

MADRAS RECORD OFFICE.

Government of Madras.

Public DEPARTMENT.

G.O. No.	1079	Press Mis.
Dated	26-8-1870	

Not to be folded or roughly handled

No. 133. Read the following petition from CHENGAM NATTAN, and others, fishermen, residing at Madras, dated 27th June 1870, No. 1435:—

State that, from time immemorial, they fish in the Cooum river, but that the Commissioner of Police has issued orders prohibiting them from fishing in the Cooum from Governor's bridge to iron bridge, when the river is not full.

2. Add that they laid a complaint on the subject before the Commissioner of Police who refused to grant their request.

3. Pray that Government will be pleased to allow them to fish in all parts of the Cooum river.

No. 134. ORDER THEREON, 26th August 1870, No. 1079.

The Government have had frequently of late before them the question whether fishing should be permitted in the Cooum river more especially in those portions between the iron bridge and the cemeteries.

2. It was represented, both by the Commissioner of Police and the Sanitary Commissioner, that the disturbance of the bed of the river by the fishermen wading in it, and the heaping of shell-fish on the banks of the river, were serious public nuisances, and likely to endanger the public health.

3. On the 21st May last the Government issued an order prohibiting, until further notice, all fishing in the Cooum river between the Government-House bridge and the bridge which crosses the river near the cemeteries. The execution of the order was entrusted to the Commissioner of Police. Against this order the persons who have hitherto fished in the Cooum have petitioned the Government, stating that they have, from time immemorial, enjoyed the right of fishing in the Cooum.

4. From the papers which are before the Government, and which will be transmitted to the Advocate-General, it would seem, (see letter from the Commissioner of Police, dated 25th March 1867, in Proceedings of Government, 9th April 1867,) that the conservancy of the river belongs to the Department of Public Works, but the Superintending Engineer, 4th Division, states that the right to grant permission to collect shell-fish has never been exercised by his department. It would also appear that the permission to catch fish had formerly been granted by the Commandant of Engineers. The fishermen themselves state that they collect shell-fish by long-established custom, and that they have never obtained express permission from anybody.

5. Before taking any further action in this matter, His Excellency the Governor in Council directs that these papers be communicated to the Advocate-General, who will submit to Government an opinion as to the probable legal validity of the claim, to a prescriptive right of fishing in the Cooum, advanced by the petitioners. The Advocate-General will also advise Government as to the means which should be adopted, in the event of his considering the right claimed to be legally valid, to restrict the exercise of the right in such a manner as shall sufficiently secure the public health.

(True Extract.)

H. E. STOKES,
Under Secy. to Govt.

To the Government Solicitor, with papers.

„ Commissioner of Police.

„ Sanitary Commissioner.

Exd. J. Wright.

1434/2

1434/2

His Excellency the Right Honorable
Francis Lord Napier, K. J.,
Governor and President in Council,
Fort. Saint George,
Madras;

My Lord,

We the undersigned beg most respectfully to enclose herewith our humble petition to your Lordship - bewailing their misery and imploring your mercy - petitioners are in profession Fishermen. They catch fish in Cooum river, from time immemorial; and from generation to generation. They never gives cause to complain against them, but, month before last we have to complain against them, upon the petitioners of their petitioners not to ply our nets in the Cooum river, on account of the bad small of the river water, for which, we appealed to the Commissioner of the subject, the Commissioner granted us, ^{our orders} as usual, but, prohibiting to cast our nets from Governor's Bridge to Iron Bridge, unless the water is high in the river, Then God, we have enough of water to continue our only trade of living. Last we perish with burning hunger, with our family, as is the case with us since the time we have prohibited doing so. Now, we prostratedly imploring your Lordship to grant us the order to ply our nets in Cooum river, from Governor's Bridge to Iron Bridge - usual as was before. For which act of charity, your poor petitioners,

Shall ever Pray -
Chengam Nattan -
Suthoran Nattan
Parasoorama Nattan, and
many others.

27th June 1870.

Govt. of 1870

PUBLIC.

To
THE GOVERNMENT SOLICITOR.
&c., &c., &c.

Dated August, 26th.
Recd.

G.O., 26th August 1870, No. 1079.

AUGUST.
Nos. 133-134.

Directing the Advocate-General to report on the validity of the claim preferred by certain fishermen of Madras to fish in the Cooum river.

To His Excellency the Right Honorable
Francis Lord Napier, K. T.
Governor and President in Council,
Fort St. George.

complaint on the subject
before the Commissioner of
Police, who refused to grant
their request.

Pray that Govt will
be pleased to allow them
to fish in all parts of
the Cooum river.

12/1/70
Pulga 1876 D. 12/1/70
No. 1435 of 1870.
Dec. 26 Aug 1/96
From Chengam Nattam,
Aathoran Nattam & others,
fishermen, residing at Madras

Dated 27th
Recd. 27th } June 1870.

10.10.70
State that from time
immemorial they fish in
the Cooum river, but that the
Commissioner of Police has
issued orders prohibiting
them from fishing in the
Cooum from Governor's
Bridge to Iron Bridge,
when the river is not full.
Add that they laid a

Public Department

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter *Notation*
from Chengam Nattar Sothar, fishermen,
residing at Madras

D/27 June 1890.

Order thereon. Government 26th
August 1890 No 1049

J. D. S.

The Government
have had frequently
of late before them the
question whether fishing
should be permitted on the
Coorn River more especially
in those portions between
the iron bridge and the
cemetaries.

It was represented
both by the Commissioner

of Police and the Sanitary Commissioner that the distance of the bed of the river by the fishermen wading in it, and the heaping of shell fish on the banks of the river were serious public nuisances and likely to endanger the public health.

3. On the 21st May last the Government issued an order prohibiting until further notice all fishing in the Coomra river between the Government House Bridge and the bridge which crosses the river near the cemeteries. The execution of the order was entrusted to the

the Commissioner of Police. Against this Order the persons who have hitherto fished in the Coomra have petitioned the Government, stating that they have from time immemorial enjoyed the right of fishing in the Coomra.

4. From the papers which are before the Government and which will be transmitted to the Advocate General, it would seem the letter from the Commissioner of Police dated 25th March 1867 in Nos. 24 and 9 (April 1867) that the Conservancy of the river belongs to the
deputies

Department Public Works
but the Superintending Eng.
4th Division states that
the right to grant permission
to collect shell fish has
never ~~been~~ exercised by
his Department. It would
also appear that the permission
to catch fish had formerly
been granted by the Com-
mandant of Engineers -
The fishermen themselves
state that they collect
shell fish by long estab-
lished custom, and that
they have never obtained
express permission from
any body -

Before taking any
further action in this
matter

18x
matter His Excellency the
Governor in Council directs
that these papers be com-
municated to the Advocate
General who will ^{submit} ~~present~~
^{to} the Government ~~with~~ an
opinion as to the probable
legal validity of the
claim, to a prescriptive
right of fishing in the
Lagoon, advanced by the
Petitioners. The Advocate
General will also ^{advise} ~~from~~
^{Government} ~~the Government~~ ^{as to}
~~opinion~~ of the means
which should be adopted,
in the event of his considering
the right claimed to be
legally valid, to restrict
the exercise of the right

his

in such a manner as
shall sufficiently ^{secure} protect
the public health.

His Honor's Council
with previous papers
Court of Police
Sanitary Committee

don't think it would be right
to compel them from people from
the presumption of a traditional custom
the law without warning and
that compensation
amidst the question of the
possibility of possibly posing
together in the territory
in which being but to
state whether in his opinion
the practice of casting refuse
collecting them from the
I would - as I said
of the - I think the
more the more the better
I do not see how
the more the more
any right to the
town.

I do not
I have instructed to
with the law firm, but
we have not yet decided
it again in Council
A. J.

Memorandum for Orders.

It will be in the suggestion
of the members of Council that
at a recent meeting of the
Council. The question was
discussed whether the prohibition
to fish in certain parts of the
Coun river - i.e. between the
Lynt House bridge & the bridge
which crosses the river near the
Cemetery - should be withdrawn
or if the prohibition is con-
sidered whether compensation
should be awarded to the
fishermen who have acquired
as they state a prescriptive
right to fish in the river.

in such a manner as
shall sufficiently ^{secure} protect

It cannot be clearly ascertained
when permission to fish in the
river - and especially to collect
shell fish was given - but
such permission would seem
formerly to have been
given by the Commandant
of Engineers.

The fishermen themselves state
(see letter ^{to} forms part of
Pro: App: 9th April 1867)
that they collect shell fish
by long established custom
and that they never ob-
tained express permission
from any body.

About 40 persons from
Black Town, and about
50 persons from Chintandra

River is in the ordinary state
of the water and hence
by any danger to the public
health. The answer to
the affirmatives I would then
endeavour to ascertain the
gross annual earnings of the
fishing caste in the town
in a year and also the
sum amounting to five years
earnings which should then
be distributed among the
fishers by some competent
person with reference to the
age of the recipients & their
power of finding employment
in other branches of labour.

In the meantime I would
state of the prohibition of
fishing between the Baidys
which was prompted by a
state of affairs no longer
existing. N.

19 } Coast of
Saurashtra

17

with practice fishing with
nets in the Coum. Twenty
or thirty pariahs of Chintandra
just a Combeeswarren Civil
and about 20 pariahs from
Black Town employ themselves
in collecting shell fish -
They gain a miserable pittance
of from one to two Annas
daily - (see Pro: quoted above)
The nuisance consists first
in the disturbance of the
bed of the river by the fishermen
walking about in the water
casting their nets.
Secondly. in the shells being
heaped up on the banks of
the river while their contents
which have been only partially
eaten are left to putrefy

in the sun⁺. The shells are used
for burning into lime.

As shown above about 140
people are engaged in this
fishery — It will be difficult
to make ~~any~~ compensation for

some of these ^{fishermen} may have only
recently fished here - have
other occupations as well - x
If they are allowed to fish they
may be prohibited from leaving
the shells ^{to rot} on the banks - but
this will give great trouble
to the police - & would end
in their carrying the shells
to putrefy elsewhere -

Only two courses seem open - to
allow the nuisance - or to
continue the prohibition then
the fishermen will have to
obtain permits - This they have,
in order to live, probably done
already -

x see ~~Sanitary~~ ^{Cont.} report. P. 201
Mad. Int. 26 July. 57

We can hardly pension 140
people. They might be paid
a year's subsistence to give
them time to get other occupation
In this case they will at
once spend the money in drink.
They would get about 40 Rs
each.

Consent

See further were excluded from
a small part of the River.

2-12-11

Cont. of 118 } **Quarries.**

To Public
The Govt. Solicitor for

Dated Aug. 26. } 1870, No. 118
Recd. 1870

Nos. 133-134. 1870
1870

Respecting the above case I have
to inform you the validity of
the claim proposed by
certain persons of the
to be in the former case.

Proceedings of the Madras Government, Public Department,

26th August 1870.

No. 133. Read the following petition from CHENGAM NATTAN, and others, fishermen, residing at Madras, dated 27th June 1870, No. 1435:—

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„ Sanitary Commissioner.

Exd. J. Wright.

Govt. of Madras.

PUBLIC.

To

THE GOVERNMENT SOLICITOR.

Esq.,

Secy,

Mad.

Dated August, 26th.

Recd.

Encl.

G. O., 26th August 1870, No. 1079.

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