M.R.O. 14–5,450—22-10-25.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 996 Press ~~Mis.~~

30. 32

Dated 2 – 5 — 1867.

Not to be folded or roughly handled

No 996

Proceedings of the Madras Government, Revenue Department, 2nd May 1867.

No. 30. Read the following papers :—

Proceedings of the Madras Government in the Military Department.

Referring, for consideration in the Revenue Department, the expediency for taking up the ground selected for a cholera camp at Cannanore under Act VI. of 1857, or providing for the purchase money being lodged in the treasury prior to the proprietary right being established. } (Here enter 11th March 1867, No. 878.)

Referred to the Board of Revenue for enquiry and report.

(Signed) W. HUDLESTON,
Secretary to Government.

FORT SAINT GEORGE,
18*th March* 1867.

No. 31. Proceedings of the Board of Revenue, dated 24th April 1867, No. 2,481.

Read the following letter from the Acting Collector of Malabar, to the Secretary to the Board of Revenue, dated Calicut, 4th April 1867, No. 66.

1. Adverting to the Proceedings of the Board of Revenue, dated 20th ultimo, No. 1,738, requesting report as to whether the site selected for a cholera camp at Cannanore should be taken up under Act VI. of 1857, I have the honour to state that the Acting Sub-Collector, to whom the question was referred, reports that the ground in question has lain waste for several years, and is one of those wastes so common in Malabar, the ownership of which has never been definitely settled, and which, as soon as it is required for any purpose, is claimed by several on plausible pretexts.

2. The land is claimed by the individuals noted, of whom the first is the Cherikal Rajah, who, it appears, lays claim to nearly the whole of the Cherikal talook; and the other three are proprietors of land in the neighbourhood of the ground selected.

1. The Cherikal Rajah.
2. P. Vasudeva Nambudy.
3. N. Agathut Namby.
4. Malla Rajabally.

3. There may be also other claimants hereafter. Any document, therefore, from each of the parties aforesaid making over their alleged rights in the land to Government, will not confer a clear title to Government; and I am of opinion with the Acting Sub-Collector, that to take up the land under Act VI. of 1857, and to hold the compensation money in deposit until an order of Court settles the question of the proprietorship will, while securing to Government the legal possession of the land, place their right to it beyond all doubt or dispute.

4. Should this course be approved, the necessary draft notification under the Act will be submitted.

Submitted to Government, with reference to their Order dated 11th March 1867, No. 878, Military Department, and their endorsement, in the Revenue Department, dated 18th March 1867.

Proceedings of the Madras Government, Revenue Department, 2nd May 1867.

No. 32. ORDER THEREON, 2nd May 1867, No. 996.

Miscellaneous.

1. Under the circumstances stated, the Government approve the proposal to take the land in question for public purposes under the Act.

2. The Collector will submit a draft Notification.

(True Extract.)

(Signed) W. HUDLESTON,
Secretary to Government.

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

Exd. S. T. Augustin.

MILITARY DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following papers:—

From the Quarter Master General, Fort Saint George, 23rd February 1867, No. 1465; to the Secretary to Government, Military Department.

I have the honor, by desire of His Excellency the Commander-in-Chief, to forward for the sanction of Government, an approximate estimate amounting to Rupees 2,240, for digging four wells on the cholera encamping ground at Cannanore; the Engineer states that this will also cover the expense of making the approaches.

2. After much correspondence with the Civil Authorities, this site, as per plan attached, has been decided upon as the best;—in fact, the only site suitable.

3. The Collector states that there are several claimants to the proprietary right to the land, but they are all willing to sign a stringent agreement that there will be no objection on their part, to the occupation of the ground when required: but he proceeds to advise, with a view to securing Government a clear right to the land, that it be taken up under Act VI of 1857. If the present claimants do not seek any compensation for the land, the amount fixed by arbitration (which the Sub-Collector reports will be about Rupees 400, *i. e.*, Rupees 10 per acre) may be left in deposit in the treasury—*vide* Section 29 of the Act—otherwise it may be paid into Court or to the parties as circumstances may arise.

4. With reference to the Order of Government, dated 18th instant, No. 594, the proposed site is not half a mile from the public road, but as already stated there is no other site available for the purpose. Letter No. 17 and 18 from the Brigadier General Commanding Malabar and Canara are enclosed for perusal.

From the Officer Commanding Malabar and Canara, Cannanore, 5th February 1867, No. 17; to to the Quarter Master General, Fort Saint George.

I have the honor to bring to your notice, for the information of His Excellency the Commander-in-Chief, that on the receipt of your docket No. 1103, dated the 11th December 1866, regarding the cholera encamping ground, subject as per margin, I addressed the Sub-Collector of Malabar requesting him to state whether there is any other piece of ground available near the same site on the Coorg road or elsewhere for the purpose required.

It is not at all desirable that the ground proposed should be selected for a cholera camp, unless some other eligible spot, regarding the ownership of which there is no question, cannot possibly be fixed on.

2. I informed him at the same time that the ground so selected should not be on the road leading from Cannanore to Tellicherry, as, being a much frequented high road, the camp might be infected by travellers passing to and fro, and that should no other ground be readily procurable, I requested him to call upon the owners of the disputed property to state whether they are prepared, one and severally, to sign a satisfactory document to the effect that they will not at any time hereafter raise any objections whatever to the ground being occupied by the troops, and to wells having been sunk as previously agreed to.

3. In reply to the above the Sub-Collector suggested only three other places that appeared at all suitable for a cholera encamping ground—one, Mangad Paremba on the Cannanore side of the Kutti kool bridge, on the road to Talliaparemba,—two, the high land called Amba Paremba near the village of chowa on the Tellicherry road—and three, the Arattil Paremba just short of the second large bridge on the Tellicherry road.

4. The first named is 11 miles from Cantonment on the other side of the Valyapatam river, there is a large extent of ground there sufficient for the encampment of several regiments, but the communication with the Cantonment would be retarded by the large river over which there is no bridge. The second named is 6 miles from Cantonment not only lying on both sides of the road to Tellicherry, but is understood that there would be difficulty in obtaining water on the spot as the

ground lies very high. The third named is about 10 miles from Cantonment, and is the property of Government, it lies rather low, the Tellicherry road runs close past it.

5. As regards the site originally selected, and the question whether any difficulty is likely to arise, the Sub-Collector remarks that if there is no intention on the part of Government to acquire definite rights to the land, the Government can only occupy the land on sufferance. The Government will have no definite right to occupy the land unless it is contemplated to enter into an agreement with the proprietor, that in consideration of the wells being dug by Government he shall refrain from cultivating the land, or putting it in such a state as to prevent its being occupied at a moments notice—such an agreement would have to be regularly registered under the Registration Act. But if a definite agreement is to be made, it should be such an agreement as would stand the test of a suit in the Civil Courts.

6. On the receipt of the above communication, I again addressed the Sub-Collector as to whether there are likely to be any more possible claimants besides those mentioned in his former letter to the ground in question, and whether all the present claimants are prepared to sign a duly drawn out stamped agreement sufficient to stand the test of a suit, showing that there will be no objection on their part to the ground being so occupied at any time when required by Government.

7. The Sub-Collector in reply to the above states that he is unable to discover any other claimants but those mentioned in his former correspondence, and that they are all willing to sign a stamped agreement that there will be no objection on their part to the occupation of the ground when required—but he then proceeds to advise with a view to securing to Government a clear right to the land, that the land be taken under the Act (VI of 1857) for the acquisition of land for public purposes. If the present claimants do not seek any compensation for it, the amount fixed by arbitration may be allowed to be in deposit in the treasury—*vide* Section 29 of the Act—otherwise it may be paid into Court or to the parties as circumstances arise.

8. Under the above circumstances, I have now requested the Sub-Collector to inform me what would be the probable price of the land in question, in case it is to be permanently taken up on account of Government under the provision of the Act quoted by him, and will communicate his reply when received. With regard to the selection of any other piece of ground, I am informed almost all the land in this district is in dispute as regards ownership.

From Captain G. A. Arbuthnot, Brigade Major, for Brigadier General Commanding Malabar and Canara, Cannanore, 6th February 1867, No. 18; to the Quarter Master General, Head Quarters, Fort Saint George.

In continuation of letter No. 17, dated 5th instant, regarding the cholera encamping ground at this station, I have the honor to inform you that the Sub-Collector reports that about Rupees 400, *i e.* Rupees 10 per acre, is a fair price for the land to be taken up for the encamping ground.

ORDER, No. 878, 11th March 1867.

The estimate submitted for providing four wells on the ground selected for a cholera camp at Cannanore is approved.

2. The necessity for taking up the ground in question under the Act,* or providing for the purchase money being lodged in the treasury prior to the proprietary right being established, will be referred for consideration in the Revenue Department.

* *VI of* 1857.

(True Extract.)

H. Mannilton Colonel,
Deputy Secretary to Government.

To the Quarter Master General, with 2 enclosures.
" Public Works Department, with plan and estimate.
" Revenue Department. Note 10 Spare Copies.
" Sanitary Commissioner, ...
" Inspector General Indian Medical Department, } for information.
" Controller of Military Accounts, ...
" Adjutant General, ...

Erd. J. E. Cashart.

Pro. 26 Feby 67 No 369-70.

Reports & Pls &c. of Ex. for enquiry & Report.

J. Authorson
Mr. Secy.
18 March 1867
Fort St. George.

No. 30.

Genl Cul's Fld 19 March 1867.

H. B. Hall
Secretary.

Revenue 1867. Sept. No of Govt. for May 31
No. 656.

Proceedings in the Military Depart.

Dated 11th March
Received 12th 1867

No. 878.

No. 996 2d May

Referring for consideration in the Rev. Dept. the expediency for taking up the ground selected for a Cholera Camp at Cannanore under Act VI of 1857, or providing for the purchase money being lodged in the Treasury prior to the proprietary right being established.—

Approved

N° 996.

Under the circumstances stated
by Govt. appears the proposed
Extension Canadian question
for public purposes under
the Act. The Govt. will submit
Madrid Notification

Wood

2d May/67.

No Observations Signed Seagle 30
Copies Mail Desp.
Correspondence