MADRAS RECORD OF

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 2770 Press ~~Mis.~~

405. 406

Dated 22 — 11 — 1867.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 22nd November 1867.

No. 405. Read the following Proceedings of the Board of Revenue, dated 11th November 1867, No. 7,351 :—

Read the following letter from the Collector of Coimbatore, to the Secretary to the Board of Revenue, dated 1st October 1867, No. 263.

1. From the correspondence noted in the margin, the Board are aware that, on the 15th June 1863, Mr. W. Mullaly, of Coonoor, purchased at public auction, under the Waste Land Rules, a piece of land in the Chengal and Coomal valleys, the area of which was estimated at 200 acres, for Rupees 8,400. The price was run up by certain parties, who, I have reason to believe, imagined that some 20 or 30 acres of it were cultivated with coffee, and that this cultivated area was included in the land put up to sale. The reason why this idea arose, was, that some 20 acres of Mr. Mullaly's private land cultivated with coffee, and some 35 or 40 acres cleared and ready for cultivation, did actually adjoin it, and were mistaken for the public land being then sold. This land is one of the few pieces of land sold on the Neilgherries, which has fetched a price worth mentioning.

To Board, 19th June 1863, No. 117.
Board's Proceedings, 26th June 1863, No. 3,912.

2. The land so purchased by Mr. Mullaly has since been surveyed, and, according to the plan received from the Survey Department, it is found to contain an area of acres 191·36, of which deducting acres 3·13, being rock and useless, the net quantity is acres 188·23. The proportionate price on this is Rs. 7,905-10-7. Deducting from this sum Rupees 1,040, previously paid by him, the net amount to be paid is Rupees 6,865-10-7. To this must be added Rupees 1,647-12-0, being interest for four years at six per cent., making in all Rupees 8,513-6-7. For the payment of this sum I called* upon Mr. Mullaly. His reply is herewith submitted in original.

* *Vide* accompanying copy of letter, dated 21st June 1867, No. 222.

3. Mr. Mullaly and his partner have, unfortunately with many others, been heavy sufferers from the monetary crisis in Bombay, and do not now possess the means to pay for the land. They, therefore, request that they may be allowed to return to Government 130 acres of the land purchased by them, thus leaving in their possession between 58 and 59 acres. I beg to submit their request for the favorable consideration of the Board and Government. The Board will observe, from Mr. Mullaly's letter, that he and his partner have expended some 75,000 Rs. in hard cash on their property, and that they are indebted to the kindness and liberality of a friend for the means of now carrying on the necessary works on the land actually cultivated. Aware, as I am, of the great amount of labor bestowed by Mr. Mullaly for the past four years on his estate, and seeing his hopes now so fatally crushed, I trust that the Board will coincide with me that his case deserves every and special consideration. Mr. Mullaly's original letter gives the circumstances of his case in detail. If his request is complied with, the proportionate price on the extent of land to be retained by him, namely, acres 58·23, will be Rupees 2,445-10-7. This sum, *minus* Rupees 1,040, already paid by him, or, in other words, a sum of Rupees 1,405-10-7 will still remain due by Mr. Mullaly, and on this interest at six per cent. will also have to be paid.

From the Collector of Coimbatore, to W. MULLALY, Esq., Coonoor, dated 21st June 1867, No. 222.

1. The survey plans of the land, purchased by you by public auction on the 15th June 1863, under the Waste Land Rules, in the Chengal and Coomal valleys, have just been brought for my inspection from the Special Assistant Collector's Office, and I beg to address you on the subject in view to your accounts with Government being settled. The estimated area sold to you was 200 acres, and the highest bid for which it was knocked down was Rupees 8,400. Against this sum you paid Rupees 1,040 on the dates noted in the margin, and promised to pay the balance by three yearly instalments, with interest at six per cent. per annum; but no payment has hitherto been made, though it is now four years since you bought the land. The actual area of the land, as found by the survey, is acres 191·36, of which acres 3·13 must be deducted being rock, and the net area is 188 23, or acres 11·77 less than the estimated area sold to you; the proportionate reduction in the price on account of the deficient quantity is Rupees 494-5-5. This sum being deducted from the original price of Rupees 8,400, the net price for the land is Rupees 7,905-10-7. Deducting from this sum Rupees 1,040, paid by you as before stated, the net amount still due is Rupees 6,865-10-7. To this amount must be added Rupees 1,617-12-0, being interest for four years at six per cent., making in all Rupees 8,513-6-7, which amount I request you will at once pay to the Tahsildar of Ootacamund, and forward his receipt to me, to enable me to issue a Title Deed in your name for the land.

	Rs.
On the 27th April 1863	200
Do. 13th June ,, ...	840
	1,040

2. An early reply is desired.

From W. MULLALY, Esq., to the Collector of Coimbatore, dated Coonoor, 19th September 1867.

1. I have the honor to acknowledge receipt of your letter, No. 222, dated 21st June last, requesting me to pay to Government the sum of Rupees 8,513-6-7 for 188 23 acres of land purchased by me at public auction on 15th June 1863, under the Waste Land Rules, and situated in the Chengal and Coomal valleys, and, in reply, beg to inform you that I am quite unable to pay to Government so large an amount; it is in consequence my wish to give up a portion of the land. Will you do me the favor to submit to the proper authorities the following statement on which I base my request, a perusal of which will, I trust, incline them to grant me the indulgence solicited.

2. The land in question, known as Chengal and Coomal valleys, was applied for by me so long ago as May 1862, but was not sold until June 1863, by which time a mania for acquiring land had set in. I had previously, in 1861, purchased from Government nearly all the land in upper Chengal valley, and towards end of 1862, purchased from Erulars thirteen Puttahs for land belonging to them situated principally in Coomal valley. In April 1862, I commenced work on the land—my own land—and by the date of the auction had planted about 20 acres, and cleared about 35 to 40 acres more. The day of auction arrived, and having been informed it was thought amongst the wealthy natives that I had been opening and planting Government land, I took the precaution to take in with me to the sale the Title Deeds for all the land I held in those valleys, and before the auction commenced, seeing a large assembly of natives, told the then Assistant Collector, Mr. Hodgson, the misapprehension I believed they were laboring under; shewed him all my Title Deeds, and requested as a favor that he allow the Tahsildar to explain the facts to the meeting; this he declined to do, though I pointed out to him that the Notification itself was incorrect, and would mislead people, inasmuch as in the published Schedule, under the heading "Name if any and boundaries," it was put "Chengal and Coomal valleys, no survey has yet been made nor boundaries fixed". Now, Chengal and Coomal valleys were not for sale, but only a few acres of land in each valley, as I believe the plans now in your possession will shew, the great bulk of land in both valleys—the valleys are neither of them large—being mine. I submit that any one would, after reading this Notification, have come to the conclusion that the whole of Chengal and the whole of Coomal was put up for sale, and had they known I had cultivated some of the land in these valleys, would naturally conclude that I had cultivated part of the land that was for sale, and which did not belong to me.

Proceedings of the Madras Government, Revenue Department, 22nd November 1867.

3. Such are the facts connected with the sale of the land, and I believe I have given a true explanation of the reason it realized so high a price. It is not, however, because of the high price bid for the land that I wish to be allowed to give back part of it, it is really and simply because I have not the means to pay for the land.

4. I have a partner in the estate, Mr. Robert Knight, of Bombay, and when we commenced the estate in 1862, and purchased the 200 acres in 1863, we supposed ourselves possessed of ample funds to pay Government for all the land purchased, and to open out an estate of 300 acres. We have already spent about Rupees 75,000 of our own hard cash on the property, owing principally to the difficulties of the land; as a sample it cost Rupees 1,000 for a Poney road, one and a quarter mile long, merely to get down to the highest part of the land from the plateau of the hills.

5. I opened 200 acres, but have, since the beginning of 1866, been obliged to abandon about 50 acres owing to the monetary crisis in Bombay, in 1865-66, from which wide-spread ruin we have suffered, my partner more than myself, as he it was who supplied the greater share of money for opening the estate. Since May 1866 we have been without the means to work the estate ourselves, and we must have been forced either to sell or abandon it, but for the kindness of a merchant, who, being a friend of mine, kindly advanced monthly a sum to enable me to carry on the estate on condition that I sent him whatever crop I got from the estate, and has, in a most generous manner, done the same this year, although the crop last year, from its being a bad season, did not cover the amount advanced.

6. In conclusion, I would mention that the quantity of land I wish to give up is about 130 acres, it consists entirely of bamboo and grass land, and is situated at an elevation of between 2,000 and 3,000 feet.

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1. Submitted for the orders of Government, with the Board's recommendation that, under the circumstances detailed by Mr. Mullaly, and endorsed by the Collector, who appears to be cognizant of the history of the case from its commencement, the Collector be authorized to resume possession, on the part of Government, of 130 acres of the land in question, without saddling Mr. Mullaly with the risk, on its re-sale.

2. The Government will perceive, from the papers now submitted, that the great competition, which took place at the time the land in question was sold, (Board's Proceedings, dated 26th June 1863, No. 3,912,) was owing to a misapprehension on the part of numerous native bidders, which, Mr. Mullaly states, he was prevented from clearing up, as the Government Officer, who presided at the sale, refused to allow the Tahsildar to explain to the people assembled, that *the whole* of the lands in the Chengal and Coomal valleys were *not* for sale as the wording of the "Notice" would lead them to believe, but only *a portion* adjoining Mr. Mullaly's estate, a part of which was already under cultivation.

3. It is not, however, on this ground that Mr. Mullaly asks the Government to resume possession of the greater part of his estate; but simply because he suffered in the great mercantile losses in Bombay, and has not the means to pay; and is also now dependent on a friend for the funds required to maintain the portion of his estate already under cultivation.

4. In the view of the Board, the object of Government, in all their proceedings respecting Coffee and Tea plantations, has been quite as much to further the development of the country, as to raise a revenue from such sources; though at the same time every care has been taken to guard seigneurial rights; these considerations and the hardship involved in pressing the claim induce the Board to support the Collector's recommendation in favor of Mr. Mullaly.

5. Should Government accede to Mr. Mullaly's request, he will still be in possession of acres 58·23, the proportionate price of which is Rupees 2,445-10-7, and as he has already paid Rupees 1,040, the balance due by him will be Rupees 1,405-10-7, for the payment of which, within a reasonable time, together with interest on it at six per cent. per annum from the day of sale, the Collector must require Mr. Mullaly to arrange without delay.

No. 406. ORDER THEREON, 22nd November 1867, No. 2,770.

Miscellaneous.

The Government sanction the resumption of the land and remission of the demand, as recommended by the Collector and advocated by the Board, on the understanding that what Mr. Mullaly retains and pays for is not so situated as to preclude the disposal of the remainder to other applicants on a fair footing.

(True Extract.)

(Signed) W. HUDLESTON,
Secretary to Government.

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

Exd. F. R. Bantleman.

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(True Copies and Extract.)

Secretary.

To the Secretary to Government, Revenue Department.

Copy to the Collector of Coimbatore,
with an original enclosure.

Exd. J. Wright.

Dated 11th November 1867.

Recommending that Collector of Coimbatore be authorized to resume possession, on the part of Government of 130 Acres of the land purchased by Mr W. Mullaly in the Chengal and Coonal valleys without saddling him with the risk, on its re-sale.

No. 7,351.

PROCEEDINGS OF THE BOARD OF REVENUE,

No. 3107.

Read, 1867. Department.

Read Proceedings of Board of Revenue
No. 2770 of 24th November 1867 & Enclosure.