(1)

Revenue Department

Minutes of Consultations

31st March 1857

Back Nos 42 - 43

Order no 305 dated 28th March 1857

133-57

பாதுகாப்பு முறை-1

செப்பனிடுபவர் பெயர் G. அலிஷாஜ்

செப்பனிடுவதற்காக எடுத்துக் கொள்ளப்பட்ட நாள் 5/8/06

செப்பனிட்டு முடித்த நாள் 7/9/06

28/9/06.
சரிபார்க்கும்
முதல் மு.நி.பா.எ.
கையொப்பம்

3/11/06
அத
2/11/06
அத: உ/11/06
கையொப்பம்

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Fort Saint George, Revenue Consultation of 31st March 1857.

No. 42. Read the following *Extract from the Proceedings of the Board of Revenue; dated 4th March 1857, No. 656.*

In Consultation 22d November 1856.
In Consultation 4th March 1857.

Read letters received from the Collector of Chingleput under dates 18th November and 30th December, respectively.

(Here enter Nos. 382 and 441.)

Ordered that the foregoing letters be submitted for the consideration and orders of the Right Honorable the Governor in Council, with reference to Extract Minutes Consultation under date 6th November 1856, No. 1183, Revenue Department.

2. The Collector, as appears from the first of the letters above recorded, tendered to the Reverend M. F. Lobo, the sum of Rupees 300, being the amount of compensation sanctioned by Government.

3. Mr. Lobo however has declined to accept this sum, and after enumerating various points upon which he considered himself aggrieved, has concluded by requesting that Government would, by means of their own officers, construct a new well capable of irrigating the lands previously watered by the tank, re-level and restore the lands to a cultivable condition, replant the boundary hedge and grant compensation for the loss of the season's produce. In a subsequent communication it is requested that compensation may be continued until the irrigation of the land is restored.

Res. to Collector 22d November 1856.

4. Upon the points above detailed, and more particularly with reference to the extent of land really irrigated by the tank, the Collector was requested to submit further information, with a view to its being laid before Government.

5. From enquiries instituted by the Collector, it appears that the land in which the tank was situated comprizes 6¾ cawnies, of which 1½ cawnies, the portion watered, has been rented on a 5 years' lease, commencing on 1st January of the past year, to one Ponna Pillay who pays Rupees 100 yearly for it. As the land is church property held free of assessment to Government, no accounts of its produce have been kept, and only an estimate can be formed of its value. It is however described as being the most productive land in Nundumbaukam, and the Curnum and Moonsiff set down the value of the yearly gross produce at Rupees 265-8-0, which after deducting Rupees 100, the rent payable to Mr. Lobo, would leave an annual gross income to Ponna Pillay of Rupees 165-8-0. This income Mr. Shubrick states to be incredible, but the lease itself has been produced in proof of the rent which exceeds that paid for the best garden land in Madras by 138 per cent.

	Rs.	*A.*	*P.*	*Rs.*	*A.*	*P.*
Rent, ...	100	0	0			
Deduct part payments, ...	47	0	0			
	0	0	0	53	0	0
Total due to Mr. Lobo for 1856, ...						
Loss of produce in 1856, ...	99	8	0			
Deduct balance of rent cancelled,	53	0	0			
Total due to Ponna Pillay, ...	0	0	0	46	8	0
Rupees ...				99	8	0

6. Taking these claims however at the full value given them, and calculating for the past year alone, the amount to be paid to Ponna Pillay would be Rupees 46-8-0, while that due to Mr. Lobo after deducting part payments of rent would be Rupees 53.

7. For the unexpired portion of the lease, matters are, Mr. Shubrick remarks, very difficult of adjustment. He proposes that payment be made to Mr. Lobo of the amount claimed by him, or Rupees 100 in monthly instalments of Rupees 8-5-4 until the irrigation of the land is fully restored, and that Ponna Pillay be instructed to grow dry crops on the land, enjoying the entire produce rent free, as a full return for any outlay he may have made thereupon. He is further

of opinion that the request of Mr. Lobo to have a new well dug, the land re-levelled, and a hedge planted at the expense of Government is reasonable, and may be conceded.

8. Under all the circumstances, the Board are unable to suggest any better settlement of the claim than that proposed by the Collector, sanction is accordingly solicited for the payment of Rupees 99-8-0 as explained in para. 6, and of Rupees 8-5-4 per mensem, beginning from 1st January 1857, until the means of irrigation are restored, and for authority to the Collector to have the well dug and the hedge planted as requested by Mr. Lobo. If the Government approve of this recommendation, the Board will call on Mr. Shubrick to submit an estimate for the well and hedge.

(A true Extract.)

(Signed) L. FORBES,
Acting Sub-Secretary.

No. 43. ORDER THEREON, *No.* 305; *dated 28th March* 1857.

1. On August 1st 1856, the Reverend M. F. Lobo, Acting Bishop of Saint Thomé, brought to the notice of the Government that, under the orders of the Brigadier Commanding the Mount Cantonment, some of the Cantonment officials had commenced cutting down a hedge, and filling up a pond, which were situated on the property of the Goa Mission. Mr. Lobo further stated that he had addressed Brigadier Sherriff on the subject, and he forwarded a copy of that officer's reply which set forth that the measures complained of had been adopted by the Conservancy Committee of the station on sanitary grounds, the tank being most offensive for various reasons, and a very serious nuisance, and the hedge impeding a free circulation of air. Colonel Sherriff was directed by Government to report upon the matter, and on 6th August 1856 he submitted a full explanation. Government were so far satisfied of the propriety of the Conservancy Committee's proceedings that they directed the filling up of the tank to be completed, and observed that no irregularity had taken place in the cutting of the hedge. It was at the same time pointed out to the Brigadier that he should have distinctly ascertained that the tank really was the property of Government before ordering it to be filled up; and with the view of definitely settling the question as to ownership, the Collector of Chingleput was requested to submit an early report on the asserted rights of the Portuguese Mission, through the Board of Revenue.

Ex. Mins. Con. 26th Aug. 1856, *No.* 895.

2. On 28th October 1856, the Board of Revenue reported that the right of the Mission to the tank appeared clear and indisputable, and recommended that Rupees 300 should be granted as compensation for its having been filled up; the disbursement of which sum was sanctioned by Government.

From Collector of Chingleput to Board of Revenue 20*th October* 1856, *No.* 340.
Ex. Pro. Bd. of Rev. of 28*th October* 1856, *No.* 3553.
Ex. Mins. Con. 6*th November* 1856, *No.* 1183.

3. Mr. Lobo however declined to accept the sum, on the ground that the filling up of the tank had so diminished the supply of water in the well which irrigated certain lands producing revenue to the church, that not only would that revenue diminish in future, but that the crops of the year were ruined.

4. Before submitting the Reverend Mr. Lobo's reply to Government, the Board requested Mr. Shubrick to state his views on that gentleman's demands in detail; as well as to supply information as to the extent of land really irrigated by the tank during the last few years.

5. With their Proceedings of 4th March 1857, No. 656, the Board of Revenue submit Mr. Shubrick's report. The land it appears, in which the tank is situated, contains 6¾ cawnies, of

3 — 2 —

which 1½ is watered; this latter portion has been rented on a 5 years' lease, commencing from 1st January 1856, for 100 Rupees a year, to one Poona Pillay. The total gross produce of the land is stated by the Moonsiff and Curnum to be worth Rupees 265-8, composed of the items noted in the margin, leaving for the renters profit Rupees 165-8. The Government must agree with Mr. Shubrick that, in the face of the whole of the statistical information respecting the productive powers of garden land in the Presidency, such an account as this is scarcely credible, and it is matter of regret that the premature measures adopted by Brigadier Sheriff should have placed the Government in a position which prevents their contesting the point.

	Rs.	A.	P.
Paddy, &c.	73	8	0
Garden produce. ...	150	0	0
Straw.	16	0	0
Trees.	26	0	0
	265	8	0

6. The Board recommend that under the circumstances, the claims should be taken at the full value given them.

The amount due to Mr. Lobo for the past year is Rupees 100, less Rupees 47, which have been paid up by the renter; for the present year, and for each remaining year of the lease till the irrigation is restored Mr. Lobo is to have Rupees 100, this the Board propose to disburse in instalments of Rupees 8-5-4 per mensem. The renter is considered entitled to the value of his produce lost in 1856, or Rupees 99-8, less the balance of the rent cancelled (Rupees 53) or Rupees 46-8-0. Till the irrigation of the land is fully restored he is to enjoy the produce of the land rent free, cultivating it with *dry* crops.

The Board further suggest that a new well may be dug for Mr. Lobo, his ground levelled, and a hedge planted at the expense of Government.

7. The Governor in Council sanctions these arrangements. The Board will submit an estimate for the well and hedge, but only for so much of the latter as has been actually destroyed or damaged. They will also take measures to obtain from Mr. Lobo a deed of acquittance from all further claims.

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

Revenue Department

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~~No 650.~~

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No 12 Read No 650

Extract from the Proceedings of the Board of Revenue dated 4th March 1857.

In Cons. 22nd June 1836.
In Cons 4th March 1857.

Read letters received from the Collector of Chingleput under dates 18th November and 30th December respectively.

(Here Enter No 3824 & 4141.)

Ordered that the foregoing letters be submitted for the consideration and orders of the Right Honorable the Governor in Council with reference to Extract Minutes Consultation under date 6th November 1856 No 1183, Revenue Department.

2. The Collector, as appears from the tenor of the letters above recorded, tendered to the Reverend M. T. Lobo the sum of Rupees 300 being the amount of compensation sanctioned by Government.

3 Mr Lobo however has declined to accept this sum, and after enumerating various points upon which he considered himself aggrieved has concluded by requesting that Government would, by means of their own Officers, construct a new Well capable of irrigating the lands previously watered by the tank recently and restore the lands to a cultivable condition - re-plant the boundary-hedge and grant compensation for the loss of the season's produce. In a subsequent

communication

communication it is requested that compensation may be continued until the irrigation of the land is restored.

4. Upon the points above detailed, and more particularly with reference to the extent of land really irrigated by the tank, the Collector was requested to submit further information with a view to its being laid before Government. Res. to Collector 22nd Nov. 1856

5. From enquiries instituted by the Collector it appears that the land in which the tank was situated comprizes 6¾ Cawnies, of which 1½ Cawnies, the portion watered, has been rented on a 5 years' lease, commencing on 1st January of the past year, to one Ponna Pillay who pays Rupees 100 yearly for it. As the land is Church property held free of assessment to Government no accounts of its produce have been kept, and only an estimate can be formed of its value. It is however described as being the most productive land in Nundium bankam, and the Curnum and Moonsiff set down the value of the yearly gross produce at Rupees 265-8-0, which after deducting Rupees 100 the rent payable to Mr Lobo, would leave an annual gross income to Ponna Pillay of Rupees 165. 8-0. This income Mr Shubrick states to be incredible but the lease itself has been produced in proof of the rent ——— which exceeds that paid

paid for the best garden land in Madras by 138 per cent. 5

6 Taking these claims however at the full value given them, and calculating for the past year alone, the Amount to be paid to Ponna Pillay would be Rupees 46-8-0, while that due to Mr Lobo after deducting part payments of rent would be Rupees 53-

Rent	Rs. 100-0-0
Deduct part payments	47-0-0
Total due to Mr Lobo for 1856	53-0-0
Loss of produce in 1856	99-8-0
deduct balance of rent cancelled	53-0-0
Total due to Ponna Pillay	46-8-0
Rupees	99-8-0

7. In the unexpired portion of the lease, matters are, Mr Shubrick remarks, very difficult of adjustment. He proposes that payment be made to Mr Lobo of the Amount claimed by him, or Rupees 100 in monthly instalments of Rupees 8-5-4 until the irrigation of the land is fully restored; and that Ponna Pillay be instructed to grow dry crops on the land, enjoying the entire produce rent free, as a full return for any outlay he may have made thereupon. He is further of opinion that the request of Mr Lobo to have a new tank dug, the land re-levelled, and a hedge planted at the expence of Government is reasonable, and may be conceded.

8. Under all the circumstances, the Board are unable to suggest any better settlement of the claim

Com: 11th Nov.r/50. to 11/12
do 26th Aug.t/50. 30/31.

Copying 6 Ltrs 8
15th July 1857 25
Cards 64 to 71

Revenue 1857 Department
Do to Copy 31st March
No 228.

Extract from the
Proceedings of the
Board of Revenue

Dated 4th
Rec.d 6th } March 1857
No 656

4 Encs Returned
SR No 305 - 28th March

Submitting correspondence
from the Collector of Chingleput,
on the subject of the compensation
to be paid to the Rev.d Mr Loba
on account of the Tank at St.
Thomas Mount belonging to the Roman
Catholic Mission, and Soliciting
Sanction for effecting a Settle-
ment of the claim according
to the plan proposed by the
Collector as detailed within.

No 42.

C10 4 March R13 - C21 5 R26 6

To
The Secretary to Government
of Fort St George
Revenue Department.

Sir

I have the honor to acknowledge the receipt of your letter No 656 dated the 4th instant, with its enclosures, and in reply to state that I have no objection to the proposed settlement of the claim of the Roman Catholic Mission to the Tank at St Thomas Mount, and that I will cause the Tank to be repaired and put in order for the ensuing season.

I have the honor to be
Sir
Your most obedient Servant
(Illegible Cockburn)

Collector's Office
Chingleput 27th March 1857

Mandapam

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7-

For Orders.

Revenue Department No 228-

Extract from the Pro: of the Board of Revn. 4th March/57-

I think this arrangement should be permitted. altho' Ordinarily a hard one on Govt. but the Brigadier took the law into his own hands - & has put himself in a position to profit on good reasons -

W. Ellis

8 R. D.

N° 305 8

Extract from the Minutes of Consultation

Under date the 28th March 1857.

Read the following

Extract from the Proceedings of

the Board of Revenue.

/ Herewith 4th March 1857 N° 656 /

On August 1st 1856,

the Reverend M. F. Lobo, Acting

Bishop of St Thome, brought to

the notice of the Government

that, under the orders of the

Brigadier commanding the

Mount Cantonment, some

of the Cantonment officials

had commenced cutting down

a bridge, and filling up a

pond, which were situated

on the property of the Mis-

sion. Mr Lobo further

stated that he had addressed

Brigadier

Brigadier Sheriff on the subject, and he forwarded a copy of that officer's reply which set forth that the measures complained of had been adopted by the Conservancy committee of the station on sanitary grounds, the Tank being most offensive for various reasons, and a very serious nuisance, and the hedge impeding a free circulation of air. Colonel Sheriff was directed by Government to report upon the matter, and on 6th August 1856 he submitted a full explanation. Government were so far satisfied of the propriety of the conservancy Committee's proceedings that they directed the filling up of the Tank to be completed and observed that no irregularity had taken place in the cutting of the hedge.

It

E. & M. C. 26th Augt 1856 N° 396

From Collector of Chingleput to Board of Rev. 20th Octr 1856 N° 340.

Endt. Pro. Bd of Rev. of 28th Octr/56 N° 3553.

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It was at the same time pointed out to the Brigadier that he should have distinctly ascertained that the Tank really was the property of Government before ordering it to be filled up; and with the view of definitely settling the question as to ownership the Collector of Chingleput was requested to submit an early report on the asserted rights of the Portuguese Mission, through the Board of Revenue.

2. On 25th October 1856, the Board of Revenue reported that the right of the Mission to the Tank appeared clear and indisputable; and recommended that Rupees 300 should be granted as compensation for its having been filled up; the disbursement

of

E. M. C. 6th Nov. 156. N° 1183.

of which sum was sanctioned by Government.

3 Mr Lobo however declined to accept the sum, on the ground that the filling up of the Tank had so diminished the supply of water in the well which irrigated certain lands pro=ducing revenue to the Chund, and that not only would that revenue diminish in future, but that the crops of the year were ruined.

4 Before submitting the Reverend Mr Lobo's reply to Government, the Board requested Mr Shubrick to state his views on that gentleman's demands in detail; as well as to supply information as to the extent of land really irrigated by the tank during the last few years.

Wet

10 - 10 -

5 With their Proceed=ings of 4th March 1857 N° 656, the Board of Revenue sub=mit Mr Shubrick's report. The land it appears, in which the Tank is situated, contains 6 3/4 Candies, of which 1/2 is watered; this latter portion has been rented on a 5 years lease, commencing from 1st January 1856, for 100 Rupees a year, to one Somoo Pillay. The total gross produce of the land is stated by the Moonsiff and Cumum to be worth Rupees 265-8, as composed of the items noted in the margin, leaving for the renter's profit Rupees 165-8. The Government must agree with Mr Shubrick that, in the face of the whole of the statis=tical information respecting the

	Rs. a. p.
Paddy 4 candies	73-8-0
Garden produce	130-0-0
Straw	16-0-0
Seed	26-0-0
	265-8-0

the productive powers of
your land land in the Residency
such an account as this is
scarcely credible, and it is
matter of regret that the
premature measures adopted
by Brigadier Sheriff should
have placed the Government
in a position which prevents
their contesting the point.

6 The Board recom-
=mend that under the
circumstances the claims
should be taken at the
full value given them.

The amount due to Mr
Lobo for the past year is
Rupees 100, left Rupees 47.
which have been paid up
by the Renter; for the present
year, and for each remain-
=ing year of the lease till
the irrigation is restored

Mr

11 - 11 -

Mr Lobo is to have Superior-
=ity the Board propose to
disburse in instalments of
Rupees 8-5-4 per Measem.
The renter is considered as
entitled to the value of his
produce lost in 1856. or Rs
99-8, less the balance of the
Rent cancelled (Rupees 53)
or Rupees 46-8-. Till the
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fully restored he is to enjoy
the produce of the land rent
free, cultivating it with dry
crops.

The Board further
suggest that a new well
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of Government.

7 The Governor in
Council sanctions these
arrangements.

arrangements. The Board will submit an estimate for the Wall and hedge, but only for so much of the latter as has been actually destroyed or damaged. They will also take measures to obtain from Mr. Lobo a deed of acquittance from all further claims.

D D

Hospital to the Bd. of Rev. with 4 Engl. Doctors
Disp. 30.

1 — Asstt. Genl. of
1 — Civil Auditor.

Genl: 11th Nov. 15th Jan. 11 V 12
" 26th Aug. 30 V 31.
Copy in a G Ltr
of 15th July 1857 No. 25
Paras 64 to 71.

Revenue 1857 Depart.
Dft. to Comr. 31st March.

No. 305.

Extract Mins of Cons.

Dy 28th March 57.

Pro: from Bd. of Rev. D/27th July 58 Ce No. 1225 inclo:

Sanctioning the Board's proposition for disbursing the annual compensation of Rs. 100 to Mr. Lobo, by instalments of Rs. 8-5-4 per mensem, till the irrigation of the land of the Goa Mission, at St. Thomas' Mount be restored; and ordering that until such time, the renter should enjoy the land, rent free; and also authorizing the sinking of a well on the land, the levelling of the ground, and planting a hedge at the expence of Govt.

No 42 to 43.

C 21st March D. 28th