M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 704	Press / ~~Mis.~~
36-37	
Dated 2 — 52	1860.

Not to be folded or roughly handled

No. 36. Read the following Proceedings of the Madras Government in the Political Department, dated 16th April 1860, No. 224.

Referring for consideration a letter from the Receiver of the Carnatic property on the subject of exempting the late Nawáb's Gardens at Arcot from Quit-Rent, and of the Tahsíldár's proceedings in interfering with the flow of water along the channel in the Nowluckah. (Vide Politicial Proceedings from 11th to 20th April 1860, Nos. 31-32.)

No. 37. ORDER THEREON, 2nd May 1860, No. 704.

1. The Gardens referred to by Mr. Dale, the property of the late Nawáb, having hitherto been held free of Government assessment, that exemption will be continued in perpetuity to future owners. Mr. Dale proposes that a title deed guranteeing that exemption, should be now issued to him for each garden. It appears to the Government that it will be better that a separate title deed should be issued in the name of each purchaser, for the portion purchased by him; but should Mr. Dale still adhere to his present proposition, the Government will give orders accordingly.

2. The Government assume that Mr. Dale will divide the larger gardens into lots, so as to enlarge the competition. The number of persons able to bid for those gardens, if sold entire, would be very small.

3. A copy of Mr. Dale's letter will be sent to the Collector of North Arcot, who will be directed to make immediate inquiry into the conduct of the Tahsíldár as stated in paragraph 15, and report the result without delay through the Board of Revenue for the information of Government.

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

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following letter from CLEMENT DALE, Esq., Receiver of the Carnatic Property, to THOMAS PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 5th April 1860, No. 69.

Paragraph 1. Among the property which belonged to His late Highness the Nabob of the Carnatic, were several (so called) Gardens at and near Arcot.

2. From enquiries I have made, and from information furnished to me through the Assistant Government Agent at Chepauk, I learn that these properties formerly constituted part of the Territories of the Nabobs of the Carnatic, and that so far back as, and since the time of, the Nabob Wallajah, they have been in the occupation of the Nabobs, with the exception of a short period after the demise of the Nabob Omdut Ool Oomrah, on which event they were seized by the East India Company, but restored to the Nabob Azeem Ood Dowlah in June 1802 ; since which period, to the death of His late Highness, they have continued in the possession of the successive Nabobs, and have never paid any kist or tax.

3. I am likewise informed, that the Nabobs have never held any Title Deeds of those properties, naturally there would not be any, prior to the East India Company undertaking the management of the Carnatic, nor would the Nabobs be likely to seek for, or to receive, from the Honorable Company any deed after they undertook that management. This as I submit satisfactorily accounts for the absence of Title Deeds.

4. With the exception of one Garden on the Arnee Road, which is situated about 4 miles from old Arcot, and is not easy of irrigation, the Gardens are likely to be competed for, but especially the Nowluckah. The extent however of that competition, will depend very much on whether the property is sold as Lakhiraj or freehold. This has especial reference to the Nowluckah, for which I have reason to know that several Zemindars, with others, intend to bid, if it be sold as freehold, and for which, if so sold, I believe one (if not more) is prepared to bid a very large sum.

5. I therefore do myself the honor of submitting, for the consideration of the Honorable the Governor in Council, that it would be desirable that the Collector of North Arcot should be instructed to issue to me a Title Deed for each Garden, as provided for by the Proceedings of Government dated the 5th August 1859, No. 1053, and 21st September 1859, No. 1271, Revenue Department. The form D. might be adapted to this case, in the manner I have shewn in the form I do myself the honor of annexing.

6. A circumstance has lately occurred with reference to the Nowluckah, to which I deem it advisable I should draw the attention of Government; it is an attempt, made by a Tahsildar in the employment of Government, to interfere with the flow of water along a channel in the Nowluckah.

7. To render the subject clear, it may be desirable that His Excellency in Council should be in possession of the following facts.

8. In the Nowluckah, (about the middle of it as far as I can judge) is a small lake supplied by springs, which I understand never fail ; the water from this lake, finds vent through a channel that runs through the Nowluckah ; at some distance from the boundary, a diversion has been made from the original channel, as it appears to me by artificial means. It however has existed, or was made, many years ago, upwards of 30. By means of the original channel, the lands of the Nabob are irrigated ; from whose property it debouched through other property and eventually into the river.

9. As regards the second or artificial channel, that likewise proceeds for some distance through the property of the Nabob : but under an arrangement, the water that flows through this channel has not been used by the Nabob's Ryots ; it having been permitted to debouch on to lands cultivated by Government Ryots, and it is used by them, for irrigating cocoanut trees.

10. This second or artificial channel is on a lower level than the original channel.

11. When the diversion mentioned in paragraph 8 was made, I do not understand ; nor do I know when the arrangement referred to in paragraph 9 was made.

12. Under the arrangement before referred to, the water was permitted to flow through the upper, or original, channel each day from 6 A. M. to 6 P. M.; while through the second or artificial channel, it was permitted to flow from 6 P. M. to 6 A. M.; for carrying out this arrangement a stone, forming a weir was placed across the channel at the spot where the divergement takes place.

13. The second, or artificial, channel however being the lowest, it was necessary to regulate the flow of the water through the two channels; for this purpose, a few slabs of stone were placed in the lower channel, which had the effect of preventing the rush of water, which would naturally ensue on the opening of the lower channel, as also of creating a store of water above the weir, which caused an even flow through the upper, or original, channel on that being opened; but without which, a space from an hour to an hour and 20 minutes, after the shutting of the weir across the lower channel, was required to get the water to such a level as would ensure a full and even flow through the upper or original channel.

14. I understand these slabs where placed as mentioned in paragraph 13 above 30 years ago, and had so continued, until the interference by the Tahsildar to which I am alluding.

15. I am informed that the arrangement mentioned in paragraph 12, was being quietly carried out until a week or two since, when on the Government Ryots stating to the Tahsildar they wanted more water, that functionary entered with coolies on to the late Nabob's land, and removed the slabs I have referred to, threatening to imprison the Nabob's Ryots, when they complained to him of his proceedings. The Tahsildar moreover told the Government Ryots, they might enter upon the Nabob's lands whenever they thought fit. This man's arbitrary and violent proceedings, created a strong feeling; and it is the opinion of Mr. Potter, my Agent, that if he had not opportunely arrived on the spot, a breach of the peace and probably bloodshed would have ensued: such was the state of exasperation in which both parties were.

16. I apprehend no doubt can exist, that originally the Nabob had a right to insist on the water from this lake flowing through the natural course; it likewise appears to me (from the information afforded to me) as equally free from doubt, that the Government has acquired a right to have half of that water diverted into the second or artificial channel; but it is equally clear, that neither party has a right to use force in support of these rights; nor has the Tahsildar, or any Official or Ryot of Government, a right to trespass on the land of the Nabob to enforce what he believes to be such rights; or to remove slabs which have been placed on the Nabob's land for a lawful purpose, and that more than 30 years since.

17. This being an affair which can be readily adjusted by the two landlords, *viz.*, the Government on the one hand, and myself as representing the Estate of the Nabob on the other. I have considered it most advisable to address you on the subject, and do myself the honor of suggesting, that Orders should be forthwith issued by Government to the authorities, that no interference by any Government Official or Ryot be offered to prevent my Agent (Mr. Potter,) replacing the slabs to which I have referred in their former position; and if deemed desirable, I would myself run down and personally superintend their replacement.

18. It is for the interest of Government, that the best price possible should be obtained for this property; it is obvious my efforts may be frustrated, if Government Officials, by any conduct of theirs, raise questions of this character; for intending purchasers, if they have the fear of a suit with Government before them, are likely to be deterred from bidding to the same extent they would have bid, had no such question been raised.

19. I have been informed that the Tahsildar to whom I have referred, was many years since dismissed from Government employ for misconduct. It is also reported that on his dismissal, Government ordered he should not be re-employed in their service.

L.S.

Whereas the Receiver of the Carnatic Property under Act No. XXX of 1858, has produced good primâ facie evidence of the title of His Highness the late Nabob of the Carnatic to the

ereunder specified, now held free of Quit-rent or other Land tax, and not justly liable
h payment according to the custom of the District or the regulations of Government,
plied for a Certificate under Clause 3, paragraph 4 of the Order of Government of
h, 1859, No. 1053, I hereby declare accordingly under the authority of the Governor
l of Madras, that the said land is permanently exempt from all demand on account of
, Assessment, or other Land tax.

ided, however, that this Certificate in no way affects the liability of the said land to
for Municipal or other local purposes or for the Muhtarafa; nor does it in any way
rights or interests which other parties than the said late Nabob may have in the said

Specification of the land.

ict.	Táluq.	Village.	Name, if any.	Boundaries.	Extent.

By Order of the Government of Madras.

Collector.

ORDER THEREON, 16th April 1860, No. 224.

dered that the foregoing letter be referred to the Revenue Department where the question
pting the properties alluded to from Quit-rent, and as to the Tahsildar's proceedings,
considered.

(True Extract.)

Chief Secretary.

Revenue Department.
Receiver of the Carnatic Property.

Cartledge.

Rev. Dept.

5

No. 2706.

Proceedings of the Madras Govt.
Under date the 2nd May
Read the following
ing Pro: of the Madras
Govt. in the Political Dep

Referring for consider
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proceedings in interfering with
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Channel in the Nonlucktah

Here enter 10 Apl/60 No. 224

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3 A copy of Mr. Dales letter will be sent to the Collr. of North Arcot, who will be directed to make immediate enquiry into the conduct of the Tahsildar as stated in para 15, and report the result without delay thro' the Bd. of Rev. for the information of Govt.

2. The Govt. presume that Mr. Dale will divide the larger gardens into lots, so as to enlarge the competition. The number of persons able to bid for those gardens, if sold entire, would be very small.

80 10

4 Copies. Political Dept. Cir. 3
11 " Board of Revenue
1 " Collr. of North Arcot

POLITICAL DEPARTMENT.

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L.S.

Whereas the Receiver of the Carnatic Property under Act No. XXX of 1858, has produced good primâ facie evidence of the title of His Highness the late Nabob of the Carnatic to the premises hereunder specified, now held free of Quit-rent or other Land tax, and not justly liable to any such payment according to the custom of the District or the regulations of Government, and has applied for a Certificate under Clause 3, paragraph 4 of the Order of Government of August 5th, 1859, No. 1053, I hereby declare accordingly under the authority of the Governor in Council of Madras, that the said land is permanently exempt from all demand on account of Quit-rent, Assessment, or other Land tax.

Provided, however, that this Certificate in no way affects the liability of the said land to payments for Municipal or other local purposes or for the Muhtarafa; nor does it in any way affect any rights or interests which other parties than the said late Nabob may have in the said land.

Specification of the land.

District.	Táluq.	Village.	Name, if any.	Boundaries.	Extent.

By Order of the Government of Madras.

Collector.

ORDER THEREON, 16th April 1860, No. 224.

Ordered that the foregoing letter be referred to the Revenue Department where the question of exempting the properties alluded to from Quit-rent, and as to the Tahsildar's proceedings, will be considered.

(True Extract.)

Chief Secretary.

To the Revenue Department.
" Receiver of the Carnatic Property.

Exd. F. Cartledge.

1772-6

Pro: of Govt. 10th May.
No. 828.

Proceedings of the
Madras Govt. in the
Political Depart.
Go 704 Rec'd 2.5.1860.
Dated 16th } orgl
Recd 21st } a/c. 160

No. 224.

Referring for consideration a letter from the Receiver of the Carnatic property on the subject of exempting the late Nabobs' Gardens at Arcot from Quit rent, and of the Talsildar's proceedings in interfering with the flow of water along the Channel in the Kowlut Tank.

No. 36.