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M.R.O. 1—77,006—8-6-37.

(1) Number of pages 40.

(2) Date of repair 15-10-40.

(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

Marine DEPARTMENT.

G.O. No. 111

Press
~~Mis.~~

Dated 19th April 1895.

Not to be folded or roughly handled

S.T.M.

GOVERNMENT OF MADRAS.

MARINE DEPARTMENT.

Read—the following papers :—

From M.R.Ry. J. M. B. ROCHE VICTORIA Avargal, Chairman, Municipal Council, Tuticorin, to the Chief Secretary to Government (through the Sub-Collector of Tinnevelly), dated Tuticorin, 23rd January 1895, No. 24.

With reference to a resolution of the council dated 18th December 1894, copy of which is enclosed, I have the honour to submit that that part of the foreshore which has been reclaimed, levelled and planted by the municipality has been all along under the jurisdiction of the council as per G.O., dated 1st December 1875, No. 2355. As it was brought to my notice that the Port Officer has levied fees for the storage of goods on this part of the beach, I addressed him a letter pointing out that, under the said Government Order, the land is vested in the municipal council and requested him to refund the amount hitherto collected by him for the goods deposited on the said land. In reply he refused to comply with my request and referred me to G.O. No. 1861, dated 21st September 1875, which you will find has not been conclusive in itself and which has been superseded by a subsequent G.O., dated 1st December of the same year.

2. Under these circumstances, I beg to request you to be so good as to issue necessary instructions once more to the Port Officer not to interfere with the municipal council regarding it and to remit all the fees hitherto collected by him for the storage of goods in the said land.

Enclosure.

Extract from the Proceedings of the Municipal Council, Tuticorin, in their special meeting held on Friday the 18th December 1894 at 5 P.M.

* * * * *

2. Read motion from the Chairman, dated 28th November 1894, regarding the fees collected by the Port Officer for storage of goods on the foreshore which belongs to the municipality.

Resolved that the matter be referred to Government in connection with G.O. No. 2355, dated 1st December 1875, Financial, and the Government be requested to order the Port Officer to pay to the municipality the fees collected by him for rent of the said land.

* * * * *

(Signed) J. M. B. ROCHE VICTORIA,
Chairman.

Current No. 194–Gl. Rev.

Forwarded. A report on the subject will be submitted to the Collector shortly.

(Signed) M. D. BELL,
Ag. Sub-Collector.

31*st January* 1895.

Endorsement on Current No. 194-Gl.

Submitted.

2. The construction of a sea wall was commenced by the Municipal Commissioners of Tuticorin in 1869 in order to prevent the sea from encroaching upon the beach road. Finding that the municipality had to give up the work owing to want of funds and material, application was made to Government for assistance. In 1870 and in the following year, Government, in their orders noted in the margin, sanctioned three allotments aggregating to a sum of Rs. 3,355–8–0 for the purchase and cost of landing of ballast stone for the revetment of the work, the coral stone for the backing of the wall, sand for filling up the ground to the rear of the wall and labour being defrayed from Municipal funds. The municipality spent on the work from 1869–76 a sum of Rs. 3,981–4–5 apparently under the impression that the eastern boundary of the municipality was the sea.

G.O., No. 218, dated 27th July 1870, Marine.
" " 39 " 8th Feb. 1871 "
" " 151 " 26th May 1871 "

3. In 1875, the municipality proposed bye-laws for the sanction of Government for the levy of fees for carpenters' and blacksmiths' sheds on the beach and for docking boats, dhonies and ships on the beach. This proposal was negatived by Government in G.O. No. 1861, Financial, dated 21st September 1875, on the ground that the money so raised within port limits (*i.e.*, within fifty yards above high water mark) properly belonged to Port funds. In the same order the Government remitted for the remarks of the Master Attendant, Madras, the question whether the jurisdiction of the municipal councillors should not be declared to have ceased "towards the east at the point on the beach where the fifty yards beyond high water-mark begins." On perusal of the remarks of the Master Attendant, Madras, the Government, in G.O. No. 2355, Financial, dated 1st December 1875, ordered that "that portion of the ground within port limits at Tuticorin which has been levelled and planted by the municipality for the recreation of the residents *will be allowed to continue under the charge of Municipal Commissioners*; but all other lands falling within port limits as defined by law will be under the jurisdiction of the Master Attendant and Conservator of the Port."

4. A sketch is enclosed showing the portion of land claimed by the municipality as having been levelled and planted at its cost. The extent of the reclamation from Messrs. Parry and Co.'s jetty to the Government jetty measures 13,090 square yards and the portion from the Government jetty to the Bank measures 300 square yards approximately.

5. In 1876, a Municipal Commissioner of Tuticorin moved the council to apply to Government for the refund of money laid out on the sea wall. The council, however, resolved that, as the Government gave a grant of Rs. 3,355–8–0 towards the cost of the stone required for the sea wall and the work was undertaken by the municipality for the benefit of the town, it was inexpedient and unnecessary to address Government for a refund. Later on the Municipal Commissioner pressed the question before the Collector, and the Collector then made inquiries as to the portion of land on the beach which might be regarded as being in the charge of the Municipal Commissioners. The Port officer, Mr. G. A. Phipps, reported that the land on the beach south of the Bank, which was used for docking and other purposes, should be in charge of the Master Attendant of the port, as it was not reclaimed by the municipality and that the portion reclaimed was between Messrs. Parry and Co.'s jetty and the Bank.

6. In 1885, the Port Officer, Tuticorin, solicited the sanction of the Master Attendant, Madras, for spending a sum of Rs. 300 for landing stone ballast to improve the foreshore. The latter officer declined to sanction the charge on the ground that it was purely a municipal charge. It was then pointed out by the Acting Port Officer that the strip of land reclaimed by the municipality was to the north of the Government jetty and that his proposal to revet the foreshore was in respect of the land between the Government jetty and the Bank. (This report of the Acting Port Officer is apparently in conflict with Mr. Phipps' report of 1876). The revetment of the foreshore between the Government jetty and the bank was then carried out by the Marine department.

7. In 1888, the Government sanctioned, at a cost of Rs. 1,830, the laying of a tramway line on the beach within port limits, along the land now claimed by the municipality to connect the inner end of the Tuticorin pier (Government jetty) with the South Indian Railway.

8. In 1891, a corrugated iron goods-shed was constructed at a cost of Rs. 8,000 on the land now claimed by the municipality immediately to the north of the Government jetty under the sanction conveyed in G.O. No. 868-W., dated 24th March 1891. A scale of fees was prescribed for storage of non-dutiable goods in the goods-shed in notification published in page 1304, Part I of the *Fort St. George Gazette* dated 25th October 1892. In G.O. No. 250, dated 21st July 1893, Marine, as amended by G.O. No. 324, Marine, dated 6th September 1893, a schedule of rates of rent for the occupation of port land has been prescribed.

9. In 1893, the municipality imposed house-tax for the goods-shed erected on the beach by the Marine department. The Port Officer, Tuticorin, took objection to the payment of the tax and proposed to the Presidency Port Officer the desirability of recouping the municipality for the sum expended by it in respect of the sea wall in view of the land reclaimed being transferred to the Marine department. The claim to the land reclaimed having been set up by the municipality in the correspondence about house-tax, the Collector, Mr. G. S. Forbes, in transmitting the Port Officer's communication to the Presidency Port Officer, observed :—"The claim set up by the municipality is really only to the taxation of the buildings newly erected on this land. There is no claim so far as I can see to the land itself which is clearly port land belonging to Government. The land was reclaimed at the expense partly of the municipality and partly of the Port funds. This fact did not alter the ownership of the land which was already Government land within port limits. The municipality were equally interested in securing a satisfactory and durable reclamation on account of the protection it gave to the town property. Whether the cost was fairly divided between the owner of the land and the municipality is not a question which need now be re-opened, for the municipality expressly waived, by a resolution passed in April 1876 (copy enclosed), any claim to reimbursement or re-adjustment.

"3. * * * * *

"4. I am of opinion that the taxation be admitted subject to the usual certificate of the Executive Engineer provided there is no legal enactment, of which I am not aware, exempting port property from municipal taxation."

10. No further correspondence passed through this office on the subject. The municipality now apply for a refund of the rent realized by the Marine department on account of the storage of goods on the land in dispute. Apparently the claim refers to the rent realized according to column of the schedule of rates sanctioned in G.O. No. 250, Marine, dated 21st July 1893 (as revised by G.O. No. 324, dated 6th September 1893). It may be remarked in passing that the municipal council might equally well lay claim to the rent realized for the storage of goods in the goods-shed or the fees levied for the use of the tramway, for both goods-shed and tramway occupy parts of the same land.

11. The admissibility or otherwise of the claim of the municipality for refund of the rents collected by the Marine department depends on the question whether the strip of foreshore land between the Madras Bank and Messrs. Parry and Co.'s jetty is to be construed as being the property of the Marine department or of the municipality. The resolution of the council now under consideration claims both the rent and the land. A copy of the letter of Mr. Baker, the Port Officer, Tuticorin, on the subject is enclosed. I agree with Mr. Forbes that the reclaimed ground being within port limits is undoubtedly still Government property. It was by the G.O. of 1st December 1875, No. 2355, left *in charge of the Municipal Commissioners*, but did not thereby become the property of the municipality. The municipality did not urge any claim

for the land when the tramway was laid on it in 1888, or when the goods-shed was constructed upon it in 1891. The municipality has never used the land in any way, nor has the council improved it except by the planting of a few portia trees.

12. Government, in its order No. 1861, Financial, dated 21st September 1875, expressly negatived the proposal of the municipality to levy fees for the use of land within port limits. The present claim is practically a repetition of the claim which was negatived in 1875 and should on the same ground, I submit, be negatived.

13. In order to avoid future dispute, I suggest that the sum of Rs. 3,981-4-5 which was spent on the work by the municipality should be repaid to it from Port funds, and that, for the present at all events, the land should be taken out of the charge of the municipal council. This latter course appears to me to be necessary, both because the space for the storage of cargo at Tuticorin is very limited and this land is frequently required for that purpose, and because the land under dispute is now proposed to be added to along a considerable portion of its length by a further reclamation at a cost of about Rs. 40,000 in connection with the jetty now under construction. The railway line to the new jetty must also cross this land, and it is possible that a convenient method of compensating Messrs. Ralli Brothers for the area to be cut off from their premises by the railway line will be by a grant of a piece of this land in exchange.

14. When the new reclamation work and the railway line thereon have been completed, the question whether any portion of the land reclaimed should be again placed under the charge of the municipal council, or whether it will be necessary that the whole should be administered by the Port Officer, might be considered.

15. The chairman's letter herewith submitted has been delayed pending the receipt of a report from the Port Officer and the Sub-Collector on the subject.

16. I am sending a copy of this communication and the Chairman's and Port Officer's letters to the Presidency Port Officer with a request to send his remarks to Government for its consideration before disposal of the subject.

TINNEVELLY, (Signed) A. W. B. HIGGINS,
26th February 1895. *Acting Collector.*

ENCLOSURES.

PROCEEDINGS of the Municipal Commissioners of Tuticorin at a meeting held on Saturday the 22nd April 1876.

* * * * *

2. Read letter from Commissioner Mr. M. L. Motha about applying to Government for the refund of money laid out on sea wall by the municipality.

Resolved that as it appears that Government gave a grant of Rs. 3,355-8-0 towards the cost of the stone required for the sea wall and the work was undertaken and carried out by the Municipal Commissioners for the benefit of the town, it is inexpedient and unnecessary to address Government for the refund of the amount expended in years gone by by the municipality.

* * * * *

(Signed) R. RICE,
Vice-President.

From T. H. BAKER, Esq., Port Officer, Tuticorin, to the Sub-Collector of Tinnevelly, dated Tuticorin, 21st January 1895, No. 4—14.

With reference to your reference on current No. 1932 of 1894, dated 17th January 1895, I have the honour to inform you as follows.

In 1870, Rs. 1,000 were allotted from Port funds to meet the expenses of revetting the foreshore to prevent the encroachment of the sea (*vide* G.O., No. 218, dated 27th July 1870); in 1871, a further sum of Rs. 1,000 from the same source was expended (*vide* G.O., No. 39, dated 8th February 1871); and again in May, same year, Rs. 1,355-8-0 (making a gross total of Rs. 3,355-8-0) was utilized—*vide* G.O. No. 151, dated 26th May 1871. The ground thus protected at the expense of Port funds was unfortunately made over by the advice of my predecessor to the municipality to level and plant as a place of recreation, he not foreseeing how necessary it was to keep it for port purposes; in 1888, however, he apparently took possession of a portion of it and laid a tramway connecting the pier with the South Indian Railway siding and levied fees for the use of it, no question regarding the legality of same being then raised by the municipality; in 1891 a further portion was taken up and goods-shed erected; again no objections were raised by the municipality, but, on the introduction of fees being levied for all land within port limits occupied by cargo, &c., the chairman apparently thought he saw his way to increasing municipal revenue regardless of the fact that G.O. No. 1861, dated 21st September 1875, vetoed the levy of fees by the municipality. As Port funds are now providing a sum of some Rs. 40,000 for reclaiming and increasing the area of *the very land under dispute*, and as cargo storage space is so limited that when a rush comes every square inch of land north and south of the jetty is required, I am of opinion that Government should be moved to decide as to whether the land in question is port land or not. I argue that the municipality have years ago waived their claim to it as they have never made use of it in any way or attempted to improve or even keep it up. Papers in connection with the case are herewith forwarded for perusal and return.

No. 395, Local and Municipal.

Transferred to Marine Department.

FORT ST. GEORGE, (Signed) W. FRANCIS,
13th March 1895. *Ag. Asst. Secretary.*

From Commander W. POWELL, R.I.M., Presidency Port Officer, Madras, to the Chief Secretary to Government, dated Madras, 22nd March 1895, No. 163—78-G.

With reference to the letter to Government from the Chairman, Municipal Council, Tuticorin, dated 23rd January 1895, No. 24, a copy of which has been forwarded to me under endorsement dated 26th February 1895 by the Collector of Tinnevelly with a request that my views on the subject may be communicated to Government, I have the honour to state that I fully concur with the Collector's opinion as expressed in paragraph 13 of his endorsement and would add further that on repayment of the sum mentioned the control of the land should be permanently taken away from the municipality and vested in the Port Officer.

ORDER—dated 19th April 1895, No. 111, Marine.

The Government agrees with the Collector. There can be no doubt that the land in question has all along belonged to Government. The municipal council will now be repaid the sum expended, viz., Rs. 3,981-4-5, and the land will be formally withdrawn from their charge and handed over to the Port Officer. The amount will be made available from Port funds.

(True Extract.)

Chief Secretary.

To the Presidency Port Officer.
" Collector of Tinnevelly, with sketch.
" Revenue Department.
" Local and Municipal Department.
" Financial Department.

Exd. S. J. Pereira.

Govt. of {1895} Madras.

MARINE.

Issued

Recd. Encl.

G.O., 19th April 1895, No. 111.

APRIL.

Tuticorin Port.

Directing that the land adjoining the sea wall at the — now in the possession of the municipality of the place should be handed over to the Port Officer on payment of Rs. 3,981-4-5, the sum expended by the municipality for the improvement of the land.

Municipal Councillor's Office

No. 24.

Tuticorin 23rd January 1895

Local & Municipal Dept

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From

M.R.Ry. J. H. B. Rochi Victoria Avergal

Chairman

Municipal Council

Tuticorin

To

The Chief Secretary to Government

Fort Saint George

Madras

Through the Sub Collector of Tinnevelly

Sir,

With reference to a resolution of the Council, dated 18th December 1894, Copy of which is enclosed, I have the honour to submit that, that part of the foreshore which has been reclaimed, levelled and planted by the Municipality has been all along under the jurisdiction of the Council as per G.O. dated 1st December 1875 No. 2355. As it was brought to my notice that the Port Officer has levied fees for the storage of goods on this part of the beach, I addressed him a letter pointing out that, under the said G.O. the land is invested in the Municipal Council and requested him to refund the amount hitherto collected by him for the goods deposited on the said land. In reply he refused to comply with my request & referred me to G.O. No. 1861, dated 21st September 1875, which you will find has not been conclusive in itself & which has been superseded by a subsequent G.O. dated 1st December

[illegible] Govt. [illegible]
land [illegible]
might continue
under the charge
of the Municipality

of the Same Year.

Under these Circumstances, I beg to request you to be so good as to issue necessary instructions once more to the Port Officer not to interfere with the Municipal Council regarding it, And to remit all the fees hitherto Collected by him for the Storage of goods in the Said land.

I have the honour to be
Sir,
Your Most Obedient Servant

J M Roche Victoria
Chairman

Current No. 161 of 1895
DEPT. Rev.

258

From

The Chairman
Municipal Council
Tuticorin

To

The Chief Secretary to Govt.
Fort Saint George
Madras

Dated 23rd }
Despatched 24th } January 1895
Received }

No. 24

Enclosure One

RECEIVED
2 FEB 95

Subject

Requesting to issue instructions once more to the Port Officer Tuticorin not to interfere with the Municipal Council in the matter of jurisdiction over a certain portion of the Beach.

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Current No. 194 / REV. of 1895

Forwarded. A report on the matter will be submitted to the Collector shortly.

Ag. Sub. Colr.

31.1.95.

Await

Extract from the Proceedings of the Municipal Council Tuticorin, in their special meeting held on Friday the 18th December 1894 at 5 P.M.

58

Present

M. R. Ry. J. M. B. Roche Victoria Avergal Chairman
J. H. Munro Esq. Sub Collector
R. Johnston Esq.
Daniel Graham Esq.
M. R. Ry. B. Gopalsawmi Nayadu Garu
" X. Motha Fernandez Avergal
" C. Chinnasawmi Iyer Avergal
" M. Kadir Moidin Rowter Avergal
" R. M. Annamalai Nayadu Garu

× × ×

2. Read motion from the Chairman dated 28-11-94 regarding the fees collected by the Port Officer for storage of goods on the fore shore which belongs to the Municipality.

Resolved that the matter be referred to Government in connection with G.O. No. 2355 dated 1st December 1875, Financial. And the Government be requested to order the Port Officer to pay to the Municipality the fees collected by him for rent of the said land.

×

(Signed) J. M. B. Roche Victoria
Chairman

(True Extract)

J. M. B. Roche Victoria
Chairman

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Submitted.

2. The construction of a sea wall was commenc by the Municipal Commissioners of Tuticorin in 1869 in order to prevent the sea from encroaching upon the Beach road. Finding that the Municipality had to give up the work owing to want of funds and material, application was made to Government for assistance. In 1870 and in the following year, Government in their orders noted in the margin sanctioned three allotments aggregating to a sum of Rs. 3355-8-4 for the purchase and cost of landing of ballast stone for the revetment of the work; the coral stone for the backing of the wall, sand for filling up the ground to the rear of the wall and labour being defrayed from Municipal funds. The Municipality spent on the work from 1869-1876 a sum of Rs. 3981-4-5, apparently under the impression that the eastern boundary of the Municipality was the sea.

1. G.O. No. 218 / 27.7.70
2. G.O. No. 39 / 8.2.71
3. G.O. No. 151 / 26.5.71
Marine

Refce Papers to show this

It was so. It was [illegible]

3. In 1875, the Municipality proposed bye laws

for

4 / 696 M of 95
5 Mar 4 201

for the sanction of Government for the levy of fees for carpenters' and blacksmiths' sheds on the ~~back~~ beach and for docking boats, dhonies and ships on the beach. This proposal was negatived by Government in G.O. 1861 Financial / 21.9.75, on the ground that the money so raised within port limits (i.e. within 50 yards above high water mark) properly belonged to port funds. In the same order the Government remitted for the remarks of the Master attendant, Madras, the question whether the jurisdiction of the Municipal Councillors should not be declared to have ceased "toward the east at the point on the Beach "where the 50 yards beyond high water mark "begins." On perusal of the remarks of the Master attendant, Madras, the Government in G.O. no. 2355 Financial / 1.12.75 ordered that "that portion "of the ground within port limits at Tuticorin "which has been levelled and planted by the "Municipality for the recreation of the residents "will be allowed to continue under the charge "of Municipal commissioners; but all other lands

falling

"falling within port limits as defined by law "will be under the jurisdiction of the Master "attendant and Conservator of the port".

4. A sketch is enclosed showing the portion of land claimed by the Municipality as having been levelled and planted at its cost. The extent of the reclamation from Messrs. Parry and Co's jetty to the Government jetty measures 13090 square yards and the portion from the Government jetty to the Bank measures 300 Sq. yds. approximately.

5. In 1876, a Municipal Commissioner of Tuticorin moved the Council to apply to Government for the refund of money laid out on the sea wall. The Council however resolved that as the Government gave a grant of Rs. 3355-8-0 toward the cost of the stone required for the sea wall and the work was undertaken by the Municipality for the benefit of the town, it was inexpedient and unnecessary to address Government for a refund. Later on the Municipal Commissioner pressed the question before the Collector, and the

Collector then made enquiries as to the portion of land on the beach which might be regarded as being in the charge of the Municipal Commissioners. The Port Officer Mr G. A. Phipps reported that the land on the beach, South of the Bank, ~~and~~ which was used for docking and other purposes should be in charge of the Master attendant of the port, as it was not reclaimed by the Municipality and that the portion reclaimed was between Messrs. Parry and Co's jetty and the Bank.

6. In 1885, the Port officer, Tuticorin, solicited the sanction of the Master attendant, Madras for spending a sum of Rs. 300 for landing stone ballast to improve the foreshore. The latter officer declined to sanction the charge on the ground that it was purely a Municipal charge. It was then pointed out by the acting Port officer that the strip of land reclaimed by the Municipality was to the north of the Government jetty and that his proposal to revet the foreshore was in respect of the

Where?

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land between the Government jetty and the Bank. (This report of the Ag. Port officer is apparently in conflict with Mr. Phipps's report of 1876). The revetment of the foreshore between the Government jetty and the Bank was then carried out by the Marine Department.

7. In 1888 the Government sanctioned at a cost of Rs. 1830 the laying of a tramway line on the Beach within Port limits, along the land now claimed by the Municipality, to connect the inner end of the Tuticorin Peer (Government jetty) with the South Indian Railway.

8. In 1891 a corrugated iron goods shed was constructed at a cost of Rs 8000 on the land now claimed by the Municipality, immediately to the north of the Government jetty, ~~at a cost of Rs. 8000~~ under the sanction conveyed in G.O. No. 868 W dated 24th March 1891. A scale of fees was prescribed for storage of nondutiable goods in the goods-shed in notification published in page 1304, Part I of the Fort St. George Gazette dated 25th October 1892. In G.O. no. 250 dated 21st July 1893 Marine, as amended by

Mar. G.O. 103/15-12-98 Routine

See G.O. 344/23-9-92

G.O. No. 324, Marine, dated 6th September 1893, a schedule of rates of rent for the occupation of port land has been prescribed.

9. In 1893, the Municipality imposed house tax for the goods shed erected on the Beach by the Marine Department. The Port Officer, Tuticorin, took objection to the payment of the tax and proposed to the Presidency Port Officer the desirability of recouping the Municipality for the sum expended by it in respect of the sea wall in view of the land reclaimed being transferred to the Marine Department. The claim to the land reclaimed having been set up by the Municipality in the correspondence about house tax, the Collector, Mr. G. S. Forbes, in transmitting the Port Officer's communication to the Presidency Port Officer, observed "The claim set up by the Municipality is really only to the taxation of the buildings newly erected on this land - There is no claim so far as I can see to the land itself which is clearly port land belonging to Government. The land was reclaimed at the expense partly of the Municipality and partly of the port funds. This fact did not alter the ownership of the land which was already Government land within Port limits. The Municipality were equally interested in securing a satisfactory and durable reclamation on account of the protection it gave to the town property. Whether the cost was fairly divided between the owner of the land and the Municipality is not a question which need now be reopened; for the Municipality expressly waived by a resolution passed in April 1876 (copy enclosed) any claim to reimbursement or readjustment.

" 3 x x x

"4. I am of opinion that the taxation be admitted subject to the usual certificate of the Executive Engineer provided there is no legal enactment, of which I am not aware, exempting port property from municipal taxation."

10. No further correspondence passed through this office on the subject. The Municipality now apply for a refund of the rent realized by the

Marine Department on account of the storage of goods on the land in dispute. Apparently the claim refers to the rent realized according to column 7 of the schedule of rates sanctioned in G.O. no. 250 Marine, dated 21st July 1893 (as revised by G.O. no. 324 dated 6th September 1893), ~~i.e. to rent realized for the storage of goods~~. It may be remarked ~~that~~ in passing that the Municipal Council might equally well lay claim to the rent realized for the storage of goods in the goods-shed or the fees levied for the use of the tramway; for both goods-shed and tramway occupy parts of the same land.

11. The admissibility or otherwise of the claim of the Municipality for refund of the rents collected by the Marine Department depends on the question whether the strip of foreshore land between the Madras Bank and Messrs Parry and Co.'s jetty is to be construed as being the property of the Marine Department or of the Municipality. The resolution of the council now under consideration claims both the rent and the land. A copy of the letter of Mr. Baker, the Port Officer Tuticorin on the subject is enclosed. I agree with Mr. Forbes that the reclaimed ground being within port limits is undoubtedly still Government property. It was, by the G.O. of 18th December 1875, no. 2355, left in charge of the Municipal Commissioners, but did not thereby become the property of the Municipality. The Municipality did not urge any claim for the land when the tramway was laid on it in 1888, or when the goods-shed was constructed upon it in 1891. The Municipality has never used the land in any way, nor ~~have they~~ has the Council improved it except by the planting of a few portia trees.

12. Government in its order no. 1861, Financial dated 21st September 1875 expressly negatived the proposal of the Municipality to levy fees for the use of land within port limits. The present claim is practically a repetition of the claim which was negatived in 1875, and should on the same ground, I submit, be

negatived.

13. In order to avoid future dispute, I suggest that the sum of Rs. 3981-4-5 which was spent on the work by the Municipality should be repaid to it from Port funds, and that, for the present at all events, the land should be taken out of the charge of the Municipal Council. This latter course appears to me to be necessary, both because the space for the storage of cargo at Tuticorin is very limited, and this land is frequently required for that purpose, and because the land under dispute is now proposed to be added to along a considerable portion of its length by a further reclamation at a cost of about Rs. 40,000 in connection with the jetty now under construction. The railway line to the new jetty must also cross this land, and it is possible that a convenient method of compensating Messrs. Ralli Brothers for the area to be cut off from their premises by the railway line will be by a grant of a piece of this land in exchange.

14. When the new reclamation work and the railway line thereon have been completed, the question, whether any portion of the land reclaimed should be again placed under the charge of the Municipal Council, or whether it will be necessary that the whole should be administered by the Port officer, might be considered.

15. The Chairman's letter herewith submitted has been delayed pending the receipt of a report from the Port Officer and the Sub Collector on the subject.

16. I am sending a copy of this communication and the Chairman's and Port Officer's letters to the Presidency Port Officer with a request to send his remarks to Government for its consideration before disposal of the subject.

Tinnevelly Collector's Office }
Dated 26 February 1895 }

Ag. Collector.

22/2/95.

Proceedings of the Municipal Commis-sioners of Tuticorin, at a meeting held on saturday the 22nd April 1876.

Present.

R. Rice Esquire, Vice President.
Captain G. A. Phipps.
Messrs. B. Sadagopa Naidu
" " Pachiperumal Chettiar

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2. Read letter from Commissioner Mr. M. L. Motha about applying to government for the refund of mone laid out on sea wall by the Municipality.

Resolved that as it appears that government gave a grant of R 3355 toward the cost of the stone require for the sea wall and the work wa undertaken and carried out by t Municipal Commissioners for the benefit of the town it is inexpedient and unnecessary to address Government for the refund of the amount expended in years gone-by by the Muni-cipality.

x x x

(Sd/) R. Rice
Vice President

(True Extract)

for Collector

125
6/10/93

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201

No. 4/14.

Port Office, Tuticorin,
21st January 1895.

From

The Port Officer
Tuticorin,

To

The Sub Collector of
Tinnevelly.

Sir,

With reference to your Reference on current no. 1932 of 1894 dated 17th January 1895, I have the honor to inform you as follows:-

In 1870, Rs. 1,000 were allotted from Port-funds to meet the expenses of revetting the foreshore to prevent the encroachment of the sea, vide G.O. no. 218/27.7.70; in 1871 a further sum of Rs. 1,000 from the same source was expended, vide G.O. no. 39/8.2.71 and again in May same year, Rs. 1,355-8-4 (making a gross total of Rs. 3355-8-4) was utilized vide G.O. no. 151/26.5.71. The ground thus protected at the expense of Port-fund was unfortunately made over by the advice of my predecessor to the Municipality to level and plant as a place of recreation, he not foreseeing how necessary it was to keep it for Port purposes; in 1888 however he apparently took possession of a portion of it and laid a tramway connecting the pier with the South Indian Railway Siding and levied fees for the use of it, no question regarding the legality of same being then raised by the Municipality; in 1891 a further portion was taken up and goods shed erected, again no objections were raised by the Municipality, but on the introduction of fees being levied for all land within Port-limits occupied

Fin. Po. 2365/1-12-75

Mar. Po. 515/10-11-88

Po 250/21-7-93

by cargo &c, the Chairman apparently thought he saw his way to increasing Municipal revenue regardless of the fact that G.O. no. $\frac{1861}{21.9.75}$ vetoed the levy of fees by the Municipality. As Port funds are now providing a sum of some Rs. 40,000 for reclaiming and increasing the area of the very land under dispute, and as cargo storage space is so limited that when a rush comes every square inch of land north and south of the Jetty is required, I am of opinion that Government should be moved to decide as to whether the land in question is Port land or not. I argue that the Municipality have years ago waived their claim to it as they have never made use of it in any way or attempted to improve or even keep it up. Papers in connection with the case are herewith forwarded for perusal and return.

I have etc.
(Signed) T. H Baker
Port Officer

(True Copy)

for Ag. Collector.

Fwd 25.2.95.

189 5

Local & Municipal Department.

Local & [illegible] Dept.
R. CURRENT No. 696 M

TINNEVELLY Collector's OFFICE.

From

The Collector of

Tinnevelly.

To

The Chief Secretary to
Government
Fort St. George.

CHIEF SECRETARIAT, GOVERNMENT OF MADRAS
28 FEB. 1895

Dated } 26th February 1895
Received }

Endorsement No. 174/Genl. of 95.

Enclosures: R. 5. 4 & 1 plan.

SUBJECT.

Submitting with remarks letter from the Chairman, Municipal Council Tuticorin regarding the jurisdiction of the council over a certain portion of the beach.

(with Endorsement)

R.O. 5/3.

2/2/70 No. 218 Marine
8/2/71 No. 39 — "
26/5/71 No. 151 — "
2/9/75 No. 1861 Judl.
1/12/75 No. 2355 — "
10/11/88 No. 515 Marine
24/3/91 No. 868 W.
2/7/93 No. 250 Marine
6/9/93 No. 324 Marine

12B

CURRENT No. 201 Mar.

No: 395

Transferred to the Marine Department.

W. Francis

Ag. Assistant Secretary

V.R.
11/3/95

Fort Saint George }
13th March 1895 }

Recd. 13 March /95.
Regd. 14/3.

To

The Marine Department.

G.R. first papers
V. Sen
15/3
Pub. 15/3

6/3. a/11/3

11/3

CURRENT No. 243

No. 163/78 G.

Heading.

13 B

PRESIDENCY PORT OFFICE,
Madras, 22d March 1895.

From
Commander W. Powell, R.I.M.
PRESIDENCY PORT OFFICER,
Madras,

To
THE CHIEF SECRETARY TO GOVERNMENT,
MARINE DEPARTMENT,
Fort Saint George.

SIR,

With reference to the letter to Government from the Chairman, Municipal Council, Tuticorin, dated 23d January 1895, No. 24, a copy of which has been forwarded to me under endorsement dated 26th February 1895, by the Collector of Tinnevelly with a request that my views on the subject may be communicated to Government, I have the honor to state that I fully concur with the Collector's opinion as expressed in para 13 of his endorsement and would add further that on repayment of the sum mentioned the

control

control of the land should be permanently taken away from the Municipality and vested in the Port Officer.

I have the honor to be
Sir,
Your Most Obedient Servant

Walter Sewell

Commander R. I. M.
Presidency Port Officer.

[G./25.]
50—8-3-95.

33

Marine DEPARTMENT.
C. No. 243 and previous

FOR ORDERS.

The Collectors Endt: gives a complete history of the case.

The Tuticorin Municipal ~~Commrs~~ Council: constructed a sea wall for the protection of property. Municipal funds found Rs: 3981-4-5 and Port funds Rs: 3355-8-0. The ~~Commrs~~ Council considered this sea wall their boundary. They levelled and planted a portion of land along it, and ~~it~~ this was permitted by Govt: to be in their charge. A goods shed was erected on it by the Marine dept in 1891, and the Commrs have charged house tax on it. They now claim~~ing~~ the site as their property, and ask Port Funds to hand over fees charged for the use of the land for storage purposes.

The present & former Collrs: have

have both held that the land is port-land and the property of Govt. The Collr. suggests that the ~~[illegible]~~ ~~Commrs~~ Council may be reimbursed their expenditure on the seawall — viz. Rs. 3981-4-5 — and the land be formally removed from their charge. The land is required in connection with the reclamation scheme at Tuticorin for the new pier. The P.P.O. supports the Collr's. suggestion, which, it is submitted, may be accepted and orders issued accordingly.

F.D.B.
27.3.95

Whether the land which forms the subject of this dispute ~~[illegible]~~ ~~[illegible]~~ is within the Mun. limits or not is not to the point ~~[illegible]~~.
It was undoubtedly Govt. property when reclaimed as it was not a public street and was never vested ~~by~~ the Govt. in the Municipality under a notification such as is required under Section 22 Act IV of 1884.
The Mun. Council has been allowed

FOR ORDERS.

Land at Tuticorin

H.E. the Governor.
Hon. H.W. Bliss C.I.E.

[G/25.]
500—26-6-94.

DEPARTMENT.

C. No.

FOR ORDERS.

to occupy it on sufferance and has no claim legal or moral to the land which it now seeks to appropriate.
It seems fair to withdraw the permission to continue to hold the land which was given in 1875 and to pay the Municipality the outlay originally incurred by it as its share of the joint reclamation

1/4/95

There seems to be no doubt that the land in question has all along belonged to Govt. but the question has been somewhat complicated by the Municipality laying out some 4000 Rs. on part of the sea wall. It would appear now to be the best plan to repay to the Mun. the money so laid out by them, & withdraw them from the land in question altogether.

6/4/95

W
4 apr.

Land at Tuticorin

H. E the Governor
Hon'ble H. W. Bliss C. I. E

Venue [illegible]

C 1/4 | C 5/4
R 5/4 | R 6/4

243

Marine (1895) DEPARTMENT.

148

From

THE PRESIDENCY PORT OFFICER,
Madras,

To

THE CHIEF SECY. TO GOVERNMENT,
MARINE DEPARTMENT,
Fort St. George.

No. 163/78 G

Dated 22d } March 1895.
Received 23rd }

No.

CHIEF SECRETARY 23 MAR. 1895 GOVERNMENT OF MADRAS

Subject.

Informing that the land now in possession of the Municipality, Tuticorin, should be made over to the Port Department on payment of the sum mentioned.

File with [illegible]

Order. 19th April 1895. No. 111.

A The Govt: agrees with the Collector. There can be no doubt that the land in question has all along belonged to Govt. The Municipal Council will now be repaid the sum expended - viz: Rs: 3981-4-5 - and the land will be formally withdrawn from their charge (& handed over to the Port Offr.) The amount will be made available from Port Funds.

(from orders)

17/4/95

F. B.
8.4.95.

To The P. P. Offr. 6
" Collr: of Tinnevelly 6 with sketch
" Rev. Dept. 7
" L. & M. dept. 6
" Finl: dept. 1

desp. 11/5/96

Last from Order of Government, Paper No.

Further Papers, No. 493

Enclosures.

Current No.

Print all papers

Statement with ditto,

Order, &c., of Government—A.

Papers kept out of File for despatch in original (not paged).

Write & sketch to Collr. Tinnevelly

Number of copies required. { Order complete. 55
Letter only.
Order complete with Letter.

N.B.—
A = Print in full.
B = Not to be printed.
P = Print abstract only.
Q = Print heading only.
R = Print, but not for monthly volume.

ORDINARY, PRINTED

Marine Department.

G.O., dated 29th Apr: 95

No. 111

INDEXED.

copy sent to Press.

ied for signature. 6/5/95

atched in print. 1/5/95

[Despatch Abstract.]

Tuticorin Port

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15-11-37