

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 746	Press Mis.
465. 466	
Dated	29. 4. 1918

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
29th April 1864.*

No. 465. Read the following Proceedings of the Board of Revenue, dated 8th April 1864,
No. 2,119.

Read the following letter from the Collector of Malabar, dated Calicut, 18th March 1864,
No. 65:—

From Collector to Board of Revenue, dated 10th December
1863, No. 263.
Proceedings Board of Revenue, dated 9th January 1864,
No. 107.
Government Order, dated 27th January 1864, No. 145,
received with Board's Endorsement, dated 2nd ultimo,
No. 15.

1. As the Ferry Funds are large in this District, and any question affecting the realization is of great importance, I feel bound again to address the Board on the subject of the correspondence noted. The Government Order arrived when I was absent on leave, and I have only now seen it.

2. The time for leasing the Ferries for Fusly 1273 is approaching. I will take the Beypore Ferry as an example of my difficulty. The contractors supply all the boats and labor connected with the Ferry; but under the impression that they have the exclusive privilege of working a Ferry there they pay Government a sum of about Rupees 7,000 annually.

The Kalai Bridge and Beypore Ferry are let together.
Rupees 9,750 was the rental for the two for Fusly 1272.
Rupees 2,750 of this may be put down to Kalai Bridge.

3. As observed in my former letter it is mainly the popular impression that prevails that establishing a Ferry other than the Government Ferry in the vicinity of a Government Ferry is illegal that saves the contractor's privileges and induces contractors to bid when ferries are sold.

4. If this popular impression is correct I regret having given unnecessary trouble in writing on the matter.

5. But if it is not correct when I lease the Ferries I presume on an erroneous impression and sell a privilege which I have no means of securing to the purchaser. It cannot be denied that this is a false position.

6. I would speak respectfully but I speak advisedly when I say that both trouble and discredit may ensue if some legal safeguard is not given with regard to the Ferries, and I would point to the trouble, annoyance, and loss attending the current lease of the Cardamom farm as a pregnant example of a state of things I earnestly desire to avoid in the Ferries, and which it seems to me can only be safely avoided by Government taking legislative action in the matter, or withdrawing from leasing the ferries altogether.

1. Ordered to be submitted for the consideration of Government. The Board however on further consideration doubt whether the course proposed by Mr. Ballard is necessary for the protection of the equitable rights of the renters of Government.

2. They observe that in the Chapter "of Nuisance" in Blackstone's Commentaries it is laid down that the establishment of a new Ferry so near an old Ferry as to draw away its custom is a nuisance for which the owner of the old Ferry is entitled to damages, inasmuch as the owner of the "Ferry by prescription" is bound to keep it always in repair and readiness for the use of the public or in default to be fined, and it would be unjust if a new Ferry were suffered to share his profits without sharing his liabilities. Under the same conditions the same argument will apply in this country, and the Board do not doubt that it would be admitted by the Courts.

No. 466. ORDER THEREON, 29th April 1864, No. 746.

The Government adhere to the opinion expressed in their Order of 27th January 1864,
No. 145.

(True Extract.)

(Signed) J. D. SIM,

Secretary to Government.

To the Board of Revenue.

Exd. S. T. Augustin.

No. 2,119.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 8th April 1864.

Read the following letter from the Collector of Malabar, dated Calicut, 18th March 1864,

No. 65:—

From Collector to Board of Revenue dated 10th December 1863, No. 265.
Proceedings Board of Revenue dated 9th January 1864, No. 107.
Government Order dated 27th January 1864, No. 145, received with Board's Endorsement dated 2nd ultimo, No. 15.

1. As the Ferry Funds are large in this District, and any question affecting their realization is of great importance, I feel bound again to address the Board on the subject of the correspondence noted. The Government Order arrived when I was absent on leave, and I have only now seen it.

2. The time for leasing the Ferries for Fasli 1273 is approaching. I will take the Beypore as an example of my difficulty. The contractors supply all the boats and labor connected with the ferry; but under the impression that they have the exclusive privilege of working a ferry there they pay Government a sum of about

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3. As observed in my former letter it is mainly the popular impression that prevails that establishing a ferry other than the Government ferry in the vicinity of a Government Ferry is illegal that saves the contractor's privileges and induces contractors to bid when ferries are sold.

4. If this popular impression is correct I regret having given unnecessary trouble in writing on the matter.

5. But if it is not correct when I lease the ferries I presume on an erroneous impression and sell a privilege which I have no means of securing to the purchaser. It cannot be denied that this is a false position.

6. I would speak respectfully but I speak advisedly when I say that both trouble and credit may ensue if some legal safeguard is not given with regard to the Ferries, and I would point to the trouble, annoyance, and loss attending the current lease of the Cardamom farm as pregnant example of a state of things I earnestly desire to avoid in the Ferries, and which it seems to me can only be safely avoided by Government taking legislative action in the matter, or withdrawing from leasing the Ferries altogether.

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(A true Copy and Extract.)

Secretary.

To J. D. Sim, Esq., Secretary to Government, R. D.

Copy to G. A. Ballard, Esq., Collector of Malabar.

Exd. J. Wright.

W-746.
 The Govt ad.
 here to the opinion
 expressed in their
 Order of 27 January
 1864 No. 145.

From St. George
 29th April 1864

107

14/10/64 Rev. Despatch May

that a competition may be
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 matter one going on now
 about the way the
 Government would
 with a matter which is
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 as a private person -
 is not the same but
 is not the same -

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 especially when the
 action is both - but
 now it is both - but
 it will be in the
 to be done any more
 the Government is
 the Government is

PROCEEDINGS OF THE BOARD OF REVENUE
 No. 915
 Dated 8th April 1864
 1864/5
 1864/5

No. 2119
 1864/5
 1864/5

Submitting for consideration letter from the
 Collector of Malabar requesting that legislative
 action may be taken to prevent the plying of
 private boats near Government Ferries.

nothing more to be done
 now

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The Government of the
 Malabar is known to be
 The first person one all
 least and and the
 Revenue Commission in
 1864/5 to Rs 69,000/
 is one of the to be
 done.

My former contents unchanged
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