

Revenue (1897) Department.

PRESS SERIES.

G.O., No. 109

DATED 19th February

[Despatch Abstract.]

Passing orders on the question of
the disposal of applications for the lease
of lands for Coffee cultivation on the
Anamalais in the Coimbatore Dt.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Revenue (1897) Department.

CURRENT No.

From

The Board of Revenue, Land Revenue
Madras

Order

Forest No. 55 Misc.

Dated 20th January 1897

Received

Registered

Enclosures one

Spare copies

SUBJECT.

Submitting to Government with remarks
letter from the Collector of Coimbatore requesting the Board to move -
Government to pass early orders on a
memorial from certain planters asking
for a reconsideration of some of
the conditions under which lands on
the Anamalais are let out for
coffee cultivation.

24.1.97

28.1.97

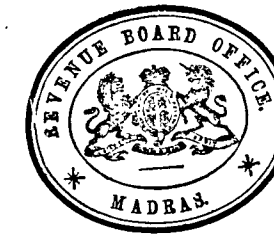
BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

2,000
16-7-96.



318

Proceedings of the Board of Revenue (Land Revenue).

Forest NO.55 Misc,dated 20th January 1897.

Read letter from the Collector of Coimbatore,dated 16th January 1897,Ref.on.Cur.NO.1109 of 1896-97.

Resolution.

Submitted to Government with the request that early orders may be passed on Board's Proceedings F.NO.1569 Misc,dated 2nd December 1896.

2

The Board does not understand the Collector's remark about serious disputes.Each applicant will have a preferential - claim within the limits of the area covered by his original application.In cases in which original applications overlap-ped,and in all other cases,claims must be settled on the - principle that the first applicant for a particular area has a preferential claim.

(True Extract)

Rees
Secretary

To

The Secretary to Government,R.D. with letter in original to be ret'd.
The Collector of Coimbatore.

1896.
Board of Revenue
(Land Revenue),
MADRAS.

To

Subject.

Revenue (1897) Department.

CURRENT No.

4 Abstracts

From

M^r. Hodgson.

Order

No.

Dated 1st February 1897

Received 2nd

Registered 2nd

Enclosures 2 and one cheque for
Rs 5000.

Spare copies

SUBJECT.

Applying for certain
land on the Ammalam
in charge of Capt. J. G.
Aclan

2-2-97

BACK PAPERS.

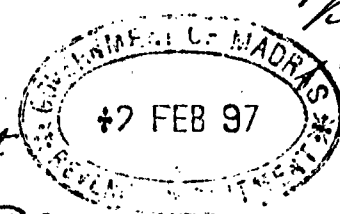
G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

2/

To
The Secretary to Government
Revenue Department
Madras.



Craepin
Kullakamby
27 Feb 97.

Sir/
I have the honor to submit the following letter
in connection with application for land in the Anamalai
& to request that you will be good enough to place the same
before Government for consideration.

(2) I am acting as Captain J. G. Allan's agent in this
matter, as he is making a tour in Southern India, &
is unable, at that distance, to carry on the business himself.

(3) On the 5th of Jan'y 1897. Capt Allan sent in to the
Collector of Coimbatore, an application for 1000 acres
of land, together with a sketch of the same, & the
required sum of Rs 5000 - being the fixed price at
Rs 5/ per acre; the application being made under
the G.O. of the 4th Decr 1896. No 694 Revenue.

In reply to this application Capt Allan
received the enclosed letter from the Collector
dated the 7th Jan'y 97. I marked No 1 in red pencil.

(4) In accordance with para 2 of the above
letter, Capt Allan sent in a second application
on the 7th Jan'y 97. with two revised plans
& the cheque for Rs 5000, having in the mean time
sent down to Coimbatore to inspect the plans &
applications already put in, by other applicants,
in the Collector's office.

The Secretary to Government
 Revenue Department
 Bangalore
 27/10/96
 Sir,
 I have the honor to acknowledge the receipt of your letter of the 27th inst. in reference to the application of Capt. Allan for a grant of land in the Taluk of Channarayana, District of Channarayana, under the provisions of the Government of India Act, 1858, and the Government of Madras Act, 1859, and to inform you that the same has been forwarded to the Revenue Department for consideration.
 I am, Sir, very respectfully,
 Yours faithfully,
 The Secretary to Government
 Revenue Department
 Bangalore

(5). On the 29th inst I as Captain Allan agent received the enclosed letter dated the 27th inst from the Collector of Coimbatore, marked 2. in red pencil again returning Capt Allan's cheque for the reasons given in the letter.

(6). It appears to me that Capt Allan is being deprived of the privilege granted to him as an original applicant under G.O. dated the 28th Sept 96. No 495 Revenue, without fair cause. The following being my reasons for this statement.

(a) The G.O. of the 28th Sept 96, subsequently extended by the G.O. of the 4th Dec 96 to other applicants of whom Capt Allan is one, distinctly gave to each of the original applicants the privilege of selecting 1000 acres of land at a fixed price of Rs 5 per acre, and equally distinctly limited the area to 1000 acres.

I presume that this G.O. was intended to place all the applicants to whom it applied on an equal footing, without any regard to the previous large applications of some of the parties. Fresh applications together with plans of selected blocks, & the amount of the fixed price of Rs 5 per acre, had been submitted, and would I assume be dealt with in the order of receipt.

My contention is that as regards Capt Allan the G.O. is not being acted upon, & that it is sought

...the original applicants of large areas an
advantage by (1) keeping other applicants waiting till
they choose to send in their selections (2) by refusing
to register applications the areas of which happen to be
included in the large areas originally applied for,
while applications have distinctly disallowed by
Govt in its order of the 28th Sept 96. No 495. Revenue.
(6)

(1) I base this contention on the facts that (1) Capt
Allan's application of the 15th Jan'y does not in-
clude any portion of the 1000 acres selected by Mr
Edmundson, but only a portion of two applications, of
1000 acres each, made by that gentleman under the
auction rules laid down in the S.O. referred to, &
that Capt Allan's privileged selection of 1000 acres
must have precedence of such applications under
the auction rules. (2) that it is unfair to make
Capt Allan wait till Messrs. Birney & Co choose
to send in their application, as under such a ruling
it would be very far any of the three big applicants
viz Messrs. Birney & Co, Edmundson, Rhodes James,
whose original applications covered an aggregate
area of some 40,000 acres, besides sending in their
applications till the 31st March, & thus practically
close this area, containing the best and most
accessible land, from the applications of other
persons, which I assume was not anticipated.

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advantage by (1) keeping other applicants waiting till
they choose to send in their selections (2) by refusing
to register applications the areas of which happen to be
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while applications have distinctly disallowed by
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area of some 40,000 acres, besides sending in their
applications till the 31st March, & thus practically
close this area, containing the best and most
accessible land, from the applications of other
persons, which I assume was not anticipated.

[illegible]

I would respectfully beg that in case

5/

This reference for orders by the Collector, Government will not lose sight of the fact that, applicants coming after the three parties before referred to as the largest applicants, were barred by their applications from selecting land within the large area of 40,000 acres until the S.O. of the 20th Sept was issued.

Subsequent to that date it was believed that this area was thrown open to the applicants privileged to select 1000 acres at a fixed price, & several at once changed the situation of their applications accordingly, to secure better, but chiefly more accessible land.

19/

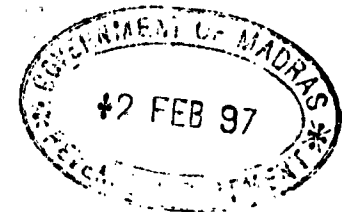
I would respectfully solicit the early consideration by Govt of Capt Allan's case. as at present it seems impossible for him to make a suitable selection or to avail himself of the privilege granted by the S.O. of the 20th Sept, & should Govt decide that his application of the 15th of January is in order that the necessary orders be issued to put him in possession, failing which it seems that there is nothing left for him to do, but to withdraw an application which is met by so many unexpected difficulties.

I have the honor to be
Sir

Your most obdt servant
H. Russell Hodgson

Revenue (1897) Department.

CURRENT No. 993



From
The Board of Revenue, Land Revenue.
Madras

Order

Forest. No. 91 M.S.

Dated 28th January 1897

Received 2nd 4th day

Registered 3rd 2nd

Enclosures one

Spare copies

SUBJECT.

Submitting with remarks for the order of Government letter from the Collr. of Coimbatore requesting instructions regarding the grant of further sites to first applicants for land on the Anaimalais for coffee cultivation.

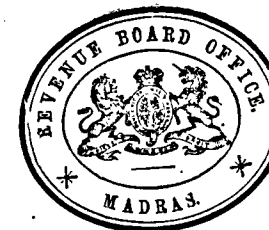
BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

2,000
16-7-96.



570

Proceedings of the Board of Revenue (Land Revenue).

Forest NO 91 Misc, dated 28th January 1897.

Read letter from the Collector of Coimbatore, dated 24th January 1897, Ref. on. NO. 1833.

Resolution.

Submitted for the orders of Government.

2. Paras 1 to 4 of the Collector's letter. The Board considers that no question of priority can arise in respect of an alternative application. It cannot be regarded as an application at all, until after the withdrawal of the one on which the applicant relies in the first instance.

3. Para 5 of the Collector's letter. The Board has no doubt ^{whatever} ~~whether~~ that, subject to a preferential claim on the part of the original applicant for any particular area, other original applicants should be allowed to select their thousand acres from land outside the limits of their original applications, many of which were submitted when it was understood that the most favourably situated areas had already been assigned to others, and that applications must be confined to the areas not otherwise disposed of.

4. Para 6 of the Collector's letter. The Board concurs with the Collector.

(True Extract)

Deelan
Secretary

To the Secretary to Government. P.D. with Collector's letter in original to be returned.

The Collector of Coimbatore.

Copy to Conservator, S.C. with copy of R.P. 55 Misc
20.1.97

1896.
Board of Revenue
(Land Revenue),
MADRAS.

Subject.

D 1,000-11-6-96.

Re: Grant of lands on
the Annamalai

REVENUE DEPARTMENT.

C No^s 589, 951 and 993 of 97

From the Board of Rev: & the Hon Mr Hodgson

Dated 20th & 28th Jan^y 11th 1897.

FOR ORDERS.

The Hon: Mr Goss C.S.
The Hon: Mr Bliss C.S.
Sd. the Governor.

These papers relate to the disposal of applications for land on the Annamalai, by "original applicants" who now wish to select, on payment of the fixed price of Rs 5/- per acre, portions of land falling within the limits of the "original applications" of others. For convenience's sake, in this note, the terms "apply" & "application" will be used to denote applications sent in before Govt had decided to fix a maximum area of 1000 acres, to permit original applicants to select secure blocks not exceeding that maximum on payment of a fixed price. The term "select" & "selection" will be used to denote subsequent applications made by "original applicants" for lands which they wish to take up at the fixed price of Rs 5/- per acre.

GO 495 of the 28.9.96 gives the original applicants pieces of 1000 acres each, but does not say where those pieces are to be situated, whether within the limits

11/2/97 of the original applications
Rev 2/97

~~These papers relate to the question as to how new selections by original applicants of applications for lands on the Annamalai should be treated when such lands overlap those which have been already applied for but the whole of which the original applicants cannot claim in consequence of the order fixing the maximum area at 1000 acres~~

2 With the first of the papers, the Board submits a letter from the Collector of Coimbatore asking for early orders on a previous communication of his (now in circulation), on the subject of raising this maximum area, and adding that should the Govt decide to allow to each applicant more than 1000 acres "it is probable that there may be

Series

"serious disputes between the various applicants". As regards this remark, however, the Board has observed that it does not understand Mr. Bentley as each applicant will have a preferential claim within the limits of the area covered by his original application and in all other cases claims must be settled on the principle that the first applicant for a particular area has a preferential claim.

3. With the second paper (Enc. 951 of 97) the Hon. Mr. Hodgson, as agent to Captain Allan, forwards two letters received by him from the Collector of Comptrol declining to entertain his principal's applications for certain lands on the ground that they ² ~~had~~ were included in the areas originally applied for selected by Messrs Binny & Co. and Mr. Edmonstone and that until the firm make their final selection and the Govt. passes orders on Mr. Edmonstone's memorial the applications above referred to ^{could not} ~~cannot~~ be considered. A cheque for Rs 5000 sent by Capt Allan

FOR ORDERS.

or not side them. This grant was given to secure the opening up of the land soon. It seems to follow logically that the original applications were altogether disallowed & that what the original applicants had to do was to put in new applications for 1000 acres each & to be disposed of in order of priority. It is clear, however, that under the views that have been taken by the Bd & the Com that the original applicants have all been led to believe that they would have a preferential claim to any portion of the big area originally applied for till the 31st March, so I do not think it would be fair to them to ^{to} ~~let~~ suddenly, without allowing them a further reasonable time to withdraw their selection, that they have no such claim. It will be fair, I think, if 10 days notice is given, & if after that all applications are dealt with in order of priority. It would be completely contrary to the intention of Govt to put the land opened up soon if the original applicants are allowed to keep other applicants out of the whole of the big area

they applied for (& which include the best & most accessible portions of the lands) till the 31st March.

JJ
12/2/97

Rement. - 2.44
17.2.97

Allan and returned by the Collector is also submitted to Govt. 4. Mr. Hodgson now states that under the terms of para 5 of G.O. 694 of 4th Dec 1896 Capt. Allan has to be treated in the same way as original applicants, that by the refusal of the Collector to recognise the selection of the land made by him he is likely to lose the opportunity of availing himself of the concessions granted to original applicants in G.O. above quoted as well as in G.O. 496 of 28th Sept. 1896, that while a maximum area has been distinctly fixed by Govt it is sought to give the first applicants of "large areas an advantage by (1) Keeping other applicants waiting till they choose to send in their selections (2) by requiring to register applications the areas of which happen to be included in the large areas originally applied for, that in the case under consideration Capt Allan's application covers not the 1000 acres

acres selected by Mr. Edmiston as an original applicant but, only a portion of what the latter proposes to take up under the auction rules if the Govt permits it and that it will be unfair to make Capt Allan wait till Messrs Buning & Co chose to intimate the area selected by them. Mr. Hodgson also points out that under the present decision of the Collector "it would be easy for any of the three big applicants viz, Messrs Buning & Co, Edmiston, Rhodes James, whose original applications covered an aggregate area of 40,000 acres to defer sending in their applications till the 31st March and thus practically close this area, containing the best and most accessible land from the applications of other persons."

5 In the third paper (enc 998 of 97) the Board submits with its remarks a letter from the Collector of Coimbatore in which that Officer points out the difficulty felt by him in dealing with cross and alternative applications

applications

applications, quotes the case of Capt Allan above referred to but with the name omitted and enquires whether "when the original applicant has made his final selection of 1000 acres out of his application any of the other original applicants can select 1000 acres out of the same application". He states that both himself and apparently the Board have assumed that this can be done but doubts whether their view is correct it being "a matter for the consideration of Govt whether the State should forego the probable gain to be obtained by auctioning the lands after the original applicants have made their selection". The Collector also suggests that if the maximum area already fixed is not to be raised the original applicants may be allowed to select in addition to such area one or two thousand acres adjoining their selections for auction sale and that other applicants should not be allowed to make their

selections

Selections in this area, the object being to give pioneers like Mr Edmiston and Mr Wendle a chance of obtaining lands adjoining their selected blocks."

6. The Board in submitting the Collector's letter supports the last suggestion and ~~ref~~ remarks that no question of priority can arise in respect of an alternative application and that "subject to a preferential claim on the part of the original applicant for any particular area other original applicants should be allowed to select their lands outside the original limits of their original applications many of which were submitted when it was understood that the most favourably situated areas had already been assigned to others."

7. The questions now for consideration and orders are

I whether the original applicants should be allowed a special formal opportunity of obtaining under

The grant of 1000 acres each (without auction) is an ample reward for the pioneers

"afflict"
on the ground that the second applicant does not become an applicant until the first has been withdrawn.

They should have sufficient notice - say 10 days

These have returned this morning, it has been decided not to raise the maximum

Jague. But I don't remember seeing the papers

The papers were original & had been lost for two H.M.s. when they returned I asked the Secy if they could be found. Mr H. W. Blair, I understood him to say that the papers were not necessary for the effect

under the auction rules or otherwise, in excess of the 1000 acres now allowed

II whether an original applicant should be permitted to make his selection in areas outside those mentioned in his first application and included in the applications of others, and

III whether any measures ~~should~~ should be adopted to avoid the hardship pointed out by the Hon. Mr Hodgson in cases where big applicants like Messrs Penning & Co decline to give information, as to the particular areas selected by them, before the 31st of March next.

D. The first of these questions has already been partly raised in connexion with a memorial received from Messrs Edmiston, Rhodes & Co. the papers connected ^{with} which are now in circulation. The grant of the concession asked for ~~will~~ ^{has} ~~it will be seen~~ he in effect

effect be the same as raising the maximum area already fixed by Govt.

As regards the second, it is submitted that notwithstanding the Board's view of the matter, it is as remarked by the Collector a matter for serious consideration whether the State should forego the probable gain to be obtained by auctioning the lands after the original applicants have made their selections out of the areas included in their respective original applications. The concession to these applicants to obtain their lands on the payment of the upset price fixed under the auction rules was evidently made because it was thought that they had previously had some trouble in making their original selections and it is submitted that under the spirit of the orders already issued it does not appear that they can reasonably claim the privilege of selecting new areas.

It was made known to put the land

The maximum was fixed with a view to discourage land getting by large companies and because 1000 acres were quite as much as any individual planter could properly work - the cost of planting being something like Rs 400 an acre. To allow original applicants first to select the most favorable block of 1000 acres within their application, & then to bar other applicants from selecting land in the immediate vicinity, would be giving the original applicant every opportunity of increasing the size of his estate to something much beyond 1000 acres. He must be allowed to pay for the balance at the auction, but there seems no reason why Govt. should in this way further the interests of large companies. As the office note says, the Govt. proposal "tend to raise the maximum fixed."

I know that from the experience I gained in this Province that planters will not bid up on another lot in blocks adjoining their own estate which they are sure they will not take up. It is again this case of honour & this rule became sufficient for the lot in which the original applicants to keep out other selectors from the immediate block, they originally applied for.

This reasoning does not meet the Board's argument that many of these gentlemen applied for land, at a time when there was reason to suppose that the "larger" applicants would get all the land for which they had applied.

They took what they could get.

But the Govt did not say that they might keep other applicants out of the land. It is true, but there seems no reason why the original applicant for a large block of land should not be required to state within a few days whether he wants to select a particular piece of it, which another gentleman has selected. - Thus in Captain Allen's case, Messrs Bannay & Co. might be required within 10 days to state whether they wish to select the whole or any portion of the block which Captain Allen proposes to select; there is no reason why the latter should be required to wait because Bannay & Co. convenience.

areas anywhere else whether such areas were included in the application of others or have been newly discovered.

9. The third question referred to above is intimately connected with the second and in fact need not have been raised at all but for the latter. In para 2 of G.O. no 594 of 4th Decr 1896 the time within which the selections might be made by the original applicants was expressly extended to 31st March 1897. It seems, it is submitted, neither convenient nor easy to issue and enforce a revised order now directing all original applicants to make their selections forthwith, especially as such an order will apply to all applicants alike and as the object aimed at cannot be gained unless they make their selections one after another. It seems also to be another reason why the original applicants should not be allowed to make their selections in areas

areas included in the applications of others for if it is allowed it is likely to raise endless questions as to who should among several applicants should get a particular piece of land. This will be clear when it is remembered that Messrs. Bennet & Co and Mr R. Jones' original applications were for about 20,000 acres of land and for these 20 other gentlemen would be eligible to apply if they were allowed to select their land from the areas included in the applications of others. J

Priority of application will decide these

10. The case submitted by the Hon. Mr Hodgson is a special one and the orders thereon will depend on those that may be passed on the questions dealt with above.

10.11.97 The question in issue are really only two and that it has been decided not to raise the maximum - ref.

(i) Must an original applicant make his selection from land forming part of his original application; if not

no
no

(ii) Has an original applicant a preferential claim to make a selection from land forming part of his application?

Yes, but he cannot keep others applicants out.

Yes

+ by the authorities
I think he may be allowed 10 days

no

16/11/97

The answer to (i), it is submitted, is 'No' + to (ii) - "Yes, but if any one else makes a selection in the block, the original applicant must exercise his preferential right to the whole or a portion of the land selected at once - i.e. within a reasonably short time - or forgo his prior claim thereto.

There seems no reason whatever to restrict other applicants from making selections in the immediate vicinity of the land selected by Mr. Edmiston or any other "pioneer," nor that Govt. has decided not to increase the maximum area of selection.

None of these difficulties is W. here arisen, had the auction system been adopted in all cases, & the competition for the land given cause for regret that this was not done.

The effect of allowing selections will undoubtedly be to let the best land go for the lowest price. But selections having been permitted, it does not seem just to restrict original applicants from making selections anywhere they like.

11.11.97

The original big applicants wanted
to do a little land holding or
submitted immense applications but
decided not to allow such
speculation but ^{very} considerably
allowed them ^{others} peculiar advantages.
The ^{idea} of the applicants was
to ^{use} this advantage into
a means of defeating the
policy of Govt in this matter.
It seems to me that this Govt
not be allowed and that they
not be ^{permitted to} ~~advised~~ ~~that~~ ~~the~~ ~~authorities~~
pick out the eyes of this tract
to the detriment of legitimate
selection.

I think Mr. Hadson puts this
matter very clearly in his letter.
He wrote to ask me whether
orders had been passed and
whether he should write in officially.
I told him no orders had been
passed & to write in officially.

11/27/97.

157
19-2-97.

NO. 589, 951 & 993
why don't they come from
Cin 11/14/97

It was detained by the
Honble Mr. Grose & sent
to the Secretary by him in
a closed cover on the 13th.
Please see slip attached.

C.D.
16/2/97.

Erratum

For the last sentence
of G.O. Rev. no 109 of ^{Rev. 19th}
Febr 1897 Substitute the
following:

The Board of Rev. to
to private
with ("records and")
minutes

Under Secy to Govt
The Board of Rev. &c.

157
19-2-97

Ref
4
3,003-2

Dem. official to the Hon.ble W. R. P.
Hodges.

My dear Hodges

of Captain Allan?

I enclose a copy
of G.O. no 109 of 19.2.97
together with ~~the~~ cheque

for Rs. 5000/- in favour of
the Collector of Coimbatore ^{as you will see} the order passed
therein cover Captain Allan
Case.

Yours sincerely

AD
20.2.97

Job sent to W. Hodges
Registered ~~man~~ the cheque
presume is payable to
"Order" w^t "Bearer".

D
20.2.97

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read

Forest No. 32Leaf

1. Issue in M.S. to the Board today of printed by the Secy. to the Govt. *Printed by the Secy. to the Govt.*
2. *Printed*

Leaf

Should this be printed after. I think not.

14.2.97

Nm.

To be printed afterwards.

Take instructions from me after issue of M.S.

14.2.97

G.O. No. 495 d/ 28th Sep. 1896,
G.O. No. 694 d/ 4th Dec. 1896,
Current Nos. 589, 951, 993 and 1414 of 1897.

Order No 109 d/ 19th July 1897

In the Govt. Orders read above permission was given to certain specified applicants for land on the Anjalis malais to acquire, on payment of a fixed price, blocks of land not exceeding 1000 acres in extent, provided that *the selection thereof was made before the* 31st March 1897. The orders in question did not expressly specify *where* such blocks should be situated *whether* within the limits of the land originally applied for by the applicants, concerned *or* beyond those limits. These special grants were given to secure *the* early opening-up of the land, *but* the original applications were also *either* disallowed. *Con*sequently it was, strictly speaking, incumbent on the original applicants to put in fresh applications for the land which they proposed to select, in exercise of the privilege accorded to them. Such applications should then have been disposed of solely with reference to priority of receipt. It is clear, however, that under the views that have been taken by the Board of Revenue and

Collector most of the original applicants have been led to believe that until the 31st of March, they possess preferential claims to any portion of the areas for which they severally applied in the first instance. In these circumstances, the Govt. is not prepared to insist upon the strict interpretation of its orders without allowing the individuals concerned some short further period within which to intimate their selections. It would ~~however~~ ^{however} be completely contrary to the intention of Govt. to permit an original applicant for a large area ~~possibly including the best and most accessible portion of the land~~ to exclude others from coming forward to make selections therein. The Board of Revenue will accordingly be requested to give immediate intimation to each of the original applicants that he must make a final selection of 1000 acres, or such smaller extent as he may desire within ten days, failing which applications received in respect of any portion of such area -- will be ~~received and~~ ^{received and} dealt with in order of priority.

to acquire out of the area for which he originally applied

*See order
20-2-97*

Recd. 18-2-97

*Qd 90.5
P.O. of current*

*with cheque for return
25/3*

To the Board of Revenue (Land Revenue.)

The Hon. Mr. H.P. Hodgson - Qd 151. 1-0

Government (1897) of Madras. REVENUE.

Recd. } 1897. Enclosures
Regd. } Spare copies

G.O., No. 109, 19th February 1897.

FEBRUARY.

Lease of Lands for Coffee Cultivation.

Passing orders on the question of the disposal of applications for the — on the Anamalais in the Coimbatore district.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—again G.O., No. 495, Revenue, dated 28th September 1896.

ABSTRACT.—Passing orders on papers regarding the leasing out of lands on the Anamalais Hills in the Coimbatore district.

READ—again G.O., No. 694, Revenue, dated 4th December 1896.

ABSTRACT.—Passing orders with reference to certain further proposals in connection with the grant of lease of lands for coffee cultivation on the Anamalais in the Coimbatore district and furnishing the Government Solicitor with a copy of these Proceedings for embodying in the draft lease under preparation.

READ—the following Proceedings of the Board of Revenue (Land Revenue), Forest Mis. No. 55, dated 20th January 1897 :—

Read—also the following letter from H. BRADLEY, Esq., Collector of Coimbatore, to the Secretary to the Commissioners of Land Revenue, Madras, dated 16th January 1897, Ref. on C. No. 1109 of 1896-97 :—

I have the honour to request that Government may be moved to pass early orders on the memorial relating to the granting of lands on the Anamalai Hills forwarded with my endorsement Ref. on C. No. 1109 of 1896-97, dated 28th November 1896. Most of the applications now being received are for land situated within comparatively narrow limits and, should the Government decide to allow larger areas than 1,000 acres, it is probable that there may be serious disputes between the various applicants. Even now applications covering the same ground have been received from different parties.

Resolution—Forest Mis. No. 55, dated 20th January 1897.

Submitted to Government with the request that early orders may be passed on Board's Proceedings, Forest Mis. No. 1569, dated 2nd December 1896.

2. The Board does not understand the Collector's remark about serious disputes. Each applicant will have a preferential claim within the limits of the area covered by his original application. In cases in which original applications overlapped, and in all other cases, claims must be settled on the principle that the first applicant for a particular area has a preferential claim.

(True Copy and Extract.)

(Signed) R. C. C. CARR,
Secretary.

To the Secretary to Government, Revenue Department,
with letter, in original (to be returned).
„ Collector of Coimbatore.

READ—letter from H. P. Hodgson, Esq., dated 1st February 1897.

ABSTRACT.—Forwarding certain correspondence regarding an application made by Captain I. Y. Allan for certain lands on the Anamalais.

READ—the following Proceedings of the Board of Revenue (Land Revenue), Forest Mis. No. 91, dated 28th January 1897 :—

Read—the following letter from H. BRADLEY, Esq., Collector of Coimbatore, to the Secretary to the Commissioners of Land Revenue, dated 24th January 1897, Ref. on No. 1822-For. :—

With reference to Board's Proceedings, Mis. No. 55, dated 20th January 1897, I have the honour to explain that almost all the applicants, whose final selections have been put in, have applied for lands covering part of, or in the immediate neighbourhood of, Mr. Edmiston's original application. In fact they are applying on the strength of their faith in Mr. Edmiston's knowledge of the country. Instead of applying for a single block, some of them put in alternative applications.

2. I will give a rough example which has really occurred. The figures given are mine. A applies for a block of land covering 400 acres of the original application of Messrs. Binny and Co., and 600 acres of Mr. Edmiston's with an alternative application, if Messrs. Binny and Co. should select these 400 acres, covering an entirely different block of 1,000 acres of Mr. Edmiston's original application. B subsequently applies for 1,000 acres of Mr. Edmiston's original application. A's 600 acre-piece contains 300 acres and his alternative selection a different block of 200 acres of B's application. Who is the first applicant for these last two blocks? Both A's and B's blocks contain lands which Mr. Edmiston has expressed his wish to take up if the Government should comply with the memorial.

3. Mr. Edmiston might, if he had chosen to do so, have refrained from selecting his 1,000 acres until 31st March and on the 1st April put in his application for lands under the auction rule. He has made his selection and thereby placed himself in a much worse position than Messrs. Binny and Co. and Mr. Rhodes James, who have not made their selections yet. Anybody can now make applications for lands within Mr. Edmiston's original application. Every one must wait with regard to the other applicants until they have made their selections.

4. If Mr. Edmiston should, in pursuance of the memorial, be allowed to take up more than 1,000 acres, I expect a rush of applications for lands surrounding those selected by him. No doubt many of these will cover portions already applied for and the result will be some very complicated question as to which is the first application.

5. I have assumed so far that when the original applicant has made his final selection of 1,000 acres out of his application, any of the other original applicants can select 1,000 acres out of the same application; but I am not at all sure now whether I am right. The Board apparently takes the same view. But I think it is a matter for the consideration of Government whether the State should forego the probable gain to be obtained by auctioning the lands after the original applicants have made their selections. I therefore request the favour of very early orders on the question whether original applicants have a right to select their 1,000 acre blocks from land outside the limits of their own application. One or two gentlemen have already been granted lands from within the limits of Mr. Edmiston's original applications, but I am asking them to defer entering upon them pending the orders of Government on this question. I therefore request that I may be favoured with orders as early as possible.

6. I would also suggest that if the Government should decide not to allow original applicants to take up more than 1,000 acres of land, they should be allowed to select one or two thousand acres adjoining their selections for auction sale, and that other applicants should not be allowed to select without auction portions of land applied for in this way for auction sale by original applicants from within the limits of their original applications. This will give pioneers like Mr. Edmiston and Mr. Windle a chance of obtaining land adjoining their selected blocks which they cannot possibly hope to do if other applicants are allowed to take up land adjoining their blocks without auction.

Resolution—Forest Mis. No. 91, dated 28th January 1897.
Submitted for the orders of Government.

2. Paragraphs 1 to 4 of the Collector's letter.—The Board considers that no question of priority can arise in respect of an alternative application. It cannot be

regarded as an application at all, until after the withdrawal of the one on which the applicant relies in the first instance.

3. *Paragraph 5 of the Collector's letter.*—The Board has no doubt whatever that, subject to a preferential claim on the part of the original applicant for any particular area, other original applicants should be allowed to select their 1,000 acres from land outside the limits of their original applications, many of which were submitted when it was understood that the most favourably situated areas had already been assigned to others, and that applications must be confined to the areas not otherwise disposed of.

4. *Paragraph 6 of the Collector's letter.*—The Board concurs with the Collector.

(True Copy and Extract.)

(Signed) R. C. C. CARR,
Secretary.

To the Secretary to Government, Revenue Department,
with Collector's letter, in original (to be returned).

„ Collector of Coimbatore.
Copy to the Conservator of Forests, Southern Circle,
with copy of Board's Proceedings, Mis. No. 55, dated 20th January 1897.

ORDER—No. 109, Revenue, dated 19th February 1897.

Forest No. 32.

In the two Government orders read above permission was given to certain specified applicants for land on the Anamalais to acquire, on payment of a fixed price, blocks of land not exceeding 1,000 acres in extent, provided that the selection thereof was made before the 31st March 1897. The orders in question did not expressly specify where such blocks should be situated, whether within the limits of the land originally applied for by the applicants concerned or beyond those limits. These special grants were given to secure the early opening up of the land, and the original applications were altogether disallowed. Consequently it was, strictly speaking, incumbent on the original applicants to put in fresh applications for the land which they proposed to select in exercise of the privilege accorded to them. Such applications should then have been disposed of solely with reference to priority of receipt. It is clear, however, that under the views that have been taken by the Board of Revenue and the Collector most of the original applicants have been led to believe that until the 31st of March they possess preferential claims to any portion of the areas for which they severally applied in the first instance. In these circumstances, the Government is not prepared to insist upon the strict interpretation of its orders without allowing the individuals concerned some short further period within which to intimate their selections. It would, however, be completely contrary to the intention of Government to permit an original applicant for a large area to exclude others from coming forward to make selections therein. The Board of Revenue will accordingly be requested to give immediate intimation to each of the original applicants that he must within ten days make a final selection of 1,000 acres, or such smaller extent as he may desire to acquire out of the area for which he originally applied, failing which applications received in respect of any portion of such area will be dealt with in order of priority.

(True Extract.)

(Signed) G. STOKES,
Ag. Secretary to Government.

To the Board of Revenue (Land Revenue).
„ the Hon'ble Mr. H. P. Hodgson.

Exd. Shaik Karim.

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