

Revenue Department.

Minutes of Consultations

28th + 31st May 1859

Book No 31 & 32

Order No 735 dated 31st May 1859

*Proceedings of the Madras Government, Revenue Department,
from 28th to 31st May 1859.*

No. 31. Read the following Proceedings of the Madras Government in the Financial Railway Department; dated 18th May 1859, No. 280.

State that, on the receipt of the Collector's report, with the Board's opinion thereon, on the claim of the Inaveram Shrotiendars for compensation for the Mailvaram on certain lands forming a part of the Railway, the compensation to be given to them will be decided, and that the principle on which it should be calculated has already been settled.

(Vide Financial Railway Proceedings from 18th to 27th May 1859, Nos. 10 to 12.)

No. 32. ORDER THEREON, 31st May 1859, No. 735.

Ordered that the foregoing Proceedings be recorded.

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

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letters.

From the Secretary to the Board of Revenue.

(Here enter 19th April 1859, No. 1402.)

From the Government Solicitor.

" 29th " " 733.)

ORDER THEREON, 18th May 1859, No. 280.

Under date 14th February last the Government Solicitor laid before Government a copy of a letter addressed to him by Mr. H. B. Saunders "styling himself Vakeel to the Shrotriendars of Inaveram" and its enclosures, and relating to a claim by the Shrotriendars for compensation for the Mailwaram on certain lands running through the village of Inaveram, and now forming a part of the Permanent line of the Madras Railway.

2. Mr. Boyson recommended that this communication and its enclosures should be sent to the Collector of Chingleput for full and detailed report as to the circumstances under which the land in question was taken possession of, the consideration paid for it, when and to whom paid &c., and that such report when received should be transmitted to him for submission to the Advocate General, with a view to its being ascertained that the land was duly acquired, and that the claim put forward in Mr. Saunder's letter was without foundation.

3. A copy of Mr. Saunder's letter was accordingly sent to the Collector of Chingleput for a full and detailed report on the claim preferred in it.

4. The Collector replied on the 28th February 1859. He reported that Cawnies 18-0-2 of land in the village of Inaveram were taken for the use of the Railway in August 1853. The compensation for the proprietary right in the land was privately arranged with the Merassidars, and paid to them accordingly. The present claim had nothing to do with that compensation, and was altogether distinct, being a claim preferred for the Land-lord's, or Government share of the produce of the land, and not for the actual land itself.

5. Mr. Shubrick explained that in the case of lands held on Shrotriem or similar tenure, the course usually pursued and that ordered in Extract Minutes of Consultation, 6th July 1857 para. 6. was to remit the assessment, or the Government share of the produce of the land taken up for public purposes, from the total Peishcush payable by the Shrotriemdar &c., and demand from him ever afterwards only the remainder.

6. The present claims had he said, been submitted for disposal but had been referred back by Government for further enquiry and verification by the Officers of the Railway Department. This had been done and a report on it submitted by the Collector to the Board

of Revenue. Mr. Saunder's claim however far exceeded the Government share of the produce on the land which would be only Rupees 123-10-1 per annum, while Mr. Saunders demanded a monthly rent of Rupees 35 or Rupees 420 annually.

7. The Collector's letter was communicated to the Government Solicitor and through the Revenue Department to the Board of Revenue.

8. The Advocate General to whom the papers were submitted advises that Mr. Saunders be left to sue if he likes, and that Government should then meet him.

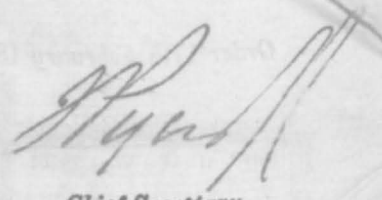
9. The Revenue Board state that the report of the Collector alluded to by him in his letter to Government was returned to him for further information which has only just been received, and that it would be laid before Government without delay.

10. Such being the case, the Government will await the receipt of these communications and of the Board's sentiments upon them. With these before them they will decide what compensation should be given to the Shrotriendars and from what time it should date. The principle on which it should be calculated has it is observed already been settled by Extract Minutes of Consultation, 20th June 1857.

11. The Board's letter enters upon some other questions, but the Government do not perceive their bearing on the matters at issue. There can be no doubt that when Government take land for public purposes under Act VI 1857, it is open to them to take it in full proprietary right on payment of the full value, and that if they enter into an agreement with the proprietor to rent it from him, this is a purely voluntary Act on their part. It is clear too that a ryot whose land may be taken is entitled, not simply, to a mere remission of Assessment, but to compensation for the loss of his occupancy as well as for any improvements that he may have effected in his land. The present claim however as the Government understand it, is not advanced by the Meerassidars or owners of the land, to whom, it is expressly stated in Mr. Shubrick's letter, compensation has been already paid, but by the Shrotriendars, and all that these men can demand is the Mailwaram, the Government share of the produce, that they should receive yearly from Government the same amount as they would have been entitled to collect from the Meerassidars or actual owners.

12. The Government, further, cannot think it expedient or necessary, as the Board appear to advise, to adhere formally to Act VI 1857, that is to make the declaration required in Section II, in the case of all lands that are to be applied to public purposes. It is clear to them that the Act does not preclude Government from acquiring such lands by private arrangement, or invalidate all titles save such as may be acquired under its provisions. The Government see no reason to depart from the course which they have hitherto followed *viz.*, that of limiting resort to the Act to instances when the prices asked are extortionate, or when from defect of title, a valid tenure cannot otherwise be established.

(True Extract.)


Chief Secretary.

To the Board of Revenue.
„ Revenue Department.

Exd. W. Komareck.

Revenue 1859 Sept 15
Constitution

No 968

Proceedings of the
Chancery Court in the
Municipal Building Sept

Oct 18? May 1859
Dec 27

State that, on the
receipt of the 10th report
with the 10th opinion that
on the claim of the American
Wholesale and Commission
for the American on certain
lands forming a part of the
Railway the Commission
to be given to them with the
proceeds of that the principle on
which it should be calculated
has already been settled.

Part Records

State of New York
County of New York
In the Supreme Court
1859

No 935
Secreted

31st May 1859

1859/1862