Presents the said (A. B.) has paid into the Treasury of the said Collector to the credit of Her Majesty's Government of India the full sum of Rupees (a) NOW THIS INDENTURE WITNESSETH that in consideration of the said sum of Rupees (a) so paid by the said (A. B.) (the receipt whereof is hereby acknowledged) The said Secretary of State in Council doth sell alien and convey unto the said (A. B.) THE piece or parcel of land containing British Statute Acres (a) situated in the village of in the Talook of in the Collectorate of Coimbatore bounded as mentioned in the Schedule hereunder written and delineated in the Map or Plan hereunto annexed Together with all erections and buildings (if any) thereon erected and built And all products both above and below the surface, ways, paths, passages, waters, water-courses, wells, fences, ditches, easements, profits, rights, members and appurtenances whatsoever, to the said land and premises and every or any part thereof belonging or appertaining EXCEPT and always reserved out of these Presents all existing and customary rights of Government and of proprietors of lands adjoining or lying near to the land and premises hereby conveyed in all existing roads and paths and in streams of water running through or bounding the land and premises hereby conveyed TO HOLD the said land and premises hereby conveyed with the appurtenances to the said (A. B.) his Heirs personal Representatives and Assigns for ever SUBJECT nevertheless to the payment by the said (A. B.) his Heirs personal Representatives and Assigns to the said Secretary of State in Council his Successors or Assigns yearly and every year for ever hereafter of the clear sum of Rupees (a) on or before the 30th day of June in each year AND LIKEWISE subject to the payment by the said (A. B.) his Heirs personal Representatives and Assigns of all general taxes and local rates now existing, or which at any time hereafter may be imposed by Law as also to the Covenants and conditions hereinafter contained and the said (A. B.) for himself his Heirs personal Representatives and Assigns doth hereby covenant with the said Secretary of State in Council his Successors and Assigns in manner following (that is to say) That he the said (A. B.) his Heirs personal Representatives and Assigns will yearly and every year for ever hereafter pay on or before the 30th day of June in each year the said sum of Rupees (a) AND LIKEWISE will at his and their own costs and charges forthwith erect and at all times hereafter maintain and keep in good repair permanent boundary mark round the land and premises hereby conveyed AND FURTHER that in case (A. B.) his Heirs personal Representatives or Assigns shall make default in payment of the said annual assessment of Rupees (a) or any part thereof as and when the same shall become payable under the Covenant herein before contained THEN and in such case and so often

as the same shall happen the said assessment of Rupees (a) and all arrears thereof shall and may be treated as arrears of Ryotwary Land Revenue and may be recovered in the same manner as Ryotwary Land Revenue is now or at any time hereafter may be recoverable PROVIDED always and it is hereby declared and agreed by and between the parties hereto that the said (A. B.) his Heirs personal Representatives and Assigns shall at any time be at liberty to redeem such annual assessment by payment to the said Secretary of State in Council his Successors or Assigns of the sum of Rupees (c) of lawful money of British India and that immediately after such payment the land and premises hereby conveyed shall be for ever free from all demand for Land Revenue IN WITNESS WHEREOF The Honorable the Governor of Fort Saint George in Council on behalf of the said Secretary of State in Council hath hereunto affixed the Seal of the said Governor in Council And the said (A. B.) hath set his hand and seal the day and year first above written.

The Schedule to which the above written Indenture refers.

District.	Talook.	Village.	Name (if any) and Boundaries.	Extent.

The Seal of the Honorable the Governor of Fort Saint George in Council was hereunto affixed in the presence of

L. S.

Secretary to Government.

Signed Sealed and Delivered by the abovenamed (A. B.) at in the East Indies in the presence of (d)

Signature of A. B.

L. S.

Received from the abovenamed A. B. the sum of Rupees (a) being the consideration money abovementioned to be by him paid.

Rupees (a)

WITNESS, (d)

Collector of Coimbatore.

- (a) Enter in words.
- (b) Enter the purchaser's trade, or occupation or other description.
- (c) Enter 25 times the annual assessment, in words.
- (d) One Witness will suffice. His place of residence, as also his occupation or other description must be written in his name.
- (e) Enter in figures.

No.

Y.

THIS INDENTURE made the (a) day of One thousand eight hundred and sixty (a) BETWEEN The Right Honorable The Secretary of State for India in Council of the one part And (A. B.) in the District of (b) of the other part, Whereas under the rules for the sale of waste land, passed by the Honorable The Governor of Fort Saint George in Council on the sixth day of March one thousand eight hundred and sixty three and numbered 478 A the Collector of Coimbatore did, on the (a) day of one thousand eight hundred and sixty (a) offer for sale by public auction The piece or parcel of land containing British Statute Acres (a) situated in the village of in the Talook of in the Collectorate of Coimbatore bounded as mentioned in the Schedule hereunder written and delineated in the Map or Plan hereunto annexed, subject to the payment by the said (A. B.) his Heirs personal Representatives and Assigns to the said Secretary of State in Council, his Successors or Assigns yearly and every year for ever hereafter of the clear sum of Rupees (f) on or before the 30th day of June in each year and whereas at such sale the said (A. B.) offered the sum of Rupees (b) for such land, subject to such assessment and being the highest bidder was declared to be the purchaser thereof, according to the terms and conditions in such rules contained AND WHEREAS at the time of such sale the said (A. B.) paid into the hands of the said Collector the sum of Rupees (a) being the amount of deposit at the rate of ten Rupees per cent. on the said purchase money as required by the said Rules, and under the provision contained in those rules has elected to pay the balance of such purchase money amounting to the sum of Rupees (c) in three yearly instalments of Rupees (d) each with interest on such balance or on such part thereof as shall from time to time remain unliquidated at the rate of six Rupees per cent. per annum Now THIS INDENTURE witnesseth that in consideration of the said sum of Rupees (c) so paid to the said Collector as hereinbefore mentioned (the receipt whereof is hereby acknowledged) and of the Covenants on the part of the said (A. B.) hereinafter contained The said Secretary of State in Council for him, self his Successors and Assigns Doth hereby Covenant with the said (A. B.) his Heirs, personal Representatives and Assigns, that on payment by the said (A. B.) his Heirs personal Representatives or Assigns of the said sum of Rupees (c) with interest thereon as herein mentioned, he the said Secretary of State in Council his Successors or Assigns will convey unto the said (A. B.) his Heirs personal Representatives and Assigns for ever The said land and premises together with all erections and buildings (if any) thereon erected and built And all products both above and below the surface, ways, paths, passages, waters, water courses, wells, fences, ditches, easements, profits, rights, members, and appurtenances whatsoever to the said land and premises and every or any part thereof belonging or appertaining EXCEPTING nevertheless all existing and customary rights of Government and of proprietors of lands adjoining or lying near to the said land and premises purchased as afore- said in all existing roads and paths and in streams of water running through or bounding the purchased land and premises TO BE HELD by the said (A. B.) his Heirs personal Representatives and Assigns subject to the payment of the said yearly sum of Rupees (f) on the 30th day of June in each year as hereinbefore mentioned, AND likewise subject to all general taxes and local rates now existing or which at any time hereafter may be imposed by law AND to the observance of the several conditions in the said rules contained, And the said (A. B.) for himself his Heirs personal Representatives and Assigns doth hereby Covenant with the said

Secretary of State in Council his Successors and Assigns in manner following (that is to say) that he the said (A. B.) his Heirs personal Representatives and Assigns will yearly and every year for ever hereafter pay on or before the 30th day of June in each year the said sum of Rupees (f) AND LIKEWISE will at his and their own costs and charges forthwith erect and at all times hereafter maintain and keep in good repair permanent boundary marks round the land and premises so purchased AND FURTHER that he the said (A. B.) his Heirs, personal Representatives and Assigns will on the (g) day of (g) which will be in the year one thousand eight hundred and sixty (g) pay or cause to be paid to the said Secretary of State in Council his Successors or Assigns the sum of Rupees (d) of lawful money of British India and on the (h) day of (h) which will be in the year one thousand eight hundred and sixty (h) a like sum of Rupees (d) and on the (i) day of (i) which will be in the year one thousand eight hundred and sixty (i) a like sum of Rupees (d) of like lawful money AND also will pay to the said Secretary of State in Council his Successors or Assigns interest at the rate of six Rupees per cent. per annum on the said balance of the said purchase money or sum of Rupees (c) or on such part thereof as shall from time to time remain unpaid by two equal half yearly payments on the (j) day of (j) and the (k) day of (k) in each year together with a proportionate part of like interest until the said balance shall be fully paid or satisfied or until the said Secretary of State in Council shall obtain possession of the said land and premises under the provisions hereinafter contained, And it is hereby declared and agreed by and between the parties hereto that until default shall be made by the said (A. B.) his Heirs personal Representatives or Assigns in payment of the said annual assessment or sum of Rupees (f) as and when the same shall become payable under the Covenant herein before contained or in payment of the said instalments or any of them or any part thereof respectively or of the said interest or any part thereof it shall be lawful for the said (A. B.) his Heirs personal Representatives and Assigns peaceably and quietly to occupy possess and enjoy the said land and premises so purchased and receive and take the rents issues and profits thereof to and for his and their own use and benefit And the said (A. B.) for himself his Heirs personal Representatives and Assigns doth hereby further Covenant with the said Secretary of State in Council his Successors and Assigns in manner following (that is to say) that in case he the said (A. B.) his Heirs personal Representatives and Assigns shall make default in payment of the said instalments or any or either of them or any part thereof respectively or in payment of the interest herein before covenanted to be paid or any part thereof as and when such instalments and interest shall respectively become due THEN and in such case and within one month after demand of possession shall have been made on him or them by or on behalf of the said Secretary of State in Council his Successors or Assigns he the said (A. B.) his Heirs personal Representatives and Assigns will deliver to any person authorized by an order passed by the Governor of Fort Saint George for the time being in Council to receive the same the quiet and peaceable possession of the said land and premises together with all erections and buildings which now are or which at any time between the date of these Presents and such delivery of possession may be erected and built or standing on the said land and all improvements made to the said land in the meantime AND MOREOVER that in the event of such default being made by the said (A. B.) his Heirs personal Representatives and Assigns or in case of the breach or non performance of any of the Covenants and Agreements herein contained on the part of the said (A. B.) his Heirs personal Representatives and Assigns it shall be lawful for the said Secretary of State in Council his Successors or Assigns at any time thereafter to re-sell the said premises either by public auction or private contract and if on such re-sale the said premises should be sold for a sum less than the said sum of Rupees (f) be the said (A. B.) his Heirs personal Representatives and Assigns will pay to the said Secretary of State in Council his Successors or Assigns the difference between the sum for which such premises shall be

re-sold and the said sum of Rupees (l) or it shall be lawful for the said Secretary of State in Council his Successors or Assigns at any time after such default or breach into and upon the said land and premises or any part thereof in the name of the whole to re-enter and the same to have again re-possess and enjoy as in his and their former estate any thing herein before contained to the contrary notwithstanding AND FURTHER that in case he the said (A. B.)

his Heirs personal Representative and Assigns shall make default in payment of the said annual assessment of Rupees (f)

or any part thereof as and when the same shall become payable under the Covenant hereinbefore contained THEN and in such case and so often as the same shall happen the said assessment of Rupees (f) and all arrears thereof shall and may be treated as arrears of Ryotwary Land Revenue and may be recovered in the same manner as Ryotwary Land Revenue is now or at any time hereafter may be recoverable PROVIDED always and it is hereby declared and agreed by and between the parties hereto that the said (A. B.)

his Heirs personal Representatives and Assigns shall at any time be at liberty to redeem such annual assessment by payment to the said Secretary of State in Council his Successors or Assigns of the sum of Rupees (m) of lawful money of British India and that immediately after such payment the Land and premises hereby conveyed shall be for ever free from all demand for Land Revenue IN WITNESS whereof the Honorable the Governor of Fort Saint George in Council on behalf of the said Secretary of State in Council hath hereunto affixed the Seal of the said Governor in Council, and the said (A. B.) hath set his hand and Seal the day and year first above written

The Schedule to which the above written Indenture refers.

District.	Talook.	Village.	Name (if any) and Boundaries.	Extent.

The Seal of the Honorable the Governor of Fort Saint George in Council was hereunto affixed in the presence of

Secretary to Government.

Signed, Sealed and Delivered by the above-named A. B. at in } Signature of A. B. the East Indies in the presence of (n)

Received from the abovenamed (A. B.) the sum of Rupees (a) being the consideration money abovementioned, to have been by him paid. Rupees (o)

WITNESS, (n)

Collector of Coimbatore.

- (a) Enter in words.
(b) Add the trade, occupation or other description of the purchaser.
(c) Enter purchase money after deducting the deposit, in words.
(d) Enter one-third of purchase money after deducting the deposit, in words.
(e) Enter the deposit in words.
(f) Enter the assessment in words.
(g) 12 months from date of purchase in words.
(h) 24 months from do. in do.
(i) 36 months from do. in do.
(j) 6 months from day of sale. Enter only the day and month, not the year.
(k) 12 do. do. do.
(l) The sum for which the premises were knocked down, in words.
(m.) Twenty-five times the annual assessment, in words.
(n.) One witness will suffice. Enter his residence as also his occupation or other description under his name.
(o.) Enter in figures.

Z.

No.

THIS INDENTURE made the (a) day of One thousand eight hundred and sixty (a) BETWEEN THE RIGHT HONORABLE THE SECRETARY OF STATE FOR INDIA IN COUNCIL of the one part and (A. B.) of in the District of the other part

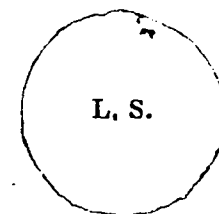
WHEREAS by an Indenture dated the (a) day of One thousand eight hundred and sixty (a) and made between the said Secretary of State of the one part and the said (A. B.) of the other part the said Secretary of State for the considerations therein mentioned did sell alien and convey unto the said (A. B.) his Heirs personal Representatives and Assigns for ever the piece or parcel of land containing British Statute Acres

(a) situated in the village of in the Talook of Collectorate of Coimbatore bounded as mentioned in the Schedule thereunder written and delineated in the Map or Plan thereunto annexed with the appurtenances subject to the payment by the said (A. B.) his Heirs personal Representatives and Assigns of the annual assessment or sum of Rupees (a) and to the payment of all general taxes and local rates then existing or which at any time thereafter might be imposed by Law AS ALSO to the several Exceptions, Covenants and Conditions therein contained And in and by such reciting Indenture it was declared and agreed that the said (A. B.) his Heirs personal Representatives and Assigns should be at liberty to redeem such annual assessment by payment to the Said Secretary of State in Council his Successors or Assigns of the sum of Rupees (a) and that immediately thereafter the said land and premises should be for ever free from all demand for Land Revenue AND WHEREAS the said (A. B.) under the said provision hath paid into the Treasury of the Collector of to the credit of Her Majesty's Government of India the said sum of Rupees (a) and hath requested that the said land may be declared to be for ever hereafter absolutely freed and discharged from the payment of the said sum of Rupees (a) and of all Land Revenue payable thereon and that the said land may be likewise declared to be and continue as Freehold Now THIS INDENTURE WITNESSETH that in pursuance of the said provision and in consideration of the said sum of Rupees (a) so paid by the said (A. B.) as hereinbefore mentioned (the receipt whereof is hereby acknowledged) the said Secretary of State in Council doth remise, release and for ever quit claim unto the said (A. B.) his Heirs personal Representatives and Assigns the said annual assessment or sum of Rupees (a)

AND FURTHER Doth declare that the said land and premises may for ever be held as Freehold fully and absolutely enfranchised, exonerated, acquitted and discharged by these Presents from all demand on the part of Her Majesty for or on account of Quit-rent, Assessment, Land Tax or other Land Revenue PROVIDED always and it is hereby declared and agreed by and between the parties hereto that in all other respects the said land and premises shall be subject to the several Exceptions, Reservations, Covenants and Conditions in the hereinbefore in part recited Indenture contained IN WITNESS WHEREOF the Honorable the Governor

of Fort Saint George in Council on behalf of the said Secretary of State in Council hath hereunto affixed the Seal of the said Governor in Council AND the said (A. B.) hath set his hand and seal the day and year first above written.

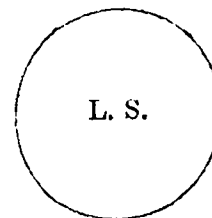
The Seal of the Honorable the Governor of Fort Saint George in Council was hereunto affixed in the presence of



Secretary to Government.

Signed, Sealed and Delivered by the above-named (A. B.) at in the East Indies in the presence of (c)

Signature of A. B.



Received from the abovenamed (A. B.) the sum of Rupees (a) being the consideration money abovementioned to have been by him paid

Rupees (d)

WITNESS, (c)

Collector of Coimbatore.

- (a) Enter in words.
(b) Enter the trade, occupation or other description of the purchaser.
(c) One witness will suffice. Enter his trade, occupation or other description.
(d) Enter in figures.

(FORM)

U.

I (A. B.)

of

do hereby acknowledge that I attended at the sale mentioned in the annexed* Notice dated the (a) day of 186 , No. , and that I bid for the premises therein specified and distinguished as lot No. , the sum of Rupees (a)

and that I was declared the purchaser thereof at that price under and subject to the conditions of sale set out in the said Notice. I have paid to the Collector of

the sum of Rupees (a)

being a deposit of ten Rupees per cent. in part of my purchase money and I elect to pay the residue thereof within thirty days from this day. Dated the (a) one thousand eight hundred and sixty (a). day of

WITNESS, (b)

Signature of A. B.

(FORM)

V.

I (A. B.)

of

do hereby acknowledge that I attended at the sale mentioned in the annexed* Notice dated the (a) day of 186 , No. , and that I bid for the premises therein specified and distinguished as lot No. , the sum of Rupees (a)

and that I was declared the purchaser thereof at that price under and subject to the conditions of sale set out in the said Notice. I have paid to the Collector of

the sum of Rupees (a)

being a deposit of ten Rupees per cent. in part of my purchase money and I elect to pay the residue thereof in three yearly instalments of Rupees (a)

each, with interest thereon at the rate of six Rupees per cent. per annum as prescribed by the rules passed by the Honorable the Governor in Council on the sixth March 1863 and numbered 478A, Dated the (a) day of one thousand eight hundred and sixty (a).

WITNESS, (b)

Signature of A. B.

* Be careful to annex a copy of the Notice, signed by the purchaser and Collector, to the Forms U. and V.

(a) Enter in words.

(b) The place of residence as also the occupation or other description of the Witness must be written under his name.

(FORM)

W.

(FORM OF ADVERTISEMENT.)

NOTICE No. _____

District of Coimbatore.

SALE OF WASTE LANDS.

1. NOTICE is hereby given, that the lands hereunder specified will be put up to auction at (under the Government Rules for the sale of waste lands dated 6th March 1863, No. 478A,) and sold subject to annual payment of the assessment specified below to the highest bidder above the upset price or prices enumerated in the following Schedule at _____ o'clock on the _____ day of _____ 186 _____.

2. All parties having claims on the said lands, incompatible with the sale as herein notified, are hereby required to prefer their claims on or before the day aforesaid to the undersigned:—

Schedule of lands to be sold.

District.	Talook.	Village.	No. of Lot.	Name (if any) and Boundaries.	Extent.	Upset price.	Annual assessment.

The sale will be made subject to the following conditions:—

CONDITIONS OF SALE.

(1.) "That the highest bidder above the upset price shall be the purchaser of the premises, and if any dispute arise between two or more bidders at the same price, the premises shall be immediately put up again at the last preceding undisputed bidding and re-sold.

(2.) "That immediately after the lot is knocked down, the purchaser thereof shall pay to the Collector a deposit of 10 Rupees per centum, in part of his purchase money, and intimate to the Collector whether he elects to pay the residue within thirty days, or by three yearly instalments, as provided by the Rules passed by the Honorable the Governor in Council under date the sixth day of March 1863, No. 478A and shall at the same time sign an acknowledgment in one of the Forms U. or V. (as the case may require) annexed to the said Rules.

(3.) "That if the purchaser shall elect to pay the residue of his purchase money within thirty days he shall within thirty days from the day of sale pay to the said Collector the residue of his purchase money and shall thereupon receive a conveyance of the premises in the form marked X annexed to the said Rules.

(4.) "That if the purchaser shall elect to pay the residue of his purchase money by three yearly instalments he shall within ten days from the day of sale execute a Deed in the form marked Y annexed to the said Rules.

(5.) "That all persons desirous of becoming purchasers are to satisfy themselves as to the identity and correct description of the property, and the measurement and boundaries of the premises, previous to the sale; as by having the premises knocked down to him, the purchaser thereof shall be held to have waived all objections to any mistakes that may afterwards appear to have been made in the description of the premises as well as to any other error whatever in the particulars of the property.

(6.) "That if the purchaser elects to pay within thirty days, and if, from any cause whatever, the purchase shall not be completed by the thirtieth day from the day of sale, or if the purchaser shall elect to pay by instalments and shall neglect for ten days from the day of sale to execute a Deed in the form marked Y annexed to the said Rules, then the purchaser shall pay to the Collector interest at the rate of 12 Rupees per cent. per annum, on the remainder of his purchase money from the day of sale until the purchase shall be completed in the one case; or until a Deed in the Form Y be executed in the other case; without prejudice nevertheless, to the right of resale reserved by the seventh condition.

(7.) "That if the purchaser shall neglect or refuse to comply with the above conditions, or any of them, his deposit money shall be forfeited, and retained by Government, and the Government shall be at liberty to resell the premises either by public auction or private contract, without the necessity of previously tendering a conveyance to the purchaser; and the deficiency, if any, arising from such resale, together with all expenses attending it, shall be made good by the purchaser at the present sale, who shall so neglect or refuse, as and for liquidated damages."

Dated

Collector of Coimbatore.

ACT No. XXIII OF 1863.

An Act to provide for the adjudication of claims to Waste Lands.

WHEREAS it is expedient to make special provision for the speedy adjudication of claims which may be preferred to waste lands proposed to be sold or otherwise dealt with on account of Government, and of objections taken to the sale or other disposition of such lands; It is enacted as follows:—

I. When any claim shall be preferred to any waste land proposed to be sold or otherwise dealt with on account of Government, or when any objection shall be taken to the sale or other disposition of such land, the Collector of the District in which such land is situate, or other Officer performing the duties of a Collector of land Revenue in such District, by whatever name his Office is designated, shall, if the claim or objection be preferred within the period mentioned in the advertisement to be issued for the sale or other disposition of such land which period shall not be less than three months, proceed to make an enquiry into the claim or objection.

II. The Collector or other Officer as aforesaid shall call upon the claimant or objector to produce any evidence or documents upon which he may rely in proof of his claim or objection, and after considering the same and making any further enquiry that may appear proper, shall dispose of the case by an order for the admission or rejection of the claim or objection, and if the land is proposed to be sold, for the sale of the same subject to any condition or reservation which to such Collector or other Officer as aforesaid shall appear to be proper. If the land is ordered to be sold subject to any condition or reservation, such condition or reservation shall be notified to intending purchasers at the time of sale.

III. Pending an enquiry into any claim or objection under the last preceding Section, the Collector or other Officer as aforesaid shall postpone the sale or other disposition of the land, and if he shall order that such claim or objection be rejected, he shall further postpone the sale or other disposition

of the land to allow the claimant or objector to contest the order of rejection in the manner hereinafter provided.

IV. If the Collector or other Officer as aforesaid shall consider the claim or objection to be established, and that the sale or other disposition of the land should not take place, he shall stop the sale or other disposition of the land; but such sale or other disposition of the land may afterwards be proceeded with if, on an order issued by the local Government to try the claim or objection as provided in Section VI of this Act, the claimant or objector shall fail to establish the same.

V. If the Collector or other Officer as aforesaid shall order that the claim or objection be rejected, or that the land be sold subject to any condition or reservation, or that it be otherwise dealt with, he shall cause a copy of such order to be delivered to the claimant or objector, and if such claimant or objector shall not within one week from the delivery of such copy, or within such further time as the Collector or other Officer as aforesaid for any special reason to be recorded shall see fit to grant, give notice in writing to such Collector or other Officer as aforesaid that he intends to contest such order, the order shall be final. If the claimant or objector shall, within the time allowed, give such notice, the Collector or other Officer as aforesaid shall immediately make a report to the Board of Revenue or other superior Revenue Authority, and shall forward with such Report a copy of his order, stating fully all the circumstances of the case and the evidence adduced in support or otherwise of the claim or objection, and such Board or other Authority, on the receipt of such Report, and after calling for any further information which it may consider necessary, may confirm, modify, or reverse the order of the Collector or other Officer as aforesaid. If the Board or other Authority as aforesaid confirm the order of the Collector or other Officer as aforesaid, or modify such order in such manner as to leave any part of such order in force adverse to the claimant or objector, the Collector or other Officer as aforesaid shall certify such order to the Court constituted as hereinafter provided, and such Court shall forthwith give notice to the claimant or objector, and if such claimant or objector shall not, within thirty days from the delivery of such notice from the Court, institute a suit in such Court to establish his claim or objection, the order of the Board or other Authority as aforesaid shall be final.

VI. The Local Government may, within twelve months after the date on which the claim of any claimant of waste land, or the objection of any objector as aforesaid, shall have been admitted under this Act by the Collector or other Officer as aforesaid, direct a suit to be brought to try the claim or objection of the claimant or objector, in a Court constituted as hereinafter provided.

VII. For the investigation and trial of claims under this Act, the Local Government shall constitute, in every District in which there may be any waste lands capable of being sold or otherwise dealt with on account of Government, a Court consisting of an uneven number of persons not less than three, of whom the Judge of the District, or the Officer presiding in the principal Civil Court of original Jurisdiction in the District by whatever name his office may be designated, shall be one. Any one or more of the Members of which such Court shall consist, shall have power to make all such orders in the case as may be necessary prior to the hearing of the suit. Provided that, whenever the Collector or other Officer by whom the original enquiry was held is the Officer presiding in the principal Civil Court of original Jurisdiction in the District, such Officer shall not be a Member of such Court.

VIII. Whenever any Court is constituted under this Act, notice thereof shall be given by a written proclamation, copies of which shall be affixed in the several Courts, and in the Offices of the several Collectors and Magistrates of the District, and from the date of the issue of such proclamation no other Court shall be competent to entertain any claim or objection belonging to the class of claims or objections for the trial and determination of which such Court is constituted.

IX. The Courts constituted under this Act shall be held at such place or places within the limits of their respective jurisdictions as shall be considered most convenient.

X. In every suit instituted under Section V of this Act the claimant of the waste land, or objector to the sale or other disposition of such land, shall appear as plaintiff, and the Collector or other Officer as aforesaid shall appear as defendant on the part of Government. Either party may appear by

pleader or by agent. Provided that if such other Officer as aforesaid be the presiding Officer of the principal Civil Court of original Jurisdiction in the District, the Local Government shall appoint some other Officer to appear as defendant in the case on its behalf. In any suit ordered to be instituted by the Local Government under Section VI of this Act the Government, by any Officer to be appointed for the purpose, shall appear as plaintiff and the claimant or objector as aforesaid shall appear as defendant.

XI. In suits instituted under this Act, except as hereinafter provided, the proceedings shall be regulated, so far as they can be, by the Code of Civil Procedure.

XII. The Court shall fix a day for the appearance of the parties and for the hearing of the suit, of which due notice shall be given to the parties or their agents, and on the day so fixed the parties or their agents shall bring their witnesses into Court, together with any documents on which they may intend to rely in support of their respective statements. If either party require the assistance of the Court to procure the attendance of a witness on such day, he shall apply to the Court in sufficient time before the day fixed for the hearing of the suit, and the Court shall issue a Subpoena requiring such witness to attend the Court on that day. It shall be competent to the Court to require the personal attendance of the claimant of the waste land or objector as aforesaid on the day fixed for the hearing, or at any subsequent stage of the suit.

XIII. On the day fixed for the hearing of the suit, or as soon after as may be practicable the Court shall proceed to examine the claimant of the waste land, or the objector, or his agent (when his personal attendance is not required), and the witnesses of the parties, and upon such examination, and after inspecting the documents of the parties, and making any further enquiry that may appear necessary, shall proceed to pass such order in the case as it may consider just and proper.

XIV. No appeal shall lie from any decision or order passed under this Act, nor shall any such decision or order be open to revision. XV. If, on the trial of any suit under this Act, any question of law, or of usage having the force of law, or the construction of a document affecting the merits of the case shall arise, on which the Court shall entertain reasonable doubts, the Court may, either of its own motion or on the application of any of the parties to the suit, draw up a statement of the case and submit it, with its own opinion, for the opinion of the High Court of Judicature, or of the highest Civil Court of Appeal in the territory in which the land is situate. Provided that it shall be the duty of every Court held under this Act to make such reference to such High Court, or Court of Appeal, if in any suit under this Act any question shall arise involving any principle of general importance, or the rights of a class.

XVI. The Court may proceed in the case notwithstanding a reference to the High Court, or other highest Civil Court of Appeal as aforesaid, and may pass an order contingent upon the opinion of the High Court, or other Court as aforesaid on the point referred, but no final order for the sale or other disposition of the land in question in the suit, or for the admission or rejection of any claim or objection which shall be before the Court in such suit, shall be passed until the receipt of the order of the said High Court, or highest Civil Court of Appeal.

XVII. The record of cases disposed of by Courts constituted under this Act shall be deposited amongst the records of the principal Civil Court of original Jurisdiction in the District in which the property in dispute is situate.

XVIII. No claim to any land, or to compensation or damages in respect of any land sold or otherwise dealt with on account of Government as waste land, shall be received after the expiration of three years from the date on which such land shall have been delivered by the Government to the purchaser, or otherwise dealt with, any claimant or objector shall prefer a claim to the land so delivered or otherwise dealt with, or an objection to such sale, or to compensation or damages in respect thereof, in the Court constituted under this Act for the District in which the land is situate, and shall show good and sufficient reason for not having preferred his claim or objection to the Collector or other Officer as aforesaid within the period limited under Section I of this Act, such Court shall file the claim or objection, making the claimant or objector plaintiff, and the Collector of the District or other Officer as aforesaid (with the like provision as aforesaid,

176
if such other Officer be the presiding Officer of the principal Civil Court of original Jurisdiction in the District) the defendant in the suit, and the foregoing provisions of this Act shall be applicable to the trial and determination of the suit. The report of the Officer employed to give delivery, or to take possession on the part of Government, of the land sold or otherwise dealt with, shall be conclusive evidence as to the date on which such delivery was made, or possession was taken.

XIX. In any case in which the land has been sold, if the Court shall be of opinion that the claim of the claimant is established, the Court shall not award the claimant possession of the land in dispute, but shall order him to receive from the Government Treasury, by way of compensation, a sum equal to the price at which the land was sold, in addition to the costs of suit.
If claim established, possession not to be given, but compensation.

XX. If the land shall have been sold subject to any condition or reservation, or shall not have been sold, but shall have been otherwise dealt with on account of the Government, and the Court shall be of opinion that the claim to such land, or the objection of an objector is established, the Court shall award the claimant or objector to receive such sum in respect of his interest in such land as shall be awarded in that behalf under the provisions of Act VI of 1857 (for the acquisition of lands for public purposes), and thereupon the Local Government shall proceed under the said Act to obtain an award of the value of such interest.
When land has not been absolutely sold, or has been otherwise dealt with.

XXI. An award under any of the provisions of the two last preceding Sections shall be in full satisfaction of the claim of the claimant or objector, and shall bar any future claim on his part in respect to the land in suit resting on the same cause of action, or on a cause of action which existed prior to the date of the sale or other disposition of the land on account of Government.
Award under the two last Sections to be in full satisfaction.

XXII. Nothing in this Act shall be held to prevent the Local Government from awarding to any claimant of waste land sold on account of Government, on proof to the satisfaction of the Local Government of the claim of such claimant (notwithstanding that he may not have preferred his claim either to the Collector or other Officer as aforesaid, or to the proper Court constituted under this Act within the period prescribed by this Act), such amount of compensation for the said land, within the limit as to amount mentioned in Section XIX of this Act, if the land have been sold not subject to any condition or reservation, as to such Local Government may seem proper.
Government not barred from awarding compensation for land absolutely sold, though claim be not preferred in time.

XXIII. If the land have been sold subject to any condition or reservation, or have been otherwise disposed of on account of Government, and any claim to such land, or objection to the sale or other disposition of the land shall be proved to the satisfaction of the Local Government, although not preferred to the Collector or other Officer as aforesaid, or to the Court constituted under this Act, within the period prescribed by this Act, the Local Government may award to such claimant or objector such amount as to such Local Government may appear to be the value of the interest of such claimant or objector in such land.
Compensation for land sold subject to condition, if claim proved, though not preferred in time.

XXIV. Unless the contrary appears from the context, words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number, and words importing the masculine gender shall include females.
Interpretation.
Number.
Gender.

*These rules apply also to the Malabar District
in Malabar Dist. No 20/3/68 No 684
See No 22/4/71 No 1656 for modification
Note in the...*

RULES

FOR THE SALE OF WASTE LAND IN THE WYNAD TALOOK OF MALABAR.

Passed by the Honorable the Governor in Council on the 7th March 1863,
and Numbered 482A.

I. Waste lands in which no rights of private proprietorship or exclusive occupancy exist and which may not be reserved as hereinafter* provided, may until further notice be sold under the following Rules.
* Rule 18.

II. Applications for land under these rules shall be addressed to the Collector of the Malabar District and shall comprise the following particulars:—

(a) The estimated area of the land applied for.

(b) The situation of the land and its boundaries as accurately as can be stated.

III. No lot shall exceed 500 Acres unless otherwise specially ordered by Government. Within Towns and Villages, the maximum extent of a lot shall be 10 Acres. But any person may apply for several contiguous lots, each not exceeding the above limits.

IV. Every lot shall be compact, and as nearly as possible a parallelogram. When the land touches any road, or river, the length of the road or water frontage shall not exceed one-half of the depth of the lot, and in all other cases the blocks will be so laid out that as far as practicable their length shall not exceed half their depth.
tract of land capable of ad or river, the length of lot.
boundary marks have been erected.

VI. If on receipt of an application under Rule II the Collector has reason to believe that the land applied for is saleable under these Rules, he shall call upon the applicant to deposit with him the estimated cost of surveying the land and of marking it out with durable boundary marks, unless the land is already surveyed and demarcated. The Collector will refund to the depositor any portion of his deposit which may not be actually expended in the survey and demarcation, and the depositor shall pay any deficiency.

VII. If the applicant fails to deposit the sum required under Rule VI within six weeks, from the date of demand, his application shall be null and void.

VIII. On receipt of the deposit required under Rule VI, the Collector shall as soon as possible cause the land applied for to be surveyed and marked out, and shall exclude from the lot all excess which may be found on survey beyond the limits prescribed in Rule III, and shall advertise the lot for sale on a given day, to be fixed so as to admit of the notice required in Rule IX being given.

IX. The advertisement shall be in English and in Malayalam, and shall specify the locality, extent and boundaries of the lot, the aggregate annual assessment, and the place, time, and conditions of sale. It shall be posted for three clear months on the land itself as well as in the neighbouring villages in the Offices of the Collector and the Tahsildar of the Talook, the Moon-siff's Court and the nearest Police Office. A notification of the intended sale shall also be inserted

Handwritten note: "Handwritten - Land to be sold"

in the District Gazette. The Collector shall at his discretion fix the time and place of sale and may alter the same if necessary, provided that not less than 14 days notice be published in every such alteration and that no land be sold until it has been advertised, as aforesaid, for three full months.

X. The Collector shall send written notice of the place and time of sale, as also of any alteration under the provisions of Rule IX, to the applicant; but no sale shall be disturbed in consequence of the non-receipt of such notice or delayed in consequence of the non-appearance of the applicant.

On receipt of applications for lands under these Rules, the Collector will hold a preliminary inquiry, and if he sees reason to believe that claims will be put forward for the land applied for, he will duly warn the applicant that the survey will be undertaken only at his request and at his risk. Should the applicant prefer that the survey should be proceeded with on other terms, the same will be done, and if after the survey it should prove that the lands are not saleable under these Rules, the applicant must pay the expense of surveying them, as well as of surveying any areas beyond the limits prescribed in Rule III. If no such claim is required, and the land should eventually prove not to be saleable, then the same will be at the expense of Govt. An applicant withdrawing his application prior to the sale of the land will be entitled to the refund of such only of his deposit under Rule VI as may not be expended.

XIV. If before the time of sale no claim of private proprietorship or of exclusive occupancy or of any other right incompatible with the sale of the land under these Rules be preferred to the land, the lot shall as advertised be put up to auction and sold to the highest bidder above the upset price subject to an annual assessment, payable on or before the 30th June of each and every year, of 2 Rupees for each Acre of Forest land and 1 Rupee for each Acre of land other than forest contained in the lot.

XV. The successful bidder shall, immediately on the sale being declared, pay down 10 per cent. of the price. The residue of the purchase money may at the option of the purchaser be paid in full within thirty days; or in three yearly instalments of equal amount, bearing interest from the day of sale at the rate of 6 per cent. per annum. In the former case, on payment of the residue of the purchase money, a deed in the form X annexed to these Rules shall be furnished to the purchaser and possession given. In the latter case the land will remain

shall cause the purchaser to be served with a notice intimating that after the expiration of thirty days from date of service, the Government will either re-possess the land or, at their option, the land may be resold at the expense and risk of the defaulting purchaser. When the purchaser elects to pay the purchase money by instalments, he shall not receive possession until he has duly executed the Deed marked Y annexed to these Rules. When the conditions of Deed Y have been duly fulfilled, a Deed in the form X will be issued in lieu of it.

XVI. The sale shall be conducted under and subject to the following conditions of sale.

(1.) "That the highest bidder above the upset price shall be the purchaser of the premises, and if any dispute arise between two or more bidders at the same price, the premises shall be immediately put up again at the last preceding undisputed bidding and resold.

(2.) "That immediately after the lot is knocked down, the purchaser thereof shall pay to the Collector a deposit of 10 Rupees per centum, in part of his purchase money, and intimate to the Collector whether he elects to pay the residue within thirty days, or by three yearly instalments, as provided by the Rules passed by the Honorable the Governor in Council under date the seventh day of March 1863, No. 482A and shall at the same time sign an acknowledgment in one of the Forms U. or V. (as the case may require) annexed to the said Rules.

(3.) "That if the purchaser shall elect to pay the residue of his purchase money within thirty days he shall within thirty days from the day of sale pay to the said Collector the residue of his

purchase money and shall thereupon receive a conveyance of the premises in the form marked X annexed to the said Rules.

(4.) "That if the purchaser shall elect to pay the residue of his purchase money by three yearly instalments, he shall within ten days from the day of sale execute a Deed in the form marked Y annexed to the said Rules.

(5.) "That all persons desirous of becoming purchasers are to satisfy themselves as to the identity and correct description of the property, and the measurement and boundaries of the premises, previous to the sale; as by having the premises knocked down to him, the purchaser thereof shall be held to have waived all objections to any mistakes that may afterwards appear to have been made in the description of the premises as well as to any other error whatever in the particulars of the property.

(6.) That if the purchaser elects to pay within thirty days, and if, from any cause whatever, the purchase shall not be completed by the thirtieth day from the day of sale, or if the purchaser shall elect to pay by instalments and shall neglect for ten days from the day of sale to execute a Deed in the form marked Y annexed to the said Rules, then the purchaser shall pay to the Collector interest at the rate of 12 Rupees per cent. per annum, on the remainder of his purchase money from the day of sale until the purchase shall be completed in the one case; or until a Deed in the form Y be executed in the other case; without prejudice nevertheless, to the right of resale reserved by the seventh condition.

(7.) "That if the purchaser shall neglect or refuse to comply with the above conditions, or any of them, his deposit money shall be forfeited, and retained by Government, and the Government shall be at liberty to resell the premises either by public auction or private contract, without the necessity of previously tendering a conveyance to the purchaser; and the deficiency, if any, arising from such resale, together with all expenses attending it, shall be made good by the purchaser at the present sale, who shall so neglect or refuse, as and for liquidated damages."

XVII. If before the time of sale a claim of private proprietorship or of exclusive occupancy or of any other right incompatible with the sale of the land under these Rules shall be preferred to the land or any part of it, the Collector shall postpone the sale of the land until such claim shall be disposed of in due course of Law.

XVIII. Reserves of grazing and forest land, of land for the growth of firewood, for building sites, parks, recreation grounds, and the like, and of land required for other special purposes are not to be sold under these Rules without the express sanction of the Government. A Register of such reserves will be maintained in the Collector's Office, and will be open to inspection by intending applicants at such times and under such Rules as the Collector may prescribe by Notification in the District Gazette.

XIX. The annual assessment on lands sold under these Rules may at any time be redeemed by the owner by payment of a sum equal to 25 times the said annual Assessment and the lands so redeemed shall thereafter be for ever free from all demand on the part of the State on account of Land Revenue. On payment of the redemption money the owner of the land shall be furnished with a Deed in the form Z, annexed to these Rules.

XX. Arrears of annual assessment shall be recoverable in the same manner as arrears of Ryotwary Land Revenue are, or may be recoverable by the Law for the time being in force in the Madras Presidency.

XXI. Lands sold or redeemed under these Rules shall nevertheless continue subject to all general taxes and local rates payable by law or custom.

XXII. The existing and customary rights of Government, of other proprietors and of the public in existing roads and paths and in streams running through or bounding lands sold under these Rules are reserved and in no way affected by the sale of such lands under these Rules.

XXIII. Nothing contained in these Rules shall be held to debar the Government from granting waste land on Puttah, Cowle or otherwise at their discretion as heretofore.

10/18/67 No 2718

No.

THIS INDENTURE made the (a) day of One thousand eight-hundred and sixty (a) BETWEEN THE RIGHT HONORABLE THE SECRETARY OF STATE FOR INDIA IN COUNCIL of the one part and (A. B.) of in the District of (b) of the other part WHEREAS under the Rules for the sale of Waste Land passed by the Honorable the Governor of Fort Saint George in Council on the seventh day of March 1863, and numbered 482A the Collector of Malabar did on the (a) day of One thousand eight hundred and sixty (a) offer for sale by public auction the land described in the Schedule hereunder written subject to an annual Assessment in perpetuity on the said land of Rupees (a) AND WHEREAS at such sale the said (A. B.) offered the sum of Rupees (a) for such land subject to such Assessment and being the highest bidder was declared to be the purchaser thereof according to the terms and conditions in such rules contained AND WHEREAS previously to the execution of these Presents the said (A. B.) has paid into the Treasury of the said Collector to the credit of Her Majesty's Government of India the full sum of Rupees (a) Now THIS INDENTURE WITNESSETH that in consideration of the said sum of Rupees (a) so paid by the said (A. B.) (the receipt whereof is hereby acknowledged) The said Secretary of State in Council doth sell alien and convey unto the said (A. B.) THE piece or parcel of land containing British Statute Acres (a) situated in the village of in the Talook of Wynad in the Collectorate of Malabar bounded as mentioned in the Schedule hereunder written and delineated in the Map or Plan hereunto annexed Together with all erections and buildings (if any) thereon erected and built And all products both above and below the surface, ways, paths, passages, waters, water-courses, wells, fences, ditches, easements, profits, rights, members and appurtenances whatsoever, to the said land and premises and every or any part thereof belonging or appertaining EXCEPT and always reserved out of these Presents all existing and customary rights of Government and of proprietors of lands adjoining or lying near to the land and premises hereby conveyed in all existing roads and paths and in streams of water running through or bounding the land and premises hereby conveyed TO HOLD the said land and premises hereby conveyed with the appurtenances to the said (A. B.) his Heirs personal Representatives and Assigns for ever SUBJECT nevertheless to the payment by the said (A. B.) his Heirs personal Representatives and Assigns to the said Secretary of State in Council his Successors or Assigns yearly and every year for ever hereafter of the clear sum of Rupees (a) on or before the 30th day of June in each year AND LIKEWISE subject to the payment by the said (A. B.) his Heirs personal Representatives and Assigns of all general taxes and local rates now existing, or which at any time hereafter may be imposed by Law as also to the Covenants and conditions hereinafter contained and the said (A. B.) for himself his Heirs personal Representatives and Assigns Doth hereby covenant with the said Secretary of State in Council his Successors and Assigns in manner following (that is to say) That he the said (A. B.) his Heirs personal Representatives and Assigns will yearly and every year for ever hereafter pay on or before the 30th day of June in each year the said sum of Rupees (a) AND LIKEWISE will at his and their own costs and charges forthwith erect and at all times hereafter maintain and keep in good repair permanent boundary marks round the land and premises hereby conveyed AND FURTHER that in case he the said (A. B.) his Heirs personal Representatives or Assigns shall in default in payment of the said annual assessment of Rupees (a) or any part thereof as and when the same shall become payable under the Covenant herein before contained THEN and in such case and so often

as the same shall happen the said assessment of Rupees (a) and all arrears thereof shall and may be treated as arrears of Ryotwary Land Revenue and may be recovered in the same manner as Ryotwary Land Revenue is now or at any time hereafter may be recoverable PROVIDED always and it is hereby declared and agreed by and between the parties hereto that the said (A. B.) his Heirs personal Representatives and Assigns shall at any time be at liberty to redeem such annual assessment by payment to the said Secretary of State in Council his Successors or Assigns of the sum of Rupees (c) of lawful money of British India and that immediately after such payment the land and premises hereby conveyed shall be for ever free from all demand for Land Revenue IN WITNESS WHEREOF The Honorable the Governor of Fort Saint George in Council on behalf of the said Secretary of State in Council hath hereunto affixed the Seal of the said Governor in Council And the said (A. B.) hath set his hand and seal the day and year first above written.

The Schedule to which the above written Indenture refers.

District.	Talook.	Village.	Name (if any) and Boundaries.	Extent.

The Seal of the Honorable the Governor of
Fort Saint George in Council was hereunto
affixed in the presence of

L. S.

Secretary to Government.

Signed Sealed and Delivered by the abovenamed
(A.B.)
at
in the East Indies in the presence of (d)

Signature of A. B.

L. S.

Received from the abovenamed A. B.
the sum of Rupees (a)
being the consideration money abovementioned to be by him paid.

Ruppes (e)

WITNESS, (d)

Collector of Malabar.

- (a) Enter in words,
(b) Add the purchaser's trade, or occupation or other description.
(c) Enter 25 times the annual assessment, in words.
(d) One Witness will suffice His place of residence, as also his occupation or other description must be written under his name.
(e) Enter in figures.

Y.

No.

THIS INDENTURE made the (a) day of One thousand eight hundred and sixty (a) BETWEEN The Right Honorable The Secretary of State for India in Council of the one part And (A. B.) of (b) of the other part, Whereas under the rules for the sale of waste land, passed by the Honorable The Governor of Fort Saint George in Council on the seventh day of March one thousand eight hundred and sixty three and numbered 482 A the Collector of Malabar did, on the (a) day of one thousand eight hundred and sixty (a) offer for sale by public auction The piece or parcel of land containing British Statute Acres (a) situated in the village of in the Talook of Wynad in the Collectorate of Malabar bounded as mentioned in the Schedule hereunder written and delineated in the Map or Plan hereunto annexed, subject to the payment by the said (A. B.)

his Heirs personal Representatives and Assigns to the said Secretary of State in Council, his Successors or Assigns yearly and every year for ever hereafter of the clear sum of Rupees (f) on or before the 30th day of June in each year and whereas at such sale the said (A. B.) offered the sum of Rupees (l) for such land, subject to such assessment and being the highest bidder was declared to be the purchaser thereof, according to the terms and conditions in such rules contained AND WHEREAS at the time of such sale the said (A. B.)

paid into the hands of the said Collector the sum of Rupees (a) being the amount of deposit at the rate of ten Rupees per cent. on the said purchase money as required by the said Rules, and under the provision contained in those rules has elected to pay the balance of such purchase money amounting to the sum of Rupees (c) in three yearly instalments of Rupees (d) each with interest on such balance or on such part thereof as shall from time to time remain unliquidated at the rate of six Rupees per cent. per annum Now THIS INDENTURE witnesseth that in consideration of the said sum of Rupees (e) so paid to the said Collector as hereinbefore mentioned (the receipt whereof is hereby acknowledged) and of the Covenants on the part of the said (A. B.)

hereinafter contained The said Secretary of State in Council for him, self his Successors and Assigns Doth hereby Covenant with the said (A. B.) his Heirs, personal Representatives and Assigns, that on payment by the said (A. B.) his Heirs personal Representatives or Assigns of the said sum of Rupees (e) with interest thereon as herein mentioned, he the said Secretary of State in Council his Successors or Assigns will convey unto the said (A. B.)

his Heirs personal Representatives and Assigns for ever The said land and premises together with all erections and buildings (if any) thereon erected and built And all products both above and below the surface, ways, paths, passages, waters, water courses, wells, fences, ditches, easements, rights, members, and appurtenances whatsoever to the said land and premises and every or any part thereof belonging or appertaining EXCEPTING nevertheless all existing and customary rights of Government and of proprietors of lands adjoining or lying near to the said land and premises purchased as afore-said in all existing roads and paths and in streams of water running through or bounding the purchased land and premises TO BE HELD by the said (A. B.)

his Heirs personal Representatives and Assigns subject to the payment of the said yearly sum of Rupees (f) on the 30th day of June in each year as hereinbefore mentioned, AND likewise subject to all general taxes and local rates now existing or which at any time hereafter may be imposed by law AND to the observance of the several conditions in the said rules contained, And the said (A. B.) for himself his Heirs personal Representatives and Assigns doth hereby Covenant with the said

Secretary of State in Council his Successors and Assigns in manner following (that is to say) that he the said (A. B.) his Heirs personal Representatives and Assigns will yearly and every year for ever hereafter pay on or before the 30th day of June in each year the said sum of Rupees (f) AND LIKEWISE will at his and their own costs and charges forthwith erect and at all times hereafter maintain and keep in good repair permanent boundary marks round the land and premises so purchased AND FURTHER that he the said (A. B.) his Heirs, personal Representatives and Assigns will on the (g) day of (g) which will be in the year one thousand eight hundred and sixty (g) pay or cause to be paid to the said Secretary of State in Council his Successors or Assigns the sum of Rupees (d) of lawful money of British India and on the (h) day of (h) which will be in the year one thousand eight hundred and sixty (h) a like sum of Rupees (d) and on the (i) day of (i) which will be

in the year one thousand eight hundred and sixty (i) a like sum of Rupees (d) of like lawful money AND also will pay to the said Secretary of State in Council his Successors or Assigns interest at the rate of six Rupees per cent. per annum on the said balance of the said purchase money or sum of Rupees (c) or on such part thereof as shall from time to time remain unpaid by two equal half yearly payments on the (j) day of (j) and the (k) day of (k) in each year together with a proportionate part of like interest until the said balance shall be fully paid or satisfied or until the said Secretary of State in Council shall obtain possession of the said land and premises under the provisions hereinafter contained, And it is hereby declared and agreed by and between the parties hereto that until default shall be made by the said (A. B.)

his Heirs personal Representatives or Assigns in payment of the said annual assessment or sum of Rupees (f) as and when the same shall become payable under the Covenant herein before contained or in payment of the said instalments or any of them or any part thereof respectively or of the said interest or any part thereof it shall be lawful for the said (A. B.) his Heirs personal Representatives and Assigns peaceably and quietly to occupy possess and enjoy the said land and premises so purchased and receive and take the rents issues and profits thereof to and for his and their own use and benefit And the said (A. B.)

for himself his Heirs personal Representatives and Assigns doth hereby further Covenant with the said Secretary of State in Council his Successors and Assigns in manner following (that is to say) that in case he the said (A. B.) his Heirs personal Representatives and Assigns shall make default in payment of the said instalments or any or either of them or any part thereof respectively or in payment of the interest herein before covenanted to be paid or any part thereof as and when such instalments and interest shall respectively become due THEN and in such case and within one month after demand of possession shall have been made on him or them by or on behalf of the said Secretary of State in Council his Successors or Assigns he the said (A. B.)

his Heirs personal Representatives and Assigns will deliver to any person authorized by an order passed by the Governor of Fort Saint George for the time being in Council to receive the same the quiet and peaceable possession of the said land and premises together with all erections and buildings which now are or which at any time between the date of these Presents and such delivery of possession may be erected and built or standing on the said land and all improvements made to the said land in the meantime AND MOREOVER that in the event of such default being made by the said (A. B.)

his Heirs personal Representatives and Assigns or in case of the breach or non-performance of any of the Covenants and Agreements herein contained on the part of the said (A. B.) his Heirs personal Representatives and Assigns it shall be lawful for the said Secretary of State in Council his Successors or Assigns at any time thereafter to re-sell the said premises either by public auction or private contract and if on such re-sale the said premises should be sold for a sum less than the said sum of Rupees (l) he the said (A. B.) his Heirs personal Representatives and Assigns will pay to the said Secretary of State in Council his Successors or Assigns the difference between the sum for which such premises shall be

re-sold and the said sum of Rupees . (l) or it shall be lawful for the said Secretary of State in Council his Successors or Assigns at any time after such default or breach into and upon the said land and premises or any part thereof in the name of the whole to re-enter and the same to have again re-possess and enjoy as in his and their former estate any thing herein before contained to the contrary notwithstanding AND FURTHER that in case he the said (A. B.)

his Heirs personal Representative and Assigns shall make default in payment of the said annual assessment of Rupees (f) or any part thereof as and when the same shall become payable under the Covenant hereinbefore contained then and in such case and so often as the same shall happen the said assessment of Rupees (f) and all arrears thereof shall and may be treated as arrears of Ryotwary Land Revenue and may be recovered in the same manner as Ryotwary Land Revenue is now or at any time hereafter may be recoverable PROVIDED always and it is hereby declared and agreed by and between the parties hereto that the said (A. B.)

his Heirs personal Representatives and Assigns shall at any time be at liberty to redeem such annual assessment by payment to the said Secretary of State in Council his Successors or Assigns of the sum of Rupees (n) of lawful money of British India and that immediately after such payment the Land and premises hereby conveyed shall be for ever free from all demand for Land Revenue IN WITNESS whereof the Honorable the Governor of Fort Saint George in Council on behalf of the said Secretary of State in Council hath hereunto affixed the Seal of the said Governor in Council, and the said (A. B.) hath set his hand and Seal the day and year first above written

The Schedule to which the above written Indenture refers.

District.	Talook.	Village.	Name (if any) and Boundaries.	Extent.

The Seal of the Honorable the Governor of Fort Saint George in Council was hereunto affixed in the presence of

Secretary to Government.

Signed, Sealed and Delivered by the above-named A. B. at in the East Indies in the presence of (n) Signature of A. B.

Received from the abovenamed (A. B.) the sum of Rupees (a) being the consideration money abovementioned, to have been by him paid. Rupees (o)

WITNESS, (n)

Collector of Malabar.

- (a.) Enter in words.
(b.) Add the trade, occupation or other description of the purchaser.
(c.) Enter purchase money after deducting the deposit, in words.
(d.) Enter one-third of purchase money after deducting the deposit, in words.
(e.) Enter the deposit in words.
(f.) Enter the assessment in words.
(g.) 12 months from date of purchase in words.
(h.) 24 months from do. in do.
(i.) 36 months from do. in do.
(j.) 6 months from day of sale. Enter only the day and month, not the year.
(k.) 12 Do. do. do.
(l.) The sum for which the premises were knocked down, in words.
(m.) Twenty-five times the annual assessment, in words.
(n.) One witness will suffice. Enter his residence as also his occupation or other description under his name.
(o.) Enter in figures.

Z.

No.

THIS INDENTURE made the (a) day of One thousand eight hundred and sixty (a) BETWEEN THE RIGHT HONORABLE THE SECRETARY OF STATE FOR INDIA IN COUNCIL of the one part and (A. B.) of in the District of the other part

WHEREAS by an Indenture dated the (a) day of One thousand eight hundred and sixty (a) and made between the said Secretary of State of the one part and the said (A. B.) of the other part the said Secretary of State for the considerations therein mentioned did sell alien and convey unto the said (A. B.) his Heirs personal Representatives and Assigns for ever the piece or parcel of land containing British Statute Acres

(a) situated in the village of in the Talook of Wynad in the Collectorate of Malabar bounded as mentioned in the Schedule thereunder written and delineated in the Map or Plan thereunto annexed with the appurtenances subject to the payment by the said (A. B.) his Heirs personal Representatives and Assigns of the annual assessment or sum of Rupees (a) and to the payment of all general taxes and local rates then existing or which at any time thereafter might be imposed by Law as also to the several Exceptions, Covenants and Conditions therein contained And in and by such reciting Indenture it was declared and agreed that the said (A. B.) his Heirs personal Representatives and Assigns should be at liberty to redeem such annual assessment by payment to the Said Secretary of State in Council his Successors or Assigns of the sum of Rupees (a) and that immediately thereafter the said land and premises should be for ever free from all demand for Land Revenue AND WHEREAS the said (A. B.) under the said provision hath paid into the Treasury of the Collector of to the credit of Her Majesty's Government of India the said sum of Rupees (a) and hath requested that the said land may be declared to be for ever hereafter absolutely freed and discharged from the payment of the said sum of Rupees (a) and of all Land Revenue payable thereon and that the said land may be likewise declared to be and continue as Freehold Now THIS INDENTURE WITNESSETH that in pursuance of the said provision and in consideration of the said sum of Rupees (a) so paid by the said (A. B.) as hereinbefore mentioned (the receipt whereof is hereby acknowledged) the said Secretary of State in Council doth remise, release and for ever quit claim unto the said (A. B.) his Heirs personal Representatives and Assigns the said annual assessment or sum of Rupees (a)

AND FURTHER Doth declare that the said land and premises may for ever be held as Freehold fully and absolutely enfranchised, exonerated, acquitted and discharged by the Presents from all demand on the part of Her Majesty for or on account of Quit-rent, Assessment, Land Tax or other Land Revenue PROVIDED always and it is hereby declared and agreed by and between the parties hereto that in all other respects the said land and premises shall be subject to the several Exceptions, Reservations, Covenants and Conditions in the hereinbefore in part recited Indenture contained IN WITNESS whereof the Honorable the Governor

27
of Fort Saint George in Council on behalf of the said Secretary of State in Council hath hereunto affixed the Seal of the said Governor in Council AND the said (A. B.) hath set his hand and seal the day and year first above written.

The Seal of the Honorable the Governor of Fort Saint George in Council was hereunto affixed in the presence of

L. S.

Secretary to Government.

Signed, Sealed and Delivered by the above-named (A. B.) at in the East Indies in the presence of (c)

Signature of A. B.

L. S.

Received from the abovenamed (A. B.) the sum of Rupees (a) being the consideration money abovementioned to have been by him paid

Rupees (d)

WITNESS, (c)

Collector of Malabar.

- (a) Enter in words.
(b) Enter the trade, occupation or other description of the purchaser.
(c) One witness will suffice. Enter his trade, occupation or other description.
(d) Enter in figures.

28
(FORM)

U.

I (A. B.)

of do hereby acknowledge that I attended at the sale mentioned in the annexed* Notice dated the (a) day of 186 , No. , and that I bid for the premises therein specified and distinguished as lot No. , the sum of Rupees (a)

and that I was declared the purchaser thereof at that price under and subject to the conditions of sale set out in the said Notice. I have paid to the Collector of

the sum of Rupees (a)

being a deposit of ten Rupees per cent. in part of my purchase money and I elect to pay the residue thereof within thirty days from this day. Dated the (a) one thousand eight hundred and sixty (a). day of

WITNESS, (b)

Signature of A. B.

(FORM)

V.

I (A. B.)

of do hereby acknowledge that I attended at the sale mentioned in the annexed* Notice dated the (a) day of 186 , No. , and that I bid for the premises therein specified and distinguished as lot No. , the sum of Rupees (a)

and that I was declared the purchaser thereof at that price under and subject to the conditions of sale set out in the said Notice. I have paid to the Collector of

the sum of Rupees (a)

being a deposit of ten Rupees per cent. in part of my purchase money and I elect to pay the residue thereof in three yearly instalments of Rupees (a)

each, with interest thereon at the rate of six Rupees per cent. per annum as prescribed by the rules passed by the Honorable the Governor in Council on the seventh March 1863 and numbered 192A, Dated the (a) day of one thousand eight hundred and sixty (a).

WITNESS, (c)

Signature of A. B.

* Be careful to copy the Notice signed by the purchaser and Collector, to the Forms U. and V.

(FORM)

W.

(FORM OF ADVERTISEMENT.)

NOTICE No. _____

District of Malabar.

SALE OF WASTE LANDS.

1. NOTICE is hereby given, that the lands hereunder specified will be put up to auction at (under the Government Rules for the sale of waste lands dated 7th March 1863, No. 482A,) and sold subject to annual payment of the assessment specified below to the highest bidder above the upset price or prices enumerated in the following Schedule at _____ o'clock on the _____ day of _____ 186
2. All parties having claims on the said lands, incompatible with the sale as herein notified, are hereby required to prefer their claims on or before the day aforesaid to the undersigned:—

Schedule of lands to be sold.

District.	Talook.	Village.	No. of Lot.	Name (if any) and Boundaries	Extent.	Upset price.	Annual assessment.

The sale will be made subject to the following conditions:—

CONDITIONS OF SALE.

- (1.) "That the highest bidder above the upset price shall be the purchaser of the premises, and if any dispute arise between two or more bidders at the same price, the premises shall be immediately put up again at the last preceding undisputed bidding and re-sold.
- (2.) "That immediately after the lot is knocked down, the purchaser thereof shall pay to the Collector a deposit of 10 Rupees per centum, in part of his purchase money, and intimate to the Collector whether he elects to pay the residue within thirty days, or by three yearly instalments, as provided by the Rules passed by the Honorable the Governor in Council under date the seventh day of March 1863, No. 482A and shall at the same time sign an acknowledgment in one of the Forms U. or V. (as the case may require) annexed to the said Rules.
- (3.) "That if the purchaser shall elect to pay the residue of his purchase money within thirty days he shall within thirty days from the day of sale pay to the said Collector the residue of his purchase money and shall thereupon receive a conveyance of the premises in the form marked X annexed to the said Rules.
- (4.) "That if the purchaser shall elect to pay the residue of his purchase money by three yearly instalments he shall within ten days from the day of sale execute a Deed in the form marked Y annexed to the said Rules.

(5.) "That all persons desirous of becoming purchasers are to satisfy themselves as to the identity and correct description of the property, and the measurement and boundaries of the premises, previous to the sale; as by having the premises knocked down to him, the purchaser thereof shall be held to have waived all objections to any mistakes that may afterwards appear to have been made in the description of the premises as well as to any other error whatever in the particulars of the property.

(6.) "That if the purchaser elects to pay within thirty days, and if, from any cause whatever, the purchase shall not be completed by the thirtieth day from the day of sale, or if the purchaser shall elect to pay by instalments and shall neglect for ten days from the day of sale to execute a Deed in the form marked Y annexed to the said Rules, then the purchaser shall pay to the Collector interest at the rate of 12 Rupees per cent. per annum, on the remainder of his purchase money from the day of sale until the purchase shall be completed in the one case; or until a Deed in the Form Y be executed in the other case; without prejudice nevertheless, to the right of resale reserved by the seventh condition.

(7.) "That if the purchaser shall neglect or refuse to comply with the above conditions, or any of them, his deposit money shall be forfeited, and retained by Government, and the Government shall be at liberty to resell the premises either by public auction or private contract, without the necessity of previously tendering a conveyance to the purchaser; and the deficiency, if any, arising from such resale, together with all expenses attending it, shall be made good by the purchaser at the present sale, who shall so neglect or refuse, as and for liquidated damages."

Dated

Collector of Malabar.

ACT No. XXIII OF 1863.

An Act to provide for the adjudication of claims to Waste Lands.

WHEREAS it is expedient to make special provision for the speedy adjudication of claims which may be preferred to waste lands proposed to be sold or otherwise dealt with on account of Government, and of objections taken to the sale or other disposition of such lands; It is enacted as follows:—

I. When any claim shall be preferred to any waste land proposed to be sold or otherwise dealt with on account of Government, or when any objection shall be taken to the sale or other disposition of such land, the Collector of the District in which such land is situate, or other Officer performing the duties of a Collector of land Revenue in such District, by whatever name his Office is designated, shall, if the claim or objection be preferred within the period mentioned in the advertisement to be issued for the sale or other disposition of such land which period shall not be less than three months, proceed to make an enquiry into the claim or objection.

II. The Collector or other Officer as aforesaid shall call upon the claimant or objector to produce any evidence or documents upon which he may rely in proof of his claim or objection, and after considering the same and making any further enquiry that may appear proper, shall dispose of the case by an order for the admission or rejection of the claim or objection, and if the land is proposed to be sold, for the sale of the same subject to any condition or reservation which to such Collector or other Officer as aforesaid shall appear to be proper. If the land is ordered to be sold subject to any condition or reservation, such condition or reservation shall be notified to intending purchasers at the time of sale.

III. Pending an enquiry into any claim or objection under the last preceding Section, the Collector or other Officer as aforesaid shall postpone the sale or other disposition of the land, and if he shall order that such claim or objection be rejected, he shall further postpone the sale or other disposition

of the land to allow the claimant or objector to contest the order of rejection in the manner hereinafter provided.

IV. If the Collector or other Officer as aforesaid shall consider the claim or objection to be established, and that the sale or other disposition of the land should not take place, he shall stop the sale or other disposition of the land; but such sale or other disposition of the land may afterwards be proceeded with if, on an order issued by the local Government to try the claim or objection as provided in Section VI of this Act, the claimant or objector shall fail to establish the same.

V. If the Collector or other Officer aforesaid shall order that the claim or objection be rejected, or that the land be sold subject to any condition or reservation, or that it be otherwise dealt with, he shall cause a copy of such order to be delivered to the claimant or objector, and if such claimant or objector shall not within one week from the delivery of such copy, or within such further time as the Collector or other Officer as aforesaid for any special reason to be recorded shall see fit to grant, give notice in writing to such Collector or other Officer as aforesaid that he intends to contest such order, the order shall be final. If the claimant or objector shall, within the time allowed, give such notice, the Collector or other Officer as aforesaid shall immediately make a report to the Board of Revenue or other superior Revenue Authority, and shall forward with such Report a copy of his order, stating fully all the circumstances of the case and the evidence adduced in support or otherwise of the claim or objection, and such Board or other Authority, on the receipt of such Report, and after calling for any further information which it may consider necessary, may confirm, modify, or reverse the order of the Collector or other Officer as aforesaid. If the Board or other Authority as aforesaid confirm the order of the Collector or other Officer as aforesaid, or modify such order in such manner as to leave any part of such order in force adverse to the claimant or objector, the Collector or other Officer as aforesaid shall certify such order to the Court constituted as hereinafter provided, and such Court shall forthwith give notice to the claimant or objector, and if such claimant or objector shall not, within thirty days from the delivery of such notice from the Court, institute a suit in such Court to establish his claim or objection, the order of the Board or other Authority aforesaid shall be final.

VI. The Local Government may, within twelve months after the date on which the claim of any claimant of waste land, or the objection of any objector as aforesaid, shall have been admitted under this Act by the Collector or other Officer as aforesaid, direct a suit to be brought to try the claim or objection of the claimant or objector, in a Court constituted as hereinafter provided.

VII. For the investigation and trial of claims under this Act, the Local Government shall constitute, in every District in which there may be any waste lands capable of being sold or otherwise dealt with on account of Government, a Court consisting of an uneven number of persons not less than three, of whom the Judge of the District, or the Officer presiding in the principal Civil Court of original Jurisdiction in the District by whatever name his office may be designated, shall be one. Any one or more of the Members of which such Court shall consist, shall have power to make all such orders in the case as may be necessary prior to the hearing of the suit. Provided that, whenever the Collector or other Officer by whom the original enquiry was held is the Officer presiding in the principal Civil Court of original Jurisdiction in the District, such Officer shall not be a Member of such Court.

VIII. Whenever any Court is constituted under this Act, notice thereof shall be given by a written proclamation, copies of which shall be affixed in the several Courts, and in the Offices of the several Collectors and Magistrates of the District, and from the date of the issue of such proclamation no other Court shall be competent to entertain any claim or objection belonging to the class of claims or objections for the trial and determination of which such Court is constituted.

IX. The Courts constituted under this Act shall be held at such place or places within the limits of their respective jurisdictions as shall be considered most convenient.

X. In every suit instituted under Section V of this Act the claimant of the waste land, or objector to the sale or other disposition of such land, shall appear as plaintiff, and the Collector or other Officer aforesaid shall appear as defendant on the part of Government. Either party may appear by

pleader or by agent. Provided that if such other Officer as aforesaid be the presiding Officer of the principal Civil Court of original Jurisdiction in the District, the Local Government shall appoint some other Officer to appear as defendant in the case on its behalf. In any suit ordered to be instituted by the Local Government under Section VI of this Act the Government, by any Officer to be appointed for the purpose, shall appear as plaintiff and the claimant or objector as aforesaid shall appear as defendant.

Proceedings regulated by Civil Procedure Code.

XI. In suits instituted under this Act, except as hereinafter provided, the proceedings shall be regulated, so far as they can be, by the Code of Civil Procedure.

XII. The Court shall fix a day for the appearance of the parties and for the hearing of the suit, of which due notice shall be given to the parties or their agents, and on the day so fixed the parties or their agents shall bring their witnesses into Court, together with any documents on which they may intend to rely in support of their respective statements. If either party require the assistance of the Court to procure the attendance of a witness on such day, he shall apply to the Court sufficient time before the day fixed for the hearing of the suit, and the Court shall issue a Subpoena requiring such witness to attend the Court on that day. It shall be competent to the Court to require the personal attendance of the claimant of the waste land or objector as aforesaid on the day fixed for the hearing, or at any subsequent stage of the suit.

XIII. On the day fixed for the hearing of the suit, or as soon after as may be practicable the Court shall proceed to examine the claimant of the waste land, or the objector, or his agent (when his personal attendance is not required), and the witnesses of the parties, and upon such examination, and after inspecting the documents of the parties, and making any further enquiry that may appear necessary, shall proceed to pass such order in the case as it may consider just and proper.

XIV. No appeal shall lie from any decision or order passed under this Act, nor shall any such decision or order be open to revision.

XV. If, on the trial of any suit under this Act, any question of law, or of usage having the force of law, or the construction of a document affecting the merits of the case shall arise, on which the Court shall entertain reasonable doubts, the Court may, either of its own motion or on the application of any of the parties to the suit, draw up a statement of the case and submit it, with its own opinion, for the opinion of the High Court of Judicature, or of the highest Civil Court of Appeal in the territory in which the land is situate. Provided that it shall be the duty of every Court held under this Act to make such reference to such High Court, or Court of Appeal, if in any suit under this Act any question shall arise involving any principle of general importance, or the rights of a class.

XVI. The Court may proceed in the case notwithstanding a reference to the High Court, or other highest Civil Court of Appeal as aforesaid, and may pass an order contingent upon the opinion of the High Court, or other Court as aforesaid on the point referred, but no final order for the sale or other disposition of the land in question in the suit, or for the admission or rejection of any claim or objection which shall be before the Court in such suit, shall be passed until the receipt of the order of the said High Court, or highest Civil Court of Appeal.

XVII. The record of cases disposed of by Courts constituted under this Act shall be deposited amongst the records of the principal Civil Court of original Jurisdiction in the District in which the property in dispute is situate.

XVIII. No claim to any land, or to compensation or damages in respect of any land sold or otherwise dealt with on account of Government as waste land, shall be received after the expiration of three years from the date on which such land shall have been delivered by the Government to the purchaser, or otherwise dealt with, if within three years after any lands have been delivered by the Government to the purchaser, or otherwise dealt with, any claimant or objector shall prefer a claim to the land so delivered or otherwise dealt with, or an objection to such sale, or to compensation or damages in respect thereof, in the Court constituted under this Act for the District in which the land is situate, and shall show good and sufficient reason for not having preferred his claim or objection to the Collector or other Officer as aforesaid within the period limited under Section I of this Act, such Court shall file the claim or objection, making the claimant or objector plaintiff, and the Collector of the District or other Officer as aforesaid (with the like provision as aforesaid,

if such other Officer be the presiding Officer of the principal Civil Court of original Jurisdiction in the District) the defendant in the suit, and the foregoing provisions of this Act shall be applicable to the trial and determination of the suit. The report of the Officer employed to give delivery, or to take possession on the part of Government, of the land sold or otherwise dealt with, shall be conclusive evidence as to the date on which such delivery was made, or possession was taken.

XIX. In any case in which the land has been sold, if the Court shall be of opinion that the claim of the claimant is established, the Court shall not award the claimant possession of the land in dispute, but shall order him to receive from the Government Treasury, by way of compensation, a sum equal to the price at which the land was sold, in addition to the costs of suit.

If claim established, possession not to be given, but compensation.

XX. If the land shall have been sold subject to any condition or reservation, or shall not have been sold, but shall have been otherwise dealt with on account of the Government, and the Court shall be of opinion that the claim to such land, or the objection of an objector is established, the Court shall award the claimant or objector to receive such sum in respect of his interest in such land as shall be awarded in that behalf under the provisions of Act VI of 1857 (for the acquisition of lands for public purposes), and thereupon the Local Government shall proceed under the said Act to obtain an award of the value of such interest.

When land has not been absolutely sold, or has been otherwise dealt with.

XXI. An award under any of the provisions of the two last preceding Sections shall be in full satisfaction of the claim of the claimant or objector, and shall bar any future claim on his part in respect to the land in suit resting on the same cause of action, or on a cause of action which existed prior to the date of the sale or other disposition of the land on account of Government.

Award under the two last Sections to be in full satisfaction.

XXII. Nothing in this Act shall be held to prevent the Local Government from awarding to any claimant of waste land sold on account of Government, on proof to the satisfaction of the Local Government of the claim of such claimant (notwithstanding that he may not have preferred his claim either to the Collector or other Officer as aforesaid, or to the proper Court constituted under this Act within the period prescribed by this Act), such amount of compensation for the said land, within the limit as to amount mentioned in Section XIX of this Act, if the land have been sold not subject to any condition or reservation, as to such Local Government may seem proper.

Government not barred from awarding compensation for land absolutely sold, though claim be not preferred in time.

XXIII. If the land have been sold subject to any condition or reservation, or have been otherwise disposed of on account of Government, and any claim to such land, or objection to the sale or other disposition of the land shall be proved to the satisfaction of the Local Government, although not preferred to the Collector or other Officer as aforesaid, or to the Court constituted under this Act, within the period prescribed by this Act, the Local Government may award to such claimant or objector such amount as to such Local Government may appear to be the value of the interest of such claimant or objector in such land.

Compensation for land sold subject to condition, if claim proved, though not preferred in time.

Interpretation.
Number.
Gender.

XXIV. Unless the contrary appears from the context, words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number, and words importing the masculine gender shall include females.

RULES

FOR THE SALE OF WASTE LAND ON THE SIHERVAROY HILLS.

Passed by the Honorable the Governor in Council on the 9th March 1863,
and Numbered 488A.

I. Waste lands in which no rights of private proprietorship or exclusive occupancy exist and which may not be reserved as hereinafter* provided, may until further notice be sold under the following Rules.

* Rule 18.

II. Applications for land under these rules shall be addressed to the Collector of the Salem District and shall comprise the following particulars:—

(a) The estimated area of the land applied for.

(b) The situation of the land and its boundaries as accurately as can be stated.

III. No lot shall exceed 500 Acres unless otherwise specially ordered by Government. Within Towns and Villages, the maximum extent of a lot shall be 10 Acres. But any person may apply for several contiguous lots, each not exceeding the above limits.

IV. Every lot shall be compact and ^{as nearly as possible a parallelogram} and shall include no more than one tract of land capable of being surrounded by a ring fence, and when the land touches a public Road or river, the length of the road or water frontage shall not exceed one-half of the depth of the lot, and in all other cases the length shall not exceed half the breadth.

V. No lot shall be sold until it has been surveyed and durable boundary marks have been erected.

VI. If on receipt of an application under Rule II the Collector has reason to believe that the land applied for is saleable under these Rules, he shall call upon the applicant to deposit with him the estimated cost of surveying the land and of marking it out with durable boundary marks, unless the land is already surveyed and demarcated. The Collector will refund to the depositor any portion of his deposit which may not be actually expended in the survey and demarcation, and the depositor shall pay any deficiency.

VII. If the applicant fails to deposit the sum required under Rule VI within six weeks, from the date of demand, his application shall be null and void.

VIII. On receipt of the deposit required under Rule VI, the Collector shall as soon as possible cause the land applied for to be surveyed and marked out, and shall exclude from the lot all excess which may be found on survey beyond the limits prescribed in Rule III, and shall advertise the lot for sale on a given day, to be fixed so as to admit of the notice required in Rule IX being given.

IX. The advertisement shall be in English and Tamil, and shall specify the locality, extent and boundaries of the lot, the aggregate annual assessment, and the place, time, and conditions of sale. It shall be posted for three clear months on the land itself as well as in the neighbouring villages, in the Offices of the Collector and the Tahsildar of the Talook, and the nearest Police Office. A notification of the intended sale shall also be inserted in the

35
District Gazette. The Collector shall at his discretion fix the time and place of sale and may alter both if necessary, provided that not less than 14 days' notice be publicly given of every such alteration and that no land be sold until it has been advertised, as aforesaid, for three full

On receipt of applications for lands under these Rules, the Collector will hold a preliminary inquiry, and if he sees reason to believe that claims will be put forward for the lands applied for, he will duly warn the applicant that the survey will be undertaken by at his request and at his risk. Should the applicant prefer that the survey should be proceeded with on these terms, the same will be done, and if after the survey it should prove that the lands are not saleable under these Rules, the applicant must pay the expense of surveying them, as well as of surveying any other lands against the limits prescribed in Rule III. If no such warning be given, and the lands should eventually prove not to be saleable, then the survey will be at the expense of Govt. - An applicant withdrawing his application prior to the sale of the land will be entitled to the refund of so much only of his deposit under Rule VI as may not be expended.

to proceed with the sale of the land or not, as he considers best for the public interests.

XIII. The upset price shall in all cases be merely the cost of the survey and of the erection of durable boundary marks. If the original applicant be the purchaser, he shall receive credit for his deposit or payment; otherwise the amount shall be repaid to him at once from the sale proceeds.

XIV. If before the time of sale no claim of private proprietorship or of exclusive occupancy or of any other right incompatible with the sale of the land under these Rules be preferred to the land, the lot shall as advertised be put up to auction and sold to the highest bidder above the upset price subject to an annual assessment, payable on or before the 30th June of each and every year, of 1 Rupee for each Acre of land contained in the lot.

XV. The successful bidder shall, immediately on the sale being declared, pay down 10 per cent. of the price. The residue of the purchase money may at the option of the purchaser be paid in full within thirty days; or in three yearly instalments of equal amount, bearing interest from the day of sale at the rate of 6 per cent. per annum. In the former case, on payment of the residue of the purchase money, a deed in the form X annexed to these Rules shall be furnished to the purchaser and possession given. In the latter case the land will remain hypothecated to Government as security for the punctual discharge of the unpaid principal and interest as they fall due, and on default of any such payment the Government may resume and repossess themselves of the land or, at their option, the land may be sold at the expense and risk of the defaulter. When the purchaser elects to pay the purchase money by instalments, he shall not receive possession until he has duly executed the Deed marked Y annexed to these Rules. When the conditions of Deed Y have been duly fulfilled, a Deed in the form X will be issued in lieu of it.

XVI. The sale shall be conducted under and subject to the following conditions of sale.

(1) "That the highest bidder above the upset price shall be the purchaser of the premises, and if any dispute arise between two or more bidders at the same price, the premises shall be immediately put up again at the last preceding undisputed bidding and resold.

(2) "That immediately after the lot is knocked down, the purchaser thereof shall pay to the Collector a deposit of 10 Rupees per centum, in part of his purchase money, and intimate to the Collector whether he elects to pay the residue within thirty days, or by three yearly instalments, as provided by the Rules passed by the Honorable the Governor in Council under date the ninth day of March 1863, No. 488A and shall at the same time sign an acknowledgment in one of the Forms U. or V. (as the case may require) annexed to the said Rules.

(3) "That if the purchaser shall elect to pay the residue of his purchase money within thirty days he shall within thirty days from the day of sale pay to the said Collector the residue of his

36
purchase money and shall thereupon receive a conveyance of the premises in the form marked X annexed to the said Rules.

(4) "That if the purchaser shall elect to pay the residue of his purchase money by three yearly instalments, he shall within ten days from the day of sale execute a Deed in the form marked Y annexed to the said Rules.

(5) "That all persons desirous of becoming purchasers are to satisfy themselves as to the identity and correct description of the property, and the measurement and boundaries of the premises, previous to the sale; as by having the premises knocked down to him, the purchaser thereof shall be held to have waived all objections to any mistakes that may afterwards appear to have been made in the description of the premises as well as to any other error whatever in the particulars of the property.

(6) That if the purchaser elects to pay within thirty days, and if, from any cause whatever, the purchase shall not be completed by the thirtieth day from the day of sale, or if the purchaser shall elect to pay by instalments and shall neglect for ten days from the day of sale to execute a Deed in the form marked Y annexed to the said Rules, then the purchaser shall pay to the Collector interest at the rate of 12 Rupees per cent. per annum, on the remainder of his purchase money from the day of sale until the purchase shall be completed in the one case; or until a Deed in the form Y be executed in the other case; without prejudice nevertheless, to the right of resale reserved by the seventh condition.

(7) "That if the purchaser shall neglect or refuse to comply with the above conditions, or any of them, his deposit money shall be forfeited, and retained by Government, and the Government shall be at liberty to resell the premises either by public auction or private contract, without the necessity of previously tendering a conveyance to the purchaser; and the deficiency, if any, arising from such resale, together with all expenses attending it, shall be made good by the purchaser at the present sale, who shall so neglect or refuse, as and for liquidated damages."

XVII. If before the time of sale a claim of private proprietorship or of exclusive occupancy or of any other right incompatible with the sale of the land under these Rules shall be preferred to the land or any part of it, the Collector shall postpone the sale of the land until such claim shall be disposed of in due course of Law.

XVIII. Reserves of grazing and forest land, of land for the growth of firewood, for building sites, parks, recreation grounds, and the like, and of land required for other special purposes are not to be sold under these Rules without the express sanction of the Government. A Register of such reserves will be maintained in the Collector's Office, and will be open to inspection by intending applicants at such times and under such Rules as the Collector may prescribe by Notification in the District Gazette.

XIX. The annual assessment on lands sold under these Rules may at any time be redeemed by the owner by payment of a sum equal to 25 times the said annual Assessment and the lands so redeemed shall thereafter be for ever free from all demand on the part of the State on account of Land Revenue. On payment of the redemption money the owner of the land shall be furnished with a Deed in the form Z. annexed to these Rules.

XX. Arrears of annual assessment shall be recoverable in the same manner as arrears of Ryotwary Land Revenue are, or may be recoverable by the Law for the time being in force in the Madras Presidency.

XXI. Lands sold or redeemed under these Rules shall nevertheless continue subject to all general taxes and local rates payable by law or custom.

XXII. The existing and customary rights of Government, of other proprietors and of the public in existing roads and paths and in streams running through or bounding lands sold under these Rules are reserved and in no way affected by the sale of such lands under these Rules.

XXIII. Nothing contained in these Rules shall be held to debar the Government from granting waste land or Puttah, Cowle or otherwise at their discretion as heretofore.

shall cause the purchaser to be served with a notice intimating that after the expiration of thirty days from the date of service of the notice the Government will either resume possession, or cause the land to be sold at the risk of the defaulting purchaser and if payment of the arrears be not made within the prescribed period of three months steps shall be taken either on the resumption or resale of the land.

G.O. 15/11/67 No 2718.

No.

X.

THIS INDENTURE made the (a) day of One thousand eight-hundred and sixty (a) BETWEEN THE RIGHT HONORABLE THE SECRETARY OF STATE FOR INDIA IN COUNCIL of the one part and (A. B.) of in the District of (b) of the other part WHEREAS under the Rules for the sale of Waste Land passed by the Honorable the Governor of Fort Saint George in Council on the ninth day of March 1863, and numbered 488A the Collector of Salem did on the (a) day of One thousand eight hundred and sixty (a) offer for sale by public auction the land described in the Schedule hereunder written subject to an annual Assessment in perpetuity on the said land of Rupees (a) AND WHEREAS at such sale the said (A. B.) offered the sum of Rupees (a) for such land subject to such Assessment and being the highest bidder was declared to be the purchaser thereof according to the terms and conditions in such rules contained AND WHEREAS previously to the execution of these Presents the said (A. B.) has paid into the Treasury of the said Collector to the credit of Her Majesty's Government of India the full sum of Rupees (a) Now THIS INDENTURE WITNESSETH that in consideration of the said sum of Rupees (a) so paid by the said (A. B.) (the receipt whereof is hereby acknowledged) The said Secretary of State in Council doth sell alien and convey unto the said (A. B.) THE piece or parcel of land containing British Statute Acres (a) situated on the Shervaroy Hills in the Collectorate of Salem bounded as mentioned in the Schedule hereunder written and delineated in the Map or Plan hereunto annexed Together with all erections and buildings (if any) thereon erected and built And all products both above and below the surface, ways, paths, passages, waters, water-courses, wells, fences, ditches, easements, profits, rights, members and appurtenances whatsoever to the said land and premises and every or any part thereof belonging or appertaining EXCEPT and always reserved out of these Presents all existing and customary rights of Government and of proprietors of lands adjoining or lying near to the land and premises hereby conveyed in all existing roads and paths and in streams of water running through or bounding the land and premises hereby conveyed TO HOLD the said land and premises hereby conveyed with the appurtenances to the said (A. B.) his Heirs personal Representatives and Assigns for ever SUBJECT nevertheless to the payment by the said (A. B.) his Heirs personal Representatives and Assigns to the said Secretary of State in Council his Successors or Assigns yearly and every year for ever hereafter of the clear sum of Rupees (a) on or before the 30th day of June in each year AND LIKEWISE subject to the payment by the said (A. B.) his Heirs personal Representatives and Assigns of all general taxes and local rates now existing, or which at any time hereafter may be imposed by Law as also to the Covenants and conditions hereinafter contained and the said (A. B.) for himself his Heirs personal Representatives and Assigns Doth hereby covenant with the said Secretary of State in Council his Successors and Assigns in manner following (that is to say) That he the said (A. B.) his Heirs personal Representatives and Assigns will yearly and every year for ever hereafter pay on or before the 30th day of June in each year the said sum of Rupees (a) AND LIKEWISE will at his and their own cost, and charges forthwith erect and at all times hereafter maintain and keep in good repair permanent boundary marks round the land and premises hereby conveyed AND FURTHER that in case he the said (A. B.) his Heirs personal Representatives or Assigns shall make default in payment of the said annual assessment of Rupees (a) or any part thereof as and when the same shall become payable under the Covenant herein before contained THEN and in such case and so often

as the same shall happen the said assessment of Rupees (a) and all arrears thereof shall and may be treated as arrears of Ryotwary Land Revenue and may be recovered in the same manner as Ryotwary Land Revenue is now or at any time hereafter may be recoverable PROVIDED always and it is hereby declared and agreed by and between the parties hereto that the said (A. B.) his Heirs personal Representatives and Assigns shall at any time be at liberty to redeem such annual assessment by payment to the said Secretary of State in Council his Successors or Assigns of the sum of Rupees (c) of lawful money of British India and that immediately after such payment the land and premises hereby conveyed shall be for ever free from all demand for Land Revenue IN WITNESS WHEREOF The Honorable the Governor of Fort Saint George in Council on behalf of the said Secretary of State in Council hath hereunto affixed the Seal of the said Governor in Council And the said (A. B.) hath set his hand and seal the day and year first above written.

The Schedule to which the above written Indenture refers.

District.	Talook.	Village.	Name (if any) and Boundaries.	Extent.

The Seal of the Honorable the Governor of Fort Saint George in Council was hereunto affixed in the presence of

L. S.

Secretary to Government.

Signed Sealed and Delivered by the abovenamed (A. B.) at in the East Indies in the presence of (d)

Signature of A. B.

L. S.

Received from the abovenamed A. B. the sum of Rupees (a) being the consideration money abovementioned to be by him paid.

Rupees (e)

WITNESS, (d)

Collector of Salem.

- (a) Enter in words.
- (b) Add the purchaser's trade, or occupation or other description.
- (c) Enter 25 times the annual assessment, in words.
- (d) One Witness will suffice. His place of residence, as also his occupation or other description must be written under his name.
- (e) Enter in figures.

39
No.

Y.

THIS INDENTURE made the (a) day of One thousand eight hundred and sixty (a) BETWEEN The Right Honorable The Secretary of State for India in Council of the one part And (A. B.)

(b) of the other part, Whereas under the rules for the sale of waste land, passed by the Honorable The Governor of Fort Saint George in Council on the ninth day of March one thousand eight hundred and sixty three and numbered 488 A the Collector of Salem did, on the (a) day of one thousand eight hundred and sixty (a) offer for sale by public auction The piece or parcel of land containing British Statute Acres (a) situated on the Shervaroy Hills, in the Collectorate of Salem bounded as mentioned in the Schedule hereunder written and delineated in the Map or Plan hereunto annexed, subject to the payment by the said (A. B.) his Heirs personal Representatives and Assigns to the said Secretary of State in Council, his Successors or Assigns yearly and every year for ever hereafter of the clear sum of Rupees (f) on or before the 30th day of June in each year and whereas at such sale the said (A. B.) offered the sum of Rupees (h) for such land, subject to such assessment and being the highest bidder was declared to be the purchaser thereof, according to the terms and conditions in such rules contained AND WHEREAS at the time of such sale the said (A. B.) paid into the hands of the said Collector the sum of Rupees (a) being the amount of deposit at the rate of ten Rupees per cent. on the said purchase money as required by the said Rules, and under the provision contained in those rules has elected to pay the balance of such purchase money amounting to the sum of Rupees (c) in three yearly instalments of Rupees (d) each with interest on such balance or on such part thereof as shall from time to time remain unliquidated at the rate of six Rupees per cent. per annum NOW THIS INDENTURE witnesseth that in consideration of the said sum of Rupees (e) so paid to the said Collector as hereinbefore mentioned (the receipt whereof is hereby acknowledged) and of the Covenants on the part of the said (A. B.) hereinafter contained The said Secretary of State in Council for him, self his Successors and Assigns Doth hereby Covenant with the said (A. B.) his Heirs, personal Representatives and Assigns, that on payment by the said (A. B.) his Heirs personal Representatives or Assigns of the said sum of Rupees (c) with interest thereon as herein mentioned, he the said Secretary of State in Council his Successors or Assigns will convey unto the said (A. B.) his Heirs personal Representatives and Assigns for ever The said land and premises together with all erections and buildings (if any) thereon erected and built And all products both above and below the surface, ways, paths, passages, waters, water courses, wells, fences, ditches, easements, profits, rights, members, and appurtenances whatsoever to the said land and premises and every or any part thereof belonging or appertaining EXCEPTING nevertheless all existing and customary rights of Government and of proprietors of lands adjoining or lying near to the said land and premises purchased as afore-said in all existing roads and paths and in streams of water running through or bounding the purchased land and premises TO BE HELD by the said (A. B.) his Heirs personal Representatives and Assigns subject to the payment of the said yearly sum of Rupees (f) on the 30th day of June in each year as hereinbefore mentioned, AND likewise subject to all general taxes and local rates now existing or which at any time hereafter may be imposed by law AND to the observance of the several conditions in the said rules contained, And the said (A. B.) himself his Heirs personal Representatives and Assigns doth hereby Covenant with the said Secretary of State in Council his Successors and Assigns in manner following (that is to say)

40
that he the said (A. B.) his Heirs personal Representatives and Assigns will yearly and every year for ever hereafter pay on or before the 30th day of June in each year the said sum of Rupees (f) AND LIKEWISE will at his and their own costs and charges forthwith erect and at all times hereafter maintain and keep in good repair permanent boundary marks round the land and premises so purchased AND FURTHER that he the said (A. B.) his Heirs, personal Representatives and Assigns will on the (g) day of (g) which will be in the year one thousand eight hundred and sixty (g) pay or cause to be paid to the said Secretary of State in Council his Successors or Assigns the sum of Rupees (d) of lawful money of British India and on the (h) day of (h) a like sum of Rupees (d) and on the (i) day of (i) which will be in the year one thousand eight hundred and sixty (i) a like sum of Rupees (d) of like lawful money AND also will pay to the said Secretary of State in Council his Successors or Assigns interest at the rate of six Rupees per cent. per annum on the said balance of the said purchase money or sum of Rupees (c) or on such part thereof as shall from time to time remain unpaid by two equal half yearly payments on the (j) day of (j) and the (k) day of (k) in each year together with a proportionate part of like interest until the said balance shall be fully paid or satisfied or until the said Secretary of State in Council shall obtain possession of the said land and premises under the provisions hereinafter contained, And it is hereby declared and agreed by and between the parties hereto that until default shall be made by the said (A. B.) his Heirs personal Representatives or Assigns in payment of the said annual assessment or sum of Rupees (f) as and when the same shall become payable under the Covenant herein before contained or in payment of the said instalments or any of them or any part thereof respectively or of the said interest or any part thereof it shall be lawful for the said (A. B.) his Heirs personal Representatives and Assigns peaceably and quietly to occupy possess and enjoy the said land and premises so purchased and receive and take the rents issues and profits thereof to and for his and their own use and benefit And the said (A. B.) for himself his Heirs personal Representatives and Assigns doth hereby further Covenant with the said Secretary of State in Council his Successors and Assigns in manner following (that is to say) that in case he the said (A. B.) his Heirs personal Representatives and Assigns shall make default in payment of the said instalments or any or either of them or any part thereof respectively or in payment of the interest herein before covenanted to be paid or any part thereof as and when such instalments and interest shall respectively become due THEN and in such case and within one month after demand of possession shall have been made on him or them by or on behalf of the said Secretary of State in Council his Successors or Assigns he the said (A. B.) his Heirs personal Representatives and Assigns will deliver to any person authorized by an order passed by the Governor of Fort Saint George for the time being in Council to receive the same the quiet and peaceable possession of the said land and premises together with all erections and buildings which now are or which at any time between the date of these Presents and such delivery of possession may be erected and built or standing on the said land and all improvements made to the said land in the meantime AND moreover that in the event of such default being made by the said (A. B.) his Heirs personal Representatives and Assigns or in case of the breach or non-performance of any of the Covenants and Agreements herein contained on the part of the said (A. B.) his Heirs personal Representatives and Assigns it shall be lawful for the said Secretary of State in Council his Successors or Assigns at any time thereafter to re-sell the said premises either by public auction or private contract and if on such re-sale the said premises should be sold for a sum less than the said sum of Rupees (f) he the said (A. B.) his Heirs personal Representatives and Assigns will pay to the said Secretary of State in Council his Successors or Assigns the difference between the sum for which such premises shall be

re-sold and the said sum of Rupees (l) or it shall be lawful for the said Secretary of State in Council his Successors or Assigns at any time after such default or breach into and upon the said land and premises or any part thereof in the name of the whole to re-enter and the same to have again re-possess and enjoy as in his and their former estate any thing herein before contained to the contrary notwithstanding AND FURTHER that in case he the said (A. B.)

his Heirs personal Representative and Assigns shall make default in payment of the said annual assessment of Rupees (f)

or any part thereof as and when the same shall become payable under the Covenant hereinbefore contained THEN and in such case and so often as the same shall happen the said assessment of Rupees (f) and all arrears thereof shall and may be treated as arrears of Ryotwary Land Revenue and may be recovered in the same manner as Ryotwary Land Revenue is now or at any time hereafter may be recoverable PROVIDED always and it is hereby declared and agreed by and between the parties hereto that the said (A. B.)

his Heirs personal Representatives and Assigns shall at any time be at liberty to redeem such annual assessment by payment to the said Secretary of State in Council his Successors or Assigns of the sum of Rupees (m) of lawful money of British India and that immediately after such payment the Land and premises hereby conveyed shall be for ever free from all demand for Land Revenue IN WITNESS whereof the Honorable the Governor of Fort Saint George in Council on behalf of the said Secretary of State in Council hath hereunto affixed the Seal of the said Governor in Council, and the said (A. B.) hath set his hand and Seal the day and year first above written

The Schedule to which the above written Indenture refers.

District.	Talook.	Village.	Name (if any) and Boundaries.	Extent.

The Seal of the Honorable the Governor of Fort Saint George in Council was hereunto affixed in the presence of

Secretary to Government.

Signed, Sealed and Delivered by the above-named A. B. at in the East Indies in the presence of (n)

Signature of A. B.

Received from the abovenamed (A. B.) the sum of Rupees (a) being the consideration money abovementioned, to have been by him paid. Rupees (o)

WITNESS, (n)

Collector of Salem.

- (a.) Enter in words.
(b.) Add the trade, occupation or other description of the purchaser.
(c.) Enter purchase money after deducting the deposit, in words.
(d.) Enter one-third of purchase money after deducting the deposit, in words.
(e.) Enter the deposit in words.
(f.) Enter the assessment in words.
(g.) 12 months from date of purchase in words.
(h.) 24 months from do. in do.
(i.) 36 months from do. in do.
(j.) 6 months from day of sale. Enter only the day and month, not the year.
(k.) 12 Do. do. do.
(l.) The sum for which the premises were knocked down, in words.
(m.) Twenty-five times the annual assessment, in words.
(n.) One witness will suffice. Enter his residence as also his occupation or other description under his name.
(o.) Enter in figures.

Z.

No.

THIS INDENTURE made the (a) day of One thousand eight hundred and sixty (a) BETWEEN THE RIGHT HONORABLE THE SECRETARY OF STATE FOR INDIA IN COUNCIL of the one part and (A. B.) of the other part of

WHEREAS by an Indenture dated the (a) day of One thousand eight hundred and sixty (a) and made between the said Secretary of State of the one part and the said (A. B.) of the other part the said Secretary of State for the considerations therein mentioned did sell alien and convey unto the said (A. B.) his Heirs personal Representatives and Assigns for ever the piece or parcel of land containing British Statute Acres (a) situated in the village of in the Talook of in the

Collectorate of Salem bounded as mentioned in the Schedule thereunder written and delineated in the Map or Plan thereunto annexed with the appurtenances subject to the payment by the said (A. B.) his Heirs personal Representatives and Assigns of the annual assessment or sum of Rupees (a) and to the payment of all general taxes and local rates then existing or which at any time thereafter might be imposed by Law as also to the several Exceptions, Covenants and Conditions therein contained And in and by such reciting Indenture it was declared and agreed that the said (A. B.) his Heirs personal Representatives and Assigns should be at liberty to redeem such annual assessment by payment to the Said Secretary of State in Council his Successors or Assigns of the sum of Rupees (a) and that immediately thereafter the said land and premises should be for ever free from all demand for Land Revenue AND WHEREAS the said (A. B.) under the said provision hath paid into the Treasury of the Collector of to the credit of Her Majesty's Government of India the said sum of Rupees (a) and hath requested that the said land may be declared to be for ever hereafter absolutely freed and discharged from the payment of the said sum of Rupees (a) and of all Land Revenue payable thereon and that the said land may be likewise declared to be and continue as Freehold Now THIS INDENTURE WITNESSETH that in pursuance of the said provision and in consideration of the said sum of Rupees (a) so paid by the said (A. B.) as hereinbefore mentioned (the receipt whereof is hereby acknowledged) the said Secretary of State in Council doth remisc, release and for ever quit claim unto the said (A. B.) his Heirs personal Representatives and Assigns the said annual assessment or sum of Rupees (a)

AND FURTHER Doth declare that the said land and premises may for ever be held as Freehold fully and absolutely enfranchised, exonerated, acquitted and discharged by these Presents from all demand on the part of Her Majesty for or on account of Quit-rent, Assessment, Land Tax or other Land Revenue PROVIDED always and it is hereby declared and agreed by and between the parties hereto that in all other respects the said land and premises shall be subject to the several Exceptions, Reservations, Covenants and Conditions in the hereinbefore in part recited Indenture contained IN WITNESS WHEREOF the Honorable the Governor

of Fort Saint George in Council on behalf of the said Secretary of State in Council hath hereunto affixed the Seal of the said Governor in Council AND the said (A. B.) hath set his hand and seal the day and year first above written.

The Seal of the Honorable the Governor of Fort Saint George in Council was hereunto affixed in the presence of

L. S.

Secretary to Government.

Signed, Sealed and Delivered by the above-named (A. B.) at in the East Indies in the presence of (c) Signature of A. B.

L. S.

Received from the abovenamed (A. B.) the sum of Rupees (a) being the consideration money abovementioned to have been by him paid Rupees (d) WITNESS, (c)

Collector of Salem.

- (a) Enter in words.
(b) Enter the trade, occupation or other description of the purchaser.
(c) One witness will suffice. Enter his trade, occupation or other description.
(d) Enter in figures.

(FORM)

U.

I (A. B.) of do hereby acknowledge that I attended at the sale mentioned in the annexed* Notice dated the (a) day of 186 , No. , and that I bid for the premises therein specified and distinguished as lot No. , the sum of Rupees (a)

and that I was declared the purchaser thereof at that price under and subject to the conditions of sale set out in the said Notice. I have paid to the Collector of the sum of Rupees (a) being a deposit of ten Rupees per cent. in part of my purchase money and I elect to pay the residue thereof within thirty days from this day. Dated the (a) one thousand eight hundred and sixty (a). day of

Signature of A. B.

WITNESS, (b)

(FORM)

V.

I (A. B.) of do hereby acknowledge that I attended at the sale mentioned in the annexed* Notice dated the (a) day of 186 , No. , and that I bid for the premises therein specified and distinguished as lot No. , the sum of Rupees (a)

and that I was declared the purchaser thereof at that price under and subject to the conditions of sale set out in the said Notice. I have paid to the Collector of the sum of Rupees (a) being a deposit of ten Rupees per cent. in part of my purchase money and I elect to pay the residue thereof in three yearly instalments of Rupees (a)

each, with interest thereon at the rate of six Rupees per cent. per annum as prescribed by the rules passed by the Honorable the Governor in Council on the 9th March 1863 and numbered 488A, Dated the (a) day of one thousand eight hundred and sixty (a).

Signature of A. B.

WITNESS, (b)

- * Be careful to annex a copy of the Notice, signed by the purchaser and Collector, to the Forms U. and V.
(a) Enter in words.
(b) The place of residence as also the occupation or other description of the Witness must be written under his name.

of Fort Saint George in Council on behalf of the said Secretary of State in Council hath hereunto affixed the Seal of the said Governor in Council AND the said (A. B.) hath set his hand and seal the day and year first above written.

The Seal of the Honorable the Governor of Fort Saint George in Council was hereunto affixed in the presence of

L. S.

Secretary to Government.

Signed, Sealed and Delivered by the above-named (A. B.) at in the East Indies in the presence of (c)

Signature of A. B.

L. S.

Received from the abovenamed (A. B.) the sum of Rupees (a) being the consideration money abovementioned to have been by him paid

Rupees (d)

WITNESS, (c)

Collector of Salem.

- (a) Enter in words.
(b) Enter the trade, occupation or other description of the purchaser.
(c) One witness will suffice. Enter his trade, occupation or other description.
(d) Enter in figures.

(FORM)

U.

I (A. B.)

of do hereby acknowledge that I attended at the sale mentioned in the annexed* Notice dated the (a) day of 186 , No. , and that I bid for the premises therein specified and distinguished as lot No. , the sum of Rupees (a)

and that I was declared the purchaser thereof at that price under and subject to the conditions of sale set out in the said Notice. I have paid to the Collector of the sum of Rupees (a)

being a deposit of ten Rupees per cent. in part of my purchase money and I elect to pay the residue thereof within thirty days from this day. Dated the (a) one thousand eight hundred and sixty (a). day of

Signature of A. B.

WITNESS, (b)

(FORM)

V.

I (A. B.)

of do hereby acknowledge that I attended at the sale mentioned in the annexed* Notice dated the (a) day of 186 , No. , and that I bid for the premises therein specified and distinguished as lot No. , the sum of Rupees (a)

and that I was declared the purchaser thereof at that price under and subject to the conditions of sale set out in the said Notice. I have paid to the Collector of the sum of Rupees (a)

being a deposit of ten Rupees per cent. in part of my purchase money and I elect to pay the residue thereof in three yearly instalments of Rupees (a)

each, with interest thereon at the rate of six Rupees per cent. per annum as prescribed by the rules passed by the Honorable the Governor in Council on the 9th March 1863 and numbered 488A, Dated the (a) day of one thousand eight hundred and sixty (a). Signature of A. B.

WITNESS, (b)

- * Be careful to annex a copy of the Notice, signed by the purchaser and Collector, to the Forms U. and V.
(a) Enter in words.
(b) The place of residence as also the occupation or other description of the Witness must be written under his name.

(FORM)

W.

(FORM OF ADVERTISEMENT.)

NOTICE No. _____

District of Salem.

SALE OF WASTE LANDS.

1. NOTICE is hereby given, that the lands hereunder specified will be put up to auction at (under the Government Rules for the sale of waste lands dated 9th March 1863, No. 488A,) and sold subject to annual payment of the assessment specified below to the highest bidder above the upset price or prices enumerated in the following Schedule at _____ o'clock on the _____ day of _____ 186

2. All parties having claims on the said lands, incompatible with the sale as herein notified, are hereby required to prefer their claims on or before the day aforesaid to the undersigned:—

Schedule of lands to be sold.

District.	Talook.	Village.	No. of Lot.	Name (if any) and Boundaries	Extent.	Upset price.	Annual assessment.

The sale will be made subject to the following conditions:—

CONDITIONS OF SALE.

(1.) "That the highest bidder above the upset price shall be the purchaser of the premises, and if any dispute arise between two or more bidders at the same price, the premises shall be immediately put up again at the last preceding undisputed bidding and re-sold.

(2.) "That immediately after the lot is knocked down, the purchaser thereof shall pay to the Collector a deposit of 10 Rupees per centum, in part of his purchase money, and intimate to the Collector whether he elects to pay the residue within thirty days, or by three yearly instalments, as provided by the Rules passed by the Honorable the Governor in Council under date the ninth day of March 1863, No. 488A and shall at the same time sign an acknowledgment in one of the Forms U. or V. (as the case may require) annexed to the said Rules.

(3.) "That if the purchaser shall elect to pay the residue of his purchase money within thirty days he shall within thirty days from the day of sale pay to the said Collector the residue of his purchase money and shall thereupon receive a conveyance of the premises in the form marked X annexed to the said Rules.

(4.) "That if the purchaser shall elect to pay the residue of his purchase money by three yearly instalments he shall within ten days from the day of sale execute a Deed in the form marked Y annexed to the said Rules.

(5.) "That all persons desirous of becoming purchasers are to satisfy themselves as to the identity and correct description of the property, and the measurement and boundaries of the premises, previous to the sale; as by having the premises knocked down to him, the purchaser thereof shall be held to have waived all objections to any mistakes that may afterwards appear to have been made in the description of the premises as well as to any other error whatever in the particulars of the property.

(6.) "That if the purchaser elects to pay within thirty days, and if, from any cause whatever, the purchase shall not be completed by the thirtieth day from the day of sale, or if the purchaser shall elect to pay by instalments and shall neglect for ten days from the day of sale to execute a Deed in the form marked Y annexed to the said Rules, then the purchaser shall pay to the Collector interest at the rate of 12 Rupees per cent. per annum, on the remainder of his purchase money from the day of sale until the purchase shall be completed in the one case; or until a Deed in the Form Y be executed in the other case; without prejudice nevertheless, to the right of resale reserved by the seventh condition.

(7.) "That if the purchaser shall neglect or refuse to comply with the above conditions, or any of them, his deposit money shall be forfeited, and retained by Government, and the Government shall be at liberty to resell the premises either by public auction or private contract, without the necessity of previously tendering a conveyance to the purchaser; and the deficiency, if any, arising from such resale, together with all expenses attending it, shall be made good by the purchaser at the present sale, who shall so neglect or refuse, as and for liquidated damages."

Dated _____

Collector of Salem.

ACT NO. XXIII OF 1863.

An Act to provide for the adjudication of claims to Waste Lands.

WHEREAS it is expedient to make special provision for the speedy adjudication of claims which may be preferred to waste lands proposed to be sold or otherwise dealt with on account of Government, and of objections taken to the sale or other disposition of such lands; It is enacted as follows:—

Preamble.
I. When any claim shall be preferred to any waste land proposed to be sold or otherwise dealt with on account of Government, or when any objection shall be taken to the sale or other disposition of such land, the Collector of the District in which such land is situate, or other Officer performing the duties of a Collector of land Revenue in such District, by whatever name his Office is designated, shall, if the claim or objection be preferred within the period mentioned in the advertisement to be issued for the sale or other disposition of such land which period shall not be less than three months, proceed to make an enquiry into the claim or objection.

II. The Collector or other Officer as aforesaid shall call upon the claimant or objector to produce any evidence or documents upon which he may rely in proof of his claim or objection, and after considering the same and making any further enquiry that may appear proper, shall dispose of the case by an order for the admission or rejection of the claim or objection, and if the land is proposed to be sold, for the sale of the same subject to any condition or reservation which to such Collector or other Officer as aforesaid shall appear to be proper. If the land is ordered to be sold subject to any condition or reservation, such condition or reservation shall be notified to intending purchasers at the time of sale.

III. Pending an enquiry into any claim or objection under the last preceding Section, the Collector or other Officer as aforesaid shall postpone the sale or other disposition of the land, and if he shall order that such claim or objection be rejected, he shall further postpone the sale or other disposition.

of the land to allow the claimant or objector to contest the order of rejection in the manner hereinafter provided.

IV. If the Collector or other Officer as aforesaid shall consider the claim or objection to be established, and that the sale or other disposition of the land should not take place, he shall stop the sale or other disposition of the land; but such sale or other disposition of the land may afterwards be proceeded with if, on an order issued by the local Government to try the claim or objection as provided in Section VI of this Act, the claimant or objector shall fail to establish the same.

V. If the Collector or other Officer aforesaid shall order that the claim or objection be rejected, or that the land be sold subject to any condition or reservation, or that it be otherwise dealt with, he shall cause a copy of such order to be delivered to the claimant or objector, and if such claimant or objector shall not within one week from the delivery of such copy, or within such further time as the Collector or other Officer as aforesaid for any special reason to be recorded shall see fit to grant, give notice in writing to such Collector or other Officer as aforesaid that he intends to contest such order, the order shall be final. If the claimant or objector shall, within the time allowed, give such notice, the Collector or other Officer as aforesaid shall immediately make a report to the Board of Revenue or other superior Revenue Authority, and shall forward with such Report a copy of his order, stating fully all the circumstances of the case and the evidence adduced in support or otherwise of the claim or objection, and such Board or other Authority, on the receipt of such Report, and after calling for any further information which it may consider necessary, may confirm, modify, or reverse the order of the Collector or other Officer as aforesaid. If the Board or other Authority as aforesaid confirm the order of the Collector or other Officer as aforesaid, or modify such order in such manner as to leave any part of such order in force adverse to the claimant or objector, the Collector or other Officer as aforesaid shall certify such order to the Court constituted as hereinafter provided, and such Court shall forthwith give notice to the claimant or objector, and if such claimant or objector shall not, within thirty days from the delivery of such notice from the Court, institute a suit in such Court to establish his claim or objection, the order of the Board or other Authority aforesaid shall be final.

VI. The Local Government may, within twelve months after the date on which the claim of any claimant of waste land, or the objection of any objector as aforesaid, shall have been admitted under this Act by the Collector or other Officer as aforesaid, direct a suit to be brought to try the claim or objection of the claimant or objector, in a Court constituted as hereinafter provided.

VII. For the investigation and trial of claims under this Act, the Local Government shall constitute, in every District in which there may be any waste lands capable of being sold or otherwise dealt with on account of Government, a Court consisting of an uneven number of persons not less than three, of whom the Judge of the District, or the Officer presiding in the principal Civil Court of original Jurisdiction in the District by whatever name his office may be designated, shall be one. Any one or more of the Members of which such Court shall consist, shall have power to make all such orders in the case as may be necessary prior to the hearing of the suit. Provided that, whenever the Collector or other Officer by whom the original enquiry was held is the Officer presiding in the principal Civil Court of original Jurisdiction in the District, such Officer shall not be a Member of such Court.

VIII. Whenever any Court is constituted under this Act, notice thereof shall be given by a written proclamation, copies of which shall be affixed in the several Courts, and in the Offices of the several Collectors and Magistrates of the District, and from the date of the issue of such proclamation no other Court shall be competent to entertain any claim or objection belonging to the class of claims or objections for the trial and determination of which such Court is constituted.

IX. The Courts constituted under this Act shall be held at such place or places within the limits of their respective jurisdictions as shall be considered most convenient.

X. In every suit instituted under Section V of this Act the claimant of the waste land, or objector to the sale or other disposition of such land, shall appear as plaintiff, and the Collector or other Officer aforesaid shall appear as defendant on the part of Government. Either party may appear by

pleader or by agent. Provided that if such other Officer as aforesaid be the presiding Officer of the principal Civil Court of original Jurisdiction in the District, the Local Government shall appoint some other Officer to appear as defendant in the case on its behalf. In any suit ordered to be instituted by the Local Government under Section VI of this Act the Government, by any Officer to be appointed for the purpose, shall appear as plaintiff and the claimant or objector as aforesaid shall appear as defendant.

XI. In suits instituted under this Act, except as hereinafter provided, the proceedings shall be regulated, so far as they can be, by the Code of Civil Procedure.

XII. The Court shall fix a day for the appearance of the parties and for the hearing of the suit, of which due notice shall be given to the parties or their agents, and on the day so fixed the parties or their agents shall bring their witnesses into Court, together with any documents on which they may intend to rely in support of their respective statements. If either party require the assistance of the Court to procure the attendance of a witness on such day, he shall apply to the Court in sufficient time before the day fixed for the hearing of the suit, and the Court shall issue a Subpoena requiring such witness to attend the Court on that day. It shall be competent to the Court to require the personal attendance of the claimant of the waste land or objector as aforesaid on the day fixed for the hearing, or at any subsequent stage of the suit.

XIII. On the day fixed for the hearing of the suit, or as soon after as may be practicable the Court shall proceed to examine the claimant of the waste land, or the objector, or his agent (when his personal attendance is not required), and the witnesses of the parties; and upon such examination, and after inspecting the documents of the parties, and making any further enquiry that may appear necessary, shall proceed to pass such order in the case as it may consider just and proper.

XIV. No appeal shall lie from any decision or order passed under this Act, nor shall any such decision or order be open to revision. XV. If, on the trial of any suit under this Act, any question of law, or of usage having the force of law, or the construction of a document affecting the merits of the case shall arise, on which the Court shall entertain reasonable doubts, the Court may, either of its own motion or on the application of any of the parties to the suit, draw up a statement of the case and submit it, with its own opinion, for the opinion of the High Court of Judicature, or of the highest Civil Court of Appeal and revision, in the territory in which the land is situate. Provided that it shall be the duty of every Court held under this Act to make such reference to such High Court, or Court of Appeal, if in any suit under this Act any question shall arise involving any principle of general importance, or the rights of a class.

XVI. The Court may proceed in the case notwithstanding a reference to the High Court, or other highest Civil Court of Appeal as aforesaid, and may pass an order contingent upon the opinion of the High Court, or other Court as aforesaid on the point referred, but no final order for the sale or other disposition of the land in question in the suit, or for the admission or rejection of any claim or objection which shall be before the Court in such suit, shall be passed until the receipt of the order of the said High Court, or highest Civil Court of Appeal.

XVII. The record of cases disposed of by Courts constituted under this Act shall be deposited amongst the records of the principal Civil Court of original Jurisdiction in the District in which the property in dispute is situate.

XVIII. No claim to any land, or to compensation or damages in respect of any land sold or otherwise dealt with on account of Government as waste land, shall be received after the expiration of three years from the date on which such land shall have been delivered by the Government to the purchaser. If within three years after any lands have been delivered by the Government to the purchaser, or otherwise dealt with, any claimant or objector shall prefer a claim to the land so delivered or otherwise dealt with, or an objection to such sale, or to compensation or damages in respect thereof, in the Court constituted under this Act for the District in which the land is situate, and shall show good and sufficient reason for not having preferred his claim or objection to the Collector or other Officer as aforesaid within the period limited under Section I of this Act, such Court shall file the claim or objection, making the claimant or objector plaintiff, and the Collector of the District or other Officer as aforesaid (with the like provision as aforesaid,

if such other Officer be the presiding Officer of the principal Civil Court of original Jurisdiction in the District) the defendant in the suit, and the foregoing provisions of this Act shall be applicable to the trial and determination of the suit. The report of the Officer employed to give delivery, or to take possession on the part of Government, of the land sold or otherwise dealt with, shall be conclusive evidence as to the date on which such delivery was made, or possession was taken.

XIX. In any case in which the land has been sold, if the Court shall be of opinion that the claim of the claimant is established, the Court shall not award the claimant possession of the land in dispute, but shall order him to receive from the Government Treasury, by way of compensation, a sum equal to the price at which the land was sold, in addition to the costs of suit.

If claim established, possession not to be given, but compensation.

XX. If the land shall have been sold subject to any condition or reservation, or shall not have been sold, but shall have been otherwise dealt with on account of the Government, and the Court shall be of opinion that the claim to such land, or the objection of an objector is established, the Court shall award the claimant or objector to receive such sum in respect of his interest in such land as shall be awarded in that behalf under the provisions of Act VI of 1857 (*for the acquisition of lands for public purposes*), and thereupon the Local Government shall proceed under the said Act to obtain an award of the value of such interest.

When land has not been absolutely sold, or has been otherwise dealt with.

XXI. An award under any of the provisions of the two last preceding Sections shall be in full satisfaction of the claim of the claimant or objector, and shall bar any future claim on his part in respect to the land in suit resting on the same cause of action, or on a cause of action which existed prior to the date of the sale or other disposition of the land on account of Government.

Award under the two last Sections to be in full satisfaction.

XXII. Nothing in this Act shall be held to prevent the Local Government from awarding to any claimant of waste land sold on account of Government, on proof to the satisfaction of the Local Government of the claim of such claimant (notwithstanding that he may not have preferred his claim either to the Collector or other Officer as aforesaid, or to the proper Court constituted under this Act within the period prescribed by this Act), such amount of compensation for the said land, within the limit as to amount mentioned in Section XIX of this Act, if the land have been sold not subject to any condition or reservation, as to such Local Government may seem proper.

Government not barred from awarding compensation for land absolutely sold, though claim be not preferred in time.

XXIII. If the land have been sold subject to any condition or reservation, or have been otherwise disposed of on account of Government, and any claim to such land, or objection to the sale or other disposition of the land shall be proved to the satisfaction of the Local Government, although not preferred to the Collector or other Officer as aforesaid, or to the Court constituted under this Act, within the period prescribed by this Act, the Local Government may award to such claimant or objector such amount as to such Local Government may appear to be the value of the interest of such claimant or objector in such land.

Compensation for land sold subject to condition, if claim proved, though not preferred in time.

Interpretation.
Number.
Gender.

XXIV. Unless the contrary appears from the context, words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number, and words importing the masculine gender shall include females.

STANDING CIRCULAR, No. LXXIV.

Board No. 3,845.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 25th June 1863.

Read the following:—

REVENUE DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following letter from W. HUDLESTON, Esq., Secretary to the Board of Revenue, to J. D. SIM, Esq., Secretary to Government, Revenue Department, Fort Saint George, dated Chepauk, 4th June 1863:—

1. Referring to Government Order dated 21st May 1863, No. 881, Revenue Department, paragraph 3, I am directed by the Board to point out that the new rules for the sale of waste do not provide for the case of *assessed waste lands sought for building sites*, which under the rules of 1859 were to be sold at public auction, the upset price being twenty years' purchase of the assessment.

2. As the rules of 1859 are declared by Government to be no longer in force, the Board recommend that the spirit of the new rules be made applicable to such assessed waste in the immediate vicinity of the towns, when sought for the special purpose of building thereon, the lot being limited to an area not exceeding 4 acres, and the upset price being twenty-five years' purchase of the assessment *plus* the cost of demarcation and survey.

3. As the Sudder Court have decided that abandonment of assessed land and non-payment of the assessment place such land at the disposal of the Revenue authorities, it will not be necessary to maintain to the full extent of their letter the rules and laws relating to unassessed waste land, and which involve considerable delay.

ORDER THEREON, 15th June 1863, No. 1,045.

The proposals made by the Board of Revenue in paragraphs 1 and 2 of this letter are approved.

(True Extract.)

(Signed) J. D. SIM,
Secretary to Government.

Circulated to all Collectors for information and guidance.

(True Extracts.)

(Signed) W. HUDLESTON,
Secretary.

(True Copy.)

(Signed) W. SCHARLIEB,
First Assistant.

To All Collectors.

20-11-91

Rev-22 Sept 1863 L 297

STANDING CIRCULAR, No. LXXIV.

PROCEEDINGS OF THE BOARD OF REVENUE.
To All Collectors.

Dated 25th June 1863.
Received

Board No. 3,845.

Circulating Order of Government approving the proposals of the Board of Revenue for the sale of assessed waste for building sites.

Memo

MINUTES BY THE HONOURABLE J. D. SIM, C. S. I.

HAVING been Revenue Secretary when the rules, which it is now proposed to modify in one very important respect, were framed, I am able to state that both the rate of assessment and the time when it should become payable received very careful consideration from the Government.

2. Up to 1859 the only farming tenure obtainable on the Nilgiris was leasehold for 33 years; and the land was put up to auction at an upset price of 8 to 10 years' assessment, subject, moreover, to the yearly assessment. "Cowles" were permissible only in special cases, and were subject to various precautionary restrictions; the Collector had to satisfy himself of the *bona fides* of the applicant, his capital, etc.

3. In 1859 the rules were altered. Land sought for agricultural purposes was still put up to auction, but without any upset price; the assessment was fixed at one Rupee per acre, and was redeemable at 20 years' purchase.

4. When Lord Canning's Resolution was issued the question arose whether the Nilgiris were to be considered "unassessed," and as such saleable in Fee-simple without any reservation of assessment. This was decided in the negative by the Government with the concurrence of the Secretary of State. The only alteration then made was to raise the assessment of *wooded* land to 2 Rs. per acre; other land remaining as before at 1 Rupee. This increase was based on the admitted fact that wooded land, notwithstanding the expense of clearance, was more valuable and fertile than open "grass" land. These rates were considered extremely moderate, and so, I think, all must admit them to be, who regard not merely the value of the crop raised, but the great advantages which the settler on the hills enjoys. The Government maintain, at great expense, Courts, Police, Postal, Medical, and Ecclesiastical and other establishments, and the settler on the hills consequently occupies a very different position from the emigrant to the lockwoods of Canada or the plains of Australia. We are also making a railway nearly to the foot of the hills. All these incidental advantages should, I submit, be borne in mind when the question of the *rate* of assessment is discussed. As to the crop, I believe five cwt. per acre of coffee will be admitted to be a low average, and 50s. per cwt. a fair medium price; the produce of an acre is thus worth Rs. 125; in the fourth or fifth year when 8 or 10 Rs. will have been paid in the way of assessment.

5. It will be seen from the above that sale by auction and payment of assessment from the date of possession have *always* been the *rule*. I shall much regret the introduction of the "Cowle" system, because it affords opportunities and facilities for land-jobbing, and induces men without capital to engage in the cultivation of coffee, tea, etc., to their certain ruin. It may be said that Government can guard against the first objection by requiring security, by stipulating that a certain extent of land shall be annually cleared and planted, and other similar expedients. But all such restrictions on a planter's freedom are injurious, and, in practice, the Government never are able to enforce them. There is always the plea, *ad misericordiam*, the planter "has done his best," is "ruined," and so forth. I would instance the cases of Mr. Sanderson, who obtained a grant on Cowle for Nettle culture; of Mr. McIvor, who got one at Kartairy for farming on the English model, and of the many gentlemen who have been allowed to throw up their grants without paying the accumulated assessment. Of course, if three years' free tenure be allowed there will be no means of preventing speculators from taking up likely

... - land try

tracts, and throwing them up when the free tenancy ends, if they fail in immediately disposing of them to advantage. The cultivation of the special products of the hills—tea, coffee, and cinchona—needs capital—from £10 to £15 per acre is said to be the expense of farming an estate. By all accounts 250 acres is as much as one man can manage advantageously, so that a planter should possess a capital of at least Rs. 25,000 before he can grow these crops with hope of success. It is almost cruelty, therefore, to tempt men without capital to embark in such undertakings by offering them land for nothing.

6. One argument used against the present system is, that taking the assessment before the land produces a crop is impolitic, as in that case it is paid out of capital. It is hardly necessary to say that there are many enterprises in which payments out of capital are made years before a return is received; some investments yield an immediate return; in others it is deferred for varying periods. An importer pays duty on his goods before they are sold. But if the State is to withhold all demand until the estate is in bearing, it may surely claim a revenue more in proportion to the crop? In the plains the State demand is a moiety of the net crop, and the assessment of unirrigated land runs as high as 4½ Rs. per acre; *here* the charge is only 2 Rs. for the best forest-land. Assuming an acre to yield only 5 cwt., worth 50s. per cwt., the State demand is but 8 lbs. of coffee per acre, or one-seventieth of the *gross* produce.

7. A very cogent argument against giving up three years' demand is that it will not in reality serve its ostensible purpose. Three years' assessment on an estate of 250 acres, all of forest, is equivalent only to £150. Can it be supposed that this will convert a losing into a profitable investment?

8. The real reason why so many find coffee and tea planting unprofitable is, that they start without the necessary capital, and know little of the profession they are entering. I do not suppose that a dozen of the planters had any practical knowledge of their business when they commenced it; numbers, it is well known, worked on borrowed money. Many of the so-called "estates," too, are small plots, which however, well-worked, can from their size yield little beyond a subsistence. All took up their land with the full knowledge that the assessment was payable from the commencement.

9. I cannot attach much weight to the arguments used by the planters at the late conference; they seemed to me to prove too much. If their account is to be credited the present position of the coffee interest is so sad, its future so gloomy, that the kindest thing the Government can do for them is to deport them gratuitously to some more favoured and hopeful region. Embarking in coffee seems, by their representations, to be synonymous with ruination. Coffee does not pay, never has paid, and never can pay. Such was the conclusions to which their arguments led. If this be correct it is clear that a free grant of land in perpetuity even will not mend matters. Among the estates which were declared unprofitable was "Runnymede," which was granted originally on Cowle tenure, and which, I may add, is not in the market. Indeed, a half-sharer in it was lately bought out, according to common report, for £10,000.

10. The Nilgiri rules allow of Cowles being granted in special cases, such as the introduction of new industries, etc. I deprecate going beyond this, and especially the giving the planters, present and future, a refund or remission of three years' revenue. Grass-land is, I think, too highly taxed relatively to forest, and the assessment on it might be reduced to 8 Rs. per acre.

11. Wynaad is in much the same position, except that the expenditure in roads and ghauts has been greater, and has, in fact, absorbed the whole revenue.

(Signed) J. D. SIM.

P. S.—I may here remark that, while so much clamour is raised against our assessment of 4s. per acre, the English import-duty of 3d. per lb. is equivalent on the moderate yield of 5 cwt. per acre to a rent charge of no less than 70 Rs. per acre.

MINUTE BY THE HONOURABLE
A. J. ARBUTHNOT.

I CANNOT pretend to be competent to offer an opinion of any value on the subject treated of in Mr. Sim's Minute of the 17th instant. I see no reason, however, why the suggestions made by my Honourable Colleague, or a scheme based upon them, should not be adopted after consultation with the Board of Revenue, who might be invited to submit their opinion. I am aware that the Second Member of the Board, Mr. Robinson, has given a good deal of attention to the subject. Something should be done at once about Mr. Robertson's salary and the renewal of his engagement which will expire in October next. I think that his salary should be raised to Rs. 600.

(Signed) A. J. ARBUTHNOT.
28th May 1871.

MINUTE BY THE HONOURABLE
A. J. ARBUTHNOT.

I CANNOT pretend to be competent to offer an opinion of any value on the subject treated of in Mr. Sim's Minute of the 17th instant. I see no reason, however, why the suggestions made by my Honourable Colleague, or a scheme based upon them, should not be adopted after consultation with the Board of Revenue, who might be invited to submit their opinion. I am aware that the Second Member of the Board, Mr. Robinson, has given a good deal of attention to the subject. Something should be done at once about Mr. Robertson's salary and the renewal of his engagement which will expire in October next. I think that his salary should be raised to Rs. 600.

(Signed) A. J. ARBUTHNOT.
23th May 1871.

Received

A. J. Arbuthnot

Received

96. 22 Sept 71

21/10/71

Revenue 1871 Departs

N. 3064 -

Minute by the
Honble Mr. McIntosh

Dated 20th May 1871

Seeing no reason
why the suggestions made
by the Honble Mr. Sim re-
garding the establish-
ment of model farms,
or a scheme based upon
them, should not be
adopted after consulta-
tion with the Board
of Revenue.

N. 300 -

Revenue 1871 Departs
N. 3064 -

66

Having been Revenue Secy when the
Rules which it is now proposed to re-
visy in one very important respect, were
framed, I am able to state that both
the ~~nature~~ rate of assessment and the
time when it should become payable re-
-ceived very careful consideration from the
Govt.

Up to 1859 the only ^{form of} tenure obtainable
on the N. E. hills was lease hold for 33 yrs
in the case of ~~apricot~~ ^{all other} crops. &
the land was ~~usually~~ put up to auction
at an up set price of 8 to 10 yrs assess-
ment, subject moreover to the yearly as-
sessment. "Cowles" were permitted to be only
in special cases and were subject to various
precautionary restrictions - the Collector had to
satisfy himself of the bona fides of the
applicant - his capital &c.
In 1859 the Rules were altered - I am sorry to

for agricultural purposes was still held
up to auction - but without any upset
price - the assessment was fixed at one Rupee
per acre - land was redeemable at 20 yrs.
for state.

11. When Lord Canning's resolution was read the question arose whether the Healy berries were to be considered "unassessed" & as such saleable in fee simple without any reservation of assessment. This was decided in the negative by the fact with the concurrence of the Secy of State. The only alteration then made was to raise the assessment of wooded land to 2 Rs per acre - other land remaining as before at 1 R. - This increase was based on the admitted fact that Wooded land - not withstanding the expense of clearance - was richer more valuable & fertile than open "grass" land. These rates were considered extremely moderate - and so, I think, all must admit them to be, who regard not merely the value of the crops raised - but the great advantages which the hillmen on the Hills enjoy.

The pub. main train, at great expense, Courts -
Office. Postal, ~~set~~ Medical, & Ecclesiastical
and the settlements - and the latter on
the hills consequently occupies a very different
position from the main point of the back woods of
Canada on the plains of Ontario. All these
incidental advantages should, I think, be
borne in mind when the question of the rate
of assessment is discussed: As to the cost,
I believe 5 cent per acre of coffee will be
admitted to be a low average - $\pm 50\%$ per acre an
fair medium price - the produce of an acre
is then worth Rs. 125 - in the fourth or fifth year
when 8 or 10 Rs. will have been paid in the
2^d of assessment.

5. ~~I shall much regret~~ ^{this is true}
It will be seen from the above that sale
by auction and payment of assessment
^{from the date of possession} have always been the rule. I shall much
regret the introduction of the "Cable" system
because it affords opportunities and fa-
cilities for land-grabbing - and induces
men without capital to engage in the
cultivation of Coffee. This leads them certainly

ruin - It may be said that the ^{first} can prevent
against the first objection by requiring security -
by stipulating that a certain extent of land
shall be annually cleared & planted. & other
similar expedients - But all such restrictions
on a planter's freedom are impious - and, in
practice, the first never is able to enforce them -
There is also another plea of misadventure -
"the planter has done his best" - is "ruined" &
so forth. I would instance the case of Mr.
Sander son who obtained a patent on Cuba
for better culture - of Mr. McTear who got one at
Hartung for farming on the English model -
and of the many freeholders who have been
allowed to throw up their patents without
paying the accumulated assessment - of course
if 3 years free tenure be allowed, there will
be no means of preventing speculation from
taking up likely tracts - and throwing them
up when the free tenancy ends, if they fail
in immediately disposing of them to advantage.
The ^{cultivation of the} ~~the~~ products of the hills - Tea, Cotton &
Chinchona need capital. From £10 to £15

2/ per acre is said to be the expense of
farming an estate. By all accounts
250 acres is as much as one man can
manage advantageously - so that a planter
should possess a capital of at least
£25,000 - before he can pass their risks with
hope of success - It is almost cruelly therefore
to tempt men without capital to
embark in such uncertain things, by
giving them land for nothing -

1. One argument ^{used} against agreeing to the
present system is that taking the as-
sessment before the land has done a
crop, is impolitic, as in that case it
is paid out of capital. It is hardly ne-
cessary ^{to say} that there are many enterprises in
which payments out of capital are made
years before a return is received. Some in-
vestments yield an immediate return - in
others it is deferred for varying periods. This in-
putter knows better on his facts, long before they

are sold. But if the State is to with-
stand demand until the estate is in being
it may surely claim a revenue more in pro-
portion to the crop? In the plains, the State
demand is a moiety of the net crop - and
the assessment of unimproved land runs
as high as $4\frac{1}{2}$ Rs. per acre - here the charge
is only 2 Rs. for the best forest land - assuming
an acre to yield only 5 cwt. worth 50% per
cwt. the State demand is but 8% of
Coffee per acre - or $\frac{1}{70}^{\text{th}}$ of the gross produce.

8. The real reason why so many fresh coffee & tea plantings are profitable is that they start with the necessary capital.

9. I cannot attach much weight to the arguments used by the Planters at the late Conference - they seemed more to have to do with - If their account is to be credited, the present position of the Col. interest is so ~~serious~~ sad - its future so gloomy that the kindest thing the Gov. can do for them is to debate their pretensions by some more pointed & helpful opinion - In talking in Col. terms by their representations to the many minds with kindness - Col. does not say - never has said & never can say - Such was the conclusion reached there

Her arguments look. If this be correct, it is clear that a few parts of land in her estate even will not much matters. Among the Es. trees which were declared unsalable was "Kumay meda" which was planted originally on Cule tenure. and which - Kumay add - is not in the market - indeed a half - shaven in its lastly bright at - according to common report for £10,000.

10. The Healy berry rules allow of Cules being planted in special cases - such as the introduction of new industries &c. I have to say beyond this - and especially the firing the plantations ~~presently~~ - present & future - a report or comparison of 3 years' revenue. Grass land is I think too highly valued relative to forest, and the assessment at it might be reduced 1/8 per acre.

11. My word is in favour of the same position. Except that the expenditure in roads & plantations has been greater & has in part absorbed the whole revenue.

J. D. Smith

P.S. I may here remark that while so much clamour is raised against our assessment of 4⁵/ per acre, the English & Surport Duty of 3⁴/ per lb is equal on the moderate yield of 5 cwt per acre - to a rent charge of no less than 70 Rs per acre -

persons of Forest land. Terms on which revenue for planting

Memo:

By the Hon. Secy —

namely —
per acre, the English Land Revenue Act of 34 per cent is applied
on the moderate yield of 5 cut per acre & a rent charge
of no less than 70 Rs per acre —

Lib.

76
Revenue Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 18th 1890

Read the following again Pro of Govt dated
7th Sept. 1889, No 2526, & 30th June
1890, No 982.

Read also the following
Pro of the Board of Revenue.

Subj. letters from foll. &
Cons. on subject of modifying
rules for sale of Waste lands
on the Nilgiris & Nilgherries.

H.E. 6th Sept. /90 No 5611

See my Memo
16th Sept /90
I propose the
draft as
submitted by H.E.
in former
order.

This draft has been
prepared by the
H.E. The President
of the Forest
Commission
is of opinion that the
provisions of the
Forest Act
should be
applied to the
land.

The foregoing papers
relate to the present deplorable
condition of the planting
interests in the Wynad and
on the Nilgherry Hills,
and to the expediency of
affording them some relief
by a modification of the
terms on which land for
planting

planting purposes is now procurable. It appears that no change in the rules for the acquisition of land on the ^{Hills} ~~Shewery~~ is needed. The late Col. reports that all the preliminary expenses connected with Coffee estates except the purchase money are paid by the sale of the crop in the fourth year, and that capital invested in a well worked estate will give a return of 25 per cent per annum.

2. The interests involved in the Shewery are, however, comparatively insignificant, & the condition of the plantations on the Neigerry Hills and in the Wynad is certainly very different, but the Government are by no means of opinion that

the

the ravages of the
lower the insufficiency
of capital supplied by
the planters for their
operations, the high
rate of interest paid
for borrowed money &c.

47
the present depression
can in any way be
ascribed to the oper-
ation of the Waste
land Rules. As ob-
served by the late
Col. of Malabar and
the Comd. of the Neig-
erry Hills, it is pro-
bably owing to other
causes, among which
may be mentioned,
the increase in the
price of labour, a suc-
cession of bad seasons,
the recent commercial
crises in Bombay and
England, &c., &c.

3. At the same time
the Govt. fully recognize
the political & other in-
cidental advantages to
be derived from the
influx of Europeans
and European Capital.

into India, & they would
gladly give ~~to~~ every
reasonable encourage-
ment. It is true that
the grant of land by
Govt. entirely free of
tax would not make
the cultivation of Co-
ffee, tea or Cinchona
a ^{profitable} speculation
under certain circum-
stances, but any mo-
dification of the ex-
isting rules which
would render them
more favorable to the
planter could not
fail in some degree
to assist him, & it is
impossible to deny that
at present the large
majority of the sporting
Estates are in a de-
quishing condition

and that their proprietors
have been brought to the
verge of ruin.

The

It seems to be advisable
to sanction the following
relaxations by which it is
hoped some relief may be
afforded to the planting
interests.

1. The hill cherry hills
is quit rent with heretofore
or hereafter taken up for
the purpose of planting
until the sixth year
that is the planter will
hold his land free of
assessment for six complete
years, the proviso being
so, however that a permanent
crop is rarely obtained
until after the lapse
of that period.

2. The Wynnad, when
the first time the ^{proviso} is not
held will be held
free of assessment for
three complete years
The assessment will be
taken 1. the fourth

80
4 The Right Honorable the
Governor in Council ^{having} given
his most careful consideration
to the several proposals made
in the papers above recorded,
and ^{having} ~~has~~ also personally
discussed the questions under
consideration with deputations
representing the planting interests
both of the hill cherry hills
and a portion of the Wynnad
[Though the condition of the
hill cherry Estates, from certain
natural causes, may be
some what more unfavour-
able than that of the
Wynnad properties, the Govt.
do not deem it necessary
to make any distinction
between them. They are

of

opinion that inasmuch
as a moderate crop is
~~usually~~ ^{usually} obtained in the
fourth year of cultivation,
it will be sufficient if
no charge for quit-rent be
made until the end of
that year. They also consider
that the charge for grass
land should be reduced
from one rupee per acre to
eight annas.

The above mentioned
These five modifica-
tions of the existing special
rules for the sale of lands
in the Nymad and on
the Keilgherry Hills do not
in any way affect the
principles of the waste
land rules as ori-
ginally proposed, but

The special provision
for Inestland appears
with not hattered. It
with reason for the hufferies
and the by road side
fixed at Rs. 2. per
acre.

With the view of
encouraging the cultivation
of cattle and the
abundant application
of manure which has
found to be so essential
to the interests
productiveness of
plantations the rent
of grazing land is
reduced for Rs. 1.
to Rs. 8.

The rent of grazing
land will be exacted
from the date of
appropriation.

5. In proposing
the foregoing principles

to the planting interests
it has been felt that
if they are to have any
useful effect they must
be ^{rendered} ~~made~~ simply prospective.
There are estates that
recently taken up and
imperfectly opened. There
are then a whole
series of operations
due. But which will
undoubtedly be abandoned
unless remuneration be made.
There are then fully
cultivated and which
there are no arrears but
which are worked with
profit only a yearly
sacrifice of capital,
& all these it is
desired to admit to
the same advantages.
In the case of estates
which are in full
production, which have
no arrears and which

6 As the special rules in question
have been ^{now in force} ~~now in force~~ and sanctioned
by the Home Board, the
modifications now proposed
will be recommended for the
sanction of the Right Honorable
the Secy. of State for
India.

7. The alteration of
the frontage rule to the
extent of permitting a
relaxation of the restrictions
in special cases, by the
Board of Revenue, will also
be recommended. [and permission
will be requested to give
retrospective effect to the
proposed alterations in
the charge made for quit
rent]

rent, thus placing existing
planters on the same footing
as future applicants under
the proposed revised rules.

RMS

are cultivated with
undoubted profit.
The prospect is
still deemed adverse
that the amended
regulations should be
applied. If such
Estates were placed in
an ~~unfavorable~~ exceptional
position there can be little
doubt that disputes and
dissatisfactions would
arise and that the
refusal of the concession
could be regarded
in the dramatic light
of a shield tax
imposed upon superior
skill, industry
and management. The
benefit suggested by
Government is proposed
for all.

previous to the institution
of the waste land rules
with, of course, remain
unaffected by the
new regulations.

*Refused and
 then the same
 matter in the
 name of the
 ...*

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 22nd September 1871.

Read the following again Pro. of Govt.
 dated 7th Sept. 1869, No. 2526, and
 31st June 1870, No. 982.

Read also the following Pro.
 of the Board of Revenue

Submitting letters from Collector
 & Commr. on subject of modifying rules
 for sale of waste lands on Shevar-
 oys and Nilgherriss.

H. E. 6th Sept. 1870, No. 5611

Modified Govt. in
 Council. 21. Sept. 71.

L.H.

Secy
 L.H.

N.

A.

A.P.

The foregoing papers
 relate to the present depressed
 condition of the planting
 interests in the Wynad and
 on the ^{Nilgiris} ~~Nilgherry~~ Hills;
 and to the expediency of
 affording them some relief
 by a modification of the
 terms on which land for
 planting purposes is now
 procurable

procurable. It appears that no change in the rules for the acquisition of land on the Cheraroy Hills is needed.

The late Collector reports that all the preliminary expenses connected with Coffee Estates except the purchase money, are paid by the sale of the crop in the fourth year, and that capital invested in a well worked estate will give a return of 25 per cent per annum.

2. The interests involved on the Cheraroy are, however, comparatively insignificant, and the condition of the ^{Nilgiri} plantations on the ~~Nilgiri~~ Hills and in the Wynah is certainly very different;

but the Govt are by no means of opinion that the present depression can in any way be ascribed to the operation of the Waste Land Rules. As observed by the late Collector of Malabar and the Com. ^{Nilgiri} missioner of the ~~Nilgiri~~ Hills, it is probably owing to other causes, among which may be mentioned, the increase in the price of labour, a succession of bad seasons, the recent commercial crisis in Bombay and England, the ravages of the borer, the insufficiency of the capital possessed by the planter for their operations, the high rate of interest paid for borrowed money, &c. &c.

3. At the same time the Govt. fully recognize the political and other incidental advantages to be derived from an influx of Europeans and European capital into India, and they would gladly give every reasonable encouragement to this movement.

It is true that the grant of land by Govt. entirely free of tax would not make the cultivation of coffee, tea or chinchona a profitable speculation under certain circumstances, but any modification of the existing rules which would render them more favourable to the planter could not fail in some degree to assist him, and it is impossible to deny that at present

the large majority of the existing Estates are in a languishing condition and that their proprietors have been brought to the verge of ruin.

4. The Right Honble the Governor in Council having given his most careful consideration to the several proposals made in the papers above recorded, and having also personally discussed the questions under consideration with deputations representing the planting interests both of the ^{Hill} ~~Highland~~ ^{Giris} Hills and a portion of the Wynad, has deemed it advisable to sanction the following relaxations by which it is hoped some relief may be afforded to the planting interest.

In the ^{Hill} ~~Highland~~ ^{Giris} Hills no quit-rent

Quit-rent will be exacted
on Forest land taken up for
the purpose of planting until
the sixth year, that is the
Planter will hold his land
free of assessment for five
complete years, the climate
being so severe that a
remunerative crop is
rarely obtained until
after the lapse of that
period.

In the Mynah, where
the Coffee plant comes more
rapidly to maturity Forest
land will be held free of
assessment for three com-
plete years. The assessment
will be taken for the fourth
year.

The

And the conservation of
Forest will be considered
previous to the sale of any
such Forest land.

The assessment prescribed
for Forest land at present will
not be altered. It will remain
for the ^{Philippines} ~~Andiphar~~ and the
Mynah alike fixed at
P. 2 per acre.

With the view of
encouraging the multiplica-
tion of cattle and the
abundant application
of manure which has
proved to be so essential
to the sustained productiveness
of plantations the rent of
grazing land is reduced
from P. 1 to A. 8.

The rent of grazing
land will be exacted
from the date of appor-
portionment.

5. In ^{making} ~~performing~~ the foregoing concessions to the planting interests it has been felt that if they are to have any useful effect they cannot be rendered simply prospective. There are estates but recently taken up and imperfectly opened, there are others in which arrears of assessment are due and which will undoubtedly be abandoned unless remission be made, there are others fully cultivated and on which there are no arrears but which are worked without profit or by a yearly sacrifice of capital, all these it is proposed to admit to the same advantages. In the rare cases of estates which are in full production, which have no arrears, and which are cultivated with

undoubted

undoubted profit to the proprietors, ⁹³ it is still deemed advisable that the modified regulations should be applied. If such estates were placed in an exceptional position there can be little doubt that disputes and dissatisfaction would arise and that the refusal of the concession would be regarded in the obnoxious light of a special tax imposed upon superior skill, industry and management. The benefit ~~conferred~~ ^{affordable} by Govt is ~~proposed~~ ^{proposed} for all alike.

Land taken up previous to the introduction of the waste land rules will, of course, remain unaffected by the new regulations.

~~As the special rules in question now in force were approved and sanctioned by~~
the

~~the Home Govt. the modifications~~
~~now proposed will be recom-~~
~~mended for the sanction of the~~
~~Right Honble the Secretary of~~
~~State for India~~

6. The alteration of the
frontage rule to the extent of per-
mitting a relaxation of the
restrictions in special cases,
as proposed is
by the Board of Revenue
is sanctioned
also recommended.

[Signature]

7. These proceedings
will be reported for
the information of
the Sec. of State as
was done in the case
of the original rules.

[Signature]

14 To the Board of Revenue Secy. to Govt.
15 The Conservator of Forests
1. Department of the Secretariat Secy. to Govt.
Do

10
11

No 297-298

40

Indigotina, and
other plants, and
the most common
ones.

Indigotina

Indigotina

Indigotina

Original
MADRAS RECORD OFFICE.
Government Records.

Revenue Department.

G. O. (Printed).

Dated 22-9- 1871.

No. 1656

3-9-12 ✓
4-11-12 ✓

5-11-13 ✓

2-9-15 ✓

19-10-15 ✓

28-3-16 ✓

15-7-16 ✓

24-4-17 ✓

27-11-17 ✓

9-6-18 ✓

12-6-19 ✓

7-11-21 ✓

14-2-31 II ✓

21-11-40 ✓

3-3-69

18 ~~92~~ R.H

10615/RH/92

3-3-68

18 ~~92~~ R.H.

10615/RH/92