M.R.O. 1—30,000—16-10-69.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 570 Press ~~Mis~~

114-115

Dated 5 th March ~~19~~ 1869

Not to be folded or roughly handled

570 bwp

No. 114. Read the following Proceedings of the Board of Revenue, dated 5th January 1869, No. 14:—

Read the following letter from the Collector of Bellary, to the Acting Secretary to the Board of Revenue, dated 19th October 1868, No. 253.

1. Government, in their Order No. 160*, of the 5th May 1866, sanctioned the annual payment to the State of Sundoor, of the sum of Rupees 139 at the rate of 1 Rupee per acre, as quit-rent for the land occupied by the Sanitarium on Ramandroog, which amount has been regularly remitted as it fell due.

* *Vide* Proceedings Madras Government, Political Department, dated 5th May 1866.

2. On the 23rd July last, Mr. Macartney †, the Agent of the Rajah of Sundoor, made a claim upon this Office for quit-rent in arrears since 1861, alleged to be due on two acres of land occupied on Ramandroog, as a Soldier's Garden, at the rate of Rupees 5 per acre.

† *Vide* Docket No. 37.

3. It not being quite clear whether or not the garden in question was included in the 139 acres, referred to above, I put myself in communication with the Superintending Engineer‡, in whose department the original surveys were executed, in view to solving this doubt. On a fresh computation of the area, he discovered that a mistake had been made in the original calculation, and that, instead of the Sanitarium occupying 139 acres as was supposed, the correct area, including the Government Gardens, is rather less than 62 acres. On becoming aware of this, I pointed out§ to Mr. Macartney, that so far from the Rajah having any claim against the Government, he had actually received since the year 1861 Rupees 539 more than was due, and requested him to state how he proposed that this excess payment should be adjusted.

‡ *Vide* letter to that Officer, No. 938, dated 14th August.

§ *Vide* letter, No. 1,171, dated 2nd October 1868.

4. If I rightly understand his reply‖, Mr. Macartney not only objects to any refund of the money paid in excess, but claims for the future to be paid for 139 acres, although it has been shewn that less than half that extent is occupied by Government. As the mistake was made by a Government Officer, I do not think that a refund can be fairly asked for; but with regard to future payments, I solicit the instructions of the Board of Revenue. I am of opinion that if Government continue to pay quit-rent for 139 acres, the Cantonment boundary should be enlarged to that extent; and if the Sundoor Rajah objects to this arrangement, that payment should, in future, be made only for the area actually occupied for public purposes.

‖ *Vide* letter, No. 48, dated 12th October 1868.

5. In paragraph 4 of his letter, Mr. Macartney endeavours to shew that the Rajah of Sundoor is a loser by the Sanitarium having been established on the Droog. I am not at all prepared to admit this. Prior to its establishment, the only access to the plateau was by an almost perpendicular pathway. At the expense of Government, three fine ghauts, of sufficiently easy gradients to admit of wheeled traffic,

have been constructed and are maintained, and the road from Bellary to the base of the hill, also maintained at Government expense, passes within a few miles of the town where the Rajah resides, and whence he takes his title. An Imperial Post Office has been established in the centre of his country, and the large expenditure for the maintenance of the troops and on account of public works must be of enormous benefit to his people.

6. In conclusion, I have the honor, with reference to the latter part of paragraph 3 of the Government Order, quoted above, and the Proceedings of Government, No. 116, dated 28th April 1865, to request that the Board will ascertain whether Government wish their instructions with reference to correspondence between this Office and the Sundoor State to be strictly adhered to. On taking charge of the district, I found that the order directing that all communications should bear the Rajah's signature had fallen into abeyance, and that the correspondence was conducted on his behalf by his Agent, Mr. Macartney.

7. Copies of the correspondence, as per list annexed, on the subject of the payment of quit-rent on the plateau, together with two original surveys of the locality (to be returned) are forwarded, herewith, for the information of the Board.

List of papers &c.,

Docket from Agent to Rajah of Sundoor to Collector, No. 37, dated 23rd July 1868.
Letter from Collector to Superintending Engineer, ,, 938, ,, 14th August ,,
Do. from Superintending Engineer to Collector, ,, 2,373, ,, 29th September,,
Two original Surveys (to be returned).
Letter from Collector to Agent at Sundoor, No. 1,171, dated 2nd October 1868.
Do from Agent to Collector, No 48, dated 12th idem.

ENCLOSURE No 1.

From the Agent to the Rajah of Sundoor, to the Collector of Bellary, dated 23rd July 1868, No. 37.

1. The late Collector's letter, No. 114, dated 7th February 1868.

2. Begs to call his attention to the fact that no quit-rent appears to have been paid for the Government Garden at Ramandroog from the date of its being purchased from Colonel Archer in 1861 up to the present year inclusive, and requests that the arrears may be paid up for acres 2-0-6, at five Rupees per acre, per annum. These arrears have come to notice since the handing over of the Ramandroog Accounts, in the letter above referred to.

From the Collector of Bellary, to the Superintending Engineer, 3rd Division, dated 14th August 1868, No. 938.

1. I have the honor, with reference to the enclosed Survey plan of the land occupied by Government, at Ramandroog, to request that you will inform me whether the Government Gardens are included in the area of 138 acres, 3 roods 34 poles and 1,016 square-feet.

2. An early reply is requested.

From the Superintending Engineer, 3rd Division, to the Collector of Bellary, dated 29th September 1868, No. 2,373.

1. With reference to your letter, No. 938, of the 14th ultimo, I have the honor to return the Survey of Ramandroog together with the separate Survey of the garden, and to inform that, on taking out the quantities in my Office, I find the same to be as under, and have accordingly noted the correct acreage:—

	A.	R.	P.	SQ.-FT.
Cantonment	59	1	30	52½
Garden	1	2	24	0
Total	61	0	14	52½

From the Collector of Bellary, to the Agent to the Rajah of Sundoor, dated 2nd October 1868, No. 1,171.

1. I have the honor to acknowledge receipt of your docket, No. 37, dated 23rd July last.

2. In the Proceedings of Government, under date the 3rd May 1866, the area of the Sanitarium is declared to be 139 acres, and the correctness of this computation having been admitted by the Rajah, it was only natural to suppose that all the land occupied by Government was included in that area. I was, therefore, rather surprised to receive a separate demand for quit-rent in arrears, from 1861, for the land used as a Government Garden at the rate of Rupees 5 an acre, although the rate agreed upon for all, and taken up for public purposes, was 1 Rupee per acre.

3. I referred to the Superintending Engineer, under whose superintendence the original Surveys were prepared, for information, as to whether the land occupied as a Government Garden was included in the block of 139 acres which the Sanitarium was declared to cover. This rendered it necessary to compute the areas afresh, and the result shews that the former computation was incorrect. It now appears that the correct measurements are as follow :—

	A.	R.	P.	SQ.-FT.
Land within the Cantonment boundary, as per original Survey	59	1	30	52½
Land occupied by Government Garden	1	2	24	0
Total ...	61	0	14	52½

Or say 62 acres. You have received from the year 1861 to the end of 1867—

	RS.
Quit-rent for 139 acres at 1 Rupee	973
Amount really due	434
Excess paid to you from 1861 to 1867	539

And I shall feel obliged by your informing me, how you propose to adjust this amount due by the Rajah, to Government.

4. I enclose a copy of Major Moberley's letter, dated 29th ultimo, No. 2,373, for your information.

From the Agent to the Rajah of Sundoor, to the Collector of Bellary, dated 12th October 1868, No. 48.

I have the honor to acknowledge receipt of your letter, No. 1,171, under date 2nd instant, claiming the sum of 539 Rupees, alleged to be overpaid by Government, for the site of the Sanitarium on Ramandroog, and requesting me to inform you, how I propose to adjust said amount.

2. The enclosure, forwarded to me for my information, and on which you ground the above claim, does not appear to me to be at all conclusive on the question. Independent of other and

weightier considerations, the Superintending Engineer's report of 1865, specifying the amount of land required for the Sanitarium, and on which the Proceedings of Government under date 5th May of that year, were founded, is of equal authority with the alleged correction; nay, I should be disposed, *prima facie*, to place a considerably greater amount of dependence upon the former statement as being the result of a then recent Survey.

3. I have strong doubts, however, whether in any case a legal claim rests for any reimbursement. In May 1865, the then Collector forwarded, for the Rajah's information, a sketch of the Military buildings and sites occupied thereby on Ramandroog. The said sketch defined the boundaries of the land thus occupied, and represented them as comprising 138 acres 3 roods 34 poles and 1,016 square-feet on the plateau, and this statement was accepted by the Collector on behalf of Government. The Rajah having full confidence in the necessity and trustworthiness of the Survey, without further inquiry acquiesced, on the supposition that the Superintending Engineer's present representation is correct; both parties at the time, when the contract was made, were equally ignorant as to the exact extent of land included within the boundaries specified on the plan, and the discovery at any subsequent period that the land so defined was either more or less than the extent agreed upon cannot affect the agreement to pay for the area as then represented and accepted by both parties. The Rajah did not offer the land as so much, but the Collector, on behalf of Government, and with their sanction, offered to take it as estimated by the survey. The law, as practised in Her Majesty's Courts, would certainly not allow any claim where an actual purchase of land had been made under like circumstances, and I can see no reason for excluding the application of the same principle in the case of the renting of a portion of land comprised within well understood and accepted boundaries.

4. Let it be borne in mind that some thousands of acres of forest territory are preserved by the Rajah from the axe for the sole benefit of the Sanitarium without any compensation from Government; that the annual expenses for the maintenance of order, the administration of justice, the sanitary benefit of the bazaar, and the conservancy of forests, considerably exceed the entire revenue of the hill; and that the whole of the plateau is virtually occupied for the uses of the sanitarium, the grazing of cattle on any part of it being strictly prohibited, and it will clearly appear that the advantage is not on the part of the Rajah, but on that of Government, who pay the trifling sum of 139 Rupees per annum, for such privileges.

5. As the above-mentioned sketch referred to the land occupied on the *plateau* by Military buildings, &c., it was never supposed by the Rajah that the Government Garden, situated some 300 feet below the plateau, could be included, nor was it included within the boundaries specified on the plan, a reference to which will shew, that the boundary line on the western side skirts the edge of the hill until its junction with the Hospett road.

(True Copy.)

(Signed) H. E. SULLIVAN,
Collector.

Enclosures Nos. 2 to 3.—Plans.

Submitted for the orders of Government.

2. From the above correspondence, it appears that the Jaghiredar of Soondur having, in the month of July last, set up a claim for quit-rent in arrears for seven years at the rate of 5 Rupees per acre per annum, on account of the Government Soldiers' Garden, alleged to measure 2 Acres 0 G. and 6 As., and situated ouside the boundary of the Cantonment at Ramandroog, the Collector forwarded the original plans of the Garden and the Cantonment to the Superintending Engineer, and requested to be informed whether the originally computed area—namely, 138 acres 3 roods 34 poles and 1,016 square-feet, for which the Government have been paying Rupees 139 to the Jaghiredar for the past seven years, included the Garden also, or was only that of the Cantonment.

3. Government will perceive that Major Moberly has ascertained, by a recomputation of the measurements shewn in the plans, that the Cantonment, together with the Garden, occupies only 61 acres 0 roods 14 poles and 52½ square-feet*; that, in fact, the Government in hitherto paying Rupees 139 per annum, have actually overpaid Rupees 539, as shewn in the margin. The Board have had Major Morberly's calculation checked in the Survey Office, and find that the area now given is sufficiently accurate.

	A.	R.	P.	sq.-ft.
* Cantonment	59	1	30	52½
Garden	1	2	24	0
Total ...	61	0	14	52½

		Rs.
Paid for seven years at Rupees	139 ...	973
Should have paid for do. at ,,	62 ...	434
Overpaid ...		539

4. From the Proceedings of Government, dated 2nd October 1865, Political Department, it appears that the late Jaghiredar waived, or at least never sought payment of quit-rent. The present Jaghiredar asserted the claim in 1865: his words were "The plateau of Ramandroog is not rented by the Madras Government, "the proprietors of houses only paying quit-rent, though I can see no sufficient "reason for exempting the ground occupied by the Barracks and other public "buildings *from the usual quit-rent of one Rupee per acre.*" It is clear from this that the payment was to be 1 Rupee per acre, of land actually occupied, and not on a particular block. Under these circumstances, the Board cannot see that the Jaghirerdar has any legal right to profit by the error made by Government in the original computation of the area. Whether he should be allowed to do so as an act of grace and liberality is a question for the decision of Government.

5. As regards the mode of correspondence between the Jaghirerdar and the Collector and Government, referred to in paragraph 6, by Mr. Sullivan, the Board observe that Government have already twice decided in the Orders, dated 28th April 1865, No. 116, and 5th May 1866, No. 106, respectively, that all communication from the Jaghiredar, whether to Government or the Local Authorities, should be signed by the Jaghiredar himself.

6. The plans will be forwarded to the Collector as requested, when the Government have finally disposed of these Proceedings and returned the plans to the Board.

No. 115. Land Revenue.

Order thereon, 5th March 1869, No. 570.

1. The Right Honorable the Governor in Council observes that it is clear from the foregoing correspondence that the Government is only properly liable to the payment of a quit-rent of one Rupee per acre, for such land as may be occupied on Ramandroog, for public purposes.

2. It appears that including the garden under reference, the Government have occupied less than 62 acres, whereas for the last seven years they have paid quit-rent for 139 acres.

3. The application made on behalf of the Jaghiredar of Soondoor, for quit-rent, in arrears, for the garden, at Rupees 5 per acre, is therefore clearly inadmissible; but, as a matter of grace, the Right Honorable the Governor in Council will not object to continue the present payment of Rupees 139, per annum, on the understanding that no further demand is to be made so long as the land occupied for State purposes in the Soondoor Jaghire is not in excess of 139 acres.

4. As pointed out by the Board, the proper mode of address by the Jaghiredar has been prescribed by Government on two occasions, and the Collector should be careful that it is adhered to in future.

(True Extract.)

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

To the Board of Revenue.
,, the Accountant General.

Exd. G. A. Turton.

Govt. of {1869} Madras.

REVENUE.

To

THE BOARD OF REVENUE,

&c., &c., &c.

Dated March, 5th.

Read. Ltd.

G. O., 5th March 1869, No. 570.

MARCH.

Nos. 114-115.

Soondoor Jaghirdar's land on Ramandroog.—Passing orders with reference to the payment of quit-rent for such land as may be occupied for public purposes.

Pro. 28 April Cost of Jaghire
Ganjam — 142-3
Nellore — 108-393-4

Revenue Dept
No. 745

BOARD OF REVENUE, MADRAS.

1869.

PROCEEDINGS, 5TH JANUARY 1869, No. 14.

Encl 2.

Disp 8 Jany 1869
Received 9th

JANUARY
No. 14.

Salts 70. Sharada Rly

Quit-rent—over-paid to Jaghiredar of Soo
door for land occupied by sanitarium on P
mandroog.—Collector's letter requesting instru
tions relative to, submitted for orders of G
vernment.

Cd Sl Ly of Rlwds

No 114.

Revenue Department

No 570.

Proceedings of the Madras Government
Under date the 6th ~~March~~ February 1869.

Read the following
Proceedings of the Board of Revenue

Submitting letter from Collector of Bellary requesting instructions relative to quit rent assessed to Jaghire dar of Condoor for land occupied by Railway Station at Ramandroog.

} (Rec'd letter 5th January 1869 No. 14.

The Right Honorable the Governor in Council observes that it is clear from the foregoing correspondence that the Government is only properly liable to the payment of a quit rent of one rupee per acre, for such land as may be occupied on Ramandroog, for public purposes.

2. It appears that including the garden under reference the Government have occupied less than 62 acres, whereas for

for the last seven years they have paid quit rent for 139 acres.—

3. The application made on behalf of the Jaghirdar of Sirsalar, for quit rent in arrears, for the garden at Rs 5 per acre, is therefore clearly inadmissible, but as a matter of grace, the Right Honorable the Governor in Council will not object to continue the present payment of Rs 139 per annum, on the understanding that no further demand is to be made so long as the land occupied for that purpose in the Jaghirdar's Field is not in excess of 139 acres.

4. Ordered that by the Board the present mode of address by the Jaghirdar

[illegible]

has been prescribed by Government on two occasions, and the Collector should be careful that it is adhered to in future.—

14 Copies to the Revenue Survey & Settlement Commissioner

1:6:
6

c 28 Feb 09 e. Rhonda