No. 32. Read the following letter from the Government Solicitor, to the Secretary to Government, Revenue Department, Fort St. George, dated Madras, 29th January 1873, No. 36 :—

I HAVE the honour to acknowledge the receipt of the Order of Government, [illegible] No. 1,705, Revenue Department, together with its enclosure, [illegible] the Advocate-General's opinion relative to the claim of the lessee of the village of Coromandel to unclaimed wreck cast ashore within the limits of that village.

2. I submitted the matter for the consideration of the Advocate-General, and I now forward herewith a copy of his opinion, and return the enclosure forwarded with the above order of Government.

OPINION.

I HAVE conferred with Mr. Handley on the subject of this reference, and concur with him in thinking that the right construction to put upon the translations of the Nawab's Purwana, printed with the Board's Proceedings of 13th November 1865, No. 7,260, is that the intention was merely to alter the nature of the tenure, by which the grantee was to hold the property, and to give it to him and his heirs in perpetuity freed from the condition of the holder being for the time Kazee of Madras. It does not, in our opinion, appear to have been the intention to alter the subject matter of the grant in any particular.

2. The wording of Sir Thomas Rumbold's Purwana of 2nd August 1779 certainly appears, if construed strictly, to confine the grant exclusively to the village. This document, however, like the Nawab's grants, is very loosely worded, and it would be well, before taking any further steps, to ascertain both from the petitioner what it is which he now claims and from the records and accounts of the Purwana and village what the grantees have been in the habit of receiving.

3. If the petitioner makes his claim only in respect of the village, and merely for such right of wreck as the Crown would, but for the existence of the grant, enjoy, and if his claim is borne out by the records of the village, it appears to me that this might not unreasonably be conceded.

(Signed) H. S. CUNNINGHAM,
Advocate-General.

28*th January* 1873.

(True Copy.)
(Signed) H. G. PRICHARD,
Government Solicitor.

No. 33. ORDER THEREON, 5th February 1873, No. 149.

Miscellaneous.

As it appears that the Inamdars have long enjoyed the privilege of appropriating drift wood and unclaimed wreckage, the Governor in Council is pleased on this ground alone to sanction a

continuance of the privilege. The Inamdar must of course, however, conform to the law and rules relative to wrecks. The Government Solicitor will confer with the party and arrange for such wrecks being in future taken charge of by the public officers who take charge of other wrecks in the Chingleput District, and whose duty it will be—in the absence of satisfactory claims to ownership within the [illegible] in such cases—to pay over to him the value of the goods proceeds, less any proper charges, including custom duty where it is leviable.

(True Extract.)

(Signed) D. F. CARMICHAEL,
Secretary to Government.

To the Board of Revenue.
" the Government Solicitor.
" the Government Pleader.
the Accountant-General.

Revenue Department

Proceedings of the Madras Government
Read the following

No. 36.

Madras 29 January 1873.

From

H. G. Prickard Esq^re
Government Solicitor
Madras.

To.

D. F. Carmichael Esq^re
Secretary to Government
Fort Saint George

Sir,

I have the honor to acknowledge the receipt of the order of Government dated 20 Ultimo No 1705; Rev^e Depart^t together with its enclosure, requesting the Advocate General's opinion relative to the claim of the Lessee of the Village of Coromandel to reclaimed wreck cast ashore within the limits of that Village.

2. I submitted the matter for the consideration of the Advocate General and I now forward herewith a copy of his opinion and return the

Encl[osure]

enclosure forwarded with the above order of Government.

I have &c.

/signed/ A. G. Prichard
Govt Solicitor

Opinion

I have conferred with Mr Handley on the subject of this reference, and concur with him in thinking that the right construction to put upon the translations of the Nawab's Purwana inside with the Board's proceedings of 18th November 1865, No 7360, is that the intention was merely to alter the nature of the tenure, by which the grantee was to hold the property, and to give it to him and his heirs in perpetuity free from the condition of the Kolcar being for the time Kazee of Madras. It does not in my opinion appear to have been the intention to alter the subject matter of the grant in any particular

2. The wording of Sir Thomas Rumbold's Purwana of 2nd August 1779 certainly appears, if construed strictly, to confine the grant exclusively to the Village This document however, like the Nawab's grants, is very loosely worded and it would be well, before taking any further steps, to ascertain both from the Petitioner what it is which he now claims, and from the records and accounts of the Purwana and Village, what the grantees have been in the habit of receiving.

3. If the Petitioner makes his claim only in respect of the Village and merely for such rights of wreck as the Crown would, but for the existence of the Grant, enjoy, and if his claim is borne out by the records of the Village, it appears to me that they might not unreasonably be conceded

/signed/ H. Cunningham
Adv. Genl
28—1—73.

/True copy/
/signed/ A. G. Prichard
Govt Solicitor

Order thereon 4th February 1873. No 149

As it appears that the Inamdars have long enjoyed the privile

privilege of appropriating drift wood and unclaimed wreckage, the Governor in Council is pleased on this ground alone to sanction a continuance of the privilege. The Tavildar must of course, however, conform to the law and rules relative to wrecks. The Government Solicitor will confer with the party and arrange for such wrecks being in future taken charge of by the public officers who take charge of other wrecks in the Chingleput District and whose duty it will be in the absence of satisfactory claims to forward them within the time allowed in such cases to pay over to them the value of the goods, as per sale proceeds, less any proper charges including Custom duty where it is leviable.

/True Extract/

D. S.

Secretary to Govt.

To

The Board of Revenue 2nd Feb 1869

Recommended for sanction

Recommended Accordingly

Recommended Sanction

Opinion.—

I have conferred with Mr. Handley on the subject of this reference, and concur with him in thinking that the right construction to put upon the translations of the Nawab's Purwana, printed with the Board's proceedings of 13th November 1865, No. 7260, is that the intention was merely to alter the nature of the tenure, by which the grantee was to hold the property, and to give it to him and his heirs in perpetuity freed from the condition of the holder being for the time Kazee of Madras.

It does not, in my opinion appear to have been the intention to alter the subject matter of the grant in any particular.

2. The wording of Sir Thomas Rumbold's Purwana of 2nd August 1779 certainly appears, if construed strictly, to confine the grant exclusively to the Village. This document however, like the Nawab's Grants, is very loosely worded and it would be well, before taking any further steps, to ascertain both from the Petitioner what it is which he now claims, and, from the records and accounts of the Government and Village, what the grantees have been in the habit of receiving.

3. If the Petitioner makes his claim only in respect of the Village, and merely for such rights of wreck as the Crown would, but for the existence of the Grant, enjoy, and

this Claim is borne out by the records of the Village, it seems to me that this might not unreasonably be conceded.

(Signed) H. S. Cunningham
Advo-Genl.
28-1-/73.

(True Copy)
H. G. Prichard
Government Solicitor.

No. 36.

Madras, 29th January 1873

From

H. G. Prichard
Government Solicitor,
Madras,

To

D. F. Carmichael Esqre
Secretary to Government,
Fort St. George,

Sir,

I have the honor to acknowledge the receipt of the Order of Government dated 20th Ultimo, No. 1705, Revenue Department, together with its enclosure, requesting the Advocate Generals opinion relative to the claim of the Lessee of the Village of Cormandel to unclaimed wreck cast ashore within the limits of that Village.

2 I submitted the matter for the consideration of the Advocate General and I now forward herewith a Copy of his Opinion and return the enclosure forwarded with the above Order of Government.

I have the honor to be,
Sir,
Your most Obedient Servant,

H. G. Prichard
Government Solicitor.

No 149 5th February 73

Read letter from Govt Secty

No 36 of 29-1-73

Referring to Para 2 of the Advocate Generals opinion, the Govt observe that there is no doubt as to what the Limits of the Village of Coromandel claims, as expressed in Para 6 of his Petition & the Collector of Chingleput, viz "the enjoyment "of the undivided Waste on the "Village coast"; and this must be the Advr Genl has expressed his opinion "may not unreasonably "be conceded"

2. This having been nothing remains but to instruct the Govt Collr to confer with the Defts, who is a Planter in the Neighbourhood, & obtain his agreement to such Waste being in future taken charge of by the Public Officers who take charge of those Waste in the Chingleput District; & whose duty it will be — in the absence of satisfactory claims & ownership within the time allowed in such cases — to pay over to him the value of the Grants, as per rate proved, less any proper charges, including Customs duty when it is levied.

Are we & C R have? or may he & Govt enter into Letter stating the Claims & Items & Pa is paid in the first Place. & such? I would not say here that [illegible] it a Letter from the Dy Collr. but that the Govt Law Officer until Govt is authorized the Privilege &c. &c. Printing Dist Govt Limited

Rec 1873 Oct 8
Read Jan 27 1874
Ans Feb 27 74

Rec = 1873 Oct 8
Read Jan 29
Ans Feb 27 74

From the Collector of Chingleput
To the Chief Secretary to Govt
Fort St George
Dated 8th October 1873
Rec'd 10th Do
No 1053 of 73.

Sir,

I have the honor to submit for the information of Government the accompanying Petition of Mr Thomas Parker, Planter of Coromandel, praying to be permitted to purchase the Waste Land on the Village Coast, adjoining his Estate.

2. The Petitioner has applied to me for a Grant of the land, but I have declined to entertain the application, as the Waste Land on the Village Coast is the property of the Village Community, and I am not aware that Government have ever granted away any portion of it to individuals.

3. I have the honor to be, Sir, your most obedient Servant

(Sd) [illegible]
Collector.

Rec 12-93

Rec 13 Feb

Read 14 Feb

Govt. of [1873] Madr

REVENUE.

To

THE BOARD OF REVENUE.

&c., &c., &c.

Dated February 5th

Read

Ans

G. O., 5th February 1873, No. 344.

FEBRUARY
Nos. 33-38.

Cattle and Wrecks on the Coast.
Failure of Government to Advertise
Instructions relative to the claim of the Lessee
relative to the wreck, with orders thereon.

☆

Settle Cir. No. 626/73.
2-9-73
1-10-05
25/11/1902