M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 2222 Press / ~~Mis.~~

203-204

Dated 17-10-1862.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 17th October 1862.

No. 203. Read the following Proceedings of the Madras Government in the Military Department, dated 10th October 1862, No. 3,493 :—

Communicating certain correspondence in view to its being ascertained on what terms a permanent settlement of the claim preferred by the Vicar of the Roman Catholic Church at St Thomas' Mount can be most advisedly arranged, reserving to Government the right of occupation of the portion of the Hill now used for Military purposes.

(Vide Military Proceedings, 10th October 1862, Nos. 200—202.)

No. 204. ORDER THEREON, 17th October 1862, No. 2,222.

Referred to the Collector of Madras through the Board of Revenue for report as to the terms on which a permanent settlement of the claim alluded to can be most advisedly arranged, reserving to Government the right of occupation of the portion of St. Thomas' Mount now used for Military purposes.

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

MILITARY DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following papers:—

From the Reverend C. S. Pereira, Vicar of the Roman Catholic Church, Saint Thomas' Mount, 18th August 1862*; to the Secretary to Government, Public Works Department, Madras.*

I beg to bring the following circumstance to your notice, with the view that the same may be laid for the favorable and liberal consideration of His Excellency the Governor in Council, and secure me and my successors the right of a fixed monthly rent for the benefit of my Church, for the lands occupied for Military purposes on the summit of Saint Thomas' Mount, the exclusive property of the Church situated thereon, as defined by Government in the Survey Plan lately made for the purpose of marking the limit of the lands appertaining to the Church.

2. It will be seen from the correspondence noted in the margin,* (copies herewith sent) that the lands thus taken up, are for a Powder Magazine and Battery for three or four Guns, and as I am confident that it is not the intention of Government to occupy private lands for public purposes free of rent, and thus deprive the owner of his lawful pecuniary right, I now venture to solicit their liberal but just consideration to my claim, for a rent for the grounds on which the Buildings have been constructed, solely for the protection of the Cantonment lying on the base of the Hill.

**Letter from the Brigadier Commanding Saint Thomas' Mount, to the Acting Bishop of St. Thomé, dated 23rd July* 1857, *No* 363.
Do. to do. from do 24th do. 1857.
Do. from Mr. P. Curley, Sub-Engineer, to station Staff Officer Saint Thomas' Mount, dated 18th August 1857, *No.* 4.
Do. from the Brigadier Commanding Saint Thomas' Mount, to the Acting Bishop of Saint Thomé, dated 17th August 1857, *No.* 408.
Do. to do from do. dated 20th August 1857.

3. To establish the legality of the claims advanced above, I need only refer Government to the decrees passed in suits preferred by me in the Moonsiff's Court at Poonamallee, instituting my right for monthly land rent from the owners of the houses and huts built on the Hill, and within the boundary marked off by Government, as the exclusive property of the Church. The Court has on this authority alone, recognised my lawful right to the lands, and decreed in one and all the suits, that a monthly rent should be paid to me as the Vicar of the Church for the time being, and the recognition of my proprietory right admitted.

4. Moreover, the Government in defining the boundary of the lands as appertaining to the Church, have strictly ruled that their orders passed on that occasion did not empower the Vicar to dispossess the occupants of the lands disputed, though defined by them as the Church property, and left the matter to be decided in a Civil Court, to effect which, and particularly to establish my legal rights to the assigned lands, I have been put to much expense and inconvenience.

Extract Minutes of Consultation, dated 17th September 1856.

5. The institution of the legal proceeding in the Civil Court, I beg to state, for the information of Government, has cost me upwards of 400 Rupees, and although the costs were adjudged in my favor, yet I am up to this date unable to recover the same from the parties who are for the most part in indigent circumstances, and others will not pay knowing that I will have to put myself to further expense and trouble, which I could ill-afford to do.

6. From the facts represented above, I hope that the Government will not deny me and my successors as Vicars of the Church, the right to a monthly ground rent for the benefit of my Church for the lands occupied for their own purpose, particularly as they have admitted such claim by allowing a fixed monthly rent for the site of the small Magazine and Serjeant's Quarters lying adjacent to the Flag Staff.

7. In conclusion, I would leave it in the hands of Government to decide as to the amount of the monthly ground rent to be paid to me, for the benefit of my Church, from the date of the occupation of the lands in question.

From Brigadier Æ. Shirreff, Commanding the Mount, No. 363; *to the Reverend Dr. Lob*
Acting Bishop, Saint Thomé.

I have the honor to inform you, that it is contemplated to erect two or three open Batteri of Artillery on the Hill, a measure it is hoped will meet with your support at the present perio should any damages be done to your property in placing the Guns in position, it shall be repaire without delay.

From the Rererend M. F. Lobo, Acting Bishop, Saint Thomé; to Brigadier Æ. Shirreff, Comman ing the Mount.

I have the honor to acknowledge the receipt of your letter of yesterday's date, and hav much pleasure in most readily consenting to the proposal therein alluded to, for the emergencie of the present period, and hope that the indemnification offered, in the event of any damage occurring to the property of the Church on the Mount, will be borne.

I think it a temporary measure, but if the Batteries shall be sometimes permanently posted the Government of course must have some consideration for the occupation of the groun besides the damages done.

From Mr. P. Curley, Sub-Engineer, No. 4; *to Colonel Brown, Station Staff Officer, Saint Thoma Mount.*

I beg to bring to your notice that the Clergyman on the Mount has this day showed me letter, in which permission of Reverend M. F. Lobo has been asked to build these Batteries o the Mount, and the Priest says that, in that letter there is no mention made of a Magazine bein required, and he also told me that it would be advisable to obtain the Reverend Lobo's permis sion before the work could be proceeded with, I beg to refer the matter for your further orders until the receipt of which, the work will be delayed.

From Brigadier Æ. Shirreff, Commanding the Mount, No. 408; *to the Reverend Dr. Lobo Acting Bishop, Saint Thomé.*

I have the honor to request you will be good enough to lend me your best support in aid ing me to fortify the crown of the Hill, for the protection of the Station in the event of a attack, to effect this object, it will be absolutely necessary to build a Magazine, excavate after the manner of a Tunnel in the South East angle, and about 120 feet from the Vicar's house you will at once perceive that owing to the peculiar formation of the Plan, no danger from fir need be apprehended. Since my last communication to you on this subject, it was found expe dient to do more than what was first anticipated, and which I believe would have met with you full concurrence, which was the reason I did not mention the additional works now in progress The works I assure you are no detriment to any part of your Church property, but on the othe hand are an ornament and a protection to all. I beg to enclose a letter from the Sub-Engineer and trust you will not offer any objection to the works being proceeded with, on which th safety of the Station depends.

From the Reverend M. F. Lobo, Acting Bishop, Saint Thomé, to Brigadier Æ. Shirreff, Com manding the Mount.

I have the honor to acknowledge the receipt of your letter of yesterday's date, requesting m sanction for the building of a Magazine in the South East angle of the Mount, and in repl thereto, I have much pleasure in expressing my full concurrence with your proposal, for the pur poses of the protection which the present time demands, with the understanding, however, that i case of any injury to either the Church or the Parsonage caused by fire or other accidents, yo will repair the same fully and promptly.

The letter from the Sub-Engineer is herewith returned.

Referred to the Military Department.

(Signed) W. I. BIRDWOOD, Colonel, R. E.
Secretary to Government.

19*th August* 1862.

Referred to the Commander-in-Chief (Quarter Master General's Department.
23rd August 1862.

Memorandum from the Quarter Master General of the Army, Head Quarters, Ootacamund, 17th September 1862, *No.* $\frac{441}{2251}$; *to the Secretary to Government, Military Department.*

Forwarded to Government for information.

His Excellency the Commander-in-Chief thinks that the sites of the Battery and Magazine should be purchased for such sum as the Collector may consider they are worth; which cannot be much. It does not seem expedient to abandon either, now that they have been established, and may be needed again.

From the Officer Commanding Centre Division, Madras, 11*th September* 1862, *No.* 1110; *to the Deputy Quarter Master General of the Army, Fort Saint George.*

With reference to the correspondence* as per margin, and your endorsement No. 6685, of the 29th August 1862, calling for a Report, I have the honor to state that the Magazine and Battery were erected as a temporary measure, which was most readily consented to by the Reverend Dr. Lobo, the Acting Bishop of Saint Thomé for the protection of the Church property in common with the rest of the Cantonment, on the guarantee of any damage done being at once repaired, but without any stipulation for rent during the temporary occupation of the ground being asked or given, and that none was expected is clear from no claim having been advanced until now! I cannot therefore recommend that Government should burden itself with back rent from the time of occupation.

Referring to the Commander-in-Chief correspondence from the Vicar of the Roman Catholic Church at Saint Thomas' Mount, requesting that a fixed monthly rent may be granted to him on account of the lands occupied for Military purposes on the summit of the Hill.

*Herewith returned.

With regard to the future, the emergency calling for the erection of the Battery and Magazine having happily ceased, I would suggest dismounting the Guns, but as it is not advisable to make over the Magazine to the land owner, the right of re-occupying the Magazine and again mounting the Guns on a similar emergency, might be secured by the payment of a small donation to purchase this privilege in lieu of rent.

Order, No. 3493, 10*th October* 1862.

Ordered that the foregoing correspondence be communicated to the Revenue Department, in view to its being ascertained, through the Collector of the District, on what terms a permanent settlement of the claim in question can be most advisedly arranged, reserving to Government the right of occupation of the portion of the Hill now used for Military purposes.

(True Extract.)

Deputy Secretary to Government.

To the Reverend C. S. Pereira.
„ Revenue Department. With 20 spare Copies
„ Quarter Master General.
„ Department Public Works,
„ Controller of Military Finance, } for information.

Exd. J. E. Cashart.

17 September / 56

Nos 3-4

Pro: Dft Rev: dy 29th Octo 62
& No 3044 in Sto

Hill now used for
Milty purposes —

No 203 & 204.

Revenue 1862 Sept.
Pro: of Govt for Octr.
No 2869

Proceedings of the
Madras Govt in the
Military Dept

Dated 10th } Octr
Received 14th } 1862.

No 3493.

No 2222 dy Octr

With an order
Communicating certain correspondence in view to both being ascertained on what terms a permanent settlt of the claim preferred by the Vicar of the Roman Catholic Church at St Thomas' Mount can be most advisedly arranged, reserving to Govt the right of occupation of the portions of the

No. 2222

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Jt Sec. to Govt
17th October 1862

1st Copies To the Bd of Rev
with Pro: No 2869 17th Octr