

*Proceedings of the Madras Government, Revenue Department,
5th February 1873.*

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, No. 1,705, Revenue Department, together with its enclosure, and 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 Kazea 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 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.

28th January 1873.

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

(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

Proceedings of the Madras Government, Revenue Department,
5th February 1873.

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 period 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 Engineer.
the Accountant General.

Revenue Department

Proceedings of the Madras Government
Read the following

N^o. 36.

Madras 29 January 1873

From

A. G. Prichard Esq^r
Government Solicitor
Madras.

To

D. F. Carmichael Esq^r
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^d Department together with its enclosure, requesting 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.

enclosure forwarded with the above
order of Government.

I have &c
Signed / H. G. Pritchard
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,
printed with the Board's proceedings
of 13th November 1866, N^o 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 free from the condition
of the holder being for the time
Rajee 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 Pumbel's
Purwana of 2nd August 1779 certainly
appears, if construed strictly, to
confine

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 grantee has
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 this
might not unreasonably be conceded.

Signed / H. S. Cunningham
Adv. Genl.

28-1-73.

/ True copy /

Signed / H. G. Pritchard
Govt. Solicitor

Order thereon 1st February 1873. N^o 149

As it appears that the
Inam dars have long enjoyed the
privilege

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
Mau dar 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 time allowed
in such cases to pay over to him
the value of the goods, as per sale
proceeds, less any proper charges,
including Custom duty where it
is leviable.

True extract

D. V. J.

Secretary to Govt.

as per enclosed 4/2/95.

To
114 The Board of Revenue Sub Feb
114 The Government collector
114 The Government Pleader
114 The Government Agent

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
Naurab's Purnama, printed with the Board's proceed-
ings 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 con-
dition of the holder being for the time Razees 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 Purnama
of 2nd August 1779 certainly appears, if construed strictly,
to confine the grant exclusively to the Village. This document
however, like the Naurab'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 Purnama
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.

Adv. Genl.

28-1-73.

(True Copy)

H. S. Prichard
Government Solicitor.

N^o 36.

Madras, 29th January 1873

From

H. S. Prichard
Government Solicitor.

Madras,

To

D. F. Carmichael Esq^{re}
Secretary to Government,
Fort St. George.

Sir,

I have the honor to acknowledge the receipt of the
Order of Government dated 20th Ultimo, N^o 705, Revenue
Department, together with its enclosure, requesting 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.

I have the honor to be,
Sir,

Your most Obedient Servant,
H. S. Prichard
Government Solicitor.

No. 149 5: February 73
 Remd. taken from Fort Solis
 No 36 2/29-1-73

Referring to Para 2 of the Advocate General's opinion, he has observed that there is no doubt as to what the defect of the village of Coromandel claims. As expressed in Para 6 of his Petition the collector of Chingleput, it is the enjoyment of the unclaimed wrecks of the "Village coast"; and his much the Adv. Genl. has expressed his opinion "very much unreasonable" to be conceded.

Are we to stop here? or may we expect another petition about by claiming the other items specified

in the first Per. 2. This being the nature of the matter, I would not say more than that it is a claim from the Ad. Col. report that the same has been sent to the Govt. until further notice. I am not sure that the privilege of the British is not a claim.

2. This being the nature of the matter, I would not say more than that it is a claim from the Ad. Col. report that the same has been sent to the Govt. until further notice. I am not sure that the privilege of the British is not a claim.

8020 Dec 12/24 149-07

1873. Adv. Genl. 11-265.

The Government of India, do not desire to grant the same.

Order of the Govt. of India, 10th Nov 1873.

It is the duty of the Government to protect the rights of the people, and to ensure that the law is properly administered.

No. 32-33

No. 32-33

1873. Adv. Genl. 11-265.

1873. Adv. Genl. 11-265.

Order of the Govt. of India, 10th Nov 1873.

in all cases, the full
sanctions con-
tinuance of the
privilege and by
virtue of any terms
credited to put on
but cannot be denied
the privilege was con-
ferred. The reason
for this is of course
enforced by the
law of the United
States. The privilege
should not
be denied to the
them, or in fact
regard the health
of the man the
benefit of an old
privilege.
The right to his own the matter is

Wrecked - Commanded
village
order of the
operation

205 St. Lawrence 1873 No 149

Journal

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Colt. of 1873

REVENUE.

DEPARTMENT OF REVENUE.

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