M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1074 Press ~~Mis.~~

Dated 12th August 1859.

Not to be folded or roughly handled

No. 43. Read the following letter from W. HUDLESTON, Esq., Sub-Secretary to the Board of Revenue; to J. D. BOURDILLON, Esq., Secretary to Government, R. D., dated 13th July 1859, No. 2739.

I am directed by the Board of Revenue to request you will submit the following matter for the orders of Government.

In 1848, the Collector of Malabar granted a piece of swampy land at Cochin, measuring somewhat less than 2½ Cawnies on cowle at a yearly rent of Rupees 26-3-5, for reclamation and cultivation with paddy. The land was to be held free for the first two years, but after that time the assessment was to be paid on the whole extent of land, which the applicant was required to cultivate "according to the terms of his 'kaichit' and not to allow it to lie fallow." It was a further condition of the cowle that the holder should relinquish the land *whenever it might be required for the purposes of Government.*

3. The assessment was regularly paid from Fusly 1259 to Fusly 1265, but in Fusly 1266, the Collector finding that the land was still waste, directed the remission of the tax for that season and the transfer of the land to any other applicant willing to reclaim it. No such application was however made, and in Fusly 1267 Mr. Robinson directed the formal resumption of the land intending to apply to Government for leave to take it under Act VI. of 1857, for conversion into a basin for storing timber.

Petitions Nos. 934 *and* 1563 *of* 1858.

4. A person who stated that he had purchased the land from the original Durkhastdar for Rupees 550 and had subsequently expended Rupees 500 on further improvements appealed to the Board against the resumption, and a report was called for from the Collector, who strongly supports Mr. Robinson's proposal that the land should be resumed by Government, and converted in timber-storing basin for which it is well suited, and which is much needed at Cochin.

5th in Con 10*th May* 1859, *No.* 2110.

5. Mr. Grant proposes to take the land under the Act and to repay the alleged purchaser the amount of the purchase money, Rupees 550, and such further sum as a punchayet may determine to be the value of the improvements, which last sum Mr. Grant is confident will not exceed Rupees 200, as he failed to discover any results himself that could have cost Rupees 50.

6. The Board see no necessity to bring the Act into operation as the cowle itself provides for the relinquishment of the land if required for public purposes; but they request the sanction of Government for payment to the purchaser of the amount paid as shewn by the deed of sale and the cost of the improvements as determined by arbitration, and that the Collector be called upon to obtain and submit an estimate of the cost of converting the swamp, or lagoon into a timber-storing basin, which cannot but prove a valuable accommodation at so large a ship-building port as Cochin, and at moderate rates of rent will soon repay the present expenditure. The Collector's letters of 5th May and 9th June last are herewith submitted for reference.

In Con. 10*th May* 1859, *No.* 2110.
,, 15*th June* ,, ,, 2789.

No. 44. ORDER THEREON, 11th August 1859, No. 1074.

It appears from this letter that the Collector gave the land in question at a certain rent, for a certain purpose, and with express reservation of the right of Government to take it back whenever they might want it.

2. The tenant therefore held it merely as a tenant at will and of course he could not convey to another a larger interest in it than he possessed himself. He however sold the land for a large sum, evidently representing the value of it as a property. The Government now requiring the land, or being supposed to do so, the Collector recommends that they should pay that value, together with a considerable addition for supposed improvements, and the Board support the proposal.

3. The Government do not see that they can fairly be called on to pay any thing whatever not even the value of the improvements. The only improvement seems to be a very partial fulfilment of the tenant's engagement to bring the land into a state fit for cultivation; for doing which he received a remission of three year's rent. Neither is there any occasion to apply Act VI. of 1857, to the case.

4. On the other question, viz. that of converting the spot into a timber yard, to be formed by Government and let out for the accommodation of timber merchants, the Governor in Council observes that there is nothing to support this proposal except the Collector's recommendation for which he gives no reasons. None are apparent to Government why they should interfere in the matter which does not fall within the usual functions of a Government. If the trade of the place needs the accommodation, private persons will probably come forward to supply the want.

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

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Memorandum on Rec.d 1310

This is a strange proposal
The Collector gave the land in ques-
tion at a certain rent, for a certain
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considerable addition for supposed
improvement

improvements. And the Board support the proposal.

3. I do not see that Government can fairly be called on to pay any thing whatever, not even the value of the improvements. The only improvement ~~offered~~ seems to be a very partial fulfilment of the tenant's engagement to bring the land into a state fit for cultivation, for doing which he received a remission of 3 years' rent. There is no occasion whatever to apply Act VI of 1857.

4 On the other question, viz. that of converting the spot into a Government timber yard, to be let out for the accommodation of timber merchants, there is nothing to support this proposal except the Collector's recommendation: he gives no reasons. None are apparent to me why Government should interfere in the matter at all. If the trade of the place needs the accommodation and it is likely to be a paying speculation, private persons ought to be willing to take it up.

July 20.

I agree with Mr Rose Price

Draft Case

July 27th Cl. Cloy.

№ 1074

Proceedings of the Madras Government
Under date the 11th August 1859.

Read the following
letter from the Sub Secretary
to the Board of Revenue -

Submitting for orders
correspondence relating to a
claim preferred to a piece of
land at Cochin granted on
lease in 1848 to be reclaimed and
and cultivated with paddy,
which the Collector proposes
desires to resume for the
purpose of converting it into
a timber storing yard; and re-
-commending that the claimant
should be allowed the full sum
paid by him to the original
Darkhastdar for the land, as well as
compensation for improvements

(Here under 13 July 59 № 2789)

It appears from
this letter that the Collecto
gave the land in question
at a certain rent, for a certa
purpose

purpose, and with express reservation of the right of Government to take it back whenever they might want it.

2. The tenant therefore held it merely as a tenant at will, and of course he could not convey to another a larger interest in it than he possessed himself. He however sold the land for a large sum, evidently representing the value of it as a property. The Govt now requiring the land, or being supposed to do so, the Collector recommends that they should pay that value together with a considerable addition for supposed improvements, and the Board support the proposal.

3 The Government do not see that they can fairly be called on to pay any thing whatever, not even the value of the improvements. The only improvement seems to be a very partial fulfilment of the tenant's engagement to bring the land into a state fit for cultivation; for doing which he received a remission of three years rent. Neither is there any occasion to apply Act VI of 1857 to the case.

on

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On the other question, viz that of converting the spot into a ~~Government~~ timber yard (formed by Government and) to be let out for the accommodation of timber merchants, the Govt in Council observe that there is nothing to support this proposal except the Collector's recommendation, for which he gives no reasons. None are apparent to Government why they should interfere in the matter, which does not fall within the usual functions of a Govt.

~~(2)~~ If the trade of the place needs the accommodation, ~~and it is entirely to be a~~ ~~speculation~~, private parties will probably com-

forward

forwarded to supply the want.

For the Board of Revenue

Revenue 1859 Departt.
Pro: of Govt. 12th August

No. 1074.

Pro: of the Madras Govt.
Dy 11th August 59.

Relating to a claim
preferred to a piece of
Cowle land at Cochin which
the Collr is desirous to
resume for converting it
into a timber-storing yard.

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