M.R.O. 14—13,000—27-9-24.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1918 Press Mis.

266.267

Dated 23-10-1863

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 23rd October 1863.

No. 266. Read the following Proceedings of the Madras Government in the Public Works Department :—

Passing orders on a Proceedings of the Board of Revenue regarding the transfer of the land adjoining Pugh's Gardens to the Receiver of the Carnatic Property. } (Here enter 10th October 1863, No. 2,918.)

No. 267. ORDER THEREON, 23rd October 1863, No. 1,918.

1. The Government consider that the best plan will be for them to purchase at a valuation from the Receiver of the Carnatic Property, the portion of land which lies between the river and the red line on the maps, and is required for public purposes by the Department Public Works.

2. The Collector will accordingly arrange with Mr. Dale.

3. The Collector will take care that no one squats or enters into possession of the land, after its acquisition.

4. The entry of 2 Cawnies in paragraph 6 of the Board's Proceedings is evidently an error. It should, from the total, have been 9 Cawnies.

(True Extract.)

Secretary to Government.

To the Board of Revenue,
" Collector of Madras,
" Receiver of the Carnatic Property,
" Department Public Works.
} with Proceedings Department Public Works, No. 2,948.

Exd. S. T. Augustin.

Proceedings of the Madras Government, Public Works Department, 10th October 1863.

No. 215. Read the following Proceedings of the Board of Revenue, dated 23rd September 1863, No. 6,026 :—

Read again letter from the Collector of Madras, dated 14th August 1863, No. 323, in Board's Proceedings 20th August 1863, No. 5,206.

Read also the following papers :—

From C. DALE, Esq., the Receiver of the Carnatic Property, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Madras, 21st August 1863, No. 124.

SIR,

With reference to the Order of Government under the date and number noted in the margin, I have the honor to enclose for the information of the Board, a copy of my letter to Government of this day's date, No. 123.

20th August 1863, No. 1,528, Revenue Department.

ENCLOSURE No. 1.

From C. DALE, Esq., the Receiver of the Carnatic Property, to J. D. SIM, Esq., Secretary to Government, R. D., dated 21st August 1863, No. 123.

SIR,

I do myself the honor of acknowledging the receipt this afternoon of the Proceedings of Government under the date and number noted in the margin, and fearing lest silence on my part might be interpreted into my acquiescence as to the correctness of the statement contained in the Order of Government dated the 7th of August 1863, No. 2,229, "that what is there called 'The sandy plain is the property of Government and not that of the Begum," I hasten to state that such statement is erroneous, and that Mr. Cunliffe has informed me the land in question forms part of that which was leased by Government, and subsequently purchased by the Begum. A reference to former correspondence with Government explains this, and the ground on which Mr. Cunliffe attempted to resume the land.

20th August 1863, No. 1,528, Revenue Department.

From C. DALE, Esq., the Receiver of the Carnatic Property, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Madras, 22nd August 1863, No. 126.

SIR,

With reference to our conversation of this morning, and in continuation of the letter I had the honor of addressing to you under the date and number noted in the margin, I do myself the honor of enclosing as requested the original Lease noted at foot, which I request may be returned to me when no longer required.

21st August 1863, No. 124.

ENCLOSURE No. 1.—Original Lease.

From the Honorable R. S. ELLIS, C. B., Collector of Madras, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Saidapet, 18th September 1863, No. 366.

SIR,

1. I have the honor to acknowledge the receipt of the Proceedings of the Board of Revenue dated 20th August 1863, No. 5,206, and to express my regret at the delay in complying with the Board's orders. This has been caused in part by my waiting for the Map (herewith returned), and subsequent to its receipt by severe illness.

2. I am of opinion that as regards the simple question of River conservancy, it will be sufficient to retain the extent named by Colonel Boileau, namely, the yellow dotted line *AB* representing the *flood* line of the river. But for the other and important objects stated in paragraph 3 of the Board's Proceedings dated 11th August 1863, No. 5,007, I am of opinion that it will be very desirable to retain, in the hands of Government, the whole of the land between the river, and the red line in the Map.

1. Ordered that the above papers be submitted to Government, with reference to their Order dated 7th August 1863, No. 2,229, Public Works Department, and in continuation of the Board's Proceedings thereon, dated 11th idem, No. 5,012.

2. When those Proceedings were passed, the Board had not been put in possession of the documentary evidence on which Mr. Dale bases his claim on behalf of the Nawab's Estate to the land lying between Pugh's garden and the river, but having now inspected the original lease and the survey plan attached to it, together with the evidence of subsequent transfers communicated to them by Mr. Dale, they can arrive at no other conclusion than that the land here situated was originally granted and transferred as claimed; whether the existing extent corresponds, or whether there has been any accretion on the river bank, the papers before the Board do not enable them to judge. The question raised by Mr. Cunliffe in his letter dated 9th February 1863, to Mr. Dale, as to the right of Government to resume the land by reason of the Begum's non-observance of forms, and non-payment of quit-rent, must be held to have been set at rest by the Government Order dated 1st May 1863, No. 757, Revenue Department.

3. The land, which was granted by Government in 1,807 to Allara Narrainsawmy Naick, is described in the original lease as bounded south by the Adyar river, west by the Adyar river and Mr. Mowbray's gardens, and north by Ramasawmy Braminy's ground, Casava Permal Pagoda's ground, and a road; and in the Master in Equity's Certificate dated 2nd February 1832, the land purchased by the Honorable L. G. R. Murray at the sale of Allandoo Narrainsawmy Naidoo's property is described as bounded on the south by the Adyar river, on the west by the Adyar river and Mowbray's gardens, and on the north by Mr. Minchin's garden. The transfers from Mr. Murray to Mr. E. F. Eliott, by the latter to Mr. Pugh, and by Mr. Pugh of part to the Begum are all evidenced by documents.

4. Now Mr. Minchin's garden, which was obtained by him from Mr. Orme and conveyed to Mr. Pugh (forming the present Pugh's gardens) is stated in the Plan annexed to the Lease to Mr. Orme of that property to be bounded south by the grounds belonging to Narrainsawmy Naidoo.

The Board understand that the site of Mr. Boyson's house was formerly included in Mowbray's gardens, and under these circumstances they do not see how it can be disputed that the land then lying between Pugh's gardens, Mr. Boyson's compound and Mowbray's gardens and the river bank, was originally granted to Allara Ramasawmy Naidoo, and descended from him to Mr. L. G. K. Murray, to Mr. E. F. Eliott, to Mr. J. Pugh, and in part to the Begum. The extent assigned by Mr. Pugh to the Begum was Kanis 15, Grounds 9, Square-feet 1,565, and is described as *part* of the ground included in the certificate of the Master in Equity above-mentioned, and as bounded north by a house and grounds belonging to the Begum (apparently Pugh's gardens), south by the Adyar river, and west by the Adyar river and a road leading to it (apparently the road between Pugh's gardens and Mr. Boyson's house, and leading to the site of the ruined bridge).

NOTE.—A further part of the land included in this grant appears to have been sold by Mr. Pugh on a previous occasion, and to have been occupied by the village washermen, from whom it is understood that Mr. Norton purchased part of the tract included in his compound.

6. Thus it appears to the Board that Mr. Dale can claim as belonging to the Nawab's Estate, *in one block*,

Kanis.	Grounds.	Square-feet.	
2	12	1,490½	forming Pugh's gardens,
and 15	9	1,365	lying between Pugh's gardens,

the original boundary of Mowbray's gardens, and the original river bank forming a total block of Kanis 24-22-655½.

7. If the block in which Pugh's gardens and the waste ground between it and the river are comprised contains a greater area than this, then, in the Board's opinion, Mr. Dale cannot claim the excess, as part of the original block; whether accretions to it on the river side would belong to the owners of the original block, the Board do not consider themselves competent to decide, but they would refer to the case reported at page 267, Volume 6, of Moore's Indian Appeal Cases.

8. They would recommend that a careful Survey be made of the block including Pugh's gardens and the waste between it and the river, showing the area (and boundary) of Pugh's gardens and of the waste separately and where the limits of the joint block of Kanis 24-22-655½ would

run, assuming the line of the old bridge and the road between Mr. Boyson's and Pugh's gardens which probably represents the most easterly limit of the original Mowbray's gardens, as the western boundary of the land claimable. The accretion if any must, from the present run of the river bank, have been on the western and southern boundaries.

9. As to the portion of the land to be reserved or secured for public purposes, the Board consider that the line drawn by Colonel Boileau indicates the minimum extent that is required, and in their opinion it would be the best economy to secure at once whatever is likely to be eventually required for the Junction Canal. The Board consider that no land should be given on this spot to Mr. Dale for the benefit of the Estate in excess of what he can legally claim as there can be no doubt that for purposes connected with the Canal traffic the whole might be advantageously reserved for the public.

(True Copies and Extract.)

(Signed) W. HUDLESTON, *Secretary.*

No. 216. ORDER THEREON, 10th October 1863, No. 2,948.

In Proceedings dated 1st May 1863, No. 757, the Government in the Revenue Department authorized the Collector of Madras to transfer the land adjoining Pugh's gardens to the Receiver of the Carnatic Property. As it was necessary, however, to retain a sufficient space for the conservancy of the Adyar river, the Superintending Engineer, 4th Division, was requested by this Department to make the necessary arrangements for meeting the Collector of Madras and the Receiver of the Carnatic Property in view to determining the extent of land necessary for that purpose. In reply Colonel Boileau proposed that measures should be taken for acquiring the land shown on the accompanying plan, and lying between the yellow dotted line marked A. B. and the Adyar river. It appearing likely, however, that portions of this land were merely accretions from the river and formed part of its bed during floods, the Board of Revenue were called upon to consider, whether the property belonged to Government or to the late Nabob. The Board's reply is recorded at the head of these Proceedings, and it appears therefrom that Mr. Dale can claim as belonging to the Nabob's Estate, in one block, C. 2, G. 12, S. feet 1,490½, forming Pugh's gardens, and C. 15, G. 9, S. feet 1,365, lying between Pugh's gardens and the original river bank. The Board are of opinion that if the block comprising Pugh's garden and the waste ground between it and the river, contain a greater area, then, Mr. Dale cannot claim the excess as part of the original block; and for the settlement of the matter they propose that a careful survey be made. This point will receive consideration in the Revenue Department. As regards the reservation to be made for public purposes, the Government concur with the Board and the Superintending Engineer in the advisability of obtaining possession of the area indicated in the plan, it being essential to reserve a sufficient space not only for the conservancy of the river but for the proposed Junction Canal. It is, moreover, observed that the ground is now used for the storage of cargo brought by the Southern Canal, and it seems inexpedient to allow the alienation of land that is capable of being made so useful to the public.

25th July 1863, No. 2,037.

7th August 1863, No. 2,229.

(True Extract.)

Colonel, R. E.,
Secretary to Government.

To the Revenue Department, with Plan.
" Receiver of Carnatic Property.
" Board of Revenue.
" Superintending Engineer, 4th Division.

Exd. S. T. Augustin.

Revenue Department

No. 1918.

Proceedings of the Madras Government

Under date the 23rd October 1863

Read the following Pro:
of the Madras Government in
the Public Works Department.

Passing orders on a Pro: of the Board of Revenue regarding the transfer of the land adjoining Pugh's gardens to the Receiver of the Carnatic Property

(Here enter 10th Oct:/63 No. 2948)

The Government conside
that the best plan will be
for them to purchase at a va-
luation from the Receiver
of the Carnatic Property, the
portion of land which lies
between the
river and the redline on the
maps required for public
purposes by the Department
Public Works.

The Collr will
accordingly arrange
with Mr. Dale.

The Collr will

Rec'd 27 May 1864, S. 4.
21 Consult. 132-137
D. Dispatch 257-258
D. Recd. 113-116

Pro: 1863 (Revenue)
Pro: of Govt. Ton Reclos.
No. 2429.

Proceedings of the
Board of Revenue
D. 22nd Septr.

Rec'd 10th October
Received 12th October 1863.
No. 2948.

Pro:

S. A. Coll. 1918-25 Oct. 63.

Passing orders on a Pro:
of the Board of Revenue
regarding the transfer
of the land adjoining
Pugh's gardens to the
Receiver of the Carnatic
Property.

No. 266.

take care that
no one ignorant of
enters into possession
of the land, after
its acquisition.

The entry of
2 carriers in from
6 of the 8th Jersey
is evidently an
error. It should, from
the total, have been
9 carriers

I do

14 Corps Lt the B of Revd
1 " Coll of Madras
2 " Lt the Receiver of Mil Canals Report
21 " D PM Dept 26 act

Dupl to No D PM Dept 26

Revenue 1863 Deptt.
Pro: of Govt for October

No 1918.

Pro: of the Madras Govt
dt 23d October 1863.

Pro Board of Rev dy
2 June 63 C no 16.42-
Recd Subg Dy no 4 Dec
22 March 64 C no 1103.

Pro: Public Works
Deptt regarding the
transfer of the land
adjoining Pugh's Garden
to the Receiver of the
Carnatic Property with
orders thereon

No 266 to 267.