M.R.O. 14—18,000—27-9-24

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1634 Press ~~Mis.~~

267.268

Dated 15-7-1865.

Not to be folded or roughly handled

No. 267. Read the following letter from G. A. BALLARD, Esq., Collector of Malabar, to W. HUDLESTON, Esq., Acting Secretary to Government, Revenue Department, Fort Saint George, dated Calicut, 1st July 1865, No. 85 :—

From Govt. 16th December 1863, No. 2,314.
To do. 5th March 1864, " 21.
From do. 14th April " 629.
To Board of Revenue, 1st June 1864, No. 126.
From do. 17th " " " 3,690.
To do. 18th July " " 170.
From do. 29th " " " 4,837.
G. O. 27th July 1864, No. 1,347, received with Board's order, dated 29th idem, No. 4,851.
G. O. 16th August 1864, No. 1,478, received with Board's Order, dated 18th idem, No. 5,319.
G. O. 10th November 1864, No. 2,060, received with Board's order, dated 16th idem, No. 7,493.
G. O. 5th December 1864, No. 2,199, received with Board's order, dated 7th idem, No. 7,843.
G. O. Public Works Department, 23rd May 1865, No. 1,398.

SIR,

1. Adverting to the correspondence noted, I have the honor to report that the Acting Sub-Collector informs me that Ali Rajah declines receiving pecuniary compensation for the portions of his land in Cannanore, which it is necessary to take up for the site of the new Powder Magazine. He, however, says that as he cannot get equivalent land in exchange "he willingly and cheerfully offers them "(the perambas or gardens required) for "the kind acceptance of the British "Government in deference to its requi- "sition, without requiring the price "thereof."

2. Ali Rajah, however, requests,

Firstly.—That the indemnity money payable by Government to the out-going tenants may be paid them through him; and

Secondly.—That the trees planted by the tenants, which Government decided should be allowed the out-going tenants as an act of grace over and above the ordinary compensation, be made over to him instead of to the tenants, as otherwise a precedent may be established which may cause inconvenience in his dealings with other tenants hereafter.

3. The total amount estimated as payable to both Jenmis and tenants, and sanctioned in Government Order, dated 23rd May 1865, No. 1,398, is Rs. 10,576-12-1. Of this Rupees 7,058-3-6 was payable to the former, and Rupees 3,518-8-7 to the latter. The value of the trees that it was intended to make over to the tenants, and which Ali Rajah now desires, is estimated by Mr. Garstin at about Rupees 4,000. The tenants would prefer their value in money.

4. I think, therefore, that both Ali Rajah's requests may be complied with,

Firstly.—The compensation money can be paid to his Manager by the Sub-Collector, who will see that it is handed over at once by the Manager to the tenants.

Secondly.—The trees can be made over to Ali Rajah as he wishes, and their value can be paid from the Rupees 7,058-3-6 that would have been paid Ali Rajah had he desired payment.

This will still leave some Rupees 3,000 under the total amount of the estimate unexpended.

As every thing is ready for Settlement, I solicit the immediate sanction of Government to this course.

may the Collr be this
letter

Proceedings of the Madras Government, Revenue Department,
15th July 1865.

No. 268.

Miscellaneous.

ORDER THEREON, 15th July 1865, No. 1,631.

1. The Government are not satisfied that they are competent to act in the manner recommended by the Collector, even if it should ultimately be deemed expedient to do so. They observe that that Ali Rajah's claim to be Jenmikar of the whole of the land is disputed, and that the Collector in his letter, dated 1st June 1864, to the Board of Revenue (G. O. dated 20th idem), recommended that the land should be taken up under Act VI. of 1857.

2. In G. O. dated 21st July 1864, Military Department, it was directed that if private negociation failed, the necessary steps should be taken in the Revenue Department, so soon as sanction for the purchase had been received, and in his letter, dated 21st October 1864, the Collector reported that "all *preliminary* arrangements for acquiring the land under the Act" had been taken, its acquisition by private bargain being impracticable.

3. In G. O. 23rd May 1865, Department Public Works, the transfer to the Collector of the necessary funds was sanctioned on the Superintending Engineer's application, and the Collector now proposes to conclude the arrangement by accepting the land from Ali Rajah in free gift, and employing part of the sanctioned price in giving special compensation to the out-going tenants for their improvements.

4. If Ali Rajah is not the lawful proprietor of the land, his gift of it would not be valid in law, and it does not appear that the requirements of Act VI. of 1857 have been fulfilled so as to enable the Government to deal with the land, leaving the purchase money in deposit till the title to the land is decided. Moreover, until the title is decided, the sanctioned purchase money cannot be employed in the manner proposed by the Collector, as it may eventually be found necessary to pay the proprietors of the land the price settled under the Act. The Collector must report further on the subject.

5. Should the Notification prescribed by the Act not have been published, and the Government cannot trace any order for its preparation or any report giving the necessary information, the Collector will at once send up a draft Notification, with the necessary description of the land concerned, to allow of the Act being applied.

(True Extract.)

(Signed) W. HUDLESTON,
Acting Secretary to Government.

To the Collector of Malabar.
,, the Board of Revenue.
,, the Military Department.
,, the Public Works Department.

Lxd. S. T. Augustin.

Rev. Dept.
No. 1634.

Proceedings of the Madras Govt
Under date the 15th July 1865
Read the following
letter from the Coll.r of
Malabar —

Soliciting under circumstances stated the immediate sanction of Govt for the settlement of compensation for the land taken up for the site of the new Powder Magazine at Cannanore. —

Here under 15th July 65
No. 85

The Govt are
not satisfied that they
are competent to act in
the manner recommend-
ed by the Coll.r even
if it should ultimately
be deemed expedient
to do so. They ob-
serve that that Ali Ra-
jah's claim to be Jenmikar
of the whole of the
land is disputed, and
that the Coll.r in his
letter

letter of 1st June/64 to the Bd of Rev. (G.O. of 20th Idem) recommended that the land should be taken up under Act 6 of 1857.—

In G.O. of 21st July/64. Mil. Dept it was directed that if private negociation failed — the necessary steps should be taken in the Rev. Dept to soon as sanction for the purchase had been received — and in his letter of 21st Oct/64, the Coll. reported that "all preliminary arrangements for acquiring the land under the Act" had been taken — its acquisition by private bargain being impracticable.—

In G.O. 23d Nov/65 D.R.W. the transfer

to

to the Coll. of the necessary funds was sanctioned on the Superintending Engineer's application — and the Coll. now proposes to conclude the arrangement by accepting the land from Ali Rajah in free gift and employing part of the sanctioned price in giving special compensation to the occupiers for their improvements.—

If Ali Rajah is not the lawful proprietor of the land, his gift of it would not be valid in law — and it does not appear that the requirements of Act 6 of 1857 have been

been fulfilled so as to enable the Govt. to deal with the Govt. leaving the purchase money in deposit till the title to the land is decided. Moreover until the title is decided, the sanctioned purchase money cannot be employed in the manner proposed by the Coll^r. as it may eventually be found necessary to pay the proprietors of the land the price settled under the Act. The Coll^r. must report further on the subject. ——

Should the notification prescribed by the act not have been published & the Govt. cannot take any order for the preparation of any report giving the necessary information - the Coll^r. will at once

Send up a Draft notification in the necessary discription of the land concerned & when the text being approved

7.7.03

1 to the Collector of Malabar dt 17 July
14 " the Board of Revenue
7 " the Secretary Dept
21 " the Govt Dept

56
6.

Revenue 1865 Sept.
Proc. of Govt. for July

No. 1634

Proc. of the Madras Govt.
Dt. 13th July 1865

From Collr of Malabar
Dt. 18 July 1865 No. 200
From the Collr of Malabar Dt.
Sept. 1865 No. 2432.

Requesting the Collr
of Malabar to depute further
with reference to the
land offered by Ali
Rajah for the new
Magazine at Cannanore.

No. 267 & 268.

Govt. No. 299-300
16-12-63
" 228-229
14-4-64
" 246-247
20-6-64
" 461-462
27-7-64
" 238-239
16-8-64

Govt. No. 111-112
10-11-64
" 33-34
5-12-64
" 469-470 P.W.
23-5-65

in July 1865