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MADRAS RECORD OFFICE.

Government of Madras.

DEPARTMENT.

G.O. No.	2199	Press
		Mis.
Dated	28	1864

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,
2nd August 1864.*

No. 37. Read the following Proceedings of the Madras Government in the Military Department:—

Resolving that the estimated cost, viz., Rupees 10,576-12-1, for the purchase of the land required for Military purposes at Cannanore, Malabar District, as well as a sum of Rupees 20,000 for building another Magazine at that station, be entered in the Public Works Budget of 1865-66. (Here enter 21st July 1864, No. 2,504.)

No. 38. ORDER THEREON, 2nd August 1864, No. 2,199.

Communicated to the Superintending Engineer, 7th Division, who will be guided by the instructions contained in paragraph 1 of the foregoing Proceedings of the Military Department. The Plan and Estimate therein referred to are, it is presumed, those submitted by the Chief

Engineer with letter dated 28th March 1861, No. 11,497. G. O. 18th April 1861, No. 787. The Superintending Engineer will re-submit the same, and report on the suitability of the Plan and the sufficiency or otherwise of the Estimate.

(True Extract.)

(Signed) J. H. M. SHAW STEWART, Major, R. E.,
Deputy Secretary to Government.

To the Superintending Engineer, 7th Division.

- „ Controller and Auditor of Public Works Accounts.
- „ Accountant General.
- „ Military Department.

Exd. S. T. Augustin.

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MILITARY DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following :—

Proceedings of the Madras Government, Revenue Department.

Referring a letter from the Collector of Malabar, and a further report from the Acting Sub-Collector, regarding the acquisition of certain land, required by the Military Authorities, and adjoining the Powder Magazine at Cannanore.

Here enter 20th June 1864, No. 1057.

ORDER, No. 2504, 21st July 1864.

Resolved that the estimated cost* for the purchase of the land at Cannanore, required for Military purposes, be entered in the Public Works Department Budget for 1865-66, together with the sum adverted to in paragraph 10 of the Quarter

* Rupees (10,576-12-1) ten thousand five hundred and seventy-six Annas twelve and Pie one.

Master General's letter, recorded in Proceedings of Government marginally noted, viz., Rupees 20,000 for building another Magazine at that Station, for which Plan and Estimate had been prepared in November 1860.

2. In anticipation of the sanction of the Government of India being accorded to the sum to be entered in the Budget for the purchase of the land in question, the necessary preliminary arrangements may be made for its acquirement, by private bargain, which Government consider more desirable than obtaining it under Act VI of 1857; should the negotiation fail, however, the necessary steps will be taken, by the Revenue Department, on the receipt of sanction, for issuing the usual proclamation, preparatory to the land being taken by Government.

3. On the completion of the purchase, the trees on the land in question will be made over to the Tenants for their own benefit, and they will be allowed to clear the ground of everything belonging to them.

(True Extract.)

M. M. S. H. S.
Dy. Secretary to Government.

To the Revenue Department, with a sketch Plan.

„ Public Works Department, with Pro. of Govt. No. 4109 of 23rd December 1863.

„ Quarter Master General.

W. H. C. S.

*Proceedings of the Madras Government, Revenue Department,
20th June 1864.*

No. 246. Read the following Proceedings of the Board of Revenue, dated 17th June 1864, No. 3,090.

Read the following letter from the Collector of Malabar, dated Calicut, 1st June 1864, No. 126:—

1. Adverting to Government Order, No. 629, dated 14th April 1864, regarding the acquisition of certain land, required by the Military authorities, and adjoining the Powder Magazine

at Cannanore, I have the honor, in continuation of my former letter,* to submit a further report† from the Acting Sub-Collector.

* Dated 5th March 1864, No. 21, to the Secretary to Government, Revenue Department.
† No. 136, dated 17th ultimo.

2. Mr. Garstin points to certain lands, the proprietary right in which vests in Government, as available to be made over to Ali Raja and other Jenmis, in lieu of the lands to be taken up in Cannanore.

I cannot, however, support this proposition.

3. It is true that there are sundry lands in Cherakal and Koteyom, the proprietary right in which vests in Government. This proprietary right, the Government is aware, is now being sold to the respective tenants. But in all these lands the occupancy has been enjoyed so long as to give a vested interest in the land to the tenant, or has been actually purchased by the present tenant from some previous old standing occupant.

These tenants are glad to purchase the full proprietary right on the easy terms on which it is offered them in the escheat settlement, and thereby become the Jenmis of the land. It is only when reasonable terms are contumaciously rejected that the Jenm is disposed of to others. It would certainly be a harsh and objectionable measure to transfer the Government Jenmom right, over the heads of these tenants, to a private Jenmi, whose first step would probably be to rack-rent the old tenants; or oust them and bring in people of his own.

4. Moreover, even if such transfer of the Government Jenm were made, the real sufferers by the assumption of the land in Cannanore would not be relieved. These sufferers are not the Jenmis, so much as the occupying tenants under the Jenmis. It is these tenants who have to quit their houses, and give up, with but scanty compensation, the occupancy of lands on which much labour has perhaps been expended by them.

It is evident that the transfer of the Government Jenmom in some of the escheated lands, to the Jenmis of the assumed lands, would in no way relieve the ousted tenants of the latter.

5. Ali Raja claims to be Jenmi of sixteen of the seventeen lands entered in the list accompanying my letter noted. His claim is disputed regarding five. But he will not give up any of the gardens unless Government give him the Jenmi of other lands equivalent to the whole sixteen.

Dated 5th March 1864, No. 21.

I have shown this to be out of the question.

6. I therefore recommend that the whole sixteen be taken under Act VI of 1857.

7. The Bibi is the Jenmi of the remaining garden.* As she happens to be the occupant of certain Government escheat, the proprietary right in which will, in ordinary course, be

* No. 5 of the list.

sold to her by Government, it will be easy to give her credit in her purchase of the Government Jenmom for the value to be paid her on the assumption by Government of the Cannanore garden.

8. As already pointed out, the share which accrues to the tenants to be ejected from the Cannanore lands is inadequate compensation. I would again recommend therefore that the trees in the garden be given to the respective tenants over and above their share of the compensation awarded to the Jenmis.

9. As the monsoon has burst, I beg to recommend that the tenants be not ejected till it is well over.

*Proceedings of the Madras Government, Revenue Department,
20th June 1864.*

10. The accounts necessary to take up the gardens under the Act will be completed as soon as possible, and forwarded when ready, unless further orders from Government are received.

• From Ondan Onaken Otti Ambu, and several others, dated 31st January 1864.

11. The Petition* received with the Board's endorsement, dated 6th ultimo, bearing on the subject of this letter, is herewith returned.

ENCLOSURE No. 1.

From J. H. GARSTIN, Esq., Acting Sub-Collector of Malabar, to G. A. BALLARD, Esq., Collector of Malabar, dated Tellicherry, 17th May 1864, No. 136.

1. Referring to the Order of Government in the Military Department, dated the 5th ultimo, No. 1,120, I have the honor to report that there are Government lands in different parts of Cherrakal Talook and in the Dharmadam Amshom of the Koteyom Talook, the Jenmom of which might be transferred to Ali Raja and the other owners of the lands proposed to be taken up for the new Magazine and Burial Ground, and in lieu of the Jenmom of them; but as all these lands are in the occupation of Government tenants, and as the transfer of the Jenmom will entail on

* Rent.
† Jenmi's fee and land tax.

them the payment of patom,* in addition to their present payments of shistom† and niguthi; those tenants will naturally be much aggrieved and will want compensation or will ask Government to buy off all claim on their new Jenmi's part, to demand patom from them; and this will probably entail an expenditure equal to twenty times the patom of the land so proposed to be transferred. In addition to which the transfer of the Jenmom will put it out of the power of the Kudiyan to purchase it from Government, as they otherwise might have done.

2. There are eleven out of the seventeen gardens which belong to Ali Raja, five are disputed, and one belongs to the Bibi (No. 5).

3. This last has been valued at Rupees 640-11-2 as shown in the printed account received with the Order of Government above quoted.

4. The Bibi has a paramba in Dharmadam, the Jenmom of which she is about to purchase from Government, and she is willing that the value of her paramba at Cannanore should be carried to her credit as part payment of the Jenmom value of the one at Dharmadam; she would then of course have to pay off her tenants on the one at Cannanore.

5. Ali Raja will not admit that there is any doubt about his being the Jenmi of the other sixteen parambas, but the Tahsildar is satisfied that the documents produced by the parties questioning Ali Raja's title to five of them, establish a *prima facie* case.

6. Ali Raja will not enter into negotiations for a sale of any of the sixteen; nor for a transfer of the jenmom of other lands in lieu of *eleven only* (leaving the five disputed ones to be dealt with under the Act).

7. The only terms on which he consents to deal at all are that the Jenmom of Government lands equivalent in value to the whole sixteen which he claims, should be made over to him.

8. This of course is out of the question.

9. The only thing that remains to be done is to put the Act in force in the five disputed parambas, pay off the Kudiyan, and leave the disputants to sue for the Jenmi's share and on the termination of the suit, the Government Jenmom right in other lands of equal value might be made over to the judgment creditor or creditors, and indemnification be paid to the tenants of those transferred lands.

10. The Bibi's garden might be disposed of as she proposes.

11. I propose that the Jenmom of lands equivalent in value to the eleven gardens indisputably belonging to Ali Raja, and the Jenmom of which it is proposed to take over, be transferred to him in its stead.

*Proceedings of the Madras Government, Revenue Department,
20th June 1864.*

12. The annual patom on these eleven gardens, according to the Tahsildar's calculation (which is correct though not very liberal), is Rupees 208, and it will be incumbent on Government to indemnify their tenants on the lands transferred to Ali Raja in lieu of these eleven gardens, for their having to pay in the aggregate 208 Rupees annually in excess of what they have been in the habit of paying to Government.

13. I beg to renew my proposal about giving over the trees in the gardens to the actual tenants of each, over and above the customary Kudiyan's share. This will just about double the amount of compensation, without cost to Government.

14. I would add one other suggestion with regard to the hardship of ousting the tenants now, as the monsoon will burst over Malabar in a few days, and they would be in a miserable plight if turned out during the rains.

15. I therefore recommend that after the final decision of Government has been arrived at no action be taken in the matter until the middle of October or beginning of November next.

16. I enclose a list* showing the five gardens proposed to be taken up under the Act, their extent, situation, and names.

* Not forwarded. The Acting Sub-Collector has been requested to furnish a complete list of all the gardens which will be submitted when received.

(True Copy.) (Signed) G. A. BALLARD, Collector.

ENCLOSURE No. 2.—Petition.

1. Ordered to be submitted for the consideration and orders of Government, with reference to their Proceedings in the Revenue Department quoted by the Collector.

2. The Board entirely agree in opinion with the Collector that the escheated lands now in course of sale on Jenmom title to the established occupants, cannot be held available for the purpose proposed, except in the case of the Bibi, who holds land of either kind.

No. 247.

Miscellaneous.

ORDER THEREON, 20th June 1864, No. 1,057.

Referred to the Military Department, with reference to the Order in that Department, dated 5th April 1864, No. 1,120.

(True Extract.)

(Signed) J. D. SIM,
Secretary to Government.

To the Military Department.

Exd S. T. Augustin.

Proceedings of the Madras Government, Military Department.

No. 496. Read the following papers :—
From the Quarter Master General, Fort Saint George, 5th December 1863, No. 9176; to the Secretary to Government, Military Department.

Government is aware that representations have been made from time to time by the Officer Commanding Malabar and Canara relating to the want of space in the Protestant and Roman Catholic Burial Grounds at Cannanore, and also regarding the position and capacity of the present Powder Magazine: and that a decision has been postponed till His Excellency could judge for himself by personal inspection.

2. Sir P. Grant reported upon this Magazine as follows :—

"It is in a most objectionable position, outside the Fort, beyond the reach of protection from either the European or Native Infantry Barracks, and very indifferently covered on one side by the Guns of the Fort; about sufficiently so to admit of its being blown up, and certainly not enough to save it in the event of any attack on it."

3. The position of the Magazine was further objected to as being on the edge of a ravine, beyond which was a thick plantation of Coconut trees which might afford cover to an enemy.

4. The Magazine has already been reported to be insufficient to contain even the half of the Ammunition and Powder required to be stored under present Regulations; but it is considered to be of an excellent Plan, and stands on very high and dry ground.

5. Sir Hope Grant has inspected the ground occupied by the Magazine and its neighbourhood, and is of opinion that if the plantation spoken of be purchased, land will be found sufficient for two new Burial Grounds and at the same time, the objection of the proximity of the plantation to the Magazine will cease by the removal of the plantation.

6. When Sir P. Grant reported as above on the unprotected position of the Magazine, there was no European Artillery at Cannanore. There is now a Light Field Battery stationed there, whose Quarters are quite close enough to the Magazine to afford it every protection necessary.

7. In the Order of Government, No. 4346, dated 9th December 1859, the value of the piece of ground referred to was variously valued at Rupees 11,897 and 13,777. Her Highness the Beebe of Cannanore is the proprietor, and the accompanying Sketch A shows that portion marked by Coconut trees, not now Government property, which it was then proposed to purchase.

8. His Excellency therefore now desires to renew that proposition, as being the only solution of the two questions which are the subject of this letter, and have been so long pending.

9. It would be in His Excellency's opinion highly inexpedient to sacrifice so excellent a Building as the present Grand Magazine; and he would therefore propose that a similar Building be erected near it: the two being calculated to contain 4,000 Barrels of Gun Powder: that being the quantity which was reported by the Chief Engineer in his letter to Government, dated 28th March 1861, as necessary to be there stored.

10. His Excellency further recommends that money sufficient to buy the land, and 20,000 Rupees to build another Magazine, be entered in the Budget for 1864-65. The Chief Engineer prepared a Plan and Estimate in November 1860 for this new Magazine at Cannanore.

11. A Plan B and Estimate of the Burial-grounds are likewise forwarded, in order that the sum of Rupees 2,733 may be entered in the Budget for 1864-65, on account of the surrounding wall.

Referred to the Revenue Department, with advertence to former Proceedings in that Department, on the question raised in paragraph 7 of the Quarter Master General's letter.

Pro. of Govt., Rev. Dept., No. 1610, 28th Nov. 1859.

9th December 1863.

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Proceedings of the Madras Government, Military Department.

No. 497. *Proceedings of the Madras Government, Revenue Department.*

Directing the Collector of Malabar to ascertain, without delay, whether the Beebee of Cannanore is now willing to part with the land required for the purpose of erecting another Magazine, and enlarging the Burial-grounds at that Station, and if so, how much she seeks for it.

Here enter 16th December 1863, No. 2314.

No. 498. ORDER, No. 4109, 23rd December 1863.

Ordered that the foregoing Proceedings of the Revenue Department, be communicated to the Commander-in-Chief, (Quarter Master General's Department.)

(Signed) R. HAMILTON, Lieut.-Colonel,
Deputy Secretary to Government.

/ True Copy /

*Munittung for
by Secretary to Govt*

24/12/63

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Communicated to the Superintending Engineer & the D^y who will be guided by the instructions contained in Para 1 of the foregoing Pro. of the Military Department. The Plan and Estimate therein referred to, are, it is presumed, those submitted to the Chief Engineer with letter dated 28th 1861. 10787. The Superintending Engineer will resubmit the same, and report on the suitability of the Plan and the sufficiency or otherwise of the Estimate.

*To The Superint^d Eng^r & the D^y
" " Controll^r & Aud^r of M^t Accounts
" " Accountant General
" " Military Department
Chepauk
2nd August 1864
d^y 3rd August*

19 Dec 1859 No 135-136

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P. N. 1861-20th
Pro of Govt for July
No 3245

No: 117505
in the Military
Department

Order 1645/15

Dated 27 July 1861
Recd 23rd July 1861
No 2574

82 Rs 5190/64

With an Order

No 2199 7th August 1861
Resolving that the

Estimated cost, viz. Rs 10,57-12
for the purchase of the land
required for military purposes
at Cannanore, Chaleh &
as well as a sum of Rs
20,000 for building another
magazine at that Station,
be entered in the M. Budget
of 1865/66.

No 37.38