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Revenue Department

Minutes of Consultations

23rd Dec 1857

Back Numbers 57-58

Order No 1339 of 22nd Dec 1857

Boxes - 13

பாதுகாப்பு பிரிவு–1

செப்பனிடுபவர் பெயர்

செப்பனிடுவதற்காக எடுத்துக் கொள்ளப்பட்ட நாள் 17-1-07

சரிபார்க்கும் முதல் மு.நி.பா.எ. கையொப்பம்

சரிபார்க்கும் 2–ம் மு.நி.பா.எ. கையொப்பம்

ஆராய்ச்சி உதவியாளர் கையொப்பம்

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Fort Saint George, Revenue Consultation of 23d December 1857.

No. 57. Read the following Extract from the Proceedings of the Board of Revenue; dated 4th November 1857, No. 3775.

* *In Cons. 4th Nov.* 1857. Read letter from the Acting Collector of Masulipatam dated 30th September 1857,* submitting statements shewing the extent of land belonging to Enamdars taken up by the Godavery Channels and the losses sustained thereby by the owners.

(Here enter No. 184.)

The present report shews only the enquiry made in regard to enam lands occupied by the Godavery channels. Lands similarly taken up in mokassas and aggraharums as well as enam lands generally occupied by the Kistnah channels will be reported on hereafter. Alienated lands alone fall within the scope of these reports. Where lands, bearing full assessment, have been taken, an adjustment has been made, when necessary, by granting some small reduction in the village joint rents. The remission thus given appears to have been inconsiderable. Its amount should however have been mentioned as well as the extent of land taken.

2. The enam lands, the subject of the present refcrence, are situated in the Ralungy, Pentapaud and Kykaloor Talooks, and comprize 20 Cutties 4 V 14 P. the full assessment of which would be Rs. 953-6-11. The loss of these lands till replaced by others involved a loss of income to the owners to the amount of Rupees 2,768-3-6; but Rs. 177-11-8 on account of the items shewn in the margin, being deducted, the actual sum to be disbursed to them is Rs. 2,590-7-10. The claims to land have been already satisfied by making over to the parties interested 20 C. 2 V. $6_{\frac{1}{6}}$ P. of land assessed at Rs. 953-11-6 in lieu of that taken. The enquiry into the several claims seems to have been carefully made by the Head Assistant Collector Mr. Chase. It was the wish of the Collector Mr. Lushington, as will be seen from the correspondence noted in the margin, that some investigation should be made as to whether the Enamdars were rightfully entitled to the land which had been taken from them, but it was subsequently determined by the Acting Collector Mr. Fraser, that where there had been undisputed enjoyment of the land taken, the claim of the party concerned should be satisfied by giving land for land, with the distinct understanding that the claim itself would be liable to scrutiny at the general investigation of enam tenures. The character of the holder's title in each case would have been tested at once by the mode of proceeding suggested by Mr. Lushington but as no less than 239 Enamdars in the three talooks mentioned were interested in the enquiry, the final adjustment would have been effected at the risk of considerable delay. Under Mr. Fraser's instructions a settlement has been made more expeditiously without prejudice to the rights of Government. In para. 4 of his letter, Mr. Knox observes that the principle of giving land for land is not in accordance with the law; but the Board are under the impression that the lands in question were but taken under Act XX. of 1852. With the foregoing explanation the Board beg to recommend that the proceedings of the local authorities as to the lands given in exchange may receive the confirmation of Government.

	Rs.	A.	P.
Cuttoobady payable to Government.	135	0	0
Already paid by the Dept. P. Works.	42	11	8
	177	11	8

From Collr. 26th April in N. C. Cons. 3rd May 1855, *No.* 49.
Do. 28th in C. do. No. 50.
Pro. of Commr. N. C. 2nd in Dy. Cons. 2nd May 1855, *No.* 288.

P. p. 5 *and* 6 *from Acting Collector to Head Assistant Collector* 25*th April* 1856, *No.* 155, *accompanying letter from the Acting Collector under consideration.*

3. In like manner they solicit that sanction may be given for the payment of Rupees 2,590-7-10 to the Enamdars in question on account of loss of income as shewn in detail in the statement which accompanied the letter from the Acting Collector under submission.

4. It will be seen that lands have been given in exchange for Enam lands required for the Kistnah channels. The particulars remain to be reported as already stated. A few items in Ralungy also remain for adjustment.

From Head Assistant Collector para. 5.

5. The enquiry of Mr. Chase, the Head Assistant wasconcluded and the result reported to the Acting Collector on the 27th September 1856, Mr. Knox will report why this letter was allowed to remain a year in his office before being submitted to the Board. As the parties have been put in possession of their lands, it does not appear that this delay entails an additional charge on Government; but the delay, *previously* incurred in the District in the final disposal of the question, has swelled the amount of losses to be made up by Government in the sum of Rupees 656-9-6.

From Head Assistant Collector para. 8.

6. In the case of mokassas and aggraharams it appears that Mr. Fraser was of opinion that land should be given for land; but the more simple plan as observed by Mr. Knox is to reduce the quit rents proportionately. This mode of adjustment had been previously suggested by Mr. Lushington and approved by the Commissioner, and the Board are of opinion that it should be followed in the adjustments in progress under this head.

From Collector para. 5.

Pro. 2nd May 1855, para 3.

(A true Extract.)

(Signed) J. D. SIM, *Acting Secretary.*

No. 58.

ORDER THEREON, No. 1339; dated 22nd December 1857.

Para. 1. With these proceedings, the Board of Revenue submit a letter from the Acting Collector of Masulipatam, on the subject of the enam lands occupied by the Godavery channels in that District.

	Land.			*Sist.*		
	C.	*V.*	*P.*	*Rs.*	*A.*	*P.*
Land taken.....	20	4	14	953	6	11
Land assigned.....	20	2	$6\frac{1}{16}$	953	11	6

	Rs.	*A.*	*P.*
Estimated loss.....2,768	3	6	
Deduct quit rent and sums already paid by the Engineer Dept..... 177	11	8	
Rupees...2,590	7	10	

2. It appears from the Statement furnished by Mr. Knox, that in the three talooks Ralunghy, Pentapaud, and Kykaloor, lands assessed at Rupees 953-6-11 were taken up for the Godavery channels from 239 Enamdars, and that other lands, bearing the same assessment, have been assigned to them in exchange. The compensation to be paid to the proprietors for loss of income from the time they were deprived of the occupation of their lands, to the period at which others were given to them, is calculated at Rupees 2,590-7-10.

3. Enquiry into the several claims is stated to have been carefully made by the Head Assistant Collector, and in assigning land bearing an assessment equivalent to that of the land taken up, it was on the distinct understanding that the claim to hold land rent free would be subject to scrutiny at the general investigation of enam tenures. The proposed compensation for loss of income is represented by Mr. Chase to have been based on the cowles in the possession of the cultivators of the enams, and where this source of information was wanting, on the average turrums of land adjoining the enam. These data the Acting Collector observes were the best available.

Para. 6 of Head Assistant Collector's letter dated 27th September 1856.

4. Under the circumstances above recapitulated, the Right Honorable the Governor in Council is pleased to approve the proceeding of the local officers of Masulipatam, and to sanction accordingly the grants of land made to the Enamdars in exchange for the enams taken up for the Godavery channels in that District; he also grants authority for the disbursement of the sum of Rupees (2,590-7-10) two thousand, five hundred and ninety, annas seven, and pice ten, to the Enamdars in compensation for the loss of income sustained by them. This, and similar payments made in Rajahmundry might have been avoided had the Enamdars' claim to an equivalent for their lands, taken up for public works, been investigated and decided at once.

5. It is stated that, where lands bearing full assessment have been taken for the Godavery channels, an adjustment has been made when necessary by the grant of a small reduction in the village joint rents. Some account of the extent of the land thus taken, and the amount of re-

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mission granted, should have been furnished, and the Government desire that this omission be supplied.

6. The present Report refers to enam lands occupied by the Godavery channels; but there are yet others, mokassas and agraharums, as well as enam lands generally, occupied by the Kistnah channels, which have to be reported upon. The mode of adjustment in respect to mokassas and agraharums approved by the Commissioner and the Board should be followed, but the Government would wish that no unnecessary delay should take place in the settlement of all remaining claims.

(Signed) H. FORBES,
Acting Secretary to Government.

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No 3775

Revenue Department.

Extract from the Proceedings of the Board of Revenue, dated 4th November 1857 No 3775

Read letter from the Acting Collector of Masulipatam dated 30th September 1857 submitting Statements shewing the extent of land belonging to Enam dars taken up by the Godavery Channels and the losses sustained thereby by the owners

(Here Enter No 184.)

The present report shews only the enquiry made in regard to Enam lands occupied by the Godavery Channels. Lands similarly taken up in Mohussas and Aggraharams as well as Enam lands generally occupied by the Nishnah Channels will be reported on hereafter. Alienated lands alone fall within the scope of these reports. Where lands, having full assessment, have been taken, an adjustment has been made, when necessary, by granting some small reduction in the Village joint Rent. The Remission thus given appears to have been unavoidable. The amount should however have been mentioned as well as the extent of land taken.

The

2. The Enam lands, the subject of the present reference, are situated in the Rahungy, Puttiapaud and Kythalore Talooks, and comprize Cottas 20 4 14, the full assessment of which would be Rs 953 6 11. The loss of these lands till replaced by others involved a loss of Income to the owners to the amount of Rupees 2768 3 6: but Rupees 177 11 8 on account of the items shewn in the margin, having deducted the actual sum to be disbursed to them is Rupees 2590 7 10. The claims to land have been already satisfied by making over to the parties interested 20 2 6/16 of land assessed at Rs 953 11 6 in lieu of that taken. The enquiry into the several claims seems to have been carefully made by the Head assistant Collector Mr Chase. It was the wish of the Collector Mr Washington, as will be seen from the correspondence noted in the margin, that some investigation should be made as to whether the Enamdars were rightfully entitled to the land which had been taken from them, but it was subsequently determined

Cattle to be paid for by Government. Rs A. P. 135 0 0

Already paid by the Dept of Works 42 11 8

177 11 8

A Coll Sr 26th April 1855 No 49
do 28th ult do do No 50
Rev & Comm Bd 2nd & 9th May 1855 No 288.

Canara 1339 5 6

pp 586 from Acting Coll Sr Asst Colls 25 April 1856 No 155 accompanying letter from the Acting Collector under consideration.

determined by the Acting Collector Mr Fraser that where there had been no dispute regarding the land taken, the claim of the party concerned should be satisfied by giving land for land, with the distinct understanding that the claim itself would be liable to scrutiny at the general investigation of Enam tenures. The character of the holder's title in each case would have been tested at once by the mode of proceeding suggested by Mr Pushington but as no less than 239 Enamdars in the three Talooks mentioned were interested in the enquiry, the final adjustment would have been expected at the risk of considerable delay. Under Mr Fraser's instructions a settlement has been made more expeditiously without prejudice to the rights of Government. In para: 6 of his letter Mr Fraser observes that the principle of giving land for land is not in accordance with the law; but the Board are under the impression that the lands in question were not taken under Act XX of 1852. With the foregoing explanation the Board beg to recommend that the proceedings of the local authorities as to the lands

lands given in exchange may procure
the confirmation of Government.—

3. In like manner they solicit
that sanction may be given for the
payment of Rupees 2590-7-10 to the Enam
dars in question on account of loss of
income as shown in detail in the
statement which accompanied the letter
from the acting Collector under Subd.
mission.—

4. It will be seen that lands have
been given in exchange for Enam lands
required for the Kistnah Channels. The
particulars remain to be reported as
already stated a few items in Rahimgy
also remain for adjustment

From W. Gyl. Coll.r p. 5.

5. The enquiry of Mr. Chase
the Head Assistant was concluded and
the results reported to the acting Collector
on the 27th September 1856 Mr. Knox with
report why this letter was allowed to
remain a year in his Office before being
submitted to the Board. As the particulars
have been put in progression of their

lands it does not appear that this delay
entails an additional charge on Government
but the delay, previously incurred in the
District in the final disposal of the question,
has swelled the amount of lapses to be made
up by Government in the sum of Rupees 856-9-0.

From W. Gyl. Coll.r p. 8.

6. In the case of Mokapos and Aggra-
haramu it appears that Mr. Fraser was
of opinion that land should be given for land,
but the more simple plan as observed by
Mr. Knox is to reduce the quit rents proportion-
ately. This mode of adjustment had been
previously suggested by Mr. Cushney Coll.r
and approved by the Commissioner, and the
Board are of opinion that it should be
followed in the adjustments in progress
under this head.—

From Coll.r p. 5

Pro. 7 May 1855 p. 3.

(A true Extract)

Acting Secretary

To
H. Forbes Esq.
Acting Secretary to Government
Rev. Department.—

Ex.d 4 Pro.

Copy in a Letter to E.
d/s 5 June 1858 N°27

Rec.d 1857 Octr 23d Dec.r

N° 1332

Extract from the Proceedings of the Board of Revenue.

Dated 4 & 6 November 1857

Encl. to Retd. N° 3775

Rec.d N° 1339. 22 Dec.r

Submitting a letter from the acting Collector of Masulipatam enclosing Memorandum of Examination taken by the Exchange Cashier, recommending that the proceedings of the Local Authorities in regard to the bonds given in Exchange may be confirmed and soliciting sanction for the payment of Rs 2670-7-10 to the Inhabitants in account of Loss of Revenue.

N° 57.

C.H Dec.r N°17

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Revenue Department

N° 288.

Extract from the Proceedings of the Commissioner for the Northern Circars, dated Vizagapatam 2d May 1855.

In Con 3d May 1855.

Read again letter from the Collector of Masulipatam with Enclosures dated 26th April 1855, reporting the arrangements he has made for an early settlement of the Claims to compensation of Enamdars in the Pentapaud and Kalingy Talooks, whose lands have been required for the river Channels.

(Here Enter N° 49.)

In Con 3d May "

Read also letter from the same Officer dated 28th April 1855 enclosing copy of a letter from the Head Assistant Collector suggesting, for reasons stated, that the proposed investigations be postponed till the cold season.

(Here Enter N° 50.)

The Commissioner fully concurs in the Collectors' view as to the importance of an early settlement of this question and in the instructions issued to the Head Assistant Collector

on

on the subject. The basis of the proposed adjudication; Viz; that the parties interested shall not be considered as possessing rightful claims beyond the extent entered in their original Grants or other documents of authority is very proper. In some cases authentic documents may be produced, shewing the boundaries of the land that has been alienated. In regard to these it has to be decided, whether the party shall be considered entitled to the quantity of land which it was intended by the grant he should enjoy, or whether the actual extent included within the specified boundaries, be it more or less than the first mentioned quantity, shall be taken as the standard of compensation. The Commissioner is of opinion that so long as the Enandar remained in undisturbed possession of the land, he would be entitled to the actual extent, as indicated by the boundaries, but that in awarding de novo land in lieu of the portion

portion that may have been taken, the intention of the Grant should be the Collectors guide, and the party should receive neither more nor less, than the extent authorized by the Grant. While fair dealing is meted out to the Enandar the Commissioner agrees with the Collector that the rights of Government should be carefully watched. It must not be overlooked that in cases, such as the Channel separating the land in to two parts, where the holder of the land cannot conveniently cultivate it in future, much consideration should be shown by giving the Enandar, if he desires it, new land altogether in another locality.-

2- The mode of compensation proposed is to give land for land, but adverting to the great inconvenience caused by the existence of alienated tenures, and to the smallness of the item for which adjustment is to be made, it may perhaps be desirable that —

compensation

compensation should be given in money as far as practicable. Should the Collector be of opinion that this principle of adjustment may be adopted, application may be made to Government for an advance of what may be required to meet disbursements under this head, to be accounted for afterwards. The Commissioner approves of the order to the Head Assistant Collector to carry out on the spot in cases involving no doubts, the compensation to be awarded. This prompt adjudication of claims will apply equally to money compensation, should such be sanctioned, but in this case it may be desireable that the Collector's sanction should be first obtained before any disbursement is made. The Collector will of course dispose of the application for payment from the Head Assistant without delay.

3. Referring to Para 11 of the Collector's instructions to his Head Assistant, it occurs to the Commissioner that,

that, where the Holder of a Mokasa loses a portion of his cultivated or cultivable land, the lightness of the Assessment should not be held as a bar to compensation. The mode of settlement suggested in the conclusion of the same Para, Viz: remission of the proportion of Puttaabady, with the recognition of the right of Government to impose Tenna Jastee hereafter, should water be used, seems proper. Where the land required of the Mokasadar is of little or no value, the compensation will be regulated accordingly.

4. In Para 6 of the instruction to the Head Assistant the Collector puts forth cases where the loss of land is more than made up by improvement of the irrigation. If the two are equally balanced no further adjustment is required but the claims of Government to Tenna Jastee, where the gain from irrigation is considerable should not be passed over. As a general rule perhaps it will be found

found desireable to keep the two distinct

5. Where Enams in Mokafa Villages are taken, compensation money will probably be found the easiest and best mode of adjustment.

6. As Mr. Lushington is in communication with Mr Purvis on the subject of exchange of lands, any difference as to the mode of proceeding in the two Districts should be brought to the Commissioner's notice.

7. The Commissioner entirely approves of the Collectors intention to have the Enams measured. In the Sub Division of Rajahmundry vacancies on the public Establishment are filled up from among the Students in the Survey School under the Asst Collector, and in this way Mr Taylor is enabled not only to survey lands in connection with enquiries of the description under consideration, but also entire Villages. A Grant for the instruction of Surveyors, the same as in Rajahmundry, has been sanctioned for Masulipatam

Masulipatam. With the aid of this allowance, the beneficial results observable in Rajahmundry, will doubtless be produced in Masulipatam, meanwhile to aid Mr Chase in his present enquiry it may be desireable to obtain from Mr Taylor one or two qualified Students to be placed on the permanent Mayna Cubitah of Masulipatam, as vacancies occur.

8. For the information of the Collector and his Head Assistant the Commissioner resolves to forward with these Proceedings, the original correspondence noted in the Margin, to be returned at an early date [illegible] shewing in what way & with what result the grant to Mr Taylor for a Survey School has been applied.

Collr of Rajahmundry 21st March 1855. Bd of Comrs 15th March 55. To Govt 26th Do.

9. In the second letter recorded at the head of these Proceedings, the Collector forwards copy of a letter from his Head Assistant, who is anxious that the proposed investigation should be postponed till after the hot season, partly on

on account of the advanced state of the season and party, because his hands are full, having, in addition to Miscellaneous duties, two Talooks to settle. Mr Lushington adds his own opinion that "the investigation, which he considers to be requisite, can be carried out more completely and satisfactorily hereafter, rather than at the present time, just when the hot winds are setting in, and much exposure to the sun ought if possible to be avoided". The Commissioner thinks that if the proposed enquiry is commenced during the hottest period of the year, but little is to be expected; at the end of June however the heat becomes moderate in Masulipatam, and he is of opinion that as soon after that period as possible operations should be instituted. Meanwhile Mr Chase may make the necessary preliminary arrangements, such as obtaining information regarding the titles of the Enamdars, and the nomination of servants competent to make

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an accurate survey of the Islands. Further postponement of this important enquiry, beyond the period above mentioned, cannot be permitted after the repeated calls for early adjustment.-

/ A true Extract /

To The Collector of Masulipatam.

/ Signed / J. Goldingham
Commissioner

/ A true Copy /

H Stirr
Acting Secretary

Exd. D. Gibbs

Copy in a Letter to C.
d/s 4th June 1858 No 27.

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Enclosure

In an Extract from the Acting Secretary to the Board of Revt. to the Acting Revenue Secretary to Government dated 4th November 1857. No 3775

R 1332/57

Copy

of Northern Circar Commissioner's Proceedings to the Collector of Masulipatam dated 2d May 1855 No 288.

Regarding instructions on the early Settlement, and principles of compensation to Inamdars whose lands have been required for River Channels.

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E.D

A. 1339

Extract from the Minutes of Consultation
Under date the 22nd December 1857.

Read the following Extract
from the Proceedings of the Board
of Revenue.

(Here enter 4th November 1857 No 3775)

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Q. With these proceed-
ings the Board of Revenue
submit a letter from the
acting Collector of Masulipatam
on the subject of the Lands
required by the Government
Channels in that District.

2 It appears from the
Statement furnished by the
Resp that in the three talooks
Kolumghy Penta pennetoor and
Kylcoloor, Lands assessed at
Rupees 953-6-11 were taken

up

	Land C. T. P.	Sist. Rs. a. p.
Land taken	20-4-11	953-6-11
Land assigned	20-2-6 1/16	953-11-6

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1:6 of Pt. 9th Collector letter 27th September 1856.

proposed Compensation for loss of income is represented by Mr Clarke to have been based on the Condition in the possession of the cultivators of the Enams, and what this source of information was resulting on the average Income of Land adjoining the Enam. These data the acting Collector observes were the best available.

Under the circumstances above recapitulated the Right Honorable the Governor in Council is pleased to approve the proceedings of the local Officers of Mowzie Pootam, and to sanction accordingly the grants of cash made to the Enamdars in exchange for the Enams taken up for the Godavery Channels in that District. He also grants authority for the disbursement of

of the sum of Rupees (2590-7-10) two thousand five hundred and ninety, annas seven, and pies ten, to the Enamdars in compensation for the loss of income sustained by them.

5 It is stated that, where lands bearing full assessment have been taken for the Godavery channels, an adjustment has been made when necessary by the grant of a small reduction in the village joint rents. Some account of the extent of the lands thus taken, and the amount of remissions granted, should have been furnished and the Government desire that this omission be supplied.

This and similar payments to made at Rajahmundry might have been avoided had the Enamdars claim to an equivalent for their lands taken up for public works been investigated and decided at once.

6 The present report refers to Enam lands occupied by the Godavery channels; but

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but there are yet others, — — — — Mokassas and Agraharums, as well as Enam lands generally occupied by the Existing Channels, which have to be reported upon. The mode of adjustment in respect to Mokassas and Agraharums approved by the Commissioner and the Board should be followed, but the Government would wish that no unnecessary delay should take place in the settlement of all remaining claims.

J.G.

3 Copies to the Bd. of Rev. with 4 Books
1 — Accts. Genl.
1 — Civil Audr. Genl.

Dispd 23.