

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 382	Press Mis.
319.320	
Dated	23. 2 - 19 1863

Not to be folded or roughly handled

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

No. 319. Read the following Proceedings of the Board of Revenue, dated 4th February 1863:—

Read the following letter from E. E. MERRALL, Esq., First Assistant District Engineer, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Dowlaishweram, January 1863.

SIR,

1. I have the honor to acknowledge the receipt of a copy of the Proceedings of the Board of Revenue, dated October 21st, 1862, and regret that severe illness has prevented me from replying earlier to that communication.

2. With reference to Colonel Orr's letter upon the matter therein referred to there must certainly have been some great mistake upon the subject, as the statement contained in that letter is directly at variance with facts, and can be easily and completely disproved.

3. At the time when I built my Bungalow at Bezoarah I was a perfect stranger in this country, acting entirely under Captain Orr's direction, he being my superior Officer. I was moreover, as might be supposed, somewhat straitened for ready money, as I was saving all I could to pay the expense of bringing out my wife and family to India. Can the Board for one moment believe that under such circumstances I should have been so insane as to expend Rupees 4,000 in building myself a Bungalow upon a site objected to by the only Officer under whose authority I was placed, and after I had been informed that I did so at my own risk, such a statement bears absurdity upon its very face.

4. The ground upon which my Bungalow is built was first pointed out to me by Lieut. Farewell, it was quite approved of by Captain Orr, who kindly offered to lend me money towards its completion, he supplied me from the stores with chunam, bricks, stone, timber, glass, &c. &c., and instead of making any objection to the site appeared to approve highly of its position, and told me that he thought it would be a very good investment, he frequently visited the spot during the progress of the work, and appeared to take some interest in the method I adopted for securing the foundation, &c.

5. But a more conclusive proof of the incorrectness of Colonel Orr's letter can be adduced by the Bezoarah public bath; in 1856 a subscription was set on foot at Bezoarah by Captain and Mrs. Orr for the construction of a swimming bath, and to which nearly every Officer paid his share, myself among the number, this bath is a large and permanent building constructed of brick and stone in chunam with tiled roof and a large and deep well outside, costing altogether a considerable sum of money; it is built on the edge of the very same channel as my Bungalow only much nearer to the channel itself, and much nearer to the Head sluices, so that should any widening of the channel ever become necessary, this structure which is the private property of the subscribers must necessarily be removed, and yet this bath was built by Captain Orr himself in 1856 at the very same time as my house was being erected on the embankment at a much greater distance from the channel.

6. If Colonel Orr's statement in paragraph 3 of his letter be correct, how came he to collect money from the various Officers, &c., and build with it a permanent structure for private parties upon land which he now affirms had no right to be occupied for any permanent purpose and thereby do an act which he knew to be contrary to Law and at direct variance with his own statement?

7. The fact is, that at the time we were engaged in the construction of these buildings, neither Captain Orr or myself (nor indeed any other Officer) had the least idea that the ground would ever be wanted at all, and up to the present time there is not the slightest chance of the buildings in question ever being removed, especially my Bungalow, it is built on the top of the embankment at a very considerable distance from the channel and below it is a broad lunka upon which is planted two rows of large and healthy trees so that the channel must be widened immensely before the Bungalow can in any way require to be interfered with, the bath on the other hand is built on the lunka itself, inside the embankment and quite close to the edge of the channel, and must be taken down if ever the channel is widened.

8. Under these circumstances it certainly does appear to me extremely unfair that while Colonel Orr and Dr. Nash should both be allowed to dispose of their property, I should be denied the same advantage; my Bungalow cost me above Rupees 4,200 and I have consented to sell it for half its cost, but am prevented from completing the sale by the want of some tangible title, and thus the only property I have acquired during near eight years' service is virtually rendered valueless.

9. If Government will merely grant to me the land upon which the house, &c., stands at an annual rental or a guarantee that the property shall not be taken from me without a fair valuation, &c., it will suit my purpose, they do not of course contemplate at any time taking

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

away my house, built there with the consent of both the District Engineer and the Collector, without giving me some compensation for it.

10. Under these circumstances I earnestly request that the Board will re-consider its determination. I am now under orders from the Medical authorities for twelve months' sick leave and fully depended upon the proceeds of the sale of my Bungalow to enable me to defray the heavy expenses I shall be compelled to incur for the restoration of my health, and indeed without this assistance it is doubtful how I am to proceed to sea at all.

Respectfully soliciting an early reply.

The Board observe that the matter in question was disposed of by Government in their Proceedings dated 29th October 1862, No. 2,309, Revenue Department. They resolve therefore to submit Mr. Merrill's letter for the consideration of Government.

(A true Copy and Extract.)

(Signed.) W. HUDLESTON, Secretary.

No. 320.

ORDER THEREON, 23rd February 1863, No. 382.

The Government see no reason to alter their Order dated 29th October 1862, No. 2,309, declining to grant a permanent Title Deed for the land on which Mr. Merrill's property stands. But on a consideration of all the circumstances of the case they resolve to inform Mr. Merrill that in the event of their requiring the removal of buildings for public reasons compensation not exceeding Rupees 2,100 (being the sum mentioned by Mr. Merrill, as having been accepted by him for them) will be paid to the person who may hold the property at the time. In that event the buildings will be valued by such Officers as the Government may appoint and on their valuation the compensation, within the maximum above stated, will be calculated.

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

Revenue Department

No. 382.

Order of the Madras Government,
Under date the 23rd February 1863.

*For Order. The Govt. have decided of
that a permanent Title Deed
cannot ~~be~~ given - inasmuch
as the land on which the
house stands may be required
for widening the channel.
But admitting this, do the
Govt. intend, in the latter
event, to require the owner
of the house to remove it,
on that any compensation?
Legally, I presume, they are
entitled to do this, as Mr.
Merrill would be held to have
built the house at his own
risk - If Govt. intend to*

*circumstances of the case they
resolve to inform Mr. Merrill
that in the event of their house
requiring the removal of*

*Which Govt. should promise compensation to Merrill's extent.
but not give any Title Deed. J.D.S.*

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

away my house, built there with the consent of both the District Engineer and the without giving me some compensation for it.

10. Under these circumstances I earnestly request that the Board will re-determination. I am now under orders from the Medical authorities for twelve leave and fully depended upon the proceeds of the sale of my Bungalow to enable the heavy expenses I shall be compelled to incur for the restoration of my health without this assistance it is doubtful how I am to proceed to sea at all.

Exercise this right or at least to reserve the power of doing so, the order already passed may be simply re-iterated. Other wise compensation might be provided, in the event of the house being ordered to be removed, with the proviso that the maximum compensation will not exceed the sum mentioned by Mr. Merrill viz $(\frac{4200}{2} =) 2100$. This will protect from extensive improvements &c
I.D.S.

Revenue Department

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Proceedings of the Madras Government
Under date the 23rd February 1863

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

away my house, built there with the consent of both the District Engineer and without giving me some compensation for it.

10. Under these circumstances I earnestly request that the Board will determine. I am now under orders from the Medical authorities for twelve leave and full pay on the proceeds of the sale of my Bungalow to enable

No. 29 October 62 No. 317-318. Rev. = 1863. V. H. 1. Pro. of Govt. of M. 316.

Proceedings of the
Board of Revenue.

Dated 4th
Decr. 4th
Recd. 5th } Feb. 1863.

No.

S.O. No. 382. 23 Feb.

Submitting for consideration of Govt., with the Board's remarks, a letter from Capt. Merrall 1st Assistant District Engineer Dowleswaram, on the subject of the sale of his Bungalow.

No. 319.

21 Feb. 1863. P. 17

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No. 382.

Proceedings of the Madras Government
Under date the 23rd February 1863.

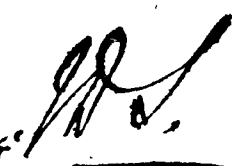
Read the following Proceedings of the Board of Revenue.

Submitting for consideration of Govt., with the Board's remarks, a letter from Capt. Merrall 1st Assistant District Engineer Dowleswaram, on the subject of the sale of his Bungalow.

(Here enter 4th February 1863)

The Government see no reason to alter the order dated 29th October 1862, No. 2309 declining to grant a permanent Title Deed for the land on which Mr. Merrall's property stands. But on a consideration of all the circumstances of the case they resolve to inform Mr. Merrall that in the event of their house requiring the removal of

buildings
being ordered to be removed
for Public ^{purposes} ~~purposes~~ compen-
sation not exceeding \$2,100
(~~a majority~~ ^{being} of the sum men-
tioned by Mr. Merrill as
having been ~~accepted~~ ^{accepted} by
him ~~for them~~ ^{for them}) will be paid to
the person who may hold the
property at the time. In
that event the buildings
will be valued by such
officers as the Gov^t may
appoint and on their
valuation the compen-
sation, within the
maximum above stated,
will be calculated.

Board of Revenue 
Mr. Merrill, Esq.
B. W. Department

December 1863. 2nd 11th
No: of Govt for 0th 1863

N. 382.

Pro: of the Madras Govt.
23rd February 1863.

[Signature]

[Signature]
1863

Proceedings Board
of Revenue submitting
Mr. Marshall's letter re-

specting that the question

of having a Bill Book
to be kept at the

Registrar may be
considered, with orders
thereon.

N. 319 & 320.