

40.
(2) Date of 15-10-40.
(3) In: —

MADRAS RECORD OFFICE.

Government of Madras.

Ma DEPARTMENT.

G.O. No.	111	Mis
Dated	11	18

Not to be folded or re-folded

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 Tinnevely), 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to G.O. No. 1861, dated 21st September 1875, which you will find has not been conclusive in itself and which has been superseded by a subsequent G.O., dated 1st December of the same year.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.

31st January 1895.

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

Endorsement on Current No. 194-G1.

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 G.O., No. 218, dated 27th July 1870, Marine. Government for assistance. In 1870 and " " 39 " 8th Feb. 1871 " in the following year, Government, in " " 151 " 26th May 1871 " 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.

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 1 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,
26th February 1895.

(Signed) A. W. B. HIGGINS,
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 Tinnevely, 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,
13th March 1895.

(Signed) W. FRANCIS,
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 Tinnevely 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 Tinnevely, 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.

No 24

Front

Autumn 23^d January 1876

Local & Municipal Dec

Mr. R. J. M. B. P. Victorio Pungat
Chaimo

Municipal Council
Lubbock

The Chief Secretary to Government
Fort Saint George
Madras

Through the Sub-Collector of Kinnery
Sir, With reference to a resolution of the
Council, dated 18th December 1894, Copy of
which is enclosed, I have the honor to submit
that, that part of the foreshore which has
been reclaimed, levied and planted by
the Municipality has been all along under
the jurisdiction of the Council which G.O.
dated 1st December 1875 No. 2355. To 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

Mar 11 1894

of the same year.

Under these Circumstances, I beg
to request you to be so good to issue necessary
instructions once more to the Port Officers, not
to interfere with the Municipal Council
regarding it, and to permit all the fees
hitherto collected by him for the Storage
of goods in the said land.

I have the honour to be

Sir,

Your Obedient Servant

Wm. W. W. W. W.



Wm. W. W. W.

Current No. 161 of 1895
DEPT. Divis.

To
From
The Chairman
Municipal Council
Tuticorin

258

Current No. 194 of 1895
REV.

26

Forwarded. A report
on the survey with
submitted to the Collector
Dunster.

M. S. D. S.
At. Sec. Com.

31.1.95.

Amount 7

Ans

Dated 23rd
Despatched 24th January 1895
Received

No. 24
Enclosure One

RECEIVED
27 FEB 1895
NEW J. H. H. H.

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.

may
5
201

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

- M. R. P. J. M. B. Rocha Victoria President
- J. S. Munro Esq. Sub Collector
- R. Johnston Esq.
- Daniel Graham Esq.
- M. R. P. B. Gopaulasami Nayadu Garu
- " R. Motha Fernandez Quengal
- " C. Chinnasami Nijer Quengal
- " M. Radu Bisiddu Roster Quengal
- " R. E. 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 low
shore which belongs to the Municipality.
Resolved that the matter be referred to
Government in connection with G.O. No 2355
dated 1st December 1895, 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) M. R. P. Rocha Victoria
Chairman

(True Extract)
M. R. P. Rocha Victoria
Chairman

Submitted.

68th

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

1. G.O. No. 218
27.7.79
2. G.O. No. 39
8.2.71
3. G.O. No. 151
26.5.71

margin

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 work from 1869-1870 a sum of Rs. 3981-4-5, apparently under the impression that the eastern boundary of the Municipality was the sea.

3. In 1875, the Municipality proposed bye laws for

for the sanction of Government for the levy
of fees for carpenters' and blacksmiths' sheds
on the ^{beach} ~~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} 1
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

15
"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 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 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 relevel the foreshore was in respect of the

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 1886). The relevelment 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 Pier (Government jetty) with the South Indian Railway.

8. In 1891 a corrugated iron goods shed was constructed ^{at a cost of Rs. 4000} 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 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, Manne, dated 6-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

10
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 read-
justment.

" 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 ^{has the Council} ~~have they~~ improved it except by the planting of a few palia 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

negatives.

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. Balli 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 bhariman'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 bhariman'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.

Trincomby (Director's Office) *Am 16/2/95*
Dated February 1895 }
At Director.

60
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 Naider

u Pachiperumal Chettiar

x x x

2. Read letter from Commissioner Mr.
H. L. Motha about applying to
government for the refund of money
laid out on sea wall by the Municipi-
-pality.

Resolved that as it appears that
government gave a grant of Rs 3355
toward 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 in-
expedient and unnecessary to

address government for the
refund of the amount expended
in year gone by by the muni-
cipality.

(Sd/ R. Rice
Vice President)

(True Extract)

Am signed

For (M. K. S.)

250
6/10/93

No. $\frac{4}{12}$

Post Office, Tuticain
21 January 1895.

From

To

The Post Office
Tuticain.

The Subdirector of
Tuticain.

Sir,

With reference to your Reference on current no. 1232 of
1894 dated 12 January 1895, I have the honor to inform you
as follows:-

In 1870, Rs. 1000 were allotted from Port funds to meet
the expenses of revetting the foreshore to prevent the encroach-
ment of the Sea, vide G.O. no. $\frac{218}{27.7.70}$; in 1871 a further sum
of Rs. 1000 from the same source was expended, vide G.O. no. $\frac{39}{8.2.71}$
and again in May same year, Rs. 1355-8-4 (making a
gross total of Rs. 3355-8-4) was utilized, vide G.O. no. $\frac{151}{26.5.71}$.
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

Ind p. 2365
1-12-75

M. K. S. 15
10-11-88

Rs 250
2-7-93

2
695 not checked

201

by cargo etc, the Chairman apparently thought he saw
his way to increasing Municipal revenue regardless of
the fact that G.O. no. ¹⁸⁶¹_{21.9.75} vetoed the levy of fees by the
Municipality. As Port funds are now providing a sum
of some Rs. 40000 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
retusal and return.

I have etc.

(Signed) T. H. Baker
Port-Office

(True Copy)

Ind

Ind
25.2.95.

Chairman
for H. J. Director.

1895

Local & Municipal Department.

LOCAL & MUNICIPAL DEPT.
PR. CURRENT NO. 696 M

TINNEVELLY Collectors OFFICE.

From

The

Collector of

Tinnevely.

To

The Chief Secretary to

Government

20 FEB. 1895

Fort St. George.

Dated

Received

Endorsement on No. 194 of 95.

ENCLOSURES: A. 5.4 + 1 plan.

SUBJECT.

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

To

The marine Department.

S.R. froots papers

15/3

15/3

6/3. a/11/3

No. 395

Transferred to the marine Depart-
ment.

Francis

ag assistant Secretary

CURRENT NO. 201

27/2/20 No 218 Marine
8/2/71 No 39
26/5/71 No 151
21/9/75 No 1861 Dr. J. J.
1/12/75 No 2355
10/11/88 No 515 Marine
24/3/91 No 868 W.
21/7/93 No 250 Marine
6/9/93 No 324 Marine

No. 163
78

Heading.

PRESIDENCY PORT OFFICE,

Madras, 22 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, Inticorin,
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 Tinnevely,
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 re-
payment of the sum mentioned the
control

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

I have the honor to be
Sir,

Your Most Obedient Servant

Walter Swell

Commander R. I. M.
Presidency Port Officer.

mt

[G.]
[25.]
50-8-3-95.

Marine DEPARTMENT.
C. No. 243 and previous

FOR ORDERS.

The Collectors and ^{the} gives
a complete history of the case.

The Tuticorin Municipal
^{Committee}
~~Committee~~ constructed a sea wall
for the protection of property.

Municipal funds found
Rs. 3981-4-5 and Port funds
Rs. 3355-8-0. The ^{Committee}
~~Committee~~

considered this sea wall their
boundary. They levelled and
planted a portion of land
along it, and ^{this} ~~it~~ was permit-
-ted by Govt. to be in their
charge. A goods shed was
erected on it ^{by the Marine Dept.} in 1891, and the
Councils have charged house
tax on it. ^{They now} claiming the
site as their property, and
ask Port Funds to hand over
funds charged for the use of the
land for storage purposes.

The present & former Collectors

C. No.

FOR ORDERS.

Land

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 the share of the Government.

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 Municipality the money
so laid out by them, & withdraw them
from the land in question altogether.

29 Apr.
6/4/95

At the Governor's
w. B.

have both held that the land
is port-land and the property
of Govt. The Commr. suggests
that the ~~Commons~~ ^{Council} may
be reimbursed their ex-
penditure on the seawall-
viz. Rs. 3981-4-5 - and the
land be formally removed
from their charge. The
land is required in connect-
ion with the reclamation
scheme at Tuticorin for
the new pier. The P. P. O.
supports the Commr's sugges-
tion, which, it is submit-
ted, may be accepted
and orders issued accord-
ingly.

75/3
27.3.95
The land which forms the
subject of this dispute is
within the mut. limits
or not to the point of determination.

It was undoubtedly Govt. property when
acquired as it was used as a public
wharf and was never leased to
the Govt. by the Municipality
under a stipulation such as
is required under Section 22
of Act IV of 1884.
The mut. Council has been allowed

Land at Taticorin

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

Marine L.P.

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

243
Marine (1895) DEPARTMENT.

From
THE PRESIDENCY PORT OFFICER,
Madras,
To
THE CHIEF SECY. TO GOVERNMENT,
MARINE DEPARTMENT,
Fort St. George.

No. 168
78 G

Dated 22nd } 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.

205

148
Order. 19th April 1895.
No. III.

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 <sup>(& handed over to the Port
Offr.)</sup>
The amount will be
made available from
Port Funds.

from orders

205B.
8.4.95.

17/4/95

To the P. P. Offr. 6
" Commr. of Tuticorin 6
" Rev. Dept. 7
" L. L. M. dept. 6
" Finl. dept. 1
11/5/96

1895

498

Print all papers

STATEMENT WITH DFTO.

ORDER NO. 1895-4-5-6-7-8-9-10-11-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100

With 4 sheets 1-10-11-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100

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Order complete. 55

Letter only.

Order complete with letter.

A = Print in full
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+12166

13/7/22

15-7-37M

15-11-31

inc

8 Apr 95

111

IN

meeting that the
adjoining the
wall, at the future
are in the process
the Municipality of
place, should be
ended over to the
Office on payment
3981-4-5, the sum
should be by the
city for the imp
the land.