M.R.O. 14—13,000—27-9-24.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1300 Press ~~Mis.~~

298. 299

Dated 15-7-~~19~~ 1863

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 15th July 1863.

No. 298. Read the following Proceedings of the Board of Revenue, dated 22nd June 1863 :—

Read the following letter from the Collector of the Kistna District, dated 15th May 1863, No. 103.

(In Cons. 21st May 1863, No. 3,109.)

1. The Board resolve to submit the above letter to Government, with their recommendation that the course proposed by Mr. Foord in the last paragraph be sanctioned.

2. From Petitioner's own statement it appears that the ferry has either been managed or rented by Government ever since 1844, and Petitioner's documents do not prove that any previous Government gave him any exclusive privileges. So long as he and those before him kept boats on the spot, they were permitted to levy a toll on passengers as their hire, but since 1844 it has been considered necessary for the convenience of the public, that other means of transport across the river should be provided.

3. The average revenue derived by Government from the ferry during the last six years has been less than Rupees 1,700 a year, and the public are likely to benefit very considerably, as shown by Mr. Foord, if the ferry should in future be made an open one. The Petitioner would still be able to run ferry boats on his own account, which is all, the Board think, that he can justly desire.

(A true Extract.)

(Signed) R. A. DALYELL, *Sub-Secretary.*

No. 299. ORDER THEREON, 15th July 1863, No. 1,300.

1. In these Proceedings the Board submit for favorable consideration a letter from the Acting Collector of the Kistna District, proposing that the ferry over the Kistna at Bezwarah, which for some years has been a Government monopoly and under the direct management of Government officers, should be thrown open unreservedly to private enterprize.

2. For a long time prior to the year 1844 the ferry was in the enjoyment, as a sort of Miras or hereditary privilege, of the ancestors of one Chellama-raz Seshaiya, who now claims its restoration, as though it were his private property, and who adds a further demand for the payment of its proceeds while in the hands of the State.

3. The Governor in Council entirely agrees with the Acting Collector and the Board in regarding these claims as inadmissible. Even supposing that the Petitioner were able to show (which he is not) that his ancestors had been invested by competent authority with any exclusive privileges, it is manifest that the continuance of those privileges must be dependent on the correct performance of the corresponding obligations, and that so soon as Petitioner ceased to make satisfactory arrangements for the transit of travellers, he forfeited whatever privileges he may have possessed. In fact the monopoly of a public ferry by a private individual cannot be binding against the State. It is always open to the State to step in and make such arrangements as it may consider necessary for the public good.

4. In the present instance this principle was acted upon so far back as 1844, when the Government assumed the direct management of the ferry. The Petitioner's claims were then virtually disallowed, and by subsequently renting the ferry from Government he acquiesced in the decision then given.

5. From 1855 the ferry has been under the direct management of the Collector. The apparent financial result of his administration up to 1860 was a net annual profit of nearly Rupees 1,700, but in order to arrive at a correct idea of the advantages accruing to Government by retaining the ferry in their own hands, the saving effected by crossing their mails, troops, stores, &c., in their own boats must also be taken into account.

6. The principal object of Government in assuming the ferry was to provide the public with the means of commodious transit, and if, as seems likely, these means can now be secured by private enterprize without their direct intervention, the Government would be willing to forego any petty profits, which the monopoly may give them. Before, however, sanctioning the course proposed by Mr. Foord, the Government would wish to be informed to what extent their boats have hitherto been employed on the public service, by whom that service will be performed when their boats are withdrawn, and what would be the cost. If there is no likelihood of effective competition, it would be better to rent out the ferry, as Government can then prescribe maximum rates of fare and ensure good and safe boats.

7. The Board will also ascertain when the Kistna Navigation Company will be able to commence operations, and how the Collector proposes to dispose of the Government boats. It seems to His Excellency in Council that it would be better, if possible, to let them out for a while, until time has shown that an open ferry will answer.

8. Chellama-raz Seshaiya's petition will be returned to the Board for disposal. They will inform him, that, in the event of the Government giving up their monopoly, it will be open to him to ply his boats in competition with other private parties, but that the Government are not prepared to recognize his claim to any exclusive privileges.

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

Kistna District Collector's
Kacheri at Dindy
15th May 1863.

No. 103.

From
E. B. Foord Esqre
Acting Collector of
Kistna District

To
W. Hudleston Esqre
Secretary to the Board of Revenue
Madras.

Sir,

1 With reference to the Board's Endorsement dated 9th March last on Petition No. 562 of 1863, presented by Chellamraze Seshiah late proprietor of the ferries at Bezwada in this District, I have the honor to submit the following brief reports on the subject of his claim.—

2 On reference to the several enclosures of the Petition as well as to

to the records of this Office it appears that the proprietary right of the ferry on the Kistna river between Bezoarah and Seetanugaram, was enjoyed by the Petitioners ancestors from the time of the Mahomedan Government and by himself upto the year 1843.-

3. In consequence of the inconvenience to which travellers were subjected by, from the want of a proper description of boats suitable for crossing Horses, and other beasts of burden &c.: over the Kistna, Mr. Porter Collector of the late Masulipatam District, recommended (through the Secretary to the Board in their P. W. Department) the construction of a Boat suited

From Bd. of P. W. to Govt. 20th Feby 1843 No. 81.
B. M. 6 14th March 1843 Lr. by
From Coll. to Board. P. W. 9th June 1843
From Bd. of P. W. to Govt. 27th July 1843.

suited for the above purposes at the expense of Government, and forwarded an Estimate for the same, amounting to Rs. 1310-- -- -- in January 1843, which was sanctioned by the Government of India, on the 14th October 1843.-

* Order of Madras Govt. 20th Novr. 1843 No. 82.

4. Before the Construction of the Boat in question, the Meerasidar with a view to guard against his right being infringed by the introduction of the new Boat, sought the permission of the Collector to undertake the construction of the Boat at his own expense according to the Sanction, Estimate, but his request was not acceded to.-

5 The Meerasedar however was offered the Contract for working the

the Government Boat, but he declined to accept the same.-

6 ..... The new Boat was built, and employed on the river on the 18th November 1844; from which date the Meerasedars Boats were not allowed to ply.-

7. ..... The Government Boat was under amany management for a period of 3 months. The Collections during that period did not an an average exceed 56 Rupees a month. It was afterwards rented out from Fusly 1255 to 1261 at an annual

Amount shown in the Margin.-

Fuslies	Amount of Rent
	Rs.
1255	150
1256	150
1257	150
1258	150
1259	150
1260	160
1261	400
Total..	1310 x
Average per year.....	187-2-4

Note x This income only covered the cost for the construction of the Government Boat.-

8 ..... In the year 1850 upon the complaint of the Meerasedar the Collector of the late Guntoor District requested

requested the Collector of the late Masulipatam District to secure to him the free exercise of his right, but the latter did not consent to it, on the ground that the ferry had been let out to others-

9. ..... The Meerasidar afterwards laid his claims before the late Collector Mr. Lushington, who, on a consideration of the fact that he had Boats of his own, and resided on the spot, rented out the ferry to him from Fusly 1262 to 1264, notwithstanding higher offers were made.

Fusly-	Amount of Rent.
	Rs.
1262 —	400.
1263 —	500.
1264 —	450.

10. ..... From Fasly 1265 upto the present time, the ferry has been under Amany-

11. ..... A Memorandum of the collections of tolls during a period of 6 years

years Annary management is given in the Margin; from which the Board will observe that after deducting the cost for Establishment and repair of Boats &c., the average annual profit to Government is only Rupees 1697-4-6.

Fasli.	Collection.	Product Charges. For Establishment.	For Mt. & repair of Boats.	Total.	Net Profit to Government.
	Rs.	Rs.	Rs.	Rs.	Rs.
1265	1114 13 9	190 6 4	" " "	190 6 4	1224 7 5
1266	2869 5 4	815 9 "	" " "	815 9 "	2053 12 4
1267	3316 6 "	931 14 2	238 15 4	1170 13 6	2145 6 6
1268	3110 10 "	964 14 1	307 15 5	1272 13 6	1837 12 6
1269	2712 6 5	1111 8 11	110 13 4	1252 6 6	1459 15 11
1270	2386 1 6	910 9 5	413 5 10	1323 15 5	1062 2 1
Total -	16209 11 "	4954 11 1	1071 2 2	6026 " 3	10183 10 9
Average -	2701 9 10	" "	" " "	1004 5 4	1697 4 6

12. It appears to me that after consenting to pay rent to Government during Fasslies 1262, 1263 and 64, the Petitioner, in effect, gave up his claim to the proprietory right of the ferry, and there is no necessity to acknowledge it 8 years after. It would moreover be very detrimental to the public to do so, as they would be quite at his mercy, and he would doubtless use Boats of a cheap and inferior description.

13. I have lately been requested by the Kistna navigation Company to allow the Boats, which they purpose plying from Bezoarah to Nizampatam on the new Canal now in course of construction, to touch at Seetanagaram on the opposite side of the river, to land passengers.

14. Of course if the management by Government, or the renting out, of the ferry, is to be continued, this request cannot be acceded to, though it would be much to the interest of the public, as the Boats of the Company are of a superior description and the fares low-

Class of Boats employed by the Company's Boats & amount of fares.

15. The amount of revenue involved is small, in comparision with the advantage, which an open ferry at a place like Bezoarah, would be to the public at large. Petitioner could then ply Boats in competition with the Navigation Company if he wished or if he still thought himself entitled to the exclusive right of the ferry, the Courts would

would be open to him to prefer his claim in.

Shave &Co.

(Signed) E. B. Foord
Acting Collector.

True Copy)

H Dalzell
Sub Secretary.

Rev. Depart.

No. 1300.

Proceedings of the Madras Government

Pro Revenue

1863).

Rec'd 6th Feby.

Enclosures in Roy of Mr. Board of Rev. to the Secretary to Govt. No. 20. dated 22d June 1863. No.

Letter from Mr. Kay Collr. of the Kistna Dist. to the Board of Revenue dated 15th May 1863. in No. 103. regarding an Petition No. 562 of 1863.

Proceedings
Journals
from the
Kistna
at the ferry
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Shave &c.

(Signed) E. B. Ford

Asst. Collector.

Rec. 14th March 1843 No 43 - 44
12th Septr " " 7 - 8
25th " " " 8 -
21st Nov " " 1 2.

Rev. 1863 Departt.
Proc. of Govt for July
No. 1168.

Proceedings of the
Board of Revenue

Dated 22d
Despd 22 } June 1863.
Rec'd 23d }
C.L. with 1 Cover

No 298.

SBM 1211. 15 July.

Submitting letter from the Collector of the Kistna District, reporting on Petition No 502 of 1863 from the late proprietor of the ferries at Bezwarah with the Board's recommendation that the course proposed by the Collector be sanctioned.

29th July 1863 R 104

of the Board of Revenue
to the Secretary to
Govt. P. D. dated 22d
June 1863. No

Letter from the Actg
Collr of the Kistna Dist.
to the Board of Revenue
dated 15th May 1863. in
No 103 - regarding an
Petition No 562 of 1863.

Rev Departt.

No 1300.

Proceedings of the Madras Government

Under date 15th July 1863

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of the Board of Revenue

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The Board will also ascertain when the Kistna Navigation Company will be able to commence operations, and how the Collector proposes to dispose of the Govt boats. It seems to His Excellency in Council that it would be better, if possible, to let them out for a while, until time has shown that an open ferry will answer.

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To the Board of Rev. with one Encl. Copied 16th

Revenue 1863 Dept.
Pro: of Govt. for July.

No. 1300.

Pro: of the Madras Govt.
Dt. 15th July 63.

Pro: of the Board of Revr.
dt. 15 Sept. 63 & No. 2206

Board of Revenue
requested to call upon
the Collector of Kistna
District certain informa-
tion regarding the
renting of Ferry over
the Kistna at Bezwar-
ada.—

No. 298 & 299.