C.F. 73.

Date taken out.	For what purpose.			Initials of clerk taking the paper or of attender.	Date returned.	Initials of attender.
	Department.	C. No.	Year.			

M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1738 Press ~~Mis.~~

201-202

Dated 15-8-1862.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 15th August 1862.

No. 201. Read the following Proceedings of the Board of Revenue, dated 10th July 1862, No, 4,448 :—

Read the following Proceedings of Government, dated 2nd July 1862, No. 1,438, Revenue Department.

(In Cons. 3rd July 1862, No. 4,157.)

In letter dated 20th December 1858 to the Chief Engineer.

1. The Board observe that the terms offered by the Parsees in their letter to Mr. Fraser, dated 10th December 1858 were :

1*st*.—To lend the money free of interest.

2*nd*.—Not to interfere with the distribution of the water, and to claim only a fair share according to the quantity of land they may bring under cultivation.

3*rd*.—To be charged full assessment for such land, but no assessment to be collected till they had been re-imbursed by its accumulation for the sum advanced.

2. From Mr. Fraser's letter above marginally noted, and from his subsequent letter, dated 28th June 1860, to the Deputy Chief Engineer, Southern Circle, it appears that the Parsees contemplated that the execution of the work should be superintended by the Government Officers.

3. The Collector, in his letter of 13th October 1860 to the Chief Engineer, recommended that the whole execution of the work should be left to the Parsees, and in his subsequent letter of 19th October 1860, he stated that this was also the wish of the parties themselves.

4. From Captain Goddard's letter, dated 8th August 1861, it appears that the Parsees are prepared to expend as much as Rupees 3,000 on the experimental project, and provided the works prove remunerative, to proceed with the improvements in proportion to the profits they derive from the Tank, and Captain Goddard believes that should the experiment be fully successful, "*i. e.*, should the anicut fill the tank and thus enable them to cultivate the whole of "the land to the extent of 480 Cawnies lying under it, the Parsees will be perfectly willing to "bind themselves to Government to carry out the permanent system of works provided for in "his (Captain Goddard's) Estimate at the estimated cost," viz., Rupees 16,750.

5. In the Government Order, dated 21st June 1862, No. 1,429, Department Public Works, Government have been pleased to authorize Messrs. Rustumjee & Company "to restore at "their own cost the ruined tank at Ookalum," thus placing no limit on the extent of work or expenditure for which they will allow the parties credit, but have referred it to the Board to consider under what stipulations the concession is to be made.

6. The Board are not aware what extent of land under the tank is held by Messrs. Rustumjee on Puttah, or how much is in other hands, but they would recommend,

That a Puttah be issued to Messrs. Rustumjee & Co. for the whole of the Ayakut not already in other occupation and paid for, and that Messrs. Rustumjee & Co. be debited annually with the registered assessment on such portion of the land as they may bring under cultivation ;

That they be required to enter into an agreement under penalty to expend such specified annual sum on the works as the Collector and District Engineer in communication with them may deem reasonable, and the Board may confirm, and that they be further required to submit their detail accounts of expenditure annually to the District Engineer for audit, whose objections to the charges shall be forwarded to the Collector for final decision.

Finally that Messrs. Rustumjee shall be allowed credit for all expenditure thus admitted by the District Engineer and Collector, without interest, as a set off against the debit against them for the assessment on their cultivation, and that no collection of assessment shall be made from them so long as their admitted expenditure aggregates more than the total amount of assessment debited against them.

7. The Board think that the only other conditions necessary to be inserted in the agreement are, that the fair share of water to land already under cultivation below the tank shall be allowed according to the Collector's requisition and decision, and that the Government Officers

shall be freely admitted to inspect the works at pleasure. The projectors are of course responsible under the common law for any injury that may result to others from their works, and the Board would not insert any special provisions requiring them to take such precautions, or execute such additional works as the Government Engineers might dictate. Such provisions seem unnecessary, and might tend to discourage the parties.

(A true Extract.)

(Signed) W. HUDLESTON, *Secretary.*

No. 202. ORDER THEREON, 15th August 1862, No. 1,738.

The Government are of opinion that considering the difficulty and uncertainty connected with the renewal of the Ookalum tank in Coimbatore, it would not be desirable to bind the Parsees to expend any specified sum annually upon it. It will be sufficient if the Collector be instructed to issue to Messrs. Rustumjee a Puttah for the whole of the unoccupied Ayakut on the following conditions, a corresponding Muchulka being required from them. Detailed accounts must be submitted to the District Engineer and Collector, as proposed by the Board, but quarterly, and all expenditure admitted by those Officers will be credited to Messrs. Rustumjee, who on the other hand will be debited with the assessment of such lands as they may bring under cultivation. As soon as the amount debited to them is found to have exceeded their admitted outlay the works will be assumed by Government, and Messrs. Rustumjee will fall into the position of ordinary Ryotwary tenants. In other words they will be liable to pay the full assessment on all lands that they may retain in their Puttah. The only other stipulation necessary to be inserted in their Puttah and Muchulka are that the works shall be handed over to Government in good order so soon as the amount advanced shall have been recovered, that their fair share of water shall be allowed to lands already occupied according to the Collector's decision, and that the Government Officers shall be freely admitted to inspect the works at pleasure.

(Signed) P. P. HUTCHINS,
Acting Deputy Secretary to Government.

No. 1738.

Read the following

15th augt 62

Proceedings of the Bd of Revenue

Reporting on the subject of the stipulations under which Messrs Rustumjee & Co are to restore at their own cost the ruined Ookalum tank in Coimbatore.

Secretary to Govt 10 July 62 No. 4442

The works which Messrs Rustumjee propose to undertake comprise a system, any one part of which without the others would be comparatively, if not entirely, useless, and the whole must therefore be executed before the firm can reap any advantage from their outlay. And as for future operations the Govt are not at present prepared to say by what agency the scope of these experimentary works shall be extended in the event of their proving successful. The firm need not therefore be required to bind themselves either

to expend any fixed sum annually or to carry out the permanent system of works provided for in Capt. Goddard's Estimate. A will be sufficient if the Collector be instructed to issue a patta to Messrs Rustumjee, a pattah for the whole of the unoccupied Ryakat on the following conditions, a corresponding Mochulka being required from them. Detailed accounts must be submitted to the Dist. Engineer & Coll.r, as proposed by the Board, but quarterly, and all Expenditure admitted by those Officers will be credited to Messrs R., who on the other hand will be debited with the assessment of such lands as they may bring under cultivation. As soon as the amount debited to them is found to have

The Government are of opinion that considering the difficulty concerning Tanks & connected with the question of the Ootacamund Tank in Coimbatore, it would not be desirable to bind Government to expend any specified sum annually upon it — &

exceeded their admitted outlay the works will be assumed by Govt., and Messrs Rustumjee will fall into the position of ordinary Ryotwary tenants. In other words they will be liable to pay the full assessment on all lands that they may retain in their puttah. The only other stipulation necessary to be inserted in their Puttah & Mochulka are that the works shall be handed over to Govt in good order so soon as the amount advanced shall have been recovered, that their fair share of water shall be allowed to lands already occupied according to the Collector's decision, & that the Govt Officers shall be freely admitted to visit the works at pleasure.

21 Copies To D. P. W. Dept 16 Augt
1 — To the Coll.r of Coimbatore
14 — To the Board of Revenue

JP

Revenue 1862 Despt
Pro: of Govt for Augt

Pro. No. 20-21
2-7-62

No 1738

Pro: of the Madras Govt
Dd 15th August 1862.

Passing orders on
Board's Proceedings pro-
posing certain conditions
for the renewal of the
Pokalum tank in
Coimbatore proposed
to be undertaken by
Rustumjee & Co.

No 201 & 202.

8 aug 5/62 0212